



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 *WRB*
Director PZ&B

SUBJECT: **ARC-24-0049 (ZON-24-0027) 2 S COUNTY RD (COMBO)**

MEETING: AUGUST 12, 2024 TC
AUGUST 28, 2024 ARCOM

ZON-24-0027 (ARC-24-0049) 2 S COUNTY RD (COMBO) – SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE(S). The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exceptions with Site Plan Review for (1) modifications to the Breakers Tennis Centre site plan, (2) the construction of two new padel sport courts, (3) the installation of related sport court lighting. Two (2) variances are required to (1) exceed the maximum permitted height of light poles and (2) to install a sport court enclosure lower than the minimum height required. The Architectural Commission shall perform design review of the application.

ARC-24-0049 (ZON-24-0027) 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 installation of padel sports courts with related improvements at the Breakers Tennis Center, requiring special exception, site plan review, and variances for deficient tennis court enclosure height and to exceed maximum light pole height permitted. Town Council shall review the application as it pertains to zoning relief/approval.

Applicant: The Breakers Palm Beach (Alex Gilmurray)
Architecture: EDSA
Legal: Gunster, Jamie Crowley

HISTORY:

On May 10, 2023, Town Council passed resolution 043-2023 to amend resolution 3-00, The Breakers Planned Unit Development (PUD-A), to authorize renovation, expansion and reconstruction of the Breakers Tennis Courts.

On May 24, 2023, ARCOM partially approved an application (ARC-23-057) for the installation of new courts and pedestrian shade pavilions with related improvements. The balance of the application for covered court shade structures, fencing and light poles was approved at the September 27, 2023 ARCOM hearing.

On October 11, 2023, Town Council approved an application (ZON-23-049) for three (3) special exceptions for (1) modifications to the breakers tennis center, (2) construction of new tennis and pickleball courts, and (3) for the installation of court lighting. Additionally, two (2) variances were approved for (1) reduced tennis enclosure height and (2) light poles exceeding maximum height permitted.

Before this project can be heard by Town Council and ARCOM, Resolution 073-2024 will need to be passed to permit the modification to the Breakers PUD.

At the August 06, 2024 Planning and Zoning Commission meeting, the Commission transmitted the Resolution favorably to Town Council to amend the PUD.

At the August 12, 2024 Town Council hearing, the council approved Resolution 073-2024 to amend the Breakers PUD and approved ZON-24-0027 special exception with site plan review and variances for incorporation of padel courts into the existing Breakers Tennis Centre. The following conditions of approval were imposed by the council: (1) Lighting shall not be visible from the r-o-ws (S County Rd and Royal Poinciana Way) and (2) the applicant shall submit a layered landscape plan to ensure screening of white shade structures from prior application from both r-o-ws (S County Rd and Royal Poinciana Way), as approved by ARCOM.

THE PROJECT:

The applicant has submitted plans, entitled "THE BREAKERS – PADEL COURTS" as prepared by EDSA, submitted July 12, 2024.

The following scope of work is proposed:

- Incorporation of two (2) new padel sport courts at the Breakers Tennis Centre.

The following Special Exception(s), Site Plan Review and/or Variance(s) were required and approved by Town Council to complete the project:

- SPECIAL EXCEPTION 1: Sec. 134-1395(1): A special exception with site plan review for site plan modification to The Breakers Tennis Centre (private tennis club). ***Approved***
- SPECIAL EXCEPTION 2: Sec. 134-1759(d) & (e): A special exception for the construction of (2) padel courts at the Breakers Tennis Centre. ***Approved***
- SPECIAL EXCEPTION 3: Sec. 134-1759 (g): A special exception with site plan review for 8 of new sport court lighting fixtures, for new padel courts. ***Approved***
- VARIANCE 1: Sec. 134-1731: A variance for 8 new sport court lighting fixtures at 19'-8" in height each, in lieu of the 15' maximum height permitted. ***Approved***
- VARIANCE 2: Sec. 134-1759(c): A variance for sport (padel) court perimeter enclosure height of 9'-10" in lieu of the 10' minimum perimeter enclosure height required. ***Approved***

Site Data			
Zoning District	PUD-A	Future Land Use	APPROVED PUD
Lot Size	11,850 Square Feet	Lot Coverage	0.71%
Surrounding Properties / Zoning			
North	200 Block of Royal Poinciana Way Commercial / C-TS		
South	200 Block of Pendleton Ave Residences / R-B		
East	1 S County Rd Breakers Resort / PUD-A		

