

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-23-019 (COA-23-002) 363 COCOANUT ROW THE VINETA HOTEL (COMBO)

MEETING: FEBRUARY 15, 2023

ZON-23-019 (COA-23-002) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO)—SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the interior and exterior renovation to an existing Landmarked four-story hotel structure for (1) For modifying the existing four-story hotel use including a reduction of rooms from 57 keys to 41 in the R-C district and (2) For outdoor café seating use. Additionally, the applicant is seeking review and approval for Variances (1) to modify and increase a nonconforming hotel use and accessory restaurant uses in the R-C district under Sec. 134- 201(a)(6) of the Town Zoning Code, (2) to exceed the maximum overall building height in order to construct rooftop projections (stair and elevator bulkheads), (3) to exceed the maximum overall building height in order to construct rooftop projections (third floor trellis), (4) to exceed the maximum height of rooftop mechanical equipment for air conditioners and (5) commercial kitchen exhaust scrubber on a rooftop, in conjunction with the renovation of an existing Landmarked four-story hotel and accessory restaurant uses. The Landmarks Preservation Commission will perform the design review.

LPC NOTICE:

COA-23-002 (ZON-23-019) 363 COCOANUT ROW—THE VINETA HOTEL (COMBO).

The applicant, 363 Cocoanut Row Popco LLC, has filed an application requesting a Certificate of Appropriateness for the review and approval of the interior and exterior renovation of an existing Landmarked four-story hotel structure including alterations to the façades, a reduction of rooms from 57 keys to 41, the reconstruction of historic door and window locations and associated hardscape/landscape and rooftop projections requiring height variances for rooftop allowances. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 363 Cocoanut Row Popco LLC
Professional: Keith Spina / Spina Orourke + Partners
Representative: Timothy Hanlon

THE PROJECT:

The applicant has submitted plans, entitled "The Vineta Hotel 363 Cocoanut Row", as prepared by **Spina Orourke + Partners**, dated December 12, 2022.

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

- Rehabilitation and renovation of the existing four-story 32,758 SF landmarked hotel and external sitework improvements.
- Façade renovations and alterations to the primary and secondary street facing façades and all of the other elevations.
- Substantial interior demolition and alterations including enlargement of the existing hotel room conditions on floors 2-4, and interior layout changes to the ground floor to accommodate the revised and expanded food and beverage program.

The following Special Exceptions, Site Plan review and/or Variances required to complete the project, and shall be reviewed by Town Council:

- **SPECIAL EXCEPTION with SITE PLAN REVIEW:** Sections 134-201, 134-226, 134-227 Site Plan Review and Approval with Special Exception Request and Variances to allow continued use as a hotel, restaurant, nightclub, and swimming pool.
- **SPECIAL EXCEPTION:** Section 134-1109(22): For restaurant use (renovation).
- **SPECIAL EXCEPTION:** Sec. 134-2106: Special Exception for outdoor café seating.
- **VARIANCE 1:** Sec. 134-201(a)(6): A variance to continue a nonconforming hotel use. A variance to permit the expansion of the restaurant, nightclub and pool area uses with 197 combined seats. Originally, 113 seats were permitted for the dining room use. Additional seats do not require parking as a result of credit for the elimination of 16 hotel rooms.
- **VARIANCE 2:** Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.
- **VARIANCE 3:** Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.
- **VARIANCE 4:** Sec. 134-1607(1): A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.
- **VARIANCE 5:** Sec. 134-1607(1): A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.

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.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

A preliminary review of the proposed project indicates that the proposed **hotel use** is **not a permitted use** within the **MULTIFAMILY MODERATE USE** land designation of the Future Land Use Map of the Comprehensive Plan, but it is a **legally permitted nonconforming use**. Basically, any new or expanded commercial hotel use could be considered a conflict with the direction of the Comp Plan.

Nonconforming buildings or structures may be restored within the time frame outlined in the land development regulations. Additionally, the structure is a Landmarked structure which aligns with the Town's objective to protect its inheritance of structures and neighborhoods having historic or architectural merit.

