



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
(561) 838-5431 • www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Memorandum: Town Council Development Review

TO: Mayor and Town Council

THRU: Wayne Bergman, MCP, LEED-AP
Director PZ&B

FROM: Jennifer Hofmeister-Drew, AICP
Planner III

SUBJECT: ZON-23-033 (ARC-23-022) 125 WORTH AVE (COMBO)

MEETING: MARCH 15, 2023

ZON-23-032 (ARC-23-022) 125 WORTH AVE (COMBO)–SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, 125 Worth Partners LLC, has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review for the substantial demolition exceeding 50% exterior building elevations for the renovation and expansion of the existing four story nonconforming commercial building (with underground parking) including multi-story additions and façade alterations proposing in accordance with the Worth Avenue Design Guidelines and a Special Exception to permit retail and office uses greater than 4,000 SF gross leasable area in the C-WA district. Additionally, the applicant is seeking review and approval for Variances (1) to reduce the required parking; (2) to modify and expand nonconforming four-story building; (3) to exceed the maximum overall building height in order to construct a new rooftop and rooftop projections; (4) to exceed the maximum allowable lot coverage for the fourth level; (5) to reduce the required front yard setback, (6) to eliminate the requirement for an on-site loading space, (7) to retain and increase the existing nonconforming lot coverage for the first, second and third levels; (8) to retain the existing nonconforming building length; (9) to retain the existing nonconforming landscape open space; and (10) to further increase the existing nonconforming floor area due in association with the voluntary demolition of portions of the nonconforming building exceeding 50% of exterior wall square footage, in conjunction with the renovation of an existing four-story office and retail building. The Architectural Commission will perform the design review.

ARCOM NOTICE:

ARC-23-022 (ZON-23-032) 125 WORTH AVE (COMBO). The applicant, 125 Worth Partners LLC, has filed an application requesting Architectural Commission review and approval for the substantial demolition, renovation and expansion of the existing four-story nonconforming commercial building with underground parking, including multi-story additions and façade alterations in accordance with the Worth Avenue Design Guidelines, involving multiple variances including from the parking requirements, setback, lot coverage, height and open space regulations and other nonconforming aspects of the existing building. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 125 Worth Partners LLC
Professional: Fairfax + Sammons
Representative: Josh Martin

HISTORY:

In 1969, the development plan for the subject property was originally contemplated as a six (6) story office building with underground parking. The project received approval and was granted one (1) building permit extension the following year. However, during this period in Town history, the zoning code was under review, which included consideration of limitations to building height, among other things. As a result, “zoning in progress” was instituted. Those plans ultimately expired and a few years later a new proposal came forward that defined the structure as it stands today, as a four-story structure with a ground floor retail component, two levels of office space and an expansive penthouse mechanical equipment level, all above two (2) levels of underground parking. From 1974 to 2012, a number of special exceptions and variances related to use or leasable square footage have been granted by the Town Council.

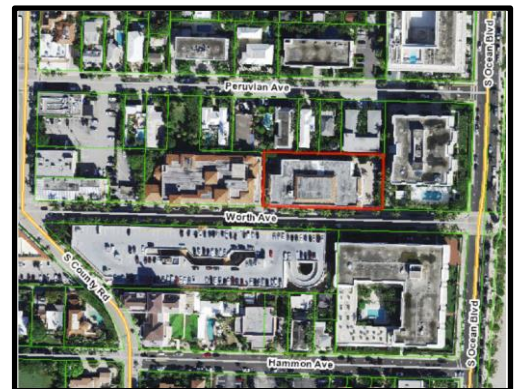
Most recently, an application for special exception with site plan review and variances to improve the building and expand the fourth floor, B-074-2019 (Z-19-00232), was tentatively scheduled for review and consideration by ARCOM and the Town Council on December 13, 2019, and January 15, 2020, respectively, but was subsequently withdrawn by the property owner.

THE PROJECT:

The applicant, 125 Worth Partners LLC, has submitted plans, entitled "125 WORTH AVENUE", as prepared by Fairfax, Sammons and Partners, LLC, dated February 10, 2023, is now under consideration to redevelop, improve and expand the existing structure located at 125 Worth Avenue.

