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 11, 2017

9:00 AM

Town Council Meeting

Welcome!

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

V. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals and Related Applications

1. ARCOM Appeal of Project Denial
Case No. B-008-2017
235 Via Vizcaya
Page 13

2. **SITE PLAN REVIEW #1-2017** The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 4-3]
Page 163

3. ARCOM Appeal of Project Denial
Case No. B-090-2017
901 North Ocean Boulevard
Page 164

4. **Z-17-00035 VARIANCE(S)** Zoning District: R A Estate Residential The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 7-0.]
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5. Appeal of Administrative Decision that Demolition of a Nonconforming Pool Cabana at 198 Via Marina Exceeded Demolition of More Than Fifty (50) Percent by Cubic Footage
Page 186

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-17-00005 VARIANCE** Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a
Page 200

guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0]

b. **Z-17-00017 VARIANCE** Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.] **Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska** Page 202

c. **Z-17-00018 VARIANCE** Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 5-2.] Page 204

d. **VARIANCE #21-2017** The application of Vera Alfieri Monforte; Page 208

relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to the December 13, 2017, Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

2. New Business

a. **Z-17-00023 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of GULBRANDSEN ALLISON K &, Owner, relative to property located at **211-217 EMERALD LN**, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission partially approved the project and deferred the remaining item to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska** Page210

b. **Z-17-00024 VARIANCE(S)** Zoning District R-C Medium Density Residential The application of KAUPE SANDRA T, Owner, relative to property located at **266 ATLANTIC AVE**, legal description on file, is described below. The owner is proposing Page 217

to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result In a lot coverage of 34.3 % in lieu of the 22.52% existing and the 30% maximum allowed in the R-C Zoning District.
2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 6-1.]

c. **Z 17 00029 VARIANCE(S)** Zoning District: R B Low Density Residential Page 223
The application of JOSEPH ROBERTA &, Owner, relative to property located at **2288 W IBIS ISLE RD**, legal description on file, is described below.
The applicant is proposing to install a 14 foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 5-2. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.]

d. **Z 17 00031 VARIANCE(S)** Zoning District: R A Estate Residential Page 226
The application of SOLIMINE EMIL &, Owner, relative to property located at **830 S OCEAN BLVD**, legal description on file, is described below. A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to December 13, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

e. **Z-17-00037 VARIANCE(S)** Zoning District: R AA Large Estate Residential Page 230

The application of LOUWANA TRUST, Owner, relative to property located at **473 N COUNTY RD,** legal description on file, is described below. The Applicant is proposing to renovate a Landmarked residence by adding a 67 square foot basement addition to the laundry room, a 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175 square foot first floor playroom addition, and a 350 square foot second floor bedroom and bathroom addition. The following variances are being requested in conjunction with the proposed renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42% existing and 55% minimum required. [Applicant's Representative Maura Ziska Esq] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

f. **Z-17-00030 SPECIAL EXCEPTION** Zoning District: C WA Worth Avenue Page 236

The application of 237 243 WORTH AVENUE LTD PARTN, Owner, relative to property located at **243 WORTH AVE**, legal description on file, is described below.
1. A request for a Special Exception with Site Plan Review to allow an apparel store ("Marcus") to occupy 4,878 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town serving. [Applicant's Representative Maura Ziska Esq]

g. **Z-17-00036 SPECIAL EXCEPTION** Zoning District: R C Medium Density Residential Page 239

The application of 224 ATLANTIC LLC, Owner, relative to property located at **224 ATLANTIC AVE** , legal description on file, is described below. On May 8, 1979, The Town Council granted Special Exception application #10-79. It allowed the developer to create seven (7) supplemental parking spaces in conjunction with the construction of what was then a two unit development. The supplemental parking spaces were agreed to be used on a first come first serve basis by the subject property

(224 Atlantic) and the condominium across the street (223 Atlantic) which was also owned by the developer at the time. The Special Exception approval was granted and the attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous Special Exception #10 79 to remove the condition of the agreement attached as Exhibit 1 and replace that agreement with a substitute agreement that would allow the use of the seven (7) parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the Town Council of the restrictions relating to the use of the seven parking spaces, upon application filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224. [Applicant's Representative Maura Ziska Esq]

h. **Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE:** SITE, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equlvalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq] **Request for Deferral to the December 13, 2017, Town Council Meeting Per Letter Dated October 4, 2017 from Maura Ziska** Page 245

i. **Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B
Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at **225 ARABIAN RD**, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.] Page 369

j. **Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE** Page 371

Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

k. **Z-17-00032 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Page 372

Zoning District: R B Low Density Residential
The application of PALM BEACH TOWN OF, Owner, relative to property located at **340 SEAVIEW AVE** : SITE, legal description on file, is described below.
Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air conditioning units to the rooftop of the building that will be out of the setback and meet the code. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

l. **Z-17-00033 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Page 376

Zoning District: R B Low Density Residential

The application of AINSLIE MICHAEL L &, Owner, relative to property located at **596 N COUNTY RD**, legal description on file, is described below. 1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet In width in lieu of the 100 foot minimum required in the R·B Zoning District. The following variances are being requested in conjunction with this application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

m. **Z-17-00038 SPECIAL EXCEPTION WITH VARIANCE(S)** Page 381
Zoning District: C TS Town Serving Commercial The application of 257 RPW LLC, Owner, relative to property located at **257 ROYAL POINCIANA WAY SUITE: BLDG 1**, legal description on file, is described below. 1. A request for special exception approval with site plan review to add a parapet roof and replace the existing awning with a new awning on the south elevation of the building. 2. A request for a variance to allow signage "Cucina" above the first floor elevation of the building which is not allowed by code. The proposed top of sign will be at a height of 15.5 feet. [Applicant's Representative Maura Ziska Esq]

n. **Z-17-00034 SITE PLAN REVIEW** Zoning District: R B Low Density Residential Page 385
The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

o. **Z-17-00025 SITE PLAN REVIEW WITH VARIANCE(S)** Page 389
Zoning District: R-C Medium Density Residential The application of MOSSANEN B & S, Owner, relative to property located at **100 SUNRISE AVE SUITE: PH 7**, legal description on file, is described below. 1. A site plan modification with variances to allow five (5) retractable awning totaling 615 square feet over the terrace on the seventh floor of a seven-story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height

allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven-story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 7-0.]

p. **Z-17-00027 SITE PLAN REVIEW WITH VARIANCE(S)** Page393
Zoning District: R-AA
Large Estate Residential The application of SANDERS ALICE &, Owner, relative to property located at **615 N COUNTY RD**, legal description on file, is described below. A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

3. Other

a. Proposed Staff Initiated Study Items Page 396

b. Proposed Zoning Text Amendment Applications from Up Markets to 1) Study Code Changes to Allow Property Identification Signage and 2) Study Code Changes to Allow Outdoor Promotional Activity Related to Businesses in the Planned Center Zoning District (C-PC) Page 399

VIII. ADJOURNMENT

PLEASE TAKE NOTE:

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

they address.

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda
Appeals and Related Applications

Agenda Title
ARCOM Appeal of Project Denial
Case No. B-008-2017
235 Via Vizcaya

Presenter

ATTACHMENTS:

- **Memorandum Dated September 29, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Letter Dated September 29, 2017 From Francis X.J. Lynch**
- **Exhibits 235 Via Vizcaya**
- **ARCOM MInutes Excerpt August 2017**
- **ARCOM Minutes Excerpt Sept 2017**
- **ARCOM Transcript**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: ARCOM Appeal
Case No. B-008-2017
235 Via Vizcaya

Date: September 29, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the continued appeal of property owner 235 Via Vizcaya LLC (represented by Attorney Frank Lynch) objecting to ARCOM's ultimate denial, at its September 27th meeting, of a new two-story home.

GENERAL INFORMATION

Attorney Lynch submitted an appeal for Town Council consideration, intended to occur on September 13. That Council meeting was cancelled due to Hurricane Irma. At that time, he was appealing ARCOM's decision to defer the project (not to deny) to September. He proceeded ahead to the ARCOM meeting on September 27, 201, re-presented the home to Commissioners, and asked for a project approval or denial. ARCOM members reiterated their continued position that the proposed home is too big for the subject lot. The project was unanimously denied, based upon the provision of Section 18-205 of Town Code (*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*).

The applicant now asks that the Council to overturn ARCOM's denial and approve the applicant's plans for the new home as most recently presented.

Attachments include all materials prepared (but never heard) at the cancelled September 13 Council meeting, together with updated submittals from Attorney Lynch.

cc: John C. Randolph, Town Attorney
Frank Lynch, Applicant's Attorney
Pat Segraves, Applicant's Architect
ArchitecturalCommissioners

The Law Offices of

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

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Francis X. J. Lynch
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Robert J. Sniffen – Of Counsel
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September 29, 2017

HAND DELIVER

RECEIVED
2017 SEP 29 PM 1:05 TWN CLERK

Ms. Kathleen Dominguez, Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

REVISED AMENDED NOTICE OF APPEAL

Re: ARCOM Application No. B-008-2017
235 Via Vizcaya

Dear Ms. Dominguez:

The Applicant hereby appeals:

1. the deferral of the above application by the Architectural Review Commission ("ARCOM"), at its August 23, 2017 meeting and
2. the denial of the above application made at its September 27, 2017 meeting, to Town Council.

as the owner of the property located at 235 Via Vizcaya (the "subject property").

I. DEFERRAL APPEAL

The Applicant initially submitted its plans for review at the February, 2017 meeting.

Pursuant to Section 18-203(a) ARCOM "shall act on the application within forty (40) days of the filing deadline first occurring after the filing of full and complete data UNLESS AN EXTENSION OF TIME IS CONSENTED TO BY THE APPLICANT." (Emphasis added).

The Applicant did not consent to the August 23, 2017 deferral or the three (3) previous deferrals, each of which was made for re-study. At ARCOM's direction, the Applicant has re-studied the project, revised the plans, made the proposed house smaller (from the original 7,444 square fee to its current 6,539 square feet) and shorter (from its initial building height of 23' to 22.5', both less than the RA code maximum of 25') and in each instance has still been deferred.

The code section requires that ARCOM must "act" within forty (40) days of the filing of an application. "Act" is defined in Webster's Dictionary as:

> "the formal product of a legislative body: statute *an act of Congress*; also: a decision or determination of a sovereign, a legislative council, or a court of justice'

This provides that a decision is required and a deferral is not a decision as that is not a determination. A Deferral does not allow us to proceed to obtain a building permit. A deferral merely delays a decision for a future date.

The word "shall" mandates that ARCOM act within that forty (40) day period. If the Applicant does not agree to extend that time period and within the realm of an "act" is the ability to defer, deny or approve, then the "unless an extension of time is consented by the applicant" language is unnecessary as:

1. If the application is approved, there is no reason for the applicant to agree to an extension.
2. If the application is denied, the application is determined with finality and there is no ability or need for the "extension of time (to be) consented to by the applicant".
3. It is ONLY for a deferral that the applicant must consent.

As indicated, this Applicant did not consent to any of the deferrals. Actually, the Applicant asked for a decision at the August 23 meeting, which request the Chairman summarily refused, without a vote. As such, ARCOM refused to "act", as required and, therefore, the Application should be approved.

II. SUBSTANTIVE APPEAL

At both the August 23, 2017 and September 27, 2017 ARCOM meetings, it was uncontroverted that:

1. Code currently requires that a buildable lot in the RA zoning district contain at least 20,000 square feet.

2. The Applicant's lot, which was platted back in the 1930s, long before the Applicant acquired it, contains 15,344 square feet. A copy of the Plat of Via Vizcaya is attached hereto as Exhibit A and the subject property is Lot 1 on said Plat.

3. Code requires a lot width of at least 125 feet; the subject lot is less than 50 feet wide.

4. Code requires a minimum required depth of a lot in this zoning district is 150 feet; the subject lot is less than 100 feet deep.

5. The only approval required to build this house, other than that of ARCOM, is for site plan review.

6. Site plan review was granted for three (3) nearby properties in 2003 and 2004. 10, 11 and 13 Via Vizcaya under Special Exception Nos. 26-2003 and 27-2003 and Site Plan Review No. 7-2003, as all of those undersized lots just like the Applicant's lot. Copies of the minutes of those meetings are attached as Exhibit B.

7. Site plan review approval is required not because of the proposed improvements, but relates solely and exclusively to diminished lot size.

8 Section 134-843 sets forth a number of criteria related to not only the lot size but also criteria related to the improvements built upon those lots, which include front, rear and side yard setbacks, building height, overall height, building height plane, angle of vision, landscaped open space and building lot coverage.

9. The Applicant's Application complies with all of those criteria EXCEPT those related to the size of the subject property.

10. The Applicant had a house designed that requires no variances to build.

11. For comparative purposes, the Applicant submitted a chart, a copy of which is attached as Exhibit C, that compared the criteria set forth in Section 134-843 for the only houses in the Via Vizcaya subdivision constructed since 1960, specifically 10, 11 and 13 Via Vizcaya (the "Other Properties"), which are located to the south and east of the subject property which reflected:

    a. The proposed improvements provide for approximately 12% more landscaped and open space than the minimum required by code, which excess landscaped open space was also the approximate average of the Other Properties,

    b. The proposed improvements provide for Building Lot Coverage approximately equal to the average of the Other Properties, all of which are equal to or less than the maximum Building Lot Coverage permitted by code,

    c. The proposed improvements reflect the lowest Building Height of the surrounding properties, all of which are less than the maximum Building Height permitted by code and

    d. The proposed improvements reflect the lowest Overall Height among the Other Properties, all of which are below the maximum allowable Overall Height,

12. The Applicant also did a number of visual studies on the surrounding properties and the illustration based on those studies is attached hereto as Exhibit D.

The purpose of Section 134-843 is to address massing and said section sets forth substantive, defined criteria for doing so. The massing proposed by the Applicant is no more than that permitted by code and, in many instances, less than that permitted by code. Based upon the foregoing, the massing of the Applicant's project is consistent with, but not identical to, the adjoining properties. Any issues related to massing are a direct consequent of to the size of the lot, not the size of the proposed improvements, as the improvements all comply with the requirements of the Code.

To summarize, the Applicant presented to ARCOM a house that is consistent with those of its more recently constructed neighbors as to all of the relevant criteria that address massing, specifically, building height, overall building height, setbacks, lot coverage and landscaped open space.

At the September 27, 2017 ARCOM meeting, the Applicant submitted the record of ARCOM B-053-2017, 671 Island Drive ("671") which ARCOM approved at its June, 2017 meeting, in support of its position, reflecting:

1. 671 is a property analogous to the subject property in that 671 is:

    a. located on the lake, as is the Applicant's property,
    b. while zoned RB, 671 has a lot size (16,000 square feet) comparable to that of the subject property (15,344 square feet),
    c. ARCOM approved a building lot coverage for 671 of 29.9%, when the RB regulations allow for a 30% maximum, while the Applicant seeks a building lot coverage of 24.18% when the RA regulations allow for a 25% maximum and
    d. the minimum landscaped open space requirement is 50% in RA and 45% in RB. 671 has a landscaped open space of 46% (RB) while the subject property has a landscaped open space of 50.37% (RA).

2. The Applicant entered into the record of ARCOM color renderings of the respective properties, a copy of which is attached as Exhibit E.

3. The Applicant entered into the record a chart comparing the two properties to one another and setting forth the code requirements for lot, yard and area, a copy of which is attached as Exhibit F.

4. While the lots are virtually the same square footagewise, the subject property's lot coverage is 3,600 square feet, while 671 has a lot coverage of almost 4,800 square feet, or nearly one-third (1/3) larger than that proposed by the Applicant.

5. The Applicant stated that the only differences between 671 and the subject property were:

   a. 671 was zoned RB and while the subject property was zoned RA and
   b. ARCOM approved the improvements on 671.

6. Daniel Clavijo made a PowerPoint presentation which reflected the massing of the relative properties within the Via Vizcaya subdivision both from an aerial view, copies of the slides from which are attached as Exhibit G. That presentation confirms the massing of the Applicant's proposed improvements is consistent with that of the surrounding properties.

The Applicant's property is an RB-sized lot subject to the RA zoning criteria, with which it fully complies.

Further discussion ensued among the ARCOM members that the streetscape of the subject property is really not from Via Vizcaya (from which street Mr. Clavijo's video presentation indicated that the Applicant's proposed improvements were barely visible given the subject property is at a turn in the one way portion of Via Vizcaya, the subject property has fifty feet (50') of frontage along said street and the proposed improvements are behind a gate and significant landscaping) but from the lake. Copies of the slides of this presentation are attached as Exhibit H. Patrick Segraves then indicated that he took his boat out on the lake and, given the shallow nature of the lake in that area, the closest he could get to view the proposed improvements was approximately one-half (1/2) mile from the seawall. Mr. Clavijo then provided a visual aid as a part of his presentation which reflected the consistency of the relative massing of the adjacent properties with the Applicant's proposed improvements from that half mile distance, a copy of which is attached as Exhibit I.

A motion was then made, seconded and approved to deny the Applicant's application based on Section 18-205(a)(1), finding that the Applicant's application:

> "was not in conformity with good taste and design and in general does not contribute to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality",

this despite the comments at the April 26, 2017 ARCOM meeting at which five (5) separate ARCOM members stated:

> "the proposed detailing on the house was superb",
> "was in favor of the design, color and thought it could be landmarked in the future",
> "the house was beautiful",
> "was in favor of the footprint of the home" and
> "was in favor of the design"

An excerpt of the minutes of that April 26, 2017 ARCOM meeting on this Application are attached as Exhibit J.

Please note that the architectural style has not changed since the above presentation and ARCOM's sole stated issue both at its August and September meetings was the massing of the proposed improvements despite ARCOM's acknowledgment that the proposed improvements fully comply with town code, and further uncontroverted evidence that the proposed improvements are consistent with that of its neighboring properties as well as that approved for 671 recently at its June 28, 2017 meeting.

The Applicant's further identified the criteria required by Section 134-329 for site plan approval.

All of the foregoing were uncontroverted at both the August 23 and September 27, 2017 ARCOM meetings.

In conclusion, the Applicant established that the proposed improvements met all of the criteria of Section 134-843, was in consistent with, but not identical to, those same criteria implemented by its neighbors and, further, pointed to a similarly-sized and -situated house approved by ARCOM just three (3) months prior, yet the ARCOM members continued to assert the same "too large", too massive" comments without any further comment.

As the record is devoid of any evidence establishing a legitimate basis for a denial, such denial was an arbitrary decision by ARCOM in derogation of the Applicant's rights as a property owner.

In summary, based on the foregoing, ARCOM

1. failed to adhere to the requirements of Section 18-203(a) of the code by failing to timely act on the Applicant's Application and deferring same without the Applicant's consent,

2. failed to approve the Applicant's Application despite that the proposed improvements fully complied with all requirements of Section 134-843 and ignored:

    a. the comparisons relative to said criteria approved for the improvements at 10, 11 and 13 Via Vizcaya and
    b. the precedent it established on a similarly sized and located property at 671 approved by ARCOM at its June, 2017 meeting.

3. was arbitrary and in derogation of the applicant's rights as a property owner,

4. failed to apply to the site plan review criteria of Section 134-329

and 5. failed to establish any basis upon it could further defer or deny the Applicant's request for the site plan review.

Based on the foregoing, the Applicant requests that Town Council overturn the ARCOM decision to deny the ARCOM Application B-008-2017, as amended, approve said Application as submitted and approve the Applicant's plans, as submitted to ARCOM for the site plan aspect of ARCOM Application No. B-008-2017, as presented.

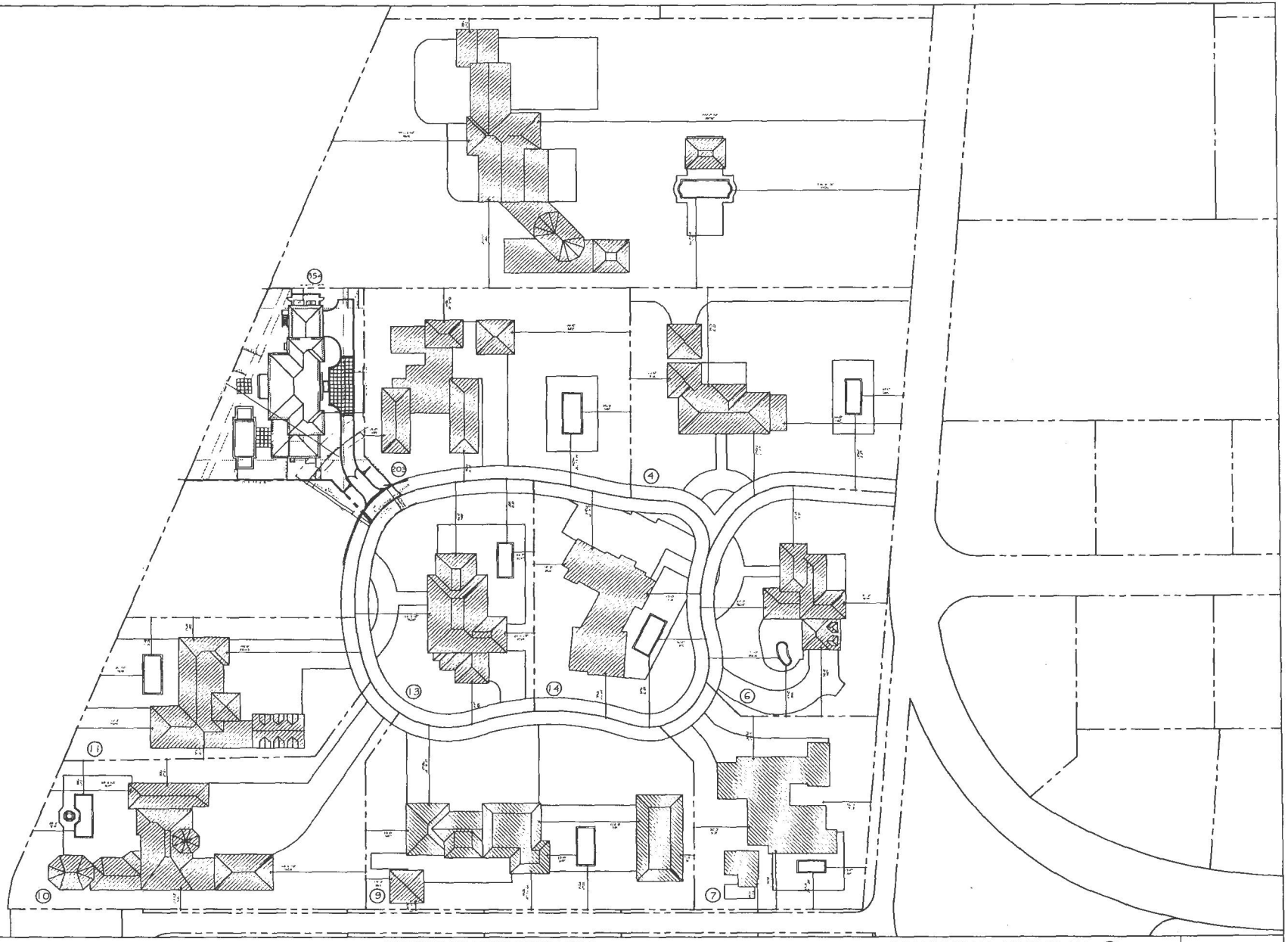
Thank you for your consideration of this matter.

Sincerely,

FRANCIS X. J. LYNCH

FXJL/kh
Enclosures

APPLICATION (Site Plan & Design only)

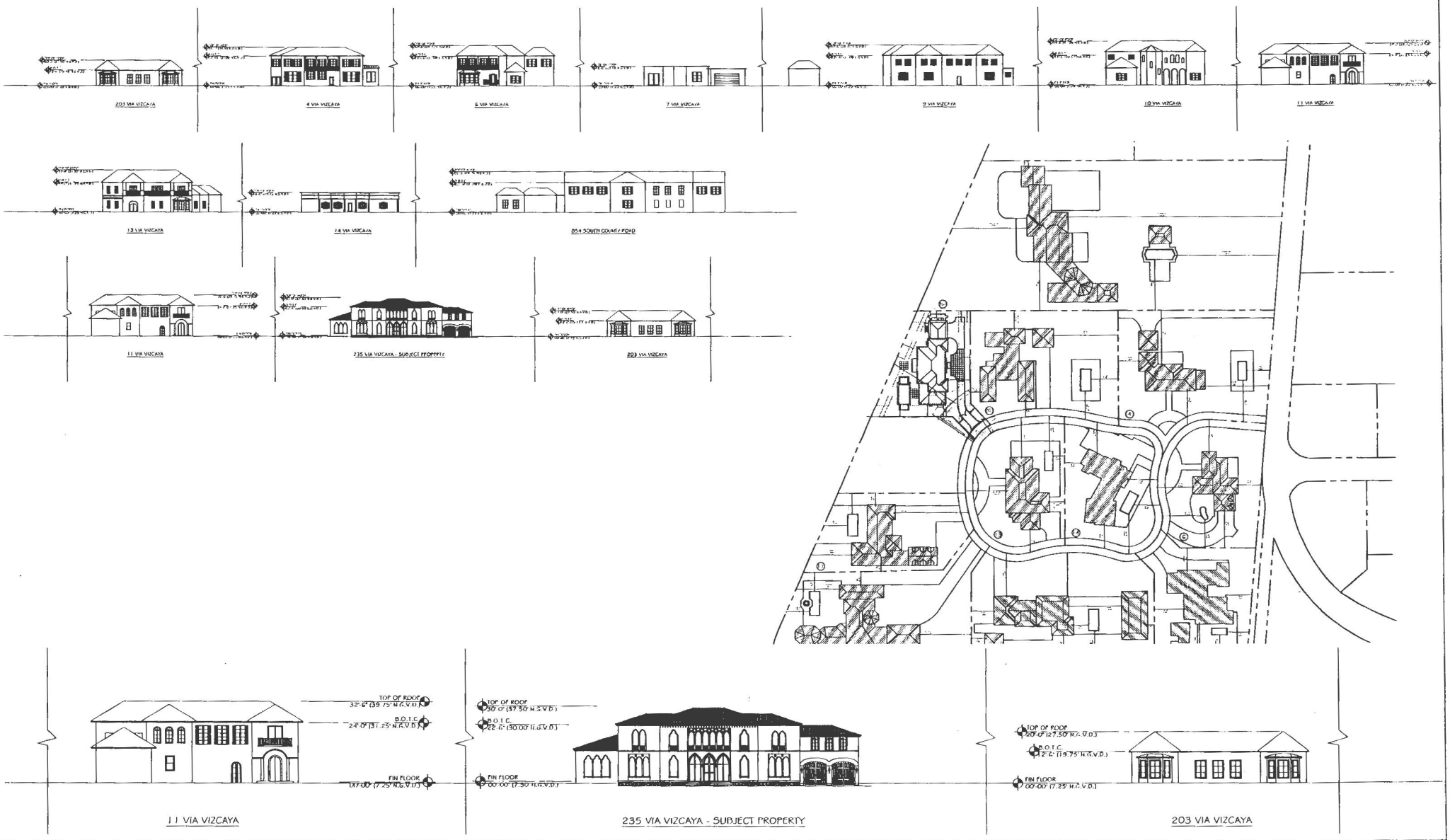


THE OFFICE OF
PATRICK W. SEGRAVES, A.I.A., P.A.
SKA ARCHITECT + PLANNER
249 PERUVIAN AVENUE, SUITE F2
PALM BEACH, FLORIDA 33480

PROPOSED RESIDENCE FOR:
235 VIA V PB, LLC
235 VIA VIZCAYA
PALM BEACH, FLORIDA 33480

CONTEXTUAL SITE PLAN
SCALE: 1/32" = 1'-0"
AUGUST 23, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

CSP-1



11 VIA VIZCAYA

235 VIA VIZCAYA - SUBJECT PROPERTY

203 VIA VIZCAYA

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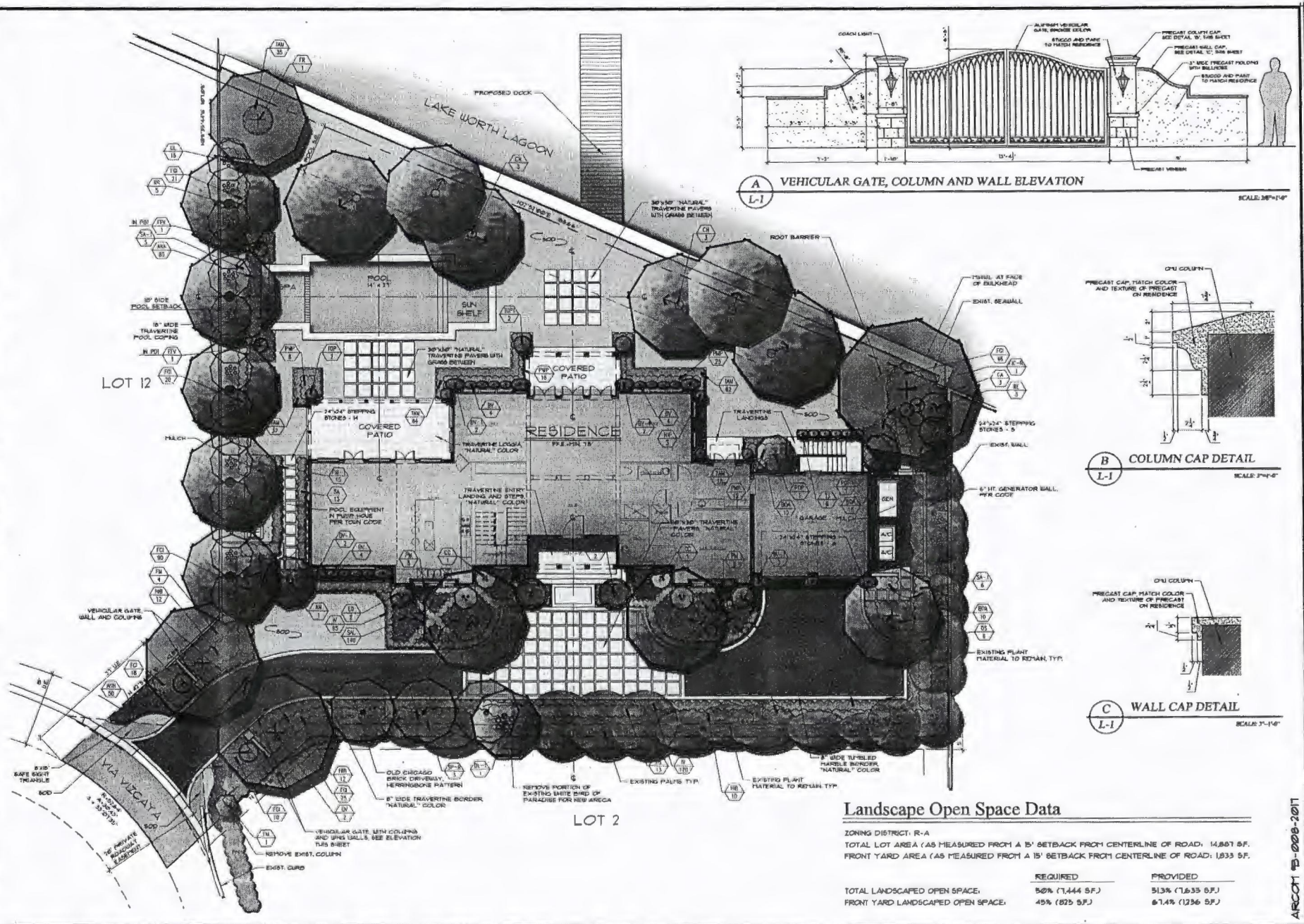
PALM BEACH, FLORIDA 33480

STREET SCAPE
SCALE: 1/32" = 1'-0"
AUGUST 23, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

SS-1



Landscape Open Space Data

ZONING DISTRICT: R-A

TOTAL LOT AREA (AS MEASURED FROM A 15' SETBACK FROM CENTERLINE OF ROAD: 14,887 S.F.

FRONT YARD AREA (AS MEASURED FROM A 15' SETBACK FROM CENTERLINE OF ROAD: 1,833 S.F.

	REQUIRED	PROVIDED
TOTAL LANDSCAPED OPEN SPACE:	50% (7,444 S.F.)	51.3% (7,635 S.F.)
FRONT YARD LANDSCAPED OPEN SPACE:	45% (825 S.F.)	67.4% (1,236 S.F.)

ARCOM B-008-2017

PARKER-YANNETTE
design group, inc.
LANDSCAPE ARCHITECTURE
PLANNING • GRAPHICS
825 South U.S. Highway One
Suite 330
Jupiter, Florida 33477
Telephone: (561) 747-5069
Fax: (561) 747-2041
Email: email@pyd g.com
License #LC-0000297

CUSTOM RESIDENCE

235 VIA VIZCAYA
PALM BEACH, FLORIDA

PLANTING PLAN

DATE: 12.8.2016
DRAWN BY: S.P./S.W.
JOB NO.: 16-130
SCALE: 1/8"=1'-0"
FILENAME: LaVivaVizcaya.pl

REVISIONS:
1/8/17 Site Plan
1/8/17 Revised Floor Plan
2/6/17
4/20/17
7/3/17 ARCOM
8/8/17 ARCOM

STEPHEN J. PARKER
LICENSE LAGRANGES
AUGUST 7, 2017

SHEET:
L-1

SITE CALCULATIONS- RA Zoning District

REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
LOT AREA	20,000 SF	15,344 SF	15,344 SF
LOT AREA (MINUS EASEMENT)	20,000 SF	14,888 SF	14,888 SF
LOT WIDTH	125.0'	47.25'	47.25'
LOT DEPTH	150.0'	97.58'	97.58'
FRONT YARD SETBACK	2' FOR EVERY 1' IN BLDG. HEIGHT	NA	47.0'
SIDE YARD SETBACK	15.0'	NA	15.0' N, 17.5' S, 23.5' E
REAR YARD SETBACK	15.0'	NA	15.0'
BUILDING HEIGHT	25' MAX.	NA	23.5' @ BOTT./TOP CHORD
LOT COVERAGE	25% MAX. (3,722 SF)	NA	24.1% (3,600 SF)
LANDSCAPED OPEN SPACE	50% MIN. (7,444 SF)	100%	50.37% (7,493 S.F.)
FRONT YARD LANDSCAPE	45% MIN. (751 SF)	100%	63.7% (1,064 S.F.)

AREA CALCULATIONS

235 Via Vizcaya
Palm Beach, FL 33480

Site Calculations: R-A District

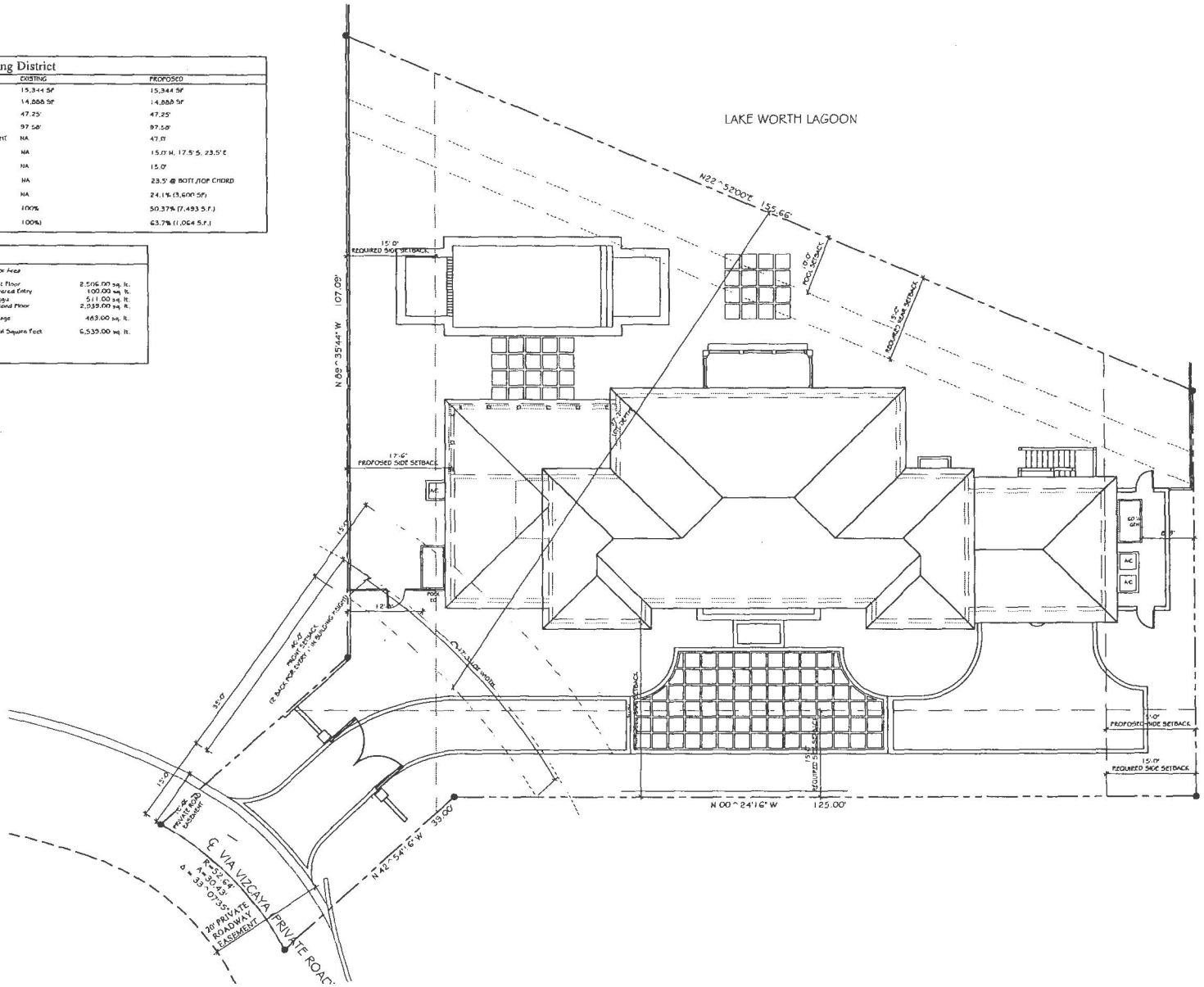
Site Area: 15,344 sq. ft.

Lot Coverage

Building Footprint:	3,600 sq. ft.	24.18% of site
Landscape Area:	7,493 sq. ft.	50.3% of site
Hardscape:	4,129 sq. ft.	24.7% of site
Total	15,344 sq. ft.	100.00% of site

Floor Area

First Floor	2,516.00 sq. ft.
Covered Entry	100.00 sq. ft.
Loggia	511.00 sq. ft.
Second Floor	2,039.00 sq. ft.
Garage	463.00 sq. ft.
Total Square Feet	6,539.00 sq. ft.



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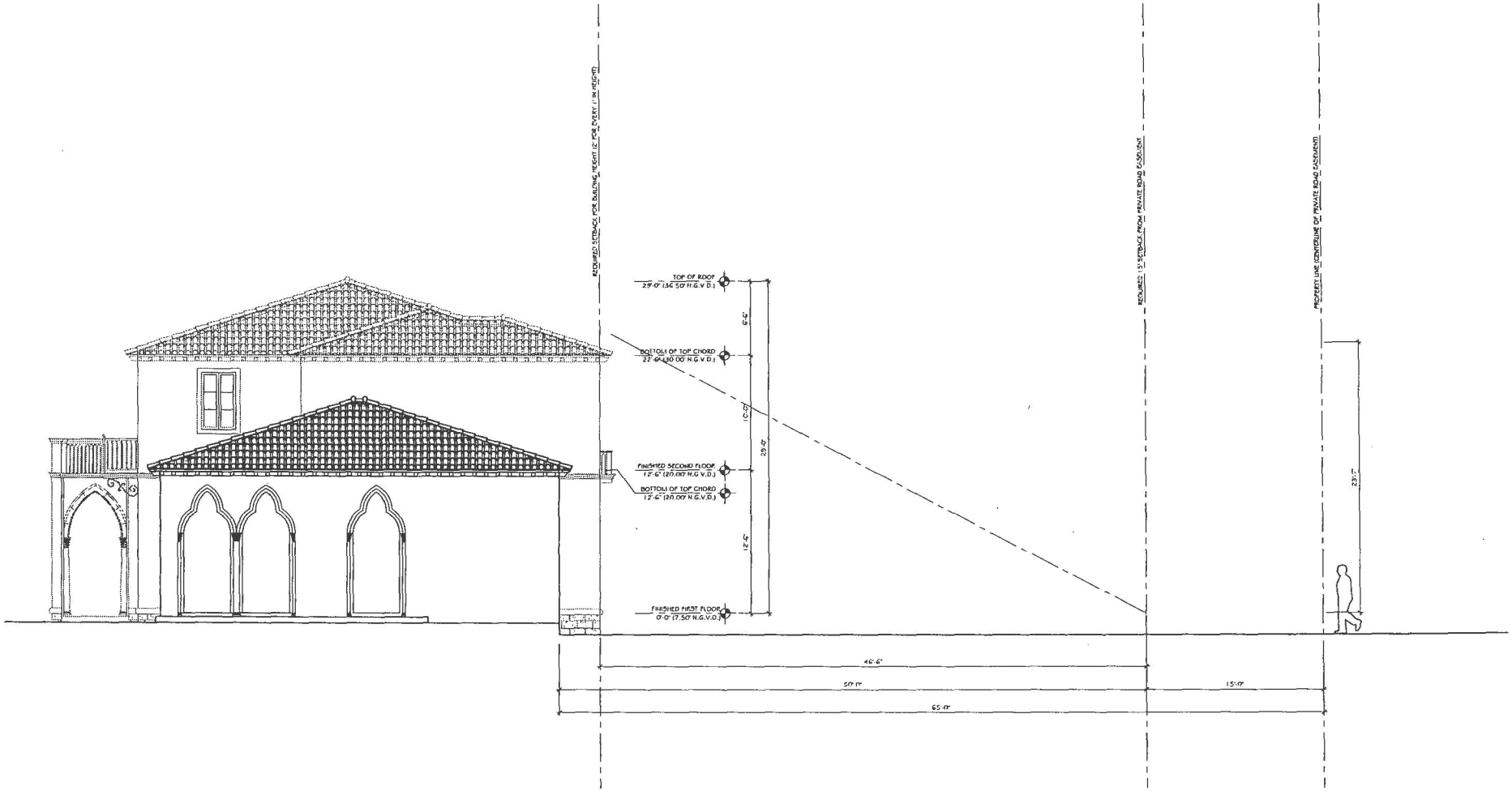
PROPOSED RESIDENCE FOR:
235 VIA V PB, LLC
235 VIA VIZCAYA
PALM BEACH, FLORIDA 33480

SITE PLAN
SCALE: 1/8" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

SP-1



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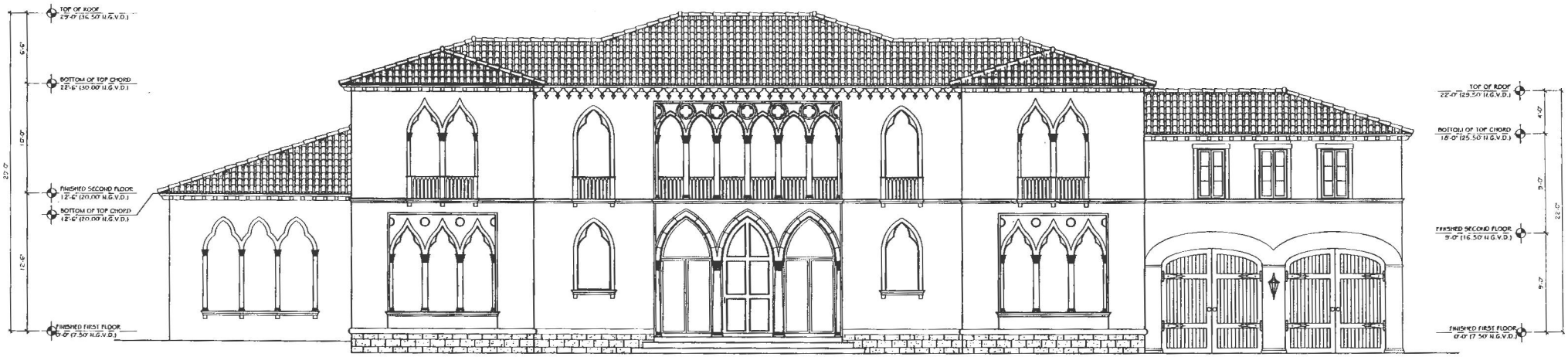
BUILDING HEIGHT PLANE
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-0



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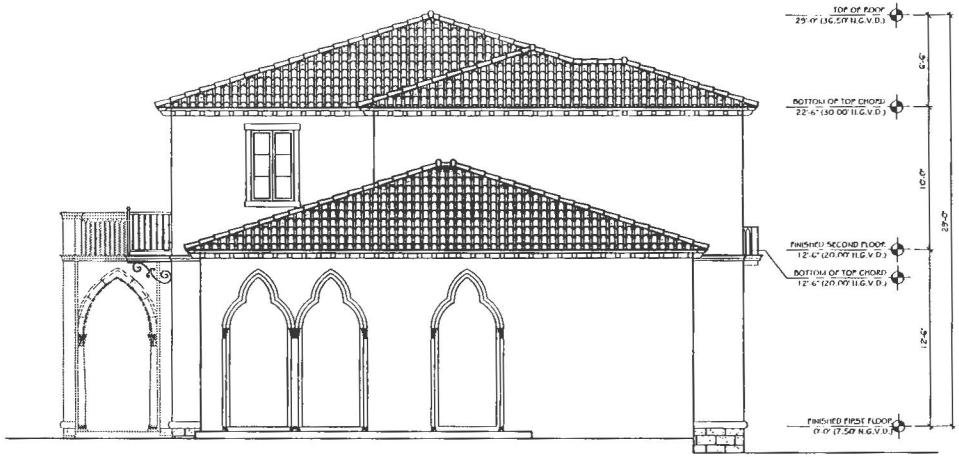
EAST ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-3



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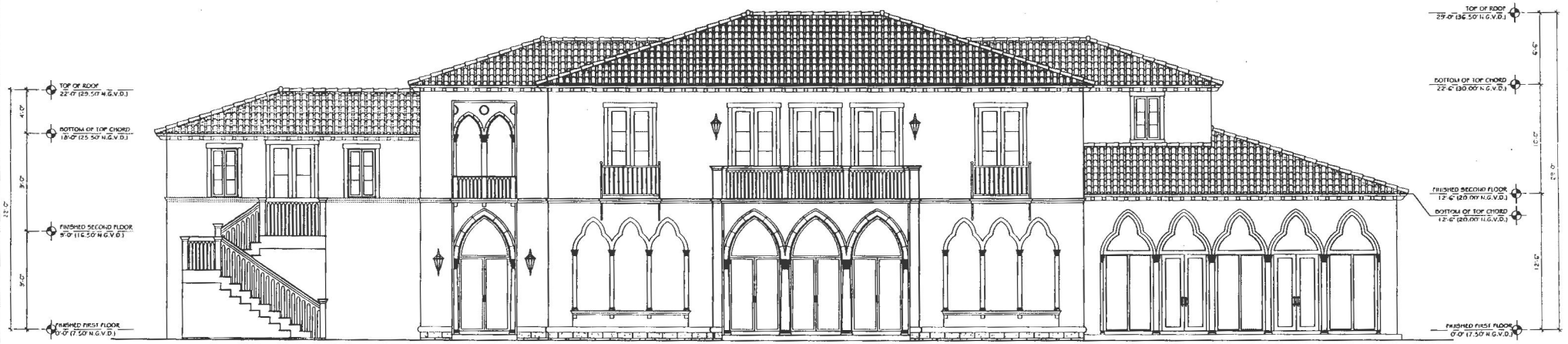
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-4



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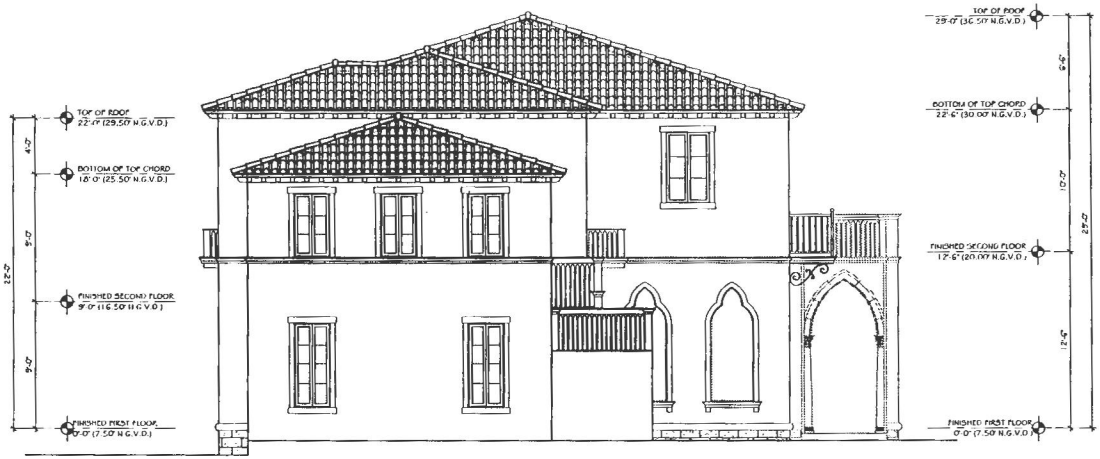
WEST ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-5



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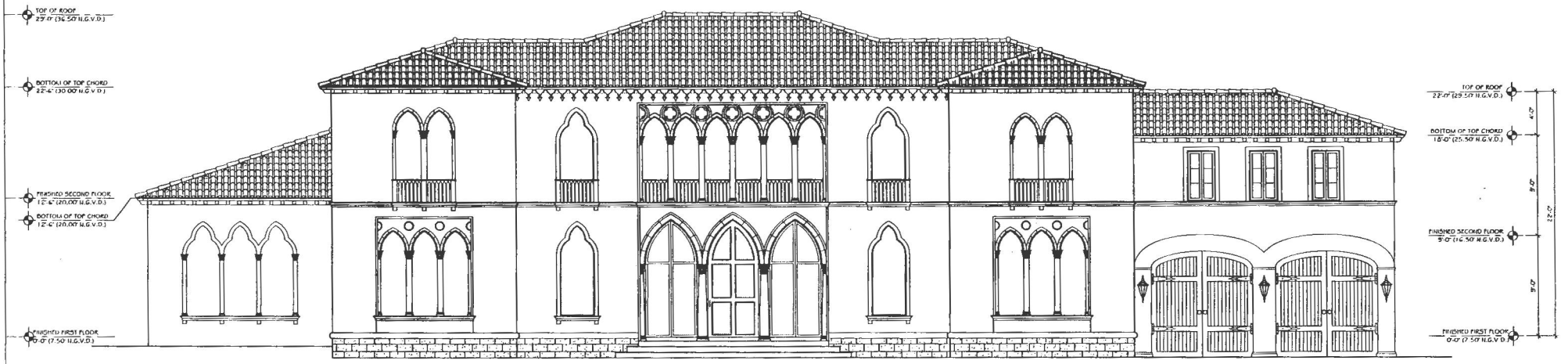
NORTH ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-6



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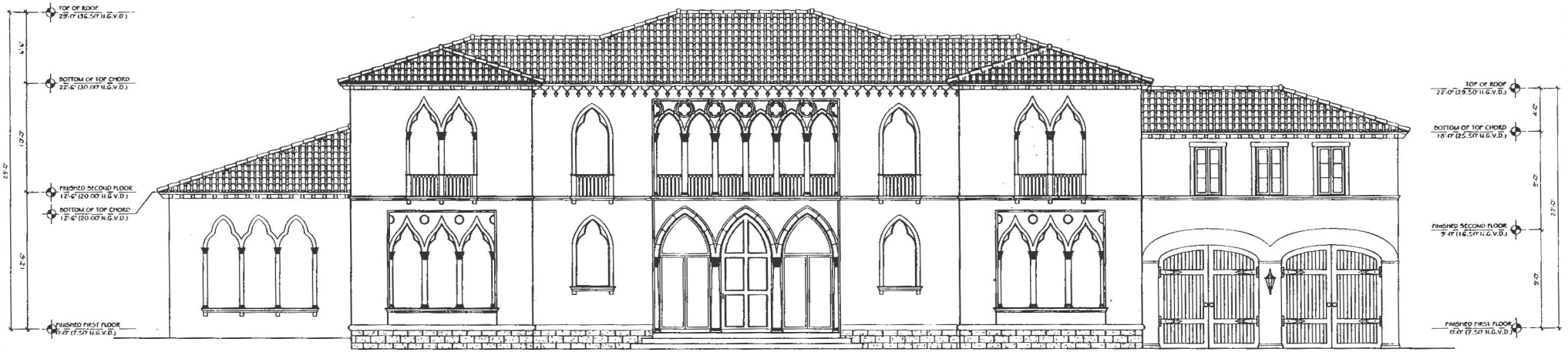

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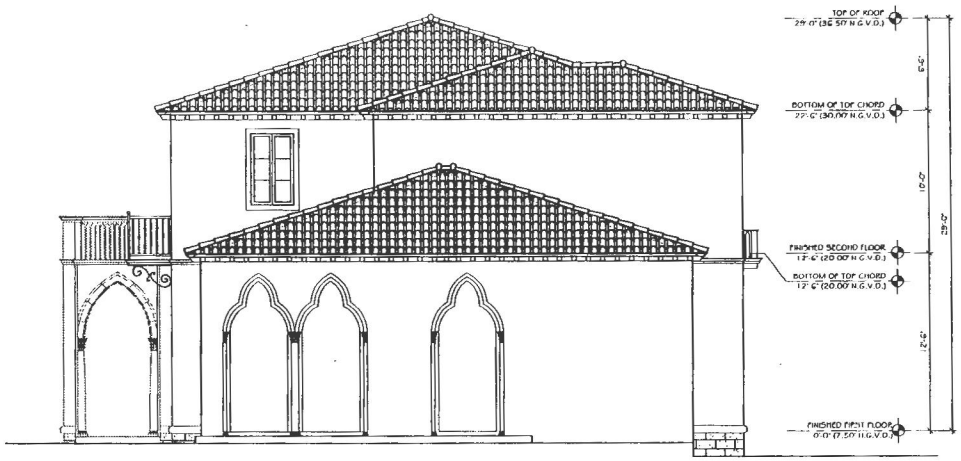
EAST ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-3



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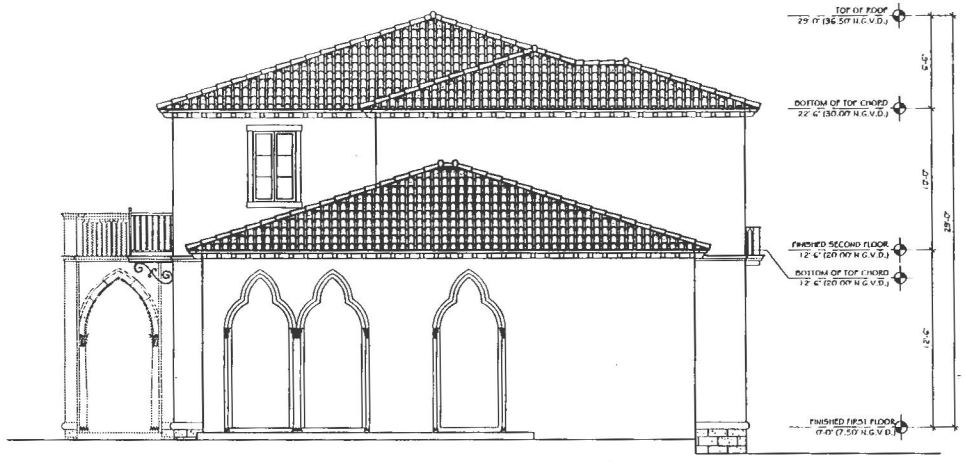

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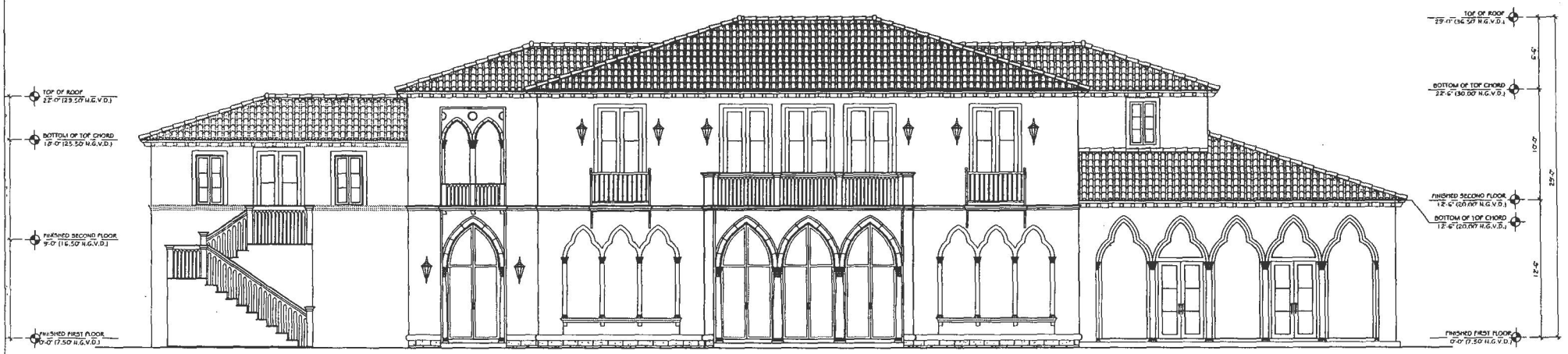
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-4



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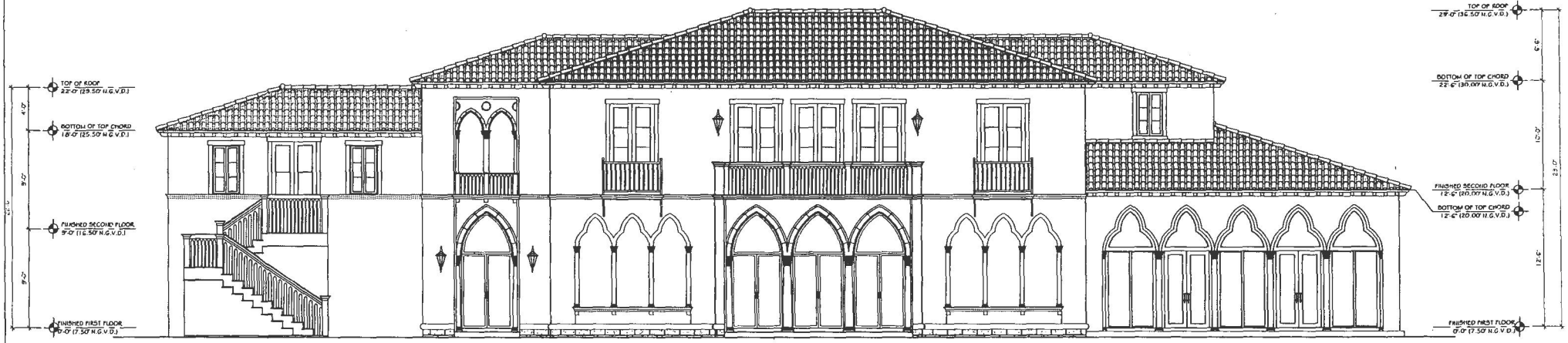

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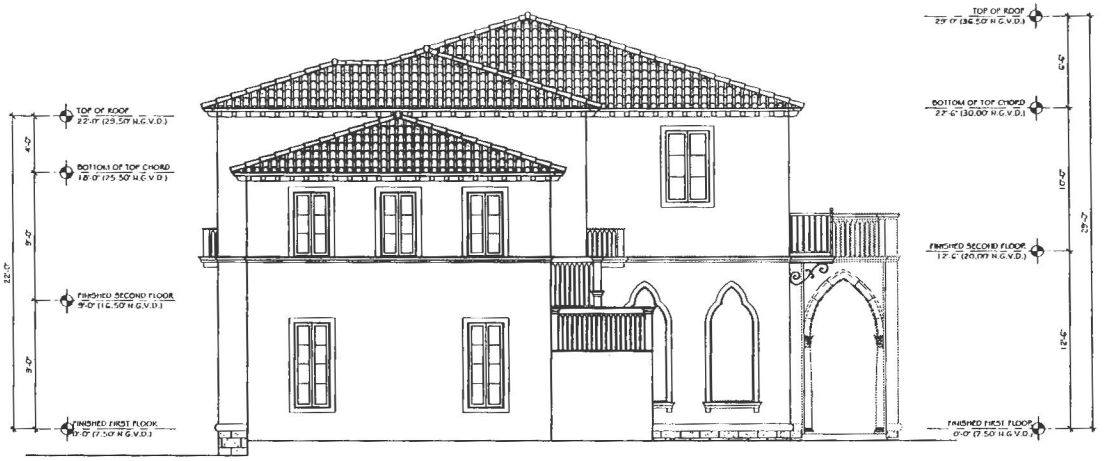
PALM BEACH, FLORIDA 33480

WEST ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-5



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NORTH ELEVATION
SCALE: 1/4" = 1'-0"
SEPTEMBER 27, 2017
B-008-2017
SITE PLAN REVIEW #1-2017

A-6

EXHIBIT A

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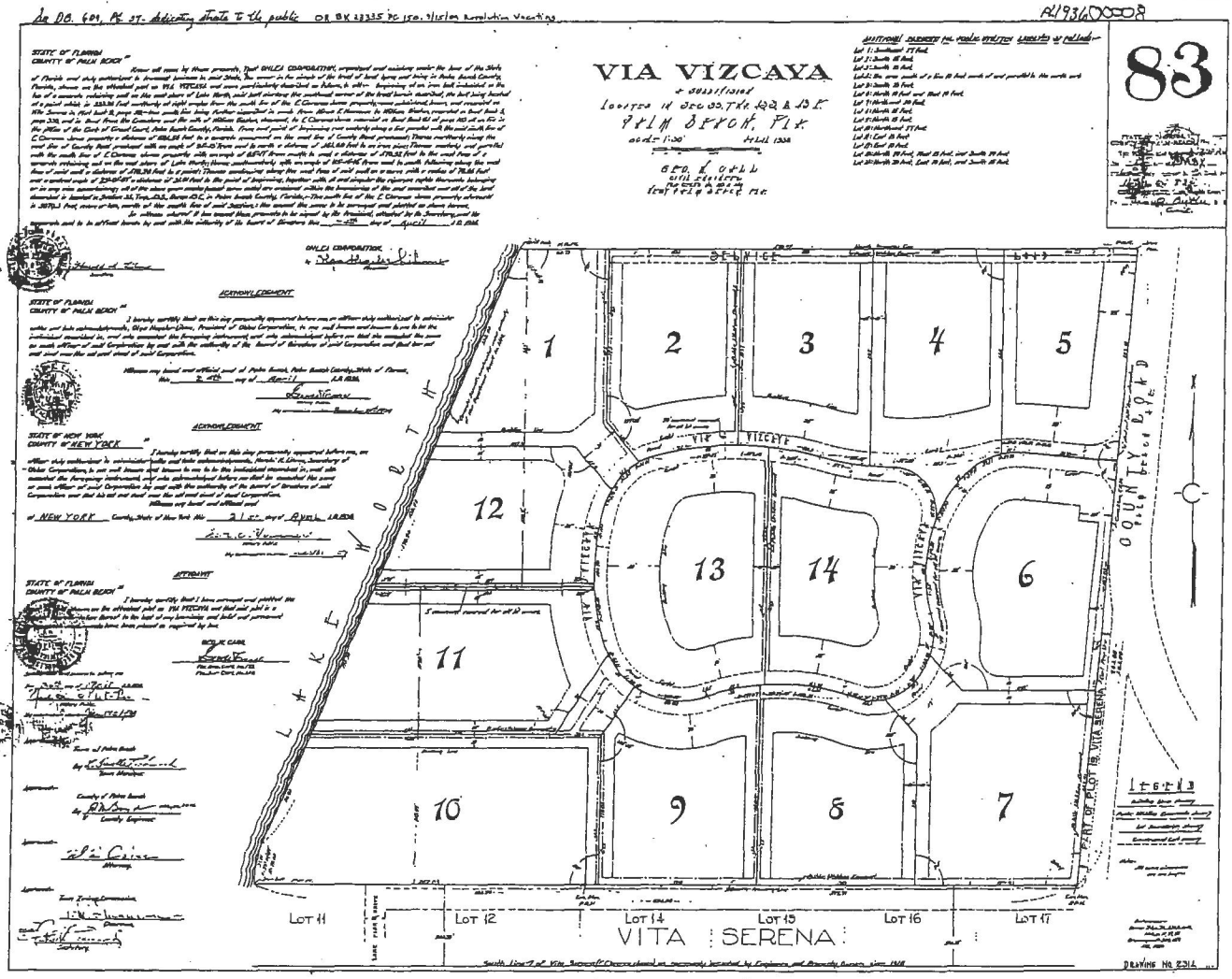


variance of one parking space for addition of trust offices.

Ex-parte communication was declared by President Brooks with Mr. Paseoco; by Councilman McDonald via a telephone conversation with Mr. Paseoco several months ago, probably before the application was even filed.

Attorney Greg Kino, on behalf of Northern Trust Bank, addressed the Town Council, stating that the area of work was in the northeast corner of the building at Northern Trust Bank. He displayed a graphic rendering of the property in question. He explained that the bank wished to renovate the community room and replace it with trust offices.

Director of Planning, Zoning & Building Robert Moore commented that there was no objection from staff.

President Brooks thanked Northern Trust for the services it had provided to the Town.

Councilman Wyett moved approval of Special Exception #25-2003 with Variance. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

d. SPECIAL EXCEPTION #26-2003 WITH SITE PLAN REVIEW & VARIANCE The application of 11 Via Vizcaya, LLC relative to property described as Lot 10, Via Vizcaya; commonly known as 10 Via Vizcaya; located in the R-A Zoning District. Variance requested to allow two houses to be demolished creating proposed vacant land to be severed, ultimately to build a new house on each property. Neither proposed lot would separately meet minimum lot, yard, and area requirements. In addition, a special exception and site plan approval is requested to construct a single family house on an unplatted, non-conforming lot with a width of 108.02 feet in lieu of the 125 foot minimum required in the R-A Zoning District.

Ex-parte communication was declared by Councilman McLendon with Attorney Ron Kolins; he had also met with him at the three sites in question; by Councilman Wyett via telephone with the developer of the property; by President Pro-Tem Goldblum with Attorney Kolins, and also by reviewing all three sites; by Councilman McDonald with Mr. Malesky regarding the merits of the application; by President Brooks with Attorney Kolins, Architect Janssen, Mr. Simmons and Mr. Malesky and that he had met with Mr. Malesky on all three sites.

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, introducing the following: Donald, Steven and Bruce Malesky, the seller and the present owner of the property, Marjorie Meek, with her attorney, the landscape architect, civil engineer, and architect. He stated that there were three cases involving the property today, and that the most unusual thing about the applications today was the circumstance relating to Mrs. Meek – that three properties in the same neighborhood were being presented at the same time. He presented a graphic rendering of the property in question. He stated that lots #10 and #11 would need a special exception, in addition to needing a site plan approval; lot #13 would need site plan review. All of the lots in Via Vizcaya were platted lots, however, in 1973 the Town Council asked the owner of the lots to enlarge lot #11 – the way that was done was that 2' of lot #10 was made part of lot #11, pursuant to a unity of title that remained in effect today. He noted that staff was taking the position that because of the change in those two lots, due to that unity of title, they could no longer be considered platted lots, and must be considered as unplatted lots – hence the need for the special exception as well as site plan review for those two lots.

Attorney Kolins advised that in all three cases, the reason for either site plan review, or both special exception AND site plan review, was because to some extent each lot was a little bit lacking in either square footage or minimum dimension for the minimum sizes for the zoning district in which the lots reside - R-A Zoning District. He advised that he would explain the property information on each particular lot as the discussion progressed.

Attorney Kolins began with lot #10, exhibiting a rendering of the proposed house. He explained that it was important to understand that no variances were needed on lot #10 – all setbacks were met, height was within Code, and every requirement was met or exceeded in terms of lot coverage, greenspace, landscaping, and hardscaping. The only variance required was allowing the current two houses to be demolished, creating proposed vacant land to be severed, ultimately to build a new house on each property; neither proposed lot would separately meet minimum lot, yard, and area requirements.

Architect Roger Janssen, Dailey Janssen Architects, addressed the Town Council, explaining the site plan presented. The proposed footprint for the new structure was 6,352 sq. ft., whereas the footprint of the existing house was 4,286 sq. ft., which was 22%of the lot.

