



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE-
SUBJECT TO
REVISION**

TOWN COUNCIL MEETING

**EMERGENCY OPERATIONS CENTER (EOC)
THIRD FLOOR, CENTRAL FIRE-RESCUE STATION
355 SOUTH COUNTY ROAD**

AGENDA

WEDNESDAY, APRIL 14, 2010

9:30 A.M.

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

The progress of this meeting may be monitored by visiting the Town's website (www.townofpalmbeach.com) and selecting "Live Meeting Audio" under the "Your Government" tab. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting under "Agendas, Minutes, and Audio."

No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

- I. CALL TO ORDER AND ROLL CALL
- II. INVOCATION AND PLEDGE OF ALLEGIANCE

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

- III. COMMENTS OF MAYOR JACK McDONALD
- IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER
- V. COMMUNICATIONS FROM CITIZENS- 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)
- VI. APPROVAL OF AGENDA
- VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 38-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 347 Worth Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]

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- B. RESOLUTION NO. 39-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 350 Worth Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]

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- C. RESOLUTION NO. 40-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 405 Cocoanut Row Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]

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VIII. ORDINANCES

A. Second Reading

None

B. First Reading

1. Royal Poinciana Way Overlay

- a. ORDINANCE NO. 1-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Future Land Use Element (Section I) in the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance No.6-09, by Adding New Data and Analysis Describing the Royal Poinciana Mixed-use Overlay Area, and Adding Policy 1.5 That Encourages Redevelopment of the Area in a Manner That Is Sustainable, Pedestrian Friendly, and Respectful of the Area's Character, Scale, and Historic Value, and Adding Policy 2.3.8 That Provides General Parameters of Redevelopment Including Uses, Density, Lot Coverage, Parking, and Building Height, Pursuant to Chapter 163, Florida Statutes; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date.

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

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- b. ORDINANCE NO. 2-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, by Amending Article I, Section 134-2, Definitions and Rules of Construction, by Amending the Definition of Story and Creating Definitions for Mixed Use, Mixed Use Area, Publicly Accessible Open Space; Amending Article VII, Overlay Districts by Changing the Article Title to the Royal Poinciana Mixed Use Overlay Area and Creating Overlay Regulations for Permitted and Special Exception Uses, Accessory Structures, Outdoor Seating, a Development Review Process, Minimum Lot Area, Width and Depth Requirements, Density, Setbacks, Height and Overall Height, Lot Coverage, Landscape Open Space and Publicly Accessible Open Space, Off-street Parking and a Performance Monitoring and Sunset Provision in the

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Following Sections: Section 134-1501 Purpose and Intent; Section 134-1502 Essential Development Concepts, Section 134-1503 Permitted Uses; Section 134-1504 Accessory Uses; Section 134-1505 Special Exception Uses; Section 134-1506 Accessory Structures; Section 134-1507 Special Regulation for Stands, Seated Dining Areas and Open Counters for Eating and Drinking; Section 134-1508 General Review Process; Commercial Uses; Site Plan Approval for New Building, New Building Additions or Change in Permitted Uses over Certain Floor Area; Section 134-1509 Lot, Yard and Area Requirements-generally; Section 134-1510 Parking Standards; Section 134-1511 Performance Monitoring; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

2. ORDINANCE NO. 3-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Infrastructure Element (Section IV) of the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance 6-09, by Amending Policy 12.3 to Include a 10-year Water Supply Facility Work Plan, Pursuant to Chapter 163.3177(6)(C), Florida Statutes (Water Supply Planning Requirements); Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date. [John S. Page, Director of Planning, Zoning, and Building]

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IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction, at 1 Via Mizner (Per Letter Dated March 9, 2010, From Tim Givens).

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C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

None

2. New Business- Less Than 15 Minutes

- a. SPECIAL EXCEPTION #4-2010 The application of M. Timothy Hanlon; relative to property commonly known as **710 South Ocean Blvd.**; described as lengthy legal description on file; located in the R-A Zoning District. Request for Special Exception approval to permit construction of a 72-foot long tunnel for pedestrian access under South Ocean Blvd. to and from the beach parcel for this landmarked property. The applicant proposes to close one lane of traffic at a time during construction.
[Attorney: M. Timothy Hanlon]
- b. VARIANCE #3-2010 The application of Michael and Gayle Kalisman; relative to property commonly known as **146 Dunbar Road**; described as Lot 71 of ADAMS ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 68; located in the R-B Zoning District. Request for a Variance to allow construction of a 144 square foot one and two story addition for an elevator and equipment room with: (I) an east side yard setback of 13.66 feet in lieu of the 15-foot minimum required for the two story portion of the addition, and (ii) a cubic content ratio (CCR) of 4.56 in lieu of the 4.4 existing and the 3.9 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska, Esq.]
[ARCOM Recommendation: Approval of the variance. Carried 7-0.]

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3. Old Business- More Than 15 Minutes

None

4. New Business- More Than 15 Minutes

- a. SPECIAL EXCEPTION #3-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Roy Reeves, Restaurant Operator, relative to property commonly known as **219 Worth Avenue**; described as Lots 20, 21, 34 and 35, ROYAL PARK ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book, Page 1; located in the C-WA Zoning District. Request for Special Exception for a 4,075 square foot upscale American cuisine restaurant which includes site plan review

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to allow a new entry door and 36 outdoor seats on the proposed second floor patio within the proposed expansion area. The applicant is requesting umbrellas to cover the outdoor seating. The applicant also proposes to meet all conditions of approval which were granted to the previous restaurant applicant for this tenant space. The variance being requested is to eliminate the four additional off-street parking spaces required for the 74 proposed seats.
[Attorney: Maura A. Ziska, Esq.]

D. Other

- A. Proposed Additional Theme for Vacant Storefront Displays -
Norton Museum of Art.
[John S. Page, Director of Planning, Zoning, and Building]

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X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** 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 2:** 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 3:** 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 4:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 38-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 347 Worth Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 24, 2010, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 38-10
- Designation Report for 347 Worth Avenue
- Excerpt from March 17, 2010, Minutes of the Landmarks Preservation Commission
- Applicable Section from Town of Palm Beach Code of Ordinances

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmark Designation of 347 Worth Avenue
Resolution No. 38-10

Date: March 24, 2010

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 347 Worth Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the March 17, 2010 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 347 Worth Avenue

Resolution No. 38-10

March 24, 2010

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FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 38-10 relating to 347 Worth Avenue, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 38-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 347 WORTH AVENUE MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 347 Worth Avenue and the property to be landmarked is legally described as follows:

ROYAL PARK ADDITION LOTS 51 TO 56 INCLUSIVE/LESS TRACT IN DEED BOOK 792 PAGE 345 & DEED BOOK 934 PAGE 422/BLOCK 14

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of April, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

347 WORTH AVENUE



DESIGNATION REPORT

Wednesday, March 17, 2010

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

347 Worth Avenue

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	347 Worth Avenue Palm Beach, Florida
Date of Construction:	1924, 1925
Principal Architect:	Addison Mizner
Present Owner:	Everglades Club Inc.
Present Use:	Service Buildings/Apartments/Retail
Present Zoning:	CWA
Palm Beach County Tax Folio Number:	50-43-43-23-05-014-0510
Current Legal Description:	Royal Park Add Lots 51 to 56 INC/Less TR in DB792P345 & DB934P422/ BLK14

Evaluation in the "Historic Building Survey of Palm Beach, 2004": More than one address is represented in the Parcel for 347 Worth Avenue. The following Florida Site Files are included:
PB06856- Mary Mahoney - 351 Worth Avenue - Already listed as a landmark as part of Via Parigi.
PB06855- 347 Worth Avenue - This section designed by Addison Mizner in 1925 as shops and apartments for Paris Singer is worthy of local designation.
PB06857- 355 Worth Avenue - Originally owned by Wilson Mizner, this building is an integral part of the architectural landscape of Worth Avenue. It is worthy of further study.
PB06439 - 413 Cocoanut Row - The building is part of the Everglades Club complex. It is being remodeled.

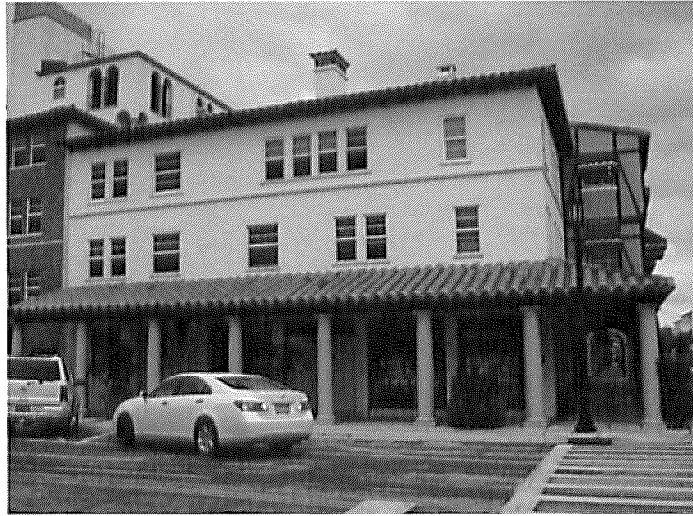
III. ARCHITECTURAL INFORMATION

Building One 347 Worth Avenue



Designed by Addison Mizner in 1924/1925 in the Mediterranean Revival style, this building contained shops and an apartment for Wilson Mizner, the architect's brother. An arcade with four arches is placed on the south facade facing Worth Avenue. Four shuttered windows are above the arches. A terrace on the third floor is available for outdoor living. The roof is hipped and covered with barrel tiles. Exposed rafters are visible at the roof line. Although there are many permits for repairs and interior renovations, the building retains the character of the 1920s.

Building Two 355 Worth Avenue



Addison Mizner designed this three story Mediterranean Revival style building in 1924. J.S. Willson was the builder. Three stories in height, the structure has an arcade that wraps around the corner of Cocoanut Row and Worth Avenue. The arcade, which covers the first floor, like the main roof, is covered with barrel tiles. Exposed rafters are visible at the roof line.

Building Three - 413 Cocoanut Row



This simple service building is part of the Everglades Club complex. Four stories in height, it contains a garage and beauty shop. There is a fire escape on the north facade. The roof is hipped and covered with barrel tiles. Exposed rafters are visible at the roof line. In 2004, when the Florida Site file was being filed, it was undergoing renovation. The architect of this building is not known at this time.

IV. HISTORICAL INFORMATION

The Everglades Club, designed by Addison Mizner, with financial support from his business partner Paris Singer, the Everglades Club is one of the most important historic structures in the Town of Palm Beach. Originally conceived as the Touchstone Convalescent Club for shell shocked army and navy officers during World War I, Mizner worried that the concept would fail as the Armistice was signed even though construction was almost complete. Singer, however, was smart enough to change course, as the War ended. He realized the importance of what they were building in Palm Beach and stated "If we start things off right [the club] will make Palm Beach the winter capital of the world."¹ Singer proved right. The military officers never came, the medical equipment the architect had bought for their care was donated to a hospital in West Palm Beach, and the club, with its name changed to the Everglades Club, opened on January 25, 1919 with twenty-five charter members.²

The Everglades Club is important for many reasons. Before it's construction Worth Avenue was primarily a residential street. People shopped on Main Street (now Royal Poinciana Way), and life centered on the Royal Poinciana Hotel and the Breakers. After 1919, the social scene moved south and with it new areas opened for development. Not only did the Everglades Club, change the social history of the Town, but Mizner's introduction of the Mediterranean Revival style of architecture changed the history of the built environment of Palm Beach forever. Worth Avenue also changed. Residences were replaced with commercial space. Between 1919 and 1925, Mizner remodeled, constructed additions and added new buildings to the Club complex and Worth Avenue. Via Mizner was built in 1924, Via Parigi in 1925. On the remaining portions of this parcel, service buildings, retail and apartments were added. These buildings contribute both to Via Parigi which is already listed as a local landmarks and Worth Avenue as part of the fabric of the street.

V. STATEMENT OF SIGNIFICANCE

The buildings on the parcel listed at 347 Worth Avenue are important as the service buildings for the Everglades Club. Together with the club and retail spaces along Worth Avenue, they represent an important area for planning studies, showing how the components for a successful

¹ Donald W. Curl, *Mizner's Florida: American Resort Architecture*. (Cambridge, Massachusetts: The MIT Press, 1987) 43.

²Ibid.

development can integrate many uses into a few parcels while maintaining mass, scale and harmony with the more important architectural elements of the whole.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

The buildings on the parcel listed as 347 Worth Avenue represent an important change in the development of the Town of Palm Beach. As part of the retail and support buildings to the Everglades Club, they are representative of the move of both the social life and retail hub of the Town from the Flagler Memorial Bridge, south to Worth Avenue.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

The buildings on the parcel known as 347 Worth Avenue are a part of the fabric of Worth Avenue and the Mediterranean Revival style of architecture that is so important to Palm Beach.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

Two of the buildings on this parcel were designed by Addison Mizner who brought the Mediterranean Revival style of architecture to Palm Beach.

VII. ARCHITECT'S BIOGRAPHIES

Addison Mizner

Addison Cairns Mizner was one of the Palm Beach's most flamboyant architects from his arrival on the island in 1918 to his death in 1933. With Richard M. Hunt and Stanford White he was known as one of the "great society architects." Mizner socialized with the wealthy, and through his contacts introduced Mediterranean Revival architecture to Palm Beach, revolutionizing the shape of the town.

Mizner was born in 1872 in Benicia, California, the son of prominent California pioneer family.

Although he never studied architecture at the university level, Mizner absorbed design concepts "in the field" while his father was ambassador to Central America. Fluent in Spanish from his time in Guatemala City, Mizner travelled to Spain where he lived in Salamanca for less than a year. Despite the fact that his time in Spain was short his travels left a lasting imprint on his life and work.

From 1893-1896 Mizner expanded his knowledge of Spanish style architecture by serving an apprenticeship with a leading proponent of the style, Willis Polk, in San Francisco. His apprenticeship taught him draftsmanship and construction techniques and eventually led to a partnership with Polk. From California Mizner traveled to New York City where he benefitted from a friendship with Stanford White, who helped him become established in the city..

Mizner first visited Palm Beach in 1918 while recovering from an accident. Already established as a New York architect, he stayed with Paris Singer, son of Sewing Machine mogul Isaac Singer and husband of dancer Isadora Duncan. Singer was interested in developing Palm Beach as a resort for the wealthy of New York. Mizner received a \$6,000 per year retainer from Singer to encourage his New York society cliental to build vacation homes in Palm Beach.

The Everglades Club, designed in 1918, was Mizner's first project and set the tone for the new Palm Beach. Addison Mizner moved away from the single cottage style town of Henry Flagler and moved toward a resort of fashion and elegance.

In the Town of Palm Beach Mizner buildings included dozens of mansions , the Via Mizner, Via Pariogi, office buildings apartments, and shops. One of Mizner's unique attributes was his ability to adapt to circumstance. When the elements of his Spanish style building became unavailable, the iron work, tiles, etc., he established Mizner Industries to produce the needed materials. Eventually he produced the new and "antique" furniture used to decorate his houses.

IX. SELECTED BIBLIOGRAPHY

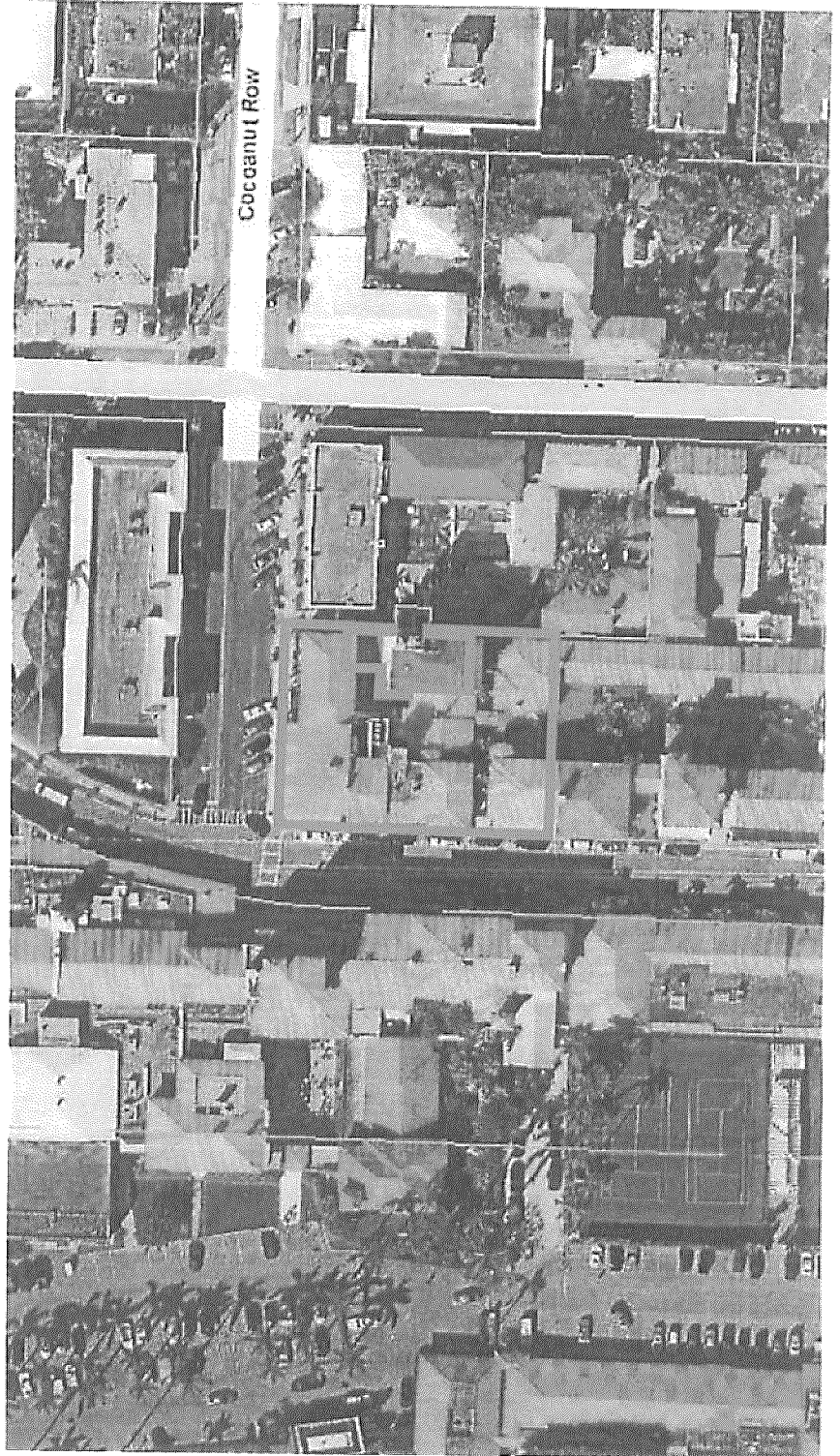
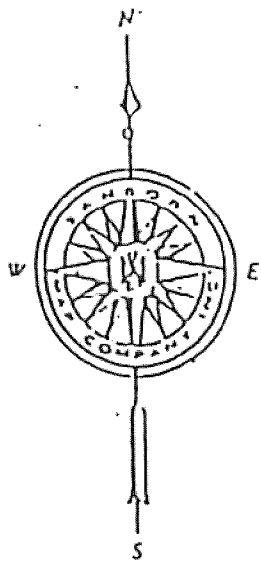
Curl, Donald W. *Mizner's Florida: American Resort Architecture*. Cambridge, Massachusetts: The MIT Press, 1987.

"Everglades Club," Designation Report. 1980. On file with the Town of Palm Beach.

McAlester, Virginia and Lee McAlester, A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.

Palm Beach County Property Appraiser.

Research Atlantica, Inc. "Town of Palm Beach, Florida: Historic Sites Survey, Grant #F0310," October, 2004.

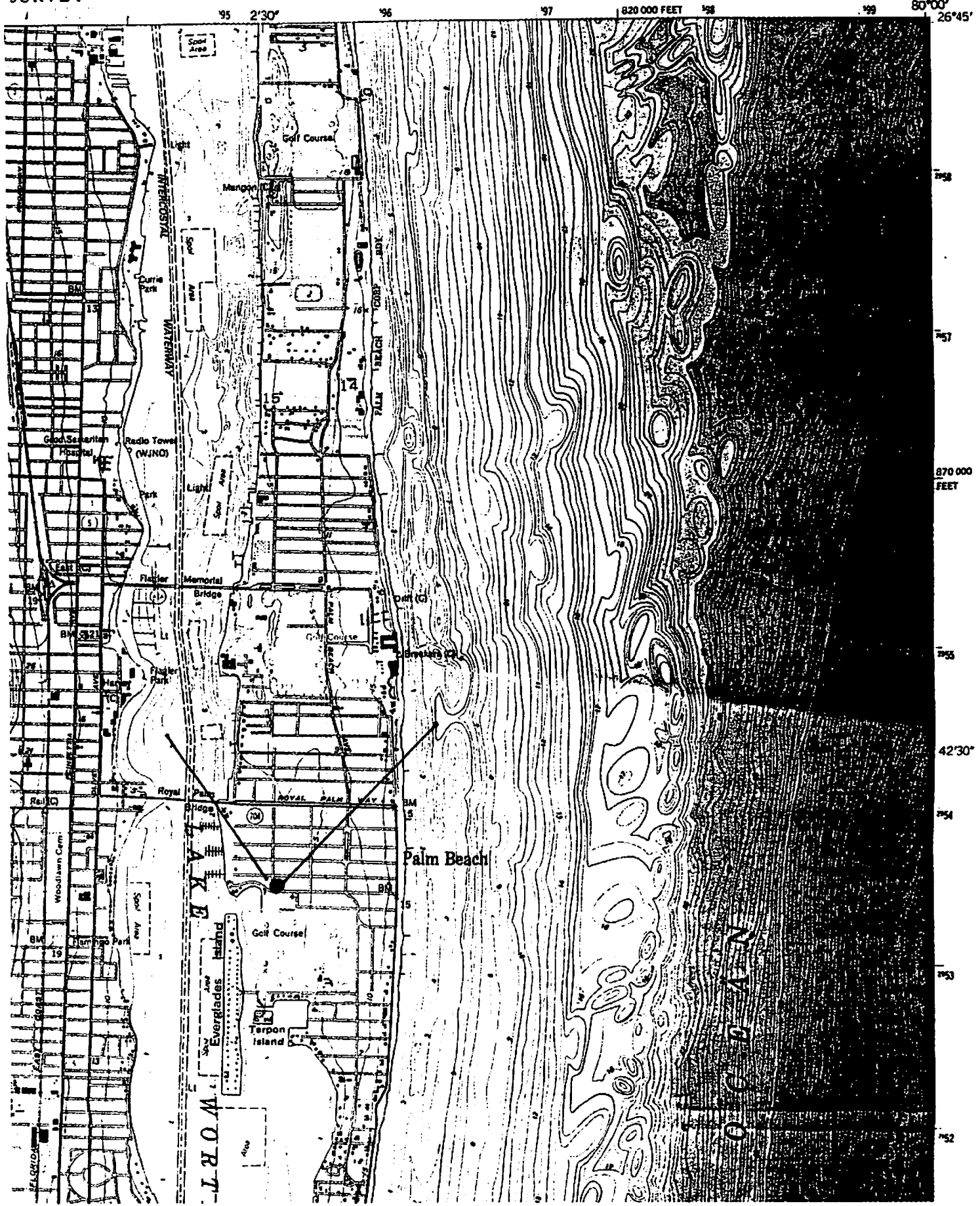


Location Map -347 Worth Avenue

IS
MERCE
SURVEY

347 Worth Avenue
Palm Beach, Florida

PALM BEACH QUADRANGLE
FLORIDA-PALM BEACH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)





HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB06855

Recorder # Jane S. Day

Field Date 11/7/2004

Form Date 11/7/2004

FormNo 200411

FormNo = Field Date (YYYYMM)

Is Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Via Parigi, Building Multiple Listing (DHR only)

Other Names >> Everglades Club, Inc. Building

Survey or Project Name Palm Beach Historic Sites Survey, Phase IV Survey#

National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
347		Worth	Avenue	

Cross Streets (nearest/ between) Hibiscus Ave & Cocoanut Row

City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES

County Palm Beach Tax Parcel #(s) 50-43-43-23-05-014-0510

Subdivision Name Royal Park Block 14 Lot 52

Ownership Private-Corporate-for Profit

Name of Public Tract (e.g., park)

Route to (especially if no street address) On the north side of Worth Ave between Hibiscus Ave and Cocoanut Row

MAPPING

3GS 7.5' Map Name PALM BEACH Publication Date >> PALM BEACH; 1983

Township: 43S Range: 43E Section: 1/4 section: UNSP >> 43S ; 43E ; 23 ; UNSP

Irregular Section Name:

Landgrant

UTM: Zone Easting Northing

Plat or Other Map (map's name, location)

DESCRIPTION

Style Mediterranean Revival

Other Style

Exterior Plan Irregular

Other Exterior Plan

Number of Stories 3

Structural System(s) >> Masonry - General

Other Structural System(s)

Foundation Type(s) >> Unspecified by recorder

Other Foundation Types

Foundation Material(s) >> Unspecified

Other Foundation Material(s)

Exterior Fabric(s) >> Stucco

Other Exterior Fabric(s)

Roof Type(s) >> Hip

Other Roof Type(s) flat, shed

Roof Material(s) >> Barrel tile

Other Roof Material(s)

Roof Secondary Structure(s) (dormers etc) >>

Other Roof Secondary Structure(s)

Number of Chimneys

Chimney Material

Other Chimney Material(s)

Chimney Location(s)

HISTORICAL STRUCTURE FORM

8PB06855

DESCRIPTION (continued)

Window Descriptions fixed, French doors, aluminum awning

Main Entrance Description (stylistic details) multiple

Porches: #open 2 #closed #incised Location(s) 4 bay ground floor arcade - s, 3rd floor terrace - s

Porch Roof Types(s) arcade is under the 2nd floor

Exterior Ornament columns, shutters, decorative metal railing

Interior Plan Irregular

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: MOSTLY this category Residential: SOME of this category

Institutional: SOME of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1925

Architect (last name first): Mizner, Addison

Builder (last name first): unknown

Changes in Locations or Conditions:

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Commercial & apartments Year Use Started Year Use Ended >> Commercial & apartments; 1925;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance >> Commerce

Other Historical Associations

Explanation of Evaluation (required) Via Parigi is part of the arcade system on Worth Ave. This section was designed by Addison Mizner in 1925 as shops and apartments for Paris Singer. It is worthy of local designation.

