

# TOWN OF PALM BEACH

Information for Town Council Meeting on: December 9, 2020

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To: Mayor and Town Council

From: Wayne Bergman, Director of Planning, Zoning & Building



Cc: Kirk Blouin, Town Manager

Re: 160 Royal Palm Way – Palm House Hotel. Appeal of Arcom Decision to Approve Additions and Modifications

Date: November 24, 2020

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## **GENERAL INFORMATION**

Property owner LR Palm House LLC made an application to Arcom earlier this year to add additions and to modify the existing hotel at 160 Royal Palm Way. The matter was heard at the October 28, 2020 Arcom meeting and was approved, with the exception of the landscape plan, service gate and building paint color, which were scheduled to return to Arcom in November. During the meeting, Attorneys Donald J. Lunny, Jr., representing the owner of 133 Brazilian Ave., and John R. Eubanks, Jr., representing owners at 140, 141 and 149 Brazilian Ave., spoke in opposition to the project. Please see the partial minutes of the Arcom meeting that summarize the discussion and approval.

The appeal of the Arcom decision was filed by Attorney Lunny on November 6, 2020. Attorney Eubanks filed a “joinder” in the appeal of the Arcom decision on November 9, 2020. The filing of the appeal was in compliance with Town Code 18-177, which allows appeals from Arcom decisions to be filed within ten (10) calendar days of the meeting at which the decision of the Commission is rendered.

Attached:

Chapter 18, Section 18-177 – Appeals and Review

Attorney Lunny Appeal Packet, with Cover Letter dated November 6, 2020 Dated November 6, 2020

Attorney Eubanks Joinder Packet, with Letter Dated November 9, 2020

Partial Minutes from the October 28, 2020 Arcom Meeting

Sec. 18-177. - Appeals and review.

An applicant or any interested party may file an appeal to the town council on any ruling by the architectural commission or the director of the planning, zoning and building department or his/her designee made pursuant to this article. The appeal shall take the form of a letter addressed to the town clerk. In the case of an appeal from the architectural commission, the appeals shall be filed or made within ten calendar days of the date of the meeting at which the decision of the commission is rendered. In the case of an appeal from the decision of the director of planning, zoning and building, the appeal shall be filed or made within ten calendar days of the date the director of the planning, zoning and building department or his or her designee renders the decision in writing. Appeals shall set forth the alleged inconsistency or nonconformity with procedures or criteria set forth in this article or standards set forth in or pursuant to this Code. The town council shall decide an appeal within 45 days of the filing of such appeal unless an extension of time is consented to by the applicant, and such filing shall suspend any building permit issued pursuant to the ruling of the architectural commission or director of the planning, zoning and building department or his/her designee until the town council has decided the appeal. The town council may review any decision of the architectural commission or the director of the planning, zoning and building department and its disposition of the matter shall be final. In addition to appeals, the town council shall consider major projects as defined in the ARCOM Project Designation Manual at the next regularly scheduled town council meeting, subsequent to the meeting of the commission. The disposition of such matters by the town council shall be final. Appeals filed pursuant to this section shall be based on the record of the proceedings below and shall not be presented de novo. The time allotted for presentation of an appeal shall be determined by the town council president.

(Ord. No. 11-2015, § 1(Att.), 4-15-15)



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**Please reply to Fort Lauderdale**

November 6, 2020

Queenester Nieves  
Town Clerk  
Town of Palm Beach  
360 S. County Road  
Palm Beach, FL. 33480

*Via Federal Express*

Re: The Palm House Hotel  
160 Royal Palm Way,  
Palm Beach, Florida 33480

Dear Town Clerk Nieves:

This Firm Represents Virginia C. Simmons, individually and as Trustee of the Virginia C. Simmons Revocable Trust U/A/D May 4, 2018, the owner of single-family residential property having a street address of 133 Brazilian Avenue, Palm Beach, Florida. Because our client continues to be very concerned with aspects of proposed Palm House Hotel that will likely increase activity and noise in the rear and east of the Hotel, and expand buildings and structures that are already non-conforming, our client is reluctantly constrained to continue to take steps to preserve various positions to challenge such development's approval. Our client hopes that with the changes requested in this correspondence, the Application can be made more acceptable to her and the other adjacent single-family properties which will be affected by the proposed development.

Since the October 28, 2020 Town Architectural Commission ("ARCOM") Meeting was so close in time to the Town's consideration of the proposed development's variances and special exceptions, Part 1 of this letter is an Appeal of the ARCOM October 28, 2020 Decision, Part 2 of this letter is directed towards the Town Commission's November 13, 2020 consideration of the development's variances and special exceptions; Part 3 of this letter is directed at the proposed Third Amendment to Declaration of Use Agreement; and Part 4 of this letter is directed to some remaining aspects of the Site Plan.

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**Part 1.**  
**Appeal of 10/28/2020 ARCOM Decision for Major Project**  
**Application No. B-063-2020 REV 2**

Please consider Part 1 of this letter an Appeal of ARCOM's October 28, 2020 decision ("ARCOM Decision") with respect to The Palm House Hotel ("Applicant") Application No. B-063-2020 REV 2 ("Application"). We have enclosed a Trust Account Check made payable to the Town of Palm Beach for the required fee for this Appeal. While the Town has the video recordings of the September 25, 2020 ARCOM Meeting and the October 28, 2020 ARCOM Meeting, Application No. B-063-2020, Application No. B-063-2020 REV 2, our correspondence dated September 23, 2020, and our correspondence of October 26, 2020, it is our view that such entire record of the proceedings may not be needed by the Town Commission for purposes of the Appeal, and so unless the Town Commission otherwise requires such full record, or we direct you to prepare same; we think the Exhibits included in this Part should be sufficient for the Appeal's purposes.

The reasons for the Appeal are as follows:

1. This proposed development should not be reviewed in a "piecemeal fashion."

The ARCOM Decision results in the development being considered in a "piecemeal fashion," and thus the Town Commission's review of the Application will also be "piecemeal" in nature. Specifically, ARCOM has not approved the Application's landscape plans, and is requiring the proposed landscape plans along the southern and east property lines to be returned to ARCOM for further review. Our client raised concerns with the overall feasibility of the Application's landscape plans at the initial ARCOM hearing of September 25, 2020 and asked that the landscape plans be reviewed. When the application was revised and presented to ARCOM on October 28, 2020, our client pointed out that the landscape plans detailing the proposed landscape buffer and screening (See Exhibit 1, Application Plan Sheet A-121) was not drawn to scale. Further, in light of the Survey included with the initial application (see Exhibit "2") the Applicant did not own enough land South and East of the Hotel improvements and within its Property to accommodate the proposed plantings. (See Exhibit "3", Application Plan Sheet A-122). Thus, the Application's illustrated landscape buffers and screening in these areas is not feasible. We believe that this observation motivated ARCOM to require the proposed landscape buffers and screening to be re-evaluated and brought back to ARCOM for consideration.

