



**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-21-026 (ARC-21-078)  
175 Worth Avenue

**MEETING:** December 15, 2021

**ZON-21-026 (ARC-21-078) 175 WORTH AVENUE (COMBO).** The applicant, PB Worth Partners LLC, has filed an application requesting Town Council review and approval for a Site Plan Review including a variance to further reduce the required front (south) setback along Worth Avenue for the proposed ground floor new entry addition, in order to renovate and modify the existing ground floor retail tenant in an existing two-story building.

**ARCOM NOTICE:**

**ARC-21-078 (ZON-21-026) 175 WORTH AVENUE (COMBO).** The applicant, PB Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for exterior modifications to an existing two-story building including the installation of new storefronts replacements and new awnings, and the construction of a new entry door and vestibule, including a variances from the setback requirements for a retail renovation. The variance portion of the application shall be reviewed by Town Council.

Applicant: PB Worth Partners LLC  
Professional: Kenneth Parks/Kenneth Parks Architects  
Representative: M. Timothy Hanlon

**HISTORY:**

At the November 19, 2021 ARCOM meeting, an application was approved for the exterior modifications to an existing two-story building, pursuant to ARC-21-078.

**THE PROJECT:**

The applicant has submitted plans, entitled "175 WORTH AVENUE", as prepared by **Kenneth Parks Architects**, dated 10/11/2021.

The following is the scope of work for the Project:

- Storefront window and door replacement.
- Modification to existing main entry.
- Removal and replacement of existing signage and corner clocks.

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

- Per Section 134-1163(5), a variance to reduce the by 10'-0" the existing non-conforming front setback of 2'-6" where 5'-0" is required and 1'-8" is proposed and provide 8'-2" of clear sidewalk in lieu of 9'-0" existing and 10'-0" minimum required.

**PROJECT DATA:**

Zoning District: C-WA  
Future Land Use: Commercial

**SURROUNDING PROPERTIES:**

North: One-story US Post Office  
South: Two-story commercial the  
Esplanade (Sacks)  
East: One-story Chase Bank drive-thru  
West: Three-story commercial/office

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**VARIANCES CRITERIA SEC. 134-201**

The town council may authorize upon appeal such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will result in unnecessary and undue hardship. In order to authorize any variance from the terms of this chapter, the town council must and shall find the following:

- (1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district.
- (2) The special conditions and circumstances do not result from the actions of the applicant.
- (3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, buildings or structures in this same zoning district.
- (4) Literal interpretation of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of this chapter and would work unnecessary and undue hardship on the applicant.
- (5) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- (6) For granting of a variance to sections 134-387 or 134-390 through 134-392, pertaining to the regulation of nonconforming uses, the following additional findings shall be made pertaining to the nonconforming use for which the variance is requested:
  - a. It is the continuance of a unique hotel or residential use that has, for at least 15 years proven compatible with the surrounding uses; and
  - b. Neither rezoning to a district which would allow the use, nor inclusion of the subject use as a permitted or special exception use in the district would act to achieve the preservation of the subject use without opening the possibility of the incursion of uses incompatible with the immediately surrounding area and, further, such variance shall:
    1. Be granted only for the continuation of the same hotel or residential use; and
    2. Require the applicant to submit a declaration of use limiting the utilization of the property for which the variance was granted to the same use as that existing at the time the variance was granted.
- (7) The grant of the variance will be in harmony with the general intent and purpose of this chapter, and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare. In granting any variance, the town council may prescribe appropriate conditions and safeguards in conformity with this chapter. Upon granting a variance the town council may require the landowner to provide a declaration of use agreement which shall be recorded in the public records to ensure continuing compliance with town council imposed conditions of such grants. Violation of such conditions and



safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter.

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**SITE PLAN REVIEW CRITERIA SEC. 134-329**

Before any site plan shall be approved, approved with changes, or denied, the town council shall make a finding that the approval of the site plan will or will not adversely affect the public interest and certify that the specific zoning requirements governing the individual use have or have not been met and that, further, satisfactory provision and an arrangement has or has not 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.

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

A preliminary review of the project indicates that the proposed **retail 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 inconsistent with the following sections of the Town code:

The applicant is requesting the following variance(s):

- Section 134-1163(5) variance to reduce by 10" the existing non-conforming front setback of 2'6" where 5' is required and 1'8" is proposed and provide 8'2" of clear sidewalk in lieu of 9' existing and 10' minimum required.

**STAFF ANALYSIS**

A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following sections of the Town code:

- One (1) setback variance from Section 134-1163(5) from front yard requirements in the C-WA Worth Avenue district

According to the applicant, the hardship that runs with the property is that this building was constructed in 1980 pursuant to an older version of the Zoning Code. The proposed new storefront is a tremendous upgrade and the reduced setback in the amount of 10" is de minimis as the two new pillars are only 3'4" wide and will have no negative impact on the pedestrians within the walkway in front of the Tourneau store. The approval may help further activate the eastern portion of Worth Avenue commercial axis.