



TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

MARCH 9, 2016

9:45 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

Mayor Gail L. Coniglio
Michael J. Pucillo, President
Richard M. Kleid, President Pro Tem
Bobbie Lindsay
Danielle H. Moore
Margaret A. Zeidman

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

1. Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 18-237
1290 N Ocean Blvd
John S. Page, Director of Planning, Zoning and Building Page 7

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **SITE PLAN REVIEW #8-2015 WITH VARIANCE** The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required. [Attorney: M. Timothy Hanlon]
[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 5-2.]
Deferred from the December 9, 2015, January 13, 2016, and February 10, 2016, Town Council Meetings.
Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated March 2, 2016, from M. Timothy Hanlon.
John S. Page, Director of Planning, Zoning & Building Page 28
- b. **MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES** Request for Waiver of Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard. [Attorney: Francis X. J. Lynch]
Deferred from the February 10, 2016, Town Council Meeting.
John S. Page, Director of Planning, Zoning & Building Page 46
- c. **SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW AND VARIANCES** The application of Robert and Denise Benedickson; relative to property commonly known as **222 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section Page 63

of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.] [Architectural Commission Recommendation: Deferred the project to the January 27th meeting. Carried 7-0]

Deferred from the February 10, 2016, Town Council Meeting.

Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 19, 2016, from Maura A. Ziska.

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

2. New Business

- a. **SITE PLAN REVIEW #02-2016** The application of Palm Beach Property LP (Samantha P. David, Agent); relative to property commonly known as **340 Royal Poinciana Way**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is seeking to modify the previously approved site plan approvals to correct the gross leasable area (GLA) of the Plaza; and thus the parking calculation of the Royal Poinciana Plaza. The 1979 Agreement and subsequent 1982 Fact Sheet Addendum represents that the Royal Poinciana Plaza has 141,187 SF of office and retail space, as well as several restaurant uses. The 1979 Agreement further stipulates that retail and office square footage shall be calculated at 1 parking space per 300 SF of GLA and restaurants are calculated at 1 parking space per 3 seats. Several changes have occurred since 1979 that have affected the overall square footage at the Plaza, including changes to the Slat House, common areas, and precise technology that allows property owners to accurately survey and calculate square footage. The applicant had a survey done of the property in 2015 and independent verification will confirm survey results to finalize the actual square footage for the Royal Poinciana Plaza. The correct square footage for office/retail GLA is 112,085 Sq. Ft. This does not include restaurant or theater requirements. [Attorney: Maura Ziska, Esq.]

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

- b. **SPECIAL EXCEPTION #06-2016** The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as **340 Royal Poinciana Way, Suite 304**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is requesting a Special Exception approval to operate a 5,973 square foot, 120 seat restaurant which will feature upscale Italian cuisine. The proposed restaurant will be located in the northeast corner of the Plaza where a restaurant was previously approved; however, the proposed restaurant will have less square footage and less seats. The proposed hours of operation are

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requested to be: Sunday through Thursday – Breakfast, Lunch and Dinner – 8:00 a.m. to 10:00 p.m. Friday and Saturday – Breakfast, Lunch and Dinner – 8:00 a.m. to 11:00 p.m. **The proposed restaurant is not to be open for lunch on the days that the theater has matinees** [Attorney: Maura Ziska, Esq.]

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

- c. **SPECIAL EXCEPTION #05-2016 WITH SITE PLAN REVIEW** The application of Alex Gilmurray, CFO of The Breakers Palm Beach, Inc.; relative to property commonly known as **1 S. County Rd.**, described as lengthy legal description on file; located in the PUD-A Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish Building #4 (2,726 sf) in The Breakers maintenance complex near the west end of the Pine Walk and replace it with a new building of 3,581 sf. The building, which serves as the carpentry shop, will physically resemble the other buildings in the maintenance complex. [Attorney: James M. Crowley, Esq.]

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

- d. **SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of 280 NCR, LLC; relative to property commonly known as **280 N. County Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.] [Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 7-0]
Request for Deferral to the April 13, 2016, Town Council Meeting Per Letter Dated February 29, 2016, from Guy Rabideau.

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

IX. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 4-2016** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article IV, Nonconformities,

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Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: 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.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information

Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

Note 3: If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Note 4: Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.

Note 5: Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item (s) be moved to the Regular Agenda and individually considered.

Note 6: All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Time Extensions

Agenda Title

Extension of Time Schedule for Completion of Construction per Town Code

Chapter 18, Section 18-237

1290 N Ocean Blvd

Presenter

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

Supporting Documents

- [Memorandum Dated February 24, 2016 From John S. Page, Director of Planning, Zoning and Building](#)
- [Letter Dated February 8, 2016 from Roger G. Thomas](#)
- [1290 North Ocean Boulevard Construction Schedule](#)
- [E-mail Dated March 2, 2016, from Lavinia K. Baker](#)
- [E-mails Dated March 2, 2016, from Dragana Connaughton](#)
- [E-mail Dated March 3, 2016, from Andrew Frazier](#)
- [E-mail Dated March 3, 2016, from Bill Williams](#)
- [E-mail Dated March 3, 2016, from Lee Fensterstock](#)
- [Letter Dated March 3, 2016, from Marilee and Dick Wehman](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 8, 9 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Extension of Time Schedule for Completion of Construction per Town Code
Chapter 18, Section 18-237.
1290 N Ocean Blvd

Date: February 24, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of the Code-specified time limit for construction for the project located at 1290 North Ocean Blvd (residential alteration of single family home).

GENERAL INFORMATION

The applicant is requesting a 6-month extension of the time limit (Permit B-14-39386) for the alteration of a single family residence of 4,620 square feet. The permit was issued on May 23, 2014 and was given a time for completion per the schedule in the Town Code of Ordinances of 24 months. This limit imposes a completion date for the construction of May 23, 2016.

Contractor (Christian Thomas Construction), has submitted a letter to the Building Official explaining extension circumstances. As required by Code, all owners within 200' of the project were notified of the extension, including Town Council meeting details. A construction completion schedule was also provided to staff.

As outlined within the Code, the Council may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the Council and imposition of a fee for each day of the extension beyond the 24 month term imposed. The fee established is 10 cents per square foot with a minimum of \$500.00/per day. From the Town's record drawings, the project square footage is 4,620 square feet. This means that the maximum fee that the Council could opt to impose is the \$500.00 per day minimum (which would accrue until the Planning, Zoning and Building Department issues a Certificate of Occupancy).

Attachments

cc: Roger Thomas, Christian Thomas Construction
Paul W. Castro, Zoning Administrator
H. Paul Brazil, Public Works Director
Ben Alma, Code Enforcement Unit



February 8, 2016

Mr. William C Bucklew, CBO, MCP, CFM
Building Official
Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480

RECEIVED

FEB 16 2016

TOWN OF PALM BEACH
PBZ DEPT.

Re: Permit B-14-39386
1290 N Ocean Boulevard, Palm Beach
Permit Extension

Dear Mr. Bucklew,

The Master Construction permit for the above referenced project is due to expire in May of this year. Christian Thomas Construction, Inc. is requesting a permit extension for this project be placed on the agenda for consideration at the next Town Council Meeting on March 8, 2016.

Christian Thomas Construction, Inc. is requesting the extension as circumstances have arose during the course of the project that have not enabled us to proceed with construction in a timely manner. Situations ranging from structural issues, to mechanical & electrical full-system updates, to water remediation, and other unforeseen conditions, have greatly impacted the time table.

We are requesting an extension be considered for the term of (6) months, lengthening the permit expiration to December of 2016.

Included with this letter is: (a) an updated construction schedule, showing the projected end of construction to be December, 2016, and (b) proposed nuisance mitigation measures.

We thank you in advance for your consideration of this request.

Regards,

Roger G Thomas
Principal

enc.



Architect: Bridges Marsh & Associates Inc,
Project: Permit B-14-39386
1290 N Ocean Road, Palm Beach, Florida
Contractor: Christian Thomas Construction, Inc.
Date: February 8, 2016

PROPOSED NUISANCE MITIGATION MEASURES

The Proposed Nuisance Mitigation Measures will follow the Town of Palm Beach's Code of Ordinances, Chapter, 42, Article V, Noise; and will specifically include the following:

- Hours of construction activity will be limited to: 8:00A to 6:00P, Monday thru Friday
 - Construction-related noise, including operations of heavy equipment, will not commence until 9:00A
- Hours of activity for interior work will be limited to: 8:00A to 6:00P, Monday thru Friday, and 9:00A to 5:00P on Saturday
- Construction traffic and deliveries will be coordinated between the hours of 8:00A to 4:00P, Monday through Friday. Any deliveries that may impact traffic flow will have a Right of Way permit application submitted with the Town.
- Work will not be performed during Town's published Holidays.



February 8, 2016

Mr. William C Bucklew, CBO, MCP, CFM
Building Official
Town of Palm Beach
Planning, Zoning & Building Department
360 South County Road
Palm Beach, Florida 33480

Re: Permit # B-14-39386
1290 N Ocean Boulevard, Palm Beach
Permit Extension; Notice to Owners

Dear Mr. Bucklew,

This letter is to advise you that as per the Town Council's requirements, Christian Thomas Construction, Inc. has formally sent a notice to owners within a 200 foot radius of the above referenced property, alerting them of our request at the next Town Council Meeting on March 8, 2016 for a permit extension. The letter was placed in the mail on February 8, 2016. Copies of the letters are enclosed.

Regards,



Diann Robbins
Project Coordinator

enc.



Gary R. Nikoli
Property Appraiser
Palm Beach

Search

Tools

Get directions:

(e.g. 301 N Olive Ave 33401)

26.7591314,-80.0370694

to

(e.g. 2300 N Jog Rd 33411)

[Get Google Directions](#)

[Multiple Stops](#)

Measure distances:

[Measure](#) ?

Click and hold the left mouse button, draw a measure line then let go of your left mouse button when you are finished drawing your line.

Select parcels:

[Select Parcels on the map](#) ?

[Select Parcels in Map Extent](#) ?

[Clear Selected Parcels](#)

Please select buffer below. Limit: 1 mile, or 5,280 ft.

1/2 mile

1 mile, or value (ft.): 200

[Select Parcels Using Buffer](#) ?

Select Parcels with buffer: ?

Multiple distances can be entered (300,500)

Max. Buffer: 1000 feet:

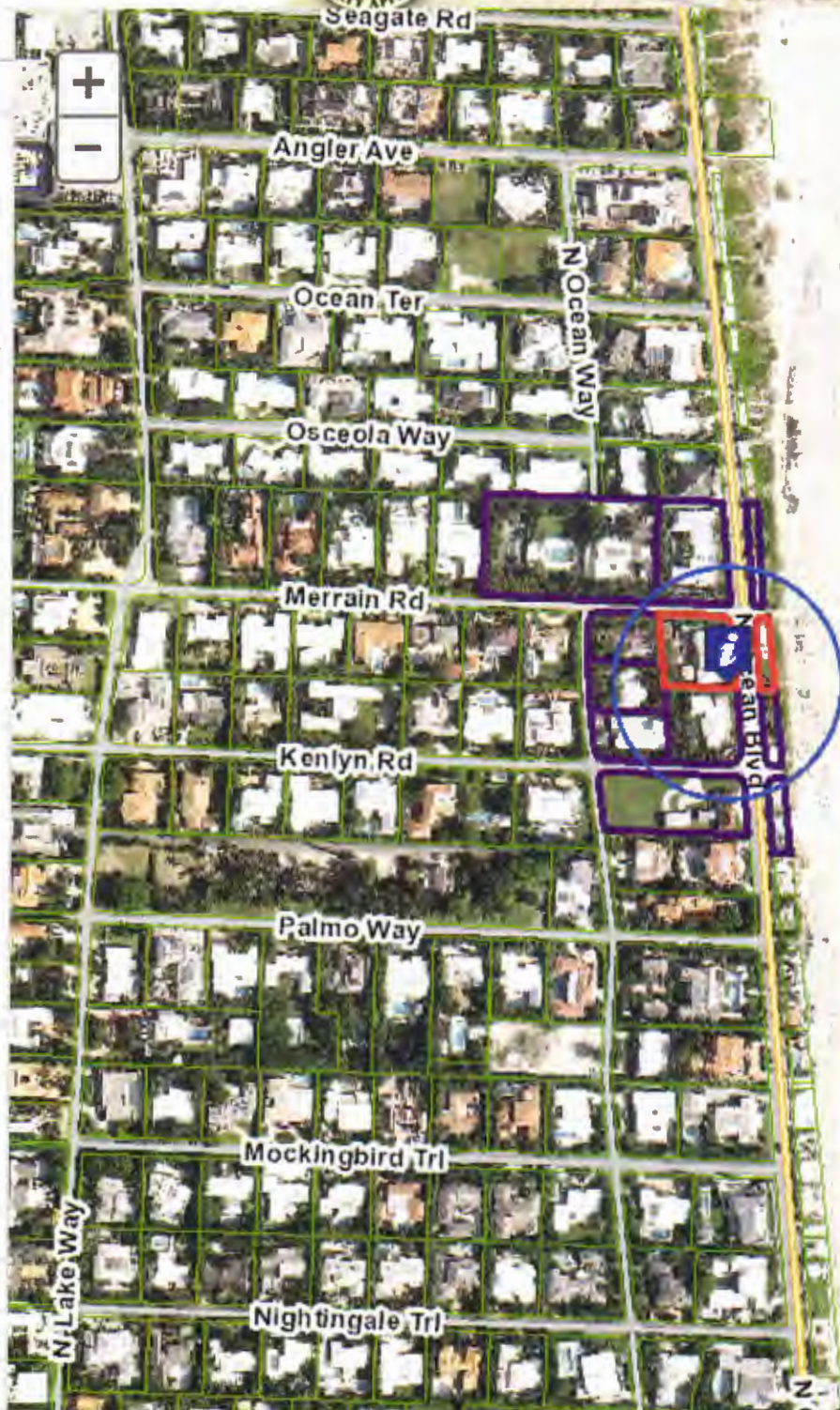
[Go](#)

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February 8, 2016

Mr. and Mrs. Paul Van Der Grift
1300 N Ocean Way
Palm Beach, Florida 33480

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

Dear Mr. and Mrs. Van Der Grift,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator



February 8, 2016

Mr. Timothy Gannon
1300 N Ocean Boulevard
Palm Beach, Florida 33480

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

Dear Mr. Gannon,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator



February 8, 2016

Richard H Wehman 2004 Trust
940 Forest Glen Drive
Winnetka, Illinois 60093-1430

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

To Whom It May Concern,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator



February 8, 2016

Lavinia Baker Trust
c/o Mr. Robert Durkin
340 Royal Poinciana Way, Suite 317/375
Palm Beach, Florida 33480

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

Dear Mr. Durkin,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator



February 8, 2016

Marlene Flanagan Trust
565 Locust Street
Winnetka, Illinois 60093

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

To Whom It May Concern,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator



February 8, 2016

1285 NOB LLC
1285 N Ocean Boulevard
Palm Beach, Florida 33480

Re: 1290 N Ocean Boulevard, Palm Beach
Permit Extension

To Whom It May Concern,

This letter is to notify you that Christian Thomas Construction, Inc. is formally requesting a permit extension with the Town of Palm Beach for the above referenced project. Our permit is set to expire in May of this year, however, due to delays beyond our control, the project will not be completed at that date. We expect the project to finish on or around the beginning of December, 2016, and are requesting an extension through that time. Our request will be formally presented at the next Town Council Meeting on March 8, 2016.

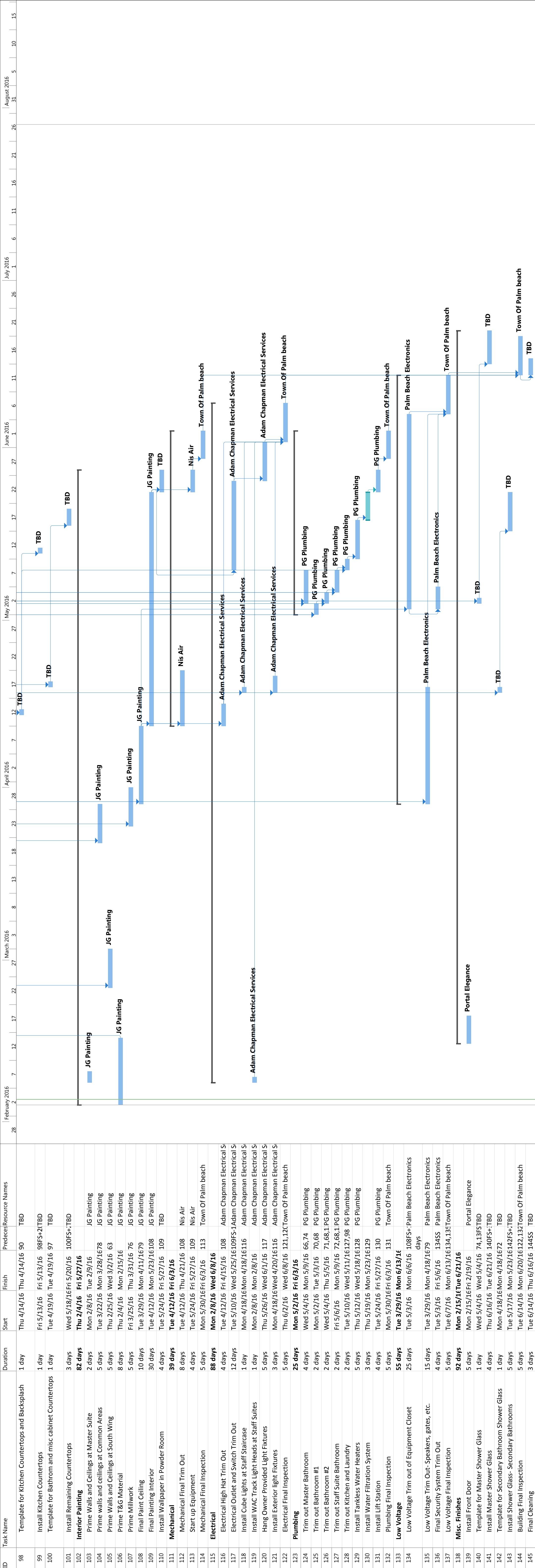
We thank you in advance for your consideration and acceptance of this matter. If you would like to speak to any member of our team in regards to this matter, please feel free to contact us at 561.768.9623 during business hours.

