



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

314 NE 3<sup>rd</sup> Avenue

Meeting	File No.	Application Type
October 21, 2024	2024-081-SPF-SPR-LV4	Level 4 Site Plan with CBD Waiver
Applicant/Property Owner		Authorized Agent
Ocean Parker Delray, LLC		Jeffrey A. Costello, AICP, FRA-RA

**Request**  
 Provide a recommendation to the City Commission on a Level 4 Site Plan, including a Landscape Plan, Architectural Elevations, and a Landscape Waiver, to construct a mixed-use development with an office on the ground story and a residential unit on the second story located on 314 NE 3<sup>rd</sup> Avenue.

### Site Data & Information

**Location:** 314 NE 3<sup>rd</sup> Avenue

**PCN:** 12-43-46-16-01-081-0170

**Property Size:** 0.15 Acres

**Land Use Designation:** Commercial Core (CC)

**Zoning District:** Central Business District (CBD), Railroad Corridor Sub-district

**Adjacent Zoning:**

- **North, South & East:** CBD, Railroad Corridor Sub-district
- **West:** CBD, Central Core Sub-district

**Existing Use:** Vacant

**Proposed Use:** mixed-use building with an office on the ground floor and a residential unit on the second floor.

**Floor Area Ratio:**

- **Existing:** 0.41
- **Proposed:** 1.07
- **Maximum Allowed:** 3.0

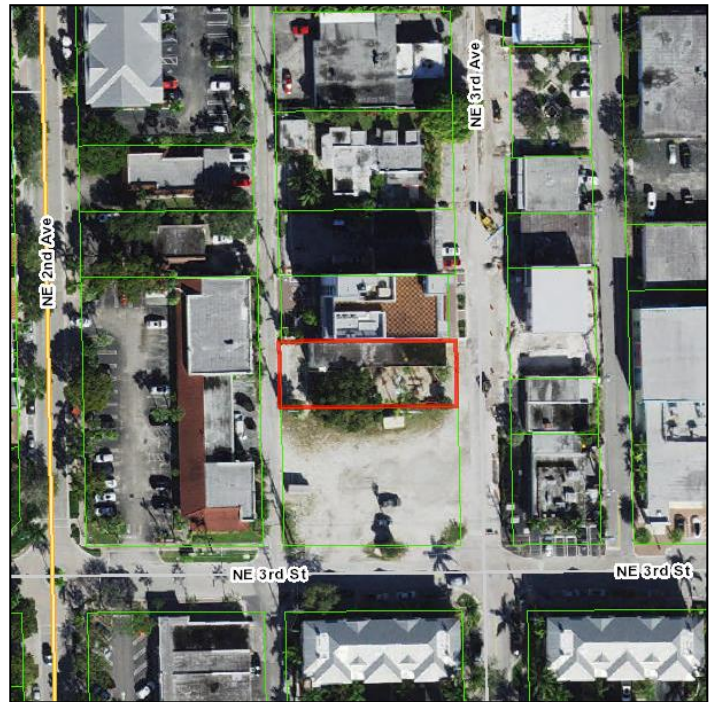
**Density:**

- **Existing:** 7 du/ac (1 unit)
- **Proposed:** 7 du/ac (1 unit)
- **Maximum Allowed:** 30 du/ac (4 units)

**CBD Railroad Corridor Sub-district**

- **NE 3<sup>rd</sup> Avenue:** Secondary Street

**Neighborhood Plan:** Pineapple Grove Main Street



## Background

The site was originally developed in 1954 and features a warehouse on the ground floor and one residential unit on the second floor, with a garage accessible via the alley. The warehouse (the yellow building in the images below) reflects the simple masonry vernacular style commonly built in the 1950s, has been occupied with an art studio for a number of years. In August 2023, the property received a permit approval to demolish the existing building. The property fronts NE 3<sup>rd</sup> Avenue, which has recently undergone streetscape improvements as part of a City-funded public improvement project. Additionally, the property has dedicated five feet of right-of-way to NE 3<sup>rd</sup> Avenue and two feet to the rear alley.



