



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
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PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Architectural Commission and Town Council

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

SUBJECT: ZON-23-049 (ARC-23-057) 2 S COUNTY RD (THE BREAKERS)

MEETING: OCTOBER 11, 2023 TC
SEPTEMBER 27, 2023 ARCOM

ZON-23-049 (ARC-23-057) 2 S COUNTY RD (COMBO) —SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, The Breakers Palm Beach, Inc. (Alex Gilmurray), has filed an application requesting Town Council review and approval for Special Exception with Site Plan Review for modifications to the tennis center at the Breakers hotel including replacement of and addition of courts, shade structures, walkway and stretching area, and (2) variances to (1) provide court fencing that is deficient in height and (2) to provide tennis court lighting that exceeds maximum heights allowed. The Architectural Commission shall perform design review of the application.

Applicant: The Breakers Palm Beach, Inc. (Alex Gilmurray)
Professional: Edsa
Representative: James Crowley, Esq.

HISTORY:

Due to the highly specific language of the The Breakers Planned Unit Development Resolution, the extent of the proposed improvements herein this application, specifically the expansion of the tennis court areas, required an amendment to be filed to Town Council. This amendment was required to be vetted at the Planning and Zoning Commission. In April, the PZC transmitted the PUD amendment with a favorable recommendation to the Town Council. At the 05/10/23 Town Council Development Review meeting, the Town Council unanimously (5-0) adopted the resolution amending the existing Resolution No 003-00 for The Breakers Planned Unit Development (PUD-A) related to site modifications at the tennis center, pursuant to Resolution No. 043-2023.

This application was originally presented and reviewed at the MAY 24, 2023 ARCOM meeting. Whereby portions of the design proposal (landscaping, the various courts, and the small shade tennis structures within the courts) were approved (7-0) with conditions, specifically the small tennis shade pavilions were to be finished in white; while the remaining balance of the application, shade structure, fencing and light poles, were deferred (7-0) to the June 28, 2023 meeting. Since then, at the request of the applicant, the item was deferred to the September 27, 2023 ARCOM meeting. This item was reviewed and approved (5-2) by the Architectural Commission at the September 27, 2023 meeting. Additionally, a motion was made and approved (7-0) supporting the variances would not negatively impact the architecture.

THE PROJECT:

The applicant has submitted plans, entitled "THE BREAKERS - TENNIS PRESENTATION BACK-UP " as prepared by **edsa**, dated September 05, 2023.

The following is the scope of work:

- Replacement of existing tennis courts with new tennis courts and pickleball courts.
- New low decorative fencing around courts. Changed from black to white.
- Shade structures over four (4) tennis court areas and two (2) pickleball courts. This was increased from two.
- Relocated and new court lighting to match existing.
- Improved landscaping along the east side.

Portions approved at the May meeting:

- Landscaping, the various courts, and the small tennis shade structures in white.

The following Special Exception, Site Plan Review and/or Variances are required to complete the project:

- **Special Exception 1: Sec. 134-1395(1):** Special Exception request for modifications to The Breakers Tennis Center.
- **Special Exception 2: Sec. 134-1759(e):** Special Exception request for construction of new tennis/pickleball courts.
- **Special Exception with Site Plan Review 3: Sec. 134-1759(g):** Special Exception with site plan review for tennis court lighting.
- **Variance 1: Sec. 134-1759(c):** A variance to permit perimeter tennis fencing at 3'-6'-0" in height, in lieu of the 10'-0" in height required.
- **Variance 2: Sec. 134-1731:** A variance to permit new tennis light poles at 21'-0" in height in lieu of the 15'-0" maximum height permitted.

Site Data			
Zoning District	PUD-A	Future Land Use	APPROVED PUD
Lot Size	184,406 SF (4.6 acres)	Fence Height (tennis court)	Required: 10' Proposed 3' – 6' VARIANCE REQUESTED
Lot Coverage	Existing: 0.4% Proposed: 11.1% Permitted: 35%	Landscape Open Space (LOS)	Existing: 60,022 SF (32.5%) Proposed: 46,479 SF (25.2%) Required: 27, 660 SF (1)
Building Height	25'-0" highest point of larger tennis shade pavilion Permitted: 25'-0"	Lighting Height	Permitted: 15' Proposed: 21' VARIANCE REQUESTED
Surrounding Properties / Zoning			
North	Royal Poinciana Way Right-of-Way C-TS		
South	Flagler Steak House / Sports Pro Shop (The Breakers) PUD A		

East	S County Rd Right-of-Way / Golf Course (The Breakers) PUD A
West	Golf Course (The Breakers) PUD A Royal Poinciana Plaza C-PC

STAFF ANALYSIS

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

The project includes improvements to the existing Breakers Tennis Center. Portions of the design proposal (landscaping, the various courts, and the small shade tennis structures within the courts) were approved (7-0) with conditions at the MAY 24, 2023 ARCOM meeting. The remaining scope of work includes the replacement of existing tennis courts with new tennis courts and pickleball courts, new low decorative fencing around courts, four large shade structures over four (4) tennis court areas and two (2) pickleball courts, relocated and new court lighting to match existing, and added landscaping along the east side.

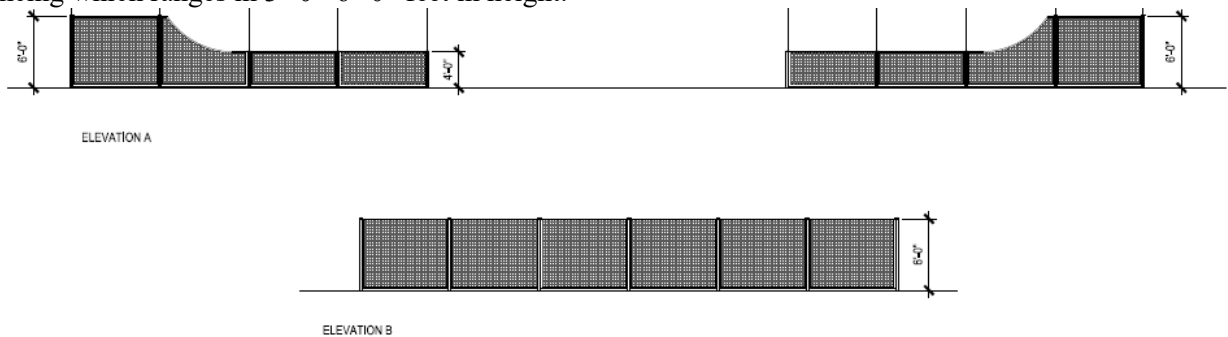
As it pertains to the renovation and slight expansion to the existing Tennis Center, which will include the replacement of the ten (10) existing “Har-Tru” style tennis courts with six (6) “Hydrocourts”, two (2) hard courts, two (2) pickleball courts, and four (4) grass courts. The grass courts will only be used 2 at a time on a rotating schedule to allow for regrowth after use and wear. Four (4) Hydrocourts on the interior of the tennis center are proposed to have a shade structure over the courts, and both pickleball courts are proposed to be covered with a shade structure as well. Since the prior submittal, the color of the shade structures are proposed to be white.



In an effort to address the concerns of the tennis and court players, the proposal features shading devices that allow tennis enthusiasts to play in the Florida climate, where shade is critical. The shade structures are simple vaulted tensile tents, similar in appearance to an agricultural greenhouse structure, measuring 120'-0" in length by 60'-0" in width. The shading structures are proposed internal to the site, sited well past South County Line frontage and will be buffered by augmented vertical landscaping. The tensile structures peak at 25'-0" at the highest pitch and descend to a height of 15'-0" along the sides. The plan also proposes a low decorative fencing around the courts, a new service path, a new stretching area, and minor hardscape and landscape adjustments.



Variance 1 pertains to the zoning code required fencing around tennis courts. The zoning code requires that a 10' fence be provided around tennis courts, however, the applicant is proposing fencing which ranges in 3'-0"-6'-0" feet in height.



1 FG-01 COURTS FENCE
 SCALE - 1/8"=1'-0"

Tennis court fencing is typically 10'-0" in height in order to capture errant balls and prevent balls from landing on adjacent properties and/or potentially within traffic when abutting roadways. The applicant maintains that "...the proposed Tennis Center fencing ... has been designed...decorative fencing at the ends of the courts, which will be sufficient to maintain most of the tennis balls within the court playing areas. If balls are struck outside of the court areas, there is sufficient landscaping and space in general to "capture" the errant tennis balls."

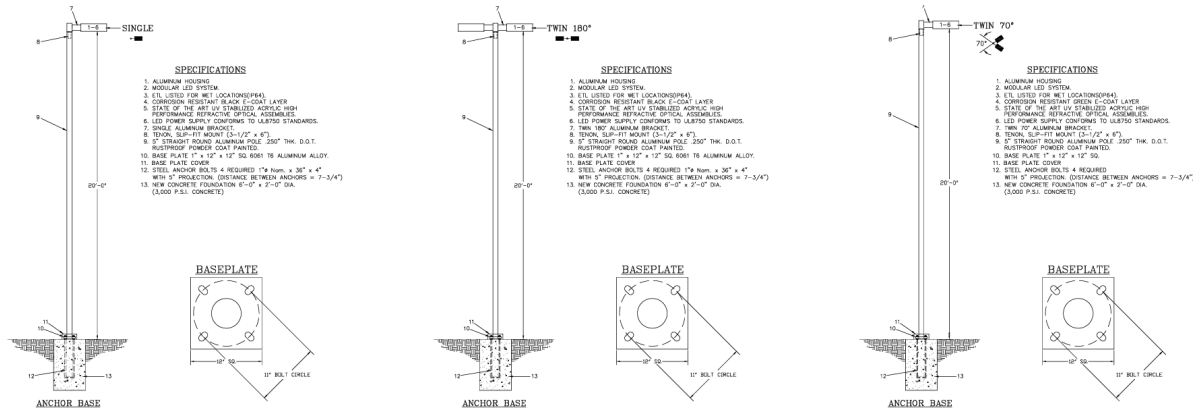


The fencing material is proposed to contain a white finish and the material is a synthetic composite product that the manufacturer (Walpole) describes as "Solid Cellular Vinyl." The white fencing

has black coated wire mesh at all courts except for west side of center court and east court along parking lot; these areas have the white fence structure with lattice inserts at center court and east court along parking lot.

Furthermore, the applicant is of the opinion that a higher tennis fencing would take away from the aesthetic of the Tennis Center and the hotel in general, and “would not be in keeping with the views the hotel guests experience in this world-class venue.”

Variance 2 pertains to the installation of the proposed tennis lighting poles. The existing 21’-0” high lighting poles and existing light poles will be utilized and shifted based on the new court layouts, with a few additional light poles and fixtures added to accommodate the two (2) additional courts proposed with this project. The code limits the height of court lighting to 15’ in height, however, the applicant is proposing lighting that is 21’ in height. A photometric plan is included in the submittal for review of potential impacts.



All of the proposed improvements are predominantly internal to the site, and will have minimal visual impact upon neighboring properties, if any as there are none, and all features will be largely obscured from the right-of-way of South County Road.

SPECIAL EXCEPTION REQUESTS

Special Exception 1 pertains to modification to the existing “private social, swimming, golf, tennis and/or yacht club” in a PUD district. The scope of work includes modifications to The Breakers Tennis Center including new sports courts, shade structures, and adjustments to hardscape and landscape requiring review and approval for special exception by the town council.

Special Exception 2 pertains to the actual construction of the new tennis and pickleball courts. Any newly proposed courts, whether at a private club, a condo, or on single family property, are required to receive special exception approval from the Town Council.

Special Exception with Site Plan Review 3 pertains to the installation of tennis court lighting. All such lighting desired to light sports courts at night are required to undergo review and approval from the town council, to review for appropriateness or potential impact to surrounding areas.

CONCLUSION:

Approval of the project will require five (5) separate motions to be made by the Town Council:

- (1) for final determination of approval or denial of the variances by the Town Council, and that the **variances shall or shall not** be granted that all the criteria applicable to this application as set forth in [Sec. 134-201\(a\)](#), items 1 through 7 have been met.
- (2) **Special Exception 1: Sec. 134-1395(1)**: Special Exception request for modifications to The Breakers Tennis Center.
- (3) **Special Exception 2: Sec. 134-1759(e)**: Special Exception request for construction of new tennis/pickleball courts.
- (4) **Special Exception with Site Plan Review 3: Sec. 134-1759(g)**: Special Exception with site plan review for tennis court lighting.
- (5) **PUD Modification** prior resolution authorizing the construction of the tennis center (Resolution 3-00) referenced specific plans and locations for the tennis courts, the applicant is requesting to modify the Breakers PUD resolution to clarify that the current proposal is authorized within the Breakers PUD.