Attorney Kolins noted that the applicant was allowed to have lot coverage at 25%; the house would be two-story, as were the majority of the houses on Via Vizcaya. The lot had approximately 29,000 sq. ft., and the minimum required in the R-A Zoning District was 20,000 sq. ft. For measurement purposes, the applicant was required to measure the property after taking out a right-of-way easement, even though there was no likelihood that the property would ever be used for right-of-way. When that was done, the figure for the size of the lot was 27,732 sq. ft. The one deficiency in the lot was that the Code, in the R-A District, required lot width of a minimum of 125'; the lot measured 108'2".

Attorney Kolins requested that public comment be heard after each lot was reviewed.

Zoning Administrator Paul Castro commented that it was requested that both current houses on lots #10 and #11 be torn down at the same time. When doing so, since it was under single ownership, the Code specifically stated that the properties could not be split off into two separate lots, and make two nonconforming lots when they were now conforming as one; that was the purpose of the variance request – both houses would be torn down, the lots would then be vacant, and it was proposed to build two houses on the lots which were now under single ownership, with the proposal to split the lots off under separate ownership at some point in time. All lot, yard and bulk requirements were met, however, the lot was oddly configured, and the front lot width was based on the building setback line, which was a deficiency at that location. The variance was simply to split the lots and develop them as two single family homes under separate ownership in the future.

In response to Councilman McDonald, Mr. Castro explained that there was a unity of title that the Town Council required in 1973, however, the applicant was proposing to keep that unity of title in place, which would give 2' of lot #10 to lot #11. The applicant wanted to maintain that unity of title.

In response to Mayor Smith, Mr. Castro explained that if the applicant took the two houses down at separate times, that would eliminate one of the variances. There were two other separate issues: the seawall height, and the site visibility triangle at the driveway curbcuts.

Attorney Kolins commented that he did not believe there was the slightest problem taking down the two houses at separate times at separate intervals. If that would cure the need

for the variance, the applicant would be happy to do that.

In response to Councilman Wyett, Attorney Kolins explained that the properties were separate already – in 1973 lots #10 and #11 were platted lots next to each other; pursuant to that, 2' of lot #10 was made part of lot #11.

In response to President Brooks, Architect Janssen advised that the existing total square footage of the existing house was 4,886 sq..ft; the proposed house would be 8,400 sq. ft.

Town Engineer James Bowser requested clarification of the easement/right-of-way on the property.

Architect Janssen replied that there was a 30' road right-of-way in the front.

Town Engineer Bowser replied that the right-of-way could always be used by any utility, and the Town would certainly not want to give any of that away. He also pointed out that he believed there may be a drainage line between the two lots, and he requested that a survey indicating all of the easements be provided.

Attorney Kolins responded that he was not asking to do anything with the right-of-way easement – he was merely pointing out that the size of the lots was altered by the right-of-way easement – the applicant was not asking that the Town give up the easements, and would not be building over them.

Civil Engineer Mark Smiley responded that he had visited the site and opened up the manhole situated between lots #10 and #11, and did not notice any pipes going between the two properties. He had also gone to the rear of the lots and did not view any seawall outfalls. He had then backtracked to see where the lines went, and they did indeed travel towards the west side of the property – he stated that he did not believe that there was a line that ran between the two lots.

Town Engineer Bowser responded that there were drainage problems in the subdivision, and the problem was finding an adequate easement to get out for some piping. That was why he had brought up the question as to whether there were easements adjacent to the properties where they were going to be adequately sized, and the possibility of the Town using them in the future.

In response to Mr. Moore, Town Engineer Bowser replied that it would be very beneficial for the subdivision if there was an easement for a drainage line down to the lake

through the property.

Attorney Kolins stated that he was authorized by his client to state that he would be pleased to do so. Additionally, the applicant would commit, as between lots #10 and #11, not to demolish the second until the first lot was under roof and substantially completed on the exterior. The one house would be left until the new one was almost finished.

Councilman Wyett expressed concern regarding the construction of the houses at separate times, as construction would be ongoing for approximately five years.

Attorney Kolins responded that all three lots were of a size where all construction trucks, etc., would be off the street. The preference of the applicant was to construct either lot #10 or #11, one or the other, together with lot #13 at the same time, and then when that was finished, the third remaining house would be built. He stated that he believed that would have less impact on the neighborhood.

Responding to questions from Mayor Smith regarding the drainage easement affecting the 3 lots, Town Engineer Jim Bowser responded limitations would apply to the level of service that would be designed but would greatly improve the drainage. He noted a 5 foot wide utility easement existed between lots #10 and #11 presently going down the middle of the lot #10 driveway following the lot lines to the intracoastal and that a 10 inch pipe was shown on the drawings; however, the civil engineer talked with water resources and that pipe may now be non-existent.

Mr. Bowser said easements are usually requested to be wider than 5 feet and the melaleuca hedge would have to be removed to install piping.

Councilman Wyett suggested the developer put pipe in from the lake to the road as part of the construction project with the Town, at its option, pick up the pipe at the street level to drain the rest of the area at the appropriate time.

Mr. Kolins replied that on behalf of his client, on the assumption that the applications were granted, his client would install and pay for the pipe being discussed.

Mr. Moore stated he understood that any enlargement of the easement and installation of any pipe from the lake to the street would be on a voluntary basis by the owner of the group of properties, and would not be a condition of any type of approval. He added that only 2 properties were being discussed at this time, and lot #13 would have to stand on its own merits.

Mr. Kolins responded he was including all 3 properties, and his proposal was if the 3 applications were approved plus the unclogging of the drain as discussed.

Mr. Brooks clarified that Mr. Kolins was asking for approval for all 3 projects, and the Town Council was considering the projects one at a time.

Mr. Goldblum requested that the Public Works Department clean out the clogged drain now to see if it would work and see what is needed going forward.

Mr. Moore said the clogged drain was on private property.

Mr. Bowser explained that if the drawing were correct, the 10 inch clay pipe would not give the property drainage relief and suggested the pipe needed to be 24 or 30 inches from the subdivision.

Mr. Kolins reiterated the developer has drainage plans for all 3 lots but agreed to put in the pipe, and the manhole is on lot number 1 and the owners of lot number 1 would have to authorize Public Works employees to do the work Mr. Goldblum suggested.

Mr. Brooks asked for public comment on lot #10.

Mr. Kolins added if his client did put a pipe in as previously offered, a DEP permit may be necessary and requested if a permit is required, it would be helpful if the Town applied for the permit.

Mr. Moore said the Town has either been a co-applicant or the applicant if necessary in the past (Mr. Bowser agreed) to apply for a DEP permit.

The Town Council moved to the discussion of lot #11.

The motion approving Special Exception #26-2003 was made under Site Plan Review #7-2003.

e. SPECIAL EXCEPTION #27-2003 WITH SITE PLAN REVIEW The application of 11 Via Vizcaya, LLC relative to property described as Lot 11, Via Vizcaya together with an additional parcel as described in

the file; commonly known as 11 Via Vizcaya; located in the R-A Zoning District. Special exception and site plan approval to construct a single family house on an unplatted, non-conforming lot with an existing lot width of 109.5 feet in lieu of the 125 foot minimum required and an existing lot area of 19,721.48 square feet in lieu of the 20,000 square foot minimum required in the R-A Zoning District.

Mr. Kolins explained lot #11 is insufficient in required square footage because of the right-of-way although, including the right-of-way, the square footage is in excess of 21,000 sq. ft. but is approximately 275 sq. ft. short without the right-of-way inclusion. He continued the lot width is also deficient by approximately 15.5 ft. although the lot dimensions exceed or meet the lot, yard, and bulk requirements in the Code.

Architect Roger Janssen said the existing 5,166 sq. ft. one-story structure is non-conforming regarding setbacks, while the new 7,290 sq. ft. under air conditioning with a grand total of 8,654.9 sq. ft. would be conforming.

Mr. Kolins reiterated the proposed plan reduces the lot coverage from the present structure and will conform with Code requirements; the present non-conforming setbacks will be changed to conform; and the height will be 3.5 ft. lower than the height allowed by the Code. He added that his client would agree to build on either lot #10 or #11 first with only one house being demolished at one time.

Councilman Wyett replied that offer may not be to the best interest of the neighbors resulting in three years of building in the neighborhood. He suggested the two houses be built simultaneously with the third house constructed after the first two are completed.

Mr. Brooks said that Mr. Wyett made a good point and suggested the neighbors' remarks be considered regarding the issue.

Mr. Kolins said the developer stated a maximum of 15 months would be needed to build on lots #13 and either of #10 or #11 at one time (2 houses) with the third house hidden off the road.

Mr. Castro noted that the landscape plan showed some landscaping on the five foot easement, and that area needs to remain free and clear for all the residents in the subdivision. He added that 2 inches of water retention on each lot is required; work would be necessary with staff in the Public Works Department on the site visibility triangle for the driveway curb cuts; and there would be a need to provide a five foot high sea wall for high tides in the area.

Mayor Smith questioned the easement to the Lake.

Mr. Kolins explained the five foot easement existed between lots #11 and #12 with 2.5 ft. on each lot and is completely grown over with vegetation making the easement impassable.

Mr. Moore said although the easement is inaccessible, the plat shows it as a trail to the lake, and he recommended the developer of the property clear the easement to make it accessible for everyone in the subdivision.

Mr. Kolins said his client would clear the part that is on his property .

Ames Bennett, architect, said he had interest from two parties who were interested in lot #13 during the past year, and in the process he discovered the plats were plotted in 1936 with a notation on the plot plan of 'Lake Trail' leading to the Lake. He added that the Town Code required a setback from Lake Trail and questioned if that issue had been addressed by Mr. Kolins.

Mr. Bennett questioned if the two proposed residences were identical?

Architect Roger Janssen replied the floor plans were similar, but they were not alike architecturally.

Mr. Bennett also questioned if the ancillary building was tied to the main structure with a unity of title?

Attorney Peter Broberg, representing Mickey Van Gerbig, questioned if two contiguous properties are owned by the same person, would that property become one lot, not by unity of title, but later could not be sold off if they were non-conforming?

Mr. Castro responded the Code stated if there was a piece of property with a vacant piece of property next to it, the owner could not sever himself from that vacant piece of property in order to develop the property.

Mr. Broberg questioned if that was not the situation in this case.

Mr. Castro replied a house existed on both properties, and staff discussed the issue with the Town Attorney relating to the situation on King's Road where the residence straddled both properties, and this was different because two single family homes exist on two separate lots that happen to be owned by the same person.

Mr. Broberg continued that he had not seen the unity of title but did not know how that could occur without a quit claim deed, and property could not be carved out from one property and given to another without a quit claim deed going with it. He questioned if two non-conforming lots existed, owned by the same owner, with two residences on them could be divided?

Mr. Castro replied that is why the applicant was requesting a variance in this case because these two properties, together, were conforming although there were houses on both lots, and if both houses were demolished on one lot, one lot could not be split from the other because vacant property taken together with the other lot would be conforming to the Code. He continued if one home were demolished on one lot, then one new home could be built in its place.

Mr. Moore asked Mr. Broberg if he knew if Mr. Van Gerbig's wall was on the trail to the Lake?

Mr. Van Gerbig said he and Mrs. Meeks have split the cost several times clearing the easement to the Lake, and presently both his and Mrs. Meeks sea walls come together at the end of the easement. He said the trail has never been used although it was cleared several times.

Mr. Van Gerbig continued that his wall is against the easement but not in the easement.

Mr. Wyett asked Mr. Van Gerbig if he objected to the developer cleaning 2.5 ft. of his easement when he was working to clear the land?

Mr. Van Gerbig responded he would take care of the easement himself, or he could reimburse the developer if necessary.

Responding to questions from Mr. McDonald, Mr. Van Gerbig said his seawall was built first, before Mrs. Meek's seawall..

Mr. McDonald said he was disappointed with the Code Enforcement effort to keep this right-of-way clear. He requested Mr. Moore notify the Code Enforcement officer to clear this situation up.

Mr. Kolins suggested this easement may be more trouble than it is worth since no one has used it for many years, and abandonment may be the proper course of action.

Architect Ames Bennett said he thought the 'Lake Trail' mentioned in the Code applies to this property, and that issue was not addressed by Mr. Kolins. He added the plat was filed as a public record in 1935 with the 'Lake Trail' notation.

Mr. Moore responded that one can name anything that one wishes, anything on a plat, as long as the Town accepts it, and in this part of Town there is no Lake Trail. He continued that Lake Trail runs north and south from Worth Avenue to the Inlet Dock, omitting the area around the Sailfish Club. He added that no bike trail or lake trail is located in the Via Vizcaya area that runs north/south, and the easement runs east and west, and the Zoning Code is quite specific regarding the issues raised by Mr. Bennett.

Mr. Castro said the language is specific in Section 134-1699, Structures and Signs along Lake Trail, stating, "No structure or working height is measured on the Lake Trail side of the structure from the top of the structure to the crown of the existing paving of the Lake Trail directly opposite of such point of measurement shall be erected or constructed along the easterly side of Lake Trail within 25 feet of the easterly right-of-way line of said Lake Trail as the same is now laid out, established and used, except as provided below:" He added that section addresses no structures east of Lake Trail, and this property is south of Lake Trail and is not part of Lake Trail.

Mr. Moore said that if the section of the Code contemplated Mr. Bennett's assertion, it would have said east, north, *and* south, 'no structure shall be 25 feet closer to the trail', and he could not find Mr. Bennett's interpretation to be correct.

The Town Council moved forward to discuss lot #13, 11 Via Vizcaya..

The motion to approve Special Exception #27-2003 was made under Site Plan Review #7-2003.

f. SITE PLAN REVIEW #7-2003 WITH VARIANCES The application of 11 Via Vizcaya, LLC relative to property described as Lot 13, Via Vizcaya; commonly known as 13 Via Vizcaya; located in the R-A Zoning District. Site plan approval to construct a single family house on a platted, non-conforming lot with an existing lot area of 15, 987 square feet in lieu of the 20,000 square foot minimum required, and with a lot depth of 130.8 feet in lieu of the 150 feet minimum required

in the R-A Zoning District; variance request for a street side setback of 15 feet on the south side of the property in lieu of the 35 feet minimum required; and, request for a building height plan variance with a setback of 39.2 feet in lieu of the 47 feet minimum required.

Mr. Kolins said he realized that lot #13 was the subject of most of the concerns expressed by neighbors and other concerned parties. He said lot #13 contained 21,397.24 square feet; however, it is an extraordinarily, uniquely shaped lot with the road extending around all but the rear of lot #13 resulting in 35 ft. setback requirements for three sides leaving a very small building envelope to work with. He explained the two requested variances are for a 15 ft. south side setback where a proposed side loading garage would be located, and the second variance was for the building height plane that required two feet of setback for each one foot of height to the bottom of the eave of the roof which would total 47 ft. He requested a setback of 39.2 feet or a difference of 7.8 ft., and this was necessary because the intent was to leave as much space as possible in the rear as the neighbor's house was close to the rear lot line.

Architect Roger Janssen said the requested variances will enhance the streetscape of the development, and the building configuration in both footprint and massing is such that the massing would be alleviated by designing up to the setback line with the two story portion of the structure; however the massing up to the rear lot line would put a very large two story volume to the neighbor. He continued that the swimming pool would have to be built in the west yard if that design was followed with a six foot concrete wall around the perimeter of a portion of the property with a hedge creating a tunnel effect.

He said the decision was to step the building back, away from the yard, with only a 22 foot two story portion against the rear setback with the bulk being 30 feet from the property line. He added the entire western portion of the property will be maintained as open landscaped area to the street.

Mr. Kolins, referring to the letters of objection, said the proposed residence will be four feet lower than allowed by Code and the rest of the objections were either misunderstandings or would be dealt with in a satisfactory way. He added that with the exception of the 15 foot setback request on the south, the proposal meets all the other Code requirements, and the height is consistent with the other residences in the neighborhood.

Zoning Administrator Castro said this lot was unique as it is oddly configured and limits the building footprint and where it can be located. He said the applicant demonstrated that the building is being stepped away from the rear of the property, the house is much larger

than the neighbor to the east which is a one story home built fairly close to the rear property line. He continued that from staff's standpoint, it is impossible to locate the swimming pool in the front yard setback.

Director of Planning, Zoning & Building Robert Moore said this was truly one of the greatest examples of a hardship with the uniqueness of the 'u' shaped property on three different sides. He added the neighbor's house to the east is considerably smaller, and the developer has been sensitive to the issue of the smaller home; however, eventually a larger home will be built on that site. Mr. Moore said he believed the effective height of the larger house, by granting the variance to that height plane setback, could be addressed by eliminating the pool and setting the house further back or lower the height of the house and a hardship has not been demonstrated on that issue.

Mr. Kolins responded that many places in Town have one story houses next to two story houses and changes will be made in many of these older homes as the present needs are met. He said a house in the estate section should not be built without a swimming pool and could not be marketed as such.

President Pro-Tem Goldblum commented that the air conditioning units were too close to the property line.

Zoning Administrator Castro responded the units met Code requirements.

Councilman Wyett said the house was much too large for the lot; although the house itself was beautiful, it did not fit. He said the shape of the lot does not justify 'shoe-horning' an oversized house onto the lot. He continued that at this point, he would vote 'no' and suggested the applicant consider a deferral and reduce the size of the house.

Mr. Kolins said he found it difficult to understand an argument that said the house was too big for the lot when all the Code requirements were met with the exception of the requested variance for the garage which was small.

Mayor Smith questioned if the Town Council would not vote on the three houses individually although they were reviewed together? She also asked if the architect had any suggestions for reducing the size of the house which would eliminate the variance on the south side?

President Brooks responded the vote would be taken separately.

Marjorie Meek, owner of the three lots, said the facts are that the government was owed $4 million for the death taxes on this property from her late Mother's estate, and the property was assessed by the government at a higher price than the market price for the lots. She continued that she had to borrow the $4 million, $3 million from a bank and mortgage another $1 million on the property. Mrs. Meek said she would not profit substantially and was only trying to pay the bills. She added that she would not prefer to move but has been put in a position that she has to move. Mrs. Meek said Mr. Malesky and the architect worked very hard to create something that is compatible with the Palm Beach style.

President Brooks suggested the Town Council vote on lots #10 and #11 and then come back to #13 and requested a motion on lot #10.

President Pro-Tem Goldblum made a motion to allow the needed variances on lot #10. The motion was seconded by Mr. McLendon.

Mr. Wyett asked the maker of the motion to amend the approval to include the pipe as discussed and the restoration of the easement.

President Pro-Tem Goldblum agreed to accept Mr. Wyett's recommendation.

Attorney Randolph said the issue included a special exception, a site plan review and a variance and all of those needed to be included.

President Pro-Tem Goldblum accepted Mr. Randolph's clarification in the motion.

Mr. Moore said the special exception and site plan review are all that is needed with Mr. Kolins agreement to demolish only one house at a time, and if that is still the agreement, that is all that is needed at this time.

Mr. Wyett said no discussion took place regarding the demolition of one house at a time, because the neighbors might want both houses to be demolished at one time.

Mr. Kolins said his client, in terms of financing and marketability, said it was not feasible or possible for him to build on lots #10 and #11 simultaneously, and the reality is to build on lot #10 or lot #11 and then on lot #13 after the other two are finished.

Mr. Moore said Mr. Kolins should withdraw the variance request.

Mr. Kolins replied that on the assumption the variance was not needed because the two

houses will be demolished separately, that was correct.

Mr. Moore said the same situation existed for lot #11 where a special exception with site plan review would be voted on with the withdrawal of the variance. He added the conditions Mr. Kolins volunteered would cover the improvements on both lots #10 and #11 regarding an additional 5 feet of easement with a pipe that would be satisfactory with the Town making application to ease the drainage problem to the lake; retention of the first 2 inches of water; and that they will clean up the Lake Trail easement as they volunteered to do from the street to the lake. He continued that if Mr. Van Gerbig's wall encroaches on the easement, his department will follow up on that.

Mr. Kolins responded his client will do that when lot #11 is developed.

Councilman McDonald said the maker of the motion did not indicate that it meets the requirements for a special exception and suggested that any on-street parking should be prohibited during construction of the projects as being a condition of the permits or it could not meet the special exception requirements.

President Pro-Tem Goldblum said he would add that to the motion.

Mr. Randolph said, in addition to cleaning out the easement, he assumed the easement should be continuously maintained to allow it to remain open continuously.

Mr. Kolins replied that he thought it was unfair for his client to bear the burden of maintaining the easement.

President Brooks said it was preferable to have his client do it than to have to receive fines from the Code Enforcement Officer.

Mr. Kolins suggested the easement could be maintained by the both owners of the easement.

Mayor Smith added that Mr. Van Gerbig had offered to maintain his half.

President Brooks called the question.

On roll call, the motion to approve Site Plan Review #26-2003 with conditions carried unanimously, 5-0.

President Brooks said he understood that a variance was not needed for Site Plan Review #27-2003.

Mr. Moore confirmed that a variance was not required for Site Plan Review #27-2003; however, the same conditions as required for Site Plan Review #26-2003 should apply to this project.

Mr. Castro said the conditions for this project related to parking, cleaning and maintaining the easement, providing 2 inch storm water retention, providing a minimum 5 ft. NGVD seawall, and having clear site visibility on the driveways.

Mr. Kolins said the easement issues relate to this lot and not lot #10 as cited previously in the lot #10 approval.

Councilman Wyett made a motion to approve Site Plan Review #27-2003 with the conditions discussed. The motion was seconded by Councilman McLendon and carried 5-0 on roll call.

Mr. Kolins said he thought his client needed to address some of the stated concerns of the Mayor and Town Council and requested a deferral for lot #13.

Councilman Wyett made a motion to defer Site Plan Review #7-2003 with Variances to the December 9, 2003, Town Council meeting. Councilman McLendon seconded the motion which carried 5-0 on roll call.

Attorney Randolph commented on the approvals of the Special Exceptions and the Site Plan Review on lots #10 and #11. He said many times the architects come before the Architectural Commission and advise the Commission that the Town has approved the site plan and that, therefore, the Architectural Commission does not have anything to say about the design of the house. He wanted to make sure that the intent of the Town Council was not to take away from the Architectural Commission any design improvements they would make to the house.

President Brooks said, on the contrary, the Council was attempting to assign more responsibility to ARCOM.

1. SITE PLAN REVIEW #8-2001, the Sea Lord Hotel Property. [James R. Brindell, Esq.] *Deferred From the June 10, 2003, August 12, 2003, September 9, 2003, October 14, 2003, November 12, 2003, December 9, 2003, and January 13, 2004, Town Council Meetings.*

Mr. Doug Barnes reported that all the original work had now been completed. The landscaper for the property had met with Town staff to review concerns of the Town as they related to trimming trees, etc. He stated that he expected a proposal from the landscaper this week, and hoped to proceed with that work as soon as possible. He requested a two-month extension so that all of the items could be completed.

Councilman Goldblum moved approval of a two month extension for completion of items related to Site Plan Review No. 8-2001. The motion was seconded by President Pro-Tem Goldblum. On roll call the motion carried unanimously.

2. VARIANCE NO. 8-2002 Request for One Year Time Extension 249 Queens Lane. [Peter S. Broberg]

Attorney Peter Broberg addressed the Town Council, stating that a one year extension had been granted on Variance No. 8-2002 last year; due to personal circumstances of the owner, the work was not done, and an extension was now being requested.

President Pro-Tem McLendon moved approval of a six-month extension of Variance No. 8-2002. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. SITE PLAN REVIEW #7-2003 WITH VARIANCES The

application of 11 Via Vizcaya, LLC relative to property described as Lot 13, Via Vizcaya; commonly known as 13 Via Vizcaya; located in the R-A Zoning District. Site plan approval to construct a single family house on a platted, non-conforming lot with an existing lot area of 15,987 square feet in lieu of the 20,000 square foot minimum required, and with a lot depth of 130.8 feet in lieu of the 150 feet minimum required in the R-A Zoning District; variance request for a street side setback of 15 feet on the south side of the property in lieu of the 35 feet minimum required; and, request for a building height plan variance with a setback of 39.2 feet in lieu of the 47 feet minimum required. *Deferred from the December 9, 2003, and January 13, 2004, Town Council Meetings.*

Zoning Administrator Paul Castro advised that the applicant had been deferred in order to go back to the drawing board and re-design the site, which included attempting to make the variance as di minimis as possible, and reduce the size of the house. The applicant was now back with a new proposal.

Ex-parte communication was declared by Councilman Goldblum with Attorney Ron Kolins; by President Pro-Tem McLendon via a meeting with Attorney Kolins; by Councilman Brooks via a meeting with Attorney Kolins; by Councilman McDonald via telephone with Mr. Malesky several months ago.

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, stating that changes had been made in the plans which addressed the comments made at earlier Town Council meetings. He described the modifications made, which would no longer require a height plane variance; the garage was side loading, and aligned with the same setback on the south side of that the house to the rear, on lot 14. In addition, the house had been made smaller in square footage, which reduced the footprint of the house as well. The overall height of the second floor had been lowered from 31'2" to 29'3". He explained that the section of the house in the rear that had the 15' setback was only a 22' wide segment of the house, and the rest of the house sat forward more, and thus was considerably further from the house in the rear than the 22' segment. The house in the rear had no more than a 15' setback in the rear for much of, if not all, of its rear configuration.

Architect Roger Janssen addressed the Town Council, displaying architectural renderings of the property in question and reviewing the modifications made to the site plan.

Zoning Administrator Paul Castro commented that the size of the house had been reduced, the building height plane request had been eliminated, however, the Planning Administrator still commented that the house, as designed, could be designed in a manner to more closely conform with the Code; that the house is larger than most of the houses in that area. The Town Engineer advised that the street curb cuts need to address the site visibility for the driveway entrances; that the applicant would need to provide 2" storm water retention.

Attorney Kolins responded that he was distressed to hear that the planning people were commenting on whether they thought a house was too small or too big. He stated that the comment was judgmental and wrong, as a matter of fact. He stated that he had a list of all of the houses in the 200' area, and the neighborhood had both single and two-story houses; the house in question clearly fit into the neighborhood in regard to square footage.

Director of Planning, Zoning & Building Robert Moore explained that on the comment sheet with staff reviews of the applications, the comprehensive plan section was reviewed by Planning Administrator Tim Frank, who generally had comments, which were read into the record. He noted that when this particular plan was reviewed, he did not believe that the height plane request had been withdrawn at that time. The staff comments were not unusual in that regard.

In response to Councilman Brooks, Attorney Kolins responded that the square footage had been reduced by 558 sq. ft. The original application contained square footage in the amount of 7,264 sq. ft.; the modified application was 6,706 sq.ft., including a 147 sq. ft. pergola. He reviewed the square footage measurements of the homes within the 200' area around the house in question. He reviewed the lot sizes of the homes of the surrounding properties on Via Vizcaya. Lot 13 was 15,986 sq. ft. with a lot coverage of 24.2%. The lot coverage on lot 14 was 20.7%.

Ms. Lillian McHugh, #14 Via Vizcaya, addressed the Town Council, stating that she wanted to mention one small error – the 15' setback requested on the south side was said to be the same as hers, and it was not – hers was 17' from the property line. She stated that the letter from #9 Viz Vizcaya had been written by the realtor who was handling the property. She stated that the Town Council should remember that there were actually three homes in the overall project.

Ms. Monnie Donnelley addressed the Town Council, stating that there were letters on file from every single person in the circle. In addition, there were interested neighbors who could not be in attendance today, who objected to any variance of any kind being

allowed, because of the lack of hardship.

(This item was continued after the Local Planning Agency meeting, and transcript of same can be found on audio tapes 2 and 3)

Attorney Kolins reported that discussions had taken place during the luncheon recess with residents living in the Via Vizcaya neighborhood and the following issues had been explored:

He noted that, after reviewing the survey of #14 Via Vizcaya (McHugh residence) it was now agreed that the south side of that home had 3' less of a setback than what was being proposed at 11 Via Vizcaya.

Attorney Kolins reported that at the end of the discussion, the residents chose to remain with their positions of opposition to the variance.

Attorney Kolins advised that his client had agreed to go further in reducing square footage, by reducing the pergolas on the site plan by approximately 147 additional square feet. He advised that he would work with Town staff to attempt to move some of the air conditioning equipment and pool equipment.

Attorney Kolins maintained that the house in question was compatible with the neighborhood and had been designed to have the least possible impact on the neighboring property owners.

Ms. Maude Donnelley, and Mr. Barney Donnelley, addressed the Town Council, stating that they continued to be opposed to any structure being built that was not within the present Code. Mr. Donnelly stated that he had always been concerned that there were three homes being contemplated, and the size of the three homes really changed the concept of the neighborhood. He stated that the square footage being contemplated was out of proportion to the neighborhood – all of the homes existing consisted of 44,000 sq. ft., and the three proposed homes represented 27,000 sq. ft.

In response to President Wyett, Attorney Kolins explained that the house could not be moved back, and moving it forward would create further complications. The siting and design of the house was as sensitive to all neighbors and circumstances as it could possibly be; anything else that could be done would make the situation worse, rather than better.

Mr. Don Malesky addressed the Town Council, stating that the plan was to build this

home, along with lot #10. Lot #11 would not be built for some time. With respect to moving the house forward, he stated that he had no problem, providing that the proper variances could be attained.

Zoning Administrator Paul Castro stated that the lot was a very unusual lot, and there was some hardship relative to the 35' setback around three sides of the lot; there was also a building height plane requirement from the west side. The lot had a hardship in that it was a very constrained lot as it related to the setbacks; in making it meet the Code requirements, the architecture was compromised.

Attorney Guy Rabideau, on behalf of Paul OKean, 4 Via Vizcaya, addressed the Town Council, stating that when a person purchases a property they must abide by whatever was more restrictive – the private covenants that may be on the property, or the public zoning which affects the property. In this case, the plat for the lot had setback lines exceeding the side setback lines that the variance was seeking. The plat required a 25' sideyard setback for the property; it also requires a 40' setback from the front, and since the applicant must abide by the more restrictive of the two items, the Town Council could not find that the zoning had created a hardship for the applicant.

Town Attorney Randolph advised that if an applicant could prove that all criteria set forth in the Code was met, the applicant could prevail in front of the Town Council. He stated that it was difficult to mix the Town Council duties with the duties of those who had the obligation to enforce restrictive covenants. He cautioned the Town Council to simply use its own criteria in reviewing the matter and making a determination.

Attorney Rabideau respectfully disagreed, stating that he did not believe that there could be a hardship on the zoning issue, because there were private restrictions on the plat.

Zoning Administrator Paul Castro advised that it had always been the position of the Town that the Town Code superceded the platted lines, because there were many instances in the Town where the setbacks were much less than the current restrictions. He stated that it was not a private convenant; it was a platted lot, and there were platted restrictions.

Town Attorney Randolph advised that the Town Council should be bound by the Town Code, and should not get into the enforcement of any deed or plat restrictions.

Attorney David Wayner, on behalf of David and Colleen Kosoy, 235 Via Vizcaya, addressed the Town Council, stating that they would be prejudiced by moving the house forward as suggested. He stated that he understood the dilemma, however, the view of the

Kosoys was that the house was very massive, considering the size of the lot, and any move forward would make things even worse.

Mrs. McHugh requested that the applicant consider moving the house to the west 5', as it was awfully close to her house.

Mrs. Donnelley stated that she did not understand why the square footage of the site plan could not be reduced.

Councilman Goldblum moved approval of Site Plan Review #7-2003, with the house moved 5' forward, with the hardship being the shape of the three-sided lot, to include the two inch water retention, and the curb cuts satisfying the concerns of the Public Works Department.

Attorney Kolins requested that the house be moved forward a minimum of 4 ½' to 5', so that the applicant had a few inches to work with, if necessary.

Councilman Goldblum accepted the modification that the house would be moved forward 4 ½' to 5'. The motion was seconded by President Pro-Tem McLendon.

Councilman McDonald requested more information on the hardship, since the applicant could build an 8,000 sq. ft. house without a variance.

Attorney Kolins replied that if one took that line of thought there would never be a hardship, because there could always be something built on a property without a variance. He explained that the applicant was compelled to respect street side yard setbacks on three sides, and that was a hardship.

Councilman Brooks noted that there was uniformity in the desire of the neighbors to reduce the size of the proposed house.

Attorney Kolins responded that he had tried to show that the square footage, lot coverage, and lot footprint were well in line with the neighborhood; the height of the house was considerably lower than it could be.

The landscape designer addressed the landscaping plan, and explained it in detail to the Town Council.

On roll call the motion made by Councilman Goldblum failed 2/3, with

Councilman Goldblum and President Pro-Tem McLendon casting affirmative votes; President Wyett, Councilmen Brooks and McDonald casting dissenting votes.

Attorney Kolins requested that a member of the prevailing side move reconsideration, so that he could request a deferral.

Town Attorney Randolph advised that a motion to reconsider was not necessary if the Town Council chose to defer.

Councilman McDonald moved deferral of Site Plan Review #7-2003 to the March 9, 2004, Town Council Meeting, in order that the applicant could re-study the request to reduce the size of the house. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

****

The Regular Town Council Meeting of February 10, 2004, was adjourned for the luncheon recess at 12:35 p.m.

The Regular Town Council Meeting of February 10, 2004, was reconvened after the meeting of the Local Planning Agency at 2:46 p.m. on February 10, 2004

****

b. SPECIAL EXCEPTION #22-2003 WITH SITE PLAN REVIEW The application of Palm Beach County Bank relative to property described as Lots 46 through 55 inclusive,

Mr. Irwin Gusman, Vice President, Everglades Plaza Condominium, stated that there was a concern regarding the parking spaces on the street, as the residents of the condominium would not be able to get in and out. He provided photographs of the trucks parked along Chilean.

Mr. Moore explained that the loading zone was proposed to be on the west side along County Road.

Mr. Gusman continued that the garbage was a concern – the noise from the garbage and the bottles was a problem; often the garbage was overflowing, bottles were broken on the floor, etc. There were not enough bins, and a very unsanitary situation was being created. He suggested that the restaurant should determine what it could do to efficiently dispose of the garbage. He suggested that there may be enough space in the underground garage to eliminate the parking problem.

Mr. Moore advised that it had been agreed that all bottles would be stored in the restaurant and dispose of them in the morning, just as was done at the Trevini's in the Esplanade.

Councilman McDonald moved approval of Site Plan No. 4-2004, with all of the conditions that had been worked out with staff and the applicant and the two condominiums (on Chilean and Peruvian) involved. The motion was seconded by Councilman Brooks. On roll call the motion carried unanimously.

c. SITE PLAN REVIEW #7-2003 WITH VARIANCES The application of 11 Via Vizcaya, LLC relative to property described as Lot 13, Via Vizcaya; commonly known as 13 Via Vizcaya; located in the R-A Zoning District. Site plan approval to construct a single family house on a platted, non-conforming lot with an existing lot area of 15,987 square feet in lieu of the 20,000 square foot minimum required, and with a lot depth of 130.8 feet in lieu of the 150 feet minimum required in the R-A Zoning District; variance request for a street side setback of 15 feet on the south side of the property in lieu of the 35 feet minimum required; and, request for a building height plan variance with a setback of 39.2 feet in lieu of the 47 feet minimum required. *Deferred from the December 9, 2003, and January 13, 2004, and February 10, 2004,*

Town Council Meetings.

Ex-parte communication was declared by Councilman Goldblum with Attorney Ron Kolins; by President Pro-Tem McLendon via a meeting with Attorney Kolins.

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, stating that the applicant had now come before the Town Council three times in order to secure site plan approval for a home on lot 13 Via Vizcaya. The applicant had been asked to reconsider the issues regarding the objections of one or more neighbors as to the need for any setback whatsoever. He presented plan #3, which would not require any variances, and would satisfy all Code requirements. He requested that the record made at the previous hearings on this subject before the Town Council be incorporated into the record of his hearing. He submitted a two page document entitled Vicinity Plan, which indicated the location of house #3 on the lot, as well as in relationship to all of Via Vizcaya, to Vita Serena, to the 200 sq. ft. of reference as called for in the Code, as well as a great deal of information about each one of the houses in terms of lot size, square footage, etc. He noted that he had met with neighboring property owners and shown them each plan that had been considered to date.

Architect Robert Janssen displayed the new site plan, with the major difference being that the entrance to the building was now on the north side of the property. He presented the landscape design.

Zoning Administrator Paul Castro commented that the applicant had eliminated the requirement for the variance related to the front setback and the building height plane. The new plan was sensitive to the street, as it related to the setbacks. The swimming pool was located at the west side of the house, with a wall in front of it, and a hedge. The only other issue of concern to staff was related to the driveways meeting the site visibility requirements that the Public Works Department would require.

Mrs. Lillian McHugh, 14 Via Vizcaya, addressed the Town Council, stating that out of the three different plans proposed, the third one was more acceptable than the other, however, the architect could do better. She objected to the height of the house at 29 feet, as her house was one story and consequently much smaller.

Attorney Kolins pointed out that the house was 5 ½ feet lower than allowed by Code, and only one-third of the entire back area of the house, as it backed up to Mrs. McHugh's house, was two-story, the other two-thirds was one story.

Town Attorney Randolph pointed out that even though there were no variances, there

were still criteria under the Code that were required to be met in order to pass site plan review. When a motion was made there was a requirement that the Town Council should make a finding that any approval of a site plan will or will not adversely affect the public interest, and certify that the standards had been met (Items 1-11).

Attorney Kolins advised that the application addressed each criteria, and that Ms. Anna Catrell, land planner and zoning expert, was present to discuss the issue of the compatibility of the house with the houses in the surrounding neighborhood. Mr. Rick Gonzalez, an expert in architecture design, was also present to provide an analysis of the compatibility of this architectural style with the houses in the surrounding neighborhood.

Mrs. Monnie Donnelley addressed the Town Council, stating that she continued to be concerned about the mass and the compatibility within the neighborhood. She also was concerned with the traffic in the circle in the neighborhood. She stated that she would prefer a one story house with less square footage and less mass.

President Wyett commented that the second house plan was a better looking house.

Mrs. Donnelley responded that the rest of the group of neighbors, including their attorneys, were not present, because there were no variances requested.

Attorney Kolins compared house #2 with house #3, exhibiting the renderings of the two houses. The houses were the same height.

Mrs. McHugh commented that she had assumed that because the applicant was not requesting variances that there would be no objection by the Town Council. She stated that she would prefer it further away from her.

Councilman McDonald commented that it seemed that the neighbors had gotten wrapped up in the variance process and didn't seem to care what the house looked like at the end. He suggested that they might want to re-think the issue.

Attorney Kolins responded that he had tried to show the pros and cons of each design to the three neighbors that had been at the meeting.

Town Attorney Randolph clarified that once the site plan review was passed by the Town Council, the role of the Architectural Commission (ARCOM) would be quite limited. It would be only in regard to the architecture.

Mrs. McHugh replied that she understood that; it was the fact that the applicant had met

the Code, and that perhaps the architect could "pretty it up."

Zoning Administrator Paul Castro commented that while the applicant had been asked to look at the design of the house to try to be sensitive to the Zoning Code and the neighbors, both site plans and elevations (#2 and #3) were in front of the Town Council. Nothing had been withdrawn at this time. Plan #3 was designed to meet Code, being as sensitive as possible to the neighbors; plan #2 was more sprawling in terms of the coverage and variances needed, was more sensitive as it related to the property to the east, and provides more architectural detailing and elevation changes.

Attorney Kolins again presented the diagrams for all three houses that had been proposed to date.

Councilman Goldblum moved approval of Site Plan Review #7-2003, PLAN #2, with the hardship being that the shape of the property was three sides on one street, with the finding that the site plan criteria had been met, and the public interest was not adversely affected. The motion was seconded by President Pro-Tem McLendon. On roll call the motion carried 4/1, with Councilman Brooks casting a dissenting vote.

d. SPECIAL EXCEPTION #22-2003 WITH SITE PLAN REVIEW
The application of Palm Beach County Bank relative to property described as Lots 46 through 55 inclusive, Sunrise Avenue Addition No. 2, and Lots 35, 36 and 37, Bungalow Park Addition; commonly known as 165 Bradley Place, 255 Sunrise Avenue, and 285 Sunrise Avenue; located in the C-TS Zoning District. Special exception to allow two bank drive-thru stalls for the existing building on the northwest portion of site; and Site Plan Review for a bank with two new drive-thru stalls, parking reconfiguration and modifications to on-site traffic circulation. *Deferred from the October 14, 2003, November 12, 2003, January 13, 2004, and February 10, 2004, Town Council Meetings.*

Attorney Ron Kolins, on behalf of the applicant, addressed the Town Council, stating that the applicant wanted to resurface and re-mark a parking lot in a small shopping center. In so doing, a number of issues had been raised by staff; the applicant had tried to address each and every one of those issues. He exhibited a graphic illustration of what was being requested. He

COMPARISON

ZONING ITEMS	REQUIRED	10 VIA VIZCAYA	11 VIA VIZCAYA	13 VIA VIZCAYA	235 VIA VIZCAYA
Zoning District	RA	RA (As Built)	RA (As Built)	RA (As Built)	RA (Proposed)
Lot Area	20,000 SF	28,197.26	20,590.15	21,397.24	15,344*
Lot Area within 15' ROW	**	464.44	868.67	5,410.61	456
Lot Area for Calculations		27,732.82	19,721.48	15,986.63	14,888
Total Landscape	45% minimum	51.50%	45.30%	48.90%	50.37%
Total Footprint	25% maximum	22.94%	25%	24.20%	24.18%
Lot Width	125' minimum	108.02'***	109.5'***	183.11'	47.25' *
Lot Depth	150' minimum	261.57'	184'	130.80'	97.58' *
Front Yard Setback	35' minimum	125'	39.8'	35'	47'
Side Yard Setback	15' minimum	15'	15'	****	15' N 17.5' S 23.5 E
Rear Yard Setback	15' minimum	27'	31.4'	15'	15'
Angle of Vision	100° maximum	100	<100	120 required (120 provided)	<100
Building Height Plane	2' Setback/1' Building Height	N/A	<2'/1'	2'/1'	2'/1'
Maximum Building Height	25'/2 Stories	23.75'/2 Stories	25'/2 Stories	22.5'/2 Stories	22.5'/2 Stories
Maximum Overall Height	35'	30.17'	32'	29.25'	29'

* SUBJECT TO PENDING SITE PLAN REVIEW APPLICATION.

**AS REQUIRED BY CODE SECTION 134-1636(2) SEE ATTACHED.

***SPECIAL EXCEPTION APPROVAL RECEIVED FROM TOWN COUNCIL FOR INSUFFICIENT LOT WIDTH (11/12/03). MINUTES ATTACHED.

****BY DEFINITION THIS PARCEL HAS NO SIDE YARD, BUT HAS THREE (3) FRONT YARD SETBACKS.

EXHIBIT C

EXHIBIT D

VIA VIZCAYA (2005)

235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

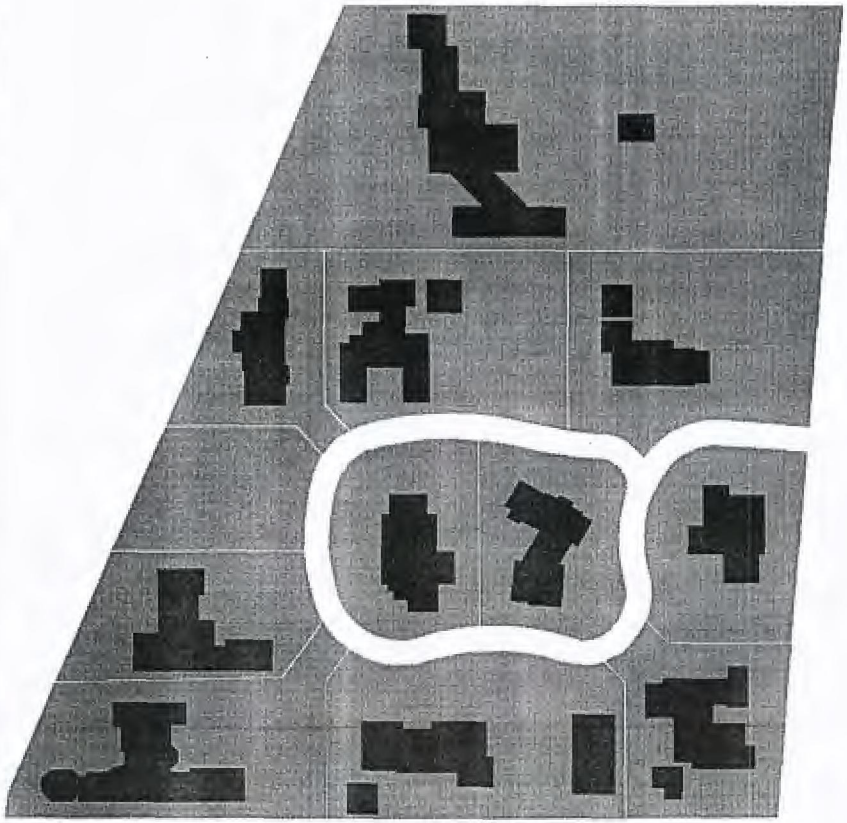
SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017 DAC

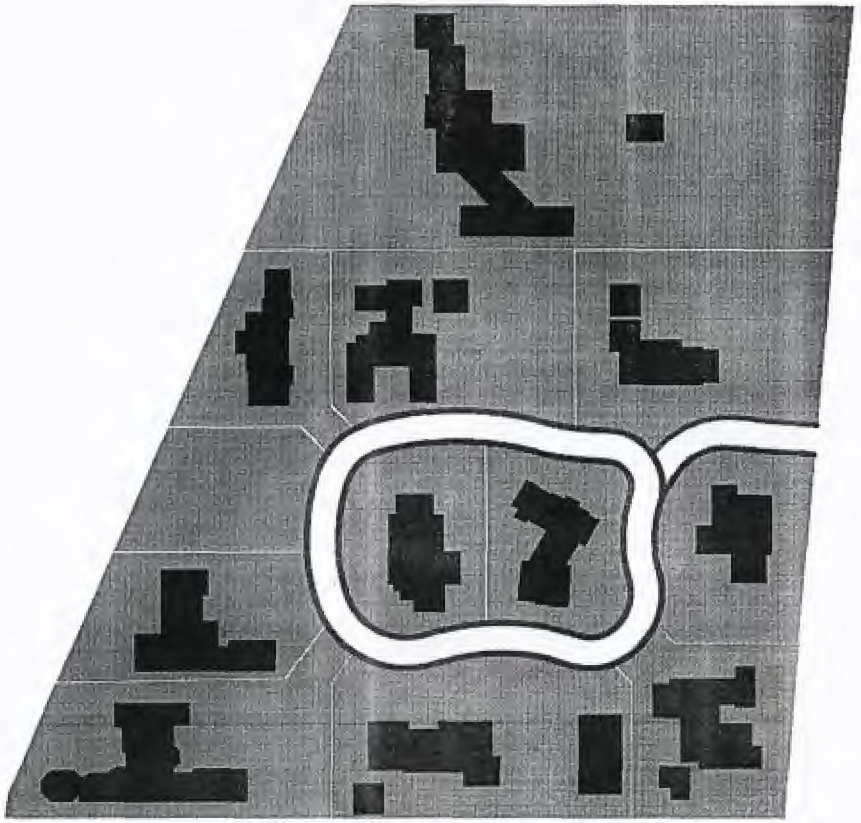
THE 11 VIA VIZCAYA LOTS - NUMBERED

235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017 DAC





VIA VIZCAYA - LOT COVERAGE - RIGHT OF WAY EASEMENT
(10' FOR ROAD + ADDITIONAL 5' = 15' DISCOUNTED FROM SITE PERIMETER ALONG VIA VIZCAYA)

235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017

DAC

EXHIBIT E

235

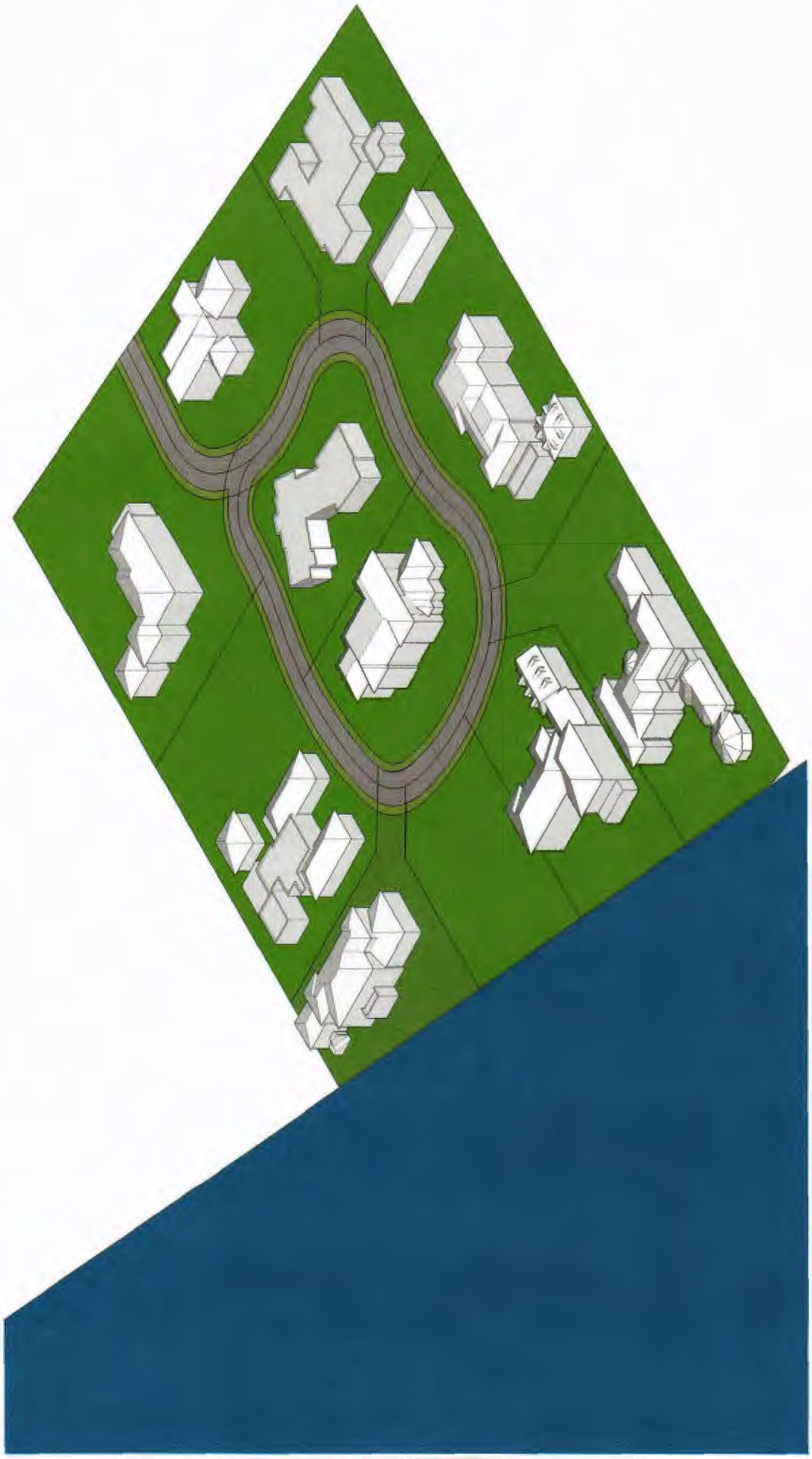
671

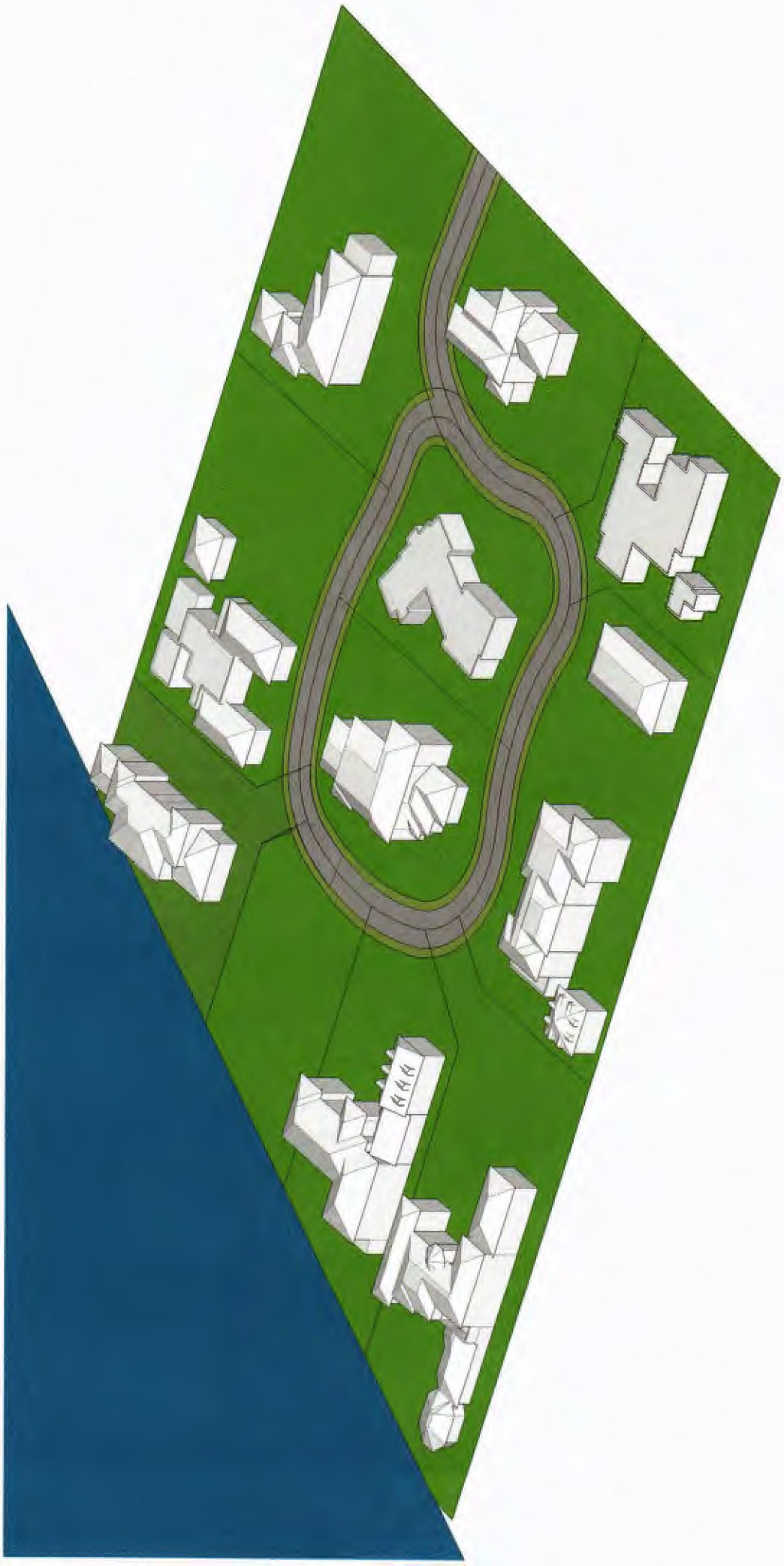
EXHIBIT F

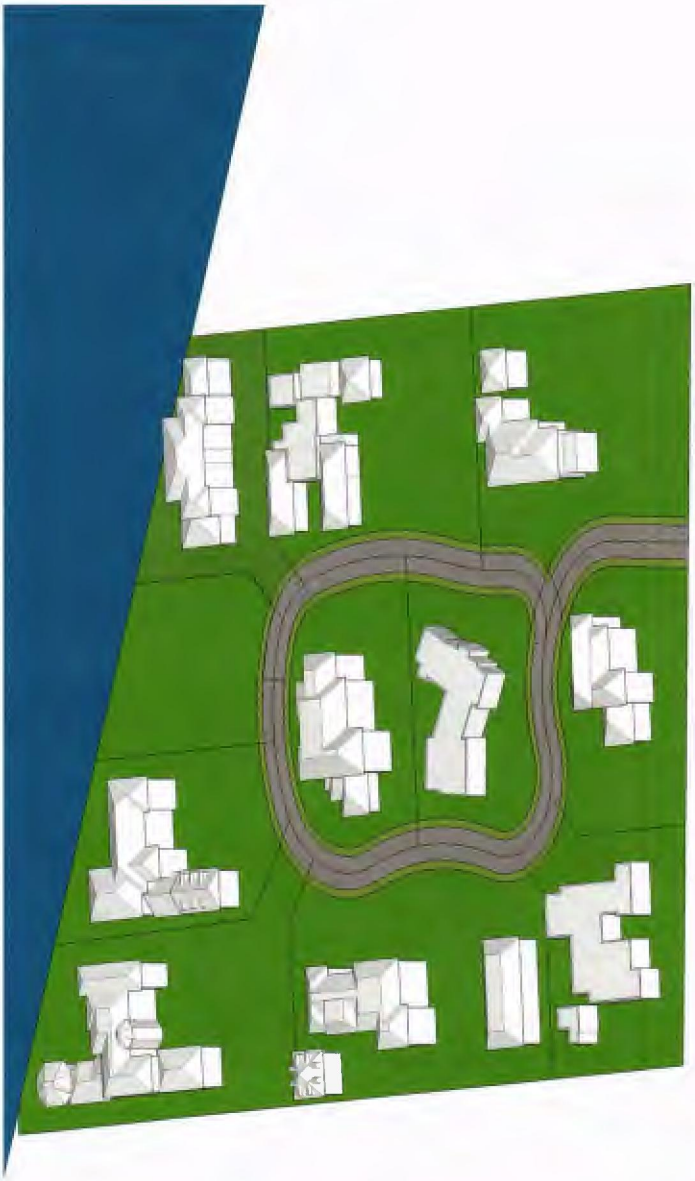
671 ISLAND DRIVE / 235 VIA VIZCAYA
COMPARISON

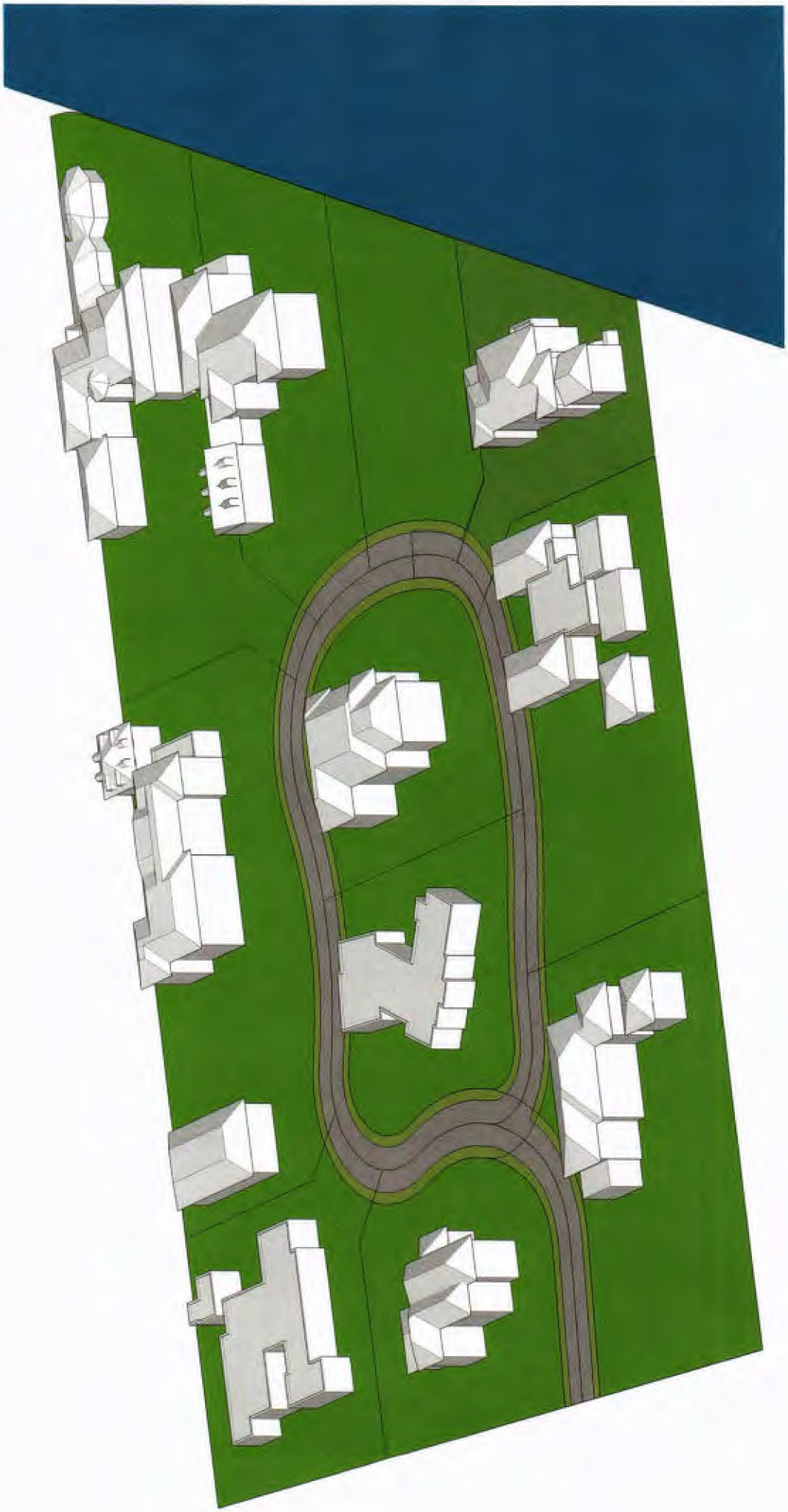
ZONING ITEMS	REQUIRED	671 ISLAND DRIVE	REQUIRED	235 VIA VIZCAYA
Zoning District	RB	RB (Approved)	RA	RA (Proposed)
Lot Area	10,000	16,000	20,000 SF	15,344
Total Landscape	45% min	46.0%	50% min	50.37%
Total Footprint		29.9%	25% max	24.18%
Front Yard Setback	30' min	50.16'	35' min	47'
Side Yard Setback	12.5' min	12.6'	15' min	15' N 17.5' S 23.5 E
Rear Yard Setback	10' min	23.67'	15' min	15'
Angle of Vision	100°	100°	100° max	<100
Maximum Building Height	22'/2 Stories	20.5'/2 Stories	25'/2 Stories	22.5'/2 Stories
Maximum Overall Height	30'	27.5'	35'	29'

EXHIBIT G









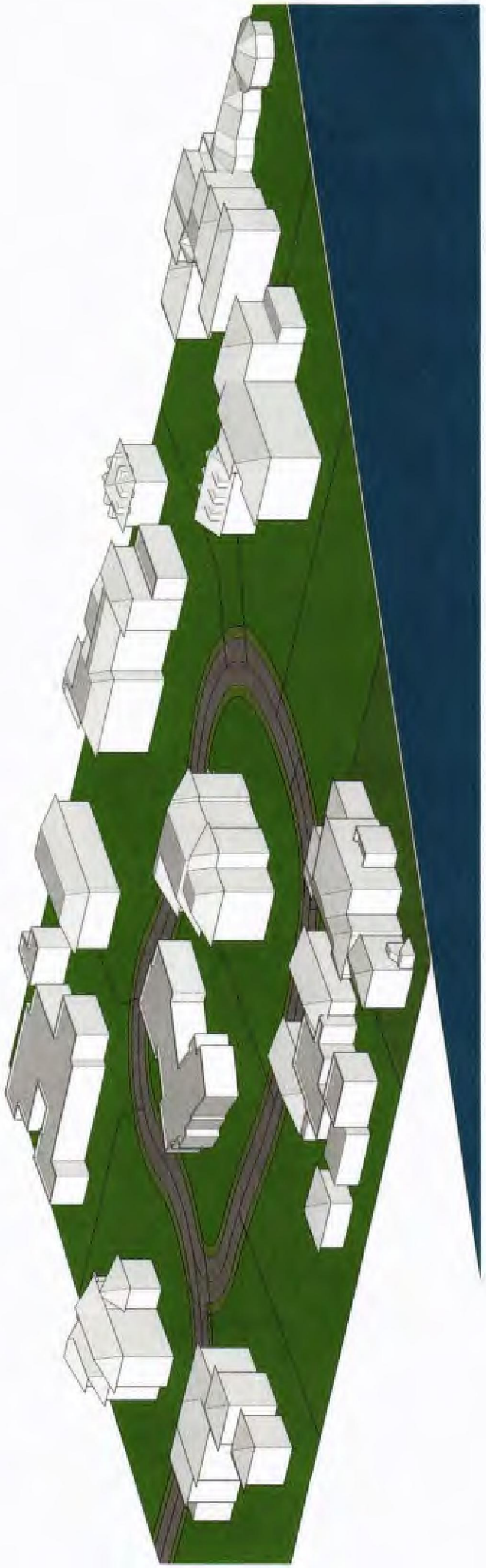
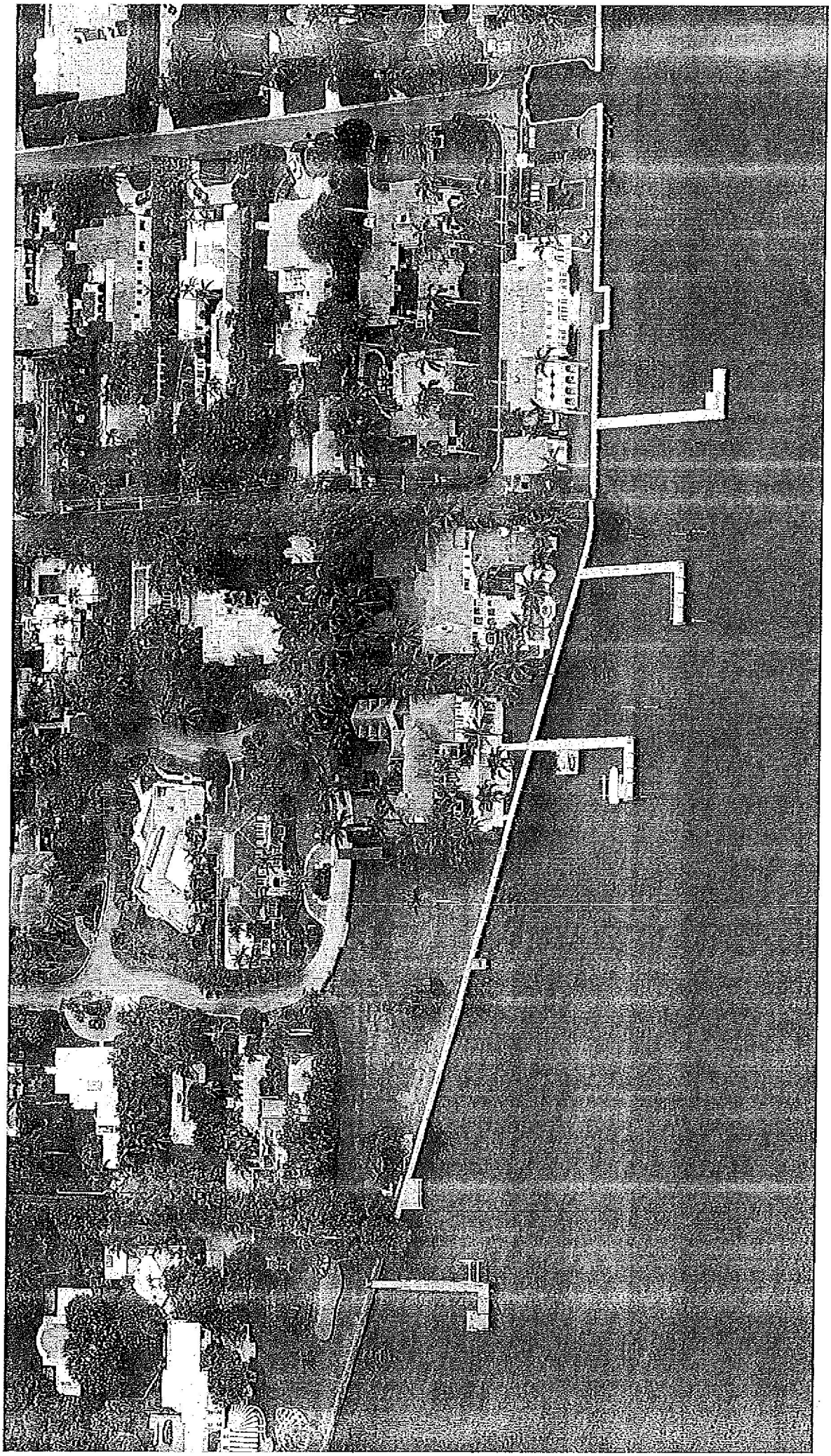
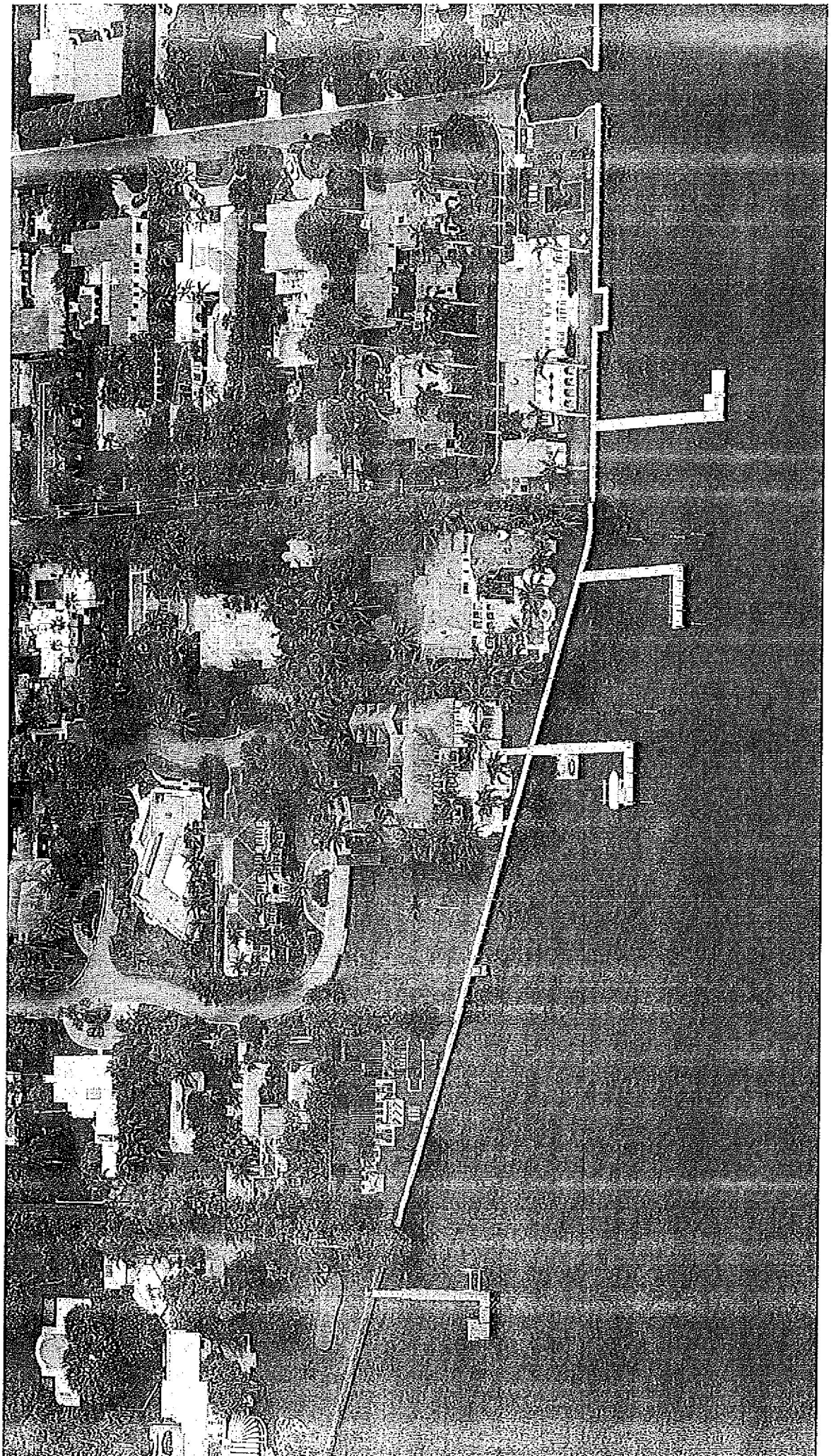


