TOWN OF PALM BEACH

Town Manager's Office

TENTATIVE - SUBJECT TO REVISION

TOWN COUNCIL MEETING

TOWN HALL
COUNCIL CHAMBERS-SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

WEDNESDAY, AUGUST 10, 2011

9:30 AM

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. COMMENTS OF MAYOR GAIL L. CONIGLIO

IV. COMMENTS OF TOWN COUNCIL MEMBERS AND TOWN MANAGER

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

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

VI. APPROVAL OF AGENDA

VII. DEVELOPMENT REVIEWS

A. Appeals

None

B. Time Extensions & Waivers

None

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

a. **SPECIAL EXCEPTION #14-2011 WITH VARIANCES** Page 9
The application of Palm Beach Country Club, Inc.; relative to property commonly known as **760 North Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska] [ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]
Deferred from the June 15, 2011, and July 13, 2011, Town Council Meetings (Special Circumstances).

(*i*) Proposal to Move Stambaugh House to Phipps Ocean Park. Page 10
[John Page, Director of Planning, Zoning, and Building]

b. **VARIANCE #11-2011** The application of David and Sara Hruda; relative to property commonly known as **143 Reef Road**; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat Page 17

thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska]
Deferred from the July 13, 2011, Town Council Meeting.
Request for Withdrawal Per Letter Dated July 21, 2011, from Maura A. Ziska.

2. New Business

a. **SITE PLAN REVIEW #9-2011 WITH SPECIAL EXCEPTION AND VARIANCE** The application of JP Morgan Chase Bank, NA; relative to property commonly known as **285 Sunrise Avenue**; described as lengthy legal description on file; located in the C-TS Zoning District. The applicant is requesting approval of revisions to the approved site plan to meet current Americans with Disabilities Act (ADA) regulatory criteria. These changes include reconfiguration of the landing for the walk-up ATM and main entrance and the pedestrian walkway and ramp adjacent to the handicap parking area on the east side of the building. In addition, the existing drive-up island will be replaced with a wider island, a new ATM machine and new bollards. In order to make the modifications required to provide safer access to the main entrance and ramp, the applicant is requesting a variance to reduce the amount of parking required by the existing site plan by one (1) parking space in the area of the handicap parking on the east side of the building. The special exception is to modify the special exception use to incorporate the requested changes. [Attorney: Noreen S. Dreyer, Esq.]

b. **VARIANCE #12-2011** The application of Alan M. Berman and Laurie Berman; relative to property commonly known as **271 Plantation Road**; described as Lot 22, Plat of EAST SHORE ADDITION, according to the Plat thereof as recorded in Plat Book 21, Page 14, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow a 36KW generator to be placed in the street side yard along North Lake Way with a setback of 15.33 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

c. **VARIANCE #13-2011** The application of Kenneth and Claudia Silverman; relative to property commonly known as **215 Via Del Mar**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant requests variances to allow the replacement of a cooling tower with one that is the same exact size and which will be on top of an existing slab that will total a height of approximately 7 feet. The existing and proposed new cooling tower will have an 8.1 foot rear side yard setback in lieu of the 15 foot minimum setback required and a 7 foot side yard setback in lieu of the 15 foot minimum setback required. [Attorney: Maura A. Ziska]

d. **VARIANCE #14-2011** The application of 1090 North Lake Way, LLC (Glen Dubin); relative to property commonly known as **1090 North Lake Way**; described as Lot C, of Replat of Lots 19, 19, C and D, New Sierars Tract, according to the Plat thereof as recorded in Plat Book 18, Page 37, of the Public Records of Palm Beach County, Florida: together with a non-exclusive easement for access to the Atlantic Ocean as described in Deed Book 713, Page 42, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the replacement of a 4 foot tall cooling tower with a 5.2 foot tall cooling tower which will have an 8.9 foot north side yard setback in lieu of the 12.5 foot minimum setback required.
[Attorney: Maura A. Ziska]

e. **VARIANCE #15-2011** The application of Zachary Shipley and Nicole Lawton (f/k/a Shipley); relative to property commonly known as **1498 North Ocean Way**; described as Lots 15 and 16, inclusive, together with the South 8 feet of the East 35 feet of Lot 19, and the South 8 feet of Lot 20, according to the Plat of BOCA RATONE COMPANY'S INLET SUBDIVISION, an addition to the Town of Palm Beach, in accordance with the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 12, Page 15. The applicant requests variances for an existing garage that was built in 1990 and which encroaches one (1) inch into the side and rear yard setbacks. The existing garage has a 9.9 foot rear yard setback in lieu of the 10 foot minimum setback which was required at the time of building and a 14.9 foot side yard setback in the lieu of the 15 foot minimum required at the time of building.
[Attorney: Maura A. Ziska]

f. **VARIANCE #16-2011** The application of Robert Fromer and Ann Fromer; relative to property commonly known as **340 Polmer Park**; described as Lots 6, 6A and 7, POLMER PARK, according to the Plat thereof, as recorded in Plat Book 27, Page 53 Palm Beach County, Florida, Public Records; located in the R-B Zoning District. The applicant requests a variance to construct a boat lift with a riparian side yard setback of 15.8 feet in lieu of the 25 foot minimum required. [Attorney: Maura A. Ziska]

g. **VARIANCE #17-2011** The application of Mary Brittain B. Cudlip; relative to property commonly known as **555 Island Drive**; described as Lot 35 and the North 75 feet of Lot 37, as shown on PLAT 3 OF EVERGLADES ISLAND DEVELOPMENT, Palm Beach, Florida, according to the Plat thereof, as recorded in Plat Book 23 at Page 120, of the Public Records of Palm Beach County, Florida.; located in the R-B Zoning District. The applicant requests a variance request to construct a boat lift 20.54 feet west of the U.S. Pierhead line and the Town's Bulkhead line in lieu of the 6 foot maximum allowed for a marginal dock.
[Attorney: Maura A. Ziska]

h. **VARIANCE #18-2011** The application of Edmiston & Company; relative to property commonly known as **333 Peruvian Avenue**; described as Lots 41 through 45, inclusive, Block 11, Revised Map of Royal Park Addition to Palm Beach, according to the map thereof as recorded in Plat Book 4, Page 1 of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a variance to permit the operation of a yacht charter and sales office containing approximately 1,237 sq. ft. on the first floor which does not meet the requirements to allow an office use on the first floor in this situation. The proposed use does not meet the special exception uses requirement in Section 134-1109(18) that there are at least 50% existing office uses on all floors in the building or the requirement that there be more than 50% existing office uses on the first floor within 300 feet of the proposed use within the same zoning district.
[Attorney: M. Timothy Hanlon]

i. **VARIANCE #19-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **231-233 Oleander Avenue**; described as DAISY E ERBS ADD

