



# 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: April 28, 2021

File No.: 2021-119 SPF-SPR-  
CLI

Application Type: Class II Site Plan Modification

### General Data:

Owner: Grove Rosebud Two, LLC

Location: 233-279 NE 2<sup>nd</sup> Avenue

PCN: 12-43-46-16-01-082-0010

Property Size: 1.89 Acres

FLUM: CC (Commercial Core)

Zoning: CBD (Central Business District)

### Adjacent Zoning:

- North: CBD
- South: CBD
- East: CBD
- West (CBD)

Existing Land Use: Restaurant, Retail and Office

Proposed Land Use: Restaurant, Retail, Office



### Item before the Board:

The action before the Board is the consideration of a Class II Site Plan Modification **The Ray Hotel and Shops at The Ray** located at 233-279 NE 2<sup>nd</sup> Avenue associated with a

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

### Optional Board Motions for Action Items:

1. Move to continue with direction.
2. Move approval of the Class II Site Plan Modification, Landscape Plan, and Architectural Elevations (2021-119) for **The Ray Hotel and the Shops at The Ray** located at **233-279 NE 2<sup>nd</sup> Avenue** as amended, 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 the Land Development Regulations.
3. Move denial of the Class II Site Plan Modification, Landscape Plan, and Architectural Elevations (2021-119) for **The Ray Hotel and The Shops at The Ray** Shops located at **233-279 NE 2<sup>nd</sup> Avenue** as amended, by adopting the findings of fact and law contained in the staff report and finding that the request is not consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

### Project Planner:

Jennifer Buce  
buce@mydelraybeach.com  
561-243-7138

### Review Dates:

April 28, 2021

### Attachments:

1. Site Plan
2. Elevations
3. Landscape Plan

**Background:**

The property is located on the east side of NE 2nd Avenue in between NE 2nd Street and NE 3rd Street in the Central Business District (CBD). The property consists of 82,762 Square feet and is known as TOWN OF DELRAY LTS 1 TO 12 INC BLK 82.

On February 14, 2018, the Site Plan Review and Appearance Board (SPRAB) approved the Class IV Site Plan (2017-197) for with conditions for the four-story, 143 room, The Ray hotel with retail and restaurant uses on the 1st floor, rooftop amenities, and a subterranean parking garage with 186 valet parking spaces.

On December 5, 2017, the City Commission approved the following waivers and appeal:

- A waiver to LDR Section 4.4.13(I)(3)(a), to permit parking in front setbacks or civic open spaces, with a valet drop-off, queue, and parking.
- A waiver to LDR Section 4.4.13(I)(3)(b)(6), to permit public sidewalks to be deviated to accommodate drop-off or valet parking on NE 2nd Avenue.
- A waiver to LDR Section 4.4.13(D)(2)(a), reducing the rear setback from a minimum of 10 feet to zero for fully subterranean parking levels.
- A waiver to LDR Section 4.4.13(D)(2)(a), reducing the rear setbacks from a minimum of 10 feet to zero for the parking garage access ramps.
- An appeal to the required right-of-way width of 20 feet for the alley, which would not require a dedication of two feet.
- An appeal to the required paving width of 20 feet for an alley to permit a paving width of between 16 feet and 10 feet.
- The development proposal includes a request for a waiver to LDR Section 4.6.16(H)(3)(i), which requires a landscape island for every 13 standard parking spaces, whereas the existing surface parking lot to the north has a row with 20 spaces.

On March 3, 2020, the City Commission approved a valet parking agreement.

On August 26, 2020, the Site Plan Review and Appearance Board approved a Class IV Site Plan Modification for the Ray Hotel which includes 141 room with retail and restaurant uses in the first story, a two-level parking garage and rooftop amenities.

Now before the board is a Class II Site Plan Modification for the Ray Hotel and the Shops at the Ray which include changes of use to the existing bays, minor façade changes and with new painting, the removal of three parking spaces along NE 3<sup>rd</sup> Street and plaza changes that will interconnect the Ray Hotel and the Shops at the Ray.

**Notes:**

1. A sidewalk Easement to be recorded prior to building permit issuance.
2. A Landscape Maintenance Agreement shall be modified and recorded prior to building permit issuance.
3. That the site plan is revised to provide a minimum seven-foot landscape islands on both sides of the handicap accessible spaces prior to certification.
4. That the site plan be revised to demonstrate that a minimum of 42 feet is provided from the head of the parking space to the opposite side of the alley prior to certification of the site plan.

