

TOWN OF PALM BEACH

Information for Town Council D. R. Meeting on: August 12, 2024

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

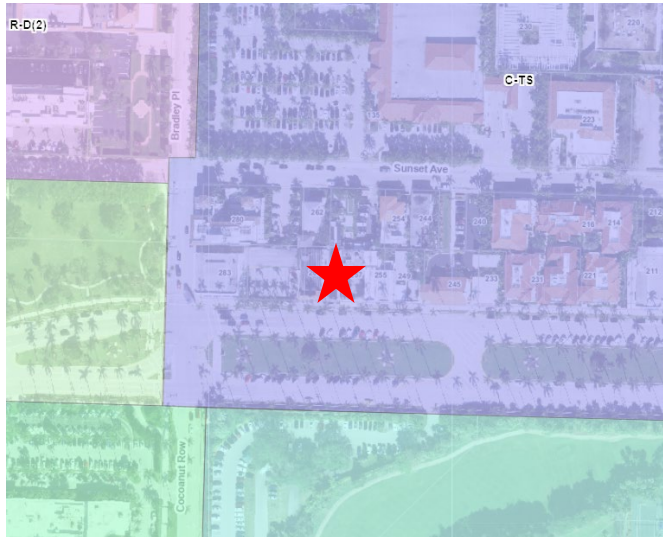
From: Wayne Bergman, ^{WLB}Director of PZB and James Murphy, ^{JM}Asst. Director of PZB

Re: Zoning in Progress 'ZIP' Waiver: Unnamed Café at 261 Royal Poinciana Way

Date: July 31, 2024

STAFF RECOMMENDATION

Staff recommends the Town Council deny the waiver of the zoning in progress to allow a new restaurant operation, a yet unnamed Café, to be located at 261 Royal Poinciana Way.



GENERAL INFORMATION

The exiting space is zoned C-TS, Commercial Town-Serving district, located along the north side of Royal Poinciana Way. The proposed new restaurant / café is located along a busy thoroughfare. The property does not contain any on-site parking. The space formerly contained Field of Greens. The new proposed food and beverage operation is intended to be breakfast and lunch specific concept.

At the June 12, 2024 Town Council meeting, the Council approved (4-1) a zoning in progress in regard to the regulation of the location and limitation of the number of restaurants, bars, night clubs, lounges and for-profit private clubs

in all commercial zoning districts of the town in which said uses are special exception uses, specifically, the C-TS Town-Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional And Institutional District, C-PC Planned Center District, and C-B Commercial District, pursuant to RESOLUTION NO. 069-2024. The Resolution provided for a 'waiver' provision in Section 4 of the Resolution from the zoning in progress to be reviewed and approved by the Town Council providing for a path for such uses to apply for the development review process.

It is believed that these Special Exception uses may be a contributing factor to the Town's traffic and congestion in parts of the Town that are adversely affecting the Town's public health, safety and welfare.

The prior Field of Greens, the space where the proposed yet unnamed café is preparing to occupy, recently received two approvals for relocation along Royal Poinciana Way—most recently on 7-10-2024 pursuant to ZON-24-0011. Both of these approved locations required a variance from the required parking requirements of the Town zoning Code. Royal Poinciana Way is a main thoroughfare, one of three with bridge access to

West Palm Beach, that currently contains three existing restaurants (Cucina, Henry's, and Almond) and two retail specialty foods/merchant retail (Main Street and Sprinkles) with some on-street parking and diagonal public parking along the two medians to serve the commercial uses. It has yet to be determined if this already exceeds a potential saturation of food and beverage operations along the retail street, and what impact the introduction of a new restaurant may have.

It is staff's opinion, that the granting of this waiver in this specific instance may contravene the study of said Special Exception uses which is being undertaken by the Planning and Zoning Commission and the Town regarding said matters.

