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

AUGUST 15, 2018

1:30 PM

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
Danielle H. Moore, President
Margaret A. Zeidman, President Pro Tem
Julie Araskog
Lew Crampton
Bobbie Lindsay

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. APPROVAL OF AGENDA

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. DEVELOPMENT REVIEWS

A. Declaration of Use Agreements

1. **Z-18-00110 SPECIAL EXCEPTION** Zoning District: C-WA Worth Avenue The application of WILSON 150 WORTH LLC, Applicant, relative to property located at **150 WORTH AVE SUITE: SITE**, legal description on file, is described below. A request for special exception approval is being requested to allow outdoor promotional events as a permitted special exception use in the C WA Zoning District for town serving outdoor promotional events at the Esplanade Building in the central courtyards. The proposed hours of operation will align with the store and restaurant hours to be Sunday through Thursday 7:00 AM to 10:00 PM and Friday and Saturday 7:00 AM to 11 :00 PM. Examples of outdoor promotional events is attached hereto as Exhibit "D". [Applicant's Representative: Maura Ziska Esq] ***Consideration of a proposed Declaration of Use Agreement.*** Page 10

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission deferred this project for one month to the August 20, 2018 meeting. Carried 7-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska** Page 21

b. **Z-17-00061 SPECIAL EXCEPTION** Zoning District: C-PC Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at **340 ROYAL POINCIANA WAY** legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional Page 23

events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq] ***Review of Outdoor Promotional Events as required by condition of approval by Town Council on February 14, 2018.***

c. **Z-17-00066 MODIFIED SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that accessibility at the entrance was necessary. [The Architectural Review Commission conditionally approved this project at their June 27, 2018 meeting. The condition of approval was that the proposed pedestal is changed back the fountain and obelisk previously proposed. Carried 4-3.] Page26

d. **Z-18-00084 VARIANCE(S)** The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission deferred the project for one Page 30

month to the August 22, 2018 meeting. Carried 7-0.] **Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska**

e. **Z-18-00097 SITE PLAN REVIEW** Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located at **232 BAHAMA LN**, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.] Page 34

f. **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)** Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] ***If approved, consideration of proposed Declaration of Use Agreement.*** Page 37

g. **Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at **1178 N OCEAN BLVD SUITE:BEACH CABANA**, legal description on file, is described below. The Applicant seeks lo reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417).To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feel allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21 ', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach Page 58

house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at+/ 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 1, 2018 from Francis Lynch**

2. New Business

a. **Z-18-00114 SITE PLAN REVIEW** The application of FBDD Property Corp., President: Francesco Blanco, Applicant, relative to property located at **168 SEABREEZE AVE**, legal description on file, is described below. Site Plan Review to allow the construction of a 3,644 square foot, two-story, single family house on a non-conforming platted lot which is 92 feet in width in lieu of the 100 foot width required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.] Page 61

b. **Z-18-00115 VARIANCE(S)** The application of Sean Healey, Applicant, relative to property located at **6 VIA LOS INCAS**, legal description on file, is described below. Applicant is proposing to construct a 2,170 square feet second story addition over the existing first floor for a master bedroom suite and terrace and demolish an existing pool cabana and awning and replace it with a smaller 348 square foot cabana that will require the follow variances: 1) a cubic content ratio ("CCR") of 5.29 in lieu 5.21 existing and the of the 3.81 maximum allowed in the R-B Zoning District. 2) Allow the existing lot coverage to remain non-conforming at 31.9% in lieu of the 32.9% existing and the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 6-1.] Page 65

c. **Z-18-00116 VARIANCE(S)** The application of Margaretta Taylor, Applicant, relative to property located at **120 EL BRILLO WAY**, legal description on file, is described below. Applicant is proposing to construct a 75 square foot exterior staircase along the east side of the residence that will require a variance to be requested to increase the lot coverage from 29% to 29.3% in lieu of the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will Page 70

not cause negative architectural impact to the subject landmark property. Motion carried 7-0.]

d. **Z-18-00117 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of Bryan Donahue, Insite Studios Inc. on behalf of the Society of the Four Arts, Inc., Applicant, relative to property located at **101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN**, legal description on file, is described below. 1. Request for special exception approval to modify the approved site plan to add a sculpture to the sculpture garden 2. Request for site plan review to modify the Society of The Four Arts "Sculpture Garden" to add a sculpture 3. Variance to allow the installation of a sculpture in the "Sculpture Garden" which is 14' 2" high including a 2' 6" high base (14' 2" total height) in lieu of the 12' maximum allowed. [Applicant's Representative: Bryan Donahue] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 7-0.] Page 73

e. **Z-18-00118 SPECIAL EXCEPTION** The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, relative to property located at **210 MIRAFLORES DR**, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried unanimously, 6-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated July 26, 2018 from David Klein** Page 76

f. **Z-18-00119 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of Sailfish Club of Florida, Inc., Applicant, relative to property located at **1338 N LAKE WAY SUITE: SITE**, legal description on file, is described below. A request for special exception approval with site plan review to allow a 16 foot by 40 foot temporary kitchen trailer to be located in the existing handicapped parking spaces adjacent to the west of the Club main entrance. The temporary kitchen trailer is necessary to service the Club while it is renovating their kitchen. The timeframe for the temporary kitchen will be May 2019 until November 2019. The following variance is being requested in conjunction with this application: 1) A variance request to temporarily remove the ability to use four (4) parking spaces for the months of May 2019 through November 2019 to create a further non-conformity of 113 parking spaces in lieu of the 118 Page 78

existing. [Applicant's Representative: Maura Ziska Esq]

g. **Z-18-00120 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** The application of Acqua PB, LLC d/b/a Acqua Café (Arlene Desiderio, Principal), Applicant, relative to property located at **2875 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A request for special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a 2,684 square foot restaurant in suites 102 and 103 (to be combined with an outdoor patio) with 92 seats (50 indoor and 42 outdoor). Special exception approval is required for outdoor seating. The hours of operation are proposed to be: Lunch 11:00 AM to 4:00 PM daily, Dinner 5:00 PM to 9:00 PM Sunday to Thursday; 5:00 PM to 10:00 PM Friday and Saturday. The following variance is being requested: 1) A variance request to provide zero (0) additional off-street parking spaces in lieu of the 28 additional parking spaces that would be required using the principle of equivalency calculation for the proposed restaurant with 92 seats. [Applicant's Representative: Maura Ziska Esq] Page 82

h. **Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S)** The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at **456 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] Page 87

i. **Z-18-00122 VARIANCE(S)** The application of Roger K. Taylor, Applicant, relative to property located at **671 ISLAND DR**, legal description on file, is described below. A variance request to construct a 60.5 square foot platform to connect the property to the existing boat lift that will require the following variances: 1) To have a 12.25 foot south riparian setback in lieu of the 25 foot minimum setback required for a landing dock; and 2) To have an 8.25 foot setback from the property line in lieu of the 6 foot maximum allowed for a landing dock. [Applicant's Page 104

Representative: Maura Ziska Esq]

j. **Z-18-00124 VARIANCE(S)** The application of Hunter and Melissa Beebe, Applicant, relative to property located at **1050 N OCEAN BLVD**, legal description on file, is described below. The applicant would like to modify the previously approved Variance # 3-2016 to rotate the pool cabana and swimming pool which would require the following variance: 1) a rear street yard setback of 15.3 feet for the 790 square foot one story pool cabana in lieu of the 35 foot minimum required for a lot in excess of 20,000 square feet and with a depth of 164.81 feet in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] Page 109

k. **Z-18-00125 VARIANCE(S)** The application of Lori Jayne Monogramming, Lori Jayne, Inc., PEMS Partnership, Ltd., Applicant, relative to property located at **301 S COUNTY RD**, legal description on file, is described below. 134-1107. Applicant requests variance to operate two retail stores at 301 and 304 S. County Rd. containing 4,622 total square feet under common ownership within the C-TS District and separated by 71.1 feet in lieu of 1,500 feet required. [Applicant's Representative: Tim Hanlon Esq] Page 115

VIII. ORDINANCES

A. First Reading

1. **ORDINANCE NO. 15-2018** An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Future Land Use Map And Related Data And Analysis Within The Future Land Use Element By Changing The Future Land Use Designation From “Recreation” To “Multi-Family Moderate Density (Maximum 6 Du/Gross Palm Beach Acre)” For A 0.3-Acre Piece Of Private Property (Commonly Know As “Kaplan Park”) That Is Located On The Southwest Corner Of The Intersection Of Hammon Avenue And South Ocean Boulevard, Which Has An Address Of 456 South Ocean Boulevard; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date. Page 118

IX. ANY OTHER MATTERS

X. ADJOURNMENT

PLEASE TAKE NOTE:

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

consider such late submittals prior to acting upon the policy matter(s) which they address.

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

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

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

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

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

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Declaration of Use Agreements

Agenda Title

Z-18-00110 SPECIAL EXCEPTION Zoning District: C-WA Worth Avenue The application of WILSON 150 WORTH LLC, Applicant, relative to property located at **150 WORTH AVE SUITE: SITE**, legal description on file, is described below. A request for special exception approval is being requested to allow outdoor promotional events as a permitted special exception use in the C WA Zoning District for town serving outdoor promotional events at the Esplanade Building in the central courtyards. The proposed hours of operation will align with the store and restaurant hours to be Sunday through Thursday 7:00 AM to 10:00 PM and Friday and Saturday 7:00 AM to 11 :00 PM. Examples of outdoor promotional events is attached hereto as Exhibit "D". [Applicant's Representative: Maura Ziska Esq] ***Consideration of a proposed Declaration of Use Agreement.***

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **EXHIBIT A - Proposed Declaration of Use Agreement**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Z-17-00110, Special Exception, Proposed Declaration of Use Agreement for Outdoor Promotional Events at The Esplanade, 150 Worth Avenue

Date: July 31, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement, as modified by Staff.

GENERAL INFORMATION

The Town Council at its regularly scheduled meeting on July 11, 2018 conditionally approved Z-18-00110, which is a special exception application to allow outdoor promotional events at The Esplanade located at 150 Worth Avenue. The condition of approval is that the owner and applicant, Wilson 150 Worth, LLC, enter into a Declaration of Use Agreement outlining the conditions of approval for outdoor promotional events. Attached as Exhibit A is the applicant's proposed Declaration of Use Agreement. Staff has made proposed changes to the Agreement as identified in add/delete format. Staff and the applicant agree to the terms in the proposed modified Agreement. Staff is prepared to address the entire proposed Agreement at the Town Council meeting.

TOWN ATTORNEY REVIEW

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

Attachment

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Maura Ziska, Esq.
zf & pf

EXHIBIT A

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

WILSON 150 WORTH LLC

AUGUST 2018

Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "the Town") and WILSON 150 WORTH LLC, 150 Worth Avenue, Palm Beach, Florida 33480 (hereinafter called "the Esplanade"), which terms "the Town" and "the Esplanade" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, ~~The~~ ~~O~~outdoor promotional ~~E~~events ~~is~~ are a Special Exception use in the C-WA Zoning District; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00110 on ~~August 15~~ July 11, 2018 which granted the Esplanade special exception approval to have outdoor promotional events at the Property; and

WHEREAS, the Esplanade is required to enter into this Declaration of Use Agreement outlining said conditions of approval of outdoor promotional events; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed; ~~and~~

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

CONDITIONS

The approval to allow the Esplanade to have outdoor events is based upon the following conditions:

1) All outdoor promotional events shall be sponsored and managed by the Esplanade management.

2) Hours of outdoor events shall be allowed from 9:00 a.m. to 10:00 p.m. seven days a week (in season) and 7:00 a.m. to 10:00 p.m. (off-season).

3) ~~All~~ ~~E~~events ~~shall prohibit any activity~~ which constitute~~s~~ a violation of the Code of Ordinances as determined by the Code Enforcement Division of the Police Department are prohibited.

4) There shall be no outdoor sales of alcoholic beverages other than the sales related to the Town approved outdoor seating for a licensed business on the Property.

5) Amplified music or sound shall only be allowed if said events are held two hundred (200) feet or more from any residential use. All events shall meet the Town's noise regulations as provided in Sec. 42-196 through 42-229 of the Code. ~~All events shall comply with the provisions set for the in Section 42-196 through 42-229 of the Town Code regulating noise.~~

6) The Esplanade shall return to the Town Council ~~to review the Special Exception Approval~~ at ~~their~~ its regularly scheduled meeting in June 2019 in order that the Council may review and, if necessary, reconsider this Special Exception.

7) The events described in Exhibit "B" attached here and incorporated herein constitute~~s~~ the types of events permitted by the Special Exception Approval. However, other events with similar characteristics are also permitted by the Special Exception Approval.

8) The Town Council shall have the right to revoke or modify this Declaration of Use should it be determined that said use has a negative impact on surrounding properties.

9) Approval of outdoor promotional events may be revoked or modified by the Town Council at any time should it be determined that said use has a negative impact on surrounding properties.

10) The Special Exception Approval shall be only for this applicant. ~~run with the Esplanade and shall be binding upon the Esplanade.~~

11) All events shall be Town Serving. The Esplanade shall provide documentation which is satisfactory to the Town Council which demonstrates that the Outdoor Promotional Events are Town Serving at their regularly scheduled Town Council meeting in June 2019.

VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Club and the Esplanade's representative of said violation(s) and the date upon which said violations(s) shall be corrected,

owner or owner's successor or assigns shall pay to the TOWN a liquidated amount of $2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

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

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

ENTIRE AGREEMENT

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

EFFECTIVE DATE

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

MISCELLANEOUS

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

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

Paragraph headings are inserted for convenience only and shall not be read to enlarge, construe, restrict or modify the provisions hereof. All references to numbered or lettered paragraphs, subparagraphs and exhibits refer (unless the context indicates otherwise) to

paragraphs and subparagraphs of this Agreement and to exhibits attached hereto, which exhibits are by this reference made a part hereof.

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

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

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

Signed, sealed and delivered
In the presence of:

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

THE TOWN OF PALM BEACH:

By:_____
Gail Coniglio, Mayor

By:_____
Danielle Moore, President

By:_____
Kirk Blouin, Town Manager

THE ESPLANADE:

WILSON 150 WORTH LLC

By:_____
Its:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Danielle Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by _____, on behalf of WILSON 150 WORTH LLC. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By:_____
John C. Randolph, Esquire

EXHIBIT “A”

LEGAL DESCRIPTION

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00058 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: R-C Medium Density Residential The application of GILBERT MARK D &, Owner, relative to property located at **323 CHILEAN AVE**, legal description on file, is described below. 1) A variance request to allow construction of a new 5,393.45 square foot, two story single family residence on a parcel that is 9,375 square feet in area in lieu of the 10,000 square foot minimum required in the R-C Zoning District. The proposal is to replicate the previously approved renovation of the landmarked residence. The Town Council and Landmarks Preservation Commission approved the project in January 2017. 2) A variance request to allow a 7.28 foot west side yard setback in lieu of the 10 foot minimum required in the R-C Zoning District for the new two (2) car garage. [Applicant's Representative: Maura Ziska Esq] [The Landmark Preservation Commission deferred this project for one month to the August 20, 2018 meeting. Carried 7-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated August 2, 2018 From Maura Ziska**

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

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

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

VIA E-MAIL

August 2, 2018

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

RE: Z-17-00058 – 323 Chilean Avenue

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the August 15, 2018** Town Council agenda **to the September 12, 2018** Town Council agenda. The reason for the deferral is due to Landmarks deferring the project at the July 20, 2018 meeting. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura A. Ziska

MAZ/jch
cc: Architect
00038821.DOC

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00061 SPECIAL EXCEPTION Zoning District: C-PC Planned Center The application of SPIEGEL SIDNEY TR # 31520371, Owner, relative to property located at **340 ROYAL POINCIANA WAY** legal description on file, is described below. A request for Special Exception approval is being filed in connection with the Ordinance considered at Planning & Zoning Commission on October 17th and Town Council on December 13th, 2017. The Ordinance provides that outdoor promotional events are permitted as a special exception use in the C-PC district and this request seeks Special Exception approval for Town Serving outdoor promotional events at The Royal Poinciana Plaza in the central courtyards. The proposed hours of operation align with approved outdoor dining hours, 8am-10pm Sunday through Thursday and 8am-11pm Friday and Saturday. [Applicant's Representative: James M. Crowley Esq] ***Review of Outdoor Promotional Events as required by condition of approval by Town Council on February 14, 2018.***

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 From Paul Castro**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Director of Planning, Zoning and Building

Re: Z-17-00061 Special Exception
Review of Royal Poinciana Plaza's Outdoor Promotional Events
340 Royal Poinciana Way

Date: July 31, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council allow outdoor promotional events to continue in Royal Poinciana Plaza.

