

REVISED

11:30pm, Oct 07, 2016

TENTATIVE:
SUBJECT TO
REVISION



TOWN OF PALM BEACH

Town Manager's Office

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

OCTOBER 13, 2016

9:45 AM

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. RECOGNITIONS

IV. PRESENTATIONS

- A. Palm House Update- Cary Glickstein, Esq.
Thomas G. Bradford, Town Manager

V. COMMENTS OF MAYOR GAIL L. CONIGLIO

VI. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VII. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VIII. APPROVAL OF AGENDA

IX. DEVELOPMENT REVIEWS

A. Appeals

1. ARCOM Appeal (B-043-2016)

New Residence

1230 North Ocean Way

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

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **MODIFIED SPECIAL EXCEPTION #13-2016 WITH SITE PLAN REVIEW**

The application of Miradieu Aubourg, PBC Capital Improvements Division; relative to property commonly known as **2882 S. Ocean Blvd.**, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Modified Special Exception with Site Plan Review to leave the 5 foot wide beach access easement in its existing location along the northern perimeter of the park site. The beneficiaries of this easement may still use said easement for access to the beach. In addition, this modified request proposes to leave the existing sidewalk that meanders outside of the easement from the beach and to the existing parking lot in place as it currently exists. No changes to the existing landscape in the vicinity of the easement or sidewalk are proposed. [Attorney: Denise M. Nieman, Esq.]
Deferred from the May 11, 2016, and September 14, 2016 Town Council Meetings.

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

b. **SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE**

The application of SKIK, LLC – Zvenka V. Kleinfeld, Manager; relative to property commonly known as **232 Colonial Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow 1) the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100 foot minimum required; 82 feet in depth in lieu of the 100 foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required; 2) To have a front yard setback for one story portion of the residence to be 23 feet in lieu of the 25 foot minimum setback required. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred the project to the September 28, 2016 meeting. Carried 6-1.]

Deferred from the August 16, 2016, and September 14, 2016 Town Council Meetings.

[Architectural Commission Recommendation: Deferred the project to the November 23, 2016 meeting. Carried 6-1]

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

c. **SPECIAL EXCEPTION #24-2016 WITH SITE PLAN**

REVIEW The application of Brian Vertesch, SMI Landscape Architecture, Agent for the Preservation Foundation of Palm Beach; relative to property commonly known as **100 Bradley Place**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests to modify Bradley Park public open space as follows: 1) Removal and relocation of existing fountain centerpiece, located at south west area of Bradley Park. Demolition of existing fountain basin; 2) Construction of plaza and fountain basin adjacent to south side of existing structure at north/central property, often referred to as the "Tea House"; 3) Demolition of existing one story restroom and kitchen located directly east of the Tea House and the addition of a new public restroom; 4) Removal of asphalt parking adjacent to north side of existing bathroom; 5) Removal and partial replacement of sidewalks on north property line, Sunset Ave, and east property line, Bradley Place; 6) Addition of small overlook structure to the west of the existing pump house, adjacent to the proposed lake trail; 7) Addition of Town Lake Trail extension; 8) Addition of new park entry at north east corner of park; 9) Relocation of existing Bradley Park monument; 10) Addition of stabilized grass parking adjacent to S-2 pump station; 11) Addition of site furnishings including benches, bike rack, and low train sculpture; 12) Addition of sculpture pad to south of the Tea House; 13) Addition of 30" high decorative see through fence around perimeter of park at Sunset, Bradley Place, and Royal Poinciana Way. There will be openings into park with no gates; 14) Addition of stabilized decomposed granite pathways within the park; 15) Addition of landscape lighting; 16) Landscape improvements as graphically described on the plans and specifications submitted. [Attorney: John C. Randolph, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impacts to the subject landmark property with the exception of the fence around the park. Carried 7-0]

Deferred from the September 14, 2016 Town Council Meetings.

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

2. **New Business**

a. **SITE PLAN REVIEW #10-2016** The application of Two North

Breakers Row Condominium Association; relative to property commonly known as **2 North Breakers Row**, described as lengthy legal description on file; located in the PUD-A Zoning District. The applicant is requesting a site plan review to install two roll down gates at the underground parking garage entrances and two pedestrian gates along the right-of-way by the security gatehouse. [Attorney: Maura Ziska, Esq.]

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

- b. **VARIANCE #23-2016** The application of Christopher and Susan Cowie; relative to property commonly known as **414 Australian Ave.**, described as lengthy legal description on file; located in the R-C Zoning District. The applicant is proposing to add a 56 square foot one story addition to their existing garage located in the front of their residence in order to accommodate a vehicle. The following variances are being requested: 1) east side yard setback of 5.33 feet in lieu of the 10 foot minimum required; 2) front yard setback of 19.16 feet in lieu of the 23.62 existing and the 25 foot minimum required; 3) lot coverage of 34.6% in lieu of the 34.1% existing and the 30% maximum. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]

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

- c. **VARIANCE #24-2016** The application of Desmond and Cristina Keogh; relative to property commonly known as **241 El Dorado Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a variance to allow a 898 square foot addition one story addition to the main house and a 842 square foot one story garage addition (total of 1,740 sq. ft.) which will require the following variances: 1) an east side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 2) a west side yard setback of 12.5 feet in lieu of the 30 foot minimum required for a lot over 20,000 square feet with a width of 246.60; 3) a rear yard setback of 9.5 feet in lieu of the 10 foot minimum required; 4) lot coverage of 32.4% in lieu of the 30% maximum allowed for single story construction on lots in excess of 20,000 square feet. [Attorney: Maura Ziska, Esq.]
[Architectural Commission Recommendation: Deferred from the project to the October 26, 2016 meeting. Carried 7-0.]

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

- d. **SPECIAL EXCEPTION #25-2016 WITH SITE PLAN REVIEW AND VARIANCES** The application of Harvey E. Oyer, III, Esq. (Agent); relative to property commonly known as **141 S County Rd.** & Vacant lot on west side of S County Rd., described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting for approval of a Special Exception with Site Plan Review and Variances to construct required off-street & supplemental parking spaces to accommodate 34 additional required off-street & supplemental parking, specifically 11 parallel parking spaces are proposed to be located on private property along the north side of the

100 block of Barton Avenue, adjacent to the Church. 23 parking spaces are proposed to be located on the Church's parcel directly west of the Place of Worship across South County Road. If approved, the additional 34 required off-street & supplemental parking spaces will substantially alleviate the recent loss of parking that has existed as a result of changes to the Town's parking policies. At the Town Council's direction, the applicant seeks to allow residents of the 100 & 200 block of Barton Avenue along with residents of the 200 block of Pendleton Avenue to use the 34 off-street and supplemental parking spaces by way of a Declaration of Use agreement. The following variances are requested for the 11 parallel required off-street parking spaces to be located on the north side of the 100 block of Barton Avenue: 1) to allow the landscape open space area to be reduced from the existing 51.98% to 50.48% in lieu of 55% minimum landscape open space as required by code; 2) to allow the off-street parking with a zero setback in lieu of the 25 foot minimum setback required; 3) to allow the off-street parking spaces not to include the required screening with hedges, walls or a combination thereof as required; 4) to allow the interior off-street parking landscape open space to be reduced to zero in lieu of the minimum 10% (205.3 sq. ft.) required. [Attorney: Harvey E. Oyer, Esq.] (Deferred one month at the Landmarks Preservation Commission meeting of September 21, 2016.)

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

e. **SPECIAL EXCEPTION #26-2016 WITH SITE PLAN REVIEW**

The application of Christopher and Alice Holbrook; relative to property commonly known as **221 Orange Grove Rd.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting a Special Exception with Site Plan Review to allow the construction of a 3,429 square foot one-story, single family residence on portions of two platted lots which combined creates a lot that is 82 feet in width in lieu of the 100 foot minimum required and 8,917.50 square feet in area in lieu of the 10,000 square foot minimum area required. [Attorney: Maura Ziska, Esq.] [Architectural Commission approved the project. Carried 7-0]

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

f. **SPECIAL EXCEPTION #27-2016 WITH SITE PLAN REVIEW AND VARIANCES**

The application of Edward Leevan, Manager; relative to property commonly known as **2842 S Ocean Blvd.**, described as lengthy legal description on file; located in the R-D(2)/Beach Area Zoning District. The applicant requests a Special Exception with Site Plan Review to modify the site plan to allow a temporary tent over the parking lot that contains 40 parking spaces from December 1, 2016 to December 7, 2016 to allow for a conference to be hosted at the Tideline Ocean Resort & Spa. The following variances are required: a) a variance request to temporarily eliminate the (40) required off street parking spaces for the dates identified above; b) a variance request to allow a temporary tent to be placed over the required off street parking lot for the dates identified that would increase lot coverage to 37.22% in lieu of the

29.35% existing and the 22% maximum allowed. [Attorney: Maura Ziska, Esq.] [Landmarks Commission: Deferred to the October 19, 2016 meeting. Carried 7-0]

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

X. ORDINANCES

A. First Reading

ORDINANCE NO. 16-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning As Follows: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 14, 2016 Town Council Meeting.

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

XI. ANY OTHER MATTERS

- A. Planning and Zoning Commission Record and Report:**
Proposed Modifications and Changes to Chapter 134, Zoning
John S. Page, Director of Planning, Zoning & Building

XII. ADJOURNMENT

PLEASE TAKE NOTE:

Note 1: No written materials received after 5:00 p.m. on the Thursday immediately prior to a monthly Town Council meeting will be included in the back-up binders distributed to the Mayor and Town Council in preparation for that meeting. Written materials received after 5:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.

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

- Note3:** 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.
- Note4:** 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.
- Note5:** 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.
- Note6:** All back-up material for the items listed on the agenda are posted to the Town's website and emailed to all Stay Informed subscribers on the Friday before the Town Council meeting. To access the back-up materials and/or subscribe to the Stay Informed list, please visit the Town's website (townofpalmbeach.com).

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

COMMUNICATIONS

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Appeals

Agenda Title

ARCOM Appeal (B-043-2016)

New Residence

1230 North Ocean Way

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated September 27, 2016 From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Letter Dated September 2, 2016 From Frank Lynch**
- ▣ **1230 North Ocean Way Rendering**
- ▣ **1230 North Ocean Way Site Plan**
- ▣ **ARCOM Minutes Excerpt Dated July 27, 2016**
- ▣ **ARCOM Minutes Excerpt Dated August 14, 2016**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: ARCOM Appeal (B-043-2016)
New Residence
1230 North Ocean Way

Date: September 27, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal submitted from Attorney Frank Lynch, for his client Eagle Bay Holdings LLC (owner at 210 Palmo Way), objecting to ARCOM's decision of August 24, 2016 approving construction of a new two-story single family home with hardscape and landscape improvements. Ken and Amy Viellieu are the principals of Eagle Bay Holdings.

GENERAL INFORMATION

Owners of the vacant property at 1230 North Ocean Way, Dr. and Mrs. Tony Nader, first presented their request for a new two-story residence to ARCOM on July 27 this year. The home sits on an exceptionally large lot in comparison to others in the near vicinity (see Exhibit A submitted from Mr. Lynch). Improvements include a new home, with a separate garage and pool situated in the front yard. The home was designed based on Vedic architectural principals. The appellant, per Exhibit C, has submitted seven pages of narrative outlining Vedic philosophy. In short, it incorporates the science of spatial relationships with preferable alignments to the east; the property itself should have a square or rectangular shape with four strong and complete corners.

Commissioners posed several questions about the intended architecture and suggested changes. Abutting owner Ken Viellieu was present. He expressed opinion that the home fails to meet ARCOM criteria, and noted concerns about the large front yard setback (having the effect of pushing the home too far back onto the site) as well as the garage and the pool in the front yard. ARCOM voted 6-1 to defer the project for one month.

The project was considered for the second time at ARCOM on August 24, 2016. Basic site orientation, garage and pool in front with home behind, remained intact. Architect Harold Smith,

for the owners, outlined all plan changes that had been made. He was accompanied by architect Richard Bialosky, Chair of Vero Beach ARCOM and experienced in the art of Vedic design, who also spoke. John Lange, landscape architect for the Nader's, described all proposed landscaping. Finally, Guy Rabideau, attorney for the Nader's, entered letters from Vedic experts into the record certifying that the proposed home complies with Vedic architecture.

Attorney Lynch was present. He objected to entering such letters into the record, however Town Attorney John Randolph was present and stated it was permissible. During the course of the meeting, Attorney Lynch expressed his concern that the home is excessively dissimilar to nearby neighborhood structures, and spoke critically of setbacks and overall site layout. He stated the section of the Ordinance he believes to be a violation. Following lengthy discussion, the Commission unanimously approved the project with minor conditions as follows: the number and size of kalashes be reduced, the steps on the north elevation be reduced, and to add a triple window over the door on the north wing east façade.

SPECIAL CIRCUMSTANCES

There are two items of interest that should be noted:

1. The introductory paragraph of Attorney Lynch's appeal letter cites July 27 as the date of ARCOM approval. Although first heard on July 27, no approval was given until August 24. His "Notice of Appeal" was filed within the Code-specified 10-day window following ARCOM approval.
2. Coincidentally, appellants Ken and Amy Viellieu received ARCOM approval of a new home on their property at 210 Palmo Way on the very same day the Nader's received ARCOM approval (August 24). The two properties abut one another. Both are "interior block" lots. The back yard of the Viellieu property abuts the rear half of the Nader property (where the home is to be situated).

Attachments

cc: Frank Lynch, Appealing Attorney
Dr. and Mrs. Tony Nader, Owners at 1230 North Ocean Way
Guy Rabideau, Owner's Attorney
Harold Smith, Architect for Owners at 1230 North Ocean Way
John Lang, Landscape Architect for Owners at 1230 North Ocean Way
John C. Randolph, Town Attorney
ARCOM Members

The Law Offices of
BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
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September 2, 2016

HAND DELIVER

Ms. Susan Owens, Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RECEIVED

2016 SEP 2 AM11:27 TWN CLERK

Re: ARCOM Application No. B-043-2016
1230 North Ocean Way

NOTICE OF APPEAL

Dear Ms. Owens:

Please be advised that my client, named below, wishes to appeal the approval of the above application by the Architectural Review Commission ("ARCOM"), made at its July 27, 2016 meeting, to the Town Council.

I represent Eagle Bay Holdings LLC, the owner of 210 Palmo Way, the property immediately adjacent to the north of the property identified in the above-referenced application. Ken and Amy Viellieu are the principals of Eagle Bay Holdings.

At ARCOM, the Viellieus objected to:

1. a proposed nearly 111 foot front yard setback,
2. a proposed street, or east facing garage,
3. the failure of the proposed improvements to include design elements to protect the privacy of their adjoining property and
4. a proposed pool in the front yard

all of which the Viellieus' asserted were out of character with the established and permitted properties in the neighborhood (which relevant neighborhood form ARCOM review is 200 feet from the subject property) and otherwise inconsistent with the requirements of town code section 18-205.

There exists no examples of a setback of the extent sought by the applicant in this neighborhood or in the RB zoning district for lots of similar size to the applicant's property. The Viellieus presented evidence of this at the ARCOM meeting. At that meeting, the applicant presented no examples of such setback.

The proposed east, or street, facing garage is an element that ARCOM has denied in the past when sufficient room exists on the property (as exists on the applicant's property) to have the garage face other than towards the street. This street facing garage on a newly developed property distinguishes the proposed residence from, rather than is consistent with, those established and permitted homes in the applicable neighborhood, as is required by the code. The applicant provided no examples at the ARCOM meeting of street facing garages on properties in the RB zoning district comprised of approximately 20,000 square feet like the applicant's property. By way of contrast, the Viellieus placed their garage at the rear of their, significantly smaller, 14,000 square foot lot.

The evidence presented by the Viellieus at the ARCOM meeting in support of the above objections was an aerial map of an area in excess of the required 200 foot neighborhood radius of the subject property obtained from the Palm Beach County Property Appraiser's website.

As a consequence of the oversized setback required to locate both the pool and the street facing garage in the front yard of the house, the proposed house is shifted back adjacent to the Viellieus' property and results in the applicant's house looming over the Viellieus' backyard, interfering significantly not only with the privacy of the Viellieus' backyard, but also the bedrooms of their second floor. The Viellieus objected to this and asserted the contrary requirements of code. To mitigate this, the applicant presented nothing but tall landscaping while ARCOM inquired of the Viellieus, in the application for their house heard at the same meeting, "Have you done all that you can do to preserve your privacy on your side of the property?".

There was no evidence presented by the applicant that a front facing garage would be required by Vedic architecture experts. To the contrary, the Viellieus asserted uncontroverted evidence that those Vedic principles would dictate that a garage is properly placed in the northwesternmost grid of the mandala.

The Viellieus objected to all of the foregoing as "excessively dissimilar" to the developed and permitted properties in the neighborhood, contrary to the requirements of the code.

Based on the foregoing, the applicant's plans are inconsistent with the following criteria of Section 18-205:

- (4) "The proposed building or structure is in harmony with the proposed developments on land in the general area."

The front yard setback proposed by the applicant is in harmony with that of with an oceanfront lot in the RAA zoning classification, not that of the RB zoning district, in which the applicant's property is located. It is excessively large and creates other problems with the development of the applicant's property, including, but not limited to, the impacts on the Viellieus' adjoining property. As such, it is excessively dissimilar to that existing or permitted in the neighborhood.

- (6) "The proposed building or structure is not excessively dissimilar in relation to any other structure existing . . . within 200 feet of the proposed site in respect of one or more of the following features: . . .
(d) Arrangement of components of the structure"

A pool is a "structure" as defined in the town code.

Neither the enhanced setback nor a pool in the front yard exists on any property within the 200 foot radius designated by the code, establishing the excessive dissimilarity of the applicant's proposal to that which exists or has been permitted in the neighborhood, contrary to the requirements of town code.