Site Data			
Zoning District	R-C	Lot Size	18,750 SF
Future Land Use	MULTIFAMILY MODERATE	Total Building Size	32,758 SF
C-O-R	1.75 NAVD (Intersection)	Flood Zone	AE 6' NAVD
Finished Floor Elevation	3'-10" (3.76' NAVD) Must be flood-proofed	Designated Landmark *Nat'l Register	01/08/91
Year of Construction:	1925	Architect:	Unknown 1937 Renovations Volk
Project			
Lot Coverage	Existing: 66.4% Proposed: N/C Permitted: 30%	Landscape Open Space (LOS)	Existing: 5.96%% Proposed: 7.09% Required: 35%
Existing Parking Space	4	Proposed Parking Space	4
Existing Room Count	57	Proposed Room Count	41
Existing Dining Seats	113	Proposed Dining Seats	197
Surrounding Properties / Zoning			
North	Two-story condominium / R-C		
South	Two-story townhouse / R-C		
East	Two-story townhouse / R-C		
West	Three-story condominium / R-C		

STAFF ANALYSIS

The applicant is proposing substantial alterations and additions to the fabled and landmarked hotel building and to the site, including the rehabilitation and complete renovation and alteration of the historic hotel designed in the Mediterranean Revival style of architecture and is a pristine example of commercial architecture of Palm Beach. Located at the southeast corner of Cocanut Row and Australian Avenue the three-story hotel is sited with a turreted tower feature in the northwest corner of the structure and two front projecting wings separated by a central open air courtyard fronting

Cocoanut Row. The hotel originally opened as the “Lido-Venice” in 1926; in 1928 the hotel changed its name to the “Vinita” where it operated for the next 51 years. As part of the application today, the Chesterfield Hotel is proposed to be renamed back to the “Vineta”.

ARCHITECTURE AND HISTORIC PRESERVATION

The Vineta Hotel was designed by an unknown architect in 1925 and opened in 1926 as the Lido-Venice”; the structure underwent renovations in 1927 by notable Palm Beach architect John Volk. The Chesterfield Hotel was designated as a Landmark by the Town of Palm Beach in 1991 and is currently licensed as a 57-room hotel with a 113 dining seats and nightclub use. Much of the proposal aims to restore missing architectural details and elements to the structure, based on documentary and original Mediterranean Revival glory while undergoing much needed upgrades in an effort to modernize the hotel for today’s discerning guests as it pertains to the room sizes, amenities, and infrastructure.

Primary (along Cocoanut) and secondary (along Australian) facades are proposed to be modified and in accordance with historical documentation, of notable significance is the expansion of the arched windows along the south portion of the east façade (former Leopard Lounge) occupying the ground level along Cocoanut Row. The applicant is proposing to open up the bottom of the infilled opening and recreate the triple arched fenestration of full-length French doors, allowing much more natural light into the dining room and improvement transparency at the ground level.

The proposal includes significant site alterations as well, including the addition of landscape open space from 5.96% to 7.09% although there is discrepancy in the plans that show no improvement. And in this regard, staff maintains that greater effort should be made to introduce landscape open space to a double-digit sum and should include substantial hedge material along the south and east sides of the property (and within the courtyard) to mitigate potential impacts of sound/noise upon neighbors while providing a visual buffer.

VARIANCE REQUESTS

The renovations include the number of rooms being decreased from 57 to 41. There are currently five (5) variances identified in the applicant’s Letter of Intent. Of the variances requested, most are directly associated with the modernization efforts of updating a nearly 100-year-old hotel building; including variance(s) from height limitations of necessary mechanical improvements on the rooftop of a nonconforming four-story building such as elevator and stair replacements, AC and kitchen exhaust equipment’s, and other modern commercial needs. Some of these improvements are for the benefit of the surrounding area including relocating loud outdated AC equipment from the exterior ground level to the roof, installing proper commercial kitchen scrubber cleaner used to mitigate smoke and grease from commercial kitchen exhaust air streams and an improved trash enclosure.

