



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

FROM: Wayne Bergman, MCP, LEED-AP *WB*
Director PZ&B

SUBJECT: ARC-23-057 (ZON-23-049) 2 S COUNTY RD (THE BREAKERS)

MEETING: SEPTEMBER 27, 2023

ARC-23-057 (ZON-23-049) 2 S COUNTY RD (COMBO). The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Architectural Commission review and approval for the renovation and expansion of the existing tennis area, including replacements of 10 existing courts, addition of 2 courts, addition of pickleball courts, shade structures, decorative fencing, new service path, stretching area and landscape improvements; requiring town council review of special exception, site plan review, and variances. This is a combination project that shall also be reviewed by Town Council as it relates to zoning relief/approval.

ZON-23-049 (ARC-23-057) 2 S COUNTY RD (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to the tennis center at the Breakers hotel including replacement of and addition of courts, shade structures, walkway and stretching area, and (2) variances to (1) provide court fencing that is deficient in height and (2) to provide tennis court lighting that exceeds maximum heights allowed. The Architectural Commission shall perform design review of the application.

Applicant: The Breakers Palm Beach, Inc. (Alex Gilmurray)
Professional: Edsa
Representative: James Crowley, Esq.

HISTORY:

Due to the highly specific language of the The Breakers Planned Unit Development Resolution, the extent of the proposed improvements herein this application, specifically the expansion of the tennis court areas, required an amendment to be filed to Town Council. This amendment was required to be vetted at the Planning and Zoning Commission. In April, the PZC transmitted the PUD amendment with a favorable recommendation to the Town Council. At the 05/10/23 Town Council Development Review meeting, the Town Council unanimously (5-0) adopted the resolution amending the existing Resolution No 003-00 for The Breakers Planned Unit Development (PUD-A) related to site modifications at the tennis center, pursuant to Resolution No. 043-2023.

This application was originally presented and reviewed at the MAY 24, 2023 ARCOM meeting. Whereby portions of the design proposal (landscaping, the various courts, and the small shade

tennis structures within the courts) were approved (7-0) with conditions, specifically the small tennis shade pavilions were to be finished in white; while the remaining balance of the application, shade structure, fencing and light poles, were deferred (7-0) to the June 28, 2023 meeting. Since then, at the request of the applicant, the item was deferred to the September 27, 2023 ARCOM meeting.

THE PROJECT:

The applicant has submitted plans, entitled "THE BREAKERS - TENNIS PRESENTATION BACK-UP " as prepared by **edsa**, dated September 05, 2023.

The following is the scope of work:

- Replacement of existing tennis courts with new tennis courts and pickleball courts.
- New low decorative fencing around courts. Changed from black to white.
- Shade structures over four (4) tennis court areas and two (2) pickleball courts. This was increased from two.
- Relocated and new court lighting to match existing.
- Improved landscaping along the east side.

Portions approved at the May meeting:

- Landscaping, the various courts, and the small tennis shade structures in white.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **Special Exception 1: Sec. 134-1395(1):** Special Exception request for modifications to The Breakers Tennis Center.
- **Special Exception 2: Sec. 134-1759(e):** Special Exception request for construction of new tennis/pickleball courts.
- **Special Exception with Site Plan Review 3: Sec. 134-1759(g):** Special Exception with site plan review for tennis court lighting.
- **Variance 1: Sec. 134-1759(c):** A variance to permit perimeter tennis fencing at 4'-6'-0" in height, in lieu of the 10'-0" in height required.
- **Variance 2: Sec. 134-1731:** A variance to permit new tennis light poles at 21'-0" in height in lieu of the 15'-0" maximum height permitted.

Site Data			
Zoning District	PUD-A	Future Land Use	APPROVED PUD
Lot Size	184,406 SF (4.6 acres)	Fence Height (tennis court)	Required: 10' Proposed 4' – 6' <i>VARIANCE REQUESTED</i>
Lot Coverage	Existing: 0.4% Proposed: 11.1% Permitted: 35%	Landscape Open Space (LOS)	Existing: 60,022 SF (32.5%) Proposed: 46,479 SF (25.2%) Required: 27, 660 SF (1)

Building Height	25'-0" highest point of larger tennis shade pavilion Permitted: 25'-0"	Lighting Height	Permitted: 15' Proposed: 21' VARIANCE REQUESTED
Surrounding Properties / Zoning			
North	Royal Poinciana Way Right-of-Way C-TS		
South	Flagler Steak House / Sports Pro Shop (The Breakers) PUD A		
East	S County Rd Right-of-Way / Golf Course (The Breakers) PUD A		
West	Golf Course (The Breakers) PUD A Royal Poinciana Plaza C-PC		

