



TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE -
SUBJECT TO
REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, NOVEMBER 9, 2011

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

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. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

1. Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue, Suites 231-235, Per Letter Dated October 18, 2011, from James R. Brindell. Page 6
2. Extension of Agreed Maximum Time Schedule for Completion of Work Per Town Code 18-242.105.4.1.6, at 409 Antigua Lane, Per Letter Dated October 6, 2011, from Jeffrey W. Sullivan. Page 18

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business
 - a. **SPECIAL EXCEPTION #25-2011** Declaration of Use Agreement for FEDCO Pharmacy, **2875 South Ocean Boulevard**. [Representative: Johnny Meier]
Deferred from the October 12, 2011, Town Council Meeting. Page 28
2. New Business
 - a. **SPECIAL EXCEPTION #31-2011** The application of Sabadell United Bank, NA; relative to property commonly known as **180 Royal Palm Way**; described as ROYAL PARK ADD LT 34 BLK F; located in the C-TS Zoning District. The applicant requests a Special Exception to use the first and third floors of the subject building totaling 12,940 square foot as a bank (Sabadell United Bank, NA) The subject tenant space was most recently used as a Lydian Bank branch office with its customers and clients being more than 50% town-persons in satisfaction of the requirements of Section 134-299(12). [Attorney: Peter S. Broberg]
 - b. **SPECIAL EXCEPTION #32-2011 WITH SITE PLAN REVIEW AND VARIANCE** The application of Everglades Club, Inc.; relative to property commonly

known as **350 Worth Avenue**; described as lengthy legal description on file; located in the C-WA Zoning District. The applicant requests a Special Exception with Site Plan Modification to renovate the existing kitchen at the Everglades Club and change the front façade along Worth Avenue. The plan includes raising the parapet and eliminating mechanical equipment on the roof. A portion of the building will be demolished and setback further from the street to provide more room for loading and unloading. No additional square footage is proposed. A variance is requested to allow renovation of the existing kitchen to be phased over four years in lieu of the two year maximum completion time required. [Attorney: Maura A. Ziska]

- c. **SPECIAL EXCEPTION #33-2011** The application of The Breakers Palm Beach, Inc.; relative to property commonly known as **230 Sunrise Avenue, Suite A, Echo Restaurant**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant requests a Special Exception to remove the previous condition of approval which requires an annual Town-serving statement. [Attorney: James R. Brindell]

- d. **SITE PLAN REVIEW #13-2011 WITH VARIANCES** The application of Richard Hirsch; relative to property commonly known as **130 Sunrise Avenue, PH-1 West**; described as SUN & SURF ONE HUNDRED THIRTY COND UNIT PH 1W; located in the R-C Zoning District. The applicant requests Site Plan Review for a 203.4 square foot retractable awning. Variances are requested to install a 203.4 square foot retractable awning with a side yard setback of 19.37 feet in lieu of the 61.5 foot minimum required and to install a retractable awning on the 6th floor of a building in a district that allows 2-story buildings by right and a height of 61.5 feet in lieu of the 23.5 foot maximum required. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

- e. **SITE PLAN REVIEW #14-2011 WITH SPECIAL EXCEPTION AND VARIANCES** The application of Marilyn and John Keane; relative to property commonly known as **425 Worth Avenue, PH-B**; described as lengthy legal description on file; located in the R-D(2) Zoning District. The applicant requests Site Plan Modification

with variances to allow one (1) permanent awning totaling 840.5 square feet over the terrace on the seventh floor of a seven story building. Variances are requested to allow the awning at a height of 63.25 feet in lieu of the 60 foot maximum allowed; to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the five story building maximum allowed; and, to allow the awning with a street side yard setback of 21.7 feet in lieu of the 126 foot minimum required for multi-family use in the R-D(2) Zoning District. [Attorney: Maura A. Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

D. Other

None

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2011

Section of Agenda

Time Extensions

Agenda Title

Request for Waiver of Section 42-199, Hours of Construction Work, at 150 Worth Avenue, Suites 231-235, Per Letter Dated October 18, 2011, from James R. Brindell.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated October 27, 2011, from John Page
- Letter Dated October 18, 2011, from James R. Brindell
- Letter Dated October 27, 2011, from James R. Brindell
- Letter Dated October 27, 2011, from Gunster

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Waiver of Town Code Section 42-199, work in the C-WA Zoning District
150 Worth Avenue, Suite 231-235

Date: October 27, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approves an extension of the hours for construction work for 150 Worth Avenue, within the C-WA Zoning District with the following conditions:

- Interior work is allowed 8:00 AM to 8:00 PM Monday through Friday, 8:00 AM to 6:00 PM on Saturdays, and no work is allowed Sundays and Town recognized holidays.
- All parking, material delivery and material staging will be in the parking area under the building.
- No loading or unloading, parking or material staging is to take place on Worth Avenue.
- All building permits shall be obtained before starting any work.
- No exterior work will be performed on Worth Avenue during this extension of working hours. All windows shall be screened as required by Town Ordinance.
- Workers shall not congregate nor loiter on Worth Avenue.
- Any verified complaints from neighbors will revoke this extension of hours.
- Subject to an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request 10 days prior to the scheduled hearing date.
- No work shall be performed on Sundays or Town recognized holidays.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.
- Work shall be complete by December 15, 2011.

GENERAL INFORMATION

The Town received a letter from James Brindell with the Gunster law firm on October 18, 2011 requesting an extension of working time until November 30, 2011 and an extension of working hours from 8:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturdays.

On October 27, 2011 the request was modified to ask that the extension be granted until December 15, 2011. This retail space consists of former spaces 231 through 235 and is located on the second floor of the Esplanade Building. The shell work is being performed by Fischer Contracting which delayed the installation of the custom interior finishes. The owner would like this extra time to prepare the interior of the store properly for its opening. The Esplanade has an underground parking area and an off street entrance which allows all materials and workers to access the site and deliver materials to the site without using Worth Avenue.

Mr. Brindell's extension letter request, including timing details, the modified request, and the Worth Avenue Association letter is attached.

