TENTATIVE:
SUBJECT TO
REVISION

TOWN OF PALM BEACH

TOWN MANAGER'S OFFICE

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

FEBRUARY 14, 2018

9:45 AM

Town Council Meeting

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

A. **RESOLUTION NO. 08-2018** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 245 Dunbar Road, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach

B. **RESOLUTION NO. 07-2018** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 138 Root Trail, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach

C. **RESOLUTION NO. 09-2018** A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 455 Australian Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

VIII. DEVELOPMENT REVIEWS

A. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: CT-S Town-Serving Commercial. The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD** SUITE: SITE, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. 1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264

members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. 2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. [Applicant's Representative: Maura Ziska Esq]
TIME CERTAIN: 11:00 A.M.

b. **VARIANCE #21-2017** The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

c. **Z-17-00034 SITE PLAN REVIEW** Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to the architecture only. Carried 5-2. The Architectural Commission deferred the landscape portion of the project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

d. **Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD,** legal description on file, is

described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:
1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting Per Letter Dated January 30, 2018 from Maura Ziska**

e. **Z-17-00047 VARIANCE(S)** Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD,** legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] **Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated February 2, 2018 From Jose Gonzalez**

f. **Z-17-00051 SITE PLAN REVIEW** Zoning District: RB Low Density Residential The application of STERANKA MICHAEL, Owner, relative to property located at **266 ORANGE GROVE RD**, legal description on file, is described below. Site Plan Review to allow the construction of a 2,900 square foot one-story, single family residence on a non-conforming platted lot which is 8,156.25 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 75 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review would not cause negative architectural impact to the subject property. Carried 7-0. The

Architectural Commission conditionally approved the project. The conditions are related to the architecture only. Carried 6-1.]

g. **Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: RB Low Density Residential The application of CARLSON GUSTAV TRUST &, Owner, relative to property located at **280 ORANGE GROVE RD**, legal description on file, is described below. 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to architecture only. Carried 6-1. The Architectural Commission deferred the landscape and hardscape portions of the project. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated February 1, 2018 from Maura Ziska**

h. **Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: B 3**, legal description on file, is described below.1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats. [Applicant's Representative: Maura Ziska Esq]

2. New Business

a. **Z-17-00056 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: C-WA Worth Avenue The application of PALM V ASSOC LTD, Owner, relative

to property located at **240 WORTH AVE**, legal description on file, is described below. The applicant, Lilly Pulitzer, is planning to open a retail store on Worth Avenue in a portion (3,952 s.f.) of the previous space occupied by Hermes. A Special Exception with Site Plan Review approval is being requested to modify the storefront facade to include a portico, modify the existing second floor of a retail space in order to remove partition walls; and enclose an exterior stairwell. Also planned is a 106 square foot pergola addition to the courtyard, new paver and a fountain. The following variance is being requested in conjunction with this application: (i) A request for a variance for lot coverage of 72.7 % in lieu of the 72 % existing and 35% maximum allowed in the C-WA Zoning District. [Applicant's Representative: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

b. **Z-17-00057 VARIANCE(S)** Zoning District: C-OPI Office, Professional and Institutional The application of EPIC RPW LLC, Owner, relative to property located at **250 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. Section 134-2437(1) and (2): A request for a variance to allow a business identification sign to include the full name of the company, "Alex. Brown A Division of Raymond James" on a building without any ground floor tenants, thereby prohibiting a business identification sign by Code. [Applicant's Representative: David E. Klein Esq]

c. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3.]

d. **Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-B Low Density

Residential The application of REGALBUTO JASON, Owner, relative to property located at **160 SEABREEZE AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application: 1) a cubic content ratio ("CCR") of 7.08 In lieu of the 4.24 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41% in lieu of the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet In lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the architectural portion of the project at the January 24, 2018 meeting. Carried 5-2. The Architectural Commission conditionally approved the landscape portion of the project at the January 24, 2018 meeting. Carried 7-0. All approval conditions are related to the architecture and landscape only.]

e. **Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S)** Zoning District: C-OPI Office, Professional and Institutional The application of JHD ASSOCIATES LLC, Owner, relative to property located at **230 ROYAL PALM WAY SUITE: SITE**, legal description on file, is described below. *PLEASE NOTE: THIS PROJECT ENCOMPASSES 230 AND 240 ROYAL PALM WAY* 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

f. **Z-17-00061 SPECIAL EXCEPTION** Zoning District: C-PC

Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at **340 ROYAL POINCIANA WAY** legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq]

g. **Z-17-00062 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of SOTER WILLIAM J &, Owner, relative to property located at **198 VIA MARINA SUITE: CABANA**, legal description on file, is described below. 1) Request for a variance to replace 3 glazed walls and French doors on a 307 square foot pool cabana located on the east side of the property (demolishing more than 50% of the cubic volume) which will result In a cubic content ratio ("CCR") of 4.36 for existing and proposed in lieu of the 3.927 maximum allowed in the R-B Zoning District. 2) Request for a variance to allow the existing 12 foot east side yard setback of the pool cabana to remain In lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 7-0.]

h. **Z-17-00063 SPECIAL EXCEPTION** Zoning District: R-B Low Density Residential The application of ROSS CAROLYN H EST, Owner, relative to property located at **201 SANFORD AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, slngle family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum required In the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq] [The Architectural Commission deferred this project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

i. **Z-17-00064 SPECIAL EXCEPTION AND SITE PLAN REVIEW** Zoning District: R-A Estate Residential. The application of CHESTERMAN ALEX, Owner, relative to property

located at **880 S OCEAN BLVD**, legal description on file, is described below. Request a Special Exception with Site Plan Review to allow construction of a 424 square foot beach cabana in the R-A/B-A Zoning District. [Applicant's Representative: Maura Ziska Esq]

j. **Z-17-00065 VARIANCE(S)** Zoning District: R-A Estate Residential The application of TAYLOR TERRY R &, Owner, relative to property located at **780 S OCEAN BLVD**, legal description on file, is described below. Section 134-843 (10)a. An application for a Variance to allow the construction of a 748 s.f. master bathroom addition in the same area that was previously approved for a walk-in closet in 2011 (COA-020-2011) and a master bathroom in 2013 (VAR-14-2013), with a maximum building height of 29 feet in lieu of 25 feet allowed. [Applicant's Representative: Peter Broberg] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

k. **Z-17-00066 SITE PLAN REVIEW**
Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. Request for site plan review to modify the Via Bice as follows: 1) New mosaic pavers in the Via; 2) New 2,240 square foot trellis with retractable awning above; 3) New landscaping and lighting; 4) New stone entry with awning on Peruvian Avenue; 5) Removal of existing canvas awnings 6) New 37 .5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq]

3. Other

A. First Reading

1. ORDINANCE NO. 04-2018 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, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-

888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article Viii, Supplementary District Regulations, Section 134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 3:30 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 3:30 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

Note 2: The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda
Public Hearings

Agenda Title

RESOLUTION NO. 08-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 245 Dunbar Road, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach

Presenter

ATTACHMENTS:

- **Memorandum Dated January 24, 2018**
- **Resolution No. 08-2018**
- **245 Dunbar Road Designation Report**
- **Excerpt from the 12-20-17 LPC Meeting Minutes**
- **Landmark designation procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John Lindgren, Planning Administrator

Re: Landmark Designation of 245 Dunbar Road
Resolution No. 08-2018

Date: January 24, 2018

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 245 Dunbar Road as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the December 20, 2017 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

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

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

Sec. 54-161 (2) Is identified with historic personages or with important events in national, state and local history.

OWNER CONSENT

The property owners, Peter and Stephanie Brant, were properly notified of the hearing before the Landmarks Preservation Commission. No person attended for the owners, nor were any comments received from the owners.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 08-2018 relating to 245 Dunbar Road, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Murphy Stillings, LLC

RESOLUTION NO. 08-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 245 DUNBAR ROAD, MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

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

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

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

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

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

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **245 Dunbar Road** and the property to be landmarked is legally described as follows:

Adams Addition Lot 50

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

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February, 2018.

_____	_____
Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Julie Araskog, Town Council Member
	_____
ATTEST:	Bobbie Lindsay, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member

245 Dunbar Road

DESIGNATION REPORT

December 20, 2017

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

245 Dunbar Road

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Report produced by Murphy Stillings, LLC

I. General Information

Location:	245 Dunbar Road Palm Beach, Florida
Date of Construction:	ca.1903-1905
First Owner:	Elisha Newton "Cap" Dimick
Historic Name:	Orangerie
Current Name:	Buttonwood
Architect:	Unknown
Present Owner:	Peter S. and Stephanie S. Brant
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50434314070000500
Current Legal Description:	Adams Addition Lot 50

II. Location Map

III. Architectural Information

245 Dunbar Road, currently known as Buttonwood, is one of Palm Beach's oldest standing single-family dwellings. It was built in the frame vernacular style with Queen Anne style influence for Elisha Newton "Cap" Dimick and his family between 1903 -1905.[1] The original location of the house was on a large lakefront parcel near present-day Emerald Lane. Originally known as the Orangerie, it was moved to its current lot on the north side of Dunbar Road in Palm Beach's Adams Addition subdivision in 1924 and later re-named Buttonwood due to the large buttonwood tree on the property.

Frame Vernacular refers to a wood frame building that is the product of the builder's experience, available resources and response to the environment. Buildings are one or two stories in height generally with one-story front porches and gabled or hipped roofs with overhanging eaves. Horizontal clapboard and drop siding are the most common exterior wall materials. Wood double-hung sash windows are typical and the most common ornamentation includes shingles, corner boards, porch columns, brackets, rafter tails and vents in the gable ends. Frame Vernacular houses in the

[1] Elisha Dimick was known as "Cap" because of his penchant for wearing white caps. He was not a captain though that is where many thought "Cap" came from. There were no building permits in Palm Beach in the early 1900s, so an exact date of construction is not known but his descendants recollect the house was constructed between 1903 and 1905.

late nineteenth and early twentieth centuries often borrowed stylistic elements from more fanciful styles from the Victorian era, such as the Queen Anne style.

Buttonwood is a large two-story irregularly shaped dwelling set atop a substantial brick foundation. The dwelling is covered in horizontal clapboard and has mostly one-over-one, double-hung wood sash windows, several which are paired. The hipped roof is covered with standing seam metal and has slight overhanging eaves with carved brackets underneath. The south and east slopes of the roof have hipped dormers, the north slope has a shed dormer and the west slope has a gabled dormer with a banded brick chimney protruding through the center. Reminiscent of early frame houses built during Palm Beach's pioneer days, the first story has a broad veranda wraparound porch supported by simple Tuscan columns on brick piers. Set within this veranda on the south facade is the dwelling's main entrance that features a wood paneled and glazed door flanked by sidelights with decorative glazing. This entrance is approached by a brick walk and accessed by a wide brick stairway. Also set within this veranda is a charming Queen Anne inspired octagonal bay window at the southwest corner of the dwelling. This feature originally had a second floor octagonal bedroom and peaked tower rising above it.

The property at 245 Dunbar Road also has a large two-story guesthouse on the northwest portion of the lot. This picturesque clapboard building has several Victorian style features including first floor entry doors topped with an ogee pediment and set within wooden bracketed pilasters, two second-story balconies with turned columns and carved spindles and a decorative wooden balustrade at the roofline. In 1997-1998 and again in 2003 the guesthouse was significantly remodeled. It was likely altered to its current appearance during these remodeling projects.

Over the past ca. 112 years, there have been additions and alterations to the property at 245 Dunbar Road. In 1919, the house was moved from its large lakefront lot near present-day Emerald Lane to a lot on the north side of Wells Road in the newly platted Adams Addition subdivision. Five years later, in 1924, it was moved one block south to its current location at 245 Dunbar Road. In 1931, two bathrooms were added to the dwelling. At an unknown time, the tower was removed and the octagonal second floor bedroom below the tower was squared off. In 1990, a dining room and octagonal conservatory were added to the rear attached by a one-story passageway and entry. This octagonal conservatory took its historical reference point from the octagonal living room on the southwest corner of the front façade that was derived originally from Queen Anne influences. Also in 1990, the deteriorated clapboard siding was replaced with clapboard reproduced to the exact dimensions, the asbestos shingled roof was replaced with a standing-seam metal roof and the pool and patio in the rear were added. In 2006, there were alterations and additions to the kitchen, dining room and master bathroom on the rear of the house. Despite these changes to the dwelling, 245 Dunbar Road still retains its historic architectural character.

IV. Historical Information

The house at 245 Dunbar Road was originally built ca. 1903 -1905 for Elisha Newton "Cap" Dimick, one of Palm Beach's earliest and most important pioneers. E. N. Dimick and his family arrived in Palm Beach from Michigan in 1876 when Palm Beach was mostly wilderness with just a few settlements along Lake Worth.[2] Most of the first settlers made their way from the North and the Midwest in the latter part of the 19th century. They came for various reasons, from improving their health, to seeking a homestead or looking for adventure. But they all faced the same hardships: a wilderness that was beautiful but daunting. There were few people, no post offices, and no roads to transport goods to northern markets. Once settlers arrived, they were virtually cut off from the rest of the world. However, with ingenuity and grit, Palm Beach's earliest pioneers gradually found ways to meet these challenges, connect with the rest of the world and create a successful town.[3]

Like many of the early pioneers and later members of Palm Beach's Cottage Colony, the Dimick's came to Palm Beach from the north seeking a warmer climate for an

[2] When the first settlers arrived, the entire area was known as Lake Worth. The lake was named for Major General William Jenkins Worth, who fought in the Second Seminole War and in Mexico during the Mexican-American War. The Lake Worth Post Office was started in 1880 when approximately 51 people were living along the lake.

[3] Historical Society of Palm Beach County, History On-Line: Pioneer Life.

ailing family member.[4] After a difficult trip over land and water, Cap Dimick had to crawl on his hands and knees through the island's jungle growth to choose a home site along the lake. At that time, the land between the ocean and the lake was mostly swampland, and the lakeside was prized over the ocean side. The Dimick's grew crops of sweet potatoes, pumpkins and pineapples, and hunted and fished for much of their food. Cap Dimick was one of the first men to hire workers to pick up sand from the ocean beaches and transport it to the swampy center of the island to infill the wetland and make trails between the lake and the ocean.[5] In these early years, Palm Beach's attraction was its secluded tropical setting and uncultivated nature interconnected by footpaths and trails. Dimick built a house for his family on the lake near present-day South Lake Trail at Primavera Lane and Pendleton Avenue and named it the Cocoanut Grove House.[6] In the 1880s, Elisha and Ella Dimick added eight rooms to their house to accommodate visitors, and later added more until they eventually had fifty rooms to let. Their Cocoanut Grove House hotel became Palm Beach's first hotel and was the social center for the small community in the 1880s and early 1890s. Ella Dimick was the proponent to add rooms to their house in order to turn it into a hotel and was the leader in advertising the hotel across the country, which led to the hotel often being completely booked in advance for the entire season.[7] Charles J. Clarke, one of the wealthy pioneer-era visitors to Palm Beach, bought the Cocoanut Grove House hotel and surrounding property from the Dimick's in March of 1892 but an accidental fire destroyed the hotel in October 1893.[8]

Cap Dimick became a beloved and influential resident of Palm Beach and the surrounding county. In 1884, he and Edmund and John Brelsford established a mule-driven hack line from Lake Worth to Jupiter.[9] He was a county commissioner when Palm Beach was still part of Dade County, traveling to Miami on foot when necessary. He served on the Dade County School Board and in the Florida state legislature, serving six years in the Florida House of Representatives (1890 – 1896) followed by two terms in the Florida Senate. In 1893, Cap Dimick and the Brelsford

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[4] The Dimick's came to Florida from Michigan seeking a warmer climate for Elisha's father Moore Wellington Dimick who suffered from tuberculosis.

[5] In later years, Dimick hired a dredging company to dredge the areas that could not be filled by sand.

[6] On South Lake Trail at Pendleton Avenue is a state historical marker identifying the approximate location of the Cocoanut Grove House.

[7] Richard Marconi and Debi Murray. Images of America: Palm Beach. Arcadia Publishing, 2009. p. 13. Some prominent families that stayed at the Coconut Grove House hotel included the Roosevelts, Clarkes, Vanderbilts, Andrews, Goodriches, Binghams and Davenports.

[8] Commodore Charles J. Clarke made his money in the steel business in Pennsylvania. After the Cocoanut Grove House hotel burned to the ground in 1893, he built a house he named Primavera. The area surrounding the house was later platted and subdivided to make Primavera Estates.

[9] In 1884 Cap Dimick and Edmund and John Brelsford added a mule-driven "hack line," or stage coach, to carry passengers and cargo to the head of Lake Worth from the Jupiter dock where Dubois Park is now.

brothers organized the first local bank, the Dade County State Bank, with Cap Dimick serving as its first president.[10] In addition, Cap Dimick was the head of the Palm Beach Improvement Company which in 1908 platted and began developing a 168-acre tract from the lake to the ocean, which became the Royal Park subdivision.[11] By 1911, Dimick was influential in getting the Royal Park Bridge (middle bridge) constructed to bring people to the Island by automobile, as the north bridge was still just a railroad and pedestrian bridge.[12] The Royal Park residential development began Palm Beach's transformation from an exclusive resort for the few to an accessible vacation home getaway for the many.[13] Cap Dimick was instrumental in founding the Town of Palm Beach in 1911 before West Palm Beach was able to annex the area, and he proudly served as the Town's first mayor.[14] A statue of Cap Dimick, holding his cap, stands on Royal Palm Way near the foot of the Royal Park Bridge welcoming residents and visitors to Palm Beach.

When Flagler first visited Palm Beach in 1892, millionaires had already built houses on the island of Palm Beach, including Thomas Adams of Tutti-Frutti chewing gum fame and Robert R. McCormick of the Denver Pacific Railroad. Flagler, a guest in the elegant home of Frederick and Marsena Nelson Robert, was so struck by the beauty of the area he bought land on both sides of the lake.[15] Word spread of his activities, setting off a small boom. People invested in land wherever Flagler did, increasing prices as much as sixty percent, and bringing new businesses to Palm Beach. Flagler's plan was to build a resort hotel in Palm Beach for wealthy tourists, and a new town on the west side of Lake Worth for commercial and residential purposes. He made fast work of both. In February of 1894, the Royal Poinciana Hotel opened, in March Flagler's Florida East Coast Railway (FEC) tracks reached West Palm Beach, and a few weeks later the first train pulled in carrying a number of the country's wealthiest families in their private luxury rail cars. The railroad brought seasonal tourists who changed Palm Beach from a remote refuge to a

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[10] In 1893 Dade County State Bank was opened in Palm Beach by Elisha Dimick and Edmund M. and John H. Brelsford, with Dimick as president. The building was moved to the corner of Clematis and Olive in 1897, and renamed Pioneer Bank when Palm Beach County was established in 1909. The building has since been moved to Flagler Drive and after many uses it currently houses the Palm Beach High School Museum.

[11] The Palm Beach Improvement Company had to dredge much of the interior swampland between the ocean and the lake.

[12] The charge was a quarter per car and a nickel per pedestrian to cross the bridge. In 1919, Palm Beach County bought the bridge for $40,000.

[13] Augustus Mayhew. Palm Beach – A Greater Grandeur. East Side Press, 2016. p. 17.

[14] The Town of Palm Beach was incorporated on April 17, 1911, after it was discovered in January that West Palm Beach was going to attempt an annexation of the island resort during that year's legislative session. For secrecy's sake, residents quickly hired a Miami attorney to draw up the necessary papers and posted the public notices just thirty days before presenting their request to the state. The first town officials elected were Elisha N. Dimick, mayor; John McKenna, town clerk; Joseph Borman, marshal; and J. B. Donnelly, William Fremd, John Doe, Enoch Root, and J.J. Ryman, councilmen

[15] Historical Society of Palm Beach County, History On-line: Flagler Era.

resort.[16] The railroad also brought long-awaited resources and a large influx of people, allowing the pioneers to profit through a variety of new business ventures that served the community.[17] This marked the end of the pioneer era and the beginning of the Flagler era.[18]

Flagler's Royal Poinciana and Breakers hotels were extremely successful and by World War I, Henry Flagler had established Palm Beach as the winter capital of American high society. During the early years, most well to do tourists stayed at one of Flagler's hotels. However, by the 1920s, many seasonal visitors wanted more space and built or leased houses for the winter season. With this new development, the ensuing building boom commenced. A number of the wealthy winter residents built mansions on large estates and developers platted and built new subdivisions with both large and modest houses. This rapid growth greatly changed the small mostly seasonal community to a larger "Cottage Colony" with extended seasonal months.

Edward T. Stotesbury and his wife Eva were one of the elite families who wanted a grand estate where they could house and entertain family and friends. In 1917, they purchased the Dimick's Orangerie house and property that was north of town but not too distant from Main Street or the hotels.[19] Through the purchase of Orangerie the Stotesbury's fulfilled their pursuit of owning a lake to ocean parcel. However, the Stotesbury's wanted an even grander estate, so in February of 1918 they purchased the adjoining Cragin estate, which was touted as one of the most magnificent estates in Palm Beach.[20] A newspaper article from the time stated that the Stotesbury's aimed to beautify the combined properties, which carried a water frontage of more than 600 feet on the lake and a corresponding distance on the ocean.[21]

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[16] Augustus Mayhew. Palm Beach – A Greater Grandeur. East Side Press, 2016.
[17] John David Wilson. Palm Beach Daily News Editorial Cartoon Page. December,15, 2010.
[18] Historical Society of Palm Beach County, History On-line: Flagler Era.
[19] After the Stotesburys purchased his house in 1917, Cap Dimick built a house, Driftwood, on Royal Palm Way at Hibiscus Avenue in the Royal Park Subdivision he had helped establish and develop. Cap Dimick passed away in 1919 to much sorrow in the community, but his wife Ella and many relatives continued to play a leading role in the development and governance of Palm Beach.
[20] The Garden of Eden was the estate of Charles and Frances Cragin who were early Palm Beach pioneers. They arrived in Palm Beach and purchased their first 20 acres in 1887 from Moore Dimick. They continued to purchase land acquiring 250 acres and transforming it into a botanical paradise. The Cragin's constructed a Victorian style house on the property in 1893, which they named Reve D'Ete, which means "Dream of Summer." The Cragin's imported and planted so many trees and plants on the property that the federal government declared the property an experimental botanical garden. The Garden of Eden became a favorite tourist attraction in Town with visitors renting wheel chairs to take them to and around the extensive property. Charles Cragin died in 1915 and Frances Cragin sold the property a few years later to E.T. Stotesbury.
[21] The Palm Beach Post, "Magnificent Cragin Estate Bought by E.T. Stotesbury." 15 February 1918.

With their land purchases complete, the Stotesbury's hired Addison Mizner to design their large Mediterranean-style villa "El Mirasol" that was completed in 1919 on the ocean portion of their estate. Mrs. Stotesbury wanted a teahouse and garden on the lakeside of their El Mirasol estate, so in March of 1919 they gave the former Dimick house Orangerie to Amy Lyman Phillips. A Palm Beach Post newspaper article dated March 31, 1919, describes the transaction:

> "The house at El Mirasol on the lake front known to old Palm Beach residents as the 'Captain Dimick House' and one of the oldest and most charming houses on the Peninsula has been presented by Mr. and Mrs. Edward T. Stotesbury of Philadelphia to Miss Amy Lyman Phillips – who among other activities has represented the Palm Beach Post in Palm Beach this season – as a very substantial token of their friendship. Although Miss Phillips has received many attractive offers for the house, which is to be removed from its present location in order that Mr. and Mrs. Stotesbury may carry out their plans in developing their gardens fronting the lake, it is likely that she will retain it as an investment and remove it to some of the adjacent lots in the vicinity adjoining the Stotesbury's property. The house is very substantially built from seasoned timbers and can be moved entire without injury to the interior and when improved or furnished will be one of the most attractive houses available for rental in Palm Beach the next season."

Amy Lyman Phillips was a journalist who authored the society column for the Palm Beach Post, as well as for Boston, New York and New Hampshire newspapers. She wrote Palm Beach based articles for Vogue, The Spur and Town and Country, as well as the trade publication out of Boston, The Epicure.[22] Miss Phillips began spending the winter season in Palm Beach in the early 1900s and became a well-known journalist who befriended and socialized with many of the high society seasonal residents. In 1910, Flagler hired Amy Phillips to write publicity articles about Palm Beach to attract northerners to his hotels.

Several months after the Stotesbury's presented the house to Amy Phillips she hired movers to transport Orangerie to its new location. Using "hundreds of wooden rollers and a mule turning a capstan," the house was moved a few blocks south to a lot on the north side of Wells Road to become the first house in the newly platted Adams Addition subdivision.[23] By early 1920, the house was ready to lease but there was no single offer to rent it for the season, so instead it was rented to several bachelor friends of Miss Phillips who preferred a home to the hotels, and the house was nicknamed "The Bachelor Barracks."[24] Among those renting were Robert Graham of the Hotel Plaza, New York, George A. McKinlock of Lake Forest, Illinois, Edwin Schurz of Chicago and General John Fitzgerald of England.[25] Later in the season Thomas B. Adams, the developer of the Adams Addition subdivision that comprised Wells and Dunbar Roads, and his wife spent three weeks in the house and entertained many visitors during their stay.

The following season, Miss Phillips was fortunate to find a prosperous tenant that wanted a long-term lease on the house. The Webb's had been spending the winter season in Palm Beach since 1899 and prior to leasing Miss Phillips' house, the Webb's stayed at the Royal Poinciana Hotel or the Breakers Cottages during the season. By the 1920s, the family wanted more privacy and more room to entertain

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[22] Amy Phillips also spent time doing society and publicity news at the Greenbrier in West Virginia and traveled to Europe often to cover society news and find recipes for The Epicure. During the season, she traveled often and leased her house at 430 Australian Avenue and lived at the Breakers when in town.

[23] Polly Anne Earl. Palm Beach: An Architectural Legacy. New York: Rizzoli, 2002. This source and information from the Preservation Foundation of Palm Beach state that Amy Lyman Phillips moved the house from the Stotesbury estate to its current location on Dunbar Road. However, Miss Phillips moved the house to the north side of Wells Road in 1919 and the Stotesburys later moved it in 1924 to its current lot at 245 Dunbar Road.

[24] At one point Amy Phillips had plans to move the house to a location where it would be used as a teahouse. In early 1920 it was listed as Polly's Place, the same name of a teahouse and inn she operated in Colebrook, N.H. However, it was never used as a teahouse and instead rooms were rented out for the 1920 season.

[25] George A. McKinlock and his wife purchased a large house in Vita Serena on Clarendon Avenue. Mrs. McKinlock was president of the Palm Beach Gardener's Club and she and her husband hosted many cultural performers at their house.

family and friends.[26] So in 1921, the former Orangerie returned to a single-family dwelling and was leased for the next three years to the family of Dr. William Seward Webb and his wife Lila, the former Eliza "Lila" O. Vanderbilt, daughter of William Henry Vanderbilt and granddaughter of Commodore Cornelius Vanderbilt.

In March of 1923, E. T. Stotesbury decided to expand his El Mirasol estate to the south and bought back the former Cap Dimick house Orangerie that he had bequeathed to Amy Phillips in 1919.[27] A March 31, 1923, Palm Beach Post article titled "Stotesbury Buys Miss Phillips House," outlines this transaction:

> "Miss Amy Lyman Phillips has sold her house on Wells Road in the Adam Addition to Edward T. Stotesbury, who will be by acquiring this land, square off his property and thus control the entire north side of Wells Road from ocean to lake, in addition to which he has also purchased for future development and use of his children, the tract on the opposite side running from County Road to the ocean. The Wells Road house was a gift to Miss Phillips from Mr. and Mrs. Stotesbury some years ago and was moved from their estate to this lot, which was the first one to be sold in the Adams estate."

Having bought the house back from Miss Phillips for the sole purpose of removing it from their expanded estate, the Stotesbury's had the house moved one block south to its current location at 245 Dunbar Road in the summer of 1924. A January 2, 1925 article in the Palm Beach Post regarding the subsequent sale of the house confirms the second move of the house:

> "The sale of the old Captain Dimick House this week is reported. Mrs. Margaret Kohl of Chicago reported as being the buyer of the house which is now upon Dunbar Road. Mrs. Kohl having sold her Lake Trail South residence at a handsome profit. The Captain Dimick house which was one of the pioneer houses in Palm Beach on the Lake Trail North, formerly occupied the site of Mrs. Stotesbury's tea house, and was given by the Stotesbury's to Miss Amy Phillips, who removed it to her own property on Wells Road. Mr. Stotesbury acquired this property again, and removed the house last summer across the way to Dunbar Road, and the old house stood its second pilgrimage very well, but

[26] In August of 1920, Miss Amy Lyman Phillips hired Heston Brothers to build a two-story garage, 20' x 30',in the Adams Addition. It was most likely a garage built for the house she moved to the Wells Road site.
[27] After E.T. Stotesbury purchased 245 Dunbar Road from Amy Phillips, she bought the lot at 136 Dunbar Road and built Mirador. The Webb's leased Mirador from Amy Phillips from 1923 – 1933.

> hopes this will be the last removal to shiver its ancient but sturdy timbers. It is understood that Mrs. Kohl will remove soon to her new home."

Mrs. Charles E. Kohl of Chicago purchased and moved into 245 Dunbar Road in January 1925. Mrs. Kohl was the widow of Charles E. Kohl, a businessman who dominated the vaudeville business in Chicago and much of the Midwest beginning in 1882. He passed away in 1917 after having amassed much wealth before vaudeville began to decline in the 1920s. Mrs. Kohl and her grown children and their families occupied 245 Dunbar Road at various times throughout the season, often entertaining family and friends that were visiting Palm Beach. The only documented work Mrs. Kohl did to the house was to hire builder Hillis P. Search to add two bathrooms to the dwelling in 1931.[28]

Jim Y. Arnold, Jr. purchased 245 Dunbar Road in 1957. J.Y. Arnold, Jr. was the son of Jim Y. Arnold who founded Arnold Construction Company, one of the most prestigious and well respected construction companies in Florida. The Arnolds were active building houses and commercial buildings in Palm Beach and West Palm Beach starting in the 1920s and grew to be one of the largest construction firms in the state with offices in south, central and north Florida by the 1950s. In Palm Beach, Arnold Construction Company worked on projects with many of the town's early prominent architects including John Volk, Maurice Fatio, Marion Sims Wyeth and Gustav Maas. They had a long record of building both for investment and for private individuals. Along with E.B. Walton, Arnold Construction Company built a number of houses on Pendleton Avenue and later developed Palm Beach Shores, one of the first subdivisions in Palm Beach's north end. They were also the contractors on a number of the larger mid-century condominium and apartment buildings in Palm Beach. While owning 245 Dunbar Road from 1957 - 1979, J.Y. Arnold, Jr. did repair work in 1957, built a fallout shelter in 1961, installed an air conditioning system in 1969 and re-roofed the house in 1971.[29]

In 1979, Robert Leidy and his wife Liza Pulitzer Leidy purchased 245 Dunbar Road from J.Y. Arnold, Jr. Mr. Leidy was a financial advisor with the E.F. Hutton group in Palm Beach and Liza, the daughter of Peter and Lilly Pulitzer, was a fashion

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[28] Following Mrs. C.E. Kohl's ownership of the house, there were three main owners: Walter C. Powers, 1932-1937; Frank Kenny, 1939 - 1944; and Mrs. Dora Loos, 1947 - 1957.

[29] During the lead-up to the Cuban Missile Crisis some people built fallout shelters as a last resort in case of a nuclear attack. The Kennedy Bunker on Peanut Island was built at this same time.

designer and realtor in Palm Beach. In 1979, the Leidy's had the fallout shelter demolished and the following year they built a pool in the rear lawn.

In 1986, Robert and Liza Leidy sold 245 Dunbar Road to Richard and Edwina Sandys Kaplan. Edwina Sandys Kaplan is an accomplished artist and spokesperson on the life and art of her grandfather Sir Winston Churchill. The Kaplan's sold 245 Dunbar Road to Betsy and Michael Kaiser three years after purchasing the historic dwelling.

In 1992, Betsy and Michael Kaiser received the prestigious Ballinger Award from the Preservation Foundation of Palm Beach for their restoration of 245 Dunbar Road, then know as Buttonwood. The Kaisers purchased Buttonwood in 1989 and completed the restoration work and additions in 1990 - 1991. The main exterior restoration work entailed replacing the old clapboard siding with siding reproduced to the exact dimension and restoring the wraparound porch and the doors and windows that had fallen into disrepair. The Kaisers installed a standing seam metal roof to replace the non-original asbestos tile roof. They also added a dining room and an octagonal conservatory to the rear that is accessed by a one-story passageway and entry. Many of the original interior finishings were restored and the systems updated to keep the house functioning for at least another one hundred and twelve years.

The current owners, Peter S. and Stephanie S. Brant, purchased Buttonwood in 1999. In 2003 they remodeled the guesthouse and in 2006 they made improvements to the main house's kitchen, dining room and master bathroom. Over their eighteen years of ownership, the Brant's have upgraded many of the mechanical systems and have been excellent stewards of the historic house.

VI. Statement of Significance:

Built between 1903-1905, 245 Dunbar Road is one of the oldest remaining houses from Palm Beach's early settlement. The frame vernacular dwelling with Queen Anne style inspiration was constructed for the influential and highly respected Palm Beach pioneer Elisha "Cap" Dimick and his family. The dwelling originally fronted Lake Worth on a large lake to ocean parcel, but rather than being demolished when the property was sold, the house was moved, first to Wells Road and subsequently to its current location on Dunbar Road.

VII. Criteria for Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria, which relate to this property and justification for designation:

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

Originally known as the Orangerie, the house at 245 Dunbar Road reflects the broad cultural, political, economic and social history of Palm Beach. Built from 1903-1905 during Palm Beach's early settlement and Flagler era, it is one of the oldest surviving residences in Palm Beach. The dwelling was constructed and lived in for many years by the pioneering Dimick family who played a leading role in the establishment and growth of Palm Beach. While living at the Orangerie, Cap Dimick was a leader in developing the Royal Park subdivision which began Palm Beach's transformation from an exclusive resort to an accessible vacation home getaway. The house and surrounding property was purchased in 1917 by Edward and Eva Stotesbury and became part of the property where El Mirasol, the first large Mediterranean-style villa designed by Addison Mizner, was constructed. Rather than demolish the house, the Stotesbury's bequeathed the house to their friend Amy Lyman Phillips, who in 1919 had the house moved to a lot in the new Adams Addition subdivision, which at the time was the northern most subdivision in Palm Beach. For three years it was leased to Seward and Lila Vanderbilt Webb who had spent many winter seasons at one of Flagler's hotels but by the 1920s they choose to lease a house where they could have guests and entertain. When the Stotesbury's decided to expand their El Mirasol property south, they purchased the house back from Miss Phillips and moved it one block south to its current location on Dunbar Road. It is not known why the Stotesbury's chose to save the house twice rather than demolish it, but it served as a notable early act of historic preservation in Palm Beach. The sturdy house weathered the moves well and retains many of its historic features that represent the type of frame vernacular houses built in Palm Beach during the early settlement era.

(2) Is identified with historic personages or with important events in national, state and local history.

Elisha Newton "Cap" Dimick was one of the most influential people in the founding of Palm Beach. Cap Dimick was one of the area's first settlers, arriving in 1876 when the island was still wilderness. When he died in 1919, Palm Beach was a world famous resort. The Dimick's Cocoanut Grove House hotel was the town's first tourist hotel and its charm attracted many northerners to the secluded area. The hotel's register included many of the country's most prominent families and the hotel also played a role as a center of community affairs. While living at the house now located at 245 Dunbar Road, Cap Dimick represented Palm Beach in the Florida state senate. He was the head of the Palm Beach Improvement Company which platted and developed the Royal Park subdivision and he was also a leader in getting the Royal Park Bridge (middle bridge) constructed to bring people to the Island by automobile. Cap Dimick was instrumental in founding the Town of Palm Beach and he proudly served as the Town's first mayor. Newspaper articles at the time of his death described how beloved and respected Cap Dimick was by all who knew him in Palm Beach.

Edward and Eva Stotesbury were important in the history of 245 Dunbar Road as they chose to save the house twice rather than having it demolished when they first bought the dwelling and the expansive property from the Dimick's in 1917 and later when they purchased the house from Amy Lyman Phillips in 1923. The Stotesbury's came to Palm Beach on their private railcar in the early 1900s and stayed a number of winter seasons at Flagler's Royal Poinciana Hotel. Edward Stotesbury was a very successful Philadelphia businessman and a commanding figure in the financial world. Eva Stotesbury became known as the "Queen of Palm Beach" for her lavish parties at El Mirasol and her social and philanthropic endeavors. They purchased the Orangerie as their first step in acquiring property to establish a large estate on which to build their Mizner designed house El Mirasol.

VIII. Bibliography

Curl, Donald W. Mizner's Florida: American Resort Architecture. New York: The Architectural History Foundation, 1984.

--- Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

Earl, Polly Anne. Palm Beach: An Architectural Legacy. New York: Rizzoli International Publications, Inc., 2002.

From Wilderness to Metropolis: The History and Architecture of Dade County, Florida 1825-1940. Metropolitan Dade County Historic Preservation Division, 1982.

Ganger, Robert W. Lila Vanderbilt Webb's Miradero: Window on an Era. Palm Beach, FL: Historical Society of Palm Beach County, 2005.

Historical Society of Palm Beach County. Archives and PBC History Online.

Hoffstott, Barbara D. Landmark Architecture of Palm Beach (Third Edition). Pittsburgh: Pittsburgh History & Landmarks Foundation, 1991.

Johnston, Shirley. Palm Beach Houses. New York: Rizzoli International Publications, Inc., 1991.

Knott, James R. The Mansion Builders: The Best of the Brown Wrappers - Historical Vignettes of Palm Beach.

Marconi, Richard and Debi Murray with the Historical Society of Palm Beach County. Images of America: Palm Beach. Charleston, SC: Arcadia Publishing, 2009.

Marconi, Richard A. and the Historical Society of Palm Beach County. Palm Beach: Then & Now. Charleston, SC: Arcadia Publishing, 2013.

Marconi, Richard and Lynn Lasseter Drake with the Historical Society of Palm Beach County. Images of America: West Palm Beach 1893 - 1950. Charleston, SC: Arcadia Publishing, 2006.

Mayhew, Augustus. Palm Beach – A Greater Grandeur. East Side Press, 2016.

McGoun, William E. Southeast Florida Pioneers: The Palm and Treasure Coasts. Sarasota, FL: Pineapple Press, Inc., 1998.

Oldfather, Susan J. "Elisha Newton Dimick and His Influence on the Development of Palm Beach." Thesis, College of Humanities, Florida Atlantic University, Boca Raton, December 1989.

O'Sullivan, Maureen. Palm Beach: Then and Now. West Palm Beach, FL: Lickle Publishing, Inc.

The Palm Beach Daily News and The Palm Beach Post. Archived Articles 1916 – 2017.

Pollack, Deborah C. Laura Woodward: The Artist Behind the Innovator Who Developed Palm Beach. Blue Heron Press, 2009.

Preservation Foundation of Palm Beach. 245 Dunbar Road File and Ballinger Award Presentation.

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1924 updated to 1946

Town of Palm Beach. Building Permits and Microfiche Records 1919– 2017.

West Palm Beach City Directories. Palm Beach Section, 1916-1979.

IX. Florida Master Site File Form

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06497
Recorder # Jane S. Day
Field Date 7/20/2010
Form Date 9/28/2010
FormNo 201007
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Peter and Stephanie Brant, House
Multiple Listing (DHR only)
Other Names >>
Survey or Project Name Palm Beach Historic Sites Survey, Phase V
Survey#
National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
245		Dunbar	Road	

Cross Streets (nearest/ between) Bradley Place & North County Rd.
City / Town (within 3 miles) Town of Palm Beach
In Current City Limits? YES
County Palm Beach
Tax Parcel #(s) 50-43-43-14,07-000-0500
Subdivision Name Adams Addition
Block
Lot 50
Ownership Private Individual
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the north side of Dunbar Road between Bradley Place and N. County Rd.

MAPPING

USGS 7.5' Map Name
Publication Date >> PALM BEACH;1986
Township: Range: Section: 1/4 section: >> 43S ;43E ;14;UNSP
Irregular Section Name:
Landgrant
UTM: Zone Easting Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Frame Vernacular
Other Style
Exterior Plan Irregular
Other Exterior Plan
Number of Stories 2
Structural System(s) >> Wood frame
Other Structural System(s)
Foundation Type(s) >> Unspecified by recorder
Other Foundation Types
Foundation Material(s) >> Unspecified
Other Foundation Material(s)
Exterior Fabric(s) >> Clapboard
Other Exterior Fabric(s)
Roof Type(s) >> Hip
Other Roof Type(s)
Roof Material(s) >> Sheet metal:standing seam
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >> Gable dormer
Other Roof Secondary Structure(s)
Number of Chimneys 1
Chimney Material Brick
Other Chimney Material(s)
Chimney Location(s) west exterior wall

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB06497

DESCRIPTION (continued)

Window Descriptions 1/1 DHS

Main Entrance Description (stylistic details) On the west facade through the front porch

Porches: #open 1 #closed ____ #incised ____ Location(s) covered-south and west

Porch Roof Types(s) shed roof

Exterior Ornament exposed rafters, Tuscan columns

Interior Plan Unknown Other Interior Plan ____

Condition Good

Structure Surroundings

Commercial: NONE of this category Residential: ALL this category

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

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

Archaeological Remains (describe): none observed

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

Narrative Description (optional) THis property is difficult to evaluate because of the landscaping

HISTORY

Construction year 1915

Architect (last name first): unknown Builder (last name first): Search, H. P.

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>> Altered-not to standards	2004	7/25/2004	

Structure Use History

Use ____ Year Use Started ____ Year Use Ended ____ >> Private residence;1915;

Other Structure Uses ____

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

RESEARCH METHODS

Research Methods ____ >> Examine local property records

Other research methods ____

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? INSUFF. INFO Name of Local Register if Eligible Town of Palm Beach Landmark

Idividually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance ____ >> Architecture

Other Historical Associations ____

Explanation of Evaluation (required) This is a rare example of a Frame Vernacular residence from the teens. It is in scale with the neighborhood andy may be worthy of protection.

HISTORICAL STRUCTURE FORM

8PB06497

DOCUMENTATION (Photos, Plans, etc.)

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

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>> _____

RECORDER INFORMATION

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

Recorder Address / Phone 728 Granada Dr., Boca Raton, Fl. 33532 561-362-4473

Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach

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

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

SHPO's Evaluation of Resource

Date _____

Cultural Resource Type: SS

Electronic Form Used: S110

Form Type Code: HSRM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer:

Computer Entry Date: 9/19/2010

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

EXCERPT FROM THE 12/20/17 LPC MEETING MINUTES

Item 1: 245 Dunbar Road
Owner: Peter M. & Stephanie S. Brant

Call for disclosure of ex parte communication: Disclosure by Ms. Albarran.

Please note: Jacqueline Albarran declared a conflict of interest for this project. Ms. Coleman voted in her absence.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this 1903-1905 home. Ms. Murphy pointed out the design features of this home. Ms. Murphy testified that the building meets the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,
Sec. 54-161 (2) Is identified with historic personages or with important events in national, state and local history.

Mr. Cooney asked for confirmation that the Town had proof of publication and notice with regard to this landmark designation hearing. Ms. Churney provided confirmation.

Motion made by Mr. Silvin and second by Mr. Segraves that the designation report be made part of the record. Motion carried with all in favor.

Ms. Drake asked if the owners were in favor of the designation. Ms. Murphy responded. Mr. Gannon stated he personally knew the owner and knew that he loved the history of the home.

Ms. Hufty asked if Ms. Murphy had any historical photos of the changes. Ms. Murphy responded. Ms. Hufty expressed concern that the tower and balustrades were missing from the home. Ms. Murphy explained that is the reason that they only recommended the home under criteria 1 and 2.

Motion made by Mr. Gannon and second by Mr. Segraves that 245 Dunbar Road be recommended to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 2 in Section 54-161.

A short discussion ensued about the owner's knowledge of the landmark designation.

Motion carried with all in favor.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

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

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

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

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

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

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

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

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

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

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

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

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

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

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

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

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

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

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

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

(c)

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

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda
Public Hearings

Agenda Title
RESOLUTION NO. 07-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 138 Root Trail, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach

Presenter

ATTACHMENTS:

- **Memorandum Dated January 24, 2018**
- **Resolution No. 07-2018**
- **138 Root Trail Designation Report**
- **Excerpt from the 1-17-18 LPC Meeting Minutes**
- **Designation procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John Lindgren, Planning Administrator

Re: Landmark Designation of 138 Root Trail
Resolution No. 07-2018

Date: January 24, 2018

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 138 Root Trail as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the January 17, 2018 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

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

> Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
>
> Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

OWNER CONSENT

The property owner, Sadeca Realty, was properly notified of the hearing before the Landmarks Preservation Commission. No person attended for the owner, nor were any comments received from the owner.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 07-2018 relating to 138 Root Trail, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Murphy Stillings, LLC

RESOLUTION NO. 07-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 138 ROOT TRAIL, MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

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

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

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

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

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

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **138 Root Trail** and the property to be landmarked is legally described as follows:

A parcel of land in Government Lot 2, Section 14, Township 43 South, Range 43 East, being more particularly described as follows: Commencing at the point of intersection of the center line of the County Road with the Southline of Root Trail, as shown on Plat of Root's Subdivision on file in the Public Records of Palm Beach County, Florida, in Plat Book 1, Page 22; thence Easterly along the South line of said Root Trail as platted, a distance of 528.7 feet to a point, thence Southerly, of 10 feet to the Point of Beginning and the Northwest corner of the parcel of land herein described, being also the Northeast corner of the certain parcel of land described in deed from Gurney Munn and his wife to Frederick S. Wheeler, dated March 29, 1924 and recorded in Deed Book 207, Page 162, Palm Beach County records; thence Southerly along the East line of the land of said Wheeler a distance of 88.88 feet to a point in the North line of Grace Trail Addition according to the plat on file in the Public Records of Palm Beach County, Florida, in Plat Book 7, Page 13; thence Easterly along the North line of said Grace Trail Addition, a distance of 50 feet to a point, being the Southwest corner of that certain parcel of land described in deed from David R. Calhoun and wife to Jean M. Cudahy, dated March 25, 1922 and recorded in Deed Book 134, Page 167, Palm Beach County records; thence Northerly along the West line of the land of said Cudahy, a distance of 88.88 feet to a point 10 feet South of the South line of said Root Trail; thence Westerly parallel to and 10 feet South of the South line of the said Root Trail, a distance of 50 feet to the point of the Beginning.

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

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a

landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February, 2018.

Gail L. Coniglio, Mayor

Richard M. Kleid, Town Council President

Danielle H. Moore, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Kathleen Dominguez, Town Clerk

Margaret A. Zeidman, Town Council Member

138 Root Trail

DESIGNATION REPORT

January 17, 2018

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT
138 Root Trail

Table of Contents

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Report produced by Murphy Stillings, LLC

I. General Information

Location: 138 Root Trail
Palm Beach, Florida

Date of Construction: circa 1900-1915

Architect: Unknown; Likely Contractor Designed and Built

Present Owner: Sadeca Realty LLC

Present Use: Residential

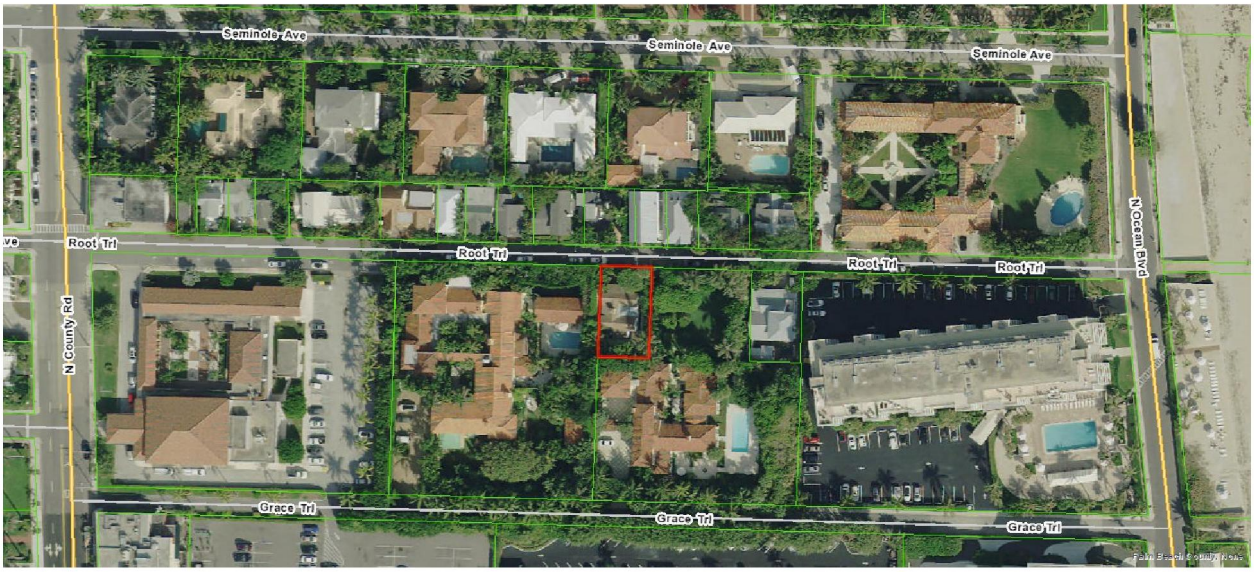
Present Zoning: R C

Palm Beach County Tax Folio Number: 50-43-43-14-00-002-0060

Current Legal Description: A parcel of land in Government Lot 2, Section 14, Township 43 South, Range 43 East, being more particularly described as follows:

Commencing at the point of intersection of the center line of the County Road with the Southline of Root Trail, as shown on Plat of Root's Subdivision on file in the Public Records of Palm Beach County, Florida, in Plat Book 1, Page 22; thence Easterly along the South line of said Root Trail as platted, a distance of 528.7 feet to a point, thence Southerly, of 10 feet to the Point of Beginning and the Northwest corner of the parcel of land herein described, being also the Northeast corner of the certain parcel of land described in deed from Gurney Munn and his wife to Frederick S. Wheeler, dated March 29, 1924 and recorded in Deed Book 207, Page 162, Palm Beach County records; thence Southerly along the East line of the land of said Wheeler a distance of 88.88 feet to a point in the North line of Grace Trail Addition according to the plat on file in the Public Records of Palm Beach County, Florida, in Plat Book 7, Page 13; thence Easterly along the North line of said Grace Trail Addition, a distance of 50 feet to a point, being the Southwest corner of that certain parcel of land described in deed from David R. Calhoun and wife to Jean M. Cudahy, dated March 25, 1922 and recorded in Deed Book 134, Page 167, Palm Beach County records; thence Northerly along the West line of the land of said Cudahy, a distance of 88.88 feet to a point 10 feet South of the South line of said Root Trail; thence Westerly parallel to and 10 feet South of the South line of the said Root Trail, a distance of 50 feet to the point of the Beginning.

II. Location Map



III. Architectural Information

The house located at 138 Root Trail is a one-story frame vernacular dwelling built between 1900 and 1915. Frame Vernacular buildings represent the most typical method of construction used by South Florida's early pioneers. This form of architecture does not adhere to a particular school of design. It utilizes the builder's experience, locally available materials, the local environment and traditions to create the dwellings. Large overhanging eaves, porches, brackets, rafter tails, vents in gable ends, wood siding and wood double-hung sash windows are common features found in frame vernacular buildings.

Main Façade (Looking Southwest)

138 Root Trail is a good example of an early 20th century South Florida frame vernacular residence. The house, located on the south side of Root Trail, is an irregularly shaped house that was constructed of wood framing on block piers and surfaced with wood clapboard siding. The roof is comprised of two side-facing, steeply pitched gabled roofs surfaced with composition shingles. The gable ends of the roofs are also surfaced with wood clapboard siding with vents. The front entrance of the home is sheltered under a covered three bay entry porch that is

screened on the east and west ends with wood louvers.[1] The roof of the porch is a shed extension off of the northern most gable roof. The residence's multiple masses and roof lines are characteristic of turn-of-the-century houses in South Florida.

Side View of Double Gables

Front Porch and Entrance

The entrance to the house is a wood paneled door with a wood screen door. Also within the front porch are two wood six-over-six sash windows with wood shutters and a smaller six-pane window. Most of the windows in the house appear to be the original wood, double-hung, six-over-six sash windows.[2]

A brick driveway and white picket fence leads to the residence. On the east side of the house a wood fence encloses the rear of the property. Behind the wood fence is a one-story accessory structure. The accessory structure has a steeply pitched front facing gable roof and is surfaced with wood siding.

East Side of House and Property

Accessory Structure

[1] The louvers were added to the porch at some point after 2002. Previously the porch had a simple wood railing with four columns supporting the roof. A building permit in 2004 called for the "replacement of rotted wood at the front porch" so this may have been when the louvers were installed.