- "(h) Design elements that protect the privacy of the neighboring property."

The enhanced front yard setback resulting from a street facing garage and swimming pool in the front yard forces the applicant's house to the rear of the applicant's property where it looms over the Viellieus' back yard and gives an unimpeded view into their backyard and bedroom windows, detracting from, rather than protecting, the privacy of the Viellieus' adjoining property.

- and "(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area . . ."

The enhanced front yard setback, which also includes a swimming pool, and street facing garage, in the front yard distinguishes this property from, rather than is in harmony with, all of the other established homes in the neighborhood, contrary to the requirements of the criteria of the code.

The applicant did not place into the record of the ARCOM proceedings any evidence or examples of front yard setbacks, garages or pools in the front yard in the neighborhood.

The applicant indicates that they wish to build a house consistent with the principles of Vedic architecture. The applicant failed to place into the record of the ARCOM proceeds any evidence of any homes built in the neighborhood or Palm Beach consistent with those principles. There have been no homes utilizing Vedic architecture that have been developed in Palm Beach and it is not clear why ARCOM chose to make an exception for this type of architecture based upon the standards set forth in the code.

While the applicant indicated that its plans were consistent with Vedic principles, no expert testimony was presented to this effect. While testimony was presented, at no time was any person proffered as an expert in Vedic architecture, nor were any credentials of any individuals providing such testimony entered into the record of the ARCOM proceedings.

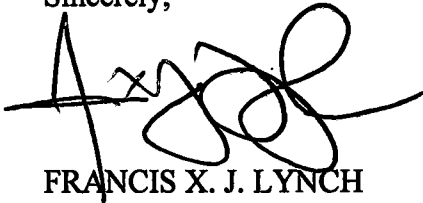
Ms. Susan Owens
September 2, 2016
Page 4

In summary, based on the foregoing, the applicant failed to establish any basis upon which ARCOM could determine that the applicant's proposal was in accordance with code section 18-205, as required for approval.

Based on the foregoing, the Viellieus believe that the applicant's proposed plan is an anomaly from, rather than, consistent with the criteria identified above and requests that town council reject the recommendation of ARCOM and return this project to ARCOM for further study.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'FXJL' followed by a large, stylized flourish.

FRANCIS X. J. LYNCH

FXJL/kh
Enclosures

BRETON, LYNCH, EUBANKS & SUAREZ-MURIAS, P.A.

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August 22, 2016

Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Application No. B-043-2016
1230 North Ocean Way

Dear Mr. Chairman and Ladies and Gentlemen of the Architectural Review Commission:

Please be advised that I represent Eagle Bay Holdings LLC, the owner of 210 Palmo Way, the property immediately adjacent to the north of the property identified in the above-referenced application. Ken and Amy Viellieu are the principals of Eagle Bay Holdings.

The Viellieus object to the nearly 111 foot front yard setback as it is out of character with the front yard setbacks of other properties in the neighborhood. This inordinately large setback causes the house to be shifted back adjacent to the Viellieus' property and results in the applicant's house looming over the Viellieus' back yard, interfering significantly not only with the privacy of the Viellieus' backyard, but also the bedrooms of their house.

Further, the proposed location of the pool is also an anomaly in the neighborhood as the property appraiser's ("PAPA") aerial map of the neighborhood, a copy of which is attached at a radius of more than 500 feet from the applicant's property (Exhibit A), indicates the following:

1. all pools on all lots are situated either in the rear or side yards,
2. all homes have front yard setbacks much less than that proposed by the applicant
- and 3. all lots of similar size to the applicant's lot (230 Palmo Way, 234 Palmo Way, 244 Palmo Way, 250 Palmo Way and 1231 North Lake Way) have, in each instance, significantly smaller front yard setbacks with pools located to the rear of each main residence.

Please keep in mind that a pool is a "structure" as that term is defined in the town code.

Based on the foregoing, the applicant's plans are inconsistent with the following criteria of Section 18-205:

- (4) "The proposed building or structure is in harmony with the proposed developments on land in the general area."

Here, the front yard setback proposed by the applicant is more in keeping with an oceanfront lot in the RAA zoning classification, while the applicant's property is in the RB zoning district.

(6) "The proposed building or structure is not excessively dissimilar in relation to any other structure existing . . . within 200 feet of the proposed site in respect of one or more of the following features: . . .

(d) Arrangement of components of the structure"

Again, neither the enhanced setback nor a pool in the front yard exist on any property within the 500 foot radius of the PAPA map, let alone within the 200 foot radius of the code. Please keep in mind that the front yard setback is more than four (4) times the minimum front yard setback in the RB zoning district.

"(h) Design elements that protect the privacy of the neighboring property."

To the contrary, the enhanced front yard setback and pool in the front yard push the applicant's house to the rear of the applicant's lot where it looms over the Viellieus' back yard and gives an unimpeded view into their backyard and bedroom windows.

and "(8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area . . ."

The enhanced front yard setback and front yard pool distinguishes this property from, rather than is in harmony with, all of the other established homes in the neighborhood, contrary to the requirements of the criteria in the code.

The applicant also proposed an east, or street, facing garage. This is an element that ARCOM has denied in the past when sufficient room exists on the property, as exists on the applicant's property, to have the garage face in a direction other than towards the street. The applicant's justification for a street facing garage is that doing so "cuts our landscape in half. It also confines the fumes of the cars, their noise, the service people, the delivery etc. It is totally impractical and anyway much contrary to our basic requirements for garbage, service, etc. May I suggest also that possibly you and the other neighbors might not find it ideal to have cars with fumes in this confined "hole" on the back of our house with no true open ventilation?!! We will also end up having our bedrooms and the first floor reception room facing a garage in the back...".

The applicant indicates that they wish to build a house consistent with the principles of Vedic architecture. First and foremost, we are unaware of any homes built in Palm Beach consistent with those principles. Of greater importance is that the proposed structure is not consistent with those principles.

Consistent with Vedic principles, "the building or the plot is called the mandala. The mandala should be divided into nine equal units. This can be measured out on a copy of the building plan.

Now you will have the nine quadrants of your mandala. Each quadrant has particular and specific energies related to living and working." Vastu-the Sacred Science of Vedic Architecture Drew Lawrence. Included within these principles are the following:

1. "The centerpiece . . . is the Brahma-stan. This must always be kept open, free and uncluttered on each floor of the building as well as on the plot itself."
2. "Water elements can be situated in the north and west."
3. "The northwest quadrant of your home or plot would ideally be used as a . . . garage."
- and 4. It is a very important factor in the successful application of Vastu principles to keep an open central area in the home.

Attached as Exhibit B hereto is an application of the Vedic principles to the applicant's site plan. This application reflects a number of conflicting design elements in the application as follows:

- the Brahma-stan is not open, neither in the middle of the lot or the middle of the building.
- the garage is located in the south or southeast quadrant when Vedic principles indicate it should be in the northwest quadrant.
- the west quadrant is consistent with Vedic principles for pool, or water feature, placement.

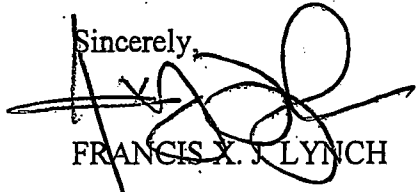
As you can see, there are a number of inconsistencies between Vedic principles and the applicant's plans. While the applicant indicates they wish to remain true to Vedic principles, their plans are at odds with those wishes.

Finally, at the last ARCOM meeting, the Viellieus and the applicant were directed to discuss this matter to attempt to resolve their differences. Mr. Viellieu did so, however, he was basically advised that the applicant was not willing to make any changes. A copy of the email exchange is attached as Exhibit C hereto.

The Viellieus believe that the applicant's proposed plan is inconsistent with the criteria identified above and requests that you defer this item for further study to address a front yard setback and garage and pool location more consistent with that of other properties in the neighborhood.

Thank you for your consideration of this matter.

Sincerely,



FRANCIS X. J. LYNCH

FXJL/kh
Enclosures

Kenlyn Rd

N Ocean Blvd

Palmo Way

Mockingbird Trl

Nightingale Trl

N Ocean Way

N Ocean Blvd

Kenlyn Rd

Palmo Way

Mockingbird Trl

Nightingale Trl

N Ocean Way

N Ocean Blvd

Created by: PBC Property Appraisal

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August 17, 2018

VEDIC ARCHITECTURE MANDALA

North

North Ocean Way
East
100'

Living Room Play Room Guest Room Garage Menagerie Entertain Guests / Play Area Element(s): Air	Water Element Pool/Hot Tub/Fountain Element(s): Air/Water	Water Element Pool/Hot Tub/Fountain Mediation Prayer Yoga Element(s): Water/Ether
Water Element Pool/Hot Tub/Fountain Dining Room Children's Room Study / Den Drinking/Bathing Element(s): Air/Earth/Water	OPEN	Fire Element Kitchen/Fireplace Sun Room Living Room Dining Room Element(s): Ether/Fire
Storage Master Bedroom Element(s): Earth	Fire Element Kitchen/Fireplace Dining Room Workout Room Element(s): Earth/Fire	Fire Element Kitchen/Fireplace Sacred Ceremonies Element(s): Fire

South
200'

West

Z

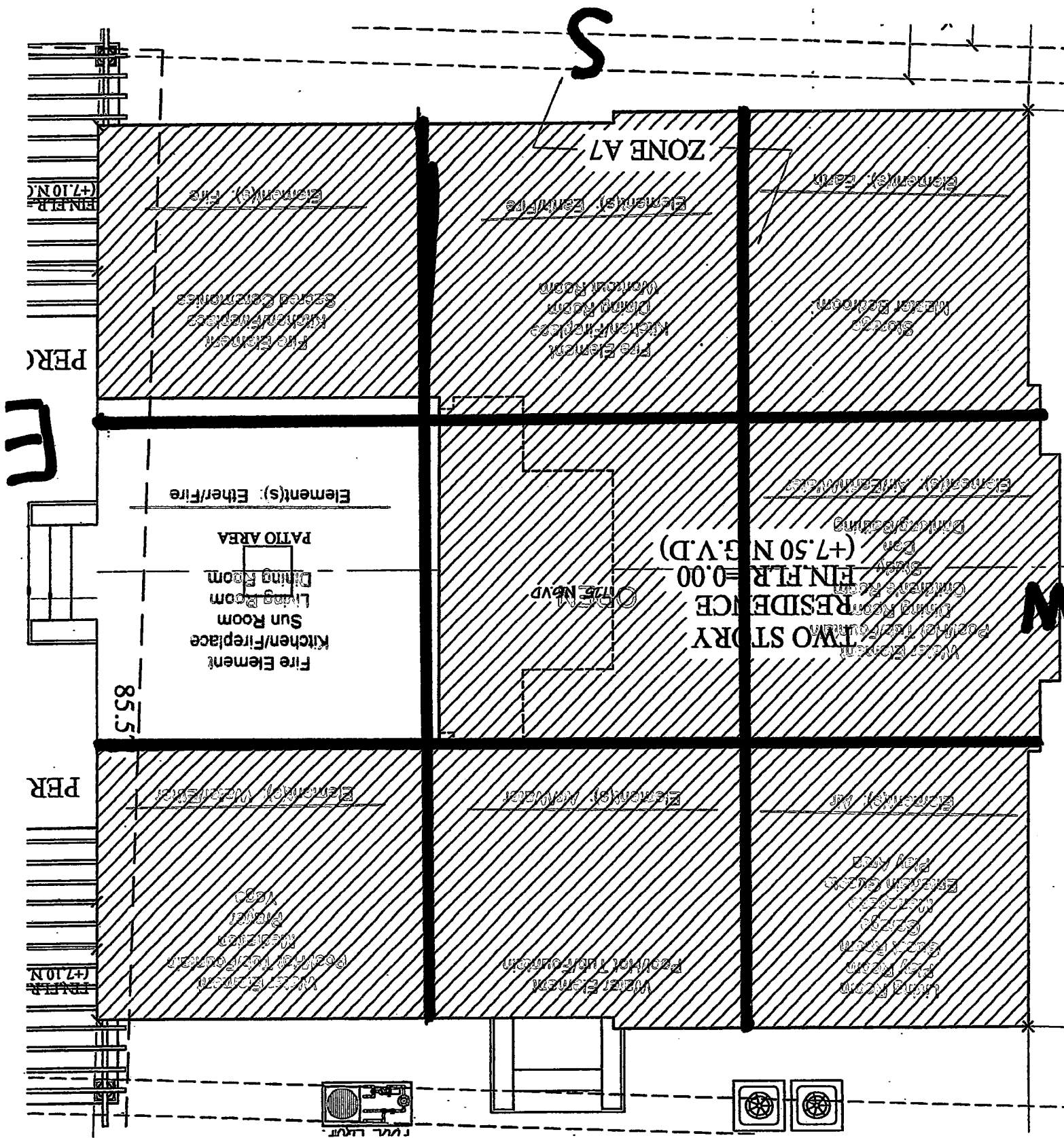


EXHIBIT B
PAGE 3

Subject:

FW: 1230 North Ocean Way Plans

Exhibit C

Subject: Re: 1230 North Ocean Way Plans

Dear Mr Viellieu,

Please allow me to highlight a few points regarding the issue at hand so you know my side of the story and perspective on the situation!

My first comment would be to please ask you to consider that the sun in Palm Beach during the winter season is still very high in the sky when it turns south. Our present house in PB has its pool on the south and we have a neighbour with a two story house with balconies facing towards us. We are never disturbed by them, we have a high hedge; and we never miss the sun. South facing properties in the higher northern latitudes are at premium because in the winter the sun to the south is quite low in the sky! Not in Palm Beach!

Also, my two sweet (and quiet) young daughter's rooms would be on the side of your backyard. They usually are at school all day and come in the late afternoon, do their home work and play around the pool before early bed. They will therefore be of no annoyance neither in exposure, nor in noise—to the contrary!! Also, there are no balconies and only basic windows planned on that side anyway!

My wife, Velia and I have been looking to build our dream home in a town we love. We presently have a house in PB but have been eagerly searching for 4 years to find the plot that will fit our requirements. We have very important considerations of orientation, position of the bodies of water, space to one side or the other of the house etc. When this plot came to the market, we absolutely loved it as it fit exactly what we were looking for. We originally thought the asking price was too high and tried to negotiate but ended up settling with that sharp price because there were practically no other opportunities that actually fit our requirements.

Obviously our requirements had to comply with the town's regulations and preferences. It has taken us more than 8 months of planning so far to get to where we are. We understand for instance that the town frowns on garages that face the street even though most present houses do, including yours. Nevertheless we went through a lot of trouble to make sure that our garage is totally shielded from view by a hedge and even a wall (if necessary). We access the space of our garage from a North facing entrance and the garage is not exposed to the street (on the east) at all.

Putting the garage to the west cuts our landscape in half. It also confines the fumes of the cars, their noise, the service people, the delivery etc. It is totally impractical and anyway much contrary to our basic requirements for garbage, service, etc. May I suggest also that possibly you and the other neighbours might not find it ideal to have cars with fumes in this confined "hole" on the back of our house with no true open ventilation?!! we will also end up having our bedrooms and the first floor reception room facing a garage in the back...

Putting the house towards the front of the property with the pool in the back is totally against our requirements. For all practical purposes, it does not make sense either since a two story

house is just being erected right in front of our plot to the East (and at the minimum setback allowed). It would be like living in a crowded city on a small street face to face with the neighbour; we would also be hemmed by two other houses to the South and North. For this and many other considerations, I really do not see the logic, nor the real reasons why the present placement of the house is not ideal?

As neighbours, we have to accommodate each other and look for the best. I respect your point of view but honestly and humbly I personally feel the present plan of our house is most suitable not only for us but also for all the neighbours while at the same time it gives an open, relaxed, and spacious feeling from the street side—a beautiful hallmark of our dear town of Palm Beach.

Thank you for considering our point of view; We wish you and Mrs Viellieu a wonderful long and healthy retirement with friendly and caring neighbours,

Kind regards
Antoine

On 10 Aug 2016, at 22:56 wrote:

Dr. Nader,

I wanted to introduce myself, Ken Viellieu, to you as I am your neighbor in Palm Beach residing at 210 Palmo Way. Your architect, Harold Smith, suggested that I reach out to you with some of our concerns which we had voiced at ARCOM two weeks ago to your proposed development at 1230 Ocean Way. My wife, Amy and I, purchased our property on 210 Palmo Way last July (2015) with the express purpose of building our dream retirement home with a wonderful southern exposure. Given the significant setback of your home caused by having a front facing garage (which is frowned upon in Palm Beach and rarely allowed) and your pool being up front requires your home to be directly behind us and affects our privacy. This was not the case of the home that the previous owner of your property had approved by ARCOM. My architect, Michael Perry, suggests that there would be a way for you to move your home up 15 feet or so and have a garage in the rear of the house but still have enough setback to put your pool in the front. I hope you would consider some compromise to your current design as I plan to continue to object along with other neighbors to your project at the next meeting.

I would like to have a discussion with you by phone or in person to elaborate on our concerns as we want to be welcoming and peaceful neighbors for years to come. I plan to be in Palm Beach next week on the morning of Aug 16 if you are in town and want to meet in person. Otherwise, I can be available by phone to have a discussion and can be reached at my office my cell.

I look forward to our discussion and to meeting you in person at some point.

Regards,

Ken Viellieu
210 Palmo Way
Palm Beach, FLA

Drew Lawrence Consultation

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Vastu - the Sacred Science of Vedic Architecture

by Drew Lawrence

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The ancient Vedic science of *Vastu*, is the sacred science of space, spacial relationships and building. It is actually the origin of the popular Chinese system of Feng Shui. Correct Vastu is based on an orientation of all buildings in an appropriate alignment with the primary and secondary directions. The most favorable energies come from the East and the North. The auspicious East direction where the Sun rises each day delivers the solar, masculine, electric, yang, healing and inspirational energies. The Earth's magnetic flow proceeds from North to South. The benevolent North direction brings the lunar, feminine, magnetic, yin, nurturing and nourishing energies.

