



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

Drutau Retail

Meeting	File No.	Application Type
June 26, 2024	2021-002-SPF-SPR-CLV	Level 2 Site Plan (previously Class V)
Property Owner	Applicant	Agent
M&C Capital, LLC	M&C Capital, LLC	Jordy Sopourn, RJS Architects

Request

Consideration of a Level 2 Site Plan, Landscape Plan, and Architectural Elevations for the construction of a 1,360 square foot, one-story retail building with associated site improvements, located at 2 NW 18th Avenue.

General Data

Location: 2 NW 18th Avenue

PCN: 12-43-46-18-00-000-5260

Property Size: 0.1535 acres (6,686 square feet)

Land Use Designation (LUM): GC (General Commercial)

Zoning District: GC

Adjacent Zoning:

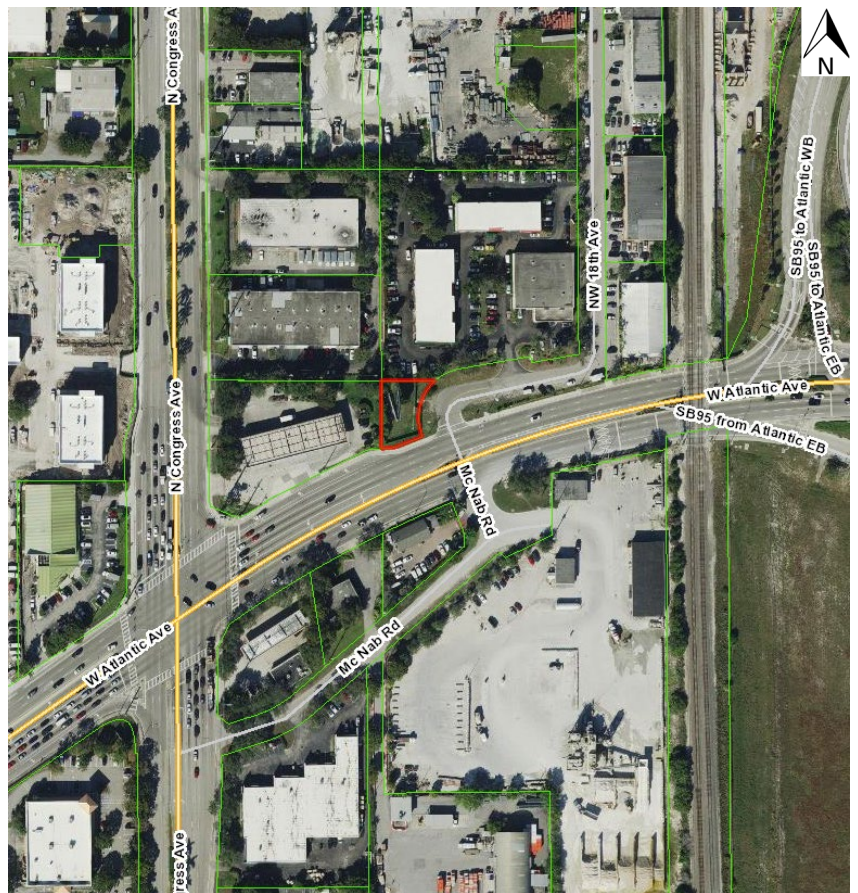
- **North and East:** MIC (Mixed Industrial and Commercial)
- **South:** MROC (Mixed Residential, Office, and Commercial)
- **West:** GC

Existing Use: Vacant/Existing Billboard

Proposed Use: 1,360 square foot, one-story retail building

Floor Area Ratio:

- **Existing:** N/A
- **Proposed:** 0.2
- **Maximum allowed:** 3.0



Project Planner:

Alexia Howald, Senior Planner;
Howalda@mydelraybeach.com
Alexis Rosenberg, Senior Planner;
561-243-7325