Attachments:

JP:jlt

cc: Raychel Houston, Code Enforcement Supervisor



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

RECEIVED

OCT 18 2011

TOWN OF PALM BEACH
PBZ DEPT

Our File Number: 00003150.00017
Writer's Direct Dial Number: (561) 650-0511
Writer's E-Mail Address: jbrindell@gunster.com

October 18, 2011

VIA HAND DELIVERY

Mr. Jeff Taylor
Building Official
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Construction Work in 150 Worth Avenue after November 1st
(Code Section 42-199)

Dear Mr. Taylor:

The purpose of this letter is to request permission for The Goodman Company and Kiosk (a leasee at 150 Worth Avenue) to be allowed to perform construction work on the second floor at the location of the former Saks Men's Store (Suite 231-235) after November 1 during the Season. A description of that work and timeframes are attached. The work will consist of internal tenant improvements. The Goodman Company has already obtained a permit and begun work on the landlord portion of the work. Kiosk will be adding and changing light fixtures and installing flooring, which is *the only work requiring a permit which will take place after November 1*. That work will be done under Goodman's permit, using their contractor.

As you know, it has been the Town's policy for at least the past 20 years to allow such work in 150 Worth Avenue (f/k/a The Esplanade) and in the 125 Worth Avenue Building because of the interior location of such work and the ability to have construction vehicles and deliveries occur within the parking garages of those buildings and not on the street. During that entire time we are not aware of any complaints which have arisen from such work.

The Goodman Company and Kiosk propose the following conditions regarding such work in the Season:

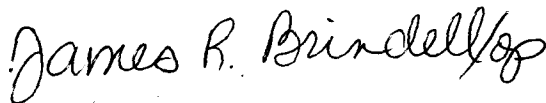
- Construction vehicles will be parked in and operated from within the 150 Worth Avenue garage, not on the public streets.
- Construction deliveries will take place in the garage and not on the public streets.
- All work will be done during the Town's regular construction hours for Worth Avenue of 8:00am to 8:00pm through the end of November, with Saturday construction hours of 8:00am to 6:00pm.
- No construction work will be done on Thanksgiving, the day after Thanksgiving, or on any other legal holiday recognized as such by the Town.

The Goodman Company, the landlord, expects to complete its work by November 4, and Kiosk, the tenant, will be done by November 30. The work cannot be completed sooner because Kiosk uses custom-fabricated furnishings and fixtures which will not be arriving until November 11. Approval of this request will allow Kiosk to be open for the 2011 season.

The Goodman Company has already contacted Winthrop House and obtained their support. They also have a letter of support from the Worth Avenue Association (attached).

Please place this item on the November 9, 2011 Town Council agenda for a decision. If the Town Council approves this request, the construction work is anticipated to be completed by November 30, 2011.

Sincerely yours,



Signed in Mr. Brindell's absence to avoid
delay in sending.

James R. Brindell
attachments
JRB/omp

cc: John Little, III, Esq.
John Page, Planning, Building, & Zoning Director
Peter Elwell, Town Manager
Robert Saffran
George Ganthier

WPB_ACTIVE 4908789.2



THE GOODMAN COMPANY

September 27, 2011

James K. Norquest
Gunster, Yoakley & Stewart, PA
777 South Flagler Drive
Suite 500 East
West Palm Beach, FL 33401

RE: 150 Worth Avenue
Kiosk of Palm Beach
Space #235

Dear Jim:

Jim as discussed, tenant construction schedule is as follows:

Tenant installation of flooring Monday 11-07-2011 to Sunday 11-13-2011
Tenant fixture installation Monday 11-14-2011 to Sunday 11-20-2011
Tenant merchandising Monday 11-21-2011 to Monday 11-28-2011
Tenant soft opening Tuesday 11-29-2011
Tenant grand opening Wednesday 11-30-2011

Sincerely,

THE GOODMAN COMPANY

George P. Ganthier
Director of Design, Construction and Tenant Coordination Services

GPG:eo

THE GOODMAN COMPANY

Phillips Point, East Tower

777 South Flagler Drive • Suite 1101 • West Palm Beach, FL 33401 • (561) 833-3777 • Fax (561) 832-8466



Worth Avenue Association

P.O. Box 2126, Palm Beach, FL 33480
Phone: 561-659-6909 Fax: 561-659-9898
WWW.WORTH-AVENUE.COM
Email: info@worth-avenue.com
Quality - Integrity - Service

September 26, 2011

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

RE: 150 Worth Avenue
Kiosk Palm Beach

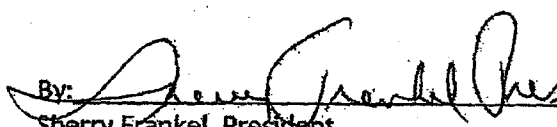
Dear Town Council:

On behalf of the Worth Avenue Association, Inc. Board of Directors, this letter will serve to notify the Town of Palm Beach that the Worth Avenue Association does not object to the extension of time for construction modifications/improvements at 150 Worth Avenue for new tenant, Kiosk Palm Beach. Interior construction is expected to reach beyond November 1st to complete. Their request to extend construction hours until 8 p.m. will not be opposed by the Association.

It should be agreed however, that construction personnel parking and construction vendor parking will be strictly prohibited on Worth Avenue at any time during the construction process.

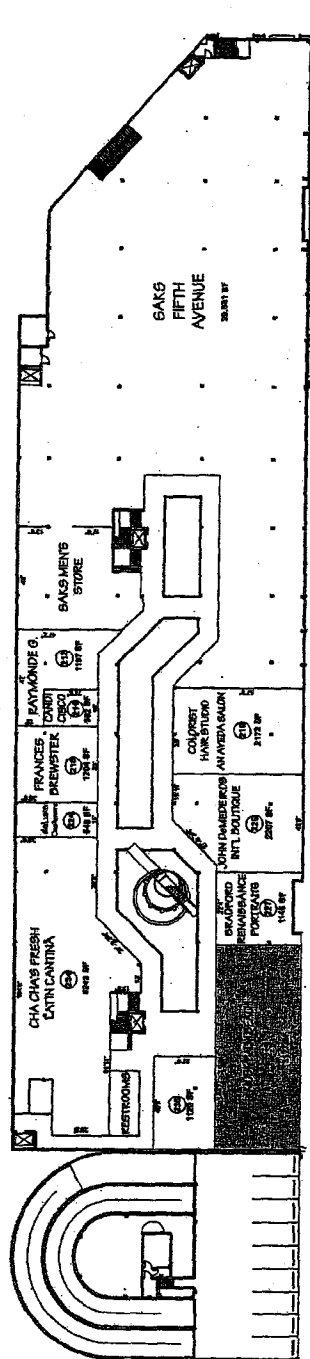
Yours truly,

THE WORTH AVENUE ASSOCIATION, INC.

