



**TOWN OF PALM BEACH**  
Planning, Zoning & Building Department  
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PLANNING, ZONING, & BUILDING DEPARTMENT  
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

FROM: Wayne Bergman, MCP, LEED-AP  
Director PZ&B

SUBJECT: ZON-22-018 (COA-22-003) 340 ROYAL POINCIANA WAY (COMBO)

MEETING: March 09, 2022

**ZON-22-018 (COA-22-003) 340 ROYAL POINCIANA WAY (COMBO)—VARIANCES AND SPECIAL EXCEPTION WITH SITE PLAN REVIEW.** The applicant, RPP Palm Beach Property LP, has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review and including variances (1) to reduce the required landscape open space, (2) and (3) to exceed the maximum building height for rooftop mechanical equipment and exhausts, (4) to exceed the maximum overall building height for additions to a building, (5) to exceed the maximum length of a building, (6) a variance from Chapter 50 for the required floor elevation for the new ground floor additions on a landmarked building in order to renovate and expand with additions a landmarked playhouse structure, (7) to reduce the required drive aisle width, (8) to eliminate the required loading berth for new construction over 4,000 SF, (9) to eliminate 39 of the existing required parking spaces, and (10) and (11) to allow new parking spaces in the required side street setback and front setback, (12) to allow new and existing tandem parking, and (13) to exceed the maximum overall building height to retain the existing building when demolition of an elevation or roof for more than 50% occurs. Additionally, the applicant is requesting to amend the 1979 Development Agreement for the site.

**LANDMARKS NOTICE:**

**COA-22-003 (ZON-22-018) 340 ROYAL POINCIANA WAY (COMBO).** The applicant, RPP Palm Beach Property LP, has filed an application requesting a Certificate of Appropriateness approval for review and approval for the construction of substantial site and architectural improvements including new one- and two-story additions to an existing two-story landmarked playhouse building including variances from height, open space, parking, length of building, rooftop projections, and landscape open space requirements, and a floodplain variance from Chapter 50 for the required floor elevation for the new ground floor additions, in order to expand an existing commercial plaza. The variance portion of the application shall be reviewed by Town Council. The application will require Special Exception Request and Site Plan Review by Town Council.

Applicant: RPP Palm Beach Property LP and Innovate Corp.  
Professional: Keith Spina / Spina Orourke + Partners  
Representative: James M. Crowley, Esq.

**HISTORY:**

See attached "EXHIBIT A – SITE HISTORY" provided by the applicant.

The Royal Poinciana Playhouse was constructed in 1957. Building permits indicate that the Playhouse has had maintenance work, exterior alterations, and additions over the years, but has not been severely altered since construction in 1957. The building has been vacant since 2004 and is in need of full interior and exterior rehabilitation.

At the February 16, 2022 Landmarks Preservation Commission an application will be heard for the construction of substantial site and architectural improvements including new one- and two-story additions to an existing two-story landmarked playhouse building including variances from height, open space, parking, length of building, rooftop projections, and landscape open space requirements, and a floodplain variance from Chapter 50 for the required floor elevation for the new ground floor additions, in order to expand an existing commercial plaza.

**THE PROJECT:**

The applicant has submitted plans, entitled "The Royal Poinciana Playhouse", as prepared by **Spina Orourke + Partners**, dated 01/07/2022.

The applicants are proposing the following scope of work at the property:

- Rehabilitation of an existing landmarked two-story 34,517 SF theater and restaurant.
- Construction of 7,995 SF of additional ground floor commercial space.
- Construction of an 893 SF single-story accessory maintenance building at the northeast corner of the site.
- Construction of a new pedestrian plaza and valet drop-off between the Playhouse and the Plaza.
- Restoration of the rear restaurant deck with new trellis and terrace along the west seawall and consequent restoration of the existing seawall.
- Construction of a new covered entry on the south side of the building.
- Construction of landscape and hardscape improvements throughout site.

The following Special Exceptions with Site Plan Review is required for completion of the project as presented:

- **Special Exception:** *Sec. 134-229*; To allow a cultural arts center use greater than 3,000 SF Of GLA in the C-PC zoning district.

The following Variances are required for completion of the project as presented;

- **Variance 1:** *Sec. 134-1262(10)*: Overall building length of 175'-2" & 158'-9" in lieu of the 150' maximum allowed.
- **Variance 2:** *Sec. 134-1262(8)*: Building height for the theater building expansion in lieu of the 25' maximum allowed in the C-PC Zoning District.
  - **2A:** Reconstruct playhouse building at 46.83' (flyspace) and 28.25' (theater) due to 50%+ demolition
  - **2B:** New additions at 27.417' in excess of maximum height allowed
- **Variance 3:** *Sec. 134-1607(1)*: To allow 16 air conditioning equipment on the roof at the maximum 108 inches in height in lieu of the 48 inch maximum.
- **Variance 4:** *Sec. 134-1607(1)*: To allow (2) exhaust equipment at 84 inches in height in lieu of the 36 inches permitted in the C-PC zoning district.



- **Variance 5:** *Sec. 134-1262(11)*: To allow landscaped open space at 15.6% in lieu of the 16% previously approved by variance as documented in the 1979 Agreement and the 255 required in the C-PC zoning district.
- **Variance 6:** *Sec. 50-114: Floodplain Variance*: To allow a portion of the finished floor elevation to be 5.5' NAVD to match existing landmarked building.
- **Variance 7:** *Sec. 134-2211*: Request to eliminate loading zone requirements for new construction over 4,000 SF
- **Variance 8:** *Sec. 134-2172*: To allow new 90° parking spaces adjacent to a drive aisle nonconforming in width.
- **Variance 9:** *Sec. 134-2175*: Request to eliminate 39 required parking spaces by providing 679 parking spaces in lieu of the 718 previously approved at the property.
- **Variance 10:** *134-2179(f)*: To allow for parking in the street side-yard setback (Cocoanut Row).
- **Variance 11:** *134-2179(f)*: To allow for parking in the front-yard setback (Royal Poinciana Way).
- **Variance 12:** *Sec 134-2237(2)*: Reestablish existing 3 vehicle tandem parking

The applicants have included a detailed Letter of Intent providing a project narrative, comprehensive descriptions of all current requests including required Code relief, and have provided responses to pertinent variance, special exception, and site plan review criteria.

