

LETTER OF INTENT

FIRST SUBMITTAL

DATE: September 2, 2022
TO: Town of Palm Beach, Planning, Zoning & Building Dept.
RE: ZON-22-155 155 HAMMON AVE

On behalf of CH Hotel, LLC (**“Applicant”**), Shutts & Bowen LLP (**“Agent”**) submits a request for a Special Exception (**“SE”**) and a Site Plan Review (**“SPR”**), for an Accessory Commercial Use to Hotel Uses, specifically Retail (**“Retail Use”**) in the hotel use (**“Colony Hotel”**) located at the northeast corner of S. County Road and Hammon Avenue (**“Site”**).

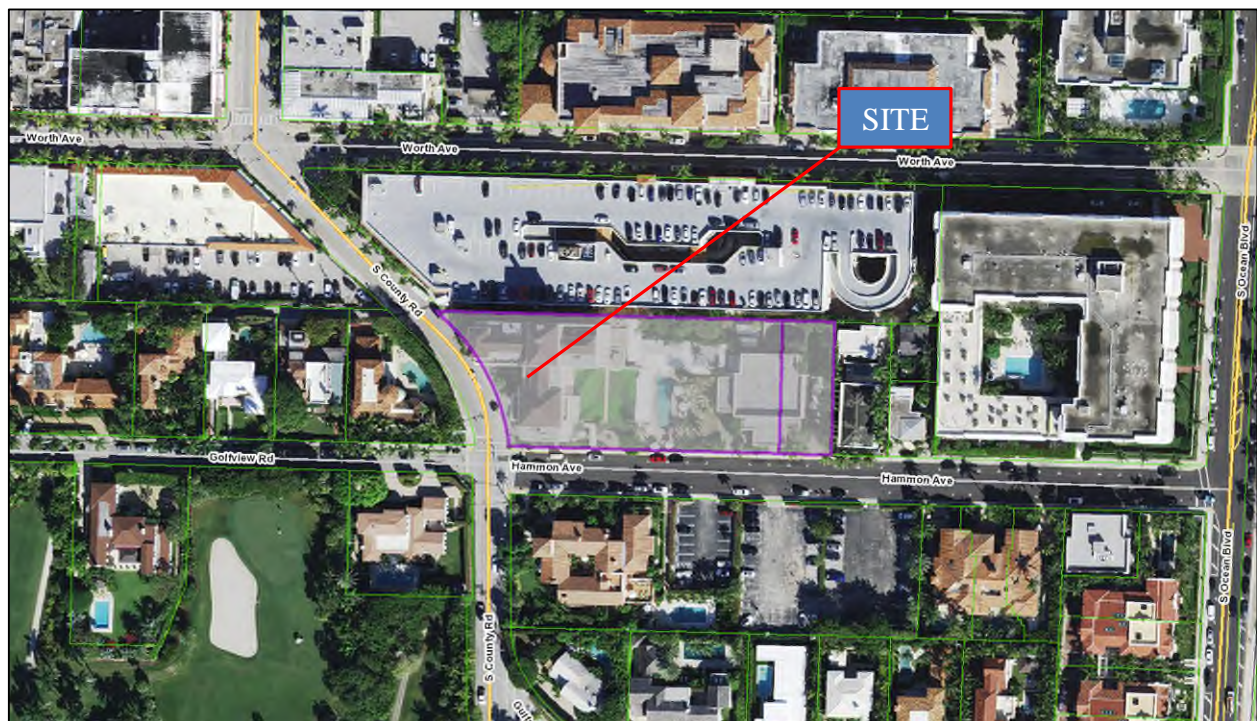


FIGURE 1 – Location map

Property Address:	155 Hammon Ave. (<i>Figure 1</i>)
Zoning:	High Density Residential (“R-D (2)”) (<i>Figure 2</i>)
Future Land Use (“FLU”)	Multifamily High Density (“MF High Density”)
Municipality:	Town of Palm Beach (“Town”)

