



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

100 NW 1ST 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.: 2019-256-SPF-SPR-CLIII (Waiver)	Application Name: Pierre Delray Phase 1 (SunTrust Bank)
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General Data:

Applicant: Pierre Delray One, LLC.

Agent: Bonnie Miskel, Esq., Dunay, Miskel & Backman, LLP

Location: 302 E. Atlantic Avenue

PCN: 12-43-46-16-01-093-0010

Property Size: 0.1809 Acres

FLUM: Commercial Core (CC)

Zoning: Central Business District – Central Core (CBD)

Adjacent Zoning:

- North: CBD
- East: CBD
- South: CBD
- West: CBD

Existing Land Use: Bank

Proposed Land Use: Bank/Retail/Office

Floor Area Ratio: 1.79

Item before the Board:

A waiver request seeking relief from LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), A, to allow for the proposed building storefront façade on the north side of the property to encroach 2'-2" into the 10' required front setback.



DEVELOPMENT SERVICES
DEPARTMENT

302 E. Atlantic Avenue
Pierre Delray I (SunTrust Bank)



0 25 50 100 Feet

Optional Board Motions for Action Items:

1. Move to continue with direction
2. Move to recommend approval of the waiver from LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), A, which sets forth a minimum 10' building setback for storefronts in the CBD, whereas a 7'-10" storefront setback is being proposed.
3. Move to recommend denial of the waiver from LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), A, which sets forth a minimum 10' building setback for storefronts in the CBD, whereas a 7'-10" storefront setback is being proposed.

Project Planner:

Kent Walia, AICP, Senior Planner
waliak@mydelraybeach.com
561-243-7365

Review Dates:

SPRAB Meeting Date:
November 13, 2019

Attachments

1. Site Plans
2. Landscape Plans
3. Architecture Plans

**Project Description:**

The building renovation proposal for the Pierre Delray 1 building (aka SunTrust Bank) located at 302 E. Atlantic Avenue, includes a waiver request which requires City Commission action prior to consideration of the Class III Site Plan Modification by SPRAB:

1. A waiver from LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), A, which sets forth a minimum 10' front setback requirement for storefronts in the CBD, whereas a 7'-10" front setback is being proposed.

Pursuant to LDR Section 4.4.13 (K)(5)(a), "section 2.4.7(B)(1)(a) authorizes the waiver of certain regulations irrespective of a property's zoning district. Those waivers may be considered within the CBD in accordance with those specific provisions. When reviewing applications that include waivers than can only be granted by the City Commission, the SPRAB and the HPB shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration."

Background:

The 0.1809-acre subject site is situated on Lot 1, of block 93 of the Re-Subdivision of Block 93 plat in Palm Beach County Plat book 10, page 53. Currently situated on the site is a three-story 13,902 gross square foot (gsf) bank/office building. The following is a list of events involving the site:

- Palm Beach County Property Appraiser records indicate that the building was constructed in 1929.
- On July 26, 2019, the Development Services Department received a Class III Site Plan modification application (2019-256) associated with façade improvements, a square foot increase on the first floor, a new roof, and utility improvements in the public Right-Of-Way (ROW). The façade improvements include new modern storefront glazing, a color change, new awnings, new LED lights, and a reconfigured roof parapet. The proposed façade improvements intend to transform the existing building design into contemporary masonry modern design. The utility improvement consists of the removal and replacement of sanitary sewer and drainage infrastructure, water supply and fire service lines, and exfiltration and storm structures to improve the utilities on-site and in the area. The utility improvement will be located in the public ROW adjacent to the property on Atlantic Avenue, SE 3rd Avenue and the alleyway.

Waiver Analysis:**Required Findings:**

Pursuant to LDR Section 2.4.7 (B)(5), prior to granting a waiver, the granting body shall make findings 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;
- 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)(5)(b)(2), within the CBD, the following standards shall be used by the City Commission, SPRAB, or HPB when considering waiver requests, in addition to the findings in Section 2.4.7(8)(5):

- 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 use 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 under this code.

Applicant and Staff Assessment of the Required Findings and CBD Waiver Criteria per request:**Required Findings LDR Section 2.4.7 (B)(5):**

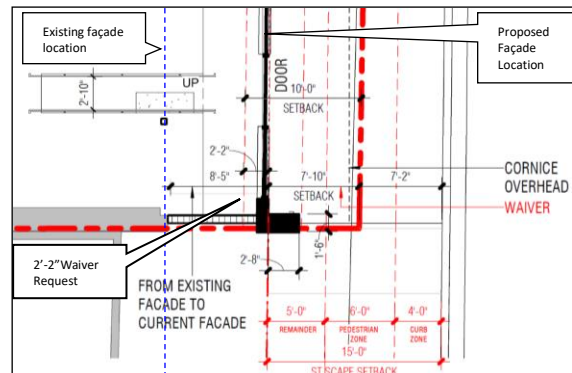
- a. Shall not adversely affect the neighboring area.

