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February 8, 2018

Mayor & Town Council
360 South County Road
Palm Beach, Florida 33480

Re: Application for Special Use Permit for The Carriage House

Ladies & Gentlemen:

My wife and I are disappointed to have learned that the Town Council may grant a Special Use permit to an applicant proposing to operate a private club (the “Proposed Club”) at 264 South County Road (the “Proposed Location”). We believe that no exception should be made to the land-use limitations already established by the Town Council in the C-TS land-use district in this case and that the applicant should not be granted a Special Use Permit on the conditions the applicant has proposed.

Our interest in the matter arises from our owning the (landmarked) residence at 228 Seaspray Avenue, which is near the Proposed Location. We have lived in this home since 2010. Before that time, each of us lived elsewhere in Town. I have lived in Palm Beach since 1989, and my wife has lived here since 1995.

A key role of the C-TS district—a role presumably intended by the Town Council in creating the district—is to serve as a buffer between the more intensively developed commercial area along Royal Palm Way and the residential neighborhood to the north (the “Sea streets,” Clarke, Barton and Pendleton Avenue, *etc.*). The neighborhood on these mid-town streets is very important to the ambience of the Town. The houses are older, a number of them landmarked, and the streetscapes are thought by many to be among the most attractive in the Town.

The Proposed Club would occupy 11,164 square feet. Allowing a business of any kind of this size into the immediate vicinity would detract from the neighborhood and therefore from the entire Town. Furthermore, granting the requested Special Use Permit would be unfair to existing homeowners in the neighborhood, who acquired their homes in reliance on land-use restrictions in the C-TS district. One might believe there is little difference between 11 thousand square feet divided among several businesses (each conforming to the 3 thousand-square-foot maximum gross leasing area provided by the Town’s Code) and 11 thousand square feet concentrated in a single business, but this is not so. When the same total area is concentrated in a single use by a single occupant, the attenuating effect of diversification on traffic and parking are lost, and the peaks in traffic and peaks in parking demands are greater. Because the operation of the Proposed

228 SEASPRAY AVENUE, PALM BEACH, FLORIDA 33480

Club would bring additional automobile traffic into the area and result in valet-parking of cars in the neighborhood, the operation of the Proposed Club would surely harm property values. The Proposed Club would just not be the size of business that fits in a C-TS district. That, of course, is why the applicant seeks a Special Use Permit.

We understand that there are times when a neighborhood or the Town as a whole will benefit from exceptions to land-use restrictions; we agree that there *should* be such a thing as a Special Use Permit. But this is not one of those times. Unlike the restaurant “264,” which served local patrons, some of whom walked there from Phipps Plaza and the “Sea streets” (as we ourselves did), the Proposed Club would not be open to the public. Its membership (according to a report prepared for the applicant by its consultants Fishkind & Associates) would be people such as one might meet in a club in London, England—presumably only people who are accomplished and prominent beyond the bounds of our small town.

Regarding the characterization as a London club: Is the claim that the Proposed Club would attract new people who are accomplished and prominent outside Palm Beach, for the benefit of the rest of the Town’s citizenry? The Town already enjoys the benefits of harboring prominent citizens, including substantial disruption of traffic flow and disruption of neighborhood access, in the southern parts of the Town. We contend that the Town does not need to abandon the discipline of land-use restrictions to attract anyone, rich, famous or otherwise. If anything, we need to zone out some high-profile residents.

Is the claim that the Town needs another venue in which its accomplished and prominent residents may congregate? The Town already has several private social clubs of great distinction, as well as some lesser known. While there are undoubtedly many accomplished and prominent people living in the Town of Palm Beach, wealthy and worldly as it is, we disagree that meeting their need for another place to gather—if indeed they feel such a need—is the Town’s business. We disagree even more energetically that providing one more place of rarified social assembly is so important to the Town as a whole that it justifies an exception to land-use restrictions.