WRB:JGM:BMF

Our File Number: 01446-09000
Writer's Direct Dial: (561) 650-0633
Writer's E-Mail Address: jcrowley@gunster.com

September 7, 2023

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

Re: LOI for 2 South County Road - Zoning Case Number: ZON-23-049
ARCOM Case Number: ARC-23-057

On behalf of The Breakers Palm Beach, Inc. ("The Breakers"), we are pleased to submit this Letter of Intent ("LOI") and accompanying materials ("Project Submittal") in support of our application for PUD Modification, Site Plan, Special Exception and Variance Approval for a new project at 2 South County Road, Palm Beach, FL (the "Property"), which is the Breakers Hotel property on the west side of South County Road. The proposed work includes the renovation and slight expansion of the existing Tennis Centre area, which will include the replacement of ten (10) existing "Har-Tru" tennis courts with six (6) "Hydrocourts," two (2) hard courts, two (2) pickleball courts, and four (4) grass courts, with only two (2) grass courts being used at any one time to allow for regrowth of the grass courts after use and wear. Four (4) of the Hydrocourts interior to the Tennis Centre area will have a white shade structure over the courts, and the two (2) pickleball courts will also have a white shade structure covering these courts. The renovation will also include low decorative fencing around the courts, and a service path, stretching area, and minor landscape refreshing (the "Project"). All of the existing tennis courts utilize 21-foot lighting poles and fixtures, which will be kept and relocated as needed, and additional poles with the matching fixtures will be added as needed. The same lighting is currently used at the Town of Palm Beach's Seaview Tennis Courts.

Please note the following as it relates to this application:

- A. Architectural Commission review in accordance with Section 18-205.
- (a) The architectural commission may approve, approve with conditions, or disapprove the issuance of a building permit in any matter subject to its jurisdiction only after consideration of whether the following criteria are complied with:
- (1) The plan for the proposed building or structure is in conformity with good taste and design and in general contributes to the image of the town as a place of beauty, spaciousness, balance, taste, fitness, charm, and high quality.

- (2) The plan for the proposed building or structure indicates the manner in which the structures are reasonably protected against external and internal noise, vibrations, and other factors that may tend to make the environment less desirable.
- (3) The proposed building or structure is not, in its exterior design and appearance, of inferior quality such as to cause the nature of the local environment to materially depreciate in appearance and value.
- (4) The proposed building or structure is in harmony with the proposed developments on land in the general area, with the comprehensive plan for the town, and with any precise plans adopted pursuant to the comprehensive plan.
- (5) The proposed building or structure is not excessively similar to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features of exterior design and appearance:
 - a. Apparently visibly identical front or side elevations;
 - b. Substantially identical size and arrangement of either doors, windows, porticos or other openings or breaks in the elevation facing the street, including reverse arrangement; or
 - c. Other significant identical features of design such as, but not limited to, material, roof line and height of other design elements.
- (6) The proposed building or structure is not excessively dissimilar in relation to any other structure existing or for which a permit has been issued or to any other structure included in the same permit application within 200 feet of the proposed site in respect to one or more of the following features:
 - a. Height of building or height of roof.
 - b. Other significant design features including, but not limited to, materials or quality of architectural design.
 - c. Architectural compatibility.
 - d. Arrangement of the components of the structure.
 - e. Appearance of mass from the street or from any perspective visible to the public or adjoining property owners.
 - f. Diversity of design that is complimentary with size and massing of adjacent properties.
 - g. Design features that will avoid the appearance of mass through improper proportions.
 - h. Design elements that protect the privacy of neighboring property.
- (7) The proposed addition or accessory structure is subservient in style and massing to the principal or main structure.

- (8) The proposed building or structure is appropriate in relation to the established character of other structures in the immediate area or neighboring areas in respect to significant design features such as material or quality or architectural design as viewed from any public or private way (except alleys).
 - (9) The proposed development is in conformity with the standards of this Code and other applicable ordinances insofar as the location and appearance of the buildings and structures are involved.
 - (10) The project's location and design adequately protects unique site characteristics such as those related to scenic views, rock outcroppings, natural vistas, waterways, and similar features.
- (b) If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring such building or structure into conformity. If an application is disapproved, the architectural commission shall detail in its findings the criterion or criteria that are not met. The action taken by the architectural commission shall be reduced to writing, and a copy thereof shall be made available to the applicant upon request.
 - (c) A decision or order of the commission or the planning, zoning and building department director or his/her designee shall not become effective until the expiration of ten working days after the date upon which a ruling of the commission or the planning, zoning and building department director or his/her designee has been made.

The Project will be visually compatible with existing buildings and the environment of The Breakers as set forth below. The proposed modifications to the existing Tennis Centre include a small expansion of the court area, the addition of two (2) of pickleball courts, replacement of small shade structures next to the courts, the addition of a white shade structure over four (4) of the more internal tennis courts, a small stretching area, new decorative court fencing, and a refresh of some of the landscaping in the area, all of which will occur on the west side of South County Road. The project as proposed will not physically alter the existing hotel buildings, and are consistent with the gross volume, width & height of the façades of the adjacent hotel buildings. The new Tennis Centre area will be screened by existing and additional landscaping, which is detailed on the proposed landscape plan and detail sheets. The proposed project will not affect the architectural quality or historic character of the Breakers Hotel. The proposed court fencing will meet all code requirements, except that the fencing will be lower in height than the ten (10) feet required for tennis court fencing, which is detailed below. The proposed look, materials and color of the shade structures and fencing, in conjunction with the existing and proposed landscaping, have been designed to minimize the visual impact from South

County Road, which will ensure that the rhythm of the street will essentially remain unaltered. The design of the court fencing and court-side shade structures have a simple but pleasing architectural design, and also include quality materials that complement the Tennis Centre area and other nearby buildings. The structures proposed are not too similar, nor are they too dissimilar to the existing nearby buildings or site in general. The existing and proposed perimeter landscaping will soften the appearance of all of the structures, which will allow for these structures to better blend into the Property and not draw attention. Finally, as mentioned previously, existing light poles and fixtures will be used, with adjustments to their locations, and some additional matching poles and fixtures will be installed as needed.

B. 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 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.

Private tennis or other private racquet court use is listed as a special exception use within the Planned Unit Development (PUD) zoning district (Sec. 134-1395(1)), and night lighting of tennis or other similar courts also requires special exception approval (Sec. 134-1759(g)); therefore, altering the existing tennis/racquet facility, including the small expansion of the court area and the modifications/additions to the court lighting, requires special exception use approval, and a determination that the special exception criteria listed above are being met. As mentioned previously, the project is simply a small expansion of the existing tennis court area for the Breakers Hotel, and a refreshing of the courts with amenities, including the addition of two (2) covered pickleball courts, which will be available to guests of the Breakers Hotel. The use of the Tennis Centre for racquet sports is not new, and has existed for many years. Given the location of the Tennis Centre, the fact that only a few additional matching light poles and fixtures are proposed

with this project, and the great distance from this area to any adjacent properties, there will be absolutely no impact on properties adjacent to the Breakers Hotel in terms of noise, glare, odor, etc. The use will also have no impact on ingress and egress onto the property, nor shall it adversely impact vehicular traffic, pedestrian movement, or fire and utility services. The Tennis Centre will continue to be an essentially 100% town-serving business in that it will be used by out-of-town hotel guests, or residents that may be staying at the hotel. Finally, no historic or specimen trees will be affected by the project, and the expansion of the Tennis Centre is so small that the impact on municipal services such as police and fire will be de minimus.

C. Site Plan Review Approval in accordance with Section 134-329.

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.

- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.

The Breakers has had permanent maintenance control over the entire property for a century, and will continue to maintain the Property to the standard that has made it a world class resort hotel and iconic landmark, and no portion of the Property will become a future liability for the Town of Palm Beach. The scope of the Project is limited to the Tennis Centre area, and no changes to the existing hotel buildings are proposed. There is no change in the intensity of use at the Property. The proposed decorative fencing, court-side shade structures, and white shade structures over the two (2) pickleball courts and four (4) of the interior tennis courts will be screened by existing and proposed landscaping, and have been designed to complement existing design elements on the Property. The Project will therefore be in harmony and compatible with the existing uses at the Property and with adjacent uses. Existing ingress and egress, parking, stormwater, and utilities will remain unchanged. The scale of the proposed structures and fencing was carefully designed to provide for the best tennis and pickleball experience for hotel guests, while also providing a beneficial aesthetic look. Given the vast size of the Property and the minimal scope of the Project, we have only included plans and sections of those portions of the Property that are impacted by this application. Finally, as mentioned previously, existing light poles will be utilized and shifted based on the new court layouts, with a few additional light poles and fixtures added to accommodate the two (2) additional courts proposed with this project.

D. Variance in accordance with Section 134-201(a).

Variance Criteria:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
 - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
 - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
 1. Be granted only for the continuation of the same hotel or residential use; and
 2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any

variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with the town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

Variances Requested:

- (1) A request for Variance from the Tennis Court Fencing requirements in Section 134-1759(c), to allow for three (3) to six (6)-foot high tennis court fencing in lieu of the ten (10)-foot high tennis court fencing required by code.
- (2) A request for Variance from the Outdoor Lighting Equipment requirements in Section 134-1731, to allow for 21-foot existing and new light poles with fixtures in lieu of the 15-foot maximum permitted by code.

Justification for Variances Requested:

Current Town Code requires that tennis courts shall include a fence or wall structure surrounding the court that is at least ten (10) feet in height; the rationale for this requirement is to keep tennis balls from leaving the court area, and adversely impacting neighboring properties. However, the purpose of this requirement is to provide separation and safety for single-family homes. This separation is not necessary at a large resort hotel facility that is isolated from neighboring property and rights of way, and truly is not applicable to the situation at the Breakers Tennis Centre. The Tennis Centre fencing has been designed to have three (3)-foot high decorative fencing along the sides of the courts, and six (6)-foot high decorative fencing at the ends of the courts, which will be sufficient to maintain most of the tennis balls within the court playing areas. If balls are struck outside of the court areas, there is sufficient landscaping and space in general to "capture" the errant tennis balls. Furthermore, traditional ten-foot high tennis fencing would take away from the aesthetic of the Tennis Center and the hotel in general, and would not be in keeping with the views the hotel guests experience in this world-class venue. Therefore, we respectfully request the approval of this minor relief. As stated previously, the existing 21-foot light poles and fixtures will be utilized and shifted based on the new court layouts, with a few additional light poles and fixtures added to accommodate the two (2) additional courts proposed with this project. The lighting changes being requested are absolutely the minimum needed to continue the usage of these courts during non-daylight hours as

previously approved for this property. And as previously mentioned, the lighting matches the lighting used at the Town of Palm Beach Seaview Tennis Courts.

E. PUD Modification

Finally, because the prior resolution authorizing the construction of the tennis center (Resolution 3-00) referenced specific plans and locations for the tennis courts, we are requesting to modify the Breakers PUD resolution to clarify that the current proposal is authorized within the Breakers PUD.

Attached is site history for the Breakers Hotel property.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Crowley', is positioned above the printed name.

