



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 00001446.09000  
Writer's E-Mail Address: jcrowley@gunster.com

March 19, 2019

**VIA EMAIL AND US MAIL**

Mayor Gail Coniglio  
Council President Danielle Moore  
Council President Pro Tem Maggie Zeidman  
Councilmember Bobbie Lindsay  
Councilmember Julie Araskog  
Councilmember Lew Crampton  
Town of Palm Beach  
360 S. County Road  
Palm Beach, FL 33480

RECEIVED

MAR 19 2019

Town of Palm Beach  
PZB Dept

Re: The Breakers Palm Beach, Inc: Request for Zoning Text Amendment to Allow Hotel as a Permitted Use in the PUD-A Zoning District

Honorable Mayor and Councilmembers:

On behalf of the Breakers Palm Beach, Inc. ("The Breakers"), we respectfully submit for your consideration this request to change the text of Section 134-622 of the Town's Code of Ordinances, entitled "Permitted land uses in the PUD-A district," to add "resort hotel" as a permitted use within the Breakers Planned Unit Development ("PUD").

For historic reference, the Breakers PUD was originally approved by the Town Council in 1971 through the adoption of Resolution 6-71. At the time the PUD was approved, the primary use of the property as a resort hotel had been in existence for more than 70 years. The creation of the PUD enabled the Breakers and the Town to thoughtfully plan the future residential and accessory hotel development at the property, to preserve open space, and to mitigate impacts of future development through a master planning process that has benefitted the Breakers and the Town since 1971.

Despite this thoughtful planning and the many subsequent modifications to the Breakers PUD, the Town Code has never explicitly authorized the resort hotel as a permitted use in the PUD-A zoning district which governs the property. Instead, Section 134-622 provides that any use permitted in the R-D(1), R-D(2), C-TS, C-WA, C-OPI or C-PC districts "shall be permitted in planned unit developments in the PUD-A district." While these zoning districts enable the

Breakers to conduct dozens of uses as of right, none of them authorizes "hotel" or "resort hotel" as a permitted use.

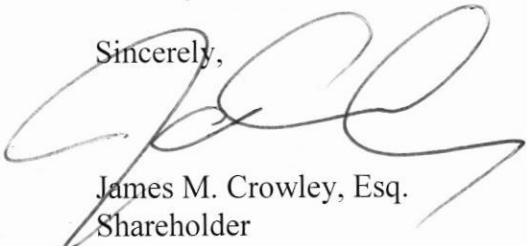
Practically speaking, the omission of "resort hotel" from the permitted uses in the PUD-A zoning district renders the hotel a Special Exception use, which requires The Breakers to apply for Special Exception and Site Plan Approval for almost every capital improvement project at the property - even those seeking to undertake minor improvements that have no impact on any surrounding properties or residents. For a property of this size, the additional regulatory step creates an incredible burden and requires perfect foresight of future maintenance issues and guest service needs.

The amendment of Section 134-622 will not require a modification of the Breakers PUD, and will not affect the vested development rights at the property, the long term lease of the Pine Walk transfer station, or the requirement to maintain the golf course as open space for as long as the property is zoned PUD-A. All previously negotiated conditions of PUD approval will remain in effect. The only change resulting from this request will be the speed and efficiency with which The Breakers can respond to the challenges of maintaining such a large and iconic property.

With these considerations in mind, we respectfully request the addition of "resort hotel" to the text of Section 134-622 in order to formally codify the use of the property as it has existed for more than a century.

Thank you in advance for your consideration of this request.

Sincerely,



James M. Crowley, Esq.  
Shareholder

JMC

cc: John C. Randolph, Esq.  
Joshua Martin, AICP, CNU-A  
Paul Castro, AICP  
Paul N. Leone  
Alex Gilmurray  
Wayne Bergman