



TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

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

AGENDA

MAY 9, 2018

9:30 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
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. RESOLUTIONS

- A. RESOLUTION NO. 49-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Revoking Ad Valorem Tax Exemptions For 330 Island Road Hereinafter Described And Stating That The Subject Property No Longer Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled "Tax Exemptions"

VIII. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal
446 North Lake Way
Case # 054-2017
**Request for Deferral to the June 13, 2018, Town Council Meeting
Per Letter Dated May 1, 2018 from James K. Green**

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0]
- b. **Z-17-00047 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The

Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] **Request for Withdrawal per Letter Dated April 20, 2018 from Jose Gonzalez**

- c. **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] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3. The Landmarks Commission deferred this project to the May 16, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated April 16, 2018 from Maura Ziska**
- d. **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 May 23, 2018 meeting. Carried 6-1.]
- e. **Z-18-00073 SITE PLAN REVIEW** Zoning District: R B Low

Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission deferred this project to the June 20, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated April 5, 2018 from Peter Broberg**

- f. **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 May 23, 2018 meeting. Carried 7-0.]

2. New Business

- a. **Z-18-00087 VARIANCE(S)** The application of KRAMER TONI H., Applicant, relative to property located at **211 TANGIER AVE**, legal description on file, is described below. A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]
- b. **Z-18-00088 VARIANCE(S)** The application of SBP HOMES, LLC (JAMES HOFFMAN), Applicant, relative to property located at **202 PHIPPS PLZ**, legal description on file, is described

below. Request for a variance to allow a 1,108 square foot office for a general contractor ("SBP Homes LLC") on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska Esq]

- c. **Z-18-00089 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** The application of PALM BEACH COUNTRY CLUB INC. (STEVEN BIELSKY, MANAGER), Applicant, relative to property located at **760 N OCEAN BLVD SUITE: GOLF COURSE**, legal description on file, is described below. A request for Special Exception Approval with Site Plan Review to allow construction of two (2) golf course bunker complexes using existing drainage systems at Fairways 1 and 3 of the Palm Beach County Country Club golf course. [Applicant's Representative: Maura Ziska Esq]
- d. **Z-18-00090 VARIANCE(S)** The application of MIRSKY REALTY GROUP, LLC (NORMA MIRSKY, MANAGER), Applicant, relative to property located at **220 SUNRISE AVE SUITE: 101**, legal description on file, is described below. Section 134-1107(2): A request for a variance to allow a real estate brokerage office to occupy a 972 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative: David E. Klein Esq]
- e. **Z-18-00091 VARIANCE(S)** The application of SEASPRAY COURT HOLDINGS LLC (JOSEPH MEYER, MANAGER), Applicant, relative to property located at **137 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing to construct 240 square feet of one and two story additions which the bulk of the square footage includes a bay window on the north side of the kitchen and extending the loggia between the main house and guest house. Also proposed is a swimming pool. The following variances are being requested: 1) a cubic content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet in lieu of the 10 foot minimum required for a swimming pool. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject

property. Carried 7-0.]

- f. **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.]
- g. **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** 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 National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD 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 Commission deferred the project to the May 23, 2018 meeting. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated May 1, 2018 from M. Timothy Hanlon**
- h. **Z-18-00095 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of PARC REGENT CONDOMINIUM (PAULA GOTTLIEB, MANAGER), Applicant, relative to property located at **184 BRADLEY PL SUITE: SITE**, legal description on file, is described below. The Parc Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building

to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required. [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 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]

3. Other

- a. Proposed Zoning Text Amendment Application from Maura Ziska to Consider a Zoning Text Change which would include the C-B Zoning District to the List of Commercial Districts which are allowed to Request Supplemental Off-site Shared Parking by Special Exception

IX. ANY OTHER MATTERS

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: May 9, 2018

Section of Agenda

Resolutions

Agenda Title

RESOLUTION NO. 49-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Revoking Ad Valorem Tax Exemptions For 330 Island Road Hereinafter Described And Stating That The Subject Property No Longer Meets The Criteria Set Forth In Chapter 54, Article V Of The Code Of Ordinances Of The Town Of Palm Beach, Relating To Landmarks Preservation And Titled “Tax Exemptions”

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated April 27, 2018 From Paul Castro**
- ▣ **Resolution No. 49-2018**
- ▣ **Letter Dated March 19, 2018 From Simses**
- ▣ **Letter Dated March 27, 2018 From Simses**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 9, 2018

To: Mayor and Town Council

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

Re: Removal of Tax Abatement: 330 Island Road
Resolution No. 49-2018

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council conditionally approve Resolution No. 49-2018, revoking the tax abatement to the property at 330 Island Road subject to the property owner paying the amount saved due to the tax abatement. Staff recommends that the property owner reimburse the Town and County taxes as a condition of approval.

GENERAL INFORMATION

1. Project Summary: The above-mentioned property applied for and received approval for participation in the Town's Tax Abatement Program.

330 Island Road was designated as a Landmark of the Town of Palm Beach on January 11, 2012. The Landmark Preservation Commission (LPC) approved the Tax Abatement Application for improvements to the property and the Town Council approved Resolution No 58-2016 granting the tax abatement on April 13, 2016.

Since receiving the tax abatement the property was sold. The property ownership changed on February 23, 2018. On March 19, 2018, the property owner submitted a letter requesting the Tax Abatement be removed from the property. In a letter dated March 27, 2018, the property owner agreed to pay back any taxes determined to be due since the Tax Abatement was established in 2017.

2. Town Council approval is required to revoke this abatement and forward same to Palm Beach County.

FUNDING/FISCAL IMPACT

To date, the property has received one year of tax savings due to the tax abatement. The historic exemption amount determined by the Palm Beach County Property Appraiser's

office was \$496,798. This savings to the property for the year of 2017 included \$1,624 from Town of Palm Beach taxes and \$2,375 from Palm Beach County taxes. Due to the requested removal of the tax abatement and accompanying covenant the Town should request that the property owner repay the amount saved due to the tax abatement.

Action will revoke the historic exemption and covenant from the property and full value assessment will be applicable to the property.

TOWN ATTORNEY REVIEW

Resolution No. 49-2018 has been approved by the Town Attorney for legal form and sufficiency.

Attachments

PC:jl

cc: John Lindgren, AICP, Planning Administrator
Emily Stillings, AICP, Murphy Stillings, LLC

RESOLUTION NO. 49-2018

330 Island Road

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, REVOKING AD VALOREM TAX EXEMPTIONS FOR 330 ISLAND ROAD HEREINAFTER DESCRIBED AND STATING THAT THE SUBJECT PROPERTY NO LONGER MEETS THE CRITERIA SET FORTH IN CHAPTER 54, ARTICLE V OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH, RELATING TO LANDMARKS PRESERVATION AND TITLED "TAX EXEMPTIONS."

WHEREAS, pursuant to the provisions of Chapter 54, Article V, Code of Ordinances of the Town of Palm Beach, the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and approved Certificates of Appropriateness for renovations and improvements of the certain property described herein; and

WHEREAS, those improvements were consistent with the United States Secretary of Interior's Standards for Rehabilitation and were made in accordance with the guidelines developed by the Department of State, they qualified for said tax exemption; and

WHEREAS, the Town Council approved a resolution (Resolution No. 58-2016) on April 13, 2016, providing for a tax abatement for the renovation, restoration, and other improvements of the property located at 330 Island Road; and

WHEREAS, the property owner has submitted in writing that they are requesting the removal of the tax abatement and covenant agreement relating to the renovation and restoration of the property as approved in Resolution No. 58-2016.

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

Section 1. The property hereinafter described in Section 2 of this Resolution, is hereby removed from the Ad Valorem Tax Exemptions for Historic Properties, pursuant to the provisions of Chapter 54, Article V.

Section 2. The landmark is owned by 330 Island Road Trust and is located at 330 Island Road, Palm Beach, Florida. The property is legally described as follows:

Tax Folio Number: 50-43-43-27-04-000-0031

Legal Description: REVISED PLAT OF ISLAND ROAD DEV WEST 85 FEET OF LOT 3, LOT 4 AND EAST 6 FEET OF LOT 5

Section 3. The Town Clerk is hereby ordered to furnish the owner of the property a copy of this Resolution.

Section 4. A copy of this Resolution will be filed with Palm Beach County and the Property Appraiser's Office as defined in and subject to the provision of Chapter 54 of the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjournment session of the Town Council of the Town of Palm Beach assembled this 9th day of May, 2018.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret Zeidman, President Pro-Tem

Julie Araskog, Town Council Member

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member



SIMSES Associates, P.A.
ATTORNEYS AT LAW

March 19, 2018

Via Email and Hand Delivery

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

Re: 330 Island Road Tax Abatement
PCN: 50-43-43-27-04-000-0031

Dear Mr. Lindgren:

We are writing to you at the suggestion of Emily Stillings. Our request is pretty straightforward – we want to remove the Historic Property Tax Exemption (Tax Abatement) status from 330 Island Road, Palm Beach, Florida, in order to make interior renovations. We would like to commence the process to accomplish this immediately and get this matter on the agenda of the soonest available required council/committee meeting. If there is a more formal statement or application that you need from me, or any other required information, please advise me at your earliest convenience.

