

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

**Meeting Date: February 2, 2012
Resolution 13, 2012**

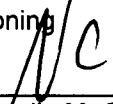
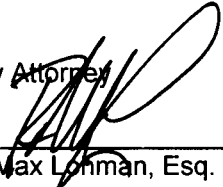
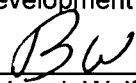


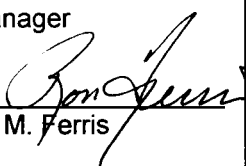
Subject/Agenda Item:

Resolution 13, 2012 – Waterford Hotel Planned Unit Development (PUD) Amendment

Public Hearing and Consideration for Approval: A request by Greenway at the Gardens, LLC for approval of an amendment to the Waterford Hotel PUD to reduce the number of existing hotel rooms from 90 to 77 through the conversion of 26 rooms into 13 suites and to convert the private restaurant into a public restaurant. The 1.85-acre parcel is located on the east side of U.S. Highway One, approximately one-tenth of a mile south of the intersection of U.S. Highway One and PGA Boulevard.

Recommendation to APPROVE

Recommendation to DENY

<p>Reviewed by: Director of Planning & Zoning  Natalie M. Crowley, AICP</p> <p>City Attorney  R. Max Lohman, Esq.</p> <p>Development Compliance  Bahareh Wolfs, AICP</p>	<p>Originating Dept.: Planning & Zoning: Project Manager  Kathryn DeWitt, AICP Sr. Planner</p> <p><input checked="" type="checkbox"/> Quasi – Judicial <input type="checkbox"/> Legislative <input checked="" type="checkbox"/> Public Hearing</p> <p>Advertised: <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 01.18.2012 Paper: Palm Beach Post</p> <p>Affected parties: <input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not Required</p>	<p>Finance: Accountant  Sarah Varga</p> <p>Fees Paid: <u>Yes</u></p> <p>Funding Source: <input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p> <p>Budget Acct.#: <u>N/A</u></p> <p>Effective Date: <u>N/A</u></p> <p>Expiration Date: <u>N/A</u></p>	<p>Council Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Continued to: _____</p> <p>Attachments:</p> <ul style="list-style-type: none"> • Location Map • Project Narrative • Development Application • Traffic Concurrency • Ordinance 13, 2005 • Resolution 44, 2005 • Resolution 2, 2008 • Resolution 13, 2012
<p>Approved By: City Manager  Ronald M. Ferris</p>			

BACKGROUND

On February 16, 1988, the City Council adopted Ordinance 53, 1988, approving a four-(4) story hotel, then known as the Garden Suites Hotel PUD, with a total of 90 rooms.

On February 21, 1991, the City Council approved Resolution 22, 1991, which allowed an additional building sign for the hotel.

On August 6, 1992, the City Council adopted Ordinance 18, 1992, which allowed the construction of a swimming pool facility and renamed the hotel as the Comfort Inn.

On November 21, 1996, the City Council adopted Ordinance 14, 1996, which approved the demolition of an existing one- (1) story, 1,800-square-foot commercial building and the construction of a 7,507-square-foot two- (2) story ancillary building with an underground parking garage.

On May 5, 2005, the City Council adopted Ordinance 13, 2005, which amended Ordinance 53, 1988, Ordinance 18, 1992, and Ordinance 14, 1996, transferring all site-plan related conditions to Resolution 44, 2005. Resolution 44, 2005 also approved the 1,710-square-foot restaurant use and allowed the conversion of 26 hotel rooms to 13 suites, which reduced the number of hotel rooms from 90 to 77. However, this reduction in rooms was never implemented. Because parking for the restaurant use was accounted for on the approved site plan related to Resolution 44, 2005, the restaurant was open to the public. A condition was included in the 2005 Resolution prohibiting food and beverage service to the outdoor seating areas of the hotel due to noise concerns from the adjacent residents. Outdoor music (bands, instruments, and speakers) was prohibited within the outdoor areas of the hotel through a condition in Resolution 44, 2005. Four (4) waivers were also granted with the subject Resolution. At this time, the hotel name was changed to the Waterford Hotel.

On January 3, 2008, the City Council adopted Resolution 2, 2008, approving a connecting lobby structure, privatization of the restaurant for hotel guests, parking and site modifications, and the conversion of 13 suites to 26 rooms. A parking study was approved, which allowed 99 parking spaces to be provided instead of the 123 parking spaces required by City Code. Resolution 2, 2008 also included a condition which limited the use of the restaurant to hotel guests only. One (1) waiver was granted with the subject Resolution. At this time, the hotel name was changed to the Waterford/Wyndham Garden Hotel. The construction of the lobby structure and other site modifications were never completed.

The subject petition proposes to again convert the site's entitlements, which is very similar to the 2005 approval. The proposed petition allows the restaurant and hotel to be in compliance with the allowed parking per Code through the conversion and reduction of 26 rooms to 13 suites. The meeting rooms and other ancillary uses will be privatized to hotel guests only. Minor site and landscaping modifications are included as well. The existing parking spaces will be restriped to be consistent with the previous

approvals granted for 9.5-foot wide parking spaces and to provide parking spaces throughout the existing paved areas. Landscape diamonds are also proposed to help bring the site into compliance with the current Land Development Regulations. The conditions of approval from the previous development orders will also be revised and consolidated with the subject petition.

LAND USE & ZONING

The subject site has a future-land use designation of Commercial (C). The zoning designation is a Planned Unit Development (PUD) Overlay with an underlying designation of General Commercial (CG-1). The proposed petition is consistent with the future land use and zoning.

Table 1. Existing Zoning Land Use Designations

EXISTING USE	ZONING	LAND USE
<u>Subject Property</u> Waterford Hotel	Planned Unit Development/General Commercial (PUD/CG-1)	Commercial
<u>North</u> Wendy's Restaurant	General Commercial (CG-1)	Commercial
<u>South</u> The Towers Office Building	Planned Unit Development/Professional Office (PUD/PO)	Professional Office
<u>East</u> Twelve Oaks Condominium	Residential High (RH) – North Palm Beach	Residential High
<u>West</u> Northern Trust Bank of Florida	Planned Unit Development/General Commercial (PUD/CG-1)	Commercial

TRAFFIC CONCURRENCY

On August 4, 2011, the City's traffic consultant (McMahon Associates, Inc.) granted approval of the proposed traffic conversion. According to the City's traffic consultant, the proposed PUD amendment results in a reduction in vehicle trips when compared to the existing uses on the site and no change in trips when compared to the vested uses on the project site.

PROJECT DETAILS

Site Access

The 1.85-acre hotel site is situated approximately one-tenth of a mile south of the intersection of U.S. Highway One and PGA Boulevard. There is an existing access driveway from U.S. Highway One. No changes to the existing site access are proposed.

Parking

City Code Section 78-345, Table 33, requires one and one-tenth (1.1) parking spaces per hotel room and one (1) space per 250 square feet, plus one (1) space per 150 square feet for the restaurant use. The total required parking for this site is 103 spaces (85 for the hotel and 18 for the 1,710-square-foot restaurant), which have been proposed by the Applicant. Therefore, the restaurant will now be permitted to service and advertise to the general public. Although there are meeting and multi-purpose rooms (exercise space, computer lab, storage, office space), these facilities are ancillary to the hotel and will not be open to the public. Therefore, additional parking is not required for these uses.

Architecture

The City recently approved an Administrative Petition (MADM-11-10-000024) to allow color changes to the exterior of the hotel buildings. The new colors include Red Cent for the main body of the building, Jersey Cream for the entrance ways, and Isle of Pines for the accent elements. The hotel buildings have been repainted in accordance with this approval. No further modifications are proposed with the subject petition.

Signage

The Applicant is not proposing any changes to the existing signage with the subject petition.

Landscaping

The Applicant is proposing to enhance the vegetation on site by adding landscape diamonds and replacing vegetation along the west property line, which fronts U.S. Highway One. Approximately five (5) landscape diamonds will be added within the parking lot to ensure there are no more than nine (9) parking spaces in a row without a landscape island. In an effort to update the appearance of the landscaping that fronts U.S. Highway One, the Applicant has proposed to replace the six (6) Oak trees shown on the landscape plan with six (6) Royal Palm trees at a minimum clear trunk height of 14 feet. Only one (1) of the six (6) Oak trees exists on site today.

City Code Section 78-324 requires that all approved Planned Unit Developments that are subject to major amendments provide landscaping and irrigation within roadway medians and shoulders. The Applicant has submitted a landscape plan for the eastern road shoulder of U.S. Highway One, which includes Dwarf Yaupon Holly and Green Island Ficus surrounding the existing Palm Tran bus stop.

To increase the screening of the hotel from the adjacent residential community, staff has included a condition of approval requiring the Applicant to submit a landscape plan proposing additional vegetation within the eastern landscape buffer of the hotel site.

Phasing

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

Drainage

No modifications to the existing drainage system are proposed with the subject petition.

Proposed Restaurant Use

With the subject petition, the Applicant is proposing to provide the required parking for the existing restaurant in order to gain the ability to open the restaurant to the general public. Currently, the hotel is not permitted to advertise the restaurant or serve patrons not staying at the hotel, because the restaurant's parking was not included in the total parking count and was, therefore, exclusively an ancillary use to the hotel. Because the required parking is now being proposed as part of the subject petition, the restaurant can function as a stand-alone use. Despite making the restaurant open to the public, there are still two (2) conditions of approval related to the operations of the use that remain in place. Condition No. 2 within Resolution 44, 2005 states that "musical entertainment, including, but not limited to, bands, instruments, and speakers shall be prohibited in all outside areas on site." This condition will continue to be enforced in order to limit the amount of noise to the residential community on the east side of the hotel property, Twelve Oaks. The hotel is also required to abide by the decibel levels in the City's noise ordinance. In addition, the hotel is required to get a live entertainment permit for any proposed indoor entertainment, in accordance with Section 78-194. It should be noted that, following the adoption of Resolution 44, 2005, the height of the existing screen wall along the site's eastern property line was increased by two (2) feet, for a total of eight (8) feet, to further screen the hotel from the adjacent residents. Through the continued enforcement of Condition No. 2 and the implementation of the City's live entertainment ordinance and decibel readings, the impact of the hotel and restaurant use on the adjacent residential community has been addressed.

