



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

## DEVELOPMENT SERVICES DEPARTMENT

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

### SITE PLAN REVIEW AND APPEARANCE BOARD

**Meeting:** November 13, 2019

**File No.:** 2020-029-SPF-SPR-CLII

**Application Type:** Class II Site Plan Modification for 100 Gleason Street.

#### General Data

**Agent:** Richard Jones Architecture

**Applicant/Owner:** John and Sally Deleonibus

**Address:** 100 Gleason Street

**PCN:** 12-43-46-16-14-004-0132 and 12-43-46-16-14-004-0133

**Property Size:** 8,908 sf

**FLUM:** Medium Density (MD)

**Zoning:** Multiple Family Residential (RM)

#### **Adjacent Zoning:**

- North: RM
- South: RM
- East: Single Family Residential (R-1-A)
- West: RM

**Existing Land Use:** Multiple Family Residential-Duplex

**Proposed Land Use:** Multiple Family Residential-Duplex



#### **Item before the Board:**

Consideration of a Class II Site Plan Modification application, pursuant to LDR Section 2.4.5 (G), for 100 Gleason Street for the modification of an approved duplex site plan to allow rooftop appurtenances that exceed the maximum height. The item includes the following:

- Required Action for LDR Section 4.3.4(J)(3)(b): Appurtenances may be allowed to extend above the height limitations contained in Subsection (K) when specifically approved by action of the Site Plan Review and Appearance Board.

#### Optional Board Motions for Action Item:

1. Move to continue with direction.
2. Move approval of the Class II Site Plan Modification (2020-029) to allow Appurtenances to extend above the height limitations contained in Subsection (K), for 100 Gleason Street, by finding that the request is consistent with the Comprehensive Plan and the Land Development Regulations, (as amended, if applicable).
3. Move denial of the Class II Site Plan Modification (2020-029) to allow Appurtenances to extend above the height limitations contained in Subsection (K), for 100 Gleason Street, by finding that the request is inconsistent with the Comprehensive Plan and does not meet the Land Development Regulations.

#### **Project Planner:**

Christine Stivers, Senior Planner;  
[Stiversc@mydelraybeach.com](mailto:Stiversc@mydelraybeach.com),  
(561) 243-7040

#### **Review Dates:**

SPRAB: November 13, 2019

#### **Attachments:**

1. Site Plan
2. Elevations

**Background:**

The 0.20-acre 2020 property is located at the southwest corner of the intersection of Gleason Street and Miramar Drive, also known as 100 Gleason Street. The 2-lot subdivision is the east 89.6 feet of Lot 13 of the John B. Reid's Village Plat, PB 21, PG 95 of the records of Palm Beach County. The property has a zoning designation of Multiple Family Residential (RM) with a Future Land Use designation of Medium Density (MD).

The existing lot had a one-story duplex that was demolished in March of 2019. A building permit for a 35-foot high three-story duplex with an appurtenance was submitted and approved. In this case, the height was measured from the crown of road to top of roof per the Land Development Regulations prior to the adoption of Ordinance No 02-19. At that time, "Height" was defined as the vertical distance from grade (average mean of crown of road) to the highest finished roof surface of a flat roof or to the mean level between tie beams and ridge for gable, hip, or gambrel roofs. The maximum height set forth in the matrix is the maximum height for all structures within the respective zoning district.

Ordinance No. 02-19 amended Section 4.3.4 "Base District Development Standards" by amending paragraph 4.3.4(J) "Height", which measures height from the base flood elevation instead of crown of road, therefore, the applicant resubmitted plans to adjust the height of the duplex to reflect the height measurement change in the code per Ordinance No. 02-19.

Per Ordinance No. 02-19, building height is measured from one foot above the regulatory requirement for the elevation of structures (base flood elevation) as set forward by the requirements of the adopted Flood Insurance Rate Maps (FIRM) created by the Federal Emergency Management Agency (FEMA) and the Florida Building Code. The ordinance also allows the option to add one foot of freeboard to all buildings to create the starting elevation of "zero." In this case, the project has opted to include one foot of freeboard to the required building elevation; this creates the base building elevation point from which the 35-foot maximum height is measured. The previously approved plans height measurement, also a 35-foot maximum, begins at -3.6 feet which was taken at the average crown of road. Because of how Ordinance No. 02-19 defines the measurement of height, buildings constructed to the new ordinance height regulations will likely appear taller than previously constructed buildings with the same height limitation.