The subject property consists of approximately 0.79 acres (0.86 Palm Beach acre) and is located on the north side of Worth Avenue, less than 300 feet from the Atlantic Ocean in the “East-End Development Area” of the Worth Avenue Design Guidelines. The property has a Future Land Use designation of Commercial with a compatible Zoning classification of Worth Avenue District (C-WA).

The current application is a request for site plan approval that includes two (2) special exceptions and 10 variances to revitalize and expand the 48-year-old commercial building to be redesigned as a blend of Neoclassical and Mediterranean Revival architecture in its composition, consistent with the standards for renovation as set forth in the Worth Avenue Design Guidelines (<https://www.townofpalmbeach.com/DocumentCenter/View/165/Worth-Avenue-Design-GuidelinesWorth-Avenue-Design-Guidelines> ([townofpalmbeach.com](https://www.townofpalmbeach.com))).



125 Worth Avenue

The Worth Avenue Design Guidelines are intended for use by the general public and the Town’s reviewing bodies, Landmarks Preservation Commission (LPC), Architectural Review Commission (ARCOM) and Town Council in evaluating new construction as well as alterations, renovations, or other changes to existing structures along Worth Avenue. The guidelines are intended to encourage the maintenance and restoration of the architectural heritage of Worth Avenue and to encourage the creative use of modern variants of the Mediterranean-Revival, NeoClassical, and other compatible architectural styles. They are further intended to promote the use of “Mizner-style” Mediterranean-type pedestrian characteristics such as arcades, shopping vias, courtyards and patios, fountains and sculptures, extensive landscaping, multi-level development, and especially the provision of upper-story residences.

STAFF ANALYSIS

Zoning

The applicant has included a detailed Letter of Intent (LOI) providing a project narrative, responses to staff comments generated in the Pre-App meeting, first and second round of comprehensive zoning reviews, and descriptions of current requests for Special Exceptions with Site Plan Review and Code relief to Division 9, Worth Avenue District (C-WA), Code of Ordinances. Pursuant to Code Section 125-1156, the purpose of the C-WA District is to preserve and enhance the unique quality and character of Worth Avenue, oriented to pedestrian shopping and a wide range of retail and service establishments, to be developed whether as a unit or as individual parcels, serving the short-term and long-term needs of townspersons. Drive-in retail facilities are not permitted. Further, it is the intent of this district to enhance the town-serving character of the area through use of limitations on maximum gross leasable area (GLA), thereby reducing the problems of parking and traffic congestion determined to result from establishments of a region-serving scale. The Worth Avenue Design Guidelines are incorporated and adopted as part of C-WA regulations as fully set forth in Division 9, Code of Ordinances.

In accordance with the Worth Avenue Design Guidelines, the adopted urban design goals for Worth Avenue include the following:

- A. Protect and Enhance the Avenue's Market Appeal for the Benefit of the Residents of the Town
- B. Protect the Unique Character of the Older Areas of Worth Avenue and Promote Continuity and Enhancement in Newer Areas
- C. Strengthen Pedestrian Character and Create New Vias and Other Pedestrian Linkages
- D. Maintain and Continue to Create a Diverse Mix of Activities
- E. Maintain High Expectations for the Quality of Architecture Along Worth Avenue
- F. Strengthen the Avenue's Distinctive Landscape Character
- G. Continue and Expand the Tradition of the Avenue's Arcaded Walkways
- H. Strengthen the Provision of Consistent and Compatible Street Spaces

As described in the Worth Avenue Design Guidelines, the corridor is divided into three (3) specific development areas, generally following the division of Worth Avenue by blocks that were developed over time, beginning with the West-End and concluding with the East-End. The subject site is located within the East-End Development Area that extends from South County Road to South Ocean Boulevard and consists of the most recently constructed buildings within the C-WA district.

The Urban Design objectives for the East-End Development Area consist of the following:

- To preserve, maintain, and enhance existing Mediterranean Revival/Neo-Classical character of the area.
- To encourage the protection and enhancement of non-designated but potential Mediterranean-Revival/Neo-Classical historical structures.
- To encourage new development and remodeling to use Mediterranean-Revival, Neo Classical architectural styles, or other updated compatible variants.
- To insure compatibility of new development with existing uses and these Guidelines through review and approval of the Architectural Commission.
- To encourage the remodeling/rehabilitation of incompatible buildings and storefronts in the area, including the provision of multiple storefront entrances, and unification of display windows, awnings, colors, materials, and signage.