Regards,

Diann Robbins
Project Coordinator

ID	Task Name	Duration	Start	Finish	PredictedResource Names
1	Ordering Material	62 days	Thu 2/4/16	Fri 4/29/16	
14	Exterior	122 days	Wed 2/10/16	Thu 7/28/16	
15	Misc. Exterior	70 days	Wed 2/10/16	Tue 5/17/16	
16	Pour Pool Equipment Concrete Pad	1 day	Mon 2/22/16	Mon 2/22/16	Texta Shell Construction
17	Pour New BBQ Pad	1 day	Mon 2/22/16	Mon 2/22/16	Texta Shell Construction
18	Construct BBQ- Metal Framing	5 days	Tue 2/23/16	Mon 2/29/16	Ruizanable Drywall
19	Run Conduit and wiring for Gate access	5 days	Wed 2/10/16	Tue 2/16/16	Palm Beach Electronics
20	Site Electrical underground	5 days	Wed 2/10/16	Tue 2/16/16	Adam Chapman Electrical Services
21	Gas Underground for Fire pit and pool heater	2 days	Thu 3/3/16	Fri 3/4/16	C&C Diversified
22	Install new Garge Door	2 days	Mon 5/9/16	Tue 5/10/16	2FS+40 Allied Garage Door
23	Install Premier One Garage Floor Coating	5 days	Wed 5/11/16	Tue 5/17/16	22 Premier Garage
24	Pool and Fountain	101 days	Thu 2/11/16	Thu 6/30/16	
25	Pool Fountain Construction	15 days	Thu 2/11/16	Wed 3/2/16	Royal Palm Pools
26	Fountain Plumbing to Equipment Pad	8 days	Thu 3/3/16	Mon 3/14/16	25 Royal Palm Pools
27	Re-surface Pool Pte Work	10 days	Tue 3/15/16	Mon 3/28/16	31 Royal Palm Pools
28	Plaster Pool and Water Feature	3 days	Fri 6/24/16	Tue 6/28/16	39 Royal Palm Pools
29	Install Firepit Equipment	2 days	Wed 6/29/16	Thu 6/30/16	28 C&C Diversified
30	Hardscape Installation	63 days	Tue 3/29/16	Thu 6/23/16	
31	Cast Stone Delivery- 1/2	1 day	Tue 3/29/16	Tue 3/29/16	3FS+30 Conernery Concrete
32	Cast Stone Delivery 2/2	1 day	Tue 4/19/16	Tue 4/19/16	3FS+45 Conernery Concrete
33	Install Bedroom #2 Balcony Cast Stone	4 days	Wed 3/30/16	Mon 4/4/16	31 Marbon
34	Install Master Bedroom Balcony Cast Stone	4 days	Tue 4/15/16	Fri 4/8/16	33 Marbon
35	Install Front Walkway and Pool Walkway Cast Stone	12 days	Mon 4/11/16	Tue 4/26/16	34 Marbon
36	Install Compacted rock subbase	5 days	Wed 4/27/16	Tue 5/3/16	32,35 Marbon
37	Install Pool Deck and coping	20 days	Wed 5/4/16	Tue 5/31/16	36 Marbon
38	Form and Pour Vehicular approach	7 days	Wed 6/1/16	Thu 6/9/16	37 Adeimny Concrete
39	Install Driveway Pavers	10 days	Fri 6/10/16	Thu 6/23/16	37,38 Fine Line Pavers
40	Exterior Carpentry	80 days	Fri 4/8/16	Thu 7/28/16	
41	Install T&G and Beams at Pavilion	9 days	Mon 5/30/16	Thu 6/9/16	85 Child Brothers Trim Carpentry
42	Install Char Wood Planks at Garden Fence	15 days	Fri 6/24/16	Thu 7/14/16	39 Child Brothers Trim Carpentry
43	Install Char Wood Planks at Carport	10 days	Fri 7/15/16	Thu 7/28/16	42 Child Brothers Trim Carpentry
44	Construct wood Trellis at Entry Vestibule	3 days	Fri 4/8/16	Tue 4/12/16	52 Child Brothers Trim Carpentry
45	Railings and Gates	52 days	Wed 4/27/16	Tue 7/7/16	
46	Install Glas and Aluminum Railings at Balcony	10 days	Wed 4/27/16	Tue 5/10/16	6FS+40 J.A Custom Fabricators
47	Install Vehicular Gates	5 days	Fri 6/24/16	Thu 6/30/16	39 J.A Custom Fabricators
48	Install Pedestrian Gates	5 days	Fri 7/1/16	Thu 7/7/16	47 J.A Custom Fabricators
49	Exterior Painting	102 days	Wed 2/24/16	Thu 7/14/16	
50	Complete Stucco at House	15 days	Wed 2/24/16	Tue 3/15/16	20 Haig and Haig
51	Stucco Site Wall, Pavilion, BBQ	10 days	Wed 3/16/16	Tue 3/29/16	20,50,1 Haig and Haig
52	Prime Exterior	7 days	Wed 3/30/16	Thu 4/7/16	51 JG Painting
53	Final Paint Exterior	15 days	Fri 6/24/16	Thu 7/14/16	52,39 JG Painting
54	Landscaping/ Irrigation	114 days	Mon 2/22/16	Thu 7/28/16	
55	Deliver Palm Trees for Pool to Jobsite	1 day	Mon 2/22/16	Mon 2/22/16	Coteleur and Hearing
56	Install Palms Around Pool	1 day	Tue 2/23/16	Tue 2/23/16	55 Coteleur and Hearing
57	Install Irrigation Slaves under Hardscape	4 days	Tue 3/29/16	Fri 4/1/16	27 Coteleur and Hearing
58	Irrigation Installation	8 days	Fri 5/27/16	Tue 6/7/16	39SS-10 Coteleur and Hearing
59	Landscaping Installation	10 days	Fri 7/15/16	Thu 7/28/16	39,53 Coteleur and Hearing
60	Place Dominican Coral Stone	2 days	Fri 7/15/16	Mon 7/18/16	59SS,7F TBD
61	Interior	112 days	Thu 2/4/16	Fri 7/8/16	
62	Wall Finishes	93 days	Thu 2/4/16	Mon 6/13/16	
63	Finish Drywall	15 days	Thu 2/4/16	Wed 2/24/16	Ruizanable Drywall
64	Plaster Walls	17 days	Fri 5/20/16	Mon 6/13/16	67,90,8 CTC- Chinos Crew
65	Flooring	59 days	Thu 2/11/16	Tue 5/3/16	
66	Hardwood Floor Installation Master Suite	15 days	Thu 2/11/16	Wed 3/2/16	Absolute Hardwood Flooring
67	Hardwood Floor Installation Great Room/ Living Room	17 days	Tue 3/8/16	Wed 3/30/16	66,77 Absolute Hardwood Flooring
68	Hardwood Floor Installation South Side of House	22 days	Thu 3/31/16	Fri 4/29/16	67 Absolute Hardwood Flooring
69	Bathroom Floor and Wall Tile Delivery	5 days	Mon 3/21/16	Fri 3/25/16	8FS+20 TBD
70	Shower wall and floor tile installation at Bathroom #1	5 days	Mon 3/28/16	Fri 4/1/16	69 TBD
71	Shower wall and Floor tile installation at Bathroom #2	5 days	Mon 4/4/16	Fri 4/8/16	70 TBD
72	Shower wall and floor tile installation at Staff Bathroom	5 days	Mon 4/11/16	Fri 4/15/16	71 TBD
73	Staff Suite Floor Tile Install	5 days	Mon 4/18/16	Fri 4/22/16	72 TBD
74	Floor and wall tile install at Master Bathroom	7 days	Mon 4/25/16	Tue 5/3/16	73 TBD
75	Millwork	104 days	Tue 2/16/16	Fri 7/8/16	
76	Deliver Millwork	1 day	Thu 3/24/16	Thu 3/24/16	9FS+25 TBD
77	Install T&G in Great Room	15 days	Tue 2/16/16	Mon 3/7/16	106 Child Brothers Trim Carpentry
78	Install T&G at Living Room Ceiling	10 days	Tue 3/9/16	Mon 3/21/16	77 Child Brothers Trim Carpentry
79	Install T&G in Master Bathroom Ceiling	5 days	Tue 3/22/16	Mon 3/28/16	78 Child Brothers Trim Carpentry
80	Install Beams in Great Room	8 days	Tue 3/29/16	Thu 4/7/16	76,79 Child Brothers Trim Carpentry
81	Hang Interior Doors	8 days	Fri 4/8/16	Tue 4/19/16	66,80 Child Brothers Trim Carpentry
82	Install Harmon Hinge Doors	7 days	Wed 4/20/16	Thu 4/28/16	81 Child Brothers Trim Carpentry
83	Install Baseboard, sills, cased openings	15 days	Fri 4/29/16	Thu 5/19/16	82 Child Brothers Trim Carpentry
84	Install Wood Handrails	4 days	Fri 5/20/16	Wed 5/25/16	83 Child Brothers Trim Carpentry
85	Install Fireplace Facade	2 days	Thu 5/26/16	Fri 5/27/16	84 Child Brothers Trim Carpentry
86	Install Interior Door Hardware	5 days	Mon 7/4/16	Fri 7/8/16	85FS+21 Child Brothers Trim Carpentry
87	Cabinetry	41 days	Fri 3/25/16	Fri 5/20/16	
88	Delivery Appliances	1 day	Fri 3/25/16	Fri 3/25/16	90SS+4 TBD
89	Install Appliances	3 days	Thu 4/14/16	Mon 4/18/16	90 TBD
90	Install Kitchen Cabinetry	10 days	Thu 3/31/16	Wed 4/13/16	67 Schrappers Finish Cabinetry
91	Install Bar Cabinet at Entry	2 days	Thu 4/14/16	Fri 4/15/16	90 Schrappers Finish Cabinetry
92	Install Master Bedroom Wet Bar	2 days	Mon 4/18/16	Tue 4/19/16	91 Schrappers Finish Cabinetry
93	Remaining Cabinetry Delivery	1 day	Thu 4/7/16	Thu 4/7/16	11FS+31TBD
94	Install Master Bathroom Vanity	1 day	Fri 4/8/16	Fri 4/8/16	93,79 TBD
95	Install Bathroom #1 Cabinet	1 day	Fri 4/8/16	Fri 4/8/16	70,93 TBD
96	Install Bathroom #2 Cabient	1 day	Mon 4/11/16	Mon 4/11/16	93 TBD
97	Install Staff Suite Vanity	1 day	Mon 4/18/16	Mon 4/18/16	93 TBD

Page 1



From: Lavinia Baker <laviniabaker@me.com>
To: jpage@townofpalmbeach.com
Date: 03/02/2016 03:29 PM
Subject: Annoyed with 1290 N. Ocean Blvd.

Hello,

I live at 1291 N. Ocean Way; directly behind 1290 N. Ocean Blvd. For over two years it has been an annoying construction site.

I have lost my privacy hedge on their side and need them to replace it. They also put something in the soil that made my trees and bushes die too.

We hear drilling and lots of noise all the time. We often have guests here from Europe that need peace and quiet in the morning. I have my nephew that works at night time at a restaurant so the noise is difficult for him too.

We constantly have workman peering into our yard and then for months no one is even working on that site. So I would be opposed to another extension as this needs to end.

Of utmost importance to me again, is please get them to put bushes and trees on their side so we are not staring at each other.

Best,
Lavinia Baker

Lavinia K. Baker

Independent Representative for
Liquid BioCell
"Finally, The Fountain of Youth Discovered"
(561) 762-4416
laviniabaker@me.com

From: richard connaughton <rconn@eastportrealestate.com>
To: jpage@townofpalmbeach.com
Date: 03/02/2016 04:55 PM
Subject: Fwd: 1290 N. Ocean Blvd. --opposed to building permit extension

From: richard connaughton <rconn@eastportrealestate.com>
Subject: 1290 N. Ocean Blvd. --opposed to building permit extension
Date: March 2, 2016 at 4:53:24 PM EST
To: jpage@thetownofpalmbeach.com

We are neighbors at 1290 NOB and this house has been under construction going on three years. The contractor has not been on site for a majority of the time until recently. I understand the owner has dragged their feet in approving the construction and there have been numerous changes to the original plan. This project has been overly disruptive to all residents in the immediate area and the Town should not grant an extension to the building permit. In addition, the cabana is not part of this permit and is in poor structural shape. Rebar rust is leaching from the north wall and the exterior of the cabana is cracking and is an eye sore.

This is the never-ending project from hell and it is affecting the quality of life for all the neighbors. The owners are not Palm Beach residents and never have been. My understanding they are South American and spend time in Miami. They have taken no action to mitigate the disruption. Will we continue this disruption for another three years when they apply for a building permit to redo the cabana?

Please deny the extension and send a message this project needs to be completed at once.

Richard and Dragana Connaughton
267 Merrain Rd.

----- Forwarded by John Page/PalmBeach on 03/03/2016 08:27 AM -----

From: Dragana Connaughton <draganaconnaughton@gmail.com>
To: jpage@townofpalmbeach.com
Date: 03/02/2016 05:24 PM
Subject: 1290 North Ocean Blvd

JP, I was racing into a meeting and tried to send you a quick note about 1290 NOB. This contractor gutted the property and removed brand new impact doors and windows and anything of value and then never reappeared. A construction site was left in total disarray, an eyesore and the contractors were seldom at the property until recently. I had called and inquired about the lack of progress being made on the site a couple of months ago. We want this project finished, both the ocean parcel and the home within the time frame of this extended permit. We are not in favor of any type of extension as this has been terribly disruptive for our street, the neighbors immediately around this property have been terribly inconvenienced and the contractor has been totally unreliable and non responsive to requests. I tried several times contacting the company and just last week was the first time someone returned my call. I voiced my displeasure on the project and told them I would call code enforcement and object to any extensions as I have never seen a worse run construction site. Thank you for your attention to this matter, Dragana Connaughton

--

Dragana Connaughton
Realtor Associate
340 Royal Poinciana Way, Suite 337
Palm Beach, FL 33480
t: 561.273.6107
m: 561.379.5467
f: 561.273.4007
dragana.connaughton@sothebyshomes.com
www.33480palmbeach.com

From: Andrew Frazier <frazier.as@gmail.com>
To: jpage@townofpalmbeach.com
Date: 03/03/2016 07:53 AM
Subject: 1290 North Ocean Blvd

Mr. Page

I understand that the contractor for 1290 North Ocean Blvd. is applying for a six month extension.

This job has gone on far too long, including long periods of inactivity. It is an eyesore and nuisance.

It should be finished as quickly as possible, with no extension granted.

Andrew Frazier
242 Merrain Road

From: BILL WILLIAMS <bwilliams@foryourrights.com>
To: "jpage@townofpalmbeach.com" <jpage@townofpalmbeach.com>
Date: 03/03/2016 07:59 AM
Subject: 1290 north ocean boulevard

Dear Mr. Page, We reside on Merrain Road and object to any extension for work to be done at 1290 North Ocean. This project should have been done and completed a long time ago in my opinion. On many days, no one is even present on this project. Please deny any extension as this house needs to be completed. Thank you, Bill Williams

Sent from my iPhone

From: Lee Fensterstock <lf445fen@aol.com>
To: jpage@townofpalmbeach.com
Cc: Dragana Connaughton <draganaconnaughton@gmail.com>
Date: 03/03/2016 09:31 AM
Subject: 1290 North Ocean

I just wanted to note that this project has been going on for around three years with little activity for most of that time. I understand that they are asking for a 6 month extension. I would ask that it not be granted so there is some pressure on them to complete the work. It has been an eyesore and we would like it to be completed. Thank you for your consideration, Lee Fensterstock, 259 Merrain Road.

Sent from my iPad

March 3, 2016

MARILEE and DICK WEHMAN

RECEIVED
MAR 03 2016

TOWN OF PALM BEACH
PZB DEPARTMENT

Dear Mr. Page,

We are next door neighbors to 1290 Ocean Blvd. We are asking you to block an extension to the Non Working. This has been going on for over 2 years. For many days there are NO workers there.

This is an eye sore to our beautiful Island.

Thank you
Marilee and Richard Wehman

**110 MERRAIN ROAD
PALM BEACH, FLORIDA 33480
561.848.9591 FAX 561.848.9467**

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - Old Business

Agenda Title

SITE PLAN REVIEW #8-2015 WITH VARIANCE The application of 201 Debra Lane, LLC (Juan M. Naveja Diebold, Manager); relative to property commonly known as **201 Debra Ln.**, described as lengthy legal description on file; located in the R-B Zoning Districts. The Applicant seeks Site Plan approval to construct a 3,814 square foot two story home on a platted lot that is 98.55 feet deep in lieu of the 100 foot minimum required and 91.61 foot wide in lieu of the 100 foot minimum required. A variance is requested to permit installation of a pool in the street side yard with a setback of 6.25 feet in lieu of the 15 foot minimum required.

[Attorney: M. Timothy Hanlon]

[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 5-2.]

Deferred from the December 9, 2015, January 13, 2016, and February 10, 2016, Town Council Meetings.

**Request for Deferral to the April 13, 2016, Town Council Meeting
Per Letter Dated March 2, 2016, from M. Timothy Hanlon.**

Presenter

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

Supporting Documents

- [Letter Dated February 20, 2016, from Nick Coleman](#)
- [Letter Dated February 22, 2016, from John C. Dotterer](#)
- [Letter Dated February 22, 2016, from Austin Manchester](#)
- [Letter Dated February 22, 2016, from Daniel N. Tucker, M.D.](#)
- [Letter Dated February 22, 2016, from Elisa Grace Young \(Degey\)](#)
- [Letter Dated March 2, 2016, from M. Timothy Hanlon](#)

Nick Coleman
1475 North Lake Way
Palm Beach, FL 83480

February 20, 2016

Town Council
Arcom
Town of Palm Beach
360 S. County Rd.
Palm Beach FL 33480

Subject: 201 Debra Lane Project; Letter in Opposition

Dear Mayor, Members of Town Council and Architectural Review Commission,

I oppose the proposed project at 201 Debra Ln. (Arcom 2015 B-122 and TC 2015-008). I reside in our newly built one-story residence also designed by architect Janssen located at the opposite corner of the same large block as the 201 project (SW corner of Mañana Lane and North Lake Way).

Regrettably, I am unable to be in town to attend in person the upcoming February 24, 2015 ARCOM meeting, but would ask that this letter stand and be considered as if I had attended that or other Town Meetings.

I had previously signed a form supporting letter on December 5, 2015 before the 1st town meetings on the project, but feel that I was then under informed or misinformed, and hereby withdraw that December 5 letter and register my opposition.

Debra Lane is a small, narrow lane with very small lots on which the uniform one-story bungalows are well proportioned and well scaled to fit the street and boundaries. Most of Mañana Lane, and all of Laurie Lane and Onondaga are the same type of bungalows, constitute a consistent and charming neighborhood, as originally platted and designed.

The subject project would disturb and degrade that harmony. It would be excessively dissimilar. Just as concerning, if the 201 Debra project were to be

approved, more Spec Developers, always seeking to upsize and maximize their projects in the North End will demand two-story treatment as these properties are sold in the future. That would create crowded canyons where we now have space open to the sky. For this reason, approval of the proposal would set bad precedent and spur more such overbuilding.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Nick Coleman', with a long horizontal flourish extending to the right.

Nick Coleman

**JOHN C. DOTTERER
1470 North Ocean Blvd.
Palm Beach, FL 33480**

February 22, 2016

**Architectural Review Commission,
Town of Palm Beach**

**Robert J. Vila, Chairman
Ann L. Vanneck, Vice Chairman
Kenn Karakul
Richard Sammons
Peter I. C. Knowles II
Martin D. Gruss
Robert N. Garrison
Alexander C. Ives
Michael B. Small
Maisie Grace**

**c/o John Lindgren, ACIP
Planning Administrator
jlindgren@townofpalmbeach.com**

**Re: 201 Debra Lane
ARCOM Application B-122-2015 (201 Debra Lane LLC)**

LETTER IN OPPOSITION - (*Suppl. To Dec. 6, 2015 Ltr.*)

Hearing Date: Wednesday , February 24, 2016

Dear Members of the Council and Commission:

Diminutive Debra Lane will be directly and negatively affected by the continued excessive mass and dissimilarity the proposed Spec Development Project would impose upon the special charm and characteristics of this unique lane that should be

preserved. The Project would also set horrifically bad precedent that would shrink Debra from lane to alley.

Allowing this oversized, crammed construction onto such small lots would initiate, after 60 years of proportioned architectural peacefulness, a march of new projects that will over bear this enclave of one story bungalows, from above intrude on their equal-linear privacy, block their natural sunlight, create canyons on these narrow lanes, and chasms between rising structures on these undersized parcels.

Instead, this Commission should adhere to the wise precedent it established within the year at 257 Sandpiper [Arcorn Case # B-002-2015], in which the objections of neighbors on that much wider one story Street were heeded and respected, the two-story application denied, and a one floor program is being more harmoniously completed by the very same Architect.

That is the right result; it can easily and should be applied here.

To treat the neighbors on Debra and environs differently than those on Sandpiper would be unfair and unequal.

I. OPPOSITION TO 201 HAS GROWN AND SUPPORT WITHDRAWN.

Largely concerned with the devastating potential negative precedential effect, opposition to 201 has swelled.

20 neighbors have now felt strongly enough about this issue to have gone to the effort to register their objections. More may be on the way. And at least 5 the persons who had once, early on, signed form support letters have now withdrawn or reversed them. Each of the letters in opposition is applicable to the current version, "REV 04", because they protested the 2nd story massing, which is continued still.

The opposition is overwhelming and is probably as widespread and resounding as ever encountered on any North End residential project. A table of the opposition letters is attached and a compilation of them will be submitted under separate cover for ease of reference.

The neighborhood doesn't want this escalation and ARCOM is fully legislatively empowered to reject the Project, including under Code Sections 18-146 and 18-205, and ARCOM'S Sandpiper precedent.

II. THE SANDPIPER PRECEDENT SHOULD BE FOLLOWED AND APPLIED.

Less than a year ago, an Application for a two-story Spec Project by the same Architect on the one story North End street of Sandpiper was considered and denied. [ARCOM Case B- 002 - 2015, 257 Sandpiper Dr., denied March 25, 2015] . 257 Sandpiper Arcorn Action Letter, attached.

This case is even more compelling for denial than ARCOM'S decision in *Sandpiper*..

In 257 *Sandpiper*, the Commission reviewed a proposed Spec Project on a principally one story street that is approximately 36 feet wide, or more than 2 times the width of narrow Debra. Sandpiper is among the widest and most open East-West streets in Town.

Similarly, the lot on Sandpiper was much more expansive. 257 Sandpiper had a conforming lot size of 12,800 square feet, compared to much smaller nonconforming 201 Debra, which measures approximately 8900 square ft. Applicant's lot on Sandpiper was 43 % larger.

In the 257 *Sandpiper* case, only 6-7 neighbors filed objections; at 201 Debra, there are about 20. 3 times as many neighbors oppose the 201 Debra Project.

After 3 successive hearings like here, where the opposing neighbors had to keep coming back, the two-story application was denied on the basis of Code Sections 18 – 205(a) 1, 4 & 5[s/c]. Those are:

18-205 (a)(1) : "conformity with good taste", contributing to "spaciousness, balance, fitness, charm";

(a)(4): " . . . the proposed project is in harmony . . ."

(a)(5),(6): the minutes of the March 25, 2015 hearing state "(a)(5)", however, this is probably an entry error, as (a)(5) relates to excessive similarity, and the audio recording reflects that excessive dissimilarity was the basis for denial, a ground that is expressly covered by (a)(6), including dissimilarity as to:

(a)(6)(a) "height of building or height of roof";

(a)(6)(b.) "...Architectural compatibility . . ."

(a)(6)(c) "Avoid the appearance of mass through improper proportions.";

(a)(6)(d.); " . . . In relation to the established character of other structures in the immediate area or neighboring areas . . . as viewed from any public or private way."

[Emphasis added].

These are precisely Code sections cited by the neighbors in opposition here. Any of the above subsections alone is sufficient to sustain denial.

Arcom's seminal and courageous 2015 decision in *257 Sandpiper* should be respected as both applicable and controlling precedent to this situation, which is even more compelling for denial. There as here, the project was too high and too massive to be in harmony. Debra is a smaller, less than half the width of Sandpiper and the project lot is 43 %, smaller.

To treat the neighbors on Debra and environs differently than those on Sandpiper would be unfair and unequal.

At the time of Applicant's acquisition of 201 Debra in October 2015, the decision in *257 Sandpiper* had already been on the books, in the public record for 7 months and published as a significant story in the Palm Beach Daily News.

As a result of Arcom's March 25, 2015 denial, in April 2015, Mr. Jansen submitted a new one story application, Arcom Case # B – 041 – 2015. As reflected in the May 27th, 2015 minutes at page 10:

"Mr. Janssen reminded that he had previously presented a two-story residence which was denied by ARCOM. Since then, the program has been revised to a **one-story** residence with a center axis front door with a symmetrical façade." [emphasis added].

Sandpiper, as a one story program was eventually approved, and construction of it is underway.

Such should become the case here. Some 3400 ft.², very adequate, can be built in the 201 Debra one story setback envelope. There are numerous examples of 1 story can constructions on the North end, several of them designed by Mr. Janssen, including one, just completed, at 1475 N. Lake Way, on the same block as 201 Debra. The Owner, Mr. Coleman, of that 1 story same block Janssen new home opposes this 2 floor Project at 201 Debra.

III. Omission of Cubic Content.

If one examines sheet 5, 2nd floor plan, it is seen that the space above the garage has now been designated as 2 rooms -"attic laundry" and "attic closet", connected to other second-floor rooms with short permanent stairs. These rooms are now served by 3 high dormers and are clearly living space. Yet only 150 ft.³, that is, only the volume of the window "shells" themselves was included in the cubic content calculation at sheet 2.

While it is a fairly stimulating 3-D geometry project to calculate what the real cubic volume utilized is, given the changing roof slopes, scaling dimensions from the plans, it appears that the cubic content of these designated 2nd level rooms, consisting of approximately 220 sq. ft. over a 7 to 9 foot height, is more like 1500 to 2000 ft.³. If so, this may well place the project over the allowed maximum, confirming that the project is even objectively, over massed. These quick approximations should be reviewed.

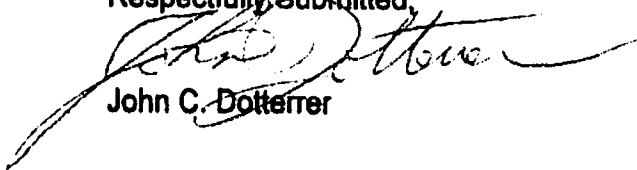
Because such space here certainly has more than 7 feet of headroom, (based on a difference between the roof height and top of chord), same is "Habitable space". Section 134-2.

CONCLUSION

Oversized, overmassed, too high, dissonant from Debra Lane character and tradition, this Application for maximization should be denied. The unredeemable cottage charm that has lived on for six decades should be preserved, not annihilated. If this development is allowed, others will surely follow, claiming precedent, and a gorge of overbearing, sunlight blocking structures erected on what was once proportioned pleasant spaciousness.

Following the sound decision of Arcom at 257 *Sandpiper*, the objecting neighbors to 201 Debra should be treated equally, and the subject Application denied.