There is also a second condition within Resolution 44, 2005 that is applicable to the restaurant use. Condition No. 3 states that, "outdoor seating for the restaurant, lounge, or breakfast bar shall be prohibited; no food and beverage service shall be permitted in any outside area..." This condition limits the restaurant's ability to expand its operations by providing service to the existing patio area. However, this does not prevent a hotel guest from ordering food or beverages from inside the restaurant and taking it outside to eat. This condition only prohibits the restaurant staff from waiting on tables on the outside patio. Staff is supportive of continued enforcement of this condition, because it serves to limit the amount of traffic, parking, and noise generated from outdoor service, while providing flexibility for guests of the hotel to utilize the patio area.

Previously Approved Waivers

The following four (4) waivers were previously approved by Resolution 44, 2005:

1. Section 78-344, *Construction and maintenance*, to allow for 53, 9.5-foot-wide parking spaces.
2. Section 78-153, *Nonresidential zoning district regulations*, to allow for a 41-foot front building setback.

3. Section 78-153, *Nonresidential zoning district regulations*, to allow for a building height of 50 feet.
4. Section 78-153, *Nonresidential zoning district regulations*, to allow for an eight- (8) foot-wide landscape buffer adjacent to residential.

The following waiver was previously approved by Resolution 2, 2008:

1. Section 78-362, *Size and location of loading spaces*, to allow a 10.5-foot-wide by 32.5-foot-long loading space.

The Applicant is not requesting any additional waivers with the subject request. The five (5) previously approved waivers are still being utilized; however, the subject petition will decrease the extent of the waiver approved for the reduced parking stall width of 9.5 feet, via Resolution 44, 2005. This waiver was approved for a total of 53 parking spaces; 34 reduced spaces are proposed with the subject request.

COMMENTS FROM THE DEVELOPMENT REVIEW COMMITTEE (DRC)

On August 25 2011, the subject petition was reviewed by the Development Review Committee (DRC). At this time, all outstanding comments have been satisfied.

PLANNING, ZONING, AND APPEALS BOARD (PZAB)

On December 13, 2011, the PZAB recommended approval of the subject petition to City Council by a vote of 7-0. The Board's motion included the removal of the last sentence of condition No. 3 listed in the PZAB Staff Report. The Board agreed that since service was permitted already, the additional sentence was not necessary and agreed that consumption of food and beverages should be allowed. The sentence read, "*This shall not prohibit hotel patrons from consuming food or beverages in outdoor areas within the hotel property.*"

Staff still believes that it is important to provide clear language as to what is permitted and what is not, since there has been a significant amount of discussion about this condition between the City, the residents, and the property owner over the years. In an effort to further clarify the intent of the subject condition, Staff supports the inclusion of the additional sentence.

At the PZAB meeting, the Applicant indicated its willingness to provide additional tree species along the east property line to decrease visibility of the hotel from the abutting residents. Staff agrees that adding vegetation along this property line would help with any visibility concerns and has included a condition of approval requiring the Applicant to provide additional vegetation in this area.

The Applicant also indicated its willingness to only allow paper and plastic utensils, cups, and plates to be used in the outdoor areas of the hotel to limit the noise generated by glasses and silverware.


STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Resolution 13, 2012 as presented.



LEGEND

 SITE

FIGURE 1
SITE LOCATION
WINDSOR GARDENS HOTEL
 Kimley-Horn
and Associates, Inc.



Landscape Architects | Land Planners | Environmental Consultants

1934 Commerce Lane · Suite 1 · Jupiter, Florida · 33458 · Ph 561.747.6336 · Fax 561.747.1377 · www.cotleurhearing.com · Lic # LC-C000239

Windsor Gardens Hotel
(F.K.A. Waterford Hotel / Wyndham Garden Hotel)
PUD Amendment
Justification Statement

Introduction

On behalf of Greenway at the Gardens, LLC, the applicant and property owner, we are proposing a PUD amendment to return to a previous development order that approved 77 hotel rooms (including suites) and 1,700 square feet of restaurant. The new property owner is excited to transform the hotel into a premier resort property. The 1.85-acre property located on U.S. Highway 1 in the City of Palm Beach Gardens is currently approved for 90 room hotel rooms and accessory uses but no restaurant for the use of the public. The property is in a Commercial PUD zoning district, consistent with the Commercial comprehensive land use designation. The parcel is surrounded by properties with compatible commercial land use and zoning designations. The property to the east is zoned residential and is within Unincorporated Palm Beach County.

Specific Requests and Fees

PUD Amendment	\$2,475.00
Legal Review Escrow	\$1,000.00
<u>Traffic Engineer Escrow</u>	<u>\$1,000.00</u>
Total Fees	\$4,475.00

Project Team

AGENT / PLANNER / LANDSCAPE ARCHITECT
Cotleur & Hearing, Inc.
Attn: Don Hearing / Alessandria Kalfin
1934 Commerce Lane, Suite 1
Jupiter, Florida 33458
P: 561-747-6336 ext. 128
F: 561-747-1377

APPLICANT/OWNER
Greenway at the Gardens, LLC
Attn: Gary Hillert
11360 US Highway 1
Palm Beach Gardens, FL 33408
P: 561-202-4548
F: 561-622-4258

TRAFFIC
Kimley-Horn & Associates, Inc.
Attn: Adam Kerr
1920 Wekiva Way, Suite 200
West Palm Beach, FL 33411
P: 561-840-0874
F: 561-863-8175

Windsor Gardens Hotel
CH# 11-0601
PUD Amendment
Justification Statement
July 15, 2011
Revised September 27, 2011
Revised November 16, 2011
Revised December 22, 2011

BACKGROUND

The subject property is a 1.85 acre property has been developed as a hotel since 1990. In 1998 a second building was added to the site to provide for support uses for the hotel. In 2005, by way of Resolution 44, 2005 the site was approved for 77 hotel rooms and +/-1,700-square foot restaurant open to the public. In 2008 the City Council approved a major amendment to the site plan by way of Resolution 2, 2008 to convert 13 suites to rooms and to convert the restaurant open to the public to a restaurant for hotel guests only. This amendment increased the number of hotel rooms to 90 rooms. This amendment also approved several physical changes to the site, including a new building between the two existing buildings.

SUBJECT REQUEST

The Applicant is proposing an amendment to the approved PUD site plan to revert back to Resolution 44, 2005 that approved 77 hotel rooms and 1,700 square feet of restaurant. The new owner of the property has several years of experience running hotels and has found that a restaurant open to the public is absolutely necessary to attract a "flag" hotel. As a flag hotel the property owners will be able to improve the existing condition so it can reach the premier status it deserves as the only Palm Beach Gardens hotel east of the intercoastal. It is important to note that very minimal physical changes to the site are proposed as part of this request, unlike the previous approved amendment. The existing square footage of the buildings will remain the same. Access to the site from US Highway One will remain as is and the existing circulation and vehicular areas will also remain the same. No change to the exterior of the buildings is proposed at this time except for paint color, which has been approved by the City. ~~Paint color chips for the new color will be provided to the city for approval.~~

The applicant proposes to decrease the number of hotel rooms by combining two regular hotel rooms into one "suite" type room. This will occur to 26 existing hotel rooms. These 26 hotel rooms will become 13 suites. As for the restaurant use, the applicant proposes to convert the entire restaurant back from hotel support space to proper restaurant. The 1,700 SF includes the kitchen area and the walk-in cooler. The other portions of the first floor of the south building will remain hotel support space used for amenities by the hotel guests. This includes a fitness center, a business center, meeting rooms, and ancillary storage and corridor areas. The second floor of the south building will also remain as hotel guest support space. The second floor of the south building is made up by meeting rooms.

Several conditions of approval will require modification due to this request. All conditions relative to restaurant use, new construction, and the lobby addition will require deletion or modification.

SITE PLAN

The minor physical changes include parking space restriping and a new bike rack. The restriping will occur in four locations. The first location is on the east side of the north row of parking. The applicant is proposing to stripe this row of parking with 9.5-foot parking spaces for an addition of one parking space. The second location is in the center of the site, under the covered drop off. The applicant is proposing to add three parallel parking spaces. The third location is in the south part of the east row of parking. The applicant added two ADA parking spaces in this location and has reduced the row of parking by one

Windsor Gardens Hotel
 CH# 11-0601
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 Justification Statement
 July 15, 2011
 Revised September 27, 2011
 Revised November 16, 2011
 Revised December 22, 2011

space. The fourth location is within the garage, under the accessory building. The applicant has decreased the number of parking spaces in this location by one due to a new ADA space. The bike rack is proposed by the front entrance of the hotel by the port cochere.

PARKING

The applicant is proposing to park the site per the code requirement for hotel use, as it has been historically parked through the parking study in the 2005-2008 PUD approval. This study permitted The code requires 1.1 spaces per hotel room. ~~The site plan will continue to use this approved hotel room parking rate.~~ The applicant proposes to park the 1,700 square feet of restaurant space at the city's restaurant use rate (1 space/150 SF + 1 space/250 SF). The hotel guest support space is ancillary to the hotel use and does not require to be parked if it is only used by guests as proposed.