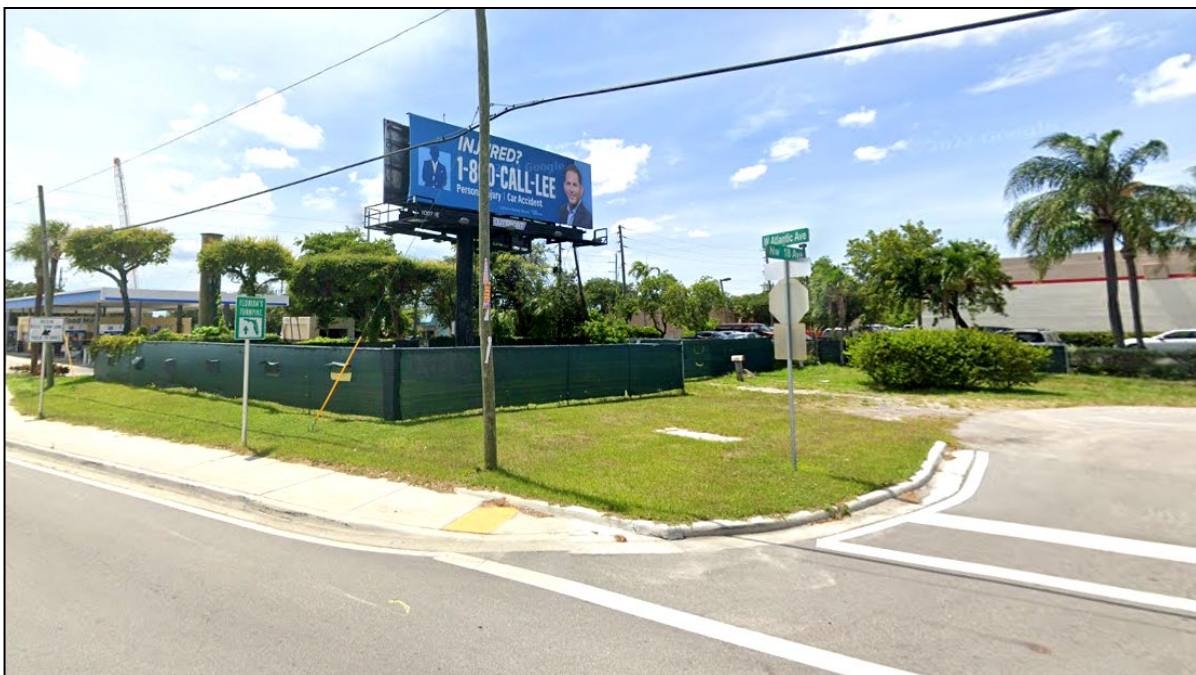


Background

The subject property is a 0.15-acre lot located on the north side of West Atlantic Avenue between North Congress Avenue and NW 18th Avenue. The property is currently vacant with the exception of a free-standing billboard that is not proposed for demolition at this time. The property is zoned GC and has a Land Use Map designation of GC. The property's history is as follows:

- **2007 – 2015:** Three +/- 250 square foot construction trailers resided on the property. City records do not show building permits for the construction of the trailers.
- **June 12, 2014:** SGJ Properties, LLC (owner of the billboard separate from owner of the property) entered into an Easement and Assignment of Lease Agreement with Landmark Infrastructure Holding Company, LLC for a term of 99 years, assigning Landmark Infrastructure Holding Company, LLC all of its right, title, and interest in, under the existing sign location lease between SGJ Properties, LLC and CBS Outdoor LLC (Billboard Tenant). The Agreement is attached and outlines the following four easements:
 - Billboard Sign Structure Easement;
 - Access Easement;
 - Utility Easement; and
 - Visibility Easement.
- **March of 2015:** The three construction trailers were removed, the lot was graveled, and a sign was posted outside the property stating “brewery parking.” City records do not show building permits for the demolition of the trailers or for the graveling of the site. Additionally, it appears that no formal parking agreement was recorded, assigning 2 NW 18th Avenue as a parking lot for the nearby brewery.
- **2016:** The “brewery parking” sign appeared to be removed and the graveled area grew over with vegetation.
- **February 20, 2019:** M&C Capital, LLC purchased the property.
- **August 23, 2023:** The project was considered at the August 23, 2023 SPRAB meeting. Direction was given by Board members requesting that the applicant provide more architectural detailing on the building, introduce a more welcoming color palette, add glazing on the north façade to further pronounce the front entrance, and apply architectural treatments that create a better-defined storefront. The applicant has subsequently revised the elevations and believes the changes adequately address the concerns of the Board.