HISTORICAL STRUCTURE FORM

8PB06855

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____
 File or Accession #: _____ Descriptive Information: _____
 >> Photographs (archived); Research Atlantica;; Roll 35 # 12

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.
 Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473
 Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach
 Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type:
 Electronic Form Used:

Form Type Code: _____
 Form Quality Ranking: _____
 Form Status Code: _____

Supplement Information Status: _____
 Supplement File Status: _____

Form Comments: _____

SHPO's Evaluation of Resource

Date

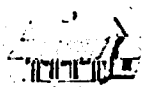
FMSF Staffer:

Computer Entry Date:



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HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB06857
Recorder # Jane S. Day
Field Date 11/6/2004
Form Date 11/6/2004
FormNo 200411
FormNo = Field Date (YYYYMM)

Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) 355 Worth Avenue Multiple Listing (DHR only) _____
Other Names _____ >> _____
Survey or Project Name Palm Beach Historic Sites Survey, Phase IV Survey# _____
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address
Street No. Direction Street Name Street Type Direction Suffix
355 _____ Worth Avenue

Cross Streets (nearest/ between) Cocoanut Row & Hibiscus Ave
City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) _____
Subdivision Name Royal Park Block 14 Lot 55, 56
Ownership Unknown
Name of Public Tract (e.g., park) _____
Route to (especially if no street address) On the northeast corner of Worth Ave and Cocoanut Row

MAPPING

S 7.5' Map Name PALM BEACH Publication Date >> PALM BEACH, 1983
Township: 43S Range: 43E Section: _____ 1/4 section: UNSP >> 43S ; 43E ; 27 ; UNSP
Irregular Section Name: _____
Landgrant _____
UTM: Zone _____ Easting _____ Northing _____
Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____
Exterior Plan Irregular Other Exterior Plan _____
Number of Stories 3
Structural System(s) >> Wood frame
Other Structural System(s) _____
Foundation Type(s) >> Unspecified by recorder
Other Foundation Types _____
Foundation Material(s) >> Unspecified
Other Foundation Material(s) _____
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s) _____
Roof Type(s) >> Hip
Other Roof Type(s) _____
Roof Material(s) >> Barrel tile
Other Roof Material(s) _____
Roof Secondary Structure(s) (dormers etc) >> Shed extension
Other Roof Secondary Structure(s) _____
Number of Chimneys 1
Chimney Material Brick
Other Chimney Material(s) stucco
Chimney Location(s) east

HISTORICAL STRUCTURE FORM

8PB06857

DESCRIPTION (continued)

Window Descriptions 2/2, fixed

Main Entrance Description (stylistic details) multiple

Porches: #open 1 #closed #incised Location(s) walkway over the street- sw

Porch Roof Types(s) shed extension

Exterior Ornament exposed rafters, Tuscan columns, cast stone

Interior Plan Irregular

Other Interior Plan

Condition Good

Structure Surroundings

Commercial: MOSTLY this category Residential: SOME of this category

Institutional: SOME of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1924

Architect (last name first): Mizner, Addison

Builder (last name first): Willson, J.S.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Commercial unspecified Year Use Started Year Use Ended >> Commercial unspecified; 1924;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.) The original owner was Wilson Mizner, the architect's brother.

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register?	<u>YES</u>	Name of Local Register if Eligible <u>Town of Palm Beach Landmark</u>
Individually Eligible for National Register?	<u>INSUFF. INFO</u>	
Potential Contributor to NR District?	<u>INSUFF. INFO</u>	

Area(s) of historical significance >> Commerce

Other Historical Associations

Explanation of Evaluation (required) Originally owned by Wilson Mizner, this building is an integral part of the architectural landscape of Worth Ave. It is worthy of further study.

HISTORICAL STRUCTURE FORM

8PB06857

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____ Maintaining Organization: _____
File or Accession #: _____ Descriptive Information: _____
>> Photographs (archived); Research Atlantica;; Roll 35 # 14

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473

Recorder Affiliation Research Atlantica

Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type:

Electronic Form Used:

Form Type Code:

Form Quality Ranking:

Form Status Code:

Supplement Information Status:

Supplement File Status:

Form Comments: _____

SHPO's Evaluation of Resource

Date

FMSF Staffer:

Computer Entry Date:



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HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 PB06439
Recorder # Jane S. Day
Field Date 10/17/2004
Form Date 10/17/2004
FormNo 200410
FormNo = Field Date (YYYYMM)

Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Everglades Club, Building Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Palm Beach Historic Sites Survey, Phase IV Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>413</u>		<u>Cocoanut Row</u>		

Cross Streets (nearest/ between) Worth Avenue & Peruvian Ave
City/Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
County Palm Beach Tax Parcel #(s) 50-43-43-23-05-019-0010
Subdivision Name Royal Park Add Block 14 Lot 51-56
Ownership Private-Corporate-for Profit
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the east side of Cocoanut Row between Worth Ave and Peruvian Ave

MAPPING

3GS 7.5' Map Name PALM BEACH Publication Date >> PALM BEACH; 1983
Township: 43S Range: 43E Section: UNSP 1/4 section: >> 43S ; 43E ; 23 ; UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Mediterranean Revival Other Style
Exterior Plan Irregular Other Exterior Plan
Number of Stories 4
Structural System(s) >> Brick
Other Structural System(s)
Foundation Type(s) >> Unspecified by recorder
Other Foundation Types
Foundation Material(s) >> Unspecified
Other Foundation Material(s)
Exterior Fabric(s) >> Stucco
Other Exterior Fabric(s)
Roof Type(s) >> Flat
Other Roof Type(s)
Roof Material(s) >> Tar & gravel
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >>
Other Roof Secondary Structure(s)
Number of Chimneys
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

HISTORICAL STRUCTURE FORM

8PB06439

DESCRIPTION (continued)

Window Descriptions aluminum awning, fixed

Main Entrance Description (stylistic details) on the west facade

Porches: #open _____ #closed _____ #incised _____ Location(s) _____

Porch Roof Types(s) _____

Exterior Ornament exposed rafters, belt course, columns

Interior Plan Irregular

Other Interior Plan _____

Condition Fair

Structure Surroundings

Commercial: MOSTLY this category Residential: SOME of this category

Institutional: SOME of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features) _____

Archaeological Remains (describe): _____

If archaeological remains are present, was an Archaeological Site Form completed? _____

Narrative Description (optional) This building is presently being remodeled

HISTORY

Construction year 1924

Architect (last name first): unknown

Builder (last name first): unknown

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Commercial unspecified Year Use Started _____ Year Use Ended _____ >> Commercial unspecified; 1924;

Other Structure Uses _____

Ownership History (especially original owner, dates, profession, etc.) _____

RESEARCH METHODS

Research Methods _____ >> Examine local property records

Other research methods _____

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? NO

Potential Contributor to NR District? NO

Area(s) of historical significance _____ >> _____

Other Historical Associations This building is on the site of the old Everglades Club Garage. It is unclear if this is the same building.

Explanation of Evaluation (required) This building is part of the Everglades Club complex. It is being remodeled.

HISTORICAL STRUCTURE FORM

8PB06439

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents.

Document type: _____

Maintaining Organization: _____

File or Accession #: _____

Descriptive Information: _____

>> Photographs (archived); Research Atlantica;; Roll 31 # 36

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473

Recorder Affiliation Research Atlantica

Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: _____

Electronic Form Used: _____

Form Type Code: _____

Form Quality Ranking: _____

Form Status Code: _____

Supplement Information Status: _____

Supplement File Status: _____

Form Comments: _____

SHPO's Evaluation of Resource

Date

FMSF Staffer: _____

Computer Entry Date: _____



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**EXCERPT FROM THE MINUTES OF THE MARCH 17, 2010 MEETING OF THE
LANDMARKS PRESERVATION COMMISSION**

Item 2: 347 Worth Avenue (Service Building 1)

Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service has been achieved with regard to this designation hearing.

Prior to proceeding with this hearing, Mr. Moore expressed a concern about only landmarking a property if it is truly worthy of landmarking, especially in consideration of the tax abatement benefit which is available to landmark property owners. Mrs. Day provided an explanation regarding the tax abatement process...that it is not automatically granted; that it improves landmarked buildings and extends their lives. Mr. Pandula added that renovating a building is now often more expensive than new construction, so the tax abatement benefit encourages proper restorations. Regarding the three (3) Everglades Club buildings scheduled for hearing today, Mrs. Day noted that they are situated in a major block on Worth Avenue, next to landmarked properties, and jurisdiction over changes to the buildings would rest with the LPC, rather than ARCOM, if they, too, are landmarked.

Returning to the Designation Hearing for 347 Worth Avenue, Mrs. Day testified to the architect (Addison Mizner), architectural history and general history related to this parcel, as included in the designation report for this property. [It should be noted, for the record, that the following street addresses would be landmarked under this hearing, as these addresses are included within this parcel of land: 347 Worth Avenue, 355 Worth Avenue, and 413 Cocoanut Row. The building known as 351 Worth Avenue (Mary Mahoney) was previously landmarked.]

She testified that these buildings meet the following criteria for designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MR. MOORE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ROBERTS THAT THE PROPERTY AT 347 WORTH AVENUE BE "MOVED FORWARD TO THE TOWN COUNCIL," WHICH IS INTENDED TO MEAN THAT IT BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH.

MOTION SECONDED BY MR. HANLEY.

MOTION CARRIED UNANIMOUSLY.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the **office** of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 39-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 350 Worth Avenue Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 24, 2010, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 39-10
- Designation Report for 350 Worth Avenue
- Excerpt from March 17, 2010, Minutes of the Landmarks Preservation Commission
- Applicable Section of Town of Palm Beach Code of Ordinances

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmark Designation of 350 Worth Avenue
Resolution No. 39-10

Date: March 24, 2010

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 350 Worth Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the March 17, 2010 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 350 Worth Avenue

Resolution No. 39-10

March 24, 2010

Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 39-10 relating to 350 Worth Avenue, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 39-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 350 WORTH AVENUE MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 347 Worth Avenue and the property to be landmarked is legally described as follows:

**ROYAL PARK ADDITION LOTS 1 TO 18 INCLUSIVE & UNNUMBERED LOT
WEST OF LOT 1/LESS TRACT IN OFFICIAL RECORDS BOOK 786 PAGE
535/BLOCK 19**

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of April, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

350 WORTH AVENUE



DESIGNATION REPORT

Wednesday, March 17, 2009

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

350 Worth Avenue

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	350 Worth Avenue Palm Beach, Florida
Date of Construction:	1965
Principal Designer:	John L. Volk
Present Owner:	Everglades Club, Inc.
Present Use:	Retail/Club/Apartment/Support
Present Zoning:	CWA
Palm Beach County Tax Folio Number:	50-43-43-23-05-019-0010
Current Legal Description:	Royal Park Add LTS 1 TO 18 Inc. & UNMBRD LT W OF LT 1 /Less TR in OR786P535/BLK 19

Evaluation in the “Historic Building Survey of Palm Beach, 2004”: Because the construction date of this building is 1965, it was not included in the 2004 Historic Building Survey of Palm Beach.

III. ARCHITECTURAL INFORMATION

The Everglades Club Arcade at 350 Worth Avenue is a two story Mediterranean Revival style building that was designed by John L. Volk in 1965.¹ The shops in the arcade replaced an earlier building on the south side of Worth Avenue, east of the Everglades Club, that had been completed by Addison Miner in 1919. John Volk wrote about his architectural thinking on this project:

Worth Avenue having primarily Spanish buildings on both sides of the street, my primary consideration was that the new buildings would blend with the character of Worth Avenue and not appear to be anything newly built. The north side of Worth Avenue having continuous arcades, I decided that the south should also be arcaded. I divided the design of the arcade into individual buildings, each one related to each shop. Each shop has its own identity, with its name incorporated in the design.²

Volk's solution for the new building gives us a large horizontal structure that from the front (north facade) resembles numerous smaller shops. This reduces that mass and scale of the structure and helps it fit into the rest of Worth Avenue. Each bay in the arcade is uniquely detailed with different elements of the Mediterranean Revival style. Columns and roof lines vary, some sections have quoins, others do not. Some shops are more elaborate than others. All of these various elements are tied together by two unifying features: the red barrel tile that covers the roof and the arcade that spans the length of the design.

The interior of the arcade houses modern storefronts. Many of the doors and windows have delicate decorative surrounds. Ceiling heights in the arcade also vary. Some stores have tray ceilings, while other sections have wooden beam ceilings. Matching Spanish style lights unit the space. The interior also contains one of John Volk's famous "Dog Bars."

Besides the Worth Avenue facade, other surfaces of the building are utilitarian in design. The east side has two cantilevered balconies and the rear provides for service while backing up to the Everglades Club tennis courts. Although over the years retail tenants have changed, the building retains its architectural integrity.

IV. HISTORICAL INFORMATION

The Everglades Club, designed by Addison Mizner, with financial support from his business partner Paris Singer, is one of the most important historic structures in the Town of Palm Beach. Originally conceived as the Touchstone Convalescent Club for shell shocked army and navy

¹ Building Permit on file with the Town of Palm Beach, May, 1965. John L. Volk Commission # 1690.

²John L. Volk, "Notes on His Career," unpublished notes, on file with at the John L. Volk Foundation, Phipps Plaza, Palm Beach.

officers during World War I, Mizner worried that the concept would fail as the Armistice was signed even though construction was almost complete. Singer, however, was smart enough to change course, as the War ended. He realized the importance of what they were building in Palm Beach and stated “If we start things off right [the club] will make Palm Beach the winter capital of the world.”³ Singer proved right. The military officers never came, the medical equipment the architect had bought for their care was donated to a hospital in West Palm Beach, and the club, with its name changed to the Everglades Club, opened on January 25, 1919 with twenty-five charter members.⁴

The Everglades Club is important for many reasons. Before it’s construction Worth Avenue was primarily a residential street. People shopped on Main Street (now Royal Poinciana Way), and life centered on the Royal Poinciana Hotel and the Breakers. After 1919, the social scene moved south and with it new areas opened for development. Not only did the Everglades Club, change the social history of the Town, but Mizner’s introduction of the Mediterranean Revival style of architecture changed the history of the built environment of Palm Beach forever. Worth Avenue also changed. Residences were replaced with commercial space.

In the summer of 1919, Mizner “supervised the construction of a building east of the clubhouse [of the Everglades Club] along Worth Avenue with shops on the ground floor and apartments (called maisonettes) above.”⁵ Originally there were eleven apartments and sixteen shops. These maisonettes were the structures that were removed in 1965 to make room for John Volk’s new construction.

John Volk was not a stranger to the Everglades Club. Besides being a member of the club, Volk also designed numerous projects on the property. He built the famous “Orange Garden” with its retractable roof, rebuilt the Golf Terrace after a devastating fire, and replaced the Service Building at 405 Cocoanut Row. In 1964, when Mr. Alfred Kay was President of the Everglades Club, Volk was given the commission to demolish Addison Mizner’s old wooden building and replace it with a new structure covering four hundred feet of Worth Avenue. This building extends from the Club’s entrance to the golf driveway. Volk also designed the interiors for each shop as well as the exterior of the Arcade.⁶ Today this structure blends seamlessly into the architecture of Addison Mizner and other structures along Worth Avenue. It maintains its

³ Donald W. Curl, *Mizner’s Florida: American Resort Architecture*. (Cambridge, Massachusetts: The MIT Press, 1987) 43.

⁴Ibid.

⁵Ibid. 49.

⁶John L. Volk, “Notes on His Career,” unpublished notes, on file with at the John L. Volk Foundation, Phipps Plaza, Palm Beach.

architectural integrity and is worthy of local designation.

V. STATEMENT OF SIGNIFICANCE

The Everglades Club Arcade at 350 Worth Avenue is an important architectural statement on one of Palm Beach's most important streets. Designed by John L. Volk, the Arcade was designed to pay tribute to the past work of Addison Mizner while building an up-to-date and compatible retail structure in 1965.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

During the 1960s as Palm Beach grew and developed, John L. Volk paid tribute to the earlier work of Addison Mizner, while building an up-to-date shopping arcade.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

The Everglades Club Arcade at 350 Worth Avenue is a good example of the Mediterranean Revival style work of John L. Volk during the 1960s. It replaced an earlier building by Addison Mizner and is compatible with the street scape of Worth Avenue.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

John L. Volk had a long and productive career. He completed many important projects for the Everglades Club and the Everglades Club Arcade is one of the most significant. Built along four hundred feet of streetscape on Worth Avenue, this building is an integral part of Palm Beach's most famous avenue.

VII. ARCHITECT'S BIOGRAPHY

John L. Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural styles of the island that came to be known as the "Palm Beach Style". His designs included the Royal Poinciana Playhouse and Plaza, the conversion of the Four Arts Gallery, the Florida Capital Building on Royal Palm Way and several shops on Worth Avenue including the Everglades Colonnade.

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He was a graduate of the Columbia University School of Architecture and the Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm Beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most powerful people in America over his 58 year career in Palm Beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps

Included in the designs of John Volk are some of the most prominent buildings in the Palm Beach area including the First National Bank, the Royal Poinciana Plaza, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and the golf terrace and orange gardens of the Everglades Club. He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to Contemporary Design.

IX. SELECTED BIBLIOGRAPHY

Curl, Donald W. *Mizner's Florida: American Resort Architecture*. Cambridge, Massachusetts: The MIT Press, 1987.

McAlester, Virginia and Lee McAlester, *A Field Guide to American Houses*. New York: Alfred A. Knopf, 1984.

Palm Beach County Property Appraiser

Research Atlantica, Inc. "Town of Palm Beach, Florida: Historic Sites Survey, Grant #F0310," October, 2004.

Town of Palm Beach Building and Zoning Department.

Volk, John L. "Notes on His Career," unpublished notes, On file at the John L. Volk Foundation, Phipps Plaza, Palm Beach.



A variety of details help the building read as separate shops. The roof ties the design together.



The east facade, facing the driveway to the Golf and Tennis Building.



John Volk's drawing for the Cartier Store, 1965



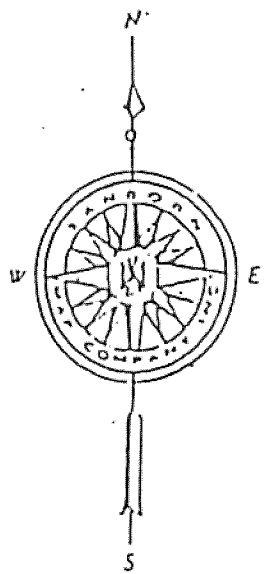
The same section of the building today.



The Dog Bar.



Inside the arcade.



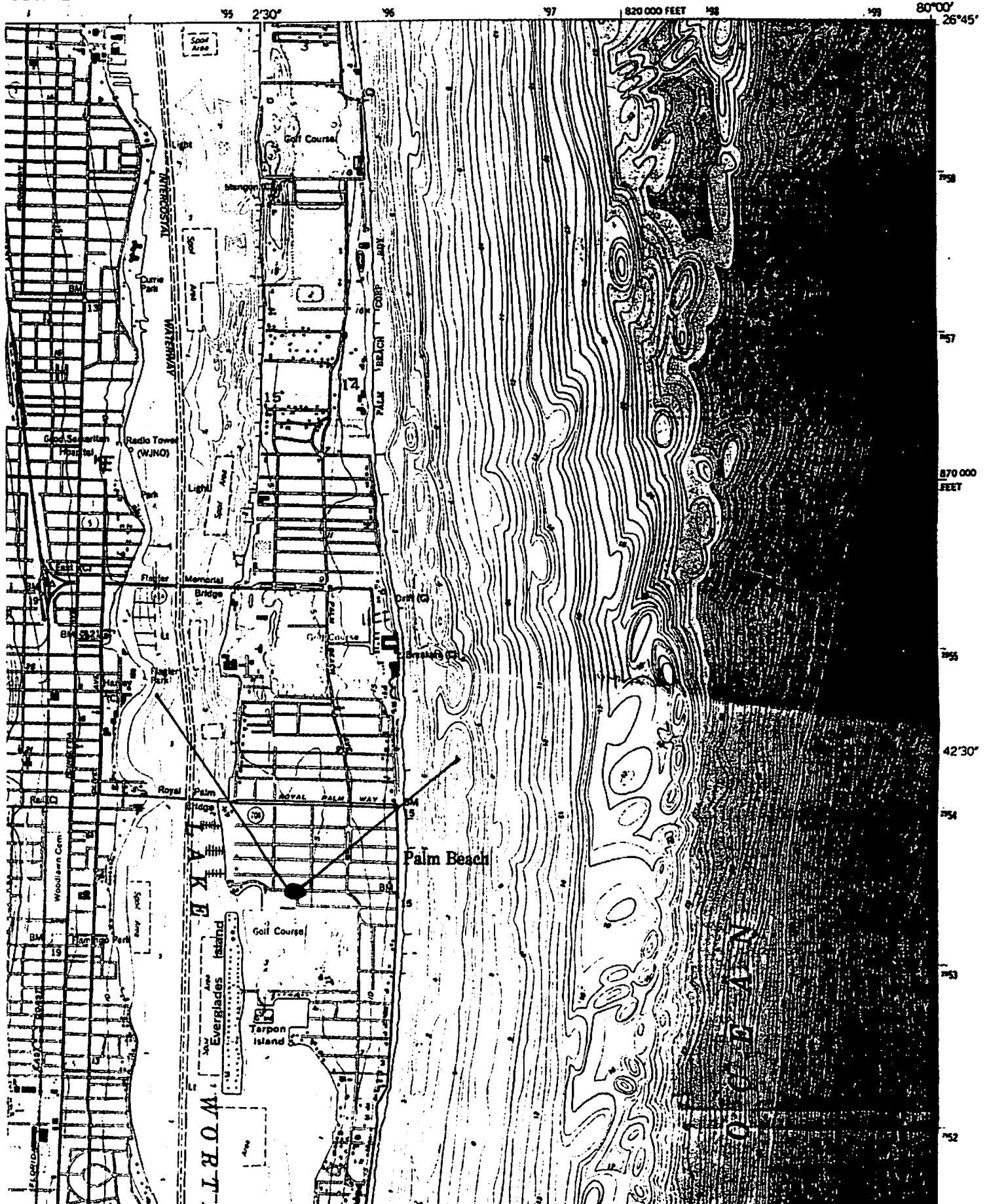
Location Map -350 Worth Avenue

350 Worth Avenue
Palm Beach, Florida

PALM BEACH QUADRANGLE
FLORIDA-PALM BEACH CO.

7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)

U.S.
MERCE
SURVEY



**EXCERPT FROM THE MINUTES OF THE MARCH 17, 2010 MEETING OF THE
LANDMARKS PRESERVATION COMMISSION**

Item 3: 350 Worth Avenue (Arcade Shops)

Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Mrs. Day testified to the architect (Volk), architectural history and general history related to these buildings, known as the Arcade Shops, as included in the designation report for the property. She testified that these buildings meet the following criteria for designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MR. MOORE THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. COONEY.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. HANLEY THAT THE PROPERTY AT 350 WORTH AVENUE BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. COOLEY.

MOTION CARRIED UNANIMOUSLY.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the **office** of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 40-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 405 Cocoanut Row Meets the Criteria Set Forth in Ordinance No. 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach; and Designating Said Property as a Town of Palm Beach Landmark Pursuant to Ordinance 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 24, 2010, from John S. Page, Director of Planning, Zoning, and Building
- Resolution No. 40-10
- Designation Report for 405 Cocoanut Row
- Excerpt from March 17, 2010, Minutes of the Landmarks Preservation Commission
- Applicable Section of the Town of Palm Beach Code of Ordinances

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmark Designation of 405 Cocoanut Row
Resolution No. 40-10

Date: March 24, 2010

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 405 Cocoanut Row as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the March 17, 2010 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

- The property meets the following criteria for designation as a landmark of the Town of Palm Beach.

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen.

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Landmark Designation of 405 Cocoanut Row

Resolution No. 40-10

March 24, 2010

Page 2

FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

The action proposed is consistent with the goals, objectives and policies contained in the Historic Preservation Element of the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 40-10 relating to 405 Cocoanut Row, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
John Lindgren, AICP, Planning Administrator
pf

RESOLUTION NO. 40-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 405 COCOANUT ROW MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held public hearings and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

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

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 347 Worth Avenue and the property to be landmarked is legally described as follows:

**ROYAL PARK ADDITION LOTS 1 TO 5 INCLUSIVE/LESS TRACT IN DEED
BOOK 792 PAGE 345/ & LOTS 6 TO 8 INCLUSIVE BLOCK 14**

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 14th day of April, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

405 COCOANUT ROW



DESIGNATION REPORT

Wednesday, March 17, 2010

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

405 Cocoanut Row

Table of Contents

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Report produced by Jane S. Day, Research Atlantica, Inc.

