

TOWN OF PALM BEACH

Information for Town Council Meeting on: March 9, 2022

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 244 Worth Avenue

Date: February 16, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the buildout of a temporary store for Lora Piana. If approved, staff recommends that it be conditioned upon the February 2, 2022 letter (attached) from Maura Ziska, Esq., along with the January 31, 2022 letter prepared by Batten Construction, which shows construction should start on April 4, 2022, and end on April 15, 2022 (9 days total).

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 outfit a temporary space for the tenant, Lora Piana. With only nine days of interior construction, the tenant can set the space up with merchandise from their existing store, located at 245 Worth Ave. The existing store will undergo renovations during the off-peak season.

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 notified the surrounding property owners of the request and of the date of this meeting, as required.

Attachments – February 2, 2022 letter from Maura Ziska

January 31, 2022 letter from Batten Construction

February 2, 2022 letter from Maura Ziska to the abutting neighbors

WRB

KOCHMAN & ZISKA PLC

Ronald S. Kochman*
Maura A. Ziska
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Amy D. Bahl
*Also admitted in New York

Esperanté
222 Lakeview Avenue, Suite 1500
West Palm Beach, Florida 33401

Telephone: (561) 802-8960
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February 2, 2022

VIA EMAIL

wbergman@townofpalmbeach.com

Mr. Wayne Bergman, Building Official
Town of Palm Beach
360 S County Road
Palm Beach, FL 33480

Re: Work on Worth Avenue/244 Worth Avenue, Palm Beach, FL

Dear Wayne,

This letter shall serve as formal notice of the request for a waiver of the time schedule for Worth Avenue construction to outfit a temporary store for Loro Piana into space located at 244 Worth Avenue. Enclosed is a schedule from Batten Construction. They would like to start April 4, 2022 and complete work on the 15th. This would give Loro Piana two weeks to merchandise before Batten begins renovations at their current location. The contractors will access the space through the front entry between 8:00 AM and 8:30 AM and remain there until the workday is completed. All loading and unloading would be complete by 10 AM. The workers will primarily park at Batten's office in West Palm Beach and will be bused to the site and if necessary park in the Apollo parking lot. I have also included a copy of the letter that will be sent notifying the abutting property owners and the owners across the street from the project.

Please place this request on the March 9, 2022 Town Council agenda.

Respectfully,


Maura Ziska

/maz
Enclosures
cc: Client



January 31, 2022

Mrs., Jane Holzer
Holbrook Real Estate LLC
247 Worth Avenue
Palm Beach, Florida 33480

Re: Temp Store for Loro Piana at 244 Worth Avenue

The following minor improvements are scheduled at Loro Piana Temp Store.

1. Sisal Carpet over Existing Flooring – Quiet Process No Demolition Required – Carpet will be cut offsite.
2. Paint Existing Drywall Surfaces to Match Brands Interior Color – Quiet Process
3. Removal (1) 4 Ft by 10 Ft Non Load Bearing Stud Wall – Minor Noise Duration 20-30 Minutes.
4. Patch Drywall – Quite Work
5. Add (1) Additional Electrical Circuit to support cash wrap – Noise will be Confined to Individual Unit and will not be audible outside of the unit
6. Installation of Free Standing Cabinetry Displays Built off Site
7. Signage Change – After May 1
8. Awning Change After May 1

We would propose to following to assist with concerns of a Late Season “Fit-Out”

- All pick up & deliveries take place between the Hours of 8 AM and 10 AM before retail hours as to not adversely affect the merchants
- We will be carpooling man-power from our office and would have no more that 3 Vehicles in the Apollo Parking lot per day.
- We would require Loading and unloading Permit for hours between 8 and 10 in the Commercial Loading Zone in front of the Store as there is not backdoor access.
- Storefront and Windows will have TOPB approved window screening graphics so Activity inside the store is not visible from the Street or Sidewalk.

Gage Batten

Batten Construction, Inc

Building upon generations of experience

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February 2, 2022

RE: 244 Worth Avenue, Palm Beach

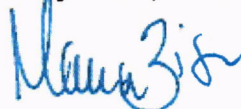
To Whom It May Concern:

A waiver of Town Ordinance 42-199, Hours of Construction, is being requested by 244 Worth Avenue, to allow interior work to occur during normal seasonal hours from April 4, 2022 through April 15, 2022.

This matter will be presented to the Town Council at the regularly-scheduled meeting on March 9, 2022. Any concerns regarding this matter should be expressed at this meeting.

This notice is required to be postmarked no later than 10 days prior to the regularly scheduled meeting.

Respectfully,



Maura Ziska