



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## SITE PLAN REVIEW AND APPEARANCE BOARD

### 7<sup>th</sup> Avenue Banyan

Meeting	File No.	Application Type
December 14, 2022	2022-092-SPF-SPR-CL5	Class V Site Plan with Waiver
Applicant / Property Owner		Authorized Agent
West Atlantic Development Company, LLC		John W. Szerdi, LEED AP of Living Designs Group Florida Architects, Inc.

### Request

Provide a recommendation to the City Commission for a CBD waiver request associated with a Class V Site Plan to allow the use of the Porch frontage type, in place of the required Storefront or Arcade with Storefront frontage type, associated with the construction of a 16,298 square foot, three-story mixed-use building at 625, 633, and 645 West Atlantic Avenue, also known as 7<sup>th</sup> Avenue Banyan.

### Site Data & Information

**Location:** 625, 633, and 645 West Atlantic Avenue

**PCNs:** 12-43-46-16-01-012-0030; 12-43-46-16-01-012-0050; and 12-43-46-16-01-012-0040

**Property Size:** 0.40 Acres (17,424sf)

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

**Zoning District:** Central Business District (CBD), West Atlantic Neighborhood Sub-district

#### Adjacent Zoning:

- North, South, East & West: CBD, West Atlantic Neighborhood Sub-district

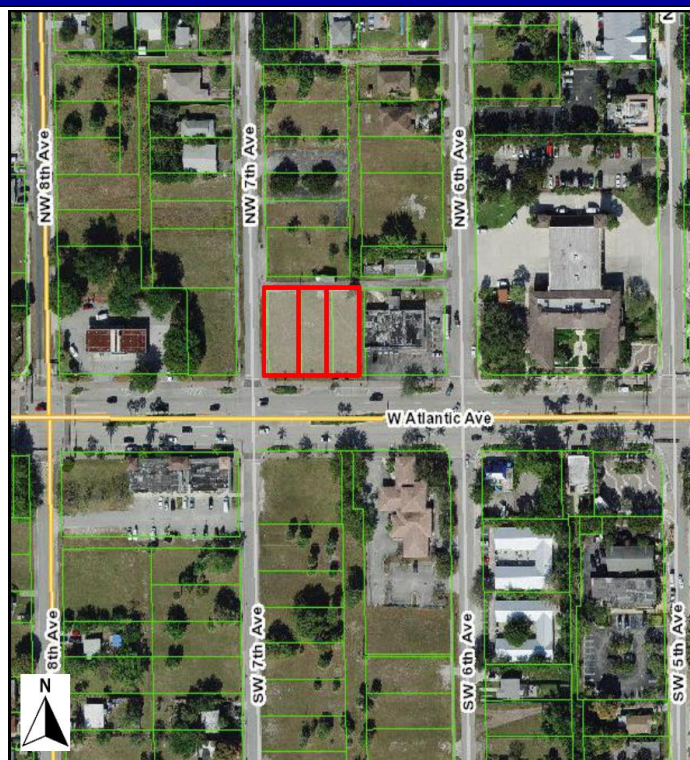
**Current Use:** Vacant

#### Floor Area Ratio:

- Proposed: 0.93
- Maximum Allowed: 3.0

#### CBD Central West Atlantic Neighborhood Sub-district

- West Atlantic Avenue:**
  - Primary Street
  - Required Retail Frontage
  - West Atlantic Neighborhood Commercial Area
- NW 7<sup>th</sup> Avenue**
  - Secondary Street
  - West Atlantic Neighborhood Commercial Area



### Background

The property's development history is outlined below:

- 625 West Atlantic Avenue

#### Project Planner:

Alexis Rosenberg, Senior Planner  
[rosenberg@mydelraybeach.com](mailto:rosenberg@mydelraybeach.com)

#### Attachments

- Resolution No. 201-22
- Application Justification Statement
- Site Plan, Floor Plan, Architectural Elevations
- Landscape Plan
- DDA Memo
- Legal Review Form



- 1959 – A 1,110 square foot commercial building was constructed on the site.
- 1961-1969 – Multiple additions were approved and constructed for the establishment of a restaurant.
- 2008 – The commercial building was demolished.
- Current – The lot remains vacant.
- 633 West Atlantic Avenue
  - 1967 – A 17,306 square foot commercial building was constructed on the site.
  - 1968 – A 4,327 square foot addition was approved and constructed.
  - 2008 – The commercial building was demolished.
  - Current – The lot remains vacant.
- 645 West Atlantic Avenue
  - 1962 – A 12,654 square foot theater was constructed on the property.
  - 2008 – The theater was demolished.
  - Current - The lot remains vacant.

The property is also located within the Community Redevelopment Agency (CRA) district boundaries, the Downtown Development Agency (DDA) district boundaries, and the West Atlantic Avenue Overlay district boundaries.