Sincerely,

Robert G. Simses, Trustee of the 330 Island
Road Trust



SIMSES Associates, P.A.
ATTORNEYS AT LAW

March 27, 2018

Via Email and Hand Delivery

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

Re: 330 Island Road Tax Abatement
PCN: 50-43-43-27-04-000-0031

Dear Mr. Lindgren:

This letter is in follow up to my letter dated March 19, 2018. This letter will confirm that in conjunction with our requested removal of the Historic Property Tax Exemption (Tax Abatement) status from 330 Island Road, Palm Beach, Florida, we agree to pay any back taxes determined to be due since the Tax Abatement was established in 2017.

Sincerely,

Robert G. Simses, Trustee of the 330 Island
Road Trust

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Appeals

Agenda Title

ARCOM Appeal

446 North Lake Way

Case # 054-2017

Request for Deferral to the June 13, 2018, Town Council Meeting Per Letter Dated May 1, 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 1, 2018 from James K 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 F. 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:

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.

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

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

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FLORIDA 33401
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May 1, 2018

John S. Randolph, Esq.
Jones, Foster, Johnston & Stubbs
505 South Flagler Drive
Suite 1100
West Palm Beach, Florida 33401

Re: *Appeal by 446 North Lake Way, LLC to Town Council*

Dear Skip:

This is to confirm the applicant/appellant's request to defer the oral argument on the above appeal pending the outcome of the May ARCOM hearing. The applicant/appellant hereby waives the 45 day period set forth in the Town Ordinance for deciding the appeal. Accordingly, we request that this be placed on the Town Council Agenda, if necessary, for June 2018.

Sincerely,

/s/
James K. Green

JKG/kr

cc. Town Clerk

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya.**, described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD**, legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] **Request for Withdrawal per Letter Dated April 20, 2018 from Jose Gonzalez**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated April 20, 2018 From Jose Gonzalez**



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

Re: Manoogian Residence
224 S. Ocean Boulevard
Palm Beach, FL 33480

ARCOM Application B-098-2017
Zoning Application Z-17-00047

April 20, 2018

To Whom It May Concern:

The intent of this letter is to request that the above referenced project be withdrawn from Town Council and ARCOM review.

Should you have any questions regarding this, please feel free to contact me at your convenience.

Thank you,
Gonzalez Architects

A large, stylized handwritten signature in blue ink, appearing to be 'J. Gonzalez'.

Jose A. Gonzalez AIA, NCARB
AA 0002305
AR 0008134
Principal

14 NE First Avenue, Suite 507 Miami, FL 33132
t + 1 305 455 4216

e info@gonzalez-architects.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 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] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3. The Landmarks Commission deferred this project to the May 16, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated April 16, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated April 16, 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

April 16, 2018

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

RE: Z-17-00058 – 323 Chilean Avenue, Palm Beach, Florida

Dear Kelly and Paul:

Please defer the above referenced matter from the May 9, 2018 Town Council agenda to the June 13, 2018 Town Council agenda. The reason for the deferral is to allow the architect time to review the Town's consultant peer report. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Maura A. Ziska

/maz

cc: client
architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 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 May 23, 2018 meeting. Carried 6-1.]

Presenter

ATTACHMENTS:

- **Memorandum dated April 4, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Development Review Committee Comments**
- **Letter Dated May 2, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-17-00066 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
313 1/2 WORTH AVE SUITE: SITE

Date: April 04, 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 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.

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

OWNER: VIA 313 1/2 WORTH AVENUE LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-05-014-0190

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 19 THRU 23 & N
92.45 FT OF W 13 FT & SLY 33.79 FT OF WLY 8.2
FT OF LT 24 & TH PT OF LTS 33 THRU 38 AS IN
OR1649P1237 (LESS OR5635P125) BLK 14

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: 1/4/18

APPLICATION NO.: Z-17-00066 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

DESCRIPTION:

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.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	1/3/2018	No Comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/31/2018	A sketch of the drainage system and coordination with the Landscape Architect are required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code Concerns with this application
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	1/4/2018	Proposed changes are significant, and must be approved by either Landmarks or ARCOM, whichever is appropriate. Bice restaurant recently applied for additional outdoor seating (to be heard by Council in January). Does adequate ingress/egress space exist for public safety purposes?
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The applicant may need a variance for lot coverage. Staff will verify prior to the meeting date. I have no comments on the site improvements.

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

May 2, 2018

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

RE: Z-17-00066 – 313 ½ Worth Avenue

Dear Paul and Kelly:

Please defer the above referenced matters from the May 9, 2018 Town Council agenda to the June 13, 2018 Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the April 25, 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: May 9, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00073 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of PALAMAD LLC, Owner, relative to property located at **305 MADDOCK WAY**, legal description on file, is described below. Section 134 843(b) An application for a Site Plan Review to construct new two story 9,141 s.f. residence, swimming pool and pool cabana on a platted non conforming lot with a lot width of 25 feet in lieu of the 100 foot minimum required in the R-B Zoning District. [Applicant's Representative: Peter Broberg] [The Landmark Commission deferred this project to the June 20, 2018 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the July 11, 2018 Town Council Meeting Per Letter Dated April 5, 2018 from Peter Broberg**

Presenter

ATTACHMENTS:

- ▣ **Letter Dated April 5, 2018 From Peter Broberg**
- ▣ **Letter Dated April 6, 2018 From Astrop**

COE & BROBERG LLP

ATTORNEYS AND COUNSELORS

223 PERUVIAN AVENUE
PALM BEACH, FLORIDA 33480

PETER S. BROBERG, ESQ.

TELEPHONE (561) 655-5166
FACSIMILE (561) 655-0055

CHARLES FRANCIS COE
(1890-1956)
GUSTAVE T. BROBERG, JR.
(1920-2001)

April 5, 2018

Paul Castro, AICP
Acting Planning, Zoning & Building Director
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

VIA E-MAIL
Pcastro@TownofPalmBeach.com

Re: Zoning Case Number Z-18-00073 (Site Plan Review)
LPC Case Number COA-006-2018
305 Maddock Way, Palm Beach, Florida

Dear Mr. Castro:

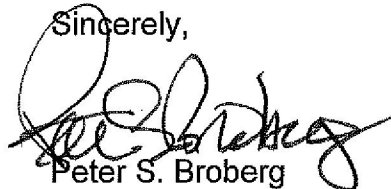
After further conversations with Mr. Maddock, he would like to withdraw his Request To Withdraw this application and to replace it with a request for a deferral until the June 20, 2018 Landmarks meeting and July 11 Town Council meeting.

The reason for the deferral request is the same as the previous withdrawal request. Mr. Maddock and his architect Keith Spina would like to see if they can achieve some common ground with The Preservation Foundation before returning to the Town's process.

Please tell Kimley-Horn to finish their report and provide me a copy as soon as it is available.

Thank you in advance for your cooperation.

Sincerely,



Peter S. Broberg

PSB/mv

cc: Paul L. Maddock, Jr. (via e-mail)
Keith Spina (via e-mail)
John C. Lindgren, AICP, Planning Administrator (via e-mail)

psb1/R:\MADDOCK Jay\DUCKS NEST\RENOVATIONS 2018\ZONING Application\LT Paul Castro TPB notify not to withdraw application.wpd

From: [Kelly Churney](#)
To: [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Lew Crampton](#); [Margaret Zeidman](#)
Cc: [John Lindgren](#); jrandolph@jones-foster.com; [Paul Castro](#); [Kathleen Ruderman](#); [Anne Fairfax](#) (fairfaxellett1@gmail.com); edward.cooney@gmail.com; [Jacqueline Albarran \(jackie@jackiealbarran.com\)](mailto:Jacqueline.Albarran@jackiealbarran.com); [Jacqueline Drake \(jweld485@aol.com\)](mailto:jweld485@aol.com); [Kim Coleman](#); [Page Lee Hufty \(pagelee@mac.com\)](mailto:Page.Lee.Hufty@mac.com); [Pat Segraves](#); [Rene Silvin \(rrsilvin@aol.com\)](#); [Sue Patterson](#); [Tim Gannon](#)
Subject: FW: Duck's Nest
Date: Monday, April 09, 2018 9:08:09 AM

FYI

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

From: Jean Astrop [<mailto:jastrop6@icloud.com>]
Sent: Friday, April 06, 2018 9:41 PM
To: askier@palmbeachpreservation.org; John Lindgren <JLindgren@TownofPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Duck's Nest

To Whom It May Concern:

I am writing in regard to the article in the Shiny Sheet about the proposed razing and rebuilding of the Historic Landmarked home, Duck's Nest, described on the plaque in front of the house as "Oldest Standing House in Palm Beach built in 1891 by Henry Maddock for his home....." My late husband and I have known Paul L. Maddock, Sr. (now deceased) and his wife Judy for more than 50 years. They were two of our closest friends. In all the years we knew Paul Maddock, he would tell us how proud he was of Duck's Nest and his family history in Palm Beach. There was never any doubt that he wanted Duck's Nest, as well as, the original Bethesda-by-the-Sea Church landmarked and kept in his family for generations to come. These two historic buildings, as

well as, Sea Gull Cottage, also one of the oldest buildings in Palm Beach, face the lake since at the time they were built. The only access to them was by boat on Lake Worth. My mother used to sing in a double quartet in that church and that is how she reached it each Sunday.