GENERAL INFORMATION

On February 14, 2018, the Town Council conditionally approved the subject Special Exception application to allow RPP Palm Beach Property, LP, the applicant and property owner of Royal Poinciana Plaza, to have outdoor promotional events. The applicant was required to enter into a Declaration of Use Agreement, which outlined the conditions of approval allowing said events. One of those conditions was that the applicant come back to the Town Council's August 15th meeting for evaluate how the outdoor promotional events have been working. The following are conditions of approval for events in the Plaza:

a) The hours of operation for Outdoor Promotional Events shall be 8:00 a.m. to 10:00 p.m., seven days per week.

b) All events shall take place in the central courtyards of the main retail plaza as identified on the location map attached hereto as Exhibit "B". The property owner shall be responsible for sponsoring and managing any outdoor promotional events.

c) All events shall prohibit any activity, which constitutes a violation of the Code of Ordinances as determined by the Code Enforcement Division of the Police Department.

d) All events shall comply with the provisions set forth in Sections 42-196 through 42-229 of the Town Code regulating noise.

e) No amplified music shall occur within 250 feet of any residence. In addition, amplified music shall end by 9:00 p.m. and acoustical music by 10:00 p.m. Amplified music shall be permitted only on Thursday through Sunday.

f) There shall be no outdoor sales of alcoholic beverages other than the sales related to Town approved outdoor seating for a licensed business on the subject property.

g) RPP Palm Beach Property LP shall return to the Town Council to review the Special Exception Approval at the Town Council's August 15, 2018 meeting.

h) All events shall be Town Serving. RPP Palm Beach Property LP shall provide documentation, which is satisfactory to the Town Council which demonstrates that the Outdoor Promotional Events are Town Serving at the regularly scheduled March Town Council meeting on or before one year from the recordation of this Amendment, as required in the Code of Ordinances.

i) The events described in Exhibit "C" attached hereto and incorporated herein constitute the types of events permitted by the Special Exception Approval. However, other events with similar characteristics are also permitted by the Special Exception Approval.

j) The Town Council shall have the right to revoke or modify this Amendment at any time should it be determined that said use has a negative impact on surrounding properties."

k) Approval of outdoor promotional events may be revoked or modified by the town council at any time should it be determined that said use has a negative impact on surrounding properties.

The applicant has met all of the conditions since the approval at the February 14th Town Council meeting. The Planning, Zoning and Building Department, Police Department and Code Enforcement have not received any complaints regarding the operation of promotional events at Royal Poinciana Plaza. We have also had no instances where staff has witnessed any violations of the above conditions.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Benjamin Alma, Code Enforcement
Jamie Crowley, Esq.
Alexandra Patterson
zf & pf

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-17-00066 MODIFIED SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of VIA 313 1/2 WORTH AVENUE LTD, Owner, relative to property located at **313 1/2 WORTH AVE SUITE: SITE**, legal description on file, is described below. 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window. [Applicant's Representative: Maura Ziska Esq] [The Architectural Commission generally thought the redesign was a positive step forward in the right direction. Some of the topics debated by the Commissioners were the following: 1) Whether the front façade was too modern and fit into the area, 2) Whether the pergolas took away from the Via, 3) Whether the tile pattern on the floor was the correct design. They all agreed that accessibility at the entrance was necessary. [The Architectural Review Commission conditionally approved this project at their June 27, 2018 meeting. The condition of approval was that the proposed pedestal is changed back the fountain and obelisk previously proposed. Carried 4-3.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 11, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-17-00066 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
313 1/2 WORTH AVE SUITE: SITE

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window.

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

OWNER: VIA 313 1/2 WORTH AVENUE LTD

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-014-0190

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD LTS 19 THRU 23 & N 92.45 FT OF W 13 FT & SLY 33.79 FT OF WLY 8.2 FT OF LT 24 & TH PT OF LTS 33 THRU 38 AS IN OR1649P1237 (LESS OR5635P125) BLK 14

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 1/4/18

APPLICATION NO.: Z-17-00066 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 313 1/2 WORTH AVE SUITE: SITE

DESCRIPTION: 1. Request for special exception approval to allow a two (2) story trellis. 2. Request site plan review to modify the Via Bice as follows: a. new mosaic pavers in the Via; b. New 2,240 square foot 2 story trellis with retractable awning above; c. New landscaping and lighting; d. New stone entry with awning on Peruvian Avenue; e. Removal of existing canvas awnings f. New 37.5 square foot addition to existing bay window.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	1/3/2018	No Comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	1/31/2018	A sketch of the drainage system and coordination with the Landscape Architect are required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	1/9/2018	There are no Fire Code Concerns with this application
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	1/4/2018	This project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	1/4/2018	No Comment
PZB DIRECTOR	Director, Planning, Zoning & Building	1/4/2018	Proposed changes are significant, and must be approved by either Landmarks or ARCOM, whichever is appropriate. Bice restaurant recently applied for additional outdoor seating (to be heard by Council in January). Does adequate ingress/egress space exist for public safety purposes?
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	1/4/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	1/30/2018	The applicant may need a variance for lot coverage. Staff will verify prior to the meeting date. I have no comments on the site improvements.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00084 VARIANCE(S) The application of FRIEDMAN LORRAINE L TRUST &, Owner, relative to property located at **901 N OCEAN BLVD**, legal description on file, is described below. 1) Variances to allow the construction of a new 16,087 square foot two story main residence with a point of measurement of 22.5 foot North American Vertical Datum ("NAVD") in lieu of the 15.9 foot NAVD maximum allowed for the following: a. Overall building height; b. Building height; c. Building height plane 2) A variance to allow a 6 foot tall wall along the edge of the site triangle easement and within the front yard setback that would not have a 36 inch continuous hedge as required for a wall exceeding 4 feet in height. [Applicant's Representative Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 4-3. The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] **Request for Deferral to the October 10, 2018 Town Council Meeting Per Letter Dated August 2, 2018 from Maura Ziska**

Presenter

ATTACHMENTS:

- **Letter Dated July 20, 2018 from Wilkens**
- **Letter Dated August 2, 2018 From Maura Ziska**

RECEIVED
JUL 23 2018
Town of Palm Beach
PZB Dept

Maureen Wilkens
1491 North Ocean Blvd.
Palm Beach, Florida 33480

Hon. Gail L. Coniglio, Mayor

Members of the Town Council

Members of Arcom, Town of Palm Beach

July 20, 2018

Re. Objection to Applications for 901 North Ocean Blvd.

Dear Mayor, Town Council, and Architectural Review Commission

I am concerned about and oppose the project that is proposed to be packed into this prominent corner tract and the overdevelopment it will undoubtedly incentivize.

This dunetop curve is one of the most visible and prominent sites in the Town and for the character of the North End. The Town Boards should exercise extreme care and cautiousness with respect to this location. We will have to live for decades with the result. Several large mistakes have already been made on North Ocean Blvd.

Among the responsibilities of the Town Boards involved here are:

Arcom:

- to preserve special local characteristics of site, aesthetic tradition, vistas, visual cohesiveness
- to assure spaciousness, balance, taste and charm
- to prevent excessive dissimilarity, including with respect to height, compatibility of appearance and mass, complimentary sizing with adjacent properties, avoiding improper proportions
- to protect privacy of neighboring properties
- to protect and preserve vistas

Town Council

- protecting against imbalanced intensity in relation to nearby and adjacent properties
- ensuring screens and buffers
- minimize invisible bulk of structures to drivers and pedestrians
- minimizing nonconformities
- granting variances only in cases of genuine hardship
- restricting variances to the minimum necessary

The proposed project defies all of these codified standards. It should be denied for the same reasons that ARCOM correctly denied 1021 N. Ocean Blvd. – the precedent that should be followed. Preservation of harmony, spaciousness, charm, special characteristics should prevail over short-term profit.

Sincerely,

Maureen Wilkens

Maureen Wilkens

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*Also admitted in New York

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

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

VIA E-MAIL

August 2, 2018

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

RE: Z-18-00084 – 901 N Ocean Blvd.

Dear Paul and Kelly:

Please **defer** the above referenced matters **from the August 15, 2018** Town Council agenda **to the October 10, 2018** Town Council agenda. The reason for the deferral is to allow the architect and owner time to redesign the project for ARCOM approval. 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: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00097 SITE PLAN REVIEW Zoning District: R B Low Density Residential The application of 232 Bahama Lane, LLC (Manager of 232 Bahama Lane, LLC: Manager I, LLC. Manager of Manager I, LLC: E. Llwyd Ecclestone, Jr.), Applicant, relative to property located at **232 BAHAMA LN**, legal description on file, is described below. Site Plan Review to allow the construction of a 4,300 square foot, two story, single-family house on a non conforming platted lot, which is 90 feet in depth in lieu of the 100 foot depth required in the R B Zoning District. [Applicant's Representative David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: June 13, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00097 SITE PLAN REVIEW**
232 BAHAMA LN

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 4,300 square foot, two-story, single family house on a non-conforming platted lot which is 90 feet in depth in lieu of the 100 foot depth required in the R-B Zoning District.

ADDRESS: 232 BAHAMA LN

OWNER: WRIGHT E TOWNSEND JR &

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-10-02-000-0180

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: BAHAMA ADDITION LT 18

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 4/26/18

APPLICATION NO.: Z-18-00097 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 232 BAHAMA LN

DESCRIPTION: Site Plan Review to allow the construction of a 4,300 square foot, two-story, single family house on a non-conforming platted lot which is 90 feet in depth in lieu of the 100 foot depth required in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	4/20/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	8/1/2018	The required sketch of a Stormwater System has been provided. The exfiltration calculations are not checked at this level of review. Please be advised the driveway grate elevation is higher than the drains in the rear of the lot. Standing water may occur during and after heavy rains in the rear of the lot.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	4/19/2018	No fire code concerns with this project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	4/20/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	8/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/31/2018	If approved the applicant should be required to provide a utility easement or an equivalent agreement ensuring an easement if necessary for undergrounding utilities in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S) Zoning District: C-TS Town Serving Commercial The application of Palm Beach Hotel Condominium Association, Inc., Applicant, relative to property located at **235 SUNRISE AVE SUITE: CM 23**, legal description on file, is described below. A request for a variance and a special exception to expand a non conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium hotel. [Applicant's Representative: Maura Ziska Esq] ***If approved, consideration of proposed Declaration of Use Agreement.***

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**
- **Memorandum Dated August 2, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Exhibit A**
- **Exhibit B**

TOWN OF PALM BEACH

Information for Town Council Meeting on: July 11, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00108 SPECIAL EXCEPTION WITH VARIANCE(S)**
235 SUNRISE AVE SUITE: CM 23

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for a variance and a special exception to expand a non-conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium-hotel.

ADDRESS: 235 SUNRISE AVE SUITE: CM 23

OWNER: PALM BEACH HOTEL CONDOMINIUM A

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-28-001-0230

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: PALM BEACH HOTEL COND COMMERCIAL UNIT C-23

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 5/22/18

APPLICATION NO.: Z-18-00108 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH VARIANCE(S)

ADDRESS: 235 SUNRISE AVE SUITE: CM 23

DESCRIPTION: A request for a variance and a special exception to expand a non-conforming use ("hotel") to incorporate a 3,200 square foot space on the ground floor to be used as a gym which is an accessory use to the condominium-hotel.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	5/25/2018	No comment at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/29/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/18/2018	The proposed project does not have any fire code concerns in the proposal. All exit and egress required for the space must be incorporated into the design.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	6/24/2018	I have no comments regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	5/18/2018	Per Debby Morakis, MBTO, Office Manager for PZ&B, 235 Sunrise Ave. #CM23-CM26 Trainers Gym of Palm Beach LLC & Palm Beach Hotel has no BTR. DMorakis@TownofPalmBeach.com
PZB DIRECTOR			No Comment
TOWN MANAGER	Jay Boodheshwar, Deputy Town Manager	6/1/2018	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	5/29/2018	If approved, the applicant shall be required to obtain building permits for all unauthorized work within the tenant space. The applicant is requesting to use this space for a gym for hotel residents and guests. If a triainer is using the facility they will be required to obtain a buisness tax reciept.

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Zoning Administrator

Re: Z-17-00108, Special Exception with Variance, Proposed Declaration of Use Agreement for the Palm Beach Hotel Condominium Association, Inc., for a Proposed Gym, 235 Sunrise Avenue

Date: August 2, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement, as modified by Staff.

GENERAL INFORMATION

The Applicant, the Palm Beach Hotel Condominium Association, Inc., submitted a Special Exception with Variance application which was heard at the July 11, 2018 Town Council meeting. The application was deferred in order for the Hotel to rectify code enforcement violations. In the interim, the applicant was instructed to work with Staff on a Declaration of Use Agreement which outlines conditions to control the operation of the proposed gym.

On August 1, 2018, Staff received an email of the proposed Declaration of Use Agreement from the applicant's attorney, Maura Ziska (Exhibit A attached). The applicant's proposed Conditions 3 and 5 in the draft Agreement were not agreed to by the Town Council. Condition 3 would allow the gym facility to be open 24/7. Staff believes there should be more restricted hours for control of the facility. In addition, the Council did not want spa facilities in the gym. Proposed Condition 5 would allow massage and other spa services for owners and guests.

Staff has gone over our concerns with the Ms. Ziska but have been unable to resolve the differences related to the Conditions 3 and 5. Staff's proposed changes are in the modified Declaration of Use Agreement in add/delete format identified in Exhibit B. In addition, as of the date of this memorandum, the code enforcement issues have also been unresolved. Staff and the applicant are prepared to address the entire proposed Agreement at the Town Council meeting.

TOWN ATTORNEY REVIEW

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

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Maura Ziska, Esq.
zf & pf

EXHIBIT A

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

AUGUST 2018

Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "the Town") and PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC, 235 Sunrise Avenue, Palm Beach, Florida 33480 (hereinafter called "the Hotel Condominium"), which terms "the Town" and "the Hotel Condominium" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, The Gym is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00108 on August 15, 2018 which granted the Hotel special exception approval to have a gym at the Property; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed; and

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

CONDITIONS

The approval to allow the Hotel Condominium to have a gym is based upon the following conditions:

1) No sale of memberships are allowed for the gym.
2) Only hotel condominium owners and guests staying at the hotel are allowed the use of the gym.
3) The hours of use are 24 hours a day, 7 days a week.
4) The gym facility shall be controlled by the management and access to the gym shall be from an electronically controlled faub system.
5) There shall be no permanent massage or other types of services allowed in the gym space uless accompanied by an owner or guest.

VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the Club and the Esplanade's representative of said violation(s) and the date upon which said violations(s) shall be corrected, owner or owner's successor or assigns shall pay to the TOWN a liquidated amount of $2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

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

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

ENTIRE AGREEMENT

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

EFFECTIVE DATE

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

MISCELLANEOUS

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

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

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

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

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

-This space intentionally left blank-

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

Signed, sealed and delivered
In the presence of:

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

THE TOWN OF PALM BEACH:

By:_____
Gail Coniglio, Mayor

By:_____
Danielle Moore, President

By:_____
Kirk Blouin, Town Manager

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

By:_____
Its:_____

_____
Print Name: _____

_____
Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Danielle Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by _____, on behalf of PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By:_____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Condominium Units C-23, C-24, C-25 and C-26 of the PALM BEACH HOTEL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 3464, Page 200, and any amendments thereto, of the Public Records of Palm Beach County, Florida.