It is imperative to note that the property owner has submitted documentation demonstrating the consent of the Billboard Tenant regarding the potential encroachment of the proposed structure into the aforementioned easements. This consent underwent review and approval by the City legal department.



View of The Property from West Atlantic Avenue, facing northwest



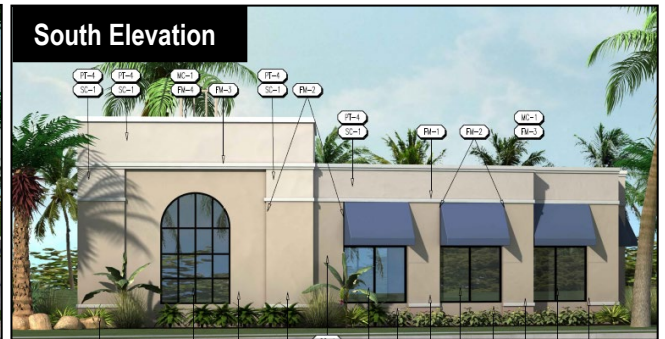
Description of Proposal

The proposal is for the construction of a new 1,360 square foot, one-story retail building. The building’s main entrance is located on the north side of the building, facing the six-space parking lot. Access to the site is provided via the existing curb cut on NW 18th Avenue. The double-sided billboard is located on the west side of the property, north of the proposed building, and is under separate ownership.

The images below show the original proposed rendering that was considered at the August 23, 2023 SPRAB meeting and the updated elevation with the amended color scheme, addition of awnings, and change of window type. On August 23, 2023, the Board voted 6-0 to continue the item with direction, expressing a desire to see more architectural detailing, a more welcoming color palette, additional window treatment on the north façade to further pronounce the front entrance, and additional treatment to the elevations to create a better-defined storefront. A comparison for each elevation is provided in the architectural analysis of the report.



Rendering from August 23, 2023 SPRAB meeting



Updated elevation

Review & Analysis: Site Plan and Zoning

LDR Section 2.4.10(A)(3)(b), Site Plan Applications

The request is considered a Level 2 Site Plan, which is subject to compliance with the required findings in Chapter 3, Performance Standards.

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, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 and 3.2.2. are provided throughout the following report sections.

3.1.1(A), Land Use Map

The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.

The property has a Land Use Map designation of GC, and a zoning designation of GC, which, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan, is the preferred zoning district to implement the GC land use designation. Pursuant to LDR Table 4.4.9(B)(1), general retail uses are permitted in GC. Therefore, the resulting use of land is compatible with the underlying land use.



3.1.1(B), Concurrency

Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Potable Water and Sewer: Water and sewer services will be provided to the site through the establishment of a new forcemain connecting to an existing manhole on the south side of the building. Pursuant to the Always Delray Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

Drainage. The site proposes permeable pavers; therefore, drainage and water run-off will be addressed through on-site retention, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) review was conducted by the Palm Beach County Traffic Division on August 6, 2020. Pursuant to the TPS review, the proposed project is projected to have a net impact of less than 20 peak hour trips. Therefore, a detailed traffic study is not required, and the project has been determined to meet the Palm Beach County Traffic Performance Standards A technical note has been added, requiring an updated TPS letter prior to site plan certification, utilizing Palm Beach County’s most recent trip generation rates to ensure concurrency.

