



**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-22-132 (ARC-22-200) 165 BRADLEY PL (COMBO)

MEETING: NOVEMBER 09, 2022

**ZON-22-132 (ARC-22-200) 165 BRADLEY PL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCE.** The applicant, Biltmore Galleria, LLC., has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to allow a 3,038 SF private/public school in the Commercial-Town Serving District (C-TS) zoning district and a Variance from the off-street parking requirements to eliminate required surface parking spaces and convert it into a playground area. The application will require amendments to the existing Unity of Title and Declaration of Use. The Architectural Commission will perform the design review of the application.

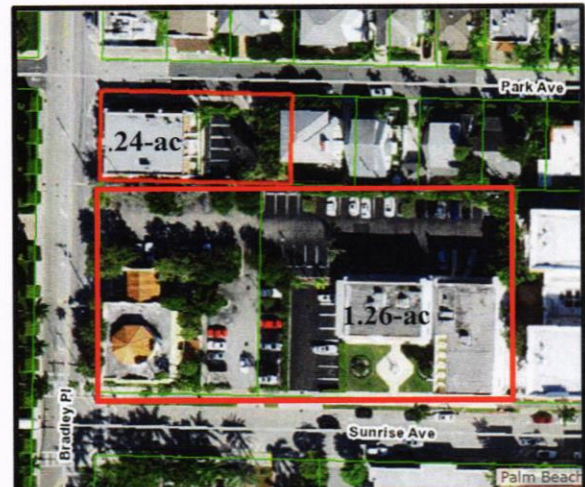
Applicant: Biltmore Galleria, LLC.  
Professional: Michael Perry  
Representative: Shutts & Bowen LLP.

**HISTORY:**

The subject property consists of 0.24 acres and is located at the southeast corner of Bradley Place and Park Avenue. The property has a Future Land Use designation of Commercial with a compatible Zoning classification of Commercial Town-Serving (C-TS). The subject building was originally approved in 1978 and constructed in 1980 as a bank building and as a part of a larger phased development referred to as the Biltmore Galleria.

As a part of the original approval, the parcels that comprise the Biltmore Galleria, totaling approximately 1.5 acres, were the subject of a Unity of Title that placed covenants of restriction on the property that can only be modified with an approval by the Town Council.

In 2017, the Town Council approved a Declaration of Use Agreement with the Old Guard Society, Inc. to change the bank building into a private club use. The current application is a request for a change in use to allow a private/public school in the Commercial Town Serving Zoning District (C-TS).



**THE PROJECT:**

The applicant, Biltmore Galleria, LLC., has submitted plans, entitled “CHABAD SCHOOL, 165 BRADLEY PLACE”, prepared by **MP Design & Architecture** dated September 02, 2022, to allow the conversion of a vacant one (1)-story structure previously operated as a ‘private club’ to a school for early childhood learning. Pursuant to Section 134-1109(a)(8), a public or private school is a Special Exception (SE) use in the C-TS zoning district, subject to the review and approval by the Town Council.

The proposed interior modifications will redesign the building to operate four (4) classrooms that can accommodate 68 students with indoor amenity space allocated for extracurricular activities for the students. An accessory office space for faculty use is also proposed in addition to a small kitchen area. The only exterior structural alteration proposed is to provide an emergency exit door to the south façade of the building to comply with Fire Rescue standards. The proposed door is of the same design and material as the existing exterior doors. An outdoor open play area will replace the surface parking area to the east of the building. The school will be open from 9:00 am to 3:00 pm, Monday through Friday.