00038964

EXHIBIT B

DECLARATION OF USE AGREEMENT

by

THE TOWN OF PALM BEACH

and

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

AUGUST 2018

Prepared by and return to:
Maura A. Ziska, Esquire
Kochman & Ziska PLC
222 Lakeview Avenue, Suite 1500
West Palm Beach, FL 33401
(561) 802-8960

DECLARATION OF USE AGREEMENT

THIS DECLARATION OF USE AGREEMENT is made and entered into this _____ day of _____, 2018 by and between the TOWN OF PALM BEACH, a Florida municipal corporation, 360 South County Road, Palm Beach, Florida 33480 (hereinafter called "the Town") and PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC, 235 Sunrise Avenue, Palm Beach, Florida 33480 (hereinafter called "the Hotel Condominium"), which terms "the Town" and "the Hotel Condominium" will include and bind the successors and assigns of the parties, wherever the context so requires or admits.

WITNESSETH:

WHEREAS, the property described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property") is located within the municipal limits of the Town; and

WHEREAS, The ~~Gym~~ the use of said property as gym is a Special Exception use in the C-TS Zoning District; and

WHEREAS, the Town Council conditionally approved Zoning Application Number Z-18-00108 on August 15, 2018 which granted the Hotel Condominium special exception and variance approvals to have a gym at the nonconforming Condominium Hotel Property; and

WHEREAS, as a condition of approval the Hotel Condominium is required to enter into a Declaration of Use Agreement to control the use of the gym; and

WHEREAS, all of the representations made herein are true and accurate and the approval of the Special Exception is conditioned upon the representations made herein and all of the conditions herein imposed; and

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

CONDITIONS

The approval to allow the Hotel Condominium ~~to have~~ the use of ~~a~~ gym in the property described in Exhibit A is based upon the following conditions:

1) No sale of memberships are allowed for use of the gym.

2) Only hotel condominium owners and guests staying at the hotel are allowed the use of the gym.

3) The hours of use are ~~24 hours a day~~ from 6:00 a.m. to 11:00 p.m.~~.~~, 7 days a week.

4) The gym facility shall be controlled by the Hotel Condominium management and access to the gym shall be from an electronically controlled fob system.

5) There shall be no ~~permanent massage or other types of services allowed in the gym space uless accompanied by an owner or gues~~t spa services allowed in the subject gym described herein.

VOLUNTARY AGREEMENT AND HOLD HARMLESS

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

REMEDIES FOR VIOLATION

1. Upon determination by the Director of Planning, Zoning and Building Department of a violation of any of the terms or conditions of this Agreement or any other provision in the Town Code of Ordinances, and upon notice in writing from the Town to the ~~Club and the Esplanade's~~ Hotel Condominium through its authorized representative of said violation(s) and the date upon which said violations(s) shall be corrected, ~~owner~~ the Hotel Condominium or ~~owner's~~ its successor or assigns shall pay to the TOWN a liquidated amount of $2,000 per violation. Said liquidated amount shall accrue on a per day basis for each day a violation of this agreement exists. In addition, in the event a violation remains uncorrected beyond the date noticed for correction by the Director of the Planning, Zoning and Building Department, this Agreement may be reconsidered by the Town Council at a future meeting upon thirty days notification to the owner. The Town Council may, upon a finding of violation, alter this Agreement or rescind the approval of the use.

In the event the ~~Esplanade~~ Hotel Condominium disputes the determination of the Director of Planning, Zoning and Building Department of the violation of the conditions of this Agreement, or in the event the ~~Esplanade~~ Hotel Condominium disputes any code violation, ~~they~~ it may appeal the determination of the Director of the Planning, Zoning and Building Department to the Town Council, said appeal to be filed no later than fifteen (15) days following the written notice of violation.

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

ENTIRE AGREEMENT

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

EFFECTIVE DATE

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

MISCELLANEOUS

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

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

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

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

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

-This space intentionally left blank-

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

Signed, sealed and delivered
In the presence of:

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

_____
Print Name: _____

THE TOWN OF PALM BEACH:

By:_____
Gail Coniglio, Mayor

By:_____
Danielle Moore, President

By:_____
Kirk Blouin, Town Manager

PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.

By:_____
Its:_____

_____
Print Name: _____

_____
Print Name: _____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Gail Coniglio, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Danielle Moore, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this ____ day of _____2018, by _____, on behalf of PALM BEACH HOTEL CONDOMINIUM ASSOCIATION, INC.. He/She is personally known to me and he did not take an oath.

_____
Signature of Notary Public

_____
Printed Name of Notary Public
Commission Expires:_____

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY FOR THE TOWN OF
PALM BEACH

By:_____
John C. Randolph, Esquire

EXHIBIT "A"

LEGAL DESCRIPTION

Condominium Units C-23, C-24, C-25 and C-26 of the PALM BEACH HOTEL CONDOMINIUM, according to the Declaration of Condominium thereof, as recorded in Official Records Book 3464, Page 200, and any amendments thereto, of the Public Records of Palm Beach County, Florida.

00038964

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00113 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: B-A Beach Area The application of 1178 OCEAN LLC, Applicant, relative to property located at **1178 N OCEAN BLVD SUITE:BEACH CABANA**, legal description on file, is described below. The Applicant seeks lo reconstruct an existing beach house east of Ocean Boulevard adjacent to the east of property owned by the Applicant on the existing footprint in the existing location. Due to changes in the zoning code since the beach house was originally built, the variances indicated below are required, since greater than 50% of the existing structure, determined by cubic footage, is being demolished (per Code Section 134 417).To permit construction of a beach house with a square footage of 519 square feet, existing and proposed, in lieu of 350 square feel allowed by Special Exception. To permit the construction of a beach house with a depth dimension of 24' 8 1/2", existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a width dimension of 21 ', existing and proposed, in lieu of 20' maximum dimension allowed by Special Exception. To permit the construction of a beach house with a setback of 5' 3 1/2", existing and proposed, in lieu of a minimum setback of 10' permitted by code. To permit a maximum hedge height/wall height existing and proposed to remain at+/ 6' 0"; in lieu of 4' 0" permitted by code. To permit a minimum ocean vista, existing and proposed, 0% of lot width, in lieu of 50% of lot width permitted by code. [Applicant's Representative: Francis X. J. Lynch] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated August 1, 2018 from Francis Lynch**

Presenter

ATTACHMENTS:

- **Letter Dated August 1, 2018 From Francis Lynch**

The Law Offices of

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

Peter L. Breton
Francis X. J. Lynch
John R. Eubanks, Jr.
Marta M. Suarez-Murias
Robert J. Sniffen – Of Counsel
Jack Schramm Cox, Chartered – Of Counsel

www.blesmlaw.com
Sender's Direct Line: (561) 721-4004
E-Mail: flynch@blesmlaw.com

605 North Olive Avenue, 2nd Floor
West Palm Beach, FL 33401
Phone: (561) 721-4000
Facsimile: (561) 721-4001

August 1, 2018

VIA E-MAIL

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

Re: 1178 North Ocean Boulevard
Zoning Application #A-18-00113

Dear Paul:

We request a deferral of the above matter as applicant has not yet received ARCOM approval. We ask that this be deferred to the September 12, 2018 Town Council meeting.

Should you have any questions or comments, please feel free to contact me.

Sincerely,

FRANCIS X. J. LYNCH

FXJL/kh

Z:\Data\05333\1\ltr-castro deferral1.doc

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00114 SITE PLAN REVIEW The application of FBDD Property Corp., President: Francesco Blanco, Applicant, relative to property located at **168 SEABREEZE AVE**, legal description on file, is described below. Site Plan Review to allow the construction of a 3,644 square foot, two-story, single family house on a non-conforming platted lot which is 92 feet in width in lieu of the 100 foot width required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00114 SITE PLAN REVIEW**
168 SEABREEZE AVE

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Site Plan Review to allow the construction of a 3,644 square foot, two-story, single family house on a non-conforming platted lot which is 92 feet in width in lieu of the 100 foot width required in the R-B Zoning District.

ADDRESS: 168 SEABREEZE AVE

OWNER: FBDD PROPERTY CORP

OWNER'S REPRESENTATIVE: RABIDEAU LAW PA

PROPERTY CONTROL NO.: 50-43-43-22-06-000-1610

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK LTS 161, 163, 165 & 167

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00114 **APPLICATION TYPE:** SITE PLAN REVIEW

ADDRESS: 168 SEABREEZE AVE

DESCRIPTION: Site Plan Review to allow the construction of a 3,644 square foot, two-story, single family house on a non-conforming platted lot which is 92 feet in width in lieu of the 100 foot width required in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	6/29/2018	The required sketch of a Stormwater System and coordination with Landscape Architect have been provided. The exfiltration calculations are not checked at this level of review. Please match the Site Plan and Civil Plans. As an example the "Sunken Banquet Seating does not appear on the Civil Plans. The proposed driveway configurations on Seabreeze Avenue appears to eliminates an existing on-street parking stall. The project needs to look at relocating any existing on street parking space(s) should the proposed improvements impact it; coordinate this relocation with Public Works. An FPL Transformer is proposed in the southwest corner of the site adjacent to South County Road. Typically, a 10-foot wide undergrounding utility easement is shown. Please contact Steven Stern (561) 227-6307 to discuss the easement and paperwork. At a minimum, the location of the transformer easement needs to be shown.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/28/2018	This project as proposed does not have any fire code concerns
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/21/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	Prior to the issuance of a building permit, the applicant shall provide a utility easement or agreement to provide an easement if necessary to provide underground utilities in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00115 VARIANCE(S) The application of Sean Healey, Applicant, relative to property located at **6 VIA LOS INCAS**, legal description on file, is described below. Applicant is proposing to construct a 2,170 square feet second story addition over the existing first floor for a master bedroom suite and terrace and demolish an existing pool cabana and awning and replace it with a smaller 348 square foot cabana that will require the follow variances: 1) a cubic content ratio ("CCR") of 5.29 in lieu 5.21 existing and the of the 3.81 maximum allowed in the R-B Zoning District. 2) Allow the existing lot coverage to remain non-conforming at 31.9% in lieu of the 32.9% existing and the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property.] [The Architectural Review Commission approved the project at the July 25, 2018 meeting. Carried 6-1.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00115 VARIANCE(S)**
6 VIA LOS INCAS

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Applicant is proposing to construct a 2,170 square feet second story addition over the existing first floor for a master bedroom suite and terrace and demolish an existing pool cabana and awning and replace it with a smaller 348 square foot cabana that will require the follow variances: 1) a cubic content ratio ("CCR") of 5.29 in lieu 5.21 existing and the of the 3.81 maximum allowed in the R-B Zoning District. 2) allow the existing lot coverage to remain non-conforming at 31.9% in lieu of the 32.9% existing and the 25% maximum allowed.

ADDRESS: 6 VIA LOS INCAS

OWNER: HEALEY SEAN M

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-14-22-000-0060

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: LOS INCAS ADDITION LOT 6

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00115 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 6 VIA LOS INCAS

DESCRIPTION: Applicant is proposing to construct a 2,170 square feet second story addition over the existing first floor for a master bedroom suite and terrace and demolish an existing pool cabana and awning and replace it with a smaller 348 square foot cabana that will require the follow variances: 1) a cubic content ratio ("CCR") of 5.29 in lieu 5.21 existing and the of the 3.81 maximum allowed in the R-B Zoning District. 2) allow the existing lot coverage to remain non-conforming at 31.9% in lieu of the 32.9% existing and the 25% maximum allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	Applicant must be aware of FEMA Substantial Improvement requirements if applicable.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	Proposed improvements need to be evaluated in accordance with Sec. 86-95. - Threshold requirements. An overall Stormwater Management system will be required when: (1) The proposed work exceeds 25 percent of the market value of the property; (2) The proposed work includes the construction of a new swimming pool; (3) The proposed work includes the redevelopment of more than 20 percent of landscaped open space, 20 percent of the impervious area of the site including buildings, patios, etc., or a combination thereof which exceeds 20 percent; (4) The proposed work includes new driveways or parking areas; (5) The proposed work includes replacement or reconstruction of parking areas other than parking areas designed for less than three residential units; or (6) Other development as may be deemed appropriate by the town engineer. A 10-foot wide undergrounding utility easement needs to be provided providing the proposed work exceeds 50 percent of the market value of the property. Please be advised: No walls, large trees, or exfiltration trenches are allowed within the 10-foot wide underground utility easements required along the street frontage(s). Please contact Steven Stern (561) 227-6307 to discuss the easement and paperwork.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	This project does not have any fire code concerns as proposed.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/21/2018	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: 6/26/18

PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	There appears to be no hardship for the variances being requested. If approved, the Council should place a condition of approval that the applicant shall provide a utility easement or an agreement to provide a utility easment if necessary to facilitate underground utlities in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00116 VARIANCE(S) The application of Margaretta Taylor, Applicant, relative to property located at **120 EL BRILLO WAY**, legal description on file, is described below. Applicant is proposing to construct a 75 square foot exterior staircase along the east side of the residence that will require a variance to be requested to increase the lot coverage from 29% to 29.3% in lieu of the 25% maximum allowed. [Applicant's Representative: Maura Ziska Esq] [Landmark Preservation Commission Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject landmark property. Motion carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00116 VARIANCE(S)**
120 EL BRILLO WAY

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Applicant is proposing to construct a 75 square foot exterior staircase along the east side of the residence that will require a variance to be requested to increase the lot coverage from 29% to 29.3% in lieu of the 25% maximum allowed.

ADDRESS: 120 EL BRILLO WAY

OWNER: TAYLOR MARGARETTA

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-27-05-000-0220

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: EL BRAVO PARK LT 22

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00116 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 120 EL BRILLO WAY

DESCRIPTION: Applicant is proposing to construct a 75 square foot exterior staircase along the east side of the residence that will require a variance to be requested to increase the lot coverage from 29% to 29.3% in lieu of the 25% maximum allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	There are no fire code concerns with this proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require Landmarks Preservation Commission review and approval as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/25/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	There does not appear to be a hardship to grant the proposed varaince. If approved, approval should be granted on the condition that prior to the issuance of a buildng permit that the appicant provide an underground utility easement or an agreeement that if necessary a utlity easement will be granted to facilitate undergrounding in the area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00117 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Bryan Donahue, Insite Studios Inc. on behalf of the Society of the Four Arts, Inc., Applicant, relative to property located at **101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN**, legal description on file, is described below. 1. Request for special exception approval to modify the approved site plan to add a sculpture to the sculpture garden 2. Request for site plan review to modify the Society of The Four Arts "Sculpture Garden" to add a sculpture 3. Variance to allow the installation of a sculpture in the "Sculpture Garden" which is 14' 2" high including a 2' 6" high base (14' 2" total height) in lieu of the 12' maximum allowed. [Applicant's Representative: Bryan Donahue] [Landmark Preservation Commission Recommendation: Implementation of the proposed special exception with site plan review and variance will not cause negative architectural impact to the subject landmark property. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00117 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

1. Request for special exception approval to modify the approved site plan to add a sculpture to the sculpture garden 2. Request for site plan review to modify the Society of The Four Arts "Sculpture Garden" to add a sculpture 3. Variance to allow the installation of a sculpture in the "Sculpture Garden" which is 14' 2" high including a 2'6" high base (14' 2" total height) in lieu of the 12' maximum allowed.