LTS 16 & 17; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]

j. **VARIANCE #20-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **237-239 Oleander Avenue**; described as DAISY E ERBS ADD LTS 14 & 15; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]

k. **SPECIAL EXCEPTION #20-2011 WITH SITE PLAN REVIEW AND VARIANCES** The application of Andrew J. Hall; relative to property commonly known as **300 South Ocean Blvd., PH-A**; described as THREE HUNDRED SOUTH OCEAN BLVD APTS INC PENTHOUSE A; located in the R-D (2) Zoning District. The applicant requests Site Plan Review for a 417 square foot awning on one of the penthouse units (PH-A) facing east. A Special Exception is requested to erect a 30 foot x 13.9 foot awning on the 6th floor of a building where the maximum height allowed is 5 floors. Variances are requested to install said awning with a front yard setback of 41 feet in lieu of a 60 foot required, side yard setback of 25.25 feet in lieu of the 30 foot minimum required and to install an awning on the 6th floor of a building in a district that allows 5-story buildings by Special Exception. [Attorney: Peter S. Broberg]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impact to the subject property. Carried 7-0.]

l. **SPECIAL EXCEPTION #21-2011** The application of Buccan (Piper Quinn) or 350 Realty Corp, (Burt Handelsman); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 4,980 square foot/154 seat restaurant to a 6,333 square foot/177 seat restaurant. The restaurant will follow the applicable conditions of the existing restaurants' approval. The applicant is also requesting to have an additional valet stand and loading area in the current loading zone on Australian Avenue.
[Attorney: Maura A. Ziska]

m. **SPECIAL EXCEPTION #22-2011** The application of RP/SR Royal Palm Way, LLC (Matt Mitchell, GP); relative to property commonly known as **324 Royal Palm Way**; described as_Lots 44 and 45, Block D, Revised Map of ROYAL PARK ADDITION to the Town of Palm Beach, Florida, according to the plat thereof as recorded in Plat Book 4, Page 1 Public Records of Palm Beach County, Florida; located in the C-OPI Zoning District. The applicant requests a special exception to open a new bank office for "US Bank" which would be 4,836 sq. ft. gross leasable area and have an ATM outside on the south side of the building. The Applicant is required to obtain Town Council special exception approval and a finding that the proposed use is town-serving to operate a bank in this location. [Attorney: Maura A. Ziska]

D. Other

None

VIII. ANY OTHER MATTERS

IX. ADJOURNMENT

PLEASE TAKE NOTE:

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

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

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

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

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

- A summary of the actions taken at Town Council meetings can be viewed on the Town's website after 5 p.m. on the Friday following the Town Council meeting.

PROCEDURES FOR PUBLIC PARTICIPATION

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

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

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

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

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

TOWN OF PALM BEACH

Town Council Meeting on: August 10, 2011

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #14-2011 WITH VARIANCES The application of Palm Beach Country Club, Inc.; relative to property commonly known as **760 North Ocean Boulevard**; described as lengthy legal description on file; located in the R-A Zoning District. The applicant is requesting a Special Exception with Site Plan Review modification to demolish the existing caretaker's house on the west side of the Club golf course and build a new caretaker's house in the same proximity. The proposed house will be 5,581 square feet. The following variances are being requested: to allow a front yard setback/building height plane setback for the new caretaker's house to be 19.5 feet in lieu of the 49.5 foot minimum required and to allow an angle of vision to be 136.86 degrees in lieu of the 120 degrees maximum allowed. [Attorney: Maura Ziska]
[ARCOM Recommendation: Implementation of the proposed variances will not cause negative architectural impacts to the subject property. Carried 7-0.]
Defered from the June 15, 2011, and July 13, 2011, Town Council Meetings (Special Circumstances).

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

NONE

TOWN OF PALM BEACH

Town Council Meeting on: August 10, 2011

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

Proposal to Move Stambaugh House to Phipps Ocean Park.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Memorandum dated July 28, 2011, from John Page
- Stambaugh Cottage Information

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 10, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Stambaugh Cottage

Date: July 28, 2011

STAFF RECOMMENDATION

It is recommended that the Town Council give consideration to the possibility of allowing the relocation of the Stambaugh Cottage (presently situated on property at the Palm Beach Country Club) to Phipps Ocean Park.

BOARD OR COMMISSION RECOMMENDATION

In May of this year, the Palm Beach Country Club brought forward an application to ARCOM for 1) demolition of an existing two-story 1,500 sq. ft. house (a/k/a the Stambaugh Cottage at 851 North Lake Way), and 2) replacement of that structure with a new 5,581 sq. ft. two-story home with pool and landscaping. The Commission approved demolition in May, yet architectural approval of the new replacement home was deferred due to concerns regarding size, height, visibility, and landscaping. Those concerns were not completely resolved in June, prompting another deferral. On July 27, ARCOM was presented with revised plans that included changes to the satisfaction of Commissioners, and the project was approved unanimously, together with a recommendation to the Town Council that the requested variances would not be detrimental to the architecture of the new home.

Questions about the history of the Stambaugh cottage emerged when the issue was first presented to ARCOM in May. The home is not landmarked, nor is it "under consideration" for landmarking. Stambaugh family members attended ARCOM meetings and spoke about the significance of the family's early history in Palm Beach. The cottage is one of only a few pioneer homes still in existence. Historic Preservation consultant, Dr. Jane Day, was able to confirm family contributions to the area's early development. Landmarking was not recommended (due in large part to the prior filing of a demolition application), yet her attached report does recognize the home's historical value.

Family members, determined to save the structure, appealed to the County Club for their cooperation. The Club has cooperated with the Stambaughs to date, yet still seeks demolition approval from the Town as part of their development review application now pending before the Town Council on August 10. ARCOM deferrals have provided several months for the family to develop a plan to save the cottage. The family has raised funds for relocating the home (details not completely known) and is promoting its relocation to Phipps Ocean Park.

GENERAL INFORMATION

Phipps Ocean Park is owned by the Town of Palm Beach, meaning that any improvement made therein requires Town approval. In addition, a Special Exception must be granted by the Town Council in order to locate the structure on public property. Technically, the Town is required to approve relocation of the cottage to Phipps Ocean Park before any application for a Special Exception is filed with the Planning, Zoning and Building Department, thus allowing the Town to be a co-applicant.

