



Planning & Zoning Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Buddha Sky Bar
Project Location: 217 East Atlantic Avenue
Request: Class II Site Plan Modification
Board: Site Plan Review and Appearance Board (SPRAB)
Meeting Date: March 9, 2016

Board Action:

Approved 4-1 = Terminal Landscape Island Waiver Request (James Chard dissenting)

Approved 5-0 = Site Plan

Approved 5-0 = Landscape Plan

Approved 5-0 = Architectural Elevations

Project Description-noting staff concerns:

The subject property consists of the east 10 feet of Lot 10, and all of Lot 11, Block 84, Town of Delray. The original site was constructed in 1925. Those original buildings were historically occupied by Richwagon Bicycle Shop, Power's Lounge and Bob's Famous Bar. These buildings were demolished in October of 2002. The existing Buddha Sky Bar has been in operation since 2008.

The Class II Site Plan Modification proposal is for interior renovations on the second floor associated with the restaurant dining, construction of a new second floor deck as a designated smoking area, installation of new ground level entry doors on the east side, fencing of an outdoor landscaped area facing the railroad right-of-way and installation of an awning over a proposed pedestrian pathway to an interior bar stool seating area accessible from the east side.

The staff raised the following concerns:

The site has existing conditions which are inconsistent with the most recently approved site plan. The conditions of approval are intended to approve "as-built" conditions.

The Board supported staff and all conditions of approval deemed necessary to reflect existing conditions.

Board comments:

- Had concerns with the proposed "Bamboo" landscaping being removed in the landscape island proposed for the outdoor seating area on the east side of building. They desired either the retention of this species and/or provision of additional "Bamboo" trees in potted planters along the façade. The agent assured the Board that the applicant had intentions of providing additional "Bamboo" in planters. Additionally, the proposed landscape plan included provision of "Bamboo" trees to replace the ones being removed. No condition of approval regarding this concern was deemed necessary by the Board, and the landscape plan was approved as presented.

- Had inquiries over the conversion of the second floor to restaurant with respect to parking. Staff explained that the interior conversion had been previously approved and parking had already been paid via in-lieu spaces. This proposal demonstrates the interior demolition of 2nd floor and the proposed interior floor plan layout for restaurant use, which currently contains the existing office use on the 2nd floor.

Board supported staff's recommended condition of approval, as follows:

- Site Plan - To mirror existing conditions, all plans must reflect the parking lot striping and wheel stop for the parking space accommodating the golf cart parking.
- Landscape Plan – No conditions by staff or Board.
- Architectural Elevations – No conditions by staff or Board.

Public input – noting comments and concerns:

No members of the public spoke in opposition to or in support of the development proposal.

Associated Actions: None.

Next Action: None.

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: March 9, 2016

ITEM: **Buddha Sky Bar** - Class II Site Plan modification associated with interior conversion of the second floor to restaurant dining, construction of a new second floor deck as a designated smoking area, installation of new ground level entry doors on the east side, fencing of an outdoor landscaped area facing the railroad right-of-way, and installation of an awning over a proposed pedestrian pathway to an interior bar stool seating area on the east side.

RECOMMENDATION: Approve the waiver, site plan, landscape plan and architectural elevation with conditions indicated in the staff report.

GENERAL DATA:

Owner..... SKYBAR HOLDINGS LLC

Agent..... Steve Siebert Architecture

Applicant..... Chris Licata

Address..... 217 East Atlantic Avenue

Location..... On the north side of East Atlantic Avenue, just west of the FEC railroad tracks

Property Size..... 8,068 sq. ft. (0.1852 acres)

Future Land Use Map..... CC (Central Core)

Current Zoning..... CBD (Central Business District)

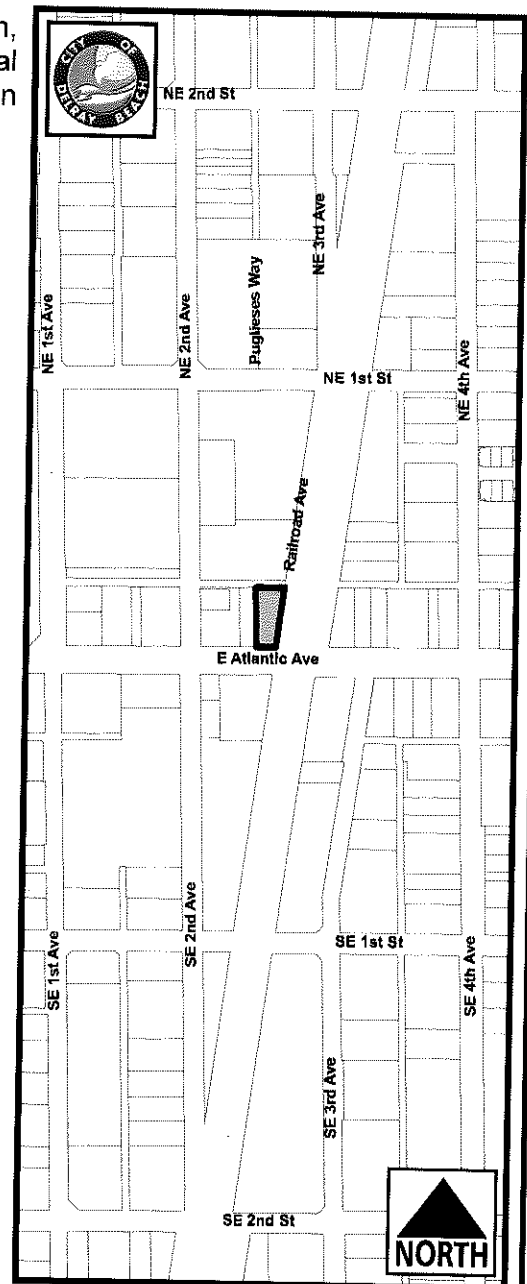
Adjacent Zoning.....North: CBD (Central Business District)
East: CBD (Central Business District)
South: CBD (Central Business District)
West: CBD (Central Business District)