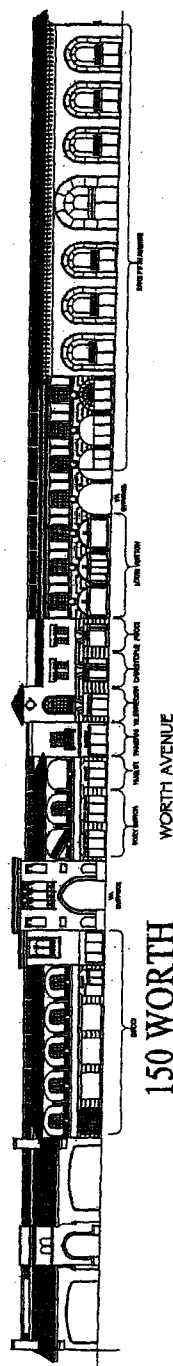
By: 

Sherry Frankel, President

Office address: 256 Worth Avenue, Suite 312, Palm Beach, FL 33480



SECOND FLOOR PLAN

[illegible]



GUNSTER
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 00003150.00017
Writer's Direct Dial Number: (561) 650-0511
Writer's E-Mail Address: jbrindell@gunster.com

October 27, 2011

VIA HAND DELIVERY

Mr. Jeff Taylor
Building Official
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Construction Work in 150 Worth Avenue after November 1st
(Code Section 42-199)

Dear Mr. Taylor:

The purpose of this letter is to request permission for The Goodman Company and Kiosk (a leasee at 150 Worth Avenue) to be allowed to perform construction work on the second floor at the location of the former Saks Men's Store (Suite 231-235) after November 1 during the Season. A description of that work and timeframes are attached. The work will consist of internal tenant improvements. The Goodman Company has already obtained a permit and begun work on the landlord portion of the work. Kiosk will be adding and changing light fixtures and installing flooring, which is the only work requiring a permit which will take place after November 1. That work will be done under Goodman's permit, using their contractor.

As you know, it has been the Town's policy for at least the past 20 years to allow such work in 150 Worth Avenue (f/k/a The Esplanade) and in the 125 Worth Avenue Building because of the interior location of such work and the ability to have construction vehicles and deliveries occur within the parking garages of those buildings and not on the street. During that entire time we are not aware of any complaints which have arisen from such work.

Mr. Jeff Taylor
October 27, 2011
Page 2

The Goodman Company and Kiosk propose the following conditions regarding such work in the Season:

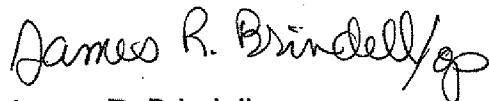
- Construction vehicles will be parked in and operated from within the 150 Worth Avenue garage, not on the public streets.
- Construction deliveries will take place in the garage and not on the public streets.
- All work will be done during the Town's regular construction hours for Worth Avenue of 8:00am to 8:00pm until December 15, with Saturday construction hours of 8:00am to 6:00pm.
- No construction work will be done on Thanksgiving, the day after Thanksgiving, or on any other legal holiday recognized as such by the Town.

The Goodman Company, the landlord, expects to complete its work by November 4, and Kiosk, the tenant, will be done by December 15. The work cannot be completed sooner because Kiosk uses custom-fabricated furnishings and fixtures which will not be arriving until November 25. Approval of this request will allow Kiosk to be open for the 2011 season.

The Goodman Company has already contacted Winthrop House and obtained their support. They also have a letter of support from the Worth Avenue Association (attached).

Please place this item on the November 9, 2011 Town Council agenda for a decision. If the Town Council approves this request, the construction work is anticipated to be completed by December 15, 2011.

Sincerely yours,



James R. Brindell
attachment
JRB/omp

Signed in Mr. Brindell's absence to avoid
delay in sending.

cc: John Little, III, Esq.
John Page, Planning, Building, & Zoning Director
Peter Elwell, Town Manager
Robert Saffran
George Ganthier

WPB_ACTIVE 4908789.3



THE GOODMAN COMPANY

October 27, 2011

James K. Norquest
Gunster, Yoakley & Stewart, PA
777 South Flagler Drive
Suite 500 East
West Palm Beach, FL 33401

RE: 150 Worth Avenue
Kiosk of Palm Beach
Space #235

Dear Jim:

Jim as discussed, tenant construction schedule is as follows:

Tenant installation of flooring Thursday, 11-10-2011 to Thursday, 11-17-2011
Tenant fixture installation Friday, 11-18-2011 to Friday, 11-25-2011
Tenant merchandising Saturday, 11-26-2011 to Friday, 12-02-2011
Tenant soft opening Wednesday, 12-14-2011
Tenant grand opening Thursday, 12-15-2011

Sincerely,

THE GOODMAN COMPANY



George P. Ganthier
Director of Design, Construction and Tenant Coordination Services

GPG:eo

THE GOODMAN COMPANY

Phillips Point, East Tower

777 South Flagler Drive • Suite 1101 • West Palm Beach, FL 33401 • (561) 833-3777 • Fax (561) 832-8466



FT. LAUDERDALE
JACKSONVILLE
MIAMI
PALM BEACH
STUART
TALLAHASSEE
VERO BEACH
WEST PALM BEACH

October 27, 2011

To whom it may concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by The Goodman Company and their tenant, Kiosk, for the proposed work in the former Saks Men's Store space in Suites 231-235 on the second floor at 150 Worth Avenue. The applicants would like to be able to work until December 15, 2011. The work will consist of internal tenant improvements. Construction vehicles will be parked in, and deliveries will take place in the 150 Worth Avenue garage, not on the public streets. The following additional work hours are requested:

- All work will be done during the Town's regular construction hours for Worth Avenue of 8:00 am to 8:00 pm until December 15, 2011, with Saturday construction hours of 8:00 am to 6:00 pm.
- No construction work will be done on Thanksgiving, the day after Thanksgiving, or on any other legal holiday recognized as such by the Town.

These work hours will allow the applicants to complete the work in time for the 2011-2012 Season.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled Development Review meeting on November 9, 2011. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Please feel free to call George Ganthier at The Goodman Company at 804-4039 if you have any questions about this request.