Even if one accepted that the Proposed Club would be unique in the Town, would that mean the Town needed it at the Proposed Location? The Town’s residents could reap the same benefits of the Proposed Club if it were located in another part of the Town where its operation would not contravene the purposes of land-use restrictions. A Special Use Permit at the Proposed Location is not needed and therefore not indicated.

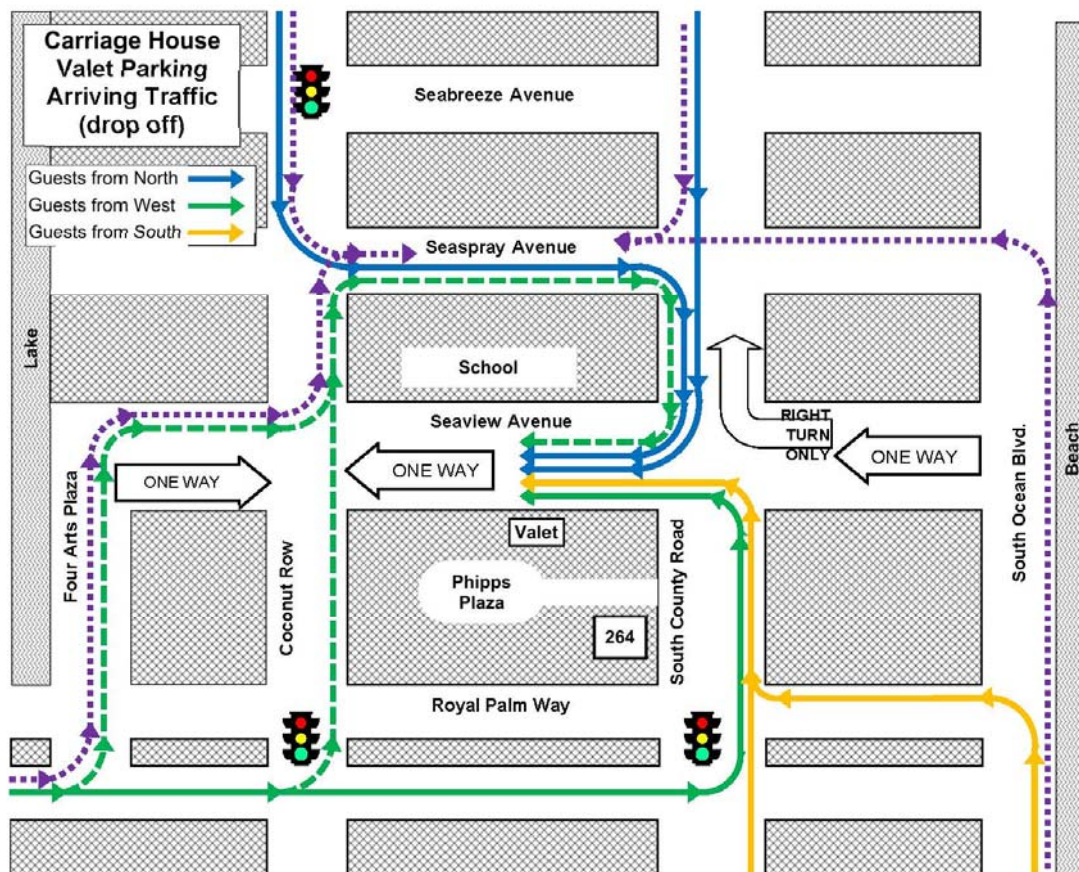
The Town’s land-use restrictions—its lengthy ordinances, its division of the Town’s area into districts—constitute an extensive system of protections. These protections have been adopted thoughtfully, over many years, by a deliberative process that, by its slow pace, extinguishes fleeting ardor, both momentary enthusiasm and momentary apprehension, not to mention short-sighted but fleeting special interests. To justify setting aside the wisdom and difficult

compromises incorporated in land-use restrictions, the Town Council must see a great benefit to the Town as a whole or to the residents in the vicinity of the exception.