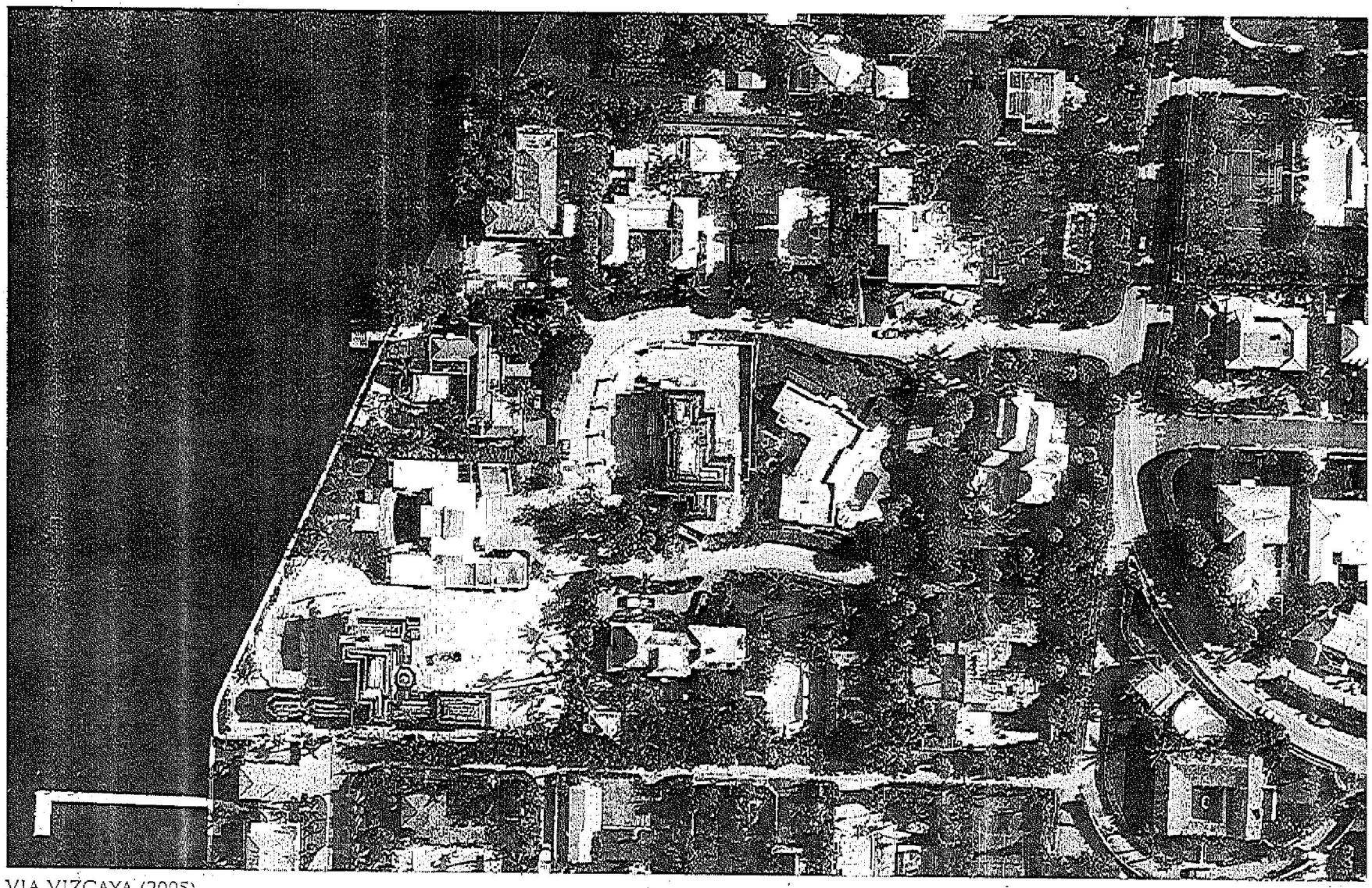
EXHIBIT H

EXHIBIT I

EXHIBIT D







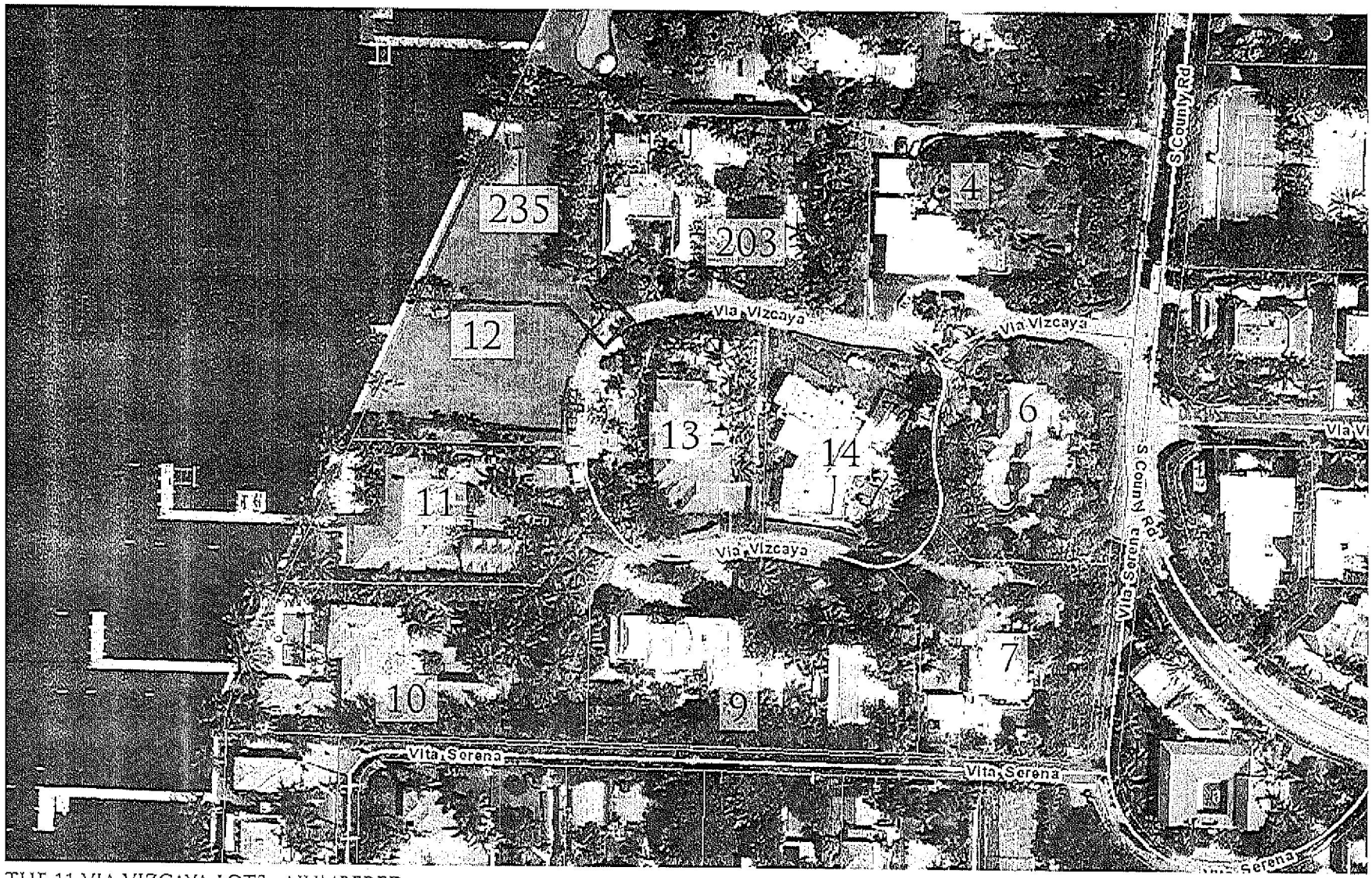
VIA VIZCAYA (2005)

235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017

DAC



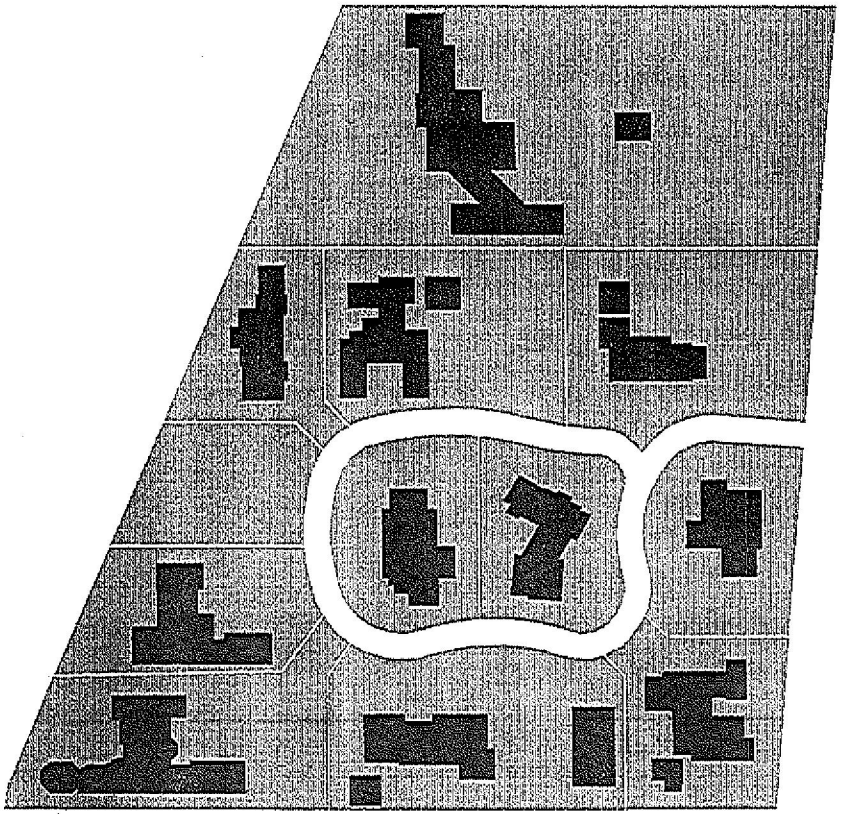
THE 11 VIA VIZCAYA LOTS - NUMBERED

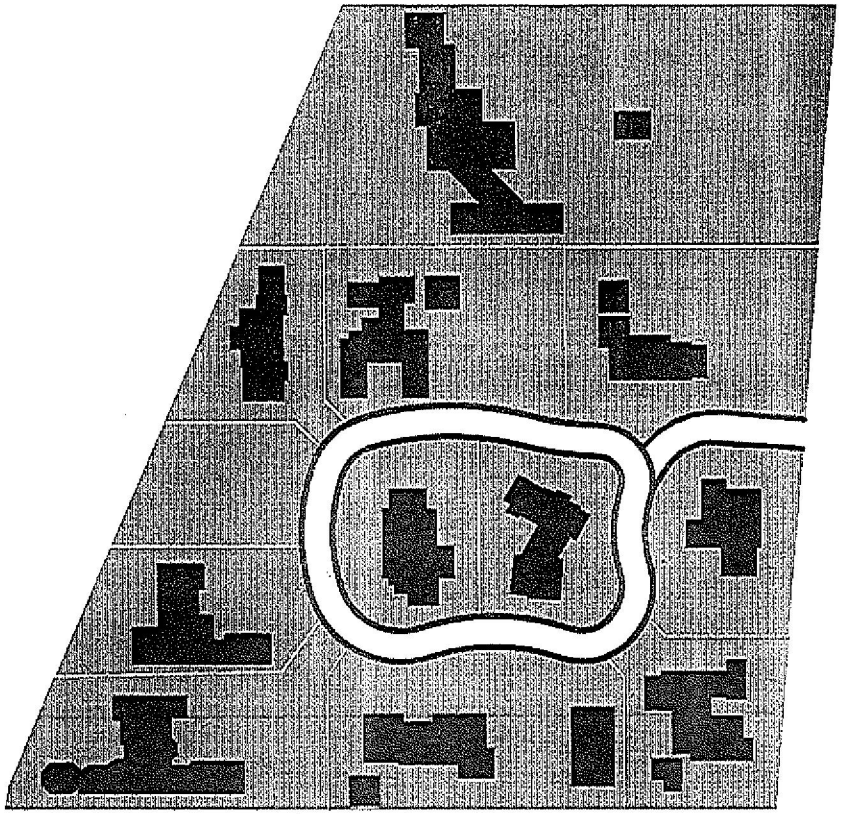
235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017

DAC





VIA VIZCAYA - LOT COVERAGE - RIGHT OF WAY EASEMENT
(10' FOR ROAD + ADDITIONAL 5' = 15' DISCOUNTED FROM SITE PERIMETER ALONG VIA VIZCAYA)

235 VIA VIZCAYA

A STUDY IN LOT COVERAGE AND MASSING

SKA ARCHITECT + PLANNER
B-008-2017 / SITE PLAN REVIEW #1-2017

DAC

EXHIBIT E

235

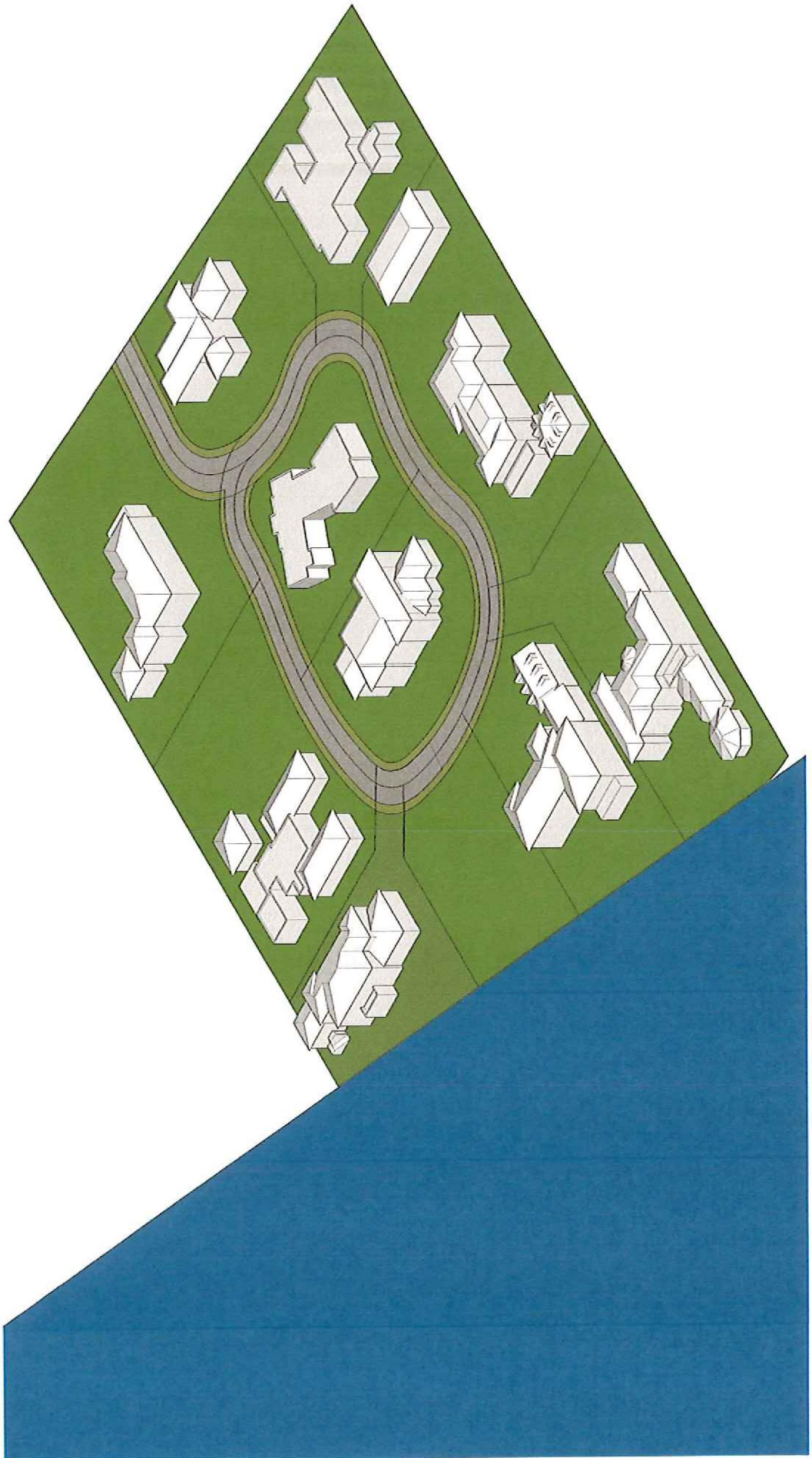
671

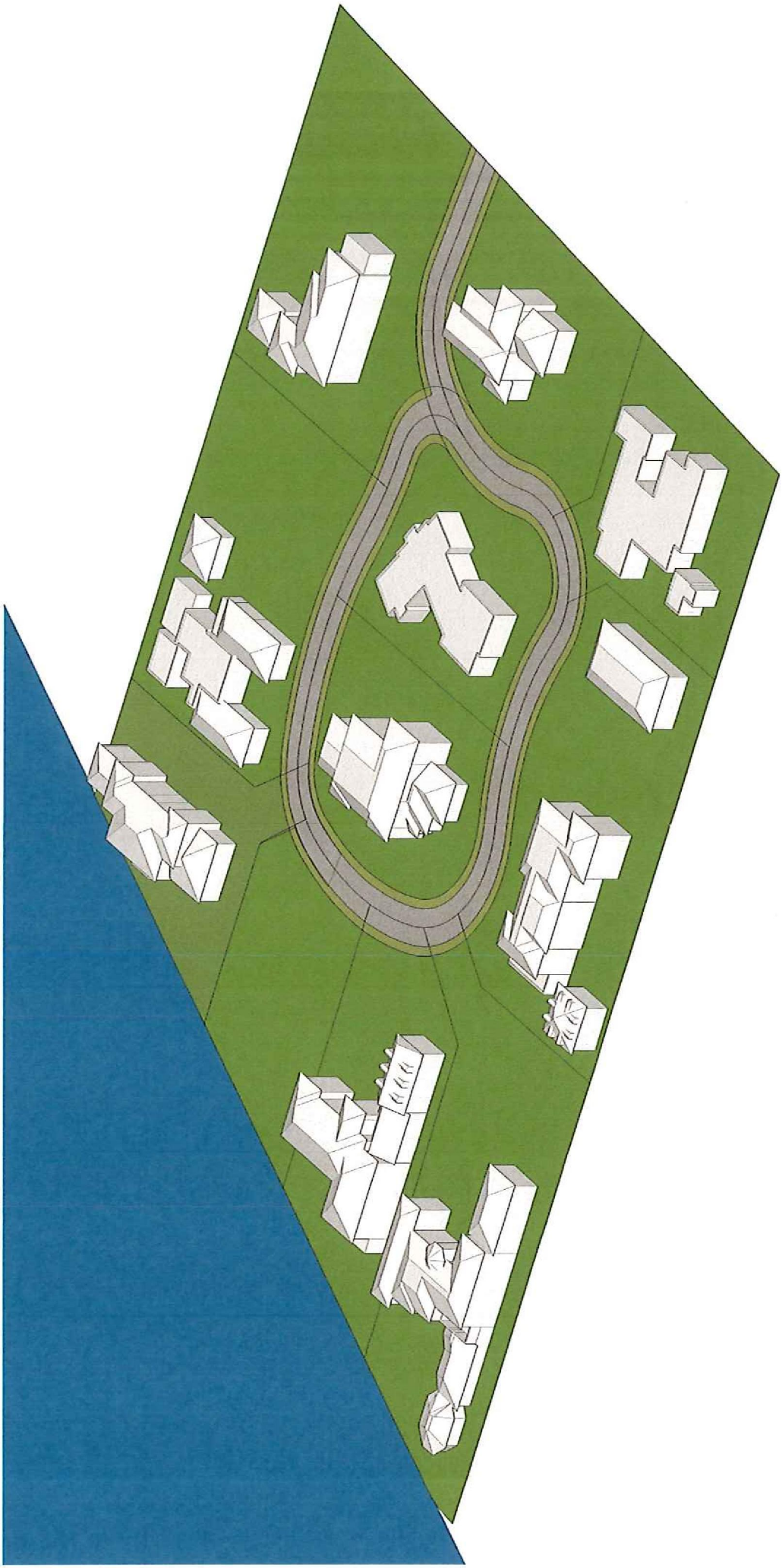
EXHIBIT F

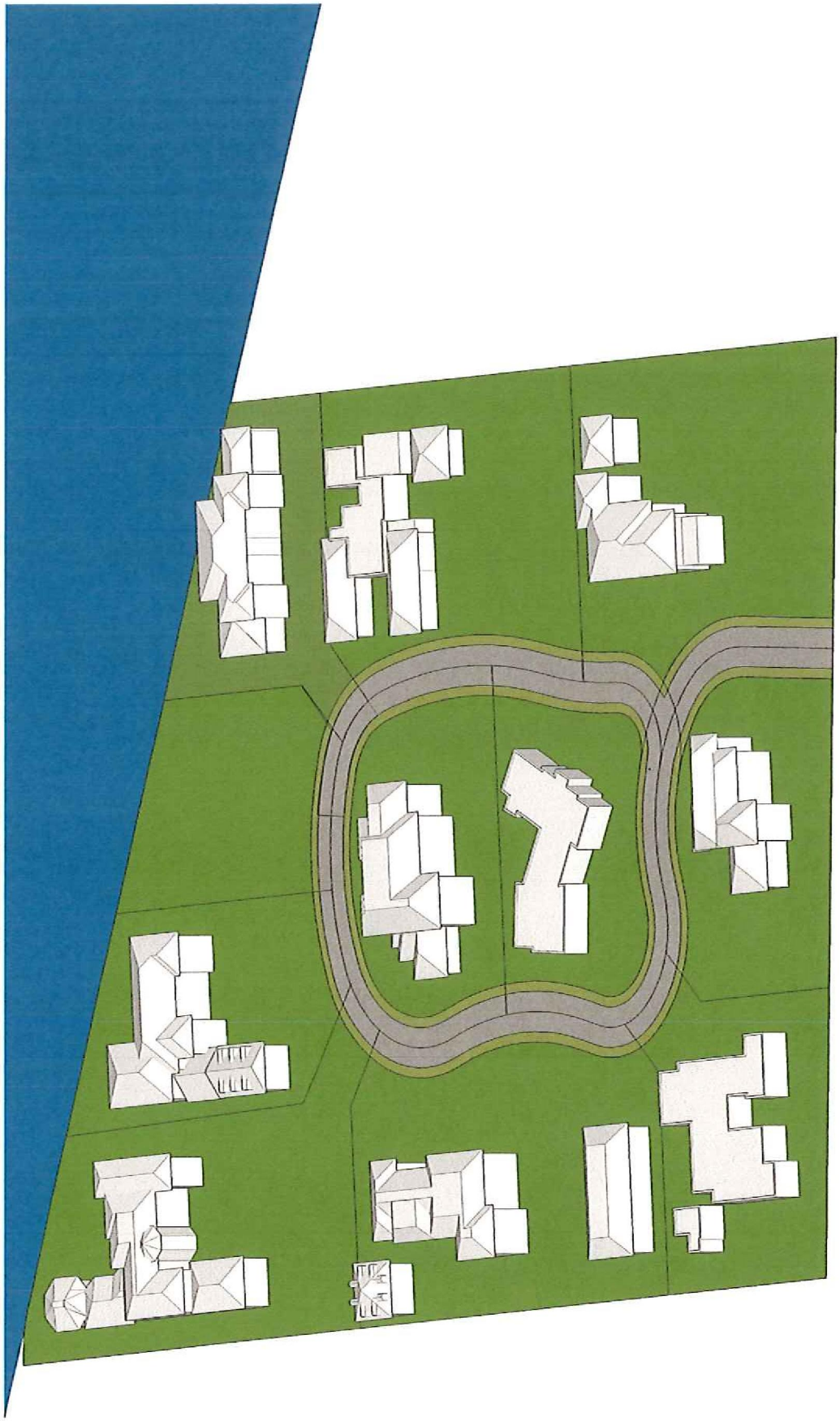
671 ISLAND DRIVE / 235 VIA VIZCAYA
COMPARISON

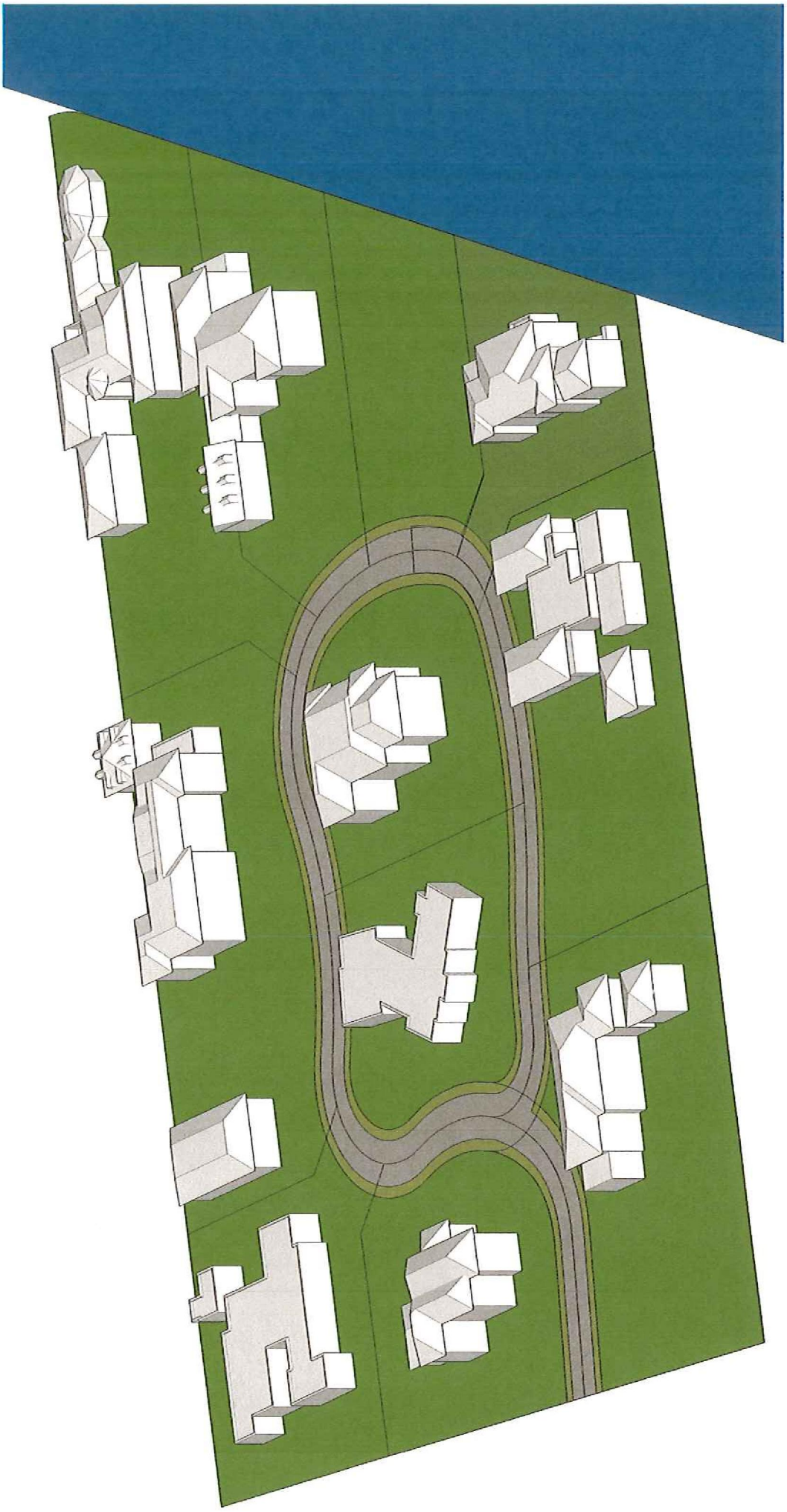
ZONING ITEMS	REQUIRED	671 ISLAND DRIVE	REQUIRED	235 VIA VIZCAYA
Zoning District	RB	RB (Approved)	RA	RA (Proposed)
Lot Area	10,000	16,000	20,000 SF	15,344
Total Landscape	45% min	46.0%	50% min	50.37%
Total Footprint		29.9%	25% max	24.18%
Front Yard Setback	30' min	50.16'	35' min	47'
Side Yard Setback	12.5' min	12.6'	15' min	15' N 17.5' S 23.5 E
Rear Yard Setback	10' min	23.67'	15' min	15'
Angle of Vision	100°	100°	100° max	<100
Maximum Building Height	22'/2 Stories	20.5'/2 Stories	25'/2 Stories	22.5'/2 Stories
Maximum Overall Height	30'	27.5'	35'	29'

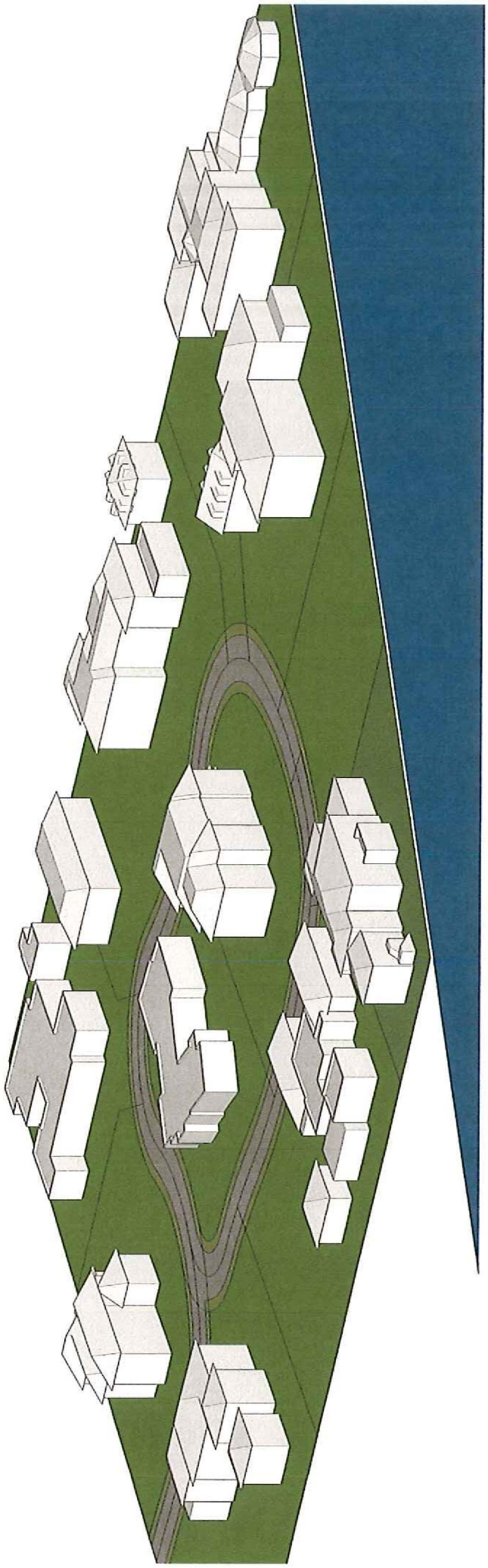
EXHIBIT G











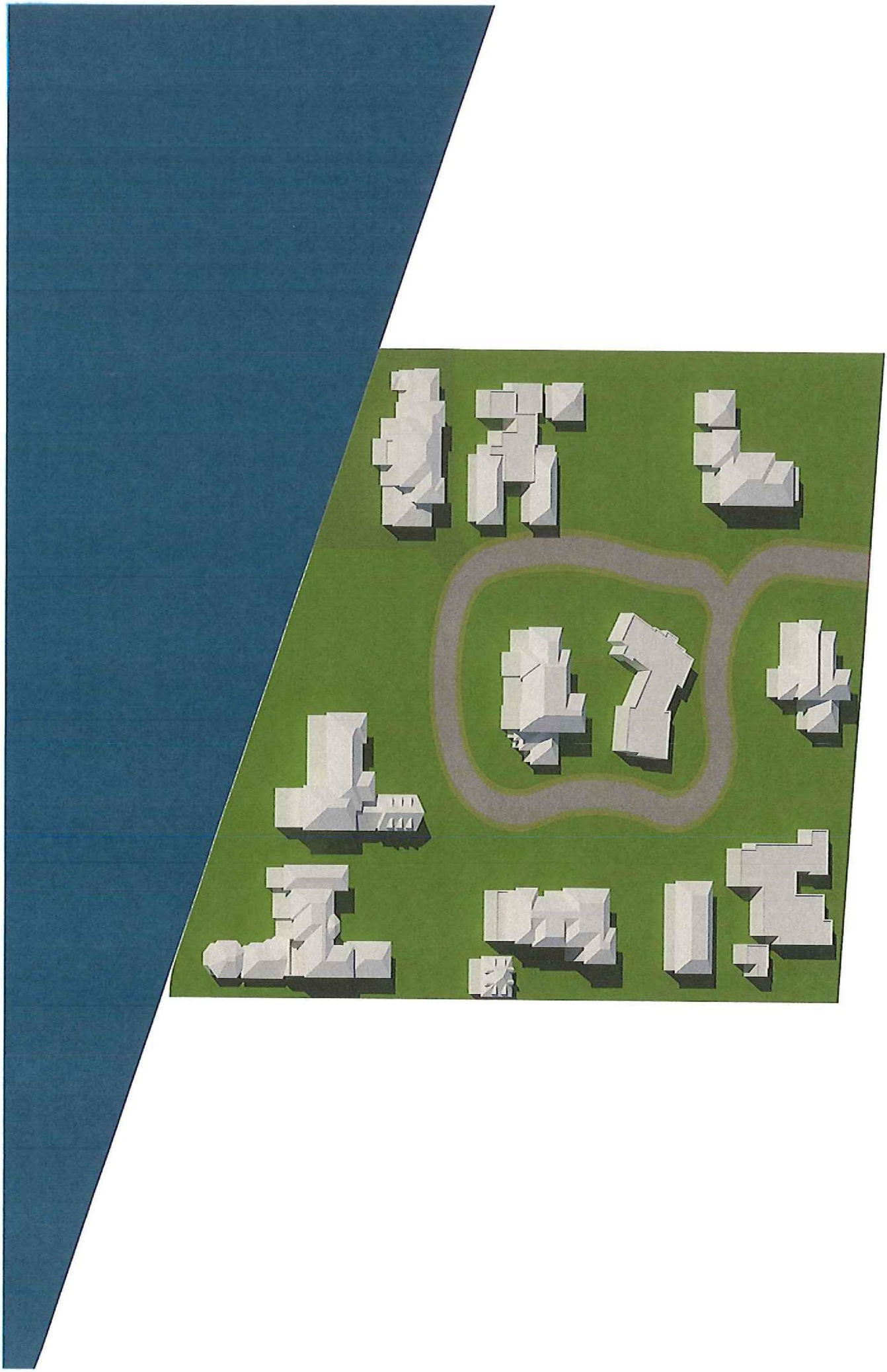
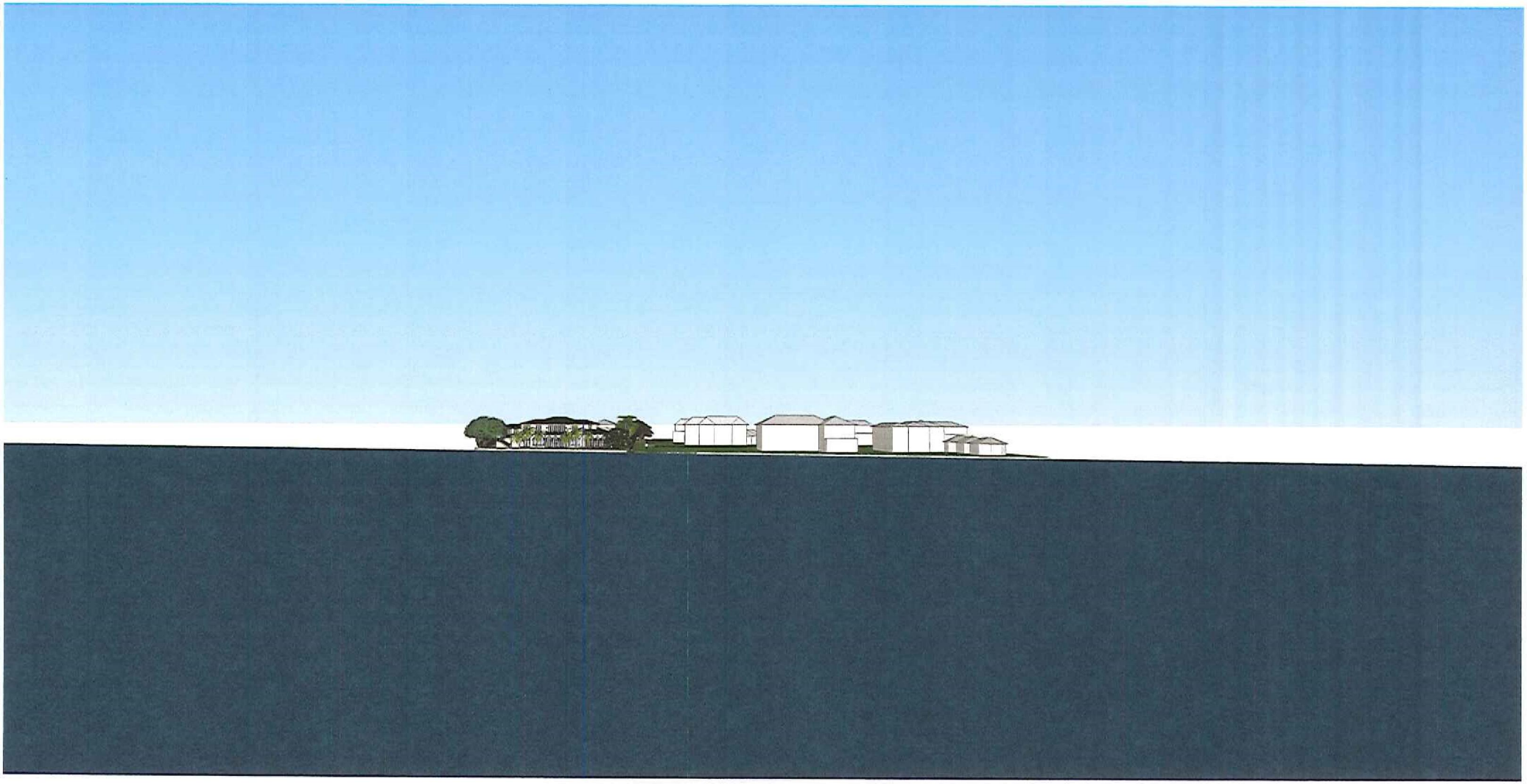
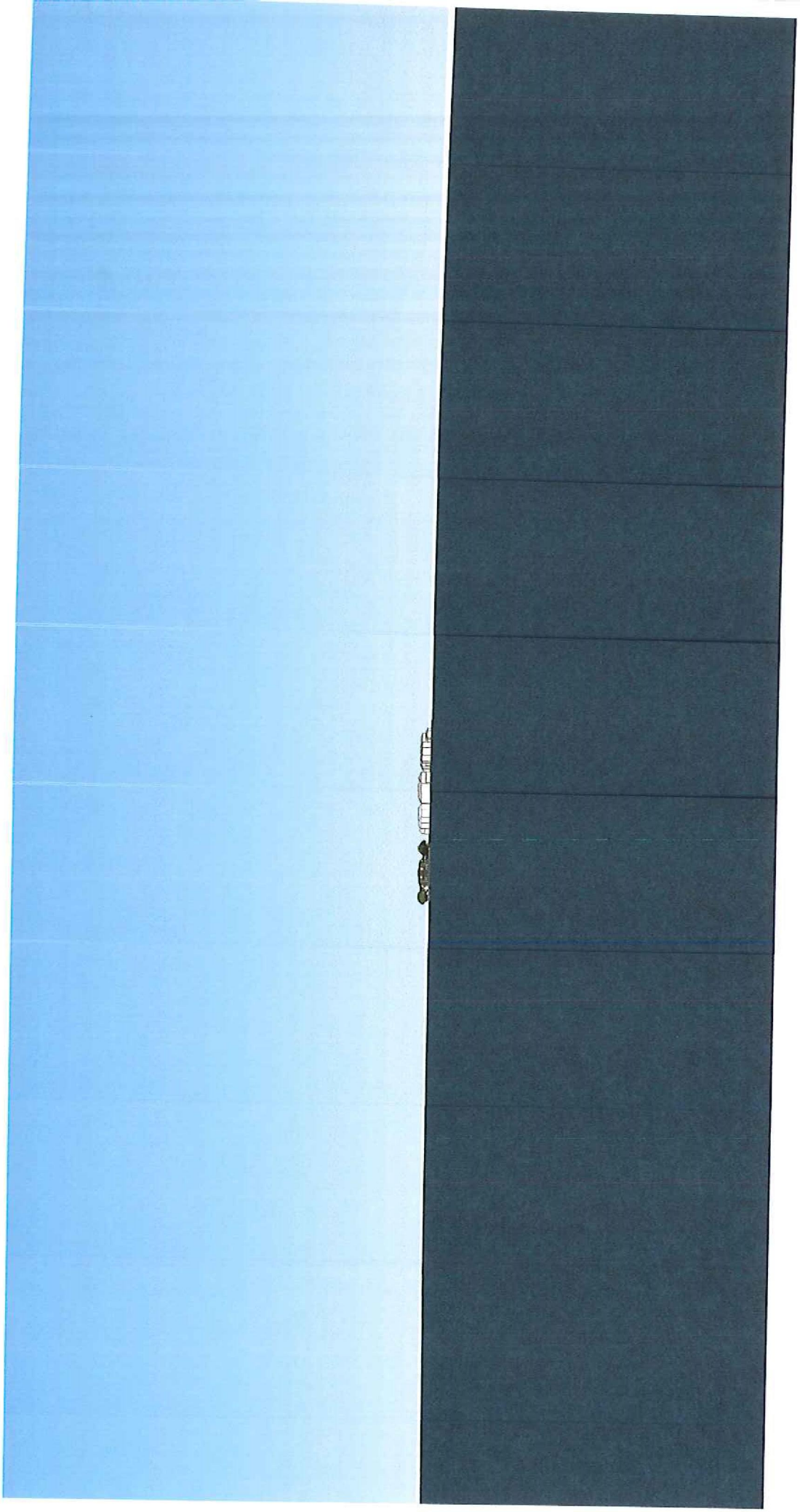


EXHIBIT H

EXHIBIT I





B-008-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO SITE PLAN REVIEW
Address: 235 Via Vizcaya
Applicant: 235 Via V PB, LLC
Architect: Pat Segraves and Daniel Clavijo, SKA Architect + Planner
Landscape Architect: Steve West, Parker-Yanette Design Group, Inc.
Project Description: Mediterranean Revival style two-story home to be 7,444 square feet consisting of four bedrooms, six and one half bathrooms, kitchen, dining room, family room, living room, library, loggias, two-car garage and guest apartment. Final landscape, hardscape and drainage to be included.

SITE PLAN REVIEW INFORMATION: The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required.

A motion carried at the January meeting to defer the project to the February meeting at the request of the architect. A motion carried at the February meeting to defer the project to the April meeting for major restudy. A motion carried at the April meeting to defer the project to the June 28, 2017 meeting for restudy. A motion carried at the June meeting to defer the project to the July 26, 2017 meeting. A motion carried at the July meeting to defer the project to the August 23, 2017 meeting for restudy.

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

Frank Lynch, attorney for the owner, explained the site plan review request in which they are seeking a favorable recommendation to the Town Council. He addressed the mass and lot coverage for the proposed residence.

Mr. Segraves presented the modifications to the proposed plans for the project.

Mr. Sammons asked about the arch design. Mr. Clavijo explained the drawings for the arch.

Mr. Corey thought the designs were good but still had concerns that the house was too large for the lot. He suggested reducing the doors on the west elevation second floor, as well as adding some cast stone detail to tie into the loggia below.

Ms. Grace was in favor of the changes but suggested to restudy the upper doors on the west side. She also suggested a restudy of the windows above the garage on the east side. Ms. Grace expressed her concern about the massing of the home.

Mr. Sammons thought the west side needed more detailing and restudy.

Ms. Shiverick expressed concern about the massing and suggested a smaller home for the lot.

Mr. West presented the modifications for the proposed landscape and hardscape plan. He presented an alternate gate plan on the overhead projector.

Mrs. Vanneck stated she felt the house was too large for the lot and the west elevation needed some restudy.

Motion made by Mrs. Vanneck to defer the project for one month to the September 27, 2017 meeting.

Mr. Lynch responded to Mrs. Vanneck's concerns and advocated for his position.

Mr. Corey clarified his comment made about the estate district.

Ms. Shiverick suggested a design similar to the house to the east of the proposed lot. Mr. Clavijo responded.

Mr. Segraves talked about the house design at 203 Via Vizcaya.

Ms. Grace suggested addressing some of the architectural issues so that the home fits more into the surroundings.

Motion seconded by Ms. Grace.

Ms. Catlin suggested restudying the way the design presents itself so that it appears less massive. Mr. Segraves responded.

Motion carried with all in favor.

Mr. Lynch asked the Commission if they would make a determination relative to the site plan review.

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

Frank Lynch, Attorney for the applicant, stated that an appeal on the Commission's lack of action on the project had been filed to the Town Council. He made an argument on why he believes the proposed home should be approved. He argued precedence for their lot size by comparing the new residence at 671 Island Dr., which was approved at the June ARCOM meeting.

Mr. Lindgren corrected a number that Mr. Lynch presented relating to the landscape open space in the R-A Zoning District.

Mr. Garrison argued that zoning is only part of their decision. He stated the Commission is also charged with good taste and design. Mr. Garrison thought the placement of the home appears as if it is in the back yard of another home. Mr. Lynch responded.

Mr. Lynch showed the Commission a plat from 1930 and argued that they are limited with the orientation of their home.

Daniel Clavijo, Pat Segraves, SKA Architect + Planner, showed a contextual video of the proposed home and talked about the massing and orientation of the proposed home.

Mr. Segraves presented the modifications to the proposed residence.

Mr. West presented the proposed landscape designs. He also submitted an alternate gate design on the overhead.

Mr. Vila asked about the footprint of the home. Mr. Segraves responded.

Mr. Small thought the changes were significant and thought the home would contribute to the charm and beauty to the neighborhood.

Ms. Shiverick disagreed with Mr. Small and suggested a bigger reduction was needed and a possible change in design. Mr. Segraves responded.

Mr. Ives questioned the design features and the style of the home and suggested a possible change in design.

Mrs. Vanneck thought the home has too much heaviness and concrete. She suggested that the location on the water was wrong for the proposed home due to its heaviness.

Motion made by Mr. Vila and seconded by Mr. Small to approve the project as presented with the caveats that the height of the columns in the loggia are reduced by 18" and that pickets on the rear balcony are changed to the Gambar style.

Mr. Catlin stated that the home will always appear as if it is in someone's backyard. She agreed with Messrs. Vila and Small but stated she felt the house still appeared to have too much mass.

Motion failed 2-5 with Messrs. Garrison, Ives, Sammons and Mses. Vanneck and Grace opposed.

Mr. Sammons stated his problem with the house is in the design, scale, the overall proportions and the execution of the details.

A second motion made by Mrs. Vanneck and seconded by Mr. Garrison to deny the project based on Ordinance Section 18-205 a (1). Motion carried 4-3 with Messrs. Ives, Small and Vila opposed.

Mr. Vila stated the design style was vernacular and thought there could be changes made to the design. Mr. Sammons responded. A discussion ensued on this topic. Mrs. Vanneck commented on the decision for denial.

TOWN OF PALM BEACH

ARCHITECTURAL COMMISSION

360 South County Road

Palm Beach, Florida

September 27, 2017

AGENDA ITEM: B-008-2017

Reported by Louanne Rawls

Notary Public, State of Florida

Esquire Deposition Solutions #J0661207

IN ATTENDANCE:

RICHARD SAMMONS, CHAIRMAN
ANN L. VANNECK, VICE CHAIRMAN
ALEXANDER C. IVES, MEMBER
MAISIE GRACE, MEMBER
MICHAEL SMALL, MEMBER
JOHN DAVID COREY, ALTERNATE MEMBER
BETSY SHIVERICK, ALTERNATE MEMBER
KATHERINE CATLIN, ALTERNATE MEMBER
JOHN LINDGREN, PLANNING ADMINISTRATOR
JOHN PAGE, DIRECTOR PLANNING & ZONING

P R O C E E D I N G S

- - -

CHAIRMAN SAMMONS: Okay. B-008-2017 New Construction. ARCOM to make recommendations relative to the site plan review. 235 Via Vizcaya, 235 Via Vizcaya PB, LLC is the -- is the applicant, Architect, Pat Segraves, Landscape Architect is Steve West.

This is a Mediterranean style two-story house to be 7,444 square feet consisting of four bedrooms, six and half bathrooms, two for one, kitchen, dining room, family room, living room, library, loggias, two-car garage, guest. Final landscape and hardscape.

In January the motion was -- a motion was deferred to February. At the February meeting, at the request of the architect, a motion carried at the February meeting to defer the project to April for a major restudy. A motion carried in April deferred the project to June for restudy. The motion carried in June to defer the project to July meeting. The motion carried in the July meeting to defer the project to August and a motion carried in August to defer the project to September for restudy.

Call for ex parte.

COUNCIL MEMBER VILA: I reviewed the latest package sent by email. I did not communicate with the architect on this. And that's it.

COUNCIL MEMBER GARRISON: I received the email and spoke to the architect about, again, the scale of the house and its relationship to the site.

VICE CHAIRMAN VANNECK: I reviewed the mini set.

CHAIRMAN SAMMONS: Reviewed the plans and met with the architect.

COUNCIL MEMBER IVES: No.

COUNCIL MEMBER SMALL: I visited the site, neighboring properties, received the email revisions from the architect and reviewed the mini set.

COUNCIL MEMBER COREY: I reviewed the mini set.

COUNCIL MEMBER SHIVERICK: None since last month.

COUNCIL MEMBER CATLIN: Reviewed the mini set.

CHAIRMAN SAMMONS: Okay.

MR. LYNCH: Good morning. Frank Lynch on behalf of the applicant. With me today are Pat Segraves, Daniel Clavijo and Steve West. We're here to make this application for the fifth time.

In the interest of full disclosure, this matter is the subject of an appeal filed with the Town Council based on what happened or, quite honestly, didn't happen at the last meeting and ARCOM's deferral of this matter.

Again in the interest of full disclosure, the reference to the square footage in the house of 7,444 square feet has been revised since the original application. The square

footage of the house now is 6,534 square feet. So we have a significant reduction in the size of the house.

I've heard your comments today and part of our presentation will relate to what the code requires. This house complies with all of the lot, yard requirements of the code. The setbacks comply. It is smaller in lot coverage than is allowed by code. The setbacks comply with code.

The issue here comes right down to the lot. This is essentially an RB sized lot that is an RA zoned lot and that is significant from our perspective. This lot has 15,344 square feet. The minimum size RA lot is 20,000 square feet. Herein lies the problem.

As part of our presentation -- and what we do as lawyers is we consider precedent. And I think something that's very important from our perspective is a house that was approved not necessarily in the same zoning classification but a similarly situated lot -- and I'm going to put in the record the disk of the application and all of the written matters related to 671 Island Drive.

671 Island Drive is an RB zoned lot. It is 16,000 square feet in area. As I indicated, our lot is 15,344 square feet so there's a difference of about 700 square feet. The only difference between the lot at 671 Island Drive and our lot at 235 Via Vizcaya is, one, 671 is RB zone and, second, that house was approved at your June meeting.

As you can see 671 is on the top and our -- what we propose is the bottom of the attached. We've also done a comparison of the two houses for purposes of your consideration. Now as to that comparison, again you'll see that the properties are similarly sized, you will see that the -- that the square footage of the lot is the same but the size of the improvements that were approved by you on that lot are significantly greater.

As you can see, the color renderings are there, the elevations are there of what faces the intracoastal waterway. There's the chart of square footage of the lots. Again, they're similar. The landscape open space requirement under RB and RA is the same, 45 percent minimum. 671 has a landscape open space of 46 percent while 235 Via Vizcaya has a landscaped open space of 50.37 percent, or approximately 10 percent more of landscaped open space.

Building lot coverage for each of the properties approximates the maximum for their zoning classification. 671 was built to -- with a land -- lot coverage of 29.9 percent, we are seeking 24.18 percent. The footprint of our house is about 3,600 square feet while 671 has a footprint of almost 4,800 square feet or 25 -- excuse me, a third larger than what currently exists.

By the same token, the landscape open -- the landscape square footage of 235 is approximately 7,500 square feet

while 671 has approximately 7,400 square feet, or slightly less. We have slightly less of landscape open space for 671 than we have provided.

Again, to reiterate from last month's meeting, code requires that a buildable lot have 20,000 square feet, we have 15,344. This results from the plat. We entered the plat into the record at the last meeting. This property has been platted since the 1930's.

Code requires that -- a lot width of 125 feet, we've got a 50 foot width at the street. The depth required in the RA zoning district is 150 feet, we have 100. We -- despite these limitations we have designed a house that requires no variances whatsoever to build. The only approval we require from Council is for site plan review.

Also, in late 2003 and 2004 a site plan review was approved for 10, 11 and 13 Via Vizcaya all for the same nonconforming lot limitations. And I'm entering into the record the minutes of those Town Council meetings.

The site plan -- excuse me. Section 134-843 sets forth a number of criteria related not only to lot size but also criteria re -- related to the improvements that includes front, rear, side, building height, overall height, building height plane, angle of vision, landscape open space and building lot coverage. All of these are intended to address maxing. And, again, we complied with all of those.

The applicant has presented a house that's consistent with those of the more recently constructed houses in the neighborhood as to all of the relevant criteria. And last month we also submitted a comparison chart that showed that we had greater landscaped open space than all of those three houses with one exception.

We have a lot coverage that is among the smallest of those three houses. We have a height that is less than those three houses and we have a maximum overall height that, again, is the shortest of all those three houses. So based on the foregoing we are consistent with the massing of the surrounding properties.

As -- again, the code is require -- is intended to deal with massing. We think we've dealt with all of those issues as far as the criteria for site plan is concerned. The applicant is the owner of the property. The intensity of use of the property does not change. Ingress and egress to the property does not change. Off street parking and the required two-car garage exists on site.

The proposed improvements include perimeter landscaping to provide privacy. Drainage complies with the Town Code. Utilities are available to the site and it meets and exists for same on the property.

The pool and the outdoor recreation facilities are located adjacent to the intracoastal waterway and are

consistent with the adjoining properties. And building height and overall height are consistent with the adjoining properties.

From a visibility perspective our house is probably the least visible. We have the smallest front footage on Via Vizcaya. We are a curve in the road so people driving that street, which is a one way street, are going to be negotiating that curve rather than looking at this house and that will be addressed in the architect's presentation.

Again, you were concerned about the size of the house. You addressed -- asked us to address the size of the house. Mr. Ives refers to tweaks in the house. I would suggest to you that a diminution of over 900 square feet in the house is more than a tweak; I would say that's significant. That's more than 12 percent of the size of what was originally proposed to you for this house.

Based on that we would ask that you consider this house and approve it at this meeting. Failing that we would ask for a denial so that we can proceed with our appeal to Town Council.

I will turn this over to Mr. Segraves and Mr. Clavijo to address the architectural aspects. If you have any questions for me, please --

MR. LINDGREN: If I may, Mr. Chair, I just want to correct one thing, one item on the spreadsheet here. The

required landscape open space in the RA district is 50 percent, not 45.

CHAIRMAN SAMMONS: Mr. Garrison, do you have something?

COUNCIL MEMBER GARRISON: Yeah, I would just -- what we just heard is exactly what we've been hearing. This house conforms 1,700 ways to all the zoning, all this, that and something else, except for the last time when the Council advised us that that is not only the criteria that we go by, that we go by the criteria of the compatibility.

The reason the last house was turned down, it conformed to everything, all the zoning, it was because of the compatibility that we believe as a Commission. And I would ask you one question in light of that.

On 671 Island Drive what is the amount of that house that faces the street? Is that house on a lot that has a street the full width of the face of the front of the house?

MR. LYNCH: That is a more regularly sized lot than we --

COUNCIL MEMBER GARRISON: That's not my question.

MR. LYNCH: It's a --

COUNCIL MEMBER GARRISON: Does the front of that house -- does the front of that house have a full width street so that you get the view of the house than -- in other words, from the face, the front of the house, you have the setback, you have the street so that it does not look like it is in

somebody's backyard. Is that true or not true? Does the house face the street that runs the full width of that property on 671? It's a very simple answer, yes or no?

MR. LYNCH: I believe it does, yes.

COUNCIL MEMBER GARRISON: Thank you. So that's the difference, in my opinion, about this lot, that this house is jammed on this lot. It has the appearance of being jammed on the lot.

And that's back to the question that I raised on the last lot when the -- our Council advised us that zoning is only one part of it but ARCOM is an overlay of zoning and that we have the charge to make sure that this house is part of and is proper, not just because it conforms to all these numbers, charts after charts, it is what we feel is compatible.

And as the last house was, the -- one of the things, the plan for the proposed building or structure is not in conformity with good taste and design, that's what we're charged with. So it's our -- when you do this, it's a subjective thing, in our opinion it either does that or it doesn't do that.

CHAIRMAN SAMMONS: That is -- that is one opinion.

COUNCIL MEMBER GARRISON: Right.

CHAIRMAN SAMMONS: You're not speaking for the entire --

COUNCIL MEMBER GARRISON: No, I'm speaking for myself based on the last record -- the last admonishment or the last input that we had from the Council.

MR. LYNCH: I understand. And, Mr. Garrison, please understand, too, that we need to work with what we're given. This lot was platted back in the 1930's.

I'm -- right now I'm showing you a bird's eye view of the Via Vizcaya subdivision. This is what we propose here. I would ask you to look at the other properties in their context, as you have indicated is your intent, and that is -- is our concern, that the context of this house does fit within the neighborhood.

COUNCIL MEMBER GARRISON: But it does not -- that model says everything. That house looks like it's in somebody's backyard between the house and the lake as opposed -- none of those other houses do that.

CHAIRMAN SAMMONS: Okay.

VICE CHAIRMAN VANNECK: Can I ask or make a request for Mr. Segraves, that he only addresses any changes --

CHAIRMAN SAMMONS: Exactly.

VICE CHAIRMAN VANNECK: -- that he's made?

CHAIRMAN SAMMONS: Yes, that's --

MR. LYNCH: I want to address one more thing, too.

MR. SEGRAVES: And I would be -- I do have a couple of other statements that I think are relevant to do with size

because I think that's going to be the whole issue.

We have made changes based on what you all asked and they've been minor because they were fairly minor when it came to you. But at the end of the last meeting it was very clear that it was the massing. Now --

MR. LYNCH: If you will, this is the plat of Via Vizcaya.

VICE CHAIRMAN VANNECK: Can you make sure you're speaking in the microphone?

MR. LYNCH: I'm sorry. I'm sorry. This is the plat of Via Vizcaya recorded back in the 1930's. We are lot one. So you can see that we have a very different lot configuration. We have somewhat of a jerry-rigged, if you will, entrance to the property.

But again, Mr. Garrison, what my -- my point was is it is not necessarily the improvements that create the issue, it is the lot and that irregular configuration of the entry from Via Vizcaya that creates the problem and we've -- we've worked within that.

We can't put our house at a 90 degree angle as was done on 671 because there's just no room to do that. And that's what we have to work with.

CHAIRMAN SAMMONS: Mr. Segraves?

MR. SEGRAVES: Thank you. John, can you switch?

(BACKGROUND DISCUSSION)

MR. SEGRAVES: We've got a slide -- a short video here also.

(BACKGROUND DISCUSSION)

MR. SEGRAVES: If we can maybe get the lights down a little bit too.

VICE CHAIRMAN VANNECK: Kelly, you want to dim the lights?

MR. SEGRAVES: Yeah. I'm going to let Daniel --

MR. CLAVIJO: At the last -- good morning. Daniel Clavijo, SKA Architects and Planner.

At the last meeting there was concern, I think, that a lot of the Commissioners were saying the view from the lake because that's the view that you're going to be seeing the house because, as Mr. Garrison put it out, you have a confined entrance. You don't really see the front of the house. You don't have a full facing street.

So this view is from the lake. From the point of the other side of Flagler Drive when you're on West Palm Beach, that's a distance of 4,000 feet if you measure it on Google Earth. If you're driving -- if you're sailing down on the lake this is about as close as you can get to the houses. A zoomed in view.

This shows in context the street which you have seen. We're not the only house with that concern of having that not full entrance street. The other corner lots have that

same condition.

When you're going down the street it is a one-way street after you pass this circular area so you are never seeing in context, or you're never seeing full on, the direct façade of the house. It's completely screened. Thereby we are taking more into consideration of how you're saying to, you know, address the back. And, definitely, we appreciate those comments. We've tweaked it over these several months hoping that it can be approved.

As you can see, in terms of massing this is what the similar houses are around. It is the RA lot. It is everything that Mr. Lynch has explained to you. And I think it shows in context that we're -- you know, we're following what we're given within the parameters.

This is what you could see at the entrance of the house. We have it heavily landscaped. Our clients prefer their privacy. And, you know, the recommendations that you guys have given us we've tried to put it in towards the architecture while giving the clients what they desire for their family in terms of size of the house, you know, room, space, everything like that.

Again, you can see here in context the houses. We have a funnel entrance to the property as the other ones do. From our property to the ones -- large one-story house that's next to us, we have 30 feet to our property line and then

what that next door house has is at least another 15 feet, again, heavily vegetated, heavily landscaped. And there is, we believe, sufficient space all along.

That's the video. If there's anything that you wanted to see more from that, otherwise Pat is going to address the architectural changes.

MR. SEGRAVES: Thank you. Okay. As you all know I'm going -- we've been doing this for six months or more and, believe me, if I -- I listen. I'm not a person that doesn't sit -- stand up here and listen and understand what everybody is saying. And as architect of the project I looked at a couple of things. One, you know, to start with, the design of the house. Obviously, like Daniel said, it's a funnel entrance, as maybe Bob's also said.

The house is a 5,500 square foot house, five bedrooms, not six anymore, 500 square foot garage. It seems consistent, if you think about it, of a property of about the size. You don't really feel like that you've overbuilt the lot when you talk about that. As an architect we get all kinds of clients coming in wanting twice the size they could possibly build. Why can't we do that? Because of zoning.

This is a photograph here that kind of shows you, too, a little bit. I believe it's in good proportion. I mean, I -- I try to judge this myself. I look at this as if I was sitting up there with you guys.

I'm 55 feet from the -- from the street to the -- to the one-story section of the house which is the first portion here. We -- we made this intentionally one-story here so you see it very low massing coming in to the project.

I looked at -- I talked with the client. I said, you know what? They want to make this house smaller because of -- of the -- what's that one? I'm just going through this stuff.

I suggested that perhaps we take the two-story section of the garage off but then my client said, well, my wife wants that as a guesthouse. And I said, you know what? It doesn't really change the perception of the house from the street if I do that. It changes the numbers, what you guys have been talking about. I don't know if it was -- it's probably very negative to have the other one in front of us, that's what happened, and I look at it and I said, you know what, this house, I've heard the lang -- should go on a diet.

The house is 35 feet wide at the maximum. When you front -- the front portion of it here, the family room when you first come in, is only 22 feet wide. You know, that's pretty narrow for a house. I don't think that it's so skinny. This is basically a linear house along the lake. We felt that -- and there's some photographs of other houses

along the lake that all sit about the same direction.

I took my boat trying to see how close I could get to this house. Daniel is right. A half mile is about as close as you can get to the thing so you really can't see it from the lake unless you're in a canoe or something.

So we listened to you. We've -- we've tweaked the interior. We've, you know, made changes that we probably didn't tell you about on the last couple of ones but, you know, certainly the upstairs has one bedroom less. We made this a one-story section. This was a couple of months ago when we did that.

The last changes have to do with the rear of the house where we took the two-story balcony, covered balcony off here to, again, make it seem like it was -- it cut the massing down and changed the stair on the rear by the gar -- by the garage.

Now we did, from last time, sorry. We lowered -- we lowered the heights of the doors. You know, again, the house is -- is 22 feet to the tie beam. It could be 25 and it would fit in this lot. I mean, it would fit in the setbacks at 25 but we took it down.

The changes from last time, we, again, listened to Richard about the design of the arches, and Daniel will explain all of the proportions of them if you'd like us to, but we did do that. We low -- so we -- the other one is --

but that one -- and then the one below is the -- this place. Same with the side. Slight changes but with basically the details that you asked about. And the rear, same situation. And we lowered the heights of the doors, while I'm here. And right here too.

