



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## SITE PLAN REVIEW AND APPEARANCE BOARD

325 Shoppes on Atlantic Ave

Meeting	File No.	Application Type
July 27, 2022	2022-131-SPM-SPR-CL3	Class III Site Plan Modification with Waiver
Applicant	Property Owner	Authorized Agent
325 East Atlantic Avenue LLC	325 East Atlantic Avenue LLC	Gary Eliopoulos, GE Architecture, Inc.

### Request

Provide a recommendation to the City Commission for a waiver request regarding a reduction to the front setback requirement associated with a Class III Site Plan Modification for modifications to the front elevation including the removal of the arcade, addition of a total of 396sf along the front, and modifications to the rear elevation with new canopies and doors.

### Site Data & Information

**Property Owner:** 325 East Atlantic Avenue LLC

**Agent:** Gary P. Eliopoulos; GE Architecture Inc

**Location:** 325 East Atlantic Avenue

**PCN:** 12-43-46-16-01-092-0022

**Property Size:** 0.32 Acres

**Land Use Designation:** Commercial Core (CC)

**Zoning District:** Central Business District (CBD), Central Core Sub-district

#### Adjacent Zoning:

- **North:** CBD, Central Core Sub-district
- **East:** CBD, Central Core Sub-district
- **South:** CBD, Central Core Sub-district
- **West:** CBD, Central Core Sub-district

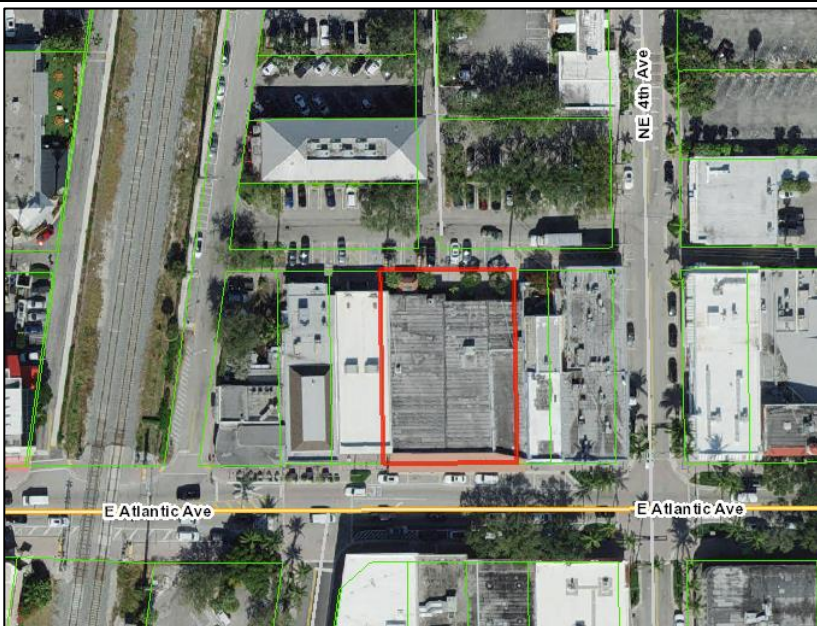
**Land Use:** Retail Building (3 bays)

#### Floor Area Ratio:

- **Existing:** 0.78
- **Proposed:** 0.81
- **Maximum Allowed:** 3.0

#### CBD Central Core Sub-district

- **East Atlantic Avenue:**
  - Primary Street
  - Required Retail Frontage
  - Atlantic Avenue Limited Height Area
  - Atlantic Avenue Parking District





## Background

The subject property is located on the north side of East Atlantic Avenue between NE 3<sup>rd</sup> Avenue to the west, NE 4<sup>th</sup> Avenue to the east and Arkie's Alley to the north. The structure was originally constructed in two phases; the easternmost bay (Bay #3) was originally constructed in 1921, and Bays #1 and #2 were constructed in 1948. While built at two different times, the building design was indicative of the Main Street Vernacular for each period.

