



Planning, Zoning and Building Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Brighton Beach Bagel & Bakery
Project Location: 14587 S. Military Trail
Request: Class III Site Plan Modification
Board: Site Plan Review and Appearance Board
Meeting Date: February 8, 2017

Board Action:

Approved (4-0, Roger Cope, Vlad Dumitrescu and Laura Sullivan absent) for a Class III site plan approval.

Project Description:

The subject property is located at the northwest corner of Military Trail and Atlantic Avenue and is known as the “Marketplace at Delray”. The property consists of approximately 240,789 square feet of retail space and is located on 30.27 acres with eight outparcel buildings and is zoned Planned Commercial (PC). The applicant occupies a 4,004 square foot tenant space.

The applicant is before the board seeking approval for the addition of 1,100 SF of outdoor seating area which includes 36 exterior seats and a color change on an existing awning

The development proposal consists of the addition of 1,100 square feet of outdoor seating (36 additional exterior seats). The outdoor seating area will consist of the following elements:

- 9 - 48” x 33” tables (Castleton Mist)
- 34 - 51” x 16” x 18” table benches (Sandy Brown)
- 5 - 9’ dia. Umbrellas (Blue Pepsi)
- 3 - 72” x 21” x 32” park benches (Alden Bench)
- 3 - 46” x 30” planters (Composite Resin Material)
- Awning color change

Staff Recommendation:

Approve

Board Comments:

none

Public Comments:

none

Next Action:

The SPRAB action is final unless appealed by the City Commission.

ITEM BEFORE THE BOARD

The item before the Board is the approval of a Class III Site Plan Modification associated with the addition of 1,100 SF of outdoor seating area for **Brighton Beach Bagel & Bakery**, located at 14587 S. Military Trail, pursuant to Land Development Regulations (LDR) Section 2.4.5(G)(1)(c):

BACKGROUND

The subject property is located at the northwest corner of Military Trail and Atlantic Avenue and is known as the "Marketplace at Delray". The property consists of approximately 240,789 square feet of retail space and is located on 30.27 acres with eight outparcel buildings and is zoned Planned Commercial (PC). The applicant occupies a 4,004 square foot tenant space.

At its meeting of March 23, 2016, the Site Plan Review and Appearance Board approved minor renovations which included the painting of the building and the replacement of the awning.

The applicant is now before the board seeking approval for the addition of 1,100 SF of outdoor seating area which includes 36 exterior seats and a color change on an existing awning.

PROJECT DESCRIPTION

The development proposal consists of the addition of 1,100 square feet of outdoor seating (36 additional exterior seats). The outdoor seating area will consist of the following elements:

- 9 - 48" x 33" tables (Castleton Mist)
- 34 - 51" x 16" x 18" table benches (Sandy Brown)
- 5 - 9' dia. Umbrellas (Blue Pepsi)
- 3 - 72" x 21" x 32" park benches (Alden Bench)
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- Awning color change

Pursuant to Land Development Regulation 6.1.3(B)(1)(c) the pedestrian sidewalk must have a clearance of 5' to 10'. There is a clearance of 12.5' of pedestrian sidewalk therefore no disruptions in the sidewalk pattern will take place and patrons of the shopping plaza will continue to access the public sidewalk from one end of the shopping plaza to the other. The 3 planters will consist of 25 gallon Spindle Palms and eighteen 3 gallon Ixora Coccinea, Nora Grants.

The proposed color change is for the existing awning which includes an eggshell finish with green stripe accents to a champagne finish and emerald green stripe accent.

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.

Bicycle:

Pursuant to LDR Section 4.6.9(C)(1)(c), shopping centers are required 5 spaces per 100,000 sq. ft. of gross floor area. The Marketplace of Delray shopping center has a total of 241,789 sq. ft. of leasable area which requires 12 bicycle spaces. There are 20 bicycle spaces existing on site, therefore this standard is met.

Parking:

According to LDR Section 4.6.9(C)(3)(e), shopping centers are required 4 spaces per 1,000 sq. ft. of gross leasable floor area, irrespective of uses, for up to 400,000 sq. ft. The Marketplace of Delray shopping center has a total of 241,889 sq. ft. of use area including the 1,100 sq. ft. of outdoor seating area. Thus 968 spaces are required and 1,284 spaces have been provided. Therefore, this standard will be met.