VARIANCE 1: Sec. 134-387 of the Code identifies that no nonconforming use shall be **enlarged, increased, intensified, substituted, or extended to occupy a greater area than it occupied,** without seeking relief under the variance criteria for granting of a variance pertaining to the regulation of nonconforming uses (hotel uses in the R-C district). The hardship that runs with the property is that the current hotel is a Town and federally landmarked building first constructed in 1925. The use is not permitted by right or by special exception in the R-C zoning district, so it is virtually impossible to renovate and perform necessary improvements to the hotel, which is in great need of update, renovation, restoration, and enhancement, without the need to obtain variances. The hotel has been in operation for nearly 100 years and quite simply the zoning code for the R-C zoning district was not drafted to apply to a hotel—nor for any structure greater than two-stories in

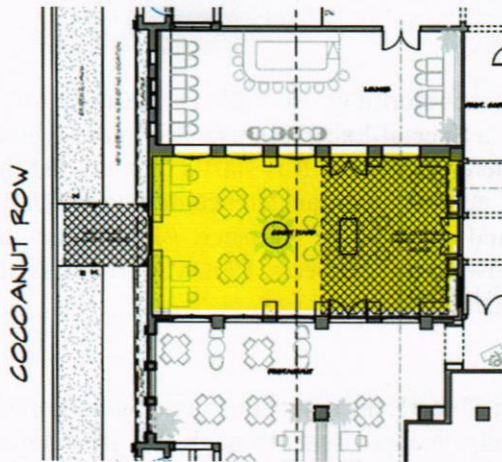
height.

As it pertains to Variance #1, the alteration of the nonconforming use outlines the need to be approved through the variance process, as opposed to a Special Exception use as is more typical for commercial endeavors when located within commercial districts. It is staff's opinion that the interior alterations and modifications to the hotel use, including the transference of the room keys to dining seats fall under variance #1. Review and analysis of variance #1 to alter the nonconforming use is fundamentally linked to the following three aspects: ROOM COUNT AND SEATING, LICENSING, and OPERATIONAL CONDITIONS.

ROOM COUNT AND SEATING

While the number of room keys is being decreased from 57 to 41, the number of approved restaurant and bar seats is being increased over the 113 currently licensed seats through the principle of equivalency outlined in the zoning code as it pertains to parking credits. The reduction of room keys of 16 yields 84 additional seats. This is calculated by taking the parking requirement of 1.75 spaces per room to obtain 28 for new parking requirements. Then apply a restaurant use parking requirement of parking spaces per 3 seats (28×3) to obtain 84 credit seats. So, 113 licensed seats + 84 credit for reduced room count = 197 permitted seats. This translates to a 78% increase of dining capacity seats based on the prior license. Again, the transference of the room keys to dining seats fall under variance #1, but the above number represents the maximum allowable amount the applicant would be authorized for without the need for a parking requirement variance. There is historical documentation in the form of menus, reviews, websites, and archival photographs depicting and supporting Leopard Lounge seating in the front courtyard serving breakfast, lunch and dinner service; afternoon high tea service offered in the library, courtyard and Leopard Lounge for hotel guests and paid visitors; an outdoor pool bar lounge with afternoon lunch menus; and a banquet room hosting weekly meetings such as the Rotary Club, etc. Regardless of the historical anecdotal evidence to seating throughout the facility, PZB staff adhered to the documented license of 113 seats for the dining room.

