



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-22-068 (COA-22-024) 238 PHIPPS PLZ (COMBO)

MEETING: June 15, 2022

ZON-22-068 (COA-22-024) 238 PHIPPS PLZ (COMBO)—VARIANCES. The applicant, Phipps Plaza Properties Partners LLC, has filed an application requesting Town Council review and approval for variances to (1) reduce by 4'11" the required side (west) setback of 5' to place a 6' tall air-conditioning unit at 1" to the property line and to (2) reduce by 2'-2" required rear (south) setback of 5' to place the equipment at 2'-10" to the property line, (3) to forgo equipment screening requirement, and (4) for a variance from Chapter 50 for the required elevation for a new AC equipment on a landmarked building to install at 4.0' NAVD in lieu of the required 8' NAVD.

LPC NOTICE:

COA-22-024 (ZON-22-068) 238 PHIPPS PLZ (COMBO). The applicant, Phipps Plaza Properties Partners LLC, has filed an application requesting a Certificate of Appropriateness approval for the installation of new proposed location for HVAC equipment requiring setback variances, a variance to forgo equipment screening requirement as a result of FPL transformer location, new hardscape and landscape, to a landmarked structure; and including a variance from Chapter 50 for the required elevation for the new AC equipment. Town Council will review the variance portion of the application.

Applicant: Phipps Plaza Properties Partners, LLC (Joshua Levy, Manager)
Professional: Keith Spina / Spina Orouke + Partners
Representative: Maura Ziska, Attorney

HISTORY:

At the May 18, 2022 LPC meeting, an application was approved (7-0) for the installation of mechanical equipments to a landmark structure, including variances, pursuant to COA-22-024. The Commission additionally recommended favorably on the variance associated with project (7-0).

THE PROJECT:

The applicant has submitted plans, entitled "238 PHIPPS PLAZA", as prepared by **Keith Spina / Spina Orouke + Partners**, dated 04/08/2022.

The following is the scope of work for the project:

- Relocation of previously approved HVAC equipment due to the location of a new FPL transformer
- Landscape alterations
- Hardscape alterations

The following Variances required to complete the project:

1. Section 134-1728(a)(1): Variance request to place a 6' tall air-conditioning unit with a west side yard setback of 1' in lieu of the 5' minimum required.
2. Sec 134-1728(a)(1): A variance request to place a 6' tall air-conditioning unit with a south rear yard setback of 2'-10" in lieu of 5' minimum required for an air-conditioning unit.
3. Sec 134-1728(a)(4): To allow A/C equipment to not be completely screened by a concrete wall.
4. Variance from Chapter 50 for the required floor elevation for the new ground floor addition. Section 50-114 – Historic Buildings A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building, to install a new AC equipment at grade 4.1' NAVD in lieu of the required 8' NAVD.

Site Data			
Zoning District	R-C Medium Density Residential	Lot Size (SF)	1,710 SF
Future Land Use	MULTI FAMILY	Total Building Size (SF)	N/C
C-O-R	3.12' NAVD	Flood Zone	AE 6'
Exist Fin. Floor Elevation	4.95' NAVD	Prop. Fin. Floor Elevation	N/C
Year of Construction:	1920s	Architect:	Wyeth, King, and Johnson
Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	30% (513 SF)	62.9% (1,077 SF)	62.2% (1,077 SF)
Building Height	23' 6"	23' 4"	N/C
Overall Building Height	31' 6"	29'	N/C
Landscape Open Space	45% (769.5 SF)	25% (441 SF)	31.3% (535 SF)
Native Plant Species %	35%	N/A	35%

*If value is not applicable, N/A

*If value is not changing, N/C

Surrounding Properties / Zoning	
North	1925 Three-story Condominium
South	1956 Financial office building

East	1925 Two-story office building
West	1925 Two-story multi family residence

STAFF ANALYSIS

Construction of previously approved work is currently underway at the existing Landmark Structure built in 1925. The proposed work includes a location for new HVAC equipment requiring (2) setback variances, and a flood plain variance, as a result of FPL transformer location; as well as new hardscape and landscape modifications.

Additionally, the following Variances have been identified:

- Section 134-1728(a)(1): Variance request to place a 6' tall air-conditioning unit with a west side yard setback of 1" in lieu of the 5' minimum required.
- Sec 134-1728(a)(1): A variance request to place a 6' tall air-conditioning unit with a south rear yard setback of 2'-10" in lieu of 5' minimum required for an air-conditioning unit.
- Sec 134-1728(a)(4): To allow A/C equipment to not be completely screened by a concrete wall.
- Variance from Chapter 50 for the required floor elevation for the new ground floor addition. Section 50-114 – Historic Buildings A variance is authorized for the improvements to and rehabilitation of this historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Buildings, Chapter 12 Historic Buildings, as the proposed improvements will not preclude the building's continued designation as a Historic building. to install a new AC equipment at grade 4.1' NAVD in lieu of the required 8' NAVD.

The proposed area of work is in the rear (south) of the property which abuts the surface parking lot for the financial institution. An existing concrete site wall separates the two property and will completely visually screen the equipment. Additionally, the incorporation of a 6' high green buttonwood hedge will amplify the screening. The new equipment will be set at grade elevation, resulting in the flood plain variance.