James M. Crowley

ACTIVE:16248136.1

BREAKERS 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
3/25/1970	Town of Palm Beach adopts new Zoning Code. First reference to "PUD". Adopted amended zoning map by reference; Breakers shown as PUD	Ordinance 3-70	Ordinance later declared unconstitutional by Florida Supreme Court.
9/10/1970	Detailed list of existing improvements on Breakers Hotel property submitted to Town of Palm Beach.		Information provided by Town to aid in conversion to dwelling units under new Zoning Ordinance.
9/17/1970	Town's consultant refines dwelling unit conversion for Breakers property proposed PUD.		Conversion totals 346 equivalent dwelling units.
10/30/1970	The Breakers "Proposed Plan Unit Development" submitted to Town of Palm Beach by Flagler System, Inc.		Initial PUD document totals 39 pages including several appendices and a number of drawings. Request is for PUD-A designation. Included phasing schedule with 10 proposed phases.
3/31/1971	Resolution passed by Town Council giving tentative approval for Planned Unit Development as submitted by Flagler System, Inc. on October 30, 1970 'in accordance with Ordinance 3-70'	Resolution 6-71 ORIGINAL PUD APPROVAL	Approval contains a number of conditions of approval, including detailed phasing schedule. Approval also included density reduction, stipulated structural locations and open space protection, building height reduction and road improvements.
9/1971-3/1972	Time extensions approved for the finalization of Resolution 6-71		Additional time needed to finalize details
6/23/1971	Request for temporary supervised recreational program on Breakers Hotel complex property.		Refers to Tract 2. Temporary approval granted through June 1, 1972.
3/22/1972	Revised PUD master plan submitted to Town.	Resolution 12-71	Revision reflects reduced dwelling unit densities in various phases, relocation and revised "lateral spread" of structures in Phases 1, 2, and 10, reduced building heights in certain areas, and designation of various phases as circled numbers on

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			Master Plan. Included revised Condition #3 re open space preservation. NEVER ADOPTED
4/25/1972	Resolution amending Resolution 6-71 for tentative approval for Planned Unit Development.	Resolution 9-72 amends Res. 6-71	Revised density reductions but not schedule. Open space protection. Building heights Subterranean crossing
5/16/1972	Town notifies Flagler System that they have "identified the formerly zoned 'business district' and have transferred that information to a copy of the revised Master Plan for the Planned Unit Development".		None
10/9/1972	Approval of additional temporary tennis courts adjacent to those in existence.		None
3/5/1973	Town notifies Flagler System that they are exempt from building moratorium.		Applies to Tract 2 (=1970 Phase 1)
10/24/1973	Notification to Flagler System from Town that "revised 'Appendix C', dated April 11, 1972, is acceptable in lieu of the same Appendix previously submitted and approved with the proviso that the number of parking spaces indicated on the revised 'Appendix C' appears to be inadequate in light of the Ordinance parking requirements."		Applies to Tract 2. Reduces dwelling units from 128 to 100 and net density from 30 DU's per acre to 23 DU's per acre; decreases parking spaces from 273 to 211.
March 1974	Town adopts new Zoning Ordinance (Ordinance 2-74) in March. Florida Supreme Court voids previous Zoning Ordinance which was Ordinance 3-70.		Supplemental Agreement notes that Flagler System has submitted an application for final approval for the residential portion of Phase 1 of the PUD.
6/10/1974	Building permit issued to demolish four of the Breakers' cottages	Permit # 505-74	
6/28/1974	Application filed for final approval of Phase 1 (Residential) of PUD	Previously granted tentative approval under resolution #6-71, as amended by resolution # 9-72	No public hearing required for this approval
9/10/1974	Declaration of Restrictions addresses open space protection in PUD.	ORB 2380; Page 1986-1989	Restricts open space use (golf course) for 30 years from

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			9/10/74. Open space totals 91.3 acres exclusive of roadways.
9/10/1974	Supplemental Agreement		Ratifies and affirms agreements reached and embodied in Application for Tentative Approval of Planned Unit Development Zoning, as amended by revised Appendices "B" and "C" dated 4/11/72, and as further amended by Resolutions #6-71 and 9-72, and confirmed by Ordinance #2-74
9/10/1974	Resolution of Town Council amending Resolution 6-71 and Resolution 9-72 and authorizing the execution of an agreement between Flagler System and the Town.	Resolution 13-74 Amends 6-71 and 9-72 Clarification as to governing resolutions; ratified resolutions 6-71 and 9-72	This Resolution specifically references the previously described "Supplemental Agreement" which essentially vested the project after the voiding of the previous Ordinance 3-70 and the adoption of the Town's new Zoning Ordinance 2-74. The concern had been that previous PUD approvals may be invalid since they were based upon a Zoning Ordinance which was later found to be unconstitutional.
9/10/1974	Ratification Agreement		Apparently approved by Town Council. Ratifies prior resolutions in light of the determination by the Florida Supreme Court that Zoning Ordinance #3-70 was unconstitutional
9/10/1974	Variance to construct additional tennis courts adjacent to and west of existing tennis courts.	Variance 27-74	Approved by Town Council.
10/2/1974	Variance of from the setback provisions of F.S. 161.052 for construction of a seawall, beach access stairs, and condominium building	File 74-75-V-26	Approved by State of Florida, DNR
10/8/1974	Petitioner appears before Town Council requesting approval of modification of Phase 1 Residential		Request approved by Town Council.

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	Plan. Request was to move residential building so that it has a 20 foot front yard setback from Breakers Row rather than a 25 foot setback.		
11/19/1974	Flagler System requests amendment for hotel parking for Phase 1.		Parking arrangements proposed would provide a total of 656 spaces for hotel support in conjunction with development of Phase 1 apartments.
12/19/1974	Building permit for the construction of 4-building 88-unit apartment complex	Permit # 1254-74	Included underground parking for 194 cars
1/6/1975	Declaration of Restrictions recorded	ORB 2380 Pg 1986	Land platted as "open space" must remain in that use for 30 years
1/9/1975	Proposal for commercial building in Phase 1 at southeast corner of intersection of Coconut Row and Royal Poinciana Way.		None
2/7/1975	Approval by Building Official of plan for 88 unit apartment building on Tract 2 of Plat 1 subject to 2 conditions.	Building Permit 1254-74	Refers to Tract 2.
4/25/1975	Application for final approval of PUD plan for Phase 1 commercial.	Resolution 6-71 as amended by Resolution 9-72 which granted tentative approval	<p>Application contained the following: Schematic drawings for Phase 1 commercial. Boundary and open space plat for entire Breakers property delineating areas for Phase 1 through 10 and also indicating that open space has not been included with application since the plat was filed with the application for final approval of Phase 1 residential.</p> <p>Covenants guaranteeing retention of open space have not been included. This application is for final approval of Phase 1 residential. Plat of Parcel 4, Phase 1 (commercial).</p>

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			Should also be noted that request for final PUD approval for Phase 1 commercial included variance requests to increase parking for 416 spaces to 466 spaces. Request also "modifies the configuration of the north/south roadway serving the new residences".
6/10/1975	Request for final approval of Planned Unit Development Phase 1 commercial which is a CA zoned tract located on Tract 11 of Plat 1.		This references Tract 2. Approval includes only 62,600 square feet of covered floor area plus at-grade automobile parking.
6/10/1975	Town Council considered variance application which approved planned revision for roadway and parking facility.	Variance 23-75	Approved by Town Council.
6/10/1975	Town Council considered request for final approval of Phase 1 Commercial		Approved by Town Council, for 62,200 SF plus an at-grade parking lot facility
7/15/1975	Request for coastal construction permit from State of Florida DNR for rock rubble "T" head on existing groin	File BBS-75-6	Approved by DNR
1/13/1976	Request for modification of PUD Agreement to locate a replacement toilet facility building between the existing 11 th and 12 th fairways.		Approved by Town Council.
6/11/1976	Application for a variance to install awnings inside existing concrete framework over 16 penthouse terraces for Breakers Row apartments, 1 North Breakers Row (Tract 2 of Breakers Row Plat 1).	Variance 32-76	Approved by Town Council.
12/14/1976	Request for extension of time to commence construction of Phase 1 commercial approval which was granted on 6/10/75 for an additional 18 months.		Tract 2. Approved by Town Council for 18-month extension.
9/20/1977	Plans and specifications filed for Phase 2 residential.		None.
11/8/1977	Final approval of request for Phase 2 residential.		Request approved by Town Council subject to a number of

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			conditions including: <ul style="list-style-type: none"> • Extension of Royal Poinciana way • Any future development of Tract 7 Plat 1 will show reduction of 10 or more dwelling units
12/13/1977	Variance request to increase site coverage of existing apartment buildings by installation of awnings.	Variance 57-77	Denied by Town Council.
6/13/1978	New request for time extension for commencement of construction of Phase 1 commercial.		Approved by Town Council; new deadline for commencement of construction December 10, 1979.
5/8/1979	Modification of PUD approval for the following items: Extend deadline for Phase 2, Tract 1 from May 8, 1979 to November 8, 1980. Extend deadline for filing for final approval of Phase 3 from October 25, 1979 to April 25, 1981. Extend deadline for implementing Town Council approval of Phase 1 "CA" from December 10, 1979 to December 10, 1981.		Item #1 applies to Phase 2, Tract 1. Item #2 applies to Phase 3, Tract 4. Item #3 applies to Phase 1 "CA" Tract 2.
5/8/1979	Request for special exception and zoning variance for property known as 45 Coconut Row to move Old Guard Society of Palm Beach Golfers, Private Club from main Breakers Hotel to building known as 45 Coconut Row; also request a variance to provide a portion of required parking across the street at Royal Poinciana Chapel.	Special Exception 11-79 with variance	Approved by Town Council subject to the provision of at least 20 parking spaces on site
7/10/1979	Permission to modify PUD to permit the construction of 2 additional		Approved by Town Council.

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	tennis courts immediately north of and adjacent to existing tennis courts in Tract 10, Plat 1.		
10/31/1980	Application filed with Town to revise the entire remaining phases of the PUD		As of October 1980, approval allowed 471 new dwelling units which, when added to the equivalent conversion of commercial space and hotel uses, to a total of 954 dwelling units as defined under ordinance #9-72. Only 89 units constructed to date. 6.3 acre commercial site approved on NW corner of property.
11/11/1980	Time extension to commence Phase 2, Tract 1		Extended by Town Council from November 8, 1980 to April 25, 1981
3/13/1981	Extension of License Agreement re trash transfer facility		Extended to April 14, 1983
3/18/1981	Preliminary conceptual approval by Town Council of application filed 10/31/80		Included abandonment of commercial approval at NW corner of property, to be replaced by no more than 150 density units
7/14/1981	Tentative approval for "comprehensive modification of the Planned Unit Development Agreement previously referenced"; including agreement for partial Landmarking of Breakers Hotel; carried forward Condition 3 of Resolution 9-72, 1980 modification approved statement of planning criteria and appendices and adopted open space Condition 3 of Resolution 9-72	Resolution 10-81 amends 6-71, 9-72, and 13-74	Included conditions relating to: <ul style="list-style-type: none"> Revised open space plat Condition 3 of Res. 9-72 is specifically still in 'full force and effect...' Provision of utility easements and facilities, including certain traffic improvements Compliance with Town codes including fire codes Prohibition against time sharing Attachments included Appendix "H" which is a schedule of future development* . Adopted Red Book & Appendices
1981	Agreement (unsigned) between		Agreement references on

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	Town of Palm Beach and Flagler System, Inc., relating to the resolution of Landmarking of Breakers Hotel.		Exhibit "A" which fully describes the portion of the hotel that is subject to Landmarking.
9/15/1981	Request for special exception for auto rental facility at hotel.	Special Exception 10-81	Approved by Town Council. Limited to 15 rental cars. Must be operated by hotel employees, and cars must be rented only to hotel guests
1/5/1982	Amended list of drawings and exhibits for the Breakers Planned Unit Development filed with Town.		The document contains extensive lists of drawings, including many revised in 1981. Also included are several other exhibits, including a 57-page bound booklet entitled, <i>Modification of Planned Unit Development Agreement, 1980 Modification</i> .
2/23/1982	Letter to Town from Flagler System indicating that Resolution 10-81 as passed by Town Council on July 14, 1981 "is satisfactory and the conditions set forth therein are acceptable".		Flagler System attorneys contend that modification to the Breakers PUD (Resolution 10-81) became effective on February 25, 1982 when Flagler notified the Town that the conditions of Resolution 10-81 were satisfactory and acceptable.
3/26/1982	Letter to Town Attorney from Landmark Preservation Commission.		References Landmark status of hotel as being tied to final adoption of Resolution 10-81.
8/9/1983	Amended Declaration of Restrictions supersedes Breakers Row Plat 1; required by Condition #1 of Resolution No. 10-81	Exhibit "C"	Supersedes Declaration Of Restrictions filed September 10, 1974; relates to use of open space
9/8/1983	Agreement ratifying Resolution No. 10-81		Also accepts conditions in Resolution No. 10-81 and accepts the landmark designation of a portion of the property
9/8/1983	Landmark Designation Agreement	Exhibit "B"	Included legal description of "sight easement" and façade of hotel. Legal description goes all the way to the Atlantic Ocean
9/9/1983	Flagler System requests final approval/site plan review for the portion of Breakers PUD known as		Proposed plans include reduction in number of condominium units from 78 to

