



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## SITE PLAN REVIEW AND APPEARANCE BOARD

238 SE 1<sup>st</sup> Ave – Exterior Renovations

Meeting	File No.	Application Type
December 11, 2024	2024-148-SPR LV1	Level 1 Site Plan Modification with Landscape Waivers
Property Owner		Authorized Agent
Wylie Properties LLC		Sandra Miura

### Request

Consideration of a Level 1 Site Plan Modification for 238 SE 1st Ave, including exterior renovations and requests for two landscape waivers pursuant to LDR Sections 4.6.16(H)(3)(d) and 4.6.16(H)(3)(i).

### Site Data & Information

**Location:** 238 SE 1<sup>st</sup> Avenue

**PCN:** 12-43-46-16-01-071-0060

**Total Development Area:** 13,654 Square feet (0.313 acres)

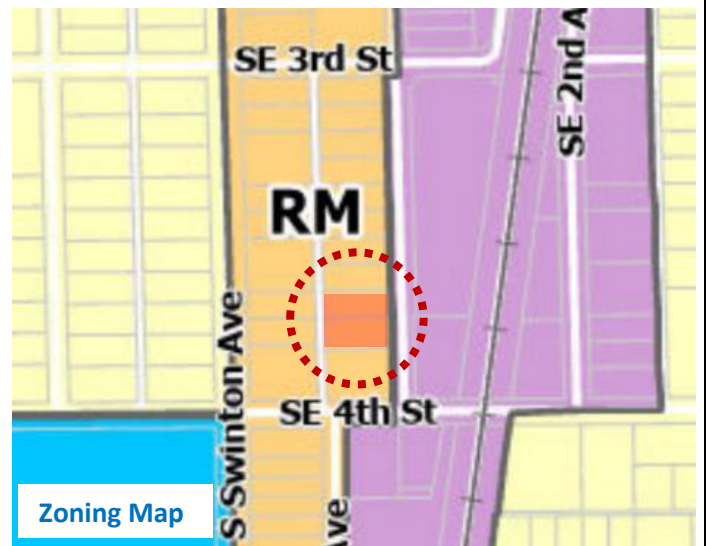
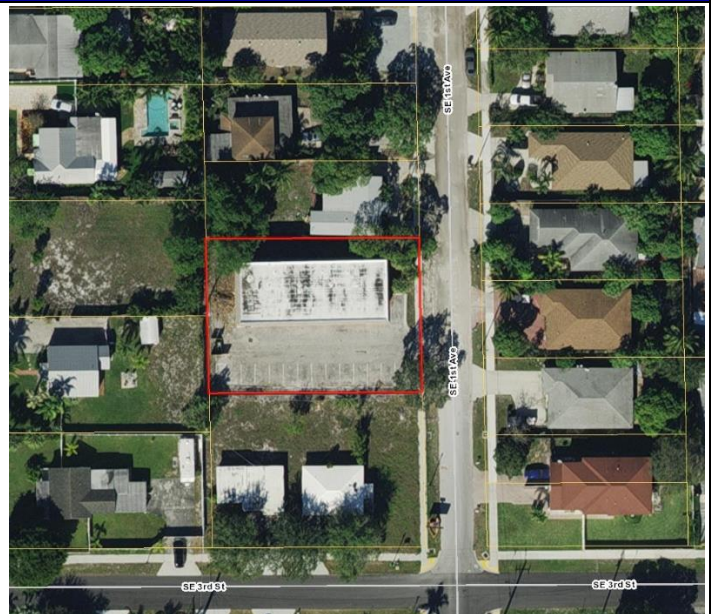
**Land Use Designation:** Medium Density Residential (MD)

**Zoning District:** Medium Density Residential (RM) District

#### Adjacent Zoning:

- North: RM
- South: RM
- West: RM
- East: Central Business District- Central Core (CBD – CC)