Applicant Assessment:

The Applicant's request for the minimum two-foot, two-inch (2'-2") Waiver will not adversely affect the neighboring area. The neighboring parcels and commercial development along both the north and south side of Atlantic Avenue provide for pedestrian zones that align and flow continuously with the remainder of the commercial properties fronting along Atlantic Avenue. The purpose of the requested Waiver is for the Project to provide Atlantic Avenue frontage that is consistent with the surrounding properties between SE 4th and 3rd Avenue. The Waiver will allow for a continuous zone that is both well planned and compatible with the pedestrian zones of the neighboring properties. The alignment resulting from this Waiver request will not adversely affect the neighboring area as the pedestrian zone will be much more consistent in proportion to the neighboring pedestrian zones and provide for a more continuous access with better and more direct connectivity to adjacent parcels. Notwithstanding the requested relief from the storefront building setback, the Building will continue to maintain a greater storefront setback than its neighbors as the location of the Building must maintain a streetscape area no less than 15 feet which the neighboring properties do not maintain. The existing sidewalk also creates a safer design by eliminating the "dead-end" space between the Building and the Urban Outfitters building. Accordingly, the pedestrian experience will be maintained, and enhanced from its current condition and as such, the Waiver will not adversely affect the neighboring area.

Staff Assessment:

LDR Section 4.4.13 (E)(4)(e)1., a, Table 4.4.13 (I), requires that storefronts in the CBD to have a minimum 10' building setback, 9" storefront base, 8' glazing height, and have 80% required openings. LDR Section 4.4.13 (K)(5)(a), mentions that the City Commission has the authority to grant waivers to decrease the minimum front setback as long as reduction does not reduce the 15' minimum required streetscape standard. The project is proposing to replace the existing arcade with an expanded storefront on the ground floor which would extend 8'-5" from its original location, closing in the arcade. The proposed façade expansion will encroach 2'-2" into the front setback resulting in a 7'-10" front setback whereas 10' setback is required. The waiver requested does not appear to adversely affect the neighboring areas, as the building facades along the corridor have varying depths. It is important to note, that pursuant to LDR Section 4.4.13 (K)(5)(b)1.,b., within the CBD, that authority of the City Commission is limited by the restriction that front setbacks waivers shall not be granted if the requested reduction does not meet the minimum streetscape requirement. The site plan provided includes a 15' wide street streetscape (4' Curb, 6' Sidewalk, 5' remaining front setback) as part of the proposed design.



- b. Shall not significantly diminish the provision of public facilities.

Applicant Assessment:

The Applicant's request for a Waiver will not impact the provision of public facilities. The Waiver request is unrelated to the provision of public facilities, and therefore will not diminish the provision of public facilities.

Staff Assessment:

The Public Facilities Element in the Comprehensive Plan lists sewer facilities, portable water, and groundwater recharge facilities, solid waste management, drainage, street systems, and public buildings and facilities as public facilities. The proposed façade expansion at the North of the property intends to enclose the existing arcade area by encroaching 2'-2" into the front setback. The arcade currently provides covering and



additional sidewalk width for pedestrians. Currently, the front of the building provides approximately 24' of sidewalk paving width (11' arcade, 6' remaining front setback, 7' public ROW). If the waiver is granted, the expansion would reduce sidewalk paving width from 24' to 15'. The 15' sidewalk paving area provided is required in the LDR for streetscape in the CBD. The streetscape system proposed includes a 4' curb zone, 6' pedestrian clear zone, and a remaining 5' setback in accordance with LDR Section 4.4.13 (E)(2). It is important to note, that the City will require a Pedestrian Clear Zone easement agreement for 2'-10" into the front setback of the subject site in order to contribute to the 3'-2" of the public sidewalk to create the minimum required 6' pedestrian clear zone. After the 2'-10" dedication, the plans show that the remaining 5' will be paved and can be used by pedestrians.

- c. Shall not create an unsafe situation.

