

Planning, Zoning and Building Department

BOARD ACTION REPORT - APPEALABLE ITEM

Project Name: Ramen @ Hilo Project Location: 181 NE 2nd Avenue

Request: Class III Site Plan Modification and Architectural Elevations

Board: Site Plan Review and Appearance Board

Meeting Date: November 29, 2017

Board Action:

Waiver:

A waiver to LDR Section 4.6.16(H)(3)(d), was approved on a 6 to 0 vote to eliminate the 5' minimum required landscape buffer between parking areas and the abutting property.

Site Plan:

Approved the Class III Site Plan Modification associated with a change of use from retail to restaurant with the condition that the required pedestrian clear zone easement be accepted by the City Commission and recorded prior to site plan certification (6 to 0 vote).

Architectural Elevations:

Approved the Architectural Elevations subject to the following conditions that the color pallete of the front (west) elevation and aluminum framing be identified on the plans and administratively approved (6 to 0 vote).

Project Description:

The subject property is zoned Central Business District (CBD) within the Central Core sub-district and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The vacant building is located on the east side of NE 2nd Avenue between NE 1st Street and NE 2nd Street. The modifications consist of the following:

- Change of use from retail use to restaurant use;
- New glass store front across the front elevation including two entry doors;
- Provision of a new handicap accessible parking space at the rear; and,
- Waiver request from LDR Section 4.6.16(H)(3)(d) to eliminate the required landscape buffer located at the rear of the property.

Board Comments:

The Board was supportive of the project.

Public Comments:

None.

Associated Actions:

All required actions by SPRAB were taken.

Next Action:

SPRAB action is final unless appealed by the City Commission.

SITE PLAN REVIEW AND APPEARANCE BOARD CITY OF DELRAY BEACH ---STAFF REPORT---

MEETING DATE: November 29, 2017

ITEM: Ramen @ Hilo (2017-175): Class III Site Plan Modification and Architectural

Elevation changes associated with a change of use from retail to restaurant, and an

associated landscape waiver.

RECOMMENDATION: Approval.

GENERAL DATA:

Applicant..... EBISU, Inc

Location...... 181 NE 2nd Avenue; East side of NE 2nd

Avenue between NE 1st Street and NE

2nd Street

Property Size...... 0.06 Acres

Future Land Use Map Commercial Core (CC)

Current Zoning....... Central Business District (CBD)

Adjacent Zoning North: CBD

East: CBD

South: CBD

West: CBD

Existing Land Use..... Retail

Proposed Land Use... Restaurant

Water Service..... Existing on site

Sewer Service..... Existing on site



ITEM BEFORE THE BOARD

The item before the Board is a Class III Site Plan Modification and Architectural Elevations associated with a change of use and associated landscape waiver for **Ramen @ Hilo**, located at **181 NE 2nd Avenue**, pursuant to Land Development Regulations (LDR) Section 2.4.5(G)(1)(c).

BACKGROUND

The property is located on the east side of NE 2nd Avenue, between NE 2nd Street and NE 1st Street within the Central Business District (CBD), Central Core Sub-District. The one-story building was constructed in 1952 and consists of 726 square feet; the building was most recently occupied by a retail shop (Vapestura).

On October 17, 2017, the City Commission approved 2 in lieu spaces associated with the subject request. The total amount is \$20,280 and will be paid upon building permit issuance.

PROJECT DESCRIPTION

The development proposal includes the following:

- Change of use from retail use to restaurant use;
- New glass store front across the front elevation including two entry doors;
- Provision of a new handicap accessible parking space at the rear; and,
- Waiver request from LDR Section 4.6.16(H)(3)(d) to eliminate the required landscape buffer located at the rear of the property.