FUNDING/FISCAL IMPACT

There are a series of financial and/or technical questions that remain unknown at this time:

- Who will pay for relocating the cottage to Phipps Park?
- Is there a viable means for moving the cottage to Phipps Park?
- What permit/agency approvals will be required to move the cottage, and can those permits be secured in timely fashion? What entity will pay for such permits?
- What entity will own the cottage and what insurance or liability costs will be incurred?
- What entity will be responsible for funding and providing needed maintenance?
- What provisions will be made for continued funding of all future expenses?
- Would relocation to Phipps Ocean Park violate any Town Charter provisions?

SPECIAL CONSIDERATIONS

In addition to the financial and technical questions outlined above, there are concerns associated with a physical move that need to be resolved quickly. Assuming the Country Club wishes to move forward with construction of its new home on the site of the existing cottage, it will be required that the cottage be moved, at least temporarily, in quick fashion. Hurricane season, now ongoing, necessitates that the cottage be securely anchored to the earth at any temporary or permanent site.

The Town is now tasked with approving or disapproving plans at the Country Club. That approval is "Special Exception #14-2011 with Variances." If the Town Council is inclined to approve the Special Exception with Variances, as well as cottage relocation to public property, then the Town Council should declare their conceptual approval of the placement of the cottage on the Town's Phipps Ocean Park property subject to ultimate compliance with all legalities, satisfactory resolution of all the funding and technical questions outlined above, and final approval of a Special Exception to be considered by the Town Council at a later date.

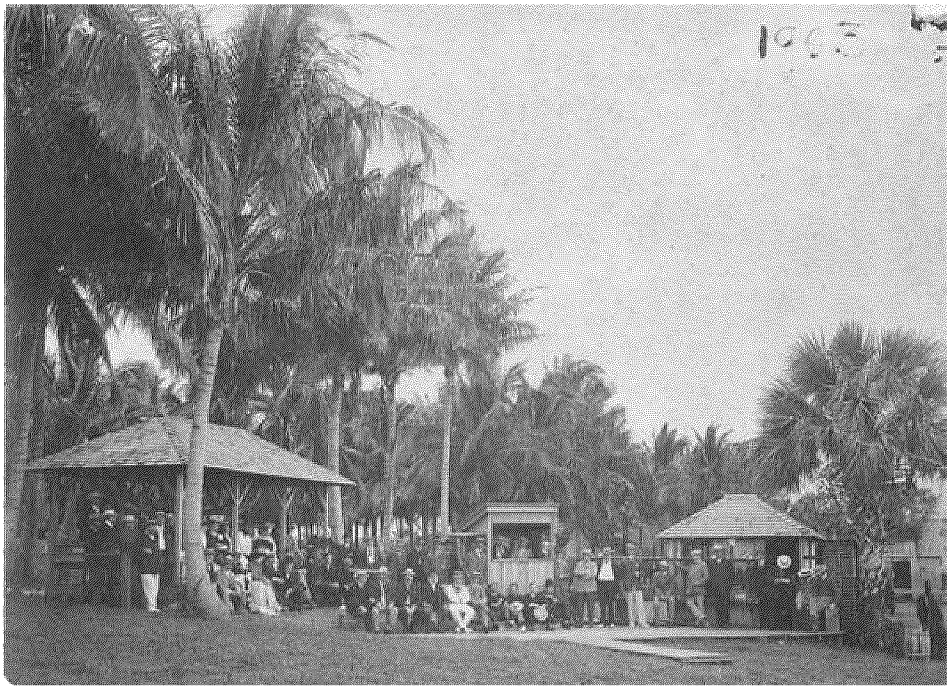
cc: Landmarks Preservation Commissioners
Paul Brazil, Public Works Director
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Dr. Jane Day, Historic Preservation Consultant
Joette Stambaugh Keen
John C. Randolph, Town Attorney

Attachment

PRESERVING
851 NORTH LAKE WAY
The Stambaugh Cottage

Introduction: In April 2011, it was brought to the attention of the Town of Palm Beach Landmarks Commission that the wood frame vernacular residence at 851 North Lake Way was scheduled for demolition so that future improvements could be made on the site by the owner, The Palm Beach Country Club. Because the building has been altered (windows have been replaced, siding was added over original wood shingles, and porches have been enclosed) the Landmarks Commission had taken no previous action to protect the structure and it was not a high priority for local designation. With the impending demolition, however, new information and photographs were brought forward and submitted to the Commission by the Stambaugh family indicating that the house has historical importance related to the Town's pioneer settlement. A review of this new information by Jane S. Day, the Town's Landmarks Consultant, indicates that the house would fulfill criteria for landmarking under Chapter 54 of the Code of Ordinances of the Town of Palm Beach (Historic Preservation Ordinance). Criterion 1 states that it "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town," and Criterion 2 states that it "Is identified with historic personages or with important events in national, state or local history." But, while the recently discovered history of the Stambaugh Cottage at 851 North Lake Way suggests that the building could qualify for local designation, past Town Councils have made it clear to the Landmarks Preservation Commission that no action should be taken if a demolition permit has already been submitted. The review of the submitted demolition application by ARCOM will take place on May 25, 2011.

The History of the Site: The site of the Palm Beach Country Club, where 851 North Lake Way sits, was originally part of the Harlan Page Dye land holdings on the island of Palm Beach. Dye is listed in *Pioneers in Paradise* (Tuckwood and Kleinberg, Longstreet Press, 1994:18) as one of the Lake Worth area's first pioneers who arrived between 1873 and 1886. Dye used his land at the north end of Palm Beach for a variety of purposes. In 1888 he built the sixty-three room Hotel Lake Worth and when that structure burned in 1897, he abandoned the hotel business and brought in a herd of dairy cattle to graze on his land. By 1903, the Florida Gun Club moved north from Henry Flagler's Royal Poinciana Hotel property. Owners of the Florida Gun Club, C.F. White, Charles Boyce and John R. Bradley, bought the property for the Club.