ADDRESS: 101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN

OWNER: SOCIETY OF THE FOUR ARTS INC

OWNER'S REPRESENTATIVE: INSITE STUDIO INC

PROPERTY CONTROL NO.: 50-43-43-23-05-021-0050

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD LOT 5 THRU 7 BLK 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
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: 6/26/18

APPLICATION NO.: Z-18-00117 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 101 FOUR ARTS PLZ SUITE: SCULPTURE GARDEN

DESCRIPTION: 1. Request for special exception approval to modify the approved site plan to add a sculpture to the sculpture garden 2. Request for site plan review to modify the Society of The Four Arts "Sculpture Garden" to add a sculpture 3. Variance to allow the installation of a sculpture in the "Sculpture Garden" which is 14' 2" high including a 2'6" high base (14' 2" total height) in lieu of the 12' maximum allowed.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	There are no fire code concerns with this proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require Landmarks Preservation Commission review and approval as a combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/22/2018	FYI: Case # CE 18-443, 2 Four Arts Plaza, Embassy Corp & The Society of the Four Arts Inc. Violation of Chapter 18, Section 18-233 of the Town of Pam Beach Code of Ordinances, building permits required to construct, enlarge, alter, repair, move or demolish a building or structure, or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system; Violation of Chapter 134, Section 134-1727 landmark commission approval required to construct, erect or place a statue or sculpture in excess of six feet.
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	The applicant needs to demonstrate a hardshiip. Should the variance be approved, the applicant should request approval to allow for a continuing rotation of sculpture art in this location provided the art does not exceed the height requested in this appication.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00118 SPECIAL EXCEPTION The application of 210 Miraflores Drive LLC, Manager: Michael Belisle, Applicant, relative to property located at **210 MIRAFLORES DR**, legal description on file, is described below. Special Exception and Site Plan Review to allow the construction of a 4,381 square foot, two-story, single family house on a non-conforming lot, comprised of a portion of a platted lot, which is 90 feet in width in lieu of the 100 foot depth required in the R-B Zoning District. [Applicant's Representative: David E. Klein Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried unanimously, 6-0.] **Request for Deferral to the September 12, 2018 Town Council Meeting Per Letter Dated July 26, 2018 from David Klein**

Presenter

ATTACHMENTS:

- **Letter Dated July 26, 2018 From David Klein**

RABIDEAU LAW

PALM BEACH

David E. Klein, Esq.
direct: 561.402.7412
dklein@rabideau-law.com

July 26, 2018

Via E-Mail – pcastro@townofpalmbeach.com
& U.S. Mail
Mr. Paul Castro
Zoning Administrator
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Property: 210 Miraflores Drive
Owner: 210 Miraflores Drive, LLC
Variance #Z-18-00118

Dear Mr. Castro:

In connection with the above-referenced matter, I request that the variance matter that is scheduled to appear before Town Council on August 15, 2018 be deferred to the following Town Council Meeting occurring on September 12, 2018.

The matter will be heard at ARCOM on August 22, 2018 due to a vote for deferral by ARCOM at the July 25, 2018 meeting.

Please let me know if you have any questions.

Sincerely,

David E. Klein

cc: Logan Elliott, via e-mail lelliott@townofpalmbeach.com
Kathleen Ruderman, via e-mail kruderman@townofpalmbeach.com
Kelly Churney, via e-mail kchurney@townofpalmbeach.com

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00119 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Sailfish Club of Florida, Inc., Applicant, relative to property located at **1338 N LAKE WAY SUITE: SITE**, legal description on file, is described below. A request for special exception approval with site plan review to allow a 16 foot by 40 foot temporary kitchen trailer to be located in the existing handicapped parking spaces adjacent to the west of the Club main entrance. The temporary kitchen trailer is necessary to service the Club while it is renovating their kitchen. The timeframe for the temporary kitchen will be May 2019 until November 2019. The following variance is being requested in conjunction with this application: 1) A variance request to temporarily remove the ability to use four (4) parking spaces for the months of May 2019 through November 2019 to create a further non-conformity of 113 parking spaces in lieu of the 118 existing. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00119 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
1338 N LAKE WAY SUITE: SITE

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for special exception approval with site plan review to allow a 16 foot by 40 foot temporary kitchen trailer to be located in the existing handicapped parking spaces adjacent to the west of the Club main entrance. The temporary kitchen trailer is necessary to service the Club while it is renovating their kitchen. The timeframe for the temporary kitchen will be May 2019 until November 2019. The following variance is being requested in conjunction with this application: 1) A variance request to temporarily remove the ability to use four (4) parking spaces for the months of May 2019 through November 2019 to create a further non-conformity of 114 parking spaces in lieu of the 118 existing.

ADDRESS: 1338 N LAKE WAY SUITE: SITE

OWNER: SAILFISH CLUB OF FLORIDA INC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-02-000-0022

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PL OF WALTON TR N 45 FT OF LT 2, LT 3, N 5 FT OF LTS 5 & 8 & LTS 6 & 9 & CAYUGA ESTATES PL 2 PB15P10 LT 15 W OF LAKE WAY, LT 16 & UNMBRD LT W OF LAKE TRAIL & EDEN VILLA PB6P79

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00119 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 1338 N LAKE WAY SUITE: SITE

DESCRIPTION: A request for special exception approval with site plan review to allow a 16 foot by 40 foot temporary kitchen trailer to be located in the existing handicapped parking spaces adjacent to the west of the Club main entrance. The temporary kitchen trailer is necessary to service the Club while it is renovating their kitchen. The timeframe for the temporary kitchen will be May 2019 until November 2019. The following variance is being requested in conjunction with this application: 1) A variance request to temporarily remove the ability to use four (4) parking spaces for the months of May 2019 through November 2019 to create a further non-conformity of 114 parking spaces in lieu of the 118 existing.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/22/2018	Must provide additional Accessible spaces.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/28/2018	The cooking facility will need to be inspected by our mechanical and fire inspectors to ensure that all of the required safety items are installed and functioning properly. A fire in a unit like this w2ould burn fast and amy not permit occupants to escape.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	I have no comment regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/25/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	This is a temporary situation during construction. The applicant must demonstrate to the satisfaction of the Town Council that there is a hardship related to the temporary loss of parking to accommodate the kitchen.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00120 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) The application of Acqua PB, LLC d/b/a Acqua Café (Arlene Desiderio, Principal), Applicant, relative to property located at **2875 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A request for special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a 2,684 square foot restaurant in suites 102 and 103 (to be combined with an outdoor patio) with 92 seats (50 indoor and 42 outdoor). Special exception approval is required for outdoor seating. The hours of operation are proposed to be: Lunch 11:00 AM to 4:00 PM daily, Dinner 5:00 PM to 9:00 PM Sunday to Thursday; 5:00 PM to 10:00 PM Friday and Saturday. The following variance is being requested: 1) A variance request to provide zero (0) additional off-street parking spaces in lieu of the 28 additional parking spaces that would be required using the principle of equivalency calculation for the proposed restaurant with 92 seats. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00120 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARI**
2875 S OCEAN BLVD SUITE: SITE

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a 2,684 square foot restaurant in suites 102 and 103 (to be combined with an outdoor patio) with 92 seats (50 indoor and 42 outdoor). Special exception approval is required for outdoor seating. The hours of operation are proposed to be: Lunch 11:00 AM to 4:00 PM daily, Dinner 5:00 PM to 9:00 PM Sunday to Thursday; 5:00 PM to 10:00 PM Friday and Saturday. The following variance is being requested: 1) A variance request to provide zero (0) additional off-street parking spaces in lieu of the 28 additional parking spaces that would be required using the principle of equivalency calculation for the proposed restaurant with 92 seats.

ADDRESS: 2875 S OCEAN BLVD SUITE: SITE

OWNER: 2875 S OCEAN BLVD LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-44-23-00-002-0190

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: 23/26-44-43, S 430 FT OF W 200FT OF GOV LT 2 LYG E OF A1A & W 200 FT OF GOV LT 1 SEC 26 LYG BET S LI SEC 23 & N R/W LI OF LAKE AVE E OF SR A1A

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00120 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 2875 S OCEAN BLVD SUITE: SITE

DESCRIPTION: A request for special exception with site plan approval pursuant to Condition #2 in the original 1980 approval to construct the existing building on the subject property (Special Exception #25-80). The condition requires any use other than an office and professional services to obtain Town Council approval. This request is to allow a 2,684 square foot restaurant in suites 102 and 103 (to be combined with an outdoor patio) with 92 seats (50 indoor and 42 outdoor). Special exception approval is required for outdoor seating. The hours of operation are proposed to be: Lunch 11:00 AM to 4:00 PM daily, Dinner 5:00 PM to 9:00 PM Sunday to Thursday; 5:00 PM to 10:00 PM Friday and Saturday. The following variance is being requested: 1) A variance request to provide zero (0) additional off-street parking spaces in lieu of the 28 additional parking spaces that would be required using the principle of equivalency calculation for the proposed restaurant with 92 seats.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/22/2018	Provide evidence of compliance with Acccessibility code requirements.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	The paper work all state new restaurant in a combined suite using 102 and 103. This woudl be a new assembly occupany within the code and would be required to meet all of the code requirements for a new assembly occupancy in the fire code. The space does not meet the threshold to require sprinklers since the proposed occupancy is under 100 total.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	All exterior changes proposed as part of this project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/22/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			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: 6/26/18

PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	To date, a traffic concurrency determination has not been made by the Town traffic consultant. If that determination is not made by the date of the Council meeting this application will have to be deferred. The consultant is also looking at the off-street parking deficiency portion of the application but has not made a conclusion at this time. The propposed restaurant is required to demonstrate tha it will be Town-serving based on Sec. 134-229(12) of the Code. Staff does not believe that the applicant has provided adequate information for the Council to come to that conclusion. In addition, there is no hardship to grant a variance to allow a restaurant to open for lunch and dinner without the required twenty-eight additional off-street parking spaces needed at this location.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S) The application of 456 South Ocean LLC (Dave Frisbie, Manager), Applicant, relative to property located at **456 S OCEAN BLVD SUITE: SITE**, legal description on file, is described below. A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard. [Applicant's Representative: Maura Ziska Esq] [The Architectural Review Commission deferred the project for one month to the August 22, 2018 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**
- **Letter Dated July 12, 2018 From Saunders**
- **Letter Dated July 16, 2018 From Wood**
- **Letter Dated July 16, 2018 From Wilson**
- **Letter Dated July 23, 2018 From Louis**
- **Letter from Giangrande**
- **Letter From Jones**
- **Letter From Morassutti**
- **Letter From Gentile**
- **Letter From Jones**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00121 SITE PLAN REVIEW WITH VARIANCE(S)**
456 S OCEAN BLVD SUITE: SITE

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard.

ADDRESS: 456 S OCEAN BLVD SUITE: SITE

OWNER: 456 SOUTH OCEAN LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-26-01-002-0011

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: VILLA MARINE E 70 FT OF LT 1 & LTS 2 THRU 4 BLK 2

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00121 **APPLICATION TYPE:** SITE PLAN REVIEW WITH VARIANCE(S)

ADDRESS: 456 S OCEAN BLVD SUITE: SITE

DESCRIPTION: A request for Site Plan Review to construct a two-story, four (4) unit, townhouse building group with associated swimming pools and hardscape. Each unit will be approximately 8,800 square feet with basement garages. The following variances are being requested: 1. A request for a variance to allow the maximum building dimension of the building group to be 184.16 feet in length in lieu of the 150 foot maximum length allowed for a townhouse building group. 2. A request for a variance to not provide 25% of the building to be setback an additional 10 feet from the front setback along South Ocean Boulevard.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/25/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	A sketch of an overall Stormwater System has been provided. Each lot appears to be proposed as an individually owned unit. If this is the case, each lot needs its own Stormwater Management system to own and operate. Please identify the individual lots or an HOA document or equivalent needs to be provided to indicate maintenance of the system. Please note, systems are required to be certified every five (5) years. A 10-foot wide undergrounding utility easement needs to be provided. Please be advised: No walls, large trees, or exfiltration trenches are allowed within the 10-foot wide underground utility easements required along the street frontage(s). Please contact Steven Stern (561) 227-6307 to discuss the easement and paperwork. The proposed water and sewer connection / utilities for each unit can be located within the easement(s) as well. Provide a letter stating Civil Plans improvements have and coordination with Landscape Architect. The proposed driveway configurations on Gulfstream Road appears to eliminate existing on-street parking stall(s). The project needs to look at relocating any existing on street parking space(s) should the proposed improvements impact it; coordinate this relocation with Public Works. This work will require a Public Works ROW Permit. A Cross Access Easement for the ingress and egress of the proposed driveways will be necessary. Existing depressed curb and sidewalk (former driveway entrances) along S. Ocean Boulevard will need to be reconstructed.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	The project will be required to meet all fire department access requirements. The project will be required to be fully sprinklered per the NFPA codes.

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major combination project. Also, prior to a building permit being issued for any work, the 0.3-acre NE corner of the site will have to have completed the change of the future land use designation from "Recreation" to "Moderate Density Residential" as identified on the Future Land Use Map in the Town's Comprhehensive Plan. Furthermore, the applicant will have to complete the SCAD form with the Palm Beach County School District, and submit to the School District any impact fees and address any issues raised by the School District associated with the SCAD assessment; this must all be finalized prior to the issuance of any permits for the project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/21/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	To date, the applicant has not submitted the County's traffic concurrency determiantion nor the consultant's traffic study for our consultant to review. This is required before this project can be considered by the Town Council so it is required to be deferred. The project does not clearly identify the lot llnes for each of the townhouse lots. The site plan should identify the lot lines and the applicant needs to provide a cross access easement across of the lots where the driveway for all ot the units crosses over each of the Townhouse lots. There also appears to be walls and other structures that that may be directly on the property line. How will the developer address maintenance responsibilties for future propert owners? The drainage plan identifies the system for the entire property and not individual townhouse lots. How will the system be maintained and whose responsiblity will it be to maintain the system? These questions need to be addressed. In addition, this project is required to be approved in two phases. The first phase would be the entire project, less the private park property. The second phase can only be approved subject to the comprehensive plan amendment to change the future land use element being completed. If not completed, the site will have to be modified to ensure that the landscape open space requirements for the entire site. are met. A unity of title will be required for each individual lot being proposed as a townhouse development and a utility easement or similar agreement is required to ensure that the townhouses and other property in the area can be serviced with underground utilities.

Thomas A. and Jordan Saunders III
5 Middle Road
Palm Beach, Florida 33480

July 12, 2018

Honorable Mayor Coniglio and Members of the Town Council
And Members of the Architectural Review Commission
Town of Palm Beach
360 South County Road
Palm Beach, FL 33480

Re: Z-18-00121
456 South Ocean Boulevard, Palm Beach, Florida

Dear Madam Mayor, Members of the Town Council and Members of the Architectural Review Commission:

We live at 5 Middle Road in Palm Beach. We recently met with the Frisbie family to review their proposed project at 456 South Ocean Boulevard which will replace the current Charley's Crab restaurant and parking lot. Based on the proposal presented to us, we believe the townhomes and landscaping they are proposing are a great improvement to the South Ocean Boulevard and Gulfstream Road area and we fully support their plans. This project will be a significant improvement to the residential feel of our neighborhood and the townhomes on South Ocean will further enhance the beauty of midtown beach. Hopefully, you and your staff will agree with us and will approve the proposed project.

Thank you for your consideration.

Sincerely,

Thomas A. Saunders III

Jordan Saunders

ROBERT K. WOOD
116 GULFSTREAM ROAD
PALM BEACH, FLORIDA 33480

RECEIVED
JUL 10 2018
Town of Palm Beach
PZB Dept

July 6, 2018

The Architectural Commission (ARCOM)
Town of Palm Beach
380 South County Road
Palm Beach, FL. 33480

Re: 456 South Ocean Boulevard Townhouses

Dear Members of the Architectural Commission:

For 35 years, my wife and I have lived at 116 Gulfstream Road, directly across from the S.W. corner of subject property.

We believe the attractive and well-planned townhouses meet all the criteria needed for your approval.

The project clearly improves the aesthetic quality of the neighborhood, and being residential, is in harmony with the surrounding residential uses.

The fresh and crisp "Bermudian British Colonial" influenced design is appropriate, because it achieves a balance with other houses in the neighborhood having a similar feel.

In addition, the townhouses provide a logical transition from the single-family homes to the South and the mid-rise multi-family buildings immediately to the North.

Moreover, the height meets all zoning requirements, the density is less than allowed, and there is excess open space, all of which create a single-family ambiance with appropriate scale for the neighborhood.

We believe this project will be a significant visual enhancement, not only to the immediate neighborhood, but also to the entire community.

We strongly support the design in all respects and feel your approval would be well deserved.

Thank you for your consideration of our comments.

With best regards,

Robert K. Wood

Friederike E. Wood

Winthrop House Condominium Association, Inc
100 Worth Avenue Office
Palm Beach, Florida 33480
561-655-2730, Fax 561-832-2341
Email: drosenberg@winthrophousepb.com

July 16th, 2018

Re: 456 S. Ocean Blvd.