[2] The only record of changes to windows in the residence is a building permit from 1989 to change a window in the kitchen.

138 Root Trail has had very few alterations since its construction. While the house was constructed in the early years of the twentieth century, the first building permit for the property on file with the Town of Palm Beach wasn't until 1970 for the installation of fencing. Other building permits for exterior alterations include roof repairs, roof replacement, and repair of rotted wood at the front porch in 2004. It is likely that the louvers were added to the porch at this time. The louvers are a feature that could be removed in the future to return the porch to its original design. In 2010, a demolition permit was granted for an accessory structure at the rear, southwest corner of the property. The residence appears to be in good condition and has maintained the attractive and simple character of the area's early frame vernacular dwellings.

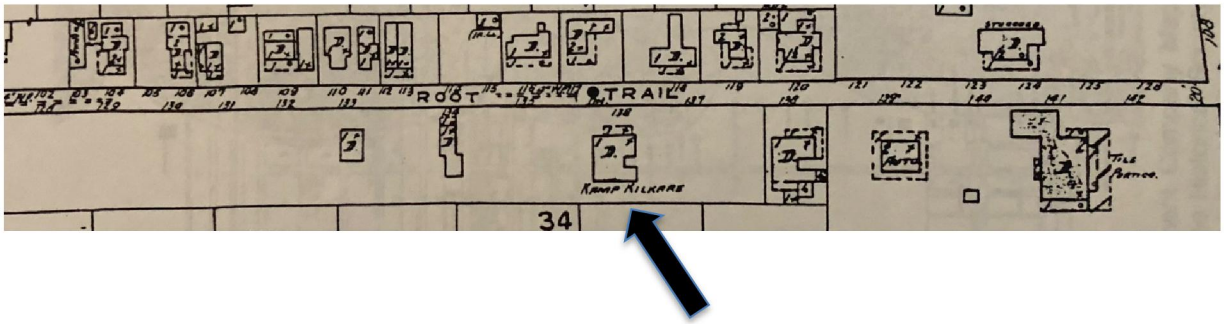
An advertisement from the Palm Beach Post on January 20, 2002 showing the porch before the louvers were installed

IV. Historical Information

The history of all buildings is intrinsic to their location and the houses on Root Trail are distinctive in Palm Beach in relation to the street and the way it was developed. Root Trail is a narrow block long street with mostly small frame vernacular cottages built side by side on small lots often close to the street. It is a unique enclave known for its resident artists, surfers and tight knit community. This is particularly important since it is located in a Town known for its grand estates and not always its early vernacular houses.

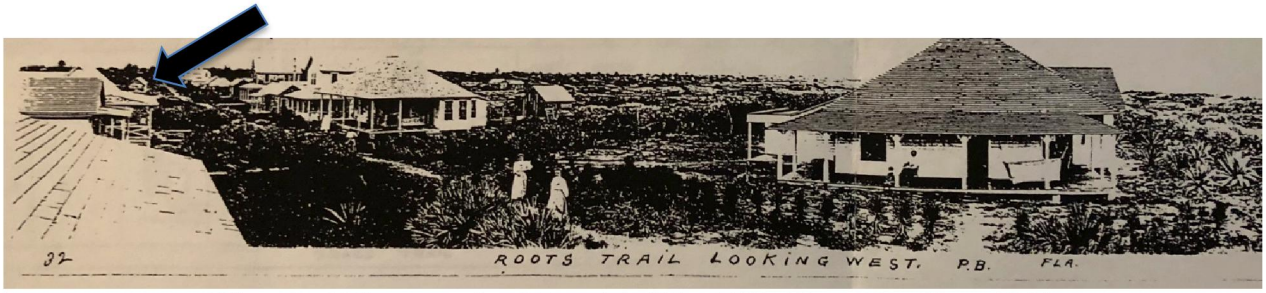
138 Root Trail was built prior to 1916 and possibly before 1905. The house, which was known as "Kamp Kilkare", appears on the 1919 Sanborn Insurance Company

map and is listed in the City Directories starting in 1916.[3] House names were very popular on Root Trail and in Palm Beach especially before the Postal Service assigned numbers to the houses ca. 1926.



1919 Sanborn Insurance Map of Root Trail
Arrow points to the house at 138 Root Trail

By the 1890s, Palm Beach was beginning to attract winter visitors who were attracted to the "tropical splendor" of the area. In addition to the prominent society members who spent the winter season at the Island's hotels, pioneering families were creating a permanent community and local businesses were being established.



Historical Photograph of Root Trail by E.W. Hazard – Circa 1905
Palm Beach Panorama, published by the Henry Morrison Flagler Museum
Arrow points to house believed to be 138 Root Trail

Root's Subdivision, which originally consisted of 18 lots on the north side of Root Trail, is one of the oldest subdivisions in Palm Beach. The first recorded transaction in Root's subdivision took place in 1903 when Palm Beach was still part of Dade County and eight years before the Town of Palm Beach was incorporated. Root's

[3] The 1916 City Directory is the earliest version available.

Subdivision and Root Trail were both named for Enoch Root, an early Pioneer of Palm Beach.[4]

Born in Canaan, Connecticut, Enoch Root moved to Moline, Illinois, at the age of fourteen. Five years later he traveled to Europe to spend two years in art galleries. Upon returning to America he spent two years with his brothers as a gold miner in Colorado. In 1862, Root enlisted in the Third Colorado Infantry and was promoted to Captain of Company H, 68th Regiment, U.S. Infantry. He stayed active in service until the end of the Civil War. In 1867, Root enrolled in the Chicago Academy of Design, became a student of Conrad Dehi, for a year and then went back to Europe for more study and travel. He returned to America in 1873 and that August married Victoria Adelaide Ward in Providence, Rhode Island. They settled in Chicago and Root started an art school in the Art Institute Building. He closed the school when the Academy of Design reopened, and Root became affiliated with the academy, serving in several capacities, including Secretary and President. Enoch and Victoria wintered in Palm Beach starting in 1889 and in 1892 they purchased a tract of land extending from the lake to the ocean near present day Oleander Way and built a house for themselves near the Lake Trail. This became their permanent home and they resided there except for short summer visits to Chicago and Connecticut. Later they built cottages for artists on their property and laid out Root Trail.[5]

While the house at 138 Root Trail is not officially a part of Root's subdivision, which is on the north side of Root Trail, it's design, siting on the lot, and overall character are consistent with the architecture of this unique Palm Beach street and community. From 1916 to the mid-1950s, 138 Root Trail was a residence for the Greenleaf and Crosby Company, the oldest fine jewelry house in Florida. Originally started in Jacksonville in 1868, Greenleaf and Crosby opened a location in the Royal Poinciana Hotel in 1894. In later years the store was located in the original Breakers Hotel, then Whitehall, and then in 1933 they moved to Worth Avenue where the business continues today. The residence was typically occupied by the store's manager but some years by other employees. The residence is currently owned by Sadeca Realty LLC, who purchased the property in 2002.

V. Statement of Significance

[4] Records of the County Clerk indicate Enoch Root was involved in the initial transactions on Root Trail and The Lake Worth Pioneer Association Records indicate Root Trail was named after Enoch Root. A May 2, 1988, Palm Beach Post Newspaper Article, "Root Trail: A Neighborhood Unto Itself," quotes a resident stating that Root Trail was named after Root's Pineapple Farm., however there is no evidence supporting this claim.

[5] Francis Gilmor, "History of Palm Beach County Art Club One of Fascinating Chapters in the Annals of the City," Palm Beach Times 17 February 1924.

The residence located at 138 Root Trail is significant as one of the oldest remaining examples of frame vernacular architecture in Palm Beach. It is also significant for its location on a street renowned for its early frame vernacular buildings. While frame vernacular residences were widespread in South Florida, its scarcity in the Town of Palm Beach and it's location in an enclave of frame vernacular residences along Root Trail increases the property's historic significance. The residence provides a glimpse into the early history of Palm Beach.

VI. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria, which relate to this property and justification for designation:

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

The residence located at 138 Root Trail, constructed by 1915 and possibly before 1905, exemplifies the early development of the Town of Palm Beach. Built during the Pioneer Era, as the Island was becoming the winter destination for rich and prominent there was a growing permanent community of pioneering families and a growing contingent of local businesses to serve the Island's needs. 138 Root Trail and the other cottages constructed along Root Trail exemplify an important part of Palm Beach's early history.

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

138 Root Trail is a very good example of the frame vernacular structures that are representative of the early development of the area at the beginning of the 20th Century. Frame vernacular architecture is noted for its simplicity and modest origins. The design and construction is based on the builder's experience, available materials, and the local environment. The residence embodies numerous features that are characteristic of frame vernacular structures from the turn-of-the century, including simple forms, steeply pitched roofs, porches, and wood siding. The scarcity of frame vernacular residences from Palm Beach's early history and the

house's location along Root Trail makes 138 Root Trail a significant historic resource.

VII. Selected Bibliography

Curl, Donald. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

From Wilderness to Metropolis: The History and Architecture of Dade County (1825-1940). Second Edition. Metropolitan Dade County, Historic Preservation Division, 1992.

The Historical Society of Palm Beach County. Enoch Root File. Lake Worth Pioneers' Association Files.

The Lake Worth News. Articles in the Historical Society of Palm Beach County Files.

Palm Beach County Clerk of Court Records. Root's Subdivision, 1903-

The Palm Beach Daily News. Archived Articles Online

The Palm Beach Post. Online Articles and Articles in the Historical Society of Palm Beach County Files.

The Palm Beach Times. Online Articles and Articles in the Historical Society of Palm Beach County Files.

Pollack, Deborah C. Laura Woodward: The Artist Behind the Innovator Who Developed Palm Beach. Singapore: Blue Heron Press, 2009.

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1926. City of West Palm Beach Public Library, Florida Room.

Town of Palm Beach. Building Permits, 1920 – 1999.

The Tropical Sun. Articles in the Historical Society of Palm Beach County Files.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1918-1966.

VIII. Florida Master Site File Form

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06662
Recorder # Jane S. Day
Field Date 7/1/2010
Form Date 1/17/2011
FormNo 201007
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

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

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
138		Root	Trail	

Cross Streets (nearest/ between) N. Ocean Blvd. & N. County Rd.
City / Town (within 3 miles) Town Of Palm Beach
In Current City Limits? YES
County Palm Beach
Tax Parcel #(s) 50-43-43-14-12-002-0060
Subdivision Name Roots Subdivision
Block
Lot
Ownership Private-Corporate-for Profit
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the south side of Root Trail between North Ocean Blvd. and North County Rd.

MAPPING

USGS 7.5' Map Name
Publication Date
>> PALM BEACH;1986
Township:
Range:
Section:
1/4 section:
>> 43S ;43E ;14;UNSP
Irregular Section Name:
Landgrant
UTM: Zone
Easting
Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Frame Vernacular
Other Style
Exterior Plan Irregular
Other Exterior Plan
Number of Stories 2
Structural System(s) >> Wood frame
Other Structural System(s)
Foundation Type(s) >> Piers
Other Foundation Types
Foundation Material(s) >> Concrete Block
Other Foundation Material(s)
Exterior Fabric(s) >> Clapboard
Other Exterior Fabric(s)
Roof Type(s) >> Gable
Other Roof Type(s)
Roof Material(s) >> Composition shingles
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc) >>
Other Roof Secondary Structure(s)
Number of Chimneys
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB06662

DESCRIPTION (continued)

Window Descriptions: 6/6 DHS, fixed

Main Entrance Description (stylistic details): on the north side through a front porch

Porches: #open: 1 #closed: #incised: Location(s): entry - n, 2nd floor - n

Porch Roof Type(s): under main roof of house

Exterior Ornament: shutters

Interior Plan: Unknown Other Interior Plan:

Condition: Good

Structure Surroundings

Commercial: SOME of this category Residential: MOSTly this category

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

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

Archaeological Remains (describe): none observed

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

Narrative Description (optional):

HISTORY

Construction year: 1900

Architect (last name first): unknown Builder (last name first): unknown

Changes in Locations or Conditions

Type of Change	Year of Change	Date Change Noted	Description of Changes
>> Altered-not to standards;2004;;			

Structure Use History

Use: Year Use Started: Year Use Ended: >> Private residence;1900;

Other Structure Uses:

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

RESEARCH METHODS

Research Methods: >> Examine local property records

Other research methods: tax records, windshield

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES Name of Local Register if Eligible: Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance: >> Architecture

Other Historical Associations:

Explanation of Evaluation (required): This house is an element in one of the oldest streets in Palm Beach. It is worthy of further study.

HISTORICAL STRUCTURE FORM

8PB06662

DOCUMENTATION (Photos, Plans, etc.)

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

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>> _____

RECORDER INFORMATION

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

Recorder Address / Phone 728 Granada Dr., Boca Raton, FL 33432 561-362-4473

Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach

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

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

SHPO's Evaluation of Resource

Date _____

Cultural Resource Type: SS

Electronic Form Used: S110

Form Type Code: NORM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer:

Computer Entry Date: 11/14/2004

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

EXCERPT FROM THE 1/17/18 LPC MEETING MINUTES

Item 1: 138 Root Trail
Owner: Sadeca Realty LLC

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this early 1900's home. Ms. Stillings pointed out the design features of this home. Ms. Stillings testified that the building met the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship; and

Call for disclosure of ex parte communication: None.

Motion made by Mr. Gannon and second by Mr. Segraves that the designation report is made part of the record. Motion carried with all in favor.

Ms. Drake asked to see a view of the street. Ms. Stillings responded. Ms. Drake asked how the owner felt about the designation. Ms. Stillings responded.

Mr. Lindgren showed the Commission views of the street.

Mr. Gannon thought the street was very charming and added he would like to see it preserved.

Ms. Hufty expressed concern about landmarking the home.

Mr. Segraves agreed with Mr. Gannon and stated he would like to see the home landmarked.

A discussion ensued about the homes that are currently landmarked on the street.

Motion made by Mr. Gannon and second by Mr. Segraves to recommend 138 Root Trail to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried with all in favor.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

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

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

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

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

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

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

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

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

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

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

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

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

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

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

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

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

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

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

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

(c)

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

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda
Public Hearings

Agenda Title
RESOLUTION NO. 09-2018 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 455 Australian Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Presenter

ATTACHMENTS:

- **Memorandum Dated January 24, 2018**
- **Resolution No. 09-2018**
- **455 Australian Avenue Designation Report**
- **Excerpt from the 1-17-18 LPC Meeting Minutes**
- **Designation procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John Lindgren, Planning Administrator

Re: Landmark Designation of 455 Australian Avenue
Resolution No. 09-2018

Date: January 24, 2018

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 455 Australian Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the January 17, 2018 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

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

> Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
>
> Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
>
> Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

OWNER CONSENT

The property multiple property owners, were properly notified of the hearing before the Landmarks Preservation Commission. The HOA president and other property owners attended the meeting and voiced their support of the designation.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 09-2018 relating to 455 Australian Avenue, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Murphy Stillings, LLC

RESOLUTION NO. 09-2018

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 455 AUSTRALIAN AVENUE, MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

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

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

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

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

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

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **455 Australian Avenue**

and the property to be landmarked is legally described as follows:

Lots 5, 6, 7, and 8, Block 4, Royal Park Addition to the Town of Palm Beach, Florida, according to the revised Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 4, Page 1.

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

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 14th day of February, 2018.

Gail L. Coniglio, Mayor	Richard M. Kleid, Town Council President
	Danielle H. Moore, Council President Pro Tem
	Julie Araskog, Town Council Member
ATTEST:	Bobbie Lindsay, Town Council Member
Kathleen Dominguez, Town Clerk	Margaret A. Zeidman, Town Council Member

Lake Drive Apartments

455 Australian Avenue

DESIGNATION REPORT

January 17, 2018

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

455 Australian Avenue

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Report produced by Murphy Stillings, LLC

I. General Information

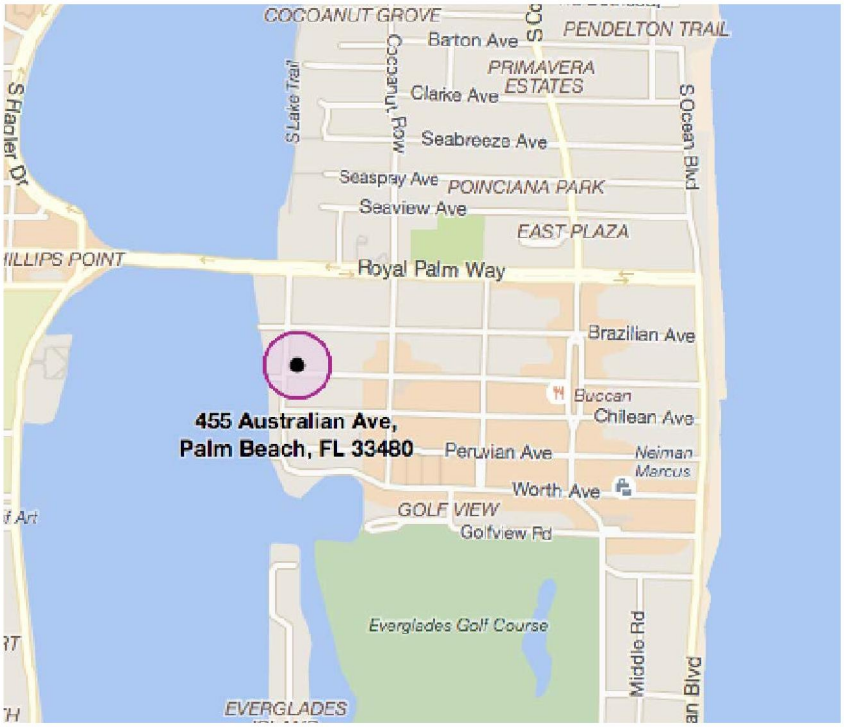
Location:	455 Australian Avenue Palm Beach, Florida
Date of Construction:	1948-1949
First Owner:	Louis Cowan
Historic Name:	Lake Drive Apartments
Architect:	Howard Chilton
Builder/Contractor:	Louis Cowan
Engineer:	James N. Borowski
Current Owners:	Multiple Owners (See attached)
Present Use:	Residential Co-operative Apartment Building
PBC Tax Folio Number:	50-43-43-27-65-000-0000 & Multiple Parcels (See attached)
Current Legal Description:	Lots 5, 6, 7, and 8, Block 4, Royal Park Addition to the Town of Palm Beach, Florida, according to the revised Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 4, Page 1.

Attachment

List of Owners and Parcel Control Numbers

OWNER	PARCEL CONTROL NUMBER
Lake Drive Co Op Apts Inc	50-43-43-27-65-000-0000
Peter Broberg Trust	50-43-43-27-65-000-2010
Lisa Rose	50-43-43-27-65-000-2020
Kathleen Segerdahl & Kathleen Segerdahl Trust	50-43-43-27-65-000-2030
Peter Broberg Trust	50-43-43-27-65-000-2040
James and Patricia Bowers	50-43-43-27-65-000-2050
Eleanor Major & Eleanor Major Trust	50-43-43-27-65-000-2060
Lynn Allegaert & Lynn Allegaert Trust	50-43-43-27-65-000-2070
John and Christel Nyheim	50-43-43-27-65-000-2080
Julia Wallace	50-43-43-27-65-000-3010
Joanne Magliozzi	50-43-43-27-65-000-3020
Robert Grainger	50-43-43-27-65-000-3030
James Oxnam Trust	50-43-43-27-65-000-3040
Maria Gemma Empson	50-43-43-27-65-000-3050
Charles Robbins Jr. and Grace Robbins	50-43-43-27-65-000-3060
Robert Forrest Trust	50-43-43-27-65-000-3070
Joseph Lieb	50-43-43-27-65-000-3080
Dennis Keefe & Dennis Keefe Trust	50-43-43-27-65-000-4010
Courtlandt and Gina Miller	50-43-43-27-65-000-4020
John Slocum Jr.	50-43-43-27-65-000-4030
Gordon and Katherine Willis	50-43-43-27-65-000-4040
Mary Phelan	50-43-43-27-65-000-4050
Kristine Runco	50-43-43-27-65-000-4060
Joan Fredricks & John Fredricks Living Trust	50-43-43-27-65-000-4070
Gregory Meyer	50-43-43-27-65-000-4080

II. Location Map



III. Architectural Information

The Lake Drive Apartments at 455 Australian Avenue is an excellent example of the Moderne style of architecture in Palm Beach. For more than three decades (1940s–1970s), Modernism prevailed as Palm Beach's post-World War II paradigm of style, found among the South End and Midtown's co-ops and condominiums, as well as commercial buildings along Worth Avenue, County Road and Royal Palm Way. [1]

South Facade

The Modernism movement consisted of several architectural styles including the Moderne style (also known as Art Moderne) which flourished in the 1930s and 1940s, and was highlighted at the 1933 World's Fair in Chicago. It was influenced by the technology that arose after WWI and followed the "less is more" standard of design. It was influenced by the advancements in the industrial designs of ships, planes, trains and automobiles. The Moderne style, with its simple geometric forms and simplicity in decorative details was becoming popular as the more decorative Art Deco style was falling out of favor. Moderne architecture features flat roofs, asymmetric shapes, cubic forms with

[1] Augustus Mayhew. Palm Beach A Greater Grandeur. East Side Press, 2016. Progressive designers, as notable and diverse as Edward Durell Stone, Howard Chilton, John Volk, Eugene Lawrence and John Stetson crafted sleek Modernist buildings throughout Palm Beach.

smooth surface finishes, curvilinear features, horizontal elements, wrap around windows, eyebrows, stainless steel and glass block accents, and metal decorative elements often applied in horizontal banding and railings.

The Lake Drive Apartments was designed by Howard Chilton in what has been called the "Nautical Moderne" style. The term Nautical Moderne is used when nautical elements and marine imagery are included in the building's design. Chilton incorporated nautical features in the decorative balcony railings, porthole windows and the sundeck design. The nautical theme is appropriate with the building's location across from Lake Worth and the Town's docks.

Located on the northwest corner of Lake Drive and Australian Avenue, the Lake Drive Apartments was constructed as twenty-four apartments on three upper floors and a lobby, storage areas and parking on the ground floor. The rectangular building was constructed of concrete block surfaced with smooth stucco. The entrance to the building is centrally located on the south façade and is accessed by a covered entry that has a projecting overhang supported by columns. A pair of glass doors with sidelights provides access into the lobby.

Entrance

The building's fenestration is organized and includes wrap around windows at the corners, as well as, windows set singularly, in pairs, and as sets of three. The windows include a mix of single-light casements, awnings, sliding and fixed

windows. Glass blocks are located in openings on the north façade and glass doors provide access to the balconies.

Southwest Corner

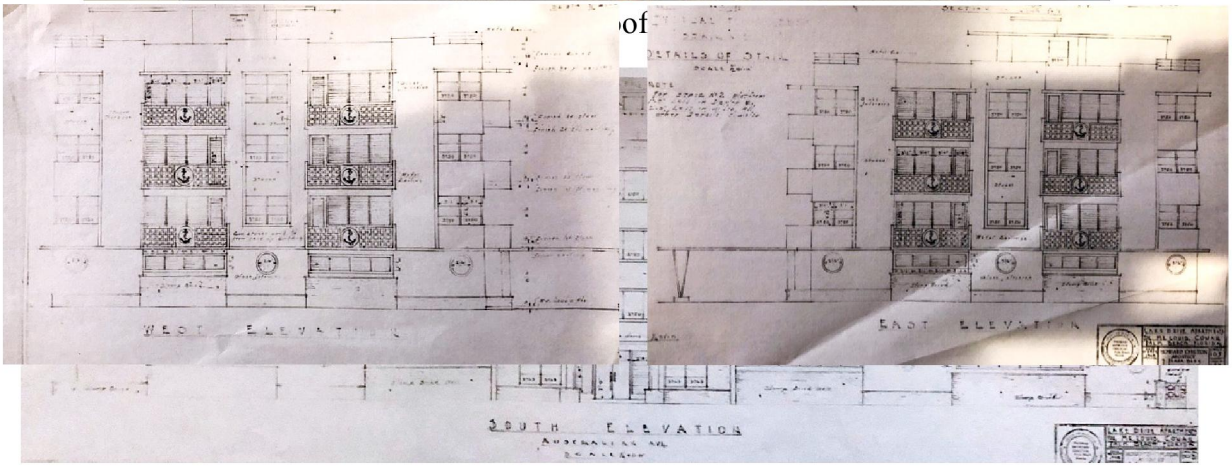
The building features many elements of the Moderne style including the cubic forms, corner windows, horizontal banding and eyebrows above windows and balconies. The nautical theme is especially interesting and is presented in some of the building's most significant and captivating features. These features include the balconies, the porthole windows, and the roof deck.

The east, west and south facades each contain six balconies that project from the building and are highlighted by metal railings that feature an anchor and rope motif. These facades also contain porthole windows on the ground floor. There are three porthole windows on the east and west facades and four on the south façade. They are located on bays that do not contain balconies.

Detail of Balcony

Example of Porthole Window

The rooftop elements of the building were designed to resemble the top of a ship.[2] The elevator shaft, bathrooms and stairwell are connected by a curvilinear roof, and metal railings are located at the corners of the building.



Since its construction, exterior alterations to the Lake Drive Apartments consist of the replacement of windows and doors, the replacement of the columns that support the entrance canopy, and repairs to the roof.[3] These alterations have not had a negative impact to the architectural integrity of the building's original design.

[2] Original drawings by Howard Chilton are on file with the Town of Palm Beach.
[3] Town of Palm Beach Building Permit records 1947-2017.

IV. Historical Information

The Second World War and its aftermath brought significant changes to Palm Beach. During the course of the War the Army stationed tens of thousands of troops in Palm Beach County, including a large Air Corps base at Morrison Field and a smaller base, Camp Higgins, on the very north end of Palm Beach that was established to guard the Palm Beach Inlet.[4] The Breakers Hotel joined the war effort as Ream Army Hospital during 1942-1943 serving many injured troops returning from combat. Officers and nurses used the oceanfront "Breakers Cottages" as barracks. In 1943, the Biltmore Hotel was used for the first dedicated school for the Coast Guard Women's Reserve and later became a U.S. Naval hospital.[5] Top social names in Palm Beach donated to the Palm Beach National War Fund drive in addition to organizing a local Volunteers for Victory group to coordinate activities "for the comfort, entertainment and morale of the American forces." The Miami News reported that Palm Beach had "turned the full power of its vast resources both of wealth and talent for war relief measures and civilian defense." The Palm Beach Daily News similarly announced, "Debutantes and society matrons daily put in good hard backbreaking work in hospitals, motor corps and similar groups." Nonessential construction was halted throughout the country due to World War II so there was very little new construction in town during the war years.

Following World War II, Florida had explosive economic and demographic growth. A large number of servicemen and women that had been stationed in Florida during the War came back to live or vacation in the state. These changes were reflected in the state's population, which grew 46% during the decade of the 1940s and expanded at an even more rapid pace in the 1950s. The lifting of

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[4] Morrison Field became the Palm Beach International airport after it was deactivated in 1947. There are conflicting accounts of the purpose of Camp Higgins; Army camp for rest and recuperation or a camp to guard the Palm Beach Inlet. It was the only place in PBC that had tanks and150-millimeter guns, so it was likely set up to guard the Inlet.

[5] After more than 7,000 women had been trained in Palm Beach the Biltmore was transformed into a U.S. Naval Special Hospital accommodating 1,400 soldiers convalescing from rheumatic fever or arthritis brought on by exposure.

wartime restrictions and an increasing supply of materials accelerated Florida's post-World War II economy with new construction.[6]

In Palm Beach, a controversial zoning law in 1947 lead to dramatic growth in much of the Royal Park and Floral Park subdivisions. Royal Park and Floral Park were two of the earliest subdivisions in Palm Beach where many of the oldest frame cottages and bungalows existed.[7] Prior to 1947, these subdivisions had mostly exclusive residence zone A classification. The new law changed much of the land in these subdivisions to zone C classification permitting hotels and apartments. Despite the controversy, this rezoning created a building boom that endured for decades, as houses and small hotels were replaced by apartments and co-ops, and later by condominiums.[8] It was this rezoning law that paved the way for the Lake Drive Apartments to be constructed.

In March of 1948, Louis Cowan, a prominent New York City builder, announced he was constructing the Lake Drive Co-operative Apartments, a twenty-four unit building at the foot of Australian Avenue and Lake Drive with a superb view overlooking Lake Worth and the yacht anchorages.[9] The building permit was taken out on September 14, 1948 with Louis Cowan listed as the owner and builder and Howard Chilton as the architect. Ground was broken in October of 1948 for the three-stories of apartments above the street level floor that contained the lobby and covered parking.

In a March 28, 1948, Palm Beach Post article titled, "Resort to Get Big Apartment" Howard Chilton described the Lake Drive Apartments:

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[6] Augustus Mayhey. Palm Beach: A Greater Grandeur.

[7] In 1908, the Palm Beach Improvement Company platted and began developing a 168-acre tract from the lake to the ocean, which became the Royal Park subdivision. The Royal Park residential development began Palm Beach's transformation from an exclusive resort for the few to an accessible vacation home getaway for the many. The early houses were mostly wood frame cottages and bungalows, of which very few exist today.

[8] Ibid. According to newspaper articles at the time, there were many heated arguments between residents who wanted to keep Palm Beach a community of homes and others who wanted to expand the hotel and apartment business. Many residences and smaller buildings were demolished and replaced with apartments and hotels.

[9] A March 28, 1948 article in the Palm Beach Post states that at this time Howard Chilton was still associated with Fred George Pelham, Jr. of New York City.

"Apartments will be arranged in four to six rooms in the three upper floors according to Howard Chilton of Palm Beach associated with Fred George Pelham, Jr. of New York as architects. The ground floor will be devoted to garage and parking space. The exterior will be of modern Florida architecture influenced somewhat by the South American style. Private terraces will be provided for each suite, which are designed for two or three exposures. Large living rooms, elevator service and a circulating system are planned for the structure."

Louis Cowan oversaw construction of the building until December 24, 1948 when he sold the property to Lake Drive Apartments, Inc, for $100,000.[10] That same day, Lake Drive Apartments, Inc. registered the proposed offering of 1,000 shares of $1 per common stock with the Security and Exchange Commission.[11] By doing this, the Lake Drive Apartments became the first co-operative apartments filed with the Securities and Exchange Commission to enable residents of other states to acquire co-operative apartments in Palm Beach. In other sections of the country the purchases of co-operative apartments were exclusively limited to residents of states in which the apartments are offered. The Lake Drive Apartments became the first co-operative apartment building offered to the general public in the state of Florida.

By February of 1949, the Lake Drive Apartments were nearly finished. The Palm Beach Daily News ran an article describing the exciting new building:

"The newest thing under the sun in Palm Beach is the Lake Drive Co-operative Apartments, now nearing completion. Situated at the foot of Australian Avenue, the Lake Drive Co-operative Apartments command a superb view overlooking the yacht anchorages at Australian and Brazilian Avenues; of Lake Worth and the interesting skyline across the Lake. They are close to the very heart of things in Palm Beach, just a few short blocks from the famous and fashionable

[10] Miami News 24 December 1948

[11] A cooperative apartment is a membership-based corporation with membership granted by way of a share purchase in the cooperative. Each shareholder in the legal entity is granted the right to occupy one housing unit. The members, through their elected representatives, screen and select who may live in the cooperative.

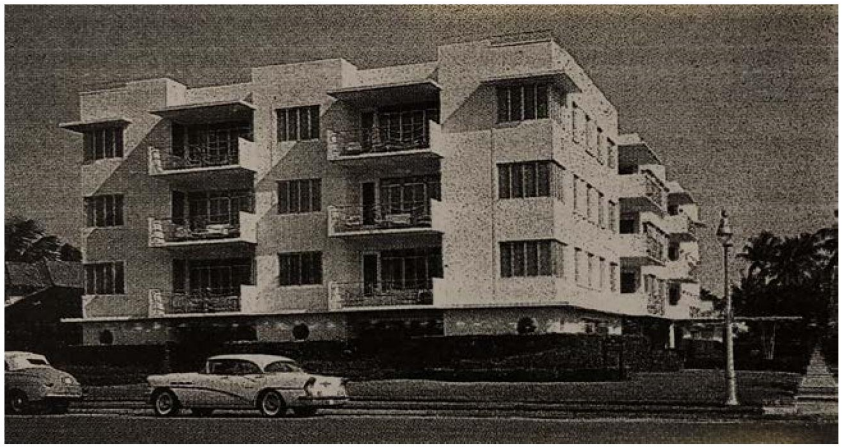
shopping district of Worth Avenue and the Everglades Club and only three blocks from the ocean.

The plan for organization provides for a group of 24 persons to join in tenant ownership, with the privilege of sub-letting or re-selling, subject to the approval of the management. The annual costs to the tenant owners are based on the actual operating charges of the building. Contributing importantly to the low annual outlay required is the fact that under the Federal income tax law, tenant owners can deduct from their gross income their proportionate share of real estate taxes and mortgage interest. The effects of these economies produce these extreme interesting annual net maintenance costs. The properties will be under the management of Claude Reese and the selling agents are Pease and Elliman of New York City and Claude Reese locally."[12]

Advertising for the building started in earnest in March of 1949 when the building was nearing completion and open for prospective occupants to visit. Advertisements at the time emphasized the unsurpassed location, private balcony terraces, roof sun deck and patio, switchboard service, maid service, fireproof construction and a free parking garage. By December of 1949, manager John Hughes revealed that the building was more than half occupied and had a number of potential tenants waiting to be approved. That year The Social Spectator: The Magazine of Society gave the building rave reviews stating that the Lake Drive Apartments would embrace everything the most fastidious winter resident might conceivably desire.

[12] Palm Beach Daily News 13 February 1949. A one bedroom apartment with 1 and ½ bath starts at $541.00; a two bedroom apartment with two bathrooms and a terrace starts at $816.00; and a three bedroom apartment with three bathrooms starts at $1,061.00. To these figures must be added the annual amortization investment on the mortgage. The cash payments begin as low as $10,388. The total cost of the building was approximately $1,000,000.

From the time the Lake Drive Apartment building was constructed to the present day it has been a well-managed and fashionable apartment building along Palm Beach's popular Lake Drive. The building has stood the test of time with preserving the Nautical Moderne architecture while adding compatible windstorm rated architectural window and door updates.



V. Architect Biography

Thomas Howard Chilton, a native Floridian, was an architect inspired by open spaces. Chilton always wanted to "capture the view and nature's gifts." While he was known to use widely varied styles in both commercial and residential designs Chilton capitalized on the tropical setting of Palm Beach for his local buildings. These influences were evident in the numerous curvilinear designs by Chilton in Palm Beach.

Chilton, born in 1909 in New Smyrna, was raised in West Palm Beach. A graduate of Palm Beach High School in 1927, he later earned a degree in fine arts and architecture from New York University in 1931. During several college summer breaks he worked for Treanor and Fatio. His earliest works were in Manhattan where he worked on the original RCA Building. Establishing his own office in Palm Beach in 1941, Chilton designed numerous properties in Palm Beach in addition to alterations and additions for the Biltmore Hotel in Coral Gables and for Mount Vernon Lodges in Jacksonville and Miami. Chilton's foreign travel for design inspiration included trips to Argentina, Chile, Brazil and the West Indies.

Chilton designed numerous residences in Palm Beach. Many of his residential designs are found from Sanford Avenue north to the Inlet. His private clientele included P.A. Widener III, Judge Richard P. Robbins, Dr. J.R. Soy, Dr. Stuart F. Roux and Mrs. Jose de Landa. Chilton had a big impact on Palm Beach with his numerous apartment and condominium projects. His Palm Beach apartment designs include the Regency House, Lake Drive Apartments, Ocean Terrace Apartments and the Monte Christo Apartments. His curvilinear Palm Beach apartment and condominium designs include 2500 South Ocean Boulevard, 300 South Ocean Boulevard, One Royal Palm Way, Park Place at 369 South Lake Drive, Southlake at 315 South Lake Drive, 389 South Lake Drive, Melbourne House at 227 Australian Avenue, The Australian of Palm Beach at 429 Australian Avenue and 880 South Ocean Boulevard.

The socially prominent Chilton served as president of the Norton Gallery of Art and the Palm Beach Art League as well as being a member of the American Institute of Architects, secretary of the local AIA chapter and a member of the Society of the Four Arts. His works were featured in the AIA magazine and in numerous newspaper articles. Chilton died in 1992, having designed over 700 private residences and numerous apartment buildings and condominiums throughout his career. Always know to carry a sketchpad and pencil, Chilton was married to Sylvia Chilton, a popular local artist.

VI. Statement of Significance

The Lake Drive Apartments at 455 Australian Avenue are distinctive for their nautical Moderne architecture designed by native Palm Beach County architect Howard Chilton. The building is also significant as a representation of the changing building character of parts of Palm Beach where many single family houses and smaller multi-family dwellings were replaced by larger apartment buildings.

VII. Criteria for Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests

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

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

The Lake Drive Apartments were constructed shortly after the Town of Palm Beach enacted a controversial zoning law to allow apartments and hotels in the Royal Park subdivision where mainly single-family dwellings existed. Despite the controversy, this rezoning created a building boom that endured for decades, as houses and small hotels were replaced by apartments and co-ops, and later by condominiums. The Lake Drive Apartments also became the first co-operative apartments filed with the Securities and Exchange Commission to enable residents outside of Florida to acquire co-operative apartments in Palm Beach. This enabled the building to attract a cosmopolitan group of residents.

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

The Lake Drive Apartments are an excellent example of the Moderne style of architecture and features many design elements characteristic of the style. The nautical motif, as incorporated by Howard Chilton, is skillfully done, complements its lakefront location, and is a good representative of the time.

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

Howard Chilton was an important and prolific architect in Palm Beach from the 1930s through the 1970s. He designed many single family dwellings on Palm Beach's north end as well as 15 apartment or condominium buildings in midtown Palm Beach. His designs were innovative and provided the most modern conveniences for the time.

VIII. Selected Bibliography

Curl, Donald W. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

Drake, Lynn Lasseter and Richard A. Marconi with the Historical Society of Palm Beach County. Images of America: West Palm Beach 1893 – 1950. Charleston, South Carolina: Arcadia Publishing, 2006.

Historical Society of Palm Beach County. Archives and PBC History Online.

Marconi, Richard and the Historical Society of Palm Beach County. Palm Beach Then & Now. Charleston, South Carolina: Arcadia Publishing, 2013.

Marconi, Richard A. and Debi Murray with the Historical Society of Palm Beach County. Images of America: Palm Beach. Charleston, South Carolina: Arcadia Publishing, 2009.

Mayhew, Augustus. Lost in Wonderland: Reflections on Palm Beach. West Palm Beach, FL: Palm Beach Editorial Services, 2012.

Mayhew, Augustus. Palm Beach: A Greater Grandeur. East Side Press, 2016.

O'Sullivan, Maureen. Palm Beach: Then and Now. West Palm Beach, FL: Lickle Publishing Inc. in association with the Historical Society of Palm Beach County, 2004.

Palm Beach Daily News and Palm Beach Post. Archived Articles 1940 – 2017.

Preservation Foundation of Palm Beach. 455 Australian Avenue File; Biography of Howard Chilton.

Sanborn Insurance Maps. 1924 updated to 1952.

Town of Palm Beach. Building Permits and Microfiche Records 1948– 2017.

West Palm Beach City Directories. Palm Beach Section, 1949 – 1979.

IX. Florida Master Site File Form

Florida Master Site File

HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB12833
Recorder # Jane S. Day
Field Date 3/25/2010
Form Date 10/3/2010
FormNo 201003
FormNo = Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

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

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
455		Australian	Avenue	

Cross Streets (nearest/ between) South Lake Drive & Cocoanut Row
City / Town (within 3 miles) Town of Palm Beach
In Current City Limits? YES
County Palm Beach
Tax Parcel #(s) 50-43-43-23-05-004-0040
Subdivision Name Royal Park Addition
Block 4
Lot 4
Ownership Private-Corporate-for Profit
Name of Public Tract (e.g., park)
Route to (especially if no street address) On the northeast corner of Australian Avenue and South Lake Drive.

MAPPING

USGS 7.5' Map Name
Publication Date
>> PALM BEACH;1946
Township:
Range:
Section:
1/4 section:
>> 43S ;43E ;23;UNSP
Irregular Section Name:
Landgrant
UTM: Zone
Easting
Northing
Plat or Other Map (map's name, location)

DESCRIPTION

Style Moderne
Other Style
Exterior Plan Irregular
Other Exterior Plan
Number of Stories 1
Structural System(s)
>> Concrete block
Other Structural System(s)
Foundation Type(s)
>> Slab
Other Foundation Types
Foundation Material(s)
>> Poured Concrete Footing
Other Foundation Material(s)
Exterior Fabric(s)
>> Stucco
Other Exterior Fabric(s)
Roof Type(s)
>> Flat
Other Roof Type(s)
Roof Material(s)
>> Built-up
Other Roof Material(s)
Roof Secondary Structure(s) (dormers etc)
>> Flat extension
Other Roof Secondary Structure(s)
Number of Chimneys
Chimney Material
Other Chimney Material(s)
Chimney Location(s)

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB12833

DESCRIPTION (continued)

Window Descriptions: aluminum awning, fixed, sliding glass doors, sliding windows, wrap around windows

Main Entrance Description (stylistic details): Double glass doors with sidelights on the south facade with a flat roofed extension

Porches: #open: 13 #closed: #incised: Location(s): entry - s, (12) balconies on floor 2-4

Porch Roof Types(s): flat extensions

Exterior Ornament: decorative metal railings with anchor motif, eyebrow ledges

Interior Plan: Irregular Other Interior Plan:

Condition: Good

Structure Surroundings

Commercial: SOME of this category Residential: MOSTly this category

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

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

Archaeological Remains (describe): none observed

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

Narrative Description (optional):

HISTORY

Construction year: 1948

Architect (last name first): Chilton, Howard Builder (last name first): Cowan, Louis

Changes in Locations or Conditions

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

Structure Use History

Use: Year Use Started: Year Use Ended: >> Apartment;1948;

Other Structure Uses:

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

RESEARCH METHODS

Research Methods: >> Examine local property records

Other research methods:

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES Name of Local Register if Eligible: Town of Palm Beach Landmark

Idividually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? NO

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

Other Historical Associations:

Explanation of Evaluation (required): This is a fine and rare example of an Art Moderne style apartment building in the Town of Palm Beach. The nautical motif is unique. It is worthy of further study.

HISTORICAL STRUCTURE FORM

8PB12833

DOCUMENTATION (Photos, Plans, etc.)

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

Document type: _____ Maintaining Organization: _____

File or Accession #: _____ Descriptive Information: _____

>> _____

RECORDER INFORMATION

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

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

Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach

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

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

SHPO's Evaluation of Resource

_____ Date _____

Cultural Resource Type: SS

Electronic Form Used: S110

Form Type Code: NORM

Form Quality Ranking: NEW

Form Status Code: SCAT

Supplement Information Status: NO SUPPLEMENT

Supplement File Status: NO SUPPLEMENT FILE

FMSF Staffer:

Computer Entry Date: 6/5/2004

Form Comments: _____

REQUIRED PAPER ATTACHMENTS	(1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED (2) LARGE SCALE STREET OR PLAT MAP (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

Item 2: 455 Australian Avenue
Owner: Lake Drive Co-op Apartments, Inc.; 455 Australian Avenue Corp; and each of the individual 455 Australian Avenue Condominium unit owners

Call for disclosure of ex parte communication: None.

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for this 1948-1949 Howard Chilton building. Ms. Murphy pointed out the design features of this building. Ms. Murphy testified that the building met the following criteria for designation as a landmark:
Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,
Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction of use of indigenous materials or craftsmanship; and
Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Mr. Silvin asked for confirmation that the Town had proof of publication and notice with regard to the landmark designation hearing. Ms. Churney provided confirmation.

Ms. Drake stated she did not believe that the building was significant.

Ms. Hufty expressed her belief that the building did have architectural integrity.

Mr. Segraves stated he thought the building was Howard Chilton's best work and was supportive of the designation.

Ms. Albarran spoke favorably of the architectural details and was supportive of the designation.

Ms. Coleman thought the building was charming and was supportive of the designation.

Dennis Keefe, Board President of 455 Australian Avenue, spoke in support of the landmark recommendation.

Lynn Allegaert, 455 Australian Avenue, spoke in support of the landmark recommendation.

Motion made by Ms. Albarran and second by Mr. Gannon that the designation report is made part of the record. Motion carried with all in favor.

Motion made by Mr. Gannon and second by Ms. Hufty to recommend 455 Australian Ave. to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161. Motion carried with all in favor.

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.
Sec. 54-162. - Creation of historic districts.
Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.
Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.
Sec. 54-165. - Voluntary restrictive covenants.
Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

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

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

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

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

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

(2) Is identified with historic personages or with important events in national, state or local history.

(3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.

(4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.

(5) Constitutes a unique area of architecture, landscaping and planning.

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

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

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

The commission has the power to:

(1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.

(2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.

(3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.

(4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.

(5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.

(6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.

(7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.

(8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

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

(a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:

(1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.

(2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

(3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.

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

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

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

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

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

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

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

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

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

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

(c)

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

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: CT-S Town-Serving Commercial. The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD** SUITE: SITE, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. 1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m. 2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House. [Applicant's Representative: Maura Ziska Esq]
TIME CERTAIN: 11:00 A.M.

Presenter

ATTACHMENTS:

- **Memorandum from Paul Castro dated February 2, 2018**
- **Exhibit A Revised**
- **Exhibit B Revised**
- **Memorandum Dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Town Serving Documentation Dated February 1, 2018**
- **Kimley Horn Parking Evaluation Rev 1**

- **Carriage House Dec of Use Conditions Ziska**
- **Letter Dated January 15, 2018 From Kling**
- **Letter Dated January 16, 2018 From Betts**
- **Letter Dated January 16, 2018 From Garrison**
- **Letter Dated January 18, 2018 From Klein**
- **Letter Dated January 24, 2018 From Georgas**
- **Letter Dated January 24, 2018 From Pollock**
- **Letter Dated January 25, 2018 From Lunt**
- **Letter Dated January 25, 2018 From Goodman**
- **Letter Dated January 25, 2018 From Matthews**
- **Letter Dated January 31, 2018 From Gozlan**
- **Letter Dated January 31, 2018 From Swift**
- **Letter Dated February 1, 2018 From Burt**
- **Letter Dated February 1, 2018 From Tylander**
- **Letter Dated February 1, 2018 From Tucker**
- **Letter Dated February 2, 2018 From Focke**
- **Letter Dated February 2, 2018 From Leiner**
- **Letter Dated February 2, 2018 From Katzman**
- **Letter Dated February 2, 2018 From McDermott**
- **Letter Dated February 3, 2018 From Volk**
- **Letter Dated February 3, 2018 From Myura**
- **Letter Dated February 4, 2018 From Hull**
- **Letter Dated February 5, 2018 From Zeitz**
- **Letter Dated February 5, 2018 From Beach**
- **Letter Dated February 5, 2018 From Welteroth**
- **Letter Dated February 5, 2018 From Woodfield**
- **Letter Dated February 5, 2018 From Cohen**
- **Letter Dated February 5, 2018 From LeCates**
- **Letter Dated February 5, 2018 From Hansen**
- **Letter Dated February 6, 2018 From Greenwald**
- **Letter Dated February 6, 2018 From Greenwald Attachment**
- **Letter Dated February 6, 2018 From Pressly**
- **Letter Dated February 6, 2019 From Kinsella**
- **Letter Dated February 6, 2018 From Pepper**
- **Letter Dated February 6, 2018 From Hertzberg**
- **Letter Dated February 7, 2018 From Jackson**
- **Letter Dated February 7, 2018 From LeCates**
- **Letter Dated February 7, 2018 From LeCates Attachment**
- **Letter Dated February 3, 2018 From Netter**
- **Letter Dated February 8, 2018 From deBie**
- **Letter Dated February 8, 2018 From Benedickson**
- **Letter Dated February 8, 2018 From Feldman**
- **Letter Dated February 8, 2018 From Bingham**
- **Letter Dated February 8, 2018 From Lemole**

- **Letter Dated February 8, 2018 From Lawson**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Re: Z-17-00020, Special Exception with Site Plan Review, 264 and 270 South County Road
Consideration of Revised Possible Conditions for the Proposed Carriage House Club

Date: February 2, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the revised conditions as outlined in the exhibits related to the operation of the proposed Carriage House Club. If conditionally approved, no Council action on the conditions will be necessary until the formal Declaration of Use Agreement appears on a subsequent Town Council Agenda yet to be determined.

GENERAL INFORMATION

The Town Council, at its December 13, 2017 meeting, considered the subject Special Exception with Site Plan Review application for the proposed Carriage House Club. After hearing all testimony, the Town Council deferred the subject application to the January 10, 2018 Council meeting. The Council at the January 10, 2018 meeting, after hearing all testimony, deferred the subject application to the February 14th Council meeting and directed the Applicant to provide Town-serving documentation as required by Code. In addition, the Council also asked Staff to capture the Council's comments and concerns into the conditions, and work with the Applicant on possible conditions of approval in an attempt to resolve differences.

To date Staff has not received any Town-serving documentation from the Applicant. Staff did met with the Applicant regarding the possible conditions of approval. While there has been progress, there are remaining differences in what the conditions should be to operate a private club at this location. Staff continues to have concerns about valet traffic circulation, noise, and more importantly, the possible negative parking impacts on surrounding residential areas. Particular concern is the parking during daytime hours as the Club has no parking area during the day. As it relates to the membership cap and parking, what constitutes a "member" in the proposed Club. This is important because the membership cap is tied to the off-street parking requirements. The Council should obtain clarification from the Applicant as to what is the definition of a club member. Is a Club member an individual, or can members also include a spouse, family members or other family members?

The Staff proposed conditions of approval are an attempt to mitigate those concerns. In addition, Staff is also still concerned about the Applicant's proposed construction laydown area and detour in Phipps Plaza.

The Staff proposed conditions outlined in Exhibit A are based on all of the discussion at the January 10, 2018 Council meeting; Staff's meeting and discussions with the Applicant; and the remaining differences between Staff and the Applicant. The Applicant's differences are in bold add/delete format. Exhibit B is a clean version of Staff's proposed conditions.

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

Attachments

cc: John C. Randolph, Town Attorney
Jay Boodheshwar Deputy Town Manager
Maura Ziska, Esq.
zf

EXHIBIT A

PROPOSED CONDITIONS IDENTIFING REMAINING DIFFERENCES BETWEEN STAFF AND THE APPLICANT

1. Hours of operation shall be as follows

Sunday:	11:00 a.m. to 10:00 p.m.
Monday through **Wednesday** ~~**Thursday**~~:	11:00 a.m. to 12:00 a.m.
Thursday ~~**Friday**~~ **through** ~~**and**~~ Saturday	11:00 a.m. to 2:00 a.m.

All Club members and guests shall quietly vacate by such closing hours.

2. The maximum membership shall be 244 people. At least fifty percent (50%) of the members of the Club shall consist of individuals who are "townpersons" as defined in the Town of Palm Beach Code.

3. The maximum number of members and guests from 11:00 a.m. to 5:00 p.m. shall not exceed 140 people and 118 seats ~~as~~ provided for in the seating plan that is Exhibit ___of this Agreement.

4. The maximum number of members and guests after 5:00 p.m. shall not exceed ~~**264 members and guest and 244 seats**~~ **the maximum occupancy per the life safety plan**~~.~~

5. Valet parking is required after 5:00 p.m. until closing. A valet parking permit from the Police Department shall be required. There shall be two valet areas as identified in Exhibit ____and further described herein. A valet stand for drop off only shall be in the same location as the former 264 Grill restaurant on the west side of South County Road. The other valet stand for both drop off and pickup of vehicles shall be located on the 200 block of Seaview Avenue on the south side of the street. Valets shall not use the one hundred block of Seaview Avenue for parking, or any of Seaspray and Seabreeze Avenues for the maneuvering or parking of vehicles for club members and guests. The two hundred block of Seaview Avenue shall not be used for member or guest parking of the Club.

6. A minimum of 8 valets during Season and 3 valet out of Season shall be on duty after 5:00 p.m. when the Club is open for business. The valet traffic circulation plan for the valet permit shall match the Town Council approved plan. The number of valets may be modified by the Police Department should it be determined that more or less valets are required to manage the Club parking.

7. Valets shall only use the designated valet drop off and pick up locations on the valet parking permit.

8. The Club shall be required to meet all Florida Department of Transportation (FDOT) requirements pertaining to the valet operations in the rights-of-way, including, if required, signing a lease with FDOT for proposed valet operations.

9. The Club shall only host one event per calendar year and that event shall only be a New Year's Eve Party. That event shall not exceed more than two hundred members and guests. No club member shall be allowed to have or sponsor a large events. A large event is defined as an event which includes, but is not limited to, gatherings of more than sixty (60) people during lunch (11:00 a.m. to 5:00 p.m.) and ninety (90) people after 5:00 p.m. for charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas or birthday parties.

