



Legislation Text

File #: 17-552, Version: 1

TO: Mayor and Commissioners
FROM: Timothy Stillings, Director Planning, Zoning, and Building
THROUGH: Chief Neal de Jesus, Interim City Manager
DATE: July 6, 2017

APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) APPROVAL OF APRIL 26, 2017 ASSOCIATED WITH NEW CONSTRUCTION OF A ONE-STORY RETAIL BUILDING LOCATED AT 47 SE 5TH AVENUE (LISA BUILDING). [QUASI-JUDICIAL HEARING]

Recommended Action:

Deny the appeal and uphold the original Site Plan Review and Appearance Board (SPRAB) approval and conditions of April 26, 2017 for the Lisa Building.

Background:

At its meeting of April 26, 2017, the SPRAB approved a Class V Site Plan Modification, Landscape Plan, and Architectural Elevations with a waiver request to reduce the terminal landscape islands in the proposed parking area from nine feet wide to one foot wide. The site plan modification consists of demolishing a 4,795 sq. ft. office building which was constructed in 1963 and constructing a 7,249 sq. ft., one-story retail building. The SPRAB approval is subject to the following conditions:

1. That the final installation of demising walls, which define tenant space, indicated on the plans shall not create a space larger than 75'-0" in width;
2. That prior to building permit issuance, the In Lieu Parking Agreement must be recorded in the public records of Palm Beach County and 50% of the fee (\$42,320) must be paid to the City;
3. The Photometric Plan be revised to light the walkway that links the sidewalk to bike parking to the rear parking lot and alley; and
4. That the Engineering Technical Comments in Appendix C (attached) are addressed prior to Site Plan Certification.

Pursuant to LDR Section 4.4.13(L), one parking space is required per 500 square feet of retail/commercial use. The building requires 14 parking spaces, of which 10 are provided on-site, behind the building and accessed from the alley. Pursuant to LDR Section 4.6.9(E)(3), a maximum of 30% of required parking may be provided by using the in-lieu of parking program. On February 8, 2017, the City Commission approved an In Lieu of Parking Fee Agreement in the amount of \$94,640.00 for four parking spaces. On May 10, 2017 the recorded agreement and the first installment in the amount of \$47,320 was received by the city.

If the terminal landscape island waiver is denied, two parking spaces will be replaced by landscape areas. Since no additional parking spaces are eligible to be provided using the in-lieu of parking program (the maximum of 30% of the required parking has been reached), the building will have to be reduced by approximately 1,000 sq. ft. This amount is generally equal to one of the five proposed retail bays.

The landscape plan adds new plantings within the 5th Avenue right-of-way, replacing the existing vehicular access drive. Green walls are proposed on both the north and south sides of the building. No foundation planting is proposed in front of the building along the storefronts, though both the proposed pedestrian clear zone and curb zone exceed the minimum standards required by the code.

At the City Commission meeting of June 6, 2017, the City Commission voted 5 to 0 to schedule the item for appeal.

City Attorney Review:

Approved as to form and legal sufficiency.

Finance Department Review:

N/A

Funding Source:

N/A

Timing of Request:

The appeal is to be scheduled at the next available City Commission meeting.

Attachments:

- SPRAB Report of April 26, 2017
- Recorded Agreement for In-Lieu Parking Fee
- Waiver Justification Statement by the Applicant
- Excerpt Draft Minutes from SPRAB meeting of April 26, 2017