



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, FEBRUARY 15, 2012

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. SWEARING IN OF ELECTED OFFICIALS

The Honorable Judge Peter D. Blanc

(Mayor Becomes the Presiding Officer)

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

IV. ORGANIZATIONAL ITEMS

- A. Election of the Town Council President
Pursuant to Section 3.01 of the Town Charter

(Town Council President Becomes the Presiding Officer)

- B. Election of the Town Council President Pro Tem
Pursuant to Section 3.01 of the Town Charter

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS – 3 MINUTE LIMIT PLEASE
(Another opportunity for communications from citizens will be offered immediately after the lunch break.)

VIII. APPROVAL OF AGENDA

IX. ORDINANCES

- A. Second Reading

None
- B. First Reading

- 1. ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-TS Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On

The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

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

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

2. ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Threshold Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25)

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Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Sunset Provision For The Overlay Regulation; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

X. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a

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lot in the R-B Zoning District.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Deferred from the January 11, 2012, Town Council Meeting.

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 25, 2012, from Maura A. Ziska. (Second Deferral, Special Circumstances)

2. New Business

- a. **VARIANCE #4-2012** The application of Ronald J. Berk; relative to property commonly known as **273 Tangier Avenue**; described as Lot 6, Plat of TANGIER ESTATES, according to the plat thereof as recorded in Plat Book 12, Page 16 of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to demolish more than 50% of the existing one story house in order to add a one story addition and a second story addition which would require a variance to allow the existing west side yard setback to be 4.99 feet to 9.49 feet in lieu of the 12.5 foot minimum required under the current zoning code in the R-B Zoning District. [Attorney: Maura A. Ziska]
- b. **VARIANCE #5-2012** The application of Brown Harris Stevens; relative to property commonly known as **351 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests a variance to permit an office use on the first floor in the C-WA Zoning District, which is not permitted. An existing real estate office on the first floor of 353 Worth Avenue (Brown Harris Stevens) requests to expand into adjacent space on the first floor of 351 Worth Avenue. The existing office is 876 square feet and the proposed expansion would add 1,999 square feet, for a total square footage of 2,875 square feet. [Attorney: Maura A. Ziska]
- c. **VARIANCE #6-2012** The application of US Bank; relative to property commonly known as **324 Royal Palm Way**;

described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a variance to allow two business identification signs for “US Bank” on the rear of the building which is not permitted in the zoning code. Business identification signs are only allowed to front on streets. In addition, a variance is also being requested to allow a business logo on each of those business identification signs which exceeds the one allowed and front location allowed. Only one logo is allowed in this case. The applicant already has one logo in the front of the building. [Attorney: Maura A. Ziska]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Maura A. Ziska.

- d. **VARIANCE #7-2012** The application of Gregory S. Kino, Esq.; relative to property commonly known as **2 Via Los Incas**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests variances to allow a 26’7” front yard setback for a 644 square foot second story addition for a caretaker’s bedroom in lieu of the 30 foot minimum required; a 26’1” front yard setback for an architectural parapet feature to match the second story addition in lieu of the 30 foot minimum required; a 10’1” side yard setback for the second story addition in lieu of the 15 foot minimum required; and a lot coverage of 35.8% (35.3% existing) in lieu of the 30% maximum allowed for the second story addition. [Attorney: Gregory S. Kino, Esq.]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Gregory S. Kino.

- e. **VARIANCE #8-2012** The application of Francis X. J. Lynch, Esq.; relative to property commonly known as **1348 North Lake Way**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests a variance to construct a new house with a perimeter landscape open space of 6,796 square feet in lieu of the 8,159 square foot minimum required.

[Attorney: Francis X. J. Lynch, Esq.]

[ARCOM Recommendation: Implementation of the

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perimeter landscape open space variance will not cause negative impacts to the subject property. Carried 7-0.]

D. Other

1. Proposed Fourth Amendment to the Blossom Estates Subdivision Agreement, Lot 7, for 1255 South Ocean Boulevard Realty Trust.
[John Page, Director of Planning, Zoning, and Building]

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XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE:

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

Organizational Items

Agenda Title

Election of Town Council President and Town Council President Pro Tem.

Presenter

Peter B. Elwell, Town Manager

Supporting Documents

- Memorandum dated January 27, 2012, from Peter Elwell, Town Manager
- Ballot for Appointment of Town Council President
- Ballot for Appointment of Town Council President Pro Tem

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2012

To: Mayor and Town Council

From: Peter B. Elwell, Town Manager

Re: Election of Town Council President and Town Council President Pro Tem

Date: January 27, 2012

GENERAL INFORMATION

Attached are two ballots, one for election of the Town Council President and one for the election of the Town Council President Pro Tem.

At the January 10, 2006, Town Council meeting, the Town Council adopted a policy to include on the ballots only those Council members who wish to be considered for the positions.

If any elected officials wish to have their name removed from either ballot, please advise me by **5 p.m. on Monday, February 13, 2012.**

Attachments

PBE:cek

cc: Susan A. Owens, Town Clerk

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT**

TOWN COUNCIL MEETING FEBRUARY 15, 2012

Please circle one name from the list of names appearing below.

Position to be filled - **Town Council President**

William J. Diamond

Richard M. Kleid

Michael J. Pucillo

David A. Rosow

Robert N. Wildrick

Signature of Town Council Member: _____

BALLOT FOR APPOINTMENT OF **TOWN COUNCIL PRESIDENT PRO TEM**

TOWN COUNCIL MEETING FEBRUARY 15, 2012

Please circle one name from the list of names appearing below.

Position to be filled - **Town Council President Pro Tem**

William J. Diamond

Richard M. Kleid

Michael J. Pucillo

David A. Rosow

Robert N. Wildrick

Signature of Town Council Member: _____

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 29-2011 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Text Of The Future Land Use Element Of The Town Of Palm Beach Comprehensive Plan As Last Amended On July 13, 2011, With The Adoption Of Ordinance Nos. 1-11 And 3-11, By Amending The Future Land Use Element And Amending Policy 2.3.3 To Provide For The Creation Of An Overlay Area Within The C-TS Zoning District Within The Area Bounded By The East Right Of Way Line Of Bradley Place To The West, The South Right Of Way Line Of Sunset Avenue To The North, The West Right Of Way Line Of North County Road To The East And The North Right Of Way Line Of Royal Poinciana Way To The South; Further Amending Policy 2.3.3 To Provide Increases In Height From Three (3) Stories To A Maximum Of Four (4) Stories, Change In Density From Six (6) Units Per Palm Beach Acre To A Maximum Of Twenty-Four (24) Units Per Palm Beach Acre And Change In Lot Coverage From Seventy-Five Percent (75%) To Eighty-Five Percent (85%) On The First Floor, Sixty-Five Percent (65%) On The Second Floor, Fifty Percent (50%) On The Third Floor And Forty Percent (40%) On The Fourth Floor Provided Certain Threshold Criteria Are Met, And Providing For Said Certain Threshold Criteria; Providing For Severability; Repealing All Ordinances Or Parts Of Ordinances In Conflict Hereof; Providing For Codification; And Providing For An Effective Date.

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated February 1, 2012
- Ordinance No. 29-2011
- Calvin Giordano and Associates Report Dated October 11, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Modifications and Changes to the Town's Comprehensive Plan and Chapter 134, Zoning (Testa's), Which Create the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District
Ordinance Nos. 29-2011 and 30-2011

Date: February 1, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council consider Ordinance No. 29-2011 on first reading and if approved, transmit proposed comprehensive plan amendments to the Florida Department of Economic Opportunity. In addition, staff recommends that the Council consider companion Ordinance No. 30-2011, containing related zoning ordinance text changes, on first reading.

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency, at its meeting of November 15, 2011, recommended by a 5-2 vote (Mr. Wideman and Mr. Schuler dissenting), approval of Ordinance Nos. 29-2011 and 30-2011 which modify the comprehensive plan text and zoning code regulations by creating the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District contingent upon the applicant submitting a traffic study that meets the Town's concurrency requirements prior to first reading of the Ordinances.

GENERAL INFORMATION

On October 18, 2011, the Planning and Zoning Commission, as the Local Planning Agency (LPA), considered the Testa Family, LLC, comprehensive plan and zoning text amendment application (copy previously provided) which proposes to create an overlay district for a portion of the Commercial Town-Serving District bounded on the west by the east right-of-way line of Bradley Place, on the east by the west right-of-way line of North County Road, on the north by the south right-of-way line of Sunset Avenue, and on the south by the north right-of-way line of Royal Poinciana Way. In addition, the LPA considered the Town consultant's (Calvin Giordano & Associates) report on the Application, dated October 11, 2011. At the meeting, staff reported

that the applicant had not satisfied traffic concurrency. However, the proposed Ordinances could be considered by the LPA and a recommendation rendered provided that prior to first reading, all traffic concurrency issues were resolved. After hearing all testimony, the LPA recommended that staff draft ordinances based on the consultant's recommended changes to the application on pages 11 through 30 of the Calvin Giordano Report (copy attached).

On November 15, 2011, the LPA considered the draft Ordinances for the proposed Royal Poinciana Village Overlay Area (Ordinance Nos. 29-2011 and 30-2011 attached). Proposed Ordinance No. 29-2011 would create text within the Town's Comprehensive Plan permitting an Overlay within the Commercial Future Land Use designation in the Future Land Use Element. Proposed Ordinance No. 30-11 would create the Royal Poinciana Village Overlay Area within the C-TS Zoning District in Chapter 134, Zoning, in the Town Code of Ordinances.

After hearing all testimony, the LPA recommended approval of the draft Ordinances with two modifications to Ordinance No. 30-2011. The first modification changes the language in subsection (r) "Special Review Criteria" in the Ordinance so that the criteria are not encouraged, but required to be met in order to use the proposed Overlay regulations. The second change to the proposed Ordinance adds subsection (x) which creates a five year "sunset" provision of the proposed regulations. This provision would eliminate any Bert Harris takings argument if the Council decided to let the Overlay regulations lapse.

On December 14, 2011, the Town Council considered both proposed Ordinances and had a brief discussion related to parking, height and density. The Council deferred the proposed Ordinances to the January 11, 2012 meeting in order for the applicant to satisfy County and Town traffic concurrency requirements.

On January 11, 2012, the applicant requested a deferral of both proposed Ordinances to allow more time to address the issues discussed at the December Council meeting. The Council deferred consideration of the proposed Ordinances to the February 15, 2012 Council meeting. The applicant has not contacted staff with any supplements/revisions since the January deferral.

If adopted, property owners within the Overlay Area would be able to re-develop using either the Commercial Town-Serving Zoning District regulations, or if they meet the eligibility criteria, the Overlay regulations. The Overlay regulations provide more limited uses than the C-TS Zoning District, but provide more flexible lot, yard and bulk zoning regulations. The permitted uses would be retail, restaurant, professional and studio type schools on the first floor and offices on the second floor provided that any of these uses are not any larger than 3,000 square feet. The special exception uses would be bars, lounges, banks, museums and outdoor seating on the first floor and residential uses above the first floor. Uses over 3,000 square feet would still be required to obtain special exception approval by demonstrating Town-serving.

If a property owner meets the Criteria for Eligibility and the "Special Review Criteria" (Subsections (e) and (r) in Ordinance No. 30-2011) in the Royal Poinciana Village Overlay Area, development would be allowed subject to:

1. A density of a maximum of 24 dwelling units per acre with not less than 25% of a development being residential in lieu of the 6 dwelling units per acre presently

- allowed.
2. A minimum lot area of 40,000 square feet in lieu of the 4,000 square foot minimum presently allowed.
 3. A minimum lot width and depth based on the lot meeting the “through lot” definition in lieu of the 30 foot minimum width and the 90 foot minimum depth presently allowed.
 4. A maximum height of 50 feet and 4 stories in lieu of the 25 feet and two stories maximum presently allowed.
 5. A maximum overall height of 60 feet in lieu of the 35 feet maximum presently allowed.
 6. No maximum building floor area in lieu of the 15,000 square foot maximum presently allowed.
 7. A maximum building length of 300 feet in lieu of the 150 feet maximum presently allowed.
 8. A maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor in lieu of the 70% maximum presently allowed. Sub-basements would not count in lot coverage.
 9. A zero setback for a rear or street rear yard for the first two stories and a 20 foot setback for the third and fourth story in lieu of the 10 foot minimum presently required.
 10. A zero side yard setback for the first and second floor and a 15 foot setback from the first floor facade for the third and fourth floors. A 1 foot setback for every two feet of building height above 45 feet. The existing regulations require a 1 foot setback for every 2 feet of building height above 15 feet.
 11. A zero front setback for the first and second story with a 10 foot minimum setback for the third and fourth floors.
 12. A two foot setback on all sides for sub-basements.
 13. A provision for new definitions only relevant to the Overlay Area which define covered open space, landscaped open space, hardscape open space and vertical mixed use.
 14. A catch-all provision which requires all other zoning code regulations to be met which are not addressed in the Overlay.
 15. A provision to “sunset” the proposed Royal Poinciana Village Overlay five years from the date it is adopted provided that the Town Council does not extend the Overlay.

February 1, 2012 Update

- The Applicant has been able to demonstrate that the proposal meets the Town and County traffic concurrency requirements.
- The Applicant has not contacted Staff with any supplements/revisions since the proposal was deferred at the January 11, 2012 Council meeting.

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

TOWN ATTORNEY REVIEW

Ordinance Nos. 29-2011 and 30-2011 were approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

PBE:jsp:pc

cc: Planning and Zoning Commission/LPA
 Thomas G. Bradford, Deputy Town Manager
 John C. Randolph, Town Attorney
 Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
 Paul W. Castro, AICP, Zoning Administrator
 John Lingdren, AICP, Planning Administrator
 Frank Lynch, Esq.
 zf

ORDINANCE 29-2011

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT OF THE TOWN OF PALM BEACH COMPREHENSIVE PLAN AS LAST AMENDED ON JULY 13, 2011, WITH THE ADOPTION OF ORDINANCE NOS. 1-11 AND 3-11, BY AMENDING THE FUTURE LAND USE ELEMENT AND AMENDING POLICY 2.3.3 TO PROVIDE FOR THE CREATION OF AN OVERLAY AREA WITHIN THE C-TS ZONING DISTRICT WITHIN THE AREA BOUNDED BY THE EAST RIGHT OF WAY LINE OF BRADLEY PLACE TO THE WEST, THE SOUTH RIGHT OF WAY LINE OF SUNSET AVENUE TO THE NORTH, THE WEST RIGHT OF WAY LINE OF NORTH COUNTY ROAD TO THE EAST AND THE NORTH RIGHT OF WAY LINE OF ROYAL POINCIANA WAY TO THE SOUTH; FURTHER AMENDING POLICY 2.3.3 TO PROVIDE INCREASES IN HEIGHT FROM THREE (3) STORIES TO A MAXIMUM OF FOUR (4) STORIES, CHANGE IN DENSITY FROM SIX (6) UNITS PER PALM BEACH ACRE TO A MAXIMUM OF TWENTY-FOUR (24) UNITS PER PALM BEACH ACRE AND CHANGE IN LOT COVERAGE FROM SEVENTY-FIVE PERCENT (75%) TO EIGHTY-FIVE PERCENT (85%) ON THE FIRST FLOOR, SIXTY-FIVE PERCENT (65%) ON THE SECOND FLOOR, FIFTY PERCENT (50%) ON THE THIRD FLOOR AND FORTY PERCENT (40%) ON THE FOURTH FLOOR PROVIDED CERTAIN THRESHOLD CRITERIA ARE MET, AND PROVIDING FOR SAID CERTAIN THRESHOLD CRITERIA; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on July 13, 2011 with the adoption of Ordinance No. 1-11; and

WHEREAS, the Town is amending the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3.3 as it relates to height, density and lot coverage, within a limited area of the C-TS zoning district, provided certain criteria are met, providing said certain criteria and amending Policy 2.4 to substitute "intensity of use" for "density"; and

WHEREAS, after considering the Second Amended Comprehensive Land Use Plan Amendment of Testa Family, LLC, dated September, 2011, (the "Application") (Exhibit "A" attached) and reviewing the proposed amendments to the Town's Comprehensive Plan at their November 15, 2011 meeting, the Planning and Zoning Commission, acting as the Local Planning Agency (LPA), recommended approval and transmittal of the amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, after considering the Application and reviewing the proposed amendments to the Town's Comprehensive Plan, the Town Council determined that the aforementioned changes should be made.

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set forth herein.

Section 2. FINDINGS

The proposed amendments to the Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met, all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and maximum lot coverage of 85% on the first floor, 65% on

the second floor, 50% on the third floor and 40% on the fourth floor, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) the property shall lie within the C-TS zoning district as of June 30, 2011,
- 5) no curb cuts shall be permitted on any state road for any future development,
- 6) projects shall require a residential component of not less than twenty-five percent (25%) of the total development, and
- 7) parking for any redeveloped property shall be fifty percent (50%) of the required parking enclosed on site in a structure, the ceiling of which is below the crown of the road elevation.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor.
- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
- c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where mixed uses shall be eighty-five percent (85%) on the first floor, sixty-five percent (65%) on the second floor, fifty percent (50%) on third floor and forty percent (40%) on the fourth floor, provided the threshold criteria are met.
- d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

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

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 15th day of February, 2012.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the ____ day of _____, 2012.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

, Town Council Member

, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Testa Family, LLC

Comprehensive Plan Amendment and Zoning Ordinance Modification Application Report

Prepared For:

Mr. John S. Page
Director, Planning, Zoning & Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

CGA #06-5369.10

Prepared by:



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS

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October 11, 2011

INTRODUCTION

Applicant: Testa Family, LLC

Address: 221 Royal Poinciana Way

Agent: Frank Lynch, Esq.

This is a private property owner initiated application proposing amendments to the text of the Town's Comprehensive Plan and Zoning Code to create an overlay zoning area for a portion of the Commercial-Town Serving (C-TS) zoning district. The area is bound on the north by Sunset Avenue, on the east by N. County Road, on the south by Royal Poinciana Way and on the west by Bradley Place. The area is one of the gateways into the Town and as such is an important focal point. The area is comprised of town-serving businesses such as a bank, restaurants, a hotel, small shops and apartments.

As part of the applicant's zoning modification, an overlay area called the Royal Poinciana Village Overlay Area (RPVOA) is proposed where property owners would have the ability to redevelop their property in accordance with the requirements and associated design criteria in the zoning code for the overlay area.

The intent of the application is to provide for mixed use residential and commercial development within the existing C-TS zoning district where residents can live, work, dine and shop without the need for use of an automobile. It is also the intent of this application to provide zoning incentives to property owners to infill or redevelop their respective properties without adding any burden on existing infrastructure.

SUMMARY OF PROPOSED AMENDMENTS

The Applicant is proposing several text amendments to the Town's Comprehensive Plan and Commercial Town-Serving (C-TS) zoning district. The purpose of the Comprehensive Plan text amendments is to create language within the Commercial designation of the Future Land Use Element to allow an overlay with mixed use development with a residential density of up to 24 dwelling units/acre and a height of 4 stories (50 feet). The comprehensive plan and zoning text amendments would create the RPVOA overlay area under which an applicant could develop or redevelop their property if certain criteria are met. Property owners within the designated geographic area would have the option of applying for the RPVOA regulations or developing under the existing C-TS district regulations. The designated area for the RPVOA would be limited to the area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road. The proposed amendments would:

1. Create threshold criteria that a property must meet in order to be eligible to be developed or redeveloped within the RPVOA overlay area,
2. Allow for an increase in maximum height from 2 stories by right to 4 stories as a special exception,
3. Allow for an increase in maximum lot coverage from 70% to 85% and,
4. Allow for an increase in density from 6 units per acre to 24 units per acre.

The proposed changes to the comprehensive plan and the zoning code would encourage the development of a residential mixed use environment where residents could live, work, and dine without significant impacts on the surrounding streets while still maintaining the town-serving commercial aspect of the area.

Applicant's Rationale for the Amendment

The Applicant has stated that Royal Poinciana Way has become a stagnant commercial area and increasingly difficult for businesses to survive. Businesses are concerned that there is little to moderate pedestrian traffic and most people drive to an existing business, take care of their business and then leave. This is a disincentive for property owners to invest and upgrade the area. The creation of an overlay area within this portion of the C-TS district would enhance the opportunities for property owners to redevelop their properties. At the same time, the properties would be brought up to current building codes, become compliant with current parking requirements while maintaining small-scale commercial uses with a residential component. The Comprehensive Plan acknowledges that comprehensive and cohesive redevelopment criteria would avoid a piecemeal approach to redevelopment. The RPVOA overlay and associated threshold criteria and design criteria would encourage redevelopment of the area.

Proposed Text Amendments to Future Land Use Element

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. Removing the word density as proposed could lead to future unanticipated consequences.**
2. Page I-20a provides the proposed language for mixed use within the Commercial future land use category. The purpose of the mixed use language would be to allow parcels within the specific bounds of the proposed RPVOA overlay area to be developed under the RPVOA regulations. Additionally, those property owners desiring to apply the RPVOA to their property would be required to develop the land consistent with the RPVOA zoning criteria.

3. Policy 2.3.3 on Page I-49a would create policy language for mixed uses within the Commercial future land use category by creating the Royal Polynesian Village Overlay Area. The policy would provide for residential uses up to 24 units per gross Palm Beach acre, maximum height of four stories and maximum lot coverage of 85%. The policy would further establish the location of the RPVOA and the threshold criteria that must be met in order for an applicant to develop utilizing the RPVOA.
4. Subsections (a) through (d) of Policy 2.3.3 on Page I-50a are modified to be consistent with a new policy. **Staff does not support limited residential uses on the first floor. This would interrupt retail continuity staff believes is vital to this commercial area.**

CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF COMPREHENSIVE PLAN

The Town's updated comprehensive plan adopted on April 15, 2009 recognizes the shortage of Town-serving services as property values continue to rise and there is continuing pressure for local retailers and businesses to cater to clientele beyond the Town's borders. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the island. The vertical mixed use requirement of the RPVOA overlay would increase the amount of residential which could encourage redevelopment and bring a new vibrancy to a stagnant area.

Future Land Use Element

Objective 1: Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

Staff Analysis: **Staff finds the proposed amendment CONSISTENT with Objective #1 of the Future Land Use Element.** The proposed amendment would maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities and compatibility with its surrounding diverse land uses. The threshold criteria required in order to implement the RPVOA and its associated design criteria would ensure that the Town's unique physical and historic character will be maintained within the context of the RPVOA area. A density and height study within a 1,000 foot radius of the RPVOA area which was done by the applicant indicates that while 80% of the buildings are two stories or less, the remaining buildings that are greater than 3 stories have substantial footprints and from a massing perspective appear much larger. The zoning and design criteria proposed for buildings within the RPVOA would reduce the massing effect of the proposed height with setback and open space requirements. The existing density within the 1,000 foot radius of the RPVOA ranges from less than 10 units per

acre to more than 100 units per acre with almost half (48.5%) of the properties at a density of 10-25 units per acres.

Objective 2: Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of the Town residents.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #2 of the Future Land Use Element. The proposed amendment would continue to maintain the character of the Town as a predominantly residential community having only the type and amount of business and other support services necessary to meet the needs of the Town's proposed and future residents living within the RPVOA. The concept of "Town Serving" remains unchanged by this proposed amendment and no greater intensity of commercial uses is sought.

Objective 3: Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if it meets the building elevations identified in the Flood Insurance Rate Maps (FIRM) and the requirements of the Florida Department of Environmental Protection (FDEP).

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #3 of the Future Land Use Element. All development orders or permits for new development or redevelopment would conform to the requirements of the Flood Insurance Rate Maps ("FIRM"), the requirements of the Federal Emergency Management Agency ("FEMA"), Florida Department of Environmental Protection ("FDEP") and the Town. At no point would any of the proposed redevelopment in the RPVOD be constructed seaward of the Coastal Construction Control Line and would comply with all building standards as contained in the Florida Building Code, as well as those amendments passed by the Town of Palm Beach.

Objective 4: No new urban development shall be permitted on lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #4 of the Future Land Use Element. None of the proposed infill or redevelopment would be developed on lands predominantly characterized by tidal soils or other soil types which would prohibit urban redevelopment or infill on such lands.

Objective 5: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #5 of the Future Land Use Element. Any and all development orders and permits issued for the redevelopment and infill within this area would be required to demonstrate compliance with the Town's adopted level of service standards for all facilities and services necessary for a proposed project within the RPVOA.

Objective 6: While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #6 of the Future Land Use Element. While this initial objective indicates that there are no areas of the Town in need of redevelopment, the Applicant has reviewed the condition of the structures within the proposed RPVOA area. Staff has done site inspections and concurs with the applicant that some of the buildings are beginning to deteriorate and many properties are vacant or under-utilized. Allowing for an increase in density and height within a vertical mixed use project would promote the stabilization and redevelopment of this town-serving area.

Objective 7: The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #7 of the Future Land Use Element. The amendment does not propose any incompatible uses located within the overlay area if proper safeguards are placed on the Special Exception uses allowed within the overlay area.

Objective 8: The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #8 of the Future Land Use Element. Infill redevelopment of previously developed sites encourages the preservation of natural resources by directing development away from existing open spaces.

Objective 9: The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #9 of the Future Land Use Element**. In order for a property to be eligible for the RPVOA neither the property nor the improvements could be a landmark.

Objective 10: The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS and approved by the Governor and Cabinet. The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #10 of the Future Land Use Element**. The applicant's proposed amendment would not affect the resource planning and management requirements pursuant to Chapter 380 of Florida Statutes.

Objective 11: Provide for Planned Unit Developments and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #11 of the Future Land Use Element**. Although the proposed project would not be considered a Planned Unit Development, the applicant has submitted design criteria for mixed-use development within the commercial district of a Town-serving nature, consistent with the stated intent of the Comprehensive Plan. Furthermore, the applicant's height and density study which was conducted within a 1,000 foot radius of the site, and verified by staff, indicates that the uses contemplated in the proposed overlay would be consistent with the surrounding area.

Objective 12: The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #12 of the Future Land Use Element**. The Town continues to coordinate with the Regional Hurricane Evacuation Plan. The additional 165 persons projected as a result of maximum residential buildout under this amendment would not have a negative impact on the Plan.

Objective 13: To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with Palm Beach County School District (hereinafter referred to as the District) for the location and development of public educational facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #13 of the Future Land Use Element.** The applicant states that given the target market of proposed new residents to occupy the proposed units contemplated for this area, it is doubtful that there would be any impact on the public school system. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary in the future.

Transportation Element

Objective 1: By year-end 2006, correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of safe, convenient, and energy efficient multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Transportation Element.** A vertical mixed use development encourages pedestrian mobility. Furthermore, if adopted, the design review criteria would ensure that any proposed buildings would not encroach into the street rights-of-way.

Objective 2: Development permits for land uses provided for on the Future Land use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development will operate at no less than the minimum levels of service standards set forth in this Element.

Staff Analysis: Staff finds the proposed amendment, as submitted, CONSISTENT with Objective #2 of the Transportation Element. This proposal as submitted would not create a degradation of the level of service as required and set forth in this element. However, staff does not believe that there is enough of a mixed use with commercial limited to first floor uses only. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

Housing Element

Staff Analysis: Not applicable. The Goals, Objectives and Policies of the Housing Element deal with issues of affordable housing, preventing the housing stock from deteriorating, the placement of group homes, and preserving historic homes.

Infrastructure Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Infrastructure Element. Applicant has provided written confirmation from the service providers that adequate capacity would be available to serve the proposed increase in demand for drainage, wastewater, potable water, solid waste.

Coastal Management/Conservation Element

Objective 1: The Town shall protect the quality of its air from degradation.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #1 of the Coastal Management/Conservation Element. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the Island. Furthermore, if the proposal was adopted, the new residents could live, work, dine and shop without the need for use of an automobile.

Objective 9: The Town shall protect and preserve its prehistoric and historic resources.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #9 of the Coastal Management/Conservation Element. Properties that are landmarked are not eligible for the RPVOA.

Recreation/Open Space Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Recreation/Open Space Element. The applicant has performed the required analysis and there is sufficient recreation and open space acreage within the Town schools to accommodate the additional population.

Intergovernmental Coordination Element

Objective 1: The Town shall participate in intergovernmental coordination processes to insure full consideration is given to the impacts of proposed comprehensive plan amendments and future developments on the ability of the Town and adjacent local governments to implement their comprehensive plans and to address area wide land use needs and justifications for amendments.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #1 of the Intergovernmental Coordination Element. This application will be reviewed by the County, and the Treasure Coast Regional Planning Council. A representative from the Palm Beach County School District will be participating with the LPA when this item is considered.

Capital Improvements Element

Objective 3: The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA will be subject to site plan review. As part of that review process, all Level of Service standards will have to be met. However, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Objective 4: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA would be subject to site plan review. As part of that review process, all Level of Service standards would have to be met. However, as stated previously, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if Staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Public Schools Facilities Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Public Schools Facilities Element. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary on the future.

PROPOSED TEXT AMENDMENTS TO ZONING CODE

The applicant is proposing modifications to the text of the Town Zoning Code to provide for an overlay area within the C-TS zoning district called the Royal Poinciana Village Overlay Area (RPVOA). The area within the C-TS identified for the RPVOA is bound on the north by the south right-of-way line of Sunset Avenue, on the west by the east right-of-way line of Bradley Place, on the south by the north right-of-way line of Royal Poinciana Way and on the east by the west right-of-way line of North County Road.

The purpose of the RPVOA is intended to create a vertical, commercial and residential mixed use development where residents can live, work, dine and shop without the need for significant traffic impacts on surrounding streets. It is intended to encourage redevelopment and enhance the general character of the area, using a residential component consistent with its town-serving surroundings.

Property owners would have the option of developing their property utilizing the RPVOA overlay regulations or the existing C-TS regulations. The proposed RPVOA text contains standards contained within traditional zoning districts. In addition to these regulations, the RPVOA includes criteria for development and requirements for a vertical mix of residential and non-residential uses. The RPVOA also provides for special review criteria. All proposed developments under

the provision of the RPVOA would be required to file an application for site plan review. The site plan review would be required to be evaluated in terms of compatibility with adjacent properties, provisions for public open space, and pedestrian amenities. Other design criteria to further encourage and enhance the pedestrian experience would be required. Special Exception uses would be subject to the existing regulations in the Code.

RECOMMENDATION

The proposed density increase represents a significant shift in Town policy and could create precedence for property owners outside of the RPVOA who may also want to take advantage of increased density. The Town must carefully consider the ramifications of allowing a density increase of this magnitude and the potential implications on a town-wide basis.

There are many components to the overlay that would further the goals of the Town. The Town-serving character of the commercial area would be preserved and adding more residential uses in a vertical mixed use development would provide the incentives needed for property owners to reinvest in their properties. Recent changes to the Florida Growth Management Laws specifically encourage local governments to apply innovative planning tools to address mixed use developments in urban areas.

The proposed mixed use development is generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The applicant has demonstrated that there is sufficient capacity in terms of water, sewer, drainage, school, and parks to accommodate the proposed change. If staff's recommendation to allow commercial uses on the second floor is accepted, the Traffic Study would have to be updated to reflect non-residential uses on the second floor. Since second story commercial is currently permitted, the additional traffic would be a result of the residential uses on the upper two stories. It is anticipated that the additional impact on the roadway network would be minimal.

If the Town concurs with the concept of encouraging new, vertical mixed use development along Royal Poinciana Way and also concurs with our findings of consistency with the Town's comprehensive plan, then the overlay text amendments should be approved with the staff recommended changes to the text amendment of the Comprehensive Plan and the RPVOA zoning.

MODIFICATIONS TO THE COMPREHENSIVE PLAN TEXT AMENDMENTS

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. The overall potential increase of 121 units is of a de minimus**

Impact and removing the word density as proposed could lead to future unanticipated consequences.

2. Subsections (a) of Policy 2.3.3 on Page I-50a provides for limited residential uses on the first floor. **Staff does not support limited residential uses on the first floor.**

The underlined portion of the comprehensive plan text amendments are the applicant's proposed changes to the comprehensive plan. The staff recommended changes to the comprehensive text amendment are highlighted in gray with the staff rationale in italics.

FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met and Policy 2.4 substituting "intensity of use" for "density", all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code and all elements of the adopted Comprehensive Plan.

Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth.

AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85%.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and a maximum lot coverage of 85%, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) the improvements on the property shall be more than thirty (30) years old,
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- 5) the property shall lie within the C-TS zoning district as of June 30, 2011,

- 6) no curb cuts shall be permitted on any state road for any future development,

- 7) projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre, of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

- 8) parking for any redeveloped property shall be provided on site with a minimum fifty percent (50%) self-contained on the property in a below grade parking structure,

This language will ensure that all required parking would be contained on site with at least 50% in a below grade parking structure.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per

gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Within the RPVOA, limited residential uses may be permitted on the first floor interior courtyard areas set back at least fifty feet (50') from the public right of way, provided the threshold criteria are met.

Staff does not support residential on the first floor.

- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
- c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where eighty-five percent (85%) shall be permitted, provided the threshold criteria are met.
- d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.

B. POLICY 2.4 – *staff does not recommend any changes to this policy*

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low density-high density areas or structures to more intensive use patterns, and thereby lower the pattern-of-density intensity of use, where possible, and to minimize tourism inflow.

MODIFICATIONS TO PROPOSED ZONING TEXT

The staff recommended changes zoning text changes to the Testa Family, LLC application proposal are provided in strike through and underlined format with the rationale for the proposed changes in italics.

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's

persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. It is the express purpose of this ordinance to create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.
2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's intended core business areas.
3. Require a vertical mixed-use environment where residents can live, work, dine and worship without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above, where limited residential uses may be permitted on the first story in the interior courtyard areas set back at least fifty feet (50') from any public right of way.
4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townspeople.
5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
7. Add to the district an enhanced residential component consistent with its town-serving surroundings and consistent with surrounding properties with established densities in excess of that currently permitted in the C-TS zoning district. Signs are limited to those accessory to businesses conducted on the premises,

including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.

8. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 9. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinclana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be landmarked,
- ii) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- iii) the property shall be a "through lot" as defined by the Code,
- iv) ~~the improvements on the property shall be more than thirty (30) years old,~~
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- v) the property shall lie within the C-TS zoning district as of June 30, 2011,
- vi) no curb cuts shall be permitted on any state road for any future development,
- vii) ~~projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre~~ of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

and

- viii) parking for any redeveloped property shall be provided on site with a minimum of fifty percent (50%) self-contained on the property in a of the required parking enclosed in a structure which ceiling is below the crown of the road elevation grade parking structure, with the remainder of any required parking to be above grade in accordance with the Code.

This language will ensure that all required parking would be contained on site with at least 50% in a below ground parking structure.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) ~~Residential uses at grade opening into interior courtyards and not closer than fifty feet (50') to any public right-of-way, and above.~~

Staff does not support residential on the first floor.

- ii) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:

1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

Staff recommends bars/lounges as a special exception use.

2. ~~Outdoor seating associated with permitted restaurants.~~

Staff recommends outdoor seating as a special exception use.

3. ~~Banks excluding financial institutions, such as securities or financial brokerage and trust companies.~~

Staff recommends banks as a special exception use.

4. ~~Nonprofit cultural centers.~~

5. Professional or studio-type schools.

6. Essential services.

7. Public or private parking garages that are accessory to the permitted uses.

(2) Second floor and above

- i) residential units only

- ii) offices, executive office suites, professional services, business services and securities and financial brokerage and trust companies.

The uses that staff are recommending being removed as permitted uses in the overlay area are not conducive to the mixed use concept being proposed or are uses which should only be approved by special exception.

- b) ~~Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article IV of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000-square-footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in any of the C-TS or C-WA districts and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot stores, one being a toy store and the other a shoe store, such a change would be allowed without prior town council approval. However, if the owner of the same 8,000-square-foot ladies apparel store wanted to change to a bank or an office or a business service or the owner wished to subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 2,000 square foot maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. All existing, non-conforming commercial uses within the RPVOA are subject to the requirements of Sec. 134-1107(b) of the CTS zoning district.~~

Staff recommends reference to the applicable code section. It is not necessary to repeat what is already in the code.

(g) Accessory Uses:

- (1) Off-street parking and loading, including parking located in a fully subgrade structure.
- (2) Signs.

(3) Accessory uses customarily incident to the permitted or approved special exception uses.

(4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(5) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

(1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.

(2) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) shall be attached to a building. All dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(i) Special Exception Use: The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

~~(1) Private social clubs.~~

(2) Public structures.

~~(3) Supplemental parking.~~

~~(4) Public or private academic schools.~~

~~(5) Drive-in business service facilities.~~

~~(6) Churches, synagogues or other houses of worship.~~

(7) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.

~~(8) Roof-deck automobile parking.~~

(9) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.

(10) Nightclubs, bars and lounges.

(11) Outdoor seating.

(12) Banks.

(13) Third and/or fourth floor residential.

The uses recommended for removal from the proposed RPVOA do not promote the intent of the mixed use area.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229(12) prior to being granted a ~~new occupational license~~ business tax receipt. This subsection shall not apply to renewal of an existing occupational license.

These changes were made when the Town-serving regulations were modified this year.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

~~(1) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such approval:—~~

~~(1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~

~~(2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~

~~(2) In the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, extra outdoor patron seating, over and above the~~

~~inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:~~

- ~~(1) The take-out food business inside tenant space does not exceed 3,000 square feet.~~
- ~~(2) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~
- ~~(3) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~
- ~~(4) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.~~
- ~~(5) The amount of outdoor seating cannot exceed eight seats, nor can it extend beyond any property line of the take-out business tenant space.~~

The provision for outdoor seating is provided for in Sec. 134-1111.

Staff recommends reference to the applicable Code section. It is not necessary to repeat what is already in the Code.

(m) Commercial uses; ~~s~~Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications within the RPVOA shall be subject to site plan approval.

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum length along a public thoroughfare of any structure or group of attached structures shall not exceed 300 feet.~~

This requirement is provided for in section (n) (10) below.

(n) Lot, yard and area requirements--Generally.

Since the RPVOA requires vertical mixed use, it does not make sense to have a distinction between residential and commercial uses.

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) Lot area.

- ~~a. For multifamily uses, A~~ projects shall not be less than one (1) Palm Beach acre in size. ~~A~~ Projects are is defined as development and/or

redevelopment proposals under common or unified ownership, or under common site plan approval.

~~b. For commercial uses, minimum lot area is 4,000 square feet.~~

(2) *Lot width.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot width is 150 feet.~~

~~c. For commercial uses, the minimum lot width is 30 feet.~~

a. Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot and to be a minimum of one Palm Beach acre in size, the minimum lot width would be a result of these two criteria.

(3) *Lot depth.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot depth is 200 feet.~~

~~c. For commercial uses, the minimum lot depth is 90 feet.~~

a. The minimum lot depth shall be determined by the definition of through lot in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot, the lot depth would be determined by the through lot requirement.

(4) *Density.*

~~d. For townhouses, the maximum density is 10 dwelling units per Palm Beach acre. See article III of this chapter for site plan review requirements.~~

~~e. For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre except as qualified below:~~

See article III of this chapter for site plan review requirements, with the residential component of not less than 25% of the total development.

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

(5) *Front yard.*

f. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

g. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

For all buildings, all stories above the 2nd story shall setback a minimum of ten (10) feet from the front of the building facades at the ground floor.

h. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required. When the side yard of a RPVOA property adjoins property zoned in any R district, a ten-foot side yard is required on that side.

(b) For all buildings, all stories above the second story shall be setback a minimum of fifteen (15) feet from all side facades of the building at the ground floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be setback a minimum of ~~ten (10)~~ twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no set back shall be required.

Staff recommends a 20 foot setback above the second story since Sunset Avenue is much narrower than Royal Poinciana Way.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 30 feet.
- c. For three-story buildings, by special exception only, the maximum building height is 45 feet.
- d. For four-story buildings, by special exception only, the maximum building height is 50 feet.
- e. Maximum allowable building height is 50 feet.
- f. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only, 50 percent on the third floor and 40 percent on the fourth floor. ~~Underground parking shall be permitted to have 100 percent lot coverage, subject to the applicable setback requirements for underground parking.~~

Underground parking cannot have 100% lot coverage since there are setback requirements.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement.

(12) *Applicability.*

In order to apply for the RPVOA, the property shall have a land use of Commercial and a current zoning designation of C-TS Commercial Town Serving. This overlay district shall not apply to any other land use or zoning category in the Town.

(o) Review Process; site plan approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum dimension of any structure or group of attached structures shall not exceed 300 feet along the public thoroughfare.~~

This language is provided elsewhere in the proposed overlay regulations.

(2) All developments within the RPVOA shall be subject to the Town's Site and Development Plan Process per requirements in Article III in Chapter 134 of the Town Code.

These changes insure that any RPVOA applicant is required to meet the criteria and process for site plan review.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades may be constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. ~~The Planning and Zoning Commission shall evaluate the application with reference to the specific criteria and provide a recommendation to the Town Council.~~ The criteria proposed are as follows:

The Planning and Zoning Commission does not review land development applications such as site plan review and therefore should not be part of the process.

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public realm improvements, public open space and pedestrian amenities for the public benefit are included.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue is uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the conditional use process.

~~(5) Actions, designs, construction or other solutions not literally in accord with adopted Town ordinances are permitted provided they satisfy public purposes and provide public benefit to at least an equivalent degree.~~

This criterion is vague and implies that the implementation of Town ordinances can be waived.