If Duck's Nest is demolished and rebuilt as a 30% larger house with a swimming pool in the front yard, it will lose its Historic Landmark status which Paul Maddock so specifically wanted. I am sure the house needs renovation as all old buildings of that age would but with modern technology and building materials available today, it can remain the show place that it has been for the past 127 years showing visitors on the Lake Trail what homes in early Palm Beach were like and how people lived before the roads and bridges were built. These few early buildings are all that is left to educate the future generations. As a retired educator and a longtime visitor to Palm Beach with roots from the days before Clematis Street was paved, I feel these things are very important. So much in Palm Beach has already been destroyed over the years.

Most sincerely,
Jean T. Astrop (Mrs. William Bowen Astrop)

Sent from my iPad

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 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 May 23, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ❑ **Memorandum Dated May 5, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ❑ **Comments from the Development Review Committee**
- ❑ **Letter Dated April 18, 2018 From Watts**
- ❑ **Letter Dated April; 19, 2018 From Wearn**
- ❑ **Letter Dated April 22, 2018 From Potash**
- ❑ **Letter Dated April 23, 2018 From Lucier**
- ❑ **Letter Dated April 23, 2018 From Manson**
- ❑ **Letter Dated April 24, 2018 From Weeks**
- ❑ **Letter Dated xxx From Franey**
- ❑ **Letter Dated April 24, 2018 From Vesley**

▯ **Letter Dated May 2, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

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

Date: May 02, 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.

John Lindgren

From: SUSAN WATTS <sbwatts@yahoo.com>
Sent: Wednesday, April 18, 2018 4:36 PM
To: John Lindgren
Cc: SUSAN WATTS
Subject: Concerns

Dear John,

Could you kindly distribute to ARCOM for its April 25th meeting.

Thank you,
Susan Watts

Dear ARCOM Members,

I have a number of concerns about the direction your Commission appears to be taking regarding the architecture and the historic legacy of Palm Beach. While any town or city must rebuild, develop and change, those changes should not destroy the character nor the singularity of each individual place.

The very reason so many love, visit and live in Palm Beach is the singularity which distinguishes this place from others: that patina of age, of style, of charm, of easy elegance makes our Town stand out among the rest. I see examples in your past decisions and, I fear, in those that may be in the future, which could destroy what has made Palm Beach an icon in American architecture and culture.

A few examples: The new construction proposed at 901 and 905 North Ocean Boulevard. Sadly, that original property has been subdivided and two massive houses could be put there. Not only will that disrupt the neighborhood with continual construction, but I understand the scale of the proposed houses will negatively impact adjacent neighbors.

Bice: Having seen the renderings of this project, I think it would fit perfectly in Miami Beach or similar glitzy tourist destinations, but not in Palm Beach. The modest little Via is destined to be transformed into something totally lacking in charm and heavy on the kitsch. And putting that proposed facade on Peruvian across from beautifully designed and appropriate new construction is a bad idea.

Money: When I heard your Chairman, Mr. Vila, make his presentation at the last Town Council meeting, I was saddened to learn that the bulk of your agenda and decision-making is due to projects from "developers and speculators," and that architects are annoyed our approval process takes so long. Mr. Vila also mentioned the financial concerns of the aforementioned parties. I hope that your decisions are not being made to facilitate increasing their annual income at the expense of more careful planning and appropriate design.

It is my understanding that your mandate is to preserve and protect our architectural heritage, the livability of Palm Beach, and our wonderful singularity. Please take to heart this modest request to abide by that mandate. In many ways you are the guardians of our architectural and cultural history, and I do hope you make decisions going forward to respect that.

Respectfully,
Susan Watts
44 Cocoanut Row

Mr. and Mrs. JAMES McCARTNEY WEARN
260 Jamaica Lane
Palm Beach, Florida 33480

RECEIVED
APR 20 2018
Town of Palm Beach
PZB Dept

April 19, 2018

Architectural Commission
Town of Palm Beach

Re: Dodge Estate two redevelopments at 901 & 905 North Ocean Boulevard, PB

Dear Members of the Architectural Commission:

We take exception to the two proposed redevelopments.

We have multiple reasons:

1. The redevelopments do not fit with each other or existing homes and property in the large area they affect (where we have resided over 40 of our over 50-year PB residency).

-901 not good taste or design; hodgepodge; not representative of PB (as it should because it daily faces North end resident travelers).

Not in harmony with the spaciousness surrounding to the south.

Excessively dissimilar to highly noticeable lack of development and spacious club development befitting the land surrounding to the south.

-905 not good design; improper proportions; unbroken lengthy high wall (basement and 2 stories) not in conformity with concepts of beauty, spaciousness, balance, charm, taste, fitness, or high quality (massive north elevation improper proportions, looks commercial).

Not in harmony with residential development abutting to the north.

Not complementary with size and massing of adjacent home to the north.

2. These and all other Code criteria must be proven affirmatively by competent evidence presented by the Applicant. It is not the other way around; neighbors do not have to prove non-compliance. Compliance of these and all other Code criteria should be required in a separate writing (as for variances and special exceptions) presented at the time of initial filing so no Code criteria are missed or overlooked, and all are clearly shown.

3. We find the above Code criteria (§1) not met in fact. Our longstanding residency is fact based.

-If you agree on any one of these criteria as to 901 and 905 factually not being fulfilled, then neither of these redevelopments earn your vote.

-If to the contrary, you find these and all other Code criteria met, then we are in good faith at odds, and one of us is wrong, or the criteria are too vague or ambiguous, in which event you should not grant approval, and rather submit to the Town Council for clear Code definition of each such stated criteria about which we differ.

Thank you for your consideration.

Very truly yours,


James McC. Wearn


Patricia Watts-Wearn

1029 North Ocean Boulevard
Palm Beach, Florida 33480

April 22, 2018

Architectural Review Commission
Town of Palm Beach
By Email to jlindgren@townofpalmbeach.com for distribution

RE: 901 North Ocean Blvd

Dear Members of ARCOM:

We are writing concerning 901 North Ocean Boulevard. We live on the same street; we are the 8th house up on the ocean from this lot, and pass the property multiple times each day.

Prior plans were deferred by ARCOM on March 28, 2018. We do not have access to any revised plans, and so cannot address any changes, but we suspect that the issues of massing will not be altered significantly.

We did, however, want to commend you all for the insightful and, in our laypersons' opinions, accurate comments you made at the prior hearing, e.g.:

Shiverick: *"you feel as if this is a hotel"*

Catlin: *"a little village..counted the different types of windows..8 or 9..What are you?.. Answer: we are an Island Colonial Style which is all referenced back to the Georgian West Indies concept..."*

Garrison: *"respect..the site and stepping down on the site is the answer...the different levels, it might give the resort feel."*

Ives: *"it's quite large..giving it this hotel arrival feel."*

Small: *"...this is a little village.. like a resort."*

Vila: *"16,000 sq ft under roofs is an enormous amount of house and these lots are not very big. If you were building this house on the original big lot, I think we would all be...looking 'oh this is interesting.' I can't support it the way it is."*

We are voicing our concern because this house is at the entry to most of the North End, and we predict you can expect a series of applications over the coming months and years for maxed-out massive homes on this short stretch of North Ocean Boulevard oceanfront land where we live. The developers had a choice, as Chairperson Vila seemed to suggest, and chose to split the single lot into two lots of the minimum size permitted, and then are submitting plans for a home of over 16,000 sq ft for the one, now much smaller, lot. The attempted massing of such oversized buildings on minimum sized lots is an unfortunate trend in this area. We thank you for taking that into consideration, as you have already done with this earlier application.

We appreciate your service to our town.

Respectfully,



Afsy and Carter Pottash

John Lindgren

From: joan lucier <joanflucier@gmail.com>
Sent: Monday, April 23, 2018 12:28 PM
To: John Lindgren
Subject: objections to applications for projects at 901 and 905 north ocean blvd.