Landscape buffers and screening are very important to both improve aesthetics and reduce adverse secondary effects that arise from locating a highly intense commercial development adjacent to single-family residential homes. Indeed Sec. 134-129(5) of the Town's Code provides that for a Site Plan to be approved:

"...the [t]own [c]ouncil shall make a finding that the approval of the site plan ... will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have ...been met and that further, satisfactory provision and an arrangement has ...been made concerning the following matters, where applicable....

(5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property's boundaries.  
..."

Further, a Project's proposed landscape buffers and screening are often considered in determining whether to grant various development orders such as the variances and special exceptions that are also requested for the overall Project.

We would encourage the Town Commission to vacate the ARCOM Decision, and remand the Application to ARCOM, so that when ARCOM's review of the Application is *entirely* complete, the Town Commission can then consider the Project instead of addressing this important major development in a piecemeal fashion.

2. ARCOM erred in approving the new full-service bar and restroom building.

The Application proposes a new full-service bar and restroom building which is located contiguous to and West of the expanded Function Room. (See Exhibit "4", Application Plan Sheet 1-104). Prior approved plans showed chemical storage and pool equipment area where this new full-service bar and restroom building are proposed (see Plan Sheets A-200 and A201, attached as Composite Exhibit "5"). The Exhibit "4" Application Plan Sheet No. A-104 clearly shows that this Bar/Restroom building is located within the rear yard setback area established by the CB Zoning District regulations. Therefore, its proposed location is contrary to the Town's Code.

Additionally, the expanded Function Room building is non-conforming to the Town's regulations, any addition or expansion of the Function Rom must comply with the Town Code's rear yard setback requirements. In relevant part, Subsection 134-416(d) of the Town's Code states as follows:

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“(d) It is further the intent that, by the provisions of this chapter or by amendments that may be adopted, there may exist buildings or structures which were lawful before this chapter was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this chapter or future amendments thereto. It is the intent of this chapter to permit these nonconforming buildings and structures to exist until they are voluntarily removed, removed by abandonment, or otherwise removed as required by this chapter, but not to encourage their survival. Such nonconforming buildings and structures are allowed to be enlarged, expanded or extended, provided that said enlargement, expansion or extension meets all of the lot yard and bulk regulations for the zoning district in which the building or structure is located and provided that said enlargement, expansion or extension is not used as grounds for adding other buildings or structures prohibited elsewhere, in the same district.” (Emph. Suppl).

Further, Sec. 134-417 of the Town’s Code states as follows:

“A building or structure which is nonconforming with any of the lot, yard and bulk, regulations may be enlarged, expanded or extended to occupy a greater area of land provided that the enlargement, expansion or extension complies with all lot, yard and bulk regulations for the zoning district in which the building or structure is located. This section shall not apply to a building or structure which is demolished by more than 50 percent, as provided for in section 134-419(1), in preparation for any proposed enlargement, expansion, or extension of a building or structure.”

In approving the location of the Bar/Restroom Building, it is our client’s contention that ARCOM did not *satisfy* Sec. 18-205 (a) (9) of the Town’s Code which indicates that in order for ARCOM to approve a proposed project, it must determine that:

“(9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.”

Thus, the ARCOM Decision to approve this new Full-Service Bar and Restroom Building should be REVERSED on Appeal.

3. ARCOM erred in approving other structures in the rear yard setback area.

Other aspects of the proposed development's structure are also in the rear yard setback, such as the pool water fountain feature and the expansion of the Function Room to enclose more interior space.

There was no Town Staff Report prepared for the ARCOM hearing, however, our client learned at the October 28, 2020 ARCOM hearing; that the currently proposed fountain is *smaller* than what was previously approved, and provided this remains the case, our client will no longer object to same; however, if this is not the case, our client will continue to object to same.

Similarly, our client requested that significant efforts to sound-proof the Function Room's enclosed space be included in the Town's approval, and upon receiving a confirmation that this will be required *and provided*, our client will not object to the increase in the Function Room's enclosed space as also being an expansion to a nonconforming building that is prohibited by the Town's Code. The rationale for not objecting to the increase in the Function Room's enclosed space is that, hopefully, the resulting *indoor* activity will become very noise controlled.

Wherefore, our client would respectfully request that the Town Commission reverse or vacate the ARCOM Decision, and remand the Application to ARCOM for proceedings consistent with any instructions in the Town Commission's ruling if any, and further, our client would request any other relief the Town Commission may determine proper and appropriate.

**Part 2. Comment on the Requested Variances and Special Exceptions**

1. The Variances should be denied because they are "Self Created."

Our review of the Town's variance law would cause an objective reader to doubt whether sufficient grounds for granting a variance are present in this case. The Palm Beach County Property Appraiser records discloses that the applicant, LR Palm House LLC, a Delaware Limited Liability Company, obtained a Debtor in Possession Deed to the site on May 15, 2019, which is *after* the 2016 Town conditional development approvals. A copy of the Deed is attached as Exhibit "6".

The Exhibit "2" Application Survey prepared by Wallace Surveying Corporation discloses that The Palm House Hotel property is uniformly rectangular, having a 300' x

200' dimension. Thus, the real property on which The Palm House Hotel sits has no irregular contours or shape which would support a variance request. Moreover, the dimensions of the Applicant's Property *more than satisfies* the C-B Zoning District's minimum lot area, lot width, and lot depth requirements (*See* Sec. 134-1308 (1), (2), (3) Town Code).

Given that the Applicant acquired the development *after* the 2016 Town approvals, and given that the Applicant's real property is not irregular and more than satisfies the Town's C-B District minimum dimensional requirements, any claimed "hardship" for the requested Variances should be viewed as "*self-created*" in as much as a *developed site* was acquired by the Applicant simply put, Application results from the Applicant's desire to change things. A "self-created" hardship cannot be the basis for granting a Zoning Variance. The Variances should be denied.

2. The Town's Zoning Regulations do not authorize the Town Commission to grant a Special Exception for the Palm House Hotel.

The Application states that Special Exceptions are needed for the Site Plan to be approved. Our review of the Town's Special Exception law would cause an objective reader to doubt whether the Town Commission can grant Special Exceptions in this case. Sec. 134-229 (1) of the Town Code reads as follows:

"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."

