



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 Combination Memorandum: Landmarks Preservation Commission and Town Council

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

SUBJECT: HSB-23-005 (ZON-23-055) 261 ROYAL POINCIANA WAY (COMBO)

MEETING: MAY 17, 2023 (LPC)
JUNE 14, 2023 (TC)

HSB-23-005 (ZON-23-055) 261 ROYAL POINCIANA WAY (COMBO). The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Landmarks Preservation Commission review and approval for the addition of a second story residence to an existing one-story historically significant commercial building, requiring Special Exception with Site Plan Review and variances for setbacks, lot coverage, open space, and parking. Town Council shall review the application as it pertains to zoning relief/approval.

ZON-23-055 (HSB-23-005) 261 ROYAL POINCIANA WAY (COMBO)-SPECIAL EXCEPTION WITH SITE PLAN REVIEW AND VARIANCES. The applicant, Poinciana Capital Corporation (Gail Coniglio, VP), has filed an application requesting Town Council review and approval for a Special Exception with Site Plan Review to add a second story to an existing one-story commercial structure in the C-TS zoning district which requires (7) variances for (1-4) encroachments of front, side, and rear setbacks of a two-story building, (5) exceedance of lot coverage, (6) deficiency of landscape open space, and (7) exemption from the requirement of providing adequate additional parking. The Landmarks Preservation Commission shall perform design review of the application.

Applicant: Poinciana Capital Corporation (Gail Coniglio, VP)
Design Professional: SKA Architect + Planner
Representative: Timothy Hanlon

HISTORY:

The subject property contains a one-story commercial structure constructed in 1957 after an earlier 1915 frame building on the site was condemned and demolished. Both the original and current building were built as a store for the Cohen Brothers who ran a tropical fruit shop. The structure was designated as 'historically significant' in September of 2022. The property is located within the Flagler Conservation District. The design is a commercial masonry vernacular structure constructed of concrete block faced with a brick veneer. Although the front facade originally had six transom windows and a simpler eyebrow overhang, the alteration to its current design still retains the building's commercial masonry vernacular style, and the size, scale and design of the

building continues to help maintain the character of the Flagler Conservation District and the Town's original Main Street.



Figure 1: Subject property location aerial.

THE PROJECT:

The applicant has submitted plans entitled "Coniglio 261 Royal Poinciana Way" as prepared by SKA Architect + Planner, dated April 11, 2023.

The following is the scope of work for the Project:

- Addition of a second floor 1,700 SF addition to an existing one-story commercial building for residential use.

The following Special Exception, Site Plan Review, and/or Variance(s) are required for the application:

- **SPECIAL EXCEPTION WITH SITE PLAN REVIEW:** Sec. 134-1113(8)c.: A Special Exception to allow for 2-stories in the C-TS zoning district.
- **VARIANCE 1:** Sec. 134-1113(5)c.: A variance to permit a south front yard setback of 5.3 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 2:** Sec. 134-1113(6)a.: A variance to permit an east side yard setback of 0.47 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 3:** Sec. 134-1113(6)a.: A variance to permit a west side yard setback of 3.01 ft in lieu of the 9 ft required for a 23 ft two-story building.
- **VARIANCE 4:** Sec. 134-1113(7)c.: A variance to permit a north rear yard setback of 4.7 ft in lieu of the 14 ft required for a 23 ft two-story building.
- **VARIANCE 5:** Sec. 134-1113(9)b.: A variance to permit a lot coverage of 77.4% in lieu of the 70% permitted for two-story buildings.
- **VARIANCE 6:** Sec. 134-1113(11)b.: A variance to permit retention of an existing landscape open space of 0% in lieu of the 25% required for two-story buildings.

- **VARIANCE 7:** Sec. 134-2176: A variance to forgo the requirement of providing (2) two additional parking spaces for construction of a new dwelling less than 3000 square feet.

Site Data			
Zoning District	C-TS	Future Land Use	COMMERCIAL
Year of Construction	1957	Architect/Builder:	Brockway, Weber & Brockway Engineers
Lot Size	2,500 SF (110 x 25)	Base Flood Elevation	AE-6
Crown of Road (COR)	3.93'	Finished Floor Elevation	3.25'
Lot Coverage	Existing: 77.4% Proposed: 77.4% Required: 70% <i>Variance Requested</i>	Landscape Open Space (LOS)	Existing: 0% Proposed: 0% Required: 25% <i>Variance Requested</i>
Surrounding Properties / Zoning			
North	Surface parking area / C-TS		
South	Royal Poinciana Way median / C-TS		
East	One-Story commercial-Cucina / C-TS		
West	Two-Story commercial/office-Breakers / C-TS		

CONSISTENCY WITH THE COMPREHENSIVE PLAN:

A preliminary review of the project indicates that the proposed **application** is **consistent** with the **COMMERCIAL** designation of the Future Land Use Map of the Comprehensive Plan.

