

RESOLUTION 1- 98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION 1-97, THE BREAKERS PUD, BY MODIFYING THE TERMS FOR THE LEASE OF THE PINEWALK TRANSFER STATION; BY EXTENDING THE DATE FOR RENEGOTIATION ON THE TRANSFER OF DEVELOPMENT RIGHTS FOR THE BREAKER PUD; BY PROVIDING A REQUIRED OFF-STREET PARKING FACILITY TEMPORARILY WITHIN PRIORITY AREA NO. 1, PHASE 1A OF THE PUD; BY APPROVING A REQUIREMENT FOR A PARKING STRUCTURE AT A FUTURE DATE; BY ELIMINATING THE REQUIREMENTS TO CLOSE THE PINEWALK AND ELIMINATE THE ASSOCIATED TRAFFIC SIGNAL; BY ELIMINATING THE REQUIREMENT TO PAVE SEVENTY PARKING SPACES ALONG THE PINEWALK ENTRANCE; BY APPROVING THE REQUEST TO POSTPONE THE CONSTRUCTION OF TWO HUNDRED PARKING SPACES; AND BY MODIFYING AND EXPANDING THE HOTEL FACILITIES

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 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, and 1-97 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, 1996, on January 22, 1990, and on February 19, 1992, pursuant to the terms of Resolution No. 6-92; 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 September 5, 1997, The Breakers Palm Beach, Inc., did submit an application for tentative approval of the modifications of the Planned Unit Development; and,

WHEREAS, on November 18, 1997 and December 4, 1997, the Zoning Commission and on January 6, 1998 and January 26, 1998 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, The Town Council, in accordance with Section 7.33 of Ordinance 2-74, 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 7.10 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, as long as the applicant meets the open space set forth in the Resolution.
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 facade 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 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. That the amendments to the Planned Unit Development submitted by the Breakers Palm Beach, Inc., in September 1997, be granted tentative approval subject to the conditions set forth therein not in conflict with this Resolution, in addition to those specified below:

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

New Tennis Facility

NO CHANGE

MODIFICATION #5

Maintenance of Golf Course Green Space

NO CHANGE

MODIFICATION #6

Lease of Pine Walk Transfer Station

The Town and the Breakers Palm Beach, Inc. have agreed that the Town shall be given an extension of the existing lease from the Breakers Palm Beach, Inc. until December 31, 2012, for the Town's waste transfer station currently located on Development Priority No. 8 (Phase 5) within the Breakers PUD, as shown in the Red Book Drawing No. 5. The terms of said lease shall be the same as contained in the present lease, and further, said lease may not be canceled prior to December 31, 2012 without the approval of the Town of Palm Beach. Prior to December 31, 2001, the Town shall study alternative locations not on the Breakers Hotel property for the transfer station, and the Breakers shall study alternative locations on the Breakers Hotel property for the relocation of the twenty-four dwelling units currently approved for Development Priority No. 8 (Phase 5). Prior to December 31, 2001, the Town and the Breakers shall discuss their respective studies.

MODIFICATION #7

Requirement for Renegotiation

The applicant and the Town agree to renegotiate the following items:

- a. The possible transfer to other areas in the Planned Unit Development (PUD) of development rights pertaining the Phase 1a of the PUD involving the lands at the southeast corner of Royal Poinciana Way and Cocoanut Row, as set forth in The Breakers, Proposed Planned Unit Development Revised June 9, 1981 (hereinafter the "Red Book"), at Drawing No.5. by no later than the 2011-2012 Zoning Season (which is the designated start date of construction for that Phase in the PUD Agreement); or no later than during the Zoning Season immediately prior to the intended undertaking of development of Phase 1a, whichever comes first. The Breakers shall give the Town written notice of its intention to commence development of Phase 1a at least six months prior to said Zoning Season.

Phase 1a (Priority 1) Area may be used to temporarily locate 250 of the required permanent off-street parking spaces for employee parking at the northwest corner of the PUD in the Phase 1a (Priority 1) Area. If the Phase 1a (Priority 1) Area is developed, these 250 required off-street parking spaces shall be relocated to an area within the Breakers PUD that is acceptable to the Town.

- b. The transfer to other areas in the PUD of development rights pertaining to Phase 5 (Priority 8) of the PUD involving the lands at the west end of Pine Walk off Cocoanut Row as set forth in the Red Book at Drawing No.5 shall occur no later than the 2011-2012 Zoning Season (which is the designated start date of construction for that Phase in the PUD Agreement).
- c. The following conditions relating to the drainage improvements for the Breakers PUD have been completed:

The timing of construction and the fair apportionment of the costs of the drainage improvements at the main entrance to the Hotel on County Road specified in the Planning Criteria and the Appendices at Page 47 under Priority 4 (Phase 11). The renegotiation of said timing in accordance with the schedule set forth in Exhibit A attached hereto. Provided however, that no later than July 1, 1992, the applicant will commence construction of the interim drainage improvements reflected on Exhibit B attached hereto, and shall complete said improvements no later than October 31, 1992. It is recognized that this interim drainage improvement will accommodate runoff from the hotel property as well as other Town property. As a result, the costs associated with this interim improvement will be apportioned fairly between Flagler Systems and the Town. Flagler System shall pay all interim

drainage improvement costs provided, however, that a credit shall be given to Flagler System by the Town toward the Flagler System's share of the costs of the long term drainage improvements. Provided, however, that no cost sharing of the costs of the interim improvements shall commence until the review and approval by the Town of the costs apportionment formula to be completed by the end of March, 1992 (see Exhibit A).

MODIFICATION #8

Postponement of Certain Road and Parking Improvements

The Town agrees to allow the applicant to postpone implementation of the following parking and road improvements associated with the development of Phase 11 until the impacts of development indicate that such improvements are needed.

- a. Widen County Road on east side to provide left and right turn lanes on County Road at Breakers entrance, and upgrade the signal.
- b. Widen Breakers entrance road to four lanes and remove parking.
- c. Add parking (+200 spaces) at Phases 8-9

MODIFICATION #9

Demolition and Reconstruction of the Starlight Ballroom Addition and Beach Club

The demolition of the existing Starlight Ballroom and Beach Club facilities north of the horseshoe cabanas and construction of new Beach Club facilities, Starlight Ballroom, and Starlight Basement Kitchen and Storage Area, as identified on the Breakers Master Plan, revised November 4, 1997 and generally described as follows:

The new Beach Club facilities will consist of approximately 20,000 square feet with a 400-seat indoor/outdoor dining room, fitness center, beauty salon, massage/treatment rooms, steam, sauna, two Jacuzzis, three pools, men's and ladies' lockers, outdoor loggia and 13 pool deck cabanas.