APPROVED WAIVERS

The subject PUD was approved in 2005 with four waivers that allowed reduced size parking spaces, reduced setbacks, taller building height, and a reduced landscape buffer. Most of these waivers were required to meet existing, non-conforming characteristics of the site. In 2008 a waiver was issued for the existing loading zone because it was also found non-conforming with the code regulations.

APPROVED WAIVERS BY RESOLUTION #44, 2005				
WAIVER REQUEST	APPLICABLE CODE SECTION	REQUIREMENT	PROPOSED	DEVIATION
PARKING DIMENSIONS	SECTION 78-344 (I)(1)(a)	10-FOOT WIDE PARKING SPACES	9.5-FOOT WIDE PARKING SPACES (EXISTING CONDITION)	.5'
SETBACK DIMENSIONS	SECTION 78-153 TABLE 12	50-FOOT FRONT SETBACK	41 FOOT SETBACK (EXISTING CONDITION)	10'
BUILDING HEIGHT	SECTION 78-153 TABLE 12	36-FOOT BUILDING HEIGHT MAXIMUM	50-FOOT HIGH BUILDING (EXISTING CONDITION)	14'
LANDSCAPE BUFFER ABUTTING RESIDENCE	SECTION 78-186 (10)	15-FOOT BUFFER WHEN A COMMERCIAL USE ABUTS RESIDENTIAL	7-FOOT LANDSCAPE BUFFER AT EAST PROPERTY LINE (EXISTING CONDITION)	8'
APPROVED WAIVERS BY RESOLUTION #02, 2008				
LOADING SPACE	SECTION 78-362	12' WIDE 35' LONG	10.5' WIDE 32.5' LONG	1.5' 2.5'

Windsor Gardens Hotel
CH# 11-0601
PUD Amendment
Justification Statement
July 15, 2011
Revised September 27, 2011
Revised November 16, 2011
Revised December 22, 2011

CONCLUSION

This request for a development order amendment is in harmony with the City's Comprehensive Plan and Zoning Code, and is consistent with the existing surrounding land uses and original land development approvals for the site. The Applicant looks forward to meeting with City representatives to discuss the revisions and improvements to the site plan and respond to any outstanding comments or issues that staff may have.

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

PULDA-11-07-000030

Request:

- | | |
|---|--|
| <input type="checkbox"/> Planned Community Development (PCD) | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> Planned Unit Development (PUD) | <input type="checkbox"/> Rezoning |
| <input checked="" 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 type="checkbox"/> Miscellaneous |
| <input type="checkbox"/> Administrative Appeal | <input type="checkbox"/> Other _____ |

Date Submitted: _____

Project Name: Windsor Gardens Hotel

Owner: Greenway at the Gardens LLC

Applicant (if not Owner): _____

Applicant's Address: 2555 Mercedes Drive, 33316 Telephone No. _____

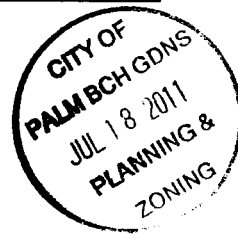
Agent: Coteleur & Hearing Inc.

Contact Person: Alessandria Kalfin E-Mail: akalfin@coteleur-hearing.com

Agent's Mailing Address: 1934 Commerce Lane, Suite 1, Jupiter, FL 33458

Agent's Telephone Number: 561.747.6336 x128

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



Architect: Not applicable

Engineer: Kimley Horn

Planner: Cotleur & Hearing - 561.747.6336

Landscape Architect: Cotleur & Hearing - 561.747.6336

Site Information:

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

General Location: East side of US Highway 1, just south of PGA Boulevard

Address: 11360 US Highway 1

Section: 43 Township: 52 Range: 42

Property Control Number(s): 52-43-42-04-27-001-0000

Acreage: 1.85 Current Zoning: PUD Requested Zoning: PUD

Flood Zone ^B Base Flood Elevation (BFE) – to be indicated on site plan

Current Comprehensive Plan Land Use Designation: ^C

Existing Land Use: Hotel Requested Land Use: Hotel & Restaurant

Proposed Use(s) i.e. hotel, single family residence, etc.: Hotel & Restaurant

Proposed Square Footage by Use: 77 Room Hotel and 1,700 SF Restaurant

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: Decrease hotel rooms to
77 rooms, add back 1,700SF Restaurant.
Modify conditions.

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

See justification statement.

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.

Not applicable.

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

The site is developed. Not applicable.

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

No physical changes are being proposed to the site. Not applicable.

6. Has project received concurrency certification?

90 Hotel Rooms

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 .25 mile(s) from the intersection of US Hwy 1

& PGA Blvd, on the north, east, south, west side of US Hwy 1
(street/road).

Statement of Ownership and Designation of Authorized Agent

Before me, the undersigned authority, personally appeared Mary Hillert

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 PUD Amendment in the City of Palm Beach Gardens, Florida.
3. That he/she has appointed Cotleur & Hearing Inc. to act as authorized agent on his/her behalf to accomplish the above project.

Name of Owner: Greenway at the Gardens LLC

Mary Hillert
Signature of Owner

Mary Hillert, Managing Member

By: Name/Title

205 N Country Club Drive

Atlantis, FL 33462

Street Address

City, State, Zip Code

P. O. Box

City, State, Zip Code

561-844-8448

561-622-4258

Telephone Number

Fax Number

MMHILLERT@AOL.COM
E-mail Address

Sworn and subscribed before me this 6th day of July, 2011.

Christina Morrison Pearce
Notary Public

My Commission expires:

June 11, 2013

NOTARY PUBLIC-STATE OF FLORIDA
Christina Morrison Pearce
Commission # DD898479
Expires: JUNE 11, 2013
BONDED THRU ATLANTIC BONDING CO., INC.

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:

Mary Hillert
Signature of Applicant

Owner

Mary Hillert MARY HILLERT
Print Name of Applicant

Optionee

205 N. Country Club Drive
Street Address

Lessee

Atlantis, FL 33462
City, State, Zip Code

Agent

561-844-8448
Telephone Number

Contract Purchaser

561-622-4258
Fax Number

MMHILLERT@AOL.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.

Mary Hillert
Owner signature

7/6/2011
Date

Mary Hillert
Owner printed name

52-43-42-04-27-001-0000
Property Control Number

DESIGNEE/BILL TO:
Greenway at the Gardens LLC
205 N Country Club Drive
Atlantis, FL 33462

Mary Hillert
Designee Acceptance Signature

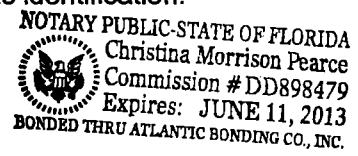
NOTARY ACKNOWLEDGEMENT

STATE OF Florida
COUNTY OF Palm Beach

I hereby certify that the foregoing instrument was acknowledged before me this 6th day of July, 2011, by Mary Hillert. He or she is personally known to me or has produced _____ as identification.

Christina Morrison Pearce
Notary public signature

CHRISTINA MORRISON PEARCE
Printed name



State of _____ at-large

My Commission expires: June 11, 2013

January 9, 2012

Mrs. Natalie Crowley, Growth Management Director
City of Palm Beach Gardens
Growth Management Department
10500 North Military Trail
Palm Beach Gardens, FL 33410

RE: Windsor Garden Hotel (a.k.a. Windsor Garden Hotel)
Palm Beach Gardens, Florida.

Dear Mrs. Crowley,

Please be advised that the undersigned is a duly authorized signatory representative of Greenway at the Gardens LLC, the property owner of the Windsor Garden Hotel located at 11360 US Highway 1, in the city of Palm Beach Gardens, Florida.

The undersigned does hereby agree that opening of the restaurant to the public shall not occur until final certificate of completion is issued for the conversion of the 13 rooms to suites.

Greenway at the Gardens LLC

By: Kenneth R. Jackson, Myrm. (title)
[TYPE NAME] [TYPE TITLE]

**STATE OF FLORIDA
PALM BEACH COUNTY**

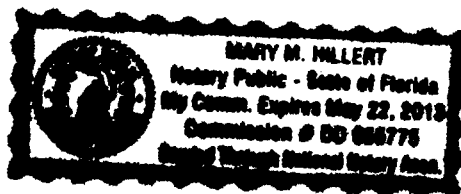
The foregoing instrument was acknowledged before me this 9th day of January 2012, by Kenneth R. Jackson who (showed identification/is personally known to me).

Mary M. Hillert
Signature of Notary

MARY M. HILLERT
(Printed/typed name or stamped)

My commission expires: 5/22/2013

(Notary's seal or stamp)





McMAHON ASSOCIATES, INC.
 5500 Village Boulevard | Suite 103 | West Palm Beach, FL 33407
 1-840-8650 | f 561-840-8590
 www.mcmtrans.com



PRINCIPALS
 Joseph W. McMahon, P.E.
 Joseph J. DeSantis, P.E., PTOE
 John S. DePalma
 William T. Steffens
 Casey A. Moore, P.E.
 Gary R. McNaughton, P.E., PTOE

ASSOCIATES
 John J. Mitchell, P.E.
 Christopher J. Williams, P.E.
 John F. Yacapsin, P.E.