**STAFF ANALYSIS:**

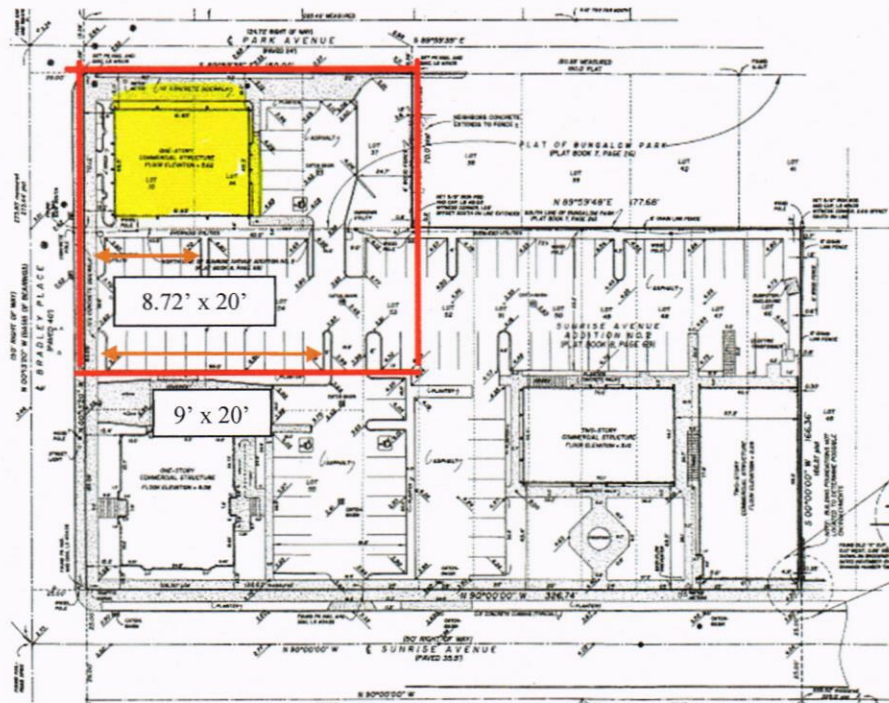
Zoning

Below is a summary of the subject application with regards to Zoning Code compliance and variance request.

Site Data			
<b>Zoning District</b>	Commercial – Town Serving (C-TS)	<b>Lot Size (SF)</b>	10,513 SF – subject site 64,774 SF – total combined property
<b>C-O-R</b>	5.69’ NAVD	<b>Flood Zone</b>	AE - 6
<b>Exist. Floor Elevation</b>	8.63’ NAVD	<b>Prop. Floor Elevation</b>	8.63’ NAVD
<b>Year of Construction</b>	1980	<b>Architect</b>	Blue Minges Architects
Project			
<b>Landscape Open Space</b>	Required: 15% (1,577 SF) Existing: 21.4% (2,260) Proposed: 22.6% (2,387)	<b>Lot Coverage (SF)</b>	Permitted: 70% (7,359) Existing: 29% (3,038) Proposed: 29% (3,038)
Surrounding Properties/Zoning			
<b>North</b>	1900 single family residence and 1932 repurposed single-family home to office building / Medium Density Residential District (RC) and C-TS, respectively		
<b>South</b>	1940 Two-story single-family estate residence/ C-TS		
<b>East</b>	2008 single-family residence/ R-C		
<b>West</b>	1987 Parc Regent condominium/ High Density Residential District R-D(2)		



- A. Special Exception (SE): Section 134-1109(a)(8), a public or private academic school is a SE use in the C-TS zoning district. As such, the applicant is requesting approval of a SE to allow a 3,038 square foot school on the site to be utilized as classrooms and support space to accommodate 68 students. With the Unity of Title in place, the entire Biltmore Galleria site consists of 1.5 acres or 64,774 square feet. For the purposes of this application, staff examined the site that would be most utilized for the school, which included the structure, playground, the queuing area and drop off parking spaces. That area is shown outlined on the survey below and totals 21,000 square feet (150 square feet x 140 square feet). In either scenario, the school site exceeds the 20,000 square foot site minimum requirement stipulated in Code Section 134-1517 for places of public assembly, including schools.



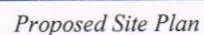
- B. Site Plan Review: Section 134-1517, places of public assembly, greater than 2,000 square feet require site plan review and approval by the Town Council.
- C. Variance: Section 134-2176(11), number of off-street parking spaces, required and the schedule. The Variance requested is to reduce the overall parking for the entire site from Code required parking of 80 spaces to 76 spaces pursuant to the principle of parking equivalency calculation.

#### Site Plan Review

The proposed site plan illustrated in the rendering below will amend the current site plan in order to provide an outdoor play area east of the subject building currently designated for parking and site access. This modification will result in a loss of five (5) parking spaces, including one (1) ADA accessible space. To accommodate the loss of one (1) handicapped accessible parking space, a new one is proposed in the south parking area along the building frontage. The number of parking spaces proposed requires a total of four (4) accessible parking spaces and five (5) are being provided. With regard to the existing on-site parking area that was constructed in 1980, the typical parking stall meets the Code required nine (9)-foot by 20-foot dimension. In the as-built survey, five (5) spaces were found to be just under in width than current Code requires (8.72 feet).



