

RESOLUTION NO. 006-2025

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH, PALM BEACH COUNTY, FLORIDA, AMENDING RESOLUTION NO. 6-71, THE BREAKERS PLANNED UNIT DEVELOPMENT (PUD-A), AS PREVIOUSLY AMENDED, TO AUTHORIZE THE DEMOLITION OF THE EXISTING TWO-STORY FAMILY ENTERTAINMENT CENTER AND THE ITALIAN RESTAURANT AND THEIR REPLACEMENT WITH A NEW, THREE STORY STRUCTURE WITH BASEMENT CONNECTED BY AN OVERHEAD ENCLOSED PEDESTRIAN BRIDGE TO THE EXISTING TWO-STORY BEACH CLUB BUILDING, WITH RELATED SITE IMPROVEMENTS; AND TO ALLOW THE CONSTRUCTION OF A NEW PARKING STRUCTURE CONSISTING OF ONE LEVEL OF SUBTERRANEAN PARKING AND ONE AT-GRADE SURFACE-LEVEL PARKING AREA TO REPLACE AN EXISTING SURFACE PARKING LOT.

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

WHEREAS, The Planning and Zoning Commission and the Town Council of the Town of Palm Beach, subsequent to review and public hearing did by Resolution 6-71, as amended by Resolutions 9-72, 13-74, 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, 60-2016, 043-2023, and 073-2024 grant tentative approval of said application, subject to certain conditions; and

WHEREAS, The Town and Flagler System, Inc. entered into a binding Agreement on September 8, 1983, wherein Flagler Systems, Inc. accepted the Town's conditions governing the development of "The Breakers" Planned Unit Development ("The Breakers PUD"), and said Agreement was revised by the Town and Flagler System, Inc. on June 18, 1986, on January 22, 1990, on February 19, 1992, on April 12, 2000, and on February 15, 2005, pursuant to the terms of Resolution No. 04-05; and on March 26, 2014, pursuant to the terms of Resolution No. 11-2014; and on May 11, 2016, pursuant to the terms of Resolution No. 60-2016; and on May 10, 2023, pursuant to the terms of Resolution No. 043-2023, and on August 12, 2024, pursuant to the terms of Resolution No. 073-2024; and

WHEREAS, Flagler System, Inc., was reorganized and the corporate name of the company controlling The Breakers PUD is now The Breakers Palm Beach, Inc. ("The Breakers"); and

WHEREAS, on December 30, 2024, The Breakers did submit an application for tentative approval of the modifications of The Breakers PUD (the "Application"); and

WHEREAS, the Application seeks to modify The Breakers PUD to authorize the demolition of an existing two-story Family Entertainment Center and the Italian Restaurant (collectively, the “FEC”) and their replacement with a newly constructed, three-story structure with basement that will be connected by an overhead enclosed pedestrian bridge to the existing two-story Beach Club building, with related site improvements (the “New FEC”); and

WHEREAS, the Application proposes to expand the existing FEC from a 12,136 square-foot building footprint with 17,176 square feet of enclosed space, to a 16,675 square-foot building footprint with 49,138 total square feet of enclosed space, an increase of 31,962 square feet; and

WHEREAS, the construction of a previously approved 4,190 square-foot second-story fitness center facility to the Beach Club left 7,431 square feet of accessory hotel space retained in The Breakers PUD, which retained space was authorized for future assignment by further amendment to The Breakers PUD, by Resolution No. 1-1998, amended by Resolution No. 70-2010 and amended again to current form by Resolution No. 11-2014 (Modification #9); and

WHEREAS, there are presently 251 vested residential units remaining in The Breakers PUD, pursuant to Resolution No. 6-71, and every 1 residential unit equals 1,500 square feet of hotel accessory use, pursuant to Resolution No. 60-2016; and

WHEREAS, the 31,962 square foot increase proposed for the New FEC will be offset by the remaining and previously approved 7,431 square feet of unbuilt Beach Club space and the elimination of 17 of the approved 251 dwelling units for The Breakers PUD (an offset of 25,500 square feet), for a total offset of 32,931 square feet as the chart attached as **Exhibit A** reflects; and

WHEREAS, the Application’s proposed modification to The Breakers PUD that results in the conversion of residential units to accessory hotel space where 969 square feet will remain for available hotel accessory use space for possible future use in The Breakers PUD and all traffic and parking impacts were factored into the conversion matrix during prior PUD approvals; and

WHEREAS, by prior modification to The Breakers PUD in 1981 (Res. 10-81), a parking structure that included below grade parking with elevated above grade parking totaling 710 spaces was authorized but never constructed; and

WHEREAS, the Application now proposes to construct a new parking structure consisting of one level of subterranean parking and one at-grade surface-level parking area to replace an existing surface parking lot of 550 spaces with a parking structure and area of 849 spaces; and

WHEREAS, on February 4, 2025 the Planning and Zoning Commission and on February 12, 2025 the Town Council of the Town of Palm Beach, did review and hold properly noticed public hearings on the application for tentative approval of the modifications of The Breakers PUD; and

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

1. The Planned Unit Development Plan, as submitted with the modifications thereto, is consistent with the statement of purpose of a Planned Unit Development as set forth in Section 134-476 of the Ordinance.
2. The Planned Unit Development, as submitted with the modifications thereto, is consistent with the Comprehensive Plan, as long as the conditions hereinafter set forth are met.
3. The Planned Unit Development, as submitted with modifications thereto, does include an adequate amount of open space located in a satisfactory manner.
4. The Planned Unit Development, as submitted with modifications thereto, makes adequate provisions for public services, provides adequate control over vehicular traffic and enhances the amenities of light and air, recreational and visual enjoyment, but is further subject to certain conditions hereinafter set forth.
5. The Planned Unit Development, as submitted with modifications thereto, is not adverse to the neighborhood in which it is located.
6. The Planned Unit Development, as submitted with modifications thereto, includes sufficient terms and conditions to protect the interests of the public in the development of the plan over a period of years.
7. The Breakers Hotel as referenced in the exhibits attached hereto is a historically and architecturally significant building and provision for its west façade preservation shall be subject to the control of the Landmarks Preservation Commission, the Town Council and any other commission or board of the Town having jurisdiction over same, such control not to be inconsistent with the Planned Unit Development Plan approval as evidenced by this Resolution.