### 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 Site Plan Review and Appearance Board (SPRAB) and the Historic Preservation Board (HPB) shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration.*

The subject request is a waiver from the CBD zoning district frontage type requirement (**LDR Section 4.4.13(C)(3)(a)(2)(a)**) to allow the use of a Porch frontage type in place of the required Storefront or Arcade with Storefront frontage type associated with the construction of a 16,298 square foot, three-story mixed-use building at 625, 633, and 645 West Atlantic Avenue, also known as 7<sup>th</sup> Avenue Banyan. The first floor is intended for retail use, while the two upper floors will be offices.



The waiver must be approved by the City Commission prior to the Board's review of the Site Plan. Therefore, the current elevations are subject to modifications based on further review and consideration of the proposed development.

NOTE: The subject site fronts a portion of West Atlantic Avenue that is not under the City's jurisdiction and is controlled by the Florida Department of Transportation (FDOT). Based on FDOT's restrictions, buildings may not encroach into their right-of-way.



## Waiver Analysis

### LDR Section 4.4.13(K)(5)(a), Waivers

Section 2.4.7(B)(1)(a) authorizes the waiver of certain regulations irrespective of a property's zoning district. Those 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.

### Waiver Criteria

#### 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.

#### LDR Section 4.4.13(K)(5)(b)2., CBD review and approval process: Waivers

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.

Pursuant to **LDR Section 4.4.13(C)(3)(a)(2)(a), Required Retail Frontage Use Limitations**, streets designated on the Regulating Plan with Required Retail Frontage are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage have use and frontage type standards that apply to the sidewalk level story.

- The frontage type shall be either a Storefront or Arcade with a Storefront.

The waiver request is to allow the use of a Porch frontage type in place of the required Storefront or Arcade with Storefront frontage type along West Atlantic Avenue, which is designated as "Required Retail Frontage". Pursuant to **LDR Section 4.4.13(B)(2)**, "Certain Primary Streets within the CBD are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Streets designated as with Required Retail Frontage are held to stricter standards regarding allowable frontage types and uses located within side-walk level stories."

The types of uses required along the sidewalk level of a street designated as "Required Retail Frontage" include retail shops, restaurants, personal services, and hotels. Therefore, the code requires the building's architecture to reinforce uses that appeal to pedestrians and engage their interest by using a Storefront frontage type with a high percentage of glazing, or an Arcade paired with a Storefront. Arcades extend into the public right-of-way over a minimum 10-foot wide area to provide a covered, shaded environment for pedestrians.

Figure 4.4.13-E-13 Arcade Frontage Type



Figure 4.4.13-E-11 Storefront Frontage Type

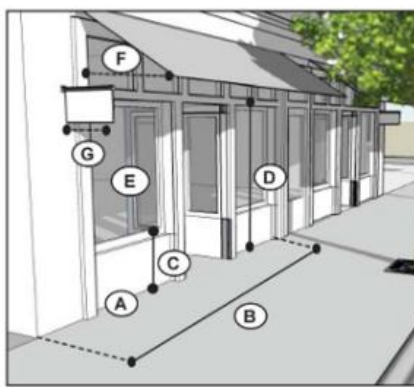
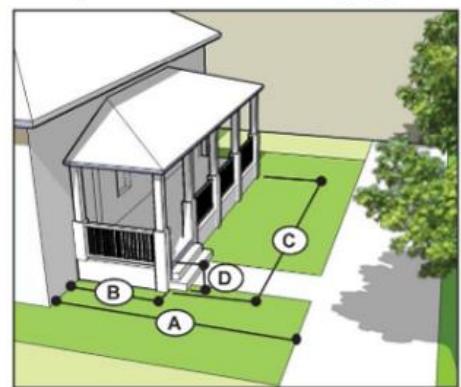


Figure 4.4.13-E-3 Porch Frontage Type







It is important to note that the grade along West Atlantic Avenue increases both from east to west along the front of the property, as well as from the public right-of-way to the front of the property. The proposed site plan absorbs the changes in grade through hardscape areas in the front setback area. As a result, the streetscape, which is typically an extension of the City's sidewalk, has steps, ramps, and planters leading up to the Storefronts to create a Porch with a Storefront frontage type.

However, **LDR Section 4.4.13(f)(1)(a)** states “a sidewalk should not run parallel to an arcade, allowing pedestrians to bypass storefront windows.” FDOT does not allow structures to encroach into their right-of-way, which complicates the ability to incorporate the desired Arcade frontage type into the design. As a result, the covered walkway inevitably runs parallel to the public sidewalk creating a Porch frontage type.

