

**CITY OF PALM BEACH GARDENS  
PLANNING, ZONING, AND APPEALS  
Agenda Cover Memorandum**

**Meeting Date: December 13, 2011  
Petition: PUDA-11-07-000030**

**Subject/Agenda Item:**

**PUDA-11-07-000030 Waterford Hotel Planned Unit Development (PUD) Amendment**

**Public Hearing & Recommendation to City Council:** 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><b>Reviewed by:</b> Director of Planning &amp; Zoning</p> <p>_____ Natalie M. Crowley, AICP</p> <p>City Attorney</p> <p>_____ R. Max Lohman, Esq.</p> <p>Development Compliance</p> <p>_____ Bahareh Wolfs, AICP</p>	<p><b>Originating Dept.:</b> Planning &amp; Zoning: Project Manager</p> <p>_____ Kathryn DeWitt, AICP Planner</p>	<p><b>Finance:</b> Accountant</p> <p>_____ Sarah Varga</p> <p><b>Fees Paid:</b> <u>Yes</u></p> <p><b>Funding Source:</b></p> <p><input type="checkbox"/> Operating <input checked="" type="checkbox"/> Other <u>N/A</u></p>	<p><b>PZAB Action:</b></p> <p><input type="checkbox"/> Approved <input type="checkbox"/> App. w/ Conditions <input type="checkbox"/> Denied <input type="checkbox"/> Rec. Approval <input type="checkbox"/> Rec. App. w/ Conds. <input type="checkbox"/> Rec. Denial <input type="checkbox"/> Continued to: _____</p>
<p><b>Approved By:</b></p> <p>City Manager</p> <p>_____ Ronald M. Ferris</p>	<p><b>Advertised:</b> <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required Date: 12.02.2011 Paper: Palm Beach Post</p> <p><b>Affected parties:</b> <input checked="" type="checkbox"/> Notified <input type="checkbox"/> Not Required</p>	<p><b>Budget Acct.#:</b> <u>N/A</u></p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Location Map</li> <li>• Project Narrative</li> <li>• Development Application</li> <li>• Traffic Concurrency</li> <li>• Ordinance 13, 2005</li> <li>• Resolution 44, 2005</li> <li>• Resolution 2, 2008</li> <li>• Reduced Plans</li> </ul>

## **BACKGROUND**

On February 16, 1988, the City Council adopted Ordinance 53, 1988, approving a four-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-story, 1,800-square foot commercial building and the construction of a 7,507-square foot two-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. To supplement the study, a condition of approval was included requiring that an additional parking study be completed by the City annually to ensure that sufficient on-site parking is available at times of peak demand. The condition also included language that required the use of the meeting rooms to be limited to hotel guests only, if the study demonstrated that the available parking was 90 percent or more occupied. 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. Parking for the restaurant use is being provided for, the meeting rooms and other ancillary uses will be privatized to hotel guests only, 26 rooms will be converted to 13 suites, and 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 cleaned up 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).

**Table 1. Existing Zoning Land Use Designations**

<b>EXISTING USE</b>	<b>ZONING</b>	<b>LANDUSE</b>
<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 – 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 the project city traffic concurrency. 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 existing site access are proposed.

### Parking

City Code Section 78-345, Table 33, requires 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 restaurant), which have been provided by the Applicant. The 18 parking spaces required for the 1,710-square foot restaurant have been provided for. 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 are not open to the public. Therefore, additional parking is not required for these uses. A condition of approval has been included to ensure that this ancillary space is utilized by hotel guests only.

### 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 not yet been repainted, but the Applicant anticipates beginning very soon. 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 existing oak trees with royal palm trees.

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.

### 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 square footage was not included in the overall parking count. Because the required parking is now being provided for onsite, staff is supportive of allowing the restaurant to open to the public. Despite making the restaurant 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, as described in 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 their 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-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). Staff is continuing to work with the Applicant to resolve minor changes that need to be made to the landscape plan. These items will not significantly alter the proposed landscape plan and will be satisfied prior to scheduling the petition for City Council.

