

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 11, 2019

To: Mayor and Town Council

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

Re: Z-18-00110, Special Exception, Review of the Esplanade Outdoor Promotional Events;
150 Worth Avenue

Date: August 30, 2019

STAFF RECOMMENDATION

Staff recommends that the Town Council consider the property owner's Town-serving documentation on the outdoor promotional event and allow those events to continue in The Esplanade.

GENERAL INFORMATION

On July 11, 2018, the Town Council conditionally approved the subject Special Exception application to allow Wilson 150 Worth, LLC, the applicant and property owner of the Esplanade, to have outdoor promotional events. The applicant was required to enter into a Declaration of Use Agreement that outlined the conditions of approval allowing said events. One of those conditions was that the applicant come back to the Town Council to evaluate how the outdoor promotional events have been working and how they have been Town-serving. The following are conditions of approval for events in the Plaza:

- a) All outdoor promotional events shall be sponsored and managed by the Esplanade management.
- b) Hours of outdoor events shall be allowed from 9:00 a.m. to 10:00 p.m. seven days a week (in season) and 7:00 a.m. to 10:00 p.m. (off-season).
- c) Promotional events which constitute a violation of the Code of Ordinances as determined by the Code Enforcement Division of the Police Department are prohibited.
- d) There shall be no outdoor sales of alcoholic beverages other than the sales related to the Town approved outdoor seating for a licensed business on the Property.
- e) Amplified music or sound shall only be allowed if said events are held two hundred (200) feet or more from any residential use. All events shall meet the Town's noise regulations as provided in Sec. 42-196 through 42-229 of the Code.

- f) The Esplanade shall return to the Town Council at its regularly scheduled meeting in June 2019 in order that the Council may review and, if necessary, reconsider this Special Exception.
- g) The events described in Exhibit “B” attached here and incorporated herein constitutes the types of events permitted by the Special Exception Approval. However, other events with similar characteristics are also permitted by the Special Exception Approval.
- h) The Town Council shall have the right to revoke or modify this Declaration of Use should it be determined that said use has a negative impact on surrounding properties.
- i) Approval of outdoor promotional events may be revoked or modified by the Town Council at any time should it be determined that said use has a negative impact on surrounding properties.
- j) The Special Exception Approval shall be only for this applicant.
- k) All events shall be Town Serving. The Esplanade shall provide documentation which is satisfactory to the Town Council which demonstrates that the Outdoor Promotional Events are Town Serving at their regularly scheduled Town Council meeting in June 2019.

The applicant has met all of the operational conditions since the approval at the July 18th Town Council meeting. The Planning, Zoning and Building Department, Police Department and Code Enforcement have not received any complaints regarding the operation of outdoor promotional events at the Esplanade. We have also had no instances where staff has witnessed any violations of the above conditions. The applicant has provided the Town Council with the attached documentation for your consideration of how their event have been, and will continue to be Town-serving. The attachments also include a list of upcoming events. The applicant will be at the meeting to address any questions or comments.

Attachments

cc: Kirk Blouin, Town Manager
Jay Boodheshwar, Deputy Town Manager
Benjamin Alma, Code Enforcement
Maura Ziska, Esq.
Yvonne Jones, Director of Property Management
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