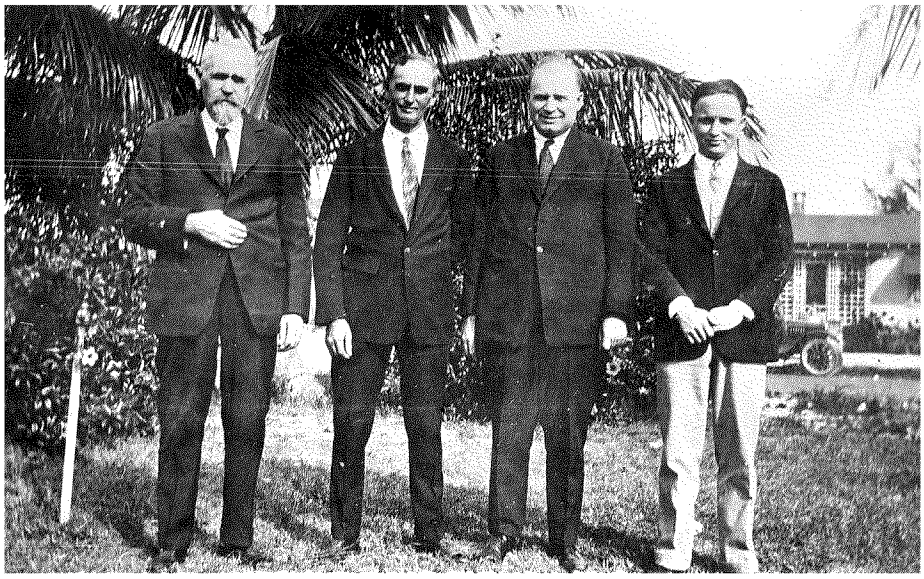


The Florida Gun Club, 1903
Photograph Courtesy of the Historical Society of Palm Beach County

The next piece of the story of the house at 851 North Lake Way, like much of Palm Beach's early history, is unwritten. No one is sure exactly when the Stambaugh Cottage facing Lake Worth was built, but its vernacular wood frame style, constructed without an architect, reflects the skill of local craftsmen and the materials that were available at the time. While the exterior changes that suggested the house was too altered for designation remain, an inspection of the interior confirms that many of the original features (including pine flooring, bead and batten walls and ceilings, and original front and back doors) are intact. What is not certain about the Stambaugh Cottage is either the builder of the house or the construction date. We do know, however, that by March 23, 1911 Orrel Gleason Stambaugh and Mabel Lucinda Chick Stambaugh were living in the cottage when their daughter Lily Pearl Stambaugh was born.

Trying to explain the motivation for emigration from one state to another, particularly from Oklahoma to Florida in the early years of the twentieth century is often difficult. We do know that Orrel and Mable Stambaugh followed her parents Mr. and Mrs William Albert Chick to Florida in 1910. William Chick left Oklahoma to pursue a career in development and hotel management. He

purchased and operated the Alamanda Hotel in what is now Lake Worth and built the Alma Hotel in West Palm Beach. Orrel intended to farm in Delray but the poor quality of the soil led him to Palm Beach before the Town's incorporation in 1911. The Chicks eventually returned to Oklahoma.

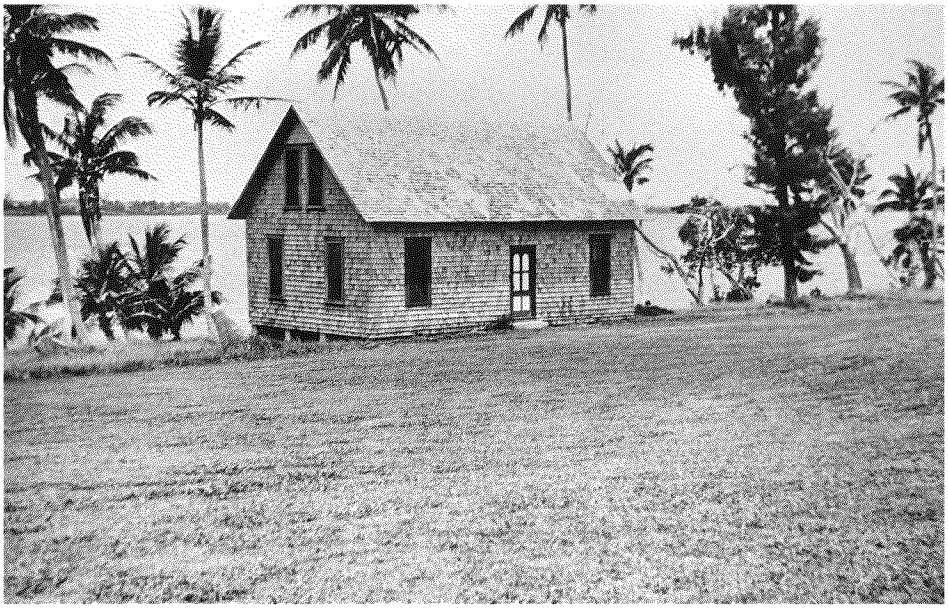


Noah, Orrel, Leroy, and Gleason Stambaugh, date unknown
Courtesy of the Historical Society of Palm Beach County

As plans for farming evaporated, Orrel Stambaugh bought two mules and took up road building. With his young family living in the Stambaugh Cottage with his parents Lily Lamson and Noah Benjamin Stambaugh, Orrel rowed across Lake Worth each week where he camped with his crews and constructed many of the roads in West Palm Beach. He also constructed the Corel Cut in 1910 and the first Royal Park Bridge (the Middle Bridge) in 1911.

Construction of Okeechobee Road @ 1917
Courtesy of the Historical Society of Palm Beach County

Orrel Stambaugh was not the only family member to make an impact on the history of the Town of Palm Beach and Palm Beach County. Orrel's son, Gleason Noah Stambaugh acted as the liaison officer between the Coast Guard and a temporary reserve unit intrusted with guarding the Port of Palm Beach during World War II. Between February and May of 1942, sixteen boats were sunk between Cape Canaveral and Boca Raton by the Germans and the reserve unit worked 24 hour shifts without pay so that every boat that entered the port could be inspected. Later Gleason Stambaugh served as the Chairman of the Port of Palm Beach.



The Stambaugh Cottage looking west across Lake Worth @ 1930
Courtesy of the Historical Society of Palm Beach County

Strategy for Preservation: It is clear from this brief outline of the history of the Stambaugh Cottage and the family who lived in it, that the building could qualify for designation as a local Landmark in the Town of Palm Beach. Few houses of this frame vernacular type from the early years of the twentieth century remain. Only three examples are designated and all of those are on Root Trail. Because the house stands in the way of improvements that the Palm Beach Country Club has already applied for, however, it will have to be moved to be preserved. The Club has generously agreed to donate the house in this effort and has granted access to the structure to representatives from the Landmarks Commission, Town staff, the Stambaugh family, and a professional house mover. But, the donation of the house alone is not enough. A landing spot must be determined and funds raised for the project. Besides a complete restoration and removal of inappropriate alterations, it is also imperative that an adaptive re-use for the Stambaugh Cottage be found. While the tasks ahead may be monumental, one important precedent is clear and worthy of consideration. In 1984, the Preservation Foundation of Palm Beach bought Sea Gull Cottage, Henry Flagler's first home on the island, for $1.00 after it was slated for demolition by the Breaker's Hotel. The Foundation successfully moved the house out of harms way, raised funds for its restoration and had it designated (after the fact) as a Landmark of the Town of Palm Beach. Today the restored and enlarged Sea Gull Cottage serves as a Sunday school and meeting place for the Royal Poinciana Chapel.