Dear Mayor, Town Council and Architectural Review Commission

We reside at 218 Jamaica Lane, several houses from the proposed large projects that would be situated at one of the most visible locations in the town and, effectively, the entry to the north end. We are concerned about and opposed these projects. The proposed projects which are scheduled to occur concurrently would destroy this unique and notable corner parcel. In the past few years, five new homes have been constructed on Jamaica Lane making it virtually impossible to access our homes at any given time. Commercial vehicles clogged the streets, rude comments and uncooperative workmen added to the general disaster. These were tiny projects compared to the upcoming construction. During the demolition, ear shattering noise continued for weeks on end, including some weekends along with dirt and debris floating toward our homes. We can imagine the disastrous results of the proposed upcoming projects.

Both of these proposed structures apparently meet zoning and arcom codes. however, there is the physical aspect to be considered. Two large elongated homes running east/west on a lot which housed a single family, one story structure will not be aesthetically pleasing and incongruous to the neighboring properties.

We appreciate your service to the community and as residents of palm beach for 48 years, implore you to consider all concerns of our citizens.

sincerely,

alfred c. lucier, m.d.
joan f. lucier

John Lindgren

From: anne manson <annetmanson@gmail.com>
Sent: Monday, April 23, 2018 10:09 AM
To: John Lindgren
Subject: 901 and 905 N. Ocean Blvd.: Arcom and Council Letter of objection

Z-18-000 84, Arcom Case B-30-2018, B-034-2018

As a neighbor and voter, I ask you to stop these monstrosities. They are 1) hideous and 2) spill over the lot in a way that is NOT compatible with Palm Beach standards of grace and charm.

There are already too many of these "McMansions" that have lately been built. Would you consider a moratorium on North End zoning to encourage a re-think?

Please distribute. Thank you.

Sincerely, Anne Manson (Mrs. William)
291 Jamaica Lane

John Lindgren

From: Robin Weeks <robbill210@gmail.com>
Sent: Tuesday, April 24, 2018 1:50 PM
To: John Lindgren
Subject: Concern for Palm Beach

Dear John,
Please distribute to ARCOM for the April 25th meeting. Thank you

The new construction proposed at 901 and 905 North Ocean Blvd. will destroy the character of the North End of Palm Beach. These HUGE houses as proposed will look out of place and will cover up so much land that they are bound to cause flooding which is already a problem for us at 210 Jamaica Lane nearby. Please do not approve any variances and demand redesign of both out of scale properties.

Bice: as proposed is totally out of character for Palm Beach !!!

Respectfully, Robin and Bill Weeks
210 Jamaica Lane
Palm Beach

Sent from my iPad

214 Jamaica Lane
Palm Beach, FL 33480

Mr. Robert J. Vila, Chairman
Town of Palm Beach Architectural Commission
360 South County Road
Palm Beach, FL 33480

Re: 901 and 905 North Ocean Blvd; ARCOM & Variance Applications

Dear Mr. Vila,

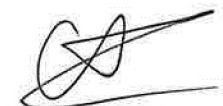
We reside at 214 Jamaica Lane and are longstanding residents of Palm Beach. We are writing to oppose the proposed new construction at 901 and 905 North Ocean Blvd. These massive projects are completely out of character with surrounding properties and will ruin the charm of our special gem of a neighborhood that we so deeply need to protect.

It is unfortunate that the original property was subdivided because two elevated large homes at this location will be overwhelming. It is completely unbalanced, cluttered and dissimilar to the other properties. The fabric of our town is disintegrating at a rapid pace with these mega mansions being built from the North End to the South End. We need to preserve the charm, elegance and grace that drew us to this special island in the first place.

ARCOM, should adhere to its responsibility to significantly downsize these projects, or, if that cannot be accomplished after due deliberations, deny the pending applications.

Best regards.

Yours Sincerely,



Caroline N. Freney



James R. Freney

Mr. and Mrs. Scott Vesley
225 Jamaica Lane
Palm Beach

April 24, 2018

Town of Palm Beach
Town Council
ARCOM

RE: 901 N. OCEAN BLVD.

Dear Sir / Madam;

Pertaining to the proposed development at 901 N. Ocean Blvd, we as full time residents strongly object to the plans currently on review.

The two homes are enormously out of proportion to the lot size as well as the homes in the surrounding area. The overall square footage of these homes is massive. The development proposals should be considered carefully, these homes would change the landscape to the "gateway to the north end".

Furthermore, we are very concerned as to how the construction will impact the flow of traffic. We do not wish for our quiet street to become a thoroughfare for the next four years. This would greatly impact the quality of life and safety within our neighborhood.

Thank you for your consideration.

Sincerely,



Scott and Marisa Vesley

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

May 2, 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 May 9, 2018 Town Council agenda to the June 13, 2018 Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the April 25, 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: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00087 VARIANCE(S) The application of KRAMER TONI H., Applicant, relative to property located at **211 TANGIER AVE**, legal description on file, is described below. A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00087 VARIANCE(S)**
211 TANGIER AVE

Date: April 26, 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:

A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed in the R-B Zoning District.

ADDRESS: 211 TANGIER AVE

OWNER: KRAMER TONI H &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-14-01-000-0140

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: TANGIER ESTATES LT 14

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: 3/29/18

APPLICATION NO.: Z-18-00087 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 211 TANGIER AVE

DESCRIPTION:

A request to enclose the existing 211 sq. foot loggia (that was constructed to remain unenclosed when originally built in 2007) that would require the following variance: 1) A cubic content ratio of 4.25 in lieu of the 4.12 existing and the 3.93 maximum allowed 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	3/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/27/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/23/2018	No fire code concerns with this proposal
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.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	3/21/2018	There is no hardship for the proposed variance. I believe the loggia was given a 5% CCR credit when the house was built. As such, the variance should not be granted as that loggia is required to remain unenclosed based on Sec. 134-893(13)5 of the Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00088 VARIANCE(S) The application of SBP HOMES, LLC (JAMES HOFFMAN), Applicant, relative to property located at **202 PHIPPS PLZ**, legal description on file, is described below. Request for a variance to allow a 1,108 square foot office for a general contractor ("SBP Homes LLC") on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated April 5, 2018 From Heimstra**
- ▣ **Letter Dated April 9, 2018 From Snyder**
- ▣ **Letter Dated April 9, 2018 From Snyder**
- ▣ **Letter Dated April 12, 2018 From Peterson**
- ▣ **Letter Dated April 13, 2018 From Schaefer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00088 VARIANCE(S)**
202 PHIPPS PLZ

Date: April 26, 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:

Request for a variance to allow a 1,108 square foot office for a general contractor ("SBP Homes LLC") on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor.

ADDRESS: 202 PHIPPS PLZ

OWNER: CAMPANIELLO THOMAS &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-15-000-0030

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: PHIPPS PLAZA COND UNIT C

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: 3/29/18

APPLICATION NO.: Z-18-00088 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 202 PHIPPS PLZ

DESCRIPTION:

Request for a variance to allow a 1,108 square foot office for a general contractor ("SBP Homes LLC") on the first floor of a building located in the C-TS zoning district where office use is only allowed on the second floor if it doesn't meet the special exception criteria that would allow an office on the first floor.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/26/2018	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/29/2018	There are no fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	I have no comment regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	4/26/2018	While there does not appear to be a hardship to grant a variance to allow an office on the first floor. However, this is not area which is conducive to retail shopping.

Michael Formica
Robert Hiemstra
218 Phipps Plaza
Palm Beach, Florida 33480
5 April 2018

Madam Mayor and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Zoning Application Z-18-00088, 202 Phipps Plaza

Dear Mayor Coniglio and Members of the Town Council,

We are in favor of the granting of this zoning variance. It is our belief that our town needs to embrace businesses that will reinvigorate the sadly depressed South County Road/Phipps Plaza area.

Yours truly,

Michael Formica and Robert Hiemstra

From: [Kelly Churney](#)
To: [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Lew Crampton](#); [Margaret Zeidman](#)
Cc: [Paul Castro](#); [Logan Elliott](#); [Kathleen Ruderman](#)
Subject: FW: 202 PHIPPS PLAZA Z-18-00088
Date: Monday, April 09, 2018 11:52:11 AM

FYI for May TC meeting.

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

From: Maura Ziska [<mailto:MZiska@floridawills.com>]
Sent: Monday, April 09, 2018 11:42 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: 202 PHIPPS PLAZA Z-18-00088

Kelly see below email is in support of Z-18-00088. Tx

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: Scott Snyder [<mailto:Scott@scottsnnyderinc.com>]
Sent: Monday, April 09, 2018 11:16 AM
To: Maura Ziska <MZiska@floridawills.com>
Subject: 202 PHIPPS PLAZA Z-18-00088

Maura,
I have NO objections to S

Scott Snyder
www.scottsnnyderinc.com

Scott Snyder Inc.
209 Phipps Plaza
Palm Beach, FL 33480
tel 561.659.6255
fax 561.832.5946

From: [Kelly Churney](#)
To: [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Lew Crampton](#); [Margaret Zeidman](#)
Cc: [Paul Castro](#); [Kathleen Ruderman](#)
Subject: FW: 202 PHIPPS PLAZA Z-18-00088
Date: Monday, April 09, 2018 11:54:07 AM

FYI for May Town Council meeting.