**Project Description:**

The project consists of the conversion of bays from business and retail space to restaurant space as well as medical space to retail space. The last conversion is 20 feet of retail space separated by a wall with ancillary use to the Hotel for the employees. Minor façade changes include new paint, a new door on the north façade with the removal of a window, new storefront on the south facade facing the plaza, new dumpster enclosures will be added in the alley. A new streetscape along NE 3<sup>rd</sup> Street will be added along with proposed landscaping on site and in the plaza. No building changes are proposed to the building footprint therefore associated dimensional requirements will remain the same. However, as new outdoor dining is proposed on the north end facing NE 3<sup>rd</sup> Street, new streetscape requirements are proposed.

**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.**

Pursuant to LDR section 4.4.13 (E)(2) Minimum Streetscape Width, 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 feet in width, measured from the back of curb.



The proposed streetscape from the curb to the front setback is 18 feet 4 inches. Pursuant to LDR 4.4.13(E)(2)(a)(2) a pedestrian clear zone at least six feet wide shall be provided on all streetscapes (See Figures 4.4.13-13 and 4.4.13-14). 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. 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. The sidewalk easement and maintenance agreement require City Commission approval subsequent to site plan approval and shall be recorded prior to site plan certification. A sidewalk Easement is required for 1'9 ½ inches that remains in the front setback. A note is indicated that the easement will need to be recorded prior to issuance of a building permit.

### CBD Parking Requirements

Pursuant to LDR Section 4.4.13(I)(2)(d), CBD Parking Standards: Following table lists the number of parking spaces required and provided for each of the uses proposed on the subject site.

Use	Sq. Ft.	Parking Calculation	Parking Required
Retail	4,595	1 space per 500 SF	9.19 spaces
Restaurant	22,911	1 space per 1,000 gross floor area	137.4 spaces
Hotel Shops and meeting rooms	3,650	1 space per 800 SF of meeting rooms	4.56 spaces
Hotel Rooms	141 units	0.7 spaces per guest room	98.7 spaces

Pursuant to LDR 4.6.9(C)(8) When a building or combination of buildings on a unified site or sites contains a mix of uses as categorized in the table below, the minimum total number of required parking spaces shall be determined by the shared parking calculation. The site has 251 available spaces on site and the shared parking calculation requires 249 parking spaces, therefore the parking requirement is met. One additional alternative fuel vehicle parking space was added in the garage to meet the requirement of Table 4.4.13(L), which requires 3% of the required parking.

A surface parking space was removed, and the landscape island adjusted to help with the back out to the drive isle and the turning radius to accommodate for service vehicles to enter. In addition, the drive isle was increased from 14 feet to 17 feet. The applicant has attempted to make the lot less nonconforming in order to address safety issues.

### Plaza Parking

Pursuant to LDR 4.6.9(F)(3)(e)(i) at least two handicapped accessible spaces must be provided adjacent to the vehicle queuing area for those vehicles which cannot be operated by the parking professional. The Class IV Site Plan Modification approved the valet parking spaces in the plaza parallel on the north side of the Ray Hotel. The plaza is on private property and is intended to be utilized as connectivity between the Ray Hotel and Shops at the Ray. It will be used for special events, classes and demonstrations that the Hotel and Shops intend to host. The handicap spaces are proposed to be relocated to the rear of the plaza and take access from the alley as ADA compliance regulates that these spaces must be accessible at all times. The rear access to the handicap spaces allows for the plaza to function as the central focal point to host events as often as needed with no limited access.

Pursuant to LDR 4.6.16(H)(3)(i)(1)(i), properties within the Central Business District (CBD) shall have a nine-foot-wide landscape island, unless documentation of site constraints provide that such island width is not feasible. In such cases, the City will accept landscape islands with a minimum width of seven feet, exclusive of curb, with 105 square feet of planting area. Under no circumstances shall any landscape island have a width smaller than seven feet, exclusive of curb. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6). Minimum tree height shall be increased to 18 feet in overall height with an

Shared Parking Calculations Table  
Use for multiple use projects

Use	Required	Weekday			Weekend		
		Night Midnight to 6 AM	Day 9 AM to 4 PM	Evening 6 PM to Midnight	Day 9 AM to 4 PM	Evening 6 PM to Midnight	
Residential		100%	0	60%	0	90%	0
Office		5%	0	100%	0	10%	0
Commercial/Retail	9.19	5%	0.4595	70%	6.433	90%	8.271
Hotel	103.26	80%	82.608	80%	82.608	100%	103.26
Restaurant	137.47	10%	13.747	50%	68.735	100%	137.47
Entertainment/Recreational (theatres, bowling alleys, etc.)		10%	0	40%	0	100%	0
Reserved Parking		100%	0	100%	0	100%	0
Other	249	100%	0	100%	0	100%	0
<b>TOTALS</b>	<b>250</b>	<b>97</b>	<b>158</b>	<b>249</b>	<b>161</b>	<b>247</b>	

**Directions:**

Fill in number of parking spaces required for each use (Do not round figures. Final figures will be rounded automatically).