(6) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(7) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(8) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(9) New buildings are encouraged to provide arcades or other forms of shaded base. The configuration dimensions and use thereof may vary with each project, but it should generally be a one story element less than 46 15 feet high and defined by columns, arches or other vertical supporting elements.

This would be consistent with other sections of the Code.

(10) All new developments are encouraged to incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(11) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances should be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(12) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(13) ~~Equipment rooms, stair towers, and towers used only as architectural features, may be erected no more than twenty percent (20%) above the allowable building height and may occupy no more than fifteen percent (15%) two percent (2%) of the ground floor area of such building or structure. Height exceptions are provided for in Sec. 134-1120 and Sec. 134-1607.~~

The other proposed changes either strike broad, more subjective language or make the requirements consistent with subsection (u) below. In addition, the other type of equipment is also addressed in Sec. 134-1607.

(s) Parking:

- ~~(1) Off-street parking including parking garages, underground parking if provided as part of the development and/or building(s) is permitted to front secondary or side streets, or alleys, and shall be fully enclosed within the structure. Parking garages and/or underground parking shall be screened from view from primary streets.~~
- ~~(2) Projects and/or building(s) that provide underground parking, parking garages or accommodate 50% or more of the project's parking needs on-site shall be permitted to increase the maximum lot coverage by 5%.~~
- ~~(3) Parking requirements for standard development within the district shall meet the requirements of Article IX. Due to the concentrated nature of the district, required parking for offices, professional and business services, banks and financial institutions, and retail and personal services uses may apply Section 134-230 in lieu of the standard parking requirements, whichever is less. For residential uses providing self-contained underground parking facilities, 1.5 spaces per dwelling unit shall be required the requirements of Article IX notwithstanding. In the event a variance for parking is required, the Town shall permit a property owner or developer to submit a parking study identifying the redevelopment or development's project needs and how those needs are proposed to be addressed. The parking study shall be prepared by a licensed traffic engineer. A parking study may take into consideration:
 - ~~(a) Available off-street parking owned or leased by the property owner or developer if not located on the same site as the proposed redevelopment or development project.~~
 - ~~(b) Public transportation~~
 - ~~(c) Peak hour parking generation rates~~
 - ~~(d) Any other alternative program proposed by the property owner or developer that meets the intent of the Town's parking requirements.~~~~

The Provision for required, supplemental and/or shared off-street parking is provided for in Sec. 134-2171 through 134-2320.

Staff recommends reference to the applicable code sections. The parking standards should not be changed for the overlay if a minimum of 50% of the parking has to be below the street elevation. On-site shared parking concepts are in the existing off-street parking provisions in the Code to provide flexible opportunities to accommodate required off-street parking.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(u) Architectural tower features:

~~In the RPVOA, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets. Architectural tower regulations are provided in Sec. 134-1120.~~

Staff recommends reference to the applicable code section. It is not necessary to create new language for the provision of architectural features.

(v) Definitions:

(1) Covered Open Space.

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) Landscaped Open Space.

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) Hardscaped Open Space.

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) Vertical Mixed Use.

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor ~~where limited residential uses may be permitted on the first story in interior courtyard areas set back at least fifty feet (50') from any public right of way, with residential uses above.~~

The definition should be consistent with the permitted uses.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

This new proposed provision is a "catch all" intended to ensure that all other provisions in the Code are complied with, including and not limited to sign regulations and definitions.

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 30-2011 An Ordinance Of The Town Council Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning, At Article VI, District Regulations, Division 8 By Creating Section 134-1121 Royal Poinciana Village Overlay Area ("RPVOA") Within A Portion Of The Commercial Town-Serving Zoning District Bounded By The East Right-Of-Way Line Of Bradley Place To The West, The South Right-Of-Way Line Of Sunset Avenue To The North, The West Right-Of-Way Line Of North County Road To The East And The North Right-Of-Way Line Of Royal Poinciana Way To The South, Which Allows For The Use Of The Following Zoning Code Provisions If Eligibility And Special Review Criteria In The RPVOA, As Provided For In This Ordinance, Are Met: Provision Of A "Purpose" Section; Provision Of RPVOA Permitted Uses, Special Exception Uses, Prohibited Uses And Accessory Uses; Provision For Accessory Structures; Varied Lot, Yard And Bulk Requirements As Follows: Increased Minimum Lot Size From Four Thousand (4,000) Square Feet To Forty Thousand (40,000) Square Feet; Increased Minimum Lot Depth And Lot Width Based On The Through Lot Requirement For The RPVOA; Increased Residential Density From Six (6) Dwelling Units To A Maximum Of Twenty-Four (24) Dwelling Units Per Palm Beach Acre; A Residential Component Of Not Less Than Twenty-Five (25) Percent Of The Total Development; Increased Number Of Stories From A Maximum Of Two (2) Stories To A Maximum Of Four (4) Stories; Increased Lot Coverage From Seventy (70) Percent To Almost One-Hundred (100) Percent In The Sub-Basement, Eighty-Five (85) Percent On The First Floor, Sixty-Five (65) Percent On The Second Floor, Fifty (50) Percent On The Third Floor And Forty (40) Percent On The Fourth Floor; Increased Height From A Maximum Of Twenty-Five (25) Feet To Fifty (50) Feet By Special Exception; Increased Overall Height From Thirty-Five (35) Feet To Sixty (60) Feet; A Two (2) Foot Front Setback For A Sub-Basement And Differing Building Setback Requirements For Taller Buildings; Decreased Landscape Open Space From A Minimum Of Twenty-Five (25) Percent To Ten (10) Percent; Increased Building Length From A Maximum Of One Hundred Fifty (150) Feet To Three Hundred (300) Feet; Providing A Sunset Provision For The Overlay Regulations; Providing The Elimination Of The Maximum Floor Area Requirement; Providing A Site Plan Review Process; Creating New Definitions For The RPVOA; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the December 14, 2011, and January 11, 2012, Town Council Meetings.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated February 1, 2012
- Ordinance No. 30-2011
- Calvin Giordano and Associates Report dated October 11, 2011

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Modifications and Changes to the Town's Comprehensive Plan and Chapter 134, Zoning (Testa's), Which Create the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District
Ordinance Nos. 29-2011 and 30-2011

Date: February 1, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council consider Ordinance No. 29-2011 on first reading and if approved, transmit proposed comprehensive plan amendments to the Florida Department of Economic Opportunity. In addition, staff recommends that the Council consider companion Ordinance No. 30-2011, containing related zoning ordinance text changes, on first reading.

PLANNING AND ZONING COMMISSION/LOCAL PLANNING AGENCY RECOMMENDATION

The Planning and Zoning Commission/Local Planning Agency, at its meeting of November 15, 2011, recommended by a 5-2 vote (Mr. Wideman and Mr. Schuler dissenting), approval of Ordinance Nos. 29-2011 and 30-2011 which modify the comprehensive plan text and zoning code regulations by creating the Royal Poinciana Village Overlay Area in the Commercial Town-Serving Zoning District contingent upon the applicant submitting a traffic study that meets the Town's concurrency requirements prior to first reading of the Ordinances.

GENERAL INFORMATION

On October 18, 2011, the Planning and Zoning Commission, as the Local Planning Agency (LPA), considered the Testa Family, LLC, comprehensive plan and zoning text amendment application (copy previously provided) which proposes to create an overlay district for a portion of the Commercial Town-Serving District bounded on the west by the east right-of-way line of Bradley Place, on the east by the west right-of-way line of North County Road, on the north by the south right-of-way line of Sunset Avenue, and on the south by the north right-of-way line of Royal Poinciana Way. In addition, the LPA considered the Town consultant's (Calvin Giordano & Associates) report on the Application, dated October 11, 2011. At the meeting, staff reported

that the applicant had not satisfied traffic concurrency. However, the proposed Ordinances could be considered by the LPA and a recommendation rendered provided that prior to first reading, all traffic concurrency issues were resolved. After hearing all testimony, the LPA recommended that staff draft ordinances based on the consultant's recommended changes to the application on pages 11 through 30 of the Calvin Giordano Report (copy attached).

On November 15, 2011, the LPA considered the draft Ordinances for the proposed Royal Poinciana Village Overlay Area (Ordinance Nos. 29-2011 and 30-2011 attached). Proposed Ordinance No. 29-2011 would create text within the Town's Comprehensive Plan permitting an Overlay within the Commercial Future Land Use designation in the Future Land Use Element. Proposed Ordinance No. 30-11 would create the Royal Poinciana Village Overlay Area within the C-TS Zoning District in Chapter 134, Zoning, in the Town Code of Ordinances.

After hearing all testimony, the LPA recommended approval of the draft Ordinances with two modifications to Ordinance No. 30-2011. The first modification changes the language in subsection (r) "Special Review Criteria" in the Ordinance so that the criteria are not encouraged, but required to be met in order to use the proposed Overlay regulations. The second change to the proposed Ordinance adds subsection (x) which creates a five year "sunset" provision of the proposed regulations. This provision would eliminate any Bert Harris takings argument if the Council decided to let the Overlay regulations lapse.

On December 14, 2011, the Town Council considered both proposed Ordinances and had a brief discussion related to parking, height and density. The Council deferred the proposed Ordinances to the January 11, 2012 meeting in order for the applicant to satisfy County and Town traffic concurrency requirements.

On January 11, 2012, the applicant requested a deferral of both proposed Ordinances to allow more time to address the issues discussed at the December Council meeting. The Council deferred consideration of the proposed Ordinances to the February 15, 2012 Council meeting. The applicant has not contacted staff with any supplements/revisions since the January deferral.

If adopted, property owners within the Overlay Area would be able to re-develop using either the Commercial Town-Serving Zoning District regulations, or if they meet the eligibility criteria, the Overlay regulations. The Overlay regulations provide more limited uses than the C-TS Zoning District, but provide more flexible lot, yard and bulk zoning regulations. The permitted uses would be retail, restaurant, professional and studio type schools on the first floor and offices on the second floor provided that any of these uses are not any larger than 3,000 square feet. The special exception uses would be bars, lounges, banks, museums and outdoor seating on the first floor and residential uses above the first floor. Uses over 3,000 square feet would still be required to obtain special exception approval by demonstrating Town-serving.

If a property owner meets the Criteria for Eligibility and the "Special Review Criteria" (Subsections (e) and (r) in Ordinance No. 30-2011) in the Royal Poinciana Village Overlay Area, development would be allowed subject to:

1. A density of a maximum of 24 dwelling units per acre with not less than 25% of a development being residential in lieu of the 6 dwelling units per acre presently

- allowed.
2. A minimum lot area of 40,000 square feet in lieu of the 4,000 square foot minimum presently allowed.
 3. A minimum lot width and depth based on the lot meeting the “through lot” definition in lieu of the 30 foot minimum width and the 90 foot minimum depth presently allowed.
 4. A maximum height of 50 feet and 4 stories in lieu of the 25 feet and two stories maximum presently allowed.
 5. A maximum overall height of 60 feet in lieu of the 35 feet maximum presently allowed.
 6. No maximum building floor area in lieu of the 15,000 square foot maximum presently allowed.
 7. A maximum building length of 300 feet in lieu of the 150 feet maximum presently allowed.
 8. A maximum lot coverage of 85% on the first floor, 65% on the second floor, 50% on the third floor and 40% on the fourth floor in lieu of the 70% maximum presently allowed. Sub-basements would not count in lot coverage.
 9. A zero setback for a rear or street rear yard for the first two stories and a 20 foot setback for the third and fourth story in lieu of the 10 foot minimum presently required.
 10. A zero side yard setback for the first and second floor and a 15 foot setback from the first floor facade for the third and fourth floors. A 1 foot setback for every two feet of building height above 45 feet. The existing regulations require a 1 foot setback for every 2 feet of building height above 15 feet.
 11. A zero front setback for the first and second story with a 10 foot minimum setback for the third and fourth floors.
 12. A two foot setback on all sides for sub-basements.
 13. A provision for new definitions only relevant to the Overlay Area which define covered open space, landscaped open space, hardscape open space and vertical mixed use.
 14. A catch-all provision which requires all other zoning code regulations to be met which are not addressed in the Overlay.
 15. A provision to “sunset” the proposed Royal Poinciana Village Overlay five years from the date it is adopted provided that the Town Council does not extend the Overlay.

February 1, 2012 Update

- The Applicant has been able to demonstrate that the proposal meets the Town and County traffic concurrency requirements.
- The Applicant has not contacted Staff with any supplements/revisions since the proposal was deferred at the January 11, 2012 Council meeting.

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

TOWN ATTORNEY REVIEW

Ordinance Nos. 29-2011 and 30-2011 were approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

PBE:jsp:pc

cc: Planning and Zoning Commission/LPA
Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lingdren, AICP, Planning Administrator
Frank Lynch, Esq.
zf

ORDINANCE NO. 30- 2011

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, AT ARTICLE VI, DISTRICT REGULATIONS, DIVISION 8 BY CREATING SECTION 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA") WITHIN A PORTION OF THE COMMERCIAL TOWN-SERVING ZONING DISTRICT BOUNDED BY THE EAST RIGHT-OF-WAY LINE OF BRADLEY PLACE TO THE WEST, THE SOUTH RIGHT-OF-WAY LINE OF SUNSET AVENUE TO THE NORTH, THE WEST RIGHT-OF-WAY LINE OF NORTH COUNTY ROAD TO THE EAST AND THE NORTH RIGHT-OF-WAY LINE OF ROYAL POINCIANA WAY TO THE SOUTH, WHICH ALLOWS FOR THE USE OF THE FOLLOWING ZONING CODE PROVISIONS IF ELIGIBILITY AND SPECIAL REVIEW CRITERIA IN THE RPVOA, AS PROVIDED FOR IN THIS ORDINANCE, ARE MET: PROVISION OF A "PURPOSE" SECTION; PROVISION OF RPVOA PERMITTED USES, SPECIAL EXCEPTION USES, PROHIBITED USES AND ACCESSORY USES; PROVISION FOR ACCESSORY STRUCTURES; VARIED LOT, YARD AND BULK REQUIREMENTS AS FOLLOWS: INCREASED MINIMUM LOT SIZE FROM FOUR THOUSAND (4,000) SQUARE FEET TO FORTY THOUSAND (40,000) SQUARE FEET; INCREASED MINIMUM LOT DEPTH AND LOT WIDTH BASED ON THE THROUGH LOT REQUIREMENT FOR THE RPVOA; INCREASED RESIDENTIAL DENSITY FROM SIX (6) DWELLING UNITS TO A MAXIMUM OF TWENTY-FOUR (24) DWELLING UNITS PER PALM BEACH ACRE; A RESIDENTIAL COMPONENT OF NOT LESS THAN TWENTY-FIVE (25) PERCENT OF THE TOTAL DEVELOPMENT; INCREASED NUMBER OF STORIES FROM A MAXIMUM OF TWO (2) STORIES TO A MAXIMUM OF FOUR (4) STORIES; INCREASED LOT COVERAGE FROM SEVENTY (70) PERCENT TO ALMOST ONE-HUNDRED (100) PERCENT IN THE SUB-BASEMENT, EIGHTY-FIVE (85) PERCENT ON THE FIRST FLOOR, SIXTY-FIVE (65) PERCENT ON THE SECOND FLOOR, FIFTY (50) PERCENT ON THE THIRD FLOOR AND FORTY (40) PERCENT ON THE FOURTH FLOOR; INCREASED HEIGHT FROM A MAXIMUM OF TWENTY-FIVE (25) FEET TO FIFTY (50) FEET BY SPECIAL EXCEPTION; INCREASED OVERALL HEIGHT FROM THIRTY-FIVE (35) FEET TO SIXTY (60) FEET; A TWO (2) FOOT FRONT SETBACK FOR A SUB-BASEMENT AND DIFFERING BUILDING SETBACK REQUIREMENTS FOR TALLER BUILDINGS; DECREASED LANDSCAPE OPEN SPACE FROM A MINIMUM OF TWENTY-FIVE (25) PERCENT TO TEN (10) PERCENT; INCREASED BUILDING LENGTH FROM A MAXIMUM OF ONE HUNDRED FIFTY (150) FEET TO THREE HUNDRED (300) FEET; PROVIDING A SUNSET PROVISION FOR THE OVERLAY REGULATIONS; PROVIDING THE ELIMINATION OF THE MAXIMUM FLOOR AREA REQUIREMENT; PROVIDING A SITE PLAN REVIEW PROCESS; CREATING NEW DEFINITIONS FOR THE RPVOA;

PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after a public hearing pursuant to notice as required by law, the Town's Local Planning Agency has recommended that the Town Council amend Chapter 134, Zoning, of the Code of Ordinances, as herein set forth;

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

Section 1. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article VI, District Regulations; Division 8, TOWN-SERVING COMMERCIAL DISTRICT to incorporate a new Section 134-1121 to read as follows:

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and to reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. Create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot

coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.

2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's core business areas.
 3. Require a vertical mixed-use environment where residents can live, work and dine without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above.
 4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or as individual parcels, providing for the frequently recurring needs of townspersons.
 5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings. Therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
 6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
 7. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 8. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-

island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be a landmark.
- ii) The property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area.
- iii) The property shall be a “through lot” as defined by the Code.
- iv) The property shall lie within the C-TS zoning district as of December 14, 2011.
- v) No curb cuts shall be permitted on any state road for any future development.
- vi) Projects shall require a residential component of not less than twenty-five percent (25%) of the total development.
- vii) Required off-street parking for any property developed under the RPVOA regulations shall be a minimum of fifty percent (50%) of the required parking enclosed in a structure which ceiling of which is below the abutting crown of road elevations.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:
 - 1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.
 - 2. Professional or studio-type schools.
 - 3. Essential services.
 - 4. Public or private parking garages that are accessory to permitted uses.

(2) Above first floor

- i) residential units

- ii) offices, executive office suites, professional services, business services and securities and financial brokerages and trust companies only on the second floor.

b) *Regulation of existing nonconforming commercial uses.* All existing non-conforming commercial uses within the RPVOA are subject to the requirements of Section 134-1107(b) of the C-TS zoning district.

(g) Accessory Uses:

- (1) Required off-street parking and loading for the property, including parking located in a sub-basement structure.
- (2) Accessory uses customarily incident to the permitted or approved special exception uses.
- (3) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.
- (4) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

- (1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.
- (2) *Dish antennas.* The provision for dish antennas in the manner provided in Section 134-1110(b).

(i) Special Exception Use: The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

- (1) Public structures.
- (2) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.
- (3) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.
- (4) Nightclubs, bars and lounges.
- (5) Outdoor seating.
- (6) Banks.

(7) Third and/or fourth floor residential.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229 prior to being granted a new business tax receipt. This subsection shall not apply to renewal of an existing business tax receipt.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

The provision for outdoor seating in the manner provided for in Section 134-1111.

(m) **Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.**

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith.

(n) **Lot, yard and area requirements--Generally.**

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) *Lot area.*

A Project shall not be less than one (1) Palm Beach acre in size. A Project is defined as development and/or redevelopment proposals under common or unified ownership.

(2) *Lot width.*

Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Section 134-2.

(3) *Lot depth.*

The minimum lot depth shall be determined by the definition of "through lot" in Section 134-2.

(4) *Density.*

For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre with the residential component of not less than twenty-five percent (25%) of the total development.

(5) *Front yard.*

a. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

b. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

c. For all buildings, all stories above the 2nd story shall set back a minimum of ten (10) feet from the front of the building facades at the ground floor.

d. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required for the first and second story.

(b) For all buildings, all stories above the second story shall be set back a minimum of fifteen (15) feet from all side facades of the building at the first floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear or Street Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be set back a minimum of twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no setback shall be required.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

a. For one-story buildings, the maximum building height is 15 feet.

b. For two-story buildings, the maximum building height is 30 feet.

c. For three-story buildings, by special exception only, the maximum building height is 45 feet.

d. For four-story buildings, by special exception only, the maximum building height is 50 feet.

e. Maximum allowable building height is 50 feet.

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

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only on the third and fourth floor, 50 percent on the third floor and 40 percent on the fourth floor.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement..

(o) Review Process; site plan review approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith.

(2) All developments with the RPVOA shall be subject to the Town's Site and Development Plan requirements set forth in Article III in Chapter 134 of the Town Code.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curblin or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades may be constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. The criteria proposed are as follows:

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public open space and pedestrian amenities for the public benefit.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue shall be uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the site plan review and/or special exception process.

(5) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(6) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(7) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(8) New buildings shall provide arcades or other forms of shaded base. The configuration, dimensions and use thereof may vary with each project, but the arcade or shaded base shall be a maximum of 15 feet high and defined by columns, arches or other vertical supporting elements.

(9) All new developments shall incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(10) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances shall be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(11) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(12) Height exceptions are provided for in Section 134-1120 and Section 134-1607.

(s) Parking:

- (a) The provision for required, supplemental and/or shared off-street parking is in the manner provided for in Section 134-2171 through Section 134-2320.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in the manner provided in Section 134-1728 and 134-1729.

(u) Architectural tower features:

Architectural tower regulations are provided in the manner provided in Section 134-1120.

(v) Definitions:

(1) *Covered Open Space.*

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) *Landscaped Open Space.*

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) *Hardscaped Open Space.*

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) *Vertical Mixed Use.*

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor, with residential uses above.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

(x) Sunset Provision:

The Royal Poinciana Village Overlay Regulations in Sec. 134-1121(a) through (w) shall sunset on March __, 2017, unless the Town Council by a majority vote approves an extension of these regulations at a regularly scheduled Town Council meeting prior to their expiration.

Section 2. 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 3. 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 4. Effective Date.

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

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 15th day of February, 2012.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council on the _____ day of _____, 2012.

Gail L. Coniglio, Mayor

, Town Council President

, Council President Pro Tem

, Town Council Member

, Town Council Member

, Town Council Member

ATTEST:

Susan A. Owens, Town Clerk

Testa Family, LLC

Comprehensive Plan Amendment and Zoning Ordinance Modification Application Report

Prepared For:

Mr. John S. Page
Director, Planning, Zoning & Building Department
Town of Palm Beach
360 South County Road
Palm Beach, Florida 33480

CGA #06-5369.10

Prepared by:



Calvin, Giordano & Associates, Inc.

EXCEPTIONAL SOLUTIONS

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October 11, 2011

INTRODUCTION

Applicant: Testa Family, LLC

Address: 221 Royal Poinciana Way

Agent: Frank Lynch, Esq.

This is a private property owner initiated application proposing amendments to the text of the Town's Comprehensive Plan and Zoning Code to create an overlay zoning area for a portion of the Commercial-Town Serving (C-TS) zoning district. The area is bound on the north by Sunset Avenue, on the east by N. County Road, on the south by Royal Poinciana Way and on the west by Bradley Place. The area is one of the gateways into the Town and as such is an important focal point. The area is comprised of town-serving businesses such as a bank, restaurants, a hotel, small shops and apartments.

As part of the applicant's zoning modification, an overlay area called the Royal Poinciana Village Overlay Area (RPVOA) is proposed where property owners would have the ability to redevelop their property in accordance with the requirements and associated design criteria in the zoning code for the overlay area.

The intent of the application is to provide for mixed use residential and commercial development within the existing C-TS zoning district where residents can live, work, dine and shop without the need for use of an automobile. It is also the intent of this application to provide zoning incentives to property owners to infill or redevelop their respective properties without adding any burden on existing infrastructure.

SUMMARY OF PROPOSED AMENDMENTS

The Applicant is proposing several text amendments to the Town's Comprehensive Plan and Commercial Town-Serving (C-TS) zoning district. The purpose of the Comprehensive Plan text amendments is to create language within the Commercial designation of the Future Land Use Element to allow an overlay with mixed use development with a residential density of up to 24 dwelling units/acre and a height of 4 stories (50 feet). The comprehensive plan and zoning text amendments would create the RPVOA overlay area under which an applicant could develop or redevelop their property if certain criteria are met. Property owners within the designated geographic area would have the option of applying for the RPVOA regulations or developing under the existing C-TS district regulations. The designated area for the RPVOA would be limited to the area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road. The proposed amendments would:

1. Create threshold criteria that a property must meet in order to be eligible to be developed or redeveloped within the RPVOA overlay area,
2. Allow for an increase in maximum height from 2 stories by right to 4 stories as a special exception,
3. Allow for an increase in maximum lot coverage from 70% to 85% and,
4. Allow for an increase in density from 6 units per acre to 24 units per acre.

The proposed changes to the comprehensive plan and the zoning code would encourage the development of a residential mixed use environment where residents could live, work, and dine without significant impacts on the surrounding streets while still maintaining the town-serving commercial aspect of the area.

Applicant's Rationale for the Amendment

The Applicant has stated that Royal Poinciana Way has become a stagnant commercial area and increasingly difficult for businesses to survive. Businesses are concerned that there is little to moderate pedestrian traffic and most people drive to an existing business, take care of their business and then leave. This is a disincentive for property owners to invest and upgrade the area. The creation of an overlay area within this portion of the C-TS district would enhance the opportunities for property owners to redevelop their properties. At the same time, the properties would be brought up to current building codes, become compliant with current parking requirements while maintaining small-scale commercial uses with a residential component. The Comprehensive Plan acknowledges that comprehensive and cohesive redevelopment criteria would avoid a piecemeal approach to redevelopment. The RPVOA overlay and associated threshold criteria and design criteria would encourage redevelopment of the area.

Proposed Text Amendments to Future Land Use Element

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. Removing the word density as proposed could lead to future unanticipated consequences.**
2. Page I-20a provides the proposed language for mixed use within the Commercial future land use category. The purpose of the mixed use language would be to allow parcels within the specific bounds of the proposed RPVOA overlay area to be developed under the RPVOA regulations. Additionally, those property owners desiring to apply the RPVOA to their property would be required to develop the land consistent with the RPVOA zoning criteria.

3. Policy 2.3.3 on Page I-49a would create policy language for mixed uses within the Commercial future land use category by creating the Royal Poinciana Village Overlay Area. The policy would provide for residential uses up to 24 units per gross Palm Beach acre, maximum height of four stories and maximum lot coverage of 85%. The policy would further establish the location of the RPVOA and the threshold criteria that must be met in order for an applicant to develop utilizing the RPVOA.
4. Subsections (a) through (d) of Policy 2.3.3 on Page I-50a are modified to be consistent with a new policy. **Staff does not support limited residential uses on the first floor. This would interrupt retail continuity staff believes is vital to this commercial area.**

CONSISTENCY WITH GOALS, OBJECTIVES AND POLICIES OF COMPREHENSIVE PLAN

The Town's updated comprehensive plan adopted on April 15, 2009 recognizes the shortage of Town-serving services as property values continue to rise and there is continuing pressure for local retailers and businesses to cater to clientele beyond the Town's borders. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the island. The vertical mixed use requirement of the RPVOA overlay would increase the amount of residential which could encourage redevelopment and bring a new vibrancy to a stagnant area.

Future Land Use Element

Objective 1: Future growth and development within the Town shall be managed to maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities, and compatibility and harmony among its diverse land uses. The measurement of this objective shall be the extent to which the following policies are implemented.

Staff Analysis: **Staff finds the proposed amendment CONSISTENT with Objective #1 of the Future Land Use Element.** The proposed amendment would maintain and enhance the Town's unique physical and historic character with emphasis on its visual qualities and compatibility with its surrounding diverse land uses. The threshold criteria required in order to implement the RPVOA and its associated design criteria would ensure that the Town's unique physical and historic character will be maintained within the context of the RPVOA area. A density and height study within a 1,000 foot radius of the RPVOA area which was done by the applicant indicates that while 80% of the buildings are two stories or less, the remaining buildings that are greater than 3 stories have substantial footprints and from a massing perspective appear much larger. The zoning and design criteria proposed for buildings within the RPVOA would reduce the massing effect of the proposed height with setback and open space requirements. The existing density within the 1,000 foot radius of the RPVOA ranges from less than 10 units per

acre to more than 100 units per acre with almost half (48.5%) of the properties at a density of 10-25 units per acres.

Objective 2: Maintain the character of the Town as a predominantly residential community having only the type and amount of businesses and other support services necessary to meet the needs of the Town residents.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #2 of the Future Land Use Element. The proposed amendment would continue to maintain the character of the Town as a predominantly residential community having only the type and amount of business and other support services necessary to meet the needs of the Town's proposed and future residents living within the RPVOA. The concept of "Town Serving" remains unchanged by this proposed amendment and no greater intensity of commercial uses is sought.

Objective 3: Development orders or permits for new development or redevelopment shall be issued for construction in the floodplain or coastal high hazard area only if it meets the building elevations identified in the Flood Insurance Rate Maps (FIRM) and the requirements of the Florida Department of Environmental Protection (FDEP).

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #3 of the Future Land Use Element. All development orders or permits for new development or redevelopment would conform to the requirements of the Flood Insurance Rate Maps ("FIRM"), the requirements of the Federal Emergency Management Agency ("FEMA"), Florida Department of Environmental Protection ("FDEP") and the Town. At no point would any of the proposed redevelopment in the RPVOD be constructed seaward of the Coastal Construction Control Line and would comply with all building standards as contained in the Florida Building Code, as well as those amendments passed by the Town of Palm Beach.

Objective 4: No new urban development shall be permitted on lands predominantly characterized by Tidal Swamp (TM) soils as identified in the Soil Survey of Palm Beach County.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #4 of the Future Land Use Element. None of the proposed infill or redevelopment would be developed on lands predominantly characterized by tidal soils or other soil types which would prohibit urban redevelopment or infill on such lands.

Objective 5: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #5 of the Future Land Use Element. Any and all development orders and permits issued for the redevelopment and infill within this area would be required to demonstrate compliance with the Town's adopted level of service standards for all facilities and services necessary for a proposed project within the RPVOA.

Objective 6: While no areas in the Town are in need of redevelopment, at least once a year the Town shall review structural conditions in areas subject to deterioration to determine if neighborhood stabilization or redevelopment is necessary.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #6 of the Future Land Use Element. While this initial objective indicates that there are no areas of the Town in need of redevelopment, the Applicant has reviewed the condition of the structures within the proposed RPVOA area. Staff has done site inspections and concurs with the applicant that some of the buildings are beginning to deteriorate and many properties are vacant or under-utilized. Allowing for an increase in density and height within a vertical mixed use project would promote the stabilization and redevelopment of this town-serving area.

Objective 7: The number of uses incompatible with the range and location of land uses, identified in the Town's Future Land Use Plan Map, shall be reduced by attrition; and, no new uses shall be permitted that are inconsistent with the community's character and the Town's Future Land Use Plan Map.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #7 of the Future Land Use Element. The amendment does not propose any incompatible uses located within the overlay area if proper safeguards are placed on the Special Exception uses allowed within the overlay area.

Objective 8: The Town shall protect its natural resources. The measurement of this objective is the extent to which natural resources are preserved and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #8 of the Future Land Use Element. Infill redevelopment of previously developed sites encourages the preservation of natural resources by directing development away from existing open spaces.

Objective 9: The Town shall protect its inheritance of structures and neighborhoods having historic or architectural merit. The measurement of this objective is the extent to which historic or architectural structures or neighborhoods are preserved, and the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #9 of the Future Land Use Element**. In order for a property to be eligible for the RPVOA neither the property nor the improvements could be a landmark.

Objective 10: The Town will coordinate and comply with any resource planning and management plan prepared pursuant to Chapter 380 FS and approved by the Governor and Cabinet. The measurement of this objective will be the extent to which the Town coordinates and cooperates with the adoption and implementation of an approved plan and the degree to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #10 of the Future Land Use Element**. The applicant's proposed amendment would not affect the resource planning and management requirements pursuant to Chapter 380 of Florida Statutes.

Objective 11: Provide for Planned Unit Developments and other innovative regulations and techniques that will assist the Town in maintaining its high standards, quality of life, and appropriate mix and location of land use types and structures; and, in ensuring that new development is compatible with existing surrounding properties.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #11 of the Future Land Use Element**. Although the proposed project would not be considered a Planned Unit Development, the applicant has submitted design criteria for mixed-use development within the commercial district of a Town-serving nature, consistent with the stated intent of the Comprehensive Plan. Furthermore, the applicant's height and density study which was conducted within a 1,000 foot radius of the site, and verified by staff, indicates that the uses contemplated in the proposed overlay would be consistent with the surrounding area.

Objective 12: The Town shall coordinate its coastal area population with the Regional Hurricane Evacuation Plan. The measurement of this objective will be the degree to which the Town coordinates with the appropriate Evacuation Plan, and the extent to which the following policy is implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT** with **Objective #12 of the Future Land Use Element**. The Town continues to coordinate with the Regional Hurricane Evacuation Plan. The additional 165 persons projected as a result of maximum residential buildout under this amendment would not have a negative impact on the Plan.

Objective 13: To coordinate the location of new and expanded sites for Public Educational Facilities in order to ensure compatibility and consistency with the Town's Comprehensive Plan, in accordance with 235.193, F.S. and to maintain and enhance joint planning processes and procedures for coordination and development of public school facilities concurrent with residential development and other services. The Town of Palm Beach shall support and facilitate coordination of planning with Palm Beach County School District (hereinafter referred to as the District) for the location and development of public educational facilities. The Town of Palm Beach shall coordinate with the School District staff in the siting of school facilities so that their locations are consistent with and further the Goals, Objectives and Policies of the Town's Comprehensive Plan. The Town of Palm Beach shall identify sufficient available land in the adopted future land use element to accommodate Public Educational Facilities as necessary to serve the current and projected student population. The measurement of this objective will be the degree to which the following policies are implemented.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #13 of the Future Land Use Element.** The applicant states that given the target market of proposed new residents to occupy the proposed units contemplated for this area, it is doubtful that there would be any impact on the public school system. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary in the future.

Transportation Element

Objective 1: By year-end 2006, correct traffic operational deficiencies and undertake other needed measures, identified in this Element, that are necessary to the provision of safe, convenient, and energy efficient multimodal transportation system, including providing for protection of existing and future rights-of-way from building encroachment.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Transportation Element.** A vertical mixed use development encourages pedestrian mobility. Furthermore, if adopted, the design review criteria would ensure that any proposed buildings would not encroach into the street rights-of-way.

Objective 2: Development permits for land uses provided for on the Future Land use Map shall be issued only when there is sufficient roadway capacity to ensure that roadways affected by the development will operate at no less than the minimum levels of service standards set forth in this Element.

Staff Analysis: Staff finds the proposed amendment, as submitted, **CONSISTENT with Objective #2 of the Transportation Element**. This proposal as submitted would not create a degradation of the level of service as required and set forth in this element. However, staff does not believe that there is enough of a mixed use with commercial limited to first floor uses only. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

Housing Element

Staff Analysis: **Not applicable.** The Goals, Objectives and Policies of the Housing Element deal with issues of affordable housing, preventing the housing stock from deteriorating, the placement of group homes, and preserving historic homes.

Infrastructure Element

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Goals, Objectives and Policies of the Infrastructure Element**. Applicant has provided written confirmation from the service providers that adequate capacity would be available to serve the proposed increase in demand for drainage, wastewater, potable water, solid waste.

Coastal Management/Conservation Element

Objective 1: The Town shall protect the quality of its air from degradation.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #1 of the Coastal Management/Conservation Element**. A major objective of the Town is to inhibit further commercialization, contain commercial uses to limited geographic locations and to promote commercial uses which are primarily oriented to serving the needs of the residents, employees and hotel visitors in the Town while discouraging those businesses that attract customers and clients from off the Island. Furthermore, if the proposal was adopted, the new residents could live, work, dine and shop without the need for use of an automobile.

Objective 9: The Town shall protect and preserve its prehistoric and historic resources.

Staff Analysis: Staff finds the proposed amendment **CONSISTENT with Objective #9 of the Coastal Management/Conservation Element**. Properties that are landmarked are not eligible for the RPVOA.

Recreation/Open Space Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Recreation/Open Space Element. The applicant has performed the required analysis and there is sufficient recreation and open space acreage within the Town schools to accommodate the additional population.

Intergovernmental Coordination Element

Objective 1: The Town shall participate in intergovernmental coordination processes to insure full consideration is given to the impacts of proposed comprehensive plan amendments and future developments on the ability of the Town and adjacent local governments to implement their comprehensive plans and to address area wide land use needs and justifications for amendments.

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Objective #1 of the Intergovernmental Coordination Element. This application will be reviewed by the County, and the Treasure Coast Regional Planning Council. A representative from the Palm Beach County School District will be participating with the LPA when this item is considered.

Capital Improvements Element

Objective 3: The Town shall coordinate its land use decisions and fiscal resources with its schedule of capital improvements identified as necessary to maintain the Town's adopted Level of Service (LOS) standards and meet existing and future facility needs. These capital improvements and facility improvements shall have first priority for allocation of the Town's fiscal resources available for capital expenditures.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA will be subject to site plan review. As part of that review process, all Level of Service standards will have to be met. However, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation to allow commercial uses on the second floor is accepted, the applicant would have to update their traffic analysis to determine if the level of service can be met.

If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Objective 4: Development orders and permits for new development or redevelopment, or building permits for developments that have been issued development orders prior to the adoption of the Comprehensive Plan, shall be issued only if public facilities and services

necessary to meet the Town's adopted level of service standards are available concurrent with the impacts of the development.

Staff Analysis: Staff finds the proposed amendment as submitted, CONSISTENT with Objective #3 of the Capital Improvements Element. All development within the RPVOA would be subject to site plan review. As part of that review process, all Level of Service standards would have to be met. However, as stated previously, staff does not believe that there is enough of a mixed use with commercial limited to only first floor uses. If staff's recommendation is accepted, the applicant should modify their traffic analysis to reflect maximum impacts assuming commercial uses on the second floor in addition to the residential component. **Therefore, if Staff's recommendation is accepted, the proposed amendment at this time cannot be determined to be consistent with Objective #3 of the Capital Improvements Element until the Traffic Analysis is updated**

Public Schools Facilities Element

Staff Analysis: Staff finds the proposed amendment CONSISTENT with Goals, Objectives and Policies of the Public Schools Facilities Element. The School District of Palm Beach County has issued a letter stating that although the actual utilization of the affected schools (Palm Beach Public Elementary, Conniston Middle and Forest Hills High) are below or at 100% utilization, future projections show that the elementary and high school will exceed 100% and that adjustments may be necessary on the future.

PROPOSED TEXT AMENDMENTS TO ZONING CODE

The applicant is proposing modifications to the text of the Town Zoning Code to provide for an overlay area within the C-TS zoning district called the Royal Poinciana Village Overlay Area (RPVOA). The area within the C-TS identified for the RPVOA is bound on the north by the south right-of-way line of Sunset Avenue, on the west by the east right-of-way line of Bradley Place, on the south by the north right-of-way line of Royal Poinciana Way and on the east by the west right-of-way line of North County Road.

The purpose of the RPVOA is intended to create a vertical, commercial and residential mixed use development where residents can live, work, dine and shop without the need for significant traffic impacts on surrounding streets. It is intended to encourage redevelopment and enhance the general character of the area, using a residential component consistent with its town-serving surroundings.

Property owners would have the option of developing their property utilizing the RPVOA overlay regulations or the existing C-TS regulations. The proposed RPVOA text contains standards contained within traditional zoning districts. In addition to these regulations, the RPVOA includes criteria for development and requirements for a vertical mix of residential and non-residential uses. The RPVOA also provides for special review criteria. All proposed developments under

the provision of the RPVOA would be required to file an application for site plan review. The site plan review would be required to be evaluated in terms of compatibility with adjacent properties, provisions for public open space, and pedestrian amenities. Other design criteria to further encourage and enhance the pedestrian experience would be required. Special Exception uses would be subject to the existing regulations in the Code.

RECOMMENDATION

The proposed density increase represents a significant shift in Town policy and could create precedence for property owners outside of the RPVOA who may also want to take advantage of increased density. The Town must carefully consider the ramifications of allowing a density increase of this magnitude and the potential implications on a town-wide basis.

There are many components to the overlay that would further the goals of the Town. The Town-serving character of the commercial area would be preserved and adding more residential uses in a vertical mixed use development would provide the incentives needed for property owners to reinvest in their properties. Recent changes to the Florida Growth Management Laws specifically encourage local governments to apply innovative planning tools to address mixed use developments in urban areas.

The proposed mixed use development is generally consistent with the Goals, Objectives and Policies of the Comprehensive Plan. The applicant has demonstrated that there is sufficient capacity in terms of water, sewer, drainage, school, and parks to accommodate the proposed change. If staff's recommendation to allow commercial uses on the second floor is accepted, the Traffic Study would have to be updated to reflect non-residential uses on the second floor. Since second story commercial is currently permitted, the additional traffic would be a result of the residential uses on the upper two stories. It is anticipated that the additional impact on the roadway network would be minimal.

If the Town concurs with the concept of encouraging new, vertical mixed use development along Royal Poinciana Way and also concurs with our findings of consistency with the Town's comprehensive plan, then the overlay text amendments should be approved with the staff recommended changes to the text amendment of the Comprehensive Plan and the RPVOA zoning.

MODIFICATIONS TO THE COMPREHENSIVE PLAN TEXT AMENDMENTS

1. The applicant proposes text amendments on pages I-5 and I-10 and an amendment to Policy 2.4 on page I-51 of the Future land Use Element to replace the word "density" with "intensity" so that Town policies would be consistent with the applicant's proposal. Otherwise, the applicant's proposal is not consistent with Town policy to limit population densities as stated throughout the comprehensive plan. **Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth. The overall potential increase of 121 units is of a de minimus**

Impact and removing the word density as proposed could lead to future unanticipated consequences.

