

TOWN OF PALM BEACH

Information for Town Council Meeting on: August 15, 2018

To: Mayor and Town Council

From: Paul Castro, Zoning Administrator

Re: Z-17-00108, Special Exception with Variance, Proposed Declaration of Use Agreement for the Palm Beach Hotel Condominium Association, Inc., for a Proposed Gym, 235 Sunrise Avenue

Date: August 2, 2018

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement, as modified by Staff.

GENERAL INFORMATION

The Applicant, the Palm Beach Hotel Condominium Association, Inc., submitted a Special Exception with Variance application which was heard at the July 11, 2018 Town Council meeting. The application was deferred in order for the Hotel to rectify code enforcement violations. In the interim, the applicant was instructed to work with Staff on a Declaration of Use Agreement which outlines conditions to control the operation of the proposed gym.

On August 1, 2018, Staff received an email of the proposed Declaration of Use Agreement from the applicant's attorney, Maura Ziska (Exhibit A attached). The applicant's proposed Conditions 3 and 5 in the draft Agreement were not agreed to by the Town Council. Condition 3 would allow the gym facility to be open 24/7. Staff believes there should be more restricted hours for control of the facility. In addition, the Council did not want spa facilities in the gym. Proposed Condition 5 would allow massage and other spa services for owners and guests.

Staff has gone over our concerns with the Ms. Ziska but have been unable to resolve the differences related to the Conditions 3 and 5. Staff's proposed changes are in the modified Declaration of Use Agreement in add/delete format identified in Exhibit B. In addition, as of the date of this memorandum, the code enforcement issues have also been unresolved. Staff and the applicant are prepared to address the entire proposed Agreement at the Town Council meeting.

TOWN ATTORNEY REVIEW

The proposed modified Declaration of Use Agreement was approved by Town Attorney Randolph for legal form and sufficiency.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Maura Ziska, Esq.
zf & pf