



TOWN OF PALM BEACH

PLANNING, ZONING, & BUILDING DEPARTMENT

TOWN COUNCIL MEETING DEVELOPMENT REVIEW

TOWN HALL
COUNCIL CHAMBERS - SECOND FLOOR
360 SOUTH COUNTY ROAD

AGENDA

APRIL 10, 2019

9:45 AM

Welcome

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

I. CALL TO ORDER AND ROLL CALL

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

II. INVOCATION AND PLEDGE OF ALLEGIANCE

III. PRESENTATIONS

- A. An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida

Page 10

Josh Martin, Director of Planning, Zoning & Building

IV. COMMENTS OF MAYOR GAIL L. CONIGLIO

V. COMMENTS OF TOWN COUNCIL MEMBERS AND DIRECTOR OF PLANNING, ZONING AND BUILDING

VI. COMMUNICATIONS FROM CITIZENS - 3 MINUTE LIMIT PLEASE

VII. APPROVAL OF AGENDA

VIII. PUBLIC HEARINGS

- A. RESOLUTION NO. 27-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 911 North Ocean Boulevard, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Page 63

- B. RESOLUTION NO. 28-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 124 Clarke Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Page 91

IX. DEVELOPMENT REVIEWS

A. Time Extensions and Waivers

Page
119

1. Permit Extension, 232 Colonial Lane

B. Variances, Special Exceptions, and Site Plan Reviews

1. Old Business

- a. **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

Page
133

Esq] ***If approved, consideration of proposed Declaration of Use Agreement.***

- b. **Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at **241 SEAVIEW AVE SUITE: SITE**, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks 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 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.] **Request for Deferral to the May 15, 2019 Town Council Meeting per Letter Dated March 28, 2019 from Maura Ziska.**

2. New Business

- a. **Z-19-00174 VARIANCE(S)** Zoning District R-C Medium Density Residential The application of Zachary Potter, Applicant, relative to property located at **254 N COUNTY RD**, legal description on file, is described below. Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required. [Applicant's Representative: Maura Ziska Esq] Page 157
- b. **Z-19-00175 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of Michael and Gayle Kalisman, Applicant, relative to property located at **146 DUNBAR RD**, legal description on file, is described below. Request for a variance to allow the construction of a 324 square foot canvas carport/awning with a west side yard setback of 2.0 feet in lieu of the 12.5 feet minimum required. [Applicant's Representative: Maura Ziska Esq] Page 160
- c. **Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: C-TS Town-Serving Commercial The application of La Goulue Palm Beach, LLC (Craig Pogson, Its Manager), Applicant, relative to property located at **288 S COUNTY RD**, legal description on file, is described below. This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in Page 163

October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday. This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast facade of the building. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission approved the project as presented. Motion carried 5-2]

- d. **Z-19-00177 VARIANCE(S)** Zoning District R-B Low Density Residential The application of Oliver H. (Piper) Quinn, Applicant, relative to property located at **165 SEASPRAY AVE**, legal description on file, is described below. Request for a variance to allow construction of a new two-story house with a one car garage in lieu of the two-car garage minimum required for a lot over 75 feet wide. [Applicant's Representative: Maura Ziska Esq] Page
168

- e. **Z-19-00178 VARIANCE(S)** Zoning District R-C Medium Density Residential The application of 237 Brazilian Ave LLC (Todd Glaser, Manager), Applicant, relative to property located at **237 BRAZILIAN AVE SUITE: SITE**, legal description on file, is described below. A request to allow construction of a new two story, two family residence (5.852 square foot each) with the following side yard setbacks: 1) A request for a variance to allow a west side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence; and 2) A request for a variance to allow an east side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence. [Applicant's Representative: Maura Ziska Esq] Page
171

- f. **Z-19-00179 VARIANCE(S)** Zoning District R-B Low Density Residential The application of 111 Atlantic Avenue LLC (Todd Glaser, Manager), relative to property located at **111 ATLANTIC AVE**, legal description on file, is described below. A variance request to allow construction of a new 7,272 square feet two (2) story, single-family residence with an 11 foot rear yard setback for the second floor in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq] Page
175

- g. **Z-19-00180 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District R-A Estate Residential The application of 910 S Ocean LLC (Tom Campbell), Applicant), relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Request Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.]

- h. **Z-19-00181 SPECIAL EXCEPTION WITH SITE PLAN REVIEW** Zoning District: R-B Low Density Residential The application of Royal Poinciana Chapel, relative to property located at **60 COCOANUT ROW SUITE: CHAPEL**, legal description on file, is described below. The Royal Poinciana Chapel is requesting that the existing columbarium building be expanded to include a 320 square foot open-air masonry addition on the north side of the existing open-air columbarium building located on the southwest side of the property. Floor and beam elevations, masonry construction, finishes, building height, flat roof and pitch roof will match the existing. In addition, the request also includes an emergency 200 kw generator with built enclosure and is proposed to be located on the rear (south) side of the existing columbarium building in the existing equipment area if required in determining the existing loads. Perimeter site walls will be added to screen equipment pursuant to code. The existing landscape and hardscape will be modified surrounding the addition, relocating existing plant material and adding a connecting walk and contemplative seating areas. [Applicant's Representative: John Cater Randolph II Esq]

Page 185

- i. **Z-19-00182 VARIANCE(S)** Zoning District R-A Estate Residential The application of Victor Spilotro, Applicant, relative to property located at **200 VIA BELLARIA**, legal description on

Page 189

file, is described below. Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units within the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air conditioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foot minimum required for the placement of five air conditioning units. 2. A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's property for screening. [Applicant's Representative: Maura Ziska Esq]

- j. **Z-19-00183 VARIANCE(S)** Zoning District: R-B Low Density Residential The application of JRL 360 LLC (James R. Loewenberg, Manager), Applicant, relative to property located at **217 VIA TORTUGA**, legal description on file, is described below. Applicant is proposing to construct a 261 square foot second story addition over the existing first floor to accommodate an additional bedroom and will require a variance to allow a cubic content ratio ("CCR") of 4.7 in lieu of the 4.54 existing and the 3.9 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq] Page 193

- k. **Z-19-00184 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)** Zoning District: CT-S Commercial Town Serving The application of NED 223 SUNSET OWNER LLC, relative to property located at **223 SUNSET AVE SUITE: SITE**, legal description on file, is described below. The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Site Plan Review approval is being requested for the exterior changes to the site. Special exceptions are being requested for on-site shared parking in the C-TS district and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. A variance to allow 7,207 SF of office space on the first floor in lieu of the second floor and a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a Page 196

variance of 5 off-street parking spaces. [Applicant's Representative: James M. Crowley Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with conditions relating to the architecture, with the exception of the design of the tower element, which will return to the Commission's April 24, 2019 meeting. Carried 7-0.]

3. Other

- a. Expired Permits
70 Middle Road

Page 202

X. ORDINANCES

A. Second Reading

- 1. ORDINANCE NO. 12-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan By Adding Subsection (D); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Page 217
- 2. ORDINANCE 14-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, By Adding Section 54-99, Construction Screening Plan; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date. Page 221

A. First Reading

- 1. ORDINANCE NO. 10-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134 Zoning, At Article Viii, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date. Page 225
- 2. ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Page 231

The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article Ii, Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

XI. ANY OTHER MATTERS

XII. ADJOURNMENT

PLEASE TAKE NOTE:

- Note 1:** No written materials received after 12:00 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 12:00 p.m. on Thursday will be separately distributed to the Mayor and Town Council; however, depending upon the length of the materials, the time of submittal, and other circumstances, the Mayor and Town Council may not be able to read and consider such late submittals prior to acting upon the policy matter(s) which they address.
- Note 2:** The progress of this meeting may be monitored by visiting the Town's website (townofpalmbeach.com) and clicking on "Meeting Audio" in the left column. If you have questions regarding that feature, please contact the Office of Information Systems (561) 227-6315. The audio recording of the meeting will appear within 24 hours after the conclusion of the meeting.
- 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: April 10, 2019

Section of Agenda

Presentations

Agenda Title

An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida

Presenter

Josh Martin, Director of Planning, Zoning & Building

ATTACHMENTS:

- **Memorandum Dated March 7, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- **Zoning Reform Presentation**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Josh Martin, Director of Planning, Zoning & Building

Rc: An Approach to Zoning Reform and Process Improvement in the Town of Palm Beach, Florida

Date: March 7, 2019

STAFF RECOMMENDATION

Staff recommends that Town Council consider the attached approach to zoning reform and process improvement in the Town of Palm Beach, Florida.

GENERAL INFORMATION

Please see attached information as provided by Staff related to the approach to zoning reform and process improvement in the Town of Palm Beach, Florida. This presentation was given by Staff at the February 19, 2019 Planning and Zoning Commission meeting, during which the Planning and Zoning Commission unanimously voted to recommend the attached approach to Town Council for its consideration.

Attachment

JLM: JLM

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Wayne Bergman, Assistant Director, Planning, Zoning, and Building Department

THE TOWN OF PALM BEACH | FLORIDA

DEPARTMENT OF PLANNING, ZONING, & BUILDING

AN APPROACH TO ZONING CODE REFORM AND PROCESS IMPROVEMENT

19 FEBRUARY 2019

PROCESS IMPROVEMENT + CODE REFORM

- Mapping of the current and future state processes, identifying gap and process improvements, develop action plans;
- Assess technology to determine how automation technology may be used to further streamline work flows and bring Palm Beach's process in line with current industry standards and best practices that are tailored for Palm Beach's unique environment; and
- Conduct listening sessions with stakeholders (residents, business owners, Town Council members, civic organizations, PZB board and commission members, developers, design professionals, contractors/subcontractors, and others as needed) to hear frustrations with the process, identify what is working well, gather their ideas for improvements and share some of the Town's emerging solutions for process improvements.

TOWN COMPREHENSIVE PLAN

FUTURE GROWTH AND DEVELOPMENT WITHIN THE TOWN SHALL BE MANAGED TO MAINTAIN AND ENHANCE THE TOWN'S UNIQUE PHYSICAL AND HISTORIC CHARACTER WITH EMPHASIS ON ITS VISUAL QUALITIES, AND COMPATIBILITY AND HARMONY AMONG ITS DIVERSE LAND USES.

THE PALM BEACH LEAN INITIATIVE

“BETTER, FASTER, CHEAPER”

Assist Planning, Zoning, and Building (PZB) customers, staff, and managers responsible for resident, business, and development review processes in identifying and implementing process improvements. The primary purpose of this process will be to begin melding the processes into a seamless experience that is:

- Supported by customer service that is timely, consistent, respectful, clear, and accountable; and
- Conducted in partnership with the residents, business community, and private development sector with better tools and support to staff in performing their roles.

The aim of the project becomes to empower process owners and managers to take actions that result in real and sustained improvements to the aforementioned processes. It will focus on the facets of the process that process owners and managers within the PZB department are in control of and can actually change. The focus of what can be changed will be defined at the very beginning of the project so that valuable time will not be wasted on things that cannot be changed.

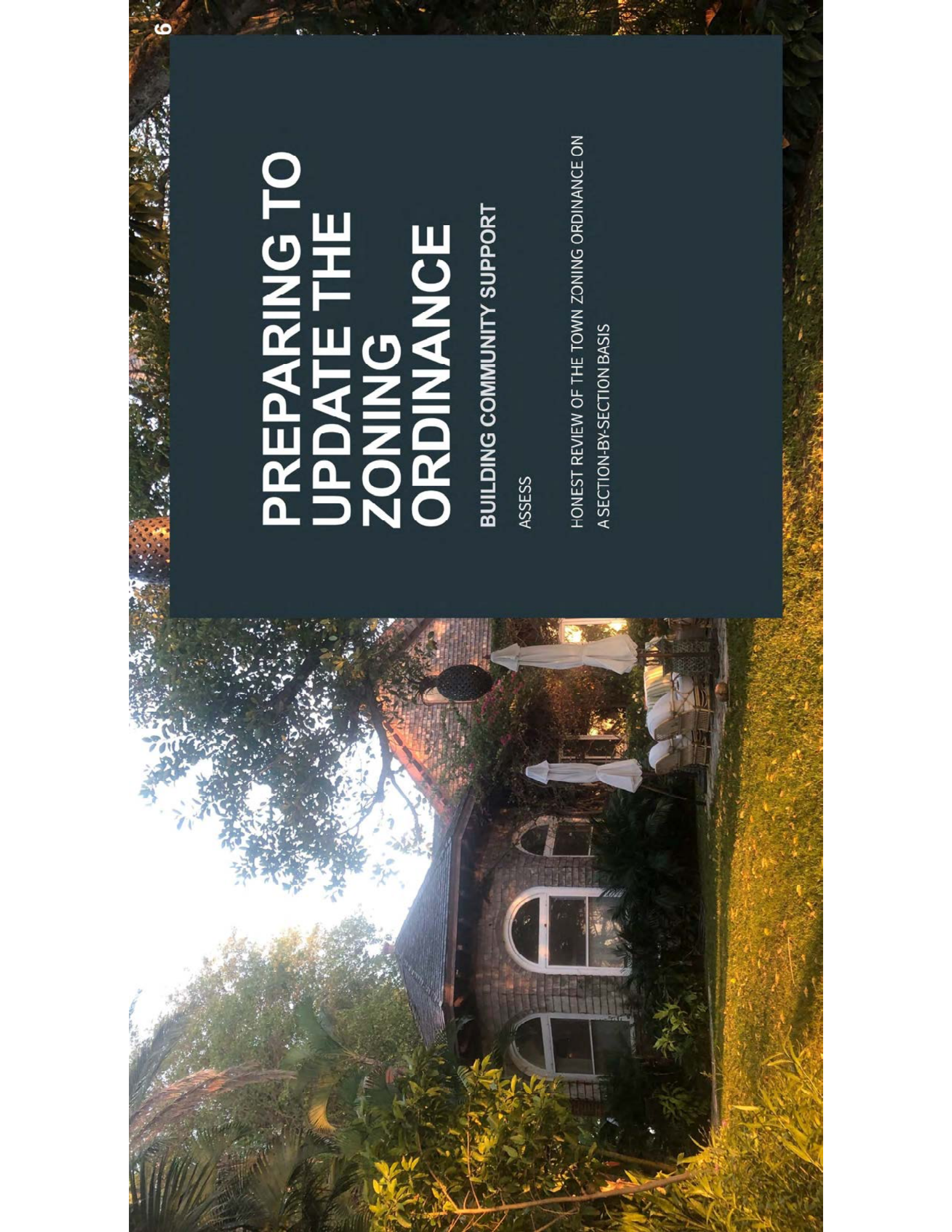


PREPARING TO UPDATE THE ZONING ORDINANCE

BUILDING COMMUNITY SUPPORT

COLLABORATE

PUBLIC PROCESS SHOULD BE DESIGNED AND FACILITATED IN FULL COLLABORATION WITH THE TOWN COUNCIL, PLANNING AND ZONING COMMISSION, PLANNING STAFF AND OTHER TOWN DEPARTMENTS, AND THE “CUSTOMERS”



PREPARING TO UPDATE THE ZONING ORDINANCE

BUILDING COMMUNITY SUPPORT

ASSESS

HONEST REVIEW OF THE TOWN ZONING ORDINANCE ON
A SECTION-BY-SECTION BASIS

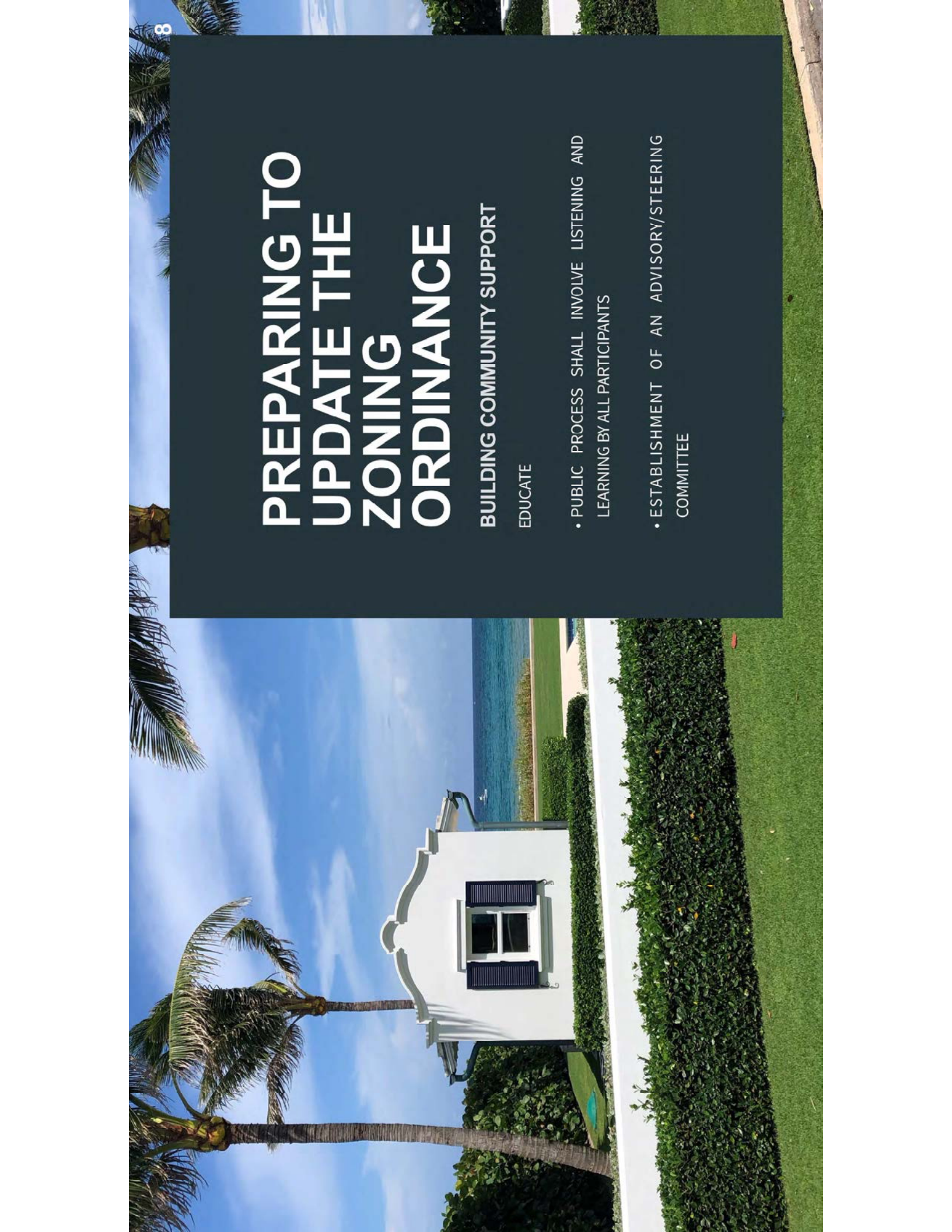
The background of the slide is a photograph of a building's exterior. It features a light-colored, textured wall with a window and decorative architectural elements like columns and carvings. Long, dark shadows of palm trees are cast across the wall from the left. In the foreground, the green fronds of palm trees are visible against a clear blue sky.

PREPARING TO UPDATE THE ZONING ORDINANCE

BUILDING COMMUNITY SUPPORT

EXPLORE

STAKEHOLDER AND PUBLIC ENGAGEMENT SHOULD BE CONDUCTED IN A OPEN/TRANSPARENT MANNER THAT ALLOWS PARTICIPANTS THE FREEDOM TO EXPLORE A CREATIVE RANGE OF REGULATORY ISSUES AND POSSIBLE RESPONSES



PREPARING TO UPDATE THE ZONING ORDINANCE

BUILDING COMMUNITY SUPPORT

EDUCATE

- PUBLIC PROCESS SHALL INVOLVE LISTENING AND LEARNING BY ALL PARTICIPANTS
- ESTABLISHMENT OF AN ADVISORY/STEERING COMMITTEE

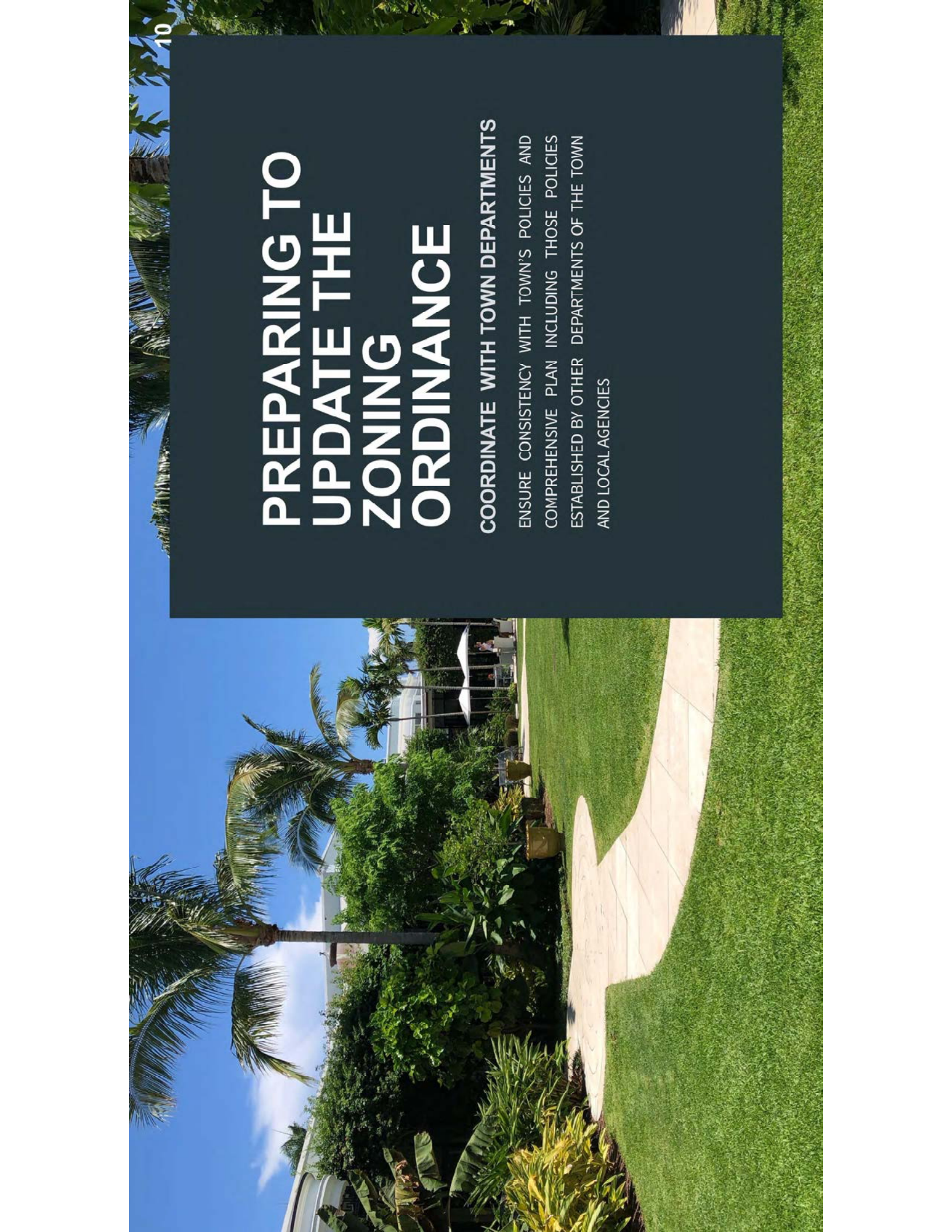
PREPARING TO UPDATE THE ZONING ORDINANCE

BUILDING COMMUNITY SUPPORT

PUBLIC INVOLVEMENT TOOLS

- PROJECT WEBSITE
- CITIZEN PREFERENCE SURVEYS
- SYSTEMATIC OUTREACH TO THE LOCAL MEDIA





PREPARING TO UPDATE THE ZONING ORDINANCE

COORDINATE WITH TOWN DEPARTMENTS

ENSURE CONSISTENCY WITH TOWN'S POLICIES AND
COMPREHENSIVE PLAN INCLUDING THOSE POLICIES
ESTABLISHED BY OTHER DEPARTMENTS OF THE TOWN
AND LOCAL AGENCIES

The background of the slide is a photograph of a grand, ornate room. It features dark wood paneling, a large framed portrait of a man in a white shirt and red tie, a glowing sconce with two lights, and a patterned armchair. The overall atmosphere is formal and historical.

PREPARING TO UPDATE THE ZONING ORDINANCE

CONSIDER CONSOLIDATING ZONING
AND OTHER REGULATIONS

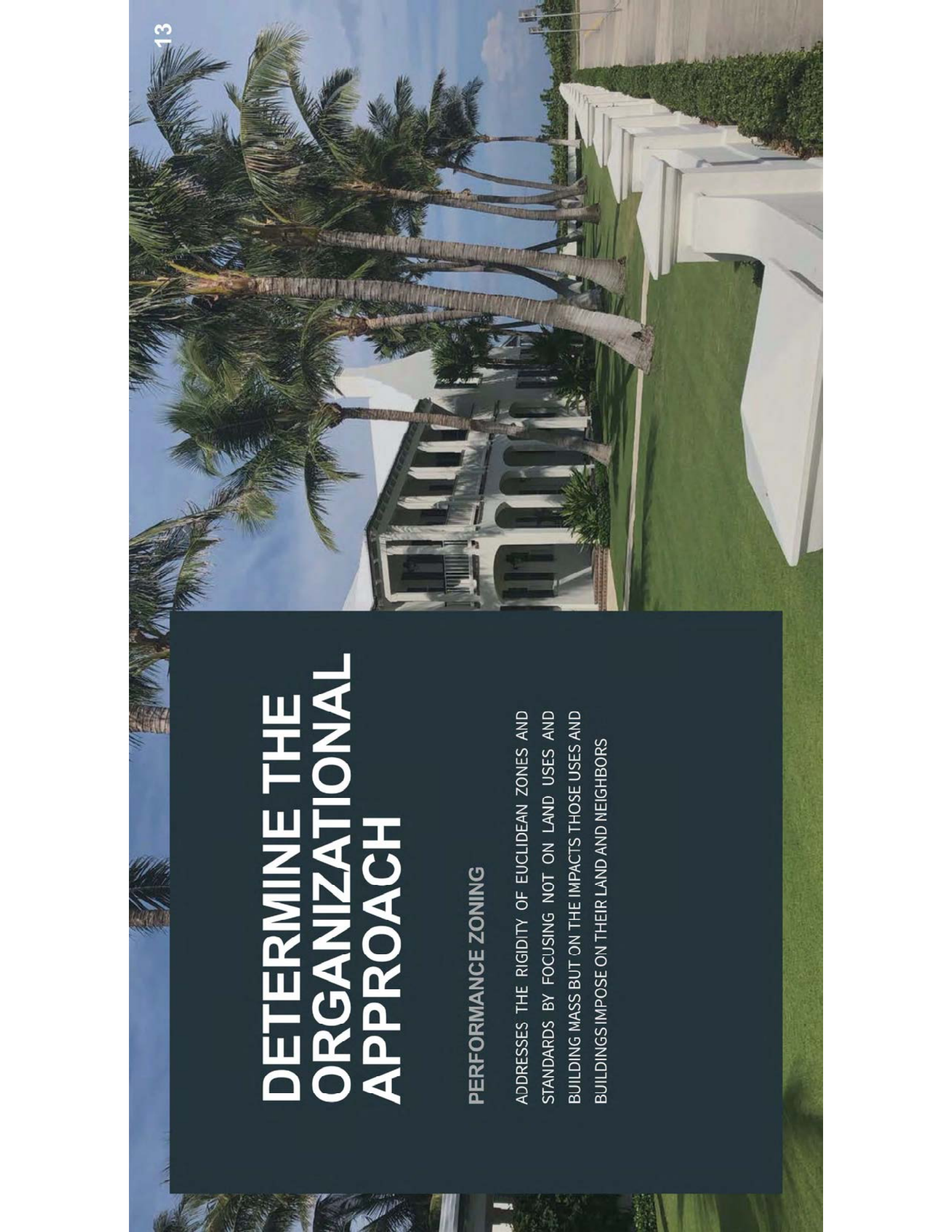
- FLOODPLAIN ORDINANCE PROVISIONS
- CHAPTER 66
- SEDIMENT AND EROSION CONTROL
- ONE STOP SHOP

A photograph of a tropical street scene. In the foreground, several tall palm trees with green fronds are visible. Behind them is a white building with a series of large, arched windows or doorways. The building has a tiled roof and some red accents around the windows. The scene is brightly lit, suggesting a sunny day. The overall atmosphere is warm and tropical.