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Site Data			
Zoning District	C-PC Planned Center	Lot Size (sq ft)	512,726 SF
Future Land Use	Commercial	Total Building Size (sq ft)	34,517 SF
C-O-R		Flood Zone	AE 6' NAVD
Finished Floor Elevation	5.5' NAVD	Designated Landmark	11/12/08
Year of Construction:	1957	Architect:	John Volk
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	35% (179,454 SF)	24% (127,179 SF)	26% (133,358 SF)
Overall Building Height	15' / 25'	46.83' (flyspace) 28.25' (theater)	46.83' (flyspace) 28.25' (theater) 27.417' (additions) + 3' Parapet
Point of Measurement	5.5' NAVD	3.5' NAVD	5.5' NAVD
Parking Space	xx (1957 Original)	718 (Current)	679 (Proposed) -39 spaces being reduced
Theatre Seats	725 (1957 Original)	725 (Current credit)	400 seats (Proposed) -325 seats being reduced
Landscape Open Space	25% (128,181 SF)	16.8% (85,840 SF)	15.6 % (80,286 SF)

<b>Native Plant Species %</b>	25%	N/A	25%
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\*If value is not applicable, N/A

\*If value is not changing, N/C

<b>Surrounding Properties / Zoning</b>	
North	Flagler Memorial Bridge / Municipal park
South	1956 Seven-story Condominium
East	Breakers Golf Course
West	Lake Worth Lagoon

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#### **VARIANCES CRITERIA SEC. 134-201**

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
  - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
  - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
    1. Be granted only for the continuation of the same hotel or residential use; and
    2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use



agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

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**SPECIAL EXCEPTION CRITERIA SEC. 134-229**

The requirements for granting a special exception use under this chapter are as follows:

- (1) The use is a permitted special exception use as set forth in article VI of this chapter.
- (2) The use is so designed, located and proposed to be operated that the public health, safety, welfare and morals will be protected.
- (3) The use will not cause substantial injury to the value of other property in the neighborhood where it is to be located.
- (4) The use will be compatible with adjoining development and the intended purpose of the district in which it is to be located.
- (5) The use will comply with yard, other open space, and any special requirements set out in article VI for the particular use involved.
- (6) The use will comply with all elements of the comprehensive plan.
- (7) The use not result in substantial economic, noise, glare, or odor impacts on adjoining properties and properties generally in the district.
- (8) Adequate ingress and egress to property and proposed structures thereon and off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
- (9) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and economic impact shall be compatible and in harmony with properties in the district.
- (10) Location, availability and compatibility of utility service for the use shall be satisfactory to ensure health and safety.
- (11) Refuse and service areas for the use shall not adversely affect automotive and pedestrian safety and convenience, traffic flow and control, or access in case of fire or catastrophe.
- (12) In all districts except the C-OPI district, and also with the exception of hotel, motel and timeshare uses, the proposed special exception use will not attract the principal portion of its customers/clients from off-island locations. The applicant shall submit evidence satisfactory to the town council that not less than 50 percent of the customers of the proposed use will be town persons. Evidence submitted in support of this contention shall include credible data or information suitable for review by the town to determine the credibility and the appropriateness of the applicant's conclusion. The submittal shall include a description of the types of information used and the methodology employed to arrive at the conclusion. Information used shall include, but shall not be limited to, lists of customer/client addresses or certification thereof by an independent certified public accountant approved by the town, market studies prepared by independent professional firms, or data from similar operations under the control of the applicant. The town may in the future require the applicant to demonstrate to the satisfaction of the town council that the special exception use is continuing to be town-serving.
- (13) If historic/specimen trees are located on the subject property, the location of said historic/specimen trees shall be identified on a signed and sealed survey. In addition, adequate landscaping, screening and barricade protection of historic/specimen trees shall be demonstrated to be provided as required in this chapter.



- (14) The proposed use will not place a greater burden than would be caused by a permitted use on municipal police services due to increased traffic or on fire protection services due to the existence of or increased potential for fire/safety code violations.

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**SITE PLAN REVIEW CRITERIA SEC. 134-329**

Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not been made concerning the following matters, where applicable:

- (1) Sufficiency of statements on ownership and control of the subject property and sufficiency of conditions of ownership or control, use and permanent maintenance of common open space, common facilities or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the town.
- (2) Intensity of use and/or purpose of the proposed development in relation to adjacent and nearby properties and the effect thereon; provided, however, that nothing in this subsection shall be construed as granting the town council the authority to reduce residential densities below that permitted by the use regulations in article VI of this chapter.
- (3) Ingress and egress to the property and the proposed structure thereof, with particular reference to automotive and pedestrian safety; separation of automotive traffic; traffic flow and control; provision of services and servicing of utilities and refuse collection; and access in case of fire, catastrophe or emergency.
- (4) Location and relationship of off-street parking and off-street loading facilities to thoroughfares and internal traffic patterns within the property, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscaping.
- (5) Proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the property boundaries.
- (6) Manner of drainage on the property, with particular reference to the effect of provisions for drainage on adjacent and nearby properties and the consequences of such drainage on overall town capacities.
- (7) Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
- (8) Recreation facilities and open spaces, with attention to the size, location and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the property, and relationship to communitywide open spaces and recreation facilities.
- (9) Such other standards as may be imposed by this chapter for the particular use or activity involved.
- (10) Height of commercial structures with reference to adjoining buildings, the effect on uniformity in height, and the general principle of retaining the low profile scale of commercial architecture.
- (11) Visible size and bulk. The proposed development should be so arranged that it minimizes the visible bulk of the structures to drivers and pedestrians on abutting roadways, the point of reference being the centerline of the abutting roadways, with the intent being to maintain visual impact of multistory buildings at the same relative level of intensity as a single-story building at the minimum required setback.