Okay. So we lowered -- as you can see, we lowered the heights of the doors, again, bringing them more into proportion. The (indiscernible) is out of there. And this is, I think, pretty much -- yeah, we adjusted the cast stone windows around to make them more proportional. These are details.

So that would conclude my presentation. Would you like to see landscaping?

VICE CHAIRMAN VANNECK: Landscaping hasn't changed since the last time.

CHAIRMAN SAMMONS: Hasn't changed, has it?

MR. WEST: Good morning. For the record, Steve West with Parker-Yannette Design Group. The landscape and hardscape has not changed but I did want to make a correction.

The plans that were submitted were a duplicate set of our previous submittal but at the last meeting we had brought a alternate gate design that is not part of that submittal package but I'd like to put this into the record again.

CHAIRMAN SAMMONS: Mr. Vila?

COUNCIL MEMBER VILA: Thank you. The question I had, Patrick, is there's almost a thousand square foot reduction and it's unclear to me where the reduction is. Is the footprint the same?

MR. SEGRAVES: Footprint is smaller from the very beginning. And the upstairs, we've changed. We've made it one and two-story. Especially on the front --

COUNCIL MEMBER VILA: Can you show me the sheets where that's evident?

MR. SEGRAVES: I'm afraid that that started back in January with -- do we --

COUNCIL MEMBER VILA: Yeah. Okay. If you don't have it --

MR. SEGRAVES: We don't have the January --

COUNCIL MEMBER VILA: So is the footprint that we're looking at today the same that we looked at in July?

MR. SEGRAVES: Yes. One second.

VICE CHAIRMAN VANNECK: August.

MR. CLAVIJO: The same one as August.

MR. SEGRAVES: It's the same one as August, not July.

COUNCIL MEMBER VILA: I apologize. I wasn't here in August.

MR. SEGRAVES: Right. Right.

COUNCIL MEMBER VILA: That's why --

MR. SEGRAVES: What we did, basically, is that the footprint of this is the same as it was in the August. We reduced it from July to August.

We also -- in the July presentation I also took the covered balcony off the rear which, in my opinion, reduced the massing of the rear quite a bit. Ms. Vanneck and I had a discussion about that.

We also changed the stairway which goes off -- off the -- to the guest room above -- the guest area above the garage which, again, Mr. Small suggested which I think is good.

But overall, through the -- through the presentation we scooted the house from the -- which would be the east side, we scooted it back probably five to ten feet. We've pushed it. We've narrowed the house width-wise because we -- we didn't want to be right on -- on the lake.

We looked at pushing it for -- even further different places on the site and it just doesn't really -- I think we've kind of got it within a foot or two of where it should be. We're not -- on our north side we've got 17 feet, we could be 15 feet, so we could scoot it that way a little bit to make it further away from the street. But, again, our setbacks are pretty good. These are our two-story setbacks and this is the one-story section so we're way back on our two-story section here. We're probably 65 feet away from the

street.

We've overall added this green to the presentation. Where this used to be a parking space now it's all green here. And the arrival chord is enlarged here and, again, spacing here is further so that we're away from the neighbor.

CHAIRMAN SAMMONS: Mr. Small?

COUNCIL MEMBER SMALL: Yes. Thank you. At least from my perspective you've made significant effort to meet the concerns of the Commission. I think the house exudes charm and beauty and will enhance the beauty of the neighborhood. It's definitely in harmony with the character of the neighborhood.

You're -- you were faced with a very difficult situation because of the size and configuration of the lot and I think that you've done the best that, at least in my mind, you could do under those circumstances. You know, it may not be 100 percent, but I don't think there's anything more that you can realistically do. So I would certainly favor the proposal.

CHAIRMAN SAMMONS: Ms. Shiverick?

COUNCIL MEMBER SHIVERICK: Thank you. Thank you. I have to disagree with Mr. Small. I think there's still something about the house, I don't see a reduction. I don't think it reads right for the lot. I agree with Mr. Garrison. It still

feels like it's someone's backyard.

I think last time we looked we suggested, perhaps, a change in style of this house, a cottage maybe. There's got to be something that fits on this weird lot better than this house. And I still have so many problems with it, the width of it, even though I know you've tried.

So I would recommend that, you know, deny and start all over with something else. I'm sorry for the waste of time. It's been a long --

MR. SEGRAVES: I would like to say one thing about the style. I disagree totally with cottage and fitting into the estate section. There are several houses of Venetian style within the four or five blocks of this house along the lake. So we felt -- we took that as a -- something we felt that kind of fit into this area because of the style -- the -- basically the lake look of what we have from Everglades Island to Mara Lago. So that's -- that's kind of -- that was the direction we came in. We don't see too many cottages along there.

CHAIRMAN SAMMONS: Mr. Ives?

COUNCIL MEMBER IVES: Following up on other comments, and Mr. Lynch cited my name, the comment I had made before about tweaking, and I think if you go over my comments, I've never had the -- or I have never felt quite as passionately as some of my other Commission members have about the size

and the massing and the scale of this project.

What I meant by tweaking, and what I feel I have said over the past nine months, is the execution of the style, the design features, a combination of, you know, basically, not finding a Goldilocks moment, everything, so much of what I've seen of this house has been too much and then in other places too little.

I recall in our last meeting on it, not just by me but by others, there was a lot of comment about the windows which you've done some work on. But -- and I'm sorry if this is going to be rough but a way to put it into context would be, you know, I can't imagine John Ruskin writing anything about this. And so maybe along the lines of what Ms. Shiverick has said, there's -- it doesn't have to be a cottage but there's a design it's time to go back to and re-look at.

I feel awful. It has been nine months but sometimes it happens. I'll leave it at that. Thank you.

CHAIRMAN SAMMONS: Ms. Vanneck?

VICE CHAIRMAN VANNECK: We've been talking about massing since day one. And I'm sitting here looking at it and looking at it thinking about other houses that are on the intracoastal. You know, we have Venetian, we have Modern Mediterraneans and we also have something like -- there's -- I don't know if it's a Wyatt or a Folk estate right on the

water, and it's, what do you call it, shingle? Not shingle. Clapper?

CHAIRMAN SAMMONS: Oh, right. Uh-huh.

VICE CHAIRMAN VANNECK: And it's -- it's quite large and it's right on the water, Frank. But the difference is it's not a mass of concrete. It doesn't have this heaviness of detail that belongs in a city not in suburbia. And I don't think it belongs on the waterfront in the estate section of Palm Beach. So I can't support it.

I know -- I've just been racking my brains about what really bothers me and it's the mass of concrete. It's -- there's no -- there's no gentle lightness to this house. There's no seeming of air and space and graciousness around it and that's part of our criteria. So I can't support it either.

CHAIRMAN SAMMONS: Mr. Vila?

COUNCIL MEMBER VILA: Thank you. I'm concerning myself mostly with the waterfront façade. I'd like to make a motion to approve the project as presented with the proviso that two changes be made, that the heights of the columns in the loggia be reduced by 18 inches so that the peak of the arch is farther away from the cornice line and that the pickets used in the now open balcony above the central mass and on the staircase be changed to a traditional gumba baluster style, a baluster in the Italian fashion. Otherwise I would

approve the project. So I'm making a motion to approve with those two provisos.

COUNCIL MEMBER SMALL: Second.

CHAIRMAN SAMMONS: Okay. We have a motion and we have a second. This is -- Ms. Catlin, do you want to add anything to that?

COUNCIL MEMBER CATLIN: Yes.

CHAIRMAN SAMMONS: You did have something to say.

COUNCIL MEMBER CATLIN: Yeah, I did.

I think that no matter what you do, because the way that the lot is situated, you're always going to occur like you're in somebody's backyard, okay? You can't change that. I don't care if you put a small house there or a large house there, that's how it's going to occur.

I also think that the -- the comments that Mr. Vila and Mr. Small made, I'm -- I'm in alignment with them with regards to what you've done but I think one of the things that you've missed since January is you -- you got hung up on the physical size of the house. Because when I said before how it occurs, look to how you can lighten up, how it occurs at the previous meeting, you said you can't make it any smaller.

But the comments are really not -- if you really listen they're not about the physical size as they are about the occurrence of mass which is what the style of the home is

causing. I don't know if that's making sense to you or not, but it's really not -- you know, you keep making it smaller and it's not addressing the issue. The issue is the way that it occurs, which is very subjective. And, granted, that's very subjective.

CHAIRMAN SAMMONS: Okay. We have a motion and it's been seconded. All in favor?

RESPONSE: Aye.

CHAIRMAN SAMMONS: Oppose?

RESPONSE: Oppose.

VICE CHAIRMAN VANNECK: No.

COUNCIL MEMBER IVES: Roll call?

CHAIRMAN SAMMONS: Roll call?

COUNCIL MEMBER IVES: Yes.

CLERK: Mr. Vila?

COUNCIL MEMBER VILA: Aye.

CLERK: Mr. Small?

COUNCIL MEMBER SMALL: Aye.

CLERK: Ms. Vanneck?

VICE CHAIRMAN VANNECK: No.

CLERK: Mr. Garrison?

COUNCIL MEMBER GARRISON: No.

CLERK: Mr. Ives?

COUNCIL MEMBER IVES: No.

CLERK: Ms. Grace?

COUNCIL MEMBER GARRISON: No.

CLERK: Mr. Sammons?

CHAIRMAN SAMMONS: No.

CLERK: The motion fails 2 to 5.

CHAIRMAN SAMMONS: And my point is it really has nothing to do with the size of the house, I mean, it's not big, it has to do with the -- the -- kind of the inappropriate parti or the style. It's not -- the parti is kind of a Georgian house with a Venetian wraparound it and it isn't a Venetian, you know, terra ferma house. If you look at the Ville Vetiena (phonetic) you would see one. They don't have projective porticos, for instance.

But it's not the massing, it's the composition, it's the scale and its overall proportion, not the proportions of the details and it's execution of details that I would have placed.

MR. PAGE: Mr. Sammons, just a quick --

CHAIRMAN SAMMONS: Shall we --

MR. PAGE: -- quick follow-up.

MR. RANDOLPH: So you need an alternative motion. You have a motion that failed.

CHAIRMAN SAMMONS: So, we do.

MR. RANDOLPH: You need another motion.

CHAIRMAN SAMMONS: Oh, dear. We do. Mr. Vila?

COUNCIL MEMBER VILA: I've already made my motion.

CHAIRMAN SAMMONS: Anybody else has a motion?

MALE SPEAKER: It's just dead on the floor right now.

CHAIRMAN SAMMONS: Dead on the floor. So most likely --

VICE CHAIRMAN VANNECK: We have to go --

CHAIRMAN SAMMONS: -- we have to deny.

VICE CHAIRMAN VANNECK: Yeah. We have to move. Make a motion for denial because of Section 18-205, building permit, (a) subchapter 1 -- whatever, the plan for the proposed building or structure is not in conformity with good taste and design and, in general, does not contribute to the image of the Town as a place of beauty, spaciousness, balance, taste, charm and high quality.

CHAIRMAN SAMMONS: A second?

COUNCIL MEMBER GARRISON: I'll second the motion.

CHAIRMAN SAMMONS: All in favor?

RESPONSE: Aye.

RESPONSE: Aye.

CHAIRMAN SAMMONS: Opposed?

COUNCIL MEMBER SMALL: Opposed.

COUNCIL MEMBER GARRISON: I'm opposed.

MR. LINDGREN: Kelly, can do you a roll --

CHAIRMAN SAMMONS: Okay. Roll call.

CLERK: Mr. Garrison, did you second that?

COUNCIL MEMBER GARRISON: Yes.

CLERK: Okay. Ms. Vanneck?

VICE CHAIRMAN VANNECK: Yes.

CLERK: Mr. Garrison?

COUNCIL MEMBER GARRISON: Yes.

CLERK: Mr. Ives?

COUNCIL MEMBER IVES: No.

CLERK: Mr. Small?

COUNCIL MEMBER SMALL: No.

CLERK: Ms. Grace?

COUNCIL MEMBER GRACE: Yes.

CLERK: Did you say yes?

COUNCIL MEMBER GRACE: Yes.

CLERK: Mr. Vila?

COUNCIL MEMBER VILA: I can always -- I'm already thinking about something else, sorry. I'm a no.

CLERK: Mr. Sammons?

CHAIRMAN SAMMONS: I'm a yes because I think he's beating a dead horse on this -- on this particular composition.

CLERK: Motion passes 4 to 3.

COUNCIL MEMBER GARRISON: May I have a word?

COUNCIL MEMBER VILA: The points that you make I totally agree with except for the fact that we're looking at vernacular architecture, we're not looking at a villa in the Venete.

And with that in mind, yes, I agree that there's still

room for improvement here and that's why I was trying to make a motion to pass it as presented with a bunch of provisos. And I would certainly entertain making an additional motion leaving it more open-ended so that there could be changes especially to that western façade which is the façade that presents to the water.

You know, one of my favorite houses in Town is just up the ways. I forget which -- what it's called but you know the one I mean. And that's a vernacular house. It's not a classical. I mean, I've done TV shows about the classical buildings.

CHAIRMAN SAMMONS: I'm not talking about this. I'm actually just talking about a very complicated parti.

COUNCIL MEMBER VILA: Yeah.

CHAIRMAN SAMMONS: That for a house that's actually relatively small.

COUNCIL MEMBER VILA: Yeah.

CHAIRMAN SAMMONS: It's looking much bigger than it actually is because of this very complicated parti and the fact that it's actually 52 feet wide and not 35 feet wide. I just scaled it too. It's too fat and it doesn't address the -- the street in this case is the water, not necessarily --

COUNCIL MEMBER VILA: The street is the water, yeah.

CHAIRMAN SAMMONS: -- the cul-de-sac.

COUNCIL MEMBER VILA: Totally.

CHAIRMAN SAMMONS: So I don't think -- I think everybody has been tripping over the size and the mass and this and then this and this and actually it's the design; that's the issue.

COUNCIL MEMBER VILA: Yeah. No, I wasn't here last month but, yeah, that's the issue. And, I mean, there are issues in terms of the parti and in terms of the so -- I mean, any time I see a house where you drive into the garage and I think in a pedestrian fashion with two bags of groceries and you have to walk the whole length of the house to get to the kitchen, that doesn't make sense to me.

But, anyway, I agree that it's primarily what we're looking at from the water that we need to be concerned with. But, again, this has been going on for such a long time that we're talking dollars and cents.

CHAIRMAN SAMMONS: It's not -- it's not proportionate. I really agree with --

COUNCIL MEMBER VILA: Yeah. Where are we now?

VICE CHAIRMAN VANNECK: Mr. Villa, Mr. Lynch asked for a denial if we couldn't pass it on so that's why we denied it, in accordance to our ordinance.

CHAIRMAN SAMMONS: All right. So it's been denied.

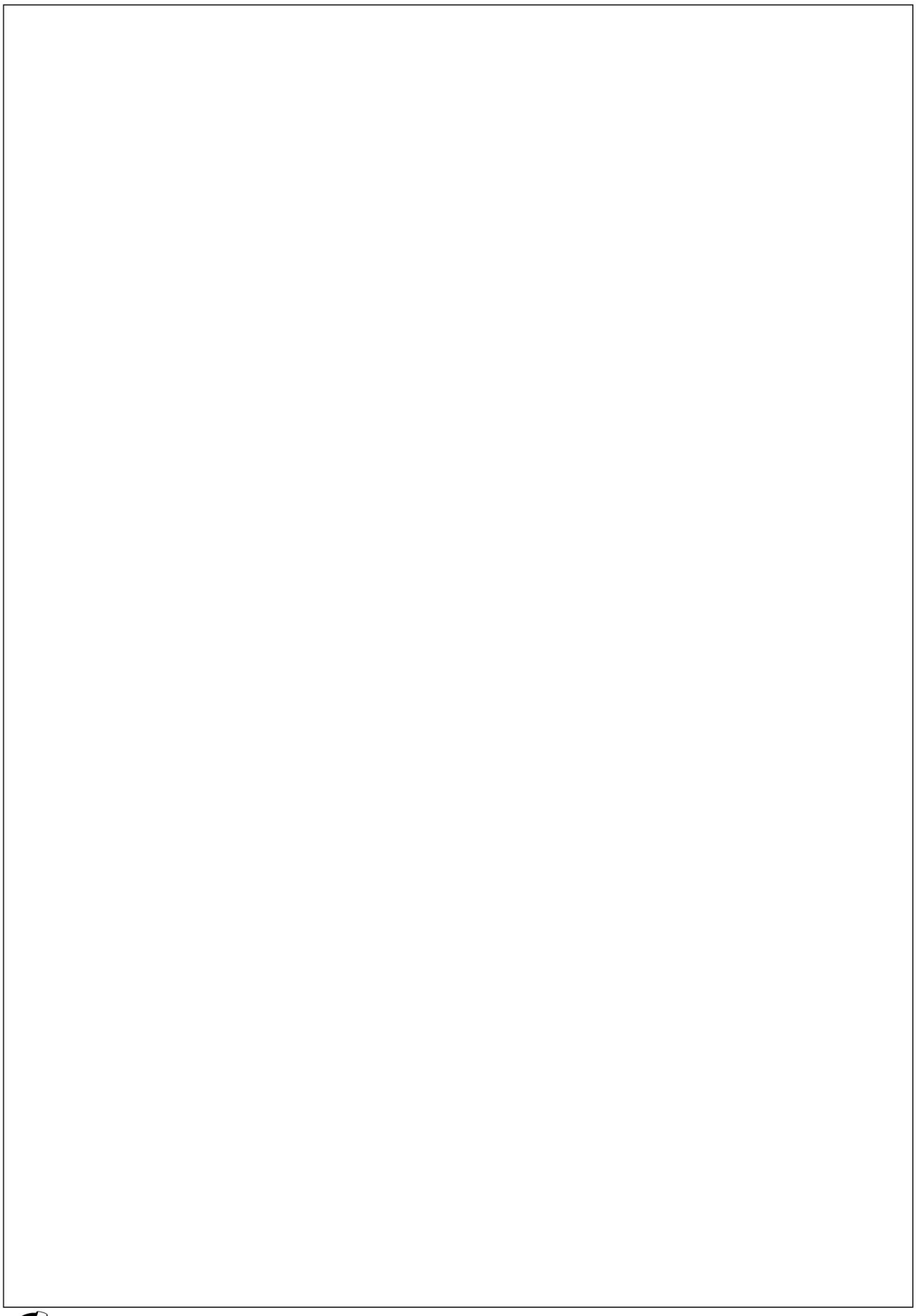
(AGENDA ITEM WAS CONCLUDED)

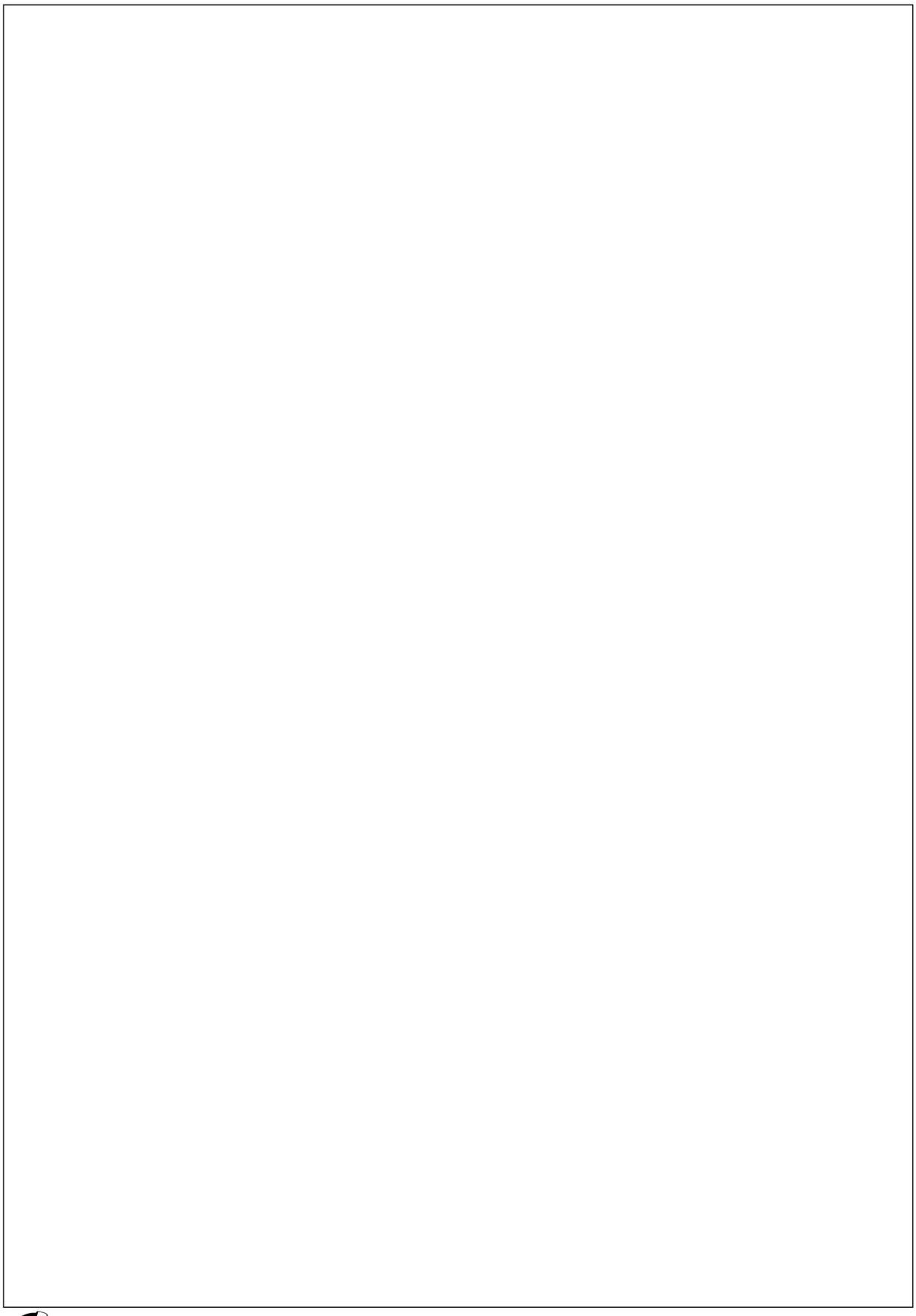
C E R T I F I C A T E

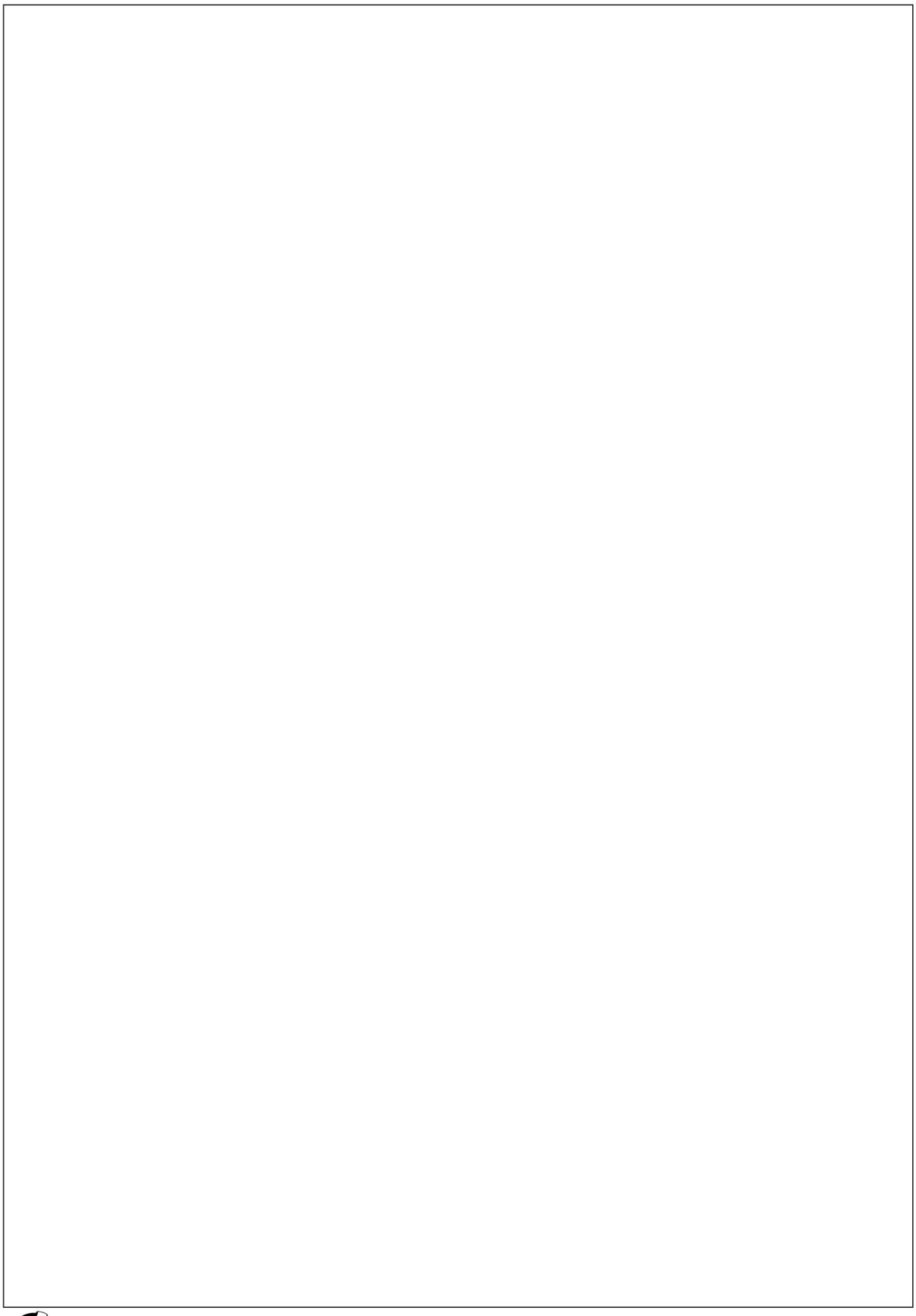
I, LOUANNE RAWLS, certify that I was authorized to and did digitally report the foregoing proceedings and that the transcript is a true and complete record of my notes.

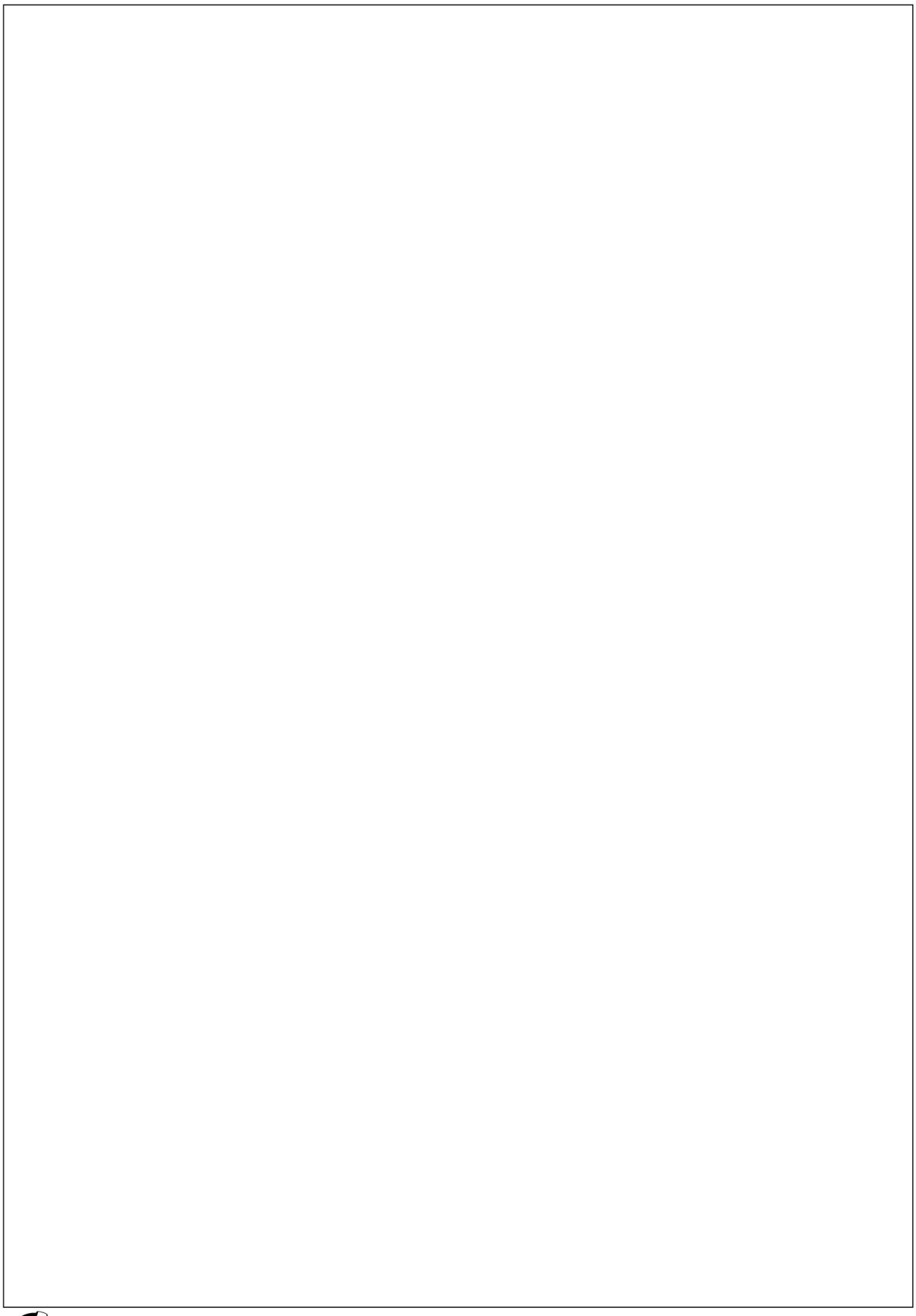
Dated this 28th day of September, 2017.

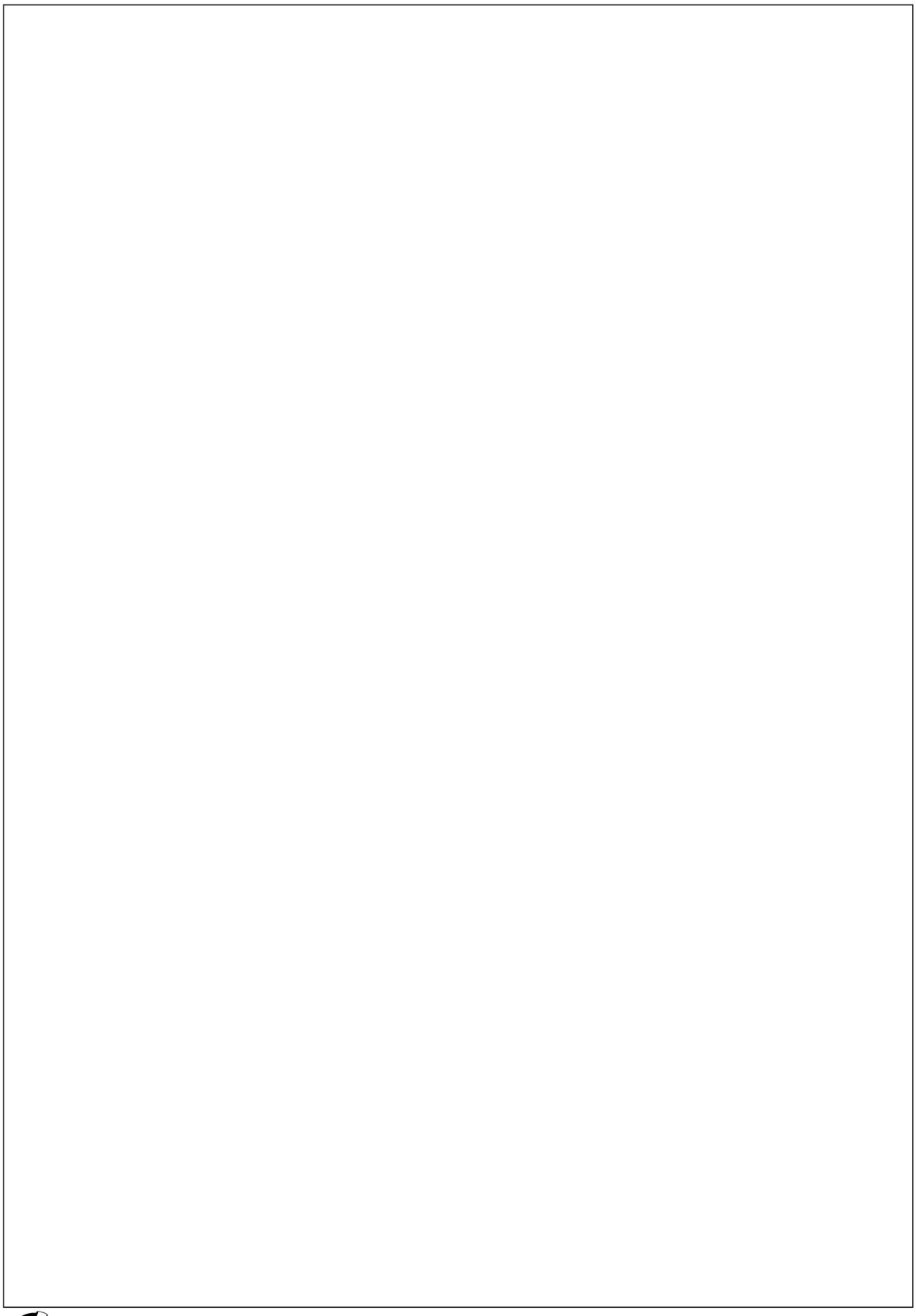
LOUANNE RAWLS, #J0661207











TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Appeals and Related Applications

Agenda Title

SITE PLAN REVIEW #1-2017 The application of 235 Via V PB LLC (Stuart Kapp, Manager); relative to property commonly known as **235 Via Vizcaya**., described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a site plan review to allow the construction of a 7,444 square foot two-story, single family residence on a non-conforming platted lot which is 15,344 square feet in area in lieu of the 20,000 square foot minimum area required; 47.25 in width in lieu of the 125 foot minimum required; and 97.58 feet in depth in lieu of the 150 foot minimum required. [Attorney: Frank Lynch, Esq.] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 4-3]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda
Appeals and Related Applications

Agenda Title
ARCOM Appeal of Project Denial
Case No. B-090-2017
901 North Ocean Boulevard

Presenter

ATTACHMENTS:

- **Memorandum Dated September 29, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Letter Dated September 29, 2017 From Francis X.J. Lynch**
- **Renderings**
- **Excerpts from ARCOM Minutes**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: ARCOM Appeal of Project Denial
Case No. B-090-2017
901 North Ocean Boulevard

Date: September 29, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council consider and rule upon the appeal of property owner Lorraine L. Friedman Trust (represented by Attorney Frank Lynch), objecting to ARCOM's action on September 27, 2017 denying new home construction.

GENERAL INFORMATION

As an item of New Business, Major Projects, ARCOM met on September 27 and was presented with a new case at 901 North Ocean Boulevard containing the following Project Description:

> Construction of a new 16,483 s.f. two story main house, a 1,263 s.f. two-story pool house with a 710 s.f. pergola & a 2,688 s.f. two story guest house in the Bermuda style.

RELATED NOTES

1. The applicant is simultaneously seeking a "point of measurement" height variance.
2. The applicant is simultaneously seeking a lot split. The proposed home would be situated on a proposed lot of 50,020 sq. ft. (to be administratively approved by staff).

Following an initial question about density limitations, and a response from staff that the proposed lot split and resulting residential development comply with Town regulations, architect Stephen Roy presented the project. As required per ARCOM regulations for homes of this size, a scaled-model of the proposed home was presented. Commissioners acknowledged that the required lot area, bulk and applicable setbacks were Code-complaint, but stressed that the large mass and siting of the home on the proposed lot was over-powering (essentially squeezed onto the site).

Mr. Vila provided initial feedback, noting that the prominence of this oceanfront lot would be diminished if developed as so proposed. Similar, confirming sentiments were expressed by Commissioners Small, Garrison, Ives, Grace, Vanneck, Catlin, Corey and Sammons.

Following all discussion, it was moved by Vila and seconded by Vanneck to deny the application based upon Section 18-205 of Town Code (the plan for the proposed building or structure is NOT 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). Motion carried unanimously.

SPECIAL CIRCUMSTANCES

Per the attorney's appeal letter, it is requested that… "the Town Council modify the ARCOM denial of the above application to a deferral to enable the Applicant to review and resubmit its plans in order to be heard at the October 25, 2017 ARCOM meeting."

Code-mandated ARCOM project submittal requirements, coupled with the October calendar, do not allow for the requested hearing on October 25:

- If treated as continuation of an existing application, plan revisions are due to PZB at least 15-days in advance of the ARCOM meeting. Regardless of Council outcome on October 11, that timeframe cannot be achieved.

- If treated as a new project, notification to neighbors must be provided at least 30-days in advance of the ARCOM meeting. That timeframe cannot be achieved prior to November.

- A motion to reconsider the project, if made, seconded and approved at ARCOM on October 25, would negate the denial, thereby allowing the Commission to continue with deliberation. Council could request such action, but follow-up action would be optional by Commissioners.

If the Council upholds ARCOM, the project remains denied. If the Council takes any action to support the attorney's appeal, it appears the best-case scenario would result in November (not October) ARCOM review.

Attachments

cc: John C. Randolph, Town Attorney
Frank Lynch, Applicant's Attorney
Architectural Commissioners

The Law Offices of

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

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Francis X. J. Lynch
John R. Eubanks, Jr.
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September 29, 2017

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2017 SEP 29 PM1:05 TWN CLERK

HAND DELIVER

Ms. Kathleen Dominguez, Town Clerk
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

NOTICE OF APPEAL
(Revised to correct ARCOM Application Number)

Re: ARCOM Application No. B-090-2017
901 North Ocean Boulevard

Dear Ms. Dominguez:

On behalf of the Applicant, we hereby appeal the denial of the above application by the Architectural Review Commission ("ARCOM"), at its September 27, 2017 meeting, to Town Council.

The Applicant is the contract purchaser of the south lot of the property located at 901 North Ocean Boulevard.

The Applicant initially submitted its plans for review at the September 27, 2017 meeting. It was at the September 27, 2017 meeting that the Applicant presented its project for the first time.

The Applicant presented its project and asserted that same met code with the exception of a variance required for point of measurement. Said variance request is a result of the elevation of the existing dune.

After discussion, a motion was made, seconded and approved to deny the project for reasons related to massing and architecture.

Given that this application was for the first time at the September 27, 2017 meeting, the Applicant believes that a deferral to the next scheduled ARCOM meeting was the more appropriate action, given that deferrals on first presentations of projects have become almost routine, standard operating procedure for ARCOM.

The Applicant requests that the Town Council modify the ARCOM denial of the above application to a deferral to enable the Applicant to review and resubmit its plans in order to be heard at the October 25, 2017 ARCOM meeting.

Thank you for your consideration of this matter.

Sincerely,

FRANCIS X. J. LYNCH

FXJL/kh

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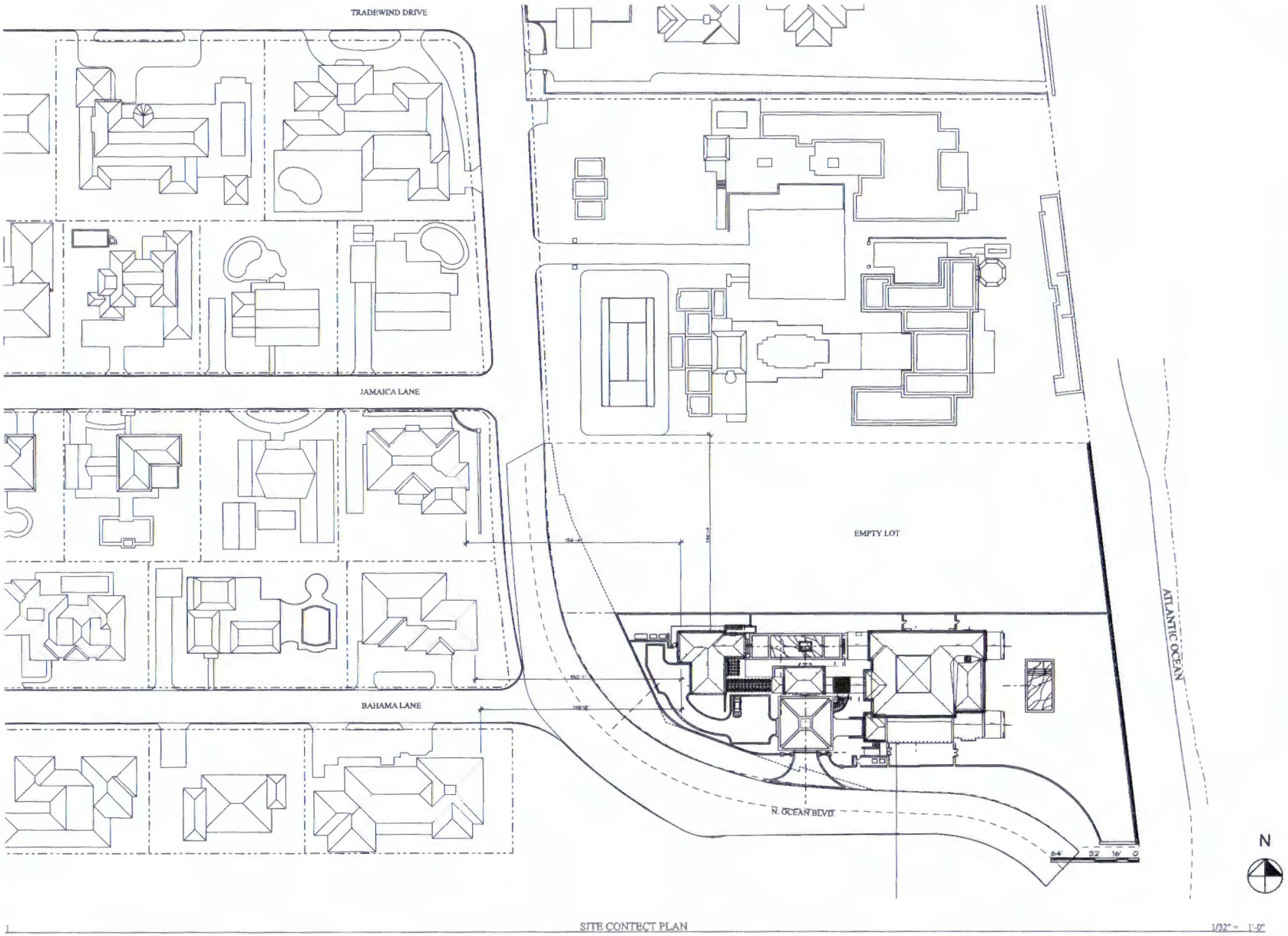
SITE LOCATION MAP

NORTH



VARIANCE # Z-17-00035
ARCOM # B-090-2017

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8/22/17

PBB ISLAND PROPERTY, LLC

901 NORTH OCEAN BLVD
(SOUTH PORTION)
PALM BEACH, FLORIDA
33480

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED AFFECTING ALL LABELED SCALES.

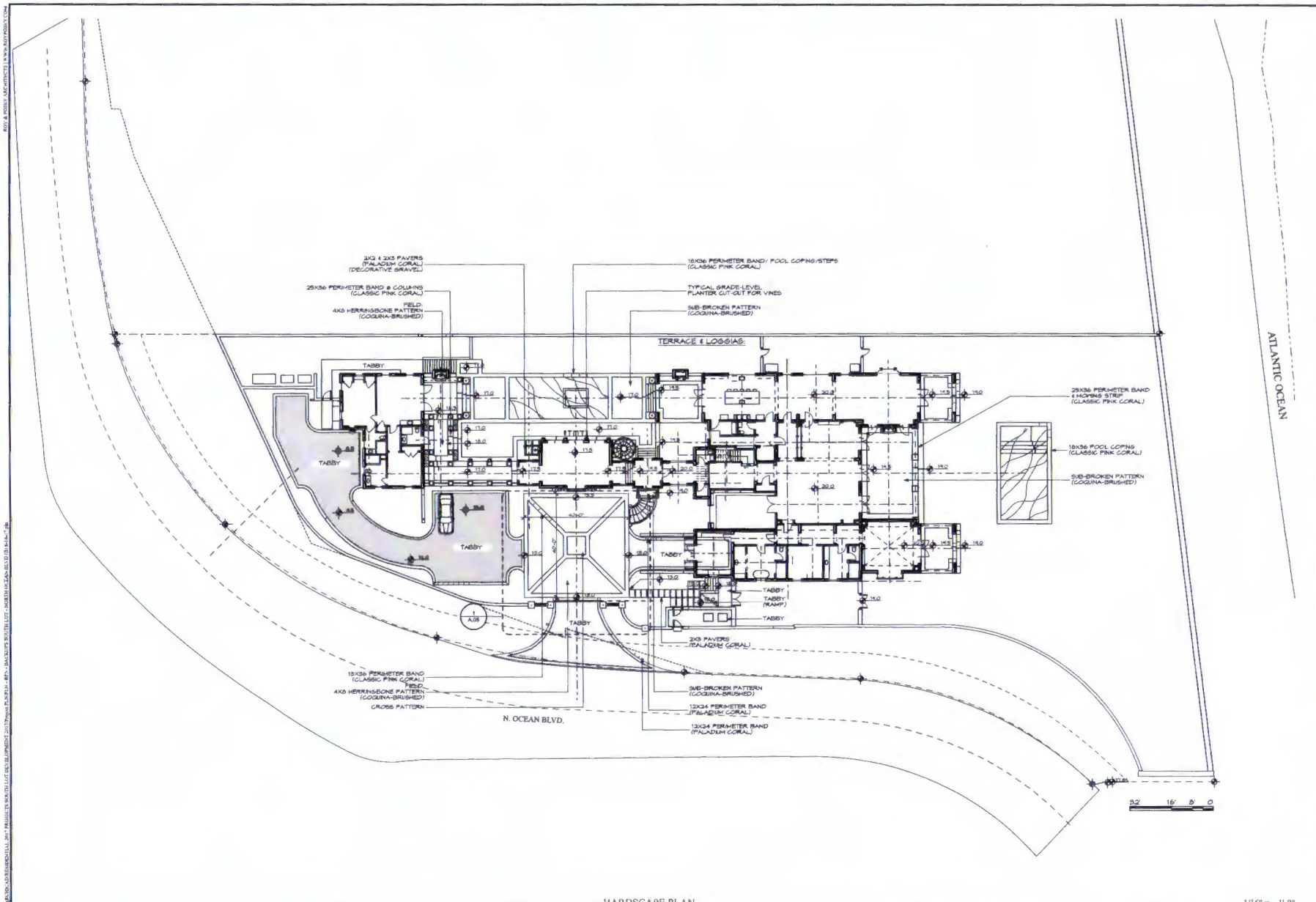
BY	REVISIONS	DATE

DATE:	8/22/17
SCALE:	AS NOTED
DRAWN:	
JOB:	
SHEET	
PERMIT	8/22/17

A.06

Plotted On: 8/22/17

SITE CONTECT PLAN



HARDSCAPE PLAN

1/16" = 1'-0"

VARIANCE # Z-17-00035
ARCOM # B-090-2017

ROY & POSEY

2417 NORTH DIXIE HWY | WEST PALM BEACH, FLORIDA 33481 | 561.659.5603 |
WWW.ROYPOSEY.COM

OWNERSHIP AND USE OF THESE DOCUMENTS & SPECIFICATIONS AS INSTRUMENTS OF SERVICE ARE AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT WHETHER THE PROJECT THEY ARE MADE FOR IS EXECUTED OR NOT. THEY SHALL NOT BE USED BY THE OWNER OR OTHERS ON OTHER PROJECTS OR FOR ADDITIONS ON OTHER PROJECTS BY OTHERS, EXCEPT BY AGREEMENT IN WRITING WITH ARCHITECT.

STEPHEN MICHAEL ROY AIA, NCARB
FLORIDA REGISTERED ARCHITECT
AR91404

ROY & POSEY LICENSE AA0003396

STATE OF FLORIDA
STEPHEN M. ROY
AR91404
REGISTERED ARCHITECT

SEAL

8/22/17

PBB ISLAND PROPERTY, LLC

901 NORTH OCEAN BLVD
(SOUTH PORTION)
PALM BEACH, FLORIDA
33480

IF THE ABOVE DIMENSION DOES NOT MEASURE ONE INCH (1") EXACTLY THIS DRAWING WILL HAVE BEEN ENLARGED OR REDUCED, AFFECTING ALL LABELED SCALES.

BY	REVISIONS	DATE

DATE:	8/22/17
SCALE:	AS NOTED
DRAWN:	
JOB:	
SHEET	
PERMIT	8/22/17

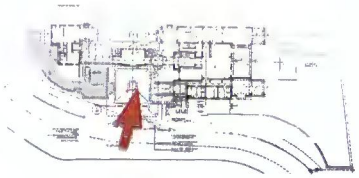
A.04

Plotted On: 8/22/17

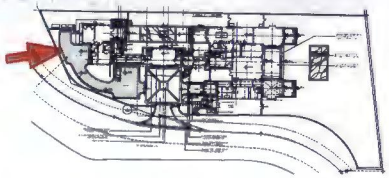
HARDSCAPE PLAN

901 NORTH OCEAN BLVD
SOUTH LOT

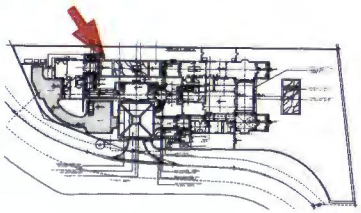
VIEW OF ENTRY



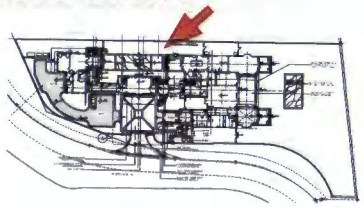
VIEW OF GUEST HOUSE



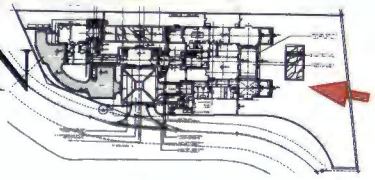
VIEW OF POOL HOUSE



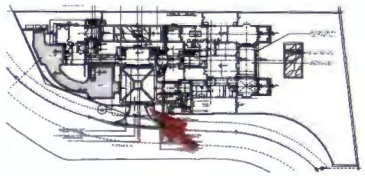
VIEW OF LOOKING
WEST



VIEW OF EAST ELEVATION



VIEW LOOKING WEST



B-090-2017 New Construction
ARCOM TO MAKE RECOMMENDATIONS RELATIVE TO VARIANCE(S)
Address: 901 N. Ocean Blvd.
Applicant: Lorraine L. Friedman Trust
Architect: Stephen Roy/Roy & Posey
Project Description: Construction of a new 16,483 s.f. two story main house, a 1,263 s.f. two story pool house with a 710 s.f. pergola & a 2,688 s.f. two story guest house in the Bermuda Style.

VARIANCE INFORMATION: Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

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

Maura Ziska, Attorney for the applicant, provided a history of the property and reviewed the variance request in which they are seeking a favorable recommendation to the Town Council.

Ms. Vanneck questioned the increase in density in the Town. Mr. Lindgren and Mr. Page responded. A short conversation ensued regarding this topic.

Mr. Roy presented the proposed plans for the new residence. Mr. Roy presented an alternate stair option on the overhead projector.

Mr. Vila suggested that the proposed home overpowered the lot and could not support the design. Mr. Small agreed.

Mr. Small questioned the lot size and coverage of the proposed home. He also asked questions regarding the north lot. Mr. Roy and Mr. Lynch responded.

Mr. Garrison agreed with Mr. Vila and Mr. Small. He stated the home was sited well but thought the proposed residence is too large for the lot. He expressed his dilemma in considering a home that complied with the zoning requirements but appeared too large for the site.

Town Attorney Randolph stated that the Commission has the ARCOM Ordinance as well as the Zoning Ordinances to rely on to make their decisions.

Mr. Ives questioned the design inspiration and agreed that the proposed home is too large for the lot.

Ms. Grace liked the newly designed staircase but questioned the size of the home on the lot.

Mrs. Vanneck indicated that the model displayed how large the house is on the lot. She stated that the mass, scale, compatibility and beauty did not meet the standards of the ARCOM Ordinance.

Ms. Catlin thought the proposed home was out of balance and disjointed.

Mr. Corey suggested revisiting the mass of the front structure, the height of the building compared to its width, the size of the columns and the exposed rafters. He also suggested restudying the passageways and loggias.

Mr. Sammons thought the design was largely over scaled.

Motion made by Mr. Vila and seconded by Mrs. Vanneck to deny the project based on Ordinance Section 18-205 a (1). Motion carried with all in favor.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Appeals and Related Applications

Agenda Title

Z-17-00035 VARIANCE(S) Zoning District: R A Estate Residential
The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission denied the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00035 VARIANCE(S)**
901 N OCEAN BLVD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

ADDRESS: 901 N OCEAN BLVD

OWNER: FRIEDMAN LORRAINE L TRUST &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-10-00-001-0025

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 10/11-43-43, S 227.55 FT OF SUB C & N 71 FT OF SUB D IN GOV LT 1 SECS 10 & 11 LYG N & E OF OCEAN BLVD

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00035 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 901 N OCEAN BLVD

DESCRIPTION: Application received from contract purchaser PBB Island Properties, LLC (Clark Beaty). A variance to allow the construction of a new 20,330 square foot two story residence with a point of measurement for height of 17.8 foot National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	Comply with driveway sight triangle and stormwater requirements., No structures or landscaping within utility easement without executed, recorded removal agreement.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	Sec. 46-80. - Sprinklers.

This project will need to comply with the adopted town ordinance cited below

Required automatic sprinklers. Approved automatic sprinkler systems meeting the requirements of 903 shall be installed in all buildings as follows:

(1) New commercial and multi-family (three or more units) buildings; and existing, where alterations or repairs exceed an aggregate of 50 percent of the market value, as established by the county tax assessor.

(2) New one- and two-family dwelling structures totaling 10,000 square feet or greater (enclosed area); and existing, where the alterations or repairs exceed an aggregate of 50 percent of the market value, as established by the county tax assessor.

(Ord. No. 6-02, § 1, 2-19-02)

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project. This site is also a known or potential archaeological site, therefore the applicant must comply with the Town's archaeological ordinance.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Variance (if approved) should be made contingent upon successful lot split.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	This application is pending a proposed Lot Split. As such, the application cannot be considered by the Town Council until the Applicant has satisfied traffic concurrency; the access study from the Town traffic consultant is completed to ensure that the proposed additional access point created by said Lot Split is safe and adequate; and the Lot Split application approved by the Director of Planning, Zoning and Building. To date, this has not been completed. However, if completed by the date of the meeting, this application can be heard by the Town Council. As it relates to the subject application, the Applicant has to demonstrate to the satisfaction of the Town Council that a hardship exists based on Section 134-201 of the Code of Ordinances in order to approve the point of measurement variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Appeals and Related Applications

Agenda Title

Appeal of Administrative Decision that Demolition of a Nonconforming Pool Cabana at 198 Via Marina Exceeded Demolition of More Than Fifty (50) Percent by Cubic Footage

Presenter

ATTACHMENTS:

- **Memorandum Dated October 2, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Attachment: Pool Cabana Elevations**
- **Appeal Letter from David Palmer, Livingston Builders, Inc., dated August 28, 2017**
- **Attachments from Livingston Builders, Inc. submitted October 4, 2017**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Appeal of Administrative Decision that Demolition of a Nonconforming Pool Cabana Exceeded Demolition of More Than Fifty (50) Percent by Cubic Footage

Date: October 2, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council uphold Staff's long standing interpretation that demolition of more than 50% cubic footage of a nonconforming building or structure is constituted by one of the following:

1. The loss of more than 50% of an entire exterior wall of one side;
2. The cumulative loss of more than 50% of all exterior walls; or
3. The loss of more than 50% of the roof trusses.

BACKGROUND

An existing enclosed pool cabana located at 198 Via Marina is nonconforming to cubic content ratio requirements. Mr. David Palmer, representing Livingston Builders, is appealing the Zoning Administrator's decision that demolition of more than 50% cubic volume (footage) occurs when a nonconforming building or structure losses more than 50% of the side of a wall of said building, regardless if said wall is made up of windows and doors. The appellant is proposing to replace a vast majority of the existing doors and windows that entirely enclose a nonconforming pool cabana (plans attached). The justification for his appeal is provided in the August 28, 2017 letter which is attached. His letter states that Section 134-419 allows one to renovate a non-conforming building as long as is it not being made more nonconforming. The roof and the structure beams remain in place. He also states, "Mr. Castro's method for cubic footage for construction is inconsistent with his method of calculating cubic footage from demolition as well as other areas of the code with similar applications."

ANALYSIS

Cubic content ratio for construction and cubic footage demolition are two different concepts.

Cubic Content Ratio for Construction only in the R-B Zoning District

The cubic content ratio (CCR) regulation only applies to the R-B zoning district. That regulation was adopted in 1993 by the Town Council and is used to calculate the maximum cubic volume allowed in construction of new structures and additions to existing structures. The intent of the provision is to ensure that the cubic content of a house is not too large based on the lot size. CCR regulations were adopted in response to concerns about excessive home sizes in the R-B Zoning District. New homes were getting much too large and were changing the character of the District.

Cubic content ratio is based on a three dimensional measurement of the volume of a structure using the length, times width, times height, and dividing that number by the lot area. The original maximum CCR created in 1993 was 4.5 for all lots in the R-B Zoning District. In 1998, the Council changed the 4.5 CCR to a sliding scale based on lot size. This change rendered structures on the subject property, which were built in 1995, nonconforming to CCR as they were built at a ratio of 4.38 and today's Code limits the total to 3.93. Any demolition based on Section 134-419 that exceeds 50% cubic footage requires the structure to comply with the existing Code.

Cubic Footage Calculation for Demolition Related to Structures in all Zoning Districts.

To better understand the concept of demolition by cubic footage, it is important to know the history of the nonconforming building and structure regulations. Prior to 1992, a nonconforming building or structure, where less than 50% of the floor area was made unsafe or unusable by lack of normal maintenance or by ordinary deterioration, could be restored provided that the floor area got no larger than what was there before. Based on that Code provision, property owners found a loophole in the Code and began demolishing entire nonconforming buildings, leaving the floor and rebuilding on the same footprint, even if it was in required setbacks or exceeded lot coverage. In 1993 the Code was modified to eliminate that loop hole by changing the measurement for demolition from floor area by cubic footage (volume).

Today's Zoning Code, under Section134-419 (attached), does allow for renovations of a nonconforming structure that do not make a structure more nonconforming. However, that same section of the Code states, "A nonconforming building and/or structure may be restored as before, enlarged, extended or partially demolished provide that such demolition, restoration, enlargement or extension does not exceed 50 percent of its existing cubic footage….."

In approximately 1997, a Code interpretation was made related to what constituted the loss of cubic footage of a building or structure and when the threshold of exceeding 50% occured in a nonconforming building or structure. At that time, Staff (Mr. Moore, Mr. Castro and Mr.

Brisson, the Town's planning and zoning consultant) had a lengthy discussion on how to calculate cubic footage (not cubic content ratio) as it relates to demolition. It was determined, and has been enforced since that time, that demolition of more than 50% by cubic footage occurs in any one of the following circumstances.

- The loss of more than 50% of an entire exterior wall of one side;
- The cumulative loss of more than 50% of all exterior walls; or
- The loss of more than 50% of the roof trusses.

Once one of the above three thresholds are exceeded, a nonconforming building or structure is required to either be entirely demolished, designed to meet today's Zoning Code, or obtain variance(s) from existing Zoning Code provisions to keep the nonconformities. Staff has consistently enforced that interpretation for over twenty years.

The only inconsistency that may have occurred in the past is a previous Department Director's interpretation of Section 134-419 that allowed an owner to demolish and rebuild half of the walls or roof trusses of nonconforming buildings and/or structures and then in the same permit demolish the other half of the walls and/or roofs. That interpretation was changed in 2004 to meet the intent of the Code. The interpretation change only allowed for demolition and reconstruction of not more than 50% cubic footage over the life of a building and/or structure. It did not allow incremental demolition and reconstruction of an entire nonconforming building or structure. That interpretation was changed in 2016 by the Council clarifying that nonconforming buildings or structures could be demolished and rebuilt up to no more than 50% of cubic footage, with no subsequent exterior demolition allowed for a period of at least five years.

Staff recommends that the Council uphold Staff's long standing administrative determination establishing when the threshold for demolition of a nonconforming building or structure exceeds 50% cubic footage. If you have any questions, please do not hesitate to contact Paul Castro, Zoning Administrator, at 227-6406.

Attachments

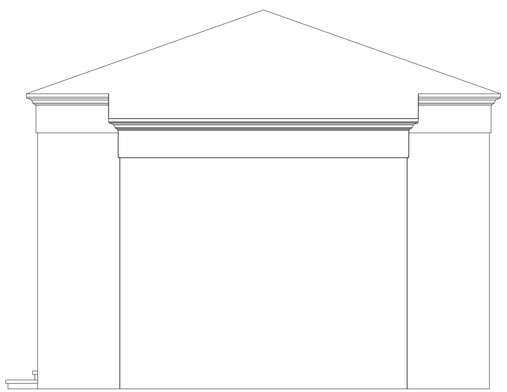
cc: John C. Randolph, Town Attorney
Bill Bucklew, Building Official
David Palmer, Livingston Builders
pf

EAST ELEVATION

SCALE: $\frac{3}{8}$"= 1'-0"

WEST ELEVATION

SCALE: $\frac{3}{8}$"= 1'-0"



NORTH ELEVATION

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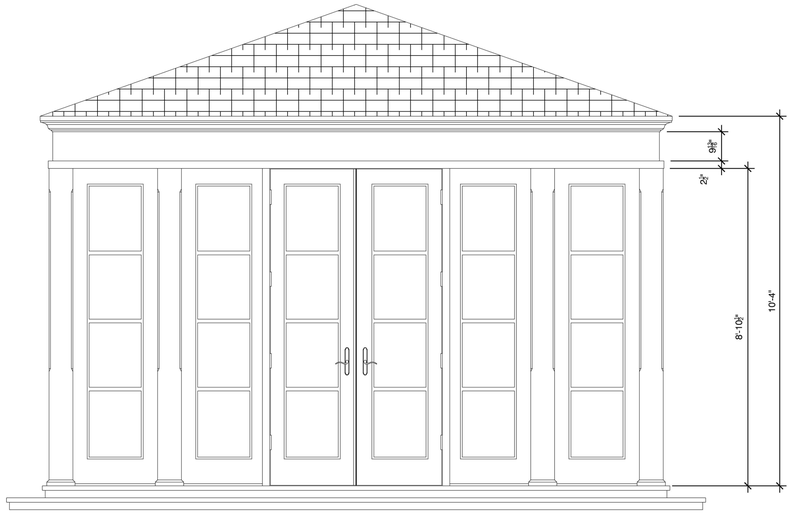

SOUTH ELEVATION

SCALE: $\frac{1}{2}$"= 1'-0"

GRAMATAN
architecture + design

445 Park Avenue, Suite 944, New York, NY 10022 - Tel. 212.355.3261
125 Worth Avenue, Suite 306, Palm Beach, FL 33480 - Tel. 561.833.3242

NOTES:

1. EXTERIOR OF HOUSE TO REMAIN.
2. ALL EXISTING SITE WORK TO REMAIN.
3. ALL LANDSCAPE TO REMAIN.
4. ALL SITE WALLS TO REMAIN.
5. ALL EXTERIOR EQUIPMENT TO REMAIN.
6. IN DESIGNATED AREAS, REPLACE EXTERIOR DOORS & WINDOWS.
7. ALL EXTERIOR WALLS, WATERPROOFING & INSULATION TO REMAIN AND BE PROTECTED DURING DEMOLITION & CONSTRUCTION.
8. IN DESIGNATED AREAS, REMOVE ALL FLOORING TO CONCRETE SLAB OR SUBSTRATE.
9. ALL EXISTING STRUCTURAL COLUMNS AND JOISTS TO REMAIN.
10. IN DESIGNATED AREAS, REMOVE FINISHES AT DRYWALL AND CEILINGS.
11. IN DESIGNATED AREAS, REMOVE HVAC GRILLES.
12. IN DESIGNATED AREAS, REMOVE ALL CEILING LIGHTS.
13. ALL APPLIANCES TO BE PROTECTED FOR RE-USE.
14. PLUMBER TO CAP ALL SUPPLY, DRAINS & WASTE LINES PRIOR TO DEMOLITION.
15. ELECTRICIAN TO TERMINATE & CAP ALL WIRES PRIOR TO DEMOLITION.
16. ALL HARDSCAPE TO REMAIN AND BE PROTECTED DURING CONSTRUCTION.
17. PROTECT EXISTING FLOORING & WALL FINISHES IN ALL LOCATIONS NOT DESIGNATED FOR DEMOLITION.

NO.	ISSUE DESCRIPTION	DATE
0	PERMIT	06/16/2017

PROJECT:

MR. & MRS. SOTER
CABANA
198 VIA MARINA
PALM BEACH, FLORIDA 33480

SHEET TITLE:

EXISTING

Approval Stamps

SEAL & SIGNATURE:

BEEKMAN GERARD JACQUES
FLORIDA ARCH LICENSE # AR95819

DATE:	04/05/17
PROJECT No.:	1980
SCALE:	AS NOTED
CHK BY:	GB
DWG No.:	A-1.01
CAD FILE:	SOTER2017
PAGE No:	

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LIVINGSTON BUILDERS, INC.
design + build + historic restoration

August 28, 2017

Mr. John Page
Director of Planning Zoning and Building Department
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

RE: Appeal of Administrative Decision of Paul Castro

Dear Mr. Page:

Livingston Builders applied for a building permit number B-17-65984 for 198 Via Marina to renovate a pool cabana building that is glass on three sides and is in disrepair. The accessory building is not in the setback, however, Administrator Castro has determined that the overall cubic content ratio for the property is non-conforming to today's code. Mr. Castro has stated the owner needs to apply for a variance to accomplish this work because by removing more than 50% of the glass windows and doors from any one side of the buildings façade, the building is losing it's cubic volume by more then 50%. We disagree with this interpretation of the code as Section 134-419 allows one to renovate a non-conforming building as long as it is not being made more non-conforming. This work does not increase the non-conformity of the building or site. Furthermore, the roof and structural beams all remain in place. Mr. Castro's method of calculating cubic footage for construction is inconsistent with his method of calculating cubic footage for demolition as well as other areas of the code with similar applications. His rational is to remove non-conformities on properties or seek a variance which either interpretation is illogical and we wish to have the Town Council review his decision.

Please place this matter on the September 13th, Town Council agenda. Thank you for your consideration.

David Palmer on behalf of Livingston Builders

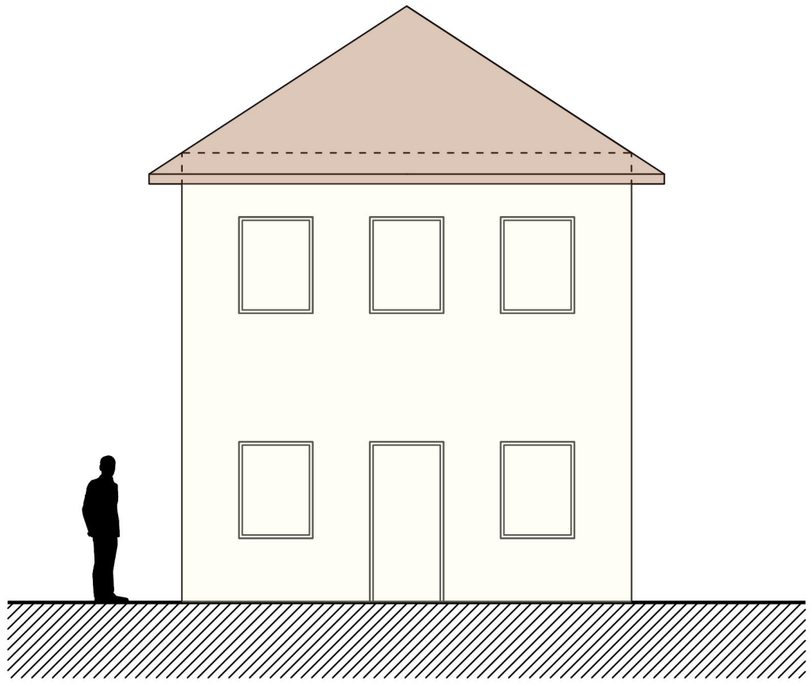
Cc: William Soter
Gerard Beekman
James Remez
Maura Ziska

485 Madison Avenue, Suite 200, New York, New York, 10022 • p. 212.355.3261
125 Worth Avenue, Suite 306, Palm Beach, Florida 33480 • p. 561.833.3242
www.livingstonbuilders.com

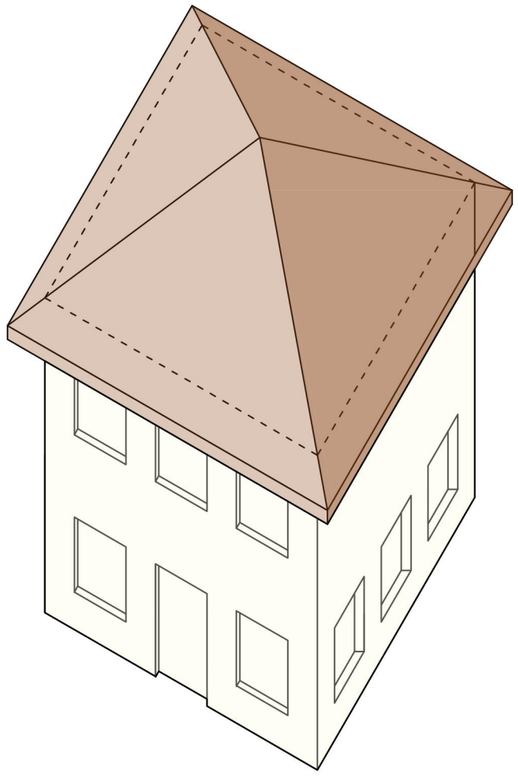
The following material was submitted by the applicant on October 4, 2017 at 12:30 p.m.