I. GENERAL INFORMATION

Location:	405 Cocoanut Row Palm Beach, Florida
Date of Construction:	1919, 1962
Principal Architect:	1919 - Addison Mizner 1962 - John L. Volk
Present Owner:	Everglades Club Inc.
Present Use:	Service Buildings/Dormitory/Retail
Present Zoning:	CTS
Palm Beach County Tax Folio Number:	50-43-43-23-05-014-0010
Current Legal Description:	Royal Park Add Lots 1 to 5 INC. /Less TR in DB792P345/ & Lot 6 to 8 INC. BLK 14

Evaluation in the "Historic Building Survey of Palm Beach, 2004": This is a Mediterranean Revival style commercial building from the Boom Times era.

III. ARCHITECTURAL INFORMATION

Building One

A review of the building records for 405 Cocconut Row shows a history of continued maintenance and construction by the Everglades Club throughout this entire parcel which is situated on the southwest corner of Cocconut Row and Peruvian Avenue. The first building on the site was designed by Addison Mizner in the summer of 1919 as a “Service Building” for the Everglades Club. This structure included dormitory space, commercial space, and service for the club. Building records indicate that the original structure was three stories in height and constructed of wood frame covered with stucco.¹ Over the years that building was remodeled in 1923, 1949, 1956, 1957 and 1961.² In 1962, a demolition permit was issued to demolish the original structure and replace it with a new dormitory for the club’s workforce. The permit for the new building indicates that John L. Volk was the architect for the present structure and Mack Ritchie, who later became a Mayor of the Town of Palm Beach, was the engineer. The cost of the new building was listed as \$235,000.³

The building John L. Volk designed for the Everglades Club is a Neoclassical Revival design four stories in height. This style was popular throughout the nineteenth and twentieth centuries, and is characterized by symmetry and classical details. This example of the style is constructed of reinforced masonry and concrete, and is topped with a flat tar and gravel roof. Windows are aluminum awning. An evaluation of the design shows that Volk divided the building into three sections with the central block slightly projecting toward the street. Two belt courses surround the building; one above the first floor and the second just below the roof parapet. These details heighten the horizontality of the building and help to minimize the mass and volume of the structure.

The first floor of 405 Cocconut Row is further enhanced by scoring the stucco to resemble stone. This also grounds the building, giving weight to the first floor. Entrance doors are recessed and centered on the north, west and south facades. They are topped by decorative banding and scrolled brackets called ancons.

Building Two

Although the building just described is the most prominent on the site because of its corner location, another service building on Peruvian Avenue is also important to the parcel. No original building

¹Building Permit #1123, May 11, 1923 to the Ocean and Lake Realty Company. On file with the Town of Palm Beach. Although this is not the original building permit, it does indicate the composition of the structure. This permit calls for an addition and alteration to the building.

²Building Permits # 6649, #47356, #34557 and # 56561. On file with the Town of Palm Beach.

³Building Permit # 22562, May 15, 1962. On file with the Town of Palm Beach.

permit exists for this structure, but it probably dates to the early 1920s when Addison Mizner was building the Everglades Club. Another support structure, this building is five stories tall and designed in the Mediterranean Revival style. The property records indicate that like 405 Cocoanut Row it is a dormitory building with retail and support space.⁴

The exterior of the building is covered with stucco. The fenestration is asymmetrical and the double hung windows vary, some with square tops, others with arched tops. There are two cantilevered balconies on the north facade that have wrought iron railings and brackets. These balconies are entered through French doors. On the first floor, two service bays with rounded tops are covered with massive wooden doors. These service bays are surrounded with quoins.

The roof of this structure is hipped and covered with barrel tile. Exposed wooden rafter tails are visible at the roof line. A built course separates the fourth and fifth floor.



Building Two on the 405 Cocoanut Row parcel faces Peruvian Avenue. Note the close proximity of the Building One to the right of the picture.

⁴Palm Beach County Property Appraiser, accessed on February 11, 2010.

IV. HISTORICAL INFORMATION

Designed by Addison Mizner, with financial support from his business partner Paris Singer, the Everglades Club is one of the most important historic structures in the Town of Palm Beach. Originally conceived as the Touchstone Convalescent Club for shell shocked army and navy officers during World War I, Mizner worried that the concept would fail as the Armistice was signed even though construction was almost complete. Singer, however, was smart enough to change course, as the War ended. He realized the importance of what they were building in Palm Beach and stated "If we start things off right [the club] will make Palm Beach the winter capital of the world."⁵ Singer proved right. The military officers never came, the medical equipment the architect had bought for their care was donated to a hospital in West Palm Beach, and the club, with its name changed to the Everglades Club, opened on January 25, 1919 with twenty-five charter members.⁶

The Everglades Club is important for many reasons. Before it's construction Worth Avenue was primarily a residential street. People shopped on Main Street (now Royal Poinciana Way), and life centered on the Royal Poinciana Hotel and the Breakers. After 1919, the social scene moved south and with it new areas opened for development. Not only did the Everglades Club, change the social history of the Town, but Mizner's introduction of the Mediterranean Revival style of architecture changed the history of the built environment of Palm Beach forever. Worth Avenue also changed. Residences were replaced with commercial space. Between 1919 and 1925, Mizner remodeled, constructed additions and added new buildings to the Club complex and Worth Avenue. Via Mizner was built in 1924, Via Parigi in 1925. On the remaining portions of the retail and residential parcels, service buildings were added to house staff and support services. The buildings on the parcel whose address is 405 Cocoanut Row are some of these service structures.

V. STATEMENT OF SIGNIFICANCE

The building at 405 Cocoanut Row and others on the rest of this parcel are important as the service buildings for the Everglades Club. Together with the club and retail spaces along Worth Avenue, they represent an important area for planning studies, showing how the components for a successful development can integrate many uses into a few parcels while maintaining mass, scale and harmony with the more important architectural elements of the whole.

VI. CRITERIA FOR DESIGNATION

Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance) outlines the criteria for designation of historic structures and districts, and suggests that at least one

⁵ Donald W. Curl, *Mizner's Florida: American Resort Architecture*. (Cambridge, Massachusetts: The MIT Press, 1987) 43.

⁶Ibid.

criterion must be met to justify the designation. Listed below are criteria which relate to this property and justification for designation:

Sec. 54-161(1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

405 Cocoanut Row and the adjoining buildings on this parcel represent an important change in the development of the Town of Palm Beach. As part of the support buildings to the Everglades Club, they are representative of the move of both the social life and retail hub of the Town from the Flagler Memorial Bridge, south to Worth Avenue.

3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen."

The buildings on the parcel at 405 Cocoanut Row are good examples of attractive utilitarian buildings that were designed to fit seamlessly into their built environment. Building One is in the Neoclassical Revival style and was designed by John L. Volk in 1962. Building Two is in the Mediterranean Revival style and probably designed by Addison Mizner during the Boom years of the 1920s.

(4) "Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age."

The buildings on this parcel were designed by master architects John L. Volk and Addison Mizner.

VII. ARCHITECTS' BIOGRAPHIES

Addison Mizner

Addison Cairns Mizner was one of the Palm Beach's most flamboyant architects from his arrival on the island in 1918 to his death in 1933. With Richard M. Hunt and Stanford White he was known as one of the "great society architects." Mizner socialized with the wealthy, and through his contacts introduced Mediterranean Revival architecture to Palm Beach, revolutionizing the shape of the town.

Mizner was born in 1872 in Benicia, California, the son of prominent California pioneer family. Although he never studied architecture at the university level, Mizner absorbed design concepts "in the field" while his father was ambassador to Central America. Fluent in Spanish from his time in Guatemala City, Mizner travelled to Spain where he lived in Salamanca for less than a year. Despite the fact that his time in Spain was short his travels left a lasting imprint on his life and work.

From 1893-1896 Mizner expanded his knowledge of Spanish style architecture by serving an apprenticeship with a leading proponent of the style, Willis Polk, in San Francisco. His apprenticeship taught him draftsmanship and construction techniques and eventually led to a partnership with Polk. From California Mizner traveled to New York City where he benefitted from a friendship with Stanford White, who helped him become established in the city..

Mizner first visited Palm Beach in 1918 while recovering from an accident. Already established as a New York architect, he stayed with Paris Singer, son of Sewing Machine mogul Isaac Singer and husband of dancer Isadora Duncan. Singer was interested in developing Palm Beach as a resort for the wealthy of New York. Mizner received a \$6,000 per year retainer from Singer to encourage his New York society cliental to build vacation homes in Palm Beach.

The Everglades Club, designed in 1918, was Mizner's first project and set the tone for the new Palm Beach. Addison Mizner moved away from the single cottage style town of Henry Flagler and moved toward a resort of fashion and elegance.

In the Town of Palm Beach Mizner buildings included dozens of mansions , the Via Mizner, Via Pariogi, office buildings apartments, and shops. One of Mizner's unique attributes was his ability to adapt to circumstance. When the elements of his Spanish style building became unavailable, the iron work, tiles, etc., he established Mizner Industries to produce the needed materials. Eventually he produced the new and "antique" furniture used to decorate his houses.

John L. Volk

John Volk has been called the last of the "original" Palm Beach architects. He was one of an elite group of early 1920s architects which included Addison Mizner, Maurice Fatio, and Marion Sims Wyeth who developed the architectural styles of the island that came to be known as the "Palm Beach Style". His designs included the Royal Poinciana Playhouse and Plaza, the conversion of the Four Arts Gallery, the Florida Capital Building on Royal Palm Way and several shops on Worth Avenue including the Everglades Colonnade.

Volk was born in Graz, Austria in 1901. He came to the United States with his parents at the age of nine and grew up in New York. He was a graduate of the Columbia University School of Architecture and the Ecole des Beaux Arts. Volk opened his office in Palm Beach in 1925.

Volk designed more than 1000 houses, theaters, clubs, shops, and other buildings and lived in Palm Beach from 1925 to his death in 1984. He designed homes for some of the wealthiest and most powerful people in America over his 58 year career in Palm Beach including Colonel Robert McCormack, William Paley, George Vanderbilt, Nicholas DuPont, Henry Ford II, Herbert Pulitzer, Matthew Mellon, George Storer, Horace Dodge II, and John S. Phipps

Included in the designs of John Volk are some of the most prominent buildings in the Palm Beach

area including the First National Bank, the Royal Poinciana Plaza, the center section of the Town Hall, the Beach Club, Good Samaritan Hospital, and the golf terrace and orange gardens of the Everglades Club. He also extensively modified and rebuilt the Bath and Tennis Club after a major hurricane.

Numerous other buildings are the result of Mr. Volk's labor and it must be noted that no particular style can be exclusively associated with Mr. Volk. Unlike other talented architects who developed or refined specific styles, John Volk understood and perfected many varying architectural styles from the popular Mediterranean Revival to Contemporary Design.

IX. SELECTED BIBLIOGRAPHY

Curl, Donald W. *Mizner's Florida: American Resort Architecture*. Cambridge, Massachusetts: The MIT Press, 1987.

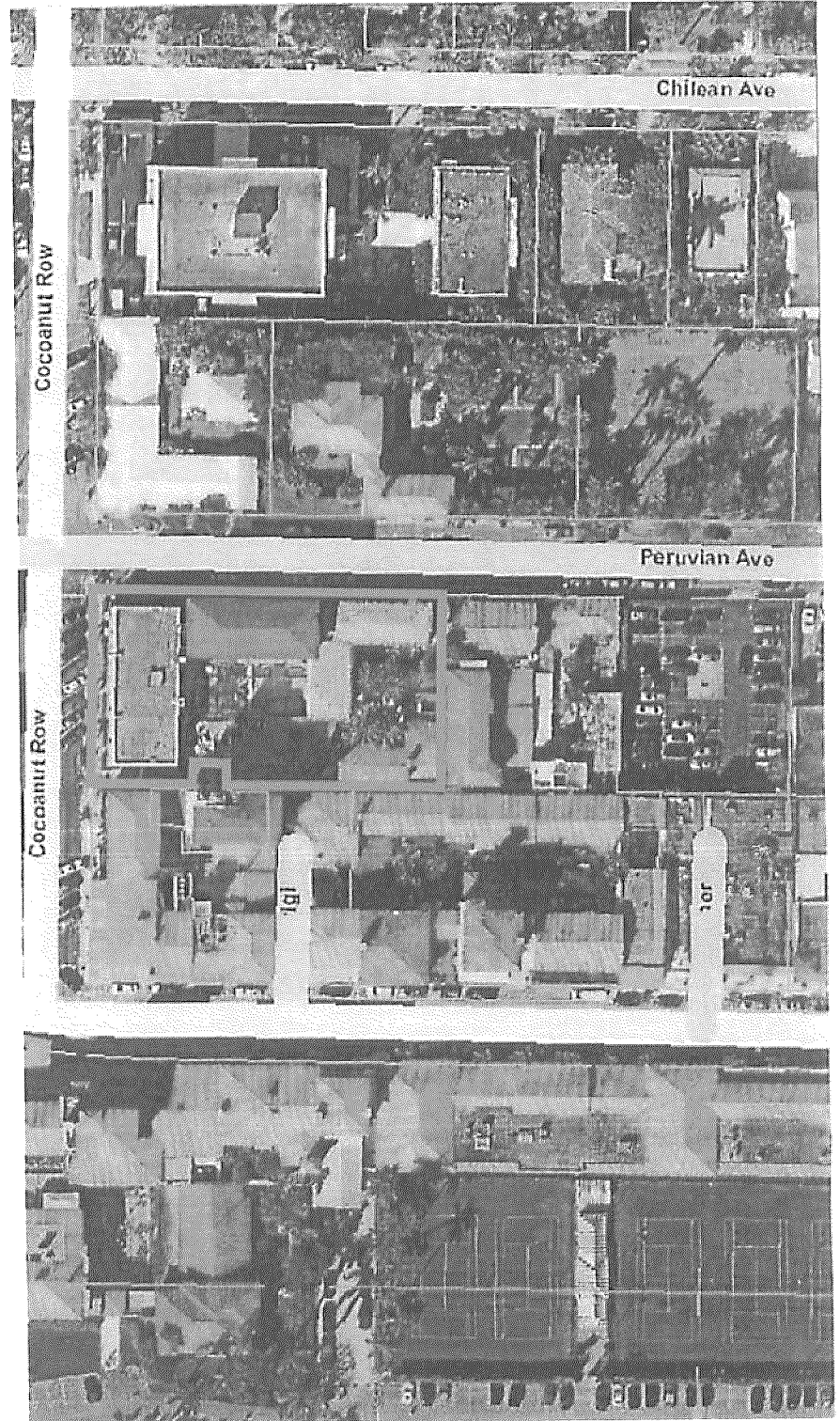
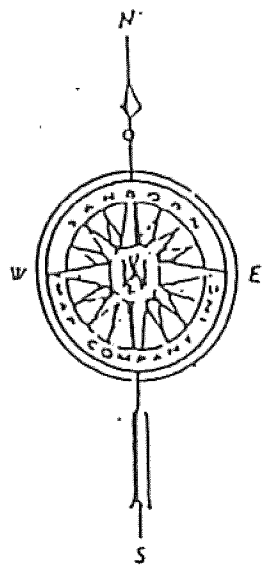
"Everglades Club," Designation Report. 1980. On file with the Town of Palm Beach.

McAlester, Virginia and Lee McAlester, A Field Guide to American Houses. New York: Alfred A. Knopf, 1984.

Palm Beach County Property Appraiser.

Research Atlantica, Inc. "Town of Palm Beach, Florida: Historic Sites Survey, Grant #F0310," October, 2004.

Town of Palm Beach Building and Zoning Department.



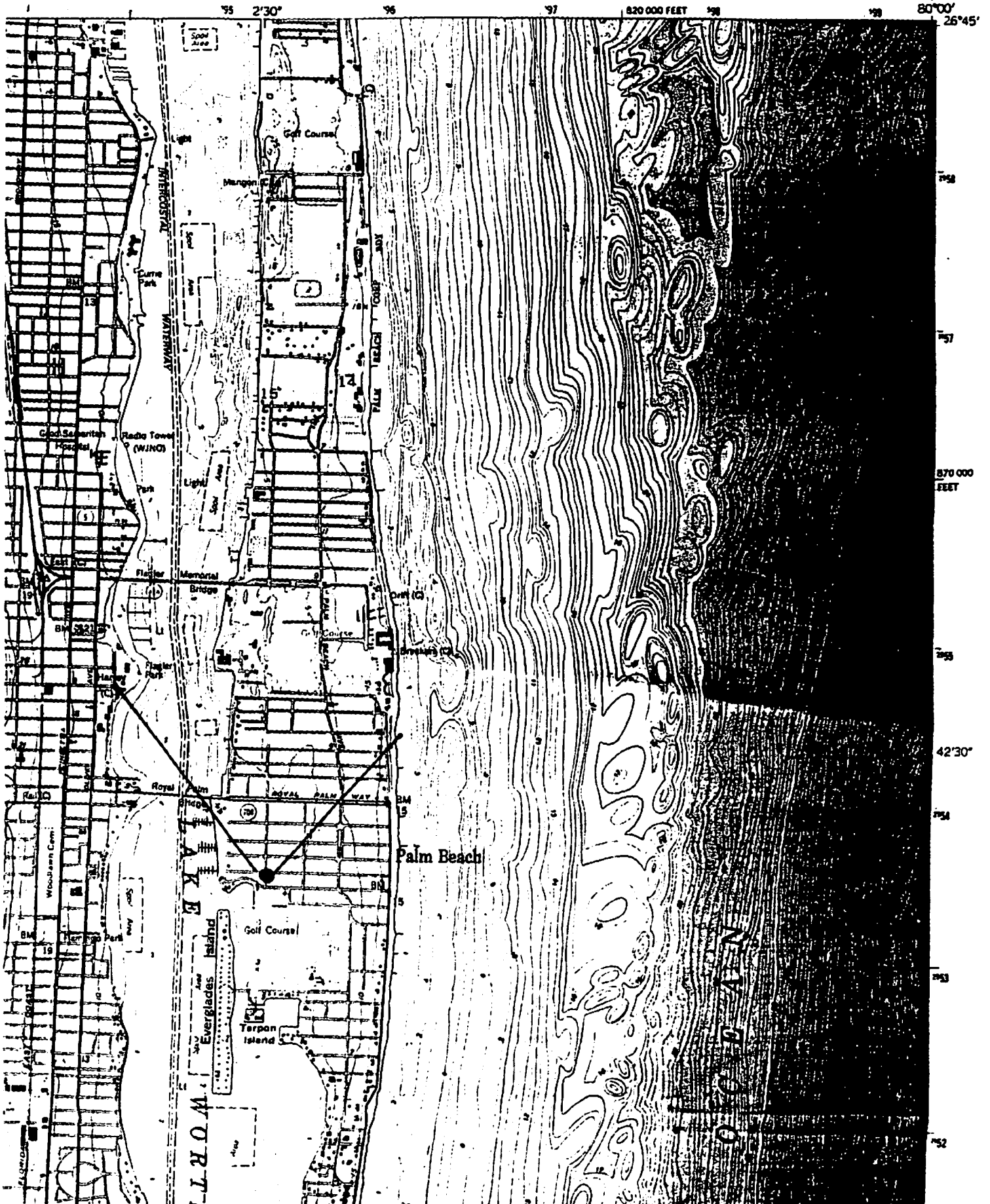
Location Map - 405 Cocoanut Row

IS
MERCE
SURVEY

405 Coconut Row
Palm Beach, Florida

PALM BEACH QUADRANGLE
FLORIDA-PALM BEACH CO.

7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)





HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 **PB09941**
Recorder # **Jane S. Day**
Field Date **10/4/2004**
Form Date **10/4/2004**
FormNo **200410**
FormNo = Field Date (YYYYMM)

Is Site Form Recorded for this Site? **NO**

GENERAL INFORMATION

Site Name (address if none) **Everglades Club, Building** Multiple Listing (DHR only) _____
Other Names _____ >> _____
Survey or Project Name **Palm Beach Historic Sites Survey, Phase IV** Survey# _____
National Register Category **Building(s)**

LOCATION & IDENTIFICATION

Address _____
Street No. Direction Street Name Street Type Direction Suffix
405 _____ **Cocoanut Row** _____

Cross Streets (nearest/ between) **Peruvian Ave & Worth Ave**
City / Town (within 3 miles) **Town of Palm Beach** In Current City Limits? **YES**
County **Palm Beach** Tax Parcel #(s) **50-43-43-23-05-014-0010**
Subdivision Name **Royal Park Add** Block **14** Lot **1-8**
Ownership **Private-Corporate-for Profit**
Name of Public Tract (e.g., park) _____
Route to (especially if no street address) **On the southeast corner of Peruvian Ave and Cocoanut Row**

MAPPING

'GS 7.5' Map Name **PALM BEACH** Publication Date _____ >> **PALM BEACH; 1983**
Township: **43S** Range: **43E** Section: _____ 1/4 section: _____ UNSP >> **43S ; 43E ; 23; UNSP**
Irregular Section Name: _____
Landgrant _____
UTM: Zone _____ Easting _____ Northing _____
Plat or Other Map (map's name, location) _____

DESCRIPTION

Style **Mediterranean Revival** Other Style _____
Exterior Plan **Irregular** Other Exterior Plan _____
Number of Stories **4**
Structural System(s) _____ >> **Hollow clay tile**
Other Structural System(s) _____
Foundation Type(s) _____ >> **Unspecified by recorder**
Other Foundation Types _____
Foundation Material(s) _____ >> **Unspecified**
Other Foundation Material(s) _____
Exterior Fabric(s) _____ >> **Stucco**
Other Exterior Fabric(s) _____
Roof Type(s) _____ >> **Flat**
Other Roof Type(s) _____
Roof Material(s) _____ >> **Tar & gravel**
Other Roof Material(s) _____
Roof Secondary Structure(s) (dormers etc) _____ >> _____
Other Roof Secondary Structure(s) _____
Number of Chimneys **1**
Chimney Material **Brick**
Other Chimney Material(s) **stucco on exterior**
Chimney Location(s) **south**

HISTORICAL STRUCTURE FORM

8PB09941

DESCRIPTION (continued)

Window Descriptions aluminum awning

Main Entrance Description (stylistic details) on the west facade with an arch and keystone

Porches: #open 2 #closed #incised Location(s) recessed entry - north and west

Porch Roof Types(s)

Exterior Ornament cast stone, belt course

Interior Plan Unknown

Other Interior Plan

Condition Good

Structure Surroundings

Commercial: MOSTly this category Residential: SOME of this category

Institutional: NONE of this category Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1920

Architect (last name first): unknown

Builder (last name first): unknown

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>>			

Structure Use History

Use Commercial unspecified Year Use Started Year Use Ended >> Commercial unspecified; 1920;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? NO

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? NO

Potential Contributor to NR District? NO

Area(s) of historical significance >> Community planning & development

Other Historical Associations

Explanation of Evaluation (required) This is a Mediterranean Revival style commercial building from the Boom Times era.

HISTORICAL STRUCTURE FORM

8FB09941

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, Including Field Notes, Plans, other Important Documents

Document type: _____

Maintaining Organization: _____

File or Accession #: _____

Descriptive Information: _____

>> Photographs (archived); Research Atlantica;; Roll 31 # 35

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.

Recorder Address / Phone 728 Granada Drive, Boca Raton, Fl. 33432 561-362-4473

Recorder Affiliation Research Atlantica

Other Affiliation Town of Palm Beach

Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type:

Electronic Form Used:

Form Type Code:

Form Quality Ranking:

Form Status Code:

SHPO's Evaluation of Resource

Date

Supplement Information Status:

Supplement File Status:

FMSF Staffer:

Computer Entry Date:

Form Comments:



PRINTED IN RED

3"X5"

**EXCERPT FROM THE MINUTES OF THE MARCH 17, 2010 MEETING OF THE
LANDMARKS PRESERVATION COMMISSION**

Item 4: 405 Coconut Row (Service Buildings 2 & 3)

Owner: Everglades Club Inc.

Mrs. Day verified that proof of publication and proper legal service were achieved with regard to this designation hearing.

Mrs. Day testified to the architects (Addison Mizner and John Volk), architectural history and general history related to this parcel, as included in the designation report for this property. [It should be noted, for the record, that there are two buildings on this parcel which would be landmarked under this hearing, Service Buildings 2 & 3).

She testified that these buildings meet the following criteria for designation:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; and

(4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

MOTION BY MR. HANLEY THAT THE DESIGNATION REPORT BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MR. MOORE.

MOTION CARRIED UNANIMOUSLY.

MOTION BY MR. ROBERTS THAT THE TWO BUILDINGS ON THE PROPERTY AT 405 COCOANUT ROW BE RECOMMENDED TO THE TOWN COUNCIL AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

MOTION SECONDED BY MS. WILLIS.

MOTION CARRIED UNANIMOUSLY.

Mrs. Day thanked the Everglades Club for their continued participation in the Town's Landmark Preservation program.

ARTICLE IV. DESIGNATION PROCEDURE**Sec. 54-161. Criteria for landmarks and landmark sites.**

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

(a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
- (5) Constitutes a unique area of architecture, landscaping and planning.