As to the proposed landscape and hardscape, with the removal of the access from Park Avenue, a new six (6)-foot high hedge is proposed along Park Avenue. Displayed in the North Side Elevation below, the landscape hedge will provide a buffer to limit visibility and provide security from Park Avenue to the proposed enclosed playground area. The site plan delineates the proposed playground will both natural and synthetic turf and shade elements. The proposed artificial turf will be installed over the existing asphalt parking area.





Pursuant to Code Section 66-313, in all zoning districts, artificial turf shall be reviewed and may be approved in accordance with the ARCOM Project Designation Manual and may be installed in limited areas of rear and side yards, or as a driveway accent in any yard, example to include strips of artificial turf placed between stone or concrete driveway pads. Artificial turf shall not be installed in any front yard areas, except as a driveway accent, or in any areas visible from the public right-of-way.

#### Drainage

The existing grading and drainage system for the referenced project in the vicinity of the proposed playground consists of asphalt parking sloping to an existing catch basin that is connected by storm piping serving the overall commercial development. With respect to the installation of synthetic turf over the existing asphalt parking area, no changes are proposed to the existing grading or drainage in this area are proposed. Therefore, stormwater runoff will continue to be directed to the existing catch basin. Padding will be installed between the top of the existing asphalt surface and the bottom of the proposed synthetic turf. The synthetic turf that is placed over top of the existing catch basin will have Armorloc Super Drainage backing or engineer approved equivalent to allow for percolation of rainwater through the synthetic turf and into the existing catch basin. Cleaning, video inspection, rehabilitation, and recertification of the existing drainage system on this outparcel will be completed as part of the proposed project. There is no discernable loss of landscape open space (LOS) with the subject proposal.

#### Parking

For the purposes of the subject parking analysis, the adjacent land uses were considered in the calculations as the entire Biltmore Galleria is under one ownership and share access. The existing parking lot currently consists of 82 spaces that are shared between the subject property, the 2,793 square foot bank to the south, and the 13,577 square foot building to the southeast. The 13,577 square foot building consists of 7,233 square feet of retail and 6,324 feet of office space.

Per Code Section 134-2176, the total parking required for the preschool and other uses is 80 parking spaces. Due to the combination of land uses for the entire Biltmore Galleria, the parking analysis that supplemented the application, anticipated that each of the uses will have different peak times throughout the day. A shared parking calculation was prepared by the project traffic engineers, Simmons & White, utilizing the ULI Shared Parking, 3rd Edition to quantify the impacts. The results showed a peak overall parking demand of 75 parking spaces between 2:00 and 3:00 PM or eight (8) less than the provided 82 parking spaces inclusive of the six (6) on street parking spaces. It should be noted that the peak impact for the school is anticipated in the morning since the school will have three (3) different pick-up times (early pick up, regular pick up and aftercare). During the morning hours, the other land uses will generally be operating far below peak utilization.

Code Section	Required	Proposed	Variance
<i>Section 134-2176(11) Number of off-street parking spaces, required and the schedule.</i>	<i>80 parking spaces</i>	<i>76 parking spaces</i>	<i>4 parking spaces</i>
<i>Principal of Parking Equivalency Calculation</i>	<i>75 parking spaces</i>	<i>76 parking spaces</i>	<i>N/A</i>

Traffic

According to the Traffic Impact Statement prepared by Simmons & White, the proposed development was estimated to generate two (2) trips less per day than the previously approved use. At the project build-out of 2026, 20 AM peak hour trips, and 15 PM peak hour trips are projected. In addition, a brief review of the directly accessed link within the project's radius of development influence revealed the proposed development will have an insignificant project assignment.

Based upon the PBC Traffic Performance Standards, a traffic study is not required for a project that generates less than or equal to 20 peak hour trips. Additionally, according to Town Code Section 30-74, a concurrency determination is not required for commercial redevelopments when there is no increase in the square footage or intensity of the use from that prior to redevelopment. Due to the reduction in daily trips, no concurrency reservation is required by the Town of Palm Beach. However, a traffic analysis was provided for informational purposes, which was reviewed by Palm Beach County Traffic Division. Palm Beach County Traffic Division staff determined that the proposed development will not have significant peak hour traffic impact on the roadway network and therefore meets the Traffic Performance Standards of Palm Beach County.

WRB:JGM:JHD