SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE:

July 22, 2015

ITEM:

Samar Mixed-Use - Class V Site Plan, Landscape Plan and Architectural Elevations associated with demolition of all existing buildings and construction a mixed-use development containing a 122-room hotel with a restaurant, lounge and meeting rooms, 35 condominium units, 6,280 sq. ft. of retail space and structured parking all within one phase.

GENERAL DATA:

Owner/Applicant...... Samar 202 Florida, LLC

Agent...... Slattery & Associates

Location...... West side of SE 5th Avenue,

between SE 2nd Street and SE 3rd Street (202 SE 5th Avenue)

Future Land Use Map..... CC (Central Core)

Current Zoning...... CBD (Central Business District)

Adjacent Zoning......North: CBD (Central Business District)

East: CBD (Central Business District)

South: GC (General Commercial)

West: R-1-A (Single Family Residential)

& RM (Multiple Family Residential)

Existing Land Use...... Previously two single family

residences and various retail establishments (recently

vacated)

Proposed Land Use..... New mixed-use development

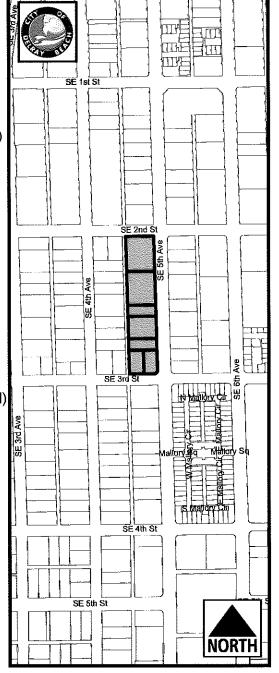
Water Service..... Available via an existing 12" main located within the SE 5th

Avenue right-of-way

Sewer Service...... Available via an existing 8"

main located within the adjacent

rear alley r.o.w. to the west



ITEM BEFORE THE BOARD

The action before the Board is approval of the following aspects of a Class V Site Plan proposal for Samar Mixed-Use , pursuant to LDR Section 2.4.5(F):
□ Site Plan; □ Landscape Plan; □ Architectural Elevations; and, □ Waiver
The site is located on the west side of SE 5th Ave., between SE 2nd St. and SE 3rd St. (202 SE 5th Ave.).
BACKGROUND

The subject property is zoned CBD (Central Business District) and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The existing site contains prior commercial, office & retail establishments which have recently been vacated. The site measures 1.788 acre (77,925 sq. ft.).

Now before the Board for consideration is a Class V Site Plan proposal to demolish all existing buildings and construction a mixed-use development containing a 122-room hotel with a restaurant, lounge and meeting rooms, 35 condominium units, 6,280 sq. ft. of retail space and structured parking all within one phase.

PROJECT DESCRIPTION

The development proposal includes, but is not limited to the following:

- Demolish all existing buildings;
- Construct 122-room hotel with a restaurant, lounge and meeting rooms;
- Construct a multi-family building with 35 condominium units;
- Provision of 6,280 sq. ft. of retail space on the ground floor;
- Provision of structured parking on the ground and upper levels;
- Provision of two civic open space plazas;
- Provision of one public plaza;
- Provision of a one-way vehicular accessible drop-off area along US1;
- Provision of two vehicular access points off the alley; and,
- Associated landscaping and streetscape

The development proposal also includes a waiver to the following section of the Land Development Regulations (LDRs):

• A waiver to LDR Section 4.4.13 (D)(2)(a)(2) to allow a 5' rear setback off of the adjacent alley, whereas a minimum 10' setback is required.

SITE PLAN ANALYSIS

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

LDR Section 4.4.13(D) – Dimensional Requirements by CBD Sub-district:

The following indicates that the proposed building complies with the CBD District - Central Core, with the exception of the requested waiver to the rear setback.

Pursuant to Table 4.4.13(C), the following development regulations are applicable to CBD Sub-districts:

SAMA	AR MIXED-USE (CLV)	Central Core	SE 5 th Ave.	SE 2 nd St.	SE 3 rd St.	Alley
Lot V	Vidth	20 ft. min.	590'9"	103'5"	108'5"	590'9"
Lot A	Area	2000 sf. min.	75,073	75,073	75,073	75,073
Α	Front Setback ¹	10 ft. min. / 15 ft. max.	10' min. / 15' max.²	10' min. / 15' max.²	10' min. / 15' max.²	N/A
В	Side Setback ¹	0 ft. min.	N/A	N/A	N/A	N/A
С	Rear Setback	10 ft. min.	N/A	N/A	N/A	5' min.
ВС	Side Setback Abutting Res. District; 1 St to 3 rd Story	10 ft. min.	N/A	N/A	N/A	N/A
ВС	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	N/A	N/A	N/A	30' min.
D	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20' min.	20' min.	20' min.	N/A
E	Building Frontage Required on Primary Streets	75% min./ 100%max	91.79%³	97.09%³	79.93%³	N/A
Atlar	Height outside of the htic Avenue Limited ht Area	4 Stories & 54 ft.	4 stories & 54 ft.	4 stories & 54 ft.	4 stories & 54 ft.	4 stories & 54 ft.
Den	sity	30 du/ac	20 du/ac	20 du/ac	20 du/ac	20 du/ac

The applicant has requested a waiver for the item identified in BOLD for Table 4.4.13(C) above.

¹ Side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.

² The min./max. setback requirements are applicable to the building frontage on primary streets (i.e. 75% min.). Excess frontage can vary.

³ Civic open space areas meeting the requirements of LDR Section 4.4.13(G), may qualify toward meeting the frontage requirement.

Pursuant to Figure 4.4.13-5 (Central Core Regulating Plan), SE 5th Avenue, SE 3rd Street and SE 2nd Street are all classified as Primary Streets. All development standards applicable to Primary Streets will be applied.

Active Use Liners:

Pursuant to LDR Section 4.4.13(D)(8), each parking garage level exposed to a street or civic open space shall be counted as a story for the purposes of measuring height. Parking fully concealed from view by a story containing an active use (i.e. retail, residential, office, etc.) are not counted as stories for the purpose of measuring height. The upper level parking garage meets this requirement and is not counted as a story.

Shared Parking:

Pursuant to LDR Section 4.6.9.C.8.a., see the following shared parking tabulations chart:

Pursuant to CBD: LDR 4.4.13(G)(1)(f)	Parking Req.	Weekday Night	Weekday Day	Weekday Evening	Weekend Day	Weekend Evening
Residential	33	33.00	19.80	29.70	26.40	29.70
Office	0	0.00	0.00	0.00	0.00	0.00
Commercial/Retail	13	0.65	9.10	11.70	13.00	9.10
Hotel	91	72.80	72.80	91.00	72.80	91.00
Restaurant	5	0.50	2.50	5.00	2.50	5.00
Entertainment/Recreational	0	0.00	0.00	0.00	0.00	0.00
Other/Guests/Reserved	35	35.00	35.00	35.00	35.00	35.00
total required	177	141.95	139.20	172.40	149.70	169.80
total provided	175	142	139	172	150	170

Per the shared parking calculations demonstrated above, 172 spaces are required and 175 spaces have been provided. Thus, the site is in compliance with respect to parking requirements.

Civic Open Spaces:

Pursuant to LDR Section 4.4.13(G)(3)(d), at least two (2) civic open spaces is required for 3,000 sq. ft. or more calculated per site. The subject site is 75,073 sq. ft. and requires 3,455 sq. ft. of civic space as calculated below:

Size	Site	Required	Area (sq. ft.)
75,073	20,000	0	0-20,000
	35,073	1,000	20,000-40,000
		2,455	Over 40000
		3,455	Total

A total of two civic open spaces are proposed at a combined total of 3,517 sq. ft., which exceeds the minimum 3,455 sq. ft. to satisfy this requirement.

Mezzanines:

Pursuant to LDR Section 4.4.13(D)(1)(a)(7), mezzanines that exceed 15 percent of floor area are counted as stories for the purpose of measuring height. The proposed mezzanine level is deemed compliant.

Ground Story Height:

Pursuant to LDR Section 4.4.13(D)(1)(a)(4), the ground story of commercial or mixed-use buildings shall be a minimum of twelve feet (12') tall. The building sections demonstrate compliance on the ground level as measured from the finished floor to finished ceiling at a minimum height of 12'7".

Upper Story Height:

Pursuant to LDR Section 4.4.13(D)(1)(a)(6), each story above the ground story in all buildings must be at least nine feet tall. The building sections demonstrate compliance on all upper stories as measured from the finished floor to finished ceiling at a minimum height of 9'0".

Bicycle Parking:

Bicycle parking is calculated pursuant to Table 4.4.13(L), Minimum Number of Bicycle Parking Spaces Required in the CBD for commercial and residential uses. A minimum of 44 bicycle parking spaces is required as calculated below:

Table 4.4.13(L)	Table 4.4.13(L) Site Minimum Number of Bicycle Parking Spaces Required in the CBD		Required	
Commercial Uses				
Hotels/Motels	122	1 space per 10 guest rooms	12.20	
Hotels/Motels	5,630	Plus 1 space per 5,000 sf. of restaurant, meeting rooms, and shops	1.13	
Retail, Restaurant, and Commercial Uses	6,280	2 space per 1,000 sf. of gross floor area	12.56	
Residential	<u> </u>	2 space per 1,000 di. di greco neoi di ed	12.00	
Residential < 50				
units	35	1 space per 2 units	17.50	
	•	Total	43.39	

Plans indicate a "Bicycle Center" with storage for 45 bicycles which satisfies this requirement.

Handicap Accessible Parking:

Pursuant to LDR Section 4.6.9(C)(1)(b), special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Pursuant to the Florida Accessibility Code for Building Construction, two percent (2%) of the parking spaces serving the development must be handicap accessible. Based upon 172 parking spaces required, the development needs to provide a minimum of 3 handicap accessible parking spaces. The development proposes six ADA compliant handicap accessible parking spaces to meet accessibility requirements. Thus, this standard is met.

Loading Spaces:

Pursuant to LDR Section 4.6.10(C), a single loading space shall be required. It shall be vehicle accessible, paved and clearly marked via signage and/or striping. The location of two loading spaces have been identified or dimensioned on the site plan. Thus, this standard is met.

Refuse Enclosure:

Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three (3) sides with vision obscuring gates on the fourth side, unless such areas are not visible

from any adjacent public right-of-way. The development proposal indicates an area located at the rear of the property adjacent to the alley where refuse trash and recyclable roll out bins will be kept. This area will be screened with vision obscuring gates. Thus, this LDR requirement has been met.

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. A detail shall be provided which indicates that all pole mounted light fixtures do not exceed the 25' maximum height requirement. Cut sheets have also been provided for any proposed free-standing and wall-mounted light fixtures. The photometric plan meets and exceeds the minimum foot candle allowance of 1.0 along the rear alley and provides adequate lighting interior to the parking garage. It is noted that 0.25 spillage onto adjacent properties is cut-off at their property lines.

LDR Section 5.3.1(D) - Right-of-Way Requirements:

Pursuant to LDR Sections 5.3.1 (A) and (D) and Table T-1 of the Comprehensive Plan Transportation Element, the following table describes the required rights-of-way and the existing rights-of-way adjacent to the subject property:

Item Considered	Width Width -ExistingProposed-		Right-Of-Way -Existing-	Right-Of-Way -Required-	Right-Of-Way -Dedication-		
SE 5 th Ave. (US1 SB)	5'	8'	50' (30'SB/20'NB)	60' (30'NB/30'SB)	N/A		
Existing 16' Alley	N/A	N/A	16'	20'	4'		
SE 2 nd Street	5'	6'-8'	50'	50'	N/A		
SE 3 rd Street	N/A	6'-8'	50'	60'	N/A		

<u>SE 5th Avenue:</u> The required right-of-way for SE 5th Avenue is 60'. The existing right-of-way is 50'. Thirty feet of right-of-way exists from the centerline of the right-of-way on west of the road. Thus, no right-of-way dedication is required.

Existing 16' Alley: On April 23, 2015, the DSMG (Development Services Management Group) determined that a four foot right-of-way dedication along the east side of the the existing sixteen feet (16') alley is required.

<u>SE 2nd Street:</u> The required right-of-way for SE 2nd Street is 50'. The existing right-of-way is 50'. Thus, no right-of-way dedication is required.

<u>SE 3rd Street:</u> The required right-of-way for SE 3rd Street is 50' with curb and gutter. The existing right-of-way is 50' without curb and gutter. The applicant proposed to install curb and gutter. Thus, no right-of-way dedication is required.

LDR Section 6.1.3(B) - Sidewalk Requirements:

<u>SE 5th Avenue:</u> A 5' sidewalk exists. The applicant proposes to construct a new 8' sidewalk. Per LDR Section 6.1.3(B)(1)(f), a minimum 8' sidewalk is required. Thus, this standard is met.

<u>SE 2nd Street:</u> A 5' sidewalk exists, whereas a minimum 8' sidewalk is required pursuant to LDR Section 6.1.3(B)(1)(f). However, it is noted that a minimum six foot (6') pedestrian clear zone is provided per Figure 4.4.13.-13 (Commercial Use Streetscape). At its meeting on Thursday, April 23, 2015, the Development Services Management Group (DSMG) acknowledged the discrepancy in sidewalk width requirements, pursuant to CBD Zoning District changes adopted on Feb. 24, 2014. At this time, a determination has not been made as to which sidewalk width is preferred.

<u>SE 3rd Street:</u> No sidewalk currently exists, whereas a minimum 8' sidewalk is required pursuant to LDR Section 6.1.3(B)(1)(f). However, it is noted that a minimum six foot (6') pedestrian clear zone is provided per Figure 4.4.13.-13 (Commercial Use Streetscape). At its meeting on Thursday, April 23, 2015, the Development Services Management Group (DSMG) acknowledged the discrepancy in sidewalk width requirements, pursuant to CBD Zoning District changes adopted on Feb. 24, 2014. At this time, a determination has not been made as to which sidewalk width is preferred.

Improvement Obligations:

Pursuant to LDR Section 5.3.1(E), concurrent, or prior to, construction associated with an approved development application, the development shall provide for the construction of improvements as identified in Section 5.3.1(C), off-site improvements as imposed as conditions of approval as well as improvements identified under Section 6.1.2 (A). Whenever subdivision, development or redevelopment occurs on property where abutting streets are included in the Comprehensive Plan, Neighborhood Plan, Redevelopment Plan or Capital Improvement Program, provisions shall be made for the accommodation of such improvements.