-
- To encourage the use of arcades or colonnades along Worth Avenue frontages.
 - To encourage the interconnection of additional vias, courtyards, patios, and other passageways both on and off-site, and
 - To encourage upper-floor residential use or the appearance associated with upper-floor residential design.

The Worth Avenue Design Guidelines also provide for the approval of “Special Allowances” for new development, or substantial and appropriate redevelopment, restoration or renovation projects. Based upon the following list of desirable amenities and features and a positive determination of the ARCOM or LPC that the proposed design will significantly benefit the development, the Avenue and the general public, a proposal may be approved for special allowances to lot coverage, height and building length.

- Public arcades, vias, courtyards, useful open space, and interconnection.
- Private open spaces, patios, terraces, balconies, loggias, etc.
- Mixed-use development with upper-story residential.
- Restoration of original façade.
- Appropriate style change.
- Varied roof heights, towers, chimneys, etc.
- Two story and or 3 story commercial structures shall provide a heightened level of architectural amenity and enhancement such as real or simulated balconies, loggias, or setbacks to ensure that the second and third stories shall have the appearance associated with residential design as personified in the West end development area.
- Any other significant amenities or features determined to be appropriate for review.

When the existing retail and office building was constructed in 1973, it was built as a four-story structure with two (2) levels of underground parking. The subject proposal calls for the demolition of a portion of the existing fourth story to remove the mechanical room and replace with office amenity space. This expanded fourth floor exceeds the existing perimeter wall footprint—hence the expansion of a nonconforming fourth floor. In order to retain the nonconforming fourth floor, the applicant has been advised that throughout design and construction, that 50% of the fourth level must remain in varying stages. The existing mechanical equipment housed in the enclosure is proposed to be relocated to the northern edge of the building on the roof in a “mechanical terrace”. To minimize visibility and impact on surrounding properties, the proposed fourth floor enclosed space will be set back. The remaining floors will be redesigned to allow for additional office area, while preserving the existing retail uses on the ground floor. The arcade which currently runs along the front façade will be enclosed and the bank drive-thru teller will be removed. The structural columns, arches and roof structure will remain intact.



Existing Building

The off-street parking is provided on surface as well as within the existing but modified underground two (2) level parking garage for a total of 164 existing spaces. Site alterations include the removal of 22 existing off-street parking from the surface plan, leaving a balance of 141 existing spaces. The applicant has provided a circulation plan and parking study to demonstrate that adequate parking will be provided. A more detailed review analysis is provided under the Variance section of the subject staff memo. In addition to these changes, the property will be completely upgraded with new building systems (HVAC, elevator, mechanical).



Proposed Building Front Elevation

Regarding landscaping, the proposed plans will increase the native plant species on site and add rooftop landscaping, terraces, and a decorative fountain to enhance the views from the surrounding taller multi-family buildings.

Below is a summary of the subject application with regard to Zoning Code compliance and variance requests.



Rooftop Amenities

Site Data			
Zoning District	C-WA	Lot Size (SF)	34,462 SF
Future Land Use	COMMERCIAL	Total Building Size (SF)	61,393 SF
C-O-R	12.02 feet	Flood Zone	X
Finished Floor Elevation	12.35 feet NAVD	# Parking Spaces	Required: 264 Existing: 164 Proposed: 141 <i>Variance Requested</i>
Architect:	Robert M. Kolany	Year of Construction	1974

Project			
	Required/Allowed	Existing	Proposed
Lot Coverage	75% (25,847 SF) 1 st Flr. 65% (22,401 SF) 2 nd Flr. 30% (10,339 SF) 3 rd Flr. 30% (10,339 SF) 4 th Flr.	58% (19,993 SF) 1 st Flr. 60% (20,696 SF) 2 nd Flr. 56.6% (19,502 SF) 3 rd Flr. 19.7% (6,785 SF) 4 th Flr.	61.9% (21,320 SF) 1 st Flr. 65.3% (22,502 SF) 2 nd Flr. Variance Requested 62.9% (21,681 SF) 3 rd Flr. Variance Requested 32.6% (11,238 SF) 4 th Flr. Variance Requested
Building Height	40 feet	47.75 feet	52.08 feet Variance Requested
Overall Building Height	45 feet	47.75 feet	59.5 Variance Requested
Building Length	150 feet	201.83 feet	201.83 feet Variance Requested
Landscape Open Space	25% (8,616 SF)	6.3% (2,169 SF)	6.3% (2,169 SF) Variance Requested
Native Plantings %	35%	Native Trees: 96.3% Native Palms 62.1% Native Shrubs: 79.1% Native Vines/Ground Cover: 88%	Native Trees: 100% Native Palms 64.3% Native Shrubs: 80.1% Native Vines/Ground Cover: 88%
Surrounding Properties / Zoning			
North	Two (2)-story condominium / R-C Two (2)-story residence / R-C Two (2)-story condominium / R-C Two (2)-story condominium / R-C		
South	Three (3)-story 1978 commercial building 'Esplanade' / C-WA and R-D(2)		
East	Six (6)- story 1974 31-unit condominium 'Kirkland House' / R-D(2)		
West	Four (4)- story 1978 commercial building, formerly 'Neiman Marcus' / C-WA		