10. The Club shall be required to have one off-duty police officer in order to assist with traffic at the event. A minimum of two police officers shall be required for a New Year Eve Party Additional police officers may be required as determined by the Police Department.

11. Club members **shall be instructed that parking is prohibited** ~~**and guests are prohibited from parking**~~ in Phipps Plaza and on Seaview, Seaspray and Seabreeze Avenues. ~~**In addition, Club members and guests arriving at the Club at 5:00 p.m. or thereafter shall be required to valet their vehicle unless they are being dropped off.**~~

12. Employees of the Club shall not be allowed to park in the Town of Palm Beach. The Club shall be required to shuttle its employees to the Club from an off-island location. The off-island location and hours of access shall be provided to the Town. Employees may also ride their bicycles or use public transportation. A bicycle rack shall be provided in a location approved by the Town.

13. Employees shall be required to use the designated bicycle rack to park their bike.

14. The Club shall provide the Code Enforcement Division of the Town Police Department with the license plate numbers of all employees every six months to monitor and ensure compliance.

15. All trash shall be stored inside the Club until after 8:00 a.m. on the designated solid waste pick up day.

16. The applicant shall provide state of the art exhaust vents and scrubbers for the kitchen and shall have said exhaust and scrubbers cleaned on a weekly basis. The Club shall have the schedule readily available for inspection.

17. The Club shall be considered an "entertainment establishment" and shall meet the regulations in Sections 22-271 through 22-277 of the Code of Ordinances. Violation of these provisions would come under the Article ___, Remedies for Violation, in this Agreement.

18. There shall be no outside dining, receptions ~~**or music**~~ without required zoning approvals obtained by the Town.

19. The roof of the Club's buildings shall not be used for any type of Club activity unless required zoning approvals are obtained by the Town.

20. Violations of the maximum noise decibel requirements as identified in the Code of Ordinances shall be deemed a violation of this Agreement.

~~**21. If the Town Council determines that there are unforeseen negative impacts created by the Club the Town shall have the right to address those impacts and modify or add conditions to the Agreement.**~~

EXHIBIT B

1. Hours of operation shall be as follows

Sunday:	11:00 a.m. to 10:00 p.m.
Monday through Thursday:	11:00 a.m. to 12:00 a.m.
Friday and Saturday	11:00 a.m. to 2:00 a.m.

All Club members and guests shall quietly vacate by such closing hours.

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3. The maximum number of members and guests from 11:00 a.m. to 5:00 p.m. shall not exceed 140 people and 118 seats ~~as~~ provided for in the seating plan that is Exhibit ___of this Agreement.

4. The maximum number of members and guests after 5:00 p.m. shall not exceed 264 members and guest and 244 seats.

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15. All trash shall be stored inside the Club until after 8:00 a.m. on the designated solid waste pick up day.

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19. The roof of the Club's buildings shall not be used for any type of Club activity unless required zoning approvals are obtained by the Town.

20. Violations of the maximum noise decibel requirements as identified in the Code of Ordinances shall be deemed a violation of this Agreement.

21. If the Town Council determines that there are unforeseen negative impacts created by the Club the Town shall have the right to address those impacts and modify or add conditions to the Agreement.

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Subject: **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
264 S COUNTY RD SUITE: SITE

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD.

1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m.
2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House.

ADDRESS: 264 S COUNTY RD SUITE: SITE

OWNER: CARRIAGE HOUSE PROPERTIES PART

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-10-000-0120

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: PL OF PHIPPS PLAZA LT L

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/29/17

APPLICATION NO.: Z-17-00020 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 264 S COUNTY RD SUITE: SITE

DESCRIPTION:

PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD.
1. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the CT-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements. Lunch seating will be limited to 118 seats, which is the same number of seats 264 Grill restaurant had. The Club is proposing the following hours of operation: Sunday through Wednesday 11:00 a.m. to 12:00 midnight; Thursday through Saturday 11:00 a.m. to 2:00 a.m.
2. A request for a special exception to provide 68 night-time (after 5pm) supplemental off-site shared parking spaces at 230 Royal Palm Way to be used by employees and/or the valet operation for the Carriage House.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/14/2017	No Comment.
		1/4/2018	All Interior renovations must comply with Florida Accessibility Code and ADA.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/14/2017	Proposal shows an increase in occupancy with tables. We need a life safety plan with exit corridors and travel distance. Parking concerns for Emergency Vehicle access.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	8/29/2017	I am concerned about the logic that each vehicle will have 4 occupants; I believe that we will see single occupancy vehicles and couples. It would take all spaces available to handle the proposed club attendees during large events. Will all available spaces be open?
		1/4/2018	I do not agree that there is sufficient on street parking to handle the lunch time demand nor are there any lunch time valet zones. The applicant will need to meet the warrants requirements for and apply to the Florida Department of Transportation (FDOT) for a mid-block crossing on S. County Road, an FDOT maintained roadway. Please be advised, the close proximate of the signalized intersection of Royal Palm Way most likely takes away the grounds for the proposed crosswalk. Please see previous comments.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/14/2017	No Comment.
		1/4/2018	A minimum of six to eight valets may be required daily for evening operations. For lunch operations, 2 to 3 valets may be needed. Valets may need wear some sort of high visibility identifier, as this is a high traffic area. Parking for all staff/employees/subcontracted staff/employees should be identified and submitted as part of the parking/traffic plan. Valet stand-location to be approved by the Town
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/14/2017	Conversion of "restaurant" to "club" equals intensification of use. Absence of off-street parking will create constant traffic circulation problems. Applicant must produce traffic concurrency documentation, acceptable to the Town, attesting to the adequacy of parking and traffic circulation.
		1/4/2018	Is a temporary road planned to facilitate Club renovation? If so, does the temporary road interfere with the greenspace in Phipps Plaza? If so, details must be provided to the satisfaction of the Town Council.

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/29/17

PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	7/14/2017	I have no comment regarding this project.
		1/4/2018	I have no comment regarding this project.
PZB - ZONING	Paul Castro, Zoning Administrator	7/14/2017	The principle of equivalency calculations are incorrect. The applicant cannot use previously granted relief for a different land use in its calculations. The application also is also deficient as there is no reference to who the representative of "Carriage House" is on the applicant line. I believe there will be significant negative impacts to South County Road in that area and Phipps Plaza. There is absolutely no off-street parking for this use and assembly of club members for events will increase parking demand in that area. Staff will be requiring concurrency and a parking and traffic circulation study by the Town's consultant as part of the Town's review of the application. In addition, Exhibit C of the application related to the Parking Statement is not completed. The application requires a detailed parking statement, which includes details of all available off-street parking. There is no information regarding the number of employees per shift nor any indication where employees would park. The attorney wrote "N/A", not applicable. See memorandums from American Consulting Engineers of Florida regarding parking and traffic circulation and traffic concurrency (attached).
		1/4/2018	The proposed valet operation does not appear to be safe. To date, the Town has not received any indication from the Florida Department of Transportation that they would approve the proposed crosswalk and valet stands for the proposed Club. The proposed new valet drop off on the east side of South County Road requires that members and guests visiting the Club at night cross that busy street at night. This could result in a dangerous situation. The proposed four valet people for the Club may not be adequate. If approved, the applicant should provide more valets and should be required to adjust the valet operation if not functioning in a timely or safe way. In addition, none of the Club operation can spill over into the residential zoning district directly to the west of the proposed Club. If the Club is approved by the Council, an additional condition should be added that none of the off-street parking related to the Club be allowed in any surrounding parking lot areas unless approved by special exception by the Town Council. I also do not believe the applicant has demonstrated how the Club will be Town-serving in the submitted "Town-serving Report." Further detail should be provided to the Town Council.. The draft conditions of approval in the Staff memorandum are a starting point if the Council so chooses to consider approving the application. Staff, however, continues to believe that an operation of a private club of this magnitude in this area will be a negative impact to the surrounding properties. Lastly, the proposed staging and logistic plan calls for staging of construction equipment and material in Phipps Plaza South Drive and rerouting traffic through the Town park. This Department does not recommend this plan.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	7/14/2017	No Comment.

TOWN SERVING ANALYSIS FOR CARRIAGE HOUSE CLUB IN PALM BEACH, FLORIDA

February 1, 2018

Prepared for:

Carriage House Properties Partners, LLC

Prepared by:

Fishkind & Associates, Inc.
12051 Corporate Blvd.
Orlando, Florida 32817
407-382-3256

FISHKIND & ASSOCIATES
ECONOMIC CONSULTANTS

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APPENDIX 1 – Business Locator List

Executive Summary

- The Client plans to open a private membership club ("Club") called Carriage House, at 264 and 270 S. County Road, located in the Town of Palm Beach, Florida.

- The Club will offer lunch and dinner as well as social gathering space for members. The Club will accommodate 244 memberships, in 11,164 square feet of building space.

- The Palm Beach Code of Ordinances Sec. 134-1109 (11) - Special exception uses indicates; the Club must be found by Town Council to be Town-serving. This means: principally oriented to serving the needs of Townspersons who are defined as "all full-time and seasonal residents as well as visitors staying at accommodations and employees working in establishments located within the town". At least 50% or more of the 244 memberships must be Townspersons to meet the Town-serving criteria.

- Similar existing membership clubs in the Town include The Everglades Club, The Bath & Tennis Club, The Sailfish Club, The Palm Beach Country Club, The Beach Club, The Old Guard Club and Mar-a-Lago. Existence of multiple such clubs, located in the Town of Palm Beach, demonstrates the market viability of the private club concept.

- An analysis of Town business employment, within walking distance of the Club, indicates a capture rate of 1.1% among existing business employees alone allows the Club to meet the 50% Town Serving requirement.

- There are 1,066 permanent residences valued in excess of $2.5 million located in the Town of Palm Beach. Very high value homes correspond with high household net worth and represent the Club's target market. Household capture rate of less than 12% among permanent very high value householders alone would meet the 50% Town-serving requirement.

- There are 647 seasonal residences valued in excess of $2.5 million located in the Town of Palm Beach. Very high value homes correspond with high household net worth and represent the Club's target market. Household capture rate of less than 20% among seasonal very high value householders alone would meet the 50% Town-serving requirement.

- Based on a likely scenario of very low capture rates among the target market segments discussed, Carriage House will meet and exceed the criteria requiring 50% of memberships be Town-serving (please see Table E1).

Table E.1

Target Market Segments	Number	Market Capture	Membership
Walking Distance Employees (Townspersons)	11,638	1.00%	116
Driving Distance Employees (Townspersons)	5,166	0.50%	26
Permanent High Value Townsperson Households	1,066	0.50%	5
Seasonal High Value Townsperson Households	647	0.50%	3
Total Market Capture to Meet Town-serving Requirement	18,517	0.81%	151

1.0 Introduction & Site Overview

The Client has purchased the Carriage House property located at 264 and 270 South County Road, in the Town of Palm Beach. The Client has proposed renovations to the property for the purpose of offering an exclusive, private membership club to local residents and business persons. Figure 1 shows an image of the subject property.

Figure 1. Carriage House

The Client has requested Fishkind and Associates, Inc. provide analysis to demonstrate how, under reasonable market conditions, Carriage House will be Town-serving. To accomplish this Fishkind provides an overview of existing private membership clubs in Palm Beach. Existing clubs demonstrate the concept viability and market support found in Palm Beach.

Further, Fishkind examines reasonable membership capture rates for Palm Beach residents and employees working in the Town (Townspersons), demonstrating the basis on which the Club is shown to be Town-serving, under the City Ordinance criteria.

The Carriage House will be an exclusive, private, upscale membership only club. Design will be intimate, luxurious and chic, offering lunch and dinner and providing members with social gathering space. The dining and service will be world class, with uniquely designed bars, as well as exclusive entertainment areas.

There are a number of private membership clubs located in the Town of Palm Beach. Existing clubs include The Everglades Club, The Bath & Tennis Club, The Sailfish Club, The Palm Beach Country Club, The Beach Club, The Old Guard Club and Mar-a-Lago. These clubs are long-lived. The Everglades Club is the oldest having opened in 1919. Mar-a-Lago is the newest, having opened in 1995. The existence of multiple such clubs demonstrates the market viability and long-term success of the private club concept in the Town of Palm Beach.

The proposed Club is planned to reflect a Palm Beach style of the type of offerings found in other well-known and world renown private clubs including London's 5 Hertford Street, Annabelle's and Mark's Club as seen in Figure 2.

Figure 2. Comparable Private Club Designs

2.0 Existing Business Conditions and Town Serving Market Opportunity

The Town of Palm Beach is home to an estimated 1,177 businesses as of 2017, employing 16,800 persons (please see Figure 3). The average employment per company is 14 persons indicating a high percentage of small businesses, sole proprietorships and partnerships. With a very low capture rates among employees within the town, business related memberships alone could meet the Town-serving requirement.

Employment has been analyzed based on those within walking distance (seven-tenths of a mile; a 15-minute walk) and those outside walking distance. There are 713 businesses, employing 11,638 persons within walking distance of the Club. This is almost 70% of all employment within the Town. Businesses within this area include banks, trust companies, real estate firms, investment companies, law firms, medical providers, as well as specialty retail such as estate auctions fine jewelers among others. Because of the high concentration of Town employment within walking distance, a low capture rate of approximately 1.1 percent, alone, would be sufficient to meet the 50% Town Serving membership requirement, generating 122 memberships of the 244 total memberships available.

ESRI online data services estimates business sales, within walking distance of the Club, exceed $1.8 billion annually. Of these sales, approximately ½ percent of annual sales revenues would be sufficient to generate $10 million – an amount likely to cover building purchase and renovation costs. The local market area, within walking distance, generates sufficient business revenues such that a low capture rate among businesses, based on revenues, is sufficient to support the capital start-up requirements of the club.

Employment outside of walking distance from the Club is 5,166 employees. A capture rate of 2.4 percent among these workers alone is sufficient to meet the 50% Town Serving membership requirement.

In reality, smaller shares of each of the target market segments combined will be sufficient to meet and exceed the Town-serving criteria. The residential target market segment is discussed in the following section. Figure 3 provides the target market segment demographics.

Figure 3. Town of Palm Beach Demographic Characteristics

2017 Permanent Population Town of Palm Beach	8,735
2017 Housing Unit Count Town of Palm Beach	9,447
Households Permanent	5,012
Very High Value Permanent Households	1,066
Households Seasonal	3,627
Very High Value Seasonal Households	647
2017 Employment in Town of Palm Beach	16,804
Employment within .7 mile of Club	11,638
Employment Remainder	5,166
Average Net Worth per Permanent Household	$2,975,174
Total Business Revenue within .7 mile of Club	$1,845,328,000

Source: ESRI, Business Analyst Online; Palm Beach County Property Appraiser; Fishkind & Associates, Inc.
Note: Permanent and Seasonal Households do not add to total housing units due to other vacant properties for rent or sale

3.0 Existing Residents and Membership Opportunity

Household demographic data indicates there are 5,012 occupied, permanent households in the Town of Palm Beach, on a base of nearly 9,500 total housing units. The Census housing profile data indicates there is a high rate of seasonality with many units held for occasional use, explaining the difference between the housing inventory and permanent households. Discussion of Seasonal Householders is found in Section 4.0

The average net worth among permanent resident householders in the Town is $2.9 million per household. An estimated 60%, nearly 3,000 householders, have net worth in excess of $500,000.

Among these, there are 1,066 single family and condominium units, with homestead exemption indicating permanent residency, valued in excess of $2.5 million. These very high value homeowners are a portion of the residential target market segment for the Club.

A capture of less than 12% of these select very high value homeowners would be sufficient to meet the entire Town-serving requirement.

However, a more likely capture rate of this segment in our view is under 1 percent. Combined low capture rates among each of the target market segments including employees, permanent and seasonal householders will generate the necessary memberships to meet and exceed the Town-serving requirement of 122 memberships.

4.0 Seasonal and Hotel Visitors and Membership Opportunity

There are nearly 1,250 hotel rooms located in the Town of Palm Beach. Hotel stays are typically shorter in duration than seasonal visits and may be business or leisure related. Of the hotels in the Town, most are full service including restaurants and recreation. Because of shorter stays and available services, hotel guests are not viewed as a key target demographic for Club membership. In our view, it is more likely hotel visitors will accompany an existing member, should they attend the Club. It is unlikely hotel visitors would purchase a Club membership.

Seasonal residents are estimated to represent 647 condominium and single-family households, with individual unit value of $2.5 million or greater. These very high value households do not have a homestead exemption based on Palm Beach County Property Appraiser data, and therefore represent non-permanent seasonal householders. Seasonal householders with very high net worth tend to travel and enjoy multiple residences. The non-homestead (seasonal or held for occasional use) property owners are an important target market for Club membership and can be expected to utilize Club services when in Town.

With 647 such households, among the select group of high net worth, seasonal homeowners, a capture rate of approximately 18% would be sufficient alone to meet the Town-serving membership threshold criteria.

A more likely capture rate in our view is under 1 percent. Combined low capture rates among each of the target market segments including employees, permanent households and seasonal households will generate the necessary memberships to meet and exceed the Town-serving requirement of 122 memberships.

5.0 Conclusions

Based on the analysis, Fishkind finds there are four primary target market segments representing Club membership opportunity. These are 1) Town Employees within .7 mile walking distance from the Club; 2) Town Employees outside walking distance; 3) Permanent Residents of Very High Net Worth Households and; 4) Seasonal Residents of Very High Net Worth Households.

Figure 4 shows how a modest capture rate among each of these target market segments alone is sufficient to generate the required 122 Town-serving memberships.

Figure 4. Market Segments and Individual Town-serving Market Segment Capture Rates

Target Market Segments	Number	Market Capture	Membership
Walking Distance Employees (Townspersons)	11,638	1.1%	122
Driving Distance Employees (Townspersons)	5,166	2.4%	122
Permanent Resident High Value Town Households	1,066	11.4%	122
Seasonal Resident High Value Town Households	647	18.9%	122

A more likely membership scenario is a set of lower capture rates among each of the target market segments, when combined, would reach and exceed the Town-serving threshold. In the likely scenario, an overall capture rate of 8-tenths percent among the combined segments would provide the necessary memberships to meet and exceed the Town-serving requirement of 122 memberships, as shown in Figure 5.

Figure 5. Likely Target Market Capture Rates Demonstrating Town-serving Threshold

Likely Capture Scenario - Target Market Segments	Number	Market Capture	Membership
Walking Distance Employees (Townspersons)	11,638	1.00%	116
Driving Distance Employees (Townspersons)	5,166	0.50%	26
Permanent Resident High Value Town Households	1,066	0.50%	5
Seasonal Resident High Value Town Households	647	0.50%	3
Total Market Capture to Meet Town-serving Requirement	18,517	0.81%	151

In summary, the analysis shows there are a number of successful, long-lived private membership clubs located in the Town of Palm Beach. These clubs demonstrate there is a viable market for private membership clubs in the Town of Palm Beach. Further, the analysis identifies specific target market segments of Townspersons who would be interested and eligible for membership.

The analysis shows how each of these segments, individually, could generate sufficient membership to meet the Town-serving requirement. In addition, a scenario of likely capture rates indicates very small and thus reasonably attainable capture rates, among each of the target market segments, when combined, provide sufficient memberships for the Club to meet and exceed the Town-serving standard, as required by Palm Beach ordinance.

Appendix 1

Business Locator

264 S County Road Carriage House
264 the Grill
Rings: 0.7 mile radii

Prepared by Esri
Latitude: 26.70643
Longitude: -80.03641

2010 Residential Population:	1,745	2017 Total Sales ($000)	$1,845,328
2017 Residential Population:	1,815	2017 Total Employees	11,638
2022 Residential Population:	1,894	Employee/Residential Population Ratio:	6.41:1
Annual Population Growth 2017 - 2022	0.86%	Total Number of Businesses:	713

SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
734201	J D PEST CONTROL SVC S COUNTY RD PALM BEACH, FL 33480		0.01 SW	3	$302
152207	B PETERSON PHIPPS PLZ PALM BEACH, FL 33480		0.01 NW	2	$755
912101	US CABLE WEARSIDE INC S COUNTY RD PALM BEACH, FL 33480		0.02 NE	1	$0
799105	KEY TO LIFE THERAPIES SPA S COUNTY RD PALM BEACH, FL 33480		0.02 SW	5	$456
075204	ONBLONDE PET SPA & BOUTIQUE S COUNTY RD PALM BEACH, FL 33480		0.03 NW	3	$214
738902	BILL KOPP SMITH INTERIOR S COUNTY RD PALM BEACH, FL 33480		0.03 NW	6	$803
602103	ATM S COUNTY RD NORTH PALM BEACH, FL 33408		0.03 SE	0	$0
628201	J P MORGAN PRIVATE BANK ROYAL PALM WAY PALM BEACH, FL 33480		0.03 SW	50	$15,917
599999	BONHAMS ROYAL PALM WAY PALM BEACH, FL 33480		0.03 SW	2	$400
899999	PALM BEACH CAPITAL SVC S COUNTY RD PALM BEACH, FL 33480		0.03 SE	2	$310
602103	WELLS FARGO BANK ATM S COUNTY RD PALM BEACH, FL 33480		0.03 SE	0	$0
628205	ABBOT DOWNING S COUNTY RD PALM BEACH, FL 33480		0.03 SE	12	$3,820
653108	TANGENT CORP S COUNTY RD PALM BEACH, FL 33480		0.03 SE	1	$109
602101	WELLS FARGO BANK S COUNTY RD PALM BEACH, FL 33480	5	0.03 SE	100	$26,696

Data Note: Businesses are listed based on their proximity to the study area location. A maximum of 250 records can be displayed on one report. Data on the Business Locations report is based on the businesses whose location falls within the area of study. Total Sales, Total Daytime Business Population, Total Number of Businesses, and the Daytime Business (pop)/Residential Ratio are calculated using the collection of business points that fall within the area of study.
Source: Copyright 2017 Infogroup and Esri. Esri Total Residential Population forecasts for 2017.

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
651301	PHIPPS CONDO ASSN S COUNTY RD PALM BEACH, FL 33480		0.03 NW	5	$817
621101	MURIEL SIEBERT & CO INC S COUNTY RD PALM BEACH, FL 33480		0.03 NW	10	$1,744
581208	CHEZ L'EPICIER-PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.04 SE	6	$317
738202	HOME SECURITY SYSTEMS EXPERTS S COUNTY RD PALM BEACH, FL 33480		0.04 SE	6	$1,072
871202	PANDULA ARCHITECTS SEAVIEW AVE PALM BEACH, FL 33480		0.05 NW	3	$513
621111	ADEC PRIVATE EQTY INVSTMNT S COUNTY RD PALM BEACH, FL 33480		0.05 NE	3	$1,744
872102	PALM BEACH ACCOUNTING S COUNTY RD PALM BEACH, FL 33480		0.05 NE	1	$125
591205	LEWIS PHARMACY S COUNTY RD PALM BEACH, FL 33480		0.05 NE	6	$1,678
152144	GREGORY JULIANO CONSTRUCTION S COUNTY RD PALM BEACH, FL 33480		0.05 NE	3	$1,132
591205	SOUTH OCEAN PHARMACY S COUNTY RD PALM BEACH, FL 33480		0.05 NE	4	$1,119
832264	AMERICAN CANCER SOCIETY S COUNTY RD PALM BEACH, FL 33480		0.05 NE	3	$195
738110	EPIC REALTY GROUP LLC S COUNTY RD PALM BEACH, FL 33480		0.05 NE	3	$228
738902	ANNE PEPPER INTERIORS S COUNTY RD PALM BEACH, FL 33480		0.05 NE	2	$268
999977	CEANN'S VIEUX SEAVIEW AVE PALM BEACH, FL 33480		0.06 NW	0	$0
654102	PREMIER TITLE CO LTD ROYAL PALM WAY PALM BEACH, FL 33480		0.06 SE	3	$367
811103	GUNSTER YOAKLEY & STEWART PA ROYAL PALM WAY PALM BEACH, FL 33480		0.06 SE	12	$2,714

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
874201	QUICK T FIRST PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.06 NW	1	$131
599201	POTTED PLANT & FLOWER SHOP S COUNTY RD PALM BEACH, FL 33480		0.06 NW	4	$436
141101	PARIS CERAMICS S COUNTY RD PALM BEACH, FL 33480		0.06 NW	1	$89
871202	SMITH ARCHITECTURAL GROUP INC PHIPPS PLZ PALM BEACH, FL 33480		0.06 NW	10	$1,707
628203	LEE MUNDER INVESTMENTS ROYAL PALM WAY PALM BEACH, FL 33480		0.07 SW	46	$14,643
999977	REDNUM CAPITAL PARTNERS LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.07 SW	0	$0
651303	ADISON WELL PALM BEACH LLC S COUNTY RD PALM BEACH, FL 33480		0.08 SW	4	$654
602101	SABADELL BANK & TRUST ROYAL PALM WAY PALM BEACH, FL 33480		0.08 SE	20	$5,340
602103	PNC BANK ATM ROYAL PALM WAY WEST PALM BEACH, FL 33401		0.08 SW	0	$0
628203	PNC WEALTH MANAGEMENT ROYAL PALM WAY WEST PALM BEACH, FL 33401		0.08 SW	27	$8,595
738902	SCOTT SNYDER INC PHIPPS PLZ PALM BEACH, FL 33480		0.08 NW	12	$1,606
602101	FIRST REPUBLIC BANK ROYAL PALM WAY PALM BEACH, FL 33480		0.09 SW	5	$1,335
602101	CITIBANK ROYAL PALM WAY PALM BEACH, FL 33480	Q	0.09 SW	10	$2,670
019101	GENTLE FOX FARMS S COUNTY RD PALM BEACH, FL 33480		0.09 SE	6	$597
999977	ELITAT S COUNTY RD PALM BEACH, FL 33480		0.09 SE	0	$0
653117	CAMPANIELLO THOMAS S COUNTY RD PALM BEACH, FL 33480		0.09 SW	4	$435

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
562105	FASHIONISTA PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.10 SW	2	$379
599999	FASHIONISTA S COUNTY RD PALM BEACH, FL 33480		0.10 SW	2	$400
546102	BLEU PROVINCE BAKERY S COUNTY RD PALM BEACH, FL 33480		0.10 SW	3	$155
874201	SWEET SPOT S COUNTY RD PALM BEACH, FL 33480		0.11 SE	3	$391
571217	MARUMO GALLERY S COUNTY RD PALM BEACH, FL 33480		0.11 SE	1	$274
571925	LORI JAYNE INC S COUNTY RD PALM BEACH, FL 33480		0.11 SW	2	$374
602102	BESSEMER TRUST ROYAL PALM WAY PALM BEACH, FL 33480		0.11 SW	30	$8,009
564103	ARISTOKIDS S COUNTY RD PALM BEACH, FL 33480		0.11 SE	3	$394
738942	LORI JAYNE MONOGRAMMING & MORE S COUNTY RD PALM BEACH, FL 33480		0.11 SE	2	$402
594112	P B GIRLS CLUB S COUNTY RD PALM BEACH, FL 33480		0.12 SE	3	$679
753201	DON'T BEND THAT FENDER S COUNTY RD PALM BEACH, FL 33480		0.12 SE	3	$404
594113	P B BOYS CLUB S COUNTY RD PALM BEACH, FL 33480		0.12 SE	2	$453
594201	CLASSIC BOOKSHOP S COUNTY RD PALM BEACH, FL 33480		0.12 SW	8	$1,041
738902	CYNTHIA THOMAS INC ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	2	$268
762902	PALM BEACH WHIRLPOOL REPAIR ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	13	$1,159
653108	F J K PROPERTIES ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	3	$326

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
628203	FIDELITY INVESTMENTS ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	6	$1,910
562101	FRANCES BREWSTER INC S COUNTY RD PALM BEACH, FL 33480		0.12 SW	2	$379
593235	LINDROTH DESIGN CORP S COUNTY RD PALM BEACH, FL 33480		0.12 SW	3	$1,449
484101	DISH NETWORK S COUNTY RD PALM BEACH, FL 33480		0.12 SW	10	$14,158
811103	SIMSES & ASSOC ROYAL PALM WAY PALM BEACH, FL 33480	L	0.12 SW	9	$2,035
594408	STEPHANIE KANTIS ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	3	$863
811103	AKERMAN LLP ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	5	$1,131
602102	CYPRESS TRUST CO ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	35	$9,344
566101	STUBBS & WOOTTON ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	5	$847
628203	CYPRESS CAPITAL GROUP INC ROYAL PALM WAY PALM BEACH, FL 33480		0.12 SW	22	$7,004
839998	PALM BEACH BOARD OF REALTORS ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	7	$0
641112	CELEDINAS INSURANCE GROUP ROYAL PALM WAY PALM BEACH, FL 33480	V	0.13 SE	3	$484
653118	HALL REAL ESTATE ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	5	$544
078103	SANCHEZ & MADDUX ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	10	$2,155
999977	DUPONTEC INC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	0	$0
999977	RICK WARD ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	0	$0

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
679999	CDR ACQUISITION LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	3	$942
738901	CHRISTIE'S FINE ART ACTNRS ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SE	3	$402
628203	WESCOTT FINANCIAL ADVISORY GRP ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	15	$4,775
653118	PHILLIPS DEVELOPMENT CO ROYAL PALM WAY PALM BEACH, FL 33480	!	0.13 SW	1	$109
653118	AMERICAN CONTINENTAL PROPERTY ROYAL PALM WAY PALM BEACH, FL 33480	!	0.13 SW	3	$326
872101	HAFER CO LLC ROYAL PALM WAY PALM BEACH, FL 33480	C	0.13 SW	8	$1,000
861102	AMERICAN TECHNION SOCIETY ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	2	$0
621111	CHASBRO INVESTMENTS INC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	3	$1,744
628203	BLACK ROCK INC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	18	$5,730
653118	WRIGHT PROPERTIES INC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	4	$435
628203	ASSOCIATED CAPITAL GROUP INC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	2	$637
653118	PLAZA CENTER ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	4	$435
999977	SHARON QUEENEY WEINTZ ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	0	$0
811103	RONALD L FICK ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	3	$679
628203	R & R TRADING CO OF JUPITER ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	3	$955
628203	MERRILL LYNCH WEALTH MGMT ROYAL PALM WAY PALM BEACH, FL 33480	M	0.13 SW	45	$14,325

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
641112	MARSH ROYAL PALM WAY PALM BEACH, FL 33480	H	0.13 SW	30	$4,835
811103	DUNWODY WHITE & LANDON PA ROYAL PALM WAY PALM BEACH, FL 33480	LSW	0.13 SW	4	$905
864108	CLUB COLETTE PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.13 SW	10	$0
581208	SURFSIDE DINNER S COUNTY RD PALM BEACH, FL 33480		0.13 SW	6	$317
839998	PALM BEACH DAY SCHOOL SEAVIEW AVE PALM BEACH, FL 33480		0.13 NW	73	$0
734201	FRANK & SONS PEST CONTROL SVC SEABREEZE AVE PALM BEACH, FL 33480		0.13 NE	3	$302
593202	KOFSKI ANTIQUES INC S COUNTY RD PALM BEACH, FL 33480		0.13 SE	1	$483
593202	APPRAISAL & ACQUISITION ASSOC S COUNTY RD PALM BEACH, FL 33480		0.13 SE	1	$483
564103	CUSTOM HOUSE S COUNTY RD PALM BEACH, FL 33480		0.13 SE	2	$263
738902	WITMAN JOHN H INTERIORS S COUNTY RD PALM BEACH, FL 33480		0.13 SW	2	$268
653118	GWINN REALTY INC S COUNTY RD PALM BEACH, FL 33480		0.13 SW	4	$435
593202	HENEMADER F S ANTIQUES S COUNTY RD PALM BEACH, FL 33480		0.13 SW	1	$483
602102	WILMINGTON TRUST NATIONAL ASSN ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	5	$1,335
653108	OCONNOR MANAGEMENT LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	3	$326
653108	F J K III ROYAL PALM WAY PALM BEACH, FL 33480		0.13 SW	3	$326
573609	MICHAEL CARNEY MUSIC SEABREEZE AVE PALM BEACH, FL 33480		0.14 NE	3	$747

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January 27, 2018

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Business Locator

264 S County Road Carriage House
264 the Grill
Rings: 0.7 mile radii

Prepared by Esri
Latitude: 26.70643
Longitude: -80.03641

SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
651301	BRAZILIAN OF PALM BEACH BRAZILIAN AVE PALM BEACH, FL 33480		0.14 SW	5	$817
723119	KEY TO LIFE THERAPIES INC S COUNTY RD PALM BEACH, FL 33480		0.14 NW	1	$53
628203	US TRUST ROYAL PALM WAY PALM BEACH, FL 33480		0.14 SE	50	$15,917
602103	BANK OF AMERICA ATM ROYAL PALM WAY PALM BEACH, FL 33480		0.14 SE	0	$0
999977	BARCLAY GEDI CORP BRAZILIAN AVE PALM BEACH, FL 33480		0.14 SE	0	$0
506324	W G COMPASS ALARM LINES ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	4	$3,874
866107	ROYAL PALM WAY LLC ROYAL PALM WAY PALM BEACH, FL 33480	C	0.15 SW	3	$0
809308	HOSPITAL FOR SPECIAL SURG ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	12	$1,729
628202	NORTHERN TRUST ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	14	$4,457
839998	TREE OF LIFE ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	2	$0
721704	PALM BEACH CARPET CLEANING ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	2	$107
628205	ALEX BROWN ROYAL PALM WAY PALM BEACH, FL 33480		0.15 SW	3	$0
724101	LEO'S GOLDEN RAZOR BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	1	$31
723106	SALON MARGRIT & SPA BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SE	30	$1,574
738902	CYNTHIA THOMAS INC BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	1	$134
569947	RAPUNZEL'S CLOSET OF PALM BCH BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	25	$3,756

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
651303	PRIVATE VIEWS LLC BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	4	$654
874201	PIERCE CONSULTING GROUP BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	3	$391
599949	PALM BEACH INVESTMENTS BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	2	$400
472402	PROTRAVEL INTERNATIONAL BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	3	$331
653108	FOREST PROPERTIES MGMT INC BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	3	$326
811103	JASON P DOLLARD LAW OFFICE PA BRAZILIAN AVE PALM BEACH, FL 33480	FJW	0.16 SW	1	$227
999977	M Y C S DEVELOPMENT LLC BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	0	$0
653118	SCOTT GORDON REALTY BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	4	$435
871202	FAIRFAX SAMMONS & PARTNERS BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	3	$513
999977	AFX BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	0	$0
152106	STUDIO B DESIGN INC BRAZILIAN AVE PALM BEACH, FL 33480		0.16 SW	3	$1,132
811103	LESLIE ROBERT EVANS & ASSOC PA BRAZILIAN AVE PALM BEACH, FL 33480	V	0.16 SW	12	$2,714
621111	TUDOR INVESTMENTS ROYAL PALM WAY PALM BEACH, FL 33480		0.17 SE	3	$1,744
794101	SMSI SEABREEZE AVE PALM BEACH, FL 33480		0.17 NW	2	$402
581208	CAFE L'EUROPE S COUNTY RD PALM BEACH, FL 33480		0.17 SE	85	$4,480
651301	ONE ROYAL PALM WAY ROYAL PALM WAY PALM BEACH, FL 33480		0.17 SE	21	$3,430

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671901	DELROCK HOLDINGS INC ROYAL PALM WAY PALM BEACH, FL 33480		0.17 SE	3	$1,874
804918	REHABILITATION CENTER-CHILDREN ROYAL PALM WAY PALM BEACH, FL 33480		0.17 SW	25	$1,604
801101	REHABILITATION PHYSICIANS PA ROYAL PALM WAY PALM BEACH, FL 33480	W9	0.17 SW	3	$700
562101	RAPUNZEL'S CLOSET-PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.18 SW	10	$1,893
999977	ANGELO'S OF PALM BEACH INC S COUNTY RD PALM BEACH, FL 33480		0.18 SW	0	$0
734902	CHANTELLE CHANDELIERS S COUNTY RD PALM BEACH, FL 33480		0.18 SW	1	$76
738902	KEMBLE INTERIORS INC HIBISCUS AVE PALM BEACH, FL 33480		0.18 SW	15	$2,007
762902	PALM BEACH GE REPAIR BRAZILIAN AVE PALM BEACH, FL 33480		0.18 SW	11	$981
173101	PALM BEACH ELECTRICIAN HIBISCUS AVE PALM BEACH, FL 33480		0.18 SW	4	$479
653104	PROPERTY RESOURCES CORP INC BRAZILIAN AVE PALM BEACH, FL 33480		0.18 SE	3	$326
594409	PALM BEACH JEWELRY & ANTQ CTR S COUNTY RD PALM BEACH, FL 33480		0.18 SE	2	$575
594408	SEQUIN OF PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.18 SW	3	$863
602101	VALLEY NATIONAL BANK S COUNTY RD PALM BEACH, FL 33480		0.18 SE	25	$6,674
562101	C ORRICO CLOTHING CO S COUNTY RD PALM BEACH, FL 33480		0.18 SW	3	$568
513705	LILLY PULITZER S COUNTY RD PALM BEACH, FL 33480		0.18 SW	5	$6,083
723106	EVA & MARIA KOZMETIKA INC S COUNTY RD PALM BEACH, FL 33480		0.18 SW	2	$105

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799701	PALM BEACH RECREATION CTR SEAVIEW AVE PALM BEACH, FL 33480		0.19 NW	19	$2,490
799971	SEAVIEW TENNIS CTR SEAVIEW AVE PALM BEACH, FL 33480		0.19 NW	5	$553
421203	KATE LEVY LLC SEASPRAY AVE PALM BEACH, FL 33480		0.19 NW	7	$939
912104	PALM BEACH OCEAN RESCUE S COUNTY RD PALM BEACH, FL 33480		0.20 SE	14	$0
922104	PALM BEACH POLICE DEPT S COUNTY RD PALM BEACH, FL 33480		0.20 SE	108	$0
922104	PALM BEACH POLICE-TRAINING OFC S COUNTY RD PALM BEACH, FL 33480		0.20 SE	2	$0
922104	PALM BEACH POLICE-RECORDS OFC S COUNTY RD PALM BEACH, FL 33480		0.20 SE	2	$0
922104	PALM BEACH POLICE SPCL INVSTGT S COUNTY RD PALM BEACH, FL 33480		0.20 SE	5	$0
554101	GRAY'S SUNOCO S COUNTY RD PALM BEACH, FL 33480	W	0.20 SW	14	$15,616
651301	THREE HUNDRED SOUTH OCEAN S OCEAN BLVD PALM BEACH, FL 33480		0.21 SE	15	$2,450
641112	PETER F BONO WEALTH PLANNING ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	2	$323
594712	FABER COE & GREGG ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	2	$215
738901	LESLIE HINDMAN AUCTIONEERS ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	2	$268
999977	CATALINA DEVELOPERS LC ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	0	$0
811103	PILLSBURY WINTHROP SHAW ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	150	$33,914
874201	SEMINOLE MANAGEMENT CO ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	3	$391

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628205	TIEDEMANN WEALTH MANAGEMENT ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	3	$955
874899	TALISMAN GROUP ADVISORS ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	1	$129
874201	IMPALA ASSET MANAGEMENT ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	3	$391
794105	TAMPA BAY BUCCANEERS ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	16	$3,210
602103	US BANK ATM ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	0	$0
811103	CALDWELL PACETTI EDWARDS ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	3	$679
999977	ALBARRAN JACQUELINE ROYAL PALM WAY PALM BEACH, FL 33480		0.22 SW	0	$0
594712	TRUFFIES OF PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.22 SW	2	$215
736103	PRIVATE CHEFS INC S COUNTY RD PALM BEACH, FL 33480		0.22 SW	2	$132
569932	DONALDS FASHION ALTERATIONS S COUNTY RD PALM BEACH, FL 33480		0.22 SW	5	$752
804918	TENENBAUM & SULLIVAN INC S COUNTY RD PALM BEACH, FL 33480		0.22 SW	5	$321
363501	ALL BRAND VACUUMS S COUNTY RD PALM BEACH, FL 33480		0.22 SW	2	$120
581208	BUCCAN S COUNTY RD PALM BEACH, FL 33480		0.22 SW	6	$317
152103	KEYSTONE RESTORATION S COUNTY RD PALM BEACH, FL 33480		0.22 SW	6	$2,264
871202	BROWER ARCHITECTURAL ASSOC S COUNTY RD PALM BEACH, FL 33480		0.22 SW	2	$342
581208	IMOTO AT BUCCAN S COUNTY RD PALM BEACH, FL 33480		0.22 SW	6	$317

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531102	BLESK S COUNTY RD PALM BEACH, FL 33480		0.22 SW	4	$743
738990	PALM BEACH SHREDDING S COUNTY RD PALM BEACH, FL 33480		0.22 SW	8	$1,071
734201	PEST ALL OVER S COUNTY RD PALM BEACH, FL 33480		0.22 SW	3	$302
653118	WEBSTER'S INTERNATIONAL REALTY S COUNTY RD PALM BEACH, FL 33480		0.22 SW	15	$1,630
722101	LILA PHOTO S COUNTY RD PALM BEACH, FL 33480		0.22 SW	2	$94
653118	LOGAN REALTY INC S COUNTY RD PALM BEACH, FL 33480		0.22 SW	4	$435
731917	OCEANPARADISE.COM S COUNTY RD PALM BEACH, FL 33480		0.22 SW	8	$1,356
999977	JUFF S COUNTY RD PALM BEACH, FL 33480		0.22 SW	0	$0
999977	MY-G-SPOT S COUNTY RD PALM BEACH, FL 33480		0.22 SW	0	$0
651301	MELBOURNE HOUSE AUSTRALIAN AVE PALM BEACH, FL 33480		0.22 SW	9	$1,470
811103	METTLER RANDOLPH MASSEY ROYAL PALM WAY PALM BEACH, FL 33480	LV	0.24 SW	8	$1,809
999977	METTLER SHELTON & RANDOLPH ROYAL PALM WAY PALM BEACH, FL 33480		0.24 SW	0	$0
621111	ROYAL PALM MANAGEMENT INC ROYAL PALM WAY PALM BEACH, FL 33480		0.24 SW	3	$1,744
874130	COMPASS REALTY MANAGEMENT ROYAL PALM WAY PALM BEACH, FL 33480		0.24 SW	5	$685
651301	330 SOUTH OCEAN INC S OCEAN BLVD PALM BEACH, FL 33480		0.24 SE	8	$1,307
912104	PALM BEACH TOWN CLERK S COUNTY RD PALM BEACH, FL 33480		0.24 SE	1	$0

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Business Locator

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264 the Grill
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Longitude: -80.03641

SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
912104	PALM BEACH PLANNING & ZONING S COUNTY RD PALM BEACH, FL 33480		0.24 SE	20	$0
912104	PALM BEACH MAYOR S COUNTY RD PALM BEACH, FL 33480		0.24 SE	6	$0
912104	TOWN-PALM BEACH-TOWN HALL S COUNTY RD PALM BEACH, FL 33480		0.24 SE	5	$0
581212	AARONS CATERING S COUNTY RD SOUTH PALM BEACH, FL 33480		0.24 SE	4	$211
912104	PALM BEACH POLICE-TRAINING OFC S COUNTY RD PALM BEACH, FL 33480		0.24 SE	4	$0
912104	PALM BEACH TOWN FINANCE S COUNTY RD PALM BEACH, FL 33480		0.24 SE	9	$0
912104	PALM BEACH RISK MANAGEMENT S COUNTY RD PALM BEACH, FL 33480		0.24 SE	1	$0
912104	PALM BEACH TOWN COUNCIL S COUNTY RD PALM BEACH, FL 33480		0.24 SE	39	$0
912104	PALM BEACH TOWN HUMAN RESOURCE S COUNTY RD PALM BEACH, FL 33480		0.24 SE	4	$0
912104	PALM BEACH TOWN BUILDING S COUNTY RD PALM BEACH, FL 33480		0.24 SE	20	$0
912104	PALM BEACH TOWN MANAGER S COUNTY RD PALM BEACH, FL 33480		0.24 SE	6	$0
811103	SALEEBY & RANSIER PA S COUNTY RD PALM BEACH, FL 33480		0.25 SE	3	$679
874104	TEW & TAYLOR INC S COUNTY RD PALM BEACH, FL 33480		0.25 SE	3	$411
835103	SITTERS IN A SECOND INC S COUNTY RD PALM BEACH, FL 33480		0.25 SE	1	$29
723119	FREDERIC FEKKAI SALON & SPA AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	16	$840
581208	CAFE BOULUD PALM BEACH AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	100	$5,271

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SIC Code	Business Name	Franchise	Distance From Site in Miles	Employees	Sales ($000)
701101	BRAZILIAN COURT AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	120	$13,163
734201	FLORIDA BED BUGS INC AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	3	$302
762902	PALM BEACH APPLIANCE REPAIR AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	8	$714
602103	ATM AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	0	$0
873303	NOLAND OFFICE AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	2	$0
821103	PALM BEACH PUBLIC ELEMENTARY COCOANUT ROW PALM BEACH, FL 33480	EKN	0.25 NW	65	$0
563207	GLAM & STYLE S COUNTY RD PALM BEACH, FL 33480		0.25 SE	1	$167
721201	CRICKET CLEANERS S COUNTY RD PALM BEACH, FL 33480		0.25 SE	3	$219
999977	LAFRANCE FILMS S COUNTY RD PALM BEACH, FL 33480		0.25 SE	0	$0
152103	ALONSO & ASSOC S COUNTY RD PALM BEACH, FL 33480		0.25 SE	3	$1,132
866110	CHABAD-NORTHERN PALM BEACH IS S COUNTY RD PALM BEACH, FL 33480		0.25 SE	2	$0
763101	STERGIOS DESIGNS & CO S COUNTY RD ABC PALM BEACH, FL 33480		0.25 SE	2	$138
866141	PALM BEACH JEWISH CTR AUSTRALIAN AVE PALM BEACH, FL 33480		0.25 SW	2	$0
671901	K M C PROPERTY HOLDINGS LLC CLARKE AVE PALM BEACH, FL 33480		0.25 NW	3	$1,874
738901	SOTHEBY'S ROYAL PALM WAY PALM BEACH, FL 33480		0.25 SW	2	$268
653118	COMPASS REALTY MANAGEMENT LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.25 SW	4	$435

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763101	CORTES OF PALM BEACH S COUNTY RD PALM BEACH, FL 33480		0.26 SE	2	$138
581219	SANDWICHES BY THE SEA S COUNTY RD PALM BEACH, FL 33480		0.26 SE	2	$106
873303	EQUESTRIAN AID FOUNDATION CHILEAN AVE PALM BEACH, FL 33480		0.26 SW	1	$0
592104	SCOTTI WINES & LIQUORS S COUNTY RD PALM BEACH, FL 33480		0.26 SE	3	$999
701107	PALM BEACH HISTORIC INN S COUNTY RD PALM BEACH, FL 33480		0.26 SE	3	$330
799101	PALM BEACH FITNESS CHILEAN AVE PALM BEACH, FL 33480		0.27 SE	10	$911
651303	OCEANSIDE APARTMENTS AUSTRALIAN AVE PALM BEACH, FL 33480		0.27 SE	1	$164
762902	PALM BEACH FRIGIDAIRE REPAIR AUSTRALIAN AVE PALM BEACH, FL 33480		0.27 SE	10	$892
651301	LOWELL HOUSE S OCEAN BLVD PALM BEACH, FL 33480		0.27 SE	9	$1,470
628203	CHILTON TRUST CO LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.28 SW	3	$955
628205	CHILTON TRUST MANAGEMENT LLC ROYAL PALM WAY PALM BEACH, FL 33480		0.28 SW	3	$955
353703	CROWN LIFT TRUCKS HIBISCUS AVE PALM BEACH, FL 33480		0.29 SW	50	$17,274

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Kimley»Horn

February 2, 2018

Josh Levy
221 N. Hogan Street Suite 400
Jacksonville, Florida 32202

Re: ***Carriage House/264 Grill***
Parking Evaluation
Palm Beach, Florida
Kimley-Horn #140379000

Dear Mr. Levy:

Kimley-Horn and Associates, Inc. was retained to provide a parking evaluation for the above-mentioned site. The site is located at 264/270 South County Road in the Town of Palm Beach, Florida. The proposed plan of development includes the merging of these adjacent properties. The PCN's for the two sites are 50-43-43-22-10-000-0120 and 50-43-43-22-10-000-0110, respectively. *Figure 1* shows the site location. Buildout is expected by 2019.

Currently, 264 South County Road consists of a quality restaurant with 104 seats while the 270 South County Road property consists of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. The current plan of development includes combining these two parcels into one property containing private club use. The existing and proposed site plans have been attached for reference.

The site is grandfathered to not have to provide any on-site parking per the Town's Principle of Equivalency Calculation which would allow the property to be redeveloped with 61 parking spaces to use as a credit for the new use. The Principle of Equivalency Calculation is shown in *Table 1*. The table explains how the Principle of Equivalency determines the 61 parking spaces and how that translates to a 244-member cap for a private club.

Table 1: Existing Required Parking

Floor Level	Space	Area	Parking Ratio	Parking Count (spaces)
1st Floor	Dining Area	2,081 SF (104 seats)	1:3	34.7
1st Floor	Retail Area	2,101 SF	1 : 200 Gross	10.5
1st Floor	Back of House	2,490 SF	1 : 300 Gross	8.3
2nd Floor	Back of House	369 SF	1 : 300 Gross	1.2
1st Floor	Residential Units	938 SF	2 spaces/unit	2.0
	Each Unit			
	Total 1 Unit			
2nd Floor	Residential Units	3,185 SF	2 spaces/unit	4.0
	Each Unit			
	Total 2 Units			
			Total Spaces	**61**

Town of Palm Beach Parking Code

Article 9.2, Section 134-2176 of the Town of Palm Beach Land Development Standards defines the parking requirements for 'social, swimming, golf, tennis and yacht clubs' in the Town of Palm Beach; this use most closely represents the proposed use for this site. Per this Standard, The Town of Palm Beach requires 1 parking space for every 4 members of a private social club. Based upon these requirements, a 244-member social club equates to 61 parking spaces and should be allowed without any on-site or other off-street parking arrangement per the Town's Principle of Equivalency. The calculation is summarized in *Table 2*.

Table 2: Palm Beach Required Parking

Land Use	Intensity	Palm Beach Parking Rate	Required Parking
Social Club	244 Members	1 Space per 4 Members	61

Although no on-site or other off-street parking is required, this study identifies a potential supplemental off-street parking location to help offset the expected parking demand during peak evening hours.

The nearby commercially zoned lot located at 230 Royal Palm Way contains 68 off-street parking spaces. The location of the parking lot is within the Commercial-Town Serving (C-TS) area and can be seen in *Figure 2*. It is anticipated that all 68 off-street parking spaces will be available to be utilized by patrons and valet services of the club on an after 5 PM basis.

Because club attendance is anticipated to peak in the evening AND lunch time operations will be expressly limited (see below), off-street parking spaces are anticipated to be in highest demand during the peak evening hours after 5:00 PM; therefore, the off-street parking in the lot will only be secured in the evening when patron demand is the highest. The commercially zoned lot and the paths for the valet services are illustrated in *Figures 3* and *4.* Two separate on-street parking areas are proposed for valet drop-off and one on-street parking area is proposed for valet pick-up. *Figure 3* illustrates one circulation path which includes a vehicle drop-off location on the west side of South County Road and a vehicle pick-up location on the south side of Seaview Avenue west of South County Road. *Figure 4* illustrates a second circulation path which includes a vehicle drop-off and pick-up location on the south side of Seaview Avenue west of South County Road. *Figure 5* provides a detailed view of the proposed drop-off-only location on South County Road and the drop-off/pick-up location on Seaview Avenue. The drop-off-only location on South County Road consists of four 2-hour public parking spaces currently designated as a passenger loading zone in the evening. The drop-off/pick-up location on Seaview Avenue consists of a commercial loading zone and one 2-hour public parking space.

Figure 6 illustrates the on-street public parking along South County Road and Royal Palm Way in the vicinity of the site.

The club is proposing to limit lunch service to a maximum of 118 seats. The parking lot at 230 Royal Palm Way will not be available for use during the lunchtime peak hours; however, as illustrated in *Figure 6*, there is public parking within the vicinity of the site in public areas that will accommodate the 118 seat use during lunchtime. It should be noted that dedicated parking was not provided or required by the Town for the 264 Grill which was open for lunch with 118 seats. Furthermore, unlike the proposed club, 264 Grill employees were not required to park off-island so the net lunchtime parking impact is likely to be less than the prior use.

It should be noted that due to the location and use of this proposed development, it is reasonable to assume that some patrons will choose to walk or use shared-ride services; therefore, the parking demand is likely overestimated compared to the code calculation.