Front (East) Elevation

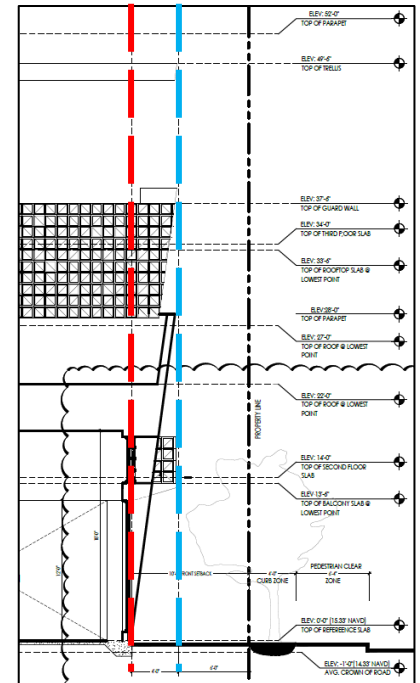


Rear (West) Elevation

A Level 4 Site Plan application has been submitted to construct a mixed-use development with an office on the ground floor and a residential unit on the second floor. As part of the development application, the applicant has requested a waiver from the front setback requirement of the CBD development regulations. The request is to reduce the front setback from a minimum of 10 feet (shown as the red dashed line) to six feet (shown as the blue dashed line). While the ground floor level would comply with the required 10-foot setback, the overall building mass angles out towards the streetscape, with the second floor and the overhang above the rooftop would encroach four feet into the setback.

Additionally, the applicant has requested to utilize the Miami Modern (MiMo) architectural style within the CBD, which is not one of the seven architectural styles outlined in the Delray Beach CBD Architectural Design Guidelines. Both the waiver request and the architectural style require City Commission action with the Planning and Zoning Board (PZB) recommendation prior to the site plan consideration.

On August 12, 2024, the PZB reviewed both requests and recommended approval with a unanimous 6-0 vote for each request. Overall, the PZB found the MiMo style appropriate for this particular site in Delray Beach, noting that it softens the stark Masonry Modern style of the adjacent buildings. While acknowledging that the MiMo style may not be universally appropriate everywhere within the CBD, the PZB determined that it complements the predominately modern development portrayed along SE 3rd Avenue.



On September 16, 2024, City Commission reviewed and approved both the front setback waiver (Resolution No. 144-24) and the architectural style (Resolution No. 145-24). The City Commission concurred with the PZB findings, emphasizing that the site is located within the Pineapple Grove Main Street, which is identified in the Downtown Master Plan as a unique, arts-oriented section of the downtown. The MiMo style was considered appropriate for this diverse and artistic area.



## Description of Proposal

The development proposal includes two-story mixed-use building featuring an office on the ground floor and a residential unit on the second floor, accessible from the rear staircase and elevator. The 3-bedroom residential unit also has access to a private rooftop terrace and a private two-car garage accessible from the rear alley. The development also provides an ADA parking space and golf cart parking space, both accessible from the rear alley.

The request includes a landscape waiver request to **LDR Section 4.6.16(H)(3)(d)**, seeking relief from the required five-foot landscape barrier between the lot line and the vehicular use area at the rear of the property. The request is to reduce the five-foot landscape barrier to 2 feet and 4 inches on both the north and south sides of the vehicular use area.



The final consideration of the Site Plan will be made by the City Commission, subsequent to a recommendation by the Planning and Zoning Board.

## Review and Analysis: Site Plan

### **LDR Section 2.4.10(A)(1)(d), Level 4.**

*Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:*

1. Increase of height or density as part of a City workforce housing or incentive program.
2. Utilization of the Central Business District (CBD) Incentive Program.
3. Approval of Conditional Use.
4. Granting of an In-lieu of Parking Fee request.
5. Approval of Waiver(s) not otherwise authorized to other approving bodies.

### **LDR Section 2.1.5 (E)(5) Board Recommendations.**

*The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):*

- (j) *Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.*
- (k) *Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.*

The proposal included relief to a CBD regulation, the front setback, which requires review by City Commission; therefore, the project was deemed a Level 4 Site Plan application.

