

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 13, 2021

To: Mayor and Town Council

Via: Kirk Blouin, Town Manager

From: Wayne Bergman, Director of Planning, Zoning & Building



Re: Waiver of Town Code Section 42-199, For Extended Working Hours at 200 Worth Avenue
– Ferragamo Building

Date: September 29, 2021

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the various internal renovations at the Ferragamo Building, 200 Worth Avenue. If approved, staff recommends that it be conditioned upon the September 28, 2021 letter and general construction schedule (attached) from Timothy Hanlon, Esq., which shows that the construction and the stock moving should be complete in February, 2022.

Staff has notified the applicant that granting of extended working hours is the sole discretion of the Town Council.

GENERAL INFORMATION

The applicant is requesting to continue the project throughout the winter season with an estimated completion date sometime in February, 2022. The code requires all Worth Avenue construction work to stop on October 31 of each year. The building permit for all work has been approved and is ready to be issued, but the contractor has not signed the Worth Avenue Affidavit, which is a department form and policy that has the contractor acknowledge that all work must cease on October 31 [of each year].

Ordinance 03-2018, passed by the Town Council on second reading on February 13, 2018, modified the construction working hours in the Town as follows:

Sec. 42-199. - Hours for construction work.

- (b) Limited. Beginning on the Monday preceding Thanksgiving, and during the months of December, January, February, March, and April of each year, construction work not otherwise prohibited by section 42-198 or other work resulting in noise tending to disturb the people in the vicinity thereof shall not begin until the hour of 8:00 a.m., and shall cease at the hour of 5:00 p.m., except Saturday, Sunday, and legal holidays, when all construction work is prohibited. In no event shall heavy equipment or other*

construction-related noise be permitted before 9:00 a.m. At all other times such work may commence at 8:00 a.m. and cease at the hour of 6:00 p.m., except Saturdays, Sundays and legal holidays, including the Friday immediately after Thanksgiving, when all construction work is restricted or prohibited. Construction work is permissible on Saturdays from May through the Monday preceding Thanksgiving, but subject to the following restrictions: work shall not begin until the hour of 9:00 a.m. and shall cease at the hour of 5:00 p.m.; all work must be quiet in nature during which all of the noise and machinery prohibitions identified in section 42-198 are applicable; material deliveries are prohibited in all cases unless the Building Official waives such restriction due to compelling circumstances; concrete pours and concrete sawing is prohibited unless the Building Official waives such restriction due to compelling circumstances; and the razing of buildings is prohibited, with the exception of non-mechanized debris clean-up. The permitted hours for construction work in the C-WA zoning district shall be from 8:00 a.m. until 8:00 p.m. during the months commencing May 1 and ending on October 31, except Sundays and legal holidays, when all construction work is prohibited.

(c) *Exceptions.*

- (5) *The town council, in its discretion, for the benefit of the health, safety and welfare of the residents of the town may, by resolution, temporarily amend the hours for construction work referenced herein.*

The applicant was asked to notify surrounding property owners of the request and of the date of this meeting, as required.

Attachments – September 28, 2021 Letter from Timothy Hanlon, Esq., with Estimated Schedule of Work

WRB

LAW OFFICES
ALLEY, MAASS, ROGERS & LINDSAY, P.A.

340 ROYAL POINCIANA WAY, SUITE 321

POST OFFICE BOX 431

PALM BEACH, FLORIDA 33480-0431

(561) 659-1770

FACSIMILE (561) 833-2261

WWW.AMRL.COM

ALAN LINDSAY (RET.)
DAVID H. BAKER
WILLIAM W. ATTERBURY III
LOUIS L. HAMBY III
ROBB R. MAASS
M. TIMOTHY HANLON
WARREN D. HAYES, SR.
STUART J. HAFT
CAROL S. WAXLER
CATHERINE KENT
JESSICA SHAPIRO
BRUCE A. McALLISTER
DAVID R. MAASS
CHRISTINE BIALCZAK
NICOLE K. MAASS
LAURA B. KNOLL
GRIFFIN W. SHER

RAYMOND C. ALLEY (1893-1975)
HAROLD G. MAASS (1923-2006)
DOYLE ROGERS (1928-2016)
KAREN S. MARX (1964-1994)

1331 SE OCEAN BOULEVARD
STUART, FLORIDA 34996
P (772) 287-4404
F (772) 287-4044



September 28, 2021

Wayne Bergman
Director of Planning, Zoning and Building
360 S. County Road
Palm Beach, FL 33480

Re: Ferragamo Building; 200 Worth Avenue

Dear Wayne:

We represent Ferragamo USA, Inc. ("Ferragamo"), the owner of 200/204 Worth Avenue.