Accordingly on May 11, 2015, the applicant requested permission for the Downtown Development Authority (DDA) to match the streetscape and lighting plan that is currently in use in the Downtown District that is immediately north of the project rather than the standard FPL Federal Highway streetscape and lighting plan. In this manner, it will extend the footprint of the Downtown to cross south on SE 2nd Street and enhance the planned project and neighborhood with the Downtown ambiance.

As such, it was the consensus of the DDA Board of Directors that this is an excellent suggestion and is in agreement providing that the applicant pays the complete (100%) costs of matching the Downtown streetscape and lighting fixtures and with the approval of Florida Department of Transportation (FDOT), Florida Power and Light (FPL) and the City of Delray Beach. A letter of support from the DDA is attached for reference.

It is noted that Florida Department of Transportation (FDOT) must approve all improvements within their rightof-way along SE 5th Avenue. Confirmed FDOT written consent of the proposed improvements along US1 (South Federal Highway) is attached as a condition of approval.

Minimum Streetscape Width:

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 fifteen feet (15') in width, measured from the back of curb. The streetscape area shall be organized as follows:

Streetscape Standards	Minimum Standard	Proposed Design			
Curb Zone	4'0"	4'0"			
Pedestrian Zone	6'0"	6'0"			
Remaining Front Setback Area	5'0"	5'0"			
Total Streetscape Width	15'0"	15'0"			

As demonstrated in the table above, the proposal complies with the required streetscape standards. However, given the scale of the plans (1"=30"), it is difficult to ascertain compliance at a glance. Accordingly, to provide clarification and further demonstrate compliance, as a condition of approval the applicant shall provide a separate plan exhibit, dimensioned at a legible scale, which clearly demonstrates how the project complies with the required curb zone, pedestrian clear zone, street trees and street light locations in association with onstreet parking and signage, as required per Figure 4.4.13.-13 Commercial Use Streetscape. This is attached as a condition of site plan approval.

Free-Standing Features:

Pursuant to LDR Section 4.3.4(J)(3)(a), free-standing features on rooftops shall not extend above the maximum height of sixty-four feet (64'), unless specifically approved by action of the City Commission. Elevators and stairwell shafts (not intended for human occupancy) are allowed above the maximum height allowance (54') with SPRAB (Site Plan Review and Appearance Board) approval of the associated site plan and architectural elevations. Subject to SPRAB approval of the proposed architectural elevations, the screen wall extending to 64' will be deemed compliant.

Hotel Room Size:

Pursuant to LDR Section 4.3.3(M), each sleeping room for a motel/hotel must contain a minimum gross floor area of 325 sq. ft. The smallest room size provided is 326 sq. ft. Thus, this requirement has been met.

Separation Between Entrances:

Pursuant to LDR Section 4.4.13(E)(3) – Building Entrances, on the ground level there shall be no more than seventy-five feet separation between entrances along a Primary Street for all non-residential uses. The entrances along South Federal Highway, SE 3rd Street and SE 2nd Street comply, with a maximum building entrance separation of sixty-seven feet.

Linear Street Frontage:

Pursuant to LDR Section 4.4.13(G)(3)(a), civic open spaces must be provided along linear street frontage for no less than thirty feet. The ground level corner civic spaces meet this design along SE 3rd St. and SE 2nd St. at the intersections along South Federal Highway, with a minimum linear frontage of 42'.

Pedestrian/Bicycle Passageway:

Pursuant to LDR Section 4.4.13(D)(6), a minimum 10' pedestrian/bicycle passageway shall have transparent windows covering at least 50% if the wall area on either or both sides. The proposed architectural elevation drawing demonstrates compliance, since 53% wall coverage has been provided.

One Bedroom Units:

Pursuant to LDR Section 4.4.13(D)(1)(d)(1), one bedroom units may total up to 55%, if no efficiency/studio units are proposed. Currently, 49% one bedroom units are proposed, which meets this requirement.

Residential Floor Area:

The following table indicates that the proposal complies with LDR Section 4.3.4(K) - Minimum residential floor area. There are a total of 35 units. As demonstrated in the chart below, this LDR requirement has been met.

	Standard (Sq. Ft.)	Sq. Ft.) (Sq. Ft.)		Compliance with LDR Requirements?		
Dwelling Size				Yes	No	
Efficiency	400	0	0	N/A		
1 Bedroom Units	600	859-990	17	•		
2 Bedroom Units	900	1,203-1,577	15	•		
3 Bedroom Units	1,250	1,637-1,776	3	•		
4 Bedroom Units	1,500	N/A	0	N/A		

Storefront and Glazing Area:

Pursuant to LDR Section 4.4.13 (E)(4)(b)(e)(1)(a), (b), and (c) the storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. Storefront Dimensions Table 1 provides the dimensional requirements for all elements contained in a storefront as indicated in the chart below:

Table 1	Dimensional Requirements						
Commercial Storefronts	Minimum Required	Maximum Allowed	Proposed				
Building Setback	10 ft.	15 ft.	10 ft.				
Storefront Width	70%	100%	100%				
Storefront Base	1 ft.	3 ft.	1 ft.				
Glazing Height	8 ft.	=	12 ft.				
Glazing Area	70%	90%	74%				
Awning Projection	3 ft.	_	N/A				

As indicated in the chart above, Samar Mixed-Use meets all dimensional requirements for those elements contained in a commercial storefront. No awning is proposed, thus the minimum 3' projection is not applicable.

LDR Section 6.1.8 (Undergrounding of Utilities):

Pursuant to Section 6.1.8 (Undergrounding of Utilities), utility facilities serving the development (i.e. electric, phone, cable) shall be located underground throughout the development. The utility services for the proposed structure must be placed underground and a note to this effect shall be included on the proposed site plan. This is a condition of approval.

WAIVER ANALYSIS

Pursuant to LDR Section 4.4.13(K)(8)(b)(2) - Waivers, in addition to the findings in LDR Section 2.4.7(B)(5), within the CBD, the following standards shall be considered when reviewing waiver requests:

- (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 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.
- (d) The waiver shall not reduce the quality of civic open spaces provided.

The applicant has requested a waiver to LDR Section 4.4.13 (D)(2)(a)(2), which requires a rear setback of 10' off the adjacent alley in the rear, whereas only a 5' setback is provided. The following verbatim justification is given by the applicant to support the waiver request:

"The applicant respectfully requests a waiver from LDR Section 4.4.13(D)(2)(a)(2), which requires a rear setback of 10' to allow for a setback of 5' as shown on submitted plans for the structured parking only.

Based on the narrow configuration of the site in addition to the required 4' right of way dedication along the alleyway to the east, in conjunction with providing active uses, required frontage, and civic spaces on primary streets, the project is requesting this relief.

The waiver request is for the alley side so it does NOT affect the primary streets. The request actually creates cover for off street parking that would otherwise be exposed.

The waiver request makes the project more compatible as other sections of the CBD District has an exception for setbacks for parking structures along alleyways.

The waiver request has no impact on street or sidewalk network.

Finally, we have also attached a letter from the President of the HOA adjacent of the residential neighborhood (Osceola) supporting this request."

Required Standards:

The City concurs with the applicant's request for the 5' setback reduction in the rear, whereas a minimum 10' setback is required. Specifically, approval of the waiver shall not result in an inferior pedestrian experience because it is along an alley, not a Primary Street. The proposed artwork along the columns serves as decorative features and a viable alternative for the structured parking garage to create visual interest. The letter of the support from the adjacent Osceola HOA further proves no incompatibilities with nearby buildings or uses of land. The waiver also has no effect on any civic open spaces provided. Therefore, the request for the waiver substantially meets the standards of LDR Section 4.4.13(K)(8)(b)(2).

Required Findings:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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; and,
- (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.

Granting the requested waiver will not have an adverse effect on the neighboring area and will not create and unsafe situation. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made for the proposed 5' rear setback along the alley, where a minimum 10' setback is required.

LANDSCAPE PLAN 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 City's Senior Landscape Planner. The following concerns remain to be addressed:

<u>Landscape Technical Items</u>: The following Landscape Plan items remain outstanding, and will need to be addressed prior to site plan certification.

1. A Landscape Maintenance Agreement will be required for the plantings that are proposed outside the property line (see comment #3). See attached agreement.

- 2. FDOT grass was specified within the proposed landscape beds fronting SE 5th Avenue. Grass (turf) will not be an acceptable material for these locations. The landscape beds shall consist of understory plant material that are of the same species, specification and layout that is found along the east side of SE 5th Avenue (across from this project). This includes Flax Lily, Green Island Ficus and Juniper chinensis 'Parsonii'. Jatropha standards will need to be interplanted as flowering accent trees. This palette will match what is already planted on the east side of SE 5th Avenue, therefore satisfying the requirement for a consistent streetscape.
- 3. The two (2) 'BGD' shrub beds proposed at the northeast corner of the building will interfere with pedestrian traffic and should be located up against the building in this particular location.
- 4. The three (3) existing Veitchia palms located in the landscape island on SE 5th Avenue (towards the north end of the project) will need to remain in place to maintain streetscape consistency. Remove the two (2) proposed Royal Palms from this bed.
- 5. Please provide the following note on the landscape plans, "Proposed landscaping within the Right-of-Way of SE 5th Avenue is contingent upon approval and acquisition of appropriate permits from FDOT."
- 6. The plantings within the FDOT Right-of-Way will require an amendment to the existing MMOA (Maintenance Memorandum of Agreement) between the City of Delray Beach and FDOT. The applicant is responsible for initiating this amendment with FDOT during their permitting process for the Right-of-Way improvements.

Based upon these findings, the proposed development can be found in compliance with applicable requirements of LDR section 4.6.16, upon address the above Landscaping Technical items which are attached as conditions of approval.

ARCHITECTURAL ELEVATIONS ANALYSIS

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 building's architectural elevations will enhance the image of the City and the US1 Southbound corridor. The building has been designed with a contemporary style of architecture. Along the east elevation, an impact resistant window/storefront system is proposed. The new storefront will offer a visually attractive and transparent view of the building which is consistent with providing a pedestrian experience.

The proposed architectural building is a high quality design product that will be compatible with the neighboring properties and will further enhance the image of the City and the South Federal Highway corridor. Based upon the above, the proposal will be consistent with the criteria established in LDR Section 4.6.18 (E).

REQUIRED FINDINGS

REQUIRED FINDINGS: (Chapter 3):

Pursuant to Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following four areas.

<u>FUTURE LAND USE MAP:</u> The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation).

The subject property has a Future Land Use Map designation of CC (Commercial Core), and a zoning designation of CBD (Central Business District). The CBD zoning is consistent with the Commercial Core FLUM designation. Pursuant to Table 4.4.13(A), Allowable Uses in the CBD Sub-Districts, in the Central Core, principle uses "P" include retail, multiple family dwellings, hotels, motels and public parking garages. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

<u>CONCURRENCY:</u> Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

As described in Appendix "A", a positive finding of concurrency can be made as it relates to applicable standards such as water and sewer, streets and traffic, drainage, solid waste and schools.

<u>CONSISTENCY:</u> Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(F)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objective was found:

<u>Future Land Use Element - Objective A-1:</u> Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

The proposed mixed-use development will be a welcome addition to the downtown CBD (Central Business District) district. The proposed window and storefront design of the front architectural elevation is compatible and consistent with the urban architecture prevailing in other existing establishments. Therefore, the proposed development will be complementary to adjacent commercial and residential land uses.

<u>Transportation Element Policy D-2.2:</u> Bicycle parking facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use. Retail and Commercial uses shall provide two spaces per 1,000 sf. of gross floor area. The proposed project has provided bicycle racks to accommodate 45 bicycle parking spaces. Thus, this LDR requirement is met.

<u>COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs):</u> Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made.

<u>LDR Section 2.4.5(F) (5) - Compatibility (Site Plan Findings):</u> The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The following zoning designations and uses are abutting the subject property:

	Zoning Designation:	Use:
North:	CBD (Central Business District)	Future Uptown Delray
South:	GC (General Commercial)	Office Building
East:	CBD (Central Business District)	Medical Office, Professional Office and Restaurant Establishment
West:	R-1-A (Single Family Residential) & RM (Multiple Family Residential)	Single Family Residences

To the north is the future Uptown Delray development (under construction). To the south is an existing professional and business office building. To the east are existing medical, professional and business offices and a restaurant establishment. To the west are existing single family residences. The alley to the west buffers the adjacent single family residences. Adjacent rights-of-way also buffer all developments on the north, east and south sides. The proposed mixed-use development is consistent with development in the Central Core (CC) of the Central Business District (CBD). Thus, a finding can be made that the use will not have a detrimental effect upon the stability of the downtown, nor will it hinder the development or redevelopment of nearby properties. It is compatible with surrounding uses. Thus, positive findings can be made pursuant to LDR Section 2.4.5 (F)(5).

REVIEW BY OTHERS

Community Redevelopment Agency:

At its meeting of June 25, 2015, the CRA (Community Redevelopment Agency) reviewed the development proposal and reached a consensus to recommend approval.

Downtown Development Authority:

At the meeting of June 8, 2015, the DDA (Downtown Development Authority) reviewed the development proposal and reached a consensus to recommend approval, subject to providing an updated and revised photometric plan in accordance with CPTED review and update the plan to provide that the garage meets the SWS requirements for the two (2) trash receiving areas.

Courtesy Notices:

Courtesy notices have been provided to the following associations that have requested notice of developments in their areas:

- Downtown Development Authority
- Delray Citizen's Coalition

- Chamber of Commerce
- Courtyards of Delray
- Barton Apartment
- Mallory Square
- Osceola Park
- Churchill

Public Notices:

Any letters of objection and/or support received to date, have been attached to the staff report for the Board's consideration. Any additional letters of objection and/or support received after the report has been prepared, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

ASSESSMENT AND CONCLUSION

The Class V Site Plan development proposal is associated with demolition of all existing buildings and construction a mixed-use development containing a 122-room hotel with a restaurant, lounge and meeting rooms, 35 condominium units, 6,280 sq. ft. of retail space and structured parking all within one phase. One waiver to the rear setback requirement is proposed and supported by adjacent homeowners associations representing neighboring single family residences. Artwork will also be provided along the rear columns on the alley. Two civic open spaces are provided as required. Additionally, an open space plaza is provided along US1 to break up the building mass. The mixed-use development will be consistent with the current policies and objectives of the Comprehensive Plan and Chapter 3 of the Land Development Regulations, subject to the conditions as indicated in the staff report. Therefore, positive findings can be made with respect to Section 2.4.5(F)(5).

