

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

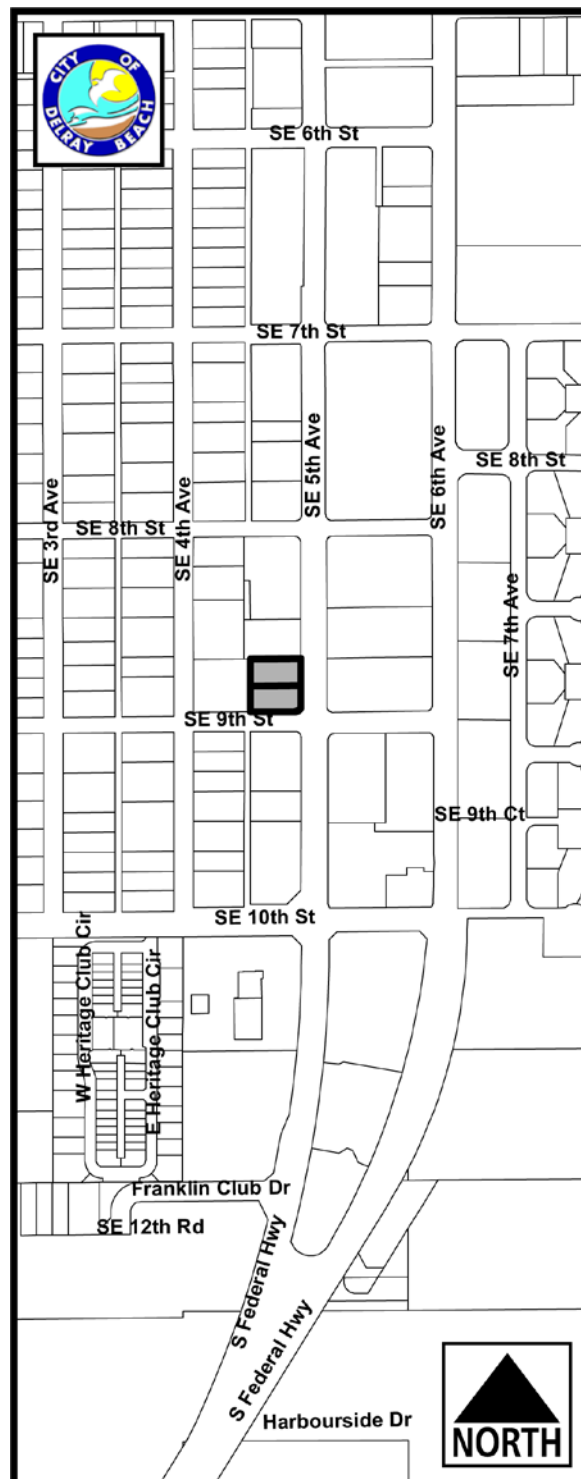
---STAFF REPORT---

MEETING DATE: October 28, 2015

ITEM: Sober Living Outpatient (830 & 836 SE 5th Avenue) – Class III Site Plan Modification Associated with the change of use from Professional Office to Medical Office.

GENERAL DATA:

Owner/Applicant.....	Nicole G, LLC.
Agent.....	Weiner, Lynne & Thompson, P.A.
Location.....	830 & 836 SE 5 th Avenue
Property Size.....	17,299 square feet
Future Land Use Map.....	GC (General Commercial)
Current Zoning.....	GC (General Commercial)
Adjacent Zoning.....	North: GC (General Commercial) East: GC (General Commercial) South: GC (General Commercial) West: R-1-A (Single Family Residential)
Existing Land Use.....	Professional Office
Proposed Land Use.....	Medical Office
Water Service.....	Existing on site.
Sewer Service.....	Existing on site.



ITEM BEFORE THE BOARD

The item before the Board is the approval of a Class III Site Plan Modification associated with a change of use for the **Sober Living Outpatient**, located at **830 & 836 SE 5th Avenue**, pursuant to Land Development Regulations (LDR) Section 2.4.5(G)(1)(c):

BACKGROUND

The subject property consists of 0.40 acres (17,299 sq. ft.) and is located at the northwest corner of SE 5th Avenue and SE 9th Street, the property is zoned GC (General Commercial) and has a Future Land Use Map designation of GC (General Commercial).

The site contains two office buildings totaling 2,655 square feet. The northernmost building located at 830 SE 5th Avenue measures 1,230 square feet. The southernmost building located at 836 SE 5th Avenue measures 1,425 square feet. Both buildings were constructed in 1934.

The applicant, which operates an existing DCF-licensed outpatient treatment center in the City, is seeking approval to change the use of the subject property from professional office to medical office. The anticipated hours of operation will be Monday through Friday, 9am-9pm, and Saturday and Sunday for three hours in the afternoon. The staff consists of three therapists and three administrative staff members. A total of 25 clients are seen, with generally no more than 15 clients receiving services at any given time. No client will be driving or otherwise be transporting themselves to the property, which is a standard operating procedure for outpatient treatment providers. No exterior structural/aesthetic improvements are proposed; therefore existing elevations have not been included with the application. The new use will be interior to the structure.