West	340 Royal Poinciana Way (Royal Poinciana Plaza) Commercial / C-PC 44 Cocoanut Row (Palm Beach Towers Condo) Multi-Family / R-D(2) 40 Cocoanut Row (The Breakers Palm Beach, Inc. Offices) Commercial / (C-TS)
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STAFF ANALYSIS

The applicant is proposing the construction of two new padel courts with related improvements at the Breakers Tennis Centre. A preliminary review of the project indicates that the application, as proposed, is inconsistent with the Town zoning code and requires two (2) variances to achieve the application as proposed—to exceed the maximum height permitted for outdoor lighting fixtures and to reduce the required height of sport court enclosures. These variances were reviewed and approved by Town Council at the August 12, 2024 development review hearing.

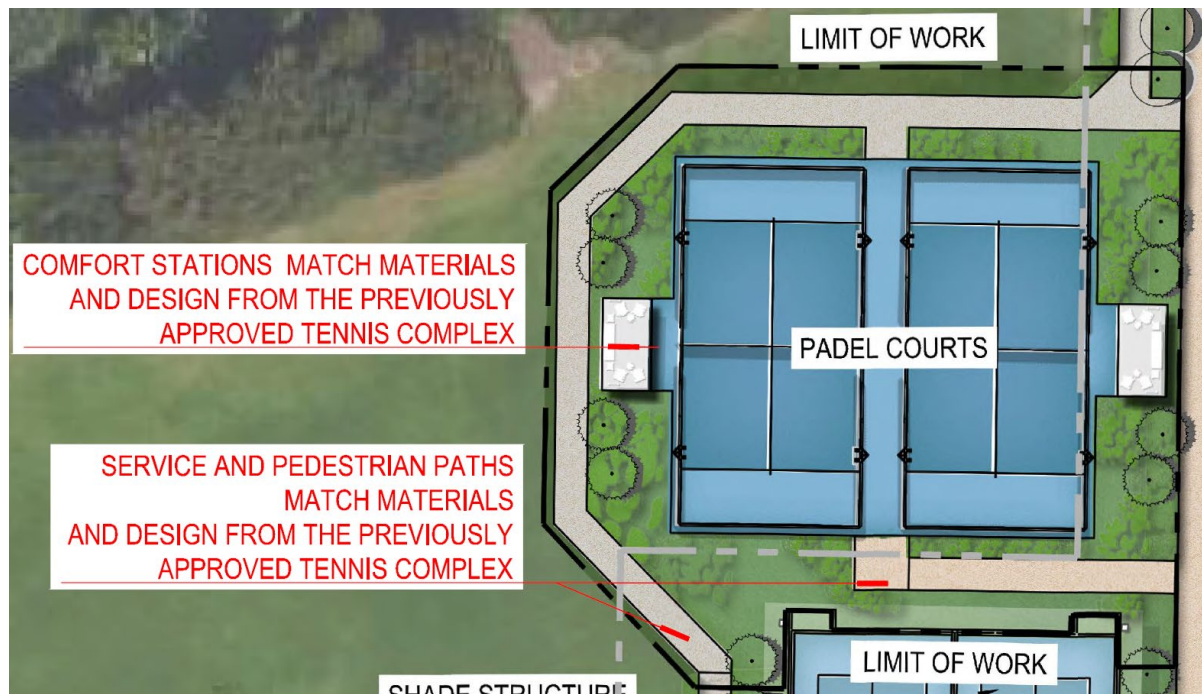


The applicant appeared twice in front of Town Council and once in front of ARCOM in 2023 for modifications to the existing Breakers Tennis Centre, including modifications to the approved Breakers PUD to allow additional sport courts, Special Exceptions as the pertained to modifications of the Breakers site, installation of sport courts, and to permit outdoor lighting, as well as variances to exceed to maximum height of outdoor lighting equipment. The resolution was passed, and the special exceptions and variances were approved by Town Council, and the design was approved by ARCOM. The applicant is returning to both Town Council and ARCOM for a similar scope of