DETERMINE THE ORGANIZATIONAL APPROACH

CONVENTIONAL (EUCLIDEAN) ZONING

FOCUSES ON CONTROLLING THE LOCATION AND VARIOUS TYPES OF LAND USES AND ON MANAGING BUILDING HEIGHT, BULK, AND MASS WITHIN ZONING DISTRICTS



DETERMINE THE ORGANIZATIONAL APPROACH

PERFORMANCE ZONING

ADDRESSES THE RIGIDITY OF EUCLIDEAN ZONES AND STANDARDS BY FOCUSING NOT ON LAND USES AND BUILDING MASS BUT ON THE IMPACTS THOSE USES AND BUILDINGS IMPOSE ON THEIR LAND AND NEIGHBORS



DETERMINE THE ORGANIZATIONAL APPROACH

FORM-BASED ZONING

- EMPHASIZES ON THE FORM OF THE BUILT ENVIRONMENT—BOTH THE PUBLIC REALM (STREETS AND AREAS BETWEEN BUILDINGS) AND DETAILED BUILDING FORMS (NOT NECESSARILY ARCHITECTURAL STYLE)
- EMPHASIZES THE NEED TO CREATE A SENSE OF PLACE AND DE-EMPHASIZES CONTROL OF SPECIFIC LAND USES

DETERMINE THE ORGANIZATIONAL APPROACH

HYBRID ORDINANCES

- EMPLOY SOME BALANCE OF MORE THAN ONE OF THE AFOREMENTIONED APPROACHES
- BALANCING OF APPROACH: UNIQUE TO EVERY COMMUNITY

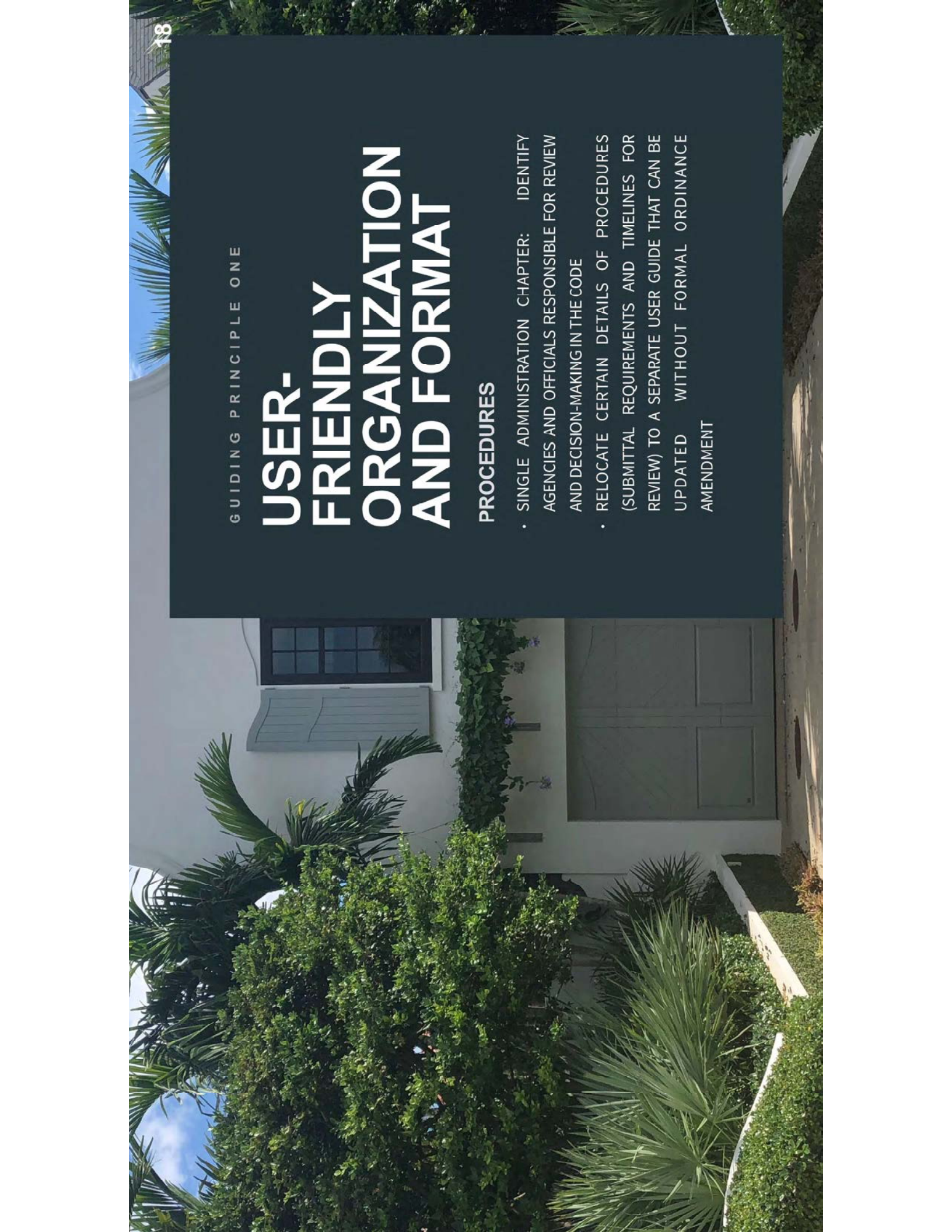
DETERMINE THE ORGANIZATIONAL APPROACH

HOW TO ADOPT?

- GRAPHICS-BASED CODE ALONG WITH CODE CLEAN UP AND RE-ORGANIZATION
- CODE OVERLAY
- PARALLEL CODE
- TOWN-WIDE CODE REFORM
- PILOT AREA OF TOWN



KEY ELEMENTS OF AN EFFECTIVE CODE

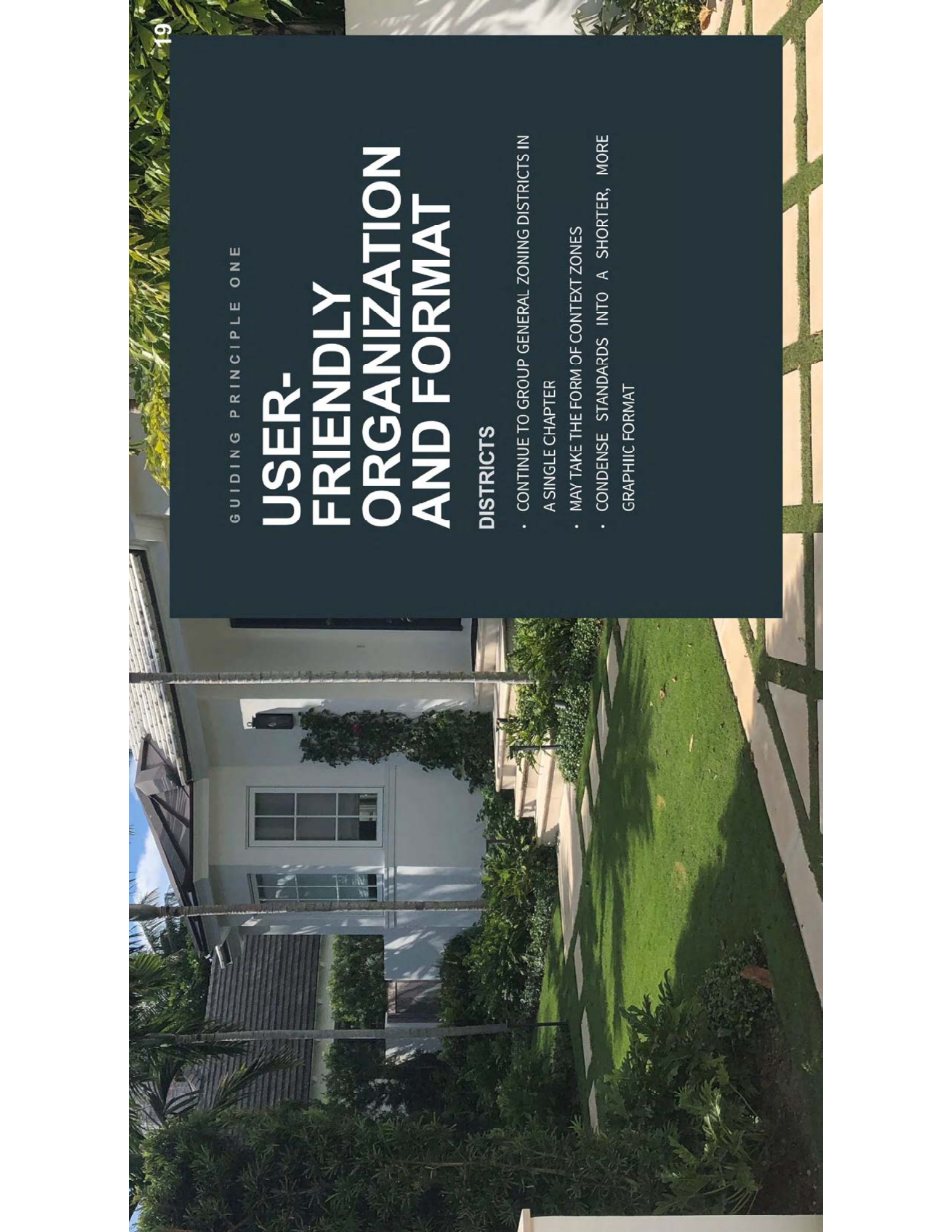


GUIDING PRINCIPLE ONE

USER-FRIENDLY ORGANIZATION AND FORMAT

PROCEDURES

- SINGLE ADMINISTRATION CHAPTER: IDENTIFY AGENCIES AND OFFICIALS RESPONSIBLE FOR REVIEW AND DECISION-MAKING IN THE CODE
- RELOCATE CERTAIN DETAILS OF PROCEDURES (SUBMITTAL REQUIREMENTS AND TIMELINES FOR REVIEW) TO A SEPARATE USER GUIDE THAT CAN BE UPDATED WITHOUT FORMAL ORDINANCE AMENDMENT



GUIDING PRINCIPLE ONE

USER-FRIENDLY ORGANIZATION AND FORMAT

DISTRICTS

- CONTINUE TO GROUP GENERAL ZONING DISTRICTS IN A SINGLE CHAPTER
- MAY TAKE THE FORM OF CONTEXT ZONES
- CONDENSE STANDARDS INTO A SHORTER, MORE GRAPHIC FORMAT

GUIDING PRINCIPLE ONE

USER-FRIENDLY ORGANIZATION AND FORMAT

USES

- CURRENT CODE HAS USE-SPECIFIC STANDARDS DISPERSED THROUGHOUT THE DOCUMENT: CONFUSION AND INCONSISTENCY AS THE DOCUMENT IS UPDATED OVER TIME
- CONSOLIDATE ALL USE STANDARDS INTO A SINGLE CHAPTER CONTAINING USE TABLES AND USE-SPECIFIC STANDARDS FOR EACH OF THESE TYPES OF USES



GUIDING PRINCIPLE ONE

USER-FRIENDLY ORGANIZATION AND FORMAT

DEVELOPMENT STANDARDS

- CONSOLIDATE THE VARIOUS STANDARDS THAT AFFECT DEVELOPMENT QUALITY SUCH AS LANDSCAPING, SITE DESIGN, PARKING, BUILDING DESIGN
- THIS SHOULD INCLUDE ANY EXISTING STANDARDS AND ANY NEW DEVELOPMENT STANDARDS INTRODUCED IN THE ZONING ORDINANCE UPDATE

GUIDING PRINCIPLE ONE

USER-FRIENDLY ORGANIZATION AND FORMAT

DEFINITIONS

- CONSOLIDATE DEFINITIONS INTO A SINGLE ARTICLE AT END OF ORDINANCE/CODE
- INCLUDE SIMPLE INDEX THAT PROVIDES QUICK ACCESS TO KEY TERMS

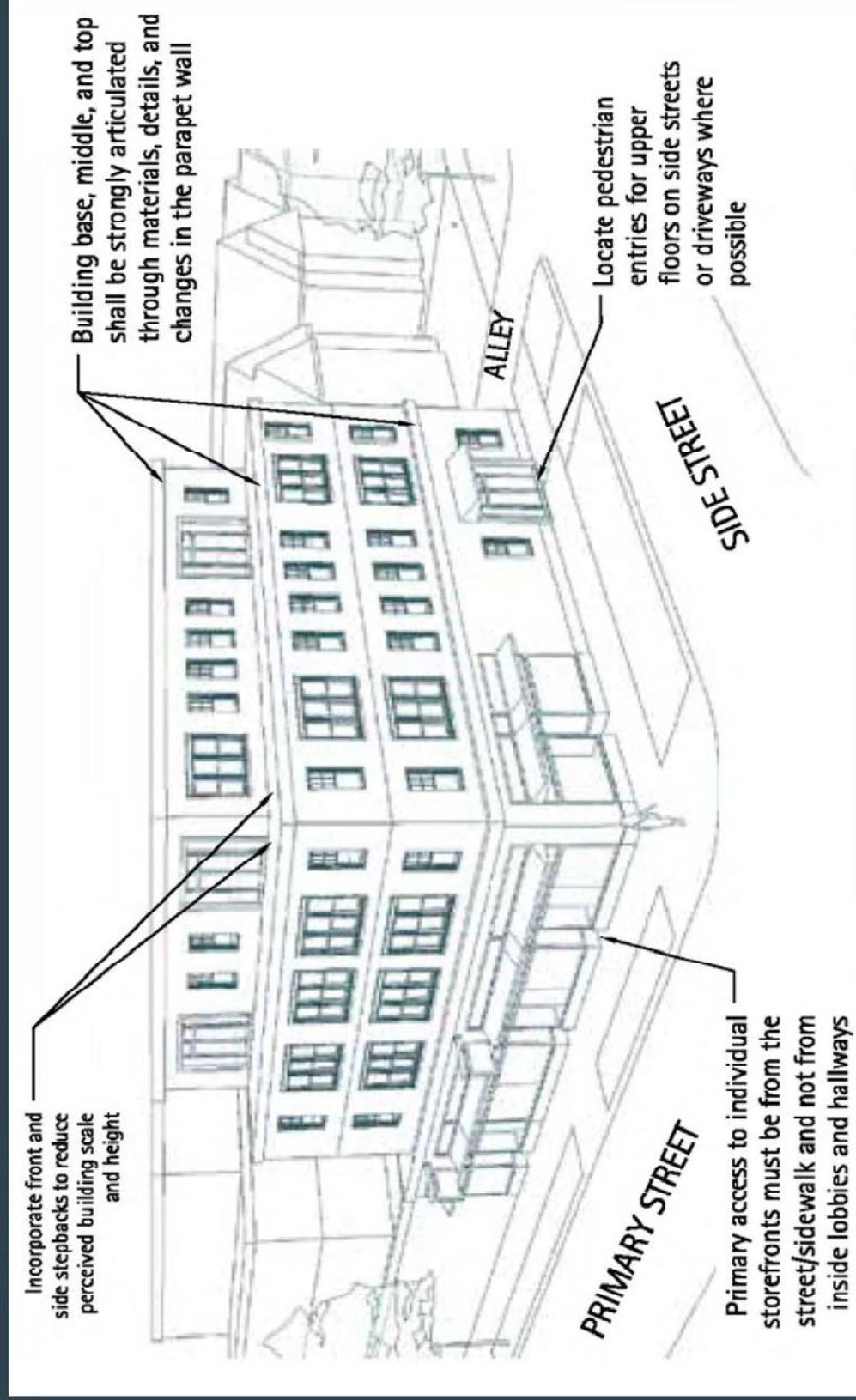


GUIDING PRINCIPLE ONE

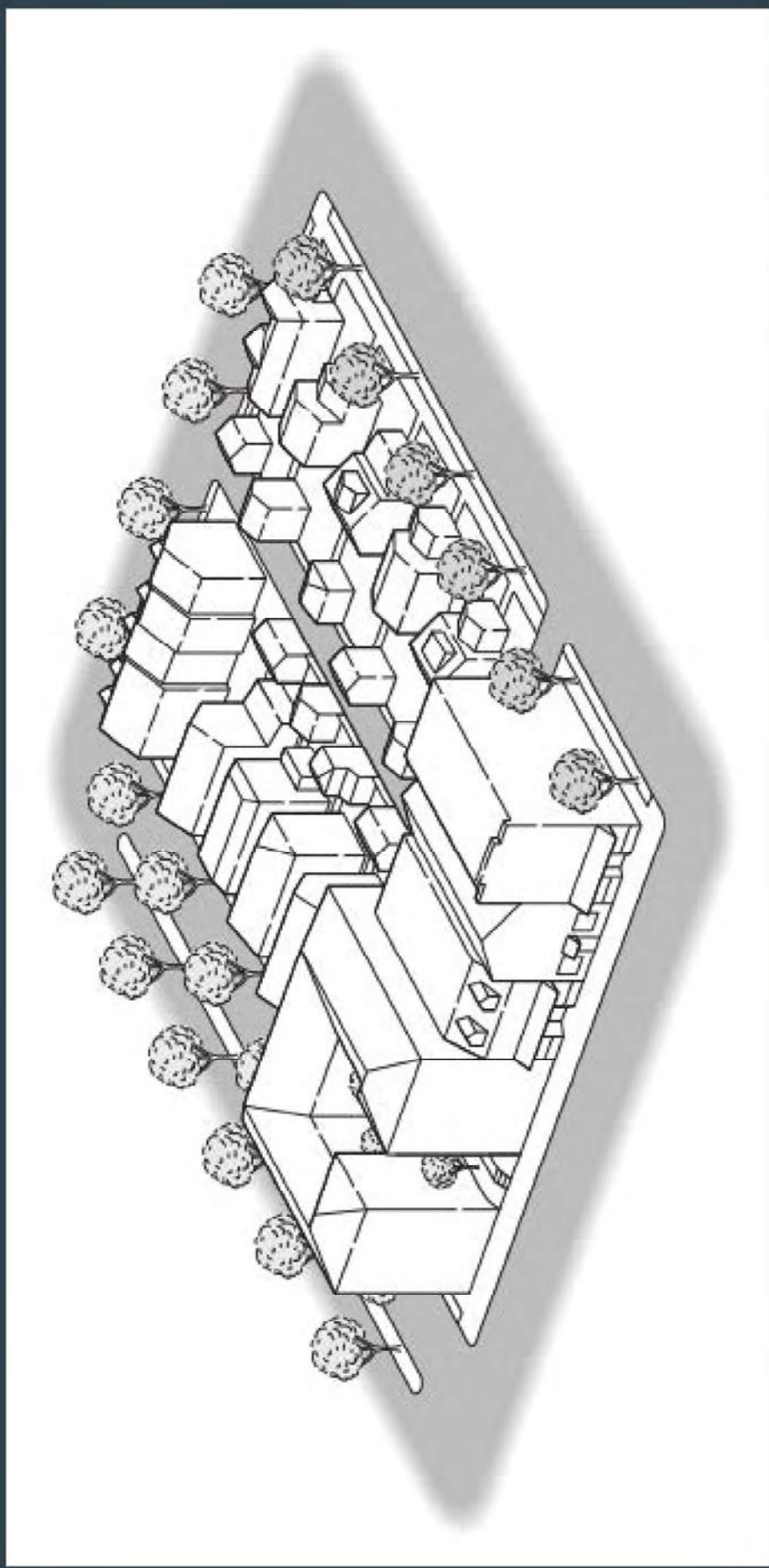
USER-FRIENDLY ORGANIZATION AND FORMAT

ADD AND ENHANCE GRAPHICS AND FORMATTING

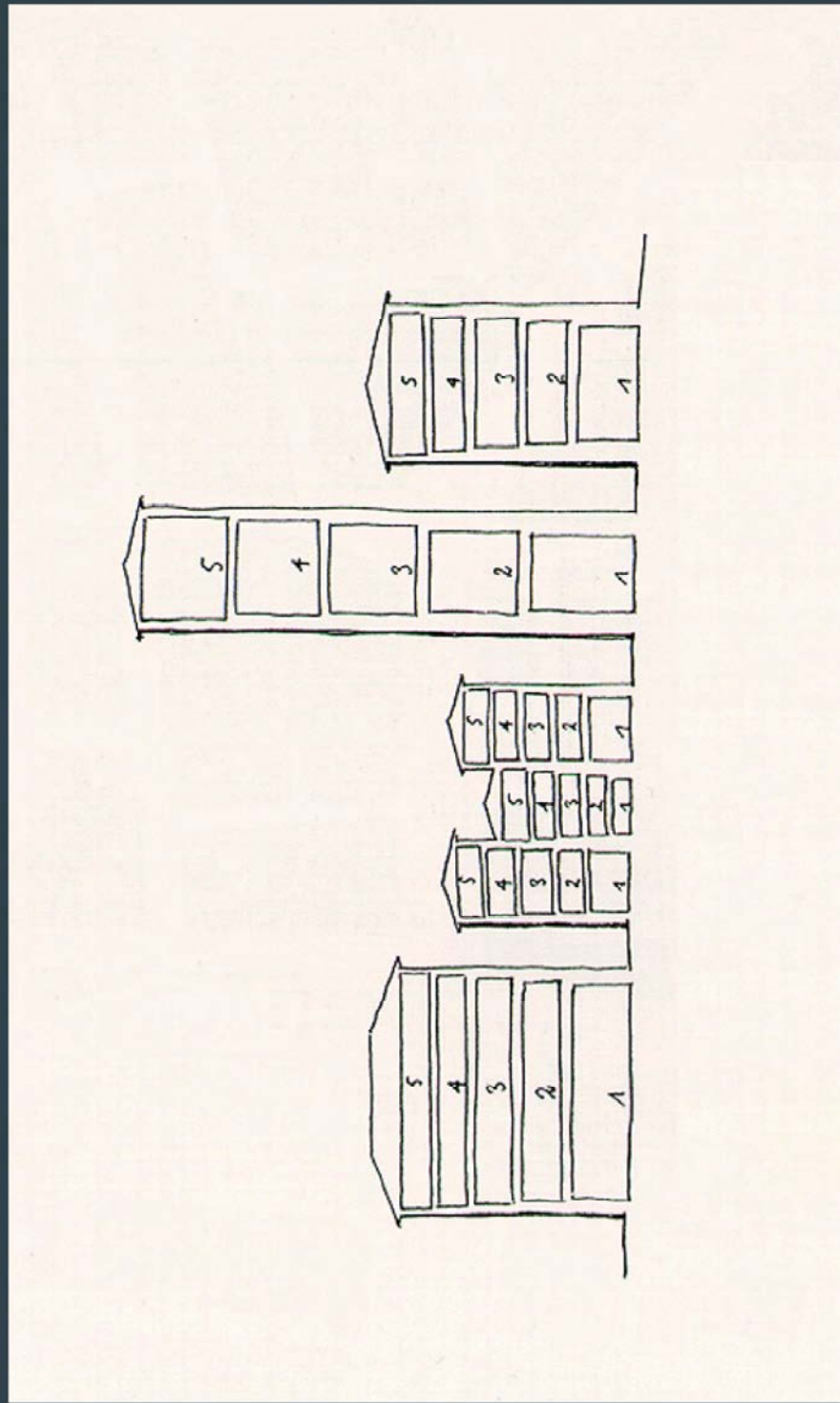
- UTILIZE TABLES, FLOWCHARTS, ILLUSTRATIONS, AND OTHER GRAPHICS HELPFUL IN CONVEYING INFORMATION CONCISELY ELIMINATING THE NEED FOR LENGTHY, REPETITIVE TEXT
- USE OF PHOTOGRAPHS, ILLUSTRATIONS, DIAGRAMS TO MORE CLEARLY SHOW DIMENSIONAL STANDARDS
- USE OF PAGE FORMATTING TECHNIQUES TO MORE QUICKLY ALERT THE READER TO WHERE THEY ARE IN THE DOCUMENT



SOURCE: BARTON & LOGUIDICE, DCP



SOURCE: FORM-BASED CODES INSTITUTE



SOURCE: LEON KRIER

GUIDING PRINCIPLE TWO

ZONING DISTRICTS

IMPROVE THE DISTRICT PRESENTATION

- CONCISE AND COGENT PURPOSE STATEMENT SUMMARIZING THE INTENDED CHARACTER AND RANGE OF USES FOR THE DISTRICT
- PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS APPLICABLE IN THE DISTRICT
- GRAPHICS SHOWING LOT PATTERNS AND BUILDING TYPES OF THE DISTRICT AND HOW DIMENSIONAL STANDARDS APPLY TO THE DEVELOPMENT TYPES ALLOWED IN DISTRICT

GUIDING PRINCIPLE TWO

ZONING DISTRICTS

SIMPLIFY AND MODERNIZE THE DISTRICTS

- CONSOLIDATE OR EXPAND?
- RENAMING: CONTEXT ZONES
 - “MAIN STREET DISTRICT”
 - “COTTAGE DISTRICT”
 - “ESTATE DISTRICT”
 - “CIVIC DISTRICT”
- ELIMINATION OF ANY UNNEEDED DISTRICTS

GUIDING PRINCIPLE TWO

ZONING DISTRICTS

BETTER ALIGN THE DISTRICTS WITH CONTEXT

- SYNOPTIC SURVEY
- PLAT EXAMPLE



GUIDING PRINCIPLE TWO

ZONING DISTRICTS

IMPLEMENTING DISTRICT CHANGES

- ALL AT ONCE
- INCREMENTAL: GRADUAL IMPROVEMENTS

GUIDING PRINCIPLE THREE

LAND USES

ESTABLISH A HIERARCHY OF USES

- ORGANIZED CLEARLY AND GROUP IN COMMON-SENSE CATEGORIES
- MODERNIZE USES
- CATEGORIZE INDIVIDUAL USE TYPES INTO A LOGICAL SYSTEM OF LARGER CATEGORIES AND SUBCATEGORIES
- DEFINE ALL USES
- ESTABLISH A PROCEDURE FOR UNLISTED USES
- REASSESS SPECIAL EXCEPTION USES

