



SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

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: March 11, 2020

File No.: 2020-024 SPF-SPR-CL3

Application Type: Class III Site Plan Modification

General Data:

Applicant: Brian Rosen

Agent: Currie Sowards Aguila Architects

Location: 166 SE 2nd Avenue

PCN: 12-43-46-16-01-078-0131

Property Size: 0.178 Acres

FLUM: CC (Commercial Core)

Zoning: CBD (Central Business District)

Adjacent Zoning:

- North: CBD
- South: CBD
- East: FEC Railroad
- West: CBD

Existing Land Use: Standalone Bar

Proposed Land Use: Restaurant



Item before the Board:

Consideration of a Class III Site Plan Modification for **Taquiza Restaurant** located at **166 SE 2nd Avenue** pursuant to LDR Section 2.4.5 (G)(1)(c) and section 3.1.1, including the following:

- ☐ Site Plan
- ☐ Landscape Plan
- ☐ Architectural Elevations

Optional Board Motions for Action Items:

Move to continue with direction.

Move approval of the Class III (2020-024) Site Plan Modification, Landscape Plan, Architectural Elevations for Taquiza located at 166 SE 2nd Avenue, as amended, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

Move denial of the Class III (2020-024) Site Plan Modification, Landscape Plan, Architectural Elevations for Taquiza located at 166 SE 2nd Avenue, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.

Project Planner:
Jennifer Buce
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561-243-7138

Review Dates:
March 11, 2020

Attachments:
1. Site Plans
2. Elevations
3. Landscape Plan



Notes:

1. A sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback of 3 ft. shall be accepted by the City Commission prior to permit issuance.
2. A landscape maintenance agreement for the proposed trees within the Curb Zone in a form acceptable to the City Attorney shall be accepted by the City Commission prior to permit issuance.
3. The CO on the building permit will not be granted until the completion and operation of the FEC Railway Parking lot.

Project Summary:

The subject project is zoned CBD (Central Business District) Railroad Corridor. The 0.178-acre site is located at 166 SE 2nd Avenue, on the westside of SE 2nd Avenue between SE 1st Street and SE 2nd Street and across from the Florida East Coast Railroad. The proposed Class III Site Plan Modification is associated with a change of use from standalone bar to a restaurant. A building addition for indoor seating and kitchen of approximately 1,029 square feet is proposed between the existing standalone bar and warehouse which is being converted into the kitchen facilities, new restrooms and storage area. Lastly, 2,663 SF of outdoor dining area is being created on the south side.

Background:

The 0.178-acre site is situated on TOWN OF DELRAY S 39.5 FT OF LT 13 & N 18.5 FT OF LT 14 BLK 78. Historically known as Kevro's Bar, the Site Plan Review and Appearance Board approved a Class I Site Plan Modification for murals in 2010.

In 2018, the Development Services Department approved a request to establish a "Standalone Bar". Pursuant to LDR 4.3.3(V)(c)(2), "If locational requirements allow for a standalone bar to be established, a person or entity that has filed a submission as set forth above at the earliest time and date will be notified that the use may be established. If the stand-alone bar use is not legally established pursuant to LDR Section 2.4.4(D) within 60 days after notification, the person or entity who filed a submission next in time and date shall have an opportunity to establish a standalone bar use. That person or entity and subsequent persons or entities that have a submission on file must also comply with the 60-day establishment requirement. Persons or entities that fail to establish the stand alone bar use in accordance with LDR Section 2.4.4(D) within the 60-day period shall not have any further priority to establish the stand alone bar use and the submission shall be deemed void unless no other persons or entities have filed a submission wherein a longer time to establish the use may be permitted upon request." Since Kevro's had been closed for more than 60 days it allowed "The OG" to establish standalone status in accordance with this Land Development Regulation Section.

At its meeting of October 16, 2019, the Site Plan Review and Appearance Board approved a Class I Site Plan Modification for the approval of a mural on the south elevation of this subject building.

Now before the board is a Class III Site Plan Modification which includes a change of use from the standalone bar to a restaurant, a new addition and outdoor seating.

Site Plan Analysis:

The following items identified in the Land Development Regulations shall specifically be addressed by the Site Plan Review and Appearance Board (SPRAB) for final action on the site and development applications/requests, as presented.