The Class III Site Plan Modification is now before the Board for consideration of a change of use from professional office to medical office use for Sober Living Outpatient.

PROJECT DESCRIPTION

The development proposal incorporates the following:

- Conversion of 2,655 total square feet from professional office to medical office;
- Installation of a bicycle rack; and,
- Restriping the 16 space parking lot.

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.

LDR Section 4.3.4(K) Development Standards Matrix – Nonresidential Zoning Districts:

The following table indicates that the retail buildings comply with LDR Section 4.3.4(K) as it pertains to the General Commercial (GC) zoning district:

		<i>Standard:</i>	<i>Provided:</i>
<i>Building Height:</i>		48'	13.5'
<i>Building Setbacks:</i>	<i>Front (US1)</i>	10'	28.48'
	<i>Rear (Alley)</i>	10'	64.18'
	<i>Side Street (SE 9th St.)</i>	10'	16.44'
	<i>Side Interior (North)</i>	10'	19.21'
<i>Open Space:</i>		25%	37%

Lighting

A photometric plan showing existing illumination levels for the parking lot was provided. The proposed photometric plan is consistent with the Illumination levels listed in LDR Section 4.6.8. These criteria require a maximum footcandle level of 12.0 and a minimum footcandle level of 1.0 for the entire site. The photometric plan submitted has a maximum footcandle level of 9.1 and a minimum footcandle level of 1.0 within the parking lot. Photometric levels were not provided at the building entrances. Staff recommends that wall mounted light fixtures are installed at both entrances to accommodate a minimum foot candle of 1.0 and a maximum of 10 foot candles. This is noted as a condition of approval.

Parking

Pursuant to LDR Section 4.6.9(C)(4)(c), medical and dental offices, including clinics and mental health treatment facilities, shall provide 5 spaces per 1,000 sq. ft. of gross floor area. For the proposed 2,655 sq. ft. building, a minimum of thirteen parking spaces are required ($2,655/1,000 \times 5 = 13.2$) whereas 16 parking spaces exist on site. Therefore, this requirement has been met.

Handicap Accessible Parking

Pursuant to LDR Section 4.6.9(C)(1)(b), special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. One handicap space is located adjacent to the breezeway leading to the main entrance. Thus, this LDR requirement has been met.

Bicycle Parking

LDR Section 4.6.9(C)(1)(c) and Transportation Element Policy D-2.2 of the Comprehensive Plan recommend that a bicycle parking facility be provided. One bike rack is proposed. Thus, this LDR requirement is met. A manufacturing cut-sheet detail of the proposed bike rack is required and is noted as a condition of approval.

Crime Prevention Through Environmental Design (CPTED):

A CPTED review has been conducted by the Delray Beach Police Department. The CPTED review is based upon the CPTED standards for Lighting, Natural Surveillance, and Natural Access Control. The Police Department recommends that the main entrance provides better signage as the front of the building faces SE 5th Avenue, but the parking lot is in the rear of the building. The Police department states that the large windows in the front and rear of the building are excellent natural surveillance and should remain free of papers to provide open visibility. It is recommended that the solid doors to the rear of the building should be equipped with peepholes, and bushes/shrubs should be no higher than 2 feet and all trees should grow to a height of at least 6 feet. These recommendations are listed as conditions of approval.

The photometric plan addressing illumination levels has been reviewed and determined to be adequate.

The Police Department states that security cameras should be considered throughout the property specifically at the main entrance and at the parking lot. This recommendation is listed as a condition of approval.

Perimeter Landscape Buffers

Pursuant to LDR Section 4.4.9(H)(1), the first 10 feet adjacent to a right-of-way shall be landscaped area. Within the required landscape area, no paving shall be allowed except for driveways and walkways which shall be generally perpendicular to the property line. This required buffer has been provided along South Federal Highway. Thus, this criteria has been met.

Refuse Disposal

The disposal of refuse will be accommodated by two trash containers for curbside pick up. The trash receptacles will be screened by existing hedges located on the east and west sides of the receptacle storage area. No hedges are proposed on the north side and this is noted as a condition of approval. The south portion of the hedges on the west side should be cut-back to allow the containers access to the curb.

Site Plan Technical Items

While the revised site plan is adequate for review, the following site plan technical items still remain outstanding, and will need to be addressed prior to site plan certification and permit issuance:

1. Provide life safety plan showing emergency lighting, exit signs and fire extinguishers.
2. That the rear doors of the buildings are equipped with fish eye lens.
3. Provide a detail of the proposed bike rack.
4. Remove a portion of the hedge on the west side of the trash receptable to allow access to the curb and provide a hedge on the north side for screening.