In 1958, the commercial building underwent renovations and additions to the rear of the building. The photo to the right shows the building prior to 1974. Additional modifications were completed in 1974 when the existing arcade and pent roof entries finished with barrel tiles were completed. The addition of the arcade, which spanned the width of the front elevation, replaced the three individual storefront awnings.



While not original to the structure, the arcade has provided shade and shelter for pedestrians along East Atlantic Avenue for nearly 50 years and contributes to the overall superior pedestrian experience. In addition, this arcade was the model for the Arcade Frontage Type in the CBD regulations adopted in 2015. The Arcade Frontage Type was added to the LDR as a result of community input, which valued the pedestrian experience the arcade affords, providing both shelter from the Florida elements and historic character to the main street. An incentive to encourage more arcades as redevelopment occurs was also added to the code at that time. Arcades extend into the public right of way. Both wall signs and under canopy signs are allowed.

The building has provided a variety of retail services to the community since it first opened. Many residents relied on the clothing and office and art supplies sold, while both residents and visitors, alike, enjoyed the unique offerings of art, gifts, and beach décor, among many other items. Access to the retail bays is provided both from East Atlantic Avenue and the rear alley, where public parking accommodates downtown visitors.

On July 19, 2022, the Atlantic Avenue Historic Resource Survey was presented to the City Commission at a Workshop meeting. The direction by the Commission is to move forward with the creation of a historic district to protect and preserve the character of Delray Beach's historic main street. It is important to note that the Florida Master Site File form for the property, noted as 325-335 East Atlantic Avenue (Hand's Office Supply), is identified as a contributing structure in the Masonry Vernacular style of architecture (consistent with Main Street Vernacular style defined by the CBD Architectural Design Guidelines).

Maintaining the existing historic recessed front entrances, materials, etc. will not only assist in retaining the historic character of the building and Atlantic Avenue but will also allow the building to be considered for historic designation, which provides benefits including a 10-year tax exemption on the increased value resulting from the improvements, and a 20% income tax credit (if eligible for a national designation as part of a historic district). Historic designation does not preclude a property from being improved, it only ensures that when improvements are made, they are done in an appropriate manner that will maintain the building's historic integrity.





## Description of Proposal

Pursuant to **LDR Section 4.4.13(K)(5)(a)**, *...waivers may be considered within the CBD in accordance with those specific provisions. When reviewing applications that include waivers that can only be granted by the City Commission, the SPRAB and the HPB shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration.*

The removal of the arcade changes the applicable minimum setback requirements. The proposed changes to the recessed entries require a waiver to the minimum front setback requirements as they result in an increased encroachment into the front setback area.

The existing front setback varies from 0-feet to approximately 13 feet, 4 inches; these dimensions are prior to the required 2-foot right-of-way dedication. Post-dedication, a portion of the building (in the current configuration) will be within the public right-of-way and the deepest point of the facade recesses are set back 11 feet, 4 inches. The CBD front setback is a minimum of 10 feet to a maximum of 15 feet, while providing a minimum 15-foot wide streetscape.



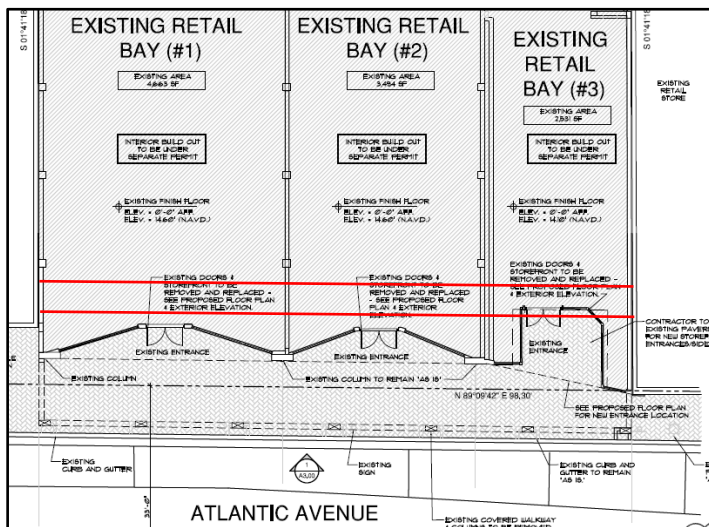
Note: The Palm Trees in the rendering are not proposal; shade trees are required and proposed along the front.

