



TOWN OF PALM BEACH

Town Manager's Office

**TENTATIVE-
SUBJECT TO
REVISION**

TOWN COUNCIL MEETING

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

AGENDA

WEDNESDAY, JANUARY 13, 2010

9:30 A.M.

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

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

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

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

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

III. COMMENTS OF MAYOR JACK McDONALD

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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

VI. APPROVAL OF AGENDA

VII. PUBLIC HEARINGS

- A. RESOLUTION NO. 1-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 271 El Vedado 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 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.
[John S. Page, Director of Planning, Zoning, and Building]

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VIII. ORDINANCES

A. Second Reading

1. ORDINANCE NO. 17-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 22, Businesses, Division 2, Window Treatment, Providing for Definitions; Providing Specifications for Window Treatments and Screening of Store Fronts in Commercial Zoning Districts; Providing Exceptions; Providing a Penalty; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.
[John S. Page, Director of Planning, Zoning, and Building]

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B. First Reading

1. ORDINANCE NO. 4-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Sections 134-326 and 134-2182 to Change the Reference from Building Official to Director of the Planning, Zoning and Building Department, Section 134-893(a)(13) Relating to the Cubic Content Requirements for R-B Lots Which Are Not

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Adjacent to the Waters of Lake Worth in (a)(13); Sections 134-1472, 134-1473 and 134-1474 Relating to Allowing Public Structures and Buildings in the Beach Area Zoning District and Exempting Them from Setback, Size and Height Requirements; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

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

IX. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business- Less Than 15 Minutes

None

2. New Business- Less Than 15 Minutes

- a. SPECIAL EXCEPTION #1-2010 WITH VARIANCE The application of Alfred J. Malefatto, Esq., City National Bank of Florida; Trust # 2401-2301-00; relative to property commonly known as **2842 South Ocean Blvd.**; described as lengthy legal description on file; located in the Beach Area Zoning District. Request for Special Exception to permit the Omphoy Hotel to add a beach house structure to accommodate a beach attendant in the Beach Area zoning district on a lot with a minimum 150 feet of lot frontage. Ten foot setbacks will be provided from all property lines and a unity of title provided. A variance is requested for said beach structure to be placed 52.23 feet from the Town Bulkhead line in lieu of the 150 feet required for properties southward of Southern Boulevard where no proper ocean bulkhead exists. [Attorney: Alfred J. Malefatto, Esq.]

3. Old Business- More Than 15 Minutes

- a. VARIANCE #30-2009 The application of Maura A. Ziska, Attorney for St. George Investments, LLC (Wayne Ducote);

relative to property commonly known as **1470 North Lake Way**; described as lengthy legal description on file; located in the R-A Zoning District. Request approval of variances to (1) construct a dock and associated appurtenances a maximum of 244 feet west of land in lieu of the 150 foot maximum allowed; (2) for a side yard setback for triple dolphin piles to be 15 feet from the south property line and 15 feet from the north property line in lieu of the 25 foot minimum required; (3) to allow an accessory structure (dock) to be built on a parcel of land that has no principal structure. [Maura A. Ziska, Esq.]
Deferred from the December 16, 2009, Town Council Meeting.

4. New Business- More Than 15 Minutes

None

D. Other

- | | | |
|----|--|---------|
| 1. | Discussion of Town of Palm Beach 10-Year Water Supply Facility Work Plan. | Page 51 |
| 2. | Request to Consider Zoning Ordinances Nos. 2-10 and 4-10 Prior to 5:00 p.m. at the February 10, 2010, and March 10, 2010, Town Council Meetings. | Page 84 |
| 3. | Lunch Time Operation of Coco's Restaurant, Special Exception #3-2009, 290 Sunset Avenue. | Page 86 |
| 4. | Condition of Approval for Palmway Restaurant Concerning Town-Serving Documentation, Special Exception No. 1-2009, 288/290 South County Road. | Page 89 |

X. ANY OTHER MATTERS

XI. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings. For such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
- Note 2:** Disabled persons who need an accommodation in order to participate in the Town Council Meeting are requested to contact the Town Manager's Office at 838-5410 or through the Florida Relay Service by dialing 1-800-955-8770 for voice callers or 1-800-955-8771 for TDD callers, at least two (2) working days before this meeting.
- Note 3:** Items listed on the Consent Agenda will be approved by one motion of the Town Council, unless the Mayor or an individual Council Member requests that any item(s) be moved to the Regular Agenda and individually considered.
- Note 4:** A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

- PUBLIC HEARINGS:** Any citizen is entitled to be heard on an official agenda item under the section entitled "Public Hearings," subject to the three minute limitation.
- COMMUNICATIONS FROM CITIZENS:** Any citizen is entitled to be heard concerning any matter under the section entitled "Communications from Citizens," subject to the three minute limitation.
- OTHER AGENDA ITEMS:** Any citizen is entitled to be heard on any official agenda item when the Town Council calls for public comments, subject to the three minute limitation.

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

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 1-10 A Resolution of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Ratifying and Confirming the Determination of the Landmarks Preservation Commission that the Property Known as 271 El Vedado 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 2-84, Also Known as Chapter 54, Article IV of the Code of Ordinances of the Town of Palm Beach.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated December 28, 2009, from John S. Page, Director of Planning, Zoning and Building
- Resolution No. 1-10
- Designation Report 271 El Vedado Road
- Excerpt from Landmarks Preservation Commission Minutes
- Applicable Town Code

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Landmark Designation of 271 El Vedado Road
Resolution No. 1-10

Date: December 28, 2009

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 271 El Vedado Road as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the December 15, 2009 meeting of the Landmarks Preservation Commission, the Commission voted to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

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

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

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

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

Landmark Designation of 271 El Vedado Road

Resolution No. 1-10

December 28, 2009

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FUNDING/FISCAL IMPACT

No direct funding is needed for this action.

COMPREHENSIVE PLAN

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

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 1-10 relating to 271 El Vedado Road, and has approved it as to legal form and sufficiency.

attachments

JSP:cmd

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

RESOLUTION NO. 1-10

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 271 EL VEDADO 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 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

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

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

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

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

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

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

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance 2-84, and the provisions of the Town Code described herein, is known as 271 El Vedado Road and the property to be landmarked is legally described as follows:

**26/27-43-43, WEST 100 FEET OF EAST 760 FEET OF NORTH 175 FEET OF
SOUTH ½ OF GOVERNMENT LOT 2 WEST OF COUNTY ROAD**

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

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach assembled this 13th day of January, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

271 EL VEDADO ROAD



DESIGNATION REPORT

Thursday, November 19, 2009

Landmarks Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT

271 El Vedado Road

Table of Contents

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

I. GENERAL INFORMATION

Location:	271 El Vedado Palm Beach, Florida
Date of Construction:	1929
Principal Architect:	E.B. Walton
Present Owner:	David L. Van Schaick
Present Use:	Residential
Present Zoning:	R-A
Palm Beach County Tax Folio Number:	50-43-43-26-00-002-0250
Current Legal Description:	26/27-43-43, W 100 FT of E 760 FT of N 175 FT of S ½ of GOV LT 2 West of County Road

Evaluation in the "Historic Building Survey of Palm Beach, 2004": This is an agreeable Mediterranean Revival style house that was built during the 1920s.

III. ARCHITECTURAL INFORMATION

Building Permit # 20229 was issued on October 22, 1929 for a “residence and garage ”at 271 El Vedado Road. A price of \$30,000 was quoted for the project, and building materials were said to be hollow clay tile, wood frame, and stucco with a tile roof. R.C. MacNeil was listed as the owner/builder.¹ Although E.B. Walton is not listed as the architect in the original building permit, a stylistic comparison with other houses known to be by Walton makes this the most likely attribution.² Although the attribution of this house to designer E.B. Walton is probable, rather than one hundred percent definitive (because of lack of written evidence), this conclusion was reached after seventeen years of reviewing hundreds of structures in Palm Beach.

The design of the house itself is a classic example of the Mediterranean Revival style with Spanish details that was so popular in Palm Beach during the Boom years of the 1920s. This style of architecture was inspired by European structures that were built around the basin of the Mediterranean Sea. Borrowing themes from Spanish, Italian, North African and Moorish examples, the style was used widely in California and Florida during the 1920s and 1930s, and adapted well to Florida's climate.

The major design features of 271 El Vedado are the low pitched multi-level hipped roofs covered with barrel tiles, and the smooth finished stucco on the exterior of the structure. Two chimneys punctuate the main roof, and the most prominent (which is placed to the east), doubles as a weathervane. This cupola type of weathervane was often a signature of E.B. Walton.

The asymmetrical footprint of the house and division of the structure into four volumes, creates interest and minimizes the scale of the front facade. The entrance is to the west in a single storied section. Topped with a hipped barrel tile roof, the double door has a fanlight above, and is reached by ascending two coral rock steps. It is welcoming, while at the same time casual in appearance.

The main living block of the house is to the east of the entrance, parallel to the front door. It contains three pairs of French doors at the ground level, with three octagon decorative vents above on the second story. These vents are visible in the living room and let light into the room. To the east of the living section is another two story section that houses the dining room with bedrooms above. The master bedroom wing is to the west of the entrance.