The Town's C-B District Regulations define the applicable Special Exception Use in Section 134-1304 (a) (5) as follows:

- (a) The special exception uses require a site plan review as provided in article III of this chapter. The special exception uses in the C-B commercial district are as follows:
  - (5) Hotels at a maximum of 26 units per acre.

Our review of the Application's Survey discloses that The Palm House Hotel property is rectangularly shaped, with dimensions of 300.00' X 200.00 feet. Thus, the Applicant's Property is 60,000 SF in area, or  $(60,000 \div 43,560 =)$  1.376 acres in size. The CB Zoning District regulations *as applied to the Applicant's Property* limit the Town Council's authority to grant a Special Exception to a Hotel having a maximum of 36 units. Since



the Applicant's hotel is not a listed special exception use in the Town's CB Zoning District's regulations, the requested Special Exceptions cannot be granted.

### PART III

#### **The Draft 3<sup>rd</sup> Amendment to Declaration is not sufficient to mitigate potential adverse secondary effects of the Hotel.**

1. In 2012, the historical digest received by our client for the zoning application discloses that the Town Commission conditioned its approval of the development orders it then granted to indicate in Condition 4 that *"The pool deck area shall be allowed only background music and light live music with the speaker system directed to the North. There shall be no music on the abutting grass area."* The Amendment to Declaration of Use Agreement recorded in Official Records Book 25694 at page 0633 indicates in Article IV, Paragraph 3 that there will be *no events* on the pool deck, the grass area will remain *"passive,"* and music on the pool deck will be only background or light live music with the speaker system directed to the North. (See Exhibit "7" for the Amendment to Declaration of Use Agreement). The proposed, draft Third Amendment to Declaration and Use Agreement indicates that *"Pre-function events will be allowed on both the pool deck and the grass area"*. While the proposed Third Amendment does not allow music in the grass area, it has no restrictions whatsoever on other forms of amplified sound. Our client would request that the Third Amendment be revised in this regard to:
  - a. Add the words *"noise controlled, passive"* before the words *"pre-function events"* for the grass area;
  - b. Prohibit such *"pre-function events"* on the pool deck;
  - c. Restrict the hours of noise controlled, passive pre-function events in the grass area to reasonable hours (from 10:00 am to 7:00 pm.)
  - d. State that there will be no *outdoor* music (live or recorded), no *outdoor* live entertainment, and no *outdoor* amplified sound permitted anywhere on the Land, with the exception of *background* live or *background* recorded music which will be permitted on the pool deck from 9:am to 7:00 PM. *"Background live or recorded music"* is defined music having a low enough volume that normal conversation can be held over the music. Background live music shall have speakers for same directed to the North.
2. The Applicant has represented to ARCOM that there will be no rooftop guest access to the Hotel or the Function Room; however, these restrictions have been *removed* from the proposed Third Amendment to Declaration of Use Agreement. Once removed, they will

no longer be considered a restriction or condition of Project approval. The Declaration of Use Agreement should clearly state: *“No hotel guests, or other social or leisure activity or entertainment of any kind will be permitted on the roofs of the hotel, the function room, or other accessory buildings”*.

3. Generally, the Declaration of Use Agreement refers to a “function area” and our client would request the more precise term “Function Room” be used instead.

#### **Part IV. Other Site Plan Comment**

1. **Our client objects to the Function Service Building and Bar/Restroom Building.**

- A. The Application now includes a “Function Service Building” which is contiguous to a portion of the East building face of the Function Room. (See Exhibit “4,” Plan Sheet A-104) Our client objects to this expansion to the Function Building, as it increases the activity of the Site along the East property line. The Function Service Building’s supportive activities (especially activities related to cleanup and removal of Function Room Events) will likely be after dark, and both noise and vehicle light will be caused by loading area activities (from vehicles turning in the loading area shown on the Site Plan, or being used to transport equipment, furnishings, food, and beverages into either the Function Room or Function Service Building).
- B. Our client has objected to the Function Room Bar/Restroom Facility Section 1 of this letter as being an expansion to a nonconforming building. We were informed by ARCOM that “use issues” were within the Town Commission’s purview. Additional reasons supporting our client’s objection to these areas are set forth herein.

The Hotel is currently a non-conforming *use*, and Sec. 134-387 of the Town’s Code provides:

“Sec. 134-387. - Extension or expansion.

No nonconforming use shall be enlarged, increased, intensified, substituted or extended to occupy a greater area than it occupied at the effective date of adoption or amendment of this chapter, except as may be granted by variance under section 134-201. No such nonconforming use shall be relocated in whole or in part to any portion of a lot or parcel except the location occupied by such use at the effective date of adoption or amendment of this chapter.”

The Town should not allow the nonconforming use to expand by granting Variances for the Function Service Building or the Function Room Full-Service Bar and Restroom Building, since the hardships are “self-created.”

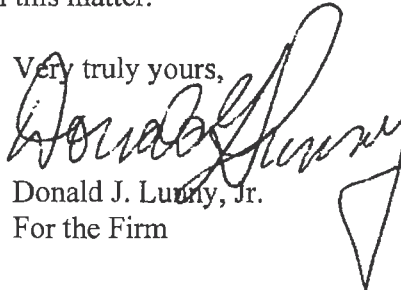
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2. Our client shares the Zoning Administrator's concerns as expressed in the Town Staff's 11/2/2020 Staff Report.
  - A. The Function Room Seats should remain restricted to 150 dining room seats. Granting additional seating, and removing dining room seating as requested, increases the intensity of the non-conforming use in the rear and eastern portion of the Property. As stated above, our client is very concerned with additional improvements and activity in these areas of the Property.
  - B. The more than doubling of outside seating is problematic, as again, this increases the intensity of an existing non-conforming use. Our client would request that the amount of outside seating not exceed prior approvals. In view of the above, our client would request that the Town Commission not approve the Full-Service Bar and Restroom Building, not approve the Function Service Building, and limit outdoor seating as suggested. Additionally, our client would request whatever other relief the Town Commission may deem proper.
  - C. Our clients comment in support of Staff's concerning the Declaration and the so called "Pre-function" events are set forth in Part III of this letter above.

### Conclusion

Please ensure that a copy of this correspondence and its Exhibits are given promptly to the Mayor and Members of the Town Commission. We wish to thank the Town for its consideration of this matter. Finally, we reserve the right to raise additional objections and legal and factual arguments in connection with these matters should it become appropriate to do so as we continue to learn about and participate in this matter.