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	"Priority 3" under provisions of Section 7.35 of Town Zoning Ordinance. Agreement with Town to be bound by Res. 10-81		48, reduction in number of PD equivalent dwelling units from 79.7 to 52.1, and decreases in other property development criteria. Makes September 9, 1983 first day of timetables under Res. 10-81*
9/13/1983	Final approval including site plan for Priority #3, northeast corner, known as Two Breakers Row		Approved by Town Council
10/11/1983	Resolution of Town Council ratifying landmarking of hotel	Resolution 34-83	Resolution notes that a parking structure will be constructed within the sight easement
10/12/1983	Amended Declaration of Restrictions	ORB 4073 Pg 0814	Supersedes Declaration of Restrictions recorded January 6, 1975. The portion of the property designated as "open space" in the replat shall be used only as golf course, park or other open space use "as shall be determined in the sole discretion of Declarant" for a period of 30 years commencing 3/18/81 or as long as property is zoned PUD
10/17/1983	Certificate of Notification of Designation of Certain properties as Landmarks		Ratifies landmarking per Resolution 34-83
12/1/1983	Breakers Row Plat #1 – Replat	P.B. 46 Pg. 188	Describes entire PUD
1/10/1984	Special exception authorizing relocation of Sea Gull Cottage from Breakers Hotel property to Royal Poinciana Chapel property.	Special Exception 1-84	Approved by Town Council.
4/11/1984	Certificate of Appropriateness for receiving dock and receiving courtyard areas	C of A 4-84	Approved by Landmarks Preservation Commission
1/10/1985	Certificate of Appropriateness for rehabilitation and additions to Breakers Hotel	C of A 2-85	Approved by Landmarks Preservation Commission
6/18/1986	Agreement to extend Priority 2 (Lanai Suites) from September 9, 1989 to September 9, 1998.	PB 4949 Pg 1163	Amends 9/8/83 Agreement
3/30/1989	Extension of License Agreement for trash transfer facility		Extended to April 14, 1991

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Fall 1989	Breakers PUD Amendment Request filed		
1/22/1990	Request for adjustment to several aspects of PUD.	Resolution 17-90 amends 6-71, 9-72, 13-74, and 10-81 ORB 6413 Pg 735	Approval included coffee shop, tennis court lighting, additional retail space, tennis shop, retention of golf course through 2019, lease of Pine Walk transfer station through December 31, 1997, renegotiable transfer of development units, road improvements, drainage improvements.
3/30/1990	Agreement implementing Resolution 17-90	ORB 6413 Pg 732	Accepts the conditions in Resolution No. 17-90
Fall 1991	Breakers PUD Amendment Request filed		Request to amend Resolution 17-90 to provide more time for its implementation, and to amend Resolution 10-81 to provide for rephrasing the project
2/11/1992	Request for approval for changes to several developments within PUD.	Resolution 6-92 Amends 6-71, 9-72, 13-74, 10-81 and 17-90	Extended Pine Walk transfer lease to December 31, 2012, renegotiate transfer and road drainage issues prior to 1996-1997 zoning season hearings; internal drainage; revised priority development schedule. As part of the approval, Breakers was required to address three issues: 1) storm drainage; 2) possible elimination of commercial at NWC; and 3) give Town perpetual rights to waste transfer facility. Included PUD Schedule of Development, Appendix "H" to Exhibit 11 of Resolution # 10-81.
2/19/1992	Agreement ratifying Resolution 6-92	ORB 7235 Pg 536	Accepts the conditions in Resolution No. 6-92
11/25/1995	Certificate of Occupancy for renovations to 63 rooms in south wing and elevators	COA # 65-95	
2/29/1996	Letter from Jim Brindell, signed by Bob Moore re coffee shop/retail		Clarifies Modifications 1 and 3; attached Exhibit "A" shows total of 10,307 SF existing and proposed ground level retail & food and beverage uses, main

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			hotel south wing as of 11/1/96
6/18/1996	?		Resolution No. 10-01 references a revision to the 'binding agreement' on this date but none was found in Gunster records
9/10/1996	Letter from Jim Brindell, signed by Bob Moore re Centennial Dining Room		Acknowledges that 48 dining room seats and 250 SF of kitchen space may be temporarily relocated from Florentine Dining Room to Centennial Dining Room in Old Guard Building
9/13/1996	Application filed for PUD Amendment		Extend certain time periods to re-negotiate several important matters with Town, and to establish timing for drainage improvements
3/2/1997	Request to modify PUD	Resolution 1-97 amends Res. 17-90	Modifications to coffee shop, tennis court lighting, additional retail space, new tennis facility, maintenance of golf course as green space through 2019, lease of Pine Walk Transfer Station, requirements for renegotiation, and postponement of road and parking improvements. Also amended Appendix "H" to Exhibit #11 of Resolution 10-81, re PUD schedule.
? 1997	Agreement ratifying Resolution No. 1-97		Should be one but none found in Gunster records
8/25/1997	Letter from Jim Brindell, signed by Bob Moore, re addition of 22 seats to Centennial Dining Room		
9/5/1997	Application filed to amend Breakers PUD		Request to renovate the Beach Club facilities, enlarge the Starlight Ballroom, and modify certain PUD conditions
2/9/1998	Request to modify PUD	Resolution 1-98 amends 1-97	Modification to lease of Pine Walk Transfer Station, requirements for renegotiation, postponement of certain road and parking improvements, demolition and reconstruction

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			of Starlight Ballroom Addition and Beach Club, requirement for additional off-street parking spaces, and on-site parking and traffic circulation management. Per Modification #9, 11,621 SF of accessory hotel space retained for possible later use.
2/9/1998	Site Plan Application to construct a new approximately 20,000 square foot Beach Club and approximate 15,000 square foot Starlight Ballroom and 8,000 square feet of pre-function area. Condition approval was also for approximately 13,500 square feet of storage in kitchen area and associated parking (including a 250 space temporary parking lot located on the northwest corner of the PUD).	Site Plan Review 1-98	4 conditions of approval were included, mostly related to traffic and circulation matters.
3/11/1998	Agreement between Town of Palm Beach and The Breakers Palm Beach, Inc.	ORB 10309; Page 740-744	The essence of the agreement is that "The Breakers hereby accepts the conditions set forth in the Town's Resolution 1-98".
7/19/1999	Certificate of Occupancy for Starlight Ballroom addition and new Beach Club	COA # 55-99	
2/7/2000	Amend PUD to redesign golf course and include a golf and tennis clubhouse west of South County Road	Resolution 3-00 amends 1-98	Modification to conditions re maintenance of golf course as green space through 2025, lease of Pine Walk Transfer Station, requirements for renegotiation, and golf and tennis clubhouse with related facilities. Also amended commencement dates for remaining development to be consistent at December 31, 2025
1/11/2000	Site Plan Review with Special Exception request to redesign golf course and tennis court layout and construct a three-level 40,549 square foot golf and tennis clubhouse.	Site Plan Review 1-2000 w/Special Exception	Approval was granted for new golf and tennis complex and included several conditions of approval.
3/22/2000	ARCOM review of new golf & tennis clubhouse	B9-00	approved
4/12/2000	Agreement ratifying Resolution 3-00		Accepts the conditions in Resolution No. 3-00

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6/5/2000	Letter from Jim Brindell, signed by Bob Moore re adjustments to golf course layout		
9/27/2000	ARCOM review of golf course border landscaping west of South County Road	B52-00	Approved
2/5/2001	Amend PUD to allow opportunity to request redistribution of residential units from west side of County Road to other locations within the PUD	Resolution 10-01 amends 3-00 ORB 12541 Pg 98	Modification to condition re requirement for renegotiation; applicant may relocate up to 149 dwelling units from Priority Areas 1, 7, 8, and 9 to areas west of County Road and/or within Priority Area 1 subject to PUD Master Plan amendment. May apply for same no later than the 2023-2024 zoning season.
4/19/2001	Agreement ratifying Resolution 10-01	ORB 12541 Pg 94	Accepts the conditions in Resolution No. 10-01
12/10/2001	Certificate of Occupancy for south ocean tower alteration for hotel	COA # 90-01	
1/8/2002	Authorizing ad valorem tax exemptions for work at the hotel (south tower)	Resolution 6-02	Contained faulty legal description
2/13/2002	Certificate of Occupancy for renovation of Dallas Rooms, 1 st and 2 nd floors	COA # 84-99	
6/11/2002	Site Plan Review with Special Exception to relocate 55 parking spaces from front driveway, reconfigure front driveway/parking landscape area, relocate balustrades at hotel entrance in order to add additional valet lanes, construct security gatehouse on main driveway, construct approximately 338 square foot service quarter adjacent to the Circle Dining Room; add porte cochere and covered walkways to the south entrance of the hotel and relocate 21 parking spaces from new porte cochere to existing parking area west of Beach Club. Also Special Exception to expand hotel with above improvements.	Site Plan Review 5-2002 w/Special Exception	Approved by Town Council.

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6/11/2002	Amends Resolution 6-02 so as to amend the legal description of the property referenced therein	Resolution 40-02	Amends legal description in the tax exemption covenant to include only the hotel building where the work was done
2/20/2003	Certificate of Completion for renovations to North Ocean Tower		
2/20/2003	Certificate of Completion for renovations to Ocean front meeting rooms, corridors, and mezzanine mechanical room		
2/20/2003	Certificate of Approval and Occupancy for two new 1-story accessory buildings (gatehouse and bathrooms)	COA # 10-03	
4/16/2003	Certificate of Appropriateness for renovation of Venetian Ballroom	C of A #10-2003	Approved with a number of conditions
9/9/2003	Special Exception to construct a 1-story 697 SF golf instruction and storage building on the driving range, as well as a paved employee walkway along the north side of the hotel	Special Exception #20-2003	Approved by Town Council.
2/15/2005	Modification to PUD Master Plan to redesign the Beach Club Cabanas and related facilities.	Resolution No. 4-05 amends 3-00* *note- WHEREAS clause should have included Res. 10-01 but did not	Deletes previous Modification #4 re new tennis facility, to be replaced by Modification #10; erroneously carries forward language from Modification #7 of Resolution 3-00 instead of revised #7 from Resolution 10-01 ; minor modifications to Modification #10 re golf and tennis clubhouse and related facilities; adds Modification #12 re new cabanas and related facilities

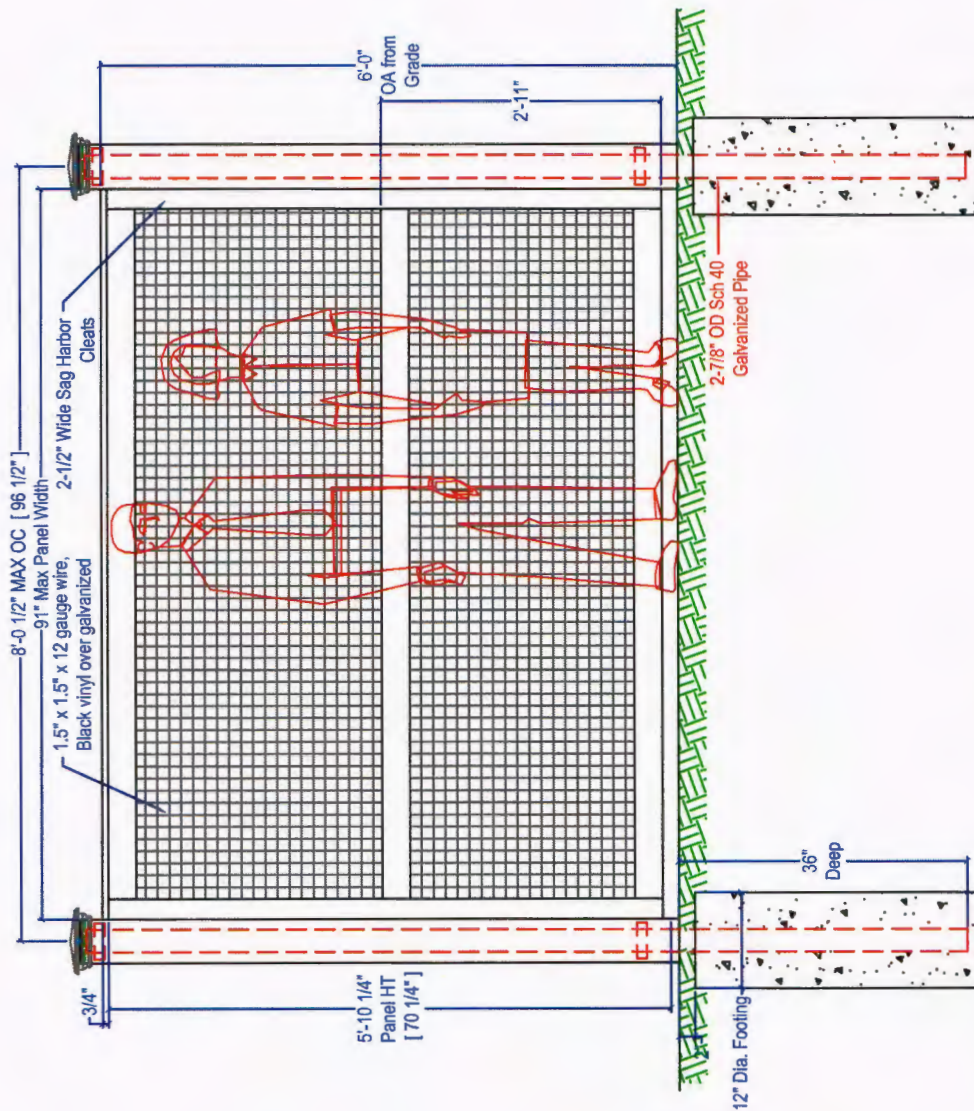
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2/15/2005	Site Plan Review, Special Exception, and Variance request for approval of the new cabana project	Special Exception 6-2005 with Site Plan Review and Variance	Variance (for seawall height) withdrawn. Conditions of approval re required fire hydrant and construction traffic restrictions
5/10/2005	Modified lighting plan reviewed by Florida Fish and Wildlife Conservation Commission for cabana project	PB-804	Approved with several conditions
8/12/2005	Building permit for awning for valet parkers	P #8078272	
August 2006	Approval for golf clubhouse awnings		
11/14/2006	Special Exception with Site Plan Review to renovate the old golf clubhouse including a lounge for spa and beach club employees, create new offices on the second floor, and awnings on the new club house and for valet parkers	Special Exception 9-2006 with Site Plan Review	No conditions of approval
7/14/2010	Revised Modification #7.a. to restore the language from Resolution 10-01 re relocation of units to the portions of the PUD west of County Road	Resolution #70-10 Amends Res. 4-05	Application to be filed no later than 2024
10/27/2010	ARCOM review of request to demolish old golf clubhouse building and associated parking lot, AKA the Old Guard Building, 45 Cocoanut Row	B-051-2010	Approved by ARCOM; to be replaced by sod and landscaping; later ratified by Town Council
9/11/2012	Town Council review of request to demolish and rebuild two of the five existing maintenance buildings on the west Pine Walk	Site Plan Review #9-2012 with Special Exception	Approved by Town Council; ARCOM approved administratively
5/15/2013	Town Council review of requested improvements to pool areas on southeast portion of hotel property	Special Exception #8-2013 with Site Plan Review	Approved by Town Council. Included gazebo bar, kiddie pool, jacuzzis, and pavement
June 2013	State of Florida Department of Business and Professional Regulation extension of hotel's alcohol license to include gazebo bar		Approved
8/24/2013	ARCOM review of proposed new railings, awning	A-028-2013	Railing not approved; awning approved
9/25/2013	Administrative Site Plan Review of Flagler Steakhouse awning expansion		Approved by staff
12/11/2013	Modify hotel amenity by expanding the existing playground	Special Exception #20-2013 with Site	Approved by Town Council