¹Town of Palm Beach Building Permit #20229. On file with the Town of Palm Beach.

²Upon visiting 271 El Vedado at the invitation of the owner, Architect Eugene Pandula and Landmarks Preservation Consultant Jane S. Day were convinced that the house was designed by E.B. Walton, a fact that was not previously known. See designations reports on file with the Town of Palm Beach for other houses designed by Walton (222 El Brillo Way, 140 Seaspray, 152 Wells Road, and 160 Wells Road) to make a stylistic comparison. No plans for this house are available, but the chimney top with weathervane, and the configuration of the two story living room with balconies above, point to Walton. It should also be noted that at the time of this construction in 1929, Walton was just finishing a house one block away on El Brillo.



The Entrance of 271 El Vedado Road.

The living room: two stories in volume, a decorative vent visible in the upper right.



The fenestration, like the rest of the front facade is asymmetrical. Windows are 6/6 double hung sash, some with fanlights above. There are also fixed windows, and French doors.

The pool at 271 El Vedado Road was built in 1955 and is placed between the main house and garage/guest house to the rear of the property.³ It is accessible from a loggia in the main central section of the house, and can be viewed from a second floor open balcony with wood and iron railings on the eastern wing of the main house.



The pool was added in 1955.

³Town of Palm Beach Building Permit #42855. On file with the Town of Palm Beach.



The loggia, which is now enclosed and air conditioned.



The second floor rear balcony

IV. HISTORICAL INFORMATION

Over the years, few alterations have occurred to the house at 271 El Vedado Road, but most of these have been for maintenance and the house retains its original architectural integrity. In 1942, general repairs were completed and the roof was replaced in 1949 and 1959. A swimming pool was added in 1955 and alterations were made to the garage in 1969.⁴

V. STATEMENT OF SIGNIFICANCE

The house at 271 El Vedado Road is a good example of the Mediterranean Revival style of architecture probably designed by E.B. Walton during the Boom years of the 1920s. It is in perfect scale with the neighborhood and exemplifies many of the forms of the Spanish variation of this style. As such it is worthy of designation and protection.

VI. CRITERIA FOR DESIGNATION

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

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

During the real estate Boom years of the 1920s, architectural styles in Palm Beach changed. The wood frame structures of the Flagler years gave way to the Mediterranean Revival elegance of a new era. The house at 271 El Vedado Road exemplifies that change and reflects the interpretation of the popular style by master designer, E.B. Walton. It is also interesting to note that this house was built in 1929, during difficult economic times, and was an owner builder project.

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

The house at 271 El Vedado Road is a good examples of the Mediterranean Revival style probably designed by E.B. Walton. The multilevel roof line covered with barrel tiles, the stucco facades that catch the Florida sun, and the simple details that add interest exemplify what has

⁴Town of Palm Beach Building Permits #6542, 89169, 42855, and 42569. On file with the Town of Palm Beach.

often been called the "Palm Beach" style. As such this house is worthy of designation under criteria 3.

(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."

271 El Vedado Road is a good example of the work of master builder, E.B. Walton. Walton enjoyed a long career in Palm Beach and West Palm Beach. His biography is outlined below.

VII. ARCHITECT'S BIOGRAPHY

ERNEST BENJAMIN WALTON, SR.

Ernest Benjamin Walton was born in Genoa, Nebraska on the 7th of December, 1881. The Waltons, whose American origins date to the mid 1650s, had a family home "Mosswood" in Harford County, Maryland. When Walton's father, William, was appointed an Agent to the Indian Bureau by President Ulysses S. Grant in 1869, he and his wife moved to Nebraska.

In 1893 the Walton family returned to Maryland where Ernest and his five siblings continued their education. Walton's youth in Nebraska and summer vacations on family farms in Maine left him with a lifelong love of the outdoors.

In his senior year at college Walton convinced his father to invest in 260 acres of land on Lake George, New York. Upon completing his studies at Lehigh University in 1901 with a degree in Civil Engineering Walton returned to Lake George to begin surveying the area and planning on future development which became Glenburnie Inn. Walton and his father eventually constructed a cottage colony and hotel. Winters were spent in New York City with various building firms. Each spring Walton returned to Glenburnie.

Walton and his wife, Julia, made their first trip to Florida in 1916-17. A side trip to Fort Lauderdale from Sanibel convinced Walton of the possibilities of Florida's east coast. Eventually Walton decided upon the Palm Beach area as a source of winter work. World War I and a First Lieutenant's commission postponed the family's move until after the war.

By the 1920s Walton began his long and successful career in South Florida with the construction of some small houses in the El Cid area of West Palm Beach and the construction of four apartment buildings in West Palm Beach and Palm Beach. Demand for Walton's company continued from the Boom Times into the Depression Era. The company successfully developed numerous streets throughout the northern section of Palm Beach which included North Shore Addition, Monterey Road, Colonial Lane, and Sanford Avenue. Walton also constructed large estates designed by Palm Beach's prominent architects.

In the 1940s Walton again served in the United States Army. During World War II he served as Assistant Post Engineer. His classified work included sketches of old military buildings north of

Cape Canaveral. These sketches were included in the start of the Cape Canaveral Space Center.

Walton's success was not limited to residential construction. His company built numerous Mount Vernon and Howard Johnson Motor Lodges throughout the southeastern United States. Local commercial buildings include the West Palm Beach Women's Club, Palm Beach Town Hall Additions (1960s), Seminole Building, U.S. Trust Office Building, and the Heart of Palm Beach Hotel.

In the 1950s Walton's two sons, Ben and Bill, joined him in the family business. It is interesting to note that the project which gave Walton the most satisfaction was his construction of the Cluett Memorial Garden at the Bethesda-by-the-Sea Church in Palm Beach.

IX. SELECTED BIBLIOGRAPHY

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

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

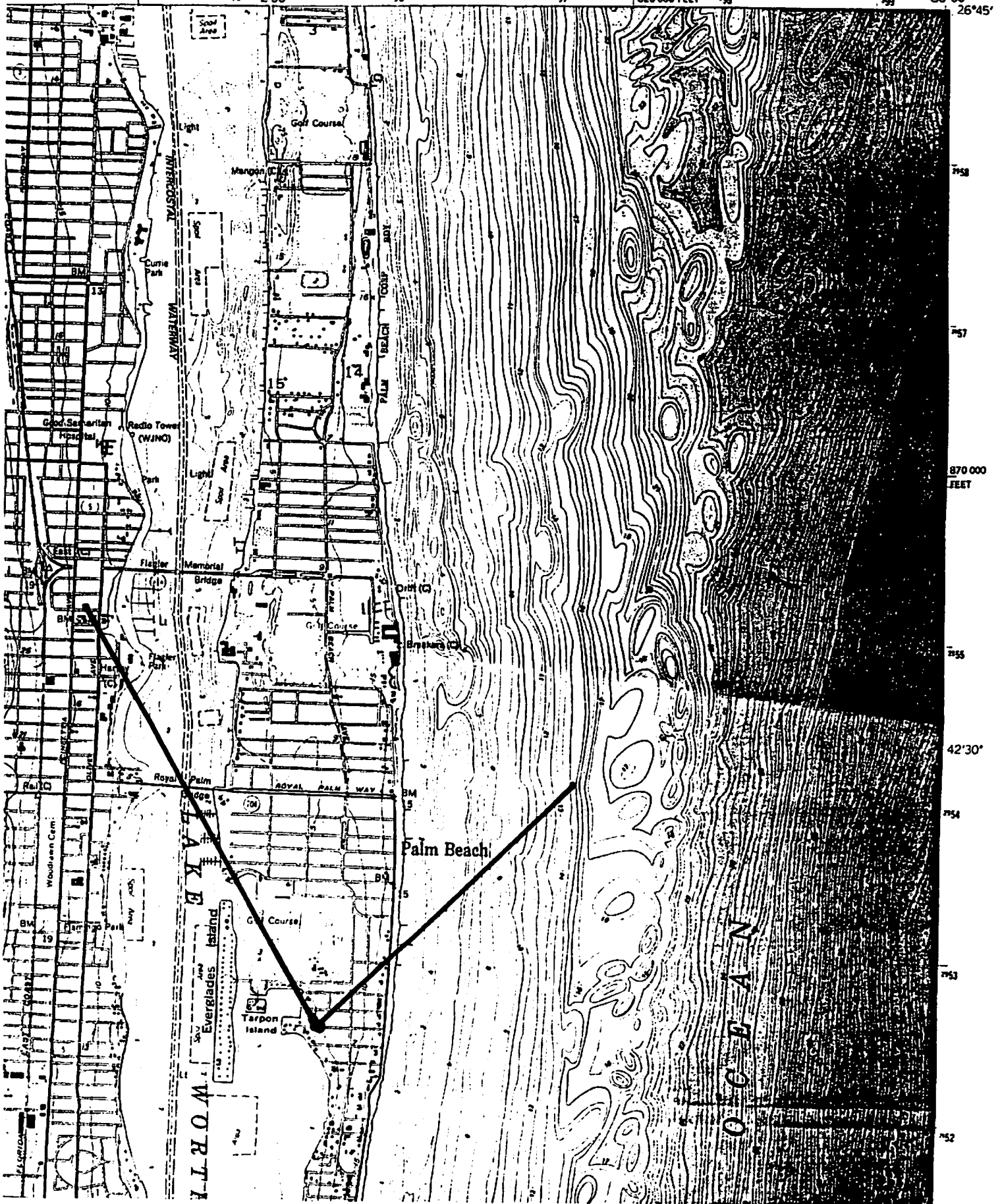
Town of Palm Beach Building and Zoning Department.