### **LDR Section 2.4.10(A)(3), Findings.**

*All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.*

- (b) *Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.*

### **LDR 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:

**(A) Land Use Map** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject property has a Land Use Map designation of Commercial Core (CC), and a zoning designation of Central Business District (CBD). Pursuant to Table NDC-1 of the Always Delray Comprehensive Plan, the CBD is a preferred zoning district to implement the CC land use designation. Additionally, per LDR Table 4.4.13(A), a mixed-use development incorporating both office and residential uses is permitted within CBD Central Core Sub-district. Therefore, the proposed use of land is compatible with the underlying land use. Furthermore, the applicant is proposing a density of 7 dwelling units per acre (one unit), which is well below the maximum allowable density of 30 dwelling units per acre (4 units) in the CBD Central Core Sub-district.

**(B) Concurrency** *as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Water and Sewer: The development will connect to the existing water and sewer infrastructure network via service lateral connections to the existing water and sewer mains located along the NE 3<sup>rd</sup> Avenue.

Drainage: On-site drainage will be managed through landscape barriers along the north and south lot lines, directing runoff toward the rear of the property. Roof drains will be collected and piped underground into the proposed drainage system. All stormwater runoffs will be collected and contained within the subject property through a utility drainage system as approved by the discretion of the City Engineer and Utility Plans Reviewer.

Transportation: The submitted Traffic Statement indicates the proposed development will generate an anticipated 38 daily. The applicant has provided a Traffic Performance Standards (TPS) letter confirming the project meets Palm Beach County's requirements for traffic performance standards.

Parks and Open Space: Park impact fees shall be \$500 per dwelling unit regardless of the size or occupancy of the unit. Therefore, with a total of one dwelling unit, the proposal requires a fee of \$500 to be paid prior to the issuance of a building permit.

Solid Waste: The proposed development is estimated to generate 10.72 tons of solid waste. The Solid Waste Authority has confirmed that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: The applicant has provided an email from the Palm Beach School District verifying that a legal lot of record is entitled to have one unit without the requirement of the SCAD review and letter. Any fees due will be at the discretion of the School Board.

**(C) Consistency** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

The applicable subsections of Article 3.2, Performance Standards, are LDR Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and LDR Section 3.2.3, which provides standards for site plan actions. The Standards strive to ensure new development will not have a negative impact on the surrounding area, provide any requisite amenities to enhance the quality of life for its residents when residential units are provided, provide appropriate mobility connections and open space and recreational improvements, and comply with the maximum intensity and density allowed for the land use designation and zoning district. The proposed development generally meets the applicable standards as there are no significant concerns related to the overall consistency with Article 3.2.

### **Comprehensive Plan**

A review of the objectives and policies of the adopted Always Delray Comprehensive Plan was conducted, and the following applicable objectives or policies were noted:

**Neighborhoods, Districts, and Corridors Element**

Policy NDC 1.3.5 Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.

Policy NDC 1.3.6 Allow a maximum floor area ratio of 3.0 and a maximum density of 12 dwelling units per acre east of the Intracoastal Waterway, and a standard density of 12-30 dwelling units per acre with a revitalization/incentive density of 30-100 dwelling units per acre for the Commercial Core land use designation; specific standards in the Land Development Regulations adjust density and intensity based on compatibility, scale, character, adopted Redevelopment or Neighborhood Master Plans, or workforce housing incentives.

Policy NDC 1.3.7 Implement the Commercial Core land use designation using form-based code to provide for adaptive-reuse, development, and redevelopment that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown.

Policy NDC 2.2.7 Within the Commercial Core, locate and design off-street parking areas in a manner that does not detract from the character by providing standards in the Land Development Regulations, such as locating parking to the side or rear of buildings, limiting size of lots, and landscaping and façade requirements. Large fields of parking between building facades and streets are generally not desirable.

Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, particularly those within the Neighborhoods, Districts, and Corridors Element. The proposal supports the economic growth and cultural preservation goals of Policy NDC 1.3.5 while maintaining the appropriate density and FAR in line with Policy NDC 1.3.6. The design aligns with Policy NDC 1.3.7 by promoting a balanced mix of uses and preserving the moderate scale of the downtown. The parking is appropriately located at the rear, consistent with Policy NDC 2.2.7, and the active streetscape along NE 3<sup>rd</sup> Avenue encourages pedestrian engagement.