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		Plan Review	
2/12/2014	Amend Resolution 70-10 by adding 4,559 square feet of accessory hotel space to the Beach Club for construction of a fitness center. PUD amendment.	Resolution No. 11-2014	Changes to Modification #9 re the Beach Club, adding 4,559 gross square feet/4,190 net (A/C) square feet to construct a new fitness center on the second level of the existing Beach Club building on the Ocean Terrace. The previous 11,621 square feet of accessory hotel space is reduced by 4,190 to leave approximately 7,341 square feet for future use by further amendment to the PUD.
2/12/2014	Special exception and site plan review to construct a new beach access ramp and to replace the 1,588 square foot pavilion on the second level of the Beach Club building with a 4,559 square foot (gross) 4,190 square foot (net, A/C) structure for a new fitness center, and associated elevator.	Special Exception #1-2014 with Site Plan Review	The beach ramp replaces a similar structure which was destroyed by a hurricane. The existing spa functions on the first floor of the Beach Club will be expanded into the previous fitness center space.
3/26/2014	Agreement finalized between Town of Palm Beach and The Breakers documenting acceptance of Resolution 11-2014.		Agreement required by Town's PUD ordinance
12/10/14	Special Exception with Site Plan Review to add awning to pergola east of spa; variance to demolish and reconstruct existing entry fountain	Special Exception #27-2014 with Variance	Approved by Town Council
12/17/14	LPC approval for awning and fountain	COA-053-2014 and 057-2014	
2/11/15	Request approval of: <ul style="list-style-type: none"> • Four awnings totaling 1,714 s.f. in golf maintenance area at west end of Pine Walk • Renovations to east side of spa building to enclose 614 s.f. of additional space, and redesign of courtyard • Vehicle gate just east of crosswalk near south porte-cochere 	Special Exception #1-2015	Approved by Town Council, subject to the requirement that the vehicle gate be opened for overflow parking during large events.

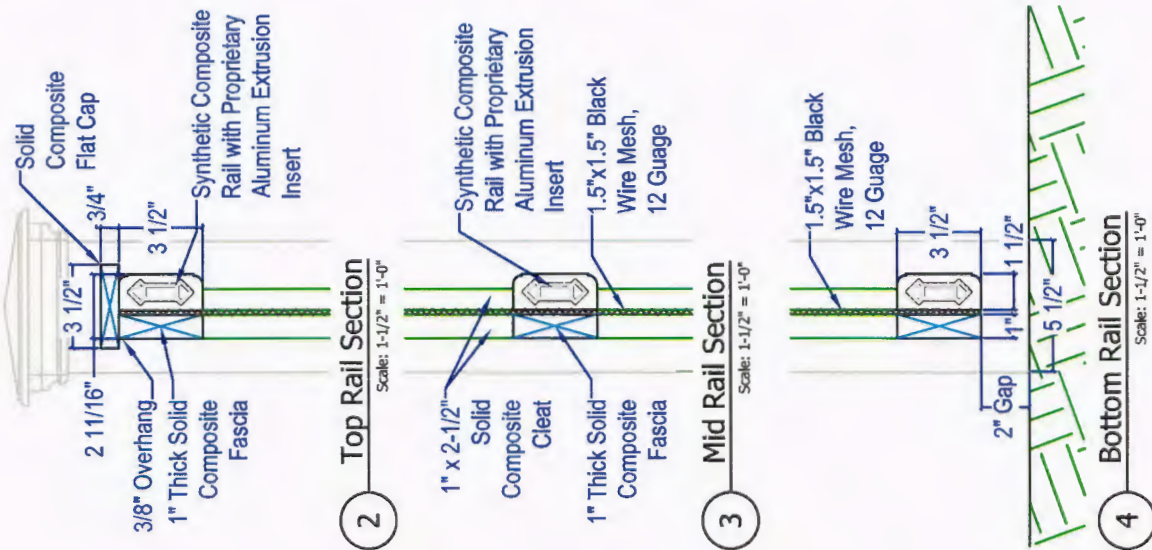
DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
9/9/15	Request approval of: <ul style="list-style-type: none"> • Flagler Club Terrace awning structure • Demolish smoke-stack and expand engine room, including 600 KW generator • Add 720 s.f. cooling tower • Add three access control gates on Ponce Promenade 	Special Exception #24-2015 with Site Plan Review	Combo project included Landmarks (LPC) review. Approved by Town Council.
9/16/15	LPC approval of aspects of S.E. #24-2015 under their jurisdiction	COA 2015-034	
11/12/15	Request approval of: <ul style="list-style-type: none"> • Ponce loading dock expansion, including new awning • Service elevator in southeast corner of Mediterranean Courtyard • 900 KW generator in place of 600 KW generator in engine room expansion • Two service pavilions on front croquet lawn west of hotel 	Special Exception #31-2015 with Site Plan Review	Approved by Town Council except for service pavilions on west lawn, which were deferred. That part of request was later withdrawn due to LPC objections.
3/9/16	Request approval to demolish building #4 at the maintenance complex on Pine Walk (2,726 square feet) and replace it with or 3,581 square foot building.	Special Exception #5-2016	Approved by Town Council
4/27/16	Request ARCOM approval to repair the chimneys at Spray Cottage	A-016-2016	Approved by ARCOM
5/11/16	Request approval to amend Resolution No. 11-2014 (PUD-A) by extending the commencement of development date for 251 dwelling units, extending the date by which 149 dwelling units may be relocated, extending the date upon which the golf course must remain open space, and extending the date of the lease of the Pine Walk Transfer Station.	Resolution No. 60-2016	All dates extended to December 31, 2049 or December 31, 2050.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/15/17	Request Special Exception with Site Plan Review approval to add a 3,000 gallon emergency generator fuel tank just north of the service court, and two service pavilions on the 'croquet' lawn southwest of the main hotel entrance.	Special Exception No. 04-2017 with Site Plan Review, and COA No. 08-2017	Approved by Town Council, including official recognition by Council of ongoing use of the lawn area for outdoor functions
5/10/17	Request Special Exception with Site Plan Review approval to construct a new 404 s.f. retail shop (Mary Lily's) in the Palm Court, and to expand the existing seafood restaurants from 4,330 s.f. to 6,111 s.f. and from 140 seats to 177 seats.	Special Exception #12-2017 with Site Plan Review	Approved by Town Council
12/13/17	Request Special Exception with Site Plan Review to expand seating capacity at Seafood Bar restaurant by an additional 53 seats in 6,111 s.f. restaurant, for a total of 230 seats.	Z-17-00044	Approved by Town Council

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
1/10/18	Request Special Exception with Site Plan Review to make changes and improvements to The Breakers golf course. Also enlarge golf training facility from 697 s.f. to 2,366 s.f., and replacement of existing free-standing bathroom building of 250 s.f. with a new bathroom building of 267 s.f.	Z-17-00055	Approved by Town Council
6/13/18	Request for extended work hours for golf course project		Approved by Town Council
9/12/18	Request Site Plan Review and Special Exception to add awnings in the renovated golf course	Z-18-00126	Approved by Town Council
9/21/18	Request Landmarks Presentation Commission approval for revised ramp on south side of south lawn pavilion building	COA-040-2018	Approved by Landmark Preservation Commission
10/18/18	Request Administrative Site Plan approval for changes to ramp of south lawn pavilion		Approved and stamped by Town of Palm Beach
05/15/19	Request for site plan review with special exception approval to construct a new security guardhouse and gates, to re-align Breakers Row, and to add a landscaped island on the south side of the proposed guardhouse at North Breakers Row.	Z-19-00187	Approved by Town Council
02/12/20	Request for zoning text amendment to add hotel and golf course as permitted uses in PUD-A zoning district and to allow for staff approval of site plans consisting of less than 2,500 square feet	Ordinance 1-2020	Approved by Town Council
08/11/21	Request for extension of existing golf course awning, which was denied by ARCOM on July 28, 2021, but approved on appeal by Town Council on August 11, 2021.	A-051-2021	Appeal granted by Town Council



1 6ft High Sag Harbor Elevation
Scale: 1/2" = 1'-0"



2 Top Rail Section
Scale: 1-1/2" = 1'-0"

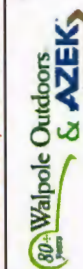
3 Mid Rail Section
Scale: 1-1/2" = 1'-0"

4 Bottom Rail Section
Scale: 1-1/2" = 1'-0"

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Note: In order for Walpole Outdoors LLC to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.



Customer Signature / Date :

Project:
The Breakers

Contractor:

Salesperson: Russ Clark

Date Drawn: 9/6/23

Branch: -

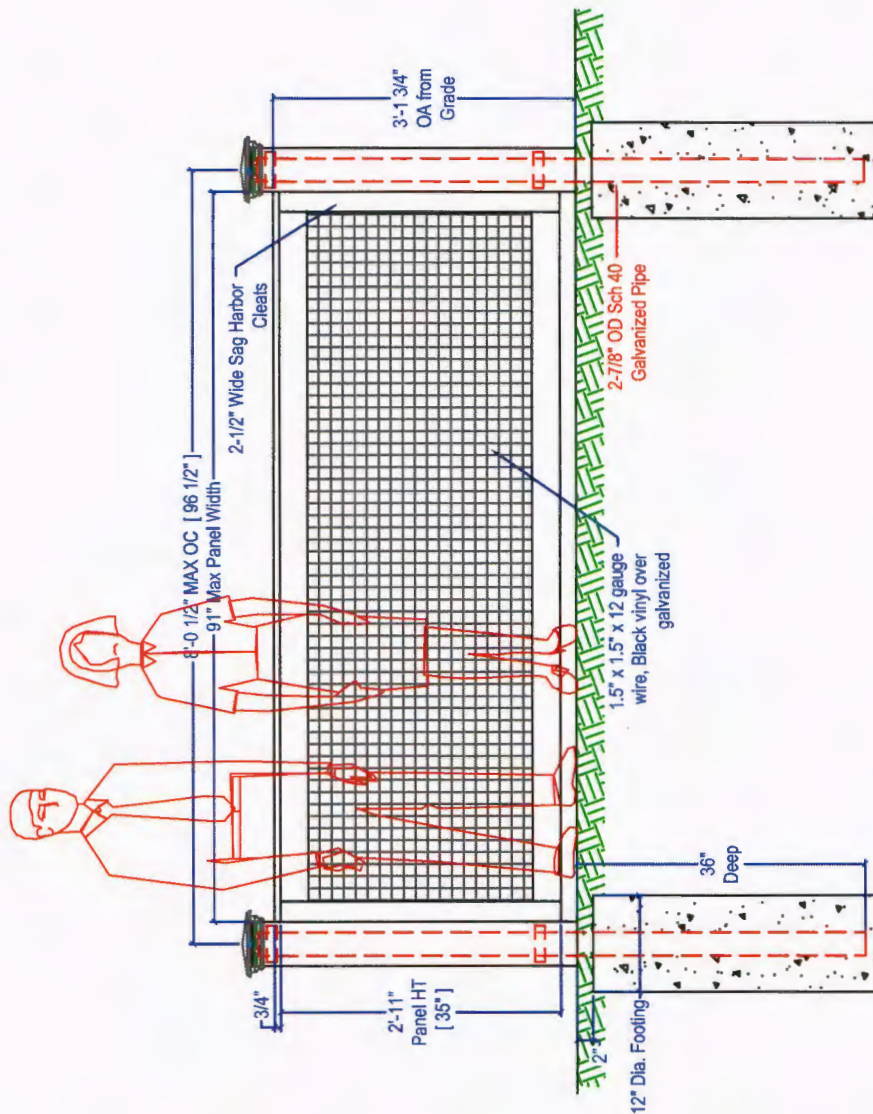
Drawn By: A Walker

Order #:

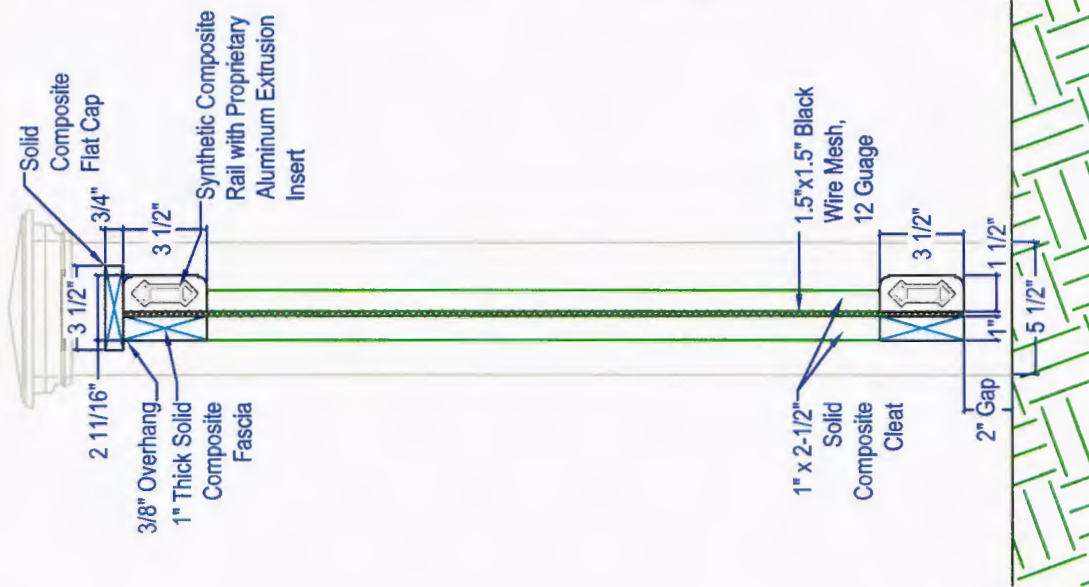
Rev. Date: xxxx

Mgr. Approval:

1.00



1 3ft High Sag Harbor Elevation
Scale: 1/2" = 1'-0"

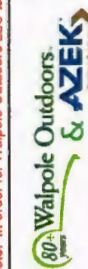


2 Fence Section
Scale: 1-1/2" = 1'-0"

Note: In order for Walpole Outdoors LLC to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

Project:
The Breakers

Customer Signature / Date :



Salesperson: Russ Clark

Date Drawn: 9/6/23

Branch: -

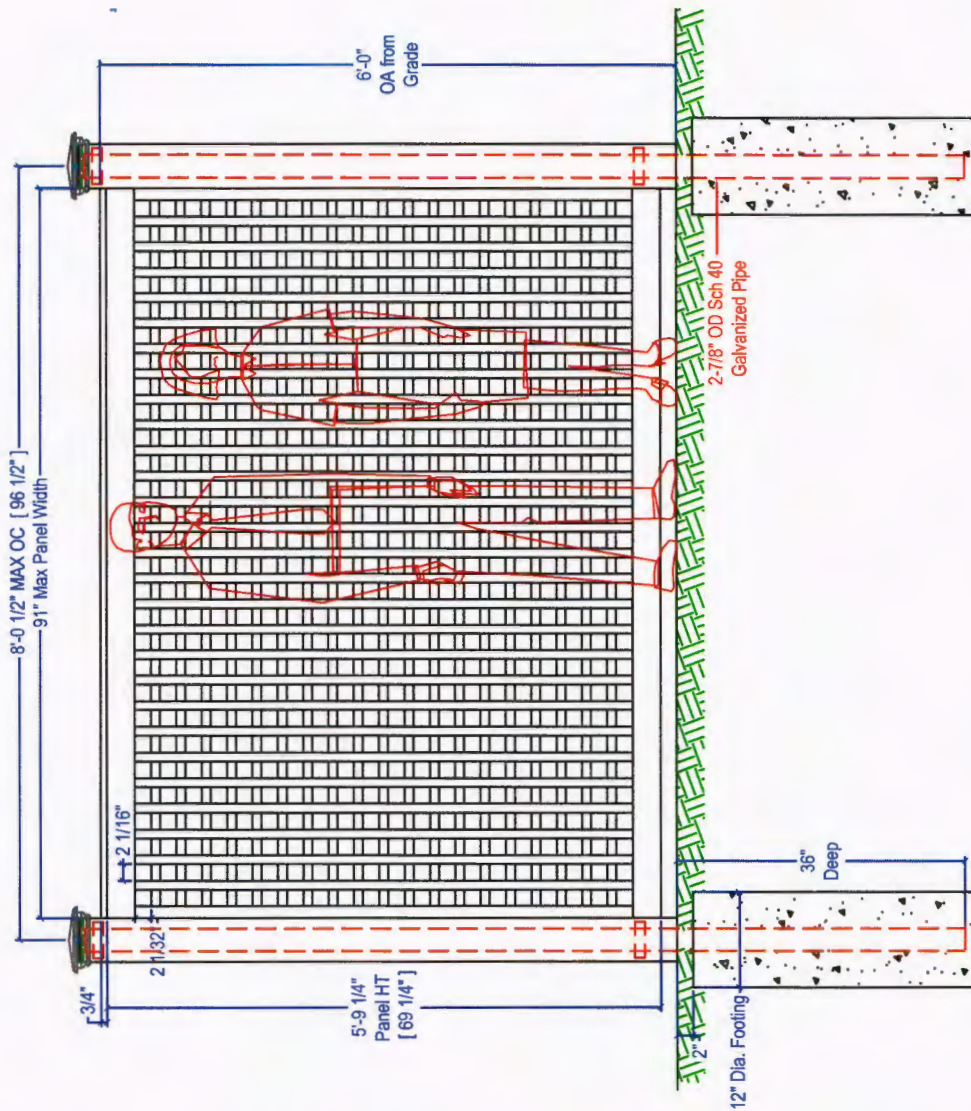
Drawn By: A Walker

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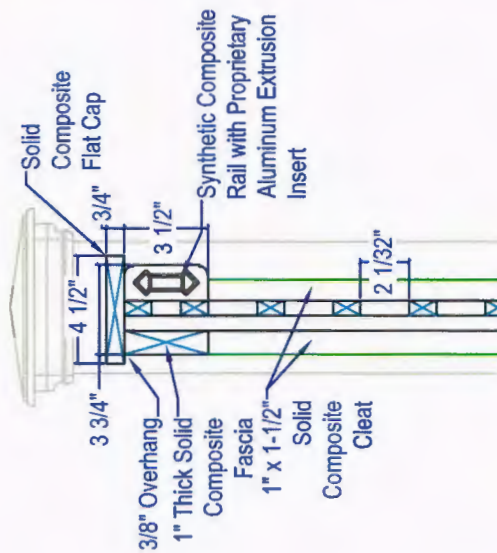
Rev. Date: xxxx

Mgr. Approval:

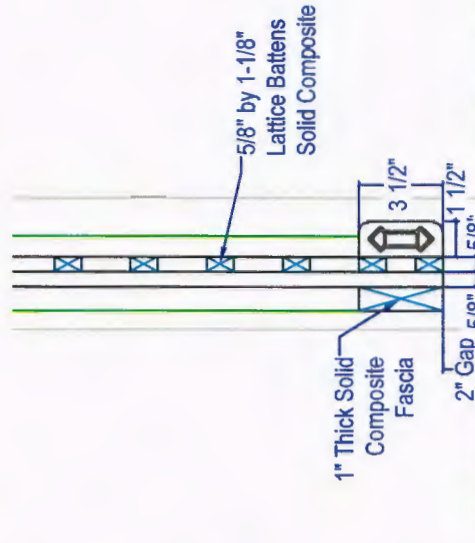
1.01



1 6ft High Lattice Elevation
Scale: 1/2" = 1'-0"



2 Top Rail Section
Scale: 1-1/2" = 1'-0"



3 Bottom Rail Section
Scale: 1-1/2" = 1'-0"

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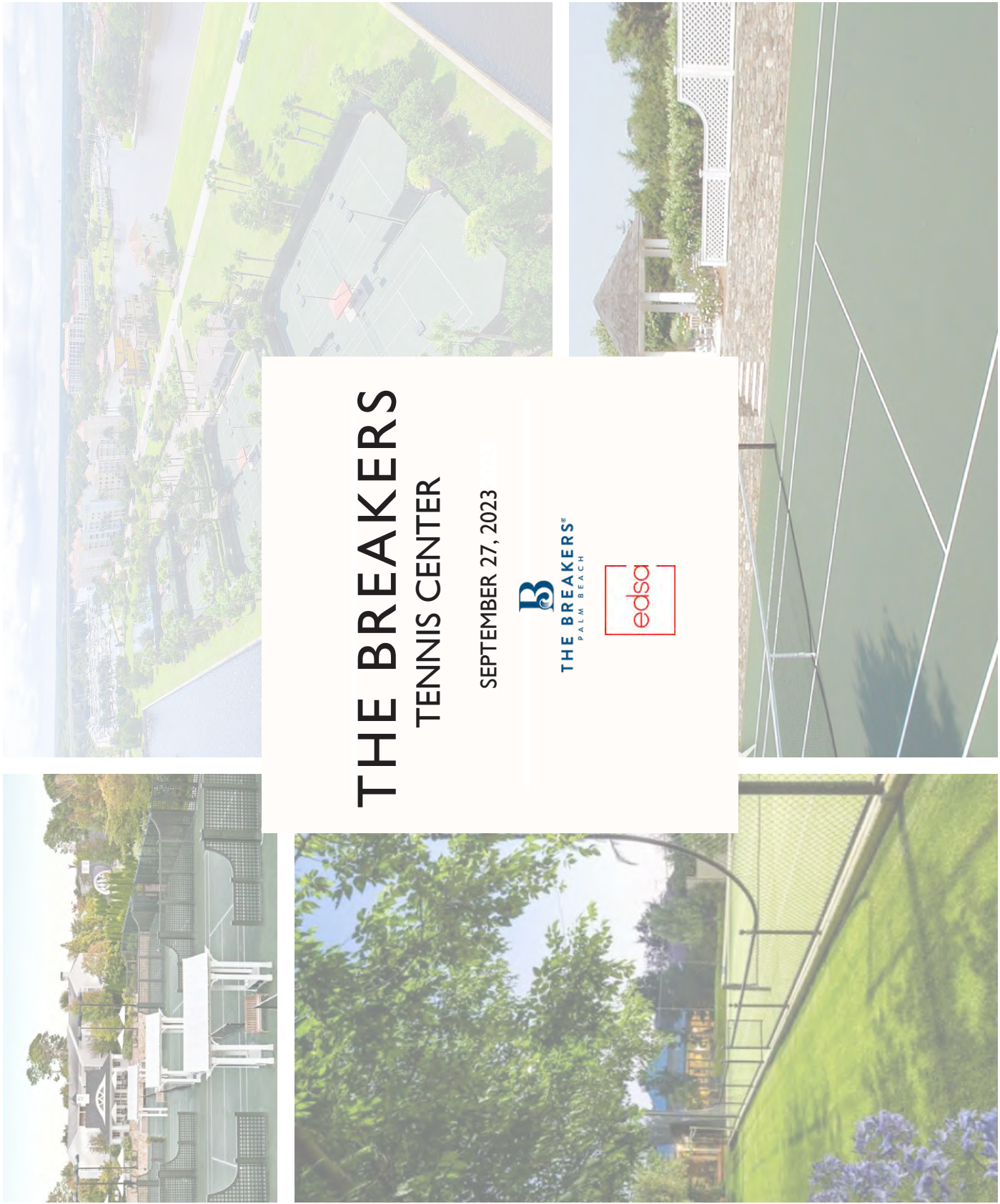
Note: In order for Walpole Outdoors LLC to begin construction on this job, all drawings must be approved and signed by the CUSTOMER and/or ARCHITECT / CONTRACTOR.