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the waiver, Class V Site Plan, Landscape Plan and Architectural Elevations for **Samar Mixed-Use**, 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 Sections 2.4.5(F)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations, subject to conditions.
- C. Move denial of the waiver, Class V Site Plan, Landscape Plan and Architectural Elevations for **Samar Mixed-Use**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(F)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations.

RECOMMENDED ACTION

By Separate Motions:

Waiver:

Move approval of the requested waiver to LDR Section 4.4.13 (D)(2)(a)(2) for **Samar Mixed-Use**, to allow a 5' rear setback off of the adjacent alley, whereas a minimum 10' setback is required, due to positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Site Plan:

Move approval of the Class V site plan and architectural elevations for **Samar Mixed-Use**, 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 Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

- 1. Provide revised civil drawings which satisfy the preliminary engineering technical comments identified in the attached "Appendix C", prior to site plan certification.
- 2. Florida Department of Transportation (FDOT) must approve all improvements within their right-of-way along SE 5th Avenue. Confirmed FDOT written consent of the proposed improvements along US1 (South Federal Highway) is required prior to site plan certification.
- 3. Per Figure 4.4.13.-13 Commercial Use Streetscape, provide a dimensioned detail demonstrating how the project complies with the required curb zone, pedestrian clear zone, street trees and street light locations in association with on-street parking and signage, prior to site plan certification.
- 4. Pursuant to Section 6.1.8 (Undergrounding of Utilities), utility facilities serving the development (i.e. electric, phone, cable) shall be located underground throughout the development and a note to this effect shall be included on the certified site plan.

Landscape Plan:

Move approval of the Landscape Plan for **Samar Mixed-Use**, 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 4.6.16, Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

- 1. A Landscape Maintenance Agreement must be approved by the City Commission, prior to site plan certification. This is required for the plantings that are proposed outside the property line (see comment #3).
- 2. FDOT grass was specified within the proposed landscape beds fronting SE 5th Avenue. Grass (turf) will not be an acceptable material for these locations. The landscape beds shall consist of understory plant material that are of the same species, specification and layout that is found along the east side of SE 5th Avenue (across from this project). This includes Flax Lily, Green Island Ficus and Juniper chinensis 'Parsonii'. Jatropha standards will need to be interplanted as flowering accent trees. This palette will match what is already planted on the east side of SE 5th Avenue, therefore satisfying the requirement for a consistent streetscape.
- 3. The two (2) 'BGD' shrub beds proposed at the northeast corner of the building will interfere with pedestrian traffic and should be located up against the building in this particular location.
- 4. The three (3) existing Veitchia palms located in the landscape island on SE 5th Avenue (towards the north end of the project) will need to remain in place to maintain streetscape consistency. Remove the two (2) proposed Royal Palms from this bed.
- Please provide the following note on the landscape plans, "Proposed landscaping within the Right-of-Way of SE 5th Avenue is contingent upon approval and acquisition of appropriate permits from FDOT."
- 6. The plantings within the FDOT Right-of-Way will require an amendment to the existing MMOA (Maintenance Memorandum of Agreement) between the City of Delray Beach and FDOT. The applicant

Site Plan Review and Appearance Board Staff Report – July 22, 2015 Samar Mixed-Use – 202 SE 5th Avenue - Class V Site Plan Page 15

is responsible for initiating this amendment with FDOT during their permitting process for the Right-of-Way improvements.

Architectural Elevations:

Move approval of the architectural elevations for **Samar Mixed-Use**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.18(E), and Section 4.4.13 (F)(3) of the Land Development Regulations.

Staff Report Prepared by: Candi Jefferson, Senior Planner

Attachments:

- Site Plan
- Landscape Plan
- Architectural Elevations
- Waiver Justification
- Osceola HOA Letter of Support
- DDA Letters of Support
- SAFE Agreement
- Appendix "A"
- Appendix "B"
- Appendix "C"

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 Service is available via an existing 12" main located within the SE 5th Avenue right-of-way.
- Sewer Service is available via an existing 8" main located within the adjacent rear alley r.o.w. to the west.

Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic:

The development proposal will not significantly impact traffic. It is noted that the site is located within the City's Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC and OSSHAD. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. Therefore, a traffic study is not required for concurrency purposes. A traffic statement was prepared which indicates that Samar Mixed-Use will generate an increase of 1,153 daily trips, 77 am peak trips and 92 pm peak hour trips. However, the Palm Beach County Traffic Division issued a traffic concurrency determination letter on October 24, 2014 indicating the development proposal compliance with Palm Beach County traffic standards and is valid through build-out in 2017.

Parks and Recreation Facilities:

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit will be collected prior to issuance of a building permit for the proposed thirty-five new townhome units. A total fee of \$17,500 will be required of this development for parks and recreation purposes, prior to building permit issuance.

Solid Waste:

The prior two single family residences and 5,847 sq. ft. of retail uses generated 33.8 tons of solid waste per year. The proposed mixed-use development with 35 condominiums, 122 hotel rooms and 6,280 sq. ft. of retail use will generate 404.8 tons of solid waste per year. There is a 371 ton net increase in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2048.

Schools:

The Palm Beach County School District has approved the development proposal for compliance with the adopted Level of Service for School Concurrency. Written verification from the Palm Beach County School District was received on November 10, 2014 and is valid until November 9, 2015.

Drainage:

Drainage will be accommodated on site via an exfiltration trench system. There should be no impact on drainage as it relates to this standard.

A.	Building design,	landscaping,	and	lighting	(glare)	shall	be	such	that	they	do	not	create
	unwarranted distr	ractions or blo	ckage	e of visibi	lity as it	t perta	ins 1	to traff	ic cir	culati	on.		

Not applicable	
Meets intent of standard	X
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	X
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	X
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	X
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	X
Meets intent of standard	
Does not meet intent	

F. Vacant property shall be developed 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	X
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	X
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	X
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	X
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	X
Does not meet intent	

APPENDIX C PRELIMINARY ENGINEERING TECHNICAL COMMENTS

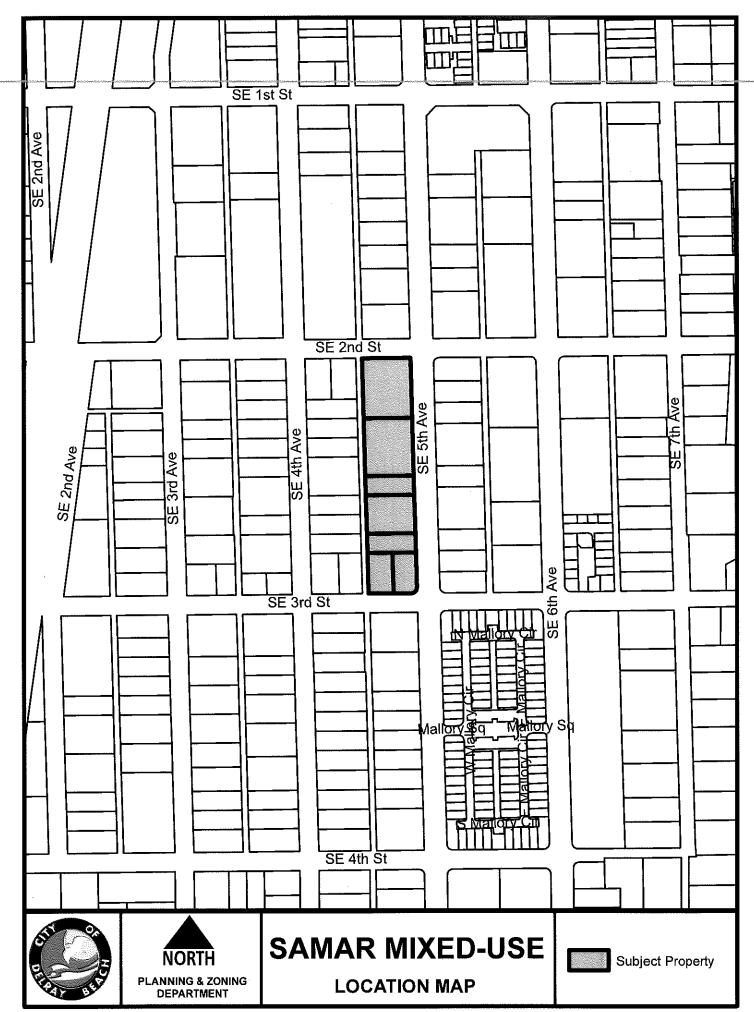
Plat Comments:

- 1. Submit plat for review in accordance with the applicable sections of LDR Section 2.4.3 (A), (B), (H), (J), (K), (L); and Section 5.2.2.
- 2. Additional comments will follow after review of plat.

Preliminary Engineering Technical Comments:

- 1. Provide a response letter with a detailed description of how each of these comments has been addressed and reference plans sheet number for accurate review.
- 2. Coordinate location of all existing and proposed easements on Plat, Site, Civil, Landscape and Composite Utility Plans. Existing and proposed easement locations and labeling needs to be consistent on all plans. This comment will remain until a plat is submitted for comparison.
- 3. Indicate decorative street lights will be double heads at corners, but single heads mid-block.
- 4. FDOT pre-application letter dated 8/21/14 only addresses driveways. Since FDOT has a 5 year moratorium on Federal Highway at this location, please also submit FDOT pre-application letter addressing drainage and other utility improvements proposed along Federal Highway. Permission for all proposed improvements that do not currently existing will need to be specifically addressed.
- 5. Provide Demolition Plans. Since there are existing buildings to be removed, please indicate when these will be done and if there will be any impact to proposed development. This could not be found in Architectural plans, please provide which sheet this can be found.
- 6. Revise drainage summary to address City requirement for a minimum of a 10 yr./24 hr. storm event per LDR Section 2.4.3 (D) (8). In addition, indicate control structure at alley is designed at a minimum for a 25 year / 3hr. storm event.
- 7. The control structure will need to be moved closer to property line, but on customer side. City will be responsible for portion after control structure into right-of-way. This portion will need to be as close as possible to the property line to avoid a drainage easement to City.
- 8. Provide drainage easements for all proposed private drainage systems in accordance with LDR Section 5.3.4 or provide recorded restricted convenient addressing maintenance of private drainage system. If restricted convenient will be used, submit draft and reference page, recorded copy required prior to building permit issuance. Recorded information for restricted convenient will be required on plat.
- 9. Clearly indicate location of water meter / BFP for proposed 4-story Retail / Condo building. One for residential and another for non-residential use.
- 10. Indicate existing sanitary sewer in alley will be replaced from MH#125 to MH#129, as also noted. Sanitary sewer between MH#26 to MH#30 will need to be revised, please coordinate with Utilities Manager, Scott Solomon.
- 11. Indicate the recently installed water service line on SE 2nd Street will be used for irrigation.
- 12. Move domestic water tap from SE 2nd Street to Federal Highway due to poor water color.

- 13. At all locations the existing water meters are to be removed indicate it will be removed back to main.
- 14. Estimate sewage flow submitted to Public Utilities for approval.
- 15. Provide a Composite Utility Plan signed by a representative of each utility provider attesting to the fact that services (water, sewer, drainage, gas, power, telephone and cable) can be accommodated as shown on the Composite Utility Plan. The Composite Utility Plan needs to address the responsibility for relocation of existing services and installation of new services in accordance with LDR Section 2.4.3 (F) (4). Composite Utility Plan is also used to ensure physical features do not conflict with each other and existing or proposed utility services.
- 16. Please Resubmit Through The Planning and Zoning Department; and Clearly Indicate Which Documents Are For The Engineering Division. Also, Ensure A Complete Set Of Plans Is Provided For The Engineering Division.
- 17. Additional comments may follow after review of revised plans.





May 4, 2015

Ms. Candi Jefferson Senior Planner City of Delray Beach 100 NW 1st Avenue Delray Beach, FL 33444

Re:

Waiver Request and Justification for Samar Mixed Use Building SE 5th Avenue between 2nd and SE 3rd Streets
Class V Site Plan Modification

Dear Ms. Jefferson,

The applicant respectfully requests a waiver from LDR Section 4.4.13 (D)(2)(a)(2), which requires a rear setback of 10' to allow for a setback of 5' as shown on submitted plans for the structured parking only.

Justification Statement:

Based on the narrow configuration of the site in addition to the required 4' right of way dedication along the alleyway to the east, in conjunction with providing active uses, required frontage, and civic spaces on primary streets, the project is requesting this relief.

The following aspects pursuant to LDR Section 44.13 (k) (8) are addressed as noted.

1. The waiver shall not result in an inferior **pedestrian experience** along a Primary Street, such as <u>exposing parking garages</u> or large expanses of *blank walls*.

The waiver request is for the alley side so it does NOT affect the primary streets. The request actually creates cover for off street parking that would otherwise be exposed.

2. The waiver shall not allow the creation of significant incompatibilities with nearby <u>buildings</u> or uses of land.

The waiver request makes the project more compatible as other sections of the CBD District has an exception for setbacks for parking structures along alley ways.

The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted <u>bicycle/pedestrian</u> master plan.

The waiver request has no impact on street or sidewalk network.

4. The waiver shall <u>not</u> reduce the quality of civic open spaces provided.

The waiver request actually helps to enhance the civic spaces provided as they exceed the minimum requirement.

- * Additionally pursuant to LDR Section 2.4.7 (b) (5) we believe that this request,
 - 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; and,
 - 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.

This request is not intended for the purpose of increasing density or floor area or parking requirements, but rather for enhancing the quality of the project.

Finally, we have also attached a letter from the President of the HOA adjacent of the residential neighborhood (Osceola) supporting this request.

Sincerely

Slattery & Associates Architects Planners

Jose' G. Fernandez

Principal

Al Berg Assistant Director, Community Improvement City of Delray Beach 100 NW 1st Ave. Delray Beach, FL 33444

February 25, 2015

Dear Mr. Berg,

The Osceola neighborhood group is familiar with the Samar Florida 202 Class V Site Plan Application for the proposed mixed use project. The project is located just East of our neighborhood and between NE 2nd Street and NE 3rd Street. The owner and Design Team made a town hall presentation to us on September 23, 2014.

It is our understanding that based on the constraints and narrow configuration of the site, in addition to a mandated 4' right of way dedication on the alleyway east of our neighborhood (versus 2' that could have been taken on each side of the alley from both the project owner and our residents), the project will be requesting setback relief for a portion of the project along the alleyway.

