

**CITY OF PALM BEACH GARDENS
CITY COUNCIL
Agenda Cover Memorandum**

**Meeting Date: February 2, 2012
Resolution 14, 2012**


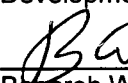
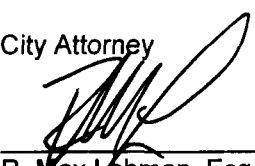


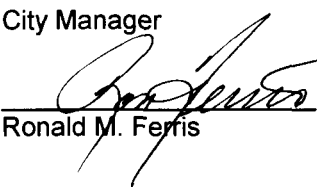
Subject/Agenda Item:

Resolution 14, 2012 – 51 Supper Club at Downtown at the Gardens

Public Hearing and Consideration for Approval: A request by Downtown at the Gardens Associates, LTD for approval of an accessory outdoor bar to the 51 Supper Club Restaurant. Downtown at the Gardens is located at the southeast corner of Alternate A1A and Gardens Parkway and is approximately 49 acres.

[X] Recommendation to APPROVE

[] Recommendation to DENY

<p>Reviewed by: Director of Planning & Zoning  Natalie M. Crowley, AICP</p> <p>Development Compliance  Banareh Wolfs, AICP</p> <p>City Attorney  R. Max Lohman, Esq.</p>	<p>Originating Dept.: Planning & Zoning: Project Manager  Kathryn DeWitt, AICP Sr. Planner</p> <p>[X] Quasi – Judicial [] Legislative [X] Public Hearing</p> <p>Advertised: [X] Required [] Not Required Date: 01.18.2012 Paper: Palm Beach Post</p> <p>Affected parties: [X] Notified [] Not Required</p>	<p>Finance: Accountant  Sarah Varga</p> <p>Fees Paid: <u>N/A</u></p> <p>Funding Source: [] Operating [X] Other <u>N/A</u></p> <p>Budget Acct.#: <u>N/A</u></p> <p>Contract/Agreement:</p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p>Council Action: [] Approved [] Approved w/ Conditions [] Denied [] Continued to: _____</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Location Map • Development Application • Resolution 14, 2012
<p>Approved By: City Manager  Ronald M. Ferris</p>			

BACKGROUND

On October 5, 1995, the City Council approved a Future Land Use (FLU) Map amendment via Ordinance 10, 1995, which amended the FLU designation of the Downtown at the Gardens (DTAG) parcel from Residential Medium (RM) to Professional Office (PO).

DTAG, located within the Regional Center Development of Regional Impact (DRI), was first approved by City Council on June 5, 2003 by Resolution 91, 2003. The original DTAG site plan authorized the development of 26,000 square feet of neighborhood commercial, 220,745 square feet of retail/restaurant, 67,690 square feet (up to 3,220 seats) of cinema, and 20,000 square feet of professional office, and provided nine (9) development waivers and conditions.

On March 15, 2011, the City approved an Administrative Petition (ADMN-11-02-000396) allowing exterior elevations and outdoor seating changes to accommodate the 51 Supper Club Restaurant within DTAG. This petition restricted the number of seats to 60 within the outdoor seating area.

The subject petition is a request to allow an accessory bar to be located within the outdoor seating area of the 51 Supper Club Restaurant. Because the bar will be visible from Lake Victoria Gardens Avenue, City Council approval is required. The bar is accessory to the existing restaurant and is temporary in nature in that it will be taken inside each night and only in use during restaurant hours.

LAND USE & ZONING

The subject site is located within the Regional Center Development of Regional Impact (DRI). The site has a Professional Office (PO) future land-use designation and a Planned Community Development (PCD) / DRI Zoning Overlay, with an underlying designation of PO.

Table 1. Existing Zoning Land Use Designations

EXISTING USE	ZONING	LAND USE
<u>Subject Property</u> Downtown at the Gardens	DRI / PCD Master Plan	PO
<u>North</u> Mira Flores	DRI / PCD Master Plan	Residential High (RH) / PO
<u>South</u> Gosman Parcel Financial Center at the Gardens Laser and Surgery Center	DRI / PCD Master Plan	PO
<u>West</u> Parcel 5A Garden Woods	PCD / Research and Light Industrial (M-1); Residential Low-3 (RL3)	Industrial (I) / Bioscience Research Protection Overlay; Residential Low (RL)
<u>East</u> Landmark Gardens Pointe	DRI / PCD Master Plan	PO

CONCURRENCY

The subject request does not affect the project's concurrency approval.