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2011

Section of Agenda

Time Extensions

Agenda Title

Extension of Agreed Maximum Time Schedule for Completion of Work Per Town Code 18-242.105.4.1.6, at 409 Antigua Lane, Per Letter Dated October 6, 2011, from Jeffrey W. Sullivan.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated October 27, 2011, from John Page
- Letter Dated October 6, 2011, from Jeffrey W. Sullivan
- Letter Dated October 11, 2011, from Jeffrey W. Sullivan
- Letter Dated October 18, 2011, from Jeffrey W. Sullivan
- Antigua Lane Construction Schedule
- Email Dated October 29, 2011, from Ambassador Edward L. Elson

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Extension of Agreed Maximum Time Schedule for Completion of Work Per
Town Code 18-242.105.4.1.6, 409 Antigua Lane

Date: October 27, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council consider an extension of agreed maximum time schedule for completion of work for 409 Antigua Lane. If the Council is inclined to accommodate the request, the following conditions should apply:

- The contractor will obtain a new permit for the value of the remaining work.
- Work shall be performed in accordance with the attached construction schedule.
- Any verified complaints from neighbors may revoke this extension.
- The site shall be maintained so as to pose no nuisance to the neighboring properties. This will require constant site maintenance and regular landscape maintenance.
- Town Council may consider a daily fine as allowed by Town Code 18-242.105.4.1.6(B).
- Subject to an affidavit that all property owners, businesses and residents (Condominium Association if a condominium) within a 200 foot radius of the subject property have been notified of this request 25 days prior to the scheduled hearing date.
- Contractor will provide a copy of the affidavit and a copy of the notice to the Building Official no later than 5 days prior to the scheduled hearing date.

GENERAL INFORMATION

Chapter 18 of Town Code establishes a maximum time schedule for completion of major construction work in the Town of Palm Beach. Because this project affects 4,380 square feet, this project was allowed 24 months for completion which expired on October 12, 2011. Since this issue was discovered after allowable time for an extension had passed, the Town has allowed construction on this property to continue. This project falls under section B of the aforementioned code. Section B states Council “may condition the extension upon the payment of a fee of twenty cents per square foot per day, for a minimum of \$1,000.00 per day, or as determined by the Town Council.”

The owner wishes to obtain a one year extension of time to complete this work. A fee, if imposed, should be carefully weighed to prompt completion in a timely fashion. The Council is encouraged to push the contractor for completion as soon as possible.

A manual search for expiring permits was performed on October 10, 2011 and this project was the only project found to be in danger of default. The contractor has provided an explanation for the construction delays which can be found in the attachments. The contractor has also provided a construction schedule which can be used to help monitor progress on this project.

Building Official Jeff Taylor has visited the site and found no nuisances which require mitigation. The site was well maintained and all landscaping was healthy and trimmed.

Jeff Taylor will attend the Town Council meeting on November 9 to answer any detailed questions that may arise. The contractor, Jeff Sullivan, has been advised to attend.

Attachments

JP:jlt

SULLIVAN BUILDERS
OF FLORIDA, L.L.C.

October 6, 2011

RECEIVED

OCT 11 2011

Mr. Jeff Taylor
Planning, Building and Zoning Department
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RECEIVED

TOWN OF PALM BEACH
TPB PLAN EXAMINER

OCT 11 2011

TOWN OF PALM BEACH
978 DEPT

Dear Mr. Taylor,

Sullivan Builders of Florida, L.L.C. currently holds a building permit for the renovation of 409 Antigua Lane. The permit B09-06491 was issued October 10, 2009, I understand that it is about to expire. We have maintained a constant presence at 409 Antigua Lane over this period but the project has taken more time than we anticipated, mainly due to design and product choice decisions that do require extra time. We also had an issue with the roof tiles that we ordered, after the tiles were delivered and stocked we discovered that the corrugated underside of the tiles would be visible from below, this was not an acceptable design element and was not evident in the marketing material. At this point we had to remove the unsatisfactory tiles and order a different product. The total delay was approximately 3 ½ months.

Recent accomplishments include Final Roofing (passed 10/5/11), Plumbing rough (pass pending 7/19/11) near completion of HVAC rough, Electric rough and Low Voltage rough; framing is ready pending passage of sub-contractors inspections.

I am writing to ask for an extension, I believe we can complete this project in the next six months, and leave a residence that The Town of Palm Beach, the owner Mr. Thomas Pournaras and Sullivan Builders can be proud of.

Sincerely,

Jeffrey W. Sullivan

1441 Brandywine Road #200L • West Palm Beach, Florida 33409
(561) 697-4536 • Fax (561) 697-4172
CGC 045095

SULLIVAN BUILDERS
OF FLORIDA, L.L.C.

October 11, 2011

To whom it may concern:

A waiver of Town Ordinance 105.4.1.1 (Time schedule for completion of project) is being requested by 409 Antigua Lane to complete the renovation of the house, landscaping, pool and driveway work. This waiver is requested from October 10, 2011 to April 10, 2012.

This matter will be presented to the Palm Beach Town Council at the regularly scheduled meeting on November 9, 2011. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 25 days prior to the regularly scheduled meeting.

Sincerely,

Jeffrey W. Sullivan

SULLIVAN BUILDERS
OF FLORIDA, L.L.C.

October 18, 2011

RECEIVED

OCT 27 2011

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

TOWN OF PALM BEACH
PZB DEPT

Re: 409 Antigua Lane

Dear Sirs:

I applied for the building permit on September 24, 2009 and it was issued on October 10, 2009.

Work did not commence right away because we had contract issues to address, sub-contractors to choose and the Pournaras's needed to move out. On or about November 10, 2009 we got to work.

Things ran smoothly. We demoed exterior doors and windows, cut openings for new locations, formed and poured footers and pads for new bearing walls and columns, fabricated and installed stainless steel columns for the logia and the front entrance. The owner decided that he did not want any perimeter or exterior beams made of wood so we removed the existing wood and replaced it with reinforced concrete. New beams were formed, reinforced with steel and poured with 5000 psi concrete.

Around this time we decided on a window and door manufacturer. Mr. and Mrs. Pournaras chose a beautiful, heavy, mahogany product with very nice stainless steel, brass and bronze hardware. There was a substantial lead time, because they all had to be manufactured and shipped from out of the country. We had plenty to do, getting the openings right, installing bucks and water proofing the openings.

The exterior of the house was in pretty good shape and we started to focus more on the interior, leaving the exterior to the stucco crew who were installing a detailed, solid, cornice around the perimeter and the portico.