Even if there were a special need for this kind of club, and even if the Proposed Location served the Town in some exception-worthy way, permitting the Proposed Club at the Proposed Location would be contrary to the Town's Comprehensive Plan, which, as Carol LeCates has so ably documented in a letter to the Town Council, calls for a reduction in the intensity of land use in the Town. Whatever else the Proposed Club may be, it is undoubtedly an extreme intensification of commercial use.

Being convenient to local schools, the neighborhood near the Proposed Location has a higher density of young families with children than many other neighborhoods in Town. Thus, the impact of traffic from the Proposed Club on this neighborhood must be a special concern. We note that, while the Proposed Club's operations would be diminished during the day, it would have no off-street parking during the day, either, so that the burden it would place on local streets, in terms of traffic and parking, would be no less at mid-day than in the evening. We also note that the report prepared by the engineering firm Kimley-Horn and Associates, Inc. focuses on the location of a valet parking station and the location of off-street parking spaces, but it does not address the circulation of automobile traffic that would be generated by the Proposed Club. We have prepared three maps (not to scale) to address such circulation.

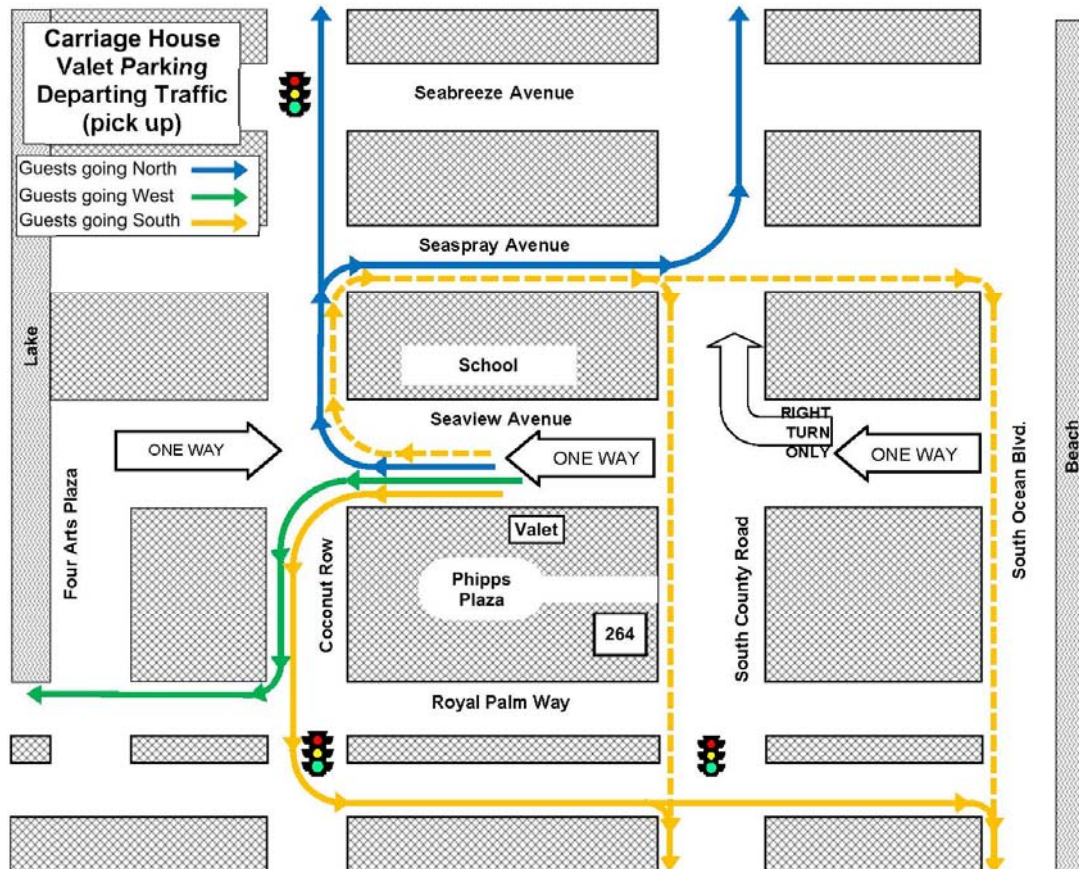
The first shows the routes that arriving guests of the Proposed Club would follow to reach the proposed valet parking station on Seaview Avenue. The solid lines are the primary routes and the dotted lines are alternative routes.