Applicant Assessment:

The Applicant's request for a Waiver will not create an unsafe situation. This request is consistent with those properties contiguous to the subject site and most other properties within the block. The immediate neighbor, Urban Outfitters, extends well beyond the Building, closer to the Atlantic Avenue right-of-way, leaving the Arcade disconnected from the arcade/pedestrian area in front of the Urban Outfitter retail use. This existing disconnect between the Building arcade and the Urban Outfitters building creates an inset space, essentially where the existing sidewalk dead-ends into the Urban Outfitters building. This "deadend", in addition to creating a disconnect impeding the flow of pedestrian traffic, creates an empty, secluded space not activated by the existing pedestrian flow along Atlantic Avenue, making it a prime location for the homeless and a potential hiding spot for criminals targeting pedestrians. Thus, by aligning the sidewalk and eliminating this "dead-end" space, the Applicant is making the Atlantic Avenue frontage safer and more pedestrian friendly. The proposed condition allows pedestrian access to flow and connect in a more fluid manner. As such, the Waiver will allow for a safe place for customers, residents and visitors of the City to safely enjoy the retail spaces, restaurants, art galleries and other amenities that the downtown area has to offer.

Staff Assessment:

The waiver request to reduce the required front setback for the storefront from 10' to 7'-10" in order to increase the square footage of the ground floor retail space does not appear to create any unsafe situations. The Pierre Delray 1 (SunTrust Bank) building which was built in 1929 has an existing 11' wide arcade area that includes a habitable second floor. The Atlantic Avenue corridor features buildings with arcades and various storefront depths. The area of the Atlantic Avenue corridor where the site is located has a "Required Retail Frontage" requirement that is intended to provide an active pedestrian friendly corridor experience for shopping and outdoor dining. Arcades contribute to this pedestrian experience by creating shading from the sun and rain. However, LDR Section 4.4.13 (E)(4)(f)1.,a., states that "arcades shall extend over the sidewalk. A sidewalk should not run parallel to an arcade, allowing pedestrians to bypass storefront windows." Currently, the arcade runs parallel to the sidewalk and not over it creating a void along this portion of the corridor, making the arcade non-conforming. LDR Section 1.3.5 (B)(1), mentions that "enlargement or alteration of the structure in a way that complies with applicable dimensional standards and does not create any new nonconformity, or alteration of the structure in a way that decreases the degree of nonconformity, is permitted". The proposed waiver request would remove the non-conforming arcade but would create a non-conforming front setback. It is important to note that the existing building currently has a non-conforming side and rear setback. The proposed waiver to fill-in the arcade would pull the storefront closer to the street and would contribute to the consistency of the façade depth and sidewalk path along the corridor.

The proposed design includes a 15' wide streetscape required in the LDR. The streetscape provided includes a 4' curb zone, 6' pedestrian zone, and a 5' remaining front setback. The remaining front setback being proposed will provide additional sidewalk space. The total available sidewalk width will be 11'. The sidewalk width available exceeds the 6' minimum required, thus providing for ample area for increased pedestrian safety.

- 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.

**Applicant Assessment:**

Approval of the Waiver does not result in a grant of a special privilege. This request is consistent with those properties contiguous to the subject site and if approved will result in conditions nearly identical to all other buildings along the south side of Atlantic Avenue between SE 3rd Avenue and 4th Avenue. As mentioned above, the immediate neighbor, the Urban Outfitters building, extends well beyond the Building such that the pedestrian area within the arcade is disconnected from the arcade/pedestrian area in front of the Urban Outfitter retail use. The proposed condition will allow pedestrian access to flow and connect in a more fluid manner. This Waiver request asks for no less storefront setback than the neighboring properties already enjoy. In fact, assuming approval, the Building will still be further away from Atlantic than other buildings on the block. As the block was developed prior to the LDR change, a pattern has been established that is inconsistent with the current regulations. Although the Property was also developed before the LDR changed, the Property's store frontage is atypical of the rest of the block. The granting of this request will put the properties within the block at par with one another as to the location of the storefront line. As such, the Waiver request meets this requirement.

Staff Assessment:

If approved, the proposed waiver request will not grant a special privilege that is not available to another property under the same circumstances. The Regulating plan for the CBD Central Core figure 4.4.13-5 of the LDR, shows that Retail Frontage is required along Atlantic Avenue from NE 1st Avenue to Ocean Blvd. LDR Section 4.4.13 (C) mentions that "Required Retail Frontages are intended to be lively, highly active pedestrian environments that support businesses and reinforce local character. Properties on streets designated with Required Retail Frontage have use and frontage type standards that apply to the sidewalk level story." The active pedestrian environments referenced in the LDR section refer to wide sidewalks for two-way foot traffic, café style seating, and storefront interaction. The storefronts along Atlantic Avenue have varying depths and streetscape widths. As such, comparable waivers could be granted under similar circumstances on other properties in the CBD.