Major changes started happening around this time. Between May of 2010 and March of 2011, I submitted six major structural revisions to the building department for review. Each one of these had to be designed, engineered, priced and built. They also affected the placement and location of Electric, HVAC and Plumbing.

The first major change was the decision to install a custom brick fireplace at the east wall of the family room. This required removing approximately ten feet of block wall from footer to the roof. The work to build the fireplace included a new foundation, reinforced block for the chimney, brick work for the fireplace itself and installing a custom made steel bracket to hold up the roof.

The second major change was in the master bed room. We changed the tray ceiling to a vaulted ceiling. This required major truss modifications and opening the roof to place a custom made steel truss, by crane, to carry the roof load. We also had to convert a partition to a bearing wall which required cutting the floor, install a footer, then framing and strapping a structural wall.

The third major change was to convert the living room ceiling from a tray to a cathedral ceiling. This required major truss modifications, framing, converting a non-bearing partition to a bearing wall and installing two steel columns and the foundation pads to support them.

1441 Brandywine Road #200L • West Palm Beach, Florida 33409
(561) 697-4536 • Fax (561) 697-4172
CGC 045095

Sullivan Builders of Florida, L. L. C.

The fourth major change was to raise the ceiling in the family room. Again, major truss modification, framing, installing engineered wood beams, custom fabricated steel brackets and foundation work.

The other two major revisions had to deal with framing details for walls, ceilings and trusses, mainly to resolve issues we discovered, from the original construction.

Now that the structure was essentially complete we were in a position to move on with the sub-contractors. We chose to let the HVAC contractor run his duct first, for three complete new systems, with custom made vents, this took approximately two months.

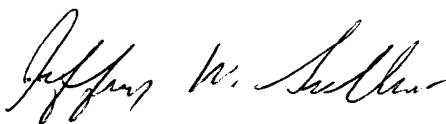
At this time we also decided to order the roof tile. It took about six weeks for the material to arrive and get stocked on the roof. We discovered that the underside of the tile had a scalloped pattern that was visible from the ground; this detail ruined the look we were trying to achieve. After much deliberation Mr. and Mrs. Pournaras decided to scrap the roof tiles and order a different product. Again this product had to be fabricated and shipped from across the country. It took about four months but the roof has been installed and we passed the final inspection October 5, 2011.

Over the past several months we have been completing work on the rough phase of the sub-contracted trades and getting inspections. The Plumbing rough was inspected July 19, 2011 and passed pending revision of two notes on the blue print. The Mechanical rough was inspected October 11, 2011 and passed pending complete hood duct (the inspector noted that we are OK for the framing inspection). The Architect is completing as built drawings for electric and low voltage so we can get those inspections and finally the framing inspection, at which point we can insulate and hang drywall.

This building project has never been suspended or abandoned. Mr. Pournaras has paid all his bills in full and on time. There are no liens or threats of liens from any of the sub-contractors or suppliers.

In conclusion, we have come a long way but still have a way to go. Please grant us a one year extension of our building permit so that we can complete the project with the beautiful detail and finishes that have always been our objective. We are extremely careful to adhere to all building codes and are very conscious of offending any neighbors with noise, parking or any unsightly debris. Our only objective is to construct a very special, small home in Palm Beach. True Mr. and Mrs. Pournaras have been very particular but only for the quality of the work, we will now focus on speed as well. Mr. and Mrs. Pournaras have also engaged Mario Nievera Landscape Design for the pool, terracing and driveways. This work will also be completed within the year extension.

Sincerely,

A handwritten signature in cursive script, reading "Jeffrey W. Sullivan".

Jeffrey W. Sullivan

SULLIVAN BUILDERS
OF FLORIDA, L.L.C.

October 19, 2011

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

SUMMARY

Project Address - 409 Antigua Lane

Building permit number and date issued - B-09-06491 10/12/2009

Work commenced on or about 11/10/2009. Work progressed smoothly, several major structural revisions starting in May 2010, and a problem with the roof tiles extended the project.

Revisions

Revision Number	App. Date	Description
B-10-10055	05/11/2010	Fireplace
B-10-10876	06/16/2010	MBR Ceiling
B-10-12229	08/12/2010	Living Room Ceiling
B-10-12362	08-18-2010	Family Room Ceiling
B-10-13218	09/24/2010	Footer Location & Detail
B-11-15763	03/10/2011	Framing Details

Significant Inspections

Inspection Type	Date	Result
Plumbing Rough	07/19/2011	Pass Pending
Roof Final	10/05/2011	Pass
Mechanical Rough	10/11/2011	Pass Pending
Electric Rough		
Low Voltage Rough		
Gas Rough		
Framing		

Since the building permit was issued we have had 44 Building inspections, 3 Plumbing, 6 Electric, 4 Roofing and 1 HVAC inspection.

This building project has never been suspended or abandoned. There are no liens or threats of liens. Please grant us a one year extension of our building permit so that we may complete the project.

Jeffrey W. Sullivan

1441 Brandywine Road #200L • West Palm Beach, Florida 33409
(561) 697-4536 • Fax (561) 697-4172
CGC 045095

Sullivan Builders
Completion Schedule
PROJECT ADDRESS (409 Antigua Lane)