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 interior conversion of 2,655 square feet of professional business and office use to medical office use. 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 zoning designation of General Commercial (GC) and a General Commercial (GC) Future Land Use Map designation. Medical office is allowed pursuant to LDR Section 4.4.9(B)(1). Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

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 when all outstanding items attached as conditions of approval are addressed.

Comprehensive Plan Policies

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

Transportation Element Policy D-2.2 Bicycle parking and facilities shall be required on all new development.

There is not currently an existing bicycle rack on the site. However, the applicant proposes to install a bicycle rack as indicated on the plans and located within proximity to the main entrance. Thus, this requirement has been met.

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 development proposal is the conversion of an existing 2,655 sq. ft. building from a professional and business office to a medical office. The request does not entail modifications to the exterior of the existing structure. There are no concerns with respect to soil, topographic or other physical considerations.

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. As illustrated throughout this report, the proposed changes do not significantly affect the existing conditions, with the exception of restriping the parking lot and the provision of a bike rack.

REVIEW BY OTHERS

The proposed change of use is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), West Atlantic Redevelopment Coalition (WARC), or the Downtown Development Authority (DDA).

At its meeting of October 12, 2015, the **Community Redevelopment Agency (CRA)** reviewed the proposed site plan and the consensus was to recommended approval.

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

- Delray Citizen's Coalition
- Osceola Park
- Domaine Delray
- Harbour Club
- Heritage Club Property Owners Association

Letters of objection or support, if any, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

ASSESSMENT AND CONCLUSION

The development proposal is the conversion of an existing 2,655 sq. ft. professional and office use to a medical office use. No architectural elevation changes are proposed. Proposed site upgrades include restriping the parking lot and the provision of a bike rack. Therefore, positive findings can be made with respect to Concurrency and Comprehensive Plan consistency as well as the specific findings required by LDR Section 2.4.5(G)(5), provided the attached conditions of approval are addressed and the parking reduction is supported.

It should be noted that a life safety plan showing emergency lighting, exit signs and fire extinguishers shall be provided at the time of Building Permit to assure compliance with the Fire Code.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Class III site plan for the **Sober Living Outpatient**, 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 Sections 2.4.5(G)(5) and Chapter 3 of the Land Development Regulations, subject to the attached conditions of approval.
- C. Move denial of the Class III site plan for the **Sober Living Outpatient**, 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 Sections 2.4.5(G)(5) and Chapter 3 of the Land Development Regulations.

STAFF RECOMMENDATION

Move approval of the Class III Site Plan modification for the **Sober Living Outpatient**, 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 Sections 2.4.5(G)(1)(c) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That all Site Plan Technical Items be addressed with the submittal of four (4) copies of the revised plans prior to the certification of the site plan;
2. That the solid doors to the rear of the building be equipped with peepholes, and bushes/shrubs be no higher than 2 feet and all trees should grow to a height of at least 6 feet;
3. That security cameras be considered throughout the property specifically at the main entrance and at the parking lot;
4. That a life safety plan showing emergency lighting, exit signs and fire extinguishers be provided at the time of Building Permit to assure compliance with the Fire Code;
5. That a manufacturing cut-sheet detail of the proposed bike rack is submitted; and,
6. That prior to the certification of the site plan, the photometric plan shall be revised to accommodate wall mounted light fixtures and illumination levels (10 f.c max/1.0 f.c. min) for the building entrances. Manufacturing cut-sheet details of the wall mounted light fixture shall be provided.

Attachments:

- Appendix "A" – Concurrency Findings
- Appendix "B" – Standards for Site Plan Actions
- Location Map
- Proposed Site Plan
- Proposed Floor Plans

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.

Drainage:

There are no modifications to the footprint of the building and the existing drainage system will be maintained. Thus, there should be no impact on drainage as it relates to this level of service standard.

Traffic:

The applicant has provided a traffic statement from CAP Traffic Engineering, Inc. A traffic concurrency determination has been issued by Palm Beach County Traffic Division.

Six new (net) trips will be generated by the proposed use. Additionally, no new am peak trips are anticipated with seven p.m. peak trips. Thus, the change of use will not significantly affect traffic circulation and will not negatively impact the neighborhood.

Parks and Recreation:

Non-residential uses are not considered to have an impact on the City's Parks and Recreation facilities.

Solid Waste:

The prior professional and business office use generated 7.16 tons of solid waste per year. The proposed medical office use will generate 6.10 tons of solid waste per year. The conversion of use from professional and business office use to medical office use will result in an decrease of 1.06 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2046, thus a positive finding with respect to this level of service standard can be made.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have an impact with respect to this level of service standard.

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 X
Meets intent of standard _____
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 - Subject to attached conditions of approval.
Does not meet intent _____

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.***

Not applicable **X**

Meets intent of standard

Does not meet intent

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.***

Not applicable

Meets intent of standard **X** - Subject to attached conditions of approval.

Does not meet intent

- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.***

Not applicable

Meets intent of standard	X
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Does not meet intent

- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.***

Not applicable	X
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Meets intent of standard

Does not meet intent