**Existing Use:** Multi-family Development (10 Units)



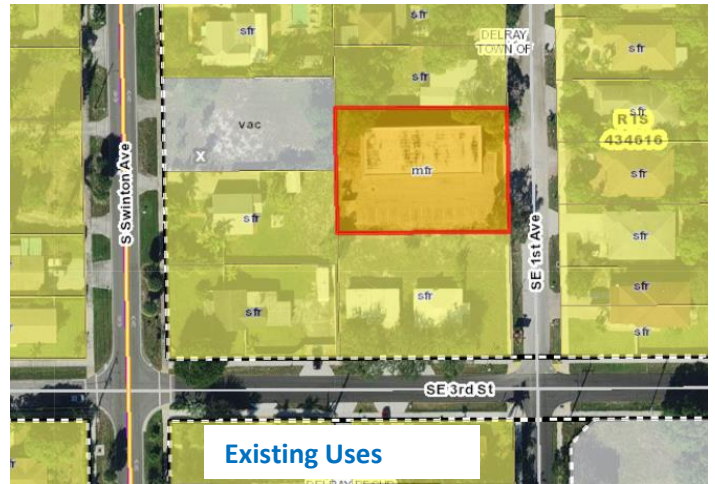


### Background

The subject property, located at 238 SE 1st Ave, is a multifamily residential development comprising ten (10) dwelling units. The parcel is part of the Delray Beach subdivision, as recorded in Plat Book 1, Page 3 of the Public Records of Palm Beach County.

Although the property lies within the Residential Multifamily (RM) Zoning District, the surrounding context is predominantly single-family residential development on all four sides, with the exception of a portion of the rear boundary, which abuts a vacant lot.

Constructed in 1972, the development has undergone several improvements over the years through the building permit process. Notable permits include the installation of a wooden fence in 1990, the addition of a dumpster enclosure in 1998, and interior alterations completed in 2022.



The current application involves exterior renovations to the site and includes requests for two landscape waivers. These waivers pertain to specific requirements outlined in the Land Development Regulations (LDRs) and are sought to address existing site constraints while maintaining the character and functionality of the property. The proposed improvements aim to enhance the overall appearance and compatibility of the development within its predominantly single-family residential context.

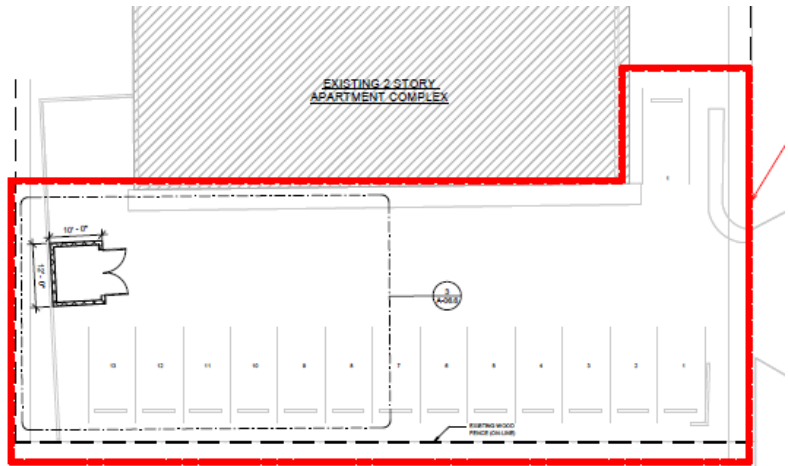
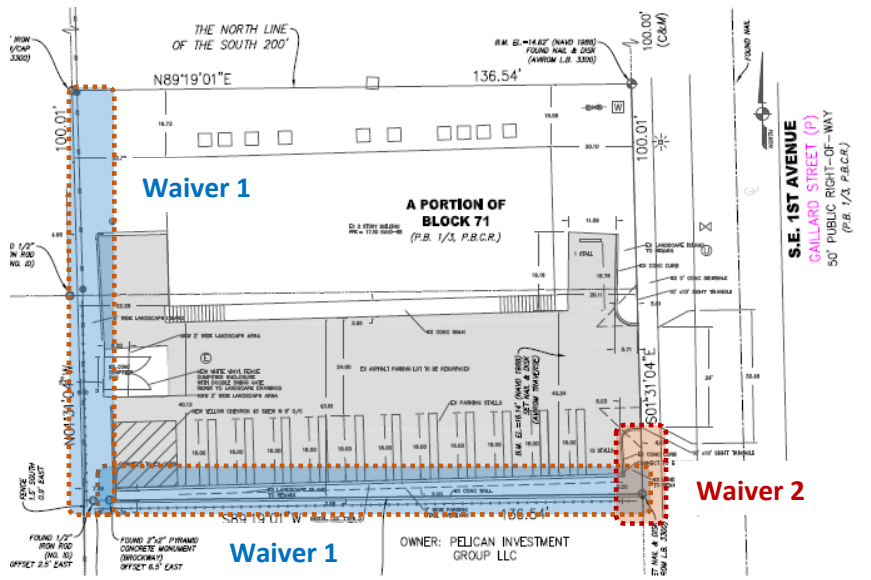
### Description of Proposal

The applicant proposes modifications to the site, including the extension of the existing fence, the installation of a dumpster enclosure, and the addition of staircase railings. As part of this request, the applicant seeks approval for two landscape waivers.