Respectfully Submitted,



John C. Dotterer

Cc: John C. Randolph, Esq.
Hon. Gail L. Coniglio, Mayor

201 DEBRA LANE – LETTERS OF OBJECTION

– As of 2/22/16 –

1	Araskog	12/6/15
2	Brown	11/8/15
3	Delaney	12/2/15, 1/26/16
4	Dotterrer	12/6/15
5	Dupuis	12/5/15
6	Gary	11/22/15
7	Griffis	11/30/15, 1/16
8	Meincke	12/1/15, 1/26/16
9	Moens	12/2/15, 1/26/16
10	Nooner	12/3/15
11	Noska	12/5/15
12	Riggio	12/8/15
13	Tucker	12/1/15, 1/26/16
14	Ulrich	12/1/15
15	Vieth	12/4/15, 1/27/16
16	Weitzman	12/1/15
17	Wilkens	12/1/15
18	Coleman	2/20/16

19	Manchester	2/22/16
20	Young/DeGey	2/22/16



TOWN OF PALM BEACH

Planning, Zoning & Building Department

March 12, 2015

G. W. Purucker Homes J. V.
5608 PGA Boulevard, Suite 208
Palm Beach Gardens, FL 33418

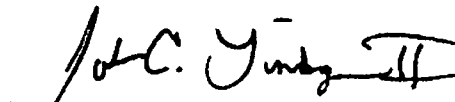
Subject: ARCOM Approval B-002-2015 – 257 Sandpiper Drive

Dear Sirs:

The Architectural Commission (ARCOM), at its March 25, 2015 meeting, voted 5-2 to **DENY** the new home with final landscape and hardscape proposed as part of project B-002-2015 – demolition of an existing structure and construction of a new two-story residence with final landscape and hardscape (the demolition request had been previously approved on 1/28/15). The denied application materials are on file at the Planning, Zoning & Building Department, 360 South County Road, Palm Beach, FL, 33480.

This letter (along with the attached signed "Certification of Action by the Architectural Review Commission") is a summary of ARCOM's action regarding the above-referenced new home with final landscape and hardscape, and is not an denial letter; therefore, the date of the denial for this project is the date of the ARCOM meeting.

Sincerely,


John Lindgren, AICP
Planning Administrator

cc: John S. Page, Director, Planning, Zoning & Building
Bill Bucklew, Building Official
Andres Quintana, Plans Examiner
Dave Holt, Plans Examiner
Paul Castro, Zoning Administrator
Palm Beach County School District
Property File

**Austin Manchester
1540 North Lake Way
Palm Beach FL 33480**

February 22, 2016

**Members of ARCOM
Town of Palm Beach**

Re. 201 Debra Ln - Opposition to Proposed Project

Dear Members of Arcom :

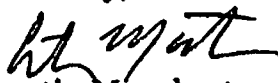
My family and I resided at 1540 North Lake Way, a few blocks from the proposed Project which we oppose. Having fallen in love with the North End of the Island a few years ago because of its quiet, low scale, spacious charm, we decided to move here from France. The environs are unique in Florida and far more desirable than Boca, Lauderdale or Miami because of the openness and architecture heritage it offers.

The subject proposal is just another "big box" formula type Spec project that is increasingly depredating the allure and harmony of the neighborhood to which we were drawn to settle here. It is excessively dissimilar to all other homes on 1 floor Debra Lane and Laurie and Onodaga for that matter. On particularly narrow Debra Ln, it is out of scale.

Most concerning is the precedent approval would promote. One after another would pop in such locations, as many as Developers can find, closing in the openness.

We ask that the Application be denied.

Sincerely,


Austin Manchester

**Daniel N. Tucker, M.D.
202 Manana Lane
Palm Beach, Florida**

February 22, 2016

Regarding 201 Debra Lane Town Council and Arcom Petitions;

**Further Letter in Opposition, including to "Rev 04"
Arcom Agenda 2/24/16**

Members of Arcom and Town Council:

Please be advised that our Letters of Opposition of December 1, 2015 and January 26, 2015 to the above proposed project remain as to the revised proposed plans noted as Rev 04, apparently submitted for the February 24, 2016 Arcom meeting. The comments in opposition stated in those letters continue.

In particular, we object to the following:

- 1. Noxious Generator and Equipment Placement right under our Bedroom, and Directly Opposite and too close to our first floor Living Room Windows.**

In a continued threat directly to us, despite my direct request and Arcom Member's recommendation to relocate expressed at the January 27 Arcom meeting, a large generator and 2 compressors are proposed to be sited as near as only 4-5 from the Developer's rear property line. This may be the minimum or less than the Code allows. Sect. 134-1729. Despite our repeated protests, the Developer has continued to propose to place them right across from our nearby first floor living area major windows and our bedroom.

The generator's noise and emissions will directly disturb these principal living areas. Carbon monoxide, a health hazard will be emitted from the generator. Noise and fumes will be confined and reverberated in the narrow

chasm between the houses rather than to be vented in the open air by placement on the breezy east side as suggested.

When we placed our equipment, we did so carefully on our eastern North Ocean Boulevard side so that it would disturb no other homes-there are none anywhere nearby on the east side of the property where the 201 Debra previous side yard pool equipment had been.

I attended the January 27 Arcom meeting to personally voice this very reasonable objection. I had also raised the objection in 2 previous letters to the Town.

At least 1 Arcom member recognized the needless disturbance caused by Developer's election to site it so close to our living areas and suggested that it be moved to the eastern, North Ocean Blvd. side, a major 30 mph thoroughfare already bearing traffic noise, where no houses are near, and that this made great sense. The Arcom Member also stated that it made sense to move the generator there even if a variance may be involved. He indicated that it is a variance that makes sense and is worth pursuing.

Developer has chosen to reject the suggestion. Instead he has simply proposed a 20% reduction in the *maximum* output capacity. Failure to relocate it should result in denial of the application. It is an imposition to force rightfully concerned neighbors to write and appear so many times to this ill-conceived Spec project, overmassed and proposed to be crammed into too little land.

2. Sunlight Blockage of Principal Living Areas.

In the 30 years that we have lived on the property, a one floor, modest original bungalow was located at 201 Debra Ln., which occupies the southern face of our home. Sunlight flowed into it freely.

Like all 8 homes on Debra Lane, 201 was a one floor. The proposed project would erect a wall and roof structure only 10 and 15 feet from the project's North property line (along our south property line) rising to over 31 feet. The high dormered garage area is really a second floor with designated living space. Moreover, the major axis of the developers, 2nd floor is in excess of 51 feet. Being

so close been on our south side, and being so high on the raised plateau site, it will over bear and block the sunlight into our 1st floor living area Windows, which are the major source of natural light in our home. They are right under the proposed second floor mass.

This is another reason why the two-story project should not be allowed to be crowded into this site. We understand that the project architect has acknowledged that a one floor home of approximately or more than 3400 square feet could be substituted.

3. Excessive Massing for Debra Lane

We nearly everyday walk our dogs on Debra Lane, which has always been a visually spacious open air charmed lane with small 1 story houses in proportion to the small lots. This development would fill in the sky space, and be even more deleterious if the pattern were allowed to be repeated on other properties. Developers would take passage of this project to be an invitation to erect more.

Our second floor is a recessed "pop up" for our master bedroom only, set back in the remote corner away from both streets.

The proposed project in contrast is a full second floor mass. It is dissimilar and dissonant from the neighborhood.

4. Flooding and Insufficient Walls

A final and major concern is that the area already floods frequently. This project will exacerbate that. Despite statements, flooding continues a real concern. The day of the last Arcom meeting, the proposed project site was a lake.

Here, the grade is proposed to be raised 3.5 feet and will be the only contiguous property at that altitude. The Project is proposed to be built on its own "mini mountain". We have always worked hard to maintain a mold free residence. As an immunologist, I know that mold is a serious multi-faceted health

hazard. The current plan for 201 Debra Lane with its proposed elevated lot and steeply pitched roof will shed water on our property and others.

With this raised "terraced" elevation directly behind us, there is serious threat that runoff will pond between our properties and run under, or undermine our existing south wall. We see no adequate provision in the plan to unquestionably prevent this. While a wall is shown on the north side, it does not run all the way to the west property line and does not delineate from which of the grades its height is measured. Only a wooden fence is shown on the western stretch of the project's north line. This is inadequate containment.

Any north wall must run all the way to the northwestern corner and be raised 6' above Applicant's finished grade. Also, project professionals should be required to certify that there will be no runoff onto adjoining properties.

Also, it is proposed that bamboo will be placed there. We are concerned that this will spread to our property.

We ask that the Applications before both boards be denied.



Daniel N. Tucker, MD
Elaina Tucker
202 Manana Lane

February 22, 2016

Town of Palm Beach
Arcom

Subject: Opposition to 201 Debra Lane Application

Dear Arcom Members,

We reside at 224 Mediterranean, on the North End, 2 blocks from the 201 Debra Lane proposed project and oppose it because it is not in harmony and too dissimilar from the other properties on Debra Lane and Manana Estates.

Overdevelopment by Developers building maximized, usually repetitive, Spec Projects like this one are ruining the uniqueness and charm of the North End and particularly threatening to small streets like Debra Lane where all homes were correctly proportioned as 1 floor cottages and bungalows.

Please register our opposition to the Project; we request that it be denied.

Very Truly Yours,

A handwritten signature in black ink, appearing to read 'Elisa Grace Young' with a stylized flourish at the end.

Elisa Grace Young (Degey)

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

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

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WWW.AMRL.COM

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

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

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

March 2, 2016

Sent Via Email and U.S. Mail

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

Re: SPR #8-2015
201 Debra Lane

Dear Paul:

Because the Architectural Commission deferred this matter to its March meeting, on behalf of the property owners, we hereby request a deferral of SPR #8-2015 until the April 13, 2016 Town Council Meeting.

If you have any questions, please contact me.

Sincerely,



M. Timothy Hanlon

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - Old Business

Agenda Title

MODIFIED SPECIAL EXCEPTION #27-2015 WITH SITE PLAN REVIEW AND VARIANCES

Request for Waiver of Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard. [Attorney: Francis X. J. Lynch]
Deferred from the February 10, 2016, Town Council Meeting.

Presenter

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

Supporting Documents

- [Memorandum Dated February 24, 2016, from John S. Page, Director of Planning, Zoning and Building](#)
- [Letter dated February 10, 2016, from Gene Parker, Hedrick Brothers](#)
- [Proposed Construction Management Agreement](#)
- [Exhibit A to the Construction Management Agreement](#)
- [Exhibit B to the Construction Management Agreement](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 9, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Request for Waiver of Construction Hours and Proposed Construction Management Agreement for Tunnel Project at 1520 South Ocean Boulevard (Special Exception #27-2015 with Site Plan Review and Variances)

Date: February 24, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a 1) request for extended work hours (24-hours/7-days proposed), coupled with 2) a proposed Construction Management Agreement (with modifications proposed by Staff in add/delete format) for tunnel construction beneath Florida Highway A1A at 1520 South Ocean Boulevard.

GENERAL INFORMATION

The Town Council conditionally approved the subject zoning application on December 9, 2015. The approval allows the applicant to temporarily close one lane of South Ocean Boulevard at a time in order to construct a pedestrian tunnel under the road. This requires the applicant to secure all required approvals from governmental entities having jurisdiction over, or utilities under the road prior to the issuance of a building permit. The applicant was also required to draft a proposed Construction Management Agreement to be considered by the Town Council at its March 9, 2016 meeting. The purpose of the proposed agreement is to ensure that safe traffic movement has been addressed; that the partial road closure remains safe during the construction of the tunnel under the road; and that the road is properly completed and opened.

Staff recommends that the Council first consider the extended work hour's request. Town Code limits construction to the hours of 8:00 a.m. to 6:00 p.m. Monday-Saturday during May through November. If extended work hours are approved, then focus should be directed to the Construction Management Agreement (which incorporates a 24-hour/7-day a week work schedule for a maximum of 24 days). If the time extension request is disfavored by the Council, then the Construction Management Agreement should either be deferred to the following month, in order to make all needed amendments for construction during traditional "day-time" hours, or simply denied due to the duration of expected road disruption.

Per the attached February 10, 2016 request from Hedrick Brothers (tunnel contractor), multiple measures will be employed to minimize disruption:

- Two certified flagmen located north and south of the construction zone 24 hours/7 days a week
- One off-duty Town police officer present 24 hours/7 days a week
- Hedrick Brothers on-site supervision 24 hours/7 days a week
- Off-site parking and shuttling to and from worksite 24 hours/7 days a week
- Compliance with Town noise regulations

Hedrick Brothers has submitted information confirming that all property owners within 200' of 1520 South Ocean Boulevard were notified of the request at hand as well as the Council meeting date and time.

The proposed Agreement (attached) includes conditions regarding: road closure safety; time line completion for temporary road restoration (no more than 24 days between the months of May through August); time line completion of final milling, paving and striping of permanent road restoration (to satisfaction of Town and DOT no later than November 1, 2016); required re-opening the road in the event of hurricane evacuation; and a penalty clause for violation of the conditions in the Agreement. In addition, there is a provision for a time extension should an unforeseen "Act of God" delay the project. Staff recommends the changes in the Agreement in add/delete format, together with the safeguards proposed by Hedrick Brothers outlined above, to ensure that the detour is safe for all traffic, and that in so much as feasibly possible, the road is complete finished to the satisfaction of the Town and open before the Season. Staff's proposed changes to the Agreement have been reviewed by representatives of the applicant and the changes are acceptable to them.

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

TOWN ATTORNEY REVIEW

The draft "Construction Management Agreement" has been reviewed by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
Veronica B. Close, Asst. Director of Planning, Zoning and Building
Paul Castro, Zoning Administrator
Susan A. Owens, Town Clerk
Kirk Blouin, Director of Public Safety
Paul Brazil, Director of Public Works
Frank Lynch

February 10th, 2016

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

RE: Il Sogno, 1520 South Ocean

Mr. Castro,

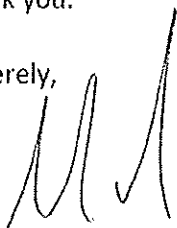
Hedrick Brothers Construction respectfully submits this letter with the intention of securing TOPB Town Council Approval to work 24 hour days, 7 days a week for the construction of a tunnel at 1520 South Ocean Blvd., Palm Beach FL 33480 for a period no longer than 24 calendar days during the months of June, July, or August. We are submitting this request in an effort to minimize traffic disruption on South Ocean Blvd. during the construction period (partial lane closure) and restore traffic to normal operation as quickly as possible.

Hedrick Brothers is taking the following measures to insure that disruption to the TOPB is minimized during the construction period:

- (2) Certified Flagmen located North and South of Construction Zone 24 hours/7 days a week.
- (1) Off Duty TOPB Police Officer located at Construction Zone 24 hours/7 days a week.
- Hedrick Brothers On-site Supervision 24 hours/7 days a week.
- Off-Site Parking and Shuttling Service to and from jobsite 24 hours/7 days a week.
- Hedrick Brothers will comply with off-season TOPB Sound ordinances during construction.

Upon your review, should you have any questions, please don't hesitate to call me at 561-689-9990.
Thank you.

Sincerely,



Gene Parker
Executive Vice President

**NOTICE OF REQUEST FOR
EXTENSION OF NORMAL CONSTRUCTION HOURS**

Please be advised that on Wednesday, March 9, 2016 the Town of Palm Beach Town Council will consider a request from Il Sogno PB LLC (the "Applicant") to allow construction beyond the normal construction hours during the construction of a tunnel beneath South Ocean Boulevard in front of the property owned by the Applicant and located at 1520 South Ocean Boulevard, Palm Beach, Florida.

This construction will occur sometime during the months of June, July or August, 2016 for a maximum of 24 consecutive days.

The Applicant seeks to work for 24 hours a day during that 24 day tunnel construction period.

The Town Council meeting begins at 9:30 a.m. Wednesday, March 9, 2016, if you wish to attend. The location of the meeting is Town Hall, 360 South County Road, 2nd Floor, Town Council Chambers, Palm Beach, Florida.

You may provide your input at the meeting or in writing prior to the meeting.

You are receiving this notice as the owner of property within 200 feet of 1520 South Ocean Boulevard.

A copy of this application along with all exhibits such as large drawings and other supporting documents that are not attached to the application are available for inspection at the Town's Planning, Zoning & Building Department, 360 South County Road, east entrance, weekdays between the hours of 8:30 a.m. and 4:30 p.m.

If you require further information on this, you may contact the Applicant's attorney as follows:

Francis X. J. Lynch, Esquire
Breton, Lynch, Eubanks & Suarez-Murias, P.A.
605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401
Phone: 561-721-4004
Fax: 561-721-4001
E-mail: flynch@blesmlaw.com

NOTICE AFFIDAVIT

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

BEFORE ME THIS DAY PERSONALLY APPEARED FRANCIS X. J. LYNCH WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He is the owner, or the owner's authorized agent, of the real property described in Exhibit A; and
2. The accompanying Property Owners List is, to the best of his knowledge, a complete and accurate list of all property owners' mailing addresses and property control numbers for properties within 200 feet of 1520 South Ocean Boulevard, Palm Beach, Florida 33480, said list is dated no more than 90 days prior to the Town Council hearing at which the subject application will be heard, and as recorded in the latest official tax rolls for the subject property and all abutting properties of all contiguous property owned wholly or in part by the owner of the real property described in Exhibit A, if applicable; and
3. A copy of each page of the application plus supporting documentation is included in each envelope submitted for mailing, using the label provided by the Property Appraiser and has been mailed at least 10 days prior to March 9, 2016.

FURTHER AFFIANT SAYETH NOT.

The foregoing instruction was acknowledged before me this 21st day of February, 2016, by
month/Year

FRANCIS X. J. LYNCH who is personally known to me or who has produced
(Name of person acknowledging)

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

IL SOGNO PB, LLC

(Signature of Person Taking Acknowledgement)

By: _____
Applicant's Signature

(Printed Name of Acknowledger)

FRANCIS X. J. LYNCH
Applicant's Printed Name

(Title or Rank)

605 NORTH OLIVE AVENUE, 2nd FLOOR
Street Address

(Serial Number, of any)

WEST PALM BEACH, FL 33401
City, State, Zip Code

1520 SOUTH OCEAN BLVD. - PROJECT SCHEDULE - TUNNEL WITH PARTIAL ROAD CLOSURE									
ID	Task Name	Duration	Start	Finish	Task	Project Summary	Task Split	Task Summary	Task Milestone
1	Town of Palm Beach Season Ends	0 days	Sat 8/20/16	Sat 8/20/16					
2	Procure Tunnel Precast Sections (3 MONTH LEAD TIME)	91.38 days	Mon 8/1/16	Mon 8/1/16					
3	1520 SOUTH OCEAN - PRECAST TUNNEL INSTALL	27 days	Tue 8/2/16	Mon 8/28/16					
4	START TUNNEL	1 day	Tue 8/2/16	Wed 8/3/16					
5	Permit	0 days	Wed 8/3/16	Wed 8/3/16					
6	FDOT/MOT Approvals	0 days	Wed 8/3/16	Wed 8/3/16					
7	No Cuts	2 days	Wed 8/3/16	Fri 8/5/16					
8	PARTIAL ROAD CLOSURE OF A1A	24 days	Fri 8/5/16	Mon 8/28/16					
9	PHASE 1 - Mobilization and Implement Maintenance of Traffic to East Lane	3 days	Fri 8/5/16	Mon 8/8/16					
10	PHASE 1 - Demo Site Wall & Driveway - West	2 days	Sat 8/6/16	Mon 8/8/16					
11	PHASE 1 - Install Temp Sheet Pile to Centerline of Road - West (24 HOUR WORK DAYS)	1.5 days	Mon 8/8/16	Tue 8/9/16					
12	PHASE 1 - Excavate Roadway - West (24 HOUR WORK DAYS)	1 day	Tue 8/9/16	Wed 8/10/16					
13	PHASE 1 - Shore & Support Existing Utilities - West (24 HOUR WORK DAYS)	1 day	Wed 8/10/16	Thu 8/11/16					
14	PHASE 1 - Install Bedding Stone, Dewatering, Waterproof Bed- West (24 HOUR WORK DAYS)	0.5 days	Thu 8/11/16	Thu 8/11/16					
15	PHASE 1 - Install Tunnel Sections - West (24 HOURS WORK DAYS)	1.5 days	Thu 8/11/16	Sat 8/13/16					
16	PHASE 1 - Install Utility Sleeves - West (24 HOURS WORK DAYS)	0.5 days	Fri 8/12/16	Sat 8/13/16					
17	PHASE 1 - Final Waterproof - West (24 HOURS WORK DAYS)	0.5 days	Fri 8/12/16	Sat 8/13/16					
18	PHASE 1 - Backfill/Compact Tunnel Sections - West (24 HOURS WORK DAYS)	1 day	Sat 8/13/16	Sun 8/14/16					
19	PHASE 1 - Extract Sheet Piles- West (24 HOURS WORK DAYS)	1 day	Sun 8/14/16	Mon 8/15/16					
20	PHASE 1 - Pave Temporary Road Way to divert traffic to West Side (24 HOURS WORK DAYS)	1 day	Mon 8/15/16	Tue 8/16/16					
21	PHASE 2 - Adjust MOT for Traffic Lane Change	2.5 days	Tue 8/16/16	Thu 8/18/16					
22	PHASE 1 - Re-Drive Sheet Piles (Partial) for Phase 2 and West Stairs (24 HOUR WORK DAYS)	0.5 days	Thu 8/18/16	Thu 8/18/16					

1520 SOUTH OCEAN BLVD - PROJECT SCHEDULE - TUNNEL WITH PARTIAL ROAD CLOSURE

ID	Task Name	Duration	Start	Finish
23	PHASE 2 - Demo East Retaining Wall (24 HOUR WORK DAYS)	1 day	Tue 8/18/16	Fri 8/19/16
24	PHASE 2 - Install Temp Sheet Pile to Centerline of Roadway - East (24 HOUR WORK DAYS)	1 day	Fri 8/19/16	Sat 8/20/16
25	PHASE 2 - Excavate Roadway - East (24 HOUR WORK DAYS)	1 day	Sat 8/20/16	Sun 8/21/16
26	PHASE 2 - Shore & Support Existing Utilities - East (24 HOUR WORK DAYS)	1.5 days	Sun 8/21/16	Mon 8/22/16
27	PHASE 2 - Install Bedding Stone, Dewatering, Waterproof Bed- East (24 HOUR WORK DAYS)	0.5 days	Mon 8/22/16	Tue 8/23/16
28	PHASE 2 - Install Tunnel Sections - East (24 HOUR WORK DAYS)	1.5 days	Tue 8/23/16	Wed 8/24/16
29	PHASE 2 - Install Utility Sleeves - East (24 HOUR WORK DAYS)	0.5 days	Tue 8/23/16	Wed 8/24/16
30	PHASE 2 - Final Waterproof - East (24 HOUR WORK DAYS)	0.5 days	Wed 8/24/16	Wed 8/24/16
31	PHASE 2 - Backfill/Compact Tunnel Sections - East (24 HOUR WORK DAYS)	1 day	Wed 8/24/16	Thu 8/25/16
32	PHASE 2 - Extract Sheet Piles-East (24 HOUR WORK DAYS)	1 day	Thu 8/25/16	Fri 8/26/16
33	PHASE 2 - Pave Temporary Road Way & Restriping - East (24 HOUR WORK DAYS)	1 day	Fri 8/26/16	Sat 8/27/16
34	PHASE 2 - Re-Install East Retaining Wall (24 HOUR WORK DAYS)	1 day	Sat 8/27/16	Sun 8/28/16
35	PHASE 2 - Re-Drive Sheet Piles (Partial) for East Stairs (24 HOUR WORK DAYS)	0.5 days	Sun 8/28/16	Mon 8/29/16
36	Remove Maintenance of Traffic (24 HOUR WORK DAYS)	0.5 days	Sun 8/28/16	Mon 8/29/16
37	Open both lanes to normal traffic flow	0 days	Mon 8/29/16	Mon 8/29/16
38	Tunnel Completion	0 days	Mon 8/29/16	Mon 8/29/16
39				
40	Mill and Resurface Roadway	0.2 days	Mon 10/31/16	Mon 10/31/16
41	Apply Permanent Thermoplastic Striping	0.2 days	Wed 11/02/16	Wed 11/02/16

Project: 1520 South Ocean - Tu

Date: Wed 1/20/16

Task Split Milestone Summary

Project Summary Inactive Task Inactive Milestone Inactive Summary

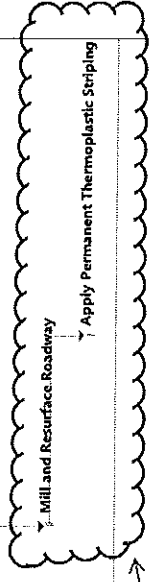
Manual Task Duration-only Manual Summary Rollup Manual Summary

Start-only Finish-only External Tasks External Milestone

Deadline Critical Critical Split Baseline

Baseline Milestone Baseline Summary Progress Manual Progress

Permanent resurfacing and striping of A1A roadway to occur just prior to TOPB Season in order to prevent damage to permanent road during construction of Stairs, Siltwall, and Driveway.