ID	Task Name	Start	October	November	December	Jan	February	March	April	May	June
1	Plumbing Rough (Inspection)	Tue 7/19/11									
2	Mechanical Rough (Inspection)	Tue 10/11/11									
3	Electrical Rough (Inspection)	Tue 10/25/11									
4	Low Voltage Rough (Inspection)	Tue 11/7/11									
5	Gas Rough (Inspection)	Tue 11/1/11									
6	Framing Rough (Inspection)	Mon 10/24/11									
7	Install Gas Conduit	Mon 10/24/11									
8	Insulation	Fri 11/4/11									
9	Insulation (Inspection)	Thu 11/10/11									
10	Stock Drywall & Plywood	Fri 11/11/11									
11	Landscaping, Pool & Driveway	Tue 11/1/11									
12	Drywall	Mon 11/14/11									
13	Plywood Ceilings (MBR, LR & Logia)	Mon 11/14/11									
14	Order Trim Package & Interior Doors	Tue 11/15/11									
15	Stucco	Wed 11/16/11									
16	Level Floor (MBR & Family)	Mon 11/21/11									
17	Temporary AC	Thu 12/1/11									
18	Wood Flooring Delivered	Mon 12/5/11									
19	Install Sub-Floor	Mon 12/5/11									
20	Tongue & Groove Ceilings (MBR, LR & Logia)	Mon 12/12/11									
21	Tile & Marble (Bathrooms)	Mon 12/19/11									
22	Install Wood Flooring	Mon 12/26/11									
23	Exterior Paint	Mon 12/2/12									
24	Box Beams & Crown Molding	Mon 1/9/12									
25	Finish Wood Floor	Mon 1/16/12									
26	Install Kitchen Cabinets	Tue 1/17/12									
27	Install Vanities	Mon 1/23/12									
28	Install Interior Doors, Casing & Base	Mon 2/6/12									
29	Trim Windows	Tue 2/7/12									
30	Install Closet Systems	Mon 2/27/12									
31	Interior Paint	Mon 3/12/12									
32	Door & Bath Hardware	Mon 4/16/12									
33	Electric Trim	Tue 5/1/12									
34	Plumbing Trim	Tue 5/1/12									
35	HVAC Trim	Tue 5/1/12									
36	Low Voltage Trim	Tue 5/1/12									
37	Install Appliances	Mon 5/21/12									
38	Final Roof (Inspection)	Thu 5/24/12									
39	Final Plumbing (Inspection)	Fri 5/25/12									
40	Final HVAC (Inspection)	Mon 5/28/12									
41	Final Electric (Inspection)	Tue 5/29/12									
42	Final Electric (FPL)	Wed 5/30/12									
43	AC Start-Up	Thu 5/31/12									
44	Final Low Voltage (Inspection)	Fri 6/1/12									
45	Final Building (Inspection)	Mon 6/4/12									

Task

Split

Progress

Project: Completion Schedule

Date: Tue 10/25/11

Milestone

Summary

Rolled Up Task

Rolled Up Split

Rolled Up Milestone

Rolled Up Progress

External Tasks

Project Summary

External Milestone

Deadline

Page 1 of 1

409_Antigua_Schedule_10/24/11

From: Ed Elson <edwardelson@hotmail.com>
To: <mayor@townofpalmbeach.com>
Date: 10/29/2011 04:31 PM
Subject: 409 Antigua Lane

To help resolve the problem faced by the owner of 409 Antigua Lane we would like to encourage the property owner to finish the long delayed completion of his project, but we would ask that he does not begin to continue construction until after Easter so that we and our neighbors can enjoy the season without the inconvenience and noise that necessarily will accompany the construction activity. We would also request that he cut down the hedge devastated by the white fly plague and if possible replace it with new and healthy fauna.

With respect,
Ambassador Edward E. Elson

TOWN OF PALM BEACH

Town Council Meeting on: November 9, 2011

Section of Agenda

Old Business - > 15 Minutes

Agenda Title

Special Exception No. 25-11 Declaration of Use Agreement for Fedco Pharmacy, **2875 South Ocean Boulevard**. [Representative: Johnny Meier] *Deferred from the October 12, 2011, Town Council Meeting.*

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum Dated October 26, 2011, from John Page
- Proposed Declaration of Use Agreement

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 9, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

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

Re: Special Exception No. 25-2011, Declaration of Use Agreement for Fedco Pharmacy,
2875 South Ocean Boulevard

Date: October 26, 2011

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the proposed Declaration of Use Agreement (with Staff's proposed modifications as identified).

GENERAL INFORMATION

The Town Council, at its September 14, 2011 meeting, conditionally approved the Fedco pharmacy application (Special Exception No. 25-2011) to operate a retail pharmacy at 2875 South Ocean Boulevard. A condition of approval was that the Applicant draft a Declaration of Use Agreement which would limit the retail product line of the pharmacy. The Applicant was also required to return to the October 12, 2011 Town Council meeting for consideration of the Agreement. Although the Agreement was deferred at the October 12th meeting, the Council reconsidered the approval and added two additional conditions relative to hours of operation and deliveries.

Staff has reviewed the draft Agreement which was prepared by the Applicant. The attached proposed Agreement incorporates Staff's recommended changes (which the Applicant has also reviewed). The Agreement also includes the two conditions from the October 12th Town Council meeting. The additional or modified conditions that Staff recommends be included in the proposed Agreement are identified in bold add/delete format for discussion. The Applicant agrees to all of the proposed staff changes with one change. They are requesting that the store be allowed to sell "high end suntan lotions and chocolates."

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

Special Exception No. 25-2011, Declaration of Use Agreement for Fedco Pharmacy, 2875 South
Ocean Boulevard

October 26, 2011

Page 2

TOWN ATTORNEY REVIEW

The proposed Declaration of Use Agreement was approved by Town Attorney Randolph for legal form and sufficiency.

Attachment

PBE/jsp/pc

cc:

Thomas G. Bradford, Deputy Town Manager
John C. Randolph, Town Attorney
Susan A. Owens, Town Clerk
Paul W. Castro, AICP, Zoning Administrator
Raychel Houston, Code Enforcement
pf & zf

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

**SUDHHA PHARMACY, LLC
(DBA Fedco Drugs)**

October 2011

TABLE OF CONTENTS

	Page
ARTICLE I	RECITALS.....2
ARTICLE II	REPRESENTATION OF OWNERSHIP.....2
ARTICLE III	RETAIL PHARMACY.....2
ARTICLE IV	CONDITIONS.....3
ARTICLE V	VOLUNTARY AGREEMENT.....3
ARTICLE VI	REMEDIES FOR VIOLATION.....3
ARTICLE VII	ENTIRE AGREEMENT.....4
ARTICLE VIII	EFFECTIVE DATE.....4
ARTICLE IX	MISCELLANEOUS.....4

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this ____ day of _____, 2011 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called the “Town”); and Suddha Pharmacy, LLC (DBA Fedco Drugs), 2875 South Ocean Blvd. Suite 103, Palm Beach, FL 33480 (hereinafter called “Owner”), which terms “Town” and “Owner” will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH :

WHEREAS, the commercial space located at 2875 South Ocean Blvd. Suite 103, Palm Beach, FL 33480 is located within the municipal limits of the Town;

WHEREAS, the lease to commercial space is held by Owner;

WHEREAS, Suddha Pharmacy, LLC (DBA Fedco Drugs) (hereafter referred to as the “Owner”) will be located and operate at 2875 South Ocean Blvd. Suite 103, Palm Beach, FL 33480 ;

WHEREAS, Town Council approved with Special Exception and Variances on September 14, 2011 which approved the use of the commercial space for a retail pharmacy store subject to the conditions set forth herein and the approval of this Agreement, and on the basis of the Owner’s application, the testimony on behalf of the Owner, and the specific finding of the Town Council that the approval of the commercial space is in compliance with said conditions, will not be adverse to the public interest and upon a finding of the Town Council that the applicable provisions of the Town Code governing the use of the commercial space and the site plan criteria have been met;

WHEREAS, in conditionally approving the use of the commercial space with Special Exception and Variances, the conditions of approval reflected herein are imposed in order to regulate the use, mitigate any adverse impacts of the use, as well as to insure that said use shall not be adverse to the public interest; and

WHEREAS, all of the representations made herein are true and accurate and the conditional approval of the commercial space with Special Exception and Variances are conditioned upon the representations made herein and all of the conditions herein imposed.

