



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-22-026
245 WORTH AVE SUITE A

MEETING: January 12, 2022

ZON-22-026 245 WORTH AVE SUITE A—SPECIAL EXCEPTION WITH SITE PLAN REVIEW.

The applicant, Le Bilboquet (Dobromira Trendafilova, Manager), has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception Request with Site Plan Review (Z-20-00247) to modify the hours of operation to be 7:00am (previously approved 11:00am) in order to serve breakfast seven days a week.

Applicant: Le Bilboquet
Professional: Dobromira Trendafilova, Manager Le Bilboquet
Representative: Maura Ziska (Attorney)

HISTORY:

The site plan for Le Bilboquet was originally approved July 2020, pursuant to Z-20-00247 for Site Plan Review with Special Exceptions

PROJECT DATA:

Zoning District: C-TS
Future Land Use: Commercial
Existing hours: 11:00 a.m. to 12:00 a.m.
Proposed hours: 7:00 a.m. to 12:00 a.m.

SURROUNDING PROPERTIES:

North: Surface parking lot
South: Two-story commercial
East: One-story commercial,
West: One-story commercial,

THE PROJECT:

The applicant has resubmitted a letter of intent, entitled "Le Bilboquet", as prepared by Dobi Trendafilova, Manager, dated 11/19/2021.

The following is the scope of work for the Project:

- Modifying the hours of the existing restaurant.

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

- Section 134-229, modification to the Special Exception to allow breakfast service, require special exception and site plan approval from the Town Council.

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

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

Le Bilboquet has been a welcome addition to the dining scene in Palm Beach since its opening in 2021. The restaurant has been operating with the hours of 11:00 a.m. to 12:00 a.m. midnight seven (7) days a week and has been very successful and a Town favorite. The restaurant would now like to add breakfast to their services and open at 7:00 a.m. seven (7) days a week. Staff has no concerns with the proposal.