APPEAL RE: 198 VIA MARINA

SLIDE - 1



MAXIMIZED CUBIC CONTENT AT
1,000 CUBIC FEET



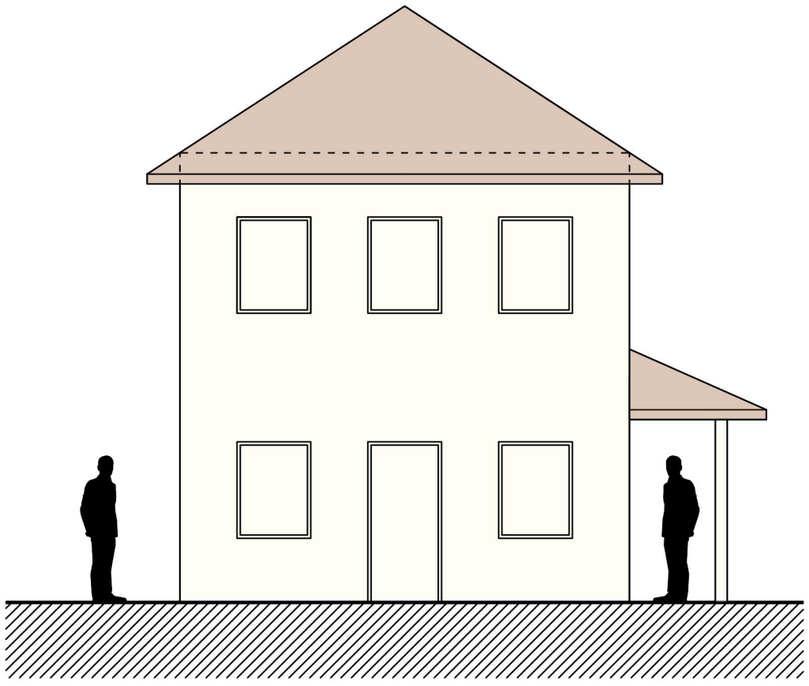
THEORETICAL STRUCTURE WITH
1,000 CUBIC FEET OF VOLUME
PURSUANT TO CUBIC CONTENT CALCULATION

LIVINGSTON BUILDERS, INC.

OCTOBER 11, 2017
NOT TO SCALE

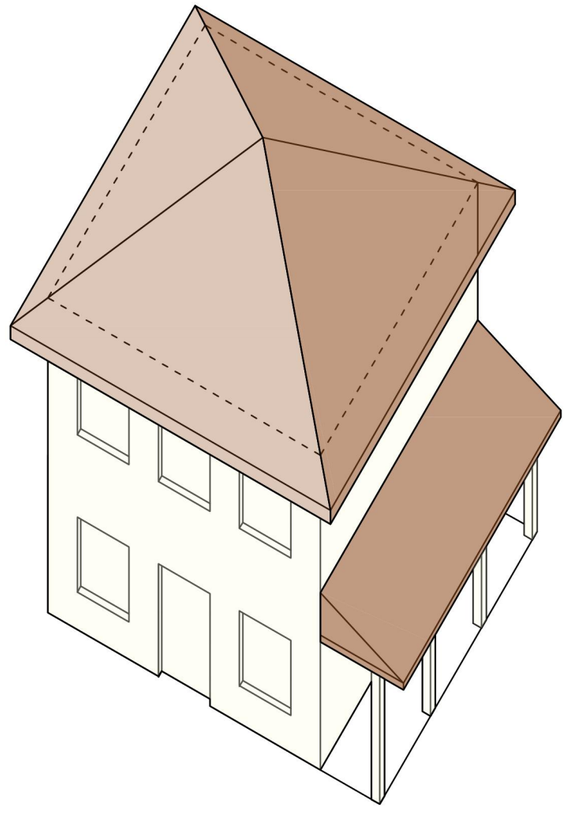
APPEAL RE: 198 VIA MARINA

SLIDE - 2



MAXIMIZED CUBIC CONTENT AT
1,000 CUBIC FEET

ALLOWABLE 5 % ADDITIONAL COVERED SPACE



THEORETICAL STRUCTURE WITH
AN OPEN-AIR COVERED PORCH

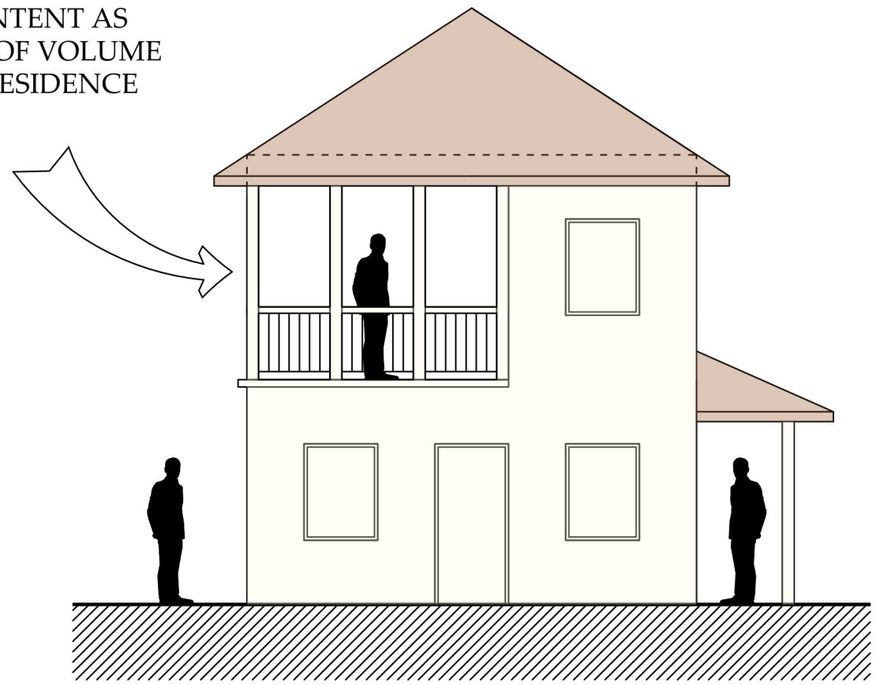
LIVINGSTON BUILDERS, INC.

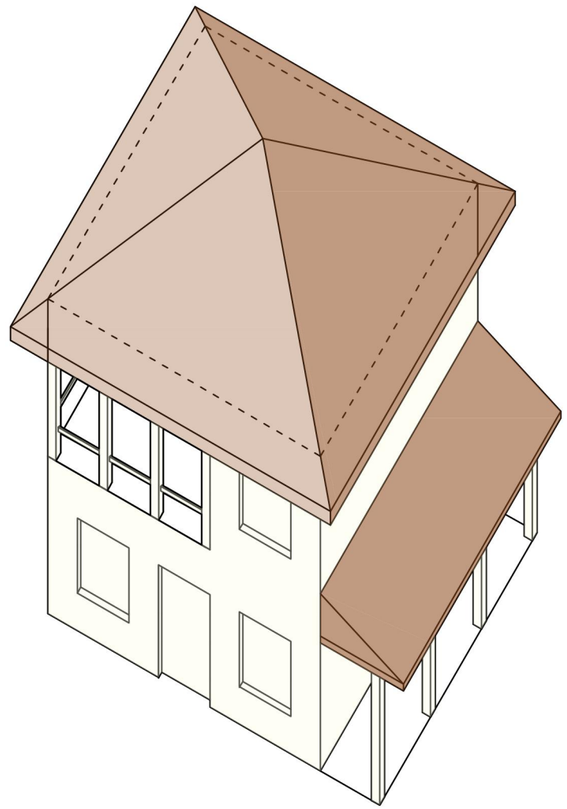
OCTOBER 11, 2017
NOT TO SCALE

APPEAL RE: 198 VIA MARINA

SLIDE - 3

OPEN LOGGIA
IS COUNTED
TOWARD CUBIC
CONTENT AS
PART OF VOLUME
OF RESIDENCE





STRUCTURE STILL REPRESENTS
MAXIMIZED CUBIC CONTENT AT
1,000 CUBIC FEET EVEN THOUGH HAS
LARGE OPEN AIR TERRACE ON SECOND FLOOR

THEORETICAL STRUCTURE WITH
AN OPEN-AIR COVERED PORCH AND LARGE OPEN-AIR LOGGIA

LIVINGSTON BUILDERS, INC.

OCTOBER 11, 2017
NOT TO SCALE

APPEAL RE: 198 VIA MARINA

SLIDE - 4

EXAMPLE STRUCTURE
WITH LARGE OPEN-AIR PORCHES

LIVINGSTON BUILDERS, INC.

OCTOBER 11, 2017
NOT TO SCALE

APPEAL RE: 198 VIA MARINA

SLIDE - 5

EXAMPLE STRUCTURE
WITH LARGE OPEN-AIR PORCHES THAT WOULD BE CONSIDERED
IN THE CUBIC CONTENT CALCULATIONS

LIVINGSTON BUILDERS, INC.

OCTOBER 11, 2017
NOT TO SCALE

APPEAL RE: 198 VIA MARINA

SLIDE - 6

IMAGE OF A ENCLOSED PORCH THAT
WOULD BE CONSIDERED IN THE CUBIC CONTENT CALCULATIONS

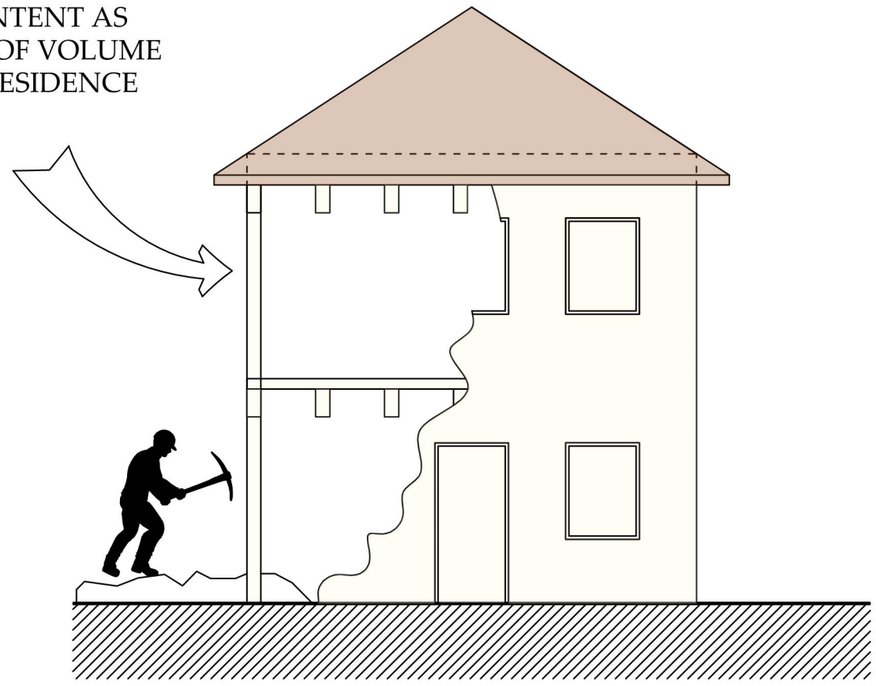
LIVINGSTON BUILDERS, INC.

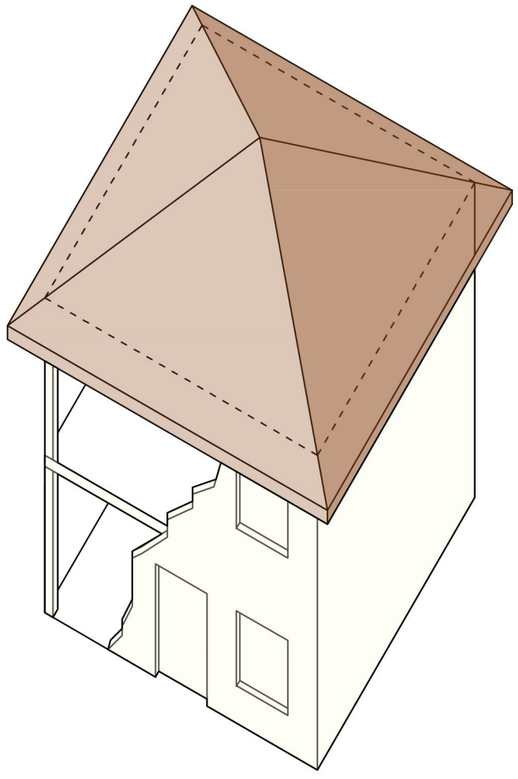
OCTOBER 11, 2017
NOT TO SCALE

APPEAL RE: 198 VIA MARINA

SLIDE - 7

OPEN WALLS
ARE COUNTED
TOWARD CUBIC
CONTENT AS
PART OF VOLUME
OF RESIDENCE





CUBIC CONTENT OF STRUCTURE IS UNCHANGED
WHILE WALLS ARE TEMPORARILY REMOVED
AS BEAM AND ROOF REMAIN

THEORETICAL STRUCTURE WITH
1,000 CUBIC FEET OF VOLUME
PURSUANT TO CUBIC CONTENT CALCULATION

LIVINGSTON BUILDERS, INC.

OCTOBER 11, 2017
NOT TO SCALE

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00005 VARIANCE Zoning District: R-B Low Density Residential The application of CAMPANA PB TRUST, Owner, relative to property located at **120 CANTERBURY LN**, legal description on file, is described below. The applicant is proposing to add a 495 square foot second story addition for a guest suite above the existing one story guest suite (which will be converted to a garage) and a 69 square foot 2 story stair addition that will be out of the setback. Because the property is in excess of 20,000 square feet a variance is being requested to have a 15.2 east side yard setback in lieu of the 26 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0]

Presenter

ATTACHMENTS:

- **Letter Dated August 28, 2017 from Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

August 28, 2017

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

RE: Z-17-00005 – 120 Canterbury Lane

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the September 13, 2017** Town Council agenda **to the October 11, 2017** Town Council agenda. The reason for the deferral is to allow the owner and architect time to revise the plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036356.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00017 VARIANCE Zoning District: R-A Estate Residential The application of OLD KAPOK LLC, Owner, relative to property located at **8 S LAKE TRL**, legal description on file, is described below. The applicant is requesting modifications to a Landmarked residence which will require the following variances: 1. A request for a variance to allow construction of a tennis court that will not be completely enclosed with a fence and that the tennis court with appurtenances will have a 27 foot front yard setback in lieu of the 35 foot minimum required. 2. A variance request to allow a driveway back up space to be 17 feet in lieu of the 25 feet required. 3. A variance request to construct a one story addition to the south side of the existing cabana that will have a front yard setback of 33.8 feet in lieu of the 35 foot minimum required. [Applicant's Representative: Maura Ziska, Esq.] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.] **Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: Z-17-00017 – 8 S Lake Trail

Dear Paul and Kelly:

Please defer the above referenced matters **from the October 11, 2017** Town Council agenda **to the November 15, 2017** Town Council agenda. The reason for the deferral is due to the re-scheduling of Town Council due to Hurricane Irma. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Architect
00036588.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00018 VARIANCE Zoning District: R-B Low Density Residential The application of 130 DOLPHIN ROAD LLC, Owner, relative to property located at **130 DOLPHIN RD**, legal description on file, is described below. The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home. Adding a second story to an existing one story home causes the existing lot coverage of 32% to exceed the 30% maximum allowed for a two story residence in the R-B Zoning District. The variance request is for the lot coverage to be 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District. [Applicant's Representative: Maura Ziska, Esq.] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 5-2.]

Presenter

ATTACHMENTS:

- **Memorandum Dated August 31, 2017 from John S. Page, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 13, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00018 VARIANCE(S)**
130 DOLPHIN RD

Date: August 31, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home and which will result in a demolition in excess of 50% cubic volume. The following variances are being requested: 1. To allow a second story to an existing one story home which will make the existing lot coverage non-conforming at 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District (although existing and proposed lot coverage remains the same). 2. To allow a parapet roof to be added to the existing one story portion of the residence that will increase the height in the following non-conforming setbacks: i. Rear yard setback of 8.3 feet in the rear In lieu of 10 foot minimum allowed; ii. East side yard setback of 9.9 in lieu of the 12.5 foot minimum allowed; and iii. West side yard setback ranging from 10.1 -11.7 in lieu of the 12.5 foot minimum allowed.

ADDRESS: 130 DOLPHIN RD

OWNER: 130 DOLPHIN ROAD LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-42-34-08-000-0230

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: NORTH SHORE ADD TO PALM BEACH LT 23

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

APPLICATION NO.: Z-17-00018 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 130 DOLPHIN RD

DESCRIPTION: The applicant is proposing to construct a 1,400 square foot, second floor addition (which includes a 260 square foot terrace) onto an existing one-story home and which will result in a demolition in excess of 50% cubic volume. The following variances are being requested: 1. To allow a second story to an existing one story home which will make the existing lot coverage non-conforming at 32% in lieu of the 30% maximum allowed for a two story residence in the R-B Zoning District (although existing and proposed lot coverage remains the same). 2. To allow a parapet roof to be added to the existing one story portion of the residence that will increase the height in the following non-conforming setbacks: i. Rear yard setback of 8.3 feet in the rear In lieu of 10 foot minimum allowed; ii. East side yard setback of 9.9 in lieu of the 12.5 foot minimum allowed; and iii. West side yard setback ranging from 10.1 -11.7 in lieu of the 12.5 foot minimum allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/26/2017	It appears that the structure meets FEMA elevation requirements however this is a improvement under FEMA. They need to be aware of permitting timeline and new FEMA requirements that will take effect with the new FBC due for adoption in December 2017.
PUBLIC WORKS ENGINEER	Chuck Langley, PZB Engineer	7/25/2017	Project will need to comply with Stormwater Threshold requirements per Sec. 86-95 Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/31/2017	No comment items not within the adopted fire codes
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/22/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Applicant must justify a hardship(s) for the variances requested.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/29/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/28/2017	Demolition of the house will be signficant. As such, variances are need for lot coverage and the one story parapet elements that are proposed in the side and rear setback. The applicant is required to demonstrate a hardship for the proposed variances. Applicant is also required to have a two car garage which will require the existing carport to be enclosed. Applicant is also required to provide 10 foot wide utility easement across the front of the lot for the Town underground utility project.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - Old Business

Agenda Title

VARIANCE #21-2017 The application of Vera Alfieri Monforte; relative to property commonly known as **218 Miraflores Dr.,** described as lengthy legal description on file; located in the R-B Zoning District. The applicant is proposing to construct a 1,230 square foot second story addition on the west side of the one story residence that will create two bedrooms, a gym and two bathrooms. The following variances are being requested: 1) lot coverage of 33.7% in lieu of the 30% maximum allowed for a two story residence, 2) a west side yard setback of 13 feet in lieu of the 15 foot minimum required, 3) a rear yard setback of 13.91 feet in lieu of the 15 foot minimum required. [Attorney: Maura Ziska, Esq.] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to the December 13, 2017, Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: VAR 21-2017 218 Miraflores

Dear Paul and Kelly:

Please defer the above referenced matters from the October 11, 2017 Town Council agenda to the December 13, 2017 Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the September 27, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036591.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00023 VARIANCE(S) Zoning District: R-B Low Density Residential The application of GULBRANDSEN ALLISON K &, Owner, relative to property located at **211-217 EMERALD LN**, legal description on file, is described below. PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. The Architectural Commission partially approved the project and deferred the remaining item to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to the November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**
- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**

Comments from the Development Review Committee

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: Z-17-00023 – 211/217 Emerald Lane

Dear Paul and Kelly:

Please defer the above referenced matters from the October 11, 2017 Town Council agenda to the November 15, 2017 Town Council agenda. The reason for the deferral is due to the ARCOM deferring the project at the September 27, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Architect
00036587.DOC

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00023 VARIANCE(S)**
217 EMERALD LN

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet.

ADDRESS: 217 EMERALD LN

OWNER: GULBRANDSEN ALLISON K &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-14-06-000-0470

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: REVISED PL OF STOTESBURY PARK LT 47

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

APPLICATION NO.: Z-17-00023 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 217 EMERALD LN

DESCRIPTION: PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 211 & 217 EMERALD LN. The applicant owns two adjacent properties in the R-B Zoning District and wishes to combine the properties to create a garden with accessory structures. Once combined, the resulting lot would have an area in excess of 20,000 square feet (29,000 square feet) and a width in excess of 200 feet. The following variances are being requested: 1) To allow a new one story tea house on the garden parcel to have a 12.5 foot east side yard setback in lieu of the 30 foot minimum setback required for lots with an area in excess of 20,000 square feet and a width in excess of 200 feet. 2) To allow the existing house to remain with the current west setbacks of 28.2 feet for the garage/guest house and 25.1 feet for the main house that become non-conforming once the lots are combined and the resulting lot area is in excess of 20,000 square feet and the resulting lot width is in excess of 200 feet.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/26/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	7/24/2017	Applicant will need to comply with Sec. 86-95 of Town Code related to stormwater and secure a PW ROW permit for the new driveway connection. Non-standard driveway materials will also require a Driveway Agreement to be executed by the property owner. Driveways that abut roads without curbs shall, prior to installation of driveway, install a header curb or drop vertical curb across the front of the entire driveway.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	No Fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/24/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/31/2017	Residential density decreases as a result of "second" home demolition, but setbacks increase due to expanded overall lot area. The footprint of the remaining home remains unchanged, but the new tea house requires a 12.5 east side yard setback in lieu of 30 feet required. Council should consider the unique site development variables when considering the variances. The proposed "driveway/parking" space at east side of lot appears "disjointed."
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/2/2017	No Comment

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

PZB - ZONING	Paul Castro, Zoning Administrator	7/28/2017	There appears to be no hardship for the proposed side yard setback variance for the proposed "tea house". In addition, the improvments on the additional lot will require the dedication of a 10 foot wide utility easement across the front of the proposed lot combination for the Town underground utility project. In addition, a unity of title agreement is required where the property owner acknowledges and agrees to be responsible for the assessment for each of the individual lots joined together by said agreement. Proposed front yard supplemental parking on the east side of the subject property is required to be screened from the street with either a wall or landscapting material as required by Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00024 VARIANCE(S) Zoning District R-C Medium Density Residential The application of KAUPE SANDRA T, Owner, relative to property located at **266 ATLANTIC AVE**, legal description on file, is described below. The owner is proposing to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result In a lot coverage of 34.3 % in lieu of the 22.52% existing and the 30% maximum allowed in the R-C Zoning District.
2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 6-1.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**
- **E-Mail Dated October 5, 2017 From Dadey**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00024 VARIANCE(S)**
266 ATLANTIC AVE

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The owner is proposing to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result In a lot coverage of 34.3 % in lieu of the 22.52% existing and the 30% maximum allowed in the R-C Zoning District.
2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required.

ADDRESS: 266 ATLANTIC AVE

OWNER: KAUPE SANDRA T

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-15-03-000-0080

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ORANGE GROVE PARK LTS 8 & 9

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

APPLICATION NO.: Z-17-00024 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 266 ATLANTIC AVE

DESCRIPTION: The owner is proposing to renovate an existing one-story residence that was constructed in 1920 which will require the following variances: 1. A request to allow construction of a 592.5 square foot one story addition for a master bedroom and covered porch and covered front entry that will result In a lot coverage of 34.3 % in lieu of the 22.52% existing and the 30% maximum allowed in the R-C Zoning District. 2. A request to allow a front yard setback to be 14.67 feet in lieu of the 25 foot minimum required in the R-C Zoning District to allow for a covered entry over the existing steps. 3. A request to allow a rear yard setback to be 10 feet in lieu of the 15 foot minimum required in the R-C Zoning District to allow for the master bedroom addition. 4. A request to allow a swimming pool on the east side of the property with a 6.67 foot west side yard setback in lieu of the 10 foot minimum required.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/25/2017	Plans indicatre that they will be elevating the house to meet "current FEMA regulations. However if permit is not issued before Dec 31, new FEMA regulations will be in place and may effect the elevation requirements.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	7/24/2017	Applicant will need to comply with Stormwater Threshold requirements, Sec. 86-95 Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	No fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/24/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/31/2017	The existing home is to be improved. The front covered entry variance is deminimus, but the addition to rear of home pushes the home closer to the rear lot line than Code allows. Applicant must justiry unnecessary hardship.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/9/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/28/2017	Plans need to be revised to identify the street on the site plan. There also appears to be no hardhip for the variances being requested by the applicant.

From: Kelly Churney
To: Kathleen Ruderman
Cc: Paul Castro; John Page
Subject: FW: Support letter for Z-17-00024 266 Atlantic Ave.
Date: Thursday, October 05, 2017 2:18:57 PM

FYI

Kelly Churney
Office Assistant III

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

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Thursday, October 05, 2017 1:06 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Support letter for Z-17-00024 266 Atlantic Ave.

Kelly: please include the below email in the Town Council back up and forward to the town council members. Thanks. Maura

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

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

From: virginia dadey [mailto:vdadey@icloud.com]
Sent: Thursday, October 05, 2017 1:00 PM
To: Maura Ziska <MZiska@floridawills.com>
Subject: Re: Town Council project

Dear Mrs. Ziska,

My name is Virginia E. Dadey and I reside full time at 267 Atlantic Avenue, Palm Beach.

I received your certified letter last week regarding the property located directly across the street at 266 Atlantic Avenue and the notification of variances needed to do the renovations. As someone that landmarked and restored my house, I welcome and support my neighbors efforts to keep the original structure and add on to it in a manner similar to the original structure.

In short, I fully endorse the proposed building and pool plans which were outlined in the mailing.

With kind regards,

Virginia E. Dadey

Sent from my iPhone

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z 17 00029 VARIANCE(S) Zoning District: R B Low Density Residential
The application of JOSEPH ROBERTA &, Owner, relative to property located at **2288 W IBIS ISLE RD**, legal description on file, is described below.
The applicant is proposing to install a 14 foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed variance will not cause negative architectural impact to the subject property. Carried 5-2. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00029 VARIANCE(S)**
2288 W IBIS ISLE RD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing to install a 14 foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture.

ADDRESS: 2288 W IBIS ISLE RD

OWNER: JOSEPH ROBERTA &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-44-15-01-000-0220

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: IBIS ISLE LT 22 & TR OF SUBMRG LAND LYG ADJ THERETO & WLY THEREOF IN OR694P18

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00029 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 2288 W IBIS ISLE RD

DESCRIPTION: The applicant is proposing to install a 14 foot tall sculpture in front of their residence (out of the setback) in lieu of the maximum 12 foot allowed for a statue and/or sculpture.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	Foundation for statue must meet all FBC requirements for wind design.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	The proposed sculpture does not conflict with the adopted fire codes
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/18/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Sculpture shall not interfere in any way with vehiclular movement in the driveway.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/18/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The applicant needs to demonstrate what the harship is to grant the variance. The maximum height of any statue or sculpture is 12 feet.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z 17 00031 VARIANCE(S) Zoning District: R A Estate Residential
The application of SOLIMINE EMIL &, Owner, relative to property located at **830 S OCEAN BLVD**, legal description on file, is described below. A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the November 29, 2017 meeting. Carried 7-0.] **Request for Deferral to December 13, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**
- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: Z-17-00031 830 S Ocean Blvd

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the October 11, 2017** Town Council agenda **to the December 13, 2017** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the September 27, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect

00036592.DOC

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00031 VARIANCE(S)**
830 S OCEAN BLVD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed.

ADDRESS: 830 S OCEAN BLVD

OWNER: SOLIMINE EMIL &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-35-00-001-0100

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, E 200 FT OF S 150 FTOF N 941.52 FT OF GOV LT 1 W OF OCEAN BLVD & S 150 FT OF N 941.52 FT OF GOV LT 1 E OF OCEAN BLVD

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00031 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 830 S OCEAN BLVD

DESCRIPTION: A variance request to allow the construction of a 590 square foot two story infill addition for two guest bedrooms that will result in a lot coverage of 26.2% in lieu of the 24.6% existing and the 25% maximum allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comment.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	No Comment
FIRE RESCUE DEPARTMENT			No Comment
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project. This site is also a known or potential archaeological site, therefore the applicant must comply with the Town's archaeological ordinance.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/23/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Applicant must justify necessity for variance.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	There appears to be no hardship to approve the proposed variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00037 VARIANCE(S) Zoning District: R AA Large Estate Residential
The application of LOUWANA TRUST, Owner, relative to property located at **473 N COUNTY RD,** legal description on file, is described below. The Applicant is proposing to renovate a Landmarked residence by adding a 67 square foot basement addition to the laundry room, a 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175 square foot first floor playroom addition, and a 350 square foot second floor bedroom and bathroom addition. The following variances are being requested in conjunction with the proposed renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42% existing and 55% minimum required. [Applicant's Representative Maura Ziska Esq] [The Landmarks Preservation Commission's September meeting was cancelled. This project will be heard at the October 18, 2017 meeting.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**
- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**

Comments from the Development Review Committee

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: Z-17-00037 – 473 N County Road

Dear Paul and Kelly:

Please defer the above referenced matters from the October 11, 2017 Town Council agenda to the November 15, 2017 Town Council agenda. The reason for the deferral is due to the re-scheduling of Town Council due to Hurricane Irma. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036589.DOC

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00037 VARIANCE(S)**
473 N COUNTY RD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The Applicant is proposing to renovate a Landmarked residence by adding a 67 square foot basement addition to the laundry room, a 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175 square foot first floor playroom addition, and a 350 square foot second floor bedroom and bathroom addition. The following variances are being requested in conjunction with the proposed renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42% existing and 55% minimum required.

ADDRESS: 473 N COUNTY RD

OWNER: LOUWANA TRUST

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-14-00-001-0060

ZONING DISTRICT: R-AA Large Estate Residential

LEGAL DESCRIPTION: 14-43-43, TH PT OF S 185.27 FTOF N 1151.17 FT OF GOV LT 1 LYG ELY OF CO RD /LESS W 272 FT/ IN OR638P744

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00037 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 473 N COUNTY RD

DESCRIPTION: The Applicant is proposing to renovate a Landmarked residence by adding a 67 square foot basement addition to the laundry room, a 2,438 square foot two story guest suite with balcony, entry steps, a 960 square foot first floor garage with Mechanical Area and Back Entry, a 260 square foot first floor garden shed, a 175 square foot first floor playroom addition, and a 350 square foot second floor bedroom and bathroom addition. The following variances are being requested in conjunction with the proposed renovation: a. North side yard basement setback for the laundry room addition of 24.46 feet in lieu of the 30 foot minimum required; b. North side yard first floor setback ranging from 13.5 feet to 29.58 feet for the playroom, Garage, Guest Suite, Guest Suite entry steps, and garden shed in lieu of the 30 foot minimum required; c. North side yard second floor setback ranging from 13.5 feet to 23.26 feet for the bedroom and bathroom addition, Guest Suite, and Guest Suite Balcony in lieu of the 30 foot minimum required. d. Landscaped open space of 40% In lieu of the 42% existing and 55% minimum required.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	Depending on construction value and market value for the existing structure, this work may constitute a substantial improvement under FEMA guidelines. If this is the case, a FEMA variance will be required from the Town Council unless the existing structure meets the required FEMA Base Flood Elevation (BFE).
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	At plan review stage, provide documentation of re-developed impervious and landscaped areas for staff to determine extent of stormwater collection/storage requirements.
FIRE RESCUE DEPARTMENT			No Comment
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires Landmarks Preservation Commission review and approval as a combination project. This site is also a known or potential archaeological site, therefore the applicant must comply with the Town's archaeological ordinance.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/23/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Applicant must justify the necessity for variances approval.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	It is unclear what the hardship is for the variances. The Applicant must demonstrate to the Town Council that the hardship criteria in Section 134-201 of the Code of Ordinances are met in order to approve the subject variances.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00030 SPECIAL EXCEPTION Zoning District: C WA Worth Avenue
The application of 237 243 WORTH AVENUE LTD PARTN, Owner, relative to property located at **243 WORTH AVE**, legal description on file, is described below.
1. A request for a Special Exception with Site Plan Review to allow an apparel store ("Marcus") to occupy 4,878 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town serving. [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00030 SPECIAL EXCEPTION**
243 WORTH AVE

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A request for a Special Exception with Site Plan Review to allow an apparel store ("Marcus") to occupy 4,878 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town serving.

ADDRESS: 243 WORTH AVE

OWNER: 237-243 WORTH AVENUE LTD PARTN

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-23-05-015-0440

ZONING DISTRICT: C-WA Worth Avenue

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 44 TO 47 INC
BLK 15

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00030 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 243 WORTH AVE TENANT:MARCUS

DESCRIPTION: 1. A request for a Special Exception with Site Plan Review to allow an apparel store ("Marcus") to occupy 4,878 square feet of gross leasable area. Since the proposed space is in excess of 4,000 square feet of gross leasable area, the Applicant is required to obtain Town Council approval and a finding that the proposed use is town serving.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	This is a replacement of retaail space. There is no occupancy change proposed at this time. All modifications to the interior must maintain all life safety systems. Any demo of sprinkler system will require a permit as well as the fire alarm system.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	I have no comments regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/22/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Newly proposed retail to replace existing retail. No Special Exception concerns. Town serving verification should be completed to satisfaction of the Town Council.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The applicant needs to demonstrate to the satisifaction of the Town Council that the proposed business will be Town-serving. The applicant did not provide any Town-serving information and the application should be deferred to provide the applicant time to provide a market study. The market study should provide information indicating the client base the proposed business is trying to reach. That client base has to be primarily (more than 50%) Town-persons, as defined in Chapter 134 of the Code.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00036 SPECIAL EXCEPTION Zoning District: R C Medium Density Residential

The application of 224 ATLANTIC LLC, Owner, relative to property located at **224 ATLANTIC AVE**, legal description on file, is described below. On May 8, 1979, The Town Council granted Special Exception application #10-79. It allowed the developer to create seven (7) supplemental parking spaces in conjunction with the construction of what was then a two unit development. The supplemental parking spaces were agreed to be used on a first come first serve basis by the subject property (224 Atlantic) and the condominium across the street (223 Atlantic) which was also owned by the developer at the time. The Special Exception approval was granted and the attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous Special Exception #10 79 to remove the condition of the agreement attached as Exhibit 1 and replace that agreement with a substitute agreement that would allow the use of the seven (7) parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the Town Council of the restrictions relating to the use of the seven parking spaces, upon application filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224. [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of**

Planning, Building and Zoning

- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00036 SPECIAL EXCEPTION**
224 ATLANTIC AVE

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

On May 8, 1979, The Town Council granted Special Exception application #10-79. It allowed the developer to create seven (7) supplemental parking spaces in conjunction with the construction of what was then a two unit development. The supplemental parking spaces were agreed to be used on a first come first serve basis by the subject property (224 Atlantic) and the condominium across the street (223 Atlantic) which was also owned by the developer at the time. The Special Exception approval was granted and the attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous Special Exception #10-79 to remove the condition of the agreement attached as Exhibit 1 and replace that agreement with a substitute agreement that would allow the use of the seven (7) parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the Town Council of the restrictions relating to the use of the seven parking spaces, upon application filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224.

ADDRESS: 224 ATLANTIC AVE

OWNER: 224 ATLANTIC LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-15-03-000-0260

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ORANGE GROVE PARK LTS 26 THRU 29

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00036 **APPLICATION TYPE:** SPECIAL EXCEPTION

ADDRESS: 224 ATLANTIC AVE

DESCRIPTION:

On May 8, 1979, The Town Council granted Special Exception application #10-79. It allowed the developer to create seven (7) supplemental parking spaces in conjunction with the construction of what was then a two unit development. The supplemental parking spaces were agreed to be used on a first come first serve basis by the subject property (224 Atlantic) and the condominium across the street (223 Atlantic) which was also owned by the developer at the time. The Special Exception approval was granted and the attached agreement (Exhibit A) was recorded on October 26, 1979. The Applicant purchased both units in the duplex (224 Atlantic Avenue) in 2013 and converted the two units into one single family residence. As the structure is now a single family residence, the condominium documents for 224 Atlantic Avenue were terminated. The Applicant is requesting to modify the previous Special Exception #10-79 to remove the condition of the agreement attached as Exhibit 1 and replace that agreement with a substitute agreement that would allow the use of the seven (7) parking spaces to be shared with the property owners of 223 Atlantic Avenue unless and until the 223 building or the Court releases 224 Atlantic from that obligation and, upon release by the Town Council of the restrictions relating to the use of the seven parking spaces, upon application filed by 224 within thirty days of the conclusion of the pending litigation between 223 and 224.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments. No applicable Building Code issues.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	There are no fire code concerns with the proposed parking spaces
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	I have no comments regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/18/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Off-street parking at this home, formerly unified with a multi-family condominium building across the street at 223 Atlantic Avenue, has been the subject of legal debate. Town Attorney John Randolph should profer an opinion about the wisdom of approving this Special Exception.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The Applicant should be required to provide seven off-street parking spaces in perpetuity or until such time as the Town Council grants the Applicant a variance to eliminate said parking. The legal instrument to ensure that the parking exists can be in some other from than a unity of title agreement. Therefore, it is recommended that the Council consider the request to change the type of agreement to ensure the parking from a unity of title agreement to a substitute parking agreement.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00020 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of CARRIAGE HOUSE PROPERTIES PART, Owner, relative to property located at **264 S COUNTY RD SUITE:** SITE, legal description on file, is described below. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equlvalency for parking requirements. [Applicant's Representative: Maura Ziska, Esq] **Request for Deferral to the December 13, 2017, Town Council Meeting Per Letter Dated October 4, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**
- **Memorandum from Arpita Guha, American Consulting Engineers of Florida, dated September 1, 2017 regarding Parking Analysis and Traffic Circulation**
- **Final Traffic Concurrency by American Consulting Engineers of Florida, Inc. Dated September 1, 2017 and Related Backup Material**
- **Initial Traffic Concurrency by American Consulting Engineers of Florida, Inc. Dated August 23,2017 and Related Backup Material**
- **E-Mail Dated August 10, 2017 From Frisbie**
- **Letter Dated August 14, 2017 From Schneider**
- **E-Mail Dated August 14, 2017 From Platt**
- **Letter Dated August 14, 2017 From Kramer**
- **Letter Dated August 15, 2017 From Mann**
- **Letter Dated August 17, 2017 From Pashcow**

- **Letter From Potter - Mahler**
- **E-Mail Dated August 22, 2017 From Anderson**
- **Letter Dated August 21, 2017 From Morrison**
- **Letter received August 25, 2017 from de la Begassiere**
- **Letter Dated August 21, 2017 From Dryer**
- **E-Mail Dated August 27, 2017 From Fisk**
- **E-Mail Dated August 28, 2017 from Cameron-Hayes**
- **Letter Received August 30, 2017 From Butler**
- **Letter Dated 9/4/17 from Rosinsky**
- **Letter Dated 9/21/17 From Johnson**
- **Letter not dated from O'Connor**
- **Letter Dated July 24, 2017 From McLean**
- **Letter Dated October 4, 2017 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

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

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements.

ADDRESS: 264 S COUNTY RD SUITE: SITE

OWNER: CARRIAGE HOUSE PROPERTIES PART

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

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

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: PL OF PHIPPS PLAZA LT L

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/29/17

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

ADDRESS: 264 S COUNTY RD SUITE: SITE

DESCRIPTION: PLEASE NOTE: THIS PROJECT ENCOMPASES BOTH 264 & 270 S COUNTY RD. A request for a special exception with site plan review approval to allow a private club "Carriage House" to operate at 264 and 270 South County Road in the C-TS Zoning District. The Club will have a membership cap of 264 members based on the principal of equivalency for parking requirements.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/14/2017	No Comment.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	8/29/2017	I am concerned about the logic that each vehicle will have 4 occupants; I believe that we will see single occupancy vehicles and couples. It would take all spaces available to handle the proposed club attendees during large events. Will all available spaces be open?
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	7/14/2017	Proposal shows a increase in occupancy with tables. We need a life safety plan with exit corridors and travel distance. Parking concerns for Emergency Vehicle access.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	7/14/2017	I have no comment regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/14/2017	No Comment.
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/14/2017	Conversion of "restaurant" to "club" equals intensification of use. Absence of off-street parking will create constant traffic circulation problems. Applicant must produce traffic concurrency documentation, acceptable to the Town, attesting to the adequacy of parking and traffic circulation.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	7/14/2017	No Comment.

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/29/17

PZB - ZONING	Paul Castro, Zoning Administrator	7/14/2017	The principle of equivalency calculations are incorrect. The applicant cannot use previously granted relief for a different land use in its calculations. The application also is also difficient as there is no reference to who the representative of "Carriage House" is on the applicant line. I believe there will be significant negative impacts to South County Road in that area and Phipps Plaza. There is absolutley no off-street parking for this use and assembly of club members for events will increase parking demand in that area. Staff will be requiring concurrency and a parking and traffic circulation study by the Town's consulant as part of the Town's reivew of the application. In addition, Exhibit C of the application related to the Parking Statement is not completed. The application requires a detailed parking statement which includes details of all available off-street parking. There is no information regarding the number of employees per shift nor any indication where employees would park. The attorney wrote "N/A", not applicable. See memorandums from American Consulting Engineers of Florida regarding parking and traffic circulation and traffic concurrancy (attached).

American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd, Suite 200
Wesley Chapel, Florida 33544
Tel 813.435.2600 • Fax 813.435.2601
american@acp-fl.com • www.acp-americas.com

Date: September 1, 2017

To: Paul Castro (Town of Palm Beach)

Cc: John Page (Town of Palm Beach); Brian Mirson (American); David Bredahl (American)

From: Arpita Guha (American)

Subject: **Parking Analysis and Traffic Circulation Memorandum**

Carriage House Club located at 264 and 270 South County Road
North of Royal Palm Way and West of South County Road, Town of Palm Beach
American Project No: 5089725, Authorization # 28

The purpose of this memorandum is to evaluate the proposed land use change, parking requirements and traffic circulation for the proposed Carriage House Club located at 264 and 270 South County Road in the Town of Palm Beach.

The location was previously occupied as a quality restaurant, retail and residential uses but the quality restaurant closed several years ago and left vacant. The Carriage House is proposed to be an exclusive, upscale private club with a maximum membership of 264 (with 278 seats) that the applicant states will cater to the Town of Palm Beach, serving breakfast, lunch, dinner and hosting special club events.

The private club is of assembly use in nature and therefore, will require a majority of its parking spaces during club events all at one time unlike a quality restaurant, retail or residential that existed in those tenant spaces previously. A quality restaurant which existed in the past, has a typical turnover rate of an hour or longer but guests do not all arrive at the same time. Customers typically make reservations and arrive accordingly; therefore, demanding fewer parking spaces. Typically there are more special events in a private club than in a quality restaurant. The retail and the residential land uses that existed in the past also do not typically have trips arriving all at once.

PARKING ANALYSIS

The existing site does not provide for any off-street parking. All parking for the proposed club would be entirely dependent on on-street parking.

The zoning application for the Carriage House Club does not provide any customer/employee parking. The applicant did not address the number of employees working per shift at the proposed Club and where these employees would park. The application states that there are approximately 66 on-street parking spaces on South County Road and Phipps Plaza. The zoning application shows the calculations to document that the proposed club is allowed 66 parking spaces based on application of principle of equivalency in accordance with the Town of Palm Beach Code of Ordinance Section 134-2176 on existing use. While this is being categorized as a private club in the application, it more resembles a quality restaurant with private membership. In addition, these calculations were reviewed by the Town of Palm Beach staff and they believe that the parking calculations in the zoning application based on principle of equivalency are incorrect and that the proposed club will be allowed to inherit 58 parking spaces and not 66 spaces. The calculations for parking spaces based on existing use, includes an additional 15 seats for the quality restaurant that were granted by variance and also includes 2,101 square feet of retail instead of 1,888 square feet as stated in the application.

In context of these parking spaces, it should be noted that 30 of the 44 spaces along Phipps Plaza are "permit parking only" between the hours of 9:00 am and 12:00 am midnight and would not be available for the Carriage House Club's use. The remaining 14 are 2-hour parking between 9:00 am and 6:00 pm. Along South County Road, there are 22, two-hour, public on-street parking spaces for all area businesses to use.

To determine the number of parking spaces required for the Carriage House Club, we referenced the Town of Palm Beach Code of Ordinance Section 134-2176 and the Institute of Transportation Engineers (ITE) Parking Generation Manual 4th Edition. The Town of Palm Beach Code of Ordinance Section 134-2176 is based on the principal of equivalency. As noted above, a variance was granted for additional seats for the previous quality restaurant that the applicant now cannot use for the proposed use of a private club. The excerpts from these two sources used for estimation of parking demand have been attached to this memorandum as **Appendix A. Table 1** shows that the estimated parking requirements for a private club quality restaurant (which this use most resembles) with 278 seats would be between 93 (Town of Palm Beach ordinance) and 131 parking spaces (ITE, Parking Generation Manual). According to the zoning application, there are 66 on-street parking spaces available, of which 30 should not be included due to permit only parking (Phipps Plaza). The remaining 36, two-hour, public on-street parking spaces would not be available solely to the proposed Carriage House Club, but would be shared with the other businesses in the area.

While technically meeting the principal of equivalency of Zoning Code of Ordinance 134-2175 (f), the proposed Club would not have adequate ingress and egress, or off-street parking or loading under Section 134-229 (8) of the code. In reality, there is a parking space availability shortage of a minimum of 57 spaces. There is not enough available parking on the street to accommodate this use. There will be significant negative parking impacts and the application does not comply with Section 134-229 (8), (11) of the code related to parking, ingress/egress and service.

Table 1: Parking Supply vs Parking Demand for Proposed Land Use

Proposed Land Use	Parking Demand Town of Palm Beach[1a]	Parking Demand ITE [1b]	Parking Supply [2]	Parking Space Shortage
Private Club/Quality Restaurant with 278 Seats	93	131	66 of which ***30*** along Phipps Plaza are Permit Parking Only. **Available public parking = 36**	Based on Town of Palm Beach calculations: Shortage: 93 – 36 = **57** Based on ITE calculations: Shortage: 131 – 36 = **95**
	Demand exceeds supply	***Demand exceeds supply***		

(1a)Based on Town of Palm Beach Code of Ordinance Section 134-2176
(1b)Based on ITE Parking Generation Manual 4th Edition for peak period parking demand
(2)Source: Zoning Application Package Page 41 of the PDF received

TRAFFIC CIRCULATION

During the PM peak hour, the total trips generated by the proposed Carriage House Club would be 72 vehicle trips based upon the applicant's *Traffic Impact Analysis Statement* dated June 15, 2017. Even with this conservative trip generation rate, the additional trips would impact traffic circulation, as customers or valets look for available parking in the residential neighborhood of Phipps Plaza or surrounding residential streets and on South County Road. Moreover, breakfast and lunch hour operations and day-time charitable events are also anticipated for the proposed private club. During these day-time hours, the members and the guests of the proposed private club will be competing with the other businesses for available on-street parking.

The zoning application states that there will be a valet station on South County Road. As there is no on-street or off-street queuing available, this will cause extreme traffic circulation and congestion issues. Specifically, in the southbound direction, vehicle stacking at the valet station will cause queuing back-up into the intersection of Seaview Avenue and South County Road because of the close distance between Phipps Plaza and Seaview Avenue (less than 150 feet). This queuing would have a negative impact on Seaview Avenue and South County Road traffic operation. South County Road is a major roadway running north-south through the Town and is designated as State Road (SR) A1A. Any queuing issue or traffic back up along this critical north-south roadway will cause a negative effect to

the traffic circulation through the Town. Moreover, previous experiences have shown that car parking on South County Road result in queuing and blocking traffic impacting the traffic circulation in the area. The annual average daily traffic (AADT) on South County Road/SR A1A is 13,800 vehicles per day based on 2016 FDOT Florida Traffic Online.

Palm Beach Day Academy, located at 241 Seaview Avenue (575 feet west of South County Road), has an enrollment of 470 students in grades pre-primary (age 2) through grade 9. There is potential for traffic circulation and traffic congestion issues in the area during morning drop-off and afternoon pick-up times that coincide with the Carriage House Club hours of operation.

EMERGENCY VEHICLES

The valet station queuing on South County Road and the circulation issues caused by motorist searching for on-street parking would impact emergency vehicle response time. Palm Beach Fire Rescue Station # 2 is located approximately 1.2 miles north of the property.

CONCLUSION

The Carriage House is proposed to be an exclusive, upscale private membership club (with 278 seats) that the applicant states will cater to Town of Palm Beach serving breakfast, lunch, dinner and hosting special club events. The private club is of assembly use in nature and therefore, will require majority of its parking spaces during club events all at one time unlike a quality restaurant, retail or residential that existed in those tenant spaces previously. A quality restaurant which existed in the past, has a typical turnover rate of an hour or longer but guests do not all arrive at the same time. They make their reservation and arrive accordingly; therefore, demanding fewer parking spaces. Typically there are more special events in a private club than in a quality restaurant. The retail and the residential land uses that existed in the past also do not typically have trips arriving all at once.

The number of seats assigned to the proposed club in the application is 278. The maximum number of people the building could accommodate as proposed up to 439 without tables and chairs based on the adopted fire code of less concentrated assembly use with one person for every 15 square feet and up to 926 people without tables and chairs based on the adopted fire code of concentrated assembly use with one person for every 7 square feet. While we think these numbers are high, we think that there could be realistically 300 members and guests attend a club event at one time. The Carriage House Club traffic generated would congest the street network and overwhelm the parking in the Town for these types of event during peak season. This does not include the parking for the employees. The

detailed information on building occupancy received from the Town of Palm Beach Fire Marshal is included in **Appendix B**.

As submitted, the application for the proposed Carriage House Club does not meet minimum parking standard to warrant a change in land use. While technically meeting the principal of equivalency of Zoning Code of Ordinance 134-2175 (f), the proposed Club would not have adequate ingress and egress, or off-street parking or loading under Section 134-229 (8) of the code. There also may be significant negative impacts created with refuse or service areas, however, the applicant did not address Section 134-229 (11) related to this issue. In addition, the applicant failed to address employee parking, valet operations and where the refuse areas are and how they will be managed in a way to not negatively impact the area.

The application is found to be deficient in the following areas and no solution has been proposed.

- The applicant did not address the number of employees per shift, the parking requirements and where the employees would park.
- The applicant inaccurately indicated almost double the number of available parking spaces of what exists by including permit only spaces into account. The zoning application reflects incorrect parking information along Phipps Plaza.
- The applicant did not address special events as a part of the proposed private club and whether the club operation will have noise impacts on the community and neighborhood.
- The applicant did not request special exception for off-site shared parking. The application lacks identifying surrounding land-uses showing the location of potential parking, hours of operation and any restrictions that would apply.
- The applicant did not address service and loading areas for delivery trucks.
- The application lacks a detailed valet parking circulation plan showing drop-off/pick-up location (that will not impede local traffic circulation) and parking location(s) with capacity.
- The applicant did not provide any solution to handle the parking requirement when a large group of people arrive to attend an event in the proposed private club at the same time representing the typical assembly nature of the proposed land use.
- The application has a *Traffic Impact Analysis Statement* dated August 14, 2017 that includes parking calculations which are inconsistent with the zoning application.

- The *Traffic Impact Analysis Statement* should be revisited and revised in conjunction with the parking requirements and operations, especially at the intersection of Phipps Plaza and South County Road.
- The *Traffic Impact Analysis Statement* states a total of 46 parking spaces along Phipps Plaza compared to 44 spaces shown in the zoning application.

APPENDIX A

Parking Demand Estimation Sources

Sec. 134-2175. - Number of parking spaces required—Generally.

(a)

Under this division, the following shall be provided:

(1)

At the time of the erection of any building or structure, minimum off-street parking facilities shall be required with adequate provisions for ingress and egress, in accordance with sections 134-2172 through 134-2174 and the schedule of off-street parking requirements, as prescribed in section 134-2176.

(2)

At the time any building or structure is enlarged or increased in capacity by adding dwelling units, guestrooms, floor area or seats, minimum off-street parking facilities with adequate provisions for ingress and egress shall be required, in accordance with section 134-2 and sections 134-2172 through 134-2174 and the schedule of off-street parking requirements, as prescribed in section 134-2176.

(3)

Except as provided in subsection (f), at the time any use or occupancy of an existing building is changed to a new use or occupancy having differing off-street parking requirements, the parking requirement for the new use or occupancy shall be computed on the basis of the schedule of off-street parking requirements in the section 134-2176. This requirement shall be compared to the requirements of the existing use or occupancy, and, if the total number of spaces required under the new use or occupancy exceeds that of the existing use or occupancy, the difference shall constitute that number of additional off-street parking spaces to be provided, with adequate provisions for ingress and egress, in accordance with sections 134-2172 and the schedule of off-street parking requirements as prescribed in section 134-2176.

(b)

Except as provided in subsection (f), a use, building or structure, lawfully in existence at the effective date of this division, which shall be made nonconforming on the effective date of the ordinance from which this division derives or any applicable amendment thereto, may be continued even though off-street parking may not be provided in full compliance with this division, but the degree of nonconformity due to a deficiency in providing the required off-street parking spaces may not be increased, either by reducing the number of parking spaces which are provided on the effective date of the ordinance from which this chapter is derived or by changing the use or occupancy of an existing building to a use or occupancy which increases the requirement for off-street parking. For existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one space per 200 or 250 square of gross leasable area, whichever is applicable, and which may be required under this chapter to provide additional parking spaces as a result of a change in use, such establishments shall be required only to provide that number of spaces over and above the number of spaces that would have been required at one space per 200 or 250 square feet of floor area gross leasable area, whichever is applicable.

(c)

Continued availability of required number of off-street parking spaces. After providing for the proper number of required off-street parking spaces so as to permit a principal use of property to be established as set forth in the schedule of off-street parking contained in section 134-2176, such required off-street parking shall continue to be available in undiminished number for sole use as an integral part of the continuance of the principal use(s) unless meeting the shared parking as provided for in sections 134-2177, 134-2178 and 134-2182. If for any reason such required off-street parking is not available at all times in connection with the principal use, such principal use shall be discontinued until such time as the proper number of required off-street parking spaces shall again be made available for use in connection with the principal use.

(d)

The principle of equivalency for evaluating off-street parking in existing uses is as follows:

(1)

Definition of principle of equivalency as applied to the schedule of off-street parking requirements. The principal of equivalency, as it relates to the schedule of off-street parking requirements, shall be defined as an automobile parking space required by section 134-2176 for establishing an inventory of automobile parking spaces for a conforming or nonconforming use of an existing building, or structure or use, for the purpose of determining the net off-street parking requirement for the establishment of a proposed new use to be permitted in the building, or structure or use.

(2)

In evaluating off-street parking for existing uses, the principle of equivalency shall be applied when the use or occupancy of an existing building is being changed to a new use or occupancy having a differing off-street parking requirement for the purpose of establishing compliance with this chapter.

(3)

The following floor area equivalencies may be used as a minimum guide in the application of the schedule of off-street parking requirements:

a.

One permanent seat equals six square feet of floor area in seating areas of occupancies requiring seating.

b.

One moveable seat equals 15 square feet of floor area in seating areas of occupancies requiring seating.

c.

The remainder of areas external to actual seating areas shall provide required parking according to the schedule of applicable parking requirements.

d.

One school student equals 20 square feet of floor area.

(e)

For the purpose of this section, a landmarked commercially zoned building is exempt from providing additional required off-street parking if increased occupancy or use is created by interior building improvements which create more gross leasable area. However, all other provisions of subsections (a) through (d) apply.

(f)

In the 200 Block of Peruvian Avenue and Bradley Place in the C-TS zoning district, existing buildings or establishments therein which are nonconforming with respect to the current parking requirements, and which involve only those uses requiring one space per 200 or 250 square feet of gross leasable area, whichever is applicable, shall not be required to provide additional parking spaces as a result of a change from a use which alters the parking ratio from one space per 250 square feet to a use which requires one space for every 200 square feet of gross leasable area.

(Ord. No. 2-74, § 6.21(C), 3-26-74; Ord. No. 1-99, § 2, 4-5-99; Ord. No. 1-00, § 8, 2-22-00; Ord. No. 1-04, § 37, 3-9-04; Ord. No. 5-09, § 30, 4-15-09; Ord. No. 5-2011, § 5, 3-9-11; Ord. No. 25-2015 , § 3, 11-12-15)

Sec. 134-229. - Requirements for granting.

The requirements for granting a special exception use under this chapter are as follows:

(1)

The use is a permitted special exception use as set forth in article VI of this chapter.

(2)

The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

(3)

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

(4)

The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

(5)

The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

(6)

The use will comply with all elements of the comprehensive plan.

(7)

The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.

(8)

Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

(9)

Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.

(10)

Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

(11)

Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.

(12)

In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

(13)

If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

(14)

The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

(Ord. No. 2-74, § 6.40(a)—(m), (r), 3-26-74; Ord. No. 3-77, § 11, 3-29-77; Ord. No. 5-78, § 12, 3-31-78; Ord. No. 7-79, § 12, 3-30-79; Ord. No. 4-80, § 6, 3-31-80; Ord. No. 1-85, §§ 3(b), 4(d), (e), 2-11-85; Ord. No. 1-90, § 4(d), 2-5-90; Ord. No. 1-91, § 4(c), (d), 4-23-91; Ord. No. 1-96, § 7, 2-5-96; Ord. No. 1-99, § 6, 4-5-99; Ord. No. 2-2011, § 2, 7-13-11; Ord. No. 7-2014, § 9, 5-14-14)

Sec. 134-2176. - Same—Schedule.

The schedule of off-street parking required by this division shall be as follows:

Use			Spaces Required Per Unit
(1)	Single-family dwellings		Two per dwelling unit of 3,000 feet of floor area or less, plus one additional space per each 3,000 square feet or portion thereof of floor area above 3,000 square feet.
	Two-family dwellings and townhouses		Two per dwelling unit, plus one additional per each five family dwelling units or portion thereof. Any unit larger than 3,000 square feet shall provide three parking spaces plus one additional per each five dwelling units or portion thereof.
(2)	Multifamily dwellings (three units or more), number of units and required parking spaces as follows:		
	a.	Three	Eight
	b.	Four	11
	c.	Five	13
	d.	Six or more units	Two per dwelling unit plus one per five units or portion thereof
(3)	Houses of worship, theaters and auditoriums		One per four permanent seats in the main auditorium.
(4)	Social, swimming, golf, tennis and yacht clubs		One per four members.
(5)	Retail, commercial and personal service establishments and banks and financial institutions, excluding brokerage and trust companies		One per 200 square feet of gross leasable area (GLA)
(6)	Hotels, condo-hotels, motels, motor inns and timesharing uses		One and three-fourths per unit with two or fewer rooms, and 2.75 per unit with more than two rooms; plus one for each 2.5 seats of conference capacity including auditorium, ballroom, banquet facilities, convention hall, gymnasium, meeting rooms, or other similar places of assembly.
(7)	Libraries, museums and nonprofit cultural centers		One per 500 square feet
(8)	Medical or dental offices or clinics		One per 250 square feet of gross leasable area (GLA)
(9)	Restaurants, nightclubs or other eating places		One for each three proposed fixed seats, and/or one for each 45 square feet of floor area in the proposed public seating area not

			having fixed seats, plus one for each 300 square feet of floor area in the remainder of the floor area
(10)	Reserved		
(11)	Schools (public or private):		
	a.	Grades one—six	One per 14 students
	b.	Grades seven—nine	One per nine students
	c.	Grades ten—12	One per three students
(12)	Accessory commercial retail and service uses in hotels and condo hotels		One per 250 square feet except for a restaurant, nightclub, bar, or other entry place which shall require the same as subsection (9) of this section, and except for conference facilities and similar places of assembly which shall require the same as subsection (6) of this section
(13)	Office, professional and business service establishments, institutions, institutions, and brokerage and trust companies		One per 250 square feet of gross leasable area (GLA)
(14)	Group home and foster care facilities		One space per each four resident occupants or fraction thereof, plus one per each employee in the largest work shift, with a minimum of two parking spaces
(15)	Required off-street parking exception for commercial parking garages in the C-WA zoning district		Number of required parking spaces attributed to uses on a commercial property within a parking garage in the C-WA district may be reduced by a maximum of 15 percent in order to provide off-site supplemental parking for other off-site commercial uses in the same district. The application can only be approved if the property owner provides evidence satisfactory to the town at the time of application and on an annual renewal basis that said parking exception will not negatively impact the parking of all on-site uses. Those off-site commercial uses in the C-WA district that are allowed to share the parking garage shall not be allowed to use said shared parking as a basis to develop or redevelop property, or expand or intensify the use of property. (See footnote 1 for requirements in granting an exception)

Footnote 1: An off-street parking exception application may be approved or denied by the director of planning, zoning and building or designee after 15 days of a legal notice being published in a

newspaper of general circulation in Palm Beach or West Palm Beach with a summary of the request for such off-street parking exception. Said notice shall be paid by the applicant and shall not be part of the application fee. Any approval or denial of an application for an exception to the off-street parking requirements in subsection (15) of this section may be appealed to the town council based on sections 134-141—134-145 of the Code. There shall be no fee associated with this type of an administrative appeal.

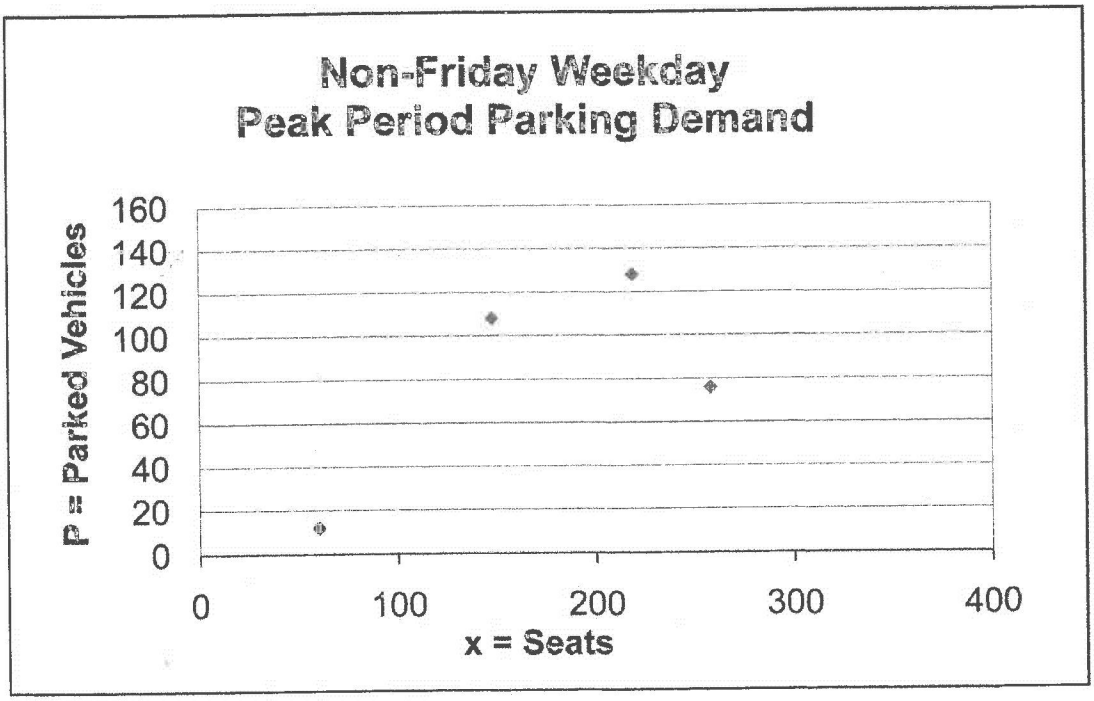
(Ord. No. 2-74, § 6.21(C), 3-26-74; Ord. No. 1-84, § 4(d), 3-1-84; Ord. No. 1-92, § 4(a), 2-3-92; Ord. No. 1-94, § 4(a), (e), 2-7-94; Ord. No. 1-95, § 2(a), 1-23-95; Ord. No. 1-96, § 10, 2-5-96; Ord. No. 1-97, § 3, 2-17-97; Ord. No. 1-99, § 27, 4-5-99; Ord. No. 1-00, § 9, 2-22-00; Ord. No. 1-01, § 7, 2-19-01; Ord. No. 1-04, § 11, 3-9-04; Ord. No. 5-09, § 24, 4-15-09; Ord. No. 7-09, § 7, 5-13-09; Ord. No. 25-2015 , § 4, 11-12-15)

_____

Land Use: 931
Quality Restaurant

Average Peak Period Parking Demand vs. Seats
On a: Non-Friday Weekday

Statistic	Peak Period Demand
Peak Period	7:00–8:00 p.m.
Number of Study Sites	4
Average Size of Study Sites	171 Seats
Average Peak Period Parking Demand	[redacted]
Standard Deviation	0.24
Coefficient of Variation	52%
Range	0.20–0.73 vehicles per 1,000 sq. ft. GFA
85th Percentile	0.67 vehicles per 1,000 sq. ft. GFA
33rd Percentile	0.34 vehicles per 1,000 sq. ft. GFA



APPENDIX B

Information on Building Occupancy from

Town of Palm Beach Fire-Rescue Department

Town of Palm Beach Fire-Rescue

MEMORANDUM

DATE: August 21, 2017

TO: Paul Castro, Zoning Administrator

FROM: Martin DeLoach, Fire Marshal

RE: Zoning Case #Z-17-00020 – 246 & 270 S. County Rd.

Per the adopted fire code the occupancy number for the above structure is based on several factors:

ASSEMBLY USE	SQ. FT. PER PERSON	METER SQ. PER PERSON
Concentrated use, without fixed seating	7 net	0.65 net
Less concentrated use, without fixed seating	15 net	1.4 net
Bench-type seating	1 person per 18 linear in.	1 person per 455 linear mm.
Fixed Seating	Use number of fixed seats	Use number of fixed seats
Waiting spaces	See 12.1.7.2 and 13.1.7.2	See 12.1.7.2 and 13.1.7.2
Kitchens	100	9.3

The proposed 1st floor plan has identified several separate areas. The seats were counted in each area; however, the bench seating as per code allows one person for every 18 inches. I counted the seats aligned with the tables.

Kitchen 1,292 sq. ft.	1 person for every 100 square feet = 13 people		13 people
Parlor 397 sq. ft.	24 seats concentrated use 1 per seven sq. ft.		57 people
	Less concentrated use 1 person per 15 sq. ft.		26 people
Lounge 245 sq. ft.	10 seats	Concentrated	35 people
		Less Concentrated	16 people
Duck Bar	16 seats	Concentrated	64 people
		Less Concentrated	30 people
Café Lounge 911 sq. ft.	38 seats	Concentrated	130 people
		Less Concentrated	64 people
Lounge Bar 631 sq. ft.	10 seats	Concentrated	90 people
		Less Concentrated	42 people
Dining Area 1,687 sq. ft.	101 seats	Concentrated	241 people
		Less Concentrated	112 people

Total seats as shown in the proposed 1st floor plan is 214.

Total number of people for the 1st floor, using gross square footage calculating the less concentrated formula without defining staff serving areas versus patron areas is 300 people. This would be without any tables or chairs.