The first waiver pertains to Section 4.6.16(H)(3)(d), which requires a 5-foot landscape perimeter along the southern boundary of the property.

The second waiver is for Section 4.6.16(H)(3)(i), which mandates that landscape islands contain a minimum of 135 square feet of planting area, with a minimum dimension of nine feet (exclusive of the required curb), and be placed at intervals of no more than 13 parking spaces. Each island must also include one shade tree and a minimum of 75 square feet of shrubs and groundcovers. The waiver request specifically addresses a reduction in the size of an existing landscape island in the southeast portion of the site, where the presence of established trees limits the ability to meet the dimensional requirements without negatively affecting existing vegetation.

These waivers are requested to address constraints posed by the existing site development, while all other applicable provisions of the Land Development Regulations (LDRs) remain in effect.





The illustration to the right depicts the proposed exterior color transition from the existing beige to **Chantilly Lace OC-65**, a crisp and clean white shade from Benjamin Moore's collection. This selection is intended to modernize the building's appearance, providing a fresh, neutral aesthetic that complements its surroundings while enhancing its curb appeal.



Additionally, the proposed **new wood fence** will be painted in a classic **white** finish. The choice of white for the fence aligns with the updated building color, creating a cohesive and harmonious look. The white paint will highlight the natural grain of the wood while providing a durable and polished finish suitable for outdoor exposure.

**Review & Analysis: Site Plan**

**LDR Section 2.4.10(A)(2)(d), Board Review**

*Level 1 and Level 2 Site Plan applications that are dependent upon waiver relief require action by the SPRAB and/or the City Commission.*

**LDR Section 2.1.6(E)(1), Board Action**

*The SPRAB has the authority to take action on the following items pursuant to the procedures and standards of the LDR, except where authority is granted to the Historic Preservation Board:*

- (a) *Level 1 or Level 2 Site Plan applications when associated with the following requests for relief:*
  1. *Waivers that do not require City Commission action.*
  2. *Reduction in the number of parking spaces required for specific uses, pursuant to Section 4.6.9(F)(1).*
  3. *Waivers to Section 4.6.16, Landscape Regulations.*

**LDR Section 2.4.10(A)(3)(a), Findings**

*Formal findings are not required for Level 1 Site Plan applications.*

Due to the Level 1 Site Plan application requesting a waiver to LDR Section 4.6.16, the Level 1 must be reviewed by the Site Plan Review and Appearance Board.

**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.*

**LDR Section 2.4.11(B)(5), Findings** *Prior to granting a waiver, the granting body shall make findings 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.*
- (e) *Within the CBD, the following additional findings apply:*
  1. *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.*
  2. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
  3. *The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.*
  4. *The waiver shall not reduce the quality of civic open spaces provided under this code.*

**LDR Section 4.6.16(H)(3)(d) - Waiver 1**

**LDR Section 4.6.16(H)(3)(d)** A landscaped barrier shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape barrier may be two feet at the time of planting and achieve and be maintained at not less than three nor greater than six feet in height to form a continuous screen between the off-street parking area or vehicular use area and such