TOWN OF PALM BEACH

Town Council Meeting on: August 10, 2011

Section of Agenda

Old Business - < 15 Minutes

Agenda Title

VARIANCE #11-2011 The application of David and Sara Hruda; relative to property commonly known as 143 Reef Road; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska]
Deferred from the July 13, 2011, Town Council Meeting.
Request for Withdrawal Per Letter Dated July 21, 2011, from Maura A. Ziska.

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated July 21, 2011, from Maura A. Ziska

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

Marvin S. Rosen, *Counsel*•

*Also admitted in New York
•Also admitted in Michigan

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

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

VIA FACSIMILE: 561-835-4621

July 21, 2011

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

RE: Variance #11-2011/249/143 Reef Road, Palm Beach

Dear Mayor and Town Council:

Please **withdraw** the above referenced matter from the August 10, 2011 Town Council agenda. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely yours,

Maura A. Ziska

MAZ/mr
cc: Paul Castro
Pat Seagraves

00011412

TOWN OF PALM BEACH

Town Council Meeting on: August 10, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

VARIANCE #14-2011 The application of 1090 North Lake Way, LLC (Glen Dubin); relative to property commonly known as **1090 North Lake Way**; described as Lot C, of Replat of Lots 19, 19, C and D, New Sierars Tract, according to the Plat thereof as recorded in Plat Book 18, Page 37, of the Public Records of Palm Beach County, Florida: together with a non-exclusive easement for access to the Atlantic Ocean as described in Deed Book 713, Page 42, Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests a variance to allow the replacement of a 4 foot tall cooling tower with a 5.2 foot tall cooling tower which will have a 8.9 foot north side yard setback in lieu of the 12.5 foot minimum setback required. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter dated July 25, 2011, from Franklyn deMarco

Franklyn deMarco
1098 North Lake Way
Palm Beach, FL 33480

Via Facsimile: 561-838-5411

July 25, 2011

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

Re: Variance Number 14-2011
1090 North Lake Way, Palm Beach, Florida

Dear Madam Mayor and Town Council members:

I reside at 1098 North Lake Way in Palm Beach. It is my understanding that my neighbors to the south, Mr. & Mrs. Glen Dubin, are in need of replacing an existing air conditioning cooling tower, and that such replacement requires a side yard setback variance. It is further my understanding, based upon the representations of the Dubin's representative, that the new cooling tower will not produce any greater noise than does the current one, that it will comply with the Town's noise standards, and that it will be enclosed with a 6 foot tall CBS wall. Assuming that these representation are correct and are implemented, I have no objections to their plan.

Sincerely,

Franklyn deMarco

cc: Paul Castro (via facsimile: 561-838-5411)
Maura Ziska, Esq. (via facsimile: 561-802-8995)

TOWN OF PALM BEACH

Town Council Meeting on: August 10, 2011

Section of Agenda

New Business - < 15 Minutes

Agenda Title

SPECIAL EXCEPTION #21-2011 The application of Buccan (Piper Quinn) or 350 Realty Corp, (Burt Handelsman); relative to property commonly known as **350 South County Road**; described as Lots 11 through 17, Block 7, of REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH, FLORIDA according to the Plat thereof recorded in Plat Book 4, Page 1, of the Public Records of Palm Beach County, Florida; located in the C-TS Zoning District. The applicant requests a Special Exception to expand a 4,980 square foot/154 seat restaurant to a 6,333 square foot/177 seat restaurant. The restaurant will follow the applicable conditions of the existing restaurants' approval. The applicant is also requesting to have an additional valet stand and loading area in the current loading zone on Australian Avenue. [Attorney: Maura A. Ziska]

Presenter

John Page, Director of Planning, Zoning, and Building

Supporting Documents

- Letter received July 25, 2011, from Annette & Gerald Geddes

Annette & Gerald Geddes
227 Australian Avenue 4E
Palm Beach FL 33480

RECEIVED
JUL 2 5 2011
TOWN

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

Re: Zoning Application Special Exception #21-2011.
Subject Address 350 South County Road (Buccan)

Dear Board Members:

As residents of 227 Australian Avenue (Melbourne House) we would like to protest the addition of a Buccan valet stand to Australian Avenue. If the valet stand is on Australian Avenue, which is a one way street going east, the traffic on that street as well as adjoining streets will be increased. Additionally, there will be an increase of noise from people slamming car doors. With the exception of Buccan, the Sunoco station and a florist, the 200 block of Australian is a quiet residential block.

While the application mentions the applicant's request to have an *additional* valet stand on Australian Avenue, it is hard to believe that the applicant would support *two* valet stands.

South County Road where the existing valet stand is located is a commercial street and the nearby buildings are empty at night.

Additionally, as we are sure the board is aware County Road is a *four lane commercial street* whereas Australian Avenue is a *narrow residential street.* There is the potential for conflict between cars stopping at Buccan's, cars exiting the Sunoco station and cars attempting to enter County Road from Australian Avenue

Sincerely,

Annette Geddes

Gerald Geddes
Gerald Geddes

Owns

WEDNESDAY, AUGUST 10, 2011, TOWN COUNCIL MEETING

"APPROVAL OF AGENDA" INFORMATION SHEET

VIII. DEVELOPMENT REVIEWS

C. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

b. **VARIANCE #11-2011** The application of David and Sara Hruda; relative to property commonly known as **143 Reef Road**; described as Lot 45 of NORTH SHORE ADDITION TO PALM BEACH, according to the Plat thereof as recorded in Plat Book 20, Page 62, of the Public Records of Palm Beach County, Florida; located in the R-B Zoning District. The applicant requests variances to construct a two car garage with a 6.25 foot west side yard setback in lieu of the 12.5 feet required; and, an angle of vision of 112 degrees in lieu of the 100 degrees allowed. [Attorney: Maura A. Ziska]
Deferred from the July 13, 2011, Town Council Meeting.
Request for Withdrawal Per Letter Dated July 21, 2011, from Maura A. Ziska.
Page 2

2. New Business

i. **VARIANCE #19-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **231-233 Oleander Avenue**; described as DAISY E ERBS ADD LTS 16 & 17; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]
Request for Deferral to the September 14, 2011, Town Council Meeting Per Letter Dated August 9, 2011, From Alex Griswold.
Page 5

j. **VARIANCE #20-2011** The application of Oleander Development, LLC, Alexander Hufty Griswold (Managing Partner); relative to property commonly known as **237-239 Oleander Avenue**; described as DAISY E ERBS ADD LTS 14 & 15; located in the R-C Zoning District. The applicant requests a variance to close in and change the fenestration of the front entrance stoop and connected exterior stair case in order to create a front entry and second floor balcony within the existing non-conforming footprint. The request is for a variance to construct an entry feature which would have a 16.33 foot front yard setback in lieu of the 25 foot minimum requirement. [Representative: Alex Hufty Griswold]

Request for Deferral to the September 14, 2011, Town Council Meeting Per Letter Dated August 9, 2011, From Alex Griswold.