(b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2) Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.
 - (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in

a newspaper having general circulation in the town.

(4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.

(5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.

(6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.

(7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.

(8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.

(9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.

(10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.

(11) In accordance with section **54-163(1)**, the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.

(12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the **office** of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.

(b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.

(c) Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the

landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the countyproperty appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166--54-195. Reserved.

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Ordinances - First Reading

Agenda Title

Royal Poinciana Way Overaly

a. ORDINANCE NO. 1-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Future Land Use Element (Section I) in the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance No.6-09, by Adding New Data and Analysis Describing the Royal Poinciana Mixed-use Overlay Area, and Adding Policy 1.5 That Encourages Redevelopment of the Area in a Manner That Is Sustainable, Pedestrian Friendly, and Respectful of the Area's Character, Scale, and Historic Value, and Adding Policy 2.3.8 That Provides General Parameters of Redevelopment Including Uses, Density, Lot Coverage, Parking, and Building Height, Pursuant to Chapter 163, Florida Statutes; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date.

b. ORDINANCE NO. 2-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, by Amending Article I, Section 134-2, Definitions and Rules of Construction, by Amending the Definition of Story and Creating Definitions for Mixed Use, Mixed Use Area, Publicly Accessible Open Space; Amending Article VII, Overlay Districts by Changing the Article Title to the Royal Poinciana Mixed Use Overlay Area and Creating Overlay Regulations for Permitted and Special Exception Uses, Accessory Structures, Outdoor Seating, a Development Review Process, Minimum Lot Area, Width and Depth Requirements, Density, Setbacks, Height and Overall Height, Lot Coverage, Landscape Open Space and Publicly Accessible Open Space, Off-street Parking and a Performance Monitoring and Sunset Provision in the Following Sections: Section 134-1501 Purpose and Intent; Section 134-1502 Essential Development Concepts, Section 134-1503 Permitted Uses; Section 134-1504 Accessory Uses; Section 134-1505 Special Exception Uses; Section 134-1506 Accessory Structures; Section 134-1507 Special Regulation for Stands, Seated Dining Areas and Open Counters for Eating and Drinking; Section 134-1508 General Review Process; Commercial Uses; Site Plan Approval for New Building, New Building Additions or Change in Permitted Uses over Certain Floor Area; Section 134-1509 Lot, Yard and Area Requirements-generally; Section 134-1510 Parking Standards; Section 134-1511 Performance Monitoring; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 23, 2010, from John Page
- Ordinance No. 1-10
- Ordinance No. 2-10

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Royal Poinciana Way Overlay
Ordinances No. 1-10 and No. 2-10

Date: March 23, 2010

STAFF RECOMMENDATION

It is recommended that the Town Council approve Ordinances No. 1-10 and No. 2-10. Collectively, these two Ordinances amend the Town's Comprehensive Plan to establish a Royal Poinciana Overlay Area, and amend the Town's Zoning Ordinance to establish new land development regulations within the overlay area.

BOARD OR COMMISSION RECOMMENDATION

The Planning Zoning Commission, acting in its official capacity as the Local Planning Agency, met and recommended approval of such Ordinances during its February 16, 2010, meeting. Both Ordinances were approved via roll call vote of six aye (Golboro, Lawrence, Rose, Crampton, Schuler, Wideman), one nay (Shaw).

GENERAL INFORMATION

A thorough understanding of the two pending Ordinances involves history dating back to the year 2007. There was a consensus of opinion among PZ&B staff, the Planning & Zoning Commission and the Town Council that the greater Royal Poinciana Way neighborhood was aging in place and required regulatory attention that would allow and/or prompt owners to reinvest in their properties. It was determined that the proper course of action would be to create a Master Plan for the area that would address potential changes to the entire neighborhood as opposed to making piecemeal decisions about separate parcels. It was intended that the Master Plan would be prepared with broad input from all interested parties. Eventually, the Treasure Coast Regional Planning Commission (TCRPC) was hired as a consultant to study land use patterns, conduct a public charrette, and present a Master Plan to the Town for possible adoption. The TCRPC organized a team of professionals (including architects, urban designers, a retail consultant/economist and a transportation engineer) to complete this work. The Master Plan area, larger in size than the present overlay, included Bradley Park, Royal Poinciana Plaza, a portion of The Breakers property, and connections to North County Road.

March 23, 2010

Ordinances No. 1-10 & No. 2-10 : Royal Poinciana Way Overlay

Page 2

The TCRPC Master Plan was completed in the spring of 2008. It was the subject of considerable public debate. Not only did the public contribute thoughts and ideas about the area's future as the Plan was being created, but debate continued once the Plan was completed and presented to the Council. The Town Council never officially adopted the Master Plan, nor did the notion of moving forward with individual elements of the Plan ever dissipate. Instead, the Plan was referred to the Planning & Zoning Commission, the Landmarks Preservation Commission and the Architectural Commission for further review and comment. All three Commissions (summer of 2008) generally favored continuing forward with the Plan, yet the physical scope of the planning effort was narrowed to exclude the new Flagler Memorial Bridge, Bradley Park, Royal Poinciana Plaza, the Breakers PUD, and connections to North County Road. The heart of the Master Planning effort began to focus on Royal Poinciana Way from Bradley Place to North County Road, extending north to Sunrise Avenue.

Public scrutiny never wavered as the fate of the Master Plan continued. Significant public input occurred throughout the year 2008. Voices of support and disapproval were heard regularly. Those opposed to the Master Plan process generally expressed their concern that redevelopment would deter from the existing beauty and charm of the neighborhood, attract more people to the area, add to congestion, and adversely affect property values. As 2008 ended and 2009 began, the Town Council also began to narrow the plan's original focus. As recommended by the three reviewing Commissions, the Council downscaled the size of the study area (as described in the proceeding paragraph) and directed staff to focus on the critical elements of population density, lot coverage, building heights and parking. Two items of note occurred in the first quarter of the year 2009. First, the Council directed that additional public input be obtained. Two half-day meetings were held at the Breakers in March for this purpose following a personalized mailing to all households in the Town encouraging residents to participate. The meetings were sparsely attended. Second, the Town Council approved a "Phase II" contract with Marcela Camblor (project manager of the original TCRPC Master Plan project) to oversee the process of "codifying" any final land development regulations. The Phase I contract was completed at a cost of \$110,000. The Phase II contract was approved at \$59,500.

The process of codifying land development regulations has been exhaustive. In the spring of 2009, both the Planning & Zoning Commission and the Town Council were favoring a newly proposed residential density incentive. The overlay area would allow for mixed land uses (commercial and residential), and the existing density of six dwelling units per Palm Beach acre would remain unchanged. An increase in density however, up to a maximum of 25 residential units per acre, would be allowed only if the owner satisfied a series of performance standards that would be of overall benefit to the Town. Such performance standards, including but not limited to constructing LEED (energy-efficient) buildings, underground parking, innovative design features, and public amenities, were created in draft format and presented to the Planning & Zoning Commission for its review. The process of enumerating the various performance standards, coupled with the higher density incentive, became another item of community debate. A draft ordinance was prepared to amend the Comprehensive Plan establishing the Royal

March 23, 2010

Ordinances No. 1-10 & No. 2-10 : Royal Poinciana Way Overlay

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Poinciana Overlay Area and to increase allowable density. A companion ordinance amending the Zoning Code was also prepared to include the residential density incentive, performance standards and a listing of building types that would be permitted (or not) on the various streets in the overlay area.

Knowing of the broad public interest, and attempting to keep all interested parties up-to-date, staff went to great lengths to publicize several monthly Planning & Zoning Commission meetings in the fall of 2009. Drafts of the two ordinances were prominently posted on the Town's website, fliers were hand-delivered to all buildings in the overlay area and abutting parcels, press coverage was solicited, the Town's Register @ (e-mail news updates) service was utilized, and meeting notices were bolstered with distribution help from the Preservation Foundation and the Civic Association.

A series of monthly Planning & Zoning Commission/Local Planning Agency meetings were devoted to the issue of the overlay from October 2009 to February 2010. Incremental decisions were made at many of these meetings. Of particular note is that the issue of residential density incentives/performance standards was eliminated from further consideration in November. At meetings that followed, newly proposed building types were eliminated in an effort to make the zoning ordinance amendments less complex. During its regular monthly meeting of February 16, 2010, the Planning & Zoning Commission/Local Planning Agency recommended adoption of Ordinances No. 1-10 and No. 2-10, which collectively represent the sum of all changes that have resulted from the Royal Poinciana Master Plan Study Area process begun in 2007. Several notes of interest should be identified:

1. Ordinance No. 1-10 amends the Comprehensive Plan. The Comprehensive Plan must be amended to establish the Royal Poinciana Overlay Area and related development standards as permitted within proposed Zoning Code text changes. It must be adopted if the Town Council chooses to adopt the zoning amendments contained in Ordinance No. 2-10.
2. There has been some criticism that the maps contained in the ordinances are flawed. That is not the case. Maps in both ordinances are identical to one another. They include certain street rights-of-way to match existing zoning district boundary lines.
3. The existing C-TS zoning district designation remains unchanged; overlay regulations will be optional. Owners within the overlay area may continue to develop their sites in accordance with existing zoning, or may opt instead to employ development standards as outlined in the overlay area.

A listing of significant zoning ordinance decisions and changes (Ordinance No. 2-10) appears below:

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1. Residential density incentives have been eliminated (existing base density of six units per Palm Beach acre remains unchanged).
2. Performance standards for achieving density incentives have been eliminated.
3. “Building types” (including new pictorial images) have been eliminated.
4. Three new definitions have been created (mixed use, mixed use area, and publicly accessible open space).
5. The new Royal Poinciana Mixed Use Overlay Area is established, including new “Purpose and Intent” verbiage.
6. In summary description, the overlay area encompasses all property from Royal Poinciana Way to Sunrise Avenue (including parcels abutting its north side), between Bradley Place and North County Road (including parcels abutting its east side). See map within the Ordinance.
7. A summary of permitted land uses is enumerated within the overlay. Overlay uses are more flexible than traditional C-TS uses, i.e., banks and financial institutions are allowed “by right” rather than by special exception and stand-alone multi-family residential uses are allowed on Sunset and Sunrise Avenues.
8. Two-story structures are permitted “by right” rather than as special exceptions. Three-story buildings are permitted as a special exception provided that the area of the third floor is “carved-out” of allowable coverage on the first two floors and further setback from the street.
9. Side yard setbacks are reduced for the second story.
10. Rear yard setbacks are reduced for buildings under 25 feet in height.
11. Lot coverage increases from 70% to 80%.
12. Publicly accessible open space is required in the minimum amount of 15% for one and two story buildings, and 20% for three story buildings.
13. Parking standards are reduced. Residential uses must provide 1.5 spaces/unit for 1-bedroom and efficiency units, and 2 spaces/unit with two or more bedrooms. Commercial uses must provide .60% of the existing C-TS parking requirement (3 spaces per 1,000 sq. ft. of retail commercial space rather than 5 spaces). **NOTE:** Reducing the amount of off-street parking was a recommendation that originated from the consultant

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based upon a combination of local studies and nationally recognized standards including 1) the Town's "Traffic & Parking Improvement Plan" completed in 2006 verifying that the availability of on-site parking in this general area is significantly higher than the standard outlined by the Institute of Traffic Engineers (ITE); 2) the parking analysis conducted by Glatting Jackson during the charrette; 3) Urban Land Institute's *Shared Parking - Second Edition*; 4) ITE Parking Generation Publication, 3rd edition; 5) Smart Growth Parking Best Practices Manual; and 6) Garrick and Marshall, *What Street Parking Can Do for Downtown*, 2008.

14. Roof top parking, prominently discussed during the final months of debate before the Planning & Zoning Commission, was eliminated from possibility. Underground parking is permissible.
15. On-street parking spaces directly adjacent to (fronting) mixed use buildings may be counted towards off-street parking requirements.
16. No new curb cuts are allowed on Royal Poinciana Way if property also has street frontage on Sunset Avenue.
17. An automatic "sunset" provision is incorporated into the Ordinance. Overlay regulations will be repealed five years from adoption unless the Town Council opts to continue/extend their implementation.

As is true when any zoning change occurs, it is not possible to know exactly what the end result of development regulation change will be. Although regulations may be tightened or relaxed, private sector owners ultimately determine how and when their properties will be newly developed or redeveloped. Outside factors well beyond the Town's authority, i.e., market force conditions, competition, wealth and/or credit worthiness, all contribute to private investment decisions. Together, the combination of regulatory changes outlined above provides greater flexibility of permissible land uses in the overlay, allows larger buildings, eases off-street parking requirements, and increases building height without increasing lot intensity. Staff believes that the changes recommended by the Planning & Zoning Commission/Local Planning Agency will relax development standards that are sometimes criticized as being too cumbersome, without significantly changing the density, appearance or scale of the area.

FUNDING/FISCAL IMPACT

The proposed Ordinances have no direct cost impact to the Town. As was previously stated, the Phase I and Phase II contracts for outside consultation amounted to \$169,500.

STRATEGIC PLAN

Adoption of Ordinances No. 1-10 and No. 2-10 is consistent with the following objective as identified in the Town's Strategic Plan (Item H-4):

“Implement elements of the Royal Poinciana Area Citizen's Master Plan that are in the best interests of the Town of Palm Beach. All Palm Beach residents were invited to attend two public workshops held at The Breakers Hotel in March of 2009 to discuss possible changes to zoning regulations governing density, lot coverage, building height and parking. On-going work is now in process to amend both the Zoning Ordinance and the Town's Comprehensive Plan to allow for site-appropriate redevelopment. Any and all final changes will require Town Council approval.”

TOWN ATTORNEY REVIEW

Ordinances No. 1-10 and No. 2-10 were approved by Town Attorney Randolph for legal form and sufficiency.

Attachments

ORDINANCE NO. 1-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT (SECTION I) IN THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON APRIL 15, 2009 WITH THE ADOPTION OF ORDINANCE NO. 6-09, BY ADDING NEW DATA AND ANALYSIS DESCRIBING THE ROYAL POINCIANA MIXED-USE OVERLAY AREA, AND ADDING POLICY 1.5 THAT ENCOURAGES REDEVELOPMENT OF THE AREA IN A MANNER THAT IS SUSTAINABLE, PEDESTRIAN FRIENDLY, AND RESPECTFUL OF THE AREA'S CHARACTER, SCALE, AND HISTORIC VALUE, AND ADDING POLICY 2.3.8 THAT PROVIDES GENERAL PARAMETERS OF REDEVELOPMENT INCLUDING USES, DENSITY, LOT COVERAGE, PARKING, AND BUILDING HEIGHT, PURSUANT TO CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. Amend the Town's Future Land Use Element, Summary of the Land Use Plan Section, Commercial Uses Subsection, to read as follows:

.....

Royal Poinciana Mixed Use Overlay Area

This is a vibrant, mixed-use district and can accommodate entertainment, retail, office, civic, and residential uses. Appropriate uses include commercial, public uses and facilities, recreation (open space), private group uses, residential and mixed-use PUD's up to a maximum density as of right of six dwelling units per gross Palm Beach Acre (40,000sf). The plan designates approximately 20 acres of land for this overlay use. The Royal Poinciana Mixed-Use Overlay Area is shown on Figure 1.

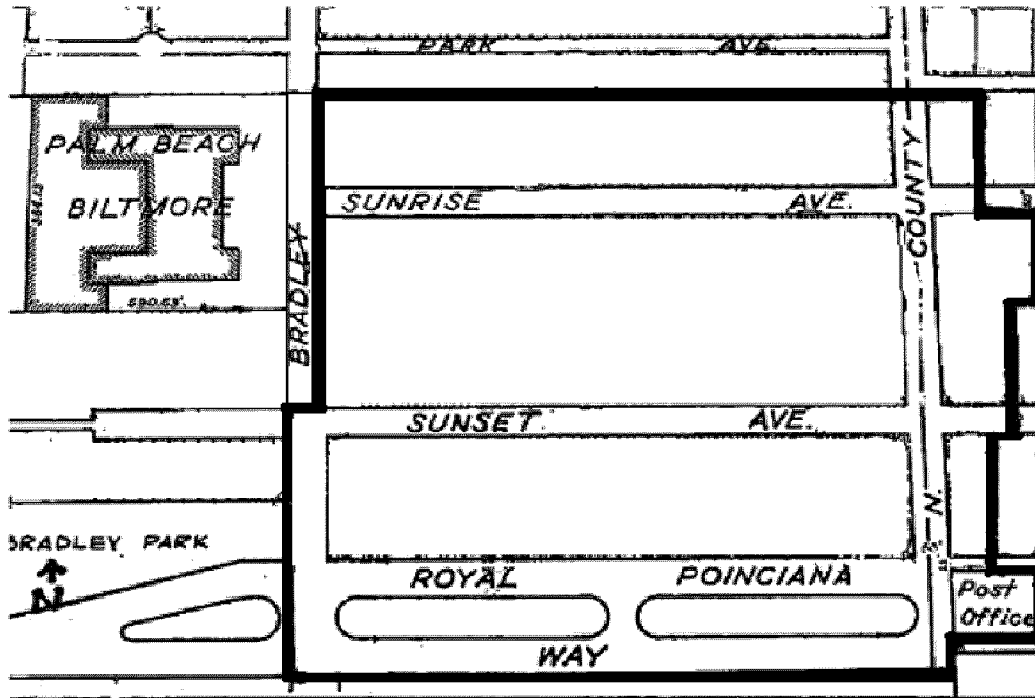


Figure 1 – Royal Poinciana Mixed Use Overlay Area

Section 2. Amend the Town’s Future Land Use Element by adding Policy 1.5 to encourage sustainable redevelopment of the Royal Poinciana Overlay Area in accordance with the requirements of Policy 1.4, to read as follows:

Policy 1.5

Redevelopment of the Royal Poinciana Way Area as outlined in Figure 1 is anticipated. As a result of the Town-Sponsored public design process outlined in Policy 1.4, an Overlay Area shall be established to encourage redevelopment in a form that is sustainable, pedestrian friendly, and respectful of the area’s character, scale, and historic value.

- 1.5.a Development in this area may occur in accordance with the existing Commercial Town Serving (C-TS) regulations, or in accordance with those regulations established in the Royal Poinciana Mixed Use Overlay Area. The Royal Poinciana Mixed Use Overlay Area shall conform to the pattern of development set forth in the public design process outlined in Policy 1.4, and shall have the following characteristics:

1. Encourage investment of both existing and new development in a manner that maintains the small town scale and character of the area;
2. Generate a sustainable and balanced mixed-use area with sufficient local demand to discourage regional traffic as a means to support local businesses;
3. Reduce local and semi-local trips to fulfill daily needs;
4. Create a “park once” environment by providing a mix of uses within a pedestrian-friendly environment;
5. Promote a walkable environment by maintaining and enhancing an interconnected network of streets paths, sidewalks, buildings, and open spaces, reducing the need to drive through the Royal Poinciana Area;
6. Maintain and enhance a continuous, inter-connected network of narrow pedestrian and bicycle-friendly streets with shaded sidewalks, appropriate landscaping and street details, and traffic calming measures such as on-street parking;
7. Provides public open space in the form of vias, plazas, walkways, or greens; and
8. Preserves the small town scale and character of the area

Section 3. Amend the Town’s Future Land Use Element Policy 2.3 by adding subsection 2.3.8 to guide development and redevelopment of the Royal Poinciana Overlay Area in a manner that is compatible with the area’s scale and character, to read as follows:

2.3.8 Royal Poinciana Mixed Use Overlay Area: Intended to encourage revitalization, create, preserve, and enhance areas of attractive, small scale, retail, personal and professional/business services, and mixed commercial/ residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town in the area outlined in **Figure 1.**

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; offices; public uses and facilities; private group uses; and residential uses located above the ground floor.
- b. For uses located in the Royal Poinciana Mixed Use Overlay District, one residential unit, or up to a maximum density of six dwelling units per gross Palm Beach acre.
- c. Maximum lot coverage for all uses shall be 80%.
- d. Sub-basement parking lot coverage shall be 100%
- e. In limited circumstances, the maximum building height shall be three stories.

Section 4. Severability.

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

Section 5. Repeal of Ordinances in Conflict.

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

Section 6. Undefined Development Regulations

All regulations that remain undefined within the Royal Poinciana Mixed Use Overlay Area shall be applied as required in existing underlying CT-S Commercial Town Serving District.

Section 7. Codification.

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

Section 18. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of April, 2010, and for second and final reading on this ____ day of _____, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

ORDINANCE NO. 2-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, BY AMENDING ARTICLE I, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY AMENDING THE DEFINITION OF STORY AND CREATING DEFINITIONS FOR MIXED USE, MIXED USE AREA, PUBLICLY ACCESSIBLE OPEN SPACE; AMENDING ARTICLE VII, OVERLAY DISTRICTS BY CHANGING THE ARTICLE TITLE TO THE ROYAL POINCIANA MIXED USE OVERLAY AREA AND CREATING OVERLAY REGULATIONS FOR PERMITTED AND SPECIAL EXCEPTION USES, ACCESSORY STRUCTURES, OUTDOOR SEATING, A DEVELOPMENT REVIEW PROCESS, MINIMUM LOT AREA, WIDTH AND DEPTH REQUIREMENTS, DENSITY, SETBACKS, HEIGHT AND OVERALL HEIGHT, LOT COVERAGE, LANDSCAPE OPEN SPACE AND PUBLICLY ACCESSIBLE OPEN SPACE, OFF-STREET PARKING AND A PERFORMANCE MONITORING AND SUNSET PROVISION IN THE FOLLOWING SECTIONS: SECTION 134-1501 PURPOSE AND INTENT; SECTION 134-1502 ESSENTIAL DEVELOPMENT CONCEPTS, SECTION 134-1503 PERMITTED USES; SECTION 134-1504 ACCESSORY USES; SECTION 134-1505 SPECIAL EXCEPTION USES; SECTION 134-1506 ACCESSORY STRUCTURES; SECTION 134-1507 SPECIAL REGULATION FOR STANDS, SEATED DINING AREAS AND OPEN COUNTERS FOR EATING AND DRINKING; SECTION 134-1508 GENERAL REVIEW PROCESS; COMMERCIAL USES; SITE PLAN APPROVAL FOR NEW BUILDING, NEW BUILDING ADDITIONS OR CHANGE IN PERMITTED USES OVER CERTAIN FLOOR AREA; SECTION 134-1509 LOT, YARD AND AREA REQUIREMENTS-GENERALLY; SECTION 134-1510 PARKING STANDARDS; SECTION 134-1511 PERFORMANCE MONITORING; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

Section 1. Amend Article I, Section 134-2, Definitions and Rules of Construction, by adding or amending definitions to read as follows:

Amended Definition:

Story means that portion of a building included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, the space between such floor and the ceiling next above it. Accessible open patios, observation decks and/or similar areas located above the first story shall be considered a story for the purpose of this definition. Roofs of buildings used as habitable space shall be considered as a story of a building. Each story used exclusively for parking vehicles is also counted as a story. For example, a structure that accommodates parking on the ground floor and a story of retail, commercial or residential uses above it is considered a two-story structure.

New Definitions:

Mixed Use means combining two or more of the allowable uses within the same building or same property (vertical or horizontal combination).

Mixed Use Area means a zone that due to its location has the development potential to specialize in terms of accommodating significant business functions. A Mixed-Use Commercial Area should include a variety of uses, including commercial and residential uses.

Publicly Accessible Open Space means privately owned land that allows right of entry and limited permanence by the public to that particular space.

Section 2. Amend Article VII – Overlay Districts by changing the article title to the Royal Poinciana Mixed Use Overlay Area, and creating new regulations for permitted and special exception uses and their placement, defining building types, building placement including setbacks and lot coverage, building height, off-street parking placement and quantities, publicly accessible open space, landscaping, and performance monitoring, in the following sections and to read as follows:

Article VII. ~~OVERLAY DISTRICT~~ ROYAL POINCIANA MIXED USE OVERLAY AREA

Sec. 134-1501 Purpose and intent.

The purpose of the Royal Poinciana Mixed-Use Overlay Area is to:

(1) Build upon the existing success and uses of the Royal Poinciana commercial area and encourage a sustainable and balanced mixed-use area;

(2) Create, preserve and enhance an area of attractive, small-scale, retail, personal and professional/business services to be developed incrementally, providing for the frequently recurring needs of townpersons;

(3) Balance commercial and residential needs in order to accomplish high trip absorption rates and decrease traffic congestion at certain intersections within the Area;

(4) Discourage regional traffic as a means to support local businesses;

(5) Create a mix of commercial and residential uses within a pedestrian-friendly environment;

(6) Promote walking environment by maintaining and enhancing an interconnected network of vias, paths, sidewalks, and open spaces, reducing the need to drive through the area;

(7) Maintain and enhance a continuous, inter-connected network of pedestrian and bicycle-friendly streets with shaded sidewalks, appropriate landscaping and street details, and traffic calming measures such as on-street parking;

(8) Provide public open space in the form of vias, plazas, or walkways;

(9) Preserve the historic character and small town scale of the area; and,

(10) Enhance the general character of the Area and its compatibility with its residential surroundings.

