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Palm Beach, Fl. 33480

Feb. 5, 2018

Dear Mayor and Council,

I continue to believe that granting approval to the Carriage House Club would violate the stated goals of planning and zoning for our town and would set in motion a series of actions that would be difficult, if not impossible, to reverse.

This special use is one of the least appropriate for the C-TS zone in its violation of:

- 1) the specific goals for a C-TS zone, and
- 2) the conditions that must be met by a special use.

The goals of the C-TS zone are clearly stated in the code:

"Sec. 134-1106. - Purpose and limitations. The purposes of the C-TS town-serving commercial district are to:

- (1) Create, preserve and enhance areas of attractive, **small-scale**, retail, personal and professional/business services to be developed either as a unit or in individual parcels, providing for the frequently recurring needs of townpersons.
- (2) Enhance the general character of the district and its compatibility with its residential surroundings, and, therefore, signs are limited to those accessory to businesses conducted on the premises, including the number, area and types; retail drive-in facilities are not permitted, and, in order to maintain the town-serving nature of the district, limitations on gross leasable floor (GLA) area are imposed."

Permitted uses in this district specifically *exclude* bars/lounges:

"Sec. 134-1107. - Permitted uses.

(a) *Enumeration; maximum gross leasable area.* The permitted uses in the C-TS town-serving commercial district, with a maximum of 3,000 square feet gross leasable area (GLA), are as follows:

- (1) Retail and service establishments, such as restaurants, **excluding formula restaurants as defined in section 134-2 and bars/lounges**, hardware stores, food stores, clothing stores, drugstores, barbershops beauty salons and jewelry stores...."

While the Carriage House application is for a social club, its operation will be almost identical to that of a lounge or nightclub, with 3 bars on the premises, live music, and hours until 2:00 a.m. 3 nights/week. This aspect, combined with the significant increase in

restaurant seats and GLA of more than triple the maximum in the zone, creates a compounding of uses that is ill-suited to a location adjoining a single family residential neighborhood. The doubling or tripling of the number of patrons, the emphasis on nightclub-like design and operation, and the increased hours of operation clearly create an unacceptable level of intensification (which is not defined solely as a number of required parking spaces) for the zone. From a use perspective, the similarity to a large nightclub will equal or exceed the social club aspect, and must be taken into account in the evaluation of neighborhood impact. A social club does not have to serve alcohol, be open until 2:00 a.m., or by necessity conduct any of the activities of this club, which in its operation will be essentially a private restaurant and a private lounge/nightclub. A club that operates as a private bar/lounge in the late evening is in direct conflict with the goals of the code cited above, due both to the emphasis on late night bar activities and to the fact that the club will *not* serve most of the neighborhood or town. In fact, the anticipated pricing and exclusive nature almost assure that neighborhood residents will not benefit from this use and will most likely suffer as a result of it.

Regarding the conditions for approval of a special use, the Carriage House is deficient in many of them, especially with regard to compatibility with the neighborhood, injury to property values and other neighborhood impacts, as well as to compliance with the comprehensive plan (as delineated in code Sec.134.229, 3), 4), 6), 8), and 14)). A number of the applicant responses to conditions in the application are off the mark or merely state that the property complies without saying how it does so. The renovation of a landmarked property is a positive, but it is likely that any new owner of the properties would need to do renovations and hence this element should not be over-weighted. There remains a highly probable negative impact of noise, traffic, parking, and public safety as a result of operating a restaurant/bar that is more than twice the size of any previous one at the site.

The Sea streets parking and traffic problem cannot be solved without undue burden on the residents of those streets. To date there are no long term contractual agreements for parking and even if there were, many members would choose to self-park. As noted in my letter last month, residents of the Sea street blocks will be negatively impacted by the parking issue in one of two ways: either there will be daily and nightly patron (and possibly unmonitored valet) parking on their streets, or if permit parking is imposed they will become obliged to obtain permits for their evening and overnight guests (several hundred residents paying \$50-\$100 each annually in perpetuity for parking in front of their own homes). And no matter how the parking is handled, there will be a large increase in traffic on Seaspray and Seabreeze Aves. due to the need for vehicles to arrive at the valet on the northeast corner of Seaview without performing a U-turn on S. County and the need for departing southbound vehicles to turn onto the side streets. Adding insult to injury is the placement of a valet stand directly in front of a private residence on the east side of S. County Rd. It is clear that the neighborhood will be serving the special use and not the use that will be serving the neighborhood. Hundreds of property owners will bear a burden for the benefit of just a handful of owners and town members.

While restaurants have operated at 264 S. County in the past, they have been much smaller and often not used to capacity, nor serving 3 meals/day for 7 days/week. They had fewer parking and loading needs. The increased loading requirements of Carriage House

will no doubt reduce day time patron parking for nearby stores. And with the approved construction of a new and larger recreation center, Seaview Ave. will become even more congested than it is now, a fact that seems to have been overlooked by the county traffic report. It is hard to imagine that property values will not be negatively impacted by further increases in congestion and late night noise from departing patrons, and likely that a property appraiser would agree. The impact on the immediately adjacent landmarked historic Phipps Plaza cannot possibly be anything but negative with regard to the noise of a large number of people and cars coming and going day and night.

Intensified use of the subject properties is likely to require extra police services for high attendance occasions, enforcement of parking conditions, and possible security for late night bar operation, a cost that is commonly overlooked in evaluating special uses.

Most important, the intended use contravenes the stated goals of the town's Comprehensive Plan.

The Plan refers emphatically to a goal of reducing intensity:

- In "Land Use Issues",

- "Control the pace, type, and intensity of redevelopment activity in older areas of Town."
- "Encourage development and redevelopment at lower density levels than existing zoning allows ..."

- In "Policies Regarding Change"

- "To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow."

-In "Existing Land Use"

- "The dominant character of the Town's commercial sector is one of small scale. The vast majority of the commercial uses in the Town each encompass 4,000 square-feet or less of gross leasable area. Despite the reputation of Worth Avenue and the presence of some large retail anchors and office uses in the Town, the overall character of the Town's commercial areas is one of small business concerns which, individually, would not normally be expected to draw the majority of its patrons from beyond the Town's limits. "

The stated goals of the C-TS district advance the goals of the Comprehensive Plan, but the special exceptions for the district do not appear to do so at this point in time. Special uses by their nature are prone to lead to *increased* intensity and congestion and, given the

town's goals, are probably no longer necessary or desirable unless they are replacing existing ones. Were this a case of an over-sized facility with a small number of occupants, or minimal needs for parking, or normal business hours, it could be an unintrusive presence, but in fact it is excessive in almost every respect for the zone. There are clear and numerous factual reasons to deny approval:

- contravention of goals of the Comprehensive Plan and C-TS district to reduce intensity throughout town and in the zone
- increased noise and disturbance of quiet enjoyment for immediate historic residences and adjacent residential neighborhood as a result of heavy intensification of use (an 11,000 s.f. club/lounge vs. a 3,000 s.f. restaurant) and increase in hours of operation
- increased burden on police
- unacceptable traffic and parking/permit burden on Sea street residents
- increased congestion concurrent with new recreation center increase in congestion
- insurmountable combination of enforcement issues regarding monitoring of employee parking, valet parking, patron self-parking, membership cap

In sum, this use is wholly inappropriate in scale, intensity, and neighborhood compatibility and should be denied.

Respectfully,

Carol LeCates

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Member, Planning & Zoning Commission