TECHNICAL MEMORANDUM

TO: Martin Schneider, AICP, Planner
 City of Palm Beach Gardens

CC: Natalie Wong, AICP, Planning and Zoning Director
 Todd B. Engle, P.E., City Engineer
 City of Palm Beach Gardens

FROM: John P. Kim, P.E., PTOE, Senior Project Manager

SUBJECT: Windsor Gardens Hotel
 PUDA-11-07-000030
 McMahan Project No. M09436.16

DATE: August 4, 2011

McMahon Associates, Inc. (McMahon) has reviewed the revised traffic impact statement prepared by Kimley Horn and Associates, Inc., dated July 5, 2011. The applicant is requesting to revert the uses on the site back to a 77-room hotel and a quality restaurant (open to the public). This will result in a reduction of vehicle trips compared to the existing uses on the site and no change in vehicle trips when compared to the vested uses on the site. The project, therefore, can be approved for City traffic concurrency. A summary of the project is provided below:

Location:	11360 US-1
PCN#:	52-43-42-07-27-001-000
Existing Uses:	90 room Hotel; 1,710 sq. ft. Quality Restaurant (for hotel use only)
Vested Uses:	77 room Hotel; 1,710 sq. ft. Quality Restaurant
Proposed Uses:	77 room Hotel; 1,710 sq. ft. Quality Restaurant
New AM Trips	0
New PM Trips:	0

Traffic Concurrency Expires: December 31, 2015

JPK/h

F:\FL\09436M_City_of_Palm_Beach_Gardens\09436M_16_Windsor\TechMemo_08_04_2011.doc

ORDINANCE 13, 2005

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING ORDINANCE 53, 1988, ORDINANCE 18, 1992, AND ORDINANCE 14, 1996 RELATING TO THE ZONING FOR THE WATERFORD HOTEL PLANNED UNIT DEVELOPMENT (PUD) TO TRANSFER THE SITE PLAN APPROVAL AND RELATED CONDITIONS TO RESOLUTION 44, 2005; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 16, 1988, the City Council adopted Ordinance 53, 1988, thereby approving the Garden Suites Planned Unit Development (PUD); and

WHEREAS, on August 6, 1992, the City Council adopted Ordinance 18, 1992, thereby approving an amendment to the Comfort Inn PUD to allow for the construction of a swimming pool building; and

WHEREAS, on November 21, 1996, the City Council adopted Ordinance 14, 1996, thereby approving an amendment to the Comfort Inn PUD to allow for the construction of a two-story, 7,507 square-foot ancillary building; and

WHEREAS, the City has received a request (PUD-04-10) from Mr. Marty Minor of Urban Design Studio, on behalf of Savol of Florida Inc., for approval of an amendment to the Waterford PUD to allow for the inclusion of a 1,710 square-foot restaurant; and

WHEREAS, the Growth Management Department has reviewed said application, and has determined that it is more appropriate that the site plan approval and the conditions related thereto be transferred to Resolution 44, 2005 of the City Council; and

WHEREAS, the City Council has considered the evidence and testimony presented by the Petitioner and other interested parties and the recommendations of the various City of Palm Beach Gardens review agencies and staff; and

WHEREAS, the City Council has determined that adoption of this Ordinance is in the best interest of the citizens and residents of the City of Palm Beach Gardens.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA that:

SECTION 1. The foregoing recitals are hereby affirmed and ratified.

1 **SECTION 2.** Section 1 of Ordinance 53, 1988 is amended to read: The zoning
2 of the following described property known as the Waterford Hotel is hereby designated
3 as a A Planned Unit Development (PUD) Overlay with an underlying zoning of General
4 Commercial (CG-1): ~~be and the same is hereby created upon the lands known as~~
5 ~~"GARDENS SUITES HOTEL" located within the City of Palm Beach Gardens, Florida,~~
6 ~~and more particularly described in Exhibit "A" attached hereto and made a part hereof.~~
7 ~~the permitted usage shall be and the same is hereby designated as set forth in the~~
8 ~~Master Site Plan attached hereto and marked Exhibit "B."~~ In the event the sale of
9 alcoholic beverages may arise in the use of the premises, all requests shall be filed with
10 the City Clerk with such use to be determined by the City Council by subsequent
11 Resolution. ~~The intervention of the Planning and Zoning Commission shall not be~~
12 ~~required nor shall the requirement that publication in a newspaper of general circulation~~
13 ~~be required for such hearing. A variance to the City of Palm Beach Gardens Code~~
14 ~~between premises upon which alcoholic beverages are sold is hereby granted.~~

15
16 LEGAL DESCRIPTION:

17
18 ALL THAT PORTION OF GOVERNMENT LOT 7, SECTION 4, TOWNSHIP 42 SOUTH,
19 RANGE 43, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-
20 OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO 1), AS NOW LAID OUT
21 AND IN USE, LESS THE NORTH 734.42 FEET THEREOF AND ALSO LESS THE
22 SOUTH 274.67 FEET THEREOF AND MORE PARTICULARLY DESCRIBED AS
23 FOLLOWS:

24
25 COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID
26 GOVERNMENT LOT 7 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE
27 ROAD NO. 5, THENCE, SOUTH 16°51'25" WEST, ALONG SAID RIGHT-OF-WAY, A
28 DISTANCE OF 612.69 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE
29 EAST HAVING A RADIUS OF 1,850.09 FEET AND A PARTIAL CENTRAL ANGLE OF
30 04°15'09", THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A
31 DISTANCE OF 137.31 FEET TO THE POINT OF BEGINNING, THENCE, CONTINUE
32 SOUTHERLY ALONG THE ARC OF SAID CURVE, WITH A PARTIAL CENTRAL
33 ANGLE OF 09°19'36", A DISTANCE OF 301.16 FEET TO A POINT ON A LINE LYING
34 274.67 FEET NORTH OF (WHEN MEASURED AT RIGHT ANGLES TO) AND
35 PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 7; THENCE,
36 SOUTH 86°52'35" EAST, ALONG THE SAID PARALLEL LINE A DISTANCE OF 283.51
37 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 7; THENCE
38 NORTH 01°51'50" EAST, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7, A
39 DISTANCE OF 292.45 FEET TO A POINT ON A LINE LYING 734.42 FEET SOUTH OF
40 (WHEN MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH
41 LINE OF SAID GOVERNMENT LOT 7, THENCE NORTH 85°12'07" WEST ALONG
42 SAID PARALLEL LINE, A DISTANCE OF 251.91 FEET TO THE POINT OF
43 BEGINNING.

1 **SECTION 3.** Sections 2 through 8 inclusive of Ordinance 53, 1988; Sections 1
2 and 2 inclusive of Ordinance 18, 1992; and Sections 2 and 3 inclusive of Ordinance 14,
3 1996 are hereby transferred to Resolution 44, 2005. The remaining sections of
4 Ordinance 53, 1988, Ordinance 18, 1992, and Ordinance 14, 1996 shall be renumbered
5 accordingly. Any future amendments to the development plans and/or conditions of
6 approval shall be accomplished by Resolution of the City Council.

7
8 **SECTION 4.** This Ordinance shall become effective immediately upon adoption.
9

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1 PASSED this 7th day of April, 2005, upon first reading.

2
3
4 PASSED AND ADOPTED this 5th day of May, 2005, upon second
5 and final reading.
6

7 CITY OF PALM BEACH GARDENS FOR AGAINST ABSENT

8
9 BY: [Signature] ✓ _____

10 Joseph R. Russo, Mayor

11 [Signature] ✓ _____

12 Eric Jablin, Vice Mayor

13 [Signature] ✓ _____

14 David Levy, Councilmember

15 [Signature] ✓ _____

16 Hal R. Valeche, Councilmember

17 [Signature] ✓ _____

18 Jody Barnett, Councilmember

19
20
21
22
23
24
25 ATTEST:

26
27 BY: [Signature]

28 Patricia Snider, CMC
29 City Clerk
30
31
32

33 APPROVED AS TO FORM AND
34 LEGAL SUFFICIENCY

35
36 BY: [Signature]

37 Christine P. Tatum, City Attorney
38
39
40
41
42
43
44
45
46

[Signature]

RESOLUTION 44, 2005

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA APPROVING AN AMENDMENT TO THE WATERFORD HOTEL PLANNED UNIT DEVELOPMENT (PUD), WHICH IS LOCATED APPROXIMATELY 1/10TH OF A MILE SOUTH FROM PGA BOULEVARD ON THE EAST SIDE OF US HIGHWAY ONE, TO ALLOW FOR THE INCLUSION OF A 1,710-SQUARE-FOOT RESTAURANT INTO THE PUD, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR WAIVERS; PROVIDING FOR CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 16, 1988, the City Council adopted Ordinance 53, 1988, thereby approving the Garden Suites Planned Unit Development (PUD); and

WHEREAS, on August 6, 1992, the City Council adopted Ordinance 18, 1992, thereby approving an amendment to the Comfort Inn PUD to allow for the construction of a swimming pool building; and

WHEREAS, on November 21, 1996, the City Council adopted Ordinance 14, 1996, thereby approving an amendment to the Comfort Inn PUD to allow for the construction of a two-story, 7,507-square-foot ancillary building; and

WHEREAS, on December 1, 2003, the Code Enforcement Special Master determined that the existing restaurant at the Waterford Hotel was not an approved use, and found the Waterford Hotel PUD in violation of City Code Sections 66-46 and 78-49; and

WHEREAS, the City has received a request (PUD-04-10) from Mr. Marty Minor of Urban Design Studio, on behalf of Savol of Florida Inc., for approval of an amendment to the Waterford PUD to allow for the inclusion of a 1,710-square-foot restaurant; and

WHEREAS, the Growth Management Department has reviewed said application, has determined that it is sufficient and is consistent with the City's Land Development Regulations, and has recommended approval; and

WHEREAS, by adoption of Ordinance 13, 2005, the City Council determined that the site plan approvals and related conditions for the Waterford Hotel PUD contained in Ordinance 53, 1988, Ordinance 18, 1992, and Ordinance 14, 1996 shall be transferred to this Resolution; and