Walton, Ernest Benjamin, "Highlights of My Life." Undated. Private collection of the Walton family.

ES
MERCER
SURVEY

271 El Vedado Road
Palm Beach, Florida

PALM BEACH QUADRANGLE
FLORIDA-PALM BEACH CO.
7.5 MINUTE SERIES (TOPOGRAPHIC-BATHYMETRIC)
820 000 FEET
80°00' 26"45'





HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site #8 **PB06523**

Recorder # **Jane S. Day**

Field Date **7/27/2004**

Form Date **7/27/2004**

FormNo **200407**

FormNo = Field Date (YYYYMM)

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

GENERAL INFORMATION

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

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
271		El Vedado	Road	

Cross Streets (nearest/ between) **South County Rd & Lake Worth**
 City / Town (within 3 miles) **Town of Palm Beach** In Current City Limits? **YES**
 County **Palm Beach** Tax Parcel #(s) **50-43-43-26-00-002-0250**
 Subdivision Name **Jungle Point** Block **2** Lot **25**
 Ownership **Private Individual**
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) **On the north side of El Vedado Road between South County Rd and Lake Worth**

MAPPING

7.5' Map Name **Palm Beach** Publication Date **Palm Beach; 1983**
 Township: **43S** Range: **43E** Section: _____ 1/4 section: **UNSP** >> **43S ; 43E ; 26; UNSP**
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style **Mediterranean Revival** Other Style _____
 Exterior Plan **Irregular** Other Exterior Plan _____
 Number of Stories **2**
 Structural System(s) >> **Hollow clay tile**
 Other Structural System(s) _____
 Foundation Type(s) >> **Unspecified by recorder**
 Other Foundation Types _____
 Foundation Material(s) >> **Unspecified**
 Other Foundation Material(s) _____
 Exterior Fabric(s) >> **Stucco**
 Other Exterior Fabric(s) _____
 Roof Type(s) >> **Hip**
 Other Roof Type(s) _____
 Roof Material(s) >> **Spanish tile**
 Other Roof Material(s) _____
 Secondary Structure(s) (dormers etc) >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys **2**
 Chimney Material **Brick**
 Other Chimney Material(s) **stucco on exterior**
 Chimney Location(s) **southwest ridge, southeast ridge**

HISTORICAL STRUCTURE FORM

8PB06523

DESCRIPTION (continued)

Window Descriptions 6/6 DHS, casement, fixed, French doors

Main Entrance Description (stylistic details) On the south facade with a fixed fanlight

Porches: #open 3 #closed #incised Location(s) entry - s, 2nd floor veranda - w, 2nd story balcony - s

Porch Roof Types(s)

Exterior Ornament exposed rafters, shutters, wrought iron

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)

HISTORY

Construction year 1929

Architect (last name first): unknown

Builder (last name first): MacNeill, R.C.

Changes in Locations or Conditions

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

Structure Use History

Use Private residence Year Use Started Year Use Ended >> Private residence; 1929;

Other Structure Uses

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

RESEARCH METHODS

Research Methods >> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register? YES

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register? INSUFF. INFO

Potential Contributor to NR District? INSUFF. INFO

Area(s) of historical significance

>> Architecture

Other Historical Associations

Explanation of Evaluation (required) This is a agreeable Mediterranean Revival style house that was built during the 1920s.

HISTORICAL STRUCTURE FORM

8PB06523

DOCUMENTATION (Photos, Plans, etc.)

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

Document type: _____	Maintaining Organization: _____
File or Accession #: _____	Descriptive Information: _____
>> Photographs (archived); Research Atlantica;; Roll 15 # 36	

RECORDER INFORMATION

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

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

Recorder Affiliation Research Atlantica Other Affiliation Town of PALM Beach

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

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

Cultural Resource Type: _____

Electronic Form Used: _____

Form Type Code: _____

Form Quality Ranking: _____

Form Status Code: _____

Supplement Information Status: _____

Supplement File Status: _____

Form Comments: _____

SHPO's Evaluation of Resource

Date

FMSF Staffer: _____

Computer Entry Date: _____



PRINTED IN RED

ST 3"X5"

PB06523-200407

Supplementary Printout

- > **USGS map name/year of publication or revision:**
 - PALM BEACH;1946
 - PALM BEACH;1983
- > **Township/Range/Section/Qtr:**
 - 43S ;43E ;26;UNSP
- > **Structural system(s):**
 - Hollow clay tile
- > **Foundation types:**
 - Unspecified by recorder
- > **Foundation materials:**
 - Unspecified
- > **Exterior fabrics:**
 - Stucco
- > **Roof types:**
 - Hip
- > **Roof materials:**
 - Spanish tile
- > **Roof secondary structures (dormers etc):**
- > **Change status/year changed/date noted/nature:**
- > **Original, intermediate, present uses/year started/year ended:**
 - Private residence;1929;
- > **Research methods:**
 - Examine local property records
 - Sanborn maps
 - FL Master Site File-Manuscripts
 - Informal inspection
- > **Area(s) of historical significance:**
 - Community planning & development
 - Architecture
- > **Repositories: Collection/Housed/Accession#/Describe**
 - Photographs (archived);Research Atlantica;;
- > **[Other name(s)]:**

**EXCERPT FROM THE MINUTES OF THE LANDMARKS PRESERVATION
COMMISSION MEETING OF DECEMBER 15, 2009**

VIII. DESIGNATION HEARINGS:(10:01:40 a.m.)

Item 1: 271 El Vedado Road, Palm Beach

Owner: David L. Vanschaick

Mrs. Delp confirmed that proof of publication and proper legal service had been achieved with regard to this designation hearing. Architect Jacqueline Albarran, representing the property owner, read a letter into the record, as written by the property owner, in support of the designation. Mrs. Day testified that this property meets the following criteria for landmark designation:

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

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmen; 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. This 1929 home is attributed to E. B. Walton.

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

**MOTION SECONDED BY MR. ROBERTS.
MOTION CARRIED UNANIMOUSLY.**

Code Compliance Officer, Rob Walton, testified that E. B. Walton was his grandfather, who very well may have designed the home. He also stated that his mother's father also built homes in Palm Beach, and he, likewise, could have designed it.

MOTION BY MR. HANLEY THAT THE PROPERTY AT 271 EL VEDADO BE RECOMMENDED TO THE TOWN COUNCIL FOR DESIGNATION AS A LANDMARK OF THE TOWN OF PALM BEACH, AND THAT THE CRITERIA, AS PRESENTED, BE MADE A PART OF THE RECORD.

**MOTION SECONDED BY MR. EIGELBERGER.
MOTION CARRIED UNANIMOUSLY.**

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

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

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

(Code 1982, § 16-38)

Sec. 54-162. Creation of historic districts.

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

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

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

(Code 1982, §§ 16-38.1, 16-39)

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

The commission has the power to:

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

(Code 1982, § 16-42)

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

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

a newspaper having general circulation in the town.

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

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

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

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

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

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

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

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

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

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

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

(Code 1982, § 16-43)

Sec. 54-165. Voluntary restrictive covenants.

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

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

(Code 1982, § 16-48)

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

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 17-09 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending the Town Code of Ordinances at Chapter 22, Businesses, Division 2, Window Treatment, Providing for Definitions; Providing Specifications for Window Treatments and Screening of Store Fronts in Commercial Zoning Districts; Providing Exceptions; Providing a Penalty; Providing for Severability; Repealing All Ordinances or Parts of Ordinances in Conflict Hereof; Providing for Codification; Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Changes to the Vacant Storefront Code and Policy
- Ordinance No. 17-09
- Vacant or Under Construction Window Treatment Policy

CHANGES TO THE VACANT STORE FRONT CODE & POLICY SINCE PREVIOUS ADOPTION IN APRIL 2009

Since the current vacant store front code and policy were adopted on April 15, 2009, shortcomings, problems, and possible improvements to the code and policy have been identified by staff, property owners, Town Council, and others. In an effort to improve the code and policy, the following substantive changes have been made:

Code Changes

1. Some windows are opaque and cannot be seen through, therefore the term “transparent windows” is now used when referencing requirements for vacant store fronts.
2. Curtains, drapes, shades and blinds will no longer be allowed to screen vacant store fronts except as follows:
 - a. The vacant space is used by a tax-exempt non-for-profit (as defined by State Statute).
 - b. The vacant space is within a multi-tenant building, and utilizes the same window treatment as the occupied spaces adjacent to them.
3. Previously, the code limited the use of the same exempted material (i.e. curtains) to 50 linear-feet. This was done in order to ensure that long stretches of vacant store fronts didn’t use the same screening method. After investigating this further (per direction of Council), staff found that this limit would result in some properties being found in non-compliance with the code and policy, even though their screening was attractive and neat in appearance. Therefore, staff removed this limitation from the code language.
4. Some vacant stores have staged their space to make it appear as if the space is still actively being used. Staff felt that this was an excellent way to stealthily mask the fact that the space is vacant without drawing attention to the vacancy. Therefore, businesses that aren’t open to the public, but use traditional or customary displays with products, and appear to be actively conducting business are exempted.