PROJECT DETAILS

Site Details

The Downtown at the Gardens (DTAG) site is bound by Gardens Parkway to the north, Kyoto Gardens Drive to the south, Alternate A1A to the west, and Fairchild Gardens Avenue to the east. DTAG is located within the Regional Center Development of Regional Impact (DRI). The 51 Supper Club Restaurant is located near the center of DTAG on the east side of the center, west of the lake area in Building "E." The site has access from PGA Boulevard via Lake Victoria Gardens Avenue, Alternate A1A, and Gardens Parkway via Lake Victoria Gardens Avenue. The parcel is approximately 49 acres.

Proposed Improvements

The Applicant is proposing to locate an accessory bar within the outdoor seating area of the 51 Supper Club Restaurant. The bar will be temporary in nature. The structure will be on wheels, which are concealed, and it will be stored inside the restaurant when not in use. The bar will be constructed to break into smaller pieces to make it easy for the restaurant staff to maneuver. The structure is approximately 13 feet 7½ inches long, 8 feet wide, and 42 inches high (*see attached elevations*). The bar is proposed to have a white granite counter top and dark blue tile along the front, and the main structure is made of aluminum.

Signage

No signage is proposed with the subject petition.

Landscaping

Additional planters are proposed to be located around the outdoor seating area. There are existing planters on site surrounding the outdoor seating area; however, the Applicant is proposing to add more planters to further screen the area. The planters will be placed in between the existing pillars that line the outdoor seating area of the restaurant. Two (2) types of planters are proposed at heights of three (3) feet and four (4) feet. Space has been left in between the planters in two (2) areas to allow for ingress and egress, as required by the City's Fire Department. To achieve the desired screening, a maximum separation distance between the planters is listed on the Temporary Bar Exhibit. This will ensure that the outdoor area is contained and not able to spill out into the pedestrian walkways within the shopping center. The planters will also help to screen the accessory structure from the adjacent right-of-way, Lake Victoria Gardens Avenue.

Staff Analysis

Per Section 78-191(b) of the City's Land Development Regulations, City Council approval is required, because the accessory bar will be located in the outdoor seating area and is visible from a public right-of-way. The adjacent right-of-way is Lake Victoria Gardens Avenue. The accessory bar will help the restaurant better serve their outdoor seating patrons, accommodate smokers, and provide a more casual dining atmosphere for those not wishing to dine inside the restaurant. Only patrons of the restaurant will be able to utilize the bar.

The addition of the accessory bar will not allow the maximum number of seats approved for the restaurant's outdoor seating area to expand. Petition ADMN-11-02-000396 approved a **maximum** of 60 seats to be located within the outdoor seating area of the 51 Supper Club. The Applicant has removed tables and seats in place of the proposed seats to be located around the bar, so that there is no increase in the total number of seats. Condition No. 2 has been included for further enforcement.

Because the bar is accessory to the restaurant and functions as part of the outdoor seating area, it is only permitted to be open during the restaurant's business hours. In addition, the structure, in its entirety, is required to be taken inside the restaurant each night. It is not permitted to be in use or assembled outside when the restaurant is not open. The structure will be constructed in a manner that allows it to break down into smaller pieces in order to easily maneuver it in and out of the restaurant. Conditions No. 5 and 6 have been included to enforce these functional aspects.

In the event a new tenant replaces the 51 Supper Club, this approval is null and void. The subject request is in conjunction with the existing restaurant use and is not transferrable to any subsequent tenants or business owners. Condition No. 4 has been included for further enforcement.

Additional consideration has been made to mitigate hurricane concerns. Within 24 hours of an announced tropical storm or hurricane by the National Hurricane Center, which places the City within the "3-day cone of probability," the Applicant must remove the accessory bar from the outdoor area. Condition No. 3 has been included for further enforcement.

