

CITY COMMISSION – WAIVER REQUESTS

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: October 17, 2017

ITEM: **West Atlantic Avenue Publix (2017-215)** Seven waiver requests from LDR Section 4.4.13 Central Business District (CBD) for the construction of a new full service grocery store and associated site improvements.

RECOMMENDATION: Approve waivers with conditions.

GENERAL DATA:

Owner: City of Delray Beach CRA

Applicant: Pasadena Capital

Address: 606 and 640 West Atlantic Avenue; 26 and 36 SW 6th Avenue, and; 11, 13, 21, 25, 29, 31 and 37 SW 7th Avenue

Location: South side of W Atlantic Avenue, between SW 6th Avenue and SW 7th Avenue

Property Size: 2.84 ac.

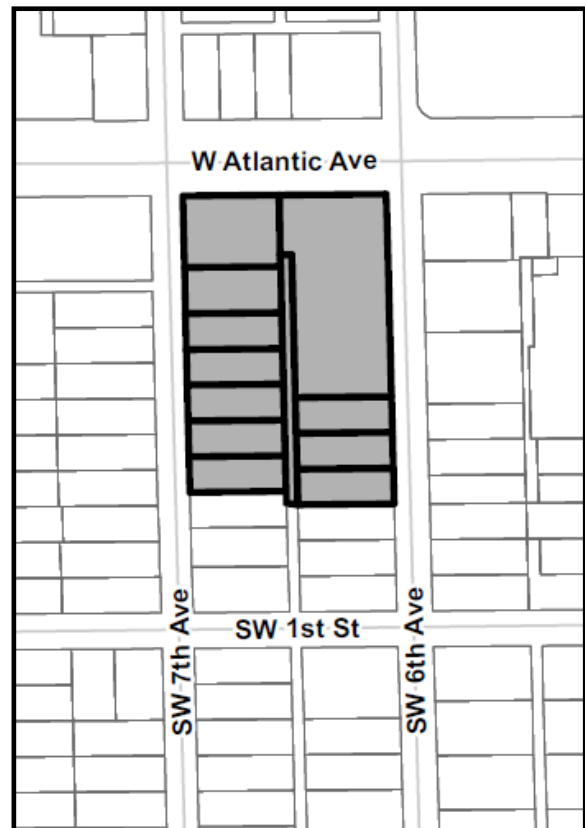
Future Land Use Map: CC (Central Core)
MD (Medium Density)

Current Zoning: CBD (Central Business District)
RM (Medium Density Residential District)

Adjacent Zoning:
North: CBD
South: RM
East: CBD & RM
West: CBD & RM

Existing Land Use: Funeral Home, Houses & Vacant

Proposed Land Use: Grocery Store



ITEM BEFORE THE BOARD

The request before the City Commission is consideration of seven waiver requests pursuant to LDR Sections 2.4.7(B)(5) and 4.4.13(K)(8)(b)(2) for **West Atlantic Avenue Publix (2017-215)**, located generally on the south side of West Atlantic Avenue, between SW 6th Avenue and SW 7th Avenue, specifically including 606 and 640 West Atlantic Avenue; 26 and 36 SW 6th Avenue, and; 11, 13, 21, 25, 29, 31 and 37 SW 7th Avenue.

BACKGROUND

Most of the subject property is zoned CBD (Central Business District) in the West Atlantic Neighborhood Sub-district, with a Central Core (CC) Future Land Use Map (FLUM) Designation. The two southernmost lots are zoned RM (Multiple Family Residential) with a MD (Medium Density) FLUM designation; ultimately these two properties would need to be rezoned to realize the subject plan. The site contains a 2,599 sq. ft. funeral home, which was constructed in 1964. The 123,850 sq. ft. sq. ft. (2.84 acres) site is located on the south side of West Atlantic Avenue, between SW 6th Avenue and SW 7th Avenue. West Atlantic Avenue is a Primary Street with Required Retail Frontage, and therefore held to higher standards regarding uses, building position and parking location than streets that are designated as Secondary Streets; SW 6th and 7th Avenues are Secondary Streets.