REQUEST

- A SE to allow a Retail Use in the R-D (2) zoning district.
 - Pursuant to Section 134-1055(7) of the Town's Zoning Code ("**Code**"), a Retail Use is a SE use in the R-D (2) zoning district. As such, the Applicant is requesting approval of a SE to allow a 650 square foot (sq. ft.) Retail Use on the Site.
 - Specifically, the Colony Hotel is currently undergoing interior renovations which includes the following:
 - Demolition of a 1,228 square foot ("sq. ft.") dining room with 50 seats and replace with a 650 sq. ft. retail space along with improvements to the existing men's and women's restrooms and the creation of storage spaces.
- A SPR to allow a Retail Use in the R-D (2) zoning district.
 - A SE in the R-D (2) zoning district.

Drawing on the legacy of gracious hospitality, the Applicant respectfully requests that the Town approve the 650 sq. ft. Retail Use in the interior of the Colony Hotel. The Colony Hotel is a state of mind, a place to connect meaningfully and authentically with Palm Beach in its truest form, and this update will enable the Applicant to continue to evolve offerings, in order to best match the services requested by their well-traveled and discerning guests. It is customary and has been observed that a retail use space is a common offering at many top hotels locally, nationally and globally, and as the Colony Hotel has altered the usage of interior spaces many times throughout their 75-year history (including the creation of spaces dedicated to both retail and personal services), the Colony Hotel team is excited to develop this new retail concept for their guests.

The Applicant has redesigned the ground floor for this purpose - in particular the area once used as a windowless dining room, passageway, and an adjacent restroom area have all been re-envisioned to their highest and best use. In this otherwise difficult-to-activate, interior space, it is aspired to create a boutique that will be both aesthetically beautiful and highly functional. Here we will cultivate offerings that allow us to better anticipate our guests' needs, whether they be exclusive Colony-branded products, a thoughtful offering of various outside vendors, or more simple, basic sundries; the goal is an intimate and personal offering that will pay tribute to the whimsical and nostalgic nature of the Colony Hotel and Palm Beach itself.

SUPPLEMENTAL APPLICATION REQUIREMENTS

- As required, attached are the responses to the review standards/guidelines for the SE, SPR and the variance request:
 - **Exhibit A:** Special Exception in accordance with Section 134-229.
 - **Exhibit B:** Site Plan Review by Town Council in accordance with Section 134-329.
 - **Exhibit C:** Legal Description
 - **Exhibit D:** Property Info sheet with the Location Map

PARKING STATEMENT

- The Colony Hotel is considered a legal non-conformity related to parking requirements. The Site is functionally parked via valet parking with a full-time valet parking attendant. There are approximately 85 valet spaces available that is used on-site, with additional spaces available for overflow parking as needed.

- As it relates to the legal non-conformity for parking, we believe that the request to change the 1,228 sq. ft. space from a restaurant space with 50 seats to a 650 sq. ft. retail space is actually a reduction in intensity. As such, the Applicant's request is actually decreasing the non-conformity.
 - Per Section 134-2176 of the Town Code, when comparing the required number of parking spaces for a Restaurant use to an Accessory commercial retail and service uses in hotels and condo hotels, there is a reduction from 17 parking spaces needed for the restaurant use to three needed for the retail; a 13 required space reduction or a 76% reduction.

Sec. 134-2176. Same—Schedule.

The schedule of off-street parking required by this division shall be as follows:

<i>Use</i>		<i>Spaces Required Per Unit</i>
<i>(9)</i>	<i>Restaurants, nightclubs or other eating places</i>	<i>One for each three proposed fixed seats, and/or one for each 45 square feet of floor area in the proposed public seating area not having fixed seats, plus one for each 300 square feet of floor area in the remainder of the floor area</i>
<i>(12)</i>	<i>Accessory commercial retail and service uses in hotels and condo hotels</i>	<i>One per 250 square feet except for a restaurant, nightclub, bar, or other entry place which shall require the same as subsection (9) of this section, and except for conference facilities and similar places of assembly which shall require the same as subsection (6) of this section</i>

EXHIBIT A

Sec. 134-229. Requirements for granting a Special Exception.

