



TOWN OF PALM BEACH
Planning, Zoning & Building Department
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP
Director PZ&B

SUBJECT: ZON-21-019
223 ROYAL POINCIANA WAY

MEETING: December 15, 2021

ZON-21-019 223 ROYAL POINCIANA WAY. The applicant, Flagler Holdings, has filed an application requesting Town Council review and approval for a Special Exception Request to expand by approximately 840 SF of additional retail space to an existing merchant retail space for a total of 3,532 SF.

Applicant: The Breakers Palm Beach, Inc.
Professional: Roger Janssen / Dailey Janssen Architects
Representative: James M. Crowley, Esq.

HISTORY:

The site plan for Via Flagler was originally approved in 2015 pursuant to application for Site Plan Review #13-2014 with Special Exceptions and Variances.

PROJECT DATA:

Zoning District: C-TS
Future Land Use: Commercial
Lot Size: 52,910 SF
Existing Height: 35'
Permitted Height: 35'
Existing Lot Coverage: 81.2%
Permitted Lot Coverage: 70%

Total Square Footage: 3,532 SF
Base Flood Elevation: AE-6' NAVD

SURROUNDING PROPERTIES:

North: Two-story 2020 multi-use building
South: 1900 golf course
East: Two-story 2020 multi-use building
West: 1973 financial building

THE PROJECT:

The applicant has resubmitted plans, entitled "Main Street By The Breakers", as prepared by **Dailey Janssen Architects**, dated 09/30/2021.

The following is the scope of work for the Project:

- The combination of existing Suites 1 (currently vacant retail space) containing 840 SF and 2 (currently occupied by Main Street), resulting in existing merchant retail space for a total of 3,532 SF.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- Section 134-1109(a)(11), permitted uses (such as retail) in the C-TS zoning district consisting of greater than 3,000 SF of GLA require special exception and site plan approval from the Town Council.

SPECIAL EXCEPTION CRITERIA SEC. 134-229

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.

- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **retail use** is **consistent** with the **Commercial** designation of the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the Town code.

STAFF ANALYSIS

The Breakers is seeking to combine two retail bays into one larger bay for the expansion of the Main Street retail operation.