The justification for proposing a Porch in place of a Storefront or Arcade with Storefront is outlined in the applicant's justification statement. The applicant states that due to FDOT's right-of-way restrictions, the change in grade, and the expanse of Storefront glass facing direct sun, a Porch frontage type is most suitable as it is accommodated outside of FDOT's right-of-way, addresses the change in grade, and provides shade and UV protection for the merchants and pedestrians. The image below dimensions the streetscape and the height of the steps, which is one foot above the sidewalk.



While the Porch frontage type is most commonly associated with residential uses, the CBD regulations allow the Porch to be incorporated with commercial uses as well; however, it is not identified for use along Required Retail Frontage streets. The CBD code anticipates a more traditional main street and limits the types of uses and frontage types to promote a superior pedestrian experience and reinforce the relationship between the pedestrians and ground floor commercial space. Consideration should be given as to whether the Porch frontage type

provides a better option for absorbing the change in grade across the site, and whether the increase in elevation and railings create an inferior pedestrian experience by separating the pedestrian realm and impacting the marketability of the retail spaces.

**Table 4.4.13(E), Dimensional Requirements for Porches**, indicates that porches are allowed to encroach up to eight feet into the building setback, provided the curb zone and pedestrian clear zone are free from obstruction. The table below provides the minimum and maximum dimensional requirements for Porches as well as the provided Porch dimensions for the project.

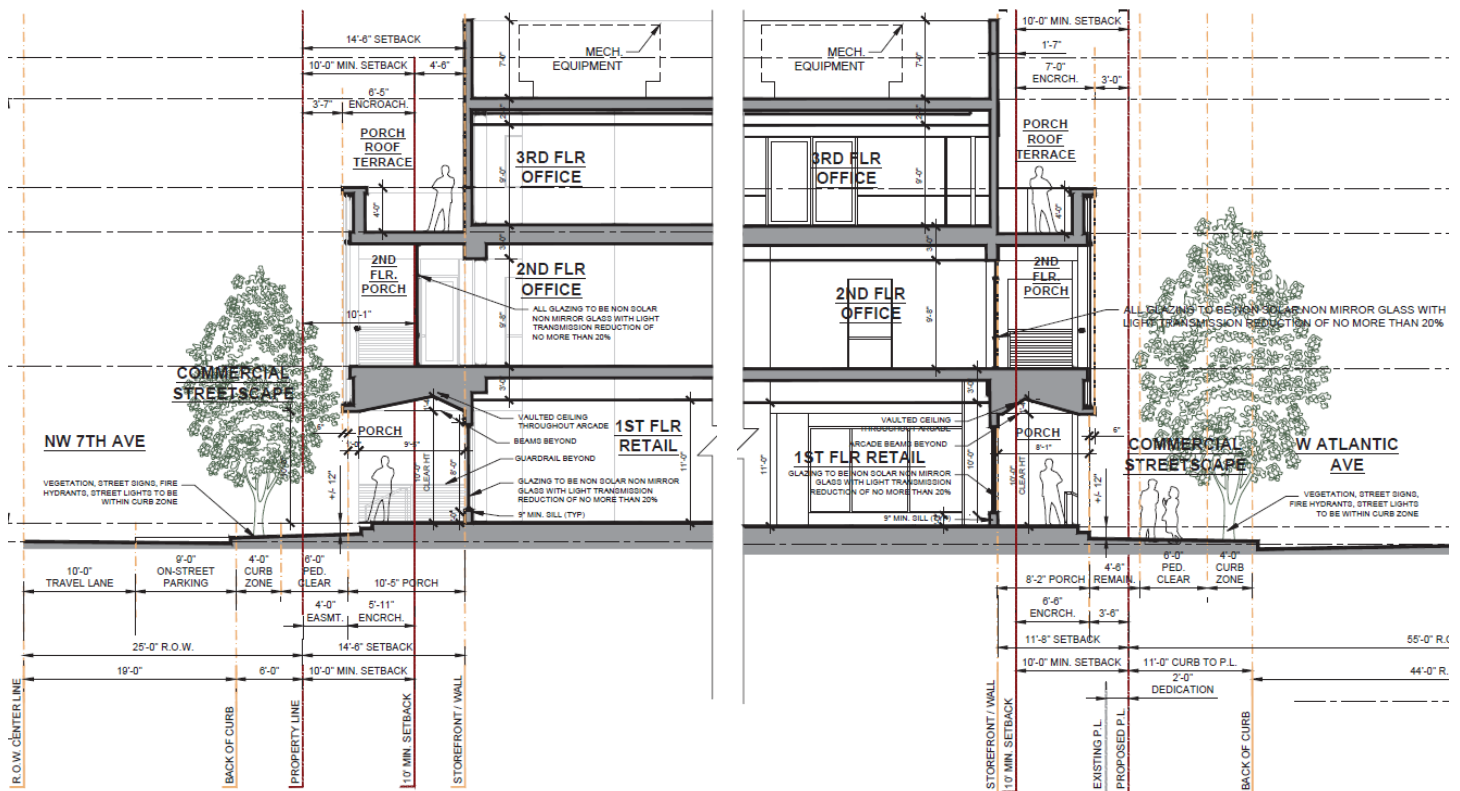
Table 4.4.13(E) Dimensional Requirements for Porch				
		MINIMUM	MAXIMUM	PROPOSED
A	BUILDING SETBACK	10 FT.	15 FT.	W. ATLANTIC AVE: 11'-8" NW 7TH AVE: VARIES 14'-4" - 14'-9"
B	DEPTH	8 FT.	12 FT.	W. ATLANTIC AVE: 8'-2" NW 7TH AVE: 10'-5"
C	WIDTH	40% FACADE	100% FACADE	W. ATLANTIC AVE: +/- 95% NW 7TH AVE: 100%
D	FLOOR ELEVATION	.5 FT.	4 FT.	VARIES +/- 1 FT
*	ALLOWABLE ENCROACHMENT *	-	8 FT.	W. ATLANTIC AVE: 6'-6" NW 7TH AVE: 5'-11"
* May not encroach into the curb zone or pedestrian clear zone (See Section 4.4.13(E)(2))				