The site is owned by the Delray Beach CRA. The applicant, Pasadena Capital, proposes a full-service grocery store within the West Atlantic Neighborhood. Over the years, many studies, including The Visions West Atlantic 2003 (1993), The West Atlantic Avenue Redevelopment Plan (1995), The Downtown Master Plan (1995), and The Southwest Area Neighborhood Redevelopment Plan (2003), identify the need for commercial businesses serving the daily needs of the residents in this area, specifically requesting a grocery store/supermarket.

The CBD regulations for the West Atlantic Neighborhood Sub-district include a special allowance to encourage a full service grocery store to locate in the area. Within the West Atlantic Neighborhood, commercial structures may extend a maximum of 150 feet from Atlantic Avenue. LDR Section 4.4.13(C)(4)(c)(1) allows a “full service grocery store” to extend beyond 150 feet from Atlantic Avenue, provided the SPRAB determines the site plan provides a compatible transition between commercial and residential uses.

PROJECT DESCRIPTION

The applicant is considering redevelopment of the site into a full-service grocery store. The proposal is single-story, full-service grocery store, with parking located on west side of building. The plan includes a “liner” building, 30 feet deep, which essentially places other uses between the grocery store and West Atlantic Avenue. This element provides space for small businesses and ensures active uses with operable doors and windows line the street. It is important to note that SW 7th Avenue currently has a 25-ft. wide public right-of-way. The minimum standard for a local streets is 50 feet, which is typically divided equally between properties on both sides of the road. In this case, the full dedication amount of 25 feet is being provided by this property, which results in a narrower the site and block width. Due to the unique characteristics of a grocery store floorplan, the proposed design requires seven waivers from the CBD land development code. Prior to investing in a full Class V site plan application, the applicant requests consideration of the waiver requests.

As currently proposed, the waivers needed for the development include the following:

1. A waiver to LDR Section 4.4.13(D)(1)(c), Table 4.4.13(C), which requires a minimum building frontage of 75% along West Atlantic Avenue, whereas 53% is proposed.
2. A waiver to LDR Section 4.4.13(D)(2)(a)(6), which requires a pedestrian/bike passageway for buildings with more than 250 feet of street frontage, whereas 267'-10" of street frontage is proposed on SW 6th Avenue without a pedestrian/bike passageway.
3. A waiver to LDR Section 4.4.13(E)(3), which requires doors providing public access every 75 feet, whereas no doors are proposed along SW 6th Avenue.
4. A waiver to LDR Section 4.4.13(F)(4)(e), which requires blank walls not exceed 50 feet or 20% of the length of the façade, whichever is less, whereas approximately 237 feet of blank wall or 89% is proposed on SW 6th Avenue.
5. A waiver to LDR Section 4.4.13(F)(5)(a), which requires building walls facing streets or civic open spaces must have transparent windows covering between 20% and 75% of the wall area of each story, whereas approximately 3% is proposed on SW 6th Avenue.
6. A waiver to LDR Section 4.4.13(G), which requires a minimum of 6,870 square feet of civic open space to be open to the sky, whereas 4,171 square feet is proposed to be open to the sky, plus 1,092 square feet is proposed under an open-air entry feature.
7. A waiver to LDR Section 4.4.13(E)(2), which has minimum streetscape standards, including a minimum width of 15 feet and street trees planted in the right-of-way not exceeding 30 feet, whereas a streetscape of approximately 10 feet is proposed, with trees planted on private property within the landscape buffer adjacent to the public right of way on SW 7th Avenue.

It is important to note that the applicant's waiver justification statement (attached) included two other waiver requests, which are no longer necessary for the current design:

- A waiver was requested to LDR Section 4.4.13(C)(a)(3), which requires a maximum width of 75 feet for tenant spaces in the first story, adjacent to the sidewalk on Required Retail Streets (Atlantic Avenue). The original submittal did not include the liner building between the grocery and sidewalk. By adding the proposed liner building, smaller tenant spaces can be accommodated so this waiver is not necessary, provided the liner building has at least two tenant spaces.
- A waiver was requested to LDR Section 4.4.13(E)(4)(a), which sets forth storefront doors may be recessed up to 10 feet, whereas a recess of 57 feet was proposed from West Atlantic Avenue. The original submittal did not include the liner building between the grocery store and sidewalk. The revised plan provides storefront doors along the sidewalk without exceeding the maximum recess.