SITE PLAN ANALYSIS

LDR Section 4.4.13 (D) – Central Business District:

The following table shows the configuration of the building based on the current regulations for the Central Core Sub-district of the CBD. Pursuant to **Figure 4.4 13-5 Central Core Regulating Plan,** NE 2nd Avenue (Pineapple Grove Way) is classified as a Primary Street. All development standards applicable to primary streets are provided below:

	Required	Proposed
Lot Width	20' min.	18.8'*
Lot Area	2000 sf. min.	2,538 sq. ft.
Front Setback	10' min./15'max.	15.33'*
Building Frontage Required on Primary	75%min./100%	100%
Streets	max.	
Minimum Height on Primary Street	1 Story, 18'	12'*

^{*}Existing non-conformity

Minimum Streetscape Width:

Pursuant to LDR Section 4.4.13(E)(2)(a), 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 fifteen feet (15') in width, measured from the back of curb. The streetscape area shall be organized as follows:

Street Standards	Minimum	Proposed
Curb Zone	4'0"	4'0"
Pedestrian Zone	6'0"	6'0"
Remaining Front Setback Area	5'0"	10'5"
Total Streetscape Width	15'0"	20.5*

*NOTE: 5' of the 6' encroaches onto the subject property

Pursuant to LDR 4.4.13(E)(2)(a)(2), Streetscape Standards Pedestrian Clear Zone, a pedestrian clear zone at least six feet wide shall be provided on all streetscapes. Any portion of the pedestrian clear zone within the front setback area shall be improved as an extension of the public sidewalk and shall match the public sidewalk in design and material, providing a seamless physical transition. The property owner shall also be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. Therefore, a sidewalk easement for the 5 feet located within the property is required. The easement must be accepted by the City Commission prior to the issuance of a building permit and this is attached as a condition of approval.

Storefront and Glazing Area:

Pursuant to **LDR Section 4.4.13(E)(4)(e)**, Storefront is the frontage type along the sidewalk level of the ground story, typically associated with commercial uses. The required and proposed storefront dimensions are provided in the chart below:

Commercial Storefronts	Dimensional Requirements		Proposed
Storenonts	Minimum	Maximum	NE 2 nd Avenue
Building Setback	10 ft.	15 ft.	15.7'*
Storefront Width	N/A	75'	18.8'
Storefront Base	9"	3'	9"
Glazing Height	8 ft.		7'-2"*
Required Openings	80%		80%
Awning Projection	3'	-	2'9"*

^{*}Existing non-conformity

NOTE: The requested additions do not increase the existing storefront base nonconformity; they are however, reducing it by providing the minimum storefront base.

Lighting:

The chart below demonstrates compliance with the maximum and minimum acceptable standards for lighting of building entrance and parking lot pursuant to LDR Section 4.6.8(B)(3)(c):

	Required		Provided	
Entrance	Maximum (fc)	Minimum (fc)	Maximum (fc)	Minimum (fc)
North Entrance (NE 2 nd Avenue)	10.0	1.0	5.9	1.1
South Entrance (Building Rear)	10.0	1.0	10.0	1.0
Parking Lot (Commercial)	12.0	1.0	11.2	1.0

Pursuant to **LDR Section 4.6.8**, on-site lighting must be provided and be consistent with the minimum and maximum foot candle illumination level requirements. For commercial areas, the

minimum foot candle allowance is 1.0 and the maximum is 10.0 for building entrance way. As illustrated above, the applicant has provided a photometric plan which illustrates that the levels meet minimum and maximum required illumination levels and a description of the type of light fixtures that will be provided.

Parking:

The following table illustrates the minimum number of parking spaces required for the <u>existing</u> and proposed use pursuant to LDR Section 4.4.13(L).

Use	Square Feet	Required parking spaces
Existing - Retail	726	1/500 SF = 1.45
Proposed - Restaurant	726	6/1000 = 4.356
Difference (required)		2.906 (3)
Provided		1 handicap space
In Lieu, Area 2		2 spaces @ \$10,140/spaces

The City Commission approved the 2 spaces of In Lieu parking fee request on October 17, 2017. Through the provision of one parking space at the rear of the property and the approval of the in lieu of parking fee request for 2 parking spaces, the required parking has been provided.

Bicycle Parking:

Pursuant to **LDR section 4.4.13(I)(4)(3)**, bicycle parking requirements are applied to new development, expansion of an existing use, and changes of use. The requirement for the minimum number of bicycle parking spaces for retail, restaurant and commercial uses is two spaces per 1,000 sq. ft. of gross floor area. Therefore, one space is required for bicycle parking. A concrete bollard bike rack located on the west side (rear) of the building is proposed which complies with the requirement.