Sec. 134-1502 Essential Development Concepts

The essential concepts for the regulation of land designated within the Royal Poinciana Mixed Use Overlay Area are as follows:

A. *The Royal Poinciana Mixed Use Area is an Overlay.* As such, it is optional. A parcel in the area may be developed under the existing C-TS zoning district, or in accordance with the Overlay regulations. Its boundaries **(Figure 1)** are the private properties abutting the north side of Sunrise Avenue to the north, the south side of Royal Poinciana Way to the South, a portion of the west side and east side of Bradley Place to the west, and the properties abutting the east side of N. County Road to the east. This Overlay provides general guidance and specific standards that, in conjunction with the remainder of this Code, will carry out the goals, objectives, and policies of the Town's Comprehensive Plan Land Use Element for this Area.

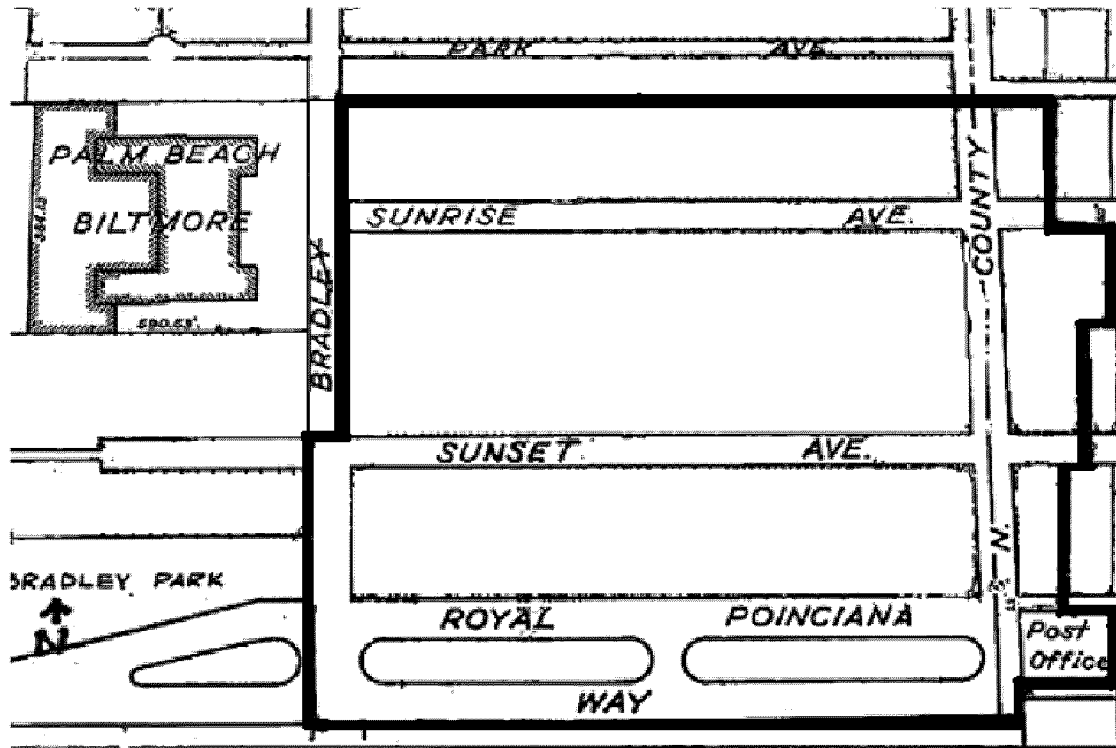


Figure 1
Area Boundaries

B. Sunset Provision. The amendments contained herein shall be automatically repealed on date 2015, unless the Town Council, prior to such expiration, have by ordinance renewed the provision contained in this Article.

Sec. 134-1503 Permitted Uses.

- (1) *Enumeration; maximum gross leasable area.* The permitted uses in the Royal Poinciana Mixed Use Overlay Area with a maximum of 2,000 square feet of gross leasable area (GLA) are as follows:
 - a. Retail and service establishments, such as restaurants, excluding formula restaurants as defined in section 134-2, and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores;
 - b.
 - c. Offices, executive office suites, professional services, business services, and securities or financial brokerage and trust companies. Nonprofit cultural centers, educational services (professional or studio-type schools) and civic uses;
 - d. Professional or studio-type schools;
 - e. Banks and financial institutions;

f. Essential Services.

- (2) Multiple family dwellings fronting Sunset Avenue and Sunrise Avenue.
- (3) Residential single-family and multi-family dwellings above the first floor on all streets within the Overlay Area.
- (4) Civic uses;
- (5) Parks, playgrounds, and recreation facilities under the supervision of the Town;
- (6) Outdoor seating in conjunction with permitted restaurants, provided all regulations for outdoor seating outlined in Article III are met;
- (7) Any use commonly accessory to the above uses;
- (8) Ground floor uses for Buildings fronting Bradley Place, Royal Poinciana Way and N. County Rd. are limited to retail and service establishments and banks.
- (9) Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 2,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article IV of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 2,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 2,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 2,000 square feet, in a district with a 2,000-square-footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in the Royal Poinciana Mixed Use Overlay Area and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot stores, one being a toy store and the other a shoe store, such a change would be allowed without prior town council approval. However, if the owner of the same 8,000-square-foot ladies apparel store wanted to change to a bank or an office or a business service or the owner wished to subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 2,000 square feet maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if

such new space to be occupied will increase the total gross leasable area (GLA) to more than 2,000 square feet.

Sec. 134-1504. Accessory Uses.

The accessory uses in the Royal Poinciana Overlay Area are as follows:

- (1) Off-street parking and loading.
- (2) Signs.
- (3) Accessory uses customarily incident to the permitted or approved special exception uses.
- (4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

Sec. 134-1505 Special Exception Uses.

(a) The special exception uses require a site plan and review as provided in article III of this chapter, and are as follows:

- (1) Public or private parking lots or structured parking within a building.
- (2) Service stations, in the form of a “backwards gas station” which requires that the main retail building line and the pumps be placed in the rear or side of said building. See Sec. 134-1817 for other regulations of service stations.
- (3) Public Structures.
- (4) Any commercial establishment with greater than 2,000 square feet of gross leasable area, provided the town council has found, as a fact, that the proposed use is town serving.
- (5) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the town council.
- (6) Nightclubs.
- (7) Reserved.

(b) An owner or tenant of a property, located within the Royal Poinciana Mixed Use Overlay Area, which property has received approval of a special exception after March 31, 1980, shall be required to obtain approval by the town council under the provisions of section 134-229(12) prior to being granted a new occupational license. This subsection shall not apply to renewal of an existing occupational license.

Sec. 134-1506 Accessory Structures.

(a) Generally. Enclosed accessory structures in the Royal Poinciana Mixed Use Overlay Area shall comply with side and rear yard requirements for the principal structure to which they are accessory, and shall be placed in accordance with Section 134-1509.

(b) Dish antennas. A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall not be attached to a building; shall not be closer than ten feet to any side or rear property line; shall not exceed 12 feet in height above the average grade; and shall not be located in a required front yard, street side yard or rear street yard setback. Each residential unit or commercial tenant space shall not be limited to the number of dish antennas of one meter or less and said antenna(s) may be attached or unattached to a building. If said dish antenna(s) is unattached, said antenna(s) shall not exceed twelve (12) feet in height above be located in a required front yard, street side yard or rear street yard setback. All attached and unattached dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and way; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

Sec. 134-1507 Special Regulation for Stands Seated Dining Areas and Open Counters for Eating and Drinking.

(a) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the Royal Poinciana Mixed Use Overlay Area the town council may permit, as a special exception, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such special exception:

- (1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.
- (2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.

(b) In the Royal Poinciana Mixed Use Overlay Area, the town council may permit, as a special exception, extra outdoor patron seating, over and above the inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:

- (1) The amount of outdoor seating cannot extend beyond any property line of the take-out business tenant space.
- (2) The take-out food business inside tenant space does not exceed 2,000 square feet.
- (3) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.
- (4) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.
- (5) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.

Sec. 134-1508 General Review Process; Commercial uses; site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

Specific standards for the Royal Poinciana Mixed Use Overlay Area review process are contained within this section.

(a) The Royal Poinciana Mixed Use Area is applied as an Overlay. When a property owner elects to build under the regulations of this Overlay, where the requirements of this overlay conflict with other portions of this code (including the underlying C-TS zoning district), the requirements of this overlay shall prevail; however, no development may be approved that conflicts with the Comprehensive Plan.

(b) All applications for new buildings or for new building additions or for changes in a permitted use in section 134-1503 which involve more than 2,000 square feet of building floor area of buildings in the Royal Poinciana Mixed Use Overlay Area shall require a site plan approval in accordance with Article III of this chapter. No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith.

(c) Review process for the Royal Poinciana Mixed Use Overlay Area.

All applications for development approval within the Royal Poinciana Mixed Use Area that are not otherwise permitted as nonconforming uses or structures shall comply with

all requirements of this code. Development applications shall be processed in accordance with Article III of this Code. In addition, the following conditions must be met:

1. A pre-submittal meeting between the applicant and Town staff is required.
2. Applications for site plan review under this article shall be accompanied by exhibits prepared by qualified professionals that include the following:
 - i. Proof of ownership;
 - ii. Zoning district and future land use map category for the subject property;
 - iii. Gross acreage and number of Palm Beach Acres (40,000sf)
 - iv. Location, shape, size, and height of existing and proposed buildings;
 - v. Lot lines, setbacks, and build-to lines of existing and proposed buildings;
 - vi. Total square footage for each use by type;
 - vii. Total number of dwelling units and their corresponding square footage
 - viii. Location of on-street and off-street parking, loading facilities and waste collection areas;
 - ix. Proposed signage;
 - x. Landscape plans, including specifications of species of plant material;
 - xi. Street cross-sections, including adjacent buildings and open space;
 - xii. Floor plans, elevations, and sections of all buildings, including total gross square feet of area for each floor and gross leasable area where applicable;
 - xiii. Figures showing the following:
 1. Total lot coverage
 2. Total floor coverage (percentage per floor)
 3. Total building frontage
 4. Amount of open space, landscaped areas, impervious areas and publicly accessible open space in square feet;
 5. Third Story area (where applicable) and where it is generated from (i.e. first and second stories).
 6. Such other design data as may be needed to evaluate the project's compliance with the requirements of this code.

Sec. 134-1509 Lot, yard and area requirements- Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section. Unless stated otherwise, all requirements expressed as 'minimums' may be exceeded (e.g., 2 parking spaces required and 3 provided). Requirements expressed as 'maximums' shall not be exceeded.

(1) Lot area. The minimum lot area is 4,000 square feet.

(2) Lot width. The minimum lot width is 30 feet.

(3) Lot depth. The minimum lot depth is 90 feet.

(4) Density. A single dwelling unit, or multiple dwelling units not to exceed six dwelling units per gross acre. See Sec. 134-1507 of this chapter for site plan review requirements.

(5) Front yard.

a. For one-story buildings, the minimum front yard setback is five feet.

b. For two-story buildings, the minimum front yard setback is five feet.

c. For three-story buildings, the minimum front setback for the first and second story is five feet and for the third story is 30 feet on Royal Poinciana Way. The minimum front setback for the third story is 15 feet on all other streets within the Overlay.

d. All buildings shall be set back so as to provide at least a ten-foot-wide pedestrian walkway between the street curb line and the building, exclusive of beautification strips, not more than five feet of which may be on the town street right-of-way, where appropriate, and additionally, to provide for the minimum building front yard setback, which shall be measured from the inside (lot side) of the required pedestrian walkway. Where no front yard building setback is approved or required, two feet of the required ten-foot-wide pedestrian walkway, adjacent to the inside (lot side) of the walkway, may be landscaped by placement of potted plants or removable planters. Such potted plants or planters shall include xeriscape landscaping whenever possible.

e. For buildings in excess of 25 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, for that portion of the building above 25 feet.

(6) Side yard.

a. There is no minimum side yard required for one-story or two story structures, but a minimum side yard shall be five feet if provided. When the side yard of a C-TS property

abuts property zoned in any R district, a minimum ten-foot side yard is required on that side.

b. For buildings in excess of 25 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, for that portion of the building above 25 feet.

(7) Rear yard.

a. For one-story buildings, the minimum rear yard setback is ten feet.

b. For two-story buildings, the minimum rear yard setback is ten feet.

c. For buildings in excess of 25 feet in height, increase all minimum yard requirements one foot for each two feet of building height, or portion thereof, exceeding 25 feet. Side yards shall be as calculated or five feet, whichever is greater.

(8) Height and overall height.

a. For one story and two story buildings, the maximum building height is 26 feet.

b. In this overlay, the maximum building height allows for one and two stories with a provision for special exception for a third story. See special exception provisions in sections 134-227 through 134-233 (special exception use).

c. For three story buildings, the maximum building height is 38 feet.

d. Flat roofs shall be enclosed by parapets. No roof-top equipment shall be visible from the street.

e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) Lot coverage.

a. For one and two story buildings, the maximum lot coverage is 80%.

b. For the third floor on three story building, the maximum lot coverage for the third story is 50%, which is required to come out of the lot coverage of the first and/or second floor lot coverage..

c. Sub-basement parking shall not be counted towards lot coverage requirements (i.e. 100% of the lot may be occupied by parking if it is contained in a sub-basement)

(10) Landscaped open space.

a. For one-story buildings, the minimum landscaped open space is five percent.

b. For two-story and three story buildings, the minimum landscaped open space is fifteen percent.

(11) Publicly accessible open space for commercial or mixed commercial and residential uses.

a. For one and two story buildings, a minimum publicly accessible open space of 15 percent of the lot area.

b. For three story building, a minimum publicly accessible open space of 20 percent of the lot area.

Sec. 134-1510. Parking Standards.

(1). Residential uses.

a. 1.5 spaces/unit for 1 bedroom or efficiencies.

b. 2 spaces/unit with 2 or more bedrooms.

c. Parcels 50' or less in width that house mixed-use buildings shall be exempt of providing parking for residential uses.

(2) Non-residential uses.

The number of required off-street parking spaces is required to be .60 of the required off-street parking for the uses in Section 134-2176.

(3) On-street parking spaces directly adjacent (fronting) Mixed Use Buildings may be counted towards off-street parking requirements.

(4) There shall be no curb cuts on Royal Poinciana Way if property has street frontage on Sunset Avenue.

(5) See Sec. 134-2176 thru 134-2178 for additional parking regulations.

Sec. 134-1511. Performance Monitoring

In order to ensure that the community's vision is being appropriately implemented and achieved within 60 months of (date of adoption), the Town shall monitor and evaluate the performance of the Royal Poinciana Mixed Use Overlay Area. At that time, the Town Council may decide to continue with this Overlay, or allow it to sunset.

Section 3. Severability.

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

Section 4. Repeal of Ordinances in Conflict.

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

Section 5. Undefined Development Regulations

All regulations that remain undefined within the Royal Poinciana Mixed Use Overlay Area shall be applied as required in existing underlying CT-S Commercial Town Serving District.

Section 6. Codification.

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

Section 7. Effective Date.

This Ordinance shall take effect 31 days subsequent to its passage on second and final reading. PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of April, 2010, and for second and final reading on this _____ day of _____, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 3-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Text of the Infrastructure Element (Section IV) of the Town of Palm Beach Comprehensive Plan as Last Amended on April 15, 2009, with the Adoption of Ordinance 6-09, by Amending Policy 12.3 to Include a 10-year Water Supply Facility Work Plan, Pursuant to Chapter 163.3177(6)(C), Florida Statutes (Water Supply Planning Requirements); Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; and Providing for an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 29, 2010, from John Page
- Ordinance No. 3-10
- Town of Palm Beach 10-Year Water Supply Work Plan
- 10-Year Water Supply Facility Work Plan Supplement

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: 10-Year Water Supply Facility Work Plan
Ordinance No. 3-10

Date: March 29, 2010

STAFF RECOMMENDATION

Staff requests that the Town Council review the proposed 10-Year Water Supply Facility Work Plan and necessary Comprehensive Plan amendments contained in Ordinance No. 3-10, and approve the first reading and transmittal of these to the Florida Department of Community Affairs.

TOWN ATTORNEY REVIEW

Ordinance No. 3-10 has been reviewed and approved for legal form and sufficiency by the Town Attorney.

BOARD OR COMMISSION RECOMMENDATION

The Planning and Zoning Commission, acting as the Local Planning Agency, reviewed the proposed 10-Year Water Supply Facility Work Plan and Comprehensive Plan amendments at its December 8, 2009 meeting, and unanimously voted to recommend approval of the Work Plan and Comprehensive Plan amendments as written.

GENERAL INFORMATION

Enclosed is the proposed 10-Year Water Supply Facility Work Plan, which was drafted to satisfy a recent State requirement, and was created using a template provided by the South Florida Water Management District (SFWMD). This plan is referenced in the Town's Comprehensive Plan by revisions to Policy 12.3 in the Potable Water subelement of the Infrastructure Element. The ordinance revising the Comprehensive Plan is also attached.

All counties and municipalities in the State of Florida are required to create this Work Plan to ensure that they are providing sufficient potable water to those they serve. It is also important for

water purchasers such as the Town of Palm Beach to create these Work Plans to show that they are coordinating with their water provider to ensure that their citizen's water needs are being met. Because all of the counties and municipalities within the SFWMD are using the template provided by the District, they are very similar in nature in terms of formatting and general information provided.

The Work Plan and Comprehensive Plan amendments were brought to Town Council at its January 13, 2010 meeting for initial informal review. No comments or concerns were raised by Town Council at their January meeting. The reason for the three month delay between the initial informal review and first reading/transmittal to DCA is because major comprehensive plan amendments such as these must be transmitted within 10 days of approval following first reading, and though we are not limited in the number of major comprehensive plan amendments we send to DCA, we are limited to just two transmittals of major comprehensive plan amendments per calendar year. In order to include all major comprehensive plan amendments that may be ready for transmittal to DCA, staff has targeted the months of April and October as months to transmit to DCA.

After final approval for transmittal by the Town, the Work Plan will be transmitted to the Florida Department of Community Affairs (DCA) for their review and approval. Other agencies will be copied on the DCA transmittal, including the SFWMD and the Treasure Coast Regional Planning Council, who will provide any comments they may have to DCA. Because of the straightforward nature of this Work Plan, we anticipate completion of the entire approval process within a few months of transmittal to DCA. After approval from DCA, the Work Plan and Comprehensive Plan amendments will be brought back to Town Council for second reading and final adoption.

Attachments

c: Peter Elwell, Town Manager
Paul Brazil, P.E., Director of Public Works
Jim Bowser, P.E., Public Works
Veronica Close, AICP, Assistant Director of Planning, Zoning & Building
John Lindgren, AICP, Planning Administrator

ORDINANCE NO. 3-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE INFRASTRUCTURE ELEMENT (SECTION IV) OF THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON APRIL 15, 2009, WITH THE ADOPTION OF ORDINANCE 6-09, BY AMENDING POLICY 12.3 TO INCLUDE A 10-YEAR WATER SUPPLY FACILITY WORK PLAN, PURSUANT TO CHAPTER 163.3177(6)(C), FLORIDA STATUTES (WATER SUPPLY PLANNING REQUIREMENTS); PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance 11-89, and last amended the Comprehensive Plan on April 15, 2009 with the adoption of Ordinance 6-09; and,

WHEREAS, the Town has created a 10-Year Water Supply Facility Work Plan, as required by Chapter 163.3177(6)(C), to ensure the availability of an adequate water supply; and,

WHEREAS, the Town is amending Policy 12.3 in the Infrastructure Element of the Town's Comprehensive Plan to reference the newly created 10-Year Water Supply Facility Work Plan; and,

WHEREAS, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), has reviewed and recommended approval of the 10-Year Water Supply Facility Work Plan and related Comprehensive Plan amendment of Policy 12.3 of the Infrastructure Element, and transmittal to DCA on or about December 8, 2009.

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set herein.

Section 2. FINDINGS

The proposed 10-Year Water Supply Facility Work Plan as more particularly described in Exhibit “A,” and the proposed Comprehensive Plan amendment as more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code, and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

The Infrastructure Element in the Town of Palm Beach Comprehensive Plan is hereby amended as follows (added words underlined, and deleted words ~~stricken~~):

POLICY 12.3

~~Presently the, t~~The Town₁ is coordinating with SFWMD₁ ~~to develop a 10-year work plan~~created a 10-Year Water Supply Facility Work Plan in 2010 (incorporated and adopted herein by reference as Exhibit “A”) that takes into account ~~of~~ the Lower East Coast (LEC) Regional Water Supply Plan. The Town shall send a letter to SFWMD with identified projects for future water supply needs of the Town. Projects must be selected from the LEC Regional Water Supply Plan or must have prior approval by SFWMD. The Town will coordinate with its water supplier, i.e. the City of West Palm Beach, in this regard. The Town shall address future updates by SFWMD within 18 months of adoption by SFWMD of a new LEC Regional Water Supply Plan, by revising the Town’s 10-Year Water Supply Facility Work Plan.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administrative Commission finding the amendment in

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

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 14th day of April 2010.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the _____ day of _____ 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Council President Pro-Tem

William J. Diamond, Town Council Member

Richard M. Kleid, Town Council Member

Robert N. Wildrick, Town Council Member

ATTEST:

Joanna Cunningham, Town Clerk

EXHIBIT “A”

The Town of Palm Beach 10-Year Water Supply Facility Work Plan



TOWN OF PALM BEACH, FLORIDA

TOWN OF PALM BEACH 10-YEAR WATER SUPPLY FACILITY WORK PLAN

Prepared For:

Florida Department of Community Affairs

Prepared By:

Town of Palm Beach Planning, Zoning & Building Department

November 2009



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1.0 INTRODUCTION

The purpose of the Town of Palm Beach Water Supply Facility Work Plan (Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the Town's jurisdiction. Chapter 163, Part II, F.S., requires the Town to prepare, adopt and incorporate a Work Plan into its comprehensive plan within 18 months after the water management district approves a regional water supply plan or its update. The *Lower East Coast Water Supply Plan Update* was approved by the South Florida Water Management District (SFWMD) on February 15, 2007. Completion of the Town's plan was dependent upon the approval of the Town's water supplier's (City of West Palm Beach) Work Plan by the Florida Department of Community Affairs (DCA), and the final adoption and approval by DCA of the Town's Comprehensive Plan EAR-Based Amendments (process completed in October 2009).

Residents of the Town of Palm Beach obtain their water directly from the City of West Palm Beach, which is responsible for ensuring that enough capacity is available for existing and future customers.

The Town of Palm Beach Water Supply Facility Work Plan (Work Plan) references the initiatives already identified in West Palm Beach's 10-year Work Plan since the Town is a retail buyer. According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period. Because of the Town's relationship with the City of West Palm Beach, the Town's Work Plan has the same planning time schedule as the City of West Palm Beach's 10-year Work Plan.

The Town's Work Plan is divided into four sections:

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

The Town of Palm Beach's goals, objectives and policies that address potable water are found in the "Potable Water" subelement of the Infrastructure Element of the Town's Comprehensive Plan. Specifically, the policies in Objectives 9, 10, 11, and 12 in the Infrastructure Element detail how the Town coordinates with its water provider to guarantee a sufficient water supply for its residents in the most efficient and environmentally friendly way possible. Policy 12.3 in the Infrastructure Element references this water supply facility work plan.



1.1 Statutory History

The Florida Legislature enacted legislation in the 2002, 2004, and 2005 sessions to address the state's water supply needs. This legislation, particularly Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.2 Statutory Requirements

Each local government must comply with the following requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services [s.163.3177(6)(a), F.S., effective July 1, 2005]. Data and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Department for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.
3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permits, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy [s.163.3180 (2)(a), F.S., effective July 1, 2005]. This "water supply concurrency" is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).
4. For local governments subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural



Groundwater Aquifer Recharge Element (the "Infrastructure Element"), within 18 months after the water management district approves an updated regional water supply plan, to:

- a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.0361(7), F.S. [s. 163.3177(6)(c), F.S.];
 - b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government's jurisdiction [s. 163.3177(6)(c), F.S.]; and
 - c. Include a water supply facilities work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facilities identified in the element as necessary to serve existing and new development. [s. 163.3177(6)(c), F.S.] Amendments to incorporate the water supply facilities work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c), F.S.]
5. Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period.
 6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177 (6)(d), F.S.]

If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167 (13), F.S.]

7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]
8. Address in the EAR, the extent to which the local government has implemented the 10-year water supply facilities work plan, including the



development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191 (2)(1), F.S.]

2.0 BACKGROUND INFORMATION

2.1 Overview

The Town of Palm Beach was incorporated in 1911, making it the second municipality established in Palm Beach County. The Town is a 16-mile long barrier island with the Atlantic Ocean to the east and the Intracoastal Waterway to the west, which separates the Town from the Cities of West Palm Beach and Lake Worth.

The Town of Palm Beach is substantially built-out. The Town experienced its greatest growth between 1950 and 1970, when its resident population increased from 3,886 to 9,086. Since then, population growth has been less dramatic. The 2009 estimated population for the Town is 9,815, and over the next ten years the Town population is projected to grow to 10,080, which is only a 2.7% increase in population. Again, this relatively minor population growth is reflective of the fact that the Town is substantially built-out, with future development potential and population growth limited by the scarcity of vacant and developable land. Furthermore, the potential expansion of the Town's current boundaries through annexations is not possible because the Town is not physically connected to any unincorporated areas.