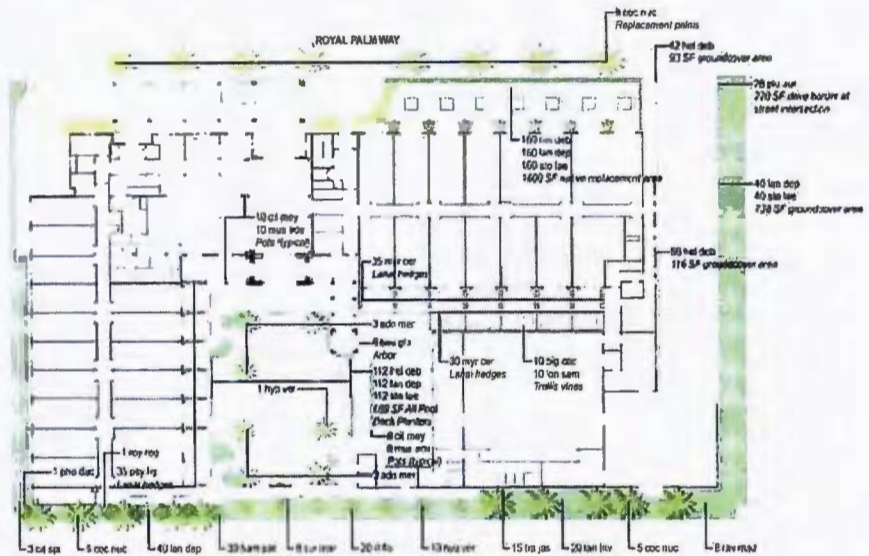
Very truly yours,



Donald J. Lunny, Jr.  
For the Firm

Cc w/encl: (Via E-mail):  
Mr. Wayne Berman;  
John C. Randolph, Esq.  
Maura Ziska, Esq.

Area (SF)	Landscape Designation
7 477	Front Yard (East Side)
412	Porch-cochere
97	E Entry Planting Area
173	W Esky Planting Area
733	W Property Line Planting Strip
956	E Property Line Planting Strip
83	New Planter - East Drive (A)
115	New Planter - East Drive (B)
1 697	S Property Line Planting Strip
973	Event Lawn
669	Pool Deck Planters
133	W Lanai Hedges (dividers)
119	E Lanai Hedges (dividers)
85	E Lanai Southern Hedges
85	Wine Area for Treils
8 815 SF	TOTAL LANDSCAPE AREA