In conjunction with the petition for Site Plan Review, the applicant is requesting two (2) Special Exceptions and 10 Variances. Of the two (2) Special Exceptions, one (1) is to continue to allow the third story and expand the fourth story in conformance with the Special Allowances contained within the Worth Avenue Design Guidelines. The other is to allow greater than 4,000 square feet of Gross Leasable Area (GLA). Of the variances requested, five (5) are due to the non-conformity of the building as the proposal is a renovation greater than 50 percent, rather than new construction. Additionally, the applicant is requesting to exceed the maximum permitted floor area and to reduce the required landscape open space, parking, and loading requirements.

The following pages provide a description of the Special Exceptions and graphic display of Variances Requested.

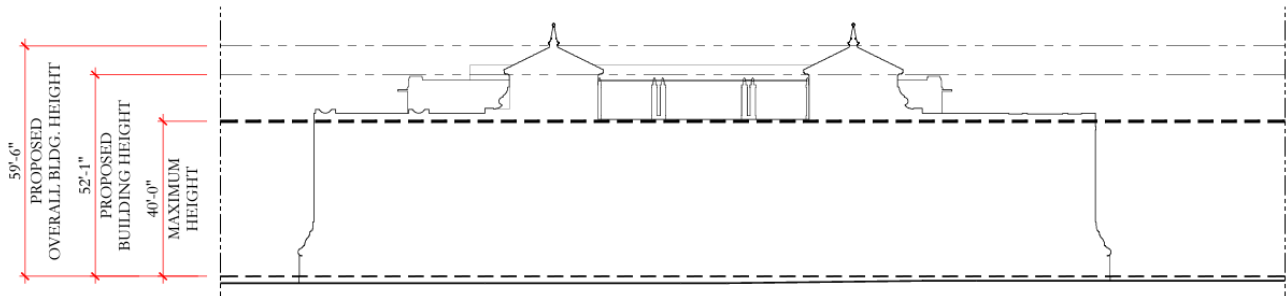
- **SPECIAL EXCEPTION #1:** Per Section 134-1165(b)(2): A third story and other special allowances may be granted if the structure is built in accordance with the Worth Avenue Design Guidelines in conformance with Code Section 134-233.
 - **SPECIAL EXCEPTION #2:** Per Section 134-1159(a)(9): Permitted uses cited under permitted uses in section 134-1157 which contain greater than 4,000 square feet GLA gross leasable area.
- ***
- **VARIANCE #1:** Per Section 134-2176: A variance to allow for a reduction in parking spaces from the Code required 264 required parking spaces to 141 provided parking spaces.

As it pertains to Variance #1, the variance is to reduce the required number of parking spaces by 123 to provide 141 spaces in lieu of the existing 164 spaces and the 264 parking spaces required.