The proposed addition of the outdoor seating is in good taste and harmony with the surrounding areas and offers Brighton Bagel & Bakery patrons and opportunity to enjoy the openness and fresh air of the outdoors. Therefore, positive findings can be made with respect to LDR Section 2.4.5(G)(1)(c) with the proposed conditions.

REQUIRED FINDINGS

Pursuant to **LDR Section 2.4.5(G)(1)(c), Class III Site Plan Modification**, a modification to a site plan which represents either a change in intensity of use, or which affects the spatial relationship among improvements on the land, requires partial review of Performance Standards found in LDR Sections 3.1.1, and 3.2.3, as well as required findings of LDR Section 2.4.5(G)(5).

Pursuant to **LDR Section 2.4.5(G)(5)**, a finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification.

The development proposal involves the addition of 1,100 square feet of outdoor seating with an existing restaurant with the addition of benches, planters, tables and chairs. Pursuant to LDR Section 2.4.5(G)(5), this minor modification does not significantly impact the previous findings. However, the applicable Future Land Use Map (FLUM) and Concurrency items as they relate to this development proposal are discussed below.

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, 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. These findings relate to the following areas:

LDR Section 3.1.1(A) - Future Land Use Map:

The subject property has a Future Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Future Land Use Map (FLUM) designation. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map.

LDR Section 3.1.1(B) - Concurrency

As described in Appendix "A", a positive finding of concurrency can be made as it relates to water and sewer, streets and traffic, drainage, and solid waste.

LDR Section 3.1.1(C) - Consistency

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions.

LDR Section 3.1.1(D) - Compliance with the Land Development Regulations

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

Comprehensive Plan Policies

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following objective is noted.

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 property is proposed to be developed consistent with the surroundings. No incompatibility issues with respect to soil, topographic, intensity of use and other applicable physical consideration is anticipated.

Pursuant to **LDR Section 2.4.5(G)(5)**, a finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification.

The proposed outdoor seating for Brighton Beach Bagel & Bakery is consistent with the PC Zoning district uses which allows all uses permitted with the General Commercial (GC) zoning district. The subject site contains an existing shopping center, thus, the proposed redevelopment of the shopping center will be a continuation of the current use of the site. Thus, there will not be any adverse effects on the surround properties.

Based upon the above, a positive finding can be made with regard to LDR Section 2.4.5(F)(5) that the site plan will be compatible and harmonious with adjacent and nearby properties.

REVIEW BY OTHERS

The development proposal is not within a geographical area requiring review by the Community Redevelopment Agency (CRA), Downtown Development Authority (DDA) or Pineapple Grove Main Street (PGMS).

CPTED reviewed the project on January 16, 2017 with the following comment:

- The benches on the exterior of the outside eating area are great for natural surveillance. However another type of bench should be considered with arm rests in the middle in order to deter vagrants and other subjects from sleeping on the benches. See attached pictures.

Courtesy Notices:

Courtesy notices have been provided to the following homeowner's associations and/or civic groups:

- Sherwood Forest HOA
- Highland Park Co. Inc.
- Sunset Pines

Any correspondence will be presented to SPRAB.

ALTERNATIVE ACTIONS

- A. Move to continue with direction.
- B. Move approval of the request for a Class III Site Plan Modification (2017-064) for **Brighton Beach Bakery & Bagel** located at 14587 S. Military Trail, 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 LDR Section 2.4.5(G)(5), Chapter 3.
- C. Move denial of the request for a Class III Site Plan Modification (2017-064) for **Brighton Beach Bakery & Bagel** located at 14587 S. Military Trail, 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 LDR Section 2.4.5(G)(5), Chapter 3.

STAFF RECOMMENDATION

Move approval of the request for a Class III Site Plan Modification (2017-064) for Brighton Beach Bakery & Bagel located at 14587 S. Military Trail, 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 LDR Section 2.4.5(G)(5) with the condition that a traffic statement is provided.

