



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

THRU: Wayne Bergman, MCP, LEED-AP
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: ZON-23-031 140 N COUNTY ROAD

MEETING: MARCH 15, 2023

ZON-23-031 140 N COUNTY ROAD – MODIFICATION TO THE SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Bank of America, N.A. (Mary J. Walter, Esq.) has filed an application requesting a modification to the Special Exception with Site Plan approval to remove the requirement for annual reporting of Town Serving data as evidence to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.

Applicant: Bank of America, N.A.
Professional: Liebler, Gonzalez & Portuondo (Mary J. Walter, Esq.)

HISTORY:

On May 18, 1999, the Town Council granted the Bank of America a Special Exception to allow for the financial center to operate at 140 North County Road. As a condition of the approval, annual reporting to demonstrate the bank maintains its Town Serving status has been required since that time in order to obtain a business tax receipt.

THE PROJECT:

Bank of America, N.A., has submitted an application to remove the annual reporting condition of approval. According to the applicant, the bank has continued to comply with this requirement providing evidence each year that it has remained Town Serving. As stated in the application, the process is time consuming and in light of its history of compliance, they are seeking a modification to the Special Exception to remove this requirement.

The subject property is located on the southwest corner of Sunrise Avenue and North County Road. The Future Land Use designation is Commercial with a compatible zoning classification of Town-Serving Commercial District (C-TS).



Site Data			
Zoning District	C-TS	Future Land Use	COMMERCIAL
Existing Use	6,253 square foot Bank	Proposed Use	no change

STAFF ANALYSIS

As the subject business is located within the C-TS zoning district, to be granted a special exception use under section 134-229, in all districts except the C-OPI district, and excluding hotels, motels and timeshares, the business must demonstrate that they attract the principal portion of its customers and/or clients from within the Town of Palm Beach. As in the case with the subject applicant, the Town Council may require applicants to provide annual documentation to satisfy this requirement.

Pursuant to the applicant's Letter of Intent (LOI), the Bank has complied with this requirement. The methodology for determining "Town Serving" was to create a list of customers/client addresses of the accounts domiciled at the Palm Beach Banking Center located at 140 North County Road. If the customer's address listed Palm Beach as a resident, the Bank concluded the customer was a "Town Person." If the account was for a known Palm Beach business, or an employee known to work in Palm Beach, the Bank concluded the customer was considered a "Town Person." If the address has a zip code more than 25 miles away, it concluded the customer was not a "Town Person." Using the above methodology, the Bank confirmed annually that it was serving at least 50% of Town Persons. The justification for removing this annual reporting according to the applicant is that the process is time consuming. Given the Bank's regular compliance, and to minimize the burden on the actors involved in the process, the Bank desires to be excused from the requirement that it demonstrate "Town Serving" on an annual basis as a condition for renewal of its occupational license.

The subject application is presented to the Town Council for review and approval for Special Exception use to remove the condition of the original approval in 1999 to provide evidence of the Bank's town serving nature.

WRB:JGM:JHD