Refuse Disposal:

Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public right-of-way. The applicant is proposing to serve the site by tote bins and recycling bins with a plastic white fence enclosure located to the rear. Given the nature of the proposed use and the estimate increase in the amount of waste, staff has concerns that the proposed tote bins and recycling bins may not meet the capacity of the restaurant use. Staff recommends that the refuse disposal is reviewed within six months of the Certificate of Occupancy to ensure that adequate facilities are provided.

Roof-Top AC Mechanical Equipment:

A proposed grease trap will be located on site on the east side (rear) of the building. A hood vent is proposed to be mounted to the flat roof with a 24" high metal screening. The proposed hood vent screening will be painted "blue suede" to match the exterior façade color.

LANDSCAPE BUFFER - WAIVER

The applicant has requested a waiver to **LDR Section 4.6.16(H)(3)(d)**, which requires that a landscaped barrier be provided between off-street parking and abutting properties. The landscape barrier may be 2' at the time of planting and be maintained at not less than 3' in height. The landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five (5) feet in width that is free of any vehicular encroachment, including car overhang. The applicant is not proposing any buffer landscaping, thereby requesting that the requirement be reduced to 0'.

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.

The applicant's waiver; justification statement is attached.

The property measures just 18.80', wide and the required minimum width of the handicap accessible parking space is 18'. Therefore, the required landscape barrier could not be provided. Further, the parking is proposed along the alley, and the subject regulation is more appropriately applied to wider properties where more on-site parking can be provided. In consideration of the criteria above, the granting of the subject waiver will not adversely affect the neighboring area as the location is adjacent to the alley. The granting of the waiver will not diminish the provision of public facilities, or create an unsafe situation. Further, the granting of the waiver request is not considered a special privilege as the same consideration would be given with other narrow lots within the City's downtown where minimal amount of parking is provided along the alley and particularly where there is no open space requirement. Therefore, the request for the waiver meets the standards of LDR Section 2.4.7(B)(5).

ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to LDR Section 4.6.18(E) - Criteria for Board Action: The following criteria shall be considered by the Site Plan Review and Appearance Board (SPRAB), in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

- 1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
- 2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.

3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The proposed improvements to the existing west (front) elevation include adding an entry door on the right side of the storefront and replacing the door on the left to match the new proposed entry door; a new raised "blue suede" painted stucco accent above the designated signage area; and a "blue dragon" color above the cantilever overhang with a cedar finish. The existing rear (east) elevation will remain unchanged.

The proposed architectural elevation changes will not adversely affect the surrounding area and will not materially depreciate the neighboring areas. Based on the above, positive findings can be made with respect to LDR Section 4.6.18(E).

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 a use conversion of 726 square feet from retail use to restaurant, and minor modifications to the existing building elevations. Pursuant to LDR Section 2.4.5(G)(5), this modification does not significantly impact the existing site. The proposed use and modifications comply with respect to the CBD and other applicable and Land Development Regulations.

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 Future Land Use Map (FLUM) designation of Commercial Core (CC), and Zoning District Map designation of CBD Pursuant to LDR Section 4.4.13(C), within the CBD zoning district, restaurants are permitted as a principal use. Therefore, it is appropriate to make a positive finding with respect to consistency with the Future Land Use Map 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.

Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions): 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 throughout this report, a positive finding of compliance with the LDRs can be made, subject to approval of the waiver request.

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

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 property contains 726 square feet of commercial space within a one-story building. The applicant is seeking to convert 726 square feet of retail use into restaurant use. Minor façade modifications to the existing structure are proposed to accommodate the new use, and will be complimentary with the surrounding commercial developments.

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 subject property is bordered by CBD zoned properties on all sides. The adjacent land uses are office, retail, and restaurant. Compatibility with the adjacent uses is not a concern as they are all permitted uses within the zoning district.

REVIEW BY OTHERS

At its meeting of September 18, 2017, the **Community Redevelopment Agency (CRA)** reviewed the proposed site plan and the consensus was to support the request.

