

# SITE PLAN REVIEW AND APPEARANCE BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** January 10, 2018

**ITEM:** **50 SE 4<sup>th</sup> Avenue (2017-112)** - Class V Site Plan, Landscape Plan with waiver request, and Architectural Elevations to demolish an existing one-story office building and construct a 3,396 sq. ft. two-story building with restaurant uses in the first story and open air rooftop dining.

**RECOMMENDATION:** Approve the Class V Site Plan, Landscape Plan, and Architectural Elevations with conditions;  
Approve the Waiver

**GENERAL DATA:**

Owner/ Applicant ..... Steven Cohen of 50 SE 4<sup>th</sup> Avenue, LLC

Agent ..... George Brewer

Address..... 50 SE 4th Avenue

Location..... West side of SE 4<sup>th</sup> Avenue, south of Atlantic Avenue

Property Size..... 5,585 sq. ft. (0.128 ac.)

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

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

Adjacent Zoning:

North	CBD
South	CBD
East	CBD
West	CBD

Existing Land Use..... 2,619 sq. ft. one-story office building

Proposed Land Use..... 5,742 sq. ft. restaurant

Water Service..... Existing on site

Sewer Service..... Existing on site



## ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V Site Plan for **50 SE 4<sup>th</sup> Avenue (2017-112)**, located at 50 SE 4<sup>th</sup> Avenue, pursuant to LDR Section 2.4.5(F), including the following:

- Site Plan
- Landscape Plan with waiver request
- Architectural Elevations

## BACKGROUND

The subject property is zoned CBD (Central Business District) and has a Central Core (CC) Future Land Use Map (FLUM) designation. The site currently has a 2,619 sq. ft. office building, which was constructed in 1969. The 5,585 sq. ft. (0.13 acres) site is located on the west side of SE 4<sup>th</sup> Avenue, between E Atlantic Avenue and SE 1<sup>st</sup> Street.

## PROJECT DESCRIPTION

The proposed project will replace the existing building with a new 3,396 sq. ft., two-story restaurant with open-air dining. The only enclosed areas on the second story are stairways, an elevator, and restrooms servicing the open-air dining and bar on the roof of the first story. Raised planter beds are also proposed on the roof of the first story. The site is approximately 42 feet by 135 feet; however, after a 2-ft. right-of-way dedication for the alley and a 5-ft. right-of-way dedication for SE 4<sup>th</sup> Avenue, it will measure approximately 42 feet wide by 128 feet long and 5,376 sq. ft. (.126 acres).

Including the open-air rooftop dining, the total proposed restaurant use is 5,742 square feet. Per LDR Section 4.4.13(1)(2)(a), the parking requirement for a restaurant use in this location is six spaces per 1,000 square feet. The proposed project requires 34 spaces. Two parking spaces are accommodated in the rear, accessed from the alley. LDR Section 4.4.13(1)(3)(a)(5) allows offsite parking arrangements provided the other property is located within 750 feet, measured along the closest pedestrian route between nearest building entrance and nearest parking entrance. On December 11, 2017, the City Commission approved off-site parking agreements, which provide for the remaining 32 spaces. These spaces will be located in two off-site locations: seven spaces at 85 SE 4<sup>th</sup> Avenue and 25 spaces at 350 SE 1<sup>st</sup> Street. Per the approved agreements, the off-site parking spaces will be shared with office uses located on the remote sites and will be available for the restaurant from 6 pm to 2 am. The applicant stated in the parking plan that the restaurant operations will be within the hours prescribed parking agreements. **As such, limiting the restaurant hours on weekdays to 6 pm to 2 am is attached as a condition of approval.**

Now before the Board for consideration is a Class V Site Plan, Landscape Plan with waiver, and Architectural Elevations to demolish the existing building and construct a new two-story building with 5,742 sq. ft. of restaurant use. The development proposal includes a request for a waiver to LDR Section 4.6.16(H)(3)(d), which requires a landscape barrier of at least five feet between vehicular use area and the abutting property line, whereas a 2'-1" landscape barrier is proposed.

## SITE PLAN ANALYSIS

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

**Right-of-Way Dedications**

The project will provide two right-of-way dedications, as shown on the Site Plan. Pursuant to LDR Section 5.3.1(A)(3), new development adjacent to existing streets is responsible for one-half of the ultimate right-of-way. LDR Section 5.3.1(D)(2) requires a minimum 60-ft. right-of-way width for commercial streets (SE 4<sup>th</sup> Avenue) and a minimum 20-ft. right-of-way width for alleys. SE 4<sup>th</sup> Avenue currently has a 50-ft. right-of-way, requiring a 5-ft. dedication. The alley requires a dedication of two feet. The Metropolitan project located on the west side of the alley dedicated two feet to the ultimate right-of-way; this lot will have the benefit of a 20-ft alley providing rear access to parking and service uses. **A condition of approval is attached that the 2-ft. dedication to the alley and 5-ft. dedication to SE 4<sup>th</sup> Avenue be executed prior to issuance of a building permit.**

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

Pursuant to Figure 4.4.13-5 (Central Core Regulating Plan), SE 4<sup>th</sup> Avenue is classified as a Primary Street. Pursuant to Table 4.4.13(C), the following dimensional requirements are applicable:

<b>PROPOSED BUILDING (CLV)</b>	<b>Required</b>	<b>Proposed</b>
Lot Width	20 ft. min.	42 ft.
Lot Area	2,000 sf. min.	5,376 sf.*
Front Setback	10 ft. min./15 ft. max.	15 ft.*
Side Setback (north)	0 ft. min.	4"
Side Setback (south)	0 ft. min.	4"
Rear Setback	10 ft. min.	29 ft.*
Building Frontage on Primary Streets	75% min./100%max	98%
Maximum Height	4 Stories & 54 ft.	2 Stories & 29 ft.
* After ROW dedications		

The proposed building complies with the dimensional requirements in Table 4.4.13(C). While the code allows the building to be built without side setbacks, windows are proposed on the north and south sides. LDR Section 4.4.13(D)(1)(b)(2)(b) states, *“All light and air shafts, including those necessary per the percentage of openings on building facades, shall be provided within the property.”* Rather than provide side setbacks to ensure light and air are provided to these windows in perpetuity, the applicant proposes to build without side setbacks and acknowledge future redevelopment on both sides of the building may eventually block the windows. The following note is on the site plan, *“Building placement in the CBD District where no side setback is required is subject to further limitations set forth in the LDR’s and any future, adjacent property development may obscure the view and access for the North and South sides of this structure.”*