Ideally, the front door of your home or office should directly and squarely face either of these directions, East being preferable and North also being very favorable. When you choose a plot of land or a lot on which to build your home or commercial building, ideally the four sides of that plot should squarely face the primary directions — North, South, East and West. The property itself should have a square or a rectangular shape as these shapes afford stability, solidity, consistency, strength and longevity, having four strong sides and four complete corners.

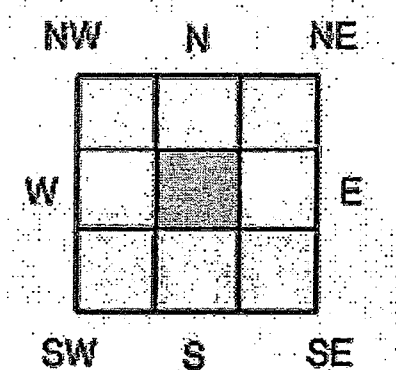
The corners of your plot should face the secondary directions, viz., Northeast, Southeast, Southwest and Northwest. Circular plots or building shapes are not recommended since they can create a nomadic type of lifestyle as seen historically with the teepees of many American Indian tribes and also with the yurts erected by Mongolian tribes. They do not offer prolonged stability as do squares and rectangular shapes. Triangular buildings and plots should also be avoided since they obstruct progress in life and can cause problems with the government as well as prolonged legal conflicts.

If your plot is not aligned to the primary directions, then you should at least try to orient the walls of your house or commercial building to these directions if you decide to build on such a property. Since the North and East are the most

favorable of all the directions, it follows that the Northeast is the most auspicious sector of the house, since it consists of a combination of these two energies. This is the direction from which the divine, godly, spiritual, intellectual, intuitive and knowledgeable energies enter the home or office. It must be kept open, light, clear and spacious on the plot itself as well as in the house, and even in each and every individual room, if possible. What applies to the macrocosm, applies to the microcosm. This is an excellent place for meditation, thinking and creating.

Another very important principle in Vastu is the central space of any plot or building. It should always be kept open and free. This space is called the *Brahma-sthan*, literally, the 'place of God.' This place is always located right in the center of any building. You will notice that almost all older, governmental and classical buildings have an open central area, many with a skylight or a central courtyard. This can be found in countries and civilizations throughout the world.

In our illustration below, the building or the plot is called the *mandala*. The *mandala* should be divided into nine equal units. This can be measured out on a copy of the building plan. Now you have the nine quadrants of your *mandala*. Each quadrant has particular and specific energies related to living and working. The centerpiece (red in color) is the *Brahma-sthan*. This must always be kept open, free and uncluttered on each floor of the building as well as on the plot itself. Establishing a *Brahma-sthan* brings peace, balance, health and spiritual growth.



The North is favorable as a main entrance, office or study, or a place to keep wealth, jewels, cash and valuables. The Northwest is good for a living room, guest bedroom, study, garage, vehicles, pets and animals. The West is suitable for the dining room, living room, children's room, den or study. The Southwest is functional for storage, heavy or large objects, or the master bedroom. The South is useful for a dining room, a bedroom or a staircase. The Southeast is ideal for the kitchen, central heating and electrical equipment, or the computer room. The East is beneficial for the entrance and reception area, a family room, or dining room. The Northeast is suitable for a mediation room, a sun porch or deck, or young children's bedroom. Bathrooms should *never* be placed in the Northeast since it can result in significant health problems for the inhabitants.

When you are living in a house or working in an office with Vastu defects, the defects can be reduced or neutralized in various ways. The use of *yantras* or spiritual geometrical diagrams is very effective in stabilizing unstable or negative Vastu energies due to incorrect alignment of the building or poor placement of rooms, bathrooms or objects.

Vastu Part 2

In this second article about Vastu, we will show you how to utilize the spatial energies in your home or place of business in the most effective manner. The ancient Vedic science of *Vastu*, is the sacred science of space, spacial relationships and building. It is actually the origin of the popular Chinese system of Feng Shui. Correct Vastu is based on an orientation of all buildings in an appropriate alignment with the primary and secondary directions.

First, make a drawing of the floor plan of your home or business. Or make a copy of the existing plans. Since most buildings are rectangles, draw the *mandala* or energetic field of the building along the outer walls. It should be a rectangle or a square (the most stable geometric shapes for buildings). If your building is an L shape, for example, then

you will have an entire section (the bottom of the L) outside of the main mandala. Now divide your mandala into three equal parts along the length and width of the building and draw vertical and horizontal lines across the mandala. Now you should have nine spaces of the same size. If your house is a rectangle, then these nine spaces will be rectangular in shape. If your building is a square, then these nine spaces will be square in shape (see diagram). Now, using a compass, accurately determine the directions which the walls of your house face and write those directions onto your mandala (see diagram).

On the diagram below, the first line states the direction. The second line gives the planet which rules that quadrant. This is helpful if you know something about the planets and their nature. The third line reveals the elements ascribed to those quadrants. Note that there are five main elements in creation and therefore in Vastu, and they are defined predominantly by the secondary directions. Northwest is Air. Southwest is Earth. Southeast is Fire. Northeast is Water (and Ether to a lesser extent). Southwest is Earth. And the Brahma-Sthan in the very center of the building is Ether or Space since it is the seat of God or the most sacred place in the structure where only God or that which represents divine energy can reside safely.

Northwest Planet: MOUTH Element: AIR Body parts: Stomach, Spleen, Anus Deva: VAYU	North Planet: MERCURY Element: AIR & WATER Body parts: Thymus, Throat Deva: KUYERA	Northeast Planet: JUPITER Element: WATER & ETHER Body parts: Brain, Head Deva: ISHAN
West Planet: SATURN Element: AIR-EARTH-WATER Body parts: Kidneys, Abdomen Deva: VARUNA	BRAHMA-STHAN	East Planet: SUN Element: ETHER & FIRE Body part: Heart Deva: INDRA
Southwest Planet: RAHU Element: EARTH Body part: Feet & Bones Deva: NIRRTI	South Planet: MARS Element: EARTH & FIRE Body parts: Kidneys, Abdomen Deva: YAMA	Southeast Planet: VENUS Element: FIRE Body part: Liver Deva: AGNI



Drew Lawrence

Drew is a successful author, speaker, Sanskrit scholar and Vedic astrological consultant. He has been a practitioner of Vedic Astrology or Jyotish for over 34 years and has been a featured speaker at the International Symposium on Vedic Astrology held in the United States and the British Association of Vedic Astrology Conference held in London. He has authored two books, *The Way of Kings*, detailing ancient leadership strategies that he translated from the original Sanskrit and *Planetary Gemstones*.

Get in touch with Drew

In 1969, Drew Lawrence set out on a personal journey. His destination — the fulfillment of his life's purpose. Almost forty years later, he finds himself still firmly treading that same path, significantly closer to the goal and appreciating every step of the adventure. As an experienced traveler on the path, he has been given the fortunate opportunity to help thousands of other wayfarers on their quest for their own Holy Grail. Steeped in the practical mysticism of the Sanskrit Vedas, and intuitively versed in the symbolism of Jungian psychological thought and active imagination, Drew has forged powerful tools with which he has developed his own distinctive methods of insight and transformation.

Offering lectures and seminars on a variety of themes around the globe, Drew enjoys the distinction of having spoken on Capitol Hill in Washington, DC. With clients throughout the world, Drew is a consultant to Fortune 500 executives, crown princes, heads of state, United Nations envoys, diplomats, Ivy League professors, inventors, cutting-edge entrepreneurs, and entertainment celebrities. Among them, academy award winning director, Oliver Stone, golden globe winning actress, Jennifer Garner, Marsha Mason, Cindy Crawford, Kate Beckinsale, Linda Gray, Joanna Gleason, Chris Sarandon, Robin Wright, Billy Zane, Chris de Burgh, and Miss World Rosanna Davison, to name a few.

Drew has pioneered a dynamic method of meditation and personal discovery entitled *Guided Healing Meditation* which enables people to "heal their past and envision their future." He has been featured in national magazine articles, as well as radio and television interviews in several countries. His consultations and workshops have brought empowerment and transformation into the lives of thousands. Helping individuals find their life purpose, thereby leading them to their personal fulfillment and our society's greatest benefit, has been one of Drew's long-time goals.

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[OBJ]

You will notice that the four main directions carry a combination of the elements on either side of them. The North takes air from the Northwest and water from the Northeast. The East takes ether from the Northeast and fire from the Southeast. The South takes fire from the Southeast and earth from the Southwest. The West takes earth from the Southwest and air from the Northwest. It also carries the energy of water. Why? Because the god of the seas, Varuna, rules the Western direction.

The next line reveals the Body Parts represented by these directions. And the last line explains the Devas or celestial beings who rule these various directions.

Since this article is not meant to be an exhaustive explanation of how Vastu works but merely an introduction, we will endeavor only to give some examples so you will know how to use this highly effective mandala for your home or office.

Let us begin with the elements. Suppose you want to place a swimming pool, hot tub or water fountain, indoors or outdoors. You will note that the Water element is predominantly situated in the Northeast. However, it is also situated in the North and in the West. So these are the places or quadrants where your pool, hot tub or fountain should be located. Suppose you want to build a kitchen or fireplace in your home. The best quadrant for this is the Southeast where the element of Fire is predominantly located. Secondly, you could locate them in the East or the South. Since Air represents activity, the Northwest quadrant of your home or plot would be ideally used as a living room, play room, guest room, garage, or menagerie. The West area would serve well as a dining room, children's room, study or den since the West reflects three different elements.

Storage, as well as large and heavy objects correspond to the Earth element and are best placed in the Southwest. The grounding effect of the Earth element makes the southwest ideal for the master bedroom. Plenty of light and large windows are needed in the East to welcome the rays of the rising sun. Here you can happily place a sun room, living room, dining room, etc. Meditation and prayer is best done in the Northeast where the subtlety of Ether and the amplification properties of Water are strongest. The North quadrant is a good place for a staircase leading up or down or both. In the South, you can place a dining room or a workout room. Most people do not have an open central area (the Brahma Sthan) in their homes or offices. But this is a very important factor in the successful application of Vastu principles. No matter how small it may be in your home, it must be kept free, open and clear as far as possible since this is where the divine energies enter the house from above.

When we have blockages, negative energies or wrongly utilized quadrants, it can lead to health problems, disease, loss of money, business struggles, relationship difficulties or other such reversals. In the mandala diagram, you will see that certain body parts are assigned to the directions. If a particular quadrant is blocked or negatively impaired, we could have health problems with the body parts indicated. For example, if you are having problems with your feet or ankles,

then you may want to see what may be causing a blockage in the Southwest of your house. Toilets must never be placed in the Northeast or the Southwest because the sewage water can cause detrimental energy contamination. Placing toilets in the Northeast, in particular, can lead to various cancers.

In our next article on Vastu, we will look at the Devas or celestial beings in charge of each of the directions and what role they play in bringing balance into your home, your office, and your life.

Vastu Part 3

In this third article about Vastu, we will show you how to utilize the spatial energies in your home or place of business in the most effective manner. We will look at the Devas or celestial beings in charge of each of the directions and what role they play in bringing balance into your home, your office, and your life. The ancient Vedic science of Vastu, is the sacred science of space, spacial relationships and building. It is actually the origin of the popular Chinese system of Feng Shui. Correct Vastu is based on an orientation of all buildings in an appropriate alignment with the primary and secondary directions.

We refer to the same diagram we used last time round. Beginning in the North direction, we find it ruled by the deva known as Kuvera. Kuvera is the treasurer of the gods so his primary concern is the attraction, safe-keeping and expansion of wealth. This area must be kept open and welcoming, both inside and outside the building. This is an ideal direction for the front door to face. It is a good place to keep a safe and all valuables including money, gems, gold and documents. A picture of Kuvera can be kept here if you are so inclined.

[OBJ]

Moving clockwise which is the most favorable direction for movement, we come to the Northeast. The deva in charge of the Northeast direction is God Himself, known as Ishan, the supreme controller. Here is the direction from which the most spiritual and celestial energies enter the home. This is the place in which to set up your altar for making offerings of lights, candles, incense, food, flowers, fruits, personal service and love to God. This is also where meditation should take place and the practice of yoga and attunement with the divine energies. This is where you cultivate purity of heart and clear karma through remorse and forgiveness. The Northeast represents the future and how things will unfold for you. It is the place where human effort meets destiny, the two wheels on the chariot of human fulfillment. Here you can place a picture of Krishna, Vishnu, Shiva or whatever manifestation of God you serve and meditate upon.

Next we come to the East direction which is considered to be highly auspicious since the Sun rises daily from this direction, no matter what hemisphere you may live in. The deva which rules this direction is Indra, known as the king of the gods. Here we find the prime direction for the front door of your building. This is a good place in which to do business, expand your career goals, study, and take positive action to make your mark in the world. This is the place in which to realize your own kingship or queenship and to make your impact for the benefit of the whole. This is where you call upon your courage so that you may effectively utilize your power and potential. You can place a picture of Indra here if you like.

The next direction is the Southeast, the abode of Agni, the deva ruling fire. Fire can be a highly creative or destructive element. Creativity and conceptualization develop well here. Also, the realization of goals and objectives can be met in this direction. What cannot be entertained here are anger, frustration, resentment, criticism, blame and guilt. Because these will flare up like a volcano if allowed to run amok in the Southeast. And they will rapidly burn out of control. And so, with a cool head, nurture your creative fire here and feed thousands, rather than burn down the house and destroy what you have built. If you are inclined to perform sacred fire ceremonies, then they should be done here. You can place a burning candle here and a picture of Agni, the fire god, if you wish.

Moving down to the South, we come to the abode of Yama, the deva ruling autumn, decay, transitions, conclusions, resolutions and death. This is where you put an end to things, be they personal or business relationships, or various undertakings. Yama is also in charge of dharma or proper conduct and the realization of obligations. Here we ponder

our duty and carry out our responsibilities. Here also, we mete out proper punishment and correction when necessary. This is the place of justice. The dead can also be helped from the South. Here we leave behind all that which has come to an end. A picture of Yama can be placed in this area if you choose.

Traveling to the Southwest, we enter the abode of greatest shadow and darkness. For this is the place of Nirriti, the goddess of darkness, destruction and shadow. It is also known as the place of Rahu (see above article). This direction embodies old, entrenched karma, unresolved issues, generational patterns, old family behaviors and expectations, addictions, obsessions and compulsions, depression, etc. It represents the past and the hold it may still have on us as we move forward into the future of our unfoldment. It is also the entry point or portal to the other dimension for a house that is haunted by ghosts, spirits or human souls who are stuck and unable to move on. When energies in a house or business become very dense, destructive and immovable, then this is the direction that demands our greatest attention. This is where deep clearing and cleansing can have the most benefit. With the intention of offering honor and recognition, you can place a picture of Nirriti and/or Rahu here.

As we move West, we enter the abode of Varuna, the god of the waters and the master of fate. And this is probably why he is so closely affiliated with Saturn, the planet of fate and destiny. Varuna is known as a magician and thus is a master of illusion. In the West, you can sink more deeply into illusion or free yourself from illusion. Varuna maintains the inner truth of the universe which can be seen more clearly in the darkness at night, when this world of illusion effectively disappears for a time. This is the place of knowledge. Varuna is the master of 100,000 remedies so healing can effectively take place in the West of your home as well as the East. Life extension and longevity occur under these energies. Any needs you have regarding water for drinking and bathing, etc, fall under the domain of Varuna. In the West, we can calm the waters of emotional conflict. Here we should place some symbol of water — an urn filled with water, a swimming pool or hot tub, an indoor or outdoor fountain, a picture of the ocean, a lake or river. And a picture of the god of the waters, Varuna.

And finally, to the Northwest we find the deva of air, Vayu. Vayu rules life, health, activity and movement. This is the place of greatest movement, shift and change. That is why it is suitable for entertaining guests, such as a living room, a guest bedroom or activity room or den. Outdoors, we place the play area and/or the garage or driveway where vehicles come and go. This is where you come to breathe and catch your breath. If someone is having respiratory problems in the home or at work, there may be a blockage in the Northwest that needs to be cleared. Air and wind is known to be the great purifier of all spaces and places. Much power and strength can be harnessed in the Northwest direction. Since Vayu is known as the king of celestial musicians, this would be an ideal place to put your music or recording room. And a picture of Vayu would set it off nicely.

Contact us for a Vastu consultation for your home or office or to purchase yantras in order to neutralize Vastu defects in your environment. — Drew and Kalindi Lawrence drewjlawrence@gmail.com

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• **Sec. 18-205. - Criteria for building permit**

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(a)

The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:

(1)

The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.

(2)

The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.

(3)

The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.

(4)

The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.

(5)

The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:

a.

Apparently visibly identical front or side elevations;

b.

Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or

c.

Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.

(6)

The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:

a.

Height of building or height of roof.

b.

Other significant design features including, but not limited to, materials or quality of architectural design.

c.

Architectural compatibility.

d.

Arrangement of the components of the structure.

e.

Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.

f.

~~Diversity of design that is complimentary with size and massing of adjacent properties.~~

g.

Design features that will avoid the appearance of mass through improper proportions.

h.

Design elements that protect the privacy of neighboring property.

(7)

The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

(8)

The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality of architectural design as viewed from any public or private way (except alleys).

(9)

The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.

(10)

The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.

(b)

If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.

(c)

A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)

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(a)

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

(1)

Lot area. The minimum lot area is 10,000 square feet. For lots of 20,000 or more square feet in the R-B district, except for those lots between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth, the following shall apply:

a.