LDR Section 4.4.13(D) – Dimensional Requirements by CBD Sub District

<u>Zoning</u> Central Business District –Railroad Corridor	Allowed	Provided
Building Frontage	N/A	N/A
Lot Width (Min.)	20'	58'
Lot Area (Min.)	2,000 sf	7,712
Open Space (Min.)	0%	0%
Height (Max.)	54'	14'
Stories (Max.)	4	1
Setbacks (Min.):		
Front (East)	10' (min) / 15' (max)	11'4"
Side Interior abutting Residential (North)	0'	0'
Side Interior (South)	0'	0'
Rear (West)	10'	9" (after 2 ft alley dedication) *

*existing nonconformity



Streetscape Standards:

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 15 ft. in width, measured from the back of curb. The streetscape area is comprised of a curb zone, a pedestrian clear zone, and any remaining front setback area. The curb zone is at least four feet wide, measured from the back of curb, and accommodates street trees and public infrastructure needs such as utility poles, streetlights, street signs, parking meters, etc. The pedestrian clear zone is at least six feet wide. The code requires that any portion of the pedestrian clear zone located within the front setback area it shall be designed as an extension of the public sidewalk and shall match the public sidewalk in design and hardscape material, providing a seamless transition. Landscaping comprised of plants in removable planters, palms, and/or ground planting may be installed in the area adjacent to the building provided it does not obstruct views into storefront windows.

4.4.13 (E)(2) Minimum Streetscape Standards

	Required	Provided
Curb Zone	4 Feet	5 Feet
Pedestrian Clear Zone	6 Feet	6 Feet (3-foot dedication)
Remaining Front Setback		8 feet
Total		19 Feet

A sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. 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. A sidewalk easement is required along SE 2nd Avenue of 3 feet prior to issuance of building permit. A note has been added requiring a pedestrian clear zone easement prior to building permit issuance.

Storefront and Glazing Area:

Pursuant to LDR Section 4.4.13(E)(4)(e) the storefront is a frontage type along the sidewalk level of the ground story, typically associated with commercial uses. Storefront Dimensions Table 4.4.13(l) provides the dimensional requirements for all elements contained in a storefront as indicated in the chart below:

	Minimum	Maximum	Provided
Building Setback	10'	15'	11'3"
Store Width	N/A	75' on Req. Retail Streets	N/A
Storefront Base	9"	3'	3'
Glazing Height	8'	-	7'3" (existing)
Required Openings	80%	-	*58% with new recess opening (46% existing)
Awning Projection	5'	-	3-foot existing concrete eyebrow

*existing nonconformity

Pursuant to LDR 4.4.13(E)(4)(e)(1)(d) transparent glazed windows shall extend from the base to at least eight feet in height as measured from sidewalk grade adjacent to the building. Transparent means non-solar, non-mirrored, glass with a light transmission reduction of no more than 20 percent.

Parking:

Pursuant to LDR 4.4.13(l)(2)(a) identifies the minimum number of off-street parking spaces required per use and location as specified in the CBD Table 4.4.13(L); the requirement for a restaurant NOT in the Atlantic Avenue Parking District is 6 spaces per 1,000 sf. of gross floor area. Below is a chart with the parking calculation for the proposed restaurant with indoor and outdoor seating:



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Parking Data Chart			
Warehouse	3/1,000	988	3
Standalone Bar	6/1,000	975	6
Total On Site			6
Vested			3*

*They are legally allowed to operate at a 3-space deficit.

Parking Data Chart			
Restaurant Indoors	6/1000	2,992	18
Restaurant Outdoor Seating	6/1,000	2,663	16
Total Spaces Required			34
Vested			3
Total Needed			31
On-Site			2
Off-Site Parking Agreement			29
Total Provided			31

If the parking requirement has not been met on site, the applicant may provide the parking requirement through the in-lieu process or an off-site parking agreement.

The applicant has secured a Parking Space Agreement with the CDR Delray FEC LLC, a Florida limited liability company and the City of Delray Beach. The agreement states that the applicant at the sole cost and expense, desires to construct and install sixty-one parking spaces along the FEC Real Property and use the 29 spaces needed for their parking requirement to fulfill their parking condition. This agreement was adopted by the City Commission by Resolution No. 208-19 on November 19, 2019. If at any time, the FEC terminates the lease the applicant no longer has the right to use the FEC Real Property to satisfy the parking condition, the applicant will be required to pay to the City the In lieu parking fee for twenty nine parking spaces to satisfy the parking condition no less than ten days prior to the effective date of the FEC lease termination. If the applicant, fails to do so, the City's approval of the application will automatically be revoked, and the applicant will be in violation of the City's Code of Ordinances.