**(D) Compliance with the LDRs** Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.

Standard/Regulation: Railroad Corridor Sub-district	Review	
<b>Building Height</b> Table 4.4.13(B)	<b>Maximum:</b> 4 stories and 54 feet <b>Proposed:</b> 2 stories and 33 feet and 6 inches (measured to finished roof) 52 feet, height including parapet for elevator overrun/stairway to rooftop terrace	
<b>Ground Story Height, Residential Buildings:</b> 4.4.13(D)(1)(a)5.	<b>Required:</b> 10 feet min., floor to ceiling <b>Proposed:</b> 12 feet, floor to ceiling	
<b>Stories above Ground Story:</b> 4.4.13(D)(1)(a)7.	<b>Required:</b> 9 feet min., floor to ceiling <b>Proposed:</b> 18 feet, floor to ceiling	
<b>Elevator Overruns and Stairways:</b> 4.4.13(D)(1)(a)12.	<b>Required:</b> 10 feet max. above max overall building height, not more than 60 feet <b>Proposed:</b> 52 feet	
<b>Setback</b> Table 4.4.13(C)	<b>Required:</b> <b>Front:</b> 10 feet min/15 feet max <b>Side Interior:</b> 0 or 5 feet <b>Rear:</b> 10 feet	<b>Proposed:</b> <b>Front:</b> 6 feet* <b>Side Interior:</b> 0 feet <b>Rear:</b> 20 feet and 3.25 inches *Front Setback Waiver: Overall structure angles 4 feet into setback
<b>Density</b> Table 4.4.13(C)	<b>Maximum:</b> 30 du/ac (4 units)	<b>Proposed:</b> 7 du/ac (1 unit)

<b>Streetscape Standards</b> 4.4.13(E)(2)	The project complies with the minimum requirements of the CBD streetscape standards.	
<b>Minimum Streetscape Width</b>	<b>Required:</b> 15 feet <b>Curb Zone:</b> 4 feet (min.) <b>Ped. Clear Zone:</b> 6 feet (min.) <b>Front Setback Area:</b> 5 feet (min)	<b>Provided:</b> 22 feet and 7 inches to 24 feet (total) <b>Curb Zone:</b> 4 feet <b>Ped. Clear Zone:</b> 6 feet and 4 inches <b>Front Setback Area:</b> 10 feet
<b>Remaining Front Setback Area</b> 4.4.13(E)(2)(a)3.	<p><b>Required:</b> Hardscape or Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.</p> <p><b>Proposed:</b> The remaining front setback area contains ground planting, planters and hardscape that leads to the lobby entry. The proposed planters are not anticipated to obstruct the storefront windows.</p>	
<b>Frontage Type</b> 4.4.13(E)(4)	<p><b>Required:</b> <i>The lobby entry is a frontage type that emphasizes the main entrance to the reception area of a building with a significant architectural feature. The lobby entry type provides an integral architectural element that provides a sheltered area to congregate in front of the main entrance to a commercial, mixed-use, multi-family, or civic building. The entry may be at sidewalk level or elevated.</i></p> <p><b>Proposed:</b> The proposed lobby entry meets all frontage regulations; the lobby entry is setback approximately ten feet from the property line. The lobby entry is paired with a storefront frontage type. The storefront windows have a two-foot base, an overall glazing height of 12 feet and extends along 80.2 percent of the width of the storefront facade.</p>	
<b>Architectural Elevations</b> 4.4.13(F)	A review of the CBD architectural requirements is provided under the <b>Architectural Elevations</b> section of the report.	
<b>Civic Open Space</b> LDR Section 4.4.13(G)	Not required, based on size of parcel.	