The new Starlight Ballroom will consist of 15,000 square feet of ballroom area and 8,000 square feet of pre-function area. There will also be a service basement of approximately 13,500 square feet for storage and kitchen support facilities for a total facility of 36,500 square feet. The proposed modifications will result in a net decrease of 11,621 square feet of accessory hotel space. The development rights to these 11,621 square feet shall be retained in the PUD for future use assignment by further amendment to the PUD.

MODIFICATION #10

Requirement for Additional Off-street Parking Spaces

Based on the Starlight Ballroom and Beach Club facility improvements, an additional 106 off-street parking spaces shall be provided over and above the 1,021 spaces required (of which 877 have been built) in the 1981 approval, raising the number of required off-street parking spaces associated with the hotel operation to 1,127.

250 of these required off-street parking spaces may be temporarily located in a paved parking lot on the northwest corner of the PUD in the Phase 1a (Priority 1) Area. If the Phase 1a (Priority 1) Area is developed, these 250 required off-street parking spaces shall be relocated to an area within the Breakers PUD that is acceptable to the Town.

MODIFICATION #11

On-site Parking and Traffic Circulation Management

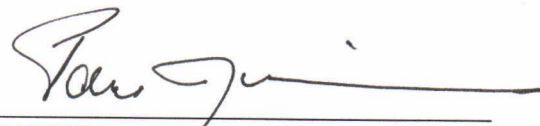
On-site parking and traffic circulation shall be conducted in accordance with the document prepared by DKS Associates, entitled Parking and Traffic Management Program for The Breakers Hotel, dated February, 1998, and attached hereto, and subject to all the conditions of approval of the Site Plan Review No. 1-98, approved February 9, 1998.

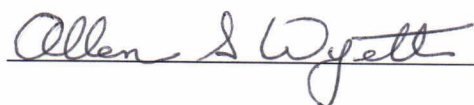
B. RESOLUTIONS 9-72, 13-74, 10-81, 17-90, 6-92, AND 1-97 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

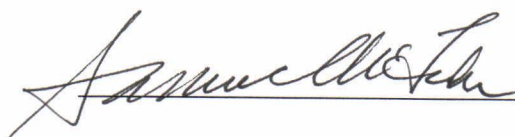
Section 2. The modifications submitted on September 5, 1997 by the Breakers Palm Beach, Inc., and reflected herein will become effective (i.e. not tentative) only if, as and when The Breakers Palm Beach, Inc., indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town of Palm Beach and The Breakers Palm Beach, Inc. incorporating said conditions.

Section 3. 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 7.33(b) of Ordinance 2-74, as amended, and further subject to the provisions of Section 7.33(d).

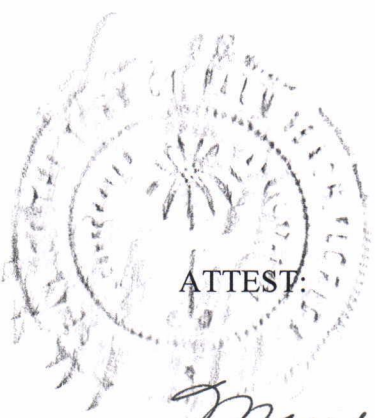
Section 4. PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of February, 1998.


MAYOR



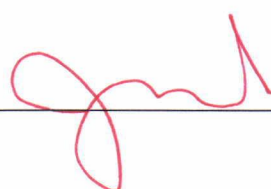


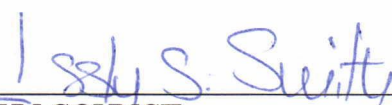




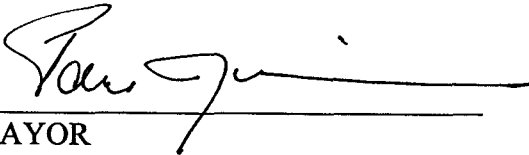
ATTEST:

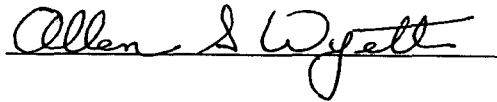

TOWN CLERK

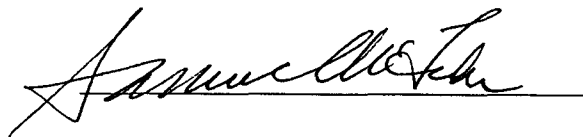



TOWN COUNCIL

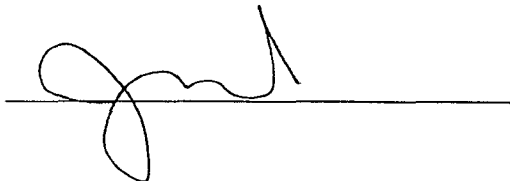
Section 4. PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of February, 1998.


MAYOR









ATTEST:


TOWN CLERK


TOWN COUNCIL

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF PALM BEACH)

I, MARY A. POLLITT, HEREBY CERTIFY THAT I am the duly qualified and acting Clerk of the Town of Palm Beach, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Palm Beach, Florida.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town, this 13th day of February A.D. 1998

TOWN SEAL


MARY A. POLLITT
TOWN CLERK

RES01~1.WPD

DKS Associates

**Parking and Traffic
Management Program
for
The Breakers Hotel**

February, 1998

RECEIVED

FEB 6 1998

TOWN OF PALM BEACH
BUILDING & ZONING

The Breakers Hotel currently implements a parking and traffic management program when medium to large events are scheduled at the hotel. This program addresses the expected use of pick-up / drop-off facilities, valet parking operations and parking areas and establishes procedures and personnel requirements for these events. The key components of the program for managing parking and traffic at the hotel during events involve:

- (1) Anticipating and planning for the number of visitors and guests that will need to access the hotel and park on site,
- (2) Deploying the personnel, traffic control, and directional signage to direct visitors and guests to the appropriate locations for drop-off / pick-up functions and valet operations,
- (3) Implementing standard procedures to be followed by hotel personnel during the pre-event and post-event periods, and
- (4) Monitoring traffic and parking conditions at the hotel during these periods and making adjustments to the traffic / parking management procedures if and when necessary.

With the proposed change to the Starlight Ballroom space and the addition of a new secondary pick-up / drop-off facility on Pine Walk, the parking and traffic management program is being refined and updated to reflect these changes. The major components of this updated traffic / parking management program for the hotel are described below:

- Planning for a major event at the hotel starts with discussions with the event organizers to determine their anticipated size, schedule, needs, and preferences. From these discussions sufficient information is obtained so that decisions can be made regarding traffic / parking management activities. These discussions occur at the time of booking, well in advance of the actual event date. This allows sufficient time to coordinate traffic / parking management activities with other meetings / events occurring at the hotel.

