



TOWN OF PALM BEACH

Planning, Zoning & Building Department

TOWN COUNCIL DEVELOPMENT ORDER

File: ZON-23-019 (COA-23-002)
Property: 363 COCOANUT ROW (*The Vineta Hotel*)
Meeting Date: APRIL 04, 2023

At the APRIL 04, 2023 Town Council Development Review meeting, the Town Council, after hearing all testimony, approved (4-1) the following Variance (#1), in accordance with Sec. 134-201:

1. A variance to modify a nonconforming hotel use to permit the expansion of the restaurant, nightclub and pool area uses with a total of 172 combined seats not to exceed a maximum seating capacity of 135 seats at any given hour and the closing time of all dining establishments shall be restricted to no later than midnight (12:00am).
2. 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.
 - o *This variance was approved at the February 15, 2023 Town Council Development Review hearing.*
3. 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.
 - o *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
4. 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.
 - o *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*
5. 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.
 - o *This variance was approved at the March 15, 2023 Town Council Development Review hearing.*

The following condition(s) to be included as part of this Development Order:

1. A total of 172 combined seats not to exceed a maximum seating capacity of 135 seats at any given hour and the closing time of all dining establishments shall be restricted to no later than midnight (12:00am).
2. The applicant shall return to Town Council at a future date to review and approve a Declaration of Use outlining areas of concern, the off-site parking arrangements, hours of operation, location of seats, areas for hotel patronage and guests only, use and areas of ambient music, exterior lighting plan and other quality of life issues.

Additionally, the following Special Exception(s) and Site Plan Review components were approved (4-1) at the April 4, 2023 meeting:

1. Special Exception w/ Site Plan Review for continued use as a hotel, restaurant, nightclub, and swimming pool.
2. Special Exception for restaurant use (renovation).



3. Special Exception for outdoor café seating.

Provided, the applicant build substantially in accordance with the approved plans, "The Vineta Hotel 363 Cocoanut Row", as prepared by Spina Orourke + Partners, dated December 12, 2022, and proposed seating plan dated 04-04-23 (to be modified in the future Declaration of Use) as approved by Town Council, as determined by staff.

Approval of this application by the Town Council does not relieve the owner and/or applicant from obtaining additional Town approvals as may be required, such as design review approvals and the necessary building permits. A building permit for the work authorized under this approval must be obtained within three years from the date of approval or said approval will expire. When requesting a building permit, the plans submitted to the Town for permit are required to be consistent with the plans approved by the Town Council and modified in accordance with the conditions of approval that must be satisfied prior to permit issuance, as set forth in this Development Order.

This Development Order shall serve as the written finding of the Town Council.

Dated this 6th day of April, 2023.

Sincerely,



Wayne Bergman, Director of Planning, Zoning and Building, on behalf of
TOWN COUNCIL

cc: James G. Murphy, Assistant Director of Planning, Zoning and Building
Bradley Falco, Planner II
Jennifer Hofmeister-Drew, AICP, Planner III
Zf