GUIDING PRINCIPLE THREE

LAND USES

CREATE A TABLE OF PERMITTED USES

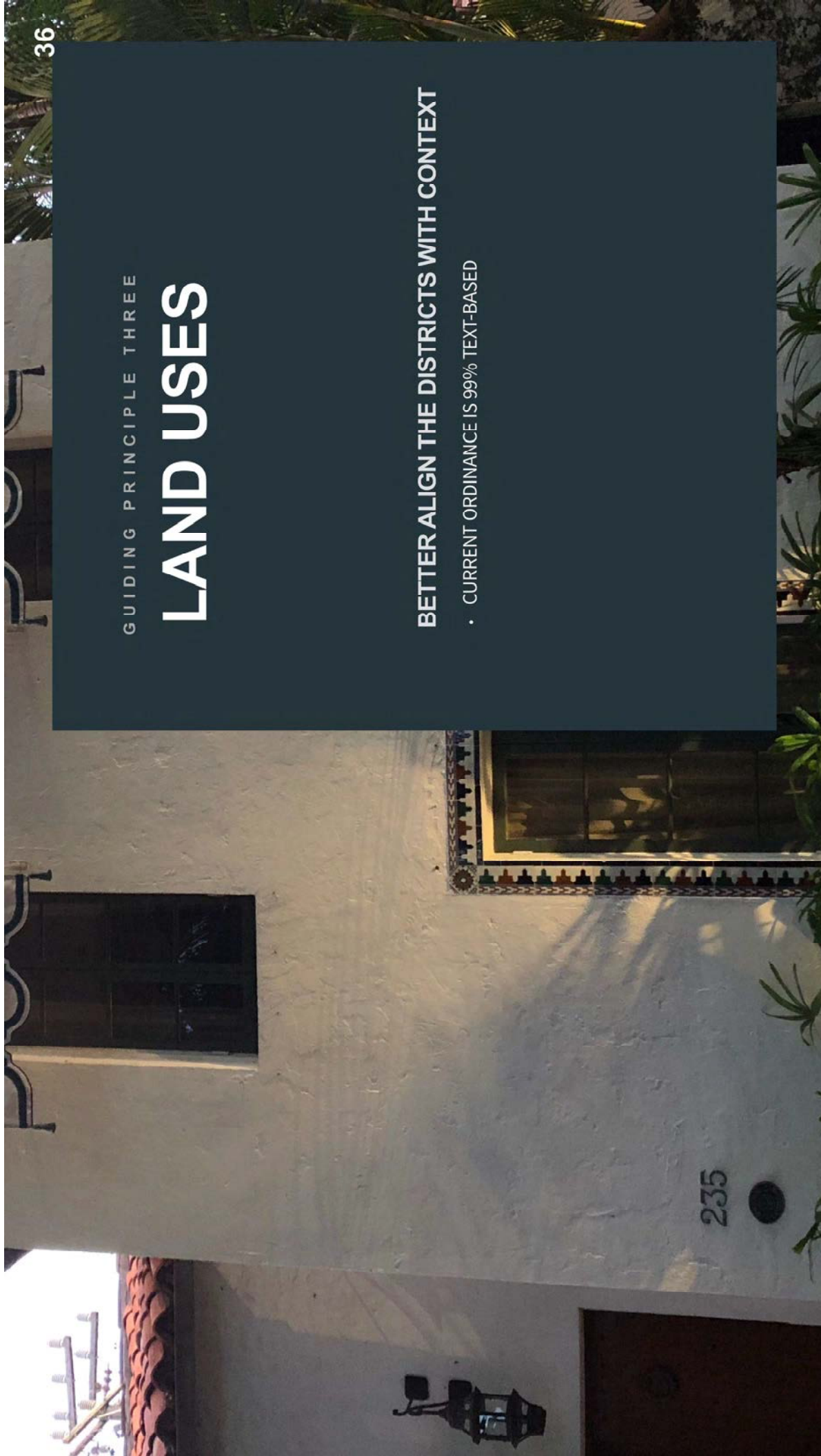
- CURRENT ORDINANCE IS 99% TEXT-BASED

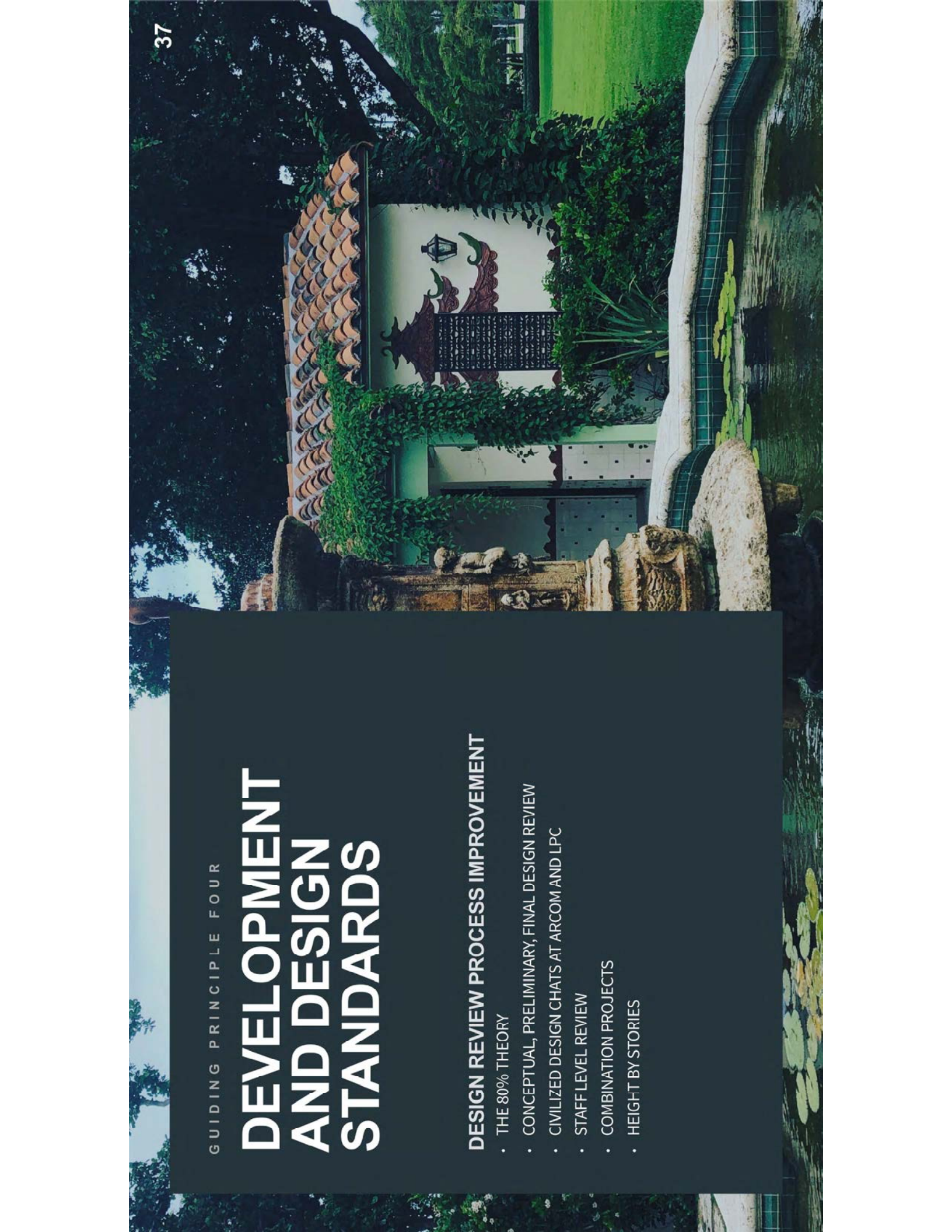
GUIDING PRINCIPLE THREE

LAND USES

BETTER ALIGN THE DISTRICTS WITH CONTEXT

- CURRENT ORDINANCE IS 99% TEXT-BASED



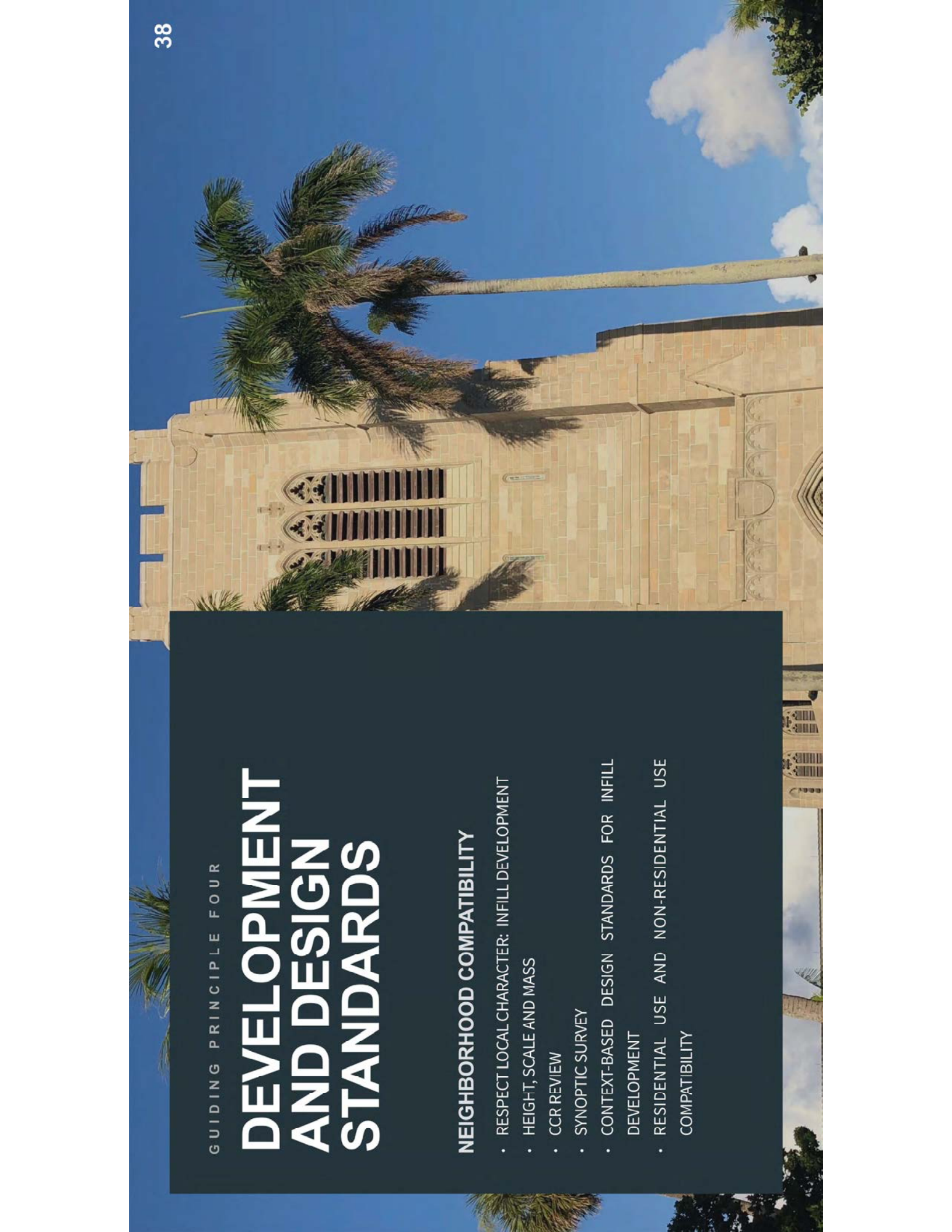
A photograph of a traditional Chinese garden. In the foreground, there's a pond with lily pads. To the left, a stone lantern sits on a base. In the background, a building with a tiled roof and a sign is visible, surrounded by lush greenery.

GUIDING PRINCIPLE FOUR

DEVELOPMENT AND DESIGN STANDARDS

DESIGN REVIEW PROCESS IMPROVEMENT

- THE 80% THEORY
- CONCEPTUAL, PRELIMINARY, FINAL DESIGN REVIEW
- CIVILIZED DESIGN CHATS AT ARCOM AND LPC
- STAFF LEVEL REVIEW
- COMBINATION PROJECTS
- HEIGHT BY STORIES

The background of the page is a photograph of a historic building with light-colored stone masonry and arched windows. Several tall palm trees are in the foreground, partially obscuring the building. The sky is blue with some white clouds. A dark blue rectangular box is overlaid on the lower half of the image, containing white text.

GUIDING PRINCIPLE FOUR

DEVELOPMENT AND DESIGN STANDARDS

NEIGHBORHOOD COMPATIBILITY

- RESPECT LOCAL CHARACTER: INFILL DEVELOPMENT
- HEIGHT, SCALE AND MASS
- CCR REVIEW
- SYNOPTIC SURVEY
- CONTEXT-BASED DESIGN STANDARDS FOR INFILL DEVELOPMENT
- RESIDENTIAL USE AND NON-RESIDENTIAL USE COMPATIBILITY



GUIDING PRINCIPLE FOUR

DEVELOPMENT AND DESIGN STANDARDS

ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

- ALIGNMENT WITH VULNERABILITY ANALYSIS
- FEMA
- SUSTAINABILITY STRATEGIES
- REMOVE OBSTACLES
- CREATE INCENTIVES FOR SUSTAINABLE DEVELOPMENT PRACTICES



GUIDING PRINCIPLE FOUR

DEVELOPMENT AND DESIGN STANDARDS

TRANSPORTATION, PARKING, AND CONNECTIVITY

- REVIEW PARKING STANDARDS
- ALLOW FOR ON-STREET CREDIT
- PARKING REQUIREMENTS AND MANAGEMENT STRATEGIES
- THE PARKING GARAGE TOUR
- SHARED PARKING RATIOS
- OTHER APPROACHES TO PARKING FLEXIBILITY: LIFTS
- RESERVING PARKING FOR SPECIAL USES
- REVIEW PRINCIPLE OF EQUIVALENCY

GUIDING PRINCIPLE FIVE

ADMINISTERING THE ORDINANCE

CLARIFY RESPONSIBILITIES

- CLARIFY THE DIFFERENT ROLES OF THE REVIEW AND DECISION-MAKING BODIES IN THE ZONING AND LAND DEVELOPMENT REVIEW AND APPROVAL PROCESS
- THE DRC PROCESS: LAST MINUTE COMMENTS, APPLICANT PRESENT AT THE MEETING,
- UTILIZE TABLES FOR CLARIFICATION

GUIDING PRINCIPLE FIVE

ADMINISTERING THE ORDINANCE

ESTABLISH COMMON PROCEDURES

APPLICATION FILING

PRE-APPLICATION CONFERENCES

COMPLETENESS

NOTICE

NEIGHBORHOOD MEETING

STANDARD CONDITIONS OF APPROVAL

LAPSE OF APPROVAL

WITHDRAWAL AND REAPPLICATION

IMPORTANT: INTERPRETATIONS OF THE PAST SHOULD
BE CODE

GUIDING PRINCIPLE FIVE

ADMINISTERING THE ORDINANCE

CONSIDER EXPANDING AUTHORITY
FOR ADMINISTRATIVE MODIFICATIONS

- ADMINISTRATIVE DEVIATIONS/ADJUSTMENTS
- VARIANCES
- SETBACKS, HEIGHT LIMITS, ENCROACHMENTS, OFF-STREET PARKING, DESIGN OR FORM STANDARDS



GUIDING PRINCIPLE FIVE

ADMINISTERING THE ORDINANCE

CREATE AN ADMINISTRATIVE MANUAL

- RESERVED FOR ITEMS THAT ARE TOO DETAILED FOR THE ZONING ORDINANCE
- REMOVES THE CLUTTER IN ORDINANCES
- FEE SCHEDULES, APPLICATION REQUIREMENTS



GUIDING PRINCIPLE SIX

OTHER KEY ELEMENTS OF AN EFFECTIVE ZONING ORDINANCE

IN NO SPECIFIC ORDER

- NONCONFORMITIES
- GRANDFATHERING
- SUNSET CLAUSE
- ESCAPED SPACE ASSOCIATED WITH DEMOLITION
- LOT TYPES AND BUILDING TYPES
- INCENTIVIZE RESTORATION IN COMMERCIAL DISTRICTS: DEMOLITION, ESCAPED SPACE, PARKING REQUIREMENTS

JOSH'S TOP EIGHT



PROFESSIONAL
STAFF SHOULD BE
ABLE TO ADMINISTER
A ZONING CODE



UNNECESSARY
PROCESS THAT DOES
NOT MATTER IN THE
END



FEMA AND THE BUILT
ENVIRONMENT



LEGALIZE HISTORIC
PALM BEACH

JOSH'S TOP EIGHT



TOWN SERVING
REQUIREMENTS



HEIGHT, SCALE, AND
MASS



FUTURE OF RETAIL
AND BUSINESS
COMMUNITY



DETERMINE THE
FUTURE AND CODE IT

THE PALM BEACH LEAN INITIATIVE

“BETTER, FASTER, CHEAPER”

CONDUCT REVIEW OF PROCESSES ALONGSIDE CODE REFORM

DISCUSS THE NEED FOR A MASTER PLAN (MASTER PLAN ALONGSIDE CODE)

BEGIN PUBLIC INPUT SESSIONS IN THE NEXT MONTH (IN SEASON VS. OFF SEASON)

ENGAGE A THIRD-PARTY PROPHET

PARTNER WITH THE CONGRESS FOR THE NEW URBANISM (CNUJ): PILOT PROJECT

DISCUSS THE PROJECT SCHEDULE

THE PATH FORWARD

DRAFT MASTER SCHEDULE



MARCH—APRIL 2019
PUBLIC INPUT SESSIONS



MAY—AUGUST 2019
DRAFT CODE



SEPT—NOV 2019
PUBLIC INPUT SESSIONS
FEEDBACK LOOPS



JANUARY 2020
CODE ADOPTION

THE PATH FORWARD

PUBLIC INPUT SESSIONS



MARCH
RESIDENTS



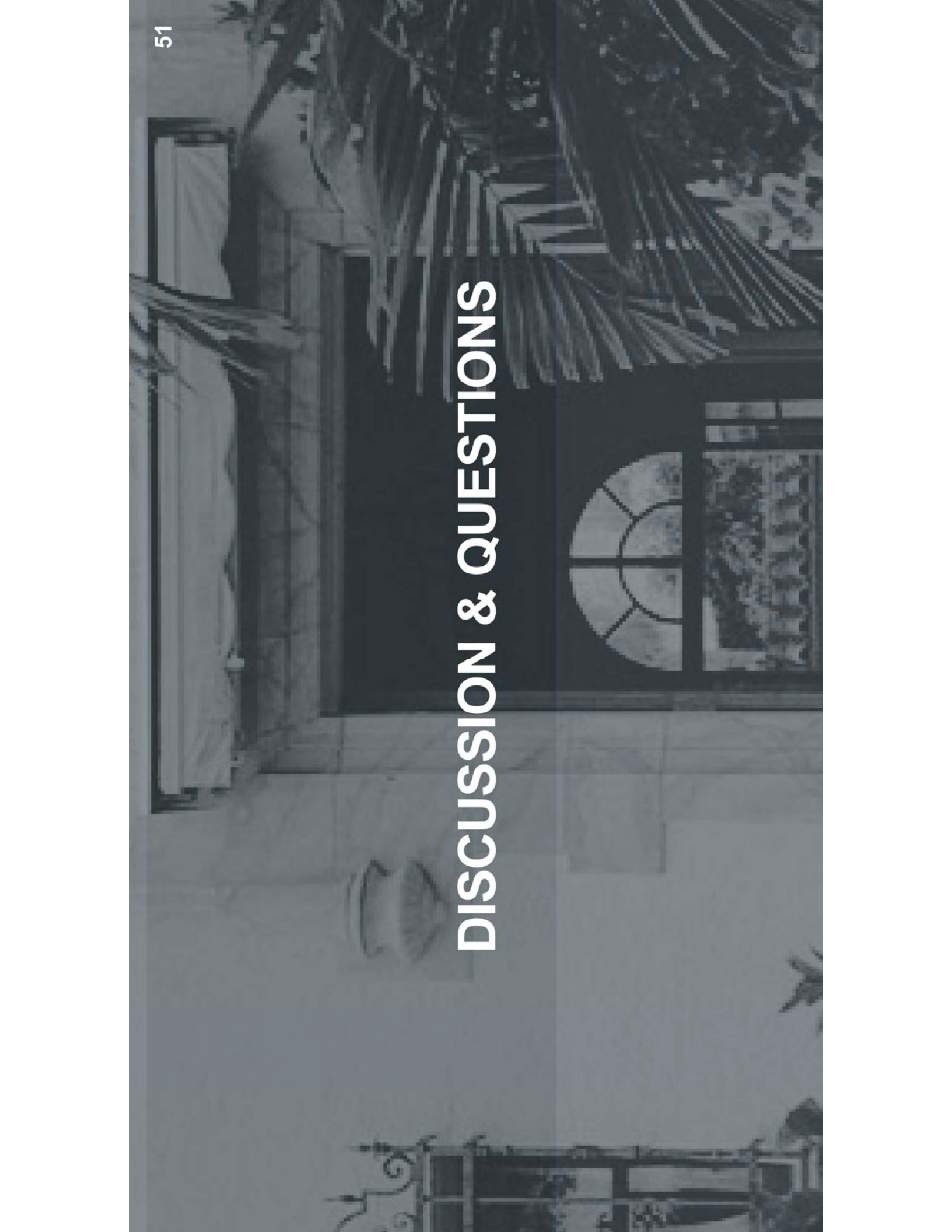
MARCH
BUSINESS AND
DEVELOPMENT
COMMUNITY



APRIL
DESIGN PROFESSIONALS



APRIL
BOARDS AND
COMMISSIONS



DISCUSSION & QUESTIONS

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 27-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 911 North Ocean Boulevard, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated April 2, 2019 From Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Resolution 27-2019**
- ▣ **Designation Report for 911 North Ocean Boulevard**
- ▣ **Excerpt from February 20, 2019 Landmarks Preservation Commission Meeting Minutes**
- ▣ **Landmark Designation Procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning & Building

Re: Landmark Designation of 911 North Ocean Boulevard
Resolution No. 27-2019

Date: April 2, 2019

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 911 North Ocean Boulevard as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the February 20, 2019 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

The property meets the following criteria for designation as a landmark of the Town of Palm Beach:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

OWNER CONSENT

The property owners, Joan and Murray Goodman; were properly notified of the hearing before the Landmarks Preservation Commission. The owners were present along with their Attorney Greg Kino. Mr. Kino stated that as long as the Town Council granted the approval of the request for a future lot split that the owners support the designation.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 27-2019 relating to 911 North Ocean Boulevard, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Murphy Stillings, LLC

RESOLUTION NO. 27-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 911 NORTH OCEAN BOULEVARD, MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **911 North Ocean Boulevard**

and the property to be landmarked is legally described as follows:

**10/11-43-43, S 226.75 FTOF SUB B&N
23.25 FT OF SUB C OF GOV LT 1 SECS 10 & 11 LYG N & E OF OCEAN BLVD;
*See Survey With Areas Being Designated Highlighted**

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

911 North Ocean Boulevard

Playa Riente Wall and Seawall



DESIGNATION REPORT
February 20, 2019
Landmark Preservation Commission
Palm Beach, Florida

DESIGNATION REPORT
911 North Ocean Boulevard
Playa Riente Wall and Seawall

Table of Contents

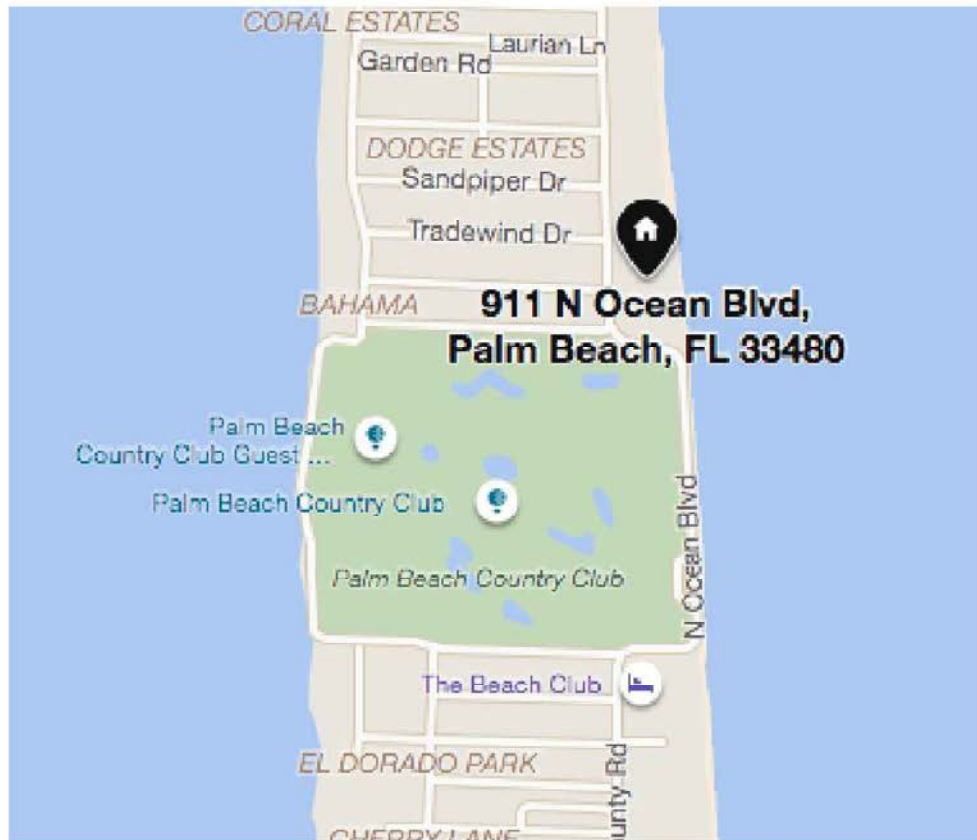
I.	GENERAL INFORMATION	2
II.	LOCATION MAP	3
III.	SURVEY	4
IV.	ARCHITECTURAL INFORMATION	5
V.	HISTORICAL INFORMATION	7
VI.	ARCHITECT'S BIOGRAPHY	9
VII.	STATEMENT OF SIGNIFICANCE	10
VIII.	CRITERIA FOR DESIGNATION	11
IX.	SELECTED BIBLIOGRAPHY	13

Report produced by Murphy Stillings, LLC

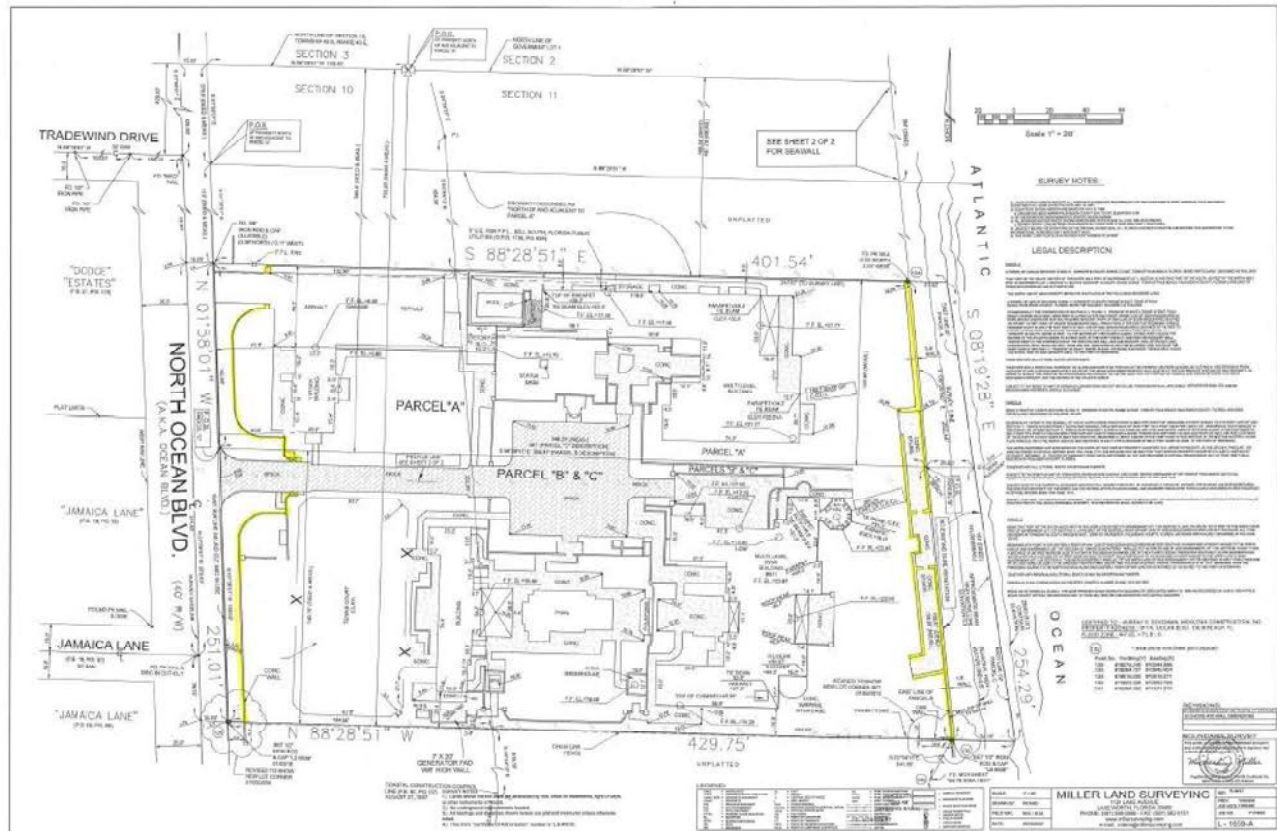
I. General Information

Location:	911 North Ocean Boulevard
Date of Construction:	Wall 1924; Seawall 1923-1924
First Owner:	Joshua S. Cosden
Historic Name:	Playa Riente
Architect:	Addison Mizner
Present Owner:	Murray and Joan Goodman
Present Use:	Wall, Seawall and Stairs
Present Zoning:	RA
Palm Beach County Tax Folio Number:	50434310000010020
Current Legal Description:	10/11-43-43, S 226.75 FTOF SUB B&N 23.25 FT OF SUB C OF GOV LT 1 SECS 10 & 11 LYG N & E OF OCEAN BLVD; *See Survey With Areas Being Designated Highlighted

II. LOCATION MAP



III. SURVEY



IV. ARCHITECTURAL INFORMATION

The historic Playa Riente wall is an ornate structure running along the front of the property at 911 North Ocean Boulevard. This decorative wall curves gracefully at the driveway entrance to connect to a decorative metal gate and large columns. The stucco covered 9-½ foot high wall is plain at the bottom where it is concealed by a hedge. The upper 5 foot decorative portion of the wall is fronted by a projecting balustrade of slender Corinthian style balusters topped with a carved shape to create a void of a Gothic design under the cornice. This balustrade rests upon a carved stone base that is supported by large elaborately decorated corbels. A stucco panel separates the sections of the wall with an incised Gothic shaped arch. The classical design is picturesque and it remains as a significant feature of the former grand Playa Riente estate. It has also become an iconic feature along the 900-block stretch of North Ocean Boulevard.





Playa Riente was built overlooking the ocean with a large seawall embracing two elegant staircases leading down to the beach. The owners and guests used these stairs to access the beach from the large patio overlooking the ocean. At the bottom of the seawall between the staircases is a large stucco incised arch topped by a substantial projecting cornice supported by brackets. This large arch is the original terminus to the tunnel that runs underneath the house and patio to the seawall and the ocean beach. The seawall also has a series of very narrow windows providing light to the beach dressing rooms behind the seawall.