As you can see in the map above, guests arriving from the north via Coconut Row (blue lines) would almost certainly cross the middle block of Seaview Avenue in order to reach South County Road and the right turn into Seaview Avenue. Furthermore, some guests arriving from the west (across the Flagler Memorial Bridge, green lines) would also take Seaview Avenue to reach South County Road, because doing so avoids traffic lights.

For guests planning on self-parking (purple dotted lines), either to avoid valet parking or because there is no valet parking at the time, parking on Seaview Avenue would be the most convenient option regardless of the direction from which they approach, especially during the day on weekdays, when Seaview Avenue is congested with school-related traffic and parking.

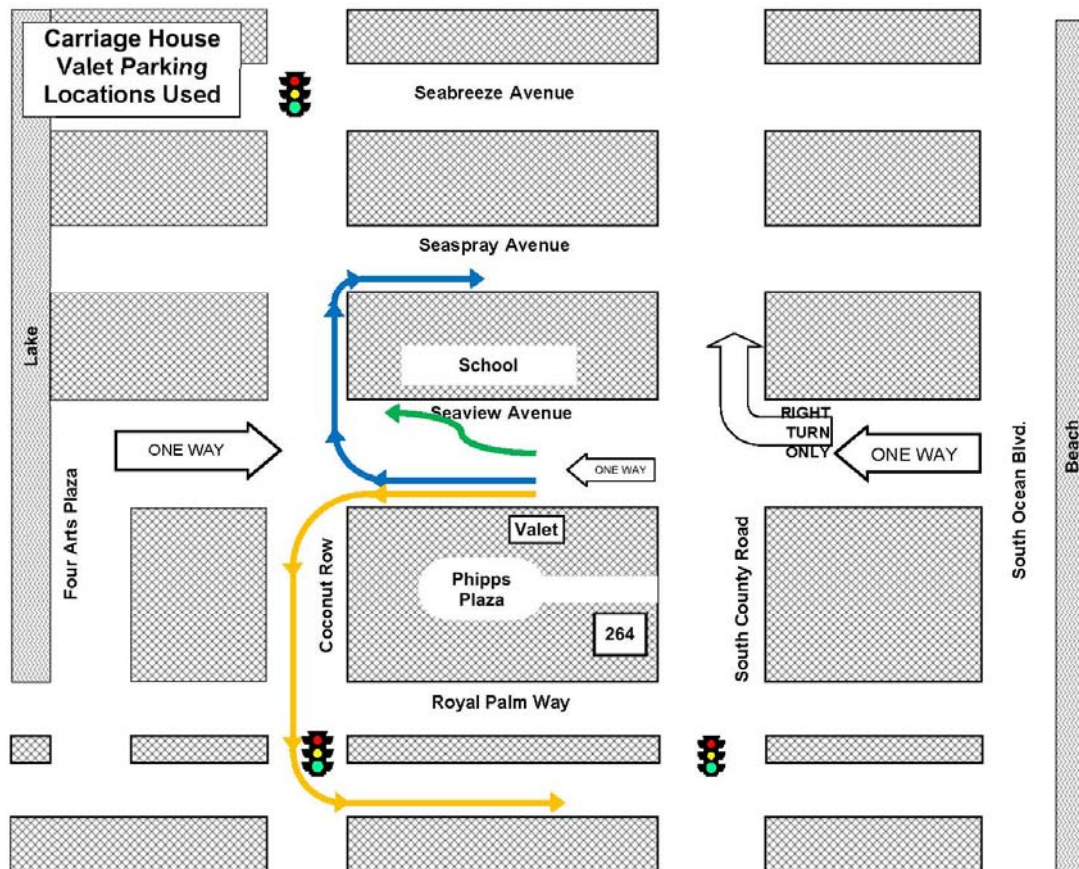
The second map shows the routes that departing guests of the Proposed Club may follow to return north, west and south from the proposed valet parking station on Seaview Avenue. Again, solid lines trace the most obvious routes and dotted lines the alternatives.