1520 SOUTH OCEAN BLVD. - PROJECT SCHEDULE - TUNNEL STAIRS / SITE WALLS / DRIVEWAY									
ID	Task Name	Task Mode	Duration	Start	Finish	Predecessors	August	September	October
1	TUNNEL COMPLETION	1	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
2	All Associated Permitting complete	2	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
3	Notice to Proceed	3	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
4	East Stairs, West Stairs, Site Walls, & Driveway	4	91 days	Mon 8/29/16	Mon 12/17/17		7/31	8/7	8/14
5	Excavate for East Stairs	5	1 day	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
6	Form and Pour East Stair Retaining Walls	6	21 days	Tue 8/30/16	Tue 8/30/16		7/31	8/7	8/14
7	Waterproof East Stair Retaining Wall	7	1 day	Wed 8/31/16	Wed 8/31/16		7/31	8/7	8/14
8	Backfill and Compact East Stair	8	1 day	Thu 9/1/16	Thu 9/1/16		7/31	8/7	8/14
9	Remove Partial Sheet Piles - East Stair	9	1 day	Fri 9/2/16	Fri 9/2/16		7/31	8/7	8/14
10	Stucco East Stair Walls	10	5 days	Mon 9/5/16	Mon 9/5/16		7/31	8/7	8/14
11	Excavate for West Stairs	11	1 day	Mon 9/5/16	Mon 9/5/16		7/31	8/7	8/14
12	Form and Pour West Stair Retaining Walls	12	21 days	Tue 9/6/16	Tue 9/6/16		7/31	8/7	8/14
13	Waterproof West Stair Retaining Wall	13	1 day	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
14	MEP Slab Rough at Tunnel	14	5 days	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
15	Form and Pour Entire Tunnel Slab - East and West	15	3 days	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
16	Backfill and Compact West Stair	16	1 day	Thu 9/8/16	Thu 9/8/16		7/31	8/7	8/14
17	Remove Partial Sheet Piles - West Stair	17	1 day	Fri 9/9/16	Fri 9/9/16		7/31	8/7	8/14
18	Stucco West Stair Walls	18	5 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
19	Install Handrails at Stairs	19	2 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
20	Install Tunnel Sump Pump & Drainage Discharge	20	5 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
21	MEP Rough at Site Walls - West	21	2 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
22	Form and Pour New Site Walls - West	22	10 days	Wed 9/14/16	Wed 9/14/16		7/31	8/7	8/14
23	Construct New Curbs - West	23	3 days	Wed 9/14/16	Wed 9/14/16		7/31	8/7	8/14
24	Construct New Concrete Driveway	24	15 days	Mon 9/19/16	Mon 9/19/16		7/31	8/7	8/14
25	Stucco West Site Walls	25	10 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
26	New Driveway Gates	26	5 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
27	Access Control For New Driveway Gates	27	1 day	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
28	Access Control For Tunnel Access Gate	28	1 day	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
29	Cast Stone for Site Wall and Stairs	29	5 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
30	Paint Tunnel Interior	30	3 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
31	Paint East and West Stair	31	2 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
32	Paint Site Wall	32	2 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
33	MEP Trimout	33	2 days	Thu 9/22/16	Thu 9/22/16		7/31	8/7	8/14
34	Irrigation Systems	34	3 days	Tue 9/27/16	Tue 9/27/16		7/31	8/7	8/14
35	Landscape	35	3 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14
36	Systems Start-Up and Verification	36	2 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14
37	Final Inspections	37	2 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14

1520 SOUTH OCEAN BLVD. - PROJECT SCHEDULE - TUNNEL STAIRS / SITE WALLS / DRIVEWAY									
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1	TUNNEL COMPLETION	1	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
2	All Associated Permitting complete	2	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
3	Notice to Proceed	3	0 days	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
4	East Stairs, West Stairs, Site Walls, & Driveway	4	91 days	Mon 8/29/16	Mon 12/17/17		7/31	8/7	8/14
5	Excavate for East Stairs	5	1 day	Mon 8/29/16	Mon 8/29/16		7/31	8/7	8/14
6	Form and Pour East Stair Retaining Walls	6	21 days	Tue 8/30/16	Tue 8/30/16		7/31	8/7	8/14
7	Waterproof East Stair Retaining Wall	7	1 day	Wed 8/31/16	Wed 8/31/16		7/31	8/7	8/14
8	Backfill and Compact East Stair	8	1 day	Thu 9/1/16	Thu 9/1/16		7/31	8/7	8/14
9	Remove Partial Sheet Piles - East Stair	9	1 day	Fri 9/2/16	Fri 9/2/16		7/31	8/7	8/14
10	Stucco East Stair Walls	10	5 days	Mon 9/5/16	Mon 9/5/16		7/31	8/7	8/14
11	Excavate for West Stairs	11	1 day	Mon 9/5/16	Mon 9/5/16		7/31	8/7	8/14
12	Form and Pour West Stair Retaining Walls	12	21 days	Tue 9/6/16	Tue 9/6/16		7/31	8/7	8/14
13	Waterproof West Stair Retaining Wall	13	1 day	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
14	MEP Slab Rough at Tunnel	14	5 days	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
15	Form and Pour Entire Tunnel Slab - East and West	15	3 days	Wed 9/7/16	Wed 9/7/16		7/31	8/7	8/14
16	Backfill and Compact West Stair	16	1 day	Thu 9/8/16	Thu 9/8/16		7/31	8/7	8/14
17	Remove Partial Sheet Piles - West Stair	17	1 day	Fri 9/9/16	Fri 9/9/16		7/31	8/7	8/14
18	Stucco West Stair Walls	18	5 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
19	Install Handrails at Stairs	19	2 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
20	Install Tunnel Sump Pump & Drainage Discharge	20	5 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
21	MEP Rough at Site Walls - West	21	2 days	Mon 9/12/16	Mon 9/12/16		7/31	8/7	8/14
22	Form and Pour New Site Walls - West	22	10 days	Wed 9/14/16	Wed 9/14/16		7/31	8/7	8/14
23	Construct New Curbs - West	23	3 days	Wed 9/14/16	Wed 9/14/16		7/31	8/7	8/14
24	Construct New Concrete Driveway	24	15 days	Mon 9/19/16	Mon 9/19/16		7/31	8/7	8/14
25	Stucco West Site Walls	25	10 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
26	New Driveway Gates	26	5 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
27	Access Control For New Driveway Gates	27	1 day	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
28	Access Control For Tunnel Access Gate	28	1 day	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
29	Cast Stone for Site Wall and Stairs	29	5 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
30	Paint Tunnel Interior	30	3 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
31	Paint East and West Stair	31	2 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
32	Paint Site Wall	32	2 days	Wed 9/21/16	Wed 9/21/16		7/31	8/7	8/14
33	MEP Trimout	33	2 days	Thu 9/22/16	Thu 9/22/16		7/31	8/7	8/14
34	Irrigation Systems	34	3 days	Tue 9/27/16	Tue 9/27/16		7/31	8/7	8/14
35	Landscape	35	3 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14
36	Systems Start-Up and Verification	36	2 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14
37	Final Inspections	37	2 days	Fri 9/30/16	Fri 9/30/16		7/31	8/7	8/14

This instrument prepared by
and to be returned to:

Francis X. J. Lynch, Esquire
Breton, Lynch, Eubanks & Suarez-Murias, P.A.
605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401

CONSTRUCTION MANAGEMENT AGREEMENT
1520 SOUTH OCEAN BOULEVARD, PALM BEACH, FLORIDA

IL SOGNO PB LLC ("Owner") and the Town of Palm Beach, Florida ("Town") enter into the following Agreement on this _____ day of _____, 2016.

WHEREAS, Owner owns property located at 1520 South Ocean Boulevard in the Town of Palm Beach ("Property") as identified in the legal description (Exhibit A attached); and

WHEREAS, Owner received conditional approval by the Town Council of Modified Special Exception #27-2015 with Site Plan Review and Variances on December 9, 2015 ("Conditional Approval") for the construction of an access tunnel beneath South Ocean Boulevard and associated stairs connecting the Property on both sides of South Ocean Boulevard, which Conditional Approval includes the partial closure of, and re-routing of traffic on, South Ocean Boulevard to excavate and construct the tunnel and related utilities beneath said road; and

WHEREAS, at the Town Council meeting on December 9, 2015, the Town approved the Owner to partially close and temporarily re-route South Ocean Boulevard with certain conditions and has required that Owner enter into this Construction Management Agreement ("Agreement") prior to Owner's construction of the tunnel.

NOW THEREFORE, Owner and Town agree as follows:

RECITALS

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

CONDITIONS

Owner shall follow the Schedule of Construction within the right-of-way as set forth in Exhibit B ("Schedule") attached hereto. The completion date in said Schedule may only be modified with the consent of the Town Council. The dates within the schedule may be modified with the consent of the Building Official provided that construction does not exceed the maximum number of days allowed by the Town Council as provided for in the attached Schedule. ~~The Town shall use its best efforts to expedite~~

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review and issuing of the building permit and/or any modifications to the building permit. Such modifications shall be monitored and approved by the Building Official.

The construction is approved subject to the following conditions:

1. Partial Road Closure. One (1) lane of South Ocean Boulevard vehicular, pedestrian and bicycle traffic ("Traffic") shall be partially closed to Traffic ("Partial Road Closure") for a maximum of twenty-four (24) days from the commencement of construction (the "Construction Period") ~~with the understanding that Owner is able to work 24 hours a day for the Construction Period.~~ Owner shall have two certified flag people and one off duty Town of Palm Beach police officer aiding Traffic at all times when the road is closed. Formatted: Strikethrough
2. Permits. Said Partial Road Closure and re-routing of Traffic has been demonstrated by Owner to the satisfaction of the Town's Public Works and Public Safety Departments prior to the Conditional Approval by Town Council. In addition, all required permits and/or approvals from the Florida Department of Transportation ("FDOT") and any utility company that has facilities within South Ocean Boulevard at this location shall be obtained in writing and provided to the Town prior to the issuance of the building permit. A permit from the Florida Department of Environmental Protection (FDEP) will be required prior to any work under a building permit issued for the tunnel and associated stairs.
3. Completion Date. Temporary restoration of the road to the satisfaction of the Town and the ~~FDOT~~ Florida Department of Transportation shall be completed within the Construction Period, which shall commence and be completed within the 24 day maximum allowed construction period between the months of May and August, 2016, as stated in ~~12/9/15~~ December 9, 2015 Town Council Meeting. Permanent restoration of the road (Milling, Resurfacing and Permanent Striping) to the satisfaction of the Town and the Florida Department of Transportation shall be completed no later than November ~~30~~ 1, 2016. Formatted: Strikethrough
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4. There shall be no staging of vehicles on South Ocean Boulevard outside of the construction area. The contractor shall coordinate deliveries of equipment and supplies so that there are no traffic problems.
5. In the event of a hurricane evacuation, the contractor shall immediately take all necessary steps to re-establish two-way traffic on this segment of South Ocean Boulevard.
- 4.6. Violations. If Owner fails to meet the above conditions, or if the construction of all work within the right-of-way is not completed within the time frame identified in this Agreement, the Owner shall pay to the Town a liquidated amount of \$2,000.00 per day for each day the owner is in violation of any of the conditions or for each calendar day past the Construction Period, ~~that all road work is not complete. Owner will be allowed to, and will, continue to work diligently toward~~ Formatted: Strikethrough
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~~completion during such time that such fines are imposed through and including October 31, 2016.~~ An extension of the Construction Period shall be granted in the event of an "Act of God" which would shut down the project for a period of time to be determined by the Town. An Act of God as defined in this Agreement is a tropical depression, named tropical storm, or a hurricane that impacts the Town of Palm Beach.

All outstanding amounts imposed under this provision shall be paid by Owner prior to the issuance of a certificate of occupancy for the tunnel.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals the day and year first above. Signed, sealed and delivered in the presence of:

By: _____
Gail Coniglio, Mayor

By: _____
Michael Pucillo, Town Council President

By: _____
Thomas Bradford, Town Manager

IL SOGNO PB LLC

By: _____
Its: _____

Approved as to Legal Form and Sufficiency:

By: _____
John C. Randolph, Town Attorney

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Gail Coniglio, Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Michael Pucillo, President of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Thomas Bradford, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Janet Vargas, as Manager of Il Sogno PB, LLC, a Delaware limited liability company. She is personally known to me and did not take an oath.

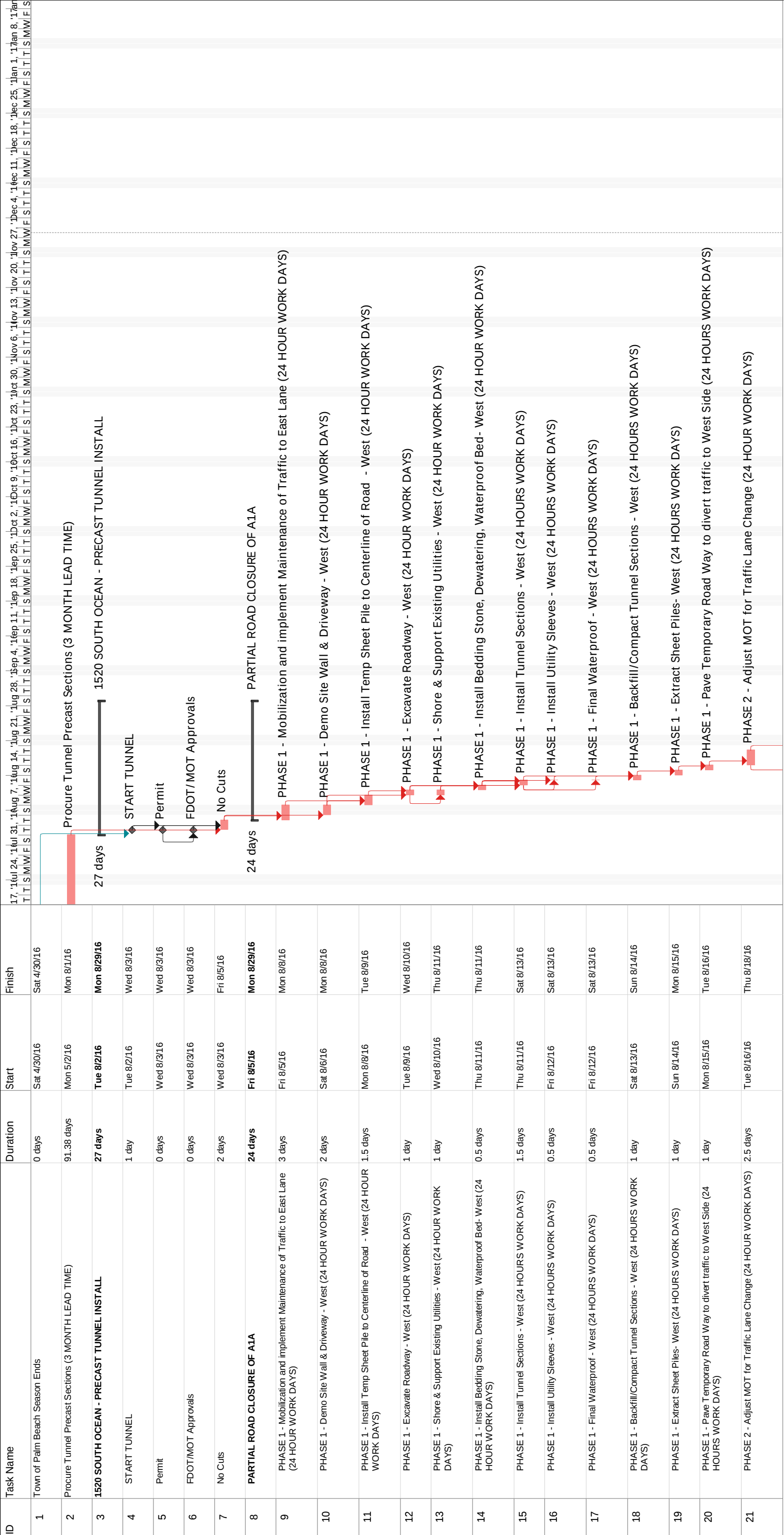
Signature of Notary Public
Printed Name of Notary Public
Commission No.: _____
Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION

A part of Government Lot 2 in Section 2, Township 44 South, Range 43 East, in Palm Beach County, Florida, more particularly described as follows, to wit:

Beginning at a point at the water's edge of the Atlantic Ocean 1,200 feet more or less North measured at right angles to the South line of Lot 2 said point being 250 feet North of the North line of a tract of land conveyed by Ella Dimick Potter and George Wells Potter, her husband, to W.J. Allen, by deed recorded in Deed Book 16, Page 396, Public Records of Dade County, Florida; from this point of beginning run West parallel with the North line of the land conveyed to W.J. Allen as aforementioned to the water's edge of Lake Worth; thence run northerly meandering the water's edge of Lake Worth to a point which is located 125 feet North measured at right angles to the South line of the tract hereby conveyed; thence run East parallel with the South line of the tract hereby conveyed to the water's edge of the Atlantic Ocean; thence southerly meandering the water's edge of the Atlantic Ocean to the point of beginning.

1520 SOUTH OCEAN BLVD. - PROJECT SCHEDULE - TUNNEL WITH PARTIAL ROAD CLOSURE



Project: 1520 South Ocean - Tunnel with Partial Road Closure
Date: Wed 2/10/16

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Critical

Critical Split

Baseline

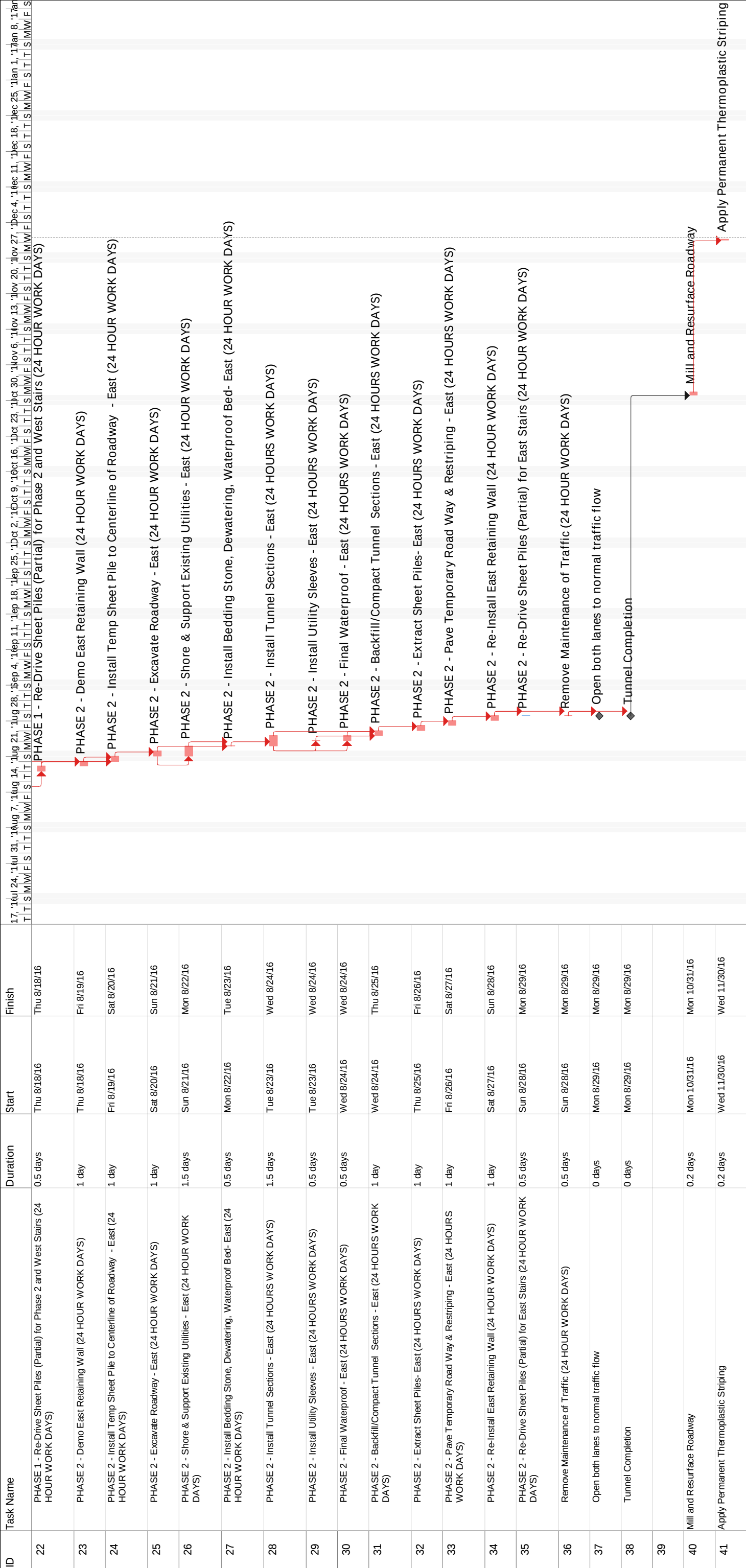
Baseline Milestone

Baseline Summary

Progress

Manual Progress

1520 SOUTH OCEAN BLVD. - PROJECT SCHEDULE - TUNNEL WITH PARTIAL ROAD CLOSURE



Project: 1520 South Ocean - Tunnel with Partial Road Closure
Date: Wed 2/10/16

Task

Split

Milestone

Summary

Project Summary

Inactive Task

Inactive Milestone

Inactive Summary

Manual Task

Duration-only

Manual Summary Rollup

Manual Summary

Start-only

Finish-only

External Tasks

External Milestone

Deadline

Critical

Critical Split

Baseline

Baseline Milestone

Baseline Summary

Progress

Manual Progress

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - Old Business

Agenda Title

SPECIAL EXCEPTION #33-2015 WITH SITE PLAN REVIEW

AND VARIANCES The application of Robert and Denise Benedickson; relative to property commonly known as **222 Seaspray Ave.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with Site Plan Review approval to demolish an existing 2,444 square foot residence with a 800 square foot garage and build it back in the same location with a proposed total square footage of 3,802 on a non-conforming platted lot which is 50 feet in width in lieu of the 100 foot minimum required and 6,125 square feet in area in lieu of the 10,000 minimum required in the R-B Zoning District. The following variances are being requested: to allow a west side yard setback of 11.33 feet in lieu of the 12.5 foot minimum required in the R-B Zoning District for a one story section of the house; to allow a west side yard setback of 8.33 feet in lieu of the 12.5 foot minimum required for the proposed covered entry for the front door; to allow an east side yard setback of 9.67 feet in lieu of the 15 foot minimum required for the proposed second story of the house; and to allow a lot coverage to be 31% in lieu of the 30% maximum allowed; to allow a cubic content ratio to be 6.11 in lieu of the 4.38 maximum allowed. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred the project to the January 27th meeting. Carried 7-0]

Deferred from the February 10, 2016, Town Council Meeting.