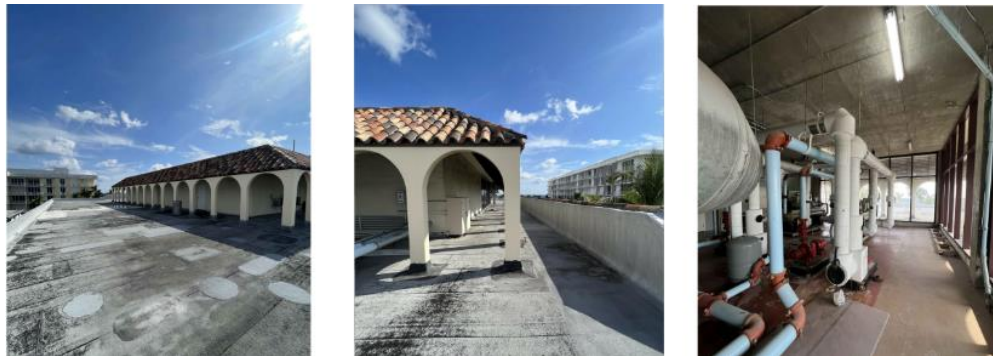
PARKING DATA			
	Existing	Proposed	Required
Sub-Basement Level	69	71	-
Basement Level	61	61	-
First Level (ground)	34	10	-
TOTAL:	164	141 <i>Variance Requested</i>	264

Whereas, if the building were constructed today as proposed, the uses would require 264 parking spaces. Multiple claims by ownership states that the building as it is, is overparked. The applicant has independently performed an Urban Land Institute (ULI) Shared Parking Analysis in order to evaluate actual parking needs for the proposed revitalization plan as submitted evidence as to why the granting of the variance should be considered. The results of the ULI Shared Parking Analysis shows the average peak parking event occurs during many months of the year. The average peak parking event, or maximum demand for parking, requires a total of 164 parking spaces. The ULI Shared Parking Model recommends that the peak parking event be adjusted for the 85th percentile in accordance with the ULI shared parking guidelines. Once the 85th percentile adjustment is applied ($164 \text{ spaces} \times 0.85 = 139 \text{ spaces}$ in the worst-case scenario), the 125 Worth Avenue Parking Plan includes 141 parking spaces which will satisfy the average peak conditions at all times during the year per the ULI Shared Parking Study.

- **VARIANCE #2:** Penthouse/Fourth Floor Addition. The proposed building height (52'-1") and overall building height (59'-6") exceeds the 40-foot maximum height permitted by the Worth Avenue Design Guidelines.



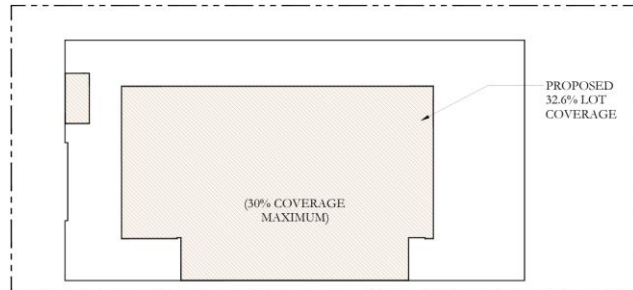
- As it pertains to Variance #2, to exceed the maximum height and building height permitted, the applicant is seeking to expand the existing nonconforming fourth floor. Although this level already exists above the maximum height and overall height, any expansion of the non-conformity requires a variance. This level is stepped back, and the applicant suggests that the visual impacts from the right-of-way will be minimal. Additionally, the applicant has added architectural features such as varied roof types and rooftop projections in the form of finials that exceed the allowable maximum overall height but are standard allowable height exceptions under circumstances where the height is not limited to three (3) stories.
- **VARIANCE #3:** Per Code Section 134-419, a Variance to allow for an expansion of an existing non-conforming building by increasing the existing floor area of the fourth story from 6,785 SF existing to 11,238 SF of enclosed, air-conditioned area.



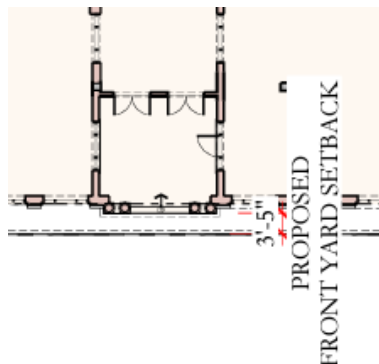
As it pertains to Variance #3, the increase in floor area for the fourth floor is considered an expansion of an existing nonconforming structure, therefore a variance request is required. The fourth floor currently contains an enclosed 3,010 SF area containing mechanical equipment and storage rooms. It is accessed via an internal stair and elevator shaft, nearly 13-foot ceiling height and encased in floor to ceiling glass along several of the facades. Outside of this, an exterior covered loggia, designed with a sloped roof supported by columns yet open to the side, surrounds this central enclosed area, bringing the total existing roofed area to 6,785 SF. The applicant is seeking to expand the level by 65% to 11,287 SF. As shown above, the new expanded fourth level is proposed to be widened to the north, east, west and south.