In 2009, an evaluation of existing gross acreage by land uses revealed that 1,614 acres or 78% of the total gross acreage in the Town is dedicated to residential use. The remaining gross acreages are allocated to non-residential uses such as private group use (11%), recreation (5%), commercial (5%); conservation (2%), and public use (0.002%). The private group use includes private clubs, golf and country clubs, houses of worship, museums and non-commercial recreation-type or cultural uses. In 2008, the Town's building records indicated that 21 permits were issued for new residential construction and only one permit for commercial construction. Many of the 21 new residential construction permits were in conjunction with a demolition permit, thereby allowing an existing home to be demolished and replaced with a new home. This information furthers the premise that the Town is essentially built-out.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the SFWMD plays a pivotal role in resource protection, through criteria used



for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rule-making to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's water use permit program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water supplies, and increasing conservation and reuse.

3. DATA AND ANALYSIS

The Town of Palm Beach does not own or operate its own potable water supply system. Rather, potable water facilities and services are provided by the City of West Palm Beach. In addition to providing potable water to the Town of Palm Beach and its own residents, the City of West Palm Beach also provides potable water to the Town of South Palm Beach.

The City of West Palm Beach's water system includes a raw water supply, water treatment plant, storage reservoirs, and a distribution system. A 30-year renewable contract between the Town and the City was signed in 1965 (Resolution 3-65) and expired in 1995; however, the City continued to provide water to the Town as was required by the previous agreement. The Town subsequently renegotiated the contract with the City, and a new franchise agreement was signed on June 16, 1999 (Resolution 22-99), and is effective until 2029.

3.1 Population Information

The Town's existing and future population figures are derived from the US Census, the Bureau of Economic and Business Research (BEBR), and the Town's Planning, Zoning and Building Department. Between 1950 and 1970, the Town of Palm Beach population grew from 3,886 to 9,086, an increase of 134 percent. After this period, the Town's population was far less dramatic with an approximate population of 9,735 in 2005. The current (2009) population for the Town has been estimated at 9,815. By 2014, the Town's population is anticipated to increase to 9,947. In 2019 the population should reach 10,080, which represents an increase of 2.7 percent over the 2009 population. This relatively minor population growth is reflective of the fact that the Town is substantially built-out, with future development potential and population growth limited by the scarcity of vacant and developable land.



3.2 Maps of Current and Future Areas Served

The Town's water demand is met by the City of West Palm Beach, therefore the Town falls within the City of West Palm Beach's Utility Service Area, and is shown in the City's Potable Water Supply Service Area map found in the City's Comprehensive Plan Map Series.

3.3 Population and Potable Water Supply Demand Projections

The Town's population figures have been included in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan, which also includes the population figures for the Town of South Palm Beach and the City of West Palm Beach. All of these population figures have been used to project future water demand in the Utility Service Area for the City of West Palm Beach, and are included in the City's 10-Year Water Supply Facility Work Plan in the City's Comprehensive Plan. In summary, the City's permitted allocation of potable water is 14,346 million gallons per year, while the demand from the Utility Service Area was 11,216 million gallons in 2008, and the projected demand for the Area is 13,664 million gallons in 2018. Therefore, the City of West Palm Beach can more than easily meet the water demands of the Town of Palm Beach for the next ten years.

3.4 Water Supply Provided by the City of West Palm Beach

The City of West Palm Beach's 10-Year Water Supply Facilities Work Plan is attached as Appendix A. The intent of the City's Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City of West Palm Beach's water supply initiatives with the SFWMD's *Lower East Coast Water Supply Plan Update*.

As stated earlier, the City of West Palm Beach's Utility Service Area includes all the land within the City's municipal boundaries, and also those areas within the municipal boundaries of the Town of South Palm Beach and the Town of Palm Beach. The City of West Palm Beach's supply system is detailed in the following subsections.

3.4.1 SFWMD Water Use Permit

The City obtained a 20-year consumptive use permit (CUP) from the South Florida Water Management District (SFWMD) on October 12, 2006. The details of the permit are as follows:



- CUP Number: 50-00615-W
- Raw Water Source:
 1. Ground Water Source: Floridan Aquifer System & Surficial Aquifer System
 2. Surface Water Source: Clear Lake
- Raw Water Allocation Information:
 - Annual Allocation: 14,346 Million Gallons (MG)
 - Max. Monthly Allocation: 1,339 Million Gallons (MG)
- Annual allocation includes 10,291 million gallons (MG) existing surface water withdrawal and 4,055 million gallons (MG), Alternative Water Supply that is made up of 365 MGY from the Renaissance Project and 3,690 MGY from the Wetland Based Reclamation Project.
- Average to Maximum Monthly Pumping Ratio: 1:1.12
- Specific Source Limitation:
 - Clear Lake Annual = 14,346 MG; Monthly = 1,339 MG
- Permit Expiration in 20 years: October 11, 2026.

3.4.2 Existing Withdrawal Facility

Source: Floridan Aquifer System

1 – X 1200' X 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System

1 – X 18" X 152.5' X 2,790 GPM Well Cased to 82.5 feet

1 – X 18" X 153.5' X 2,790 GPM Well Cased to 83.5 feet

1 – X 18" X 154' X 2,780 GPM Well Cased to 84 feet

1 – X 18" X 163' X 2,780 GPM Well Cased to 93.5 feet

1 – X 18" X 166' X 2,780 GPM Well Cased to 96 feet

1 – X 18" X 170' X 2,780 GPM Well Cased to 100 feet

1 – X 18" X 150' X 2,780 GPM Well Cased to 80 feet

4 – X 18" X 150' X 2,780 GPM Well Cased to 80 feet

Source: Clear Lake

4 – X 14" X 100 HP X 8,400 GPM Turbine Pumps

1 – X 16" X 100 HP X 5,250 GPM Centrifugal Pumps

2 – X 18" X 125 HP X 10,500 GPM Centrifugal Pumps

1 – X 30" X 150 HP X 17,500 GPM Turbine Pumps

3.4.3 Alternative Water Supplies

The City's SFWMD consumptive use permit (CUP) requires that the City "use alternative water supplies to account for all increased demands from Clear Lake above the City's historic use in the 12-month period prior to April 2006 which equates to 10,291 million gallons per year (MGY)." The City has identified these



alternatives in Table 7 ("Service Area Water Demand Projections and Alternative Water Supply Sources") of their 10-Year Water Supply Facility Work Plan, which will allow the City to meet the water supply demand of its Service Area for the next ten years, including the water demands of the Town of Palm Beach.

3.4.4 Interconnects

The City also maintains interconnections with other public water suppliers including:

1. An emergency interconnection with Indian Trail Improvement District, for delivery of up to 0.15 MGD of finished water;
2. One emergency interconnection with the Village of Royal Palm Beach near State Road 7 and Okeechobee Boulevard for delivery of up to 2.0 MGD of finished water;
3. One interconnection with the Solid Waste Authority for delivery of up to 0.35 MGD of finished water;
4. One interconnection with Seacoast Utilities located at Northlake Boulevard, for delivery of up to 3.0 MGD of finished water as available within the capacity of the City's water system;
5. Three emergency interconnections with Palm Beach County at Bridgeman Road, Ernest Street and Jog Road; and
6. Two emergency interconnections with the City of Riviera Beach with one at Military Trail and one at Broadway Avenue.

3.5 Conservation

Currently, the Town's goal listed in the Comprehensive Plan is to reduce potable water consumption by 20% through the implementation of a water conservation program that includes education, requiring water saving devices in construction, requiring new automatic irrigation systems to include water sensors, the use of xeriscaping, and enforcement of SFWMD's irrigation restrictions.

To further the conservation of water, the Town will coordinate future conservation efforts with the City of West Palm Beach and the SFWMD to ensure that proper techniques are applied. In addition, the Town will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The Town will continue to actively support the SFWMD and the City of West Palm Beach in the implementation of new regulations or programs that are design to conserve water during the dry season.



3.6 Alternative Water Supply Projects & Reuse

State law supports and promotes reuse efforts. For the past several years, Florida's utilities, local governments, and water management districts have led the nation in implementing water reuse programs that increase the quantity of reclaimed water used and public acceptance of reuse programs. Section 373.250(1) F.S. provides that "water reuse programs designed and operated in compliance with Florida's rules governing reuse are deemed protective of public health and environmental quality." In addition, Section 403.064(1), F.S., provides that "reuse is a critical component of meeting the state's existing and future water supply needs while sustaining natural systems."

The Town of Palm Beach supports all water reuse initiatives by its water provider, including those completed and operational, and those that are being developed. These water reuse initiatives include the following:

The Renaissance Project was completed by the City of West Palm Beach in 2002, which is a stormwater collection and reuse system that collects and treats stormwater normally discharged into a water body, for reuse in the City's potable water supply system. Currently, the Renaissance Project captures, treats, and stores approximately 365 million gallons of water per year (MGY), or one (1) million gallons per day (MGD). This reuse system greatly reduces stormwater that would be passed into a water body, and significantly reduces the need for the City to withdraw additional water from the regional water supply system.

In 2006, the City of West Palm Beach completed construction on the Wetlands Based Water Reclamation Project (WBWRP), which is another water reuse project that involves the discharge of highly treated effluent to an adjacent wetland area to restore and recharge the wetland and surficial aquifer. The City then has the ability to withdraw this water from the recharged aquifer and put it into its potable water supply system. This reclaimed water, up to 10 million gallons per day (MGD), is available to augment the City's potable water supply system, which reduces the City's dependency on the regional water supply system.

The City of West Palm Beach also recently completed an 8 million gallon per day (MGD) aquifer storage and recovery (ASR) well at its Water Treatment Plant. This well can store excess treated surface water during a heavy rainfall, then pump it into the upper Floridan Aquifer System, which can then be withdrawn to meet increased demands during dry weather. The City's ASR well is not currently operational, but is being evaluated for future use.



4.0 CAPITAL IMPROVEMENTS

The following are details of the City of West Palm Beach's treatment process for potable water, and what capital improvements will be necessary over the next ten years to provide potable water to those it serves, including the Town of Palm Beach.

4.1 City of West Palm Beach's Existing Water Treatment Plant Process

The City of West Palm Beach's Water Treatment Plant (WTP) was originally constructed in 1921, and later expanded in 1989, which increased capacity by 47 million gallons per day (MGD). In 1999, the treatment process at the facility was modified to include ferric sulfate-enhanced lime softening treatment. The City is currently evaluating water treatment alternatives, other sources of water, and possible plant locations; any future modifications or changes shall be reflected in this plan as it is amended from time to time.

Surface water is the primary source for the City's (and therefore the Town's) water supply system. Surface water travels through the City's M-Canal to the City's water supply lakes (Lake Mangonia and Clear Lake), and they come from the City's Grassy Waters Preserve. As mentioned previously, there are other sources of water that feed into the surface water system, including the Renaissance Project and the Wetlands Based Water Reclamation Project (WBWRP). Ultimately, the combined water from Grassy Waters Preserve, the Renaissance Project, and the WBWRP is pumped from Clear Lake into the WTP for treatment.

The following is a description of the water treatment process contained in the City of West Palm Beach's 10-Year Water Supply Facility Work Plan:

First, powdered activated carbon is added to control taste and odor. Next, the water enters two parallel rapid mix coagulation-flocculation-sedimentation treatment trains. Each treatment train operates independently of the other utilizing two different chemical treatment methods. The east train utilizes ferric-sulfate-enhanced lime softening (LS) and the west train utilizes enhanced coagulation using ferric sulfate (EC). Following chemical addition, both trains enter flocculation basins and then sedimentation basins where particles settle and are removed from the water. Water is collected at the end of the sedimentation basins and both trains are combined in a combined effluent channel. After recombining, caustic soda is added to raise the pH prior to filtration. The pH adjusted water is then filtered to remove any remaining particulates before the final process step of chlorination.



After chlorination, the water is pumped through three major transmission mains that pump to the east, south and north.

4.2 Capital Improvements Element/Schedule

The City of West Palm Beach's Five-Year Capital Improvements Schedule, which is adopted annually, details the capital improvements necessary to provide the various adopted levels of service (LOS) established by the City and those that they serve, including the Town of Palm Beach. As stated previously, the City is currently evaluating water treatment alternatives, sources of water, and future water treatment plant locations. After this evaluation is completed, the City will update its Five-Year Capital improvements Schedule to incorporate any necessary projects.

After the City of West Palm Beach reviewed current and projected water demands, and its water supply options, the City determined that no new infrastructure for potable water will be needed within the ten-year planning period of this water supply facility work plan. However, a permit modification to the City's Wetlands Based Water Reclamation Project (WBWRP) will be needed by 2014 to allow for an increase in quantity of water discharged to the wetlands reuse site above the current average daily flow of 6.0 million gallons per day (MGD) to 10.0 MGD.

5.0 COORDINATION WITH WATER PROVIDER

A representative from the Town of Palm Beach meets on a regular basis with a representative from the City of West Palm Beach to "assist the City in its efforts to establish priorities for replacement of, or corrections of, deficiencies to potable water quality, facilities, as well as provision for future potable water needs." (Infrastructure Element Policy 12.1). The Town has also created the Town of Palm Beach Water Committee that regularly meets to discuss water supply problems and issues, and possible solutions. Representatives from the City of West Palm often address this Committee, and this Committee is in constant coordination with the City to ensure that the Town's potable water needs are met.

The Town will amend this work plan to address any changes to the water provider, or if the Town assumes the responsibility of water provider.



Appendix A

The City of West Palm Beach 10 Year Water Supply Facility Work Plan

10 YEAR WATER SUPPLY FACILITY WORK PLAN SUBELEMENT

1.0 INTRODUCTION

1.1 Purpose and Objectives

The purpose of the City of West Palm Beach Water Supply Facility Work Plan (hereinafter the Work Plan) is to identify and plan for the water supply sources and facilities needed to serve existing and new development within the local government's jurisdiction. Chapter 163, Part II, F.S., requires local governments to prepare and adopt Work Plans into their comprehensive plans within 18 months after the water management district approves a regional water supply plan or its update. The Lower East Coast Water Supply Plan (LECWSP) Update was approved by the South Florida Water Management District on February 15, 2007.

Residents of the City buy their water directly from the City of West Palm Beach Public Utilities Department (PUD). Under this arrangement, the City's PUD ensures that enough capacity is available for existing and future customers and that supporting infrastructure, such as the water lines, are adequately maintained.

According to state guidelines, the Work Plan and the comprehensive plan amendment must address the development of traditional and alternative water supplies, bulk sales agreements and conservation and reuse programs that are necessary to serve existing and new development for at least a 10-year planning period.

The City's Work Plan is divided into the following four sections:

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

Section 4 – Work Plan Projects/Capital Improvement Element/Schedule

1.2 Statutory History

The Florida Legislature has enacted bills in the 2002, 2004, and 2005 sessions to address the state's water supply needs. These bills, especially Senate Bills 360 and 444 (2005 legislative session), significantly changed Chapter 163 and 373 Florida Statutes (F.S.) by strengthening the statutory links between the regional water supply plans prepared by the water management districts and the comprehensive plans prepared by local governments. In addition, these bills established the basis for improving coordination between the local land use planning and water supply planning.

1.3 Statutory Requirements

The following highlights the statutory requirements:

1. Coordinate appropriate aspects of its comprehensive plan with the appropriate water management district's regional water supply plan, [163.3177(4)(a), F.S.]
2. Ensure that its future land use plan is based upon availability of adequate water supplies and public facilities and services, [s.163.3177(6)(a), F.S., effective July 1, 2005.] Data

and analysis demonstrating that adequate water supplies and associated public facilities will be available to meet projected growth demands must accompany all proposed Future Land Use Map amendments submitted to the Department for review. The submitted package must also include an amendment to the Capital Improvements Element, if necessary, to demonstrate that adequate public facilities will be available to serve the proposed Future Land Use Map modification.

3. Ensure that adequate water supplies and facilities are available to serve new development no later than the date on which the local government anticipates issuing a certificate of occupancy and consult with the applicable water supplier prior to approving building permit, to determine whether adequate water supplies will be available to serve the development by the anticipated issuance date of the certificate of occupancy. [s.163.3180(2)(a), F.S., effective July 1, 2005.] This “water supply concurrency” is now in effect, and local governments should be complying with the requirement for all new development proposals. In addition, local governments should update their comprehensive plans and land development regulations as soon as possible to address these statutory requirements. The latest point at which the comprehensive plan must be revised to reflect the concurrency requirements is at the time the local government adopts plan amendments to implement the recommendations of the Evaluation and Appraisal Report (EAR).
4. For local government subject to a regional water supply plan, revise the General Sanitary Sewer, Solid Waste, Drainage, Potable Water, and Natural Groundwater Aquifer Recharge Element (the “Infrastructure Element”), within 18 months after the water management district approves an updated regional water supply plan, to:
 - a. Identify and incorporate the alternative water supply project(s) selected by the local government from projects identified in the updated regional water supply plan, or the alternative project proposed by the local government under s. 373.0361(7), F.S. [s. 163.3177(6)(c), F.S.];
 - b. Identify the traditional and alternative water supply projects, bulk sales agreements, and the conservation and reuse programs necessary to meet current and future water use demands within the local government’s jurisdiction [s. 163.3177(6)(c), F.S.]; and
 - c. Include a water supply facility work plan for at least a 10-year planning period for constructing the public, private, and regional water supply facility identified in the Element as necessary to serve existing and new development. [s. 163.3177(6)(c), F.S.] Amendments to incorporate the water supply facility work plan into the comprehensive plan are exempt from the twice-a-year amendment limitation. [s. 163.3177(6)(c), F.S.]
5. Revise the Five-Year Schedule of Capital Improvements to include any water supply, reuse, and conservation projects and programs to be implemented during the five-year period.
6. To the extent necessary to maintain internal consistency after making changes described in Paragraph 1 through 5 above, revise the Conservation Element to assess projected water needs and sources for at least a 10-year planning period, considering the appropriate regional water supply plan, the applicable District Water Management Plan, as well as applicable consumptive use permit(s). [s.163.3177(6)(d), F.S.]

If the established planning period of a comprehensive plan is greater than ten years, the plan must address the water supply sources necessary to meet and achieve the existing and projected water use demand for established planning period, considering the appropriate regional water supply plan. [s.163.3167(13), F.S.]

7. To the extent necessary to maintain internal consistency after making changes described in Paragraphs 1 through 5 above, revise the Intergovernmental Coordination Element to ensure coordination of the comprehensive plan with applicable regional water supply plans and regional water supply authorities' plans. [s.163.3177(6)(h)1., F.S.]
8. Address in the EAR, the extent to which the local government has implemented the 10-year water supply facility work plan, including the development of alternative water supplies, and determine whether the identified alternative water supply projects, traditional water supply projects, bulk sales agreements, and conservation and reuse programs are meeting local water use demands. [s.163.3191(2)(1), F.S.]

2.0 BACKGROUND INFORMATION

2.1 Overview of the City of West Palm Beach

The City, established in 1894, is the largest municipality within Palm Beach County and serves as the County seat. The City boundaries encompass approximately fifty-eight (58) square miles and are bounded by the Intracoastal Waterway to the east, the South Florida Water Management District C-51 canal to the south, the City's 19.3 square mile Water Catchment Area (WCA) to the west, and the Beeline Highway and 59th Street to the north. Located adjacent to the City are several municipalities including, the Town of Palm Beach, City of Lake Worth, Town of Mangonia Park, and City of Riviera Beach.

Although the City is substantially built-out, approximately 98%, between 1990 and 2000, the City population grew from 67,764 to 82,103, an increase of approximately twenty-one percent. This population growth is reflective of the fact that the City continues to experience infill and redevelopment within its limits.

In 2007, an evaluation of existing gross acreage by land uses revealed that 28.2% of the total gross acreage in the City is dedicated to residential use. The remaining gross acreages are allocated to non-residential such as recreation/open space (50%); commercial (5.4%); industrial (2.9%); and undeveloped (2%). The City does not anticipate substantial increases in land area in the near future, however the population projection indicates a continued modest growth for the City of approximately 3% for the next 10 years.

2.2 Relevant Regional Issues

As the state agency responsible for water supply in the Lower East Coast planning area, the South Florida Water Management District (SFWMD) plays a pivotal role in resource protection, through criteria used for Consumptive Use Permitting. As pressure increased on the Everglades ecosystem resource, the Governing Board initiated rule making to limit increased allocations dependent on the Everglades system. As a result, the Regional Water Availability Rule was adopted by the Governing Board on February 15, 2007 as part of the SFWMD's Consumptive Use Permit Program. This reduced reliance on the regional system for future water supply needs, mandates the development of alternative water supplies, and increasing conservation and reuse.

The intent of the City's Water Supply Facilities Work Plan is to meet the statutory requirements mentioned in subsection 1.2 of this plan and to coordinate the City's water supply initiatives with the Lower East Coast Water Supply Plan (LECWSP) Update, prepared by the South Florida Water Management District.

This Water Supply Facilities Work Plan details the facilities and proposed alternative water supply (AWS) projects that are planned and included in the LECWSP in order to assist the City in meeting the service area water demands through 2017~~8~~. These projects are expected to be completed in increments consistent with the projected growth set forth in the Plan. The AWS projects are included in the City's Capital Improvement Element.

3.0 DATA AND ANALYSIS

3.1 Service Area - Population Information

The City of West Palm Beach Potable Water Supply Service Area (Utility Service Area) includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. The existing and future population figures for the Utility Service Area are derived from Palm Beach County Planning, Zoning and Building Department and the University of Florida Bureau of Economic and Business Research (BEBR). Between 1990 and 2000, the Utility Service Area grew from 78,937 to 93,310, an increase of approximately eighteen (18%) percent. In 2007~~8~~ the City's Utility Service Area population was estimated at 114,241. By 2012, the City's Utility Service Area population is anticipated to increase to 125,049; and in 2018 to 145,670; representing an increase of twenty (27.5 %) percent over the 2008 population. This population growth is reflective of the fact that the City continues to experience redevelopment and infill projects within its limits.

3.2 Service Area Map

The City Utility Service Area includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. A copy of the City's Potable Water Supply Service Area map is provided in the Comprehensive Plan Map Series.

3.3 Population and Potable Water Supply Demand Projections

This section provides historical population projections from 2002 to 2007 and projected population projections from 2008 through 2018 for the City Utility Service Area. Population projections for the City and its Utility Service Area are provided by the Palm Beach County Planning Division. The Palm Beach County Planning Division establishes municipal projection figures by disaggregating county-level forecasts produced by the Bureau of Economic and Business Research analysis of the University of Florida.

3.3.1 Historical Population Projections for the Service Area

Historical populations for the City Utility Service Area are as shown below in Table 1.

Table 1 – Historical Population for City of West Palm Beach Water Utility Service Area

Year	2003	2004	2005	2006	2007
<i>City of West Palm Beach Population</i>	90,721	95,628	101,111	107,617	105,068
<i>Town of Palm Beach Population</i>	9,682	9,685	9,700	9,706	9,744
<i>Town of South Palm Beach Population</i>	1,533	1,532	1,532	1,526	1,528
<i>Unincorporated Palm Beach County</i>	270	270	270	270	273
Total Service Area Population	102,206	107,115	112,613	119,119	116,613

3.3.2 Future Population Projections for the Service Area

Future population projections for the City Water Utility Service Area are as shown below in Table 2.

Table 2– Future Population Projections for City of West Palm Beach Water Utility Service Area

Year	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
<i>City of West Palm Beach Population</i>	102,453	104,762	107,109	110,131	113,224	116,387	119,623	122,933	126,015	129,157	132,363
<i>Town of Palm Beach Population</i>	9,969	9,943	9,916	9,916	10,010	10,074	10,250	10,369	10,635	10,937	11,298
<i>Town of South Palm Beach Population</i>	1,546	1,540	1,534	1,533	1,545	1,553	1,579	1,596	1,636	1,681	1,736
<i>Unincorporated Palm Beach County</i>	273	273	272	272	270	271	270	271	270	272	273
Total Service Area Population	114,241	116,518	118,831	121,852	125,049	128,285	131,722	135,169	138,556	142,047	145,670

3.3.3 Historical Water Use

The City's Water Treatment Plant historic water production figures are provided below in Table 3 for year 2003 through 2007. As seen from the values in the Table, the City's water production, i.e., demand, significantly dropped in year 2007 due to the significant drought that affected the region and the effective implementation of water restrictions.

Table 3–Service Area Past Water Production and Demand

Year	Annual Finished Water Produced at WPB WTP (MGY)	Daily Finished Water Produced at WPB WTP (MGD)	Service Area Population	Per Capita Demand (GPCPD)
2003	10,171.37	27.87	102,206	272.65
2004	10,849.90	29.73	107,115	277.51
2005	10,924.60	29.93	112,613	265.78
2006	11,526.23	31.58	119,119	265.10
2007	9,670.89	26.50	116,613	227.21

3.3.4 Future Water Demand Projections

Future water demand projections were calculated using the City's service area population projections multiplied by its projected per capita demands. The projected per capita demands are listed as identified in the City's Water Use Permit. Table 4 below provides the projected finished water demand for the year 2008 through 2018 and the permitted allocation from the SFWMD. The City's permitted allocation of 14,346 million gallons per year includes 4,055 million gallons per year of water produced from alternative water supply sources.

Table 4–Utility Service Area Water Demand Projections

Year	Projected Population	Per Capita Demand (GPCPD)	Projected Annual Demand (MGY)	Permitted Annual Allocation (MGY)
2008	114,241	269	11,216.75	14,346.00
2009	116,518	269	11,440.32	14,346.00
2010	118,831	269	11,667.42	14,346.00
2011	121,852	262	11,652.71	14,346.00
2012	125,049	262	11,958.44	14,346.00
2013	128,285	262	12,267.89	14,346.00
2014	131,722	262	12,596.57	14,346.00
2015	135,169	262	12,926.21	14,346.00
2016	138,556	257	12,997.25	14,346.00
2017	142,047	257	13,324.72	14,346.00
2018	145,670	257	13,664.57	14,346.00

The City's projected annual demand ranges from 11,216 million gallons per year in 2008 to 13,664 million gallons per year in 2018.