Existing Land Use..... Multi-Level Restaurant

Proposed Land Use..... No Change

Water Service..... Existing On-Site

Sewer Service..... Existing On-Site



ITEM BEFORE THE BOARD

The action before the Board is approval of the following aspects of a Class II Site Plan Modification proposal for **Buddha Sky Bar**, pursuant to LDR Section 2.4.5(G)(1)(b):

- ☐ Site Plan;
- ☐ Landscape Plan;
- ☐ Architectural Elevations; and,
- ☐ Waiver Request

The property is located on the north side of East Atlantic Avenue, just west of the FEC railroad tracks at 217 East Atlantic Avenue.

BACKGROUND

The subject property consists of the east 10 feet of Lot 10, and all of Lot 11, Block 84, Town of Delray.

The original site was constructed in 1925. Those original buildings were historically occupied by Richwagon Bicycle Shop, Power's Lounge and Bob's Famous Bar. These buildings were demolished in October of 2002. The existing Buddha Sky Bar has been in operation since 2008.

At its meeting of September 4, 2001, the City Commission approved an in-lieu parking request for 2 parking spaces associated with demolition and reconstruction of the previously existing two-story structure and construction of a new 1,800 sq. ft. 2nd floor apartment and reconfiguration of the prior existing 8 space parking lot to the current 14 parking spaces.

On October 3, 2001, the Site Plan Review and Appearance Board (SPRAB) approved a Class IV Site Plan modification for Bob's Famous Bar to demolish and reconstruct the previously existing two-story structure and construct a new 1,800 sq. ft. 2nd floor apartment and reconfiguration of the prior existing 8 space parking lot with 14 parking spaces. Also approved with the site plan was a landscape waiver to allow a reduction of the required terminal landscape island width from 5' to 2.5' in order to adequately accommodate the required parking. The approval of the site plan was extended three times (at 18 month intervals) following the initial approval, with the final extension request being granted by SPRAB at its meeting of August 25, 2004, which was set to expire on February 25, 2006.

On May 8, 2005, the SPRAB approved a Class I Site Plan modification to relocate a previously approved handicap space. This vested the site plan for additional 1.5 years, which extended the site plan approval to November 8, 2006. The site was constructed prior to expiration of this approval.

At its meeting of January 16, 2007, the City Commission approved the in-lieu parking fee for 6 parking spaces associated with conversion of the roof deck to the restaurant. At its meeting of March 6, 2007, the City Commission approved the in-lieu parking fee for 1 additional required parking space for the proposed conversion.

On March 14, 2007, the Site Plan Review and Appearance Board (SPRAB) approved the Class III Site Plan modification associated with conversion of the flat roof deck to a seating area associated with the restaurant.

Now before the Board for consideration is a Class II Site Plan Modification proposal for interior conversion of the second floor to restaurant dining, construction of a new second floor deck as a designated smoking area, installation of new ground level entry doors on the east side, fencing of an outdoor landscaped area facing the railroad right-of-way and installation of an awning over a proposed pedestrian pathway to an interior bar stool seating area accessible from the east side.

PROJECT DESCRIPTION

The development proposal includes, but is not limited to the following:

- Proposed modified floor plan layout for the existing ground level restaurant
- Interior demolition of the second floor to accommodate restaurant dining (prior approved use)
- Construction of a new second floor deck as a designated smoking area
- Installation of new ground level entry doors on the east side
- Conversion of an outdoor landscaped area to an outdoor dining area
- Provision of fencing around the proposed outdoor dining area facing the railroad right-of-way
- Installation of an awning over a proposed pedestrian pathway to an interior bar stool seating area
- Proposed changes to prior-approved parking lot design (see site plan analysis section)
- Associated landscaping upgrades

The development proposal also includes a waiver to the following LDR requirement:

- Pursuant to LDR 4.6.16(H)(3)(i), terminal landscape islands are required to be located at the end of each parking row and have a minimum width of nine feet and a minimum depth of fifteen feet for a total of 135 sq. ft.

SITE PLAN ANALYSIS

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

LDR Section 4.4.13(D) – Dimensional Requirements by CBD Sub-district:

Pursuant to Table 4.4.13(C) and the development regulations applicable to the Central Core, CBD Sub-districts, the existing development does meet the minimum requirements for the CBD (Central Business District – Central Core) relative to existing setbacks, frontage and height requirements due to preexisting nonconformities. The proposed changes do not increase any existing nonconformity.

Parking:

The site is vested with respect to parking. The proposed changes do not constitute the need for additional parking. However, there are proposed changes to the most recently approved parking layout as follows:

- A prior-approved 9-space parking row is replaced with an existing 8-space parking row
- A prior-approved standard parking space is converted to a golf cart parking space (capacity of 3)
- A prior-approved handicap parking space is relocated to the backout parking along Railroad Ave.