The proposed 2nd floor plan has four identified spaces:

Media Room 450 sq. ft.	8 seats	Concentrated	64 people
		Less Concentrated	30 people
Parlor 885 sq. ft.	23 seats	Concentrated	126 people
		Less Concentrated	59 people
Living Room 465 sq. ft.	26 seats	Concentrated	66 people
		Less Concentrated	31 people
Card Room 280 sq. ft.	20 seats	Concentrated	40 people
		Less Concentrated	49 people

The total number of seats that are on the proposed 2nd floor plan is 77.

The total occupancy on the 2nd floor using the concentrated formula is 296.
The total occupancy on the 2nd floor using less concentrated formula is 139.

The proposed seating for the 1st and 2nd floors based on seating counts form the proposed plans is 291.

The building will accommodate up to 926 people without tables and chairs based on the adopted code with one person for every 7 sq. ft.

The building will accommodate up to 439 people without tables and chairs based on the adopted fire code with one person for every 15 sq. ft.

Other factors that would be applied to the building to establish an occupancy number are not included in the data. There is an assumption that door and exit corridors meet the widths and are prescribed in the code.

American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd, Suite 200
Wesley Chapel, Florida 33544
Tel 813.435.2600 • Fax 813.435.2601
american@acp-fl.com • www.acp-americas.com

September 1, 2017

Mr. Paul Castro, AICP
Planning and Zoning Administrator
Town Hall, South Entrance
360 South County Road
Post Office Box 2029
Palm Beach, FL 33480

Re: Carriage House Club Traffic Impact Statement Review and Traffic Concurrency Determination

Project: Carriage House Club, Town of Palm Beach – Proposed land use change of the existing 118 seat quality restaurant and 3,039 SF commercial retail on first floor and two apartment units on second floor with a private club use/quality restaurant with 278 seats. Location: Town of Palm Beach, North of Royal Palm Way and West of S County Road

ACE Project No.: 5089725.028

Dear Mr. Castro:

This letter is in reference to the revised traffic impact analysis received from Kimley-Horn and Associates, Inc. dated August 30, 2017 in response to the Traffic Concurrency decision letter sent for the subject project on August 23, 2017 along with additional comments.

Based on the revised traffic impact analysis statement there are inconsistencies between various documents related to this project that should be resolved–

- Number of seats for the proposed use of private club quality restaurant (which this use most resembles) has been reduced (278 seats reduced to 264 seats) that impacts trip generation.
- It has been stated in the memorandum that since 264 Grill restaurant closed on June 21, 2015, no credit was taken. However, in trip distribution, credit was taken for this.
- Responses to parking comments state that they are in the process of being resolved with the Town and this is still an outstanding issue.

American has conducted a quick review of the revised traffic impact analysis statement dated August 30, 2017 and has the following comments:

- Why was trip generation revised?
- Why was credit for 264 Grill restaurant reflected in trip generation and trip distribution?
- The section for Driveway Access states that on-street parking is available along South County Road. However, the Town is aware of the parking issue related to this project that has not been resolved.

- The section for Driveway Access states that valet parking will be provided from a location along South County Road. However, it does not identify the specific location.
- The section for Driveway Access states that no turn-lanes are recommended for the site access via Phipps Plaza. Section 300 of the Design Standards Manual identifies the threshold for a left-turn lane to be an inbound peak left-turning traffic of 30 vehicles or more. Based on Figure 3 this criterion is met. This turn lane issue needs to be addressed.
- Trip distribution percentage on the segment of South County Road from project site to Seaspray Avenue should be 34%. The LOS capacity used on this segment is incorrect and needs to be revised. This would result in this segment to be significantly impacted under Test 1.
- It is recommended that analysis should be performed for un-signalized intersections of South County Road at Phipps Plaza and at Seaview Avenue. In addition, queue lengths should be reviewed to ensure it does not impact the intersection of South County Road and Seaview Avenue due to its proximity to Phipps Plaza.

Based on the above mentioned outstanding issues, the additional analysis <u>cannot</u> be approved in accordance with the Town of Palm Beach Traffic Standards.

American has completed the scope of services for this project for traffic concurrency determination. Any additional review of the detailed analysis provided by the applicant in response to the above comments will result in additional fees and American would require a new Purchase Order to complete that effort.

If you should have any questions, please feel free to contact David Bredahl at 813-435-2701 or me at 813-435-2618.

Sincerely,
American Consulting Professionals, LLC

Arpita Guha

Arpita Guha, P.E., PTOE

Cc: David Bredahl, AICP (American)
Brian Mirson, PE, AICP (American)

Kimley»Horn

August 30, 2017

Arpita Guha, P.E.
American Consulting Professionals, LLC
2818 Cypress Ridge Boulevard
Wesley Chapel, Florida 33544

RE: ***264 Grill/Carriage House – Response to Comments***
Kimley-Horn #140379000

Ms. Guha:

Kimley-Horn and Associates, Inc. received the comments from August 23, 2017 regarding our Traffic Impact Analysis for the above-referenced project. The analysis has been revised to address these comments. Below are our responses to the traffic study-related comments that were issued.

5. Please check the daily trips and the AM and PM peak hour trips to and from the property at the project access shown on Figure 3. These do not seem to match Table 1.

Response: Figure 3 illustrates only a portion of the overall driveway volumes; all other driveway volumes will utilize on-street and offsite parking. The text of the report has been revised to incorporate this language.

Additional Comment: The use of the intersection of Phipps Plaza and South County Road has been under estimated in terms of the daily volume and PM peak hour volume. Based on the numbers in Figure 3, only 19% of the total net daily project trips and only 35% of the total net PM peak hour project trips are using this intersection. In reality, if not all, a much higher percentage of traffic is anticipated to be coming to the intersection for drop off and then turn around to find parking; also, for valet parking this is a potential drop off/pick up location. Therefore, revise the traffic volumes shown at the intersection of Phipps Plaza and South County Road and make appropriate revisions in the memorandum. Also, label Phipps Plaza on Figure 3.

Response: Figure 3 now illustrates 100% of the project driveway volumes however, it should be noted that the majority of members are expected to utilize the valet services; therefore, this assumption provides for a conservative analysis. Phipps Plaza is now labeled on Figure 3.

6. Please check and revise the PM peak hour 2015 existing traffic in Table 3 peak hour two-way analysis. It is listed at 908; however, the existing 2015 PM peak hour peak season counts show to be 948.

Response: The 2015 peak hour volume has been revised to reflect the correct volume of 948 vehicles.

Additional Comment*:* Add the committed trips along the network in the peak hour two-way analysis in Table 2.

Response: There are no significant committed trips in the area however, a 1% annually compounding growth rate was used in the calculation of future volumes. This growth rate is expected to account for committed development, if any occur, upon project buildout.

9. Please indicate in the Driveway Access Section that the parking on Phipps Plaza is by permit only.

Response: Parking in Phipps Plaza includes 8 two-hour parking spaces and the rest of the spaces are permit only. This language has been added to the text of the report.

Additional Comment: The Driveway Access section states that there are 8 two-hour parking spaces and 38 permitted parking spaces from 9:00 AM to 12:00 AM; thus, total parking is 46 compared to the zoning application that shows 44 parking spaces along Phipps Plaza by permit only. The parking information along Phipps Plaza was verified with the Town of Palm Beach and should be 30 “permit parking only” spaces between the hours of 9:00 am and 12:00 am midnight and 14 2-hour parking between 9:00 am and 6:00 pm resulting into a total of 44 parking spaces. Revise to resolve inconsistency and reflect the correct information. These different types of parking spaces need to be consistent with the zoning application.

Response: The parking information has been removed from the traffic study; parking will be provided off-site.

10. Second paragraph states that the analysis performed assumes credit for the current uses as the existing land use has been in use for more than five years. However, the zoning application states that the property has been abandoned and left vacant for last several years. Please explain and address/revise appropriately and maintain consistency.

Response: Traffic data used in this analysis was collected March of 2015 and 264 Grill closed its doors June 21 2015; therefore, credit for the previous use has been taken in this analysis. Text has been revised in the report to include traffic count dates and official closing date of the 264 Grill restaurant.

Additional Comment: Revise 2nd paragraph, 7th line of the traffic impact analysis statement to reflect "traffic data collection".

Response: The text has been revised as requested.

11. Required parking calculations included in the traffic impact analysis statement and in the zoning application are not consistent. Please review and revise appropriate document and be consistent.

Response: Noted.

Additional Comment: Revise to resolve inconsistency. Also, review the existing land use description with that in the zoning application and make appropriate revisions if necessary.

Response: Noted.

12. In the zoning application for the proposed future land use of a private club, it is anticipated to have a maximum of 264 members; however, the traffic analysis statement states the future use to be a quality restaurant with 278 seats. Please clarify and establish equivalency.

Response: The number of seats and maximum number of members are not required to be equivalent. Extra seats are available if members are present; furthermore, some guests may be allowed, therefore necessitating increased seating.

Additional Comment: The Town of Palm Beach staff reviewed the parking calculations in the zoning application and they believe that the parking calculations based on principle of equivalency are incorrect and that the proposed club will be allowed to inherit 58 parking spaces and not 66 spaces. The calculations for parking spaces based on existing use, includes additional 15 seats for the restaurant that were granted by variance and also, includes 2,101 square feet of retail instead of 1,888 square feet as provided by the Town. This would result in lower number of membership capacity than 264 persons. Revise and address as appropriate.

Response: The Applicant's attorney is working with Town staff to determine the parking spaces allowed.

General Additional Comments:

1. Revisit radius of development influence/project significance based on project's net external peak hour trips. Refer Table 12.B.2.D-7 3A in Article 12 – Traffic Performance Standards. Include study links and intersections accordingly.

Response: The radius of development influence has been updated to one half mile and the appropriate analyses have been included.

2. Test 1 – Peak Hour Peak Direction Significance Analysis has been removed from the revised traffic impact analysis statement. For the PM peak, project trips will be significant on all links. Perform Test 2 and analyze major intersections and links within radius of development influence in accordance to Chapter B, Section 2 of Article 12 – Traffic Performance Standards.

Response: The analysis has been revised to include directional significance and two-way capacity analyses and the intersection analysis of Royal Palm Way & South County Road. Additionally, the capacity analysis now uses year 2017 data and Test 2 was performed.

3. Add the committed trips along the network in the peak hour two-way analysis in Table 2.

Response: There are no significant committed trips in the area however, a 1% annually compounding growth rate was used in the calculation of future volumes. This growth rate is expected to account for committed development, if any occur, upon project buildout.

We trust that these responses to the analysis address the comments provided. If there are any additional comments or questions, please contact me via e-mail at adam.kerr@kimley-horn.com or via telephone at (561) 840-0874.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.

Transportation Engineer

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Kimley»Horn

May 24, 2017
Revised June 15, 2017
Revised August 14, 2017
Revised August 25, 2017
Revised August 30, 2017

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

Re: ***Traffic Impact Analysis***
Carriage House/264 Grill
Palm Beach, Florida

Dear Mr. Levy:

Kimley-Horn and Associates, Inc. was retained to provide a traffic impact evaluation for the above-mentioned site. The site is located at 264/270 South County Road in the Town of Palm Beach, Florida. The proposed plan of development includes the merging of these adjacent properties. The PCN's for the two sites are 50-43-43-22-10-000-0120 and 50-43-43-22-10-000-0110, respectively. *Figure 1* shows the site location. Buildout is expected by 2022.

Currently, 264 South County Road consists of a quality restaurant with 118 seats while the 270 South County Road property consists of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. It is proposed to combine these two parcels into one property containing private club/quality restaurant use with a maximum of 264 seats. This traffic analysis has been performed to quantify the impacts of the proposed changes. Because the existing land uses have been operational within the last five years, credit was taken in this analysis for significance calculations. However, the 264 Grill restaurant closed on June 21, 2015; therefore, no credit for the restaurant use was taken for capacity analyses. The radius of development influence and significant impact calculations have been conducted using the differential between proposed and previously approved net new external trips. The existing and proposed site plans have been attached for reference.

Trip Generation Analysis

The daily and peak hour trip generation potential for the proposed redevelopment plan was calculated based on trip generation rates published by Palm Beach County. Due to the amount of food-service area in the proposed club, the trip generation rate for quality restaurant was assumed to be most appropriate. It should be noted that the number of seats was used as the independent variable since the overall seating density is less than a typical public restaurant. Additionally, pass-by trips have not been applied because the proposed private club use will be member based and members are expected to use this club knowingly, not as pass-by trips. As shown in *Table 1*, the proposed redevelopment results in a net increase of 377 net new daily trips, 0 net new AM peak hour trip (1 in, --1 out), and 36 net new PM peak hour trip (26 in, 10 out). Palm Beach County trip generation rates and equations have been attached for reference.

Roadway Link Analysis - Test 1 & 2 Analyses

Per the Palm Beach County Transportation Performance Standards Ordinance (TPSO), the radius of development influence is one half mile. It was assumed that 30% of the trips will access the site from the south, 35% would access the site from the north, and 35% will access the site from the west. The net new trips that are subject to the TPSO were then assigned to the existing roadway network based on the trip distribution. *Figure 2* illustrates the trip distribution for the site.

Based upon Palm Beach County criteria published in Article 12 of the Unified Land Development Code (ULDC), significantly impacted roadways under Palm Beach County's jurisdiction were evaluated in comparison to LOS D thresholds. For the purposes of the Test 1 analysis, roadway links within the radius of development influence are considered to be significantly impacted if project generated trips are greater than one percent of the adopted LOS D threshold. As indicated in *Table 2*, South County Road from Royal Palm Way to the project site in the northbound direction will be significantly impacted by the proposed redevelopment under Test 1 criteria. Therefore, further capacity analysis is required per TPSO standards. A capacity analysis was performed based on year 2017 counts collected between March 28, 2017 and March 31, 2017 for the Town of Palm Beach. *Table 3* summarizes the directional PM peak hour capacity analysis for Test 1 links that where considered to be significantly impacted. As seen in *Table 3*, there is sufficient directional roadway capacity upon project buildout. In addition to the directional analysis, a two-way peak hour analysis was performed for all roadway links within the radius of development influence. Table 5 summarizes the two-way peak hour analyses. As indicated in *Table 5,* South County Road from Royal Palm Way to the project site is considered to be significantly impacted; however, there is sufficient two-way capacity to accommodate project traffic upon buildout.

For the purposes of the Test 2 analysis, roadway links within the radius of development influence are considered to be significantly impacted if project generated trips are greater than three percent of the adopted LOS E threshold. As indicated in *Table 4*, there are no roadway links within the radius of development influence that are considered to be significantly impacted by this project; therefore, Test 2 criteria has been met and no further analysis is required per TPSO standards. Nonetheless, a capacity analysis was performed. *Table 6* summarizes the two-way AM and PM peak hour capacity analysis for Test 2. As shown in *Table 6*, all links analyzed will operate at an acceptable LOS upon project buildout under Test 2 criteria. Palm Beach 2017 AM and PM peak hour count data has been attached for reference.

Intersection Analysis

Article 12 of the ULDC indicates that where project traffic enters or exits a project accessed link and is considered significantly impacted, the nearest major intersection shall be analyzed. Based on this criterion, an intersection analysis was performed at Royal Palm Way & South County Road under existing, future background and future total conditions. Existing intersection turning movements counts were collected on August 23, 2017. In this analysis, future background volumes consist of existing volumes plus a 1% annually compounding growth rate for five years to determine year 2022 background traffic volumes. Future total traffic volumes considered in this analysis are the sum of

2022 background traffic volumes and expected project traffic volumes. *Table 3* summarizes the level of service and overall delay associated with each scenario analyzed. As seen in the *Table 6*, the intersection of Royal Palm Way & South County Road is expected to operate acceptably upon project buildout. Intersection peak hour count data and volume development sheets have been attached.

Table 6: Intersection Analysis Summary

Scenario	Overall		NB LOS	SB LOS	EB LOS	WB LOS
	Delay	LOS				
PM Existing	**48.7 sec**	**D**	C	E	C	E
PM Future Background	**49.7 sec**	**D**	C	E	C	E
PM Future Total	**49.8 sec**	**D**	C	E	C	E

Driveway Access

Access to the project site is located along South County Road. Valet parking will be provided from a location along South County Road; a dedicated on-site parking lot will not be provided. Nonetheless, to account for drivers who may choose to drop off patrons, or turn around after picking up their vehicles, driveway volumes were assigned to Phipps Plaza. *Figure 3* illustrates project driveway volumes into Phipps Plaza. It should be noted that 100% of the project driveway volumes have been assigned to this driveway; however, the majority of members are expected to utilize the valet services or on street parking; therefore, this assumption provides for a conservative analysis. On-street parking is available along South County Road. For the purposes of this analysis, on-street and off-street parking is not quantified within the driveway figure.

According to the Palm Beach County "Guide to Parking Lot and Street Access Design Criteria and Standards," it is necessary to classify project entrances that provide access to the local roadway network as minor, intermediate, or major according to the following criteria:

- Minor – Provides services for a maximum average daily traffic of 500 vehicles.
- Intermediate – Provides services for a maximum average daily traffic from 501 to 2,000 vehicles.
- Major – Provides service for a maximum average daily traffic greater than 2,000 vehicles.

Based on these criteria, the Phipps Plaza access point is classified as an Intermediate driveway. In addition, the project driveway volumes were compared to the thresholds identified by the Palm Beach County Land Development Division to determine the turn lane requirements of the site's driveways. Section 300 of the *Design Standards Manual* identifies the threshold for installation of a right-turn lane as an inbound peak hour right-turning traffic of 75 vehicles or more and the threshold for a left-turn

lane as an inbound peak left-turning traffic of 30 vehicles or more. Considering the urban nature of South County Road, no turn lanes are recommended.

Conclusion

This analysis was prepared to address the requirements of the Palm Beach County Traffic Performance Standards and Town of Palm Beach Standards. The foregoing analysis demonstrates that the surrounding roadway network has sufficient capacity and is expected to operate acceptably upon project buildout.

Please contact me at 561-840-0874 if you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.
Transportation Engineer

Florida Registration
Number 64773
Certificate of Authorization
Number CA00000696

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TABLE 1
WEEKDAY PEAK HOUR TRIP GENERATION
Carriage House

Land Use	Intensity	Daily Trips	AM peak Hour			PM Peak Hour		
			Total	In	out	Total	In	Out
Existing								
Apartment	2 Units	*13*	*5*	*1*	*4*	*1*	*1*	*0*
Quality Restaurant	118 Seats	*337*	*4*	*2*	*2*	*31*	*21*	*10*
General Commercial	3,039 sq. ft.	*462*	*3*	*2*	*1*	*39*	*19*	*20*
Subtotal		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Pass-By								
Quality Restaurant	44%	*148*	*2*	*1*	*1*	*14*	*9*	*5*
General Commercial	62%	*286*	*2*	*1*	*1*	*24*	*12*	*12*
Subtotal		*434*	*4*	*2*	*2*	*38*	*21*	*17*
Driveway Volumes		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Existing Net New External Trips		***378***	***8***	***3***	***5***	***33***	***20***	***13***
Proposed								
Quality Restaurant	264 Seats	*755*	*8*	*4*	*4*	*69*	*46*	*23*
Driveway Volumes		*755*	*8*	*4*	*4*	*69*	*46*	*23*
Proposed Net New External Trips		***755***	***8***	***4***	***4***	***69***	***46***	***23***
Proposed - Existing Net New External Trips		***377***	***0***	***1***	***(1)***	***36***	***26***	***10***

Trip generation was calculated using the following data:

Daily Trip Generation				
Apartment	PBC	=	T= 6.65 * Units	
Quality Restaurant	PBC	=	T= 2.86* Seats	
General Commercial	PBC	=	T= 152.03* sq. ft. / 1,000	
AM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.49 * (Units) + 3.73	(20% in / 80% out)
Quality Restaurant	PBC	=	T= 0.03* Seats	(50% in / 50% out)
General Commercial	PBC	=	T= 0.96* (sq.ft./1,000)	(62% in / 38% out)
PM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.62 * Units	(65% in / 35% out)
Quality Restaurant	PBC	=	T= .26* Seats	(67% in / 33% out)
General Commercial	PBC	=	T=12.81 * (sq.ft./ 1,000)	(48% in / 52% out)

TABLE 2
Carriage House
Test 1 - Peak Hour Directional Analysis

Roadway			Existing						
From	To	Direction	Number Of Lanes	LOS 'D' Capacity	Inbound Assignment	Outbound Assignment	Peak Hour Trips (Significance)	Significance	Significant ???
AM PEAK HOUR									
South County Road									
South Ocean Boulevard	Royal Palm Way	NB	2LN	810	28%	0%	0	0.00%	**No**
		SB	2LN	810	0%	28%	0	0.00%	**No**
Royal Palm Way	Project Site	NB	2LN	810	66%	0%	1	0.12%	**No**
		SB	2LN	810	0%	66%	0	0.00%	**No**
Project Site	Seaspray Avenue	NB	2LN	810	0%	33%	0	0.00%	**No**
		SB	4LN	1,680	33%	0%	0	0.00%	**No**
Seaspray Avenue	Barton Avenue	NB	4LN	1,680	0%	30%	0	0.00%	**No**
		SB	4LN	1,680	30%	0%	0	0.00%	**No**
Barton Avenue	Royal Poinciana Way	NB	4LN	1,680	0%	30%	0	0.00%	**No**
		SB	4LN	1,680	30%	0%	0	0.00%	**No**
Royal Palm Way									
Flagler Drive	Cocoanut Row	EB	4LD	1,770	35%	0%	0	0.00%	**No**
		WB	4LD	1,770	0%	35%	0	0.00%	**No**
Cocoanut Row	South County Road	EB	4LD	1,770	37%	0%	0	0.00%	**No**
		WB	4LD	1,770	0%	37%	0	0.00%	**No**
South Ocean Boulevard									
South County Road	Royal Palm Way	NB	2LN	880	2%	0%	0	0.00%	**No**
		SB	2LN	880	0%	2%	0	0.00%	**No**
Royal Palm Way	Barton Avenue	NB	2LN	880	0%	2%	0	0.00%	**No**
		SB	2LN	880	2%	0%	0	0.00%	**No**
Cocoanut Row									
Royal Palm Way	Royal Poinciana Way	NB	2LN	810	0%	5%	0	0.00%	**No**
		SB	2LN	810	5%	0%	0	0.00%	**No**
Barton Avenue									
South County Road	South Ocean Boulevard	EB	2LN	810	0%	0%	0	0.00%	**No**
		WB	2LN	810	0%	0%	0	0.00%	**No**
PM PEAK HOUR									
South County Road									
South Ocean Boulevard	Royal Palm Way	NB	2LN	810	28%	0%	7	0.86%	**No**
		SB	2LN	810	0%	28%	3	0.37%	**No**
Royal Palm Way	Project Site	NB	2LN	810	66%	0%	17	2.10%	**Yes**
		SB	2LN	810	0%	66%	7	0.86%	**No**
Project Site	Seaspray Avenue	NB	2LN	810	0%	33%	3	0.37%	**No**
		SB	4LN	1,680	33%	0%	9	0.54%	**No**
Seaspray Avenue	Barton Avenue	NB	4LN	1,680	0%	30%	3	0.18%	**No**
		SB	4LN	1,680	30%	0%	8	0.48%	**No**
Barton Avenue	Royal Poinciana Way	NB	4LN	1,680	0%	30%	3	0.18%	**No**
		SB	4LN	1,680	30%	0%	8	0.48%	**No**
Royal Palm Way									
Flagler Drive	Cocoanut Row	EB	4LD	1,770	35%	0%	9	0.51%	**No**
		WB	4LD	1,770	0%	35%	4	0.23%	**No**
Cocoanut Row	South County Road	EB	4LD	1,770	37%	0%	10	0.56%	**No**
		WB	4LD	1,770	0%	37%	4	0.23%	**No**
South Ocean Boulevard									
South County Road	Royal Palm Way	NB	2LN	880	2%	0%	1	0.11%	**No**
		SB	2LN	880	0%	2%	0	0.00%	**No**
Royal Palm Way	Barton Avenue	NB	2LN	880	0%	2%	0	0.00%	**No**
		SB	2LN	880	2%	0%	1	0.11%	**No**
Cocoanut Row									
Royal Palm Way	Royal Poinciana Way	NB	2LN	810	0%	5%	1	0.12%	**No**
		SB	2LN	810	5%	0%	1	0.12%	**No**
Barton Avenue									
South County Road	South Ocean Boulevard	EB	2LN	810	0%	0%	0	0.00%	**No**
		WB	2LN	810	0%	0%	0	0.00%	**No**

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TABLE 3
Carriage House
Test 1 - PM Peak Hour Directional Capacity Analysis

Roadway			Existing												
From	To	Direction	Number Of Lanes	LOS 'D' Capacity	Inbound Assignment	Outbound Assignment	Peak Hour Trips (Significance)	Significance	Significant ???	Peak Hour Trips (Capacity)	2017 Existing	Growth Rate	Background Growth By Growth Rate	2022 Total	Meets LOS
PM PEAK HOUR															
South County Road															
Royal Palm Way	Project Site	NB	2LN	810	66%	0%	17	2.10%	**Yes**	30	625	1.00%	657	687	Yes
		SB	2LN	810	0%	66%	7	0.86%	**No**	15	698	1.00%	734	749	Yes

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Kimley»Horn

TABLE 4
Carriage House
Test 2 - Peak Hour Directional Analysis

Roadway			Existing						
From	To	Direction	Number Of Lanes	LOS 'E' Capacity	Inbound Assignment	Outbound Assignment	Peak Hour Trips (Significance)	Significance	Significant ???
AM PEAK HOUR									
South County Road									
South Ocean Boulevard	Royal Palm Way	NB	2LN	860	28%	0%	0	0.00%	**No**
		SB	2LN	860	0%	28%	0	0.00%	**No**
Royal Palm Way	Project Site	NB	2LN	860	66%	0%	1	0.12%	**No**
		SB	2LN	860	0%	66%	0	0.00%	**No**
Project Site	Seaspray Avenue	NB	2LN	860	0%	33%	0	0.00%	**No**
		SB	4LN	1,780	33%	0%	0	0.00%	**No**
Seaspray Avenue	Barton Avenue	NB	4LN	1,780	0%	30%	0	0.00%	**No**
		SB	4LN	1,780	30%	0%	0	0.00%	**No**
Barton Avenue	Royal Poinciana Way	NB	4LN	1,780	0%	30%	0	0.00%	**No**
		SB	4LN	1,780	30%	0%	0	0.00%	**No**
Royal Palm Way									
Flagler Drive	Cocoanut Row	EB	4LD	1,870	35%	0%	0	0.00%	**No**
		WB	4LD	1,870	0%	35%	0	0.00%	**No**
Cocoanut Row	South County Road	EB	4LD	1,870	37%	0%	0	0.00%	**No**
		WB	4LD	1,870	0%	37%	0	0.00%	**No**
South Ocean Boulevard									
South County Road	Royal Palm Way	NB	2LN	880	2%	0%	0	0.00%	**No**
		SB	2LN	880	0%	2%	0	0.00%	**No**
Royal Palm Way	Barton Avenue	NB	2LN	880	0%	2%	0	0.00%	**No**
		SB	2LN	880	2%	0%	0	0.00%	**No**
Cocoanut Row									
Royal Palm Way	Royal Poinciana Way	NB	2LN	860	0%	5%	0	0.00%	**No**
		SB	2LN	860	5%	0%	0	0.00%	**No**
Barton Avenue									
South County Road	South Ocean Boulevard	EB	2LN	860	0%	0%	0	0.00%	**No**
		WB	2LN	860	0%	0%	0	0.00%	**No**
PM PEAK HOUR									
South County Road									
South Ocean Boulevard	Royal Palm Way	NB	2LN	860	28%	0%	7	0.81%	**No**
		SB	2LN	860	0%	28%	3	0.35%	**No**
Royal Palm Way	Project Site	NB	2LN	860	66%	0%	17	1.98%	**No**
		SB	2LN	860	0%	66%	7	0.81%	**No**
Project Site	Seaspray Avenue	NB	2LN	860	0%	33%	3	0.35%	**No**
		SB	4LN	1,780	33%	0%	9	0.51%	**No**
Seaspray Avenue	Barton Avenue	NB	4LN	1,780	0%	30%	3	0.17%	**No**
		SB	4LN	1,780	30%	0%	8	0.45%	**No**
Barton Avenue	Royal Poinciana Way	NB	4LN	1,780	0%	30%	3	0.17%	**No**
		SB	4LN	1,780	30%	0%	8	0.45%	**No**
Royal Palm Way									
Flagler Drive	Cocoanut Row	EB	4LD	1,870	35%	0%	9	0.48%	**No**
		WB	4LD	1,870	0%	35%	4	0.21%	**No**
Cocoanut Row	South County Road	EB	4LD	1,870	37%	0%	10	0.53%	**No**
		WB	4LD	1,870	0%	37%	4	0.21%	**No**
South Ocean Boulevard									
South County Road	Royal Palm Way	NB	2LN	880	2%	0%	1	0.11%	**No**
		SB	2LN	880	0%	2%	0	0.00%	**No**
Royal Palm Way	Barton Avenue	NB	2LN	880	0%	2%	0	0.00%	**No**
		SB	2LN	880	2%	0%	1	0.11%	**No**
Cocoanut Row									
Royal Palm Way	Royal Poinciana Way	NB	2LN	860	0%	5%	1	0.12%	**No**
		SB	2LN	860	5%	0%	1	0.12%	**No**
Barton Avenue									
South County Road	South Ocean Boulevard	EB	2LN	860	0%	0%	0	0.00%	**No**
		WB	2LN	860	0%	0%	0	0.00%	**No**

TABLE 5
Carriage House
Test 1 - Two-Way Peak Hour Analysis AM & PM

Roadway		Existing		Assignment	Peak Hour Trips (Significance)	Significance	Significant ???	Peak Hour Trips (Capacity)	2017 Existing	Growth Rate	Background Growth By Growth Rate	2022 Total	Meets LOS
From	To	Number Of Lanes	LOS 'D' Capacity										
AM PEAK HOUR													
South County Road													
South Ocean Boulevard	Royal Palm Way	2LN	1,480	28%	0	0.00%	**No**	1	1,102	1.00%	1,158	1,159	Yes
Royal Palm Way	Project Site	2LN	1,480	66%	1	0.07%	**No**	3	1,102	1.00%	1,158	1,161	Yes
Project Site	Seaspray Avenue	2LN	1,480	33%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Seaspray Avenue	Barton Avenue	4LN	3,060	30%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Barton Avenue	Royal Poinciana Way	4LN	3,060	30%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Royal Palm Way													
Flagler Drive	Cocoanut Row	4LD	3,220	35%	0	0.00%	**No**	2	1,362	1.00%	1,431	1,433	Yes
Cocoanut Row	South County Road	4LD	3,220	37%	0	0.00%	**No**	2	1,362	1.00%	1,431	1,433	Yes
South Ocean Boulevard													
South County Road	Royal Palm Way	2LN	1,480	2%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
Royal Palm Way	Barton Avenue	2LN	1,480	2%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
Cocoanut Row													
Royal Palm Way	Royal Poinciana Way	2LN	1,480	5%	0	0.00%	**No**	0	740	1.00%	778	778	Yes
Barton Avenue													
South County Road	South Ocean Boulevard	2LN	1,480	0%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
PM PEAK HOUR													
South County Road													
South Ocean Boulevard	Royal Palm Way	2LN	1,480	28%	10	0.68%	**No**	19	1,294	1.00%	1,360	1,379	Yes
Royal Palm Way	Project Site	2LN	1,480	66%	24	1.62%	**Yes**	46	1,294	1.00%	1,360	1,406	Yes
Project Site	Seaspray Avenue	2LN	1,480	33%	12	0.81%	**No**	23	1,294	1.00%	1,360	1,383	Yes
Seaspray Avenue	Barton Avenue	4LN	3,060	30%	11	0.36%	**No**	21	1,294	1.00%	1,360	1,381	Yes
Barton Avenue	Royal Poinciana Way	4LN	3,060	30%	11	0.36%	**No**	21	1,294	1.00%	1,360	1,381	Yes
Royal Palm Way													
Flagler Drive	Cocoanut Row	4LD	3,220	35%	13	0.40%	**No**	24	1,592	1.00%	1,673	1,697	Yes
Cocoanut Row	South County Road	4LD	3,220	37%	13	0.40%	**No**	26	1,592	1.00%	1,673	1,699	Yes
South Ocean Boulevard													
South County Road	Royal Palm Way	2LN	1,480	2%	1	0.07%	**No**	1	837	1.00%	880	881	Yes
Royal Palm Way	Barton Avenue	2LN	1,480	2%	1	0.07%	**No**	1	837	1.00%	880	881	Yes
Cocoanut Row													
Royal Palm Way	Royal Poinciana Way	2LN	1,480	5%	2	0.14%	**No**	3	748	1.00%	786	789	Yes
Barton Avenue													
South County Road	South Ocean Boulevard	2LN	1,480	0%	0	0.00%	**No**	0	837	1.00%	880	880	Yes

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Kimley»Horn

TABLE 6
Carriage House
Test 2 - Two-Way Peak Hour Analysis AM & PM

Roadway		Existing		Assignment	Peak Hour Trips (Significance)	Significance	Significant ???	Peak Hour Trips (Capacity)	2017 Existing	Growth Rate	Background Growth By Growth Rate	2022 Total	Meets LOS
From	To	Number Of Lanes	LOS 'E' Capacity										
AM PEAK HOUR													
South County Road													
South Ocean Boulevard	Royal Palm Way	2LN	1,570	28%	0	0.00%	**No**	1	1,102	1.00%	1,158	1,159	Yes
Royal Palm Way	Project Site	2LN	1,570	66%	1	0.06%	**No**	3	1,102	1.00%	1,158	1,161	Yes
Project Site	Seaspray Avenue	2LN	1,570	33%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Seaspray Avenue	Barton Avenue	4LN	3,230	30%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Barton Avenue	Royal Poinciana Way	4LN	3,230	30%	0	0.00%	**No**	2	1,102	1.00%	1,158	1,160	Yes
Royal Palm Way													
Flagler Drive	Cocoanut Row	4LD	3,400	35%	0	0.00%	**No**	2	1,362	1.00%	1,431	1,433	Yes
Cocoanut Row	South County Road	4LD	3,400	37%	0	0.00%	**No**	2	1,362	1.00%	1,431	1,433	Yes
South Ocean Boulevard													
South County Road	Royal Palm Way	2LN	1,570	2%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
Royal Palm Way	Barton Avenue	2LN	1,570	2%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
Cocoanut Row													
Royal Palm Way	Royal Poinciana Way	2LN	1,570	5%	0	0.00%	**No**	0	740	1.00%	778	778	Yes
Barton Avenue													
South County Road	South Ocean Boulevard	2LN	1,570	0%	0	0.00%	**No**	0	734	1.00%	771	771	Yes
PM PEAK HOUR													
South County Road													
South Ocean Boulevard	Royal Palm Way	2LN	1,570	28%	10	0.64%	**No**	19	1,294	1.00%	1,360	1,379	Yes
Royal Palm Way	Project Site	2LN	1,570	66%	24	1.53%	**No**	46	1,294	1.00%	1,360	1,406	Yes
Project Site	Seaspray Avenue	2LN	1,570	33%	12	0.76%	**No**	23	1,294	1.00%	1,360	1,383	Yes
Seaspray Avenue	Barton Avenue	4LN	3,230	30%	11	0.34%	**No**	21	1,294	1.00%	1,360	1,381	Yes
Barton Avenue	Royal Poinciana Way	4LN	3,230	30%	11	0.34%	**No**	21	1,294	1.00%	1,360	1,381	Yes
Royal Palm Way													
Flagler Drive	Cocoanut Row	4LD	3,400	35%	13	0.38%	**No**	24	1,592	1.00%	1,673	1,697	Yes
Cocoanut Row	South County Road	4LD	3,400	37%	13	0.38%	**No**	26	1,592	1.00%	1,673	1,699	Yes
South Ocean Boulevard													
South County Road	Royal Palm Way	2LN	1,570	2%	1	0.06%	**No**	1	837	1.00%	880	881	Yes
Royal Palm Way	Barton Avenue	2LN	1,570	2%	1	0.06%	**No**	1	837	1.00%	880	881	Yes
Cocoanut Row													
Royal Palm Way	Royal Poinciana Way	2LN	1,570	5%	2	0.13%	**No**	3	748	1.00%	786	789	Yes
Barton Avenue													
South County Road	South Ocean Boulevard	2LN	1,570	0%	0	0.00%	**No**	0	837	1.00%	880	880	Yes

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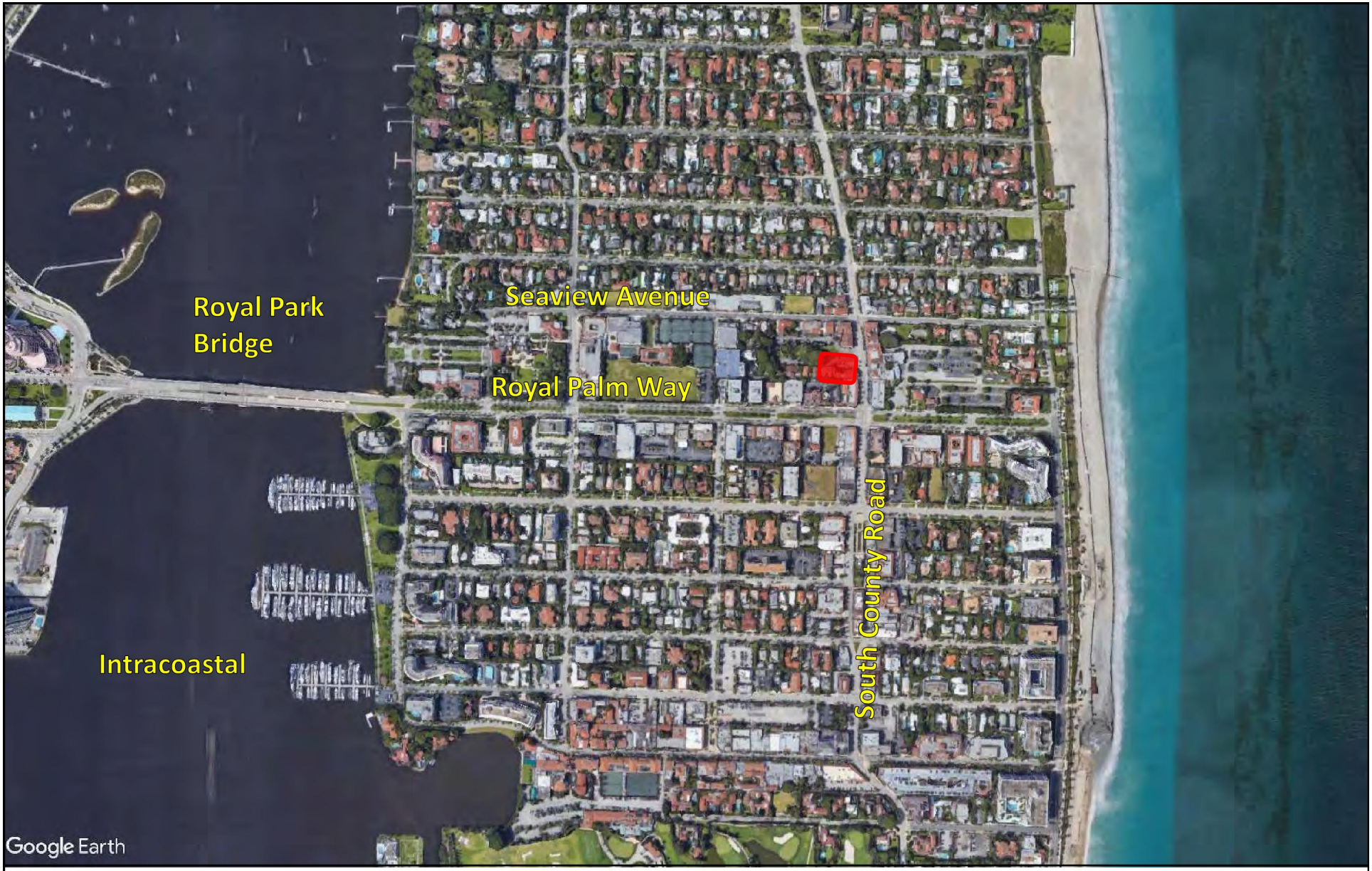
Kimley»Horn



NORTH

LEGEND

SITE

FIGURE 1
Site Location
Carriage House
KHA # 14037900

Kimley»Horn

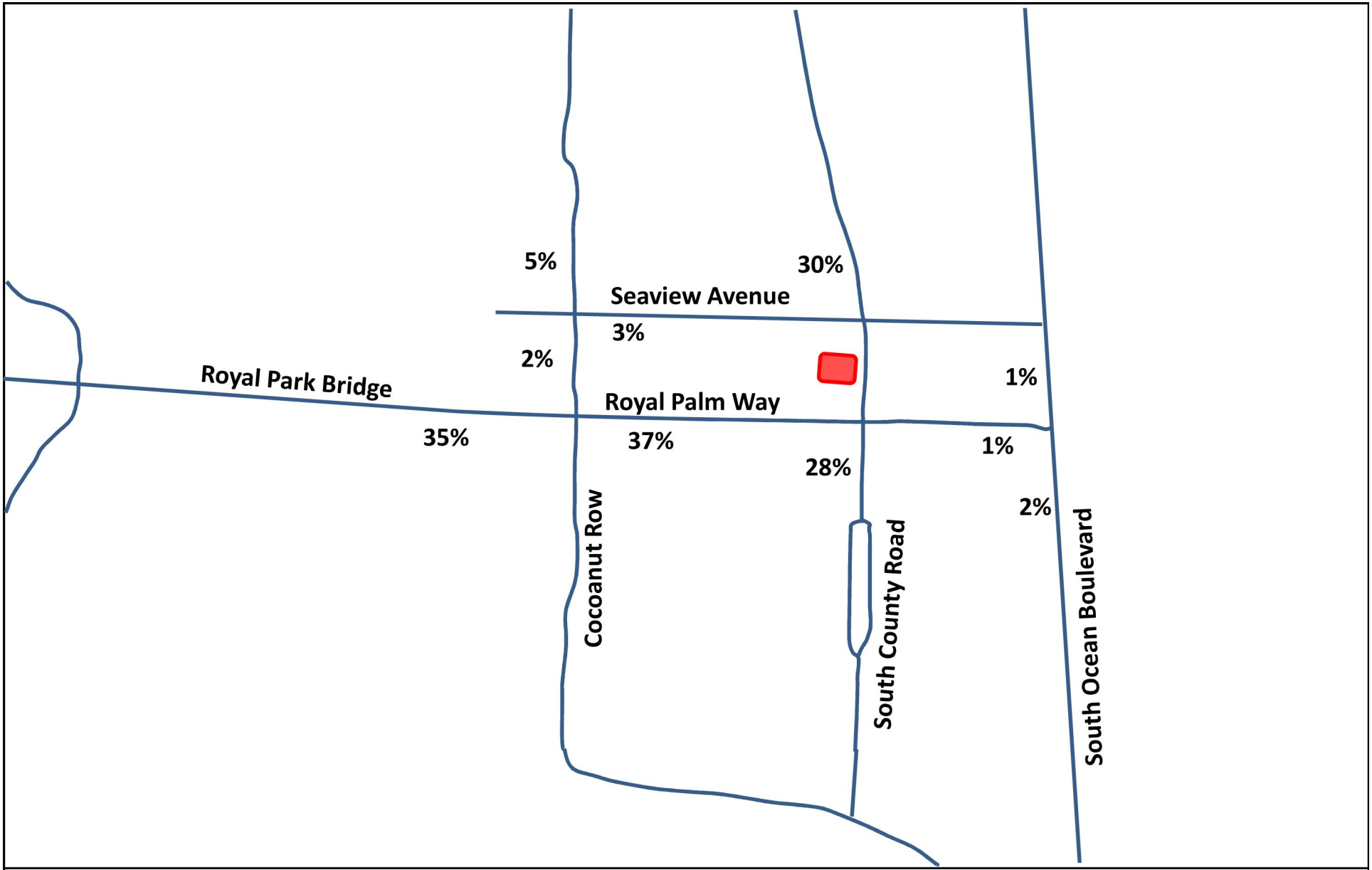
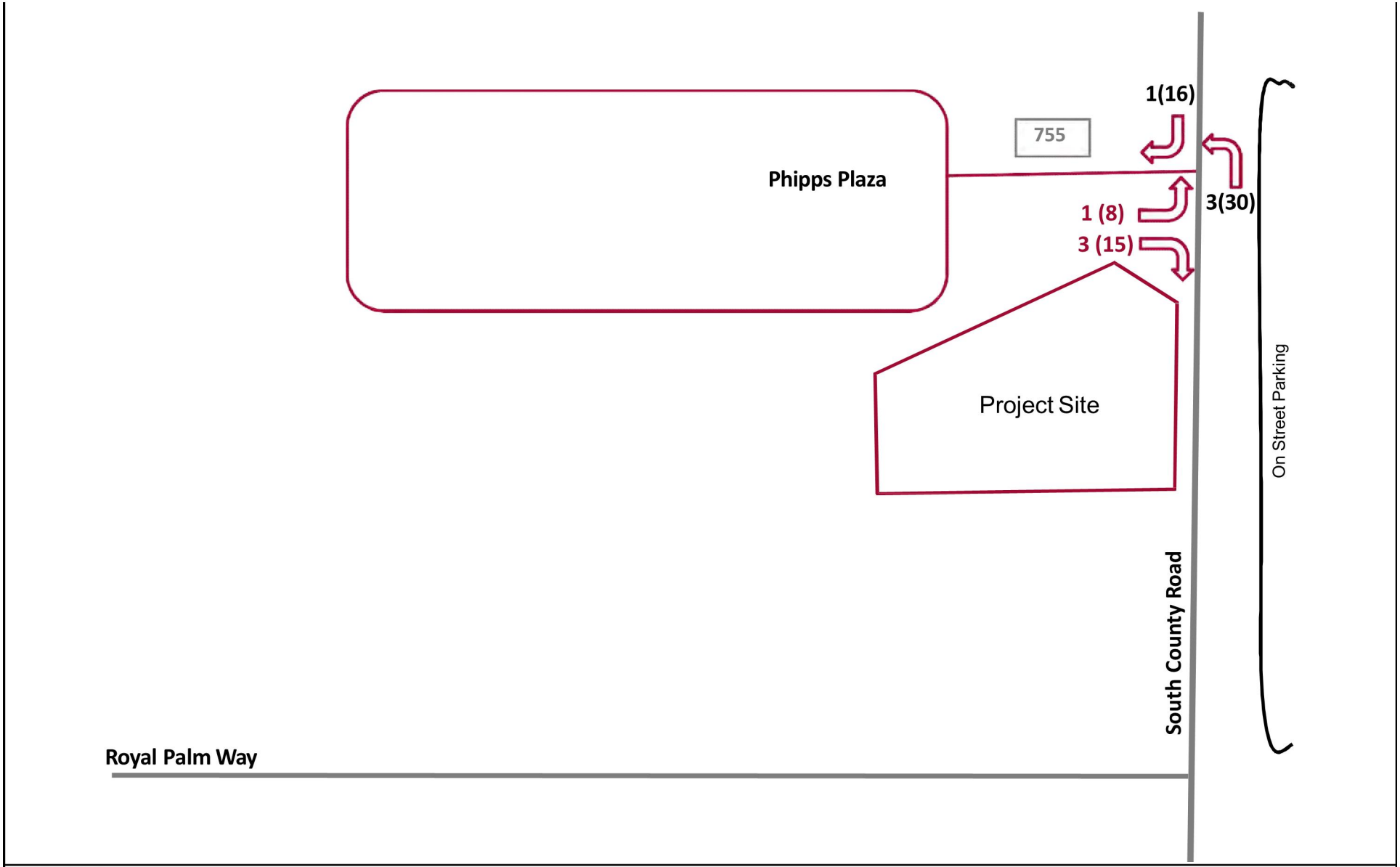


FIGURE 2
Trip Distribution
Carriage House
KHA # 14037900

Kimley»Horn



NORTH

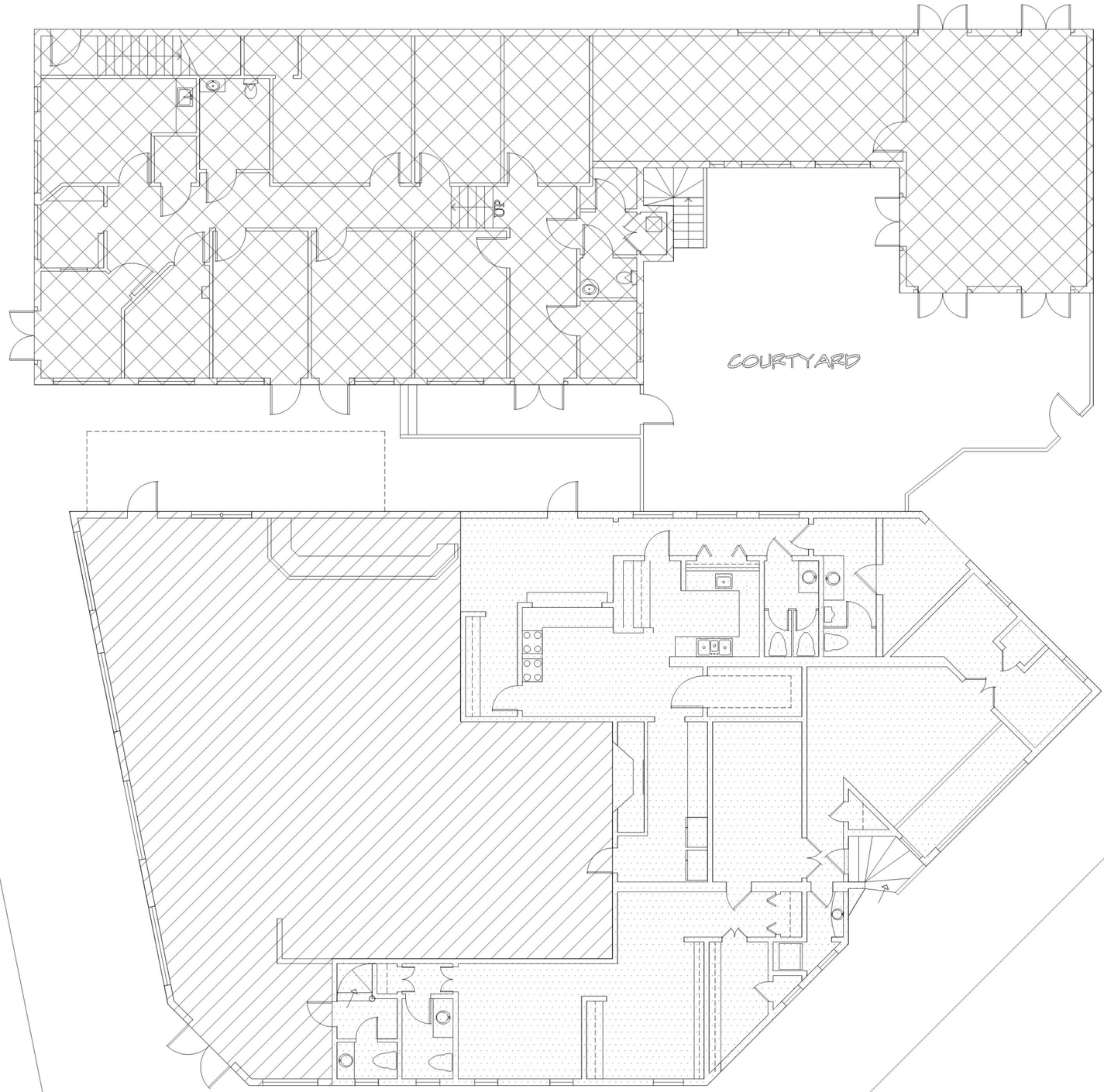
Not To Scale

LEGEND

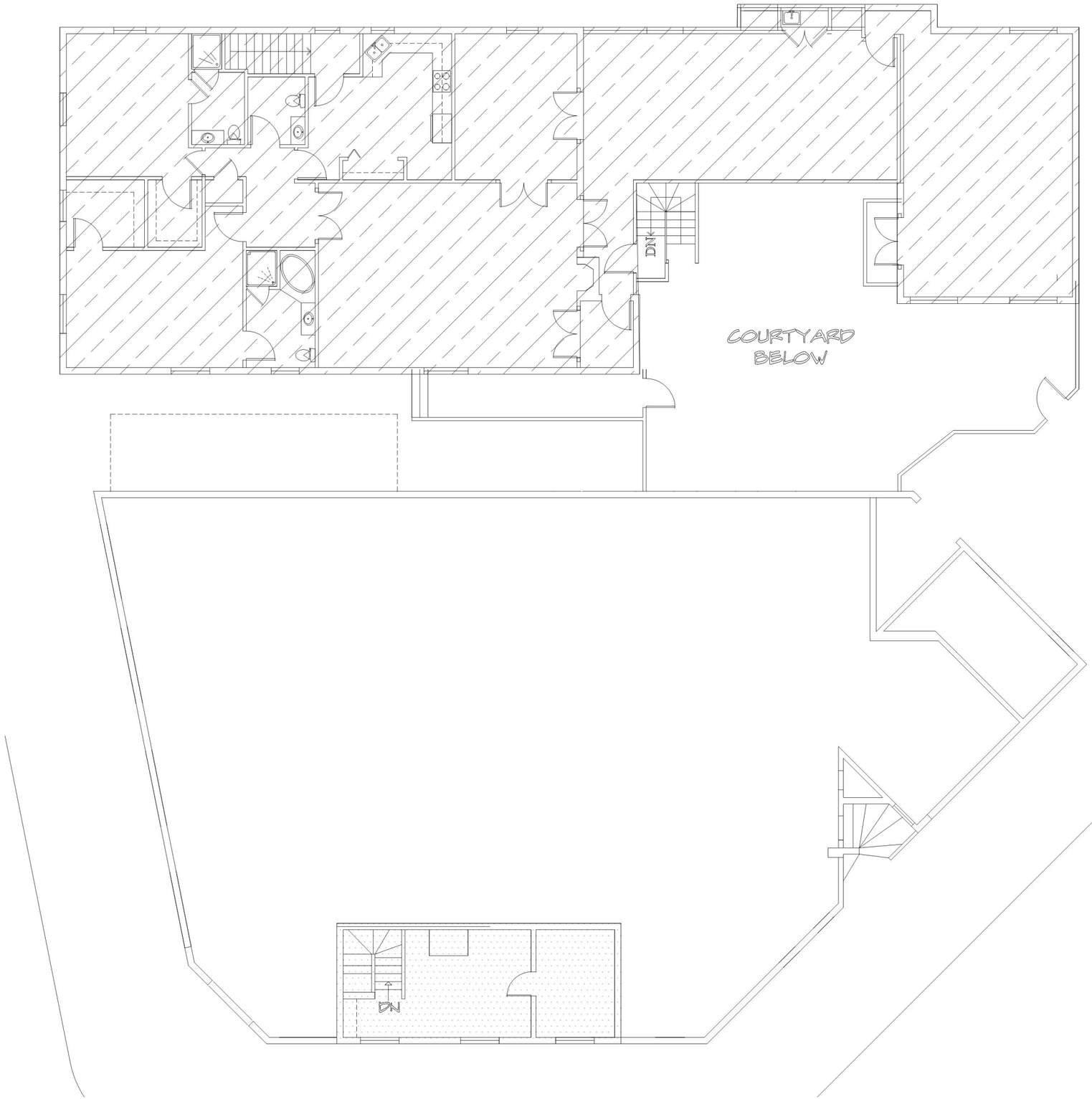
XX INBOUND AM
(XX) INBOUND PM
XX DAILY
XX OUTBOUND AM
(XX) OUTBOUND PM

FIGURE 3
Driveway Volumes
Carriage House
KHA # 140379000

Kimley»Horn



FIRST FLOOR SPACE	AREA	PARKING RATIO	PARKING COUNT
DINING AREA	2,081 SF. (118 SEATS)	1:3	39.3 SPACES
BACK OF HOUSE	2,490 SF.	1 : 300 GROSS	8.3 SPACES
RETAIL AREA	3,039 SF.	1 : 200 GROSS	15.2 SPACES
TOTAL			62.8 SPACES



SECOND FLOOR SPACE	AREA	PARKING RATIO	PARKING COUNT
RESIDENTIAL UNITS			
EACH UNIT	3,185 SF.		
TOTAL 2 UNITS	-	2 SPACES/UNIT	4.0 SPACES
BACK OF HOUSE	369 SF.	1 : 300 GROSS	1.2 SPACES
TOTAL			5.2 SPACES

CARRIAGE HOUSE | *264/270 South County Road, Palm Beach, Florida*

CONCEPTUAL FIRST FLOOR PLAN

SCALE: 1"=20'

4.28.17

GLIDDENSPINA + PARTNERS

CONCEPTUAL SECOND FLOOR PLAN

SCALE: 1"=20' 4.28.17

GLIDDENSPINA + PARTNERS

EXCERPT TAKEN FROM TOWN OF PALM BEACH 2015 COUNT D

TABLE 2
EXISTING 2017 AM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 28 and Thursday, March 30, 2017 or between Tuesday, April 4, and Thursday, April 6,2017)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	AM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,058	1,184	1,104	1,115
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,008	1,133	1,047	1,063
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	749	723	741	738
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	690	771	741	734
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	771	830	753	785
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,123	1,263	1,197	1,194
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,162	1,154	1,029	1,115
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	709	745	765	740
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	715	734	738	729
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	912	878	893	894
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,250	1,304	1,262	1,272
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,372	1,383	1,331	1,362
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	960	985	955	967
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	684	677	651	671

EXCERPT TAKEN FROM TOWN OF PALM BEACH 2015 COUNT D

TABLE 3
EXISTING 2017 PM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 28 and Thursday, March 30, 2017 or between Tuesday, April 4, and Thursday, April 6,2017)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	PM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,177	1,175	1,147	1,166
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,229	1,196	1,246	1,224
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	855	844	843	847
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	864	798	850	837
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	903	846	831	860
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,377	1,411	1,344	1,377
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,228	1,131	1,035	1,131
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	753	742	749	748
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	790	756	772	773
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	1,043	1,049	952	1,015
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,498	1,520	1,483	1,500
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,591	1,600	1,585	1,592
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	1,138	1,144	1,192	1,158
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	663	650	659	657

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Tuesday, 03/28/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
00:00 - 00:14	5	13	**18**
00:15 - 00:29	5	6	**11**
00:30 - 00:44	1	2	**3**
00:45 - 00:59	5	2	**7**
01:00 - 01:14	1	3	**4**
01:15 - 01:29	1	1	**2**
01:30 - 01:44	1	2	**3**
01:45 - 01:59	2	4	**6**
02:00 - 02:14	1	0	**1**
02:15 - 02:29	0	1	**1**
02:30 - 02:44	1	0	**1**
02:45 - 02:59	0	2	**2**
03:00 - 03:14	1	0	**1**
03:15 - 03:29	2	2	**4**
03:30 - 03:44	2	0	**2**
03:45 - 03:59	3	0	**3**
04:00 - 04:14	1	2	**3**
04:15 - 04:29	3	0	**3**
04:30 - 04:44	8	1	**9**
04:45 - 04:59	5	1	**6**
05:00 - 05:14	17	3	**20**
05:15 - 05:29	13	3	**16**
05:30 - 05:44	29	5	**34**
05:45 - 05:59	28	11	**39**
06:00 - 06:14	24	6	**30**
06:15 - 06:29	43	9	**52**
06:30 - 06:44	47	12	**59**
06:45 - 06:59	82	28	**110**
07:00 - 07:14	68	28	**96**
07:15 - 07:29	136	21	**157**
07:30 - 07:44	126	32	**158**
07:45 - 07:59	212	51	**263**
08:00 - 08:14	176	56	**232**
08:15 - 08:29	184	46	**230**
08:30 - 08:44	161	48	**209**
08:45 - 08:59	154	74	**228**
09:00 - 09:14	120	71	**191**
09:15 - 09:29	182	78	**260**
09:30 - 09:44	118	61	**179**
09:45 - 09:59	158	101	**259**
10:00 - 10:14	154	86	**240**
10:15 - 10:29	142	72	**214**
10:30 - 10:44	128	124	**252**
10:45 - 10:59	148	96	**244**
11:00 - 11:14	108	109	**217**
11:15 - 11:29	117	117	**234**
11:30 - 11:44	131	138	**269**
11:45 - 11:59	166	119	**285**
12:00 - 12:14	127	150	**277**
12:15 - 12:29	179	114	**293**
12:30 - 12:44	126	138	**264**
12:45 - 12:59	129	139	**268**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Tuesday, 03/28/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
13:00 - 13:14	141	147	**288**
13:15 - 13:29	133	118	**251**
13:30 - 13:44	115	136	**251**
13:45 - 13:59	154	139	**293**
14:00 - 14:14	131	141	**272**
14:15 - 14:29	163	154	**317**
14:30 - 14:44	128	173	**301**
14:45 - 14:59	145	170	**315**
15:00 - 15:14	143	170	**313**
15:15 - 15:29	138	207	**345**
15:30 - 15:44	131	148	**279**
15:45 - 15:59	135	148	**283**
16:00 - 16:14	114	157	**271**
16:15 - 16:29	118	141	**259**
16:30 - 16:44	133	156	**289**
16:45 - 16:59	123	120	**243**
17:00 - 17:14	117	146	**263**
17:15 - 17:29	116	120	**236**
17:30 - 17:44	74	114	**188**
17:45 - 17:59	115	95	**210**
18:00 - 18:14	91	89	**180**
18:15 - 18:29	73	106	**179**
18:30 - 18:44	58	71	**129**
18:45 - 18:59	92	77	**169**
19:00 - 19:14	77	75	**152**
19:15 - 19:29	72	89	**161**
19:30 - 19:44	60	63	**123**
19:45 - 19:59	63	59	**122**
20:00 - 20:14	49	63	**112**
20:15 - 20:29	52	71	**123**
20:30 - 20:44	37	58	**95**
20:45 - 20:59	36	60	**96**
21:00 - 21:14	41	28	**69**
21:15 - 21:29	56	58	**114**
21:30 - 21:44	46	61	**107**
21:45 - 21:59	37	48	**85**
22:00 - 22:14	60	44	**104**
22:15 - 22:29	43	37	**80**
22:30 - 22:44	16	25	**41**
22:45 - 22:59	17	32	**49**
23:00 - 23:14	13	25	**38**
23:15 - 23:29	15	14	**29**
23:30 - 23:44	7	14	**21**
23:45 - 23:59	7	16	**23**
Totals	**7466**	**6371**	**13837**
AM Peak Time	**07:41 - 08:40**	**10:58 - 11:57**	**10:57 - 11:56**
AM Peak Volume	**751**	**495**	**1027**
PM Peak Time	**14:13 - 15:12**	**14:33 - 15:32**	**14:28 - 15:27**
PM Peak Volume	**592**	**730**	**1279**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Tuesday, 03/28/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Wednesday, 03/29/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
00:00 - 00:14	6	12	**18**
00:15 - 00:29	6	9	**15**
00:30 - 00:44	1	2	**3**
00:45 - 00:59	2	1	**3**
01:00 - 01:14	4	4	**8**
01:15 - 01:29	5	3	**8**
01:30 - 01:44	8	4	**12**
01:45 - 01:59	1	4	**5**
02:00 - 02:14	1	5	**6**
02:15 - 02:29	2	0	**2**
02:30 - 02:44	1	2	**3**
02:45 - 02:59	1	0	**1**
03:00 - 03:14	0	0	**0**
03:15 - 03:29	3	3	**6**
03:30 - 03:44	1	0	**1**
03:45 - 03:59	2	0	**2**
04:00 - 04:14	2	2	**4**
04:15 - 04:29	3	0	**3**
04:30 - 04:44	7	0	**7**
04:45 - 04:59	12	0	**12**
05:00 - 05:14	5	3	**8**
05:15 - 05:29	15	6	**21**
05:30 - 05:44	26	4	**30**
05:45 - 05:59	41	6	**47**
06:00 - 06:14	21	7	**28**
06:15 - 06:29	35	4	**39**
06:30 - 06:44	44	11	**55**
06:45 - 06:59	86	13	**99**
07:00 - 07:14	78	29	**107**
07:15 - 07:29	112	24	**136**
07:30 - 07:44	180	40	**220**
07:45 - 07:59	205	49	**254**
08:00 - 08:14	90	58	**148**
08:15 - 08:29	191	47	**238**
08:30 - 08:44	183	54	**237**
08:45 - 08:59	190	67	**257**
09:00 - 09:14	135	77	**212**
09:15 - 09:29	157	95	**252**
09:30 - 09:44	115	90	**205**
09:45 - 09:59	124	85	**209**
10:00 - 10:14	125	102	**227**
10:15 - 10:29	125	100	**225**
10:30 - 10:44	107	106	**213**
10:45 - 10:59	148	122	**270**
11:00 - 11:14	140	112	**252**
11:15 - 11:29	144	147	**291**
11:30 - 11:44	133	133	**266**
11:45 - 11:59	173	144	**317**
12:00 - 12:14	115	140	**255**
12:15 - 12:29	151	137	**288**
12:30 - 12:44	129	130	**259**
12:45 - 12:59	151	139	**290**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Wednesday, 03/29/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
13:00 - 13:14	121	126	**247**
13:15 - 13:29	105	137	**242**
13:30 - 13:44	117	141	**258**
13:45 - 13:59	179	136	**315**
14:00 - 14:14	156	124	**280**
14:15 - 14:29	145	163	**308**
14:30 - 14:44	151	149	**300**
14:45 - 14:59	166	183	**349**
15:00 - 15:14	159	166	**325**
15:15 - 15:29	141	177	**318**
15:30 - 15:44	138	170	**308**
15:45 - 15:59	136	140	**276**
16:00 - 16:14	161	170	**331**
16:15 - 16:29	124	154	**278**
16:30 - 16:44	119	171	**290**
16:45 - 16:59	115	154	**269**
17:00 - 17:14	110	135	**245**
17:15 - 17:29	147	139	**286**
17:30 - 17:44	112	115	**227**
17:45 - 17:59	126	99	**225**
18:00 - 18:14	107	100	**207**
18:15 - 18:29	114	95	**209**
18:30 - 18:44	102	87	**189**
18:45 - 18:59	83	103	**186**
19:00 - 19:14	74	88	**162**
19:15 - 19:29	73	102	**175**
19:30 - 19:44	50	94	**144**
19:45 - 19:59	67	64	**131**
20:00 - 20:14	51	79	**130**
20:15 - 20:29	54	99	**153**
20:30 - 20:44	39	58	**97**
20:45 - 20:59	53	41	**94**
21:00 - 21:14	44	71	**115**
21:15 - 21:29	53	65	**118**
21:30 - 21:44	52	63	**115**
21:45 - 21:59	44	68	**112**
22:00 - 22:14	34	63	**97**
22:15 - 22:29	38	51	**89**
22:30 - 22:44	32	47	**79**
22:45 - 22:59	30	44	**74**
23:00 - 23:14	18	32	**50**
23:15 - 23:29	21	25	**46**
23:30 - 23:44	9	30	**39**
23:45 - 23:59	13	12	**25**
Totals	**7725**	**6862**	**14587**
AM Peak Time	**08:12 - 09:11**	**11:00 - 11:59**	**11:00 - 11:59**
AM Peak Volume	**705**	**536**	**1126**
PM Peak Time	**13:38 - 14:37**	**14:39 - 15:38**	**14:40 - 15:39**
PM Peak Volume	**646**	**700**	**1320**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Wednesday, 03/29/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Thursday, 03/30/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
00:00 - 00:14	7	10	**17**
00:15 - 00:29	5	9	**14**
00:30 - 00:44	6	7	**13**
00:45 - 00:59	6	9	**15**
01:00 - 01:14	4	5	**9**
01:15 - 01:29	4	5	**9**
01:30 - 01:44	3	2	**5**
01:45 - 01:59	0	4	**4**
02:00 - 02:14	3	2	**5**
02:15 - 02:29	0	3	**3**
02:30 - 02:44	1	3	**4**
02:45 - 02:59	1	1	**2**
03:00 - 03:14	1	1	**2**
03:15 - 03:29	3	1	**4**
03:30 - 03:44	2	0	**2**
03:45 - 03:59	3	1	**4**
04:00 - 04:14	5	0	**5**
04:15 - 04:29	2	2	**4**
04:30 - 04:44	5	1	**6**
04:45 - 04:59	10	1	**11**
05:00 - 05:14	10	3	**13**
05:15 - 05:29	15	6	**21**
05:30 - 05:44	33	5	**38**
05:45 - 05:59	31	8	**39**
06:00 - 06:14	27	8	**35**
06:15 - 06:29	42	8	**50**
06:30 - 06:44	41	13	**54**
06:45 - 06:59	101	16	**117**
07:00 - 07:14	83	23	**106**
07:15 - 07:29	146	33	**179**
07:30 - 07:44	155	39	**194**
07:45 - 07:59	230	47	**277**
08:00 - 08:14	154	64	**218**
08:15 - 08:29	173	51	**224**
08:30 - 08:44	186	61	**247**
08:45 - 08:59	178	74	**252**
09:00 - 09:14	113	85	**198**
09:15 - 09:29	161	88	**249**
09:30 - 09:44	128	77	**205**
09:45 - 09:59	145	96	**241**
10:00 - 10:14	136	86	**222**
10:15 - 10:29	124	108	**232**
10:30 - 10:44	125	96	**221**
10:45 - 10:59	131	130	**261**
11:00 - 11:14	120	106	**226**
11:15 - 11:29	143	113	**256**
11:30 - 11:44	160	109	**269**
11:45 - 11:59	176	138	**314**
12:00 - 12:14	153	135	**288**
12:15 - 12:29	148	135	**283**
12:30 - 12:44	114	131	**245**
12:45 - 12:59	166	114	**280**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Thursday, 03/30/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
13:00 - 13:14	133	121	**254**
13:15 - 13:29	137	164	**301**
13:30 - 13:44	141	140	**281**
13:45 - 13:59	150	147	**297**
14:00 - 14:14	155	157	**312**
14:15 - 14:29	154	139	**293**
14:30 - 14:44	140	187	**327**
14:45 - 14:59	155	156	**311**
15:00 - 15:14	125	134	**259**
15:15 - 15:29	120	155	**275**
15:30 - 15:44	116	152	**268**
15:45 - 15:59	174	126	**300**
16:00 - 16:14	165	141	**306**
16:15 - 16:29	145	140	**285**
16:30 - 16:44	132	157	**289**
16:45 - 16:59	167	143	**310**
17:00 - 17:14	129	162	**291**
17:15 - 17:29	140	133	**273**
17:30 - 17:44	126	121	**247**
17:45 - 17:59	110	104	**214**
18:00 - 18:14	131	88	**219**
18:15 - 18:29	106	105	**211**
18:30 - 18:44	99	108	**207**
18:45 - 18:59	126	101	**227**
19:00 - 19:14	103	94	**197**
19:15 - 19:29	83	80	**163**
19:30 - 19:44	56	98	**154**
19:45 - 19:59	56	80	**136**
20:00 - 20:14	72	76	**148**
20:15 - 20:29	54	75	**129**
20:30 - 20:44	28	80	**108**
20:45 - 20:59	52	74	**126**
21:00 - 21:14	53	69	**122**
21:15 - 21:29	51	48	**99**
21:30 - 21:44	43	77	**120**
21:45 - 21:59	50	89	**139**
22:00 - 22:14	38	67	**105**
22:15 - 22:29	39	87	**126**
22:30 - 22:44	30	62	**92**
22:45 - 22:59	25	52	**77**
23:00 - 23:14	29	60	**89**
23:15 - 23:29	17	32	**49**
23:30 - 23:44	15	43	**58**
23:45 - 23:59	17	26	**43**
Totals	**8106**	**6923**	**15029**
AM Peak Time	**07:39 - 08:38**	**11:00 - 11:59**	**11:00 - 11:59**
AM Peak Volume	**750**	**466**	**1065**
PM Peak Time	**15:54 - 16:53**	**13:54 - 14:53**	**13:58 - 14:57**
PM Peak Volume	**626**	**653**	**1249**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Thursday, 03/30/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Friday, 03/31/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
00:00 - 00:14	11	24	**35**
00:15 - 00:29	7	23	**30**
00:30 - 00:44	8	15	**23**
00:45 - 00:59	6	11	**17**
01:00 - 01:14	14	12	**26**
01:15 - 01:29	8	19	**27**
01:30 - 01:44	8	7	**15**
01:45 - 01:59	2	5	**7**
02:00 - 02:14	4	6	**10**
02:15 - 02:29	3	9	**12**
02:30 - 02:44	2	3	**5**
02:45 - 02:59	0	1	**1**
03:00 - 03:14	3	1	**4**
03:15 - 03:29	2	1	**3**
03:30 - 03:44	3	0	**3**
03:45 - 03:59	3	0	**3**
04:00 - 04:14	5	1	**6**
04:15 - 04:29	7	5	**12**
04:30 - 04:44	6	0	**6**
04:45 - 04:59	4	1	**5**
05:00 - 05:14	10	5	**15**
05:15 - 05:29	22	6	**28**
05:30 - 05:44	39	9	**48**
05:45 - 05:59	38	9	**47**
06:00 - 06:14	23	9	**32**
06:15 - 06:29	53	10	**63**
06:30 - 06:44	54	15	**69**
06:45 - 06:59	111	16	**127**
07:00 - 07:14	66	29	**95**
07:15 - 07:29	144	29	**173**
07:30 - 07:44	140	30	**170**
07:45 - 07:59	202	49	**251**
08:00 - 08:14	141	49	**190**
08:15 - 08:29	162	55	**217**
08:30 - 08:44	174	64	**238**
08:45 - 08:59	192	72	**264**
09:00 - 09:14	168	72	**240**
09:15 - 09:29	139	80	**219**
09:30 - 09:44	152	96	**248**
09:45 - 09:59	151	104	**255**
10:00 - 10:14	119	107	**226**
10:15 - 10:29	157	111	**268**
10:30 - 10:44	141	114	**255**
10:45 - 10:59	181	109	**290**
11:00 - 11:14	138	130	**268**
11:15 - 11:29	147	123	**270**
11:30 - 11:44	159	133	**292**
11:45 - 11:59	210	148	**358**
12:00 - 12:14	148	141	**289**
12:15 - 12:29	147	153	**300**
12:30 - 12:44	134	180	**314**
12:45 - 12:59	185	153	**338**

Traffic Survey Specialists, Inc.