2. Subsections (a) of Policy 2.3.3 on Page I-50a provides for limited residential uses on the first floor. **Staff does not support limited residential uses on the first floor.**

The underlined portion of the comprehensive plan text amendments are the applicant's proposed changes to the comprehensive plan. The staff recommended changes to the comprehensive text amendment are highlighted in gray with the staff rationale in italics.

FINDINGS

The proposed amendments to the Data & Analysis and Goals, Objectives and Policies (GOPs) portions of the Future Land Use Element of the Town's Comprehensive Plan, specifically Policy 2.3 as it relates to height, density and lot coverage within a limited area, described below, of the C-TS zoning district provided certain identified criteria are met and Policy 2.4 substituting "intensity of use" for "density", all of which are located at Pages I-49 through I-51 of the Town's Comprehensive Plan, more particularly described in Section 3 below, have been determined by the Town Council to promote the public health, safety and welfare, and is consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code and all elements of the adopted Comprehensive Plan.

Staff does not recommend making these modifications since it would remove density as a future limiting factor for growth.

AMENDMENT OF COMPREHENSIVE PLAN

The Data & Analysis found on pages I-49 through I-51 and the GOPs in the Future Land Use Element in the Town of Palm Beach Comprehensive Plan are hereby amended as follows:

A. POLICY 2.3.3

- 2.3.3 Commercial – Intended to create, preserve, and enhance areas of attractive, small-scale, retail, personal and professional/business services, and mixed commercial/residential use, developed either as a unit or in individual parcels, providing primarily for the frequently recurring needs of Town persons with limited provision for more intensive commercial uses that are considered proven to be compatible with the Future Land Use Plan and the character of the Town.

The mixed commercial/residential use hereby created within Royal Poinciana Village Overlay Area ("RPVOA") is intended to accommodate both residential and commercial uses intended to service townspersons with a residential density of up to 24 units per gross Palm Beach acre (40,000 square feet), a maximum height of four stories and a maximum lot coverage of 85%.

The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way line of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

The RPVOA is the Town's only permitted mixed use area. The RPVOA is comprised of approximately five acres, provides for a residential density of 24 units per acre with heights of up to four stories and a maximum lot coverage of 85%, provided the following threshold criteria are met:

- 1) neither the property nor the improvements thereon shall be landmarked,
- 2) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- 3) the property shall be a "through lot" as defined by the Code,
- 4) the improvements on the property shall be more than thirty (30) years old,
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- 5) the property shall lie within the C-TS zoning district as of June 30, 2011,

- 6) no curb cuts shall be permitted on any state road for any future development,

- 7) projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre, of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

- 8) parking for any redeveloped property shall be provided on site with a minimum fifty percent (50%) self-contained on the property in a below grade parking structure.

This language will ensure that all required parking would be contained on site with at least 50% in a below grade parking structure.

The RPVOA is intended to create, preserve and enhance areas of attractive, small-scale retail, personal and professional business services providing for the frequently recurring needs of townspersons.

- a. Appropriate uses include a wide range of commercial retail, service, professional and business uses for residents and visitors; hotels/motels up to 26 rooms per gross Palm Beach acre (40,000 square feet); timesharing uses up to 9 units per

gross Palm Beach acre (40,000 square feet); offices; public uses and facilities; public and private schools; private group uses; and residential uses located above the ground floor. Within the RPVOA, limited residential uses may be permitted on the first floor interior courtyard areas set back at least fifty feet (50') from the public right of way, provided the threshold criteria are met.

Staff does not support residential on the first floor.

- b. Except for uses located in the Worth Avenue zoning district (C-WA) and the RPVOA, one residential unit may be located above the ground floor, or up to a maximum density of six dwelling units per gross Palm Beach acre, whichever is greater. In the Worth Avenue zoning district the maximum allowable density shall be 10 dwelling units per gross Palm Beach acre provided the Worth Avenue Design Guidelines are met. In the RPVOA, the maximum allowable residential density shall be 24 units per Palm Beach acre, provided the threshold criteria are met.
- c. Maximum lot coverage for non-residential uses shall be seventy-five percent (75%) except within the RPVOA where eighty-five percent (85%) shall be permitted, provided the threshold criteria are met.
- d. In limited circumstances, the maximum building height shall be three stories, except within the RPVOA where four stories shall be permitted, provided the threshold criteria are met.

B. POLICY 2.4 – *staff does not recommend any changes to this policy*

To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low density-high density areas or structures to more intensive use patterns, and thereby lower the pattern-of density intensity of use, where possible, and to minimize tourism inflow.

MODIFICATIONS TO PROPOSED ZONING TEXT

The staff recommended changes zoning text changes to the Testa Family, LLC application proposal are provided in strike through and underlined format with the rationale for the proposed changes in italics.

Sec. 134-1121 ROYAL POINCIANA VILLAGE OVERLAY AREA ("RPVOA")

(a) Need:

The Town sees a need to revitalize the Royal Poinciana corridor within the C-TS zoning classification. This area was initially seen by the Town's leadership as the main business district within the Town to meet the day-to-day needs of the Town's

persons. The area has become stagnant, both visually and economically. This has resulted in many buildings deteriorating physically and/or becoming vacant in numbers far in excess of that found to exist in other areas of the Town. The Town sees a benefit in not only maintaining a viable town-serving business district but also enhancing this gateway in a manner befitting the Town. This will serve to benefit the townspeople and Town visitors by providing a viable business district to meet their needs. The Town acknowledges the need to create an incentive in favor of property owners within this corridor to invest in their properties. At the same time, the Town acknowledges the need for parking in this area and reduce the demand on the need for on-street parking. By creating an incentive of additional height and density in favor of the property owner, but requiring that new development reduce the demand for on-street and surface parking, while enhancing the potential for viability of a town serving business district, the Town envisions a public benefit.

(b) Purpose: The Royal Poinciana Village Overlay Area ("RPVOA") is intended to:

1. It is the express purpose of this ordinance to create an optional overlay area within which property owners, provided the criteria for eligibility are met, can opt to establish enhanced height, density and lot coverage opportunities. Otherwise, all properties shall remain subject to the existing C-TS zoning regulations.
2. Preserve and enhance an area of unique quality and character to support the future economic sustainability of one of the Town's intended core business areas.
3. Require a vertical mixed-use environment where residents can live, work, dine and worship without the need for significant traffic impacts on surrounding streets. Vertical mixed-use shall constitute a land use where commercial uses are located on the ground floor with residential uses above, where limited residential uses may be permitted on the first story in the interior courtyard areas set back at least fifty feet (50') from any public right of way.
4. Create, preserve and enhance areas of attractive, small-scale, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townspeople.
5. Enhance the general character of the district using a residential component consistent with its town-serving surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.
6. Provide a mixed use environment promoting retail, office, personal and professional services and residential uses; to encourage redevelopment activities; encourage economic development activities aimed at enhancing the continued viability of business within the C-TS zoning district, reducing traffic by providing for internal capture, and providing compatibility in development.
7. Add to the district an enhanced residential component consistent with its town-serving surroundings and consistent with surrounding properties with established densities in excess of that currently permitted in the C-TS zoning district. Signs are limited to those accessory to businesses conducted on the premises,

including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district.

8. Create an overlay district in a defined geographic area to examine optional strategies to aid the long term economic recovery and continued viability of the town serving components of the community.
 9. Through this overlay approach, the Town can work with property owners and developers to consider the specific constraints and opportunities relative to properties within this area.
- (c) The RPVOA is located within a portion of the C-TS zoning district, limited to that area bounded on the north by the south right of way line of Sunset Avenue, on the west by the east right of way of Bradley Place, on the south by the north right of way line of Royal Poinciana Way and on the east by the west right of way line of North County Road.

(d) Locational Standards:

The RPVOA is established by the Town Council as a means to review applicable projects that meet certain locational and threshold requirements, and design and performance standards. This district is limited to C-TS zoned properties as identified on the adopted map series as the Town acknowledges the importance to the Town and its citizenry of a viable business district to meet the needs of the Town and its citizens, but also the desire to avoid the need to attract to the district traffic from off-island sources. The Town Council shall have the authority to review and approve applications for the RPVOA on a case by case basis using the procedures and guidelines included herein.

(e) Criteria for Eligibility:

In order for a property to be eligible for the RPVOA:

- i) Neither the property nor the improvements thereon shall be landmarked,
- ii) the property shall not be smaller than one (1) Palm Beach acre or more than five (5) Palm Beach acres in area,
- iii) the property shall be a "through lot" as defined by the Code,
- iv) ~~the improvements on the property shall be more than thirty (30) years old,~~
Staff recommends the deletion of this criterion since any redevelopment using the guidelines would be an improvement.
- v) the property shall lie within the C-TS zoning district as of June 30, 2011,
- vi) no curb cuts shall be permitted on any state road for any future development,
- vii) ~~projects shall require a residential component with a minimum of fifteen (15) dwelling units per acre~~ of not less than 25% of the total development,

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

and

- viii) parking for any redeveloped property shall be provided on site with a minimum of fifty percent (50%) self-contained on the property in a of the required parking enclosed in a structure which ceiling is below the crown of the road elevation grade parking structure, with the remainder of any required parking to be above grade in accordance with the Code.

This language will ensure that all required parking would be contained on site with at least 50% in a below ground parking structure.

(f) Permitted Use:

- a) *Enumeration; maximum gross leasable area.* The permitted uses in the RPVOA are as follows:

(1) Ground Floor

- i) ~~Residential uses at grade opening into interior courtyards and not closer than fifty feet (50') to any public right-of-way, and above.~~

Staff does not support residential on the first floor.

- ii) Commercial uses with a maximum of 3,000 square feet of gross leasable area (GLA) as follows:

1. Retail and service establishments, such as restaurants excluding formula restaurants as defined in Section 134-2, and bars/lounges, hardware stores, food stores, clothing stores, drugstores, barbershops, beauty salons and jewelry stores.

Staff recommends bars/lounges as a special exception use.

2. ~~Outdoor seating associated with permitted restaurants.~~

Staff recommends outdoor seating as a special exception use.

3. ~~Banks excluding financial institutions, such as securities or financial brokerage and trust companies.~~

Staff recommends banks as a special exception use.

4. ~~Nonprofit cultural centers.~~

5. Professional or studio-type schools.

6. Essential services.

7. Public or private parking garages that are accessory to the permitted uses.

(2) Second floor and above

- i) residential units only

- ii) offices, executive office suites, professional services, business services and securities and financial brokerage and trust companies.

The uses that staff are recommending being removed as permitted uses in the overlay area are not conducive to the mixed use concept being proposed or are uses which should only be approved by special exception.

- b) ~~Regulation of existing nonconforming commercial uses. Any existing uses contained on the list of permitted uses shown in subsection (a) of this section which contain more than 3,000 square feet of gross leasable area (GLA) shall be classified as existing nonconforming uses under article IV of this chapter pertaining to nonconforming uses. However, all future changes of use shall be limited to those uses listed as permitted uses on the list contained in this section with a maximum gross leasable area of 3,000 square feet, and if a change of use is contemplated from one general commercial category (retail and services; office, professional and business services; or banks and financial institutions) to another, or from one generic use (residential, commercial, public/private group use) to another, wherein the new use will involve a gross leasable area exceeding 3,000 square feet, the contemplated new use shall be subject to prior approval of a special exception application by the town council before the change is made (refer to sections 134-227 through 134-233 pertaining to special exception uses). In effect, this will allow any existing use over 3,000 square feet, in a district with a 3,000-square-footage limitation, to continue operating at its existing scale or to change to another use within the same general commercial category without town council approval. For example, if a ladies apparel store of 8,000 square feet exists in any of the C-TS or C-WA districts and the owner wishes to change to an antique store of the same size or subdivide into two 4,000-square-foot stores, one being a toy store and the other a shoe store, such a change would be allowed without prior town council approval. However, if the owner of the same 8,000-square-foot ladies apparel store wanted to change to a bank or an office or a business service or the owner wished to subdivide into two 4,000-square-foot offices, the owner would need to apply for and obtain approval of a special exception from the town council. No existing commercial use which is subject to the 2,000 square foot maximum gross leasable area (GLA) regulation may occupy additional space within 1,500 feet of the existing licensed businesses, which distance shall be measured along the public sidewalk, if such new space to be occupied will increase the total gross leasable area (GLA) to more than 3,000 square feet. All existing, non-conforming commercial uses within the RPVOA are subject to the requirements of Sec. 134-1107(b) of the CTS zoning district.~~

Staff recommends reference to the applicable code section. It is not necessary to repeat what is already in the code.

(g) Accessory Uses:

- (1) Off-street parking and loading, including parking located in a fully subgrade structure.
- (2) Signs.

(3) Accessory uses customarily incident to the permitted or approved special exception uses.

(4) Administrative approval of outdoor seating for dining purposes, subject to the standards and criteria contained in sections 134-2104 through 134-2108, supplemental district regulations.

(5) Accessory uses customarily incident to the permitted or approved residential uses.

(h) Accessory Structures:

(1) *Generally.* Enclosed accessory structures in the RPVOA shall comply with front and side yard requirements for the principal structure to which they are accessory.

(2) *Dish antennas.* A dish antenna shall be an accessory structure and shall be constructed, erected or placed in compliance with all of the provisions of this chapter applicable to accessory structures. Dish antennas shall not exceed three meters in diameter. Only one dish antenna that exceeds one meter in diameter shall be permitted on each building. Each residential unit or commercial tenant space shall not be limited as to the number of dish antennas of one meter or less in diameter and said antenna(s) shall be attached to a building. All dish antennas in this commercial zoning district shall be screened from public view, and private and public streets and ways; be neutral in color; and, to the maximum extent possible, compatible with the surrounding neighborhood appearance and character. In addition, no form of lettering, advertising or identification shall be allowed on any such antenna or its framework (other than the manufacturer's small identification plate). Note: One meter in the metric system of measurement equals 39.37 inches or 3.28 feet.

(i) Special Exception Use: The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the RPVOA are as follows:

~~(1) Private social clubs.~~

(2) Public structures.

~~(3) Supplemental parking.~~

~~(4) Public or private academic schools.~~

~~(5) Drive-in business service facilities.~~

~~(6) Churches, synagogues or other houses of worship.~~

(7) Any commercial establishment with greater than 3,000 square feet of gross leasable area, provided the Town Council has found, as a fact, that the proposed use is town serving.

~~(8) Roof-deck automobile parking.~~

(9) Museums occupying building of unique value as designated historical landmarks, as determined by the landmarks preservation commission and the Town Council.

(10) Nightclubs, bars and lounges.

(11) Outdoor seating.

(12) Banks.

(13) Third and/or fourth floor residential.

The uses recommended for removal from the proposed RPVOA do not promote the intent of the mixed use area.

(j) An owner or tenant of a property, located within the RPVOA, which property has received approval of a special exception after the effective date of this ordinance shall be required to obtain approval by the Town Council under the provisions of section 134-229(12) prior to being granted a ~~new occupational license~~ business tax receipt. This subsection shall not apply to renewal of an existing occupational license.

These changes were made when the Town-serving regulations were modified this year.

(k) **Prohibited Use:** All uses not listed above as Permitted Use, Special Exception or an Accessory Use within the RPVOA shall be prohibited.

(l) **Stands, seated dining areas and open counters for eating and drinking.**

~~(1) No stands or open counters and no open seating arrangement (except as otherwise provided in article VIII, division 14), whether or not at tables, intended for feeding or the dispensing of food or drink whether or not for profit or for any other similar purposes for the sale of commodities to the public shall be erected or permitted anywhere in the town unless they are contained within a building. However, in the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, the serving of food and beverages to seated patrons in outdoor open air areas which are operated as a part of a restaurant contained within a building, provided approval of such special exception does not increase the allowable capacity. The following are conditions to the approval of any such approval:—~~

~~(1) Open air dining areas must be properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~

~~(2) Area associated with the outdoor portion of the restaurant will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~

~~(2) In the RPVOA, the Town Council may permit, as part of the consideration of the site and development plan process, extra outdoor patron seating, over and above the~~

~~inside seating capacity, as part of a take-out food business contained within a building provided the following conditions are met:~~

- ~~(1) The take-out food business inside tenant space does not exceed 3,000 square feet.~~
- ~~(2) Open air dining areas are properly buffered to avoid noise, litter, light and odor impacts upon neighboring properties, especially nearby residential uses.~~
- ~~(3) The area associated with the outdoor seating of the take-out food business will not count toward any maximum square footage limitations associated with the town-serving aspects of this chapter.~~
- ~~(4) Area associated with the outdoor seating cannot encroach into the required ten-foot unobstructed, pedestrian sidewalk.~~
- ~~(5) The amount of outdoor seating cannot exceed eight seats, nor can it extend beyond any property line of the take-out business tenant space.~~

The provision for outdoor seating is provided for in Sec. 134-1111.

Staff recommends reference to the applicable Code section. It is not necessary to repeat what is already in the Code.

(m) Commercial uses; ~~s~~Site plan approval for new buildings, new building additions or changes in permitted uses over certain floor area.

All applications within the RPVOA shall be subject to site plan approval.

All applications for new buildings or for new building additions or for changes in permitted uses which involve more than 3,000 square feet of building floor area of buildings in the RPVOA shall require a site plan approval in accordance with article III of this chapter. No certificates of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum length along a public thoroughfare of any structure or group of attached structures shall not exceed 300 feet.~~

This requirement is provided for in section (n) (10) below.

(n) Lot, yard and area requirements--Generally.

Since the RPVOA requires vertical mixed use, it does not make sense to have a distinction between residential and commercial uses.

In the RPVOA, the schedule of lot, yard and area requirements is as given in this section:

(1) Lot area.

- ~~a. For multifamily uses, A~~ projects shall not be less than one (1) Palm Beach acre in size. ~~A~~ Projects are is defined as development and/or

redevelopment proposals under common or unified ownership, or under common site plan approval.

~~b. For commercial uses, minimum lot area is 4,000 square feet.~~

(2) *Lot width.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot width is 150 feet.~~

~~c. For commercial uses, the minimum lot width is 30 feet.~~

a. Lot width shall be the minimum width necessary to meet the minimum lot area requirement in conjunction with the requirement for the property to be a "through lot" as provided for in the definition in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot and to be a minimum of one Palm Beach acre in size, the minimum lot width would be a result of these two criteria.

(3) *Lot depth.*

~~a. For special requirements regarding townhouses, see subdivision II of division 10 of article VIII of this chapter.~~

~~b. For multifamily uses, the minimum lot depth is 200 feet.~~

~~c. For commercial uses, the minimum lot depth is 90 feet.~~

a. The minimum lot depth shall be determined by the definition of through lot in Sec. 134-2.

Since all development within the RPVOA would require the property to be a through lot, the lot depth would be determined by the through lot requirement.

(4) *Density.*

~~d. For townhouses, the maximum density is 10 dwelling units per Palm Beach acre. See article III of this chapter for site plan review requirements.~~

~~e. For multifamily uses, the maximum density is 24 dwelling units per Palm Beach acre except as qualified below:~~

See article III of this chapter for site plan review requirements, with the residential component of not less than 25% of the total development.

This language will provide for more flexibility in the design of a project and could allow the mixed use within a three story building without the need for the fourth story.

(5) *Front yard.*

f. No front yard setback is required. Within the RPVOA, arcades or colonnades may be constructed subject to approval as a special exception over sidewalks, provided they meet the requirements of subsection (p) hereof.

g. For buildings in excess of 45 feet in height, all minimum front yard requirements shall be increased one foot for each two feet of building height, or portion thereof, exceeding 45 feet.

For all buildings, all stories above the 2nd story shall setback a minimum of ten (10) feet from the front of the building facades at the ground floor.

h. For underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the front property line.

(6) *Side yard.*

(a) There is no minimum side yard required. When the side yard of a RPVOA property adjoins property zoned in any R district, a ten-foot side yard is required on that side.

(b) For all buildings, all stories above the second story shall be setback a minimum of fifteen (15) feet from all side facades of the building at the ground floor.

(c) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from the side property line.

(7) *Rear yard.*

(a) For all buildings, all stories above the 2nd story shall be setback a minimum of ~~ten (10)~~ twenty (20) feet from the rear building facades of the building at the ground floor. At the first and second floors, no set back shall be required.

Staff recommends a 20 foot setback above the second story since Sunset Avenue is much narrower than Royal Poinciana Way.

(b) For buildings with underground parking garage(s) the underground parking structure shall be set back a minimum of two (2) feet from property lines, except as required for public utility easements.

(8) *Height and overall height.*

- a. For one-story buildings, the maximum building height is 15 feet.
- b. For two-story buildings, the maximum building height is 30 feet.
- c. For three-story buildings, by special exception only, the maximum building height is 45 feet.
- d. For four-story buildings, by special exception only, the maximum building height is 50 feet.
- e. Maximum allowable building height is 50 feet.
- f. Maximum overall height of a building shall be the maximum allowable building height, as defined in section 134-2, plus five feet for a flat roof and ten feet for all other roof styles. When a parapet is used above the maximum building height, as defined in section 134-2, the building overall height will be calculated based on the flat roof style identified above. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

(9) *Lot coverage.*

The maximum lot coverage is 85 percent on the first floor, 65 percent on the second floor, and, as permitted by special exception only, 50 percent on the third floor and 40 percent on the fourth floor. ~~Underground parking shall be permitted to have 100 percent lot coverage, subject to the applicable setback requirements for underground parking.~~

Underground parking cannot have 100% lot coverage since there are setback requirements.

(10) *Length.*

For all buildings, the maximum building length is 300 feet along the public thoroughfare consistent with the Special Review Criteria in section (r).

(11) *Landscaped open space.*

For all buildings, the minimum landscaped open space is 10 percent determined at the street level elevation. Below grade parking shall not impact this requirement.

(12) *Applicability.*

In order to apply for the RPVOA, the property shall have a land use of Commercial and a current zoning designation of C-TS Commercial Town Serving. This overlay district shall not apply to any other land use or zoning category in the Town.

(o) Review Process; site plan approval

(1) No certificate of occupancy shall be issued for any building, unless all facilities included in the site plan have been provided in accordance therewith. ~~The maximum dimension of any structure or group of attached structures shall not exceed 300 feet along the public thoroughfare.~~

This language is provided elsewhere in the proposed overlay regulations.

(2) All developments within the RPVOA shall be subject to the Town's Site and Development Plan Process per requirements in Article III in Chapter 134 of the Town Code.

These changes insure that any RPVOA applicant is required to meet the criteria and process for site plan review.

(p) Exceptions.

(1) In the RPVOA, cornices, solid canopies, or architectural features may extend 48 inches over the sidewalk or required yard area, provided they shall have nine feet of vertical clearance between any solid construction and the sidewalk or yard.

(2) Marquees or canvas-covered fireproof canopies, no wider than entranceways, may be constructed over main entrances to hotels, theaters and places of public assembly and may extend to the face of the curb, provided that no support shall be nearer than 18 inches to the face of the curb, and the installation shall have a minimum of nine feet of vertical clearance between any solid construction and the sidewalk.

(3) No projections shall be allowed in the required rear yard except open-type fire escapes, and these must be provided with a counter-balanced bottom section to provide for nine feet of clearance when up.

(4) Awnings may be suspended over sidewalks or ways, provided that they shall not project nearer than 18 inches to the face of the street curbline or more than eight feet from the exterior wall of the building and the installation shall have at least seven feet six inches of vertical clearance between any solid construction and the sidewalk or way. Cloth front and side drops shall measure not less than six feet six inches from their lowest point to the sidewalk or way.

(5) Within the RPVOA, arcades or colonnades maybe constructed, subject to approval as a special exception over sidewalks or ways, provided: (a) that they shall not project nearer than three feet to the face of the street curb line or more than ten feet, but not less than seven feet, from the exterior wall as measured from the exterior face of the building to the exterior face of the arcade or colonnade, (b) no support shall be nearer than three feet to the face of the curb, and (c) the installation shall have a minimum of nine feet of vertical clearance.

(q) Supplementary district regulations.

The supplementary district regulations which may be applicable to the RPVOA are contained in article VIII of this chapter.

(r) Special Review Criteria:

All proposed developments under the provisions of the RPVOA must file an application for site plan review and demonstrate that they have satisfied all of the criteria listed below. ~~The Planning and Zoning Commission shall evaluate the application with reference to the specific criteria and provide a recommendation to the Town Council. The criteria proposed are as follows:~~

The Planning and Zoning Commission does not review land development applications such as site plan review and therefore should not be part of the process.

(1) Demonstration of compatibility of the proposed use and/or building(s) with reference to building height, bulk and mass with the contiguous and adjacent properties.

(2) Provides public realm improvements, public open space and pedestrian amenities for the public benefit are included.

(3) Awnings, marquees, arcades or other architectural features which provide pedestrian protection from the sun and inclement weather are encouraged and, if included, should be designed so as not to interfere with or impede pedestrian movement through the area.

(4) Pedestrian flow between Royal Poinciana Way and Sunset Avenue is uninterrupted except for on-site security purposes. Redevelopment and development projects may restrict pedestrian flow during certain times as approved through the conditional use process.

~~(5) Actions, designs, construction or other solutions not literally in accord with adopted Town ordinances are permitted provided they satisfy public purposes and provide public benefit to at least an equivalent degree.~~

This criterion is vague and implies that the implementation of Town ordinances can be waived.

(6) The project strengthens pedestrian character and creates new vias and other pedestrian linkages. All new projects, rehabilitation and remodeling within the RPVOA should emphasize and extend the pedestrian character of the RPVOA. An expanded network of vias and other pedestrian linkages between uses on Royal Poinciana Way and between Royal Poinciana Way and other nearby commercial districts are encouraged, through the use of vias and arcades, awnings, display

windows, open and enclosed stairways, planning areas, potted plants, street furniture, decorative paving and tiles, fountains and other public areas and displays.

(7) A minimum of 50% of the ground level front elevation of the building shall be placed on, or within, five feet of the building setback line. Desired building-street edges include, for example:

- a) Continuous building edge with arcade in front of the building setback line,
- b) Continuous building edge with arcade, covered walkway or other shaded circulation space tucked under the building and
- c) Continuous building edge with awning covered sidewalk.
- d) Buildings should create continuous building-street edges without interruption by long spatial gaps.

(8) The space between the building and the curb should be like an open or covered patio, providing pedestrians with a buffer from traffic on Royal Poinciana Way. The following characteristics are desirable: Continuous paving from curb to buildings except for planters, planter beds, trees and fountains; the planting of palms along street edges should be linear and rhythmic with occasional contrasts and accents; site furnishings scaled to human size; pedestrian-oriented street furniture; lighting at pedestrian height to supplement street lighting; and geometric patterns rather than organic shapes are preferred.

(9) New buildings are encouraged to provide arcades or other forms of shaded base. The configuration dimensions and use thereof may vary with each project, but it should generally be a one story element less than 46 15 feet high and defined by columns, arches or other vertical supporting elements.

This would be consistent with other sections of the Code.

(10) All new developments are encouraged to incorporate vias, courtyards and other outdoor pedestrian spaces into their site plans and to establish linkages with the outdoor spaces of neighboring buildings and sites.

(11) Service and loading areas shall be located to minimize visibility from Royal Poinciana Way, vias, courtyards or other public spaces. Mechanical and electrical equipment, communications and service equipment and other appurtenances should be concealed from view of Royal Poinciana Way, other streets, vias, courtyards and neighboring properties by walls, fences, parapets, dense evergreen foliage or by other suitable means.

(12) If arcades over the sidewalk are provided they shall not count towards building coverage. Where no arcades are provided, landscaping shall be planted.

(13) ~~Equipment rooms, stair towers, and towers used only as architectural features, may be erected no more than twenty percent (20%) above the allowable building height and may occupy no more than fifteen percent (15%) two percent (2%) of the ground floor area of such building or structure. Height exceptions are provided for in Sec. 134-1120 and Sec. 134-1607.~~

The other proposed changes either strike broad, more subjective language or make the requirements consistent with subsection (u) below. In addition, the other type of equipment is also addressed in Sec. 134-1607.

(s) Parking:

- ~~(1) Off-street parking including parking garages, underground parking if provided as part of the development and/or building(s) is permitted to front secondary or side streets, or alleys, and shall be fully enclosed within the structure. Parking garages and/or underground parking shall be screened from view from primary streets.~~
- ~~(2) Projects and/or building(s) that provide underground parking, parking garages or accommodate 50% or more of the project's parking needs on-site shall be permitted to increase the maximum lot coverage by 5%.~~
- ~~(3) Parking requirements for standard development within the district shall meet the requirements of Article IX. Due to the concentrated nature of the district, required parking for offices, professional and business services, banks and financial institutions, and retail and personal services uses may apply Section 134-230 in lieu of the standard parking requirements, whichever is less. For residential uses providing self-contained underground parking facilities, 1.5 spaces per dwelling unit shall be required the requirements of Article IX notwithstanding. In the event a variance for parking is required, the Town shall permit a property owner or developer to submit a parking study identifying the redevelopment or development's project needs and how those needs are proposed to be addressed. The parking study shall be prepared by a licensed traffic engineer. A parking study may take into consideration:
 - ~~(a) Available off-street parking owned or leased by the property owner or developer if not located on the same site as the proposed redevelopment or development project.~~
 - ~~(b) Public transportation~~
 - ~~(c) Peak hour parking generation rates~~
 - ~~(d) Any other alternative program proposed by the property owner or developer that meets the intent of the Town's parking requirements.~~~~

The Provision for required, supplemental and/or shared off-street parking is provided for in Sec. 134-2171 through 134-2320.

Staff recommends reference to the applicable code sections. The parking standards should not be changed for the overlay if a minimum of 50% of the parking has to be below the street elevation. On-site shared parking concepts are in the existing off-street parking provisions in the Code to provide flexible opportunities to accommodate required off-street parking.

(t) Air conditioning and generator equipment:

Air conditioners and air handlers, cooling towers, generators, swimming pool filters, pumps and heaters are regulated in section 134-1728 and 134-1729.

(u) Architectural tower features:

~~In the RPVOA, a maximum of two towers as architectural features may be constructed as integral parts of the building provided that no tower(s) exceeds the allowable overall height by more than five feet; such tower(s) is set back an additional five feet on the front, rear, side, and street side and street rear yards; and, such tower(s) has no habitable floor area. The area of such tower(s) shall in combination not exceed two percent of the gross floor area of the building. This section does not apply to entry facades or parapets. Architectural tower regulations are provided in Sec. 134-1120.~~

Staff recommends reference to the applicable code section. It is not necessary to create new language for the provision of architectural features.

(v) Definitions:

(1) Covered Open Space.

Covered Open Space shall mean any ground floor area that is under the cover of the building mass. For purposes hereof, covered open space shall include, but not be limited to vias, colonnades and the like. This area shall not include awnings.

(2) Landscaped Open Space.

Landscaped Open Space shall mean any area which contains pervious materials such as soil, ground cover and plant material such as grasses, trees and shrubs.

(3) Hardscaped Open Space.

Hardscaped Open Space shall mean any area which contains impervious materials such as concrete, brick or similar paving materials covering the ground surface.

(4) Vertical Mixed Use.

Vertical Mixed Use shall constitute a land use where commercial uses are located on the ground floor and second floor ~~where limited residential uses may be permitted on the first story in interior courtyard areas set back at least fifty feet (50') from any public right of way, with residential uses above.~~

The definition should be consistent with the permitted uses.

(w) General Requirements:

All other regulations of Chapter 134 of the Town's Code shall apply unless specifically included within the RPVOA text.

This new proposed provision is a "catch all" intended to ensure that all other provisions in the Code are complied with, including and not limited to sign regulations and definitions.

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

VARIANCE #3-2012 The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirsaol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning

District. [Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Deferred from the January 11, 2012, Town Council Meeting.

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 25, 2012, from Maura A. Ziska. (Second Deferral, Special Circumstances)

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated January 25, 2012, 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

January 25, 2012

VIA FACSIMILE: 561-835-4621

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

RE: Variance #3-2012/ 108 El Mirasol, Palm Beach

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the February 15, 2012 Town Council meeting to the March 14, 2012 Town Council meeting. The reason for the deferral is that the project was deferred at Arcom for more time to revise plans.

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

Sincerely yours,



Maura A. Ziska

MAZ/mr

cc: Paul Castro

00012777

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #6-2012 The application of US Bank; relative to property commonly known as **324 Royal Palm Way**; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a variance to allow two business identification signs for “US Bank” on the rear of the building which is not permitted in the zoning code. Business identification signs are only allowed to front on streets. In addition, a variance is also being requested to allow a business logo on each of those business identification signs which exceeds the one allowed and front location allowed. Only one logo is allowed in this case. The applicant already has one logo in the front of the building. [Attorney: Maura A. Ziska]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated January 31, 2012, 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

January 31, 2012

VIA FACSIMILE: 561-835-4621

Mayor and Town Council

Town of Palm Beach

360 South County Road

Palm Beach, FL 33480

RE: Variance #6-2012/ 324 Royal Palm Way, Palm Beach, Florida

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the February 15, 2012 Town Council meeting to the March 14, 2012 Town Council meeting. The reason for the deferral is to redesign the signs due to a name change for the bank.

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

Sincerely yours,



Maura A. Ziska

MAZ/mr

cc: Paul Castro

00013017

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE # 7-2012 The application of Gregory S. Kino, Esq.; relative to property commonly known as **2 Via Los Incas**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests variances to allow a 26'7" front yard setback for a 644 square foot second story addition for a caretaker's bedroom in lieu of the 30 foot minimum required; a 26'1" front yard setback for an architectural parapet feature to match the second story addition in lieu of the 30 foot minimum required; a 10'1" side yard setback for the second story addition in lieu of the 15 foot minimum required; and a lot coverage of 35.8% (35.3% existing) in lieu of the 30% maximum allowed for the second story addition. [Attorney: Gregory S. Kino, Esq.]

Request for Deferral to the March 14, 2012, Town Council Meeting Per Letter Dated January 31, 2012, from Gregory S. Kino.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated January 31, 2012, from Gregory S. Kino

LAW OFFICES
CASEY CIKLIN LUBITZ MARTENS & O'CONNELL
A PARTNERSHIP INCLUDING PROFESSIONAL ASSOCIATIONS

LINDA DICKHAUS AGNANT, P.A.
BRUCE G. ALEXANDER, P.A.
JERALD S. BEER, P.A.
JOHN D. BOYKIN, P.A.
JESSICA M. CALLOW
PATRICK J. CASEY, P.A.
RICHARD R. CHAVES, P.A.
PATRICIA M. CHRISTIANSEN, P.A.
ALAN J. CIKLIN, P.A.
ROBERT L. CRANE, P.A.
RONALD E. CRESCENZO, P.A.
ASHLEY N. CRISPIN
JEFFREY M. GARBER, P.A.
MICHAEL J. GORE
JASON S. HASELKORN, P.A.
KARINA HAYCOOK

CHRISTINE M. HOKE, P.A.
W. JAY HUNSTON, III
RICHARD A. JAROLEM, P.A.
BRIAN B. JOSLYN, P.A.
GREGORY S. KINO, P.A.
CHARLES A. LUBITZ, P.A.
RICHARD L. MARTENS, P.A.
BRIAN M. O'CONNELL, P.A.
PHIL D. O'CONNELL, P.A.
CHARLES L. PICKETT
NICHOLAS J. PURVIS
MATTHEW N. THIBAUT, P.A.
DEAN VEGOSEN, P.L.
GARY WALK, P.A.
LAURA O. ZBOROWSKI

PHILLIP D. O'CONNELL, SR. (1907-1987)

OF COUNSEL
MICHAEL J. KENNEDY, P.A.
MICHAEL J. MONCHICK, P.A.
KEITH J. PUYA, P.A.
KEVIN D. WILKINSON, P.A.
JOHN R. YOUNG, P.A.

515 NORTH FLAGLER DRIVE, 20TH FLOOR
WEST PALM BEACH, FLORIDA 33401-4343
TELEPHONE: (561) 832-5900
FACSIMILE: (561) 833-4209

January 31, 2012

Via Email

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

Re: 2 Via Los Incas (Variance No. 7-2012)

Dear Paul:

Please note that the Town's Architectural Commission deferred a decision on the proposed second floor bed and bath addition to 2 Via Los Incas for some architectural revisions; therefore, we will need to defer the above-referenced variance from the February 15 to the March 14, 2012 Town Council Meeting. I apologize for any inconvenience that this causes you.

Sincerely yours,



Gregory S. Kino

GSK:sfd

TOWN OF PALM BEACH

Town Council Meeting on: February 15, 2012

Section of Agenda

Development Review - Other

Agenda Title

Proposed Fourth Amendment to the Blossom Estates Subdivision Agreement, Lot 7,
for 1255 South Ocean Boulevard Realty Trust.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated February 1, 2012
- Subdivision Modification Application from Maura Ziska dated January 3, 2012

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 15, 2012

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Subdivision Modification-Request of 1255 South Ocean Boulevard Realty Trust for a Fourth Amendment to the Blossom Estates Subdivision Agreement

Date: February 1, 2012

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed Fourth Amendment to the Blossom Estates Subdivision Agreement which: 1) eliminates the review and approval by the Palm Beach County Health Department and Florida Department of Environmental Protection and 2) allows a wall and gates outside of the "Building Envelope".

GENERAL INFORMATION

The Blossom Estates subdivision plat and subdivision agreement (copy attached) were executed by the Town on July 1, 1982. At that time, the Town's major concern was the preservation of an existing mangrove area on the northwest portion of proposed Lot 7 of the proposed plat. As a result, the property was subdivided into nine buildable lots and one lot (#7) which could not be built upon. In addition, there was a mangrove area created to preserve the native vegetation abutting Lake Worth on Lot 7.

On August 22, 1986, the Blossom Estates Subdivision was re-platted and the subdivision agreement was amended to create a building envelope area on Lot 7. This included maintaining the platted mangrove easement and the creation of a 25 foot wide mangrove setback area on Lot 7. The language in the FIRST AMENDMENT TO BLOSSOM ESTATE SUBDIVISION AGREEMENT (Exhibit B in the attached subdivision modification request) provided that no more than 7% lot coverage could occur on Lot 7. In addition, it also provided that no structures or construction activity could occur on Lot 7, lakeward of the mangrove setback line; and that the mangrove setback area be protected by fencing prior to any site work. The first amendment to the Agreement also required the owner to provide a recorded unity of title joining both Lots 7 and 8 to ensure that only one house could be built on the combination of both lots.

On November 3, 1995, the Town entered into the SECOND AMENDMENT TO THE BLOSSOM ESTATE SUBDIVISION AGREEMENT. That amendment further defined and

restricted the building envelope and what could be built outside of that envelope on Lots 7 and 8. The Agreement incorporated a very definitive exhibit (Exhibit A in the Second Amendment) which reflected a site plan of the actual footprint of the house, driveway and tennis court improvements proposed by a previous owner (see the 1995 attachment). The attached Exhibit is of the same quality as the original Exhibit A and is difficult to read.

On August 23, 2010, the Town entered into the THIRD AMENDMENT TO THE BLOSSOM ESTATE SUBDIVISION AGREEMENT. That amendment allowed the property owner to build a driveway outside of the “Buildable Envelope” on Lot 7. The property owner’s new proposal is to modify the Subdivision Agreement to eliminate antiquated language which requires the drainage improvements on the property to be approved by the Palm Beach County Health Department and Florida Department of Environmental Protection. Staff agrees with the applicant that this provision is no longer necessary as the Public Works Department routinely reviews and inspects all drainage improvements as new homes are built. The property owner has provided attached documentation from both Agencies verifying they will not review the drainage in this circumstance.

In addition, as the Agreement only allows the driveway outside of the “Building Envelope” on Lot 7, the property owner is proposing language changes in the Agreement to also allow a wall and gates. This is identified in the new “Exhibit A” in the proposed Fourth Amendment to the Blossom Estates Subdivision (copy attached). The mangroves remain protected as required in the Agreement. Therefore, staff has no objection to allowing the property owner to build a wall and gates across the front property line on Lot 7.

COMPREHENSIVE PLAN

COASTAL MANAGEMENT/CONSERVATION ELEMENT

OBJECTIVE 2

The Town shall protect native vegetational communities and their associated wildlife. The measurement of this objective is the extent to which native vegetation is protected and restored, and degree to which the following policies are implemented.

OBJECTIVE 4

Protect and restore wetland habitat and estuary water quality in the Town, thereby protecting fisheries and marine habitat. The measurement of this objective is the extent to which wetland habitat and estuary quality are protected, and the degree to which the following policies are implemented.

Proposed subdivision amendments comply with the Comprehensive Plan.

STRATEGIC PLAN

Community Enhancement/Quality of Life Actions

Open Space and Beautification: Continue Town policy of preserving existing open spaces and pursue opportunities for parks, beautification and open space enhancements including:

...

- b) Seek opportunities to retain open spaces during redevelopment of large estates.
- c) Whenever possible, take action to preserve large open green spaces that are privately owned (e.g. the three private golf courses).
Timeframe: Ongoing, as opportunities arise.

Proposed subdivision agreements comply with the Strategic Plan.

CONCLUSION

Staff concurs with the proposed Subdivision Agreement modification.