They are requesting setback relief for a 2 story parking structure along their west property line (alleyway), and based on the design of the building, we do not believe the granting of this variance will impact the adjacent properties adversely. In fact the setback relief affords the owner the ability to provide specific locations for our Art in The Alley. Having reviewed the project, we have made certain that it will improve the safety, as well as enhance our neighborhood. We fully support the setback relief and the project.

Sincerely,

James Quillian

President of Osceola Homeowners' Association



DowntownDelrayBeach.com BOARD OF DIRECTORS

David Cook Chair

Hand's Stationers

Seabron A. Smith Vice-Chairman TEO Center

Bonnie Beer Treasurer Caffe Luna Rosa

Albert Richwagen Secretary Richwagen's Bicycles

Ryan Boylston Woo Creative

Mark Denkler Vince Canning Shoes

Frank Frione GFA International, Inc. May 13, 2015

Mayor and City Commissioners City of Delray Beach

100 NW 1" Avenue Delray Beach, FL 33483

Dear Mayor and City Commission:

At the Delray Beach Downtown Development Authority meeting of May 11, 2015, a request was brought up by a representative of The Knight Group, an agent of Samar I Iospitality, concerning a their development project.

Samar Hospitality is in the planning stages of a development between Southeast 2rd Street and Southeast 3rd Street along Southeast Fifth Avenue (202 to 270 SE 5th Avenue) on the commercial side of the block.

Samar Hospitality has requested permission to match the streetscape and lighting plan that is currently in use in the Downtown District that is immediately north of the project rather than the standard FPL Federal Highway streetscape and lighting plan. In this manner they will extend the footprint of the Downtown to cross south on SE 2nd Street and enhance the planned project, and neighborhood, with the Downtown ambiance.

It is the consensus of the DDA Board of Directors that this is an excellent suggestion and is in agreement providing that Samar Hospitality pays the complete (100%) costs of matching the Downtown streetscape and lighting fixtures and with the approval of Florida Department of Transportation (FDOT), Florida Power and Light (FPL), and the City of Delray Beach.

Please know that we send this information to assist you in making your decisions as they affect the DDA District of Downtown Delray Beach.

Sincerely,

Durid Cook Chairman

c DDA Bond of Directors

Donald Cooper, City Manager

Alm Mindel, Samue Haspitality, Tythe Knight, The Knight Group



DowntownDelrayBeach.com BOARD OF DIRECTORS

David Cook

Chair

Hand's Stationers

June 22, 2015

Seabron A. Smith

Vice-Chairman

TED Center

Bonnie Beer

Treasurer Caffe Luna Rosa Planning & Zoning Board Members

City of Delray Beach

100 NW 1st Avenue

Delray Beach, FL 33483

Albert Richwagen

Secretary

Richwagen's Bicycles

Dear Board Members:

Ryan Boylston Woo Creative

R.B. . . ut. 155 - . . l . l . . .

Mark Denkler Vince Canning Shoes

Frank Frione GFA International, Inc. This concerns Planning & Zoning item that came before the Delray Beach Downtown Development Authority at the June 8, 2015 meeting.

ITEM - Samar Mixed Use Project, Class V Site Plan

DDA Board queried photometric requirements and trash receptacles.

ACTION - Motion for a recommendation to approve the Class V Site Plan providing an updated and revised photometric plan in accordance with CPTED review and update the plan to provide that the garage meets the SWS requirements for the two (2) trash receiving areas: Albert Richwagen; 2nd: Ryan Boylston.

Motion carried unanimously.

Please know that we send this information to assist you in making your decisions as they affect the DDA District of Downtown Delray Beach.

Sincerely,

N.Wholl

David Cook Chairman

c: DDA Board of Directors

Marjorie Ferrer, Executive Director

Laura Simon, Associate Director



"Help Florida become the most motorist, pedestrian and bicyclist friendly state in the USA"

Samar Hospitality

July 28, 2014

Samar Hospitality has agreed to:

- 1. At check-in, give each guest a copy of the current issue of Delray's "Guide to Downtown" pointing out the details of "free" local transportation on the Roundabout and the Downtowner. Also, have available in the lobby copies of the Tri-Rail and Palm Tran schedules and time tables.
- 2. Purchase and maintain a fleet of (12) bicycles for the free use of hotel guests. The bicycles will be equipped with baskets, bells, and locks.
- 3. Contribute \$50,000 into an escrow account by 1/1/2016 for the purpose of the City hiring a Ped/Bike Coordinator (a new staff position). Subsequent payments of \$37,500 and \$12,500 respectively will be made on 1/1/2017 and 1/1/2018. If the City does not hire a Ped/Bike Coordinator by 6/1/2016, the escrow funding will revert to Samar Holdings. Dates subject to change based on dates of project filing.
- 4. Request no sidewalk or line of sight waivers, except for curb cuts.
- 5. Contribute \$10,000 into an escrow account prior to issuance of the Certificate of Occupancy earmarked for the construction of a new travel lane on S. E. 2nd Street between 5th and 6th Avenues for left turns onto 5th and 6th Avenues. If not warranted within five (5) years of the issuance of the Certificate of Occupancy, the funds will be returned to Samar Hospitality.
- 6. Contribute \$20,000 into an escrow account prior to issuance of the Certificate of Occupancy earmarked towards the cost of a future traffic signal at the S. E. 2nd Street/4th Avenue intersection. If not warranted within five (5) years of the issuance of the Certificate of Occupancy, the funds will be returned to Samar Hospitality.

- For all condominium units; Residents can request an In-unit bike rack, free of charge. The condominium corridor shall feature Hard surface / bicycle friendly floor finishes.
- 8. Will provide a safe, secure, covered bicycle storage room to accommodate a minimum of ten (10) condo owned bicycles.
- Free Shuttle service to the local area will be provided for hotel guests and residents.
- 10. Each new employee who wants it shall receive one (1) Palm Tran unlimited 31-day QUIK pass (value of \$75).
- 11. Samar, with the consent of the city, before the issuance of a certificate of occupancy, will provide benches, waste and recycling receptacles, and one (1) dog poop bag dispenser along Fifth Avenue, from Second Street to Third Street. Samar Hospitality will restock the dog poop dispenser as needed.
- 12. All consideration provided by Samar in this agreement is conditioned upon the approval of the development by the City of Delray.

Agreed to, this day, by Samar Hospitality:

Alan Mindel, Member

Date 7/28/14

Witness: Abby DiAcge lis

Date 7/28/14

Witness: Kristina Zaglir

7128/14



ARCHITECT

SLATTERY & ASSOCIATES 2060 N.W. BOCA RATON BLVD. BOCA RATON, FLORIDA 33431 TEL (561) 392-3848 FAX (561) 392-5402

OWNER

SAMAR 202 FLORIDA, ELC
131 JERICHO TURNPIKE, SUITE 101
JERICHO, NEW YORK, 11753

CIVIL ENGINEER

DCES 2295 N.W. CORPORATE BLYD. SUITE 125 BOCA RATON, FL 33431 TEL (561) 750-3717 FAX (561) 750-3686

LANDSCAPE ARCHITECT

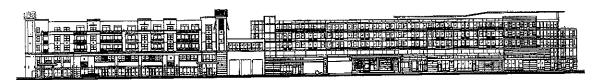
A, GRANT THORNBROUGH & ASSOCIATES 132 NORTH SWINTON AVENUE DELRAY BEACH, FLORIDA 33444 TEL (561) 276-5050 FAX (561) 276-8777

	DRAWING LIST
SHEET NO.	HAME OF DRAWING
55-1	COYER SHEET / DRAWING (HDEX
1	SURVEY
CHITECTURAL	
SP1.0	OVERALL SITT PLAN
SP1.1	COMPOSITE OVERLAY PLAN
591,2	SITE DETAILS AND ZOMING MAP
591.3	CONTEXT SITE AND DIAGRAM SECTIONS
501.4	- FRONTAGE AND SETBACK DIAGRAMS
121.5	FRONTAGE AND SETBACK DIAGRAMS
SP1.6	CIVIC SPACE ENLARGED PLANS
D[.#	DENOLITION PLAN
A-I	DYERALL BUILDING PLANS
A-2	OVERALL BUILDING PLANS
4-3	EULDING ELEVATIONS
Àď	ENLARGED QUILDING SLEVATIONS
A-5	ENLARGED BUILDING FLEVATIONS
A-6	TYPICAT, ECHBOMNIUM LINT PLANS
A-7	TYPICAL CONDOMINON UNIT PLANS
OTOMETRICS	<u> </u>
21-1	GARAGE PHOTOMETRIC PLANS
£1,2 .	DECK PHOTOMETRIC PLAN
£[,3	SITE PHOTOMETRIC PLAN
HOSCAPE	l
tk-1	TREE REMOVAL PLAN
1,P-1	LANDSCAPE PLAN - GROUND PLODS
LP-1.	LANDSCAPE PLAN - SECOND FLOOR.
<i>U-</i> 3	LANDSCAPE SPECIPICATIONS
une	
	3 PPY 10 AM BHIFFT
K-1	KRY PLAN SHEET SITE KINGINERRING PLAN
VII. K-1 C-1 C-2	SITE ENGINEERING PLAN
K-1 C-1	SITE ENGINEERING PLAN
(6-1 (6-1 (6-2	SITE ENGINEERING PLAN

PROPOSED MIXED USE PROJECT FOR: SAMAR 202 FLORIDA, LLC DELRAY BEACH, FLORIDA







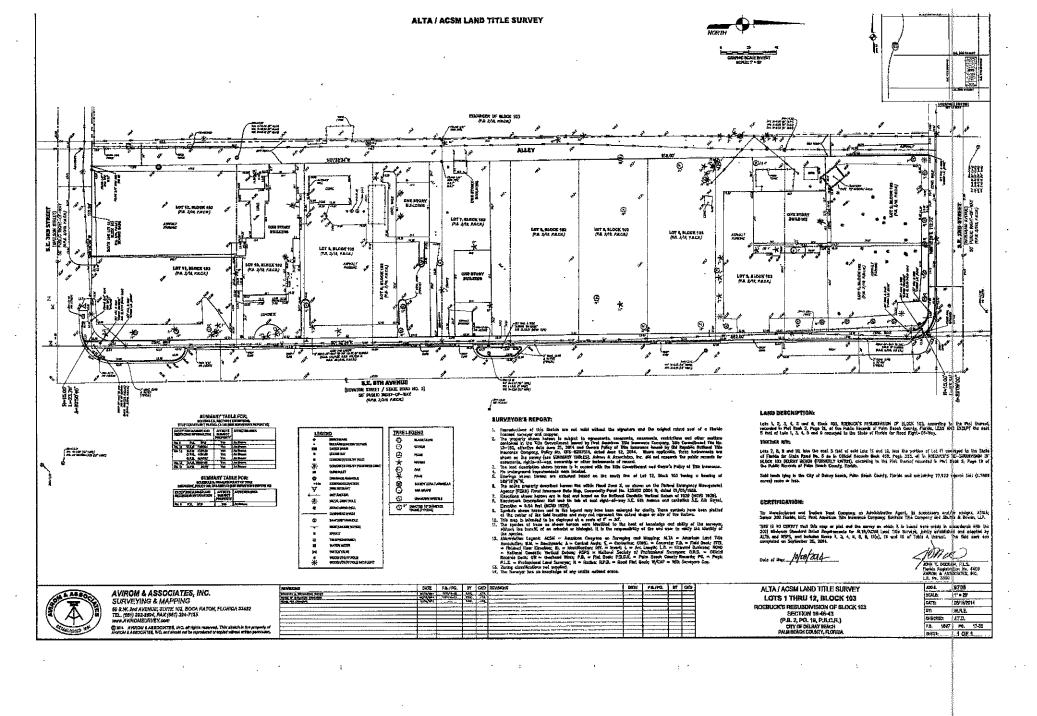
CITY OF DELRAY BEACH CLASS V SITE PLAN RE-SUBMITTAL