WAIVER ANALYSIS

LDR Required Findings:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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

CBD Waiver Criteria:

Pursuant to LDR Section 4.4.13(K)(8)(b)(2), waivers, in addition to the findings in LDR Section 2.4.7(B)(5), within the CBD, the following standards shall be considered when reviewing waiver requests:

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

Staff Assessment of CBD Standards and Required Findings:

Based on the current site plan, the unique configuration and controlled access required by a full service grocery store, and the size and configuration of the site, Staff recommends approval of the waiver requests, with some conditions. Each waiver request with any recommended conditions is discussed below.

1. *A waiver to LDR Section 4.4.13(D)(1)(c), Table 4.4.13(C), which requires a minimum building frontage of 75% along West Atlantic Avenue, whereas 53% is proposed.*

A small, full-service grocery store has a footprint of approximately 24,000 square feet with a surface parking lot providing approximately 4 parking spaces per 1000 square feet. The building provides approximately 53% frontage along West Atlantic Avenue. The design includes an open-air, covered entry feature, which accommodates outdoor seating and connects to a civic open space. With the open-air structure considered, the design provides 181 feet or 76% of building frontage along the avenue. The building design plus the location of the civic open space in the site plan design ensures an attractive, pedestrian-friendly design along West Atlantic Avenue.

2. *A waiver to LDR Section 4.4.13(D)(2)(a)(6), which requires a pedestrian/bike passageway for buildings with more than 250 feet of street frontage, whereas 267'-10" of street frontage is proposed on SW 6th Avenue without a pedestrian/bike passageway.*

A small, full-service grocery store has a footprint of approximately 24,000 square feet, which results in a dimension that exceeds 250 feet on one side. Buildings this long require a passageway. However, unlike buildings containing multiple residential units or office suites, which can accommodate a passageway between separate residences or tenant spaces, a pedestrian/bike passageway cannot cross through the floorplan of a grocery store. Reducing the size of the store is not desirable as the neighborhood needs a full service grocery, not a convenience store. In order to accommodate a full service grocery store, a waiver from this requirement is necessary.

3. *A waiver to LDR Section 4.4.13(E)(3), which requires doors providing public access every 75 feet, whereas no doors are proposed along SW 6th Avenue.*

This waiver request originally applied to both the West Atlantic Avenue and SW 6th Avenue elevations; however, under the current design, the waiver applies only to SW 6th Avenue. The intent of the code requirement is to ensure a high quality pedestrian environment by providing convenient access to buildings and businesses. A grocery store requires a minimum footprint of approximately 24,000 square feet and controlled access. A liner building, which essentially places

other uses or businesses between the grocery and the sidewalk, is proposed along West Atlantic Avenue providing opportunity for doors; however, the size and configuration of the lot does not provide room for a liner building along SW 6th Avenue. A waiver from this requirement is necessary.

4. *A waiver to LDR Section 4.4.13(F)(4)(e), which requires blank walls not exceed 50 feet or 20% of the length of the façade, whichever is less, whereas approximately 237 feet of blank wall or 89% is proposed on SW 6th Avenue.*

The layout of the grocery store does not afford many opportunities for windows along SW 6th Avenue. The proposed architecture has an arcade to provide shade for pedestrians and some architectural interest. The expansive wall provides an opportunity for public art that should be considered to increase visual interest along SW 6th Avenue. Mosaics and murals have successfully been incorporated in other areas of downtown Delray Beach and on blank walls in other cities. Providing public art in the form of a mural or mosaic on the blank wall facing SW 6th Avenue is recommended as a condition of approval.

