

TOWN OF PALM BEACH

Information for Town Council Meeting on: October 11, 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 150 Worth Avenue
– Esplanade Building

Date: September 27, 2023

STAFF RECOMMENDATION

Staff recommends that the Town Council consider a request for an extension of work hours for the continuing roof waterproofing, pipelining, and restroom remodel projects at the Esplanade Building, 150 Worth Avenue. If approved, staff recommends that it be conditioned upon the September 26, 2023, letter from Yvonne A. Jones, which breaks down the remaining work and timelines projected.

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 roof recoating and waterproofing, drainage pipe relining through the Saks Fifth Avenue store, and second floor bathroom remodeling project. The code requires all Worth Avenue construction work to stop on October 31 of each year. The repair work has been underway for some time, with approvals granted six times for extended construction work over the past five years. The applicant has indicated that, if approved, work would cease during the Thanksgiving and Christmas holiday weeks.

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 – September 26, 2023, Letter from Yvonne A. Jones, Wilson 150 Worth LLC

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

September 26, 2023

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: Ongoing Repair Work
The Esplanade at 150 Worth Avenue, Palm Beach

Dear Wayne,

Please accept this letter to request that myself, and other owner representatives of The Esplanade located 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 October 11, 2023. 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.

The purpose is for ownership to seek approval to continue its work on following projects:

1. Esplanade Roof Waterproofing – Due to inclement weather, some of the remaining work has been delayed; namely the coating that must be applied in the overnight hours. In the event we cannot obtain The Colony's or The Winthrop House's approvals to do this work before October 31, we will need to seek Town Council approval for this and what else may remain due to this delay.
2. Pipelining Repairs in Saks – The repair to the pipe running through Saks was delayed and is now rescheduled for 2 nights beginning November 5. This work is required because there is approximately 360 feet of pipe running from the roof drain through the ceiling of the 2nd level of the Saks store with significant signs of deterioration which must be repaired to prevent a catastrophic leak from happening.
3. 2nd Floor Restrooms Remodel and Suite 232 (former restaurant space) Fit-Out – We are well underway with our remodel of the 2nd floor restrooms as well as the fit-out of the Compass space. However, due to material delays and labor shortages, we anticipate needing through the end of 2023 to complete the projects, Thanksgiving and Christmas weeks excluded.

Kindly let us 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 assistance.

Sincerely,

Yvonne A. Jones

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