When the width of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum side yard setback and angle of vision provisions of the R-A district.

b.

When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.

c.

When the depth of a lot in the R-B district is equal to or greater than the minimum required for a lot in the R-A district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-A district.

d.

When the depth of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the minimum front and rear yard setbacks and building height plane provisions of the R-AA district.

e.

When the area of a lot in the R-B district is equal to or greater than 20,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-A district, except that the maximum allowable lot coverage for single-story development shall be 30 percent.

f.

When the area of the lot is equal to or greater than 60,000 square feet, development of the lot shall be subject to the maximum coverage and minimum open space provisions of the R-AA district, except the minimum allowable lot coverage for single-story development shall be 30 percent.

g.

The provisions in subsections (1)a. through f. above do not apply to lots 20,000 square feet or greater in area between Dunbar Road and Reef Road which are adjacent to the waters of Lake Worth.

(2)

Lot width. The minimum lot width is 100 feet.

(3)

Lot depth. The minimum lot depth is 100 feet.

(4)

Density. The maximum density is four dwelling units per acre.

(5)

Front yard.

a.

The minimum front yard setback for the first story is 25 feet, however the front yard setback may be reduced to a minimum of 20 feet, or portion thereof, provided the required rear yard setback for the first story is increased by the amount of reduction in the front yard.

b.

The minimum front yard setback for the second story is 30 feet, however the front yard setback may be reduced to a minimum of 25 feet, or portion thereof, provided the required rear yard setback for the first and second story is increased by the amount of reduction in the front yard.

(6)

Angle of vision.

a.

The building angle of vision (front setback) for one-story buildings is 100 degrees.

b.

The building angle of vision (front setback) for two-story buildings is 100 degrees.

c.

Building angle of vision is not applicable to lots fronting on cul-de-sacs.

d.

No portion of any individual building shall extend beyond a line drawn from the front property line 50 degrees either side of a line drawn perpendicular or radial to the front yard property line. For lots exceeding the minimum required width, the base angle of vision (50 degrees on either side of the line) shall be increased by two degrees for each ten feet of increased lot width over the minimum up to a maximum additional width of 40 feet in the R-B district.

e.

In the case of corner lots or through lots with frontage on the following primary north-south roadways, the building angle of vision shall be applied only to the frontage along the designated primary north-south roadway: North Ocean Boulevard; South Ocean Boulevard; North County Road; South County Road; and North Lake Way.

f.

In the case of other corner or through lots, the building angle of vision shall be applied only to the front yard as determined by the orientation of the building.

g.

For exceptions to these regulations, see section 134-895.

h.

For the purposes of determining application of the building angle of vision, an accessory structure shall be considered part of the principal structure when it is separated from the principal structure by a distance of less than 25 feet. When an accessory structure is separated by a distance of 25 feet or more from the principal structure, it shall be treated as separate structure and individually subject to the building angle of vision.

(7)

Side yard.

a.

The minimum side yard setback for the first story shall be 12½ feet.

b.

The minimum side yard setback for the second story shall be 15 feet.

(8)

Rear height plane setback. 25 feet.

(9)

Rear yard.

a.

The minimum rear yard setback for the first story is ten feet except as provided for in subsection (5)a.

b.

The minimum rear yard setback for the second story is 15 feet except as provided for in subsection (5)b.

(10)

Height and overall height.

a.

For one-story buildings, the maximum building height is 14 feet.

b.

For two-story buildings, the maximum building height is 22 feet.

c.

Maximum overall height of a building in the R-B district shall be the maximum allowable building height plus three feet for a flat roof and eight feet for all other roof styles. Parapet walls extending above the maximum allowable building height shall have appropriate architectural treatment.

d.

The vertical distance to the top of the beam or plate as described in the building height definition in section 134-2 shall not be more than 18 feet (one story) or 26 feet (two stories) above the crown of street at its highest elevation abutting the lot or the average elevation (taken at the crown of the street) of each of the two streets abutting the lot in the case of corner or through lots.

(11)

Lot coverage.

a.

The maximum lot coverage for one-story buildings is 40 percent.

b.

The maximum lot coverage for two-story buildings is 30 percent.

(12)

Landscape open space.

a.

The minimum landscaped open space is 45 percent, of which 50 percent of that percentage is required to be perimeter landscaping within ten feet of the property line. The perimeter landscaped open space requirement shall not apply to lots 20,000 square feet or more in area.

b.

Additionally, not less than 40 percent of the required front yard must be landscaped open space in the R-B district.

(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, 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, 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 subsection 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.

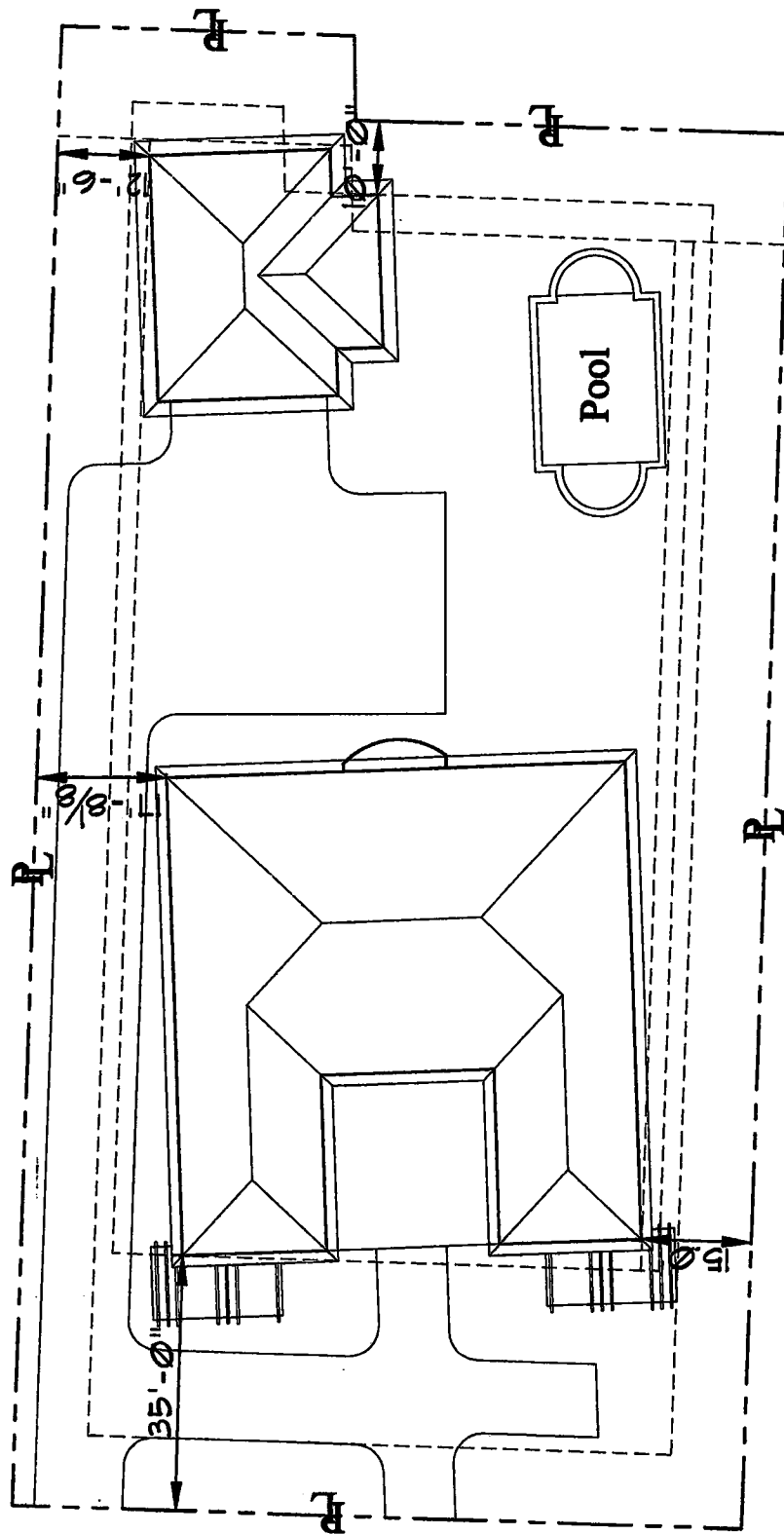
For purposes of calculating the cubic content ratio, lot size shall be rounded to the nearest 100 square feet. For purposes of computing the resultant cubic content, the cubic content ratio shall be rounded to two decimal places. A table illustrating the cubic content ratio and associated cubic content 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.

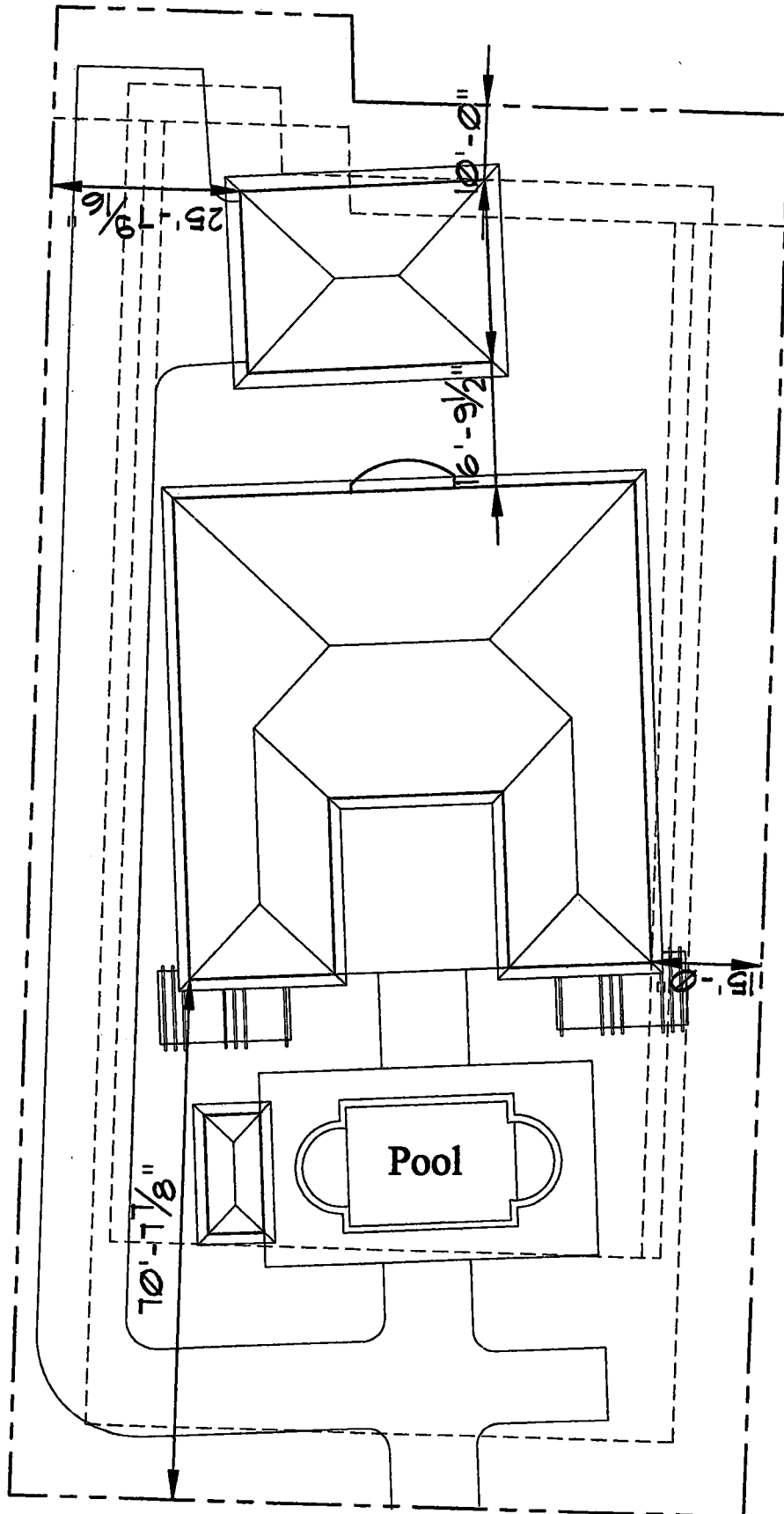
(b)

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

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

(Ord. No. 2-74, schedule A, §§ 5.11, 5.15(c), 3-26-74; Ord. No. 7-79, §§ 2, 6, 3-30-79; Ord. No. 4-80, § 3, 3-31-80; Ord. No. 6-81, § 2(e), (f), 3-31-81; Ord. No. 7-82, § 3(e), 3-31-82; Ord. No. 2-83, §§ 3(a), (b), 2-23-83; Ord. No. 1-84, §§ 2(a)—(e), 3-1-84; Ord. No. 1-85, § 2(b)—(f), 2-11-85; Ord. No. 1-86, § 2(a), 2-10-86; Ord. No. 1-88, § 1, 2-8-88; Ord. No. 1-89, § 2(b)—(d), 2-6-89; Ord. No. 1-90, § 2(a)—(e), 2-5-90; Ord. No. 1-92, § 2(a)1, 2, 2-3-92; Ord. No. 1-93, § 3(a), 2-8-93; Ord. No. 9-93, § 2(b), 6-8-93; Ord. No. 1-94, § 2(a), 2-7-94; Ord. No. 10-95, § 1(a), 1-23-95; Ord. No. 1-96, §§ 8, 11, 2-5-96; Ord. No. 1-97, § 1, 2-17-97; Ord. No. 1-98, §§ 2—4, 6, 2-9-98; Ord. No. 2-98, §§ 1, 2, 2-27-98; Ord. No. 1-99, §§ 12—16, 4-5-99; Ord. No. 1-01, §§ 1, 3, 4, 2-19-01; Ord. No. 1-02, § 7, 3-12-02; Ord. No. 1-02, § 14, 3-12-02; Ord. No. 1-03, §§ 16, 20, 3-11-03; Ord. No. 1-05, § 4, 3-8-05; Ord. No. 5-09, § 37, 4-15-09; Ord. No. 12-09, §§ 1, 2, 6-10-09; Ord. No. 16-09, § 2, 11-12-09; Ord. No. 4-10, § 3, 2-10-10; Ord. No. 3-2012, § 2, 4-11-12; Ord. No. 4-2016, §§ 3, 4, 4-13-16)





Approved at ARCOM on
8/24/16
East Facade

LANG
DESIGN
GROUP

Landscape Architecture • Planning • Site • Lighting
820 5th Ave N
Lake Worth, Florida 33461
(561) 688-6666 Fax: (561) 688-6688
Email: lang@langdesigngroup.com

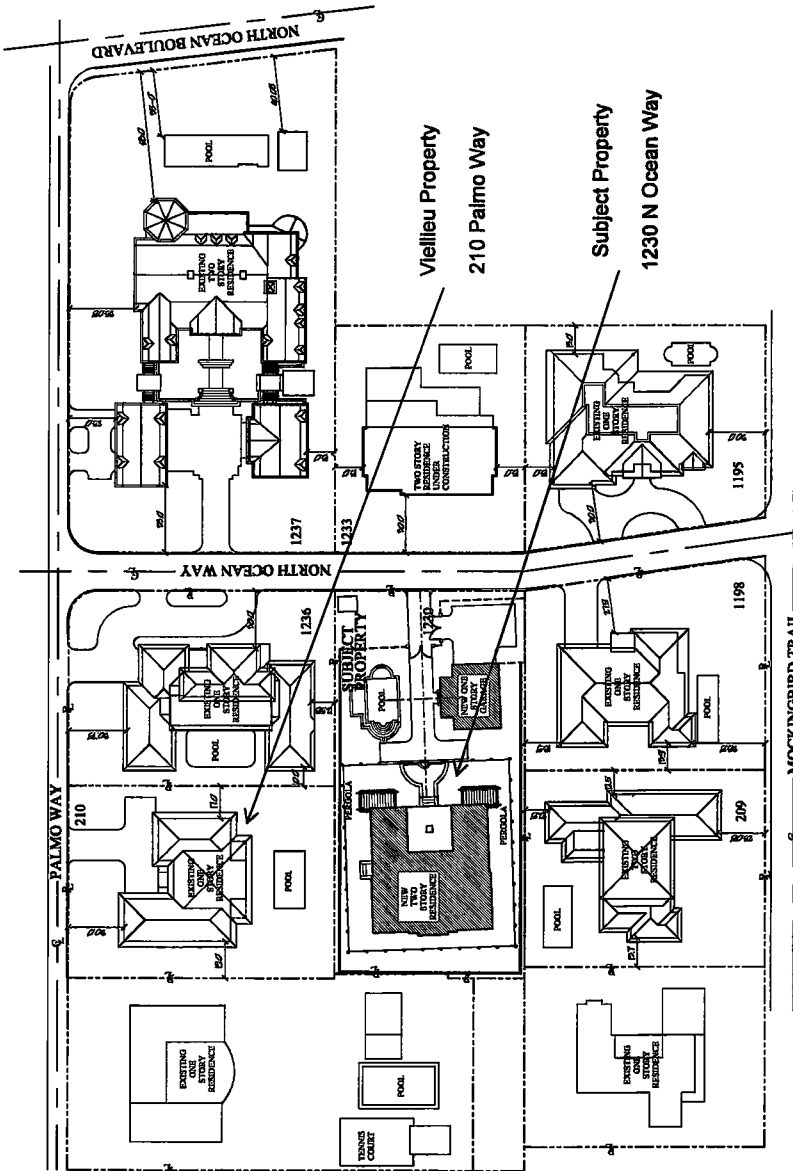
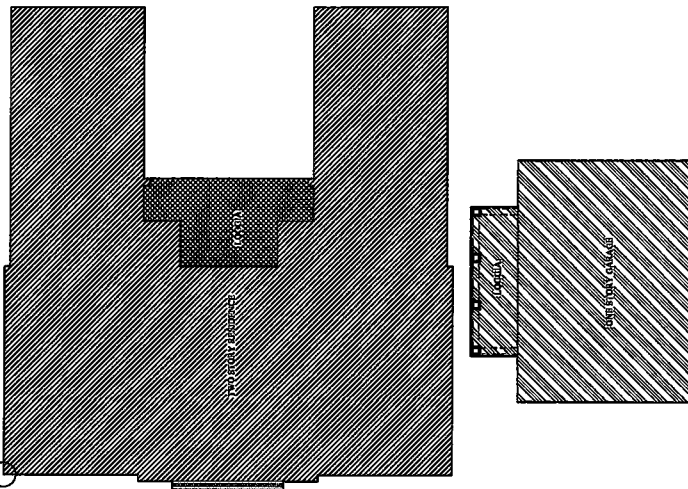


15 YEARS OF AWARD-WINNING DESIGN

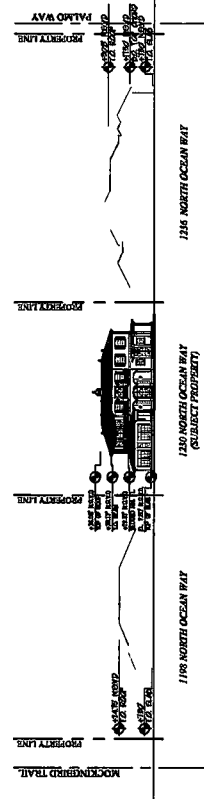


Nader Residence
1230 N Ocean Way
Palm Beach, FL

ALCULATION:

[illegible]

SITE PLAN WITH ADJACENT PROPERTIES
SCALE: 1"=30'-0"



Excerpt from 7/27/16 ARCOM minutes

B-043-2016 New Residence

Address: 1230 N. Ocean Way

Applicant: Dr. and Mrs. Tony Nader

Architect: Harold Smith/Smith and Moore Architects, Inc.