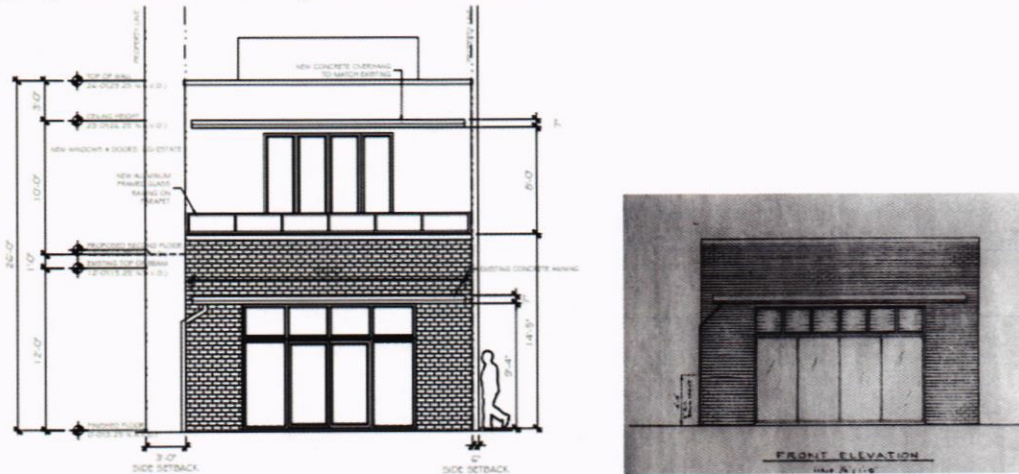
STAFF ANALYSIS

The application is presented to the Commission to consider whether all the criteria have been met. As a HSB project the proposed changes must meet the Secretary of the Interior's Standards for Rehabilitation and Sec. 18-306, Sec. 54-122 and 54-123 of the Landmark Preservation Ordinance. A preliminary review of the project indicates that the application, as proposed, appears to be inconsistent with the following abovementioned sections of the Town zoning code: special exception and 7 requested variances.

The scope of work includes the addition of a 1,700 SF second floor to an existing one-story commercial building. The existing building is non-conforming in many aspects to today's zoning code, so any second floor addition would trigger the need for the requested variance relief. The site is improved by a 21.5' wide by 90' long rectangular floor plan is deep and narrow. Like many masonry vernacular commercial buildings, the front facade features aluminum framed glazed entry doors and picture windows and is topped by a parapet used for store signage. The structure features a flat, rectangular overhang and three transom windows above the doors and picture windows. There is a west side setback passage of approximately 3.07' in width and a rear north setback of 4.7'.

The new second floor is proposed to be setback approximately 10' from the front south property,

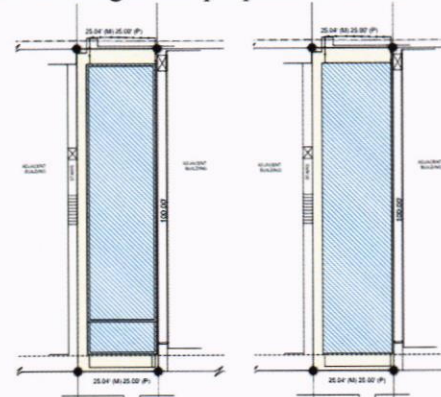
street facing along Royal Poinciana Way. The massing recess will provide an outdoor terrace amenity for the residential unit. A glass guardrail is proposed on top of the existing parapet wall in order to meet fire safety standards, while preserving the primary façade of the building. The existing aluminum awning will be removed and exposed to the existing concrete awning which is an appropriate return of an original historic feature.



Variances #1-#4 seek to establish to the existing nonconforming setbacks of the original one-story retail structure once the second floor is placed upon it as the additional triggers additional setbacks in all directions. It would stand to reason that construction techniques would warrant the placement of the a new second floor to be coterminous with the first floor, at least along the side structural walls. As evidenced in the other two-story buildings in the immediate area, the setbacks are relatively similar in regards to first to second floor.

As it pertains to variance #5, a variance to permit a lot coverage of 77.4% in lieu of the 70% permitted for two-story buildings. The existing condition is % lot coverage. The proposal is for the addition of the new second floor over the first-floor footprint. The existing footprint contains 1,935.00 SF, and the new 1,700 SF addition is proposed on top of the existing building.

As it pertains to variance #6, to reduce the required overall open space. In the C-TS zoning district, the Code requires a 15% minimum overall landscaped open space for one-story building and 25% for two-story buildings. The existing condition is 0%. The proposal is for the addition of the new second floor over the first-floor footprint. There is a west side setback passage of approximately 3.07' in width and a rear north setback of 4.7'; and otherwise it would be impossible to meet the threshold requirement without the demolition of a quarter of the existing building.



As it pertains to variance #7, a variance to not provide the required parking space for a residential unit, the zoning code prescribes a minimum number of required parking spaces based on the amount of square footage of the residential unit. As such, two spaces are needed. The structure has been a commercial building since 1957 operating without any required parking. The site is interior to the

block with no alley access. Staff notes that it would be physically impossible to provide the amount of parking space on-site due to the footprint and location of the historically significant building.

As it pertains to the Special Exception request, building onto second floor in the C-TS district (Sec. 134-1113(8)(c)) requires Town Council to review and approve a second floor. Although it is currently an existing one-story building constructed in 1957, the applicant is proposing to add a small (1,700 SF) second story residential unit, which is a permitted use, and which fits with the streetscape and will add little or no negative impact on Town services based on concurrency determinations. The abutting property to the west is a two-story office building currently housing the Breakers administrative offices and the property immediately to the east is a one-story restaurant. Further two parcels to the east is two-story. This side of Royal Poinciana Way is developed equally with one and two-story buildings, with the most recent development being the two-story Via Flagler mixed use project with underground parking.

The applicant claims that the improvements to the older historically significant structure will **NOT** exceed both 50% of the value improvements to the structure, and 50% of the demolition of the rear façade or roof will not occur of the one-story building. Should the costs exceed this amount during the permit review process, other deficiencies will need to be established through the variance process. Additionally, the applicant has submitted a structural report claiming the existing roofing system and structural system can accommodate a second floor and is feasible including some degree of structural reinforcement with minor demolition where needed.

Approval of the project will require two separate motions to be made by the Landmarks Preservation Commission: (1) for the overall design of the project in accordance with the aforementioned criteria, subject to any imposed conditions, and (2) that the implementation of the proposed variances **will or will not** cause negative architectural impact to the subject property.

WRB:JGM