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**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan, but the proposal is an intensification of use and may be contrary to many aspects of the comprehensive plan:

- Land Use Element Page I-5. The Town recognizes that future development and attendant population growth would aggravate traffic problems, perhaps bringing the Town to a critical level of overuse. The Town has therefore adopted the following policy regarding growth: To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character and to overall property values of the community, the Town will take all technical and administrative measures legally available, including the use of this Comprehensive Plan, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.
- Land Use Element Page I-6. It continues to be a major objective of the Town to inhibit further commercialization, contain commercial uses to limited geographic locations, and to promote commercial uses which are primarily oriented to serving the needs of residents, employees and visitors staying in accommodations in the Town, while discouraging those businesses that attract customers and clients from off the Island.
- Land Use Element Page I-30. POLICY 2.3 Development orders shall be issued by the Town only for new non-residential development or redevelopment that is consistent with the Future Land Use Map and descriptions and intensities of land use as set forth in the following policies. 2.3.1 The following definitions shall pertain to the application of the non-residential land use designations and associated policies: a. "Town-serving" shall mean establishments principally oriented to serving the needs of Town persons and not substantially relying on the patronage of persons not defined as Town persons. Commercial establishments (other than those in the "Commercial – Office, Professional & Institutional" (C-OPI) zoning district, which are not required to meet town-serving requirements) of 3,000 square-foot or less of gross leasable area in the C-PC, C-TS and C-B zoning districts, and 4,000 square-foot or less of gross leasable area in the C-WA zoning district are assumed to meet the intent of the first part of this definition. b. "Town persons" shall mean all full-time and seasonal residents of the Town as well as visitors staying at accommodations in, or employees working in establishments located within, the Town.
- Land Use Element Page I-32. POLICY 2.4 To prevent critical and dangerous overuse of its streets, parking resources, public services and facilities, and damage to its historic character, and to overall property values of the community, the Town will take all technical and administrative measures legally available, to minimize the change or transition of existing low-density areas or structures to more intensive use patterns, and thereby lower the pattern of density, where possible, and to minimize tourism inflow.
- Land Use Element Page I-32. POLICY 2.5 Continue to enforce the provisions of the Town's Zoning Ordinance which are directed toward the encouragement of Town-serving commercial uses and the discouragement of those uses which are likely to attract patronage



on a regional level.

**COMPLIANCE WITH ZONING CODE:**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town code:

- Property falls within flood zone AE-6. If value of improvements exceeds 50% of the value of the building value, the building must be brought up to applicable codes including finished floor elevation requiring flood panels.
- **Variance 1:** *Sec. 134-1262(10)*: Overall building length of 175'-2" & 158'-9" in lieu of the 150' maximum allowed.
- **Variance 2:** *Sec. 134-1262(8)*: Building height for the theater building expansion in lieu of the 25' maximum allowed in the C-PC Zoning District.
  - **2A:** Reconstruct playhouse building at 46.83' (flyspace) and 28.25' (theater) due to 50%+ demolition
  - **2B:** New additions at 27.417' in excess of maximum height allowed
- **Variance 3:** *Sec. 134-1607(1)*: To allow 16 air conditioning equipment on the roof at the maximum 108 inches in height in lieu of the 48 inch maximum.
- **Variance 4:** *Sec. 134-1607(1)*: To allow (2) exhaust equipment at 84 inches in height in lieu of the 36 inches permitted in the C-PC zoning district.
- **Variance 5:** *Sec. 134-1262(11)*: To allow landscaped open space at 15.6% in lieu of the 16% previously approved by variance as documented in the 1979 Agreement and the 255 required in the C-PC zoning district.
- **Variance 6:** *Sec. 50-114: Floodplain Variance*: To allow a portion of the finished floor elevation to be 5.5' NAVD to match existing landmarked building. **NOT NEEDED.** Property falls within flood zone AE-6. If value of improvements exceeds 50% of the value of the building value, the building must be brought up to applicable codes including finished floor elevation requiring flood panels.
- **Variance 7:** *Sec. 134-2211*: Request to eliminate loading zone requirements for new construction over 4,000 SF
- **Variance 8:** *Sec. 134-2172*: To allow new 90° parking spaces adjacent to a drive aisle nonconforming in width.
- **Variance 9:** *Sec. 134-2175*: Request to eliminate 39 required parking spaces by providing 679 parking spaces in lieu of the 718 previously approved at the property.
- **Variance 10:** *134-2179(f)*: To allow for parking in the street side-yard setback (Cocoanut Row).
- **Variance 11:** *134-2179(f)*: To allow for parking in the front-yard setback (Royal Poinciana Way).
- **Variance 12:** *Sec 134-2237(2)*: Reestablish existing 3 vehicle tandem parking.

**STAFF ANALYSIS**

This application is presented to the Council to consider whether all of the criteria in Sec. 134 -201, Sec. 134-229, and Sec. 134-329 have been met. The applicant is proposing substantial alterations and additions to the fabled and landmarked building and to the site, including; the rehabilitation of the historic theater building; the addition of 7,995 SF of commercial space, the construction of a new maintenance building; a new pedestrian plaza and valet drop-off; restoration of the existing seawall; and various hardscape, landscape, and surface improvements. The application, specifically the vehicular circulation and traffic plan, is currently being vetted for review by the Town's transportation consultant.



### **ARCHITECTURE AND HISTORIC PRESERVATION**

The Royal Poinciana Playhouse was designed by notable Palm Beach architect John Volk and constructed in 1957. The Playhouse was designated as a Landmark by the Town of Palm Beach in 2008. Volk designed the Playhouse, along with Royal Poinciana Plaza to the east in the Regency Revival architectural style, which he helped to popularize into a signature Palm Beach style through his numerous post-war residential and commercial commissions. Character-defining features of Regency Revival architecture include masonry stucco facades, flat roofs with short decorative parapets, oversized fenestration (typically divided-light hung windows) at regular rhythms, masonry coining, and decorative engaged columns, cornices, and pediment window surrounds.

