

October 24, 2022

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

Re: LOI for 139 N County Rd- Zoning Case Number: ZON-23-006

We are pleased to submit the accompanying documents and drawings in connection with our application for Special Exception and Site Plan Approval to authorize Outdoor Promotional Events at 139 North County Road, Palm Beach, FL (the "Property"). Section 134-2115 of the Town Code of Ordinances ("Code") allows for such events in the C-TS zoning district as a special exception use after review and approval by the Town Council. This application requests approval for up to eight (8) outdoor promotional events per month within the exterior courtyard area of the Paramount Building, as identified on Sheet G006 of the attached plans. The special events will be limited to no more than 150 people, and will occur from 6 to 11 PM, seven days per week. The location of the events within the Property's inner courtyard will help to minimize any impacts on surrounding property owners, the Property owner will execute a Declaration of Use agreement with the Town to establish the terms and conditions for the Outdoor Promotional Events.

Please note the following as it relates to this application:

A. Special Exception Approval in accordance with Section 134-229.

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.

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

fire protection services due to the existence of or increased potential for fire/safety code violations.

Pursuant to Sections 134-2115 and 134-1109(21) of the Town Code, Special Exception approval is required for outdoor promotional events. Section 134-2115 requires that the property owner file the application for special exception approval and to hold responsibility for managing the events. WEG Paramount LLC as the owner of the Property has filed this application and will be responsible for managing the outdoor promotional events. No amplified music will be staged within 200 feet of any residential structures. The design location for the outdoor promotional events is within the interior courtyard of the property, which is surrounded by the existing building. Because of this location for the outdoor promotional events, the health, safety and welfare of the public will be maintained, and the adjoining properties will be buffered from the events in terms noise, lighting, and odor; therefore, the proposed use is compatible with the adjoining properties, and will not create an adverse economic impact to the neighboring properties. There will be no change to the existing building, hardscape or landscape, therefore the yard, open space and other code requirements are not an issue. The proposed outdoor promotional events use of the property is not in conflict with any of the elements of the Town's comprehensive plan. The existing ingress and egress onto the property will be maintained, and the outdoor promotional events will use the existing refuse and service areas, which are sufficient to support these events. No historic trees are located on the property. It is not anticipated that the proposed outdoor promotional events will place a greater burden on emergency services; however, additional police services will be secured by the owner of the property if the need for such services arises.

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

- (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.
- (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.

- (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.
- (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.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (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.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (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.
- (9) Such other standards as 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.
- (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.

The request for Outdoor Promotional Events meets all requirements of Section 134-329 as applicable to this request. The scope of the proposed project is specific to a limited number of outdoor promotional events, and no changes to existing structures are proposed in connection with this application. As stated previously, the outdoor promotional events will be held within in interior courtyard that is surrounded by the existing building. The use will be in harmony and compatible with the existing uses on the property, and not in conflict with adjacent uses in the surrounding neighborhood. Also mentioned previously, the existing ingress and egress to the

property will be maintained in its current state, which creates safe vehicular and pedestrian use on the property. Existing parking will also be maintained, as will the current storm water drainage system and utilities. Other criteria for site plan review approval are simply not applicable, as the occasional outdoor promotional use of the property will not create physical changes on the property or to the building.

C. Outdoor Promotional Events in accordance with Section 134-2115:

- (1) A special exception application for outdoor promotional events shall only be allowed to be filed by the property owner where outdoor promotional events are to be held.
- (2) The property owner shall be responsible for sponsoring and managing any outdoor promotional event on a property.
- (3) The number of outdoor promotional events per year shall be determined by the town council and provided in the required Declaration of Use Agreement.
- (4) The hours and days in which outdoor promotional events may occur shall be determined by the town council and provided in the Declaration of Use Agreement.
- (5) Amplified music or sound shall only be allowed if said event is held 200 feet or more from any residential use. Such event shall meet the town's noise regulations as provided in sections 42-196 through 42-229 of the Code.
- (6) There shall be no outdoor sales of alcoholic beverages other than the sales related to town approved outdoor seating for the licensed businesses on the property.
- (7) Any approval of a special exception to allow outdoor promotional events shall be required to be reviewed by the town council one year following approval and recordation of the Declaration of Use Agreement. Said approval may be amended or revoked by the town council at that time should it be determined that said use has a negative impact on surrounding properties.
- (8) Approval of outdoor promotional events may be revoked or modified by the town council at any time should it be determined that said use has a negative impact on surrounding properties.

The owner of the Property is seeking approval for up to eight (8) outdoor promotional events per month; specifically for the interior courtyard, as identified on Sheet G006 in the attached set of plans, and will enter into a Declaration of Use Agreement with the Town to this effect, which will also include the approved hours and days for the outdoor promotional events. Amplified music or sound will only be conducted when the area in the exterior courtyard used for an outdoor promotional event is at least

200 feet from a residential structure, and such event will meet the Town's noise requirements found in Town's Code of Ordinances. Any alcohol consumed at an outdoor promotional event will be provided by a caterer that will have all proper and Town required approvals and licensing. Any outdoor seating, furniture and/or lighting used for an outdoor promotional event will be temporary in nature, and done on a case-by-case basis as needed. It is anticipated that the outdoor promotional events will have amplified or live music within the outdoor courtyard area; however, any music done as part of an outdoor promotional event will not be disruptive to neighboring properties, and will comply with the Town's noise ordinance. Furthermore, the owner understands that the Town Council has the authority to review their approval of outdoor promotional events one year after granting said approval, and that the Town Council has the authority to modify or revoke their approval of the outdoor promotional events if they determine that said use is negatively impacting the surrounding properties.

Attached is the recent site history for the Paramount.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JMC', is positioned above the printed name.