It is important to note, these requirements apply to all new construction for the purpose of increasing the long-term resiliency of the city. The issue before the board for consideration is not the new base building elevation, but the proposed added height (above the 35-ft. height limit) for an elevator/stair appurtenance. Per 4.3.4(J)(3)(b), Appurtenances on Buildings:

*"Appurtenances usually required to be placed above the roof level of a building and not intended for human occupancy may be allowed to extend above the height limitations contained in 4.3.4(K) but only when specifically approved by action of the Site Plan Review and Appearance Board."*

The appurtenance, in this case, is an elevator shaft and stairwell that provide access to the rooftop terraces above the 3<sup>rd</sup> story. In addition, the mechanicals are also housed within the enclosed area of the rooftop appurtenances.

**Project Description and Assessment:**

This application is for a 3-story duplex with rooftop appurtenances in the RM zoning district per the maximum height of 35-feet. Per Section 4.4.6(E), single family and duplex uses and accessory uses thereto shall be allowed upon application to and approval by the Chief Building Official for structures which require a building permit and which otherwise comply with applicable use restrictions. This provision allows these types of development to be reviewed and approved by the building permit process. The project has an approved building permit and seeks a modification to allow the rooftop appurtenances, with the approval of the SPRAB.

The applicant is proposing a rooftop appurtenance comprised of an elevator shaft and stairwell to provide access to the rooftop terraces above the 3<sup>rd</sup> story. In addition, some mechanical equipment is also housed within the enclosed area of the rooftop appurtenance. The overall floor area of the proposed appurtenance is approximately 230 sf, which extends 12 feet above the maximum building height. The habitable portion of the building is 35 feet tall, measured from the base building elevation to the top of the flat roof (per code). The overall building height is 47 feet measured from the base building elevation to the top of the appurtenance's parapet. Therefore, the appurtenance is 12 feet above the 35-foot maximum height.

Section 4.3.4(J)(3) includes the regulations on appurtenances as well as other items that may occur over the district height limitation. This section includes "exceptions to district height limitations," which lists items where the height limitation of Section 4.3.4(K) does not apply including free-standing antennas, chimneys, conveyors, cooling towers, flag poles, radio towers, silos, or television towers. However, any part of any such structure, or feature, shall not extend above the height of 64 feet unless specifically approved by



action of the City Commission.

Additionally, this section of the code includes the regulation of parapets. The regulations are as follows: Flat roofs shall be screened from adjacent properties and streets with decorative parapets. The maximum height of the parapet wall shall be six feet in height or sufficient height to screen all roof mounted equipment, whichever is greater, measured from the top of the roof deck to the top of the parapet wall. In the case of this application, the applicant could propose a parapet wall of at least 6 feet in height, above the rooftop, to screen roof mounted equipment that is currently located within the appurtenance area.

Section 4.3.4.(J)(3) was last updated in Ordinance No. 02-06, therefore, no revisions have been made to this section since 2006. Since that time, the use of elevators within residential units has increased as the population has aged, the number of stories has increased, and usable living space is not solely located on the first and second stories. In addition, the citywide interest in rooftop terraces has increased in a climate that permits almost year around outside activity. The SPRAB regularly reviews multiple family and townhouse projects within the CBD and RM zoning districts that incorporate appurtenances to provide rooftop access. Amendments to the code to facilitate the use of rooftop terraces in the downtown area have been recently adopted.

As the trend for elevators increases, land prices increase, lot sizes decrease, the desire to have multiple usable living spaces on all stories, including the use of rooftop terraces has risen. In this case, to mitigate some of the mass created by the proposed appurtenance, the mechanical equipment can be screened with a parapet wall rather than using an interior room and, it appears, that a portion of the stairwell could also be reduced in size while not losing its functionality.

#### **LDR Section 4.3.4(K) Development Standards Matrix**

<b>Standard</b>	<b>Maximum</b>	<b>Provided</b>
<b>Maximum Building Height (RM)</b>	35'	35'
<b>Appurtenance Height</b>	N/A	12'
<b>Total Building Height</b>		47'

#### **Site Plan Analysis:**

Pursuant to Section 2.4.5(G)(1)(b), approval of a modification to a site plan through a Class II application requires no review of Performance Standards found in Section 3.1.1 but requires action by the Board.

#### **Review by Others:**

The development proposal is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), West Atlantic Redevelopment Coalition (WARC), Historic Preservation Board (HPB), Downtown Development Authority (DDA) or the Community Redevelopment Agency (CRA). Formal public notice is not required.