Daily Vehicle Volume Report

Study Date: Friday, 03/31/2017
Unit ID: MAINE
Location: N County Road North of Royal Palm Way
Comments: Palm Beach, Florida

	Northbound Volume	Southbound Volume	Total Volume
13:00 - 13:14	120	149	**269**
13:15 - 13:29	134	166	**300**
13:30 - 13:44	141	130	**271**
13:45 - 13:59	157	157	**314**
14:00 - 14:14	157	175	**332**
14:15 - 14:29	141	150	**291**
14:30 - 14:44	132	175	**307**
14:45 - 14:59	186	180	**366**
15:00 - 15:14	147	159	**306**
15:15 - 15:29	160	189	**349**
15:30 - 15:44	133	149	**282**
15:45 - 15:59	165	170	**335**
16:00 - 16:14	131	186	**317**
16:15 - 16:29	132	145	**277**
16:30 - 16:44	120	142	**262**
16:45 - 16:59	117	122	**239**
17:00 - 17:14	130	130	**260**
17:15 - 17:29	121	115	**236**
17:30 - 17:44	124	106	**230**
17:45 - 17:59	101	94	**195**
18:00 - 18:14	102	124	**226**
18:15 - 18:29	112	89	**201**
18:30 - 18:44	96	103	**199**
18:45 - 18:59	98	93	**191**
19:00 - 19:14	75	108	**183**
19:15 - 19:29	80	92	**172**
19:30 - 19:44	81	85	**166**
19:45 - 19:59	50	70	**120**
20:00 - 20:14	45	88	**133**
20:15 - 20:29	63	57	**120**
20:30 - 20:44	50	79	**129**
20:45 - 20:59	59	66	**125**
21:00 - 21:14	34	86	**120**
21:15 - 21:29	56	61	**117**
21:30 - 21:44	48	54	**102**
21:45 - 21:59	51	50	**101**
22:00 - 22:14	56	58	**114**
22:15 - 22:29	52	60	**112**
22:30 - 22:44	42	47	**89**
22:45 - 22:59	38	52	**90**
23:00 - 23:14	25	42	**67**
23:15 - 23:29	28	40	**68**
23:30 - 23:44	25	38	**63**
23:45 - 23:59	33	27	**60**
Totals	**8301**	**7212**	**15513**
AM Peak Time	**07:39 - 08:38**	**10:59 - 11:58**	**10:59 - 11:58**
AM Peak Volume	**706**	**540**	**1190**
PM Peak Time	**14:28 - 15:27**	**14:36 - 15:35**	**14:30 - 15:29**
PM Peak Volume	**634**	**708**	**1328**

Palm Beach County Trip Generation Rates

Cat.	Landuse	ITE Code	Unit	Daily Rate/Equation	Pass-By %	AM Peak Hour		PM Peak Hour	
						In/Out	Rate/Equation	In/Out	Rate/Equation
Industrial	Light Industrial	110	1000 S.F.	6.97	10%	88/12	0.92	12/88	0.97
	Warehouse	150	1000 S.F.	3.56	10%	79/21	0.30	25/75	0.32
	Flex Space - IND FLU	PBC	1000 S.F.	7.86	10%	64/36	1.53	40/60	1.21
	Flex Space - COM FLU	PBC	1000 S.F.	29.67	45%	72/28	2.12	40/60	2.67
	Mini-Warehouse/SS	151	1000 S.F.	2.50	10%	55/45	0.14	50/50	0.26
Residential	Single Family Detached	210	Dwelling Unit	10	0%	25/75	0.75	63/37	Ln(T) = 0.90 Ln(X) + 0.51
	Apartment	220	Dwelling Unit	6.65	0%	20/80	T = 0.49(X) + 3.73	65/35	0.62
	Condo/TH (Fee Simple)	230	Dwelling Unit	6.65	0%	17/83	Ln(T) = 0.80 Ln(X) + 0.26	67/33	Ln(T) = 0.82 Ln(X) + 0.32
	55+ SF Detached	251	Dwelling Unit	3.68	0%	35/65	0.22	61/39	0.27
	55+ SF Attached	252	Dwelling Unit	3.44	0%	34/66	0.2	54/46	0.25
	Congregate Care Facility	253	Dwelling Unit	2.02	0%	59/41	0.06	55/45	0.17
	Assisted Living Facility	254	Beds	2.66	0%	65/35	0.14	44/56	0.22
Ldg	Hotel	310	Rooms	8.17	10%	59/41	0.53	51/49	0.6
Rec	Movie Theater	444	Seats	1.8	5%	N/A	0	60/40	0.144
	Health Club	492	1000 S.F.	32.93	5%	50/50	1.41	57/43	3.53
Institutional	Elementary School	520	Students	1.29	0%	55/45	0.45	49/51	0.15
	Middle/Junior School	522	Students	1.62	0%	55/45	0.54	49/51	0.16
	High School	530	Students	1.71	0%	68/32	0.42	47/53	0.13
	Private School (K-8)	534	Students	Use Private K-12 rate	0%	55/45	0.90	47/53	0.19
	Private School (K-12)	536	Students	2.48	0%	61/39	0.81	43/57	0.17
	Church/Synagogue[a]	560	1000 S.F.	9.11	5%	62/38	0.56	48/52	0.55
	Day Care	565	1000 S.F.	74.06	50%	53/47	12.18	47/53	12.34
	Library	590	1000 S.F.	56.24	10%	71/29	1.04	48/52	7.30
Med	Hospital	610	1000 S.F.	13.22	10%	63/37	0.95	38/62	0.93
	Nursing Home	620	beds	2.74	10%	69/31	0.17	33/67	0.22
Office	General Office	710	1000 S.F.	Ln(T) = 0.76 Ln(X) + 3.68	10%	88/12	Ln(T) = 0.80 Ln(X) + 1.57	17/83	1.49
	Medical Office	720	1000 S.F.	36.13	10%	79/21	2.39	28/72	Ln(T) = 0.90 Ln(X) + 1.53
	Medical Office (Reduced)[b]	PBC	1000 S.F.	18.07	10%	79/21	1.2	27/73	T = 1/2 Med. Office PM
	Government Office	730	1000 S.F.	68.93	10%	84/16	1.16	31/69	1.21

August 13, 2014

Trip rates taken mostly from ITE Trip Generation Manual, 9th Edition except as noted.

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Palm Beach County Trip Generation Rates

Cat.	Landuse	ITE Code	Unit	Daily Rate/Equation	Pass-By %	AM Peak Hour		PM Peak Hour	
						In/Out	Rate/Equation	In/Out	Rate/Equation
Retail	Nursery (Wholesale)	818	acre	4.50	0%	N/A	0.26	N/A	0.45
	Gen. Commercial	820	1000 S.F.	Ln(T) = .65 Ln(X) + 5.83[c]	Note d	62/38	0.96	48/52	Ln(T) = 0.67 Ln(X) + 3.31[e]
	New Car Sales	841	1000 S.F.	32.30	15%	75/25	1.92	40/60	2.62
	Tire Store	848	1000 S.F.	24.87	28%	63/37	2.89	43/57	4.15
	Pharmacy + DT	881	1000 S.F.	96.91	50%	52/48	3.45	50/50	9.91
Services	Drive-In Bank[f]	912	1000 S.F.	148.15	47%	57/43	12.08	50/50	24.3
	Quality Restaurant	931	1000 S.F.	89.95	44%	50/50	0.81	67/33	7.49
	High Turnover Sit-Down Rest.	932	1000 S.F.	127.15	43%	55/45	10.81	60/40	9.85
	Fast Food Restaurant w/o DT	933	1000 S.F.	396.90	45%	60/40	43.87	51/49	26.15
	Fast Food Restaurant + DT	934	1000 S.F.	496.12	49%	51/49	45.42	52/48	32.65
	Gas Station	944	Fuel Positions	168.56	50%	50/50	12.16	50/50	13.87
	Convenience Store	851	1000 S.F.	737.99	61%	50/50	67.03	51/49	52.41
	Carwash (Automated)[g]	PBC	Lane	166.00	0%	50/50	11.97	50/50	13.65

Footnotes: a) Weekend peak hour rate = 12.04 per 1,000 s.f. with a 49/51 directional split
b) To be used only when adjacent to hospital, for Med. Office square footage not to exceed 44% of the hospital square footage
c) For intensities under 10,000 s.f., use a rate of 152.03 / 1,000 SF instead of the equation.
d) Pass-by percent = 62% for 10,000 sf or less, otherwise = 83.18 - 9.30 * Ln(A) where A is 1,000 s.f. of leasable area
e) For densities under 10,000 s.f., use a rate of 12.81 / 1,000 sf instead of the equation.
f) Use these rates for a drive-in bank with up to 4 drive-thru lanes (excl. ATM lane). For additional drive-thru lanes, use per lane rates from ITE Code 912 (139.25 daily, 9.29 AM, 33.24 PM. Use same in/out splits)
g) Daily rate taken from PBC trip gen. study. Peak hour rates derived by applying peak to daily ratios for gas station to daily carwash rate

Trip rates taken mostly from ITE Trip Generation Manual, 9th Edition except as noted.

August 13, 2014
F:\TRAFFIC\Development Review\Trip Generation\Trip Generation Rates for Web 8-13-2014

American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd, Suite 200
Wesley Chapel, Florida 33544
Tel 813.435.2600 • Fax 813.435.2601
american@acp-fl.com • www.acp-americas.com

August 23, 2017

Mr. Paul Castro, AICP
Planning and Zoning Administrator
Town Hall, South Entrance
360 South County Road
Post Office Box 2029
Palm Beach, FL 33480

Re: Carriage House Club Traffic Impact Statement Review

Project: Carriage House Club, Town of Palm Beach – Proposed land use change of the existing 118 seat quality restaurant and 3,039 SF commercial retail on first floor and two apartment units on second floor with a private club use/quality restaurant with 278 seats.
Location: Town of Palm Beach, North of Royal Palm Way and West of S County Road

ACE Project No.: 5089725.028

Dear Mr. Castro:

American has conducted a review of the Traffic Generation Statement dated June 15, 2017 for the above subject project for the proposed merge of adjacent properties and land use change of the existing 264 South County Road quality restaurant of 118 seats and 270 South County Road comprising of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. The combined property is anticipated to contain a private club use/quality restaurant with a maximum of 278 seats. We received this report on June 29, 2017 prepared by Kimley-Horn and Associates, Inc. and provided comments on August 9, 2017. The responses to the comments along with the revised traffic impact statement dated August 14, 2017 were received on August 21, 2017 from Kimley-Horn and Associates, Inc. **Based on the response to the comments and the revisions made, at this point of time, the analysis <u>cannot</u> be approved in accordance with the Town of Palm Beach Traffic Standards.**

The net PM peak project trips are significant on adjacent roadway links and require additional analysis of major intersections and roadway segments in accordance to Chapter B, Section 2 of Article 12 – Traffic Performance Standards. Moreover, the radius of development influence should be revisited in reference to Refer Table 12.B.2.D-7 3A in Article 12 – Traffic Performance Standards. Moreover, there are other outstanding issues related to parking calculations and documentation in the traffic impact statement that needs to be revisited in the zoning application for consistency. Also, the existing land use description in the traffic impact analysis statement should be revised with the zoning application for consistency.

Additional comments based on the review of the revised traffic impact statement are also attached to this letter.

If you should have any questions, please feel free to contact me at 813-435-2618 or David Bredahl at 813-435-2701.

Sincerely,
American Consulting Professionals, LLC

Arpita Guha

Arpita Guha, P.E., PTOE

Cc: David Bredahl, AICP (American)
Adam Kerr, PE (Kimley-Horn and Associates, Inc.)

American CONSULTING
American Consulting Professionals, LLC
American Consulting Engineers of Florida, LLC
2818 Cypress Ridge Blvd, Suite 200
Wesley Chapel, Florida 33544
Tel 813.435.2600 • Fax 813.435.2601
american@acp-fl.com • www.acp-americas.com

August 23, 2017

Adam B. Kerr, PE
Kimley-Horn and Associates, Inc.
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411

Re: Review Comments on Carriage House Club Traffic Impact Statement
Project: Carriage House Club, in the Town of Palm Beach – Proposed land use change of the existing 118 seat quality restaurant and 3,039 SF commercial retail on first floor and two apartment units on second floor with a private club use/quality restaurant with 278 seats.
Location: Town of Palm Beach, North of Royal Palm Way and West of S County Road
ACE Project No.: 5089725.028

Dear Mr. Kerr:

A review was completed of the revised traffic impact analysis statement dated August 14, 2017 addressing the comments from August 9, 2017 for the above subject project for the proposed merge of adjacent properties and land use change of the existing 264 South County Road quality restaurant of 118 seats and 270 South County Road comprising of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. The combined property is anticipated to contain a private club use/quality restaurant with a maximum of 278 seats. We received this revised report on August 21, 2017 via email along with the response to the comments. Our additional comments are summarized below.

1. **Please indicate the proposed land use to be private club/quality restaurant in the second paragraph of this memorandum.**

   Response: The text has been revised as requested.

   No additional comments

2. **Please modify the second to last sentence of the Trip Generation analysis Section to read - "As shown in Table 1, the proposed redevelopment results in a net increase of 67 net new daily trips, a net decrease in AM peak hour trips with 4 net AM peak hour trips (-1 in, -3 out), and 7 net new PM peak hour trips (7 in, 0 out)."**

   Response: The text has been revised as requested.

No additional comments

3. **Please check and revise the title for Figure 1.**

   Response: The title to Figure 1 has been revised.

   No additional comments

4. **Please check and revise the title for Figure 2.**

   Response: The title to Figure 2 has been revised.

   No additional comments

5. **Please check the daily trips and the AM and PM peak hour trips to and from the property at the project access shown on Figure 3. These do not seem to match Table 1.**

   Response: Figure 3 illustrates only a portion of the overall driveway volumes; all other driveway volumes will utilize on-street and offsite parking. The text of the report has been revised to incorporate this language.

   Additional Comment: The use of the intersection of Phipps Plaza and South County Road has been under estimated in terms of the daily volume and PM peak hour volume. Based on the numbers in Figure 3, only 19% of the total net daily project trips and only 35% of the total net PM peak hour project trips are using this intersection. In reality, if not all, a much higher percentage of traffic is anticipated to be coming to the intersection for drop off and then turn around to find parking; also, for valet parking this is a potential drop off/pick up location. Therefore, revise the traffic volumes shown at the intersection of Phipps Plaza and South County Road and make appropriate revisions in the memorandum. Also, label Phipps Plaza on Figure 3.

6. **Please check and revise the PM peak hour 2015 existing traffic in Table 3 peak hour two-way analysis. It is listed at 908; however, the existing 2015 PM peak hour peak season counts show to be 948.**

   Response: The 2015 peak hour volume has been revised to reflect the correct volume of 948 vehicles.

   Additional Comment: Add the committed trips along the network in the peak hour two-way analysis in Table 2.

7. **Please revise Table numbers throughout the document. Currently, there are two sets of Table 1 and Table 3.**

Response: Tables 2 & 3 that reference 2015 peak hour volumes have been extracted from a report for the Town of Palm Beach. These tables now indicate that they have been extracted from another report.

No additional comments

8. **Please extract and include the relevant tables from the ITE Trip Generation Manual, 9th Edition as an attachment to this memorandum to document the rates used to compute trip generation along with the Palm Beach County rates.**

Response: The report has been revised to use only Palm Beach County rates.

No additional comments

9. **Please indicate in the Driveway Access Section that the parking on Phipps Plaza is by permit only.**

Response: Parking in Phipps Plaza includes 8 two-hour parking spaces and the rest of the spaces are permit only. This language has been added to the text of the report.

Additional Comment: The Driveway Access section states that there are 8 two-hour parking spaces and 38 permitted parking spaces from 9:00 AM to 12:00 AM; thus, total parking is 46 compared to the zoning application that shows 44 parking spaces along Phipps Plaza by permit only. The parking information along Phipps Plaza was verified with the Town of Palm Beach and should be 30 "permit parking only" spaces between the hours of 9:00 am and 12:00 am midnight and 14 2-hour parking between 9:00 am and 6:00 pm resulting into a total of 44 parking spaces. Revise to resolve inconsistency and reflect the correct information. These different types of parking spaces need to be consistent with the zoning application.

10. **Second paragraph states that the analysis performed assumes credit for the current uses as the existing land use has been in use for more than five years. However, the zoning application states that the property has been abandoned and left vacant for last several years. Please explain and address/revise appropriately and maintain consistency.**

Response: Traffic data used in this analysis was collected March of 2015 and 264 Grill closed its doors June 21 2015; therefore, credit for the previous use has been taken in this analysis. Text has been revised in the report to include traffic count dates and official closing date of the 264 Grill restaurant.

Additional Comment: Revise 2nd paragraph, 7th line of the traffic impact analysis statement to reflect "traffic data collection".

11. **Required parking calculations included in the traffic impact analysis statement and in the zoning application are not consistent. Please review and revise appropriate document and be consistent.**

    Response: Noted.

    Additional Comment: Revise to resolve inconsistency. Also, review the existing land use description with that in the zoning application and make appropriate revisions if necessary.

12. **In the zoning application for the proposed future land use of a private club, it is anticipated to have a maximum of 264 members; however, the traffic analysis statement states the future use to be a quality restaurant with 278 seats. Please clarify and establish equivalency.**

    Response: The number of seats and maximum number of members are not required to be equivalent. Extra seats are available if members are present; furthermore, some guests may be allowed, therefore necessitating increased seating.

    Additional Comment: The Town of Palm Beach staff reviewed the parking calculations in the zoning application and they believe that the parking calculations based on principle of equivalency are incorrect and that the proposed club will be allowed to inherit 58 parking spaces and not 66 spaces. The calculations for parking spaces based on existing use, includes additional 15 seats for the restaurant that were granted by variance and also, includes 2,101 square feet of retail instead of 1,888 square feet as provided by the Town. This would result in lower number of membership capacity than 264 persons. Revise and address as appropriate.

13. ***In the traffic analysis statement dated June 15, 2017 for the subject project, a pass-by percent of 44 was used on the proposed land-use of a private club/quality restaurant. In this context, based on the nature of the proposed use, this is a very high passer by percentage. All the trips to the private club will be the trips that intend to go there/ from there and will not be pass-by trips. Please make appropriate revisions in the traffic analysis statement.***

    Response: Pass-by trips are no longer considered in the revised analysis for this project.

    No additional comments

General Additional Comments:

1. Revisit radius of development influence/project significance based on project's net external peak hour trips. Refer Table 12.B.2.D-7 3A in Article 12 – Traffic Performance Standards. Include study links and intersections accordingly.

2. Test 1 – Peak Hour Peak Direction Significance Analysis has been removed from the revised traffic impact analysis statement. For the PM peak, project trips will be significant on all

links. Perform Test 2 and analyze major intersections and links within radius of development influence in accordance to Chapter B, Section 2 of Article 12 – Traffic Performance Standards.

3. Add the committed trips along the network in the peak hour two-way analysis in Table 2.

Sincerely,

American Consulting Professionals, LLC

Arpita Guha, P.E., PTOE

Cc: David Bredahl, AICP (American)
Paul Castro, AICP (Town of Palm Beach)

Kimley»Horn

May 24, 2017
Revised June 15, 2017
Revised August 14, 2017

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

Re: Traffic Impact Analysis
Carriage House/264 Grill
Palm Beach, Florida

Dear Mr. Levy:

Kimley-Horn and Associates, Inc. was retained to provide a traffic impact evaluation for the above-mentioned site. The site is located at 264/270 South County Road in the Town of Palm Beach, Florida. The proposed plan of development includes the merging of these adjacent properties. The PCN's for the two sites are 50-43-43-22-10-000-0120 and 50-43-43-22-10-000-0110, respectively. *Figure 1* shows the site location. Buildout is expected by 2022.

Currently, 264 South County Road consists of a quality restaurant with 118 seats while the 270 South County Road property consists of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. It is proposed to combine these two parcels into one property containing private club/quality restaurant use with a maximum of 278 seats. This traffic analysis has been performed to quantify the impacts of the proposed changes. Because the existing land uses have been in use for more than five years and the 264 Grill restaurant closed on June 21, 2015 which was after the traffic data used in this analysis, this analysis was performed assuming credit for the current uses. The radius of development influence and significant impact calculations have been conducted using the differential between proposed and existing net new external trips. The existing and proposed site plans have been attached for reference.

Trip Generation Analysis

The daily and peak hour trip generation potential for the proposed redevelopment plan was calculated based on trip generation rates published by Palm Beach County. Due to the amount of food-service area in the proposed club, the trip generation rate for quality restaurant was assumed to be most appropriate. It should be noted that the number of seats was used as the independent variable since the overall seating density is less than a typical public restaurant. Additionally, pass-by trips have not been applied because the proposed private club use will be member based and members are expected to use this club knowingly, not as pass-by trips. As shown in *Table 1*, the proposed redevelopment results in a net increase of 417 net new daily trips, 0 net new AM peak hour trip (1 in, -1 out), and 39 net new PM peak hour trip (28 in, 11 out). Palm Beach County trip generation rates and equations have been attached for reference.

Roadway Link Analysis

Per the Palm Beach County Transportation Performance Standards Ordinance (TPSO), the radius of development influence includes only the directly accessed links. The roadway on the County's Thoroughfare Identification Map that directly accesses the project site is South County Road. It was assumed that 30% of the trips will access the site from the south, 35% would access the site from the north, and 35% will access the site from the west. The net new trips that are subject to the TPSO were then assigned to the existing roadway network based on the trip distribution. *Figure 2* illustrates the trip distribution for the site.

Based upon Palm Beach County criteria published in Article 12 of the Unified Land Development Code (ULDC), significantly impacted roadways under Palm Beach County's jurisdiction were evaluated in comparison to LOS D thresholds. As indicated in *Table 2*, South County Road will be significantly impacted by the proposed redevelopment. Therefore, further capacity analysis is required per TPSO standards. A capacity analysis was performed based on year 2015 two-way counts collected between March 3, 2015 and March 5, 2015 for the Town of Palm Beach. As shown in *Table 2,* South County Road will operate at an acceptable level of service through year 2022. Town of Palm Beach 2015 AM and PM peak hour two-way count data has been attached for reference.

Driveway Access

Access to the project site is located along Phipps Plaza as public, two-hour parking. Phipps Plaza has 8 two-hour parking spaces and 38 permitted parking spaces from 9:00 AM to 12:00 AM. *Figure 3* illustrates a portion of the project driveway volumes into Phipps Plaza, the remaining driveway volumes will utilize on-street and off-site parking. On-street parking is available along the east side of South County Road. For the purposes of this analysis, on-street and off-street parking is not quantified within the driveway figure, and the driveway volumes shown represent only a portion of the traffic that will not utilize on-street or off-street parking.

According to the Palm Beach County "Guide to Parking Lot and Street Access Design Criteria and Standards," it is necessary to classify project entrances that provide access to the local roadway network as minor, intermediate, or major according to the following criteria:

- Minor – Provides services for a maximum average daily traffic of 500 vehicles.
- Intermediate – Provides services for a maximum average daily traffic from 501 to 2,000 vehicles.
- Major – Provides service for a maximum average daily traffic greater than 2,000 vehicles.

Based on these criteria, the Phipps Plaza access point is classified as a minor driveway. In addition, the project driveway volumes were compared to the thresholds identified by the Palm Beach County Land Development Division to determine the turn lane requirements of the site's driveways. Section 300 of the *Design Standards Manual* identifies the threshold for installation of a right-turn lane as an inbound peak hour right-turning traffic of 75 vehicles or more and the threshold for a left-turn lane as an inbound peak left-turning traffic of 30 vehicles or more. Based on these thresholds, there are no turn lane recommendations.

Conclusion

This analysis was prepared to address the requirements of the Palm Beach County Traffic Performance Standards and Town of Palm Beach Standards. The foregoing analysis demonstrates that the surrounding roadway network has sufficient capacity and is expected to operate acceptably upon project buildout.

Please contact me at 561-840-0874 if you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.
Transportation Engineer
21 Aug 2017
Florida Registration
Number 64773
Certificate of Authorization
Number CA00000696

ABK

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TABLE 1
WEEKDAY PEAK HOUR TRIP GENERATION
Carriage House

Land Use	Intensity	Daily Trips	AM peak Hour			PM Peak Hour		
			Total	In	out	Total	In	Out
Existing								
Apartment	2 Units	*13*	*5*	*1*	*4*	*1*	*1*	*0*
Quality Restaurant	118 Seats	*337*	*4*	*2*	*2*	*31*	*21*	*10*
General Commercial	3,039 sq. ft.	*462*	*3*	*2*	*1*	*39*	*19*	*20*
Subtotal		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Pass-By								
Quality Restaurant	44%	*148*	*2*	*1*	*1*	*14*	*9*	*5*
General Commercial	62%	*286*	*2*	*1*	*1*	*24*	*12*	*12*
Subtotal		*434*	*4*	*2*	*2*	*38*	*21*	*17*
Driveway Volumes		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Existing Net New External Trips		***378***	***8***	***3***	***5***	***33***	***20***	***13***
Proposed								
Quality Restaurant	278 Seats	*795*	*8*	*4*	*4*	*72*	*48*	*24*
Driveway Volumes		*795*	*8*	*4*	*4*	*72*	*48*	*24*
Proposed Net New External Trips		***795***	***8***	***4***	***4***	***72***	***48***	***24***
Proposed - Existing Net New External Trips		***417***	***0***	***1***	***(1)***	***39***	***28***	***11***

Trip generation was calculated using the following data:

Daily Trip Generation				
Apartment	PBC	=	T= 6.65 * Units	
Quality Restaurant	PBC	=	T= 2.86* Seats	
General Commercial	PBC	=	T= 152.03* sq. ft. / 1,000	
AM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.49 * (Units) + 3.73	(20% in / 80% out)
Quality Restaurant	PBC	=	T= 0.03* Seats	(50% in / 50% out)
General Commercial	PBC	=	T= 0.96* (sq.ft./1,000)	(62% in / 38% out)
PM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.62 * Units	(65% in / 35% out)
Quality Restaurant	PBC	=	T= .26* Seats	(67% in / 33% out)
General Commercial	PBC	=	T=12.81 * (sq.ft./ 1,000)	(48% in / 52% out)

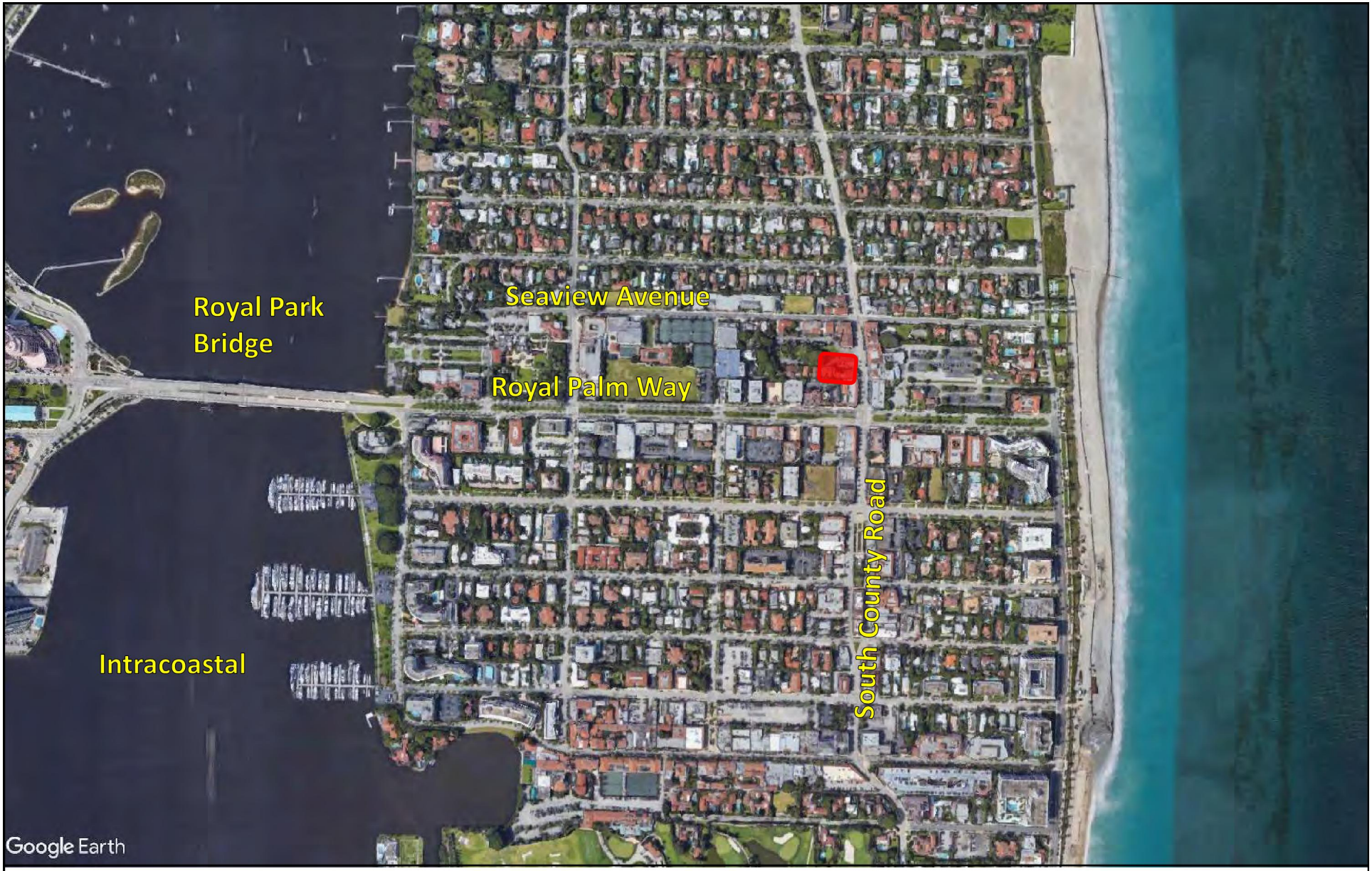
k:\wpb_tpto\1403\140379000 - 264 grill\[2017-08-14 trip generation.xls]table 1 fri_tgen
8/14/2017 14:54

TABLE 2
Carriage House
Peak Hour Two-Way Analysis

Roadway From	To	Existing Number Of Lanes	Existing LOS 'D' Capacity	NB/EB Assignment	SB/WB Assignment	Two-Way Peak Hour Project Traffic	Significance	Significant Impact ???	2015 Existing	Growth	Background Growth By Growth Rate	2022 Total	Meets LOS
AM PEAK HOUR													
South County Road													
North of Peruvian Avenue	Royal Palm Way	2LN	1,480	30%	30%	0	0.00%	**No**	908	1.00%	973	973	Yes
Royal Palm Way	Site	2LN	1,480	65%	65%	0	0.00%	**No**	908	1.00%	973	973	Yes
Site	North of Site	2LN	1,480	35%	35%	0	0.00%	**No**	908	1.00%	973	973	Yes
PM PEAK HOUR													
South County Road													
North of Peruvian Avenue	Royal Palm Way	2LN	1,480	30%	30%	11	0.74%	**No**	948	1.00%	1,016	1,030	Yes
Royal Palm Way	Site	2LN	1,480	65%	65%	25	1.69%	**Yes**	948	1.00%	1,016	1,041	Yes
Site	North of Site	2LN	1,480	35%	35%	14	0.95%	**No**	948	1.00%	1,016	1,030	Yes

k:\wpb_tpto\1403\140379000 - 264 grill\[2017-08-14 trip generation.xls]table 2a am (2)

Kimley»Horn



NORTH

LEGEND

SITE

FIGURE 1
Site Location
Carriage House
KHA # 14037900

Kimley»Horn

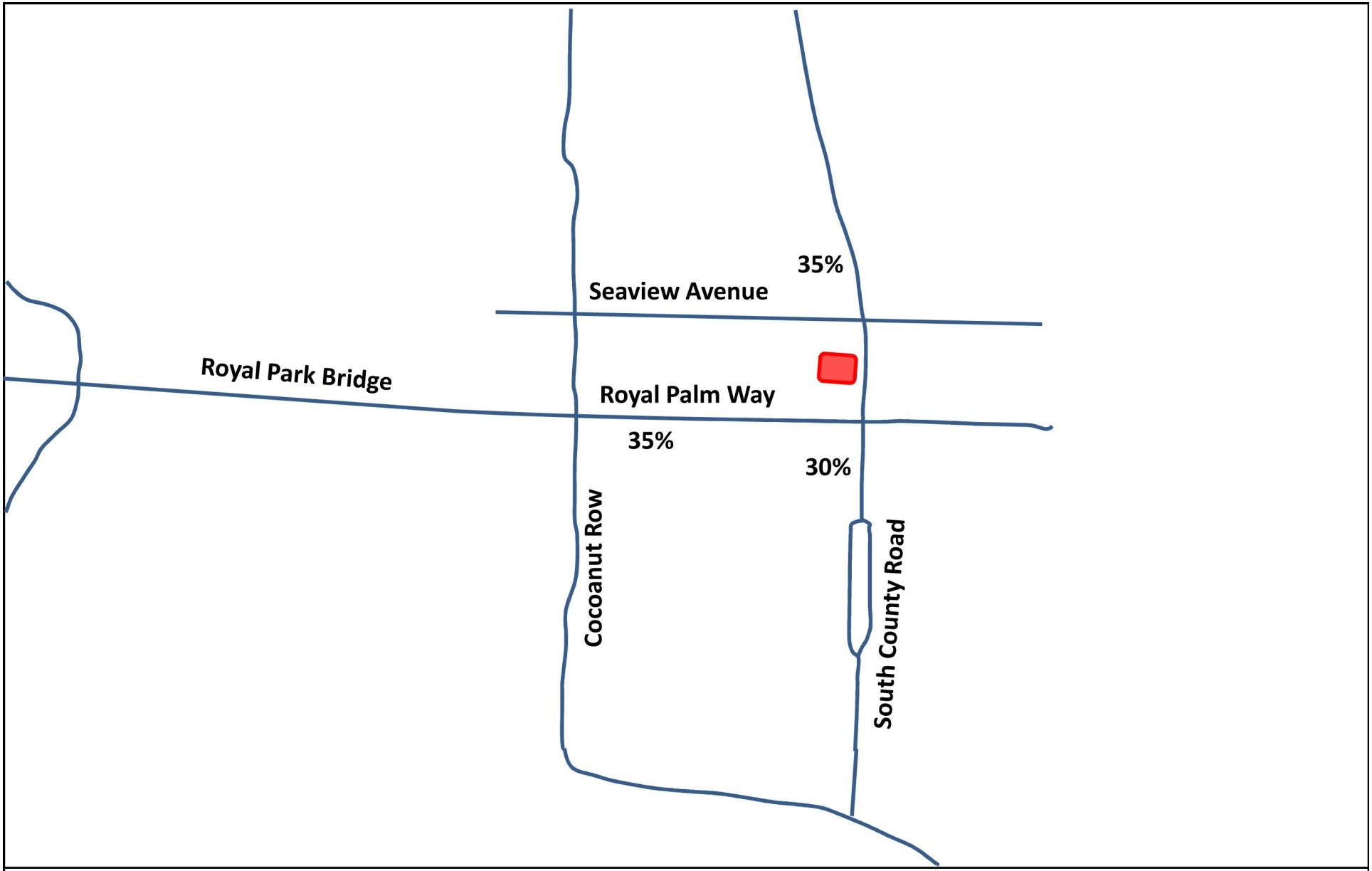
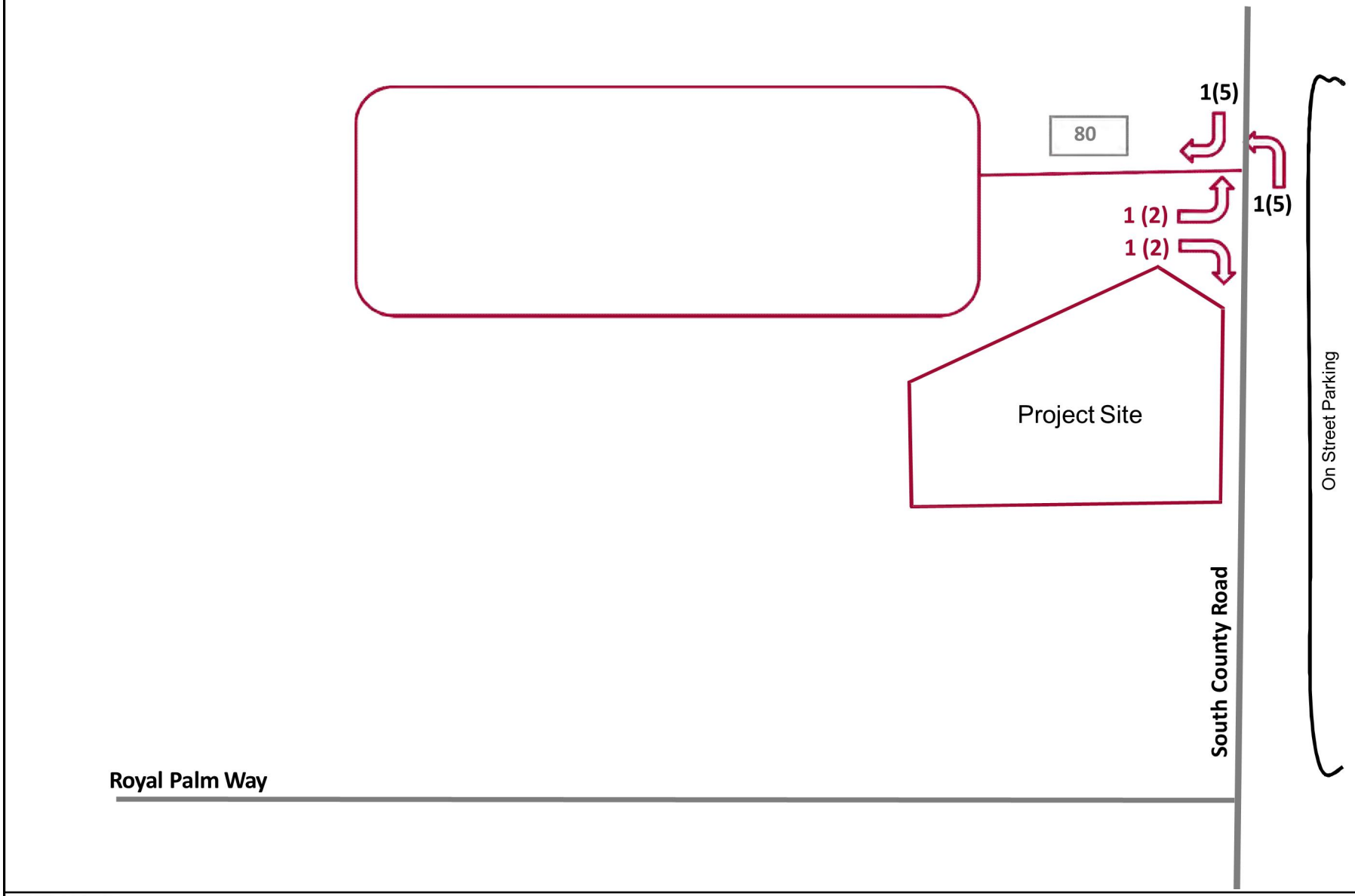


FIGURE 2
Trip Distribution
Carriage House
KHA # 14037900

Kimley»Horn



NORTH

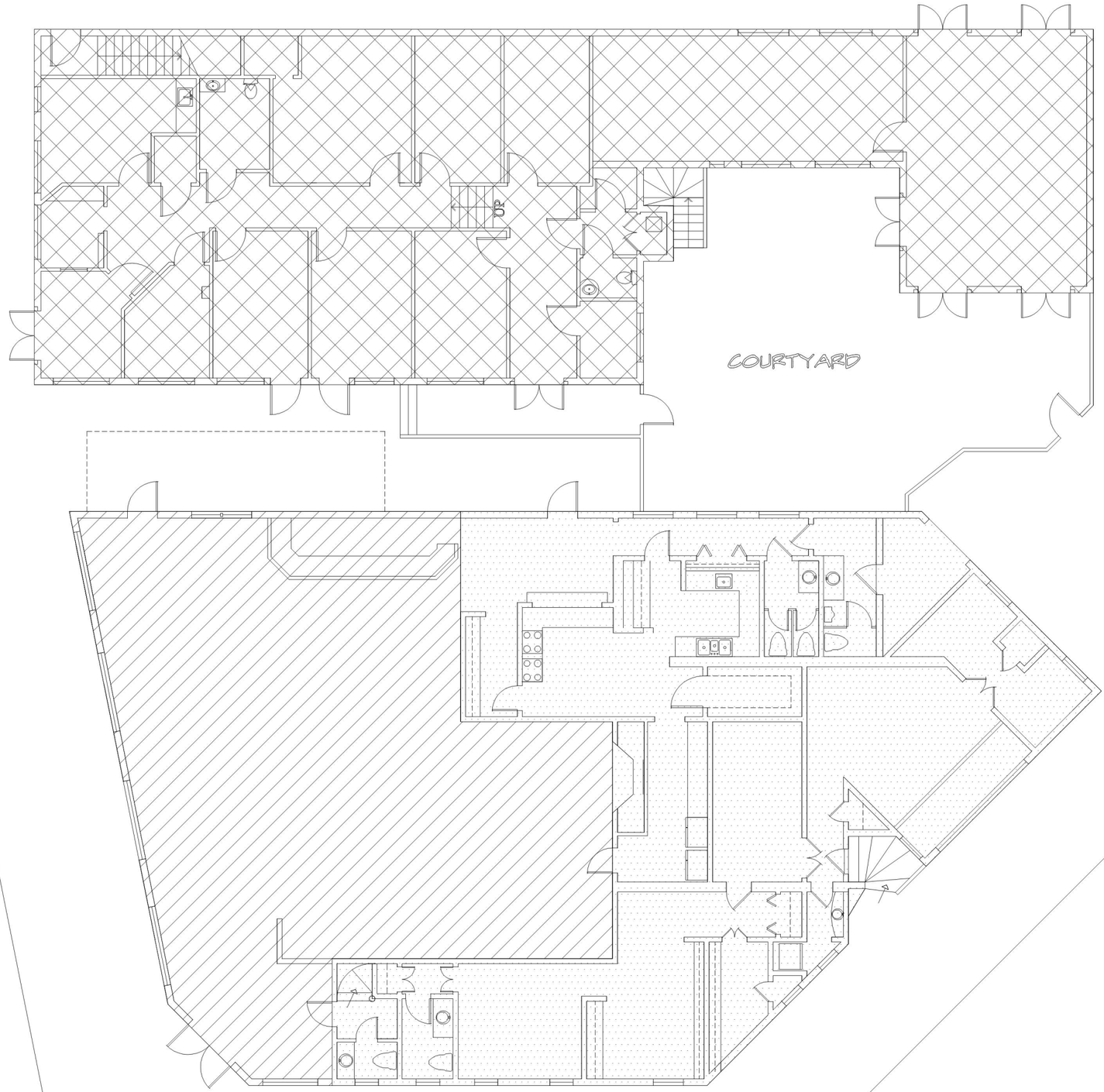
Not To Scale

LEGEND

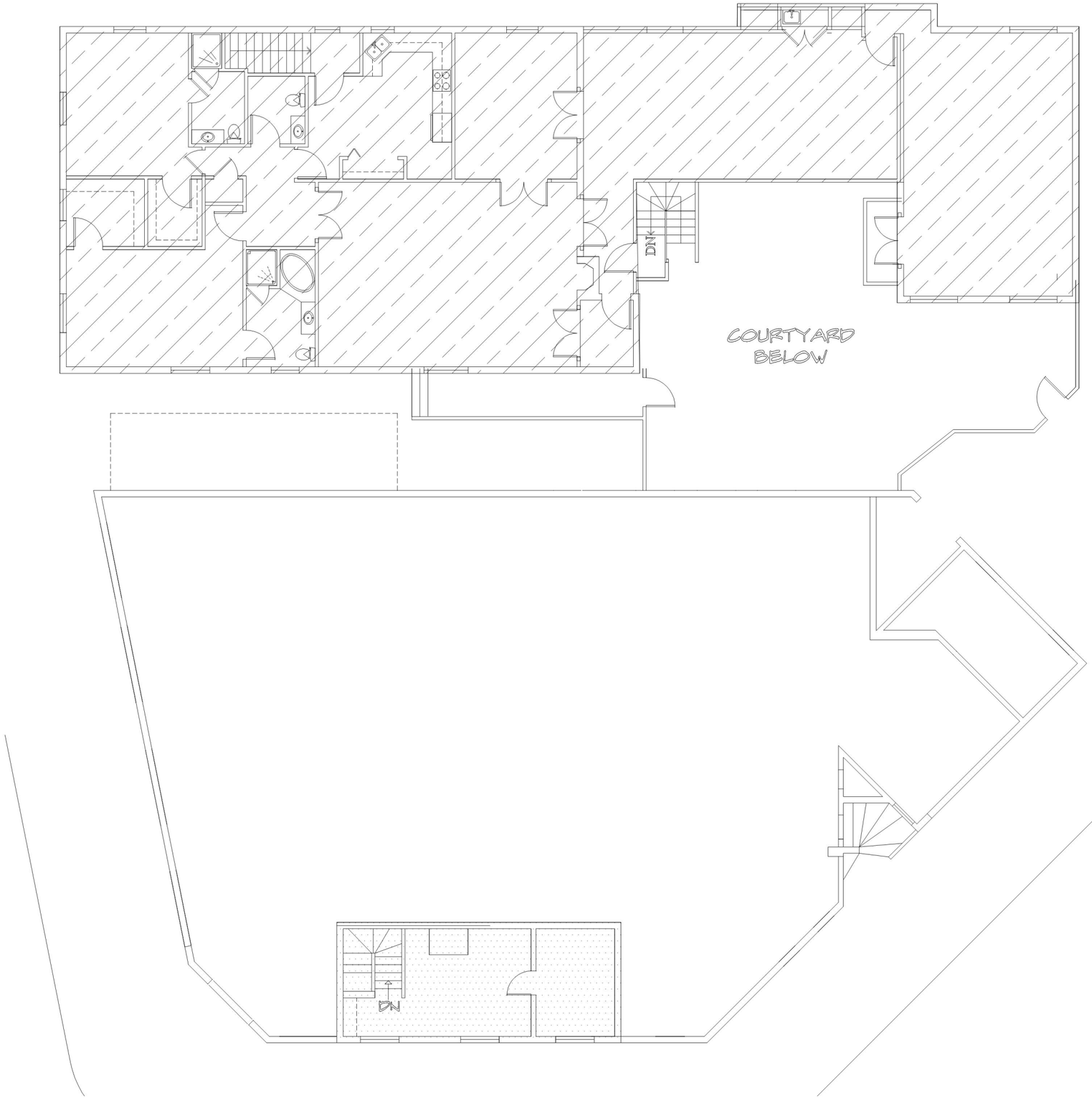
XX INBOUND AM
(XX) INBOUND PM
XX OUTBOUND AM
(XX) OUTBOUND PM
XX DAILY

FIGURE 3
Driveway Volumes
Carriage House
KHA # 140379000

Kimley»Horn



FIRST FLOOR SPACE	AREA	PARKING RATIO	PARKING COUNT
DINING AREA	2,081 SF. (118 SEATS)	1:3	39.3 SPACES
BACK OF HOUSE	2,490 SF.	1 : 300 GROSS	8.3 SPACES
RETAIL AREA	3,039 SF.	1 : 200 GROSS	15.2 SPACES
TOTAL			62.8 SPACES



SECOND FLOOR SPACE	AREA	PARKING RATIO	PARKING COUNT
RESIDENTIAL UNITS EACH UNIT TOTAL 2 UNITS	3,185 SF. -	2 SPACES/UNIT	4.0 SPACES
BACK OF HOUSE	369 SF.	1 : 300 GROSS	1.2 SPACES
TOTAL			5.2 SPACES

CARRIAGE HOUSE | *264/270 South County Road, Palm Beach, Florida*

CONCEPTUAL FIRST FLOOR PLAN

SCALE: 1"=20'

4.28.17

GLIDDENSPINA + PARTNERS

CONCEPTUAL SECOND FLOOR PLAN

SCALE: 1"=20' 4.28.17

GLIDDENSPINA + PARTNERS

EXCERPT TAKEN FROM TOWN OF PALM BEACH 2015 COUNT D

TABLE 2
EXISTING 2015 AM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 3 and Thursday, March 5, 2015)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	AM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,373	1,345	1,464	1,394
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,170	1,149	1,240	1,186
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	795	820	858	824
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	801	792	816	803
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	853	918	954	908
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,165	1,238	1,344	1,249
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,214	1,065	1,084	1,121
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	648	672	751	690
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	674	691	702	689
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	988	906	N/A	947
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,342	1,299	1,335	1,325
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,449	1,401	1,419	1,423
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	1,297	1,261	1,294	1,284
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	794	744	792	777

EXCERPT TAKEN FROM TOWN OF PALM BEACH 2015 COUNT D

TABLE 3
EXISTING 2015 PM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 3 and Thursday, March 5, 2015)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	PM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,411	1,330	1,306	1,349
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,364	1,324	1,331	1,340
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	857	973	997	942
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	906	901	887	898
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	929	941	974	948
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,396	1,296	1,350	1,347
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,195	1,067	1,087	1,116
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	774	681	703	719
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	735	710	748	731
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	1,057	1,073	N/A	1,065
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,533	1,537	1,536	1,535
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,733	1,665	1,671	1,690
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	1,601	1,477	1,488	1,522
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	878	834	900	871

Palm Beach County Trip Generation Rates

Cat.	Landuse	ITE Code	Unit	Daily Rate/Equation	Pass-By %	AM Peak Hour		PM Peak Hour	
						In/Out	Rate/Equation	In/Out	Rate/Equation
Industrial	Light Industrial	110	1000 S.F.	6.97	10%	88/12	0.92	12/88	0.97
	Warehouse	150	1000 S.F.	3.56	10%	79/21	0.30	25/75	0.32
	Flex Space - IND FLU	PBC	1000 S.F.	7.86	10%	64/36	1.53	40/60	1.21
	Flex Space - COM FLU	PBC	1000 S.F.	29.67	45%	72/28	2.12	40/60	2.67
	Mini-Warehouse/SS	151	1000 S.F.	2.50	10%	55/45	0.14	50/50	0.26
Residential	Single Family Detached	210	Dwelling Unit	10	0%	25/75	0.75	63/37	Ln(T) = 0.90 Ln(X) + 0.51
	Apartment	220	Dwelling Unit	6.65	0%	20/80	T = 0.49(X) + 3.73	65/35	0.62
	Condo/TH (Fee Simple)	230	Dwelling Unit	6.65	0%	17/83	Ln(T) = 0.80 Ln(X) + 0.26	67/33	Ln(T) = 0.82 Ln(X) + 0.32
	55+ SF Detached	251	Dwelling Unit	3.68	0%	35/65	0.22	61/39	0.27
	55+ SF Attached	252	Dwelling Unit	3.44	0%	34/66	0.2	54/46	0.25
	Congregate Care Facility	253	Dwelling Unit	2.02	0%	59/41	0.06	55/45	0.17
	Assisted Living Facility	254	Beds	2.66	0%	65/35	0.14	44/56	0.22
Ldg	Hotel	310	Rooms	8.17	10%	59/41	0.53	51/49	0.6
Rec	Movie Theater	444	Seats	1.8	5%	N/A	0	60/40	0.144
	Health Club	492	1000 S.F.	32.93	5%	50/50	1.41	57/43	3.53
Institutional	Elementary School	520	Students	1.29	0%	55/45	0.45	49/51	0.15
	Middle/Junior School	522	Students	1.62	0%	55/45	0.54	49/51	0.16
	High School	530	Students	1.71	0%	68/32	0.42	47/53	0.13
	Private School (K-8)	534	Students	Use Private K-12 rate	0%	55/45	0.90	47/53	0.19
	Private School (K-12)	536	Students	2.48	0%	61/39	0.81	43/57	0.17
	Church/Synagogue[a]	560	1000 S.F.	9.11	5%	62/38	0.56	48/52	0.55
	Day Care	565	1000 S.F.	74.06	50%	53/47	12.18	47/53	12.34
	Library	590	1000 S.F.	56.24	10%	71/29	1.04	48/52	7.30
Med	Hospital	610	1000 S.F.	13.22	10%	63/37	0.95	38/62	0.93
	Nursing Home	620	beds	2.74	10%	69/31	0.17	33/67	0.22
Office	General Office	710	1000 S.F.	Ln(T) = 0.76 Ln(X) + 3.68	10%	88/12	Ln(T) = 0.80 Ln(X) + 1.57	17/83	1.49
	Medical Office	720	1000 S.F.	36.13	10%	79/21	2.39	28/72	Ln(T) = 0.90 Ln(X) + 1.53
	Medical Office (Reduced)[b]	PBC	1000 S.F.	18.07	10%	79/21	1.2	27/73	T = 1/2 Med. Office PM
	Government Office	730	1000 S.F.	68.93	10%	84/16	1.16	31/69	1.21

Trip rates taken mostly from ITE Trip Generation Manual, 9th Edition except as noted.

August 13, 2014

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Palm Beach County Trip Generation Rates

Cat.	Landuse	ITE Code	Unit	Daily Rate/Equation	Pass-By %	AM Peak Hour		PM Peak Hour	
						In/Out	Rate/Equation	In/Out	Rate/Equation
Retail	Nursery (Wholesale)	818	acre	4.50	0%	N/A	0.26	N/A	0.45
	Gen. Commercial	820	1000 S.F.	Ln(T) = .65 Ln(X) + 5.83[c]	Note d	62/38	0.96	48/52	Ln(T) = 0.67 Ln(X) + 3.31[e]
	New Car Sales	841	1000 S.F.	32.30	15%	75/25	1.92	40/60	2.62
	Tire Store	848	1000 S.F.	24.87	28%	63/37	2.89	43/57	4.15
	Pharmacy + DT	881	1000 S.F.	96.91	50%	52/48	3.45	50/50	9.91
Services	Drive-In Bank[f]	912	1000 S.F.	148.15	47%	57/43	12.08	50/50	24.3
	Quality Restaurant	931	1000 S.F.	89.95	44%	50/50	0.81	67/33	7.49
	High Turnover Sit-Down Rest.	932	1000 S.F.	127.15	43%	55/45	10.81	60/40	9.85
	Fast Food Restaurant w/o DT	933	1000 S.F.	396.90	45%	60/40	43.87	51/49	26.15
	Fast Food Restaurant + DT	934	1000 S.F.	496.12	49%	51/49	45.42	52/48	32.65
	Gas Station	944	Fuel Positions	168.56	50%	50/50	12.16	50/50	13.87
	Convenience Store	851	1000 S.F.	737.99	61%	50/50	67.03	51/49	52.41
	Carwash (Automated)[g]	PBC	Lane	166.00	0%	50/50	11.97	50/50	13.65

Footnotes: a) Weekend peak hour rate = 12.04 per 1,000 s.f. with a 49/51 directional split
b) To be used only when adjacent to hospital, for Med. Office square footage not to exceed 44% of the hospital square footage
c) For intensities under 10,000 s.f., use a rate of 152.03 / 1,000 SF instead of the equation.
d) Pass-by percent = 62% for 10,000 sf or less, otherwise = 83.18 - 9.30 * Ln(A) where A is 1,000 s.f. of leasable area
e) For densities under 10,000 s.f., use a rate of 12.81 / 1,000 sf instead of the equation.
f) Use these rates for a drive-in bank with up to 4 drive-thru lanes (excl. ATM lane). For additional drive-thru lanes, use per lane rates from ITE Code 912 (139.25 daily, 9.29 AM, 33.24 PM. Use same in/out splits)
g) Daily rate taken from PBC trip gen. study. Peak hour rates derived by applying peak to daily ratios for gas station to daily carwash rate

Trip rates taken mostly from ITE Trip Generation Manual, 9th Edition except as noted.

August 13, 2014
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Kimley»Horn

May 24, 2017
Revised June 15, 2017

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

Re: Traffic Impact Analysis
Carriage House/264 Grill
Palm Beach, Florida

Dear Mr. Levy:

Kimley-Horn and Associates, Inc. was retained to provide a traffic impact evaluation for the above-mentioned site. The site is located at 264/270 South County Road in the Town of Palm Beach, Florida. The proposed plan of development includes the merging of these adjacent properties. The PCN's for the two sites are 50-43-43-22-10-000-0120 and 50-43-43-22-10-000-0110, respectively. *Figure 1* shows the site location. Buildout is expected by 2022.

Currently, 264 South County Road consists of a quality restaurant with 118 seats while the 270 South County Road property consists of 3,039 square feet of general commercial retail on the first floor and 2 apartment units on the second floor. It is proposed to combine these two parcels into one property containing private club use with a maximum of 278 seats. This traffic analysis has been performed to quantify the impacts of the proposed changes. Because the existing land uses have been in use for more than five years, this analysis was performed assuming credit for the current uses. The radius of development influence and significant impact calculations have been conducted using the differential between proposed and existing net new external trips. The existing and proposed site plans have been attached for reference.

Trip Generation Analysis

The daily and peak hour trip generation potential for the proposed redevelopment plan was calculated based on trip generation rates published by Palm Beach County and the Institute of Transportation Engineers (ITE) in the *Trip Generation Manual, 9th Edition*. Due to the amount of food-service area in the proposed club, the trip generation rate for quality restaurant was assumed to be most appropriate. It should be noted that the number of seats was used as the independent variable since the overall seating density is less than a typical public restaurant. As shown in *Table 1*, the proposed redevelopment results in a net increase of 67 net new daily trips, a net decrease in AM peak hour trips with -4 net new AM peak hour trip (-1 in, -3 out), and 7 net new PM peak hour trip (7 in, 0 out). Palm Beach County trip generation rates and equations have been attached for reference.

Roadway Link Analysis

Per the Palm Beach County Transportation Performance Standards Ordinance (TPSO), the radius of development influence includes only the directly accessed links. The roadway on the County's Thoroughfare Identification Map that directly accesses the project site is South County Road. It was

assumed that 30% of the trips will access the site from the south, 35% would access the site from the north, and 35% will access the site from the west. The net new trips that are subject to the TPSO were then assigned to the existing roadway network based on the trip distribution. *Figure 2* illustrates the trip distribution for the site.

Based upon Palm Beach County criteria published in Article 12 of the Unified Land Development Code (ULDC), significantly impacted roadways under Palm Beach County's jurisdiction were evaluated in comparison to LOS D thresholds. As indicated in *Table 2*, South County Road will not be significantly impacted by the proposed redevelopment. Therefore, no further capacity analysis is required per TPSO standards. Nonetheless, a capacity analysis was performed based on year 2015 two-way counts as performed for the Town of Palm Beach. As shown in *Table 3,* South County Road will operate at an acceptable level of service through year 2022. Town of Palm Beach 2015 AM and PM peak hour two-way count data has been attached for reference.

Driveway Access

Access to the project site is located along Phipps Plaza as public, two-hour parking. *Figure 3* illustrates the project driveway volumes into Phipps Plaza. On street parking is also available along the east side of South County Road. For the purposes of this analysis, on-street parking is not quantified within the driveway figure, and the driveway volumes shown represent only a portion of the traffic that will not utilize on-street parking.

According to the Palm Beach County "Guide to Parking Lot and Street Access Design Criteria and Standards," it is necessary to classify project entrances that provide access to the local roadway network as minor, intermediate, or major according to the following criteria:

- Minor – Provides services for a maximum average daily traffic of 500 vehicles.
- Intermediate – Provides services for a maximum average daily traffic from 501 to 2,000 vehicles.
- Major – Provides service for a maximum average daily traffic greater than 2,000 vehicles.

Based on these criteria, the Phipps Plaza access point is classified as a minor driveway. In addition, the project driveway volumes were compared to the thresholds identified by the Palm Beach County Land Development Division to determine the turn lane requirements of the site's driveways. Section 300 of the *Design Standards Manual* identifies the threshold for installation of a right-turn lane as an inbound peak hour right-turning traffic of 75 vehicles or more and the threshold for a left-turn lane as an inbound peak left-turning traffic of 30 vehicles or more. Based on these thresholds, there are no turn lane recommendations.

Conclusion

This analysis was prepared to address the requirements of the Palm Beach County Traffic Performance Standards and Town of Palm Beach Standards. The foregoing analysis demonstrates that the surrounding roadway network has sufficient capacity and is expected to operate acceptably upon project buildout.

Please contact me at 561-840-0874 if you have any questions.

Sincerely,
KIMLEY-HORN AND ASSOCIATES, INC.