**Other Requirements**

<b>Standard/Regulation</b>	<b>Review</b>
<b>Lighting (Photometric Plan)</b> 4.6.8(A)(3), Illumination Standards: Table 2	The proposed lighting complies with the minimum and maximum illumination requirements for off-street parking illumination, lighting at the building entrance, and lighting at the property line adjacent a parcel or public right-of-way.
<b>Off-Street Parking</b> 4.4.13	<p><b>Required:</b>                      3-Bed Units: 1.75 parking space/2BR or more unit = 1.75 parking spaces                      Guest: 0.50 parking space/unit = 0.50 parking spaces                      No parking required for office pursuant to LDR Section 4.4.13(1)(2)(d)                      Total: 2 parking spaces</p> <p><b>Proposed:</b>                      3 parking spaces; 2 parking garage spaces, 1 handicap parking space</p>
<b>Bicycle Parking</b> Table 4.6.9(C)-1	<p><b>Required:</b>                      1 space/5,000sqft = 1 Type I bicycle parking space</p> <p><b>Proposed:</b>                      2 Type I bicycle parking spaces are provided</p>



The proposed site plan generally meets all applicable requirements of the Land Development Regulations, other than the specifically identified waivers. The site is configured with a lobby entrance for the ground floor office facing NE 3<sup>rd</sup> Avenue and the second-floor residential unit is accessible from the rear alley. The parking spaces for the residential unit are located in the rear as a private garage and the ground floor office is not required to provide parking. This configuration helps alleviate the negative visual impact that results from an abundance of visible off-street parking placed between the buildings and public realm. The site configuration proposes a well-landscaped streetscape along NE 3<sup>rd</sup> Avenue and the proposed streetscape aligns with the recent streetscape improvements from the City funded public improvement project.

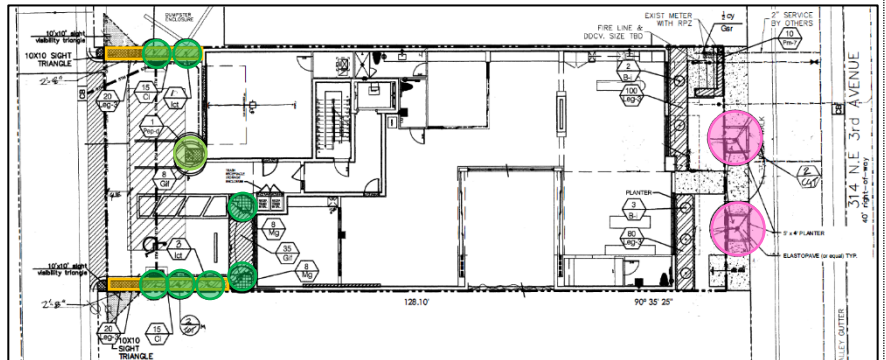
Further review of the project for compliance with the LDR is provided as part of the Landscape Plan and Architectural Elevations review.

## Review and Analysis: Landscape Plan

### LDR Section 2.4.10(A)(3)(c), Findings

*Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.*

A technical review of the site plan has been performed and a determination has been made that the project substantially complies with all applicable landscape regulations. The proposal includes the removal of one seagrape tree and three palms; the removed trees meet the mitigation standards pursuant to LDR Section 4.6.19, replacing with a tree for tree basis.



The proposal includes two Bridal Veil trees (pink) to fulfill the required street tree planting along NE 3<sup>rd</sup> Avenue; all of the street trees will be included in the required landscape maintenance agreement. The design includes a mix of Dahoon Holly (dark green) and a double Alexander Palm (light green) in the rear for the required landscape barrier and foundation planting, as well as additional foundation planting fronting the lobby entrance.

The project also includes waiver request from **LDR Section 4.6.16(H)(3)(d)**, seeking relief from the required five-foot landscape barrier between the lot line and the vehicular use area in the rear, shown in yellow.

## Waiver Analysis

Waiver request is subject to the following findings.