### **STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of Petition PUDA-11-07-000030 with the following conditions:

Carried forward from Resolution 44, 2005

1. All mechanical louvers shall be painted to match the surrounding wall. (Planning and Zoning)
2. Musical entertainment, including, but not limited to, bands, instruments, and speakers shall be prohibited in all outside areas on site. (Planning and Zoning)
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 Resolution 44, 2005.~~ This shall not prohibit hotel patrons from consuming food or beverages in outdoor areas within the hotel property. (Planning and Zoning)
4. The Applicant shall prohibit swimming past dusk and ~~use its best efforts to prevent excessive noise between the hours of 9:00 p.m. and 8:00 a.m.~~ shall comply with noise decibel readings set forth in Section 78-661 of the City's Land Development Regulations.

Carried forward from Resolution 2, 2008

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

Proposed Conditions of Approval

Planning and Zoning

6. Prior to scheduling for City Council, an affidavit shall be submitted stating 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. (Planning and Zoning)
7. Prior to scheduling for City Council, the Applicant shall submit a revised landscape plan that meets Seacoast Utility Authority (SUA) setback requirements. (Planning and Zoning)
8. Prior to construction plan approval and issuance of the first land alteration permit, the Applicant shall schedule a pre-permit meeting with the Planning & Zoning Department. (Planning and Zoning)
9. Prior to the issuance of the Certificate of Completion for the proposed improvements, the parking area below the ancillary building shall be 100 percent clear of all hotel and restaurant storage, including the walled-in area located in the rear of the underground parking area.
10. Prior to the issuance of the Certificate of Completion, digital copies of the approved civil design and architectural drawings, including floor plans, shall be submitted to the GIS Manager. (GIS Manager, Development Compliance Officer)
11. The multi-purpose space shall be limited to lobby, storage, computer lab, offices, or exercise area to meet the needs of guests staying at the hotel. (Planning and Zoning; Building)
12. The parking area below the ancillary building shall be 100 percent clear of all hotel and restaurant storage. (Planning and Zoning; Code Enforcement)
13. The project build-out date shall be December 31, 2015. (Planning and Zoning)

Forestry

14. Prior to scheduling for City Council, the applicant shall submit a revised site plan area calculation sheet showing the CAD layers matching the site plan data by removing the sidewalk, plaza layer from the open space drawing and from the open

space column in the area calculations chart. (Forestry)

15. Prior to the issuance of the Certificate of Completion for the infrastructure permit, all landscaping approved with this petition shall be completed by the Applicant and inspected and accepted by the City Forester or designee. (Forestry)
16. Within one year of the adoption of the subject petition, the Applicant, successors or assigns shall obtain all necessary permits from any regulating entities and complete installation of the approved landscaping for the road shoulder of U.S. Highway 1 adjacent to the property in accordance with the approved plan. A one-time extension may be granted by the Director of Planning and Zoning with good cause. (Forestry)
17. In accordance with Section 78-324(e) of the LDR's, the property owner, successors and assigns shall share in the maintenance of the irrigation and landscaping of the portion of the U.S. Highway 1 median adjacent to the property from the northern property terminus to the southern property terminus. Beginning immediately upon approval, the property shall pay their fair share of half the cost of irrigation and landscape maintenance to the owner of 11301 U.S. Highway 1. (Forestry)
18. In accordance with Section 78-324(e) of the LDR's, the property owner, successors and assigns shall be responsible for the maintenance of the irrigation and landscaping of the portion of the U.S. 1 road shoulder adjacent to the property from the northern property terminus to the southern property terminus. (Forestry)

#### Police Department

19. Prior to the issuance of the first Certificate of Occupancy, landscaping, including long-term tree growth, shall be field located to avoid conflicts between lighting and landscaping, thereby maintaining the "three foot/seven foot rule" for natural surveillance. Lighting fixtures shall not be installed in parking lots where the location or future height of existing or proposed trees or other landscaping will obscure the operation of the light fixture. (Police Department)

#### Engineering Department

20. Prior to the issuance of the building permit for all parking lot improvements, the Applicant shall provide construction plans for review and approval. (Engineering)
21. Prior to the issuance of the building permit for all parking lot improvements, the Applicant shall provide all required ADA elements on the construction plans, including, but not limited to, proper slopes, ramps, detectable warnings, handrails, signage, etc., as per the ADA accessibility guidelines. (Engineering)
22. The Applicant's Photometric Plan shall comply with Section 78-182 of the Land Development Regulations. (Engineering)