Prior-approved parking includes receipt of payment for 10 in-lieu spaces, provision of 8 off-site spaces and provision of 13 on-site spaces, for a total of 31 spaces for the overall site. The site is located within the Atlantic Avenue Parking District. As such, current LDR requirements per Table 4.4.13(L) are 12 spaces per 1,000 sq. ft. up to 6,000 sq. ft. of gross floor area, then 15 spaces for each additional sq. ft. 1,000 sq. ft. Since the existing building is 7,591 sq. ft., 91 parking spaces would be required. Consequently, the parking for this site is an existing nonconformity and is not being increased by the current proposal. So no additional parking is required. However, to mirror existing conditions, the plans must reflect the parking lot striping and wheel stop for the parking space accommodating the golf cart parking. This is a condition of site plan approval.

Handicap Accessible Parking:

Pursuant to LDR Section 4.6.9(C)(1)(b), special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Pursuant to the Florida Accessibility Code for Building Construction, At least one of the parking spaces serving the development must be handicap accessible. Based upon the thirteen parking spaces provided, the development meets this standard.

Bicycle Parking:

Pursuant to LDR Section 4.4.13(I)(4) and Table 4.4.13(K) of the LDRs, all non-residential uses over 2,000 square feet shall provide at least one (1) bicycle space. There is no existing bicycle rack on-site. One new bicycle rack which accommodates 3-5 spaces is proposed to be installed. Thus, this requirement is met.

LANDSCAPE PLAN ANALYSIS

The landscape plan submitted has been evaluated by the City Landscape Senior Planner. The landscape plan provides perimeter and building foundation landscape material and calls for various native plants as well as plants that are suitable for the local climate. A waiver to the terminal landscape island requirement is necessary to accommodate the proposed new outdoor dining area on the east side of the building. Additionally, existing conditions prevent the provision of a landscape island for the parking row on the north side of the building. Pursuant to LDR 4.6.16(H)(3)(i), terminal landscape islands are required to be located at the end of each parking row and have a minimum width of nine feet and a minimum depth of fifteen feet for a total of 135 sq. ft. Upon approval of the waiver request, the proposed landscape plan will be deemed compliant with LDR Section 4.6.16.

WAIVER ANALYSIS

The applicant has requested a waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft. Specifically, the terminal landscape island on the east side of the building abutting the proposed 8-space parking row is being removed to accommodate the proposed outdoor dining area. All existing plantings will be removed. The remaining pervious area will accommodate new landscape material in an area which measures less than 50 sq. ft., whereas at over 135 sq. ft. of landscape area currently exists. Additionally, the site has existing nonconformities relative to the required landscape islands for the 3-space parking row along the west property line and the 2-space parking row interior to the site on the north side of the building. These islands were originally approved as landscape areas. However, portions of the islands have been paved with concrete. Since these have no prior approval, the existing nonconformities are included within this waiver request.

CBD Waiver Criteria:

Pursuant to LDR Section 4.4.13(K)(8)(b)(2) - Waivers, in addition to the findings in LDR Section 2.4.7(B)(5), within the CBD, the following standards shall be considered when reviewing waiver requests:

- (a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
- (b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
- (c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.

(d) The waiver shall not reduce the quality of civic open spaces provided.

LDR Required Findings:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The following verbatim justification has been provided by the applicant (*in italics*):

CBD Waiver Criteria:

- a. *The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*
 - *IT DOES NOT – the railroad access ally is not a street (and there are no sidewalks along this street) the actual terminal (end) is a building access walkway to the rear building entrance.*
- b. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
 - *IT DOES NOT – the waiver actually provides a paver access to the building that is necessary and compatible with other nearby buildings, protecting patrons from the alley that does not have a sidewalk*
- c. *The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.*
 - *IT DOES NOT – this waiver is to improve the connectivity of the parking area to the building, the proposed 5' walkway takes people off the private alley way and does not impact any existing sidewalk or bicycle network.*
- d. *The waiver shall not reduce the quality of civic open spaces provided.*
 - *IT DOES NOT – BOTH existing planting and new planting shall remain in this area between the required 5' paver walkway and the existing curbing on the property line (see site and landscape configuration on the plans) While the depth is all we are asking for a waiver, the length as shown is approximately 24' long (4x's longer than the typical 5' length of a terminal landscape island)*

LDR Required Findings:

- a. *Shall not adversely affect the neighboring area;*
 - *THE PROPOSED LANDSCAPE PLAN will not appear different from the railroad-tracks, although narrow, the level of landscaping will remain heavy and provide a "green-scape" at the end of the parking lot. (Note: In the CBD district foundation planting currently along the East Elevation is NOT REQUIRED)*
- b. *Shall not significantly diminish the provision of public facilities;*

- *IT DOES NOT, a terminal landscape island shall still remain (we are proposing an orientation change only to provide for a required paver walkway)*
- c. *Shall not create an unsafe situation;*
- *IT DOES NOT – actually the opposite is created – with the proposed paver walk-way the access to the bar area is MUCH SAFER than if patrons walked STRAIGHT INTO the bar from the alley. (this is the SAFEST proposal)*
- d. *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*
- *IT DOES NOT – an understanding of the required 5' paver access tight (along) the building provides for the safest, cleanest, best access path from the bar area. Any other property owner with a similar condition (along a private alleyway) would be benefit from the same waiver request and approval.*

Also, this waiver request includes approval for a missing terminal island (shown on the original Landscape Plan, but never installed.) The submitted Landscape plan shows a concrete slab on East side of the narrow (rear) building – The original approved Landscape Plan (currently on-file) indicates a West-Terminal-Island along the building for the existing single parking space behind the stairs. There are Electrical Panels on this Wall (from the original) construction. National Electrical Code requires 36" clear in-front-of these panels. Our Request is to accept the as-built existing condition that is NOT PART of our work.

