

**From:** [Cheryl Kleen](#)  
**To:** [Bobbie Lindsay](#); [Danielle Hickox Moore](#); [Gail Coniglio](#); [Julie Araskog](#); [Margaret Zeidman](#); [Richard Kleid](#)  
**Cc:** [Kathleen Ruderman](#)  
**Subject:** FW: Carriage House - Comprehensive Plan  
**Date:** Wednesday, February 07, 2018 3:17:30 PM  
**Attachments:** [Fl.Comp.Plan.png](#)

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**From:** Carol LeCates [mailto:clecates@comcast.net]  
**Sent:** Wednesday, February 07, 2018 1:06 PM  
**To:** Gail Coniglio <GConiglio@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>  
**Cc:** Paul Castro <PCastro@TownofPalmBeach.com>; Tom Bradford <TBradford@TownofPalmBeach.com>; John C. Randolph <jrandolph@jones-foster.com>  
**Subject:** Carriage House - Comprehensive Plan

Dear Mayor and Council,

Please see the attached excerpt from the Florida Statutes for language regarding the legal status of comprehensive plans and the requirement for development orders and town codes to be consistent with them. The relevant section is 163.3194 (1) (a) and (b).

[http://www.leg.state.fl.us/statutes/index.cfm?App\\_mode=Display\\_Statute&URL=0100-0199/0163/Sections/0163.3194.html](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0163/Sections/0163.3194.html)

For discussion, please also see this link:

<https://floridaldrs.com/2011/02/27/consistency-with-the-comprehensive-plan/>

From what I have read, the requirement for consistency with the comprehensive plan supersedes all other conditions for approval of a special use. The case law highlights density and intensity goals in particular. Due to the magnitude of the increase in intensity of the Carriage House over previous uses (11,000 s.f. across 2 separate structures vs. the previous under 3,000 s.f. restaurant in one structure with 118 seats) and the stated goals of the plan to reduce intensity in the district, the application fails to meet this requirement. (This is definitive factual evidence.) Therefore, from a legal perspective, it cannot even be reviewed for meeting special use conditions, which themselves include a requirement that the use must comply with all elements of the comprehensive plan. The requirement for consistency with the plan at both the state and local level is the paramount standard by which this use must be judged. If a code section is inconsistent with the plan, then the section must be amended for consistency before an application under that section can be considered.

A few additional notes:

- The special use is actually being spread across two separate parcels. Is there a unity of title? If not, what would be the use designation of 270 S. County?
- On parking impact on the Sea streets: If the town is forced to remove public parking from several neighborhood streets by instating permit-only parking, or if it places the burden of monitoring parking violations on the residents and police, then it is clear that the use on its own cannot meet conditions 3), 4), and 14). Approval of a special use should not require any burden on residents or the police in order to enable the use; the use must stand on its own in meeting all conditions.

Respectfully,

Carol LeCates