**Request for Deferral to the April 13, 2016, Town Council Meeting
Per Letter Dated February 19, 2016, from Maura A. Ziska.**

Presenter

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

Supporting Documents

- [Letter Dated February 19, 2016, from Maura A. Ziska](#)

KOCHMAN & ZISKA PLC**Ronald S. Kochman*****Maura A. Ziska****Marvin S. Rosen, Counsel***

*Also admitted in New York

*Also admitted in Michigan

Esperanté**222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401****Telephone: (561) 802-8960****Facsimile: (561) 802-8995****VIA FACSIMILE: 561-838-5411****February 19, 2016****Mayor and Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480****TOWN OF PALM BEACH****FEB 22 2016****Town Manager's Office****RE: Special Exception 33-2015 – 222 Seaspray Avenue, Palm Beach, Florida****Dear Mayor and Town Council:**

Please defer the above referenced matter from the **March 9, 2016** Town Council agenda to the **April 13, 2016** Town Council agenda. The reason for the deferral is to allow the architect time to revise the plans.

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

Sincerely,**Maura A. Ziska****MAZ/jch****cc: Paul Castro
Debby Morakis
Architect****00031151.DOC**

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - New Business

Agenda Title

SITE PLAN REVIEW #02-2016 The application of Palm Beach Property LP (Samantha P. David, Agent); relative to property commonly known as **340 Royal Poinciana Way**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is seeking to modify the previously approved site plan approvals to correct the gross leasable area (GLA) of the Plaza; and thus the parking calculation of the Royal Poinciana Plaza. The 1979 Agreement and subsequent 1982 Fact Sheet Addendum represents that the Royal Poinciana Plaza has 141,187 SF of office and retail space, as well as several restaurant uses. The 1979 Agreement further stipulates that retail and office square footage shall be calculated at 1 parking space per 300 SF of GLA and restaurants are calculated at 1 parking space per 3 seats. Several changes have occurred since 1979 that have affected the overall square footage at the Plaza, including changes to the Slat House, common areas, and precise technology that allows property owners to accurately survey and calculate square footage. The applicant had a survey done of the property in 2015 and independent verification will confirm survey results to finalize the actual square footage for the Royal Poinciana Plaza. The correct square footage for office/retail GLA is 112,085 Sq. Ft. This does not include restaurant or theater requirements. [Attorney: Maura Ziska, Esq.]

Presenter

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

Supporting Documents

- [Letter Dated March 3, 2016, from Simon Taylor](#)

SIMON TAYLOR

ATTORNEY AT LAW

100 PARK AVENUE
SUITE 1600
NEW YORK, NY 10017

(212) 327-2640

777 SOUTH FLAGLER DRIVE
SUITE 800 WEST TOWER
WEST PALM BEACH, FL 33401

(561) 818-0170

March 3, 2016

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

Honorable Mayor and Council Members:

As a Town resident concerned with cultural and community life on the island and the fate of the prized Poinciana Playhouse, I would like to think we have cause to celebrate the recent statements by the new manager of the Poinciana Plaza that the manager's "number one priority" is to find a group to restore and reopen the Playhouse. However, the owner and manager of the Plaza have sent a mixed message regarding their intentions for the Playhouse (a) by granting of a Power of Attorney to the manager to seek to amend or terminate the 1979 agreement protecting the Playhouse and submit condominium applications for the site (the "Power of Attorney"); (b) by seeking to overlook the existence of an explicit and binding 2007 court order that the Playhouse is required to be "maintained and operated" as a "theater;" (c) by invoking old discredited legal arguments that the Playhouse could be left permanently vacant; and (d) by declining to predict that the Playhouse might be leased any time within two years or longer. The principal of the new manager has emphatically stated that she wants to restore and reopen the Playhouse, but she has insisted that that plan is a personal goal, not a binding legal obligation.

In the context of this uncertainty and delay in reopening the Playhouse, the owner and new manager of the Plaza, Up Markets, have submitted two applications that may adversely affect parking for any Playhouse theater and club: Zoning Application 6-2016 requesting a Special Exception for Sant Ambroeus restaurant to be allowed to open in the Plaza with greatly expanded daytime hours on weekdays and weekends; and Zoning Application 2-2016 requesting a Site Plan Review to "correct" the gross leasable area ("GLA") of the Plaza in a manner that would suggest that parking for the new San Ambroeus restaurant will be adequate and will not adversely affect the parking needs of the Playhouse when it opens. When similar requests were made to the Town Council for expanded hours for a prior restaurant on the site, Del Frisco's Grille, the Council unanimously voted not to approve the requests, in no small part due to the uncertainty regarding the opening of the Poinciana Playhouse and the effects of expanded restaurant parking on the Playhouse theater and club. I submit that the Council should show the

same wisdom now and should not act to give away parking to yet another restaurant while the reopening and needs of the Playhouse are still unknown and at risk.

The two Zoning Applications do not appear to be proper or to meet the standards applicable to requests for Special Exceptions and Site Plan Reviews. As a procedural matter, the mailing of the Applications to residents pursuant to Town Zoning Code of Ordinances, Sections 134-172 and 134-328 appears to be seriously procedurally inadequate. The Applications on file contained a copy of the Power of Attorney in which the owner of the Plaza granted to principals of the new manager authority to pursue "... (f) amendments, modifications or termination of that certain Agreement by and between the Town of Palm Beach and Poinciana Properties, Ltd. dated March 6, 1979, and all amendments thereto..." and "(h) any documents or instruments necessary to submit all or a portion of the Ground Leased Premises to the condominium form of ownership..." (see the copy of the Power of Attorney annexed). However, the legally required notice of the Applications that was mailed to nearby residents did not include the Power of Attorney, but rather substituted a map of the site in its place. Surely residents who might be affected by the giving of restaurant hours and parking to a new restaurant would want to know that that concession by the Town was requested as part of a larger set of legal arrangements that include authority to terminate the 1979 agreement protecting the Playhouse and build condos on the site.

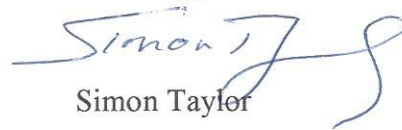
The Zoning Applications also fail to satisfy the applicable standards under the Town Code, including the requirements (i) that the use requested will not cause substantial injury to the value of the Playhouse and other properties in the neighborhood, (ii) that the use will be compatible with the district and adjoining development and (iii) that the use will not result in substantial economic impacts on adjoining properties and properties generally within the district. In addition, the requested concessions for the new restaurant may jeopardize and violate the 1979 Agreement and intensify use in the area. Further, it is not clear from the Applications that appropriate studies, reports and other background support and information have been adequately completed, reviewed or verified, including proposals regarding the gross leasable area of the Plaza and the impact of reduced GLA on parking requirements.

The mixed message communicated by the Plaza owner and new manager sets the background of uncertainty and delay that requires rejection of the Zoning Applications. In a presentation to the Town Council on December 9, 2015, the principal of the manager, Up Markets stated: "There has been much discussion of the 1979 Agreement since I took over the property. I'd like to state once again for the record my recognition that the Playhouse can only be used as a building for the performing and visual arts." This carefully crafted legal statement appears to be a recitation of the old, discredited legal argument used by the prior Plaza managers that they could only use the Playhouse as a theater if they used it at all, but that they were not required to use it for anything and could leave it permanently vacant. The new manager continued by stating to the Council on December 9: "I say all this because it is very, very important for me that everybody knows that I am working to restore and reopen the Playhouse not because I have to, but because I want to." This emphatic statement that reopening the

Playhouse is merely a personal and business goal, not a legal obligation, flies in the face of the 1979 agreement and the binding, unequivocal 2007 court order requiring that the Playhouse be "maintained and operated" as a "theater." A summary of the legal history and binding holdings of the 2007 court order is annexed. Personal, business and strategic goals may change, but the owner and manager of the Poinciana Plaza have a clear legal obligation to open and operate the Playhouse.

For reasons including the foregoing, I submit that the Town Council should not grant the above two Zoning Applications at this time.

Sincerely,

A handwritten signature in blue ink that reads "Simon Taylor". The signature is stylized, with the first name "Simon" written in a cursive script and the last name "Taylor" written in a more formal, slightly cursive script. The signature is positioned above the printed name "Simon Taylor".

Simon Taylor

POWER OF ATTORNEY

The undersigned, SIDNEY SPIEGEL, as Successor Trustee (the "Trustee") under the provisions of a certain Trust Agreement dated October 25, 1984 and known as Trust No.31520371, as amended (the "Trust") and Island Properties of Palm Beach, Inc., a Florida corporation (the "Corporation", and together with the Trustee and the Trust, the "Principal"), are the lessors under that certain Ground Lease dated March 31, 2008, as amended by that certain First Amendment to Ground Lease dated July, 2009 and that certain Second Amendment to Ground Lease dated August 26, 2014 (as amended, the "Ground Lease") pursuant to which RPP PALM BEACH PROPERTY LP, a Delaware limited partnership (the "Lessee") leases the property owned in fee simple by the Principal and described on Exhibit "A" hereto (the "Property"). Pursuant to Article 5 of the Ground Lease, Principal has granted Lessee the exclusive right to deal with all governmental issues related to the Property. In furtherance thereof, and pursuant to the specific terms of the Trust and also pursuant to the Unanimous Written Consent of the Board of Directors of Island Properties of Palm Beach, Inc. attached hereto as Exhibit "B", Principal does hereby constitute and appoint Jeremy M. Sclar, , Thomas J. DeSimone, Richard A. Marks, Deirdre A. Geoghegan and/or Samantha P. David and/or Lessee (as applicable, the "Agent") as the Principal's true and lawful attorney-in-fact to have power and authority, in the name, place and stead of the Principal, to do any and every act and exercise any and every power that the Principal might or could do with respect to the Principal's fee simple interest in the Property in connection with all governmental issues related to the Property, including, without limitation, (i) all matters relating to the Royal Poinciana Playhouse, (ii) all matters relating to the "landmarking" of any portion or all of the Property, (iii) the pursuit of zoning and building approvals, consents and permits necessary to renovate or redevelop the Property, and (iv) the execution in the name of Principal of any documents or instruments required for such renovation or redevelopment such as: (a) zoning applications, (b) changes or variances required by governmental authority, (c) granting, modifying or abandoning existing rights of way bounding the Property, (d) granting easements or licenses for roadways, right of ways, utilities, ingress, egress and other purposes, with or without consideration, (e) building permits, variances, use permits, licenses, approvals or similar governmental authorizations, (f) amendments, modifications or termination of that certain Agreement by and between the Town of Palm Beach and Poinciana Properties, Ltd. dated March 6, 1979, and all amendments thereto, (g) amendments, modifications or termination of any unity of title affecting the Property, (h) any documents or instruments necessary to submit all or a portion of the Ground Leased Premises to the leasehold condominium form of ownership, (i) impose restrictive covenants on the Property, and (j) any and all other similar matters, as fully, and for all intents and purposes, as the Principal might or could do if personally present, with full power of substitution, hereby ratifying and confirming all that the Agent shall lawfully do or cause to be done by virtue hereof, all of which acts and agreement shall be binding on the Principal and the Principals' successors and assigns, shall run with the title to the Property, and shall be effective to bind the Property during and after the termination or expiration of the Ground Lease.

Notwithstanding the foregoing, the Agent is not hereby authorized to convey by deed or other instrument any of the fee simple interest of the Principal in the Property.

[Signatures on Next Page]

IN WITNESS WHEREOF, this Power of Attorney is executed by the undersigned as of
this 9 day of September, 2014.

Carol Gassi
Print Name: Carol Gassi

Sidney Spiegel
Sidney Spiegel, as Successor Trustee under the
provisions of a certain Trust Agreement dated
October 25, 1984 and known as Trust No.
21520371

Sharon Grunberg
Print Name: Sharon Grunberg

Carol Gassi
Print Name: Carol Gassi

Sharon Grunberg
Print Name: Sharon Grunberg

Island Properties of Palm Beach, Inc., a Florida
corporation

Sidney Spiegel
Sidney Spiegel, Vice President

PROVINDE OF ONTARIO

: SS

The foregoing instrument was acknowledged before me as of the 9 day of September,
2014, by SIDNEY SPIEGEL, as Successor Trustee under the provisions of a certain Trust
Agreement dated October 25, 1984 and known as Trust No. 31520371, as amended and as Vice
President of Island Properties of Palm Beach, Inc., a Florida corporation, on behalf of such trust
and corporation, who is personally known to be or who has produced a driver's license as
identification.

Alan Lynde
Name: Alan Lynde
Notary Public
Province of Ontario
My Commission Expires: permanant

"MAINTAIN AND OPERATE" THE PLAYHOUSE

In 2007 the Palm Beach County Circuit Court

"ORDERED AND ADJUDGED" that the 1979 Agreement between the Town of Palm Beach and the owner of the Poinciana Plaza "requires that the Poinciana Theater, located in the Plaza, be maintained and operated as a theater". Final Judgment of Judge David Crow, July 10, 2007

The owner of the Plaza had closed the Poinciana Playhouse Theater in 2004. The Town's attorney delivered a letter to the owner on May 18, 2005 demanding that the owner comply with its "continuing obligation" to lease the Playhouse as a theater and "continue the theater operation".

The Plaza owner sued the Town in June 2005 asking the Circuit Court for permission to demolish the Playhouse. The Town countersued explicitly asking for an order from the Court that the 1979 Agreement requires that the Poinciana Theater "be maintained and operated as a theatre". In that September 2005 Answer and countersuit contesting the owner's lawsuit, the Town's attorneys clearly stated that the 1979 Agreement requires the owner "to continue the operation of the Theatre" and that "it was the intention of the parties to the 1979 agreement that the Poinciana Theatre continue to remain in existence and continue to be operated as a theater".

On July 10, 2007, Judge Crow granted exactly the binding Court order that the Town requested requiring that the Playhouse "be maintained and operated as a theater".

When the Plaza owner appealed the July 2007 Circuit Court order, the Town's attorneys stated in their answering appeal brief that "the court held that the 1979 Agreement, in paragraph 2E and F specifically, requires that the Poinciana Theater, located in the Plaza, be maintained and operated as a theater....Clearly, the Theater must be used as a Theater, which appellant recognizes (In.Br. at 36), and further, it is to continue in use as a theater." The owner dropped its appeal.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #06-2016 The application of Sant Ambroeus (Dimitri Pauli); relative to property commonly known as **340 Royal Poinciana Way, Suite 304**, described as lengthy legal description on file; located in the C-PC Zoning District. The Applicant is requesting a Special Exception approval to operate a 5,973 square foot, 120 seat restaurant which will feature upscale Italian cuisine. The proposed restaurant will be located in the northeast corner of the Plaza where a restaurant was previously approved; however, the proposed restaurant will have less square footage and less seats. The proposed hours of operation are requested to be: Sunday through Thursday – Breakfast, Lunch and Dinner – 8:00 a.m. to 10:00 p.m. Friday and Saturday – Breakfast, Lunch and Dinner – 8:00 a.m. to 11:00 p.m. ** The proposed restaurant is not to be open for lunch on the days that the theater has matinees** [Attorney: Maura Ziska, Esq.]

Presenter

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

Supporting Documents

- [Memorandum Dated March 2, 2016, from John S. Page, Director of Planning, Zoning and Building](#)
- [E-mail Dated February 19, 2016, from Elizabeth Wheeler](#)
- [E-mail Dated February 22, 2016, from Suzy Mendik Tarkinow](#)
- [E-mail Dated February 23, 2016, from Sidney Kohl](#)
- [Letter dated February 23, 2016, from Donna Acquavella](#)
- [Letter Dated February 24, 2016, from Leonard I. Ackerman](#)
- [E-mail Dated February 25, 2016, from Gita and Mark Costa](#)
- [E-mail Dated February 25, 2016, Catherine Stewart](#)
- [E-mail Dated February 25, 2016, from Pepe and Lourdes Fanjul, Jr.](#)
- [E-mail Dated February 26, 2016, from Carter A. Pottash](#)

- [E-mail Dated February 26, 2016, from J. Pepe and Emilia Fanjul, Sr.](#)
- [Letter Dated February 26, 2016, from Debra Reece](#)
- [E-mail Dated February 28, 2016, from Liz Brown](#)
- [Letter Dated February 26, 2016, from Palm Beach Towers Condominium Association](#)
- [E-mail Dated February 29, 2016, from Kerri Hall](#)
- [E-mail Dated February 29, 2016, from Karen Doege](#)
- [E-mail Dated February 29, 2016, from W. Trent Steele](#)
- [E-mail Dated February 29, 2016, from Ken Schechet](#)
- [E-mail Dated February 29, 2016, from Helene McLean](#)
- [E-mail Dated March 1, 2016, from Nancy Colhoun](#)
- [E-mail Dated March 1, 2016, from Connor Ryan](#)
- [E-mail Dated March 2, 2016, from Kate Gubelmann](#)
- [E-mail Dated March 2, 2016, from Lisa Hedley](#)
- [E-mail Dated March 2, 2016, from Ross W. W. Meltzer](#)
- [E-mail Dated March 2, 2016, from Ashley Ramos](#)
- [E-mail Dated March 2, 2016, from Bridget Rooney Koch](#)
- [E-mail Dated March 2, 2016, from Michelle Henderson](#)
- [E-mail Dated March 2, 2016, from Fernanda Niven](#)
- [E-mail Dated March 2, 2016, from Eileen Burns](#)
- [Letter Dated March 3, 2016, from Michael Formica](#)
- [Letter Dated March 3, 2016, from Simon Taylor](#)

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 9, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Special Exception #06-2016
Sant Ambroeus Restaurant: Royal Poinciana Plaza

Date: March 2, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council review the attached analysis relative to restaurant usage in the Royal Poinciana Plaza.

GENERAL INFORMATION

The “1979 Agreement,” together with the Zoning Ordinance and past Town Council actions, collectively determine how much total off-street parking is required in the Royal Poinciana Plaza, and what limitations apply to any newly proposed restaurant therein. Per Staff review of Special Exception #06-2016, which calls for a new 5,973 square foot, 120 seat restaurant at the former Del Frisco’s location, an overall parking shortage exists, therefore triggering the necessity for an alternative solution in order to legally authorize the proposed use. Staff has informed the applicant’s attorney of this finding.

See separate/attached “Analysis” for explanation and history.

cc: Maura Ziska, Attorney for Applicant
Tom Bradford, Town Manager
Skip Randolph, Town Attorney
Paul Castro, Zoning Administrator

Royal Poinciana Plaza:

Analysis of 1979 Agreement, Zoning Ordinance, Past Council Precedents

In order to reach an informed determination about the Sant Ambroeus Special Exception now at issue, it is necessary to recap the following information:

1. The total number of off-street parking spaces available in the Plaza is 718. This figure was approved by the Town Council in 2013 as part of the Flagler Memorial Bridge “Cure Plan” (prompted by FDOT acquisition of a portion of the Plaza parking lot).
2. Per the 1979 Agreement, only 10% of the retail uses in the Plaza may remain open after 6:00 p.m. The off-street parking requirement for the plaza is drastically reduced after that time. Thus, staff often refers to permissible “daytime hours” and “evening hours” of operation.
3. Up-Markets recently had the entire property surveyed in order to determine the overall size (square footage) of the commercial structures within the Plaza. It was their belief that previous Town records incorrectly inflated total square footage, and that a corrected, smaller figure would reduce the number of overall parking spaces to a number that would support the newly proposed Sant Ambroeus restaurant.
4. Square footage calculations provided by the applicant, for both daytime and evening parking, do indicate that a surplus of parking exists, including the new restaurant. *See next numbered paragraph.*
5. Per staff review of applicant’s parking submittals, the Theater itself (requiring 172 parking spaces) was not included in their calculations.
6. Per the 1979 Agreement, coupled with the Zoning Ordinance, all land uses in the Plaza must be included for purposes of calculating the overall off-street parking requirement (different daytime and evening parking requirements exist due to the “10%” provision).
7. In the case of Del Frisco’s, a parking variance was needed to operate during the daytime hours when, in theory, all businesses in the Plaza, including the theater, could be open. No variance was needed for evening hours of operation because parking was sufficient (10% retail provision in 1979 Agreement) to meet the smaller evening parking requirement.
8. The newly proposed Sant Ambroeus restaurant is smaller than Del Frisco’s in overall square footage and seating, yet adding the 54 parking spaces for Sant Ambroeus, coupled with all other uses in the Plaza, including the theater, still produces a daytime parking shortage of 101 spaces. How determined? Calculations from Up Markets identify 647 spaces required for the Plaza with Sant Ambroeus (but does not include the theater).

