



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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**PLANNING, ZONING, & BUILDING DEPARTMENT**  
**PZ&B Staff Combination Memorandum: Town Council and Architectural Commission**

**FROM:** Wayne Bergman, MCP, LEED-AP *WB*  
Director PZ&B

**SUBJECT:** ZON-23-080 (ARC-23-108) 760 N OCEAN BLVD (COMBO)  
PALM BEACH COUNTRY CLUB

**MEETING:** AUGUST 09, 2023 TC  
AUGUST 23, 2023 ARCOM

**ZON-23-080 (ARC-23-108) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES.** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Town Council review and approval for modifications to an existing previously approved private club which is a special exception use in a residential zoning district by adding two pickleball courts on the Fairview Road property owned by the Palm Beach Country Club. And Variances (1) to reduce the required side (west) setback, (2) to reduce the height of required court fencing, and (3) to reduce the height of required landscape screening. The Architectural Commission shall perform design review of the application.

**ARC-23-108 (ZON-23-080) 760 N OCEAN BLVD—PALM BEACH COUNTRY CLUB (COMBO).** The applicant, Palm Beach Country Club, Inc. (Robert Schlager, President), has filed an application requesting Architectural Commission review and approval for the installation of two pickle ball courts and fencing with acoustic panels, on a vacant portion of to the existing tennis court and padel court area, including variances from side setback, minimum heights of court fencing and landscape screening. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

**Applicant:** Palm Beach Country Club, Inc. (Robert Schlager, President)  
**Professional:** INTELAE AE | architecture + energy  
**Representative:** Maura Ziska, Esq.

**HISTORY:**

At the June 9, 2021, Town Council Development Review an application was reviewed and approved, Z-21-00346, a special exception use in a residential zoning district for adding a paddle ball court on the Fairview Road property owned by the Palm Beach Country Club. More recently, an application was reviewed and approved for replacement of windows and doors along all façades and the construction of a second floor covered 3,500 SF terrace addition and new balconies along the rear (west) façade of an existing two-story country club and golf course and installation of a rooftop skylights including a variance from the height regulations, pursuant to ARC-22-234 (ZON-22-151), at the November 18, 2022 ARCOM meeting and the variances approved at the TC Development Review meeting on January 11, 2023.

**THE PROJECT:**

The applicant has submitted revised plans, entitled "PICKLEBALL COURTS AT PALM BEACH COUNTRY CLUB", as prepared by **Intelae AE.**, dated July 11, 2023.

The following is the scope of work:

- Special Exception 1: Sec. 134-890(5): Special Exception Modification to a previously approved private club which is a special exception use in a residential zoning district by adding two pickleball courts on the Fairview Road property owned by the Palm Beach Country Club.
- Special Exception 2: Sec. 134-1759(e): Special Exception request for construction of new tennis/pickleball courts
- Variance 1: Sec. Sec. 134-893(b)(2) A variance to reduce the required side setback of 28' minimum in order to install a court game at 12.5' to the west side setback. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.
- Variance 2: Sec. 134-1759(c): A variance to permit perimeter court fencing at 4 – 6 ft in height, in lieu of the 10 ft in height required.
- Variance 3: Sec. 134-1759(c): A variance to permit perimeter court landscaping not as high as the required 10 ft in height fencing.

Site Data			
<b>Zoning District</b>	R-A R-B	<b>Lot Size (SF)</b>	80.01 Acres (3,659,475 SF)
<b>Future Land Use</b>	PRIVATE GROUP USE	<b>Number of Members</b>	330
Surrounding Properties / Zoning			
<b>North</b>	Thirteen (13) Single-Family Residences / R-B		
<b>South</b>	Seven (7) Single-Family Residences, Private Social Club & Facilities (Beach Club) / R-B		
<b>East</b>	Atlantic Ocean		
<b>West</b>	Lake Worth Lagoon		

**STAFF ANALYSIS**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the abovementioned sections of the Town zoning code.

The Palm Beach Country Club is a private social club located in the R-A Large Estate Zoning District. As such, the use is a special exception. Modifications to the racket (tennis and padel courts) club and site require review by Town council as a special exception with site plan review. The club is proposing a small expansion as part of the court area on vacant areas of the offset portion of the Club between Country Club Road and Fairview Road.



The Palm Beach Country Club has been in operation since the nineteen-teens. There have been various updates and renovations to club since that time, requiring review and approval from both ARCOM and Town Council. The current scope of work includes the expansion of court area the addition of two new pickleball courts, landscaping and fencing. The proposed courts are located directly west of the recently (2021) approved padel court (Z-21-00346).