Policy Changes

1. The old policy limited the distance the screening could be setback from the window to create a screening “pocket” (40 inches); however, there are some existing display cases in Town that exceed this amount, therefore these cases are now permitted to exceed the 40 inch limit.

2. With the old policy there was no requirement for the size of the historic photographs, sketches, postcards, etc., nor was there a required percentage of the window that had to contain these historic screening materials. This resulted in small displays that were not appealing. The policy has now been revised to require a minimum size of 11" X 17" for the historic photographs, sketches, postcards, etc., and a requirement that at least 75% of the window area be screened with these historic materials. The remaining window area will be screened with the backdrop for the historic displays, which can be made of paper, fabric or foam board.
3. Some businesses have used a combination of traditional/customary display of merchandise or products with historic photos that are slightly smaller than the 11" X 17" requirement; however, the photos are quite clear and legible, and the result has been very aesthetically pleasing. Therefore, the policy has been revised to permit these situations.
4. The policy previously addressed property owner coordination with local groups and print shops to obtain historic screening materials. After further thought, and finding that many property owners already had secured screening materials on their own, it was felt that this language wasn't needed in the policy. Therefore, a simple statement regarding the property owner being responsible for the purchase and installation of the required screening material has replaced the previous language.
5. Previously the policy stated that an informational sheet was available at Town Hall; however, after answering a wide variety of questions, staff felt that it would be better just to provide a contact person and phone number for those to call if they had any questions.

ORDINANCE NO. 17-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 22, BUSINESSES, DIVISION 2, WINDOW TREATMENT, PROVIDING FOR DEFINITIONS; PROVIDING SPECIFICATIONS FOR WINDOW TREATMENTS AND SCREENING OF STORE FRONTS IN COMMERCIAL ZONING DISTRICTS; PROVIDING EXCEPTIONS; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town proposes to amend its Code of Ordinances to ensure that vacant store fronts are aesthetically pleasing; and,

WHEREAS, the Town Council, with input from Town staff, various business and civic organizations within the Town, and the Architectural Commission (ARCOM), previously amended Chapter 22, Division 2 of the Town's Code of Ordinances on May 13, 2009 with the adoption of Ordinance 11-09; and,

WHEREAS, the Town has identified some areas of the aforementioned Code that need to be further revised to better ensure that vacant store fronts are aesthetically pleasing; and

WHEREAS, the Town Council was presented the proposed amendments at their September 9, October 14, and November 14, 2009 meetings, and provided Town staff with their comments and suggestions; and,

WHEREAS, Town staff has revised the proposed amendments to reflect the comments and suggestions provided by Town Council.

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set forth herein.

Section 2. FINDINGS

The proposed Code amendments have been determined by the Town Council to promote the public health, safety and welfare, and are consistent with the requirements of Chapter 163 Florida Statutes, Chapters 9J-5 and 9J-11 of the Florida Administrative Code, and all elements of the adopted Comprehensive Plan.

Section 3. AMENDMENT OF THE CODE OF ORDINANCES

The Town of Palm Beach Code of Ordinances, Chapter 22, Division 2 is hereby amended to incorporate the following:

DIVISION 2. WINDOW TREATMENT

Sec. 22-56. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Door means a swinging or sliding panel that closes an opening in a wall and provides passage through it.

Window means an opening in an exterior wall to admit light and air, typically with glazing in a frame that may or may not be opened.

Vacant or under construction means properties not open to the public, or to clientele of any sort, and buildings not being used for the display or merchandising of any product and/or not otherwise furnished for a period of seven (7) consecutive business days because of any reason, including, but not limited to, vacancy, vacation, repair, or renovation.

(Code 1982, § 12-91 (a))

Cross references: Definitions generally, § 1-2.

Sec. 22-57. In commercial zoning districts.

All transparent windows and doors of buildings located within the commercial zoning districts of the town, whereby the interiors of such buildings can be observed from the public streets or sidewalks of the town, and which buildings are vacant or under construction, shall be treated or screened in the manner set forth in section 22-58.

(Code 1982, § 12-91 (a))

Cross references: Zoning, ch. 134.

Sec. 22-58. Specifications.

All transparent windows and doors in vacant buildings or buildings under construction located within commercial zoning districts of the town, which windows and/or doors can be viewed from the public streets and sidewalks and which expose the interiors of such buildings, shall screen the vacant interior of the building in which they are located, and provide an attractive display for those who can observe the window from the public streets and sidewalks of the town. Said screening shall be in accordance with the “Vacant or Under Construction Window Treatment Policy” established by the Town Council, as may be amended from time to time (after review and recommendation by the Architectural Review Commission).

(Code 1982, § 12-91 (b); Ord. No. 22-04, § 1, 11-9-04)

Sec. 22-59. Exceptions.

Store fronts that have decorative window treatments such as shutters, shades, curtains, Venetian or vertical blinds are exempted from this division if they are within a multi-tenant building that utilizes the same window treatment as the occupied spaces adjacent to them, or are used by a tax-exempt not for profit corporation or organization (as defined by State Statute). Store fronts that have opaque glass are also exempted from this division. The shutters, shades, curtains, Venetian or vertical blinds must have a clean and neat appearance, and cannot be in disrepair.

Businesses that are not open to the public, but have traditional or customary displays with products, and/or appear to be actively conducting business are exempted from this division.

Sec. 22-60. Penalties.

Any owner of any building found to be in violation of this division shall be subject to general penalties as provided by law or to the provisions of the code enforcement board, and may be subject to a fine of up to \$500 a day until such owner comes into compliance.

(Code 1982, § 12-92)

Secs. 22-61–22-90. Reserved.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

The effective date of these code amendments shall be the date of second reading and final adoption by Town Council.

PASSED ON FIRST READING in a regular, adjourned session of the Town Council on the 16th day of December 2009.

PASSED AND ADOPTED ON SECOND READING in a regular, adjourned session of the Town Council on the 13th day of January 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

“VACANT OR UNDER CONSTRUCTION WINDOW TREATMENT POLICY”

Per Sections 22-56 through 22-90 of the Town of Palm Beach’s Code of Ordinances, all vacant or under construction store fronts must screen the interiors of said store fronts through the use of an attractive display for those who can observe the window from the public streets and sidewalks of the Town. The Code also requires that the Town Council establish a “Vacant or Under Construction Window Treatment Policy” that provides the requirements and details of the screening for the vacant and under construction store fronts (which may be amended by the Town Council from time to time, with input from the Architectural Review Commission). Approved policy is as follows:

A. Dimensions & Location of Screening

Screening shall be of a sufficient dimension to completely screen the vacant or under construction interior. The screening may be affixed to the window glass provided clear tape or some other unseen method is used, and the glass is maintained in a clean and neat appearance, both on the outside and inside.

The screening may also be set-back from the glass up to 40 inches, which will thereby provide a pocket to display the screening. The pocket area can exceed 40 inches from the glass if it is an existing display case. If a pocket is created, then the pocket area shall be lighted at night. During daytime hours, if natural light does not clearly illuminate the pocket area and display, then lighting must be used so that the display is clearly visible. The pocket area shall also be maintained in a clean and neat appearance.

B. Themes for Screening

Approved themes that can be used for screening of vacant or under construction store fronts include the following:

- 1) Historical pictures of the Town of Palm Beach.
- 2) Drawings or paintings of the Town of Palm Beach.
- 3) Black and white sketches of the Town of Palm Beach.
- 4) Historical post cards of the Town of Palm Beach (enlarged).
- 5) Photos from Paramount of people and historical events in Palm Beach.

Pictures, drawings, paintings, sketches, post cards, photos, etc. shall comprise at least 75% of the glass store front area (including any portion of a door that is glass), with the remaining area screened with the back-drop for the pictures, etc. The back-drop shall be unified, neat and clean in appearance, and may be made of paper, fabric, or foam board. For legibility purposes, the minimum size of an individual picture, etc. shall be 11” X 17” (ledger size); however, pictures, etc. can be smaller if used in conjunction with a traditional/customary display of merchandise or products if the pictures are

clearly legible to those walking by the storefront. A detail showing an example of 100% and 75% screening is attached.

Repetition of a specific picture, drawing, painting, sketch, post card, photo, etc. should be avoided, and in no circumstance shall repetition occur within 200 linear feet.

Captions at the bottom of the displays are permitted that describe the picture, drawing, sketch, painting, post card, or photos. Furthermore, credit for the photo, picture, etc. may be given (e.g. "Photo courtesy of the Historic Society of Palm Beach County."). The captions must be legible and in a uniform style. Captions will be large enough to be read by those walking by the store front, but not so large as to dominate the photo, picture, etc. The length or number of words in a caption should be limited as much as possible. No advertising is permitted within the caption or the overall display.

