



Planning Solutions

June 20, 2024

**314 NE 3rd Avenue
Level 4 Site Plan
Revised Narrative Letter**

This revised Narrative Letter associated with the Level 4 Site Plan application is respectfully submitted on behalf of Ocean Parker Delray, LLC for the property located at 314 NE 3rd Avenue (PCN: 12-43-46-16-01-081-0170).

BACKGROUND:

The 0.1551-acre (6,755 sf.) property is currently vacant. The property previously contained a two-story 2,820 square foot warehouse building with an art studio on the first floor and a one-bedroom apartment on the second floor. The one-story warehouse was constructed in 1954 with a two-story addition subsequently constructed to the rear/west side of the building with storage/garage on the first floor and a one-bedroom apartment on the second floor. The building was recently demolished via permit # 23-00212893.

The property has a Future Land Use Map designation of Commercial Core (CC), is zoned Central Business District (CBD), and is within the CBD Railroad Corridor Sub-district as well as the Pineapple Grove Arts District. The property fronts NE 3rd Avenue with an existing improved alley to the rear of the property.

At its meeting of July 27, 2022, the Site Plan Review and Appearance Board approved a change of use of the 2,060 sf. warehouse to office along with a ~500 sf. office addition and renovations to the existing 760 sf. 2nd floor apartment.

DEVELOPMENT PROPOSAL:

Development proposal consists of the following:

- Construction of a 6,465 sf. mixed-use building containing 3,236 sf. of office and a 2,645 sf. 3-bed residential unit with a 2-car garage and a rooftop terrace.
- Installation of a backout parking area adjacent to the alley to include drainage, perimeter landscaping, a handicapped accessible parking space, 2 golf cart spaces and a driveway for the garage.
- Installation of associated site lighting, refuse container area, and fencing to the rear of the building.

Level 4 Site Plan Application. Pursuant to LDR Section 2.4.10(A)(1), General. A site plan application is required for all exterior site or building improvements or modifications, and/or new construction associated with a multi-family residential, commercial, or mixed-use development. Single family homes and duplexes, and associated site improvements, are reviewed for compliance with the Land Development Regulations (LDR) through the building permit approval process.

(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.

The application is classified as a Level 4 Site Plan application as a waiver has been requested that requires City Commission approval.

Pursuant to 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.

REQUIRED FINDINGS – SEC. 3.1.1:

- (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 property has a Land Use Map designation of Commercial Core (CC), is zoned Central Business District (CBD), and is within the CBD Railroad Corridor Sub-district. Table NDC 1 lists CBD zoning as an implementing zoning district for CC land use. The proposed office use and apartment are permitted in the CBD zoning district. Per Neighborhoods, Districts, and Corridors Element Table NDC – 1 of the Comprehensive Plan, the CC land use designation allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 30 dwelling units per acre. The proposed office with an apartment will have a density of 6.8 du/ac and an FAR of 1.07. Thus, positive findings can be made with respect to consistency with the Land Use Map.

- (B) **Concurrency.** 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-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Per Objective 3.1 of the NDC Element, allow new development provided that the necessary public facilities and services are available. Allow new development within the Planning Area provided the necessary public facilities and services that are provided by, or through, the City are available concurrently.

- **Schools:** Per Palm Beach County School District, a legal lot of record is entitled to have one unit without a SCAD letter. Therefore, there will be no impact on the local public schools.
- **Water and Sewer:** The Comprehensive Plan states that adequate water and sewer treatment capacity exists to meet the adopted Level of Service at the City's buildout population. Water and sewer services currently exist to the building/site via service lateral connections the existing water and sewer mains located with the NE 3rd Avenue right-of-way.
- **Solid Waste:** The Solid Waste Authority of Palm Beach County reports that the landfill servicing this property has sufficient capacity to meet the City's needs until 2054. It is noted, a trash container enclosure will be installed adjacent to the rear walkway and will include accommodations for recyclables.