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Monday, April 09, 2018 11:44 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: 202 PHIPPS PLAZA Z-18-00088

Please see email in support of the above project. Thanks. 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)

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From: Scott@scottsnnyderinc.com
Date: April 9, 2018 at 11:16:11 AM EDT
To: MZiska@floridawills.com
Subject: 202 PHIPPS PLAZA Z-18-00088

Maura,
I have NO objections to SBP HOMES occupying the above referenced space. I've reviewed their work and reputation and I am pleased to see another vacant space rented in PHIPPS PLAZA.

Scott Snyder
www.scottsnyderinc.com

Scott Snyder Inc.
209 Phipps Plaza
Palm Beach, FL 33480
tel 561.659.6255
fax 561.832.5946

From: [Kathleen Dominguez](#)
To: [Public Comment](#)
Cc: [Gwendolynn Peirce](#); [Kathleen Ruderman](#); [Kelly Churney](#)
Subject: FW: SBP Homes, 202 Phipps Plaza, Palm Beach, FL 33480
Date: Thursday, April 12, 2018 10:00:09 AM

From: Benjamin Peterson [mailto:benjamin@b-peterson.com]
Sent: Thursday, April 12, 2018 8:42 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Gail Coniglio
<GConiglio@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>
Subject: SBP Homes, 202 Phipps Plaza, Palm Beach, FL 33480

Dear Mayor Coniglio, Town Council and Clerks:

Please let this letter serve as a support document in the case of granting a variance to allow for an busines to be located at 202 Phipps Plaza.

Our store, B. Peterson is located at 240 South County Road on the corner of South County and Seaview.

We believe it will be a positive to have the space occupied by a low impact (parking, foot traffic, noise) tenant.

We had an opportunity to meet the principals of the planned tenant (SBP Homes). They are friendly people and I believe they will be good neighbors and an asset to our area and to the town.

Should you have additional questions, concerns or require additional information, please let us know how we may be of service. Thank you in advance.

Best,

Benjamin PETERSON | Partner



240 South County Road
Palm Beach, Florida 33480
561.771.9580 T

From: [Kelly Churney](#)
To: [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Lew Crampton](#); [Margaret Zeidman](#)
Cc: [Paul Castro](#); [Kathleen Ruderman](#)
Subject: FW: Zoning case Z18-00088
Date: Friday, April 13, 2018 8:55:32 AM

FYI for May Town Council meeting.

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
561-835-4621 (fax)
www.townofpalmbeach.com

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Tuesday, April 10, 2018 12:36 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: Zoning case Z18-00088

FYI

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)

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From: john schaefer [<mailto:johnschaefer8@yahoo.com>]
Sent: Tuesday, April 10, 2018 12:31 PM
To: tcouncil@townofpalmbeach.com; mayor@townofpalmbeach.com; Town Clerks Staff <townclerk@townofpalmbeach.com>
Cc: Maura Ziska <MZiska@floridawills.com>
Subject: Zoning case Z18-00088

Dear Ladies and Gentlemen

We are writing to support the granting of a variance to allow for an office to be located at 202 Phipps Plaza. We live at 200 Phipps Plaza. Our apartment is upstairs from 202 and we believe it will be a positive to have the space occupied by a low impact (parking, foot traffic, noise) tenant. We had an opportunity to meet the principals of the planned tenant (SBP Homes) while we were in Town during January-March. They are friendly people and I believe

they will be good neighbors.
John Schaefer and Pam Zilly

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00089 SPECIAL EXCEPTION WITH SITE PLAN REVIEW The application of PALM BEACH COUNTRY CLUB INC. (STEVEN BIELSKY, MANAGER), Applicant, relative to property located at **760 N OCEAN BLVD SUITE: GOLF COURSE**, legal description on file, is described below. A request for Special Exception Approval with Site Plan Review to allow construction of two (2) golf course bunker complexes using existing drainage systems at Fairways 1 and 3 of the Palm Beach County Country Club golf course. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00089 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
760 N OCEAN BLVD SUITE: GOLF COURSE

Date: April 26, 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:

A request for Special Exception Approval with Site Plan Review to allow construction of two (2) golf course bunker complexes using existing drainage systems at Fairways 1 and 3 of the Palm Beach County Country Club golf course.

ADDRESS: 760 N OCEAN BLVD SUITE: GOLF COURSE

OWNER: PALM BEACH COUNTRY CLUB INC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-10-00-001-0040

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 10-43-43, SUB E OF GOV LTS 1 &2 (LESS PAR IN OR7612P1878) & 11-43-43, SUB OF GOV LT 1 (LESS N 210 FT)

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: 3/29/18

APPLICATION NO.: Z-18-00089 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 760 N OCEAN BLVD SUITE: GOLF COURSE

DESCRIPTION: A request for Special Exception Approval with Site Plan Review to allow construction of two (2) golf course bunker complexes using existing drainage systems at Fairways 1 and 3 of the Palm Beach County Country Club golf course.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/26/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/26/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/29/2018	There are no fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	No Architectural Commission (ARCOM) review and approval will be required for this project; however, the site is a known or potential archaeological site within the Town, and any earth moving activity will require archaeological monitoring. Prior to the issuance of a permit for the work, written verification from the property owner's archaeologist must be provided to the Town verifying that the archaeologist's services have been secured for the monitoring work (if earth moving activity is part of the permit).
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/28/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	4/26/2018	These proposed changes do not appear to impact surrounding properties. I have no comment on the request.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00090 VARIANCE(S) The application of MIRSKY REALTY GROUP, LLC (NORMA MIRSKY, MANAGER), Applicant, relative to property located at **220 SUNRISE AVE SUITE: 101**, legal description on file, is described below. Section 134-1107(2): A request for a variance to allow a real estate brokerage office to occupy a 972 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district. [Applicant's Representative: David E. Klein Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00090 VARIANCE(S)**
220 SUNRISE AVE SUITE: 101

Date: April 26, 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:

Section 134-1107(2): A request for a variance to allow a real estate brokerage office to occupy a 972 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

ADDRESS: 220 SUNRISE AVE SUITE: 101

OWNER: 140 NORTH COUNTY ROAD LLC

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-15-10-000-0810

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: SUNRISE AVE ADD 2 LTS 81 TO 86 INC

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: 3/29/18

APPLICATION NO.: Z-18-00090 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 220 SUNRISE AVE SUITE: 101

DESCRIPTION:

Section 134-1107(2): A request for a variance to allow a real estate brokerage office to occupy a 972 square foot space on the first floor, which is not permitted by Code as it does not meet the special exception requirement that there are at least 50% existing office uses on all floors of the building and 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/23/2018	No comment.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/26/2018	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/29/2018	No fire code concerns with the proposed work
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	I have no comment regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	4/26/2018	There does not appear to be a hardship to allow a real estate office on the first floor at this location .

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00091 VARIANCE(S) The application of SEASPRAY COURT HOLDINGS LLC (JOSEPH MEYER, MANAGER), Applicant, relative to property located at **137 SEASPRAY AVE**, legal description on file, is described below. Applicant is proposing to construct 240 square feet of one and two story additions which the bulk of the square footage includes a bay window on the north side of the kitchen and extending the loggia between the main house and guest house. Also proposed is a swimming pool. The following variances are being requested: 1) a cubic content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet in lieu of the 10 foot minimum required for a swimming pool. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00091 VARIANCE(S)**
137 SEASPRAY AVE

Date: April 26, 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:

Applicant is proposing to construct 240 square feet of one and two story additions which the bulk of the square footage includes a bay window on the north side of the kitchen and extending the loggia between the main house and guest house. Also proposed is a swimming pool. The following variances are being requested: 1) a cubic content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet in lieu of the 10 foot minimum required for a swimming pool.

ADDRESS: 137 SEASPRAY AVE

OWNER: SEASPRAY COURT HOLDINGS LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-07-000-4981

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD E 15 FT OF LT
498, & LTS 500 & 502

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: 3/29/18

APPLICATION NO.: Z-18-00091 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 137 SEASPRAY AVE

DESCRIPTION:

Applicant is proposing to construct 240 square feet of one and two story additions which the bulk of the square footage includes a bay window on the north side of the kitchen and extending the loggia between the main house and guest house. Also proposed is a swimming pool. The following variances are being requested: 1) a cubic content ratio ("CCR") of 6.9 in lieu 6.6 existing and the of the 4.2 maximum allowed in the R-B Zoning District for a lot that is 7,962 feet in area. 2) a lot coverage of 35.3% in lieu of the 34.6% existing and the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) a west side yard setback of 14 inches in lieu of the 10 foot minimum required for a swimming pool. 4) a rear yard setback of 4.1 feet in lieu of the 10 foot minimum required for a swimming pool.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/26/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/26/2018	Consider a greater separation between the driveways (min. 6-foot off property lines). Can an on-street parking stall 18-foot in length between the two driveways be accommodated or provide a 10- by 10- foot easement adjacent to the property line for the undergrounding. 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.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/29/2018	No fire code concerns with the proposed work
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/28/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	4/26/2018	The applicant needs to demonstrate that there is a hardship for the variances. If granted, the applicant should be required as a condition of approval to provide a utility easement or similar agreement ensuring that undergrounding project may occur in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New 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.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00093 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION**
240 WORTH AVE SUITE: 200

Date: April 26, 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:

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.