Adding 172 parking spaces for the theater (parking requirement taken from Variance #48-81 in October of 1981) produces a required figure of 819 spaces. Subtracting the 718 available parking spaces results in a shortage of 101 spaces.

9. Per all points noted above, staff has determined that the new restaurant would be parking compliant at all times when the theater is not being used (but not compliant when the theater was being used).
10. The 1979 Agreement answers the question about when the theater can be used. Per Paragraph E... *"It will continue to lease the space now occupied and used by the "Poinciana Theater" only for use as a theater of the performing and/or visual arts **and for lectures or other special events**. The current Lessee has agreed that there will be only one matinee performance during the business week (Monday-Friday) beginning with July 1, 1979 through June 30, 1983. Upon entering into a new lease, i.e. after June 30, 1983, it will permit no theater matinees during the week but only on weekends....."*
11. Although no matinees are now authorized on weekdays, the literal terms of the Agreement allow the theater to also be used for lectures and other special events, and there is no restriction on daytime hours weekdays or weekends. Remote as that possibility may seem today, the 1979 Agreement does allow the theater to be used throughout the week, both daytime and evenings. It was this obstacle, in part, that prevented Del Frisco's from achieving parking compliance, and still applies today.

What conclusions or future options might exist for continued discussion of Sant Ambroeus?

- The 1979 Agreement was amended no less than twenty (20) times following its approval. Perhaps another amendment could be crafted that would disallow daytime usage of the theater, reduce the number of seats in the theater (thus also reducing the parking requirement), or otherwise be amended to remove the present obstacle to a new restaurant. The Town Attorney's assistance is needed to determine how feasible this option may be.
- Applicant could apply for an off-street parking variance to allow the restaurant with less parking spaces than Code requires. Variances, of course, open a new set of hardship and challenge issues. Because the Plaza is nonconforming to parking, the Zoning Administrator, using the Principle of Equivalency provision in the Zoning Ordinance for calculating the amount of required parking for Sant Ambroeus, has determined that the proposed use in the proposed tenant space is 27 spaces shy of Code compliance.
- Reassigning "grandfathered" parking spaces from one business to another in the Plaza (as was discussed as a possibility with Del Frisco's). Examples might include transferring or reassigning a portion of the 74 parking spaces for the Royal Poinciana Playhouse Supper Club (a/k/a Celebrity Room) to Sant Ambroeus, or reducing the number of seats in the theater (or a combination of both). If so done, a Declaration of Use Agreement would be required to memorialize all such changes.

From: Angelo's of Palm Beach <angelosofpb@yahoo.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Cc: Alexandra Patterson <alexandra.patterson@upmarkets.com>
Date: 02/19/2016 05:22 PM
Subject: Sant Ambroeus at The Poinciana Plaza

Dear Mr. Bradford,

It is with sincere conviction that I, Elizabeth Wheeler owner of Angelo's of Palm Beach Jewelers and tenant at the Royal Poinciana Plaza enthusiastically welcome Sant Ambroeus restaurant.

They are the perfect addition to the Royal Poinciana Plaza and to the town of Palm Beach. During the last few months Sant Ambroeus had been the topic conversation from all my clients which are anxiously waiting to hear good news from their favorite and acclaimed restaurant. Don't make us wait any longer!

Please feel free to contact me if I can be helpful in any way.

Thank you!

Elizabeth Wheeler
Angelo's of Palm Beach, LLC
340 Royal Poinciana Way - Suite 325A
Palm Beach, FL 33480
(561) 659-7303

Fwd: Sant Ambroeus
Thomas G. Bradford
to:
Patricia Gayle-Gordon
02/22/2016 09:49 AM
Hide Details
From: Thomas G. Bradford/PalmBeach
To: Patricia Gayle-Gordon/PalmBeach@palmbeach
Backup?

Sent from my iPad

Begin forwarded message:

From: "Susan Mendik" <suzymendik@aol.com>
Date: February 22, 2016 at 7:37:17 AM EST
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Subject: Sant Ambroeus

My husband and I were thrilled to hear that the wonderful family owned restaurant Sant Ambroeus might be coming to Palm Beach. I frequent their restaurants both in New York City and Southampton. They are very professional and caring restaurateurs. It would be a fabulous addition to the new and improved Royal Poinciana Plaza. We are very excited.

Thank you
Suzy Mendik Tarkinow
Sent from my iPhone

Fwd:
Thomas G. Bradford
to:
Patricia Gayle-Gordon
02/23/2016 10:37 PM
Hide Details
From: Thomas G. Bradford/PalmBeach
To: Patricia Gayle-Gordon/PalmBeach@palmbeach
Backup for 03/09/16 TCM?

Tom

Sent from my iPad

Begin forwarded message:

From: "Sidney Kohl" <skohl@eskohl.com>
Date: February 23, 2016 at 4:02:23 PM EST
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Cc: "lori.berg@upmarkets.com" <lori.berg@upmarkets.com>

As you may know , I have had my main office at the Plaza since 1979. I am very pleased that they intend to have the Sant Ambrose Restaurant located here. I am familiar with the restaurant and know it would be a wonderful addition to our great Town. Would be happy to chat with any of the Town Council if they wish. Looking forward to their support.
Sidney Kohl

Sent from my iPhone

ACQUAVELLA GALLERIES, INC.

18 EAST 79TH STREET
NEW YORK, NEW YORK 10075

DIRECTORS
WILLIAM R. ACQUAVELLA
ESPERANZA SOBRINO
MICHAEL FINDLAY
TSUTOMU TAKASHIMA

TELEPHONE (212) 734-6300
TELEFAX (212) 794-9394
WWW.ACQUAVELLAGALLERIES.COM

February 23, 2016

Mr. Thomas Bradford
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

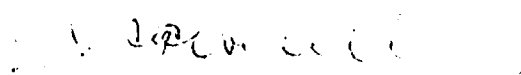
Dear Mr. Bradford,

I am honored to write a supporting letter on behalf of the restaurant Sant Ambroeus, Palm Beach. My family and I dine several times a week at Sant Ambroeus in Manhattan and also at its location in Southampton during the summertime. We have been dining at Sant Ambroeus since its opening and we are delighted to hear that is coming to Palm Beach since we are also residents of the Palm Beach community.

Each of the Sant Ambroeus restaurants is elegant and brings only the highest quality of food and service to all of its locations. We are frequent diners at Sant Ambroeus because of the pleasant ambiance that has been established by the owners and the staff. They strive to create a unique dining experience for all of their patrons.

I am confident that our community in Palm Beach will truly enjoy dining at Sant Ambroeus. Their food is classic yet contemporary Italian and I believe Sant Ambroeus will be enjoyed by the residents of Palm Beach. It will be a wonderful addition. If you need have any concerns or questions, please do not hesitate to contact me.

Sincerely,



Donna Acquavella

LEONARD I. ACKERMAN
JONES COVE FARM
34 PANTIGO ROAD
EAST HAMPTON, NEW YORK 11937

February 24, 2016

Mayor Gail Coniglio and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Special Exception # 6-2016
340 Royal Poinciana Way Suite 304, Palm Beach FL
Sant Ambroeus Restaurant

Dear Mayor Coniglio and Members of the Town Council:

My wife Judith and I have lived at 212 Arabian Road since 2001. We also have a home in East Hampton, New York, where we spend time in the summer. We are very familiar with the restaurant, Sant Ambroeus, as we frequent both the Southampton and Manhattan locations. We are thrilled to have Sant Ambroeus and their famous pasta and pastries come to Palm Beach. They are a first class establishment and they will be a perfect addition to Palm Beach. We hope you agree and will approve the restaurant in the Royal Poinciana Plaza at your March meeting.

Thank you for your consideration.

Very truly yours,



Leonard I. Ackerman

LIA:ks



Fw: Sant Ambroeus
Thomas G. Bradford to: Patricia Gayle-Gordon

02/25/2016 03:04 PM

Backup for 03*09/16 TCM?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

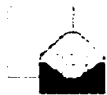
----- Forwarded by Thomas G. Bradford/PalmBeach on 02/25/2016 03:04 PM -----

From: Gita Costa <gitamcosta@yahoo.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Date: 02/25/2016 09:55 AM
Subject: Sant Ambroeus

Dear Mr. Bradford,

I am writing in support of Sant Ambroeus restaurant's decision to open in Palm Beach. It is very exciting that they have selected Palm Beach to open their only restaurant outside of New York. San Ambroeus has very high standards, impeccable service and outstanding food quality.

They are a perfect fit for Palm Beach. My family and I am certain, many of the towns' residents would greatly enjoy having Sant Ambroeus in the neighborhood. All the best, Gita and Mark Costa



Fw: Saint Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

02/25/2016 03:56 PM

Agenda backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 02/25/2016 03:55 PM -----

From: <sales@hamiltonfurniture.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>,
"Lori.berg@upmarkets.com" <Lori.berg@upmarkets.com>
Date: 02/25/2016 03:28 PM
Subject: Saint Ambroeus

Dear Sir,

It has come to my attention that Sant Ambroeus restaurant is planning to open in the Royal Poinciana Plaza.

This is a fantastic restaurant and will be a wonderful fit for the island. I have dined in their restaurants in New York and the caliber of service and cuisine is exceptional. The space left vacant by Del Friscos will be perfect for a Palm Beach outpost of this high quality eatery.

As a longtime resident of Palm Beach this is exactly the type of restaurant that will continue to make our island unique.

I hope they will be open for breakfast, lunch and dinner!

With kindest regards

Catherine Stewart
210 Merrain Road
Palm Beach FL 33480

Fwd: Support for Sant Ambroeus

Thomas G. Bradford

to:

Patricia Gayle-Gordon

02/26/2016 01:26 AM

Hide Details

From: Thomas G. Bradford/PalmBeach

To: Patricia Gayle-Gordon/PalmBeach@palmbeach

03/09/16 TCM backup?

Sent from my iPhone

Begin forwarded message:

From: "Lourdes Fanjul" <lourdesfanjul@gmail.com>

Date: February 25, 2016 at 11:17:01 AM EST

To: tbradford@townofpalmbeach.com

Cc: "Pepe Fanjul Jr." <PF@FCSUGAR.COM>

Subject: Support for Sant Ambroeus

Dear Mr. Bradford,

I am writing in support of Sant Ambroeus restaurant's decision to open in Palm Beach. It is very exciting that they have selected Palm Beach to open their only restaurant outside of New York. San Ambroeus has very high standards, impeccable service and outstanding food quality.

They are a perfect fit for Palm Beach. My family and I am certain, many of the towns' residents would greatly enjoy having Sant Ambroeus in the neighborhood.

Sincerely,

Pepe and Lourdes Fanjul, Jr

----- Forwarded message -----

From: **Carter P** <drcarterp@gmail.com>

Date: Fri, Feb 26, 2016 at 6:47 AM

Subject: Sant Ambroeus

To: tbradford@townofpalmbeach.com

Cc: "Berg, Lori" <lori.berg@upmarkets.com>

Dear Members of Town Council:

I am writing to Town Council to ask you to support the application of Sant Ambroeus to open at Poinciana Plaza, and to be open at both lunch and dinner.

I am triple-qualified to write in support, because:

- a. I have been a resident of Palm Beach for other 30 years
- b. I have maintained an office in Poinciana Plaza for over 25 years
- c. I have actually eaten at their Manhattan and Southampton, New York locations on a regular basis when traveling.

While there are excellent restaurants in the area (eg Cucina, TooJays, McCarty's), Sant Abroeus's menu differs significantly from the offerings at the other restaurants, all of which appear quite busy at lunch in particular. In addition, although I have no information about their plans, were TooJays ever to close, the Plaza would desperately need a replacement for its many tenants. Most of us have little time to drive off campus at lunch, and so something onsite is critical. Finally, they have, in my opinion, the best mint chip ice cream on the planet!

I ask Town Council to approve their application as filed.

Sincerely,

Carter A. Pottash

--

Carter A. Pottash, MD, DLFAPA

Distinguished Life Fellow, the American Psychiatric Association

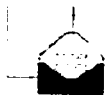
Clinical Professor of Psychiatry, New York University School of Medicine

Office: 561 837 2215

Telefax: 206 600 6168

Mailing Address: PO Box 381, Palm Beach, Florida 33480-0381

Email Address: drcarterp@gmail.com



Fw: Our Support for Sant Ambroeus Palm Beach
Thomas G. Bradford to: Patricia Gayle-Gordon

02/26/2016 08:19 PM

Purple folders for 03/09?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 02/26/2016 08:18 PM -----

From: "J. Pepe Fanjul" <jpf@fcsugar.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Date: 02/26/2016 05:18 PM
Subject: Our Support for Sant Ambroeus Palm Beach

Dear Mr. Bradford,

This is in support of the New York-based restaurant Sant Ambroeus' intent to open a location in Palm Beach this fall. It is wonderful to know they will debut their first restaurant outside of the New York area in Palm Beach! Well known for its Italian cuisine and service, we have no doubt they will be fully embraced by the community. It is a neighborhood restaurant in New York as it is around the corner from my apartment and we go there often. We can without a doubt vouch for its service and food quality.

It will bring a pleasing "flavor" to Palm Beach residents and visitors alike. We are looking forward to its final debut.

Sincerely,

J. Pepe and Emilia Fanjul, Sr.

VIA EMAIL

February 26, 2016

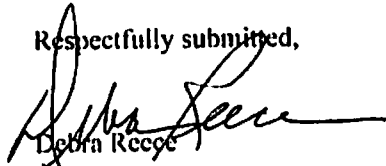
Mr. Tom Bradford
Palm Beach Town Manager's Office
Palm Beach, FL 33480

Re: Sant Ambroeus – The Royal Poinciana Plaza (the “Plaza”)

Dear Mr. Bradford:

I am writing in support of adding Sant Ambroeus as a new tenant to the Plaza. It will help to re-energize the Plaza and will bring a wonderful, established restaurant that is frequented by many Palm Beach residents at their Manhattan and Southampton, NY locations. The addition of Sant Ambroeus will generate tax revenue and assist with tourism. It will be a most welcome addition.

Respectfully submitted,



Debra Reece
Broker Manager

cc: Lori Berg, General Manager, The Royal Poinciana Plaza

Fwd: Sant Ambroeus

Thomas G. Bradford

to:

Patricia Gayle-Gordon

02/28/2016 07:13 PM

Hide Details

From: Thomas G. Bradford/PalmBeach

To: Patricia Gayle-Gordon/PalmBeach@palmbeach

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

Agenda backup for 03/09/16?

Tom

Sent from my iPhone

Begin forwarded message:

From: "Liz Brown" <liz@liiv.com>
Date: February 28, 2016 at 3:49:34 PM EST
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Subject: Sant Ambroeus

Dear Mr. Bradford,

Hope this finds you well. As a native that grew up on the island, I am so excited about what Up Markets is doing at the Plaza!

I am so excited about what Up Market's is doing at the Royal Poinciana Plaza. It is with full support that I welcome Sant Ambroeus to join the culinary delights of Palm Beach. Having enjoyed their restaurants in NY, I'm happy to be able to do the same a few short minutes from my home on the north end. I know they will be a fantastic addition to the island.

Thank you!

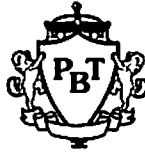
Kind regards,

Liz Brown
152 Reef Road
Palm Beach

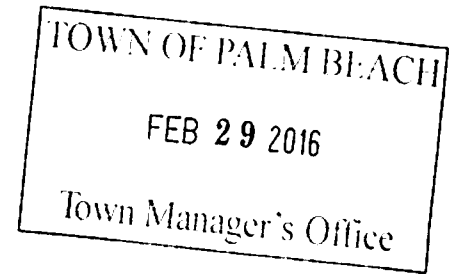


photo

Liz Brown
Founder
| E Liz@Liiv.com | W Liiv.com



PALM BEACH TOWERS



BOARD OF DIRECTORS

R. Joseph Fuchs
President

Bernis Gold-Rosenbloom
Vice President

Eleanor Shaw
Secretary/Treasurer

Nathan Gantcher

John Gay

Donald Riley

Peter Strasser

----- • -----

John E. Grosskopf
General Manager

Kathy Branham
Assistant Treasurer

Nancy Stewart
Assistant Secretary

February 26, 2016

Honorable Mayor Gail Coniglio and
Town Council President Mr. Pucillo
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Dear Mayor Coniglio and Council President Pucillo,

On behalf of the Palm Beach Towers Board of Directors and Management, the Palm Beach Towers would like to express its support for the proposed new restaurant Sant Ambroeus, slated to join The Poinciana Plaza this fall.

We feel this addition will be a great asset to our neighborhood, to the Plaza and to the Poinciana corridor. Many of our unit owners are familiar with the Sant Ambroeus brand and are looking forward to having them in the community. As a neighbor, we encourage town serving improvements to the Plaza while being mindful of the 1979 Agreement.

Sincerely,

The Palm Beach Towers
Condominium Association, Inc.

R. Joseph Fuchs
President

John E. Grosskopf
General Manager

CONDOMINIUM ASSOCIATION, INC.

44 Cocoanut Row, Palm Beach, Florida 33480
(561) 832-8511

From: Kerri Hall <kerripb@gmail.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com, media@santambroeus.com
Date: 02/29/2016 03:25 PM
Subject: Sant Ambroeus

Dear Mr. Bradford,

I would like to take this opportunity to express my enthusiasm for Sant Ambroeus opening a location in Palm Beach.

This unique restaurant would make a valuable contribution to the Palm Beach Community as they have in NYC and the Hamptons.

I am certain many Palm Beach residents are familiar with Sant Ambroeus and would welcome their exceptional cuisine and distinctive ambiance to the island.

Thank you,

Kerri Hall

Trump Plaza

525 South Flagler Drive

West Palm Beach, FL 33401



Fw: Sant Ambroeus Restaurant
Thomas G. Bradford to: Patricia Gayle-Gordon

02/29/2016 06:25 PM

03/09/16 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 02/29/2016 06:24 PM -----

From: Karen Wiley <jokenzie333@aol.com>
To: tbradford@townofpalmbeach.com
Cc: Alexandra.patterson@upmarkets.com
Date: 02/29/2016 06:05 PM
Subject: Sant Ambroeus Restaurant

To the town of Palm Beach. I am writing on behalf of Sant Ambroeus Restaurants. It would be an asset to have them open up in Palm Beach. Their food is amazing & of high quality. The owners are wonderful people & would make a nice addition to the Palm Beaches. Please consider them & their restaurant in a positive light.

Thank you & sincerely,

Karen Doege

President,
TPI SERVICES, INC

Sent from AOL Mobile Mail. Karen Doege



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

02/29/2016 07:15 PM

Backup for 03/09 TCM?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 02/29/2016 07:14 PM -----

From: Trent Steele <trent@trentsteele.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Date: 02/29/2016 07:09 PM
Subject: Sant Ambroeus

Please help make this happen!!! Best thing ever for Palm Beach.

W. Trent Steele
20 year resident of Palm Beach and now a 15 year resident of Jupiter Island.
I'll be there!
Sent from my phone



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

02/29/2016 08:58 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 02/29/2016 08:58 PM -----

From: Ken Schechet <schechet@hotmail.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Cc: "alexandra.patterson@upmarkets.com" <alexandra.patterson@upmarkets.com>, "media@santambroeus.com" <media@santambroeus.com>
Date: 02/29/2016 08:38 PM
Subject: Sant Ambroeus

Tom,

I understand that Sant Ambroeus is coming up before the town council this week. I am familiar with their West Village location in New York and think this is an outstanding restaurant featuring both excellent main courses and distinguished baked goods. I think they would be an excellent addition to the town.

Ken Schechet
3440 South Ocean Blvd



Fw: Saint Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/01/2016 08:49 AM

03/09 agenda backup?

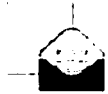
Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/01/2016 08:48 AM -----

From: Helene McLean <helenemclean@bellsouth.net>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com, media@santambroeus.com
Date: 02/29/2016 11:31 PM
Subject: Saint Ambroeus

Mr. Bradford,
I just wanted to let you know how delighted I am to have Sant Ambroeus coming to our town. My friends up north have always raved about this restaurant. This will be a strong compliment to our community.

Sincerely,
Helene McLean



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/01/2016 07:35 PM

Agenda backup 03/09 TCM?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/01/2016 07:35 PM -----

From: Noni <Flalala@aol.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Date: 03/01/2016 02:36 PM
Subject: Sant Ambroeus

Dear Mr Bradford

As a long time resident of Palm Beach I am so looking forward to the opening of Sant Ambroeus. What a terrific restaurant it is and I am so pleased that a restaurant of its caliber is coming to Palm Beach. I am especially excited that it will be open for all three meals.

Thank you
Nancy Colhoun

Have your best day ever



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 09:15 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 09:15 PM -----

From: "Connor Ryan" <connor@cfryan.com>
To: <tbradford@townofpalmbeach.com>
Cc: <Alexandra.patterson@upmarkets.com>, <media@santambroeus.com>
Date: 03/01/2016 08:57 AM
Subject: Sant Ambroeus

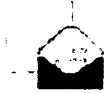
Dear Mr. Bradford,

I would like to encourage you to approve the new restaurant Sant Ambroeus that is applying to open in Palm Beach. They have been making exquisite pastries and fine Italian food for over 30 years in some of New York Cities' most luxurious locations. I believe they would be an excellent tenant and a wonderful benefit to the local community. Finer eating establishments are a tradition in Palm Beach and you will not find a better selection than Sant Ambroeus.

Thank you for the opportunity to address this .

Best regards,
Connor Ryan

480 Hibiscus
West Palm Beach, Fl.



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 03:58 PM

03/09 backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 03:58 PM -----

From: Kate Gubelmann <kgubelmann@aol.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Date: 03/02/2016 01:18 PM
Subject: Sant Ambroeus

I am very hopeful that Sant Ambroeus will be able to come to Palm Beach. It is a perfect fit for our town. I know it well, as I am at their upper East Side restaurant repeatedly. When I lived in New York City, it was my neighborhood go-to spot for breakfast lunch and /or dinner. Now that I am in New York infrequently, it would be wonderful to have that availability here. The ambiance, food and service are all the standard we aim for in Palm Beach and I hope that you will agree and permit them to bring their restaurant here.

Sincerely,
Kate Gubelmann



Fw: Sant Ambroeus YES PLEASE!!
Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 03:59 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 03:59 PM -----

From: Lisa Hedley <info@lahlife.com>
To: "tbradford@townofpalmbeach.com" <tbradford@townofpalmbeach.com>
Cc: "alexandra.patterson@upmarkets.com" <alexandra.patterson@upmarkets.com>
Date: 03/02/2016 01:29 PM
Subject: Sant Ambroeus YES PLEASE!!

I am writing to heartily support the arrival of Sant Ambroeus.