DKS Associates

- The hotel utilizes a predictive model which identifies pick-up / drop-off and valet parking needs based upon the number of attendees, the type of event, and schedule. The model was originally developed to serve as a general guideline for event planning at hotels, but has been modified based upon actual event experience at the Breakers Hotel. The model results predict the traffic and parking conditions expected for various types and sizes of events and represent design conditions. The model results deal with a specific type and size of event and could be combined if more than one major event were to be scheduled at the Breakers Hotel during the same time period. The other transportation needs at the hotel are related to room occupancies and are not addressed in this model. These needs are taken into consideration when evaluating parking space and valet parking personnel needs.
- Attendance at events by hotel guests, the use of alternative travel modes (e.g. limousine service) and auto occupancy rates vary with the size and type of events. For example, during the peak season between October, 1997 and May, 1998 the Breakers Hotel and Resort will host 15 balls and 51 major social events in its banquet facilities. The average event will attract approximately 375 persons. The 15 balls will range in size between 275 and 600 persons. Ten of the 15 balls will have 500 or fewer attendees. Of the other 51 social events, 43 of these events (84%) will have 500 or fewer attendees and none will exceed 700 attendees. The graph attached to this program shows event attendance during this period. A large event (85th percentile) will have approximately 550 persons in attendance, while the maximum attendance at a Town social event (100th percentile) is anticipated to be 900 persons. The model parameters and results for a future large event (550 persons) and possible peak event (900 persons) are listed below:

Large Event

Input Parameters:

Event Type - Reception / Banquet
Attendance - 550 persons
Start Time - 7:00 PM
Finish Time - 11:00 PM

Output Results:

Peak Visitor Arrivals -	220 persons / 15 min
Vehicle Occupancy -	2.0 persons / vehicle
Peak Drop-offs (no parking) -	20 veh / 15 min
Peak Pick-ups (no parking) -	25 veh / 15 min
Valet Parkers -	250 vehicles
Peak Valet Drop -offs -	90 veh / 15 min
Peak Valet Pick-ups -	125 veh / 15 min
Valet Personnel -	12 @ 5:30 - 7:30 PM 17 @ 10:00 - 12:00 PM

Possible Peak Event

Input Parameters:

Event Type - Reception / Banquet
Attendance - 900 persons
Start Time - 7:00 PM
Finish Time - 11:00 PM

Output Results:

Peak Visitor Arrivals -	300 persons / 15 min
Vehicle Occupancy -	2.0 persons / vehicle
Peak Drop-offs (no parking) -	30 veh / 15 min
Peak Pick-ups (no parking) -	50 veh / 15 min
Valet Parkers -	400 vehicles
Peak Valet Drop -offs -	120 veh / 15 min
Peak Valet Pick-ups -	200 veh / 15 min
Valet Personnel -	18 @ 5:30 - 7:30 PM 27 @ 10:00 - 12:00 PM

DKS Associates

The 1000 persons is the maximum number of persons that the new Starlight Ballroom can accommodate, but in reality, the actual peak number of guests is expected to be 900.

- As a practical matter, the hotel does not schedule more than one major event (for over 275 people) at the same time on the same day. However, multiple meetings or smaller events (for less than 275 people) are scheduled on the same day with overlapping time periods of operation. The maximum number of guests on site at any time when these multiple events are scheduled is less than 700 people. The transportation needs for a multiple event day would be determined by combining the model results for two different events based upon their different starting times.
- On days when a major event is scheduled at the hotel, employees are notified to car pool and use remote parking west of County Road to make available as many parking spaces east of County Road as possible. To facilitate such employee parking, the Hotel is preparing to add 250 public spaces in the northwest corner of the PUD at Coconut Row and Royal Poinciana. Incentives are provided to employees who do not utilize prime parking spaces on event days so that they make available as many prime parking spaces as possible to guests and visitors. The proximity of these prime parking spaces to the valet operations reduces the time needed for personnel to valet vehicles. For normal valet operations at the hotel, it is assumed that each valet activity requires approximately 2 minutes of service time.
- The provision of a secondary location for pick-up / drop-off functions and valet operations to serve the Starlight Ballroom provides the flexibility to use either or both locations depending upon the amount of activity at the hotel and the preferences of the organizers. The primary drop-off / pick-up functions and valet operations will remain at the Main Entrance in front of the hotel. The majority of event organizers will continue to prefer this location for arrivals and entry to the meeting /banquet rooms. A new driveway connection is proposed between the Main Entrance and the South Parking Area to permit utilization of the parking spaces in both the Main Lot and South Parking Area without any need to drive cars back onto County Road to be parked at the Hotel. At no time would valet vehicles be driven out of either the Main Entrance or the Pine Walk Entrance onto County Road to be parked in other areas. This connection will be located between the croquet field and the golf course.
- Self parking for major events is limited to the parking spaces along the Main Entrance. Visitors desiring self parking can use these spaces when they enter or after they drop-off passengers. Similarly, these visitors can exit the hotel directly from the self parking spaces or they can circulate to pick-up passengers. Once the self parking spaces are filled, signs are posted indicating " Valet Parking Only " and all guests are directed to the valet parking drop-off in front of the hotel.
- During most events limousines and taxis drop-off and pick-up guests in front of the hotel. They enter the Main Entrance from County Road and proceed directly to the front of the hotel and then exit back out the Main Entrance. The limousine service offered by the hotel uses vehicles that are stationed at the traffic circle in front of the hotel and are available on an on-call basis.

DKS Associates

- The future distribution of parking spaces at the hotel is shown on the attached exhibit and is summarized below:

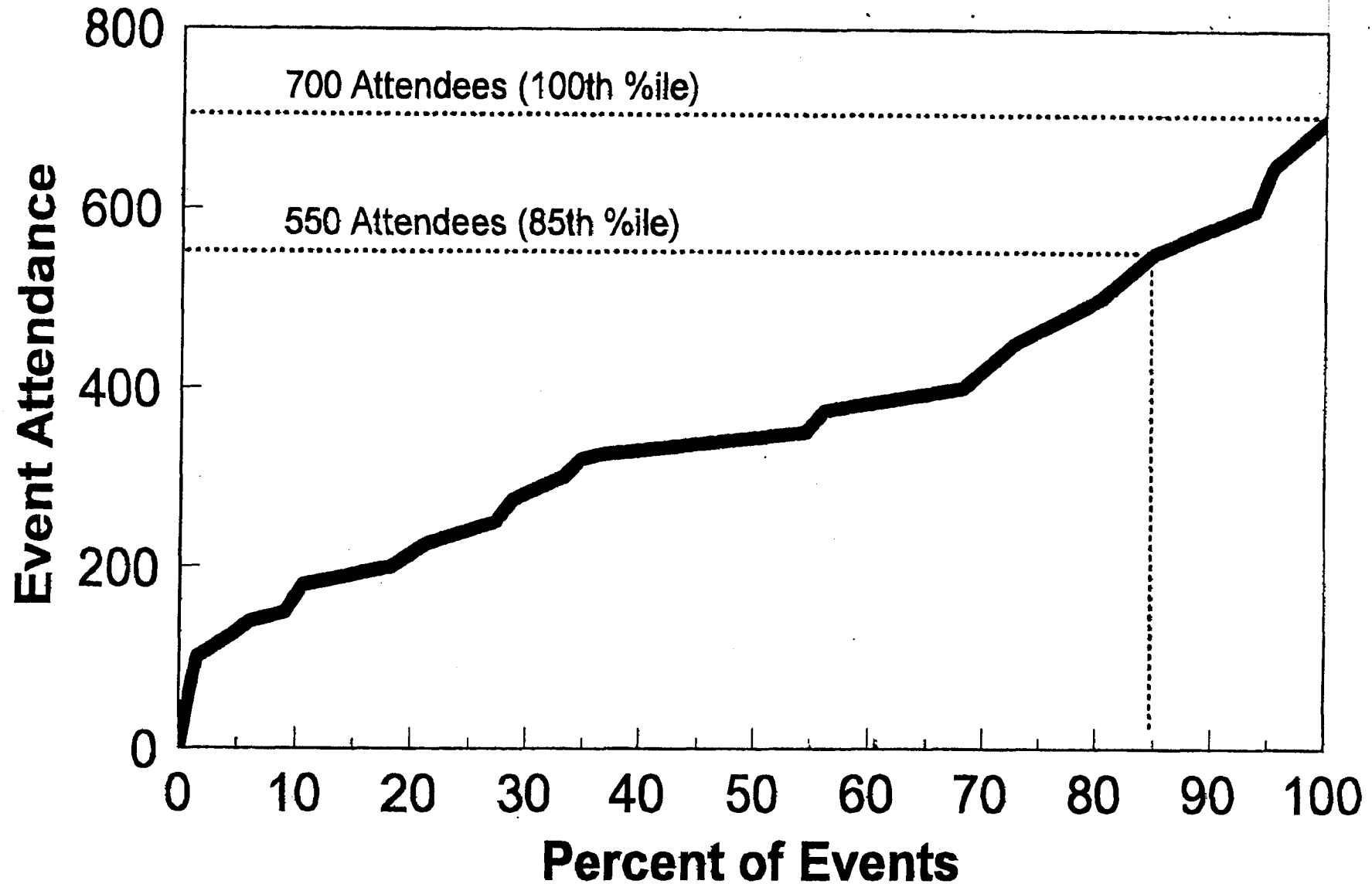
East of County Road	<u>Striped Spaces</u>	<u>Valet Spaces</u>	<u>Other Spaces</u> ¹
Breakers Row	26	24	0
Main Lot	618	6	0
Main Entrance	82	26	0
South Parking Area	<u>192</u>	<u>85</u>	<u>40</u>
	918	141	40
West of County Road	<u>Striped Spaces</u>	<u>Valet Spaces</u>	<u>Other Spaces</u> ¹
Employee Lot	250	0	0
Tennis Club	38	0	0
Pine Walk	<u>0</u>	<u>0</u>	<u>90</u>
	288	0	90
TOTAL	1206	141	130

1 - Other spaces are permanent parking spaces along Pine Walk that are not paved or striped

- The South Parking Area will have approximately 192 striped parking spaces, 85 valet parking spaces and 40 other spaces used by employees. If and when the valet parking requirements for an event exceed the available capacity in the large parking lot north of the Main Entrance, cars could be driven through the new connection to the South Parking Area to utilize the 317 available spaces. At no time would valet vehicles be driven out of either the Main Entrance or the Pine Walk Entrance onto County Road to be parked in other areas. If used entirely for valet parking, the capacity of the 192 striped spaces in the South Parking Area could be increased by approximately 20% (approximately 38 spaces).
- The transportation requirements associated with most events scheduled for the Starlight Ballroom (which will have less than 550 attendees) can be accommodated in the South Parking Area if the organizers want to have their own exclusive point of entry and parking. The 192 striped parking spaces and 85 valet parking spaces located in the South Parking Area would be sufficient for the valet parking operations associated with events of this size. In addition, the drop-off / pick-up functions (taxis and limousines) representing less than 25 vehicles in 15 minutes could be accommodated in this same area.
- During the arrival period for a peak event (e.g. over 700 guests), the Main Entrance could be converted to one-way inbound operation with the return outbound traffic routed to the north access driveway along North Breakers Row linking to Royal Poinciana Way. This one-way operation is intended to prevent congested traffic conditions on County Road at the Main Entrance during the highest traffic periods by eliminating exiting traffic at this location. The westbound (exiting) traffic will involve minor traffic volumes and will not impact traffic operations. The Main Entrance would be converted back to two-way operation after the peak arrival period.
- The parking and traffic management plan for the hotel is intended to have the flexibility to respond to the specific needs of an event or same-day multiple events. However, in planning for and managing traffic / parking activities during events, these established procedures are followed so that traffic congestion and parking delays are prevented.

BREAKERS HOTEL & RESORT

Balls And Social Functions



RESOLUTION 1- 98

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION 1-97, THE BREAKERS PUD, BY MODIFYING THE TERMS FOR THE LEASE OF THE PINEWALK TRANSFER STATION; BY EXTENDING THE DATE FOR RENEGOTIATION ON THE TRANSFER OF DEVELOPMENT RIGHTS FOR THE BREAKER PUD; BY PROVIDING A REQUIRED OFF-STREET PARKING FACILITY TEMPORARILY WITHIN PRIORITY AREA NO. 1, PHASE 1A OF THE PUD; BY APPROVING A REQUIREMENT FOR A PARKING STRUCTURE AT A FUTURE DATE; BY ELIMINATING THE REQUIREMENTS TO CLOSE THE PINEWALK AND ELIMINATE THE ASSOCIATED TRAFFIC SIGNAL; BY ELIMINATING THE REQUIREMENT TO PAVE SEVENTY PARKING SPACES ALONG THE PINEWALK ENTRANCE; BY APPROVING THE REQUEST TO POSTPONE THE CONSTRUCTION OF TWO HUNDRED PARKING SPACES; AND BY MODIFYING AND EXPANDING THE HOTEL FACILITIES

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NO CHANGE

MODIFICATION #2

Tennis Court Lighting

NO CHANGE

MODIFICATION #3

Additional Retail Space

NO CHANGE

MODIFICATION #4

New Tennis Facility

NO CHANGE

MODIFICATION #5

Maintenance of Golf Course Green Space

NO CHANGE

MODIFICATION #6

Lease of Pine Walk Transfer Station

The Town and the Breakers Palm Beach, Inc. have agreed that the Town shall be given an extension of the existing lease from the Breakers Palm Beach, Inc. until December 31, 2012, for the Town's waste transfer station currently located on Development Priority No. 8 (Phase 5) within the Breakers PUD, as shown in the Red Book Drawing No. 5. The terms of said lease shall be the same as contained in the present lease, and further, said lease may not be canceled prior to December 31, 2012 without the approval of the Town of Palm Beach. Prior to December 31, 2001, the Town shall study alternative locations not on the Breakers Hotel property for the transfer station, and the Breakers shall study alternative locations on the Breakers Hotel property for the relocation of the twenty-four dwelling units currently approved for Development Priority No. 8 (Phase 5). Prior to December 31, 2001, the Town and the Breakers shall discuss their respective studies.