James M. Crowley

PARAMOUNT SITE HISTORY EXHIBIT A

The Paramount Theatre building was originally designed by prominent New York architect Joseph Urban. Construction of the building was completed in 1927, and was designated a landmark structure in the Town of Palm Beach on September 14, 1982. The following is the recent history of the zoning and certificate of appropriateness requests for the property.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
August 18, 1982 and July 13, 1983	Certificate of Appropriateness for exterior alterations; partial approval granted on August 18, 1982, and final approval granted on July 13, 1983.	COA#: 11-82	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 9, 1983	Certificate of Appropriateness for exterior alterations, which modifies COA# 11-82.	COA#: 10-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
June 14, 1983	A request for revised site plan showing parking structure.	Special Exception#: 12-83 with Variances and Site Plan Review Moratorium Waiver#: 15-83M	Matter was postponed at June 14, 1983 Town Council meeting. No evidence found in files that this matter was taken up again.
December 21, 1983	Certificate of Appropriateness for exterior modifications and landscaping.	COA#: 13-83	Approved by Landmarks Preservation Commission. Extension granted by LPC on May 22, 1985.
November 14, 1984	Certificate of Appropriateness for a sign for Christina Boutique in lettering not to exceed 5 inches in height.	COA#: 24-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Pearl and Dan Braswell Antique & Precious Jewellery in lettering not to exceed 5 inches in height.	COA#: 25-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for the Red Pony in lettering not to exceed 5 inches in height.	COA#: 26-84	Approved by Landmarks Preservation Commission.
November 14, 1984	Certificate of Appropriateness for a sign for Gartner Hand Made Belgium Chocolates in lettering not to exceed 5 inches in height.	COA#: 27-84	Approved by Landmarks Preservation Commission.
January 9, 1985	Certificate of Appropriateness for exterior light fixtures.	COA#: 1-85	Landmarks Preservation Commission determined that

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			the lighting, as proposed, was not appropriate, and deferred the project. The project was subsequently deferred three more times. No evidence was found that this matter was taken up again, nor was evidence found that the LPC approved this COA.
January 9, 1985	Certificate of Appropriateness for a painted sign on the front window in goldleaf for Gerald E. Marsh, Inc.	COA#: 3-85	Approved by Landmarks Preservation Commission.
September 24, 1986	Certificate of Appropriateness for sign subject to staff approval of style and size of letters.	COA#: 17-86	Approved by Landmarks Preservation Commission.
December 17, 1986	Certificate of Appropriateness for signage for "Chocolate 'N Chills" ice cream shop.	COA#: 19-86	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for four white window signs.	COA#: 3-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for white vinyl window signage.	COA#: 4-87	Approved by Landmarks Preservation Commission.
January 28, 1987	Certificate of Appropriateness for two window signs to read "Perspective Design" in goldleaf with the remainder of the lettering in black vinyl.	COA#: 5-87	Approved by Landmarks Preservation Commission.
October 28, 1987	Certificate of Appropriateness for identification signage on door and windows to read: Joey's Deli.	COA#: 24-87	Approval not found in files.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,600 square feet of office space for the Palm Beach Broadcasting Company on the first floor in lieu of second floor as required.	Variance#: 60-87	Town Council APPROVED the request.
December 8, 1987	A variance to allow the applicant to occupy approximately 1,200 square feet of office space for Island Realty and Property Management, Inc. on the first floor in lieu of second floor as required.	Variance#: 61-87	Town Council APPROVED the request.
April 27, 1988	Certificate of Appropriateness for identification signage to be in goldleaf lettering on the bottom of	COA#: 5-88	Approved by Landmarks Preservation Commission.

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	the glass window to read "PALM BEACH TV – 19" on the first line with "EXECUTIVE OFFICE" centered below it.		
April 27, 1988	Certificate of Appropriateness for the on-the-ground installation of a 16' diameter satellite dish to be painted green with adjacent landscaping on the North County Road side, thorough landscape screening on the east and south sides of the parking lot, and restriping of the parking spaces.	COA#: 7-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for two signs hand-lettered onto the window.	COA#: 10-88	Approved by Landmarks Preservation Commission.
May 25, 1988	Certificate of Appropriateness for removal and replacement of existing balcony guardrails to match existing, and replacement of rotted elements.	COA#: 13-88	Approved by Landmarks Preservation Commission.
June 14, 1988	A variance from Section 4.20, schedule of Use Regulations, to allow the applicant to occupy approximately 1,100 square feet of office space on the first floor in lieu of second floor as required.	Variance#: 35-88	Town Council APPROVED the request.
August 14, 1988	Certificate of Appropriateness for white vinyl signage on glass doors for "S.W.A.K. SURF SHOP."	COA#: 21-88	Approved by Landmarks Preservation Commission.
January 10, 1989	A variance from Section 5.51(f) of the Town Zoning Ordinance to allow installation of a second Dish Antenna on the premises, and only one antenna is permitted by code.	Variance#: 72-88	Town Council DENIED the request.
January 20, 2010	Certificate of Appropriateness for railing replacement.	COA#: 016-09	Approved by Landmarks Preservation Commission.
July 14, 2010	Permit the operation of a real estate brokerage office on the first floor.	Variance#:12-2010	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.
May 10, 2017	Permit the replacement of an existing non-conforming sign (Section 134-2437 – Size of Sign) with an exact replacement.	Sign Variance#: V-16-2017	Town Council APPROVED the request.

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May 17, 2017	Certificate of Appropriateness for exact replacement of Paramount sign.	COA-020-2017	Approved by Landmarks Preservation Commission.
April 11, 2018	Permit the operation of a real estate brokerage office on the first floor.	Z-18-00085	Variance for Unit 15 in the Paramount Building. Did not meet all of the Special Use requirements in Section 134-1109(18). Town Council APPROVED the request.