

December 27, 2021

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

Project: 380 S. County Road
ARCOM Case Number: ARC-21-039
Zoning Case Number: ZON-21-003

We are pleased to submit the accompanying drawings for a pre-application review of our project at 380 S. County Road, Palm Beach, FL. The proposed work to the existing 2-story 6,226 square foot building includes the addition of a 530 square foot covered porch, 1,364 square feet of kitchen/support space to the ground floor and 2,308 square feet of future office space to the second floor, 100kw backup generator meeting all zoning requirements, associated hardscape and landscape.

Please note the following as it relates to this application:

- A. Landmarks Preservation in accordance with Section 54-122 and/or Section 54-161.
 - a. Not Applicable.
- B. Architectural Review in accordance with Section 18-205 and/or Section 18-206.
 - a. We consider the proposed project to be consistent with the existing architecture with symmetrical, balanced elevations and details that subscribe to the principles of the architecture within the Town of Palm Beach.
 - i. We consider the plan for the proposed modifications to the existing building to be in conformity with good taste and traditional design principles and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm and high quality.
 - ii. The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable. Existing outdoor seating will be relocated to a covered porch, reducing its impact on the surrounding environment.
 - iii. The exterior materials and detailing proposed is consistent with the quality and character of the surrounding structures, specifically the covered outdoor seating immediately to the East.
 - iv. The proposed composition and massing of the proposed work is consistent with other structures in the surrounding area, specifically the covered outdoor seating immediately to the East.
 - v. The first and second floor additions match the detailing of the existing building and do not compete for dominance with the existing primary elements of the structure.
 - 1. While many buildings along Royal Palm Way are symmetrical, only several exhibit a three-bay structure.
 - 2. The size and arrangement of doors, windows and covered porch is not similar to the surrounding structures.
 - 3. The proposed materials are consistent with the architectural style and character of the surrounding area while implementing unique moulding profiles and window trim that match the existing structure.

- vi. The renovation and addition to the proposed building is designed as a three bay, Spanish revival structure with tripartite organization that is not excessively dissimilar to the surrounding structures.
 - 1. The proposed height of the building matches existing and is compatible with adjacent structures.
 - 2. The exterior details are consistent with the existing building and compatible with to adjacent structures.
 - 3. The proposed work is architectural compatible with the tropical context and adjacent structures.
 - 4. The components of the structure have been arranged to be consistent with the existing building.
 - 5. Care was given to diminish the perceived mass of the proposed addition by stepping it back from the existing building and respecting required setbacks at adjacent properties.
 - 6. Proposed design respects required setbacks at adjacent properties.
 - 7. Proposed design features are compatible with existing massing.
 - 8. The covered porch is located on the SE corner in a manner consistent with other covered porches in this area. No additional public spaces or elements have been proposed that impact the privacy of neighboring property.
- vii. The proposed covered porch is a single story and incorporates light detailing that is subservient to the style and massing of the principal structure.
- viii. The proposed modifications incorporate detailing identical to the existing structure and are consistent with the surrounding buildings.
- ix. The proposed modifications require (3) variances that are described in Section E below.
- x. The proposed modifications do not impact the surrounding unique site characteristics and are more consistent with adjacent properties by incorporating covered outdoor seating.

C. Special Exception in accordance with Section 134-229 for the renovation of the existing 2-Story 6,226 SF building in the C-TS Zoning District that includes the addition of a 530 square foot covered porch to the south side of the building, a 1,364 square foot kitchen/support addition to the first floor and to the west side of the building, and a 2,308 square foot expansion of the 2nd floor to the west side of the building.

- 1. The existing restaurant with office above is a permitted use in the C-TS Zoning with Special Exception approval.
- 2. The proposed renovation will not adversely impact the public health, safety, welfare or morals of the Town as the use is already existing in this location.
- 3. The proposed renovation will only have a positive impact on the value of other properties in the neighborhood as the renovation and expansion is an enhancement to the current amenities.
- 4. The proposed renovation will be compatible with the neighborhood as there are other offices and restaurants in the neighborhood and both are a contemplated permitted use in the C-TS Zoning District.
- 5. The proposed renovation will comply with all other yard, other open space and any special requirements set forth in Article VI.6.
- 6. The proposed renovation will comply with the comprehensive plan, if applicable.
- 7. The proposed renovation will not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district,

8. Adequate ingress, egress and parking is provided on site and there is street parking in the area.

9. The proposed signage will meet with the Town's requirements and be permitted as required by the Town of Palm Beach building department.