ADDRESS: 240 WORTH AVE SUITE: 200

OWNER: PALM V ASSOC LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-05-018-0050

ZONING DISTRICT: C-WA Worth Avenue

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 5 TO 16 INC BLK
18

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: 3/29/18

APPLICATION NO.: Z-18-00093 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 240 WORTH AVE SUITE: 200

DESCRIPTION:

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.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/26/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/26/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/29/2018	No fire code concerns with the proposed work
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	4/5/2018	The project will require review and approval by the Landmarks Preservation Commission (LPC) as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/23/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	3/26/2018	The applicant is required to demonstrate what the hardship is for the variance. A special exception is also required to modify the staircase to the second floor of this commercial building.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) 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 National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD 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 Commission deferred the project to the May 23, 2018 meeting. Carried 7-0.] **Request for Deferral to the June 13, 2018 Town Council Meeting Per Letter Dated May 1, 2018 from M. Timothy Hanlon**

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 from Paul Castro, Acting Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated May 1, 2018 From M. Hanlon**

TOWN OF PALM BEACH

Information for Town Council Meeting on: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00094 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
916 S OCEAN BLVD**

Date: April 26, 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. 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 National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum.

ADDRESS: 916 S OCEAN BLVD

OWNER: 916 SOUTH OCEAN BOULEVARD LLC

OWNER'S REPRESENTATIVE: ALLEY MAASS ROGERS AND LINDSAY PA

PROPERTY CONTROL NO.: 50-43-43-35-08-000-0020

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: LUCOM ADDITION LT 2 & TR B

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: 3/29/18

APPLICATION NO.: Z-18-00094 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 916 S OCEAN BLVD

DESCRIPTION:

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 National Geodetic Vertical Datum ("NGVD") in lieu of 17.4 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/21/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/27/2018	Provide a 10-foot wide underground utility easement along the street frontage(s) which excludes walls, large trees, and exfiltration trenches. Pedestrian gates, driveway trench drain(s), hedges, and irrigation and drainage pipes shallower than 30-inches in depth can be considered with a standard Easement Installation and Removal Agreement. Decorative driveways, walkways, and small motor court areas can be considered with a standard Driveway Agreement. Please update the plans removing the described Hardscape / Landscape (other than the driveway and walkway) from the footprint of the dedicated 10-foot wide utility easement and /or request the appropriate agreement(s). Once the undergrounding in the area has been completed, the unused portion of the easement may be petitioned for release to the property owner for additional improvements. 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.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/21/2018	The proposed square footage for this home requires sprinkler by Town of Palm Beach Ordinance
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.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/21/2018	May require Flaggers and/or Detail Police Officers for traffic control.
PZB DIRECTOR			No Comment
TOWN MANAGER			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: 3/29/18

PZB - ZONING

Paul Castro, Zoning
Administrator

4/26/2018

There appears to be no hardship to grant the height or building height plane variances. The property is deep and there is adequate room to construct a house to meet the building height plane requirement of the Zoning Code. An address request will also be required and the applicant is required to enter into a unity of title agreement to combined the beach cabana property with the proposed house. As a condition of approval staff recommends that the applicant provide the town with a utility easement or similar agreement to ensure that the underground utility project can be completed in the area.

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

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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

May 1, 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

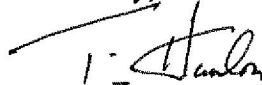
Re: 916 South Ocean Blvd. / Z-18-00094

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 June 13, 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: May 9, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00095 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

The application of PARC REGENT CONDOMINIUM (PAULA GOTTLIEB, MANAGER), Applicant, relative to property located at **184 BRADLEY PL SUITE: SITE**, legal description on file, is described below. The Parc Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required.

[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 7-0. The Architectural Commission approved the project at the April 25, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum dated 4/26/18 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: May 09, 2018

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

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

Subject: **Z-18-00095 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE
184 BRADLEY PL SUITE: SITE**

Date: April 26, 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 Parc Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required.

ADDRESS: 184 BRADLEY PL SUITE: SITE

OWNER: PARC REGENT COND DECL FILED

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-15-34-000-0000

ZONING DISTRICT: R-D(2) High Density Residential

LEGAL DESCRIPTION:

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: 3/29/18

APPLICATION NO.: Z-18-00095 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 184 BRADLEY PL SUITE: SITE

DESCRIPTION:

The Pare Regent Condominium Association is requesting site plan approval and variances for the following improvements: 1) Request a variance to reconstruct the existing dock with a length of 243 feet from land in lieu of the 150 foot maximum allowed; 2) Request variances to enlarge a 36 square foot electrical building to 112 square feet (additional 76 s.f.) to convert a 2 Phase to 3 Phase service which will result in: (i) a side yard setback of 24.37 in lieu of the 30 foot minimum required; and ii) a rear yard setback of 17.24 in lieu of the 30 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	3/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	4/27/2018	No Comments.



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 3/29/18

FIRE RESCUE
DEPARTMENT

Martin DeLoach, Fire Marshal

3/23/2018

NFPA 1 and NFPA 303 Fire protection standard for marinas and boatyards govern the construction and safety requirements of this project.

6.3.3 Combustible Piers and Substructures.

6.3.3.1 Combustible piers and substructures in excess of 25 ft (7.62 m) in width or in excess of 5000 ft² (465 m²) in area, or within 30 ft (9.14 m) of other structures or superstructures required to be so protected, shall be protected in accordance with Section 4.3 of NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, unless otherwise permitted by 6.3.3.2, 6.3.3.3, or 6.3.3.4.

6.3.3.2 Fixed piers shall not be required to be protected as specified in 6.3.3.1 where the vertical distance from the surface of mean high water level to the underside of the pier surface does not exceed 36 in. (914 mm)

6.3.3.3 Floating piers shall not be required to be protected as specified in 6.3.3.1 where the vertical distance from the surface of the water to the underside of the pier surface does not exceed 36 in. (914 mm).

6.3.3.4 * Existing facilities shall not be required to be protected by an automatic fire-extinguishing system where acceptable to the authority having jurisdiction.

6.4 * Fire Standpipe Systems.

6.4.1 Class I standpipe systems shall be provided for piers, bulkheads, and buildings where the hose lay distance from the fire apparatus exceeds 150 ft (45 m).

6.4.2 Class I standpipes shall be provided in all buildings used for the rack storage of boats.

6.4.3 Standpipe systems, where installed, shall be in accordance with NFPA 14, Standard for the Installation of Standpipe and Hose Systems, except for the provisions identified in 6.4.4 through 6.4.7.

6.4.4 Hose racks, hoses, and standpipe cabinets shall not be required on piers and bulkheads

6.4.5 Supply piping for standpipes on piers and bulkheads shall be sized for the minimum flow rate for Class II systems.

6.4.6 Manual dry standpipes shall be permitted.

6.6 Hydrants and Water Supplies.

Hydrants and water supplies for fire protection in marinas and boatyards shall be provided in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems; NFPA 14, Standard for the Installation of Standpipe and Hose Systems; and NFPA 24, Standard



PLANNING, ZONING AND BUILDING DEPARTMENT

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 3/29/18

for the Installation of Private Fire Service Mains and
Their Appurtenances

NFPA 13 Chapter 24 Water Supplies

24.1 General.

24.1.1 Number of Supplies. Every automatic sprinkler system shall have at least one automatic water supply.

24.1.2 Capacity. Water supplies shall be capable of providing the required flow and pressure for the remote design area determined using the requirements and procedures as specified in Chapters 11 through 22 including hose stream allowance where applicable for the required duration.

24.1.3 * Size of Fire Mains.

24.1.3.1 Except as provided in 24.1.3.2 or 24.1.3.3, no pipe smaller than 6 in. (150 mm) in diameter shall be installed as a private service main.

24.1.3.2 For mains that do not supply hydrants, sizes smaller than 6 in. (150 mm) shall be permitted to be used subject to the following restrictions:

(1)The main supplies only automatic sprinkler systems, open sprinkler systems, water spray fixed systems, foam systems, or Class II standpipe systems.

(2)Hydraulic calculations show that the main will supply the total demand at the appropriate pressure. Systems that are not hydraulically calculated shall have a main at least as large as the system riser.

24.1.3.3 Where a single main less than 4 in. (100 mm) in diameter serves both fire systems and other uses, the non-fire demand shall be added to the hydraulic calculations for the fire system at the point of connection unless provisions have been made to automatically isolate the non-fire demand during a fire event.

24.1.4 Underground Supply Pipe.

For pipe schedule systems, the underground supply pipe shall be at least as large as the system riser.