Landscape Architect: John Lang/Lang Design Group

Project Description: Construction of a two-story single family residence with detached one-story garage and pool. Final hardscape and landscape.

Call for disclosure of ex parte communication: Disclosure by several Members.

Angie Janesheski presented on behalf on Smith and Moore Architects, Inc. Ms. Janesheski stated that this proposed home has been designed based on the Vedic Architectural Principals. The style of the home is of the Bermuda Colonial style. She presented a site plan, floor plans, elevations, renderings and details for the proposed project.

One of the Commission Members asked about the large, 75' setback. Mr. Lang stated that the Vedic Principals dictate that the pool be placed in the current, proposed position.

Commissioners Comments: Some felt the house was heavy and boxy. There was a suggestion to restudy the pergolas as well as the roof over the bay window on the West elevation. There was also a request for the downspout details to be included.

Mr. Lang presented the proposed landscape and hardscape plan keeping with the Vedic Principals.

One of the Commissioners asked if this home was to be used for group meetings. Mr. Lang addressed this issue.

Ken Viellieu, 210 Palmo Way, stated that he and his wife feel that this project fails to meet the criteria of ARCOM, has a concern about the large setback as well as the garage and the pool located in the front of the property. Mrs. Vanneck addressed this concern and asked Mr. Lang to meet with Mr. Viellieu to address his privacy concerns.

Commissioners Comments: There was a suggestion that when the architecture is restudied, some thought needed to be given to the addition of more detail and possibly reducing the size of the wings of the home.

Motion made by Mrs. Vanneck and seconded by Mr. Ives to defer the project for one month for restudy and to bring samples of Vedic Architecture to the August 24, 2016 meeting. Motion carried 6-1 with Mr. Knowles opposed.

Excerpt from 8/24/16 ARCOM minutes

B-043-2016 New Residence

Address: 1230 N. Ocean Way

Applicant: Dr. and Mrs. Tony Nader

Architect: Harold Smith/Smith and Moore Architects, Inc.

Landscape Architect: John Lang/Lang Design Group

Project Description: Construction of a two-story single family residence with detached one-story garage and pool. Final hardscape and landscape.

At the July meeting, a motion carried to defer the project for one month for restudy and to bring samples of Vedic Architecture to the August meeting.

Call for disclosure of ex parte communication: Disclosure by several Members.

Mr. Smith presented the changes based on the comments from their last presentation which include the position of the house on the lot, the massing on the west side, reduced east wings, revised pergola beam ends, increased the cupola, fenestration on the east elevation, addition of the pediment to the north entry, changing the bow window to a box window on the west elevation and changed the overall fenestration. He presented a new streetscape and site plan, previously and currently proposed floor plans and elevations. He presented photos of homes designed in the Vedic architectural style.

Commission comments: Mr. Garrison suggested the right side on the east elevation was unbalanced. Mr. Smith presented another option to the Commission for the north wing that centers two windows above the door. Mr. Garrison liked this option. Mr. Small asked if the garage doors could face north rather than east. Mr. Smith addressed this question.

Frank Lynch, Attorney on behalf of Mr. and Mrs. Viellieu, expressed concern that this home is excessively dissimilar, the large setback that is being proposed and privacy concerns. Mr. Lynch stated which section of the Ordinance that he believe it violates.

Some discussion continued between Mr. Lynch and the Commissioners.

Commission comments: Ms. Shiverick agreed the setbacks were too large. Mr. Ives likes the change to the door on the north elevation but would like the steps to be changed.

Mr. Smith addressed the comments from Mr. Lynch. Some discussion continued.

Commission Comments: Mrs. Vanneck stated her concern was the number of proposed kalashes.

Richard Bialosky, Architect and Chair of Vero Beach ARCOM, stated his experience building in the Vedic architectural style. He also stated he had many letters verifying that this proposed home conforms to the Vedic principals.

Mr. Lang presented the changes to the landscape and the hardscape. He addressed the issue of the garage and pool that are proposed in the front of the lot. He stated he has met with many of the neighbors to make sure that they were satisfied with the landscape buffers.

Some discussion ensued regarding the fencing and gate around the property.

Mr. Garrison asked for clarification for the landscaping on the northwest corner of the property. Mr. Lynch expressed his concern again for house being excessively dissimilar.

Guy Rabideau, Attorney for the owner, entered into the record letters from Vedic experts that certify that the proposed home meets Vedic architecture. [Exhibit 1]

Mr. Lynch objected to the exhibits being entered into the record. Mr. Randolph stated that they could submit them into the record.

Motion made by Mr. Small and seconded by Mr. Ives to approve the project as presented with the condition that the number and size of the kalashes be reduced, the steps on the north elevation be reduced and to add the triple window over the door on the north wing, east facade. Motion carried with all in favor.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Variances - Special Exceptions - Site Plan Review

Agenda Title

SPECIAL EXCEPTION #20-2016 WITH SITE PLAN REVIEW AND VARIANCE The application of SKIK, LLC – Zvenka V. Kleinfeld, Manager; relative to property commonly known as **232 Colonial Ln.**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant is requesting to allow 1) the construction of a 2,845.5 square foot two-story, single family residence on a non-conforming lot which is 75 feet in width in lieu of the 100 foot minimum required; 82 feet in depth in lieu of the 100 foot minimum required and 6,150 square feet in area in lieu of the 10,000 square foot minimum required; 2) To have a front yard setback for one story portion of the residence to be 23 feet in lieu of the 25 foot minimum setback required. [Attorney: Maura Ziska, Esq.]

[Architectural Commission Recommendation: Deferred the project to the September 28, 2016 meeting. Carried 6-1.]

Deferred from the August 16, 2016, Town Council Meeting.

Request for Deferral to the October 13, 2016, Town Council Meeting Per Letter Dated August 26, 2016, from Zvenka V. Kleinfeld.

Presenter

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

ATTACHMENTS:

- ▣ **Letter Dated August 26, 2016, from Zvenka V. Kleinfeld**

**Zvenka V. Kleinfeld
2636 N Glebe Road
Arlington, VA 22207**

VIA E-MAIL

August 26, 2016

Paul Castro
Kelly Churney
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: SE 20-2016 – 232 Colonial Lane

Dear Paul and Kelly:

Please defer the above referenced matter from the **September 14, 2016** Town Council agenda to the **October 13, 2016** Town Council agenda. The reason for the deferral is because ARCOM deferred the matter at the August 24, 2016 meeting. Please email me if you have any questions or comments with the foregoing. Thank you.

Sincerely,



Zvenka V. Kleinfeld

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Variances - Special Exceptions - Site Plan Review

Agenda Title

SPECIAL EXCEPTION #24-2016 WITH SITE PLAN REVIEW The application of Brian Vertesch, SMI Landscape Architecture, Agent for the Preservation Foundation of Palm Beach; relative to property commonly known as **100 Bradley Place**, described as lengthy legal description on file; located in the R-B Zoning District. The applicant requests to modify Bradley Park public open space as follows: 1) Removal and relocation of existing fountain centerpiece, located at south west area of Bradley Park. Demolition of existing fountain basin; 2) Construction of plaza and fountain basin adjacent to south side of existing structure at north/central property, often referred to as the “Tea House”; 3) Demolition of existing one story restroom and kitchen located directly east of the Tea House and the addition of a new public restroom; 4) Removal of asphalt parking adjacent to north side of existing bathroom; 5) Removal and partial replacement of sidewalks on north property line, Sunset Ave, and east property line, Bradley Place; 6) Addition of small overlook structure to the west of the existing pump house, adjacent to the proposed lake trail; 7) Addition of Town Lake Trail extension; 8) Addition of new park entry at north east corner of park; 9) Relocation of existing Bradley Park monument; 10) Addition of stabilized grass parking adjacent to S-2 pump station; 11) Addition of site furnishings including benches, bike rack, and low train sculpture; 12) Addition of sculpture pad to south of the Tea House; 13) Addition of 30” high decorative see through fence around perimeter of park at Sunset, Bradley Place, and Royal Poinciana Way. There will be openings into park with no gates; 14) Addition of stabilized decomposed granite pathways within the park; 15) Addition of landscape lighting; 16) Landscape improvements as graphically described on the plans and specifications submitted. [Attorney: John C. Randolph, Esq.]

[Landmarks Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impacts to the subject landmark property with the exception of the fence around the park.

Carried 7-0]

Deferred from the September 14, 2016, Town Council Meeting.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum Dated September 28, 2016, From John S. Page, Director of Planning, Zoning & Building**
- ▣ **Bradley Park Rendering**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Special Exception #24-2016 With Site Plan Review
100 Bradley Place (Bradley Park Improvements)

Date: September 28, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider recommendations from the Landmarks Preservation Commission regarding proposed improvements to Bradley Park.

GENERAL INFORMATION

The Town of Palm Beach, as owner/applicant, is desirous of completing improvements at Bradley Park that will be privately funded by the Preservation Foundation of Palm Beach. The project description, as noted on the Landmarks Preservation Commission Agenda of August 17, 2016, is as follows: "Modifications to Bradley Park that include: removal and partial relocation of existing fountain, plaza addition, demolition of existing restroom and addition of new restroom, removal of employee parking at north end of park, addition of overlook along seawall, lake trail extension, new park entry, relocation of Bradley monument plaque, addition of stabilized grass parking in place of existing asphalt, benches, low sculptures, low see-through perimeter fence, sculpture pad, new perimeter sidewalks adjacent to the park, additional plantings, landscape lighting, addition of compacted stone dust paths."

Parks are a permitted land use in the applicable R-B Zoning District, yet are required by Code to obtain Special Exception with Site Plan approval from the Town Council. In addition, because the Park is a local landmark, improvements must also be approved in the form of a Certificate of Appropriateness from the Landmarks Preservation Commission.

Amanda Skier (Preservation Foundation), Jorge Sanchez (SMI Landscape Architecture), and Mark Marsh (Bridges Marsh & Associates Architecture) all spoke in favor of the project. Commissioners were generally pleased with the proposed improvements, yet posed several questions about improvement details (all of which the presenters subsequently addressed). Architect Jeff Smith spoke critically about the aesthetics of the perimeter fencing. A single Town resident, Anita Seltzer, spoke in opposition to the project as a whole.

Following all discussion, the Commission voted unanimously that implementation of the proposed special exception and site plan will not cause negative architectural impacts to the subject landmarked property with the exception of the perimeter fencing, which should be eliminated. If the Council should approve the special exception with site plan review, said final site plan will be re-presented one last time to the Landmarks Preservation Commission for formal Certificate of Appropriateness (COA) approval.

SPECIAL CIRCUMSTANCES

Council members should be aware of the following, additional notes:

- The single Park element disfavored by the Commission was the knee-height perimeter fencing. The Commission's final recommendation of approval included a condition of eliminating the fence.
- As design professionals present these improvements for your public consideration, Council members may want to develop a more complete understanding of sculpture plans, i.e., numbers, locations, size, interchangeability, etc.
- A sanitary sewer force main is located beneath the Park. Extreme care should be required to see that this public improvement is not damaged in any way as construction occurs.
- The replacement of an existing asphalt drive (leading to Town utility structures near the Lake) with "stabilized grass" should be subject to final approval from the Public Works Department to ensure its structural stability.
- SMI has reported to staff that the collective improvements result is no net increase to the amount of hardscape in the Park
- Professionals working in concert with the Preservation Foundation have verbally reported that the Miami Diocese (former owner with retaining ties to the Park's future) has reacted favorably to the proposed improvements. Written confirmation of same has been requested and should be received as a condition of approval (if the Council ultimately supports Park changes).

Attachment

cc: John C. Randolph, Town Attorney
Landmarks Preservation Commissioners
Amanda Skier, Executive Director, Preservation Foundation of Palm Beach
Jorge Sanchez, SMI Landscape Architecture
Mark Marsh, Marsh & Bridges Architects



TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Development Review - Old Business

Agenda Title

MODIFIED SPECIAL EXCEPTION #13-2016 WITH SITE PLAN REVIEW

The application of Miradieu Aubourg, PBC Capital Improvements Division; relative to property commonly known as **2882 S. Ocean Blvd.**, described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting a Modified Special Exception with Site Plan Review to leave the 5 foot wide beach access easement in its existing location along the northern perimeter of the park site. The beneficiaries of this easement may still use said easement for access to the beach. In addition, this modified request proposes to leave the existing sidewalk that meanders outside of the easement from the beach and to the existing parking lot in place as it currently exists. No changes to the existing landscape in the vicinity of the easement or sidewalk are proposed. [Attorney: Denise M. Nieman, Esq.]

Deferred from the May 11, 2016, and September 14, 2016 Town Council Meetings.

Presenter

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

ATTACHMENTS:

- ❑ Letter Dated May 21, 2016, from Jim Apostolico
- ❑ Letter Dated May 24, 2016, from MaryLane Cairns
- ❑ E-mail Dated May 24, 2016, from Kathryn R. Fitzgerald
- ❑ Letter Received on May 27, 2016, from Sandra Moran
- ❑ Letter Dated May 27, 2016, from Mildred Grimm
- ❑ Letter Dated May 28, 2016, from Marian Day
- ❑ Letter Dated May 31, 2016, from James Morton and Jeanne Castillo
- ❑ Letter Dated June 1, 2016, from Donna Whitlock
- ❑ E-mail Dated June 2, 2016, from David Brooks et al
- ❑ Letter Dated June 2, 2016, from Jenny Duffy
- ❑ Letter Dated June 2, 2016, from Barbara H. Koehl
- ❑ Letter Dated June 7, 2016, from Miradieu Aubourg
- ❑ Letter Dated September 27, 2016, from David and Ann Hobson

May 21, 2016

City Council Of Palm Beach
360 S. County Road

Palm Beach, FL 33480

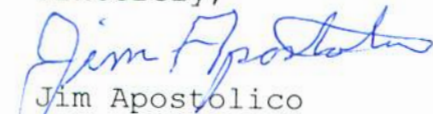
Gail Coniglio Michael Pucillo, Richjard Kleid, Bobby Lindsay, Danielle Moore, Margret Zeidman

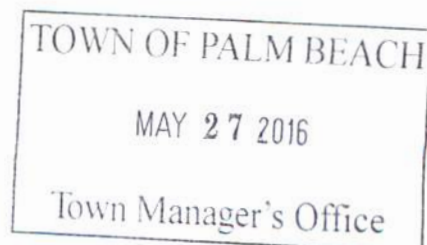
I am writing to express my opposition to the blocking of access to the county park south of our property at PalmWorth. All we originally wanted to do was find a solution to the problem at the northern access to the beach from the parking lot. We requested a gate at that access, not the proposed fence along the entire north side of the park. That said, we would not object to the fence if it includes a gate that gives us access to the park, but a fence without access would create significant problems for us.

1. Palm Worth has had unfettered access to the park and the Lake Worth Casino from the North for over 15 years and it is a significant contribution to the value of our property.
2. Because we have had direct access to the park I feel that parties claiming now to cut us off, gave up those rights by not doing something about it many years ago.
3. If Palm Worth is denied access to the park by not allowing a gate, our only route to the park would be to walk on the east shoulder of A1A which is very narrow and at the point where A1A reduces from two lanes to one lane. This is very dangerous as many cars try to squeeze in and often ride on that shoulder.
4. Palm Worth has many older owners and constituents, some in wheel chairs, so going on the beach to get to the park and casino area is not an option.
5. Walking on the shoulder of A1A for our older residents is also not an option as they walk slow and are not agile enough to get out of the way of on coming traffic. They then would need to proceed up a very steep incline to reach the park and or Casino.

To recap, Palm Worth would be fine with a fence on the North boundary of the park if it had a gate access to the park for its residents to use, otherwise we strongly oppose such a fence.

Sincerely,


Jim Apostolico
Vice President
PalmWorth B.O.D.



TO: Gail Coniglio, Mayor

Michael Pucillo, President of the City Council of Palm Beach.