- **VARIANCE #4:** Per Code Section 134-1163(9)c, a Variance to allow Lot Coverage of 32.6% on the fourth floor in lieu of the 30% maximum allowable by the Zoning Code and Worth Avenue Design Guidelines.

As it pertains to Variance #4, the Worth Avenue Design Guidelines prescribe a maximum lot coverage per floor. The Design Guidelines (and the zoning Code) are silent on the fourth floor (hence variance number 3) in the C-WA district, therefore PZB staff applied the highest and most restrictive lot coverage of 30%. The existing fourth floor occupies an area of 6,785 SF (including the loggia), which equates to a lot coverage of 19%. The proposed expanded fourth level totals 11,287 SF for a lot coverage of 32.6%. In excess of the maximum lot coverage, a variance is needed. Worth noting, had the applicant complied with the lot coverage regulation, the size of the proposed fourth floor would be limited to 10,339 SF, or a decrease of 948 SF.



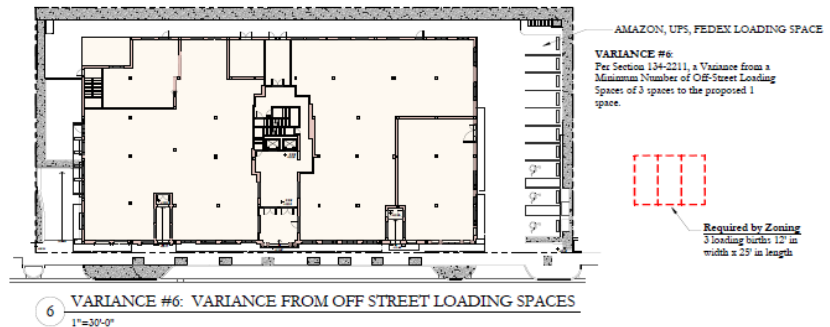
- **VARIANCE #5:** Per Code Section 134-1163(5), a Variance from a Front-Yard Setback Requirement of five (5) feet to the proposed 3.5 feet.



As it pertains to Variance #5, the front yard setback is being reduced by 1.5 feet at the entrance to the building. The applicant has indicated that encroachment allows for an accent in the façade for the proposed ground level entryway that has a pedestrian scale at the street.

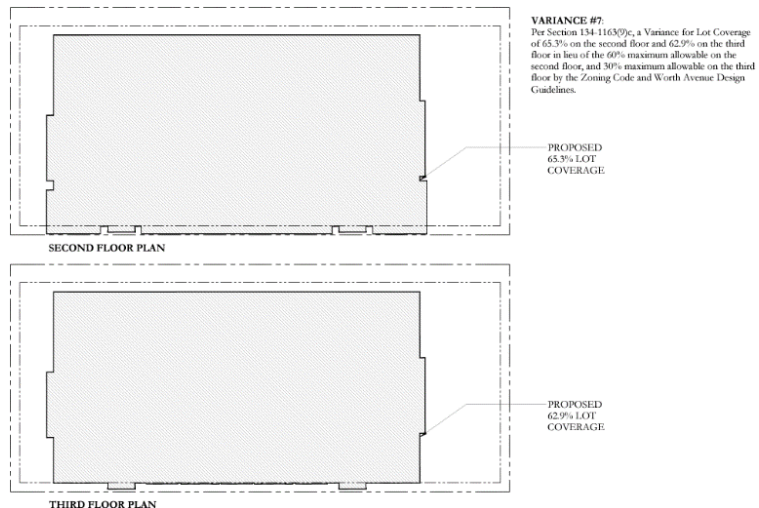
- **VARIANCE #6:** Per Code Section 134-2211, a Variance from a Minimum Number of Off-Street Loading Spaces of three (3) spaces to one (1) off-street loading spaces.

As it pertains to Variance #6, the zoning code prescribes a minimum number of loading bays based on the amount of commercial square footage available in the building. Three (3) spaces are required for buildings which are between 40,001 and 60,000 square feet. The site currently offers zero loading bays, and one (1) new loading space is now being proposed. Although a space is provided where no loading spaces exist, a variance is still required.