~~Property owners will coordinate with local historic preservation groups and others identified by the Town to obtain the material necessary to display an approved theme in their vacant or under construction store front. The property owner will coordinate with a Town identified/recommended local printing establishment regarding the dimensions and material needed to provide complete screening of the interior of the store, and the property owner will be responsible for purchasing this material and placing it within the store front shall be responsible for the purchase and installation of all required screening material for vacant or under construction store fronts.~~

C. Timing

All window treatments and displays are required to be installed within ten (10) business days of vacancy or start of construction. A time extension of up to five (5) business days ~~can~~may be given by the Planning, Zoning & Building Director if formally requested by the property owner.

D. Information

~~An informational sheet is available at Town Hall (360 South County Road) that explains the code requirements and policy in general, details what can be used to screen a vacant or under construction store front, and provides the names of the businesses where screening options are available for purchase. Please contact the Planning Administrator at 561.227-6414 to obtain an informational sheet, or if you have any with questions about the code and/or policy that are not addressed in the informational sheet.~~

Revised: ~~3-31-09~~12-3-09

SAMPLE SHOWING 100% & 75% SCREENING (MIN. REQUIRED) OF WINDOWS



100% of window (85.25 square-feet)
screened with historic photograph

75% of window (64 square-feet)
screened with historic photograph

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 4-10 An Ordinance of the Town Council of the Town of Palm Beach, Palm Beach County, Florida, Amending Chapter 134, Zoning, at Sections 134-326 and 134-2182 to Change the Reference from Building Official to Director of the Planning, Zoning and Building Department, Section 134-893(a)(13) Relating to the Cubic Content Requirements for R-B Lots Which Are Not Adjacent to the Waters of Lake Worth in (a) (13); Sections 134-1472, 134-1473 and 134-1474 Relating to Allowing Public Structures and Buildings in the Beach Area Zoning District and Exempting Them from Setback, Size and Height Requirements; Providing for Repeal of Ordinances in Conflict; Providing for Codification; Providing an Effective Date.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated December 30, 2009
- Ordinance No. 4-10

TOWN OF PALM BEACH

Information for Town Council Meetings on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning
Ordinance No. 4-10

Date: December 30, 2009

STAFF RECOMMENDATION

Staff recommends that the Town Council approve Ordinance No. 4-10.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission recommends approval of Ordinance No. 4-10 (copy attached).

GENERAL INFORMATION

On November 8, 2009, the Planning and Zoning Commission considered staff's recommendations on the proposed code amendments identified in Ordinance No. 4-10, and transmitted those modifications to the Council with a recommendation to approve the ordinance. The proposed changes incorporated into Ordinance No. 4-10 are as follows:

- A housekeeping item which changes the reference from Building Official to Director of Planning, Zoning and Building in two sections of the code where determination is made for additional professional advice.
- A housekeeping item related to the requirement for cubic content ratio on R-B lots not fronting on Lake Worth between Dunbar Road and Reef Road.
- A modification to the Beach Area zoning district which would allow public structures and/or buildings in that district, and exempt them from setback and height requirements in that district with Town Council approval.

First Reading by the Town Council of Ordinance No. 4-10, Proposed Modifications and Changes to Chapter 134, Zoning.
December 30, 2009
Page 2

If you have any questions or comments about the ordinance please contact Paul Castro at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 4-10 was approved by Town Attorney Randolph for legal form and sufficiency.

Attachment

PBE:jsp:pc

cc: Planning and Zoning Commission
Thomas G. Bradford, Assistant Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
zf

ORDINANCE NO. 4-10

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING CHAPTER 134, ZONING, AT SECTIONS 134-326 AND 134-2182 TO CHANGE THE REFERENCE FROM BUILDING OFFICIAL TO DIRECTOR OF THE PLANNING, ZONING AND BUILDING DEPARTMENT, SECTION 134-893(a)(13) RELATING TO THE CUBIC CONTENT REQUIREMENTS FOR R-B LOTS WHICH ARE NOT ADJACENT TO THE WATERS OF LAKE WORTH IN (a)(13); SECTIONS 134-1472, 134-1473 AND 134-1474 RELATING TO ALLOWING PUBLIC STRUCTURES AND BUILDINGS IN THE BEACH AREA ZONING DISTRICT AND EXEMPTING THEM FROM SETBACK, SIZE AND HEIGHT REQUIREMENTS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

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

Section 1. Amend Article III, Site Plan, Section 134-326, to read as follows:

Sec. 134-326. Purpose of review process; building permit denial pending approval; costs of extraordinary professional advice.

...

(c) When an application for site plan review is filed in which extraordinary professional advice and/or consultation is required, as determined by ~~building official~~ the Director of the Planning, Zoning and Building Department, such as but not limited to architectural, engineering and legal services, the expense shall be borne by the applicant.

Section 2. Amend Article IX, OFF-STREET PARKING AND LOADING*, DIVISION 1. GENERALLY, Sec. 134-2182, to read as follows:

Sec. 134-2182. Shared parking in the ~~CT-S~~ C-TS, C-WA and C-OPI commercial zoning districts.

...

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

-
- (5) If the ~~building official~~ Director of Planning, Zoning and Building Department should determine that professional advice and/or consultant is required to review the applicants's parking findings, the expense of such professional advice shall be borne by the applicant pursuant to sections 134-171 and 134-172.

Section 3. Amend Article VI, District Regulations, Division 4, R-B Low Density Residential District, at Section 134-893, to read as follows:

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

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

...

(13) Cubic content ratio.

a. ~~★~~ The maximum cubic content ratio shall be as follows:

1. For lots of less than 10,000 square feet, the maximum allowable CCR shall be calculated as follows: $4.00 + [(10,000 - \text{the lot size}) \div 10,000]$,
2. For lots between 10,000 and 60,000 square feet which are not identified in subsection 4 of this section ~~or more and which are not adjacent to the waters of Lake Worth between Dunbar Road and Reef Road~~, the maximum allowable CCR shall be calculated as follows: $3.50 + [(60,000 - \text{the lot size}) \div 50,000] \times 0.5$.
3. For lots of greater than 60,000 square feet which are not identified in subsection 4 of this section ~~and which are not adjacent to the waters of Lake Worth between Dunbar Road and Reef Road~~, the maximum allowable CCR shall be 3.50.
4. For lots of 20,000 square feet or greater which are adjacent to the waters of Lake Worth from Dunbar Road to Reef Road, the maximum allowable CCR shall be 4.50. For purposes of determining whether a lot is adjacent to the waters of Lake Worth, the traversing of all or a portion of the lot by Lake Trail shall not be considered when determining that adjacency.
5. Exceptions: One architectural tower feature involving no habitable space, as otherwise permitted under section 134-896(b), shall not be counted in calculating the cubic content of the structure. 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.

b. For purposes of calculating the cubic content ratio, lot size shall be rounded to the nearest 100 square feet. For purposes of computing the resultant cubic content, the cubic content ratio shall be rounded to two decimal places. A table illustrating the cubic content ratio and associated cubic content for varying lots sizes resulting from the application of the above formulas is provided as Attachment A to this chapter. This table also provides approximations of the likely floor areas achievable at varying average building heights.

Section 4. Amend Article VI, District Regulations, Division 15, Beach Area, at Section 134-1472, to read as follows:

Sec. 134-1472. Height, width and length limit for properties adjacent to properties in the R-B district.

(a) No structure or beach building more than one story or exceeding eight feet in height as measured from the natural grade or crown of the road, whichever is less, to the underside of the roof, plus four feet in height to the highest point of the roof, with maximum dimensions no greater than 10 feet by 20 feet but occupying not more than 20 percent of the width of the lot shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b) of this section. However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the Town Council, jetties or groins, or other structures for the protection of the beachfront.

Section 5. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article VI, District Regulations; Division 15, Beach Area; Section 1473, to read as follows:

Sec. 134-1473. Height, width and length limit for properties adjacent to properties in districts other than R-B.

(a) No structure or beach building more than one story, but not to exceed 16 feet in height to the highest point of the roof, as measured from the natural grade or crown of the road, whichever is less, with maximum dimensions no greater than 20 feet by 25 feet shall be constructed on the privately owned property lying east of Ocean Boulevard, except as provided for by special exception under subsection (b) of this section. However, this restriction shall not be deemed to apply to public structures and/or buildings approved by the Town Council, jetties or groins or other structures for the protection of the beachfront.

...

Section 6. The Code of Ordinances of the Town of Palm Beach is hereby amended at Chapter 134, Zoning; Article VI, District Regulations; Division 15, Beach Area; Section 134-1474, to read as follows:

(a)...

(b) Beach house structures shall be set back not less than ten feet from the north property line and shall be set back not less than ten feet from the south property line and shall be setback not less than ten feet from the west property line. However, these restrictions shall not be deemed to apply to public structures and/or buildings approved by the Town Council, jetties

or groins or other structures for the protection of the beachfront. No such beach house structure or lot shall ever be used for any purpose other than private bathing purposes incidental to the ownership thereof, such use to be an accessory to the residential building located directly across the street therefrom or within a radius of 1,500 feet and with unity of title thereof, or such use to be an accessory use for an association of property owners on the adjacent east-west streets and provided, further, that such beach house structure has been approved as a special exception use in conformance with sections 134-227 through 134-223.