MODIFICATION #7
Requirement for Renegotiation

The applicant and the Town agree to renegotiate the following items:

- a. The possible transfer to other areas in the Planned Unit Development (PUD) of development rights pertaining the Phase 1a of the PUD involving the lands at the southeast corner of Royal Poinciana Way and Cocoanut Row, as set forth in The Breakers, Proposed Planned Unit Development Revised June 9, 1981 (hereinafter the "Red Book"), at Drawing No.5. by no later than the 2011-2012 Zoning Season (which is the designated start date of construction for that Phase in the PUD Agreement); or no later than during the Zoning Season immediately prior to the intended undertaking of development of Phase 1a, whichever comes first. The Breakers shall give the Town written notice of its intention to commence development of Phase 1a at least six months prior to said Zoning Season.

Phase 1a (Priority 1) Area may be used to temporarily locate 250 of the required permanent off-street parking spaces for employee parking at the northwest corner of the PUD in the Phase 1a (Priority 1) Area. If the Phase 1a (Priority 1) Area is developed, these 250 required off-street parking spaces shall be relocated to an area within the Breakers PUD that is acceptable to the Town.

- b. The transfer to other areas in the PUD of development rights pertaining to Phase 5 (Priority 8) of the PUD involving the lands at the west end of Pine Walk off Cocoanut Row as set forth in the Red Book at Drawing No.5 shall occur no later than the 2011-2012 Zoning Season (which is the designated start date of construction for that Phase in the PUD Agreement).
- c. The following conditions relating to the drainage improvements for the Breakers PUD have been completed:

The timing of construction and the fair apportionment of the costs of the drainage improvements at the main entrance to the Hotel on County Road specified in the Planning Criteria and the Appendices at Page 47 under Priority 4 (Phase 11). The renegotiation of said timing in accordance with the schedule set forth in Exhibit A attached hereto. Provided however, that no later than July 1, 1992, the applicant will commence construction of the interim drainage improvements reflected on Exhibit B attached hereto, and shall complete said improvements no later than October 31, 1992. It is recognized that this interim drainage improvement will accommodate runoff from the hotel property as well as other Town property. As a result, the costs associated with this interim improvement will be apportioned fairly between Flagler Systems and the Town. Flagler System shall pay all interim

drainage improvement costs provided, however, that a credit shall be given to Flagler System by the Town toward the Flagler System's share of the costs of the long term drainage improvements. Provided, however, that no cost sharing of the costs of the interim improvements shall commence until the review and approval by the Town of the costs apportionment formula to be completed by the end of March, 1992 (see Exhibit A).

MODIFICATION #8

Postponement of Certain Road and Parking Improvements

The Town agrees to allow the applicant to postpone implementation of the following parking and road improvements associated with the development of Phase 11 until the impacts of development indicate that such improvements are needed.

- a. Widen County Road on east side to provide left and right turn lanes on County Road at Breakers entrance, and upgrade the signal.
- b. Widen Breakers entrance road to four lanes and remove parking.
- c. Add parking (+200 spaces) at Phases 8-9

MODIFICATION #9

Demolition and Reconstruction of the Starlight Ballroom Addition and Beach Club

The demolition of the existing Starlight Ballroom and Beach Club facilities north of the horseshoe cabanas and construction of new Beach Club facilities, Starlight Ballroom, and Starlight Basement Kitchen and Storage Area, as identified on the Breakers Master Plan, revised November 4, 1997 and generally described as follows:

The new Beach Club facilities will consist of approximately 20,000 square feet with a 400-seat indoor/outdoor dining room, fitness center, beauty salon, massage/treatment rooms, steam, sauna, two Jacuzzis, three pools, men's and ladies' lockers, outdoor loggia and 13 pool deck cabanas.

The new Starlight Ballroom will consist of 15,000 square feet of ballroom area and 8,000 square feet of pre-function area. There will also be a service basement of approximately 13,500 square feet for storage and kitchen support facilities for a total facility of 36,500 square feet. The proposed modifications will result in a net decrease of 11,621 square feet of accessory hotel space. The development rights to these 11,621 square feet shall be retained in the PUD for future use assignment by further amendment to the PUD.

MODIFICATION #10

Requirement for Additional Off-street Parking Spaces

Based on the Starlight Ballroom and Beach Club facility improvements, an additional 106 off-street parking spaces shall be provided over and above the 1,021 spaces required (of which 877 have been built) in the 1981 approval, raising the number of required off-street parking spaces associated with the hotel operation to 1,127.

250 of these required off-street parking spaces may be temporarily located in a paved parking lot on the northwest corner of the PUD in the Phase 1a (Priority 1) Area. If the Phase 1a (Priority 1) Area is developed, these 250 required off-street parking spaces shall be relocated to an area within the Breakers PUD that is acceptable to the Town.

MODIFICATION #11

On-site Parking and Traffic Circulation Management

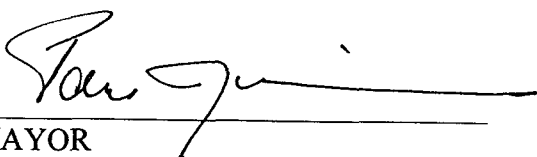
On-site parking and traffic circulation shall be conducted in accordance with the document prepared by DKS Associates, entitled Parking and Traffic Management Program for The Breakers Hotel, dated February, 1998, and attached hereto, and subject to all the conditions of approval of the Site Plan Review No. 1-98, approved February 9, 1998.