Project: The Breakers	Salesperson: Russ Clark	Date Drawn: 9/6/23
	Branch: -	Drawn By: A Walker
Contractor: ---	Order #: ---	Rev. Date: xxxx
Mgr. Approval: _____		



Customer Signature / Date:

1.02



THE BREAKERS
TENNIS CENTER

SEPTEMBER 27, 2023

B
THE BREAKERS[®]
PALM BEACH

edsa



The Breakers Palm Beach, Inc.

Tennis Area Project Presentation

By: Paul N. Leone, Chief Executive Officer.

ARC-23-057 (ZON-23-049) 2 S. COUNTY ROAD (COMBO)

May 24, 2023 Meeting

The Breakers Palm Beach, Inc. application requesting Architectural Commission review and approval for the renovation and expansion of the existing tennis area, including replacement of 10 existing courts, addition of 2 tennis courts, addition of pickle ball courts, shade structures, decorative fencing, new service path, stretching area and landscape improvements.

Excerpt from ARCOM Meeting Minutes 5-24-2023

Motion made by Mr. Corey and seconded by Ms. Shiverick to approve portions of the project, including the landscaping, the various courts, and the small shade structures in white; while the following items, such as the **fencing, large shade structures,** and the **lighting,** were deferred to the June 28, 2023, meeting. Motion carried unanimously, 7-0.

1. **Fencing** – as requested, we changed from black to white
2. **Shade Structures** – as requested, we changed awning color from blue to white and added awnings over 2 more courts as suggested by Ms. Shiverick
3. **Lighting** – as requested, we provided missing details, noting same specs as TOPB Seaview Tennis lighting
4. Chairman Smith subsequently inquired about east side landscaping

1. Changed Fencing Color From Black to White

Before



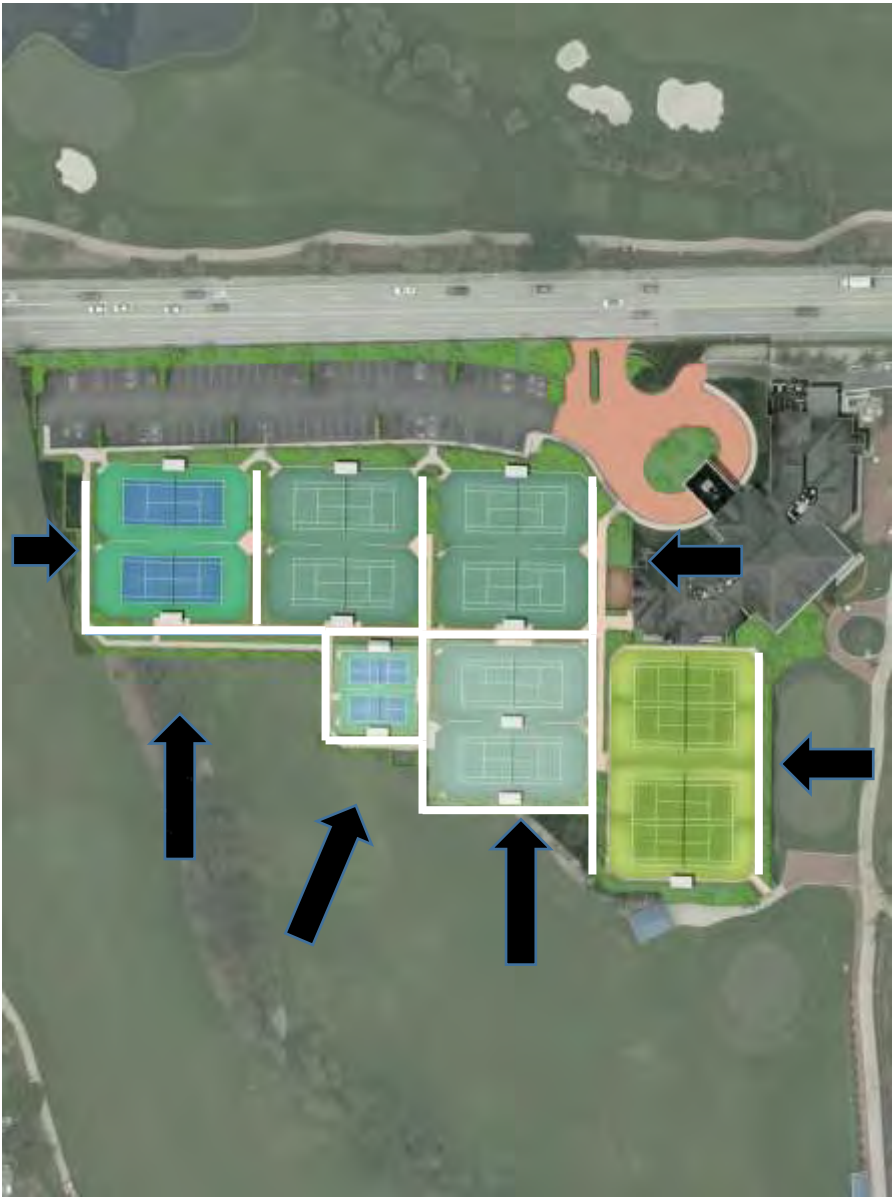
After



Changed to white fence structure and awnings



Changed to white fence structure with black coated wire mesh at all courts except for west side of center court and east court along parking lot



Similar example of an existing court on another project



Walpole Outdoors™

Made change to white fence structure with lattice inserts at center court and east court along parking lot



Similar example of an existing court on another project



2. Changed Awning Color From Blue to White

Before



After



Modified Awning Design (shade will be white)

3. Lighting Details (same product as TOPB Seaview Tennis

LMI-TLL SERIES

Large Area (Please See Page 100)

DATE _____ LOCATION _____
TYPE _____ PROJECT _____
CONSTRUCTION _____

Description

The LMI-TLL series is a specification-grade outdoor lighting fixture designed for preferred aesthetic appeal, low cost of ownership and optimal task performance. Proprietary vertical design has been developed specifically for high visibility areas such as lighting. Industry leading efficacy maintains the lowest energy costs possible with an appearance complementary to residential or club level facilities.

Construction

- Durable die-cast aluminum housing
- Vertical fins to optimize thermal management
- Chip and lead-resistant power-coat finish resists chipping, fading, corrosion and rust

Optics/LEDs

- Efficacy > 100 lumens per watt
- Primary optics engineered for 4-pole (ATM) or 6-pole (ATD) tennis court installations
- LED types 3, 4 and 5 for area lighting applications
- UV stabilized, high-efficiency polycarbonate lens
- 3000, 4000 and 5000 Kelvin color temperatures
- < 70 CRI

Electrical

- 0-10V Dimming standard
- Universal voltage 120-277 or 347-480 VAC
- 50/60 Hz
- Surge protection > 10 kVA
- Power factor > 99%
- Total harmonic distortion (THD) < 20%
- Wattage 450W (0.5-500 lm), 540W (75-1000 lm)

Mounting/Installation

- Slip-litter max arm mount (MAF) standard for ease of installation in 2-308" O.D. tennis
- Optional 6" straight arm (AA) compatible with 4.5" round or square poles

Options/Accessories

- Industrial grade 7-pin teardrop photostall receptacle
- Field installable blue-light shield

Warranty

- 5-year limited warranty

Ratings and Certifications

- DLC PREMIUM qualified (Consult DLC DPL for specific configurations at www.designlights.org)
- UL Listed to UL 1598 & B750 for Wet Locations
- IP65 Rated
- ANSI C136-33 Vibration rated
- -20° to 40°C Ambient operating temperature

Ordering Information

Series	Output (lumens)	Optic	CCT	Voltage	Housing Color	Mount	Options
LMI-TLL Large Area	65 - 65,500 lm 75 - 10,000 lm	Asymmetric Tennis AT3 - 4-Fold Court AT6 - 4-Fold Court	3K - 3000K 4K - 4000K 5K - 5000K	U - 120-277V HV - 347-480V	BR - Black BP - Bronze PE - Dark Green SV - Silver WH - White	AA6 - 6" Straight Arm (1.5 Pole) MAF - Max Arm PST - Photostall FBS - Blue Light Shield	77K - 7-yr Tenniscourt Photostall

EXAMPLE: LMI-TLL-AA6-AT3-4K-U-BK

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3001 NW 79th Street, Margate Beach, Florida 32083 (904) 244-1111

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LITE Maintenance Inc.

[illegible]

Town of Palm Beach Exterior Lighting Requirements

1. Cut sheets depicting lighting details, and a site/plot plan showing lighting locations must be submitted.
2. No light bulb or source of illumination shall be visible while standing at or outside of the property line. Wall sconces or column top fixtures are excluded. The light bulbs in cave fixtures must be shielded so that the lamp is not visible from off the property line. Decorative wall sconces that are visible from the street are allowed but shall be lamped with bulbs not exceeding 15 watts per bulb, and not more than 4 bulbs per fixture.
3. No high-pressure or low-pressure sodium light bulbs can be used for landscape lighting.
4. Any bulbs or sources of illumination in fixtures mounted in trees or above eye level on structures shall not be visible off the property. All down lighting shall not exceed 2 ft. candles on residential property and 8 ft. candles on commercial properties as measured at ground level directly below the source of illumination. Down lighting scheme must be approved by Town Staff through ARCOM or LPC Administrative Approval. The maximum wattage per acre for down lighting schemes shall not exceed 3,750 watts; however, shall not be counted as contributing to the total landscape (vertical illumination quantity) lighting system. The use of baffling, shielding techniques, internal hex louvers and screening should reduce the total output to 3,000 watts. Baffling, shielding, internal hex louvers and screening is encouraged.
5. Maximum cumulative wattage of light fixtures using mercury vapor and/or fluorescent light bulbs supplied at 120 volts, 24 volts and 12 volts, per acre is 5,000 watts.
6. Maximum cumulative wattage of light fixtures using mercury vapor and/or fluorescent light bulbs supplied at 120 volts, 220 volts, 208 volts, and 277 volts, per acre is 5,000 watts. The use of baffling, shielding techniques, internal hex louvers and screening is encouraged.
7. Maximum cumulative wattage of light fixtures using metal halide light bulbs supplied at 120 volts, 220 volts, 208 volts and 277 volts, per acre is 2,000.
8. Maximum number of landscape lighting fixtures per acre is 150 regardless of wattage.
9. Illumination on the elevation of a residence or commercial building is discouraged unless architectural features and anchor points are the purpose of illumination. Visible security flood lighting is prohibited unless approved directly by ARCOM.
10. No more than one half foot-candle of light may be reflected off or spill off of a property. Furthermore, lighting shall not be directed or aimed in such a manner as to create a nuisance or glare to any abutting properties or to any passers-by (either by foot or in a moving vehicle). Violation of any one of these requirements shall be subject to action by the Code Enforcement Board.
11. No light shall be unshielded where the lighting element is visible in any fashion, i.e. wall packs and any approved security fixtures. Any light that egresses its property of installation must be shielded and directed to reduce light trespass to the satisfaction of ARCOM, the Planning Administrator or assigned staff.
12. Red, yellow, blue, and green incandescent light bulbs that are visible from the street or public right-of-way are prohibited except during Town approved holiday intervals.
13. Mixture of Kelvin ratings by lamp types is discouraged where the difference is more than 25%, i.e. 5,500 Kelvin and 4,100 Kelvin is permissible. Exceptions may be allowed in circumstances such as where incandescent lamps are used to illuminate sculpture or fountains.
14. Light fixtures mounted on the ground, unless decorative types, path lights, etc., are to be hidden in landscape material, and not visible from outside the property line.

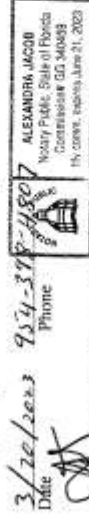
I verify that the proposed design meets all conditions listed above.

