

TOWN OF PALM BEACH

Information for Town Council Meeting on: November 15, 2023

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 410 S. County Road, Cocoon Store

Date: October 31, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the continuing retail store renovation for the Cocoon store at 410 S. County Road. If approved, staff recommends that it be conditioned upon the October 30, 2023 letter from J. Blake Beeson, which mentions the remaining work and projected timeline.

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 store renovation for Cocoon. Although served by a S. County Road address, the building, located at the northwest corner of the Worth Avenue and S. County Road intersection, is located within the C-WA zoning district; and therefore complies with the October 31 work stoppage requirement. The applicant has indicated that, if approved, the work would be complete in about two weeks. Consideration should be given to a short extension of time if the Town Council requests a work stoppage during Thanksgiving week. This project is also subject of a three-strike matter – three strikes were issued by Code Enforcement for right of way violations between October 20 and October 25.

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.

Attachments – October 30, 2023 Letter, Schedule and Notice from J. Scott Beeson of
J. Scott Development Company, LLC

J. Scott Development Company LLC

License CGC1518779

October 30, 2023

Town of Palm Beach Building Division
360 South County Road
Palm Beach, Florida 33480
(561) 838-5431

Re: 410 S. County Road
Permit B23-00900 (Building), B23-01355 (Fire Alarm)

Dear Ms. Moody,

My firm completed a change of contractor for demo permit B-23-99896 and building permit B-23-00665 and we re-submitted for a new Building Permit B-23-00900 and Fire Alarm Permit B23-01355 for Cocoon Palm Beach located at 410 S. County Road on August 31, 2023.

Originally, we were told that our address (410 S. County Rd) was not going to be impacted by the October 31st deadline and we would follow the "summer" and "winter" working hours. Shortly thereafter, we were told that October 31st would apply to our location, and we would follow the "Worth Avenue" working hours. This quickly prompted us to change gears. I am writing today, to once again request a short work extension to complete the few remaining items we need to obtain a Final Certificate of Occupancy.

As you are aware, I emailed you on 9/11/23 requesting a "hold-harmless" to begin working along with a request for a 30-day extension beyond the October 31st deadline. In this email, I also included a copy of our completion schedule. On 9/11/23, I personally dropped off the original copies of this information to the Building Department with ample time for the October 15th Town Council Development Review. I never heard back from anyone regarding these items, and subsequently, visited the Building Department on multiple occasions to obtain an extension. When I originally dropped off this information, I was never informed that I had to pay a \$500 fee or that I must provide proof of notice to abutting neighbors. The \$500 fee was paid, and notice has been provided to abutting neighbors.

This project as of October 31, 2023, would be finished in about 2 weeks. We have completed the noisy aspects of work and only need to complete minor items that will not impact any of the neighbors. These items will include baseboard installation, painting, lighting fixtures & toilet accessories installation, and setting (2) exterior A/C condensers. After those items are completed, we can call for final inspections.

Please let me know if you need any additional information, as I would be happy to provide whatever you require. I hope you can work with us regarding this matter and grant us until an extension to the end of November to ensure all items of this project are completed. I look forward to meeting you at the November 15th hearing.

Sincerely,



J. Blake Beeson
J. Scott Development Company, LLC
(954) 914-6380

7099 E. Tropical Way, Plantation, Florida 33317 (954) 914-6380

[illegible]

LENDAN, INC.
205 Worth Ave, Suite 201
Palm Beach, FL 33480
(P) 561-655-3141 * (F) 561-833-5825

MEMORANDUM

TO: Worth Ave Tenants

FROM: Cathy Porter
Property Manager

DATE: October 27, 2023

SUBJECT: Construction at 205 Worth Ave

As you are aware, over the past weeks our newest retail tenant has been performing renovations by approval from Landlord and the Town of Palm Beach. We apologize for any inconvenience this has caused and truly appreciate your continued patience as construction winds down.

At this time, our new Tenant, Cocoon Palm Beach is confident the majority of their work will be completed by the Nov 1 deadline, as mandated by the Town, but is seeking a short extension from the authorities to finish up quiet work such as painting, minor trim work, and cleaning.

Management appreciates your patience and understanding, while we work within the constraints of the Town of Palm Beach, with much anticipation of the opening of Cocoon Palm Beach.

Please contact me if you have any questions.

Thank you.