Parks and Open Space: The GC zoning district requires a minimum of 25 percent of non-vehicular open space on the property. Based on the proposed site plan, the project provides a total of 2,130 square feet (32.3 percent) of open space. As residential units are not proposed with the development, park impact fees are not required.

Solid Waste: The subject property currently produces zero waste, as it is developed with one billboard. Based on the Waste Generation Rates for Palm Beach County, the proposed development will generate approximately 6.9 tons (13,872 pounds) of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: Not Applicable.

3.1.1(C), Consistency

A finding of overall consistency may be made even though the action may be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

The applicable subsections of Article 3.2, Performance Standards, are LDR Section 3.2.1, Basis for determining consistency, which requires a determination of consistency with the Comprehensive Plan, and LDR Section 3.2.3, Standards for site plan and/or plat actions, which provides standards for site plan actions. The standards strive to ensure that new development will not have a negative impact on the sounding area, provide any requisite amenities to enhance the quality of life for its residents when residential units are provided, provide appropriate mobility connections and open space and recreational improvements, and comply with the maximum intensity and density allowed for the land use designation and zoning district. The proposed development generally meets the applicable standards, as there are no identified concerns related to the overall consistency with Article 3.2.

Comprehensive Plan

Overall, the proposed modifications are consistent with the applicable Goals, Objectives, or Policies of the Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors and Mobility Elements.

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*



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- Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.
- Uses that meet the daily needs of residents.
- Public open spaces that are safe and attractive.

Policy NDC 1.1.11 Use the implementing zoning districts identified in Table NDC-1 to provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.

Policy NDC 1.1.12 Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development. Cross reference Policy CME 2.2.4.

Policy NDC 1.1.14 Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

Table NDC – 1 of the Neighborhoods and Districts Corridor element of the Always Delray Comprehensive Plan sets forth a maximum intensity (Floor Area Ratio) of 3.0 for the Community Facilities Land Use Map Designation; the request proposes 0.2.

Mobility

Policy MBL 2.4.3: Incorporate adequate public facilities, such as sidewalks and bike routes into the transit network to provide access to all users and to provide connectivity.

Policy MBL 2.5.2: Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.

Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors and Mobility Elements. The proposal includes the construction of a stand-alone retail building, which is a use anticipated in the GC zoning district and is compatible with the surrounding commercial and auto-service businesses. The property has been vacant for eight years and is the only vacant parcel within the block. The proposed infill development is of a similar scale to the nearby buildings and contributes to the overall mix of commercial uses in the area. The table below outlines the surrounding properties' existing uses, land uses, and zoning.

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Automotive Services	Commerce (CMR)	Mixed Industrial and Commercial (MIC)
South	General Commercial	Congress Avenue Mixed Use (CMU)	Mixed Residential, Office, and Commercial (MROC)
East	Salt Water Brewery	CMR	MIC
West	Gas Station	General Commercial (GC)	GC

Currently, the sidewalk along West Atlantic Avenue curves north along the west and east sides of NW 18th Avenue by about 26 feet. If approved, the development will provide a connection from the parking area to the existing sidewalk, providing a safe pedestrian and bicycle route from the subject property to the existing pedestrian network along West Atlantic Avenue.

3.1.1(D), Compliance with the LDR:

Whenever an item is identified elsewhere in these Land Development Regulations (LDR), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.



Section 4.3.4(K): Development Standards, CF Zoning District

	Required / Allowed	Provided
Lot Area (Min.)	0 square feet	6,686 square feet
Lot Width (Min.)	0 feet	65 feet
Lot Depth (Min.)	0 feet	106 feet
Lot Frontage (Min.)	0 feet	65 feet
Lot Coverage (Max.)	75%	67.7%
Non-Vehicular Open Space (Min.)	25%	32.3%
Height (Max.)	48 feet	18 feet
Setbacks (Min.)		
Front (Atlantic Avenue - south)	10 feet	10 feet 4 inches
Side Street (NW 2 nd Avenue - east)	10 feet	10 feet 10 inches
Rear (north)	10 feet	53 feet
Side Interior (west)	0 feet	4 feet 6 inches