The dimensional data on Sheet SP1 requires updates prior to site plan certification. The Site Data chart has a “Total Site Area” figure that does not reflect the SE 4<sup>th</sup> Avenue right-of-way dedication, which will result in a site area of 5,376 sq. ft. Initially, two on-site and 33 off-site parking spaces were anticipated; however, only 32 off-site spaces were finalized. The Building Data and Parking charts should reduce the restaurant area from 5,886 sq. ft. to 5,742 sq. ft., consistent with the parking required and provided. 34 parking spaces. **The reduction of restaurant area from 5,886 sq. ft. to 5,742 sq. ft. must be**

**illustrated on the site plan and tabular data to be consistent with the parking provided. Staff has attached this change as a condition of approval prior to certification.**

**Arcade Frontage**

The existing lot currently extends to the landscape planter in the SE 4<sup>th</sup> Avenue right-of-way and includes the public sidewalk. An arcade frontage type is proposed, which will extend over the sidewalk area, providing shelter from the elements for pedestrians. The proposed arcade complies with the dimensional criteria set forth in Table 4.4.13(l) as shown in the table below.

Arcade Standards	Required	Proposed
Building Setback	15 ft. max.	15 ft.*
Arcade Depth	10 ft. min./20 ft. max.	14'-3" to 18'-1"
Arcade Height	10 ft. min./20 ft. max.	13 ft.
Column to Face of Curb	2 ft. min./4 ft. max.	8'-7"***
Column Width and Depth	1 ft. min.	1'-4" x 1'-4"
* After SE 4 <sup>th</sup> Avenue ROW dedication		
**Existing Condition		

The "Column to Face of Curb" dimension is exceeded, due to the existing streetscape condition. A large landscape planter is located in front of the site, which results in a curb zone more than 8 feet wide. The intent of the dimensional limitation of column to face of curb is to ensure a parallel sidewalk is not located adjacent to the arcade, which does not occur under the existing condition and proposed design.

The use of the arcade frontage type, which is intended to extend over the public sidewalk (usually located within the right-of-way), requires a right-of-way agreement approved by the City Commission. In this case, it is important to note the existing sidewalk is located within the applicant's lot. After dedications, the lot will be reduced and 5 feet of the existing sidewalk will then be within the public right-of-way. By using an arcade frontage type, the lot is fully developed while maintaining the public sidewalk. A sidewalk easement will ensure the required 6-ft. wide pedestrian clear path under the arcade is established and maintained for public access and use. **The execution of a right-of-way agreement to build the arcade within the public right-of-way and a sidewalk easement and maintenance agreement are attached as conditions of approval.**

**Bicycle Parking:**

Pursuant to LDR Section 4.4.13(l)(4) bicycle parking is required. The requirement is two spaces per 1,000 square feet of restaurant, resulting in a requirement of 12 spaces. The site plan indicates racks for 8 bikes near the rear entry of the building and for 4 bikes in front of the building, under the arcade.

**Refuse Enclosure:**

The trash and recycling enclosure is located in the rear of the building. Trash and recycling pick up is from the alley. Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public rights-of-way. The enclosure details on the site plan indicate that this requirement has been met.

**Lighting:**

Pursuant to LDR Section 4.6.8, on-site lighting must be provided and be consistent with the minimum and maximum foot candle illumination level requirements. The details provided indicate ceiling mounted

light fixtures will be used under the arcade and under the awning in the rear of the building. The Proposed Lighting Plan meets the minimum and maximum foot candle allowances in the front and rear of the building; however, the Luminaire Schedule and Calculation Summary do not reflect the number of ceiling mounted lights under the arcade or the minimum/maximum illuminance on the Proposed Lighting Plan. **Prior to site plan certification, the tabular data must be updated to reflect the number of fixtures and lighting levels shown on the Proposed Lighting Plan.**

Pursuant to the LDR Section 6.1.5, the development of property alongside a public or private street shall be responsible for the installation of street lights pursuant to the practice of the Florida Power and Light Company. The proposed development removes a streetlight in the northeast corner of the site. The applicant has indicated the Composite Utility Plan will be provided at the time of building permit. **Replacement of the street light will be addressed at that time; this is attached as a condition of approval.**

**Green Building requirements:**

Pursuant to LDR Section 4.4.13(F)(10) buildings that are 50,000 sq. ft. or greater are required to have green building certification; this building is less than 4,000 sq. ft. LDR Section 4.4.13(F)(9), contains standards that apply to all development in the CBD to reduce urban heat islands for both roofed and non-roofed areas. The applicant has specified material to meet the high-reflectance and high emissivity roofing option. For the non-roofed area, the landscape plan provides shade over 30% of the non-roofed areas on the site. The GIAB (Green Implementation Advancement Board) reviewed this project on May 18, 2017; the board comments are attached to the staff report.

**LANDSCAPE PLAN**

A Landscape Plan is included with the Class V application with a waiver request related to landscape requirements in the rear parking area. Required streetscape trees have already been provided within the right-of-way in front of this parcel; however, three cabbage palms are proposed to be added to the planter. Most of the landscape improvements are provided in the rear of the building. An 18-ft. tall Gumbo Limbo and 16-ft. tall Alexander Palms are the larger species proposed, with Silver Buttonwood and Dwarf Holly shrubs. The roof of the first story will largely be used for an outdoor dining and bar area. A 645 square foot area is separated from the customer area for raised planter beds for growing vegetables and herbs. This type of landscaping is not required, but is encouraged. Details regarding irrigation, etc. are not included for the planting beds at this time.

**PARKING LOT LANDSCAPE - WAIVER ANALYSIS**

The waiver request is to LDR Section 4.6.16(H)(3)(d), which requires a landscape barrier of at least five feet between vehicular use area and the abutting property line. A barrier of 2'-1" is proposed. The area is proposed to be planted with Silver Buttonwood, 16-ft. tall Alexander Palms, and a Simpson Stopper.