Historic Photo of Playa Riente Seawall



Over the past years, the historic Playa Riente wall along North Ocean Boulevard and the seawall and stairs have had alterations and additions, several to provide safety and security to the property owners. Changes to the wall along North Ocean Boulevard and curving into the driveway include the addition of front driveway metal gates with automatic closure equipment, a gate intercom system, an entry door in the wall and mailbox, entry piers and custom pier lights.¹ Changes to the seawall and staircase include the change of paint color of the wall and staircase, raised sides of staircases, security gates and enclosure, steel door to tunnel, wood and metal handrails, ladder to beach, exterior wall lights and electric conduit on wall, exposed drainage pipe, glass block in wall openings and stair tread replacements. Despite these changes, the walls and stairs retain their historic integrity and if security was not a factor, they could be restored to their original appearance.

¹ It is unsure if the entry piers are original but based on design relative to rest of ornate wall, they are questionable.

V. HISTORICAL INFORMATION

Renowned architect Addison Mizner designed Playa Riente for oil magnate Joshua S. Cosden in 1923-1924 during the height of Palm Beach's land and building boom.² Playa Riente was Mizner's grandest and most elaborately decorated and detailed house in Palm Beach.³ The huge, ocean-to-lake rambling estate was designed as a Spanish Moorish Villa with dramatic Gothic detailing. Cooper Lightbown, a contractor for many large estates of the era and many of Mizner's commissions, was the contractor for the house.

Playa Riente was regarded as Mizner's masterpiece. It was described in *Vogue* magazine as "the finest private residence in America in the early 1920s."⁴ And journalist Ida M. Tardell called it "one of the most perfect great houses in America."⁵

Mizner created Playa Riente on almost 25 acres stretching from the Atlantic Ocean to Lake Worth. It had an ocean frontage of 1,000 feet, included over 70 rooms of which 15 were master bedrooms. The outside was faced with cut and polished quarry blocks from the Florida Keys. According to a Palm Beach Daily News Article, "Playa Riente expressed the vast unconstrained grandeur most often associated with Palm Beach. Along with a myriad of loggias, cloisters, sun decks, patios and terraces, there was a cathedral-like living room and a music room, not only made famous by its performers and guests but by its museum-quality nine-panel mural painted by Jose Sert. Playa Riente's mammoth scale and extent rivaled European palaces."⁶

Joshua S. Cosden was a self-made man who became highly successful in the oil business, accumulating a fortune of \$75 million in Oklahoma by the mid 1910s. His wife Eleanor "Nell" travelled with Mizner to Spain and Italy to purchase valuable furnishings and artwork for Playa Riente, which blended

² The name Playa Riente was known as either "Laughing Beach" or "Smiling Sands."

³ Donald Curl. Palm Beach County: An Illustrated History. Windsor Publications, Inc., 1986. Page 67.

⁴ James R Knott. The Mansion Builders: Historical Vignettes of Palm Beach. 1990. Page 19.

⁵ Caroline Seeborn. Boca Rococo: How Addison Mizner Invented Florida's Gold Coast. New York: Clarkson Potter Publishers, 2001. Page 206. Ida M. Tarbell came to Palm Beach when Alice De Lamar commissioned her to write the introduction for a monograph on the work of her good friend Addison Mizner.

⁶ Augustus Mayhew. Unforgettable Palm Beach: Alluring Stories from Showplace to Scrap Heap." Palm Beach Daily News. 2 May 2011.

with their pieces manufactured by Mizner Industries. Frederico and Anchille Angeli were brought in from Florence to fresco a number of walls and ceilings and the famous muralist Jose Sert designed a set of nine murals that were hung in the dramatic ballroom overlooking the ocean where famous singers performed musicals. The Cosden's were known for their lavish parties and entertaining renowned guests during the season at Playa Riente.

Joseph Cosden suffered financial trouble in the stock market and was forced to place Playa Riente on the market in early 1926.⁷ A few weeks after going on the market, Mrs. Anna Horace Elgin Dodge, widow of the automaker, purchased Playa Riente for \$2,800,000. Three weeks later she married Hugh Dillman who had acted as her real estate agent in the deal. The Dillman's soon after hired Mizner to design a servant's wing and a Gothic Moorish cloistered patio for the grand estate. The Dillman's also entertained lavishly, with one of the most magnificent of Playa Riente's parties taking place in April 1941 when the Dillman's entertained 500 guests to welcome the Duke and Duchess of Windsor during their first visit to Palm Beach.

The Dillman's divorced in 1947 and Anna resumed the Dodge name. Playa Riente remained closed during much of the mid-1940s, as it was very difficult to hire staff during the War. Anna Dodge returned to the house in 1948 after workmen prepared for its' reopening. By the 1950s, the immense estate had become too expensive to maintain, and Anna Dodge put it on the market. There were no individual buyers so she tried to have the zoning changed to permit the estate to become a private club, school, apartment house or museum. The zoning board turned her down so she petitioned the Town Council with a special hardship exception stating "the cost of maintaining the property is prohibitive for single family occupancy under existing changed economic and social conditions that have evolved since the zoning code was enacted."⁸ Between the high taxes and insurance and the cost of properly maintaining and staffing the house, there were no single- family buyers but the Town would not allow for a zoning change.⁹ So after throwing a giant farewell party and auctioning off the furnishings, Anna Dodge sadly permitted the wrecking ball to demolish Playa Riente in 1957.

⁷ Donald Curl. *Palm Beach County: An Illustrated History*. Page 68. The Foreword to the Catalog for the sale of the Playa Riente furnishings and fixtures stated that the Cosden's sold the house to Anna Dodge in 1925 though she did not occupy it until 1926.

⁸ "Rezoning Sought for Playa Riente, *The Palm Beach Post*. 22 November 1952, Page 5.

⁹ Joseph P. Kennedy, who had a house to the north not far from Playa Riente, fought against any zoning change for the estate despite the fact that there were two clubs already in existence just to the south.

VI. ARCHITECT BIOGRAPHY

Addison Mizner

Addison Cairns Mizner was one of Palm Beach's most flamboyant architects from his arrival on the island in 1918 until his death in 1933. With Richard M. Hunt and Stanford White he was known as one of the "great society architects". Mizner socialized with the wealthy, and through his contacts introduced Mediterranean Revival architecture to Palm Beach, revolutionizing the shape of the Town.

Mizner was born in 1872 in Benicia, California, the son of a prominent California pioneer family. Although he never studied architecture at the university level, Mizner absorbed design concepts "in the field" while his father was ambassador in Central America. Fluent in Spanish from his time in Guatemala City, Mizner traveled to Spain where he lived in Salamanca for less than a year. Despite the fact that his time in Spain was short his travels left a lasting imprint on his life and work.

From 1893 to 1896 Mizner expanded his knowledge of Spanish style architecture by serving an apprenticeship with a leading proponent of the style, Willis Polk, in San Francisco. His apprenticeship taught him draftsmanship and construction techniques and eventually led to a partnership with Polk. From California Mizner traveled to New York City where he benefitted from a friendship with Sanford White, who helped him become established in the city.

Mizner first visited Palm Beach in 1918 while recovering from an accident. Already established as a New York architect, he stayed with Paris Singer, son of Sewing Machine mogul Isaac Singer and husband of dancer Isadora Duncan. Singer was interested in developing Palm Beach as a resort for the wealthy of New York. Mizner received a \$6,000 per year retainer from Singer to encourage his New York society clientele to build vacation homes in Palm Beach.

The Everglades Club, designed in 1918, was Mizner's first project and set the tone for the new Palm Beach. Addison Mizner moved away from the shingle cottage style town of Henry Flagler and moved toward a resort of fashion and elegance.

In the Town of Palm Beach Mizner buildings included dozens of mansions, the Via Mizner, Via Parigi, office buildings, apartments, and shops. One of Mizner's unique attributes was his ability to adapt to circumstance. When the elements of his Spanish style buildings became unavailable (iron works, tiles, etc., that help define the Mediterranean Revival style) he established Mizner Industries to produce the needed materials. Eventually he produced the new and "antique" furniture used to decorate his houses.

After the collapse of Mizner's project in Boca Raton, and the failure of the Mizner development, he continued to live in Villa Mizner but had financial trouble maintaining his life style. Mizner died of a heart attack on February 5, 1933.

VII. STATEMENT OF SIGNIFICANCE:

The ornate wall fronting the property on the west and the seawall and staircases on the east are significant features remaining from the grand Playa Riente estate. Though the mansion was demolished in 1957, these important features were spared the wrecking ball.

VIII. CRITERIA FOR DESIGNATION

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are criteria, which relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

Playa Riente was Mizner's largest and most elaborately decorated home in Palm Beach, built in 1923 for Oklahoma oilman Joshua Cosden and owned for over 30 years by Anna Dodge. Like many of Palm Beach's grandest estates built during the Florida Land Boom, Playa Riente was demolished because it had become too expensive to maintain and zoning laws would not allow for a change of use. Along with Playa Riente, El Mirasol, Casa Bendita, Casa Florencia, La Fontana, Heamaw, Blythedunes, Villa Marina and others that were once central to

Palm Beach society were seen as relics from the past and demolished. Fortunately, the wrecking ball missed the beautiful perimeter wall and seawall and stairs at Playa Riente.

(3) “Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.”

The Playa Riente wall on the west side of the estate running along North Ocean Boulevard is an ornate wall featuring a projecting balustrade of slender Corinthian style balusters topped with a carved shape to create a void of a Gothic design. This balustrade is supported by large elaborately decorated corbels and separated by sections with panels containing an incised Gothic shaped arch. The classical design is picturesque and it remains as a significant feature of the former grand Playa Riente estate as well as an iconic feature along the 900-block stretch of North Ocean Boulevard.

Playa Riente was built overlooking the ocean with a large seawall embracing two elegant staircases leading down to the beach. At the bottom of the seawall between the staircases is a large stucco incised arch topped by a substantial projecting cornice supported by brackets. Within this arch is a door leading to the tunnel connecting the seawall to the house. This picturesque seawall is the only known seawall in Palm Beach with staircases built as a part of the seawall, making it a unique feature to the Island.

Both the seawall and the wall running along North Ocean Boulevard are important architectural features remaining from the grand Playa Riente estate.

(4) “Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or has influenced his age.”

Addison Mizner was the most influential Palm Beach architect from his arrival in Town in 1918 through the Building Boom of the 1920s. His Mediterranean Revival designs won the attention and patronage of wealthy clients and his designs helped to transform Palm Beach from a cottage colony to a world famous resort. Playa Riente was his largest and most elaborate Palm Beach commission and his design of the front perimeter wall and the seawall were contributing parts of this grand estate.

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I. DESIGNATION HEARINGS

Item 3: 911 N. Ocean Blvd., Playa Riente Wall and Seawall

Owner: Joan & Murray Goodman; Murray H. Goodman TR; Murray H. Goodman TR TITL HLDR

Mr. Cooney asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Call for disclosure of ex parte communication: Disclosure by Mr. Silvin

Janet Murphy, MurphyStillings, LLC, testified to the architecture and history for the perimeter wall and seawall built in 1923-1924. Ms. Murphy pointed out the design features of these walls. Ms. Murphy testified that the wall, seawall and stairs met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction or use of indigenous materials or craftsmanship; and

Sec. 54-161 (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

Greg Kino, representing the owners Mr. and Mrs. Goodman, explained a condition of approval relating to a future lot split that he would be requesting from the Town Council as a part of the Landmark Designation. Mr. Kino stated that as long as the Town Council granted the approval of the request, Mr. and Mrs. Goodman supported the designation. Mr. Lindgren stated that staff supported Mr. and Mrs. Goodman's request.

Mr. Cooney added that he believed that Mr. Kino's proposal was probably the best solution, should a lot split be proposed for the property.

Mr. Silvin confirmed that the designation did not include the tunnel and the fountain. Mr. Kino confirmed it was only the perimeter wall and the seawall.

Motion made by Ms. Albarran and second by Mr. Silvin to make the designation report for 911 N. Ocean Blvd. Playa Riente Wall and Seawall part of the record. Motion carried unanimously.

Motion made by Mr. Silvin and second by Ms. Albarran to recommend 911 N. Ocean Blvd. Playa Riente Wall and Seawall to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1, 3 and 4 in Section 54-161, with the addition of the caveat that if the property is ever divided, the southernmost entrance could be used as a separate entrance to the property.

Mr. Cooney called for public comment on the designation.

Aimee Sunny, Director of Education of the Preservation Foundation of Palm Beach, offered her support for the designation on behalf of the Foundation.

Motion carried unanimously.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>**

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

- (a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
 - (2) Is identified with historic personages or with important events in national, state or local history.
 - (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
 - (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
 - (5) Constitutes a unique area of architecture, landscaping and planning.
- (b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

- (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.
 - (4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.
 - (5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.
 - (6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
 - (7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.
 - (8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.
 - (9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.
 - (10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.
 - (11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.
 - (12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.
- (b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.
- (c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Public Hearings

Agenda Title

RESOLUTION NO. 28-2019 A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Ratifying And Confirming The Determination Of The Landmarks Preservation Commission That The Property Known As 124 Clarke Avenue, Meets The Criteria Set Forth In Ordinance No. 2-84, Also Known As Chapter 54, Article Iv Of The Code Of Ordinances Of The Town Of Palm Beach; And Designating Said Property As A Town Of Palm Beach Landmark Pursuant To Ordinance No. 2-84, Also Known As Chapter 54, Article IV Of The Code Of Ordinances Of The Town Of Palm Beach.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated April 2, 2019 from Josh Martin, Director of Planning, Zoning & Building**
- ▣ **Resolution No. 28-2019**
- ▣ **Designation Report for 124 Clarke Avenue**
- ▣ **Excerpt from March 15, 2019 Landmarks Preservation Meeting Minutes**
- ▣ **Landmarks Designation Procedure**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning & Building

Re: Landmark Designation of 124 Clarke Avenue
Resolution No. 28-2019

Date: April 2, 2019

STAFF RECOMMENDATION

Staff recommends ratification of the property known as 124 Clarke Avenue as a Town landmark.

LANDMARKS PRESERVATION COMMISSION RECOMMENDATION

At the Public Hearing for Designation held during the February 20, 2019 meeting of the Landmarks Preservation Commission, the Commission voted (7-0) to recommend to the Town Council that the above mentioned property be designated as a landmark. In accordance with Section 54-164 (a) (11) of Chapter 54 of the Town of Palm Beach Code of Ordinances, the Town Council shall hold a public hearing within ninety (90) days of the final decision of the Landmarks Commission to consider ratification of the Commission's recommendation.

GENERAL INFORMATION

The property meets the following criteria for designation as a landmark of the Town of Palm Beach:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.

OWNER CONSENT

The property owners, Emily J. and Gerald M. Lemole; were properly notified of the hearing before the Landmarks Preservation Commission. The Lemole's were not at the meeting, but they sent a letter of support.

TOWN ATTORNEY REVIEW

Please be advised that the Town Attorney has reviewed Resolution No. 28-2019 relating to 124 Clarke Avenue, and has approved it as to legal form and sufficiency.

Attachments

cc: John C. Randolph, Town Attorney
Murphy Stillings, LLC

RESOLUTION NO. 28-2019

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, RATIFYING AND CONFIRMING THE DETERMINATION OF THE LANDMARKS PRESERVATION COMMISSION THAT THE PROPERTY KNOWN AS 124 CLARKE AVENUE, MEETS THE CRITERIA SET FORTH IN ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH; AND DESIGNATING SAID PROPERTY AS A TOWN OF PALM BEACH LANDMARK PURSUANT TO ORDINANCE NO. 2-84, ALSO KNOWN AS CHAPTER 54, ARTICLE IV OF THE CODE OF ORDINANCES OF THE TOWN OF PALM BEACH.

WHEREAS, pursuant to the provisions of Ordinance No. 2-84, (Chapter 54, Article IV, Code of Ordinances of the Town of Palm Beach) the Landmarks Preservation Commission of the Town of Palm Beach held a public hearing and recommended to the Town Council that certain property described herein be designated as a landmark as described in said Ordinance and Code; and

WHEREAS, after due notice to the property owner(s) affected, a public hearing was held at which all parties interested were given an opportunity to be heard and express their views and opinions with respect to the property and its designation as a landmark; and

WHEREAS, the Town Council does hereby find and determine that the property described herein meets the criteria required by the Ordinance to designate a landmark, and shall be designated as a landmark;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. The recommendation and determination of the Landmarks Preservation

Commission as to the property hereinafter described in Section 3 of this Resolution, being designated as a landmark is hereby ratified, approved and confirmed.

Section 3. The landmark herein designated, pursuant to the provisions of Ordinance No. 2-84, and the provisions of the Town Code described herein, is known as **124 Clarke Avenue** and the property to be landmarked is legally described as follows:

Lot 13, Primavera Estates (Ocean Section), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida.

Section 4. The Town Clerk is hereby ordered to furnish the property owner of the landmarked property a copy of this Resolution.

Section 5. Within thirty (30) days from the date of this Resolution, the Landmarks Preservation Commission shall cause to be filed in the Office of the Recorder of Deeds in and for Palm Beach County, Florida, a certificate that the above-described property comprises a landmark, as defined in and subject to the provisions of Ordinance No. 2-84 and the Code of Ordinances of the Town of Palm Beach, Florida.

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this 10th day of April, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

124 Clarke Avenue



DESIGNATION REPORT

March 13, 2019

Landmark Preservation Commission

Palm Beach, Florida

DESIGNATION REPORT

124 Clarke Avenue

Table of Contents

I.	GENERAL INFORMATION	2
II.	LOCATION MAP	3
III.	ARCHITECTURAL INFORMATION	4
IV.	HISTORICAL INFORMATION	9
V.	ARCHITECT/BUILDER BIOGRAPHY	10
VI.	STATEMENT OF SIGNIFICANCE	11
VII.	CRITERIA FOR DESIGNATION	11
VIII.	SELECTED BIBLIOGRAPHY	13
IX.	FLORIDA MASTER SITE FILE FORM	14

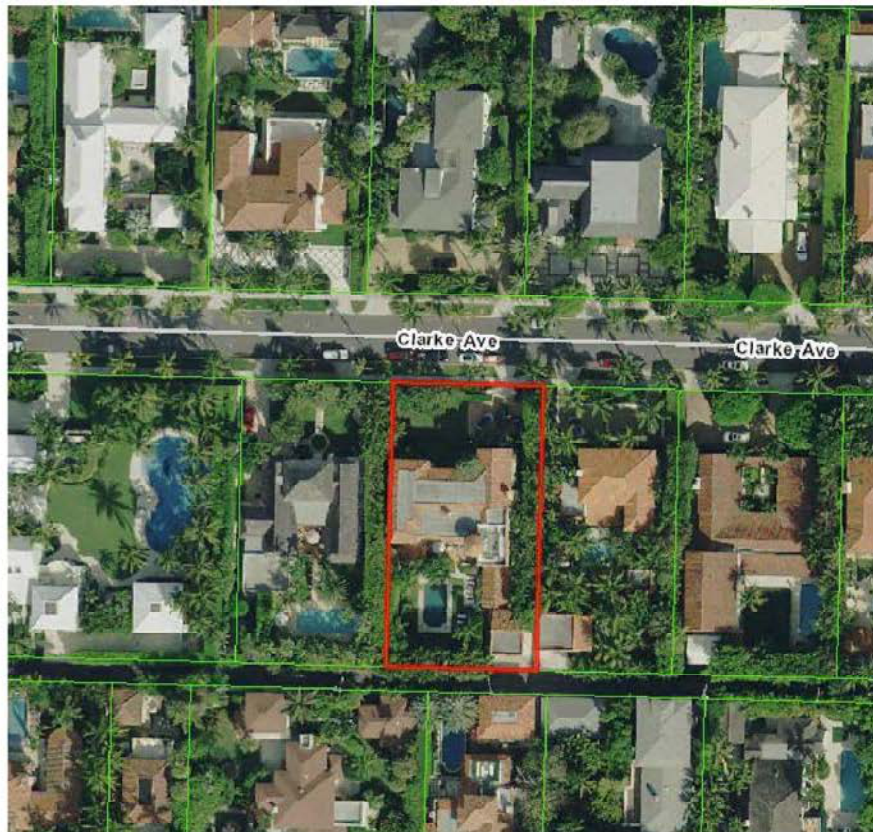
Report produced by Murphy Stillings, LLC

I. General Information

Location:	124 Clarke Avenue Palm Beach, Florida
Date of Construction:	1925
First Owner:	Niles S. Babbitt
Architect:	Unknown
Builder/Contractor:	Charles S. Rice
Present Owner:	Gerald and Emily Lemole
Present Use:	Residential
Present Zoning:	R-B
Palm Beach County Tax Folio Number:	50-43-43-22-05-000-0130
Current Legal Description:	Lot 13, Primavera Estates (Ocean Section), according to the Plat thereof as recorded in Plat Book 6, Page 82, of the Public Records of Palm Beach County, Florida.

II. Location Map

124 Clarke Avenue



III. Architectural Information

124 Clarke Avenue is located on the south side of Clarke Avenue between South Ocean Avenue and South County Road in the ocean section of the Primavera Estates subdivision. The residence and accessory structures were constructed in the Mediterranean Revival style in 1925 during the height of the Palm Beach Land and Housing Boom.¹ The residence has an eclectic array of Gothic, Venetian and Spanish details.



Main (North) Facade

124 Clarke Avenue is a very good example of the Mediterranean Revival style of architecture that was popular in Palm Beach during the Land Boom of the 1920s. The Mediterranean Revival style is an eclectic style incorporating architectural elements derived from the area around the Mediterranean Sea, especially Italy and Spain. The style is found most frequently in states that have a Spanish Colonial heritage, but its use gained national popularity after the Pan-American Exhibition held in San Diego in 1915. In Palm Beach, the style was first popularized in 1919 by Addison Mizner's design for the Everglades Club. The popularity of the style soared in the 1920s for both commercial and residential buildings. The style remained a pervasive influence on building design until World War II. Buildings of this style are often decorated with ornate cast-stone columns,

¹ Building Permit #43625, on file at the Town of Palm Beach, was dated April 11, 1925, with an approximate cost of \$35,000.

pilasters and window surrounds. Arched openings, tower features, balconies, asymmetrical massing and windows of varying sizes and shapes are also common features. In addition, stone or stucco facades, decorative wrought ironwork, tile floors, pecky cypress ceilings and clay barrel tile roofs are typical features of Mediterranean Revival style buildings.

124 Clarke Avenue is a two-story residence constructed of wood frame and hollow clay tile and is surfaced with rough stucco. The roofing is comprised of barrel tile hip and gable roofs with exposed rafters, as well as, flat roofs with parapets and barrel tile accents. The residence was constructed in a H-shaped plan with a two-story garage apartment building at the southeast corner of the property. A one-story addition connects the house to the accessory structure. The property is surrounded by a site wall and a pair of rectangular columns with a decorative metal gate provides access to the property.

The eastern wing of the residence has a front facing gable roof and contains the focal point of the main façade, a gothic arched recessed entryway with a large cast stone door surround. A rectangular cartouche with a tile background and a religious statue tops the surround. A pair of wood and glass doors with decorative metal work and an arched transom above provide access into the residence. Two casement windows with Venetian arched cast stone window surrounds are located above the entry feature.



Eastern Wing with Entrance



Entrance

The central bay of the residence, which is recessed from the eastern and western wings, connects to the eastern wing with an angled wall. This portion of the residence contains a double height living room with 22-foot ceilings. A high fixed glass window with a decorative Venetian arched window surround is the focal point of this bay.



Eastern Wing and Central Bay

The western wing of the residence does not extend forward as much as the eastern bay. Unique features of this wing include the second floor's curvilinear shaped window with a cast stone surround and the decorative tracery located at the northwest corner of the second floor.



Curvilinear Window on the North Façade
of the Western Wing



Decorative Tracery at Northwest Corner

The residence has varied window fenestration including multi-light casement and sash windows, fixed windows, and arched multi-light French doors. At some point after 2005, embellishments were added to some of the windows on the main façade, including the two Venetian style window surrounds above the entrance and the rectangular surround at the center window on the second floor of the western wing.²



Main (North) Façade

The highlight on the rear of the residence is a three-story round tower with a barrel tile hip roof. The tower has rectangular windows on the first and second floors and arches on the third floor. A rear loggia with multi-light arched French doors looks out on the rear yard and pool. A one-story addition that was constructed in 2000 connects the house to the accessory structure. This addition has three sets of arched French doors facing the pool area.³

² Building permit information for the window surrounds could not be located. The work may have been done in 2007-2008 when windows were replaced. A photograph from a real estate advertisement from 2005 does not show these window surrounds.

³ Description of the rear of the residence is based on building permit records and online photographs.



Rear façade as shown in Real Estate Advertisement in the Palm Beach Post, 2007

Alterations and additions to the exterior of the residence include the construction of the swimming pool in 1968, enclosure of a second floor sundeck at the center of the eastern wing with an addition in 1995, construction of the front site wall and driveway gate in 1997, construction of a one-story addition that connects the rear of the residence's eastern wing to the accessory structure and a four-foot extension of the rear loggia and an addition above the loggia in 2000, replacement of windows and doors, addition of some window surrounds, re-roofing, and ordinary repairs and maintenance.⁴



Main Façade - Image from a Real Estate Advertisement in the Palm Beach Post, 2005

⁴ Town of Palm Beach Building Permit Records, 1925-2019.

IV. Historical Information

The residence at 124 Clarke Avenue was built during the Florida Land Boom. The early 1920s was a period of tremendous growth in the Town of Palm Beach. The Island had become the winter resort of America's most influential families and the building boom was radically changing the face of the small community. By 1920, Ocean Boulevard was completed and motorists from the north were driving down to enjoy the popular winter resort town. As Addison Mizner and other prominent Palm Beach architects were designing large estates along the ocean and lake in the Mediterranean Revival style, demand for hotels, apartments and residences grew. Many of these homes were taking their design cues from the larger estates and were being built in the Mediterranean Revival style as well, increasing the style's popularity.

124 Clarke Avenue was constructed in Primavera Estates, a subdivision developed by Louis Clarke. Louis Clarke was the son of Charles J. Clarke, an early Palm Beach pioneer. The origins of Clarke Avenue and the Primavera Estates subdivision go back to 1880, when E. N. "Cap" Dimick, Palm Beach's first mayor, built his home on Lake Trail at the west end of what is now Clarke Avenue. The home was named "Cocoanut Grove" and became the first hotel in the area, Cocoanut Grove House. In 1891, Charles Clarke purchased the Cocoanut Grove along with sixty acres of property that ran from the ocean to the lake.⁵ A fire destroyed the Cocoanut Grove House in 1893, after which Charles Clarke built his home on the site, which he named "Primavera". Louis Clark developed the Primavera Estates subdivision in 1917 and many of the lots in the subdivision were sold from 1918 through 1923.⁶

Historically named "Casa Del Padre", 124 Clarke Avenue was built in 1925 by Charles S. Rice for Niles S. Babbitt and his wife Anne, from Philadelphia. Babbitt was the owner of a dress manufacturing and importing company and was an avid sportsman. He was a founder of the Philadelphia Athletic Club and an active member of the Sailfish Club.⁷ The Babbitt's began spending the winter season in Palm Beach, prior to 1920, staying at

⁵ "Clarke Avenue 2002 Annual Walking Tour," Preservation Foundation of Palm Beach 7 February 2002.

⁶ "All Quiet on Clarke Avenue Beach," Palm Beach Daily News 25 September 1985.

"Primavera Estates," Palm Beach Post 22 December 1918.

"Primavera, Palm Beach Auction Lot Sale," Palm Beach Daily News 18 February 1923.

⁷ Obituary, The Evening Bulletin, Philadelphia. 8 June 1968.

The Royal Poinciana Hotel. Niles Babbitt was known as a very religious person and donated a large stained glass window to St. Edward's Catholic Church.

In 1924, Babbitt contracted Charles S. Rice to construct a residence, known as Villa Banyan, at 217 Clarke Avenue.⁸ Shortly after the construction of Villa Banyan, Babbitt had Charles Rice construct another residence for him down the street at 124 Clarke Avenue.⁹ Shortly after Villa Banyan was built Babbitt sold the property. Niles Babbitt spent most winter seasons at Casa Del Padre, 124 Clarke Avenue, until his death in 1968.

There have only been five owners of the residence since its construction in 1925. Niles Babbitt owned the property for 43 years and the second owners, Louis O. and Birgett Hilton, owned the property for 27 years. Following the Hilton's, the house was owned by Raphael and Fortune Beriro, Dean and Pamela Lovett, and is currently owned by the Gerald and Emily Lemole who purchased it in 2007 and have been excellent stewards of the property.

V. Architect/Builder Biography

There is no architect listed on the original building permit for 124 Clarke Avenue and therefore, like many Palm Beach buildings constructed in the early twentieth century, the residence was likely designed and built by the contractor Charles S. Rice.