Attachments

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Brazil, Public Works Director
Susan Owens, Town Clerk
Veronica B. Close, Assistant Director, Planning Zoning & Bldg Department
Paul W. Castro, AICP, Zoning Administrator
Maura Ziska, Esquire
pf
zf

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 HAND DELIVERY

January 3, 2012

John Page, Director
Planning Zoning & Building
360 South County Road
Palm Beach, FL 33480

RE: Amendment to Blossom Estates Subdivision

Dear Mr. Page:

I represent Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007 ("Owner") who owns 1255 South Ocean Boulevard, Palm Beach, Florida, a/k/a Lots 7 and 8 the Blossom Estates Subdivision. The Owner is requesting a modification to the Subdivision Agreement and any modifications require Town approval. I am requesting this matter be placed on the next available Town Council Agenda. You have previously received a check in the amount of \$1000.00 for the filing fee for the Subdivision Modification.

To give a brief history, The Blossom Estates Subdivision was originally platted in 1982 dividing the property into ten (10) parcels for future development. As part of the approval, the Town required the Developer to enter into the Blossom Estate Subdivision Agreement (dated July 1, 1982 and recorded in ORB 3765 PG 1004 and attached as Exhibit "A"). This agreement set forth certain requirements for the Developer with regard to future development.

In 1986, there was a Re-Plat of Blossom Estates and a First Amendment to the Blossom Estates Subdivision Agreement (dated July 18, 1986 and recorded in ORB 5022 PG 515 and attached as Exhibit "B"). With regard to my client's property, Lot 7 and 8, it was agreed upon that the two lots shall be treated as a single lot and only one single family residence shall be allowed. It also established a "Mangrove Setback" to protect the mangroves in this area and a "Buildable Envelope" for Lots 7 and 8. Further, the Developer agreed to limit lot coverage on Lot 7 to 7% of the total square footage on Lot 7. In 1995, the Second Amendment to the Blossom Estate Subdivision Agreement (dated November 3, 1995 and recorded in ORB 9000 PG 646) was filed specifically amending Paragraph 2B(vi) regarding the Setback Exhibit to allow a driveway and privacy to be built on Lot 7. An Exhibit was attached to the Second Amendment that contained a very detailed site plan, presumably reflecting the proposed plan of the owner at the time (see attached Exhibit "C"). In August of 2010, the Third Amendment to the Blossom Estate Subdivision Agreement (dated August 23, 2010 and recorded in ORB 24031 PG 884) was filed to allow the construction of a different driveway and a clean buildable envelope on Lot 7 (see attached Exhibit "D"). The driveway has been constructed.

John Page, Director
January 3, 2012
Page 2

The property has since been sold and the new Owner would like to further amend the Subdivision Agreement to delete superfluous language which would have required the drainage to be approved by the Health Department and Florida Department of Environmental Regulation (as required in the First Amendment to the Blossom Estate Subdivision Agreement Paragraph 4). The referenced regulatory agencies do not have jurisdiction over the mangroves as was originally the case in the 1980s. The Owner would also like to amend the site plan to allow a privacy wall and gates in an area that is outside of the "Buildable Envelope". I have attached a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement for your review (see attached Exhibit "E"). I have obtained consent for the proposed changes from all of the owners in the Subdivision (see attached Exhibit "F").

Please call me if you have any questions with the foregoing or require any additional information.

Sincerely yours,



Maura A. Ziska

/maz

Attachments

cc: Paul Castro
Larry Alexander, Esq.
John C. Randolph, Esq.

EXHIBIT "A"

This Instrument Prepared By:
Dean Vegosen, Esq.
Lewis, Vegosen and Rosentach, P.A.
251 Royal Palm Way
P.O. Box 2437
Palm Beach, Florida 33480

BLOSSOM ESTATE
SUBDIVISION
AGREEMENT

THIS AGREEMENT, made as of the 1 day of July,
1982 by and between THE TOWN OF PALM BEACH, a municipal corporation
with an address at P.O. Box 2029, Palm Beach, Florida 33480 (herein
called "the Town"), and DEAN VEGOSEN, Trustee with full powers under
Florida Statute 689.071, with an address c/o Michael C. Burrows, 125
Worth Avenue, Palm Beach, Florida 33480 (herein called Developer);

W I T N E S S E T H:

WHEREAS, DEVELOPER owns the real property located in the Town
of Palm Beach, Florida commonly known as the Blossom Estate and legally
described on Exhibit "A" attached hereto and made a part hereof (herein
called "the Property");

WHEREAS, Developer has asked the Town to approve Developer's
proposed Plat of BLOSSOM ESTATE subdividing the Property into nine (9)
single family residential lots plus one (1) undevelopable lot (herein
called "the Plat");

WHEREAS, the imposition of the conditions and restrictions
contained herein upon the Property, Developer and future owners of the
Property are for the protection of the public health, safety and
environment of the inhabitants of the Town of Palm Beach;

NOW, THEREFORE, for good and valuable consideration, the
receipt and sufficiency of which is hereby acknowledged, the parties
agree:

1. Plat Approval.

A. The application for approval of the Plat of BLOSSOM
ESTATE is approved, subject however to all matters contained herein.

B. The Plat of BLOSSOM ESTATE prepared by Hutcheon Engi-
neers, Incorporated dated July 1, 1982 and consisting
of two (2) pages is hereby approved by the Town. The Plat will be

ROBERT DONEY
P.O. BOX 2029
PALM BEACH, FL.

82 117998

1982 JUL 27 AM 10:07

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B3765 P1004

recorded in the Palm Beach County, Florida public records, as will this Agreement.

C. Approval of the Plat is subject to all laws of the Town and of all other governmental bodies having jurisdiction over the Property or the use thereof, including, without limitation, Town Ordinance No. 2-73, commonly known as the Tree Ordinance.

2. Zoning; Construction Requirements.

A. The Town acknowledges and agrees that under the current zoning ordinance that one (1) single family residence and appurtenances (as defined and permitted under R-AA zoning in Town Zoning Ordinance No. 2-74, as amended, through and including Ordinance No. 6-81) may be constructed upon each lot in BLOSSOM ESTATE, except as to Lot 7 as provided in Paragraph 2B(iii) below.

B. In addition to compliance with non-conflicting laws of all governmental bodies having jurisdiction (including the Town), the following guidelines and restrictions must be met:

(i) A line parallel with and 50 feet west of the Coastal Construction Control Line presently designated by the State of Florida shall be the building line which demarcates the eastern permissible limits of building improvements which may be constructed on Lots 1, 2 and 3 and no such improvements may extend beyond such building line. There shall be no substantial change in the general ground elevation east of said line. However, construction of swimming pools, garden walls, patios and other such improvements are permissible beyond such eastern permissible limits and the eastern setback line for such improvements will be the Coastal Construction Control Line presently designated.

(ii) Notwithstanding that the actual lot boundary lines of Lots 8, 9 and 10 extend westerly beyond the Bulkhead Line which is established at the line of mean high water or ordinary high water by Section 253.1221 Florida Statutes, the Bulkhead Line shall be deemed to be the western boundary line from which set backs are measured for each

83785 P1005

of such lots and no improvements, other than docks upon jurisdictional approval, may be permitted west of the Bulkhead line.

(iii) No structure or construction (including, without limitation, tennis courts, vehicular parking, etc.) shall be permitted on any portion of Lot 7 by Developer, the owner of Lot 7 of Blossom Estate or any third party so that it shall remain and be maintained in its existing natural state. This provision shall run in perpetuity with the land to which it refers and shall be referenced specifically in the Plat and shall be made a deed restriction in any transfer of Lot 7.

3. Trees.

A. All trees designated on the development plans (in 12 sheets) for "The Blossom Estate", dated November 1979 (with latest revision dated May 18, 1982) as rare species are to be preserved and none may be removed, destroyed, cut (other than ordinary maintenance and care) or molested unless application for such action is made to the Town and approved by the Town. The trees shown on the development plans are demarcated for preservation under Town laws and will be cared for accordingly.

B. In the development of BLOSSOM ESTATE the protection of as many of the trees and as much of the vegetation (whether or not specifically required to be preserved hereunder) as possible will be an objective of the Developer in order to keep as much of the natural character of BLOSSOM ESTATE as is possible in development of the residential community.

4. Access.

Blossom Way, the private road on the Plat, shall remain private and shall be maintained by a homeowners association (in accordance with a Declaration of Covenants, Conditions and Restrictions of Blossom Estate to be recorded by Developer). Blossom Way will, however, be constructed by Developer in conformance with the same construction standards as if Blossom Way were to be dedicated to the Public. There will be no ingress or egress to or from Lots 1, 2, 3, 4,

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5 or 6 to or from Ocean Boulevard (State Road A1A) except by way of Blossom Way.

5. Bond.

Prior to construction of Blossom Way and/or any utility lines or systems to be installed to service the lots within the Property, Developer shall cause a bond to be posted naming the Town as obligee in an amount equal to 135% of the contract price for such improvements in order to secure completion thereof. A performance bond posted by a licensed contractor and naming Developer and the Town as obligees will satisfy the requirement of this paragraph. All bonds must be issued by surety or bonding companies licensed in Florida.

6. Miscellaneous.

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

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

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

D. This Agreement shall be binding upon the parties hereto and upon their successors, assigns, heirs and personal representatives.

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

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

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G. The detached garage or shed which is located on Lot 6 of Blossom Estate (but not shown on the Plat) will be demolished or removed by Developer at Developer's cost and expense. The existing house on Lot 6 may, subject to other applicable laws, either remain, be renovated or demolished or removed; however, if at some future time the existing single-family dwelling should become an accessory building to a new principal building, then at that time the kitchen in the existing house shall be removed.

H. Developer, and then Blossom Estate Homeowner's Association when it is formed, shall maintain a periodic (at least annual) cleaning of the siltation trap and French drains which will be checked routinely by the Town. The cost of such cleaning shall be borne by the Developer or the Homeowner's Association, as the case may be. The Town shall have a lien on each Lot in Blossom Estate on a pro rata basis to secure the cost of such cleaning if not timely performed by the Developer or the Homeowner's Association.

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written.

TOWN:
TOWN OF PALM BEACH

7/24/82

By Robert G. Doney
Ass't. Town Manager
Attest Grace T. Dutton
(Corporate Seal)

DEVELOPER:

Dean Vegosen
DEAN VEGOSEN, not individually
but as Trustee

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me personally appeared Robert G. Doney and
Grace T. Dutton to me well known and known to me
to be the individuals described in and who executed the foregoing instrument as Deed Town Manager and Town Clerk, respectively

B3785 P1008

of the above named Town of Palm Beach, A municipal corporation, and severally acknowledged to and before me that they executed such instrument as such Debt Town Inc. and James Clark, respectively of said Corporation and that the seal affixed to the foregoing instrument is the corporate seal of the corporation and that it was affixed to the foregoing instrument by due and regular corporate authority after appropriate resolution duly adopted by such Corporation, and that said instrument is the free act and deed of said corporation.

Witness my hand and seal this 16 day of July

1982

[Signature]
Notary Public,
State of Florida at Large

My commission expires: NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My Commission Expires July 1, 1983
STATE OF FLORIDA)
COUNTY OF PALM BEACH)

Before me personally came and appeared DEAN VEGGSEN, Trustee, to me well known to me to be the individual described in and who executed the foregoing instrument, and he acknowledged to and before me that he executed said instrument for the purposes therein expressed.

WITNESS my hand and seal this 1 day of JULY,

1982.

[Signature]
Notary Public
State of Florida at Large

My commission expires:

NOTARY PUBLIC STATE OF FLORIDA AT LARGE
My Commission Expires July 1, 1983
Witness my hand and seal this 1 day of JULY, 1982

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:

[Signature] 1982
Town Attorney's Office

83785 P1009

EXHIBIT A

DESCRIPTION

Being a tract of land in Government Lot No. 1, Section 2, Township 44 South, Range 43 East, Palm Beach County, Florida and submerged lands of the Lake Worth lying West of and adjacent to said Government Lot 1, Palm Beach County, Florida, and more particularly described as follows:

Commencing at a point in Section 35, Township 44 South, Range 43 East, where the centerline of State Road 80, also known as Southern Boulevard, meets the centerline of State Road A-1-A, also known as Ocean Boulevard, said point being designated as Station 50+60.00 and shown on the Right-of-Way Map for State Road 80, Section No. 9375-102, recorded in Road Plat Book 1, Page 159, Palm Beach County Public Records; thence run southerly along the centerline of said State Road A-1-A for a distance of 543.05 feet to a point of intersection with the North line of Section 2, Township 44 South, Range 43 East; thence continue southerly along the same course for a distance of 373.45 feet to a point; thence deflecting to the left $6^{\circ}10'$ and continue along the centerline of said State Road A-1-A for a distance of 278.02 feet to a point 649.00 feet South of and measured at right angles to the North line of Government Lot 1, Section 2, Township 44 South, Range 43 East, which point is the POINT OF BEGINNING of the following described parcel; thence run westerly along a line parallel to and 649 feet South of said North line of Government Lot 1 to the ordinary highwater mark of the waters of Lake Worth on the East shore of Lake Worth; thence continue westerly along the same course to a point in the U. S. Government Pierhead Line which point lies 541.13 feet West of (as measured along the preceding course) the centerline of aforementioned State Road A-1-A; thence turn an angle of $81^{\circ}37'45''$ measured from the preceding course to the South and run along said U. S. Government Pierhead Line for a distance of 599.90 feet to a point; thence deflecting to the East $2^{\circ}01'02''$ and continue southerly along said U. S. Government Pierhead Line for a distance of 346.24 feet to a point; thence turn an angle of $100^{\circ}18'07''$ measured from the preceding course to the East and run along a line to a point in the ordinary highwater mark of the waters of Lake Worth on the East shore of Lake Worth and 1582.60 feet South of and measured at right angles to the North line of said Government Lot 1, which point lies in the North line of the property conveyed by Elizabeth Bingham Blossom to Charles B. Bolton, as described in Deed Book 808, at Page 77, dated July 27, 1945 and recorded May 2, 1947; said line was surveyed and well monumented in July 1936 and resurveyed in 1970; thence run easterly along said line, being a straight line, to a point in the ordinary highwater mark of the waters of the Atlantic Ocean, which point is 1581.55 feet South of and measured at right angles to the North line of said Government Lot 1; thence run northerly meandering along the ordinary highwater mark of the waters of the Atlantic Ocean to a point which is 649 feet South of measured at right angles to the North line of said Government Lot 1; thence run westerly parallel to said North line of said Government Lot 1 to a point in the centerline of State Road A-1-A aforementioned and the POINT OF BEGINNING. Together with all riparian rights thereunto belonging and otherwise appertaining;

LESS AND NOT INCLUDING the South 32 feet of the above described property, and

SUBJECT TO a 40 foot right-of-way for State Road A-1-A (Ocean Boulevard) recorded July 2, 1964, Official Record Book 1051, Page 211, Palm Beach County Public Records.

AND LESS the following described parcel: (See Page 2)

83785 P1010

RECEIVED: M. V. L. B. 11/11/17
of Witness, Typing or Printing
unnecessary in this document
when received

Being a tract of land situated in lot No. 1, Section 2, Township 44 South, Range 43 East, Palm Beach County, Florida, more particularly described as follows:

Commencing at a point in Section 35, Township 43 South, Range 43 East, where the centerline of State Road 80, also known as Southern Boulevard, meets the centerline of State Road A-1-A, also known as Ocean Boulevard, said point being designated as Station 50+80.00 and shown on the Right-of-Way Map for State Road 80, Section No. 9375-102, recorded in Road Plat Book 1, Page 159, Palm Beach County Public Records; thence run southerly along the centerline of said State Road A-1-A for a distance of 543.05 feet to a point of intersection with the North line of Section 2, Township 44 South, Range 43 East; thence continue southerly along the same course for a distance of 373.45 feet to a point; thence deflecting to the left 6°10' and continue along the centerline of said State Road A-1-A for a distance of 278.02 feet to a point 647.00 feet South of and measured at right angles to the North line of Government Lot 1, Section 2, Township 44 South, Range 43 East; thence run easterly along a line parallel to and 649 feet South of said North line of Government Lot 1, having a bearing of South 88°38'54" East for a distance of 261.57 feet to the POINT OF BEGINNING of the following described parcel; thence South 1°12'31" West a distance of 230.00 feet; thence South 59°40'12" West a distance of 60.73 feet, to a point in a curve, concave to the Southwest, the chord of said curve bears South 51°44'51" East; thence southeasterly along the arc of said curve, having a radius of 113.00 feet and a central angle of 50°42'15" for a distance of 100.00 feet to a point; thence easterly non-tangent to the preceding course, South 88°38'54" East for a distance of 486 feet, more or less, to a point in the ordinary highwater mark of the waters of the Atlantic Ocean; thence run northerly meandering along the ordinary highwater mark of the waters of the Atlantic Ocean to a point which is 649 feet South of measured at right angles to the North line of said Government Lot 1; thence run westerly North 88°38'54" West and parallel to said North line of said Government Lot 1 a distance of 503 feet, more or less, to the POINT OF BEGINNING. Together with all riparian rights thereunto belonging or in anywise appertaining.

93785 P1013

RECORDER'S MEMO: Legibility
of Writing, Typing or Printing
unsatisfactory in this document
when received.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

EXHIBIT "B"

FIRST AMENDMENT TO
BLOSSOM ESTATE
SUBDIVISION AGREEMENT

THIS AGREEMENT, made as of the 22nd day of August, 1986, by and between THE TOWN OF PALM BEACH, a municipal corporation with an address of Post Office Box 2029, Palm Beach, Florida 33480 (the "Town") and GEORGE E. STRAUB, Trustee with full powers under Florida Statute 689.071, with an address of 125 Worth Avenue, Suite 314, Palm Beach, Florida 33480 (the "Developer");

WITNESSETH:

RECITALS

A. The Town and Developer's predecessor in interest Dean Vegosen, Trustee, entered into an agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" recorded in Official Record Book 3785, Page 1004, Public Records of Palm Beach County, Florida (the "Agreement"), which Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 131 of the Public Records of Palm Beach County, Florida.

B. By motion duly made, adopted and approved, the Town herein; however, all other language in Agreement not specifically amended herein shall remain in full force and effect.

C. Developer desires to amend the Agreement in accordance with request of its predecessor in interest, as approved by the Town.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree:

1. Paragraph 2A of the Agreement is amended to read in its entirety as follows:

The Town acknowledges and agrees that under the current zoning ordinance that one (1) single family residence and appurtenances (as defined and permitted under R-AA zoning in Town Zoning Ordinance No. 2-74, as amended, through and including Ordinance No. 1-88, herein called "the Ordinance") may be constructed upon each lot in BLOSSOM ESTATE, except that only one single family residence and appurtenances may be constructed upon Lots 7 and 8 as provided in Paragraph 2B (iii) below.

2. Paragraph 2B (iii) of the Agreement is amended to read in its entirety as follows:

As a part and parcel of this Agreement, Developer has submitted to the Town a document called "Setback Exhibit - The Blossom Estate", attached to and a part of the Replat, prepared by Kutchison Engineers and identified as file and drawing number 88-3-7052, dated June 16, 1986, consisting of one page (the "Setback Exhibit"). The Town and Developer have initialed the Setback Exhibit which is incorporated by reference herein. Developer or any future owner agrees that no residence shall be constructed in any area outside of the shaded areas which are shown on the Setback Exhibit. Developer or any future owner further agrees that only one residence may be constructed upon Lots 7 and 8 which

This Instrument Prepared By
DAVID M. SHAW
FLEMING, HALL & SHAW
30 COCONUT ROW
PALM BEACH, FLA. 33480

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SEP 30 PM 3:07

41501 22058

the right to refuse such access at times that are not convenient but may not continuously and unreasonably withhold permission for access which is necessary to preserve the Mangrove area in its natural state. Prior to commencement of any construction of a residence or appurtenances on Lot 7 or Lot 8, Developer or the then owner of Lots 7 and 8 shall erect a temporary protective fence or structure to protect against encroachment upon or damage to the Mangrove area. The fence or structure shall be subject to the approval of the Building and Zoning Department of Town and it shall be continuously maintained by Developer (or the then owner) during construction. It is the intention of this paragraph that the Mangrove area remain inviolate and that it not be encroached upon by debris from construction upon Lots 7 or 8 or by any persons such that all of the Mangrove trees and other vegetation that are contained within the Mangrove area may live and thrive without hindrance or molestation from any act by Developer, Developer's contractors, guests, invitees or agents, or any third parties.

4. Subparagraph (v) is hereby added to Paragraph 2B of the Agreement as follows:

(v) All drainage from Lot 7 shall be approved, in writing, by the Palm Beach County Health Department and the Department of Environmental Regulation.

5. Subparagraph (vi) is hereby added to Paragraph 2B of the Agreement as follows:

(vi) The Setback Exhibit indicates by darkened areas the "Buildable Envelope" upon which improvements may be constructed. Developer or any future owner agrees no improvements of any kind will be built upon any portion of Lot 7 not contained within the Buildable Envelope on Lot 7.

6. In consideration of Town entering into this Agreement, Developer agrees, notwithstanding anything to the contrary contained in the Setback Exhibit, to limit the allowable "lot coverage", as currently defined in the Ordinance, of Lot 7 to no more than seven percent (7%) of the total square footage of Lot 7 as shown on the Setback Exhibit.

7. The Agreement, as amended, is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof and hereof shall run with the lands known as the HLOSHON ESTATE and described on Exhibit "A" attached hereto and made a part hereof.

85022 P0516

IN WITNESS WHEREOF, this Agreement has been executed the day and year first above written.

IN THE PRESENCE OF:

TOWN:

TOWN OF PALM BEACH

By:

(CORPORATE SEAL)

IN THE PRESENCE OF:

DEVELOPER:

George E. Straub,
Not individually, but as
Trustee

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared Douglas C. Delano as Town Manager of the TOWN OF PALM BEACH, to be known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same as such officer of the TOWN OF PALM BEACH, duly authorized, and affixed thereto the corporate seal, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 22 day of August, 1986.

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: 10-5-89

Notary Public, State of Florida

My Commission Expires Oct. 5, 1989
Should This Copy File, Re-signing Is

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared RONALD A. SOVINSKI, as authorized agent for George E. Straub, Trustee, to be known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this ___ day of ___, 1986.

NOTARY PUBLIC

State of Florida at Large

My Commission Expires: _____

85022 P0517

STATE OF FLORIDA

COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, personally appeared GEORGE E. STRAUB, Not individually, but as Trustee, to me known to be the individual named in the foregoing instrument, and he acknowledged to and before me that he executed the same, for the purposes therein expressed.

WITNESS my hand and official seal in the County and State last aforesaid, this 23rd day of July, 1986.

My Commission Expires:

Maryann V. Vetter
NOTARY PUBLIC
State of Florida at Large
Notary Public, State of Florida
My Commission Expires July 30, 1988
Notary Public - State of Florida

85022 P0518

EXHIBIT "A"

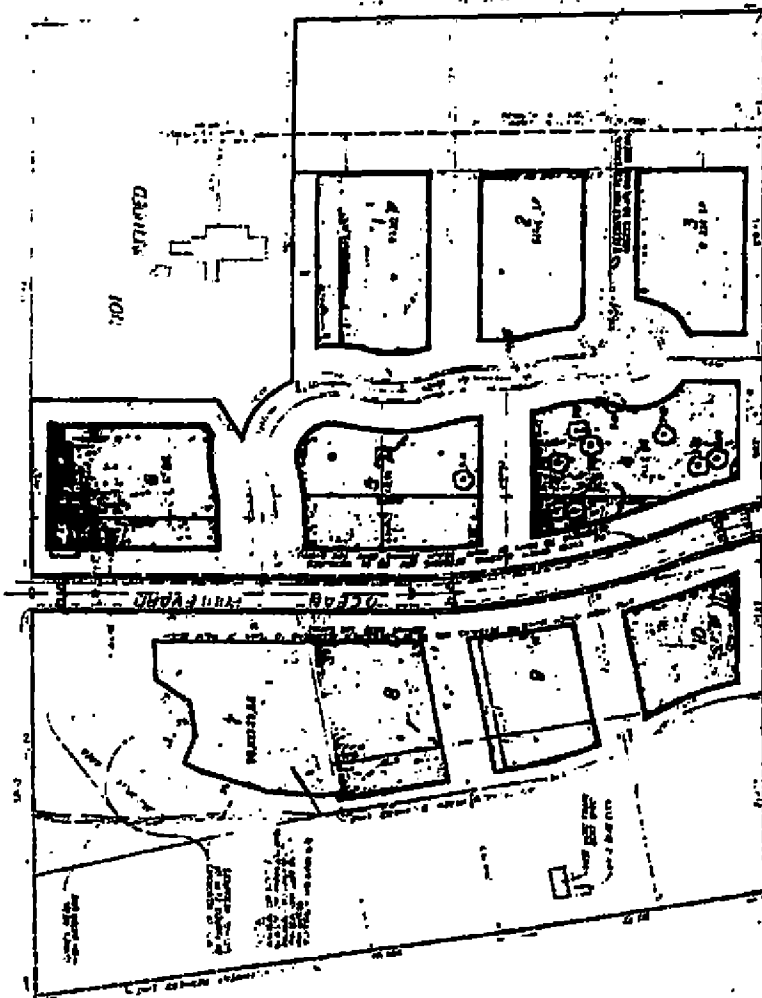
Lots 1 through 10 of BLOSSOM ESTATE per the
Plat thereof recorded July 27, 1982 in Plat
Book 44, page 121, of the Public Records of
Palm Beach County, Florida.

B5022 P0519

This Instrument Prepared By
DAVID M. SHAW
FIDELITY, BAKER & SHAW
25 CEDARHURST BLVD
PALM BEACH, FLA. 33480

SEYBACK EXHIBIT

THE BLOSSOM ESTATE



WORTH 2ND

SPACE ENVIRONMENT

GLOBAL ENTER LTD

Introduction

116142

LESTER B. JORDAN

RECORDER'S MEMO: Legibility of Writing, Typing or Printing unsatisfactory in this document when received.

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

ACKNOWLEDGMENT AND CONSENT TO
THE REPLAT OF THE BLOSSOM ESTATE

I, ROBERT M. FOMAN, do hereby acknowledge the dedication by George E. Straub, Trustee, dated April 22, 1986, as set forth on sheet 1 of the Replat of The Blossom Estate and shown on sheet 2 of the Replat of The Blossom Estate.

I further acknowledge that a conveyance to me of Lots 7 and 8, The Blossom Estate, according to the Plat recorded in Plat Book 44, Pages 121 and 122, as recorded in the Public Records of Palm Beach County, Florida, by George E. Straub, as Trustee, was made subject to the rights and obligations set forth in the Replat of The Blossom Estate and do hereby consent to the Replat of The Blossom Estate.

I, Robert M. Foman, do hereby set my hand and seal this 18th day of July, 1986.

WITNESSES:

James F. Portis
Elizabeth A. Kelly

Robert M. Foman
Robert M. Foman

STATE OF NEW YORK)
COUNTY OF NEW YORK) : ss

I HEREBY CERTIFY that on this 18th day of July, 1986, before me personally appeared ROBERT M. FOMAN, the person described in and who executed the foregoing Acknowledgment and Consent to the Replat of The Blossom Estate, and acknowledged to me the execution thereof to be his free act and deed for the uses and purposes therein mentioned.

WITNESS my signature and official seal at the County and State aforesaid, this 18th day of July, 1986.

My Commission Expires:

MADEIRA T. COUTON
NOTARY PUBLIC, State of New York
No. 31-333773
Qualified in New York County
Commission Expires Oct. 31, 1988

Madeline J. Couton
Notary Public

RECORD VERIFIED
PALM BEACH COUNTY, FLA
JOHN B. DUNN, JR.
CLERK CIRCUIT COURT

This Instrument Prepared By
DAVID M. SHAW
FLEMING, HALL & SHAW
30 COCONUT ROW
PALM BEACH, FLA. 33408

86 256435

68 SEP 30 PM 3 07

260

B5022 P0521

✓
Mock, Room, 1 Order, 1 Fee, 1 Fee

UNITY OF TITLE

In consideration of the agreement of the Town of Palm Beach to approve the Replat of The Blossom Estate, and for other good and valuable considerations, ROBERT M. FOMON ("Owner"), hereby agrees to restrict the ownership of all of the property (the "Property") hereinafter described in the following manner:

The Property shall be considered as one plot and parcel of land, and no portion of the Property shall be sold, transferred, devised or assigned except in its entirety as one plot or parcel of land. This condition, restriction and limitation shall be deemed a covenant running with the land, and shall remain in full force and effect, and be binding upon the undersigned, his heirs, successors and assigns until such time as the same may be released in writing by the Town of Palm Beach, pursuant to a duly adopted resolution of the Town Council of the Town of Palm Beach, Florida.

The Property is described as follows:

Lots 7 and 8, Less the South 7.50 feet of said Lot 8, The Blossom Estate, according to the Plat recorded in Plat Book 44, Pages 121 and 122, as recorded in the Public Records of Palm Beach County, Florida.

The Property was conveyed to Owner by Deed from George E. Straub, as Trustee under unrecorded Trust Agreement GES-1, dated as of January 18, 1986 ("GES") dated June 23, 1986, and recorded in the aforesaid Clerk's Office under Clerk's File No. 86-159296. This Unity of Title is being recorded pursuant to Section 2 of the "First Amendment to Blossom Estate Subdivision Agreement". The Blossom Estate Subdivision Agreement is dated July 1, 1982, and recorded in the aforesaid Clerk's office in Official Record Book 3765, Page 1004. The First Amendment is or shall be recorded in the aforesaid Clerk's Office.

Signed, sealed, executed, and acknowledged on this 18th day of July, 1986, at 1 Battery Park Plaza, NYC, NY.

WITNESSES:

Teresa F. Broderick

Robert M. Fomon
Robert M. Fomon

Elizabeth A. Kelly

86 256636

86 SEP 30 PM 3:08

9.60

85022 P0522

This Instrument Prepared By
DAVID M. SHAW
FLEMING, HALE & SHAW
30 COCONUT ROW
PALM BEACH, FLA. 33400

Unity, Record Agreement

STATE OF NEW YORK)
): ss
COUNTY OF NEW YORK)

I HEREBY CERTIFY that on this 18th day of July, 1986,
before me personally appeared ROBERT H. FOMON, the person
described in and who executed the foregoing Unity of Title,
and acknowledged to me the execution thereof to be his free act
and deed for the uses and purposes therein mentioned.

WITNESS my signature and official at the County and
State aforesaid, this 18th day of July, 1986.

Madeline T. Couton
Notary Public

My Commission Expires:

MADLEINE T. COUTON
NOTARY PUBLIC, State of New York
No. 51-38378
Qualified in New York County
Commission Expires Oct. 31, 1988

85022 P0523

This Instrument Prepared By
DAVID M. SHAW
FLEMING, HARRIS & SHAW
18 COCONUT ROW
PALM BEACH, FLA. 33480

RECORD VERIFIED
PALM BEACH COUNTY FLA
JOHN B. DUNKLE
CLERK CIRCUIT COURT

EXHIBIT "C"

PREPARED BY AND RETURN TO:

PETER S. BROBERG
223 Peruvian Avenue
Palm Beach, Florida 33480

1000 11:12am 95-367817
ORR 9000 Pg 648

SECOND AMENDMENT TO THE BLOSSOM
ESTATE SUBDIVISION AGREEMENT

THIS AGREEMENT made this November 9th of July 1995 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and AMERICAN FARM INVESTMENT CORPORATION, 1260 South Ocean Boulevard ("AMERICAN FARM").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3763, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment"), the TOWN, upon motion made and duly adopted, approved certain requests by AMERICAN FARM, the owner of Lots 7 and 8, to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision had no objection to the Second Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

The Setback Exhibit indicates by darkened areas the "Buildable Envelope" upon which improvements may be constructed. The Developer or any further owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the Buildable Envelope on Lot 7, except for the driveway and privacy shown on Exhibit "A" attached hereto and made a part hereof.

2. The Agreement as amended by the First Amendment and this Second Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof and hereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

1995 9/17/95 647

Sign Linda P. George
Print LINDA P. GEORGE
Sign Cindy Cousins
Print Cindy Cousins

TOWN OF PALM BEACH

By: Robert J. Doney

Sign Susan Wellington
Print Susan Wellington
Sign M.P. Baker
Print M.P. Baker

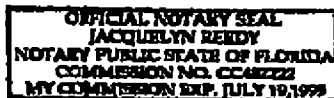
AMERICAN FARM INVESTMENT CORPORATION

By: M.P. Baker

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT J. DONEY as TOWN MANAGER for the TOWN OF PALM BEACH, to me known to be the person described in or who produced PERSONALLY KNOWN as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of July, 1995.



Jacquelyn Reedy
Notary Public

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Gerald Schaub as President of AMERICAN FARM INVESTMENT CORPORATION, to me known to be the person described in or who produced a driver's license as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 24 day of July, 1995.

Gerald Schaub
Notary Public

My Commission Expires: There is no expiration - hold no license of notary

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

Joy C. Randolph, Town Attorney

RECOMMEND APPROVAL:

10/12/95
Robert L. Moore, Director of
Planning, Zoning & Building
Zoning Administrator

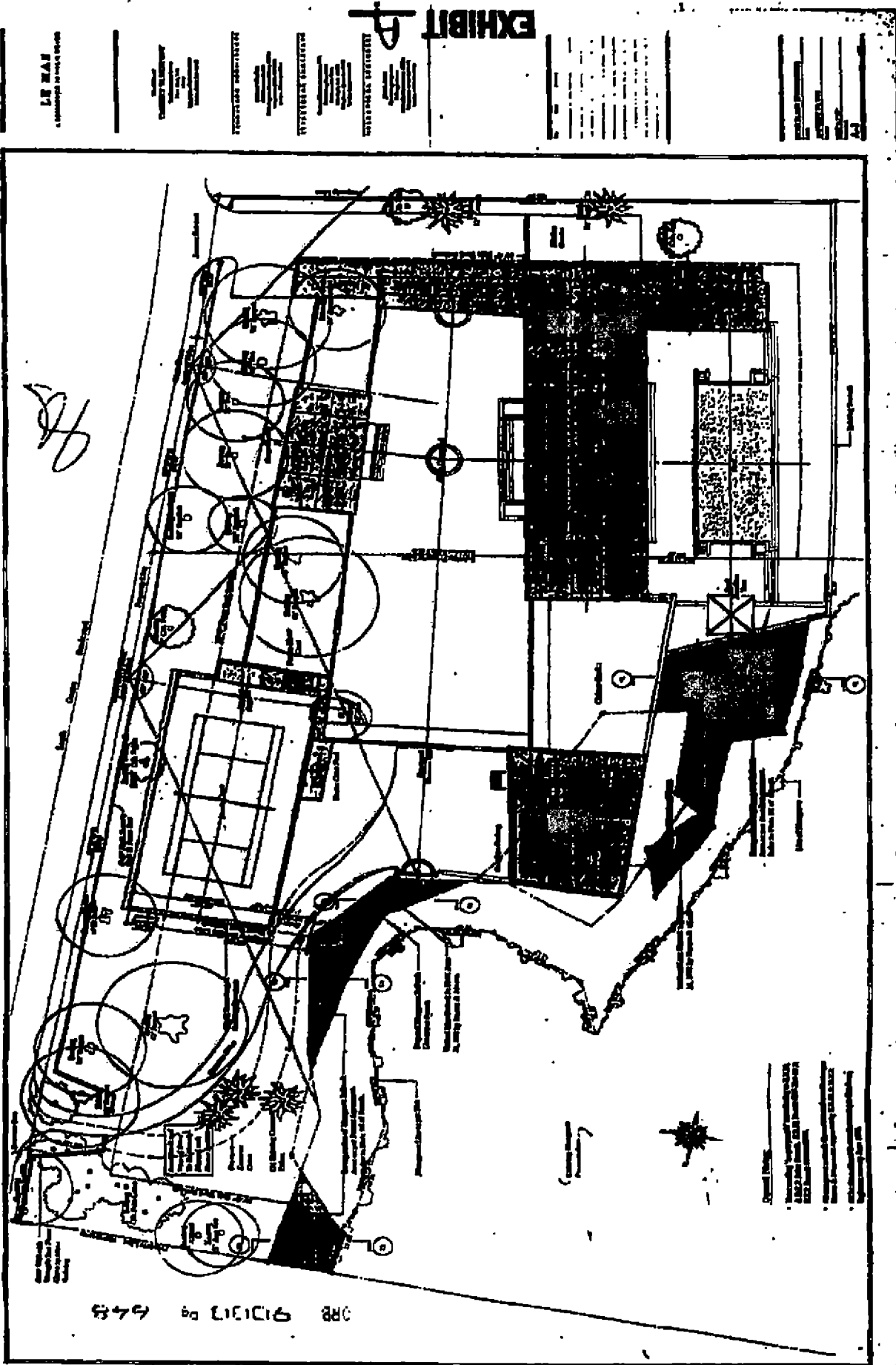


EXHIBIT A

LE MAJ

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RECORDED & INDEXED

088 9101013 645

MP# 910000 P# 549
TOWN OF PALM BEACH CLERK OF COUNTY: FL

LEGAL DESCRIPTION

Lots 1 - 10, Blossom Estate per the plat thereof recorded July 22, 1982 in Plat Book 44, Page 121, Public Records of Palm Beach County, Florida.

JS

EXHIBIT B

EXHIBIT "D"

Prepared by and return to:
Maura Ziska, Esquire
Kochman & Ziska, PLC
222 Lakeview Ave., Ste. 1500
West Palm Beach, FL 33401

CFN 20100315537
OR BK 24031 PG 0884
RECORDED 08/24/2010 13:54:01
Palm Beach County, Florida
Sharon R. Book, CLERK & COMPTROLLER
Pgs 0884 - 888; (5pgs)

THIRD AMENDMENT TO THE BLOSSOM
ESTATE SUBDIVISION AGREEMENT

THIS AGREEMENT made this 23rd of August, 2010 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and Ronald S. Kochman as Trustee of the 1255 SOUTH OCEAN BOULEVARD REALTY TRUST DATED DECEMBER 16, 2009, 222 Lakeview Avenue, Suite 1500, West Palm Beach, Florida 33401 ("OWNER").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3765, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of the Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, American Farm Investment Corporation, to further amend the Agreement and entered into a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment") on November 3, 1995, which Second Amendment is recorded in Official Records Book 9000, Page 646, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Third Amendment to the Blossom Estate Subdivision Agreement ("Third Amendment"), on July 14, 2010, the TOWN, upon motion made and duly adopted, approved Variance # 9-2010, which allowed the owner of Lots 7 and 8 to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision had no objection to the Third Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, a receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

The Setback Exhibit indicates the "Buildable Envelope" upon which improvements may be constructed. The Developer or any future owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the Buildable Envelope on Lot 7, except for the driveway shown on Exhibit "A" attached hereto and made a part hereof.

2. OWNER agrees that the two specimen trees as shown on Exhibit "A" will be protected from impacts of the driveway construction and if either tree is to die, then the OWNER agrees to replace such tree(s) with a similar size and species of tree(s).

3. OWNER shall be allowed to keep the proposed driveway for a period of three (3) years from the date of completion (date of passing the final inspection of the driveway), unless a house is approved and under construction during that time frame, in which case the driveway shall be allowed to remain. In the event OWNER does not remove the driveway within thirty (30) days from the deadline, the TOWN may remove the driveway and lien property for the costs thereof.

4. The Agreement as amended by the First Amendment, Second Amendment and this Third Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

TOWN OF PALM BEACH

Sign Cheryl Hleen
Print Cheryl Hleen
Sign Anne Byles
Print Anne Byles

By: Thomas P. B. [Signature]

RONALD S. KOCHMAN, Trustee of the
1255 SOUTH OCEAN BOULEVARD
REALTY TRUST DATED DECEMBER
16, 2009

By: [Signature]

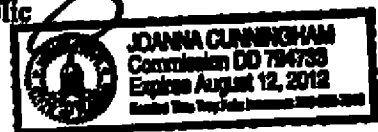
Sign Maura Ziska
Print MAURA ZISKA
Sign Nichelle Raccicci
Print Nichelle Raccicci

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas Bradford as Deputy Town Manager for the TOWN OF PALM BEACH, to me known to be the person described in or who produced personally known as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 2nd day of August, 2010.


Notary Public

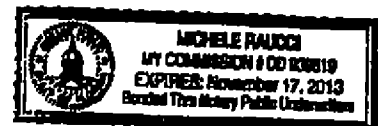


STATE OF FLORIDA)
COUNTY OF PALM BEACH)

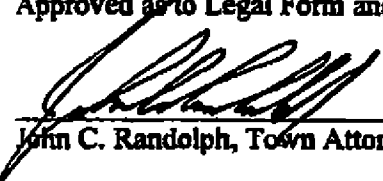
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Ronald S. Kochman, as Trustee of the 1255 SOUTH OCEAN BOULEVARD REALTY TRUST DATED DECEMBER 16, 2009, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 17 day of August, 2010.