Staff Assessment of CBD Standards and Required Findings:

The City concurs with the applicant's request for the waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft. Specifically, approval of the waiver shall not result in an inferior pedestrian experience because it is not along a Primary Street. The waiver also has no effect on any civic open spaces provided. Therefore, the request for the waiver substantially meets the standards of LDR Section 4.4.13(K)(8)(b)(2).

Granting the requested waiver will not have an adverse effect on the neighboring area and will not create and unsafe situation, because existing conditions have remained for years with no adverse outcome. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made for the a waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft.

ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The proposed architectural elevation changes will enhance the image of the City and East Atlantic Avenue. The building has been designed with a contemporary style of architecture. The new storefront facing the railroad right-of-way will offer a visually attractive and transparent view of the building which is consistent with neighboring businesses in the downtown area.

The proposed architectural changes are a high quality design product that will be compatible with the neighboring properties and will further enhance the image of the City and East Atlantic Avenue. Based upon the above, the proposal will be consistent with the criteria established in LDR Section 4.6.18(B)(14) and (E), and LDR Section 4.4.13(F)(3).

REVIEW BY OTHERS

Community Redevelopment Agency:

At its meeting of October 15, 2015, the CRA (Community Redevelopment Agency) reviewed the development proposal and reached a consensus to recommend approval.

Downtown Development Authority:

At the meeting of October 12, 2015, the DDA (Downtown Development Authority) reviewed the development proposal and reached a consensus to recommend approval.

Courtesy Notices:

Courtesy notices are not required for Class II Site Plan Modification requests.

Public Notice:

Formal public notice is not required. Any letters of objection and/or support for this site plan modification will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

ASSESSMENT AND CONCLUSION

The Class II Site Plan Modification development proposal is associated with demolition of the existing single tenant bay building and construction of a one-story 4,332 sq. ft. commercial building to accommodate two (2) retail tenant bays with rear loading access and refuse removal. The applicant has requested a waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft., which is supportable. No civic open space is required. The proposed changes will be consistent with the current policies and objectives of the Comprehensive Plan and the Land Development Regulations, subject to the conditions as indicated in the staff report. Therefore, positive findings can be made with respect to Section 2.4.5(G)(1)(b).

ALTERNATIVE ACTIONS

- A. **Continue** with direction.
- B. Move approval of the Waiver Request, Class II Site Plan Modification, Landscape Plan and Architectural Elevations for **Buddha Sky Bar**, by adopting the findings of fact and law contained in

the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.7(B)(5), 2.4.5(G)(1)(b), 4.4.13(K)(8), 4.6.16 and 4.6.18 of the Land Development Regulations.

- C. Move denial of the Waiver Request, Class II Site Plan Modification, Landscape Plan and Architectural Elevations for **Buddha Sky Bar**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.7(B)(5), 2.4.5(G)(1)(b), 4.4.13(K)(8), 4.6.16 and 4.6.18 of the Land Development Regulations.

RECOMMENDED ACTION

By Separate Motions:

Terminal Landscape Island Waiver Request:

Move approval of the requested waiver to LDR Section 4.6.16(H)(3)(i) for **Buddha Sky Bar**, to allow reduced landscape islands along the east and north sides of the building, whereas a minimum 9' x 15' terminal landscape island is required, due to positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Site Plan:

Move approval of the Class II Site Plan Modification for **Buddha Sky Bar**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(G)(1)(b) of the Land Development Regulations, subject to the following condition:

1. To mirror existing conditions, all plans must reflect the parking lot striping and wheel stop for the parking space accommodating the golf cart parking.

Landscape Plan:

Move approval of the Landscape Plan for **Buddha Sky Bar**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.16 of the Land Development Regulations.