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.

RESPONSE: *The Retail Use is permitted as a SE in the R-D (2) zoning district.*

- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.

RESPONSE: *The request is to occupy the space within the existing building. The improvements are all internal to the building. The Retail 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.

RESPONSE: *The proposed use will not cause substantial injury to the value of other properties 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.

RESPONSE: *The proposed use is and continues to be compatible with the adjoining development and the intended purpose of the district in which it is located. The request id to replace one accessory commercial use (restaurant) with another accessory commercial use (retail).*

- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

RESPONSE: *As noted above, the use is internal to the building and will not affect the yard, open space or 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.

RESPONSE: *The proposed use complies with all the 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.

RESPONSE: *The proposed use is completely internal to the hotel. It will have no impact on adjoining properties and will not result in substantial economic, noise, glare, or odor impacts on adjoining properties or 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.

RESPONSE: *There are no changes proposed to the ingress and egress to the Site and the existing parking lot is designed will remain.*

- (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.

RESPONSE: *There are no exterior signage proposed for the proposed use.*

- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.

RESPONSE: *The current request does not affect the location, availability or compatibility of utility services.*

- (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.

RESPONSE: *The current request is to renovate the interior of the building which will also accommodate the space for the Retail Use. The request does not affect the refuse and service areas.*

- (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.

RESPONSE: *N/A. The Colony Hotel is an established hotel use that has been in existence for over 75 years.*

- (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.

RESPONSE: *There are no changes proposed that affect the exterior landscaping on the Site.*

- (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.

RESPONSE: *The proposed use does not place an additional burden on Town Police or Fire Rescue Services.*

EXHIBIT B

Sec. 134-329. Review by town council for Site Plan Review.

Within 30 days of receipt of the application for site plan review, the town council shall review and consider the application. Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.

RESPONSE: *The property owner is the fee simple owner and in control and possession of the entire parcel which is subject of this application. The property owner is responsible for the care and upkeep of the entire site. No maintenance responsibility will become the obligation of the Town.*

- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.

RESPONSE: *There are no new land uses, programming or intensities of use proposed for the Site. The building was designed to accommodate accessory commercial uses which is consistent with the hotel use. There are no expansions or additions proposed to the building and as such no increase in the intensity of use. In fact, we believe the intensity of the proposed Retail Use is a reduction from the prior approval.*

- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.

RESPONSE: *There are no changes proposed to the ingress and egress to the Site.*

- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.

RESPONSE: *There are no changes proposed to the parking lot or any off-site loading facilities as part of this request.*

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

RESPONSE: *There are no changes proposed to the perimeter screening and buffers as part of this request.*

- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.

RESPONSE: *There are no changes proposed that will affect the manner of drainage on the Site onto adjacent and nearby properties or on the Town's overall drainage capacities.*

(7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

RESPONSE: *There are no changes proposed that will impact hook-in locations, availability or capacity of utilities.*

(8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.

RESPONSE: *There are no changes proposed that impact any existing recreation facilities or open spaces.*

(9) Such other standards as may be imposed by this chapter for the particular use or activity involved.

RESPONSE: *There are no other Town standards that may be imposed by this chapter for the particular use or activity involved.*

(10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.

RESPONSE: *There are no changes proposed to the building height.*

(11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

RESPONSE: *There are no changes proposed to the building visible size and bulk.*

EXHIBIT C

Legal Description

(Parcel A1)

A parcel of land in Section 26, Township 43 South, Range 43 East, Palm Beach County, Florida, and within the corporate limits of the Town of Palm Beach, Florida, more particularly described as follows:

Beginning at a point on the East line of the County Road, where said line would be intersected by the North line of First Street, if projected Westerly by plat of VILLA MARINE, as recorded in Plat Book 2, Page 98, in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, thence East on the North line of First Street, 109 feet; thence North 140 feet, more or less, to the South line of ROYAL PARK ADDITION; thence West, along the said South line of ROYAL PARK ADDITION, to the intersection of the East line of the County Road; thence Southeasterly along the East line of the County Road, to the Point of Beginning.