Charles S. Rice was a prominent contractor and builder in the Palm Beach area from the 1920s to 1940s. Originally from Nova Scotia, Rice came to South Florida by way of Massachusetts in 1920. He was responsible for the construction of many residences in Palm Beach, West Palm Beach and other municipalities in the area. In addition to 124 Clarke Avenue and 217 Clarke Avenue, Charles Rice also constructed 10 South Lake Trail, 114 Seaspray Avenue, 124 Brazilian Avenue, 148 South County Road, and 212 Clarke Avenue. Charles Rice passed away in 1948.

⁸ 217 Clarke Avenue was designated a Town of Palm Beach Landmark in 1982. Building Permit #27224 on file at the Town of Palm Beach. 21 May 1924.

⁹ The Florida Master Site File Form incorrectly lists the builder of 124 Clarke Avenue as J.S. Willson. The 1925 building permit for the construction of the residence and newspaper articles from 1925 state the builder was Charles S. Rice.

VI. Statement of Significance

The residence at 124 Clarke Avenue with its Gothic, Venetian and Spanish details is a very good example of a Mediterranean Revival style residence constructed at the height of the 1920's Land Boom in Palm Beach. Built in 1925 for Niles Babbitt, the residence is representative of the homes being constructed during a time of significant growth in Palm Beach and more specifically the Primavera Estates subdivision.

VII. Criteria For Designation

Section 54-161 of the Town of Palm Beach Landmarks Preservation Ordinance outlines the criteria for designation of a landmark or landmark site and suggests that at least one criterion must be met to justify the designation. Listed below are the criteria which relate to this property and justification for designation:

(1) "Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town."

124 Clarke Avenue, built for successful businessman Niles Babbitt, represents the broad cultural and economic spectrum of building activity that was taking place in Palm Beach during the Florida Boom Time Era of the 1920s. Clarke Avenue is part of the Primavera Estates subdivision, a successful subdivision created during the 1920s Land Boom. While Palm Beach's reputation rested upon the individual grand estates and fashionable hotels, residences such as 124 Clarke Avenue are symbolic of the rise of cohesive neighborhoods of single family homes in Palm Beach during the 1920s.

(3) "Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship."

The residence located at 124 Clarke Avenue, designed and constructed in 1925, is a very good example of the Mediterranean Revival style of architecture popularized in Palm Beach during the Land Boom of the 1920s and still recognized as the "Palm

Beach Style.” The residence embodies distinctive Mediterranean Revival characteristics including asymmetrical massing, tile covered roofs, distinctive entrances, tower features, arches, columns, and stucco façades. The combination of Gothic, Venetian and Spanish design elements exhibited in the residence is characteristic of the eclectic nature of the Mediterranean Revival style.

VIII. Selected Bibliography

Curl, Donald W. Mizner's Florida: American Resort Architecture. Cambridge, Massachusetts: The MIT Press, 1987.

_____. Palm Beach County: An Illustrated History. Northridge, California: Windsor Publications, Inc., 1987.

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Marconi, Richard A. and Murray, Debi. Images of America: Palm Beach. Charleston, South Carolina: Arcadia Publishing, 2009.

McAlester, Virginia and Lee. A Field Guide to American Houses. New York: Alfred A. Knopf, Inc., 1984.

The Palm Beach Daily News and Palm Beach Post. Archived Articles

Preservation Foundation of Palm Beach. 124 Clarke Avenue file.

Sanborn Insurance Map of Palm Beach. New York: Sanborn Map Co., 1919 and 1926. City of West Palm Beach Public Library, Florida Room.

Town of Palm Beach. Building Permits, 1925– 2019.

West Palm Beach City Directories. Asheville, NC: Florida-Piedmont Directory Company, 1918-1989.

IX. Florida Master Site File Form



HISTORICAL STRUCTURE FORM

Electronic Version 1.1.0

Site # PB06415
 Recorder # Jane S. Day
 Field Date 9/20/2010
 Form Date 10/18/2010
 Form No 201009
 Form No - Field Date (YYYYMM)

First Site Form Recorded for this Site? NO

GENERAL INFORMATION

Site Name (address if none) Gerald M. Lemole, House Multiple Listing (DHR only) _____
 Other Names _____ >> Casa Bendita
 Survey or Project Name Palm Beach Historic Sites Survey, Phase V Survey# _____
 National Register Category Building(s)

LOCATION & IDENTIFICATION

Address

Street No.	Direction	Street Name	Street Type	Direction Suffix
<u>124</u>		<u>Clarke</u>	<u>Avenue</u>	

Cross Streets (nearest/between) So Ocean Blvd & So. County Rd
 City / Town (within 3 miles) Town of Palm Beach In Current City Limits? YES
 County Palm Beach Tax Parcel #(s) 50-43-43-22-05-000-0130
 Subdivision Name Prima Vera Estates Block _____ Lot 13
 Ownership Private Individual
 Name of Public Tract (e.g., park) _____
 Route to (especially if no street address) On the south side of Clarke Ave. between South Ocean Blvd and South County Rd.

MAPPING

USGS 7.5' Map Name _____ Publication Date _____ >> PALM BEACH;1946
 Township: _____ Range: _____ Section: _____ 1/4 section: _____ >> 43S ;43E ;22;UNSP
 Irregular Section Name: _____
 Landgrant _____
 UTM: Zone _____ Easting _____ Northing _____
 Plat or Other Map (map's name, location) _____

DESCRIPTION

Style Mediterranean Revival Other Style _____
 Exterior Plan Irregular Other Exterior Plan _____
 Number of Stories 2
 Structural System(s) _____ >> Wood frame
 Other Structural System(s) hollow clay tile
 Foundation Type(s) _____ >> Continuous
 Other Foundation Types _____
 Foundation Material(s) _____ >> Concrete Block
 Other Foundation Material(s) _____
 Exterior Fabric(s) _____ >> Stucco
 Other Exterior Fabric(s) _____
 Roof Type(s) _____ >> Hip
 Other Roof Type(s) gable
 Roof Material(s) _____ >> Spanish tile
 Other Roof Material(s) _____
 Roof Secondary Structure(s) (dormers etc) _____ >> _____
 Other Roof Secondary Structure(s) _____
 Number of Chimneys 1
 Chimney Material Brick
 Other Chimney Material(s) stucco on exterior
 Chimney Location(s) east slope

Page 1 of 3

HISTORICAL STRUCTURE FORM

8PB06415

DESCRIPTION (continued)

Window Descriptions casement, fixed

Main Entrance Description (stylistic details) On the north facade with a cast stone surround and Gothic arched top

Porches: #open 2 #closed #inoced Location(s) entry - n, 2nd floor loggia - NW

Porch Roof Type(s)

Exterior Ornament cast stone, exposed rafters, belt course, medallions, tile

Interior Plan Unknown

Other Interior Plan

Condition Excellent

Structure Surroundings

Commercial: NONE of this category

Residential: ALL this category

Institutional: NONE of this category

Undeveloped: NONE of this category

Ancillary Features (Number / type of outbuildings, major landscape features)

Archaeological Remains (describe): none observed

If archaeological remains are present, was an Archaeological Site Form completed?

Narrative Description (optional)

HISTORY

Construction year 1924

Architect (last name first): unknown

Builder (last name first): Willson, J.S.

Changes in Locations or Conditions

Type of Change

Year of Change

Date Change Noted

Description of Changes

>>

Structure Use History

Use

Year Use Started

Year Use Ended

>> Private residence; 1924;

Other Structure Uses

Ownership History (especially original owner, dates, profession, etc.)

RESEARCH METHODS

Research Methods

>> Examine local property records

Other research methods

SURVEYOR'S EVALUATION OF SITE

Potentially Eligible for a Local Register?

INSUFF. INFO

Name of Local Register if Eligible Town of Palm Beach Landmark

Individually Eligible for National Register?

INSUFF. INFO

Potential Contributor to NR District?

INSUFF. INFO

Area(s) of historical significance

>> Community planning & development

Other Historical Associations

Explanation of Evaluation (required) This Mediterranean Revival style residence built in 1924 has an eclectic array of details in the Gothic, Venetian and Spanish Baroque type. It is worthy of further study.

HISTORICAL STRUCTURE FORM

8PB06415

DOCUMENTATION (Photos, Plans, etc.)

Photographic Negatives or Other Collections Not Filed with FMSF, including Field Notes, Plans, other Important Documents.

Document type: _____	Maintaining Organization: _____
File or Accession #: _____	Descriptive Information: _____
>> _____	

RECORDER INFORMATION

Recorder Name (Last, First) Day, Jane S.
 Recorder Address / Phone 728 Granada Drive, Boca Raton, FL 33432 561-362-4473
 Recorder Affiliation Research Atlantica Other Affiliation Town of Palm Beach
 Is a Text-Only Supplement File Attached (Surveyor Only)? _____

***** MASTER SITE FILE USE ONLY *****

Cultural Resource Type: <u>RR</u> Electronic Form Used: <u>SHPO</u> Form Type Code: <u>RR01</u> Form Quality Ranking: <u>RR01</u> Form Status Code: <u>RR01</u>	SHPO's Evaluation of Resource _____ Date _____
Supplement Information Status: <u>NO SUPPLEMENT</u> Supplement File Status: <u>NO SUPPLEMENT FILE</u>	FMSF Staffer: _____ Computer Entry Date: <u>7/23/2004</u>
Form Comments: _____	

REQUIRED PAPER ATTACHMENTS

- (1) USGS 7.5" MAP WITH STRUCTURE PINPOINTED IN RED
- (2) LARGE SCALE STREET OR PLAT MAP
- (3) PHOTO OF MAIN FACADE, B&W, AT LEAST 3"X5"

I. DESIGNATION HEARINGS

Item 1: 124 Clarke Avenue

Owner: Emily J. and Gerald M. Lemole

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

Mr. Cooney asked for confirmation on proof of publication. Ms. Churney provided confirmation.

Emily Stillings, MurphyStillings, LLC, testified to the architecture and history for this Mediterranean Revival style home. Ms. Stillings pointed out the design features of this building. Ms. Stillings testified that the building met the following criteria for designation as a landmark:

Sec. 54-161 (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town; and,

Sec. 54-161 (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable of the study of a period, style, method of construction or use of indigenous materials or craftsmanship;

Ms. Stillings added that the owners of 124 Clarke Avenue sent a letter to the Town offering their support of the designation.

Motion made by Mr. Silvin and second by Ms. Albarran to make the designation report for 124 Clarke Avenue part of the record. Motion carried unanimously.

Mr. Silvin stated that the house, especially the interiors, are superior and well maintained.

Ms. Albarran spoke about the addition she designed for the home. She spoke about the wonderful interiors of the home.

Mr. Cooney called for any public comment on the designation.

Aimee Sunny, Director of Education of the Preservation Foundation of Palm Beach, offered her support for the designation on behalf of the Foundation.

Motion made by Ms. Albarran and second by Mr. Silvin to recommend 124 Clarke Ave to the Town Council for designation as a Landmark of the Town of Palm Beach based on criteria 1 and 3 in Section 54-161. Motion carried unanimously.

Palm Beach, Florida, Code of Ordinances >> PART II - CODE OF ORDINANCES >> **Chapter 54 - HISTORICAL PRESERVATION >> ARTICLE IV. - DESIGNATION PROCEDURE >>**

ARTICLE IV. - DESIGNATION PROCEDURE

Sec. 54-161. - Criteria for landmarks and landmark sites.

Sec. 54-162. - Creation of historic districts.

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

Sec. 54-165. - Voluntary restrictive covenants.

Secs. 54-166—54-195. - Reserved.

Sec. 54-161. - Criteria for landmarks and landmark sites.

A landmark or landmark site shall meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
- (2) Is identified with historic personages or with important events in national, state or local history.
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship.
- (4) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced his age.

(Code 1982, § 16-38)

Sec. 54-162. - Creation of historic districts.

- (a) *Authorized.* For preservation purposes, the commission shall identify geographically defined areas within the town to be designated as historic districts and shall cite the guideline criteria upon which such designation shall be made. An historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the town that:
 - (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or town.
 - (2) Is identified with historic personages or with important events in national, state or local history.
 - (3) Embodies distinguishing characteristics of one or more architectural types, or contains specimens inherently valuable for the study of a period, style or methods of construction or use of indigenous materials or craftsmanship.
 - (4) Is representative of the notable works of one or more master builders, designers or architects whose individual ability has been recognized to have influenced their age.
 - (5) Constitutes a unique area of architecture, landscaping and planning.
- (b) *Petition for special historic district category.* Following the designation of each landmark or landmark site, the commission may petition the town council for the categorizing of such

property as special district H. Following the designation of each historic district, the commission may petition the town council for the categorizing of each property in such district to special district HD.

(Code 1982, §§ 16-38.1, 16-39)

Sec. 54-163. - Commission powers with respect to landmarks, landmark sites and historic districts.

The commission has the power to:

- (1) Designate a building, together with its accessory buildings and its lot of record, or a vacant site or a district as historic and worthy of preservation as a landmark, landmark site or historic district, as the case may be, within the jurisdiction of the commission, provided such designation is ratified by the town council.
- (2) Recommend appropriate legislation for the preservation of any building, site or district which it has so designated.
- (3) Make application for public and private funds when appropriate and available for the purposes set forth in this article subject to the approval of the town council.
- (4) Review applications proposing erection, alteration, restoration or moving of any building it has so designated or any building located in a district it has so designated, and to issue or deny certificates of appropriateness accordingly.
- (5) Review applications for demolition permits proposing demolition of all or part of any landmark or any building located in an historic district, and to issue certificates of appropriateness or to deny them for one year.
- (6) Cooperate with the owner of a landmark or a property located in an historic district throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for such landmark or property.
- (7) Review its denial of a certificate of appropriateness for demolition of such landmark or property annually, during a public hearing at which time the owner of the affected landmark or property shall be afforded an opportunity to appear with counsel and to present testimony.
- (8) Prohibit the issuance of building, exterior remodeling or demolition permits affecting any property under consideration for landmark designation without a certificate of appropriateness, this prohibition to remain in effect for the length of time required by the commission and the town council for final action on the proposed designation. The commission shall accomplish such prohibition by furnishing the building official a list of all property under consideration for landmark designation.

(Code 1982, § 16-42)

Sec. 54-164. - Landmark, landmark site and historic district designation and undesignation procedures.

- (a) The following procedure shall be adhered to by the commission in designating any building, building site or district that is worthy of preservation:
 - (1) The commission shall consider for landmark designation any property proposed by the owner of record or by a member of the commission.
 - (2)

Notice of a proposed designation shall be sent by certified mail to the owner of record of property proposed for designation as a landmark or landmark site and to each owner of record of property in a district proposed for designation as an historic district, describing the property proposed and announcing a public hearing by the commission to consider such a designation to be held not less than 30 days after the mailing of such notice.

- (3) The commission shall also cause notice of each such proposed designation to be posted at least 30 days prior to the public hearing on the bulletin board in the lobby of the town hall, and in addition the commission shall cause such notice to be published in a newspaper having general circulation in the town.
 - (4) The commission may retain or solicit expert testimony regarding the historic and architectural importance of the buildings and districts under consideration for designation.
 - (5) The commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed landmark, landmark site or historic district.
 - (6) The commission shall afford the owner of each affected property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of such property.
 - (7) The owner of each affected property shall be afforded a right of representation by counsel and reasonable opportunity to cross examine witnesses presented by the commission.
 - (8) Any interested party may present testimony or documentary evidence regarding the designation of a proposed landmark, landmark site or historic district at the public hearing and may submit to the commission documentary evidence within three days after the hearing.
 - (9) Within not more than 30 days after a public hearing, the commission shall render a final decision regarding the proposed designation and give written notice of its decision to each owner of property affected by the designation, setting forth the reasons for the decision.
 - (10) The commission shall maintain a record of testimony and documentary evidence submitted to it for consideration of the designation of a proposed or previously designated landmark, landmark site or historic district.
 - (11) In accordance with section 54-163(1), the town council shall, within 90 days of the commission's final decision, hold a public hearing to consider ratification of the determination of the commission prior to the designation of a property as a landmark or landmark site or of a district as an historic district becoming effective. Absent ratification by the town council, the commission's determination shall be ineffective.
 - (12) Within 30 days of the date on which the town council ratifies the commission's designation of a landmark, landmark site or historic district, the commission shall cause to be filed in the office of the county recorder of deeds a certificate of notification that such property is designated a landmark or landmark site or is located within a district designated an historic district; and the certificate of notification shall be maintained on the public record until such time as such designation may be withdrawn by the commission and the town council.
- (b) Designation and undesignation hearings before the commission shall be held only during the months of November, December, January, February, March and April.
- (c)

Designation of a landmark, landmark site or a historic district may be withdrawn by following the same procedure as listed above.

(Code 1982, § 16-43)

Sec. 54-165. - Voluntary restrictive covenants.

The owner of any landmark or landmark site may, at any time following the designation of his property, enter into a restrictive covenant on the property after negotiation with the commission. The commission may assist the owner in preparing such a covenant in the interest of preserving the landmark or the landmark site. The owner shall record such covenant in the office of the county recorder of deeds and shall notify the town clerk, building official and town council and may notify the office of the county property appraiser of such covenant and the conditions thereof.

(Code 1982, § 16-48)

Secs. 54-166—54-195. - Reserved.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Time Extensions

Agenda Title

Permit Extension, 232 Colonial Lane

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 25, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **232 Colonial Lane Attachments**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Permit Extension, 232 Colonial Lane

Date: March 25, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the recent history and the present condition of the property, in which all construction permits for a new two-story home have expired and the building and site conditions are unfinished. The matter before you centers on whether the Town should approve the re-activation of the construction permits to allow Janssen Construction Corp. (or the owner) to complete the work.

GENERAL INFORMATION

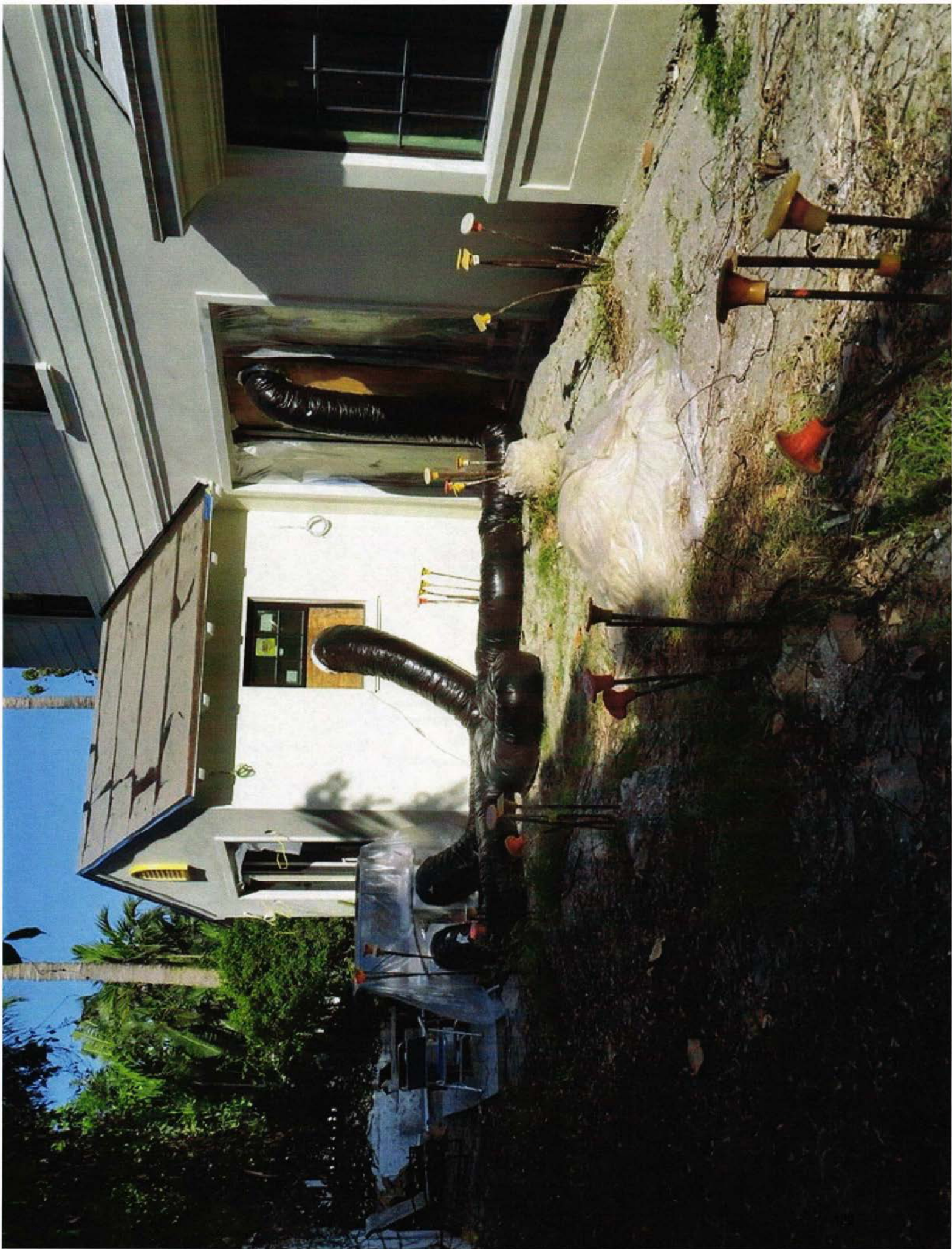
232 Colonial Lane is currently owned by Mr. & Mrs. George Kleinfeld. They purchased the property April of 2017. They immediately began seeking Town approvals for the demolition of the older one-story home and pool and for the construction of a new two-story home and pool. The new home main permit was issued on June 14, 2017 (Permit # B-17-64868). Twenty one (21) permits have been issued for the project, to date, with at least three permits currently pending and under review. There have been several complaints from the neighbor to the rear regarding this project –Mr. & Mrs. Wolf at 225 Monterey Road.

Due to the size of the new two-story building (2,845 sq ft), the duration of the construction permit is limited by Town Code 18-237 to just 16 months. Technically, the permit for the new home is expired. Chip Janssen, the building contractor, is requesting six more months to complete the project. Chip claims that delays involving the designers and interior ceiling heights basically “shut down” the construction for six months. If approved, PZB would re-activate the permit and allow the additional time approved by the Town Council.

Attachments

WRB











JANSSEN
CONSTRUCTION
C • O • R • P

PH: 561.688.2555
Fax: 561.203.2441
Cell: 561.718.4222
bjanssen@janssenconstructionfl.com

Dream it, Design It, Build It.
License #CBC041857

March 14, 2019

RECEIVED
MAR 18 2019
Town of Palm Beach
PZB Dept

Re: Request For Construction Time Period Extension
Six (6) Month Request
232 Colonial Lane
Palm Beach, Florida 33480

Dear Homeowner,

We are requesting an extension for the construction time period at the referenced project for a period of six (6) months. The new completion date will be September 13, 2019.

Thanking you beforehand for your time and cooperation in this matter, I remain

Sincerely,

JANSSEN CONSTRUCTION CORPORATION

Benno 'Chip' Janssen, III
President

Cell 561.718.4222

Email bjanssen@janssenconstructionfl.com

cc: Mr. Wayne Bergman, Town of Palm Beach Building & Zoning Dept.

Wayne Bergman

From: Wayne Bergman
Sent: Thursday, March 07, 2019 4:05 PM
To: 'Benno Janssen'
Cc: Joshua Martin; Kathleen Ruderman
Subject: RE: 232 Colonial Lane - Request For Additional Construction Time Frame, Six (6) Months
Attachments: Sec_18_237.
___Agreed_maximum_time_schedule_for_completion_of_major_construction..doc

Chip – attached is the code for the length of permits and the process for obtaining extensions. You are required to notify the neighbors within 200 feet of your project of the requested extension, and at least 25 days prior to the Town Council meeting. We will schedule this for the April 10, 2019 Town Council meeting.

Thank you,

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

From: Benno Janssen <bjanssen@janssenconstructionfl.com>
Sent: Thursday, March 07, 2019 2:52 PM
To: Wayne Bergman <wbergman@TownOfPalmBeach.com>
Subject: 232 Colonial Lane - Request For Additional Construction Time Frame, Six (6) Months

Mr. Wayne Bergman,

We are presently under construction at 232 Colonial Lane. We are requesting an additional six (6) months of construction time frame to complete the project from today, 3/8/19. The reason for our request was for interpretation of specified interior heights. The project was basically 'shut-down' for over six (6) months due to this interpretation. During this period, the architect of record, SKA, was released from the project, and the owner hired Botkin-Parssi as a consulting firm on the balance of construction. All issues have been resolved and we are back on schedule. We are presently commencing flooring installation with cabinetry scheduled to arrive in a few weeks. An updated schedule for your review has been attached.

We greatly appreciate your time and cooperation in this matter.

Sincerely,

JANSSEN CONSTRUCTION CORPORATION

Benno 'Chip' Janssen, III
President
P.O. Box 10417/ Riviera Beach, Florida 33419

Sec. 18-237. - Agreed maximum time schedule for completion of major construction.

A maximum time, calculated from the date of commencement, is established for the completion of major construction projects in the construction schedule shown in Table 1 herein. Said maximum time is a condition of all applicable permits and applicant and owner accept such condition upon acceptance of a permit. The construction schedule shall take into effect historical data of the town of construction of similar structures within the limits of the town. Failure of the permit holder to complete construction under the permit in accordance with the maximum time schedule shall be prima facie evidence that the building project has not been commenced or has been suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that construction under the permit has not been commenced or has been suspended or abandoned under the permit.

This schedule may be extended to accommodate additional time for individual condominium units that are required by condominium rules and regulations to cease work during the season as defined by the rules and regulations of the condominium association. This extension shall be equal to the number of months during which construction is required by the condominium rules to cease. Similarly, for residential projects in the C-WA zoning district, this schedule may be extended to take into account the period of time during which construction is required to cease in the C-WA zoning district as specified in section 42-199(b) pursuant to town regulations.

TABLE 1. CONSTRUCTION SCHEDULE

	Square Footage Under Roof	New Construction* Maximum Time Permitted	Remodel/Accessory Construction Maximum Time Permitted
I.	Projects 3,999 sq. ft. or less	16 months	16 months
II.	Projects 4,000 sq. ft. to 5,999 sq. ft.	20 months	24 months
III	Projects 6,000 sq. ft. to 9,999 sq. ft	24 months	30 months
IV	Projects 10,000 sq. ft. to 19,999 sq. ft	30 months	36 months
V	Projects 20,000 sq. ft. to 39,999 sq. ft	36 months	42 months
VI	Projects larger than 40,000 sq. ft.	To be determined by the town council prior to permit issuance	To be determined by the town council prior to permit issuance

* Principal structure

- (a) Requests for extension from this schedule will be considered by the town council and approval may be granted for good cause shown as determined in the sole discretion of the town council. Said request for extension shall be filed with the town by the contractor and the owner no later than 45 calendar days, nor earlier than six months, prior to the scheduled completion date. The request for extension shall include reasons for the necessity of granting an extension, a revised construction schedule, proposed nuisance mitigation measures and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered. In the event the town council determines that good cause is not shown for granting the extension, the council may deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the extension beyond the term set forth in the above stated construction schedule.
- (b) In the event no request is made for extension of time from the above referenced schedule, the building permit shall be immediately revoked and all work shall cease and desist on the project. In order to resume work, the contractor and the owner must apply to the town council for an extension of time. The application for extension shall include reasons for the necessity of granting an extension of time, a revised construction schedule, proposed nuisance mitigation measures, and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the hearing before town council to consider the extension of time. The town council, in its sole discretion, may grant or deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the extension beyond the term set forth in the above state construction schedule. If an extension of time is granted, a new permit application is required and a permit reactivation fee shall be paid.
- (c) Failure of the permit holder and/or the property owner to complete the construction within the preceding time table or within the time extension granted by the town council constitutes prima facie evidence that the building project has not been commenced or has been suspended or abandoned. All permits will be terminated, and all work at the site will stop immediately until the applicant and owner apply for and receive a reinstatement of the permit by the town council. If conditions are attached to the re-issuance, the permit may be reissued by the building official only upon continued conformance to the conditions established by the town council. Any conditions attached to re-issuance are conditions of all applicable permits and applicant and owner accept such conditions upon acceptance of a permit. The issuance of the certificate of occupancy or completion will be withheld until any fees incurred under this section are paid. If the town council does not approve the extension of time, applicant and owner may be required by the town council to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code. Failure to cease construction or conform to all codes constitutes a violation and will be referred to the town's code enforcement board.