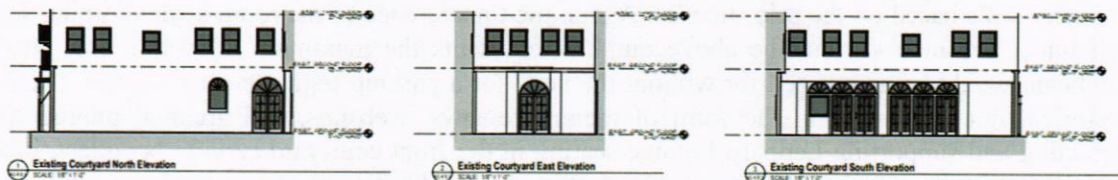
As outlined above, the established 113 licensed seats + 84 credit for reduced room count = 197 permitted seats. These 197 seats are dispersed in the following manner along the ground floor of the hotel: 35 within a lounge located north of the courtyard, 66 within the main dining room of the formerly Leopard Lounge space, 44 within the open-air courtyard and finally 52 in and around the pool bar towards the eastern portion of the site—16 of which are proposed outside. The use of 51 exterior seats for the pool bar and courtyard outdoor seating requires Town Council review and approval as a separate Special Exception (outdoor café seating) to weigh any potential negative impacts on the exterior seating as it the neighboring property owners.



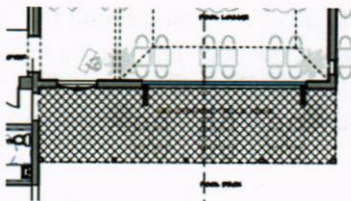
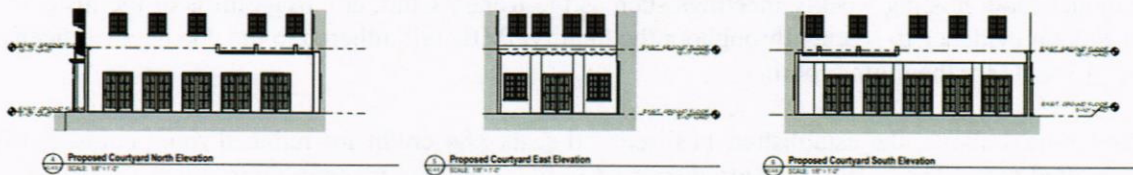
The Landmarks Preservation Commission has reviewed and approved the architectural changes as related to the proposed outdoor seating locations, vis a vis the front courtyard and the pool deck area. In both instances, additional openings are proposed. Within the front courtyard, the applicant is proposing new French door openings along the north and south interior elevations. This new fenestration alteration will unify the interior spaces of the main dining room and lounge both proposed to the north and south of the courtyard and likely allow both spaces to capitalize on the open-air nature of the courtyard for al fresco dining or cocktails. A total of 35 seats are proposed within a lounge located north

of the courtyard, 66 within the main dining room of the formerly Leopard Lounge space, and 44 within the open-air courtyard.

EXISTING COURTYARD ELEVATION



PROPOSED COURTYARD ELEVATION

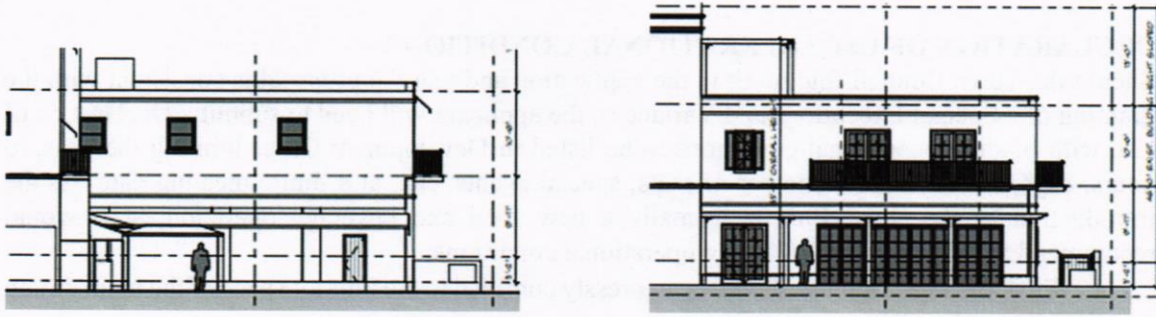


proposed outside.