The Applicant, as with all business owners, is required to adhere to the City's performance standards with regard to noise. All decibel levels and noise regulations listed in Chapter 34, Sections 56 through 58 and Chapter 78, Section 78-661 must be complied with. Condition No. 7 has been included for further enforcement.

Parking

The Applicant is not proposing to add seats or square footage that would require additional parking.

Phasing

The improvements will be completed in one (1) phase.

Drainage

The subject request does not propose any changes to the site's drainage.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Resolution 14, 2012 as presented.

Location Map

Downtown at the Gardens
51 Super Club



CITY OF PALM BEACH GARDENS
DEVELOPMENT APPLICATION

Planning and Zoning Department
CITY OF PALM BEACH GARDENS
10500 North Military Trail
Palm Beach Gardens, FL 33410
(561) 799-4243 Fax (561) 799-4281

MISC-11-11-000082

Request:

- | | |
|--|---|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input type="checkbox"/> Amendment to PCD, PUD or Site Plan | <input type="checkbox"/> Site Plan Review |
| <input type="checkbox"/> Conditional Use | <input type="checkbox"/> Concurrency Certificate |
| <input type="checkbox"/> Amendment to the Comprehensive Plan | <input type="checkbox"/> Time Extension |
| <input type="checkbox"/> Administrative Approval | <input checked="" type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other <input type="text"/> |

Date Submitted:

Project Name: 51 SUPER CLUB Outside BAR

Owner: Brian Berman (Downtown @ the Gardens)

Applicant (if not Owner): Stephen Giordanello / Frank Marzino

Applicant's Address: 11701 Lake Victoria Gardens Ave #3102 Telephone No. 561-622-3500

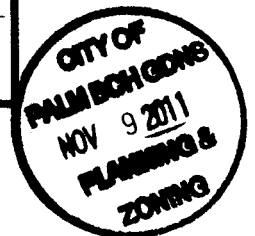
Agent: Melissa Hartman

Contact Person: Melissa Hartman E-Mail: melissa@caboflats.com

Agent's Mailing Address: 11701 Lake Victoria Gardens Ave, #3102 PBG, FL 33410

Agent's Telephone Number: 561-676-4677

FOR OFFICE USE ONLY	
Petition Number: _____	Date & Time Received: _____
<u>Fees Received</u>	
Application \$ _____	Engineering \$ _____
Receipt Number: _____	



Architect: N/A

Engineer: N/A

Planner: N/A

Landscape Architect: N/A

Site Information:

Note: Petitioner shall submit electronic digital files of approved projects. See attachment for details.

General Location: _____

Address: 11701 LAKE VICTORIA BARDENS AVE NO. 3102

Section: _____ Township: _____ Range: _____

Property Control Number(s): _____

Acreage: _____ Current Zoning: PCD/PO Requested Zoning: N/A

Flood Zone _____ Base Flood Elevation (BFE) - to be indicated on site plan _____

Current Comprehensive Plan Land Use Designation: DRI/PCD/PO

Existing Land Use: DRI/PCD/PO Requested Land Use: N/A

Proposed Use(s) i.e. hotel, single family residence, etc.: N/A

Proposed Square Footage by Use: _____

Proposed Number and Type of Dwelling Unit(s) i.e. single family, multifamily, etc. (if applicable):

Justification

Information concerning all requests (attach additional sheets if needed.)
{Section 78-46, Application Procedures, Land Development Regulations.}

1. Explain the nature of the request: The restaurant, 51 Supperclub, would like to have an outdoor bar; hours from 4-10pm during the week, and 4-12am on Friday & Saturdays. The bar is self-contained and will be on wheels. A separate water supply, 15 gallon tank, & portable waste system are maintained and no added electrical or sewage service needed. The bar will be temporary in nature & be taken in each night.

2. What will be the impact of the proposed change on the surrounding area?

The bar will close earlier than the surrounding area; it is an added service we want to provide for our higher-end clientele. There are tables & seating outside so the convenience & access is insilled.