STAFF ANALYSIS

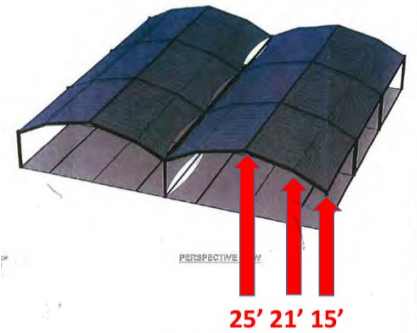
A preliminary review of the project indicates that the application, as proposed, is inconsistent with the abovementioned sections of the Town zoning code.

The project includes improvements to the existing Breakers Tennis Center. Portions of the design proposal (landscaping, the various courts, and the small shade tennis structures within the courts) were approved (7-0) with conditions at the MAY 24, 2023 ARCOM meeting. The remaining scope of work includes the replacement of existing tennis courts with new tennis courts and pickleball courts, new low decorative fencing around courts, four large shade structures over four (4) tennis court areas and two (2) pickleball courts, relocated and new court lighting to match existing, and added landscaping along the east side.

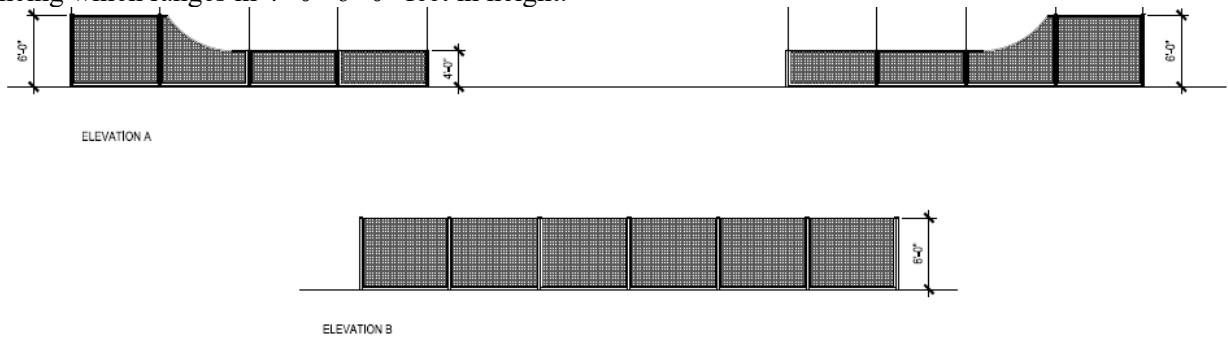
As it pertains to the renovation and slight expansion to the existing Tennis Center, which will include the replacement of the ten (10) existing "Har-Tru" style tennis courts with six (6) "Hydrocourts", two (2) hard courts, two (2) pickleball courts, and four (4) grass courts. The grass courts will only be used 2 at a time on a rotating schedule to allow for regrowth after use and wear. Four (4) Hydrocourts on the interior of the tennis center are proposed to have a shade structure over the courts, and both pickleball courts are proposed to be covered with a shade structure as well. Since the prior submittal, the color of the shade structures are proposed to be white.



In an effort to address the concerns of the tennis and court players, the proposal features shading devices that allow tennis enthusiasts to play in the Florida climate, where shade is critical. The shade structures are simple vaulted tensile tents, similar in appearance to an agricultural greenhouse structure, measuring 120'-0" in length by 60'-0" in width. The shading structures are proposed internal to the site, sited well past South County Line frontage and will be buffered by augmented vertical landscaping. The tensile structures peak at 25'-0" at the highest pitch and descend to a height of 15'-0" along the sides. The plan also proposes a low decorative fencing around the courts, a new service path, a new stretching area, and minor hardscape and landscape adjustments.



Variance 1 pertains to the zoning code required fencing around tennis courts. The zoning code requires that a 10' fence be provided around tennis courts, however, the applicant is proposing fencing which ranges in 4'-0"-6'-0" feet in height.



1 FG-01 COURTS FENCE
 SCALE - 1/8"=1'-0"

Tennis court fencing is typically 10'-0" in height in order to capture errant balls and prevent balls from landing on adjacent properties and/or potentially within traffic when abutting roadways. The applicant maintains that "...the proposed Tennis Center fencing ... has been designed...decorative fencing at the ends of the courts, which will be sufficient to maintain most of the tennis balls within the court playing areas. If balls are struck outside of the court areas, there is sufficient landscaping and space in general to "capture" the errant tennis balls."