Page 6

ARE THERE ANY OTHER CHANGES TO THE AGENDA?

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 10, 2011

To: Mayor and Town Council

Via: Peter B. Elwell, Town Manager

From: John Page, Planning, Zoning & Building Director

Re: Stambaugh Cottage

Date: July 28, 2011

STAFF RECOMMENDATION

It is recommended that the Town Council give consideration to the possibility of allowing the relocation of the Stambaugh Cottage (presently situated on property at the Palm Beach Country Club) to Phipps Ocean Park.

BOARD OR COMMISSION RECOMMENDATION

In May of this year, the Palm Beach Country Club brought forward an application to ARCOM for 1) demolition of an existing two-story 1,500 sq. ft. house (a/k/a the Stambaugh Cottage at 851 North Lake Way), and 2) replacement of that structure with a new 5,581 sq. ft. two-story home with pool and landscaping. The Commission approved demolition in May, yet architectural approval of the new replacement home was deferred due to concerns regarding size, height, visibility, and landscaping. Those concerns were not completely resolved in June, prompting another deferral. On July 27, ARCOM was presented with revised plans that included changes to the satisfaction of Commissioners, and the project was approved unanimously, together with a recommendation to the Town Council that the requested variances would not be detrimental to the architecture of the new home.

Questions about the history of the Stambaugh cottage emerged when the issue was first presented to ARCOM in May. The home is not landmarked, nor is it "under consideration" for landmarking. Stambaugh family members attended ARCOM meetings and spoke about the significance of the family's early history in Palm Beach. The cottage is one of only a few pioneer homes still in existence. Historic Preservation consultant, Dr. Jane Day, was able to confirm family contributions to the area's early development. Landmarking was not recommended (due in large part to the prior filing of a demolition application), yet her attached report does recognize the home's historical value.

Family members, determined to save the structure, appealed to the County Club for their cooperation. The Club has cooperated with the Stambaughs to date, yet still seeks demolition approval from the Town as part of their development review application now pending before the Town Council on August 10. ARCOM deferrals have provided several months for the family to develop a plan to save the cottage. The family has raised funds for relocating the home (details not completely known) and is promoting its relocation to Phipps Ocean Park.

GENERAL INFORMATION

Phipps Ocean Park is owned by the Town of Palm Beach, meaning that any improvement made therein requires Town approval. In addition, a Special Exception must be granted by the Town Council in order to locate the structure on public property. Technically, the Town is required to approve relocation of the cottage to Phipps Ocean Park before any application for a Special Exception is filed with the Planning, Zoning and Building Department, thus allowing the Town to be a co-applicant.

FUNDING/FISCAL IMPACT

There are a series of financial and/or technical questions that remain unknown at this time:

- Who will pay for relocating the cottage to Phipps Park?
- Is there a viable means for moving the cottage to Phipps Park?
- What permit/agency approvals will be required to move the cottage, and can those permits be secured in timely fashion? What entity will pay for such permits?
- What entity will own the cottage and what insurance or liability costs will be incurred?
- What entity will be responsible for funding and providing needed maintenance?
- What provisions will be made for continued funding of all future expenses?
- Would relocation to Phipps Ocean Park violate any Town Charter provisions?

SPECIAL CONSIDERATIONS

In addition to the financial and technical questions outlined above, there are concerns associated with a physical move that need to be resolved quickly. Assuming the Country Club wishes to move forward with construction of its new home on the site of the existing cottage, it will be required that the cottage be moved, at least temporarily, in quick fashion. Hurricane season, now ongoing, necessitates that the cottage be securely anchored to the earth at any temporary or permanent site.

The Town is now tasked with approving or disapproving plans at the Country Club. That approval is "Special Exception #14-2011 with Variances." If the Town Council is inclined to approve the Special Exception with Variances, as well as cottage relocation to public property, then the Town Council should declare their conceptual approval of the placement of the cottage on the Town's Phipps Ocean Park property subject to ultimate compliance with all legalities, satisfactory resolution of all the funding and technical questions outlined above, and final approval of a Special Exception to be considered by the Town Council at a later date.

cc: Landmarks Preservation Commissioners
Paul Brazil, Public Works Director
John Lindgren, Planning Administrator
Paul Castro, Zoning Administrator
Dr. Jane Day, Historic Preservation Consultant
Joette Stambaugh Keen
John C. Randolph, Town Attorney

Attachment

August 9, 2011

RE: VAR 19-2011 231-233 OLEANDER AVENUE

MAYOR & TOWN COUNCIL,

I am writing to ask for a deferral for Variance 19-2011 from the August 10, 2011 Town Council Meeting until the September 14, 2011 meeting. The front yard setback calculation was incorrect. The existing structure is 15.2 feet from the road not the 16.33 feet as requested in the variance application. Thank you for your understanding.

Sincerely,

Alex Griswold

RECEIVED
AUG - 9 2011
TOWN OF PALM BEACH
PZB DEPT

BECKER & POLIAKOFF

Emerald Lake Corporate Park
3111 Stirling Road
Fort Lauderdale, Florida 33312-6525
Phone: (954) 987-7550 Fax: (954) 985-4176

Mailing Address:
P.O. Box 9057
Ft. Lauderdale, FL 33310-9057

ADMINISTRATIVE OFFICE
3111 STIRLING ROAD
FORT LAUDERDALE, FL 33312
954.987.7550

WWW.BECKER-POLIAKOFF.COM
BP@BECKER-POLIAKOFF.COM

August 8, 2011

Reply To:
LetterheadOffice
Neil M. Schiller, Esq.
Direct dial: (954) 985-4117
NSchiller@becker-poliakoff.com

Honorable Gail Coniglio
Mayor
Town of Palm Beach
360 S. County Road
Palm Beach, Florida 33480

RE: Special Exception #21-2011 – 350 South County Road

Dear Mayor Coniglio:

Please be advised that the law firm of Becker & Poliakoff, represents The Melbourne House condominium association located at 227 Australian Avenue.

We have reviewed the above referenced application and have concerns with the proposed valet stand on Australian Avenue. We believe that an additional valet stand on this residential street, would increase traffic congestion and noise pollution, which would negatively impact our quality of life.