The proposal seeks to largely retain and preserve important character-defining features of the building's exterior, while also requesting substantial additions and circulation program alterations that significantly impact the building's primary east façade. The 7,995 SF of proposed commercial additions are generally located to the sides (north and south) of the existing structure. Although the proposed storefront additions are balanced, engaging, and harmonious with the Royal Poinciana Plaza, the scale and placement of additions significantly east of the historic theater's façade alter the spatial relationships of the site and impact the visual massing of the historic theater.

The arrangement of the additions generally retain Volk's prominent five-bay curved wall composition as the primary focal point of the overall design scheme, and the proposed vehicle circulation path, terraced entry court, and ground floor storefronts bring more prominence and utility to this façade. Staff makes the recommendation that the existing five metal Juliet balconies evident in Volk's drawings be retained and preserved as significant character-defining features on the east façade.

Substantial façade alterations are also proposed to the rear west façade, which is readily visible from the intercostal waterway and from vehicular and pedestrian traffic on the Flagler Memorial Bridge. Regularized fenestration with shutters replicating existing rhythms are utilized on the two-story side elements and triplets of glazed double doors are proposed on the ground floors. The prominent center massing element is proposed as a large multi-light glazed wall, replacing the original fenestration pattern of shuttered double-hung windows and single doors. The decorative engaged pilasters and stucco reliefs flanking the far north and south portions of this massing element are proposed to be retained and preserved.

There are currently ten (10) variances identified in the applicant's Letter of Intent (12 identified by staff). Of the variances requested, five (5) directly impact the architecture of the building; including variance(s) from overall length, building height, finished floor elevation, and loading bay requirements. Two (2) additional variances are required for air conditioning and exhaust equipment heights. Additionally the applicant is seeking relief from open space and parking requirements, which are analyzed below in the parking section.

### **PROGRAM**

The current plans propose a multi-use building with commercial storefronts, a restaurant with indoor and outdoor waterfront dining, ample lobby and lounge space, and a 400 seat theater with customary back-of-house space for production and operations. The overall architectural design successfully integrates the building as the western terminus of the Royal Poinciana Plaza; borrowing design motifs, spatial planning, and architectural detailing already found throughout the Plaza.



The proposed valet drop-off location consists of five (5) drive aisles directly in front of the building's primary entry points. The valet drop-off location provides access to a central outdoor terraced entry space with circulation paths leading to all seven (7) proposed retail spaces and to the central interior lobby providing access to the theater, lobby lounge, and future restaurant space. An exterior walkway is planned to the south of the building extending west, providing pedestrian access to retail space #1, the proposed future restaurant space, and the future rear outdoor dining deck. Exterior pedestrian paths are also provided to the north of the building, providing access to retail space #7. The northeast corner of the site provides for back-of-house operations, including, a loading dock, equipment yards, and enclosures for trash compactors and a cooling tower.

### **PARKING AND REFUSE**

The property received confirmation from the Town of Palm Beach on November 16, 2021 that there is sufficient equipment and resources to provide the additional water, sewer, drainage and solid waste removal necessary for the proposed plan.

A parking analysis and traffic study have been conducted by the applicant. At the time of this memo, the most recent update for the parking analysis was December 27, 2021. The analysis includes grandfathered playhouse parking and additional parking per Town requirements based on the proposed theater, retail, and restaurant components.

A valet study was conducted to show circulation of the proposed site plan. Two different circulation plans were provided by the applicant. Valet operations will be managed by a company currently servicing three (3) existing locations at Royal Poinciana Plaza.

The proposed additions containing additional uses for the site propose a substantial intensification of use for the parcel. The current proposal does not meet the established parking requirements and the applicant is requesting a variance for the parking deficiencies. As proposed, the current configuration eliminates 39 existing and required parking spaces, providing 679 parking spaces in lieu of the 718 previously approved at the property. Additionally, the applicants are seeking variances to allow for new parking spaces adjacent to a non-conforming drive aisle width, tandem parking, and for parking in the required front and side yard setbacks.

### **1979 AGREEMENT**

The 1979 Agreement and subsequent 19 amendments to the venerable document establish parking requirements at the site based on [prior] variance(s) issued by the Town Council. Moreover, it conditions that the Playhouse building be used as "a theatre of the performing and/or visual arts and for lectures or other special events."

This application is again seeking to modify the Agreement in order to fulfill the vision and programmatic changes necessary to implement the Project. The most notable clause in the 1979 Agreement is the use clause that states the space will be "used... only for use as a theater of the performing and/or visual arts, and for lectures and other special events" and this fundamental condition will remain with the proposed programming.

However, other clauses within the Agreement are largely no longer relevant to the 2022 Code and/or the property itself. Most other physical modifications to the site plan require substantial rewrites of the 1979 Agreement. Most notably, the 1979 Agreement never contemplated the following:



- The reduction of the established baseline parking requirement.
- The voluntary demolition, restoration and reconstruction that results in the demolition of more than 50% of an exterior wall (or roof).
- The construction of new buildings and additional GLA (gross leasable area).

It is for this reason, along with the passing of over 40 years since the Agreement's inception that the applicant seeks to create a properly updated document to rely on for future purposes.

### **ZONING AND VARIANCES**

As it pertains to the proposed use, while permitted, the proposal includes a separate Special Exception Request.

- **Special Exception:** *Sec. 134-229;* To allow a cultural arts center use greater than 3,000 SF Of GLA in the C-PC zoning district.

And of course, the project is subject to site plan review, pursuant to Section 134-1112.

As it pertains to Variance #1 to permit an overall building length of 175'-2" & 158'-9" in lieu of the 150' maximum allowed pursuant to section 134-1262(10). The existing east and west elevations of the Theatre building are 269' in length, and the proposed building length variance is being requested to provide architectural harmony with the existing building. Due to the demolition of more than 50% of the building elevations and roof, the variance is necessary for the existing and proposed building lengths. Staff is supportive of the renovation and expansion of the existing Playhouse and its further transformation and adaptive use.

