

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 13, 2020

To: Mayor and Town Council

From: Wayne Bergman, Planning, Zoning and Building Director

Re: Proposed Declaration of Use Agreement for the Colony Hotel's Use of the New Garden Area on the East Side of the Ballroom, Z-20-00281, 135, 152 and 155 Hammon Avenue

Date: November 3, 2020

STAFF RECOMMENDATION

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

GENERAL INFORMATION

On October 14, 2020, the Council conditionally approved Z-20-00281, Special Exception with Site Plan Review to allow The Colony Hotel to have events, such as weddings, receptions and pre-function activities in the new garden area on the east side of the ballroom. The applicant presented proposed conditions of approval related to the use of that area and the Council modified and expanded on those conditions. The Council approval requires the applicant to draft a proposed Declaration of Use Agreement incorporating those conditions for their consideration and approval at the November 13, 2020 Council meeting.

The applicant's attorney, Maura Ziska, has drafted a proposed Agreement based on the development order and her understanding of what those conditions are. Staff has reviewed the draft Agreement and has made modifications. The attached proposed Agreement incorporates Staff's recommended changes. While staff has sent the recommended changes to the applicant's attorney, to date no response has been provided to the Town. The additional or modified conditions that Staff recommends be included in the proposed Agreement are identified in bold, add/delete format for discussion.

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
Nicholas Caristo, Police Chief
zf & pf