Richard Kleid, President Pro Tem.; Bobby Lindsay, Danielle Moore, Margaret Ziedman, Council Members

**From: Mary Lane Cairns: Palm Worth, 2850 South Ocean Blvd, Palm Beach, Fl.
And: 5 West Cottage St., Marblehead, MA 01945**

RE: Proposed fence

On North side of Kruesler Park submitted by the County .

Date: May 24, 2016

Dear Mayor and Council Members:

I am honestly shocked that it is proposed to have no access to the Park by a gate on the North side fencing. It seems to be completely shutting off access for Palm Worth residents, who have been good neighbors for 50 years, to the park, restaurants and shops. As a 55 and older cooperative many of us are in our 80's and we do have handicapped residents who would find it impossible to walk out the driveway to A1A, walk on the grass or highway to the sidewalk that goes up to the Casino Area.

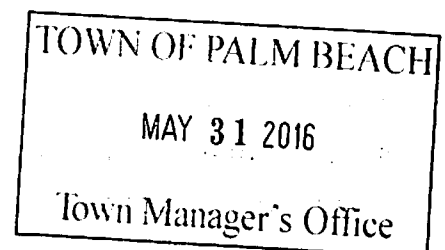
Please reconsider and insist that there be a gate that we can use from our parking lot. I strongly oppose the Proposed Fencing Project on the North end of Kruesler Park submitted by the County at this time.

Thank you,

Sincerely,

Mary Lane Cairns
MaryLane Cairns

(Mrs. Walter J.) cell: 781-799-8371



From: <ritaandkathy@ameritech.net>
To: "mayor@townofpalmbeach.com" <mayor@townofpalmbeach.com>
Date: 05/27/2016 05:35 PM
Subject: ADA-Americans with Disabilities Act

05/24/16

Good afternoon,

my name is Kathryn R Fitzgerald and I am an owner, jointly with my partner at 2850 S. Ocean Blvd., The Palm Worth. I recently discovered that there is an issue with access from two places from our building to the public park on the south side of the building. The issue being that myself and any other American with a Disability will be denied passage safely from which any other individual is currently now allowed.

I have been severely disabled for nearly 30 years, and am classified as a quadriplegic and use a power wheelchair, as well as, voice recognition software in order to type.. In the late '80's, myself and my partner were very active in the implementation of the ADA-Americans with Disabilities Act. This law was passed in 1990. My father bought our unit in 1997 and worked tirelessly in ensuring access via the gates which are now installed.

In fact, the county actually extended the pathway (outside of our fence area) 1 foot in order to ramp it up from the grass. My understanding is that the county intends to not only remove the gates forcing me and anyone else in a wheelchair or physical disability to ambulate on the unpaved passageway to the curb cut approximately 2 blocks away.

I sincerely hope that this most important law or the The Civil Rights Act of 1964 is not being reversed and sincerely hope that someone in the county will respond to this letter explaining to me what and why this is going on. It should not be important to delineate each and every person's need for access anywhere in our country.

Thank you so much for your time. I am currently at my Chicago address attending doctors appointments and therapy but plan on not only being at The Palm Worth this summer but plan on being a full-time resident in the near future.

Sincerely
Kathryn R Fitzgerald
10526 S. Ave. J
Chicago, IL 60617

Only those who will risk going too far can possibly find out how far one can go.
T. S. Eliot

Always looking forward...

Dear Council members,

Last year I bought an apartment at Palm Worth. One of the attractions of this particular building was the easy access to the park and restaurants thru the gate to the sidewalk. I understand that you plan to deny us this access that the building has enjoyed for many years.

We were surprised at the amount of illegal activity at access 12 in the park. Apparently your lifeguards and beach patrol do not cover that access to the park. People constantly use that access to bring dogs to our beach as well as beer containers that they thoughtfully leave behind with the rest of their garbage. I do not think you should provide a beach access that you do not properly watch.

Have you given any thought to the safety of the people who will use what will be a tunnel without a roof to reach the beach at access 12 once the 10 foot fence is built? From my window looking down at the current sidewalk, I see many people bringing their unleashed dogs to access 12. Even leashed dogs can be unpredictable in an enclosed space with strangers. Access 12 has been the choice entry for the intoxicated, the vandals and the homeless as well as the dog owners.

If you are not going to gate this "tunnel" you plan to build, then you need to station a lifeguard or beach patrol at access 12.

I understand that the reason you do not want to "gate" the tunnel is that it would deny access to the park that people have enjoyed for many years, and yet, you plan to deny us that same access that Palm Worth has had for many years.

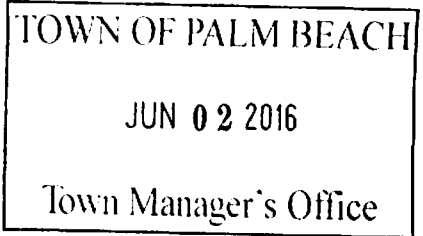
Please take some more time to consider your plan for this project.

Sincerely yours,
Sandra Moran

TOWN OF PALM BEACH

MAY 27 2016

Town Manager's Office



May 27, 2016

To: Gail Coniglio, Mayor
Michael Pucillo, President of the City Council of Palm Beach
Richard Kleid, President ProTem
Bobby Lindsay, Danielle Moore, Margaret Liedman, Council Members

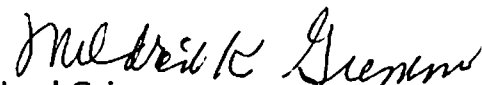
From: Mildred Grimm
Palm Worth
2850 South Ocean Blvd
Palm Beach, Fl 33480

Subject: Proposed fence on North side of Kruesler Park

Dear Mayor and Council members:

Palm Worth is an over 55 residence and I am one of several visually and physically handicapped residents. I have lived here since Palm Worth was built. I am legally blind, unable to drive and have had spinal surgery. Like others here, I need access to the park and Casino areas and also the bank, drug store and physical therapy next door. I am unable to walk on spongy surfaces such as sand and grass. Please do not allow us to be fenced in.

Thank you,


Mildred Grimm

May 28, 2016

To: Gail Coniglio, Mayor; Michael Pucilio, President of the City Council of Palm Beach; Richard Kleid, President Pro Tem. Bpbby Lindsay, Danielle Moore, Margaret Liedman, Council members

From: Marian Day: Secretary Board of Directors Palm Worth Cooperative,
2850 S. Ocean Blvd., Palm Beach, FL 3340

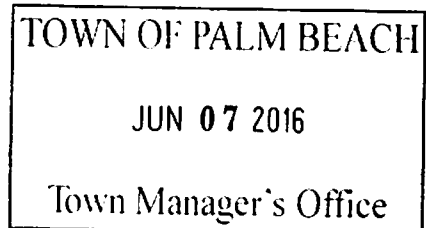
Subject: Proposed fence on north side of Kruesler Park

I am a year-round resident at Palm Worth and live on the 5th floor, south side, overlooking the proposed fence. I also look down on Access 12, the source of our problems. You have already been given all the pictures and descriptions of the activities that take place at this Access to the beach. My brother lives next door to me, looking down on the same scene. Six generations of our family have lived at, and/or enjoyed visiting Palm Worth since 1962. One of the greatest advantages of our being here has been our easy access to Kruesler Park, the fishing pier, the shops and food available at the Casino building. Our residents also use the bank next door, the physical therapy facility, the doctor's office and the drug store. The proposed fence makes no provisions for our access to these important facilities that we have used for over 50 years, and, to add insult to injury, it will do little or nothing to address the problems at Access 12.

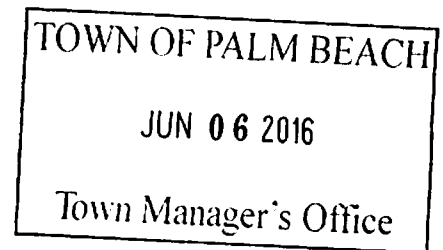
Sincerely,



Marian Day



Subject: Letter For Jim Morton and Jeanne
From: juanita leary (juanitaleary@msn.com)
To: ezntavel@yahoo.com; juanitaleary@msn.com;
Date: Monday, May 30, 2016 9:38 AM



31 May 2016

TO: Gail Coniglio, Mayor of Palm Beach
Town of Palm Beach City Council

RE: Kruesler Park Proposed Fencing

I am writing you as a Shareholder at Palm Worth who will be directly affected by the County's Proposed Plan that will produce a fenced-in 5 ft. asphalt run directly behind my first floor apartment. Not only will this enclosure provide an area where any and all type of activities can take place without the ability of visual supervision by the police but also causes a hardship for myself and my partner. We are both handicapped and rely on the access to the park through our fence gate to be able to walk to the restaurants, bank, and other Lake Worth Casino and Pier areas.

I strongly oppose the present proposed plan for fencing in the north area of Kruesler Park. Surely the County should be able to produce a plan that serves a few but doesn't cause immeasurable hardship to the shareholders and elderly of Palm Worth!

Thank You,

James Morton
Jeanne Castillo
Apt. 103, Palm Worth

Handwritten signatures of James Morton and Jeanne Castillo. The signature for James Morton is written above the signature for Jeanne Castillo.

Sent from my iPad

June 1, 2016

Mayor Gail Coniglio
360 S. County Road
Palm Beach, FL 33480

Re: Proposed Fencing Project on the North end of Kruesler Park

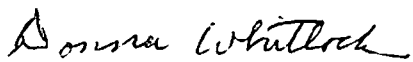
Dear Mayor Coniglio,

Thank you for taking the time to read my letter. I am 81 years old and have lived at Palm Worth for over 25 years. I have had access to the park for almost that long and now as I am aging, I find out that the access may be taken away. Please give consideration to someone who at times needs to use a cane and not force me to go through our parking lot, walk along A1A on its shoulder or in the grass to gain access to the park and beautifully renovated Casino area! If the fence is erected the only other option for me, would be to access the park by walking a great distance on the beach. I assure you I can not do this.

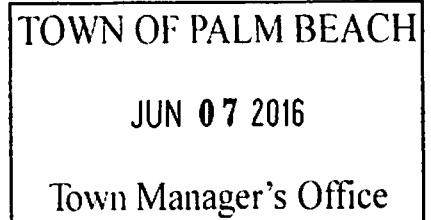
Of even greater concern, are the other residents that have worse disabilities and handicaps than me! The gate has been there for them for so long! Why take it away now?

Any consideration you can give Palm Worth, the 50 year old adjoining park property and its need for the gate access would be so appreciated.

Sincerely,



Donna Whitlock
2850 So. Ocean Blvd #501
Palm Beach, FL 33480



Page 10

Page 11

Page 12

Page 13

Page 14

Page 15

Page 16

Page 17

Page 18

TOWN OF PALM BEACH
JUN 6 3 2010
Town Manager's Office



Fw: Special Exception - #13-2016 -Scheduled for Zoning Hearing -June 15, 2016

Cheryl Kleen to: Thomas G. Bradford, John Page, Paul Castro,
Susan Owens, jrandolph
Cc: Patricia Gayle-Gordon

06/03/2016 12:09 PM

----- Forwarded by Cheryl Kleen/PalmBeach on 06/03/2016 12:09 PM -----

From: Gail Coniglio/PalmBeach
To: Cheryl Kleen/PalmBeach@PalmBeach
Date: 06/02/2016 05:04 PM
Subject: Fw: Special Exception - #13-2016 -Scheduled for Zoning Hearing -June 15, 2016
Sent by: Cheryl Kleen

----- Forwarded by Cheryl Kleen/PalmBeach on 06/02/2016 05:04 PM -----

From: "J.C. Lanier" <jclanier@mac.com>
To: "council@townofpalmbeach.com" <council@townofpalmbeach.com>, "
mayor@townofpalmbeach.com" <mayor@townofpalmbeach.com>
Cc: Palm Worth <palmworth2850@aol.com>
Date: 06/02/2016 02:19 PM
Subject: Special Exception - #13-2016 -Scheduled for Zoning Hearing -June 15, 2016

To the Attention of the Palm Beach Town Council:

Michael Pucillo -President

Richard Kleid -President Pro Tem.

Bobby Lindsay -Council Member

Danielle Moore -Council Member

Margaret Ziedman -Council Member

Cc: To the Mayor of Palm Beach: The Honorable Gail Coniglio

Cc: Palm Worth Board of Directors

In Reference to the Zoning Application presented to the Town of Palm Beach Council on May 11, 2016: **Special Exception #13-2016.**

I would bring your urgent attention to several of the following articles contained in the documents of **Special Exception #13-2016** presented to the Town Council on May 11, 2016 and to be heard again on June 15, 2016:

EXHIBIT B- REQUEST FOR SITE PLAN REVIEW

-art. 2: Intensity of use/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon.

STATEMENT OF COMPLIANCE: "...This request to revise the Site Plan to relocate the existing beach access is a result of agreements reached with the adjacent property owners."

Note: There has been no final agreement with the adjacent property owners of the Palm Worth Cooperative at 2850 South Ocean Blvd. The Palm Worth is a 55 and older community which is situated directly bordering the entire north side of Kreusler Park.

-art. 3: Ingress and egress to the property and the proposed structure thereof, with particular

reference to... pedestrian safety;

STATEMENT OF COMPLIANCE: "... This request to revise the Site Plan to relocate the existing beach access is a result of agreements reached with the adjacent property owners..."

Note: This Statement of Compliance does not represent the position of Palm Worth as the adjacent property owner. From the beginning the Palm Worth has maintained that their current and more than twenty (20) year access to the Kreusler Park, which is accessed directly from the Palm Worth property, had to remain an integral part of this proposed variance. Now, we are informed that Palm Worth will lose their long standing access to the Park. That this Special Exception #13-2016 would effectively prohibit all Palm Worth owners from continuing to be able to use their current keyed gate system to access the park and all other amenities, i.e. bank, pharmacy, eateries and shops that are accessible from the park. In reference to the "safety" mentioned in the art.3, all residents of the Palm Worth will now be forced to navigate a treacherous A1A with no side walk and to make matters worse the road goes from two lanes to a one lane road right at the beginning of this proposed easement and the Palm Worth property. There are no cross walks for pedestrians at that level of the road to be able to even cross over to a side walk as precarious as that would be. This will gravely burden the more elderly and the handicapped owners of Palm Worth. This situation could develop into a tragedy.

-**art. 5:** Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.

STATEMENT OF COMPLIANCE: "...The applicant is proposing to enhance the existing landscape screening/buffer at the access easement with the addition of a six (6) foot Silver Buttonwood hedge along the south edge of the access pathway."

Note: This proposed six (6) foot chain-link fence on the north side of the park bordered by a six (6) foot hedge on the south of this easement will obstruct the ocean and park views for all Palm Worth's first floor owners of the south building that flanks Kreusler Park where the variance is to be installed resulting in a loss of property value.

EXHIBIT C - REQUEST FOR SPECIAL EXCEPTION

art. 3: The use will not cause substantial injury to the value of other property in the neighbor.

STATEMENT OF COMPLIANCE: "...The request to revise the configuration of the northern most beach access is the result of agreements reached with the adjacent property owners."

Note: There can be no agreement when the Palm Worth, as adjacent property owner, is obligated to lose ocean and park views for its first floor residents resulting in a loss of property value. With additional injury for all Palm Worth owners being forced to lose their long standing direct access to the park from the Palm Worth property compromising their access to restaurants, shops, pharmacy, bank and ATM that afforded the elderly and the handicapped a safe and secure entrance to these areas. Many elderly seniors and the physically disadvantaged, as well as all owners, will be forced to forgo a life style that was guaranteed to them at the purchase of their residence and therefore will remain diminished by this variance.

In conclusion, there can be no agreement between Palm Worth Cooperative and the Kreusler Park management as has been presented in the **Special Exception #13-2016**. We ask the Town Council to refuse to go forward with this variance, as presented by the Palm Beach County Kreusler Park Management, until possible alternatives can be considered that would be acceptable to all parties involved.

Very Truly Yours,

Palm Worth

David Brooks

Unit 412 and 413

-J.C. Lanier

Unit 511

-Jim Curtis

Unit 101 and 201

-David Roth

Unit 411

-Len and Carol Lilyholm

Unit 113

-Tracy Luther

Unit 312 and 313

-Eric Johansen

Unit 311

-Mike Pfeiffer

Unit 413

-Linda and Ken Johnson

Unit 310

-Bill Bohn

Unit 210

-Michael Mellquist

Unit 405

June 2, 2016

Mayor Gail Coniglio
360 S. County Rd.
Palm Beach, Fl. 33480

Re: Proposed Fencing Project on the North end of Kruesler Park

Dear Mayor Coniglio,

Thank you for all your time and effort in the above proposal!

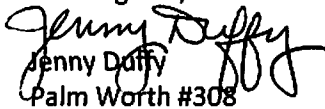
I want to express my concerns as a shareholder of the Palm Worth cooperative, which is adjacent to the park. I have been coming here for 25 plus years with my husband and children, to visit their grandmother. I loved the ability to access the park safely and easily with my children, because of the access gate. I did not have to take a stroller onto the beach and walk a fair distance through the sand or take it and the children that could walk through a parking lot and out onto A1A.

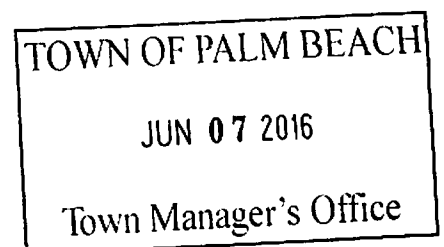
Now that we own a place here I want to continue to offer that same safe environment to my children and grandchildren. I want them to continue to have access to the park to play, use the boardwalk, see the newly renovated Casino, and visit the pier, through the access gate. I want the vandalism, vagrancy, and illegal activities occurring around Access 12 entrance to be resolved, so that we all feel safe.

