

November 12, 2024

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

Re: Waiver Request from Zoning in Progress Moratorium
The Breakers Family Entertainment Center ("FEC") Restaurant Space and Beach
Club Bar & Restaurant Space

We are respectfully requesting a waiver from the restrictions prohibiting Town staff from processing our client's applications for a revised restaurant within the FEC, and a revised bar and restaurant area within the Beach Club, which are generally located at the southeast portion of The Breakers main campus at 1 South County Road. On June 12, 2024, Town Council approved the zoning in progress, which currently prohibits the Town from processing any applications for restaurants, bars, night clubs, lounges and for-profit clubs until after the Town's Zoning in Progress (ZIP) work is completed. As part of the approval for the restaurant prohibition, Town Council also approved a waiver request process whereby applicants may petition Town Council for a waiver from the prohibition by showing good cause to allow their project to be heard.

The Breakers desires to renovate the entire FEC building and replace the existing Italian Restaurant space with a new food and beverage operation in order to enhance service for its members and guests. The Breakers also wishes to renovate the adjacent Beach Club restaurant space, which includes an expansion of the enclosed and air-conditioned portion of the restaurant into an 1,805 square-foot area that is currently being used for outdoor dining. As part of the restaurant renovation, the number of seats (both outside and inside) at the beach club restaurant will be reduced from 340 existing seats to 236 seats. The proposed modification to the Beach Club restaurant also includes a reduction of square-footage for the outside bar and the elimination of the north roof overhang, which reduces the size of the bar footprint. We have been working on the design and restaurant concepts for these spaces, along with other updates in the FEC area and Beach Club space, for more than a year, and The Breakers has incurred substantial costs in pursuit of the new concepts. Materials for the changes at the FEC and the Beach Club were submitted to the Town on November 4th for the November 7th pre-application meeting. After these submittals, we were notified that our zoning applications could not be processed by staff until a waiver from the zoning in progress was approved by the Town Council.

As justification for this request, it is important to note that the new FEC food and beverage operation will have the exact same number of seats (154) as the existing Italian Restaurant in the FEC space, and that the new restaurant will only be expanded by 196 square feet from the existing 4,130 square feet to the proposed 4,326 square feet. In addition, the renovations proposed to the Beach Club restaurant will result in an overall reduction in the number of restaurant seats. Therefore, the new replacement restaurant in the FEC and the renovation of the restaurant at the Beach Club will have no negative impact on parking, traffic, etc. In addition, restaurant uses have always been permitted special exception uses under The Breakers PUD, which allows for flexibility in zoning and permitting based upon the unique nature of this historic property, the size of which allows for internal capture of traffic and parking that is simply not possible at other locations in Town. For this reason, and because of the time, effort and expense already put into the FEC and Beach Club project designs, we respectfully request that Town Council grant our waiver request allowing staff to process our full applications and providing us an opportunity to present the merits of the applications to the Town Council.

We thank you for your consideration of our request.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JMC', is centered below the word 'Sincerely,'.

James M. Crowley