

TOWN OF PALM BEACH

Information for Town Council Meeting on: September 14, 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 150 Worth Avenue
– Esplanade Building

Date: August 17, 2022

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the various internal courtyard repairs and maintenance work at the Esplanade Building, 150 Worth Avenue. If approved, staff recommends that it be conditioned upon the August 15, 2022 letter from Yvonne A. Jones, which indicates that the construction may last until year's end.

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 repair and maintenance work of the building structure, caused by years of water infiltration. Please see the attached photographs of some building shell damage, visible from the second floor. Scaffolding and shoring are necessary at certain locations to protect customers and to secure the building. The code requires all Worth Avenue construction work to stop on October 31 of each year. The work has been underway for some time, and I personally observed some structural concerns last week that the owner intends to correct as they continue with the structural repair work.

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. The applicant agreed to cease the work during the Thanksgiving and Christmas weeks.

Attachments – August 15 Letter from Yvonne A. Jones, Wilson 150 Worth LLC, w/ pictures

WRB

Wilson 150 Worth LLC
c/o O'Connor Property Management LLC
240 Royal Palm Way, 2nd Floor
Palm Beach, FL 33480

August 15, 2022

VIA EMAIL (wbergman@TownOfPalmBeach.com)

Mr. Wayne Bergmann. MCP, LEED-AP
Directory of Planning, Zoning & Building
Town of Palm Beach
360 S. County Road
Palm Beach, FL 33480

**RE: Upcoming Interior Courtyard Repair & Maintenance Work
The Esplanade at 150 Worth Avenue, Palm Beach**

Dear Wayne,

Thank you again for taking time to meet with our team on Friday, August 5th. Per our discussion, we would like to request that myself, and other owner representatives of The Esplanade at 150 Worth Avenue, be granted permission to appear in front of Town Council during their regularly scheduled planning and zoning meeting to be held on September 14th. The purpose is for ownership to seek approval to continue interior courtyard repair and maintenance work currently underway at the Esplanade.

Pursuant to section 42-199 of the Code of Ordinances, an exception to continue work beyond October 31st may be granted at the discretion of Town Council. Although we are very close to the work being completed, recent unforeseen circumstances regarding life-safety matters have arisen which require more attention. Therefore, we would like to have the opportunity to work through the end of the year, with the exception of the Thanksgiving and Christmas holiday weeks.

I have included some reference photos for your review. Please let me know if we can be added to the agenda and/or if there is additional information you need before doing so.

Thank you in advance for your help.

Sincerely,

Yvonne A. Jones

Yvonne A. Jones, CPM
Property Manager for the Esplanade, 150 Worth Avenue

cc: Glen Graubart
Ed Menter