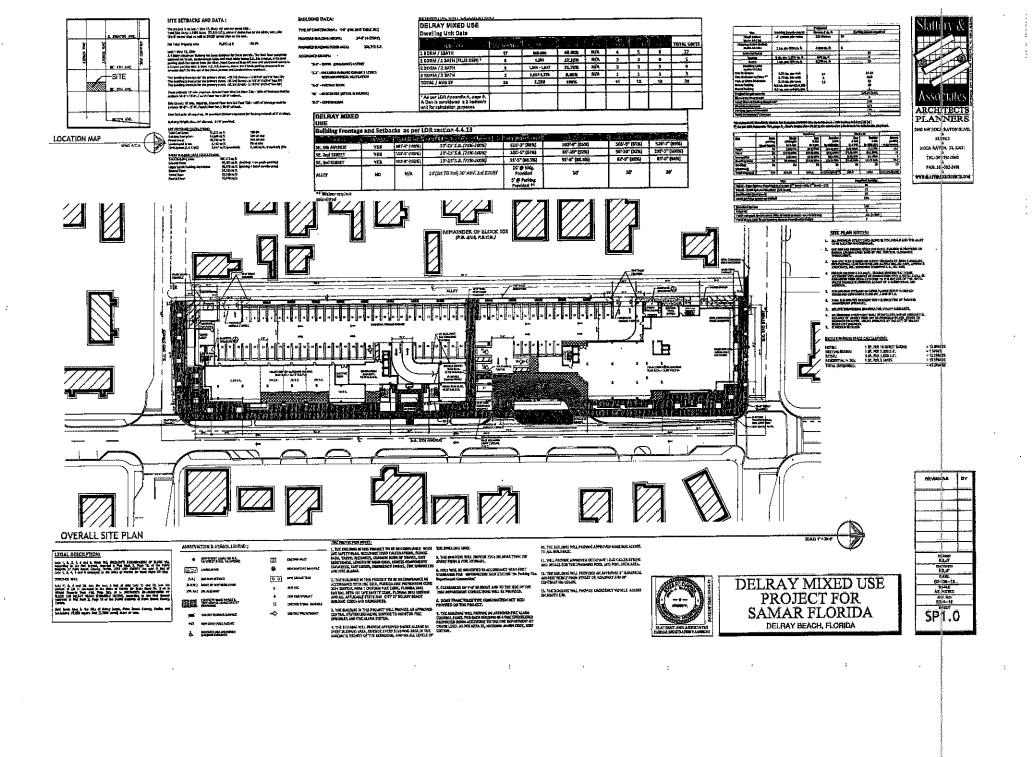
07/06/2015

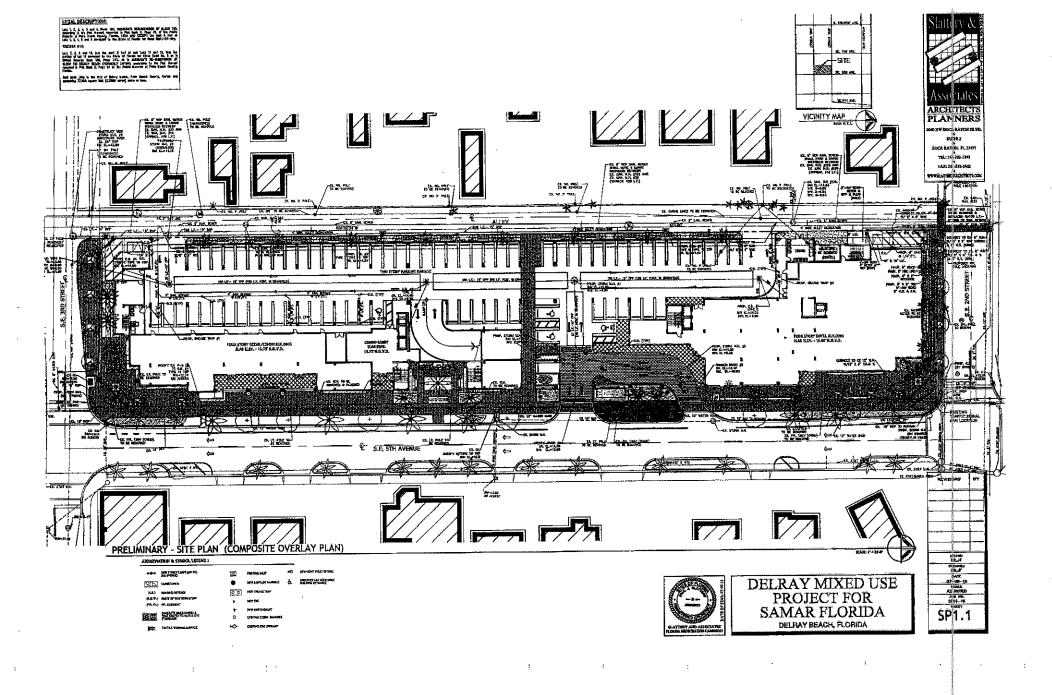


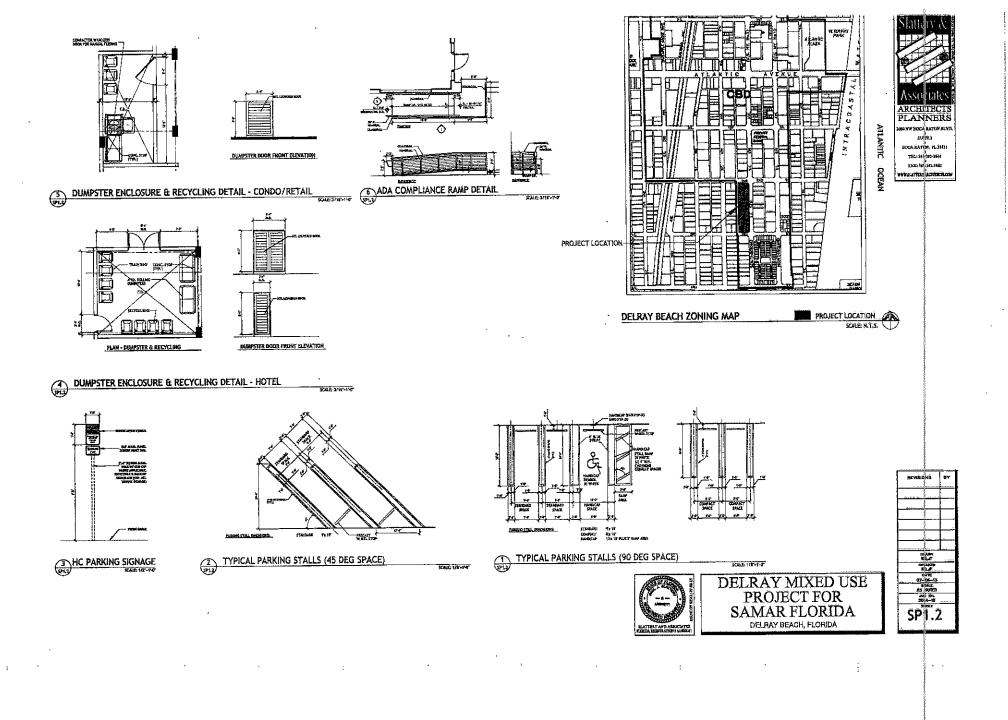


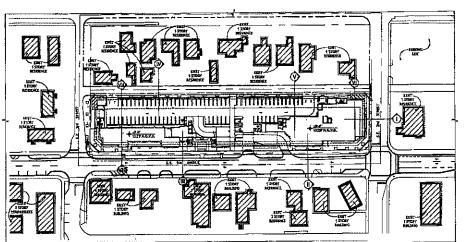


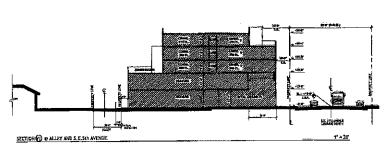








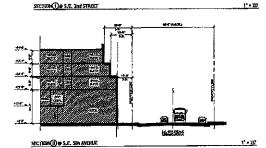


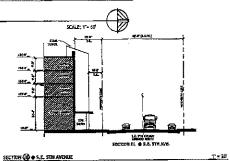


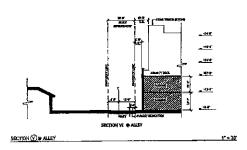


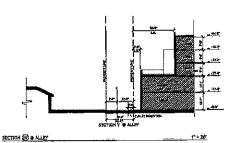


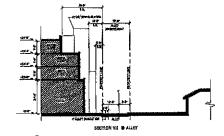
CONTEXT SITE DIAGRAM





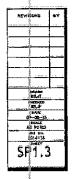


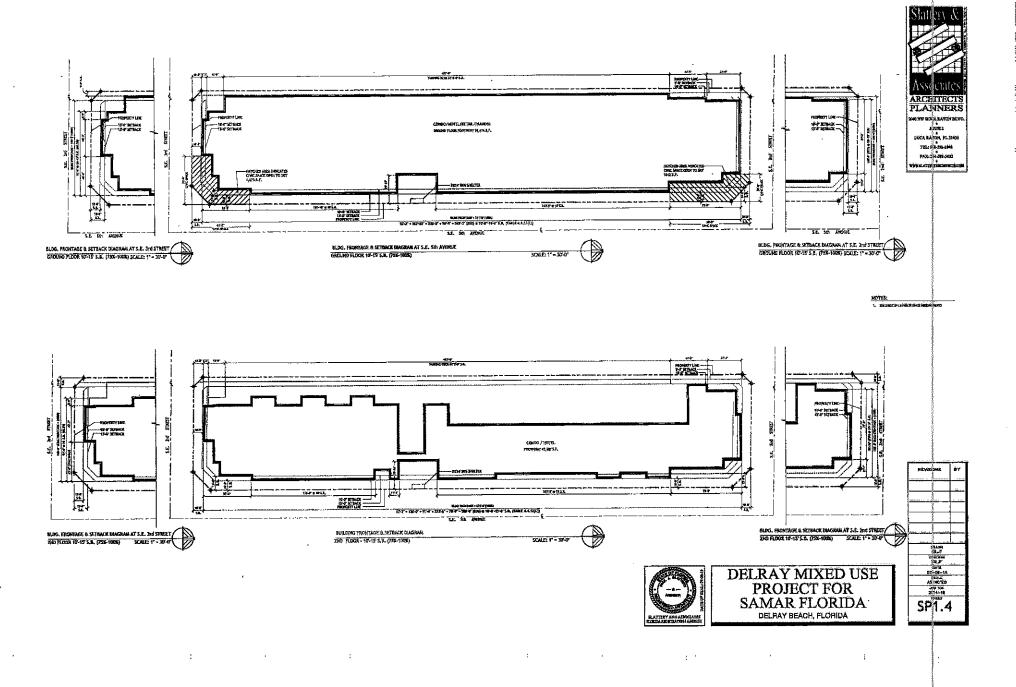


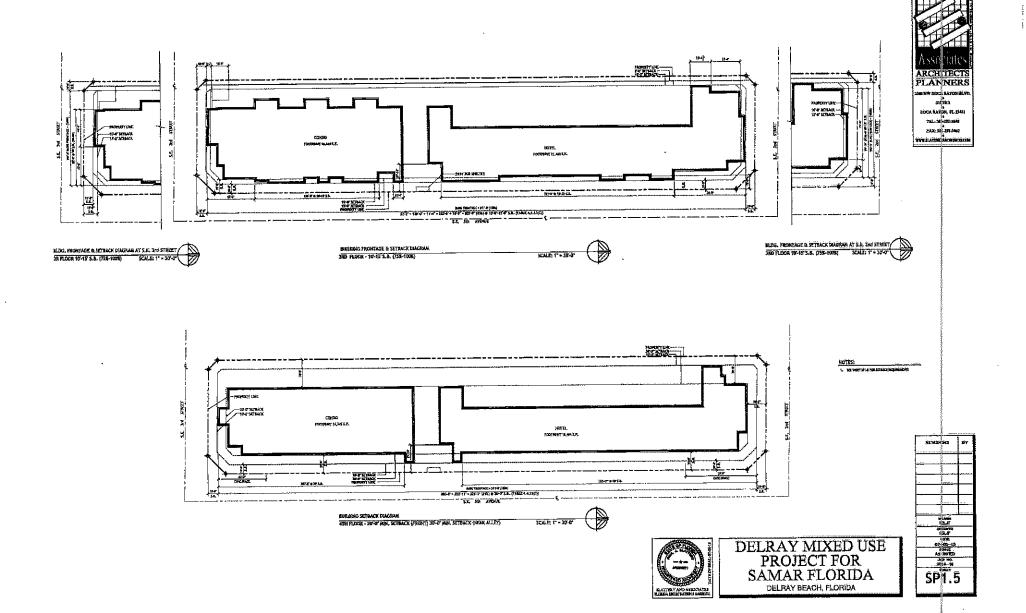


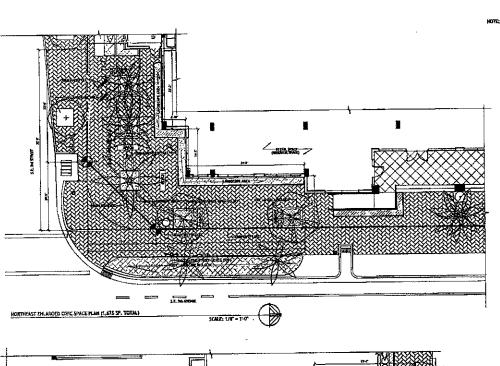


DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELRAY BEACH, FLORIDA







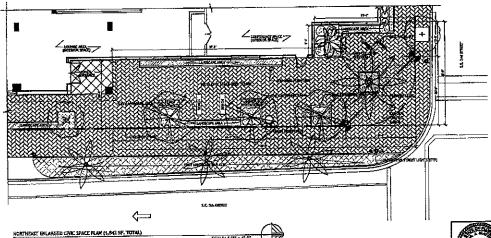


NOTE: 1. TOTAL DAYCE SPACE + 3,517 SQ. FT.

SEE SHEET SPILD FOR ADDITIONAL LOT COVERAGE CALCULATIONS

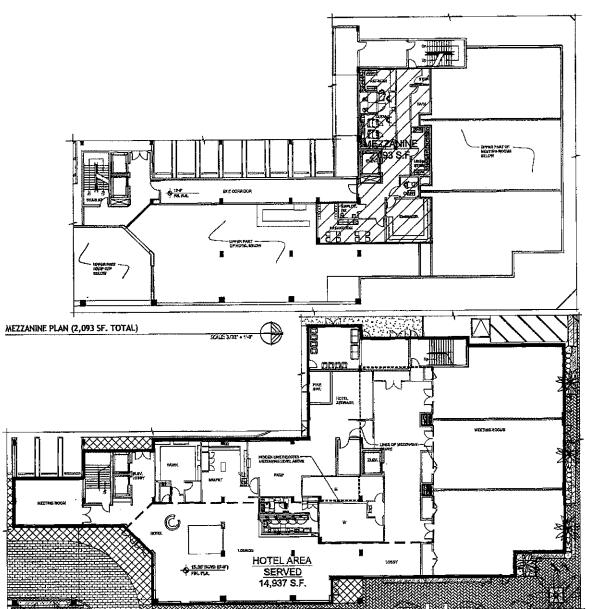
Skating for 2 people per 350 50,FT. OF CIVIC AREA AS PEX LUR SEC. 4.4.13(G)(4)(I) (Skating for 10 people per canc area required) (Skating for 12 people per canc area provided)





DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA
DELRAY BEACH, FLORIDA

SP1.6



NORTHEAST ENLARGED HOTEL SPACE PLAN (14,937 SF. TOTAL)



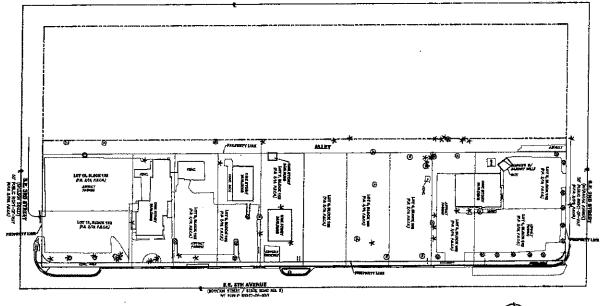
MEZZANINE PERCENTAGE CALCULATIONS:

notel ärea served Mezzanine area 14,937 SP X (15%) = 2,241 SF (ALLOWED) 2,093 SF (14%) (PROVIDED)



DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELRAY BEAGH, FLORIDA inisted Iffering Services of the Services of t





