



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-22-085 211-215 PERUVIAN AVE

MEETING: July 13, 2022

ZON-22-085 211-215 PERUVIAN AVE—SPECIAL EXCEPTION WITH SITE PLAN REVIEW. The applicant, Club Collette (Daniel Ponton, President), has filed an application requesting Town Council review and approval for Special Exception Request with Site Plan Review for outdoor café seating (40 seats) on private property in conjunction to an existing private club.

Applicant: Club Collette (Daniel Ponton, President)
Professional: Smith Architectural Group Inc
Representative: Peter Broberg

THE PROJECT:

The applicant has submitted plans, entitled "ZON-22-085 Club Collette", as prepared by **Smith Architectural Group Inc.**

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

- Special Exception Use (outdoor dining for outdoor café seating (40 seats) on private property in conjunction to an existing private club) w/ site plan review by Town Council.
 - Applicant requests to retain the outdoor seats outside when closing each night.
 - Outdoor music is requested when outdoor seating is in use primarily starting at 5:30 p.m. until closing which is generally no later than 11:00 pm.

The following Special Exceptions, Site Plan Review and/or Variance(s) is required to complete the project:

- Sec. 134-1109(14): Special Exception for outdoor café seating.
- Sec. 134-2106 (b) Criteria and conditions required to be met for approval of outdoor cafe seating on private property not within a street sidewalk:
 - 1) Outdoor cafe seating is not allowed to increase the capacity of a restaurant, dining room, retail specialty food including the sale of prepared food for takeout only, or private, social, swimming, tennis or yacht club. The exception is that a specialty foods use, including sale of prepared foods for takeout only that is under 2,000 square feet in gross leasable area may request up to eight [additional] outdoor cafe seats over the inside capacity provided that the seating meets the conditions herein.

- 2) Bars/lounges and nightclubs are not permitted to have outdoor cafe seating.
- 3) Outdoor cafe seating is restricted to boundary lines of the property on which the business owned by the applicant is located.
- 4) All tables, chairs, umbrellas, mist sprayer, space heaters or other customarily usual outdoor cafe seating furniture shall be located in such a manner that a minimum four foot-wide unobstructed pedestrian path is maintained at all times.
- 5) No objects shall be permitted around the perimeter of an outdoor cafe seating area occupied by tables and chairs that would have the effect of forming a physical or visual barrier discouraging the use of the pedestrian path.
- 6) An outdoor cafe seating area on private property shall only be allowed to have low-level, background music that does not exceed the maximum noise decibel requirements in sections 42-226 through 42-228 if approved by the town council as part of the special exception application approval.
- 7) No wait stations shall be allowed outside on a street sidewalk. All wait stations on private property shall not be visible from a sidewalk or street.
- 8) All kitchen equipment used to service the outdoor cafe seating shall be located within a building.
- 9) All outdoor cafe seating furniture, including all accessory appurtenances including but not limited to approved space heaters, misters and portable umbrellas that are located within the outdoor seating area shall be stored inside a building after close of business.
- 10) All outdoor cafe seating furniture, including the tables, chairs, awnings and space heater equipment shall be aesthetically and architecturally pleasing and approved by either the Architectural Commission or Landmark Preservation Commission, whichever is applicable.
- 11) The area covered by an outdoor cafe seating permit, and the sidewalk and street immediately adjacent to it, shall be maintained in a clean, neat and orderly appearance at all times and clear of any trash or refuse by the permittee. The area of the sidewalk, curb and gutter immediately adjacent to the sidewalk cafe shall be cleared of all debris during hours of operation and again at the close of each business day, or as may otherwise be determined by the director.
- 12) Areas associated with the outdoor cafe seating shall not count toward any maximum square footage limitations.

Site Data			
Zoning District	C-TS	Lot Size (SF)	6,250 SF
Future Land Use	COMMERCIAL	Existing license	Nightclub #00100409 Dining Room #00008490
Indoor Seats	150 dining room 106 nightclub	Outdoor Seats	40

Surrounding Properties / Zoning	
North	Three-story multifamily
South	Town surface parking lot
East	Two-story commercial / office, Le Bar
West	Two-story commercial / office

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

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

STAFF ANALYSIS

Outdoor seating, whether in sidewalk cafes or parklets, increases the use of a city's outdoor public spaces, expands business activity and ultimately, adds vitality to an area. The applicant is proposing to continue the ability to locate the previously permitted forty (40) seats outdoors on the private outdoor area of the private club, weather permitting. The applicant has presented a plan during inclement weather all seats shall be indoors, during pleasant weather a maximum of 40 seats shall be permitted outside.

In order to reduce the appearance of a cluttered environment, the Town Council required that all outdoor furniture be brought in after closing. Since the proposal is within private property of a private club, the applicant requests to retain the outdoor seats outside when closing each night. Additionally, the applicant is requesting to have outdoor music is requested when outdoor seating is in use primarily starting at 5:30 p.m. until closing which is generally no later than 11:00 pm. Note that pursuant to Sec. 134-2105. - Application. After town council approval of a special exception zoning application, the applicant shall file for an outdoor cafe seating permit application to the director of the planning, zoning and building department.