### LDR Section 2.4.11(B)(5), Waiver: Findings

*Prior to granting a waiver, the granting body shall make findings that granting of a waiver:*

- Shall not adversely affect the neighboring area;*
- Shall not significantly diminish the provision of public facilities;*
- Shall not create an unsafe situation; and*
- 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.*
- Within the CBD, the following additional findings apply:*
  - The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*
  - The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
  - The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.*
  - The waiver shall not reduce the quality of civic open spaces provided under this code.*

**LDR Section 4.6.16(H)(3)(d), Landscape Barrier**, *A landscaped barrier shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape barrier may be two feet at the time of planting and achieve and be maintained at not less than three nor greater than six feet in height to form a continuous screen between the off-street parking area or vehicular use area and such abutting property. This landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five feet in width that is free of any vehicular encroachment, including car overhang...*

The applicant is requesting a reduction of the required landscape barrier from five feet to 2 feet and 4 inches along both the north and south barrier. The landscape barriers are located between the north and south property lines and the off-street parking located at the rear of the property. Due to the lot width of 50 feet and to comply with the parking width requirement, a reduction in the landscape barrier width is necessary.

The rear of the property will include perimeter landscaping, an ADA accessible parking space, a driveway for the two-car garage and two golf cart parking spaces with adequate drainage on the proposed paved area. It is noted that the landscape barriers will be planted with Dahoon Holly trees and Green Island Ficus and Cocoplum as underplanting. As there is an existing overhead utility lines along the east side of the alley within the 5-foot General Utility Easement (GUE), the proposed trees are placed further east on the barrier to avoid potential conflicts with the utility lines.

While the request involves a reduction in the landscape buffer, it is positioned at the rear of the property adjacent to the service alley, which may reduce its impact on the overall streetscape. The Board will need to consider whether the waiver will adversely

affect the surrounding area or pedestrian experience, and whether the proposed landscaping provides sufficient mitigation for the reduced buffer

## Review and Analysis: Architectural Elevations

### **LDR Section 2.4.10(A)(3)(d), Findings**

*Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.*

### **LDR Section 4.6.18, Architectural Elevations and Aesthetics**

#### **(A) Minimum Requirements**

- 1. The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
- 2. It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.*

The proposed architectural style is Miami Modern (MiMo), which is not one of the permitted architectural styles for the CBD; however, pursuant to **LDR Section 4.4.13(F)(3)(c), Other Architectural Styles**, elevations introducing a new style not outlined in the *CBD Architectural Design Guidelines*, such as the MiMo style, require approval by the City Commission, with a recommendation from the PZB. On August 12, 2024, the PZB recommended approval by a 6-0 vote, and on September 16, 2024, the City Commission approved the use of the MiMo architectural style (Resolution No. 145-23).

To thoroughly analyze and ensure proper integration of this architectural style into the context of City of Delray Beach, staff utilized extensive resources. Key among these are the Post War Modern/MiMo architectural design guidelines established by the City of Miami Beach, the Miami Design Preservation League, and the MiMo Biscayne Association. These guidelines emphasized characteristics and featured elements including the following: a mix of two or more textured surfaces; a color palette of light or pastel tones; dramatic elements such as accordion-like folded planes, acute/subtle angles, delta wing shapes, curved walls, brise-soleils, and soaring pylons; decorative panels with geometric patterns; open staircases with decorative railings; and predominantly horizontal structures accent with strong vertical features.



**(B) Building and structure requirements.**

The minimum aesthetic standards of this Section have generally been met by the proposed architectural design. The overall design is successful in incorporating many of the MiMo elements. The extensive use of custom-designed metal surfaces on the walls is an innovative choice that aligns with MiMo's embrace of new materials and technologies, and though the use of these metal surfaces on the front elevation is unconventional in Delray, it is a good fit within the MiMo style, especially, in combination with the angled walls. The flat roof with a cantilevered roof design is consistent with the MiMo style, and the decorative opening to the sky adds visual impact to the design both through the pattern created and the light filtered onto the project, aligning with MiMo's artistic flair. The design includes expansive glass walls and windows that connect the interior with the exterior, promoting natural light and views, which are essential aspects of MiMo. This is evident in the front elevation and in the interior courts. Although the interior courtyard is not visible from the outside, the design feature allows for additional daylight to reach into this narrow, zero-side setback development.

The exterior finishes incorporate a mix of materials; the metal surfaces are well balanced with stucco, and the textured panels creates a facade that is both rich and vibrant. The mix of materials enhances the building's modernity and the playful, decorative spirit of MiMo architecture; however, the Board should consider the rear elevation, as it adheres more to the stark modernism and should be complemented with other materials as shown on the front façade.