OVERALL SOUTH ELEVATION - WITH PROPOSED LANDSCAPE SCREENING

LANDSCAPE PLANTING PLAN

A121



The Palm House Hotel

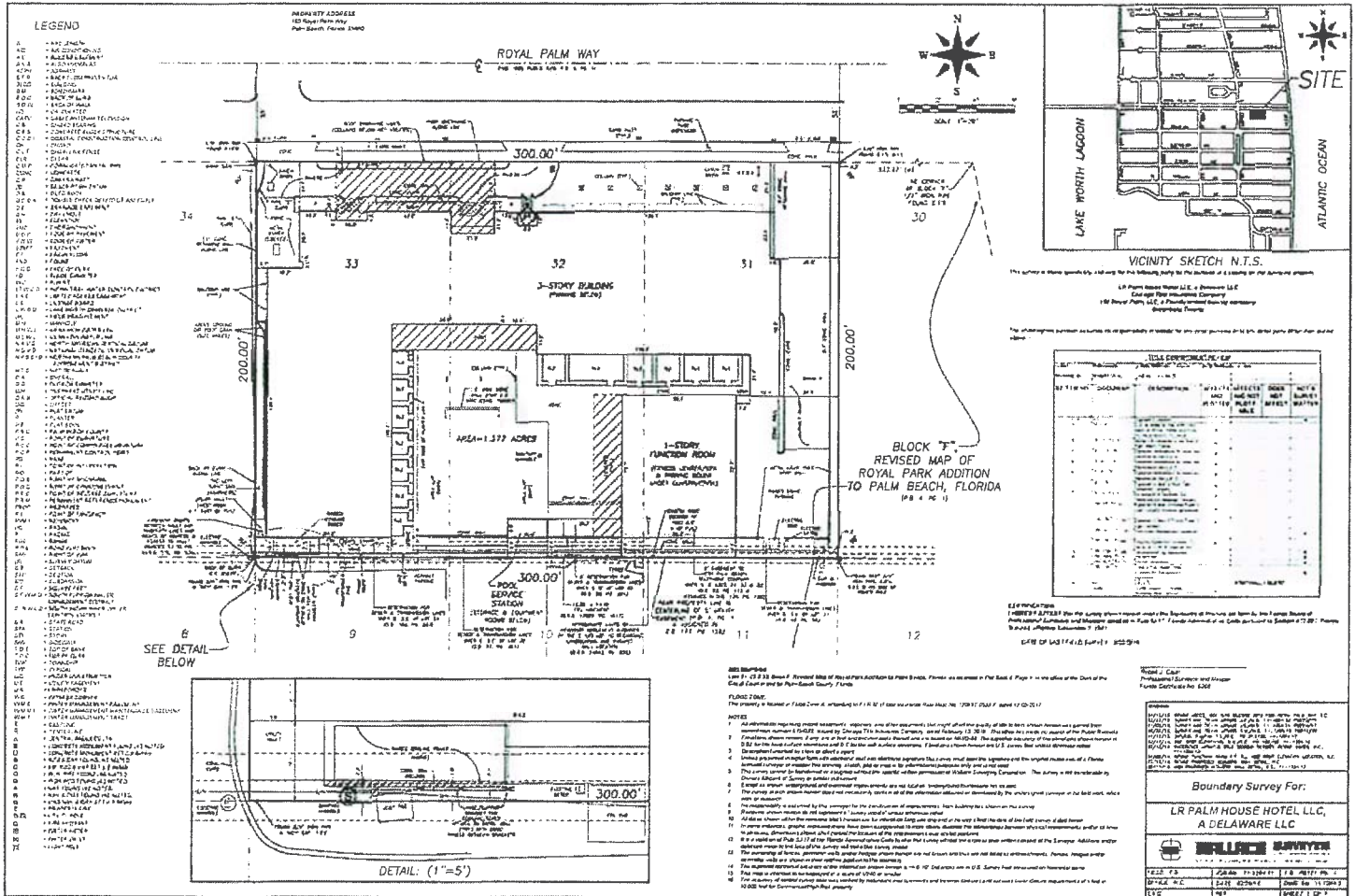
466 Royal Palm Way

EXHIBIT 1



COOPER CARRY

License # AA2600496 | B-03-2020  
OCTOBER 28TH, 2020 | 7-10-00189



**PLANT SCHEDULE**

**PALMS**

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Ado mer	6	<i>Adonidia merrilli</i>	Christmas Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	8 feet	4 feet	25 feet	8 feet	Pool deck planting
Coc nuc	18	<i>Cocos nucifera</i>	Coconut Palm	B&B	10' clear trunk, single	As shown	Non-Native	15 feet	8 feet	60 feet	20 feet	Street planting replacement palms
Hyo ver	14	<i>Hyophorbe verschaffeltii</i>	Spindle Palm	25 gallon	5' clear trunk, single	As shown	Non-Native	7 feet	3 feet	25 feet	8 feet	Pool deck planting
Pho dec	1	<i>Phoenix dactylifera</i>	Dale Palm	B&B	8' clear trunk, single	As shown	Non-Native	12 feet	4 feet	70 feet	20 feet	Perimeter plantings
Rav mad	8	<i>Ravenala madagascariensis</i>	Traveler's Palm	25 gallon	3' clear trunk, multi-stem	As shown	Non-Native	8 feet	4 feet	30 feet	18 feet	South border screen planting
Roy reg	1	<i>Roystonea regia</i>	Royal Palm	B&B	10' clear trunk, single	As shown	Native	15 feet	8 feet	60 feet	20 feet	Perimeter plantings

**TREES**

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit spi	3	<i>Citharexylum spinosum</i>	Fiddlewood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings
Gym luc	3	<i>Gymnanthes lucida</i>	Crabwood	3 gallon	24"	As shown	Native	24 inches	18 inches	20 feet	15 feet	Perimeter plantings

**SHRUBS**

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Cit mey	18	<i>Citrus x meyeri</i>	Meyer Lemon	2 quart	12"	As shown	Non-Native	12 inches	8 inches	6 feet	3 feet	For use in pots at pool deck
Ham pal	30	<i>Hamelia patens 'Compacta'</i>	Dwarf Firebush	3 gallon	18"	24" O.C.	Native	18 inches	12 inches	4 feet	3 feet	Perimeter plantings
Ill flo	20	<i>Illicium floridanum</i>	Florida Anise	3 gallon	24"	36" O.C.	Native	24 inches	18 inches	12 feet	8 feet	Perimeter plantings
Lan inv	20	<i>Lantana involucrata</i>	Wild Sage	1 gallon	12"	36" O.C.	Native	12 inches	6 inches	4 feet	3 feet	Pool deck planters
Mus acu	18	<i>Musa acuminata 'Dwarf Cavendish'</i>	Dwarf Banana	1 gallon	12"	As shown	Non-Native	12 inches	8 inches	6 feet	4 feet	For use in pots at pool deck
Myr cer	65	<i>Myrica cerifera</i>	Wax Myrtle	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	6 feet	3 feet	Lanai hedges
Plu aur	28	<i>Plumbago auriculata 'Imperial Blue'</i>	Blue Plumbago	1 gallon	12"	48" O.C.	Non-Native	12 inches	8 inches	6 feet	8 feet	Perimeter plantings
Psy lig	35	<i>Psychotria ligustrifolia</i>	Bahama Coffee	1 gallon	12"	24" O.C.	Native	12 inches	8 inches	4 feet	4 feet	Pool deck planters and Lanai hedges
Sur mar	8	<i>Suriana maritima</i>	Bay Cedar	3 gallon	18"	As shown	Native	18 inches	12 inches	10 feet	8 feet	Perimeter plantings

**VINES**

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Big cap	10	<i>Bignonia capreolata</i>	Crossvine	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Bou gla	6	<i>Bougainvillea glabra</i>	Bougainvillea	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	Trellis planting
Lon sem	10	<i>Lonicera sempervirens</i>	Coral Honeysuckle	1 gallon	12"	12" O.C.	Native	NA	NA	NA	NA	Trellis planting
Tra jas	15	<i>Trachelospermum jasminoides</i>	Star Jasmine	1 gallon	12"	12" O.C.	Non-Native	NA	NA	NA	NA	South border screen plant

**PERENNIALS AND GROUNDCOVERS**

Key	Qty	Botanical Name	Common Name	Root	Size	Spacing	Native or Non-	Height at Planting	Spread at Planting	Height at Maturity	Spread at Maturity	Remarks
Hel deb	370	<i>Helianthus debilis</i>	Beach Sunflower	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas
Lan dep	352	<i>Lantana depressa</i>	Weeping Lantana	1 gallon	8"	24" O.C.	Native	8 inches	6 inches	24 inches	48 inches	For use in groundcover areas
Sto lae	312	<i>Stokesia laevis</i>	Stokes Aster	1 gallon	6"	24" O.C.	Native	6 inches	6 inches	18 inches	18 inches	For use in groundcover areas

**NATIVE PLANT CALCULATIONS**

Landscape Designation	Area (SF)	Native Area (SF)	Plants designated for Native Area
Front Yard (East Side)	2472	1600 - 64%	Hel deb, Lan dep & Sto lae
New Planter - East Drive (A)	93	93 - 100%	Hel deb
New Planter - East Drive (B)	116	116 - 100%	Hel deb
S. Property Line Planting Strip	1697	1018 - 60%	Roy reg, Cit spi, Gym luc, Ham pal, Ill flo, Lan inv, Sur mar, Lan dep
Pool Deck Planters	669	669 - 100%	Hel deb, Lan dep & Sto lae
W. Lanai Hedges (dividers)	133	133 - 100%	Psy lig
E. Lanai Hedges (dividers)	119	119 - 100%	Myr cer
E. Lanai Southern Hedges	85	85 - 100%	Myr cer
Vine Area for Trellis	85	85 - 100%	Big cap & Lon sem
<b>Total Native Area</b>		<b>3918 SF</b>	

Total Native Area (3918 SF) is 44% of Total Landscape Area (8815 SF) \*see Planting Plan for total landscape area tabulation