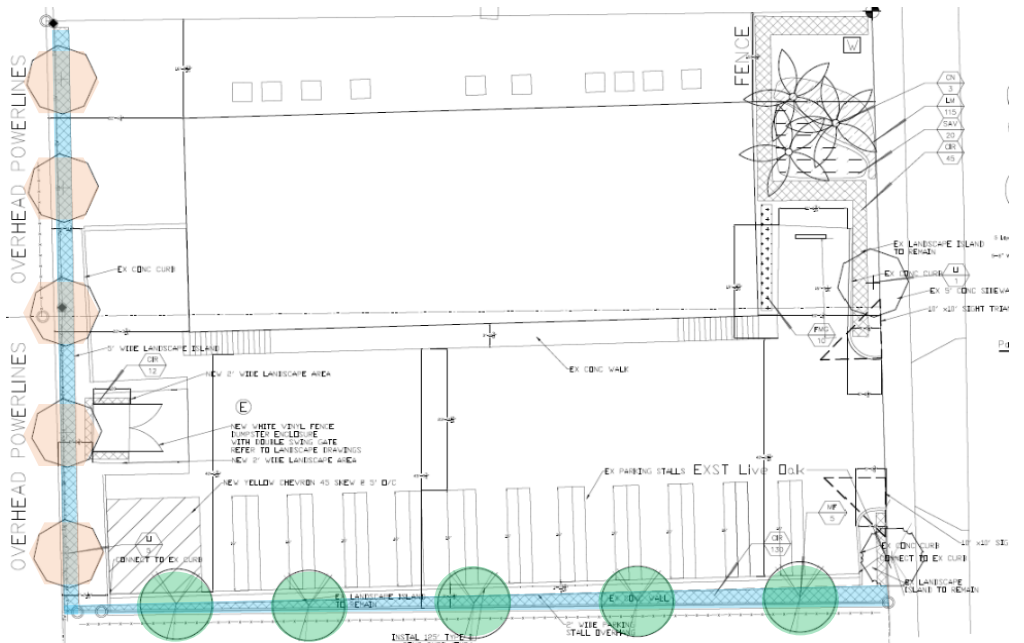


abutting property. This landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of **not less than five feet in width** that is free of any vehicular encroachment, including car overhang...

**Waiver Analysis:**

The applicant seeks relief from Section 4.6.16(H)(3)(d) of the Land Development Regulations (LDR), which requires a landscaped barrier with a minimum width of five feet to separate off-street parking areas or vehicular use areas from abutting properties. The landscape barrier must provide a continuous screen, measuring between three and six feet in height at maturity, within a planting strip that is free from vehicular encroachment, including car overhangs.

The subject site presents physical constraints that challenge compliance with these requirements. Along the **southern property boundary**, the existing landscaped buffer varies in width, measuring approximately 4.3 feet at its widest point on the eastern side and narrowing to 2.3 feet at its westernmost extent. Along the **western property boundary**, the landscape barrier width fluctuates between approximately 2 feet and 3 feet. These existing non-conformities are primarily due to the building's offset placement, the configuration of existing parking areas, and the location of the dumpster enclosure, all of which limit the available space to establish a uniform five-foot-wide buffer.



Additional constraints are present along the **western property boundary**, where overhead utility lines restrict the feasibility of installing taller vegetation that could provide the required vertical screening. These physical and spatial limitations necessitate a tailored approach to achieving the screening objectives of the LDR while accommodating the existing site conditions.



Simpson Stopper trees



Red Tip Cocoplum



Crape Myrtle



To address these constraints, the applicant has submitted an enhanced landscape plan designed to meet the intent of the code by improving buffering and visual screening along both boundaries while accommodating the site's limitations.

- **Southern Boundary:** The applicant proposes the installation of five **Simpson Stopper trees** (*Myrcianthes fragrans*), which are characterized by compact growth and dense foliage. These trees will be planted at a height of 16 feet, with a six-foot straight trunk and an eight-foot canopy spread, providing vertical screening along this boundary. Additionally, 130 **Red Tip Cocoplum shrubs** (*Chrysobalanus icaco*) will be installed to create a dense hedge at a height of three feet, ensuring continuous visual and functional screening along the southern property line.
- **Western Boundary:** Given the overhead utility lines, the applicant proposes planting five **Crape Myrtle trees** (*Lagerstroemia indica*), selected for their smaller mature height of 12 feet, to avoid conflicts with utilities while providing vertical screening. The same **Red Tip Cocoplum shrubs** will be used to establish a cohesive hedge along this boundary, similar to the southern boundary.

The proposed landscaping enhancements aim to mitigate the reduced barrier widths by leveraging plant species that are well-suited to the site conditions and capable of achieving the buffering objectives of the LDR.

The requested waiver reflects the inherent limitations of the existing site configuration and the applicant's effort to address these challenges through a tailored landscape plan. The proposed enhancements are intended to align with the intent of the LDR by improving visual and functional screening without requiring significant structural changes to the site. The board's evaluation should focus on whether the proposed solution sufficiently addresses the objectives of the code and whether similar relief would be granted under comparable circumstances for other properties.