The applicant's verbatim waiver justifications:

*Due to site constraints in the rear of the building (alley) this requirement cannot be met. There is currently no landscaping in this alley and we feel the amount of landscaping we shall be providing is a great improvement to the area therefore this requires would not diminish the character of the district. The landscape island as proposed is 2'-1" in width, this will allow hedges for a buffer, site constraints prevent anything larger.*

**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.

**Staff Assessment of CBD Waiver Criteria and Required Findings:**

The lot is only 12 feet wide. Despite the narrow lot width, the design of the rear of the building accommodates a trash enclosure, can wash area, bicycle parking, and two parking spaces plus landscaping (the current condition has none). The only option to meet the parking requirement is to remove one of the two proposed on-site spaces. After weighing the requirements for restaurant parking and the landscaping proposed on the site, Staff recommends approval of the waiver request.

Since the waiver request affects landscaping in the rear of the project, approval of the waiver will not result in an inferior pedestrian experience along a Primary Street. The waiver will not create incompatibilities with the lot to the north; the location of new landscaping will visually expand the landscape barrier located along the property line of the parking area. The parking area to the south of the lot has no landscaping at all so this proposal will improve the current condition. The waiver has no effect on civic open spaces as none are required for this sized parcel. Therefore, the request for the waivers 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 as discussed above and will not create an unsafe situation. Incorporating additional landscaping on such a small parcel would result in the loss of a space, which would impact redevelopment potential of the small, infill site. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. The City has approved numerous similar waiver requests in the downtown area to accommodate infill development on small sites. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) is made for the a waiver to LDR Sections 4.6.16(H)(3)(d).

<b>ARCHITECTURAL ELEVATIONS ANALYSIS</b>
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Pursuant to LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. 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 building proposes to use the Main Street Vernacular style of architecture, which is identified as one of seven permitted architectural styles in LDR Section 4.4.13(F). The execution of the style exhibits some of the characteristics of this style: elevation composed simple bays; vertically proportioned, aligned openings; brick and stucco finish; and an arcade shading a storefront (proposed to be comprised of nano-doors). The design does not incorporate detailing on the parapet, which is a common characteristic and uses glass railings, which is not listed as a typical material. The overall composition of the front façade is consistent with the style.

The arcade columns propose a capital that is traditional in its detailing, yet the brick veneer of the column is not consistent with grey painted steel proposed at the top and the bottom of the columns. No column base is proposed. This detailing is inconsistent with the traditional detailing common to the style; the brick material appears to be missing. **Staff recommends detailing the arcade columns with a traditional base consistent with the proposed capital and the brick veneer be applied to the whole column; this is attached as a condition of approval.**

The West Elevation faces the rear, with parking, the can wash and refuse area. Currently, no windows are proposed, which would allow restaurant workers to survey the area prior to opening the door. **Staff recommends specifying doors that have windows or adding a window to the rear elevation to provide oversight of the rear area; this is attached as a condition of approval.**

As discussed above, the proposed windows along the north and south sides of the building are not guaranteed to remain unobstructed, as the adjacent parcels are also afforded redevelopment without side setbacks. This potential impact by future redevelopment is acknowledged on the site plan.

#### REQUIRED FINDINGS

Pursuant to **LDR Section 3.1.1 (Required Findings)**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas.

**FUTURE LAND USE MAP: The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation).**

The subject property has a Future Land Use Map designation of CC and a zoning designation of CBD. It is located in the Central Core Sub-district. The CBD zoning is consistent with the Commercial Core FLUM designation. Pursuant to Table 4.4.13(A), Allowable Uses in the CBD Sub-Districts, in the Central Core, principle uses “P” include restaurant uses. Based upon the above, a positive finding is made with respect to consistency with the Future Land Use Map (FLUM) designation.

**CONCURRENCY: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.**

As described in Appendix “A”, a positive finding of concurrency is made as it relates to applicable standards such as water and sewer, drainage, and solid waste. Regarding streets and traffic, a letter from Palm Beach County stating the traffic impact is within the County’s standards is required prior to site plan certification.

**CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(F)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objective and policy was found:

**Future Land Use Element - Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.**

The proposed infill development will replace an obsolete building with a structure that lines the street with active uses, improving the downtown CBD. The proposed use is compatible and consistent with other existing establishments in the downtown area. Therefore, the proposed use and intensity of the development will be complementary to adjacent land uses.

**Transportation Element Policy D-2.2: Bicycle parking facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.**

Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use. The proposed project has provided racks to accommodate 12 bicycle parking spaces. Thus, this LDR requirement is met.

**COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs): Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.**

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs is made.

**LDR Section 2.4.5(F) (5) - Compatibility (Site Plan Findings): The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.**

The following zoning designations and uses are abutting the subject property:

	<i>Zoning Designation:</i>	<i>Land Use:</i>
<i>North:</i>	CBD	Offices
<i>South:</i>	CBD	Offices
<i>East:</i>	CBD	Offices
<i>West:</i>	CBD	Alley / Vacant Lot (Mixed Use project approved)

The surrounding uses are largely offices, with a mixed use project approved, but not constructed to the west. The site is one building away from buildings on Atlantic Avenue, which contain wide range of uses, typical of development in the Central Core Subdistrict of the CBD. The two-story restaurant will be the first on this portion of SE 4<sup>th</sup> Avenue. The project is compatible with the surrounding office and retail uses and consistent with the mixed-use district. Thus, a finding can be made that the use will not have a detrimental effect upon the stability of the downtown, nor will it hinder the development or redevelopment of nearby properties. Thus, positive findings is made pursuant to LDR Section 2.4.5(F)(5).

**REVIEW BY OTHERS**

At its meeting of May 11, 2017, the **CRA (Community Redevelopment Agency)** reviewed the development proposal.

At the meeting of May 8, 2017, the **DDA (Downtown Development Authority)** reviewed the development proposal.

At the meeting of May 18, 2017, the **GIAB (Green Implementation Advancement Board)** reviewed the development proposal and provided comments.

Courtesy notice has been provided to the Chamber of Commerce.

**ASSESSMENT AND CONCLUSION**

The Class V Site Plan, Landscape Plan, and Architectural Elevations are associated with demolition of an existing buildings and construction of a new two-story restaurant building with open-air rooftop dining. A waiver to parking lot landscaping requirements is requested and supported by staff to accommodate as many on-site parking spaces as possible on a small site, accessed from the alley and located behind the building. Staff recommends changing the column detailing to be more consistent with the proposed Main Street Vernacular architecture, which is one of seven styles defined for the CBD Zoning District. The restaurant development will be consistent with the current policies and objectives of the Comprehensive Plan and Chapter 3 of the Land Development Regulations, subject to the conditions as indicated in the staff report. Therefore, positive findings are made with respect to Section 2.4.5(F)(5) and LDR Section 4.6.18(E), with the proposed conditions of approval.

**ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Move approval of the Class V Site Plan, Landscape Plan with waiver, and Architectural Elevations for **50 SE 4<sup>th</sup> Avenue**, 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 2.4.5(F)(5), 2.4.5(I)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations.

- C. Move denial of the Class V Site Plan, Landscape Plan with waiver, and Architectural Elevations for **50 SE 4<sup>th</sup> Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(F)(5), 2.4.5(I)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations.

**RECOMMENDED ACTION**

**By Separate Motions:**

Site Plan:

Move approval of the Class V Site Plan (2017-112) for **50 SE 4<sup>th</sup> Avenue** 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(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

- ✓ 1. Restaurant operations on weekdays are limited to 6 pm to 2 am.
- ✓ 2. Prior to site plan certification, the restaurant area shall be reduced from 5,886 sq. ft. to 5,742 sq. ft.
- ✓ 3. Prior to site plan certification, a <sup>Public</sup> right-of-way agreement allowing a portion of the arcade within the public shall be approved by the City Commission;
- ✓ 4. Prior to site plan certification, a letter from Palm Beach County stating the traffic impact is within the County's standards is required;
- ✓ 5. Prior to building permit issuance, a sidewalk easement and a maintenance agreement for the portion of the pedestrian clear zone within the front setback must be executed;
- ✓ 6. Prior to the issuance of a building permit, the street dedication of five feet and alley dedication of two feet is recorded and submitted to the Planning, Zoning, and Building Department.
- ✓ 7. Prior to the issuance of a building permit, a Composite Utility Plan will be provided, which will address the replacement of the street light.

Landscape Plan:

Move approval of the Landscape Plan for **50 SE 4<sup>th</sup> Avenue** and requested waiver to LDR Section 4.6.16(H)(3)(d), whereas a landscape barrier of 5 feet is required between vehicular use area and the abutting property line and 2'-1" is proposed, due to positive findings identified in the staff report and consistency with LDR Section 4.6.16, Section 4.4.13(K)(8)(b)(2), and Section 2.4.7(B)(5).

Architectural Elevations:

Move approval of the Architectural Elevations for **50 SE 4<sup>th</sup> Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in 2.4.5(I)(5), Section 4.6.18(E) and Section 4.4.13(F)(3) of the Land Development Regulations, subject to the following conditions:

1. The arcade columns will have a traditional base and capital, with the brick veneer applied to the full column shaft; and
2. The West Elevation will incorporate windows on the doors or wall to ensure restaurant staff can view the rear area prior to exiting the building.   
*and Stairwell*

**NOTE:**

If the site plan and associated plans are approved, the following must be addressed prior to certification:

1. The location and number of bicycle racks illustrated on Sheet L-1 is updated to be consistent with the Site Plan;
2. The tabular data on the Photometric Plan is updated to reflect the number of fixtures and lighting levels shown on the Proposed Lighting Plan; and
3. The word “obscure” is replaced with the word “block” on SP1.

Staff Report Prepared by: *Anthea Gianniotes, AICP, Principal Planner*

Attachments: *Site Plan, Landscape Plan, Architectural Elevations, Appendix “A”, Appendix “B”*

**APPENDIX “A”  
CONCURRENCY FINDINGS**

**Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:**

Water and Sewer:

- Water Service is available via an existing 8” water main within the adjacent street ROW to the east.
- Sewer Service is available via an existing 8” sewer main within the adjacent rear alley ROW to the west.

Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic:

It is noted that the site is located within the City's Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC and OSSHAD. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. Therefore, a traffic study is not required for concurrency purposes. However, a traffic statement was prepared which indicates that the project will generate an increase of 208 daily trips, a decrease of 6 AM peak trips and an increase of 20 PM peak hour trips. A letter from Palm Beach County stating the project meets the county's concurrency standards is required for site plan certification.

Parks and Recreation Facilities:

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit (\$2,500 total) is not applicable.

Solid Waste:

The existing 2,619 sq. ft. office building generates approximately 7.1 tons of solid waste per year. The proposed 5,742 sq. ft. of restaurant use will generate 71.4 tons of solid waste per year. The development will create a 64.4 ton net increase in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Drainage:

Drainage will include an exfiltration trench in the rear parking lot and trench drain along the alley. A trench drain is also proposed in the northeast corner along SE 4<sup>th</sup> Avenue. The alley elevation is higher than the proposed finish floor height and the elevation of SE 4<sup>th</sup> Avenue. The applicant has indicated the building will be appropriately waterproofed. No problems for adjacent properties are anticipated with respect to drainage as it relates to this standard.

<b>APPENDIX B STANDARDS FOR SITE PLAN ACTIONS</b>
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**A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

**B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

**C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

**D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

**E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

**F. Vacant property shall be developed in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City’s demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

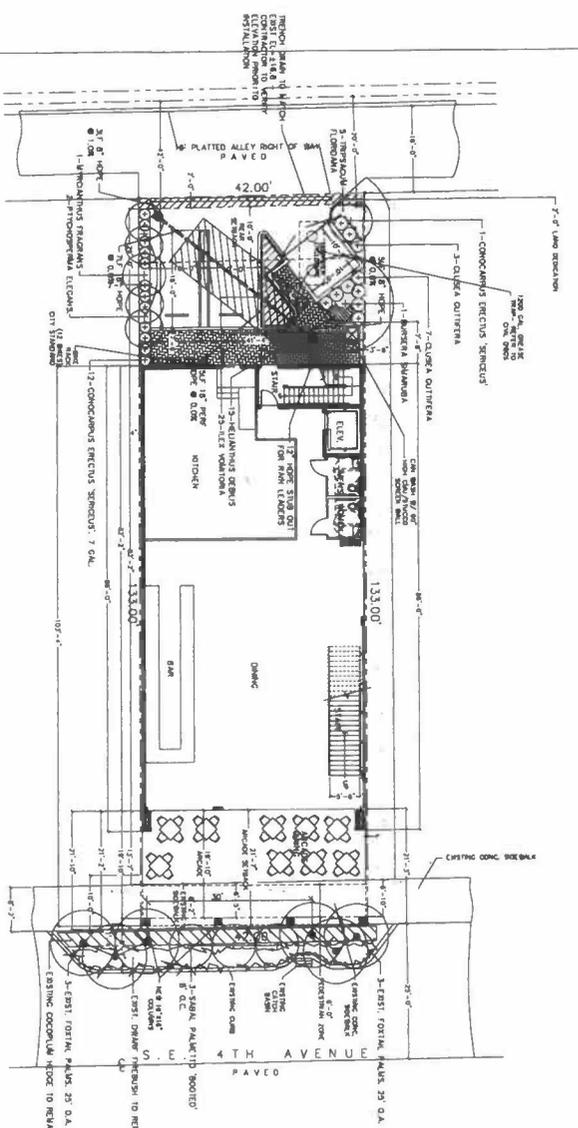
Not applicable	
Meets intent of standard	<b>X</b>
Does not meet intent	

- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.**

Not applicable	
Meets intent of standard	<b>X</b>
Does not meet intent	

- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

Not applicable	<b>X</b>
Meets intent of standard	
Does not meet intent	



ITEM	DESCRIPTION	QUANTITY	UNIT	PRICE
1	1.000000	1.000000	1.000000	1.000000
2	2.000000	2.000000	2.000000	2.000000
3	3.000000	3.000000	3.000000	3.000000
4	4.000000	4.000000	4.000000	4.000000
5	5.000000	5.000000	5.000000	5.000000
6	6.000000	6.000000	6.000000	6.000000
7	7.000000	7.000000	7.000000	7.000000
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10	10.000000	10.000000	10.000000	10.000000
11	11.000000	11.000000	11.000000	11.000000
12	12.000000	12.000000	12.000000	12.000000
13	13.000000	13.000000	13.000000	13.000000
14	14.000000	14.000000	14.000000	14.000000
15	15.000000	15.000000	15.000000	15.000000

# LANDSCAPE PLAN



- ### LANDSCAPE NOTES
1. ALL PLANT MATERIAL SHALL CONFORM TO THE STANDARDS FOR FLORIDA NO. 1 OR BETTER AS SPECIFIED IN THE FLORIDA LANDSCAPE PLANTS, PART 1, AND PART 1, STATE OF FLORIDA DEPT. OF AGRICULTURE, TALLAHASSEE, FL.
  2. CONTRACTOR TO VERIFY LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO BEGINNING WORK.
  3. ALL PLANT BEES TO RECEIVE 10" OF 50/50 MIX, 50K 4" IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO PROVIDE A SMOOTH UNIFORM AN IRRIGATION SYSTEM SHALL BE INSTALLED.
  4. PROVIDING 100% COVERAGE TO ALL LANDSCAPE MATERIALS SHALL BE INSTALLED WITH THE IRRIGATION SYSTEM, IF ONE DOES NOT EXIST.
  5. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AS REQUIRED BY THE CITY, IF APPLICABLE.
  6. ALL TREES AND PALMS TO BE PROPERLY STAKED AFTER PLANTING. SEE DETAIL SHEET L-1. IT SHALL BE THE RESPONSIBILITY OF THE LANDSCAPE CONTRACTOR TO VERIFY ALL MATERIALS ON PLANS.
  7. ALL OTHER AREAS TO BE MULCHED SHALL RECEIVE 3" OF TROPICAL MULCH OR WOOD.

### LANDSCAPE CALCULATION FORM

CITY OF DELRAY BEACH  
(941) 342-7000

NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (SQ. YD.)
1	TOTAL SITE AREA	10,000.00	111.11
2	CONCRETE DRIVEWAY	1,000.00	11.11
3	CONCRETE SIDEWALK	500.00	5.56
4	PAVED DRIVEWAY	2,000.00	22.22
5	PAVED SIDEWALK	1,000.00	11.11
6	PAVED DRIVEWAY	1,000.00	11.11
7	PAVED SIDEWALK	500.00	5.56
8	PAVED DRIVEWAY	1,000.00	11.11
9	PAVED SIDEWALK	500.00	5.56
10	PAVED DRIVEWAY	1,000.00	11.11
11	PAVED SIDEWALK	500.00	5.56
12	PAVED DRIVEWAY	1,000.00	11.11
13	PAVED SIDEWALK	500.00	5.56
14	PAVED DRIVEWAY	1,000.00	11.11
15	PAVED SIDEWALK	500.00	5.56
16	PAVED DRIVEWAY	1,000.00	11.11
17	PAVED SIDEWALK	500.00	5.56
18	PAVED DRIVEWAY	1,000.00	11.11
19	PAVED SIDEWALK	500.00	5.56
20	PAVED DRIVEWAY	1,000.00	11.11
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45	PAVED SIDEWALK	500.00	5.56
46	PAVED DRIVEWAY	1,000.00	11.11
47	PAVED SIDEWALK	500.00	5.56
48	PAVED DRIVEWAY	1,000.00	11.11
49	PAVED SIDEWALK	500.00	5.56
50	PAVED DRIVEWAY	1,000.00	11.11



1-800-432-4770

PROJECT: NEW RESTAURANT  
50 N.E. 4th AVENUE  
DELRAY BEACH, FLORIDA

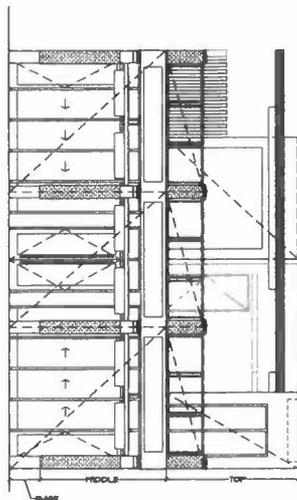
LANDSCAPE PLAN

DATE: 2-27-17  
DRAWN BY: K. FAY  
CHECKED BY:  
CAD FILE:

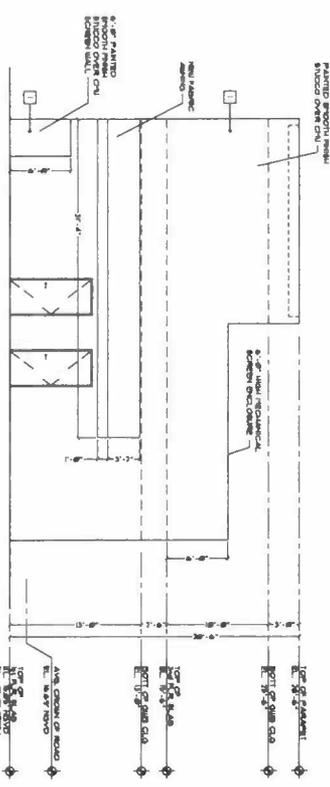
REVISIONS: 7-12-17

MICHAEL FAY: LANDSCAPE ARCHITECT  
REG.# 540  
420 N.W. 7th ST., DELRAY BCH., FL. 33444  
PH. 561-306-4003

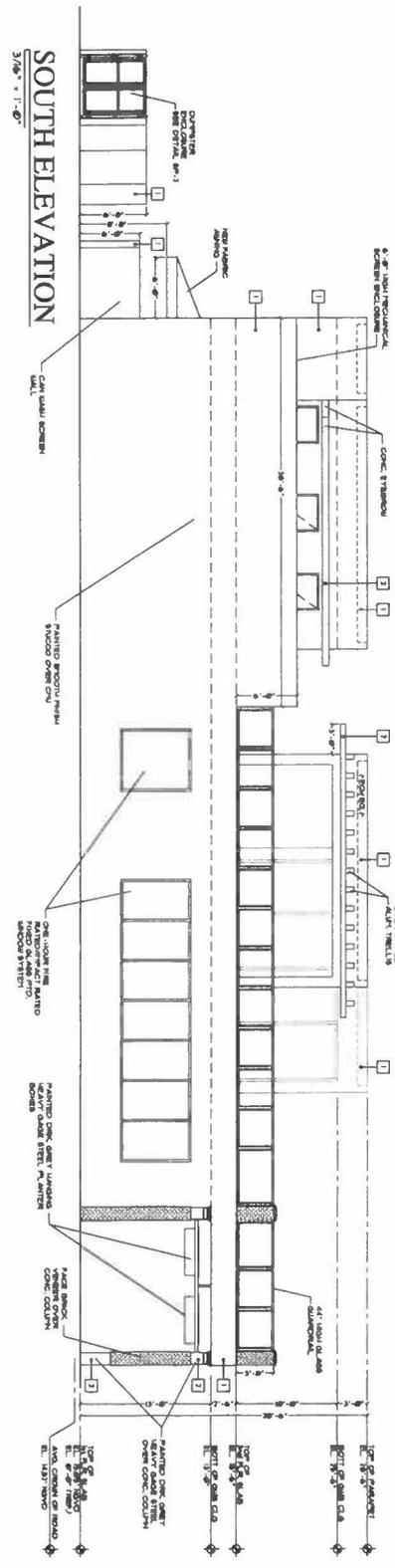
LANDSCAPE ARCHITECT:  
MICHAEL FAY A.S.L.A.  
REC. NO. 540  
DATE:



BUILDING COMPOSITION  
3/16" = 1'-0"



WEST ELEVATION  
3/16" = 1'-0"



SOUTH ELEVATION  
3/16" = 1'-0"

EXTERIOR PAINT LEGEND:

SYMBOL	TYPE
1	BRUSHED PINKISH - SANDY COLOURED PLAT
2	BRUSHED PINKISH - SANDY COLOURED PLAT

PERMITTED TO USE SECTION (ALWAYS) THE ELEVATION COMPANY'S SIGN  
 PERMITTED TO USE SECTION (ALWAYS) THE ELEVATION COMPANY'S SIGN  
 PERMITTED TO USE SECTION (ALWAYS) THE ELEVATION COMPANY'S SIGN

**GEORGE BREWER**  
 ARCHITECTURE  
 88 SE 4TH AVENUE  
 DELRAY BEACH, FL 33443  
 PHONE: 561.272.2201  
 WWW.GEORGEBREWER.COM

**50 SE 4TH AVE.**  
**NEW RESTAURANT**  
 50 SE. 4TH AVENUE  
 DELRAY BEACH, FL

AM0921394

DATE: 07.08.2011  
 REVISIONS:  
 06-27-2011  
 07-07-2011

**A**

EXTERIOR PAINT LEGEND:	
SYMBOL	TYPE
1	BENJAMIN MOORE # 96-031 "CHARM" FLAT
2	BENJAMIN MOORE # 96-064 "MIGHTY OIL" FLAT

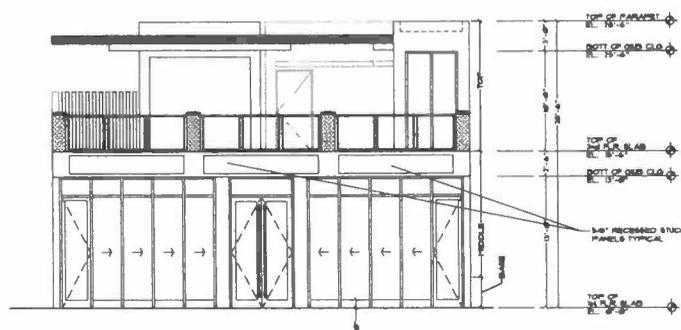
PURSUANT TO LDR SECTION 4.11(3)(3) THE ELEVATIONS CORPLY WITH PLAN STREET VERTICALITY STYLE

PURSUANT TO LDR SECTION 4.11(3)(4) THE ELEVATIONS CORPLY WITH "ARCADÉ" PRESTIGE TYPE

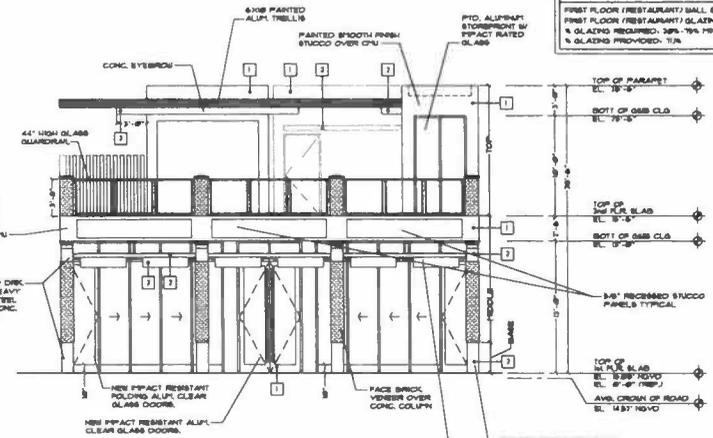
TRANSPARENCY:	
FIRST FLOOR (RESTAURANT) WALL BR.	64% BR.
FIRST FLOOR (RESTAURANT) GLAZING BR.	49% BR.
% GLAZING REQUIRED:	39% - 79% PER
% GLAZING PROVIDED:	71%

