

January 5, 2023

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

Re: LOI for 340 Royal Poinciana Way, Ste M337  
Zoning Case Number: ZON-23-035

We are pleased to submit the accompanying documents and drawings in connection with our combination application for Special Exception / Site Plan Approval in order to expand the existing Marissa Collections store within The Royal Poinciana Plaza property at 340 Royal Poinciana Way, Suite M337, Palm Beach, FL (the "Property"). Marissa Collections ("Marissa") is a luxury fashion, jewelry and accessories boutique that originally received Special Exception and Site Plan Approval from the Town Council on June 9, 2021. The existing boutique opened in November of 2021.

The project proposes to convert 4,015 square feet of second floor office area into expanded second-floor retail space for Marissa. As a result, an existing 464 square-foot common stair element connecting the first and second floors will be converted from "common area" into gross leasable area (GLA) used by Marissa. However, this area will continue to be used solely for access and no merchandise will be sold or displayed therein.

In 2022, the Town Council revisited, restated and amended the 1979 Agreement that controls development at the Royal Poinciana Plaza (attached as Exhibit "A"). Pursuant to Section (9) of the Amended and Restated 1979 Agreement, parking calculations for both retail and office space continue to be calculated at one (1) parking space per 300 feet of leasable area. Due to the grandfathered status of the non-conforming shopping center, parking has historically been, and continues to be, calculated equally for retail and office uses. Therefore, under the Amended and Restated 1979 Agreement, the conversion of the existing second-story office to retail has no impact on required parking. The only parking impact is the "conversion" of the "common area" staircase to GLA, since that area will no longer be used by more than one tenant. Under the Amended and Restated 1979 Agreement, the number of additional parking spaces needed is 1.5 parking spaces, which by Town Code is rounded up to two (2) spaces. There are an existing 45 "vested and unused" parking spaces on the Property per Section 9 of the Amended and Restated 1979 Agreement; therefore, the required two (2) additional parking spaces will be taken

from the 45 surplus spaces, which will leave the Property with 43 “vested and unused” parking spaces, and will eliminate the need for a parking variance.

Criteria for Approval of 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 will 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.

Per Section 134-1259(a)(11), Code of Ordinances, Special Exception approval is required for a retail business that exceeds 3,000 square feet of gross leasable area. Marissa is a permitted special exception use that is currently operating on the Property, but now wishes to increase its retail space area from 3,040 square feet to 7,519 square feet of GLA within an area of the existing building that is currently used for office. No change is proposed to the building footprint. A luxury boutique catering to the needs of the Town's residents and visitors poses no threat to the public's health, safety, welfare, and morals, will not adversely affect property values in the area, and is consistent with the Town's Comprehensive Plan in that it is a "town serving" retail business.

Marissa previously presented town serving documentation to the Town Council during its review of the original special exception application that was approved on June 9, 2021. In addition, Marissa has compiled data since its opening demonstrating that approximately 61% of its customers are Town residents or out-of-town visitors. We will be happy to discuss this information with the Town Council during its review of our application at public hearing.

In conclusion, the existing Marissa luxury boutique has since its opening proven to be compatible with the other high-end retail uses at the Property. By its nature, a luxury boutique does not produce visual, noise or odor pollution. All other criteria for approving a special exception use are not affected by the proposed application, because no changes are proposed to the ingress and egress onto the Property, and sufficient utilities and services are available to support the use, which already exists on the Property. Finally, there is only a de minimus additional demand for parking because of the previously mentioned conversion of the existing 424 square-foot common stairwell into retail space, which will be met by using two (2) of the 45 “vested and unused” parking spaces that exist on the Property, eliminating the need for a parking variance.

Attached as Exhibit “B” is the site history for the Property.

Sincerely,



James M. Crowley

**Exhibit "A"**



CFN 20220253744

DR BK 33632 PG 0396

RECORDED 06/13/2022 12:46:16

Palm Beach County, Florida

Joseph Abruzzo, Clerk

Pgs 0396 - 404; (9pgs)

Prepared by and return to:  
James M. Crowley, Esq.  
Gunster  
777 South Flagler Drive, Suite 500 East  
West Palm Beach, FL 33401

### AMENDED AND RESTATED 1979 AGREEMENT

THIS AMENDED AND RESTATED 1979 AGREEMENT ("Amended and Restated Agreement"), is made and entered into this 6th day of June, 2022, between TOWN OF PALM BEACH, a Florida municipal corporation, 360 S. County Road, Palm Beach, Florida 33480 ("Town") and RPP PALM BEACH PROPERTY LP, 33 Boylston Street, Suite 3000, Chestnut Hill, MA 02467 ("RPP").