Attached: Zoning in Progress Resolution No. 069-2024
 Applicant's Letter of Intent

RESOLUTION NO. 069-2024

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PALM BEACH DECLARING ZONING IN PROGRESS IN REGARD TO THE REGULATION OF THE LOCATION AND LIMITATION OF THE NUMBER OF RESTAURANTS, BARS, NIGHT CLUBS, LOUNGES AND FOR-PROFIT PRIVATE CLUBS IN ALL COMMERCIAL ZONING DISTRICTS OF THE TOWN IN WHICH SAID USES ARE SPECIAL EXCEPTION USES, SPECIFICALLY, THE C-TS TOWN-SERVING COMMERCIAL DISTRICT, C-WA WORTH AVENUE DISTRICT, C-OPI OFFICE, PROFESSIONAL AND INSTITUTIONAL DISTRICT, C-PC PLANNED CENTER DISTRICT, AND C-B COMMERCIAL DISTRICT; DIRECTING THAT WHILE ZONING IS IN PROGRESS THAT NO PERMITS SHALL BE PROCESSED OR GRANTED WHICH ARE IN CONTRAVENTION OF THE STUDY WHICH IS BEING UNDERTAKEN BY THE PLANNING AND ZONING COMMISSION AND THE TOWN REGARDING SAID MATTERS; EXCEPTING ANY APPLICATIONS WHICH HAVE BEEN PREVIOUSLY FILED AND UNDER CONSIDERATION BY THE TOWN; PROVIDING THAT THE TOWN COUNCIL MAY GRANT A WAIVER TO ZONING IN PROGRESS UPON APPLICATION AND FOR GOOD CAUSE SHOWN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, traffic and congestion within the Town have become highly problematic and are adversely affecting the Town's public health, safety and welfare; and

WHEREAS, it is believed that the proliferation of restaurants, bars, nightclubs, lounges and for-profit private clubs is a contributing factor to this problem; and

WHEREAS, the Town Council has directed its Planning and Zoning Commission to consider an ordinance regulating the number and location of restaurants, bars, night clubs, lounges and for-profit private clubs within all commercial zoning districts of the Town in which such uses are special exception uses; and

WHEREAS, so as not to frustrate the purpose and intent of the matter under consideration and the resulting ordinance, the Town Council hereby wishes to declare zoning in progress directing that the Town's Building Department not process any applications or grant any permits which may be in contravention of the matters under study; and

WHEREAS, any applications filed prior to this declaration of zoning in progress are hereby excepted from these provisions;

NOW, THEREFORE be it resolved by the Town Council of the Town of Palm Beach, Palm Beach County, Florida as follows:

Section 1. Zoning in progress is hereby declared in all commercial zoning districts of the Town in which restaurants, bars, nightclubs, lounges and for-profit private clubs are permitted, specifically, in the C-TS Town Serving Commercial District, C-WA Worth Avenue District, C-OPI Office, Professional and Institutional District, C-PC Planned Center District, and C-B Commercial District.

Section 2. This declaration of zoning in progress provides that no permits for new restaurants, bars, nightclubs, lounges or for-profit private clubs shall be processed or granted during the period that this matter is under consideration and study by the Town, with the

exception of any applications pending with the Town prior to the date of this resolution.

Section 3. Zoning in progress shall remain in effect for the duration of this matter being under consideration by the Town through its Planning and Zoning Commission and the Town Council and until an ordinance relating to this matter is adopted which period of consideration and adoption is intended to be concluded by December 10, 2024. Nothing shall preclude the Town Council from extending the period of zoning in progress in consideration of this matter if determined necessary by the Town. This declaration of zoning in progress is of a temporary nature so as to allow a careful but expeditious study of this matter and may be concluded prior to the December 10, 2024, date if an ordinance relating to this matter is adopted prior to said date.