**The Palm House Hotel**

160 Royal Palm Way

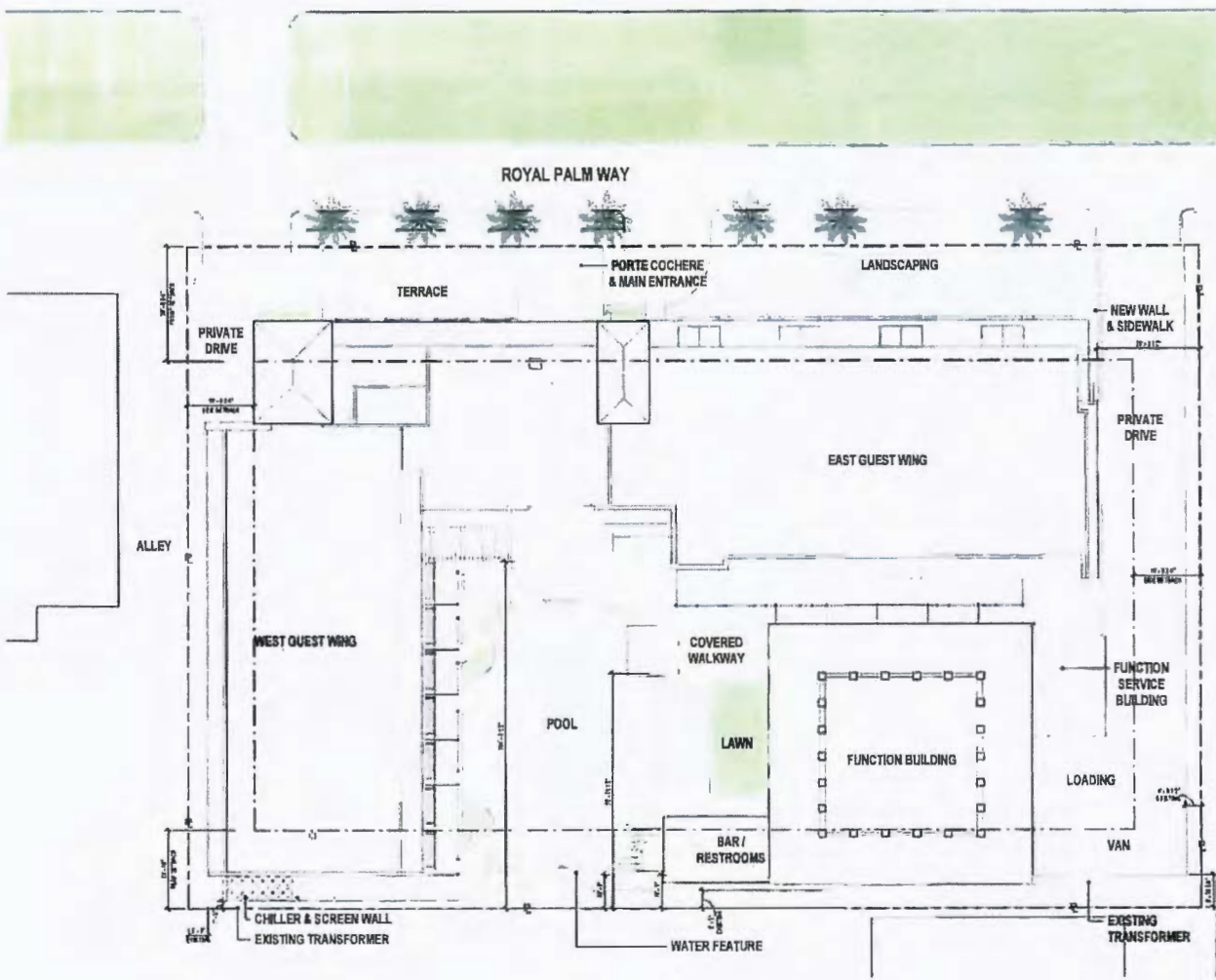
**EXHIBIT 3**



**COOPER CARRY**

Licenses: N° AA26000496  
OCTOBER 28TH, 2020

**LANDSCAPE PLANTING SCHEDULE**



LEGAL DESCRIPTION		
LOTS 11, 12 AND 13, BLOCK F, REVISED MAP OF ROYAL PARK ADDITION TO PALM BEACH FLORIDA ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 1, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.		
ZONING TABULATIONS: ZONE CB		
<b>REQUIRED</b>	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
USE	HOTEL	NO CHANGE
LOT AREA	15,000 SF MIN	NO CHANGE
WIDTH	100 SF MIN	NO CHANGE
DEPTH	130 SF MIN	NO CHANGE
DENSITY	25 UPA MAX	52.7 UPA
GUEST ROOMS	70 GUEST ROOMS	70 GUEST ROOMS
<b>SET BACKS</b>	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
FRONT YARD	(25 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 34.12 FT	0.7 FT AT PORTE COCHERE 24.7 FT (NO CHANGE)
SIDE YARD	(5 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 11.72 FT	5.7 FT AT WEST 28.8 FT AT EAST (NO CHANGE)
REAR YARD	(15 FT + 1 FT / EACH 2 FT OF HEIGHT OVER 15 FT) 23.88 FT	10 FT (NO CHANGE)
<b>BUILDING</b>	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
GUEST FLOOR AREA	-	83,777 SF
TOTAL GFA w/GARAGES	-	106,117 SF
HEIGHT	25 FT / 2 FLOORS	34 (11 FLOORS) (NO CHANGE)
OVERALL HEIGHT	35 FT AT FLAT ROOF 35 FT AT OTHER ROOFS	35.27 FT PARAPET (NO CHANGE) 40.27 FT TOWER (NO CHANGE)
LOT COVERAGE	50% (30,000 SF) MAX	43.8% (28,387 SF)
LENGTH	198 FT	100 CHANGE
<b>LANDSCAPE</b>	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
LANDSCAPE AREA	30% (45,000 SF) MIN	14.6% (22,020 SF)
FRONT YARD	30% (45,000 SF) MIN	35.8% (53,745 SF)
NATIVE VEGETATION	30% (45,000 SF) MIN	30.0% (45,000 SF)
<b>EEBA</b>	<b>REQUIRED/ALLOWED</b>	<b>PROPOSED</b>
FLOOD ZONE	ZONE X - AREA OF SUBSTANTIAL FLOOD HAZARD	
PROPOSED TABULAR DATA		
<b>ITEM</b>	<b>REQUIRED</b>	<b>PROPOSED</b>
GUEST ROOMS	70 ROOMS	70 ROOMS
PARKING (ON SITE)	43 SPACES	43 SPACES
ADA PARKING	-	(INCLUDES 3 ADA, 1 VAN)
LOBBY LEVEL SEATING	45 SEATS	88 SEATS - INTERIOR 38 SEATS - EXTERIOR
LOBBY LEVEL LOGGIA	-	38 SEATS
POOL DECK SEATING (NOT USED)	-	40 SEATS
FUNCTION ROOM	150 SEATS	200 SEATS
IRON BAR/QUICK SERVICE	5,300 SF FOOTPRINT	5,300 SF FOOTPRINT
PREPUNCTION	4,207 SF CONDITIONED	5,073 SF CONDITIONED
RESTROOMS / BAR	-	880 SF CONDITIONED
FINE DINING (2ND LEVEL)	100 SEATS	100 SEATS
FINISHED ROOM	2,750 SF	2,750 SF
OUTDOOR - 11 TERRACE	840 SF	840 SF
OUTDOOR - 5 TERRACE	980 SF	980 SF
UPPER DINING AREA	540 SF	540 SF
FLUTURE NEAR KITCHEN	800 SF	800 SF
<b>TOTAL SEATING</b>	<b>275 SEATS</b>	<b>374 SEATS</b>
APPLICABLE CODES		
<b>BUILDING</b>	2017 Florida Building Code - Building (FBC) (2015 International Building Code with amendments)	
<b>FIRE &amp; LIFE SAFETY</b>	2017 Florida Building Code - Existing Building Code (FBC) (2015 International Existing Building Code with amendments)	
<b>ENERGY</b>	2017 Florida Building Code - Energy Conservation (FBC) (2015 International Energy Conservation Code with amendments)	
<b>ACCESSIBILITY</b>	2017 Florida Building Code - Accessibility (FBC) (2010 ADA Standards for Accessible Design - incorporates 2010 CFR Part 36 28 CFR part 36, 2010 ADAAG) and 44 CFR part 37	
<b>ELECTRICAL</b>	2017 Florida Building Code - Electrical (FBC) (2014 NFPA 70 - National Electrical Code (NEC) with amendments)	
<b>MECHANICAL</b>	2017 Florida Building Code - Mechanical (FBC) (2015 International Mechanical Code, with amendments)	
<b>PLUMBING</b>	2017 Florida Building Code - Plumbing (FBC) (2015 International Plumbing Code with amendments)	
<b>ELEVATOR</b>	2017 Florida Building Code - Building (FBC) Chapter 20 and Referenced Editions of Chapter 20 Department of Business and Professional Regulation Chapter 209 Public Safety of the Florida Administrative Code	