### WITNESSETH

WHEREAS, On March 6, 1979, Town and Poinciana Properties, Ltd., a Virginia Limited Partnership authorized to do business in Florida ("Partnership") entered into an agreement ("1979 Agreement") concerning Town Variance No. 39-78 affecting the real property more particularly described in Exhibit "A" attached hereto (the "Property"); and

WHEREAS, On May 12, 1980 the Property was purchased from Partnership by Sidney Spiegel, Trustee ("Trustee"); and

WHEREAS, On May 12, Town and Trustee entered into an Amendment to Agreement ("First Amendment"); and

WHEREAS, On January 27, 1984, the Town and Poinciana executed a Second Amendment to Agreement, extending the single matinee performance permission from July 1, 1983 through March 31, 1984; on August 2, 1984, the Town and Poinciana executed a Third Amendment to Agreement, extending the single matinee performance permission from July 1, 1984 through March 31, 1985; on July 25, 1985, the Town and Poinciana executed Fourth Amendment to Agreement, extending the single matinee performance permission from December 1, 1985 through March 31, 1986; on July 21, 1986, the Town and Poinciana executed a Fifth Amendment to Agreement, extending the single matinee performance permission from December 1, 1986 through April 12, 1989; on July 10, 1989, the Town and Poinciana executed a Sixth Amendment to Agreement, extending the single matinee performance permission from December 1, 1989 through April 13, 1990; on November 5, 1990, the Town and Poinciana executed a Seventh Amendment to Agreement, extending the single matinee performance permission from December 1, 1990, through April 12, 1991; on June 12, 1991, the Town and Poinciana executed an Eighth Amendment to Agreement, extending the single matinee performance permission from beginning from December 3, 1991 through April 30, 1992; on October 15, 1992, the Town and Poinciana executed a Ninth Amendment to Agreement, extending the single matinee performance permission from December 3, 1992 through April 30, 1993; on June 25, 1993, the Town and Poinciana executed a Tenth Amendment to Agreement, extending the single matinee performance permission from December 3, 1993 through April 30, 1994; on August 9, 1994, the Town and Poinciana executed

an Eleventh Amendment to Agreement, extending the single matinee performance permission from November 15, 1994 through April 1, 1995; on November 14, 1995, the Town and Poinciana executed a Twelfth Amendment to Agreement, extending the single matinee performance permission from November 29, 1995 through April 1, 1996; on October 14, 1996, the Town and Poinciana executed Thirteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1996 through April 1, 1997; on October 3, 1997, the Town and Poinciana executed a Fourteenth Amendment to Agreement, extending the single matinee performance permission from December 23, 1997 through April 5, 1998; on September 9, 1998 the Town and Poinciana executed a Fifteenth Amendment to Agreement, extending the single matinee performance permission from November 11, 1998 through April 7, 1999; on September 8, 1999 the Town and Poinciana executed a Sixteenth Amendment to Agreement, extending the single matinee performance permission from December 1, 1999 through April 30, 2000; on January 19, 2001 the Town and Poinciana executed a Seventeenth Amendment to Agreement, extending the single matinee performance permission from December 6, 2000 through February 28, 2001; on August 22, 2001, the Town and Poinciana executed an Eighteenth Amendment to Agreement, extending the single matinee performance permission from December 12, 2001 through April 24, 2002; and on April 15, 2003, the Town and Poinciana executed a Nineteenth Amendment to Agreement, extending the single matinee performance permission from December 3, 2002 through April 14, 2003 (collectively, the "Subsequent Amendments"); and

WHEREAS, on August 26, 2014 RPP acquired the ground lease for the Property; and

WHEREAS, on March 9, 2022, the Town Council did, after public notice and public hearing, approve Zoning Application ZON-21-018 (the "Application"), which authorized, among other things, the redevelopment of portions of the Property (the "Project"); and

WHEREAS, RPP made application for and received from the Town Council, after public notice and public hearing on April 13, 2022, permission to amend the 1979 Agreement as set forth below.

**IT IS THEREFORE AGREED:**

(1) The above recitals are true and correct and are incorporated herein and made a part hereof.

(2) The 1979 Agreement, the First Amendment, and the Subsequent Amendments are hereby amended, superseded, and consolidated into this Amended and Restated Agreement, and in the event of any conflicts between this Amended and Restated Agreement and the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements, this Amended and Restated Agreement shall control.

(3) Any terms, provisions, covenants, restrictions, or other requirements contained within the 1979 Agreement, the First Amendment, and/or the Subsequent Agreements which are not included in this Amended and Restated Agreement are hereby terminated.



(4) The granting of the Application is contingent upon and subject to compliance by RPP with the following conditions:

A. Upon completion of the modified construction approved by the Town Council pursuant to the Application, the buildings and the Property shall conform to the requirements of the zoning code except as authorized by the Application and the previous zoning approvals, including variances, which have been approved by the Town Council. No other non-conformity is permitted unless approved by the Town Council in accordance with the variance procedures set forth in Chapter 134-201 of the Town Code. The number of parking spaces provided for all existing development at the Property, including that development authorized pursuant to the Application, is 679; however, there continue to be 45 vested and unused parking spaces for future use assignment by the Town Council upon application by RPP or any tenant for permitted commercial uses that require additional parking.