and

(Parcel A2)

Beginning at a point in the Northerly right of way line of Hammon Avenue (formerly First Street) at a distance of 306 feet Westerly from, when measured along the North line of said Hammon Avenue, the Southwest corner of Lot 6, Block 1, of VILLA MARINE, according to plat of said subdivision on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 2, Page 98; thence continue Westerly, along the North line of said Hammon Avenue, a distance of 29.42 feet to the Point of Beginning and the Southeast corner of the parcel herein described; thence Northerly at right angles to the North line of said Hammon Avenue, a distance of 32 feet; thence Westerly parallel to the North line of said Hammon Avenue, a distance of 23 feet; thence Northerly, at right angles to the preceding course, a distance of 108.33 feet, more or less, to a point in the South line of Block 17 of ROYAL PARK ADDITION, according to the revised map thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, in Plat Book 4, Page 1; thence Westerly, along the South line of said Block 17 of ROYAL PARK ADDITION, a distance of 19.86 feet, more or less, to a point in the East line of property described in Deed recorded in Deed Book 715, Page 71 of the Public Records of Palm Beach County, Florida; thence Southerly, parallel to the West line of Lot 6, Block 1, of VILLA MARINE, and along the East line of said property described in said Deed recorded in Deed Book 715, at Page 71; a distance of 140.38 feet, more or less, to a point in the North line of said Hammon Avenue and the Southeast corner of said property described in said Deed recorded in Deed Book 715, at Page 71; thence Easterly, along the North line of said Hammon Avenue, a distance of 46 feet to the Point of Beginning.

and

(Parcel A3)

A parcel of land situate, lying and being in the County of Palm Beach, State of Florida, to wit:

Beginning at a point in the Northerly right of way line of Hammon Avenue (formerly First Street) at a distance of 306 feet Westerly from, when measured along the North line of said Hammon Avenue, the Southwest corner of Lot 6, Block 1, of VILLA MARINE, according to plat of said subdivision on file in the office of the Clerk of the Circuit Court, in and for said County, in Book 2 of Plats at Page 98; thence continue Westerly, along the North line of said Hammon Avenue, a distance of 29.42 feet; thence Northerly at right angles to the North line of said Hammon Avenue, a distance of 32 feet; thence Westerly, parallel to the North line of said Hammon Avenue, a distance of twenty-three (23) feet; thence Northerly, at right angles to the preceding course, a distance of 108.33 feet, more or less, to a point in the South line of Block 17, of ROYAL PARK ADDITION, according to the revised map thereof on file in the office of the Clerk of the Circuit Court, in and for said County, in Plat Book 4, at Page 1; thence Easterly along the South line of said Block 17 of ROYAL PARK ADDITION, a distance of 55.56 feet, more or less, to a point in a line parallel to and 306 feet Westerly from, when measured along the South line of said Block 17, of

ROYAL PARK ADDITION, the West line of said Lot 6, Block 1 of VILLA MARINE; thence Southerly along said last described parallel line, a distance of 140.32 feet, more or less, to the Point of Beginning.

and

(Parcel A4)

A parcel of land situate, lying and being in the County of Palm Beach, State of Florida, to wit:

Beginning at a point on the North line of First Street as shown on the plat of VILLA MARINE recorded in Plat Book 2, Page 98, Palm Beach County Records, 250 feet West of the Southwest corner of Lot 6, Block 1 of said plat; thence West along said North line of First Street 50 feet; thence North 140 feet, more or less, to the South line of ROYAL PARK; thence East along said South line of ROYAL PARK, 50 feet; thence South 140 feet more or less, to the Point of Beginning, being Lots 17 and 18, Block 1 of VILLA MARINE Plat if said plat were extended Westerly.

and

(Parcel A5)

Commencing at a point on the North line of First Street as shown on the map of VILLA MARINE, recorded in Plat Book 2, Page 98, in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, 207 feet West of the Southwest corner of Lot 6, Block 1, of said VILLA MARINE, aforesaid; thence run West along the North line of First Street 43 feet, thence run North 140 feet more or less; thence run East 43 feet, thence run South 140 feet, more or less, to the Point of Beginning.

