

**REVISED ATTACHMENT “A3”
LETTER OF INTENT**

1. Project Narrative

This is a Special Exception application that staff determined was necessary due to a change in ownership. The Town Council approved a special exception in 2018 for a 4,352 square foot Executive Office Suite (#220) on the second floor of the existing building within the northeast portion of the subject parcel. This area is highlighted in gray on the previously approved site plan. This area was constructed in accordance with the approved site plan. The new owner, 375 South County Holdings, LLC, desires to continue the Executive Office Suites as constructed with no physical changes to the approved and constructed space until the remaining leases expire in 2024, at which time, they anticipate submitting a new site plan to convert the space into one or two conventional offices. Currently, approximately 1,255 square feet (highlighted in yellow) within ~~of~~ the shaded area on the site plan are leased, including suites 220-1, 220-9 through 220-12, 220-16 and 220-17. The 2018 Special Exception application indicated that 11 parking spaces were utilized by the lessees at that time. Currently, the remaining lessees utilize 6 parking spaces in the parking garage located below the second floor.

2. Justification/Site History

375 South County Holdings, LLC, proposes no physical change to the previously approved site plan and floor plan design. This application was filed due to a change in ownership. No other changes have occurred, and the findings/justifications set forth in the 2018 Special Exception application (**Attachment “A3.1”**) remain applicable.

3. Code Compliance

The following findings provide competent substantial evidence confirming that the requested Special Exception is consistent with the criteria set for in the Town of Palm Beach Land Development Code Section 134-229 as follows:

(1) The use is a permitted special exception use as set forth in article VI of this chapter.

Finding: LDC Section 134-1107(a)(2) allows executive office suites as a permitted use in the Town-Serving Commercial District (C-TS). LDC Section 134-1109(a)(11) requires a special exception for any permitted use exceeding 3,000 square feet.

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

Finding: Executive office suite #220 was approved in 2018, and conventional office use occupied the space prior to 2018. Executive office suite is a low intensity use that does not impact public health, safety, welfare and morals.

- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.

Finding: Executive office suite is a low intensity use that does not impact the value of other property in the neighborhood.

- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.

Finding: Executive office suite is a low intensity use that is compatible with adjoining development and is consistent with the purpose of the Town Serving Commercial District, which is to provide permitted uses, including professional services, to serve the recurring needs of town persons.

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

Finding: The application renews the previous special exception approval granted in 2018 and does not propose any physical changes to the existing building or any other aspect governed by Article VI.

- (6) The use will comply with all elements of the comprehensive plan.

Finding: Executive offices suites are utilized for professional services, which is a permitted use in the Commercial future land use category. The proposed use is consistent 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.

Finding: Executive offices suites is a low intensity use that will result in economic, noise, glare or odor impacts on adjoining properties and properties generally in the C-TS zoning 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.

Finding: The executive office suites utilize parking spaces located below the second floor with ingress/egress from Chilean Avenue as shown on Attachments C5 and C6. No changes are proposed to the existing building and parking.

- (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.

Finding: No changes are proposed to existing signage and lighting.

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

Finding: Existing utility services will continue without change.

(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.

Finding: Existing refuse and service areas will continue without change and have not adversely affected automotive and pedestrian safety and convenience, traffic flow and control, or emergency access.

(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.

Finding: As previously analyzed in 2018 (**Attachment “A3.1”**), executive office suites are inherently designed for occupancy by freelancer, entrepreneurs and other professionals catering to local demand from townpersons. Executive office suite #220 consists of individual offices, ranging in size from 94 square feet to 322 square feet. As such, these small offices are not sufficient in size to support larger companies that serve regional needs. As discussed in the Future Land Use Element of the Comprehensive Plan, the Town’s primary objective has been to avoid larger-scale, regional commercial development, such as malls, lifestyle centers, power centers and the like. The Town has recognized professional offices are particularly appropriate as local, town-serving uses, which is particularly the case for small-scale, executive office suites. The renewal of the Special Exception is consistent with this requirement.

(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.

Finding: N/A. The site is developed.

- (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.

Finding: Executive office suites is a low intensity use and will not place a greater burden on police and fire services compared to other permitted uses.