



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: February 26, 2020 | File No.: 2019-220-SPF-SPR-CLIII (Waiver) | Application Name: 290 SE 2nd Avenue

General Data:

Applicant: Roger Cope

Agent: Mark Ford/290 SE 2nd Ave, LLC

Location: 290 SE 2nd Avenue

PCN: 12-43-46-16-01-079-0150

Property Size: 0.114 Acres

FLUM: Commercial Core (CC)

Zoning: Central Business District – Central Core (CBD)

Adjacent Zoning:

- North: CBD
- East: CBD
- South: CBD
- West: RM (Multi Family Residential)

Existing Land Use: Single story office warehouse

Proposed Land Use: 2nd Story office and Yoga Studio



Item before the Board:

A waiver request seeking relief from LDR Section LDR Section Table 4.4.13(C) to allow for the proposed building to encroach 5' on the west side of the property into the 10' required rear setback.

Optional Board Motions for Action Items:

1. Move to continue with direction
2. Move to recommend approval to the City Commission of the waiver from Land Development Regulation Section Table 4.4.13(C), which sets forth a minimum 10' building rear setback where 5' is proposed along the west side of the property.
3. Move to recommend denial to the City Commission of the waiver from Land Development Regulation Section Table 4.4.13(C), which sets forth a minimum 10' building rear setback where 5' is proposed along the west side of the property.

Project Description:

The project consists of a second-floor addition of 2,087 Square Feet to an existing commercial building. The existing uses on the bottom floor include an Art Studio, and garage. The second story addition will consist of workout room, Jui-Jisu area, a reception area, offices and restroom along with the elevator. Pursuant to Land Development Regulation 4.4.13(K)(5)(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 that 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. The application includes a waiver request which requires City Commission action prior to consideration of the Class III Site Plan modification by SRPAB to LDR Section 4.4.13(C) Dimensional Requirements by CBD Sub-District which requires a minimum 10' rear building setback, where a 5' setback is proposed along the west side of the property on the second story addition. (The first floor is an existing non-conformity).

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

Project Planner:

Jen Buce, Planner buce@mydelraybeach.com
561-243-7040

Review Dates:

SPRAB Meeting Date: February 26, 2020

Attachments

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



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Background:

The 0.1145-acre parcel consists of Town of Delray Lts 15 & 16 Blk 79. There is an existing 2,087 Square Foot commercial/warehouse building constructed in 1975. The applicant is proposing a second-floor addition of 2,087 Square feet which includes a gym, office building, restroom and elevator.

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 to Required Findings per request:

Please see the attached justification submitted by the applicant and the Structural Engineer.

Staff Assessment:

- a. Shall not adversely affect the neighboring area.

Granting the waiver could affect the neighbors directly behind them as it is adjacent to Multiple Family Residential (RM) and could have visible impact to the residents. The existing building is at an existing 5-foot nonconformity rear setback. The applicant is not looking to increase the second-floor setback but build straight up and keep the existing footprint. The proposed project is not on a primary street but on a secondary street in the Central Business District. As stated in the justification letter, the Structural Engineer, states "A new structure to support the offset second floor west wall will disrupt existing finishes." The rear elevation will house the elevator shaft that will be within the footprint of the building with a 3'2" parapet. The rear setback reduction is only proposed along the west side of the property. There is an existing 6-foot wood fence and thick mature landscaping separating the said properties. be noted that the property is unique in that it is not a square nor rectangle. If the applicant were to ever tear down and rebuild; front setbacks would be difficult to meet due to the shape of the land.

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

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. Sewer and Water in the area is running to the rear of the property, however, this is an addition to the second floor which will have no impact on these facilities.



- c. Shall not create an unsafe situation.

Since the setback reduction occurs on the second floor and the rear of the building, an unsafe situation will not be created to pedestrians, motorists, and bicyclists. In addition, the second floor could be compromised if the structure is built five feet from the existing interior west wall as the columns, foundation and beams will disrupt the existing finishes, mechanical and electrical systems and produce restrictive headroom clearances.

- 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.

If approved, the proposed waiver request will not grant a special privilege that is not available to another property under the same circumstances. In 2015, the Aloft Hotel received a similar waiver in that the full length of the rear setback (487 feet) which is adjacent to residential, was granted five feet when ten feet is required.

Required Findings CBD Waiver Criteria 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.*

The proposed waiver request is to the rear of the property which does not affect the pedestrian experience. There is a proposed sidewalk along the front of SE 3rd Street and SE 2nd Avenue which are both Secondary Streets in the CBD – RC zoning district. There are no parking garages exposed and the rear wall exposed does not face a street frontage.

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

The proposed waiver request does not create any incompatibilities with adjacent properties. The first floor exists at a 5-foot nonconformity and the applicant proposes to raise the second floor straight up and use the existing beams and columns as to not disrupt the existing finishes. The proposed reduction occurs to the rear of the building which is adjacent to Multiple Family Residential. There is an existing six-foot fence and mature landscaping that should buffer the second-floor addition to alleviate any 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.*

The waiver is to the rear setback of the second addition, which will have no impact to the adjacent streets and sidewalks or to the bicycle lane along SE 3rd Avenue or SE 2nd Avenue.

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

The waiver does not affect the open space as it is not a requirement pursuant to Table 4.4.13(C) which indicates that sites smaller than 20,000 square feet do not require a civic open space.