Section 7. 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 8. 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 9. Codification.

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

Section 10. Effective Date.

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

PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 13th day of January, 2010, and second and final reading on this ____ day of _____, 2010.

Jack McDonald, Mayor

David A. Rosow, Town Council President

Gail Coniglio, Town Council President Pro Tem

William J. Diamond, Town Council Member

ATTEST:

Richard M. Kleid, Town Council Member

Joanna Cunningham, Town Clerk

Robert N. Wildrick, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Development Review - Other

Agenda Title

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

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated December 30, 2009 from John Page
- Ordinance No. 3-10
- Water Supply Work Plan
- Water Supply Work Plan Sub Element

TOWN OF PALM BEACH

Information for Town Council Meeting on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Discussion Item for Town Council Agenda: 10-Year Water Supply Facility Work Plan

Date: December 30, 2009

STAFF RECOMMENDATION

Staff requests that the Town Council review the proposed 10-Year Water Supply Facility Work Plan and necessary Comprehensive Plan amendments, and provide their comments and recommendations at the January 13, 2010 Town Council Meeting. Staff will make any necessary revisions, and bring the proposed Work Plan and Comprehensive Plan amendments back to Town Council for first reading and transmittal to the Florida Department of Community Affairs on April 14, 2010.

BOARD OR COMMISSION RECOMMENDATION

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

GENERAL INFORMATION

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

All counties and municipalities in the State of Florida are required to create this Work Plan to ensure that they are providing sufficient potable water to those they serve. It is also important for water purchasers such as the Town of Palm Beach to create these Work Plans to show that they are coordinating with their water provider to ensure that their citizen's water needs are being met.

Because all of the counties and municipalities within the SFWMD are using the template provided by the District, they are very similar in nature in terms of formatting and general information provided. After final approval for transmittal by the Town, the Work Plan will be transmitted to the Florida Department of Community Affairs (DCA) for their review and approval. Other agencies will be copied on the DCA transmittal, including the SFWMD and the Treasure Coast Regional Planning Council, who will provide any comments they may have to DCA. Because of the straightforward nature of this Work Plan, we anticipate completion of the entire approval process within a few months of transmittal to DCA.

The Work Plan and Comprehensive Plan amendments will be brought back to Town Council in April for approval on first reading and transmittal to DCA. The reason for the three month delay is because major comprehensive plan amendments such as these must be transmitted within 10 days of approval following first reading, and though we are not limited in the number of major comprehensive plan amendments we send to DCA, we are limited to just two transmittals of major comprehensive plan amendments per calendar year. In order to include all major comprehensive plan amendments that are ready for transmittal to DCA, staff has targeted the months of April and October as months to transmit to DCA.

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

ORDINANCE NO. 3-10

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

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

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

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

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

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

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

Section 1. INCORPORATION OF RECITALS

The above recitals are incorporated as fully set herein.

Section 2. FINDINGS

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

Section 3. AMENDMENT OF COMPREHENSIVE PLAN

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

POLICY 12.3

~~Presently the, the~~ The Town, is coordinating with SFWMD, ~~to develop a 10-year work plan~~ created a 10-Year Water Supply Facility Work Plan in 2010 (incorporated and adopted herein by reference as Exhibit “A”) that takes into account ~~of~~ the Lower East Coast (LEC) Regional Water Supply Plan. The Town shall send a letter to SFWMD with identified projects for future water supply needs of the Town. Projects must be selected from the LEC Regional Water Supply Plan or must have prior approval by SFWMD. The Town will coordinate with its water supplier, i.e. the City of West Palm Beach, in this regard. The Town shall address future updates by SFWMD within 18 months of adoption by SFWMD of a new LEC Regional Water Supply Plan, by revising the Town’s 10-Year Water Supply Facility Work Plan.

Section 4. SEVERABILITY

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

Section 5. EFFECTIVE DATE

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

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

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

Jack McDonald, Mayor

David A. Rosow, Council President

Gail Coniglio, President Pro-Tem

William J. Diamond, Councilman

Richard M. Kleid, Councilman

Robert N. Wildrick, Councilman

ATTEST:

Joanna Cunningham, Town Clerk

EXHIBIT “A”

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



TOWN OF PALM BEACH, FLORIDA

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

Prepared For:

Florida Department of Community Affairs

Prepared By:

Town of Palm Beach Planning, Zoning & Building Department

November 2009



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4.0 CAPITAL IMPROVEMENTS

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5.0 COORDINATION WITH WATER PROVIDER



1.0 INTRODUCTION

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

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

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

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

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

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

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



1.1 Statutory History

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

1.2 Statutory Requirements

Each local government must comply with the following requirements:

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



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

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

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

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



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

2.0 BACKGROUND INFORMATION

2.1 Overview

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

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

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

2.2 Relevant Regional Issues

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



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

3. DATA AND ANALYSIS

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

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

3.1 Population Information

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



3.2 Maps of Current and Future Areas Served

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

3.3 Population and Potable Water Supply Demand Projections

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

3.4 Water Supply Provided by the City of West Palm Beach

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

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

3.4.1 SFWMD Water Use Permit

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



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

3.4.2 Existing Withdrawal Facility

Source: Floridan Aquifer System

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

Source: Surficial Aquifer System

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

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

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

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

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

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

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

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

Source: Clear Lake

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

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

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

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

3.4.3 Alternative Water Supplies

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



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

3.4.4 Interconnects

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

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

3.5 Conservation

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

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



3.6 Alternative Water Supply Projects & Reuse

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

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

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

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

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



4.0 CAPITAL IMPROVEMENTS

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

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

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

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

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

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



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

4.2 Capital Improvements Element/Schedule

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

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

5.0 COORDINATION WITH WATER PROVIDER

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

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



Appendix A

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

10 YEAR WATER SUPPLY FACILITY WORK PLAN SUBELEMENT

1.0 INTRODUCTION

1.1 Purpose and Objectives

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

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

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

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

Section 1 – Introduction

Section 2 – Background Information

Section 3 – Data and Analysis

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

1.2 Statutory History

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

1.3 Statutory Requirements

The following highlights the statutory requirements:

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

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

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

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

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

2.0 BACKGROUND INFORMATION

2.1 Overview of the City of West Palm Beach

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

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

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

2.2 Relevant Regional Issues

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

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

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

3.0 DATA AND ANALYSIS

3.1 Service Area - Population Information

The City of West Palm Beach Potable Water Supply Service Area (Utility Service Area) includes the City of West Palm Beach, Town of Palm Beach and Town of South Palm Beach. The existing and future population figures for the Utility Service Area are derived from Palm Beach County Planning, Zoning and Building Department and the University of Florida Bureau of Economic and Business Research (BEBR). Between 1990 and 2000, the Utility Service Area grew from 78,937 to 93,310, an increase of approximately eighteen (18%) percent. In 200~~7~~⁸ the City's Utility Service Area population was estimated at 114,241. By 2012, the City's Utility Service Area population is anticipated to increase to 125,049; and in 2018 to 145,670; representing an increase of twenty (27.5 %) percent over the 2008 population. This population growth is reflective of the fact that the City continues to experience redevelopment and infill projects within its limits.

3.2 Service Area Map

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

3.3 Population and Potable Water Supply Demand Projections

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

3.3.1 Historical Population Projections for the Service Area

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

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

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

3.3.2 Future Population Projections for the Service Area

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

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

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

3.3.3 Historical Water Use

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

Table 3–Service Area Past Water Production and Demand

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

3.3.4 Future Water Demand Projections

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

Table 4–Utility Service Area Water Demand Projections

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

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

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

Table 5 – Bulk Service Agreements Capacity Reservation

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

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

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

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

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

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

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

3.4 Potable Water Supply System

3.4.1 SFWMD Water Use Permit

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

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

3.4.2 Existing Withdrawal Facility

Source: Floridan Aquifer System

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

Source: Surficial Aquifer System

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

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

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

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

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

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

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

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

Source: Clear Lake

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

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

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

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

3.4.3 Alternative Water Supplies

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

3.4.4 Interconnects

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

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

3.5 Conservation

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

3.6 Alternative Water Supply Projects/Reuse

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

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

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

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

4.0 WORK PLAN PROJECTS/CAPITAL IMPROVEMENT ELEMENT/SCHEDULE

4.1 Existing Water Treatment Plant Process

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

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

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

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

4.2 Capital Improvements Element/Schedule

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

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

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Development Review - Other

Agenda Title

Request to Consider Zoning Ordinance Nos. 2-10 and 4-10 prior to 5:00 p.m. at the February 10, 2010, and March 10, 2010, Town Council Meetings.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated December 30, 2009

TOWN OF PALM BEACH

Information for Town Council Meetings on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Request to Consider Zoning Ordinance Nos. 2-10 and 4-10 prior to 5:00 p.m. at the February 10, 2010 and March 10, 2010 Town Council meetings

Date: December 30, 2009

STAFF RECOMMENDATION

Staff recommends that the Town Council conduct the public hearings on Ordinance Nos. 2-10 and 4-10 at the February 10, 2010, and March 10, 2010, meetings prior to 5:00 p.m.

