

TOWN OF PALM BEACH

Information for Town Council Meeting on:

May 10, 2023

To: Mayor and Town Council

Via: Kirk W. Blouin, Town Manager

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

Re: ZON-23-049 PUD AMENDMENT RESOLUTION FOR THE BREAKERS TENNIS COURT FACILITIES – Resolution No. 43-2023

Date: May 10, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council approve the resolution amending the Planned Unit Development for the Breakers.

BOARD OR COMMISSION RECOMMENDATION

On May 3, 2023, the Planning and Zoning Commission recommended approval of Resolution No. 043-2023. As a resolution, only one (1) reading is required for consideration and approval by the Town Council.

GENERAL INFORMATION

The subject PUD amendment, provided as a Resolution and attached as Exhibit A, is associated with a development application for a Special Exception with Site Plan Review for modifications to the existing tennis center at the Breakers Hotel. The modification to the PUD involves the replacement and addition of courts, shade structures, a walkway and stretching area that requires two (2) variances to allow court fencing that is deficient in height, and tennis court lighting that exceeds the maximum height permitted per Code. More specifically, the proposed PUD amendment is limited to the replacement of 10 existing “Har-Tru” tennis courts with six (6) “Hydrocourts”, the addition of two (2) hard courts and four (4) grass courts, with only two (2) of the grass courts being used at any one (1) time.

As it relates specifically to the subject PUD amendment application, Code Section 134-532 stipulates upon submission of a complete PUD application that the Planning and Zoning Commission shall hear said application within 60 days of the application being deemed complete by the Director of the Planning, Zoning and Building Department or designee. A public hearing on the PUD application shall then be held by the PZC and Town Council after public notice is given in accordance with the law.

EXHIBIT "A"

RESOLUTION NO. 043-2023

A Resolution Of The Town Council Of The Town Of Palm Beach, Palm Beach County, Florida, Amending Resolution No. 3-00, The Breakers Planned Unit Development (PUD-A), To Authorize Renovation, Expansion and Reconstruction of The Breakers Tennis Courts.

WHEREAS, Flagler System, Inc. did submit an application for tentative approval together with supporting documentation for Planned Unit Development for the property commonly referred to as "The Breakers" on October 30, 1970; and

WHEREAS, The Zoning Commission and the Town Council of the Town of Palm Beach, subsequent to review and public hearing did by Resolution 6-71, as amended by Resolutions 9-72, 13-74, 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, and 60-2016 grant tentative approval of said application, subject to certain conditions; and

WHEREAS, The Town and Flagler System, Inc., entered into a binding Agreement on September 8, 1983, wherein Flagler Systems, Inc., accepted the Town's conditions governing the development of "The Breakers" Planned Unit Development, and said Agreement was revised by the Town and Flagler System, Inc., on June 18, 1986, on January 22, 1990, on February 19, 1992, on April 12, 2000, and on February 15, 2005, pursuant to the terms of Resolution No. 04-05; and on March 26, 2014 pursuant to the terms of Resolution No. 11-2014; and

WHEREAS, Flagler System, Inc. has been reorganized and the corporate name of the company now controlling "The Breakers" Planned Unit Development is The Breakers Palm Beach, Inc.; and

WHEREAS, on March 14, The Breakers Palm Beach, Inc., did submit an application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, on _____, the Planning and Zoning Commission and on _____, the Town Council of the Town of Palm Beach, did review and hold public hearings on the application for tentative approval of the modifications of the Planned Unit Development; and

WHEREAS, The Town Council; in accordance with Section 134-533 of Chapter 134, Zoning, of the Code of Ordinances, as amended, does make the following findings:

1. The Planned Unit Development Plan, as submitted with the modifications thereto, is consistent with the statement of general objectives of a Planned Unit Development as set forth in Section 134-476 of the Ordinance.
2. The Planned Unit Development, as submitted with the modifications thereto, is consistent with the Comprehensive Plan, as long as the conditions hereinafter set forth are met.
3. The Planned Unit Development, as submitted with modifications thereto, does include an adequate amount of open space located in a satisfactory manner.