**GEORGE  
BAWLER**  
ARCHITECTURE

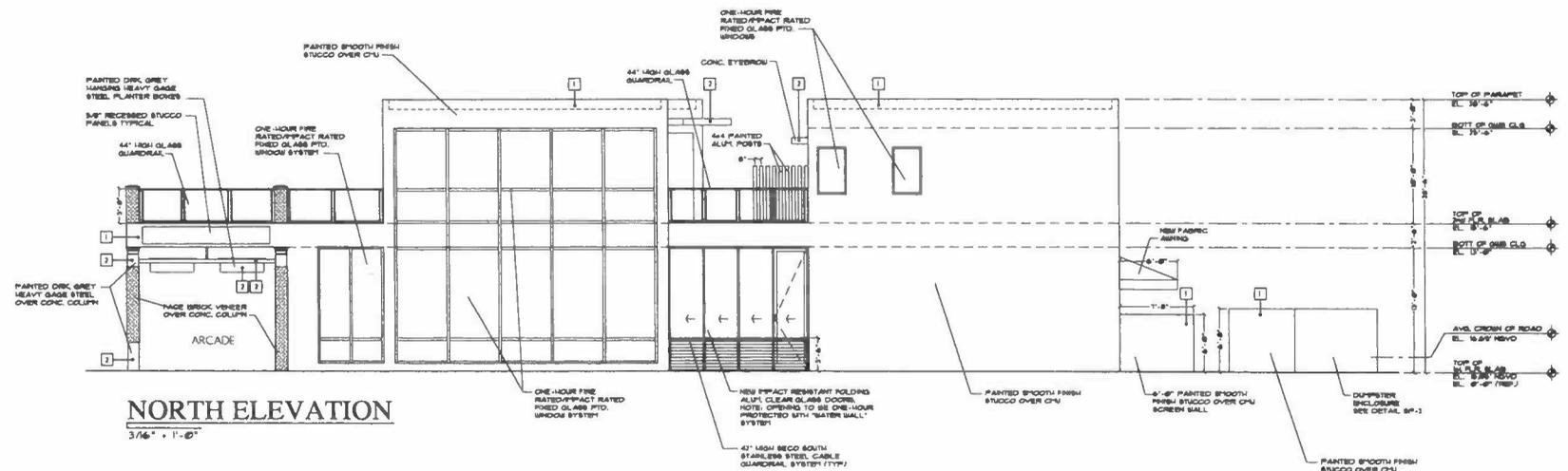
85 SE 4TH AVENUE  
DELRAY BEACH, FL 33483  
PHONE 561.272.7301  
FAX 561.272.3722  
WWW.GEORGEBAWLER.COM



**EAST ELEVATION**  
3/16" = 1'-0"



**EAST ELEVATION**  
3/16" = 1'-0"



**NORTH ELEVATION**  
3/16" = 1'-0"

**50 SE 4TH AVE.**  
NEW RESTAURANT  
50 SE 4TH AVENUE  
DELRAY BEACH, FL

AR001395-4

DATE: 07-09-2011  
PERMIT NO. REVISIONS  
06-12-2011 STAFF COMMENTS  
07-13-2011 STAFF COMMENTS







# City of Delray Beach

*Environmental Services Department*

## M E M O R A N D U M

[www.mydelraybeach.com](http://www.mydelraybeach.com)