As it pertains to Variance 2 from *Sec. 134-1262(8)* to exceed the maximum overall building height for the theater building expansion in lieu of the 25' maximum allowed in the C-PC Zoning District. Due to the demolition of more than 50% of the building elevations and roof, the variance is necessary for the existing and proposed building heights. First, 2A to reconstruct playhouse building at 46.83' (flyspace) and 28.25' (theater) owing to 50% demolition is a non-issue as the applicant's improvements require the height request from the Nonconformance section of the Code. As for the variance 2B pertaining to the new additions to exceed maximum height allowed, the height variance is necessary in order to provide uniformity in height with the existing Landmarked building.

As it pertains to Variance #3 and #4 to exceed maximum height of mechanical equipment (AC and exhaust and chillers) on the existing roof. Staff has no objections to the request as it is the logical placement of such equipment, provided that other screening methods adequately mitigate any negative visual impact when viewing the building from within the Plaza. Staff does have some concerns regarding the potentially highly visible nature from the r-o-w bridge approach entering the Island pertaining to the equipment on the northern roof. Additionally, staff has some concerns regarding the potentially highly visible nature from the seven-story Palm Beach Towers to the south of the Plaza.

As it pertains to Variance #5 to reduce the existing landscaped open space as documented in the 1979 Agreement and the 255 required in the C-PC zoning district, staff is not supportive of the request and maintains that the applicant should make every conceivable effort to improve the open space of the site in light of all of the proposed additions and modifications. Such effort can be made through further reduction of hardscape or removal of additional surface parking spaces, and staff



would encourage the applicant to improve the Plaza's green space by increasing the existing open space from 16.8% to 20%.

As it pertains to Variance #6 to allow a portion of the finished floor elevation to be 5.5' NAVD to match existing landmarked building. The Landmarked building and its additions are eligible for a flood plain variance, but being that it is a commercial venue it is not necessary. If the value of proposed improvements exceeds 50% of the value of the building value, the building must be brought up to applicable codes including finished floor elevation requiring flood panels. In either case, staff is supportive of the flood plain variance for the restoration of the Playhouse building and its associated additions.

As it pertains to Variance #7, to eliminate loading zone requirements for new construction over 4,000 SF, the Code requires within any zoning district, any new construction of new floor area to provide loading based on the SF thresholds, which in this case, would be under the 25,000 SF and need to provide 1 new loading berth on site. Due to the fact that the plaza is a functioning commercial plaza the current facility makes due with utilizing the existing expansive parking areas or existing loading area, staff has no objections to the request.

As it pertains to Variance #8, to allow new 90° parking spaces adjacent to a drive aisle nonconforming in width, staff has no objections. The drive aisle width in question is already non-conforming because it is 23' as opposed to the 25' required by current code. This is an existing condition which is not being modified; however, due to the non-conforming parking situation at the Plaza, the applicant is proposing new parking adjacent to the existing non-conforming drive aisle width.

As it pertains to Variance #9, to eliminate existing required parking spaces, specifically to eliminate remove 39 of the 718 previously approved at the property for a total of 679 parking spaces. The property has been nonconforming in regards to parking since at least 1979, and immortalized as such in the 1979 Agreement. The applicant is proposing to remove 39 spaces to accommodate the physical siteplan improvements and new additions to the Playhouse. Similar to the 2013 DOT takings, a variance to remove such, regardless of the capacity credit within the Playhouse building, is required. The applicant maintains that the parking demand for the theater and restaurant and new additions, ie the program, will be substantially reduced by the reduction in theatre seats from 725 seats to a maximum of 400 seats and can therefore be accommodated by the remaining parking site plan.

<b>Proposed Playhouse Parking Breakdown</b>		
	<b>Seats/SF</b>	<b>Required Parking</b>
<b>Theater</b>	400	80
<b>Future Restaurant</b>	220	73
<b>New Retail</b>	10,739	36
	<b>TOTAL</b>	<b>189</b>

Staff agrees with this nexus of logic.

As it pertains to Variance #10 and #11, to allow parking within the required yards (front and side street), staff again has no objections similar to variance #8. In an effort to offset the removal of existing surface parking spaces, the applicant has made efforts to supply new spaces. Similar to the



tandem approval in 1985 and 1995, Town Council has historically approved site plan review and variances for the parking configuration. Additionally, the parking site plan was reduced when the Department of Transportation took a portion of the subject property by eminent domain for the bridge reconstruction, which reduced the overall number of spaces at the reduced area and exposed parking in the required front setback (Royal Poinciana Way), pursuant to Site Plan Review #1-2013 and variances. As such, staff is supportive of the variance requests.

As it pertains to Variance #12, to allow 2 and 3 vehicle tandem stacking, specifically to modify the portion of the Poinciana Plaza's parking plan. Historically, on 12/10/85 the Plaza received approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of the Plaza; variance for tandem parking w/16' aisles, pursuant to S.E. #22-85 with Variance. And again on 9/12/95 the Plaza was received approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces and variances allowed attendant parking with 3 tandem rows, pursuant to S.E. #21-95 with Site Plan and Variances. The Town Council has previously approved tandem parking and parking within the front setback at the subject property, which was reduced when the Department of Transportation took a portion of the subject property by eminent domain, a legal hardship which reduced the overall number of spaces at the subject property and which reduced area that could be used for the front setback. In both instances, several conditions of approval were required including a required on-site parking attendant. In an effort to improve the aesthetics and function of the Plaza as a whole, the applicant is providing a new concentrated enclosed trash area and compactor in the northwest portion of the site, thus modifying areas of the existing parking site plan. Staff is highly supportive of this endeavor, and therefore supports the variance request.



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### EXHIBIT A – SITE HISTORY

Please provide a detailed history of all zoning-related requests applicable to this property processed on or after January 1, 1970, in chronological order, including but not limited to variances, special exceptions, site plan reviews, and existing agreements.