The subject site with the physical address of 302 NE 3rd Avenue is located on Atlantic Avenue within the Required Retail Frontage area. Properties along the corridor are required to have retail use on the first floor and have a 15' minimum required streetscape. The project proposes retail use and business office (bank) uses on the first floor with increased square footage, and a 15' wide streetscape (4' curb zone, 6' pedestrian zone +5' remaining setback for pedestrian use).

Required Findings LDR Section 4.4.13 (K)(5)(b)(2)

- 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.

Applicant Assessment:

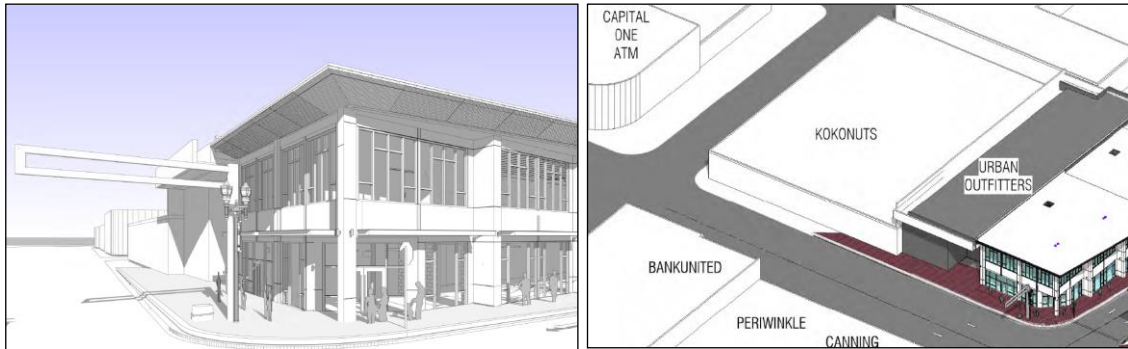
The requested Waiver will not result in an inferior pedestrian experience along Atlantic Avenue, which is the primary street abutting the Property, or along the active portions of SE 3rd Avenue or SE 4th Avenue. The Building is old, outdated and does not meet any of the design criteria within the updated LDR. The proposed facade changes and building improvements will take a legally non-conforming structure and greatly improve the architecture to bring it more in keeping with the updated regulations. As previously noted, the Building's exterior façade is being redesigned to be more inviting and aesthetically in-line with the surrounding area. Approval of the Waiver will allow the Applicant to do long over-due façade improvements, as well as street-front improvements enhancing pedestrian access, and thereby improving the pedestrian experience due to the improved continuity and connectivity of the pedestrian zone. The commercial uses will also wrap around to SE 3rd Avenue in order to continue the pedestrian experience for the portion of this frontage that is adjacent to Atlantic Avenue. Accordingly, the Waiver will not result in an inferior pedestrian experience but rather improve the aesthetics of the Property.

Staff Assessment:

The waiver requested is for the reduction to the minimum required storefront setback from 10' to 7-10". The reduction will allow for the expansion of the ground floor retail space to replace the existing arcade area. The



waiver requested will not degrade the pedestrian experience along a Primary Street as the design includes a 15' required streetscape area along Atlantic Avenue. The Streetscape area provided incorporates a 4' curb zone, 6' pedestrian clear zone, and a 5' remaining setback. The 6' pedestrian clear zone will provide adequate two-way travel spaces for walking traffic. The 5' remaining front setback provided allows for outdoor dining area, removeable planters, or extended sidewalk area which aid in providing function and aesthetics for pedestrians. The building design includes shading techniques such as ground floor storefront awnings, column reveals and a cantilever parapet roof that helps cool surface temperatures for pedestrians. Lastly, the waiver requested does not result in the creation of large expanse walls. The proposed storefront design exceeds the minimum 80% required openings which creates a transparent view of the interior retail spaces and attracts pedestrians to the ground floor.



- b. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.

Applicant Assessment:

The requested Waiver will not result in incompatibilities with nearby buildings as the envisioned development will provide better, more direct connectivity for pedestrians along the south side of Atlantic Avenue. The Applicant is asking to create a pedestrian zone that is comparable to what has been established as the storefront line east of the Property from SE 3rd Avenue to 4th Avenue and beyond. The Waiver will allow for development of the Project which will improve the street-front and building esthetics and will also improve pedestrian flow. For many years, the Building was occupied by a SunTrust Bank on the first floor with offices on the second level. The plan for the Project is to convert the single tenant building to a multi-tenant use including a bank and retail uses on the first floor while maintaining office uses on the second floor. By converting the Building to multi-tenant uses, the storefront area will be activated more consistent with the neighboring properties. As such, the Waiver will not create significant incompatibilities with nearby buildings or uses of land.