**TO:** P&Z Staff

**FROM:** Ana Puszkin-Chevlin, Ph.D. Sustainability Officer

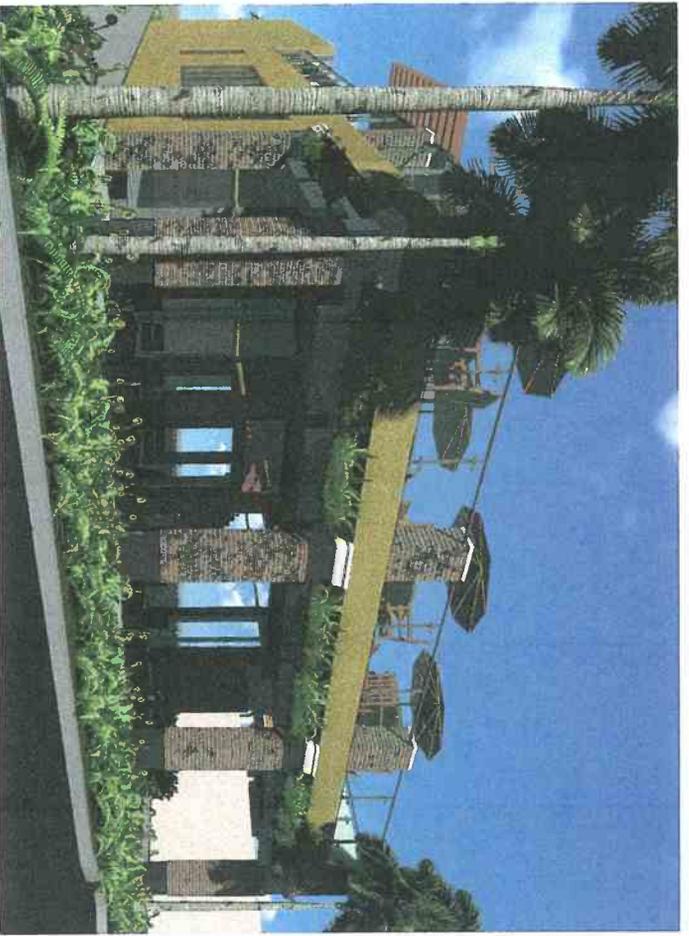
**DATE:** May 18, 2017

**SUBJECT:** GIAB's comments on 50 SE 4<sup>th</sup> Ave project proposal

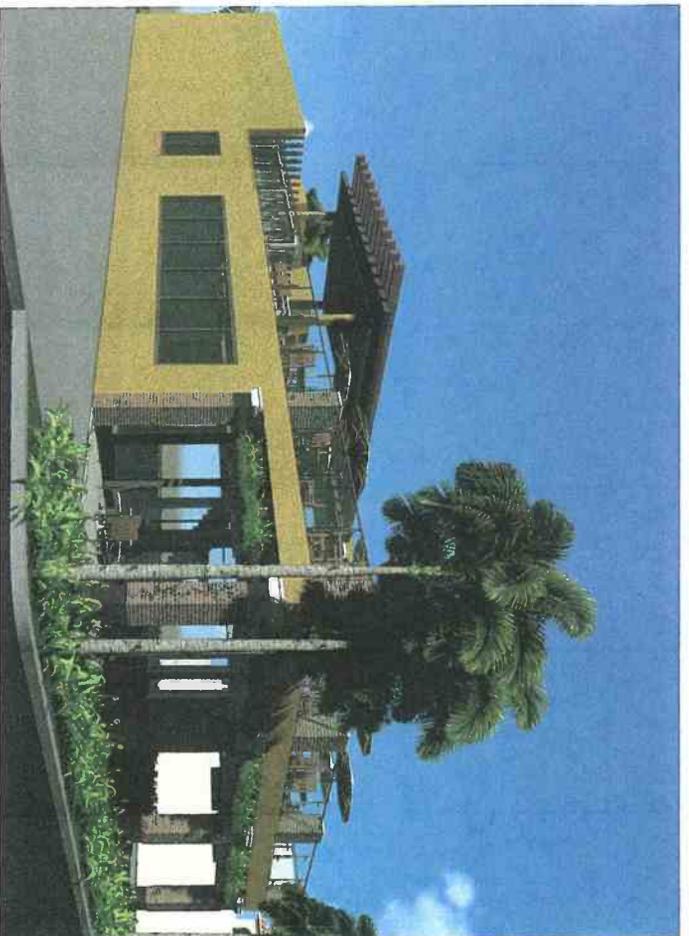
This morning the GIAB board met and reviewed the proposed project at 50 SE 4<sup>th</sup> Avenue. Below is a brief summary of the comments and suggestions of the Green Implementation Advancement Board.

- It is a zero-lot line project, thus the lack of side lot provides no space for greenery. Perhaps a setback would allow for the windows to remain if an adjacent building is built, it would also allow a small green space.
- Greenery should be included on the roof. The proposed trellis could be covered in Bourgenvilla or other appropriate climbing vine. Potted plants and trees could be introduced instead of, or in addition to the sun umbrellas. A water catchment system could be built into the roof design to capture rainwater in barrels for irrigation of potted flowers.
- The trellis could be used to hold a solar array, or a solar canopy can be installed instead. FPL has an attractive prototype to consider. These changes must be considered in the building design to ensure the building is engineered to hold the solar structure. The solar array has less maintenance than plantings, offers an excellent shaded area and energy to the building. It also shields lighting, creating a dark sky environment.
- Something should be done, perhaps curtain or rolling shade, to minimize the waste of air conditioning when the front folding doorways are opened.
- The full arcade over the sidewalk is a very attractive feature! The access to a roof-top venue is highly desired in Delray Beach.

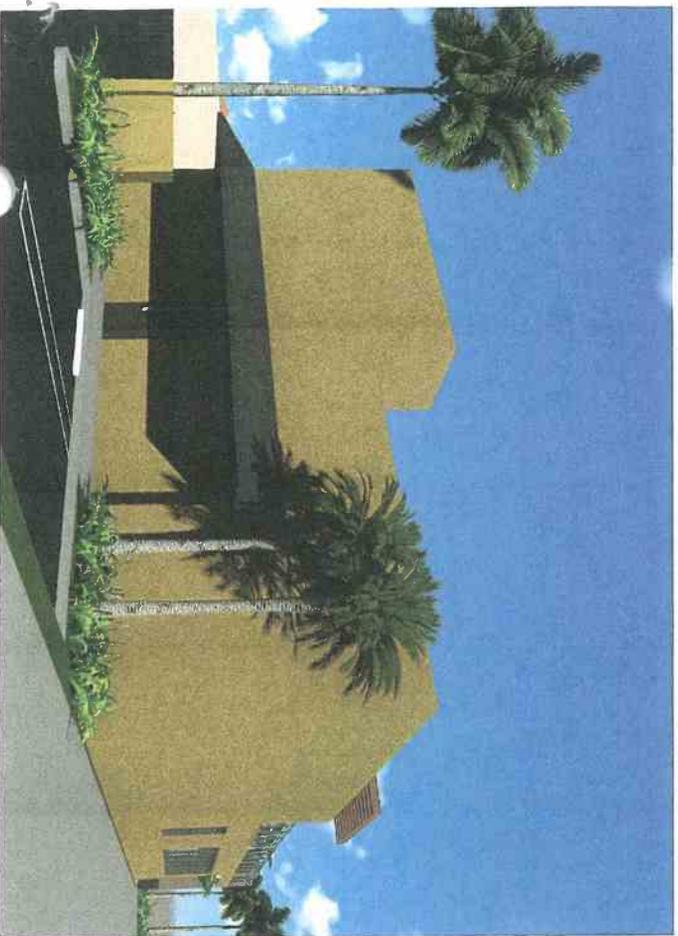




Proposed East Elevation



Proposed South Elevation



Proposed West Elevation



Proposed North Elevation



**CITY OF DELRAY BEACH  
SITE PLAN REVIEW AND APPEARANCE BOARD  
BOARD ORDER**

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**Project Name:** 50 SE 4<sup>th</sup> Avenue  
**Address:** 50 SE 4<sup>th</sup> Avenue  
**File No.:** 2017-112

**ORDER**

Following consideration of all the evidence and testimony presented at the **January 10, 2018** meeting before the Site Plan Review and Appearance Board (SPRAB) for the City of Delray Beach and pursuant to Section(s) of the Land Development Regulations (LDR) of the City of Delray Beach, the SPRAB finds that there is ample and competent substantial evidence to support the findings for the respective requests.

Request & LDR Section		Approved	Approved with Conditions*	Denied**
<b>SITE PLANS</b>				
	2.4.5(G)(1), Class I - IV			
✓	2.4.5(F)(1), Class V		✓	
	Waiver: [Insert Section]			
<b>LANDSCAPE PLAN</b>				
✓	2.4.5(H)	✓		
✓	Waiver: [4.6.16(H)(3)(d)]	✓		
<b>ARCHITECTURAL ELEVATIONS</b>				
✓	2.4.5(I)		✓	
	Waiver: [Insert Section]			

\*Conditions of Approval are attached as Exhibit A.

\*\*For a denial, the list of findings not supported by the Board are attached as Exhibit B.

  
 \_\_\_\_\_  
 Chair  
 Site Plan Review and Appearance Board

Signed original to:  
 George Brewer  
 Brewer Architecture, Inc.  
 85 SE 4th Avenue  
 Delray Beach, Florida 33483