Notary Public



Approved as to Legal Form and Sufficiency


John C. Randolph, Town Attorney

RECOMMEND APPROVAL:

8/18/10

Paul Castro, AICP
Zoning Administrator

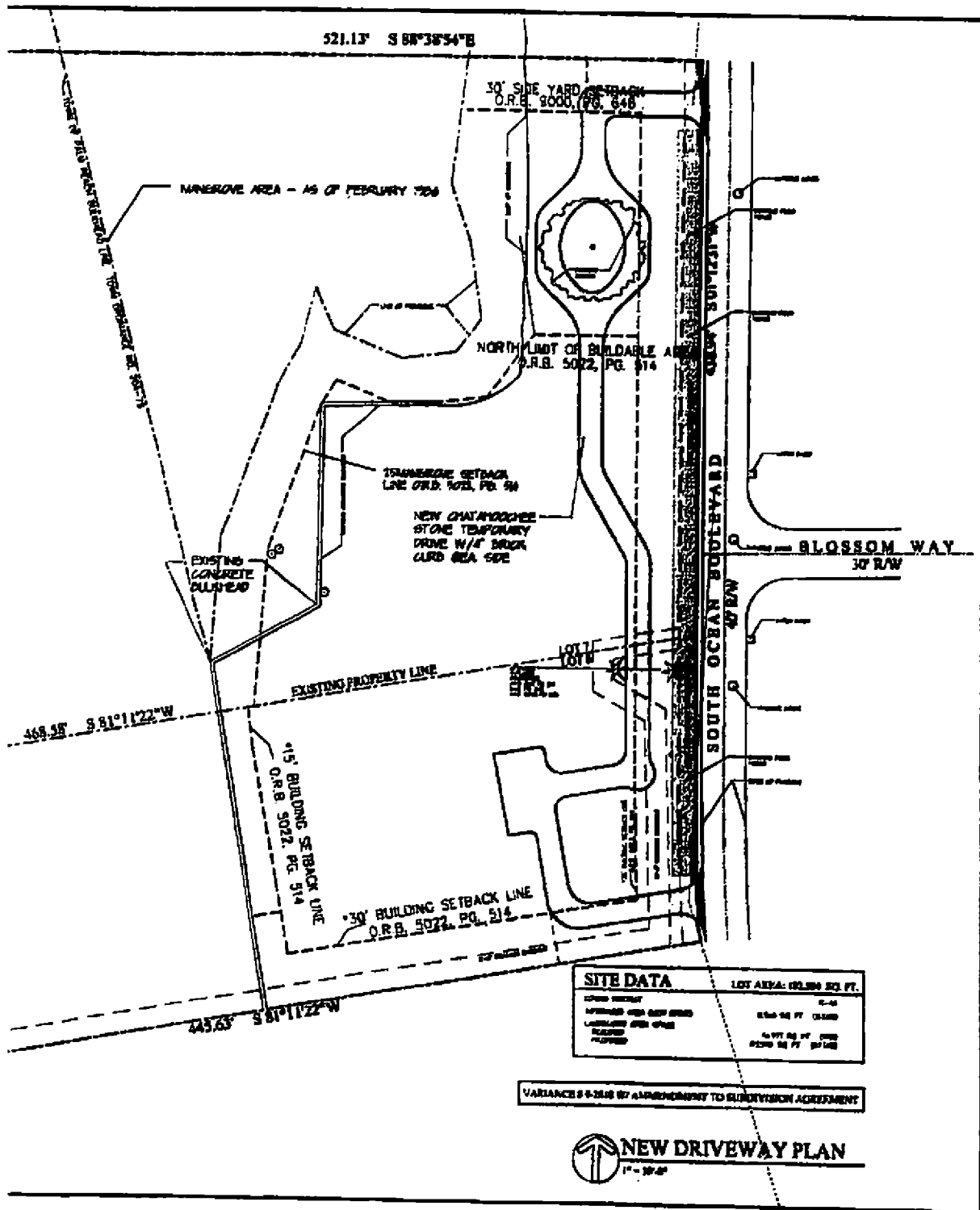


EXHIBIT "B" - LEGAL DESCRIPTION

Lots 1-10, THE BLOSSOM ESTATE, according to the plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida.

Prepared by and return to:
Maura Ziska, Esquire
Kochman & Ziska, PLC
222 Lakeview Ave., Ste. 1500
West Palm Beach, FL 33401

EXHIBIT "E"

**FOURTH AMENDMENT TO THE BLOSSOM
ESTATE SUBDIVISION AGREEMENT**

THIS AGREEMENT made this ____ of _____, 2011 between the TOWN OF PALM BEACH, a Municipal Corporation, Post Office Box 2029, Palm Beach, Florida 33480 ("TOWN") and THOMAS P. PETERFFY, AS TRUSTEE OF THE THOMAS P. PETERFFY AMENDED AND RESTATED REVOCABLE TRUST DATED SEPTEMBER 13, 2007, 25 Conyers Farm Drive, Greenwich, CT 06831 ("OWNER").

WITNESSETH:

WHEREAS, the TOWN and the Developer's predecessor in interest, Dean Vegosen, Trustee, entered into an Agreement dated July 1, 1982 titled "Blossom Estate Subdivision Agreement" ("Agreement") which was recorded in Official Record Book 3765, Page 1004, Public Records of Palm Beach County, Florida and this Agreement refers to the Plat of the Blossom Estate that is recorded in Plat Book 44, Page 121, Public Records of the Palm Beach County, Florida;

WHEREAS, in connection with the replat of The Blossom Estate, which replat was recorded in Plat Book 54, Page 127 of the Public Records of Palm Beach County, Florida (the "Replat"), the TOWN approved certain requests by the Developer, George E. Straub, Trustee, to amend the Agreement and entered into a First Amendment to the Blossom Estate Subdivision Agreement ("First Amendment") on August 22, 1986, which First Amendment is recorded in Official Record Book 5022, Page 514, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, American Farm Investment Corporation, to further amend the Agreement and entered into a Second Amendment to the Blossom Estate Subdivision Agreement ("Second Amendment") on November 3, 1995, which Second Amendment is recorded in Official Records Book 9000, Page 646, Public Records of Palm Beach County, Florida;

WHEREAS, the TOWN approved certain requests by the then owner, Ronald S. Kochman as Trustee of the 1255 South Ocean Boulevard Realty Trust dated December 16, 2009, to further amend the Agreement and entered into a Third Amendment to the Blossom Estate Subdivision Agreement ("Third Amendment") on August 23, 2010, which Third Amendment is recorded in Official Records Book 24031, Page 884, Public Records of Palm Beach County, Florida;

WHEREAS, upon application for a Fourth Amendment to the Blossom Estate Subdivision Agreement ("Fourth Amendment"), on June 15, 2011, the TOWN, upon motion made and duly adopted, allowed the owner of Lots 7 and 8 (according to the Replat) to further amend the Agreement as provided herein;

WHEREAS, the TOWN found that all residents living in the Blossom Estate Subdivision consent of the proposed Fourth Amendment as provided herein;

NOW THEREFORE, for good and valuable consideration, a receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. Paragraph 4 of the First Amendment to the Blossom Estate Subdivision Agreement which added a subparagraph (v) to Paragraph 2B of the Agreement shall be deleted in its entirety.

2. Paragraph 2B(vi) of the Agreement is amended to read in its entirety as follows:

The Setback Exhibit indicates the "Buildable Envelope" upon which improvements may be constructed. The Developer or any future owner agrees no improvements of any kind will be built on any portion of Lot 7 not contained within the buildable Envelope on Lot 7, except for the driveway, privacy wall and gates shown on Exhibit "A" attached hereto and made a part hereof (New Privacy Wall Plan (Sheet A-1) by Smith and Moore, dated June 6, 2011).

3. The Agreement as amended by the First Amendment, Second Amendment, Third Amendment and this Fourth Amendment is hereby ratified and reaffirmed and shall remain in full force and effect according to its terms and all provisions thereof shall run with the lands known as The Blossom Estate and described on Exhibit "B" attached hereto and made a part hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first written above.

Witnesses:

TOWN OF PALM BEACH

Sign _____
Print _____
Sign _____
Print _____

By: _____

THOMAS P. PETERFFY, AS TRUSTEE
OF THE THOMAS P. PETERFFY
AMENDED AND RESTATED
REVOCABLE TRUST DATED
SEPTEMBER 13, 2007

Sign _____
Print _____
Sign _____
Print _____

THOMAS P. PETERFFY, AS TRUSTEE
OF THE THOMAS P. PETERFFY
AMENDED AND RESTATED
REVOCABLE TRUST DATED
SEPTEMBER 13, 2007

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ as _____ for the TOWN OF PALM BEACH, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2011.

Notary Public

STATE OF)
COUNTY OF)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Thomas P. Peterffy, as Trustee of the Thomas P. Peterffy Amended and Restated Revocable Trust dated September 13, 2007, to me known to be the person described in or who produced _____ as identification and who executed the foregoing instrument and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this ____ day of _____, 2011.

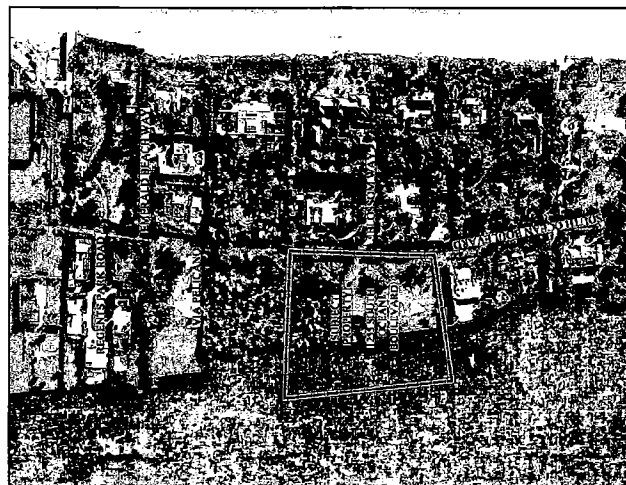
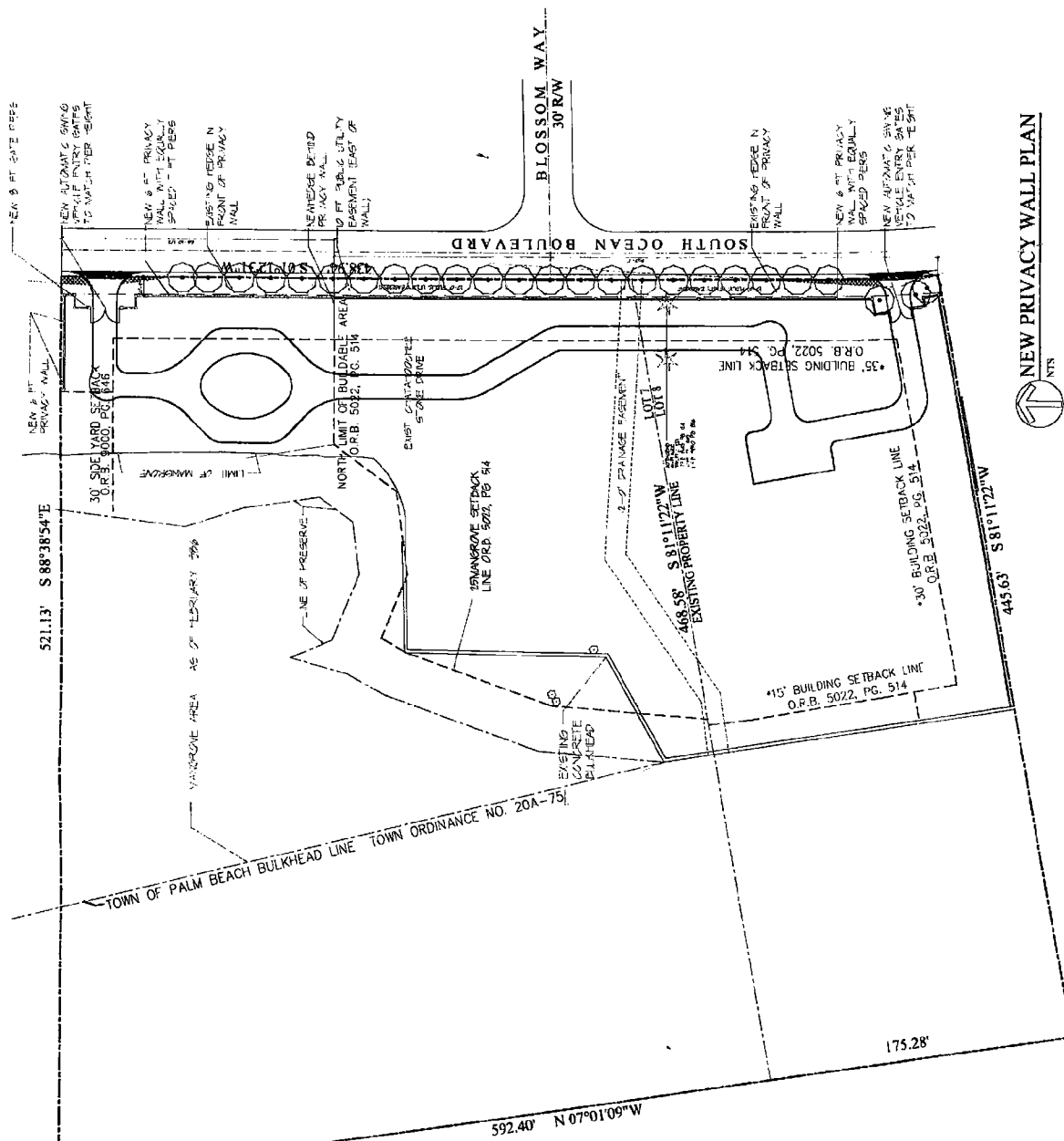
Notary Public

Approved as to Legal Form and Sufficiency

John C. Randolph, Town Attorney

EXHIBIT "B" - LEGAL DESCRIPTION

Lots 1-10, THE BLOSSOM ESTATE, according to the plat recorded in Plat Book 44, Page 122, and as re-platted in Plat Book 54, Page 127, of the Public Records of Palm Beach County, Florida.



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

July 13, 2011

40 Blossom Way Trust
Maura Ziska, Trustee
222 Lakeview Avenue, Ste. 1500
West Palm Beach, FL 33401

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Ms. Ziska:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska
Maura Ziska

WITNESSES:

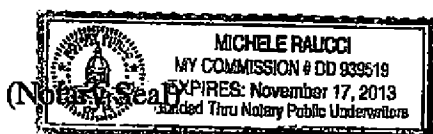
Michele Raucci
Print Name: Michele Raucci

Christine Belsky
Print Name: Christine Belsky

By: *Maura Ziska, Trustee*
Maura Ziska, Trustee

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 14 day of December, 2011,
by Maura Ziska, Trustee, who is personally known to me or produced _____
as identification and who did not take an oath.



Michele Raucci
Notary Signature

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

December 22, 2011

Walter and Mary A. McPhail
50 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. and Mrs. McPhail:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

WITNESSES:

Print Name: [Signature]

Print Name: [Signature]

By: [Signature]

Walter McPhail

WITNESSES:

Print Name: Zbigniew Skik

Print Name: Magdalena Skik

By: [Signature]

Mary A. McPhail

Mr. and Mrs. Walter McPhail

December 22, 2011

Page 2

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 27 day of Dec, 2011,
by Walter McPhail, who is personally known to me or produced _____ as
identification and who did not take an oath.



Michele Raucci
Notary Signature

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 27 day of Dec, 2011,
by Mary A. McPhail, who is personally known to me or produced _____ as
identification and who did not take an oath.



Michele Raucci
Notary Signature

00011167

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

July 13, 2011

Figulus IV Partnership
c/o Mary Bolton
30 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

To Whom It May Concern:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska
Maura Ziska

WITNESSES:

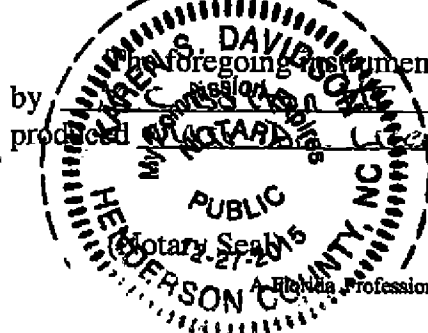
[Signature]
Print Name: Mary Gentry

[Signature]
Print Name: Eric Engeltad

By: *[Signature]*
Figulus IV Partnership

STATE OF ~~FLORIDA~~ North Carolina
COUNTY OF ~~PALM BEACH~~ Henderson

The foregoing instrument was acknowledged before me this 12 day of Aug, 2011,
by _____, who is personally known to me or
produced _____ as identification and who did not take an oath.



[Signature]
Notary Signature Karen S. Davidson

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

July 13, 2011

Mary Bolton
30 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Ms. Bolton:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

Maura Ziska

WITNESSES:

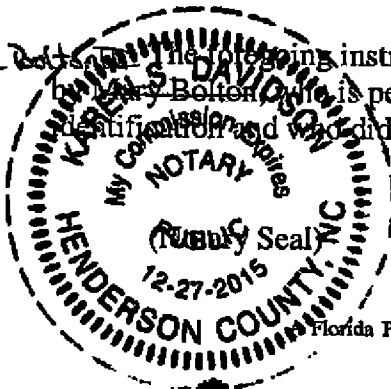
[Signature]
Print Name: Jeffrey P. Pentry

[Signature]
Print Name: Eric Engelfrad

By: K.E. Bolton
[Signature]
K.E. BOLTON III
(For BOLTON FIDUCIARY TRUST)
4/2/8 1/1/98

STATE OF FLORIDA North Carolina
COUNTY OF PALM BEACH Henderson

142 Notarized. The foregoing instrument was acknowledged before me this 12 day of Aug, 2011,
by Mary Bolton who is personally known to me or produced Mass Dr. License as
identification and who did not take an oath.



[Signature]
Notary Signature Karen S. Davidson

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 13, 2011

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

Via regular mail and Facsimile 631-287-2394

Anna Murdoch-Mann
1285 South Ocean Boulevard
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Ms. Murdoch-Mann:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

Maura Ziska

WITNESSES:

Rosemary Jansen
Print Name: Rosemary Jansen

William H. Mann
Print Name: William H. Mann

STATE OF NEW YORK)
COUNTY OF PALEMBACH)
SUFFOLK

Anna Murdoch-Mann
By: _____

Anna Murdoch-Mann

The foregoing instrument was acknowledged before me this 3RD day of Aug., 2011, by Anna Murdoch-Mann, who is personally known to me or produced DRIVER'S LIC. as identification and who did not take an oath.

(Notary Seal)

00011167

HERBERT JANNSEN
Notary Public, State of New York
No. 01JA4682189, Suffolk County
Commission Expires June 30, 2015

Herbert Jannsen
Notary Signature

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 13, 2011

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

White Sea Holdings
12300 South Shore Boulevard #200
Wellington, FL 33414

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

To whom it may concern:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

Maura Ziska

WITNESSES:

Atanasia Nikolova

Print Name: Atanasia Nikolova

Nelissa M. Meza

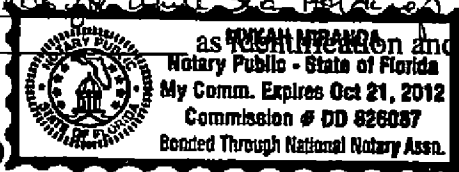
Print Name: Nelissa M. Meza

By: *Emma Cisneros*

White Sea Holdings

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 26 day of July, 2011,
by Emma Cisneros for White Sea Holdings who is personally known to me or
produced _____ as ROSEMARY FRANCO who did not take an oath.



(Notary Seal)

W. Franco
Notary Signature

Cc: Alvaro Mejer, Esquire
Hilda Porro, Esquire

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 13, 2011

Esperanté

222 Lakeview Avenue, Suite 1500

West Palm Beach, Florida 33401

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

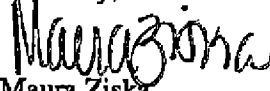
Sandra Hammonds
1275 South Ocean Boulevard
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

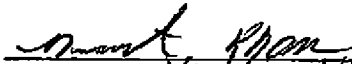
Dear Ms. Hammonds:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

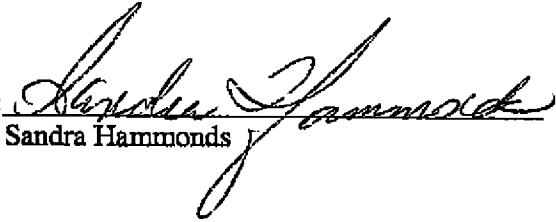
Sincerely,


Maura Ziska

WITNESSES:

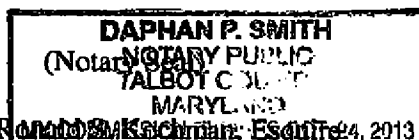

Print Name: Nusrat Khan


Print Name: Laura L. Baker

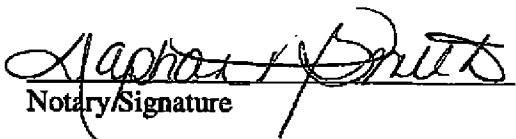
By: 
Sandra Hammonds

STATE OF FLORIDA)
COUNTY OF PALM BEACH)

The foregoing instrument was acknowledged before me this 28 day of July, 2011, by Sandra Hammonds, who is personally known to me or produced FLA Driver's License as identification and who did not take an oath.



Cc: Ronald S. Kochman, Esquire


Notary/Signature

00011167

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

July 13, 2011

David Markin
70 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. Markin:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska

Maura Ziska

WITNESSES:

Alex Porter
Print Name: Alex Porter

FLORICA SAVASUK
Print Name: FLORICA SAVASUK

STATE OF ~~FLORIDA~~ Vermont)
COUNTY OF ~~PALM BEACH~~ Bennington)

The foregoing instrument was acknowledged before me this 23rd day of July, 2011, by David Markin, who is personally known to me or produced FL Drivers Lic as identification and who did not take an oath.

(Notary Seal) KARAN L. PETRO
NOTARY PUBLIC - VERMONT
My Commission Expires February 10, 2015

Karan L. Petro
Notary Signature

Cc: Mitch Schepps, Esquire

A Florida Professional Limited Liability Company Including Professional Associations

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

July 13, 2011

Thomas Peterffy Trust
25 Conyers Farm Drive
Greenwich, CT 06831

Re: 1255 South Ocean Boulevard
Third Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. Peterffy:

Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a **two (2) witnesses and a Notary Public**. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

Maura Ziska
Maura Ziska

WITNESSES:

Tom Berry
Print Name: Tom Berry

Stephanie Acunto
Print Name: Stephanie Acunto

By: *Thomas Peterffy*
Thomas Peterffy

STATE OF ~~FLORIDA~~ ^{Connecticut})
COUNTY OF ~~PALM BEACH~~ ^{ss Greenwich}
~~Fairfield~~

The foregoing instrument was acknowledged before me this 20th day of July, 2011, by Thomas Peterffy, who is personally known to me or produced _____ as identification and who did not take an oath.

(Notary Seal)

Juli Ann Aylesworth
Notary Signature

Cc: Larry Alexander, Esquire

A Florida Professional Limited Liability Company Including Professional Associations

Juli Ann Aylesworth
Notary Public, State of Connecticut
My Commission expires May 31, 2013

KOCHMAN & ZISKA PLC

Ronald S. Kochman*

Maura A. Ziska

Marvin S. Rosen, Counsel*

*Also admitted in New York

*Also admitted in Michigan

July 13, 2011

Esperanté

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

Telephone: (561) 802-8960

Facsimile: (561) 802-8995

Susan and Roger Hertog
10 Blossom Way
Palm Beach, FL 33480

Re: 1255 South Ocean Boulevard
Fourth Amendment to the Blossom Estate Subdivision Agreement

Dear Mr. and Mrs. Hertog:

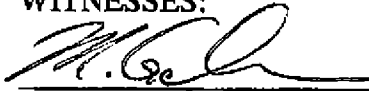
Please find enclosed a proposed Fourth Amendment to the Blossom Estate Subdivision Agreement which removes antiquated language in the Agreement that would require the owner of Lots 7 & 8 to obtain approval from the Palm Beach County Health Department and Florida Department of Environmental Protection for drainage improvements. The Amendment also revises the owner's site plan to add a new privacy wall and gates. Since your property is included in the subdivision, any changes to 1255 South Ocean Boulevard (Lots 7 & 8 of Blossom Estates) requires your approval. If you have no objection to the change in the language and site plan please sign this letter in the presence of a two (2) witnesses and a Notary Public. Please return the original letter to me in the federal express envelope provided and call me if you have any questions or require more information.

Sincerely,

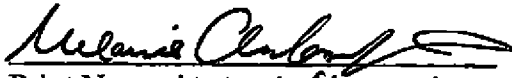


Maura Ziska

WITNESSES:

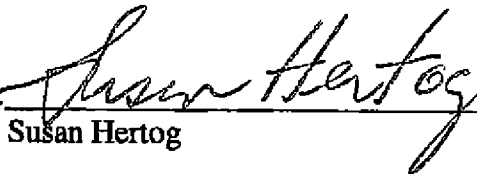


Print Name: MARYANA GELLER



Print Name: Melanie Chakmakjian

By:



Susan Hertog

WITNESSES:



Print Name: MARYANA GELLER



Print Name: Melanie Chakmakjian

By:



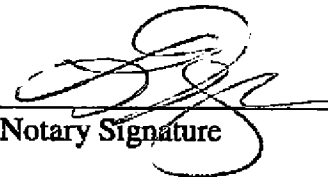
Roger Hertog

Mr. and Mrs. Roger Hertog
July 13, 2011
Page 2

NEW YORK
STATE OF ~~FLORIDA~~)
COUNTY OF ~~PALM BEACH~~)
MANHATTAN

The foregoing instrument was acknowledged before me this 25 day of July, 2011,
by Susan Hertog, who is personally known to me or produced _____ as
identification and who did not take an oath.

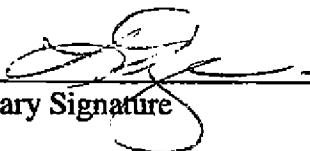
(Notary Seal) **LISA WERBERGZAK THAYER**
NOTARY PUBLIC STATE OF NEW YORK
KINGS COUNTY
LIC. #01WE838682
COMM. EXP. 4/25/2015


Notary Signature

NEW YORK
STATE OF ~~FLORIDA~~)
COUNTY OF ~~PALM BEACH~~)
MANHATTAN

The foregoing instrument was acknowledged before me this 25 day of July, 2011,
by Roger Hertog, who is personally known to me or produced _____ as
identification and who did not take an oath.

(Notary Seal) **LISA WERBERGZAK THAYER**
NOTARY PUBLIC STATE OF NEW YORK
KINGS COUNTY
LIC. #01WE838682
COMM. EXP. 4/25/2015


Notary Signature

00011167



Florida Department of
Environmental Protection
Southeast District Office
400 N. Congress Avenue, Suite 200
West Palm Beach, FL 33401
561-681-6600

Rick Scott
Governor

Jennifer Carroll
Lt. Governor

Herschel T. Vinyard Jr.
Secretary

JUN 03 2011

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401

RE: Blossom Estates Single Family Residence - ERP/Drainage

Dear Ms. Ziska:

As discussed, the Department regulates activities in, on or over surface water and wetlands for single family residences under the Environmental Resources Program (ERP) promulgated under Chapter 373, F.S. In addition, the Department Southeast District do not typically required a single family residence to construct an engineered drainage system except in certain instances. For the Blossom Estates residence, the Department recommends the following language:

"The FDEP Southeast District through ERP has no objection to removing the language in the First Amendment to the Blossom Estates Paragraph 4 as long as a the storm water drainage plan for the single family residence on this site is approved by the Town of Palm Beach and there are no adverse impacts to surface water or wetland resources.

If you have any questions about this document, please contact me at 561/681-6640 or by email at Indarjit.jagnarine@dep.state.fl.us.

Sincerely,

Indarjit Jagnarine, P.E.
Professional Engineer III
Environmental Resources Program
DEP Southeast District

"More Protection, Less Process"
www.dep.state.fl.us



Rick Scott
Governor

H. Frank Parmer, Jr., M.D., Ph.D.
State Surgeon General

May 23, 2011

**VIA FAX (561) 802-8995
AND U.S. MAIL**

Ms. Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

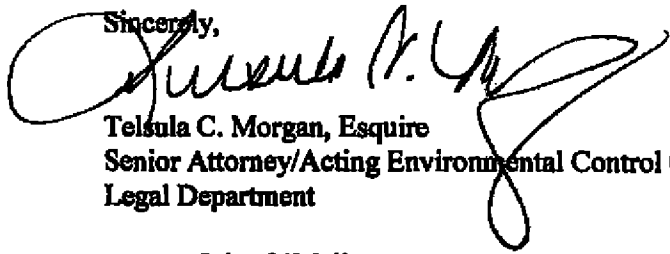
Re: Blossom Estate Agreement

Dear Ms. Ziska:

The Palm Beach County Health Department (hereinafter referred to as "Department") is in receipt of your email dated May 19, 2011. In the email you advised of your desire to remove language from the Blossom Estate Subdivision Agreement, which requires drainage approval from the Health Department. Please be advised that while the Department has relinquished its jurisdiction over mangroves, this responsibility has been turned over to The Department of Environmental Resources Management ("ERM"). The Department would require you to consult with ERM prior to the complete removal of this language. The Director of ERM is Mr. Rich Walesky. He may be reached at (561) 233-2400.

If you have any additional questions, please do not hesitate to contact me at (561) 671-4007, or by email at Telsula_Morgan@doh.state.fl.us.

Sincerely,



Telsula C. Morgan, Esquire
Senior Attorney/Acting Environmental Control Officer
Legal Department

cc: John O'Malley
Rich Walesky

PALM BEACH COUNTY HEALTH DEPARTMENT
Legal Office

P.O. Box 29, 800 Clematis Street, West Palm Beach, FL 33402
Phone: (561) 671-4007 • Fax: (561) 837-5195 • www.pbchd.com



Re: FW: Emailing: BLOSSOM ESTATE AGREEMENT.PDF 
Paul Castro to: Maura Ziska

01/24/2012 10:26 AM

From: Paul Castro/PalmBeach
To: "Maura Ziska" <MZiska@floridawills.com>

Mauran,

I am satisfied with the State's response. Look at the Health Dept. letter. You need to contact ERM. They are not a State agency but a County agency. There is a contact number in the letter.

Thanks,

Paul

"Maura Ziska" Maura A. Ziska, Esq. 01/24/2012 10:23:00 AM

From: "Maura Ziska" <MZiska@floridawills.com>
To: <PCastro@TownofPalmBeach.com>
Date: 01/24/2012 10:23 AM
Subject: FW: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

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

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

From: Taynton, Mark [mailto:Mark.Taynton@dep.state.fl.us]
Sent: Thursday, May 19, 2011 9:12 PM
To: Maura Ziska
Subject: RE: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

Maura, DEP regulates mangrove through the ERP section in WPB.

MT

From: Maura Ziska [MZiska@floridawills.com]
Sent: Thursday, May 19, 2011 9:43 AM
To: Taynton, Mark
Subject: RE: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

Mark: Does this mean that the FDEP does not have jurisdiction over the mangroves? If that is the case, can you write a letter to that effect? That is really what I need. Thanks. Maura

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

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

From: Taynton, Mark [mailto:Mark.Taynton@dep.state.fl.us]
Sent: Wednesday, May 18, 2011 10:10 PM
To: Maura Ziska
Subject: RE: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

Hi Maura

I work in deep, blue water (the ocean). That shallow, stinky stuff (inland waters) is normally handled by the WPB ERP (Environmental Resource Program). Since we are determining drainage I would recommend starting with Indar at 681-6600. He handles storm water drainage.

MT

The Department of Environmental Protection values your feedback as a customer. DEP Secretary Herschel T. Vinyard Jr. is committed to continuously assessing and improving the level and quality of services provided to you. Please take a few minutes to comment on the quality of service you received. Copy the url below to a web browser to complete the DEP survey:

<http://survey.dep.state.fl.us/?refemail=Mark.Taynton@dep.state.fl.us>
Thank you in advance for completing the survey.

From: Maura Ziska [MZiska@floridawills.com]
Sent: Wednesday, May 18, 2011 1:37 PM
To: Taynton, Mark
Subject: FW: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

Hi Mark: Hope all is well. I have attached some documents for your review. Regarding 1255 So. Ocean Boulevard, there is a provision in the First Amendment that requires the Department of Environmental Regulation to approve the drainage on Lot 7. Since DER merged with DEP, the Town said a letter from you would suffice. Does the DEP approve drainage on Lot 7? If not, I would like a letter from you to that effect so I can get the language removed as it is obsolete. Thanks. Maura

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

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From: Maura Ziska
Sent: Wednesday, May 18, 2011 10:04 AM
To: 'barbaral_sullivan@doh.state.fl.us'
Subject: Emailing: BLOSSOM ESTATE AGREEMENT.PDF

Barbara: Further our telephone conversation, I have attached the recorded documents regarding the Blossom Estate Subdivision, which was platted in 1982. In the First Amendment to the Subdivision Agreement, there is a paragraph 4 which sets forth an obligation for the Health Department to approve all drainage. My understanding was in the 1980s the Health Dept. had jurisdiction over the mangroves adjacent to this property, but have since relinquished that jurisdiction. In an effort to remove obsolete language from the agreement and amendments, I have drafted a Fourth Amendment deleting this language (see attached). I would need to provide to the Town of Palm Beach a letter from the Health Department stating that they have no objection to the removal of the language in the First Amendment, as the Health Department no longer has jurisdiction over the mangroves. Please forward this to the Health Department Attorney so he or she may be able to send me the letter I am requesting. Please call me if you have any questions or need any further information. Thanks. Maura

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

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RE: Blossom Estates

Daniel Bates

to:

Maura Ziska

01/24/2012 02:22 PM

Cc:

"PCastro@TownofPalmBeach.com"

Hide Details

From: Daniel Bates <DBates@pbcgov.org>

To: Maura Ziska <MZiska@floridawills.com>

Cc: "PCastro@TownofPalmBeach.com" <PCastro@TownofPalmBeach.com>

Maura,

As we discussed, the County's wetland regulatory program ended some years ago. We often comment on applications made to state and federal agencies, but we no longer issues permits.

Daniel Bates
Deputy Director
Palm Beach County
Department of Environmental Resources Management
561-233-2445 pbcgov.org/erm

From: Maura Ziska [<mailto:MZiska@floridawills.com>]

Sent: Tuesday, January 24, 2012 10:39 AM

To: Daniel Bates

Cc: PCastro@TownofPalmBeach.com

Subject: Blossom Estates

Daniel: Thank you for speaking with me earlier. Attached is the letter from the Health Department referencing ERM jurisdiction over mangroves. As you stated ERM no longer has jurisdiction over mangroves as I would appreciate an email back from you, as Deputy Director of ERM, stating such so I can forward it to the Town of Palm Beach. Please let me know if you have any questions. Thanks. Maura

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

561-802-8995 (fax)

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WEDNESDAY, FEBRUARY 15, 2012, TOWN COUNCIL MEETING

“APPROVAL OF AGENDA” INFORMATION SHEET

X. DEVELOPMENT REVIEWS

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **VARIANCE #3-2012** The application of Anand and Neeta Khubani; relative to property commonly known as **108 El Mirasol**; described as Lots 7 and 8, EL MIRASOL, according to the plat thereof, recorded in Plat Book 28, Page 60, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant proposes to build a 17,655 square foot, two story house on a 44,360 square foot lot and requests Variances to: allow a front yard setback for a one story portion of the proposed residence to be 26.6 feet in lieu of the 35 foot minimum required for an R-B lot in excess of 20,000 square feet and with a lot depth of 160 feet; to allow a front yard setback/building height plane setback for the proposed stair tower to be 38.75 feet in lieu of the 48.8 foot minimum required; to allow a front yard setback/building height plane setback for the front entry feature to be 39.1 feet in lieu of the 44 foot minimum required; and, to allow the minimum perimeter landscape area to be 7,256.35 square feet in lieu of the 9,981.1 square foot minimum required to meet the 50% of the 45% in the code for the perimeter of a lot in the R-B Zoning District.

[Attorney: Maura A. Ziska]

[ARCOM Recommendation: Implementation of the front yard setback/building height plane setback variances will cause negative impacts to the subject property. Implementation of the perimeter landscape open space variance will not cause negative impacts to the subject property. Both Carried 7-0.]

Deferred from the January 11, 2012, Town Council Meeting.

**Request for Deferral to the March 14, 2012, Town Council Meeting
Per Letter Dated January 25, 2012, from Maura A. Ziska. (Second
Deferral, Special Circumstances)**

Page 4

2. New Business

- c. **VARIANCE #6-2012** The application of US Bank; relative to property commonly known as **324 Royal Palm Way**; described as Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a variance to allow

two business identification signs for "US Bank" on the rear of the building which is not permitted in the zoning code. Business identification signs are only allowed to front on streets. In addition, a variance is also being requested to allow a business logo on each of those business identification signs which exceeds the one allowed and front location allowed. Only one logo is allowed in this case. The applicant already has one logo in the front of the building. [Attorney: Maura A. Ziska]

**Request for Deferral to the March 14, 2012, Town Council Meeting
Per Letter Dated January 31, 2012, from Maura A. Ziska.**

Page 5

- d. **VARIANCE #7-2012** The application of Gregory S. Kino, Esq.; relative to property commonly known as **2 Via Los Incas**; described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests variances to allow a 26'7" front yard setback for a 644 square foot second story addition for a caretaker's bedroom in lieu of the 30 foot minimum required; a 26'1" front yard setback for an architectural parapet feature to match the second story addition in lieu of the 30 foot minimum required; a 10'1" side yard setback for the second story addition in lieu of the 15 foot minimum required; and a lot coverage of 35.8% (35.3% existing) in lieu of the 30% maximum allowed for the second story addition. [Attorney: Gregory S. Kino, Esq.]

**Request for Deferral to the March 14, 2012, Town Council Meeting
Per Letter Dated January 31, 2012, from Gregory S. Kino.**

Page 6

ARE THERE ANY OTHER CHANGES TO THE AGENDA?

The goals of the Town Comprehensive Plan are ones most residents and business owners can support to "Preserve the quality and beauty of Palm Beach." It also notes, "There are many communities which can be said to be beautiful. The places in which charm is the additional attribute are very few. The element of charm is the thing which lifts a community out of the ordinary and makes it distinctive." Isn't this part of the reason we all live here?

The Plan provides specific points that the Town Council needs to consider as it seeks to make a decision on the Royal Poinciana Way Overlay that serves the best interest of the community.

- 1 Density – The plan identifies high density as 13 units per PB acre and 6 as moderate. What is 24?
- 2 Traffic – The Plan observes that during season, Royal Poinciana Way is service level D, and Bradley and Coconut are E. It notes that transportation is strained and at a critical stage. The intersection of these streets is already deficient. Please note that all of these findings were made prior to the increased traffic caused by the new, region – serving Publix, or any new traffic that would be created by residents, visitors, tourists, and service personnel.
- 3 Flood Zone – The maps in the plan show the overlay block is in an A7 flood zone. Most existing underground garages in Town are in zone C, having a significantly higher elevation and even these have issues with flooding. Is part of this proposal to meet the Town requirement to retain the first 2 inches of rain water?
- 4 Town Serving versus Commercialization – The Plan stresses that one of the Town's goals is to serve the people who live and work here, not to encourage new commercialization. If anything, it suggests that the Town should seek to reduce regional commercial developments; It certainly didn't envision more of them.
- 5 Public Input – The Plan states that there should be substantial input from the public before redevelopment. How are the hundreds of voices of the residents who have written to urge the denial of the overlay being considered?

Redevelopment, especially of older areas in town is important. But redevelopment doesn't make sense if it doesn't fit the Town's vision for what kind of community Palm Beach should be. And this proposed redevelopment doesn't even come close. I urge the Town Council to follow the wisdom of the Comprehensive Plan and once again reject this Overlay.

Penelope Townsend
310 Via Linda

MEMORANDUM

DATE: February 15, 2012
TO: Palm Beach Planning and Zoning
FROM: Lisa Dilts, RCLCO
SUBJECT: Testa's Redevelopment

INTRODUCTION

RCLCO was retained by Breton, Lynch, Eubanks & Suarez- Murias, P. A. to perform a market and financial analysis of the 1.21 acre (1.32 Palm Beach acres) site located at 219-231 Royal Poinciana Way in Palm Beach. Specifically, we were asked to identify the likely size, prices, and sales pace of new condos at the site. In addition, we were asked to create a financial model to identify the likely project returns and minimum number of residential units for the project to be financially feasible from a bank and developer's perspective.

To accomplish the primary objectives of this engagement we completed the following research and analytical tasks:

- Compiled information on historical sales in Palm Beach by price range for total sales and isolated to volume of sales for condos.
- Identified where Palm Beach is in the recovery cycle for residential product, projected when the market will begin to stabilize, and identified what that will likely translate to for future condo sale volume, particularly at the high end.
- Identified sales of condos in the area and analyzed premiums received for units within or next to a mixed use environment.
- Analyzed typical condo sizes in the market and spoke to realtors about condo buyer trends and preferences.
- Created a financial model to identify the estimated project return and the number of residential units needed to break even, based on our findings and recommendations on condo opportunity at the site.

SUMMARY OF FINDINGS AND CONCLUSIONS

Based on our analysis of the Palm Beach market, conversations with local market sources, and national market trends, the subject site is well-suited for luxury condo units. It is in an established area, close to the beach, and will be located within a highly desirable mixed-use project. Our analysis suggests units at the property would sell for an average price of \$1,500,000 and approximately 2,200 square feet (715 \$/SF). At this recommended size and price, a minimum of thirty-two condo units would need to be constructed to result in a financially feasible IRR of 15% unlevered, and 18% levered. Given the proximity of the property to the Breaker's golf course, restaurants, and shopping, the site is anticipated to appeal to out of town buyers seeking "lock and leave" units within walking distance of local amenities. The mixed-use development and new construction is likely to provide a unique sales proposition for the project.

MEMORANDUM

The balance of this memo provides a summary of our market findings.