Section 4.3.4(H)(6)(b), Special Landscape Setbacks

Standard/Regulation	Required	Provided
Special Landscape Area (Front) LDR Section 4.3.4(H)(6)(b)(3)	Minimum: 30 feet or 10% of the average depth of property: 10 feet 8 inches required	10 feet 8 inches

Other Applicable Regulations

Requirement	Review
Off-Street Parking: LDR Section 4.6.9(C)(3)(a)	Requirement: 6 spaces (4.5 spaces per 1,000 square feet of gross floor area) Provided: 6 spaces including one ADA space
Bicycle Parking: Table 4.6.9(C)-1	Requirement: Type I – 2 spaces (two spaces per 10,000 square feet) Type II – Not required. Provided: 2 Type I spaces (three-ribbon rack)
Streets (rights-of-way): LDR Section 6.1.2(C)(2)(e)	Required 25-foot radius right-of-way dedication at the intersection of West Atlantic Avenue and NW 18 th Street to be provided.

3.2.3 - Standards for Site Plan and/or Plat Actions:

The following standards are applicable to the request:

- (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.*
The proposed building design does not impede vehicle circulation, nor does it create unwarranted distractions to traffic circulation. The landscape design and lighting enhance the overall area by providing lush ground covers and trees and safety by providing streetlights to a vacant area that lacks any landscaping or lighting.
- (B) *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*
A new sidewalk is proposed along NW 18th Avenue connecting to the existing sidewalk on W. Atlantic Avenue. The new proposed sidewalk also includes ADA connection to the front door of the building.
- (C) *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*



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The subject property is located within the General Commercial (GC) zoning district. The base district development standards require a minimum of 25 percent of non-vehicular open space, whereas, the proposal is providing 32.3 percent of non-vehicular open space.

(H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.

Overall, the development will enhance the safety, livability and stability of the surrounding area by providing sidewalks, lighting, and landscaping to a currently vacant lot.

(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.

The allowed floor area ratio established for the GC zoning district is 3.0; the provided floor area ratio is 0.2.

Review & Analysis: Landscape Plan

LDR Section 2.4.10(A)(3)(c), Findings

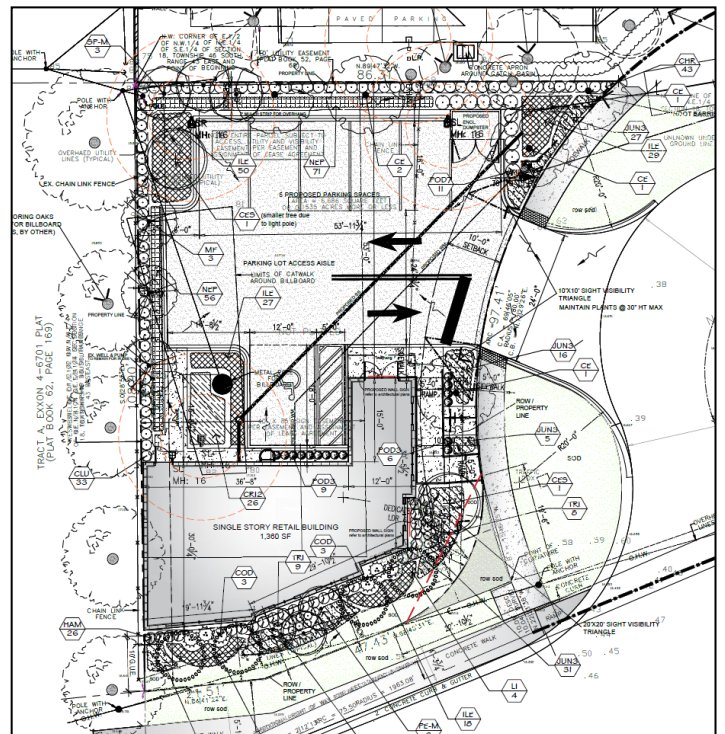
Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

The site is currently vacant, aside from the existing billboard, lacking vegetation. The proposal includes extensive landscape improvements, establishing a mixture of Buttonwood trees, Silver Buttonwood trees, Simpson Stoppers, Cabbage Palmetto, Cocoplum, Dwarf Schillings Holly, and Parsoni Juniper along the north, west, and east property lines.

