



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-21-022 (ARC-21-084)
191 Bradley Place

MEETING: December 15, 2021

ZON-21-022 (ARC-21-084) 191 BRADLEY PLACE (COMBO). The applicant, NDL Property Palm Beach Property LLC (David Tornek mgr), has filed an application requesting Town Council review and approval for a Special Exception Request with Site Plan Review requesting outdoor seating (48 seats) in conjunction with an existing restaurant licensed for 125 seats, to be able to move 48 of its approved 125 seats outside.

ARCOM NOTICE:

ARC-21-084 (ZON-21-022) 191 BRADLEY PLACE (COMBO). The applicant, NDL Property Palm Beach Property LLC (David Tornek mgr), has filed an application requesting Architectural Commission review and approval for exterior seating (48 seats) to an existing one-story restaurant (Meat Market) not exceeding the maximum capacity licensed. The outdoor seating will require a Special Exception Review w/Site Plan Review by the Town Council.

Applicant: NDL Property Palm Beach Property LLC (David Tornek mgr)
Professional: Harold J. Smith/Smith and Moore Architects
Representative: Maura Ziska

HISTORY:

Meat Market opened in 2017 and is currently licensed as a 125 seat restaurant. At the November 19, 2021 ARCOM meeting, the application for the outdoor seating furniture associated with the outdoor dining areas was deferred to the January 26, 2022 in order for Town Council to take action on the outdoor seating matter to occur first, prior to design review of the furniture, pursuant to ARC-21-084.

THE PROJECT:

The applicant has submitted plans, entitled "191 BRADLEY PLACE", as prepared by **Smith and Moore Architects, Inc**, dated 10/4/2021.

The following is the scope of work for the Project:

- New outdoor seating furniture and associated lighting.

The following Special Exceptions and Variances required to complete the project:

- Special Exception Use (outdoor dining) w/ site plan review by Town Council.

PROJECT DATA:

Zoning District: C-TS
Future Land Use: Commercial
Lot Size: 5,633 SF
Existing license: 00959067, 125 seats
Year Built: 1925

SURROUNDING PROPERTIES:

North: Six-story multifamily dwelling
South: Two-story commercial/residential
East: Two-story 16-unit multifamily
West: Six-story condominium

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.

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.

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **restaurant use** is **consistent** with the **Commercial** designation of the Future Land Use Map of the Comprehensive Plan.

COMPLIANCE WITH ZONING CODE:

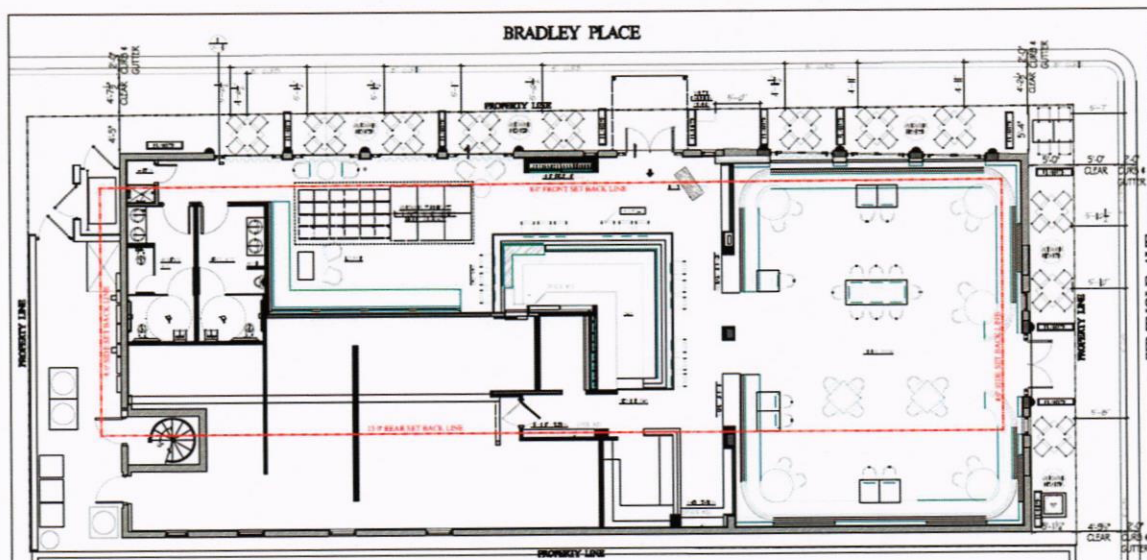
A preliminary review of the project indicates that the application, as proposed, appears to be consistent with the Town code.

STAFF ANALYSIS

Outdoor seating, whether in sidewalk cafes or parklets, increases the use of a city's public space, expands business activity and ultimately, adds vitality to an area. The applicant has presented a plan during inclement weather all 125 seats shall be indoors, during pleasant weather a maximum of 48 seats shall be permitted outside.

Since the incorporation of the outdoor dining in association with the pandemic, there has been zero complaints associated with noise or capacity of the outdoor seating. However, there has been multiple noise complaints pertaining to the music level, specifically as to when the doors open. Seating outside will proliferate the number of times the doors open in order for servers to access their service stations and tables. The current facility does not have an interior or exterior vestibule which may be a relatively simple way to help limit how much noise makes its way outside. As the outdoor seating is a special exception, it is up to the Town Council to assess the noise impact associated with the use of the two outdoor seating areas upon the closest existing residential dwellings to the outdoor seating areas.

The layout of the seats are proposed along both rights-of-way, with 9 four-tops situated along Bradley Place and 3 4-tops along Seminole Avenue.



In order to reduce the appearance of a cluttered environment, as well as to ensure that the 5-0" wide dimensional clearance is maintained, staff recommends that the amount of seating be limited to 2-tops configured parallel to the street.