NOW, THEREFORE, in consideration of the mutual promises set forth herein, it is agreed as follows:

ARTICLE I

RECITALS

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

ARTICLE II

REPRESENTATION OF OWNERSHIP

Owner has full right to enter into this Agreement and to bind the commercial space and itself to the terms hereof. There are no covenants, restrictions or reservations of record that will prevent the use of the commercial space in accordance with the terms and conditions of this Agreement. No consent to execution, delivery and performance hereunder is required from any person, partner, limited partner, creditor, investor, judicial or administrative body, governmental authority or other party other than any such consent which already has been unconditionally given or referenced herein. Neither the execution of this Agreement nor the consummation of the transactions contemplated hereby will violate any restriction, court order or agreement to which Owner or the commercial space are subject.

ARTICLE III

RETAIL PHARMACY

The use of the commercial space shall be for the operation of a retail pharmacy store in compliance with all of the information and exhibits, not inconsistent with the terms and conditions set forth herein, as set forth in the application submitted to the Town for Special Exception, as modified and approved by Town Council. The **Conditional** Approval is subject to that provision of the Town Code which provides that no subsequent deviation may be made from the application as approved by the Town Council except upon an application to and approval by the Town Council. Any additional uses of the commercial space shall be subject to approval by the applicable governmental authority including, but not limited to, the Town Council of the Town.

ARTICLE IV

CONDITIONS

- 1.** Owner agrees not to sell the following products in the commercial space:

Beach umbrellas

Beach chairs

Beach sandals

Beach hats & caps

Beach toys

Beach bags

Beach towels

Beach mats

Ice
Suntan lotion or cream
Sunglasses
 Swim floats
 Swim noodles
 Swim masks
 Swim fins
 Rafts
 Boogie boards
 Snorkels
Beer Alcoholic Beverages
Spirits
Tobacco products
 Soda
 Energy Drinks
 Snacks and Candy
Tee Shirts
 And any and all beach related items

- 2.** ~~Owner also agrees to conduct~~ The business shall only be open from Monday through Friday from 9:00am to 6:00pm, Saturday from 9:00am to 5:00pm and ~~remain~~ closed on Sunday.
- 3.** ~~Owner agrees that a~~ All deliveries will come via a small commercial, unmarked van or Fed Ex or UPS as not to disturb the community.
- 4.** The Applicant shall provide a certificate of compliance every year at the time of renewal of the store's business tax receipts.

ARTICLE V

VOLUNTARY AGREEMENT

Owner agrees to be bound by the terms and conditions in this Agreement, and Owner waives any legal objection it might otherwise have to said terms and conditions or parts thereof.

ARTICLE VI

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to Owner or Owner's representative of said violation(s) and the date by which said violations(s) shall be corrected, owner or owner's successor or assigns shall pay to the Town a liquidated amount of \$2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date

noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this agreement or rescind the approval of the use.

In the event owner disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this agreement, or in the event the owner disputes any code violation, owner may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days of the written notice of violation.

2. In addition to the above, the TOWN shall have all remedies available at law and equity in order to enforce the terms of this Agreement including but not limited to (a) the Town's code enforcement procedures; (b) all remedies otherwise offered in the Town's Code of Ordinances; and (c) injunction, specific performance, and any and all other equitable relief through the civil courts in and for Palm Beach County for the State of Florida. In the event the TOWN is required to seek injunctive relief, it shall not be required to post bond and it shall not be required to demonstrate irreparable harm or injury to secure an injunction to enforce the terms of this Agreement. Additionally, in the event of any breach, default or non performance of this Agreement, or any of its covenants, agreements, terms or conditions, the TOWN shall be entitled to recover its costs, expenses and reasonable attorney's fees insofar as the TOWN prevails, either before or as a result of litigation, including appeals.

ARTICLE VII

ENTIRE AGREEMENT

This Agreement represents the entire agreement between the parties as to its subject matter and it may not be amended except by written agreement executed by both parties.

ARTICLE VIII

EFFECTIVE DATE

The Effective Date of this Agreement shall be the day upon which this Agreement is executed by the last party to sign the Agreement.

ARTICLE IX

MISCELLANEOUS

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

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

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

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

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

IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered
In the presence of:

TOWN OF PALM BEACH

By: _____

Suddha Pharmacy, LLC (DBA Fedco Drugs)

By: _____
Its: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this _____ day of _____ 2011, on behalf of the corporation. He is personally known to me and he did not take an oath.

Signature of Notary Public

Printed Name of Notary Public

Commission Expires: _____

WEDNESDAY, NOVEMBER 9 2011, TOWN COUNCIL MEETING

“APPROVAL OF AGENDA” INFORMATION SHEET

VII. DEVELOPMENT REVIEWS

ADD immediately prior to Appeals:

Page 2

1. Additional Review of Request for Waiver of Town Code of Ordinances Section 42-198 and 42-199 for a Shore Protection Project at The Breakers.
[H. Paul Brazil, Director of Public Works]
Deferred from the November 8, 2011, Town Council Meeting.
2. Review of Construction Activity at 332 South County Road.
[John Page, Director of Planning, Zoning, and Building]
Per Town Council's request at the November 8, 2011, Town Council Meeting.

ARE THERE ANY OTHER CHANGES TO THE AGENDA?