SITE PLAN - PROPOSED

A104



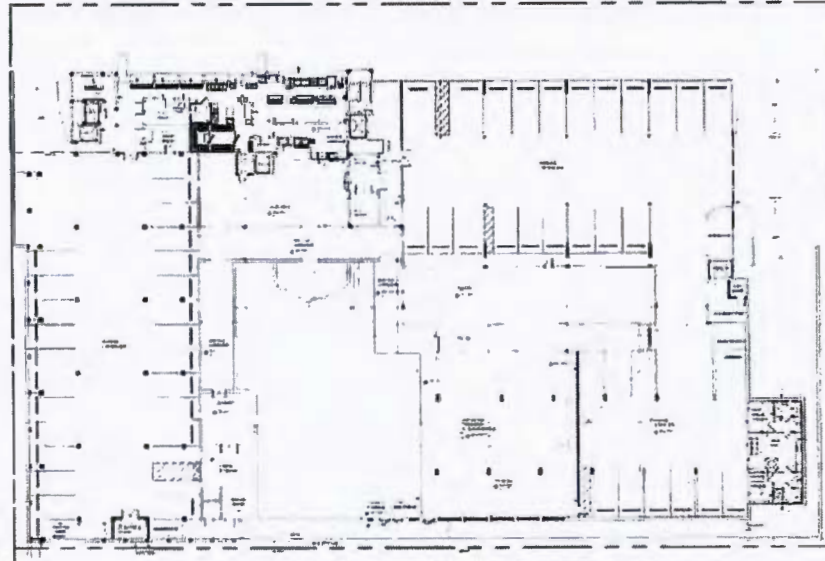
The Palm House Hotel  
160 Royal Palm Way

EXHIBIT 4

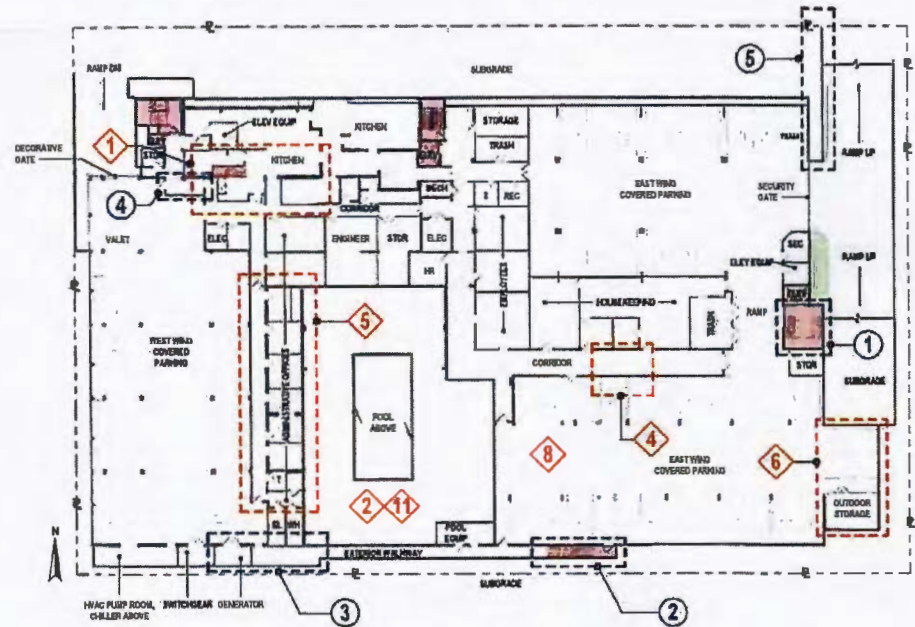


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OCTOBER 28TH 2020 | 2-20-00389



LOWER LEVEL FLOOR PLAN - APPROVED  
 (SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)



LOWER LEVEL FLOOR PLAN - PROPOSED

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1 Demolish partially constructed elevator extension to roof-top above second floor dining room & lobby to the "Sunset" deck.	1 Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2 Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2 Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval.
4 Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4 Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
5 Demolish approximately 1,140 SF of office space in area and restore previously approved service corridor and Laundry space.	5 Retain 1,140 square foot of new office space for hotel staff and administration.
6 Demolish partially constructed enclosure of portions of the Basement Garage on both east and west side of the property and restore 5 required off-level parking spaces.	6 Demolition to restore required parking spaces. Retain small area inaccessible for parking as outdoor storage.
8 Demolish partially constructed wall in basement parking area which was built to expand the basement Function Room Kitchen and restore required parking.	8 Demolition to restore required parking spaces.
11 Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11 Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans, for Town of Palm Beach approval.

PROPOSED IMPROVEMENTS
1 Extend open-air stair to basement for life safety egress from basement and parking.
2 Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.
3 Replace existing 250KW, 480/277volt natural gas generator in like size, capacity and location. Construct rated enclosure for required fire separation from parking and egress path of travel overhead.
4 Enclose portion of parking area to provide fire separated egress path from southwest portion of parking and mechanical spaces.
5 Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).