Within the rear pool deck area, the applicant is proposing a new operable NANA wall storefront system. This new fenestration alteration will allow the interior pool lounge to 'open up' onto the open-air pool deck area and provide for access to outdoor dining and drinking. A total of 52 seats are proposed in and around the pool bar towards the eastern portion of the site and 16 of which are

EXISTING POOL BANQUET ROOM ELEVATION

PROPOSED POOL LOUNGE ROOM ELEVATION



For all of the outdoor café seating—a total of 60 outdoor seats—the Town Council will review and approved them in accordance with the Special Exception criteria. And as previously mentioned, there was historical evidence of outdoor dining service in both of these areas.

LICENSING

The approval of the application as proposed (and variance #1) would require the applicant to submit new applications for licenses. Currently the hotel has four licenses (business tax receipts, 'BTR's).

License #	Use	Permitted	Notes
00020370	Hotel	57 rooms	none
00001910	Dining Room	113 seats	none
00030606	Nightclub w/dancefloor	1,200 SF	
00030607	Pool		

The following licenses would be required should the application be approved as proposed.

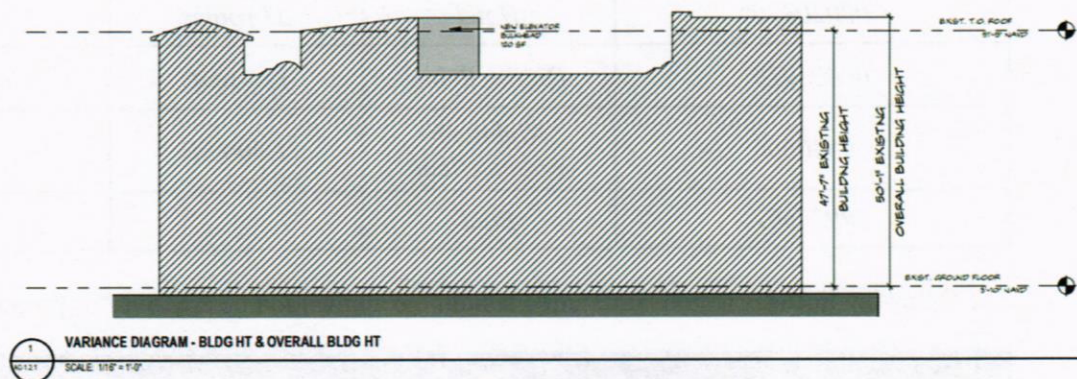
License #	Use	Permitted	Notes
NEW	Hotel	41 rooms	Site plan identifying the 41 rooms
NEW	Dining Room	66 seats + 44 Total 110	+ outdoor seats
NEW	Lobby Lounge	35 seats	+ outdoor seats
NEW	Outdoor Café main dining	44 seats max	For main dining room and lounge
NEW	Nightclub w/dancefloor	Main dining room only (interior)	Limit hours
NEW	Pool Lounge	36 seats + 16 Total 52	Limit hours
NEW	Outdoor Café pool lounge	16 seats max	Limit hours
	Pool		

DECLARATION OF USE / OPERATIONAL CONDITIONS

Should the Town Council find merit in the application and that the proposal is consistent with the granting of a Special Exceptions and Variances, the applicant will need to submit a Declaration of Use with binding operational conditions to be listed in Development Order limiting the uses, to hours, days, events, music, number of seats, special events, etc., at a future meeting date. As the introduction of the 'Pool Bar' is formally a new food and beverage operation, staff would recommend at minimum the following operational conditions:

- First, the nightclub use should be expressly confined to the interior space of the main dining room only; and
- Second, the front courtyard outdoor café seating should be limited to service hours till 10pm; and
- Third, the Outdoor Café pool lounge seating should be limited to service hours till 9pm; and
- Fourth, no outdoor music.

VARIANCE 2: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically to replace an elevator and stair bulkhead on the rooftop of a nonconforming four-story building with a height of 47.6 ft in lieu of the 23.5 ft maximum building height allowed.