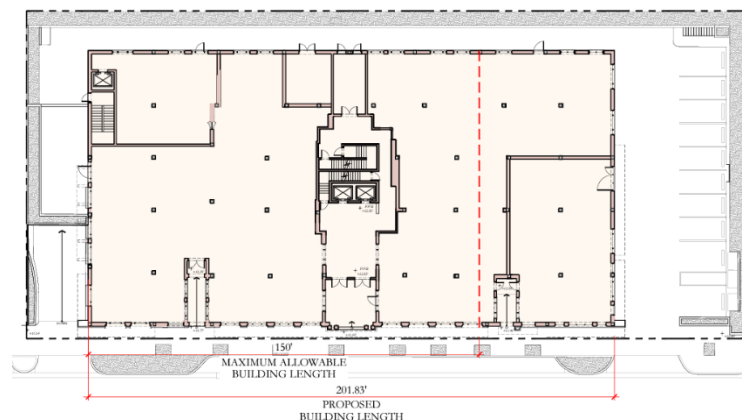


- **VARIANCE #7:** Per Code Section 134-1163(9) c, a Variance for Lot Coverage of 65.3% on the second floor and 62.9% on the third floor in lieu of the 60% maximum allowable on the second floor, and 30% maximum allowable on the third floor by both the Zoning Code and Worth Avenue Design Guidelines.

As it pertains to Variance #7, the applicant is exceeding the maximum amount of lot coverage permitted for the 2nd and 3rd stories. The Worth Avenue Design Guidelines provide an allowance for a greater lot coverage than allowed by right in the zoning code. However, the applicant is still proposing a greater 2nd story and 3rd story lot coverage than the Worth Avenue design guidelines allow. Therefore, a variance is required.

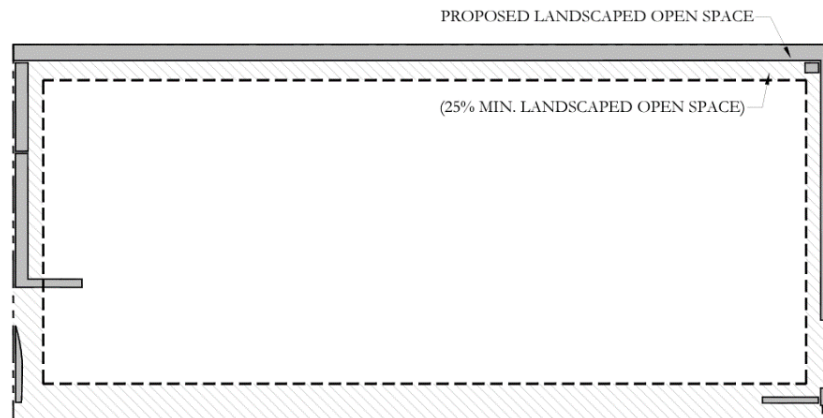


- **VARIANCE #8:** Per Code Section 134-1163(10), a Variance for Maximum Building Length of 201.83 feet in lieu of the 150 feet maximum allowable by the Zoning Code.



As it pertains to Variance #8, to exceed the maximum building length of 150', the applicant is renovating an existing nonconforming building. The ground level frontage length is approximately 166 feet, and with this proposal will increase by 36 feet. Additionally, the building length at the second and third levels is 201.83 feet to add ground level retail that will replace existing surface parking and a drive aisle to provide a more uniform and continuous retail frontage.

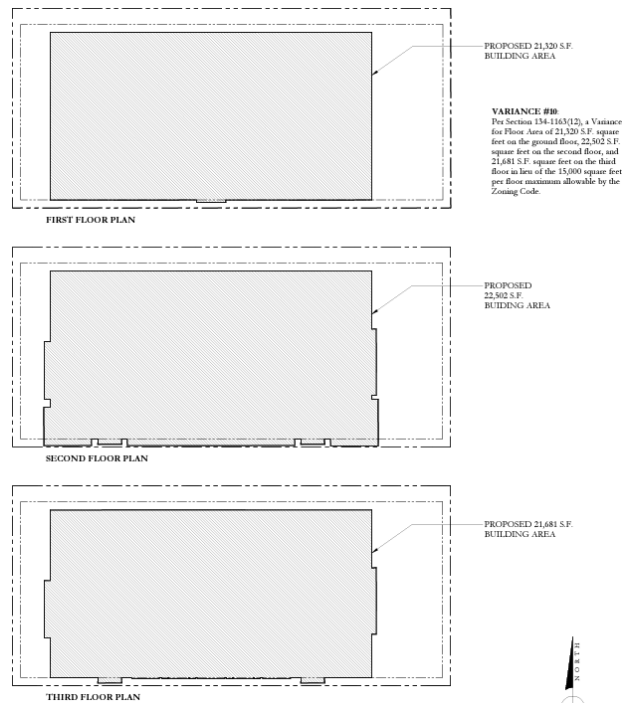
- **VARIANCE #9:** Per Code Section 134-1163(11), a Variance for Landscape Open Space (LOS) of 6.29% in lieu of the 25% maximum allowable by the Zoning Code.