332 S. County Road, LLC
332 S. County Road, Palm Beach

Case # 10-2705

12/29/2009	Inspection of three story 18 unit vacant apartment building found the building in a dilapidated condition with violations consisting of broken and inoperable windows, severe drywall/gypsum board damage, exposed electrical wiring, missing electrical outlets, no sanitation sewer and exposed water pipes from missing plumbing fixtures, sinks, toilets, etc.
1/25/2010	Notice of Code Violation and Hearing mailed to property owner giving him until 2/12/2010 to correct all property violations.
2/1/2010	Due to the extent of the required repairs and after a meeting between Town Staff and the property owner, a Revised Notice of Code Violation and Hearing hand delivered to property owner giving him until 3/12/2010 to correct all property violations or appear at the 3/18/2010 Code Enforcement Board.
3/18/2010	At the 3/18/2010 Code Enforcement Board, the property owner requested and was granted a postponement to the 4/15/10 hearing date.
4/15/2010	The case was heard before the Code Enforcement Board and the property owner was found in non-compliance, assessed administrative costs in the amount of \$150.00 and given until 9/1/2010 to correct all code violations or appear at the Code Board on 9/16/2010 for a fine consideration hearing.
9/16/2010	The property owner appeared at the 9/16/2010 hearing and requested additional time to comply, until 10/31/2010 to complete all work necessary to correct all outstanding code violations. The Board also ordered the property owner to appear at the 10/21/2010 hearing to report on the progress of the work.
10/21/2010	The property owner appeared at the 10/21/2010 hearing and requested until December 17, 2010 to come into compliance. The Board granted this request but ordered a fine in the amount of \$250.00 a day commence on 12/18/2010 and continue until compliance was achieved.
12/18/2010	The property remained out of compliance and the fine started on 12/18/2010 and is continuing at \$250.00 a day.
6/27/2011	Due to the continued non-compliance and the running fine having accumulated to \$48,000, a Notice of Foreclosure hearing was mailed to the property owner, setting a hearing of 7/21/2011 for the Code Enforcement Board to consider a foreclosure action on the property

332 South County Road LLC

Page 2

Case # 10-2705

- 7/21/2011 The property owner's attorney appeared at the hearing and the Board agreed to accept a payment of \$27,000 against the current outstanding fine of \$54,000 and postpone the foreclosure hearing until the 11/17/2011 Code Board hearing in order to allow the property owner additional time to correct the code enforcement violations. The payment was made on 8/5/11.
- 11/9/2011 The property remains in non-compliance, the fine has continued to accumulate and stands at \$54,500 as of this date. The foreclosure hearing will proceed at the 11/17/2011 hearing.

TOWN OF PALM BEACH

NOV 08 2011

Town Manager's Office

Melanie H. Cabot
PO Box 2058
Palm Beach, Florida 33480
561.324.2068

November 8, 2011

Dear Mayor Coniglio,

The parking problem is very much in the minds of residents, and I read in Monday's paper about your workshop to address the issue.

When I lived in Boston (over 6 years ago) I was developing a web site which was a search engine to locate off-street, commercial parking. I plan to replicate my efforts here in South Florida early next year. To that end, I still keep current with the parking industry, and I thought you might be interested in some of the parking related materials I receive. I am enclosing these materials for your perusal and information, and to keep.

Palm Beach is a wonderful community, and parking is a key element to its enjoyment. Unfortunately, not enough attention is paid to parking, as I discovered when I was in Boston.

Parking is an essential link in the commercial chain and few factors have a greater impact on consumer decisions than availability and proximity of convenient parking. It influences shopping, leisure and entertainment options, and has a profound impact on a city's traffic patterns. Who hasn't had to circle Royal Poinciana Way several times on a Sunday morning looking for parking on their way to brunch? The lack of ample, convenient parking can be a frustrating impediment. But too often, decision makers, developers included, minimize its impact on a community.

In your future workshop discussions, I suggest parking shouldn't be considered an afterthought. It's economic implications are enormous.

And on a personal note, let me congratulate you on your expanding culinary empire! I'm a big fan of Nick's and I wish you continued success.

My best wishes,



Melanie Cabot

Melanie

From: International Parking Institute [ipi@parking.org]
Sent: Wednesday, November 02, 2011 12:45 PM
To: mcpalmbeach@bellsouth.net
Subject: New Webinar: Show Me the Money! Using Technology to Track Your Revenue from the Meter to the Bank



A New Webinar from the International Parking Institute
Show Me the Money! Using Technology to Track
Your Revenue from the Meter to the Bank

Instructor: Darlene Pfeiffer, CAPP, M.P.A, Financial Administrator, City of Fort Lauderdale Department of Transportation and Mobility

This webinar will show how to use current technologies to track your parking, permit, and citation revenue, ensuring it can be accounted for from the customer's hand to the bank. It will look at internal controls, possible points of "leakage," and some best practices to minimize opportunities for fraud, theft, and error. Every dollar counts in today's tight squeeze for revenue.

The webinar will answer these questions:

- What are internal controls and why do I need them?
- What are some examples of internal controls? Are they painful?
- I trust my staff, why should I bother with this?
- I'm not a tech geek and have a limited budget...what technologies do I already have that can help me track my revenue without needing an IT degree?
- How can this make my operation more efficient and effective?

This webinar is useful for parking-related field operations, management, and accounting staff of municipalities, universities, and private operators.

Wednesday, November 16, 2011 at 2:00 PM EST (60 minutes)

**\$35.00 for IPI Members
\$50.00 for Non-Members***

**For more information and to register, visit the IPI e-Learning web site,
www.parking.org/webinars**



For more information on the benefits of joining IPI

[Forward email](#)

SafeUnsubscribe

Trusted Email from
Constant Contact®

Try it FREE today

This email was sent to mcpalmbeach@bellsouth.net by ipi@parking.org

[Update Profile/Email Address](#) | [Instant removal with SafeUnsubscribe™](#) | [Privacy Policy](#).

IPI | P.O. Box 7167 | 701 Kenmore Avenue, Suite 200 | Fredericksburg | VA | 22404

409 Antigua
Maura Ziska
to:
edwardelson
11/08/2011 01:23 PM
Cc:
ABoyles, CKleen
Show Details

Dear Ambassador Elson: I represent the Pournaras' and have received a copy of your email to the Mayor. I wanted to inform you that we had the surveyor stake the property line across from 409 Antigua and adjacent to your property. The stakes (which are 3 feet off center) show that the ficus hedge you are referring to is on your property. Thus, you can feel free to tear it out and replace it with another species that may tolerate the white flies. Thank you. Maura Ziska

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

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