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

Permit num	Permit type name	Permit description	Permit Address	Cut Customer Last Name	Application Issue Date	Approval
U-19-02805	U-P U-DEWATERING	DEWATER PERMIT	232 COLONIAL LN	60 EAST COAST POOL CONSTRUCTION I NC	3/8/2019	3/11/2019 issued
B-19-77412	B-R-REVISION	ELECTRICAL: TEMPORARY POLE REVISED.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/22/2019	1/23/2019 final
U-19-02571	U-P U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/15/2019	1/17/2019 final
U-19-02572	U-P U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/15/2019	1/17/2019 final
U-19-02573	U-P U-CONSTRUCTION PARKING	CONSTRUCTION PARKING	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/15/2019	1/17/2019 final
U-19-02538	U-P U-USE OF/WORK IN ROW	USE OF ROW FOR DRYWALL DELIVERY. UNLOAD ON PROPERTY AS MUCH AS POSSIBLE.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/7/2019	1/15/2019 issued
B-18-73280	B-E-LOW VOLTAGE RES	INSTALLATION OF STEREO WIRING	232 COLONIAL LN	53 MELLOW SECURITY & SOUND SYSTE M	7/3/2018	7/18/2018 issued
B-18-71810	B-E-LOW VOLTAGE RES	SUB- LOW VOLTAGE -INSTALLATION OF ALARM SYSTEM WITH SMOKE/CO, PHONE/TV WIRING AND CAMERA SYSTEM	232 COLONIAL LN	53 MELLOW SECURITY & SOUND SYSTE M	5/11/2018	5/15/2018 issued
B-18-71117	B-B-ROOF NEW/REROOF/REPAIR	SUB- ROOFING- NEW TILE ROOF	232 COLONIAL LN	60 STUART ROOFING INC	4/16/2018	5/3/2018 issued
F-18-02747	F-F FIRE RESCUE STANDARD	SUB- ROOFING- NEW TILE ROOF	232 COLONIAL LN	60 STUART ROOFING INC	4/16/2018	4/17/2018 final
U-18-00742	U-P U-USE OF/WORK IN ROW	USE OF- WORK IN ROW-CRANE AND TRUCK TO INSTALL CONCRETE SLAB, Lane Closure - FDOT Index 603	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/11/2018	1/17/2018 final
B-18-69462	B-R-REVISION	REVISION BUILDING - 2ND FLOOR DECKING SYSTEM REVISED STRUCTURAL NEW BEAM DETAILS (\$2,S3,S6)	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	1/5/2018	1/10/2018 final
B-17-64801	B-M-MECHANICAL	SUB MECHANICAL - 2 STORY RESIDENCE - 2 ZONE HVAC SYSTEM, DUCTWORK, GRILLES AND EQUIPMENT	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/12/2017	8/29/2017 issued
B-17-64868	B-B-B-RESIDENTIAL NEW CONSTRUCTION/ADDITION	2 STORY RESIDENCE, INTERIOR AND EXTERIOR FINISHES, DOORS, WINDOWS AND AMENITIES	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/14/2017	8/29/2017 issued
B-17-64869	B-S-S-SITE WORK/DRAINAGE	SUB SITE WORK - SITE WORK TO INCLUDE HARDSCAPE, DRIVEWAY, POOL DECK, FENCING AND AMENITIES.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/14/2017	8/29/2017 issued
B-17-64870	B-P-P-PLUMBING	SUB PLUMBING - 2 STORY RESIDENCE, WATER, SEWER, TOILETS, SINKS, SHOWERS, TUB, HOSE BIB, ETC.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/14/2017	8/29/2017 issued
B-17-64871	B-G-G-GAS	SUB GAS - 2 STORY RESIDENCE, GAS LINES AND CONNECTIONS FOR RANGE, WATER HEATERS, F/P, BBQ, GENERATOR.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/14/2017	8/29/2017 issued
B-17-64872	B-E-E-ELECTRICAL	SUB ELECTRIC - 2 STORY RESIDENCE - PANELS, SERVICE, DISTRIBUTION, OUTLETS, SWITCHES, ETC.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/14/2017	8/29/2017 issued
B-17-65990	B-F-F-FLOOD PLAIN DEVELOPMENT	FLOOD PLAIN	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	7/25/2017	8/29/2017 issued
B-17-65052	B-D-D-DEMOLITION	DEMOLITION AND REMOVAL OF ONE STORY RESIDENCE	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/21/2017	6/30/2017 final
B-17-65053	B-D-D-DEMOLITION	DEMOLITION AND REMOVAL OF SWIMMING POOL, DECK AND DRIVEWAY.	232 COLONIAL LN	53 JANSSEN CONSTRUCTION CORP	6/21/2017	6/28/2017 final

Permit numt	Permit type name	Permit description	Permit Address	Cut/Cut Customer Last Name	Application d Issue dai	Approval
B-17-64346	b-p-P-DEMOLITION 02	BACKFLOW PREVENTER OWNER LIST AS KLEINFELD PER RECORDED WARRANTY DEED	232 COLONIAL LN	JANSSEN CONSTRUCTION CORP	5/25/2017	5/31/2017 final
B-13-33293	b-g G-GAS 01	RUN NATURAL GAS SYSTEM TO (1) RANGE, (1) BBQ & (1) FIREPLACE	232 COLONIAL LN	BUCKEYE PLUMBING INC	6/27/2013	7/1/2013 final
B-10-12743	b-b-B-WINDOWS/DOORS/SHUTTERS/G 11	REPLACE BACK SLIDING GLASS DOOR	232 COLONIAL LN	A D SABA ENTERPRISES INC	9/2/2010	9/9/2010 final
B-09-04143	b-b-B-SHUTTERS 12	INSTALL ONE FORCE 12 PLUS SCREEN	232 COLONIAL LN	FOLDING SHUTTER CORPORATION	6/8/2009	6/22/2009 final
X-07-27515	leg X-LEGACY PERMIT ac	BURGLAR ALARM; (1) PANEL; (3) CONTACTS; (1) GLASS BREAK; (1) SOUNDER; (5) SMOKES; (1) HEAT	232 COLONIAL LN	ADT SECURITY SERVICES INC (ZAC	2/1/2007	2/1/2007 final
X-06-21578	leg X-LEGACY PERMIT ac	INSTALL SHUTTERS	232 COLONIAL LN	FOLDING SHUTTER CORPORATION	3/17/2006	3/17/2006 final
A-19-00387	a-a A-ARCOM STAFF APPROVAL 01	ARCOM-REDUCE HEIGHT OF EXISTING CMU WALL TO 6" ABOVE GRADE (CURB HT) REPLACE W 6" HIGH BLACK VINYL COATED CHAIN LINK FENCE ALONG THE SOUTH PROPERTY LINE WOVEN WITH CONFEDERATE JASMINE VINE. RELOCATE PREVIOUSLY APPROVED GREEN ISLAND FICUS BETWEEN CURB AND FENCE AND ADD A ROW OF GRASS.	232 COLONIAL LN	JANSSEN CONSTRUCTION CORP	3/14/2019	pending
B-17-64873	b-e-E-TEMPORARY POLE 11	SUB ELEC TEMP POLE - TEMP POWER	232 COLONIAL LN	JANSSEN CONSTRUCTION CORP	6/14/2017	pending
B-18-76966	b-r R-REVISION 01	REVISION - PLUMBING/GAS - REVISED RISER, ADDED DRYERS (2) GAS LAMP (1) CHANGED ONE (1) TANKLESS TO FUTURE AS BUILTS. EXT SHOWER, ADD SINK AT KITCHEN. ELECTRICAL - ADDED SWITCHES (3 WAY) IN BEDROOMS, ELIMINATED	232 COLONIAL LN	JANSSEN CONSTRUCTION CORP	12/12/2018	pending
B-19-77289	b-s S-FENCE/WALL/GATE 02	SUB-FENCE - INSTALL VINYL CHAIN LINK FENCE, CUT DOWN EXISTING MASONRY WALL.	232 COLONIAL LN	JANSSEN CONSTRUCTION CORP	1/11/2019	pending
B-19-78138	b-s S-POOL/WATER FEATURE 01	SUB: CONSTRUCT POOL	232 COLONIAL LN	EAST COAST POOL CONSTRUCTION INC	3/8/2019	pending
B-19-78139	b-p-P-PLUMBING 01	SUB: PLUMBING FOR SWIMMING POOL	232 COLONIAL LN	EAST COAST POOL CONSTRUCTION INC	3/8/2019	pending
B-19-78140	b-e-E-ELECTRICAL 01	SUB: ELECTRICAL TO CONSTRUCT POOL	232 COLONIAL LN	EAST COAST POOL CONSTRUCTION INC	3/8/2019	pending

< Filter is Empty >

Property Detail

Parcel Control Number:	50-43-43-03-11-000-0472	Location Address:	232 COLONIAL LN		
Owners:	KLEINFELD GEORGE D ,KLEINFELD ZVENKA V				
Mailing Address:	2636 N GLEBE RD,ARLINGTON VA 22207 3549				
Last Sale:	APR-2017	Book/Page#:	29078 / 403	Price:	\$736,944
Property Use Code:	0000 - VACANT	Zoning:	RB - (50-PALM BEACH)		
Legal Description:	EL ENCANTO PL 2 E 15 FT OF LT 47 & W 60 FT OF LT 48 (LESS S 12 FT) & 10 FT STRIP LYG N OF & ADJ THERETO		Total SF:	0	Acres 0.1419

2018 Values (Current)

Improvement Value	\$0
Land Value	\$1,143,115
Total Market Value	\$1,143,115
Assessed Value	\$1,143,115
Exemption Amount	\$0
Taxable Value	\$1,143,115

All values are as of January 1st each year.

2018 Taxes

Ad Valorem	\$18,629
Non Ad Valorem	\$0
Total Tax	\$18,629

2019 Qualified Exemptions

No Details Found

Applicants

No Details Found

Building Footprint (Building 0)

No Image Found

Subarea and Square Footage (Building 0)

Description	Area	Sq. Footage
-------------	------	-------------

Extra Features

Description	Unit
No Extra Feature Available	

Structural Details (Building 0)

No	Description
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MAP



TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

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 August 2, 2018 from Paul Castro, Zoning Administrator**
- ▣ **Exhibit A**
- ▣ **Exhibit B**

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 unless 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:

THE TOWN OF PALM BEACH:

Print Name: _____

By: _____
Gail Coniglio, Mayor

Print Name: _____

By: _____
Danielle Moore, President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

PALM BEACH HOTEL CONDOMINIUM
ASSOCIATION, INC.

Print Name: _____

By: _____
Its: _____

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 unless accompanied by an owner or guest~~ 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:

THE TOWN OF PALM BEACH:

Print Name: _____

By: _____
Gail Coniglio, Mayor

Print Name: _____

By: _____
Danielle Moore, President

Print Name: _____

Print Name: _____

By: _____
Kirk Blouin, Town Manager

Print Name: _____

Print Name: _____

PALM BEACH HOTEL CONDOMINIUM
ASSOCIATION, INC.

Print Name: _____

By: _____
Its: _____

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

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Printed Name of Notary Public

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STATE OF FLORIDA

COUNTY OF PALM BEACH

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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: April 10, 2019

Section of Agenda

Development Review - Old Business

Agenda Title

Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Palm Beach Day Academy, Inc., Applicant, relative to property located at **241 SEAVIEW AVE SUITE: SITE**, legal description on file, is described below. 1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department). [Applicant's Representative: Maura Ziska Esq] [The Landmarks 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 4-1. The Landmarks Preservation Commission deferred the project to the April 17, 2019 meeting at the request of the attorney. Carried 7-0.]

Request for Deferral to the May 15, 2019 Town Council Meeting per Letter Dated March 28, 2019 from Maura Ziska.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated January 31, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated March 28, 2018 from Ziska**

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 13, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-18-00138 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
241 SEAVIEW AVE SUITE: SITE

Date: January 31, 2019

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 with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school.
2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department).

ADDRESS: 241 SEAVIEW AVE SUITE: SITE

OWNER: PALM BEACH DAY SCHOOL

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-08-000-6640

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 3RD ADD, LTS 664, 666, 668,
670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690,
692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712,
714, 716, 718, 720, 722, 724, 726, 728, 730 etc

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: 8/28/18

APPLICATION NO.: Z-18-00138 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 241 SEAVIEW AVE SUITE: SITE

DESCRIPTION:

1. Request for Special Exception with Site Plan Review approval to create 30 paved parking spaces on the west lawn to be used by Palm Beach Day Academy faculty, families and guests to the school. 2. Request to modify the existing Declaration of Use Agreement (a copy of the Agreement is on file at the Town of Palm Beach Building Department).

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	William Bucklew, Building Official	8/24/2018	No comments at this time.
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	9/27/2018	The proposed driveway configurations onto Seaview Avenue appears to eliminate at least two (2) existing on-street parking stalls. The sight triangle for the exit has not been shown. Its inclusion may impact additional 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. The required sketch of a Stormwater System has been provided. The trench width is greater than two times the depth. Additional perforated pipe and/or a narrower longer trench configuration fitting to the formula used needs to be proposed. A more representative 'K' value may be desired. Also, please check the depth of the water table (H2) used in the calculations. Furthermore, stormwater runoff from the site needs to be captured at proposed driveway exit. Please provide a collection device or elevations demonstrating that runoff is keep onsite. The Stormwater Agreement and Engineer's Drainage Certification dates back to January of 2009. The accumulation of sediments and clogging of the filter fabric and the void spaces of the aggregates over time hinders the operational life of an exfiltration system. Systems are required to be tested every five years and recertified. Confirmation that the system is performing as designed should be obtained prior to reconstruction of the driveway. A utility easement for undergrounding in this area may be desirous.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	8/31/2018	There are no fire code concerns with this proposal.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	9/28/2018	This application will require review and approval from the Landmarks Preservation Commission (LPC) as a combination project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 8/28/18

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	8/27/2018	No Comment
PZB DIRECTOR			No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	9/5/2018	The applicant is required to obtain an additional variance as the Code does not allow off-street parking in the front yard setback. The applicant should also demonstrate what the hardship is for the proposed variance. If approved, the applicant should be required to construct a six foot high wall on the north property line and along the northwest side of the proposed parking lot to buffer the proposed off-street parking from the residential property to the north. In addition, the applicant should also be required to provide an easement or an agreement that ensures that if necessary that an easement be granted to facilitate undergrounding utilities in the area.

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska

*also admitted in NY

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401
Telephone 561-802-8960
Facsimile 561-802-8995

VIA EMAIL

March 28, 2019

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

RE: Z-18-00138 – 241 Seaview Avenue, Palm Beach, Florida

Dear Paul:

Please **defer** the above referenced matter from the April 10, 2019 Town Council agenda to the May 15, 2019 Town Council agenda. The reason for the deferral to allow additional time to finalize the civil engineering plans. Please call me if you have any questions or comments with the foregoing. Thank you.

Sincerely,

Maura Ziska

Maura A. Ziska

/maz

cc: client
architect

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00174 VARIANCE(S) Zoning District R-C Medium Density Residential
The application of Zachary Potter, Applicant, relative to property located at **254 N COUNTY RD**, legal description on file, is described below. Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00174 VARIANCE(S)**
254 N COUNTY RD

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required.

ADDRESS: 254 N COUNTY RD

OWNER: POTTER ZACHARY

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-15-03-000-0420

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ORANGE GROVE PARK LTS 42 & 43

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: 2/26/19

APPLICATION NO.: Z-19-00174 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 254 N COUNTY RD

DESCRIPTION: Request for a variance to allow a swimming pool at the northwest corner of the property with a 1.5 foot rear yard setback in lieu of the 10-foot minimum setback required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/26/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/6/2019	Existing Stormwater Management System(s) need to be inspected and recertified. The accumulation of sediments and clogging of the filter fabric and the void spaces of the aggregates over time hinders the operational life of an exfiltration system. Systems are required to be tested every five years and recertified. The system appears to have been installed in 2004 and has not been recertified. Elevation of driveway trench drain needs to be verified, unless proposed to be elevated to 5.30 NAVD A Hydraulic Conductivity Test of the on-site soils will be required to support the calculations provided.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/26/2019	There are no fire code concerns with the proposed project
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	Application will require an Architectural Commission (ARCOM) administrative or "staff" approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/27/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/26/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	There does not appear to be a hardship for the requested setback variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00175 VARIANCE(S) Zoning District: R-B Low Density Residential The application of Michael and Gayle Kalisman, Applicant, relative to property located at **146 DUNBAR RD**, legal description on file, is described below. Request for a variance to allow the construction of a 324 square foot canvas carport/awning with a west side yard setback of 2.0 feet in lieu of the 12.5 feet minimum required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00175 VARIANCE(S)**
146 DUNBAR RD

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for a variance to allow the construction of a 324 square foot canvas carport/awning with a west side yard setback of 2.0 feet in lieu of the 12.5 feet minimum required.

ADDRESS: 146 DUNBAR RD

OWNER: KALISMAN MICHAEL &

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-14-07-000-0710

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: ADAMS ADDITION LT 71

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: 2/26/19

APPLICATION NO.: Z-19-00175 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 146 DUNBAR RD

DESCRIPTION: Request for a variance to allow the construction of a 324 square foot canvas carport/awning with a west side yard setback of 2.0 feet in lieu of the 12.5 feet minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Proposed work does not trip any Stormwater Thresholds. Please assure stormwater runoff from the proposed awning does not overspill onto adjacent property nor cause erosion to occur on-site. Property owner might want to install on site stormwater collection and storage if there are any stormwater issues on the property.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	This application will require review and approval from the Architectural Commission (ARCOM) as a minor project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	There does not appear to be a hardship for the requested setback variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: C-TS Town-Serving Commercial The application of La Goulue Palm Beach, LLC (Craig Pogson, Its Manager), Applicant, relative to property located at **288 S COUNTY RD**, legal description on file, is described below. This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday. This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast facade of the building. [Applicant's Representative: James M. Crowley Esq] [The Landmarks Preservation Commission approved the project as presented. Motion carried 5-2]

Presenter

ATTACHMENTS:

- **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00176 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
288 S COUNTY RD

Date: March 28, 2019

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:

This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday.

This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast facade of the building.

ADDRESS: 288 S COUNTY RD

OWNER: CAMPANIELLO IMPORTS LTD C/O

OWNER'S REPRESENTATIVE: JAMES M CROWLEY ATTORNEY

PROPERTY CONTROL NO.: 50-43-43-23-05-025-0351

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: ROYAL PARK ADD N 125 FT OF LT 35 &
E 13 FT OF N 125 FT OF LT 36 BLK E

Page Two

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: 2/26/19

APPLICATION NO.: Z-19-00176 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 288 S COUNTY RD

DESCRIPTION:

This application requests Special Exception approval to authorize a proposed restaurant, which exceeds 3,000 square feet of gross leasable area at the space currently occupied by Chez L'Epicier. The most recent restaurant approval for this location took place in October, 2014, and was modified in 2016. That restaurant, Chez L'Epicier, was approved for 4,454 square feet and 138 seats, and included valet parking. Approved hours of operation were: Dinner Wednesday through Sunday, 3:00 pm to midnight; Brunch and dinner Saturday and Sunday 10:30 am to midnight; Occasional special events weekdays or Monday and Tuesday night, not past midnight. In 2016, the hours of operation were modified to add dinner on Monday and Tuesday.

This restaurant, La Goulue, requests the same square footage (4,454), number of seats (138), valet operation, and hours of operation as past approvals except that the request includes modifying the Declaration of Use Agreement to allow lunch on weekdays. A special exception is also requested for 12 outdoor seats, to be located on the north side of the building. The applicant also requests site plan modification to modify the awnings and restore the main restaurant entrance to its historic location on the northeast facade of the building.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Writing justification to support the outdoor seating on the existing sidewalk will be required.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	I have no comments regarding this application.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/21/2019	valet parking is recommended during operation hours.
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	3/28/2019	No Comment
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	I have no comment on the proposal. The number of seats remains the same and the valet circulation is not changing. The only modification from previous restaurant operation is the request for lunch and outdoor seating. The applicant should be required to modify the Declaration of Use Agreement to incorporate whatever modifications the Council makes to the hours.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00177 VARIANCE(S) Zoning District R-B Low Density Residential The application of Oliver H. (Piper) Quinn, Applicant, relative to property located at **165 SEASPRAY AVE**, legal description on file, is described below. Request for a variance to allow construction of a new two-story house with a one car garage in lieu of the two-car garage minimum required for a lot over 75 feet wide.
[Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00177 VARIANCE(S)**
165 SEASPRAY AVE

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for a variance to allow construction of a new two-story house with a one car garage in lieu of the two-car garage minimum required for a lot over 75 feet wide.

ADDRESS: 165 SEASPRAY AVE

OWNER: QUINN OLIVER H TR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-22-07-000-4700

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: POINCIANA PARK 2ND ADD LTS 470, 472,
474 & 476

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: 2/26/19

APPLICATION NO.: Z-19-00177 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 165 SEASPRAY AVE

DESCRIPTION: Request for a variance to allow construction of a new two-story house with a one car garage in lieu of the two-car garage minimum required for a lot over 75 feet wide.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	In order to facilitate the undergrounding project a 10-foot utility easement across the frontage of the lot free of encroachments such as Site Walls, Large Trees and Exfiltration Trenches or an acceptable easement location for a transformer at property corner is requested. For single phase a 10- by 10-foot easement is desirable. For three phase a 12- by 14-foot easement is essential. Applicant shall be responsible for the cost of relocating the existing on street parking space(s) impacted by the proposed construction. Show existing and proposed on-street parking stalls and trees within the rights-of-way. Coordinate their relocation(s) with Public Works. Driveway location may need to be modified as to avoid the elimination of a stall.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	The Stormwater Management System designed meets Town's adopted level of service. There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	This application will require review and approval from the Architectural Commission (ARCOM) as a major project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	The applicant should demonstrate what the hardship is to not build the required additional garage parking space for the proposed new house.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00178 VARIANCE(S) Zoning District R-C Medium Density Residential
The application of 237 Brazilian Ave LLC (Todd Glaser, Manager), Applicant, relative to property located at **237 BRAZILIAN AVE SUITE: SITE**, legal description on file, is described below. A request to allow construction of a new two story, two family residence (5.852 square foot each) with the following side yard setbacks: 1) A request for a variance to allow a west side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence; and 2) A request for a variance to allow an east side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00178 VARIANCE(S)**
237 BRAZILIAN AVE SUITE: SITE

Date: March 28, 2019

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 to allow construction of a new two story, two family residence (5.852 square foot each) with the following side yard setbacks: 1) A request for a variance to allow a west side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence; and 2) A request for a variance to allow an east side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence.

ADDRESS: 237 BRAZILIAN AVE SUITE: SITE

OWNER: 237 BRAZILIAN AVE LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-23-05-025-0030

ZONING DISTRICT: R-C Medium Density Residential

LEGAL DESCRIPTION: ROYAL PARK ADD LT 3 BLK E

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: 2/26/19

APPLICATION NO.: Z-19-00178 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 237 BRAZILIAN AVE SUITE: SITE

DESCRIPTION:

A request to allow construction of a new two story, two family residence (5,852 square foot each) with the following side yard setbacks: 1) A request for a variance to allow a west side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence; and 2) A request for a variance to allow an east side yard setback of 13 feet in lieu of the 15 foot minimum required for the second floor in the R-C Zoning District for a two family residence.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Project will need to comply with Sec. 30-114. - Drainage and Sec. 86-95. - Threshold requirements. Please provide plans and calculations for a Stormwater Management System for the site for review. In order to facilitate the undergrounding project a 10-foot utility easement across the frontage of the lot free of encroachments such as Site Walls, Large Trees and Exfiltration Trenches or an acceptable easement location for a transformer at property corner is requested. For single phase a 10- by 10-foot easement is desirable. For three phase a 12- by 14-foot easement is essential. In accordance with Section 134-1671 - Restrictions the rear 2.5-foot of the lot is to remain clear for existing and proposed utilities. Once the undergrounding along the frontage of the lot has been completed, easements in the rear of the lot can be evaluated and conceivably abandoned. Driveway(s) shall comply with Public Works Standards. Driveways shall be a minimum of 6-foot from the property line. Sight Triangles need to be shown. Applicant shall be responsible for the cost of relocating the existing on street parking space(s) impacted by the proposed construction. Show existing and proposed on-street parking stalls and trees within the rights-of-way. Coordinate their relocation(s) with Public Works. Driveway location may need to be modified as to avoid the elimination of a stall.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	There are no fire code concerns with the proposed project. It appears the construction may require the two units to be sprinkled.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	This application will require review and approval from the Architectural Commission (ARCOM) as a major project.



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/26/19

POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/22/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	The applicant needs to address to the satisfaction of the Town Council what the hardship is to not be required to provide the required 15 foot east and west side yard setbacks for this proposed two-family development.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00179 VARIANCE(S) Zoning District R-B Low Density Residential The application of 111 Atlantic Avenue LLC (Todd Glaser, Manager), relative to property located at **111 ATLANTIC AVE**, legal description on file, is described below. A variance request to allow construction of a new 7,272 square feet two (2) story, single-family residence with an 11 foot rear yard setback for the second floor in lieu of the 15 foot minimum required. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**
- ▣ **Letter Dated March 14, 2019 From Harvey**
- ▣ **Letter Dated March 7, 2019 From Kinzelberg**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00179 VARIANCE(S)**
111 ATLANTIC AVE

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

A variance request to allow construction of a new 7,272 square feet two (2) story, single family residence with an 11 foot rear yard setback for the second floor in lieu of the 15 foot minimum required.

ADDRESS: 111 ATLANTIC AVE

OWNER: 111 ATLANTIC AVENUE LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-14-09-000-0131

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PROXIMITY PARK

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: 2/26/19

APPLICATION NO.: Z-19-00179 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 111 ATLANTIC AVE

DESCRIPTION:

A variance request to allow construction of a new 7,272 square feet two (2) story, single family residence with an 11 foot rear yard setback for the second floor in lieu of the 15 foot minimum required.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/20/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Project will need to comply with Sec. 30-114. - Drainage and Sec. 86-95. - Threshold requirements. Please provide plans and calculations for a Stormwater Management System for the site for review. Contact Steven Stern (561) 227-6307 regarding the 10-foot undergrounding easement across the frontage of the property shown. For single phase a 10- by 10-foot easement is desirable. For three phase a 12- by 14-foot easement is essential. In accordance with Section 134-1671 - Restrictions the rear 2.5-foot of the lot is to remain clear for existing and proposed utilities. Once the undergrounding along the frontage of the lot has been completed, easements in the rear of the lot can be evaluated and conceivably abandoned.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/20/2019	There are no fire code concerns with this proposed plan
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	Application will require an Architectural Commission (ARCOM) administrative or "staff" approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/20/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/5/2019	Do not know what the hardship is for the proposed variance request.

March 14, 2019

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

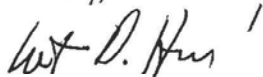
Re: Zoning Application Town of Palm Beach
Case #Z-17-00179

To Members of the Town Zoning Committee

I recently received three requests for variances on the last two months. However this is the first one that I am opposed to. I do not see the hardship as described.

Lot 111 Atlantic Avenue and the companion lot 113 were all purchased by real estate developers. When they purchase these lots, they knew exactly the dimensions of the lots and the size of homes which they could develop. However, it is their desire to overbuild these lots on a street that has smaller. There's no need to build 7,500 SF homes on the lot sizes of Atlantic Avenue. It is only the desire of these real estate developers to maximize their profits by overbuilding these lots. This seems to be a problem going on throughout Palm Beach. The zoning board needs to exercise their proper authorities and not give in to these real estate developers. Therefore I am opposed to these variance exceptions.

Sincerely,



Robert D. Harvey
160 Dunbar Road
Palm Beach

R Harvey
160 Dunbar Road
Palm Beach, FL 33480

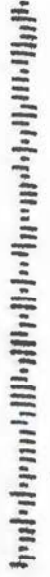
WEST PALM BCH FL 334

26 MAR 2019 PM 2 L



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

33480-673560



From: [Kelly Churney](#)
To: [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Lew Crampton](#); [Margaret Zeidman](#)
Cc: [Joshua Martin](#); [Paul Castro](#); [Kathleen Ruderman](#); [Public Comment](#)
Subject: EMAIL OF SUPPORT Z-19-00179 111 ATLANTIC AVE
Date: Thursday, March 07, 2019 8:23:51 AM

Good morning,

Please see the email from Mr. Kinzelberg below.

Thank you,

Kelly Churney
Administrative Assistant

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: Harvey Kinzelberg <hkinzelberg@Sequelcapital.com>
Sent: Thursday, March 07, 2019 8:19 AM
To: Maura Ziska <MZiska@floridawills.com>
Cc: Kelly Churney <KChurney@TownofPalmBeach.com>
Subject: RE: 111 Atlantic Avenue

Maura & ToPB,

As per my original inquiry and subsequent meeting and explanation from architect Rafael Portoundo, we are 100% satisfied with the rear yard 2nd floor setback on the design for the home at 111 Atlantic Ave.

With this email I (owner of property at 260 N. Ocean Blvd.) confirm our approval of the design & requested variance at 111 Atlantic Ave.