Dear ARCOM:

On behalf of the Board of Directors of Winthrop House, I wanted to register our support as the Frisbie Group submits it's proposal to you for development of the former Charley's Crab property at 456 South Ocean Boulevard.

Even before news was made public that the Charley's Crab property was under contract, members of the Frisbie Group visited our building and met with a small group comprised of Board members and owners to share their early plans for the property and welcome our input. Since that time, we have remained in continual contact and have appreciated their willingness to work cooperatively to address some of our concerns.

When the sale and development plans became public knowledge, many of our owners were surprised and upset to learn that Kaplan Park, which many of our units overlook, was part of the project. There was concern that the proposed plan of five townhomes would take away the green space and ocean views they were accustomed to. We communicated this to the Frisbie team who were responsive, made visits to our building to view from different vantage points, and reached out to some of our owners to speak with them directly. We were very pleased to see a lower-density project revision with the fifth structure eliminated and the park's space utilized as a private garden/pool area.

The Frisbie Group has been very reasonable to work with and has made several modifications to their plan to accommodate us. We look forward to continuing to collaborate on landscaping choices and other details as the project moves forward.

The Winthrop House must rely on Town Council and the Architectural Commission's process and sensitivity to issues as they evaluate this proposal, but we wanted you to be aware of how closely and cooperatively the Frisbie Group has worked with us.

Sincerely,

Eli Wilson
General Manager

July 23, 2018

360 South County Road
P.O. Box 2029
Palm Beach, FL 33480

Reference: The Frisbie Group Revitalization

Dear Palm Beach City Council, (or whoever you are supposed to write this letter to)

On behalf of Hammon 106, LLC, it is with great pleasure that I write this letter in support of The Frisbie Group's revitalization proposal for 456 South Ocean Boulevard, Palm Beach, Florida 33480.

I had the privilege of meeting with The Frisbee Group, learning more about their modern design and construction plans for the property.

Please feel free to contact me if you have any questions.

Respectfully,

Bernard Pierre-Louis
Hammon 106, LLC
106 Hammon Ave,
Palm Beach FL, 33480
Bernardlouis45@aol.com
954-829-6286

Katie:

Thank you very much for forwarding the plans for 456 South Ocean.

After reviewing them, I would support your project to replace the former restaurant and parking lot with your proposed two townhomes.

As a neighbor directly affected by this project and your proposed single family house at 101 Gulfstream, I look forward to working with you to ensure that both projects are completed expeditiously to minimize the disruption caused by the construction.

I am sure that both projects will enhance our neighborhood.

Best regards,

Jeffry Giangrande
115 Gulfstream Road

i was not happy with the loss of a town serving restaurant and a town serving pocket park. however, the Frisbie grp has been most accommodating in altering ,modifying and downsizing the original plans
including the landscaping and i am supportive of their present plans.
sincerely
hildegard jones

Sent from my iPad hildegard jones tel c 561 603 3900 , h 561 655 5566
100 Worth Unit 320

Hi Katie. I've been following your application and also have been talking to a fellow neighbor (Robert Wood). I support your application since I think it is the appropriate type of development for the site and will improve the surrounding neighborhood. I'm in Toronto over the next few weeks and therefore won't be able to meet in person but I wish you good luck in getting timely approvals. Best Larry.

Larry Morassutti
104 Gulfstream Road

From: Kelly Churney
To: Kathleen Ruderman
Subject: FW: Kaplan Park
Date: Thursday, June 21, 2018 3:10:30 PM

For August

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: Public Comment
Sent: Friday, May 04, 2018 10:08 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: Kaplan Park

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: Cheryl Kleen **On Behalf Of** Town Council
Sent: Monday, April 23, 2018 4:30 PM
To: Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Lew Crampton <lcrampton@TownOfPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>
Cc: Kirk Blouin <KBlouin@PalmBeachPolice.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Public Comment <publiccomment@townofpalmbeach.com>

Subject: FW: Kaplan Park

From: Frank Gentile [mailto:fgentile@sangiuseppe.com]
Sent: Monday, April 23, 2018 12:34 PM
To: Town Council <TCouncil@TownofPalmBeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>
Cc: drosenberg@winthrophousepb.com; ddqturk@gmail.com
Subject: Kaplan Park

I am aware that the "Charley's Crap" property is being developed into residences. However, I question the removal of Kaplan Park. This land has added to the quality of the area and provides a view of the ocean from apartments in the Winthrop House. A lose of beauty and value to the owners of those units.
At the same time I question the tax status of the Kaplan Park. Were full taxes paid on that land over the years? If not, the owner kept the property free and will reap the benefit of the appreciated current value at the expense the town and Winthrop House owners who paid taxes for the benefit of Kaplan Park and will now lose because the value of their property is diminished.
Please let me know ,
Frank Gentile

John Lindgren

From: Paul Castro
Sent: Saturday, April 28, 2018 8:31 AM
To: Kelly Churney; John Lindgren
Subject: FW: Sylvia and Harold Kaplan Park

Guys,

We don't have a zoning case on this yet but....when we do please put in the files. Coming our way soon.

Thanks,

Paul Castro, AICP
Acting Planning, Zoning & Building Director

360 South County Road
Palm Beach, FL 33480
561-227-6406
www.pcastro@townofpalmbeach.com

-----Original Message-----
From: hildegard jones [mailto:hildegard100@gmail.com]
Sent: Friday, April 27, 2018 5:20 PM
To: Paul Castro <PCastro@TownofPalmBeach.com>
Cc: council@townofpalmbeach; askier@palmbeachpreservation.org; PBCA@PalmBeachCivic.org
Subject: Sylvia and Harold Kaplan Park

My name is Hildegard Jones and i am a resident of the Winthrop House.
I am concerned about the development of the Charley 's Crab property which would include the removal of the park and i would hope for a plan to save the park. My late husband, David Lloyd Jones, was awarded the beautification award from the PBCA some years ago for the park and we have consistently enjoyed visiting the little park and the pretty dolphin sculpture by Peter Johnson. Therefor,i must object strongly to all development which does not save the park.it also seems to be the only green-space in PB with public access and an ocean view. Kaplan park was dedicated to the Town in April of 1986,so it has been a fixture for 32 years.

At that time the newspapers reported that Mr. Kaplan had donated a 70 by 80 foot section of his property as a Public Park.
The park at the time was represented to be valued at 1 million,making its existence a valuable asset to the Town The Town s annual report has included Kaplan Park within its infrastructure as a Neighborhood Park.
The Town has included Kaplan Park in its demographics of the Town as a Neighborhood Park.
LETS PLEASE TRY AND SAVE THE LITTLE PARK FROM DEVELOPERS Thank you
hildegard jones.
4/27/18

Sent from my iPad hildegard jones tel c 561 603 3900 , h 561 655 5566

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00122 VARIANCE(S) The application of Roger K. Taylor, Applicant, relative to property located at **671 ISLAND DR**, legal description on file, is described below. A variance request to construct a 60.5 square foot platform to connect the property to the existing boat lift that will require the following variances: 1) To have a 12.25 foot south riparian setback in lieu of the 25 foot minimum setback required for a landing dock; and 2) To have an 8.25 foot setback from the property line in lieu of the 6 foot maximum allowed for a landing dock. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**
- **Letter Dated June 21, 2018 From Harrington**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00122 VARIANCE(S)**
671 ISLAND DR

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A variance request to construct a 60.5 square foot platform to connect the property to the existing boat lift that will require the following variances: 1) To have a 12.25 foot south riparian setback in lieu of the 25 foot minimum setback required for a landing dock; and 2) To have an 8.25 foot setback from the property line in lieu of the 6 foot maximum allowed for a landing dock.

ADDRESS: 671 ISLAND DR

OWNER: TAYLOR ROGER K

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-27-01-000-0670

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PL OF EVERGLADES ISLAND LT 67

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00122 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 671 ISLAND DR

DESCRIPTION: A variance request to construct a 60.5 square foot platform to connect the property to the existing boat lift that will require the following variances: 1) To have a 12.25 foot south riparian setback in lieu of the 25 foot minimum setback required for a landing dock; and 2) To have an 8.25 foot setback from the property line in lieu of the 6 foot maximum allowed for a landing dock.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/28/2018	The provisions of NFPA 303 need to be followed for any electrical provisions as well as fire department access to the dock.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	I have no comment regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/25/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	There does not appear to be a hardship to grant the variances.

From:	Kelly Churney
To:	Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Lew Crampton; Margaret Zeidman
Cc:	Kathleen Ruderman
Subject:	FW: 671 Island Drive Dock
Date:	Monday, June 25, 2018 8:42:15 AM

This is for Z-18-00122 671 Island Dr for August

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: Monday, June 25, 2018 7:55 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Cc: Paul Castro <PCastro@TownofPalmBeach.com>; Logan Elliott <LElliott@TownofPalmBeach.com>; Courtney Hudak <CHudak@floridawills.com>
Subject: 671 Island Drive Dock

Hi Kelly: Please include the below email in support of the variance for 671 Island Drive to be heard by the Town Council in August. 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.

Sent from my iPhone

Begin forwarded message:

> **From:** Mary Harrington <rh4637@aol.com>
> **Date:** June 23, 2018 at 9:45:57 PM EDT
> **To:** roxann taylor <roxtaylor4@gmail.com>
> **Subject: Re: 671 Island Drive Dock.pdf**

Dear Mrs Taylor
We understand that you will need a variance for a new entrance to your boat dock next door to our home.
This email is to confirm our approval of such a variance.
Good luck
Mr and Mrs Richard L. Harrington
677 Island Drive
Palm Beach, FL 33480

Sent from my iPad
Mary

> On Jun 21, 2018, at 5:10 PM, roxann taylor <roxtaylor4@gmail.com> wrote:
>
> It was nice speaking to you yesterday. And once again I apologize for any inconvenience we have caused you.
>
> Attached is the plan for the dock to our boat lift. Right now there is nothing in place that allows us access to the boat lift therefore we are applying for a variance to install a small dock. Otherwise we would have to swim to our boat!
>
> If you wouldn't mind please send an email saying that you are in agreement with this addition.
>
> Thank you
>
> We look forward to seeing you in the Fall.
>
> Roxann
>
> <671 Island Drive Dock.pdf>
>
> Sent from my iPhone

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00124 VARIANCE(S) The application of Hunter and Melissa Beebe, Applicant, relative to property located at **1050 N OCEAN BLVD**, legal description on file, is described below. The applicant would like to modify the previously approved Variance # 3-2016 to rotate the pool cabana and swimming pool which would require the following variance: 1) a rear street yard setback of 15.3 feet for the 790 square foot one story pool cabana in lieu of the 35 foot minimum required for a lot in excess of 20,000 square feet and with a depth of 164.81 feet in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**
- **Letter Dated July 8, 2018 From Pottash**
- **Letter Dated August 1, 2018 from Rafferty**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00124 VARIANCE(S)**
1050 N OCEAN BLVD

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant would like to modify the previously approved Variance # 3-2016 to rotate the pool cabana and swimming pool which would require the following variance: 1) a rear street yard setback of 15.3 feet for the 790 square foot one story pool cabana in lieu of the 35 foot minimum required for a lot in excess of 20,000 square feet and with a depth of 164.81 feet in the R-B Zoning District.

ADDRESS: 1050 N OCEAN BLVD

OWNER: BEEBE EDMUND H &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-03-18-000-0020

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: CORAL ESTATES LOTS 2 & 3 & UND 2/15 INT IN LOTS 1-A & 15-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
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: 6/26/18

APPLICATION NO.: Z-18-00124 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 1050 N OCEAN BLVD

DESCRIPTION: The applicant would like to modify the previously approved Variance # 3-2016 to rotate the pool cabana and swimming pool which would require the following variance: 1) a rear street yard setback of 15.3 feet for the 790 square foot one story pool cabana in lieu of the 35 foot minimum required for a lot in excess of 20,000 square feet and with a depth of 164.81 feet in the R-B Zoning District.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	The required sketch of a Stormwater System has been provided. The exfiltration calculations are not checked at this level of review. Provide a letter stating Civil Plans improvements have and coordination with Landscape Architect.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/28/2018	There are no fire code concerns with this project as proposed
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	This project will require ARCOM review and approval as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/25/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	There appears to be no hardship related to the changes the applicant wants to make to the subject property.

From: Kelly Churney
To: Paul Castro; Kathleen Ruderman
Cc: Bobbie Lindsay; Danielle Hickox Moore; Gail Coniglio; Julie Araskog; Lew Crampton; Margaret Zeidman
Subject: FW: Z-18-00124 August 15 Variance Request 1050 N. Ocean Blvd- Letter of Support
Date: Monday, July 09, 2018 9:41:12 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

-----Original Message-----
From: Maura Ziska [mailto:MZiska@floridawills.com]
Sent: Sunday, July 08, 2018 10:42 AM
To: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: FW: Z-18-00124 August 15 Variance Request 1050 N. Ocean Blvd- Letter of Support

Please include in TC back up for August 15th hearing. 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.

-----Original Message-----
From: Carter P [mailto:drcarterp@gmail.com]
Sent: Sunday, July 08, 2018 9:00 AM
To: mayor@townofpalmbeach.com; towncouncil@townofpalmbeach.com; dmoore@townofpalmbeach.com; mzeidman@townofpalmbeach.com; blindsay@townofpalmbeach.com; Julie Araskog <jaraskog@TownOfPalmBeach.com>; John Lindgren <jlindgren@townofpalmbeach.com>
Cc: Maura Ziska <MZiska@floridawills.com>; hbeebe@hrecap.com; melis.beebe@gmail.com
Subject: Z-18-00124 August 15 Variance Request 1050 N. Ocean Blvd- Letter of Support

Dear Members of Town Council:

We are writing in support of the above-captioned application coming before you August 15, 2018 for a variance to rotate the pool at the house under construction at 1050 North Ocean Blvd. The hardship is that the property is bounded by three different streets, requiring, as a result, three large setbacks.

We live within 200 ft of the project and were noticed by the applicants' attorney.

We support the request for a variance.

Respectfully,
Carter and Afsy Pottash

1029 North Ocean Blvd
Palm Beach, FL 33480
Tel: 561 837 2215

Mr. and Mrs. Nick Rafferty
272 Via Marila
Palm Beach, FL 33480

August 1, 2018

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

Re: Variance Request Z-18-00124
1050 N Ocean Blvd, Palm Beach, FL 33480

Members of Town Council:

We are writing in support of the above referenced variance request for the Beebe residence at 1050 N Ocean Blvd coming before you on August 15, 2018. The request is for a variance to rotate the pool at the house under construction. Altering the location of the pool house away from North Ocean Blvd will be an improvement as it will limit massing along the more heavily traveled road, putting it on the less traveled alley along he property's south side. The hardship is that the subject property is bound by three different streets, requiring three large setbacks.

We own a home several houses to the west of the property and support the request for a variance.

Respectfully,

Nick Rafferty

Caroline Rafferty

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Development Review - New Business

Agenda Title

Z-18-00125 VARIANCE(S) The application of Lori Jayne Monogramming, Lori Jayne, Inc., PEMS Partnership, Ltd., Applicant, relative to property located at **301 S COUNTY RD**, legal description on file, is described below. 134-1107. Applicant requests variance to operate two retail stores at 301 and 304 S. County Rd. containing 4,622 total square feet under common ownership within the C-TS District and separated by 71.1 feet in lieu of 1,500 feet required. [Applicant's Representative: Tim Hanlon Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated July 31, 2018 from Paul Castro, Acting Director of Planning, Zoning and Building**
- **Comments from Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul W. Castro, Acting Director, Planning, Zoning & Building Department

Subject: **Z-18-00125 VARIANCE(S)**
301 S COUNTY RD

Date: July 31, 2018

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

134-1107. Applicant requests variance to operate two retail stores at 301 and 304 S. County Rd. containing 4,622 total square feet under common ownership within the C-TS District and separated by 71.1 feet in lieu of 1,500 feet required.