Conclusion

This analysis was prepared to address the Town of Palm Beach Code parking requirements for private social club use. As previously mentioned, **the site is not required to provide on-site or supplemental shared parking** per the Town's Principle of Equivalency for the proposed use. On-street parking within the vicinity of the site will accommodate the peak parking demand during the day with no incremental impact when compared to the prior use. During peak evening hours, the 68-space supplemental shard parking lot at 230 Royal Palm Way will itself be sufficient to meet the 61-space anticipated demand for a 244-member private club. Application of Article 9.2, Section 134-2176 of the Town of Palm Beach Land Development Standards, although not required, equates the 61 spaces allowed to a 244-member social club. Therefore, the club will be limited to 244 members. Therefore, as demonstrated in this summary, there is adequate parking provided for this project site.

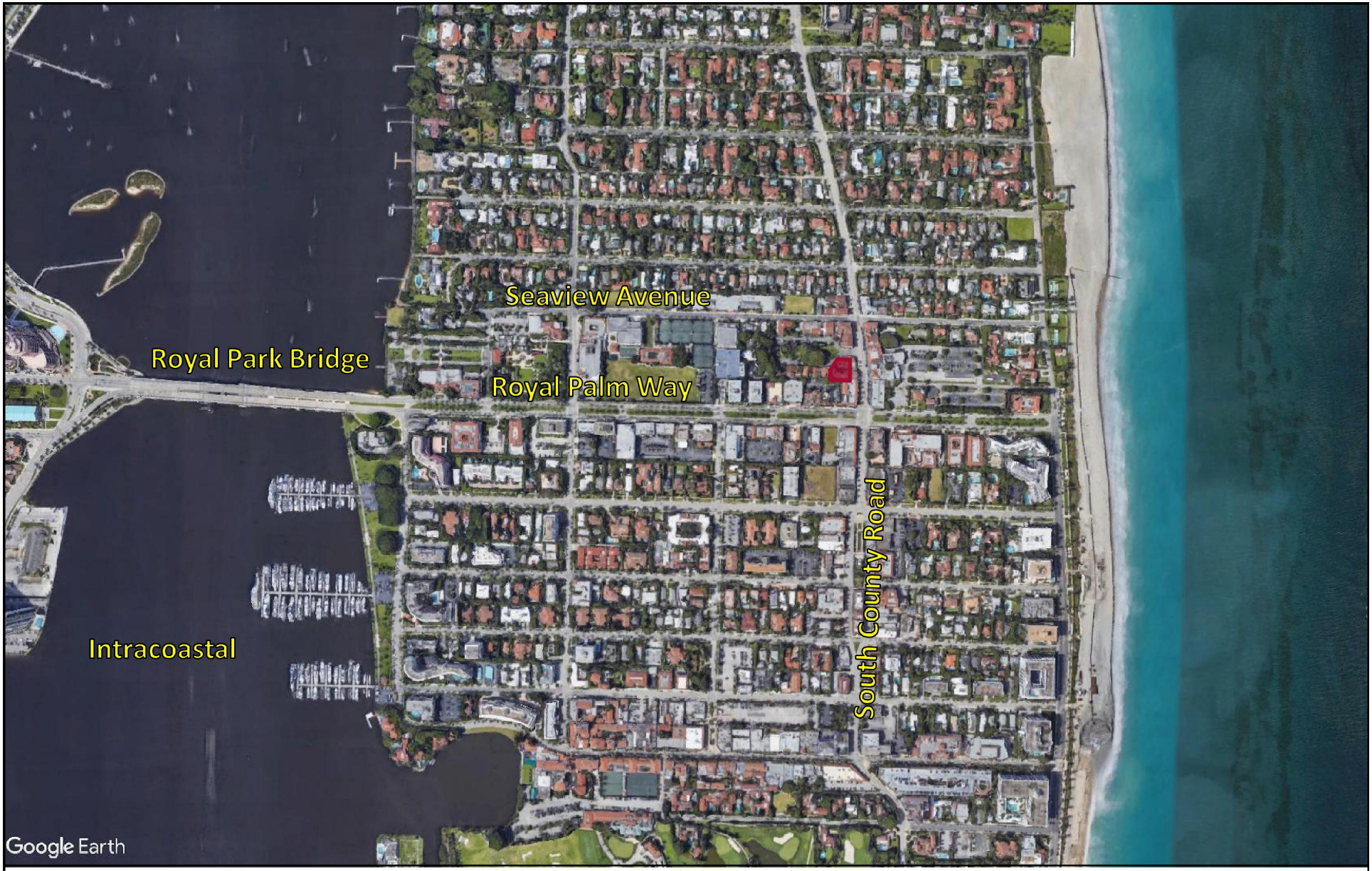
Should you have any questions, please contact me via e-mail at adam.kerr@kimley-horn.com or via phone at (561) 840-0874.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.
Transportation Engineer

Florida Registration
Number 64773
Certificate of Authorization
Number CA00000696

K:\WPB_TPTO\1403\140379000 - 264 Grill\Parking Analysis\2018-01-31 230 Royal Palm Way.docx



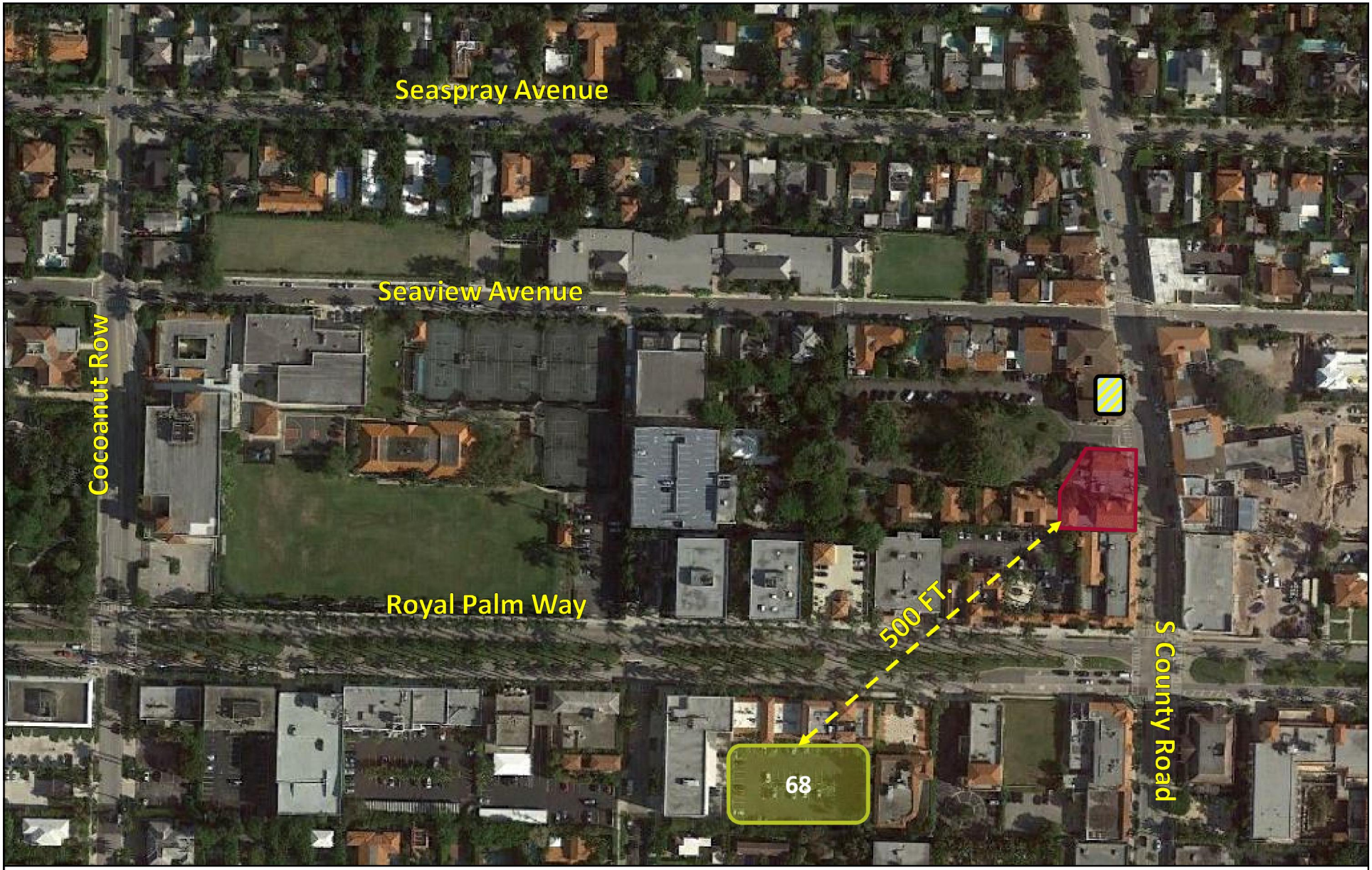
NORTH

LEGEND

SITE

FIGURE 1
Site Location
Carriage House
KHA # 14037900

Kimley»Horn



NORTH

LEGEND

SITE

230 ROYAL PALM WAY (68 SPACES)

EXISTING VALET DROP-OFF/PICK-UP LOCATION

FIGURE 2
Parking Lot Location
Carriage House
KHA # 14037900

Kimley»Horn

NORTH

LEGEND

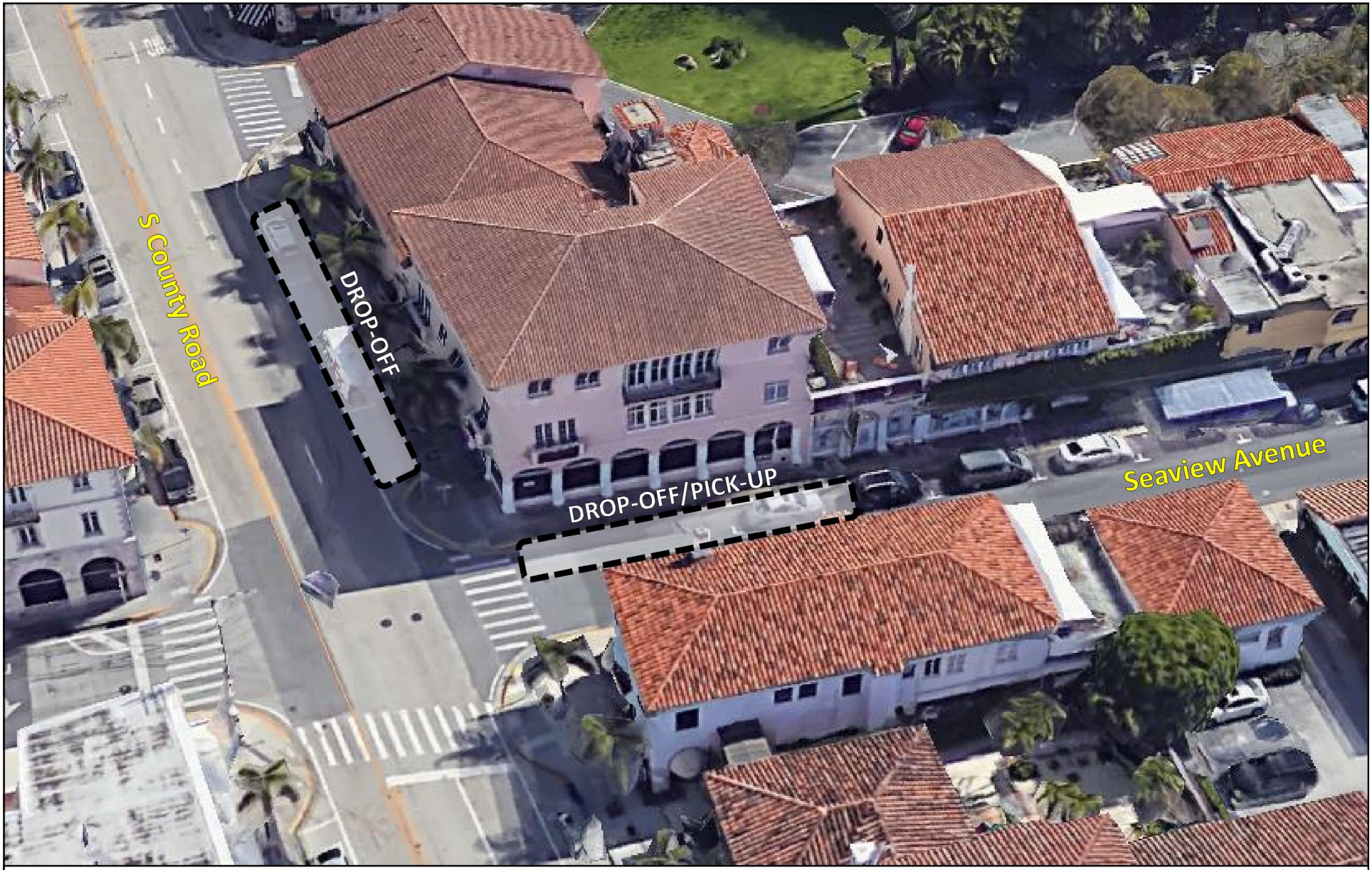
- INBOUND VALET CIRCULATION
- OUTBOUND VALET CIRCULATION
- VEHICLE DROP-OFF LOCATION
- SITE
- 230 ROYAL PALM WAY (68 SPACES)
- VEHICLE PICK-UP LOCATION

FIGURE 3
Valet Operations: Circulation Path 1
Carriage House
KHA # 14037900

Kimley»Horn

FIGURE 4
Valet Operations: Circulation Path 2
Carriage House
KHA # 14037900

Kimley»Horn



LEGEND

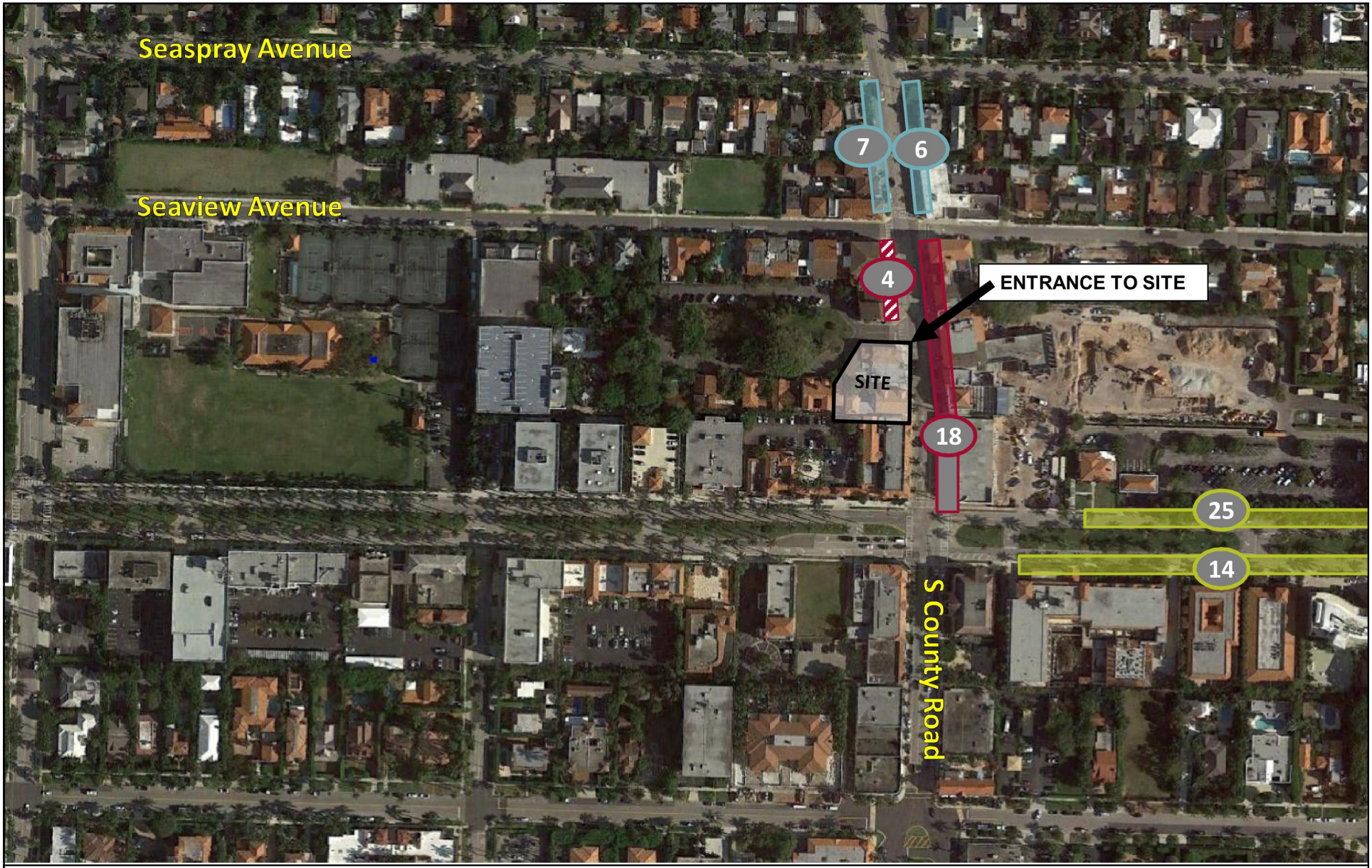
VEHICLE DROP-OFF LOCATION
(4 SPACES)

VEHICLE DROP-OFF/PICK-UP LOCATION
(COMMERCIAL LOADING AREA + 1 SPACE)

NORTH

FIGURE 5
Valet Locations
Carriage House
KHA # 14037900

Kimley»Horn



NORTH

LEGEND

- 2 HOUR PUBLIC PARKING: 9 AM – 6 PM
- 2 HOUR PUBLIC PARKING: 9 AM – 6 PM, LOADING ZONE 6 PM – 12 AM
- 1 HOUR PUBLIC PARKING: 9 AM – 6 PM
- PAID PARKING: 8 AM – 6 PM, FREE PARKING 6 PM – 8 AM

FIGURE 6
On-Street Public Parking
Carriage House
KHA # 14037900

Kimley»Horn

Kathleen Ruderman

From: Cheryl Kleen on behalf of Town Council
Sent: Tuesday, February 06, 2018 9:31 AM
To: Kathleen Ruderman
Subject: FW: Conditions
Attachments: CCF02042018_00000.pdf

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Sunday, February 04, 2018 2:24 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: John (Skip) C. Randolph <JRandolph@jonesfoster.com>; 'kleid561@aol.com' <kleid561@aol.com>; 'Danielle Moore' <dukie85@aol.com>; 'Bobbie' <lindsaybobbie@gmail.com>; 'Margaret Anne Zeidman' <heron1107@aol.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>
Subject: RE: Conditions

Paul: Here are my limited comments to your list of conditions for the Declaration of Use agreement if the Carriage House project is approved:

1. We would prefer changing the language to be consistent with Section 22-274 of the Code and remove your language about locked doors.
4. We believe maximum number of members and guests should be tied to the life safety/maximum occupancy set by the Fire Marshall not an arbitrary number selected by you.
5. This paragraph is agreeable, just cleaned up the language to clarify and correct typos.
8. Agreeable, just clean up typo.
10. Concept is agreeable but I rewrote it to be more reasonable.
18. Removed "or music" as there may be background music in the courtyard between the two buildings (which would meet the Town's noise decibel level).
21. This paragraph is too ambiguous and restrictive and doesn't give the applicant any concrete approval in order to go forward and commit money to the project. If there are violations of conditions, it is already covered in the Declaration of Use and will go back to Town Council.

In sum, there are 4 paragraphs were we differ and I am hoping you can agree to my changes as attached so we can be in agreement by the February 14th meeting. Please let me know if you would like to further discuss.

Thank you.

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

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

From: Paul Castro [mailto:PCastro@TownofPalmBeach.com]
Sent: Friday, February 02, 2018 12:31 PM
To: Maura Ziska <MZiska@floridawills.com>
Subject: Conditions

Maura,

This is where I am on the conditions. Once you have had a chance to look at them please give me a call. I have to finish the Council backup before 4 pm today.

Thanks,

Paul

Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Exact language from section 22-274 of code

EXHIBIT B

STAFF'S PROPOSED CONDITIONS

1. Hours of operation shall be as follows

Sunday:	11:00 a.m. to 10:00 p.m.
Monday through Wednesday :	11:00 a.m. to 12:00 a.m.
Thursday through Saturday (Sunday morning):	11:00 a.m. to 2:00 a.m.

~~All members and guests shall be off the premises and the Club patron doors shall be locked by the closing times stated above.~~ All patrons shall quietly vacate by such closing hours.

2. The maximum membership shall be 244 people. At least fifty percent (50%) of the members of the Club shall consist of individuals who are "townpersons" as defined in the Town of Palm Beach Code.

3. The maximum number of members and guests from 11:00 a.m. to 5:00 p.m. shall not exceed 140 people and 118 seats as provided for in the seating plan which is Exhibit ___ of this Agreement.

4. The maximum number of members and guests ~~after 5:00 p.m.~~ shall not exceed ~~264 people and 244 seats~~ maximum occupancy per life safety plan.

5. Valet parking is required from 5:00 p.m. until closing. A valet parking permit from the Police Department shall be required. The valet stand drop off shall be in the same location as the former 264 Grill restaurant on the west side of South County Road. The valet return vehicle location shall be at the southwest corner of Seaview Avenue and South County Road. Valets shall not use Seaview, Seaspray and Seaview Avenues for the maneuvering or parking of club members and guests. additional valet drop off an

6. Valets shall only use the designated valet drop off and pick up locations on the valet permit.

7. The Club shall be required to meet all Florida Department of Transportation (FDOT) requirements pertaining to the valet operations in the rights-of-way, including, if required, signing a lease with FDOT for proposed valet operations.

8. The Club will ~~not~~ host only one event per calendar year and that event shall only be a New Year's Eve Party. That event shall not exceed more than two hundred members and guests. No club member or guest shall be allowed to have or sponsor a large event. A large event is defined as an event which includes, but is not limited to, gatherings of more than sixty (60) people during lunch (11:00 a.m. to 5:00 p.m.) and ninety (90) people for charitable events, rehearsal dinners, wedding receptions, bar mitzvahs, Hanukkah, Christmas or birthday parties.

9. The Club shall be required to have one off-duty police officer in order to assist with traffic at the event. A minimum of two police officers shall be required for a New Year Eve Party Additional police officers may be required as determined by the Police Department.

10. Club members and guests shall be instructed that parking is prohibited ~~from parking~~ in Phipps Plaza and on the Sea streets. ~~In addition, Club members and guests arriving at the Club after 5:00 p.m. shall be required to valet their vehicle unless they are being dropped off.~~

11. The applicant shall obtain and maintain a valet parking permit. A minimum of 8 valets during Season and 3 valet out of Season shall be on duty after 5:00 p.m. when the Club is open for business. The number of valets may be modified by the Police Department should it be determined that more or less valets are required to manage the Club parking.

12. Employees of the Club shall not be allowed to park in the Town of Palm Beach. The Club shall be required to shuttle its employees to the Club from an off-island location. The off-island location and hours of access shall be provided to the Town. Employees may also ride their bicycles or use public transportation.

13. A bicycle rack shall be provided in a location approved by the Town. Employees shall be required to use the designated bicycle rack to park their bike.

14. The Club shall provide the Code Enforcement Division of the Town Police Department with the license plate numbers of all employees every six months to monitor and ensure compliance.

15. All trash shall be stored inside the Club until after 8:00 a.m. on the designated solid waste pick up day.

16. The applicant shall provide state of the art exhaust vents and scrubbers for the kitchen and shall have said exhaust and scrubbers cleaned on a weekly basis. The Club shall have the schedule readily available for inspection.

17. The Club shall be considered an "entertainment establishment" and shall meet the regulations in Sections 22-271 through 22-277 of the Code of Ordinances. Violation of these provisions would come under the Article ___, Remedies for Violation, in this Agreement.

18. There shall be no outside dining ~~or music~~.

19. The roof of the Club's buildings shall not be used for any type of Club activity unless required zoning approvals are obtained from the Town.

20. Violations of the maximum noise decibel requirements as identified in the Code of Ordinances shall be deemed a violation of this Agreement.

21. ~~If the Town Council determines that there are unforeseen negative impacts created by the Club the Town shall have the right to address those impacts and modify or add conditions to the Agreement.~~

From: Kelly Churney
To: Kathleen Ruderman
Subject: FW:
Date: Tuesday, January 16, 2018 11:49:36 AM

FYI

Kelly Churney
Office Assistant III

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

From: Tom Bradford
Sent: Tuesday, January 16, 2018 11:10 AM
To: Kleid Richard Home <kleid561@aol.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW:

FYI

TGB

From: Gail Coniglio
Sent: Tuesday, January 16, 2018 10:14 AM
To: Tom Bradford <TBradford@TownofPalmBeach.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Kirk Blouin <KBlouin@PalmBeachPolice.com>
Subject: Fwd:

Please add to public notice. G

Sent from my iPhone

Begin forwarded message:

> **From:** "Kling, Jarrett @ Philadelphia" <Jarrett.Kling@CBREClarion.com>
> **Date:** January 15, 2018 at 9:23:44 PM EST

To: "mayor@townofpalmbeach.com" <mayor@townofpalmbeach.com>, "jaraskog@townofpalmbeach.com" <jaraskog@townofpalmbeach.com>, "dmoore@townofpalmbeach.com" <dmoore@townofpalmbeach.com>

Hi Gail, Dani and Julie: Hope all is well with you. Having lived on Seaspray Ave for 20 years we have ben fortunate to have a wonderful neighborhood community. We are all very concerned about the proposed club at the former location of the 264 restaurant. The parking issue could change the character of our neighborhood. With over 250 members and guests and a full staff where are they going to park? As a for profit club who knows what happens over time as to number of members and non -resident members? Many of the clubs I am aware of have doubled and tripled membership over time. Not sure how any of this is town serving. As you know having valet parking does not solve the issue as many parkers prefer to park their own cars. Could you make Seaspray Ave Ocean block permit only 24/7 if no other solution? We love our town and happy to have new venues open but this is probably the wrong location given the proximity to our quiet neighborhood. Please let me know if you would like additional comments. Many thanks and especially for what you do to preserve our special place. Best, Judy and Jarrett Kling 146 Seaspray Ave Palm Beach 366 1135

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Kathleen Ruderman
Subject:	FW: Charter House Club parking issue
Date:	Wednesday, January 17, 2018 9:05:01 AM

-----Original Message-----
From: William Betts [mailto:earlebetts@mac.com]
Sent: Tuesday, January 16, 2018 4:36 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; John Page <JPage@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: 3102724@gmail.com
Subject: Charter House Club parking issue

To whom it may concern:

We are winter residents at 325 Seaspray Ave.
Upon reviewing the variance and parking request by the Charter House Club group, we are deeply concerned by the traffic and parking burden this will impose on the Sea streets. Valet parking, particularly late in the evening, will cause meaningful disruption and potential change of character to this quiet residential area.

Given the large number of proposed patrons, and the attendant staff, clearly theClub needs to secure an adequate parking lot to address this matter. I believe that in the long run, this will serve the best interests of all parties.

Thank you for hearing our concerns.

Very truly yours,

Earle and Nicole Betts

Sent from my iPad

From: Paul Castro
To: Kelly Churney; Kathleen Ruderman
Subject: FW: Pamela and Wayne Garrison/212 South Ocean Blvd., PB FL 33480
Date: Wednesday, January 17, 2018 3:46:23 PM

Carriage House letter

From: Tom Bradford
Sent: Tuesday, January 16, 2018 11:03 AM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: FW: Pamela and Wayne Garrison/212 South Ocean Blvd., PB FL 33480

FYI

From: Gail Coniglio
Sent: Tuesday, January 16, 2018 10:16 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; Kirk Blouin <KBlouin@PalmBeachPolice.com>; Jay Boodheshwar <JBoodheshwar@TownofPalmBeach.com>
Subject: Fwd: Pamela and Wayne Garrison/212 South Ocean Blvd., PB FL 33480

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** Pamela Garrison <pdpgarrison@aol.com>
> **Date:** January 16, 2018 at 6:24:01 AM EST
> **To:** mayor@townofpalmbeach.com
> **Subject: Pamela and Wayne Garrison/212 South Ocean Blvd., PB FL 33480**
>
> RE: the night club trying to open on So. County Road with no parking available.
>
> Wayne and I are adamantly apposed to the opening of a private night club in our
> neighborhood. This will not be a positive addition to our quiet, family neighborhood.
>
> Thank you for helping.
> Pamela and Wayne Garrison
> 212 South Ocean Blvd.
> Palm Beach, FL. 33480
> 479 236 4003 (cell #)
>
> Please send confirmation of message received.

LAURA H. KLEIN

January 18, 2018

Dear Mayor Coniglio and Town Council,

I urge all of you to disapprove of the proposed club in Phipps Plaza. It does not belong in a residential area and will no doubt have a negative impact on our serene and unique street which is Seaspray Avenue. I plead with you to listen to the staff (especially Paul Castro) who has been studying this issue since its inception.

Richard Kleid stated when I spoke with him that "parking will not spill over to Seaspray." I think that he and anyone else who actually believe this are being extremely naive. Mr. Castro himself said it will be very difficult to enforce those rules. My bedroom is in the front of my house and I frequently sleep with the windows open. I don't pay taxes to live in this wonderful town to not be able to sleep at night due to slamming car doors which certainly is inevitable.

Several months ago I spoke with Bobbie Lindsay regarding the leaf blower controversy. I remember her

saying how much she treasured the peace and quiet that is part of living here. I believe that the leaf blowers and this club are quite comparable. I think if the club were a threat to your streets and your way of life you, perhaps, might be more sensitive to this issue.

Don't forget the people who elected you and why we did.

Most sincerely,

Laura H. Klein
130 Seaspray Ave.
Palm Beach

TOWN OF PALM BEACH
JAN 22 2018
Town Manager's Office

Kathy and Bill Georgas
357 Seabreeze Avenue
Palm Beach, Fl 33480

January, 24th 2018

Dear Mayor and Council,

We are writing this letter as concerned citizens of Palm Beach and residents of Seabreeze Avenue. Two days ago a kind neighbor forwarded us an e mail regarding the Carriage House Club proposal for opening and parking.

We are angered by the lack of notification and transparency to us and our neighbors regarding such highly impactful issues.

We object to a club (Carriage Club) opening on the corner of a quiet, residential street that stays open until 2AM and that can accommodate 300 guests. The neighborhood will be severely impacted with the traffic of patrons, valets and delivery trucks. Living on Seabreeze Avenue should not result in patrons walking by our homes at 2AM to retrieve their cars after a long night of drinking.

The insufficiency of parking is a major issue. The values of the homes will surely suffer. The streets where commercial parking is allowed (Brazilian, Peruvian, etc) the homes have a 25% lower real estate value then the Sea street homes. The prices of our homes will decrease due to traffic, noise, decreased privacy and **increased crime**.

Why should we the **RESIDENTS** be punished and a club which will host many out of town members and guests be allowed to prosper?

Thank you for your consideration.

Sincerely,

Kathy and Bill Georgas

From: Kelly Churney
To: Kathleen Ruderman
Subject: FW: Draft5
Date: Wednesday, January 24, 2018 5:47:28 PM

It doesn't look like you received this. Sorry if it is a duplicate.

Kelly Churney
Office Assistant III

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

From: Paul Castro
Sent: Wednesday, January 24, 2018 1:31 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Fwd: Draft5

Sent from my iPhone

Begin forwarded message:

> **From:** Town Council <TCouncil@TownofPalmBeach.com>
> **Date:** January 24, 2018 at 13:06:20 EST
> **To:** Bobbie Lindsay <BLindsay@TownofPalmBeach.com>, Danielle Hickox Moore <DMoore@TownofPalmBeach.com>, Gail Coniglio <GConiglio@TownofPalmBeach.com>, Julie Araskog <jaraskog@TownOfPalmBeach.com>, Margaret Zeidman <MZeidman@TownofPalmBeach.com>, Richard Kleid <RKleid@TownofPalmBeach.com>
> **Cc:** Paul Castro <PCastro@TownofPalmBeach.com>
> **Subject: FW: Draft5**
>
> --------- Forwarded message ----------
> From: **Rick Pollock** <rexrmp@gmail.com>
> Date: Wed, Jan 24, 2018 at 11:22 AM
> Subject: Draft5
> To: Rick P <rexrmp@gmail.com>

Dear Mayor and Council,

As a resident of 218 Seaspray Ave., I oppose the Carriage House Club proposal for a special exception use and support staff recommendations against granting approval. I believe that what is happening here is being done without measured consideration and impact.

Congestion and safety on these streets is already an issue that can only be understood by one who lives there. Parking for staff , construction vehicles, beach visitors, The Four Arts and school traffic are a daily battle for the residents. At any given time the race for a space is ongoing.

Parking cannot be considered without acknowledging the impact on the residential geography. Conditions that require individuals to use the valet cannot be enforced. Especially by a governing body such as the Council on a daily basis. It is a fact that some patrons will prefer to park their own cars (due to cost) and they will do so on the adjacent streets. In its application, the applicant referred to "ample parking on the surrounding streets". This simply is not the case. That assumption alone indicates that they too assume that parking on the streets will be available for their Club's needs. Both for the Valet (a for profit private contractor) and for the frugal patron. Private contractors should not benefit monetarily at the discontent and expense of the residents. I cannot see how the Council can allow this to happen. It is an obvious abuse of assumption.

The blocks of Seaspray and Seabreeze Aves. will bear the first streets chosen for people looking to park in proximity to their destination. Public parking has been eliminated several years ago in an agreement made by the town in conjunction with the midtown beach restrooms being built. . Since then, the middle blocks have seen a large increase in parking, and debris left by these parked cars both by beach users and especially by construction vehicles. As a resident it is very difficult to exit one's driveway with so many parked vehicles on the street. Asking the middle blocks now to take on the additional burden of night-time club parking as well as the late hours of proposed operation is preposterous and onerous to the residents of the Sea Streets and Phipps Circle. Because of this, the application cannot meet the town-serving requirement for additional space/seating. This alone should vacate the request as a NO vote!

Regarding conditions to be met for a special use, we find Carriage House to be deficient in many of them has been pointed out in a previous resident's memo of opposition: These are the Town's guidelines. They are already in place. Please adhere to them.

- Public safety and welfare will be negatively impacted by increased traffic and parking. The town's own staff have commented on this at length and their concerns are backed by an outside consultant's parking study. Additional lunch time traffic and parking on Seaview will put stress on a street that already serves two schools and the town recreation center. Seaspray and Seabreeze will suffer as outlined above, as solely residential streets that are forced to bear the consequences of a commercial intensification at their doorstep.

- Property values on the Sea streets will most certainly be negatively impacted.

- The intensification of use will not be compatible with adjoining residential development, but rather will hurt it.

- There will most certainly be an added burden on municipal police and fire protection services, due to more than doubling the number of seats at 264 S. County. Intensification involving more traffic and more people will always increase the burden on public safety services and is too often overlooked in a municipality's enthusiasm for added tax revenue. The additional expenses almost always outweigh the revenue.

Approval of this application would also be in direct contravention of goals stated in the Executive Summary (page I-5) of the town's Comprehensive Plan:

"POLICIES REGARDING CHANGE
While many of the Town's concerns regarding growth control originated in a desire to maintain a high quality of life and a small town character, many issues are clearly related to State-wide efforts to curb growth when the facilities needed to serve new development are not available.
The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:
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, including the use of this Comprehensive Plan, 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, where possible, and to minimize tourism inflow."
(Emphasis ours.)

Regarding the conditions of operation, we are opposed to increasing the number of seats from 118 to 248 and believe that the town would be far better served by a first floor restaurant at 264 S. County with the same number of seats it had in its prior use. We also are opposed to the hours of

operation, most especially the 2:00 a.m.closing on weekends.

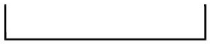
What more needs to be conveyed to the Council that this is enormous concern to the residents in the vicinity. You must vote NO to granting this exception.

Thank you for your consideration.

Respectfully,

Rick Pollock
218 Seaspray Ave

Click here to Reply or Forward



13.55 GB (90%) of 15 GB used
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Last account activity: 23 minutes ago
Details

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Tom Bradford; Kathleen Ruderman
Subject:	FW: Valet Parking on Sea Streets
Date:	Thursday, January 25, 2018 10:37:27 AM

From: Victoria Lunt [mailto:vickylunt@icloud.com]
Sent: Thursday, January 25, 2018 10:24 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; John Page <JPage@Termed.TownOfPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Valet Parking on Sea Streets

Dear Mayor and Council,

My husband and I are homeowners on Seabreeze Avenue where we have enjoyed 15 years of a very special lifestyle that only this historic and charming neighborhood offers. We are a community of friends and neighbors who take great pride in our enclave which celebrates the traditions of old Palm Beach. Our sidewalks allow us and our children and their children to walk from house to house freely and easily. Often the enthusiastic cyclist is seen wobbling about sometimes with dogs in tow. We are very privileged to experience the blessings of "neighborhood", a concept which is fast disappearing in this modern world. This alone justifies the rather large taxes we pay year after year. We know we are well protected and looked after by our town. Please do not disregard the value in the quiet which is precious to us all. The island has suffered enough these last 13 months with the changes in traffic both on our roads, the bridges, and the rerouting of airplanes… Please honor your devoted citizens some of whom have been here on the island long before any of this began. I grew up coming to Palm Beach over 40 years ago and have maintained a house here for my own family to know the carefree lifestyle that we so appreciate.

Introducing valet parking into our streets which would allow for numerous cars to drive up and down beginning as early as 5:30pm would endanger all those who stroll in front of our houses walking dogs and teaching little children to bike…

We are a residential area. It is highly inappropriate to permit this kind of circulation on our streets. The Supper Club may be a nice addition to the island and also provide income to the town, but it shouldn't be at the expense of those who have been regular tax payers for so many years.

This is a terrible injustice to your citizens and will impact us dramatically. The value of our homes will be hugely impacted, and an entire community which was quite unique is at risk of being overrun with noise, chaos, and a total invasion of privacy. The houses that line the Sea Streets are exposed to the activities in the streets. These are not the larger properties of the Estate Section or the North end. Please do not disregard how vulnerable we are and how drastically this would effect us all.

Thank you for your time and consideration of these most challenging issues.

Regards,

Victoria and Lawrence Lunt
409 Seabreeze Ave

Palm Beach, FL 33480

From: Paul Castro
To: Kelly Churney; Kathleen Ruderman
Subject: FW: Carriage House Proposal Concerns
Date: Thursday, January 25, 2018 3:00:08 PM

For the files.

thanks

From: niks77@aol.com [mailto:niks77@aol.com]
Sent: Thursday, January 25, 2018 2:31 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>; John Page <JPage@Termed.TownOfPalmBeach.com>
Subject: Carriage House Proposal Concerns

Dear Mayor and Town Council:

The prospect of restoring two historic buildings at 264 and 270 South County Road for a high-end private social club sounds very attractive for our Town, but we are concerned by recent reports that the plan now differs from its earlier representations that its supplementary parking plans included use of the Wells Fargo bank lot as reported by the Palm Beach Daily News on August 13, 2017.

If that is no longer the case, the CARRIAGE HOUSE proposal may now be deficient in its proposed parking plans-- if the Wells Fargo lot is no longer available-- and no other commercial lots have been lined up-- beyond the 68 night-time (after 5 p.m.) supplemental off--site shared parking spaces at 230 Royal Palm Way for the proposed club's employees and valet operation.

Since the CARRIAGE HOUSE proposes membership up to 264 members— more than twice as much use as was required by the 118-seat limits of the former restaurant—yet the new proposed club will operate much later into the evening on some days, up until 2 a.m.

It will be very important for Town Council to quell the rising residential neighborhood concerns that the private club's valet will end up using nearby residential street parking --that may impose unwelcome noise and activity that disturbs the tranquility of quiet residential areas late at night.

The simplest solution for all is to require that the applicant contract for additional commercial-supplemental parking lot spaces---like the Wells Fargo lot--- to meet their private business demands--without upsetting the tranquility of the peaceful residential neighborhoods nearby.

Sincerely,

Dr. and Mrs. J. John Goodman
350 Seabreeze Avenue

GEORGE G. MATTHEWS

TGB 1/29

cc: WTC
P. Castro
K. Chuinard
File P203

TOWN OF PALM BEACH
JAN 29 2018
Town Manager's Office

January 25, 2018

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

Town Council of Palm Beach,

I, George G. Matthews, reside at 343 Seabreeze Avenue and would object to the valet parking on any of the Sea streets that will be upcoming at the town council meeting February 14, 2018.

Sincerely,

George G. Matthews

George G. Matthews

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	John Lindgren; Paul Castro; Kathleen Ruderman
Subject:	FW: Charter House parking
Date:	Wednesday, January 31, 2018 1:57:28 PM

From: Alan Gozlan [mailto:alan@g-3-corp.com]
Sent: Wednesday, January 31, 2018 10:56 AM
To: Town Council <TCouncil@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: Renee Gozlan <reneegozlan@rogers.com>
Subject: Charter House parking

To Council, Mayor and Town.

We have lived in Palm Beach seasonally since 1990 when we purchased our first condo on the ocean.
Since that time our family has grown and our love for Palm Beach has grown even more.
In 2009 we purchased a condo at 360 South Ocean and were immediately drawn to midtown life. We walk, bike and live town life to the fullest. Instead of the fanatic pace of Miami we opted to purchase a home in beautiful Palm Beach, on Seaview, 141, in 2015. Our three married sons and their children enjoy the ocean block, the safety of beach access, the quiet thoroughfare of our one way street and the convenience of walking and biking to experience in town living. While we are not opposed to the Charter House Club and in fact, appreciate new establishments in once shuttered establishments, we have not been informed properly of the club's parking requirements and situation .

We feel strongly that our in town parking be restricted as it is now to permit parking which would include the evening hours. Our street is extremely quiet, very child friendly and safe. If the club or it's members were able to access our street for parking at night it would create a noisy,unsafe and busy avenue similar to Miami living.This is not what we opted for when we decided on Palm Beach years ago and more recently Seaview in 2015. In the evening hours there is no present establishments open for business after 6pm on South County in the midtown section (Seaview, Seaspray, Seabreeze, Clarke). Therefore there is ample parking on both sides of South County to accommodate the Clubs patrons. In the event that this is not sufficient, there is an enormous lot behind Wells Fargo, practically three town blocks long, that could alleviate parking tensions on the midtown blocks.

I strongly object to allowing any night time parking for Charter House on any midtown streets in any blocks, ocean, middle etc. There are plenty of viable alternate options and strategies to better accommodate the parking situation for Charter House. The council should heed to the citizens' concerns for safety, residential quiet and integrity of midtown Palm Beach life and require the club to search for and negotiate proper parking solutions within the area. It simply does not make sense to have a huge unused parking lot behind Wells Fargo and not try to utilize that untapped resource . Furthermore if the Wells Fargo site is used it should be made clear that no cars or valets could use the lot that would directly face the backyards of the Seaview neighbours but rather use the portion of the lot closet to Royal Palm way where no residential homes will be effected. This would also include not using egress from the Seaview Avenue exit of the Wells Fargo site. There is a general consensus in the neighbourhood that all residents are very concerned and against any parking on any of the Sea Streets and Clarke

during the evening hours.

We are also opposed to a 2AM closing on weekends for this establishment. It will directly impact the quality,safety and viability of residential peaceful environment that is so critical to Palm Beach in town living.

Finally approval of this application without serious consideration of proper parking facilities would be in direct contravention of goals stated in the Executive Summary (page1-5) of the Town's comprehensive plan:

"POLICIES REGARDING CHANGE
While many of the Town's concerns regarding growth control originated in a desire to maintain a high quality of life and a small town character, many issues are clearly related to State-wide efforts to curb growth when the facilities needed to serve new development are not available.
The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:
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, including the use of this Comprehensive Plan, **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, where possible,** and to minimize tourism inflow." (Emphasis ours.)

I hope I have made my position clear and look forward to seeing you all on February 14 at the town meeting for this application.
Thanks for your attention to this matter.

Sincerely,

Alan and Renee Gozlan
141 Seaview Avenue
Palm Beach
c: +1-416-902-8904

From:	Cheryl Kleen
To:	Paul Castro
Cc:	Kathleen Ruderman
Subject:	FW: 264 South County Road
Date:	Wednesday, January 31, 2018 1:58:23 PM

From: Katy Terrill [mailto:kterrill@swiftproperty.com]
Sent: Wednesday, January 31, 2018 11:23 AM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Cc: 'Dottie Swift' <ZeldasMom1@aol.com>
Subject: 264 South County Road

To Mayor Coniglio and Town Council,

Attn: Please provide the following information to any council member unaware of this notification before the subject meeting.

We are residents of 158 Seaspray Avenue and have only recently become aware of the proposed Carriage House Club at the former 264 South County Road site by our neighbors as the city did not notify us. We are adamantly opposed to this proposal which we view as a commercial disaster to our residential neighborhood. The property values would decline immediately, and the noise and traffic levels would increase exponentially. This submission cannot happen in our community.

For over thirty-five years our company has developed commercial real estate across the country, and we understand this type of project. We firmly believe it is not meant for our neighborhood. We have been in Palm Beach for thirty years, and have resided ten years on Seaspray Avenue. We are vested in the town of Palm Beach and feel its character would suffer from the existence of the Carriage House Club.

Tom and Dottie Swift
ZeldasMom1@aol.com

From:	Cheryl Kleen
To:	Paul Castro; Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Kathleen Ruderman
Subject:	FW: SEAVIEW OPEN PARKING?
Date:	Thursday, February 01, 2018 12:05:09 PM

-----Original Message-----
From: Laura Burt [mailto:seababe167@gmail.com]
Sent: Thursday, February 01, 2018 7:58 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Dana Barsky <danabarsky@yahoo.com>; Laura Burt <seababe167@gmail.com>; alan@g-3corp.com; Angela Feldman <angelafeldman@rogers.com>; Patricia Myura <pattymyura@aol.com>
Subject: SEAVIEW OPEN PARKING?

Dear Julie Araskog and Councilmen, My name is Laura Burt my husband is Cole Oliver Burt III. (My Husband is a CLASS ACTION LAWYER).We have lived at 167 Seaview Ave. for over 25 Years. Im shocked that you are considering Open parking on our VERY NARROW Street.Most of our driveways are very narrow and makes it difficuit for the trash men to get to garbage and our pool man needs to get he”s equipment to the back of our home. The only place to move our cars are in the street and its on a one way street which means VERY LIMITED PARKING FOR US HOME OWNERS (ONE SIDE OF THE STREET PARKING, NOT TWO) like the other streets like Clark is very WIDE.PLEASE CONSIDER our SITUATION.DRIVE DOWN OUR ROAD TO SEE THAT THERES ONLY ONE SIDE TO PARK ON . Laura Burt

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Carriage House Club
Date:	Thursday, February 01, 2018 5:10:39 PM

From: Gigi Tylander [mailto:gtylander@gmail.com]
Sent: Thursday, February 01, 2018 2:50 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>; John Page <JPage@Termed.TownOfPalmBeach.com>
Subject: Carriage House Club

Dear Mayor Coniglio, Town Council Members Kleid,Arasko,Lindsay,Moore and Ziedman ,

As property owners of 225 South County Rd., we, along with many of our neighbors in the Sea streets are strongly opposed to the Carriage House Club Proposal for a Special Exception Use.

Before we enumerate the deficiencies of the proposal,we would like to point out that approval of this application would be in direct contravention of goals stated in the executive summary of the Towns Comprehensive Plan:
"Policies Regarding Change:
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, including the use of this Comprehensive Plan, to minimize the change or transition of existing low density areas or structures to more intense use patterns, and thereby lower the pattern of density ".

With regard to conditions to be met for a Special Exception Use we find the Carriage House to be deficient in the following areas:

Exhibit A- Request For Special Exception
2. The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

We believe the proposed increase in occupancy from 118 seats to 244 seats a 107% increase plus an unknown number of Staff will negatively impact our neighborhood due to increased traffic and parking on our side streets . This will create a safety issue for children and families. Staff comments: "The proposed new valet drop off on the east side of S. County Rd. requires that members and guests visiting the club at night cross that busy street at night. This could result in a dangerous situation. Paul Castro, Zoning Administrator 1/4/2018

3.The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

Property values on the Sea Streets will most certainly be negatively impacted as a result of added traffic from commercial intensification in the immediate area.

A condition requiring club patrons to use valet cannot possibly be enforced, and many patrons will prefer to park their own cars and will do so on the sea streets.The ample parking on surrounding streets in the carriage house proposal refers to the spaces in front of our homes. Parking off island for staff members is also an unenforceable condition and will result in staff parking in the Sea streets.
Although the club is in a commercial zone they will be using parking in a residential neighborhood.
Staff Comments:"Staff,however, continues to believe that an operation of a private club of this magnitude in this area will be a negative impact to the surrounding properties."Paul Castro, Zoning Administrator

6. The use will comply with all elements of the comprehensive plan.

The applicants response "The proposed club will comply with the comprehensive plan if applicable."

We feel it is very applicable and that the town should follow it's comprehensive plan, to minimize the change or transition of existing low density areas or structures to more intense use patterns and thereby lower the pattern of density where possible".

14. The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

The applicants response, "the proposed club should not place a greater burden on town services as there is ample parking on the surrounding streets and the use as a club is a less intense use as compared to other commercial operations such as restaurants."

We do not agree that this club will be a less intense use of the property. The previous 264 Grill had at tops a 118 seats and Carriage House is requesting 244 seats.
Staff Comments: Conversion of "restaurant" to "club" equals intensification of use. John Page, Director, Planning,Zoning & Building.

Notably absent from this proposal is a Parking Statement. It is our understanding the ALL Commercial Properties must, 1)Provide number of offstreet parking spaces available for employees on the subject property. 2) Provide number of employees/staff per shift. 3)Indicate location where employee park offsite.

Response from Carriage House N/A
Staff comment: parking for all staff/employees/sub contracted staff/employees should be identified and submitted as part of the parking traffic plan.Benjamin Alma, Code Enforcement and Parking Manager

Conclusion
We would like to see successful retail on S. County Rd., but we do not think the proposed club that seeks to operate in a already busy neighborhood with no off street parking until 5 PM and only 66 spaces after 5 PM is a good partner. **If the Club can secure 122 offstreet parking spaces for it's 244 occupants and agree to operating hours that do not exceed midnight any night ,we would not object.**

Thank you for your consideration.

Gigi Tylander and Bill Tylander

Cell 561/762-6983 | gtylander@gmail.com
225 S. County Rd. | Palm Beach | Fl | 33480

Sent from my iPhone

Litigation Management Counsel

TOWN OF PALM BEACH

FEB 02 2018

Town Manager's Office

February 1, 2018

Mayor Gail L. Coniglio
Town Counsel of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Charter Cub Parking

Dear Mayor and Members of the Town Counsel of Palm Beach:

The Charter Club application has caused considerable discussion in our town, however, I wish to limit my remarks to the parking issue.

We have lived on the ocean block of Seabreeze since 1999. Of interest, as well is the fact that for a few years prior to moving to 133 Seabreeze, we lived on Phipps Plaza. As a result, we are familiar with parking issues which were the subject of concern when the valet parking for the 264 restaurant maintained a valet parking stand on County Road and parked patrons' cars in Phipps Plaza. The noise of vehicles and parking attendants calling out to each other became a significant problem, which was addressed and resolved by this counsel.

Now we are faced with what is potentially a significant threat to the tranquility of the sea streets. To allow a change in the permitted parking regulations which are in effect on the ocean blocks of the sea streets would adversely affect the peace and quiet, as well as safely of those blocks.
As to the peace and quiet issue. It is real. Our master bedroom it close to the street and traffic during the day is a noise pollution issue. We have considerable improper parking on this block at the present time by construction workers rehabbing and building homes on the ocean end of the block. I know that it's important to be a good neighbor while the nearby homes are being worked on, but it is a blessing when the work day ends and the trucks of the workers and material suppliers' leave for the day.

There is also a clear safety hazard which is apparent when vehicles park opposite each other on this block which seems to be a bit narrower than other blocks. The parked vehicles narrow the ocean block to one lane resulting in an Alphonse and Gaston bobbing and weaving effect, sometimes at speed as vehicles turn into Seabreeze off of South County. Any changes to the current permitted parking could only increase this risk environment, especially late at night putting, the Town at a liability risk.

300 Centerville Road, Suite 3045 • Warwick, RI 02886 • Tel 401-843-8400 • Fax 401-843-8401

The applicant is just that and it is his burden to show that the conduct of his enterprise will not have an adverse effect on the existing homeowners in the area of the applicant's enterprise. It is the applicant's duty to contract for safe off street parking. For the applicant to protest that such an arrangement is too expensive will avail him nothing.

Our town is famous for its protection of its citizen taxpayers' quiet enjoyment of their homes. The Counsel is well aware of its responsibility to "prevent critical and dangerous overuse of its streets, parking resources ....and damage to overall historic character and to overall property values".