Property Address 1 South County Rd, Palm Beach, FL 33480

LITE MAINTENANCE INC

Name - please print

Signature



Signature & Stamp of Notary (if Design Professional is not used)

My Commission Expires: June 21, 2023

Seal of Design Professional (if applicable)

form revised 2-6-17

Photometry

Polar Graph - LM-TLL-45-ATs



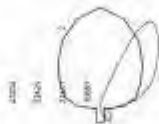
Horizontal 150 Foot Candle



Mounting Height = 20 Foot

Additional photometrics available online.

Polar Graph - LM-TLL-45-ATs

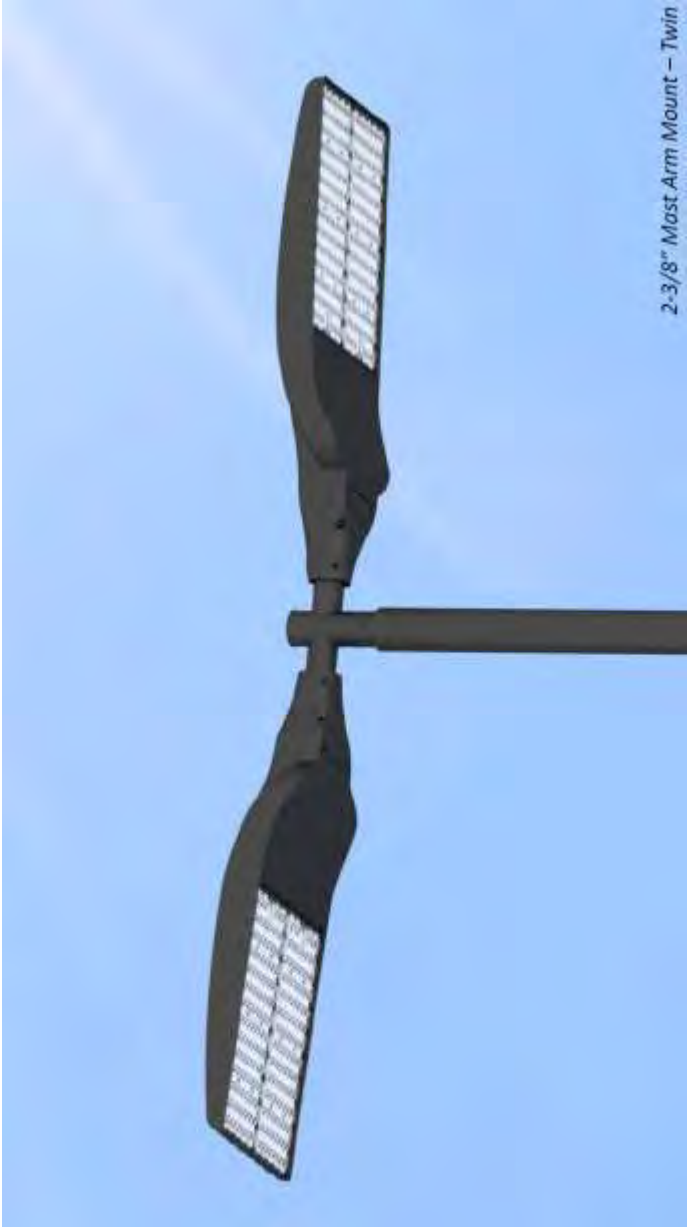


Horizontal 150 Foot Candle

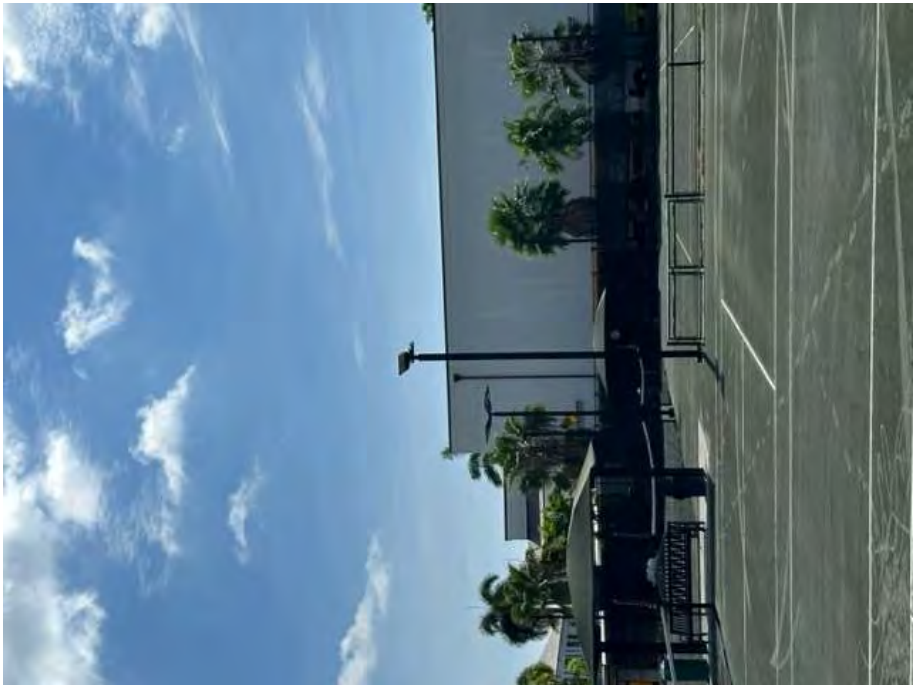


Mounting Height = 20 Foot

Additional photometrics available online.



TOPB Seaview Tennis Installation



4. Added Additional Trees and Shrubs to Shield Shade Structures

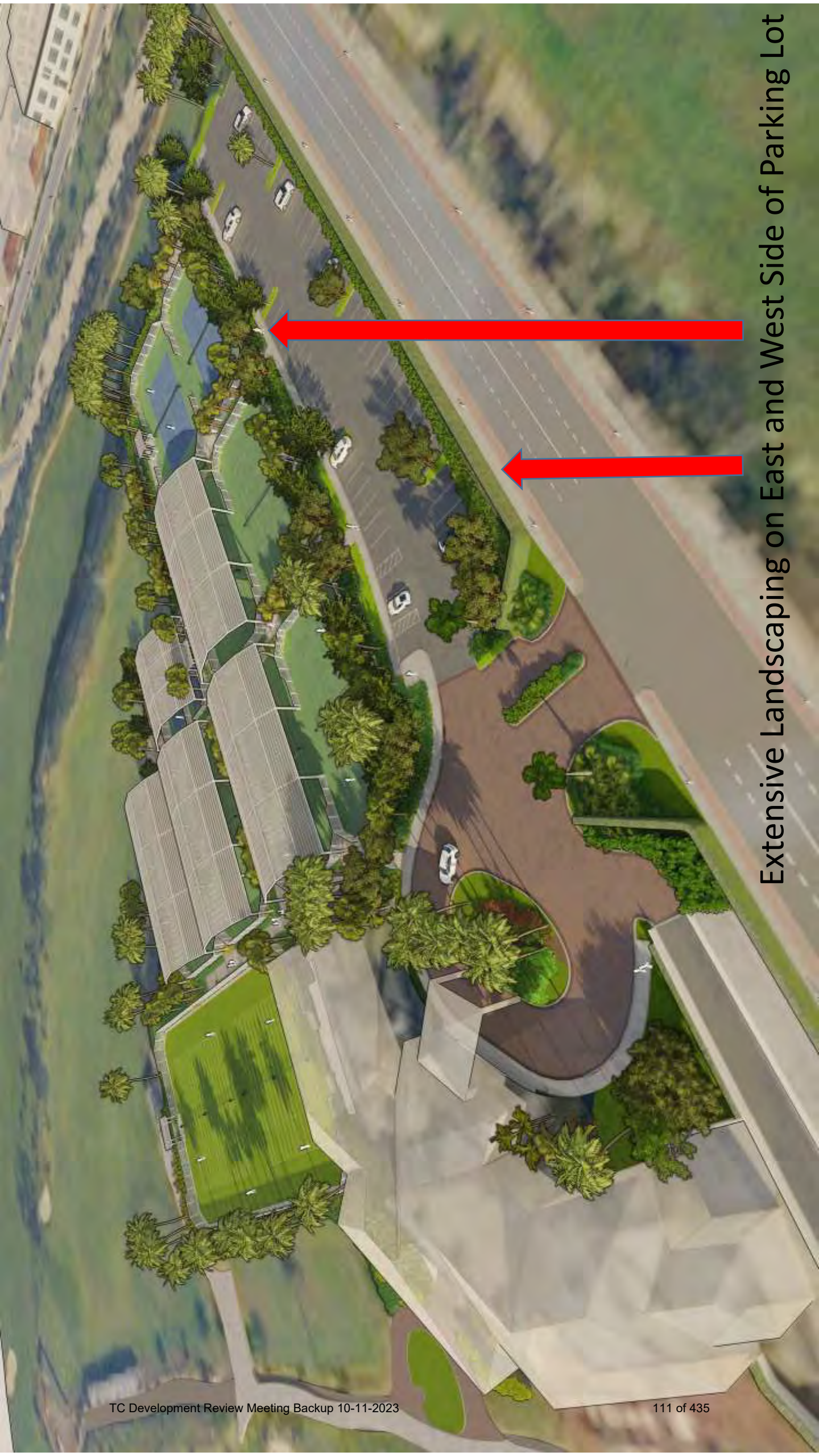


Previously Proposed









Extensive Landscaping on East and West Side of Parking Lot

Respectfully Request Following Approvals

1. **Fencing** – approval of white fencing
2. **Shade Structures** – approval of white awning over 4 tennis and 2 pickle ball courts
3. **Lighting** – approval of light fixtures

Walpole Luxury Residential and Resort Installation Examples

Walpole Outdoors™



Prepared for
THE BREAKERS PALM BEACH



Walpole Outdoors™



Walpole Outdoors



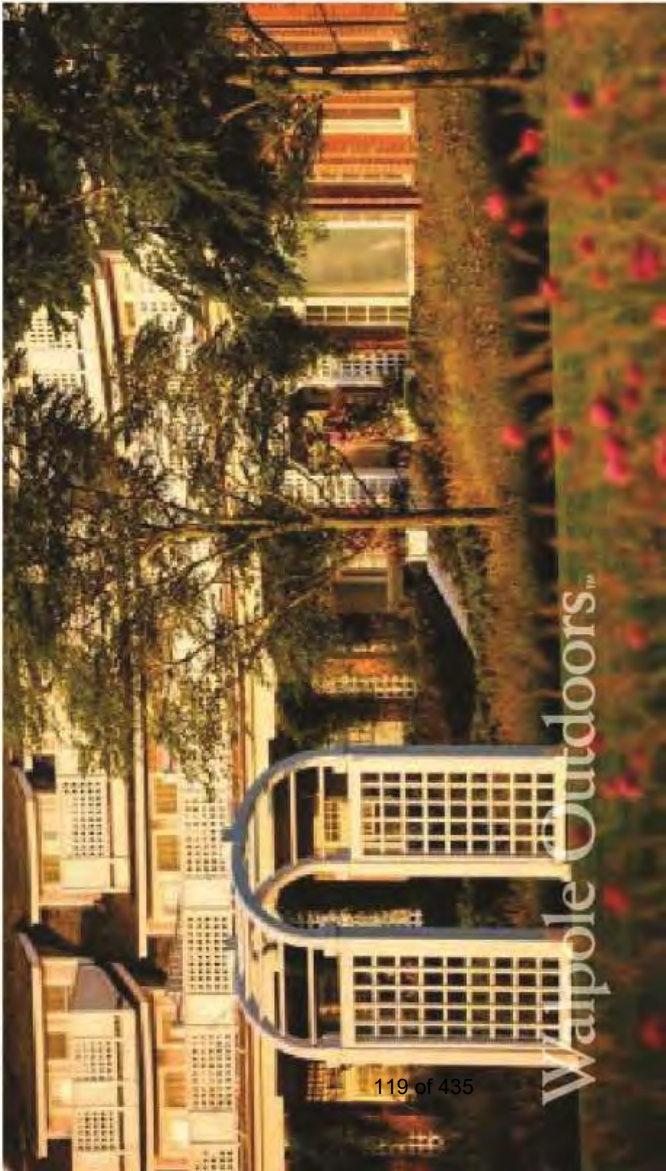
Walpole Outdoors™



LUXURY RESORTS AND HOSPITALITY

CHATHAM BARS INN
CHATHAM, MA

TC Development Review Meeting Backup 10-11-2023



OCEAN HOUSE
WATCH HILL, RI

TC Development Review Meeting Backup 10-11-2023







THE GASPARILLA INN
BOCA GRANDE, FL

TTC Development Review Meeting Backup 10-11-2023

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Walpole Outdoors™



FARM NECK GOLF CLUB
MARTHA'S VINEYARD, MA

TC Development Review Meeting Backup 10-11-2023

123 of 435

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