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 and sewer services are existing on-site. Pursuant to the 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:

A traffic statement will be provided by the applicant. This is listed as a condition of approval for certification. The statement is not anticipated to affect the applicant's request. The increase in traffic volume will be insignificant.

Parks and Recreation Facilities:

Park dedication requirements do not apply to non-residential uses. Thus, the proposed development will not have any impact with respect to this standard.

Solid Waste:

The proposed addition of outside seating will now generate an increase of 13.70 tons of solid waste per year (1,100 sq. ft. x 24.9 lbs. = 27,390 lbs./2,000 = 13.70). The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2046.

School Concurrency:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have any impacts with respect to this standard.

Drainage:

Drainage will be accommodated on site. There are no problems anticipated to bring the site into compliance with South Florida Water Management District (SFWMD) requirements in efforts to obtain a surface water permit.

APPENDIX "B"
STANDARDS FOR SITE PLAN ACTIONS

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 _____
Meets intent of standard X
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 _____
Meets intent of standard X
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 _____
Meets intent of standard x
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 _____
Meets intent of standard x
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 X
Meets intent of standard _____
Does not meet intent _____

F. *Property shall be developed or redeveloped 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 _____
Meets intent of standard x
Does not meet intent _____

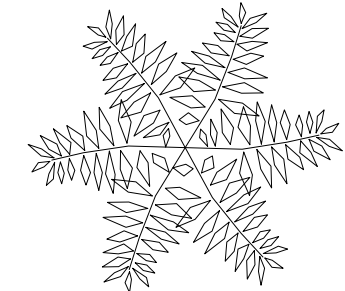
BRIGHTON BEACH BAGEL + BAKERY

SEE INTERIOR DRAWING A-1

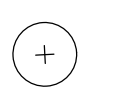
56'-3"

PATIO FURNITURE LEGEND					
QUANTITY	DESCRIPTION	SIZE	SUPPLIER	PRODUCT NAME / #	REMARKS
9	TABLE	48" DIA.X33"H	KEYSTONE GARDEN	CASTLETON MIST HC-1	
34	TABLE BENCH	51"LX16"WX18"H	KEYSTONE GARDEN	SANDY BROWN 1046	
5	UMBRELLA	9'-0" DIA.	EMPIRE PATIO	BLUE PEPSI UMBRELLA	1-1/2" ALUM. POLE, 9' HIGH
3	PARK BENCH	72L"X21W"X32"H	THE BENCH FACTORY	ALDEN BENCH - SKU #TBN-127	
3	PLANTER	46"ø X 30" HIGH		COMPOSITE RESIN MATERIAL	

LANDSCAPE PLANT LEGEND



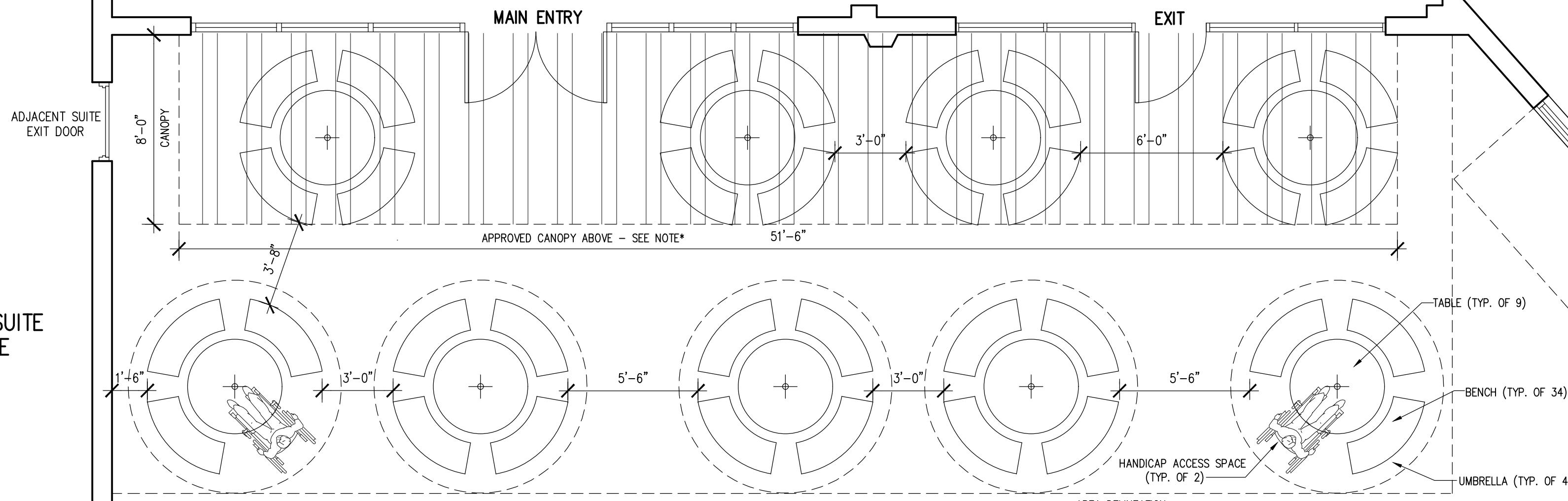
NUMBER / COMMON NAME / SCIENTIFIC NAME / SIZE
 (3) SPINDLE PALM, HYOPHORBE VERSCHAFFELTII, 25 GALLON, 6'-8"