At its meeting of September 18, 2017, the **Downtown Development Agency (DDA)** reviewed the proposed site plan and recommend approval of the request.

At its meeting of September 27, 2017, the **Pineapple Grove Main Street (PGMS)** reviewed the proposed site plan and the consensus was to support the request.

Courtesy notices have been provided to the following homeowner's associations:

- Del Ida Park Historic District
- Ocean City Lofts Condo Association

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

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the request for a Class III Site Plan Modification (2017-175) for **Ramen**@ **Hilo**, 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 LDR Section 2.4.5(G)(5), Chapter 3, and Section 4.6.18(B)(14).
- C. Move denial of the request for a Class III Site Plan Modification (2017-175) for **Ramen** @ **Hilo**, 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 LDR Section 2.4.5(G)(5), Chapter 3 and Section 4.6.18(B)(14).

STAFF RECOMMENDATION

By Separate Motions:

Landscape Buffer Waiver

Move **approval** of the waiver request to **LDR Section 4.6.16(H)(3)(d)**, to eliminate the required 5' landscape buffer between the north and south property line and on-site parking space at the rear of the property, based upon positive findings with LDR Section 2.4.7(B)(5).

Site Plan

Move approval of the Class III Site Plan Modification (2017-175) for **Ramen @ Hilo**, located at **181 NE 2nd Avenue**, 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 the criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the condition that the required sidewalk easement agreement is approved by the City Commission and recorded prior to site plan certification.

Architectural Elevations

Move approval of the Architectural Elevations for Ramen @ Hilo, located at 181 NE 2nd Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.18(E), and Section 4.4.13(F)(3) of the Land Development Regulations.

Staff Report Prepared by: Alexia Howald, Planner In Training

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. Sewer service is provided via a lateral connection to an 8" sewer main located along the alley on the east side of the property. Water service is provided via a lateral connection to the 2.5" water main located within NE 2nd Avenue and connects to an 8" along NE 2nd Street. Fire protection is provided via an existing fire hydrant located on the corner of NE 2nd Avenue and NE 2nd Street.

Drainage:

Drainage exists on site and will not be impacted as this is an existing building with minor modifications.

Streets and Traffic:

The subject property is located within the City's Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC, OSSHAD, and West Atlantic Business Corridor. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. The traffic impact analysis shows that this is a low turnover restaurant and will generate a 5 trip per day decrease. The proposed project will meet Palm Beach County's Performance Standards through one year after the date of issuance.

Solid Waste:

Previous Use:

Retail/ Commercial Spaces: 726 sq. ft. x 10.2 lbs. = 7,405lbs. /2,000 = 3.703 tons per year

Proposed Use:

Restaurant Spaces: 726 sq. ft. x 24.9 lbs. = 18,077 lbs. /2,000 = 9.039 tons per year

The proposed use conversion from retail to restaurant present an increase of 5.336 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2065.