After the 2-foot right-of-way dedication, the setback variation between the existing condition and proposed modifications are:

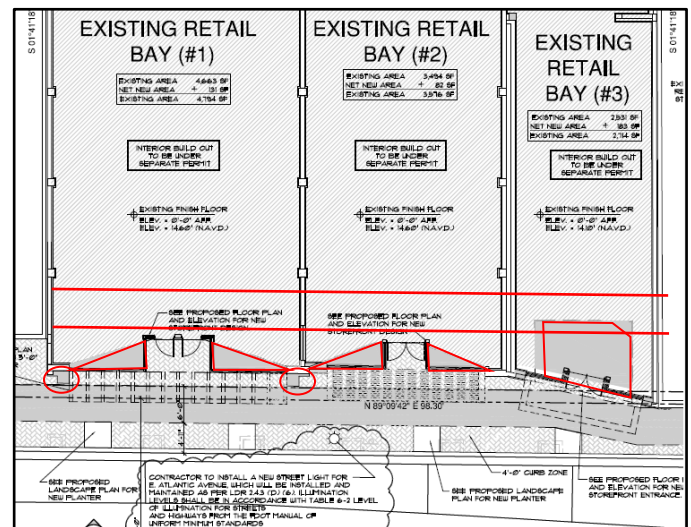
**Existing Front Setback:** 0' to 11'-4"

**Proposed Front Setback:** 0' to +/- 7'-9"

The red lines in the graphic below illustrate the required 10-foot to 15-foot setbacks from the ultimate right-of-way line, as a 2-foot right-of-way dedication is required as part of the request. The red circles and outlined areas show where the non-conformity is being increased.



Existing plan



Proposed Plan

Pursuant to LDR Section 1.3.5(B)(1), "A nonconforming structure shall not be altered or enlarged in any way which increases its nonconformity, vertically or horizontally..." Therefore, waiver is required adjust the front façade position as proposed.

Subsequent to consideration of the waiver by the City Commission, the complete Class III Site Plan Modification will come before the Board for final action.

**Waiver Analysis****LDR Section 4.4.13(K)(5)(b)1.b., Front Setback Waivers**

Section 2.4.7(B)(1)(b) authorizes the City Commission to waive certain other regulations that no other official or board have the authority to waive. Waivers to decrease the minimum front setback depth are permitted if the reduction would not result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).

**LDR Section 4.4.13(E)(2) Streetscape standards.** Front setback areas, which include side setback areas facing streets, shall be detailed to augment public right-of-way design, to establish shaded, continuous routes for pedestrians, and to organize landscaping and other elements to ensure a superior public realm.

- (a) *Minimum Streetscape Width.* The combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 feet in width, measured from the back of curb...”

This section of the LDR sets forth minimum standards for the curb zone, which accommodates street trees, lighting, signs, etc., pedestrian clear zone, and design standards for the remaining front setback.

**Minimum Streetscape Required:** 15 feet

**Curb Zone:** 4 feet (min.)

**Ped. Clear Zone:** 6 feet (min.)

**Remaining Front Setback Area:** 5 feet (min.)

**LDR Section 4.4.13(K)(5)(b)2. CBD Waiver Standards**

2. Within the CBD, the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(B)(5):

- 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.
- The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
- The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
- The waiver shall not reduce the quality of civic open spaces provided under this code.