This has been a favorite of mine in its US locations as well as Milan.

I notice how well they assimilate into the neighborhoods in which they locate.

The one uptown fits perfectly Uptown Manhattan and their downtown location has an appropriately downtown vibe. No doubt part of why they are so successful. Delicious food, great service, chic and responsible to their surroundings. All good things to have here in our paradisiacal hamlet of Palm Beach.

Thank you. lisa hedley



Fw: Sant Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 04:00 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 03:59 PM -----

From: Ross Meltzer <rossmeltzer@aol.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Date: 03/02/2016 01:37 PM
Subject: Sant Ambroeus

Dear Mr. Bradford,

I am writing in support of Sant Ambroeus opening in the Royal Poinciana Plaza. Sant Ambroeus has been my family's "family" restaurant in New York for as long as I can remember! My sister lives around the corner from it in NYC and it has been our family's meeting place for everything from casual Sunday night dinners to celebrations.

As a resident of Palm Beach, I can think of no better choice of a restaurant to have in our "neighborhood"! I know that I am not the only one who feels this way as it is a great topic of discussion among my friends. We all look forward to seeing Sant Ambroeus open it's doors in the rejuvenated plaza in the near future!

Thank you very much

Sincerely,

Ross W W Meltzer
209 Bermuda Lane
Palm Beach, FL 33480



Fw: Sant Ambrooeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 04:00 PM

03/09 TCM backup.

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 04:00 PM -----

From: Ashley Schiff <ashley.ramos@me.com>
To: tbradford@townofpalmbeach.com
Cc: "Patterson, Alexandra" <Alexandra.Patterson@wsdevelopment.com>
Date: 03/02/2016 01:48 PM
Subject: Sant Ambrooeus

Mr. Bradford,

I am writing in support of Sant Ambrooeus's application to open in Palm Beach all day. I know their restaurants in New York and they would be a terrific addition to Palm Beach and fill a current void. They are a well run operation and would fit in well here in our community.

Best,
Ashley Ramos
232 Tradewind Drive
Palm Beach, FL 33480



Fw: San Ambrosaeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 04:03 PM

03/09 TCM backup.

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 04:03 PM -----

From: Bridget Koch <bridgetkoch@me.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Date: 03/02/2016 01:59 PM
Subject: San Ambrosaeus

Dear Town Manager,
I am hopeful that the town of Palm Beach will grant a lease permitting one of my favorite restaurants Santa Ambrosaeus to open here in Palm Beach and to be able to serve lunch and breakfast. I think this will be great for our wonderful town. Please consider allowing them to open here and to serve breakfast and lunch. Thank you very much,

Bridget Rooney Koch
974 S. Ocean Blvd.
Palm Beach, FL

Sent from my iPhone



Fw: Sant Ambroeus
Town Manager to: Thomas G. Bradford
Sent by: Cheryl Kleen
Cc: Patricia Gayle-Gordon

03/02/2016 04:30 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 03/02/2016 04:30 PM -----

From: Michelle Henderson <bliing@mac.com>
To: "townmanager@townofpalmbeach.com" <townmanager@townofpalmbeach.com>
Date: 03/02/2016 01:35 PM
Subject: Sant Ambroeus

Dear Mr. Bradford,

I am writing you to lend my support for the Sant Ambroeus restaurant slated for space at the Royal Palm Plaza.

As a lifelong resident of Palm Beach, I am highly in favor of bringing new restaurant options for greater variety and enjoyment to the town.

Furthermore, another full time operating restaurant is essential to the enjoyment of this island.

Please approve this restaurant for full time operation.

Michelle Henderson

Sent from my iPhone



Fw: San Ambroeus

Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 05:56 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 05:55 PM -----

From: Fernanda Niven <fw@fernandaniven.com>
To: tbradford@townofpalmbeach.com
Cc: alexandra.patterson@upmarkets.com
Date: 03/02/2016 04:17 PM
Subject: San Ambroeus

I like so many others look forward to San Ambroeus opening in Palm Beach and serving breakfast, lunch and dinner.

Fernanda Niven
261 Miraflores Drive
Palm Beach, Florida 33480

Sent from my iPad



Fw: Saint Ambrose
Thomas G. Bradford to: Patricia Gayle-Gordon

03/02/2016 05:56 PM

03/09 TCM backup?

Thomas G. Bradford
Town Manager
Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480
Telephone: (561) 838-5410
Fax: (561) 838-5411
Email: tbradford@townofpalmbeach.com

----- Forwarded by Thomas G. Bradford/PalmBeach on 03/02/2016 05:56 PM -----

From: EILEEN BURNS <eileenburns@me.com>
To: tbradford@townofpalmbeach.com
Date: 03/02/2016 04:20 PM
Subject: Saint Ambrose

Brian and I wholeheartedly support and welcome Saint Ambrose to Palm Beach..they will be a welcome addition to our little slice of Paradise .
Sincerely,
Eileen Burns
Sent from my iPad

Michael Formica and Bob Hiemstra
218 Phipps Plaza
Palm Beach Florida
33480

Mayor Gail Coniglio and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480
3 March 2016

Re: Special Exception #6-2016
340 Royal Poinciana Way, Suite 304
Sant Ambroeus Palm Beach

Dear Mayor Coniglio and Members of the Town Council:

We have had a home in Palm Beach for fifteen years. We have previously lived in New York, where we maintain a pied-a-terre, as well as the East End of Long Island. We have been customers of Sant Ambroeus for as long as we can remember, starting at the original New York location on Madison Avenue, and continuing to the West Village and Soho, enjoying an espresso and pastry for breakfast, a panino for lunch, vitello tonnato or pasta for dinner and the best cookies in the world.

We were overjoyed to learn that Sant Ambroeus was hoping to join us in Palm Beach. Sant Ambroeus has always maintained a standard of excellence in cuisine and hospitality that has been equaled by few. Sant Ambroeus will raise the culinary bar in Palm Beach and remain true to their roots as a friendly, neighborhood, meeting place.

We hope that you share our enthusiasm for the addition of Sant Ambroeus to our community and will welcome them to the Royal Poinciana Plaza at your upcoming meeting.

Thank you and best regards,

A handwritten signature in black ink, appearing to be 'Michael Formica', with a long horizontal stroke extending to the right.

Michael Formica

SIMON TAYLOR

ATTORNEY AT LAW

100 PARK AVENUE
SUITE 1600
NEW YORK, NY 10017

(212) 327-2640

777 SOUTH FLAGLER DRIVE
SUITE 800 WEST TOWER
WEST PALM BEACH, FL 33401

(561) 818-0170

March 3, 2016

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

Honorable Mayor and Council Members:

As a Town resident concerned with cultural and community life on the island and the fate of the prized Poinciana Playhouse, I would like to think we have cause to celebrate the recent statements by the new manager of the Poinciana Plaza that the manager's "number one priority" is to find a group to restore and reopen the Playhouse. However, the owner and manager of the Plaza have sent a mixed message regarding their intentions for the Playhouse (a) by granting of a Power of Attorney to the manager to seek to amend or terminate the 1979 agreement protecting the Playhouse and submit condominium applications for the site (the "Power of Attorney"); (b) by seeking to overlook the existence of an explicit and binding 2007 court order that the Playhouse is required to be "maintained and operated" as a "theater;" (c) by invoking old discredited legal arguments that the Playhouse could be left permanently vacant; and (d) by declining to predict that the Playhouse might be leased any time within two years or longer. The principal of the new manager has emphatically stated that she wants to restore and reopen the Playhouse, but she has insisted that that plan is a personal goal, not a binding legal obligation.

In the context of this uncertainty and delay in reopening the Playhouse, the owner and new manager of the Plaza, Up Markets, have submitted two applications that may adversely affect parking for any Playhouse theater and club: Zoning Application 6-2016 requesting a Special Exception for Sant Ambroeus restaurant to be allowed to open in the Plaza with greatly expanded daytime hours on weekdays and weekends; and Zoning Application 2-2016 requesting a Site Plan Review to "correct" the gross leasable area ("GLA") of the Plaza in a manner that would suggest that parking for the new San Ambroeus restaurant will be adequate and will not adversely affect the parking needs of the Playhouse when it opens. When similar requests were made to the Town Council for expanded hours for a prior restaurant on the site, Del Frisco's Grille, the Council unanimously voted not to approve the requests, in no small part due to the uncertainty regarding the opening of the Poinciana Playhouse and the effects of expanded restaurant parking on the Playhouse theater and club. I submit that the Council should show the

same wisdom now and should not act to give away parking to yet another restaurant while the reopening and needs of the Playhouse are still unknown and at risk.

The two Zoning Applications do not appear to be proper or to meet the standards applicable to requests for Special Exceptions and Site Plan Reviews. As a procedural matter, the mailing of the Applications to residents pursuant to Town Zoning Code of Ordinances, Sections 134-172 and 134-328 appears to be seriously procedurally inadequate. The Applications on file contained a copy of the Power of Attorney in which the owner of the Plaza granted to principals of the new manager authority to pursue "... (f) amendments, modifications or termination of that certain Agreement by and between the Town of Palm Beach and Poinciana Properties, Ltd. dated March 6, 1979, and all amendments thereto..." and "(h) any documents or instruments necessary to submit all or a portion of the Ground Leased Premises to the condominium form of ownership..." (see the copy of the Power of Attorney annexed). However, the legally required notice of the Applications that was mailed to nearby residents did not include the Power of Attorney, but rather substituted a map of the site in its place. Surely residents who might be affected by the giving of restaurant hours and parking to a new restaurant would want to know that that concession by the Town was requested as part of a larger set of legal arrangements that include authority to terminate the 1979 agreement protecting the Playhouse and build condos on the site.

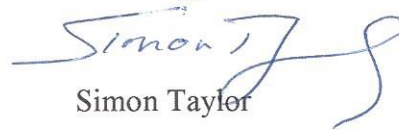
The Zoning Applications also fail to satisfy the applicable standards under the Town Code, including the requirements (i) that the use requested will not cause substantial injury to the value of the Playhouse and other properties in the neighborhood, (ii) that the use will be compatible with the district and adjoining development and (iii) that the use will not result in substantial economic impacts on adjoining properties and properties generally within the district. In addition, the requested concessions for the new restaurant may jeopardize and violate the 1979 Agreement and intensify use in the area. Further, it is not clear from the Applications that appropriate studies, reports and other background support and information have been adequately completed, reviewed or verified, including proposals regarding the gross leasable area of the Plaza and the impact of reduced GLA on parking requirements.

The mixed message communicated by the Plaza owner and new manager sets the background of uncertainty and delay that requires rejection of the Zoning Applications. In a presentation to the Town Council on December 9, 2015, the principal of the manager, Up Markets stated: "There has been much discussion of the 1979 Agreement since I took over the property. I'd like to state once again for the record my recognition that the Playhouse can only be used as a building for the performing and visual arts." This carefully crafted legal statement appears to be a recitation of the old, discredited legal argument used by the prior Plaza managers that they could only use the Playhouse as a theater if they used it at all, but that they were not required to use it for anything and could leave it permanently vacant. The new manager continued by stating to the Council on December 9: "I say all this because it is very, very important for me that everybody knows that I am working to restore and reopen the Playhouse not because I have to, but because I want to." This emphatic statement that reopening the

Playhouse is merely a personal and business goal, not a legal obligation, flies in the face of the 1979 agreement and the binding, unequivocal 2007 court order requiring that the Playhouse be "maintained and operated" as a "theater." A summary of the legal history and binding holdings of the 2007 court order is annexed. Personal, business and strategic goals may change, but the owner and manager of the Poinciana Plaza have a clear legal obligation to open and operate the Playhouse.

For reasons including the foregoing, I submit that the Town Council should not grant the above two Zoning Applications at this time.

Sincerely,

A handwritten signature in blue ink that reads "Simon Taylor". The signature is stylized, with the first name "Simon" written in a cursive script and the last name "Taylor" written in a more formal, slightly cursive script. The signature is positioned above the printed name "Simon Taylor".

Simon Taylor

POWER OF ATTORNEY

The undersigned, SIDNEY SPIEGEL, as Successor Trustee (the "Trustee") under the provisions of a certain Trust Agreement dated October 25, 1984 and known as Trust No.31520371, as amended (the "Trust") and Island Properties of Palm Beach, Inc., a Florida corporation (the "Corporation", and together with the Trustee and the Trust, the "Principal"), are the lessors under that certain Ground Lease dated March 31, 2008, as amended by that certain First Amendment to Ground Lease dated July, 2009 and that certain Second Amendment to Ground Lease dated August 26, 2014 (as amended, the "Ground Lease") pursuant to which RPP PALM BEACH PROPERTY LP, a Delaware limited partnership (the "Lessee") leases the property owned in fee simple by the Principal and described on Exhibit "A" hereto (the "Property"). Pursuant to Article 5 of the Ground Lease, Principal has granted Lessee the exclusive right to deal with all governmental issues related to the Property. In furtherance thereof, and pursuant to the specific terms of the Trust and also pursuant to the Unanimous Written Consent of the Board of Directors of Island Properties of Palm Beach, Inc. attached hereto as Exhibit "B", Principal does hereby constitute and appoint Jeremy M. Sclar, , Thomas J. DeSimone, Richard A. Marks, Deirdre A. Geoghegan and/or Samantha P. David and/or Lessee (as applicable, the "Agent") as the Principal's true and lawful attorney-in-fact to have power and authority, in the name, place and stead of the Principal, to do any and every act and exercise any and every power that the Principal might or could do with respect to the Principal's fee simple interest in the Property in connection with all governmental issues related to the Property, including, without limitation, (i) all matters relating to the Royal Poinciana Playhouse, (ii) all matters relating to the "landmarking" of any portion or all of the Property, (iii) the pursuit of zoning and building approvals, consents and permits necessary to renovate or redevelop the Property, and (iv) the execution in the name of Principal of any documents or instruments required for such renovation or redevelopment such as: (a) zoning applications, (b) changes or variances required by governmental authority, (c) granting, modifying or abandoning existing rights of way bounding the Property, (d) granting easements or licenses for roadways, right of ways, utilities, ingress, egress and other purposes, with or without consideration, (e) building permits, variances, use permits, licenses, approvals or similar governmental authorizations, (f) amendments, modifications or termination of that certain Agreement by and between the Town of Palm Beach and Poinciana Properties, Ltd. dated March 6, 1979, and all amendments thereto, (g) amendments, modifications or termination of any unity of title affecting the Property, (h) any documents or instruments necessary to submit all or a portion of the Ground Leased Premises to the leasehold condominium form of ownership, (i) impose restrictive covenants on the Property, and (j) any and all other similar matters, as fully, and for all intents and purposes, as the Principal might or could do if personally present, with full power of substitution, hereby ratifying and confirming all that the Agent shall lawfully do or cause to be done by virtue hereof, all of which acts and agreement shall be binding on the Principal and the Principals' successors and assigns, shall run with the title to the Property, and shall be effective to bind the Property during and after the termination or expiration of the Ground Lease.

Notwithstanding the foregoing, the Agent is not hereby authorized to convey by deed or other instrument any of the fee simple interest of the Principal in the Property.

[Signatures on Next Page]

IN WITNESS WHEREOF, this Power of Attorney is executed by the undersigned as of
this 9 day of September, 2014.

Carol Gassi
Print Name: Carol Gassi

Sidney Spiegel
Sidney Spiegel, as Successor Trustee under the
provisions of a certain Trust Agreement dated
October 25, 1984 and known as Trust No.
21520371

Sharon Grunberg
Print Name: Sharon Grunberg

Carol Gassi
Print Name: Carol Gassi

Sharon Grunberg
Print Name: Sharon Grunberg

Island Properties of Palm Beach, Inc., a Florida
corporation

Sidney Spiegel
Sidney Spiegel, Vice President

PROVINDE OF ONTARIO

:
: SS
:

The foregoing instrument was acknowledged before me as of the 9 day of September, 2014, by SIDNEY SPIEGEL, as Successor Trustee under the provisions of a certain Trust Agreement dated October 25, 1984 and known as Trust No. 31520371, as amended and as Vice President of Island Properties of Palm Beach, Inc., a Florida corporation, on behalf of such trust and corporation, who is personally known to be or who has produced a driver's license as identification.

Alan Lynde
Name: Alan Lynde
Notary Public
Province of Ontario
My Commission Expires: permanant

"MAINTAIN AND OPERATE" THE PLAYHOUSE

In 2007 the Palm Beach County Circuit Court

"ORDERED AND ADJUDGED" that the 1979 Agreement between the Town of Palm Beach and the owner of the Poinciana Plaza "requires that the Poinciana Theater, located in the Plaza, be maintained and operated as a theater". Final Judgment of Judge David Crow, July 10, 2007

The owner of the Plaza had closed the Poinciana Playhouse Theater in 2004. The Town's attorney delivered a letter to the owner on May 18, 2005 demanding that the owner comply with its "continuing obligation" to lease the Playhouse as a theater and "continue the theater operation".

The Plaza owner sued the Town in June 2005 asking the Circuit Court for permission to demolish the Playhouse. The Town countersued explicitly asking for an order from the Court that the 1979 Agreement requires that the Poinciana Theater "be maintained and operated as a theatre". In that September 2005 Answer and countersuit contesting the owner's lawsuit, the Town's attorneys clearly stated that the 1979 Agreement requires the owner "to continue the operation of the Theatre" and that "it was the intention of the parties to the 1979 agreement that the Poinciana Theatre continue to remain in existence and continue to be operated as a theater".

On July 10, 2007, Judge Crow granted exactly the binding Court order that the Town requested requiring that the Playhouse "be maintained and operated as a theater".

When the Plaza owner appealed the July 2007 Circuit Court order, the Town's attorneys stated in their answering appeal brief that "the court held that the 1979 Agreement, in paragraph 2E and F specifically, requires that the Poinciana Theater, located in the Plaza, be maintained and operated as a theater....Clearly, the Theater must be used as a Theater, which appellant recognizes (In.Br. at 36), and further, it is to continue in use as a theater." The owner dropped its appeal.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Development Review - New Business

Agenda Title

SPECIAL EXCEPTION #08-2016 WITH SITE PLAN REVIEW AND VARIANCES

The application of 280 NCR, LLC; relative to property commonly known as **280 N. County Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. The Applicant is requesting a Special Exception with site plan review to allow the construction of a 7,205 square foot two-story single family residence on a non-conforming lot, comprised of portions of platted lots, which has a width of 92.6 feet in lieu of the 100 foot minimum required width in the R-B Zoning District. In connection with the proposed construction, the following three variances are being requested: to construct a two-story house with a second story street side yard setback (east side of the property) of 25 feet in lieu of the 30 foot minimum required; to construct a two-story house with an angle of vision of 133 degrees in lieu of the 116 degrees maximum allowed; and, to construct a two story addition with a second story street side yard setback (east side of the property) of 20 feet in lieu of the 30 foot minimum required in the R-B Zoning District. [Attorney: Guy Rabideau, Esq.]

[Architectural Commission Recommendation: Deferred the project to the March 23rd meeting. Carried 7-0]

**Request for Deferral to the April 13, 2016, Town Council Meeting
Per Letter Dated February 29, 2016, from Guy Rabideau.**

Presenter

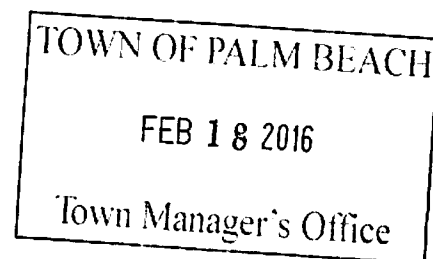
John S. Page, Director of Planning, Zoning & Building

Supporting Documents

- [Letter Dated February 8, 2016, from H. Eugene Rayfield](#)
- [Letter Dated February 16, 2016, from Laura Andrassey](#)
- [Letter Dated February 16, 2016, from Stefan B. Richter](#)
- [Letter Dated February 16, 2016, from Dr. Thomas Mandat](#)

- [Letter Dated February 29, 2016, from Guy Rabideau](#)

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



Regarding: 280 North County Road
Palm Beach, FL 33480

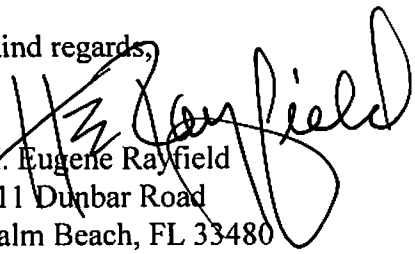
February 8, 2016

Dear Mayor and Town Council Members:

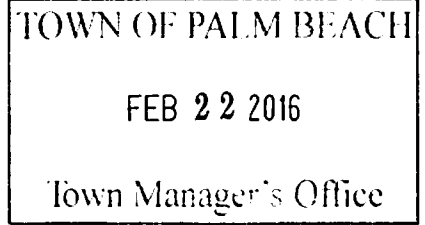
As a resident of Dunbar Road and the neighbor directly to the west I fully support the prospective new home at 280 North County Road. I think the owner and architect have come up with a thoughtful design that is respectful to the architectural streetscape of Dunbar Road. The massing and the placement of windows are well done and create a beautifully proportionate residence.

Thank you for your consideration.

Kind regards,


H. Eugene Rayfield
211 Dunbar Road
Palm Beach, FL 33480

*167 Dunbar Road, LLC
1201 George Bush Boulevard
Delray Beach, FL 33483*



February 16, 2016

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

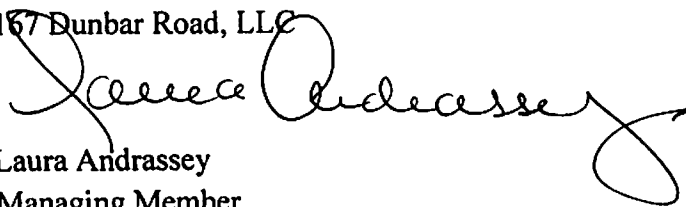
Dear Sir/Madam:

I have received the packet from you with the notice of the new construction to be taking place at 280 North County Road. I approve of the proposed project and look forward to it being started and feel it will be a wonderful addition to the area.

I sincerely hope the requested variances are approved and construction starting as soon as possible.

Sincerely,

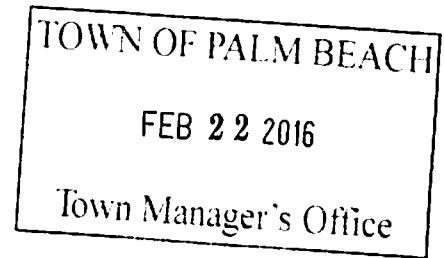
167 Dunbar Road, LLC



Laura Andrassey
Managing Member

Mr. & Mrs. Stefan Richter

159 Dunbar Road
Palm Beach, FL 33480



February 16, 2016

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

Dear Sir/Madam:

We have received the notification of the new construction to be undertaken at 280 North County Road. We would like to express to you that we are very excited to know that once the special exception application (SE 8-2016) is approved, there will be a new beautiful two-story 7,100 square foot home in the neighborhood.