B. Upon completion of the Project, there will be over 16% of landscaped open space, as defined by the Zoning Code of the Town and determined by the building official. After construction is completed and a certificate of occupancy is issued there shall be no conversion of any landscaped areas to paved areas without approval of the Town.

C. The unity of title prohibiting the separate conveyance of any portion of the Royal Poinciana Plaza shall not be terminated without the consent of the Town.

(5) Subsequent to the completion of construction and during its ownership of the Royal Poinciana Plaza RPP (and during the ownership of any purchaser) agrees to perform as follows:

A. In the event of the demise of the historic Mysore Fig Tree, that area within the curb around the base of the tree will be maintained in its entirety as landscaped open space.

B. There shall be no construction of any new buildings in the Royal Poinciana Plaza after completion of construction of the improvements authorized by the Town Council pursuant to the Application; however, this shall not prohibit construction of alterations or renovations of any buildings in the Plaza which does not increase number of square feet in said buildings.

C. RPP will not instigate or participate in legal action to repeal the current zoning ordinance.

D. RPP will continue to lease the theater space only for use as a theater of the performing and/or visual arts and for lectures and other special events.

E. RPP will include a restrictive clause in any contract of sale of the Property whereby the purchaser agrees to prohibit use of the theater space for any purpose other than as set forth in paragraph C above and that said restriction shall be contained in the deed of conveyance to purchaser.



F. RPP will not allege economic hardship as a basis to abrogate any of the terms of this Amended and Restated Agreement.

(6) The above conditions shall be construed to be covenants and restrictions running with the land and shall be in full force and effect so long as the structure currently known as the Royal Poinciana Plaza continues to be in existence and is located upon the above-described premises. However, no one of the above shall bind RPP or any subsequent owners of the Royal Poinciana Plaza to this agreement or the current zoning ordinance if at some future date that ordinance is revised as it applies to the plaza and thereby provides for further development possibilities.

(7) Upon any breach of the above covenants and conditions by RPP or its successors and assigns, Town shall have all the rights and remedies allowed by law to require strict compliance with said covenants and conditions.

(8) This Amended and Restated Agreement shall inure to and be binding upon the successors and assigns of the parties hereto. This agreement may be changed only by written amendment executed by the Town and RPP or its successors and assigns.

(9) Parking shall remain as shown on the plans approved by the Town Council during its review of the Application and shall be calculated at one space per 300 square feet of leasable area. The total number of parking spaces provided for all existing development, including that development authorized by the Application, is 679. The assignment of the 45 vested and unused parking spaces shall require review and approval by the Town Council at a public meeting.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals on the day and year first above written.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF the Parties have hereunto set their hands and seals the day and year first above.

Signed, sealed and delivered  
In the presence of:

TOWN OF PALM BEACH

Antoinette M. Fabrizi  
Print Name: Antoinette M. Fabrizi

By: Danielle H. Moore  
Danielle Moore, Mayor

Deborah Jones  
Print Name: Deborah Jones

By: Margaret Zeidman  
Margaret Zeidman, Town Council President

Antoinette M. Fabrizi  
Print Name: Antoinette M. Fabrizi

Deborah Jones  
Print Name: Deborah Jones

By: Kirk Blouin  
Kirk Blouin, Town Manager

Antoinette M. Fabrizi  
Print Name: Antoinette M. Fabrizi

Deborah Jones  
Print Name: Deborah Jones

Stephanie Cheng  
Print Name: Stephanie Cheng

RPP PALM BEACH PROPERTY LP

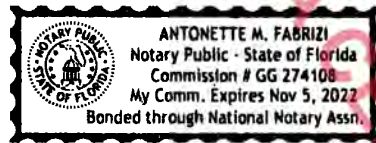
Maria Hambaker  
Print Name: Maria Hambaker

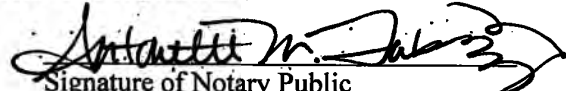
By: Samantha Perry Dand  
Its: Samantha Perry Dand, VP

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of MAY 2022, by Danielle Moore, the Mayor of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and she did not take an oath.

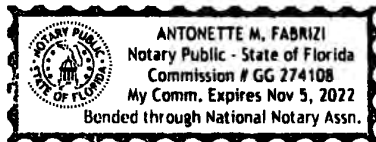


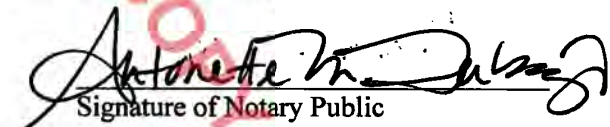
  
Signature of Notary Public  
Antonette M. Fabrizi  
Printed Name of Notary Public  
Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me this 17<sup>th</sup> day of May 2022, by Margaret Zeidman, the President of the Town Council of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. She is personally known to me and he did not take an oath.