As it pertains to Variance #9, to reduce the landscape open space, the existing design provides a landscape buffer within the five (5) foot side and rear yards and is considered legally nonconforming, and the applicant cannot increase ground floor planting opportunities due to the structural slab of the below grade parking garage.

- **VARIANCE #10:** Per Code Section 134-1163(12), a Variance for Floor Area of 65,503 square feet in lieu of the 15,000 square feet maximum allowable by the Zoning Code.

As it pertains to Variance #10, a variance from the floor area maximum, a major component of this proposed project is the complete renovation of the existing building and site—involving a substantial alteration of the existing facade. As such, all nonconforming aspects of the building must be either ‘established’ through the variance process or removed to comport with Code requirements. The existing floor area is legally non-conforming on ground, second, and third floor. The applicant has indicated that the proposed building design will ‘square off’ the building, improve life safety with a new fire stair and elevator, and improve the ground floor urban design.



Traffic

Pursuant to the concurrency management requirements of the Town, a traffic impact analysis of the development plan was conducted to quantify the impacts of the proposed changes. Guidance on credit against project traffic is published by Palm Beach County as defined in the Palm Beach County Unified Land Development Code (ULDC). Credit was applied to the existing land uses on site as they have been operational for more than five (5) years. The radius of development influence and significant impact calculations were conducted using the differential between proposed and existing net new external trips. Additionally, Palm Beach County has reviewed the project for compliance with the Countywide Traffic Performance Standards (TPS).

The daily and peak hour trip generation potential for the proposed redevelopment plan was calculated based on trip generation rates published by Palm Beach County. Based upon the traffic impact analysis, the proposed plan results in a net increase of 10 net new external daily trips, an increase of four (4) net new external AM peak hour trips (+5 in, -1 out), and three (3) net new external PM peak hour trips (-1 in, +4 out). The applicant's Traffic Engineer also analyzed the roadway volume distribution and roadway links within the radius of development influence, as established with the Palm Beach County Unified Land Development Code (ULDC).

The analysis was done taking into consideration the net change in vehicular trips that will be generated by the proposed modifications to the existing building. The analysis concluded that the surrounding roadway network has sufficient capacity and is expected to operate acceptably with the proposed site modifications. The Town's Traffic Engineering consultant studied the analysis and concurred with the findings. Please refer the traffic analysis and the correspondence between the Town's Traffic Engineering consultant and project's Traffic Engineer, which have been included as backup material to the subject staff memo.

CONCLUSION

Approval of the subject project will require three (3) separate motions to be made by the Architectural Review Commission (ARCOM) and two (2) motions for approval by the Town Council. Described below are those motions of approval distinguished between ARCOM and Town Council.

- (1) ARCOM **approves, approves with conditions, or denies** the overall design of the project is in accordance with both Code Section 18-205, which speaks to the criteria for consideration of a permit;
- (2) ARCOM **recommends** that the subject redevelopment project **is** consistent or **is not** consistent with the aforementioned adopted urban design goals for Worth Avenue, the East-End Development Area objectives, and more specifically the criteria for approval for granting Special Allowances, subject to any imposed conditions, and
- (3) ARCOM **recommends** that the implementation of the proposed variances **will** or **will not** cause negative architectural impact to the subject property.
- (4) Town Council **approves** or **denies** the Special Exception and Site Plan with variance requests.
- (5) Town Council **approves** or **denies** the Special Allowances.

At the February 22, 2023, ARCOM meeting, the Commissioners deferred consideration on the architecture as well as opining on the Special Allowance, Special Exceptions and Variance criteria until Town Council deliberation.