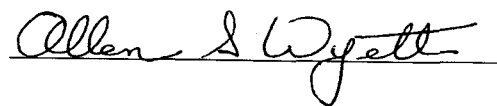
B. RESOLUTIONS 9-72, 13-74, 10-81, 17-90, 6-92, AND 1-97 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

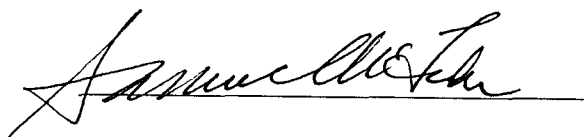
Section 2. The modifications submitted on September 5, 1997 by the Breakers Palm Beach, Inc., and reflected herein will become effective (i.e. not tentative) only if, as and when The Breakers Palm Beach, Inc., indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town of Palm Beach and The Breakers Palm Beach, Inc. incorporating said conditions.

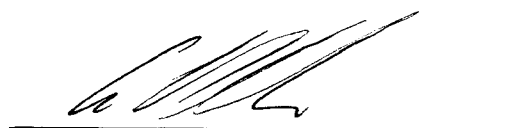
Section 3. The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail to the applicant, and applicant shall within forty-five (45) days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of said conditions as provided in Section 7.33(b) of Ordinance 2-74, as amended, and further subject to the provisions of Section 7.33(d).

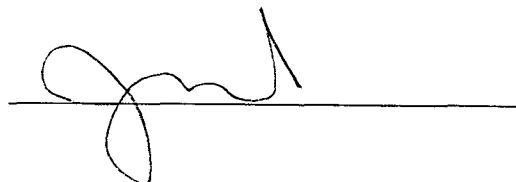
Section 4. PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of February, 1998.


MAYOR



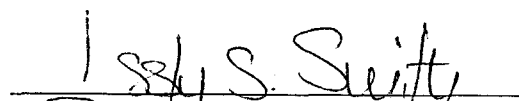






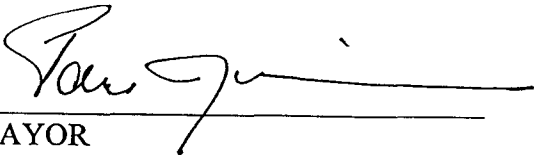
ATTEST:

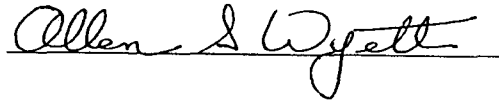

TOWN CLERK

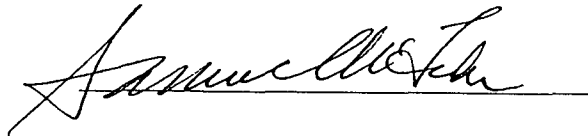

TOWN COUNCIL

RES01~1.WPD


Section 4. PASSED AND ADOPTED in regular, adjourned session assembled on first reading this 9th day of February, 1998.


MAYOR



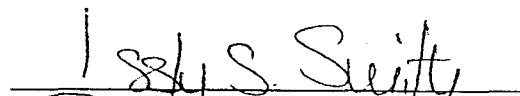






ATTEST:


TOWN CLERK


TOWN COUNCIL

CLERK'S CERTIFICATE

STATE OF FLORIDA)
COUNTY OF PALM BEACH) ss:
TOWN OF PALM BEACH)

I, MARY A. POLLITT, HEREBY CERTIFY THAT I am the duly qualified and acting Clerk of the Town of Palm Beach, Florida; that the above and foregoing is a true and correct copy of a Document the original of which is on file in the Office of the Town Clerk of the Town of Palm Beach, Florida.

RES01~1.WPD

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said Town, this 13th day of February A.D. 1998

TOWN SEAL


MARY A. POLLITT
TOWN CLERK

RECEIVED

FEB 6 1998

Parking and Traffic Management Program

TOWN OF PALM BEACH
BUILDING & ZONING

for

The Breakers Hotel

February, 1998

The Breakers Hotel currently implements a parking and traffic management program when medium to large events are scheduled at the hotel. This program addresses the expected use of pick-up / drop-off facilities, valet parking operations and parking areas and establishes procedures and personnel requirements for these events. The key components of the program for managing parking and traffic at the hotel during events involve:

- (1) Anticipating and planning for the number of visitors and guests that will need to access the hotel and park on site,
- (2) Deploying the personnel, traffic control, and directional signage to direct visitors and guests to the appropriate locations for drop-off / pick-up functions and valet operations,
- (3) Implementing standard procedures to be followed by hotel personnel during the pre-event and post-event periods, and
- (4) Monitoring traffic and parking conditions at the hotel during these periods and making adjustments to the traffic / parking management procedures if and when necessary.

With the proposed change to the Starlight Ballroom space and the addition of a new secondary pick-up / drop-off facility on Pine Walk, the parking and traffic management program is being refined and updated to reflect these changes. The major components of this updated traffic / parking management program for the hotel are described below:

- Planning for a major event at the hotel starts with discussions with the event organizers to determine their anticipated size, schedule, needs, and preferences. From these discussions sufficient information is obtained so that decisions can be made regarding traffic / parking management activities. These discussions occur at the time of booking, well in advance of the actual event date. This allows sufficient time to coordinate traffic / parking management activities with other meetings / events occurring at the hotel.

DKS Associates

- The hotel utilizes a predictive model which identifies pick-up / drop-off and valet parking needs based upon the number of attendees, the type of event, and schedule. The model was originally developed to serve as a general guideline for event planning at hotels, but has been modified based upon actual event experience at the Breakers Hotel. The model results predict the traffic and parking conditions expected for various types and sizes of events and represent design conditions. The model results deal with a specific type and size of event and could be combined if more than one major event were to be scheduled at the Breakers Hotel during the same time period. The other transportation needs at the hotel are related to room occupancies and are not addressed in this model. These needs are taken into consideration when evaluating parking space and valet parking personnel needs.
- Attendance at events by hotel guests, the use of alternative travel modes (e.g. limousine service) and auto occupancy rates vary with the size and type of events. For example, during the peak season between October, 1997 and May, 1998 the Breakers Hotel and Resort will host 15 balls and 51 major social events in its banquet facilities. The average event will attract approximately 375 persons. The 15 balls will range in size between 275 and 600 persons. Ten of the 15 balls will have 500 or fewer attendees. Of the other 51 social events, 43 of these events (84%) will have 500 or fewer attendees and none will exceed 700 attendees. The graph attached to this program shows event attendance during this period. A large event (85th percentile) will have approximately 550 persons in attendance, while the maximum attendance at a Town social event (100th percentile) is anticipated to be 900 persons. The model parameters and results for a future large event (550 persons) and possible peak event (900 persons) are listed below:

Large Event

Input Parameters:

Event Type - Reception / Banquet
Attendance - 550 persons
Start Time - 7:00 PM
Finish Time - 11:00 PM

Output Results:

Peak Visitor Arrivals -	220 persons / 15 min
Vehicle Occupancy -	2.0 persons / vehicle
Peak Drop-offs (no parking) -	20 veh / 15 min
Peak Pick-ups (no parking) -	25 veh / 15 min
Valet Parkers -	250 vehicles
Peak Valet Drop -offs -	90 veh / 15 min
Peak Valet Pick-ups -	125 veh / 15 min
Valet Personnel -	12 @ 5:30 - 7:30 PM 17 @ 10:00 - 12:00 PM

Possible Peak Event

Input Parameters:

Event Type - Reception / Banquet
Attendance - 900 persons
Start Time - 7:00 PM
Finish Time - 11:00 PM

Output Results:

Peak Visitor Arrivals -	300 persons / 15 min
Vehicle Occupancy -	2.0 persons / vehicle
Peak Drop-offs (no parking) -	30 veh / 15 min
Peak Pick-ups (no parking) -	50 veh / 15 min
Valet Parkers -	400 vehicles
Peak Valet Drop -offs -	120 veh / 15 min
Peak Valet Pick-ups -	200 veh / 15 min
Valet Personnel -	18 @ 5:30 - 7:30 PM 27 @ 10:00 - 12:00 PM

DKS Associates

The 1000 persons is the maximum number of persons that the new Starlight Ballroom can accommodate, but in reality, the actual peak number of guests is expected to be 900.

- As a practical matter, the hotel does not schedule more than one major event (for over 275 people) at the same time on the same day. However, multiple meetings or smaller events (for less than 275 people) are scheduled on the same day with overlapping time periods of operation. The maximum number of guests on site at any time when these multiple events are scheduled is less than 700 people. The transportation needs for a multiple event day would be determined by combining the model results for two different events based upon their different starting times.
- On days when a major event is scheduled at the hotel, employees are notified to car pool and use remote parking west of County Road to make available as many parking spaces east of County Road as possible. To facilitate such employee parking, the Hotel is preparing to add 250 public spaces in the northwest corner of the PUD at Coconut Row and Royal Poinclana. Incentives are provided to employees who do not utilize prime parking spaces on event days so that they make available as many prime parking spaces as possible to guests and visitors. The proximity of these prime parking spaces to the valet operations reduces the time needed for personnel to valet vehicles. For normal valet operations at the hotel, it is assumed that each valet activity requires approximately 2 minutes of service time.
- The provision of a secondary location for pick-up / drop-off functions and valet operations to serve the Starlight Ballroom provides the flexibility to use either or both locations depending upon the amount of activity at the hotel and the preferences of the organizers. The primary drop-off / pick-up functions and valet operations will remain at the Main Entrance in front of the hotel. The majority of event organizers will continue to prefer this location for arrivals and entry to the meeting /banquet rooms. A new driveway connection is proposed between the Main Entrance and the South Parking Area to permit utilization of the parking spaces in both the Main Lot and South Parking Area without any need to drive cars back onto County Road to be parked at the Hotel. At no time would valet vehicles be driven out of either the Main Entrance or the Pine Walk Entrance onto County Road to be parked in other areas. This connection will be located between the croquet field and the golf course.
- Self parking for major events is limited to the parking spaces along the Main Entrance. Visitors desiring self parking can use these spaces when they enter or after they drop-off passengers. Similarly, these visitors can exit the hotel directly from the self parking spaces or they can circulate to pick-up passengers. Once the self parking spaces are filled, signs are posted indicating " Valet Parking Only " and all guests are directed to the valet parking drop-off in front of the hotel.
- During most events limousines and taxis drop-off and pick-up guests in front of the hotel. They enter the Main Entrance from County Road and proceed directly to the front of the hotel and then exit back out the Main Entrance. The limousine service offered by the hotel uses vehicles that are stationed at the traffic circle in front of the hotel and are available on an on-call basis.

DKS Associates

- The future distribution of parking spaces at the hotel is shown on the attached exhibit and is summarized below:

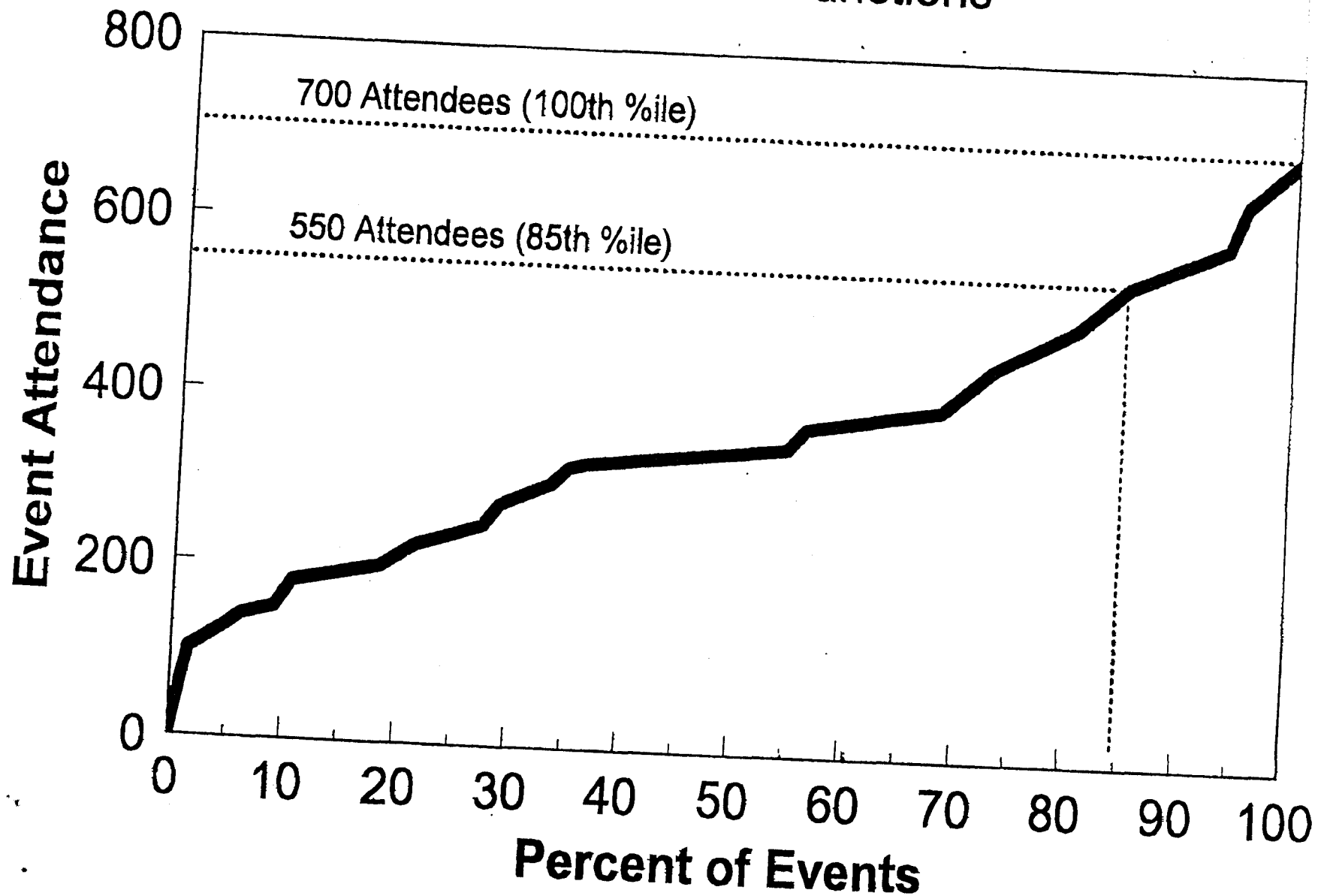
East of County Road	<u>Striped Spaces</u>	<u>Valet Spaces</u>	<u>Other Spaces</u> ¹
Breakers Row	26	24	0
Main Lot	618	6	0
Main Entrance	82	26	0
South Parking Area	<u>192</u>	<u>85</u>	<u>40</u>
	918	141	40
West of County Road	<u>Striped Spaces</u>	<u>Valet Spaces</u>	<u>Other Spaces</u> ¹
Employee Lot	250	0	0
Tennis Club	38	0	0
Pine Walk	<u>0</u>	<u>0</u>	<u>90</u>
	288	0	90
TOTAL	1206	141	130