- **Parks, Recreation, and Open Space:** There will be no impact on parks and recreation level of service standards. In addition, as the property is less than 20,000 sf, there is no civic open space required per LDR Section 4.4.13(G). However, a \$500 parks impact fee for the unit will be collected prior to building permit issuance.
- **Traffic:** A Traffic Impact Statement was prepared and transmitted to Palm Beach County Traffic Division for review. The project will generate 38 new daily trips, 4 new AM peak hour trips and 6 peak PM hour trips. A Traffic Performance Standards (TPS) letter was provided by Palm Beach County Traffic Division stating the Traffic Division has determined the proposed development is within the City of Delray Beach Traffic Concurrency Exception Area (TCEA); therefore, it is exempt from the TPS of Palm Beach County.

(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.*

Comprehensive Plan

Overall, the development proposal is consistent with applicable Goals, Objectives, or Policies of the Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element. The proposal includes the redevelopment of the blighted property while promoting a building that will maintain the historically low-scale development found along NE 3rd Avenue. as evidenced by the 2-story mixed-use building with a floor area ratio of 1.07.

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 building that will maintain the historically low-scale development balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown...

Sec. 3.2.3 – Standards for Site Plan Actions:

(A) *Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.*

The proposal meets this standard. The proposed building is of the Masonry Modern Architectural Style, which is one of seven architectural styles identified in the Delray Beach Central Business District Architectural Design Guidelines. The building along with the associated landscaping and site lighting are designed in compliance with the LDRs and will not create any distractions of block visibility as it pertains to traffic circulation.

(B) *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*

The intent of this standard has been met. Interconnections are provided via the urban grid. Pedestrian access in accordance with ADA will be provided at the front via the recently completed NE 3rd Avenue streetscape improvements. In addition, a new handicapped accessible parking space will be installed in the rear parking area along with an ADA accessible route to the rear of the building. A bicycle rack will be installed at the southeast corner of the property adjacent to NE 3rd Avenue.



- (C) *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*

This standard is not applicable. The above-referenced Objective pertains primarily to private residential development and the property is less than 20,000 sf.; therefore, there is no civic open space required, per LDR Section 4.4.13 (G).

- (D) *Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.*

This standard is not applicable. There is no street widening or traffic circulation modifications associated with the project.

- (E) *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*

This standard is not applicable. The project does not propose development of residentially zoned vacant land. The property is zoned CBD, and the improvements include a first floor to office with a second floor apartment unit, in accordance with the CBD regulations.

- (F) *Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

This standard has been met. The proposed use, intensity and density are appropriate, and are compatible with and complementary to the adjacent uses. The improvements will provide office use that will support surrounding businesses and will significantly enhance the NE 3rd Avenue corridor as well as the Pineapple Grove Arts District.

- (G) *Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*

This standard is not applicable. The proposal consists of one 3 bedroom apartment within a mixed-use building in conjunction with the other improvements.

- (H) *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.*

This standard has been met. The proposed redevelopment will have a positive impact on the stability and safety of the Pineapple Grove Arts District. The introduction of office use and improvements to the property will further enhance and stabilize the area. The use will not generate any factors that will result in degradation of the surrounding area.



- (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.*

This standard has been met. The traffic statement submitted in conjunction with this application does not show any indication that the project will create any significant additional traffic that will exacerbate an existing situation to become a high accident location.

- (J) *Tot lots and recreational areas, serving children, teens, and adults 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.*

This standard is not applicable as the project contains one apartment unit.

- (K) *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

The intent of this standard has been met. Applicant seeks to redevelop the blighted property that previously contained a warehouse/art studio and apartment with construction of a new mixed-use building consisting of offices and an apartment. The proposal will not exceed the maximum limits in Table NDC-1, or the specific standards related to the intensity and density.

- (L) *Development shall meet the intent of CSR [5](#), Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR [Section 7.11.1](#), Green Building Regulations.*

The standard is not applicable as the proposal does not consist of new construction or addition(s) consisting of 15,000 square feet of Gross Floor Area. However, the proposal will comply with the applicable provisions of CSR 5, Energy Efficiently and Diverse Energy Mix, LDR Section 7.11.1, Green Building Regulations, and Florida Building Code, Energy Conservation Code 7th Edition.