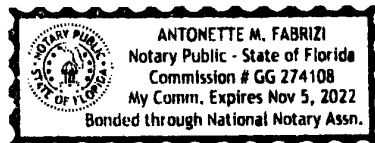



  
Signature of Notary Public  
Antonette M. Fabrizi  
Printed Name of Notary Public  
Commission Expires: 11-5-22

STATE OF FLORIDA

COUNTY OF PALM BEACH

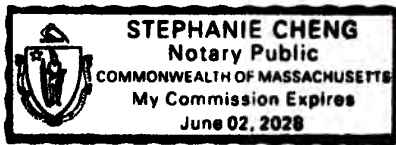
The foregoing instrument was acknowledged before me this 16<sup>th</sup> day of May 2022, by Kirk Blouin, the Town Manager of the Town of Palm Beach, a Florida municipal corporation, on behalf of the corporation. He is personally known to me and he did not take an oath.



  
Signature of Notary Public  
Antonette M. Fabrizi  
Printed Name of Notary Public  
Commission Expires: 11-5-22

STATE OF MassachusettsCOUNTY OF Middlesex

The foregoing instrument was acknowledged before me this 6 day of June 2022, by Samantha Perry David, on behalf of RPP PALM BEACH PROPERTY LP. He/She is personally known to me and he did not take an oath.



[Signature]  
Signature of Notary Public

Stephanie Cheng  
Printed Name of Notary Public  
Commission Expires: 6/2/2028

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE TOWN OF  
PALM BEACH

By: [Signature]  
John C. Randolph, Esquire



**EXHIBIT "A"****PARCEL A:**

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, bounded as follows:

On the north by the southerly right-of-way line of Royal Poinciana Way; on the east by the westerly right-of-way line of Cocoanut Row; on the west by the Waters of Lake Worth; on the south by the following described line:

Commencing at the intersection of the northerly right-of-way line of White Hall Way with the westerly right-of-way line of Cocoanut Row, as said streets are described in deed recorded in Deed Book 814, Page 477, and subsequent pages, public records of Palm Beach County, Florida; thence northerly along the said westerly right-of-way line of Cocoanut Row, a distance of 444.76 feet to the beginning of a curve concave to the east having a radius of 329.60 feet and a central angle of  $23^{\circ}53'30''$ ; hence northerly along the arc of said curve, a distance of 137.44 feet, to the tangent to said curve; thence northerly along said tangent, a distance of 59.62 feet to the point of beginning of the herein described south line; thence westerly making an angle from southwest to west of  $66^{\circ}14'30''$ , a distance of 227.26 feet; thence northerly at right angles, a distance of 25 feet; thence westerly at right angles, a distance of 293.43 feet to the beginning of a curve to the northeast, having a radius of 65.03 feet and a central angle of  $85^{\circ}42'43''$ , a distance of 97.28 feet; thence northwesterly a distance of 33.90 feet, more or less, to the southeast corner of a parcel of land described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida, said southeast corner is located on the arc of a curve concentric with the last herein described curve, and having a radius of 90.03 feet and a central angle of  $102.55'30''$  and is 4.19 feet southerly from a point of reverse curve; thence northerly along the arc of the just described curve, a distance of 4.19 feet to the point of reverse curvature of a curve concave to the west, having a radius of 513.29 feet and a central angle of  $15^{\circ}35'22''$ ; thence northerly along the arc of said reverse curvature a distance of 97.62 feet to a point in a line parallel with and 461.20 feet southerly from (measured at right angles to) the southerly right-of-way line of Royal Poinciana Way, said line also being described in Deed Book 1011, Page 226, public records of Palm Beach County, Florida; thence westerly along said parallel line, a distance of 191.06 feet, more or less, to the Waters of Lake Worth and the end of herein described southerly line.

Excepting, however, so much of a nearly rectangular area of land, together with riparian or littoral rights appurtenant or incident thereto, as is included in the foregoing described parcel of land, and which nearly rectangular area of land has a southerly boundary of 208.44 feet, an easterly boundary of 71.20 feet, a northerly boundary of 190.74 feet plus 12.08 feet, on two different courses coinciding with the south line of the east approach of Flagler Memorial Bridge, and having a westerly boundary of 71.38 feet coinciding with the west face of an existing concrete bulkhead within the Waters of Lake Worth, and all as such nearly rectangular area of land m riparian and littoral rights appurtenant or incident thereto are more particularly described and were conveyed in deed of Florida East Coast Hotel Company to Town of Palm Beach, dated September 11, 1939, and recorded in Deed Book 592, Page 478, of the public records of Palm Beach County, Florida.

ALSO EXCEPTING, HOWEVER, ROYAL POINCIANA WAY ADDITIONAL RIGHT-OF-WAY DESCRIBED IN ORDER OF TAKING, AS RECORDED IN OFFICIAL RECORDS BOOK 23661, PAGE 787, PUBLIC RECORDS, PALM BEACH COUNTY, FLORIDA.