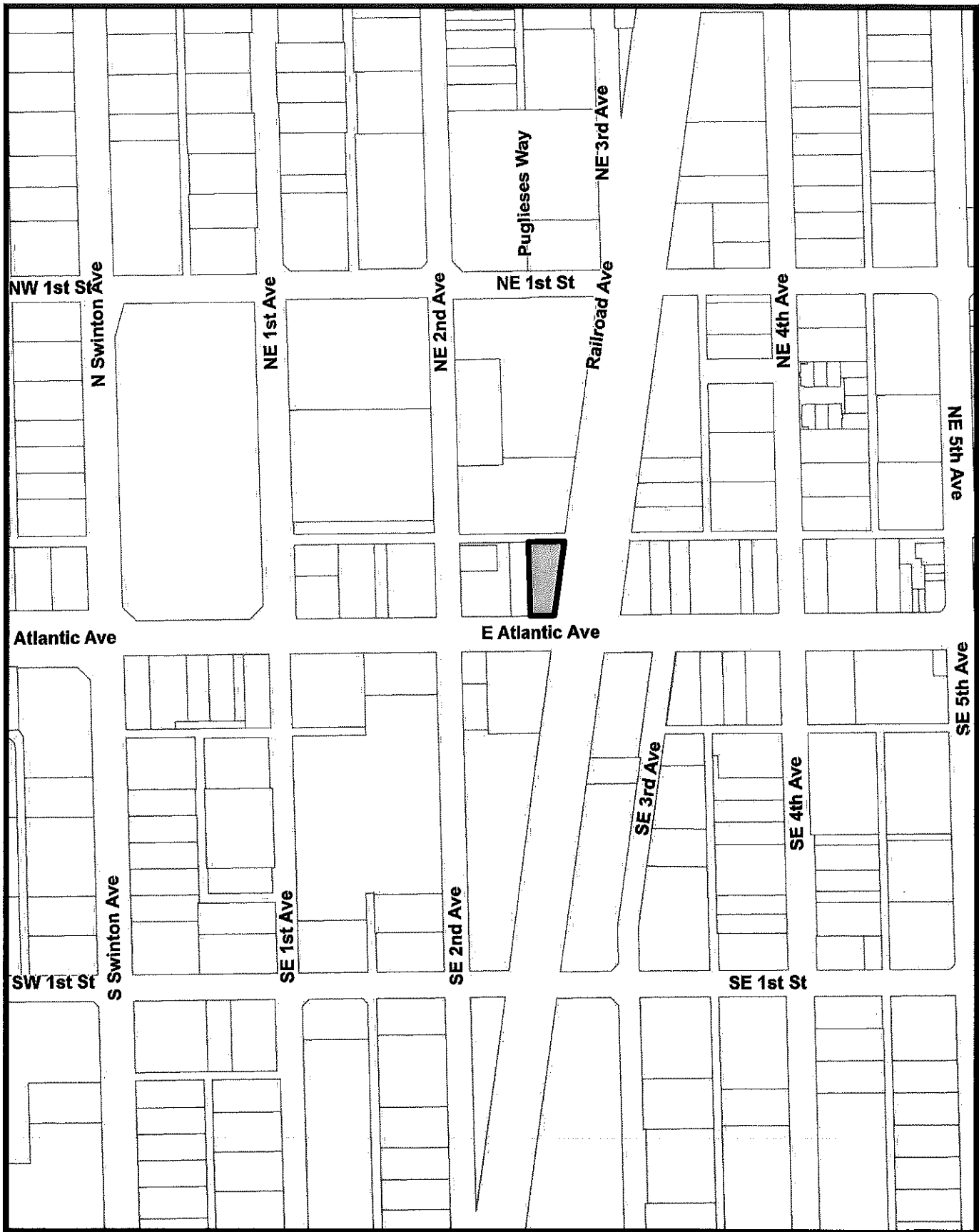
Architectural Elevations:

Move approval of the Architectural Elevations for **Buddha Sky Bar**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.18 of the Land Development Regulations.

Staff Report Prepared by: Candi Jefferson, Senior Planner

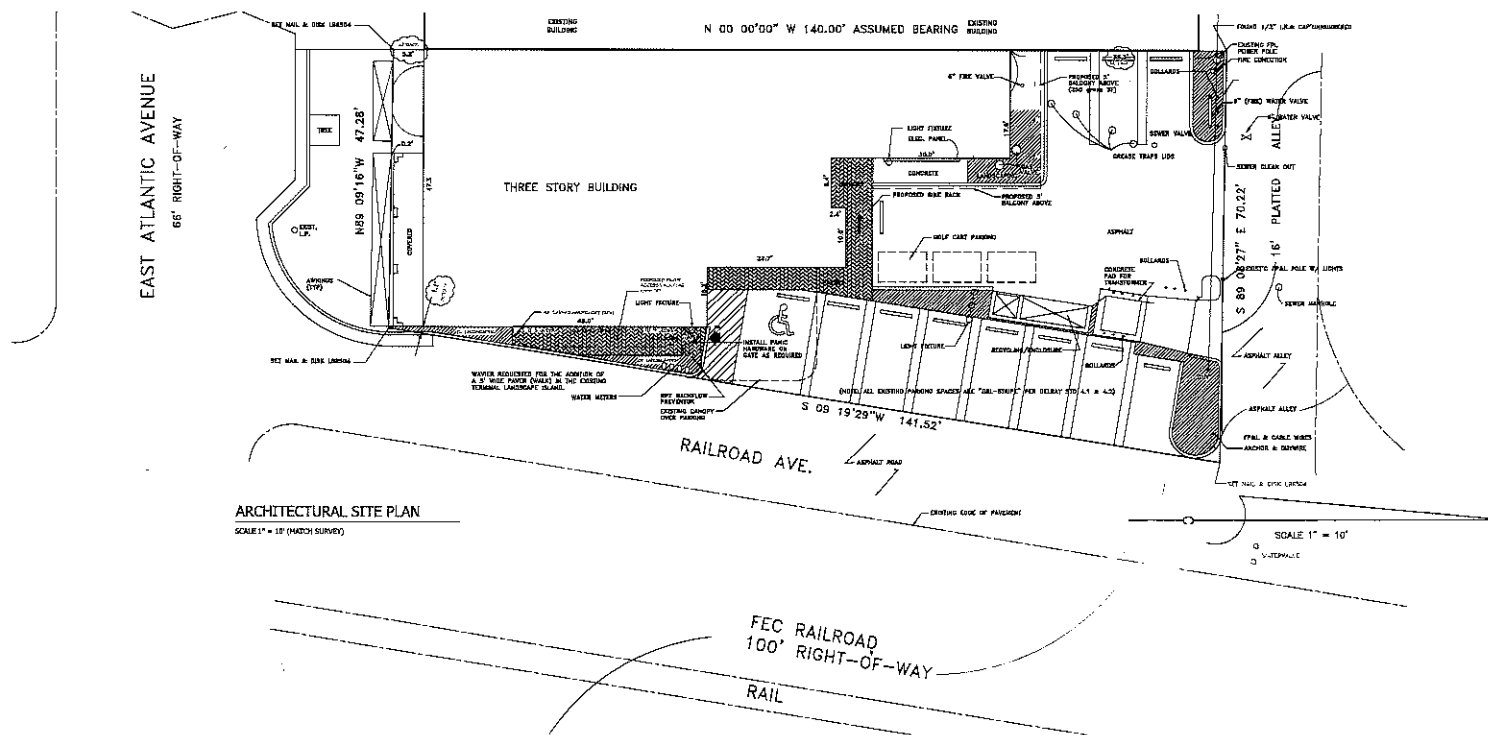
Attachments:

- Site Plan
- Landscape Plan
- Architectural Elevations
- Written Waiver Request and Applicant Justification



BUDDHA SKY BAR
217 E. Atlantic Avenue
LOCATION MAP





Steven W. Siebert
ARCHITECT

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CLASS-2 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELRAY BEACH, FLORIDA 33444

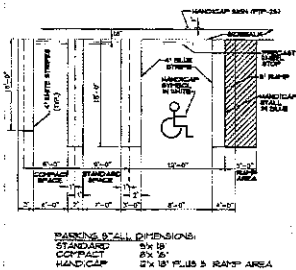
WRITTEN CONSENTS ON THESE PLANS SHALL BE PROVIDED TO THE CITY OF DELRAY BEACH, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) FOR REVIEW AND APPROVAL. THE CITY OF DELRAY BEACH, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SHALL BE RESPONSIBLE FOR THE REVIEW AND APPROVAL OF THESE PLANS. THE CITY OF DELRAY BEACH, FLORIDA, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION (FDOT) SHALL BE RESPONSIBLE FOR THE REVIEW AND APPROVAL OF THESE PLANS.

PROJECT NO: 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
CHECKED BY: B.K.
REVISIONS:
Class II 210.16

ARCH SITE PLAN

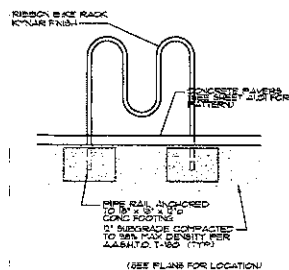
SP.1

SHEET NO.



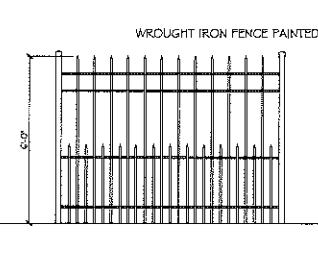
PARKING SPACE DETAILS

NOT TO SCALE



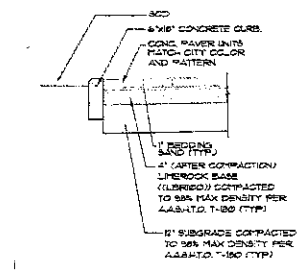
BIKE RACK DETAILS

NOT TO SCALE



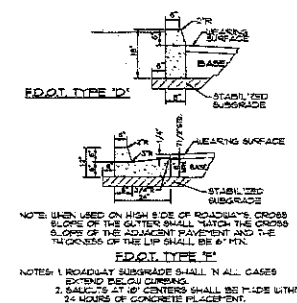
NEW FENCE DETAILS

NOT TO SCALE



PAVER DETAILS

NOT TO SCALE



CURB DETAILS

NOT TO SCALE



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CLASS-3 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELRAY BEACH, FLORIDA 33444

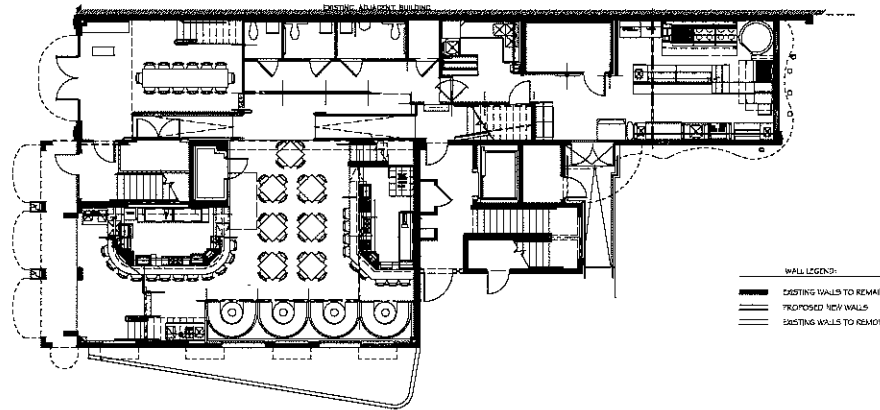
WRITTEN PERMISSIONS ON THESE
DRAWINGS SHALL BE OBTAINED
FROM THE ARCHITECT BEFORE ANY
CONSTRUCTION SHALL BE MADE AND BE
RESPONSIBLE FOR ALL INFORMATION
AND CONDITIONS ON THIS SET AND
THIS OFFICE MUST BE NOTIFIED OF
ANY CHANGES PRIOR TO THE
COMPLETION OF THE PROJECT.

PROJECT NO. 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
CHECKED BY: B.K.
REVISIONS:
CLASS-III 11.13.15

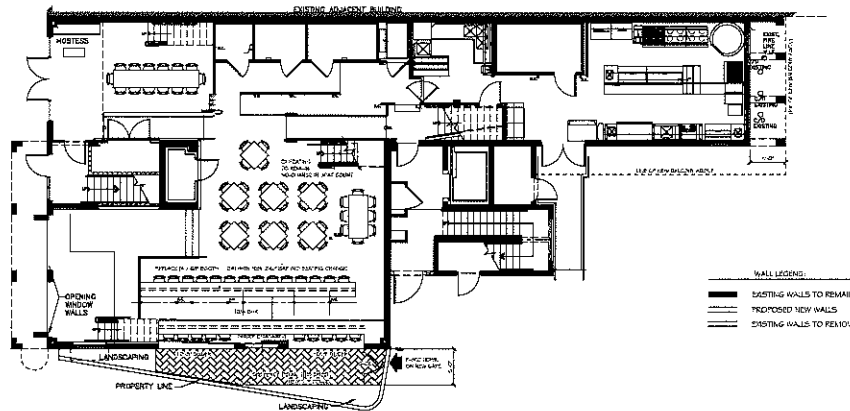
SITE PLAN DETAILS

SP.2

SHEET NO.