Market Findings

While Palm Beach has not been insulated from the market downturn, total sales volume has fared relatively well, compared to national trends. Of the sales achieved, condos have consistently accounted for 60 to 70% of total home sales (Exhibit 2 and 3). Although sales have remained relatively steady, condo prices have seen year over year declines since 2007. In 2011, the average sale price of condos in Palm Beach was just over \$600,000 compared to the peak of \$1,300,000 in 2007 (Exhibit 4). Of the total sales achieved in 2011, approximately 15% were for condominiums priced \$1M and above. While this percentage is lower than 2010 and 2009, it is similar and in some cases higher than pre-peak (2004 and 2005) trends (Exhibit 5). On average, there have been approximately 55 condo sales per year over \$1m since 2000 (Exhibit 6). Based on historical information and current market trends, we anticipate a similar number of condo sales over \$1M in 2012 as 2011, and then a growth in demand in 2013. Given this projection, a 10% to 15% market capture of condo sales \$1M and above in Palm Beach would translate to 4 to 7 sales per year (Exhibit 7). Realtor conversations and remaining inventory suggest that prices in Palm Beach have hit bottom and are likely to stabilize in 2012 and see moderate pricing growth in 2013+. We have conservatively assumed an average price appreciation of 3% per year from 2012 to 2015.

In 2011, the largest volume of condo sales \$500,000 and above were south of the subject property (Exhibit 8). Properties on the ocean are garnering the highest price per square foot, upwards of \$1,000 per square foot. Interior properties have achieved a wide range of pricing, based on views, property age, location, and overall level of execution of the development. The sales that appear most similar to the subject property, in terms of location, sold for an average of \$550 per square foot. RCLCO national research has found that mixed use projects typically achieve a 20% premium, per square foot, to non-mixed use product. In addition, we anticipate an additional 10% premium for new-construction. The application of those premiums results in an average price per square foot of \$715.

Conversations with several local realtors suggest that the most sought after condo product in the market are new, three bedroom units that are at least 2,000 square feet. However, there is limited (if any) new supply which meets this desired criteria. The majority of condo stock in the Palm Beach market was built in 1980 or earlier. Buyers seeking luxury condos often purchase more than one unit to expand and renovate them in to one large unit if they can't find one that suits their needs. As such, we've recommended an average unit size of 2,200 square feet to respond to the un-met market demand for new, three bedroom units.

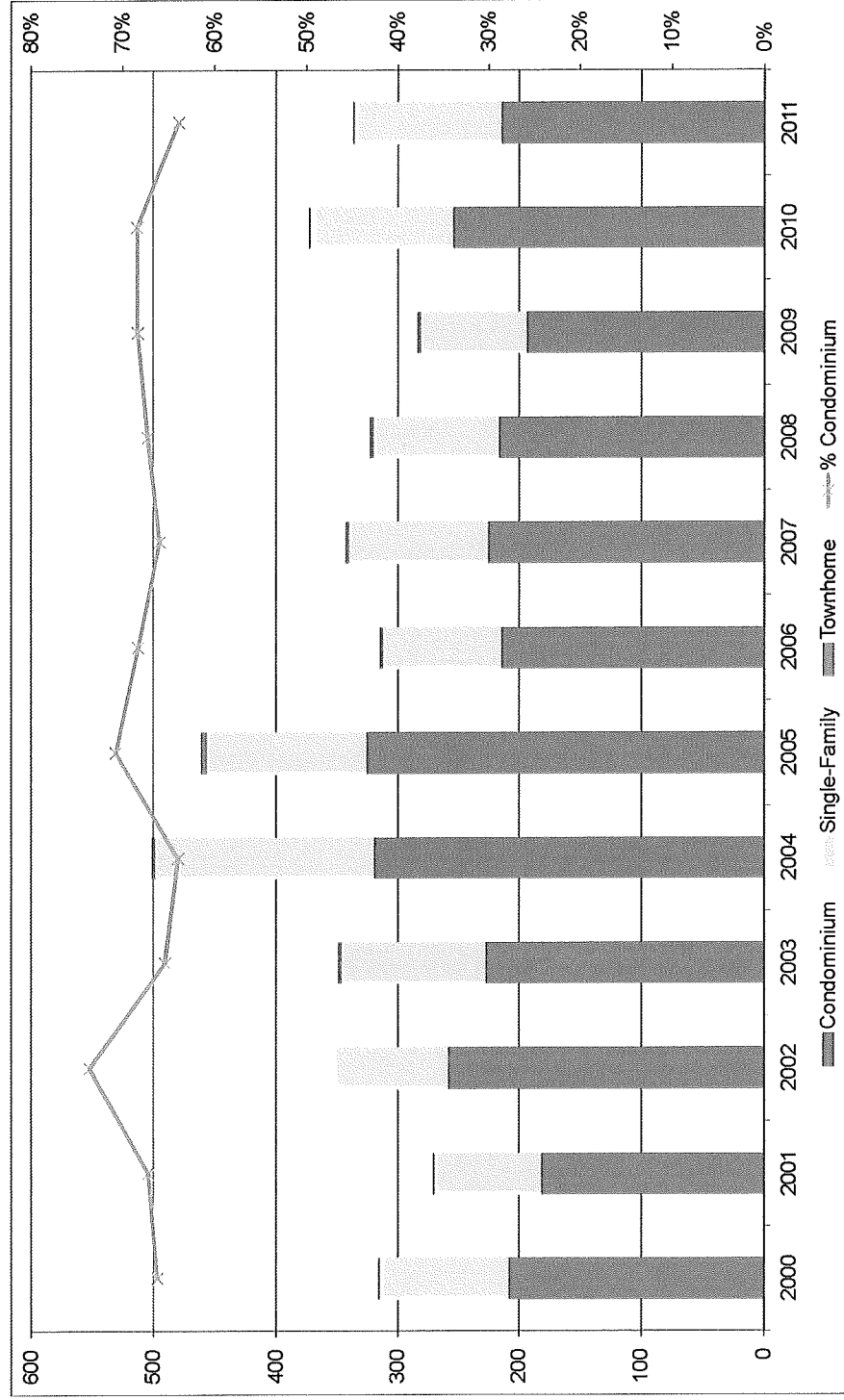
Exhibit 1
SUBJECT SITE LOCATION MAP
PALM BEACH, FLORIDA
FEBRUARY 2012



SOURCE: Google Earth

Exhibit 2

TOTAL RESIDENTIAL SALES (SINGLE-FAMILY DETACHED, CONDOMINIUM, AND TOWNHOMES)
PALM BEACH, FLORIDA
2000-2011



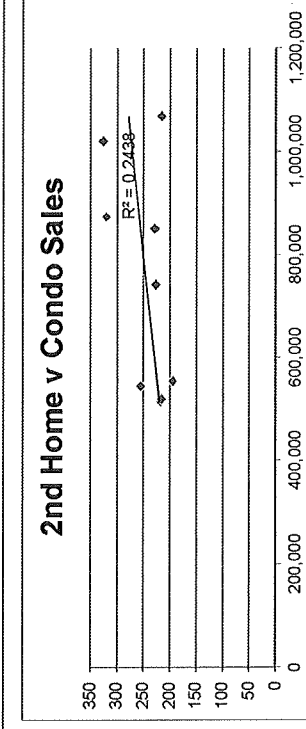
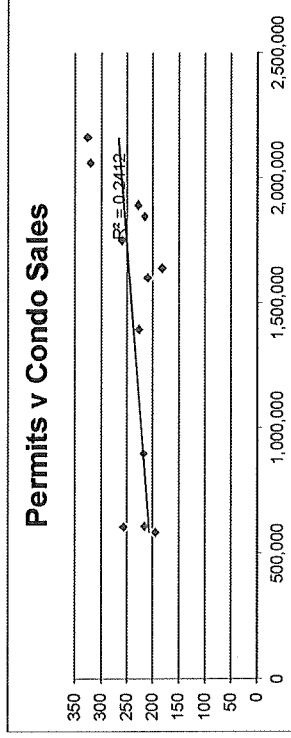
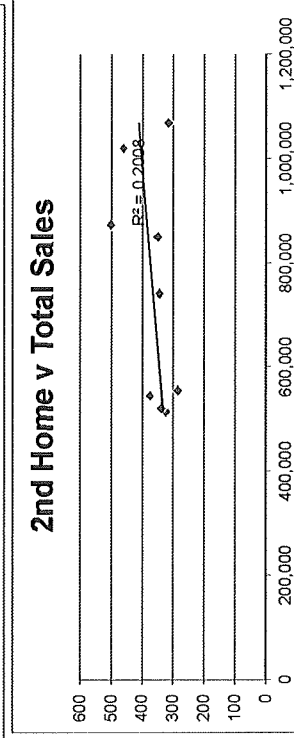
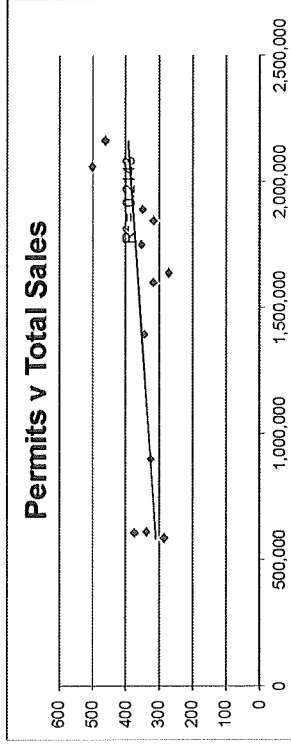
SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 3

COMPARISON OF LOCAL SALES PACE TO NATIONAL SALES PACE UNITED STATES VERSUS PALM BEACH, FLORIDA

2000-2011

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015
National Total Permit Demand ¹	1,598,335	1,637,165	1,748,998	1,888,415	2,057,585	2,160,082	1,843,665	1,391,500	895,835	582,000	603,253	606,528	675,000	794,000	934,000	1,098,000
National Second Home Demand ²	n/a	n/a	n/a	849,000	872,000	1,019,000	1,067,000	740,000	513,000	553,000	543,000	518,782	539,680	575,999	618,727	668,780
Palm Beach Total Sales ³	316	271	352	349	501	461	315	343	323	284	373	337	329	361	361	361
Palm Beach Condominium Sales ³	209	182	259	228	320	326	215	226	217	194	255	215	220	242	242	242
Condo as a % of Total	66%	67%	74%	65%	64%	71%	68%	66%	67%	68%	68%	64%	67%	67%	67%	67%



1/ Moody's Economy.com to 2011 for permits, RCLCO 2012-2015

2/ National Association of Realtors to 2010, RCLCO 2011-2015

3/ Palm Beach County 2003-2011, RCLCO 2012-2015

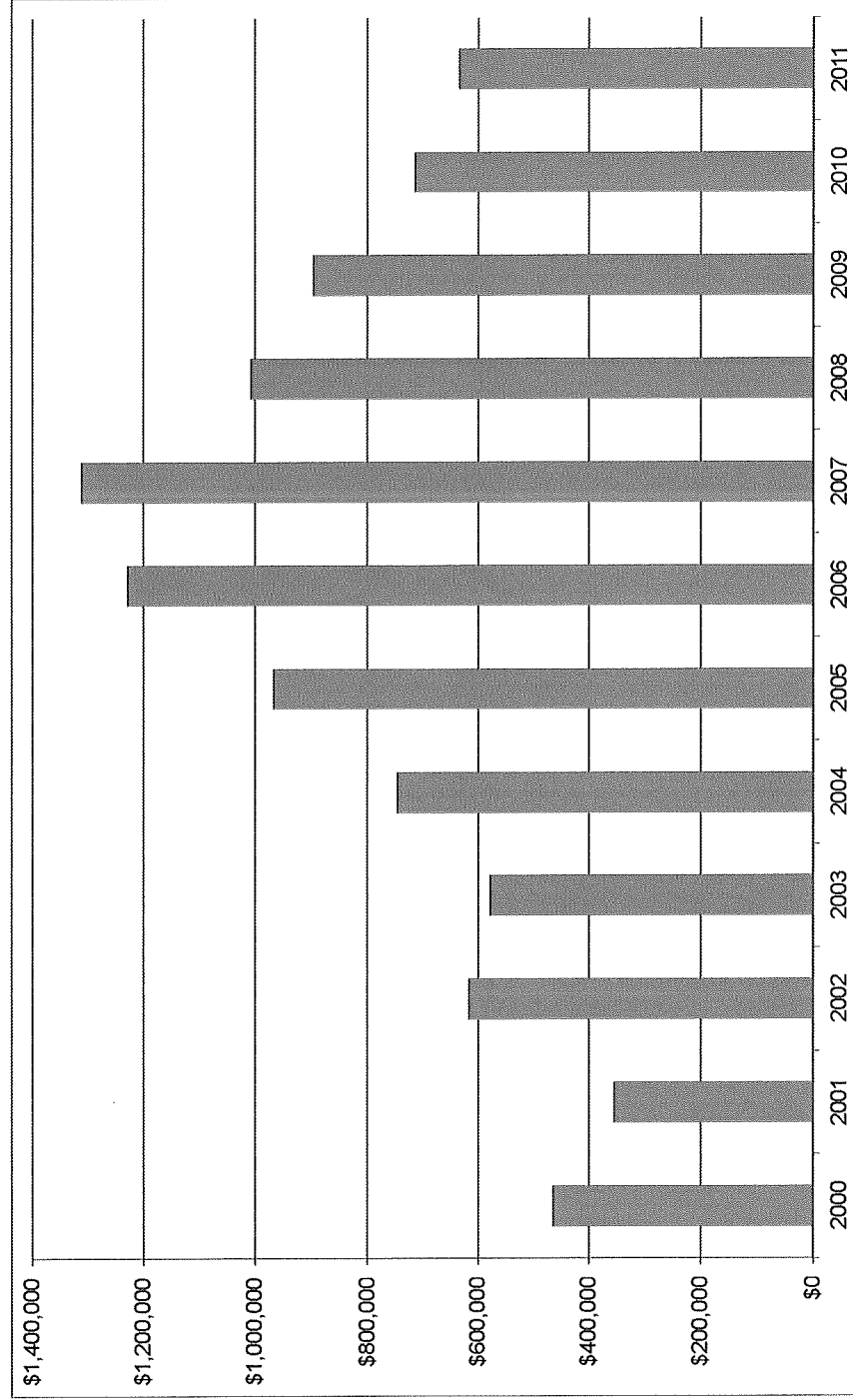
RCL

INDEPENDENT CHARTERS - ISSUED 4 Q4

volume v national
C6-12946.00
Printed: 2/10/2012

Exhibit 4

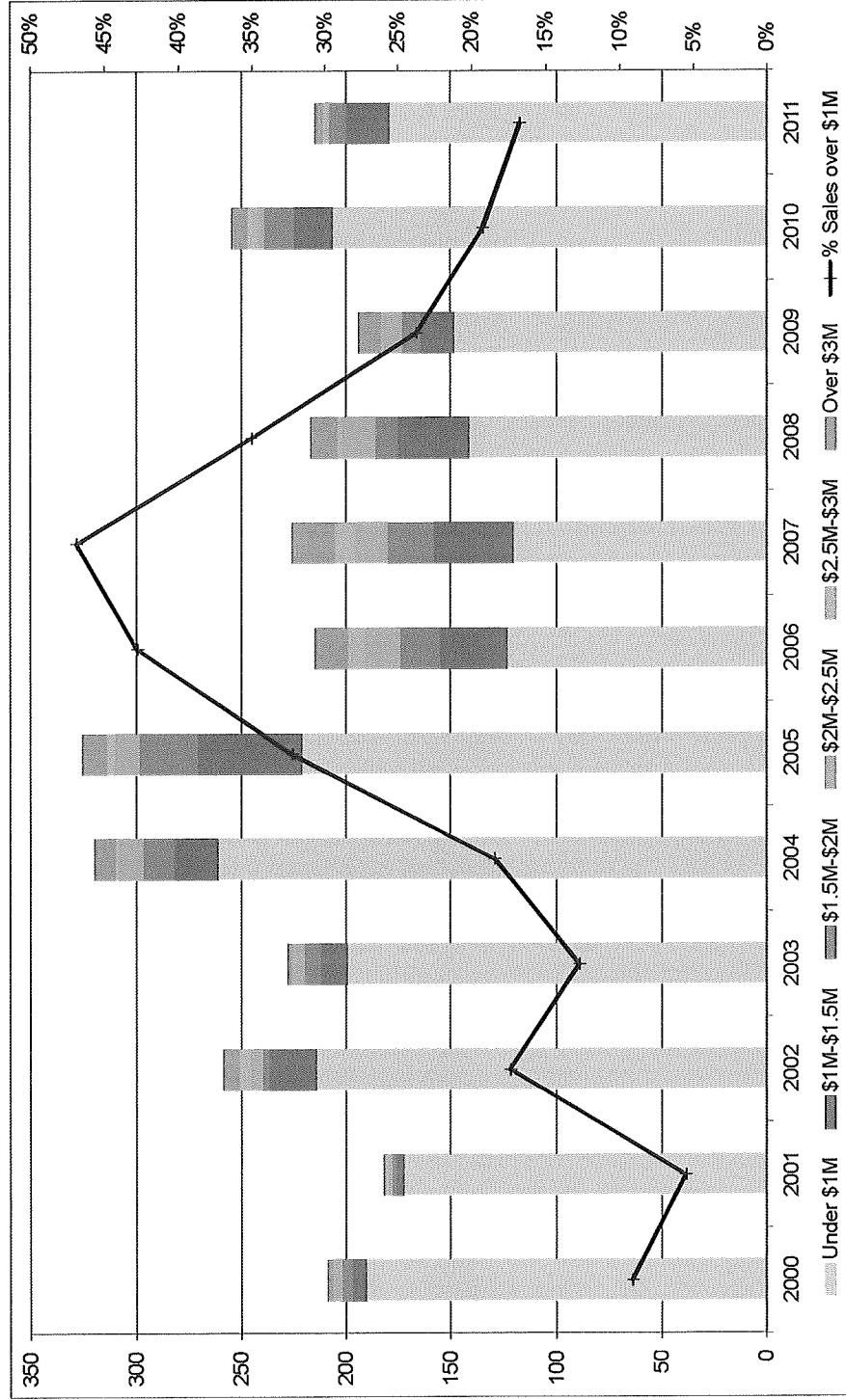
**AVERAGE CONDOMINIUM SALES PRICE
PALM BEACH, FLORIDA
2000-2011**



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 5

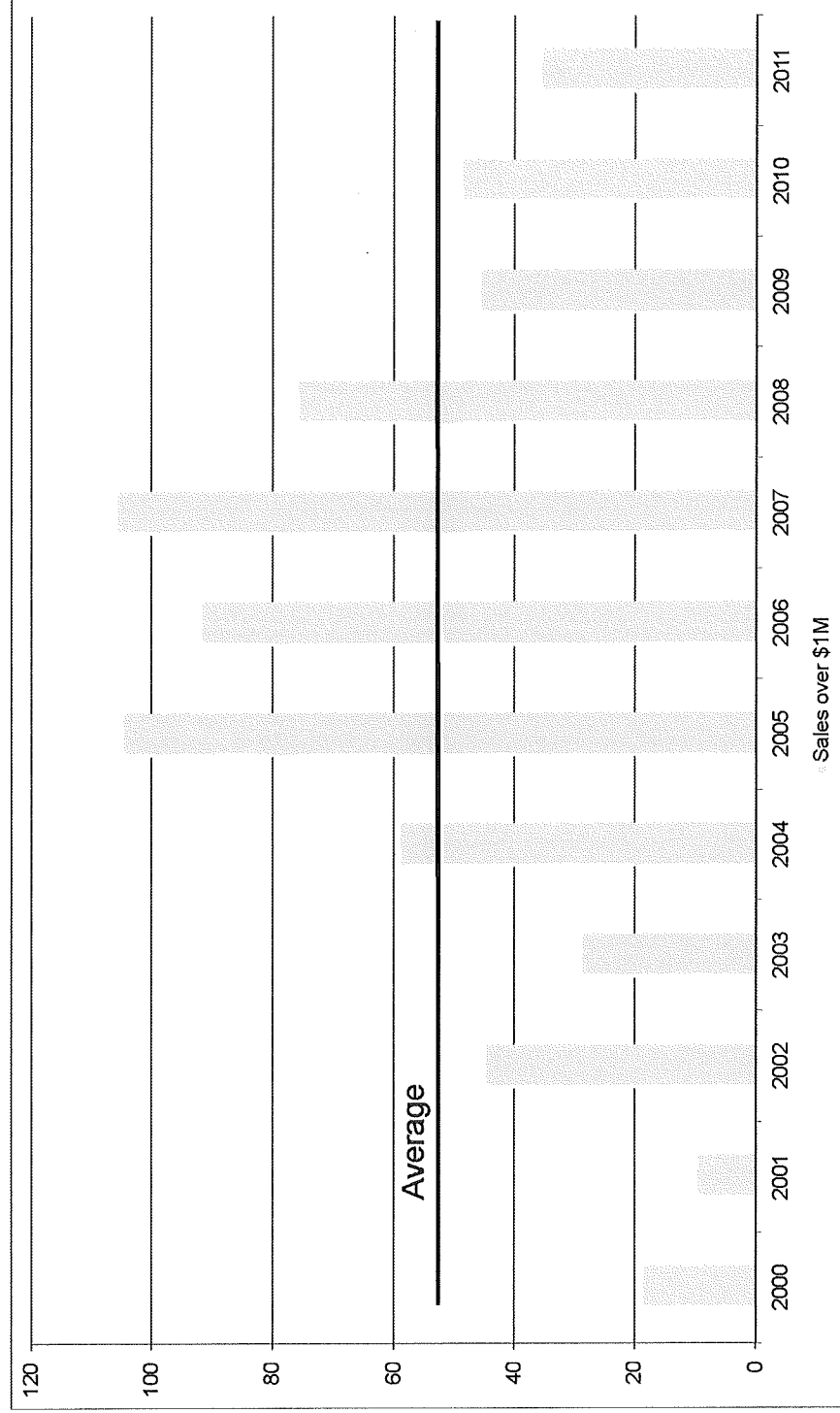
CONDOMINIUM SALES BY PRICE RANGE
PALM BEACH, FLORIDA
2000-2011



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 6

**TOTAL CONDOMINIUM SALES OVER \$1 MILLION
PALM BEACH, FLORIDA
2000-2011**



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 7

TOTAL SALES, CONDOMINIUM SALES, AND INVENTORY ANALYSIS
UNITED STATES VERSUS PALM BEACH, FLORIDA
2000-2011

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Proj. 2012	Proj. 2013	Proj. 2014	Proj. 2015
Palm Beach Total Sales ¹	316	271	352	349	501	461	315	343	323	284	373	337	329	361	361	361
Palm Beach Condominium Sales ¹	209	182	259	228	320	326	215	226	217	194	255	215	220	242	242	242
Condo as a % of Total	66%	67%	74%	65%	64%	71%	68%	66%	67%	68%	68%	64%	67%	67%	67%	67%
Palm Beach Condominium Sales over \$1M	19	10	45	29	59	105	92	106	76	46	49	36	37	46	48	48
PB Condo Sales over \$1M % of Total Condo	9%	5%	17%	13%	18%	32%	43%	47%	35%	24%	19%	17%	17%	19%	20%	20%
Inventory Analysis	Units	%														
Total Inventory (all SFD, Condo) ²	350															
Condo Inventory (all price ranges) ²	144	41%														
Condo Inventory (over \$1M) ²	63	44%														
Years of Condo Inventory over \$1M	1.5															

Note - while condominiums made up 64% of sales in 2011, they are only 41% of the inventory
Note - approximately 17% of sales of condos were over \$1M, but 44% of inventory is over \$1M

Estimated Capture of Projected Sales	5%	10%	15%	20%
	2	4	6	7
	2	5	7	9
	2	5	7	10
	2	5	7	10

1/ Palm Beach County 2003-2011, RCLCO 2012-2015
2/ Zillow.com, February 10, 2012, Palm Beach

sales volume v inventory
CG-12946.00
Printed: 2/10/2012

Exhibit 8

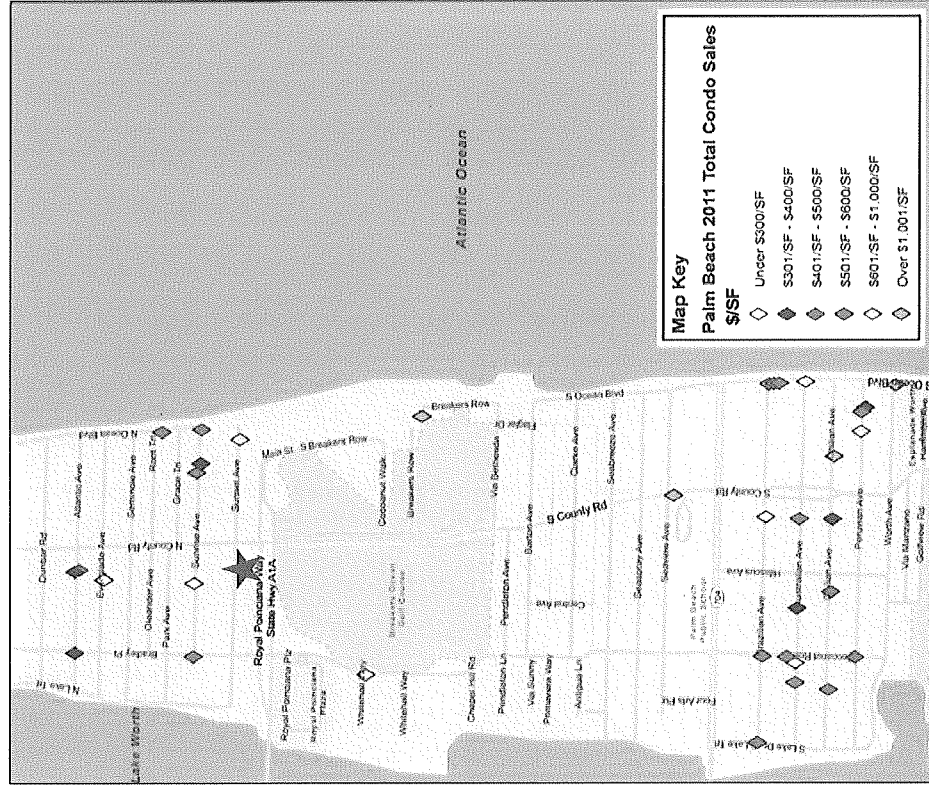
MAP OF 2011 CONDOMINIUM SALES OVER \$500,000
PALM BEACH, FLORIDA
2011



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 9

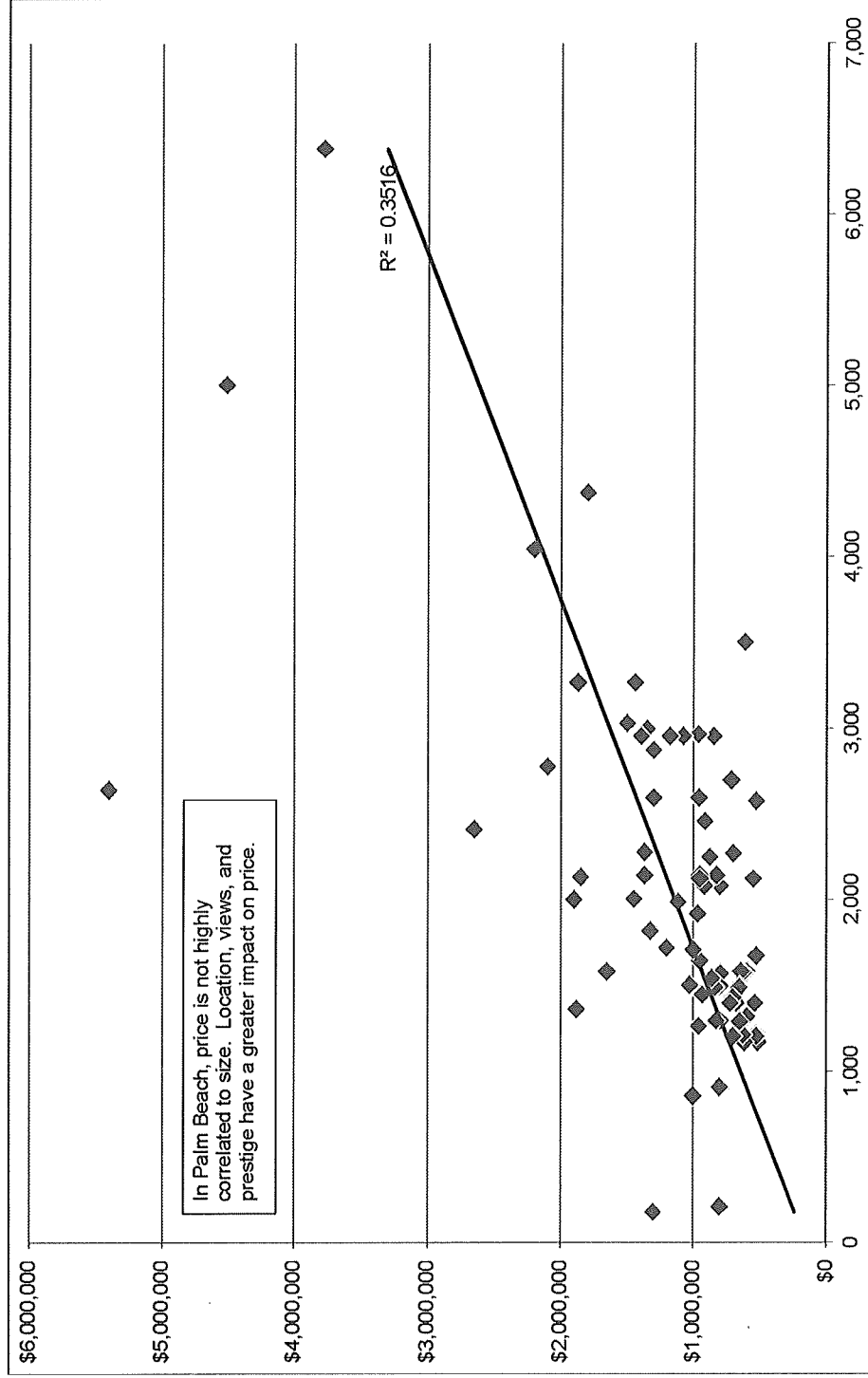
**MAP OF 2011 CONDOMINIUM SALES \$/SF
PALM BEACH, FLORIDA
2011**



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 10

PRICE TO SIZE RELATIONSHIP OF CONDOMINIUM SALES OVER \$500,000
PALM BEACH, FLORIDA
2011



SOURCE: Palm Beach County Appraiser, RCLCO

Exhibit 11

DETAILED PRICE ANALYSIS OF RECENT SALES CLOSE TO SUBJECT SITE
PALM BEACH, FLORIDA
FEBRUARY 2012

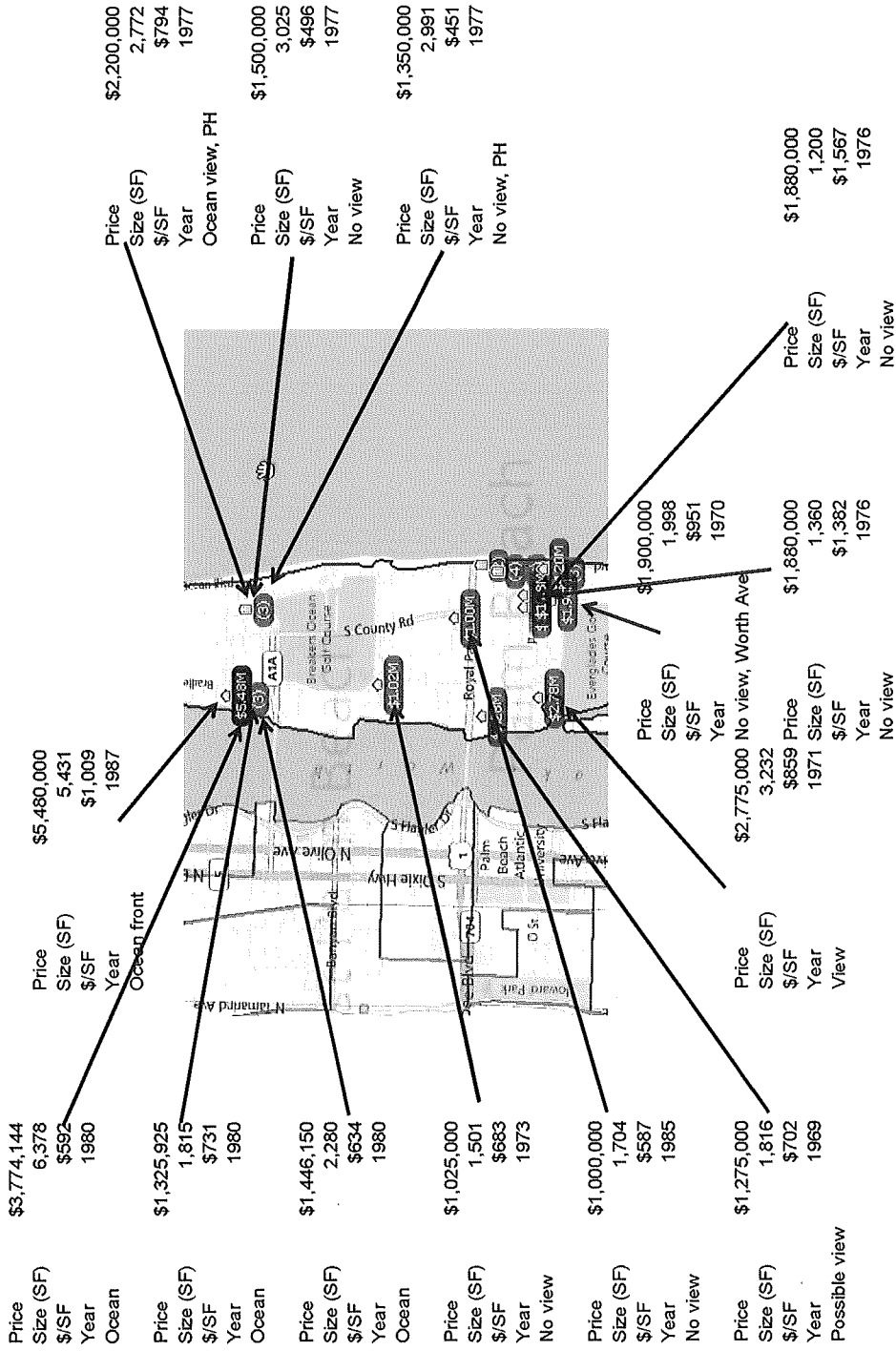


Exhibit 12

CASH FLOW ANALYSIS
TESTA'S MIXED USE PROJECT
PALM BEACH, FLORIDA
2012

	YEAR 2012	YEAR 2013	YEAR 2014	YEAR 2015	YEAR 2016	YEAR 2017
TOTAL	0	1	2	3	4	5

CONSTRAINTS/ASSUMPTIONS

Annual Price Escalation 3%
Construction Period 18 months

SF CLOSINGS/OCCUPIES COMMERCIAL SPACE

(Calculated) Net
Residential (sq. ft.)

70,080

Total
Units/SF

32

Product Type

Residential Condos Sales (Units)

Residential Units Closings (Units)

Restaurant (sq. ft.)²

Retail (sq. ft.)²

4

0

0

0

7

0

0

0

7

18

6,630

16,320

7

7

6,630

16,320

7

7

6,630

16,320

0

0

6,630

16,320

REVENUES

Residential Condo Price per Unit

Residential Condo Closings

Restaurant²

Retail²

Avg. Price
Per SF

\$715

Avg. Unit
Price

\$1,565,850

Total

\$53,495,622

\$588,533

\$2,715,307

\$1,565,850

\$0

\$0

\$0

\$1,612,826

\$0

\$0

\$0

\$1,661,210

\$29,181,550

\$140,675

\$649,271

\$1,711,047

\$11,977,326

\$144,896

\$668,749

\$1,762,378

\$12,336,646

\$149,242

\$688,811

\$1,815,249

\$0

\$0

\$0

TOTAL REVENUE

COMMERCIAL EXIT

Restaurant²

Retail²

Cap Rate

10%

10%

\$1,537,197

\$7,094,757

\$0

\$0

\$0

\$0

\$0

\$0

\$0

\$0

\$0

\$0

\$0

\$0

Total Revenue From Commercial Exit

GRAND TOTAL REVENUE

Exhibit 12

CASH FLOW ANALYSIS
TESTA'S MIXED USE PROJECT
PALM BEACH, FLORIDA
2012

HARD COSTS ²													
	Units/SF	Per Unit	Total	YEAR 2012 0	YEAR 2013 1	YEAR 2014 2	YEAR 2015 3	YEAR 2016 4	YEAR 2017 5				
TOTAL													
Sitework													
Sitework	N/A	\$2,364,300	\$2,364,300	\$0	\$2,364,300	\$0	\$0	\$0	\$0				
Pool/Amenities	N/A	\$55,000	\$55,000	\$0	\$55,000	\$0	\$0	\$0	\$0				
Substructure													
Substructure	159,200	\$17.39	\$2,768,488	\$0	\$2,768,488	\$0	\$0	\$0	\$0				
Shell													
Shell	159,200	\$65.31	\$10,397,352	\$0	\$7,798,014	\$2,599,338	\$0	\$0	\$0				
Interiors													
Residential Interior Construction ¹	81,984	\$12.50	\$1,024,920	\$0	\$512,460	\$512,460	\$0	\$0	\$0				
Residential Interior Finishes ¹	81,984	\$9.00	\$737,942	\$0	\$0	\$737,942	\$0	\$0	\$0				
Retail and Rest. Interior Construction	27,000	\$9.00	\$243,000	\$0	\$0	\$243,000	\$0	\$0	\$0				
Retail Interior Finishes	16,320	\$25.00	\$408,000	\$0	\$0	\$408,000	\$0	\$0	\$0				
Restaurant Interior FF&E	6,630	\$100.00	\$663,000	\$0	\$0	\$663,000	\$0	\$0	\$0				
Garage Construction and Interior Fin.	49,800	\$9.00	\$448,200	\$0	\$448,200	\$0	\$0	\$0	\$0				
Garage Lift	1	\$570,000.00	\$570,000	\$0	\$570,000	\$0	\$0	\$0	\$0				
Stairs (per vertical foot)	231	\$1,100.00	\$254,100	\$0	\$127,050	\$127,050	\$0	\$0	\$0				
Other	159,200	\$0.50	\$79,600	\$0	\$39,800	\$39,800	\$0	\$0	\$0				
Services													
Elevators	15	\$22,500.00	\$337,500	\$0	\$253,125	\$84,375	\$0	\$0	\$0				
Residential Plumbing ¹	81,984	\$11.00	\$901,930	\$0	\$576,447	\$225,482	\$0	\$0	\$0				
Retail and Rest. Plumbing	27,000	\$6.00	\$162,000	\$0	\$121,500	\$40,500	\$0	\$0	\$0				
Garage Plumbing	49,800	\$3.50	\$174,300	\$0	\$130,725	\$43,575	\$0	\$0	\$0				
Residential HVAC	70,080	\$16.00	\$1,121,280	\$0	\$840,960	\$280,320	\$0	\$0	\$0				
Retail and Rest. HVAC	27,000	\$11.00	\$297,000	\$0	\$222,750	\$74,250	\$0	\$0	\$0				
Garage HVAC	49,800	\$3.50	\$174,300	\$0	\$130,725	\$43,575	\$0	\$0	\$0				
Fire Protection	174,050	\$2.30	\$400,315	\$0	\$300,236	\$100,079	\$0	\$0	\$0				
Residential Electrical ¹	81,984	\$17.50	\$1,434,888	\$0	\$1,076,166	\$358,722	\$0	\$0	\$0				
Retail and Rest. Electrical	27,000	\$12.00	\$324,000	\$0	\$243,000	\$81,000	\$0	\$0	\$0				
Garage Electrical	49,800	\$9.00	\$448,200	\$0	\$336,150	\$112,050	\$0	\$0	\$0				
FF&E													
Residential Cabinets, Tops, and Appl.	32	\$18,000	\$576,000	\$0	\$0	\$576,000	\$0	\$0	\$0				
Miscellaneous Equipment	159,200	\$0.75	\$119,400	\$0	\$0	\$119,400	\$0	\$0	\$0				
Restaurant Furnishings	1	in interiors	\$0	\$0	\$0	\$0	\$0	\$0	\$0				
Model Furnishings/Sales Center	1	\$500,000	\$500,000	\$500,000	\$0	\$0	\$0	\$0	\$0				
TOTAL HARD COSTS			\$26,985,015	\$500,000	\$19,015,096	\$7,469,919	\$0	\$0	\$0				
Plus Contingency	5.0%		\$1,349,251	\$25,000	\$950,755	\$373,496	\$0	\$0	\$0				
TOTAL HARD COSTS PLUS CONTINGENCY			\$28,334,266	\$525,000	\$19,965,851	\$7,843,414	\$0	\$0	\$0				
SOFT COSTS													

Exhibit 12

CASH FLOW ANALYSIS
TESTA'S MIXED USE PROJECT
PALM BEACH, FLORIDA
2012

	YEAR 2012 0	YEAR 2013 1	YEAR 2014 2	YEAR 2015 3	YEAR 2016 4	YEAR 2017 5
	TOTAL					
Entitlements/Due Diligence/Engineering/Arch/Legal	\$1,133,371	\$1,133,371	\$0	\$0	\$0	\$0
Insurance (Bond, Warranty, etc.)	\$1,366,865	\$1,366,865	\$0	\$0	\$0	\$0
General Requirements (Supervision, Cleanup, etc.)	\$1,916,204	\$638,735	\$638,735	\$0	\$0	\$0
Construction Fee	\$1,142,864	\$380,954	\$380,954	\$0	\$0	\$0
Permit Fees	\$576,685	\$0	\$0	\$0	\$0	\$0
Residential Marketing (Incl. Commissions)	\$4,279,650	\$1,069,912	\$1,069,912	\$1,069,912	\$0	\$0
Contingency	\$520,782	\$229,492	\$133,514	\$104,480	\$53,496	\$0
TOTAL SOFT COSTS PLUS CONTINGENCY	\$10,936,420	\$4,819,329	\$2,799,601	\$2,194,081	\$1,123,408	\$0
LAND COSTS						
Land Price	\$10,000,000	\$10,000,000				
TOTAL COSTS	\$43,270,685	\$22,765,452	\$10,037,496	\$1,123,408	\$0	\$0

Exhibit 12

CASH FLOW ANALYSIS
TESTA'S MIXED USE PROJECT
PALM BEACH, FLORIDA
2012

	YEAR 2012 0	YEAR 2013 1	YEAR 2014 2	YEAR 2015 3	YEAR 2016 4	YEAR 2017 5
TOTAL						
TOTAL REVENUE	\$64,569,221	\$0	\$29,971,596	\$12,790,971	\$21,806,654	\$0
TOTAL COSTS	\$49,270,685	\$15,344,329	\$22,765,452	\$10,037,496	\$1,123,408	\$0
TOTAL NET REVENUE BEFORE FINANCING	\$15,298,536	(\$15,344,329)	(\$22,765,452)	\$19,934,101	\$11,667,562	\$0
Cumulative Net Revenue Before Financing	\$15,298,536	(\$15,344,329)	(\$38,109,781)	(\$18,175,681)	\$15,298,536	\$15,298,536
PROJECT IRR BEFORE FINANCING						
FINANCING						
Beginning Loan Balance	\$0	(\$9,206,597)	(\$22,866,859)	\$0	\$0	\$0
Loan Draw	(\$9,206,597)	(\$13,659,271)	\$0	\$0	\$0	\$0
Interest	(\$322,231)	(\$1,122,536)	(\$1,600,611)	\$0	\$0	\$0
Repayment	\$0	\$0	\$24,466,480	\$0	\$0	\$0
Ending Loan Balance	(\$9,528,828)	(\$23,988,405)	\$0	\$0	\$0	\$0
Equity Required	(\$6,459,962)	(\$10,228,717)	\$0	\$0	\$0	\$0
Equity Cash Flow	\$12,253,166	(\$6,459,962)	(\$4,532,379)	\$11,667,562	\$21,806,654	\$0
EQUITY IRR						

- 1 Assumes an additional 17% circulation outside the residential units (i.e. hallways)
- 2 Restaurant and retail size and rental rates provided by Testa's. All hard costs provided by Testa's.