Buccan is fine establishment and one that many of our residents frequent and patronize. We would like to support Buccan's expansion, however with the inclusion of the valet stand on Australian Avenue and its potential to degrade our quality of life, we cannot. We understand that the Applicant intends to withdraw it's request for the additional valet stand on Australian Avenue at the August 10, 2011, Town Council meeting. Should this occur, we'd happily withdraw our objection to the application.

Very truly yours,

Neil M. Schiller

cc: Paul Castro – Town of Palm Beach
John S. Page – Town of Palm Beach
Maura Ziska, Esq. – Counsel for Applicant

ACTIVE: 3450990_1

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LEGAL AND BUSINESS STRATEGISTS
MEMBER OF LEGUS, NATIONAL AND INTERNATIONAL LAW FIRM NETWORK

PALM BEACH CHAMBER OF COMMERCE, INC.
400 Royal Palm Way • Suite 106 • Palm Beach, FL 33480
www.palmbeachchamber.com

☎561.655.3282 🖷561.655.7191

August 8, 2011 via fax: 838.5411

Denise Bober
The Breakers Palm Beach
President
Kevin Lamb
Gunster
Vice-President
Michael R. McCarty
Michael R. McCarty's
Vice-President
Richard Rampell
Rampell & Rampell
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Surovek Galleries
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Historian

Laurel Baker
Executive Director
Secretary

Penny Spano
Membership Services

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

RE: Variance # 18-2011

Dear Mayor & Town Council:

The request by Edmiston & Company to establish a yacht charter and sales office at 333 Peruvian Avenue should be granted approval. The surrounding retail establishments, including, but not limited to restaurants, art galleries, home accessories and clothing, will not be adversely impacted by their presence, nor would the integrity of the street itself be compromised by their presence.

A yacht charter and sales office was recently granted approval to occupy space at 150 Worth. It would not appear to conflict with the rationale provided for their move to a retail space. Both companies are providing goods and services to high net worth individuals that have established themselves as residents of the Town of Palm Beach.

Sincerely,

Laurel

Laurel Baker

cc: M. T. Hanlon

Page (1 of 2)

Special Exception #21-2011

August 8, 2011

FAX # 561-835-4621

ATTENTION: Paul Castro AICP and Others
Zoning Administrator

RECEIVED
AUG 08 2011
TOWN OF PALM BEACH
PZB DEPT

FROM: J E Heron
232 Australian Avenue
Palm Beach FL 33480

My family and I were quite surprised to receive your notice concerning parking and loading on the 200 block of Australian Avenue. It would appear that in the last years these types of changes are brought up in the off season when we are on Nantucket.

By copy of this letter, be aware that we are against any and all zoning changes on the 200 block of Australian Avenue with particular disapproval of the Special Exception 21-2011. The main reason for this strong position is that this exception does not in any way add to the general welfare, safety or security of the residents of Australian Avenue; along with having to live with your office cutting off the section of Australian that ran in front of the old fire station doors (This should have at least been made public parking rather than a water stealing lawn). This exception will cause injury to the value of adjoining properties and will reduce the residential atmosphere of the surrounding homes. These are homes on this side of Australian, where several of the owners have lived for years.

We are now calling for an actual review of the town serving aspects of this current Special Exception #21-2011 and the methods used to make this determination. With more than five restaurants within 2 blocks of this restaurant (two of which are indefinitely "closed"), it is hard to believe the grant of yet another Special Exception to this property is town serving. And, at a minimum, we could see the parking spaces of at least 10 more vehicles needed each evening. We further request a review of the parking after 6:00 PM in the evening during the Season . With this note, we also request that the times for permit parking be increased from 9AM to 1 AM instead of 6 PM, as the current practice for the many evening workers from other restaurant businesses in the neighborhood move their automobiles to the permit parking areas after 6 PM.

We further bring to your attention, the escalation of "Special Exceptions" filed by each successive new occupant of the 350 South County Road space, currently known as "Buccan", and granted by the town that in no way were "town serving" grantings. As residents of 232 Australian Avenue for the last twenty four (24) years, we have witnessed the Bustani Grocery Store serving the area during the day light hours, converted to several succeeding restaurants ... and with each new venture, a change and expansion of the property's original use with the approval of the Town..

We also wish to remind you that the Brazilian Court Hotel – with its own parking lot – received many "special consideration" in the variances granted over the years...yet,

To Paul Casper
Re: Special Exception # 21-2011

valets of Brazilian Court Hotel also park clients' cars on the surrounding streets including the 200 block of Australian day and night. This establishment is joined by the Chesterfield Hotel – without its own parking lot, as I understand – parking its guests' vehicles on the same surrounding blocks day and night

Enough is enough.

Thank you for your consideration in this important matter.

Regards,

J. E. Heron

Poonsri Pierce
222 Australian Avenue
Palm Beach, FL 33480
Tel. (561) 655-2288
e-mail: richard_poonpierce@msn.com

August 03, 2011

To cc: Hon. Gail L. Coniglio
Mayor

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

TOWN OF PALM BEACH
AUG 05 2011
Town Manager's Office

Re: Objection to:
Zoning Application, Special Exception # 21-2011
Town Council hearing on August 10, 2011
Request by 350 Realty Corp. (Burt Handelsman)

(a) to expand the existing restaurant "Buccan" at 350 South County Road (corner of South County Road and Australian Avenue) from 4,980 square foot to 6,333 (increase by 27%) and from 154 seats to 177 seats (increase by 15%) and
(b) to have an additional valet stand and loading area in the current loading zone on Australian Avenue (at the corner of South County Road)

Dear Mr. Page:

Introduction:
As property owner of 222 Australian Ave., and an affected person, I received a copy of the above mentioned application.
I object to the plans strongly and ask the Town Council to deny the approval of the application, since there is no need for such expansion at the expense of the residents on the 200 Block of Australian Ave. Denying the expansion is no hardship for the restaurant owners or Mr. Handelsman, since they accepted the current Town's term of operating the restaurant about a year ago, and they couldn't rely on getting an expansion approved by the Town. Obviously, the restaurant is already currently very profitable.

All properties on the 200 Block of Australian Ave., except the corner parcel where "Buccan" is located, are solely residential. My property is located at the south side of the 200 Block and within 300 feet of the new restaurant "Buccan", at the south-west corner of South County Road and Australian Avenue. My property consists of a total of 7 apartments, 6 rental apartments and my own apartment. My property is family owned and operated for more than 35 years. There are several other rental apartment buildings on the south side of the 200 Block, besides the condominium building of Melbourne on the north side.