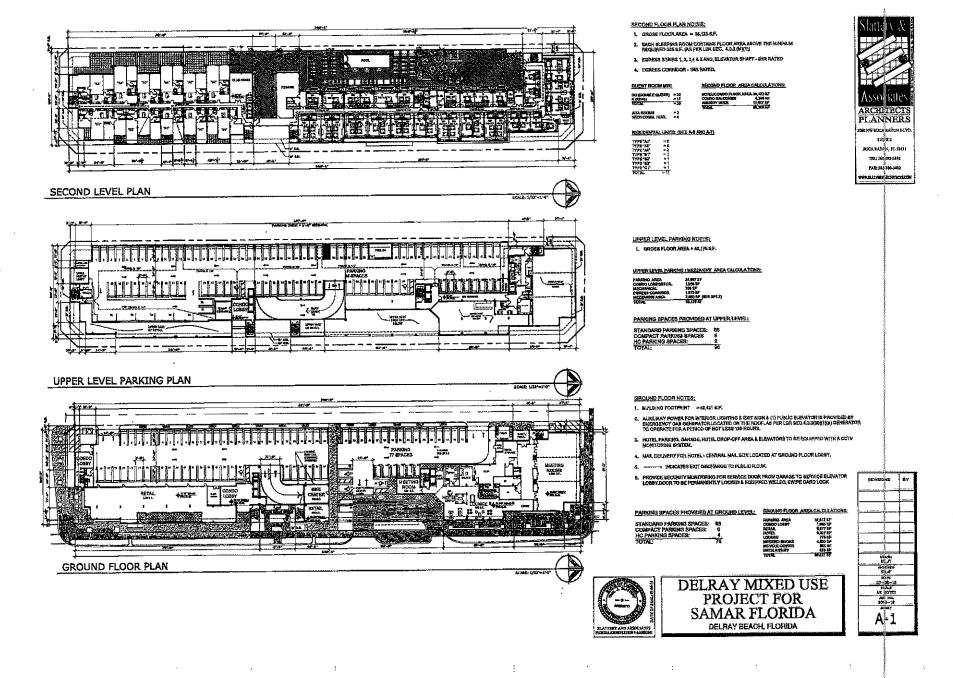
DEMOLITION PLAN

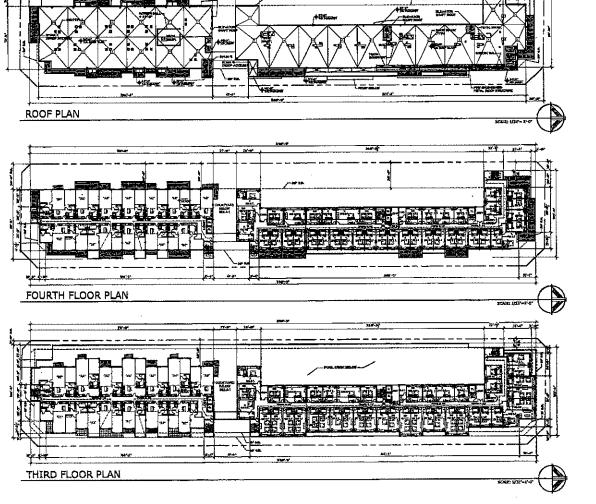


REVISIONS	ĦΥ
1	
include Kejat	
OME SHEED KB JF	
974-16 974-16	
AS BUTED	
.et: in. 201}-18 . 20177	
i in in	



DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELRAY BEAGH, FLORIDA







FOURTH PLOOR PLAN HOTER:

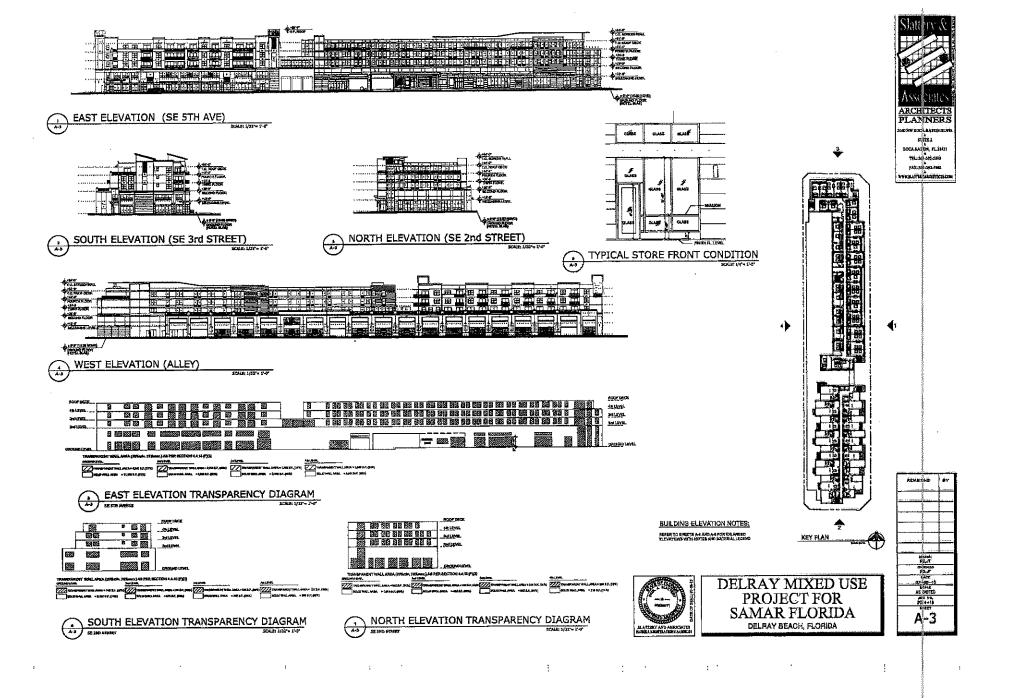
OURSET ROOM HIGH

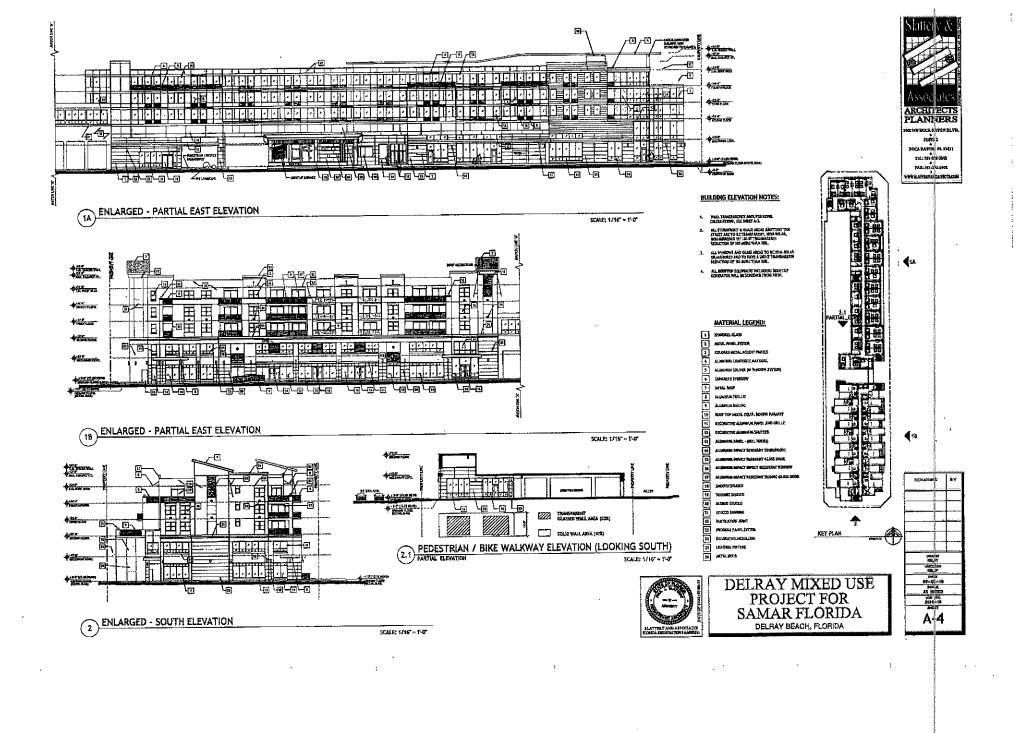
HOTEL GUEST ROOMS TOTAL: DO (DOCINE GLEEN) - R. 42.76 E (KNIG) - 70 EZAN.

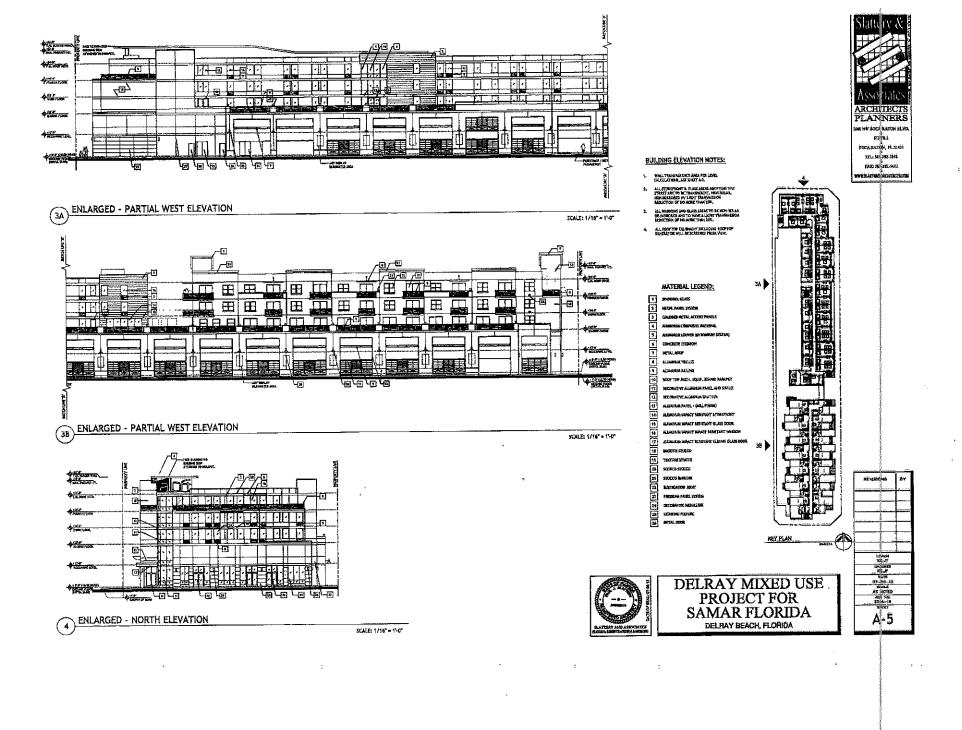
- A. KUNESO UTAINA 1,3, 1,4 & 5, SKÉWATOR SEWFT 25

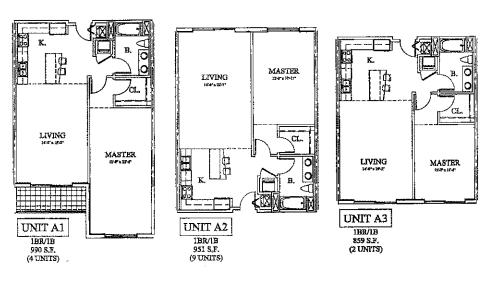


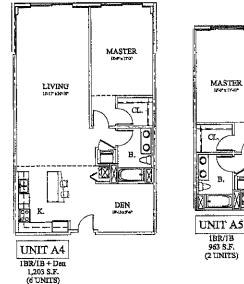
DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELRAY BEACH, FLORIDA





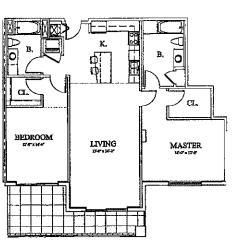


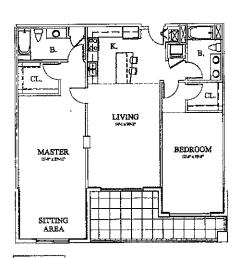


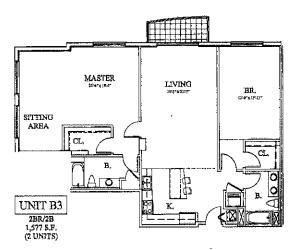




LIVING







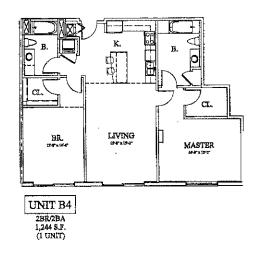
UNIT B1 2BR/ZB 1,332 S.F. (2 UNITS)

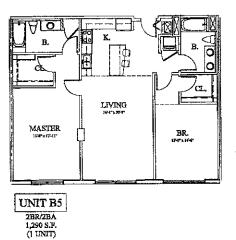
TYPICAL CONDOMINIUM UNIT FLOOR PLANS

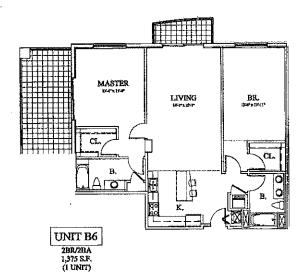
UNIT B2

2BR/2B 1,497 S.F. (2 UNITS) SATURA AND AND ALE

DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELRAY BEACH, FLORIDA CONTROL CONTRO



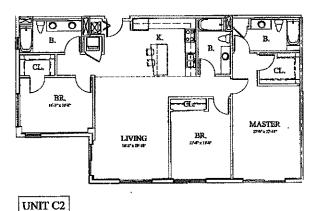






UNIT C1

3BR/3BA
1,776 S.F.
(2 UNITS)



MATTER AND AND PARTY.