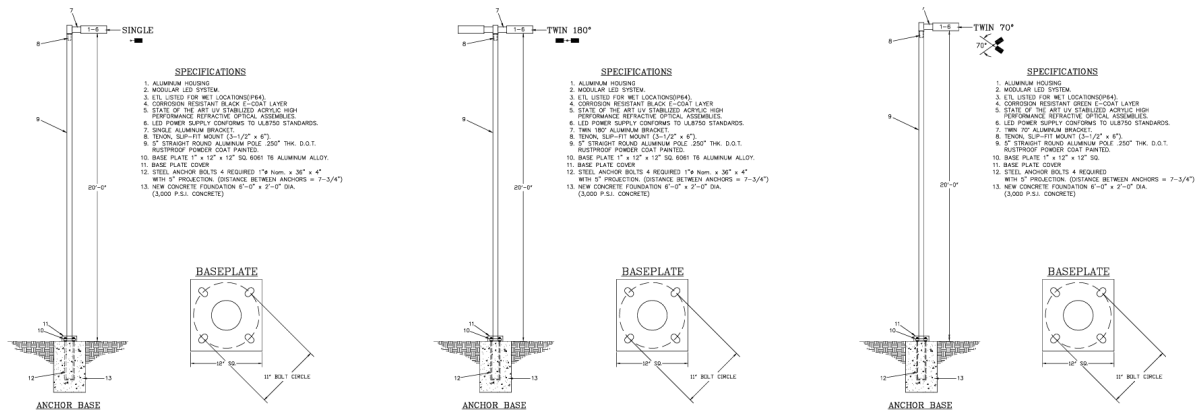


The fencing material is proposed to contain a white finish and the material is a synthetic composite product that the manufacturer (Walpole) describes as "Solid Cellular Vinyl." The white fencing has black coated wire mesh at all courts except for west side of center court and east court along

parking lot; these areas have the white fence structure with lattice inserts at center court and east court along parking lot.

Furthermore, the applicant is of the opinion that a higher tennis fencing would take away from the aesthetic of the Tennis Center and the hotel in general, and “would not be in keeping with the views the hotel guests experience in this world-class venue.”

Variance 2 pertains to the installation of the proposed tennis lighting poles. The existing 21’-0” high lighting poles and existing light poles will be utilized and shifted based on the new court layouts, with a few additional light poles and fixtures added to accommodate the two (2) additional courts proposed with this project. The code limits the height of court lighting to 15’ in height, however, the applicant is proposing lighting that is 21’ in height. A photometric plan is included in the submittal for review of potential impacts.



All of the proposed improvements are predominantly internal to the site, and will have minimal visual impact upon neighboring properties, if any as there are none, and all features will be largely obscured from the right-of-way of South County Road.

SPECIAL EXCEPTION REQUESTS

Special Exception 1 pertains to modification to the existing “private social, swimming, golf, tennis and/or yacht club” in a PUD district. The scope of work includes modifications to The Breakers Tennis Center including new sports courts, shade structures, and adjustments to hardscape and landscape requiring review and approval for special exception by the town council.

Special Exception 2 pertains to the actual construction of the new tennis and pickleball courts. Any newly proposed courts, whether at a private club, a condo, or on single family property, are required to receive special exception approval from the Town Council.

Special Exception with Site Plan Review 3 pertains to the installation of tennis court lighting. All such lighting desired to light sports courts at night are required to undergo review and approval from the town council, to review for appropriateness or potential impact to surrounding areas.

CONCLUSION:

This application is presented to the Commission to consider whether all criteria in Sec. 18-205 have been met. Approval of the project will require two (2) separate motions to be made by the Commission:

- (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and
- (2) that the implementation of the proposed variances **shall or shall not** cause negative architectural impact to the subject property.

Approval of the project will require five (5) separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the **variances shall or shall not** be granted that all the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.
- (2) **Special Exception 1: Sec. 134-1395(1)**: Special Exception request for modifications to The Breakers Tennis Center.
- (3) **Special Exception 2: Sec. 134-1759(e)**: Special Exception request for construction of new tennis/pickleball courts.
- (4) **Special Exception with Site Plan Review 3: Sec. 134-1759(g)**: Special Exception with site plan review for tennis court lighting.
- (5) **PUD Modification** prior resolution authorizing the construction of the tennis center (Resolution 3-00) referenced specific plans and locations for the tennis courts, the applicant is requesting to modify the Breakers PUD resolution to clarify that the current proposal is authorized within the Breakers PUD.

WRB:JGM:BMF