**LDR Section 4.6.16(H)(3)(i) - Waiver 2**

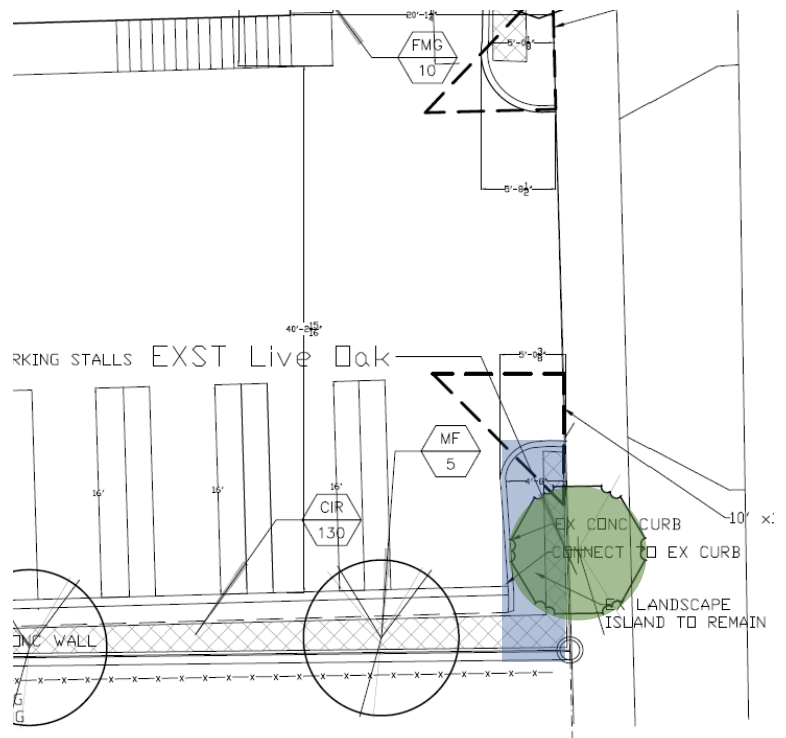
**LDR Section 4.6.16(H)(3)(i)** Landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of nine feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces. One shade tree shall be planted in every island with a minimum of 75 square feet of shrubs and groundcovers. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6).



Existing Oak Tree

**Waiver Analysis:**

The applicant requests a waiver from Section 4.6.16(H)(3)(i) of the Land Development Regulations (LDR), which requires that landscape islands provide a minimum planting area of 135 square feet, with a minimum width of nine feet (exclusive of the required curb), and be placed at intervals of no more than 13 parking spaces. Each landscape island must include one shade tree and a minimum of 75 square feet of shrubs and groundcover, adhering to specifications outlined in Sections 4.6.16(E)(5) and 4.6.16(E)(6).





The site includes an established landscape island that does not meet the dimensional requirements outlined in the LDR. The existing island is located adjacent to the property boundary abutting SE 1st Avenue and varies in width, measuring approximately **4.21 feet** at its narrowest point on the northern side and **4.26 feet** at its narrowest point on the southern side. Despite the dimensional non-conformity, the landscape island currently supports a **mature Live Oak tree** (*Quercus virginiana*), which fulfills the shade tree requirement and contributes to the site's overall canopy coverage.

The presence of this mature tree presents a site constraint, as modifications to expand the island to meet the minimum width and area requirements would disrupt the root zone and potentially compromise the health and stability of the tree. Additionally, spatial constraints within the existing parking lot configuration further limit the feasibility of achieving compliance without significant structural reconfiguration.

To address these constraints, the applicant proposes retaining the existing landscape island in its current dimensions while enhancing the planting to improve its visual and functional contribution. The plan includes the installation of Red Tip Cocoplum shrubs (*Chrysobalanus icaco*), which will establish a cohesive and consistent hedge along the edge of the island, complementing similar plantings along the southern and western boundaries of the property.

The proposed landscaping enhancement seeks to balance the preservation of the mature Live Oak tree and reflects an effort to prioritize the preservation of an existing mature tree, which provides environmental and aesthetic benefits consistent with the objectives of the LDR. While the proposed solution does not meet the dimensional requirements of Section 4.6.16(H)(3)(i), it aligns with the broader intent of the regulation to enhance the visual and environmental quality of parking areas. The board's assessment should evaluate whether the proposal sufficiently meets the intent of the LDR and ensures consistency with other landscape standards across the site.

**Review By Others**

No other review is required for request.

**Optional Board Motions**

- A. Move to **approve** the Level 1 Site Plan Modification for **238 SE 1st Ave** including two landscape waivers for **LDR Section 4.6.16(H)(3)(d)**, and **LDR Section 4.6.16(H)(3)(i)**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move to **approve, as amended**, the Level 1 Site Plan Modification for **238 SE 1st Ave** including two landscape waivers for **LDR Section 4.6.16(H)(3)(d)**, and **LDR Section 4.6.16(H)(3)(i)**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move to **denial** the Level 1 Site Plan Modification for **238 SE 1st Ave** including two landscape waivers for **LDR Section 4.6.16(H)(3)(d)**, and **LDR Section 4.6.16(H)(3)(i)**, 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.**