ADDRESS: 301 S COUNTY RD

OWNER: PEMS PARTNERSHIP LTD

OWNER'S REPRESENTATIVE: ALLEY MAASS ROGERS AND LINDSAY PA

PROPERTY CONTROL NO.: 50-43-43-23-05-026-0081

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD N 112.5 FT OF LT 8 BLK F

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

Attachment

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

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

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 6/26/18

APPLICATION NO.: Z-18-00125 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 301 S COUNTY RD

DESCRIPTION: 134-1107. Applicant requests variance to operate two retail stores at 301 and 304 S. County Rd. containing 4,622 total square feet under common ownership within the C-TS District and separated by 71.1 feet in lieu of 1,500 feet required.

DEPARTMENT	NAME/TITLE	DATE	COMMENT
BUILDING OFFICIAL	William Bucklew, Building Official	6/22/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	7/30/2018	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	6/22/2018	No fire code concerns with this proposal
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	8/1/2018	I have no comment regarding this project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	6/25/2018	No Comment
PZB DIRECTOR			No Comment
TOWN MANAGER			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	7/24/2018	There appears to be no hardship for the variance from the minimum separation requirement for two businesses when combined exceed 3,000 square feet gross leasable area.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: August 15, 2018

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 15-2018 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Future Land Use Map And Related Data And Analysis Within The Future Land Use Element By Changing The Future Land Use Designation From "Recreation" To "Multi-Family Moderate Density (Maximum 6 Du/Gross Palm Beach Acre)" For A 0.3-Acre Piece Of Private Property (Commonly Know As "Kaplan Park") That Is Located On The Southwest Corner Of The Intersection Of Hammon Avenue And South Ocean Boulevard, Which Has An Address Of 456 South Ocean Boulevard; Providing For Incorporation Of Recitals; Providing For Severability; Providing For Repeal Of Ordinances In Conflict Hereof; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- **Memorandum Dated August 1, 2018 From Paul Castro**
- **Ordinance No. 15-2018**
- **Letter Dated March 1, 2985 from Kaplan**

TOWN OF PALM BEACH

Information for the Local Planning Agency & Town Council Meetings on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Acting Planning, Zoning & Building Director

Re: Proposed Future Land Use Map Amendment Changing Private Property Commonly Known as Kaplan Park From Recreation to Multi-Family Moderate Density (Maximum 6 Dwelling Unit/Palm Beach Acre)
456 South Ocean Boulevard
Ordinance 15-2018

Date: August 1, 2018

STAFF RECOMMENDATION

Staff recommends that the Local Planning Agency recommend approval and that the Town Council approve Ordinance No.15-2018 at first reading. It is anticipated that the second reading will be on November 14, 2018.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its July 17, 2018 meeting, considered and unanimously recommended approval of proposed Comprehensive Plan amendment as outlined herein.

BACKGROUND

The Town's Comprehensive Plan Future Land Use Map designates Kaplan Park as "Recreation," and has so since the Town's original Comprehensive Plan was adopted in 1989. The Comprehensive Plan states that the "Recreation" future land use designation "is intended for low intensity public recreational uses or activities at a scale and intensity necessary to primarily serve the needs of Town persons, and to preserve the natural and scenic resources of the Town. *Only public facilities owned, operated franchised or supervised by a public governmental entity, are given this designation* [emphasis added]." Attached is correspondence, minutes, plans and a survey of the property to provide important background information. Staff believes that Kaplan Park should have never been designated on the Future Land Use Map as "Recreation," because the park never met the definition of "Recreation" as defined in the Comprehensive Plan. The Town did not build the park, and staff has not been able to find any evidence that this area was ever conveyed to the Town or deeded as a park or recreation area to be maintained as such in perpetuity. Furthermore, the Town has never maintained, operated or supervised Kaplan Park. In 1985 Mr. Kaplan offered to build the park

for public use, but keep it private and on the tax rolls. He built the park on his property with the Town's permission, and his successor or assigns have maintained that park since its construction.

The new owner of the entire 456 South Ocean Boulevard site, which includes the old Charlie's Crab restaurant, has filed a zoning application to develop his property with four townhouses and related amenities. The issue is that the current future land use designation for the 456 South Ocean Boulevard site is split and will not allow the entire development of the property as a multi-family project. The majority of the site (Charlie's Crab) has a future land use designation of "Multi-family Moderate Density" (up to 6 du/gross Palm Beach acre), and the approximately 0.3-acre area of Kaplan Park has a future land use designation of "Recreation." A secondary issue is that the zoning for the entire site is "R-C, Medium Density Residential," which is consistent with the future land use designation for the majority of the site, but not the small portion that makes up Kaplan Park. This situation was created many years ago by staff incorrectly placing a "Recreation" future land use designation to a portion the site. To rectify the error, staff proposes to change the future land use designation for the Kaplan Park portion so that the entire site has a future land use designation of "Multi-family Moderate Density." By making this proposed change, the future land use designation will be the same for the entire site, the zoning will be consistent with the future land use designation, and the property owner will be allowed to develop the entire site as a multi-family project (pending ARCOM and Town Council approvals).

CONSISTENCY WITH TOWN COMPREHENSIVE PLAN

It is important to note that State Statutes allow small-scale comprehensive plan amendments such as these, as long as the change maintains internal consistency between elements of the Comprehensive Plan. The Town's level-of-service established for recreation and open space is to have at least 6 acres of such space per 1,000 population (Policy 3.1 in the Recreation/Open Space Element). Given a 2010 U. S. Census population for the Town of 8,161, the Town is required to have at least 48.97 acres of recreation and open space. With the removal of Kaplan Park as a recreation/open space area, the Town will have 110.10 acres of recreation and open space, which far exceeds the required level of service; therefore, the proposed land use change does not create an issue of noncompliance with the Town's Comprehensive Plan.

TOWN ATTORNEY REVIEW

Ordinance No. 15-2018 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
John Lindgren, Planning Administrator

ORDINANCE NO. 15-2018

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP AND RELATED DATA AND ANALYSIS WITHIN THE FUTURE LAND USE ELEMENT BY CHANGING THE FUTURE LAND USE DESIGNATION FROM "RECREATION" TO "MULTI-FAMILY MODERATE DENSITY (MAXIMUM 6 DU/GROSS PALM BEACH ACRE)" FOR A 0.3-ACRE PIECE OF PRIVATE PROPERTY (COMMONLY KNOW AS "KAPLAN PARK") THAT IS LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION OF HAMMON AVENUE AND SOUTH OCEAN BOULEVARD, WHICH HAS AN ADDRESS OF 456 SOUTH OCEAN BOULEVARD; PROVIDING FOR INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT HEREOF; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Town created the Town of Palm Beach Comprehensive Plan with the adoption of Ordinance No. 11-89, and last amended the Comprehensive Plan on August 9, 2017 with the adoption of Ordinance No. 9-17; and

WHEREAS, the Town is amending the future land use map by changing the future land use designation for a 0.3-acre site from "Recreation" to "Multi-Family Moderate Density (Maximum 6 DU/Gross Palm Beach Acre)" that is located on the southwest corner of the intersection of Hammon Avenue and South Ocean Boulevard and known as "Kaplan Park."

WHEREAS, the Town is amending the Data & Analysis in the Recreation/Open Space Element of the Town's Comprehensive Plan by eliminating "Kaplan Park" as a listed park facility, and removing the 0.3 acres from the acreage totals provided for recreation open space within the Town; and,

WHEREAS, after a public hearing pursuant to notice required by law, the Planning and Zoning Commission considered all testimony and recommended modification to the Town's Comprehensive Plan at their July 17, 2018 meeting; and

WHEREAS, after public hearing pursuant to notice required by law, the Town Council, acting as the Local Planning Agency (LPA) at their August 15, 2018 meeting, considered the Planning and Zoning Commission's Record and Report and all evidence and testimony and recommended that the Town Council approve on first reading the subject Ordinance amending the

Town's Comprehensive Plan, and transmit said ordinance to the Florida Department of Economic Opportunity (DEO); and,

WHEREAS, after public hearing on August 15, 2018, pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Comprehensive Plan, be amended as hereinafter set forth, and transmitted to the Florida Department of Economic Opportunity (DEO).

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

Section 1. **Incorporation of Recitals**

The above recitals are incorporated as fully setforth herein.

Section 2. **Amendment of the Comprehensive Plan**

The Future Land Use Map shall be amended by changing the future land use designation for a 0.3-acre site from "Recreation" to "Multi-Family Moderate Density (Maximum 6 DU/Gross Palm Beach Acre)" that is located on the southwest corner of the intersection of Hammon Avenue and South Ocean Boulevard (known as "Kaplan Park"), as noted on "Attachment A."

The Data & Analysis in the Recreation/Open Space Element of the Town's Comprehensive Plan shall be amended by eliminating "Kaplan Park" as a listed park facility, and removing the 0.3 acres from the acreage totals provided for recreation open space within the Town, as noted in "Attachment B" (with added language underlined, and removed language ~~striken~~).

Section 3. **Severability.**

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provisions or applications, and to this end the provisions of this Ordinance are hereby declared severable.

Section 4. **Repeal of Ordinances in Conflict.**

All other ordinances of the Town of Palm Beach, Florida, or parts thereof which conflict with this or any part of this Ordinance are hereby repealed.

Section 5. **Codification.**

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

Section 6. **Effective Date.**

This Ordinance shall take effect thirty-one days after its adoption, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach on first reading this 15th day of August 2018, and for second and final reading on this _____day of_____ 2018.

_____
Gail L. Coniglio, Mayor

_____
Danielle H. Moore, Town Council President

_____
Margaret A. Zeidman, Council President Pro Tem

_____
Julie Araskog, Town Council Member

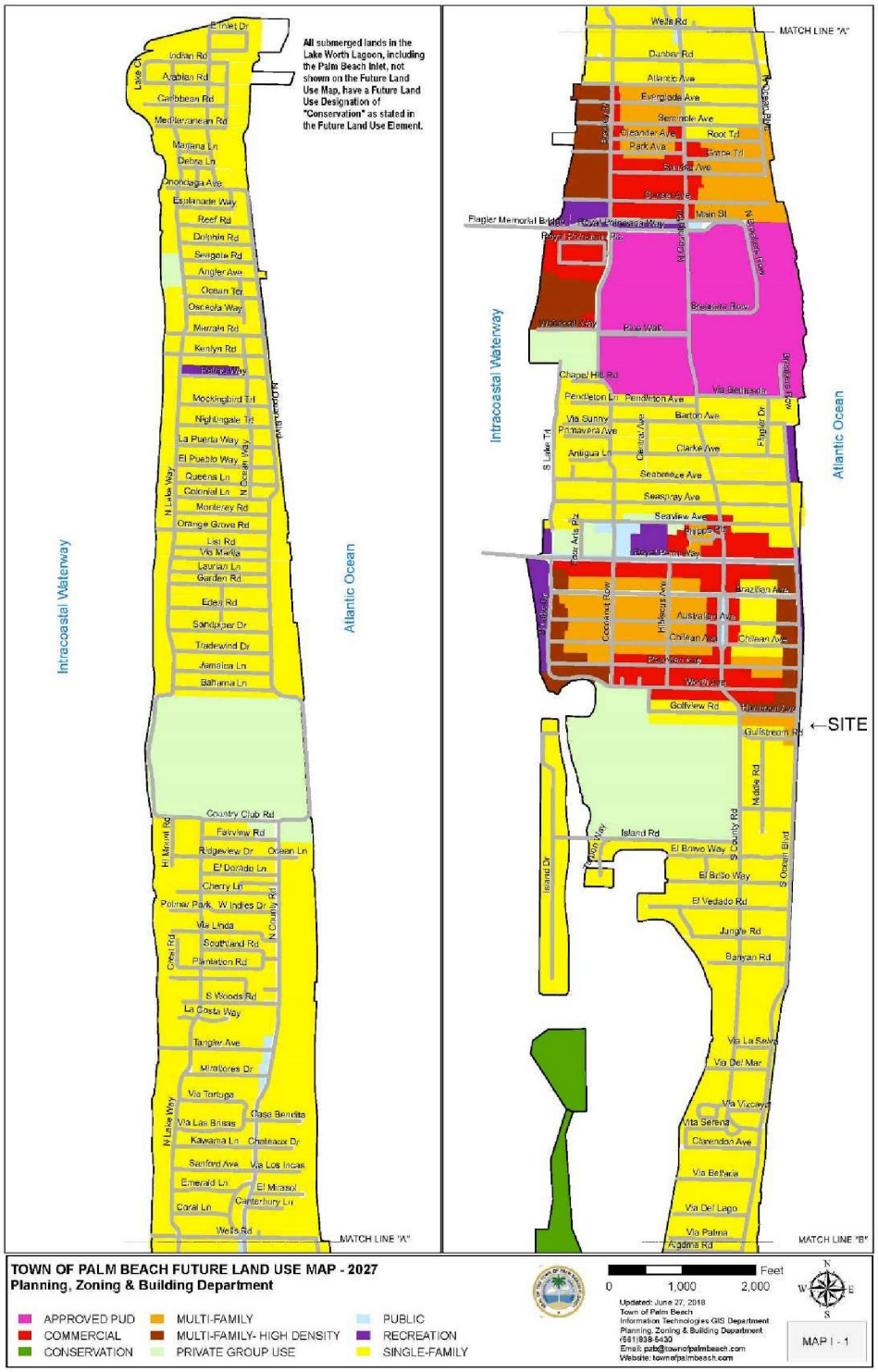
_____
Lewis S.W. Crampton, Town Council Member

ATTEST:

_____
Kathleen Dominguez, Town Clerk

_____
Bobbie Lindsay, Town Council Member

ATTACHMENT "A"



ATTACHMENT "B"

Note: Lake Worth Casino and Beach Complex and Kreusler Park have always be included as part of the Town's Recreation LOS

TABLE VI-2
Town Cultural and School Facilities and Private Parks
Town of Palm Beach

FACILITY	APPROX. ACREAGE
Cultural Facilities	
Flagler Museum	2.80
~~Kaplan Park (Public Access)~~	~~0.30~~
Palm Beach Preservation Foundation – Ambassador Earl T. Smith Memorial Park and Foundation	0.24
Palm Beach Preservation Foundation – Pan's Garden	0.43
Preservation Park (Public Access)	0.24
Royal Poinciana Playhouse	0.30
Society of the Four Arts	3.75
School Facilities	
Palm Beach Elementary School	1.60
Palm Beach Day Academy	1.50
Total Cultural and School Facilities Acreage	**~~11.16~~10.86**
Acreage towards Town Park LOS (50%)	**~~5.58~~5.43**

Note: Cultural Facilities have previously been utilized at 50% to meet the Town's Recreation LOS.

TABLE VI-3
Private Clubs and Facilities
Town of Palm Beach

FACILITY	APPROX. ACREAGE
Mar a Lago	17.51
Bath and Tennis Club	11.69
Palm Beach Country Club	84.01
Breakers	140.00
Everglades Club	91.43

Page VI-4

are adequate to provide both the community and neighborhood recreation needs of Town residents. Consequently, it has been the Town's policy to provide a variety of community-serving facilities and activities along its beachfront, and a limited number and scope of neighborhood parks and facilities.

The Town of Palm Beach has been able to provide sufficient recreation acreage to meet or exceed its recreation standard of six acres per one thousand population for its ~~peak seasonal~~ population through a long and consistent dedication to recreation planning, and the private sector's support through provision of cultural facilities.

EXISTING AND FUTURE RECREATION NEEDS

The development of a cohesive recreation plan for the Town must reflect those factors which affect the optimum size, type and distribution of recreation facilities. Such factors include the size, age and distribution of the existing and future population, and the location and condition of existing facilities, as well as the supporting role which the private sector plays in the recreation network.

The Town's planning standard is six acres of recreation per thousand population. The Town currently has 104.67 acres of park land and open space including the Kreusler Park (Palm Beach County) and Lake Worth Casino and Beach Complex (City of Lake Worth) both of which have always been counted towards the Town's recreation Level of Service (LOS). In addition, the Town has counted 50% of the acreage of the cultural and school facilities within the Town which represents an additional ~~5.58~~5.43 acres resulting in a total of ~~110.25~~110.10 acres of park land and open space. Based on the corrected 2010 U.S. Census population figure for the Town of 8,161 residents, the Town is expected to have a minimum of 48.97 acres of recreation land. Therefore, the Town is exceeding the minimum required LOS for recreation. The Town will continue to meet the LOS for recreation through the year 2027.

