



TOWN OF PALM BEACH
Planning, Zoning & Building Department
360 South County Road
Palm Beach, FL 33480
www.townofpalmbeach.com

PLANNING, ZONING, & BUILDING DEPARTMENT
PZ&B Staff Combination Memorandum: Town Council and Architectural Commission

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

SUBJECT: ARC-23-162 (ZON-24-007) 223 SUNSET AVE (COMBO)

MEETING: FEBRUARY 14, 2024 TC
FEBRUARY 28, 2024 ARCOM

ZON-24-007 (ARC-23-162) 223 SUNSET AVE (COMBO)—SPECIAL EXCEPTION AND VARIANCE. The applicant, 223 SUNSET HOLDINGS LLC, has filed an application requesting Town Council review and approval for a modification to a previously approved Special Exception for shared on-site parking associated with a change of use from office to residential and a Variance to reduce the overall landscape open space to accommodate a new accessible ramp in the rear of the property. The Architectural Commission shall perform design review of the application.

ARC-23-162 (ZON-24-007) 223 SUNSET AVE (COMBO). The applicants, 223 SUNSET HOLDINGS LLC, has filed an application requesting Architectural Commission review and approval for exterior façade alterations, including a new second floor outdoor private residential terrace facing Sunset Avenue, and a new accessibility ramp in the rear of the property eliminating existing landscape open space requiring a variance. This is a combination project that shall also be reviewed by Town Council as it pertains to zoning relief/approval.

Applicant: 223 SUNSET HOLDINGS LLC
Professional: Bartholemew + Partners

HISTORY:

Z-19-00184 approved on April 10, 2019 the following:

- Sec. 134-329, Site Plan Review for the exterior changes to the site
- Sec. 134-2182 (b), a special exception for on-site shared parking in the C TS district
- Sec. 134-1111 (a), Outdoor Seating, a special exception to allow 30 seats on the new covered patio for Trevini Ristorante.
- Sec. 134-1109(a)(18), a variance to allow 7,207 SF of office space on the first floor in lieu of the second floor requirement in the C-TS zoning district, removal of 17 surface parking spaces.
- Sec. 134-2175(a)(3), a parking variance reflecting the difference between parking demand utilizing shared parking (52 spaces) as calculated by Kimley-Horn and Associates in its February 20, 2019 Parking Study and the 47 existing spaces, a variance of 5 spaces

ZON-22-051 approved on May 11, 2022 for the following:

- Special Exception w/ Site Plan Review for the interior renovation of an existing second floor office space in an existing two-story building resulting in an increase of

approximately 950 SF of Gross Leasable Area (GLA). Interior renovation of an existing second-floor office space in an existing two-story building.

- Site plan review to operate a private equity office over 3,000 SF in gross leasable area above the first floor in the C-TS zoning district.
- A variance to provide zero on-site parking spaces in lieu of the four (4) parking spaces that would be required due to the increase of approximately 947 SF.

At the FEBRUARY 14, 2024 TC meeting, the Special Exception was approved (4-0), as was the Variance (4-0).

THE PROJECT:

The applicant has submitted plans, entitled "Renovation for 223 Sunset Avenue", as prepared by **Bartholemew + Partners**, date stamped by the Town, January 16, 2024.

The applicants are proposing the following scope of work at the property:

- Interior and exterior alterations to 9,911 SF of second floor office space change of use into three (3) residential units, two with outdoor terraces.
 - Unit 201: 3,277 SF
 - Unit 202: 2,268 SF
 - Unit 203: 2,679 SF
- Exterior alterations to the north rear yard to install a new ADA compliant required ramp being added to north side of building (rear) for tenant access and reduce the required overall landscape open space (variance).
- Submittal includes modification to the 2019 SE for shared parking.
- Exterior alterations to the existing second floor terrace and façade fenestration.

The following Special Exceptions with Site Plan Review is required for completion of the project as presented:

- **SPECIAL EXCEPTION #1** Sec. 134-2182 (b) for on-site shared parking in the C TS district. This application seeks to modify the 2019 approved SE for on-site shared parking. Please review 134-2182 (c)1-3.