6.4.7 Flexible connections shall be permitted on floating piers where acceptable to the authority having jurisdiction.

The project will require review and approval by the Architectural Commission (ARCOM) as a major combination project.

PZB - PLANNING AND
ARCHITECTURAL REVIEW

John Lindgren, Planning
Administrator-Project Manager

4/5/2018

POLICE DEPARTMENT

Benjamin Alma, Code
Enforcement and Parking
Manager

3/22/2018

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: 3/29/18

PZB DIRECTOR

No Comment

TOWN MANAGER

No Comment

PZB - ZONING

Paul Castro, Zoning
Administrator

4/26/2018

The applicant must demonstrate to the satisfaction of the
Town Council that the hardship criteria in Chapter 134
have been met.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: May 9, 2018

Section of Agenda

Development Review - Other

Agenda Title

Proposed Zoning Text Amendment Application from Maura Ziska to Consider a Zoning Text Change which would include the C-B Zoning District to the List of Commercial Districts which are allowed to Request Supplemental Off-site Shared Parking by Special Exception

Presenter

ATTACHMENTS:

- ▣ **Memorandum from Paul Castro dated April 27, 2018**
- ▣ **E-Mail Dated May 3, 2018 From Greenwald**
- ▣ **E-Mail dated May 3, 2018 from Schaefer**
- ▣ **E-Mail dated May 3, 2018 from Jackjson**

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 9, 2018

To: Mayor and Town Council

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

Re: Proposed Zoning Text Amendment Application from Maura Ziska to Consider a Zoning Text Change which would include the C-B Zoning District to the List of Commercial Districts which are allowed to Request Supplement Off-Site Shared Parking by Special Exception

Date: April 27, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council provide the Applicant direction related to filing a proposed zoning text amendment to allow as a special exception the use of supplemental off-site parking in the C-B Zoning District.

GENERAL INFORMATION

The Town requires that any proposed zoning text amendment from a private individual or property owner be considered by the Town Council prior to filing an application for study. The purpose is to determine if the Council has interest in possibly making the proposed Code change prior to the applicant and staff spending time and funds to pursue a proposed amendment. If the Council has no interest in studying a proposed amendment, the applicant still has the option to proceed with the proposed amendment application and filing fee (\$4,000 per amendment). However, the applicant has some indication whether such amendment will have any support or interest from the Town prior to filing and paying the application fee.

Maura Ziska has submitted a request asking the Town Council to consider studying a proposed zoning text amendment application (see Exhibit A). The proposed amendment is as follows.

The existing provisions in Chapter 134, Zoning, do not allow supplemental off-site shared parking in the C-B Zoning District. The C-B District is comprised of properties located in the one hundred block of Royal Palm Way (See the light pink in Exhibit B). The intent of the proposed amendment is to allow supplemental off-site parking in that zoning district by special exception approval from the Town Council. This would allow commercial property owners or tenants in the C-OPI, C-TS or C-B Zoning Districts to request off-site parking within 500 feet of the use that the off-site shared parking is intended to serve.

Staff requests that the Town Council provide applicant direction on the proposed amendment. If

you have any questions, please contact me at 227-6406.

Exhibits

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

EXHIBIT A

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 HAND DELIVERY

April 6, 2018

Paul Castro, AICP
Acting Director
Planning, Zoning and Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

Re: Zoning Text Amendment

Dear Paul:

I would like to formally request the Town to consider a zoning text amendment to include the C-B Zoning District to the list of commercial districts that are allowed to have **supplemental off-site shared parking**. Currently, supplemental off-site shared parking is allowed in the C-TS, C-WA, C-PC and C-OPI zoning districts. However the C-B Zoning District is absent from this list. It would be beneficial to the Town to add the C-B Zoning District to the below section of the code as it would free up hundreds of parking spaces in the center of Town that could be used between businesses for shared parking. Below is the section of the Code that would be amended and the language that would be added is in bold and underlined.

Sec. 134-2182. - Shared parking in C-B, C-TS, C-WA and C-OPI commercial zoning districts.

Supplemental off-site shared parking. A conforming use may lease to another existing conforming use the former's required or supplemental parking spaces for use by patrons or employees of the latter, provided:

(1) The area to be used for off-site shared parking shall be in the **C-B**, C-TS, C-WA, C-PC or C-OPI zoning district, and, except for shared parking within a parking garage or underground/underbuilding parking area, any area used for off-site shared parking shall be accessible only to and used by parking attendants and shall have controlled access in the form of gates or other barriers acceptable to the town that can be accessed and used only by parking attendants.

(2) Off-site shared parking shall be located no more than 500 feet from the use the off-site shared parking is intended to serve.

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PZB Dept

Paul Castro, AICP

April 6, 2018

Page 2

(3) The applicant shall provide evidence which shall prove to the satisfaction of the town council that the off-site shared parking use shall not increase noise, light or traffic impacts upon neighboring residential districts.

(4) A traffic planner or traffic engineer establishes to the satisfaction of the town council, at the applicant's expense, that all other establishments using the existing parking spaces will primarily utilize these spaces at different times of the day, week, month or year from that of the applicant's use, and that the sharing of such parking spaces will not result in conflicting or overlapping usage of the parking facilities.

(5) If the director of planning, zoning and building department should determine that professional advice and/or consultant is required to review the applicant's parking findings, the expense of such professional advice shall be borne by the applicant pursuant to sections 134-171 and 134-172.

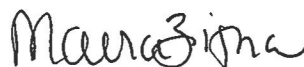
(6) Off-site shared parking shall only be supplemental, and such parking shall not be used to meet required parking for new construction or expansion or addition to existing floor area.

(7) The town may impose such additional conditions that it deems necessary to minimize noise, light and traffic impacts upon neighboring residential districts.

(8) The approval shall initially be limited to a period of six months, whereupon a subsequent review shall be made at a public hearing of the town council at which the interim approval may be renewed, modified or revoked.

For reference, I have attached the zoning map to indicate the area that encompasses the C-B Zoning District. Please place this matter on the May 9, 2018 Town Council agenda. I have also enclosed the required fee of \$100. Please call me if you have any questions with the foregoing. Thank you.

Sincerely,



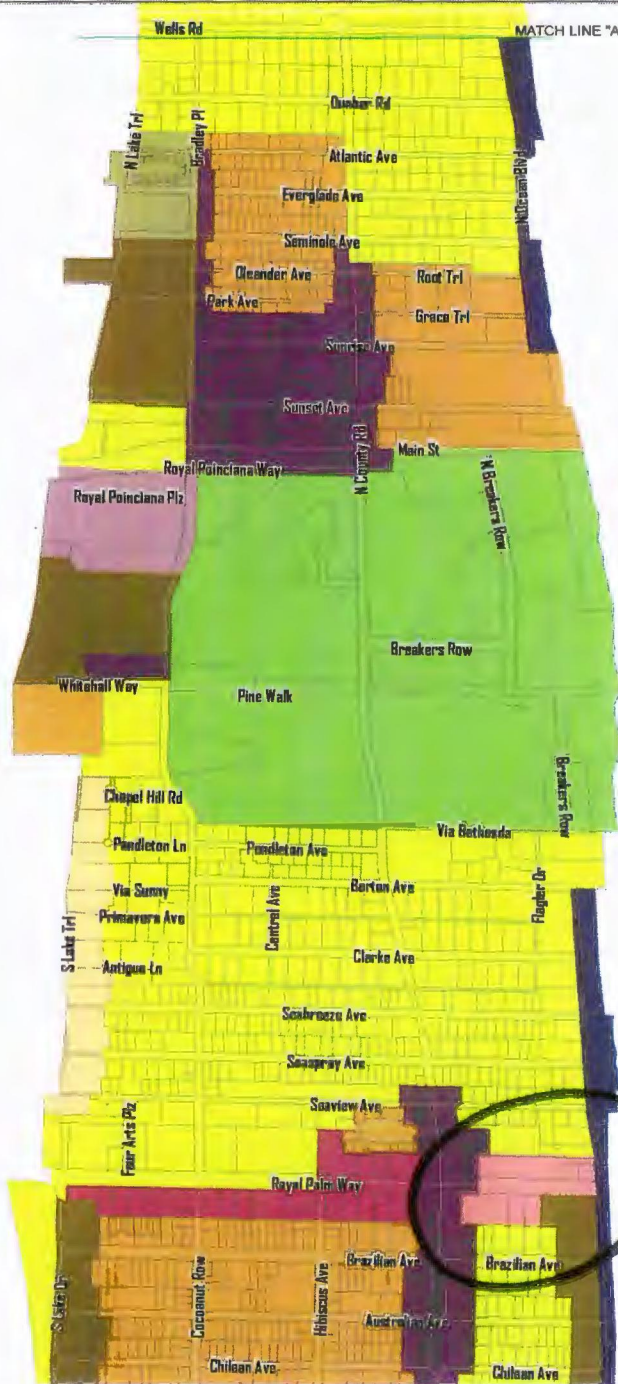
Maura A. Ziska

/maz

Enclosures

Town of Palm Beach Zoning Map

EXHIBIT B



Legend

Parcel

R-AA (Large Estate Residential)

R-A (Estate Residential)

R-B (Low Density Residential)

R-C (Medium Density Residential)

R-D(1) (Moderate Density Residential)

R-D(2) (Heavy Density Residential)

C-OPI (Commercial Off, Prof, Inst)

C-PC (Commercial Planned Ctr)

C-TS (Commercial Town Serving)

C-WA (Commercial Worth Ave)

C-B (Commercial Offices)

C (Conservation District)

PUD-A (Planned Unit Dev)

PUD-B (Planned Unit Dev)

PUD-C (Planned Unit Dev)

BA (Beach Area)

* See Palm Beach Code of Ordinances Regarding Submerged Lands

From: [Paul Castro](#)
To: [Kelly Churney](#); [Kathleen Ruderman](#)
Subject: FW: Carriage house Wells Fargo Ziska Carriage House zoning request Hearing May 9
Date: Thursday, May 03, 2018 9:17:10 AM
Attachments: [Club ZISKA - SUPPLEMENTAL OFF-SITE SHARED PARKING.pdf](#)

Kathleen and Kelly,

Please make sure this gets in the Council backup and in the file.