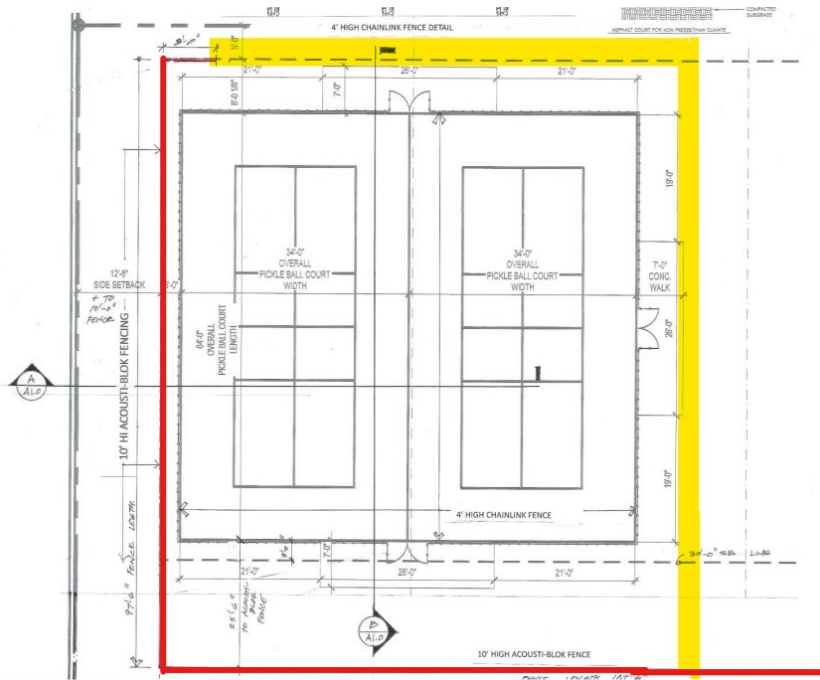
A landscape buffer hedge consisting of two hedges along each side of the 10' high Acousti-blok fencing is proposed, which is a sound isolation fencing material.

#### Town Council Request

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- Special Exception 1: Sec. 134-890(5): Special Exception Modification to a previously approved private club which is a special exception use in a residential zoning district by adding two pickleball courts on the Fairview Road property owned by the Palm Beach Country Club.
- Special Exception 2: Sec. 134-1759(e): Special Exception request for construction of new tennis/pickleball courts.
- Variance 1: Sec. Sec. 134-893(b)(2) A variance to reduce the required side setback of 28' minimum in order to install a court game at 12.5' to the west side setback. When the width of the lot is equal to or greater than the minimum required for a lot in the R-AA district, development of the lot shall be subject to the angle of vision provisions of the R-AA district, and lots of 150 feet or more in width shall have the following side yard setbacks: Lots of 150-154 feet in width are required to have a 17.5 foot setback; lots of 155—159 feet in width are required to have a 20-foot setback; and for lots of 160 feet or more in width the setback shall be 22 feet plus two feet for each additional ten feet in width in excess of 169 feet, to a maximum side yard setback of 30 feet.
- Variance 2: Sec. 134-1759(c): A variance to permit perimeter court fencing at 4 – 6 ft in height, in lieu of the 10 ft in height required.
- Variance 3: Sec. 134-1759(c): A variance to permit perimeter court landscaping not as high as the required 10 ft in height fencing.

As it pertains to Special Exception 1, approval by the town council of a modification to the previously approved special exception special exception use (Private Club) in the residential zoning districts is required to incorporate new facilities to the club. As it pertains to Special Exception 2, approval by the town council is required whenever installing new sport-court facilities (Tennis, Pickle Ball, Padel, etc.) on any property within the Town. This allows the Council to review and consider any potential adverse impacts of the courts to neighboring properties and the neighborhood, and direct changes to mitigate the impacts if necessary.



As it pertains to the variances, the applicant is proposing the court to be setback at 12.5' (Variance 1) to the west side setback, which would meet the minimum required for a standard R-B lot, if it were not over 20,000 square feet. However, when the area of a lot exceeds 20,000 square feet, and the width of the lot is equal to or greater than the minimum required for a lot in the R-AA zoning district, increased side yard setbacks apply. For a lot of 150 – 175 ft in width, a 17.5 foot setback is required. Next, the applicant is proposing to install a 10' high Acousti-Blok wall along only two sides (West and South) of the proposed pickleball courts; however, the code requires that

the required 10' high fencing surrounds all sides of the court game (Variance 2). On the North and East sides of the court, a fence of 4 to 6 feet in height is being proposed. And finally, the applicant is not supplying the required landscaping along the north and east sides to be as high as required (Variance 3). Landscaping is required to be installed at the same height as the required fencing (10 feet high), and the proposed landscaping on the north and east does not meet this requirement.

### **CONCLUSION:**

Approval of the project will require two (2) separate motions to be made by the Council: (1) for the Special Exception Modification to a previously approved private club and for a Special Exception with Site Plan Review for the construction of new tennis/pickleball courts in the R-B zoning district, in accordance with the applicable criteria set forth in Section 134-329 and Section 134-229, subject to any imposed conditions; and for final determination of approval or denial of the variances by the Town Council: (2) that the variances **should or should not** be granted that all of the criteria applicable to this application as set forth in Section 134-201(a), items 1 through 7 have been met.

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Approval of the project will require two separate motions to be made by the Commission: (1) for the overall design of the project in accordance with the aforementioned

criteria, subject to any imposed conditions, and (2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property.

WRB:JGM