**(E), Criteria for board action**

*The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation 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.*

In consideration of LDR Section 4.6.18(E), the overall design demonstrates proper design concepts and successfully aligns with the MiMo Architectural Style, blending well with the CBD's Masonry Modern and Art Deco styles. The adjacent structures to the north and east are considered Masonry Modern. The automated parking garage east of the property utilizes an alternative façade design and incorporates metal panels attached to the structure. Masonry Modern is a common style in this area and the proposed MiMo architectural style would continue the predominately modern development portrayed on NE 3<sup>rd</sup> Avenue.

The proposed development is generally in conformity with good taste and good design as it incorporates many elements of the MiMo architectural style. The project is not anticipated to materially depreciate the appearance and value of the surrounding neighborhood and is considered harmonious with the adjacent developments.



Property across NE 3<sup>rd</sup> Avenue



Adjacent property to the north

**LDR Section 4.4.13(F), Architectural Standards**, to ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.

Standard/Regulation	Review
<b>Façade Composition Tripartite Composition: Base Middle, Top</b> 4.4.13(F)(2)	The development meets the intent of the building composition requirements. For example, there is strategic use of treatment, materials, and setbacks that differentiate the base from the middle and the top.
<b>Appropriate Architectural Styles</b> 4.4.13(F)(3)	<b>Style:</b> Miami Modern with Lobby Entrance Frontage Type <b>Proposed:</b> The proposed MiMo architectural style is not one of the seven permitted styles outlined in the <i>CBD Architectural Design Guidelines</i> ; however, the style was reviewed and considered by City Commission and the project was granted approval to utilize the style. The design is consistent with the MiMo style, and the style was deemed appropriate for the area.
<b>Walls</b> 4.4.13(F)(4)	<b>Required:</b> Maximum two primary material's appropriate to architectural style <b>Provided:</b> Smooth stucco and a custom designed metal element with a dark marble as an accent element
<b>Openings</b> 4.4.13(F)(5)	Transparency requirement has been met. Primary entrances are easily identified.
<b>Roofs</b> 4.4.13(F)(6)	Flat roof and rooftop equipment are screened by a four-foot parapet and is consistent with the overall architectural language
<b>Parking Garages</b> 4.4.13(F)(8)	There are no parking garages proposed with the subject development.
<b>Reduction of Urban Heat Islands</b> 4.4.13(F)(9)	The project will use energy star roof-compliant, high reflective and high emissivity roofing and all pavers are to be light colored/high-albedo materials.
<b>Green Building Practices</b> 4.4.13(F)(10)	The regulations, at the time of application, required green building certification for developments containing more than 50,000 square feet. Since the application has been under review, Ordinance No. 30-22 has been adopted and requires that all new construction of 15,000 square feet or more (air-conditioned space) that submit for a building permit on or after November 1, 2023, must obtain a minimum level of certification from a green building certification entity. <u>The subject building contains approximately 5,999 square feet under air, green building certification is not required.</u>

### Review by Others

The **Downtown Development Authority (DDA)** reviewed the full Level 4 Site Plan request, at its meeting of July 10, 2024. The DDA Memo is attached and provides additional information.

The **Community Redevelopment Agency (CRA)** received the subject request in the July CRA Memo.

The **City Commission** will review the site plan at an upcoming meeting.

### Options for Board Action

- A. Move to recommend **approval** to the City Commission of the Level 4 Site Plan, including a Landscape Plan, Architectural Elevations, and a Landscape Waiver, to construct a mixed-use development with an office on the ground story and a residential unit on the second story located on **314 NE 3<sup>rd</sup> Avenue**, by finding that the request meets the criteria set forth in the Land Development Regulations.
- B. Move to recommend **denial** to the City Commission of the Level 4 Site Plan, including a Landscape Plan, Architectural Elevations, and a Landscape Waiver, to construct a mixed-use development with an office on the ground story and a residential unit on the second story located on **314 NE 3<sup>rd</sup> Avenue**, by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- C. Move to **continue** with direction.

### Technical Notes

Compliance is required prior to Site Plan Certification:

1. The property owner is required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of LDR Section 4.4.13.