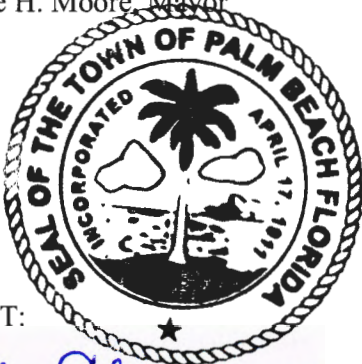
Section 4. Nothing herein shall preclude the Town Council, upon application and for good cause shown from granting a waiver to zoning in progress.

Section 5. This resolution shall become effective immediately upon passage.

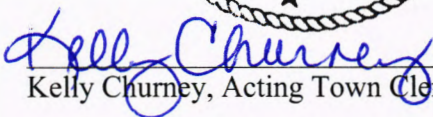
PASSED AND ADOPTED in a regular adjourned session of the Town Council of the Town of Palm Beach this 12th day of June, 2024.



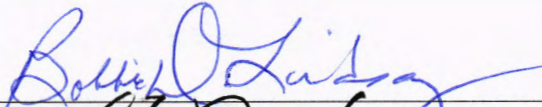
Danielle H. Moore, Mayor



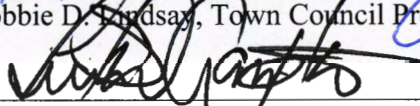
ATTEST:



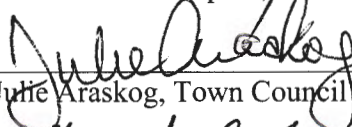
Kelly Churney, Acting Town Clerk



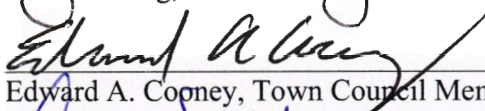
Bobbie D. Lindsay, Town Council President



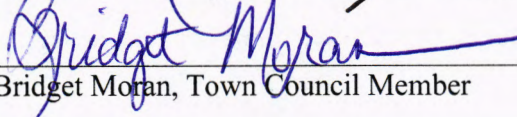
Lewis S.W. Crampton, Council President Pro Tem



Julie Araskog, Town Council Member



Edward A. Cooney, Town Council Member



Bridget Moran, Town Council Member

July 19, 2024

Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

Re: Waiver Request from Zoning in Progress Moratorium
261 Royal Poinciana Way Restaurant Space

We are respectfully requesting a waiver from the restrictions prohibiting Town staff from processing our client's application for a restaurant at 261 Royal Poinciana Way. On June 12, 2024, Town Council approved a zoning in progress, without publishing any notice that a zoning in progress would be considered at that meeting, prohibiting the Town from processing any applications for restaurants, bars, night clubs, lounges and for-profit clubs until after the Town's Zoning in Progress (ZIP) work is completed. As part of the approval for the restaurant prohibition, Town Council did approve a waiver request process where applicants could petition Town Council for a waiver from the prohibition by showing good cause to allow their project to be heard.

Our client owns and operates Cucina and wishes to create a new restaurant in the 261 Royal Poinciana Way space. Our client has been working on the design and restaurant concept for this space for more than 6 months, has incurred substantial costs in pursuit of that concept, and submitted materials to the Town on June 24th for the July 3rd pre-application meeting. After that submittal, our client was notified that it could not proceed because of the zoning in progress that was approved just 12 days prior. The 261 Royal Poinciana Way space was previously used for a small restaurant, and the design concept for the new restaurant will include between 30 and 50 seats for breakfast and lunch only, which can be taken from the 101-approved seats approved for Cucina, which is approved for lunchtime seating, but not currently utilizing those seats during the lunchtime hour. Therefore, the new small breakfast/lunch restaurant will have little, if any impact on parking, traffic, etc. Because of the time, effort and expense already put into this small restaurant project, we respectfully request that Town Council grant our waiver request allowing staff to process our special exception application and providing us an opportunity to present the merits of the application to the Town Council.

We thank you for your consideration of our request.

Sincerely,



James M. Crowley

JMC/jl