Ferragamo has owned the property since 1984 and has continuously operated a store in Palm Beach since 1986. Ferragamo is a brand that stands for excellence in style and quality, and the owner has been a high quality property owner and town-serving retailer during this entire time.

In keeping with its world renown standard of excellence, Ferragamo is undertaking a major renovation to update its physical stores. The renovation work is being completed pursuant to building permit B-21-91014 (approved on 9/17/21), which has been approved but not issued because it is impossible for the work to be completed by October 31, 2021, the seasonal deadline imposed by Code Section 42-199.

The challenge of this renovation is that the work must be completed in stages to allow the temporary store at 440 S. County Rd to remain open. Initially, the renovation work at 440 had to be completed, which it now has. The inventory from the stockroom at 200 will now be moved to 440 while the renovation of the 200 Worth Ave stockroom is completed. Upon completion of the renovation of the 200 Worth Ave stockroom, the stockroom inventory will be returned to the 200 Worth Ave stockroom. At that point, the inventory from the 200 Worth Ave selling floor will be moved to the 440 stockroom to permit the renovation of the 200 Worth Ave selling floor. Upon

completion of the renovation of the 200 Worth Ave selling floor, that inventory will be returned to 200 Worth Ave.

The proposed timeline is as follows:

August:	Renovation of 440 S. County Complete
September:	Move Stock Space from 200 Worth Ave to 440 S. County
October	Stockroom Construction at 200 Worth Ave (Framing, HVAC, Drywall, Millwork, Shelving, IT/Security)
November	Move Stockroom from 440 S. County back into stockroom at 200 Worth Ave – Then move 200 Worth Ave Selling floor into 440 South County
December	Selling floor construction at 200 Worth Ave (Framing, HVAC, Electrical, Drywall, Flooring)
January	Finish construction and install Millwork & Furniture
February	Move Selling space back into 200 Worth Ave and reopen fully renovated and cosmetic prep of 440 S. County for new tenant.

All renovation work is to be completed indoors, and all sound impacts will be mitigated by the existing impact windows and doors. Given the nature of the work, it is likely that no work will be heard outside. More importantly, the impact will be further mitigated because Ferragamo itself is one of the neighbors (at 440 S. County Rd.) and a tenant of Ferragamo is the other (and accommodations have and will be made with the tenant).

As it has with all construction and renovations projects, the effects of COVID-19 have caused additional delays resulting in this request. Examples of the delays include the following:

- Sea freight delays including lack of shipping containers/vessels, shipments rerouted to different ports
- Air freight delays including limited flights, shipments bumped off flights

Wayne Bergman
September 28, 2021
Page Three

- Delays with customs clearance due to labor shortage
 - Delays with local hauling due to labor shortage
 - Construction delays due to workers exposed to or contracting COVID and/or site limitations due to same
 - Construction delays due to labor and materials shortages
- Continued delays are anticipated due to COVID and world conditions.

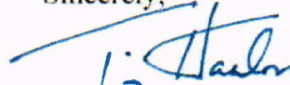
Throughout the years since it purchased the property in 1984, Ferragamo has been not only a town-serving store but also an accommodating partner of the Town. For example, just recently Ferragamo has frequently allowed use of its parking lot to accommodate work by the Town in transitioning the utilities underground and has also voluntarily granted two easements to the Town in the past couple years.

Ferragamo is actually making a long-term commitment, through its multi-million dollar renovations, to Worth Ave and Palm Beach thereby enhancing the prestige and viability of both Ferragamo and Worth Avenue.

We respectfully request that the Council grant the requested extension to enable Ferragamo to complete this staged renovation, which should have little to no negative impact on Worth Ave.

If you have any questions, or need additional information, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "M. Timothy Hanlon", with a stylized flourish above the name.

M. Timothy Hanlon

cc: Ferragamo USA, Inc.



AFFIDAVIT

STATE OF FLORIDA

COUNTY OF PALM BEACH, TOWN OF PALM BEACH

BEFORE ME THIS DAY PERSONALLY APPEARED _____, (permit license holder)
WHO BEING DULY SWORN, DEPOSES AND SAYS THAT:

1. He/she is the qualifier/license holder, or the qualifier's authorized agent (authorization attached), and further;
2. ACKNOWLEDGES THAT ALL WORK ON WORTH AVENUE IS PROHIBITED FROM NOVEMBER 1 THROUGH APRIL 31 AND ANY WORK AND REQUIRED INSPECTIONS RELATIVE TO PERMITS ISSUED ON WORTH AVENUE, MUST BE COMPLETED BY OCTOBER 31.

PERMIT #: _____ JOB ADDRESS: _____

DATE: _____

SIGNATURE OF QUALIFIER: _____

PRINT NAME: _____

QUALIFIER LICENSE NUMBER: _____

NOTARY AS TO QUALIFIER: _____

MY COMMISSION EXPIRES: _____