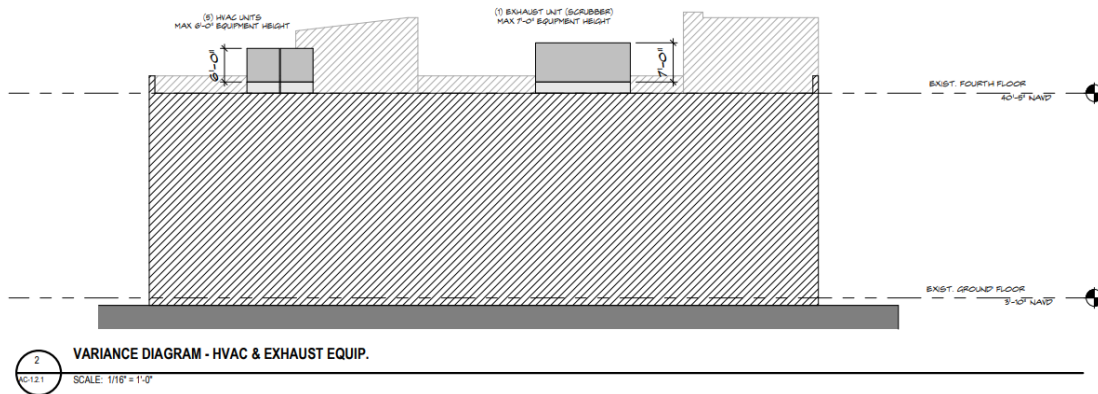


VARIANCE 3: Sec. 134-948(8)d: A variance to exceed the maximum allowable height for new rooftop construction specifically a rooftop trellis on a nonconforming third floor and of a nonconforming four-story building with a height of 33'0" in lieu of 23'6" maximum height and 26'6" maximum building height permitted.

As it pertains to Variance #2 and #3 to exceed maximum height of rooftop trellis on a nonconforming third floor and to replace an elevator and stair bulkhead on the nonconforming building, staff has no objections to the request as it technical in nature as the Code does not contemplate nonconforming buildings in zoning districts as it pertains to rooftop improvements when the zoning limits the number of stories below that existing edifice.

VARIANCE 4: Sec. 134-1607(1): A variance to exceed the maximum allowable height for the installation of rooftop air conditioning units (five) at a height of 108" (9') above the maximum height permitted in lieu of the 48" (4') maximum height allowed.

VARIANCE 5: Sec. 134-1607(1): A variance to exceed the maximum allowable height for a roof top commercial kitchen exhaust scrubber at a height of 84" (7') above the maximum height permitted in lieu of the 36" (3') maximum height allowed.



As it pertains to Variance #4 and #5 to exceed maximum height of mechanical equipment (AC and Scrubber) on the existing roof. Staff has no objections to the request as it is the logical placement of such equipment, provided that the existing parapet wall or other screening methods adequately mitigate any negative visual impact when viewing the building from within the r-o-w or across the street. The placement of the equipment is setback from the immediate edges of the building and should be visually obscured. Staff would recommend that the applicant install sound attenuating material to ensure that the mechanical noise level does not become disruptive to the residential neighbors abutting the subject property to the south and to the east in the form of a noise barrier that offers soundproofing.

TRAFFIC STUDY

The applicant has submitted a traffic analysis by Simmons and White and is currently being peer reviewed by Corradino Group for traffic and valet parking review.

VALET OPERATIONS

The Chesterfield Hotel was sold and is now under 363 Cocconut Row Opco LLC. They have kept the terms of the existing approved valet permit conditions regarding where vehicles will be parked, where the valet stand will be and hours of operation. A new permit for this fiscal year 2023 under the new company name and it has been issued. Any substantial alterations to the program will need an amended valet operations permit to be reviewed and approved by Town Council and administered and monitored by Code Enforcement Specialists in the PBPD.

WRB:JGM