Objections to the Zoning Application:

1. Street Parking for residents, their guests and visitors on the 200 Block of Australian Ave. is substantially impaired.

Even though, Street Parking is partially restricted for the benefit of residents, since the opening of "Buccan", in December 2010, Street Parking on evenings became almost every day of the week unavailable for residents, their guests and visitors, due to use by guests and even employees of the restaurant "Buccan" (eastern edge of the 200 Block), and in addition, guests of the restaurant "Boulud" use at the same time the western part of the 200 Block. The 200 Block of Australian Ave is "sandwiched" between these two very well received restaurants.

If the major expansion of the restaurant is granted (from 154 to 177 seats total), the parking situation on the 200 Block would even worsen and would become unbearable by any means, worst than what we already experience after Buccan's opening. Every day, the few Street Parking spaces available from the half-way point to the east end of the 200 Block are partially utilized, beginning at around 3:00 p.m., by employees of "Buccan" (in violation to Town Council's conditional approval) and/or guests of the "Buccan", who prefer not to use the Valet Parking (available in front of the restaurant on South County Road).
As a result, visitors and guests for any of my tenants and myself can not find any Street Parking on the 200 Block or nearby. Furthermore, Street Parking spaces on the western part of the 200 Block are filled at same times by guests of the restaurant "Boulud", who prefer not to use existing valet parking. In the morning hours, almost all Street Parking spaces are again "open". A very frustrating situation for my tenants, guests and myself. When I inquired with the Town, whether my guests can use the Town's parking lot opposite of my property on the 200 Block after 6:00 p.m., which is usually almost empty each day after 6:00 p.m., I was denied.

Furthermore, because evening Street Parking for my tenants, guests and visitors became most of the time unavailable due to "Buccan" and its guests and employees, I am loosing potential tenants for my rental apartment units, and this in turn causes substantial economic injury to the value of my property.

My suggestion: Either deny the expansion request or let neighboring residents on the 200 Block and their guests use the Town's parking lot during evening hours, west of the Gas Station and/or restrict the use of the existing Street Parking spaces tighter for the sole benefit of residents, their guests and visitors (with appropriate Town enforcement).

2. Additional Valet Parking operation on Australian Ave. at the S/W corner of South County Road.

That request should also be denied, since it most likely will create unnecessary traffic congestion on the 200 Block of Australian Ave.

a. Australian Ave is just a one way, relatively narrow street, with only some Street Parking spots available on both side of the street. If allowed, it would create a bottle neck at the corner of the 200 Block of Australian Avenue and South County Road and would most likely create traffic congestion, if several guest vehicles would drive up on Australian Ave at the same time. To take away already scarce Street Parking spaces on Australian Ave. is no option.
b. In addition, traffic pulling in from or pulling out of the Gas Station into Australian Avenue would also be negatively affected, colliding with the proposed valet parking operation.
c. The traffic flow of guests for "Buccan" would be increasingly more directed through the 200 Block of Australian Avenue. This in turn would encourage more guests of "Buccan" to use Street Parking on Australian Ave., if guests of "Buccan" pass empty parking spots on their way towards the newly proposed valet parking operation.

My suggestion:
"Buccan" should expand the current Valet Parking Operation on South County Road more towards Chilean Ave. South County Road is at that point two traffic lanes wide, and there are two lanes of street parking (one at each side). No additional traffic congestion should be expected, if this idea is followed.

3. General Traffic and Town Serving

The applicant states "Buccan is town-serving and is a tremendous success to the Palm Beach Community". "Buccan" doesn't advertise much, if at all, locally, and there is no need to do it. Since its opening, "Buccan" got consistently excellent reviews in The Palm Beach Post at several occasions in the paper's Wednesday section "Food and Dining", and in the paper's Friday section "TGIF". A lot of out-of-towners throughout Palm Beach County are attracted by the coverage in the Post to experience the ambience, excellent food and reasonable prices of "Buccan". In this regard, the operation might not fall under the Town's revised provisions of "Town Serving". I congratulate "Buccan", its owners und Mr. Handelsman for their success. I don't have anything against their success! But there is no need for an expansion as introduced by Mr. Handelsman at the expense of residents on the 200 Block of Australian Ave. The impact of Applicant's plans, if approved, on residents of the 200 Block of Australian Avenue was not even considered by Mr. Handelsman's attorney!

Fazit:
The Town Council should not approve the Special Exception as presented, since it will severely affect negatively the residents of the 200 Block of Australian Ave., as outlined. Street Parking is crucial for the 200 Block for the benefit of the guests of the residents (in regard to the owner occupied apartments and rental apartments in several residential buildings on the 200 Block), in economic sense and otherwise.

If, for any reason, the Town Council is leaning towards an approval of the Application, I urge every member of the Town Council to study the substantial negative impact for residents of the 200 Block further. Many residents, who are equally affected as I am, are on vacation and can't be heard in time. For that reason, I ask the Town Council in that case, to defer the decision until the regular Town Council meeting in October, to give any affected resident the opportunity to respond. There is no urgency for the restaurant or

harm done to the restaurant to get the decision right away. The restaurant is profitable one way or the other. And a build-out of the additional requested space can still be done before the Season starts.

Finally, I addressed only the most obvious problems.
- The odor impact for the 200 Block is high and will certainly increase, if the Application is approved. Especially when the wind comes from the East, and most of the time, the wind blows from the East.
- Also, the expected increased food delivery is a problem. Already now, we see huge tractor-trailers on Australian Ave. at the corner of South County Road, and the impact on traffic flow.

I never asked anything from the Town Council during the 35 years I live in Palm Beach. But I feel in this case I have to speak up and ask the Town Council respectfully to weigh my concerns. On the other hand, denying the expansion is no hardship for the restaurant owners or Mr. Handelsman, since they accepted the current Town's terms for operating the restaurant about a year ago, and they couldn't rely on getting an expansion approved by the Town at the expense of residents on the 200 Block of Australian Avenue.

The expansion plans of "Buccan" are one matter.
But, already now, regarding the Street Parking issue of the 200 Block and "Buccan", the residents of the 200 Block are already today very much, day by day, harmfully impacted. In this regard, I urge the Town, to please come up with a solution to avoid the negative impact "Bucaan" has currently on us, as long time residents of Palm Beach.

Thank you very much for your consideration!

Sincerely Yours,

Poonsri Pierce

cc: Major and Council
Hon. Gail L. Coniglio, Mayor
David A. Rosow, President
Robert N. Wildrick, President Pro Tem
William J. Diamond
Richard M. Kleid
Michael J. Pucillo

Town Staff
Paul Castro, AICP
Zoning Administrator

GENERAL
STORE