1 **WHEREAS**, the City Council has considered the evidence and testimony
2 presented by the Petitioner and other interested parties and the recommendations of
3 the various City of Palm Beach Gardens review agencies and staff; and
4

5 **WHEREAS**, the City Council has determined that adoption of this Resolution is in
6 the best interest of the citizens and residents of the City of Palm Beach Gardens.
7

8
9 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
10 **OF PALM BEACH GARDENS, FLORIDA** that:

11
12 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
13

14 **SECTION 2.** The amended development plans for the Waterford Hotel PUD are
15 hereby **APPROVED** on the following described real property, subject to the conditions of
16 approval provided herein:
17

18 **LEGAL DESCRIPTION:**
19

20 ALL THAT PORTION OF GOVERNMENT LOT 7, SECTION 4, TOWNSHIP 42 SOUTH,
21 RANGE 43, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-
22 OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS NOW LAID OUT
23 AND IN USE, LESS THE NORTH 734.42 FEET THEREOF AND ALSO LESS THE
24 SOUTH 274.67 FEET THEREOF AND MORE PARTICULARLY DESCRIBED AS
25 FOLLOWS:
26

27 COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID
28 GOVERNMENT LOT 7 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE
29 ROAD NO. 5, THENCE, SOUTH 16°51'25" WEST, ALONG SAID RIGHT-OF-WAY, A
30 DISTANCE OF 612.69 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE
31 EAST HAVING A RADIUS OF 1,850.09 FEET AND A PARTIAL CENTRAL ANGLE OF
32 04°15'09", THENCE, SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, A
33 DISTANCE OF 137.31 FEET TO THE POINT OF BEGINNING, THENCE, CONTINUE
34 SOUTHERLY ALONG THE ARC OF SAID CURVE, WITH A PARTIAL CENTRAL
35 ANGLE OF 09°19'36", A DISTANCE OF 301.16 FEET TO A POINT ON A LINE LYING
36 274.67 FEET NORTH OF (WHEN MEASURED AT RIGHT ANGLES TO) AND
37 PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT LOT 7; THENCE,
38 SOUTH 86°52'35" EAST, ALONG THE SAID PARALLEL LINE A DISTANCE OF 283.51
39 FEET TO A POINT ON THE EAST LINE OF SAID GOVERNMENT LOT 7; THENCE
40 NORTH 01°51'50" EAST, ALONG THE EAST LINE OF SAID GOVERNMENT LOT 7, A
41 DISTANCE OF 292.45 FEET TO A POINT ON A LINE LYING 734.42 FEET SOUTH OF
42 (WHEN MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE NORTH
43 LINE OF SAID GOVERNMENT LOT 7, THENCE NORTH 85°12'07" WEST ALONG
44 SAID PARALLEL LINE, A DISTANCE OF 251.91 FEET TO THE POINT OF
45 BEGINNING.
46

SECTION 3. The City Council of the City of Palm Beach Gardens, Florida hereby approves the following four waivers:

- 1. Section 78-344, Construction and Maintenance, to allow for 53, 9.5-foot wide parking spaces.
- 2. Section 78-153, Nonresidential Zoning District Regulations, to allow for a 41-foot front building setback.
- 3. Section 78-153, Nonresidential Zoning District Regulations, to allow for a building height of 50 feet.
- 4. Section 78-153, Nonresidential Zoning District Regulations, to allow for an eight-foot wide landscape buffer adjacent to residential.

SECTION 4. Said Planned Unit Development is approved subject to the following amended conditions, which shall be the responsibility of the applicant, its successors, or assigns:

- ~~1. The Petitioner shall pay to the City of Palm Beach Gardens, Florida, impact fees as hereinafter designated, together with amounts of monies and time payments:

 - ~~(a) The total sum of EIGHT THOUSAND (\$8,000.00) DOLLARS shall be paid to the Recreation Building and Development Fund account of the City prior to the issuance of a Building Permit.~~
 - ~~(b) The total sum of TWENTY SEVEN THOUODSAND THREE HUNDRED (\$27,300.00) DOLLARS shall be paid to the Road Improvement Fund of the City as follows:

 - ~~1. Prior to the issuance of a Building Permit the sum of THIRTEEN THOUSAND SIX HUNDRED FIFTY (\$13,650.00) DOLLARS shall be paid;~~
 - ~~2. Prior to the issuance of a Certificate of Occupancy the sum of THIRTEEN THOUSAND SIX HUNDRED FIFTY (13,650.00) DOLLARS shall be paid.~~~~~~

~~In the event that the County of Palm Beach shall adopt an Ordinance providing and requiring collection by the City of road impact fees imposed by the County for improvements made in municipalities and the same shall be in effect prior to the issuance of a Building Permit, then the road impact fees imposed above by the City shall be applied as a credit on account of the County fees except as the project shall impact City local streets, such impact to be determined in accordance with the requirements of the City's Ordinance pertaining thereto. Debits and credits shall be applied by the City in the determination of such fees due to the City.~~

- ~~2. No Building Permit shall be issued until the drainage and paving plans for development of the Planned Unit Development shall be approved by the City Engineer and all other building requirements of the Palm Beach Gardens Code and requirements of other governmental agencies shall be met.~~
- ~~3. The building on the Site Plan designated as a bank now located on the premises may be continued as a bank facility until May 1, 1991. Within sixty (60) days upon termination of said lease, and/or said lease option, the Petitioner shall close the existing Southerly ingress on the site and provide landscaping in said ingress area in accordance with the Palm Beach Gardens Code. Further, upon termination of use as a bank, the drive-in facility portion of the said structure shall be removed prior to the following uses of the structure which shall be permitted:
Professional and business offices as set forth in Chapter 159.088, Paragraphs A (2) and (3) and the use as a bank, excluding drive-in facilities.
The elevations of the bank building shall be modified in accordance with the plan and drive in facility removed no later than three (3) years from effective date, or as set forth above, depending which event shall first occur.~~
- ~~4. Signage, both temporary and permanent, and any amendments to the landscaping plan approved hereby, in the event necessary, shall be reviewed and approved by the City Council by subsequent Resolution. The intervention or review of the Planning and Zoning Commission or the Site Plan Review Committee shall not be required, nor shall a public hearing or publication in a newspaper of general circulation be required prior to the adoption of such Resolution.~~
- ~~5. Petitioner, prior to the issuance of the first Building Permit, shall deliver to the City a Unity of Title in requisite form to be approved by the City Attorney to the lands described in Exhibit "A,"~~
- ~~6. All phases of development in the newly created Planned Unit Development shall be completed within three (3) years from the effective date hereof, and the owner/developer may obtain extensions for good cause shown by approval of subsequent Ordinance.~~
- ~~7. The meeting facility shall be limited to hotel guests or in conjunction with hotel activities.~~
- ~~8. A Boundary Plat shall be prepared, approved by City Council, and recorded prior to the issuance of the first building permit.~~

- 1 ~~9. Signage informing motorists of additional handicap parking spaces being~~
2 ~~located in the parking garage shall be installed prior to the issuance of the~~
3 ~~Certificate of Occupancy.~~
4
- 5 ~~10. The existing vacant one-story building on the site shall be demolished and~~
6 ~~removed within 90 days from approval hereof.~~
7
- 8 1. All mechanical louvers shall be painted to match the surrounding wall.
9 (Planning & Zoning)
10
- 11 2. Musical entertainment, including, but not limited to, bands, instruments, and
12 speakers shall be prohibited in all outside areas on site. (Planning &
13 Zoning, Code Enforcement)
14
- 15 3. Outdoor seating for the restaurant shall be prohibited, no food and beverage
16 service shall be permitted in any outside area, and the existing outdoor
17 seating and food and beverage service operation shall cease immediately
18 upon the adoption of this Resolution. (Planning & Zoning, Code
19 Enforcement)
20
- 21 4. The applicant shall reduce the number of hotel rooms to 77 within nine
22 months from the effective date of this Resolution. (Planning & Zoning)
23
- 24 5. Each hotel suite shall contain no more than one entrance/exit from the
25 common hotel corridor. (Planning & Zoning)
26
- 27 6. Within 45 days from the effective date of this Resolution, the applicant shall
28 convert the existing meeting room area to a multi-purpose space to be
29 utilized for hotel guests. This multi-purpose space shall be limited to lobby
30 space, storage, an exercise area, or to address the needs of guests staying
31 at the hotel. No outside meetings, such as banquets or receptions, shall be
32 permitted on site. (Planning & Zoning, Code Enforcement).
33
- 34 7. The parking area below the ancillary building shall be 100% clear of all hotel
35 and restaurant storage, including the walled-in area located in the rear of
36 the underground parking area, immediately following the adoption of this
37 Resolution. The walled-in storage area shall be converted into two parking
38 spaces immediately following the adoption of this Resolution. (Planning &
39 Zoning, Code Enforcement)
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- 1 8. Within six months from the effective date of this Resolution, the applicant
 2 shall construct two additional vertical feet to its existing concrete wall
 3 located along its eastern boundary line. The existing concrete wall
 4 separates the applicant's property from the Twelve Oaks Condominium
 5 Association, Inc. The applicant shall apply for and obtain all necessary
 6 permits. The two-foot addition shall be built and painted to match the
 7 existing wall.
- 8
- 9 9. The applicant shall use its best efforts to secure all necessary consent and
 10 permits to construct a fence to secure the approximately fifteen feet of
 11 unsecured property along the southeast corner of the applicant's property to
 12 prevent pedestrian traffic between its property and the Twelve Oaks
 13 Condominium Association, Inc. Said concrete wall or fence shall be built to
 14 the same vertical height of the existing concrete wall located along its
 15 eastern boundary line. Said wall or fence may include a lockable gate. If
 16 said wall is constructed of concrete, it shall match the existing concrete wall
 17 and painted to match the existing wall.
- 18
- 19 10. The applicant shall prohibit swimming past dusk and use its best efforts to
 20 prevent excessive noise between the hours of 9:00 p.m. and 8:00 a.m.