FIRST (GROUND) FLOOR PLAN
1/8" = 1'-0"



PROPOSED (GROUND) FLOOR PLAN
1/8" = 1'-0"



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STEVE SIEBERT
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CLASS-3 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELMAR BEACH, FLORIDA 33441

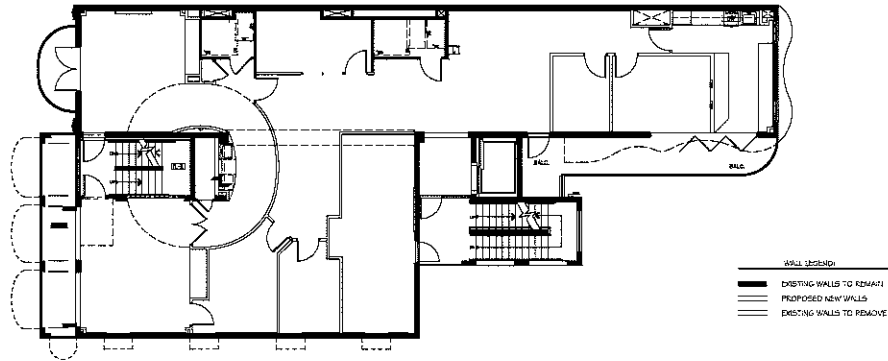
WRITTEN REVISIONS ON THESE
DRAWINGS SHALL HAVE PRECEDENCE
OVER SCALE DIMENSIONS.
CONTRACTOR SHALL VERIFY AND BE
RESPONSIBLE FOR ALL DIMENSIONS
AND CONDITIONS ON THE SITE, AND
THIS OFFICE SHALL BE NOTIFIED OF
ANY VARIATIONS FROM THE
CONTRACT.
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PROJECT NO.: 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
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REVISIONS:
CLASS-3 11.13.15

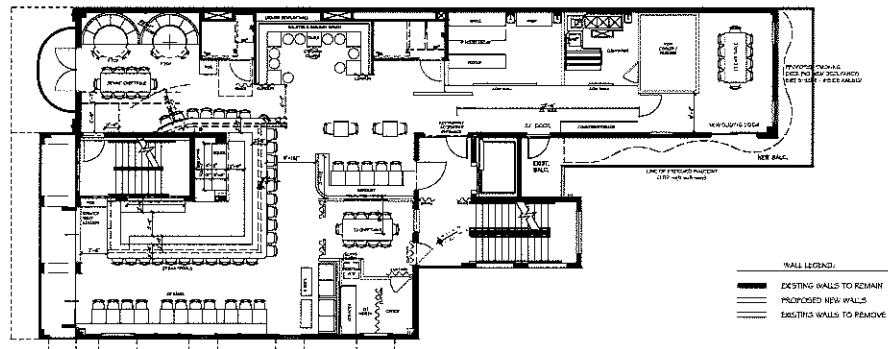
FIRST FLOOR PLAN

P.1

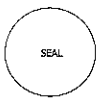
SHEET NO.



EXISTING SECOND FLOOR PLAN
1/8" = 1'-0"



PROPOSED SECOND FLOOR PLAN
1/8" = 1'-0"



Steven W. Siebert
ARCHITECT



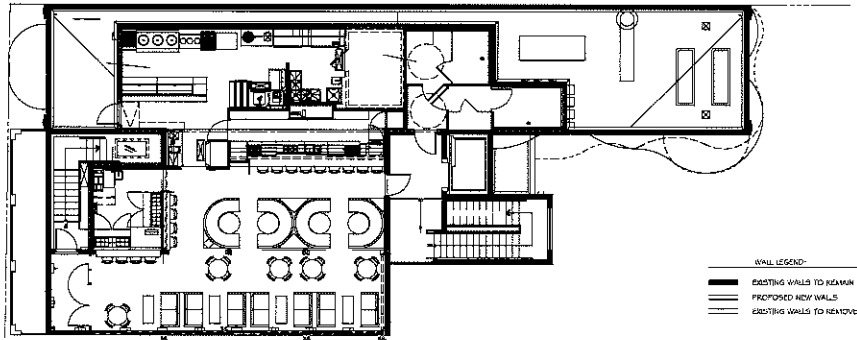
STEVE SIEBERT
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steve@stevesiebert.com

CLASS-3 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELAKE BEACH, FLORIDA 33444

WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. ANY DISCREPANCIES ON THE A/C AND THIS OFFICE SHALL BE NOTIFIED OF IMMEDIATELY WITH THE DIMENSIONS. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS. ANY DISCREPANCIES ON THE A/C AND THIS OFFICE SHALL BE NOTIFIED OF IMMEDIATELY WITH THE DIMENSIONS.

PROJECT NO.: 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
CHECKED BY: B.K.
REVISIONS:
CLASS-11 11.13.15

SECOND FLOOR PLAN
P.2
SHEET NO.