APPENDIX "B" STANDARDS FOR SITE PLAN ACTIONS

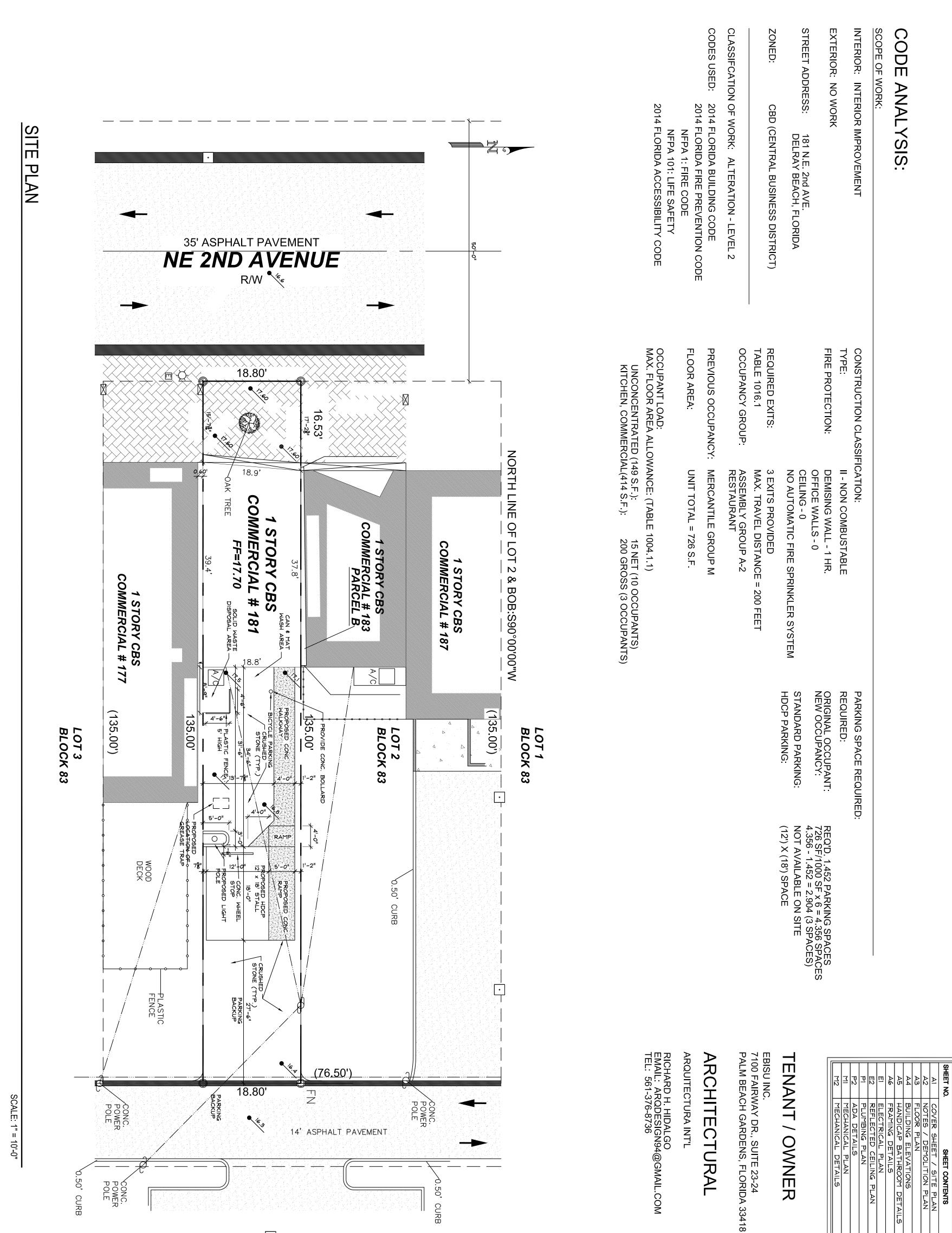
Α.	Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. Not applicable Meets intent of standard Does not meet intent X
B.	Separation of different forms of transportation shall 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 Does not meet intent X
C.	Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed. Not applicableX 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 applicablex Meets intent of standard 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 applicablex Meets intent of standard Does not meet intent

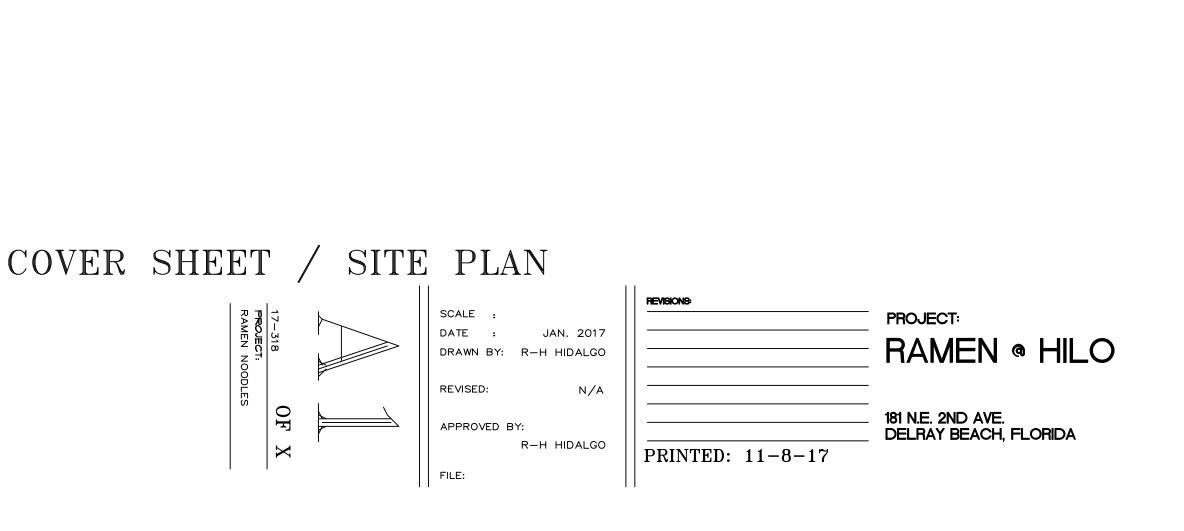
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G.	Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing 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 Noes 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
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 applicableX Meets intent of standard Does not meet intent