GENERAL INFORMATION

Staff is requesting that the Town Council elect to conduct the second and final readings of Ordinance Nos. 2-10 and 4-10, which will be considered at the February 10, 2010, and March 10, 2010, meetings, during the course of the normal Council business. This may occur before 5:00 p.m. Florida Statutes require the Town Council to hold at least one of two public hearings to adopt a zoning ordinance after 5:00 p.m. However, the Statute provides that the time can be changed if a majority plus one of the local governing body elect to have the hearing at another time. Ordinance No. 2-10 is the proposed Royal Poinciana Mixed Use Overlay regulations and Ordinance No. 4-10 relates to proposed housekeeping changes and changes to the Beach Area zoning district related to public buildings and structures.

PBE:jsp:pc

cc: Thomas G. Bradford, Assistant Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
Veronica B. Close, AICP, Asst. Director, Planning, Zoning and Building Department
Paul W. Castro, AICP, Zoning Administrator
John Lindgren, AICP, Planning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Development Review - Other

Agenda Title

Lunch Time Operation of Coco's Restaurant, Special Exception No. 3-2009, 290
Sunset Avenue.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated December 30, 2009
- Letter from Maura Ziska dated December 21, 2009

TOWN OF PALM BEACH

Information for Town Council Meetings on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Lunch Time Operation of Coco's Restaurant, Special Exception No. 3-2009, 290
Sunset Avenue

Date: December 30, 2009

RECOMMENDATION

Staff recommends that the Town Council allow Coco's Restaurant to continue to operate during lunch hours without valet parking service.

GENERAL INFORMATION

On April 15, 2009, the Town Council conditionally approved the above referenced application for lunch operation at Coco's Restaurant (southeast corner of Bradley Place and Sunset Avenue). One of the conditions of approval was that the applicant be required to attend the January 13, 2010 Town Council meeting to re-address lunch service and the requirement to operate without valet parking service.

Maura Ziska, attorney for the applicant, has submitted a letter (copy attached) which identifies only a small number of patrons using the restaurant at lunch. She states that lunch service has been operating fine without the valet service. The Town has had no complaints about the operation of the restaurant, including parking or traffic circulation, as a result of operating at lunch time.

PBE/rlm/pc

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
Veronica B. Close, Asst. Director, Planning Zoning & Bldg. Department
Paul W. Castro, AICP, Zoning Administrator
zf

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

December 21, 2009

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

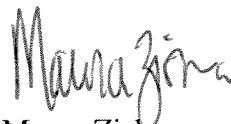
Re: Special Exception #3-2009 - 290 Sunset Avenue - Coco's Restaurant

Dear Paul:

On April 15, 2009, the Town Council approved lunch service for Coco's restaurant. At that time, the Town Council wanted an update in January 2010 as to how the lunch service was operating without valet service. This report is to inform the council that lunch service is operating fine without valet. The maximum number of lunch patrons at any given time is ten (10), therefore not having valet has not had a negative impact on the operation of lunch service.

If you have questions or require anything further, please do not hesitate to contact me.

Sincerely,



Maura Ziska

cc: Jeff Peng

TOWN OF PALM BEACH

Town Council Meeting on: January 13, 2010

Section of Agenda

Development Review - Other

Agenda Title

Condition of Approval for Palmway Restaurant Concerning Town-Serving Documentation, Special Exception No. 1-2009, 288/290 South County Road.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum from John Page dated December 30, 2009
- Sample Town-Serving Documentation from Thomas Campaniello dated November 25, 2009

TOWN OF PALM BEACH

Information for Town Council Meetings on: January 13, 2010

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Condition of Approval for Palmway Restaurant Concerning Town-Serving Documentation, Special Exception No. 1-2009, 288/290 South County Road

Date: December 30, 2009

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the Town-serving documentation as provided by Mr. Thomas Campaniello, owner of Palmway Restaurant.

GENERAL INFORMATION

On January 14, 2009, the Town Council conditionally approved the subject zoning application to allow the Palmway Restaurant to operate. Among the conditions of approval was a requirement that the Palmway Restaurant/owner return to the Town Council six months after opening to demonstrate Town-serving.

On July 15, 2009, the Town Council considered the Palmway Restaurant Town-serving documentation and found it to be inadequate. The Council deferred consideration of this matter to the January 13, 2010, Town Council meeting and instructed the owner to document and provide acceptable Town-serving information.

Town Code requires that Palmway Restaurant, as a special exception use, be Town-serving. The restaurant must demonstrate that at least 50% of its customers either live, work or are staying in accommodations in the Town. As required by its conditional approval, the Restaurant has re-submitted the attached Town-serving documentation for the Council's consideration.

The applicant used charge receipts for four months in 2009 (February through May). Related but not essential data pertaining to customer visitation was also submitted. Based on the summary sheet for each of the four months of receipts from February to May, the applicant has indicated that 75% of those customers were Town persons.

Condition of Approval for Palmway Restaurant Concerning Town-Serving Documentation,
Special Exception No. 1-2009, 288/290 South County Road
December 30, 2009
Page 2

Staff does not completely understand how the applicant identifies a customer as a Town person (See attached example of supporting documentation). The Council has the option of accepting this documentation, rescinding the approval or requiring more specific evidence of Town-serving compliance.

Attachments

PBE:jsp:pc

cc: Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Joanna Cunningham, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
pf
zf

PALMWAY ASSOCIATES LLC
288 SOUTH COUNTY ROAD
PALM BEACH, FL. 33480
P. (561) 833-9400 F. (561) 833-7054

November 25, 2009

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

RECEIVED

DEC 01 2009

TOWN OF PALM BEACH
PZB DEPT

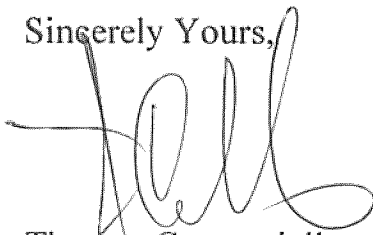
Re: Town Serving

Dear Mr. Castro,

We are providing a more comprehensive list of The Palmway Clientele. A small number of credit card receipts have the name of the cardholder. Others bare the signature only which is often difficult to decipher.

We spend considerable time and effort to compile this information, and hope that it fulfills the Town requirement.

Sincerely Yours,

A handwritten signature in black ink, appearing to read 'T. Campaniello', written over the typed name.

Thomas Campaniello

THE PALMWAY

288 South County Road, Palm Beach, Florida

Tel: 561-833-9400

Customer Name	Customer Credit Card #	Customer Amount Spend	Date Visited the Restaurant	Times Per week Visited the Restaurant	Pam Beach Resident, Temp Resident, or Visitor
	xxxx-xxxx-xxxx-2008	\$27.69	2/15/2009	1	Visitor
	xxxx-xxxx-xxxx-9000	\$51.12	2/15/2009	1	Visitor
	xxxx-xxxx-xxxx-3014	\$25.00	2/15/2009	1	Visitor
	xxxx-xxxx-xxxx-5018	\$62.00	2/15/2009	2	Visitor
	xxxx-xxxx-xxxx-3002	\$33.82	2/17/2009	1	Visitor
	xxxx-xxxx-xxxx-4000	\$91.59	2/17/2009	2	Visitor
	xxxx-xxxx-xxxx-1004	\$44.00	2/18/2009	1	Visitor
	xxxx-xxxx-xxxx-5018	\$51.12	2/16/2009	2	Visitor
	xxxx-xxxx-xxxx-4002	\$134.28	2/16/2009	1	Visitor
	xxxx-xxxx-xxxx-3048	\$145.01	2/16/2009	1	Visitor
	xxxx-xxxx-xxxx-4000	\$292.82	2/18/2009	2	Visitor
	xxxx-xxxx-xxxx-1002	\$97.48	2/18/2009	1	Visitor
	xxxx-xxxx-xxxx-2012	\$97.47	2/18/2009	1	Visitor
	xxxx-xxxx-xxxx-4851	\$45.34	2/18/2009	1	Visitor
	xxxx-xxxx-xxxx-1137	\$86.03	2/14/2009	1	Visitor
	xxxx-xxxx-xxxx-9415	\$20.91	2/17/2009	1	Visitor
	xxxx-xxxx-xxxx-2225	\$66.12	2/17/2009	1	Visitor
	xxxx-xxxx-xxxx-9415	\$52.60	2/17/2009	1	Visitor
	xxxx-xxxx-xxxx-2018	\$241.29	2/15/2009	1	Visitor
	xxxx-xxxx-xxxx-9566	\$135.02	2/15/2009	1	Visitor
	xxxx-xxxx-xxxx-5257	\$14.00	2/15/2009	1	Visitor

Tender Types

Cash Collected	:	316.78
Anex	:	1178.40
Visa	:	633.92
MasterCard	:	86.03
Discover	:	45.34

Total Credit Cards	:	1943.69
Total Non Cash Tenders	:	1943.69
Credit Card Returns	:	.00
Returns Included In Total		