Pursuant to LDR Section 4.4.9(H)(1), the first 10 feet of the front yard setback, which is adjacent to a right-of-way, shall be a landscaped area. [...] Within the required front landscape area, no paving shall be allowed except for driveways and walkways which shall be generally perpendicular of the property line.

Further, pursuant to LDR Section 4.3.4(H)(6)(b)(3), along West Atlantic Avenue, From I-95 to the Western City Limits, a special landscape area shall be provided on both sides of the ultimate right-of-way. This landscape area shall be the smaller distance of either 30 feet or ten percent of the average depth of the property; however, in no case shall the landscape area be less than ten feet. The project proposes a 10 foot and eight-inch special landscape area along the south side of the proeprty, facing West Atlantic Avenue. The area is landscaped with a mix of Silver Buttonwood trees, Lavender Crape Myrtle trees, Alexander Palms, Schefflera, Firebush, Dwarf Schillings Holly, and Parsoni Juniper, which create a dense landscape buffer between West Atlantic Avenue and the building. Interior landscaping and foundation plantings are also provided to meet the minimum landscape requirements.



The landscape plan has been deemed technically compliant by the Senior Landscape Planner.



Review & Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Findings

Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.

LDR Section 4.6.18, Architectural Elevations and Aesthetics

(A) Minimum Requirements

1. *The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
2. *It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.*

(B) Building and structure requirements

The minimum aesthetic standards of this Section have generally been met by the proposed architectural design. The property is not located within the Central Business District (CBD); therefore, the building is not required to adopt a specific architectural style from the City’s CBD Architectural Design Guidelines. The architectural style is proposed as masonry modern with a slight influence of classical tradition, specifically regarding the ornamental, half-oval window on the south façade. The structure’s modern elements include its flat roof, simple geometrics, and stucco finish. The base and middle are differentiated by color and molding, and the top is emphasized with stucco banding in a lighter shade than the rest of the building.

On August 23, 2023, the Board voted 6-0 to continue the item with direction, expressing a desire to see more architectural detailing, a more welcoming color palette, additional window treatment on the north façade to further pronounce the front entrance, and additional treatment to the elevations to create a better-defined storefront. To address the Board’s concerns, the applicant has revised the building’s color palette from a variation of greys to warmer toned beiges, installed blue awnings on the north, south, and east facades, changed most of the half-domed windows to rectangular windows, included additional molding detail at the base of the building, and added window treatments to the north façade.

The Board should consider whether the proposed changes address the Board’s comments from the August 23, 2023, SPRAB meeting, and if the changes help create a defined front entrance and storefront and introduce a color palette that is harmonious with the surrounding development.