Staff Assessment:

The proposed waiver request does not appear to create any incompatibilities with adjacent properties. As mentioned, the building is located on the Atlantic Avenue corridor in the CBD. The portion of the corridor where the building is located requires retail use on the ground floor. The buildings in this area include ground floor retail uses such as shops, banks, cafés, and restaurants. The storefronts along the corridor vary in depths, but all contribute to an overall "Complete Streets" design consistency. The Complete Streets design concept includes buildings that are situated close to public ROW's, on-street parking, wide sidewalks, street trees, outdoor dining, and storefront retail. The building currently has an arcade within the building front setback, creating a perceived gap in store frontage along the corridor. The existing arcade was created adjacent to the existing sidewalk and not over the public ROW which conflicts with LDR Section 4.4.13 (E)(4)(f)1., a. Sites along the corridor are required to provide a 15' minimum required streetscape.

The proposed waiver to reduce the minimum required front setback for storefront from 10' to 7'-10", intends to eliminate the perceived gap in store frontage by replacing the arcade area with an extended ground floor storefront that is closer to the ROW while providing the minimum 15' wide streetscape, thus furthering the frontage consistency along the corridor.

- c. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.

Applicant Assessment:

The requested Waiver will not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle or pedestrian master plan, but rather, will better activate its street frontage and better align the pedestrian zone along Atlantic Avenue, creating a more continuous flow with a much more aesthetically compatible and functional building. As previously noted, the Building's exterior façade is being redesigned to be more inviting and more compatible with the current LDR architectural requirements. The existing street frontage configuration is set back so much further than neighboring properties that it seems dark, uninviting and disconnected from the remainder of the block. The proposed change will open up the storefront, activate the frontage by locating the first floor uses closer to the street consistent with the established storefronts of the properties within the block and the established pedestrian zone for the block, and provide a more inviting experience, enhancing connectivity and the pedestrian flow.

Staff Assessment:

The subject site located at 302 E. Atlantic Avenue is not located adjacent to any existing bike lanes. The proposed waiver to reduce the 10' minimum required storefront setback to 7'-10" in order to increase the ground floor retail space does not appear to degrade the existing street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan. Sites along Atlantic Avenue are required to provide a minimum 15' streetscape area, and storefronts are required to have a minimum 10' setback. The sidewalk network exists along the Atlantic Avenue corridor. The waiver requested would allow for the first floor storefront façade to extend 2'-2" into the front setback, in order to increase the square footage of the retail space on the ground floor, and replacing the existing arcade. The arcade which was created prior to the current LDR is non-conforming. LDR Section 4.4.13 (E)(4)(f)1.,a., says that "arcades shall extend over the sidewalk and not parallel to the sidewalk, allowing pedestrians to bypass storefront windows." The replacement of the arcade with a decreased storefront depth that will aid in maintaining consistency of the frontage along the corridor. The existing arcade creates an inconsistency in the pedestrian flow by creating an offset in sidewalk width.



Existing storefront depth along the corridor



Proposed Storefront

- d. The waiver shall not reduce the quality of civic open spaces provided under this code.

Applicant Assessment:

The requested Waiver does not negatively impact the quality of civic open spaces. As discussed above, the Building's exterior façade is being redesigned to be more inviting and aesthetically in-line with the surrounding area. Further, as stated above, the immediate neighbor, Urban Outfitters, extends well beyond the Building, leaving the Building's arcade disconnected from the arcade/pedestrian area in front of the Urban Outfitter retail use. The inset portion of the Building dead-ends into the Urban Outfitters building. This "dead-end" not only creates this disconnect impeding the flow of traffic, but also creates an empty, uninviting and secluded space. By aligning the sidewalk and eliminating this "dead-end" space, the Applicant is making the Atlantic Avenue frontage safer and more pedestrian friendly. As such, the Waiver will improve the quality of civic open spaces provided under the LDRs.



Staff Assessment:

LDR Section 4.4.13 (D)(2) Table (G), lists that sites smaller than 20,000 sf are not required to provide civic open space. Civic open spaces as described in the LDR are privately maintained outdoor spaces such as plazas, courtyards, or passageways that are accessible by the general public to aesthetically improve the pedestrian environment. The proposed Class III Site Plan modification for the Pierre Delray 1 (SunTrust Bank) is not proposing civic open spaces, as none is required.