I appreciate additionally, the needs of our elderly shareholders and what the access gate provides for them!

In the end though, it is the safety of the children that most concerns my husband and me.

Best Regards,


Jenny Duffy
Palm Worth #308



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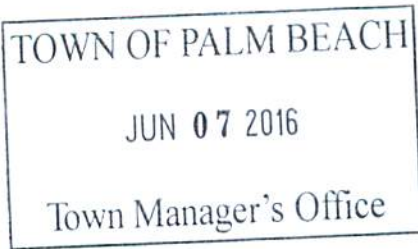
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Barbara H. Koch
735 The Greens
Newberry Estate
Dallas, Pennsylvania 18612
June 2, 2016

Gail Coniglio, Mayor
and City Council Members
360 South County Rd.
Palm Beach, Florida 33480

Dear Mayor Coniglio and City Council Members:

It is with great concern that I send you this letter regarding the Access 12 gate that, at present, joins our Palm North Condominium at 2850 South Ocean Boulevard in Palm Beach to the Park and Curcio area. These gates lead to doctors, physical therapy, a pharmacy a bank and eating establishments.

We are a Senior Condo Residence and the removal of these gates will affect all who reside at Palm North. In addition we have several residents who have to use wheel chairs. Having to go out on South Ocean Blvd. to get to these various establishments will be very difficult and dangerous if these gates are removed.

I have wintered for over 60 years at this location and this will cause a real loss for our people and affect our property values. We cannot let this happen.

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 3. third of these is the fact that the
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 5. fifth of these is the fact that the

[illegible]

2.

Most of our residents have returned north for the summer and will be unable to attend the next Council meeting. Our President, Inanita Leary will be flying in tomorrow and will personally answer your queries you may have about the situation.

Please share this request and information with your Council members. I thank you for your time and hope we will receive a positive consideration at your next Council Meeting.

Sincerely,

Barbara H. Koehl

Barbara H. Koehl
735 The Greens
Newberry Estate
Dallas, Pennsylvania 18612

and

Barbara H. Koehl
2850 S. Ocean Blvd
Palmer Worth Apt 407
Palmer Beach, Florida, 33480

١- في سنة ١٢٨٥ هـ الموافق ١٨٦٨ م
 ٢- في سنة ١٢٨٦ هـ الموافق ١٨٦٩ م
 ٣- في سنة ١٢٨٧ هـ الموافق ١٨٧٠ م
 ٤- في سنة ١٢٨٨ هـ الموافق ١٨٧١ م
 ٥- في سنة ١٢٨٩ هـ الموافق ١٨٧٢ م
 ٦- في سنة ١٢٩٠ هـ الموافق ١٨٧٣ م
 ٧- في سنة ١٢٩١ هـ الموافق ١٨٧٤ م
 ٨- في سنة ١٢٩٢ هـ الموافق ١٨٧٥ م
 ٩- في سنة ١٢٩٣ هـ الموافق ١٨٧٦ م
 ١٠- في سنة ١٢٩٤ هـ الموافق ١٨٧٧ م

محمد بن عبد الله
 الخليلي

في سنة ١٢٩٥ هـ الموافق ١٨٧٨ م
 في سنة ١٢٩٦ هـ الموافق ١٨٧٩ م
 في سنة ١٢٩٧ هـ الموافق ١٨٨٠ م
 في سنة ١٢٩٨ هـ الموافق ١٨٨١ م



**Facilities Development &
Operations Department**

Capital Improvements Division

2633 Vista Parkway

West Palm Beach, FL 33411-5604

(561) 233-0260

www.pbcgov.com/fdo/cid

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**Palm Beach County
Board of County
Commissioners**

Mary Lou Berger, Mayor

Hal R. Valeche, Vice Mayor

Paulette Burdick

Shelley Vana

Steven L. Abrams

Melissa McKinlay

Priscilla A. Taylor

County Administrator

Verdenia C. Baker

*"An Equal Opportunity
Affirmative Action Employer"*

Official Electronic Letterhead

June 7, 2016

Mr. John S. Page, Director of Planning, Zoning & Building
Town of Palm Beach
P.O. Box 2029
Palm Beach, FL 33480

Re: R.G. Kreusler Park
2nd Postponement of Application SE 13-2016

Dear Mr. Page:

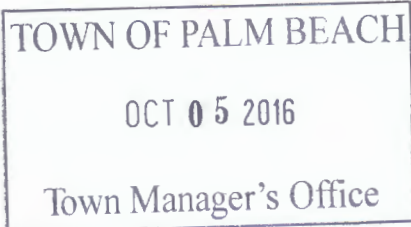
Please accept this letter as a request to postpone the above referenced application from the June 15, 2016 Town Council agenda to the October 12, 2016 agenda. A meeting/conference call was held on June 3, 2016 with Town of Palm Beach, Palm Beach County staff and La Palma and Palm Worth Condominium representatives to discuss the proposed site plan application to re-align the beach access to within the establish 5' easement. This postponement will allow additional time for all parties involved to provide their input prior to the re-submittal for the October 12, 2016 meeting.

Please contact myself, Bob Hamilton (Palm Beach County Parks), or Collene Water (UDKS) if you have any questions or require further information. Thank you.

Sincerely,


Miradieu Aubourg, Senior Planner
Capital Improvements Division

cc: Bob Hamilton, Palm Beach County Parks
Anil Patel, Palm Beach County CID
Collene Walter, Urban Design Kilday Studios
File: 14204 D



David and Ann Hobson
2850 South Ocean Blvd.
Palm Beach, FL 33480

Councillors
Town Council
Palm Beach, FL 33480

September 27, 2016

Dear Town Councillors:

My wife and I are year-round Palm Beach residents and voters as well as shareholders in the Palm Worth Cooperative Association just North of the Kreusler Park adjacent to the recently controversial walkway/easement/entrance to the beach.

For as long as I can remember we have had access through our locked gate to Kreusler Park and the Casino beyond. It has been wonderful for many years to be able to walk over to John G's (now Mulligans), Benny's, and to walk out on the pier. Now, suddenly, that long-time access seems to have been put into jeopardy.

Our apartment is located on the Southeast corner on the first floor, so we are continually witnessing the steady stream of beachgoers coming from and returning to La Palma across the street and the public parking lot in Kreusler. It is a great parade of happy people! We also witness many of our neighbors going through our locked gate to the park bound for fitness walks in the early morning, for take-out or dine-in at the restaurants, or to avail themselves of the various Casino amenities.

We are an over-55 community with quite a number of elderly and/or infirm neighbors. Knock wood! One woman is permanently confined to a motorized wheel chair, several others use walkers, two others need canes. These folks, especially, need continued access to Kreusler Park and the Casino. It would be an impossibility for them to go down to the beach to access the park. It would be a particular hardship to now force them to go all the way out to Ocean Boulevard (where there is no sidewalk on our East side) to get access to the County park.

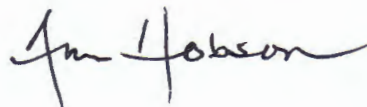
The current arrangement has served everyone's interest for many, many years. We have secure access to the park, residents of La Palma across the street have 24/7 access to the park and beach, and patrons of the public parking lot have access as well. As far as I can understand, everyone should be happy with things as they are. If it ain't broke, why try to fix it!

We are sorry to be unable to attend the October 13 meeting. We bought one-off Dramawise tickets for that day, 10-3. So please let this letter express our views in absence of our being with you.

Thanks for your attention to and interest in this situation. We are looking forward to your help in solving this problem so that we all can continue to live harmoniously with one another and to continue to enjoy this paradise which is Palm Beach.

Sincerely,


David and Ann Hobson



TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 16-2016 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue, Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213, 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1616 Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxed Signs Providing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Signs; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Deferred from the September 14, 2016 Town Council Meeting.

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum from John Page dated September 30, 2016**
- ▣ **Ordinance 16-2016**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council Meeting on:
October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Modifications and Changes to Chapter 134, Zoning
Ordinance No. 16-2016

Date: September 30, 2016

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency (LPA) consider Ordinance No. 16-2016, amending the Zoning Ordinance. The LPA should then make a recommendation on the proposed Ordinance to the Town Council for its consideration on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its January 19, February 16, March 22 and April 19 meetings made recommendations on the proposed Zoning Code modifications.

GENERAL INFORMATION

The Town Council considered the Planning and Zoning Commission's Record and Report at its May 11 and July 13 Council meetings. The Town Council, as the LPA, considered the proposed ordinance at its September 14, 2016 meeting. After discussion of several changes to the proposed ordinance, the LPA deferred Ordinance No. 16-2016 to its October 13, 2016 meeting. The Town Council did the same. As revised the Ordinance:

- Provides for alternative zoning regulations for the "Sea-Streets" by allowing for existing, nonconforming homes and accessory buildings to be rebuilt at the same approximate footprints as presently exist if certain conditions are met. At the direction of the LPA, the words "or at greater setbacks" was removed from the language in Section 134-893(a). When using these alternative zoning regulations, no variances for any new additions which add additional square footage or cubic content than existed prior to demolition of a single-family dwelling and/or accessory building(s) will be allowed.
- Eliminates the maximum length requirement, if the structure lies entirely below grade (a

sub-basement not visible above grade). Language was added 134-1113(10), 134-1163(10), 134-1213(10), and 134-1308(10) clarifying that individual building elements extending above ground from a sub-basement would each be considered as a separate building for the purpose of calculating building linear dimension.

- Clarifies that open greenspace situated above a sub-basement shall count in the calculation for landscape open space requirements.
- Clarifies further, at the direction of the LPA, that underground structures shall be allowed a maximum of 70% lot coverage and that a sub-basement shall not count toward the maximum lot coverage of the portion of the building(s) above said sub-basement.
- Adds language, at the direction of the LPA, to Sections 134-1113(12), 134-1163(12), and 134-1213(12) exempting sub-basements from the maximum floor area requirements and clarifying that individual building elements extending above ground from a sub-basement would each be considered as a separate building for the purpose of calculating building floor area.
- Requires that essential service boxes to be properly screened with landscaping.
- Changes Chapter 134, related to the on-street parking fee, to cross reference the schedule of fees for on-street parking rather than have the specific fee in the Zoning Regulations.

The proposed changes in attached Ordinance No.16-2016 are in add/delete format. If you have any questions about any of the attached information, please contact Paul Castro, Zoning Administrator, at 227-6406.

TOWN ATTORNEY REVIEW

Ordinance No. 16-2016 was approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachment

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

ORDINANCE NO. 16-2016

An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134, Zoning As Follows: Section 134-893, Lot, Yard And Area Requirements By Creating Alternative Zoning Regulations That Could Be Used For Seaview Avenue, Seaspray Avenue And Seabreeze Avenue In The R-B Zoning District; Sections 134-1113, 134-1163, 134-1213 And 134-1308 By Exempting Sub-Basements From The Maximum Building Length And Floor Area Requirements In The C-TS, C-WA, And C-OPI Commercial Zoning Districts And The Maximum Building Length Requirement C-B Commercial Zoning District; Section 134-1611 By Creating Separate Zoning Regulations For Lot Coverage, Setbacks And Landscape Open Space Requirements For Sub-Basements In The C-TS, C-WA, C-OPI And C-B Commercial Zoning Districts; Section 134-1516 By Providing Landscape Screening Regulation For Boxes Housing Essential Services; Section 134-1731 By Providing Additional Regulations For Exterior Lighting And Section 134-2327 By Eliminating A Specific Fee For Visitor/Service Permits; Providing For Severability; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

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

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

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

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

Section 1. Article VI, DISTRICT REGULATIONS, Section 134-893, Lot, yard and area requirements – Generally, is hereby amended to include a new sub-section(a) to read as follows:

Section 134-893. – Lot, yard and area requirements – Generally.

- (a) In order to protect the unique, residential character of Seaview Avenue, Seaspray Avenue and Seabreeze Avenue (Sea Streets), partial or complete demolition and reconstruction of a single-family dwelling and/or accessory building(s) on a lot 75 feet or less in width are

exempt from the lot, yard, and area requirements as set forth in this Section if redeveloped substantially on the same footprint as existed prior to demolition provided the following conditions are met:

1. The proposed single-family dwelling and/or accessory building(s) are of an architectural style consistent with the architecture of the single-family dwellings within the R-B zoning district on both sides of the subject street, between the intersecting streets in both directions, where the dwelling is situated, as determined by the Architectural Commission.
2. The proposed single-family dwelling and/or accessory building(s) shall meet the requirements in Section 134-893(c).
3. If the existing footprint of the single-family dwelling and/or accessory building(s) lay within 5 feet of a side or rear lot line, the replacement footprint must be shifted such that an absolute minimum 5 foot side and rear lot line setback is created, and further the redeveloped home must be situated at least 10 feet apart from any structure on a neighboring lot.
4. The height and overall height from the point of measurement of the proposed single-family dwelling and/or accessory building(s) are no higher than the dwelling and/or accessory building(s) being demolished.
5. Any square footage added to the proposed single-family dwelling and/or accessory building(s) shall meet all lot, yard and bulk zoning requirements in the Code.
6. If using the provisions of this subsection (a) above, no variances can be requested for any new additions which add additional square footage or cubic content than existed prior to demolition of a single-family dwelling and/or accessory building(s).

The remaining subsections in 134-893 shall remain unchanged, however, they shall be re-lettered to follow consecutively subsection (a) above.

Section 2. Article VI, DISTRICT REGULATIONS, Section 134-1113, Lot, yard and area requirements – Generally, is hereby amended at subsections (10) Length, and (12) Floor area, to read as follows:

Sec. 134-1113. - Lot, yard and area requirements—Generally.

In the C-TS town-serving commercial district, the schedule of lot, yard and area requirements is as given in this section:

(10) Length.

- a. For one-story buildings, the maximum building length is 150 feet.

b. For two-story buildings, the maximum building length is 150 feet.

c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(12) *Floor area.*

a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.

b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.

c. Sub-basements shall be exempt from the maximum floor area requirements. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area

Section 3. Article VI, DISTRICT REGULATIONS, Section 134-1163, Lot, yard and area requirements – Generally, is hereby amended at subsection (10) Length, and (12) Floor area to read as follows:

Sec. 134-1163. - Lot, yard and area requirements—Generally.

In the C-WA Worth Avenue district, the schedule of lot, yard and area requirements is as given in this section:

(1)...

(10) *Length.*

a. For one-story buildings, the maximum building length is 150 feet.

b. For two-story buildings, the maximum building length is 150 feet.

c. For multi-family building maximum dimensions, see section 134-1871 et seq.

d. Refer to the Worth Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations

e. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(12) *Floor area.*

a. For one-story buildings, the maximum gross floor area of buildings is 15,000 square feet.

- b. For two-story buildings, the maximum gross floor area of buildings is 15,000 square feet.
- c. Refer to Work Avenue Design Guidelines for special exception requirements providing for special allowances to coverage, height, building length and gross floor area limitations.
- d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Section 4. Amend Article VI, DISTRICT REGULATIONS, Section 134-1213, Lot, yard and area requirements – Generally, is hereby amended at subsection (10) Length, and subsection (12) Floor area, to read as follows:

Sec. 134-1213. - Lot, yard and area requirements—Generally.

In the C-OPI office, professional and institutional district, the schedule of lot, yard and area requirements is as given in this section:

(10) Length.

- a. For one-story buildings, the maximum building length is 150 feet.
- b. For two-story buildings, the maximum building length is 150 feet.
- c. For three-story buildings, the maximum building length is 150 feet.
- d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

(12) Floor area.

- a. For one-story buildings, the maximum gross floor area of buildings is 30,000 square feet.
- b. For two-story buildings, the maximum gross floor area of buildings is 30,000 square feet.
- c. For three-story buildings, the maximum gross floor area of buildings is 30,000 square feet.
- d. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building floor area.

Section 5. Article VI, DISTRICT REGULATIONS, Section 134-1308, Lot, yard and area requirements – Generally, is hereby amended at subsection (10) Length, to read as follows:

Sec. 134-1308. - Lot, yard and area requirements—Generally.

In the C-B commercial district, the schedule of lot, yard and area requirements is as given in this section:

(10) Length.

a. For one-story buildings, the maximum building length is 150 feet.

b. For two-story buildings, the maximum building length is 150 feet.

c. Sub-basements are exempt from the maximum building length requirement. Individual building elements extending above ground from a single sub-basement shall each be considered as a separate building for the purpose of calculating building length.

Section 6. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1611, Sub-basement exception, is hereby amended to read as follows:

Sec. 134-1611. - Sub-basement exception.

(1) For residential and time-share development or redevelopment, and for commercial development within the C-PC, Planned Commercial District, No portion of a sub-basement may be located beyond the confines of the outer walls of the first floor above it except under the following conditions:

~~(1a)~~ The sub-basement shall have at least 51% of its floor area within the confines of the outer walls of the main portion of the building located above the sub-basement.

~~(2b)~~ ~~The portion of the sub-basement outside of the outside walls of the main portion of the building located above the sub-basement shall have no physical appearance and be entirely hidden from view from any elevation of the building.~~

~~(3c)~~ The developed grade outside the walls of that portion of the sub-basement that is outside the walls of the main portion of the building located above the sub-basement shall not be raised or altered in order to be hidden from view, more than two feet above the natural grade.

~~(4d)~~ The portion of the sub-basement outside of the outside walls of the main building above the sub-basement shall not be allowed to count in the calculations for landscape open space requirements and shall count toward lot coverage, ~~and,~~

(e) The sub-basement shall be setback a minimum of five feet from a property line.

(2) For development or redevelopment in commercial zoning districts with the exception of the C-PC, Planned Commercial District, a sub-basement shall be allowed under the following conditions:

(a) The maximum lot coverage of a proposed sub-basement shall not exceed a maximum of 70%. Said lot coverage shall only be for the sub-basement and shall not count toward the maximum lot coverage of the portion of the buildings(s) above said sub-basement.