It goes without saying that a great majority of the interested parties in the room on February 14th have, by their service on various committees and boards become aware of, have been challenged by, and been true to a basic maxim of such service which is to protect the vested interest and welfare of those we have sworn to serve. All institutions have by-laws and mission statements which set out this responsibility in one way or another, but the best guidance in this regard and one that has served me well, was extended by a senior chief of staff of a hospital group on whose board I was honored to serve. As I paged through the by-laws at my first meeting, he tapped the volume that I was pouring over and with a smile told me that it was easy to be oriented to my primary obligation by simply remembering "Primun non Nocere". He assured me that it was a maxim that had served him well and I have found its guidance to be true.
Thank you for your service to our town. It can't be easy.

Kindest regards,

Bruce Tucker
133 Seabreeze Ave.
Palm Beach

From: Cheryl Kleen
To: Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc: Paul Castro; Kathleen Ruderman
Subject: FW: Proposal for the club on South County which was 264 Grill
Date: Thursday, February 01, 2018 5:10:19 PM

-----Original Message-----
From: Tana Focke [mailto:tanafocke@icloud.com]
Sent: Thursday, February 01, 2018 1:11 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Proposal for the club on South County which was 264 Grill

We live on Seaspray and are concerned about the extra number of cars which will be driving round our Streets at night.
I understand that the Club will be open during the day and this concerns me even more as South County Road always gets blocked at times when parents are collecting or dropping off their children. This is perfectly understandable but extra traffic during the day will cause even more of a blockage, and potential danger to children. Unless a solution to the parking problem is found I feel that permission should not be given.
Tana and Paul Focke

Sent from my iPad

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: new club parking plan
Date:	Friday, February 02, 2018 2:26:29 PM

From: Eric Leiner [mailto:ericl@metallix.com]
Sent: Friday, February 02, 2018 2:14 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: new club parking plan

Dear Town Council,

I am writing you to voice my concern over the application for the Carriage House private club at 264 County Road.

I live at 159 Seaspray Ave on the ocean block and it is my understanding that Carriage House intends to have valet parking service with the idea of parking the cars on Sea Streets .

If this is the true, then **I object to the council approving this parking plan.**

We live on a residential street and we have our residential parking needs and safety issues that we need to protect.

To think that the town would allow a residential street to become a commercial parking lot is outrageous.

In my case, we have a small driveway. We often have guests and elderly family that visit us. Some with disabilities. **We need our street parking for our family and social needs.**

There is no way, I'm going to tell my elderly mother while she manages my father who has dementia that there are no parking spots in front of our house "because the club took them!"

Additionally, there are quality of life and security issues.

We live on a residential, noncommercial street. **We chose to live here (on Seaspray) for its peace and tranquility**.

Valet parking cars on our street and all the commotion that it brings **such as excessive traffic, valets running up and down our street, slamming car doors, ect until 2am totally violates that peace and tranquility!**

From a security perspective, and aside from the peace and tranquility we try to maintain, our neighborhood is a constant target from the criminal element. Two years ago my house was robbed. I've received text messages from the town warning us to stay indoors while a manhunt ensued. Just last night at 3am, on Seaspray, the police arrested 4 men for breaking into cars!

Now we may have more cars on our street for criminals to target? More activity that can cause confusion and make it more difficult for the police to protect us and our property.

Its getting harder and harder to maintain the peace and tranquility we all desire in our residential neighborhood, please do not allow it to deteriorate further by approving this parking plan.

Thank you,
Eric and Michele Leiner
159 Seaspray Ave

LAW OFFICES
KATZMAN LAMPERT
100 WEST BIG BEAVER ROAD, SUITE 130
TROY, MICHIGAN 48084-5283
TELEPHONE (248) 258-4800
FACSIMILE (248) 258-2825
www.klm-law.com

February 2, 2018

Via Fed Ex Overnight Mail

The Honorable Gail Coniglio
Mayor of The Town of Palm Beach
360 South County Road
Palm Beach, Florida, 33480

Mayor Coniglio:

I write on behalf of Mrs. Lily Rovin, a constituent of yours who resides at 140 Seaspray, Palm Beach, Florida, 33480. This letter expresses the well-founded concerns of Mrs. Rovin regarding the application of the Charter Club to conduct its business at a location which abuts quiet residential neighborhoods. The Charter Club will apparently be open until 2:00AM on Thursdays through Saturdays and until midnight on all other days, including Sundays. The facilities of the Charter Club are large enough to accommodate hundreds of patrons, the vast majority of whom will arrive by private automobile.

The two buildings that will together house the Charter Club have no dedicated parking spaces. There is apparently no private parking lot available to the Charter Club. Consequently, its patron's vehicles will be parked throughout the surrounding residential neighborhoods. Mrs. Rovin is also informed that the current plan contemplates a private, for-profit valet service using public parking spaces located in front of private homes.

The scenario described above will substantially increase pedestrian traffic on these otherwise quiet residential streets, causing unwarranted noise throughout each night, stretching into the early morning hours. While this nuisance is disturbing, even more distressing is the potential for an unwarranted increase in crime. It is also distressing to Mrs. Rovin that a permit could be issued by the Town, allowing a for-profit valet service to operate without dedicated off-street parking, instead using parking spaces located in front of private residential homes. If this plan is approved, there will likely also be a loss of value to homes located in the surrounding neighborhoods. This is grossly unfair to the local residents, who appreciate the quiet enjoyment of their residential streets and the value of their homes.

Mrs. Rovin urges you and the Town Council to reject outright the application of the Charter Club and consider foremost the concerns of the nearby residential homeowners.

Very truly yours,

David I. Katzman, Esq.
Fl Bar No. 348139

cc: Mrs. Lily Rovin

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: The new club at 264
Date:	Tuesday, February 06, 2018 9:29:39 AM

-----Original Message-----
From: Sally McDermott [mailto:smmcd1941@aol.com]
Sent: Friday, February 02, 2018 6:28 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: The new club at 264

Dear Council members -I am vehemently opposed to any business or club valet parking vehicles on the Sea streets as proposed by the new owner of restaurant 264. The Sea streets are quiet residential areas and as such must be respected. The audacity of a club owner to even suggest valet parking is outrageous . The residents of Seaspray in particular are most respectful of the neighborhood and will hire valets to park cars off the street if they are entertaining a large group of guests. In no way should our street be afflicted by the parking of cars -and the inevitability if this occurring throughout the evening and into the wee small hours of the morning - we invested in our properties because of the serenity of the island and the sense of quietude in all our surroundings . I urge the council to disapprove this proposal and suggest the owner find appropriate parking elsewhere -I.e Club Colette etc. - Sally Mcdermott -252 Seaspray Avenue.

Sent from my iPhone

From: Kelly Churney
To: Kathleen Rudeman
Subject: FW: A few very simple over due, question Ref. Carriage House Club...REPLACES FIRT EMAIL AS IT DID NOT INCLUDE THE ENTIRE STRING OF EMAILS ! Thank you !
Date: Monday, February 05, 2018 10:13:20 AM

FYI

Kelly Churney
Office Assistant III

Town of Palm Beach
Planning, Zoning & Building
360 S. County Rd.
Palm Beach, FL 33480
561-227-6408
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From: John Lindgren
Sent: Monday, February 05, 2018 9:10 AM
To: Logan Elliott <LElliott@TownofPalmBeach.com>; Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: A few very simple over due, question Ref. Carriage House Club...REPLACES FIRT EMAIL AS IT DID NOT INCLUDE THE ENTIRE STRING OF EMAILS ! Thank you !

fyi

John Lindgren, AICP
Planning Administrator

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Lory Volk [mailto:volklory@aol.com]
Sent: Saturday, February 03, 2018 3:26 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: Town Council <TCouncil@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; John Lindgren <JLindgren@TownofPalmBeach.com>; janet@murphystillings.com; Emily Stillings <emily@murphystillings.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Re: A few very simple over due, question Ref. Carriage House Club...REPLACES FIRT EMAIL AS IT DID NOT INCLUDE THE ENTIRE STRING OF EMAILS ! Thank you !

Dear Mayor Conigilo and Respective
Town Council Members,

I would like to enter this email into the record for the upcoming
Carriage House Club hearing of February 14, 2018.

Also of note at your last TC meeting of January 19, 2018 none of you acknowledge that I had in fact submitted an email for for record. I am taking the liberty to attach that same email with the date it was sent, so that it maybe read and acknowledge, as part of the record for the upcoming Carriage House hearing.

Please read below the string of email communication with
Mr. John Lindgren Planning Administration working with
the Town's Preservation Program. I have asked Mr. Lindgren
what, one would think is a very simple question. The question relates to who it is from the Town, that is responsible for reviewing, safeguarding and speaking to, in this case the potential impact of the Carriage House Club and the intensification of use and its impact on the Town's first Landmarked Phipps Plaza Historic District. If I understand what I am reading, Mr. Lindgren suggest/believes that there is NO necessity for a review of impact to the Phipps Plaza Historic District, as he only addresses the Carriage House building itself and the process of review for the structure, ignoring the abutting historic district, itself, not exactly sure how or why.
Mr. Lindgren sites the following:

> *The Landmarks Preservation Commission (LPC) reviews exterior changes to landmarked buildings, and they review interior changes too if the project is seeking tax abatement; however, no exterior changes to the building are proposed, and tax abatement is not being sought by the Carriage House. The LPC also makes recommendations to Town Council regarding zoning variances, but no zoning variance is being requested by the Carriage House. Therefore, nothing the Carriage House has applied for requires LPC review/approval, and this is why I had "No Comment" regarding the application that is before Town Council when I reviewed it with other Town staff at the Development Review Committee (DRC) meetings in July 2017 and January 2018.*

So the question remains who is to uphold the intent of the Sec. 54-1 of the Landmarks Ordinance? It is one thing for Mr. Lindgren to detail the review process given the Carriage House application itself, however how can it be as the noticed, effected Phipps Plaza Historic District and its proximity to the project, that it would not get a review as a listed historic resource of the Town ?? It is most perplexing to say the least. It seems in direct contradiction of the intent of the Landmarks Ordinance, Chapter 54 that provided protection for the Town's historic resources.

Perhaps the Town Council can help those of us who are wondering where the support and review for protection of Historic Phipps Plaza District or any resource or district is to come from if not from the Town supported and enabled by Chapter 54 the Landmarks Ordinance.

ARTICLE I. IN GENERAL Sec. 54-1. *States the following:*
Purpose and intent. It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity and is required in the interest of health, prosperity, safety and general welfare of the people residing within and without the town.

Landmarks Preservation Ordnance

Chapter 54 HISTORICAL PRESERVATION*

ARTICLE I. IN GENERAL Sec. 54-1. Purpose and intent.
It is declared to be a matter of public policy that the protection, enhancement and perpetuation of properties of special, notable, aesthetic or architectural character or historic interest or value is a public purpose and necessity and is required in the interest of health, prosperity, safety and general welfare of the people resid- ing within and without the town. The purpose of this chapter is to:
(1) Effect and accomplish the protection, enhancement and perpetuation of such properties and of districts that repre- sent or reflect elements of the town's cultural, social, eco- nomic, political and architectural history.
(2) Safeguard the town's historic and cultural heritage, as em- bodied and reflected in such landmarks and historic dis- tricts.
(3) Stabilize and improve property values.
(4) Foster civic pride in the beauty and notable accomplish- ments of the past.
(5 Protect and enhance the town's attractions to residents and visitors.
(6) Strengthen the economy of the town.
(7 Promote the use of historic districts and landmarks for the education, pleasure and welfare of the residents of and visitors to the town.
(Code 1982, § 16-33)

Best regards,
Lory Volk

From: Lory Volk <volklory@aol.com>
Date: February 2, 2018 at 11:08:05 AM EST
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Cc: "John (Skip) C. Randolph" <JRandolph@jonesfoster.com>, Tom Bradford <TBradford@TownofPalmBeach.com>, Paul Castro <PCastro@TownofPalmBeach.com>, Logan Elliott <LElliott@TownofPalmBeach.com>, Janet Murphy <janet@murphystillings.com>, Murphystillings <emily@murphystillings.com>, elizabeth.murphy@elizmurphyenterprise.com
Subject: Re: A few very simple over due, question Ref. Carriage House Club...

Good Morning Mr. Lindgren,

Oh my I not sure in my 60 years, that I have ever read such a pass the buck reply...yet, I assume I am to take this reply with all seriousness. So, with that thought in mind should I assume from my first email and the question that you could not answer,

> *That being ....One more question if I might at what point does your position normally step forward as the liaison of the landmarks program to assist in upholding the intent of protecting the historic district listing, in voicing a professional opinion in an attempt to assist the Town Council in their deliberation and the need or not to protect the Landmarked Phipps Plaza District ?*

it would have been best for you to suggested for me to reach out to the town's historic preservation consultants, Janet Murphy & Emily Stillings.

Very disappointing to think that you don't see any impact as to
the intensification of use of Historic Phipps Plaza . Nor do I assume you have any thoughts or comments on the preposed Disneyafication of Historic Phipps Plaza Park that is part of our district listing.

Then again when I think back on just one of your many lame administrative approval, I realize just how insensitive you are to what is Historic Preservation. The administrative approval in particularly that I speak of is when with a stroke of a pen you approved removing the 100 plus year old leaded glass Casement windows in Via Parigi, because they leaked amazing.

Never mind again your division had no comment in 2014, when Mr. Schumacher illegally tore down the stunning Landmarked,
1926 Marion Sims Wyeth-designed Palladian-style home at
105 Clarendon Avenue.

Perhaps you recall this travesty...
I have included the videos of the destruction for your recall.
https://vimeo.com/111753225.

I guess in retrospect and now that you have fully opened my eyes,
I am trying very hard to understanding how the Town of Palm
Beach can be a certified local government, under Historic Preservation Program when there is NO advocacy to protect the Town's Historic
Resources.

Just NOT sure at this point if I understand the point of having a Landmarks Ordinance or a Landmarks Program if there is no one in your division to advocate review and protect the Town's historic Resources which consist of well over 250 Landmarked structures,
7 Historic Districts and the various archeology sites !

Most disappointed to say the least,
Lory Volk

Sent from my iPad

On Feb 2, 2018, at 9:36 AM, John Lindgren <JLindgren@TownofPalmBeach.com> wrote:

> Ms. Volk,
> I must apologize – I thought I had answered your questions. Neither the Planning Administrator nor the LPC traditionally comment on the use of a landmarked site; nor does ARCOM comment on the use of a non-landmarked site. The Town Council reviews the use of sites when a special exception application is submitted, and the Town staff person that handles these applications is the Zoning Administrator (Paul Castro). As I mentioned in my previous e-mail, Town Council does have the ability to ask the LPC for their input, but that is totally up to Town Council. The Town Council could also ask our historic preservation consultants (Murphy & Stillings) for their thoughts on the use of the site, and they could also ask me for my input as the Planning Administrator, even though as I mentioned before, the Planning Administrator has not traditionally made comments regarding the use of a property (landmarked or not). If I were to be asked for my input, I would say that the use of the site as a private club would have no adverse effect on the historic building or other historic buildings in Phipps Plaza, because no exterior alterations are being proposed to any landmarked buildings within the Plaza (at least not with this special exception application). As I see it, the possible adverse impacts from the use of the site as a private club relate to the potential for increased traffic and parking issues, and these are issues that have been reviewed in the past by Town Council with the input of Zoning Administrator, Engineering, Police Department, and Fire Department. Increased traffic and parking issues will not affect the physical character of the historic buildings in the Plaza, which is why I had no comment regarding the special exception application that is before Town Council.
> John

John Lindgren, AICP
Planning Administrator

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Lory Volk <volklory@aol.com>
Date: February 1, 2018 at 5:16:49 PM EST
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Cc: jrandolph@jonesfoster.com, TBradford@TownofPalmBeach.com, PCastro@TownofPalmBeach.com
Subject: Re: A few very simple over due, question Ref. Carriage House Club...

Hello Mr. Lindgren,

Thank you for your reply however you have managed to skirt the main question...If not you as the liaison of the Town's Landmarked Program, then who is responsible for speaking up to assist in protection of Historic resource of the Town ? In this case the an entire Landmarked Historic District of Phipps Plaza and the impact that the intensification of use by the Carriage House could potentially have on the historic district ?

Here is the question that you did not seem to want to answer
from my original email:

> *One more question if I might at what point does your position normally step forward as the liaison of the landmarks program to assist in upholding the intent of protecting the historic district listing, in voicing a professional opinion in an attempt to assist the Town Council in their deliberation and the need or not to protect the Landmarked Phipps Plaza District ?*

I would really appreciate you answering this question for those
of us wondering just who it is we should be looking towards, from the town's staff to participate in providing review and support in protection of any potential harm that may come to Historic Phipps Plaza in relationships to the proposed major intensification of use at the main entrance to and abutting the residential historic district, by Carriage House Club.

By not answering the question in the original email are you saying that there is no consideration from your division under the landmarks program to review the impact such an application could potentially have on Phipps Plaza and if so please explain why not ? I am and others are so very confused.

Best regards,
Lory Volk

On Feb 1, 2018, at 4:02 PM, John Lindgren <JLindgren@TownofPalmBeach.com> wrote:

Ms. Volk,
The zoning application the Carriage House has submitted is for Special Exception approval for the use of the property as a private club, and to have off-site supplemental parking on a non-landmarked site. The application is a request to change the use of the property, and to my knowledge does not include any exterior changes to the building.

The Landmarks Preservation Commission (LPC) reviews exterior changes to landmarked buildings, and they review interior changes too if the project is seeking tax abatement; however, no exterior changes to the building are proposed, and tax abatement is not being sought by the Carriage House. The LPC also makes recommendations to Town Council regarding zoning variances, but no zoning variance is being requested by the Carriage House. Therefore, nothing the Carriage House has applied for requires LPC review/approval, and this is why I had "No Comment" regarding the application that is before Town Council when I reviewed it with other Town staff at the Development Review Committee (DRC) meetings in July 2017 and January 2018. Now Town Council could, if they wish, ask the LPC for their input regarding the application to change the use of the property, but this is entirely up to the Town Council.
John

John Lindgren, AICP
Planning Administrator

Town of Palm Beach
Planning, Zoning & Building Department
360 S. County Road
Palm Beach, FL 33480
Phone: 561-227-6414
www.townofpalmbeach.com

From: Lory Volk [mailto:volklory@aol.com]
Sent: Thursday, February 01, 2018 3:12 PM
To: John Lindgren <JLindgren@TownofPalmBeach.com>
Cc: John (Skip) C. Randolph <jrandolph@jonesfoster.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>
Subject: A few very simple over due, question Ref. Carriage House Club...

Good Afternoon John Lindgren,

I have a few very simple over due, question to ask you, that I would think are within your scope to be able to answer. I believe that you are aware since last August of the review of the intensive, deficient, Carriage House Club application. What I and other property owners are most curious about is as the Planning Administration working with the Town's landmarks program, how is it possible that you had "No" comment, not once but twice on the staff comments sheet, as to the Carriage House Application ?

Is it you don't feel there would be any negative impact on Historic Phipps Plaza District, the first Landmarked District in the Town and its proximity to this proposed project ? One more question if I might at what point does your position normally step forward as the liaison of the landmarks program to assist in upholding the intent of protecting the historic district listing, in voicing a professional opinion in an attempt to assist the Town Council in their deliberation and the need or not to protect the Landmarked Phipps Plaza District ?

Thank so very in advance of a reply,
Lory Volk

Determining Historic Districts

The LPC has a similar process for determining historic districts or historically scenic areas. **A historic district is intended to protect a specific geographic area that is highly concentrated with significant structures.** However, not all buildings within the boundaries of the district need necessarily fulfill the criteria for individual designation.

Landmarks Preservation Ordinance
Chapter 54 Historical Preservation

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

(1) (2)
(3)
(4) (5)
(a) Authorized. For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:
Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
Is identified with historic personages or with important events in national, state or local history.
Embodies distinguishing characteristics of one or more ar- chitectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
Is representative of the notable works of one or more mas- ter builders, designers or architects whose individual ability has been recognized to have influenced their age.
Constitutes a unique area of architecture, landscaping and planning.
(b) Petition for special historic district category. Following the designation of each landmark or landmark site, the commission may petition the town council for the cat- egorizing of such property as special district H. Fol- lowing the designation of each historic district, the commission may petition the town council for the cat- egorizing of each property in such district to special dis- trict HD.
Sec. 54-162. Creation of historic districts.

Sent from my iPad
Please be advised that under Florida law, e-mails and e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact the Town of Palm Beach by phone at (561) 838-5400, or in writing: 360 S. County RD, Palm Beach, FL 33480.

Also of note at your last TC meeting of January 10, 2018 none of you acknowledge that I had in fact submitted an email for the record. I am taking the liberty to attach that same email so that it maybe read and acknowledge, as part of the record for the upcoming Carriage House hearing.

From: Lory Volk <volklory@aol.com>
Date: January 9, 2018 at 9:51:59 PM EST
To: mayor@townofpalmbeach.com
Cc: rkleid@townofpalmbeach.com, jaraskog@TownOfPalmBeach.com, mzeidman@townofpalmbeach.com, blindsay@townofpalmbeach.com, dmoore@townofpalmbeach.com, jrandolph@jonesfoster.com, jpage@townofpalmbeach.com, TBradford@TownofPalmBeach.com, PCastro@TownofPalmBeach.com, townclerk@townofpalmbeach.com

Subject: Re: Volk letter of objection re Z-17-00020 Carriage House Club.do

Carriage House Properties Partners, LLC
Special Exception with Site Plan Review
Applicant Name: Carriage House
Subject Property: 264 and 270 South County Rd.
Zoning: District: C-TS
Abutting: Residential Historic Phipps Plaza

January 9, 2018

Dear Mayor Coniglio and Town Council members Kleid, Araskog, Lindsay, Moore and Zeidman:

We are sure you are well aware by now that we along with the Schaefers, Geist's and Katherine Bryan are all being represented by attorney John Eubanks. And we trust you are in receipt of his many well written letters of objection .

As property owners of 206 Phipps Plaza, we along with many others in Phipps Plaza, are greatly concerned and oppose the major intensification of use by combining the two buildings at 264 and 270 So. County Rd. into 11, 025 square foot application submitted by "Carriage House Club" (CHC).

If you continue to allow the Carriage House application to be heard despite the absence of requirements, inclusions and data needed for the application, you will be doing so with the knowledge that the applicant and presenter are functioning absent the rules required by all other applicants with regard to sufficiency in addition to serious non-compliance with zoning requirements and the Town's Comprehensive Plan.

Zoning Director Paul Castro cites issues including negative impacts to South County Road and Phipps Plaza and the facial deficiency of the application: " The principle of equivalency calculations are incorrect. The applicant cannot use previously granted relief for a different land use in its calculation."

Mr. Castro goes on to say "I believe there will be significant negative impacts to South County Road in that area and Phipps Plaza. There is absolutely no off-street parking for this use and assembly of Club members for events will increase parking demands in that area.

Mr. Castro also states: "In addition, Exhibit C of the application relating to the Parking Statement is not completed. The application requires a detailed parking statement which includes details of all available parking. There is no information regarding the number of employees per shift nor any indication where employees would park by day. The required information relates to the three parking items Mr. Castro cites, since they must be provided by Commercial properties. Furthermore, Planning, Zoning and Building Director John Page states in the DCR that the "intensification of use and absence of parking will create constant circulation problems".

Also, more importantly and of great concern, is that in addition to having filed a deficient application, the applicant is attempting to improperly gain approvals with the submission of a Special Exception with Site Plan Review application even though the request is for two entirely new land uses for each of the two parcels.
One of the parcels, which formerly housed the restaurant located at 264 S. County Rd., has been abandoned/discontinued for more than two years and we believe this should have triggered a new set of zoning requirements and associated applications including the fact that there is no off-street parking available to this applicant.

Additional Reasons for Denial:
Prohibited Intensification of use:

1. The application is an intensification of use for this CT-S section of Town which abuts the Historic and Landmarked Phipps Plaza District, the first historic district in the town, (which is zoned as R-B). This intensification is contrary to the Town's Comprehensive Plan.

2. The intensification is also legally prohibited by the 1997 Declaration of Use Agreement, (DUA) (Exhibit B) agreed-to between the Town and the former owner and restaurant operator of the 264 South County Road restaurant that was filed with the Palm Beach County Court. This agreed-to DUA was required/connected to Special Exception #36-97, as listed within the history section of the Carriage House Club (CHC) application. The Agreement was reaffirmed in 2005 (Most likely, the Agreement came to light when the new owner did a title search, as it is easily found in the court records.)

The DUA, under "Recitals " item # 6, states in part that
" Any new proposed restaurant operator at this location shall be required to obtain all new zoning approvals from the Town Council ". It would seem that this Agreement runs with the property and is still in effect. Consequently, isn't there a legal requirement that any application for this property that comes before the Town Council for approval must contain all new zoning approvals including increase in size, parking, number of seats, loading and other zoning requirements? Additionally, with regard to zoning approval /relief given in the past for this location, it seems clear that the relief claimed by Attorney Ziska and the applicant is no longer in effect.

Zoning Deficiencies and Life Safety Issues
There is a whole section in the zoning code regarding parking and equivalency as well as a requirement for off- loading parking berths for C-TS use of this size which would require a loading berth to be created, Since there is no on-site parking, it would be impossible to fulfill this requirement, yet the application is suggesting it can get a lease from FDOT to use
So. County Rd. as a loading zone although code requires it to be contained on sight.

Attorney Ziska promised at the Dec. TC meeting and the TC agreed that to be heard at the Jan. 10 meeting, Carriage House would have made application with FDOT for a lease agreement for 2 valet stand on So. County Rd. which they have NOT yet done. They have asked FDOT for a cross walk, first their request was for mid block which has been changed to a request for a crosswalk at Seaview Ave. it takes. 2-6 months for an approval from FDOT on either matter they DON'T give preliminary approvals in either case. It goes through a comprehensive 13 step approval process. Approval or not will not be determined until the process is Compete ! So how the TC can even consider a conditional approval with such an uncertainty, makes absolutely no sense, does that leave the door open for Carriage House to come back and sue the Town, possibly.

As we all agree this block is part of a major north- south thoroughfare. This intensification of commercial activity would create an added burden to traffic flow in this area, including negatively impacting vehicles that are traveling north along South County Rd. and east bound cars on Royal Palm Way that will get backed up trying to make a left hand heading north onto South County Rd. Adding to this unsafe situation, to now be suggesting two sides of the street pick up and drop off independent valet stands is as unsafe as it gets, which staff has conjured with again as required to be heard tomorrow CH was to have made application with FDOT which they have not done.

Mr. Castro, as Zoning Administrator, can provide additional references as to zoning issues which will probably include this citation from the zoning code regarding Sec. 134-228 and the legal requirements for new applications – they are important to consider as they relate to the compatibility of the new major intensification of use the Carriage House application is asking for under a Special Exception as a Club. It is also important in relation to the Historic Phipps Plaza residential community and other nearby residential properties since this use and the negative impacts associated with it are incompatible with protections within our zoning codes and the Comprehensive Plan's Goals, Policies and Objectives. Since there is no automatic transfer of use per the zoning code coupled with item # 6 included in the 1997 Declaration of Use Agreement discussed above.

Sec. 134-229. - Requirements for granting.
The requirements for granting a special exception *use* under this chapter are as follows:
(1) The *use* is a permitted special exception *use* as set forth in article VI of this chapter.
(2) The *use* is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
(3) The *use* will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
(4) The *use* will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
(5) The *use* will comply with yard, other open space, and any special requirements set out in article VI for the particular *use* involved.
(6) The *use* will comply with all elements of the comprehensive plan.
(7) The *use* not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district. (8)
Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
(9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
(10) Location, availability and compatibility of utility service for the *use* shall be satisfactory to ensure health and safety.
(11) Refuse and service areas for the *use* shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
(12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare *uses*, the proposed special exception *use* will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed *use* will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information *used* and the methodology employed to arrive at the conclusion. Information *used* shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception *use* is continuing to be town-serving.
(13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.
(14) The proposed *use* will not place a greater burden than would be caused by a permitted *use* on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.
(Ord. No. 2-74, § 6.40(a)—(m), (r), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91; Ord. No. 1-96, § 7,

Non-Compliance with the Town's Comprehensive Plan
There are a number of citations in the Comprehensive Plan (CP) that are incompatible with the request to open a Club as a Special Exception in the C-TS Zoned District.
For example, the Executive Summary within the FUTURE LAND USE ELEMENT of the Town's Comprehensive Plan clearly states that : "the Town of Palm Beach is essentially "built-out" , that we have developed into a "premiere residential community" with a focus on its protection while "maintaining the culture, serenity and the unique character". Page I-3.
Additionally, under Land Uses: (page I-3)

If 4,000 sf is still the maximum allowable GLA, this applicant should not /could not get a waiver since there is no parking to support the proposal and there is no hardship per the Comp Plan (page I-4)

Additional portions of the Comp Plan. (Page I-5) speak to minimizing impact to the Town as it relates to traffic and minimizing the change from low density to more intensive use:

The application for the Club is a new use, not " the same type of use that existed prior"
(I-8). Also , on (page I-13):

Page I-16 states that the

Contrary to the Town's Comprehensive Plan, this proposed use is not a gradual and graceful evolution of development.
There are many other flaws with this application which have not been included in this letter but have been include in Mr. Eubanks many letters of objection submitted to the TC. We trust you will agree that, it is imperative that the burden of proof for the granting of any approvals must be satisfied by the applicant.

The Rule...

Consistency with the Comprehensive Plan

UPDATED TO REFLECT 2011 LEGISLATIVE AMENDMENTS.
Consistency is required.
Once a jurisdiction's comprehensive plan has been properly adopted, all "development" (see *What is the development LDRs can regulate*), both public and private, must be consistent with the comprehensive plan. §§163.3161(5) and 163.3194(1)(a), F.S. Similarly, all the jurisdiction's land development regulations must also be consistent with the plan. §163.3194(1)(b), F.S.

Consistency with the Comprehensive Plan
Posted on February 27, 2011 | 5 comments

UPDATED TO REFLECT 2011 LEGISLATIVE AMENDMENTS.
Consistency is required.
Once a jurisdiction's comprehensive plan has been properly adopted, all "development" (see *What is the development LDRs can regulate*), both public and private, must be consistent with the comprehensive plan. §§163.3161(5) and 163.3194(1)(a), F.S. Similarly, all the jurisdiction's land development regulations must also be consistent with the plan. §163.3194(1)(b), F.S.
"The statute is framed as a rule, a command to cities and counties that they must comply with their own Comprehensive Plans …. The statute does not say that local governments shall have some discretion as to whether a proposed development should be consistent with the Comprehensive Plan. Consistency with a Comprehensive Plan is therefore not a discretionary matter." Pinecrest Lakes, Inc. v. Shidel, 795 So.2d 191, 198 (Fla. 4th DCA 2001).
Consistency with a Comprehensive Plan is therefore not a discretionary matter." Pinecrest Lakes, Inc. v. Shidel, 795 So.2d 191, 198 (Fla. 4th DCA 2001).

Might we close with how absolutely despicable the attempt to commandeer PP road right away for Carriage Houses' private use to stage their construction equipment, which Ziska told you all at the Dec. meeting was quite common in town ! We have been in business 34 years in Town and have never once see Town RRW used for a private construction staging, never. On top of it there is the insult of having the nerve to suggest cutting a temporary road thru the top half of Phipps Plaza Park it's self and have to be at the mercy of a Flagman to ingress and egress The Plaza. Never mind the insane disgusting proposal of rolling their garbage from their location on the South side of the Plaza across the only entrance to Historic Phipps Plaza across the entrance (that would be attractive) to the residential side under the 5 condo units on the North side of the Plaza, contrary to code which says garbage must be contained on their site. Unconscionable that the entire TC last month could listen to Ziska describe this garbage detail and no one objected, not even the the Mayor the owner of many restaurants. Really, no one that this really odd, no one thought it the least offensive to the historic district or the property owners, to have restaurant garbage rolled across the only entrance to Historic Phipps Plaza, from a commercial restaurant to under the balconies of residential units....Really !! We think this says it all !

Sincerely yours,
Lory and John Volk

From: Kathleen Dominguez
To: Kathleen Ruderman
Cc: Public Comment
Subject: FW: Seaview parking change
Date: Monday, February 05, 2018 12:10:30 PM

-----Original Message-----
From: anthony myura [mailto:amyura@icloud.com]
Sent: Saturday, February 03, 2018 9:25 AM
To: Town Clerks Staff <TownClerk@townofpalmbeach.com>
Cc: danabarsky@yahoo.com
Subject: Seaview parking change

Town Council,

Regarding Feb 14th council meeting regarding possible parking change on Seaview ave.

I understand that new business proposed on South County road is being discussed on Feb 14th.

I have lived on 169 Seaview ave for 28yrs.

The current parking regulations on our narrow one way street has been acceptable.

However, to disrupt current parking and traffic on our street to accommodate new business on s. county would be extremely harmful to our community in parking availability, car and people traffic and opening our neighborhood to all sorts of strangers.

Please do not open pandora's box.

Will see you at February 14th meeting.

Anthony & Patricia Myura
169 Seaview ave
Palm Beach, Fl 33480

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Proposed club
Date:	Tuesday, February 06, 2018 9:31:46 AM

-----Original Message-----
From: Linda Hull [mailto:lindahull@mac.com]
Sent: Sunday, February 04, 2018 6:20 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Proposed club

To whom this may concern:

I have resided at 136 Seaview for 14 years & treasure our permit parking and the peaceful evenings & nights - those are two of the main reasons that I chose this address.

The thought of having a "club" atmosphere so nearby is very disturbing to me and to literally ALL of the neighbors who would also be adversely affected. It doesn't seem right that a commercial enterprise: club, bar, with late night hours, is even being considered !

Another location should be located - one which would not diminish all of the things that we cherish on our streets … needless to say, Seaview would be very adversely affected: late night patrons would want to park as close to the club as possible; the valets would be zooming down our street, and the late night noise would be disturbing! The suggestion of "open parking" and/ or removing our permit parking is VERY unfair - we ALL chose the "100" blocks for obvious reasons.

None of us wants the status quo to change…

PLEASE DO NOT APPROVE THIS CLUB !

Why should the proposed "club" take precedent over the interest and well-being of all affected neighbors ? ? ?

As far as our existing permit parking, PLEASE do not take our privilege away for many reasons: safety considerations first & foremost. Most of our houses on the "Sea" streets are quite close to the roads. As it stands, we have quiet nights with no loiterers, loud voices or cars racing down the streets. To add alcohol patrons, late night hours and valets would change all that - we do not want that ! Who would ?

Thank you for your kind consideration regarding these issues.

All the best,

Linda Hull
136 Seaview

Sent from my iPad

From: Paul Castro
To: Kelly Churney
Cc: Kathleen Ruderman
Subject: FW: Carriage House Use Agreement
Date: Monday, February 05, 2018 3:24:25 PM

Kelly

For the zoning files and Novus.

Thanks

Paul

-----Original Message-----
From: Glenn Zeitz [mailto:glennzeitz@gmail.com]
Sent: Monday, February 05, 2018 3:08 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>
Subject: Carriage House Use Agreement

Sent from my iPad. To the above; my name is Glenn Zeitz. My wife and I have resided at 142 Seabreeze Avenue since 2005. Our home was the first recipient of the Polly Earl award given to a landmarked property. As a result of extensive renovation we appeared before council, zoning, and landmarks and worked within the Town's rules and regulations. It is with an appreciation of the aforesaid that we strenuously oppose any application in the above matter that would allow the applicant to utilize parking on the Sea Streets for the club's parking plan and/or to change in any way the existing parking regulations now in existence. I have been a trial lawyer for 45 years and have litigated a multiple of civil and criminal cases. On December 14, 2016 Town Council passed Sea Streets Ordinance No. 16-2016 which Sec. 134-893(a) which recognizes in relevant part the necessity to protect the unique, residential character of the Sea Streets. Section 9 and specifically Sec. 134-2327 dealing with parking permits evidences a legislative intent to limit and protect parking on the Sea Streets in a very specific manner and the recognition that both public and private considerations of health, safety, and welfare dictate that same be strictly construed and enforced. Consequently, any attempt by the applicant to utilize parking on the Sea Streets in conjunction with the operation of a private club should be denied. The dimensions of the roads, existing traffic patterns, and existing usage by residents, visitors, workmen, and for temporary group permits currently places a heavy burden on everyone. If the applicant claims any hardship they have no one to blame but themselves since it is a self inflicted wound. Finally, I have liability concerns for the Town of Palm Beach since any modification of parking will forseeably result in increased motor vehicle and pedestrian traffic and accidents! Respectfully yours; Glenn Zeitz.

140 Sea View Ave
Palm Beach, FL 33480
Feb. 5, 2018

TOWN OF PALM BEACH
FEB 05 2018
Town Manager's Office

Town Council
Town of Palm Beach
Palm Beach, FL 33480

Subj: OBJECTION TO ANY PROPOSED CHANGES,
OCEAN BLOCK, SEA VIEW AVE, PALM BEACH, FL

Dear Town Council,

1. My Sister Nancy Bhargava and I are against any parking changes in the Ocean Block of Sea View Ave. That would allow valet parking. It is usually customary for the Town to notify the residents who may be affected by the changes. We received No notification from the Town about this!!

2. Ocean block of Sea View is one way E-W. Parking is allowed Legally on the South side of Sea View. There are 22 legal parking spaces in the ocean block, 20 by permit. Since there is no left turn allowed on Sea View at County Rd., any valet parking cars coming down Sea View would have to make a right Turn onto County Rd. to get back to the 264 Grill.

3. If the Town Council does vote to allow the Valet parking from the 264 Grill against the Sea View Ocean block residents wishes, that would set a bad precedent. If the Valet Parking is allowed, the club would have to need a blanket Liability policy covering all of their drivers.

4. In addition, if the residents are upset, there is nothing to stop all of the Sea View Ocean block residents from parking All of their cars on the street All the Time. Since there are only 20 permitted spaces on the street, these could be filled up all the Time, not allowing any Valet parking. We have more cars than spaces.

Sincerely
John Beach
202-253-1542

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: PROPOSED PRIVATE CLUB
Date:	Tuesday, February 06, 2018 9:32:18 AM

From: lauridancer1 . [mailto:lauridancer@gmail.com]
Sent: Monday, February 05, 2018 7:28 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: PROPOSED PRIVATE CLUB

PLEASE PLEASE PLEASE CONSIDER THE PROPOSED PRIVATE CLUB VERY VERY CAREFULLY....I AM VERY UNHAPPY WITH SOME OF THE PROPOSED PARKING PLANS.....I LIVE AT 256 SOUTH OCEAN, OPTION TWO IS NOT ACCEPTABLE TO ME.....THANK YOU LAURI WELTEROTH

--
LAURI K WELTEROTH
PH 570-916-2972
OFF.FX.570-433-4764

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Carriage House
Date:	Tuesday, February 06, 2018 9:33:09 AM

From: Gary Woodfield [mailto:gwoodfield@haileshaw.com]
Sent: Monday, February 05, 2018 3:38 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Carriage House

I am a 30 year home owner on the ocean block of Seaspray Avenue. I write to express my concerns and ultimate opposition to the proposed facility on the 264 site. I have attempted to educate myself on the proposed facility and its impact on our community. Obviously, parking is a critical issue. I have been advised of the proposed parking arrangements but find them inadequate. While members may be required to valet park (with its location on South County, a very busy area which creates its own problems) , there is no control over non-members visiting the facility. The "Seas Streets" is the most convenient place for them to park.

I don't believe that this issue being over hyped. One just has to think back several years ago when beach parking was permitted for a time on our streets (before the public bathroom was constructed at the Town beach). This created a very disruptive situation which compromised the tranquility of our neighborhood.

I have never voiced my concerns or objections to development in this Town. I remain in favor of something going into the old 264 space; it has been dark for too long. The concept of a private dining club is not objectionable; but rather the size of this proposed facility in our community is the problem. Unless the proposed facility is dramatically scaled back to be compatible to our community, I am opposed to it. Thanks.

Gary Woodfield
Haile, Shaw & Pfaffenberger, P.A.
660 U.S. Highway One, Third Floor
North Palm Beach, FL 33408
Telephone: (561) 627-8100
Facsimile: (561) 622-7603
Email: gwoodfield@haileshaw.com

HAILE SHAW& PFAFFENBERGER
ATTORNEYS AT LAW

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From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Carriage House
Date:	Tuesday, February 06, 2018 9:35:32 AM

From: Howard S. Cohen [mailto:hcohen46@gmail.com]
Sent: Monday, February 05, 2018 4:55 PM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: Carriage House

After reviewing some of the town documents , I find that the proposed carriage house violates Sec. 134-1106, sec. 134-1107 and sec. 134-229. It is hard to believe that this proposal has gotten to this point. This proposal not only endangers the Sea street community and resale values but puts burden on the town due to increased traffic which will put an increased cost to our police force.

Why would the Council Representative vote yes on a proposal that hurts so my of its residents, versus helping a developer and his investors?

I will be attending the meeting on the 14th with many of my resident VOTING neighbors . This is a travesty that should be recognized by all of the council members. We are well aware that Paul Castro has advised the board to vote NO.

Thank you for voting no on this issue.

Howard Cohen

--
Howard S. Cohen
711 Fair Oaks Ave
Oak Park, IL 60302

127 Seaspray Ave
Palm Beach , Fl 33480
email: hcohen46@gmail.com

Moblie 401-225-6872

CAROL LeCATES
212 Seabreeze Ave.
Palm Beach, Fl. 33480

Feb. 5, 2018

Dear Mayor and Council,

I continue to believe that granting approval to the Carriage House Club would violate the stated goals of planning and zoning for our town and would set in motion a series of actions that would be difficult, if not impossible, to reverse.

This special use is one of the least appropriate for the C-TS zone in its violation of:

1) the specific goals for a C-TS zone, and

2) the conditions that must be met by a special use.

The goals of the C-TS zone are clearly stated in the code:

"Sec. 134-1106. - Purpose and limitations. The purposes of the C-TS town-serving commercial district are to:

(1) 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 townpersons.

(2) Enhance the general character of the district and its compatibility with its residential 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, limitations on gross leasable floor (GLA) area are imposed."

Permitted uses in this district specifically *exclude* bars/lounges:

“Sec. 134-1107. - Permitted uses.

(a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are 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...."

While the Carriage House application is for a social club, its operation will be almost identical to that of a lounge or nightclub, with 3 bars on the premises, live music, and hours until 2:00 a.m. 3 nights/week. This aspect, combined with the significant increase in

restaurant seats and GLA of more than triple the maximum in the zone, creates a compounding of uses that is ill-suited to a location adjoining a single family residential neighborhood. The doubling or tripling of the number of patrons, the emphasis on nightclub-like design and operation, and the increased hours of operation clearly create an unacceptable level of intensification (which is not defined solely as a number of required parking spaces) for the zone. From a use perspective, the similarity to a large nightclub will equal or exceed the social club aspect, and must be taken into account in the evaluation of neighborhood impact. A social club does not have to serve alcohol, be open until 2:00 a.m., or by necessity conduct any of the activities of this club, which in its operation will be essentially a private restaurant and a private lounge/nightclub. A club that operates as a private bar/lounge in the late evening is in direct conflict with the goals of the code cited above, due both to the emphasis on late night bar activities and to the fact that the club will *not* serve most of the neighborhood or town. In fact, the anticipated pricing and exclusive nature almost assure that neighborhood residents will not benefit from this use and will most likely suffer as a result of it.

Regarding the conditions for approval of a special use, the Carriage House is deficient in many of them, especially with regard to compatibility with the neighborhood, injury to property values and other neighborhood impacts, as well as to compliance with the comprehensive plan (as delineated in code Sec.134.229, 3), 4), 6), 8), and 14)). A number of the applicant responses to conditions in the application are off the mark or merely state that the property complies without saying how it does so. The renovation of a landmarked property is a positive, but it is likely that any new owner of the properties would need to do renovations and hence this element should not be over-weighted. There remains a highly probable negative impact of noise, traffic, parking, and public safety as a result of operating a restaurant/bar that is more than twice the size of any previous one at the site.

The Sea streets parking and traffic problem cannot be solved without undue burden on the residents of those streets. To date there are no long term contractual agreements for parking and even if there were, many members would choose to self-park. As noted in my letter last month, residents of the Sea street blocks will be negatively impacted by the parking issue in one of two ways: either there will be daily and nightly patron (and possibly unmonitored valet) parking on their streets, or if permit parking is imposed they will become obliged to obtain permits for their evening and overnight guests (several hundred residents paying $50-$100 each annually in perpetuity for parking in front of their own homes). And no matter how the parking is handled, there will be a large increase in traffic on Seaspray and Seabreeze Aves. due to the need for vehicles to arrive at the valet on the northeast corner of Seaview without performing a U-turn on S. County and the need for departing southbound vehicles to turn onto the side streets. Adding insult to injury is the placement of a valet stand directly in front of a private residence on the east side of S. County Rd. It is clear that the neighborhood will be serving the special use and not the use that will be serving the neighborhood. Hundreds of property owners will bear a burden for the benefit of just a handful of owners and town members.

While restaurants have operated at 264 S. County in the past, they have been much smaller and often not used to capacity, nor serving 3 meals/day for 7 days/week. They had fewer parking and loading needs. The increased loading requirements of Carriage House

will no doubt reduce day time patron parking for nearby stores. And with the approved construction of a new and larger recreation center, Seaview Ave. will become even more congested than it is now, a fact that seems to have been overlooked by the county traffic report. It is hard to imagine that property values will not be negatively impacted by further increases in congestion and late night noise from departing patrons, and likely that a property appraiser would agree. The impact on the immediately adjacent landmarked historic Phipps Plaza cannot possibly be anything but negative with regard to the noise of a large number of people and cars coming and going day and night.

Intensified use of the subject properties is likely to require extra police services for high attendance occasions, enforcement of parking conditions, and possible security for late night bar operation, a cost that is commonly overlooked in evaluating special uses.

Most important, the intended use contravenes the stated goals of the town's Comprehensive Plan.

The Plan refers emphatically to a goal of reducing intensity:

- In "Land Use Issues",

  - "Control the pace, type, and intensity of redevelopment activity in older areas of Town."

  - "Encourage development and redevelopment at lower density levels than existing zoning allows …"

- In "Policies Regarding Change"

  - "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, including the use of this Comprehensive Plan, 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, where possible**,** and to minimize tourism inflow."

-In "Existing Land Use"

  - "The dominant character of the Town's commercial sector is one of small scale. The vast majority of the commercial uses in the Town each encompass 4,000 square-feet or less of gross leasable area. Despite the reputation of Worth Avenue and the presence of some large retail anchors and office uses in the Town, the overall character of the Town's commercial areas is one of small business concerns which, individually, would not normally be expected to draw the majority of its patrons from beyond the Town's limits. "

The stated goals of the C-TS district advance the goals of the Comprehensive Plan, but the special exceptions for the district do not appear to do so at this point in time. Special uses by their nature are prone to lead to *increased* intensity and congestion and, given the

town's goals, are probably no longer necessary or desirable unless they are replacing existing ones. Were this a case of an over-sized facility with a small number of occupants, or minimal needs for parking, or normal business hours, it could be an unintrusive presence, but in fact it is excessive in almost every respect for the zone. There are clear and numerous factual reasons to deny approval:

- contravention of goals of the Comprehensive Plan and C-TS district to reduce intensity throughout town and in the zone
- increased noise and disturbance of quiet enjoyment for immediate historic residences and adjacent residential neighborhood as a result of heavy intensification of use (an 11,000 s.f. club/lounge vs. a 3,000 s.f. restaurant) and increase in hours of operation
- increased burden on police
- unacceptable traffic and parking/permit burden on Sea street residents
- increased congestion concurrent with new recreation center increase in congestion
- insurmountable combination of enforcement issues regarding monitoring of employee parking, valet parking, patron self-parking, membership cap

In sum, this use is wholly inappropriate in scale, intensity, and neighborhood compatibility and should be denied.

Respectfully,

Carol LeCates

212 Seabreeze Ave.

Member, Planning & Zoning Commission

TGB 2/5/18

XC: MTC
P. Castro
S. B
K. Blouin

F:\: PZB 2/7/18

TOWN OF PALM BEACH
FEB 05 2018
Town Manager's Office

Dear Town Council,

I am writing you to voice my concern over the application for the Carriage House private club at 264 County Road.

I live at 255 Seaspray and it is my understanding that Carriage House intends to have valet parking service with the idea of parking the cars on Sea Streets.

If this is the true, then **I object to the council approving this parking plan.**

We chose to live on a residential street and we have our residential parking needs and safety issues that we need to protect.

To think that the town would allow a residential street to become a commercial parking lot is beyond my belief

In my case, I have a small driveway. I entertain often and have guests that are elderly. Some with disabilities. Are they to go to Pendleton to part because a club is using the spaces outside of my house? **We need our street parking for our family and social needs. It is bad enough on 4 Arts days when the parking is a problem now to think it could be a daily occurrence and till after midnight is madness and truly unfair.**

Using this areas for cultural needs is one thing because it can benefit everyone but a private club is really another!!!!!

I live on a residential, noncommercial street and chose to do so **(on Seaspray) for its peace and tranquility**.

It has been said and I agree100% that Valet parking cars on our street and all the commotion that it brings **such as excessive traffic, valets running up and down our street, slamming car doors, etc. until 2am totally violates that peace and tranquility! Should you really think to change a noncommercial street to benefit a PRIVATE CLUB?**

From a security perspective, our neighborhood is a constant target from the criminal element please do not exacerbate the problem!

Please do not let a commercial endeavor take over! Parking is a problem but they must deal with it another way not by changing residential area. For heaven sakes have them buy land and get a permit to build a parking garage in the business district. Please don't give in to this and hear your citizens who want not commercial areas to remain. It is this and the quality that brings people to Palm Beach

Sincerely,

Julia Hansen J. Hansen

Feb. 2, 2017

From: Paul Castro
To: Kelly Churney
Cc: Kathleen Ruderman
Subject: FW: 11,164 FOOT CLUB? When in Doubt, Best to Just Follow the Law...
Date: Tuesday, February 06, 2018 2:03:08 PM

Kelly,

I am not sure if this is a duplicate.

Paul

From: Steven Jeffrey Greenwald, Esq. [mailto:3102724@gmail.com]
Sent: Tuesday, February 06, 2018 10:21 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>
Subject: 11,164 FOOT CLUB? When in Doubt, Best to Just Follow the Law...

To the Council, Mayor and Mr Castro: (Please forward to all on Council)

When in doubt, it is best for everyone involved to just follow the law, apply to the facts. Pretty **simple in this case. And all are required to follow this law,** residents, the little businesses on County Road, and **also** the **Carriage house developer** too. Attached, that simple **zoning map** you know well, with C-TS (certified town serving) in purple.

There are other zones, like the Worth Ave zone, bigger establishment commercial zones. But the **tiny strip** where the giant private club is to be located is a **special little area** we know is called **C-TS**. It is a small area with limited parking and historic little residental streets, with small houses with **tiny (or no) driveways,** Phipps Plaza, Seaview, Seaspray Seabreeze. That is why the little area (where the giant club is planned) is Zoned C-TS.

In the law it says C-TS should be: **"small scale" "retail" "personal" "professional"** etc., and that is what we know has been there in the past. Below are relevant parts of **134-1106.** Pretty **easy to read,** take a look:

"Sec. **134-1106**. - Purpose and limitations.

The purposes of the **C-TS town-serving** commercial district are to:

(1) 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 town persons...**

...Then** there is another part of that law that says the **biggest a business can be in the C-TS would be 3,000 sq feet.** The businesses there now follow the law nicely: Lewis pharmacy, the dog groomer, the tile store, Capehart Photo, the new Peterson decor, etc. And we all know the **prior resturant was about 3,000 (or less).

Take a look at the simple Town of Palm Beach Law of the less than **3,000 sq foot** size reqirement for anything in the C-TS area:

... maximum gross leasable area. The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area... are as follows...
(copied from Sec. 134-1107 - Permitted uses).

...then the law outlines types of businesses that could be allowed, such as food stores, clothing stores, drugstores, barber shops, beauty salons and jewelry stores (and some others, without need to elaborate). Note there is no allowance for a large private club, either way there is this **strict rule** all (including developers) must follow: **"maximum of 3,000 square feet"** requirement.

I did not write this Town Code, and it is on the Town's website for all to see. (Many residents have now become aware of the law).

The club **developer knew** (or should have known) very well of this **well published zoning law** (on all town zoning maps) the **3,000 square** foot rule when he bought the properties. We all are required to **follow the law**, including the **developer.** We **cannot easily change the law** just for him.

Especially when **giant club** planned is **far larger** than 3,000 square feet, it is **11,164 feet total** planned!

IT IS IN FACT: 2,081+2101+2490+369+938+3185. So a **total** of **11,164** Square feet in size! Amazing, in an area where **by law it is limited to 3,000 square feet.** (This is **fact,** taken from Kimberly-Horn planned list of spaces of Carrage House Club, including combined buildings, and sleeping areas). It is good to know the truth.

So the only way to develop this giant club is to get a **SPECIAL EXCEPTION.** Special exception means just that. It is only granted in **very special** situations, especially if they they want a club almost **400% larger than allowed by law.** There are strict requirements for granting.