SECTION 5. Said Planned Unit Development shall be constructed in compliance with the following plans, as amended herein, and on file with the City's Growth Management Department:

- 21
- 22
- 23
- 24
- 25
- 26 1. Master Site Plan, Landscaping Plan and Elevation Plan, consisting of nine
 27 (9) sheets and prepared by gbs & h Inc., dated December 13, 1988, and as
 28 revised as of February 9, 1989, marked Job No. 88-1002, ~~and attached~~
 29 ~~hereto as Exhibit "B". "GARDENS SUITES HOTEL" shall be developed in~~
 30 ~~accordance with said plans, and the conditions contained in that letter dated~~
 31 ~~November 9, 1988, except for Item 6. is attached as Exhibit "B-1".~~
- 32
- 33 2. Master Site Plan prepared by Cotleur Hearing and gbs&h architects, dated
 34 March 17, 1992, consisting of one (1) sheet.
- 35
- 36 3. North, West and East Elevations of the Pool Building, updated and prepared
 37 by gbs&h architects, date stamped April 21, 1992, consisting of one (1)
 38 page.
- 39
- 40 4. Floor Plan of the Pool Building, updated and prepared by gbs&h architects,
 41 date stamped April 21, 1992, consisting of one (1) sheet.
- 42
- 43 5. November 13, 1996, Site Plan by Cotleur Hearing, Sheet 1 of 2.
- 44
- 45 6. November 13, 1996, Landscape Plan by Cotleur Hearing, Sheet 2 of 2.
- 46

- 1 7. November 11, 1996, Front Elevation by J.A.O. Architects and Planners,
2 Sheet A-1.
- 3
- 4 8. November 8, 1996, Right, Left and Rear Elevations by J.A.O. Architects and
5 Planners, Sheet A-2.
- 6
- 7 9. November 11, 1996, Parking Level Plan by J.A.O. Architects and Planners,
8 Sheet A-3.
- 9
- 10 10. November 11, 1996, First Floor Plan by J.A.O. Architects and Planners,
11 Sheet A-4.
- 12
- 13 11. August 8, 1996, Roof Plan by J.A.O. Architects and Planners, Sheet A-5.
- 14
- 15 12. August 8, 1996, Roof Plan by J.A.O. Architects and Planners, Sheet A-6.
- 16
- 17 13. November 11, 1996, Building Sections by J.A.O. Architects and Planners,
18 Sheet A-7.
- 19
- 20 14. Updated Lobby Renovation by J.A.O. Architects and Planners. 1 Sheet,
21 date stamped November 14, 1996.
- 22
- 23 15. Waterford Hotel Site Plan by Urban Design Studio, dated March 8,
24 2005, Sheet 1 of 5.
- 25
- 26 16. Waterford Hotel Landscape Plans by Urban Design Studio, dated October
27 15, 2004, Sheets 2 through 5.
- 28

29 **SECTION 6.** All future amendments to the Waterford Hotel PUD shall be
30 approved by Resolution.

31

32 **SECTION 7.** Said approval shall be consistent with all representations made by
33 the applicant or applicant's agents at any workshop or public hearing.

34

35 **SECTION 8.** This Resolution shall become effective immediately upon adoption.

36

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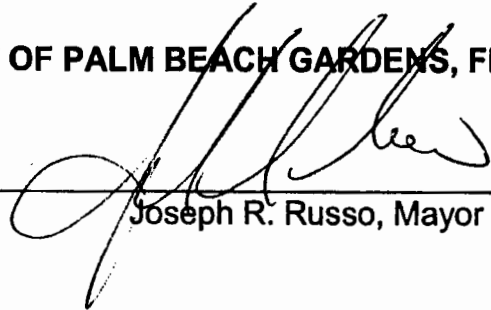
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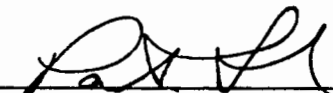
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PASSED AND ADOPTED this 5th day of May, 2005.

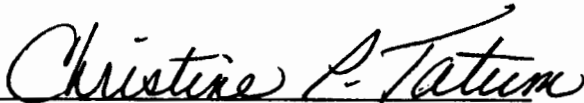
CITY OF PALM BEACH GARDENS, FLORIDA

BY: 
Joseph R. Russo, Mayor

ATTEST:

BY: 
Patricia Snider, CMC
City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
Christine P. Tatum, City Attorney

VOTE:

AYE NAY ABSENT

MAYOR RUSSO

VICE MAYOR JABLIN

COUNCILMEMBER LEVY

COUNCILMEMBER VALECHE

COUNCILMEMBER BARNETT



RESOLUTION 2, 2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM BEACH GARDENS, FLORIDA AMENDING THE WATERFORD / WYNDHAM GARDEN HOTEL PLANNED UNIT DEVELOPMENT (PUD), LOCATED APPROXIMATELY ONE-TENTH OF A MILE SOUTH OF PGA BOULEVARD ON THE EAST SIDE OF U.S. HIGHWAY ONE, AS MORE PARTICULARLY DESCRIBED HEREIN, TO ALLOW ARCHITECTURAL AND SITE PLAN MODIFICATIONS, THE CONVERSION OF 13 SUITES TO ROOMS, AND THE CONVERSION OF A PUBLIC RESTAURANT TO A PRIVATE RESTAURANT; PROVIDING WAIVERS; PROVIDING CONDITIONS OF APPROVAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 16, 1988, the City Council adopted Ordinance 53, 1988 approving the development of a four-story Hotel PUD with a total of 90 rooms; and

WHEREAS, on February 21, 1991, the City Council approved Resolution 22, 1991 allowing an additional building sign for the hotel; and

WHEREAS, on August 6, 1992, the City Council adopted Ordinance 18, 1992 allowing the construction of a swimming pool facility; and

WHEREAS, on November 21, 1996, the City Council adopted Ordinance 14, 1996 approving an amendment that permitted the demolition of a bank on the property, and construction of a 7,507 square-foot two-story ancillary building with an underground parking garage, meeting space, professional offices, and a continental breakfast service for hotel guests; and

WHEREAS, on May 5, 2005, the City Council adopted Ordinance 13, 2005, which amended Ordinance 53, 1988, Ordinance 18, 1992, and Ordinance 14, 1996; transferred the site plan and related conditions to Resolution 44, 2005; approved, in part, a public restaurant use and the conversion of certain rooms to 13 suites, which reduced the number of hotel rooms from 90 to 77; and

WHEREAS, the City has received a request from Cotleur & Hearing, Inc., on behalf of Pinnacle Hospitality, Inc., to amend the Waterford/Wyndham Garden Hotel PUD to allow a connecting lobby structure with a new entry between two existing buildings; the conversion of 13 suites to rooms; the conversion of a public restaurant to a private restaurant for hotel guests; and minor site plan modifications, including a second exit for emergency use only at the north end of the site and a new landscaped courtyard; and

1 **WHEREAS**, the Growth Management Department has reviewed the application,
2 has determined that it is sufficient, and has recommended approval; and
3

4 **WHEREAS**, the Planning, Zoning, and Appeals Board held a public meeting on
5 August 28, 2007, and voted 7-0 to recommend approval to the City Council; and
6

7 **WHEREAS**, the City Council has considered the evidence and testimony
8 presented by the Applicant and other interested parties and the recommendations of the
9 various City of Palm Beach Gardens review agencies and staff; and
10

11 **WHEREAS**, the City Council has determined that adoption of this Resolution is in
12 the best interest of the citizens and residents of the City of Palm Beach Gardens.
13

14
15 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY**
16 **OF PALM BEACH GARDENS, FLORIDA** that:
17

18 **SECTION 1.** The foregoing recitals are hereby affirmed and ratified.
19

20 **SECTION 2.** An amendment to the Waterford Hotel Planned Unit Development
21 (PUD) is hereby APPROVED on the following described real property to allow a
22 connecting lobby structure with a new entry between two existing buildings; the
23 conversion of 13 suites to rooms; the conversion of a public restaurant to a private
24 restaurant for hotel guests; and minor site plan modifications, including a second exit at
25 the north end of the site and a new landscaped courtyard:
26

27 **LEGAL DESCRIPTION:**
28

29 **ALL THAT PORTION OF GOVERNMENT LOT 7, SECTION 4, TOWNSHIP 42 SOUTH,**
30 **RANGE 43, PALM BEACH COUNTY, FLORIDA, LYING EAST OF THE EAST RIGHT-**
31 **OF-WAY LINE OF STATE ROAD NO. 5 (U.S. HIGHWAY NO. 1), AS NOW LAID OUT**
32 **AND IN USE, LESS THE NORTH 734.42 FEET THEREOF AND ALSO LESS THE**
33 **SOUTH 274.67 FEET THEREOF AND MORE PARTICULARLY DESCRIBED AS**
34 **FOLLOWS:**
35