(b) The sub-basement shall be entirely hidden from view from any elevation of the building.

(c) The portion of the sub-basement outside of the outside walls of the main building above the sub-basement shall be allowed to count in the calculations for landscape open space requirements.

(d) The sub-basement shall be setback a minimum of five feet from a property line.

Section 7. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Section 134-1516, Underground location of utility service lines, is hereby amended to read as follows:

Sec. 134-1516. - Underground location of utility service lines.

1. Boxes housing essential services in the front, street side and street rear yard setbacks shall be screened from view from the street in so much as possible by either a wall or hedge planted and maintained at a height the same as or greater than said essential service box. An essential service is defined in Sec. 134-2 of the Code.
2. At the time that any new buildings or structures are being constructed or located on any privately owned property or at the time that any existing buildings or structures on privately owned property are being reconstructed, substantially extended and enlarged or structurally altered, such buildings or structures shall have an entirely underground location for all utility service lines, electrical distribution systems, wires and cables, which connect to and service such buildings or structures.

Section 8. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, Sec. 134-1731, is hereby amended to read as follows:

Sec/ 134-1731. Outdoor lighting equipment.

a. The maximum height of poles or structures for the purpose of supporting lighting fixtures and lighting equipment shall be 15 feet above finished grade.

b. Light Trespass shall be defined as the poor control of exterior lighting that crosses property lines and detracts from property values and our quality of life. Any exterior or landscape lighting that creates the following conditions is prohibited.

- 1) Lighting or fixtures that allow more than one half foot-candle to spill off the property.

2) Lighting that is directed or aimed in such a manner as to create a nuisance or glare to any abutting property.

3) Lighting that is installed and/or aimed in such a manner as to create a nuisance or glare to passers-by, either by foot or in a moving vehicle.

Section 9. Article XI, ON-STREET PARKING PERMITS*, Sec. 134-2327, Issuance, is hereby amended to read as follows:

Sec. 134-2327. - Issuance.

Under this division, parking permits may be granted to persons as follows:

(1) *Resident permits.* To persons who are residents of any particular area in which parking is so restricted, to be limited to that particular area in which parking is so restricted for every vehicle owned by those persons.

(2) *Visitor/service permits.* Upon application by such owner, up to two visitor/service permits may be issued, which permits may be used by such owner for the sole purpose of providing parking on a temporary basis to service vehicles which are conducting work at such owner's premises or for visitors of such owner's residence. These permits shall be used only for the period of time during which business is to be conducted by the service vehicles or for the duration of stay of a visitor to the residence for which the permit is issued.

The application for a visitor/service permit or permits shall be filed by such owner. A fee is hereby authorized for issuance of said permit of \$20.00, payable to the finance department ~~shall be charged~~ for each visitor/service permit. The amount of the fee shall be established by resolution of the town council and may be amended from time to time by resolution of the town council. These permits shall not be affixed to the vehicle, but shall be placed in a clearly visible place on the inside of the visitor's or service vehicle observable through the front windshield of the vehicle. The permits shall be valid only for the period of time during which the service vehicle is conducting work at the premises or for the period of time a visitor is at the premises.

(3) *Temporary group permits.* To residents as provided in section 134-2328.

(4) *Adjacent resident permits.* To persons who are residential users in a commercially zoned area immediately adjacent and contiguous to the residential area in which parking is restricted, to be limited to that particular area in which parking is so restricted, for not more than two vehicles owned by that person and upon proof shown that on-site parking is not available to that person on the property in which he resides within the commercially zoned area.

Section 10. 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 11. 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 12. Codification.

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

Section 13. Effective Date.

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

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 13th day of October 2016, and for second and final reading on this ____ day of _____ 2016.

Gail L. Coniglio, Mayor

Michael J. Pucillo, Town Council President

Richard M. Kleid, Council President Pro Tem

Danielle H. Moore, Town Council Member

ATTEST:

Bobbie Lindsay, Town Council Member

Susan A. Owens, MMC, Town Clerk

Margaret A. Zeidman, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 13, 2016

Section of Agenda

Any Other Matters

Agenda Title

Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

Presenter

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

ATTACHMENTS:

- ▣ **Memorandum dated September 30, 2016, from John S. Page, Director of Planning, Zoning and Building**
- ▣ **Exhibit A**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2016

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Planning and Zoning Commission Record and Report: Proposed Modifications and Changes to Chapter 134, Zoning

Date: September 30, 2016

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the Planning and Zoning Commission Recommendation and Report (EXHIBIT A) and provide further direction on possible amendments to the Zoning Ordinance. Study items appear in “BOLD” print. Newly proposed text is in add/delete format for ease of identification. Staff recommendations follow recommendations from the Commission.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its September 20, 2016 meeting, recommended approval of proposed Zoning Code modifications as identified Exhibit A.

GENERAL INFORMATION

Two study items were considered by the Planning and Zoning Commission at its September 20, 2016 meeting. In summary, the recommendations included within this report consist of:

- Proposed zoning regulations regarding storage facilities related to a commercial permitted or special exception use.
- Proposed zoning regulations related to medical marijuana treatment centers and/or dispensary uses, and the cultivation of marijuana.

The Commission instructed Staff to draft the attached recommendations for consideration by the Town Council. Staff is requesting that the Council consider the proposed changes in the Record and Report (see EXHIBIT A) and provide direction regarding drafting an ordinance for subsequent Town Council action.

In addition, the Commission also discussed the possibility of the Town Council reappointing the Planning and Zoning Commission as the Local Planning Agency (LPA). The Commission believes that the LPA designation should revert to the Commission. Although doing so would add to Town expense (additional legal ads) and processing, Commissioners believe the change would be more beneficial to the Town for the following reasons:

- It will free up more time for the Council to do other business of the Town at their meetings.
- The LPA is a good fit for the skill set of the diverse membership of the Commission.
- The Commission works well together to solve varied and challenging planning issues.
- It will be more efficient and effective for the Commission, as the LPA, to vet the Comprehensive Plan issues with the residents prior to them being considered by the Town Council.
- The statutes mandate that the LPA make recommendations to the governing body regarding comprehensive plan ordinances. The Commission should be the LPA because it already provides those recommendations.
- The issue of reappointing the Commission as the LPA is timely with the ten year review of the Comprehensive Plan.

For those reasons, the Planning and Zoning Commission unanimously passed a motion recommending that the Council consider reappointing that body as the LPA.

Mr Klein, the Chairperson, wanted to present at the October 13th Town Council meeting as part of this report, but his out-of-town schedule will not allow him to attend until November. The Council may choose to consider this recommendation immediately or wait until November when Mr. Klein is available.

Please contact Paul Castro at 227-6406 if you have any questions about these recommendations.

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

EXHIBIT A: PLANNING AND ZONING COMMISSION RECORD AND REPORT

PROPOSED ZONING REGULATIONS REGARDING STORAGE FACILITIES RELATED TO A COMMERCIAL PERMITTED OR SPECIAL EXCEPTION USE.

Recommendation:

The Commission recommended the following new proposed regulations to allow storage facilities related to commercial uses. The Commission voted 7-0 to allow storage facilities as a permitted use. Staff recommends the Council consider Staff's recommendation to the Commission which proposed to make said use obtain special exception approval from the Town Council.

Sec. 134-1107. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

(1)....

....

(6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(7) Essential services.

Sec. 134-1157. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-WA Worth Avenue commercial district, with a maximum of 4,000 square feet gross leasable area (GLA), are as follows:

(1)....

....

(29) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(30) Combinations of the uses in subsections(a)(1) through (28) of this section.

Sec. 134-1207. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-OPI, office, professional and institutional district are as follows:

(1)....

....

(5) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(6) Essential services.

Sec. 134-1302. Permitted uses.

a. *Enumeration; maximum gross leasable area.* The permitted uses in the C-B commercial district require a site plan and review as required in article III of this chapter.

b. The permitted uses in the C-B commercial district are as follows::

(1)....

....

(5) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(6) Essential services.

Sec. 134-1760. Storage facility.

A storage facility use is allowed as an accessory use by special exception approval in the C-TS, C-WA, C-OPI and C-B commercial zoning districts provided the following conditions are met in addition to the criteria in Sec. 134-229.

- 1) Is located above the first floor and is an accessory use to a principal use;
- 2) Does not independently exceed the maximum town-serving threshold for the zoning district in which it is located in;
- 3) Movement of merchandise from the accessory storage facility use to the principal use shall not unduly block or otherwise interfere with orderly pedestrian movement or commercial enterprise;
- 4) Is located within the same building as the principal use it is intended to serve; and

- 5) Is located no further than 125 feet from the service door of the principal use it is intended to serve.

PROPOSED ZONING REGULATIONS RELATED TO A MEDICAL MARIJUANA TREATMENT CENTER AND/OR DISPENSARY USE AND THE CULTIVATION OF MARIJUANA.

Recommendation:

The Commission recommended the following changes by a vote of 7-0. Staff concurs with the proposed changes.

Sec 134-2, Definitions and Rules of Construction by adding new definitions as follows:

Medical Marijuana Treatment Center means an entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualified registered patients or their personal caregivers and is registered by the State Department of Health and regulated under Chapter 134 of the Town Code of Ordinances.

Medical Marijuana Dispensary means a facility that is operated by an organization or business holding all necessary licenses and permits from which marijuana, cannabis, cannabis-based products, or cannabis plants are delivered, purchased, possessed, or dispensed for medical purposes and operated in accordance with all local, federal, and state laws. Physicians authorized by State law to order low-THC cannabis, as defined in Florida Statutes, for qualified registered patients' medical use are not included in the definition of Medical Marijuana Dispensary.

Cannabis Cultivation means a use of any property, in whole or in part, including inside buildings, for the growing or cultivation of Cannabis plant(s), whether or not such growing or cultivation is lawful under federal or state law.

C-TS ZONING DISTRICT:

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-TS town-serving commercial district are as follows:

...

(19) Medical marijuana treatment centers and medical marijuana dispensaries are prohibited, however, should State Law pre-empt said prohibition, said uses shall be permitted subject to the requirements in Section 134-2119 and 134-2120 of this chapter.

DIVISION 18. MEDICAL MARIJUANA TREATMENT CENTERS AND MEDICAL MARIJUANA DISPENSARIES.

Sec. 134-2119. Purpose.

The purpose of this division is to prohibit medical marijuana treatment centers and medical marijuana dispensaries in all Commercial Zoning Districts, or should State Law preempt the prohibition of said uses, to develop reasonable guidelines, standards and regulations to allow said uses in the Commercial Town-Serving (C-TS) District.

Section 134-2120. Development Standards.

In addition to applicable regulations and requirements otherwise set forth in this article, the following minimum standards and regulations shall apply to the development or use of property for a medical marijuana treatment center or medical marijuana dispensary. Such standards shall be met regardless of the existence of lesser standards that may be imposed by other agencies of government. The Town Council may impose additional conditions or safeguards as deemed necessary.

- (1) *Distance Separation.* No medical marijuana treatment center or dispensary shall be located within one thousand (1,000) feet of any school, church, child care facility, municipal park or substance abuse treatment facility licensed by the Florida Department of Children and Families pursuant to Rule 65D-30, or within two thousand five hundred (2,500) feet of another medical marijuana treatment center or dispensary, or within one hundred (100) feet of residentially zoned property within the Town limits, as further defined by these regulations. Distances shall be measured by drawing a straight line between the closest point of the medical marijuana treatment center/dispensary structure to the closest property line or tenant space (whichever is closer) of a school, church, childcare facility, public park, resource recovery/addiction treatment facility, or other medical marijuana treatment center or dispensary residentially zoned property.
- (2) *Parking.* Any off-street parking demand created by a medical marijuana treatment center/dispensary shall not exceed the parking spaces located or allocated on site, as required by Section 134-2176. An applicant shall be required to demonstrate that on-site traffic and parking attributable to the medical marijuana treatment center/dispensary will be sufficient to accommodate traffic and parking demands generated by the medical marijuana treatment center/dispensary, based upon a current traffic and parking analysis prepared by a certified professional.

- (3) Display of Registration/Town Approval of Operational Plan. Any medical marijuana treatment center/dispensary shall be validly registered with the State of Florida, as required, and with the Town, and shall prominently display in a public area near its main entrance copies of all state licenses, Town registration and local business tax receipt, and the name of the owner and designated physician responsible for compliance with State and Town regulations. A medical marijuana treatment center/dispensary shall register with the Town by completing and submitting to the Planning Zoning and Building Department a registration form and operational plan, including security measures, for review and approval by the Town prior to issuance of the Town registration and business tax receipts. The operational plan shall be reviewed annually prior to renewal of the registration and business tax receipt to ensure that it adequately addresses concerns of the Town, including security, parking, loitering, etc.
- (4) Controlled Substances. The on-site sale, provision or dispensing of controlled substances (other than those types of marijuana approved for sale by the Department of Health or its successor agency) at a medical marijuana treatment center / dispensary shall be prohibited except as is specifically set forth in applicable federal or state law.
- (5) On-Site Consumption of Marijuana and/or Alcoholic Beverages. No consumption of marijuana or alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks or rights-of-way. In addition, no consumption of marijuana or alcoholic beverage shall be allowed on neighboring parking areas, sidewalks or right-of-way. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall take all necessary and immediate steps possible to ensure compliance with this paragraph.
- (6) Loitering. A medical marijuana treatment center/dispensary shall provide adequate seating for its qualified patients and care givers and shall not allow qualified patients or care givers, to stand, sit (including in a parked car), or gather or loiter outside of the building where the treatment center/dispensary operates, including in any parking areas, sidewalks, right-of-way, or neighboring properties for any period of time longer than that reasonably required to arrive and depart. In addition, no other visitors or business invitees shall be permitted on the premises per (15)c of this Division and said person(s) shall not be allowed to loiter in any parking areas, sidewalks, right-of-way or neighboring properties for any period of time. The medical marijuana treatment center/dispensary shall post conspicuous signs on at least three sides of the building that no loitering is allowed on the property.
- (7) Queuing of Vehicles. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall ensure that there is no queuing of vehicles in the rights-of-way. The persons responsible for the operation of the medical marijuana treatment center / dispensary shall take all necessary and immediate steps to ensure compliance with this paragraph.

- (8) No Drive-Thru Service / No Delivery. No medical marijuana treatment center / dispensary shall have a drive-thru or drive-in service aisle. All dispensing, payment or and receipt of said marijuana shall occur from inside the medical marijuana treatment center / dispensary. No medical marijuana treatment center or dispensary shall conduct any form of off-site delivery service of medical marijuana prescriptions.
- (9) Operating Hours. A medical marijuana treatment center / dispensary may operate only Monday through Friday and only during the hours of 8:00 a.m. to 6:00 p.m.
- (10) Compliance with Other Laws. A medical marijuana treatment center / dispensary shall at all times be in compliance with all federal and state laws and regulations and the Town of Palm Beach Code.
- (11) Certification Affidavit by Applicants for Related Uses. Any application for a business tax receipt as a medical marijuana treatment center / dispensary as defined in Section 1-2, shall be accompanied by an executed affidavit certifying registration with the State of Florida and the Town of Palm Beach as a medical marijuana treatment center / dispensary. The failure of an applicant to identify the business in the application for a business tax receipt as a medical marijuana treatment center / dispensary will result in immediate expiration of the business tax receipt and immediate ceasing of all activity conducted in the medical marijuana treatment center/dispensary.
- (12) Non-medical Marijuana Sales. Non-medical marijuana sales, including the purchase, sale, transfer or delivery of marijuana, cannabis, cannabis-based products or cannabis plants when such sale, transfer or delivery is not associated with any medical purpose or use, whether or not such purchase, sale, transfer or delivery is lawful under federal or state law, shall be prohibited uses in all zoning districts of the Town.
- (13) Cannabis Cultivation. Cannabis Cultivation shall be a prohibited use in all zoning districts of the Town.
- (14) Property Standards. Medical marijuana treatment centers and dispensaries shall be situated on real property meeting the following requirements:
- a. Minimum Parcel Size. The minimum parcel size shall be 20,000 square feet.
 - b. Location. Medical marijuana treatment centers and dispensaries shall have frontage on a collector or arterial roadway.
 - c. Structure. A medical marijuana treatment center and dispensary shall only be operated from a freestanding building that is not part of a larger commercial plaza, retail center, or multi-tenant building.
 - d. Appearance. Building architecture, including building color, shall be

harmonious with surrounding properties.

- e. Signage. Consistent with Article XI, SIGNS*, of this chapter.

(15) Security. Security measures shall be taken by the owner/operator, including but not limited to:

- a. A monitored alarm system and/or panic buttons shall be installed in the interior of the building.
- b. A uniformed armed security guard shall be on the premises at all times the dispensary is open for business. The security guard/officer must be insured and licensed with the State of Florida possessing the minimum of an active and valid Class "D" and a Class "G" license as per Florida State Statute 493.6301.
- c. Only qualified registered patients per Department of Health definitions and personal caregivers, employees of the business, or Town and State and any other applicable governmental staff members, shall be permitted inside the proposed business.

(16) Town staff shall be granted right of entry at all times to ensure compliance with the requirements of this Division 18.

(17) Other Activities. No medical marijuana treatment center or dispensary shall sell, market, dispense, provide, exchange, or otherwise vend any other services, product, or drug paraphernalia as defined by federal or state law. In addition, no medical marijuana dispensary or doctors, physicians, agents, employees, representatives, contractors, or the like shall provide any other medical, social, or psychological counseling, diagnosis or advice to any patient or business invitee.

Section 106-5. Use of Medical Marijuana on Public and Semi-Public Property

No person shall smoke medical marijuana while on public property, including but not limited to, rights-of-way, parks, playgrounds, recreational facilities, public buildings or other property owned or controlled by the Town.