TALLY SHEET

~~BALLOT~~ FOR APPOINTMENT OF TOWN COUNCIL PRESIDENT

TOWN COUNCIL MEETING FEBRUARY 15, 2012

Please circle one name from the list of names appearing below.

Position to be filled - **Town Council President**

Michael J. Pucillo

David A. Rosow

||||

Robert N. Wildrick

|

TABULATED BY TOWN MANAGER PETER ELWELL

John B. Shell

2/15/12

Signature of Town Council Member: _____

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Robert N. Wildrick

Signature of Town Council Member: _____

David A. Rosow

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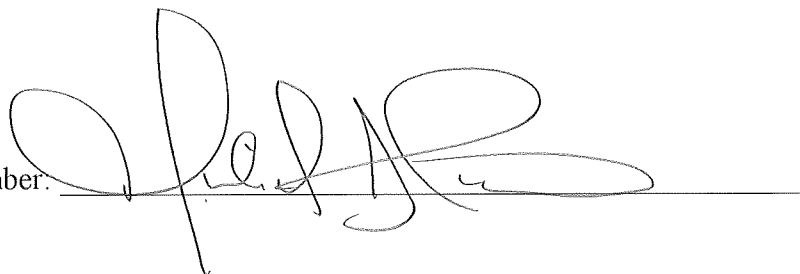
Position to be filled - **Town Council President**

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David A. Rosow

Robert N. Wildrick

Signature of Town Council Member.

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be 'Robert N. Wildrick'.

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TOWN COUNCIL MEETING FEBRUARY 15, 2012

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Position to be filled - **Town Council President**

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David A. Rosow

Robert N. Wildrick

Signature of Town Council Member:

A handwritten signature in dark ink, appearing to read "Robert N. Wildrick", is written over a horizontal line.

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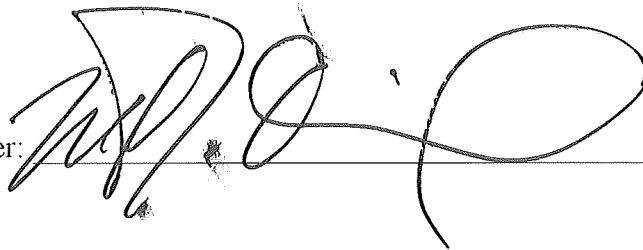
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David A. Rosow

Robert N. Wildrick

Signature of Town Council Member:

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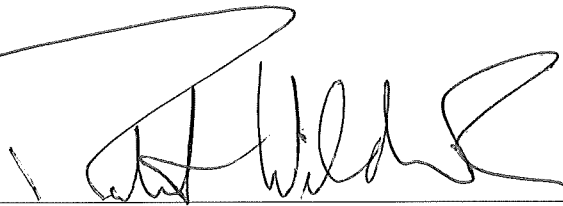
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David A. Rosow

Robert N. Wildrick

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A handwritten signature in black ink, appearing to read "R. Wildrick", is written over a horizontal line.

TALLY SHEET

~~BALLOT~~ FOR APPOINTMENT OF TOWN COUNCIL PRESIDENT PRO TEM

TOWN COUNCIL MEETING FEBRUARY 15, 2012

Please circle one name from the list of names appearing below.

Position to be filled - **Town Council President Pro Tem**

Michael J. Pucillo |

David A. Rosow

Robert N. Wildrick

///

TABULATED BY TOWN MANAGER PETER BLWEN

Peter Blwen
2/15/12

Signature of Town Council Member: _____

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David A. Rosow

Robert N. Wildrick

Signature of Town Council Member: _____

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TOWN COUNCIL MEETING FEBRUARY 15, 2012

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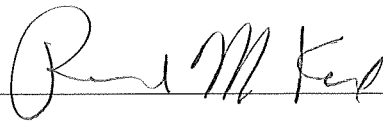
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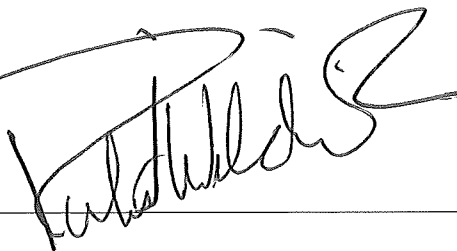
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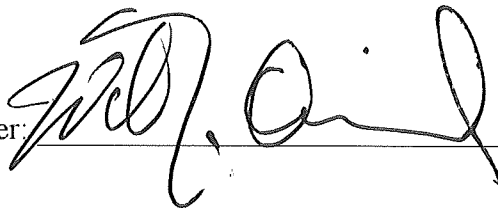
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Robert N. Wildrick

Signature of Town Council Member:

David A. Rosow

TO: TOWN COUNCIL OF PALM BEACH

FROM: Andrew C. Smith, Sr.

ADDRESS: 1177 N. Lake Way

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
REDEVELOPMENT PURPOSES**

I URGE ALL MEMBERS OF THE TOWN COUNCIL TO:

**DENY THE PROPOSED ORDINANCE CHANGES 29-11
AND 30-11 TO OUR COMPREHENSIVE PLAN BECAUSE I
BELIEVE IT WILL SIGNIFICANTLY CHANGE THE
QUALITY OF LIFE AND CHARACTER OF OUR TOWN.
THE COMPREHENSIVE PLAN WAS CREATED TO LIMIT
DEVELOPMENT AND TO PRESERVE THE UNIQUE
ALLURE OF PALM BEACH.**

**CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES
OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE
TOWN, THE RESIDENTS AND THE OWNER. I AM NOT
AGAINST CHANGE BUT BELIEVE IT SHOULD BE
CONSISTENT WITH OUR COMPREHENSIVE PLAN.**

**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED:

Andrew C. Smith, Sr.

DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Sally Anne Smith

ADDRESS: 1177 N. Lake Way

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Sally Anne Smith **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Helen Starr

ADDRESS: 170 N. Ocean

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Helen Starr **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: John A. Steger

ADDRESS: 136 Reef Rd

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: John A. Steger

DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Bonnie + John Stepan

ADDRESS: 136 Reef Rd P.B.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
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SIGNED: Bonnie Stepan **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: HOWARD C. STORY, JR

ADDRESS: 620 NORTH LAKE WAY.

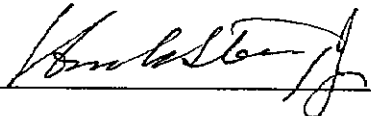
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ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED:  **DATE:** 4/4/12.

TO: TOWN COUNCIL OF PALM BEACH

FROM: Ann Summers

ADDRESS: 215 E1 Bravo Way

RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR ROYAL POINCIANA VILLAGE OVERLAY AREA FOR REDEVELOPMENT PURPOSES

I URGE ALL MEMBERS OF THE TOWN COUNCIL TO:

DENY THE PROPOSED ORDINANCE CHANGES 29-11 AND 30-11 TO OUR COMPREHENSIVE PLAN BECAUSE I BELIEVE IT WILL SIGNIFICANTLY CHANGE THE QUALITY OF LIFE AND CHARACTER OF OUR TOWN. THE COMPREHENSIVE PLAN WAS CREATED TO LIMIT DEVELOPMENT AND TO PRESERVE THE UNIQUE ALLURE OF PALM BEACH.

CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE TOWN, THE RESIDENTS AND THE OWNER. I AM NOT AGAINST CHANGE BUT BELIEVE IT SHOULD BE CONSISTENT WITH OUR COMPREHENSIVE PLAN.

SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS ARE IN TOWN, BEFORE THIS CHANGE TO OUR COMPREHEHNSIVE PLAN IS ENACTED.

SIGNED: Ann Summers **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: _____

ADDRESS: _____

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
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THE COMPREHENSIVE PLAN WAS CREATED TO LIMIT
DEVELOPMENT AND TO PRESERVE THE UNIQUE
ALLURE OF PALM BEACH.**

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OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE
TOWN, THE RESIDENTS AND THE OWNER. I AM NOT
AGAINST CHANGE BUT BELIEVE IT SHOULD BE
CONSISTENT WITH OUR COMPREHENSIVE PLAN.**

**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED:

Dianne Tosi

DATE:

4/4/2012

400 So. Ocean Blvd.

P.B. -

TOWN OF PALM BEACH

APR 05 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH**FROM:***Maria Vitagliano***ADDRESS:***2165 Ibis Isle Rd
apt 3***RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
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ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.****SIGNED:***Maria Vitagliano***DATE:***4-4-12*

TO: TOWN COUNCIL OF PALM BEACH

FROM: John K. Volk

ADDRESS: 206 Phipps Plaza P.B. Fl 33480

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
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SIGNED:

John K. Volk

DATE:

4.4.12

TO: TOWN COUNCIL OF PALM BEACH

FROM: JOANNE WARSHAWER

ADDRESS: 223 SEMINOLE AVE

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
REDEVELOPMENT PURPOSES**

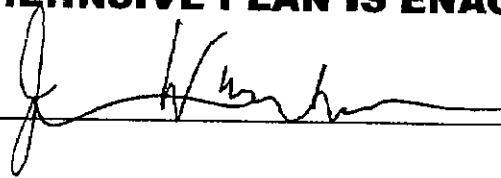
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SIGNED:



DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: FERNANDO WONG

ADDRESS: 64 VIA MIZNER

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
REDEVELOPMENT PURPOSES**

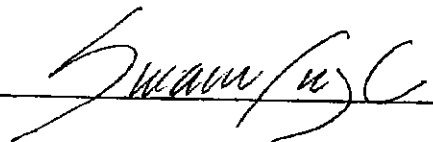
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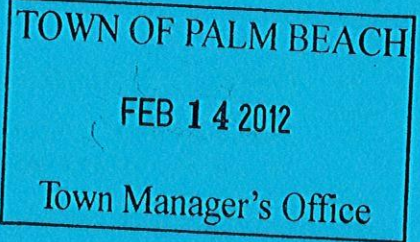


DATE:

4-4-12



MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, PAUL FLACH

ADDRESS: 235 SURPRISE #2285
PALM BEACH

**RE: ROYAL POINCIANA
CHANGE THE COM
CHANGE ZONING F**

263 total

**S 29-11, 30-11 TO
CREATE AN OVERLAY AND
PURPOSES.**

I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING TO FACILITATE MORE CONDOS, MORE DENSITY, AND THE POTENTIAL CONSOLIDATION OF PROPERTIES ON ROYAL POINCIANA WAY THAT COULD RESULT IN THE ENTIRE BLOCK OF ROYAL POINCIANA BEING TORN DOWN AND REBUILT WITH UP TO 3 -4 STORIES OF CONDOS IN AN ATTEMPT TO FINANCIALLY ASSIST THE PROPERTY OWNERS ON RPW.

THE TOWN COUNCIL SHOULD:

- 1. DENY THE ABOVE REFERENCED ORDINANCE CHANGES (29-11,30-11).**
- 2. REMOVE, ONCE AND FOR ALL, THE "OVERLAY" REDEVELOPMENT PLAN SINCE IT DISCOURAGES CURRENT PROPERTY OWNERS FROM IMPROVING, RENOVATING, AND RESTORING THEIR PROPERTIES IN THE HOPE THAT THE ZONING CHANGES WILL GIVE THEM WINDFALL PROFITS WITH MORE HEIGHT, DENSITY, AND CONDOS.**
- 3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES, PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, PETER W. METTER

ADDRESS: 264 W. INDIE DRIVE

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

**I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Pamela J. Matthe

ADDRESS:

264 WEST INDIAN DR

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, MR. & MRS. C. M. LEHMAN

ADDRESS: 201 PLANTATION RD.

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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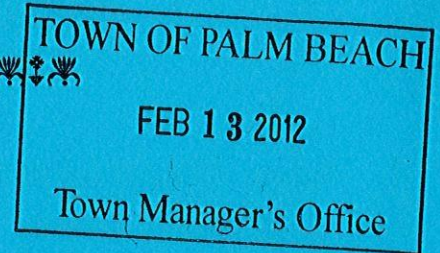
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FOOTPRINT, HEIGHTS, ETC.**





MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Paulette Cooper Noble

ADDRESS: 2175 Iris Isle Rd #2

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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TOWN OF PALM BEACH
FEB 14 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Franklin C. Johnson

ADDRESS:

*235 Sunrise Avenue, Palm Beach, Fla 33480
Palm Beach Hotel 2215*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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MEMO

TOWN OF PALM BEACH
FEB 14 2012
Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

James Criscione
235 Sunset Ave 33480
Condo #2020-83106

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Peter K. Coleman

ADDRESS: 125 Root Trail

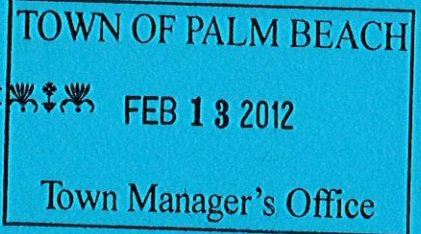
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS: 235 Sunrise Avenue

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH

MEMO

FEB 13 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, *Paul McCon*

ADDRESS: *235 Sunrise Avenue, Palm Beach 33410*

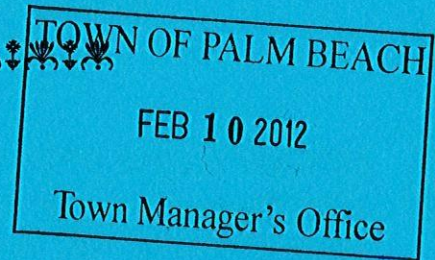
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Darlene Blanchard

ADDRESS: 235 Sunrise Ave., #1029, P.B. 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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TOWN OF PALM BEACH
FEB 10 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Mayorie Wilson

ADDRESS: 2660 S. Ocean Blvd -

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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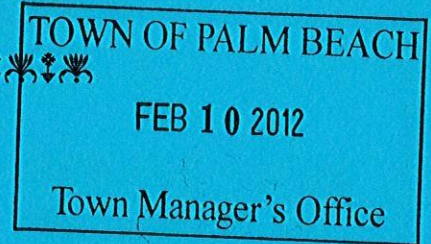
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PLAN SINCE IT DISCOURAGES CURRENT PROPERTY OWNERS FROM
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HOPE THAT THE ZONING CHANGES WILL GIVE THEM WINDFALL
PROFITS WITH MORE HEIGHT, DENSITY, AND CONDOS.**
- 3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES,
PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**





MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

MAURICE HICKS
209 BARTON AV FB 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

**I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING
TO FACILITATE MORE CONDOS, MORE DENSITY, AND THE POTENTIAL
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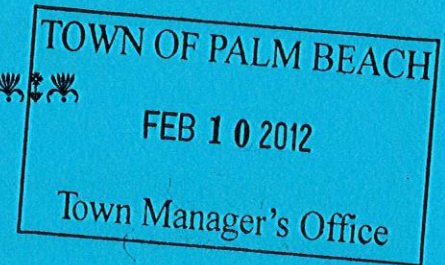
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FOOTPRINT, HEIGHTS, ETC.**





MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, JACK BLANCHARD *Jack Blanchard*

ADDRESS: 235 SUNRISE, P.B.

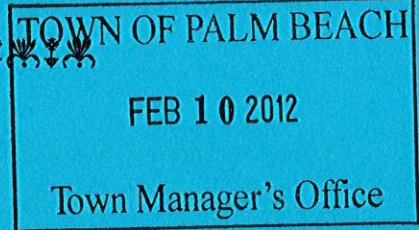
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Joan Fredricks

ADDRESS: 455 Austellon Ave. 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH
FEB 10 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Donna Hear

ADDRESS: 200 Everglade Av Villa A-1

PB FLA 33480

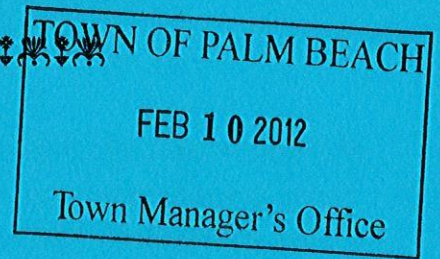
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Maria Clarke

ADDRESS:

203 Plantation Rd

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH

MEMO

FEB 10 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

John Chason Pearson

ADDRESS:

2774 S. Ocean Blvd, P.B.

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TOWN OF PALM BEACH

FEB 10 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, NAY LOSSER

ADDRESS: 2773 So. Ocean Blvd, P.B., Fla

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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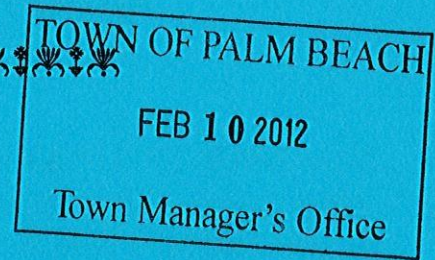
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MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Kenneth H. Lyons

ADDRESS: 2600 So Ocean Blvd

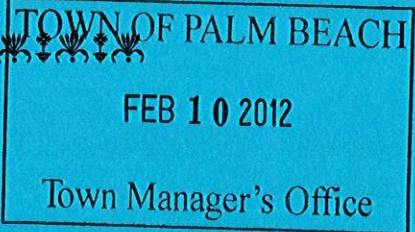
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Maureen Cronin

ADDRESS: 2185 Iris Isle Rd, Palm Beach

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH
FEB 10 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Betsy Berkshire

ADDRESS:

21165 Iris Isle Rd. PB

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH
FEB 10 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, MARION GORELICK

ADDRESS: 173 Main St. - Palm Beach Fl. 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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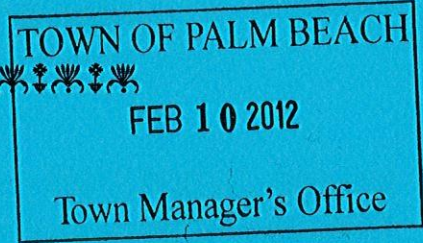
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MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Henry Gorelick

ADDRESS: 173 Main St. Palm Beach Fl. 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH

MEMO

FEB 10 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, *Oliver Seely*

ADDRESS: *309 Barton Av PB 4th*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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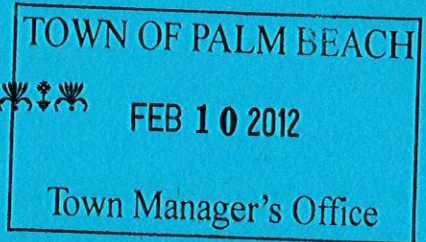
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MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, SHAY PAULAS

ADDRESS: 235 Sunrise Ave #1050

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH

MEMO

FEB 10 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, ANDREA RAPHAEL PALMS

ADDRESS: 235 SUNRISE AVE #1050

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Wm + Sherla McHenry

ADDRESS: 126 Royal Trl 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Frederick W McCarthy

ADDRESS: 1519 North Ocean Way PB 33480

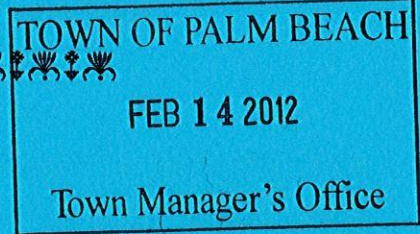
**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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- 3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES,
PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH
FROM: CONCERNED RESIDENT, HERBERT GOLDSMITH
ADDRESS: 246 EVERGLADE AVE

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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Royal Poinc



MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, V. Philip Lee

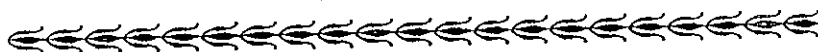
ADDRESS: 117 Via Vizcaya

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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Amy R Lee

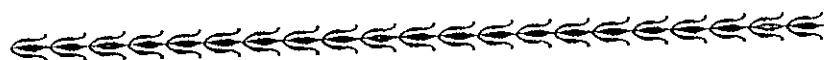
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Carol N Wyett

ADDRESS: 1145 NO LAKE WAY

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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Carol N Wyett





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, ALLEN SWETT

ADDRESS: 1145 NO LAKE WAY

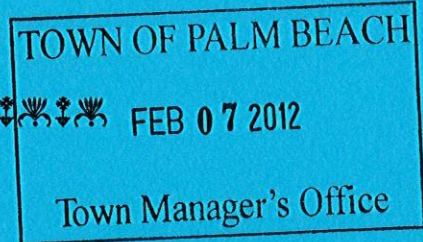
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, JAMES COLLINS

ADDRESS: 125 Chilian Ave - Palm Beach FL

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TOWN OF PALM BEACH
FEB 07 2012
Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

SUSAN COLLINGS *Susan Collins*

ADDRESS:

125 Chilean Ave - Palm Beach

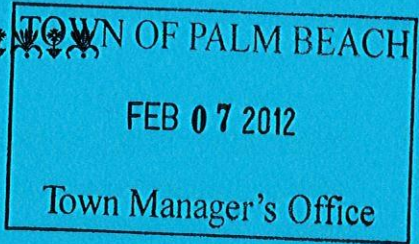
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Michael TB Dennis

ADDRESS: 1231 N. LAKE way

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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TOWN OF PALM BEACH
FEB 07 2012
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Rhyllis Hennes

ADDRESS: 1231 N. Lake Way Palm Beach Fl. 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT, John MacBryen****ADDRESS: 313 CHILEAN AVE., PALM BEACH**

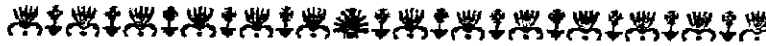
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Constance MacGregor

ADDRESS: 313 Chilean Ave Palm Beach

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Mr. Hunter (Michael Hunter)

ADDRESS:

215 Alabian Rd. Palm Beach 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Katherine Hunter

ADDRESS:

215 Acabian Rd, Palm Beach 33480

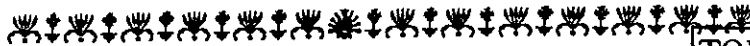
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MEMO

TOWN OF PALM BEACH

JAN 31 2012

Town Manager's Office

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, *Mrs Walter Ballinger*

ADDRESS: *354 Chilean Ave, PB 33880.*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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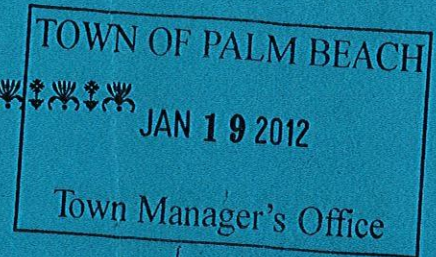
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MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Mr Mrs Anthony Maitese Jr

ADDRESS: 315 So Lake Dr. Palm Beach Fla

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, ^{mk} PER LORENTZEN

ADDRESS: 216 GARDEN RD

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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IMPROVING, RENOVATING, AND RESTORING THEIR PROPERTIES IN THE
HOPE THAT THE ZONING CHANGES WILL GIVE THEM WINDFALL
PROFITS WITH MORE HEIGHT, DENSITY, AND CONDOS.**
- 3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES,
PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**



**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT,***Robbi & Dean Smoller***ADDRESS:***8389 So. Lake Drive*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

**I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING
TO FACILITATE MORE CONDOS, MORE DENSITY, AND THE POTENTIAL
CONSOLIDATION OF PROPERTIES ON ROYAL POINCIANA WAY THAT
COULD RESULT IN THE ENTIRE BLOCK OF ROYAL POINCIANA BEING
TORN DOWN AND REBUILT WITH UP TO 3 -4 STORIES OF CONDOS IN AN
ATTEMPT TO FINANCIALLY ASSIST THE PROPERTY OWNERS ON RPW.**

THE TOWN COUNCIL SHOULD:

- 1. DENY THE ABOVE REFERENCED ORDINANCE CHANGES (29-11,30-11).**
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, S. L. Saam Aiken

ADDRESS: 145 Seagate Rd. Palm Beach, FL 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Missy Agnello

ADDRESS: 208 Bermuda Lane

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, April Finch

ADDRESS: 275 Orange Grove

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Nancy G. Walker

ADDRESS: 238 N. Woods Rd.

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

Lisa Berthel
2216 Eden Rd. PB

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, CRISTA Ryan

ADDRESS: 230 Miraflores Dr.

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Lillian Fernandez

ADDRESS: 246 Eden Rd P.B.

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

Katy Alving
161 Seagate Rd

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Joanne Powell

ADDRESS: 148 Seagate Road

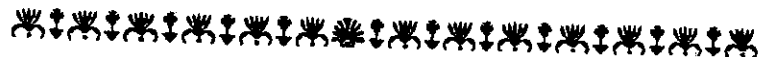
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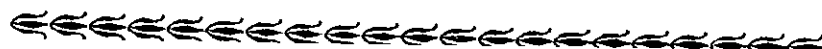


**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT, Charles Ruger, Amy Whiteley****ADDRESS: 455 Australian Ave., Palm Beach, FL 33480****RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT, *Mary Claire Dahan*****ADDRESS: *455 Australian Ave #112*
*PB, FL***

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT,****ADDRESS:***Eden Indell*
330 Coconut St

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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**MEMO**

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Linda Siris (Linda Siris)

ADDRESS: 330 Coconut Row PH4, Palm Beach, FL 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT, Ellyabeth Douthik****ADDRESS: 330 Coconut Row, Apt 3C**

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Saquel and Marshall Webb

ADDRESS: 330 Coconut Row, Apt. 2-D
Palm Beach, FL 33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, DARLENE FOREVER HOFFSTOT

ADDRESS: 201 Phipps Plaza, Palm Beach,

FL. 33480

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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TOWN OF PALM BEACH
DEC 29 2011
Town Manager's Office

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

KEVIN R. COOK

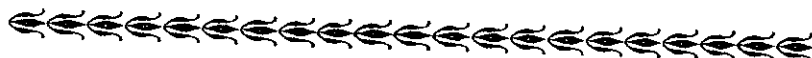
ADDRESS: *369 SOUTH LAKE DRIVE - APT 26 - P.B.*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
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CONSOLIDATION OF PROPERTIES ON ROYAL POINCIANA WAY THAT
COULD RESULT IN THE ENTIRE BLOCK OF ROYAL POINCIANA BEING
TORN DOWN AND REBUILT WITH UP TO 3 -4 STORIES OF CONDOS IN AN
ATTEMPT TO FINANCIALLY ASSIST THE PROPERTY OWNERS ON RPW.**

THE TOWN COUNCIL SHOULD:

- 1. DENY THE ABOVE REFERENCED ORDINANCE CHANGES (29-11,30-11).**
- 2. REMOVE, ONCE AND FOR ALL, THE "OVERLAY" REDEVELOPMENT
PLAN SINCE IT DISCOURAGES CURRENT PROPERTY OWNERS FROM
IMPROVING, RENOVATING, AND RESTORING THEIR PROPERTIES IN THE
HOPE THAT THE ZONING CHANGES WILL GIVE THEM WINDFALL
PROFITS WITH MORE HEIGHT, DENSITY, AND CONDOS.**
- 3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES,
PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS: Henry P. Hoffstot
201 Phipps Plaza, PB, 33480

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.

I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING
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PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

Margie Dyer
225 PLANTATION ROAD

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.

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PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

Rachel Lorentzen
216 Garden Rd.

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.

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FOOTPRINT, HEIGHTS, ETC.



**MEMO****TO: TOWN COUNCIL OF PALM BEACH****FROM: CONCERNED RESIDENT,***SUSAN MARKIN***ADDRESS:***1450 North Lake Way*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**



TO PB TOWN COUNCIL
R/O PETER E. WELCH

MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, 

ADDRESS: 231 SEASPRAY AVE Palm Beach, FL 33480

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
~~CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND~~
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.

I DO NOT WANT TO CHANGE OUR COMPREHENSIVE PLAN AND ZONING TO FACILITATE MORE CONDOS, MORE DENSITY, AND THE POTENTIAL CONSOLIDATION OF PROPERTIES ON ROYAL POINCIANA WAY THAT COULD RESULT IN THE ENTIRE BLOCK OF ROYAL POINCIANA BEING TORN DOWN AND REBUILT WITH UP TO 3 -4 STORIES OF CONDOS IN AN ATTEMPT TO FINANCIALLY ASSIST THE PROPERTY OWNERS ON RPW.

THE TOWN COUNCIL SHOULD:

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3. EXPLORE ALTERNATIVE SOLUTIONS SUCH AS TAX INCENTIVES, PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT FOOTPRINT, HEIGHTS, ETC.

=====



MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

ADDRESS:

Ann de Braganca
596 No. County, Palm Beach
33480

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.**

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THE TOWN COUNCIL SHOULD:

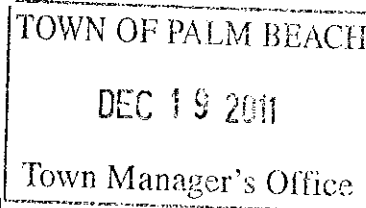
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FOOTPRINT, HEIGHTS, ETC.**



De Braganca



MEMO



TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, KHOOSHE AILAN

ADDRESS: 145 Seagate Rd Palm Beach

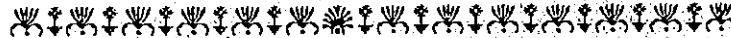
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MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT

THOMAS B. ANDERSON

ADDRESS:

234 2nd Street, W. Palm Beach, FL 33480

RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
CHANGE ZONING FOR REDEVELOPMENT PURPOSES.

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FOOTPRINT, HEIGHTS, ETC.





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT, Weegie Antle

ADDRESS: 342 Seabreeze Avenue, Palm Beach

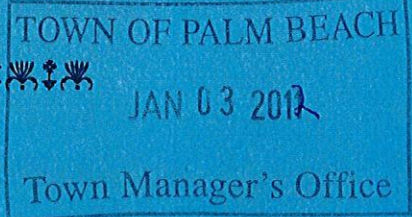
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FOOTPRINT, HEIGHTS, ETC.**





MEMO

TO: TOWN COUNCIL OF PALM BEACH

FROM: CONCERNED RESIDENT,

Joseph A Atkinson

ADDRESS:

*389 So. Laker Dr Palm Beach FL
PHB 33480*

**RE: ROYAL POINCIANA WAY ORDINANCES 29-11, 30-11 TO
CHANGE THE COMPREHENSIVE PLAN TO CREATE AN OVERLAY AND
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PERMIT RENOVATING OR REBUILDING TO 100% OF CURRENT
FOOTPRINT, HEIGHTS, ETC.**



TO: TOWN COUNCIL OF PALM BEACH

FROM: Meredith Gale

ADDRESS: 225 ARABIAN RD

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
REDEVELOPMENT PURPOSES**

I URGE ALL MEMBERS OF THE TOWN COUNCIL TO:

**DENY THE PROPOSED ORDINANCE CHANGES 29-11
AND 30-11 TO OUR COMPREHENSIVE PLAN BECAUSE I
BELIEVE IT WILL SIGNIFICANTLY CHANGE THE
QUALITY OF LIFE AND CHARACTER OF OUR TOWN.
THE COMPREHENSIVE PLAN WAS CREATED TO LIMIT
DEVELOPMENT AND TO PRESERVE THE UNIQUE
ALLURE OF PALM BEACH.**

**CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES
OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE
TOWN, THE RESIDENTS AND THE OWNER. I AM NOT
AGAINST CHANGE BUT BELIEVE IT SHOULD BE
CONSISTENT WITH OUR COMPREHENSIVE PLAN.**

**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: Meredith Gale **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Cynthia Gibbons

ADDRESS: 400 South Ocean #211

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: Cynthia Gibbons **DATE:** April 4, 2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: Mike Gibbons

ADDRESS: 400 So. Ocean Blvd. Apt. 214

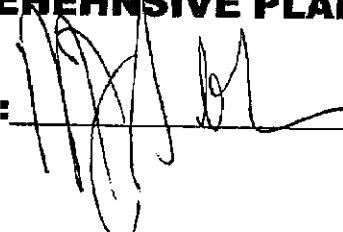
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COMPREHENSIVE PLAN IS ENACTED.**

SIGNED: 

DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: M. JOAN Gillespie

ADDRESS: 231 Seaspray Ave

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: M. JOAN Gillespie **DATE:** 4.4.2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: Henry Gorelick

ADDRESS: 173 Main St. Palm Beach

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
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ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: [Signature]

DATE: 4/7/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: NIXON GRIFFIS

ADDRESS: 217 CARIBBEAN RD

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
ROYAL POINCIANA VILLAGE OVERLAY AREA FOR
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**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: Lynne S. Griffis **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: M. Henderson

ADDRESS: 257 Via Linda

RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR ROYAL POINCIANA VILLAGE OVERLAY AREA FOR REDEVELOPMENT PURPOSES

I URGE ALL MEMBERS OF THE TOWN COUNCIL TO:

DENY THE PROPOSED ORDINANCE CHANGES 29-11 AND 30-11 TO OUR COMPREHENSIVE PLAN BECAUSE I BELIEVE IT WILL SIGNIFICANTLY CHANGE THE QUALITY OF LIFE AND CHARACTER OF OUR TOWN. THE COMPREHENSIVE PLAN WAS CREATED TO LIMIT DEVELOPMENT AND TO PRESERVE THE UNIQUE ALLURE OF PALM BEACH.

CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE TOWN, THE RESIDENTS AND THE OWNER. I AM NOT AGAINST CHANGE BUT BELIEVE IT SHOULD BE CONSISTENT WITH OUR COMPREHENSIVE PLAN.

SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS ARE IN TOWN, BEFORE THIS CHANGE TO OUR COMPREHEHNSIVE PLAN IS ENACTED.

SIGNED: M. Henderson

DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Patricia Hertzberg

ADDRESS: 129 Seaspray Ave; Palm Beach

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Patricia Hertzberg **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: TIM JOHNSON

ADDRESS: 64 VIA MIZNER

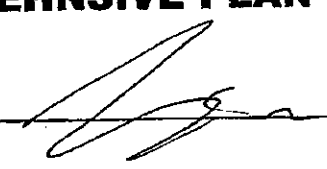
**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: 

DATE: 4-4-12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Charles A. Kibort Jr

ADDRESS: 455 Australigen Avenue

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED:

Charles A. Kibort Jr

DATE:

4-4-12

TO: TOWN COUNCIL OF PALM BEACH

FROM:

Gabrielle Kurni

ADDRESS:

149 E. Indes Dr. P.B.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED:

Gabrielle Kurni

DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Samuel F. Kuvie

ADDRESS: 149 E. Inlet Drive

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Samuel Kuvie

DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Frederick W McCarthy

ADDRESS: 1519 N. Ocean Way, Palm Beach 33480

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Frederick W McCarthy **DATE:** 04/07/2012



Fw: Uphold the Comprehensive Plan
Peter B Elwell to: John Page, Paul Castro
Cc: Cheryl Kleen, Anne Boyles

04/09/2012 08:26 AM

FYI

----- Forwarded by Peter B Elwell/PalmBeach on 04/09/2012 08:26 AM -----

From: "Maria Collier" <maria.collier@gmail.com>
To: <gailconig1@aol.com>, <dar@rosow.com>, <robertwildrick@hotmail.cpm>,
<mpucillo@bermandevalerio.com>, <kleid561@aol.com>
Cc: <wjd2332@aol.com>, <pelwell@townofpalmbeach.com>
Date: 04/08/2012 07:51 AM
Subject: Uphold the Comprehensive Plan

To Mayor Coniglio and the Town Council:

Please uphold the Comprehensive Plan.

This plan has successfully protected out barrier island from over development since its inception.

Thank you,

Maria M. Collier

1240 N Ocean Way
Palm Beach, FL 33480

TO: TOWN COUNCIL OF PALM BEACH

FROM: DAVID McCOURT

ADDRESS: 257 SANFORD AVE

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: David McCourt

DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: MARY BRYANT MCCART

ADDRESS: 257 SANFORD

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: DR. ROBERT MICHUGET

ADDRESS: 231 SEASPRAY AVE

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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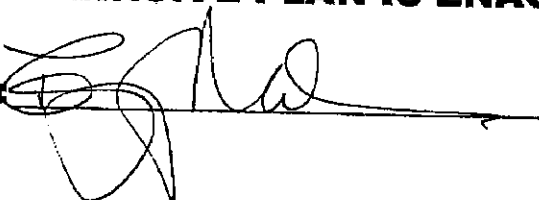
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SIGNED:



DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Paulette Cooper Noble

ADDRESS: 2175 Ibis Isle Rd # 2

RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR ROYAL POINCIANA VILLAGE OVERLAY AREA FOR REDEVELOPMENT PURPOSES

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SIGNED: Paulette Cooper **DATE:** 4/4/2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: COLLEEN ROGERS

ADDRESS: 109 ATLANTIC AVE.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Colleen Rogers **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: M. Elizabeth Rogers

ADDRESS: 170 No Ocean Blvd

RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR ROYAL POINCIANA VILLAGE OVERLAY AREA FOR REDEVELOPMENT PURPOSES

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SIGNED: M. Rogers

DATE: _____

TO: TOWN COUNCIL OF PALM BEACH

FROM: Florina Schwartz

ADDRESS: 995 Adam Rd

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Florina Schwartz **DATE:** April 4, 12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Lynn Scoroposki

ADDRESS: 120 Clarke Ave

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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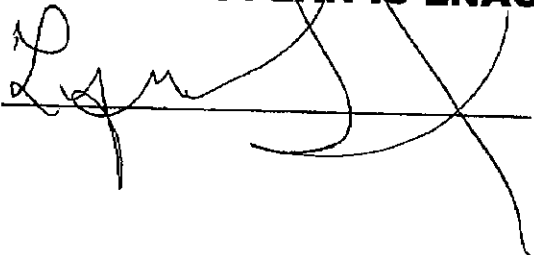
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DATE: _____

TO: TOWN COUNCIL OF PALM BEACH

FROM: ROBERT S. SHEFF

ADDRESS: 29 SEMINOLE #2, PB, FL 33450

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED:

Robert S. Sheff

DATE:

4/4/12



Phone message

Patricia Gayle-Gordon to:

Bcc: wjd2332, Kleid561, robertwildrick, gailconig1, dar, mjpucillo

04/11/2012 09:09 AM

Mayor and Town Council Members,

Carol Jaeger of 215 Phipps Plaza called to voice her opposition to the Royal Poinciana Way mixed used overlay. Her phone number is 832-5834.

Pat Gayle-Gordon
Administrative Assistant
Town Manager's Office
(561) 838-5410



Phone message

Patricia Gayle-Gordon to:

Bcc: wjd2332, Kleid561, robertwildrick, gailconig1, dar, mjpucillo

04/10/2012 12:06 PM

Mayor and Town Council Members,

Audrey Bender of 250 Bradley Place, #601, would like to register her opposition to the Royal Poinciana Way overlay. Her phone number is 202-631-3304.