Thanks,

Paul Castro, AICP

Acting Planning, Zoning & Building Director

360 South County Road

Palm Beach, FL 33480

561-227-6406

www.pcastro@townofpalmbeach.com

From: Steven Jeffrey Greenwald, Esq. [mailto:3102724@gmail.com]

Sent: Thursday, May 03, 2018 9:05 AM

To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; Lew Crampton <lcrampton@sfsiencecenter.org>; Lew Crampton <lcrampton@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>

Subject: Carriage house Wells Fargo Ziska Carriage House zoning request Hearing May 9

To Town Council, Mayor and Mr Castro:

Attached is an April 6 letter from Maura Ziska, attorney for developer of Carriage House. It seems to be a request to change the entire Wells Fargo Parking lot (a/k/a the C-B zoning district) day and night, forever to become "supplemental off site shared parking." The hearing for this is scheduled for Wednesday May 9, at last order of business.

There is a simple reason why the Wells Fargo lot was never in the history of the Wells Fargo parking lot (formerly known as Bank of Palm Beach) allowed to be "supplemental off site shared parking." It is as follows:

The Wells Fargo lot, as it stands, would never have been able to meet the other requirement in section 134.2182 (c)3, which reads: *"the applicant shall provide evidence which shall prove to the satisfaction of the town council that the off-site shared parking use shall not increase noise, light or traffic impacts upon neighboring residential districts."*

The Wells Fargo lot is surrounded, and actually abutted on the North and East, by open residential property, by a completely residential district. Allowing the bank to even have built such a large lot, abutted by so many residences would require very limited and carefully restricted use. From the very start this would *exclude* the type of use that would be off-site shared use, ie., valets, employees, etc., at the Wells Fargo lot.

There is no other parking lot like this in the Town. Very unusual given its location right at so many residences. To make this more clear, the Wells Fargo lot is abutting people's homes, where they live, on its North side and East side. There are people who live in these homes. If you are in their living rooms, when cars are driving through the Wells Fargo lot especially at night, it is like the cars are in your backyard.

Note, the request by Ms Ziska is not simply asking for Wells Fargo off site shared use in the daytime, but for any hours. Her request is not limited. It is simply a request to change the ordinance, obviously for her client, the *Carriage House*.

Should a long standing sound sensible policy of the Town toward the Wells Fargo lot be changed *after the residents on Seaview and Ocean Drive have bought and owned their homes; to placate a Club, restaurant, bar developer which establishment is new to town and untired or tested. Very odd request.*

What is more odd is the manner in which something so important is being applied for, potentially affecting tens of millions of dollars worth of homes on Seaview and on Ocean Drive, (and likely Clark, Seabreeze, Seaview Ocean blocks, depending on the ultimate route used by the fast driving valets, and over time).

The manner of the letter "application" does not show the true applicant behind the "applicant". The Council knows who the real applicant is and the purpose. These kinds of things are really destroying a certain amount of *trust* in the community toward the entire Carriage House enterprise.

Why not say in the letter and in the announcement of the hearing: "the Carriage House is interested in using the parking lot at Wells Fargo. In order to do that, we would need to change the Wells Fargo lot to shared use."

One possible reason they did not do this sort of simultaneously, is that they would have a problem with another requirement, rule 134.2182(c) 6 which reads: *"Off-site shared parking shall only be supplemental, and such parking shall not be used to meet required parking for new construction or expansion..."*

Sorry folks, but that is the law, or should we now change that too? ... to satisfy the developer of the Carriage House.

Since in reality the ultimate reason to share the lot is the Carriage House, the request to change the zoning at Wells Fargo is in *reality* for the new club, its expansion, etc., the Council may as well just deny, as it all clearly is a violation of 134.2182 (c) 6. Or at least wrap this whole mess up, and hear it in November as one issue, when residents are in town to have at least input on how this affects their lives and their most important investment, their homes.

In fact, if the hundred or more careful residents who are on "Carriage House watch" (on Seaspray, Clarke, Seaview, Seabreeze, Phipps, and including many attorneys) did not spot this, it would have gone completely under the radar. Residents of Seaview and Ocean Drive would have been in for a rude awakening. It is *not good* that residents who are in some cases just a few feet from the proposed club/bar, are constantly being left in the dark.

Also, is the owner or lessor of the Wells Fargo lot even aware of Ms Ziska's current request? What do they think of this? All unknown from her letter "application".

I was originally for club parking at Wells Fargo. Until I sat in the living room of a friend's home on Ocean Drive one nite. It was as though the cars driving in the lot were driving into the living room.

Respectfully your neighbor and friend, Steve

All of the above was on information and belief

Steven Jeffrey Greenwald, Esq.

Email address:

3102724@gmail.com

U.S.A. Telephone & voicemail:
561-310-2724

Mailing address: P.O. Box 3407
Palm Beach, Florida 33480 - U.S.A.

From: [Paul Castro](#)
To: [Kathleen Ruderman](#); [Kelly Churney](#)
Subject: FW: May 9th Town Council Meeting.
Date: Thursday, May 03, 2018 1:42:49 PM

To all,

This is related to the proposed shared parking zoning text amendment. Please provide as backup purple folder and the file.

Thanks,

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 Schaefer [<mailto:johnschaefer8@yahoo.com>]
Sent: Thursday, May 03, 2018 1:06 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>
Subject: May 9th Town Council Meeting.

Dear Ladies and Gentlemen

We are owners of 200 Phipps Plaza apartment 5. We are writing to comment on Maura Ziska's April 6 letter requesting changes to the Town's zoning related to the C-B district, specifically the Wells Fargo Parking Lot. As we all know Ms Ziska is the attorney for the developer of 264 and 270 South County (the "Carriage House Club"). It would appear that she is asking for an amendment to the zoning ordinance that has been in place for quite some time. That request if granted would benefit a single group of individuals, the owners and developers of 264 and 270 South County where they plan to open a nite club.

It strikes as odd that Ms Ziska believes it will be beneficial to the Town to make this change. In fact it will be beneficial to her developer client and detrimental to nearby Town property owners. It will be a classic transfer of wealth from neighboring property owners to the developer. Our property values will decline and his profit from membership sales will increase. Changing the zoning ordinance, perhaps in violation of the law if it aides intensification of use, will contribute to this wealth transfer.

We urge you to deny her request.

John Schaefer and Pamela Zilly.

John Schaefer

From: [Paul Castro](#)
To: [Kathleen Ruderman](#); [Kelly Churney](#)
Subject: FW: Shared use of parking lot
Date: Thursday, May 03, 2018 12:30:08 PM

For Council backup on the last item on the agenda from regarding zoning text amendment request.

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

From: Ann Jackson [<mailto:acblj33480@gmail.com>]

Sent: Thursday, May 03, 2018 12:00 PM

To: Town Council <TCouncil@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; lcrampton@sfsciencecenter.org; Lew Crampton <lcrampton@TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Shared use of parking lot

To Whom It May Concern:

Once again the owner/developer of the proposed Carriage House club and his attorney are trying to sneak in a change to benefit themselves without regard to the residents of the area, while many are away for the off season. I have lived on Seaview Avenue for over 40 years. The traffic has increased substantially over the years and this proposed club will make traffic congestion on County Road and the side streets unbearable. If parking were allowed to be shared on the bank lot it would create an intolerable situation for the residents there. Surely the developer can find a more amenable location for his project that has a more parking and makes less trouble for the neighbors. Royal Palm Way and County Road is probably the busiest intersection in town and not the spot to add more traffic. The zoning is for small businesses that are town serving. An elite members-only social and nightclub does not fit here.

Ann Jackson

Sent from my iPhone