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By elyn at 1:41 pm, May 13, 2022

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CHARLES FRANCIS COE

(1890-1956)

GUSTAVE T. BROBERG, JR.

(1920-2001)

May 13, 2022

Re:

Classic Cuisine, d/b/a Club Colette

211 - 215 Peruvian Avenue

Palm Beach, FL 33480

LETTER OF INTENT

RELATED TO THE RETENTION OF PREVIOUSLY APPROVED OUTDOOR SEATING AT

211 - 215 PERUVIAN AVENUE (CLUB COLETTE)

PROJECT NUMBER: ZON-22-085

We are pleased to submit the accompanying submittal and drawings for review of the application for special exception with site plan review on behalf of Classic Cuisine Inc., a Florida profit corporation, d/b/a Club Colette (Daniel E. Ponton, President), to retain the previously permitted outdoor seating in conjunction with the Town's Annual Outdoor Café Permit program. Club Colette desires to continue the ability to locate the previously permitted forty (40) seats outdoors on it's private property, weather permitting. A unity of title is not necessary since 211 - 215 Peruvian Avenue were conveyed to the property owner in one deed in 1986 and are both leased to the Applicant with the condition both properties shall be used and operated as a private club and offices, but will be discussed with Town Council at the meeting. Further, since the outdoor seating is sequestered on private property, the Applicant requests a waiver from the requirement to bring the outdoor seats inside when closing each night. Both properties carry appropriate liability insurance. Music per the Code 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 p.m.. No variances are required in this Application. Documents satisfying the Checklist and the Final Notice Comments are submitted herewith showing the seating configurations and all other items addressed in the attached Response Narrative.

SPECIAL EXCEPTION 134-229

Special Exception to allow previously approved outdoor seating per the Town's Annual Sidewalk Café Permit program.

(1) The use is a permitted special exception use as set forth in Sec. 134-2106.

(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 will 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.

SEC. 134-329. REVIEW BY TOWN COUNCIL (SITE PLAN)

Site Plan review in conjunction with Special Exception to allow previously approved outdoor seating per the Town's Annual Sidewalk Café Permit program.

The approval of the site plan will not adversely affect the public interest and the specific zoning requirements governing the individual use have been met and that, further, satisfactory provision and an arrangement has 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.

SEC. 134-2106. - STANDARDS AND CRITERIA FOR SPECIAL EXCEPTION
AND OUTDOOR CAFÉ PERMIT APPLICATION REVIEW

The following standards, criteria and conditions of Sec. 134-2106(b) have been met as part of the special exception application for approval of outdoor café seating on private property not within a street sidewalk:

(1) Outdoor café 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 leaseable area may request up to eight [additional] outdoor café seats over the inside capacity provided that the seating meets the conditions herein.

- (2) Bars/lounges and nightclubs are not permitted to have outdoor café seating.
- (3) Outdoor café 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 café 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 café 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 café 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. The low-level, background music requested by Applicant will have the same source as the indoor seating, will not exceed the maximum level of 64 dBA during day hours and 58 dBA during night hours per the Code, with speakers located as depicted on the plans, and will operate when outdoor seating is in use primarily starting at 5:30 p.m. until closing which is generally no later than 11:00 p.m..
- (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 café seating shall be located within a building.
- (9) All outdoor café 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 after close of business. Applicant is seeking relief from putting chairs inside since all chairs are located on private property and sequestered from view.
- (10) All outdoor café 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 café 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.

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Palm Beach, FL 33480
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(12) Areas associated with the outdoor café seating shall not count toward any maximum square footage limitations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter S. Broberg", written in a cursive style.

Peter S. Broberg

PSB/amm

psb1/P:\PONTON Daniel\CLUB COLETTE\ZONING APPLICATION re POST COVID OUTDOOR PATIO SEATING\Application\FINAL DROP OFF - 5-13-22\Letter of Intent Club Colette - Final Drop Off.wpd

Response Narrative

May 13, 2022

Town of Palm Beach Planning, Zoning & Building
360 S. County Rd
Palm Beach FL 33480

Re: ZON-22-085
211-215 Peruvian Ave.
Palm Beach, FL 33480

Notice to Proceed dated 5/9/22

1. APPLICATION

- a. *Checklist: Please sign and date checklist.*
Included in Final Drop-Off.
- b. *LOI should identify seeking relief from putting chairs inside as required under the ordinance. Sec. 134-2106(b)(9)*
See LOI.
- c. *LOI requests music Sec. 134-2106(b)(6). Provide details of music, decibels, location of speakers and operation schedule (time and days) for Council consideration.*
See LOI; speaker locations are included on the plans and specifications are included with the furniture spec sheets.
- d. *Unity of Title is required and needs to be a condition of approval.*
Applicant believes a Unity of Title is not necessary.
- e. *All outdoor furniture elements are subject to a staff level application review.*
Noted. See specifications submitted.

2. ARCHITECTURAL PRESENTATION

- a. *APPLICANT TO NOTE: Sec. 134-2107. - Liability and insurance.*
A000 one table is located in front of garage, if this space is a garage you cannot block.
There is no garage on the property; see plans.

3. ZONING

- a. *SPECIAL EXCEPTION: Sec 134-2106(b): A request for outdoor café seating on private property.*
See LOI.
Seeking relief from putting chairs inside as required under the ordinance. Sec. 134-2106(b)(9)
See LOI.

Seeking allowance for music Sec. 134-2106(b)(6). Provide details of music, decibels, location of speakers and operation schedule (time and days) for Council consideration.

See LOI; speaker locations are included on the plans and specifications are included with the furniture spec sheets.

4. PUBLIC WORKS

a. What is rear parking lot intended use when outdoor seating is in affect? The movable partitions are shown across driveway access. Please label drive isle.

See prior Response Narrative - This information is shown on all plans. The existing driveway is used for vehicular traffic except when outdoor seating is in use; outdoor seating primarily starts at 5:30 p.m..

b. Identify emergency exists for seating areas on the plan.

The emergency exit for the outdoor seating area is labeled and shown on the site plan and the fair weather plan.

c. Street and Sidewalk should be labeled on overall site plans, Sheets A000, A100, and A100.1.

Street and Sidewalk are labeled on all sheets.

d. Location of seating and perimeter hedge which would be adjacent to the sidewalk is depicted on plans.

Yes, seating and perimeter hedge are depicted and labeled on plans