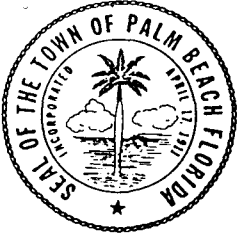
1 - Other spaces are permanent parking spaces along Pine Walk that are not paved or striped

- The South Parking Area will have approximately 192 striped parking spaces, 85 valet parking spaces and 40 other spaces used by employees. If and when the valet parking requirements for an event exceed the available capacity in the large parking lot north of the Main Entrance, cars could be driven through the new connection to the South Parking Area to utilize the 317 available spaces. At no time would valet vehicles be driven out of either the Main Entrance or the Pine Walk Entrance onto County Road to be parked in other areas. If used entirely for valet parking, the capacity of the 192 striped spaces in the South Parking Area could be increased by approximately 20% (approximately 38 spaces).
- The transportation requirements associated with most events scheduled for the Starlight Ballroom (which will have less than 550 attendees) can be accommodated in the South Parking Area if the organizers want to have their own exclusive point of entry and parking. The 192 striped parking spaces and 85 valet parking spaces located in the South Parking Area would be sufficient for the valet parking operations associated with events of this size. In addition, the drop-off / pick-up functions (taxis and limousines) representing less than 25 vehicles in 15 minutes could be accommodated in this same area.
- During the arrival period for a peak event (e.g. over 700 guests), the Main Entrance could be converted to one-way inbound operation with the return outbound traffic routed to the north access driveway along North Breakers Row linking to Royal Poinciana Way. This one-way operation is intended to prevent congested traffic conditions on County Road at the Main Entrance during the highest traffic periods by eliminating exiting traffic at this location. The westbound (exiting) traffic will involve minor traffic volumes and will not impact traffic operations. The Main Entrance would be converted back to two-way operation after the peak arrival period.
- The parking and traffic management plan for the hotel is intended to have the flexibility to respond to the specific needs of an event or same-day multiple events. However, in planning for and managing traffic / parking activities during events, these established procedures are followed so that traffic congestion and parking delays are prevented.

BREAKERS HOTEL & RESORT

Balls And Social Functions





TOWN OF PALM BEACH

Office of the Town Clerk

February 13, 1998

Mr. James R. Brindell
Gunster Yoakley Valdes-Fauli & Stewart, P.A.
151 Royal Palm Way
Palm Beach, FL 33480

Dear Mr. Brindell:

Enclosed is a copy of Resolution 1-98 that was passed and adopted at the February 10, 1998, Town Council meeting.

Section three (3) on page six (6) of the resolution states a certified copy of the resolution must be provided to The Breakers, and The Breakers 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 7.33(b) of Ordinance 2-74, as amended, and further subject to the provisions of Section 7.33(d).

As stated under Modification #11 on page six (6) of the resolution, a copy of the Parking and Traffic Management Program for The Breakers Hotel, dated February, 1998 is enclosed.

If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Mary A. Pollitt
Town Clerk

MAP/dk
enc.

cc: Paul Leone, General Manager, The Breakers Hotel
Paul Castro, Zoning Administrator

P 224 067 775

US Postal Service

Receipt for Certified Mail

No Insurance Coverage Provided.

Do not use for International Mail (See reverse)

TOWN CLERK

Sent to	Mr. James R. Brindell
Street & Number	Gunster Yakley Valdes-Fauli & Stewart, P.A.
Post Office, State, & ZIP Code	151 Royal Palm Wy, Palm Bch
Postage	\$ FL 33480 72
Certified Fee	1.35
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	1.10
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$ 3.23

Postmark or Date

PS Form 3800, April 1995

Stick postage stamps to article to cover First-Class postage, certified mail fee, and charges for any selected optional services (*See front*).

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached, and present the article at a post office service window or hand it to your rural carrier (*no extra charge*).
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach, and retain the receipt, and mail the article.
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card, Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number.
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article.
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make an inquiry.

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" Space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery
(Extra charge) (Extra charge)

3. Article Addressed to:

Mr. James R. Brindell
Gunster Yoakley Valdes-Fauli &
Stewart, P.A.
151 Royal Palm Way, Palm Bch,
FL 33480

4. Article Number

P 724 067 775

Type of Service:

- | | |
|---|--|
| <input type="checkbox"/> Registered | <input type="checkbox"/> Insured |
| <input checked="" type="checkbox"/> Certified | <input type="checkbox"/> COD |
| <input type="checkbox"/> Express Mail | <input type="checkbox"/> Return Receipt
for Merchandise |

Always obtain signature of addressee
or agent and DATE DELIVERED.

5. Signature — Addressee

X

6. Signature — Agent

X

7. Date of Delivery

[Signature]
2/17/98

8. Addressee's Address (ONLY if
requested and fee paid)

.....

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS



**PENALTY FOR PRIVATE
USE, \$300**

SENDER INSTRUCTIONS

Print your name, address and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

**RETURN
TO**



Print Sender's name, address, and ZIP Code in the space below.

TOWN CLERK

TOWN OF PALM BEACH

360 SOUTH COUNTY ROAD

P. O. BOX 2029

PALM BEACH, FL 33480