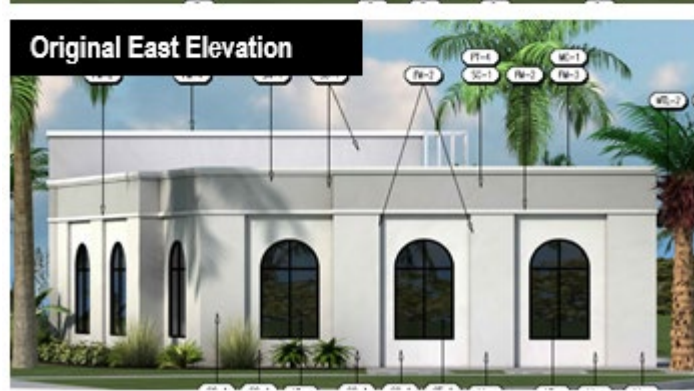
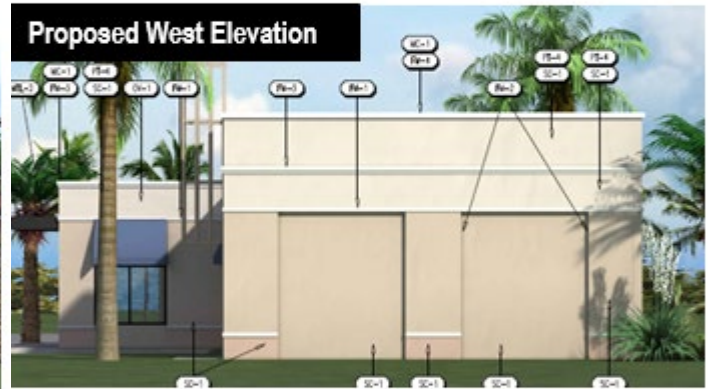
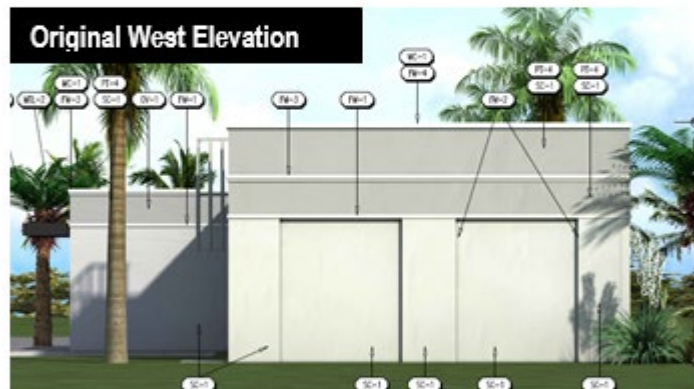
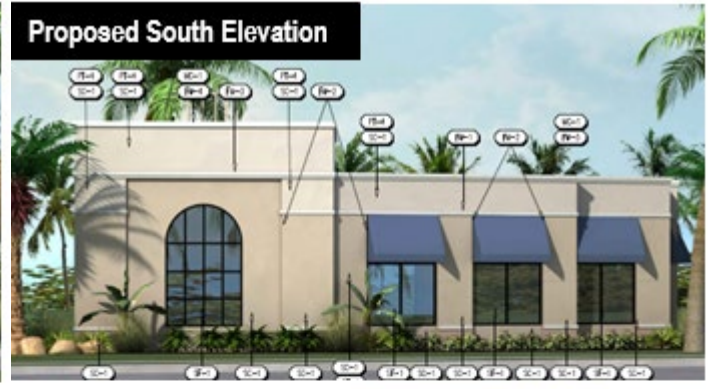
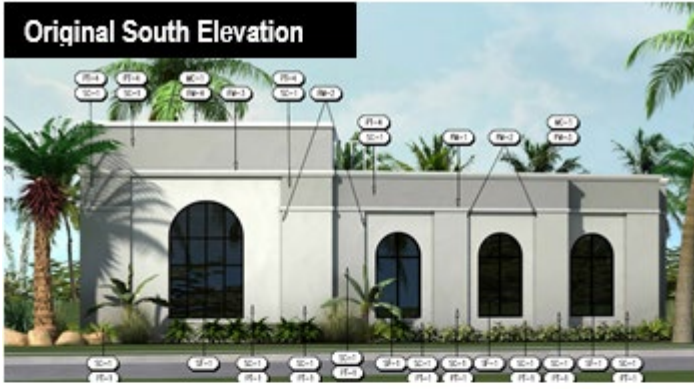
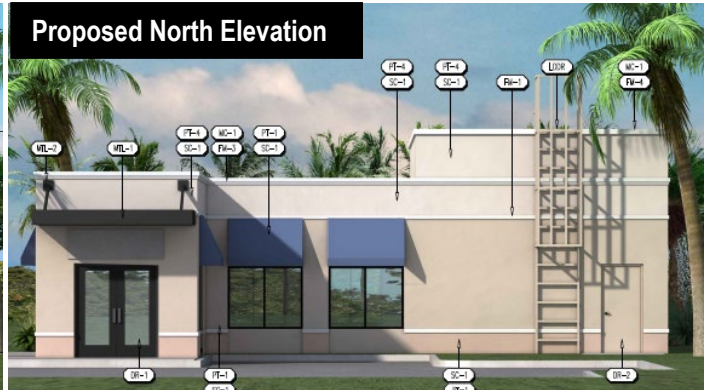
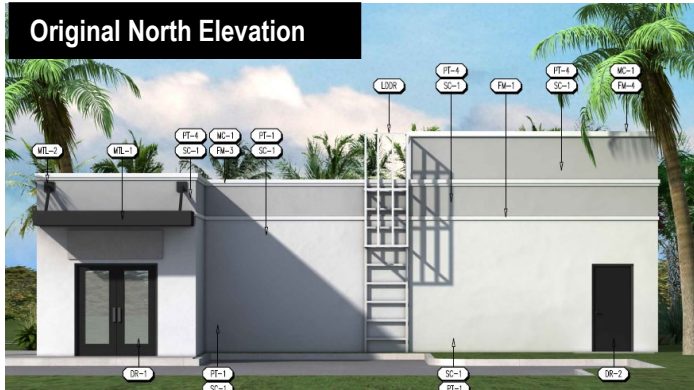
(E) Criteria for Board Action