Table 5 below summarizes the City's Bulk Service Agreements with local service providers and municipalities. The City has an additional bulk service agreement with Seacoast Utility Authority that provides for up to 3.0 mgd of water to Seacoast provided the City has the water available within in its permitted capacity. This agreement along with the emergency interconnect agreements with Palm Beach County, Indian Trail Improvement District and Riviera Beach are not included as a capacity reservation as they are, by definition, on an emergency basis or subject to system capacity capability at the time of request.

Table 5 – Bulk Service Agreements Capacity Reservation

Bulk Sale Agreements - City of West Palm Beach											
Utility/Agency Served	Quantity of Water (mgd)										
	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Solid Waste Authority	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35	0.35
Total	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350	0.350

The total quantity of water allocated through the bulk service agreements is combined with the City's projected annual demand and compared to the City's permitted annual allocation below in Table 6.

Table 6 – Total Service Area and Bulk Service Agreement Demand Projection

Year	Bulk Service Agreements (MGY)	Projected Service Area Annual Demand (MGY)	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
2008	127.75	11,216.75	11,344.50	14,346.00	3,001.50
2009	127.75	11,440.32	11,568.07	14,346.00	2,777.93
2010	127.75	11,667.42	11,795.17	14,346.00	2,550.83
2011	127.75	11,652.71	11,780.46	14,346.00	2,565.54
2012	127.75	11,958.44	12,086.19	14,346.00	2,259.81
2013	127.75	12,267.89	12,395.64	14,346.00	1,950.36
2014	127.75	12,596.57	12,724.32	14,346.00	1,621.68
2015	127.75	12,926.21	13,053.96	14,346.00	1,292.04
2016	127.75	12,997.25	13,125.00	14,346.00	1,221.00
2017	127.75	13,324.72	13,452.47	14,346.00	893.53
2018	127.75	13,664.57	13,792.32	14,346.00	553.68

Table 7 below identifies the Alternative Water Supply Sources that are utilized to meet the City's projected annual service area demand and bulk service agreement reservation.

Table 7–Service Area Water Demand Projections and Alternative Water Supply Sources

Year	Clear Lake Allocation (MGY)	Renaissance AWS (MGY)	Wetlands Based Water Reclamation AWS (MGY)	Total Service Area Demand with Bulk Service (MGY)	Permitted Maximum Allocation (MGY)	Surplus or (Deficit) of Permitted Allocation (MGY)
2008	10,291.00	365.00	688.50	11,344.50	14,346.00	3,001.50
2009	10,291.00	365.00	912.07	11,568.07	14,346.00	2,777.93
2010	10,291.00	365.00	1,139.17	11,795.17	14,346.00	2,550.83
2011	10,291.00	365.00	1,124.46	11,780.46	14,346.00	2,565.54
2012	10,291.00	365.00	1,430.19	12,086.19	14,346.00	2,259.81
2013	10,291.00	365.00	1,739.64	12,395.64	14,346.00	1,950.36
2014	10,291.00	365.00	2,068.32	12,724.32	14,346.00	1,621.68
2015	10,291.00	365.00	2,397.96	13,053.96	14,346.00	1,292.04
2016	10,291.00	365.00	2,469.00	13,125.00	14,346.00	1,221.00
2017	10,291.00	365.00	2,796.47	13,452.47	14,346.00	893.53
2018	10,291.00	365.00	3,136.32	13,792.32	14,346.00	553.68

3.4 Potable Water Supply System

3.4.1 SFWMD Water Use Permit

The City received a twenty year water use permit from the South Florida Water Management District on October 12, 2006. Permit information is as follows:

- WUP Number: 50-00615-W
- Raw Water Source:
 - Ground Water from: Floridan Aquifer System and Surficial Aquifer System
 - Surface Water from: Clear Lake
- Raw Water Allocation Information:
 - Annual Allocation: 14,346 Million Gallons (MG)
 - Maximum Monthly Allocation: 1,339 Million Gallons (MG)
- Annual allocation includes 10,291 Million Gallons (MG) existing surface water withdrawal and 4,055 Million Gallons (MG), Alternative Water Supply which is made up of 365 MGY from the Renaissance Project and 3690 MGY from the Wetland Based Reclamation Project.
- Average to Maximum Monthly Pumping Ratio: 1:1.12
- Specific Source Limitation:
 - Clear Lake Annual = 14,346 MG; Monthly = 1,339 MG
- Permit Expiration: October 11, 2026.

3.4.2 Existing Withdrawal Facility

Source: Floridan Aquifer System

1-24" x 1200' x 4861 GPM Well Cased to 985 feet

Source: Surficial Aquifer System

1-18" x 152.5' x 2,790 GPM Well Cased to 82.5 feet

1-18" x 153.5' x 2,790 GPM Well Cased to 83.5 feet

1-18" x 154' x 2,780 GPM Well Cased to 84 feet

1-18" x 163' x 2,780 GPM Well Cased to 93.5 feet

1-18" x 166' x 2,780 GPM Well Cased to 96 feet

1-18" x 170' x 2,780 GPM Well Cased to 100 feet

1-18" x 150 x 2,780 GPM Well Cased to 80 feet

4-18" x 150' x 2,780 GPM Well Cased to 80 feet

Source: Clear Lake

4-14" x 100 HP x 8,400 GPM turbine pumps

1-16" x 100 HP x 5,250 GPM centrifugal pumps

2-18" x 125 HP x 10,500 GPM centrifugal pumps

1-30" x 150 HP x 17,500 GPM turbine pump

3.4.3 Alternative Water Supplies

The City's Water Use Permit requires the City to "use alternative water supplies to account for all increased demands from Clear Lake above the City's historic use in the 12-month period prior to April 2006 which equates to 10, 291 million gallons per year (MGY)". The City has approved alternatives, urban stormwater treatment via the Renaissance Project and wetland rehydration and aquifer recharge through the Wetlands Based Water Reclamation Project. Table 7 identifies the required alternative water supply demand needed to meet the projected water service area demand for year 2008 through 2018. A discussion of the City's alternative water supply projects can be found in Section 3.6 of this report.

3.4.4 Interconnects

The City maintains interconnections with other public water suppliers as follows:

- 1) An emergency interconnection with Indian Trail Improvement District, for delivery of up to 0.15 MGD of finished water;
- 2) One emergency interconnection with the Village of Royal Palm Beach near State Road 7 and Okeechobee Boulevard for delivery of up to 2.0 MGD of finished water;
- 3) One interconnection with the Solid Waste Authority for delivery of up to 0.35 MGD of finished water;
- 4) One interconnection with Seacoast Utilities located at Northlake Boulevard, for delivery of up to 3.0 MGD of finished water as available within the capacity of the City's water system;
- 5) Three emergency interconnections with Palm Beach County at Bridgeman Road, Ernest Street and Jog Road; and
- 6) Two emergency interconnections with the City of Riviera Beach with one at Military Trail and one at Broadway Avenue.

3.5 Conservation

The City developed and adopted a Water Conservation Plan in July 2005. The Water Conservation Plan elements include an aggressive approach to the development and implementation of several alternative water supply projects, water conservation based water rate structures, leak detection programs, an irrigation limitation ordinance, native vegetation landscaping requirements, ultra-low volume plumbing fixture construction code, rain sensor override requirement ordinance, and extensive public education programs. The City will coordinate future water conservation efforts with SFWMD to ensure that proper techniques are applied. In addition, the City will continue to support and expand existing goals, objectives and policies in the comprehensive plan that promote water conservation in a cost-effective and environmentally sensitive manner. The City will continue to actively support the SFWMD in the implementation of new regulations or programs that are design to conserve water during the dry season.

3.6 Alternative Water Supply Projects/Reuse

The City is committed to developing and implementing alternative water supply projects involving reuse. In 2002, the City completed the construction of the Renaissance Project, an innovative stormwater collection and reuse system that collects and treats stormwater normally discharged to tide, for reuse by the City in its potable water supply system. The Renaissance

Project, a \$17,600,000 project was completed with financial support from the Environmental Protection Agency, South Florida Water Management District, and Palm Beach County. The Renaissance Project became operational in September 2002 and it is estimated that between September 2003 and January 2004, over 340 million gallons of stormwater were pumped and treated through the Renaissance Pump Station. The Renaissance Project captures, treat and stores approximately 365 million gallons per year, (MGY) or one (1) million gallons per day (MGD). The Renaissance Project is intended to capture, treat and store stormwater that would normally be lost to tide and reduce the City's dependency on the regional water supply system.

In 2006, the City completed construction on the Wetlands Based Water Reclamation Project (WBWRP). The WBWRP is another innovative water reuse project involving the discharge of highly treated effluent to an adjacent wetland area to restore and recharge the wetland and surficial aquifer. The City's wellfield ultimately pulls water from this recharged aquifer and discharges the water to the City's potable water supply system. The reclaimed water, at up to 10 million gallons per day (MGD), is available to augment the City's water supply and again reduces the need to withdraw additional water from the regional water supply system.

The City has also completed construction of an 8 mgd aquifer storage and recovery (ASR) well at its Water Treatment Plant. The City's ASR well is designed to store excess treated surface water during period of heavy rainfall. The excess water is pumped into the upper Floridan Aquifer System and is recovered when the water is withdrawn to meet increased demands during dry weather. The City's ASR well is not operational at this time but it is being evaluated for potential use in the future.

4.0 WORK PLAN PROJECTS/CAPITAL IMPROVEMENT ELEMENT/SCHEDULE

4.1 Existing Water Treatment Plant Process

The City's Water Treatment Plant (WTP) was originally constructed in 1921. In 1989, the WTP was expanded to increase the facility design capacity to 47 million gallons per day (mgd) and in 1999, the City modified their treatment processes to include a ferric sulfate-enhanced lime softening treatment methodology. Currently, the City is evaluating several alternatives regarding future water treatment methods, future sources of water and location of future plant facility. The existing plant as it operates today is described herein, future modifications to the plant will be included in future amendments to this plan as these decisions are made, approved and implemented.

The primary source of the City's water supply is surface water. Surface water travels through the City's M-Canal to the City's water supply lakes, Lake Mangonia and Clear Lake, from the City's Grassy Waters Preserve, a 19.3 square mile aquatic preserve located in western West Palm Beach. Alternative sources of water that feed into this above-ground water supply system include the City's Renaissance Project and the City's Wetlands Based Water Reclamation Project (WBWRP). Ultimately, the combined contribution of source water from Grassy Waters Preserve, the Renaissance Project, and the WBWRP is pumped from Clear Lake into the WTP for treatment.

First, powdered activated carbon is added to control taste and odor. Next, the water enters two parallel rapid mix coagulation-flocculation-sedimentation treatment trains. Each treatment train

operates independently of the other utilizing two different chemical treatment methods. The east train utilizes ferric-sulfate-enhanced lime softening (LS) and the west train utilizes enhanced coagulation using ferric sulfate (EC). Following chemical addition, both trains enter flocculation basins and then sedimentation basins where particles settle and are removed from the water. Water is collected at the end of the sedimentation basins and both trains are combined in a combined effluent channel. After re-combining, caustic soda is added to raise the pH prior to filtration. The pH adjusted water is then filtered to remove any remaining particulates before the final process step of chlorination. After chlorination, the water is pumped through three major transmission mains that pump to the east, south and north.

4.2 Capital Improvements Element/Schedule

The City's financially feasible Capital Improvements Schedule, adopted annually, includes capital improvement projects necessary to maintain levels of service and provide for improved operational facility over the next 5 years. (See the Capital Improvements Element) The City is currently engaged in a comprehensive water supply planning effort to evaluate future water treatment methods, sources of water and location of water treatment plant facility. Upon completion of this planning effort, the City will incorporate any necessary capital improvement projects into the annual capital improvement schedule updates.

Upon reviewing the City's projected water demands, permitted allocation and alternative water supply projects, the City does not anticipate the necessity of additional capacity within the 10 year planning horizon. The City will continue to increase its operation of the WBWRP to meet increased demands through 2018. A permit modification to the City's WBWRP will be necessary in 2014 to increase the quantity of water discharged to the Wetlands reuse site above the current average daily flow of 6.0 MGD to 10.0 MGD. No modifications to the WBWRP advanced wastewater treatment plant are required as the WBWRP has a rated capacity of 10.0 MGD.

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction, at 1 Via Mizner (Per Letter Dated March 9, 2010, From Tim Givens).

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 29, 2010, from John Page
- Letter dated March 9, 2010, from Tim Givens

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: 1 Via Mizner, Requesting a Waiver of Section 42-199
Hours of Construction Work in the C-WA Zoning District

Date: March 29, 2010

STAFF RECOMMENDATION

Staff recommends approval of an extension of the hours for construction work for 1 Via Mizner, within the C-WA Zoning District, with the following conditions:

- Approval of the Worth Avenue Merchants Association.
- No loading or unloading, parking or material staging is to take place on Worth Avenue.
- All work will be coordinated with Burkhardt Construction, the Worth Avenue Improvement contractor, and will not impede their schedule.
- All work shall occur between the hours of 9:00 AM and 5:00 PM, Monday through Friday.
- A building permit shall be obtained before starting any work.
- Any verified complaints from neighbors may revoke this extension of hours.
- Subject to an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request prior to 10 days of the scheduled hearing date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

GENERAL INFORMATION

The Town received a letter on March 9, 2010 from Tim Givens Building and Remodeling, Inc. requesting permission to complete construction work in the C-WA zoning district commencing the week of April 12. Work is prohibited within the C-WA zone, the Worth Avenue corridor from November 1 to April 30.

The work proposed is to replace the windows and doors of the five story residence with impact rated windows and doors. A scaffold is required completely around the building, including on the south side of the building fronting Worth Avenue, to accomplish this work. The contractor wishes to be able to coordinate with the Worth Avenue Streetscape contractor, Burkhardt Construction, to erect the scaffolding in conjunction with the Streetscape project which will

allow completion before the hurricane season. Hours of construction will be between the hours of 9:00 AM and 5:00 PM, Monday through Friday, and will be scheduled as allowed to coordinate with the streetscape project. The contractor will follow the direction of the streetscape contractor. This waiver will allow the contractor to work more efficiently with the planned street work.

Staff believes granting extended construction hours under the conditions listed will not be overly offensive to the residents or inhabitants of the town and qualifies for an exception as provided in Town Code 42-199(c).

Attachment

JP/jlt

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

Tim Givens
Building & Remodeling, Inc.

March 9, 2010

Mr. Jeff Taylor
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

RE: 1 Via Mizner
Requesting a waiver of Section 42-199

Mr. Taylor:

We are requesting a waiver of section 42-199 so that we may erect scaffolding around the perimeter of 1 Via Mizner the week of April 12, 2010 in order to begin the replacement of windows and doors at the residence prior to the reconstruction work and closure of Worth Avenue.

Sincerely,



Tim Givens

RECEIVED
MAR 09 2010
TOWN OF PALM BEACH
BZG DEPT

5390 Georgia Avenue
West Palm Beach, Florida 33480
Telephone: 561-533-5828 Fax: 561-533-6030

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #3-2010 The application of Michael and Gayle Kalisman; relative to property commonly known as **146 Dunbar Road**; described as Lot 71 of ADAMS ADDITION, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 7, Page 68; located in the R-B Zoning District. Request for a Variance to allow construction of a 144 square foot one and two story addition for an elevator and equipment room with: (i) an east side yard setback of 13.66 feet in lieu of the 15-foot minimum required for the two story portion of the addition, and (ii) a cubic content ratio (CCR) of 4.56 in lieu of the 4.4 existing and the 3.9 maximum allowed in the R-B Zoning District. [Attorney: Maura A. Ziska, Esq.] [ARCOM Recommendation: Approval of the variance. Carried 7-0.]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated March 21, 2010, from Drs. Steven and Dana Krumholz

STEVEN and DANA KRUMHOLZ
136 Dunbar Road
Palm Beach, Florida 33480

VIA FACSIMILE: 561-838-5411

March 21, 2010

Mayor and Town Council and
Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

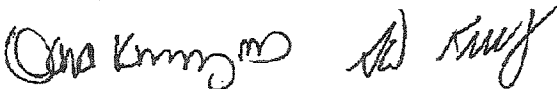
RE: Variance Number 3-2010
146 Dunbar Road, Palm Beach, Florida

Dear Mr. Mayor, Town Council members and ARCOM members:

We reside at 136 Dunbar Road in Palm Beach. Our adjacent neighbor to the west, Dr. and Mrs. Kalisman, are hoping to construct an elevator addition on the east side of their home. We have reviewed the plans for the proposed addition and fully support them and any relief they might need from the Town in order to get their addition approved. We believe that the addition is minor and necessary for Mrs. Kalisman's medical condition. Hopefully, you and your staff will agree with us and will approve the proposed addition.

Thank you for your consideration.

Sincerely,



Drs. Steven and Dana Krumholz

cc: Maura A. Ziska, Esq. (via facsimile: 561-802-8995)

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

New Business - > 15 Minutes

Agenda Title

SPECIAL EXCEPTION #3-2010 WITH SITE PLAN REVIEW AND VARIANCE The application of Roy Reeves, Restaurant Operator, relative to property commonly known as **219 Worth Avenue**; described as Lots 20, 21, 34 and 35, ROYAL PARK ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book, Page 1; located in the C-WA Zoning District. Request for Special Exception for a 4,075 square foot upscale American cuisine restaurant which includes site plan review to allow a new entry door and 36 outdoor seats on the proposed second floor patio within the proposed expansion area. The applicant is requesting umbrellas to cover the outdoor seating. The applicant also proposes to meet all conditions of approval which were granted to the previous restaurant applicant for this tenant space. The variance being requested is to eliminate the four additional off-street parking spaces required for the 74 proposed seats. [Attorney: Maura A. Ziska, Esq.]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated April 7, 2010, from James R. Brindell



GUNSTER

ATTORNEYS AT LAW

TOWN OF PALM BEACH
APR 07 2010
Town Manager's Office

Writer's Reference Number 00021968.00005
Writer's Direct Dial Number: (561) 650-0511
Writer's E-Mail Address: jbrindell@gunster.com

April 7, 2010

Via Hand Delivery

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

Re: Special Exception #3-2010 with Site Plan Review and Variance (the
"Application")

Dear Mayor and Town Council:

This letter is to advise you of significant issues associated with the application filed by Love, LLC, referenced above, for approval to open a new restaurant at 219 Worth Avenue. That location is immediately to the east of the Ta Boo restaurant, which is our client, located at 221 Worth Avenue. The two spaces are separated by a common wall. Ta Boo did not receive notice of the application pursuant to the Town's requirements, but only learned of it from a neighbor. This is particularly surprising in light of the 2009 approval which Love, LLC sought and received from the Town Council for an expansion of Taboo into the space at 219. Needless to say, when Ta Boo obtained a copy of the application it was quite surprised. This seems to our client like a classic bait and switch.

2009 Town Council Approval

Maura Ziska and Burt Handelsman appeared before you less than a year ago on May 13, 2009 representing the business interests of Ta Boo (as stated in the application), as well as those of Love, LLC. Now, they are back representing interests adverse to those of Ta Boo involving the same building space for the same type of use. Ta Boo's 68 years of good and responsible service to residents was used last year to induce the Town to allow the expansion of a known quantity. The new restaurant now proposed by Love, LLC has no experience in the Town upon which the Town can rely, and it would only serve to fragment further the stagnant restaurant customer base in the Worth Avenue area.

Love, LLC approached Ta Boo early in 2009 and suggested that Ta Boo be expanded into the space at 219 Worth Avenue. That seemed like a reasonable idea to Ta Boo. Our client was asked to join Love, LLC in that application and agreed to do so. Thereafter, Love, LLC proceeded to prepare and file the necessary zoning application with the Town. On May 13, 2009, Love, LLC received approval of Site Plan Review #8-2009 with Special Exception and Variance. The matter was represented in that application and before the Town Council as an expansion of Ta Boo. The approval letter dated June 1, 2009, confirms that the approval was only for an expansion of Ta Boo.

Ta Boo asked Love, LLC (Burt Handelsman), for a term sheet or draft lease provisions to cover the space at 219 Worth Avenue which was to be added to Ta Boo. Ta Boo did not receive a proposed term sheet or draft lease provisions prior to the Council approval of the expansion on May 13, 2009, prior to Love, LLC's application for a building permit pursuant to that Council approval, prior to the issuance of building permits, or prior to the start of construction in July 2009. In fact, Ta Boo has never received a proposed term sheet or draft lease in spite of numerous requests. Looking back on this chain of events, it is reasonable to wonder about the true motives of Love, LLC when it appeared before the Town Council last May.

Love, LLC used a Town Special Exception approval limited solely to an expansion of Ta Boo to obtain a building permit to create restaurant facilities in 219 Worth Avenue when it knew that it had no lease arrangement with Ta Boo for the expansion. Having built out the first floor space in 219 Worth Avenue pursuant to the 2009 Special Exception for an expansion of Ta Boo, Love, LLC now wants to back into a new and separate restaurant use at 219 Worth Avenue as a fait accompli. It would have the Town assume that an entirely new restaurant is the same as an expansion of Ta Boo, an existing restaurant with the longest track record for a restaurant in Palm Beach, 68 years.

The Building Permit for 219 Worth Avenue – Representations Made

The building permit application to construct the restaurant expansion at 219 Worth Avenue filed by Love, LLC in July, 2009, states that the project is "Interior & Exterior Renovations and Additions" and that the site address is 221 Worth Avenue (Ta Boo). The same tenant representation and address (221) was made on September 8, 2009 when Love, LLC filed plan revisions with the Building Department. All building plans are labeled "Additions/Renovations to Ta Boo Restaurant", and show a connection between 221 and 219 Worth Avenue through demolition of a common wall. A building permit was issued in July, 2009. A final inspection was conducted on November 5, 2009. Had Love, LLC filed building plans for restaurant improvements in 219 Worth Avenue without a connection to 221 Worth Avenue and without representing

it as an expansion of the existing Ta Boo restaurant, it would have been told by the Town that they could not get a building permit without first obtaining a new special exception. Yet, Love, LLC knew at the time it started construction under the building permit and in September 2009 when it filed plan revisions that it had not concluded the necessary lease agreement with Ta Boo to accomplish the expansion of Ta Boo.

The Pending Application

The pending application contains numerous inaccuracies and is deficient in several aspects:

Conflicts In Characterization of Application

1. The application characterizes the request as both "modifications/expansion or improvement of an existing restaurant..." (see Section IV Site Plan; Exhibit B, item 1 Site Plan; Exhibit C, items 1 and 2, Variance) and as a new proposed restaurant (see Section III Special Exceptions; Exhibit C, items 5 and 6, Variance). The first floor plan labels the first floor area as "Dining Expansion". There can only be an expansion of something which already exists.

Variance Request

2. Under item 1, Exhibit C of the Variance Request, it is stated that the special conditions which support the request and which exist are the "unique business on Worth Avenue" and that the purpose is "to improve the business and service to its customers" referring to Ta Boo. But, the pending application is for a new restaurant.

Refuse

3. With regard to the location of refuse and service areas under item 11, Exhibit A of the special exception request, the response is "N/A", not applicable. Surely, the proposed restaurant will have a garbage and trash dumpster. Code Sections 134-229(7) and (11), 134-327(b)(4)g, and 134-229(3) have not been met.

Parking

4. In the plans under "Parking Tabulation", credit is taken for a variance for 14 spaces previously granted for the Ta Boo expansion, not for a new restaurant.

Signs

5. Under Item 9 of Exhibit A, Signs, of the Special Exception portion of Love, LLC's application, the response is "N/A". It is hard to imagine that this new restaurant

will operate without a sign. It should be noted that on the Worth Avenue elevation in the application, the only store name shown is "Ta Boo". Code Sections 134-229(9) and 134-327(b)(10) have not been met.

Operator

6. The pending application was filed on February 19, 2010. It states that Roy Reeves, who would operate the proposed restaurant, "currently operates Deer Park Tavern" in Katonah, New York...". Yet, Deer Park Tavern had already burned down on January 26, 2010.

Outdoor Seating

7. The Ta Boo expansion approved by the Council last year included an outdoor patio area over the main entrance to Ta Boo on Worth Avenue which would have extended to the east over 219 Worth Avenue. That outdoor space would have been under the management control of Ta Boo, especially with regard to raucous behavior, noise, and the dropping of debris and drinks over the railing onto Worth Avenue. The pending application for a new restaurant would also have outdoor seating over Ta Boo's entrance, but with no ability of Ta Boo to control problems arising on that patio area. This is a constant point of conflict in the making between competing tenants. The Town should avoid creating such a nuisance situation. Code Sections 134-229(3), (4), and (7) have not been met. Enclosed is an exhibit showing in yellow the physical areas of Ta Boo which would be impacted.

Valet Parking

8. There is no discussion in the pending application of valet parking which one would expect to be a service provided by the proposed restaurant at 219 Worth Avenue. Ta Boo has three valet spaces approved by the Town which are located in front of the building immediately west of Ta Boo, Ta Boo, 219 and 215 Worth Avenue. Does Love, LLC assume that it can use Ta Boo's valet spaces? If so, Ta Boo objects to that. Three spaces are not sufficient to serve two separate restaurant operations. Or, does Love, LLC expect to have its own valet spaces directly in front of or behind Ta Boo's valet spaces? That could create serious vehicular conflicts between patrons and valets; a potential NASCAR pit row situation. Sections 134-229(8), 134-327(4)c., and 134-329(3) have not been met. Ta Boo's current valet parking zone is shown on the enclosed exhibit.