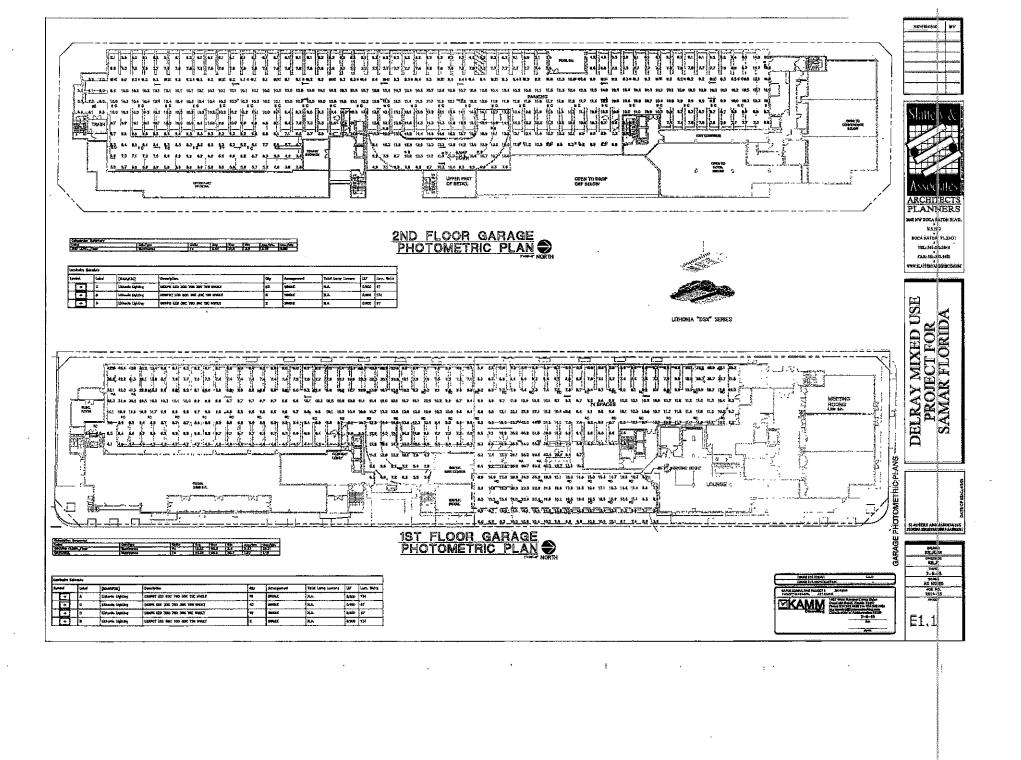
DELRAY MIXED USE
PROJECT FOR
SAMAR FLORIDA
DELRAY BEACH, FLORIDA

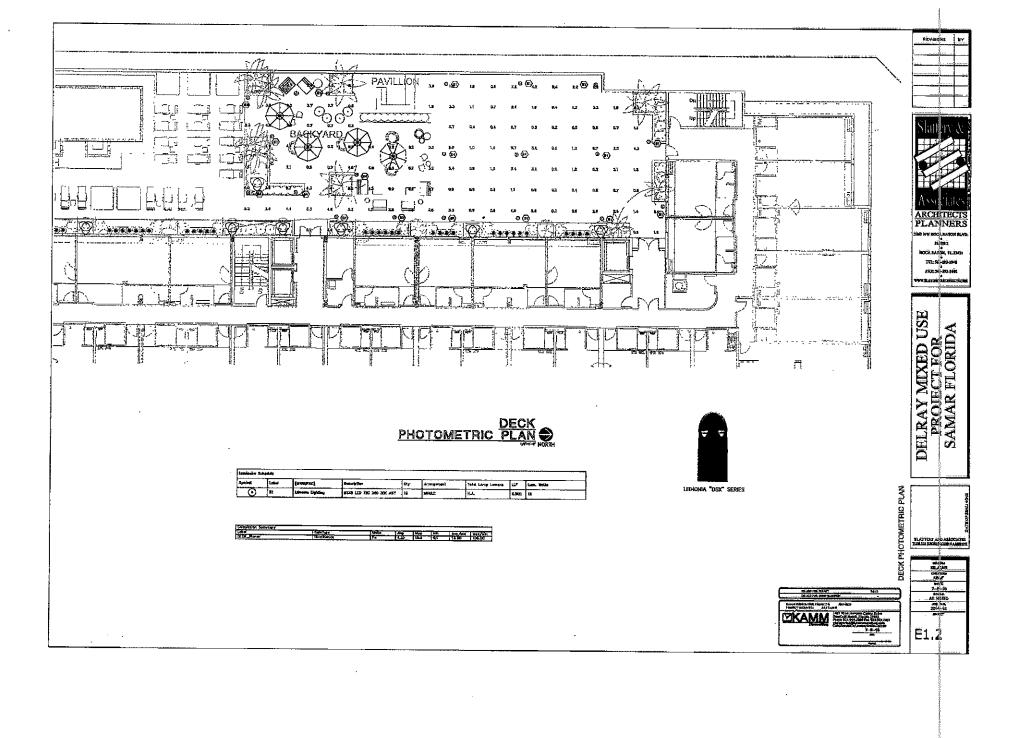
PILIT OF BUILD AND A STATE OF THE STATE OF T

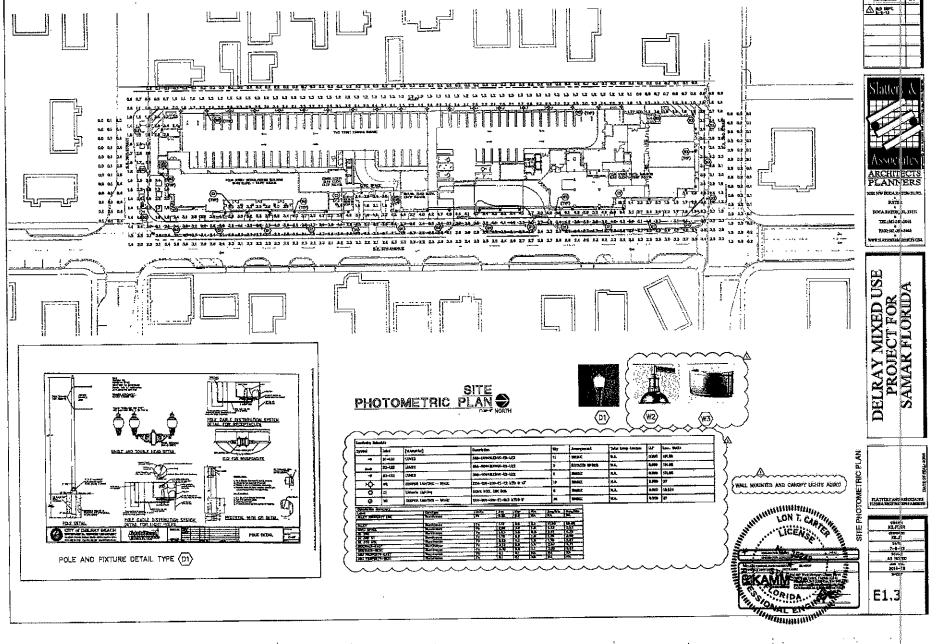
TYPICAL CONDOMINIUM UNIT FLOOR PLANS

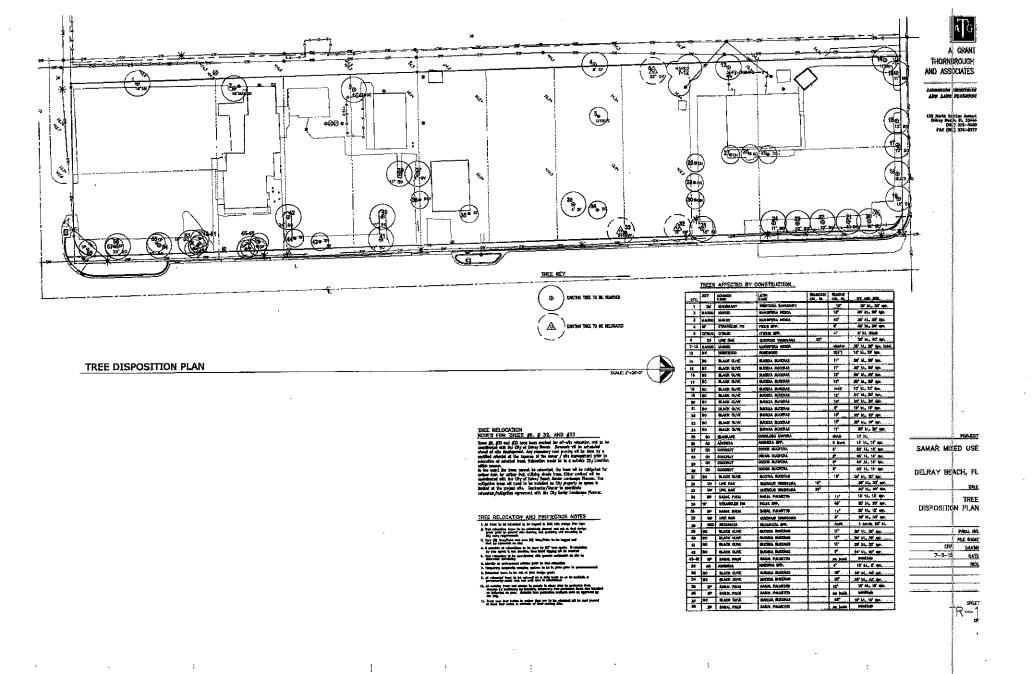
SCALE: DIST = 1'-0'

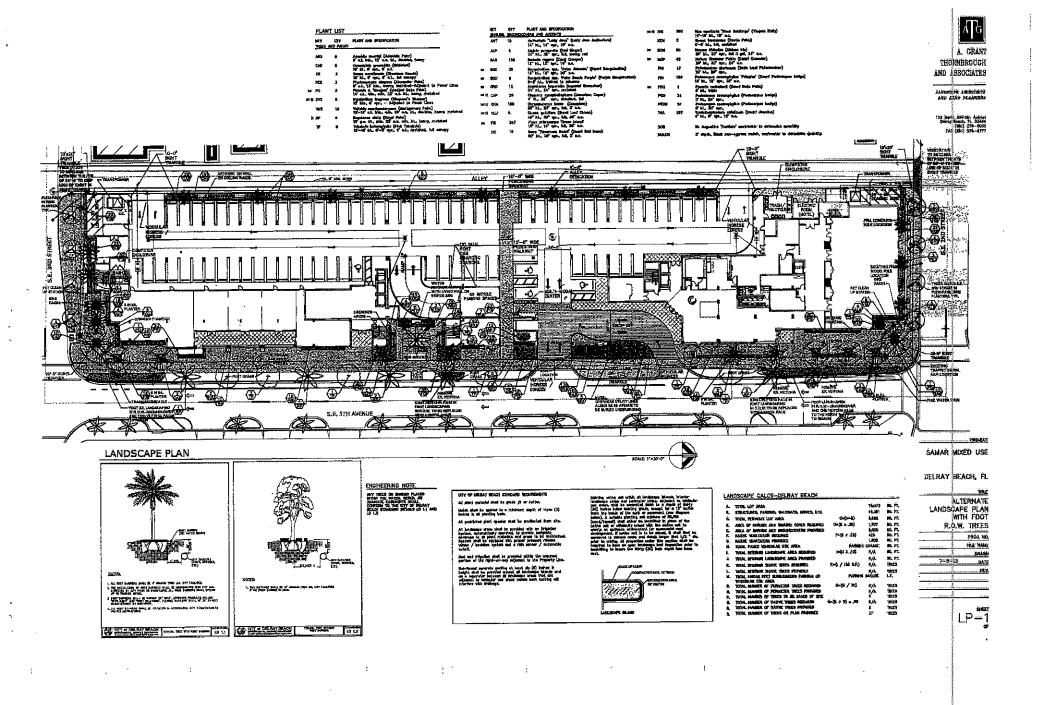
3BR/3BA 1,637 S.F. (1 UNIT)











1. GENERAL CONOTROPS

B. DRAWNES

The dension and plot lists together with three written executations and is precisioned as an incompany of contract described and the latest a

C RECOGNISHED OF SECURITIES AND ADDRESS.

Perform und la activación y lide di aglicitàs coste, person que especialmen engine i y substituce losses, person que especialmen engine i y substituce losses presente a como un selección de la como production de la constitución de la como substitución de la como substitución de la como substitución de la como substitución de la como como la como production del como production del como production del como production del como production de la como del como production del como del como production del como del como production del como del como

The favour removes the right to make changes to the myst and the control of the depth of the control of the control of the laws at the depth of myster. All always days is within the control of the control of the depth of the control.
 The facilitation that and highly may must on extract a hour time the control of the control forth or mixture approach as your ton employ the control forth or within empirical whose the control of the control of the control of the world days after to need within approach may us may use has paid for, it if it describes of the December of the control of the paid for, it is discussion of the December of the control of the paid for, it is discussed in the control of the control of

F. ONFOYS MORE TO SO YORK

The Owner remarks the right, upon two (2) days within profession to the Contractor to purpose any regularited provident at the contract, and to distant two total of the west or deficiencies from the contract popularity.

O. SURFACE AND SURSURFACE CRISTRUCTIONS

It is the chalmed or to consider the compact the hand with the collection and installs of all actions are assured to be such as the contract of the contract of the contract of the contract of the contract shall be read as and at the Contract of the contract shall be read as and at the Contract of the

Should the Contention of any time fell, refuse, or neglect to comply with the provisions of this content, the Confer of the regulation that the fell of the representation that wheat problem to any other begins or remains and other heaving store, any following the conference of the provision of the provision. It is not content to the Contention, territorial or the analysis and total processing at the privates. The exact of completion will be designed from the smooth of the completion will be designed from the smooth of the completion of

Coordings and supported with other contractors in model the work to precede on rapidly and efficiently as possible.

Contractor shall wait the site and impact all a conditions on they state piet to submitting but the say they state the submitting but the say this piet is submitted accounted to be properly as come of local properly to the say that or of the provisions inside which the says is a secondariant to the says is a secondariant.

I, FLAHYING SPECKYCATIONS

A. PLÁNT NATERIALS

1. Pentil shall be nursary grant in accordance with speed to be fund for speed to the fundament of the control of the state of the speed to the fundament of the speed to the

IL JAIDIEVATIONS OR PLANT (35T

BAS — Bailed and budgared. Florin shall be skep with a firm reduced bell of surfax all adjusted takes to encourage the Broats and Ingeles to consent for processing \$1 to plant. Broken or leave both off part he complish. 0. — the (1) plants metabour.

 the (1) pellor metalature, which has collected and of the collected and AL.

D.A. HT. - Compil halpful from ground level to rejected of exernal masses a gravite.

P.P.S. Plants per set.

PATE.— Premise per para Decisioner since may only a galate. Continuous is represented for size and quentify of pinnt project on quadries, the contributor receiving shall for projections. Where half project of project contributor receivants with that his accomplical relations contributor receivance sections of contributor sections.

e against non aust

The county new section of growth ships is recruite for this goods and seed to the few from projects derived, sheets or peak, as the county of the county of

by establishing shall be accorded without his written comment of the lamineupse durities, Copyr or hast personantiative. Proof society to established the lamin, to establish to the type or with appealment, the Lamineupse Architect or Copyr and districts to the lamineup appearant experience in appearant or comments and districts to the comment experience in appearant experience.

