

## **RESOLUTION NO. 073-2024**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 3-00, THE BREAKERS PLANNED UNIT DEVELOPMENT (PUD-A), TO AUTHORIZE THE MODIFICATION TO A PREVIOUSLY APPROVED RENOVATION, EXPANSION AND RECONSTRUCTION OF THE BREAKERS TENNIS COURTS TO ADD TWO PADEL COURTS.**

WHEREAS, Flagler System, Inc. did submit an application for tentative approval together with supporting documentation for Planned Unit Development for the property commonly referred to as "The Breakers" on October 30, 1970; and

WHEREAS, the Planning and Zoning Commission and the Town Council of the Town of Palm Beach, subsequent to review and public hearing did by Resolution 6-71, as amended by Resolutions 9-72, 13-74, 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, 60-2016, and 043-2023 grant tentative approval of said application, subject to certain conditions; and

WHEREAS, The Town and Flagler System, Inc., entered into a binding Agreement on September 8, 1983, wherein Flagler Systems, Inc., accepted the Town's conditions governing the development of "The Breakers" Planned Unit Development, and said Agreement was revised by the Town and Flagler System, Inc., on June 18, 1986, on January 22, 1990, on February 19, 1992, on April 12, 2000, and on February 15, 2005, pursuant to the terms of Resolution No. 04-05; and on March 26, 2014 pursuant to the terms of Resolution No. 11-2014; and on May 11, 2016 pursuant to the terms of Resolution No. 60-2016, and on May 10, 2023 pursuant to the terms of Resolution No. 043-2023; and

WHEREAS, Flagler System, Inc. has been reorganized and the corporate name of the company now controlling "The Breakers" Planned Unit Development is The Breakers Palm Beach, Inc.; and

WHEREAS, on May 28, 2024, The Breakers Palm Beach, Inc., did submit an application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, on August 6, 2024 the Planning and Zoning Commission and on August 12, 2024 the Town Council of the Town of Palm Beach, did review and hold public hearings on the application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, on August 6, 2024, the Planning and Zoning Commission recommended tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, The Town Council; in accordance with Section 134-533 of Chapter 134, Zoning, of the Code of Ordinances, as amended, does make the following findings:

1. The Planned Unit Development Plan, as submitted with the modifications thereto, is consistent with the statement of general objectives of a Planned Unit Development as set forth in Section 134-476 of the Ordinance.
2. The Planned Unit Development, as submitted with the modifications thereto, is

consistent with the Comprehensive Plan, as long as the conditions hereinafter set forth are met.

3. The Planned Unit Development, as submitted with modifications thereto, does include an adequate amount of open space located in a satisfactory manner.
4. The Planned Unit Development, as submitted with modifications thereto, makes adequate provisions for public services, provides adequate control over vehicular traffic and enhances the amenities of light and air, recreational and visual enjoyment, but is further subject to certain conditions hereinafter set forth.
5. The Planned Unit Development, as submitted with modifications thereto, is not adverse to the neighborhood in which it is located.
6. The Planned Unit Development, as submitted with modifications thereto, includes sufficient terms and conditions to protect the interests of the public in the development of the plan over a period of years.
7. The Breakers Hotel as referenced in the exhibits attached hereto is a historically and architecturally significant building and provision for its west façade preservation shall be subject to the control of the Landmarks Preservation Commission, the Town Council and any other commission or board of the Town having jurisdiction over same, such control not to be inconsistent with the Planned Unit Development Plan approval as evidenced by this Resolution.

WHEREAS, the Town Council, after deliberation and evaluation of the recommendations of the Planning and Zoning Commission and the comments received from interested parties at the aforementioned public hearings, does find the Planned Unit Development Plan, as amended with the modifications thereto, to be in the best interest of the Town subject to the conditions hereinafter set forth.

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.** That the amendments to the Planned Unit Development submitted by the Breakers Palm Beach, Inc., on May 28, 2024, be granted tentative approval subject to the conditions set forth therein not in conflict with this Resolution, in addition to those specified below and any conditions imposed by the Architectural Review Commission:

**A. AMENDMENTS TO PREVIOUS MODIFICATIONS**

**MODIFICATION #1**

**Coffee Shop**  
NO CHANGE

**MODIFICATION #2**

**Tennis Court Lighting**  
NO CHANGE

MODIFICATION #3  
**Additional Retail Space**  
NO CHANGE

MODIFICATION #4  
**Tennis Facility**  
DELETED BY RESOLUTION NO. 3-00

MODIFICATION #5  
**Maintenance of Golf Course Green Space is amended to read:**  
NO CHANGE

MODIFICATION #6  
**Lease of Pine Walk transfer station is amended to read:**  
NO CHANGE

MODIFICATION #7  
**Requirement for Renegotiation is amended to read:**  
a. NO CHANGE  
b. NO CHANGE

MODIFICATION #8  
**Road and Parking Improvements**  
NO CHANGE

MODIFICATION #9  
**Starlight Ballroom Addition and Beach Club**  
NO CHANGE

MODIFICATION # 10  
**Golf and Tennis Clubhouse with Related Facilities**  
Renovation and Expansion of Tennis Court facilities to include 14 new courts, including 2 pickleball courts, accessory shade structures, landscape and hardscape improvements, as shown on Sheets L2-1-01 and L3-1-01, prepared by EDSA.

MODIFICATION #11  
**Development Commencement Dates is amended to read:**  
NO CHANGE

MODIFICATION #12  
**Cabanas and Related Facilities**  
NO CHANGE

MODIFICATION #13  
An amendment, Resolution No. 073-2024, to the existing Tennis Centre Site Plan for a new project that includes the addition of two padel courts and a slight expansion of the previously approved low decorative fencing around the courts, and other minor adjustments to the service paths and landscaping, as shown on Sheets XX and XX, prepared by EDSA.

- B. RESOLUTIONS 6-71, 9-72 13-74 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, 60-2016 and 043-2023 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

**Section 3.** The modifications submitted on May 28, 2024, by the Breakers Palm Beach, Inc., and reflected herein will become effective (i.e. not tentative) only if, as and when The Breakers Palm Beach Inc. indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town of Palm Beach and The Breakers Palm Beach, Inc. incorporating said conditions.

**Section 4.** The Town Clerk is hereby directed to furnish a certified copy of this Resolution by certified mail to the applicant, and applicant shall within forty-five (45) days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of said conditions as provided in Section 134-533(c) of Chapter 134, as amended, and further subject to the provisions of Section 134-533(d).

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
Danielle H. Moore, Mayor

\_\_\_\_\_  
Bobbie Lindsay, Town Council President

\_\_\_\_\_  
Lewis S.W. Crampton, Town Council President Pro Tem

\_\_\_\_\_  
Julie Araskog, Town Council Member

\_\_\_\_\_  
Edward A. Cooney, Town Council Member

ATTEST:

\_\_\_\_\_  
Kelly Churney, Acting Town Clerk

\_\_\_\_\_  
Bridget Moran, Town Council Member

#### CLERK'S CERTIFICATE

I, \_\_\_\_\_, Town Clerk for the Town of Palm Beach, do hereby affix this certificate to the attached **RESOLUTION NO.** \_\_\_\_\_, adopted on \_\_\_\_\_, and consisting of \_\_\_\_\_ pages.

\_\_\_\_\_  
Town Clerk  
Town of Palm Beach

\_\_\_\_\_  
Date