We hope that the Council approves the requested special exception and variances.

Sincerely,

Nancy R. Richter

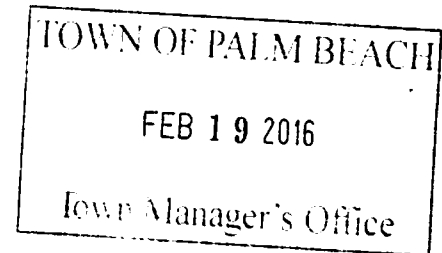
A handwritten signature in black ink, appearing to read "Stefan Richter".

Stefan B. Richter

Dr. Thomas Mandat
171 Dunbar Road
Palm Beach, Florida 33480

February 16, 2016

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



RE: Special Exception # 8-2016
280 North County Road, Palm Beach, Florida

Dear Madam Mayor and Town Council Members:

I live across the street from 280 North County Road. I have reviewed the plans for the proposed two-story residence and I fully support this project and have no objection to any relief they might need from the Town in order to get their project approved. I believe the proposed residence will be a fine improvement to both my neighbor's property and the neighborhood. Hopefully, you and your staff will agree and you will grant the necessary variances needed for the project.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Mandat".

Dr. Thomas Mandat

cc: dmoraki@townofpalmbeach.com
pat@skaarchitect.com

RABIDEAU LAW

PALE BEACH TORONTO

*Guy Rabideau, Esq.
direct: 561.402.7411
grabideau@rabideau-law.com
Florida Bar Board Certified in Real Estate Law*

February 29, 2016

Via Hand Delivery

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

Re: Property: 280 North County Road, Palm Beach, Florida
Owner: 280 N. County Road PB, LLC
Special Exception 8-2016 with Site Plan Review and Variances

Dear Mr. Castro:

In connection with the above-referenced matter, I request that the variance matter that is scheduled to appear before Town Council on March 9, 2016 be deferred to the following Town Council Meeting occurring on April 13, 2016.

The matter was heard by ARCOM on February 24, 2016; however, ARCOM postponed its decision until the next meeting occurring on March 23, 2016. As such, we request a one-month deferral from the March 9, 2016 Town Council Meeting.

Please let me know if you have any questions.

Sincerely,


Guy Rabideau

GR/cac

TOWN OF PALM BEACH

Town Council Meeting Development Review on: March 9, 2016

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 4-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting

Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

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

Supporting Documents

- [Memorandum Dated February 23, 2016 from John S. Page, Director of Planning, Zoning and Building](#)
- [Ordinance No. 4-2016](#)

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meeting on:
March 9, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning,
Ordinance No. 4-2016

Date: February 23, 2016

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency (LPA) consider Ordinance No. 4-2016, amending the Zoning Ordinance. The LPA should then make a recommendation on the proposed Ordinance to the Town Council for its consideration on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its December 15, 2015 and January 19, 2016 meetings, made recommendations on the proposed Zoning Code modifications.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its February 10, 2016 Town Council meeting. The Council directed Staff to draft the following Ordinance for consideration by the Local Planning Agency and Town Council. The proposed Ordinance does the following:

- Requires Architectural Commission completed review prior to Council consideration of a variance, special exception and/or site plan review application to build a single-family home on a nonconforming lot in any of the residential zoning districts. Also housekeeping language regarding raising a nonconforming building to meet the minimum flood elevation.
- Provides that nonconforming buildings or structures cannot be demolished by more than 50% cubic footage within five years of passing a final inspection for work being done.
- Eliminates the requirement in the residential districts that the maximum building height

be based on a flat roof when using a parapet above the maximum building height.

- Exempts temporary generators from the generator requirements when used during or after a natural disaster.
- Requires the six foot high required hedge on the outside of a wall for a swimming pool in a street setback to be maintained at a minimum of six feet.
- Requires a solid masonry stucco finished wing wall around generators in a required setback.
- Prohibits Light Emitting Diode (LED) lights from outlining a building, fence, wall or other structure.
- Continues to only allow internally lighted lettering or signs, and back-lit signs by special exception approval.
- Eliminates front-lit signs from the existing special exception requirement in the Code.

The proposed changes in attached Ordinance No. 4-2016 are in add/delete format. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 4-2016 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

cc: Planning and Zoning Commissioners
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
zf

ORDINANCE NO. 4-2016

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning; Article IV, Nonconformities, Sec. 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Specifying That Demolition Of A Nonconforming Building Or Structure Cannot Exceed 50 Percent Of Its Existing Cubic Footage Within Five Years Of Passing A Final Inspection; Article IV, Nonconformities, Sec. 134-446 And Article VI, District Regulations, Secs. 134-793, 134-843 And 134-893, Lot, Yard And Area Requirements-Generally, To Require Architectural Commission Complete Review Of A Project Prior To Town Council Consideration Of A Site Plan Review And/Or Special Exception Or Variance To Construct A Single-Family Home On A Nonconforming Lot In The R-AA, R-A, R-B, R-C, R-D(1) And R-D(2) Zoning Districts; Article VI, District Regulations, Secs. 134-793, 134-843, 134-893, 134-948, 134-1004 And 134-1060, Lot, Yard And Area Requirements, By Eliminating The Provision Requiring The Maximum Building Height To Be Calculated Based On A Flat Roof When A Parapet Is Used Above The Maximum Building Height; Article VIII, Supplementary District Regulations, Sec. 134-1729, Generators And Swimming Pool Equipment, To Require A Concrete Block Masonry Finished Wing Wall Around Generators In Required Setbacks And Exempt Temporary Generators From Generator Regulations When Used During Or After A Natural Disaster; Sec. 134-1757, Swimming Pools, By Requiring A Continuous Six Foot High Hedge To Be Maintained At A Minimum Of Six Feet Outside Of The Required Six Foot High Wall For A Swimming Pool In A Street Side Or Street Rear Yard Setback; Amend Sec 134-1728, Air Conditioning And Swimming Pool Heating Equipment, To Require Cooling Towers To Be Screened From Neighbors By A Concrete Block Masonry Wall As Tall As The Cooling Tower; Article XI, Signs, Sec. 134-2372, General Regulations Applicable to Permitted Signs, To Prohibit Light Emitting Diode (LED) Lighting To Outline Any Building, Fence, Wall Or Any Other Structure And Only Allow Internally Lighted Signs Or Lettering Or Back-Lit Signs By Special Exception Approval From The Town Council And Exempt Front-Lit Signs From The Special Exception Requirement; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

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

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

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

Section 1. Amend Article IV, NONCONFORMITIES, Section 134-419, Enlargement, extension, reconstruction or alteration, to read as follows:

Sec. 134-419. - Enlargement, extension, reconstruction or alteration.

No nonconforming building or structure shall be enlarged, extended, reconstructed or structurally altered except, as provided for in sections 134-416, 134-417 and 134-418, or when required to do so by law as follows:

(1) *Voluntary demolition, restoration and reconstruction.* A nonconforming building and/or structure may be restored as before, enlarged, extended or partially demolished and reconstructed provided that such demolition, restoration, enlargement, extension or expansion does not exceed 50 percent of its existing cubic footage within five years of passing a final inspection and provided that the demolition, restoration, enlargement, extension or reconstruction of the building and/or structure does not exceed the floor area, gross leasable area and/or cubic footage which existed prior to the demolition, restoration, enlargement, extension, or reconstruction. All demolition, restoration, enlargement, extension or reconstruction shall be completed within the time schedule set forth in the construction schedule section 105.4.1.6 of the Florida Building Code. ~~as amended in section 18-242.~~ In the event such demolition, restoration, enlargement, extension or reconstruction is not completed within the time frame required by the building code, construction shall cease and shall not resume until the town council decides the remedy for noncompliance, and review and approves a completion schedule.

(2) *Alteration and repairs.* Normal maintenance and repair and incidental alteration of a nonconforming building or structure is permitted, provided it does not increase the area, volume or size. A building used for single-family or multi-family residential purposes may be altered in any way to improve interior livability; provided, however, that no alterations shall be made which would increase the number of dwelling units. Single-family dwellings may be added onto or partially demolished in accordance with sections 134-794, 134-844, 134-894, 134-1005 and 134-1060.

(3) *Minimum flood elevation.* A nonconforming building may be raised to meet the minimum town flood elevation provided:

- a. That the height as measured from the raised finished floor to the bottom of the top chord of the roof framing member for a pitched roof and the ceiling of a flat roof does not get any taller.
- b. That the overall height as measured from the raised finished floor elevation to the top of the roof for pitched roof, and top of the ceiling and parapet for a flat roof is not any taller.
- c. The building footprint within the required setbacks is no larger; and is no closer to the property line than it was prior to being raised.

- d. That any new additions meeting existing lot, yard and bulk regulations.

Section 2. Amend Article IV, NONCONFORMITIES, Section 134-446, to read as follows:

Sec. 134-446. - Development and redevelopment of nonconforming residential lots.

(a) Vacant land located in any zoning district which does not conform to the minimum requirements of lot dimension or lot area as required by the schedule of lot, yard and bulk regulations for the district as given in article VI of this chapter may be developed or redeveloped as allowed in subsections (b) and (c) provided that multi-family residential use and single-family residential use does not exceed the maximum density allowed for the site, as identified in Chapter 134 and the Future Land Use Element in the Town's Comprehensive Plan. Development of a single-family residential dwelling unit on a vacant residentially zoned lot which has existed in the same configuration for a minimum of 30 years is allowed subject to subsection (b) or (c), whichever is relevant.

(b) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-C, R-D(1), R-D(2), C-TS, C-WA, C-OPI, C-PC, C-B and PUD zoning districts shall be subject to an application to the town council for a variance. A variance to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the Town Council until the Architectural Commission has completed review of the project.

(c) The development or redevelopment of land which does not conform to the requirements of lot dimension or lot area requirements in the R-AA, R-A and R-B zoning districts shall be subject to an application to the town council for special exception and/or site plan review as provided for in subsections 134-793(b), 134-843(b) and 134-893(b). A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the Town Council until the Architectural Commission has completed review of the project.

Section 3. Amend Article VI, DISTRICT REGULATIONS, Sections 134-793, 134-843 and 134-893, to read as follows:

Sec. 134-793. - Lot, yard and area requirements—Generally.

- (a) *Schedule of regulations.* In the R-AA large estate residential district, the schedule of lot, yard and area requirements is as given in this section.
- (b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-AA zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, however, that a special exception with site plan review would be required for an unplatted lot and site plan

review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the Town Council until the Architectural Commission has completed review of the project.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

Sec. 134-843. - Lot, yard and area requirements—Generally.

(a) *Schedule of regulations.* In the R-A estate residential district, the schedule of lot, yard and area requirements is as given in this section.

...

(b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-A zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the Town Council until the Architectural Commission has completed review of the project.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

Sec. 134-893. - Lot, yard and area requirements—Generally.

(a) *Schedule of regulations.* In the R-B low density residential district, the schedule of lot, yard and area requirements is as given in this section.

...

(b) *Existing building lots.* A single-family structure may be constructed on any existing nonconforming lot at the time of adoption of the ordinance from which this section derives in the R-B zoning district if the lot is less than the minimum area and/or dimension required for building lots in this district; provided, however, that a special exception with site plan review would be required for an unplatted lot and site plan review would be required for a platted lot. A special exception and/or site plan review to develop or redevelop on a lot that is deficient in lot area or dimension cannot be considered by the Town Council until the Architectural Commission has completed review of the project.

In addition, all new construction must comply with all other provisions of the schedule of lot, yard and bulk requirements in subsection (a) of this section and provided, further, that the owner of such lot shall not own any adjacent vacant land which would create a conforming lot if the vacant land were combined with the lot deficient in area.

Section 4. Amend Article VI, DISTRICT REGULATIONS, Section 134-793, 134-843, 134-893, 134-948 134-1004 and 134-1060, to read as follows:

Sec. 134-793. - Lot, yard and area requirements—Generally.

(a) *Schedule of regulations.* In the R-AA large estate residential district, the schedule of lot, yard and area requirements is as given in this section.

(1)...

...

(10) *Height and overall height.*

a. The maximum building height is 30 feet, not to exceed two stories.

b. 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.

Sec. 134-843. - Lot, yard and area requirements—Generally.

(a) *Schedule of regulations.* In the R-A estate residential district, the schedule of lot, yard and area requirements is as given in this section.

(1)...

...

(10) *Height and overall height.*

a. The maximum building height is 30 feet, not to exceed two stories.

b. 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.

Sec. 134-893. - Lot, yard and area requirements—Generally.

(a) *Schedule of regulations.* In the R-B low density residential district, the schedule of lot, yard and area requirements is as given in this section.

(1)...

...

(10) *Height and overall height.*

a. The maximum building height is 30 feet, not to exceed two stories.

b. 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.

Sec. 134-948. - Lot, yard and area requirements—Generally.

In the R-C medium density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1)...

...

(8) *Height and overall height.*

a. For single-family uses, the maximum building height is two stories, not to exceed 23½ feet.

b. For two-family uses, the maximum building height is two stories, not to exceed 23½ feet.

c. For townhouses, the maximum building height is two stories, not to exceed 23½ feet.

d. For multifamily uses, the maximum building height of a one or two-story building is 23½ feet; See special exception provisions in sections 134-227 through 134-233, section 134-952, and article III of this chapter.

e. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus three feet for a flat roof and eight 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.

Sec. 134-1004. - Lot, yard and area requirements—Generally.

In the R-D(1) moderate density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1)...

...

(8) *Height and overall height.*

a. For single-family uses, the maximum building height is two stories or 25 feet.

b. For two-family uses, the maximum building height is two stories or 25 feet.

c. For townhouses, the maximum building height is two stories or 25 feet.

d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1008, and article III of this chapter.

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.

Sec. 134-1060. - Lot, yard and area requirements—Generally.

In the R-D(2) high density residential district, the schedule of lot, yard and area requirements is as given in this section:

(1)...

...

(8) *Height and overall height.*

a. For single-family uses, the maximum building height is two stories or 25 feet.

b. For two-family uses, the maximum building height is two stories or 25 feet.

c. For townhouses, the maximum building height is two stories or 25 feet.

d. For multifamily uses, the maximum building height of two-story buildings is 25 feet; the maximum building height of three-story buildings is 35 feet. In this district, the maximum building height for multifamily uses is three stories, with provision for a special

exception for up to five stories. See special exception provisions in sections 134-227 through 134-233, section 134-1063, and article III of this chapter.

e. For timesharing uses, the maximum building height is three stories or 35 feet.

f. For hotels, the maximum building height is three stories or 35 feet.

g. 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.

Section 5. Amend Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, , Section 134-1729, Generators and Swimming pool heating equipment , to read as follows:

Sec. 134-1729. - Generators and swimming pool equipment.

Except for generators serving a public purpose and owned and operated by the town or temporary generators used during or after a natural disaster such as a tropical storm or hurricane event, and which are therefore exempt from these regulations, portable or permanent generators temporarily or permanently placed on the ground, on a stand or on a trailer, shall not be placed in the required front, street side or street rear yard setbacks; provided, however, not more than one such generator shall be placed in any given required side or rear yard setback.

(1) One portable or permanent generator with an output of not more than 60 KW shall be allowed in a required side or rear yard setback provided said generator meets the following conditions:

a. The generator is set back a minimum of five feet from the property line.

b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.

c. The highest point on the generator shall not exceed a maximum of seven feet above the neighboring property owner's grade or zero datum as defined in the appropriate definition of building height in section 134-2.

d. The generator is screened from the neighboring property owners by a concrete block masonry finished wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.

e. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.

f. The generator shall be used only during periods of power outages or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company or for use by power customers during periods of peak demand.

g. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.

h. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

i. Generators are not permitted on the roof of a building.

(2) A portable or permanent generator may be permanently or temporarily placed on the ground, on a stand, or on a trailer outside of required yard setback areas; provided, however, said generator meets the following conditions:

a. If the generator's output capability is greater than 60KW, it shall be placed on the property only in conformance with the setback requirements applicable to a principal structure.

b. The generator shall not, at any time or for any purpose, exceed the maximum decibels allowed at the property line as set forth in section 42-228.

c. If the generator's output capacity is greater than 100 KW, it shall be subject to site plan review as defined in sections 134-326-134-330 and shall be housed in an enclosed building with landscaping as approved by the architectural commission or landmarks preservation commission, whichever is appropriate.

d. If the generator is greater than 60KW and is 100KW or less, and is visible from a street or public way, it shall be screened from the neighboring properties by a concrete block masonry finished wing wall (three-sided wall), at least four feet high or the same height as the generator (including the height of the exhaust muffler), whichever is greater.

e. If the generator is 60KW or less and is visible from a street or public way, its location shall be subject to approval by the architectural commission or landmarks preservation commission, as applicable. Intervening landscape material shall not be considered when determining a generator's visibility.

f. The generator's exhaust is, as much as practically feasible, vented upwards or directed away from neighboring properties.

g. The generator shall be used only during periods of power outages, periods of power reductions resulting from the exercise of utility load control programs or for periodic testing and necessary maintenance operation and shall not be used to sell power back to a power company.

h. The generator shall be operated for routine testing and maintenance purposes not more than one time in any seven-day period and no test shall exceed 30 minutes. Testing of emergency generators is permitted Monday through Thursday only (excluding holidays), between the hours of 11:00 a.m. and 12:00 p.m. or 2:00 p.m. and 3:00 p.m.

i. Testing may be conducted when the unit is being repaired, provided that such testing period shall not exceed 30 minutes and shall be conducted only between the hours of 10:00 a.m. and 5:00 p.m. Monday through Saturday, excluding holidays.

j. Generators are not permitted on the roof of a building.

(3) Notwithstanding subsection (a), the director or designee may grant a waiver allowing a generator with an output capability in excess of 60KW to be located within a required side or rear yard setback, provided the applicant submits to the town a site plan and evidence or testimony substantiating each of the following conditions:

a. The output of a 60 KW or less generator is incapable of providing enough electricity for the basic necessity of occupying a building and/or protecting interiors or possessions in a building from the damaging effects of prolonged loss of power.

b. The proposed location is not merely for the convenience or preference of the applicant, but that there is no other location outside of the required setbacks that will provide for safe placement of the generator.

c. The proposed location represents the minimum intrusion into the required setback(s) necessary to safely accommodate the generator.

(4) If an administrative waiver is not granted pursuant to subsection (c) the applicant may appeal the administrative decision to the town council pursuant to sections 134-131-134-145.

In addition, swimming pool pumps and filters shall be allowed in a required side or rear yard provided said equipment is placed no closer than five feet from the side or rear property line and is enclosed in a pump house not exceeding a height of four feet. However, any lot that fronts on two or more streets shall be allowed to place one swimming pool filter and pump in a required street side and/or street rear yard setback provided that said swimming pool filter and pump, in combination with a pool heater and/or air conditioning unit does not exceed three pieces of said equipment; is set back a minimum of 25 from the street side or street rear property line; and, is screened from view from the neighboring

property owner by a five-foot high wall and from the street by a minimum five foot high wall and three-foot high hedge.

Section 6. Amend Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, , Section 134-1757, Swimming pools , to read as follows:

Sec. 134-1757. - Swimming pools.

A swimming pool, not to be enclosed by a structure other than a fence as required or permitted by this Code, may be constructed within every yard area, except the required front yard as prescribed by this chapter. However, no part of the pool structure may protrude more than six inches above the finished ground level, and the pool walls shall be at least ten feet from the side and rear lot lines and 15 feet from the street side and street rear lot lines. A swimming pool in the required street side or street rear yard shall be screened by a continuous hedge six feet in height at the time of planting, located adjacent to and exterior of a solid wall six feet in height and maintained at a minimum of said height. Said hedge shall be located between the street and adjacent to and exterior of a solid wall six feet in height. In the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

Section 7. Amend Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, , Section 134-1728, Air conditioning and swimming pool heating equipment , to read as follows:

Sec. 134-1728. - Air conditioning and swimming pool heating equipment.

(a) No portion of any air conditioning and/or swimming pool equipment shall be located closer than five feet from a side or rear property line. In addition, such air conditioning or swimming pool equipment within ten feet from the side or rear property line shall be completely screened with a wall as high as said equipment from the neighboring property. Except as provided for in subsection (b) of this section, air conditioning and/or swimming pool equipment, in excess of two units or more than four feet in height, as measured above the natural grade or minimum flood elevation, whichever is greater, or occupying more than 25 square feet in total area, shall be considered an enclosed accessory structure and shall be constructed, erected or placed in compliance with all the provisions of the ordinance applicable thereto.

(b) In the R-AA, R-A and R-B zoning districts, where setbacks for principal structures are increased based on a larger lot width, the air conditioning and/or swimming pool equipment which are in excess of number, height and area restrictions identified in subsection a of this section shall only be required to meet the minimum yard setback requirements for an enclosed accessory structure on a minimum size lot in that district.

(c) Cooling towers shall be required to meet the same minimum yard setback requirements as the principal structure-, and shall be screened from the neighbors and/or a street by a three sided, concrete block masonry finished wall at least as high as said cooling

tower. If the required wall is higher than the Code allows in a setback in order to screen the cooling tower from the neighbors and/or a street, said wall shall also meet the minimum yard setback requirement as the principal structure.

(d) No air conditioning or swimming pool equipment shall be allowed in a front yard setback.

(e) Any house that fronts on two or more streets shall be allowed to place air conditioning (excluding cooling towers) and/or swimming pool equipment in each required street side or street rear yard setback provided that the combination of said equipment does not exceed two in each of said setbacks; are not more than four feet in height above the natural grade or the minimum flood elevation, whichever is greater, occupy no more than 25 square feet in total area; and are setback a minimum of 20 feet from the street side or street rear property line and are screened from view by a wall as high as said equipment and three foot high hedge outside said wall.

Section 8. Amend Article XI, SIGNS, Section 134-2372, GENERAL REGULATIONS RELATED TO PERMITTED SIGNS, to read as follows:

Sec. 134-2372. - General regulations applicable to permitted signs.

Under this chapter, the following shall apply to all permitted signs:

(1)...

...

(9) Strip lighting of any nature, including neon tubing, light emitting diode (LED), fluorescent lights, or other similar strip lighting devices, shall not be used to outline any building, fence, wall or any other structure. In addition, strobe or flash lighting and/or neon lighting which draws attention to a tenant space, building or structure is not permitted. Any internally lighted or illuminated sign, lettering or back-lit sign shall not be permitted or erected ~~until~~ unless such illuminated sign has been approved as a special exception use in conformity with sections 14-227 through 134-233, except that ~~¶~~ this shall not apply to front-lit signs or low-level illuminated sign, less than 30 inches in height, indicating only the street number and location of entrance and exit drives of a parking area.

Section 9. 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 10. 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 11. Codification.

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

Section 12. 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 9th day of March 2016, and for second and final reading on this _____ day of _____ 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member