C. ROMENTATION OF STRONG .

Read Application of the physician from peptide 9 keys we have been all prints and as federate descriptly considered to the physician of the period of the pe

E. BEREICHON

Pholicy and shall graphs of bottle Static and of a service product of the static alternative of the static alternative of the static alternative of the static control of the st

IL WELLE

inith this is paramet (as per initiation); how-represe states, trained observing specifiely our stand per two of rocks, train ands, although and although superints. It that he appears is a subject superints if it that he appears is a subject through the although the subject to the subject of the subject o

Construction Continues and Construction Continues and Construction Continues and Construction Construction Continues and Construction Construction Continues and Construction Continues and Construction Continues and Construction Continues and Construction Construction Continues and Continues and Construction Continues and Construction Continues and Construction Continues and Construction Continues and Continues and Construction Continues and Construction Continues and Contin



Facilities about he accessed before to the models and of the observe procuremental crown, under to therefore specified an extend for, they shall be depirition, 20—10—16 between 20 person backets. Therefore all principles are called by the principles of the control of the control of the control of the place of the control of the place of the control of the place of the control of

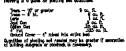
(C. SEED (MICH APPLICABLE)

The state of the s

L. SEED (WHERE APPLICABLE)

In an interest of prints and legant of the least any independs on the clother. First, localizing only it has statuted in the field by the Confirmative, Landschoops Architect in Content with speak printing and content and the content of the conten

B. EXCAVATION FOR PLANTING



As these and stroke are by by phoping shouth on four (4) height of pincips, and cost confirmed in the benefits between or it is given by pincips, and cost confirmed in the benefits between or or it is given the first the stroke of the benefit of the stroke of the benefit of the stroke of the benefit of the stroke of the st

D. PRIMING

C. STATING AND GUIDNO

Common new mariner where specified, it an option to be used by the Common of the specified or the specified of the specified or relative to the specified or report to the specified or report to the specified of the specified or report to the specified of the specified or report to the specified or report to the specified or report to the specified or relative to

F. MULCIPIC

vide finale :

" substitution actuarding 2' substitution of plants, in configurations shown a state of control control of control control of control control of control contro

Fried quadra for all you erases after pattlement what he
if you have top of an income contain makes, wells, and
income and
income and in ground cover heat after matching
and and the ground cover heat price of an only influence
and another media in it is more faith, price of a cont, refinement
to the ground with the price of a cont, refinement
to the ground with the process an only influence
and media when the process are not an influence
that me and the price of the price of an influence
that me and the price of the price of the price of the price
and the price of the price of the price of the price of the price
and the price of the price of the price of the price of the price
and the price of the

IL ILEASP

All screen shall be both close and training as the root programme, then comprison to finding, all scores distinction positions on the state of the scores of the state of the state of the desire shall be removed from the state of the state of the state by the Landscope Architect or Conser, all large one reboses shall be removed from trees on sharper.

L MARITERANCE

A mechanism period shall heary requestions of the mass similar to be about an extension of the mass of the mass of the period of the mass of the mass

IV. THIS, INSPECTION AND ADDRIVANCE

3. Imperior of part to detembe completter of content, but sensoring the regionality of print profession states of the content of the regionality of print profession states and chart of the contents of the states of the states of the content of the Contents of the contents of the states of the transition of the contents of the print profession of the sensoring of the plantage of the contents of the States of the plantage contents and part to States of the plantage contents and the plantage contents and part to States of the plantage contents and the plantage co

W. ADDERDA

AS addends apply to excitate) specified in the contract documents and therefore are to be combined a part of the tentract.

CONTRACTOR TO CHECK DRAWNOS AND BAYA

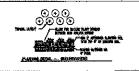
CHIPSCHIN TO CHECK CHARGES AND SAMA

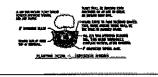
The Controlled work of the dissource, conceiling, heatings, products and darked plane on the thereton, assessmently Combination of the controlled on the co

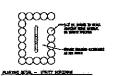












THERNBROUCH

AND ASSOCIATES

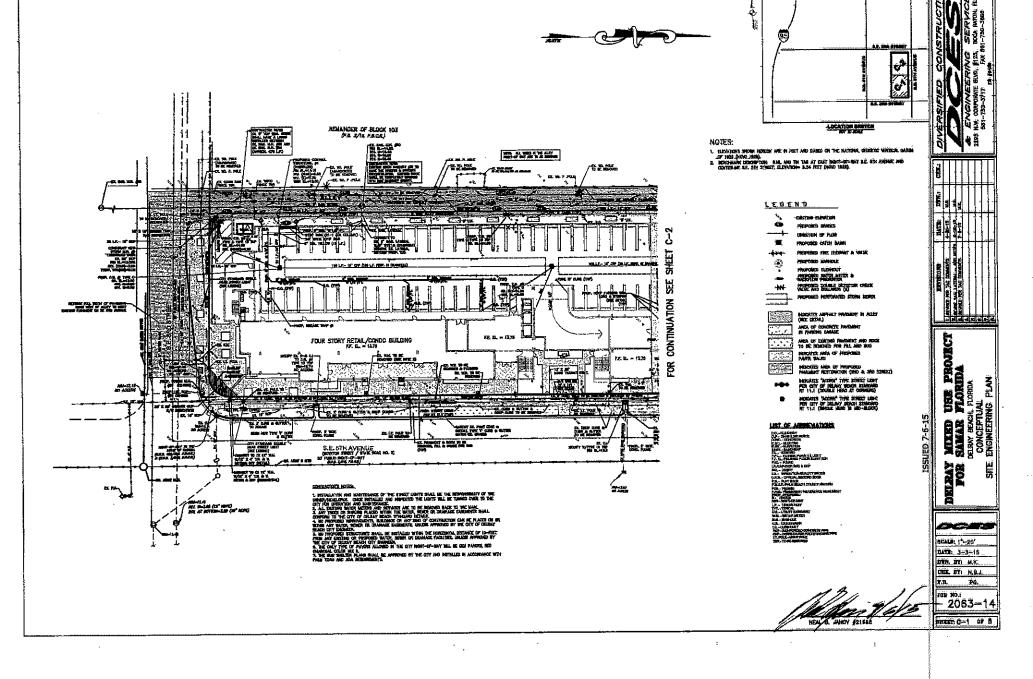
CAMBOLINE CHANGE

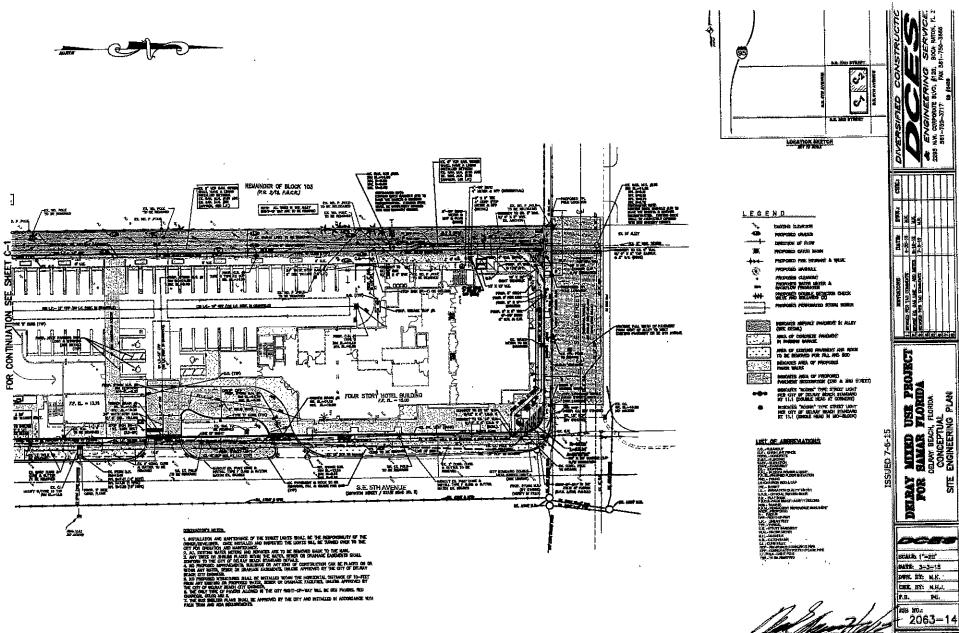
132 Holle Apriles Arrows Debug Brook, Ft. 32444 (981) 376-2060 Fat (981) 276-4777

SAMAR MIXED USE DELRAY BEACH, FL LANDSCAPE SPEČIFICATIONS PROL NO. ... FILE HAME DRAW 7-6-13 DATE REY,

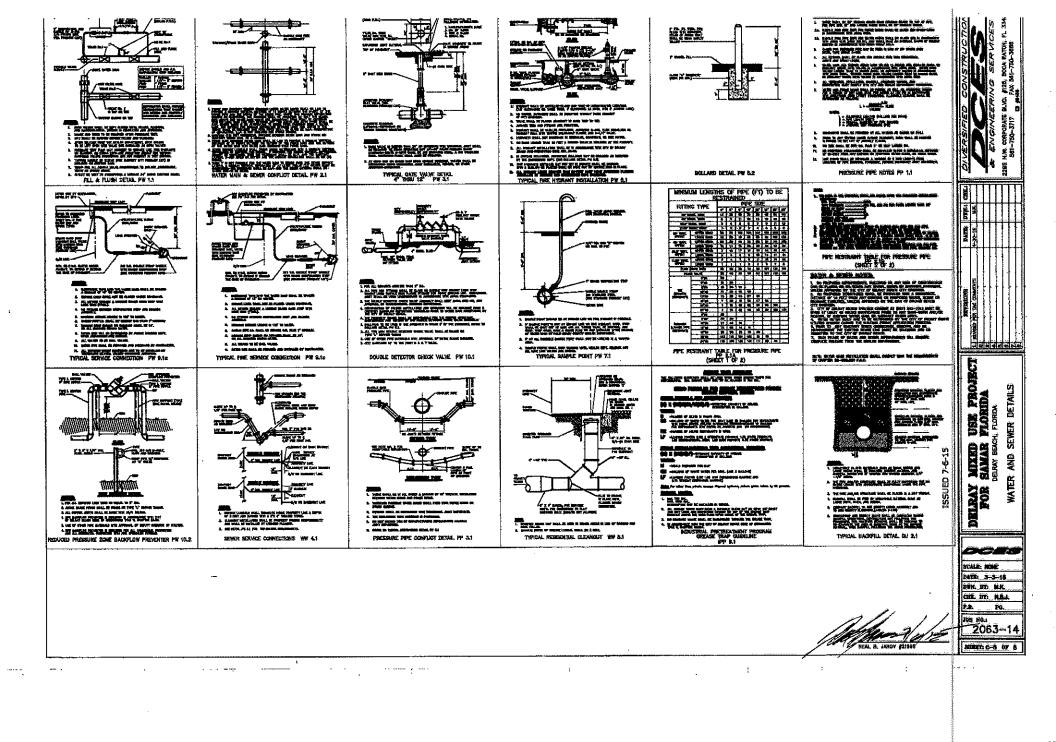
- PROJECT

LP-3





SIEST: C-2 07 5



proprietaristically control of the c

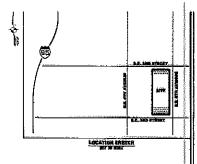
y internativa especial contrargue operational contrargue and a contrargue

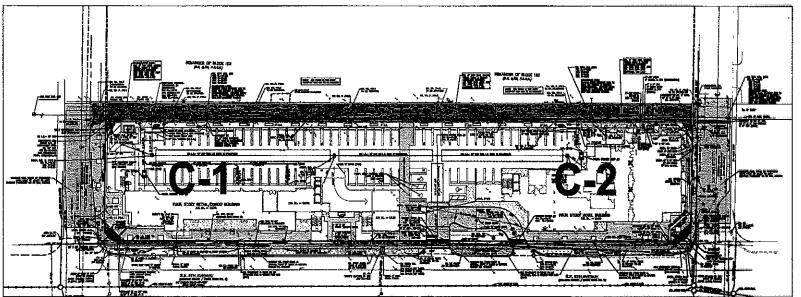
LAND DESCRIPTION:

late 1, 2, 3, 4, 8 and 5, Stock 103, RESELECTS TOSSESTANDED OF BLOOM 103, concerting to the Part Partner, masses the 5 Perf Bank 2, Payer 18 at 10 Payer Research of Payer Bank 1, Payer 18 at 10 Payer Research of Payer Bank 1, 3, 4, 8 and 6 Amyloged to the State of Payer for Research Payer 19 at 10 Payer 19 P

Late 7, 8, 9 and 10, been the sent it heat of mely late 1; and 12, been the perties of Let 11 conveyed by the Star (Facility Rev 12, 12, 12). The PRINCIPLES FOR "SHIPMINGS OF A STAR (FACILITY STAR "SHIPMINGS OF SHIPMINGS OF A STAR (FACILITY STAR "SHIPMINGS OF SHIPMINGS OF A STAR (FACILITY STAR "SHIPMINGS OF SHIPMINGS OF SHIPMING

Sold lands (play in the Sity of Policy bount, Policy Bount County, Florido and combaining 77,025 square feet (1,76 square or line.



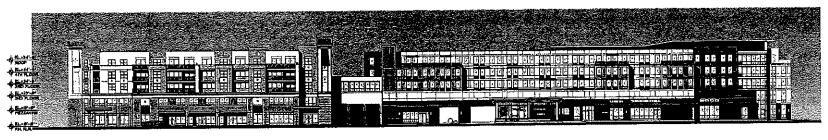


RIRAY MIXED USE PRO FOR SAVAR PLOKIDA CONSESTIME

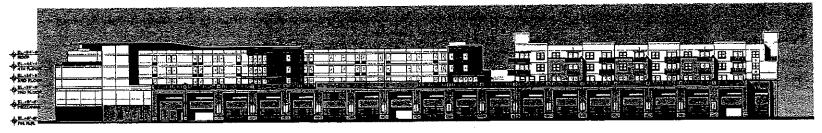
SCALE: 1°=50'
DATE: 3-3-15
DWN: BV: M.K.
GRE: RE: N.B.4.
F.B. PG.

2063-14

HERET K=1 OF 1



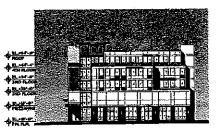
EAST ELEVATION (SE 5TH AVE)



WEST ELEVATION (ALLEY)



SOUTH ELEVATION (SE 3RD STREET)



NORTH ELEVATION (SE 2ND STREET)

signatural services and services are services and services are services are services and services are services are services and services are service



DELRAY MIXED USE PROJECT FOR SAMAR FLORIDA DELAW HEACH, FLORIDA

ALATTERY A TO ARREST AREAS

EECATIONS

CONTRACTOR

CONTRACTOR

CONTRACTOR

AS INC.

CONTRACTOR

AS INC.

CONTRACTOR

AS INC.

CONTRACTOR

AS INC.

AS INC.

CONTRACTOR

AS INC.

AS INC.