Harvey

Harvey Kinzelberg
> President & CEO
> Sequel Capital, LLC
>
> (312) 799-4401, Cell: (312) 720-4000
> email: hkinzelberg@sequelcapital.com

From: Maura Ziska <MZiska@floridawills.com>

Sent: Thursday, March 7, 2019 7:48 AM

To: Harvey Kinzelberg <hkinzelberg@Sequelcapital.com>

Subject: 111 Atlantic Avenue

Hi Harvey: I understand you met with the architect Rafael Portoundo to review the plans for the variance for the rear yard setback. Please confirm you are OK with the proposed design and if so, I would be great if you could send an email to the Town to confirm your approval. You could email to kchurney@townofpalmbeach.com

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.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00180 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District R-A Estate Residential The application of 910 S Ocean LLC (Tom Campbell), Applicant), relative to property located at **910 S OCEAN BLVD**, legal description on file, is described below. 1. Request Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks. [Applicant's Representative: Maura Ziska Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project as presented. Carried 7-0.]

Presenter

ATTACHMENTS:

- **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00180 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION
910 S OCEAN BLVD**

Date: March 28, 2019

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 Site Plan approval to permit construction of a new 17,527 square foot, two story residence on a platted lot with a depth of 128.42 in lieu of the 150 foot minimum required in the R-A Zoning District. 2. Request a variance to allow a point of measurement of 21.5 NAVD ("North American Vertical Datum") in lieu of the 18.34 NAVD maximum allowed for properties east of the Coastal Construction Control Line. 3. Request for a special exception to permit construction of a new 500 square foot beach cabana east of South Ocean Boulevard. 4. Request for a special exception to permit the construction of a pedestrian tunnel for access under South Ocean Boulevard to the beach parcel. 5. Request a variance to allow a retaining wall along the west property line in the side yard and front yard setbacks to be a range of 11.4 feet to 11.8 feet in height in lieu of the 6 and 7 foot maximum allowed in the front yard and side yard setbacks.

ADDRESS: 910 S OCEAN BLVD

OWNER: 910 S OCEAN LLC

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-35-08-000-0010

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: LUCOM ADDITION LT 1 & TR 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.

Page Two

Attachment

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

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00181 SPECIAL EXCEPTION WITH SITE PLAN REVIEW Zoning District: R-B Low Density Residential The application of Royal Poinciana Chapel, relative to property located at **60 COCOANUT ROW SUITE: CHAPEL**, legal description on file, is described below. The Royal Poinciana Chapel is requesting that the existing columbarium building be expanded to include a 320 square foot open-air masonry addition on the north side of the existing open-air columbarium building located on the southwest side of the property. Floor and beam elevations, masonry construction, finishes, building height, flat roof and pitch roof will match the existing. In addition, the request also includes an emergency 200 kw generator with built enclosure and is proposed to be located on the rear (south) side of the existing columbarium building in the existing equipment area if required in determining the existing loads. Perimeter site walls will be added to screen equipment pursuant to code. The existing landscape and hardscape will be modified surrounding the addition, relocating existing plant material and adding a connecting walk and contemplative seating areas. [Applicant's Representative: John Cater Randolph II Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00181 SPECIAL EXCEPTION WITH SITE PLAN REVIEW**
60 COCOANUT ROW SUITE: CHAPEL

Date: March 28, 2019

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 Royal Poinciana Chapel is requesting that the existing columbarium building be expanded to include a 320 square foot open-air masonry addition on the north side of the existing open-air columbarium building located on the southwest side of the property. Floor and beam elevations, masonry construction, finishes, building height, flat roof and pitch roof will match the existing. In addition, the request also includes an emergency 200 kw generator with built enclosure and is proposed to be located on the rear (south) side of the existing columbarium building in the existing equipment area if required in determining the existing loads. Perimeter site walls will be added to screen equipment pursuant to code. The existing landscape and hardscape will be modified surrounding the addition, relocating existing plant material and adding a connecting walk and contemplative seating areas.

ADDRESS: 60 COCOANUT ROW SUITE: CHAPEL

OWNER: ROYAL POINCIANA CHAPEL

OWNER'S REPRESENTATIVE: METTLER RADNOLPH MASSEY FERGUSON CARROLL

PROPERTY CONTROL NO.: 50-43-43-22-00-002-0010

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: 22-43-43,E 360 FT OF N 75 FT OF S 493 FT & N
139 FT OF S 418 FT OF GOV LOT 2 LYG W OF
COCOANUT ROW AS IN OR1483 P39 & OR1896
P481

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.

Page Two

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: 2/26/19

APPLICATION NO.: Z-19-00181 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW

ADDRESS: 60 COCOANUT ROW SUITE: CHAPEL

DESCRIPTION:

The Royal Poinciana Chapel is requesting that the existing columbarium building be expanded to include a 320 square foot open-air masonry addition on the north side of the existing open-air columbarium building located on the southwest side of the property. Floor and beam elevations, masonry construction, finishes, building height, flat roof and pitch roof will match the existing. In addition, the request also includes an emergency 200 kw generator with built enclosure and is proposed to be located on the rear (south) side of the existing columbarium building in the existing equipment area if required in determining the existing loads. Perimeter site walls will be added to screen equipment pursuant to code. The existing landscape and hardscape will be modified surrounding the addition, relocating existing plant material and adding a connecting walk and contemplative seating areas.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/26/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Proposed work does not trip Stormwater Thresholds requiring additional treatment. Existing Stormwater Management System(s) need to be inspected and recertified.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/26/2019	There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	Application will require an Architectural Commission (ARCOM) administrative or "staff" approval.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/27/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/26/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	I have no comment on the proposed columbarium addition. The application does have to be modified to eliminate the proposed 200 kw generator in the side yard setback. the maximum size for this location is 60 kw.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00182 VARIANCE(S) Zoning District R-A Estate Residential The application of Victor Spilotro, Applicant, relative to property located at **200 VIA BELLARIA**, legal description on file, is described below. Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units within the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air conditioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foot minimum required for the placement of five air conditioning units. 2 . A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's property for screening. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00182 VARIANCE(S)**
200 VIA BELLARIA

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units within the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air conditioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foot minimum required for the placement of five air conditioning units. 2. A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's property for screening.

ADDRESS: 200 VIA BELLARIA

OWNER: SPILOTRO VICTOR

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-35-00-001-0320

ZONING DISTRICT: R-A Estate Residential

LEGAL DESCRIPTION: 35-43-43, W 125 FT OF E 622 FTOF N 165 FT OF S
266 FT OF GOV LT 1 W OF OCEAN BLVD

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

Page Two

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: 2/26/19

APPLICATION NO.: Z-19-00182 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 200 VIA BELLARIA

DESCRIPTION:

Request for a variance to allow the placement of a total of nine (9) new air conditioning condensing units within the side yard and rear yard setbacks associated with the renovation of the residence. The proposed air conditioning units would require the following variances: 1. An east side yard setback of 5 feet in lieu of the 15 foot minimum required for the placement of five air conditioning units. 2. A west side yard setback of 7.2 feet in lieu of the 15 foot minimum required for the placement of three air conditioning units. 3. Use of the walls on the neighboring properties to the east, west and south in lieu of constructing new walls on the applicant's property for screening.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	Application will require an Landmarks Preservation Commission (LPC) administrative or "staff" review.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/29/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/28/2019	I do not know what the hardship is to allow so many air conditioning units in the required setback. They will need to demonstrate the hardship. In addition, the applicant should be required to have a screening wall on his own property for the proposed units.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00183 VARIANCE(S) Zoning District: R-B Low Density Residential The application of JRL 360 LLC (James R. Loewenberg, Manager), Applicant, relative to property located at **217 VIA TORTUGA**, legal description on file, is described below. Applicant is proposing to construct a 261 square foot second story addition over the existing first floor to accommodate an additional bedroom and will require a variance to allow a cubic content ratio ("CCR") of 4.7 in lieu of the 4.54 existing and the 3.9 maximum allowed in the R-B Zoning District. [Applicant's Representative: Maura Ziska Esq]

Presenter

ATTACHMENTS:

- ▢ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▢ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00183 VARIANCE(S)**
217 VIA TORTUGA

Date: March 28, 2019

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 261 square foot second story addition over the existing first floor to accommodate an additional bedroom and will require a variance to allow a cubic content ratio ("CCR") of 4.7 in lieu of the 4.54 existing and the 3.9 maximum allowed in the R-B Zoning District.

ADDRESS: 217 VIA TORTUGA

OWNER: BURNS BRIAN P

OWNER'S REPRESENTATIVE: KOCHMAN AND ZISKA

PROPERTY CONTROL NO.: 50-43-43-14-29-000-0130

ZONING DISTRICT: R-B Low Density Residential

LEGAL DESCRIPTION: PHIPPS ESTATES LT 13

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: 2/26/19

APPLICATION NO.: Z-19-00183 **APPLICATION TYPE:** VARIANCE(S)

ADDRESS: 217 VIA TORTUGA

DESCRIPTION:

Applicant is proposing to construct a 261 square foot second story addition over the existing first floor to accommodate an additional bedroom and will require a variance to allow a cubic content ratio ("CCR") of 4.7 in lieu of the 4.54 existing and the 3.9 maximum allowed in the R-B Zoning District.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	2/21/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	No Comments.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	2/22/2019	There are no fire code concerns with the proposed project.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	2/21/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	2/21/2019	No comments
PZB - ZONING	Paul Castro, Zoning Administrator	3/5/2019	It is unclear what the hardship is to add a 261 square foot second story addition onto a house that is already nonconforming to the maximum cubic content of 3.9.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - New Business

Agenda Title

Z-19-00184 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S) Zoning District: CT-S Commercial Town Serving The application of NED 223 SUNSET OWNER LLC, relative to property located at **223 SUNSET AVE SUITE: SITE**, legal description on file, is described below. The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Site Plan Review approval is being requested for the exterior changes to the site. Special exceptions are being requested for on-site shared parking in the C-TS district and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. A variance to allow 7,207 SF of office space on the first floor in lieu of the second floor and a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 off-street parking spaces. [Applicant's Representative: James M. Crowley Esq] [Architectural Review Commission Recommendation: Implementation of the proposed special exception, site plan review and variances will not cause negative architectural impact to the subject property. Carried 7-0. The Architectural Review Commission approved the project with conditions relating to the architecture, with the exception of the design of the tower element, which will return to the Commission's April 24, 2019 meeting. Carried 7-0.]

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 28, 2019 from Josh Martin, Director of Planning, Zoning and Building**
- ▣ **Comments from the Development Review Committee**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director, Planning, Zoning & Building Department

Subject: **Z-19-00184 SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIATION**
223 SUNSET AVE SUITE: SITE

Date: March 28, 2019

STAFF RECOMMENDATION

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

BACKGROUND

An application has been received for the following project:

REQUEST:

The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Site Plan Review approval is being requested for the exterior changes to the site. Special exceptions are being requested for on-site shared parking in the C-TS district and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. A variance to allow 7,207 SF of office space on the first floor in lieu of the second floor and a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 off-street parking spaces.

ADDRESS: 223 SUNSET AVE SUITE: SITE

OWNER: RAMPELL RICHARD &

OWNER'S REPRESENTATIVE: GUNSTER YOAKLEY & STEWART PA

PROPERTY CONTROL NO.: 50-43-43-22-31-000-1840

ZONING DISTRICT: C-TS Town-Serving Commercial

LEGAL DESCRIPTION: FLORAL PARK LTS 184 TO 189 INC

Page Two

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: 2/26/19

APPLICATION NO.: Z-19-00184 **APPLICATION TYPE:** SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S)

ADDRESS: 223 SUNSET AVE SUITE: SITE

DESCRIPTION:

The applicant is proposing interior and exterior renovations to the existing office building, to upgrade and expand the office portions of the building, and to convert a portion of the existing first-floor office space to restaurant use in order to accommodate the relocation of Trevini Ristorante to this location. The leasable area of office will be expanded from 13,699 SF to 15,602 SF by eliminating a portion of the parking garage. The proposed restaurant will occupy 2,856 SF of interior space with 106 total seats, 30 of which will be located in an outdoor covered seating area of 840 SF. The requested hours of operation for the restaurant are: Lunch 11:30 am - 3:00 pm, Dinner 5:00 pm - 10:30 pm seven days a week, the following approvals are requested: Site Plan Review approval is being requested for the exterior changes to the site. Special exceptions are being requested for on-site shared parking in the C-TS district and outdoor seating to allow 30 seats on the new covered patio for Trevini Ristorante. A variance to allow 7,207 SF of office space on the first floor in lieu of the second floor and a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 off-street parking spaces.

<u>DEPARTMENT</u>	<u>NAME/TITLE</u>	<u>DATE</u>	<u>COMMENT</u>
BUILDING OFFICIAL	Wayne Bergman, Assistant Director PZB	3/6/2019	No Comment
PUBLIC WORKS DEPARTMENT	Craig Hauschild, Civil Engineer	3/29/2019	Existing Stormwater Management System(s) need to be inspected and recertified. The accumulation of sediments and clogging of the filter fabric and the void spaces of the aggregates over time hinders the operational life of an exfiltration system. Systems are required to be tested every five years and recertified. The system appears to have been installed in 1984 and has not been recertified.
FIRE RESCUE DEPARTMENT	Martin DeLoach, Fire Marshal	3/7/2019	A Construction Management Agreement shall be required. This will need a code review for compliance but there is nothing in the code that will prohibit the planned changes.
PZB - PLANNING AND ARCHITECTURAL REVIEW	John Lindgren, Planning Administrator-Project Manager	3/31/2019	This application will require review and approval from the Architectural Commission (ARCOM) as a major combination project.
POLICE DEPARTMENT	Benjamin Alma, Code Enforcement and Parking Manager	3/7/2019	No Comment
PZB DIRECTOR	Josh Martin, Director, Planning, Zoning & Building	3/7/2019	No comments--great project!



PLANNING, ZONING AND BUILDING DEPARTMENT

Town of Palm Beach
360 S County Rd
Palm Beach, FL 33480

DEVELOPMENT REVIEW COMMITTEE REPORT

DRC MEETING: 2/26/19

PZB - ZONING

Paul Castro, Zoning
Administrator

3/28/2019

This renovation project provides an opportunity to create more pedestrian activity to a street that is dormant in the evening. The facade changes are an improvement. The shared parking study demonstrates there is almost enough off-street parking even with the loss of part of the parking garage and the addition of a small restaurant. The applicant must demonstrate a hardship for the proposed parking variance.

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Development Review - Other

Agenda Title

Expired Permits

70 Middle Road

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 5, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Stop Work Order**
- ▣ **Photos**

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 19, 2019

To: Mayor and Town Council

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Expired Permits, 70 Middle Road

Date: March 5, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the recent history and the present condition of the property, in which all construction permits for a lengthy renovation have expired and the building and site conditions are unfinished. The matter before you centers on whether the Town should approve the re-activation of the construction permits to allow Worth Builders (or the owner) to complete the work.

GENERAL INFORMATION

70 Middle Road is currently owned by Jennifer J. Naegele. She purchased the property June of 2004. A series of renovations began in 2013 with Jackson Construction Group. Worth Builders took over the renovation project in 2015. Thirty three (33) permits have been issued for the renovations and revisions to the project. The renovation began with electrical work, repairs to beams and columns, adding a bathroom, limited demolition, rebuilding stairs, and other interior renovations. The renovation project grew, over time, to include plumbing and HVAC replacements. A large number of revisions were submitted and approved over the years. The final permit issued by the Town was for “a permit value update, rebuild existing back stairs, add chandelier, and hurricane mitigation”. That final permit was issued on January 17, 2018. There have not been any requested and approved inspections under the permits for the last six months.

Under the Florida Building Code (FBC), Chapter 1, Section 105.4.1, any permit that does not have an approved inspection within a six month time frame is considered invalid. Therefore, the owner and contractor are not able to complete the remaining work. Further, the Town Code of Ordinances (TCOO), Chapter 18, Section 18-237, requires the construction work of a remodel to a house between the size of 10,000 sf and 19,999 sf to be completed within 36 months. This section also requires the permits to be terminated if the construction work is not completed in accordance with the maximum time schedule (in this case, 36 months).

RECENT MATTERS

Code Enforcement recently open a case on the property and issued a Stop Work Order. A meeting was held on February 22 with Code Enforcement, Worth Builders, and PZB. We discussed the length of the project and a possible path to allow completion of the project. Shortly after that meeting, PZB Director Josh Martin determined that the matter could not be considered administratively and that the entire matter should be considered by the Town Council, in accordance with Town code. I visited the property on two occasions over the last few weeks and took the photographs included in this packet. On each visit I noticed that the north building wall appears to be bare, unpainted stucco, a window A/C is installed in a second floor window opening (also enclosed with plywood), several windows are covered with metal and clear plastic storm panels, and both garage doors are partially opened. A number of vehicles were present at the property each day, although no exterior work was taking place.

Attachments

WRB

cc: Ben Alma, Code Enforcement Unit



TOWN OF PALM BEACH
POLICE DEPARTMENT



STOP WORK

By order of the Town of Palm Beach Police Department

In accordance with the *Town of Palm Beach Code of Ordinances*, work on this property has been found to be:

- ☒ Contrary to the Town Ordinance 18-241, performing construction work without proper permits. You are to immediately **STOP WORK** and **APPEAR** at the Police Department, 345 South County Road, and contact Code Enforcement, weekdays between the hours of 8:30 a.m. and 9:30 a.m.

- ☐ Being performed in a dangerous or unsafe manner as noted below.

Description of violation Interior Renovation without permit.

The cited work shall be permitted to resume under the following conditions:

Must see the Town Building official to re-activate
building permit.

Address of Violation: 70 Middle Rd.

Name / Contractor:

Worth Building

Phone: 561-837-0500

Owner: Jennifer Naigels

Order delivered by: J. Felix/9080

J. Felix/9080
Issued By

2-7-19 11:15 AM.
Date / Time

Re-inspection Date: _____ Order removed by _____ Date: _____

White: Property file

Yellow: Code Enforcement

Pink: Job Site

CE 19-130.

February 26, 2019

Wayne Bergman, MCP, LEED-AP
Asst. Director
Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480

RE: Jennifer Naegele , 70 Middle Road, Palm Beach, FL 33480

Dear Wayne:

Worth Builders of Palm Beach, Inc. received the request for a completion plan, together with time and costs for completion. Please note that Worth's contractual role on this project is limited, and note that the premises and scope are under the Owner's sole control. The decision on scope is an Owner decision, and Worth is not authorized to decide what the scope is, much less price it or provide reliable deadlines for completion. We have transmitted your request to the Owner and confirmed she has received that request. We will be present at the next scheduled Council meeting as requested, but must defer to the Owner to provide you and the Town the information requested for a completion plan, together with time and costs for completion. Thank you for your understanding and patience.

Respectfully submitted,

Worth Builders of Palm Beach, Inc.
CGC 1522469



Andrew C. Lucero
President

Wayne Bergman

From: Wayne Bergman
Sent: Friday, February 22, 2019 8:41 AM
To: 'Keith Van Druff'
Cc: Benjamin Alma; Joshua Martin
Subject: Update: 70 Middle Road stop work order

Keith – please review the message below, sent to some concerned neighbors, Town Council members, Code Enforcement staff, and Director Josh Martin. We reviewed the matter yesterday afternoon and have determined that only the Town Council can approve the extension (reactivation) of the building permit to allow work to continue. As mentioned yesterday, the neighborhood has dealt with this project for close to six years, with no clear end in sight. As discussed, please work with the owner and provide the plan for completion by next Tuesday, 2/26. Please include time frames and the estimated cost of remaining work. This is needed as a completion bond may be required. Please contact Mrs. Naegele and ask her to attend, along with you or a representative from Worth Builders, the March 19, 2019 Town Council meeting.

Good Morning - Yes, Ben Alma with Code Enforcement / Police and I met with Keith Van Druff with Worth Builders, the GC holding the expired permit for 70 Middle. We discussed the six year history of the renovation project and the failure of the builder and owner to finish the project. The owner evidently makes routine changes to the scope of work and therefore the work does not end. The permit expired due to the lack of an approved inspection within a six month period (F.S. 553). Keith indicated that Worth Builders also wants to complete the project and move on. Due to the current lack of permits and due to permit extensions not being requested nor approved at this time, Code Enforcement has issued a Stop Work Order and started a case against the owner and builder.

We asked Keith to provide us with a plan, involving the owner, Jennifer Naegele, that would provide for completion of all work started at this time, and timelines for completion. It was my request yesterday during the meeting that the plan be provide no later than next Tuesday, 2/26. PZB staff would review the plan to close out the work and determine the next step. We mentioned that due to the sensitivity of the concerned neighborhood and extreme amount of time on this project that the Town Council may be involved to consider any time extension.

Josh Martin requested that the entire matter be sent to the Town Council for consideration at their March 19, 2019 meeting and also requested that both the owner and builder be present at the meeting.

I will contact the builder today and relay the Town Council meeting requirement and ask for the plan, timelines for final completion, and estimated cost to finish the work (which may be needed if a completion bond is required). Please call with any questions.

Thank you,

Wayne Bergman, MCP, LEED-AP
Asst. Director

Town of Palm Beach
Planning, Zoning, Building
360 S. County Road
Palm Beach, FL 33480
Office: 561-227-6426
Mobile: 561-232-7406
www.townofpalmbeach.com

Sec. 18-237. - Agreed maximum time schedule for completion of major construction.

A maximum time, calculated from the date of commencement, is established for the completion of major construction projects in the construction schedule shown in Table 1 herein. Said maximum time is a condition of all applicable permits and applicant and owner accept such condition upon acceptance of a permit. The construction schedule shall take into effect historical data of the town of construction of similar structures within the limits of the town. Failure of the permit holder to complete construction under the permit in accordance with the maximum time schedule shall be prima facie evidence that the building project has not been commenced or has been suspended or abandoned. Such prima facie evidence shall be in addition to any other evidence that construction under the permit has not been commenced or has been suspended or abandoned under the permit.

This schedule may be extended to accommodate additional time for individual condominium units that are required by condominium rules and regulations to cease work during the season as defined by the rules and regulations of the condominium association. This extension shall be equal to the number of months during which construction is required by the condominium rules to cease. Similarly, for residential projects in the C-WA zoning district, this schedule may be extended to take into account the period of time during which construction is required to cease in the C-WA zoning district as specified in section 42-199(b) pursuant to town regulations.

TABLE 1. CONSTRUCTION SCHEDULE

	Square Footage Under Roof	New Construction* Maximum Time Permitted	Remodel/Accessory Construction Maximum Time Permitted
I.	Projects 3,999 sq. ft. or less	16 months	16 months
II.	Projects 4,000 sq. ft. to 5,999 sq. ft.	20 months	24 months
III	Projects 6,000 sq. ft. to 9,999 sq. ft	24 months	30 months
IV	Projects 10,000 sq. ft. to 19,999 sq. ft	30 months	36 months
V	Projects 20,000 sq. ft. to 39,999 sq. ft	36 months	42 months

VI	Projects larger than 40,000 sq. ft.	To be determined by the town council prior to permit issuance	To be determined by the town council prior to permit issuance
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*** Principal structure**

- (a) Requests for extension from this schedule will be considered by the town council and approval may be granted for good cause shown as determined in the sole discretion of the town council. Said request for extension shall be filed with the town by the contractor and the owner no later than 45 calendar days, nor earlier than six months, prior to the scheduled completion date. The request for extension shall include reasons for the necessity of granting an extension, a revised construction schedule, proposed nuisance mitigation measures and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the meeting at which the extension is to be considered. In the event the town council determines that good cause is not shown for granting the extension, the council may deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the extension beyond the term set forth in the above stated construction schedule.
- (b) In the event no request is made for extension of time from the above referenced schedule, the building permit shall be immediately revoked and all work shall cease and desist on the project. In order to resume work, the contractor and the owner must apply to the town council for an extension of time. The application for extension shall include reasons for the necessity of granting an extension of time, a revised construction schedule, proposed nuisance mitigation measures, and a statement that notice to neighbors within 200 feet will be provided at least 25 days prior to the hearing before town council to consider the extension of time. The town council, in its sole discretion, may grant or deny the extension. In the event the town council grants an extension, it may impose conditions on the extension which may include the implementation of mitigation measures deemed appropriate by the council and the imposition of a fee as established by resolution by the town council for each day of the

extension beyond the term set forth in the above state construction schedule. If an extension of time is granted, a new permit application is required and a permit reactivation fee shall be paid.

- (c) Failure of the permit holder and/or the property owner to complete the construction within the preceding time table or within the time extension granted by the town council constitutes prima facie evidence that the building project has not been commenced or has been suspended or abandoned. All permits will be terminated, and all work at the site will stop immediately until the applicant and owner apply for and receive a reinstatement of the permit by the town council. If conditions are attached to the re-issuance, the permit may be reissued by the building official only upon continued conformance to the conditions established by the town council. Any conditions attached to re-issuance are conditions of all applicable permits and applicant and owner accept such conditions upon acceptance of a permit. The issuance of the certificate of occupancy or completion will be withheld until any fees incurred under this section are paid. If the town council does not approve the extension of time, applicant and owner may be required by the town council to remove all evidence of construction, and ensure that the project conforms to all applicable provisions of the code. Failure to cease construction or conform to all codes constitutes a violation and will be referred to the town's code enforcement board.

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

as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Sections 440.10 and 440.38, *Florida Statutes*.

105.3.6 Asbestos removal. Moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.4 Conditions of the permit.

105.4.1 Permit intent. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6 months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the work is commenced.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit is not obtained within 180 days from the date the initial permit became null and void, the building official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process.

105.4.1.4 The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority.

[A] 105.5 Expiration. Reserved.