The streetscape sections below illustrate the streetscape dimensions from the right-of-way centerline to the Storefront wall. The Porches do not encroach more than eight feet into the minimum setback, and the minimum curb zone and pedestrian clear zone comply with the minimum widths in the LDR. While a Porch is not allowed to extend over the public sidewalk like an Arcade, the proposed Porch functions similarly to an Arcade with Storefront. For example, the Porch provides recessed lighting, which is a common feature in Arcades. The ground floor of the south façade has 84% transparency, and the ground floor of the west façade has 94% transparency, which is consistent with the highly-transparent Storefront frontage type. Additionally, like an Arcade, the proposed Porch is covered, unglazed, and runs linear to the south and west sides of the building supported by columns. A shaded environment is provided for pedestrians; however, unlike an Arcade, the public sidewalk runs parallel to the Porch and there is a one-foot elevation absorbed by steps from the sidewalk to the Storefront.

The properties to the east and west of the subject site do not provide the required frontage types along West Atlantic Avenue, as the sites were developed prior to the adoption of the CBD code. If the adjacent properties are developed in the future, they will be subject to the same frontage standards as the subject property. If the required Storefront or Arcade with Storefront are provided for adjacent developments, the streetscape along this portion of West Atlantic Avenue will be inconsistent. However, because FDOT owns this portion of West Atlantic Avenue, it is likely that the adjacent properties will face the same circumstances (change in grade, limitation of Arcade projection) as the subject site. The Board should consider whether the proposed Porch is compatible with neighboring properties' current frontage and potential frontage.

The requested Porch does not interfere with the connectivity of the street and sidewalk network, and due to the size of the subject site, civic open space is not required. Therefore, the waiver will not reduce the quality of civic open space provided under the code.

NW 7<sup>th</sup> Avenue Streetscape Section

W Atlantic Avenue Streetscape Section

In consideration of the general waiver criteria, it is not anticipated that the requested waiver will adversely affect the neighboring area, diminish the provision of public facilities, or create an unsafe situation. Further, the uniqueness of the condition is not considered a special privilege as the same waiver could be granted under similar circumstances (e.g. City Center at 10 North Swinton Avenue).

**Considerations**

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

- Whether the Porch frontage type provides a better option for absorbing the change in grade across the site;
- Whether the increase in elevation and railings create an inferior pedestrian experience by separating the pedestrian realm and impact the marketability of the retail spaces; and
- Whether the proposed Porch is compatible with neighboring properties' current frontage and future potential frontage.

**Review by Others**

The **CRA** received the full Class V Site Plan with waiver request in its September 10, 2022 CRA report.

The **DDA** reviewed the full Class V Site Plan with waiver request at its meeting of September 12, 2022. A recommendation to approve the proposed Class V Site Plan with waiver was carried 5 to 0. The DDA Memo is attached and provides additional information.

**Optional Board Motions**

- A. Move to recommend **approval** to the City Commission of the waiver request for **7<sup>th</sup> Avenue Banyan at 625, 633, and 645 West Atlantic Avenue (2022-092)** to utilize the Porch frontage type in place of the required Storefront or Arcade with Storefront frontage type, by finding that the request meets the criteria set forth in the Land Development Regulations.
- B. Move to recommend **denial** to the City Commission of the waiver request for **7<sup>th</sup> Avenue Banyan at 625, 633, and 645 West Atlantic Avenue (2022-092)** to utilize the Porch frontage type in place of the required Storefront or Arcade with Storefront frontage type, by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- C. Move to **continue** with direction