The diagram above shows that departing guests who want to head north on South County Road (blue line) would cross Seaspray Avenue and that, to avoid traffic lights, some of those who want to head south (dotted yellow lines) would use Seaspray to reach County Road or Ocean Blvd.

Another point concerning traffic: We who live on Seaspray Avenue near County Road regularly observe how traffic backs up southbound on South County Road when numerous cars are waiting to pick up children from school on Seaview Avenue (and also at the end of work days as vehicles wait to turn right from County Road onto Royal Palm Way). While we think that locating the Proposed Club's valet parking station on Seaview Avenue is a great improvement over locating it on County Road, we do not believe that Seaview Avenue has the capacity to accommodate the numbers of cars that would be waiting for valet parking at peak times (*e.g.*, 7:00PM). The resulting traffic back-ups would extend out of Seaview Avenue onto County Road and would probably require commitment of police resources.

As for parking: It may seem that the number of cars to be parked each evening would fit into the Proposed Club's contracted off-street parking. We believe this would not be so. Thus, a third map:



The map above shows that, to minimize the distance parking valets must run back from parking to their proposed station, they would first fill Seaview Avenue's parking spaces, then they would fill Seaspray Avenue's spaces, and finally their off-street parking on Royal Palm Way would be the closest available spaces. The obvious remedy is to require that the Proposed Club fill its contracted off-street parking before using on-street parking, but in practice, such a requirement to be very difficult to enforce; how can one tell who parked a car on a street unless one observes the act of parking? Even if the Proposed Club does use its off-street parking before on-street parking, with 248 members, each of whom would often bring a spouse and sometimes other family members or guests, there may be well over 100 cars to be parked.

On the "Sea streets" we have smaller lots with less off-street parking than in other parts of the Town, so we rely more upon on-street parking. If the Proposed Club were to use on-street parking on Seaspray Avenue, it would be a great burden to us and our neighbors here. We believe that permit parking on Seaspray Avenue can be an effective remedy for parking

congestion from the Proposed Club. The Town has already enacted a permit-parking regimen on the north side of our street (the middle block of Seaspray Avenue), but permits are required only until 5:00PM. In order prevent to keep cars from the Proposed Club from occupying an unfair share of the available spaces, the hours when parking permits are required must extended into the late evening, say, until midnight.

We know that some of our neighbors hold the view that permit parking is not a satisfactory remedy for the ills that the Proposed Club would inflict on our neighborhood. We respect the fact that those neighbors' circumstances may be different from ours, but for our part, we think permit-only parking until midnight would help. Still, we acknowledge that, unless parking permits were required on other streets in the neighborhood during the evening, we on Seaspray Avenue would merely have pushed our parking congestion onto neighbors' streets. And neighbors who believe permit-only parking would not solve the problem may reasonably be concerned about traffic, a subject not addressed by any of the applicant's materials (at least none published by the Town).

The fundamental problem here is that the Proposed Club would simply be too big—perhaps three or four times too big—for the Proposed Location. If the applicant wants a bigger club, then the applicant should find a truly commercial location. This is not simply a question of finding off-street parking. The automobile traffic that would be generated by the Proposed Club would encroach upon a nearby, quiet neighborhood, in a way that land use regulations are enacted to prevent. Limiting the size of the Proposed Club, along with extending the hours when permits are required for parking on the “Sea streets,” might achieve a balancing of interests between the Proposed Club and local residents.

On a related subject: We expect that residents in Phipps Plaza and Seaview Avenue will address the Town Council concerning the nuisances of food preparation odors and waste and the noise of voices and music, attendant to the Proposed Club's operation. We won't belabor those here, because we are at such a distance from the Proposed Location that these burdens would not fall on us. As neighbors and fellow citizens, though, we urge you to give due consideration to those concerns.

Respectfully, and with appreciation for the work the Town Council does or us,



Zachary Shipley