36 **COMMENCING AT THE INTERSECTION OF THE NORTH LINE OF SAID**
37 **GOVERNMENT LOT 7 AND THE EASTERLY RIGHT-OF-WAY LINE OF SAID STATE**
38 **ROAD NO. 5 (U.S. HIGHWAY NO. 1); THENCE SOUTH 16°51'25" WEST ALONG**
39 **SAID RIGHT-OF-WAY, A DISTANCE OF 612.69 FEET TO THE BEGINNING OF A**
40 **CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 1850.09 FEET AND A**
41 **PARTIAL CENTRAL ANGLE OF 04°15'09"; THENCE SOUTHWESTERLY ALONG THE**
42 **ARC OF SAID CURVE, A DISTANCE OF 137.31 FEET TO THE POINT OF**
43 **BEGINNING; THENCE CONTINUE SOUTHERLY ALONG THE ARC OF SAID CURVE**
44 **WITH A PARTIAL CENTRAL ANGLE OF 09°19'36", A DISTANCE OF 301.16 FEET TO**
45 **A POINT ON A LINE LYING 274.67 FEET NORTH OF (WHEN MEASURED AT RIGHT**
46 **ANGLES TO) AND PARALLEL WITH THE SOUTH LINE OF SAID GOVERNMENT**

1 LOT 7; THENCE SOUTH 86°52'35" EAST ALONG THE SAID PARALLEL LINE A
2 DISTANCE OF 283.51 FEET TO A POINT ON THE EAST LINE OF SAID
3 GOVERNMENT LOT 7; THENCE NORTH 01°51'50" EAST ALONG THE EAST LINE
4 OF SAID GOVERNMENT LOT 7, A DISTANCE OF 292.45 FEET TO A POINT ON A
5 LINE LYING 734.42 FEET SOUTH OF (WHEN MEASURED AT RIGHT ANGLES TO)
6 AND PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 7; THENCE
7 NORTH 85°12'07" WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 251.91
8 FEET TO THE POINT OF BEGINNING.

9
10 **SECTION 3.** The City Council of the City of Palm Beach Gardens, Florida hereby
11 approves the following waivers:

- 12
- 13 1. Section 78-344, *Construction and maintenance*, to allow for 53, 9.5-foot-
- 14 wide parking spaces.
- 15
- 16 2. Section 78-153, *Nonresidential zoning district regulations*, to allow for a 41-
- 17 foot front building setback.
- 18
- 19 3. Section 78-153, *Nonresidential zoning district regulations*, to allow for a
- 20 building height of 50 feet.
- 21
- 22 4. Section 78-153, *Nonresidential zoning district regulations*, to allow an eight-
- 23 foot waiver (for a seven-foot wide) landscape buffer adjacent to residential.
- 24
- 25 5. Section 78-362, *Size and location of loading spaces*, to allow a 10.5-foot-
- 26 wide by 32.5-foot-long loading space.
- 27

28 **SECTION 4.** The following new conditions are hereby included and shall be the
29 responsibility of the Applicant, its successors, or assigns:

30
31 Engineering:

- 32
- 33 1. Prior to the issuance of the building permit for construction of the lobby
- 34 addition, the Applicant shall copy to the City all permit applications, permits,
- 35 certifications, and approvals. (City Engineer)
- 36
- 37 2. Prior to the issuance of the building permit for construction of the lobby
- 38 addition, the Applicant shall provide all necessary construction zone signage
- 39 and fencing as required by the City Engineer. (City Engineer)
- 40
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- 1 3. Prior to construction plan approval and the issuance of the building permit
2 for the lobby addition, the Applicant shall provide cost estimates in
3 accordance with LDR Sections 78-309 and 78-461 and for on-site project
4 improvements, not including public infrastructure, or landscaping and
5 irrigation costs for review and approval by the City. The cost estimates shall
6 be signed and sealed by an engineer and landscape architect registered in
7 the State of Florida and shall be posted with the City prior to the issuance of
8 the first land alteration permit. (City Engineer)
9
- 10 4. Prior to the issuance of the building permit for the lobby addition, the
11 Applicant shall provide a cost estimate for public infrastructure, landscaping,
12 and irrigation. The cost estimate shall be signed and sealed by an engineer
13 and landscape architect registered in the State of Florida. The cost
14 estimate shall be based on 110% of the total combined approved cost
15 estimates and shall be posted with the City prior to the issuance of the first
16 building permit. (City Engineer)
17
- 18 5. The construction, operation, and/or maintenance of any elements of the
19 subject project shall not have any negative impacts on the existing drainage
20 of surrounding areas. If at any time during the project development it is
21 determined by the City that any of the surrounding areas are experiencing
22 negative drainage impacts caused by the project, it shall be the Applicant's
23 responsibility to cure said impacts in a period of time and a manner
24 acceptable to the City prior to additional construction activities. (City
25 Engineer)
26
- 27 6. Prior to the issuance of the building permit for the lobby addition, the
28 Applicant shall submit signed/sealed/dated construction plans
29 (paving/grading/drainage and water/sewer) and all pertinent calculations for
30 review and comment. (City Engineer)
31
- 32 7. The Applicant shall comply with any and all Palm Beach County Traffic
33 Division conditions as outlined in the Palm Beach County Traffic Division
34 equivalency and concurrency approval letter dated April 20, 2007. The
35 build-out date for the Waterford Hotel modifications is December 31, 2008.
36 (City Engineer)
37
- 38 8. Prior to construction plan approval and the issuance of the building permit
39 for the lobby addition, the Applicant shall schedule a pre-permit meeting
40 with City staff. (City Engineer)
41
42
43
44
45
46
47

1 9. The Applicant shall notify the City's Public Works Division at least 10
2 working days prior to the commencement of any work/construction activity
3 within any public right-of-way within the City of Palm Beach Gardens. In the
4 case of a City right-of-way, the Applicant has at least five working days to
5 obtain a right-of-way permit. Right-of-way permits may be obtained at the
6 Building Division. Failure to comply with this condition could result in a
7 Stop-Work Order of all work/construction activity within the public right-of-
8 way and the subject development site. (Public Works, City Engineer)
9

10 Building:

11
12 10. Separate permit and application will be required for paving, drainage, water
13 and sewer improvements, landscaping, irrigation, site lighting, signage, fire
14 sprinkler, and fire alarm. (Building)
15

16 Police CPTED:

17
18 11. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
19 the Applicant shall demonstrate that lighting locations and building
20 addresses shall not conflict with landscaping, including long-term canopy
21 growth. In addition, landscaping shall not obstruct the view of windows,
22 building address numbers, or walkways. (Police Department)
23

24 12. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
25 the Applicant shall provide a timer clock or photocell sensor engaged
26 lighting above or near entryways and adjacent sidewalks. (Police
27 Department)
28

29 13. Prior to the issuance of the building permit for the lobby addition, the Applicant
30 shall provide a street address system depicting street name and numerical
31 address for emergency response purposes. The address system depiction
32 shall be in 8.5" x 11" map format. (Police Department)
33

34 14. Prior to the issuance of the building permit for the lobby addition, the
35 Applicant shall submit a construction site security and management plan for
36 review and approval by the Police Department. Non-compliance with the
37 approved security and management plan may result in a Stop-Work Order
38 for all construction activities. (Police Department)
39

40 15. Prior to the issuance of the Certificate of Occupancy for the lobby addition, all
41 on-site lighting shall be installed, including the existing underground parking
42 garage, and shall include all exterior pedestrian walkway lighting, which
43 shall utilize 12-foot pedestrian-scale light poles. All on-site lighting shall
44 consist of metal halide or equivalent lighting approved by the Police
45 Department. (Police Department)
46

- 1 16. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
2 all entry doors shall be equipped with a metal plate over the threshold of the
3 locking mechanism and case hardened deadbolt locks on all exterior doors
4 with minimum 1-inch throw; door hinges on the interior side of each door
5 and the main entries to the lobby addition building shall be wired for a
6 closed-circuit digital camera surveillance system. (Police Department)
7
- 8 17. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
9 numerical addresses shall be placed at the front and rear of each building.
10 Each numerical address shall be illuminated for nighttime visibility, shall
11 provide bi-directional visibility from the roadway (when applicable), shall
12 consist of 12 inches in height, and shall be a color different than the color of
13 the surface to which it is attached. The rear doors of a building with multiple
14 tenants shall have an illuminated 6-inch room number on or along side door.
15 (Police Department)
16
- 17 18. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
18 elevator cab interiors, which are not completely visible when the door is
19 open, shall have shatter-resistant mirrors placed in a location approved by
20 the Police Department. (Police Department)
21
- 22 19. Prior to the issuance of the Certificate of Occupancy for the lobby addition, the
23 existing 4-story building on the north end of the site shall have street address
24 numbers placed on the roof-top parallel to U.S. Highway One. Such
25 numbers shall only be visible from the air. The numerals shall be white-
26 blocked letters of weather-resistant material, 4 feet in height, and 18 inches
27 wide. (Police Department)
28
- 29 20. Prior to the issuance of the Certificate of Occupancy for the lobby addition,
30 interior stairwell doors shall have glazing vision panels, 5 inches wide by 20
31 inches in height. Areas beneath stairways at ground level shall be fully
32 enclosed. Fully- enclosed stairways with solid walls shall have shatter-
33 resistant mirrors at each level and landing placed to provide visibility around
34 corners. (Police Department)
35

36 Planning & Zoning:
37

- 38 21. The City shall perform, at the cost of the Applicant, an annual parking study to
39 determine actual parking demand at the site. The actual demand will be
40 compared to the actual supply to determine if the provided parking supply is
41 adequate to accommodate existing demand. This calculation will include an
42 appropriate buffer between parking supply and demand as recommended by
43 the Institute of Transportation Engineers, Urban Land Institute, or other
44 recognized published traffic engineering organizations or resources. The first
45 annual parking study will be performed when determined necessary by the
46 Growth Management Administrator. At a minimum, the study shall be