Table VI-4
Level of Service for Recreation and Open Space Acreage 2010 - 2025
Town of Palm Beach

Year	Population	Park Acres	Demand	Surplus
2010[1]	8,161	~~110.25~~110.10	48.97	~~+61.28~~61.13
2015[2]	8,227	~~110.25~~110.10	49.36	~~+60.89~~60.74
2020[2]	8,234	~~110.25~~110.10	49.40	~~+60.85~~60.70
2025[2]	8,425	~~110.25~~110.10	50.55	~~+59.70~~59.55

[1] 2010 U.S. Census; [2] Palm Beach County, 2016

As stated in the preceding sections, the Town of Palm Beach is not a typical community. Town residents place great emphasis on private golf courses, clubs, and cultural enrichment. To a significant extent, these activities add to the Town's public recreational facilities by providing for more personalized, service-oriented, recreation. In 2016, the Town conducted an extensive

P.F.

Harold Kaplan
877 SOUTH OCEAN BOULEVARD
PALM BEACH, FLORIDA 33480-4909
TELEPHONE (305) 659-4900

March 1, 1985

Mr Douglas C. Delano, Town Manager
TOWN OF PALM BEACH
Post Office Box 2029
Palm Beach, Florida 33480

Dear Mr. Delano:

In regard to our discussion and conference with Robert Moore, of the Building and Zoning Department, on February 19, 1985, I respectfully request a place on the March 12, 1985 agenda of the Town Council meeting, to formally present to the Council our plans for a park to be located on the corner of Hammon Avenue and South Ocean Boulevard.

Very truly yours,

Harold Kaplan

HK:sj

cc. Mr Robert Moore

'85 MAR 4 AM 11 05
TOWN OF PALM BEACH
BUILDING AND
ZONING DEPT.

Council to take action as the City of West Palm Beach has no right to impose their ordinance on the people in Palm Beach and our Agreement with them does not allow that to happen. They are compelled to supply the water and to maintain adequate pressure to the Town and that is ideally 65 lbs and he knows this morning the pressure was only 41 lbs., so it has cost them money for years to get adequate pressure to their upper floors and he urged the Council to protect them and the interests of the people in Palm Beach and compel the Water Co. to do their job in accordance with the Charter and the Franchise adopted twenty years ago. This Franchise does expire ten years from now and the Town of Palm Beach has the right to purchase the system and he urged them to take some action to protect the future of Palm Beach.

Mr. Burn asked Mr. Ruta to state his qualifications. Mr. Ruta responded he has been in the construction business for 60 years and at one time he owned a water system and has been a member of the Board of Health for 30 years in another state.

Mr. Ilyinsky asked why the La Renaissance being singled out? Mr. Ruta stated he does not know but there are other buildings which have received notice also. Mr. Burn noted a letter has been received from Dunster House on the same problem and asked if the Town Attorney has had an opportunity to research this problem? Mr. Randolph explained the Town has, through its Town Manager and Mr. Burn and other staff members, protested to the City of West Palm Beach the means and methods being used by West Palm Beach in effectuating this back-flow prevention effort and he has attended a meeting where the objections were stated. Mr. Randolph stated the Town is under a franchise with the City of West Palm Beach, obligated to adopt any reasonable rules and regulations for the management and control of the City of West Palm Beach's business, as the City of West Palm Beach may impose. The City of West Palm Beach did adopt this back prevention ordinance but the Town of Palm Beach has not adopted that Ordinance and it is within the purview of the Town to do that. They would argue that however, it is the duty of the Town of Palm Beach to adopt any reasonable rules and regulations that need to be adopted for the operation of the City of West Palm Beach's system, but the question is whether or not this is indeed a reasonable rule and regulation.

Mayor Marix asked if this is for multi-family buildings only or does it apply to all buildings in the Town? Mr. Randolph stated there have been discussions with the City of West Palm Beach and he is not sure that has been decided but he believes their immediate concern is with multi-family buildings. Mr. Burn stated they did start with commercial buildings in West Palm Beach and have now gone to multi-family buildings, but it is their intention that these valves be installed in every dwelling unit, or whomever receives water from the City of West Palm Beach.

Erik Gilbertson then addressed the Council congratulating them on their stand in obtaining the property on an even swap at the end of the Flagler Bridge in West Palm Beach. He also informed the Council of his battle with the County on his property taxes and it is now on the State Supreme Court level and he has ninety days to decide whether or not he should file an appeal to the higher level.

Robert Klausner, of Sarasota, on behalf of a relative living at 333 Sunset Avenue addressed the Council asking for help for a number of tired residents who live across the street from Bradley's Saloon which is open til 3 AM and noise emanates from not only the inside but from people who are leaving in their cars at that time. Mr. Ilyinsky wondered if there was somebody who could address this problem who is a resident in the Town. Mr. Klausner presented a petition from the people who live in the building at 333 Sunset Avenue. He asked the Council to have the Saloon close at midnight, eliminate parking on Sunset after 9 PM so that those people who do come out of Bradley's Saloon at a late hour would not disturb the tenants.

Mr. Burn asked if the Council had the right to force the Saloon to close earlier? Mr. Randolph stated the Ordinance would have to be applied equally to each tavern owner in the Town. Mr. Moore explained this is is the Commercial-Town Serving Ordinance. Mr. Klausner informed the Council it is a residential zone at 333 Sunset. Mr. Randolph explained that adjacent to or within fifty feet, the Ordinance does provide it should close at twelve o'clock within 50' of a residential district. Mr. Burn thought it could be required to close at midnight? Mr. Randolph stated if this is in the category of "Dance Halls, Nightclubs, etc.,"it could be required to close at 12 Midnight. Mr. Burn then moved that the Council require them to close at midnight. Mr. Randolph stated this would not require a Motion.

Carol McGrath representing Bradley's Saloon addressed the Council indicating they are not in violation and they would like to work out this problem in harmony. They discourage use of their patio and have been open for three months. She knows there have been several complaints but when the Police respond, they found them not to be in violation.

Mrs. Israel of 333 Sunset Avenue addressed the Council stating this is not an eating restaurant as they all go there to drink. The noise is horrendous and she didn't think it was fair.

Mr. Ilyinsky asked Mr. Delano to look into this matter. Mr. Ilyinsky asked Mrs. Douthit to look into this on behalf of the Ordinance, Rules & Standards Committee.

Harold Kaplan

(b) Harold Kaplan. Mr. Kaplan addressed the Council offering the Town a piece of property on the oceanfront at Hammond Avenue to be used as a park for the Town. He wishes to install landscaping and will still have it on the tax rolls of the Town and he will maintain it.

Mrs. Earl E. T. Smith of the Garden Club stated they would be happy to help in the planning. Mr. Burn moved that the Town Council accept Mr. Kaplan's generous offer. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Adrian Winterfield asked for Council's permission to address them before the bond issue. Mr. Ilyinsky agreed.

Blossom Estate

VIII. Request of Michael Burrows relative to Blossom Estate.

Mr. Vegosen, attorney for Mr. Burrows, addressed the Council indicating that at the time the Blossom Estate Plat was approved, there were many conditions imposed on the developer by Agreements executed between the developer and the Town. He wishes to ask for relief from just one of those conditions, the one with regards to Lot 7 on the Plat not to utilize Lot 7 for any purpose whatsoever. He asked the Council to consider allowing the use of Lot 7, subject to two conditions:

1. The mangrove area remain inviolate at all times. That was a main concern expressed during the course of the Blossom Estate

ARCOM 74-85 continued - concern as to whether or not there would be enough parking for the project, and again Ms. Hackett stated that the parking matter was for the Town Council to review at their meeting. After much discussion, Mr. Smith moved for conceptual approval of the project as it stands. Mr. Maddock seconded. VOTE 3-1, 3 VOTES in FAVOR, 1 VOTE OPPOSED, with Mr. Caler opposing the parking portion of the project.

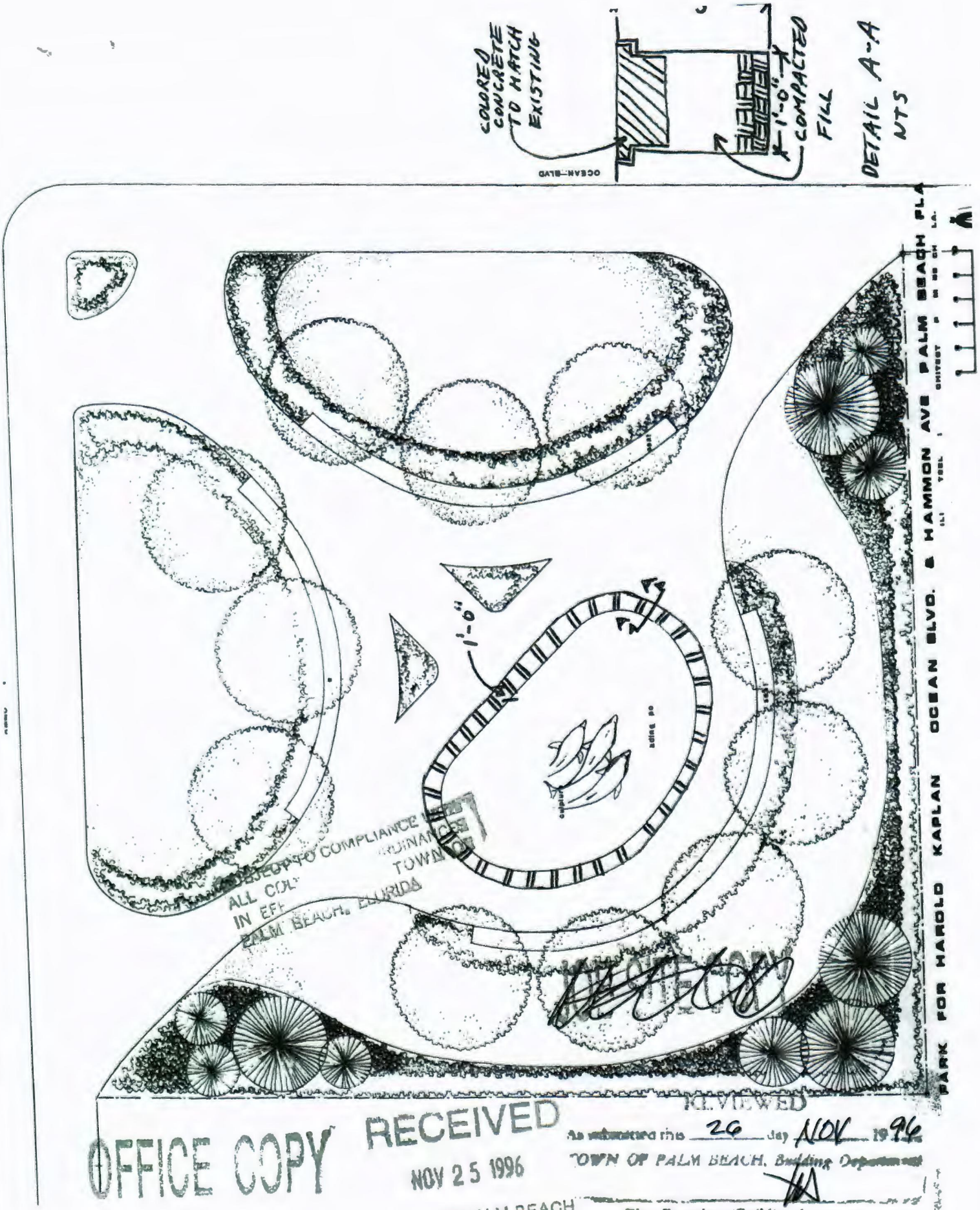
ARCOM 75-85, Colony Hotel Conference Room Addition, 155 Hammon Avenue, Philip Steel, Architect. For addition of a conference room at the northeast portion of the existing Colony Hotel. This will not increase the size of the existing structure at all, it will be on the same footing. All material will match the existing materials. Mr. Hoffman asked if any correspondence had been received; Mr. Zimmerman stated that no written response had been received. Mr. Smith moved for approval. Mr. Maddock seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 76-85, Site Landscaping, Sculpture, and Fountain known as Kaplan Park, South Ocean Blvd. and Hammon Avenue. Philip Steel, Architect. For approval of park just north of Charlie's Crab; this park is to be used by all, but will be owned and maintained by Mr. Kaplan. There will be landscaping on the northeast and southwest sides. All plants are to be salt tolerant, and will be tagged and labeled. The material for the walkway will be a bonite pattern. There will also be two to three dolphin sculptures by Mr. Peter Johnson, a foremost dolphin sculptor. The fountain will be under the dolphins. Mr. Caler moved for approval as submitted. Mr. Smith seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 77-85, Additions to the Piesslinger Residence, 1040 North Lake Way. Hoffman, Schofield, Colgan, Architects. For approval of partial second floor and major interior alterations in accordance with plan. Mr. Zimmerman stated, after being questioned regarding the variance concerning this property, that the variance matter is not relative to this Commission. Mr. Smith moved for approval. Mr. Caler seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 78-85, New Store Front for the Cricket Shop, 408 Hibiscus Avenue. Peacock and Lewis, Architects. Mr. Ed Shehan was present. For approval of new front, material used will be white pickled cypress. Mr. Smith moved for approval as is. Mr. Caler seconded. MOTION CARRIED UNANIMOUSLY.

ARCOM 79-85, Change of Exterior Building Color - Palm Beach Hilton, 2842 South Ocean Blvd. The Evans Group, Architects. Mr. Dudley Strong was present. For approval of proposed color change of building exterior. Proposed color salmon with darker shade of salmon three foot



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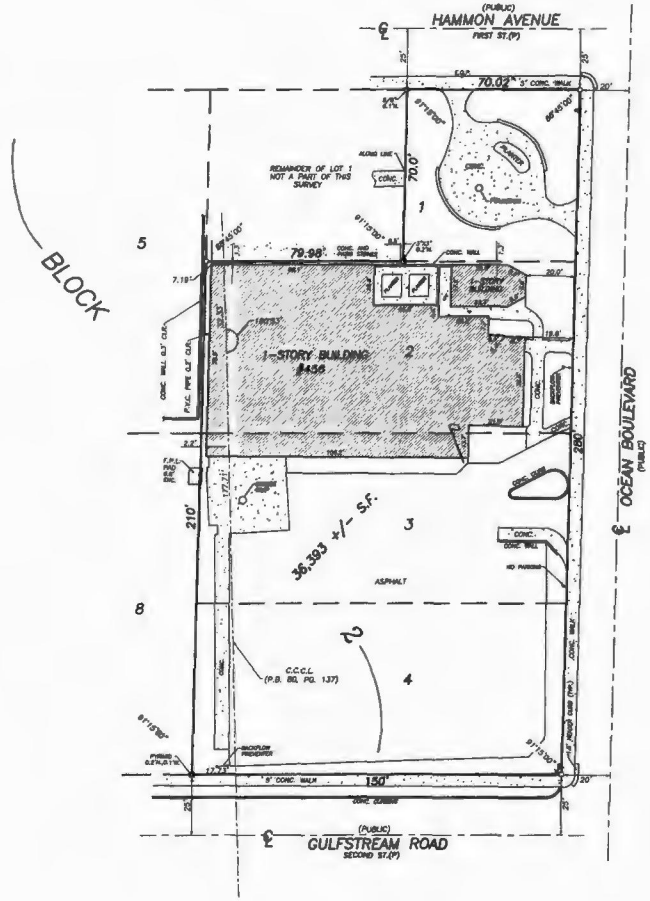
TOWN OF PALM BEACH
BUILDING & ZONING