**PARCEL B:**

A parcel of land in Section 22, Township 43 South, Range 43 East, Palm Beach County, Florida, and more particularly described as follows:

Beginning at a point on the Westerly right of way line of Cocoanut Row as laid out and in use, at a distance of 173.9 feet South of the intersection of said West line of the right of way of Cocoanut Row and the Southerly right of way line of Royal Poinciana Way, thence Westerly parallel to the Southerly right of way line of said Royal Poinciana Way a distance of 868.33 feet; thence Southerly at right angles to the preceding course a distance of 245.3 feet to the beginning of a curve concave to the West having a radius of 513.29 feet and a central angle of 15°35'22"; thence Southerly along the arc of said curve a distance of 42.04 feet to the Point of Beginning and the Northeast corner of the parcel of land herein described; thence continue Southerly along the arc of said curve a distance of 97.62 feet to a point of reverse curvature; thence Southerly along the arc of a curve to the East and having a radius of 599.29 feet, a distance of 4.06 feet to a point in the South line of the herein described parcel; thence Westerly, parallel to and 561.2 feet Southerly (measured at right angles) from the Southerly right of way line of said Royal Poinciana Way, a distance of 180 feet, more or less, to the waters of Lake Worth; thence Northerly along the waters of Lake Worth to a point in a line parallel to and 100 feet Northerly (measured at right angles) from the Southerly line of the herein described parcel; thence Easterly along said Parallel line a distance of 185 feet more or less to the Point of Beginning.

TOGETHER WITH the non-exclusive easement for ingress and egress as set forth in Deed dated March 31, 1955, recorded April 19, 1955, in Deed Book 1090, page 264, of the Public Records of Palm Beach County, Florida.



**EXHIBIT "B" – ROYAL POINCIANA PLAZA SITE HISTORY**

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/14/73	Variance request to construct a building 46' high instead of 40' high	Variance #30-73	Denied by Town Council
12/11/73	Special exception to establish a new club—The Poinciana Club	Special Exception #11-73	Approved by Town Council Club parking 1 space per 4 members; 213 members; 53 spaces A 'continuation of prior use'
6/8/76	Application for variance to erect 5 story buildings instead of 3 story buildings in southeast and northwest portions of property	Variance # 35-76	Denied by Town Council
1/24/78	Variance request to construct a new building in the northwest corner of the Plaza and a new building on the location of the "old playhouse" in the southeast quarter of the Plaza	Variance # 61-77	"Mr. Ehringer has confirmed the parking" ...Total parking required is 644 and the present number is 548, so present nonconformity is 96 spaces. Variance approved subject to a number of conditions. Club membership: 339 regular, 43 non-resident, 45 seasonal, 0 corporate, 13 junior.
2/13/79	Permission to revise building plans submitted with Variance #61-77. South side proposed building eliminated. Building B on lake on northwest part of site; office and restaurant only. Remove most of Slat House, leaving only 2400 SF	Var. #39-78	Approved with conditions (1979 Agreement). After 1983: parking required 858; parking nonconformity 213.  Zoning C-A
3/6/79	Agreement with conditions entered into	Var. #39-78	Agreement includes a provision recognizing "the number and size of non-conforming parking spaces then existing in the Royal Poinciana Plaza . . ."
3/6/79			Unity of Title executed for Plaza
10/4/79		B3150 Pg 0673	Sidney Spiegel accepts assignment of 1979 Agreement. Theater, Royal Poinciana Club,

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			and Hibel Museum already existed.
2/12/80	Zoning Variance to exchange right to build lakefront Building B for right to reconstruct Slat House	Var. #4-80	Original Agreement amended to reflect provisions of Var. #4-80
3/31/80	Adoption of new Zoning Code	Ord. #4-80	Changed Poinciana Plaza from C-A to C-PC
5/14/80	First Amendment to 1979 Agreement		Buildings A and B eliminated; renovation of Slat House allowed
7/8/80	Special exception approved to increase floor area of Security Trust Company to 4,000 S.F.	S.E. #18-80	
11/11/80	Request for approval for a restaurant, Café Camille	Variance No. 4-80	During Town Council discussion, the Building Official indicated the following "allocations": 172 for the Playhouse, 75 to the Club, and 67 to the existing restaurant. Application continued.
11/11/80	Permit issued to demolish east and west wings of Slat House		
12/9/80	Request for approval for a restaurant, Café Camille	Variance #4-80	Withdrawn, and former understandings re restaurants (2) in Plaza reiterated
3/31/81	Amend C-PC	Ord. #6-81	From 3 stories to 2 stories
10/13/81	Variance requested to add 50 seats to theater without adding parking	Var. #48-81	<p>Approval allowed 47 new seats in exchange for reduction of 24 seats and 360 s.f. in Slat House Restaurant. Building Official stated that "there are 172 spaces which are allocated to the theater..." Per Town approval letter, "It is acknowledged the Theater is grandfathered for 172 parking spaces . . ." Total seating capacity in theater is 899 per approval letter.</p> <p>Note in Building Department records says: "existing seating 852; requires 171 parking spaces. Proposed seating 901; requires 181 parking spaces"</p>