The following Variances are required for completion of the project as presented:

- **VARIANCE #1** Sec. 134-1113(11)(b) Reduce LOS from 9.7% to 8.6% where 25% is required.

The applicants have included a detailed Letter of Intent providing a project narrative, comprehensive descriptions of all current requests including required Code relief, and have provided responses to pertinent variance, special exception, and site plan review criteria.

Site Data			
Zoning District	C-TS	Lot Size (SF)	26,100SF
Future Land Use	COMMERCIAL	Total Building Size (SF)	+/- 22,500 SF
# of Parking Spaces:	Current: 47 spaces Proposed: N/C	Max Density C-TS 6dua	3 units on 26,100SF parcel
Landscape Open Space	Existing: 9.7% (2,520 SF) Proposed: 8.6% (2,248 SF)	Existing Uses	19,313 SF office

	Required: 25% (6,525 SF) <i>Variance requested</i>	Proposed Uses	9,094 SF of office 3 residences
Surrounding Properties / Zoning			
North	One-story commercial / Municipal park / C-TS		
South	Two-story mixed use-- Via Flagler / C-TS		
East	Surface Parking Lot and Synagogue / C-TS		
West	Publix Supermarket / C-TS		

STAFF ANALYSIS

The subject property contains an existing two-story office building with a ground floor restaurant and subterranean parking level for 47 cars. The application is for interior and exterior alterations to the existing 9,911 SF of second floor office space and change of use into three (3) residential units, two with outdoor terraces.

The applicant received approval for shared parking for the operation of the 47-car parking garage to share the spaces for the restaurant and 19,000 SF office space. This application seeks to amend that shared parking Special Exception. The proposed re-modifications/new parking variance to account for new decreasing occupancy (Section 134-201a)

- 2019 shared parking was for 19,313 SF and 2,856 SF (103 seat) for 47 spaces.
- 2023 shared parking is for 9094 SF of office and 2,856 SF (103 seat) and 3 residences for 49 spaces.
- Deficiency of 2 spaces. 2019 Z-19-00184 zoning approval for 5 parking spaces.

The parking and traffic analysis has been vetted by the Town's peer review and confired to be a de-intensification of the daily trip generation. The required parking is under the prior variance approval granted by Town Council. Staff is supportive of the request for the modification to the Special Exception.

VARIANCE

The 2022 application received an approval for a variance (Variance # 3) from Sec. 134-1607(1), to permit 16 air conditioning equipment units on the roof at the maximum height of 108" in lieu of the 48" maximum. As part of this application, the design features a new kitchen scrubber in the approximate location of the AC units that also exceeds the height limitation for mechanical projections. The Town's zoning code distinguishes was types of equipment are permitted for what height allowances. This application seeks a height variance from 36" in order to permit a 84" high kitchen scrubber on the roof.

There are two rooftop areas that will become private terraces for two of the units facing Sunset Avenue. Additional exterior changes to the second floor street facing fenestration incudes 4 windows to be replaced with storefront systems with double doors to provide accessibility to proposed outdoor terrace- minor demolition required at south façade. A new ADA compliant required ramp being added to north side of building (rear) for tenant access and new landscaping proposed at the north side of the building. The installation of the new ramp further reduces the required landscape open space, currently nonconforming, from 9.7%, 2,520 SF to 8.6%, 2,248 SF (variance #1).

CONCLUSION:

Approval of the project will require two (2) motion to be made by the Town Council:

- (1) for final determination of approval or denial of the seven (7) variances by the Town Council, and that the variances **shall** or **shall not** be granted that all the criteria applicable to this application as set forth in Sec. 134-201(a), items 1 through 7 have been met, subject to any proposed conditions; and
- (2) Special Exception for the modification to the approved shared parking.

This application is presented to the Commission to consider whether all of the criteria in Sec. 18-205 have been met. Approval of the project will require one (1) separate motions to be made by the Architectural Commission:

- (1) for the overall design of the project in accordance with Sec. 18-205 criteria, subject to any imposed conditions.

WRB:JGM