AVENUE, DELRAY BEAC

N.E. 2nd AVENUE, DELRAY BEACH, FLORIDA TENANT IMPROVEMENT

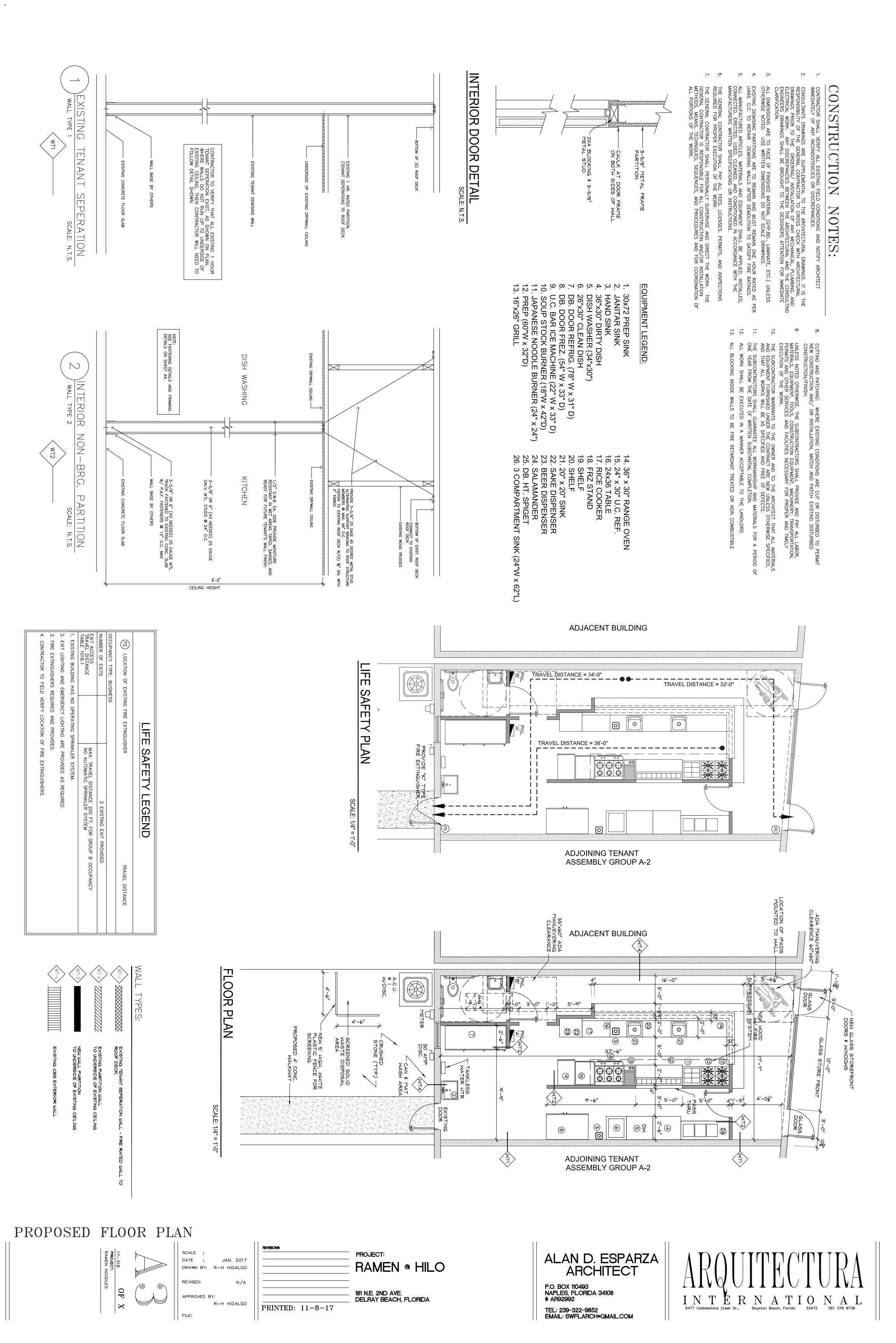


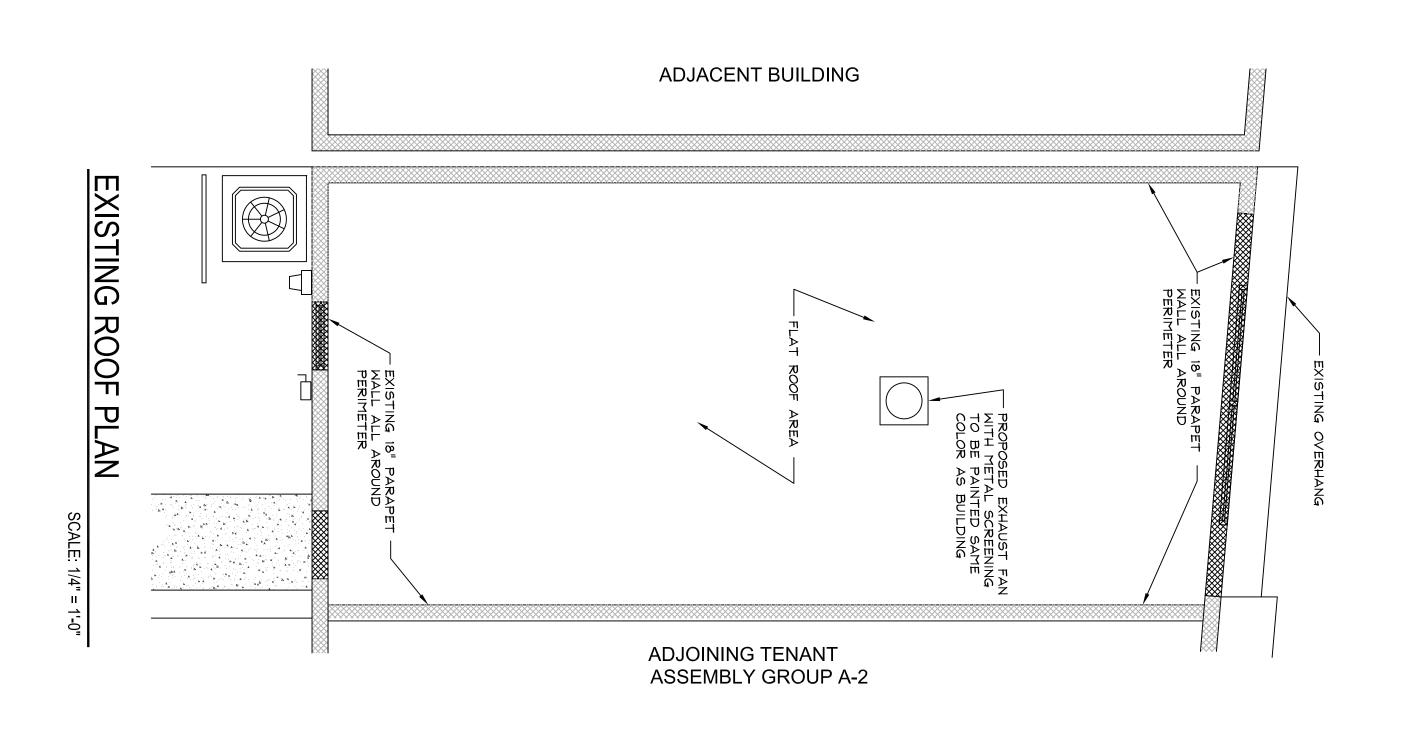


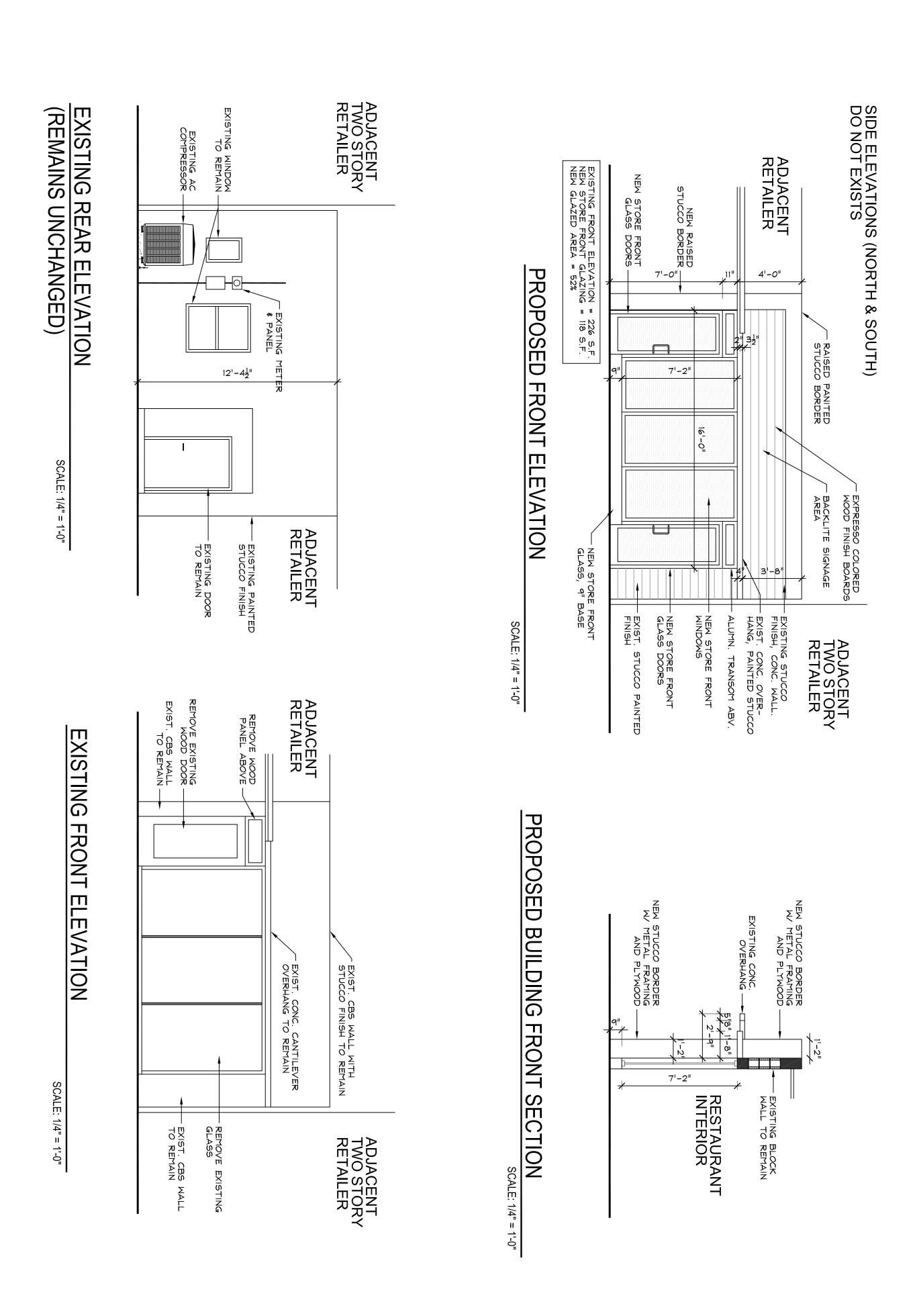
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FRONT & REAR BUILDING ELEVATIONS