We all know that this area of County Road, between **Phipps and (really) Seaspray,** is one of the busiest corners in Palm Beach, with **children being picked up from school**, with **parents waiting in line to turn onto Seaview** (requiring police to direct traffic) and the **new larger recreation center** (with possible night events) also requiring a turn onto Seaview.

And amazing but true, the **loading zone** is at the **corner of Seaview and County**. Loading will be large and small trucks daily, all day long to service this huge club's evening activities. And there is no parking lot for the club to use in the **day time** for as many as **178 patrons** during/including an unknown frequency of "special events" (taken verbatum from last hearing: **118 patrons** in daytime plus **60 more** during **"special events"** as yet undefined, with no limit stated as to frequency of these **"special events"**).

At **night**, there will be in excess of **244 members <u>plus no limit given yet as to nightime guests</u>** (per the last hearing, as of this date, the total amount of persons in the buildings as of this date is still **unknown, 350? ... more?**) and a parking lot with only 68 spaces, blocks away on Royal Palm Way. Hours of operation (amazing but true) till **2 am** Thursday thru Saturday, and until **midnite on Sunday** thru Wednesday.

And the **Club valet dropoff will be directly (somewhere) on County Rd,** at a very busy traffic hour, when all drivers are in a hurry, going up and back from north end to south end to other dinners/events at the Breakers, other restaurants, etc. Will there be a **constant lineup of cars** blocking traffic at this essential part of County Rd in high season?

Now lets look at the very **simple law,** and **think about the above facts:**

Sec. 134-229. - Requirements for granting.

The requirements for granting a special exception use under this chapter are as follows:

... (2) The use is so designed, located and proposed to be operated that the **public health, safety, welfare** and morals will be**protected.**

... (8) **Adequate ingress and egress to property and proposed structures** thereon and **off-street parking and loading areas** will be provided where required, with particular reference to **automotive and pedestrian safety and convenience, traffic flow and control, and access in case of** fire or **catastrophe.**

... (14) The proposed use will not place a **greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for** fire/**safety** code violations.

All of the above and more, is probably why **Paul Castro**, Town of Palm Beach top Zoning official, and various **Zoning resident Board Members** continue to advise Town Council to **just vote no** to the club.

Confusion on Court Review, Shifting burden and the Snyder cases:

Ever since *Bd. of County Comm'rs v. Snyder*, 627 So. 2d 469 (Fla. 1993) (*Snyder II*), there has been some confusion. But since *Snyder* some towns are still not aware the Supreme Court made clear (and the Attorney General's office has tried to notify towns) that the standard of review is still: **if the zoning decision of council is "fairly debatable" it must be upheld by the Court**.

Also, the Florida Appellate Courts (and Courts throughout the US) have told lower courts repeatedly to **not sit as a super zoning board.** Raskiewicz v. Town of New Boston, 754 F.2d 38, 44 (1st Cir. 1985) ("... **courts** do **not sit as a super zoning board** or a zoning **court** of appeals."); Hubenthal v. County of Winona, 751 F.2d 243 (8th Cir. 1984)

<u>Town Council should not make its decision on fear this developer may seek judicial review, the council has full authority.</u>

See below the cited reasons:

Still the law today: *Thomas v City of West Palm Beach*, the Florida Supreme Court , 299 So. 2d 11 (1974) the Florida Supreme court cites: *Harrell's Candy Kitchen v. Sarasota-Manatee Airport Authority* (Fla. 1959), 111 So. 2d 439. The **Supreme Court** cases the **Circuit Court must today follow:**

"Zoning regulations duly enacted pursuant to lawful authority are presumptively valid and the **burden is upon him who attacks such regulation to carry the extraordinary burden** of both alleging and proving that it is unreasonable and bears no substantial relation to the public health, safety, morals or general welfare. **Courts will not substitute their judgment** as to the reasonableness of a particular rule or regulation where such has been duly adopted pursuant to lawful authority **when such reasonableness** is **fairly debatable**... ." (111 So. 2d at 443, 444)

See also, this is the law today: **"Courts should not substitute their judgment as to the reasonableness of a regulation when such reasonableness is fairly debatable."** Dragomirecky v. Town of Ponce Inlet, 891 So. 2d 633 (Fla. 5th DCA **2005**).

See also, *Raskiewicz v. New Boston,* 754 F.2d 38 (1st Cir. 1985) ("We begin by noting that this court has repeatedly said that ... courts do **not sit as a super zoning board or a zoning board of appeals**."); *Mayhew v. Town of Sunnyvale*, 964 SW 2d 922 (1998).

Some confusion on standard of review, shifting burden of proof and the Snyder Cases: since *Bd. of County Comm'rs v. Snyder*, 627 So. 2d 469 (Fla. 1993) (Snyder II) there has been some confusion, according to the Supreme Court itself. **Attorney general opinion No 3087** (1997) says towns need to look to the newer Supreme Court case of *Martin County vs Yusem*, 664 So. 2d 976 (1995). The AG Opinion explains that the **"fairly debatable" standard of review is still the law** per *Yusem:*

The **Florida Attorney General, opinion 3087**: "The court in *Yusem* acknowledged that there is "much confusion" surrounding the proper procedural vehicle for challenging a local government's decision on amendment to a comprehensive plan, and said its opinion will clarify procedures to be used."

The **Supreme Court** in Yusem:

"(W)e expressly conclude that amendments to comprehensive land use plans are legislative decisions. This conclusion is not affected by the fact that the amendments to comprehensive land use plans are being sought as part of a rezoning application in respect to only one piece of property," the court said. "(A)ll comprehensive plan amendments are legislative decisions **subject to the fairly debatable standard of review.** We find that amendments to a comprehensive plan, like the adoption of the plan itself, result in the formulation of policy."

Respectfully your neighbor, Steve

--

Steven Jeffrey Greenwald, Esq.

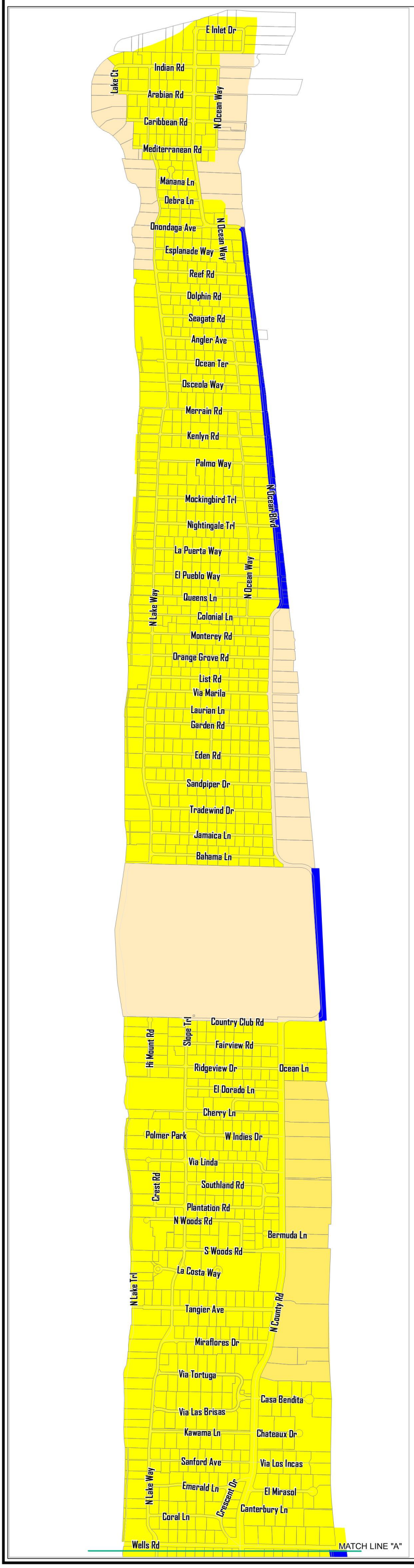
Email address:

3102724@gmail.com

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

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

Town of Palm Beach Zoning Map



Legend

- Parcel
- R-AA (Large Estate Residential)
- R-A (Estate Residential)
- R-B (Low Density Residential)
- R-C (Medium Density Residential)
- R-D(1) (Moderate Density Residential)
- R-D(2) (Heavy Density Residential)
- C-OPI (Commercial Off, Prof, Inst)
- C-PC (Commercial Planned Ctr)
- C-TS (Commercial Town Serving)
- C-WA (Commercial Worth Ave)
- C-B (Commercial Offices)
- C (Conservation District)
- PUD-A (Planned Unit Dev)
- PUD-B (Planned Unit Dev)
- PUD-C (Planned Unit Dev)
- BA (Beach Area)

* See Palm Beach Code of Ordinances Regarding Submerged Lands

0 410 820 1,640
Feet

N W E S

SEAL OF THE TOWN OF PALM BEACH FLORIDA
INCORPORATED APRIL 17, 1911

Created By: David Donta
Date: August 28, 2014
Town of Palm Beach
Planning, Zoning & Building Dept.

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Online Form Submittal: TELL THE TOWN
Date:	Tuesday, February 06, 2018 4:43:29 PM

From: noreply@civicplus.com [mailto:noreply@civicplus.com]
Sent: Tuesday, February 06, 2018 8:42 AM
To: Town Manager <TManager@TownofPalmBeach.com>
Subject: Online Form Submittal: TELL THE TOWN

TELL THE TOWN

The Town of Palm Beach wants to hear from you. Please use the form below to let us know if you have a concern you'd like for us to look into or a compliment you'd like to give to one of our employees. Should a problem require urgent attention, please call us immediately. For a police or medical emergency, dial 911. Otherwise, call (561)-838-5454. Thank you for your assistance!

PLEASE NOTE: Florida has a very broad public records law. Most written communications to or from the Town of Palm Beach are public records. Under Florida law e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail. Instead, contact the Town department you are attempting to reach by phone.

Contact Information

First Name	Kathryn
Last Name	Pressly
Address1	133 Seaspray Avenue
Address2	*Field not completed.*
City	Palm Beach
State	Florida
Zip	33480
Phone Number	561 6593513
Email Address	kspressly@gmail.com

Please indicate the nature of your communication by checking the appropriate box below:

Other

Brief Description	Dear Town Council, I am opposed to the use of the former restaurant site being used as a private club for the following reasons: 1. A private club is not in compliance with the Town Code's C-TS . 2. A private club is not in compliance with Sec. 134-1106. 3. A private club, unlike a restaurant, would have events that members would come and leave at the same time in a lot of cases. 4. Dangerous to place club on our main North-South artery in town with an inability to stack cars. 5. Extreme hardship on Sea Street residents trying to exit their streets onto County Road which is already challenged with traffic going to The Rec Center and Palm Beach Day School. 6. Members of a club who choose not to valet would pour onto the adjacent Sea Streets to park. 7. The proposed club isn't town serving in that it is not a drug store, vacuum cleaning store, a bank, a gas station,etc. and would exceed the Code's limit of 3000 sq. ft. by 8,164 square feet. 8. You can't fit a square into a circle because by doing so violates our Town Code which is in place for very legitimate reasons.
Location of Concern (Provide street address if possible)	A Proposal for The Carriage House, a private club
Upload a Photo	*Field not completed.*

Email not displaying correctly? View it in your browser.

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: 264 club
Date:	Tuesday, February 06, 2018 5:04:08 PM

From: ethel243@aol.com [mailto:ethel243@aol.com]
Sent: Tuesday, February 06, 2018 11:53 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: 264 club

Again I do not want the club to park their cars on Seaspray Ave. There are already too many cars parked there by the residents. The restaurant that was at 264 South County did not impact the street at all!!! There is no reason why the club cannot follow suit. Etthel Kinsella 243 Seaspray Ave.

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Letter of Objection to Carriage House Club Application
Date:	Tuesday, February 06, 2018 5:04:49 PM

-----Original Message-----
From: Anne Pepper [mailto:annepepper@me.com]
Sent: Tuesday, February 06, 2018 1:50 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Letter of Objection to Carriage House Club Application

Dear Mayor and Council Members,

You have received many, many letters of objection to the application for a private club at 264 S. County Road. Carol Lecates who serves on the Planning and Zoning Commission has outlined all the ways in which this application is deficient and why it should be denied. Allowing a special exception of this intensity in the C-TS zone is clearly against the code. The night club nature of this application is not the same as a small neighborhood restaurant of prior years. 264 could have only 118 seats at night as well as at lunch. The Club is seeking 244 seats at night and to operate til 2:00 am on the weekends. This level of activity is not in keeping with the residential neighborhood nor with the Comprehensive Plan's goals for a C-TS district.

The Council has seen no specific marketing documents, no pricing for membership, nor to whom the club is being marketed. The private nature of this nightclub is unlikely to serve the local residents. The bar has been set so low for the 122 members required to be 'townspeople' as to be laughable. Anyone staying in a hotel can be considered a townsperson and therefore qualify as a member! If all the polo players or Bickford's London pals came to town and stayed at one of the hotels to qualify for membership as townspersons, the entire club membership could actually be non-residents. How is this town-serving? To be truly town serving, the 122 members ought to be town residents not 'townspeople'.

Much of the worry about parking and the invasion of it on our residential streets is based on the concern that the membership will be primarily from elsewhere such as Wellington and therefore require more parking. No longer will local people be walking to this nightclub. The car parkers race up and down the streets to deliver the cars quickly. Gone is the peaceful evening enjoyment of our dog walks. Speeding cars risk injury to local residents. The onus for enforcing speeding, illegal u-turns, left turns off the ocean block of Seaview and parking compliance falls on the residents. This is not their job. It is your job to protect our neighborhood and to enforce the spirit of the zoning code.

The Council needs to consider the pressure on the Sea streets from already deficient parking. We have overflow from the Four Arts, the Day School, and the Rec Center all day long. New businesses are coming into the empty stores on S. County Road. Where will their customers park during business hours if all the parking on S. County is taken up by the Club members?

This project's future applications for roof-top dining and outdoor dining will surely be coming should this 'nose of the camel under the tent' application be approved. The precedent which granting a special exception for this intensified use will not stop here at 264. Uphold the letter and the spirit of the zoning code. Deny this application which is incompatible with the code, the neighborhood and the Town.

Sincerely,

Anne and Charlie Pepper
333 Seaspray Ave

February 6, 2018

Dear Mayor Coniglio and Members of the Palm Beach Town Council,

My husband and I would like to add out voices to the members of our neighborhood opposing the approval of the Carriage House Club (CHC). We have noted that the proposed club would:

(1) Clearly violate the stated goals for a C-TS zone
(2) Violate the permitted uses for a retail establishment in a C-TS zone
(3) Impose safety hazards via the hours of operation and the parking limitations in residential neighborhoods

We would like to focus on some of the Quality of Life concerns:

(1) Loss of Neighborhood Parking Spaces:
We enjoy entertaining friends at our home. Many of our friends are in their 70's and 80's. They need the convenience of nearby parking. If CHC valets are vying for available parking spaces each evening, this would put a terrible burden on those of us who live here and need convenient evening parking for our guests. Not all of us can afford to hire our own valets for small parties.

(2) Reckless Endangerment:
Having valets, CHC patrons and employees vying for available parking spaces on our residential streets is a safety hazard. This will primarily occur in the evening when light is dimming or when darkness obscures clear vision.

(3) Noise and Disturbance:
The late night hours of operation for CHC will insure that valets and patrons are on our residential streets as late as 2 am. With three bars available in the proposed Club, we think it's reasonable to conclude that there will be noise at night – long after many of us have gone to bed and do not want to be disturbed.

We believe the excellent research done by Steve Greenwald and Carol LeCates makes a strong case against granting a "special exception" to allow the Carriage House Club to go forward as proposed. Their research on zoning and planning regulations and statutes shows that approving such a club clearly

violates the current zoning regulations and over-rides C-TS guidelines in a way that will create a dangerous precedent for all Palm Beach residents.

We elect our Town Council and believe that their primary concern is protecting residents and promoting the town's and residents' best interests. This includes our safety, well-being and quality of life.

The current Carriage House Club proposal has the potential for a myriad of negative impacts on many Palm Beach residents. We implore you not to let this happen.

Respectfully Yours,

Pat and Mike Hertzberg

129 Seaspray Avenue

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: proposed club on South County Road
Date:	Wednesday, February 07, 2018 3:17:00 PM

From: acblj33480@gmail.com [mailto:acblj33480@gmail.com]
Sent: Wednesday, February 07, 2018 11:50 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: proposed club on South County Road

February 6, 2018

To the Town Council of Palm Beach:

My name is Ann Biggs Jackson. I live at 135 Seaview Avenue where I have owned my house for over 40 years. Unfortunately, a long-planned trip out of town prevents me from coming to the Town Council meeting, so I am writing instead.

I am shocked that the town has not satisfactorily informed residents of the "Sea" streets area of the proposal of a private club at 264 South County Road. I have gotten no notice of it. I have just found out about it. I am appalled that the Town Council would consider approving the application for this club, especially without it having an appropriate parking plan that would insure the peace and safety of the surrounding residents. I live in the ocean block of Seaview Avenue which is the side street closest to the location of the proposed club. How tempting for members and parking valets to use this street for parking as they have no parking lot to handle the members' cars.

Let me remind you that Seaview is a narrow one-way street with parking on only one side. There is permit parking only during the day. After 5:30 PM, many of the residents of houses here depend on that parking for their own use and that of their families and guests. If I have a dinner party, where are my guests going to park if the spaces on the street are filled with the cars of members of this proposed club? I can tell you that I also certainly do not look forward to valets running up this street at 2 AM to collect parked cars and then zooming down the street to deliver them to waiting owners, probably making illegal left hand turns onto County Road to do so. And not just valets, the club patrons at 2 AM have probably been partying and drinking. I don't want a bunch of rowdy drunkards roaming my street in the middle of the night, being noisy, driving badly, breaking into cars and houses, and causing a general disturbance. These "Sea" streets are home to many families with small children. I fear for our safety and security.

And night time parking is not the only concern. The middle block of Seaview is also one-way. And with 2 schools and the Recreation Department and tennis courts, the traffic during the day can be extremely heavy. Will the club expect its members to be able to park there too?

The number of people being considered to occupy the premises is also a huge concern. For many years Doherty's, and then "264" restaurants only occupied half of the space that "264" eventually occupied when it expanded into the Carriage House space. And, I understand that, even that

expanded space only allowed for 118 people. Available public parking on County Road was apparently sufficient for this number. Now I have seen the numbers 248-350 patrons bandied about as the capacity. What about staff and employees? Where are they all going to park? What are you thinking?

And then there are the "town serving" requirement and square footage limits in the Town Code. Council members, take a look at the zoning map to remind yourself of the limits mandated in this area. I shouldn't have to point his out to you. Please, remember that you are town serving too, not developer serving.

I am sure that my neighbors on Seaspray, Seabreeze and Clarke Avenues share my aversion to the proposal of this club. To allow it to happen is unforgiveable. It will turn the most peaceful midtown neighborhood in Palm Beach into a crowded, dangerous and noisy area. Heaven knows we put up with enough construction and landscaping traffic during the day, there isn't enough parking for them either and makes not only parking, but driving difficult. This club expects to use the same areas for their parking? I can only imagine what impact this will have on our property values. We are paying enormous property taxes for our residences and won't stand for this commercial intrusion into our neighborhood. Yet you, the Town Council, is seemingly willing to ignore our concerns for our safety, security, privacy and serenity. It is disgraceful. How would you like this intolerable situation in your backyards?

The developer of this club should have considered the parking situation, occupancy caps, and code restrictions before embarking on this deplorable project. The Town Council absolutely should not allow it to happen.

Yours Sincerely,

Ann Biggs Jackson

Sent from Mail for Windows 10

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Kathleen Ruderman
Subject:	FW: Carriage House - Comprehensive Plan
Date:	Wednesday, February 07, 2018 3:17:30 PM
Attachments:	Fl.Comp.Plan.png

From: Carol LeCates [mailto:clecates@comcast.net]
Sent: Wednesday, February 07, 2018 1:06 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; John C. Randolph <jrandolph@jones-foster.com>
Subject: Carriage House - Comprehensive Plan

Dear Mayor and Council,

Please see the attached excerpt from the Florida Statutes for language regarding the legal status of comprehensive plans and the requirement for development orders and town codes to be consistent with them. The relevant section is 163.3194 (1) (a) and (b).

http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3194.html

For discussion, please also see this link:
https://floridaldrs.com/2011/02/27/consistency-with-the-comprehensive-plan/

From what I have read, the requirement for consistency with the comprehensive plan supersedes all other conditions for approval of a special use. The case law highlights density and intensity goals in particular. Due to the magnitude of the increase in intensity of the Carriage House over previous uses (11,000 s.f. across 2 separate structures vs. the previous under 3,000 s.f.restaurant in one structure with 118 seats) and the stated goals of the plan to reduce intensity in the district, the application fails to meet this requirement. (This is definitive factual evidence.) Therefore, from a legal perspective, it cannot even be reviewed for meeting special use conditions, which themselves include a requirement that the use must comply with all elements of the comprehensive plan. The requirement for consistency with the plan at both the state and local level is the paramount standard by which this use must be judged. If a code section is inconsistent with the plan, then the section must be amended for consistency before an application under that section can be considered.

A few additional notes:

- The special use is actually being spread across two separate parcels. Is there a unity of title? If not, what would be the use designation of 270 S. County?

- On parking impact on the Sea streets: If the town is forced to remove public parking from several neighborhood streets by instating permit-only parking, or if it places the burden of monitoring parking violations on the residents and police, then it is clear that the use on its own cannot meet conditions 3), 4), and 14). Approval of a special use should not require any burden on residents or the police in order to enable the use; the use must stand on its own in meeting all conditions.

Respectfully,

Carol LeCates

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My Florida House Sunshine Facts

The 2017 Florida Statutes

Title XI
COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS

Chapter 163
INTERGOVERNMENTAL PROGRAMS

View Entire Chapter

163.3194 Legal status of comprehensive plan.—

(1)(a) After a comprehensive plan, or element or portion thereof, has been adopted in conformity with this act, all development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be consistent with such plan or element as adopted.

(b) All land development regulations enacted or amended shall be consistent with the adopted comprehensive plan, or element or portion thereof, and any land development regulations existing at the time of adoption which are not consistent with the adopted comprehensive plan, or element or portion thereof, shall be amended so as to be consistent. If a local government allows an existing land development regulation which is inconsistent with the most recently adopted comprehensive plan, or element or portion thereof, to remain in effect, the local government shall adopt a schedule for bringing the land development regulation into conformity with the provisions of the most recently adopted comprehensive plan, or element or portion thereof. During the interim period when the provisions of the most recently adopted comprehensive plan, or element or portion thereof, and the land development regulations are inconsistent, the provisions of the most recently adopted comprehensive plan, or element or portion thereof, shall govern any action taken in regard to an application for a development order.

(2) After a comprehensive plan for the area, or element or portion thereof, is adopted by the governing body, no land development regulation, land development code, or amendment thereto shall be adopted by the governing body until such regulation, code, or amendment has been referred either to the local planning agency or to a separate land development regulation commission created pursuant to local ordinance, or to both, for review and recommendation as to the relationship of such proposal to the adopted comprehensive plan, or element or portion thereof. Said recommendation shall be made within a reasonable time, but no later than within 2 months after the time of reference. If a recommendation is not made within the time provided, then the governing body may act on the adoption

Dear Mayor and Council,

As a resident of 218 Seaspray Ave., I oppose the Carriage House Club proposal for a special exception use and support staff recommendations against granting approval. I believe that what is happening here is being done without measured consideration and impact.

Congestion and safety on these streets is already an issue that can only be understood by one who lives there. Parking for staff, construction vehicles, beach visitors, The Four Arts and school traffic are a daily battle for the residents. At any given time the race for a space is ongoing.

Parking cannot be considered without acknowledging the impact on the residential geography. Conditions that require individuals to use the valet cannot be enforced. Especially by a governing body such as the Council on a daily basis. It is a fact that some patrons will prefer to park their own cars (due to cost) and they will do so on the adjacent streets. In its application, the applicant referred to "ample parking on the surrounding streets". This simply is not the case. That assumption alone indicates that they too assume that parking on the streets will be available for their Club's needs. Both for the Valet (a for profit private contractor) and for the frugal patron. Private contractors should not benefit monetarily at the discontent and expense of the residents. I cannot see how the Council can allow this to happen. It is an obvious abuse of assumption.

The blocks of Seaspray and Seabreeze Aves. will bear the first streets chosen for people looking to park in proximity to their destination. Public parking has been eliminated several years ago in an agreement made by the town in conjunction with the midtown beach restrooms being built. . Since then, the middle blocks have seen a large increase in parking, and debris left by these parked cars both by beach users and especially by construction vehicles. As a resident it is very difficult to exit one's driveway with so many parked vehicles on the street. Asking the middle blocks now to take on the additional burden of night-time club parking as well as the late hours of proposed operation is preposterous and onerous to the residents of the Sea Streets and Phipps Circle. Because of this, the application cannot meet the town-serving requirement for additional space/seating. This alone should vacate the request as a NO vote!

Regarding conditions to be met for a special use, we find Carriage House to be deficient in many of them has been pointed out in a previous resident's memo of opposition: These are the Town's guidelines. They are already in place. Please adhere to them.

- Public safety and welfare will be negatively impacted by increased traffic and parking. The town's own staff have commented on this at length and their concerns are backed by an outside consultant's parking study. Additional lunch time traffic and parking on Seaview will put stress on a street that already serves two schools and the town recreation center. Seaspray and Seabreeze will suffer as outlined above, as solely residential streets that are forced to bear the consequences of a commercial intensification at their doorstep.

- Property values on the Sea streets will most certainly be negatively impacted.

- The intensification of use will not be compatible with adjoining residential development, but rather will hurt it.

- There will most certainly be an added burden on municipal police and fire protection services, due to more than doubling the number of seats at 264 S. County. Intensification involving more traffic and more people will always increase the burden on public safety services and is too often overlooked in a municipality's enthusiasm for added tax revenue. The additional expenses almost always outweigh the revenue.

Approval of this application would also be in direct contravention of goals stated in the Executive Summary (page I-5) of the town's Comprehensive Plan:

"POLICIES REGARDING CHANGE
While many of the Town's concerns regarding growth control originated in a desire to maintain a high quality of life and a small town character, many issues are clearly related to State-wide efforts to curb growth when the facilities needed to serve new development are not available.
The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth:
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, including the use of this Comprehensive Plan, 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, where possible, and to minimize tourism inflow."
(Emphasis ours.)

Regarding the conditions of operation, we are opposed to increasing the number of seats from 118 to 248 and believe that the town would be far better served by a first floor restaurant at 264 S. County with the same number of seats it had in its prior use. We also are opposed to the hours of operation, most especially the 2:00 a.m.closing on weekends.

What more needs to be conveyed to the Council that this is enormous concern to the residents in the vicinity. You must vote NO to granting this exception.

Thank you for your consideration.

Respectfully,

Rick Pollock
218 Seaspray Ave

I concur that the parking plan is untenable,

2/03/18

315 Seaspray Ave
PB, FL 33480

From:	Cheryl Kleen
To:	Paul Castro
Cc:	Kathleen Ruderman
Subject:	FW: Carriage House Z-17-00020
Date:	Thursday, February 08, 2018 11:45:07 AM

From: seaspraypb@gmail.com [mailto:seaspraypb@gmail.com]
Sent: Tuesday, January 30, 2018 4:44 PM
To: Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: Richard Kleid <RKleid@TownofPalmBeach.com>
Subject: Fwd: Carriage House Z-17-00020

The Sea Streets are zoned and intended for residential use. Having temporary agreements for off street parking should not be a factor in the Town Council approving this project. Given the well known safety issues of crossing County Road, it is apparent to all, that what is told to the Town Council regarding "Valet Stands" promises,and enforcing same would be like trying to herd cats. Plus, parking agreements expire.

The size of the proposed club is double the size of the previous restaurant. The night hours are certainly longer. Sound is amplified on this island, and more so in mid town. We already have numerous construction sites operating, or waiting for permits in this area, in addition to landscapers and pool service companies. It is very difficult for residents(who buy decals,and placards in order to park somewhat near to their homes) to find parking.

Undergrounding is heading towards midtown as well.

Are we supposed to find all of this charming?

To approve this project is placing the convenience of a commercial enterprise above the basic needs of the resident tax paying voters. The Sea Streets are established residential neighborhoods with the zoning limitations of such. And, Phipps Park is a rare gem.

Children have walked to school, the recreation center, and the Four Arts Library for many decades from these neighborhoods. Do we wish to lose this?

As another neighbor wrote, " Congestion, Safety , AND Quality of Life!

Respectively,

Joan de Bie
164 Seaspray Avenue
34 year resident of ocean block

From:	Cheryl Kleen
To:	Paul Castro
Cc:	Kathleen Ruderman
Subject:	FW: Carriage House Club
Date:	Thursday, February 08, 2018 1:58:58 PM

From: Robert Benedickson [mailto:rwbenedickson@gmail.com]
Sent: Thursday, February 08, 2018 9:07 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Carriage House Club

Palm Beach council members,

I am writing to apprise you of my objection in no uncertain terms to the use of Seaspray Avenue as a parking lot and or circuit for the valet's of the proposed Carriage House Club. I am astonished that this proposal has even been considered. The 'sea" streets are very special part of a very special town. We chose to live here because of the quality of life in Palm Beach. We pay handsomely for that privilege. You're asking me and my neighbors to resolve an issue not of our making. I do not want cars unknown to me parking in front of my home. I do not want to valet's in a hurry speeding down Seaspray Avenue. WE already face the challenges of living close to the public and private schools. We'll soon be adding a large and more utilized rec center and what that entails and now we're being asked to accommodate a "private" club that is wildly nonconforming in it's size and scope. Please say no.

Thank you for your consideration,

Robert and Denise Benedickson
222 Seaspray Avenue

From:	Cheryl Kleen
To:	Gail Coniglio
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Re: Special Exception #Z17-00036/ 264 South County Road
Date:	Thursday, February 08, 2018 1:59:47 PM

From: David Feldman [mailto:DFeldman@camrost.com]
Sent: Thursday, February 08, 2018 9:15 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Cc: Angela Feldman <AFeldman@camrost.com>
Subject: : Re: Special Exception #Z17-00036/ 264 South County Road

Madam Mayor and Members of the Town Council,

My wife and I have lived in Palm Beach seasonally for more than ten years and recently moved into a newly built home at 160 Seaview Avenue. We particularly enjoy being on the ocean block of Seaview Avenue as it is an extremely quiet, child friendly, and a safe mews-like residential part of the street.
While our initial reaction to this application was somewhat favourable, we now realize the location of the subject property lacks the infrastructure for the proposed use.
It will create a seriously negative impact on the surrounding residential neighbourhood. The large size of the club for this in-town location does not have sufficient designated parking and a total lack of on-site parking for staff and patrons. Therefore, a commercial club use will unnecessarily overburden the neighbourhood with major parking, congestion and nuisance issues. Being close to the subject property and the applicant's proposed valet parking station, the ocean block of Seaview Avenue will be particularly impacted, as it will be the natural residential block that the commercial club will take over for its traffic flow and parking patterns. This would destroy the charm, quiet and safe nature of this mews-like residential block.

We are also concerned over the applicant's plan for there to be later than normal night hours of operation. This adds to the nuisance value to the overall neighbourhood. This further compels me to strongly object to allowing any night time parking for this proposed commercial club's use on any of our midtown streets in any of the blocks being ocean, middle, etc. The council should be most concerned and heed to the citizens' concerns for safety, residential quiet and integrity of midtown Palm Beach life

I urge council to reject this application as it contravenes the required findings of town council pursuant to the requirements of the town code governing special exceptions and is injurious to the area involved and detrimental to the public welfare.

This application is not for a proposed restaurant use for a slightly larger space than 3,000 square feet, but for a club which is proposed to be well in excess of the code requirement. A club use is a much more intense use than a restaurant use and this property does not have the infrastructure necessary to accommodate a large club.

Perhaps just as important, are the safety issues created by establishing a valet return station location across the street from the proposed club. South County Road is one of two (2) primary north south roads in the town. Speed limits on that road are the maximum speed limits in the town. To require that those using the club cross the street to access the proposed valet return location, perhaps after enjoying a drink or two, is a recipe for disaster.

In summary, there is no off street parking available on this property, so any parking, be it valet or on street uncontrolled self parking would necessitate the use of neighbourhood streets. Contrary to the Applicant's position, in practice, the valet attendants and patrons are not going to find the use of the lot on Royal Palm Way sufficient or convenient; they will use the closest available space being those in the surrounding residential neighbourhoods, the traffic generated by this use will overburden the neighbourhood, and hours of operation are excessive. In granting this application, council's action would directly conflict with the Comprehensive Plan's directive to prevent critical and dangerous overuse of the town's streets and parking resources thereby damaging the town's historic character and overall property values.

For the above reasons, I respectfully request that you deny this application.

Sincerely,

David Feldman,

as authorized officer for CORAL BEACH CORPORATION, registered owner of 160 Seaview Avenue.

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This message is for the designated recipient only and may contain privileged, proprietary, or otherwise private information. If you have received it in error, please notify the sender immediately and delete the original. Any other use of the email by you is prohibited.

From:	Cheryl Kleen
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Margaret Zeidman; Richard Kleid
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: proposed mid town night club
Date:	Thursday, February 08, 2018 2:00:26 PM

From: Wendy Bingham [mailto:wendy@aipartners.com]
Sent: Thursday, February 08, 2018 10:01 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Subject: proposed mid town night club

Dear Council

Thanks for taking on this thorny issue. We've already had some increased nefarious activity without a night club- but the character of the surrounding neighborhood is not to have a nightclub for 400 till 2am.

That may be a developer asking for too much so he can receive 100 people till 1 am- regardless, it does not seem like a fit. Our parking, noise level, too many people directly off the bridge- it would be horrible to see Clematis repeated in a schoolish neighborhood.

Additionally I have heard that Poinciana Plaza would like to have a night club. You know if this is true but have our neighborhood sandwiched by two nightclubs is not a great idea for preserving a quiet, mid town, normal school atmosphere.

I hope the council is taking steps to ameliorate this issue.

Thanks,

Wendy Bingham
345 Seaspray Ave
415 568-002

From:	Cheryl Kleen
To:	Gail Coniglio
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: 264 phipps plaza
Date:	Thursday, February 08, 2018 2:01:26 PM

From: Jerry [mailto:gmlmd17@aol.com]
Sent: Thursday, February 08, 2018 10:55 AM
To: Town Council <TCouncil@TownofPalmBeach.com>
Cc: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>
Subject: 264 phipps plaza

Dear Council members,

We are asking for your help to prevent an impending blight on our neighborhood and the town of Palm Beach. On Wednesday, February 14, at 11 AM the Town Council is voting to approve a private eating, drinking, music and entertainment club (the now defunct 264 restaurant building originally of 3000 sq. feet expanded to 11000 sq.ft. with annexation of adjacent building), which is on South County Road in the (residential) Phipps Plaza, across from Seaview Avenue and close to all the streets of our neighborhood. We have serious concerns about the approval for this request for the following reasons:

- **The developer is seeking approval to start with a 260 membership (with a 2 AM closure on the weekends) but is requesting 400 person occupancy of the building.**

- **They have insufficient parking and are requesting to use valet parking on the streets in the area. Although valet parking will be available only in the evening, the club will be open through the day thus requiring members to park on the streets if necessary.**

- **Parking difficulties require valet service on both South County Road on the west and Seaview Avenue on the east, requiring circuitous pickup and drop off which makes it**

dangerous since this is a busy section of South County Road.

- **A 30 to 50 person staff will be bused in from a depot in West Palm Beach or peddling to town on bikes.**

- **This area of the Town is already deficient in parking for the neighborhood shops and drugstore and would have a serious impact on those businesses.**

- **It is stated that half the members would be from out of town and the other half would be townspeople. However, people who would stay overnight , for example , at an in- town hotel could be considered for membership.**

- **Allegedly, the developer of this scheme stated that he wished to create a private club that he is fond of in London named Annabelle's. Enclosed are some pictures (published by that London club) of activities at Annabelle's. Is this what you want for Palm Beach?**

- **This application must be denied because of its negative impact upon the residents and their property value.**

We recognize your commitment to our neighborhood and thank you in advance for your help in this urgent matter

G.M.Lemole M.D. 124 Clarke Ave.

From Annabelles website:

Members club London

http://mediacdn.grabone.co.nz/asset/9t7eYStvPu/box=615x0

114 Clarke Avenue
February 8, 2018

Dear Madam Mayor and Members of the Town Council,

We would like to join our neighbors and fellow town residents who are opposed to the Carriage House private club in urging you to reject the club's application for an establishment that we do not feel is suitable or appropriate for its location at 264 and 270 County Road, and therefore no exceptions or variances should be approved by the Town Council.

Numerous letters have been sent to you outlining the negative impact such a club would have on those who live in the surrounding neighborhood or have businesses. Their letters, along with documents from Town staff, have also detailed the adverse impact on traffic in general, the additional burden placed on town staff to monitor for code violations and additional patrolling that will be required of our fine police department, not to mention the ever ending concerns over parking, noise and the question if this type of club is truly town serving.

We residents elected you to protect the quality of life that we enjoy in Palm Beach. We also elected you to protect the historic and peaceful characteristics of our town. We elected you to hear us when we speak up to voice our concerns, so please hear us now and reject their application.

Kind regards,

Roger and Melanie Lawson

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated January 30, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

January 30, 2018

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

RE: VAR 21-2017 218 Miraflores

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential. The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to the architecture only. Carried 5-2. The Architectural Commission deferred the landscape portion of the project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated January 30, 2018 from Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

January 30, 2018

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

RE: Z-17-00034 – 377 N Lake Way

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00042 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-A Estate Residential. The application of OCEAN VILLA HOLDINGS LLC, Owner, relative to property located at **1700 S OCEAN BLVD,** legal description on file, is described below. Site Plan Review to allow construction of a new 8,917 square foot two-story residence on a non-conforming platted lot which is 15,005 square feet in area in lieu of the 20,000 square foot minimum required in the R-A Zoning District and 100 feet in depth in lieu of the 150 foot minimum depth required in the R-A Zoning District. The following variance is being requested in conjunction with this application:
1) A request to have a building height plane setback of 53 feet in lieu of the 59 foot minimum setback required. 2) A request to allow the existing 3-4 foot wall to remain as screening for the proposed swimming pool in lieu of the 6 foot minimum height required when a swimming pool is located in the street side yard. 3) A request to eliminate the requirement to have a 6 foot tall hedge on the outside of the required wall. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting Per Letter Dated January 30, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated January 22, 2018 From Eubanks**
- **Exhibit A**
- **Exhibit B**
- **Exhibit C**
- **Exhibit D**
- **Exhibit E**

- **Exhibit F**
- **Exhibit G**
- **Letter Dated January 30, 2018 From Maura Ziska**

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4002
E-Mail: jeubanks@blesmlaw.com

605 North Olive Ave., 2nd Flr.
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

January 22, 2018

Via E-mail
Architectural Commission
c/o Richard Sammons, Chair
Town Council of the Town of Palm Beach
360 South County Road
Palm Beach, Florida 33408

Re: Objection to Application for Project Review #B-097-2017 ("Application") For Construction of New 9,658 Square Foot Home on 1700 S. Ocean Boulevard Adjacent to existing 3,673 Square Foot Home on 115 Parc Monceau, Including Consideration and Reliance on Properties Beyond 200 feet in Review of the Application.

Dear Mr. Sammons:

Our office represents 145 Anchor Properties of Vero Beach, Inc., and its principal, Judith Carter ("Adjacent Owner") the owner of that property located at 115 Parc Monceau ("115 Property") which is immediately adjacent to and abuts the west lot line of 1700 S. Ocean Boulevard ("1700 Property"). The Adjacent Owner objects to the Application by Ocean Villa Holdings, LLC and its principal Jagbir Singh ("Singh" or "Applicant") which proposes to replace the previously existing single story house which only had 4,000 square feet under air ("Former House") on the 1700 Property with a much larger two-story house having 9,658 square feet under air, on a non-conforming 100 foot lot within the R-A Residential District ("Proposed House").

As you may recall, the Former House on the 1700 Property, which was one of seven Clarence Mack designed homes in the Regency style built along the Parc Monceau cul-de-sac in the 1960s, was the subject of a request for a demolition permit in September of 2014 before the Architectural Commission ("ARCOM"). At that time, the Applicant's Architect, Jacqueline Albarran, asserted that the structure of the Former House had deteriorated and there was roof damage, cracked floors and mold issues which necessitated its demolition. While Ms. Albarran regretted that the home could not be restored, as reflected in the ARCOM minutes (attached hereto as Exhibit "A") she indicated that "she feels a great responsibility to design a new house which is ***completely compatible with the other six houses***." (emphasis added). Mr. Singh likewise indicated to ARCOM that he too "wanted to construct a new home which is ***as harmonious and compatible with the neighborhood as possible***" and was further quoted in an article in the Shiny Sheet (a copy of which is attached as Exhibit "B") that "[w]e ***do not want to build anything that looks out of place*** ... we want to do something which will ***make everybody happy***." Unfortunately, the Proposed House is far from compatible with the remaining six houses on Parc Monceau, is

excessively dissimilar to those homes within a 200 feet,[1] and clearly does not make the Adjacent Owner happy.

As you are aware, under the ARCOM Guidelines (as modified in 1997)[2] ARCOM's objective as set forth in Section 18-146(d) of the Town Code is to "***preserve*** various ***elements*** of urban ***beauty*** and require that ***new projects enhance the existing***." (emphasis added) To do so, the "essential ***foundation of beauty in communities is harmony***." *Id* (e) (emphasis added) As such, the Town Code and ARCOM Guidelines establish that it is the responsibility of ARCOM to "***ensure that properties are contextual, that they create harmony and ... achieve balance*** within the ***neighboring properties***." ARCOM Guidelines (emphasis added).

Parc Monceau was created by Clarence Mack as a tribute to the Palm Beach Regency style of architecture which, as defined within the ARCOM Guidelines, "has come to mean a ***one story***, symmetrical, flat roofed structure with classical ornamentation..." (emphasis added) As a result, the original homes constructed on smaller non-conforming lots in the RA District were primarily one story Regency Style homes of modest square footage, which included a maid/living quarters over the garage. In order to maintain balance and create harmony, the homes on each side of the street were essentially mirror images of each other while the homes at the end of the cul-de-sac were a variation of the same design. This harmony and symmetry also provided a unified entrance to the community from Ocean Boulevard. The home of the Adjacent Owner at 115 Parc Monceau, which has 3,673 square feet under air including a garage apartment, is a prime example of the neighborhood. A copy of the Property Appraiser's record reflecting the square footage of the Adjacent Owner's home is attached hereto as Exhibit "D."

By contrast, the Proposed House is over two and half times larger than the Adjacent Owner's home at a proposed 9,658 square feet under air including a full second floor and a basement, which stands at 44.27 feet tall to the top of the parapet, not including its taller decorative features. More importantly, as demonstrated by the streetscape from Parc Monceau (attached as Exhibit "E") the Proposed House is 13 feet 2 inches taller that the Adjacent Neighbor's House. As a result, due to the increase in both height and square footage, coupled with the downward slope of Parc Monceau, the Adjacent Owner's home will be dwarfed by the mass of the Proposed House, leaving Ms. Carter with little privacy and (as shown by the western elevation of the Proposed House attached as Exhibit "F") an imposing upward view of a retaining wall and the large mass of the Proposed House. The mass of the Proposed House is made even worse by the fact that the 1700 Property is a non-complying lot with 5,000 less square feet than normally required within the RA District under the Town Code. The Adjacent Owner will also suffer from a loss of light and breeze due to the design and height of the Proposed House. In addition, the dramatic increase in height of the Proposed House will alter not only the symmetry along Parc Monceau, but also along S. Ocean Boulevard, given that the Proposed House is both taller and much larger than the 4,000 square foot under air, 39.15 foot tall home located on 1720 S. Ocean Boulevard, which is the mirror of the Former House demolished by the Applicant. A copy of the Property Appraiser report for 1720 S.

---

[1] Section 18-205(a)(6) requires that a proposed building or structure is not excessively dissimilar in relation to other structures within 200 feet of the proposed site.

[2] A copy of the ARCOM Guidelines is attached hereto as Exhibit "C."

Ocean is attached hereto as Exhibit "G."

As a result, far from creating the harmony and balance sought by the ARCOM Guidelines and Town Code, or living up to Mr. Singh's promise to that the home would be ***"completely compatible with the other six houses,"*** the Proposed House would introduce discord and asymmetry into the Parc Monceau community, due to a shocking difference in height, square footage, and mass which not only will be clearly visible from Ocean Boulevard and Parc Monceau, but will also be overwhelming from the Adjacent Owner's home. As such, under the ARCOM Guidelines and objectives set forth in Section 18-146 of the Town Code alone, the Application should be denied.

The Application should likewise be denied under the standards of Section 18-205(a) of the Code. Among the applicable guidelines, subsection (6) of 18-205(a) provides that ARCOM must determine whether:

The proposed ***building or structure*** is ***not excessively dissimilar in relation to any other structure existing*** ... ***within 200 feet of the proposed site*** in respect to one of more of the following features:

a. ***Height of building*** or height of roof;
b. Other significant design features including, but not limited to, materials or quality of architectural design.
c. ***Architectural compatibility***;
d. ***Arrangement*** of the components of the structure.
e. ***Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.***
f. Diversity of design that is ***complimentary with size and massing of adjacent properties.***
g. Design features that will ***avoid the appearance of mass*** through improper proportions.
h. Design elements that protect the ***privacy of neighboring property***.

(emphasis added)

Based upon the above, even a cursory review of the Application and the submittals in support thereof demonstrates that the Applicant has failed to meet standards a, c, d, e, f, g, and h of Section 18-205(a). As such, ARCOM should deny the Application.

In and effort to draw attention away from the sheer size and bulk of the Proposed House, which makes it excessively dissimilar in relation to other homes within 200 feet, the Applicant has included both a street scape along S. Ocean Boulevard as well as pictures[3] of homes which are

[3] Again, under Section 18-202 only pictures of those properties "200 feet in either direction from the proposed construction" are to be included in an application.

clearly in excess of 200 feet from the Proposed Home. ARCOM cannot accept, review, or consider, much less rely upon as evidence of compliance, those homes and structures outside of the 200 foot limit[4] as to do so would constitute reversible error as a violation of the essential requirements of the law contained in the Town Code. Nevertheless, the Applicant appears to be urging such error on the ARCOM members by including streetscapes and pictures of homes and structures from as far away as 1742 S. Ocean Boulevard to the South and 1640 S. Ocean Boulevard to the north.

The plain language of Section 18-205(a)(6) is clear, the analysis to be performed by ARCOM is ***not to review*** whether other Regency homes, or even homes with much larger dimensions, have been approved throughout the Town or whether prior ARCOM Commissions may have approved somewhat similar homes. Instead, the Application must stand on its own based solely upon an examination of those homes within 200 feet under the Town Code.

As detailed above, the height, appearance, mass (both from the street and neighboring properties), along with the lack of privacy from the neighboring properties makes the Proposed House excessively dissimilar to the other homes within 200 feet, as well as creates a lack of balance, symmetry and harmony within both the Parc Monceau cul-de-sac and along S. Ocean Boulevard. As such the Proposed Home fails to meet the applicable ARCOM Guidelines and Section 18-146 of the Town Code as well as the mandates of Section 18-205(a)(6). Therefore, the Adjacent Owner respectfully requests that the Application be denied.

Very truly yours,

John R. Eubanks, Jr.

cc: ARCOM Committee Members
John Lindgren, Planning Administrator
John C. "Skip" Randolph, Esq.
Town Clerk, Town of Palm Beach (Via E-mail & Hand Delivery)

[4] Such homes which cannot be considered include, 1742 S. Ocean Blvd, 1676 S. Ocean Blvd., and 1640 S. Ocean Blvd., all of which are all (improperly) included on the Applicant's proposed S. Ocean Blvd. Streetscape.

B - 110 - 2014 Demolition
Address: 1700 S. Ocean Boulevard
Applicant: Jagbir Singh (Ocean Villa Holdings, LLC)
Architect: Jacqueline Albarran, Architect P.A.
Project Description: Demolition of existing house, pool, patios, and driveway. Existing perimeter landscaping remains. New irrigated lawn as per code.

Call for disclosure of ex parte communication: Disclosures by several members

ARCHITECTURAL PRESENTATION BY: Jacqueline Albarran
OTHERS WHO TESTIFIED: Jagbir Singh, property owner, Paul Castro, Zoning Administrator, and Maureen Donnell, neighbor

Mrs. Albarran provided the demolition report for this Clarence Mack designed home built in 1960. This is one of seven Clarence Mack designed homes in the Regency style at Parc Monceau. She explained that the structure is deteriorated with roof damage, cracked floors, and mold issues. All of the perimeter walls and landscaping will remain, except for the palm and shrubs which are close to the house. She noted that her client has removed a deteriorated chainlink fence, but will be happy to replace it with whatever makes the neighbor satisfied. Mrs. Albarran noted that the existing structure is in the setback and is non-conforming. She noted that she and other professionals have opined that demolition is the correct course of action for this particular home, as opposed to the normally preferred restoration/rehabilitation. Mrs. Albarran stated that she feels a great responsibility to design a new house which is completely compatible with the other six houses.

Mr. Lindgren read several letters into the record: (1) Letter dated August 27, 2014 from Mrs. John R. Donnell, 1690 South Ocean Boulevard, strongly objecting to the demolition; (2) letter dated August 27, 2014, from Geoffrey Caraboolad, 300 Parc Monceau, strongly objecting to the project; and (3) letter dated September 19, 2014, from Attorney Charles D. Barnett representing the owner of 124 Parc Monceau wherein he cites no objection to the project.

Mr. Castro offered his comments relative to the discussions that he and Mr. Lindgren had earlier this week with Mrs. Donnell. He explained that Mrs. Donnell's main concern is the proposed demolition of this house since it is obvious that these homes were built as a unified development. She was also upset that the chainlink fence, which she believes is on her property, was removed.

Maureen Donnell, stated that she had previously lived at 300 Parc Monceau for 24 years and more recently at 1690 South Ocean Boulevard. She stated that demolition of any of the Mack homes on Parc Monceau has never been requested until now. Owners have gutted the interiors, but have preserved the facades, and she advocated for the same course of action for 1700 South Ocean Boulevard.

Commission Comments: Are they creating a hardship for themselves by demolishing the house?; has the house been reviewed by a structural engineer?; this house is a "bookend", and would be difficult to re-build; Clarence Mack is an important architect…this house is a piece of a group; it is too bad that this is a situation of neglect; be really careful with what you put back there.

Mr. Page stated that the Town Attorney, Mr. Randolph, has previously advised that unless the house is landmarked or is under consideration for landmarking, an owner is entitled to demolish the property.

EXHIBIT A

Mr. Singh, the property owner, testified that he worked as a professional structural engineer in New Jersey for 20 years. He stated that this property has been ignored and is unfortunately not able to be saved. The safety of workers must be considered. He stated that he likes the architecture of the home, and wants to construct a new home which is as harmonious and compatible with the neighborhood as possible.

Mrs. Vanneck responded to the owner that they have every right to demolish the house, but she urged them to see if the house can be landmarked to allow the house to be re-built in the same footprint.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED. (WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.)
MOTION SECONDED BY MR. KARAKUL.
MOTION CARRIED 5-2, WITH MR. IVES AND MR. VILA OPPOSED.

B - 111 - 2014 Demolition
Address: 309 Dunbar Road
Applicant: Elizabeth Sorel
Architect: MP Design & Architecture
Project Description: Demolition of existing residence

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Caroline Forrest, MP Design & Architecture

Ms. Forrest provided the demolition report for this one story residence built in 1955. All perimeter landscaping on the north, east and west property lines will remain, along with the southernmost Banyan tree, the 3 Foxtail Palms and the Seagrape tree.

MOTION BY MRS. VANNECK FOR APPROVAL AS PRESENTED WITH THE TYPICAL CAVEATS FOR SODDING AND IRRIGATING WITHIN 30 DAYS.
MOTION SECONDED BY MR. GARRISON.
MOTION CARRIED UNANIMOUSLY.

B - 112 - 2014 Renovation and Addition
Address: 180 Barton Avenue
Applicant: 180 Barton, LLC
Architect: SKA Architect + Planner/Patrick W. Segraves, A.I.A.
Project Description: Renovation and addition of existing two-story residence, first floor addition of master bedroom and bathroom, renovation to north and west elevations

Call for disclosure of ex parte communication: No disclosures

ARCHITECTURAL PRESENTATION BY: Patrick W. Segraves, SKA Architect + Planner

Mr. Segraves presented the project in accordance with the submitted plans. Design elements include: Master bedroom and bath addition on west side; fenestration changes; retain existing landscaping, pond, double bridge, and coquina pool and patios; add quoins; add wooden plank

74°

THE SHINY SHEET®
Palm Beach Daily News

LOG IN

Change knocking at door of South End enclave

NEWS By Darrell Hofheinz - Daily News Real Estate Writer

0

Posted: 11:00 a.m. Sunday, September 14, 2014

Although he once had plans to renovate it, the new owner of a deteriorated 1959 oceanfront house has changed direction. **Jagbir Singh** will seek the town's permission to raze and replace the former home of the late animal activist Gertrude Maxwell Hurwitz.