4. The Planned Unit Development, as submitted with modifications thereto, makes adequate provisions for public services, provides adequate control over vehicular traffic and enhances the amenities of light and air, recreational and visual enjoyment, but is further subject to certain conditions hereinafter set forth.
5. The Planned Unit Development, as submitted with modifications thereto, is not adverse to the neighborhood in which it is located.
6. The Planned Unit Development, as submitted with modifications thereto, includes sufficient terms and conditions to protect the interests of the public in the development of the plan over a period of years.
7. The Breakers Hotel as referenced in the exhibits attached hereto is a historically and architecturally significant building and provision for its west façade preservation shall be subject to the control of the Landmarks Preservation Commission, the Town Council and any other commission or board of the Town having jurisdiction over same, such control not to be inconsistent with the Planned Unit Development Plan approval as evidenced by this Resolution.

WHEREAS, the Town Council, after deliberation and evaluation of the recommendations of the Planning and Zoning Commission and the comments received from interested parties at the aforementioned public hearings, does find the Planned Unit Development Plan, as amended with the modifications thereto, to be in the best interest of the Town subject to the conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, as follows:

Section 1. The foregoing recitals are hereby ratified and confirmed.

Section 2. That the amendments to the Planned Unit Development submitted by the Breakers Palm Beach, Inc., on March 14, 2023, be granted tentative approval subject to the conditions set forth therein not in conflict with this Resolution, in addition to those specified below:

A. AMENDMENTS TO PREVIOUS MODIFICATIONS

MODIFICATION #1

Coffee Shop

NO CHANGE

MODIFICATION #2

Tennis Court Lighting

NO CHANGE

MODIFICATION #3

Additional Retail Space

NO CHANGE

MODIFICATION #4

Tennis Facility

DELETED BY RESOLUTION NO. 3-00

MODIFICATION #5

Maintenance of Golf Course Green Space is amended to read:

NO CHANGE

MODIFICATION #6

Lease of Pine Walk transfer station is amended to read:

NO CHANGE

MODIFICATION #7

Requirement for Renegotiation is amended to read:

a. NO CHANGE

b. NO CHANGE

MODIFICATION #8

Road and Parking Improvements

NO CHANGE

MODIFICATION #9

Starlight Ballroom Addition and Beach Club

NO CHANGE

MODIFICATION # 10

Golf and Tennis Clubhouse with Related Facilities

Renovation and Expansion of Tennis Court facilities to include 14 new courts, including 2 pickleball courts, accessory shade structures, landscape and hardscape improvements, as shown on Sheets L2-1-01 and L3-1-01, prepared by EDSA.

MODIFICATION #11

Development Commencement Dates is amended to read:

NO CHANGE

MODIFICATION #12

Cabanas and Related Facilities

NO CHANGE

- B. RESOLUTIONS 6-71, 9-72 13-74 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10 and 11-2014 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

Section 3. The modifications submitted on March 14, 2023, by the Breakers Palm

Beach, Inc., and reflected herein will become effective (i.e. not tentative) only if, as and when The Breakers Palm Beach Inc. indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town of Palm Beach and The Breakers Palm Beach, Inc. incorporating said conditions.

Section 4. The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail to the applicant, and applicant shall within forty-five (45) days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of said conditions as provided in Section 134-533(c) of Chapter 134, as amended, and further subject to the provisions of Section 134-533(d).

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this _____ day of _____.

Danielle Moore, Mayor

Margaret Zeidman, Town Council President

Bobbie Lindsay, Town Council President Pro Tem

Julie Araskog, Town Council Member

Lew Crampton, Town Council Member

ATTEST:

, Town Clerk

Ted Cooney, Town Council Member

CLERK'S CERTIFICATE

I, _____, Town Clerk for the Town of Palm Beach, do hereby affix this certificate to the attached **RESOLUTION NO. 043-2023**, adopted on _____, and consisting of _____ pages.

Town Clerk
Town of Palm Beach

Date