LEGEND

A = ARC LENGTH
A/C = AIR CONDITIONING
A.E. = ACCESS EASEMENT
A.K.A. = ALSO KNOWN AS
ASPH. = ASPHALT
BLDG. = BUILDING
B.M. = BENCHMARK
B.O.C. = BACK OF CURB
B.O.W. = BACK OF WALK
(C) = CALCULATED
CATV = CABLE ANTENNA TELEVISION
C.B. = CHORD BEARING
C.B.S. = CONCRETE BLOCK STRUCTURE
C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE
CH = CHORD
C.L.F. = CHAIN LINK FENCE
CLR. = CLEAR
C.M.P. = CORRUGATED METAL PIPE
CONC. = CONCRETE
(D) = DESCRIPTION DATUM
D.B. = DEED BOOK
D.E. = DRAINAGE EASEMENT
D.H. = DRILL HOLE
D/W = DRIVEWAY
EL. = ELEVATION
ENC. = ENCROACHMENT
E.O.P = EDGE OF PAVEMENT
E.O.W. = EDGE OF WATER
ESMT = EASEMENT
F.F. = FINISH FLOOR
FND. = FOUND
F.O.C. = FACE OF CURB
I.D. = INSIDE DIAMETER
INV. = INVERT
I.T.W.C.D. = INDIAN TRAIL WATER CONTROL DISTRICT
L.A.E. = LIMITED ACCESS EASEMENT
L.B. = LICENSE BOARD
L.W.D.D. = LAKE WORTH DRAINAGE DISTRICT
(M) = FIELD MEASUREMENT
M.H. = MANHOLE
M.H.W.L. = MEAN HIGH WATER LINE
MIN. = MINIMUM
M.L.W.L. = MEAN LOW WATER LINE
N.V.G.D. = NATIONAL GEODETIC VERTICAL DATUM
N.P.B.C.I.D. = NORTHERN PALM BEACH COUNTY IMPROVEMENT DISTRICT
N.T.S. = NOT TO SCALE
O.A. = OVERALL
O.D. = OUTSIDE DIAMETER
O/H = OVERHEAD UTILITY LINE
O.R.B. = OFFICIAL RECORD BOOK
O/S = OFFSET
(P) = PLAT DATUM
P.B. = PLAT BOOK
P.B.C. = PALM BEACH COUNTY
P.C. = POINT OF CURVATURE
P.C.C. = POINT OF COMPOUND CURVATURE
P.C.P. = PERMANENT CONTROL POINT
PG. = PAGE
P.I. = POINT OF INTERSECTION
P/O = PART OF
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
P.R.C. = POINT OF REVERSE CURVATURE
P.R.M. = PERMANENT REFERENCE MONUMENT
PROP. = PROPOSED
P.T. = POINT OF TANGENCY
PVMT = PAVEMENT
(R) = RADIAL
R = RADIUS
RGE. = RANGE
R.P.B. = ROAD PLAT BOOK
R/W = RIGHT OF WAY
(S) = SURVEY DATUM
S.B. = SETBACK
SEC. = SECTION
S/D = SUBDIVISION
S.F. = SQUARE FEET
S.F.W.M.D. = SOUTH FLORIDA WATER MANAGEMENT DISTRICT
S.I.R.W.C.D. = SOUTH INDIAN RIVER WATER CONTROL DISTRICT
S.R. = STATE ROAD
STA. = STATION
STY. = STORY
S/W = SIDEWALK
T.O.B. = TOP OF BANK
T.O.C. = TOP OF CURB
TWP. = TOWNSHIP
TYP. = TYPICAL
U/C = UNDER CONSTRUCTION
U.E. = UTILITY EASEMENT
U.R. = UNRECORDED
W.C. = WITNESS CORNER
W.M.E. = WATER MANAGEMENT EASEMENT
W.M.M.E. = WATER MANAGEMENT MAINTENANCE EASEMENT
W.M.T. = WATER MANAGEMENT TRACT
= BASELINE
= CENTERLINE
Δ = CENTRAL ANGLE/DELTA
= CONCRETE MONUMENT FOUND (AS NOTED)
= CONCRETE MONUMENT SET (LB #4589)
= ROD & CAP FOUND (AS NOTED)
= #5 ROD & CAP SET (LB #4589)
= IRON PIPE FOUND (AS NOTED)
= IRON ROD FOUND (AS NOTED)
= PARKER-KALON NAIL FOUND
= PARKER-KALON NAIL & DISK FOUND (AS NOTED)
= PARKER-KALON NAIL & DISK SET (LB #4589)
= PROPERTY LINE
= UTILITY POLE
= FIRE HYDRANT
= WATER METER
= WATER VALVE
= LIGHT POLE
= ELECTRIC BOX



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20 0 20 60

Scale 1" = 20 ft

Boundary Survey For:

LANDRY'S SEAFOOD RESTAURANTS, INC.

This survey is made specifically and only for the following parties for the purpose of a closing and design on the surveyed property.

Landry's Seafood Restaurants, Inc.
Charley's Crab

No responsibility or liability is assumed by the undersigned surveyor for any other purpose or to any other party other than stated above.

PROPERTY ADDRESS:

456 S. Ocean Boulevard

Palm Beach, FL. 33480

LEGAL DESCRIPTION:

The East 70 feet of Lot 1 and all of Lots 2, 3 and 4, Block 2, SINGER ADDITION, according to the Plat thereof, on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 2, Page 96.

FLOOD ZONE:

This property is located in Flood Zone C, according to F.I.R.M. (Flood Insurance Rate Map) No. 120228 0003 C, dated September 30, 1982.

NOTES:

1.All information regarding record easements, adjoiners and other documents that might affect the quality of title to tract shown hereon was gained from policy number OC-512311, issued by Lawyers' Title Guaranty Fund, dated May 24,1973. This office has made no search of the Public Records.

2.Elevations shown hereon, if any, are in feet and decimal parts thereof and are based on NGVD-29.

3.Description furnished by client or client's agent.

4.Unless it bears the signature and the original raised seal of a Florida licensed surveyor or mapper this drawing, sketch, plat or map is for informational purposes only and is not valid.

5.This survey cannot be transferred or assigned without the specific written permission of Wallace Surveying Corporation. Certificate of Authorization Number LB4589.

6.Except as shown, underground and overhead improvements are not located.

7.Underground foundations not located.

8.The survey sketch shown hereon does not necessarily contain all of the information obtained or developed by the undersigned surveyor in his field work, office work or research.

9.No responsibility is assumed by this surveyor for the construction of improvements, from building lies shown on this survey.

10.Revisions shown hereon do not represent a "survey update" unless otherwise noted.

REVIEWED
As submitted this date 7-12-02
Town of Palm Beach, Building Department
Building Plans Examiner

OFFICE COPY

SUBJECT TO COMPLIANCE WITH ALL CODES AND ORDINANCES IN EFFECT IN THE TOWN OF PALM BEACH, FLORIDA

RECEIVED
JUL 2 2002

CERTIFICATION:

I HEREBY ATTEST that the survey shown hereon meets the minimum technical standards set forth by the Florida Board of Professional Surveyors and Mappers pursuant to section 472.027, Florida Statutes, and adopted in Chapter 61G17-6, Florida Administrative Code, effective September 1, 1981.

DATE OF LAST FIELD SURVEY: 5/30/2002

Craig L. Wallace
Professional Surveyor and Mapper
Florida Certificate No. 3357

REV: 9/8/03 REVISE NOTE #1, K.S. 03-1165A
REV: 7/15/02 CHANGE NAME M.B.

Boundary Survey For:

LANDRY'S SEAFOOD RESTAURANTS, INC.

WALLACE SURVEYING CORP.

FIELD: F.G.	JOB NO.: 02-1155	F.B.: PB50 PG 2	
OFFICE: M.B.	DATE: 5/30/02	DWG. NO.: 02-1155	
REVD:	REV:	SHEET: 1 OF 1	

on, the green belt be relooked at by the Council, depending on the location of the house. Seconded by Mr. Cummings. Mrs. Peters stated there was a letter of no objection received from the immediate neighbor to the west, Mr. Stephen Davidson, who would be most affected as he would lose his ocean view if a house was built on this lot. On roll call, the motion carried unanimously.

Poinciana Playhouse Lease Agr.

L. Poinciana Playhouse Lease Agreement - Request for Extension - Attorney Phil O'Connell, Jr. addressed the Council asking for an extension of the mid-week matinees. This meant twelve matinees during the Season and this upcoming Season, because of holidays, it would only mean ten. They have instituted a Park and Ride program with the Playhouse expending over twelve thousand dollars in promoting this program. This Season, the Playhouse is challenging its patrons to either use the Park and Ride Program or reconsider their subscription on Wednesday afternoons. They have a commitment in writing from the City of West Palm Beach to provide parking, one from CO-TRAN to provide bus service. They also provide security for the cars. Additional parking for eighty cars for the upcoming season at Temple Israel will be provided. They have also been offered spaces across from Holy Triity in West Palm Beach. He knows there are some tenants in the Plaza who object to this request. He thought a Royal Poinciana Parking Task Force should be formed by the Council to attack the parking problem on a long term basis. Mr. Burn noted there was no agreement with the Town and the Theatre. Mr. O'Connell indicated a representative is here today of the landlord, and they will be willing to abide by the Town's wishes as they have done in the past. Attorney John Vancil, representing Mr. Spiegel, the landlord, stated this was correct.

Chief Terlizzese indicated he does object to the continuation of the matinees and it does create a great amount of parking problems in the Plaza.

Mr. Zev Bufman addressed the Council stating his reasons why the matinees should be continued.

Attorney Doyle Rogers representing his law firm which has an office in the Plaza, urged the Council to not grant the request.

Mr. Ben Kahlenberg and Ina Jean Palmerio asked the Council to continue the matinees. Skip Hampton felt they should not be continued. Arianne Czonka on behalf of the cultural organizations in the Town asked they be continued. Herbert Swope also asked they be continued.

Mr. Cummings thought a workshop should be held on this matter. Mr. Burn did not agree and moved that the Council approve the continuation of Wednesday matinees for next year. Mrs. Douthit seconded the motion. Mr. Ilyinsky suggested that this may be the last time we do this unless the parking matter is resolved. Mr. Burn disagreed and stated the overpowering implication here is the Theatre must be maintained.

On roll call, the motion carried unanimously unanimously for approval.

Kaplan Park

KAPLAN PARK. Architect Phil Steel addressed the Council asking for approval of the plans for the Park at the corner of Hammon Avenue and South Ocean Blvd., which has now been approved by the Architectural Commission. Mr. Burn moved for approval. Seconded by Mrs. Douthit. On roll call, the motion carried unanimously.

Lunch break was taken.

Meeting called back to order.

Committee, Board & Commission Reports

X. COMMITTEE, BOARD AND COMMISSION REPORTS:

A. Public Safety Committee - June 18, 1985. Mr. Cummings commented on the report. Motion was made that the Report be approved. Seconded by Mrs. Douthit. Motion carried unanimously on roll call.

Mr. Cummings asked if a letter could be written to the Port stating the Town is not in accord with their idea of encouraging cruise ships to come to the Port. Mr. Burn felt the Council is not receptive when officials of other jurisdictions make remarks about how the Town of Palm Beach conducts its business and he believed other jurisdictions felt the same way and he was against writing such a letter. Mr. Ilyinsky and Mrs. Douthit felt there would be an impact but they agreed a letter would probably do no good.

Public Safety Committee

A meeting of the Public Safety Committee was called to order by Chairman Alan Cummings at 9:30 AM on 6-18-85 in the Town Hall Council Chambers.

In attendance were the following: Chairman Cummings, Committeeman Widener, Mayor Marix, Councilwoman Douthit, Councilman Burn, Councilman Ilyinsky, Town Mgr. Delano, Bldg. Official Moore, WPCO Supervisor Lutz; Chief Terlizzese, Tom Bradford. Also attendees in the audience were: Chief Elmore, Eliabeth Wells of PBDN and Ted Sloane, Resident.

The Chairman noted the Committee's purpose for meeting this morning was to have an update on the condition and status of both the North Fire Station as well as the New Police Facility. Comments were encourages from both Chiefs relative to their facilities and Thomas Bradford, Administrator in charge of overseeing the construction aspects of both projects. Relative to the New Police Facility, Mr Bradford noted that according to the projected time frame, they are currently on-schedule. Site removal of trees, hedges and asphalt is currently in progress for preparation of actual construction. Chief Terlizzese commented at this point on the temporary elimination of 4 to 5 parking spaces on Australian Avenue due to this factor, but foresses no problems. Mr. Bradford continued with the estimated completion date of this project as scheduled for 6-10-86. Stages of completion will be projected thru Monthly Applications of Payments and as to the 2.4 million budget, no overage is anticipated. He also added that provisions for new furnishings are allocated within the budget as well as usage of Town Hall items so as to produce an over all new look effect for the facility. As to questions raised on the utilization factor of space to be vacated by the Police Departmentupon xomplwrion of this project, Mr. Delano stated that this aspect is currently under Staff team review as established by /Council objective. The current objective is re-assignment of offices on Cocoanut Row so as to eliminate the need for rental space at a very subatantial cost. Provision for the estimated renovation of the existing Town Hall space will be projected as an Item in the Five Year Capital Improvement Program scheduled for submittal and review at the Budget Hearin commencing July 7th. The communications center plan and utilization or disposal of existing equipment were final topics of discussion for this project. Chief Terlizzese noted that some restructuring of plans are necessary since the initial design of the communications center reflects VHF equipment and currently plan to utilize an 800 megahertz equipment so as to insure special features, such as, no interferences or break-ins to the frequency. Only minor adjustments and modifications are required to accommodate structurally. This change will also be reflected in the Bid Specifications of the Communication Equipment Contract before the letting of the bids so as to eliminate the need for a Change

MAYOR YVELYNE de MARCELLUS MARIX

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RICHARD C. BURN, PRES. PRO TEM
GEORGE G. MATTHEWS
ALAN H. CUMMINGS
NANCY S. DOUTHIT

(305) 655-5341

Town of Palm Beach
P.O. Box 2029
Palm Beach, Florida 33480

July 15, 1985

Mr. Philip Steel
The Steel Partnership
102 North County Road
Palm Beach, Florida 33480

Subject: Kaplan Park
Hammon Avenue and South Ocean Boulevard

Dear Mr. Steel:

The Town Council at the regularly scheduled meeting of July 9, 1985 approved the subject matter authorizing construction of the subject park as depicted on your drawings, including landscaping and irrigation system.

This Town Council approval constitutes zoning approval only and does not relieve the owner from obtaining additional Town approvals as may be required such as Architectural Commission, Landmark Commission, and or construction permits.

Sincerely,

David C. Zimmerman

David C. Zimmerman
Deputy Building & Zoning Official
DCZ/wz

cc: pf ✓

Villa Marine
B13

6/21/00 RJD

Re: Kaplan Park (SW corner of South Ocean Blvd. & Hammon Avenue)

xc: Mayor and Town Council
Dusey Please review and if you believe Town actions are needed, please follow-up
Thanks, RJD.
xc: Moore From a comprehensive perspective, pleas discuss with A. Dusey and assist A. Dusey if Town actions are needed. Thanks, RJD.

Pollitt
Bradford
Jakubiak
Lefler

PALM BEACH
CIVIC ASSOCIATION

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The Paramount Building • 139 North County Road, Suite 33 Palm Beach, Florida 33480 (561) 655-0820 Fax (561) 655-1070

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June 19, 2000

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JUN 21 2000
TOWN OF PALM BEACH
MANAGER'S OFFICE

COPY

JUN 2000
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Town of PB
PZB Dept.

Messrs. Barry and David Leiwant
350 South County Road, Suite 203
Palm Beach, Florida 33480-4450

Dear Messrs. Leiwant and Leiwant:

I am writing to suggest what mght be an amiable solution to improving the condition of Kaplan Park at no charge.

Our role in the Civic Association is to be of assistance to the residents and businesses in Palm Beach. In the case of Kaplan Park, we have been unsuccessful in our attempts so far

Would you care to donate Kaplan Park to the Town if it would be maintained in its original pristine (perfect) condition in perpetuity? The savings in taxes and maintenance would be an added plus.

We would be happy to help in pursuing this goal if it strikes a responsive chord. Please let me know how we may assist in this Town beautification project

Very truly yours,

David L. Jones

David L. Jones
Town Beautification Chairman

DLJ/efw
By Certified Mail

cc Joe Ugi, Parks Supervisor/Building & Grounds Manager of the Town of Palm Beach