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 possesses elements from both the Classical Traditional and Masonry Modern architectural style. A large half-oval window is located on the south façade facing West Atlantic Avenue. Windows have been added to the north façade, which serves as the main entrance point and faces the six-car parking lot. The structure is generally harmonious with the surrounding one-story commercial and light industrial development. Based on the revisions made by the applicant in response to the Board’s comments, consideration should be given as to whether the changes implement proper design elements to reflect the intended retail use and define the main entrance to the building.

Below are the original elevations proposed at the August 23, 2023 SPRAB meeting. The new proposed elevations are provided on the right.



Considerations

The Board should consider the following in reviewing the subject request:

- Whether the proposed changes (e.g. updated color palette, addition of awnings and windows, change in window type) address the Board's concerns from the August 23, 2023 SPRAB meeting by creating a defined front entrance and storefront, and introducing a color palette that is harmonious with surrounding development.



Board Action Options

- A. Move **approval** of the Level 2 (2021-002) Site Plan, Landscape Plan, and Architectural Elevations for **Drutau Retail**, a 1,360 square foot, one-story retail building located at **2 NW 18th Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move **approval, as amended**, of the Level 2 (2021-002) Site Plan, Landscape Plan, and Architectural Elevations for **Drutau Retail**, a 1,360 square foot, one-story retail building located at **2 NW 18th Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move **denial** of the of the Level 2 (2021-002) Site Plan, Landscape Plan, and Architectural Elevations for **Drutau Retail**, a 1,360 square foot, one-story retail building located at **2 NW 18th Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. Move to **continue with direction**.



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Technical Notes

Prior to the site plan certification, the following must be completed:

1. Amend the site data table on Sheet A100.1 to reflect the correct rear setback (the site plan dimensions a rear setback of 53 feet, but the site data table lists the rear setback as 53 feet and one-half inches).
2. Provide documentation or note on the plans that all windows will be clear non-reflective glass so that retail merchandise is clearly visible to customers.
3. Provide an updated TPS letter from Palm Beach County, utilizing the most updated trip generation rates.
4. The property owner shall submit a right-of-way deed application to dedicate the 25-foot radius (corner clip) to the City.
5. Record a Minor Plat (boundary plat) pursuant to the procedure in LDR Section 2.4.8(D), Minor Subdivision.

Note: Submit separate application for review and approval of signage; not included with the subject request per LDR.