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/14/73	Variance request to construct a building 46' high instead of 40' high	Variance #30-73	Denied by Town Council
12/11/73	Special exception to establish a new club—The Poinciana Club	Special Exception #11-73	Approved by Town Council Club parking 1 space per 4 members; 213 members; 53 spaces A 'continuation of prior use'
6/8/76	Application for variance to erect 5 story buildings instead of 3 story buildings in southeast and northwest portions of property	Variance # 35-76	Denied by Town Council
1/24/78	Variance request to construct a new building in the northwest corner of the Plaza and a new building on the location of the "old playhouse" in the southeast quarter of the Plaza	Variance # 61-77	"Mr. Ehringer has confirmed the parking" ...Total parking required is 644 and the present number is 548, so present nonconformity is 96 spaces. Variance approved subject to a number of conditions. Club membership: 339 regular, 43 non-resident, 45 seasonal, 0 corporate, 13 junior.
2/13/79	Permission to revise building plans submitted with Variance #61-77. South side proposed building eliminated. Building B on lake on northwest part of site; office and restaurant only. Remove most of Slat House, leaving only 2400 SF	Var. #39-78	Approved with conditions (1979 Agreement). After 1983: parking required 858; parking nonconformity 213. Zoning C-A
3/6/79	Agreement with conditions entered into	Var. #39-78	Agreement includes a provision recognizing "the number and size of non-conforming parking spaces then existing in the Royal Poinciana Plaza . . ."
3/6/79			Unity of Title executed for Plaza
10/4/79		B3150 Pg 0673	Sidney Spiegel accepts assignment of 1979 Agreement. Theater, Royal Poinciana Club, and Hibbel Museum already existed.



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/12/80	Zoning Variance to exchange right to build lakefront Building B for right to reconstruct Slat House	Var. #4-80	Original Agreement amended to reflect provisions of Var. #4-80
3/31/80	Adoption of new Zoning Code	Ord. #4-80	Changed Poinciana Plaza from C-A to C-PC
5/14/80	First Amendment to 1979 Agreement		Buildings A and B eliminated; renovation of Slat House allowed
7/8/80	Special exception approved to increase floor area of Security Trust Company to 4,000 S.F.	S.E. #18-80	
11/11/80	Request for approval for a restaurant, Café Camille	Variance No. 4-80	During Town Council discussion, the Building Official indicated the following "allocations": 172 for the Playhouse, 75 to the Club, and 67 to the existing restaurant. Application continued.
11/11/80	Permit issued to demolish east and west wings of Slat House		
12/9/80	Request for approval for a restaurant, Café Camille	Variance #4-80	Withdrawn, and former understandings re restaurants (2) in Plaza reiterated
3/31/81	Amend C-PC	Ord. #6-81	From 3 stories to 2 stories
10/13/81	Variance requested to add 50 seats to theater without adding parking	Var. #48-81	<p>Approval allowed 47 new seats in exchange for reduction of 24 seats and 360 s.f. in Slat House Restaurant. Building Official stated that "there are 172 spaces which are allocated to the theater..." Per Town approval letter, "It is acknowledged the Theater is grandfathered for 172 parking spaces . . ." Total seating capacity in theater is 899 per approval letter.</p> <p>Note in Building Department records says: "existing seating 852; requires 171 parking spaces. Proposed seating 901; requires 181 parking spaces"</p>
9/14/82	Special Exception to add 1,936 S.F. of office space to Security Trust Company	S.E. #12-82	Approved by Town Council



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
2/8/83	Zoning Variance approved to add new entrance canopy to Royal Poinciana Playhouse	Var. #6-83	
6/12/84	Approval for expansion of Northern Trust Bank to 9,500 S.F. without providing additional parking	S.E. #13-84 with Variance	Shopping center owner agrees to reduce parking spaces allocated for Slat House Restaurant from 58 to 54
12/10/85	Approval to modify parking lot to add 35 spaces in tandem configuration on southwest side of Plaza; variance for tandem parking w/16' aisles	S.E. #22-85 with Variance	Parking attendant required by approval
1/3/86	Town administratively approved modification to latest parking plans – 26' aisles	S.E. #22-85 with Variance	
1/13/87	Request to expand office by 3,500 square feet on 1 <sup>st</sup> floor of Slat House for Prudential-Bache	S.E. #1-87	Denied by Town Council
7/14/87	Request to add 2,500 square feet to Prudential-Bache; total 10,328 square feet	S.E. #13-87	Approved by Town Council
12/8/87	Approval to convert Nicholas restaurant to private dining club (164 seats)	S.E. #19-87	f/k/a Cappricio's, now Harold's Club, later Houston's Once approved, use cannot automatically revert to restaurant
3/14/89	Request to add 2,500 square feet on second floor for Prudential-Bache Securities; total 10,300 square feet	S.E. #1-89	Approved by Town Council
2/12/91	Approval to convert Palm Beach Club to public restaurant known as Au Bar	S.E. #1-91	Approved by Town Council. Formerly Cappricio's, Harold's Club
2/11/92	Approval for new owner to continue operations of public restaurant and lounge; still called Au Bar	S.E. #3-92	No outdoor service to patrons
9/8/92	Approval for 5,000 square foot use for Sun Bank	S.E. #24-92	
5/10/94	Approval for The Poinciana Club to relocate social and dining space to west side of building; variance to put awning in set-back	S.E. #13-94 with Variance	'no change in seating'; 330
4/11/95	Approval for restaurant and lounge which exceeds 2000 s.f.	S.E. #4-95	Continuation of Au Bar