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

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

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

Section 2. That the amendments to the Planned Unit Development submitted by The Breakers on December 30, 2024, be granted tentative approval subject to the conditions set forth therein not in conflict with this Resolution, in addition to those specified below:

A. AMENDMENTS TO PREVIOUS MODIFICATIONS:

MODIFICATION #1

Coffee Shop

NO CHANGE

MODIFICATION #2

Tennis Court Lighting

NO CHANGE

MODIFICATION #3

Additional Retail Space

NO CHANGE

MODIFICATION #4

Tennis Facility

**DELETED BY RESOLUTION NO. 3-00 AND REPLACED BY
MODIFICATION #10 (NEW)**

MODIFICATION #5

Maintenance of Golf Course Green Space is amended to read:

NO CHANGE

MODIFICATION #6

Lease of Pine Walk transfer station is amended to read:

NO CHANGE

MODIFICATION #7

Requirement for Renegotiation is amended to read:

a. NO CHANGE

b. NO CHANGE

MODIFICATION #8

Road and Parking Improvements

NO CHANGE

MODIFICATION #9

Starlight Ballroom Addition and Beach Club

NO CHANGE

MODIFICATION #10 (OLD)

Requirement for Additional Off-street Parking Spaces

NO CHANGE

MODIFICATION #10 (NEW)

Golf and Tennis Clubhouse with Related Facilities

NO CHANGE

MODIFICATION #11 (OLD)

On-site Parking and Traffic Circulation Management

NO CHANGE

MODIFICATION #11 (NEW)

Development Commencement Dates is amended to read:

NO CHANGE

MODIFICATION #12

Cabanas and Related Facilities

NO CHANGE

MODIFICATION #13

Golf & Tennis Clubhouse with Related Facilities

NO CHANGE

MODIFICATION #14

Parking Structure

An amendment, Resolution No. 006-2025, to the previously approved parking structure that includes below-grade and at-grade parking, to allow for the number of parking spaces to increase from 710 spaces (as referenced in approved plans for Resolution No. 10-81, including Drwg. No. 22 & Drwg. No. 23, dated October 31, 1980) to 849 parking spaces.

MODIFICATION #15

Family Entertainment Centre (FEC)

An amendment, Resolution No. 006-2025, to the previously approved FEC to allow for the expansion of the FEC from a 12,136 square-foot building footprint with 17,176 total square feet of enclosed space, to a 16,675 square-foot building footprint with 49,138 total square feet of enclosed space.

- B. RESOLUTIONS 6-71, 9-72, 13-74 10-81, 17-90, 6-92, 1-97, 1-98, 3-00, 10-01, 04-05, 70-10, 11-2014, 60-2016, 043-2023 and 073-2024 SHALL REMAIN IN FULL FORCE AND EFFECT EXCEPT AS MODIFIED BY PREVIOUS AMENDMENTS AND MODIFICATIONS AND BY THE PROVISIONS OF THIS RESOLUTION.

Section 3. The modifications submitted on December 30, 2024, by The Breakers and reflected herein will become effective (i.e., not tentative) only if, as and when The Breakers indicates its acceptance thereof and an agreement documenting that acceptance is entered into between the Town and The Breakers incorporating said conditions.

Section 4. All previous conditions of The Breakers PUD, unless otherwise specified in this Resolution No. 006-2025, remain in effect.

Section 5. The Town Clerk is hereby directed to furnish a certified copy of this Resolution, by certified mail to the applicant, and applicant shall within forty-five (45) days after receiving said certified copy notify the Town Council of the acceptance of, or refusal to accept all of said conditions as provided in Section 134-533(c) of Chapter 134, as amended, and further subject to the provisions of Section 134-533(d).

PASSED AND ADOPTED in a regular adjourned session of Town Council of the Town of Palm Beach this _____ day of 2025.

Danielle H. Moore, Mayor

Bobbie Lindsay, Town Council President

Lewis S.W. Crampton, Town Council President Pro Tem

Julie Araskog, Town Council Member

Edward A. Cooney, Town Council Member

ATTEST:

Kelly Churney, Town Clerk

Bridget Moran, Town Council Member

EXHIBIT A

**EQUIVALENCY TABLE
REDUCTION IN BEACH CLUB APPROVED SQUARE FOOTAGE AND PUD
RESIDENTIAL UNITS
TO ALLOW FOR INCREASED FEC SQUARE FOOTAGE**

BREAKERS PUD CONVERSION TABLE		
Residential Dwelling Units (DU's)	Beach Club	FEC
251 vested DU's minus: the conversion of 17 DU's to accessory hotel uses (25,500 SF)	7,431 square feet of approved but unbuilt space transferred to the proposed FEC	49,138 SF proposed minus: -17,176 SF of the existing FEC to be demolished. - 7,431 SF transferred from the Beach Club -25,500 SF from converted Residential Units
234 Remaining Vested DU's	No vested rights remain with the Beach Club	969 SF will remain vested for the FEC

Notes:

One (1) residential unit = 1,500 square feet of accessory use space.