EXISTING THIRD FLOOR PLAN
1/8" = 1'-0"



Steven W. Siebert
Architect

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CLASS-3 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELRAY BEACH, FLORIDA 33444

WRITTEN PERMISSION ON THESE
DRAWINGS SHALL NOT BE PRESENTED
OR REPRODUCED WITHOUT THE
CONSENT OF STEVE SIEBERT ARCHITECTURE
FOR ANY PURPOSES. ANY REPRODUCTION
OR CONSTRUCTION OF THE BUILDING
WITHOUT THE WRITTEN PERMISSION OF
STEVE SIEBERT ARCHITECTURE IS
PROHIBITED.

PROJECT NO.: 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
CHECKED BY: S.W.S.
REVISIONS:
CLASS-IT 11.13.15

THIRD FLOOR PLAN
P.3
SHEET NO.



NO-CHANGE PROPOSED
NO NEW ELEVATION PROVIDED

FRONT - SOUTH ELEVATION (EXIST)
NOT TO SCALE



SIDE - EAST ELEVATION (EXIST)
NOT TO SCALE



REAR - NORTH ELEVATION (EXIST)
NOT TO SCALE



Steven W Siebert
ARCHITECT

STEVE SIEBERT
ARCHITECTURE



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CLASS 3 SITE MODIFICATION FOR:
BUDDHA SKY BAR
217 EAST ATLANTIC AVENUE
DELAWARE BEACH, FLORIDA 33444

WHILE THE HANDLING OF THESE
DRAWINGS SHALL HAVE PRECEDENCE
OVER ALL OTHERS, THE CONTRACTOR
SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION
AND SAFETY. THE CONTRACTOR SHALL
BE RESPONSIBLE FOR THE PROTECTION
OF ALL UTILITIES AND THE PROTECTION
OF ALL ADJACENT PROPERTIES.
CONTRACTOR SHALL MAINTAIN ACCESS
TO ALL ADJACENT PROPERTIES.
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TO ALL ADJACENT PROPERTIES.

PROJECT NO.: 15.066
DATE: 09.25.15
DRAWN BY: S.W.S.
CHECKED BY: S.W.S.
REVISIONS:
CLASS II 11.13.15

EXIST ELEVATIONS

E.1

SHEET NO.



Steve Siebert Architecture
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Delray Beach, Florida 33483
ph. 561.880.7894
AR 0017834

February 1, 2016

Candi Johnson
Planner
City of Delray Beach
100 NW First Avenue
Delray Beach, FL 33444

RE: Buddha Sky Bar – CLASS – II (MODIFICATION)
REQUEST FOR TERMINAL LANDSCAPE WAIVER
Second letter with LDR items addressed:

As noted in our Response letter Date November 14th we request a waiver for the terminal landscape islands as outlined in that response.

Please refer to documents submitted and grant the proposed 5' wide access path on the East Side of the building (South of the existing Handicap Space and Access Walk). Existing Landscape material shall remain as shown on the revised Landscape plan.

Pursuant to LDR Section 4.4.13 we submit the following response to items: a,b,c & d

(a) The waiver shall not result in an inferior pedestrian experience along a Primary Street;
IT DOES NOT – the railroad-access ally is not a street (and there are no sidewalk along this street) the actual terminal (end) is a building access walkway to the rear building entrance.

(b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

IT DOES NOT – the waiver actually provides a paver access to the building that is necessary and compatible with other nearby buildings, protecting patrons from the alley that does not have a sidewalk

(c) The waiver shall not erode the connectivity of the street sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.

IT DOES NOT – this waiver is to improve the connectivity of the parking area to the building, the proposed 5' walk-way takes people off the private alley way and does not impact any existing sidewalk or bicycle network.

(d) The waiver shall not reduce the quality of civic open spaces provided.

IT DOES NOT – BOTH existing planting and new planting shall remain in this area between the required 5' paver walkway and the existing curbing on the property line (see site and landscape configuration on the plans) While the depth is all we are asking for a waiver, the length as shown is approximately 24' long (4x's longer than the typical 5' length of a terminal landscape island)

Pursuant to LDR Section 2.4.7, prior to granting a waiver, the approving body shall make a finding that granting the waiver:

(a) shall not adversely affect the neighboring area

THE PROPOSED LANDSCAPE PLAN will not appear different from the railroad-tracks, although narrow, the level of landscaping will remain heavy and provide a "green-scape" at the end of the parking lot. (Note: In the CBD district foundation planting currently along the East Elevation is NOT REQUIRED)

(b) shall not significantly diminish the provision of public facilities

IT DOES NOT, a terminal landscape island shall still remain (we are proposing an orientation change only to provide for a required paver walkway)

(c) shall not create an unsafe situation

IT DOES NOT - actually the opposite is created - with the proposed paver walk-way the access to the bar area is MUCH SAFER than if patrons walked STRAIGHT INTO the bar from the alley. (this is the SAFEST proposal) &

(d) does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another application or owner.

IT DOES NOT - an understanding of the required 5' paver access tight (along) the building provides for the safest, cleanest, best access path from the bar area. Any other property owner with a similar condition (along a private alleyway) would be benefit from the same waiver request and approval.

Also, this wavier request includes approval for a missing terminal island (shown on the original Landscape Plan, but never installed.) The submitted Landscape plan shows a concrete slab on East side of the narrow (rear) building - The original approved Landscape Plan (currently on-file) indicates a West-Terminal-Island along the building for the existing single parking space behind the stairs. There are Electrical Panels on this Wall (from the original) construction. National Electrical Code requires 36" clear in-front-of these panels. Our Request is to accept the as-built existing condition that is NOT PART of our work.

Thank you for considering our waiver request.

Sincerely,



Steve Siebert
architect