Traffic Concurrency

9. In the application approved last May for an expansion of Ta Boo, the Town

required a traffic concurrency determination from Palm Beach County. The determination letter obtained from the County, dated March 26, 2009, specifically addressed only an expansion of Ta Boo, an existing restaurant. The Ta Boo concurrency determination is based on square footage and it covers a total of 7,753 square feet of "Quality Restaurant", 4,924 square feet of which is attributed to the existing Ta Boo restaurant; see copy attached. Love, LLC's pending application states that the request is for 4,075 square feet of new restaurant. If they are suggesting that the March 2009 Ta Boo expansion concurrency determination by Palm Beach County is valid for their proposed new restaurant, then it does not account for 2,829 square feet of the new restaurant's proposed 4,075 square feet. Love, LLC has not provided the required traffic concurrency letter for this new restaurant. Code Section 30-111(c) has not been met.

Misuse of Prior Ta Boo Expansion Approvals

10. In support of its pending application, Love, LLC is attempting to use, in a grand leap, two previously authorized Ta Boo expansions as justification for a totally new restaurant in a different space. The first two approvals listed in the pending application under Site History do not involve the subject space at 219 Worth Avenue. Those approvals involved proposed Ta Boo expansions into other building space on Worth Avenue.

Town-Serving

11. The special exception criteria in Section 134-229(12) of the Zoning code requires "...evidence satisfactory to the Town Council that not less than 50 percent of the customers of the proposed use will be townspersons". With respect to a new restaurant, that evidence is to be based on "...market studies prepared by independent professional firms, or data from similar operations under the control of the applicant." As of yesterday, no such data or study had been provided to the Town. When it was proposed to expand Ta Boo into the space at 219 Worth Avenue, there were the 68 years of Ta Boo operations to support a conclusion that the expansion would continue to be Town-serving. In the case of the pending application, Love, LLC is proposing to install a restaurateur in 219 Worth Avenue with no restaurant history in Florida, let alone Palm Beach. In light of this complete lack of experience in Palm Beach and the depressed restaurant market, there is even less reason to assume (which is what the applicant would have the Town do) that the proposed new restaurant will be Town-serving.

It appears that the good reputation, Town-serving nature, and the success of Ta Boo over 68 years was used to give credibility to the 2009 application by Love, LLC to expand an existing restaurant use into 219 Worth Avenue, and to induce the Town

Mayor and Town Council
April 7, 2010
Page 6

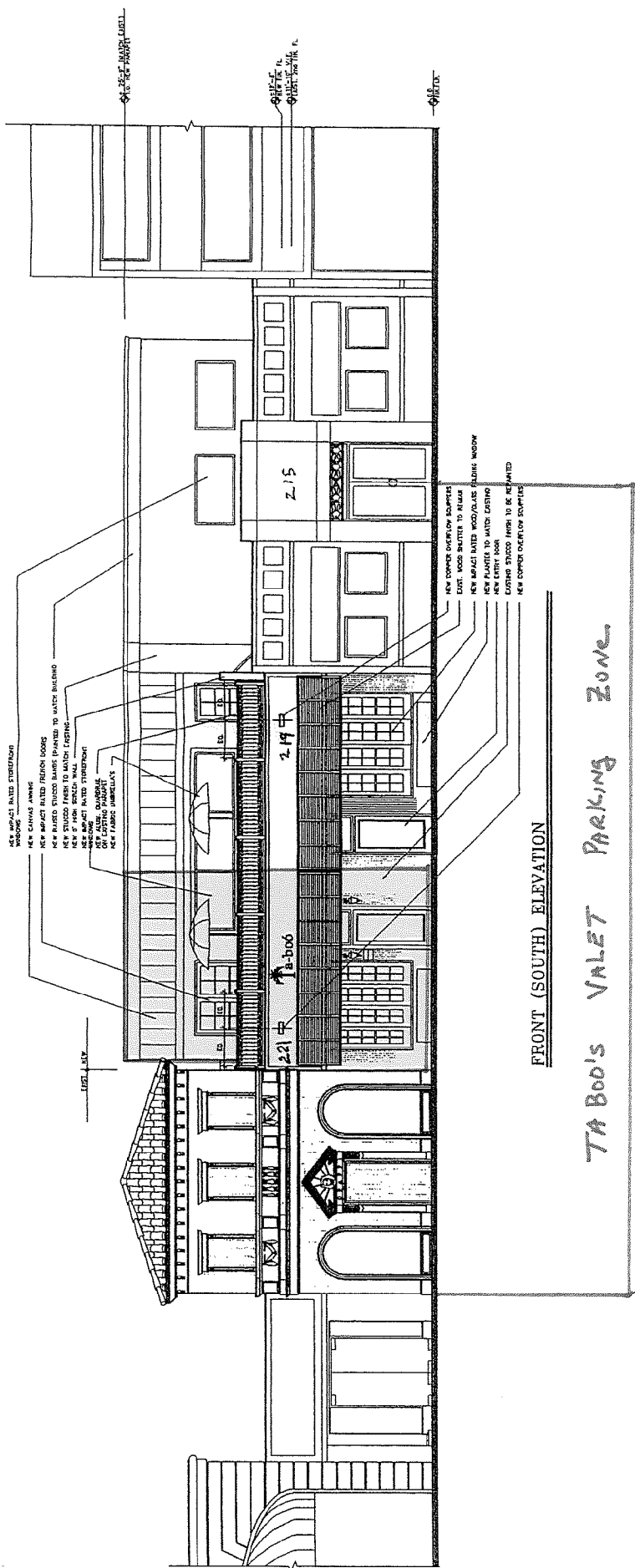
Council to approve that application on May 13, 2009. The pending application by Love, LLC attempts to slide an entirely new restaurant and operator into 219 Worth Avenue under the umbrella of credibility which Ta Boo brought to the 2009 expansion approval.

Sincerely yours,

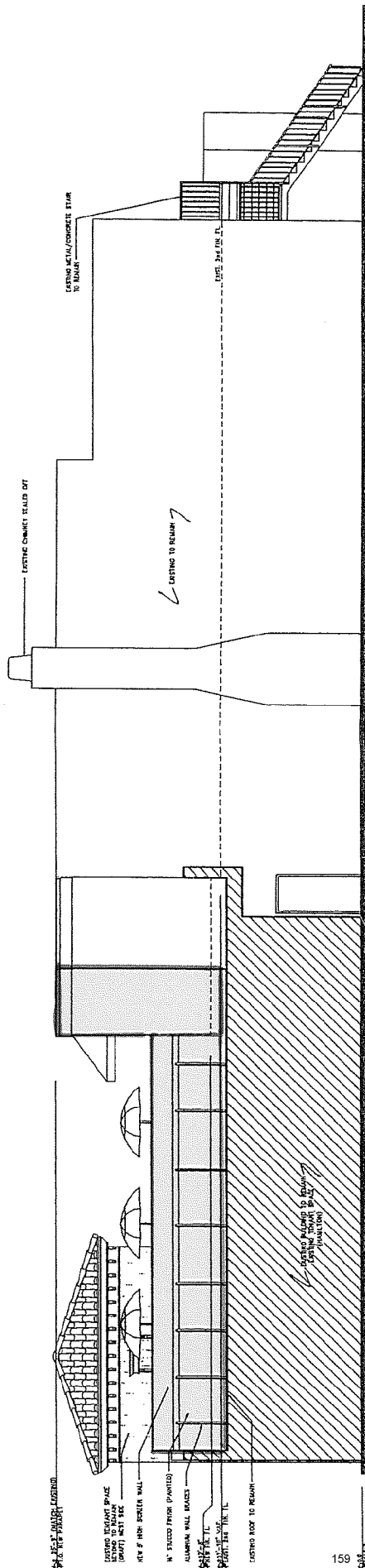


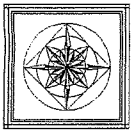
James R. Brindell
JRB/gvt

cc: Mr. Peter Elwell
Mr. John Page
Mr. Paul Castro
John Randolph, Esq.
Mr. Franklyn deMarco



TABBO'S VALET PARKING ZONE
3 SPACES, 66 feet





BRIDGES MARSH & ASSOCIATES, INC.
REGISTERED ARCHITECTS
 11111 E. 11th Avenue, Suite 100
 Fort Lauderdale, Florida 33315
 Phone: (561) 552-1500
 Fax: (561) 552-1501

CONSULTANT

SCALE

DESIGNED BY BRIDGES MARSH & ASSOCIATES, INC.
PROPOSED EXPANSION OF TA-800 RESTAURANT
 501 WEST AVENUE
 PALM BEACH, FL.

DRAWING
EXISTING AND PROPOSED FLOOR PLANS

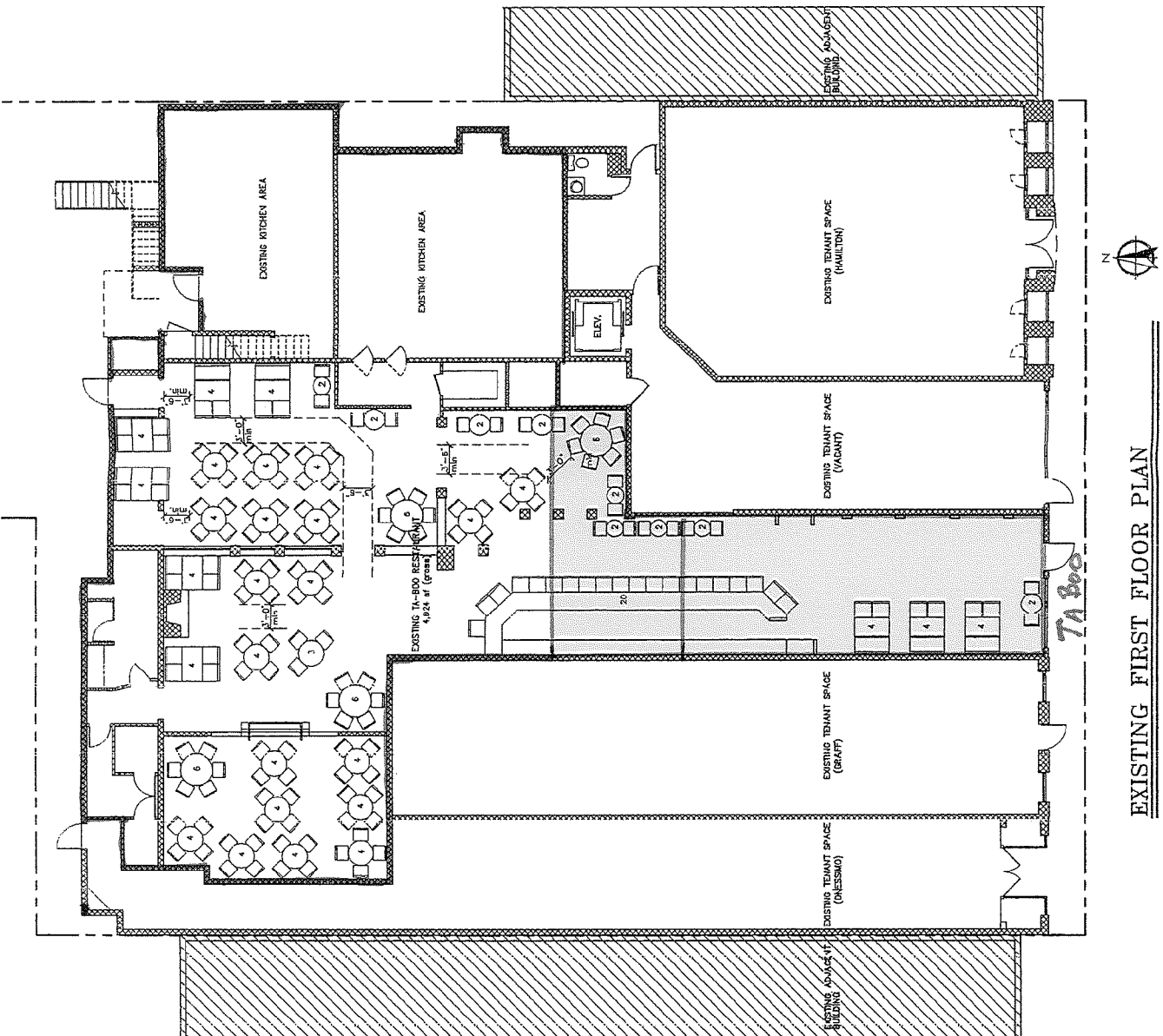
JOB NO.
29005

DATE
 05/15/08

SCALE
1/8" = 1'-0"

REVISIONS

PROJECT NO.
A2.1



EXISTING FIRST FLOOR PLAN



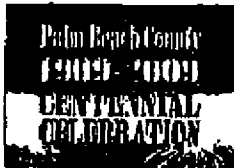
March 26, 2009

Department of Engineering
and Public Works
P.O. Box 21220
West Palm Beach, FL 33416-1229
(561) 684-4000
www.pbccgov.com

**Palm Beach County
Board of County
Commissioners**

Jeff Koons, Chairman
Burt Aaronson, Vice Chairman
Karen T. Marcus
Shelley Vana
District 4
Jesse R. Sanjayanaria
Addie L. Greene

County Administrator
Robert Weisman



"An Equal Opportunity
Affirmative Action Employer"

printed on recycled paper

Mr. Paul Castro
Zoning & Building Department
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

RE: Taboo Restaurant Expansion
Project #: 080315
TRAFFIC PERFORMANCE STANDARDS REVIEW

Dear Paul:

The Palm Beach County Traffic Division has reviewed the traffic study for the proposed restaurant expansion project entitled Taboo Restaurant Expansion, pursuant to the Traffic Performance Standards in Article 12 of the Palm Beach County Land Development Code. The project is summarized as follows:

Location:	231 Worth Avenue.
Municipality:	Palm Beach
PCN #:	50-43-43-23-05-015-0340.
Existing Uses:	2,519 SF General Office, 4,039 SF General Retail, and 4,924 SF Quality Restaurant.
New Proposal:	Conversion of the existing 2,519 SF Office to Quality Restaurant, along with addition of 310 SF Quality Restaurant, for a total of 7,753 SF Quality Restaurant.
New Daily Trips:	121
New PH Trips:	Trip Reduction AM and 4 PM
Build-Out:	End of Year 2013

Based on our review, the Traffic Division has determined that the proposed restaurant expansion meets the Traffic Performance Standards requirements of Palm Beach County. No building permits are to be issued by the City, after the build-out date, specified above. The County traffic concurrency approval is subject to the Project Aggregation Rules set forth in the Traffic Performance Standards Ordinance.

If you have any questions regarding this determination, please contact me at (561) 4030.

Sincerely,

Masoud Atefi - MSCE
TPS Administrator, Municipalities - Traffic Engineering Division

MA:af
cc: Kimley-Horn & Associates

File: General - TPS - Mun - Traffic Study Reviews
PATRAFFIC\maAdmin\Approvals\2008\080315.doc

RECEIVED

MAR 27 2009

TOWN OF PALM BEACH
PZB DIV

TOWN OF PALM BEACH

Town Council Meeting on: April 14, 2010

Section of Agenda

Development Review - Other

Agenda Title

Proposed Additional Theme for Vacant Storefront Displays - Norton Museum of Art.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated March 29, 2010, from John Page
- Examples of Displayed Art Work

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 14, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Vacant Store Fronts Amendment to Written Policy

Date: March 29, 2010

STAFF RECOMMENDATION

Staff recommends that the Town Council review the proposed new additional themes for screening vacant store fronts, and if found acceptable, approve these themes so that they may be added to the vacant store fronts written policy.

BOARD OR COMMISSION RECOMMENDATION

The Architectural Commission (ARCOM) reviewed the proposed new themes at its March 24, 2010 meeting, and unanimously voted to recommend approval of the proposed theme using pictures of art provided to property owners by the Norton Museum of Art. ARCOM, however, recommended against approving the proposed theme of using interior and exterior pictures of the Norton Museum of Art.

GENERAL INFORMATION

The code and related policy addressing vacant store fronts was last revised by Town Council on December 16, 2009. The policy was created so that the Council could easily add screening themes to the approved list without having to revise the code. Since the last Council action, the Norton Museum of Art has approached Town staff with the possibility of the Museum providing another alternative to the approved themes for screening. The Museum's proposed alternative themes are the following (examples attached):

- ▶ Pictures of art provided by the Norton Museum of Art.
- ▶ Photographs of the interior and exterior of the Norton Museum of Art.

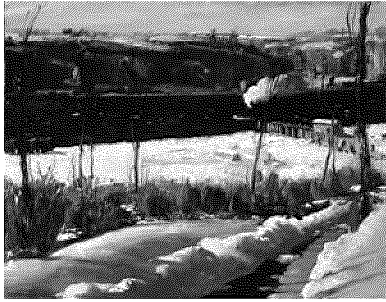
Please note that all previously approved size and display requirements will still apply. A brief PowerPoint presentation of the proposed themes will be shown at the April 14, 2010 Town Council meeting, and a representative from the Norton Museum of Art will be at the meeting to address the Council. The Norton Museum of Art has stated that it is their intent not to charge for providing digital copies of the artwork and pictures of the museum, except for the small expense

they incur in making these images available to the public (i.e. cost of producing the disc containing the images).

Attachments

cc: Robert Walton, Code Enforcement Officer
John C. Randolph, Town Attorney
John Lindgren, AICP, Planning Administrator

Examples of Displayed Art Work



GEORGE WESLEY BELLOWS

American, 1882 - 1925

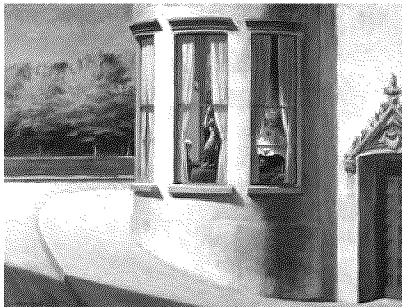
Winter Afternoon, Riverside Park, New York City, Jan. 1909



ROBERT HENRI

American, 1865 - 1929

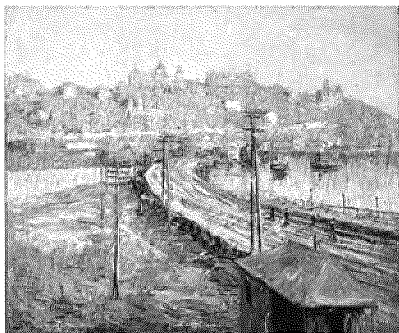
Portrait of a Boy (Sonny Mac), 1926



EDWARD HOPPER

American, 1882 - 1967

August in the City, 1945



ERNEST LAWSON

American, born in Canada, 1873 - 1939

Railroad Track, about 1905



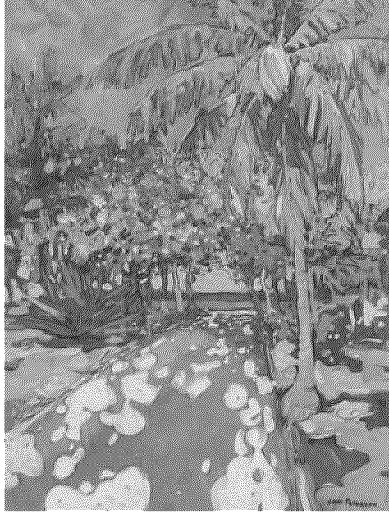
CLAUDE MONET
French, 1840 - 1926
Gardens of the Villa Morena, Bordighera, 1884



CAMILLE PISSARO
French, 1830 - 1903
The Presbytery Garden, Knokke, 1894



CHARLES COURTNEY CURRAN
American, 1861 - 1942
The Golden Profile, 1913



JANE PETERSON
 American, 1876 - 1965
Lane in Palm Beach (view toward the Intracoastal Waterway),
 after 1930



JEAN-MARC NATTIER
 French, 1685 - 1766
Lady of the Court of Louis XV

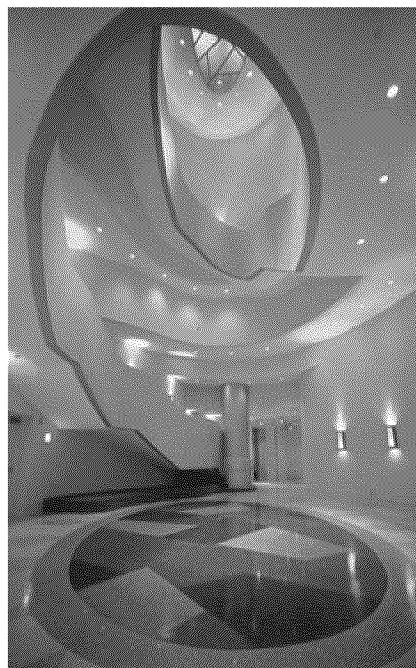
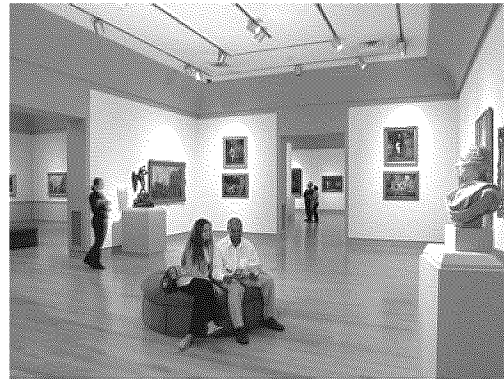


JAN ANTHONISZ. VAN RAVESTEYN
 Dutch (The Hague), about 1572 - 1657
Portrait of Judith van Volbergen, née Langley, 1611



DAVID TENIERS THE YOUNGER
Flemish, 1610 - 1690
The Interior of a Nobleman's Gallery, after 1635

PICTURES OF THE NORTON MUSEUM OF ART



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

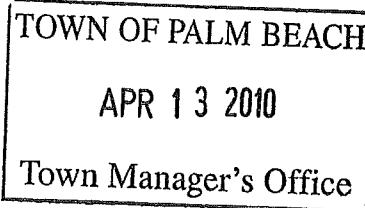
Telephone: (561) 802-8960

Facsimile: (561) 802-8995

April 13, 2010

VIA FACSIMILE: 561-835-4621

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



RE: Special Exception #3/2010 w/Site Plan Review and Variance

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the April 14, 2010 until the May 12, 2010 Town Council meeting. The reason for the deferral is to address outstanding issues with the staff.

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

Sincerely yours,

A handwritten signature in cursive script that reads "Maura Ziska".

Maura A. Ziska

MAZ/mr

cc: Paul Castro
Burt Handelsman
Jane Rankin

EDWARDS ANGELL PALMER & DODGE LLP

One North Clematis Street / Suite 400 West Palm Beach, FL 33401 561.833.7700 fax 561.655.8719 eapdlaw.com

G.E. Young, P.A.

561-820-0244

fax 888-325-9190

gyoung@eapdlaw.com

April 12, 2010

VIA HAND DELIVERY

Mayor Jack McDonald
Town Council President David A. Rosow
& Town Council Members
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

VIA FACSIMILE: (561) 835-4638

Planning, Zoning & Building Department
Town of Palm Beach
Town Hall
360 South County Road
Palm Beach, Florida 33480
Attention: Paul Castro, Zoning Administrator

Re: Parc Regent Condominium Association, Inc. ("Parc Regent") – Proposed Ordinance Nos. 1-10 & 2-10 (the "Ordinances") concerning Royal Poinciana Way Overlay

Ladies and Gentlemen:

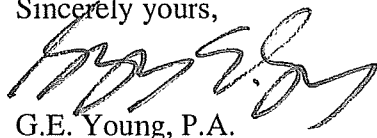
Edwards Angell Palmer & Dodge LLP and the undersigned are legal counsel to Parc Regent with regard to the subject matter. The Parc Regent Condominium is located at 184 Bradley Place, Palm Beach, Florida 33480.

The first reading of the Ordinances is scheduled for the Town Council's Wednesday, April 14, 2010 meeting. During the last several months, we have assisted our client with respect to review, analysis and understanding of the Ordinances – both the current documentation before the Town Council and earlier versions of the Ordinances, as there will in many ways be direct impact on my client by the Ordinances and by redevelopment to be undertaken in the Royal Poinciana Way Overlay. Parc Regent has at present a firm understanding of the Ordinances and how they seek to approach and address issues critical to the Royal Poinciana Way Overlay.

This letter serves to advise you that Parc Regent will not be raising objection to the Ordinances or their approval. My client is of the impression that the Ordinances are mostly effective for their purpose and need and that the alternatives could be significantly worse. The foregoing notwithstanding, there is strong and unanimous opinion among the constituent representatives of my client as to the following: it would be a mistake of enormous magnitude for the Town Council to approve the Ordinances only to thereafter issue variances or other relief such that individual (property-specific) zoning applications would be permitted to circumvent them. Please know that Parc Regent will not hesitate to oppose such applications and actions in the event that such relief is requested and granted in the future.

Many thanks in advance for your consideration to the foregoing as you evaluate and take action regarding the Ordinances.

Sincerely yours,



G.E. Young, P.A.

GEY:jws

cc: Mr. Lester Fisher
Mr. Jay Denger

PMB 397516.1

TOWN OF PALM BEACH

APR 13 2010

Town Manager's Office