5. *A waiver to LDR Section 4.4.13(F)(5)(a), which requires building walls facing streets or civic open spaces must have transparent windows covering between 20% and 75% of the wall area of each story, whereas approximately 3% is proposed on SW 6th Avenue.*

The layout of a grocery store does not afford many opportunities for windows along SW 6th Avenue. The intent of the code requirement is to not only provide visual interest, but to afford opportunities for oversight of the adjacent streets, which is a fundamental Community Policing through Environmental Design (CPTED) concept. The proposed liner building along West Atlantic Avenue offers windows at the intersection of SW 6th Avenue and West Atlantic Avenue. The size of the site does not provide room for a liner building along SW 6th Avenue. Along SW 6th Avenue, the architecture incorporates an arcade to visually break down the scale of the blank wall and to foster a better pedestrian environment. Given the unique use proposed and the dimensions of the site, a waiver is needed from this requirement.

6. *A waiver to LDR Section 4.4.13(G), which requires a minimum of 6,870 square feet of civic open space (open to the sky), whereas 3,250 square feet is proposed, of which 1,375 square feet is proposed under an open-air feature.*

The required civic open space is calculated as follows:

Lot Area		Required %	Amount
0 to 20,000 sq. ft.	20,000 sq. ft.	0	0
20,000 to 40,000 sq.ft.	20,000 sq. ft.	5%	1,000 sq. ft.
40,000 <	83,850 sq. ft.	7%	5,870 sq. ft.
Total	123,850 sq. ft.	-	6,870 sq. t.

Though the applicant states that 5,263 square feet is provided, with 4,171 square feet open to the sky and 1,092 square feet under an open-air feature, the calculation does not appear to be correct. The adjacent sidewalk and minimum setback areas cannot be counted toward meeting the requirement. Additionally, through the process, the site was expanded to accommodate the proposed liner building; the larger site increased the required amount of civic open space. Staff's

analysis is that 6,870 square feet is required and 3,250 square feet is provided (if the area under the open air structure is counted toward meeting the requirement). This results in a deficit of 3,620 square feet. Several options are available to resolve the shortfall:

1. Increase the amount of civic open space on site by eliminating the eight parking spaces located south of the proposed plaza, which would result in approximately 2,000 square feet of additional area for a total of 5,250 square feet and waive the remaining amount of 1,620 square feet; or
2. Increase the proposed amount of civic open space on site by eliminating three parking spaces, which would result in approximately 1,000 square feet of additional area for a total of 4,250 square feet and waive 2,620 square feet; or
3. Accept 3,250 square feet of Civic open space on site as proposed and require the deficit amount of 3,620 square feet be provided on another CRA site in the West Atlantic Neighborhood. The CRA has two other large parcels facing West Atlantic Avenue to the west that have the potential for multi-story development. Providing additional Civic Open Space to a more intense development would allow the one-story grocery store to move forward and provide additional open space in a potentially more intense development in the neighborhood.

According to LDR 4.4.13(C), Civic open space requirements are intended to “serve as an amenity for the city as a whole as well as for occupants of the building which the open space serves.” This project does not include residential or office uses so the space will not have the oversight of tenants in the evening, which should be a consideration regarding the appropriate design, location, and size of space. The design proposed incorporates outdoor seating areas for shoppers in a prominent location. Since the survey of the consolidated parcel is not completed at this time, Staff recommends that the waiver state the amount of civic open space required to be located on site and that the remaining amount required is either waived or provided on an off-site location.

7. *A waiver to LDR Section 4.4.13(E)(2), which has minimum streetscape standards, including a minimum width of 15 feet and street trees planted in the right-of-way not exceeding 30 feet, whereas a streetscape of approximately 10 feet is proposed, with trees planted on private property within the landscape buffer adjacent to the public right of way on SW 7th Avenue.*

The current streetscape design on SW 7th Avenue provides for on-street parking with a sidewalk five feet wide. The design does not provide the minimum four-ft. wide curb zone, the minimum pedestrian clear zone of six feet or the minimum number of street trees within the right-of-way. As previously noted, SW 7th Avenue has a 25-ft. wide public right-of-way while the minimum standard for a local street is 50 feet. The right-of-way is typically divided equally between properties on both sides of the road. In this case, the full dedication amount of 25 feet is being provided by this property, which results in a narrower block and property width. The unique floorplan of a grocery store, surface parking, and right-of-way dedication create difficulty in providing 15 feet of streetscape. Staff recommends waiving the required streetscape dimensions to accept a sidewalk 5 feet wide with no curb zone or street trees, with the following conditions:

1. Street trees are provided in the right-of-way at the mid-block crossing; and
2. Shade trees are planted uniformly spaced no more than 30 feet on center along SW 7th Avenue within the landscape buffer of parking lot adjacent to the right-of-way.