10. The proposed renovation should not place a greater burden on Town services as there is ample parking on site and in the surrounding streets and in the parking lots in the area.

D. Site Plan Review Approval in accordance with Section 134-329.

1. The owner 380 South County LLC owns the land.

2. The project contemplates additions to a building in the C-TS Zoning District.

3. Ingress and Egress remains the same with an entrance on South County Road and Peruvian Avenue.

4. All parking will be on the site or on surrounding streets or parking lots.

5. Landscaping will be new per the plans by Environmental Design Group.

6. Drainage will be improved or remain the same as required by the Town.

7. Utilities remain the same or will be improved if required.

8. N/A.

9. N/A.

10. The proposed height remains the same and is consistent with the height of the buildings on the street.

11. Visibility along South County Road and Peruvian Avenue will not be impacted, as the proposed additions have been designed that it minimizes the visible bulk of the structures to drivers and pedestrians on the abutting roadways.

E. Variance(s) in accordance with Section 134-201. The variances being requested are as follows:

a. Section 134-2176: Variance request to reduce the required parking by 36 parking spaces (9 proposed existing spaces to be eliminated, plus the 22.6 additional spaces required for the 5650 SF second floor office; plus the 4.5 additional spaces required for the 1500 SF first floor restaurant back of house);

b. Section 134-1113(6): Variance request for a street side yard setback of 5 feet in lieu of the 10 foot minimum required on Peruvian Avenue;

c. Section 134-1607(1): Variance request to exceed the maximum height of the mechanical equipment on the roof to be 84" in lieu of the 36" maximum allowed;

d. Section 134-2211(2): Variance request eliminate the required loading berth for a commercial use over 4,000 SF.

1. The property is located in the C-TS Zoning District and is non-conforming to today's code. This creates a hardship in designing any additions.

2. The applicant was not the cause of the special conditions of the property or residence as they existed prior to the applicant owning the property.

3. The granting of the variances will not confer on the applicant a special privilege that is denied to the neighboring properties. Most neighboring properties are also non-conforming under today's code and there is ample parking on the surrounding streets and in the parking lots nearby.

4. The hardship, which runs with the land, is that the property is non-conforming to today's code and it would not be feasible to meet the code with an addition if the current code was mandated.
5. The variances requested are the minimum necessary to make reasonable use of the land considering the modest expansion for back of house use for the restaurant.

F. Other
a. Comprehensive Plan

Land Use Element Page I-5. The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth: To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

The site contains an existing 2 story building that was constructed in 1983. The previous use was a bank. The current use is a first floor wine bar/restaurant and the second floor is vacant. The proposed project includes a first floor addition to an existing restaurant to expand the kitchen and back of house and a request to use the 2nd floor (with the proposed addition) for office use. The number of seats in the restaurant remain the same at 108 therefore the project will not attract more customers or be able to seat more customers. The intent is to better serve the existing customers. The building was previously a bank so the use of the second floor as office will not be dramatically different from the prior bank use. The location of the property is in the C-TS Zoning District, which is a commercial district in Town. The C-TS Zoning District is not a low density area of town and can handle business related traffic. There is ample parking in the vicinity of the project.

- B. Land Use Element Page I-6. It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.

The existing restaurant is Town Serving as shown by the survey conducted at the restaurant. (see attached) The customers are townpersons as defined under the code as they either live in town, work in town, or stay in accommodations in town. The restaurant only has 108 seats and it's intent is to attract local customers.

- C. Land Use Element Page I-30. POLICY 2.3 Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies. 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies: a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-feet or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-feet or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition. b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.

The existing restaurant is Town Serving as shown by the survey conducted at the restaurant. (see attached) The customers are townpersons as defined under the code as they either live in town, work in town, or stay in accommodations in town. The restaurant only has 108 seats and it's intent is to attract local customers

- D. Land Use Element Page I-32. POLICY 2.4 To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.

The existing site is in the C-TS Zoning District, which is a commercial district and not a low density district in Town. The project contemplates valet parking to use the surrounding streets and parking lots for customer parking. With only 108 seats and many customers

- E. Land Use Element Page I-32. POLICY 2.5 Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage on a regional level

The variances being requested are dimensional for setbacks for the building additions and outdoor seating. The variance for parking is being addressed by valet parking and onsite parking availability. The use that is existing and being proposed are not businesses that would attract patronage at a regional level.

Very truly yours,



KEITH M. SPINA
CEO