

# CITY OF DELRAY BEACH



November 10, 2016

Joe Carosella, President  
Retail Property Group, Inc.  
101 Plaza Real South, Suite 200  
Boca Raton, FL 33432

**RE: DELRAY PLACE SOUTH  
1911 SOUTH FEDERAL HIGHWAY  
CLASS III SITE PLAN MODIFICATION  
FILE NO. 2016-051-SPM-SPR-CL3  
SPRAB APPROVAL DECISION**

Dear Mr. Carosella,

This letter serves as official notice that the above-referenced development application was considered for approval by the Site Plan Review and Appearance Board (SPRAB) at their October 26, 2016 meeting. The outcome of the Board's review of the development proposal is summarized as follows:

## Waivers

1. **Approved** a waiver to reduce the special landscape area along a portion of the US1 frontage from the twenty feet (20') required pursuant to LDR Section 4.3.4(H)(6)(b)(1), to 9'2" to allow for an outdoor dining area fronting on US1 by a vote of 4 to 1 (Jim Chard, dissented).
1. **Approved** a waiver to change the landscape island requirement from one shade tree that is at least 16' in height, to allow Royal Palms instead of shade trees, pursuant to LDR 4.6.16(H)(3)(i) by a vote of 3 to 2 (Alice Finst and Jim Chard, dissented).

## Special Action

1. **Denied** a special action parking reduction request to continue the historic application of a shopping center parking rate, pursuant to LDR Section 4.6.9(F)(1) by a unanimous vote of 0 to 5 (all voting SPRAB members dissented).

## Site Plan

The *Site Plan* was **denied** by a vote of 2 to 3 (Vlad Dumitrescu, Alice Finst and Jim Chard, dissenting). The following staff recommended conditions were made in the failing motion to approve:

1. Provision of revised plans that satisfactorily address the technical items identified in "Appendix C – Technical Advisory Committee Comments", prior to site plan certification, as follows:
  - a. It is noted that five new parallel parking spaces are proposed along Eve Street. Update the parking data chart to reflect these revisions. See LDR Section 4.6.9(E)(2).
  - b. The parking calculations shall include the typical requirement by use allocation as indicated in the staff report. If a reduction is approved, the parking data chart must indicate the existing nonconformity and be updated accordingly.

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- c. Replicate the site data chart in the staff report on the proposed site plan.
  - d. Per LDR Section 4.6.8, the photometric plan must comply with the minimum and maximum foot candle allowances for the site and spillage.
  - e. Traffic calming devices, such as speed bumps, must be installed for the created new 24' wide two-way parking lot drive aisle which connects Tropic Boulevard to Eve Street.
  - f. The location of an existing bus shelter is not graphically shown along the South Federal Highway property frontage. Two buses (Routes #1 and #80) currently serve this site. In order to enhance the mass transit opportunities, the applicant must accommodate a bus shelter area either within the public right-of-way or within an easement along the property frontage that will serve its patrons for the existing Palm Tran routes.
2. The anticipated uses of existing vacant tenant bays as identified in this staff report will be allowed future uses, provided that the proposed uses and square footages are retained. Any future use for the vacant bays which requires a higher parking rate, will require subsequent site plan approval and new parking accommodations.
  3. The existing curb cut at "Delray Place North" must align with the proposed location of the curb cut along "Eve Street" for "Delray Place South". Provision of a current survey or revised plans reflecting alignment is required.

The SPRAB also added the following two (2) additional conditions to the *Site Plan* motion which failed to get approval:

4. Provide a pedestrian connector across Eve Street to accommodate a foot path for non-vehicular use to serve patrons walking between Delray Place North and Delray Place South, subject to administrative approval by staff, prior to site plan certification.
5. The base of the proposed tower feature for Dunkin Donuts which encroaches into the special landscape buffer along US1 and covers the outdoor dining area, must be relocated two feet (2') to the east and reflected on all affected sheets, subject to administrative approval by staff, prior to site plan certification.

#### Landscape Plan

The *Landscape Plan* was **approved** as presented by a unanimous vote of 5 to 0 with no conditions.

#### Architectural Elevations

The *Architectural Elevations* were unanimously **approved** by a vote of 5 to 0 with the following staff recommended conditions:

1. Building #2 faces the adjacent residential community and banding and/or a base color must be added to the rear to improve the aesthetics.
2. Building #3 (Dunkin Donuts) faces US1 on the south side and provision of the Robust Orange color is to be added to the columns to match the west elevation.

Appealable Actions

Please note that the decision of the Site Plan Review and Appearance Board (SPRAB) can be appealed within 10 working days of the Board action. In such case, this decision is **NOT FINAL** until the appealable period expires.

Additionally, at the City Commission's discretion, this Board action can be **appealed** at their meeting of December 6, 2016, as is listed within the "Report of Appealable Land Use Items" on the City Commission Agenda.

If the status of this **SPRAB decision** should change prior to expiration of the appealable period or pursuant to City Commission action, then staff will notify you accordingly.

Next Steps

1. Please note that any aggrieved party may appeal the SPRAB decision **within 10 working days**, pursuant to LDR Section 2.4.7(E). The appeal period expires on November 10, 2016.
2. Otherwise, submittal of a brand new **Class III Site Plan Modification** application is required, pursuant to LDR Section 2.4.3(A).

Approval Explanation

Please be advised that the approved shade tree waiver, landscape buffer waiver, landscape plan and architectural elevations are valid for twenty-four (24) months from the date they were approved by the Site Plan Review and Appearance Board (SPRAB). These approvals are therefore valid for two (2) years or until October 26, 2018. However, the associated site plan and special action parking reduction requests were denied. Thus, separate action resulting in City Commission approval of the associated site plan is deemed necessary, prior to construction. It is noted that the special action parking reduction request, while denied, does not affect the parking requirement for the current request. Therefore, a future special action parking request in association with a subsequent site plan application will be necessary, should the City Commission uphold the denial of the site plan and special action parking reduction request considered by the Site Plan Review and Appearance Board (SPRAB) in association with this Delray Place South Class III Site Plan Modification.

Should you have any questions regarding the approval of this project, please do not hesitate to contact me via email at [Jefferson@mydelraybeach.com](mailto:Jefferson@mydelraybeach.com) or by phone at (561) 243-7049.

Sincerely,



Candi N. Jefferson  
Senior Planner

CC: Jeffrey C. Lynne, Esq., Beighley, Myrick, Udell & Lynne, P.A., Agent