and

(Parcel A4i)

A parcel of land 6 feet wide by 140 feet along the East side of Lot 19, the said Lot being numbered according to an extension of the plat of VILLA MARINE recorded in Plat Book 2, Page 98, Palm Beach County Records, over land described as follows:

Beginning at a point on the North line of First Street as shown on the plat of VILLA MARINE, 300 feet West of the Southwest corner of Lot 6, Block 1 of said plat; thence run West 6 feet, thence North 140 feet to the South line of ROYAL PARK ADDITION, Plat Book 4, Page 1, Palm Beach County, Florida; thence East along said South line 6 feet; thence South 140 feet, more or less, to the Point of Beginning.

EXHIBIT "2" a/k/a Parcel B:

Beginning at a point in the North line of First Street (now Hammon Avenue) as shown on a map of VILLA MARINE, recorded in Plat Book 2, Page 98, in the Office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, 147 feet West of the Southwest corner of Lot 6, Block 1 of said VILLA MARINE; thence run West on the North line of said First Street 60 feet; thence run North 140 feet; thence run East 60 feet; thence run South 140 feet to the Point of Beginning.

EXHIBIT "3" a/k/a Parcel C:

(Parcel C1)

A tract of land in Section 26, Township 43 South, Range 43 East, in the Town of Palm Beach, Florida, bounded and described as follows:

Beginning at a point on the South line of First Street (also known as Hammon Avenue) if projected Westerly as said street is shown on the Plat of VILLA MARINE which is recorded in the office of the Clerk of the Court of Palm

PALM BEACH COUNTY, FLORIDA, in Book 2, page 98, which point is 350 feet West of the Northeast corner of Lot 1, Block 2, as shown on said plat of VILLA MARINE, running thence Southerly along a line that is parallel with the East line of said Block 2 a distance of 110 feet, thence Westerly along a line that is parallel with the South line of said First Street a distance of 3.06 feet; thence Southerly along a line that is parallel with the East line of said Block 2 a distance of 30 feet; thence Westerly along a line that is parallel with the South line of said First Street a distance of 46.74 feet; thence Northerly along a line that is parallel with the East line of said Block 2 a distance of 140 feet to the South line of said First Street; thence Easterly along the South line of said First Street, a distance of 49.8 feet to the Point of Beginning.

and

(Parcel C2)

Beginning at a point on the South boundary of First Street (also known as Hammon Avenue) 50 feet West of the Northwest corner of Lot 6 of Block 2 of VILLA MARINE, according to the plat thereof on file in the Office of the Clerk of the Circuit Court in and for said County in Plat Book 2, Page 98 and running thence South 140 feet; thence run West 53.06 feet, thence North 30 feet; thence East 3.06 feet, thence North 110 feet to the South line of said First Street, thence East along the South line of First Street 50 feet to the Point of Beginning.

and

(Parcel C3)

Beginning at a point in the South line of First Street if projected Westerly by the plat of VILLA MARINE which point is 350 feet West of the Northeast corner of Lot 1 of Block 2 of Villa Marine, according to the plat of said Villa Marine which is recorded in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, in Plat Book 2, Page 98: Thence Southerly 140 feet parallel to the East line of said Block 2; Thence westerly parallel to the south line of said First Street 379.6 feet to the East line of the County road; Thence Northerly along the East line of the County road 140 feet, more or less, to an intersection of the South line of First Street if projected Westerly, by said plat of Villa Marine; Thence Easterly on the South line of First Street as aforesaid, 386.7 feet, more or less, to the Point of Beginning, EXCEPTING THEREFROM the Easterly 49.80 feet thereof.

EXHIBIT D

PROPERTY INFO SHEET



PROPERTY INFO SHEET

The 1.19-acre* site ("Site") is located at the northeast corner of the intersection of S. County Road and Hammon Avenue.

