

**From:** [Pat Gayle-Gordon](#)  
**To:** [Public Comment](#)  
**Subject:** FW: How Big is this Planned Club?  
**Date:** Tuesday, February 13, 2018 8:35:22 AM

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**From:** Steven Jeffrey Greenwald, Esq. [mailto:3102724@gmail.com]

**Sent:** Tuesday, February 13, 2018 7:47 AM

**To:** Town Council <TCouncil@TownofPalmBeach.com>; Town Clerks Staff <TownClerk@townofpalmbeach.com>; Gail Coniglio <GConiglio@TownofPalmBeach.com>; Paul Castro <PCastro@TownofPalmBeach.com>; Town Council <TCouncil@TownofPalmBeach.com>; John (Skip) C. Randolph <JRandolph@jonesfoster.com>; Danielle Hickox Moore <DMoore@TownofPalmBeach.com>; Bobbie Lindsay <BLindsay@TownofPalmBeach.com>; Margaret Zeidman <MZeidman@TownofPalmBeach.com>; Julie Araskog <jaraskog@TownOfPalmBeach.com>; Richard Kleid <RKleid@TownofPalmBeach.com>; Maura Ziska <mziska@floridawills.com>

**Subject:** How Big is this Planned Club?

So how large is this club anyways?

The hearing is tommorow. Much has been sent.

So I promise, filings before this hearing, to only send if I see something *kind of close* to what's known in law as "shocks the conscience." (A phrase, refers to "a situation that seems grossly unjust to the observer." Judges use the phrase as a test to decide if situations are so wrong the court must intervene. (Lex Law Dictionary).

There was a filing by the developer prepared by Kimberly Horn showing the size of the club. Perhaps it is somewhere in the agenda, I clicked repeatedly, not there now, gone but no matter. The following is the size of the club from Kimberly Horn's Club Plan Info, I copied it (last week) for each floor and building, the total club size:

**2,081+2101+2490+369+938+3185.** So a total of **11,164** Square feet in size (*see: Kimberly Horn Page 1, club plan size*).

Instead of Kimberly Horn's report, page 1 showing the size, we now have in its place a letter by Maura Ziska, Esq. dated Feb. 9, 2018 that has also been sent to residents:

"The usable square footage of the proposed private club is 7,600 not 11,000 square feet (the larger number is the "gross" number that includes bathrooms and other non-public spaces)"

But what does the **Town Law**, that the developer knew he had to follow when he bought the property, say on the town website in Section 134-1107, very easy to find and read:

"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.

(2) Offices, executive office suites, professional services, business services, excluding veterinarian offices, and securities and financial brokerage and trust companies above the first floor.

(3) Offices, professional services, business services and securities and financial brokerage and trust companies in the 200 block of Peruvian Avenue and Bradley Place.

(4) Nonprofit cultural centers.

(5) Professional and studio type schools.

(6) Storage facility related to a permitted or special exception use in the district provided said use meets all additional conditions in section 134-1760 of this chapter.

(7) Essential services.

(8) Public parks.

**Note above:** Town law uses the word "**Maximum**" ("highest amount possible" or "upper limit", *Websters Dic.*)  
Also the word "**enumeration**" (enumeration means "counting" *See Websters Dic.*)

So, what does **Gross leasable area** mean? Well lets look again to the Palm Beach Town **definition**, very easy to do:

"Sec. 134-2. - Definitions and rules of construction.

**"Gross leasable area (GLA) means** the sum of the **gross horizontal area** of all floors on one building, which are leased, rented or owned areas within a building, **measured from the interior faces of exterior walls and from the interior faces** of common interior walls, exclusive of common areas. For the purposes of this definition, the gross leasable area of a given use **shall include all floor areas being used**, advertised or operated under a single commercial use name which are adjacent to one another; or all floor areas being used, advertised or **operated under a single commercial use name which are within 1,500 feet of one another**; or all floor areas being used or operated under different commercial use names, but for which interior access between/among them is provided."

**Nowhere does the law say "excluding bathrooms" or "excluding non-public space."**

We are not allowed **to write our own ordinance definitions**. We all have to follow the Town Ordinance and its definitions.

So that's the answer, pretty simple to find: This planned club enterprise size is: **11,164 square feet**.

This is almost 400% more than the law allows. Hence you will hear neighbors on February 14, saying the words: "huge" "quite large", "enormous", etc. All your friends and neighbors now know the number **11,164**.

Respectfully your neighbor, Steve

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Steven Jeffrey Greenwald, Esq.

Email address:

[3102724@gmail.com](mailto:3102724@gmail.com)

U.S.A. Telephone & voicemail:

[561-310-2724](tel:561-310-2724)

Mailing address: P.O. Box 3407  
Palm Beach, Florida 33480 - U.S.A.