The number of spaces required for each time period will be calculated automatically.

The minimum number of parking spaces is the highest time period total at the bottom of the table.

Print Table. Do not save changes.

**249 Total Spaces Required**



eight-foot spread if the option to increase the number of parking spaces between landscape islands is chosen.

The applicant upon certification must demonstrate that the seven-foot island with 105 SF of planting has been met. In addition, LDR 4.6.9(D)(2)(b) states When the parking is adjacent to an alley and the parking space and alley have a combined minimum depth of 42 feet and a minimum width of ten feet and the location of parked vehicles does not impair sight distance of pedestrians or vehicles utilizing the alley. This will also be demonstrated prior to certification.

### Bicycle Parking

Pursuant to LDR Section 4.4.13(I)(4), Table 4.4.13 (M), Bicycle Parking Requirement, the following table indicates what is required:

Use	Bicycle Parking Requirement	Quantity Required	Spaces Provided
Retail, Restaurant and Commercial Use	Type I: 1 space per 2,500 sf Type II: $\geq 10,000$ sf: 2 spaces per 10,000 sf	$11,575 \text{ Sf} / 2,500 = 4.63$ $1,575 \text{ SF} / 10,000 \times 2 = 2.3$	32 spaces provided 2 spaces are provided in Bay 271
Hotel/Motel	1 space per 10 guest rooms	$141 / 10 = 14.1$ spaces	
	1 space per 5,000 SF of meeting rooms, restaurants and shops	$19,581 / 5,000 \text{ SF} = 3.91$	
Total		25 Spaces	

### Refuse Enclosure:

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 rights-of-way. This is an existing site with dumpsters located to the rear of the alley. Staff recommended that the applicant enclose the existing dumpsters in the alley to contain some of the clutter and obscure the view from the public as the alley will be used to gain access into the Hotel. The applicant will provide dumpster enclosures in the alley as necessary and has provided the enclosure which will be solid wood cypress with double wide doors and a hinged roof for easy access; sizes are to be adjusted based on the container size and future tenants.

### Lighting

Pursuant to LDR section 4.6.8 (A)(3) table 2, Photometric requirement, on-site lighting must be provided and be consistent with the minimum and maximum foot-candle illumination level requirements. The proposed lighting at the north and south façade met the required illumination levels. The wall goose neck scones on the wall are to remain and be painted.

### Landscape Analysis:

The Class IV landscape plans were approved by the Site Plan Review and Appearance Board on August 26, 2020. The plans consisted of rooftop landscaping that consists of Traveler and Thatch Palms, Autograph and Silverbutton trees, Bridalveil, and Frangipani "Tricolor" potted plants, Bougainvillea, Cocoplum, Monstera and Philodendron shrubs and ground covers, and Slanders Weaver's Bamboo. Sheet L003a shows 14% of landscape material provided. The perimeter landscaping on the rooftop consists of Philodendron, Bougainvillea, Monstera, and Cocoplum shrubs.

The ground level landscape plan consists of Alexander, Hurricane, Satakentia, and Washingtonia Palms, Gumbo Limbo, Autograph, Sea Grape, Japanese Privet, Bay Rum, and Frangipani Trees, Blue, and Black Bamboo, Bird's nest fern, Pink Ginger, Bougainvillea, Dwarf Clusia, Dioon, Creeping Vince, Blue Lily terf, Philodendron, Wart Fern, and Purple Fountain Grass plants.

The new landscaping for the Ray Shops and the plaza was reviewed by the Senior Landscape Planner. The new landscaping consists of three Gumbo Limbo trees in the proposed streetscape along NE 3<sup>rd</sup> Street, 14 Crape Myrtle that will line the private plaza along the north, south and alleyway. The ground coverings consist of Dwarf Clusia and two Alexander Palms in the landscape Island. Bougainvillea will beautify the plaza in three-gallon containers and artificial turf is proposed in the private plaza to add a pedestrian experience to the hotel guest and local residents. Two palm trees and three trees are being removed.

A Landscape Maintenance Agreement is required to be modified to accommodate the three Gumbo Limbo trees along NE 3<sup>rd</sup> Street.

### 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.

5. 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.
6. 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.
7. 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 architectural elevation changes consist of a new paint finish in white for the Shops at the Ray. The south facade to receive new storefront. The north façade will remove a window and replace with a service door. The storefront and windows will be tempered glass and Kynar finish (powder coat) in aluminum white. The fabric awnings in the rear will cantilever 4 feet over the service doors in white fabric. The gooseneck lighting along the plaza will remain. The proposed updates will give the overall plaza a compatible and pleasing look to The Ray Hotel. The south elevation storefront provides a more pedestrian connectivity between the hotel and shops.