List Of Returns

Cash Sales /W Tax \$231.58

Closed Check Voids

Check Number	Void Sale	Void Disc
--------------	-----------	-----------

Chk # 1009	18.00	.00
Chk # 3003	4.00	.00
Chk # 3004	49.00	.00
Chk # 1000	40.00	.00
Chk # 1005	11.00	.00
Chk # 1002	116.00	.00
Chk # 1001	80.00	.00
Chk # 1004	131.00	.00
Chk # 2000	6.00	.00

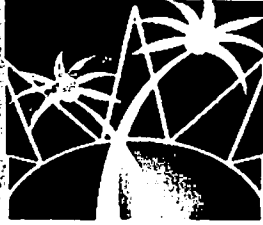
Total Void Sales	455.00
------------------	--------

Cash To Account For	192.67
Adjusted Gross Total	2136.36
Total Accounted For	1943.69

Short	-192.67
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Adjusted Net Sales 2005.95
Close Counter 15

Sign _____



288 VAY
561-833

Table : 17 Ticket
Server : William
Register Name : IERM4

09:13 PM 02/18/2009
Card # : xxxx-xxxx-xxxx-4000 Exp xx-xx
Mex Auth. # : 508454

Charge Amount 242.82
Tip Amount 50
Total Amount 292.82

Customer Copy

Tip Applied Slip

Table : Ticket : 3003
09:27 PM 02/18/09

Account No : xxxx-xxxx-xxxx-4000
Charge Amount: 242.62
Tip Amount : 50.00

Server :
William

To: Palm Beach Zoning Commission

From: Glenn & Sue Keller

Residents at 2850 S. Ocean Blvd, #211

Palm Worth, The building to the immediate South of the Omphoy.

Regarding the Omphoy request for a beach house structure that requires a variance.

At the present time the Omphoy has four unsightly beach bed structures on the beach (see attached photos). All four are located on the South side of the hotel property with two of them in the beach view of most of the condo units and all four in view of many of the Palm Worth condo units.

Adding a new beach structure without removing the existing beach bed structures would add a lot of ugly clutter to the natural beach environment.

If the Omphoy removed these beach bed structures and placed the new requested beach structure on the North side of it's property, we would not object to the new request.

If the commission approves the new structure requested by the Omphoy, the approval should be contingent upon the removal of the four existing beach bed structures which we understand to be in code violation and limiting the location of the new structure to the north side of it's beach front.

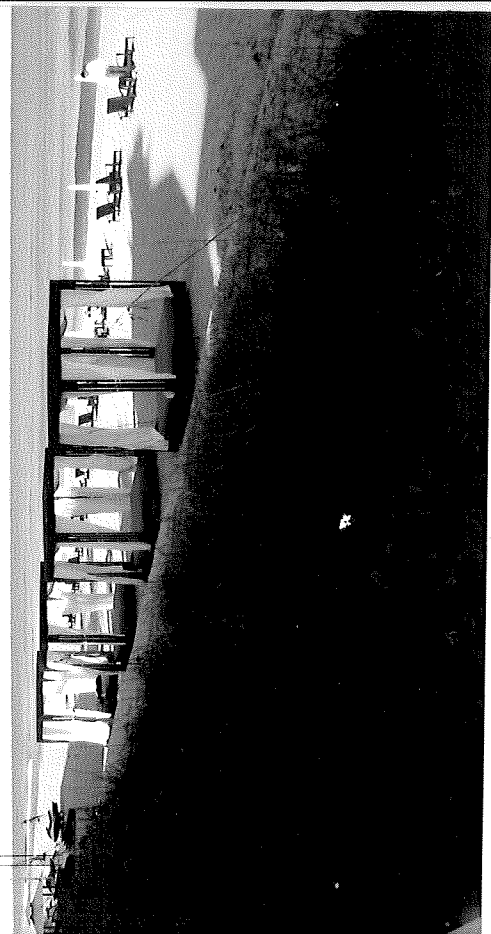
Glenn Keller (Board Member Palm Worth Inc.) - Sue Keller

Names - Other Palm Worth Residents: Unit #

<i>John M. Guntz</i>	209	<i>Gene E. Inman</i>	
<i>John G. Guntz</i>	514	<i>Richard N. Wing</i>	
<i>Jeff Guntz</i>	406	<i>Ester Wing</i>	
<i>Wesley C. Hyder</i>	109	<i>Jeanne Castillo</i>	
<i>Mildred Guntz</i>	513	<i>John M. Guntz</i>	
<i>Bob Guntz</i>	311	<i>John M. Guntz</i>	
<i>Sue Apoteker</i>	209	<i>John M. Guntz</i>	
<i>Mary Lane Cairns</i>	408	<i>John M. Guntz</i>	
<i>Thomas W. Walbo</i>	409	<i>John M. Guntz</i>	
<i>Jeanne S. Wallis</i>	409	<i>John M. Guntz</i>	
<i>Mary Lou H. Grannell</i>	514	<i>John M. Guntz</i>	



Beach View ↑
Omphoy



Beach View ↑
to Omphoy



View from
Palm Worth Units →

View from
Palm Worth Units
←

Palm Worth

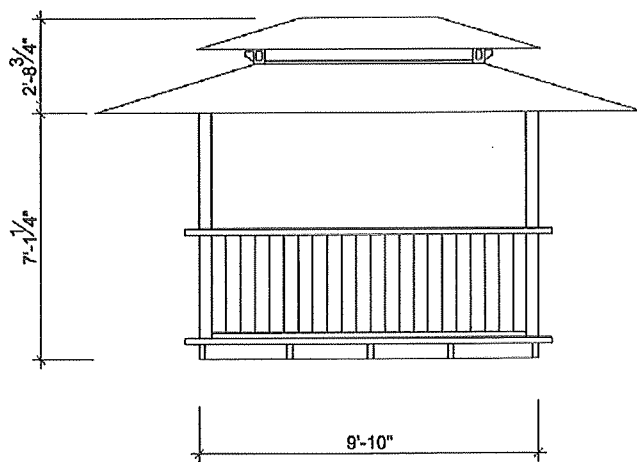
2850 S. Ocean Blvd. #211

Palm Beach, FL 33480

Glenn + Sue Keller -

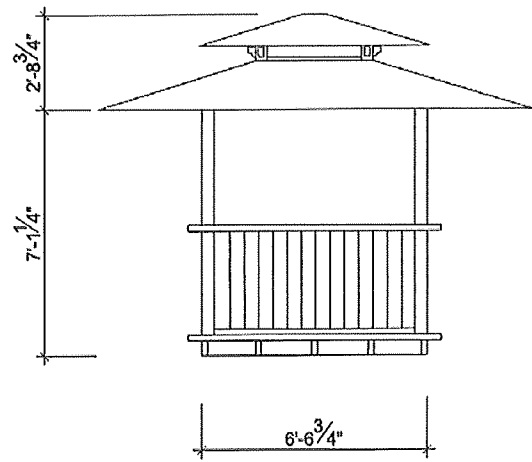
561-533-7178





BEACH GAZEBO— FRONT ELEVATION

SCALE: $\frac{1}{8}''=1'-0''$



BEACH GAZEBO— SIDE ELEVATION

SCALE: $\frac{1}{8}''=1'-0''$

OMPHOY OCEAN RESORT
2842 S. OCEAN BLVD.
PALM BEACH, FLORIDA 33480

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

January 6, 2010

VIA FACSIMILE: 561-835-4621

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

TOWN OF PALM BEACH

JAN 08 2010

Town Manager's Office

RE: Modified Variance #30-2009/1470 North Lake Way

Dear Mayor and Town Council:

On behalf of the property owner, I would like to request a deferral of the above-referenced matter from the January 13, 2009 until the February 10, 2009 Town Council meeting. The reason for the deferral is to work out issues with the neighbors.

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

Sincerely yours,

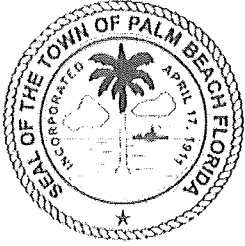


Maura A. Ziska

MAZ/mr

cc: Paul Castro
Wayne Ducote
Charlie Isminger

00004194



TOWN OF PALM BEACH

Planning, Zoning & Building Department

January 26, 2010

Mr. Thomas Campaniello
Palm Way Associates, LLC
288 South County Road
Palm Beach, FL 33480

Subject: Town-serving Documentation for Borgo Antico Restaurant, Exception 1-2009, 288/290
South County Road.

Mr. Campaniello,

The Town Council, at its January 13, 2010 meeting, deferred consideration of your Town-serving documentation until the January, 2011 Council meeting. The purpose of the deferral was to allow the Town time to study possible changes to the Town-serving regulations. Please continue to collect relevant Town-serving data as it is unsure how the regulations may change. New documentation will be required to be submitted next December for consideration at the January 2011 Town Council meeting. Your presence is required at that Council meeting to re-address your Town-serving issue. Please contact me at (561)227-6406 if you have any questions.

Sincerely,

Paul Castro, AICP
Zoning Administrator

cc: John S. Page, Director, Planning, Zoning and Building
John Randolph, Town Attorney
Joanna Cunningham, Town Clerk
Zf
Pf

RECEIVED
JAN 27 2010
TOWN CLERK