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/14/82	Special Exception to add 1,936 S.F. of office space to Security Trust Company	S.E. #12-82	Approved by Town Council
2/8/83	Zoning Variance approved to add new entrance canopy to Royal Poinciana Playhouse	Var. #6-83	
6/12/84	Approval for expansion of Northern Trust Bank to 9,500 S.F. without providing additional parking	S.E. #13-84 with Variance	Shopping center owner agrees to reduce parking spaces allocated for Slat House Restaurant from 58 to 54
12/10/85	Approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of Plaza; variance for tandem parking w/16' aisles	S.E. #22-85 with Variance	Parking attendant required by approval
1/3/86	Town administratively approved modification to latest parking plans – 26' aisles	S.E. #22-85 with Variance	
1/13/87	Request to expand office by 3,500 square feet on 1 <sup>st</sup> floor of Slat House for Prudential-Bache	S.E. #1-87	Denied by Town Council
7/14/87	Request to add 2,500 square feet to Prudential-Bache; total 10,328 square feet	S.E. #13-87	Approved by Town Council
12/8/87	Approval to convert Nicholas restaurant to private dining club (164 seats)	S.E. #19-87	f/k/a Cappriccio's, now Harold's Club, later Houston's Once approved, use cannot automatically revert to restaurant
3/14/89	Request to add 2,500 square feet on second floor for Prudential-Bache Securities; total 10,300 square feet	S.E. #1-89	Approved by Town Council
2/12/91	Approval to convert Palm Beach Club to public restaurant known as Au Bar	S.E. #1-91	Approved by Town Council. Formerly Cappriccio's, Harold's Club
2/11/92	Approval for new owner to continue operations of public restaurant and lounge; still called Au Bar	S.E. #3-92	No outdoor service to patrons
9/8/92	Approval for 5,000 square foot use for Sun Bank	S.E. #24-92	

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5/10/94	Approval for The Poinciana Club to relocate social and dining space to west side of building; variance to put awning in set-back	S.E. #13-94 with Variance	'no change in seating'; 330
4/11/95	Approval for restaurant and lounge which exceeds 2000 s.f.	S.E. #4-95	Continuation of Au Bar
8/8/95	Request to allow continuation of a special exception for The Poinciana Club as a Town-serving business	S.E. # 17-95	330 seats; application deferred by Town Council after debate
9/12/95	Approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces. The variances allowed attendant parking with 3 tandem rows	S.E. #21-95 with Site Plan and two Zoning Variances	Several conditions of approval
2/13/96	Approval for sculpture garden	Site Plan Review #1- 96	
7/9/96	Approval for 10,500 s.f. for office and personal service	S.E. #21-96	Headquarters for Babor Cosmetics
9/8/98	Approval sought to replace a 330-seat private club with a 330-seat public restaurant/night club (The Poinciana Club)	S.E. #9-98	2,622 members on record at that time  Seating capacity 330, 'having been expanded in 1995' per DKS traffic memo  Application withdrawn
1/12/99	Approval for an occupational license for a 164-seat restaurant – The Palm Beach Grille (Houston's)	S.E. #34-98	A number of conditions of approval. See also Site Plan Review #5-99 regarding parking. 745 spaces in Plaza
3/9/99	Approval for redesign of the parking on the northwest side of the Plaza; 745 total, including 116 valet in northwest portion of site	Site Plan Review #5-99, with Variances	Several conditions of approval. This approval was tied to the Palm Beach Grille approval.
7/31/01	Request for zoning ordinance modification to allow residential component in C-PC		Denied by Town Council
12/19/01	Landmark Preservation Commission (LPC) elected to place Theater on list of properties being considered for "landmark" designation		On 4/17/02 LPC decided to withdraw the Theater from consideration for designation