The Palm Beach Regency-style house at 1700 S. Ocean Blvd. stands at the entrance to Parc Monceau, an enclave of similar houses developed by builder Clarence Mack about 50 years ago on the South End cul-de-sac. Although the houses lack landmark protection, none has been razed, lending the neighborhood visual and historical consistency.

Singh's demolition request has raised a few eyebrows, although he told the *Shiny Sheet* his new house will be "completely harmonious" with the neighboring architecture, which he described as "elegant."

Before Singh bought it, the house had been encumbered by code-violation fines and liens, a result of the financial distress of the estate of Maxwell Hurwitz, who died in 2011. The property changed hands in April for an undisclosed sum – said to be about $5 million — in a so-called "short sale" approved by its mortgage lender.

EXHIBIT B

Singh said preparatory work for his planned renovation revealed the house was in such bad shape that renovating would be neither time- nor cost-effective. He said he liked the Palm Beach Regency style and was disappointed to have to revise his plans for it.

"We did a lot of investigations. The home was ignored for quite some time. All of the building systems – electrical and mechanical – are gone, inside and out," Singh said. "We don't want to build anything that looks out of place. We want to do something that is a masterpiece, that will make everybody happy."

Related

South End sale a saga of debt and delays

Palm Beach architect **Jacqueline Albarran** is involved in the project. But the look of the new house hasn't been finalized, said Singh, a businessman who co-owns the property with his wife, **Sarla**, through an ownership company. They have a home in Manalapan and plan to use the new Palm Beach house for family members, Jagbir Singh said. Real estate agent **Ashley McIntosh** of **Douglas Elliman** acted on their behalf in April's sale.

Neighbor opposed

With clean-lined silhouettes, restrained classical details and flat roofs — often sporting decorative urns — Parc Monceau's seven houses date to the late 1950s and early '60s, as do a few similar ones nearby. About a half-mile north of Sloan's Curve, the ocean-to-lake cul-de-sac is similar to another Mack development, Regent Park, just south of The Mar-a-Lago Club.

Among those worried about the impact of the Singhs' plans is neighbor **Geoffrey Caraboolad**, who owns a lakefront house at 300 Parc Monceau. His mother is **Maureen Donnell**, who owns the house immediately north of 1700 S. Ocean Blvd.

GUIDELINES: APPROVED BY THE ARCHITECTURAL COMMISSION 1/25/95
Modified by staff 2/10/97

The Architectural Commission's objective in establishing these guidelines is to streamline the approval process for projects requiring the commission's approval for construction in the Town of Palm Beach, The Town Council created the architectural commission for the express task to "preserve various elements of urban beauty and require that new projects enhance the existing." [18-146(d)]. The Architectural Commission Ordinance continues, "The essential foundation of beauty in communities is harmony." [18-146(e)] The commission "will provide the ultimate designers of individual structures with the larger contexts in which their particular works will be viewed." [18-146(c)] The Town Council clearly sets out the responsibility of ARCOM to ensure that projects are contextual, that they create harmony and do not disrupt the aesthetic quality of their surroundings, that they achieve a balance with the neighboring properties. "The proposed building or structure is in harmony with the proposed developments on land in the general area..." [18-205(d)] "The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features..." [18-205(g)] Because these criteria and the others listed in the ordinances are not specific, it is the purpose of these guidelines to SUGGEST specific ways in which the "beauty, spaciousness, balance, taste, fitness, charm and high quality" [18-205(a)] have been and may be achieved. These guidelines reflect a summary of decisions made by Architectural Commission members over the past several years and an attempt to distill certain characteristics of proposed projects which ARCOM encourages.

ACTIONS which may be taken by the Architectural Commission are as follows: ARCOM may approve, approve with conditions, deny, or defer the proposed project. A deferral allows the applicant to revise the project according to the suggestions of the commissioners and then resubmit the project at the next ARCOM meeting. Conceptual approval is sometimes given, although commissioners must be specific as to what exactly is approved and what will be subject to review in future meetings.

ARCHITECTURAL STYLISTIC INTEGRITY is encouraged at all times. A stylistic summary of predominant styles found in Palm Beach Follows:

Mediterranean Revival style homes usually have low-pitched (4 in 12) clay barrel tile roofs (s-tile roofs are occasionally found, but are less common due to the tradition of clay barrel tile use in older Palm Beach Mediterranean revival interpretations), semicircular or pointed arches, cast and carved stone ornamentation. The facade is often asymmetrical. Windows are usually no more than 20% of the surface and are divided. Casement or double-hung windows are more typical than awning windows, and are constructed of wood; clad wooden windows are also used. French doors are generally selected in lieu of sliding glass doors. Balcony balustrades are usually simple, casement and not overly ornate. Shutters are usually not used on Mediterranean styles, although concealed hurricane shutters are often designed as an integral part of the structure.

Bermuda style homes, a local variation of the **Colonial Revival** style, usually have steeply pitched (6 in 12) roofs with flat cement tile. The facade is often symmetrical, with columns and pilasters, pediments and other classical detailing. Windows usually represent no more than 20% of the surface and are often divided. Casement or double-hung windows are more than typical than awning windows, and are constructed of wood; clad wooden windows are also used.
Arched windows are usually semicircular and are used sparingly. French doors are generally selected in lieu of sliding glass doors. Balcony balustrades are usually simple cement and not overly ornate. Colonial or Bahama shutters frequently appear in this style. Columns and windows are rarely seen as two-story elements.

The so-called **Regency style** of Palm Beach has come to mean a one-story, symmetrical, flat roofed structure with classical ornamentation, including stucco banding, keystones, window surrounds, arched windows, pediments, columns and elongated windows with muntins (20% of surface area) with long colonial shutters.

The classic Regency style is similar to the **Georgian style** and is often represented by a symmetrical two-story structure, with a gently sloped, hipped roof of flat tile. There are occasional curved copper bay or porch roofs, curved side wall extensions, and fancy iron work tracery around porches.

Ranch style homes, which were predominantly built in the 1950's and 1960's in Palm Beach, are represented by asymmetrical, irregularly shaped and sometimes undistinguished one-story structures with low-pitched cement tile roofs and awning windows. While the north end has many examples of these houses, proposed projects of this style are so infrequent as to be nearly nonexistent. To avoid violation of ARCOM's too-dissimilar ordinance, however, applicants would be well advised to have their projects be sympathetic to this predominant style in size and height where possible.

EXHIBIT C

Property Detail

Parcel Control Number:	50434411020000030	Location Address:	115 PARC MONCEAU		
Owners:	145 ANCHOR PROPERTIES OF VERO BEACH INC				
Mailing Address:	BAY HOUSE 24 NORMANTOWN RD,EDITH WESTON RUTLAND LE1 5 8HD GREAT BRITAIN & NRTHRN IRELAND,				
Last Sale:	Not available	Book/Page#:	26389 / 1421	Price:	Not available
Legal Description:	PARC MONCEAU LT 3				

2017 Values (Current)

Improvement Value	$1,758,673
Land Value	$2,562,168
Total Market Value	$4,320,841
Assessed Value	$4,320,841
Exemption Amount	$0
Taxable Value	$4,320,841

All values are as of January 1st each year

2017 Taxes

Ad Valorem	$71,971
Non Ad Valorem	$661
Total Tax	$72,632

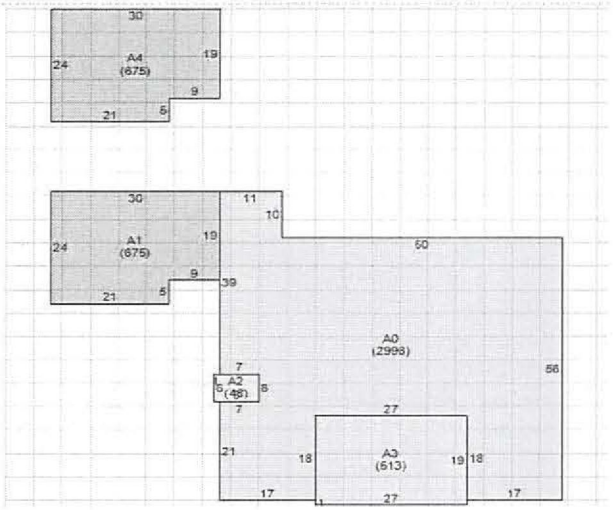
2018 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description	Area	Sq. Footage
BAS BASE AREA	1	2998
FGR FINISHED GARAGE	2	675
FOP FINISHED OPEN PORCH	3	48
FOP FINISHED OPEN PORCH	4	513
SFB SEMI FINISHED BASE AREA	5	675

Total Square Footage : 4909

Total Area Under Air : 3673

Extra Features

Description	Unit
WALL	520
PATIO	4800
POOL - IN-GROUND	76
WALL	350

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

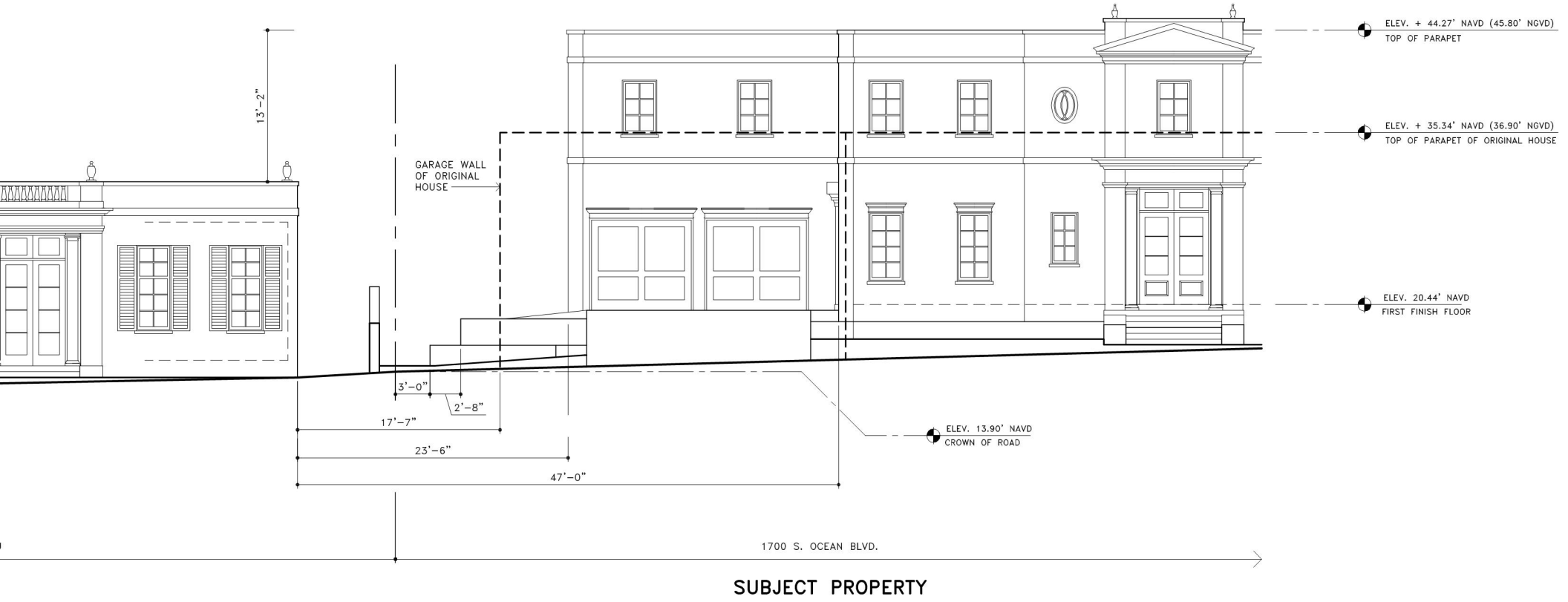
No	Description	
1.	Exterior Wall 1	CB STUCCO
2.	Year Built	1960
3.	Air Condition Desc.	HTG & AC
4.	Heat Type	FORCED AIR DUCT
5.	Heat Fuel	ELECTRIC
6.	Bed Rooms	5
7.	Full Baths	5
8.	Half Baths	2

Acres 0.2522

MAP

Owner: 145 ANCHOR PROPERTIES OF VERO BEACH INC PCN: 50434411020000030 1 of 1

EXHIBIT D



SUBJECT PROPERTY

EXHIBIT E

WEST PLANTING ELEVATION

EXHIBIT F

Property Detail

Parcel Control Number:	50434411020000080	Location Address:	1720 S OCEAN BLVD		
Owners:	RINKER RUBY S TRUST				
Mailing Address:	225 PPERUVIAN AVE,PALM BEACH FL 33480 4672				
Last Sale:	Not available	Book/Page#:	26310 / 1466	Price:	Not available
Legal Description:	PARC MONCEAU LTS 8 & 9				

2017 Values (Current)

Improvement Value	$1,140,076
Land Value	$4,258,475
Total Market Value	$5,398,551
Assessed Value	$5,398,551
Exemption Amount	$0
Taxable Value	$5,398,551

All values are as of January 1st each year

2017 Taxes

Ad Valorem	$89,923
Non Ad Valorem	$172
Total Tax	$90,095

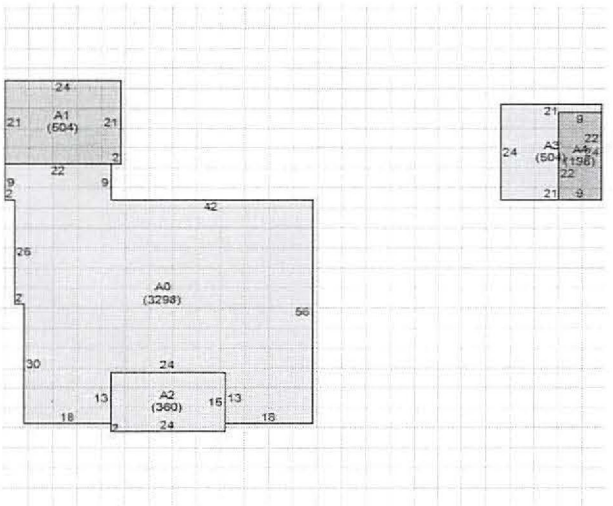
2018 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 1)



Subarea and Square Footage (Building 1)

Description		Area Sq. Footage
BAS BASE AREA	1	3298
FGR FINISHED GARAGE	2	504
FOP FINISHED OPEN PORCH	3	360
SFB SEMI FINISHED BASE AREA	4	504
BAS BASE AREA	5	198

Total Square Footage : 4864

Total Area Under Air : 4000

Extra Features

Description	Unit
WALL	900
POOL - IN-GROUND	84
PATIO	1100

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

Structural Details (Building 1)

No	Description	
1.	Exterior Wall 1	CB STUCCO
2.	Year Built	1959
3.	Air Condition Desc.	HTG & AC
4.	Heat Type	FORCED AIR DUCT
5.	Heat Fuel	ELECTRIC
6.	Bed Rooms	4
7.	Full Baths	5
8.	Half Baths	1
9.	Exterior Wall 2	N/A
10.	Roof Structure	WOOD TRUSS

Acres 0.56

MAP

Owner: RINKER RUBY S TRUST PCN: 50434411020000080 1 of 1

EXHIBIT G

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

January 30, 2018

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

RE: Z-17-00042 – 1700 S Ocean Blvd

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00047 VARIANCE(S) Zoning District: R-B Low Density Residential. The application of MANOOGIAN ARMEN A TRUST, Owner, relative to property located at **224 S OCEAN BLVD,** legal description on file, is described below. Construction of three dormers on existing third story. 1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable. 2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable. 3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code. [Applicant's Representative: Jose Gonzalez, Architect] [The Architectural Commission denied this project at the January 24, 2017 meeting. Carried 7-0.] **Request for Deferral to April 11, 2018 Town Council Meeting per Letter Dated February 2, 2018 From Jose Gonzalez**

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Letter Dated February 2, 2018 From Gonzalez**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Subject: **Z-17-00047 VARIANCE(S)**
224 S OCEAN BLVD

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Construction of three dormers on existing third story.
1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code.

ADDRESS: 224 S OCEAN BLVD

OWNER: MANOOGIAN ARMEN A TRUST

OWNER'S REPRESENTATIVE: GONZALEZ ARCHITECTS

PROPERTY CONTROL NO.: 50-43-43-22-07-000-5271

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD LTS 527 & 528
(LESS WLY 81 FT) & LTS 532 & 533

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 10/24/17

APPLICATION NO.: Z-17-00047 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 224 S OCEAN BLVD

DESCRIPTION:

Construction of three dormers on existing third story.
1. Sec. 134-893 (b)(10)b To allow a building height of +37'-7 1/2" in lieu of the 22'-0" maximum allowable.
2. Sec. 134-893 (b)(10)c 134-2: To allow an overall building height of 42'-1 3/4" in lieu of the 30'-0" maximum allowable.
3. Sec. 134-2 Definitions Building, height of (applicable only in the R-B districts) To allow dormer windows in a non-habitable third story space which is not permitted by Code.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	10/26/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	11/3/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	10/27/2017	This does not conflict with the adopted fire code
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	11/27/2017	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	10/30/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	10/27/2017	Installation of the dormers will not increase the building height of the existing home. ARCOM approval must be secured.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	11/9/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/28/2017	There appears to be no hardship to put dormer windows on the nonconforming third story of the house.

González Architects
Residential

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

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

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

February 2,2018

To Whom It May Concern:

The intent of this letter is to request a deferral of the Town Council review of the above-referenced property from the February 14, 2018 Agenda until the April 11, 2018 Town Council meeting.

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

Thank you,
Gonzalez Architects

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

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

e info@gonzalez-architects.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00051 SITE PLAN REVIEW Zoning District: RB Low Density Residential The application of STERANKA MICHAEL, Owner, relative to property located at **266 ORANGE GROVE RD**, legal description on file, is described below. Site Plan Review to allow the construction of a 2,900 square foot one-story, single family residence on a non-conforming platted lot which is 8,156.25 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 75 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review would not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project. The conditions are related to the architecture only. Carried 6-1.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Subject: **Z-17-00051 SITE PLAN REVIEW**
266 ORANGE GROVE RD

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 2,900 square foot one-story, single family residence on a non-conforming platted lot which is 8,156.25 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 75 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

ADDRESS: 266 ORANGE GROVE RD

OWNER: STERANKA MICHAEL

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-03-14-000-0250

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PLAT OF NEW SIEARS TRACT LT 25

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/30/17

APPLICATION NO.: Z-17-00051 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 266 ORANGE GROVE RD

DESCRIPTION: Site Plan Review to allow the construction of a 2,900 square foot one-story, single family residence on a non-conforming platted lot which is 8,156.25 square feet in area in lieu of the 10,000 square foot lot minimum area required in the R-B Zoning District and 75 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/7/2017	Will need to comply with new FBC floodplain provisions.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	11/9/2017	Applicant will need to provide stormwater collection under Sec. 86-95 of the Town Code. Applicant will also need to comply with driveway sight triangles and any applicable ROW Manual requirements.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/30/2017	There are no fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/31/2018	This project will require review and approval by the Architectural Commission (ARCOM) as a major noticed project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	11/9/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	12/4/2017	Site Plan Review approval must be given for new single family structure on a non-conforming lot. No Comment.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	11/9/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/28/2017	The proposed house meets all Zoning Code requirements with the exception of being built on a nonconforming lot.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: RB Low Density Residential The application of CARLSON GUSTAV TRUST &, Owner, relative to property located at **280 ORANGE GROVE RD**, legal description on file, is described below. 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review with variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the architectural portion of the project. The conditions are related to architecture only. Carried 6-1. The Architectural Commission deferred the landscape and hardscape portions of the project. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated February 1, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

- **Letter Dated February 1, 2018 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00052 SITE PLAN REVIEW WITH VARIANCE(S)**
280 ORANGE GROVE RD

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided.

ADDRESS: 280 ORANGE GROVE RD

OWNER: CARLSON GUSTAV TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-03-14-000-0230

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PLAT OF NEW SIEARS TRACT LT 23

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/30/17

APPLICATION NO.: Z-17-00052 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 280 ORANGE GROVE RD

DESCRIPTION: 1) Site Plan Review to allow the renovation of an existing one story residence by demolishing more than 50% cubic footage and raising the finished floor elevation of the house to 7.5 NGVD on a lot with a width of 75 feet in lieu of the 100 foot minimum required In the R-B Zoning District and an area of 8,156.25 in lieu of the 10,000 square foot minimum required in the R-B Zoning District. 2) A variance is being requested to allow the construction of a 116 square foot one story addition for a bathroom/bedroom that is proposed to have a 5.4 foot west side yard setback in lieu of the 12.5 foot minimum setback required for a one story structure. 3) A variance is being requested to allow the existing residence to remain non-conforming with no garage provided.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	11/17/2017	7.5 ft NGVD will not meet new FBC requirements if this work is permitted after 12/31/17. In addition all new elevation refrences should be made in NAVD the new FEMA map standard.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	11/17/2017	Revised site will be required to comply with any stormwater threshold requirements under Sec.86-95 of Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	11/30/2017	There are no fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/31/2018	This project will require review and approval by the Architectural Commission (ARCOM) as a major noticed combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	11/17/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	12/4/2017	An existing home is being renovated and properly elevated to comply with floodplain standards. It is proposed to expand the footprint by 116 sq. ft., necessitating a west side yard setback variance. Applicant just justify the necessity for the side yard setback variance.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	12/4/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/28/2017	There is no hardship for the variances that are being requested. The applicant shoiuld be required to meet all Zoning Code requirements when demolition of the proposed house exceeds 50% by cubic footage.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

February 1, 2018

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

RE: Z-17-00052 – 280 Orange Grove Road

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: B 3**, legal description on file, is described below.1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Letter Dated February 8, 2018 From Ross**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00054 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
313 1/2 WORTH AVE SUITE: B 3

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats.

ADDRESS: 313 1/2 WORTH AVE SUITE: B 3

OWNER: VIA 313 1/2 WORTH AVENUE LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

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

ZONING DISTRICT: C-TS Town-Serving Commercial

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

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/30/17

APPLICATION NO.: Z-17-00054 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 313 1/2 WORTH AVE SUITE: B 3

DESCRIPTION: 1) Special Exception with Site Plan Review is being requested to modify a previous approval (which granted Bice Ristorante 46 outdoor seats) to increase the number of outdoor seats from 46 to 82 (an additional 36 seats) for the seasonal months of November through April only. 2) A variance is being requested to provide zero (0) on-site parking spaces in lieu of the required 12 parking spaces that would be required for the additional 36 seats.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/7/2017	No comment.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	11/20/2017	No comment.

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/30/17

FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	12/1/2017	The Life Safety code addresses open courts in Chapter 7 subsection 7.7.1.1. The lay out that is proposed identifies the minimum space that is required for exit pathways. Unfortunately, when you add people into the spaces the minimum width, could not be maintained as required. The proposed seating plan reflects the way the business had expanded their seating without approval from the town last year. This was brought to our attention through complaints called into the fire prevention office. The operation of the business with the seating that is proposed, provided less than the required exit corridor width for people to exit the open air seating area. The proposed expansion of the open-air dinning area, still confines the people within the walls of the buildings and would not allow safe exiting from the area, in the case of an emergency. This also restricted the entrance and exiting from some of the other businesses that use the court for customers to have access to their businesses. NFPA 101 Chapter 7 Means of Egress 7.1.10.2 Furnishings and Decorations in Means of Egress. 7.1.10.2.1 No furnishings, decorations, or other objects shall obstruct exits or their access thereto, egress therefrom, or visibility thereof. 7.1.10.2.2 No obstruction by railings, barriers, or gates shall divide the means of egress into sections appurtenant to individual rooms, apartments, or other occupied spaces. Where the authority having jurisdiction finds the required path of travel to be obstructed by furniture or other movable objects, the authority shall be permitted to require that such objects be secured out of the way or shall be permitted to require that railings or other permanent barriers be installed to protect the path of travel against encroachment. 7.3.4 Minimum Width. 7.3.4.1 The width of any means of egress, unless otherwise provided in 7.3.4.1.1 through 7.3.4.1.3, shall be as follows: (1)Not less than that required for a given egress component in this chapter or Chapters 11 through 43 (2)Not less than 36 in. (915 mm) where another part of this chapter and Chapters 11 through 43 do not specify a minimum width 7.7 Discharge from Exits. 7.7.1 * Exit Termination. Exits shall terminate directly, at a public way or at an exterior exit discharge, unless otherwise provided in 7.7.1.2 through 7.7.1.4. 7.7.1.1 Yards, courts, open spaces, or other portions of the exit discharge shall be of the required width and size to provide all occupants with a safe access to a public way.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	I have no comment regarding this project.

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 11/30/17

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	11/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	12/4/2017	Code Enforcement has been called to this site many times to correct excessive outdoor seating complaints. Excessive outdoor seating interferes with safe, orderly public passage through the via. Adding more seats also requires additional off-street parking. A variance exempting the additional, required parking is also requested. Applicant must justify the necessity for the hardship.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	12/4/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	11/28/2017	The special exception request should not be approved to add additional seating to the restaurant. There is no hardship on the proposed varaince. If the applicant wants more outside seating, the seats should be taken from the inside capacity of the restaurant.

From:	Cheryl Kleen
To:	Gail Coniglio
Cc:	Paul Castro; Kathleen Ruderman
Subject:	FW: Bice Ristorante
Date:	Thursday, February 08, 2018 2:02:07 PM

From: Burke Ross [mailto:burke@eburkerossjr.com]
Sent: Thursday, February 08, 2018 11:10 AM
To: Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>
Subject: Bice Ristorante

Town Council Members,
I am writing to strongly support 313 ½ Worth Avenue's request to increase the number of outdoor seats from 46 to 82 for the seasonal months from November through April. Bice is one of my wife, Susan, and my favorite Palm Beach restaurants and we probably average going there more than once a week when we are in town from November to June. We have always requested an outside table and all of the Bice patrons that we know were severely disappointed when the outdoor seating was suddenly cut back last year.
My wife and I have never witnessed any occurrence in the outdoor seating area of Bice which would be regarded as negatively impacting either the surrounding stores or the nearby residents. In terms of the surrounding stores, quite the opposite, the more the outdoor seating, the more exposure these stores get and I know my wife occasionally sees something from our outdoor table which leads to a purchase.
Very truly yours,
E. Burke Ross, Jr.
****

E. Burke Ross, Jr.
172 South Ocean Boulevard
Palm Beach, FL 33480
Phone: (561) 833-4686
Cell: (561) 308-8733
E-Mail: burke@eburkerossjr.com

There has been a recent hack into my email account. If you see anything suspicious, please contact my assistant, Layla Rial, directly at 561-693-0835.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00056 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: C-WA Worth Avenue The application of PALM V ASSOC LTD, Owner, relative to property located at **240 WORTH AVE**, legal description on file, is described below. The applicant, Lilly Pulitzer, is planning to open a retail store on Worth Avenue in a portion (3,952 s.f.) of the previous space occupied by Hermes. A Special Exception with Site Plan Review approval is being requested to modify the storefront facade to include a portico, modify the existing second floor of a retail space in order to remove partition walls; and enclose an exterior stairwell. Also planned is a 106 square foot pergola addition to the courtyard, new paver and a fountain. The following variance is being requested in conjunction with this application: (i) A request for a variance for lot coverage of 72.7 % in lieu of the 72 % existing and 35% maximum allowed in the C-WA Zoning District. [Applicant's Representative: Maura Ziska] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Letter Dated January 10, 2018 From Herring**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: John S. Paul W. Castro, Zoning Administrator

Subject: **Z-17-00056 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
240 WORTH AVE

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant, Lilly Pulitzer, is planning to open a retail store on Worth Avenue in a portion (3,952 s.f.) of the previous space occupied by Hermes. A Special Exception with Site Plan Review approval is being requested to modify the storefront facade to include a portico, modify the existing second floor of a retail space in order to remove partition walls; and enclose an exterior stairwell. Also planned is a 106 square foot pergola addition to the courtyard, new paver and a fountain. The following variance is being requested in conjunction with this application: (i) A request for a variance for lot coverage of 72.7 % in lieu of the 72 % existing and 35% maximum allowed in the C-WA Zoning District.

ADDRESS: 240 WORTH AVE

OWNER: PALM V ASSOC LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

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

ZONING DISTRICT: C-WA Worth Avenue

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

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00056 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 240 WORTH AVE

DESCRIPTION: The applicant, Lilly Pulitzer, is planning to open a retail store on Worth Avenue in a portion (3,952 s.f.) of the previous space occupied by Hermes. A Special Exception with Site Plan Review approval is being requested to modify the storefront facade to include a portico, modify the existing second floor of a retail space in order to remove partition walls; and enclose an exterior stairwell. Also planned is a 106 square foot pergola addition to the courtyard, new paver and a fountain. The following variance is being requested in conjunction with this application: (i) A request for a variance for lot coverage of 72.7 % in lieu of the 72 % existing and 35% maximum allowed in the C-WA Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/22/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/31/2018	A sketch of the drainage system and coordination with the Landscape Architect are required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this application
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require Landmarks Preservation Commission review and approval as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	Worth Avenue time restrictions prohibit any construction work until May 1. Landmarks Preservation Commission approval must be secured. Check to see that lighting and signage comply with Code requirements.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	I have no comments on the site plan issues, however, there appears to be no hardship for the variance request.

WORTH AVENUE
PALM BEACH *Since 1938*

January 10, 2018

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

Dear Mayor & Town Council Members:

The Worth Avenue Association and its Board of Directors are very excited about Lilly Pulitzer's return to Worth Avenue and eager to see the history of the brand, founded in Palm Beach create its main flagship store on Worth Avenue. Bringing the Lilly Pulitzer story home, where it belongs, will create a greater iconic presence on the Avenue and generate more foot traffic as a "must see" destination. Added value will enhance our Historical Walking Tours during the season as a point of origin through the original location of the juice stand through fruition to the new flagship location and the international brand appeal.

We are also excited to preview the stores design lending to more movement in and out of the store and connecting with the Avenue and the Via. This will enable our Worth Avenue guests more interaction with the brand and the surrounding stores. The courtyard in the Via will create a more experiential environment for the guest to linger and generate more foot traffic for all the adjacent stores.

We are in full support of the trajectory of the Lilly Pulitzer project on Worth Avenue and we welcome them as members of the Worth Avenue Association.

Sincerely,

Marley Herring
President, Worth Avenue Association

POST OFFICE BOX P.O. Box 2126, Palm Beach, FL 33480 ADDRESS 256 Worth Avenue, Suite 312, Palm Beach, FL 33480
PHONE 561-659-6909 FAX 561-659-9898 E-MAIL info@worth-avenue.com
www.worth-avenue.com

WORTH AVENUE
PALM BEACH *Since 1938*

January 10, 2018

Palm Beach Landmarks Commission
360 South County Road
Palm Beach, FL 33480

To Whom It May Concern:

The Worth Avenue Association and its Board of Directors are very excited about Lilly Pulitzer's return to Worth Avenue and eager to see the history of the brand, founded in Palm Beach create its main flagship store on Worth Avenue. Bringing the Lilly Pulitzer story home, where it belongs, will create a greater iconic presence on the Avenue and generate more foot traffic as a "must see" destination. Added value will enhance our Historical Walking Tours during the season as a point of origin through the original location of the juice stand through fruition to the new flagship location and the international brand appeal.

We are also excited to preview the stores design lending to more movement in and out of the store and connecting with the Avenue and the Via. This will enable our Worth Avenue guests more interaction with the brand and the surrounding stores. The courtyard in the Via will create a more experiential environment for the guest to linger and generate more foot traffic for all the adjacent stores.

We are in full support of the trajectory of the Lilly Pulitzer project on Worth Avenue and we welcome them as members of the Worth Avenue Association.

Sincerely,

Marley Herring
President, Worth Avenue Association

POST OFFICE BOX P.O. Box 2126, Palm Beach, FL 33480 ADDRESS 256 Worth Avenue, Suite 312, Palm Beach, FL 33480
PHONE 561-659-6909 FAX 561-659-9898 E-MAIL info@worth-avenue.com
www.worth-avenue.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00057 VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of EPIC RPW LLC, Owner, relative to property located at **250 ROYAL PALM WAY SUITE: BLDG 1**, legal description on file, is described below. Section 134-2437(1) and (2): A request for a variance to allow a business identification sign to include the full name of the company, "Alex. Brown A Division of Raymond James" on a building without any ground floor tenants, thereby prohibiting a business identification sign by Code. [Applicant's Representative: David E. Klein Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00057 VARIANCE(S)**
250 ROYAL PALM WAY SUITE: BLDG 1

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-2437(1) and (2): A request for a variance to allow a business identification sign to include the full name of the company, "Alex. Brown A Division of Raymond James" on a building without any ground floor tenants, thereby prohibiting a business identification sign by Code.

ADDRESS: 250 ROYAL PALM WAY SUITE: BLDG 1

OWNER: EPIC RPW LLC

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-23-05-025-0411

ZONING DISTRICT: C-OPI Office, Professional and Institutional

LEGAL DESCRIPTION: ROYAL PARK ADD LOT 41 BLK E

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00057 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 250 ROYAL PALM WAY SUITE: BLDG 1

DESCRIPTION: Section 134-2437(1) and (2): A request for a variance to allow a business identification sign to include the full name of the company, "Alex. Brown A Division of Raymond James" on a building without any ground floor tenants, thereby prohibiting a business identification sign by Code.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/21/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	12/21/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM administrative approval from Town staff.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	12/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	Owner must justify hardship for variance justification.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	There does appear to be a hardship for the proposed sign variance. The Code only allows business identification signage based on the number ground floor tenans and lineal front footage of those tenants. As there are no ground floor tenants the Code technicially does not allow any business identification signage on the building.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject landmarked property. Carried 4-3.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Letter Dated January 8, 2018 From Botkin**
- **Letter Dated January 11, 2018 From Janssen**
- **Letter Dated January 12, 2018 From Givins**
- **Letter Dated January 14, 2018 From Graebner**
- **Letter Dated January 15, 2018 From Strasswimmer**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
323 CHILEAN AVE

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage.

ADDRESS: 323 CHILEAN AVE

OWNER: GILBERT MARK D &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-05-006-0420

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 42 TO 44 INC
BLK 6

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00058 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 323 CHILEAN AVE

DESCRIPTION: 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/22/2017	No Comment.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/30/2018	An Easement Installation and Removal Agreement shall be required for any Hardscape / Landscape to occupy the existing utility easement. Consent from all utility providers will be required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require Landmarks Preservation Commission review and approval as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	This property is landmarked, thereby necessitating LPC review/approval. Is the home being truly replicated, or are there significant design changes? The newly rebuilt structure must satisfy minimum floodplain elevation standards.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	There is a hardship in order to build a new single-family home on the nonconforming lot. However, there appears to be no hardship for the side yard setback variance.

ROBERT D. BOTKIN, PE
STRUCTURAL ENGINEERING CONSULTANT
Wellington, Florida – Weaverville, North Carolina
FL. PE 19304 – N.C. PE 10833
Mailing Address: 12775 Guilford Circle, Wellington, Florida 33414
Telephone: (561) 644-0596
RDBOTKIN@aol.com

Town of Palm Beach

8 January 2018

Re: Private Residence
323 Chilean Avenue
Palm Beach, Florida

Project No: SEC 16-029

To Whom it May Concern:

I conducted an inspection of the exterior and interior of the main residence and of the two story guest house on April 6, 2017. I returned on December 6, 2017 for a final inspection. The interior floor of the main house dining room slopes about 4.5" in a 17' span and in the living room about 4 " in a 15' span. The renovation, additions, replacement of the non-original roof, rotted floor structure, window replacement with impact units would leave an unstable building. the existing structure was completely reworked with four apartments (two per floor) in 1954. This caused structural changes, including removing a structural column and partially removing the chimney at the bottom to create a makeshift kitchen above to install the roof. Thus caused irreparable damage. The house was than reworked again around 1980 to create a single family residence, removing many of the previous divisions.

The original house was built in 1924, according to Town file documents. The exterior concrete trim components are reinforced with steel reinforcing bars and the bars have rusted and caused the surrounding concrete to spall with intrusion of salt water, as is typical with that generation and more recent generations of decorative concrete components and columns.

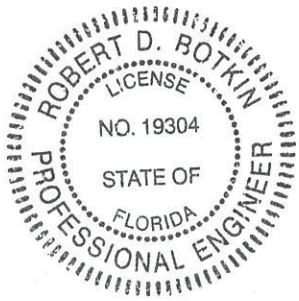
The foundation, as currently visible in the crawl space, consists of multiple block piers placed randomly under existing and new wood beams that have been added in an attempt to support the failing wood floor system.

It would be much more safe and efficient, in my opinion, to remove and replace the main house with a similar exterior in the proposed new location, which would provide a sound long lasting hurricane resistant structure.

Please contact me if there are any questions or if additional information is required.

Robert D Botkin, PE

RDBOTKIN@aol.com



JANSSEN CONSTRUCTION CORPORATION

January 11, 2018

Mrs. Jackie Albarran
SKA Architect + Planner

Palm Beach, Florida 33480

Re: Structural Condition of Existing Main Structure
323 Chilean Avenue
Palm Beach, Florida 33480

Dear Mrs. Albarran,

Regarding the referenced residential home in Palm Beach, Florida, we originally reviewed the structure in July of 2015 and again this past December of 2017. As discussed previously, the existing structure has had many alterations over the years, the structure has a deteriorating concrete foundation system, wood framed 1st floor and 2nd floor conventional framed flooring systems, and conventional framed roofing system. The previous renovations and alterations had structural bearing conditions removed, altered, modified, etc. which has left the existing structure in a state of disrepair. Additionally, the exterior window and door locations structural supports have deteriorated at the columns and headers

In conclusion, the proposed replacement of all windows and doors, roofing structure, additions, and reworking façade to match original photograph will be safer and more structurally sound if reconstructed new. I believe that the existing structure will not survive the projected work.

If you have any questions or require any additionally information, please contact me at your earliest convenience.

Best,
JANSSEN CONSTRUCTION CORPORATION

Benno 'Chip' Janssen, III
President
Cell 561.718.4222
Email bjanssen@janssenconstructionfl.com

Tim Givens
Building & Remodeling, Inc.

January 12, 2018

RE: 323 Chilean Avenue, Palm Beach, FL 33480

To Whom It May Concern:

I was asked to estimate the cost of renovating/ relocating the house at the address mentioned above.

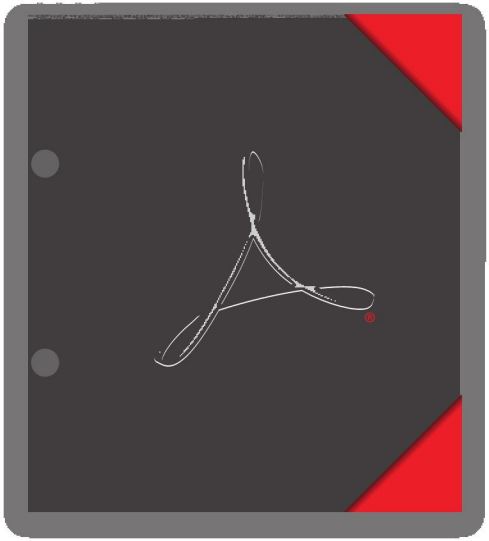
I have reviewed the plans and walked through the house to determine the feasibility of the proposed renovation. I have been involved in many landmark homes that were in very bad condition, but all had enough sound structure that we were able to work with the original and bring it back to life. It is my opinion that this house has gone through too many poorly executed alterations and has deteriorated to a point where the entire structure, including the foundation, would need to be replaced in its entirety.

Tim Givens Building & Remodeling has over 30 years of experience renovating and restoring landmarked properties in the Town of Palm Beach and surrounding municipalities.

Sincerely,

Tim Givens

5390 Georgia Avenue
West Palm Beach, Florida 33405
561.533.5828



For the best experience, open this PDF portfolio in Acrobat X or Adobe Reader X, or later.

Get Adobe Reader Now!

John Strasswimmer

317 Chilean Ave

561-659-7414
561-809-0026 cell
strasswimmer@mac.com

January 15, 2018

Town of Palm Beach

Dear Town Committee

My wife and I live very happily our home on Chilean Avenue. My neighbor has purchased a house at 323 Chilean Avenue. I understand he initially hoped to preserve a portion of the home. I have known that home at 317 Chilean since I moved here nearly 10 years ago and I could not anybody imagine anybody being able to preserve or even undo many of the changes that that the house had undergone. I therefor support his request to demolish the home and build a new one which will be a nice asset for our neighborhood

Sincerely yours,

JMS

John M Strasswimmer MD PhD

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-B Low Density Residential The application of REGALBUTO JASON, Owner, relative to property located at **160 SEABREEZE AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application: 1) a cubic content ratio ("CCR") of 7.08 In lieu of the 4.24 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area. 2) a lot coverage of 32.41% in lieu of the 30% maximum allowed in the R-B Zoning District for a two story residence. 3) east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence. 4) a west side yard setback of 11.5 feet In lieu of the 15 foot minimum required for a two story residence. 5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the architectural portion of the project at the January 24, 2018 meeting. Carried 5-2. The Architectural Commission conditionally approved the landscape portion of the project at the January 24, 2018 meeting. Carried 7-0. All approval conditions are related to the architecture and landscape only.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00059 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
160 SEABREEZE AVE

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application:

1) a cubic content ratio ("CCR") of 7.08 In lieu of the 4.24 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area.

2) a lot coverage of 32.41% in lieu of the 30% maximum allowed in the R-B Zoning District for a two story residence.

3) east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence.

4) a west side yard setback of 11.5 feet In lieu of the 15 foot minimum required for a two story residence.

5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace.

ADDRESS: 160 SEABREEZE AVE

OWNER: REGALBUTO JASON

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-06-000-1730

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK OF LT 177 LTS 173, 175 & W 1/2

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00059 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 160 SEABREEZE AVE

DESCRIPTION:

Special Exception with Site Plan Review to allow the construction of a new 3,629.46 square foot two story single family residence on a lot that is 62.5 feet in width in lieu of the 100 foot minimum required and 7,656.25 square feet in area in lieu of the 10,000 square foot minimum required in the R-B Zoning District. The following variances are being requested in conjunction with this application:
1) a cubic content ratio ("CCR") of 7.08 In lieu of the 4.24 maximum allowed in the R-B Zoning District for a lot that is 7,656.25 feet in area.
2) a lot coverage of 32.41% in lieu of the 30% maximum allowed in the R-B Zoning District for a two story residence.
3) east side yard setback of 6.2 feet in lieu of the 15 foot minimum required for a two story residence.
4) a west side yard setback of 11.5 feet In lieu of the 15 foot minimum required for a two story residence.
5) an east side yard setback of 7.5 feet in lieu of the 12.5 minimum required for the one-story covered terrace.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/21/2017	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/30/2018	To comply with Town Standards, all driveways shall be a minimum distance of six feet (6') from the property line. All driveways shall have minimum sight visibility triangles established measuring eight feet (8') by 15 feet on each side of the driveway. Residential driveway widths shall not exceed 14-foot wide.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	12/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	Owner must provide hardship justifying the necessity of 5 separate variances. A new home can be designed without the need for variances.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The proposed house to be built on a nonconforming lot should be designed to meet the existing Zoning Code provisions. The proposed cubic content ratio far exceeds the maximum allowed by Code. The lot coverage also should be required to meet the existing Code requirement. The side yard setbacks based on the width of the lot should be considered as the lot is narrow.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00060 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: C-OPI Office, Professional and Institutional The application of JHD ASSOCIATES LLC, Owner, relative to property located at **230 ROYAL PALM WAY SUITE: SITE**, legal description on file, is described below. *PLEASE NOTE: THIS PROJECT ENCOMPASSES 230 AND 240 ROYAL PALM WAY* 1) Site Plan Review to allow the construction of three (3) carport awnings totaling 6,359 square feet to provide covered parking for 38 parking spaces in the existing parking lot behind the building. The following variances are being requested to allow construction of the awnings: a) lot coverage of 40.2% in lieu of the 24.3% existing and the 25% maximum allowed in the C-OPI Zoning District. b) rear yard setback of 5.17 feet in lieu of the 10 foot minimum required In the C-OPI Zoning District. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission deferred the project to the February 28, 2018 meeting. Carried 6-1.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated January 30, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

January 30, 2018

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

RE: Z-17-00060 – 230-240 Royal Palm Way

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00061 SPECIAL EXCEPTION Zoning District: C-PC Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at **340 ROYAL POINCIANA WAY** legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**
- **Memorandum from Paul Castro dated February 2, 2017**
- **EHIBIT A**
- **EXHIBIT B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00061 SPECIAL EXCEPTION**
340 ROYAL POINCIANA WAY SUITE: SITE

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday.

ADDRESS: 340 ROYAL POINCIANA WAY SUITE: SITE

OWNER: SPIEGEL SIDNEY TR # 31520371

OWNER'S REPRESENTATIVE: GUNSTER YOAKLEY & STEWART PA

PROPERTY CONTROL NO.: 50-43-43-22-00-001-0050

ZONING DISTRICT: C-PC Planned Center

LEGAL DESCRIPTION: 22-43-43, TH PT OF GOV LT 1 LYG S OF S LI OF ROYAL POINCIANA WAY & W OF & ADJ TO COCONUT ROW IN OR3150P630 (LESS PAR IN DB592P478)

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00061 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 340 ROYAL POINCIANA WAY SUITE: SITE

DESCRIPTION: A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/22/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	12/22/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	I have no comments regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/31/2018	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	Outdoor promotionas should be designed to be low-key, low-impact, quiet events that do not disturb the greater community. The requested, proposed hours extend until 10:00 & 11:00 p.m. depending upon day of week. Consideration should be given to narrowing that permissible time frame to daylight hours only.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The request for outdoor promostional events at the Royal Poinciana Plaza does not provide any detail other than the hours of the events. More detail needs to be provided as it relates to the types and number of events. The way the application reads the restaurant could have outdoor amplified entertainment every night within the Plaza courtyard.

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Re: Z-17-00061, Special Exception, Proposed Declaration of Use Agreement for Outdoor Promotional Events at Royal Poinciana Plaza, 340 Royal Poinciana Way

Date: February 2, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement, as modified by Staff.

GENERAL INFORMATION

The Applicant, RPP Palm Beach Property, LP submitted a Special Exception application on December 19, 2017. The request is to allow unlimited outdoor promotional events in the Royal Poinciana Plaza central courtyard with the same hours as the approved outdoor dining hours for the restaurants. Those hours are 8:00 a.m. to 10:00 p.m. Sunday through Thursday and 8:00 a.m. to 11:00 p.m. Friday and Saturday. Other than the proposed hours of the events, there were no other proposed conditions outlined in the zoning application.

On February 1, 2018, Staff received an email of a proposed Declaration of Use Agreement from the applicant's attorney, James Crowley (Exhibit A attached). Based on the timing, Staff did not have the opportunity to go over the conditions in the proposed Agreement and Staff's recommended changes to those conditions. Staff has also not had time to thoroughly review other portions of the proposed Agreement. Staff will be meeting with the Applicant to discuss the proposed Agreement prior to the meeting and will attempt to resolve any differences that the Applicant may have with proposed changes. Staff's proposed changes are in the modified Declaration of Use Agreement in add/delete format identified in Exhibit B. Staff will be prepared to address the entire proposed Agreement at the Town Council meeting.

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

TOWN ATTORNEY REVIEW

The proposed Declaration of Use Agreement has not been reviewed by Town Attorney John C. Randolph for legal form and sufficiency. However, it is anticipated that Mr. Randolph will have had the opportunity to review the Agreement by the February 14th Council meeting.

Attachments

cc: Jay Boodheshwar, Deputy Town Manager
James Crowley, Esq.
zf & pf

EXHIBIT A

DECLARATION OF USE AGREEMENT

between

THE TOWN OF PALM BEACH

And

RPP Palm Beach Property LP

February 2018

Prepared by and return to:
James M. Crowley, Esquire
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
(561) 650- 0633

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "the Town"); and RPP Palm Beach Property LP, 33 Boylston Street Suite 3000 Chestnut Hill MA 02467 (hereinafter called "The Royal Poinciana Plaza"). which terms "the Town" and "The Royal Poinciana Plaza" will include and bind the parties, wherever the context so requires or admits.

WITNESSETH :

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

WHEREAS, Outdoor Promotional Events is a defined term and a permitted Special Exception use in the C-PC Zoning District; and

WHEREAS, the Town Council approved Zoning Case Number Z-17-00061 on February 14, 2018 which authorized The Royal Poinciana Plaza to have Outdoor Promotional Events at the above referenced location (the "Special Exception Approval"); and

WHEREAS, the Special Exception Approval was conditioned upon the approval and execution of this Agreement, on the basis of The Royal Poinciana Plaza's application, the testimony before the Town Council, the specific finding of the Town Council that the proposed use will be beneficial and compatible with the neighborhood, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Property and Special Exception criteria have been met; and

WHEREAS, should The Royal Poinciana Plaza fail to comply with the conditions set forth by the Town Council on February 14, 2018 (as further set forth in Paragraph 2 of Article IV below), the approval of the Special Exceptions may be revoked and the use operation may cease; and

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

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

ARTICLE I

RECITALS

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

ARTICLE II

REPRESENTATION OF AUTHORITY

The Royal Poinciana Plaza has the full right to enter into this Agreement and to bind itself to the terms of this Agreement. There are no covenants, restrictions or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Agreement and the Agreement between the Town and Poinciana Properties, Ltd. dated March 6, 1979, as amended. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which the Property are subject.

ARTICLE III

THE USE

The use of Property shall be for the operation of a use in compliance with all of the information and exhibits, not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town for the Special Exception Approval. The Special Exception Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council.

ARTICLE IV

CONDITIONS

The Special Exception Approval authorizing Outdoor Promotional Events at the Property is conditioned upon the following:

1) The hours of operation for Outdoor Promotional Events shall be 8:00 a.m. to 10:00 p.m., seven days per week.

2) All events shall take place in the central courtyards of the main retail plaza.

3) All events shall prohibit any activity which constitutes a public or private nuisance.

4) No amplified music shall occur within 250 feet of any residence.

5) Royal Poinciana Plaza shall return to the Town Council to review the Special Exception Approval at the Town Council's February 2019 meeting.

6) All events shall be Town Serving and The Royal Poinciana Plaza shall provide documentation demonstrating Town Serving status at the one year review, as required in the Code of Ordinances.

ARTICLE V

VOLUNTARY AGREEMENT

The Royal Poinciana Plaza agrees to be bound by the terms and conditions in this Agreement, and The Royal Poinciana Plaza waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to The Royal Poinciana Plaza and The Royal Poinciana Plaza's representative of said violation(s) and the date upon which said violations(s) shall be corrected, The Royal Poinciana Plaza shall pay to the TOWN a liquidated amount of $2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

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

2. The Town shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the Town is required to seek

injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non-performance of this Agreement, or any of its covenants, agreements, terms or conditions, the Town shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the Town prevails, either before or as a result of litigation, including appeals.

ARTICLE VII

PROVISIONS TO RUN WITH OWNERSHIP/RECORDING

This Agreement shall run with The Royal Poinciana Plaza and shall be binding upon The Royal Poinciana Plaza and shall terminate upon the termination of The Royal Poinciana Plaza's ownership of the Property or rescission of approval by the Town Council. This Agreement shall be recorded by The Royal Poinciana Plaza in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement and any terms and conditions of the Special Exception Approval represent the entire Agreement between the parties as to the Agreement's subject matter and it shall not be amended except by written agreement executed by all parties.

ARTICLE IX

EFFECTIVE DATE

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

ARTICLE X

MISCELLANEOUS

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

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

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to

paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

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

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

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

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH

_____
Print Name: _____

By:_____
Gail Coniglio, Mayor

_____
Print Name: _____

_____
Print Name: _____

By:_____
Richard Kleid, President

_____
Print Name: _____

_____
Print Name: _____

By:_____
Thomas Bradford, Town Manager

_____
Print Name: _____

RPP Palm Beach Property LP

_____
Print Name:_____

By: _____
Its: _____

_____
Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Richard Kleid, the President of the Town Council of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Thomas Bradford, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by_____, on behalf of Royal Poinciana Plaza. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

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

By:_____
John C. Randolph, Esquire

EXHIBIT "A"
LEGAL DESCRIPTION OF REAL PROPERTY

PARCEL A:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of 23°53'30"; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of 66°14'30", a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of 85°42'43", a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida , said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of 102.55'30" and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of 15°35'22"; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feat, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County. Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL B:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.