Adam B. Kerr, P.E.
Transportation Engineer
15 JUNE 2017
Florida Registration
Number 64773
Certificate of Authorization
Number CA00000696

ABK

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	Gas Station	944	Fuel Positions	168.56	50%	50/50	12.16	50/50	13.87
	Convenience Store	851	1000 S.F.	737.99	61%	50/50	67.03	51/49	52.41
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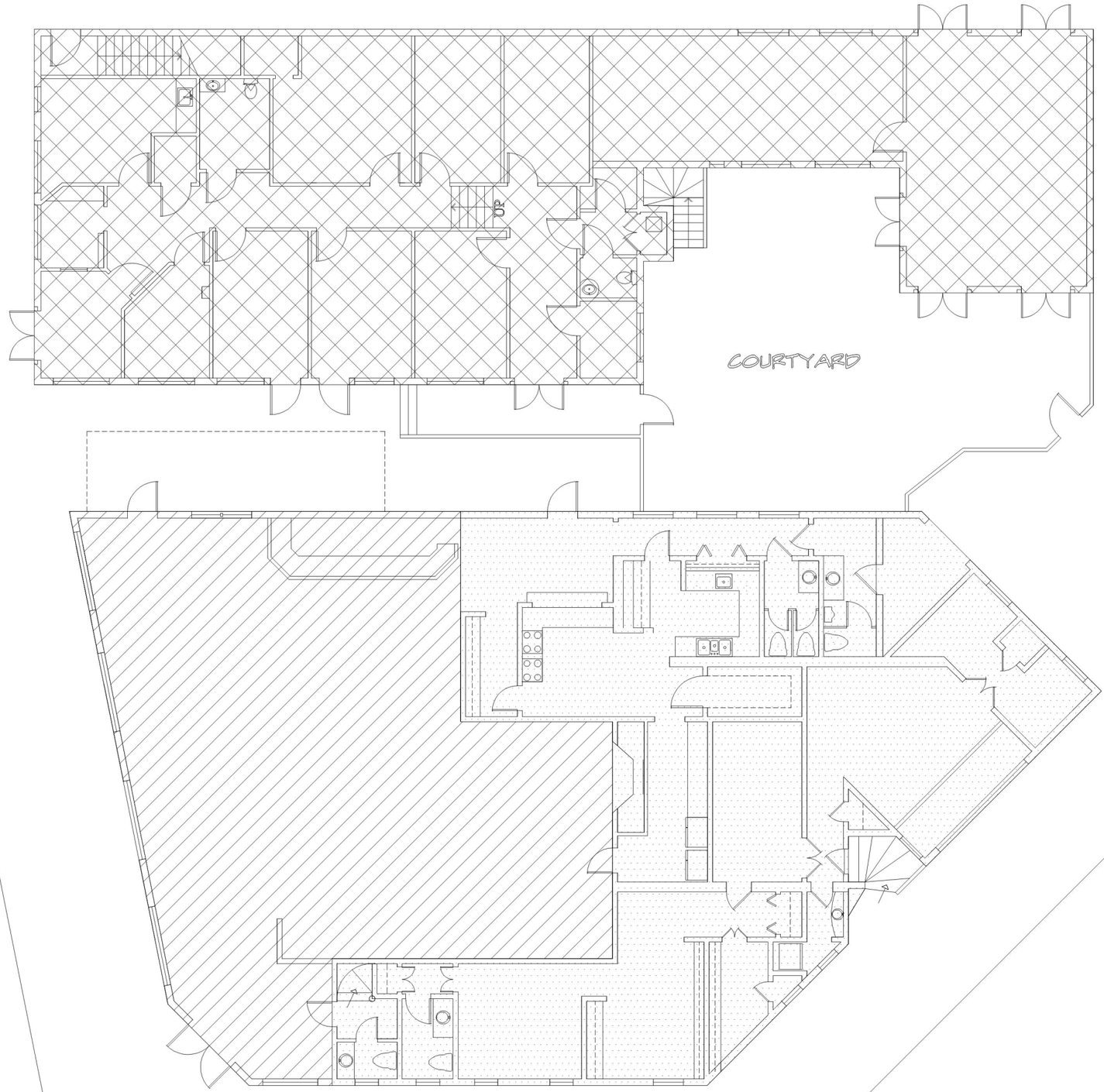

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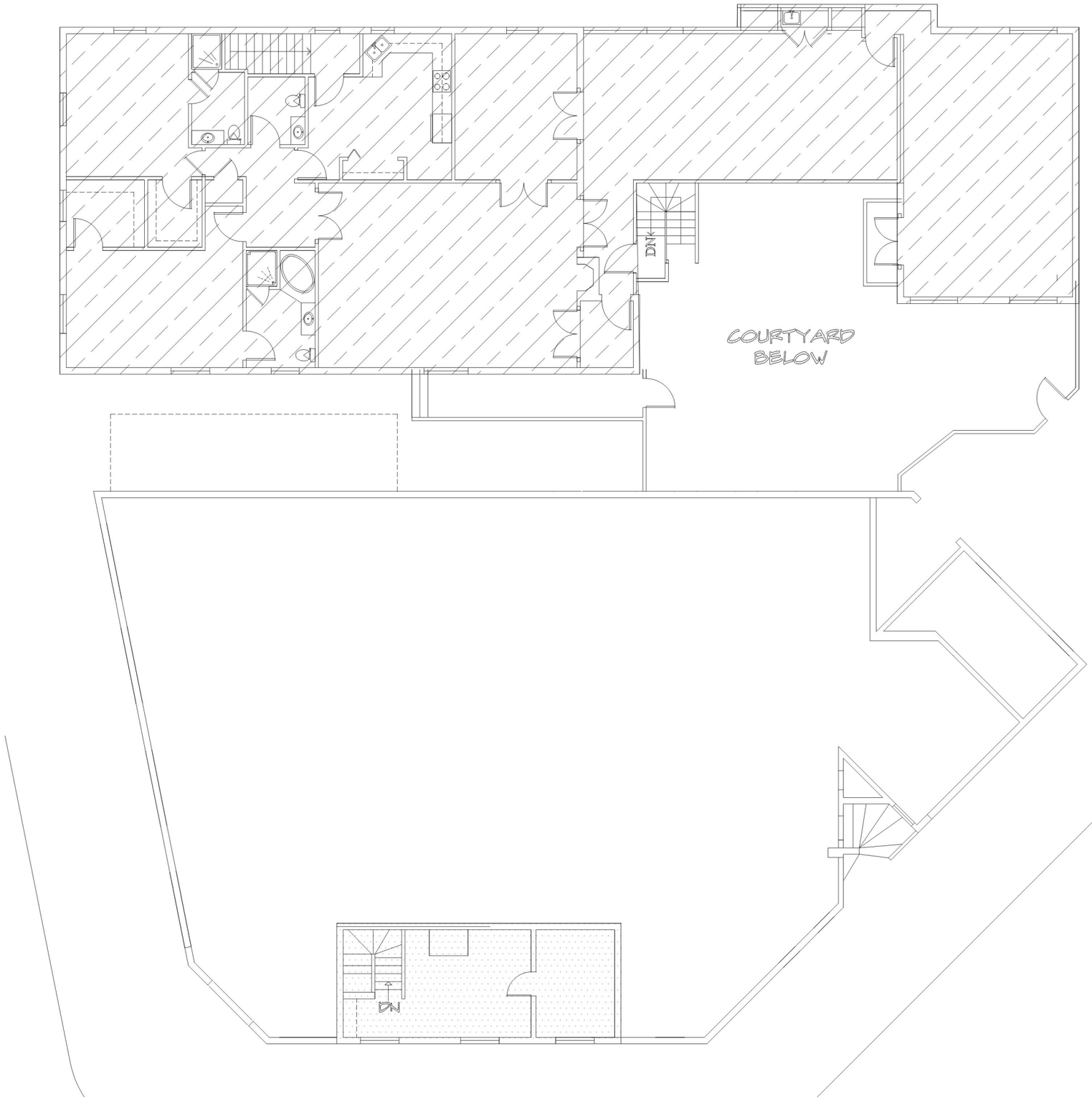

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CARRIAGE HOUSE | *264/270 South County Road, Palm Beach, Florida*

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SCALE: 1"=20'

4.28.17

GLIDDENSPINA + PARTNERS

CONCEPTUAL SECOND FLOOR PLAN

SCALE: 1"=20' 4.28.17

GLIDDENSPINA + PARTNERS

TABLE 1
WEEKDAY PEAK HOUR TRIP GENERATION
Carriage House

Land Use	Intensity	Daily Trips	AM peak Hour			PM Peak Hour		
			Total	In	out	Total	In	Out
Existing								
Apartment	2 Units	*13*	*5*	*1*	*4*	*1*	*1*	*0*
Quality Restaurant	118 Seats	*337*	*4*	*2*	*2*	*31*	*21*	*10*
General Commercial	3,039 sq. ft.	*462*	*3*	*2*	*1*	*39*	*19*	*20*
Subtotal		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Pass-By								
Quality Restaurant	44%	*148*	*2*	*1*	*1*	*14*	*9*	*5*
General Commercial	62%	*286*	*2*	*1*	*1*	*24*	*12*	*12*
Subtotal		*434*	*4*	*2*	*2*	*38*	*21*	*17*
Driveway Volumes		*812*	*12*	*5*	*7*	*71*	*41*	*30*
Existing Net New External Trips		***378***	***8***	***3***	***5***	***33***	***20***	***13***
Proposed								
Quality Restaurant	278 Seats	*795*	*8*	*4*	*4*	*72*	*48*	*24*
Pass-By								
Quality Restaurant	44%	*350*	*4*	*2*	*2*	*32*	*21*	*11*
Driveway Volumes		*795*	*8*	*4*	*4*	*72*	*48*	*24*
Proposed Net New External Trips		***445***	***4***	***2***	***2***	***40***	***27***	***13***
Proposed - Existing Net New External Trips		***67***	***(4)***	***(1)***	***(3)***	***7***	***7***	***0***

Trip generation was calculated using the following data:

Daily Trip Generation				
Apartment	PBC	=	T= 6.65 * Units	
Quality Restaurant	ITE 931	=	T= 2.86* Seats	
General Commercial	PBC	=	T= 152.03* sq. ft. / 1,000	
AM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.49 * (Units) + 3.73	(20% in / 80% out)
Quality Restaurant	ITE 931	=	T= 0.03* Seats	(50% in / 50% out)
General Commercial	PBC	=	T= 0.96* (sq.ft./1,000)	(62% in / 38% out)
PM Peak Hour Trip Generation				
Apartment	PBC	=	T= 0.62 * Units	(65% in / 35% out)
Quality Restaurant	ITE 931	=	T= .26* Seats	(67% in / 33% out)
General Commercial	PBC	=	T=12.81 * (sq.ft./ 1,000)	(48% in / 52% out)

k:\wpb_tpto\1403\140379000 - 264 grill\[2017-05-22 trip generation.xls]table 1 fri_tgen
6/15/2017 11:10

TABLE 2
EXISTING 2015 AM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 3 and Thursday, March 5, 2015)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	AM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,373	1,345	1,464	1,394
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,170	1,149	1,240	1,186
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	795	820	858	824
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	801	792	816	803
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	853	918	954	908
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,165	1,238	1,344	1,249
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,214	1,065	1,084	1,121
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	648	672	751	690
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	674	691	702	689
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	988	906	N/A	947
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,342	1,299	1,335	1,325
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,449	1,401	1,419	1,423
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	1,297	1,261	1,294	1,284
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	794	744	792	777

TABLE 3
EXISTING 2015 PM PEAK HOUR PEAK SEASON COUNTS
TOWN OF PALM BEACH
(Counts collected between Tuesday, March 3 and Thursday, March 5, 2015)

LOCATION NO.	STREET SEGMENT	FACILITY TYPE	PM PEAK HOUR VOLUME			
			TUESDAY	WEDNESDAY	THURSDAY	AVERAGE
1	**Southern Blvd** (West of SR-A1A)	2L ART Undivided	1,411	1,330	1,306	1,349
2	**SR A1A** (North of Via Del Lago)	2L ART Undivided	1,364	1,324	1,331	1,340
3	**SR A1A** (South of Via Pelicano)	2L ART Undivided	857	973	997	942
4	**Ocean Boulevard** (North of El Vedado Road)	2L COLL Undivided	906	901	887	898
5	**South County Road** (North of Peruvian Avenue)	4L ART Undivided	929	941	974	948
6	**North County Road** (North of Breakers Row)	4L ART Undivided	1,396	1,296	1,350	1,347
7	**North County Road** (North of Royal Poinciana Way)	4L ART Undivided	1,195	1,067	1,087	1,116
8	**Cocoanut Row** (South of Seabreeze Avenue)	2L COLL Undivided	774	681	703	719
9	**Cocoanut Row** (North of Whitehall Way)	2L COLL Undivided	735	710	748	731
10	**Bradley Place** (North of Royal Poinciana Way)	4L ART Undivided	1,057	1,073	N/A	1,065
11	**Royal Palm Way** (East of Hibiscus Avenue)	4L ART Divided	1,533	1,537	1,536	1,535
12	**Royal Palm Way** (West of Hibiscus Avenue)	4L ART Divided	1,733	1,665	1,671	1,690
13	**Royal Poinciana Way** (West of Cocoanut Row)	4L ART Divided	1,601	1,477	1,488	1,522
14	**Royal Poinciana Way** (West of County Road)	4L ART Divided	878	834	900	871

TABLE 2
Carriage House
TEST 1 - PEAK HOUR SIGNIFICANCE ANALYSIS AM & PM

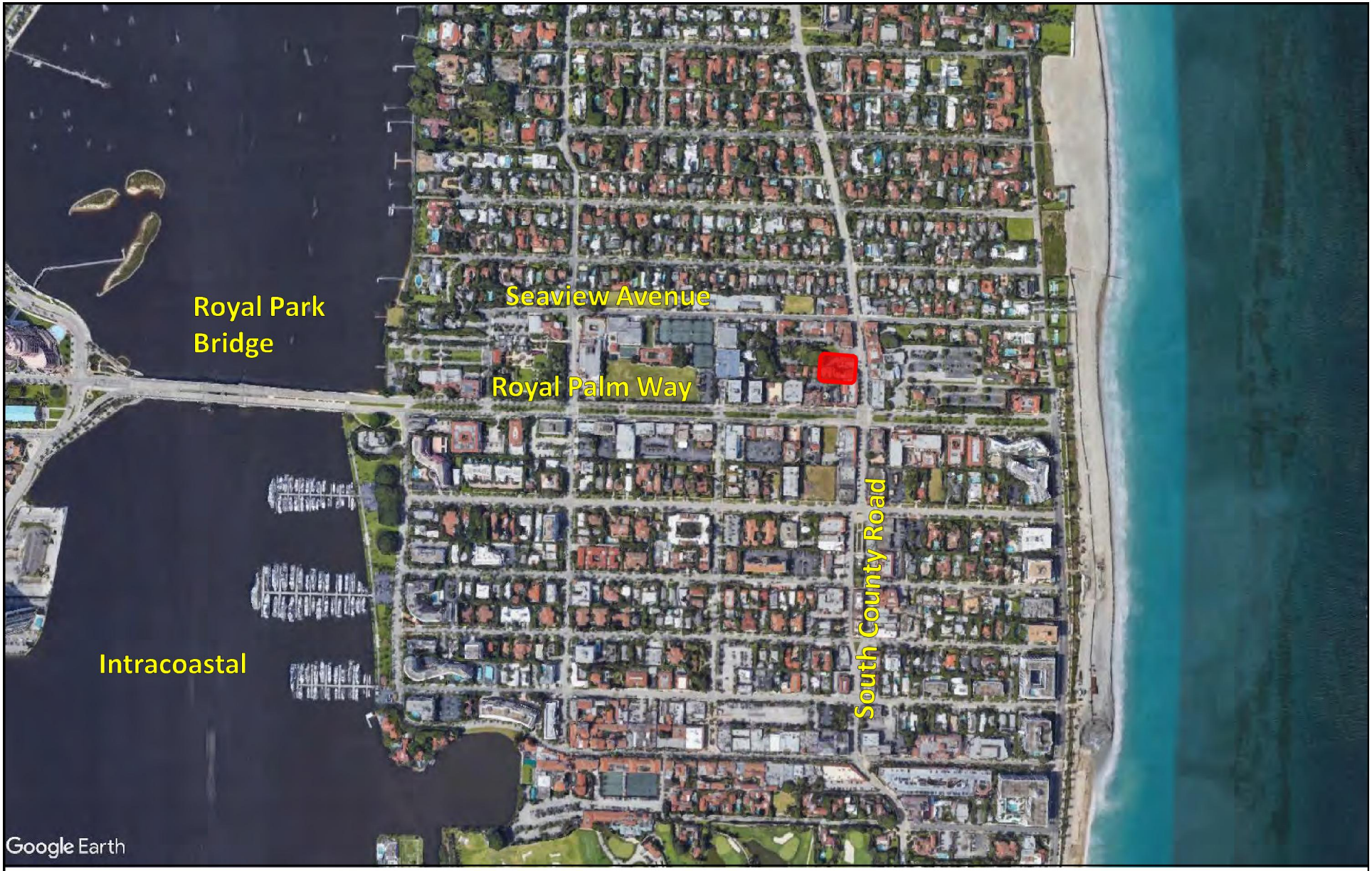
Roadway From	To	Existing Number Of Lanes	Existing LOS 'D' Capacity	Committed Number Of Lanes	Committed LOS 'D' Capacity	NB/EB Assignment	SB/WB Assignment	Peak Hour		Significance	Significant Impact ???
AM PEAK HOUR											
South County Road								IN	OUT		
North of Peruvian Avenue	Royal Palm Way	2LN	810	2LN	810	30%	30%	0	0	0.00%	**No**
Royal Palm Way	Site	2LN	810	2LN	810	65%	65%	0	0	0.00%	**No**
Site	North of Site	2LN	810	2LN	810	35%	35%	0	0	0.00%	**No**
PM PEAK HOUR											
South County Road								IN	OUT		
North of Peruvian Avenue	Royal Palm Way	2LN	810	2LN	810	30%	30%	2	0	0.25%	**No**
Royal Palm Way	Site	2LN	810	2LN	810	65%	65%	5	0	0.62%	**No**
Site	North of Site	2LN	810	2LN	810	35%	35%	2	0	0.25%	**No**

TABLE 3
Carriage House
Peak Hour Two-Way Analysis

Roadway From	To	Existing Number Of Lanes	Existing LOS 'D' Capacity	NB/EB Assignment	SB/WB Assignment	Two-Way Peak Hour Project Traffic	Significance	Significant Impact ???	2015 Existing	Growth	Background Growth By Growth Rate	2022 Total	Meets LOS
AM PEAK HOUR													
South County Road													
North of Peruvian Avenue	Royal Palm Way	2LN	1,480	30%	30%	0	0.00%	**No**	908	1.00%	973	973	Yes
Royal Palm Way	Site	2LN	1,480	65%	65%	0	0.00%	**No**	908	1.00%	973	973	Yes
Site	North of Site	2LN	1,480	35%	35%	0	0.00%	**No**	908	1.00%	973	973	Yes
PM PEAK HOUR													
South County Road													
North of Peruvian Avenue	Royal Palm Way	2LN	1,480	30%	30%	2	0.14%	**No**	908	1.00%	973	975	Yes
Royal Palm Way	Site	2LN	1,480	65%	65%	5	0.34%	**No**	908	1.00%	973	978	Yes
Site	North of Site	2LN	1,480	35%	35%	2	0.14%	**No**	908	1.00%	973	975	Yes

k:\wpb_tpto\1403\140379000 - 264 grill\[2017-05-22 trip generation.xls]table 2a am (2)

Kimley»Horn



NORTH

LEGEND

SITE

FIGURE 1
Site Location
446 North Lake Way
KHA # 14037900

Kimley»Horn

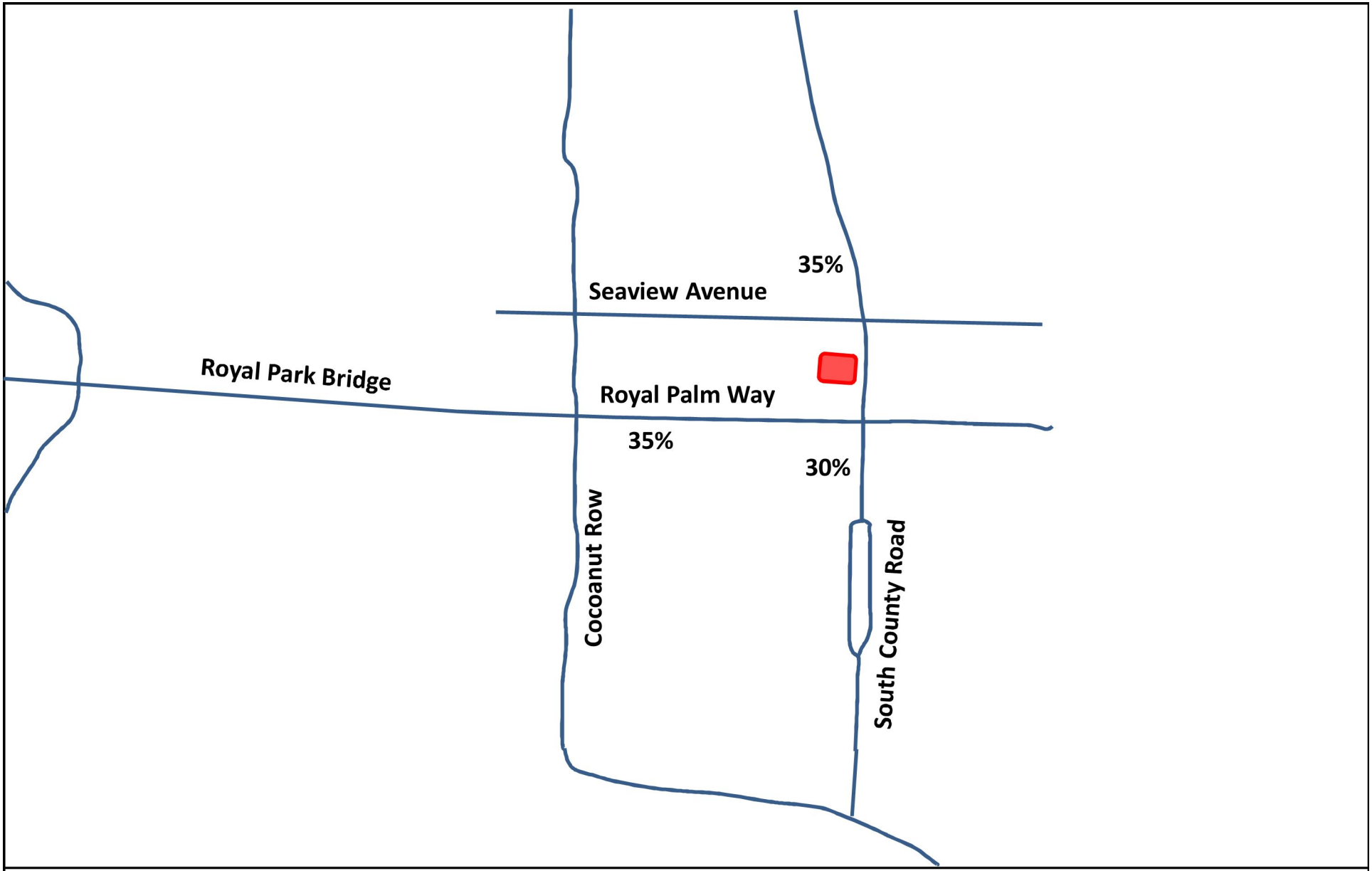
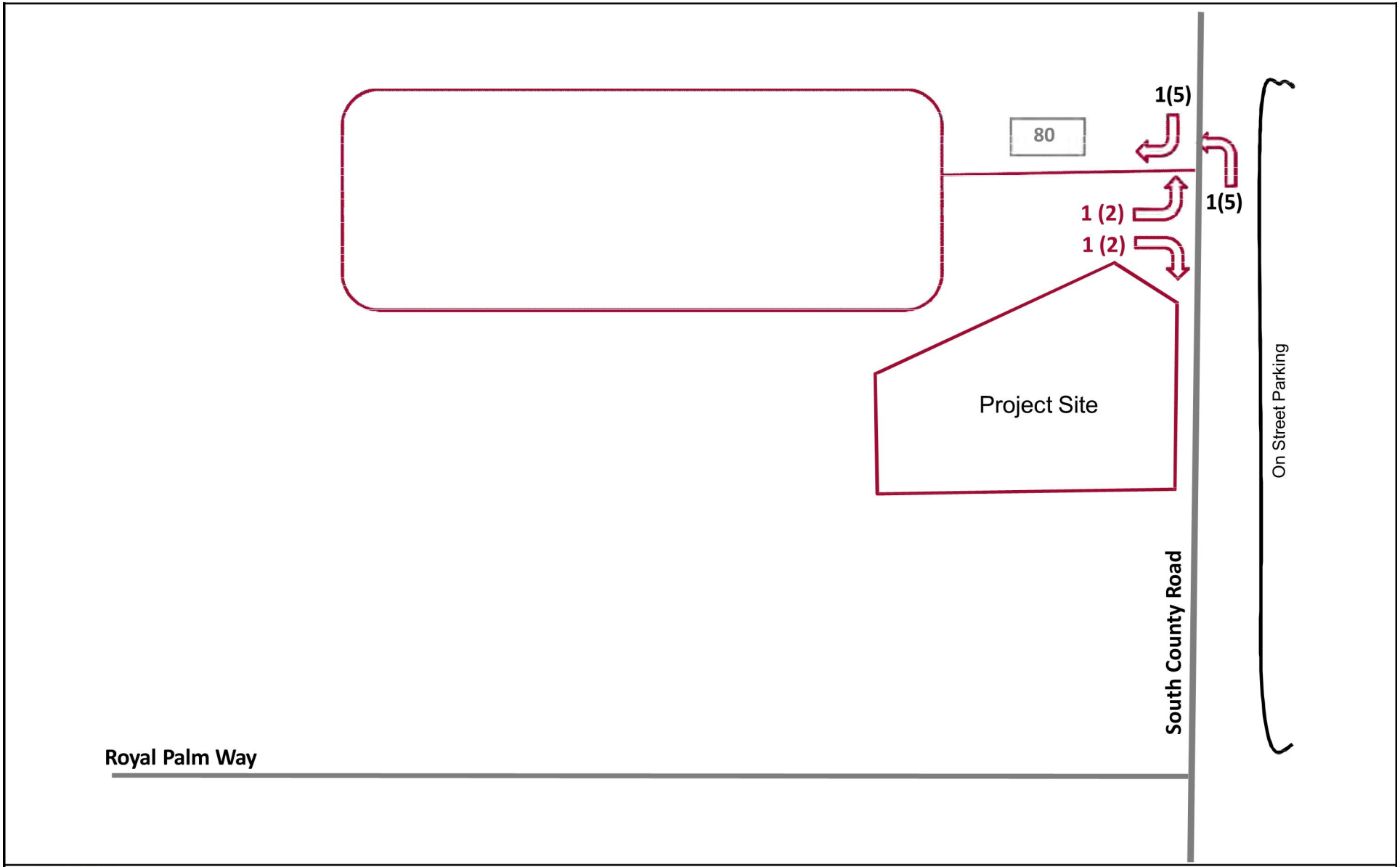


FIGURE 2
Trip Distribution
246 North Lake Way
KHA # 14037900

Kimley»Horn



NORTH

Not To Scale

LEGEND

XX INBOUND AM
(XX) INBOUND PM
XX DAILY
XX OUTBOUND AM
(XX) OUTBOUND PM

FIGURE 3
Driveway Volumes
Carriage House KHA
 # 140379000

Kimley»Horn

From: Kelly Churney
To: John Page; Paul Castro
Cc: Kathleen Ruderman
Subject: FW: Carriage House Palm Beach
Date: Thursday, August 17, 2017 9:52:15 AM

FYI

Kelly Churney
Office Assistant III

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

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Thursday, August 17, 2017 9:22 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Fwd: Carriage House Palm Beach

Please include in back up for carriage house. Tx

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

> **From:** Todd Peter <toddpeter@gmail.com>
> **Date:** August 10, 2017 at 5:10:15 AM EDT
> **To:** Maura Ziska <mziska@floridawills.com>
> **Cc:** Michael Bickford <MBickford@roundhillcapital.com>, "Thys \"Tace\" Heyneker" <theyneker@roundhillcapital.com>
> **Subject: Fwd: Carriage House Palm Beach**

Sent from my iPhone

Begin forwarded message:

From: Katie Frisbie <katie@frisbiegroup.com>
Date: August 10, 2017 at 12:32:13 AM PDT
To: "toddpeter@gmail.com" <toddpeter@gmail.com>
Cc: Cody Crowell <cody@frisbiegroup.com>, Dave Frisbie <dave@frisbiegroup.com>, Frances Frisbie <Frances@frisbiegroup.com>, "Robert Frisbie Sr." <rnf@frisbiegroup.com>, Suzanne Frisbie <suzanne.frisbie@gmail.com>
Subject: Carriage House Palm Beach

Hi Todd,

I hope this email finds you well. Please feel free to share the below letter of support with Town Council.

The Frisbie family supports Mr. Bickford's efforts to restore 264 and 270 S County Rd and his proposed plan for a private club. We appreciate his commitment to revitalize these buildings and create an exciting new amenity for the Palm Beach community. Thank you.

Sincerely,
the Frisbie family

--
Katie Frisbie | Frisbie Group
(215) 353 3999
katie@frisbiegroup.com

REZ-1700020

IRA SCHNEIDER

August 14. 1917

Dear Honorable Mayor Gail Coniglio
and Members of the Palm Beach Council

After speaking with Todd Peters
and hearing of the extraordinary good ideas
for the development of the Carriage House
private club, we look forward to the
opening and all the amenities offered.
We look forward to joining the
roster of members and believe it
will be a wonderful addition to our
town. Best.

Ira & Kirby Schneider
435 Brazilian Ave
Palm Beach 33480

435 BRAZILIAN AVENUE
PALM BEACH
FLORIDA 33480

From: Kelly Churney
To: John Page; Paul Castro
Cc: Kathleen Ruderman
Subject: FW: Z-17-00020- Carriage House 264 and 270 South County Road
Date: Thursday, August 17, 2017 12:45:08 PM

FYI

Kelly Churney
Office Assistant III

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

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Thursday, August 17, 2017 12:00 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: Z-17-00020- Carriage House 264 and 270 South County Road

Please include in Carriage House back up. Thanks. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)
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From: Maribel Alvarez [mailto:maribel@altimapalmbeach.com]
Sent: Thursday, August 17, 2017 11:53 AM
To: Maura Ziska <MZiska@floridawills.com>
Cc: Candace Jorritsma <candace@altimapalmbeach.com>
Subject: FW: Z-17-00020- Carriage House 264 and 270 South County Road

Maribel Alvarez
President

Maribel@AltimaPalmBeach.com
www.altimapalmbeach.com
Phone 561 833 8283
Cell 561 317 1101
Click here to select categories of interest and to receive invitations and updates to your liking

---

From: Tatiana Platt [mailto:tatiana@aol.com]
Sent: Thursday, August 17, 2017 11:49 AM
To: Maribel Alvarez <maribel@altimapalmbeach.com>
Subject: RE: Z-17-00020- Carriage House 264 and 270 South County Road

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

After reading the recent article in the Shiny Sheet, we feel compelled to express our support for the proposed restoration of 264 and 270 S. County Road, and the proposed private club.

We have been residents and active members of the community since 2006. We believe an upscale, intimate European-style private club would add to the amenities that the tremendous Palm Beach lifestyle offers to residents. Michael Bickford's vision will not only provide us with a world-class venue, but will also update the dilapidated Mizner buildings to their original glory.

We are in full support of moving forward with development of the Carriage House Private Club, and we look forward to becoming involved with this establishment in the near future.

Respectfully,

Tatiana and Campion Platt
Tatiana@aol.com
cplatt@campionplatt.com

TERRY ALLEN KRAMER
711 FIFTH AVENUE
NEW YORK, N.Y. 10022

August 14, 2017

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and The Members of the Palm Beach Town Council,

I have been a Palm Beach Resident close to twenty years, and a member in good-standing at a variety of exclusive private Clubs around the globe.

I am excited to learn about the plans for the proposed Carriage House. Not only will the restoration of these historic buildings add to the beautification of this part of town full of empty store fronts, but the addition of a private European style club is well overdue. The idea of having an intimate and safe gathering place where my family (especially my grandchildren) can meet appeals to me and my neighbors greatly. I am convinced through the very capable management by the Mayor and Town Council, the Carriage House will become a new valued part of the Palm Beach community.

I am in full support of moving forwards with development of the Carriage House private Club, and I look forward to becoming involved with this establishment in the near future.

Respectfully,

Terry Allen Kramer

Terry Allen Kramer

GEORGE S. MANN

505 South County Road
Palm Beach, Florida 33480
Tel: 561-655-8888 Fax: 561-655-3337
Email: gsmann8@gmail.com

August 15, 2017

Town Council
Town of Palm Beach
360 South County Road
Palm Beach Florida 33480

I recently read in the Palm Beach Daily News, that a private club is being proposed for the vacant building at 264 South County Road. As a Palm Beach home owner for 35 years, I am strongly in favor of this use for that building. I am of the opinion that another private club, would add favorably to the Town of Palm Beach.

Yours truly,

GEORGE S. MANN

Joel M. Pashcow
261 Via Bellaria
Palm Beach, FL 33480

561-659-5604
Fax 561-659-0858

August 17, 2017

Madam Mayor and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, FL 33489

RE: ***Z-17-00020 – Carriage House 264 and 270 South County Road***

Dear Honorable Mayor Gail Coniglio and the Members of the Palm Beach Town Council:

After reading the recent article in the Shiny Sheet, I felt compelled to express my support for the proposed restoration of 264 and 270 S. County Road and the proposed private club.

I have been a resident and active member of the community since 2002. I believe an upscale , intimate European-style private club would add to the amenities the tremendous Palm Beach lifestyle offers to residents. Michael Bickford's vision will not only provide us with a world-class venue, but will also restore the dilapidating Mizner buildings to their original glory.

I am in full support of moving forward with development of the Carriage House Private Club and I look forward to becoming involved with this establishment in the near future.

Respectfully,

Joel M Pashcow

JMP:ec

Zachary Potter & Brianna Mahler
254 N. County Road
Palm Beach, Florida 33480

Madam Mayor and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, Fl 33480

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and The Members of the Palm Beach Town Council,

We read the article about the proposed restoration of 264 and 270 S. County Road in the Shiny Sheet on August 13, 2017, and we are writing to express our support for the project. In particular, we believe that the revitalization of the buildings, which are located in one of the most visible parts of town, would be a great benefit to town residents. Also, the proposed business plan, a London-style private club, would be a welcome addition to town and would likely receive significant support from town residents.

We note the concerns of nearby residents, and certainly do not want their quiet enjoyment of their residences disturbed, but we think that it is unlikely that the proposed club would do so and certainly not more than 264 The Grill, which was open for a long period of time and used to provide live music for its guests. We lived on Seabreeze at the time 264 The Grill was open and we enjoyed having a live-music option within walking distance.

We wish Mr. Bickford success in this endeavor and we hope that the Town Council will be supportive as well when the project comes before it in September.

Respectfully,

Zachary Potter
Brianna Mahler

TOWN OF PALM BEACH
AUG 17 2017
Town Manager's Office

TGB 8/18

xc: MTC
JP
P.C
File

From:	Kelly Churney
To:	Kathleen Ruderman; Paul Castro; John Page
Subject:	FW: Carriage House Club
Date:	Thursday, August 24, 2017 10:21:07 AM

FYI

Kelly Churney
Office Assistant III

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

From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Tuesday, August 22, 2017 4:07 PM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: Carriage House Club

Kelly: Please include the below support letter in the TC backup for the September 13th meeting. Thanks. Maura

Maura A. Ziska, Esq.
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
561-802-8960 (telephone)
561-802-8995 (fax)
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From: Loy Anderson <loyanderson@gmail.com>
Date: August 22, 2017 at 3:49:18 PM EDT
To: Maribel Alvarez <Maribel@AltimaPalmBeach.com>
Subject: Re: Carriage House Club

Madam Mayor and Members of the Town Council
Town of Palm Beach
360 South County Road
Palm Beach, Fl 33480

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and The Members of the Palm Beach Town Council,

I know Michael Bickford, and I endorse his proposed plan for what was formerly the restaurant 264 (and other fine establishments before that) to now become the private club, the Carriage House.

Not only will this restoration of these historic buildings add to the beautification of this part of town, full of empty store fronts, but the addition of a private European style club is well overdue.

The idea of having an intimate and safe gathering place where my friends, and guests visiting Palm Beach can meet, on the island, appeals to me greatly.

I am convinced through the very capable management by the Mayor and Town Council, the Carriage House will become a new valued part of the Palm Beach community.

I am in full support of moving this forward, and I look forward to the enjoyment this establishment will bring for many many years to come.

Loy

Harry Loy Anderson III

Carlos Morrison
336 El Vedado Road
Palm Beach, FL 33480

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

August 21, 2017

RE: Z-17-00020- Carriage House 264 and 270 South County Road, Palm Beach

Dear Honorable Mayor Gail Coniglio and members of the Palm Beach Town Council;

After seeing the recent news coverage in the Palm Beach Daily News, I am compelled to write to you regarding my support for Michael Bickford's proposed restoration of 264 and 270 South County Road and the proposed Private Club.

I have been an active member of the Palm Beach community over 30 years and have been witness to the wonderful lifestyle Palm Beach offers to residents. I would think a new upscale, Private Club would be welcomed as part of the effort to update the currently neglected Mizner-designed buildings. I support the creation of an intimate European-style Private Club in these empty buildings, as I believe it would provide another world-class venue to be enjoyed by residents of Palm Beach.

Respectfully,

Carlos Morrison

TOWN OF PALM BEACH
AUG 21 2017
Town Manager's Office

TGO 8/22
xc: MTC
JP
PC File

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

I have been a resident of Palm Beach since 1990. I felt compelled to write to you regarding my support for Michael Bickford's proposed restoration of 264 and 270 S. County Road and the proposed Private Club designed in the style of 5 Hertford Street in London.

I understand Mr. Bickford will restore the two Mizner buildings to its natural glory. This creation of this intimate European-style Private club will provide a world-class venue to be enjoyed by residents of Palm Beach. The restoration of the empty buildings will add to the beauty of our town.

I am in full support of the proposed plan for the Carriage House.

Diane de la Bégassière

Respectfully,
Diane de la Begassière

Gregory Dryer
80 Middle Road
Palm Beach, Florida 33480

August 21, 2017

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and the Members of the Palm Beach Town Council,

I am taking the liberty of forwarding my letter of support in connection with a recent article in the Shiny Sheet on the proposed restoration of 264 and 270 S. County Road for purposes of opening a private club.

I have been fortunate enough to grow up in a town that has continued to grow and improve and to call Palm Beach home for 57 years. This achievement is undoubtedly in no small part a result of the guidance by yourselves and past town councils and Mayors who have exercised a vision and planning ability to chart a measured and appropriate path for the town and its residents. These improvements were instrumental in encouraging my wife, Kimberly Renk Dryer and I, to open and run several retail outlets in Palm Beach county since 2009. We are firm believers that the town benefits from the continuing growth in upscale, European-style stores and services that attract an international clientele while appealing to domestic visitors and local residents. To this end, we are aware of the effort to open a private English style club and believe it would positively add to the sophisticated atmosphere the town has created while building on the lifestyle Palm Beach offers its residents. I also fondly recall the popularity of Doherty's restaurant at the Mizner location in question and am delighted to know that the space might have the opportunity to be renovated and brought back to life. Having discussed with Michael Bickford his plans for the club, I believe his vision will be a venue that will appeal to Palm Beach residents and will add to the Town's continued careful and cultivated approach to offering Palm Beach residents an additional place for sophisticated dining.

Thank you in advance for your consideration of this letter of support for the development of the Carriage House private Club.

Sincerely,

Greg Dryer

Kelly Churney

From: Maura Ziska <MZiska@floridawills.com>
Sent: Monday, August 28, 2017 10:43 AM
To: Kelly Churney
Subject: FW: letters and info

Kelly: Please include the below email in the Town of Palm Beach back up. Thanks. Maura

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

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From: Averell H Fisk <ahfisk@aol.com>
Date: August 27, 2017 at 7:32:44 PM EDT
To: Maribel Alvarez <maribel@altimapalmbeach.com>
Subject: Re: sample letters and info

To the Honorable Mayor and members of the town Council.

I am writing this letter in support of the renovation and restoration of 264, 270 South County Rd. I believe Michael Bickford wants to create a private club, which would enrich that area and create a lovely environment for all to enjoy. I was a founder of Doubles in NYC, back in the 80's. The Club is still going strong and enjoyed by its ever increasing membership.
Sincerely,
Averell H Fisk
389 S Lake Dr,
Palm Beach, Fl

Jonathan Cameron-Hayes
2433 Golf Brook Drive,
Wellington,
Florida 33414

August 28, 2017

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

I was a resident of Palm Beach for 28 years from 1985 to 2013 and I continue to be very involved with many activities on the Island.

I felt compelled to write to you regarding my support for Michael Bickford's proposed restoration of 264 and 270 S. County Road and his proposed Private Club. There are other Clubs on the Island, which are very successful and fulfill the residents' requirements, and I think this concept fills a much needed niche and will compliment the existing facilities. Mr. Bickford has a great talent and commitment to deliver an outstanding project, which will also help the South County Road district to flourish.

I hope you will vote in favor of the proposed plan for the Carriage House.

Respectfully,

Jonathan Cameron-Hayes

Paula and Robert Butler
1110 N. Lake Way
Palm Beach, Fl 33480

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

Re: The Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

I have lived in Palm Beach for almost 12 years and am very involved with this wonderful community. My husband and I were thrilled to learn of Mr. Bickford's plans to restore the beautiful Mizner buildings located at 264 and 270 County Road to their original glory. The restoration of these historical buildings will contribute to the beautification and vibrancy of South County Road, which unfortunately has not undergone the rejuvenation of Worth Avenue and Royal Poinciana Plaza.

A European-style private club along the lines of 5 Hertford Street and Annabel's of London would be a welcome addition to the island and less obtrusive than a restaurant which is open to the public. An intimate venue where our generation as well as our children's generation can mingle and meet for a coffee backgammon game, or a fabulous dinner sounds like the perfect addition to our very special island.

We applaud Mr. Bickford for his vision and hope the Carriage House will be approved by the Town Council.

Respectfully,

Paula Butler

Mathieu Rosinsky
7 Lagomar Road
Palm Beach, FL 33480
561-310-9259
mattr@belmontassociates.com

09/04/17

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

Dear Madam Mayor Coniglio and members of Town Council;

I've been a resident of Palm Beach since 1987. I read about the proposed plan of The Carriage House in the Shiny Sheet and would like to express my support.

Michael Bickford's plan to restore the two Mizner buildings to their original glory will beautify and revitalize South County Road. The idea of a private European style club catering to multiple generations will offer residents a venue to mix and mingle in an intimate and safe setting.

I welcome Michael and his family to Palm Beach and applaud his vision. I hope the Town will approve this project and embrace this wonderful addition to our community.

Respectfully,

Mathieu Rosinsky

Timothy C. Johnson
320 Chilean Avenue
Palm Beach, Florida 33480

September 21, 2017

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

RE: Z-17-00020- Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

I both live and work on the island of Palm Beach and am very involved with the community. My office is in an Addison Mizner designed building built in 1924 by John S. Phipps as part of the Phipps Plaza commercial and residential enclave.

I am writing to support Michael Bickford's proposed restoration of 264 and 270 South County Road and his proposed Private Club. There are other Clubs on the Island, which are very successful and enhance the community. I think this concept fills a niche that will compliment the existing clubs and will also be a wonderful addition to our part of South County Road. We need people like Mr. Bickford to invest in Palm Beach so that the South County Road District will flourish once again and become something more than its present state of a depressing series of empty storefronts.

I hope you will vote in favor of the proposed plan for the Carriage House.

Respectfully,

Timothy C. Johnson

Pamela O'Connor
162 Peruvian Avenue
Palm Beach, Fl 33480

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

Re: The Carriage House 264 and 270 South County Road

Dear Honorable Mayor Gail Coniglio and Members of the Palm Beach Town Council,

I have lived in Palm Beach for 22 years and reside at 162 Peruvian Avenue. I often dined at the former '264 Grill', just blocks away from my home, and enjoyed strolling on S. County.

Worth Avenue and Royal Poinciana have undergone major renovations in the past years, leaving South County Road with increasing empty store fronts. The idea of Michael Bickford taking on the restoration of these historical buildings is the first step towards beautifying the area. Furthermore, the introduction of A European-style private club along the lines of 5 Hertford Street and Annabel's of London is way over due in Palm Beach.

I fully support Mr. Bickford's proposed plans for 264 and 270 County Road and hope the Town Council understands the value The Carriage House will bring to the community

Respectfully,

Pamela O'Connor

Shannon Mclean
215 Phipps Plaza # 5
Palm Beach, Florida 33480

July 24, 2017

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

RE: Z-17-00020- Special Exception Request for Carriage House
264 and 270 South County Road

Dear Mayor Coniglio and Members of the Town Council:

You will be considering a new private club at the August 9th Town Council meeting and this letter is in reference to that application. I have lived in Phipps Plaza since 2013 and have had a home in Palm Beach for many years. I am thrilled that someone is going to turn a dark corner on South County Road into what looks to be an amazing and grand venture! I am thrilled to support a new upscale private club and think it is an excellent choice of use for the buildings on County Road. I hope you will grant their application and I look forward to some life in this area of town.

Thank you for your consideration.

Sincerely,

Shannon Mclean

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

October 4, 2017

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

RE: Z-17-00020 – 264/270 S County Road

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the October 11, 2017** Town Council agenda **to the December 13, 2017** Town Council agenda. The reason for the deferral is to allow additional time to revise the application to secure off-site supplemental parking. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00021 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B

Low Density Residential The application of 211 PINE STREET LAND TRUST &, Owner, relative to property located at **225 ARABIAN RD**, legal description on file, is described below. Request for special exception and site plan review approval to permit construction of a 4,247 square foot two-story single family residence on portions of platted lots with a width of 86 feet in lieu of the minimum 100 feet lot width requirement applicable to lots within the R-B District. [Applicant's Representative: Tim Hanlon, Esq.] [Architectural Commission recommendation: Implementation of the proposed site plan review and special exception will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Letter Dated August 2, 2017 From Tim Hanlon**

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.
340 ROYAL POINCIANA WAY, SUITE 321
POST OFFICE BOX 431
PALM BEACH, FLORIDA 33480-0431
(561) 659-1770
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WWW.AMRL.COM

ALAN LINDSAY
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044

August 2, 2017

Via Email: pcastro@townofpalmbeach.com

Town of Palm Beach
360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Attention: Paul Castro

Re: 225 Arabian Rd. / Z-17-00021

Dear Paul:

On behalf of the Applicants and because ARCOM deferred the application for two months, I hereby request a deferral of the above-referenced application to the October 11, 2017 Town Council meeting.

If you have any questions, please contact me.

Sincerely,

M. Timothy Hanlon

cc: Kelly Churney

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00022 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE

Zoning District: R-A Estate Residential The application of PBC REALTY, Owner, relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Site Plan Approval requested to permit construction of a new 7,963 square foot two story house and pool on a platted lot with a width of 128.42 feet in lieu of 150 feet minimum required. 2. Request for site plan approval and special exception to permit construction of a new 500 square foot beach cabana on the portion of the property lying east of S. Ocean Blvd. 3. Request for a zero datum (point of measurement) for the construction of the proposed two story house of 21.5 feet National Geodetic Vertical Datum ("NGVD") in lieu of 18.34 feet NGVD allowed by Code. A building height plane variance and building height variance is requested in order to permit this new zero datum. [Applicant's Representative: Tim Hanlon, Esq.] [The Architectural Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

No Attachments Available

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00032 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R B Low Density Residential

The application of PALM BEACH TOWN OF, Owner, relative to property located at **340 SEAVIEW AVE** : SITE, legal description on file, is described below.

Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the

backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air conditioning units to the rooftop of the building that will be out of the setback and meet the code. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission Recommendation: Implementation of the proposed special exception and site plan review will not cause negative architectural impact to the subject property. Carried 6-1. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00032 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
340 SEAVIEW AVE SUITE: SITE

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re-stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air-conditioning units to the rooftop of the building that will be out of the setback and meet the code.

ADDRESS: 340 SEAVIEW AVE SUITE: SITE

OWNER: PALM BEACH TOWN OF

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-00-003-0110

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: 22-43-43, W 350 FT OF E 795.45FT OF S 1/2 OF SUB N OF GOV LT 3 (LESS SEAVIEW AVE & WLY 88 FT IN OR209P640)

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00032 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 340 SEAVIEW AVE SUITE: SITE

DESCRIPTION: Request to modify the previously approved special exception with site plan for the proposed recreation center as follows: 1. Relocate the proposed entry arch approximately 40 feet to the northwest. 2. Re-stripe the parking lot to 9 foot wide spaces instead of the current 10 foot wide spaces which will result in a net gain of 3 parking spaces. 3. Relocate existing electrical panel that services the tennis court lighting & pro shop approximately 35 feet to the northeast and will be located on the backside of the hitting wall and add a fence enclosure. 4. Reduce the depth of the northwest side of the building next to the public school by two feet. 5. Add two more air-conditioning units to the rooftop of the building that will be out of the setback and meet the code.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	No Comment
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	There are no fire code concerns with the proposed plan
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Proposed revisions represent minor alterations to existing, approved plans. No further comment.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The proposed modifications meet Code. I have no comment of the proposed changes.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00033 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R B Low Density Residential

The application of AINSLIE MICHAEL L &, Owner, relative to property located at **596 N COUNTY RD**, legal description on file, is described below. 1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet In width in lieu of the 100 foot minimum required in the R·B Zoning District. The following variances are being requested in conjunction with this application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**
- **Letter Dated September 28, 2017 From Maura Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00033 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
596 N COUNTY RD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet In width in lieu of the 100 foot minimum required in the R·B Zoning District. The following variances are being requested in conjunction with this application: 2. A second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required.

ADDRESS: 596 N COUNTY RD

OWNER: AINSLIE MICHAEL L &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-11-00-002-0060

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: 11-43-43, N 72.27 FT OF S 556.32 FT OF GOV LT 2 W OF CO RD

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00033 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 596 N COUNTY RD

DESCRIPTION: 1. Special Exception with Site Plan Review to allow the construction of a 4,959 square foot two story single family residence on a lot that is 72.3 feet In width in lieu of the 100 foot minimum required in the R·B Zoning District. The following variances are being requested in conjunction with this application: 2. second story south side yard setback of 14 feet in lieu of the 15 foot minimum required. 3. A second story north side yard setback of 14 feet in lieu of the 15 foot minimum required. A

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	Construct 6" Min. drainage walls/ berms to contain on-site stormwater. Comply with driveway sight triangles. No structures allowed in utility easements without executed/recorded removal agreement.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	This proposal does not conflict with any fire codes
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT			No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	New structure will be built on a non-conforming lot. Applicant must justify the necessity for variances.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The lot is only 72.3 feet wide in lieu of the 100 foot minimum required. As such, there appears to be a hardship to meet the 15 side yard setbacks for the second story on the proposed house. That would only leave 42.3 feet of house width. The applicant should be required to demonstrate to the satisfaction of the Town Council what the hardhip is to approve the subject application variances. I have on comment on the special exception with site plan review portion of the application as all other aspects of the proposed house meets Code.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
Facsimile: (561) 802-8995

VIA E-MAIL

September 28, 2017

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

RE: Z-17-00033 596 S Ocean Blvd

Dear Paul and Kelly:

Please defer the above referenced matters from the October 11, 2017 Town Council agenda to the November 15, 2017 Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the September 27, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00036594.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00038 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C TS Town Serving Commercial The application of 257 RPW LLC, Owner, relative to property located at **257 ROYAL POINCIANA WAY SUITE: BLDG 1**, legal description on file, is described below. 1. A request for special exception approval with site plan review to add a parapet roof and replace the existing awning with a new awning on the south elevation of the building. 2. A request for a variance to allow signage "Cucina" above the first floor elevation of the building which is not allowed by code. The proposed top of sign will be at a height of 15.5 feet. [Applicant's Representative Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated October 5, 2017 from John S. Page, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00038 SPECIAL EXCEPTION WITH VARIANCE(S)**
257 ROYAL POINCIANA WAY SUITE: BLDG 1

Date: October 05, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A request for special exception approval with site plan review to add a parapet roof and replace the existing awning with a new awning on the south elevation of the building. 2. A request for a variance to allow signage "Cucina" above the first floor elevation of the building which is not allowed by code. The proposed top of sign will be at a height of 15.5 feet.

ADDRESS: 257 ROYAL POINCIANA WAY SUITE: BLDG 1

OWNER: 257 RPW LLC

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-22-31-000-0400-001

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK LTS 40 THRU 43 & FLORAL PARK ADD NO 1 PB5P28 LTS 11 & 12

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00038 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH VARIANCE(S)

ADDRESS: 257 ROYAL POINCIANA WAY SUITE: BLDG 1

DESCRIPTION: 1. A request for special exception approval with site plan review to add a parapet roof and replace the existing awning with a new awning on the south elevation of the building. 2. A request for a variance to allow signage "Cucina" above the first floor elevation of the building which is not allowed by code. The proposed top of sign will be at a height of 15.5 feet.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	New awning shall comply with Sec. 134-1114 Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	The proposed sign does not conflict with the adopted fire code.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/21/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	Parapet roof alteration should be reviewed/approved by ARCOM. Applicant should justify necessity for the proposed sign variance.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/22/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	The Applicant should be required to provide a unty of title agreement, acceptable to the Town, which ties the subject property to the off-street parking in the rear. In addition, there appears to be no hardship for the proposed variance. The Applicant shall be required to demonstrate to the satisfaction of the Town Council that the variance criteria in Section 134-201 of the Code of Ordinances have been met in order to approve the subject variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00034 SITE PLAN REVIEW Zoning District: R B Low Density Residential

The application of SHULMAN ALAN L, Owner, relative to property located at **377 N LAKE WAY**, legal description on file, is described below. Site Plan Review to allow the construction of a 7,465 square foot two story, single family residence on a non conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R B Zoning District. [Applicant's Representative Maura Ziska Esq] [The Architectural Commission deferred the project to the October 25, 2017 meeting. Carried 7-0.] **Request for Deferral to November 15, 2017 Town Council Meeting Per Letter Dated September 28, 2017 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated September 28, 2017 From Maura Ziska**
- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

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VIA E-MAIL

September 28, 2017

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

RE: Z-17-00034 377 N Lake Way

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the October 11, 2017** Town Council agenda **to the November 15, 2017** Town Council agenda. The reason for the deferral is due to ARCOM deferring the project at the September 27, 2017 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

MAZ/jch
cc: Architect
00036593.DOC
00036592.DOC

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00034 SITE PLAN REVIEW**
377 N LAKE WAY

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 7,465 square foot two-story, single family residence on a non-conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

ADDRESS: 377 N LAKE WAY

OWNER: SHULMAN ALAN L

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-14-06-000-0090

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: REVISED PL OF STOTESBURY PARK LTS 9 & 9-A

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/22/17

APPLICATION NO.: Z-17-00034 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 377 N LAKE WAY

DESCRIPTION: Site Plan Review to allow the construction of a 7,465 square foot two-story, single family residence on a non-conforming platted lot which is 89.11 feet in width in lieu of the 100 foot minimum width required in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	8/28/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	9/15/2017	Comply with stormwater and driveway sight triangle requirements.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	There are no fire code concerns with the proposed 7,465 square foot house.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/29/2017	This project requires ARCOM review and approval as a major combination project. This site is also a known or potential archaeological site, therefore the applicant must comply with the Town's archaeological ordinance.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/18/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	8/22/2017	New home construction is proposed on a non-conforming lot, necessitating Site Plan Review. ARCOM approval is also required.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/18/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/14/2017	I have no comment on the proposed site plan review application as said house meets all Zoning Code requirements.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00025 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-C Medium Density Residential The application of MOSSANEN B & S, Owner, relative to property located at **100 SUNRISE AVE SUITE: PH 7**, legal description on file, is described below. 1. A site plan modification with variances to allow five (5) retractable awning totaling 615 square feet over the terrace on the seventh floor of a seven-story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven-story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00025 SITE PLAN REVIEW WITH VARIANCE(S)**
100 SUNRISE AVE SUITE: PH 7

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. A site plan modification with variances to allow five (5) retractable awnings totaling 615 square feet over the terrace on the seventh floor of a seven story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required.

ADDRESS: 100 SUNRISE AVE SUITE: PH 7

OWNER: MOSSANEN B & S

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-14-21-000-7070

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: SUN & SURF ONE HUNDRED COND UNIT PH-7

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

APPLICATION NO.: Z-17-00025 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 100 SUNRISE AVE SUITE: PH 7

DESCRIPTION: 1. A site plan modification with variances to allow five (5) retractable awnings totaling 615 square feet over the terrace on the seventh floor of a seven story condominium building. 2. A variance request to allow the awning at a height of 60 feet in lieu of the 23 1/2 foot maximum height allowed in the R-C Zoning District. 3. A variance request to allow the awning on the existing seventh floor penthouse of a seven story building in lieu of the two story building maximum allowed in the R-C Zoning District. 4. A variance to allow the awning at an overall height of 61.96 feet in lieu of the 26 1/2 foot maximum allowed in the R-C Zoning District for a flat roof. 5. A front yard setback of 54.5 feet in lieu of the 122.11 foot minimum required.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/25/2017	No Comments.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	7/24/2017	No comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	No fire code concerns with the proposed plans
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2017	This project requires ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	7/24/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/31/2017	Similar awning variances have been traditionally approved by the Town Council in the absence of neighboring objections. Past policy seems appropriate in this instance.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/9/2017	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/28/2017	The building is nonconforming to height and number of stories. As such, the applicant needs setback variances to place awnings on the penthouse. The applicant needs to demonstare what hardship is based on Section 134-201 of the Code of Ordinances.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - New Business

Agenda Title

Z-17-00027 SITE PLAN REVIEW WITH VARIANCE(S) Zoning District: R-AA

Large Estate Residential The application of SANDERS ALICE &, Owner, relative to property located at **615 N COUNTY RD**, legal description on file, is described below. A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line. [Applicant's Representative: Maura Ziska Esq] [Architectural Commission Recommendation: Implementation of the proposed site plan review and variance will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Commission conditionally approved the project at the September 27, 2017 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum dated October 4, 2017 from John S. Page, Director of Planning, Building and Zoning**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Subject: **Z-17-00027 SITE PLAN REVIEW WITH VARIANCE(S)**
615 N COUNTY RD

Date: October 04, 2017

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

ADDRESS: 615 N COUNTY RD

OWNER: SANDERS ALICE &

OWNER'S REPRESENTATIVE: KOCHMAN & ZISKA PLC

PROPERTY CONTROL NO.: 50-43-43-10-05-000-0052

ZONING DISTRICT: R-AA Large Estate Residential

LEGAL DESCRIPTION: LEIGHTONS SUB S 234 FT OF LT 5 E OF CO RD &
11-43-43, SUB J OF GOV LT 2 E OF CO RD

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

Attachment

cc: John C. Randolph, Town Attorney
Paul W. Castro, Zoning Administrator
pf & zf

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 7/25/17

APPLICATION NO.: Z-17-00027 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 615 N COUNTY RD

DESCRIPTION: A variance to allow the construction of a new 25,792 square foot two story residence with a point of measurement for height and overall height to be 23.42 National Geodetic Vertical Datum ("NGVD") in lieu of the 17.4 foot NGVD maximum allowed for properties within the coastal construction control line.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	7/26/2017	Note: For informational purposes, this property is NOT currently located in a FEMA Special Flood Hazard Area and will not be located in the SFHA with the adoption of the new FIRM maps.
PUBLIC WORKS DEPARTMENT	Chuck Langley, Civil Engineer	7/25/2017	Project will need to comply with Stormwater Threshold requirements per Sec. 86-95 as well as Chapter 66 of the Town Code.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/22/2017	No fire code concerns with the proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2017	This project requires ARCOM review and approval as a major combination project. The applicant will also have to comply with the Town's archaeological ordinance, including submitting a phase 2 archaeological assessment of the site, and conducting archaeological monitoring during any earth moving events/activity.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/22/2017	No Comment
PZB DIRECTOR	John Page, Director, Planning, Zoning & Building	7/31/2017	Applicant must justify Point of Measurement variance. The lot's location on the dune makes this site unique. If approved, the Point of Measurement should be comparable to neighboring homes.
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/31/2017	No Comment.
PZB - ZONING	Paul Castro, Zoning Administrator	7/25/2017	A point of measurment variance was previoiusly granted to build a single-family home on the subject property. The variance expired many years ago as the house was never built. The applicant wants to build at the same topographical elevation as the neighbors on the north and south which requires the same point of measurement variance. It is unclear what the hardship is for that variance. The applicant needs to revise the plans and provide a 10 foot wide utility easement across the front of the property for the Town-wide underground utility project.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda
Development Review - Other

Agenda Title
Proposed Staff Initiated Study Items

Presenter

ATTACHMENTS:

- **Memorandum Dated October 2, 2017 From John S. Page, Director of Planning, Zoning & Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Staff Initiated Zoning Items

Date: October 2, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council direct Staff to initiate proposed Zoning Text Amendments with the Planning and Zoning Commission for consideration and possible adoption.

GENERAL INFORMATION

Staff has identified thirteen proposed zoning items which should be addressed in Chapter 134, Zoning. Four are housekeeping items to correct scrivener errors and nine are proposed changes needed to clarify Code provisions; create zoning regulations; or change deficiencies in the Code. Staff is prepared to explain and discuss each of these proposed items at the meeting.

The proposed Study Items are as follows:

Housekeeping Items:

- Correct a hotel unit density error in Section 134-1304, Special exception uses, from twenty-six units per acre to twenty-two units per acre as identified in Section 134-1308(4), Density.

- Correct a reference in Section 134-2373(13), to identify the correct Section of the Code (134-227 in lieu of 14-227).

- Correct Section 134-896, to identify the correct title of the R-B Zoning District.

- Remove inconsistent language, consolidate and eliminate redundant Code language in Section 134-1759 related to tennis court regulations.

Zoning Items:

- Consider possible changes to Section 134-893 allowing up to a 5% cubic content credit for unenclosed patios, loggias, balconies, porches or terraces located on the first floor of a structure rather than allowing an exception for said structures that do not exceed 5% of the maximum cubic content allowed.

- Consider a modification to Section 134-1757 to allow a swimming pool structure, or portions thereof, to be built at a height greater than six inches above the finished ground level.

- Consider a Code change to Section 134-1698 to allow essential services, such as a municipal pump station, to be built on the west side of Lake Trail (now limited to docks only).

- Consider a modification to Section 134-895(3) to clarify the existing three percent lot coverage exception for one-story awnings and/or trellises will not count in the calculation for cubic content ratio in the R-B Zoning District.

- Consider increasing the fees for additional variances and/or special exceptions (as presented to the Council as part of the FY'18 budget process).

- Consider increasing the fee for initial requests related to proposed Zoning Text Amendment applications and adding the process for initial review into the Code (as partially presented to the Council as part of the FY'18 budget process).

- Consider changes to the procedure for appealing an administrative decision to the Town Council.

- Consider a Code provision that would allow for Island related construction parking at the private clubs located in Residential Zoning Districts in the Town.

- Consider zoning provisions to regulate tow away signs on private property.

Staff requests that the Town Council provide direction on the proposed Study Items. If you have any questions, please contact Paul Castro, Zoning Administrator at 227-6406.

cc: Planning and Zoning Commissioners
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul W. Castro, AICP, Zoning Administrator
zf

TOWN OF PALM BEACH

Town Council Meeting Development Review on: October 11, 2017

Section of Agenda

Development Review - Other

Agenda Title

Proposed Zoning Text Amendment Applications from Up Markets to 1) Study Code Changes to Allow Property Identification Signage and 2) Study Code Changes to Allow Outdoor Promotional Activity Related to Businesses in the Planned Center Zoning District (C-PC)

Presenter

ATTACHMENTS:

- **Memorandum Dated October 2, 2017 From John S. Page, Director of Planning, Zoning & Building**
- **Attachment: Zoning Text Amendment Requests**

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 2017

To: Mayor and Town Council

Via: Thomas G. Bradford, Town Manager

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

Re: Proposed Zoning Text Amendment Applications from RPP Properties, LP, to 1) Study Code Changes to Allow Property Identification Signage and 2) Study Code Changes to Allow Outdoor Promotional Activity Related to Businesses in the Planned Center Zoning District (C-PC)

Date: October 2, 2017

STAFF RECOMMENDATION

Staff recommends that the Town Council provide the Applicant direction related to filing proposed zoning text amendments to allow property identification signage and outdoor promotional activities within the outdoor green spaces at the Royal Poinciana Plaza located in the C-PC Zoning District.

GENERAL INFORMATION

The Town requires that any proposed zoning text amendment from a private individual or owner be considered by the Town Council prior to filing an application for study. The purpose is to determine if the Council has interest in possibly making the proposed Code change(s) prior to the applicant and staff spending time and funding to pursue proposed amendment(s). If the Council has no interest in studying a proposed amendment(s), the applicant still has the option to proceed with the proposed amendment(s) application and filing fee(s) ($4,000 per amendment). However, the applicant has some indication whether such amendment(s) will have any support or interest from the Town prior to filing and paying the application fee(s).

Up Markets, owner of Royal Poinciana Plaza, has submitted two requests asking the Town Council to consider studying proposed Zoning text amendment applications (see attachment). The proposed amendments follow.

The existing provisions in Chapter 134 prohibit any freestanding commercial signage in all of the Town's Commercial Zoning Districts. While minimally sized (2 square feet in area), "aide to traffic," and address signage is allowed at an entry into a parking lot to help guide people to a property, however, any other freestanding property identification signage is not permitted. The

proposed amendment would allow the property owner to place property identification signage, at a maximum of twenty (20) square feet, at entries into the C-PC Zoning District, which is the Royal Poinciana Plaza.

The second proposed Zoning text amendment would allow outdoor promotional activities for the businesses in Royal Poinciana Plaza within landscaped open space and sidewalk areas. The existing Code prohibits outdoor activities intended to promote shopping areas or businesses in all Commercial Zoning Districts.

Staff provided John Randolph, Town Attorney, both of the proposed Amendments and requested his legal opinion related to the 1979 Agreement. He has advised that the proposed amendments would not jeopardize the Agreement provided the owners 1) acknowledge in writing that they agree to be bound to the terms of the 1979 Agreement despite the language in paragraph 3 of said Agreement; and 2) will not contest in any legal proceeding, or otherwise, that the amendments provide for further development possibilities in contravention of the terms of paragraph 3 of that Agreement.

Staff requests that the Town Council provide applicant direction on the proposed amendments. If you have any questions, please contact Paul Castro, Zoning Administrator at 227-6406.

Attachments

cc: Planning and Zoning Commissioners
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul W. Castro, AICP, Zoning Administrator
zf

RECEIVED
AUG 18 2017
Town of Palm Beach
PZB Dept

August 16, 2017

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

Honorable Mayor and Town Council members,

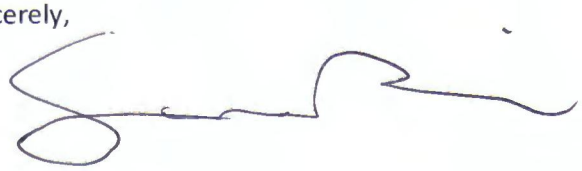
Please accept this letter as Up Markets' request to review the Palm Beach Code of Ordinances Section 134-2437. Over the last three years, we have studied what John Volk envisioned for The Royal Poinciana Plaza, not just in terms of his architecture, but his desire to make The Royal Poinciana Plaza one of the most coveted destinations in the world.

Section 134-2437 addresses signage allowed for commercial properties, but it does not allow for any property identification signage. One of John Volk's architectural and placemaking details, specifically his entry columns, were an original detail never executed upon and currently forbidden in the Code of Ordinances. Up Markets asks that you consider modifying Section 134-2437 to include "Property Identification signs in the C-PC district: In the C-PC district, property identification signs are allowed for a property comprised of several buildings fronting on a street or via, provided that each sign shall be located on privately owned property. Each such sign shall not exceed 20 square feet in area, shall be facing an entrance to a street or via, and shall be located at an entrance and/or exit of a property." It is our desire to place property identification signage on our newly installed entry columns at the entrances and exits of The Royal Poinciana Plaza, upon Landmark Preservation Commission approval.

By allowing The Royal Poinciana Plaza to have property identification signage, the Town is solidifying a historic property's standing as a world-class destination in an ode to what John Volk originally dreamed of for this prominent corner in Palm Beach. Enclosed please find a rendering depicting the signage we plan to propose at the entrances and exits of The Royal Poinciana Plaza.

Enclosed please find a $100.00 check for your consideration of the suggested zoning amendment. Thank you for your time and consideration.

Sincerely,



Samantha David

Head of Up Markets

THE
ROYAL
POINCIANA PLAZA

RECEIVED
AUG 18 2017
Town of Palm Beach
PZB Dept

August 16, 2017

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

Honorable Mayor and Town Council members,

Please accept this letter as Up Markets' request to review the Palm Beach Code of Ordinances Section 134-1257 (a). When we first purchased The Royal Poinciana Plaza, we had a grand vision to activate the outdoor space that makes the Plaza one of the most magnificent destinations in the world. We spent a great deal of time designing, and money executing, on John Volk's original vision for the site, which once again made the courtyards the heart of the property. What was once a goal to open a Plaza full of new and exciting tenants is soon a reality with twenty-seven new tenants opening this fall, but our hope of activating the outdoor space cannot happen as the Code is written today.

Section 134-1257(a) addresses what is allowed in the C-PC district, but it does not address Up Market's use of outdoor space. Up Markets asks that you consider modifying Section 134-1257(a) to read, "Outdoor Green Space shall be programmed and activated in a Town Serving manner to encourage C-PC planned center district business' success." It is our desire to program our outdoor green space to create activity in the courtyards, that serves the Palm Beach Community, and will support and encourage our businesses to succeed. There is not a retail destination in the country today that would succeed without the ability to offer events to their customers so we feel that the Code does businesses a great disservice by precluding their ability to thrive.

By allowing The Royal Poinciana Plaza to once again become the cultural cornerstone of the Palm Beach community, through literature, music, film, and art, we are creating a partnership amongst the Plaza's businesses and the community that will certainly result in a reinvigorated The Royal Poinciana Plaza.

Enclosed please find a $100.00 check for your consideration of the suggested zoning amendment. Thank you for your time and consideration.

Sincerely,

Samantha David

Head of Up Markets