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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/8/95	Request to allow continuation of a special exception for The Poinciana Club as a Town-serving business	S.E. # 17-95	330 seats; application deferred by Town Council after debate
9/12/95	Approval to redesign the Poinciana Plaza parking lot (presently 685 spaces) to add 64 spaces, for a total of 749 spaces. The variances allowed attendant parking with 3 tandem rows	S.E. #21-95 with Site Plan and two Zoning Variances	Several conditions of approval
2/13/96	Approval for sculpture garden	Site Plan Review #1- 96	
7/9/96	Approval for 10,500 s.f. for office and personal service	S.E. #21-96	Headquarters for Babor Cosmetics
9/8/98	Approval sought to replace a 330-seat private club with a 330-seat public restaurant/night club (The Poinciana Club)	S.E. #9-98	2,622 members on record at that time  Seating capacity 330, 'having been expanded in 1995' per DKS traffic memo  Application withdrawn
1/12/99	Approval for an occupational license for a 164-seat restaurant – The Palm Beach Grille (Houston's)	S.E. #34-98	A number of conditions of approval. See also Site Plan Review #5-99 regarding parking. 745 spaces in Plaza
3/9/99	Approval for redesign of the parking on the northwest side of the Plaza; 745 total, including 116 valet in northwest portion of site	Site Plan Review #5-99, with Variances	Several conditions of approval. This approval was tied to the Palm Beach Grille approval.
7/31/01	Request for zoning ordinance modification to allow residential component in C-PC		Denied by Town Council
12/19/01	Landmark Preservation Commission (LPC) elected to place Theater on list of properties being considered for "landmark" designation		On 4/17/02 LPC decided to withdraw the Theater from consideration for designation
6/11/02	Application for a private social club in 4,875 s.f. in the northeast building; total membership 100	S.E. #7-2002	Withdrawn by applicant
6/13/04	Application to operate another 1,300 s.f. for a total of 3,000 s.f. for a health and fitness studio	S.E. # 21-2004	Approved by Town Council



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
10/12/04	Application to allow outdoor seating (40) at existing McCarty's Restaurant	S.E. # 28-2004 with Site Plan Review	Approved by Town Council Total seating remains at 151
2/28/05	Application for comprehensive plan amendments, rezoning, and zoning code amendments to create a mixed use PUD		Withdrawn by applicant
2/13/07	Request to replace 878 seat Royal Poinciana Theater, private supper club, and Hibbel Building with 74 unit, two and three story hotel complex and 299 seat theater for Florida Stage	Site Plan review #5-2007 with Special Exceptions and Variances	Subject case in abeyance until the lawsuit concerning subject property is resolved.
4/10/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the November 13, 2007 Town Council agenda
7/10/07	Report on decision in Royal Poinciana Plaza court case to Town Council		
10/4/07	Resolution ratifying the determination of LPC that the Poinciana Plaza should be landmarked	Resolution No. 15-07	Deferred to the April 2008 Town Council agenda
11/13/07	Town Council discussion of landmarking options		
3/11/08	Town Council discussion of eminent domain acquisition of Royal Poinciana Plaza		Town Council consensus not to pursue eminent domain
4/8/08	Resolution ratifying the Landmarking of the Royal Poinciana Plaza	Res. #23-08	Public hearing continued until November 2008
5/12/08	Town Council discussion of Memorandum of Ground Lease at Royal Poinciana Plaza		
7/16/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande"	Var. #12-2008	See below
9/8/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A,	MODIFIED Var. #12-2008	Variances granted subject to several conditions including parking conditions. The Town

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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
	"House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"		Council discussion indicated that "no additional variances would be considered". However the approval letter does not reflect that stipulation. The letter does indicate a requirement that the property owner was to re-stripe the parking lot to comply with the site plan approved with SPR #5-99 by October 10, 2008.
9/17/08	Adam Munder appearance at LPC to discuss status of redevelopment plans		LPC on record as wanting the entire 12 acre parcel to be landmarked
10/13/08	Request for variance from requirement to provide 1 additional parking space for Suite 332A, "House of Lavande", and request for variance from requirement to provide 2 additional parking spaces for Suite 320, "Just For You"	MODIFIED Var. #12-2008	Town Council clarified two of the conditions of approval, including eliminating the re-striping requirement
10/13/08	Request by "Designers to You", Suite 328 for Special Exception to change from office to retail without providing 2 additional parking spaces	Special Exception #13-2008 with Variance	Approved by Town Council, with the condition that this would be the final request for a parking variance. However this condition does not appear in Town's approval letter.
11/12 and 11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Architect Ann Beha and Landscape Architect Morgan Wheelock; Town Council voted to Landmark entire site
11/13/08	Presentation of conceptual plans for redevelopment of Royal Poinciana Plaza; request to Landmark Plaza	Resolution No. 23-08	Town Council voted to Landmark entire site
2/11/09	Town Council discussion of Study Item relating to possible zoning amendment re off-street parking at Plaza	Study Item 15A	Withdrawn by Sterling Group
3/11/09	Review of 1979 Agreement by Town Council		Led by John Randolph; focus of discussion was playhouse



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
4/15/09	Discussion of the Future Use of the Royal Poinciana Plaza by Town Council		Focus was redevelopment of Plaza
5/11/09	Consideration of the future of the Royal Poinciana Plaza by Town Council		Continued from previous agenda; focus was redevelopment of Poinciana Plaza. Motion made that the LPC be the first body to consider the Sterling Group's redevelopment application, and that LPC consider that application without regard to potential future changes to the 1979 agreement, the comprehensive plan or the zoning code.
6/10/09	Town Council discussion of proposed charter amendment regarding Plaza and playhouse; consideration of special counsel to advise the LPC on the Royal Poinciana Plaza application		Council moved to "seek declaratory judgment expeditiously"; decided not to hire any additional legal representation for the LPC
2/9/10	Debate by Town Council re having LPC members attend the 2/10/10 meeting of the Town Council to discuss their objectivity and hear instructions re upcoming application by Sterling		Motion passed
2/10/10	Request by LPC to obtain additional legal advice debated by Town Council		Town Council moved to deny request, as well as request to use private money to hire such advice; moved to require all boards and commissions to take the same oath of office as the Town Council.
3/9/10	Extensive debate about various aspects of Poinciana Plaza matter by Town Council		
4/13/11	Modify a condition of approval of Var. #12-2008 which required the applicant to remove all reserved and assigned parking spaces throughout the Plaza and associated signage by 10/10/08.	Var. #7-2011	Approved; Dr. Conroy retains 4 designated parking spaces until 10/31/12
8/15/12	Request to allow medical office totaling 3,757 SF	S.E. #16-2012	Approved subject to condition re 1979 Agreement

DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
8/15/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred by Town Council
10/10/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/variance	Deferred to the November 16, 2012 meeting
11/15/12	Enforcement of 1979 Agreement debated by Town Council		Council consensus was that Sterling come back before Town Council on January 9, 2013 to report on status of potential Playhouse lease
11/16/12	Request for approval for Special Exception to allow 260-seat Del Frisco's Restaurant in the Plaza; variance request to eliminate the requirement for 72 parking spaces	Special Exception #20-2012 w/Variance	Modified plan reduced restaurant size to 7,732 SF and seating to 222. This reduces parking variance needed from 72 to 58. Special Exception approved by Town Council; variance denied
12/19/12	LPC review of proposed exterior changes to Plaza for Del Frisco's		Deferred by LPC
1/9/13	Parking lot "cure plan" reviewed by Town Council	Site Plan Review #1-2013	SPR deferred by Town Council
1/9/13	Update re status of lease of Playhouse provided by Sterling		
1/16/13	LPC review of proposed exterior changes to Plaza for Del Frisco's	C of A #023-2012	Approved by LPC
2/12/13	Procedural discussion re Poinciana Plaza-appeals of LPC decisions	C of A #004-2013 AND #023-2013	Town Council discussion
2/13/13	Appeal of LPC approval of renovation plan for Del Frisco's	C of A #023-2012	Appeal denied by Town Council
2/13/13	Appeal By Palm Beach Towers of LPC approval of renovation plan for Brown Harris Stevens	C of A #004-2013	Appeal withdrawn
2/13/13	Request for site plan review to restripe the northwest portion of the Plaza parking lot due to FDOT taking	Site Plan Review #1-2013	Five plan options presented to Council. After debate, Plan #3 was approved, but the number of approved parking spaces was reduced from <u>192</u> to <u>188</u> .



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			<p>Modifications by Town Council:</p> <ul style="list-style-type: none"> <li>Remove four triple-stacked spaces on north end</li> <li>Remaining northern spaces to be moved 2' north</li> <li>Applicant to execute hold harmless agreement</li> </ul>
4/10/13	Appeal of Town Council of Administrative Decision by staff re weekend and evening parking and related parking concerns at Poinciana Plaza for Del Frisco's	Special Exception #20-2012 and appeal of administrative decision	The Town Council approved the portion of the appeal which allows Del Frisco's to open at 5:00 PM for dinner or brunch. The Council deferred appeal of staff determination that there was a deficiency of parking during morning and afternoon hours and that restaurant could not open for Sunday brunch, until Del Frisco's applies for a zoning request to modify the previous approval to be open for Sunday brunch.
6/12/13	Request for modification of previous Special Exception approval (#20-2012) to allow for Sunday operating hours from 10:00am to 11:00p.m.	Special Exception #9-2013	Deferred by Town Council Denied by Town Council on 2/12/14
11/13/13	Request to open a car rental business called Sixt Car Rental	Special Exception #19-2013	Approved with conditions
12/11/13	Site Plan modification to change eight areas of the existing parking lot striping to comply with current ADA requirements.	Site Plan Review #13-2013	Approved by Town Council with number of parking spaces limited to 718.
9/10/14	Special exception to allow office use greater than 2000 SF of GLA	Special Exception #16-2014	Approved by Town Council
5/13/15	Modifications throughout Plaza increasing green space, improving aesthetics, and improving traffic flow	Site Plan Review #2-2015	Approved by Town Council
3/9/16	Modification to the gross leasable area of portions of the Plaza	Site Plan Review #2-2016	Approved by Town Council

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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
3/9/16	Special Exception to operate 5,973 SF, 120 seat restaurant called Sant Ambroseus	Special Exception # 6-2016	Approved with conditions; Declaration of use Agreement to be executed; elimination of 135 seats from the theater. Maximum theater seats 725.
8/16/16	Special Exception to operate a 8,108 SF two-level retail store in Suite 301 called Hermes	Special Exception #19-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,902 SF retail store called Kirna Zabete	Special Exception # 33-2016	Approved by Town Council
12/19/16	Special Exception to operate a 2,850 SF retail bike shop	Special Exception # 32-2016	Approved by Town Council
3/15/17	Special Exception request to operate a 3,260 SF, 80 seat restaurant (Coyo Taco), featuring Mexican cuisine (196 SF of open standing area, 2,103 SF of dining area and taqueria and 961 SF of support). The restaurant was approved in the southwest corner of the Royal Poinciana Plaza.	Special Exception #5-2017 with Site Plan Review	The subject tenant space can only support 21 seats based on the principle of equivalency. The approval allowed the transfer of 59 seats grandfathered from the former McCarty's Restaurant, leaving a maximum of 92 seats remaining with the former McCarty's space.  Several conditions of approval were imposed, including a Declaration of Use Agreement and 'no DJ'.
6/30/17	Special Exception requested to allow 26 of the previously-approved 80 seats to be relocated from inside Coyo Taco to the newly created patio area around the west fountain.	Special Exception #5-2017 with Site Plan Review	Approved subject to 5 conditions
8/8/17	Declaration of Use Agreement between Town of Palm Beach and 305 Concepts Palm Beach LLC (Coyo Taco)	ORB 29276 Pg 1582	recorded
12/17	Zoning text amendment to allow outdoor promotional events in commercial areas and to allow commercial property identification signs in the C-PC district		Approved by Town Council
2/14/18	Special Exception request to allow outdoor promotional events in central courtyard	Z-17-00061	Approved by Town Council subject to conditions including affidavit that approval does not



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DATE	NATURE OF REQUEST/ACTIVITY	PETITION NUMBER AND DESCRIPTION	COMMENT/NOTES
			provide for further development opportunities as identified in the 1979 Agreement. Also amended Declaration of Use Agreement to add a number of conditions