EXHIBIT B

DECLARATION OF USE AGREEMENT

between

THE TOWN OF PALM BEACH

And

RPP Palm Beach Property LP

February 2018

Prepared by and return to:
James M. Crowley, Esquire
Gunster
777 South Flagler Drive, Suite 500 East
West Palm Beach, FL 33401
(561) 650- 0633

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DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "the Town"); and RPP Palm Beach Property LP, 33 Boylston Street Suite 3000 Chestnut Hill MA 02467 (hereinafter called "The Royal Poinciana Plaza"). which terms "the Town" and "The Royal Poinciana Plaza" will include and bind the parties, wherever the context so requires or admits.

WITNESSETH :

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

WHEREAS, Outdoor Promotional Events is a defined term and a permitted Special Exception use in the C-PC Zoning District; and

WHEREAS, the Town Council approved Zoning Case Number Z-17-00061 on February 14, 2018 which authorized The Royal Poinciana Plaza to have Outdoor Promotional Events at the above referenced location (the "Special Exception Approval"); and

WHEREAS, the Special Exception Approval was conditioned upon the approval and execution of this Agreement, on the basis of The Royal Poinciana Plaza's application, the testimony before the Town Council, the specific finding of the Town Council that the proposed use will be beneficial and compatible with the neighborhood, and upon a finding by the Town Council that the applicable provisions of the Town Code governing the use of the Property and Special Exception criteria have been met; and

WHEREAS, should The Royal Poinciana Plaza fail to comply with the conditions set forth by the Town Council on February 14, 2018 (as further set forth in Paragraph 2 of Article IV below), the approval of the Special Exceptions may be revoked and the use operation may cease; and

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

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

ARTICLE I

RECITALS

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

ARTICLE II

REPRESENTATION OF AUTHORITY

The Royal Poinciana Plaza has the full right to enter into this Agreement and to bind itself to the terms of this Agreement. There are no covenants, restrictions or reservations of record that will prevent the use of the Property in accordance with the terms and conditions of this Agreement and the Agreement between the Town and Poinciana Properties, Ltd. dated March 6, 1979, as amended. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which the Property are subject.

ARTICLE III

THE USE

The use of Property shall be for the operation of a use in compliance with all of the information and exhibits, not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town for the Special Exception Approval. The Special Exception Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council.

ARTICLE IV

CONDITIONS

The Special Exception Approval authorizing Outdoor Promotional Events at the Property is conditioned upon the following:

1) The hours of operation for Outdoor Promotional Events shall be 8:00 a.m. to 10:00 p.m., ~~seven days per week~~. Thursday through Sunday.

2) All events shall take place in the central courtyards of the main retail plaza as identified on the attached location map.

3) All events shall ~~be~~ prohibit~~ed any activity~~ which constitutes a ~~public or private~~ a violation of the Code of Ordinances as determined by the Code Enforcement Division of the Police Department ~~nuisance.~~

4) No amplified music shall occur within 250 feet of any residence.

5) There shall be no outdoor sales of alcoholic beverages other than the sales related to Town approved outdoor seating for a licensed business on the subject property.

6) ~~Royal Poinciana Plaza~~ RPP Palm Beach Property LP shall return to the Town Council to review the Special Exception Approval at the Town Council's February 2019 meeting.

7) All events shall be Town Serving. ~~and The Royal Poinciana Plaza~~ RPP Palm Beach Property LP shall provide documentation which is satisfactory to the Town Council which demonstrat~~ing~~es that the outdoor promotional events are Town Serving ~~status at the~~ at a regularly scheduled Town Council meeting one year ~~review~~ from the recordation of this Agreement, as required in the Code of Ordinances.

8) The Town Council shall have the right to revoke or modify this Agreement at any time should it be determined that said use has a negative impact on surrounding properties.

ARTICLE V

VOLUNTARY AGREEMENT

The Royal Poinciana Plaza agree~~s~~ to be bound by the terms and conditions in this Agreement, and The Royal Poinciana Plaza waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to The Royal Poinciana Plaza and The Royal Poinciana Plaza's representative of said violation(s) and the date upon which said violations(s) shall be corrected, The Royal Poinciana Plaza shall pay to the TOWN a liquidated amount of $2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this Agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future

meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

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

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

ARTICLE VII

PROVISIONS TO RUN WITH OWNERSHIP/RECORDING

This Agreement shall run with The Royal Poinciana Plaza and shall be binding upon The Royal Poinciana Plaza and shall terminate upon the termination of The Royal Poinciana Plaza's ownership of the Property or rescission of approval by the Town Council. This Agreement shall be recorded by The Royal Poinciana Plaza in the Official Records of Palm Beach County, Florida upon full execution by the parties hereto.

ARTICLE VIII

ENTIRE AGREEMENT

This Agreement and any terms and conditions of the Special Exception Approval represent the entire Agreement between the parties as to the Agreement's subject matter and it shall not be amended except by written agreement executed by all parties.

ARTICLE IX

EFFECTIVE DATE

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

ARTICLE X

MISCELLANEOUS

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

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

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

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

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

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

Signed, sealed and delivered
In the presence of:

THE TOWN OF PALM BEACH

_____
Print Name: _____

By:_____
Gail Coniglio, Mayor

_____
Print Name: _____

_____
Print Name: _____

By:_____
Richard Kleid, President

_____
Print Name: _____

_____
Print Name: _____

By:_____
Thomas Bradford, Town Manager

_____

Print Name: _____

RPP Palm Beach Property LP

_____

Print Name:_____

By: _____

Its: _____

_____

Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

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The foregoing instrument was acknowledged before me this ____ day of _____2018, by Richard Kleid, the President of the Town Council of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

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Signature of Notary Public

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Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Thomas Bradford, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

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Signature of Notary Public

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Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by_____, on behalf of Royal Poinciana Plaza. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

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Printed Name of Notary Public
Commission Expires:_____

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

By:_____
John C. Randolph, Esquire

EXHIBIT "A"
LEGAL DESCRIPTION OF REAL PROPERTY

PARCEL A:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of 23°53'30"; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of 66°14'30", a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of 85°42'43", a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida , said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of 102.55'30" and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of 15°35'22"; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feat, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County. Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

PARCEL B:

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00062 VARIANCE(S) Zoning District: R-B Low Density Residential The application of SOTER WILLIAM J &, Owner, relative to property located at **198 VIA MARINA SUITE: CABANA**, legal description on file, is described below. 1) Request for a variance to replace 3 glazed walls and French doors on a 307 square foot pool cabana located on the east side of the property (demolishing more than 50% of the cubic volume) which will result In a cubic content ratio ("CCR") of 4.36 for existing and proposed in lieu of the 3.927 maximum allowed in the R-B Zoning District. 2) Request for a variance to allow the existing 12 foot east side yard setback of the pool cabana to remain In lieu of the 12.5 foot minimum setback required in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the January 24, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00062 VARIANCE(S)**
198 VIA MARINA SUITE: CABANA

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

1) Request for a variance to replace 3 glazed walls and French doors on a 307 square foot pool cabana located on the east side of the property (demolishing more than 50% of the cubic volume) which will result In a cubic content ratio ("CCR") of 4.36 for existing and proposed in lieu of the 3.927 maximum allowed in the R-B Zoning District. 2) Request for a variance to allow the existing 12 foot east side yard setback of the pool cabana to remain In lieu of the 12.5 foot minimum setback required in the R-B Zoning District.

ADDRESS: 198 VIA MARINA SUITE: CABANA

OWNER: SOTER WILLIAM J &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-26-03-000-0771

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: SINGER ADDITION N 55 FT OF LT 77 & LT 78

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00062 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 198 VIA MARINA SUITE: CABANA

DESCRIPTION: 1) Request for a variance to replace 3 glazed walls and French doors on a 307 square foot pool cabana located on the east side of the property (demolishing more than 50% of the cubic volume) which will result In a cubic content ratio ("CCR") of 4.36 for existing and proposed in lieu of the 3.927 maximum allowed in the R-B Zoning District. 2) Request for a variance to allow the existing 12 foot east side yard setback of the pool cabana to remain In lieu of the 12.5 foot minimum setback required in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	12/21/2017	No comments at this time.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	12/21/2017	Applicant will have to comply with any applicable stormwater threshold requirements.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	12/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	Owner must justify the hardship necessitating variance approval.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	12/29/2017	The applicant is required to demonstrate to the Town Council that there is a hardship in order for the variance to be approved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00063 SPECIAL EXCEPTION Zoning District: R-B Low Density Residential The application of ROSS CAROLYN H EST, Owner, relative to property located at **201 SANFORD AVE**, legal description on file, is described below. Special Exception with Site Plan Review to allow the construction of a 4,699 square foot two-story, slngle family residence on a portion of a platted lot which is 98.47 feet in width in lieu of the 100 foot minimum required In the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq] [The Architectural Commission deferred this project to the February 28, 2018 meeting. Carried 7-0.] **Request for Deferral to March 21, 2018 Town Council Meeting per Letter Dated January 30, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated January 30, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

January 30, 2018

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

RE: Z-17-00063 – 201 Sanford Avenue

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the February 14, 2018** Town Council agenda **to the March 21, 2018** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the January 24, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00064 SPECIAL EXCEPTION AND SITE PLAN REVIEW Zoning District: R-A Estate Residential. The application of CHESTERMAN ALEX, Owner, relative to property located at **880 S OCEAN BLVD**, legal description on file, is described below. Request a Special Exception with Site Plan Review to allow construction of a 424 square foot beach cabana in the R-A/B-A Zoning District. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00064 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
880 S OCEAN BLVD

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Request a Special Exception with Site Plan Review to allow construction of a 424 square foot beach cabana in the R-A/B-A Zoning District.

ADDRESS: 880 S OCEAN BLVD

OWNER: CHESTERMAN ALEX

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-35-02-000-0220

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: VIA VIZCAYA ADD, LT 22 & LTS 26 THRU 28

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00064 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 880 S OCEAN BLVD

DESCRIPTION: Request a Special Exception with Site Plan Review to allow construction of a 424 square foot beach cabana in the R-A/B-A Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	1/31/2018	No comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/30/2018	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	The Town Of Palm Beach has an ordinance for open burning. It was mentioned that this property is seeking approval to have a fire pit. Sec. 46-74. - Open burning. It shall be unlawful for any person to kindle a fire on any lot, street, alley, park or other public or private place, except in devices designed for heating and cooking such as fireplaces and stoves, without first obtaining a bonfire permit from the fire-rescue chief or his designee. All devices designed for outdoor use shall be operated no closer than five feet from any building or combustible material and shall not be operated on any balcony or roof. Violation of this section shall be subject to the penalty for a Class III violation as set forth in section 2-439 of this Code.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	No comment.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	Applicant shall be required to provide the ocean vista on the subject property.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00065 VARIANCE(S) Zoning District: R-A Estate Residential The application of TAYLOR TERRY R &, Owner, relative to property located at **780 S OCEAN BLVD**, legal description on file, is described below. Section 134-843 (10)a. An application for a Variance to allow the construction of a 748 s.f. master bathroom addition in the same area that was previously approved for a walk-in closet in 2011 (COA-020-2011) and a master bathroom in 2013 (VAR-14-2013), with a maximum building height of 29 feet in lieu of 25 feet allowed. [Applicant's Representative: Peter Broberg] [Landmark Preservation Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject landmarked property. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

Subject: **Z-17-00065 VARIANCE(S)**
780 S OCEAN BLVD

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Section 134-843 (10)a. An application for a Variance to allow the construction of a 748 s.f. master bathroom addition in the same area that was previously approved for a walk-in closet in 2011 (COA-020-2011) and a master bathroom in 2013 (VAR-14-2013), with a maximum building height of 29 feet in lieu of 25 feet allowed.

ADDRESS: 780 S OCEAN BLVD

OWNER: TAYLOR TERRY R &

OWNER'S REPRESENTATIVE: COE & BROBERG LLP

PROPERTY CONTROL NO.: 50-43-43-35-00-001-0370

ZONING DISTRICT: B-A Beach Area

LEGAL DESCRIPTION: 35-43-43, S 267.05 FT OF N 341.52 FT OF GOV LT 1 E OF OCEAN BLVD & S 266.52 FT OF N 341.52 FT OF GOV LT 1 LYG BET OCEAN BLVD & CO RD

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00065 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 780 S OCEAN BLVD

DESCRIPTION: Section 134-843 (10)a. An application for a Variance to allow the construction of a 748 s.f. master bathroom addition in the same area that was previously approved for a walk-in closet in 2011 (COA-020-2011) and a master bathroom in 2013 (VAR-14-2013), with a maximum building height of 29 feet in lieu of 25 feet allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	1/31/2018	No Comments.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/30/2018	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code Concerns with this application
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require Landmarks Preservation Commission review and approval as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	12/22/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	1/4/2018	This property is landmarked, thus necessitating Landmarks Preservation Commission review/approval. Multiple changes/approvals have been given to this owner in recent years. Applicant must justify the necessity for variance approval.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	There appears to be no hardship for the requested variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00066 SITE PLAN REVIEW

Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. Request for site plan review to modify the Via Bice as follows: 1) New mosaic pavers in the Via; 2) New 2,240 square foot trellis with retractable awning above; 3) New landscaping and lighting; 4) New stone entry with awning on Peruvian Avenue; 5) Removal of existing canvas awnings 6) New 37 .5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated January 30, 2018 from Paul Castro, Zoning Administrator**
- **Development Review Committee Comments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul W. Castro, Zoning Administrator

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

Date: January 30, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council require the applicant to meet all conditions and comments as provided for in the Development Review Comments (DRC) Report attached.

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for site plan review to modify the Via Bice as follows:

1) New mosaic pavers in the Via;
2) New 2,240 square foot trellis with retractable awning above;
3) New landscaping and lighHng;
4) New stone entry with awning on Peruvian Avenue;
5) Removal of existing canvas awnings
6) New 37 .5 square foot addition to existing bay window.

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

OWNER: VIA 313 1/2 WORTH AVENUE LTD

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

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

ZONING DISTRICT: C-TS Town-Serving Commercial

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

Staff recommends that the Town Council consider the presentations by the applicant and Staff, as well as the report of the Development Review Committee (attached) and comments from interested parties regarding the application.

Attachment

cc: John C. Randolph, Town Attorney
pf & zf

PLANNING, ZONING AND BUILDING DEPARTMENT
Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

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

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

DESCRIPTION:

Request for site plan review to modify the Via Bice as follows:
1) New mosaic pavers in the Via;
2) New 2,240 square foot trellis with retractable awning above;
3) New landscaping and lighHng;
4) New stone entry with awning on Peruvian Avenue;
5) Removal of existing canvas awnings
6) New 37 .5 square foot addition to existing bay window.

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: February 14, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 04-2018 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, As Follows: At Article I, In General, Section 134-2, Definitions And Rules Of Construction, By Creating A Definition For Tow-Away Signs; At Article II, Administration, Section 134-38 By Increasing And Creating Additional Fees For Land Development Services; Section 134-145 Modifying The Hearing Procedure For Administrative Appeals; Section 134-261 Creating An Initial Review Procedure For Zoning Text Amendments; At Article IV, Nonconformities, Section 134-417, Enlargement And 134-419, Enlargement, Extension, Reconstruction Or Alteration, By Creating A New Demolition Threshold, Including Additional Provisions For Alterations And Repairs And Clarifying Language For Raising Nonconforming Buildings And/Or Structures; At Article VI, District Regulations, Sections 134-788, 134-838 And 134-888, Accessory Uses And Sections 134-789, 134-839 And 134-889, Prohibited Uses By Creating Regulations To Conditionally Allow Construction Related Employee Off-Street Parking At Private Social, Swimming, Golf, Tennis And Yacht Clubs In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-796, 134-846 And 134-893, Exceptions To Height Limitations, By Allowing Solar Material On Roofs Of Buildings Provided There Is Either Architectural Commission Or Landmark Preservation Commission Approval In The R-AA, R-A And R-B Residential Zoning Districts; Sections 134-840 And 134-890, Special Exception Uses And At Article VIII Supplementary District Regulations, Section 134-1698, Structures, Signs And Landscape Material West Of Lake Trail By Allowing Essential Services West Of Lake Trail As A Special Exception Use In The R-A And R-B Residential Zoning Districts; At Article VI, District Regulations, Section 134-893, Lot, Yard And Bulk Regulations By Clarifying That First Floor, Unenclosed Loggias, Pergolas, Porches Terraces And Covered Patios In The R-B Zoning District Are Allowed An Additional 5% Cubic Content; At 134-895, Same, Exceptions From Yard Regulations, By Modifying The Provision To Ensure That Additional 3% Lot Coverage For An Awning Or Open Trellis Is Not Counted In The Cubic Content Ratio Calculations; At Article Viii, Supplementary District Regulations, Section

134-1607, Permitted Exceptions, By Allowing Solar Material On The Roof Of A Building Or Structure In All Other Zoning Districts Other Than R-AA, R-A And The R-B Zoning Districts Provided That Said Material Is Approved By The Architectural Commission Or Landmark Preservation Commission; Section 134-1757, Swimming Pools, By Allowing Raised Spas/Hot Tubs And Infinity Pools; Section 134-1759, Tennis, Shuffleboard And Racquetball Courts By Reordering The Existing Regulations To Eliminate Redundant Language; At Article XI, Signs, Adding Sections 134-2410 And 134-2449 By Creating Regulations For Tow-Away Signs In Residential And Commercial Zoning Districts; Sections 134-2411 And 134-2450 By Creating Regulations Allowing Governmental Signs In All Residential And Commercial Zoning Districts; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date

Presenter

ATTACHMENTS:

- **Memorandum Dated February 1, 2018 From Paul Castro**
- **Ordinance No. 4-2018**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meetings on: February 14, 2018

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

From: Paul Castro, Zoning Administrator

Re: Proposed Modifications and Changes to Chapter 134, Zoning
Ordinance No. 4-2018

Date: February 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency recommend approval and that the Town Council approve Ordinance No.4-2018 at first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its October 17, 2017, November 28, 2017, December 19, 2017 and January 22, 2018 meetings, recommended approval of proposed Zoning Code modifications as outlined herein.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its January 10, 2018 Town Council meeting. The Council directed Staff to draft an ordinance on all zoning items with the exception of the issue related to the demolition threshold for nonconforming buildings and structures. The Council remanded that item back to the Planning and Zoning Commission to re-examine the issue. The Commission held a special meeting on January 22, 2018, and reconsidered the nonconforming building and structure demolition regulations. The Commission recommended the changes identified in Sections 5 and 6 in proposed Ordinance No. 4-2018 (copy attached).

The Commission's recommendation differs from Staff's recommendation. The Commission recommends the demolition threshold for allowing a nonconforming building or structure to remain nonconforming change from the existing Code requirement that is the loss of a maximum of 50% existing cubic footage to a loss of a maximum 50% of the existing square footage area of all walls, windows and doors, or 50% of all roof trusses. Staff recommends a more restrictive

threshold change of not allowing more than 50% of the existing square footage area of any wall on an elevation during demolition, excluding operable windows and doors, nor more than 50% of the roof trusses.

A brief description of the proposed zoning issues addressed in Ordinance No. 4-2018, including changes to the demolition threshold for nonconforming buildings and structures, are as follows:

- Increasing the fees for additional variances, initial zoning text amendment proposals and Florida Department of Environmental Protection Permit Zoning compliance letters. Creating fees for unity of title agreements and kitchen agreements are also included.

- Clarifying when the clock starts for filing an appeal of an administrative decision; what is required to be submitted for an appeal; and changing existing language related to the appeal to ensure clarity.

- Creating Zoning Code provisions for Town Council review of initial Zoning Text Amendment Proposals and other minor modifications.

- Creating a different demolition threshold for when a nonconforming building or structure is required to meet Code, and allow additions exceeding 50% of the existing size of a nonconforming structure provided certain conditions are met.

- Conditionally allowing construction parking for Island related projects at private clubs located in Residential Zoning Districts in the Town.

- Allowing solar technology to cover as much roof as possible provided said materials are approved by the Architectural or Landmarks Preservation Commissions, whichever is pertinent.

- Allowing essential services, such as a municipal pump station, to be built west of Lake Trail.

- Clarifying the 5% cubic content ratio credit for unenclosed patios, loggias, porches and terraces. The change would allow those types of elements to be more than 5% of the maximum cubic content ratio allowed provided that the total cubic content does not exceed 5% of the maximum allowed for the house.

- Codifying an administrative determination that the 3% lot coverage credit for awning and open trellises does not count in cubic content ratio in the R-B Zoning District.

- Correcting a hotel density error which incorrectly states that hotel density in the C-B district is 22 units per acre when 26 units is correct. In addition, the word “dwelling” is eliminated because the density is hotel rooms and not dwelling units.

- Correcting a scrivener’s error in a Code title for the R-B district from “large estate” to “low density.”

- Allowing flexibility to allow swimming pool structures, including hot tubs, to exceed a height of more than six inches above grade to allow for infinity pools and waterfall hot tubs that spill into a pool.

- Removing inconsistent language, and consolidating and eliminating existing redundant language for tennis or shuffleboard courts and similar accessory uses.

- Correcting a scrivener's error related to signs.

- Creating zoning regulations for tow-away signs on private property to eliminate proliferation of signs and to ensure uniformity. This includes a provision to require tow-away signs nonconforming to these new provisions taken down by January 1, 2019.

- Creating a provision to allow historical or governmental signs on public or private property provided approval is given by the Town Council

TOWN ATTORNEY REVIEW

Ordinance No. 4-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

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

ORDINANCE NO. 4-2018

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, AS FOLLOWS: AT ARTICLE I, IN GENERAL, SECTION 134-2, DEFINITIONS AND RULES OF CONSTRUCTION, BY CREATING A DEFINITION FOR TOW-AWAY SIGNS; AT ARTICLE II, ADMINISTRATION, SECTION 134-38 BY INCREASING AND CREATING ADDITIONAL FEES FOR LAND DEVELOPMENT SERVICES; SECTION 134-145 MODIFYING THE HEARING PROCEDURE FOR ADMINISTRATIVE APPEALS; SECTION 134-261 CREATING AN INITIAL REVIEW PROCEDURE FOR ZONING TEXT AMENDMENTS; AT ARTICLE IV, NONCONFORMITIES, SECTION 134-417, ENLARGEMENT AND 134-419, ENLARGEMENT, EXTENSION, RECONSTRUCTION OR ALTERATION, BY CREATING A NEW DEMOLITION THRESHOLD, INCLUDING ADDITIONAL PROVISONS FOR ALTERATIONS AND REPAIRS AND CLARIFYING LANGUAGE FOR RAISING NONCONFORMING BUILDINGS AND/OR STRUCTURES; AT ARTICLE VI, DISTRICT REGULATIONS, SECTIONS 134-788, 134-838 AND 134-888, ACCESSORY USES AND SECTIONS 134-789, 134-839 AND 134-889, PROHIBITED USES BY CREATING REGULATIONS TO CONDITIONALLY ALLOW CONSTRUCTION RELATED EMPLOYEE OFF-STREET PARKING AT PRIVATE SOCIAL, SWIMMING, GOLF, TENNIS AND YACHT CLUBS IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-796, 134-846 AND 134-893, EXCEPTIONS TO HEIGHT LIMITATIONS, BY ALLOWING SOLAR MATERIAL ON ROOFS OF BUILDINGS PROVIDED THERE IS EITHER ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION APPROVAL IN THE R-AA, R-A AND R-B RESIDENTIAL ZONING DISTRICTS; SECTIONS 134-840 AND 134-890, SPECIAL EXCEPTION USES AND AT ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1698, STRUCTURES, SIGNS AND LANDSCAPE MATERIAL WEST OF LAKE TRAIL BY ALLOWING ESSENTIAL SERVICES WEST OF LAKE TRAIL AS A SPECIAL EXCEPTION USE IN THE R-A AND R-B RESIDENTIAL ZONING DISTRICTS; AT ARTICLE VI, DISTRICT REGULATIONS, SECTION 134-893, LOT, YARD AND BULK REGULATIONS BY CLARIFYING THAT FIRST FLOOR, UNENCLOSED LOGGIAS, PERGOLAS, PORCHES TERRACES AND COVERED PATIOS IN THE R-B ZONING DISTRICT ARE ALLOWED AN ADDITIONAL 5% CUBIC CONTENT; AT 134-895, SAME, EXCEPTIONS FROM YARD REGULATIONS, BY MODIFYING THE PROVISION TO ENSURE THAT ADDITIONAL 3% LOT COVERAGE FOR AN AWNING OR OPEN TRELLIS IS NOT COUNTED IN THE CUBIC CONTENT RATIO CALCULATIONS; AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, SECTION 134-1607, PERMITTED EXCEPTIONS, BY ALLOWING SOLAR MATERIAL ON THE ROOF OF A BUILDING OR STRUCTURE IN ALL OTHER ZONING DISTRICTS OTHER THAN R-AA, R-A AND THE R-B ZONING DISTRICTS PROVIDED THAT SAID MATERIAL IS APPROVED BY THE ARCHITECTURAL COMMISSION OR LANDMARK PRESERVATION COMMISSION; SECTION 134-1757, SWIMMING POOLS, BY ALLOWING RAISED

SPAS/HOT TUBS AND INFINITY POOLS; SECTION 134-1759, TENNIS, SHUFFLEBOARD AND RACQUETBALL COURTS BY REORDERING THE EXISTING REGULATIONS TO ELIMINATE REDUNDANT LANGUAGE; AT ARTICLE XI, SIGNS, ADDING SECTIONS 134-2410 AND 134-2449 BY CREATING REGULATIONS FOR TOW AWAY SIGNS IN RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; SECTIONS 134-2411 AND 134-2450 BY CREATING REGULATIONS ALLOWING GOVERNMENTAL SIGNS IN ALL RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE

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

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

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

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

Section 1. Article I, IN GENERAL, Section 134-2, Definitions and rules of construction, is hereby amended to read as follows:

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

(a)…

(b) *Definitions* The following words, terms and phrase, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign, tow-away means a sign which provides notice as required by Florida Statute for any property owner, lessee, or person authorized by a property owner or lessee to tow or remove any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel.

Section 2. Article II, ADMINISTRATION, Section 134-38, Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing, is hereby amended to read as follows:

Sec. 134-38. - Filing fees for rezoning, special exception use, variance, appeal or other matter requiring public hearing.

Upon filing an application requesting rezoning, a special exception use approval, a request for zoning variance, an appeal, or any other matter relating to this chapter which requires a public hearing, the applicant shall deposit with the office of the planning, zoning and building department the following application fees payable to the town:

(1) Application relating to a PUD $3,500.00

(2) Application for a special exception use, or a modification or expansion thereof 1,500.00
Multi-family dwelling and commercial uses 2,000.00
Plus, for each additional special exception request ..... ~~500.00~~ 700.00

(3) Added requests for zoning variances contained within a special exception or site plan review request ..... ~~500.00~~ 700.00
Plus, for each additional variance request ..... ~~400.00~~ 600.00

(4) Zoning variance requests involving:
a. Uses and structures 1,500.00
b. Multi-family dwellings and commercial uses 1,500.00

(5) Zoning variance requests involving signs, awnings, fences, gateposts and similar incidental accessory items 800.00

(6) Each additional item of a multiple-point variance request within one zoning variance request application 600.00

(7) Filing of an application for site plan review pursuant to article III for PUD, multi-family dwelling or commercial building or site additions or modification involving more than 200 square feet 3,000.00

(8) a. All other site plan review applications, including single-family dwellings and PUD, multi-family and commercial buildings or site additions or modifications of 200 square feet or less which require town council action 1,000.00
b. Administrative site plan review application 500.00

(9) Comprehensive plan amendment:
a. Text 2,500.00
b. Future land use map:
1. Small scale based on state statute 3,000.00
2. Large scale based on state statute 4,000.00

(10) Zoning change 3,000.00

(11) Submittal of initial zoning text amendment proposal ..... ~~100.00~~ 300.00

(12) Zoning text amendments, if studied, minimum 4,000.00

(13) Appeal of administrative decision 1,500.00

(14) Resubmittal of revised plans or information related to an application 800.00

(15) Lot split 2,000.00

(16) Zoning waiver 1,500.00

(17) Administrative supplemental shared parking and exception application and annual renewal fee 500.00
(18) Administrative outdoor seating renewal fee 50.00
(19) Unity of Title Agreements……200.00
(20) Zoning compliance letters related to Florida Department of Environmental Protection Permits….300.00
(21) Kitchen Agreements…..150.00

Section 3. Article II, ADMINISTRATION, Sec. 134-145, Hearing procedure, is hereby amended to read as follows:

Sec. 134-145. Hearing procedure.

Any person appealing any decision of an administrative official made under this chapter shall make such appeal within 30 days after rendition of the written order, requirement, decision, or determination ~~from which such appeal is taken~~ that is being appealed, or the right to appeal shall be barred. Such appeal shall be filed in writing to the director of planning zoning and building for consideration by ~~to~~ the town council ~~with ten copies thereof filed~~. The filing shall include a recorded disk which contains with all supporting facts, and data and appropriate exhibits, plans, documents and other materials to adequately depict and support the appeal. ~~with the director of planning, zoning and building. Appeals shall be accompanied by proper exhibits, which shall be timely filed, and shall include plans, documents and other materials to adequately depict and support the appeal.~~ Upon receipt of the appeal, the following procedures shall be followed ~~undertaken~~:

(1) The director of planning, zoning and building shall ~~forthwith~~ examine such appeal and make ~~endorse~~ a ~~his~~ recommendation thereon, and shall forward such recommendation to town council, together with all documents, plans, ~~papers,~~ and/or other materials ~~and~~ that constitute ~~constituting~~ the record of ~~upon which~~ the action that is being appealed ~~from was taken~~.

(2) All appeals will be heard at regular meetings of the town council unless otherwise ordered by the town council and in accordance with sections 134-141, 134-142, 134-201 and 134-226.

(3) Postponement requests for deferred action on any appeal will be granted for one month only or the next succeeding regular town council meeting, if that should occur on a different date, except for good cause shown.

(4) When an appeal is deferred or postponed because the town council determines that additional professional advice is necessary, the expense of obtaining such additional professional advice shall be borne by the appellant. The person to render or give such additional professional advice shall be selected by mutual agreement of the town and appellant.

Section 4. Article II, ADMINISTRATION, Sec. 134-261. - Town council actions; submission to planning and zoning commission for recommendations and report, is hereby amended to read as follows:

Sec. 134-261. Town council actions; submission to planning and zoning commission for recommendations and report;

(a) The town council may from time to time on its own motion or on petition, signed by the fee simple property owner of the property involved or authorized designee, agent or representative of the owner by power of attorney filed with the director of the planning, zoning and building department or designee, amend, supplement, change, modify or repeal the regulations, restrictions or district boundaries established in this chapter.

(b) Any proposed amendment, supplement, change, modification or repeal shall first be submitted as an initial review to the director of planning, zoning and building or his designee, who shall submit it to the Town Council for its review and feedback. Should the applicant of a privately initiated text amendment decide to submit same following town council feedback, the director of planning zoning and building or his designee shall submit the application to the planning and zoning commission for its recommendations and report. Upon the filing of the recommendations and report by the planning and zoning commission, the town council shall proceed to hold a public hearing in relation thereto, giving at least 15 days' notice of the time and place of such hearing in a newspaper having a general circulation in the town, and by posting the notice on the official bulletin board of the town hall. If a proposed comprehensive plan amendment, zoning text amendment or zoning change increases the allowable density or intensity, a notice identifying such amendments or changes shall be mailed to all property owners within 1,000 feet from any part of the subject property at the address shown on the county property appraiser's tax records, advising of the day and time of the hearing on such application before the town council. Said notice shall be mailed at least 15 days prior to the date for town council consideration of the proposed amendment(s) or zoning change(s).

(c) If an adverse report is given by the planning and zoning commission, or if a there is a written protest against such proposed amendment, supplement, change, modification or repeal, by an affected party with standing ~~shall be presented in writing to the town clerk~~, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the area thereof extending 500 feet therefrom, such amendment supplement, change, modification or repeal shall not become effective except by the favorable vote of three-fifths of all the members of the town council. In the event of a tie vote, the mayor shall cast the deciding vote, which shall constitute the three-fifth's requirement of the town council stated herein.

(d) The planning and zoning commission shall hear applications to rezone property and/or to amend, supplement, change, modify or repeal any article, division or section of this chapter within 60 days of the application being deemed complete by the director of the planning, zoning and building department or designee. Any proposed amendment to change property from one zoning district to another zoning district shall require the favorable vote of at least four members of the town council. A public hearing on the application shall then be held by the town council after public notice of the hearing is given in accordance with law.

Section 5. Article IV, NONCONFORMITIES, Sec. 134-417. Extension or expansion, is hereby amended to read as follows:

Sec. 134-417. Extension or expansion.

A building or structure which is nonconforming with any of the lot, yard and bulk regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, ~~as determined by cubic footage,~~ as provided for in Sec.134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.

Section 6. Article IV, NONCONFORMITIES, Sec. 134-419. Enlargement, extension, reconstruction or alteration, is hereby amended to read as follows:

Sec. 134-419. Restoration, demolition, ~~E~~enlargement, extension, expansion, reconstruction, ~~or~~ alteration or repair.

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

(1) *Voluntary demolition, restoration and reconstruction.* A nonconforming building and/or structure may be restored as before, partially demolished, enlarged, extended, expanded, ~~or partially demolished and~~ or reconstructed provided that such ~~demolition~~, restoration, demolition, enlargement, extension, ~~or~~ expansion or reconstruction does not ~~exceed~~ result in any of the following within five years of passing a final inspection:

a. the loss of more than 50% of the area in square feet of all perimeter walls, including all windows and doors;

b. the loss of more than 50% of the area in square feet of all roof trusses (with all the roof measured as though flat);

~~50 percent of its existing cubic footage within five years of passing a final inspection and provided that the demolition, restoration, enlargement, extension or reconstruction of the building and/or structure does not exceed the floor area, gross leasable area and/or cubic footage which existed prior to the demolition, restoration, enlargement, extension, or reconstruction~~. If there is an enlargement, extension or expansion on a nonconforming building or structure, said enlargement, extension or expansion is required to meet current lot, yard and bulk regulations in Chapter 134, Zoning.

All ~~demolition,~~ restoration, demolition, enlargement, extension, expansion or reconstruction shall be completed within the time schedule set forth in the construction schedule section

105.4.1.6 of the Florida Building Code. In the event such restoration, demolition, enlargement, extension, expansion or reconstruction is not completed within the timeframe required by the building code, construction shall cease and shall not resume until the town council decides the remedy for noncompliance, and review and approves a completion schedule.

(2) *Alteration and repairs.* Normal maintenance and repair and incidental alteration of a nonconforming building or structure is permitted, provided it does not increase the area, volume or size. Replacement of solely operable windows and/or doors on a nonconforming building or structure is permitted and does not count in the calculation of loss as provided in subsection (1) provided the openings of such windows and/or doors are not enlarged. A building used for single-family or multi-family residential purposes may be altered in any way to improve interior livability; provided, however, that no alterations shall be made which would require the demolition of an exterior wall(s) and/or roof truss square footage as provided for in (1) a and b in this section nor increase the number of dwelling units. Single-family dwellings may be added onto or partially demolished in accordance with sections 134-794, 134-844, 134-894, 134-1005 and 134-1060.

(3) *Minimum flood elevation.* A nonconforming building may be raised to meet, but not exceed, the minimum town flood elevation provided that all of the following conditions are met:

a. ~~That the~~ there is no increase in height as measured from the raised finished floor to the bottom of the top chord of the roof framing member for a pitched roof and the ceiling of a flat roof does not get any taller~~.~~ ;

b. ~~That the~~ there is no increase in overall height as measured from the raised finished floor elevation to the top of the roof for pitched roof, and top of the ceiling and parapet for a flat roof is not any taller~~.~~;

c. ~~T~~the building footprint within the required setbacks is no larger;, and is no closer to the property line than it was prior to being raised~~.~~; and

d. ~~That~~ any new additions shall meet~~ing~~ existing lot, yard and bulk regulations.

Section 7. Article VI, DISTRICT REGULATIONS, Section 134-788, Accessory uses, is hereby amended to read as follows:

Sec. 134-788. Accessory uses.

The accessory uses in the R-AA large estate residential district are as follows:

(1) Private nurseries and greenhouses.
(2) Private garages.
(3) Private swimming pools and/or cabanas.
(4) Charitable events specifically approved by the town manager.

(5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum of 200 feet from neighboring residential uses and is not visible from a street.
(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business.

Section 8. Article VI, DISTRICT REGULATIONS, Section 134-789, Prohibited uses, is hereby amended to read as follows:

Sec. 134-789. Prohibited uses.

The specific prohibited uses of buildings or land in the R-AA large estate residential district are as follows:

(1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, ~~N~~no person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

(2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited. Additionally, executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 9. Article VI, DISTRICT REGULATIONS, Section 134-796, Exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-796. Exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-AA large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flag-pole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar ~~panels~~ material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar~~

~~panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 10. Article VI, DISTRICT REGULATIONS, Section 134-838, Accessory uses, is hereby amended to read as follows:

Sec. 134-838. Accessory uses.

The accessory uses in the R-A estate residential district are as follows:

(1) Private nurseries and greenhouses.
(2) Private garages.
(3) Private swimming pools and/or cabanas.
(4) Charitable events specifically approved by the town manager.
(5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits provided such parking is located a minimum of 200 feet from neighboring residential uses and is not visible from a street.
(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business

Section 11. Article VI, DISTRICT REGULATIONS, Section 134-839, Prohibited uses, is hereby amended to read as follows:

Sec. 134-839. Prohibited uses.

The specific prohibited uses of buildings or land in the R-A estate residential district are as follows:

(1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, ~~N~~no person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

(2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.

(3) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 12. Article VI, DISTRICT REGULATIONS, Section 134-840, Special exception uses, is hereby amended to read as follows:

Section 134-840. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-A estate residential district are as follows:

(1) …
(2) Public structures, including essential services west of Lake Trail.

Section 13. Article VI, DISTRICT REGULATIONS, Section 134-846, Exceptions to height limitation, is hereby amended to read as follows:

Sec. 134-846. Exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-A large estate residential district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar ~~panels~~ material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 14. Article VI, DISTRICT REGULATIONS, Section 134-888, Accessory uses, is hereby amended to read as follows:

Sec. 134-888. Accessory uses.

The accessory uses in the R-B low density residential district are as follows:

(1) Private nurseries and greenhouses.
(2) Private garages.
(3) Private swimming pools and/or cabanas.
(4) Charitable events specifically approved by the town manager.
(5) Off-street parking at private social, swimming, golf, tennis and yacht clubs, for construction related personal employee vehicular off-street parking for projects within the Town's municipal limits

provided such parking is located a minimum of 200 feet from neighboring residential uses and not visible from a street.

(6) Other accessory uses, customarily incident to permitted or approved special exception uses, not involving the conduct of business except such uses as may be associated with the town's operation of its municipal dock, golf course and tennis court facilities.

Section 15. Article VI, DISTRICT REGULATIONS, Section 134-889, Prohibited uses, is hereby amended to read as follows:

Sec. 134-889. Prohibited uses.

The specific prohibited uses of buildings or land in the R-B low density residential district are as follows:

(1) With the exception of construction related employee parking of personal vehicles for projects within the municipal limits of the Town, ~~N~~no person shall use any portion of any building or accessory building or any land in this district for the purpose of carrying on or practicing any profession, occupation or calling or for any commercial or quasi-commercial use or purpose, including but not limited to corporate meetings, banquets or entertainments, film-making or movie producing, magazine feature photography and the like, and such uses are declared to be a violation of this chapter.

(2) The use of any portion of any building or accessory building or any land in this district for the accessory use as a museum or frequent or continuing display to the public is prohibited.

(5) Executive/employee/group vacation/retreats are prohibited in this zoning district.

Section 16. Article VI, DISTRICT REGULATIONS, Section 134-890, Special exception uses, is hereby amended to read as follows:

Section 134-890. Special exception uses.

The special exception uses require a site plan and review as provided in article III of this chapter. The special exception uses in the R-B low density residential district are as follows:

…

(2)Public structures, including essential services west of Lake Trail.

Section 17. Article VI, DISTRICT REGULATIONS, Section 134-893, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

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

(a) ….

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

(1)…

…

(13) *Cubic content ratio.*

a. The maximum cubic content ratio shall be as follows:

(1)….

…

(5) Exceptions. One architectural tower feature involving no habitable space, as otherwise permitted under subsection 134-896(b), shall not be counted in calculating the cubic content of the structure. Unenclosed loggias, pergolas, porches, terraces and covered patios located on the first floor shall be excluded from the calculation of total cubic content up to 5% of allowable cubic content. Portions of unenclosed structures in excess of the 5% maximum, as well as those located above the first floor, shall be included in the calculation of total cubic conten ~~Unenclosed covered patios, loggias, balconies, porches or terraces located on the first floor of the structure shall not be counted in calculating the cubic content of a structure, provided the aggregate cubic content of such appurtenances does not exceed five percent of the total cubic content of the structure~~. Such appurtenances so erected may not in the future be enclosed or converted to permanent additions to the structure if such conversion would increase the cubic content of the structure beyond that allowed by the applicable ~~CCR~~ cubic content ratio.

Section 18. Article VI, DISTRICT REGULATIONS, Section 134-895, Same-Exceptions to yard regulations, is hereby amended to read as follows:

Sec. 134-895. Same-Exceptions to yard regulations.

In the R-B low density residential district, exception to the yard regulations in Section 134-1548 are as follows:

(1)…

…

(3) In this district an awning and/or open trellises located in a side or rear yard which meet applicable minimum yard requirements may be erected, provided the area of the principal structure and all awnings and open trellises combined does not exceed allowable lot coverage by more than three percent. Said ~~A~~awnings and/or trellises so erected shall not count in the cubic content ratio calculations and shall ~~may~~ not be converted to permanent additions to the principal structure if such conversion would increase lot coverage of the principal structure above the allowed percentage.

• • •

Section 19. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B ~~large estate~~ low density residential district are…

Section 20. Article VI, DISTRICT REGULATIONS, Section 134-896, Special exceptions to height limitations, is hereby amended to read as follows:

Sec. 134-896. Special exceptions to height limitations.

(a) The permitted exceptions to height limitations in sections 134-1606 and 134-1607 in the R-B low density district are skylights not exceeding three feet above the roof, air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof, radio and television antennas for reception purposes only. Flagpoles and chimneys may be erected to a height not to exceed 40 percent above the building height limit for this district. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is setback at least 120 feet from any lot line. However, such structures located upon the roof shall not cover in the aggregate a roof area greater than ten percent of the ground floor area of such building or structure. Radio and television antennas, air conditioning equipment, or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened insofar as possible. Solar ~~panels material~~ shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 21. Article VI, DISTRICT REGULATIONS, Section 134-1308, Lot, yard and area requirements-Generally, is hereby amended to read as follows:

Sec. 134-1308. Lot, yard and area requirements-Generally.

In the C-B commercial district, the schedule of lot, yard and area requirements is as given in this section:

(1)…
…
.
(4) Density.

a. The maximum density for hotels within C-B commercial district shall be ~~22~~ 26 dwelling units per acre.

Section 22. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1607, Permitted exceptions, is hereby amended to read as follows:

Sec. 134-1607. Permitted exceptions.

Permitted exceptions to height regulations in this chapter in districts other than R-AA, R-A and R-B shall be as follows:

(1) In all zoning district other than R-AA, R-A and R-B districts, structures for the housing of elevators, stairways, tanks, and skylights not exceeding ten percent in total area of the roof area on which they are placed, skylights not more than four feet in height above the roof; ventilating fans not exceeding three feet in height above the roof or similar equipment to operate and maintain a building; air conditioning equipment not exceeding four feet above the minimum building requirement for elevated stands on a roof; radio and television antennas for reception purposes only; and church steeples, flagpoles and chimneys no more than 40 percent above the height limits for the district within which they are located as prescribed by this chapter. Flagpoles in excess of this height may be permitted by special exception on properties of greater than five acres provided the flagpole is not in excess of 70 feet in height and is set back at least 120 feet from any lot line. Such structures located upon the roof area shall not cover in the aggregate a roof area greater than 15 percent of the ground floor area of such building or structure. Radio and television antennas for reception purposes, air conditioning equipment, the housing of elevators, stairways, tanks, ventilating fans or similar equipment to operate and maintain a building which are permitted on the roof shall be sight screened from view in so far as possible. Solar ~~panels~~ material shall be permitted on the roof provided ~~they do not exceed three feet above the minimum building requirement for elevated stands for said equipment on a roof nor cover more than 30 percent of the roof area. Solar panels shall be required to not be visible from any street.~~ said material is approved by the Architectural Commission or Landmark Preservation Commission.

Section 23. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1698, Structures, signs and landscape material west of Lake Trail, is hereby amended to read as follows:

Sec. 134-1698. Structures, signs and landscape material west of Lake Trail

No buildings or other structures of any nature ~~whatsoever~~, other than buildings or structures for essential services and docks, shall be constructed upon any land lying west of the Lake Trail. ~~except docks~~. No signs shall be permitted west of the Lake Trail except property protection signs as approved by the A~~a~~rchitectural C~~c~~ommission. In addition, a Lake Trail scenic vista shall be maintained for the entire width and depth of all properties that abut the west side of Lake Trail with the exception of those properties used to provide essential services. The following standards shall apply to such properties:

(1) In no instance shall hedge or bush material be planted or maintained at a height greater than 30 inches above the grade of the trail.

(2) Except for palm trees, trees shall be planted with a minimum lineal separation perpendicular to Lake Trail of 30 feet from any other tree.

(3) The trunks of trees shall be maintained at six feet above the grade from where the tree is planted.
(4) Palm trees may be clustered with one canopy tree and two palm trees, or a maximum of three palm trees, no further apart than eight feet, and a cluster separation perpendicular to Lake Trail of not less than 25 feet.

Section 24. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1757, Swimming pools, is hereby amended to read as follows:

Sec. 134-1757. Swimming pools.

A swimming pool, and if applicable, infinity pool catch basin, and/or a spa/hot tub, not to be enclosed by a structure other than a fence as required or permitted by this Code, may be constructed within every yard area, except the required front yard as prescribed by this chapter. ~~However,~~ Except as provided in this paragraph, no part of the pool structure may protrude more than six inches above the finished ground level. ~~and the walls~~ The exception is that a spa/hot tub shall not exceed a height three feet above the exterior finished grade. In addition, a swimming pool or spa/hot tub may have an infinity edge on not more than one side of said swimming pool or spa/hot tub which can be no higher than three feet above drop into a swimming pool or water trough below said infinity edge. A swimming pool, and if applicable an infinity pool catch basin, and spa/hot tub interior, shall be at least ten feet from the side and rear lot lines and 15 feet from the street side and street rear lot lines. All setbacks as setforth in this section of the Code shall be measured from the waters edge to the property line.

A swimming pool, and if applicable infinity pool catch basin, and/or spa/hot tub in the required street side or street rear yard shall be screened by a continuous hedge six feet in height at the time of planting, located adjacent to and exterior of a solid wall six feet in height and maintained at a minimum of said height. Said hedge shall be located between the street and adjacent to and exterior of a solid wall six feet in height. In the percentage of coverage of a lot by buildings, swimming pools shall not be counted in such computation.

Section 25. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1759, Tennis, shuffleboard and racquetball courts, is hereby amended to read as follows:

Sec. 134-1759. Tennis, shuffleboard and racquetball courts.

~~(a) Tennis courts or shuffleboard courts and similar accessory uses, not to be enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard or required street rear yard as prescribed by this chapter. However, any walls or fences shall conform with sections 134-791, 134-792, 134-841, 134-842, 134-891, 134-892, 134-946, 134-947, 134-1001, 134-1002, 134-1056, 134-1057, 134-1110, 134-1160, 134-1210, 134-1260, 134-1305 and 134-1726, and the construction of any facility involving the use of a ball backboard or rebound wall or structure in any district of the town and the construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception. Racquetball courts shall be considered unenclosed accessory structures and may be~~

~~constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception.~~

~~(b) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of outdoor tennis, shuffleboard and racquetball courts and similar uses is prohibited. Every tennis court shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court, such fence or wall enclosures to be at least ten feet in height and not exceeding 12 feet in height. All tennis courts shall be sight screened with plantings at least the same height as the tennis court fence enclosures, where visible from adjacent properties or the public or private street right-of-way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or the public or private street right-of-way.~~

~~(c) In determining the percentage of coverage of a lot by buildings, tennis, shuffleboard and racquetball courts and similar uses shall not be counted in such computation. Night lighting of racquetball courts and similar uses is prohibited. The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and croquet courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or croquet court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection. In addition, all tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the or courts, such fence or wall enclosures to be at least ten feet in height. All tennis, shuffleboard and croquet courts and their associated lighting shall be sight screened with plantings at least the same height as the fence enclosures and associated lighting, where visible from adjacent properties or the public or private street rights-of-way. Racquetball courts shall be sight screened with plantings, where visible from adjacent properties or public or private street rights-of-way~~

(a) Tennis, shuffleboard and racquetball courts and similar uses shall not be counted in lot coverage computations.

(b) Tennis courts or shuffleboard courts and similar accessory uses, not enclosed by a structure, may be constructed within yard areas, except the required front yard, required street side yard and required street rear yard as prescribed by this chapter.

(c) Tennis courts shall include as an integral part of the construction thereof proper fence or wall enclosures contiguous to the court. Such fence or wall enclosures are to be at least ten feet in height. Said fence or wall enclosure shall be out of the required principal structure setback if said enclosure exceeds the maximum height allowed in Section 134-1666 through 134-1670 of the Code. Where visible from adjacent properties or the

public or private street right-of-way, tennis courts shall be screened with plantings at least the same height as the tennis court fence enclosure.

(d) The construction of any facility involving the use of a ball backboard or rebound wall in any district of the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.

(e) The construction of any tennis court, shuffleboard court or similar use upon any structure in the town shall be subject to an application for special exception as specified in section 134-227 through section 134-233.

(f) Racquetball courts shall be considered unenclosed accessory structures and may be constructed, provided the court complies with all open yard requirements for the principal structure to which it is accessory and the racquetball court shall be subject to an application for special exception. Racquetball courts shall be screened with plantings, where visible from adjacent properties or the public or private street right-of-way.

(g) The town council may permit, as a special exception with site plan review, minimal state of the art night lighting from 9:00 a.m. to 9:00 p.m. for tennis, shuffleboard and racquetball courts, provided that the applicant shall demonstrate to the town council that the light and noise created by the tennis court, shuffleboard or racquetball court will be adequately mitigated as it relates to adjacent residential structures and vehicular right-of-way. All tennis, shuffleboard and croquet court lighting shall be equipped with a locked, light timer switch to ensure that the lighting will be controlled to operate only within the hours established in this subsection

Section 26. Article XI, SIGNS, Section 134-2373, General regulations and definitions applicable to permitted signs, is hereby amended to read as follows:

Sec. 134-2373. General regulations and definitions applicable to permitted signs.

Under this article, the following shall apply to all signs:

(1) ….

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

Section 27. Article XI, SIGNS, Section 134-2410, Tow-away signs, is hereby created to read as follows:

Sec. 134-2410. Tow-away signs.

Tow-away signs shall not be allowed on private property appurtenant to or obviously part of a single-family residence. Tow-away signs for two-family, townhouse, multi-family, and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required for a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 28. Article XI, SIGNS, Section 134-2411, Governmental signs, is hereby created to read as follows:

Sec. 134-2411. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 29. Article XI, SIGNS, Section 134-2449, Tow-away signs, is hereby created to read as follows:

Sec. 134-2449. Tow-away signs.

Tow-away signs for commercial and institutional uses shall only be on private property and shall not exceed the minimum size, number and location as provided by Florida Statute. In addition, all tow-away signs shall be uniform in appearance as approved by the Town's Architectural Commission. Tow-away signs on State, County and municipal governmental property shall also meet these requirements. A building permit shall be required to erect a tow-away sign.

All tow-away signs which become nonconforming as a result of the adoption of this section of the Code shall be removed and replaced to come into compliance with this section of the Code by January 1, 2019, or said sign shall be in violation of the town's code of ordinances.

Section 30. Article XI, SIGNS, Section 134-2450, Governmental signs, is hereby created to read as follows:

Sec. 134-2450. Governmental signs.

Signs for a public purpose for governmental entities such as Federal, State, County or Town governmental agencies shall be permitted on public or private property provided that the number, size, location, appearance and content of said signs are approved by the Town Council at a Town Council meeting.

Section 31. 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 32. 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 33. Codification.

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

Section 34. Effective Date.

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 14th day of February, 2018, and for second and final reading on this ____day of _____, 2018.

_____	_____
Gail L. Coniglio, Mayor	Richard Kleid, Town Council President
	_____
	Danielle H. Moore, Council President Pro Tem
	_____
	Bobbie Lindsay, Town Council Member
	_____
ATTEST:	Margaret A. Zeidman, Town Council Member
_____	_____
Kathleen Dominguez, Town Clerk	Julie Araskog, Town Council Member