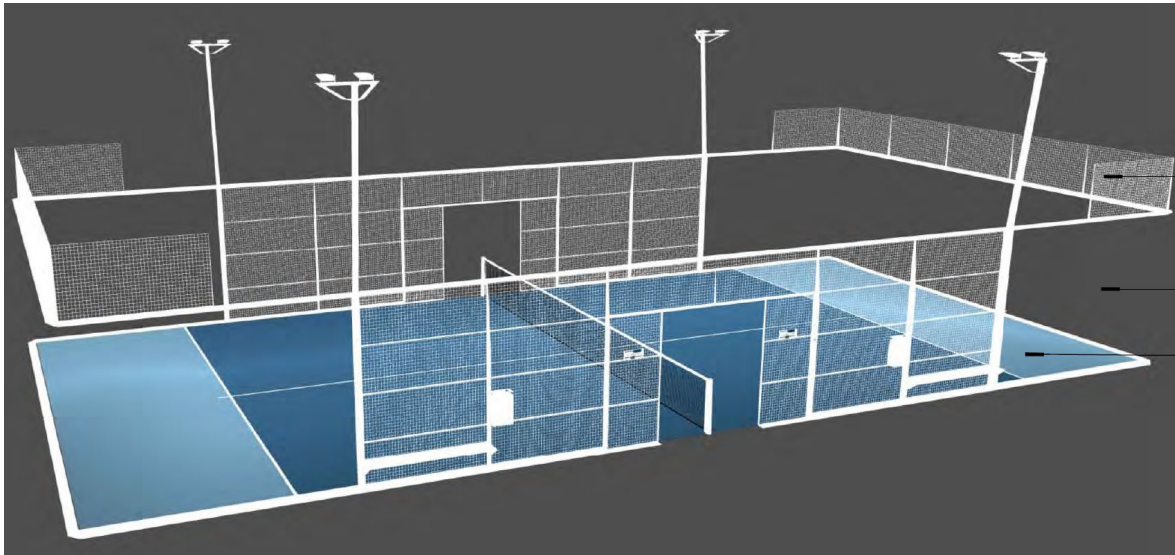
work, this time, to permit two (2) additional padel courts at the tennis center with associated pedestrian shade structures and hardscape improvements. The special exceptions and variances approved by Town Council are similar in nature to those previously approved and are outlined below. The town council did condition the approval to require that the applicant demonstrate that lighting fixtures would not be visible from the S County Rd and Royal Poinciana Way rights-of-way, and that a layered landscape plan is submitted for ARCOM approval which will ensure that the previously approved tennis shade structures will not be visible from the rights-of-way.

SPECIAL EXCEPTIONS

- **SPECIAL EXCEPTION 1: Sec. 134-1395(1): A Special Exception With Site Plan Review**
For site plan modification to The Breakers Tennis Centre (private tennis club).
 - This Special Exception request is required for modifications to a private tennis club. All changes to private tennis clubs in the PUD-A zoning district require special exception approval. The addition of two (2) padel courts brings the total number of sport courts at the tennis center to sixteen (16).



- **SPECIAL EXCEPTION 2: Sec. 134-1759(d) & (e): A Special Exception for the construction of (2) padel courts at the Breakers Tennis Centre.**
 - This Special Exception request is required to permit the installation of new sport courts. The installation of any new sport court (tennis, padel, pickleball, etc.) requires town council review and approval for a special exception, regardless of zoning district or type of use (single family residential, commercial, multifamily, etc).

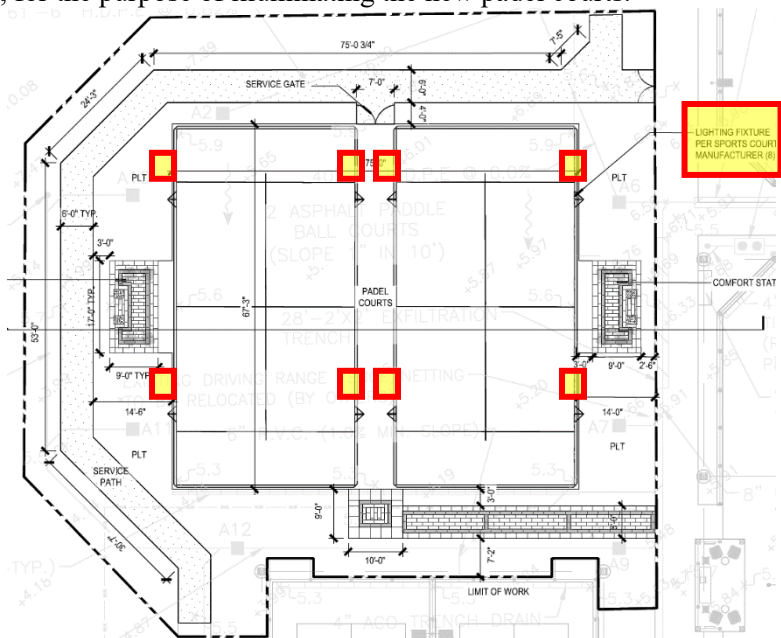


- SPECIAL EXCEPTION 3: Sec. 134-1759 (g): A Special Exception With Site Plan Review for 8 new court lighting fixtures, for the purpose of illuminating the new padel courts.