[A] 105.6 Denial or revocation. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the *Florida Building Code*, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the *Florida Building Code*, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

[A] 105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. In accordance with Section 713.135, *Florida Statutes*, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANC-

Permit Browse Town of Palm Beach

Permit number	Permit type	Permit description	Permit Address	Customer Last Name	Application date	Issue date	Approval
B-17-68303	R-REVISION	PERMIT UPDATE-REBUILD EXISTING BACK STAIRS, ADD CHANDELER LIFT, HURRICANE MITIGATION	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	12/20/2017	1/17/2018	final
B-17-68695	R-REVISION	*EMERGENCY CHANGE OUT* REPLACE EXISTING 2.5 TON A/C UNIT W/NEW 2.5 TON A/C UNIT. TRANE ATTR6030, TEM6A	70 MIDDLE RD	JOHN C CASSIDY AIR CONDITIONING	11/15/2017	11/21/2017	final
B-17-67322	E-ELECTRICAL	SUB ELECTRIC PER APPROVED PLANS SEE B14-37941 FOR INSPECTION HISTORY. PREVIOUS CONTRACTOR STONE ELECTRIC & GENERAL CONTR.	70 MIDDLE RD	LEWIS H GREEN & ASSOCIATES INC	9/24/2017	10/2/2017	issued
B-17-66697	R-REVISION	PERMIT UPDATE-REPLACE EXISTING 2.5 TON A/C UNIT W/NEW 2.5 TON A/C UNIT. TRANE ATTR6030, TEM6A0830	70 MIDDLE RD	JOHN C CASSIDY AIR CONDITIONING	8/17/2017	8/19/2017	final
B-17-66177	R-REVISION	REPLACE 2 1/2 TON AC UNIT WITH NEW 2 1/2 TON AC SYSTEM TRANE 4TR6030, TEM6A0830	70 MIDDLE RD	JOHN C CASSIDY AIR CONDITIONING	8/17/2017	8/17/2017	final
B-17-61779	R-REVISION	REVISION- MECHANICAL- AS BUILT FOR SYSTEMS 2, 5, 6, & 7	70 MIDDLE RD	SWARTH AIR CONDITIONING INC	1/9/2017	1/19/2017	final
B-16-60682	R-REVISION	CHANGE OF QUALIFIER B15-53846 INTERIOR RENOVATION-SEE DISCHARGE LETTER ATTCHED, SEE INSPECTIONS UNDER B-1-35635	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	10/26/2016	11/3/2016	final
B-16-58570	R-REVISION	REVISION MECHANICAL & ELECTRICAL- UPDATED MECHANICAL & ELECTRICAL GARAGE PLAN. TWO LIGHTS RELOCATED.	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	7/22/2016	8/2/2016	final
B-16-58144	R-REVISION	REVISION PLUMBING/GAS- GARAGE SINK & HOSE BIB RELOCATION.	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	7/6/2016	7/15/2016	final
B-16-57513	R-REVISION	PERMIT UPDATE- STRUCTURAL CONCRETE REPAIR AND HVAC & ELECTRICAL IN GARAGE	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	6/19/2016	7/1/2016	final
B-16-57028	R-REVISION	REVISION BUILDING - CONCRETE BEAM REPAIR PROC. CHANGED, TERRACE STAIRS STRUCTURAL PROCEDURE CHANGED, FL	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	5/25/2016	6/9/2016	final
B-16-55684	R-REVISION	REVISION BUILDING - REVISIONS AS BUILT	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	4/1/2016	4/22/2016	final
B-15-53924	R-REVISION	REVISION BUILDING - REVISIONS AS BUILT	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	12/17/2015	12/30/2015	final
B-15-53846	R-REVISION	INTERIOR RENOVATION-SEE DISCHARGE LETTER ATTCHED, SEE INSPECTIONS UNDER B-13-35635	70 MIDDLE RD	WORTH BUILDERS OF PALM BEACH	12/15/2015	12/17/2015	issued
B-14-42622	R-REVISION	REVISION BUILDING AND ELECTRICAL - AS BUILT (REVISION)	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	9/12/2014	8/27/2014	final
B-14-39562	R-REVISION	REVISION BUILDING - CEILING FRAMING PLAN DIMENSIONS, ELECTRICAL- SMOKE DETECTORS DETAILS ON PLANS	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	4/21/2014	5/1/2014	final
B-14-38008	R-REVISION	REVISION BUILDING / ELECTRICAL - AS BUILT	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	3/19/2014	3/24/2014	final
B-14-38279	R-REVISION	REVISION BUILDING - AS BUILT	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	2/11/2014	2/18/2014	final
B-14-38023	R-REVISION	PERMIT UPDATE, CHG OF PLANS AND VALUE- INTERIOR ALTERATION, JOIST REPAIR, BATHROOM (NEW) LAUNDRY	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	2/13/2014	2/14/2014	final
B-14-38188	R-REVISION	REVISION BUILDING: ALTERATION REVISION, ELECTRICAL: LIGHTS, OUTLETS	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	2/5/2014	2/17/2014	final
B-14-37941	E-ELECTRICAL	SUB- ELECTRICAL SPACE AS PER PLANS	70 MIDDLE RD	STONE ELECTRIC & GENERAL CONTR	1/22/2014	1/24/2014	canceled
B-14-37850	R-REVISION	REVISION BUILDING - AS BUILT	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	1/15/2014	1/21/2014	final
B-13-37595	R-REVISION	REVISION BUILDING: AS BUILT	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	12/20/2013	12/27/2013	final
B-13-37297	R-REVISION	PERMIT UPDATE-CORRECTION/CHANGE IN V	70 MIDDLE RD	RENCO PLUMBING INC	12/4/2013	12/16/2013	final
B-13-36863	R-REVISION	SUB- MECHANICAL - HVAC WORK PER PLAN	70 MIDDLE RD	SWARTH AIR CONDITIONING INC	11/7/2013	11/18/2013	final
B-13-36994	R-REVISION	REVISION- ELECTRICAL- AS BUILT	70 MIDDLE RD	DECCA ELECTRIC INC	10/17/2013	10/30/2013	final
B-13-36421	R-REVISION	PERMIT UPDATE-CHANGE IN PLANS AND VALUE TO ADD MOP SINK, ICE MAKER, WASHER/DRYER	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	10/18/2013	10/21/2013	final
B-13-36423	R-REVISION	REVISION BUILDING - AS BUILT	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	10/18/2013	10/18/2013	final
B-13-34994	R-REVISION	PERMIT UPDATE- DEMO / REBUILD STAIRS, INTERIOR RENOVATIONS.	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	8/26/2013	9/26/2013	final
B-13-35207	R-REVISION	SUB PLUMBING - PLUMBING INSTALL BATHROOM	70 MIDDLE RD	RENCO PLUMBING INC	9/4/2013	9/16/2013	final
B-13-34911	R-REVISION	PERMIT UPDATE- CHANGED OUT METER CAN	70 MIDDLE RD	DECCA ELECTRIC INC	8/22/2013	8/27/2013	final
B-13-34756	R-REVISION	PERMIT UPDATE- COMPLETE WORK AS SHOWN ON PLANS	70 MIDDLE RD	DECCA ELECTRIC INC	8/19/2013	8/20/2013	final
B-13-35635	R-REVISION	REPAIR OF BEAMS & COLUMNS ADD BATHROOM, DEMO INTERIOR WALL ALTERATIONS	70 MIDDLE RD	JACKSON CONSTRUCTION GROUP I	7/10/2013	8/2/2013	canceled
B-13-33658	R-REVISION	PERMIT UPDATE- COMPLETE WORK AS PER PLANS	70 MIDDLE RD	DECCA ELECTRIC INC	7/11/2013	7/15/2013	final
B-13-33140	R-REVISION	PERMIT UPDATE-CHANGE IN PLANS AND VALUE FOR COMPLETE ELECTRIC AS SHOWN ON PLANS	70 MIDDLE RD	DECCA ELECTRIC INC	6/21/2013	6/26/2013	final
B-13-33141	E-ELECTRICAL	SUB ELECTRIC WATER FEATURE - REPLACE POOL LOAD CENTER	70 MIDDLE RD	DECCA ELECTRIC INC	6/21/2013	6/26/2013	final
B-13-32963	R-REVISION	REPLACE 400 AMP MAIN DISCONNECT	70 MIDDLE RD	DECCA ELECTRIC INC	6/17/2013	6/20/2013	final
X-07-32355	Legacy	EXACT CHANGE OUT:27/5KW/27/10KW/2.5T/7.5KW/27/5KW; 2.5T/5KW	70 MIDDLE RD	JOHN C CASSIDY AIR CONDITIONING	10/18/2007	10/18/2007	final
X-03-05251	Legacy	REPLACE EXISTING EQUIPMENT (2) 2.5 AHU	70 MIDDLE RD	JOHN C CASSIDY AIR CONDITIONING	9/19/2003	9/19/2003	final
X-03-05252	Legacy	INSTALL RAIN SENSOR FOR LAWN SPRINKLER SYSTEM	70 MIDDLE RD	SUPERIOR SPRINKLER SYSTEMS INC	9/19/2003	9/19/2003	final

Permit Number	Permit type name	Permit description	Permit Address	Customer	Customer Last Name	Application date/issue date	Approval
9-13-36422	REPERMIT UPDATE-CHG OF PLANS & VALUE/CD RESECTION	REPLACE 400 AMP MAIN DISCONNECT	70 MIDDLE RD	338125	DECCA ELECTRIC INC	10/19/2013	Cancelled

3/19/2019 1:17 PM

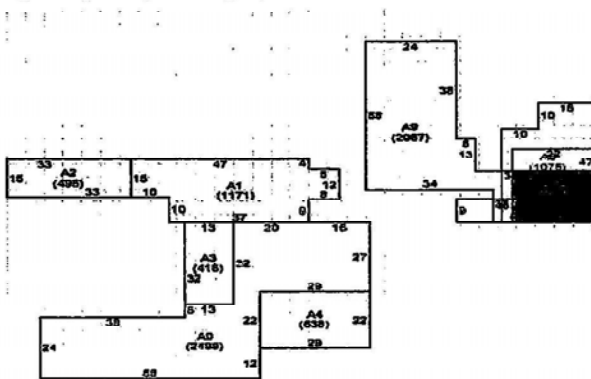
Book/Page#:	17162 / 1188	Price:	\$4,900,000
Zoning:	RB - (50-PALM BEACH)		
Total SF:	10045	Acres	0.3562

Improvement Value	\$3,725,618
Land Value	\$3,955,937
Total Market Value	\$7,681,555
Assessed Value	\$6,596,622
Exemption Amount	\$0
Taxable Value	\$6,596,622
All values are as of January 1st each year.	

Ad Valorem	\$114,635
Non Ad Valorem	\$1,174
Total Tax	\$115,809

No Details Found

No Details Found



Description	Area	Sq. Footage
BAS Base Area	2499	
FEP Finished Enclosed Porch	75	
FGR Finished Garage	638	
FOP Finished Open Porch	416	
FOP Finished Open Porch	495	
FSP Finished Screened Porch	333	
FUS Finished Upper Story	2067	
FUS Finished Upper Story	638	
SFB Semi Finished Base Area	1075	
SFB Semi Finished Base Area	1171	

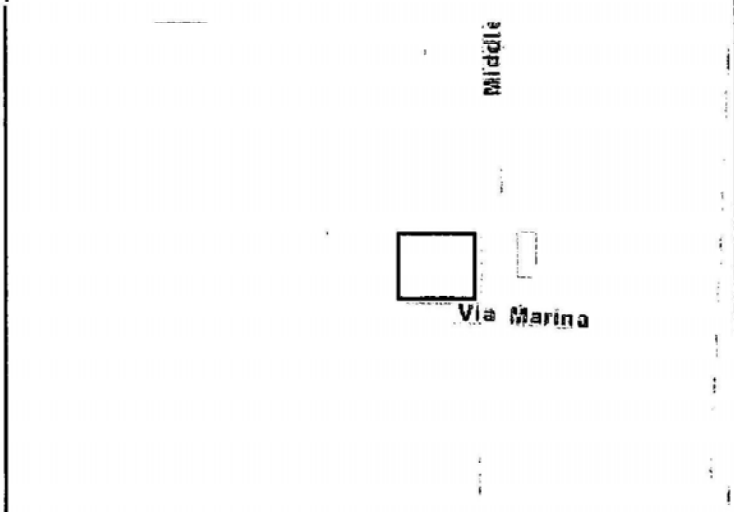
Total Square Footage : 10045

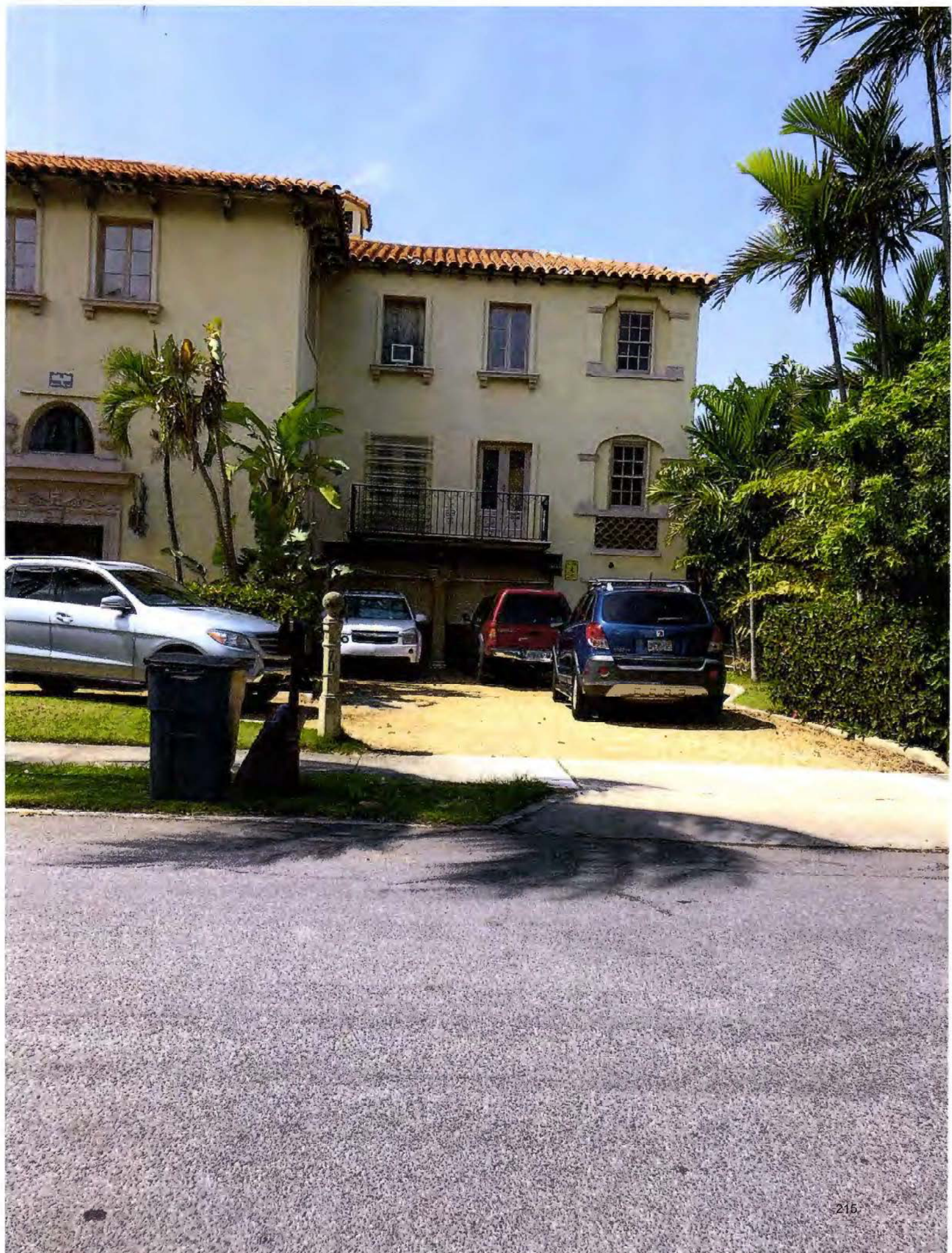
Total Area Under Air : 8088

Description	Unit
Wall	980
Pool - In-Ground	1

Unit may represent the perimeter, square footage, linear footage, total number or other measurement.

No	Description	
1.	Exterior Wall 1	WSF: BRICK
2.	Year Built	1928
3.	Air Condition Desc.	HTG & AC
4.	Heat Type	FORCED AIR DUCT
5.	Heat Fuel	ELECTRIC
6.	Bed Rooms	5
7.	Full Baths	6
8.	Half Baths	1
9.	Exterior Wall 2	NONE
10.	Roof Structure	GABLE/HIP
11.	Roof Cover	CLAY/BERMUDA TILE
12.	Interior Wall 1	PLYWOOD PNL.
13.	Interior Wall 2	DRYWALL
14.	Floor Type 1	CERAMIC/QUARRY TILE
15.	Floor Type 2	N/A
16.	Stories	3







TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE NO. 12-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 18, Buildings And Building Regulations, Article III, Architectural Review, Division 3, Procedure And Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan By Adding Subsection (D); Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 29, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance No. 12-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Ordinances 12-2019 & 14-2019 – Landscape Screening Requirements, Architectural Review Commission & Landmarks Preservation Commission – Second Readings

Date: March 25, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider adopting Ordinances 12-2019 & 14-2019 at their Second Reading.

GENERAL INFORMATION

Staff has determined the best way to create this requirement on owners and builders is through the adoption of two ordinances. One to add language to the Architectural; Review Commission requirements in Chapter 18 and the other one to add language to Landmarks Preservation Commission in Chapter 54. The language in both ordinances is similar but does distinguish between the rolls each commission plays in reviewing and regulating construction. Both ordinances allow the use of existing landscape buffering. Both ordinances allow the mix of walls, landscape, and screening fences and gates to secure the perimeters of properties and screen the construction project from neighbor properties and the public right of ways.

SPECIAL CONSIDERATIONS

The two ordinances have been reviewed by the Town Attorney for legal form and sufficiency. Both ordinances were approved at their First Reading on March 19, 2019. Ordinances No. 12-2019 (Chapter 18) and 14-2019 (Chapter 54) are ready to be adopted on Second Reading.

Attachments

WRB

ORDINANCE NO. 12-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 18, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, ARCHITECTURAL REVIEW, DIVISION 3, PROCEDURE AND REQUIREMENTS, SECTION 18-201, PRELIMINARY SKETCH; SITE PLAN; FINAL PLAN BY ADDING SUBSECTION (d); PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 18, Buildings and Building Regulations, of the Town Code of Ordinances, Article III, Architectural Review, Division 3, Procedure and Requirements, Section 18-201, Preliminary Sketch; Site Plan; Final Plan, is hereby amended by adding a new subsection (d), as follows:

Sec. 18-201. - Preliminary sketch; site plan; final plan.

(d) A construction screening plan shall be submitted as part of all major ARCOM projects that demonstrates how the adjacent neighbors will be screened from the construction activity through the use of landscaping and construction fencing/gates. Said construction screening plan must be approved by ARCOM, and the applicant must submit a permit for the approved landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major ARCOM application.

Section 2. 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 3. 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 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 19th day of March, 2019; and for the Second and Final Reading on this 10th day of April, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Ordinances - Second Reading

Agenda Title

ORDINANCE 14-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 54, Historical Preservation, Article III, Certificate Of Appropriateness, Division 2, Procedures And Effect, By Adding Section 54-99, Construction Screening Plan; Providing For Severability; Providing For The Repeal Of Ordinances In Conflict; Providing For Codification; And Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum Dated March 25, 2019 from Wayne Bergman, Assistant Director of Planning, Zoning & Building**
- ▣ **Ordinance 14-2019**

TOWN OF PALM BEACH

Information for Town Council Meeting on: April 10, 2019

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

Via: Josh Martin, Director of Planning, Zoning & Building

From: Wayne Bergman, Asst. Director of Planning, Zoning & Building

Re: Ordinances 12-2019 & 14-2019 – Landscape Screening Requirements, Architectural Review Commission & Landmarks Preservation Commission – Second Readings

Date: March 25, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider adopting Ordinances 12-2019 & 14-2019 at their Second Reading.

GENERAL INFORMATION

Staff has determined the best way to create this requirement on owners and builders is through the adoption of two ordinances. One to add language to the Architectural; Review Commission requirements in Chapter 18 and the other one to add language to Landmarks Preservation Commission in Chapter 54. The language in both ordinances is similar but does distinguish between the rolls each commission plays in reviewing and regulating construction. Both ordinances allow the use of existing landscape buffering. Both ordinances allow the mix of walls, landscape, and screening fences and gates to secure the perimeters of properties and screen the construction project from neighbor properties and the public right of ways.

SPECIAL CONSIDERATIONS

The two ordinances have been reviewed by the Town Attorney for legal form and sufficiency. Both ordinances were approved at their First Reading on March 19, 2019. Ordinances No. 12-2019 (Chapter 18) and 14-2019 (Chapter 54) are ready to be adopted on Second Reading.

Attachments

WRB

ORDINANCE NO. 14-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 54, HISTORICAL PRESERVATION, ARTICLE III, CERTIFICATE OF APPROPRIATENESS, DIVISION 2, PROCEDURES AND EFFECT, BY ADDING SECTION 54-99, CONSTRUCTION SCREENING PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Chapter 54, Historical Preservation, Article III, Certificate of Appropriateness, Division 2, Procedures and Effect, is hereby amended by adding a new section 54-99, as follows:

Sec. 54-99. – Construction Screening Plan.

Depending upon the size and scope of a project, staff may request a construction screening plan to be submitted as part of Certificates of Appropriateness (COA) applications that demonstrates how the adjacent neighbors and public right of ways will be screened from the construction activity through the use of landscape, hardscape, and construction fencing/gates. For those projects where existing landscape and hardscape will remain in place during construction, which provide the necessary screening, this should be identified on the construction screening plan, and photographs of said landscape and/or hardscape screening shall also be provided. The construction screening plan must be approved by the Landmarks Preservation Commission, and the applicant must submit a permit for the approved additional landscaping and/or fencing/gates, install said material, have it pass inspection, and the permit closed-out prior to the issuance of a building permit for the new construction and/or renovation work associated with the major COA application.

Section 2. 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 3. 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 4. Codification. This Ordinance shall be codified and made a part of the official Code of Ordinances of the Town of Palm Beach, Florida.

Section 5. Effective Date. This Ordinance shall take effect immediately upon its passage and approval, as provided by law.

PASSED AND ADOPTED in a regular, adjourned session of the Town Council of the Town of Palm Beach, Florida, on the First Reading this 19th day of March, 2019; and for the Second and Final Reading on this 10th day of April, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 10-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 134 Zoning, At Article Viii, Supplementary District Regulations, At Section 134-1516. Underground Location Of Utility Service Lines, By Excluding Boxes Housing Essential Services From Lot Coverage And Landscape Open Space Calculations; Creating Section 134-1518, Which Prohibits The Docking Or Storage Mobility Stations For Shared Scooters In The Town; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum from Josh Martin dated March 27, 2019**
- ▣ **Ordinance No. 10-2019**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council meetings on:
April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Ordinances Prohibiting Docking and Storage Mobility Stations for Shared Scooters in the Town; and Making it Unlawful to Dock, Store or Park Motorized or Non-Motorized Shared Scooters on Public or Private Streets or Sidewalks; and Excluding Boxes Housing Essential Services from Lot Coverage and Landscape Open Space Regulations.
Ordinance Nos. 10-2019 and 11-2019

Date: March 27, 2019

STAFF RECOMMENDATION

Staff recommends the Local Planning Agency recommend and the Town Council approve Ordinance Nos. 10-2019 and 11-2019 on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission at its February 19, 2019 meeting voted 7-0 to recommend the Town adopt the regulations provided for in Ordinance Nos. 10-2019 and 11-2019.

BACKGROUND

The Town Council, at its October 10, 2018 meeting, approved an emergency ordinance which created a moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles. On March 29, 2019, that moratorium was extended by emergency ordinance an additional 90 days in order to provide time for staff and the Planning and Zoning Commission to examine and make a recommendation to the Town Council on possible zoning regulations.

On January 15, 2019 and February 19, 2019, the Planning and Zoning Commission considered staff's proposed regulations related to shared scooters and other personal transportation vehicles. On February 19th, the Commission made a recommendation that the Town amend Chapter 134, Zoning, to prohibit docking and storage mobility stations for shared scooters on private or public property. The Commission also recommended changes to Chapter 106, Streets, Sidewalks and other Public Places, making it unlawful to dock, store or park motorized or non-motorized shared scooters on any public or private streets or sidewalks in the Town.

In addition, the Commission also recommended a proposed code amendment which excludes essential service boxes and their associated pads from lot coverage and landscape open space requirements in the Chapter 134. The intent of this proposed change is to ensure that it is clearly understood that utility boxes for essential services are not computed into the zoning calculations for development potential on a property.

TOWN ATTORNEY REVIEW

Ordinance Nos. 10-2019 and 11-2019 have been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Administrator

ORDINANCE NO. 10-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 134 ZONING, AT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, AT SECTION 134-1516. UNDERGROUND LOCATION OF UTILITY SERVICE LINES, BY EXCLUDING BOXES HOUSING ESSENTIAL SERVICES FROM LOT COVERAGE AND LANDSCAPE OPEN SPACE CALCULATIONS; CREATING SECTION 134-1518, WHICH PROHIBITS THE DOCKING OR STORAGE MOBILITY STATIONS FOR SHARED SCOOTERS IN THE TOWN; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony; and

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

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

Section 1. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, modifying Section 134-1516, Underground location of utility service lines, to read as follows:

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

(1) Boxes housing essential services in the front, street side and street rear yard setbacks shall be screened from view from the street in so much as possible by either a wall or hedge planted and maintained at a height the same as or greater than said essential service box. An essential service is defined in section 134-2 of this Code.

(2) At the time that any new buildings or structures are being constructed or located on any privately owned property or at the time that any existing buildings or structures on privately owned property are being reconstructed, substantially extended and enlarged or structurally altered, such buildings or structures shall have an entirely underground location for all utility service lines, electrical distribution systems, wires and cables, which connect to and service such buildings or structures.

(3) Boxes housing essential service, including their pads, shall not count against the maximum lot coverage or minimum landscape open space of a lot.

Section 2. Article VIII, SUPPLEMENTARY DISTRICT REGULATIONS, creating Section 134-1518, Shared mobility scooters, to read as follows:

Sec. 134-1518. Shared mobility scooters.

The following regulations shall apply to all zoning districts in the Town.

(1) Docking or storage mobility stations for shared scooters and dockless shared scooters is prohibited in the Town.

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 Code of Ordinances 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 10th day of April, 2019, second reading and final adoption on this ____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member

TOWN OF PALM BEACH

Town Council Meeting Development Review on: April 10, 2019

Section of Agenda

Ordinances - First Reading

Agenda Title

ORDINANCE NO. 11-2019 An Ordinance Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending The Town Code Of Ordinances At Chapter 106, Streets, Sidewalks And Other Public Places, As Follows: At Article Ii, Streets, In Creating Section 106-49, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters On Public Or Private Streets; And Creating Section 106-161, Titled Unlawful To Dock, Store Or Park Motorized Or Non-Motorized Shared Scooters, Making It Unlawful To Dock, Store Or Park Shared Motorized Or Non-Motorized Scooter On Sidewalks; Providing For Repeal Of Ordinances In Conflict; Providing For Codification; Providing An Effective Date.

Presenter

ATTACHMENTS:

- ▣ **Memorandum from Josh Martin dated March 27, 2019**
- ▣ **Ordinance 11-2019**

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council meetings on:
April 10, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning and Building

Re: Proposed Ordinances Prohibiting Docking and Storage Mobility Stations for Shared Scooters in the Town; and Making it Unlawful to Dock, Store or Park Motorized or Non-Motorized Shared Scooters on Public or Private Streets or Sidewalks; and Excluding Boxes Housing Essential Services from Lot Coverage and Landscape Open Space Regulations.
Ordinance Nos. 10-2019 and 11-2019

Date: March 27, 2019

STAFF RECOMMENDATION

Staff recommends the Local Planning Agency recommend and the Town Council approve Ordinance Nos. 10-2019 and 11-2019 on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission at its February 19, 2019 meeting voted 7-0 to recommend the Town adopt the regulations provided for in Ordinance Nos. 10-2019 and 11-2019.

BACKGROUND

The Town Council, at its October 10, 2018 meeting, approved an emergency ordinance which created a moratorium on the issuance of permits or approvals for the sharing of bicycles, scooters and/or other personal transportation vehicles. On March 29, 2019, that moratorium was extended by emergency ordinance an additional 90 days in order to provide time for staff and the Planning and Zoning Commission to examine and make a recommendation to the Town Council on possible zoning regulations.

On January 15, 2019 and February 19, 2019, the Planning and Zoning Commission considered staff's proposed regulations related to shared scooters and other personal transportation vehicles. On February 19th, the Commission made a recommendation that the Town amend Chapter 134, Zoning, to prohibit docking and storage mobility stations for shared scooters on private or public property. The Commission also recommended changes to Chapter 106, Streets, Sidewalks and other Public Places, making it unlawful to dock, store or park motorized or non-motorized shared scooters on any public or private streets or sidewalks in the Town.

In addition, the Commission also recommended a proposed code amendment which excludes essential service boxes and their associated pads from lot coverage and landscape open space requirements in the Chapter 134. The intent of this proposed change is to ensure that it is clearly understood that utility boxes for essential services are not computed into the zoning calculations for development potential on a property.

TOWN ATTORNEY REVIEW

Ordinance Nos. 10-2019 and 11-2019 have been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
John C. Randolph, Town Attorney
Paul Castro, Zoning Administrator

ORDINANCE NO. 11-2019

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING THE TOWN CODE OF ORDINANCES AT CHAPTER 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, AS FOLLOWS: AT ARTICLE II, STREETS, IN CREATING SECTION 106-49, TITLED UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED SCOOTERS, MAKING IT UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED SCOOTERS ON PUBLIC OR PRIVATE STREETS; AND CREATING SECTION 106-161, TITLED UNLAWFUL TO DOCK, STORE OR PARK MOTORIZED OR NON-MOTORIZED SHARED SCOOTERS, MAKING IT UNLAWFUL TO DOCK, STORE OR PARK SHARED MOTORIZED OR NON-MOTORIZED SCOOTER ON SIDEWALKS; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, after public hearing pursuant to notice required by law, the Town Council considered the Planning and Zoning Commission's Record and Report and all evidence and testimony; and

WHEREAS, after public hearing pursuant to notice as required by law, the Town Council does hereby find, determine, and declare that the public health, safety, morals and general welfare of the citizens of the Town of Palm Beach requires that the aforesaid Chapter 106, STREETS, SIDEWALKS AND OTHER PUBLIC PLACES, of the Code of Ordinances, be amended as hereinafter set forth.

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

Section 1. Article II, STREETS, creating Section 106-49, Shared mobility scooters, to read as follows:

Sec. 106-49. Unlawful to dock, store or park shared motorized or non-motorized scooters.

It is unlawful to commercially dock, store or park shared scooters or dockless scooters on any public or private street.

Section 2. Article V, SIDEWALKS, creating Section 106-161, Unlawful to dock, store or park shared motorize or non-motorized and scooters, to read as follows:

Sec. 106-161. Unlawful to dock, store or park motorize or non-motorized shared scooters.

It is unlawful to commercially dock, store or park shared scooters or dockless scooters on any public or private sidewalk, via or esplanade.

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 Code of Ordinances of the Town of Palm Beach.

Section 6. Effective Date.

This Ordinance shall take effect immediately 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 10th day of April, 2019, second reading and final adoption on this ____ day of _____, 2019.

Gail L. Coniglio, Mayor

Danielle H. Moore, Town Council President

Margaret A. Zeidman, Council President Pro Tem

Julie Araskog, Town Council Member

ATTEST:

Lewis S.W. Crampton, Town Council Member

Kathleen Dominguez, Town Clerk

Bobbie Lindsay, Town Council Member