Pat Gayle-Gordon
Administrative Assistant
Town Manager's Office
(561) 838-5410



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:31 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:30 AM -----

From: Frederick McCarthy <fredmccarthypb1519@hotmail.com>
To: Gail Coniglio <gconiglio@townofpalmbeach.com>, David Rosow <drosow@townofpalmbeach.com>, Robert Wildrick <rwildrick@townofpalmbeach.com>, Richard Kleid, Michael Pucillo <mpucillo@townofpalmbeach.com>, William Diamond <wdiamond@townofpalmbeach.com>
Cc: Peter Elwell <townmanager@townofpalmbeach.com>
Date: 01/09/2012 07:08 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Dear Mayor Coniglio & Town Council Members:

This Town resident agrees with the Preservation Society's opposition to Testa's proposed "overlay".

Sincerely, Frederick W. McCarthy.

> Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area
> Date: Mon, 9 Jan 2012 18:41:17 -0500
> From: aives@palmbeachpreservation.org
> To: aives@palmbeachpreservation.org
>
> Another proposal by Testa's for a mixed-use overlay district in the
> Royal Poinciana Way area will go before the Town Council. When this was
> before the Planning and Zoning Commission in the Fall, the Foundation
> publicly opposed it. Our official position remains: the area needs
> revitalization without an increase in density. The mixed-use overlay
> would create a 15% increase in lot coverage, a 200% increase in height
> and floorage, and a 400% increase in density.
>
> What we seek is a consistency of purpose. We are willing to embrace new
> ideas but they must respect where we have been while maintaining our
> best prospects for the future. Town Council President David Rosow has
> said, "we should look at an applicant's request and determine whether it
> is in the best interest of our community". On April 14, 2010 when a
> similar overlay was last proposed, Councilman Bill Diamond opposed it on
> the grounds that "there will be greater bulk within the district."
>
> The best interest of our community is stated in our comprehensive plan
> which clearly directs the town "to minimize the change or transition of
> existing low-density areas or structures to more intensive use patterns,
> and thereby lower the pattern of density" and "to prevent critical and

**Fw: RPBD Overlay**

Cheryl Kleen to: Peter B Elwell
Cc: John Page, Susan Owens, Anne Boyles,
Skip_Randolph.PALMBEACH

02/14/2012 03:53 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 02/14/2012 03:52 PM -----

From: Scotch <scotch1@gmail.com>
To: council@townofpalmbeach.com
Date: 02/14/2012 03:40 PM
Subject: RPBD Overlay

As someone who has spent the last 35 years living in the Royal Poinciana District, I can bear witness to the slow decline of the area due to the arbitrary "population density" rule. This area used to be vibrant with different types of seasonal and full-time residents. Some came to live in Pied-a-terre's for the season. Some came and rented one-bedrooms or studios while working seasonally for local businesses. They were all part of the community and contributed to the economic, social and cultural fabric that made this area special. The restrictions that have been in place from the mid-eighties has turned multi-residency buildings into either parking lots or McMansions. The Testa's long overdue request to redevelop will bring new life to the area. I understand that I go out on a limb when I say "new" because a lot of vocal people on this island do not lie to see anything new. But how about "new" tax revenue streams? Please take your election as a mandate that, we the less vocal majority, want to see change happen in this town, whether it's Publix or Testa's. Please remember the Robert Kennedy quote, "One-fifth of the people are against everything all the time."

Thanks for all you do,
Scotch Peloso
244 Sunset Ave, PB, Fl 33480.



Fw: Royal Poinciana Overlay

Cheryl Kleen to: Peter B Elwell

02/13/2012 05:15 PM

Cc: John Page, Susan Owens, Anne Boyles,
Skip_Randolph.PALMBEACH

----- Forwarded by Cheryl Kleen/PalmBeach on 02/13/2012 05:15 PM -----

From: A Pottash <toacp@aol.com>
To: council@townofpalmbeach.com
Date: 02/13/2012 05:13 PM
Subject: Royal Poinciana Overlay

Dear Members of Town Council:

I have been a resident of the Town of Palm Beach for over 25 years. I currently live at 1029 North Ocean Boulevard with my family. I am writing to OPPOSE the proposed overlay.

I do not see Royal Poinciana as in a state of disrepair or neglect, with the exception of the Testa Gas Station. I like the varied, and, in some cases, historic buildings on the street and do not want to encourage multi-story developments on the block. I do not see a reason to rezone two blocks and an entire area just to find a way to allow Testa's to develop their property.

I am very familiar with the traffic problems in the area. Even before the enlarged Publix opened, during the season, later in the afternoon, when the bridge is up, traffic backs up Bradley Place for three or more blocks and backs up Sunset Avenue quite far, putting the area into true gridlock. Turning left off of Sunset onto Bradley Place is impossible at those times, and even when the bridge is not backed up, during season, it is treacherous for both cars and pedestrians trying to cross Bradley Place from Sunset. Added to this, you have the enlarged Publix, with more trucks and patrons coming onto Sunset, and traffic is saturated. To suggest that more traffic from condominiums, emptying onto Sunset, should be added to this mix is foolhardy.

I have heard people claim that the overlay will only allow Testa's, and not other property owners, to expand their footprints. I cannot see how this overlay will not allow the Coniglio's and the bank, as examples, to also expand to maximize their financial returns, as their properties surely qualify for size and access to both streets. There is also no guarantee that property owners in the future will not merge their lots to allow them to qualify for such expanded building rights.

Being sympathetic to the Testa's and their financial problems caused by their taking out multiple mortgages should not cause you to ignore common sense and respect for the values and older architecture of our Town.

I urge you to vote AGAINST the proposed overlay.

Regardless of your decision, thank you for your service to our Town.

Respectfully,
A. Carter Pottash



Fw: JUST SAY "NO!" to Testa's Application for Royal Poinciana Way Zoning Overlay District

Cheryl Kleen to: Peter B Elwell

02/13/2012 10:35 AM

CC: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 02/13/2012 10:34 AM -----

From: Frederick McCarthy <fredmccarthyb1519@hotmail.com>
To: William Diamond <wdiamond@townofpalmbeach.com>, Richard Kleid, Michael Pucillo <mpucillo@townofpalmbeach.com>, David Rosow <drosow@townofpalmbeach.com>, Robert Wildrick <rwildrick@townofpalmbeach.com>
Cc: Gail Coniglio <gconiglio@townofpalmbeach.com>, Peter Elwell <townmanager@townofpalmbeach.com>
Date: 02/12/2012 11:04 PM
Subject: JUST SAY "NO!" to Testa's Application for Royal Poinciana Way Zoning Overlay District

Gentlemen of the Town Council,

Please just say "NO!" to the proposal of Testa - or perhaps more accurately to the proposal of the investors who bought Testa's \$5 million first mortgage (who by some report have turned down a "par" offer for the debt)!

Why mess up the Town and its comprehensive plan to fix the eyesore of Testa's defunct gas station (where are the Code Enforcement fines & penalties?) and to give substantial windfall profits to a few.

I agree with the position of the Preservation Society and with the reported comments of Mssrs Diamond, Rosow and Wildrick.

If it is fitting for the Town to prohibit owners of combined condo units to divide those units back to their original size and risk the possibility of an added 59 condo units in Town, how can the possible addition of 122 condo units be good for the Town? It cannot!

Sincerely yours, Frederick W McCarthy. (61) 714-6224.

Preservation Foundation of Palm Beach Talking Points Memo:

Testa's Application for Royal Poinciana Way Zoning Overlay District

-
1. Before the Town Council at 9:30am on Wednesday, February 15th will be a proposal by Testa's for a mixed-use overlay district in the Royal Poinciana Way area. It would create a 10% increase in lot coverage, a 200% increase in height and floorage, and a 400% increase in density. Members

of the Planning and Zoning Commission have called those numbers arbitrary and seemingly picked out of a hat.

2. This is growth, not redevelopment. Redevelopment is natural and evolutionary. Growth is a choice to change the reason why we do things in our town. Redevelopment reflects that what we do may change but why we do it must remain firm and stable. Redevelopment reflects a consistency of purpose. Growth reflects the seeking out of a new purpose.
3. Redevelopment works when it comes from the shared interest between an applicant and our community, as opposed to focusing on the special interest of one group. What are the problems the overlay district seeks to fix? Are they community problems? Is this a community solution? Will a specific advantage to a particular landowner be created?
4. Is there a public consensus? Since this issue began in October there have been 12 letters to the editor in the *Palm Beach Daily News* on it. 10 have been against it and only 2 for it. As the *Palm Beach Daily News* has reported "The Preservation Foundation of Palm Beach and the Neighborhood Alliance of Palm Beach oppose the overlay. . . The Palm Beach Civic Association has said the overlay as proposed would allow too much density.
5. Town Council President David Rosow has said, "we should look at an applicant's request and determine whether it is in the best interest of our community." The best interest of our community is stated in our comprehensive plan which clearly directs the town "to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density" and "to prevent critical and dangerous overuse." Further, it states that it is "to be a major objective of the town to inhibit further commercialization." Are goals of the overlay district consistent with these goals of the comprehensive plan?
6. On April 14, 2010 when a similar overlay district was last proposed Councilman Bill Diamond opposed it on the grounds that "there will be greater bulk within the district."
7. Just a few months ago on October 12th, 2011 town condominium residents came before the Town Council asking that recently combined condos be allowed to be split back creating higher density. The Town Council pushed the idea aside.
8. At that October 12th meeting Town Council President Rosow said that it would create a doubling in density of which no one would be in favor.
9. At that October 12th meeting Councilman Bob Wildrick stated "as far as disrupting the whole town operation to satisfy a few people I would be opposed to that; I would be opposed to the controversy that it would create; I would be opposed to the cost it would create; I would be opposed to any possible tax ramifications that could occur; I would be opposed to changing the comprehensive plan."
10. That request by condominium residents would have created an increase in density of 59 units. The mixed-use overlay district would be 122 units.
11. The Town must be consistent and fair in its administration and in its respect for our ideals.

The Preservation Foundation of Palm Beach periodically sends out emails about issues, news, and

upcoming events. If you do not wish to receive such emails in the future, please send us a reply with "unsubscribe" in the subject line.

Alexander C. Ives
Executive Director
Preservation Foundation of Palm Beach
311 Peruvian Avenue
Palm Beach, Florida 33480
561.832.0731, ext.101
aives@palmbeachpreservation.org

For information on Memberships with the Preservation Foundation of Palm Beach, please visit our website here: <http://www.palmbeachpreservation.org/membershipinfo.htm>

The Preservation Foundation of Palm Beach is a private, non-profit membership organization dedicated to the preservation of the historic, architectural and cultural heritage of Palm Beach, Florida. As the community advocate for maintaining the outstanding quality of life in Palm Beach, the Foundation has created a community-wide perspective seeing the unique buildings of Palm Beach as integral to the Town's character as well as its future. What once would have been only issues of growth have been reshaped as issues of quality of life. By combining history, inventiveness and ingenuity the Preservation Foundation has helped forge a contemporary Palm Beach informed by its achievements in architecture, culture and design, not dismissive of them.

Over 30 years, the Preservation Foundation of Palm Beach has given millions of dollars for the preservation and restoration of historic properties; worked advocating for over 270 landmark properties; recognized numerous architects, owners, and properties with awards; educated hundreds of thousands of children about the architectural, cultural and environmental legacy of Palm Beach; and saved thousands of archival documents in its library, among many other accomplishments.



Fw: Overlay

Cheryl Kleen to: Skip_Randolph.PALMBEACH, Susan Owens,
Anne Boyles

02/13/2012 10:39 AM

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 02/13/2012 10:35 AM -----

From: Cheryl Kleen/PalmBeach
To: Peter B Elwell/PalmBeach@PalmBeach
Cc: John Page/PalmBeach@PalmBeach
Date: 02/13/2012 10:31 AM
Subject: Fw: Overlay

----- Forwarded by Cheryl Kleen/PalmBeach on 02/13/2012 10:31 AM -----

From: johnblades@comcast.net
To: council@townofpalmbeach.com
Date: 02/12/2012 10:44 AM
Subject: Overlay

Dear Members of the Town Council:

Please just say NO once and for all to the Royal Poinciana Overlay. It is not necessary, not wanted, and not needed.

Thank you for your kind attention.

Sincerely, Ann and John Blades
402 Seabreeze Avenue
Palm Beach
655-6982



Fw: Testa's overlay

Cheryl Kleen to: Peter B Elwell

Cc: Skip_Randolph.PALMBEACH, Susan Owens, Anne Boyles

02/13/2012 05:13 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 02/13/2012 05:13 PM -----

From: Cindy Delp/PalmBeach
To: Cheryl Kleen/PalmBeach@PalmBeach
Cc: John Page/PalmBeach@PalmBeach, Paul Castro/PalmBeach@PalmBeach
Date: 02/13/2012 04:24 PM
Subject: Fw: Testa's overlay

Please forward. Thanks.

Cindy M. Delp
Office Manager
Town of Palm Beach
Planning Zoning & Building Dept.
(561) 227-6408

----- Forwarded by Cindy Delp/PalmBeach on 02/13/2012 04:23 PM -----

From: william strawbridge <wstraw@gmail.com>
To: C Delp <CDelp@townofpalmbeach.com>
Cc: Preservation Foundation <aives@palmbeachpreservation.org>, N Barnes
<nedbarnes@palmbeachcivic.org>
Date: 02/13/2012 04:16 PM
Subject: Testa's overlay

Dear Mayor and Town Council:

Thankfully, apparently with Bill Cooley's offer buy Cypress Trust's 1st mortgage, at its face value, and with his desire to redevelop the site within the Comprehensive Plan, it seems the town is now off this hook. But, unfortunately, we're still facing the gigantic cost of saving our beaches.

Some are thinking about building condos, but as packing on additional density is not what residents want, and, since we know additional density inevitably reduces house values (*we need only to look at Ft. Lauderdale to see where this slippery slope leads*), perhaps its time to run the numbers:

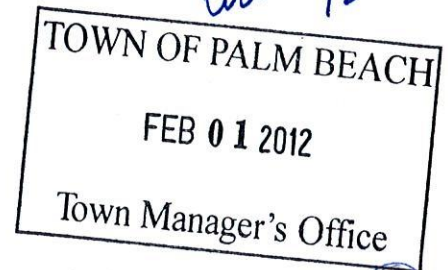
How many condo sq. ft. would we have to build to pay the beach bill, or, to continue with your thought, how much would we have to raise real estate taxes to pay off a bond issue?

If we had the numbers, we could ask the Civic Association to take a poll?

Very Respectfully,

Keith and Linda Beaty

395 Caribbean Road
Palm Beach, FL 33480



January 26, 2012

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

Dear Town Council,

Let's get creative and make Royal Poinciana Way a gem of our Town.

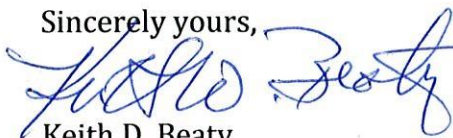
Please consider moving the west bound lanes of Royal Poinciana to the south, creating more pedestrian and green space on the north side of the street and allowing businesses to provide well designed noise barriers between the street and the pedestrian area. The points that I think support such a plan are:

- The current median is very wide, and unused. Some of this green space could be moved to the north side of the street.
- Al fresco dining is one of the most enjoyable activities on the street today and this would be improved and encouraged by more pedestrian and green space, and a well designed buffer between the dining areas and traffic.
- Traffic, particularly commercial (trucks and equipment) on the street is very noisy and significantly degrades the pedestrian and dining activity on the street. Constructing or allowing well designed noise barriers and providing more space could vastly improve resident's enjoyment of the street.

This would be an expensive and complicated plan to implement as it would require moving the westbound lanes and parking on that side of the street. But, the long term beneficial impact could transform the street.

I encourage you to look not only at the overlay proposal, but all the ways the town could preserve and improve the use and character of the area. This is an opportune time for developing a visionary plan for this area because, while you are looking at zoning and use restrictions, the new north bridge is being constructed.

Sincerely yours,



Keith D. Beaty

cc. by email to:

Palm Beach Civic Association and Town Council



Fw: New Zoning Royal Poinciana Way!
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/10/2012 08:44 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 08:44 AM -----

From: Robert Klecinsky <robertinfla@att.net>
To: "pelwell@townofpalmbeach.com" <pelwell@townofpalmbeach.com>
Date: 01/09/2012 12:51 PM
Subject: New Zoning Royal Poinciana Way!

Please do not allow the increase in density.
This is driven by the Attorneys, architects, contractors and property owners
"that will sell to speculators" at a profit.
Once it's built, you can not go back to a Palm Beach that was quaint and
charming again.
City Place and crime will follow!
Sincerely,
RFK

Sent from my iPhone



Fw: Construction

Cheryl Kleen to: Peter B Elwell
Cc: John Page, Susan Owens, Anne Boyles,
Skip_Randolph.PALMBEACH

01/10/2012 08:33 AM

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:32 AM -----

From: Esther Feldberg <poetspath2@gmail.com>
To: townmanager@townofpalmbeach.com
Date: 01/10/2012 06:38 AM
Subject: Construction

I WISH TO CAST MY VOTE AGAINST ANY LARGE CONSTRUCTION ON OUR BEAUTIFUL ROYAL POINCIANA WAY. DO NOT BE PART OF ALLOWING DEVELOPERS TO SPOIL OUR BEAUTIFUL PALM BEACH. IT IS WITHOUT A DOUBT THE ONLY TOWN OF ALL FLORIDA THAT IS SO PRECISELY BEAUTIFUL.

POINCIANA WAY IS SPECIAL. TELL THE TOWN COUNCIL TO VOTE AGAINST THE PROPOSED ORDINANCE CHANGES. WE DO NOT WANT OUR VERY SPECIAL TOWN TO BE DESTROYED WITH CONDOS ON POINCIANA WAY

ESTHER FELDBERG 1020 NORTH OCEAN BOULEVARD



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/10/2012 08:25 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 08:25 AM -----

From: "Alexander Ives" <aives@palmbeachpreservation.org>
To: "Alexander Ives" <aives@palmbeachpreservation.org>
Date: 01/09/2012 06:42 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Another proposal by Testa's for a mixed-use overlay district in the Royal Poinciana Way area will go before the Town Council. When this was before the Planning and Zoning Commission in the Fall, the Foundation publicly opposed it. Our official position remains: the area needs revitalization without an increase in density. The mixed-use overlay would create a 15% increase in lot coverage, a 200% increase in height and floorage, and a 400% increase in density.

What we seek is a consistency of purpose. We are willing to embrace new ideas but they must respect where we have been while maintaining our best prospects for the future. Town Council President David Rosow has said, "we should look at an applicant's request and determine whether it is in the best interest of our community". On April 14, 2010 when a similar overlay was last proposed, Councilman Bill Diamond opposed it on the grounds that "there will be greater bulk within the district."

The best interest of our community is stated in our comprehensive plan which clearly directs the town "to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density" and "to prevent critical and dangerous overuse." Further, it states that it is "to be a major objective of the town to inhibit further commercialization."

Just a few months ago, on October 12th, when town condominium residents came before the Town Council asking that recently combined condos be allowed to be split back, the Town Council put aside the idea. Town Council President Rosow said that it would create a doubling in density. Councilman Bob Wildrick stated "as far as disrupting the whole town operation to satisfy a few people I would be opposed to that; I would be opposed to the controversy that it would create; I would be opposed to the cost it would create; I would be opposed to any possible tax ramifications that could occur; I would be opposed to changing the comprehensive plan."

That request by condominium residents could have created an increase in density of 59 units. The Testa mixed-use overlay would result in an increase of 122 units. The fact that Testa's would re-submit this proposal flies in the face of the previously stated positions of Town Council members. Do they expect a complete reversal by our elected officials who are upholding the structure of our Town?

What we do may change but why we do it should remain firm and stable in principal. We strongly urge the Town Council to reject the mixed-use overlay.

John D. Mashek, Jr.

Chairman

Preservation Foundation of Palm Beach



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:31 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:30 AM -----

From: Frederick McCarthy <fredmccarthyb1519@hotmail.com>
To: Gail Coniglio <gconiglio@townofpalmbeach.com>, David Rosow <drosow@townofpalmbeach.com>, Robert Wildrick <rwildrick@townofpalmbeach.com>, Richard Kleid, Michael Pucillo <mpucillo@townofpalmbeach.com>, William Diamond <wdiamond@townofpalmbeach.com>
Cc: Peter Elwell <townmanager@townofpalmbeach.com>
Date: 01/09/2012 07:08 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Dear Mayor Coniglio & Town Council Members:

This Town resident agrees with the Preservation Society's opposition to Testa's proposed "overlay".

Sincerely, Frederick W. McCarthy.

> Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area
> Date: Mon, 9 Jan 2012 18:41:17 -0500
> From: aives@palmbeachpreservation.org
> To: aives@palmbeachpreservation.org
>
> Another proposal by Testa's for a mixed-use overlay district in the
> Royal Poinciana Way area will go before the Town Council. When this was
> before the Planning and Zoning Commission in the Fall, the Foundation
> publicly opposed it. Our official position remains: the area needs
> revitalization without an increase in density. The mixed-use overlay
> would create a 15% increase in lot coverage, a 200% increase in height
> and floorage, and a 400% increase in density.
>
> What we seek is a consistency of purpose. We are willing to embrace new
> ideas but they must respect where we have been while maintaining our
> best prospects for the future. Town Council President David Rosow has
> said, "we should look at an applicant's request and determine whether it
> is in the best interest of our community". On April 14, 2010 when a
> similar overlay was last proposed, Councilman Bill Diamond opposed it on
> the grounds that "there will be greater bulk within the district."
>
> The best interest of our community is stated in our comprehensive plan
> which clearly directs the town "to minimize the change or transition of
> existing low-density areas or structures to more intensive use patterns,
> and thereby lower the pattern of density" and "to prevent critical and

> dangerous overuse." Further, it states that it is "to be a major
> objective of the town to inhibit further commercialization."
>
> Just a few months ago, on October 12th, when town condominium residents
> came before the Town Council asking that recently combined condos be
> allowed to be split back, the Town Council put aside the idea. Town
> Council President Rosow said that it would create a doubling in density.
> Councilman Bob Wildrick stated "as far as disrupting the whole town
> operation to satisfy a few people I would be opposed to that; I would be
> opposed to the controversy that it would create; I would be opposed to
> the cost it would create; I would be opposed to any possible tax
> ramifications that could occur; I would be opposed to changing the
> comprehensive plan."
>
> That request by condominium residents could have created an increase in
> density of 59 units. The Testa mixed-use overlay would result in an
> increase of 122 units. The fact that Testa's would re-submit this
> proposal flies in the face of the previously stated positions of Town
> Council members. Do they expect a complete reversal by our elected
> officials who are upholding the structure of our Town?
>
> What we do may change but why we do it should remain firm and stable in
> principal. **We strongly urge the Town Council to reject the mixed-use**
> **overlay.**
>
> John D. Mashek, Jr.
>
> Chairman
>
> Preservation Foundation of Palm Beach
>
>
>
>



Fw: Overlay

Cheryl Kleen to: Peter B Elwell

01/10/2012 08:30 AM

Cc: John Page, Susan Owens, Skip_Randolph.PALMBEACH, Anne
Boyles

To M&TC

----- Forwarded by Cheryl Kleen/PalmBeach on 01/10/2012 08:28 AM -----

From: Heather Henry <heatherchenry@gmail.com>
To: council@townofpalmbeach.com
Date: 01/09/2012 06:51 PM
Subject: Overlay

Dear Council President Rosow, Councilman Diamond, Councilman Kleid,
Councilman Pucillo and Councilman Wildrick,

I wanted to let you know in advance that The Garden Club of Palm Beach will not be taking a position as a club on the proposed Overlay Ordinance. Our members are concerned about this issue . We have selected expressions of opinion on all sides of this issue and e-mailed them to all of our members so that they are fully informed. Some of our members will be voicing their opinions as private citizens. Our Executive Committee is following this issue carefully. However we feel our stands should be on issues that are the prime focus of our club. Therefore although I will be in attendance I will not be making a statement on behalf of our club.
Thank you for all you do for our town.

Sincerely,
Heather C. Henry
President of The Garden Club of Palm Beach

--

Heather C. Henry
630 Crest Road
Palm Beach, FL 33480
561-848-2523



Fw: DO NOT VOTE for "Overlay" on Historic Royal Poinciana Way
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/10/2012 03:52 PM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 03:53 PM -----

From: katherine hunter <lilyvillexxx@gmail.com>
To: pelwell@townofpalmbeach.com
Date: 01/10/2012 01:26 PM
Subject: DO NOT VOTE for "Overlay" on Historic Royal Poinciana Way

My husband Michael Hunter and I are NOT in favor of the redevelopment "overlay" proposed by the Testa family. Why should the Town of Palm Beach change it's Comprehensive Plan for one business/family, change forever the character of an area that is part of the original historic Main Street, and create an atmosphere that is NOT in keeping with the reason most of, if not all, residents moved here for. What Testa's really needs is a new good chef and to repaint and landscape the existing structures, AND get the gas station working again.

Katherine Hunter
215 Arabian Road
Palm Beach



Fw: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/10/2012 08:25 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/10/2012 08:25 AM -----

From: "Alexander Ives" <aives@palmbeachpreservation.org>
To: "Alexander Ives" <aives@palmbeachpreservation.org>
Date: 01/09/2012 06:42 PM
Subject: Opposition to Testa's mixed-use overlay district in the Royal Poinciana Way area

Another proposal by Testa's for a mixed-use overlay district in the Royal Poinciana Way area will go before the Town Council. When this was before the Planning and Zoning Commission in the Fall, the Foundation publicly opposed it. Our official position remains: the area needs revitalization without an increase in density. The mixed-use overlay would create a 15% increase in lot coverage, a 200% increase in height and floorage, and a 400% increase in density.

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The best interest of our community is stated in our comprehensive plan which clearly directs the town "to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density" and "to prevent critical and dangerous overuse." Further, it states that it is "to be a major objective of the town to inhibit further commercialization."

Just a few months ago, on October 12th, when town condominium residents came before the Town Council asking that recently combined condos be allowed to be split back, the Town Council put aside the idea. Town Council President Rosow said that it would create a doubling in density. Councilman Bob Wildrick stated "as far as disrupting the whole town operation to satisfy a few people I would be opposed to that; I would be opposed to the controversy that it would create; I would be opposed to the cost it would create; I would be opposed to any possible tax ramifications that could occur; I would be opposed to changing the comprehensive plan."

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What we do may change but why we do it should remain firm and stable in principal. We strongly urge the Town Council to reject the mixed-use overlay.

John D. Mashek, Jr.

Chairman

Preservation Foundation of Palm Beach



Fw: Royal Poinciana Way
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/09/2012 08:28 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/09/2012 08:28 AM -----

From: judith cooper <veggegrl@bellsouth.net>
To: pelwell@townofpalmbeach.com
Date: 01/08/2012 01:17 PM
Subject: Royal Poinciana Way

To Members of the Palm Beach Town Council,

We have lived on Sunrise Avenue for the past 15 years and enjoy the "small town" way of life in the north end of Palm Beach. We are very much opposed to the construction of many new condos, stores, new buildings, etc on Royal Poinciana Way that would drastically change our current and pleasant way of life. Please do not let that happen.

Thank you for considering our point of view.

Judith and Jason Cooper
100 Sunrise Avenue, #621
Palm Beach



Fw: Don't ruin Palm Beach
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/09/2012 08:36 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/09/2012 08:37 AM -----

From: LYNNZIE@aol.com
To: pelwell@townofpalmbeach.com
Cc: lynnzie@aol.com
Date: 01/08/2012 10:54 AM
Subject: Don't ruin Palm Beach

Palm Beach is our jewel!

Please don't change our small town atmosphere.

Help us preserve it!

Gratefully,

Lynn Finkelstein



Fw: Royal Poinciana Way
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/09/2012 08:37 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/09/2012 08:37 AM -----

From: Natalie Saeger <njsaeger@aol.com>
To: "pelwell@townofpalmbeach.com" <pelwell@townofpalmbeach.com>
Date: 01/08/2012 09:56 AM
Subject: Royal Poinciana Way

Dear Sirs:

We are writing in response to your full page ad in today's paper regarding the proposed construction project as outlined by you. We were horrified to read of this.

We are relatively new residents of Palm Beach and love the town exactly how it is. We moved here specifically (from Jupiter) to get away from strip malls and large shopping centers. Reading of this possible change to Royal Poinciana Way is extremely distressing.

Please keep our lovely town in tact and free from another City Place.

Thank you.

Natalie & William T. Saeger
140 Seagate Road

Sent from my iPad



Fw: (no subject)
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/09/2012 08:37 AM

----- Forwarded by Peter B Elwell/PalmBeach on 01/09/2012 08:37 AM -----

From: Seymourholtzman@aol.com
To: pelwell@townofpalmbeach.com
Date: 01/08/2012 09:00 AM
Subject: (no subject)

TOWN COUNCIL

**We agree with the Neighbors Association of Palm Beach to reject
again the "overlay plan "**

**Seymour and Evelyn Holtzman
306 Chilean Ave
Palm Beach**



Fw: crossroads for planning
Peter B Elwell to: Cheryl Kleen, Anne Boyles

01/09/2012 07:29 PM

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

From: "pkjellstrom@verizon.net" [pkjellstrom@verizon.net]
Sent: 01/09/2012 06:03 PM EST
To: Peter Elwell
Subject: crossroads for planning

I totally agree with the ad in the paper today - PLEASE do not develop the Royal Poinciana area with the proposed current plan- we want to keep some of the old PB. Do not want modern buildings everywhere, do not want more than 2-story buildings there. More plantings and a sprucing up would be welcome but not the rest of it.
P. K.

mail2web - Check your email from the web at
<http://link.mail2web.com/mail2web>



Fw: RPW ORDINANCES # 29-11, 30-11
Peter B Elwell to: Anne Boyles
Cc: Cheryl Kleen

01/06/2012 05:11 PM

----- Forwarded by Peter B Elwell/PalmBeach on 01/06/2012 05:11 PM -----

From: "SAM E. WHITTAKER" <saruent@aol.com>
To: pelwell@townofpalmbeach.com
Date: 01/06/2012 01:29 PM
Subject: RPW ORDINANCES # 29-11, 30-11

WE ARE VERY MUCH AGAINST ANY CHANGES WHAT SO EVER!!!!
ANGELA AND SAM WHITTAKER

HAPPY NEW YEAR,
SAM E. WHITTAKER

455 WORTH AVE.
PALM BEACH, FL.
33480

HOME PHONE: 561 655 0686
SAM'S P/B CELL: 561 762 5000
ANGELA'S P/B CELL 561 628 3129
SAM'S E-MAIL: SARUENT@AOL.COM

Testa Family, LLC
Palm Beach
221 Royal Poinciana Way
Palm Beach, Florida 33480
phone 561-659-7018 fax 561-659-4464

January 6, 2012

Mr David Rosow
President, Town Council
Town of Palm Beach
360 S. County Rd.
Palm Beach, FL 33480

Dear Mr. Rosow,

I am writing to request that the hearing of our application for the Royal Poinciana Overlay be deferred from this coming Wednesday, January 11, 2012, to the Town Council meeting of February 15, 2012, or as may be scheduled.

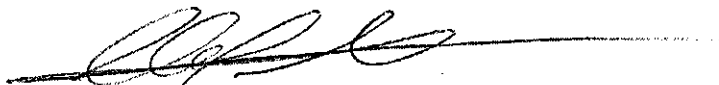
The reasons for our request are as follows:

1. With the change in 2nd floor usage from residential only to residential/commercial as stipulated by the Planning and Zoning Commission at their November meeting, all traffic calculations had to be revised and then resubmitted to the Palm Beach County Traffic Engineering Department (PBCTED) in order to receive a letter of concurrency.
2. PBCTED was unable to deliver to us the concurrency letter until December 19, 2011, which caused us to miss the deadline for submission for the meeting in which this application was originally to be heard on December 13, 2012.
3. Upon receiving this letter from PBCTED we began work on revising our proposal, wanting of course to have official validation of these calculations before making changes.
4. Due to the short time frame to the start of the holiday season we ran out of time and many of our advisors offices closed on or about December 22, 2011 until January 3, 2012.
5. Since Tuesday, January 3, 2012 we have made every attempt to get presentation materials together so that we had time to review the revised proposal with town officials, town staff and members of the community.

6. By late this afternoon, still awaiting additional materials crucial to our proposal and presentation it became obvious that the time frame would not allow for this deadline to be met.

We sincerely apologize for this request and would much prefer to be able to move forward at this point in time. We hope that the Town Council will understand these circumstances and grant our deferral so that we may properly provide the proposal information to all parties.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Testa', followed by a long horizontal line extending to the right.

Thomas J. Testa
Manager, Testa Family LLC

**SOS Statement at the 2-15-12 Town Council Meeting
Re: The Royal Poinciana Way Village “Overlay”**

My name is Madelyn Greenberg, and the following statement was dictated to me by Richard Hunegs, the Leadership for The Coalition To Save Our Shoreline, or better known as the SOS. Mr. Hunegs intended on being here today, but has been detained at the last minute and has sent me in his stead to speak on behalf of the Coalition To Save Our Shoreline, regarding our position on the proposal of doing a Royal Poinciana Way Village Overlay.

First, the SOS would like to congratulate all three Council Members who now have the opportunity to serve our town residents for another term.

We support the Neighborhood Association’s **OPPOSITION** to the proposed Royal Poinciana Way “Overlay”.

We are in support of the overwhelming sentiment as expressed by the Town residents, that the character and nature of the main avenue- Royal Poinciana Way- should NOT be altered or changed.

The quest for taller buildings and higher density is harmful to the character of the entire town.

These dramatic changes are warranted only under circumstances of the need of the Town as a whole.

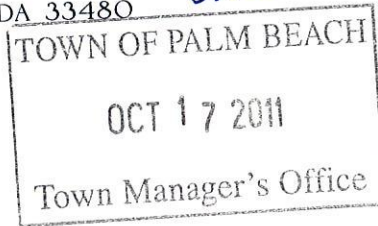
If you are going to transform the Town in this way, you have to have good and viable reasons not to just benefit a handful of commercial property owners.

In summary, the Coalition To Save Our Shoreline opposes the proposed Royal Poinciana Way Overlay.

We thank you for your allowing us to speak to you today and express our position, and we ask that you listen to the sentiments of your Town residents.

Richard Hunegs on behalf of the Coalition SOS

JAMES A. KARMAN
110 SEASPRAY AVENUE - PALM BEACH, FLORIDA 33480
561-659-5189



October 12, 2011

Alan Goldboro, Chairman
Palm Beach Planning and Zoning Commission

Peter Elwell
Manager, Town of Palm Beach

Re: Royal Poinciana Way Redevelopment

C: M+TC
P+Z Commission
Page email
Castro 10/18/11

Gentlemen:

The Royal Poinciana area is seriously in need of renovation and redevelopment -- if not only to improve the entire area, and make it much more attractive, but also to make the area much more useful and beneficial to the entire community.

Towns have to continuously modernize and improve to be relevant -- and there are many ways in which the Poinciana area can be economically and importantly upgraded and improved.

If a feeling of urgency is needed -- it is well-established that a vacant gas station is a real sign of a stagnant and declining neighborhood. Without strong forward-looking action, that vacant property will not go away -- and will further contribute to the overall decline of the area, which is a significant gateway to our entire community.

A good step forward would be serious consideration of the plan put forward by the Testa family. The Testas are strong civic and community, supporters, and the adoption of their proposal, or something like it, would be important in improving this very detrimental Palm Beach situation.

I would urge swift action -- as the decline and the problem is so obvious, and will certainly worsen very quickly if positive action is not undertaken.



JAK:hs



Fw: Testa's
Kathleen Ruderman to: John Page, Paul Castro

10/19/2011 07:28 AM

From: Kathleen Ruderman/PalmBeach
To: John Page/PalmBeach@PalmBeach, Paul Castro/PalmBeach@PalmBeach

Testa's application

Forwarding from PZB mailbox.

— rded by Kathleen Ruderman/PalmBeach on 10/19/2011 07:28 AM —

From: SunsetApts <244sunset@gmail.com>
To: pzb@townofpalmbeach.com
Date: 10/16/2011 10:46 PM
Subject: Testa's

Good Day,

As actual neighbors of the Testa's, the Condo Assoc located at 244 Sunset Ave has witnessed numerous changes to the area over the last 40 years. We are a small tight knit building that is more of a large family rather than a condo building. Most of the residents have been here over twenty five years with some owners going back the full 40. We have witnessed the slow deterioration of the area since the early 1980's when the "unofficial" population density restriction took effect. The effect was the residence to our East (Mr. Brown) became a parking lot; the residence to our West (Hair stylist Marlene) became a Dentist office and parking lot; the lots to the North (Houses and seasonal studios) became parking lots and empty fields.

There used to be a vibrant seasonal population that would come here, rent here, live here, spend here, and make the community thrive. Since the early 80's, the choke hold has resulted in McMansion townhouses with not enough people to support the local businesses. The whole area is ripe for redevelopment. It started with Publix and the world didn't end. It should continue throughout the area.

Finally, and correct us if we're wrong, we believe that even if the PZB graciously accepts the proposal, that the other subsequent town boards will implement their will on the Testa's to make sure that it is up to our standards. We have full faith that even if PZB gives their approval, so many other town hurdles must be passed that we know we'll get a quality site.

244 Sunset Ave

Lazarewicz Stephanie
Peloso Albert Est
Caldwell Joan
Ferguson Tyler K

TO: TOWN COUNCIL OF PALM BEACH

FROM: Linda L Beatty

ADDRESS: 395 Caribbean Rd.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
PLAN AND ZONING, ORDINANCES 29-11, 30-11 FOR
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REDEVELOPMENT PURPOSES**

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ALLURE OF PALM BEACH.**

**CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES
OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE
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AGAINST CHANGE BUT BELIEVE IT SHOULD BE
CONSISTENT WITH OUR COMPREHENSIVE PLAN.**

**SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS
ARE IN TOWN, BEFORE THIS CHANGE TO OUR
COMPREHEHNSIVE PLAN IS ENACTED.**

SIGNED: Linda L Beatty **DATE:** 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: ANDREY BENDER

ADDRESS: 250 BRADLEY PL #601

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: Andrey Bender

DATE: 04/04/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: SUSAN BORCHARDT

ADDRESS: 250 BRADLEY PL

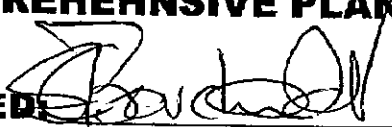
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CONSIDER OTHER SOLUTIONS SUCH AS VARIANCES OR TAX INCENTIVES TO CREATE A WIN, WIN FOR THE TOWN, THE RESIDENTS AND THE OWNER. I AM NOT AGAINST CHANGE BUT BELIEVE IT SHOULD BE CONSISTENT WITH OUR COMPREHENSIVE PLAN.

SEEK PUBLIC INPUT DURING TIMES WHEN RESIDENTS ARE IN TOWN, BEFORE THIS CHANGE TO OUR COMPREHEHNSIVE PLAN IS ENACTED.

SIGNED: 

DATE: 04/04/2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: CLAUDIA BRANDNER

ADDRESS: 315 EDEN RD.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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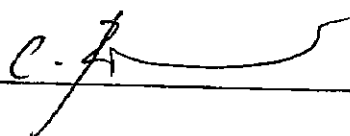
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DATE: 4-4-2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: REINHARD BRANNING

ADDRESS: 315 ELEN ROAD, P.B.

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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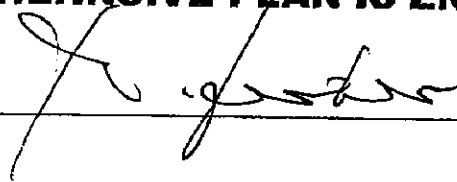
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SIGNED:



DATE:

APR-4-12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Marianne Chopp

ADDRESS: 250 Bradley PL # 7d PB FL 33480

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: _____ DATE: _____

TO: TOWN COUNCIL OF PALM BEACH

FROM: Peter K. Coleman

ADDRESS: 125 Root Trail

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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Peter K. Coleman

DATE:

4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM: Dragana Connaghan

ADDRESS: 207 Merrain Rd P.B.

3348

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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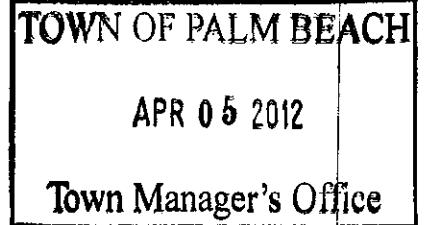
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SIGNED:

Dragana Connaghan **DATE:** 4/4/12



TO: TOWN COUNCIL OF PALM BEACH

FROM: William Cooley

ADDRESS: 8 WINDSOR COURT

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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DATE: 4/4/12

TO: TOWN COUNCIL OF PALM BEACH

FROM:

MARGIE DYER

ADDRESS:

225 PLANTATION Rd

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SIGNED:

M Dyer

DATE:

4 April 2012

TO: TOWN COUNCIL OF PALM BEACH

FROM: Lela Foster

ADDRESS: 64 VIA MIZNER, P.B

**RE: PROPOSED AMENDMENT TO THE COMPREHENSIVE
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SIGNED: [Signature]

DATE: 4-4-12

TO: TOWN COUNCIL OF PALM BEACH

FROM:

ADDRESS:

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SIGNED:

Ridgely F. Carr

DATE:

4-4-2012