1 performed during the peak season and during the peak operating hours on a
2 non-holiday Thursday, Friday, and Saturday, or as determined by the Growth
3 Management Administrator. Should the parking study demonstrate that the
4 available parking is 90% or more occupied, the Applicant shall limit the
5 meeting rooms thereafter to hotel guests only, with no outside events such as
6 banquets or receptions allowed. (Planning & Zoning, Engineering)
7

8 22. At no time shall staging of construction vehicles and/or service vehicles
9 occur within a public right-of-way. All vehicular construction activities shall
10 occur on the hotel site. (Planning & Zoning)
11

12 23. Prior to the issuance of the building permit for the lobby addition, the
13 Applicant shall demonstrate safe access and segregation of the construction
14 areas from the public areas. (Planning & Zoning)
15

16 24. Prior to the issuance of the building permit for the lobby addition, the
17 Applicant shall install a 6-foot tall construction fence with a privacy tarp
18 surrounding the construction area of the property. (Planning & Zoning)
19

20 25. Prior to the closing of any public sidewalk, the Applicant shall coordinate
21 and receive approval from the Growth Management Administrator.
22 (Planning & Zoning)
23

24 26. Prior to the issuance of the building permit for the lobby addition, digital files
25 of the approved plat shall be submitted to the Planning and Zoning Division,
26 and approved civil design and architectural drawings, including floor plans,
27 shall be submitted prior to the issuance of the Certificate of Occupancy for
28 the lobby addition. (GIS Manager)
29

30 27. Prior to the issuance of the building permit for the lobby addition, required
31 digital files of the approved plat in its entirety transformed to NAD 83 State
32 Plan Coordinate System shall be submitted. Prior to the issuance of the first
33 Certificate of Occupancy, approved civil engineering as-built design and
34 architectural drawings shall be submitted in digital format. (Planning &
35 Zoning)
36

37 28. No general public restaurant, bar, or lounge use shall be allowed on the
38 premises. The restaurant, breakfast bar, and lounge shall be for hotel patrons'
39 use only. No newspaper or other media advertising shall be allowed, and no
40 signage which advertises a restaurant, bar, or lounge shall be allowed that is
41 visible from a public right-of-way. (Planning & Zoning, Code Enforcement)
42

43 The conditions of Resolution 44, 2005 are amended as follows and shall be the
44 responsibility of the Applicant, its successors, or assigns:
45
46

1. All mechanical louvers shall be painted to match the surrounding wall. (Planning & Zoning) (SATISFIED)
2. Musical entertainment, including, but not limited to, bands, instruments, and speakers shall be prohibited in all outside areas on site. (Planning & Zoning, Code Enforcement) (ONGOING)
3. Outdoor seating for the restaurant, lounge, or breakfast bar shall be prohibited; no food and beverage service shall be permitted in any outside area; and the existing outdoor seating and food and beverage service operation shall cease immediately upon the adoption of this Resolution 44, 2005. (Planning & Zoning, Code Enforcement) (ONGOING)
- ~~4. The Applicant shall reduce the number of hotel rooms to 77 within nine months from the effective date of this Resolution. (Planning & Zoning)~~
- ~~5. Each hotel suite shall contain no more than one entrance/exit from the common hotel corridor. (Planning & Zoning)~~
- ~~6.4. Within 45 days from the effective date of this Resolution, the Applicant shall convert the existing meeting room area to a multi-purpose space to be utilized for hotel guests. This multi-purpose space shall be limited to lobby space, storage, an exercise area, or to address the needs of guests staying at the hotel. No outside meetings such as banquets or receptions shall be permitted on site between the hours of 11:00 p.m. and 8:00 a.m. (Planning & Zoning, Code Enforcement)~~
- ~~7.5. The parking area below the ancillary building shall be 100% clear of all hotel and restaurant storage, including the walled-in area located in the rear of the underground parking area, immediately following the adoption of this Resolution 44, 2005. The walled-in storage area shall be converted into two parking spaces immediately following the adoption of this Resolution 44, 2005. (Planning & Zoning, Code Enforcement) (SATISFIED)~~
- ~~8.6. Within six months from the effective date of this Resolution By November 5, 2005, the Applicant shall construct two additional vertical feet to its existing concrete wall located along its eastern boundary line. The existing concrete wall separates the Applicant's property from the Twelve Oaks Condominium Association, Inc. The Applicant shall apply for and obtain all necessary permits. The two-foot addition shall be built and painted to match the existing wall. (SATISFIED)~~
- 9.7. The Applicant shall use its best efforts to secure all necessary consent and permits to construct a fence to secure the approximately fifteen feet of unsecured property along the southeast corner of the Applicant's property to prevent pedestrian traffic between its property and the Twelve Oaks

1 Condominium Association, Inc. The concrete wall or fence shall be built to
2 the same vertical height of the existing concrete wall located along its
3 eastern boundary line. The wall or fence may include a lockable gate. If the
4 wall is constructed of concrete, it shall match the existing concrete wall and
5 painted to match the existing wall. (SATISFIED)
6

7 ~~40.8.~~The Applicant shall prohibit swimming past dusk and use its best efforts to
8 prevent excessive noise between the hours of 9:00 p.m. and 8:00 a.m.
9 (ONGOING)
10

11 **SECTION 5.** This approval shall be in compliance with the following plans on file
12 with the City's Growth Management Department:
13

- 14 1. Site Plan dated August 1, 2007, Sheet 1 of 5; Site Details/Amenity Plan,
15 Landscape Plan, Landscape Details, dated July 25, 2007, Sheets 2-5; and
16 Site Plan Area Calculation, 1 sheet, dated July 13, 2007, by Cotleur &
17 Hearing. Master Site Plan, Landscaping Plan and Elevation Plan,
18 consisting of nine (9) sheets and prepared by gbs & h Inc., dated December
19 13, 1988, and as revised as of February 9, 1989, marked Job No. 88-1002.
20
- 21 2. Architectural Site Plan, 1st Floor Plan, 2nd Floor Plan, 3rd Floor Plan, 4th
22 Floor Plan, Floor Plan/Parking Garage, Building Street Elevations, Building
23 Elevations, Floor Plan/Egress, Sheets P1 - P9, dated July 27, 2007, by
24 Ames Design International Architecture of Delray Beach, Florida. Master
25 Site Plan prepared by Cotleur Hearing and gbs&h architects, dated March
26 17, 1992, consisting of one (1) sheet.
27
- 28 3. North, West and East Elevations of the Pool Building, updated and prepared
29 by gbs&h architects, date stamped April 21, 1992, consisting of one (1)
30 page.
31
- 32 4. Floor Plan of the Pool Building, updated and prepared by gbs&h architects,
33 date stamped April 21, 1992, consisting of one (1) sheet.
34
- 35 5. Boundary & Topography survey by Landmark Surveying & Mapping Inc.,
36 dated May 10, 2007. November 13, 1996, Site Plan by Cotleur Hearing,
37 Sheet 1 of 2.
38
- 39 6. Photometrics Site Plan, Sheets E0.3 - E0.6 dated July 13, 2007, by ICE
40 International Consulting Engineers, Inc. November 13, 1996, Landscape
41 Plan by Cotleur Hearing, Sheet 2 of 2.
42
- 43 7. ~~November 11, 1996, Front Elevation by J.A.O. Architects and Planners,~~
44 ~~Sheet A-1.~~
45
46

- 1 ~~8. November 8, 1996, Right, Left and Rear Elevations by J.A.O. Architects and~~
- 2 ~~Planners, Sheet A-2.~~
- 3
- 4 ~~9. November 11, 1996, Parking Level Plan by J.A.O. Architects and Planners,~~
- 5 ~~Sheet A-3.~~
- 6
- 7 ~~10. November 11, 1996, First Floor Plan by J.A.O. Architects and Planners,~~
- 8 ~~Sheet A-4.~~
- 9
- 10 ~~11. August 8, 1996, Roof Plan by J.A.O. Architects and Planners, Sheet A-5.~~
- 11
- 12 ~~12. August 8, 1996, Roof Plan by J.A.O. Architects and Planners, Sheet A-6.~~
- 13
- 14 ~~13. November 11, 1996, Building Sections by J.A.O. Architects and Planners,~~
- 15 ~~Sheet A-7.~~
- 16
- 17 ~~14. Updated Lobby Renovation by J.A.O. Architects and Planners. 1 Sheet,~~
- 18 ~~date stamped November 14, 1996.~~
- 19
- 20 ~~15. Waterford Hotel Site Plan by Urban Design Studio, dated March 8,~~
- 21 ~~2005, Sheet 1 of 5.~~
- 22
- 23 ~~16. Waterford Hotel Landscape Plans by Urban Design Studio, dated October~~
- 24 ~~15, 2004, Sheets 2 through 5.~~
- 25

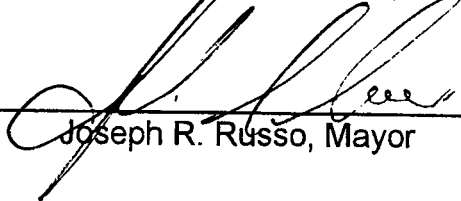
26 **SECTION 6.** This approval shall be consistent with all representations made by
27 the Applicant or Applicant's agents at any workshop or public hearing.

28
29 **SECTION 7.** This Resolution shall become effective immediately upon adoption.


30
31
32 (The remainder of this page left intentionally blank)

PASSED AND ADOPTED this 3RD day of January, 2008.

CITY OF PALM BEACH GARDENS, FLORIDA

BY: 
Joseph R. Russo, Mayor

ATTEST:

BY: 
Patricia Snider, CMC, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

BY: 
Christine P. Tatum, City Attorney

VOTE:	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
MAYOR RUSSO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
VICE MAYOR LEVY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER JABLIN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER VALECHE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
COUNCILMEMBER BARNETT	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