3. Describe how the rezoning request complies with the City's Vision Plan and the following elements of the City's Comprehensive Plan - Future Land Use, Transportation, Housing, Infrastructure, Coastal Management, Conservations, Recreation and Open space, Intergovernmental Coordination and Capital Improvement.

N/A

4. How does the proposed project comply with City requirements for preservation of natural resources and native vegetation (Section 78-301, Land Development Regulations)?

N/A

5. How will the proposed project comply with City requirements for Art in Public Places (Chapter 78-261, Land Development Regulations)?

N/A

6. Has project received concurrency certification?

Date Received:

Legal Description of the Subject Property

(Attach additional sheets if needed)

Or see attached deed for legal description.

Location

The subject property is located approximately _____ mile(s) from the intersection of _____

_____, on the north, east, south, west side of _____

(street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Kevin Berman who, being by me first duly sworn, on oath deposed and says:

1. That he/she is the fee simple title owner of the property described in the attached Legal Description.
2. That he/she is requesting MISC PENTION in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Melissa Hartman to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Downtown at the Garden Associate LTD

[Signature]
Signature of Owner

VP/Kevin Berman
By: Name/Title

11701 Lake Victoria Gardens Ave PBLS, FL, 33410
Street Address City, State, Zip Code

2203
P. O. Box City, State, Zip Code

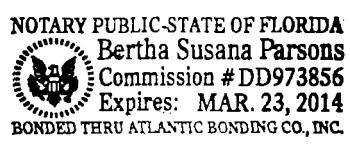
301-520-3900
Telephone Number Fax Number

kberman@bermanenterprises.com
E-mail Address

Sworn and subscribed before me this 8th day of November, 2011.

[Signature]
Notary Public

My Commission expires:
3/23/14



Applicant's Certification

I/We affirm and certify that I/we understand and will comply with the land development regulations of the City of Palm Beach Gardens, Florida. I We further certify that the statements or diagrams made on any paper or plans submitted here with are true to the best of my/our knowledge and belief. Further, I/we understand that this application, attachments, and application filing fees become a part of the official records of the City of Palm Beach Gardens, Florida, and are not returnable.

Applicant is:

Melissa A Harkman

Signature of Applicant

Owner

Melissa Harkman

Print Name of Applicant

Optionee

11701 Lake Victoria Gardens Ave #3102

Street Address

Lessee

PSG, FL 33410

City, State, Zip Code

Agent

561-622-3500

Telephone Number

Contract Purchaser

561-727-3275

Fax Number

melissa@caboFlats.com

E-Mail Address



Permit # _____

Financial Responsibility Form

The owner understands that all City-incurred professional fees and expenses associated with the processing of this application request are ultimately the responsibility of the owner. A security deposit shall be deposited in an interest-bearing account with any accrued interest to be retained by the City of Palm Beach Gardens.

The owner and/or designee shall be invoiced on a monthly basis for professional fees such as, but not limited to, consultant engineering services, legal services, advertising costs, and/or any other costs attributable to the processing of the permit for which the City incurred during the previous month. The owner and/or designee shall reimburse the City within thirty (30) days from date of invoice. If payment is not received, the City may utilize the security deposit for re-imbursement purposes. **All activities related to the pending permit(s) will cease until any outstanding invoices are paid.**

The owner/designee further understands that transfer of this responsibility shall require a completed form, signed and notarized by the responsible party, and delivered to the City Planning and Zoning Department if the name and/or address of the responsible party changes at anytime during the application review process.

[Signature]
Owner signature

11/8/11
Date

Kevin Berman
Owner printed name

Property Control Number

DESIGNEE/BILL TO:
SI Supper Club

[Signature]
Designee Acceptance Signature

NOTARY ACKNOWLEDGEMENT

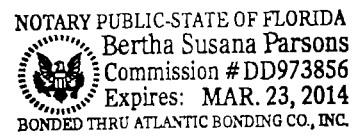
STATE OF Florida

COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 8th day of November, 2011, by Melissa Hartman. He or she is personally known to me or has produced _____ as identification.

[Signature]
Notary public signature

B. Susana Parsons
Printed name



State of _____ at-large

My Commission expires: 3/23/14



CITY OF
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PLANNING &
ZONING

ND LOUNGE



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