REVIEW BY OTHERS

At its meeting of August 24, 2017, the **CRA (Community Redevelopment Agency)** reviewed the development proposal and were supportive of the design and project.

At the meeting of October 11, 2017, the **DDA (Downtown Development Authority)** reviewed the development proposal.

At the meeting of October 5, 2017, the **WARC (West Atlantic Redevelopment Coalition)** reviewed the development proposal.

ASSESSMENT AND CONCLUSION

Based on the proposed site plan design, the unique configuration and controlled access required by a full service grocery store, and the size and configuration of the site, Staff recommends approval of the waiver requests, with conditions. Granting the waivers with the recommended conditions will not have an adverse effect on the surrounding neighborhood or result in an inferior pedestrian experience along a Primary Street (West Atlantic Avenue). The waivers will not create incompatibilities with the vacant area to the west nor with the residential areas to the east or south. The waiver to the size of the civic open space will not reduce the quality of the civic open space since the site will only have a grocery store and the space provided is adequate to provide an aesthetically pleasing area for shoppers. The size provided is sufficient for the one-story, grocery store use. Therefore, the request for the waivers meets the standards of LDR Section 4.4.13(K)(8)(b)(2).

Granting the requested waiver will not have an adverse effect on the neighboring area as discussed above and will not create an unsafe situation. Grocery stores have unique footprint and access control needs. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made for the waivers.

RECOMMENDED ACTION

1. Approve a waiver to LDR Section 4.4.13(D)(1)(c), Table 4.4.13(C), which requires a minimum building frontage of 75% along West Atlantic Avenue, whereas 53% is proposed, with the condition that at least two tenant spaces, each no more than 75 feet wide, are located within the building along the sidewalk on West Atlantic Avenue.
2. Approve a waiver to LDR Section 4.4.13(D)(2)(a)(6), which requires a pedestrian/bike passageway for buildings with more than 250 feet of street frontage, whereas 267'-10" of street frontage is proposed on SW 6th Avenue without a pedestrian/bike passageway.
3. Approve a waiver to LDR Section 4.4.13(E)(3), which requires doors providing public access every 75 feet, whereas no doors are proposed along SW 6th Avenue.
4. Approve a waiver to LDR Section 4.4.13(F)(4)(e), which requires blank walls not exceed 50 feet or 20% of the length of the façade, whichever is less, whereas approximately 237 feet of blank wall or 89% is proposed on SW 6th Avenue, with the condition that public art in the form of a mural or mosaic reflective of the West Atlantic Neighborhood history is provided on the blank wall facing SW 6th Avenue.
5. Approve a waiver to LDR Section 4.4.13(F)(5)(a), which requires building walls facing streets or civic open spaces must have transparent windows covering between 20% and 75% of the wall area of each story, whereas approximately 3% is proposed on SW 6th Avenue, with the condition that public art in the form of a mural or mosaic reflective of the West Atlantic Neighborhood history is provided on the blank wall facing SW 6th Avenue.

6. Approve a waiver to LDR Section 4.4.13(G), which requires a minimum of 6,870 square feet of civic open space (open to the sky), whereas 3,250 square feet is proposed, of which 1,375 square feet is proposed under an open-air feature.
7. Approve a waiver to LDR Section 4.4.13(E)(2), which has minimum streetscape standards, including a minimum width of 15 feet and street trees planted in the right-of-way not exceeding 30 feet, whereas a streetscape with a sidewalk five feet wide with no curb zone or street trees is proposed within the public right of way on SW 7th Avenue, with the following conditions:
 - a. Street trees are provided in the right-of-way at the mid-block crossing; and
 - b. Shade trees are planted uniformly spaced no more than 30 feet on center along SW 7th Avenue within the landscape buffer of parking lot adjacent to the right-of-way.