(18) IXORA, IXORA COCCINEA, NORA GRANT, 3 GALLON

***CANOPY NOTE:**
 CANOPY COVERING MATERIAL TO BE CHANGED TO NEW COLORS:
 MAIN COLOR: EGGSHELL # 858524
 ACCENT STRIPES: EMERALD GREEN # 858562

ADJACENT SUITE
WINN DIXIE

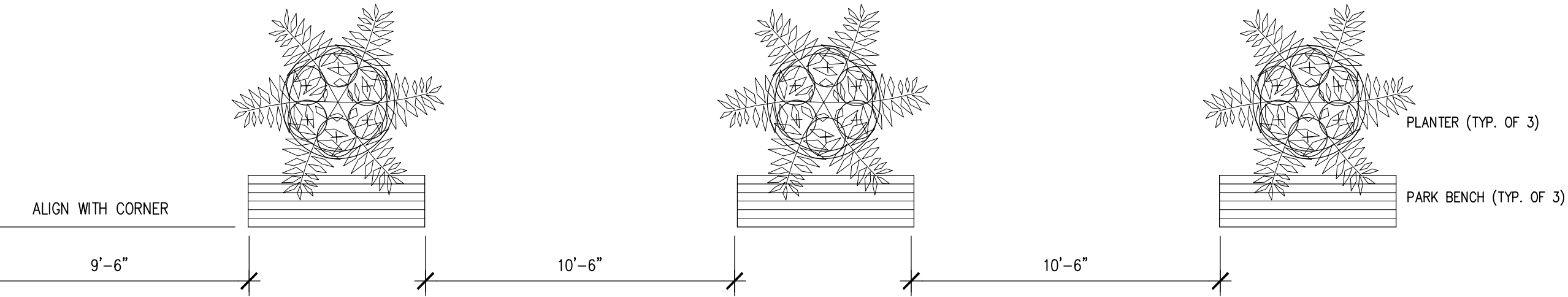


PROPOSED PATIO SEATING

EXISTING CONCRETE PATIO

PROPOSED (36) EXTERIOR SEATING

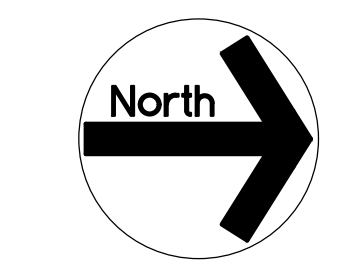
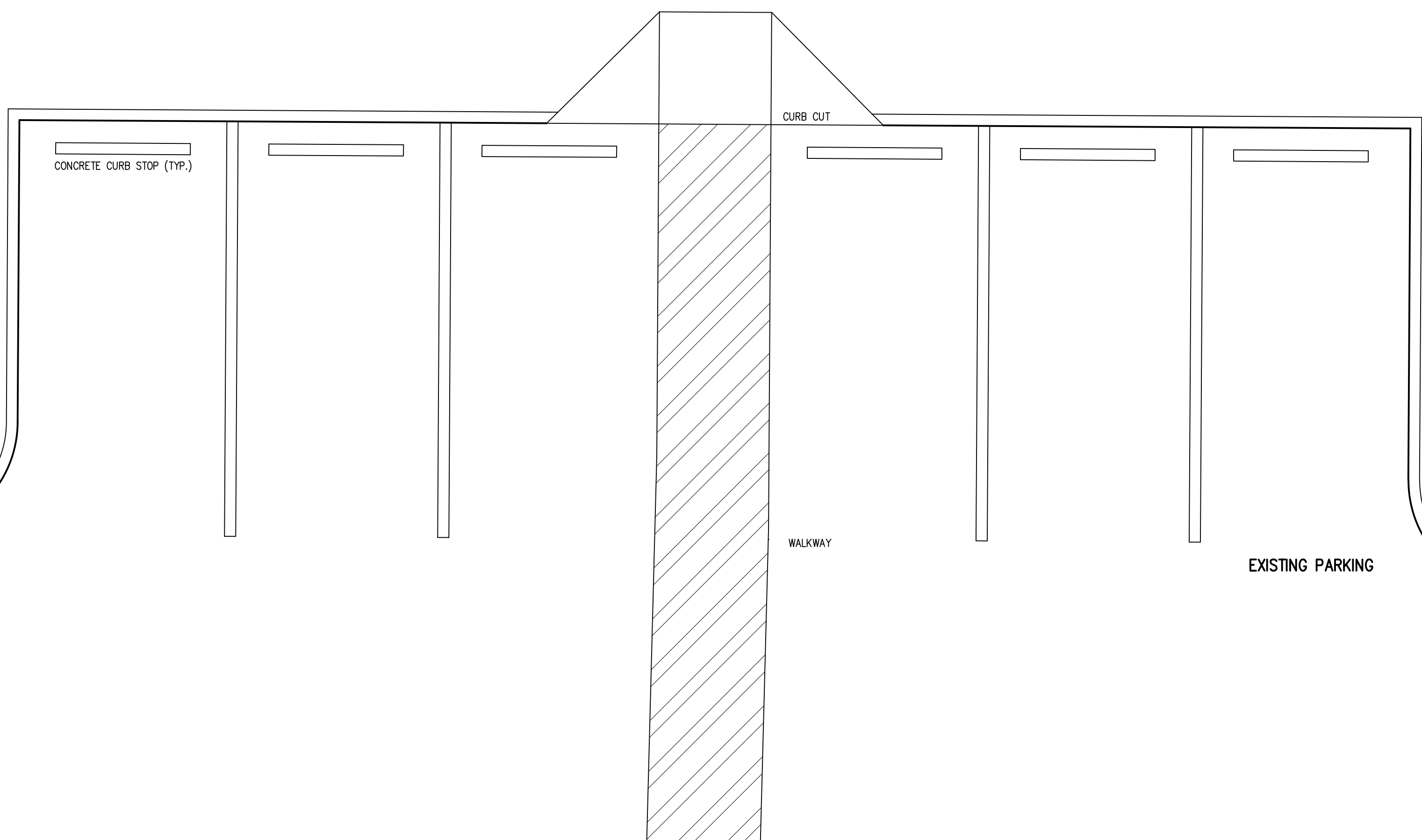
1,100 S.F.



PATIO PLAN

SCALE: 1/4" = 1'-0"

ADJACENT SUITE
TRUE TRESSURES



Stephen Griss Associates
Architecture

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REV.	DATE	DESCRIPTION
	NOV. 3, 2016	
	SCALE: 1/4" = 1'-0"	
	DRAWN BY: SLG	

Brighton Beach Bagel + Bakery
 14587-91 SOUTH MILITARY TRAIL, DELRAY BEACH, FL 33484

DRAWING TITLE:
ENTRY PATIO PLAN

DWG. NO.:
EXT-2

Stephen L. Griss, AIA, NCARB
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11-18-2016