Property Address:	155 Hammon Ave. (<i>Figure 1</i>)
Parcel Control Number ("PCN")	50434326000010070; 50434326000010080
Zoning:	High Density Residential ("R-D (2)") (<i>Figure 2</i>)
Future Land Use ("FLU")	Multifamily High Density ("MF High Density") (<i>Figure 3</i>)
Municipality:	Town of Palm Beach ("Town")

* Estimated based on utilizing the Palm Beach County GIS Mapping software.

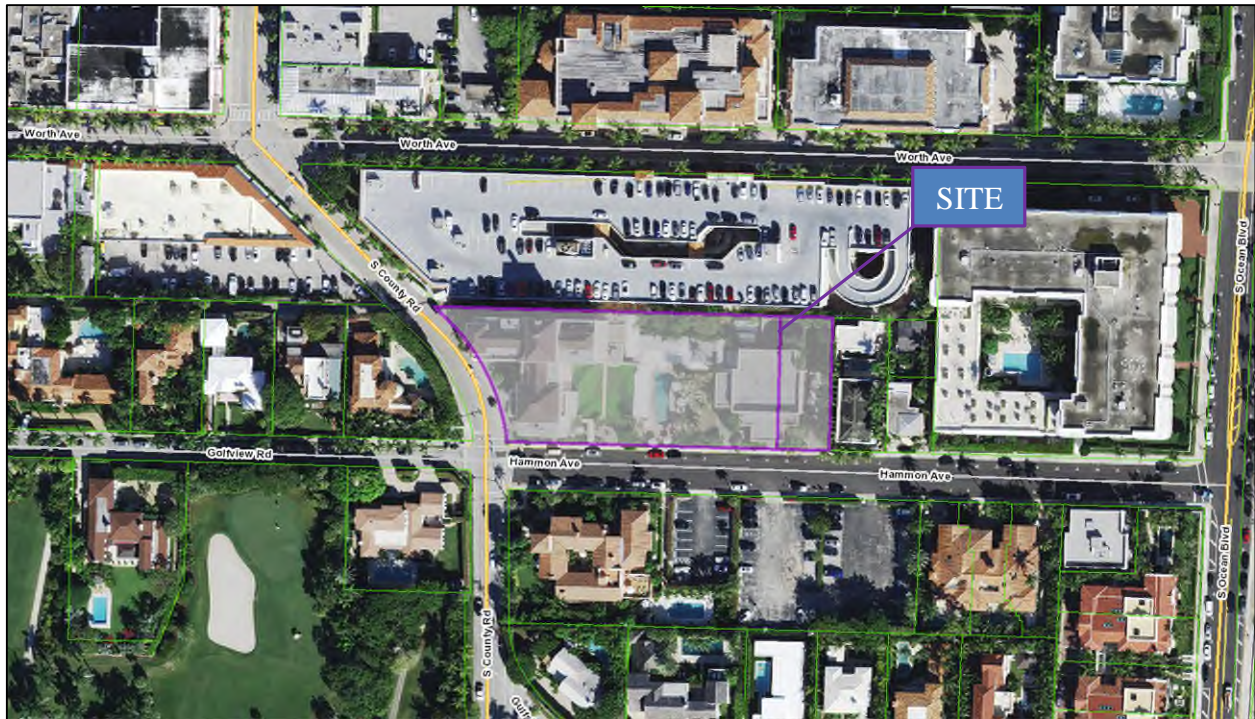
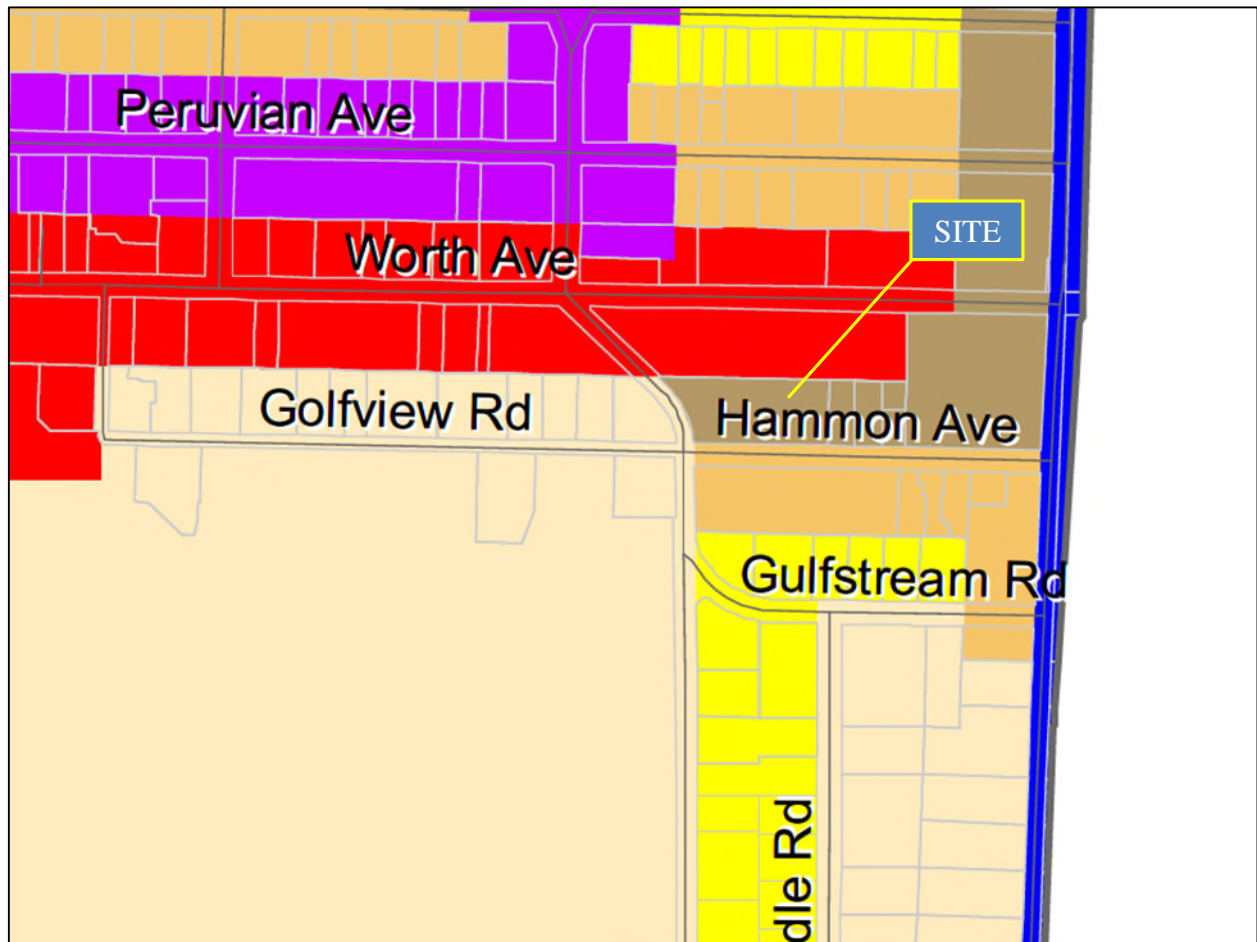


Figure 1 - LOCATION MAP

Figure 2 - ZONING MAP



TOWN OF PALM BEACH ZONING MAP - 2017

Planning, Zoning & Building Department

 R-AA (Large Estate Residential)	 R-D(2) (Heavy Density Residential)	 C (Conservation District)
 R-A (Estate Residential)	 C-OPI (Commercial Off, Prof, Inst)	 PUD-A (Planned Unit Dev)
 R-B (Low Density Residential)	 C-PC (Commercial Planned Ctr)	 PUD-B (Planned Unit Dev)
 R-C (Medium Density Residential)	 C-TS (Commercial Town Serving)	 PUD-C (Planned Unit Dev)
 R-D(1) (Moderate Density Residential)	 C-WA (Commercial Worth Ave)	 BA (Beach Area)
	 C-B (Commercial Offices)	