**LDR Section 2.4.7(B)(5), Waiver: Findings**

Prior to granting a waiver, the granting body shall make findings that granting of a waiver:

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

The historic importance of Atlantic Avenue is evident in the desire to conduct a cultural resource survey of the renowned corridor; consideration of the proposed improvements will have an impact on the results of the survey, as the historic architectural integrity of the structure will be affected by the proposed modifications. The proposed changes reuse the existing building and maintain the historic, moderate scale of the building, while accommodating new retail stores. The building, both with or without the arcade, is compatible with the nearby building and uses. Initial analysis also suggests that the building could qualify for historic designation both in its original design (without the arcade) or with the arcade (as the feature has become significant over time).

The arcade in its current position and form provides a clear zone of 10 feet, providing for a superior pedestrian route. The removal of the arcade necessitates the installation of new street trees to provide shade. The City has a goal of planting a significant number of trees in the City and this change creates a new location for additional trees. However, street trees will also result in a narrowed pedestrian area than exists.

The proposed encroachment of the new facades into the front setback area will further reduce the streetscape area in front of the storefront windows. As a result, the opportunity for passersby to pause to look into the display windows may be reduced during the most active periods on the avenue. Stopping in front of the windows will likely periodically block the pedestrian clear zone on the City's most active street. While the existing and proposed configurations have non-conforming setbacks along the front, the proposed modifications increase this non-conformity.

**Section 4.4.13, Central Business District**

<b>CBD Purpose and Intent</b> LDR Section 4.4.13(A)	<i>The CBD Zone District is established in order to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area.</i>		
<b>Central Core Sub-district</b> LDR Section 4.4.13(A)(1)	<i>The regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown.</i>		
<b>4.4.13(B) Regulating Plans</b>	<i>The Delray Beach Central Business District (CBD) regulating plans depict additional information necessary to apply the standards contained in this Section and are hereby officially adopted as an integral part of these regulations.</i>		
	The regulating plans require that <u>Primary Streets</u> have superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses. While the proposed uses are in compliance with the required retail frontage designation, the proposed changes encroach into the minimum 15-foot-wide streetscape and front setback, thereby reducing the desired superior pedestrian environment.		
<b>Dimensional Requirements for Storefronts</b>		<b>Required</b>	<b>Provided</b>
	Building Setback*	10 feet (min.) / 15 feet (max.)	0-feet to +/- 7 feet, 9 in.
	Store Width	75 feet (max.)	+/- 42ft (#1), 33ft (#2), 24ft (#3)
	Storefront Base	9 inch (min.) / 3 feet (max)	9 inches
	Glazing Height (inc. base)**	8 feet (min.)	+/- 9 feet, 6 in.
	Required Openings	80% (min.)	81.6%
	Awning Projection	5 feet (min.)	5 feet
*The existing front setback varies from 0-feet to approximately 11 feet, 4 inches; a setback of 0-feet to approximately 7 feet, 9 inches is proposed.			

**Review by Others**

The **Downtown Development Authority (DDA)** reviewed the full Class III Site Plan Modification request at its meeting of June 21, 2022. The need for a waiver had not been identified at that time. A recommendation to approve the proposed changes was carried 6 to 1, with the suggestion that the “*developer individualizes the façade look of each different store, to make them distinctive from each other.*” The DDA Memo is attached and provides additional information.

**Optional Board Motions**

- A. Move to recommend **approval** of the waiver request for **325 Shoppes on Atlantic Avenue at 325 East Atlantic Avenue (2022-131)** to reduce the front setback, streetscape dimension, and storefront setback requirements from 0-feet to approximately 11 feet, 4 inches to 0-feet to approximately 7 feet, 9 inches, whereas a minimum of 15 feet are required, by finding that the request meets the criteria set forth in the Land Development Regulations.
- B. Move to recommend **denial** of the waiver request for **325 Shoppes on Atlantic Avenue at 325 East Atlantic Avenue (2022-131)** to reduce the front setback, streetscape dimension, and storefront setback requirements from 0-feet to approximately 11 feet, 4 inches to 0-feet to approximately 7 feet, 9 inches, whereas a minimum of 15 feet are required, by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- C. Move to **continue** with direction