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6/11/02	Application for a private social club in 4,875 s.f. in the northeast building; total membership 100	S.E. #7-2002	Withdrawn by applicant
6/13/04	Application to operate another 1,300 s.f. for a total of 3,000 s.f. for a health and fitness studio	S.E. # 21-2004	Approved by Town Council
10/12/04	Application to allow outdoor seating (40) at existing McCarty's Restaurant	S.E. # 28-2004 with Site Plan Review	Approved by Town Council  Total seating remains at 151
2/28/05	Application for comprehensive plan amendments, rezoning, and zoning code amendments to create a mixed use PUD		Withdrawn by applicant
2/13/07	Request to replace 878 seat Royal Poinciana Theater, private supper club, and Hibel Building with 74 unit, two and three story hotel complex and 299 seat theater for Florida Stage	Site Plan review #5-2007 with Special Exceptions and Variances	Subject case in abeyance until the lawsuit concerning subject property is resolved.
4/10/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the November 13, 2007 Town Council agenda
7/10/07	Report on decision in Royal Poinciana Plaza court case to Town Council		
10/4/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the April 2008 Town Council agenda
11/13/07	Town Council discussion of landmarking options		
3/11/08	Town Council discussion of eminent domain acquisition of Royal Poinciana Plaza		Town Council consensus not to pursue eminent domain
4/8/08	Resolution ratifying the Landmarking of the Royal Poinciana Plaza	Res. #23-08	Public hearing continued until November 2008
5/12/08	Town Council discussion of Memorandum of Ground Lease at Royal Poinciana Plaza		

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7/16/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande"	Var. #12-2008	See below
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Variances granted subject to several conditions including parking conditions. The Town Council discussion indicated that "no additional variances would be considered". However the approval letter does not reflect that stipulation. The letter does indicate a requirement that the property owner was to re-stripe the parking lot to comply with the site plan approved with SPR #5-99 by October 10, 2008.
9/17/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		LPC on record as wanting the entire 12 acre parcel to be landmarked
10/13/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Town Council clarified two of the conditions of approval, including eliminating the re-striping requirement
10/13/08	Request by "Designers to You", Suite 328 for Special Exception to change from office to retail without providing 2 additional parking spaces	Special Exception #13-2008 with Variance	Approved by Town Council, with the condition that this would be the final request for a parking variance. However this condition does not appear in Town's approval letter.
11/12 and 11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Architect Ann Beha and Landscape Architect Morgan Wheelock; Town Council voted to Landmark entire site
11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Town Council voted to Landmark entire site



DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/11/09	Town Council discussion of Study Item relating to possible zoning amendment re off-street parking at Plaza	Study Item 15A	Withdrawn by Sterling Group
3/11/09	Review of 1979 Agreement by Town Council		Led by John Randolph; focus of discussion was playhouse
4/15/09	Discussion of the Future Use of the Royal Poinciana Plaza by Town Council		Focus was redevelopment of Plaza
5/11/09	Consideration of the future of the Royal Poinciana Plaza by Town Council		Continued from previous agenda; focus was redevelopment of Poinciana Plaza. Motion made that the LPC be the first body to consider the Sterling Group's redevelopment application, and that LPC consider that application without regard to potential future changes to the 1979 agreement, the comprehensive plan or the zoning code.
6/10/09	Town Council discussion of proposed charter amendment regarding Plaza and playhouse; consideration of special counsel to advise the LPC on the Royal Poinciana Plaza application		Council moved to "seek declaratory judgment expeditiously"; decided not to hire any additional legal representation for the LPC
2/9/10	Debate by Town Council re having LPC members attend the 2/10/10 meeting of the Town Council to discuss their objectivity and hear instructions re upcoming application by Sterling		Motion passed
2/10/10	Request by LPC to obtain additional legal advice debated by Town Council		Town Council moved to deny request, as well as request to use private money to hire such advice; moved to require all boards and commissions to take the same oath of office as the Town Council.
3/9/10	Extensive debate about various aspects of Poinciana Plaza matter by Town Council		

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4/13/11	Modify a condition of approval of Var. #12-2008 which required the applicant to remove all reserved and assigned parking spaces throughout the Plaza and associated signage by 10/10/08.	Var. #7-2011	Approved; Dr. Conroy retains 4 designated parking spaces until 10/31/12
8/15/12	Request to allow medical office totaling 3,757 SF	S.E. #16-2012	Approved subject to condition re 1979 Agreement
8/15/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred by Town Council
10/10/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred to the November 16, 2012 meeting
11/15/12	Enforcement of 1979 Agreement debated by Town Council		Council consensus was that Sterling come back before Town Council on January 9, 2013 to report on status of potential Playhouse lease
11/16/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/Variance	Modified plan reduced restaurant size to 7,732 SF and seating to 222. This reduces parking variance needed from 72 to 58. Special Exception approved by Town Council; variance denied
12/19/12	LPC review of proposed exterior changes to Plaza for Del Frisco's		Deferred by LPC
1/9/13	Parking lot "cure plan" reviewed by Town Council	Site Plan Review #1-2013	SPR deferred by Town Council
1/9/13	Update re status of lease of Playhouse provided by Sterling		
1/16/13	LPC review of proposed exterior changes to Plaza for Del Frisco's	C of A #023-2012	Approved by LPC
2/12/13	Procedural discussion re Poinciana Plaza-appeals of LPC decisions	C of A #004-2013 AND #023-2013	Town Council discussion