Bicycle Parking:

Pursuant to LDR Section 4.4.13(l)(4), bicycle parking is required. The requirement is 1 space per 1,000 gross square feet. Therefore, a total of 6 bicycle parking spaces are required ($5,655 \text{ SF} / 1,000 \times 1 = 6$). The site plan indicates six spaces are proposed.

Solid Waste Disposal:

The trash and recycling must be screened from the public right of way. The plans show that the trash and recycling containers will be located to the rear of the building on the southwest corner in a wood fence enclosure.

Roof Mounted Equipment

Pursuant to 4.4.13(F)(6)(c) 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 enough 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. Roof mounted equipment will be screened by 3'0 high a clear anodized mill finished mechanical screen.

Lighting:

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. The photometric plan meets the minimum and maximum foot candle allowances required for building entrance (1.0 – 10.0) and accent pathway 0.5 – 5.0).

Landscape Analysis:

Pursuant to LDR section 4.6.16(C)(1)(a), prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C). A proposed landscape plan has been submitted and evaluated by the Senior Landscape Planner and found to



comply. The new landscaping will be introduced on the south side of the building and compliment the outdoor dining area with a variety of plantings of Green Buttonwood, Desert Cassia, Simpson's Stopper, a variety of Palms including Ponytail, Coconut and Montgomery. There are large shrubs of Spanish Stopper, Jamacian Caper, Wild Coffee and small leaf Cusia. The smaller shrubs include Dwarf Cusia, ZZ plant, Snake Plant, and White African Iris and a Bougainville Pink Pixie Vine. As stated above a Landscape Maintenance Agreement will need to be executed for the two proposed trees along the curb zone prior to issuance of a building permit.

Architectural Elevations Analysis:

Pursuant to LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered by the Site Plan Review and Appearance Board 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 additions and alterations to the existing 1967 building are in conformity with good taste and design and will contribute to an upcoming area off Atlantic Avenue on SE 2nd Avenue, which is a secondary street in the downtown Central Business District (CBD). The surrounding area, which includes SOFA, 111 First Delray, the Caspian and Aloft Hotel which is near the restaurant and will benefit from the proposed improvements by offering a "neighborhood" restaurant in their back yard.

The exterior of the building includes a new subtle look to the front elevation with the addition of a new opening to decrease the existing nonconformity of the storefront requirement for required openings. A three-foot-high street wall with a swing wood gate will open into the outside seating area. The proposed handicap parking is parallel in the front with a proposed ramp and new street trees and a bicycle rack. The new addition is proposed on the north elevation between the existing warehouse and standalone bar. The south elevation proposes a new impact overhead counter door in powder coat red, two new hollow metal doors, new impact resistant sliding glass doors, and a new impact window with clear anodized finish. There is an existing mural which was approved on the south elevation that will remain. The proposed canopies are black. There will be a 6 ft dark mahogany wood fence on the south and west side of the property. The remaining walls will be a white stucco finish in Greek Villa. The new proposed restaurant will add to the evolving environment of the growing downtown area.

Review by Others:

- At the meeting of March 10, 2020, the **DDA (Downtown Development Authority)** reviewed the development proposal.

Courtesy Notices were sent to:

- Osceola Park

**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 service will be provided to the site through an existing 8" water main that runs along SE 2nd Avenue and an 8" sewer main along the alley. The Comprehensive Plan states that adequate water and sewer treatment capacity exists to meet the adopted level of service standard at the City's build-out population based on the current FLUM.

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. A traffic impact analysis was conducted by JMD Engineering, Inc. the conclusion from the statement for the proposed project development is this is a high turnover restaurant and will generate 122 new daily trips. The proposed project meets the requirements of the Countywide Traffic Performance Standards of Palm Beach County.

Solid Waste: The subject property will consist of a new addition and a conversion of a standalone bar to a restaurant. The current square footage is 1,963 SF to 5,655 SF. Based on a waste generation rate of 24.9 tons per year for a restaurant, the new restaurant will generate an additional 70.40 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have enough capacity to handle all development proposals till the year 2048.

Drainage:

Preliminary engineering and drainage plans have been submitted with the proposed development. Drainage will be accommodated via an exfiltration trench system. Therefore, there appears to be no problems anticipated in accommodating on-site drainage.

APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)

- A. 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

- 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

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.

- ☒ Not applicable
☐ 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 applicable
☐ 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
☐ 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 applicable
☒ Meets intent of standard
☐ Does not meet intent

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
☐ 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
☐ Does 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
☐ Does not meet intent

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 applicable
☐ Meets intent of standard
☐ Does not meet intent