LOWER LEVEL FLOOR PLAN

A200



The Palm House Hotel  
 100 Royal Palm Way

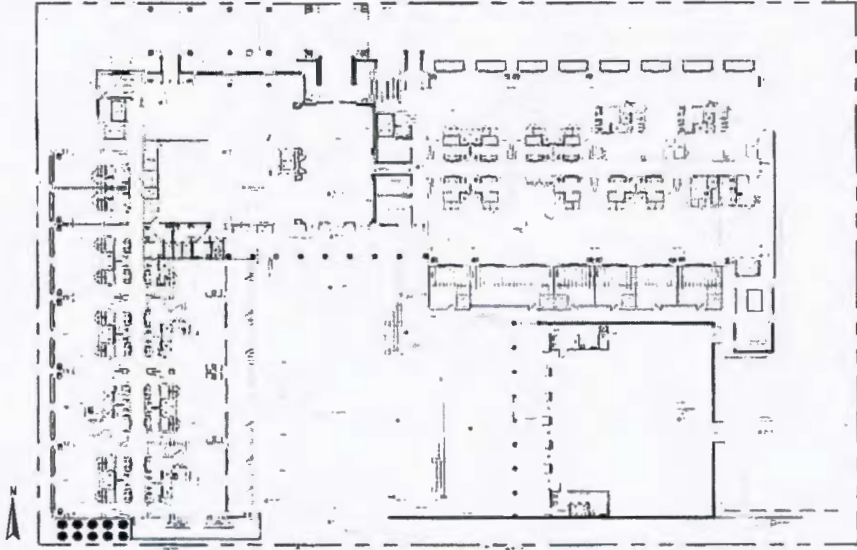
EXHIBIT 5



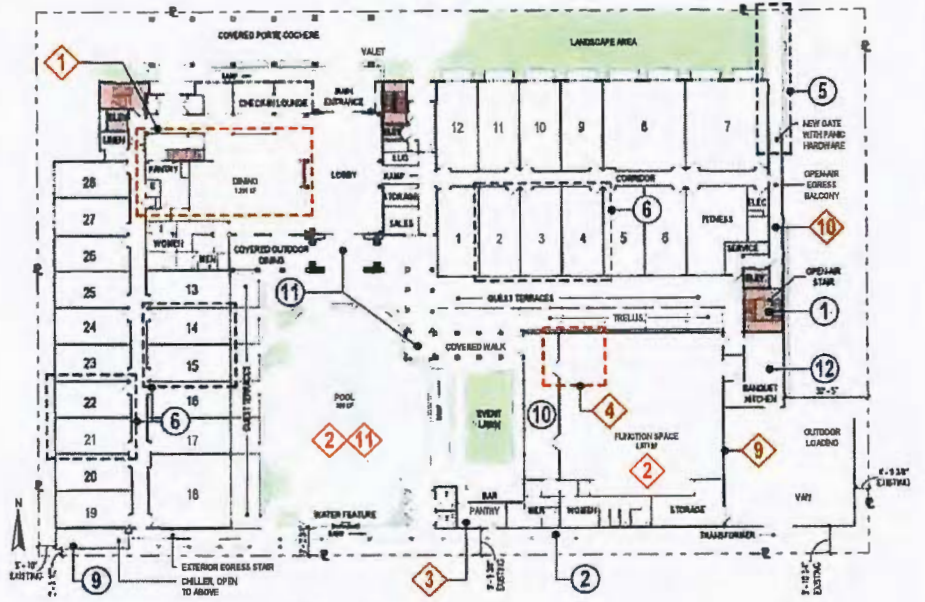
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 OCTOBER 24TH, 2020 | 7-20-00189





FIRST LEVEL FLOOR PLAN - APPROVED  
 (SPR SE 001-2016 PREPARED BY DAVID MILLER & ASSOCIATES, P.A.)



FIRST LEVEL FLOOR PLAN - PROPOSED

NON-CONFORMING DEFICIENCIES	PROPOSED CORRECTIONS
1 Demolish partially constructed elevator extension to roof-top above second floor dining room & lobby to the "Sunset" deck.	1 Demolish elevator shaft extension to the north roof deck. Patch roof to match existing. No assembly space at rooftop.
2 Complete construction of Function Room and Pool area consistent with plans previously approved by the Town of Palm Beach.	2 Construct new pool, pool deck and amenities as designed on the proposed improvement plans, for Town of Palm Beach approval. Complete construction of Function Room.
3 Demolish partially constructed bathrooms on west side of Function Room and complete construction in area immediately adjacent to the Southwest corner of the Function Room.	3 Demolish bathroom building and construct new single-use toilets for pool, pool service pantry and full-service bar adjacent to new event lawn.
4 Demolish partially constructed walkway, stairs and elevator access to roof above Function Room.	4 Demolish elevator shaft, elevated stair and walkway. Patch roof to match existing. No assembly space at rooftop.
9 Construct opening on the east side of the Function Room wall which was going to be an unauthorized stage.	9 Infill opening at east side of Function Room and finish to match adjacent exterior walls.
10 Remove Infill framing at exterior walkways on east elevation.	10 Enclose existing, partially complete open-air egress balcony with new exterior walls and railings.
11 Eliminate two pool area structures and relocate pool structure which includes service bar to previously approved location. The pool area will be restored as previously approved.	11 Demolish noncompliant pool area structures. Construct new pool support structures as designed on the proposed improvement plans.

PROPOSED IMPROVEMENTS	
1 Extend existing open-air stair to basement for improved life safety egress from basement spaces and parking.	9 Replace existing chiller, construct new screen walls to height of new equipment.
2 Extend retaining wall and exterior walkway near south property line for life safety egress and allow for staff access to the pool deck.	10 Enclose existing open-air covered walkway at Function Room to create conditioned Prefunction.
5 Construct new exterior retaining walls, stair and walkway for improved life safety egress path to public way (Royal Palm Way).	11 Reconfigure exterior facade facing new proposed pool deck. Provide covered walkway from Hotel Lobby to Function Room.
6 Convert existing guest rooms as shown on the proposed improved plans to provide 79 keys total.	12 Enclose area with new exterior walls and roof for new banquet prep kitchen adjacent to Function Room.

(Exhibit "5" Cont)

FIRST LEVEL FLOOR PLAN

A201.A



The Palm House Hotel  
 160 Royal Palm Way



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 OCTOBER 20TH, 2020 2-10-90289