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2/13/13	Appeal of LPC approval of renovation plan for Del Frisco's	C of A #023-2012	Appeal denied by Town Council
2/13/13	Appeal By Palm Beach Towers of LPC approval of renovation plan for Brown Harris Stevens	C of A #004-2013	Appeal withdrawn
2/13/13	Request for site plan review to restripe the northwest portion of the Plaza parking lot due to FDOT taking	Site Plan Review #1-2013	Five plan options presented to Council. After debate, Plan #3 was approved, but the number of approved parking spaces was reduced from <u>192</u> to <u>188</u> . Modifications by Town Council: <ul style="list-style-type: none"> <li>• Remove four triple-stacked spaces on north end</li> <li>• Remaining northern spaces to be moved 2' north</li> <li>• Applicant to execute hold harmless agreement</li> </ul>
4/10/13	Appeal of Town Council of Administrative Decision by staff re weekend and evening parking and related parking concerns at Poinciana Plaza for Del Frisco's	Special Exception #20-2012 and appeal of administrative decision	The Town Council approved the portion of the appeal which allows Del Frisco's to open at 5:00 PM for dinner or brunch. The Council deferred appeal of staff determination that there was a deficiency of parking during morning and afternoon hours and that restaurant could not open for Sunday brunch, until Del Frisco's applies for a zoning request to modify the previous approval to be open for Sunday brunch.
6/12/13	Request for modification of previous Special Exception approval (#20-2012) to allow for Sunday operating hours from 10:00am to 11:00p.m.	Special Exception #9-2013	Deferred by Town Council Denied by Town Council on 2/12/14
11/13/13	Request to open a car rental business called Sixt Car Rental	Special Exception #19-2013	Approved with conditions
12/11/13	Site Plan modification to change eight areas of the existing parking lot striping to comply with current ADA requirements.	Site Plan Review #13-2013	Approved by Town Council with number of parking spaces limited to 718.

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9/10/14	Special exception to allow office use greater than 2000 SF of GLA	Special Exception # 16-2014	Approved by Town Council
5/13/15	Modifications throughout Plaza increasing green space, improving aesthetics, and improving traffic flow	Site Plan Review #2-2015	Approved by Town Council
3/9/16	Modification to the gross leasable area of portions of the Plaza	Site Plan Review # 2-2016	Approved by Town Council
3/9/16	Special Exception to operate 5,973 SF, 120 seat restaurant called Sant Ambroseus	Special Exception # 6-2016	Approved with conditions; Declaration of use Agreement to be executed; elimination of 135 seats from the theater. Maximum theater seats 725.
8/16/16	Special Exception to operate a 8,108 SF two-level retail store in Suite 301 called Hermes	Special Exception #19-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,902 SF retail store called Kirna Zabete	Special Exception # 33-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,850 SF retail bike shop	Special Exception # 32-2016	Approved by Town Council
3/15/17	Special Exception request to operate a 3,260 SF, 80 seat restaurant (Coyo Taco), featuring Mexican cuisine (196 SF of open standing area, 2,103 SF of dining area and taqueria and 961 SF of support). The restaurant was approved in the southwest corner of the Royal Poinciana Plaza.	Special Exception #5-2017 with Site Plan Review	The subject tenant space can only support 21 seats based on the principle of equivalency, The approval allowed the transfer of 59 seats grandfathered from the former McCarty's Restaurant, leaving a maximum of 92 seats remaining with the former McCarty's space.  Several conditions of approval were imposed, including a Declaration of Use Agreement and 'no DJ'.
6/30/17	Special Exception requested to allow 26 of the previously-approved 80 seats to be relocated from inside Coyo Taco to the newly created patio area around the west fountain.	Special Exception #5-2017 with Site Plan Review	Approved subject to 5 conditions

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8/8/17	Declaration of Use Agreement between Town of Palm Beach and 305 Concepts Palm Beach LLC (Coyo Taco)	ORB 29276 Pg 1582	recorded
12/17	Zoning text amendment to allow outdoor promotional events in commercial areas and to allow commercial property identification signs in the C-PC district		Approved by Town Council
2/14/18	Special Exception request to allow outdoor promotional events in central courtyard	Z-17-00061	Approved by Town Council subject to conditions including affidavit that approval does not provide for further development opportunities as identified in the 1979 Agreement. Also amended Declaration of Use Agreement to add a number of conditions
6/9/21	Special Exception request to allow 3,040 SF of retail GLA for "Marissa Collections"	Z-21-00352	Approved by Town Council
9/13/21	Special Exception request to allow 3,529 SF of GLA and 90 total seats, 12 of which are located outdoors, for relocation of TooJay's to Suite M335	Z-21-00384	Approved by Town Council
3/9/22	Special Exception with Site Plan and Variance approval to allow for a cultural arts center use greater than 3,000 square feet of GLA, and site renovations, additions, modifications, and variances	ZON-22-018 (COA-22-003)	Approved by Town Council
4/13/22	Approval of the Declaration of Use Agreement, and the Amended and Restated 1979 Agreement that controls development at the Royal Poinciana Plaza	ZON-22-018	Approved by Town Council