



## Legislation Text

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File #: 18-012, Version: 1

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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** January 16, 2018

REPORT OF APPEALABLE LAND USE ITEMS FROM NOVEMBER 6, 2017 THROUGH DECEMBER 20, 2017

**Recommended Action:**

By motion, receive and file this report.

**Background:**

Section 2.4.7(E), Appeals, of the Land Development Regulations applies. This is the method of informing the City of Delray Beach ("City") City Commission of the land use actions which may be appealed to the City Commission.

During the specified period, the Historic Preservation Board (HPB) and the Site Plan Review and Appearance Board (SPRAB) considered the projects noted below. For the items below, a project report including the Board Staff Report is attached. No other Boards took action on any appealable applications during this period.

**Site Plan Review and Appearance Board**  
**November 8, 2017**

**Item A. Studio 404 Frozen Daiquiri Bar and Café**  
**Request:** Class III Site Plan Modification and Architectural Elevation changes for a use conversion from retail to restaurant.  
**Board Action:** Approved with conditions on a 6 to 0 vote (Nancy Senelier absent).

**Item B. 917 Bucida Road**  
**Request:** Approval of a Class V Site Plan, Landscape Plan, and Architectural Elevations associated with the construction of four condominium buildings.  
**Board Action:** Approved with conditions on a 6 to 0 vote (Nancy Senelier absent).

**Site Plan Review and Appearance Board**  
**November 29, 2017**

**Item C. Sunglass Hut - 207 E. Atlantic Avenue**  
**Request:** Color change of an awning from green to black located at 207 E. Atlantic Avenue.

**Board Action:** Approved with conditions on a 6 to 0 vote (Nancy Senelier absent).

**Item D. Delray Place (Harvest Seasonal Grill)**

**Request:** Amendment to the Master Sign Program located at 1811 S. Federal Hwy. (Delray Place) for the restaurant Harvest Seasonal Grill.

**Board Action:** Postponed on a 6 to 0 vote (Nancy Senelier absent).

**Item E. Abbey Delray**

**Request:** Class II Site Plan Modification, Landscape plan, and Architectural Elevation changes to the recently approved development expansion and renovation of Abbey Delray.

**Board Action:** Approved with conditions on a 6 to 0 vote (Nancy Senelier absent).

**Item F. Ramen @ Hilo**

**Request:** Class III Site Plan Modification, Architectural Elevation changes, and a landscape waiver associated with a change of use from retail to restaurant.

**Board Action:** Approved with conditions on a 6 to 0 vote (Nancy Senelier absent).

**Item G. Delray 7 Townhomes**

**Request:** Class V Site Plan, Landscape Plan, and Architectural Elevations associated with the construction of seven, two-story townhomes.

**Board Action:** Approved the site plan and landscape plan with conditions and postponed the architectural elevations action on a 6 to 0 vote (Nancy Senelier absent).

**Historic Preservation Board**

**December 6, 2017**

**Item H. 2. E. Atlantic Avenue**

**Request:** Certificate of Appropriateness for a color change to the existing historic structure.

**Board Action:** Approved on a 5 to 0 vote ( John Miller and John Klein absent).

**Item I. 55 SE 7<sup>th</sup> Avenue**

**Request:** Variance request to allow a pergola structure within the 7.5' side interior setback.

**Board Action:** Approved on a 5 to 0 vote ( John Miller and John Klein absent).

**Historic Preservation Board**

**December 19, 2017**

**Item J. Midtown Delray**

**Request:** Certificate of Appropriateness for a Class V Site Plan, including Landscape Plan and Architectural Elevations, 5 Relocations and 2 Demolitions for Midtown Delray. The proposal includes 39,396 sq.ft. of retail, 11,117 sq.ft. of restaurant, 55,218 sq.ft. of office, 45 dwelling units and 39 residential-type inn units.

**Board Action:** Denied the Class V Site Plan, Landscape Plan, Architectural Elevations, Relocations (5 requests), Demolitions (2 requests). The HPB also recommended denial of the waivers (2 requests) regarding 4th floor rear setback and overall building width exceeding

60 feet in the Old School Square Historic Arts District, which are not eligible for appeal.

NOTE: The applicant for Midtown Delray (Atlantic Ave Development LLC and MGM Sundy House LLC) submitted an appeal on January 2, 2018 for all items denied by the HPB. The appeals along with the requested conditional use, waivers, and right-of-way abandonments are tentatively scheduled for February 6, 2018.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Action must be taken by the City Commission at the next available meeting following the Board's actions.