

TOWN OF PALM BEACH

Information for Town Council Meeting on: February 13, 2019

To: Mayor and Town Council

From: Josh Martin, Director of Planning, Zoning & Building

Re: Z-18-00149, Special Exception with Site Plan Review, Proposed Declaration of Use Agreement for the Proposed Carriage House Club, 264 & 270 South County Road

Date: February 5, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the proposed Declaration of Use Agreement as identified in Exhibit A.

GENERAL INFORMATION

At the December 12, 2018 meeting, the Council considered the subject application to allow a proposed private club at the addresses referenced in the memorandum heading. The Town Council deferred the subject application to its January 9, 2019 meeting and asked the applicant to draft a proposed Declaration of Use Agreement which incorporates comments made by the Council. The Council also asked the applicant meet with the residents and take into account their concerns in drafting the proposed Agreement.

Subsequently, on January 9, 2019, the Town Council reconsidered the application, which included the Kimley-Horn updated traffic and parking study and the Town's consultant peer review. After hearing all testimony from the engineering professionals and interested parties, the Council deferred the application in order for Staff to have another meeting with the applicant and neighbors in attempt to resolve issues and change the proposed Declaration of Use Agreement to address those issues.

Staff met with all parties on January 25th to discuss the proposed private club and Declaration of Use Agreement. The topics that were discussed at that meeting were as follows:

- Maximum occupancy;
- Special events;
- The valet operation;
- Parking/traffic;
- Operating hours;
- Noise and nuisance;
- Membership regulations;
- Restrictions on club expansion;
- Revisions to the Declaration of Use Agreement; and
- Other enforcement mechanisms.

After a lengthy discussion on all of these topics, the applicant agreed to make certain modifications to the draft Declaration of Use Agreement. The attached Agreement contains all of the conditions that the applicant has agreed to make at this time. There are minor changes made by Staff that are in add/delete format. The Town Attorney had also advised Staff that Condition no. 24 in the draft agreement may not be able to be confidential as stated in the condition. Once the lease agreements are provided to the Town Attorney, they may become public record. There are other proposed conditions by the neighbors that were not incorporated in the draft agreement. The list of all of the topics is provided as an attachment. It is color coded in three categories (Continue to discuss, agreed to and denied by the applicant), Staff, the applicant and the neighbors are prepared to address the proposed conditions at the meeting.

TOWN ATTORNEY REVIEW

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

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Wayne Bergman, Asst. Director of Planning, Zoning and Bldg.
Paul Castro, Zoning Administrator
zf & pf