

TOWN OF PALM BEACH

Information for Local Planning Agency and Town Council meetings on:
January 15, 2020

To: Mayor and Town Council

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

Re: Proposed Ordinance Allowing as a Permitted Use in the PUD-A Zoning District, Hotels, Golf Courses and Other Customary Accessory Uses to a Principal Hotel Use and Allowing Administrative Site Plan Modifications for Permitted or Accessory Uses Not Exceeding 2,500 Square Feet.
Ordinance No. 1-2020

Date: December 26, 2019

STAFF RECOMMENDATION

Staff recommends that the LPA recommend approval of Ordinance No. 1-2020 and the Town Council approve said Ordinance on first reading.

PLANNING AND ZONING COMMISSION RECOMMENDATION

The Planning and Zoning Commission, at its November 19, 2019 meeting, considered and recommended approval of the proposed zoning text amendment as outlined in Ordinance No.1-2020 by a 6-1 vote (Ms. LeCates dissenting).

BACKGROUND

The applicant, The Breakers Palm Beach, Inc., has submitted a proposed zoning text amendment to Chapter 134, Zoning, in the Town Code of Ordinances (See attached application). The proposed zoning text amendment for Section 134-622, Permitted Land Uses in the PUD-A Zoning District (The Breakers Planned Unit Development), will allow hotels, golf courses and other uses that are customarily accessory to a principal hotel use as a permitted use (See attached zoning application and analysis). In addition, the applicant is requesting to allow administrative site plan modifications for permitted or accessory uses that do not exceed 2,500 square feet, provided that such modifications are determined by the Planning, Zoning and Building Director not to create adverse impacts on surrounding properties or Town facilities.

The Breakers Hotel and its golf course have been in existence for over 100 years. When the Planned Unit Development was intensely negotiated and approved between the Town and the Flagler System, Inc. (Breakers Palm Beach, Inc.), between 1970 and 1974, the Planned Unit Development (PUD-A), including the hotel, golf course and other customarily accessory uses

were permitted uses in the PUD. That is because all of the permitted uses in the C-A Zoning District were also the commercial permitted uses in the PUD. However, in 1980 (Ordinance No. 4-80), the large C-A Commercial District was divided into smaller commercial zoning districts. The C-TS, C-WA, C-OPI and C-PC Commercial Zoning Districts were created and new permitted and special exception uses were created for each district. When that was done, hotels and their customary accessory uses were relegated only to the C-OPI and C-B zoning districts as a special exception use. That change, knowingly or not, changed The Breakers Hotel, golf course and accessory uses from a permitted use to a special exception use.

The intent of a PUD is to provide a planning process that allows flexibility for both the Town and property owner to negotiate development terms and conditions for large parcels of land. Beginning in 1970 and continuing through the entire PUD approval process, the Flagler System, Inc., and the Town negotiated the development for the residential and commercial phases that are planned around The Breakers Hotel, golf course and other hotel facilities. The emphasis at that time was mostly on the planned new residential development and not on the existing hotel and its accessory uses (golf course, tennis facility and beach club). Based on staff's research, it does not appear that the large-scale Zoning Code changes in 1980 were originally intended to change The Breakers Hotel and its accessory uses into a special exception use. As such, that change has required any modifications to the Breakers Hotel property, no matter how minor, to obtain Council approval of a special exception application. This change is nonsensical and unreasonable.

Staff believes that the historical Breakers Hotel and its related amenities should be a permitted use. The PUD was negotiated based on those terms and internal changes and small external changes to the Hotel, golf course, tennis facility and beach facilities should be allowed by right. Staff also believes that minor site plan modifications not exceeding 2,500 square feet should be allowed to be administratively approved if they are determined by staff to not negatively impact properties surrounding the PUD. Therefore, staff recommends approval of the proposed Zoning Text Amendments as identified in add/delete format in attached Ordinance No. 1-2020.

On November 19, 2019, the Planning and Zoning Commission considered the proposed zoning text amendments and staff's recommendation and also recommends the proposed zoning text amendment as identified in Ordinance No. 1-2020.

TOWN ATTORNEY REVIEW

Ordinance No. 1-2020 has been approved by Town Attorney John C. Randolph for legal form and sufficiency.

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Josh Martin, Director of Planning, Zoning and Building
Wayne Bergman, Assistant Director of Planning, Zoning and Building
Planning and Zoning Commission
Paul Castro, Zoning Manager
James Crowley, Esq.