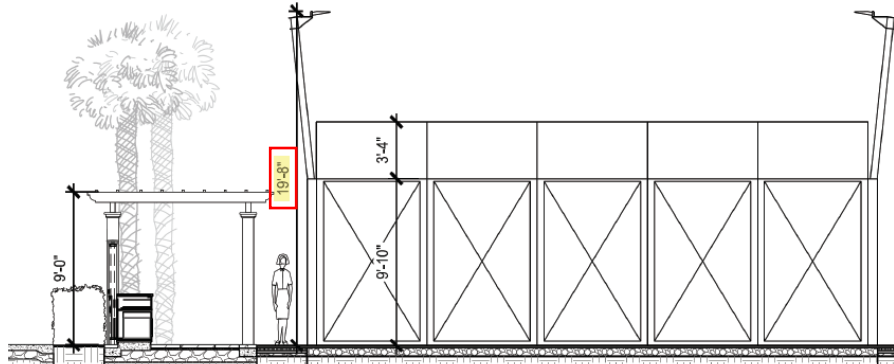
This special exception is required to allow additional new court lighting fixtures. Town Council and ARCOM previously approved new fixtures at the tennis center in 2023, however, the 8 new fixtures proposed as a part of this application requires a new special exception.

VARIANCES

- VARIANCE 1: Sec. 134-1731: A variance for 8 new sport court lighting fixtures at 19'-8" in height each, in lieu of the 15' maximum height permitted.



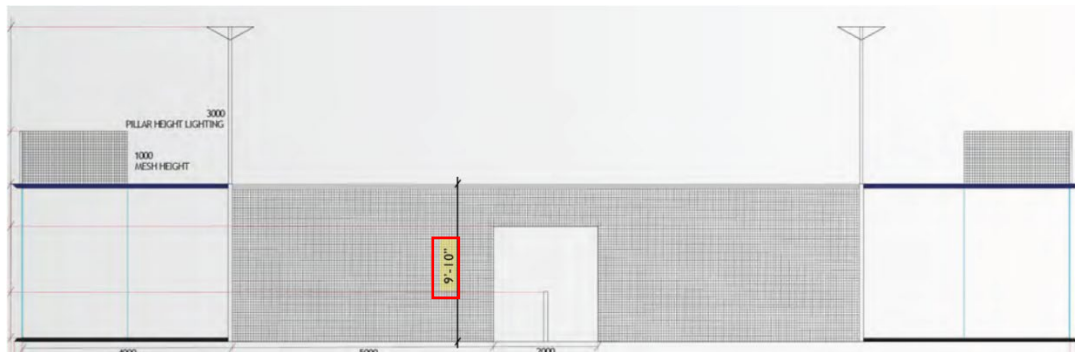
As it pertains to **Variance # 1**, the applicant is proposing 8 new sport court lighting fixtures at 19'-8" in height which is 4'-8" **higher** than the maximum height of 15'. This variance request is *less* than what was approved in 2023, where 21' in height was approved in lieu of 15'. The code does not prescribe a maximum number of court lighting fixtures permitted on a property.



Code Section	Permitted	Proposed	Variance
<u>Variance 1:</u> Sec. 134-1731	Maximum light fixture height of 15'	Light fixture height of 19'-8"	+4.67'

- VARIANCE 2: Sec. 134-1759(c): A variance for sport (padel) court perimeter enclosure height of 9'-10" in lieu of the 10' minimum perimeter enclosure height required.

As it pertains to **Variance # 2**, a variance is being requested to permit court enclosure which is **lower** than the minimum enclosure required. The applicant is proposing for portions of the enclosure to be 9'-10" in lieu of the 10' minimum; 2 inches (0.17') lower than required. Staff inquired with the applicant about raising the height to meet minimum enclosure requirements, however, the applicant advised that the height could not be adjusted due to manufacturer specifications and opted to pursue the required variance.



Code Section	Required	Proposed	Variance
<u>Variance 2:</u> Sec. 134-1759(c)	10' enclosure height surrounding padel court area.	13'-1" to 9'-8" enclosure height surrounding padel court area	-0.17' (2 inches)

CONCLUSION:

Approval of the project will require one (1) separate motion(s) to be made by the Architectural Commission:

- (1) for the overall design of the project in accordance with [Sec. 18-205](#) criteria, subject to any imposed conditions.