- (D) **Compliance with LDRs.** *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), 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.*

The development proposal is in compliance with the Land Development Regulations, including the CBD Development and Architectural Standards as they relate to building setbacks, parking, site lighting, building design, and streetscape standards. The proposed rooftop terrace will comply with LDR Section 4.4.13(C)(4)(h). Also, the required 2' alley right-of-way dedication and 5' right-of-way dedication along NE 3rd Avenue were previously dedicated. Parking, Front Setback Waiver, Landscape and Architectural Elevations are discussed in more detail below.

Parking: Pursuant to LDR Section 4.4.13(l) **CBD Parking Standards**, (2) **Minimum number of off-street parking spaces** (d) Properties less than 65 feet in width with a building no more than two stories in height are not



required to provide off-street parking, except for restaurant and lounge uses. Properties less than 65 feet in width with a building more than two stories in height shall provide the full parking requirement for all uses in all stories.

The subject property is only 50' wide and the building is no more than two stories in height; therefore, off-street parking is not required. However, in order to ensure compliance with ADA standards, the rear parking area will contain an ADA compliant parking space. Parking for the residential unit will be provided within the garage. The paved area between the ADA parking space and the garage provides an area for golf carts, scooters and/or motorcycle parking.

It is noted, the bicycle parking space requirement associated with the office use is accommodated via installation of a 2-space bicycle rack at the southeast corner of the side adjacent to the public sidewalk. The bicycle parking space for the residential unit will be accommodated within the garage.

Front Building Setback:

CBD, Railroad Corridor Sub-district development standards. The proposal complies with the CBD, Railroad Corridor Subdistrict, except as indicated below.

Waiver Request:

Pursuant to LDR Section 4.4.13(D)(2)(a)1., the front setback or side setback facing a street or park is a minimum of 10 feet and a maximum of 15 feet, except within the South Pairs Neighborhood Sub-district on SE 5th Avenue and SE 6th Avenue where the front or side setbacks facing a street or park are a minimum of 15 feet and a maximum of 20 feet.

The proposal includes a waiver request to reduce the front building from 10' to 6' to accommodate the unique design for the lobby entrance.

Waiver Analysis/Findings:

Pursuant to LDR Section 2.4.11(B)(5) **Findings.** *Prior to granting a waiver, the granting body shall make findings 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.*
- (e) Within the CBD, the following additional findings apply:*
 - 1. 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.*
 - 2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
 - 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.*
 - 4. The waiver shall not reduce the quality of civic open spaces provided under this code.*

The waiver request is limited to the 23'8" wide x 28' high lobby entry at the south half of the building to allow a façade design with an angled projection, for the Masonry Modern architectural style building. The façade projection/encroachment is less than the other encroachments allowed within CBD setbacks for a Lobby Entry, per LDR Section 4.4.13(E)(4)(g)1. Lobby entry dimensions, and Table 4.4.13(K)(Dimensional Requirements for Lobby



Entry) below: 10' encroachment for Overhang/Awning Projection; 5' for Columns, Pilasters, Posts; and 4' for balconies.

Table 4.4.13(K) Dimensional Requirements for Lobby Entry			
		Minimum	Maximum
A	Building Setback	10 ft.	15 ft.
B	Lobby Entry Width	N/A	N/A
Maximum Allowable Encroachment of Elements in All Districts			
C	Overhang/Awning Projection	N/A	10 ft.
D	Columns, Pilaster, Posts	N/A	5 ft.

With the Class III Site Plan modification approved in 2022, the property owner dedicated 5' of right-of-way for NE 3rd Avenue as well as 2' along the alley, reducing the lot depth from 135.10' to 128.10'. The base of the architectural element and foundation comply with the minimum 10' building setback. The 4' projection does not contain any habitable space and provides interest to the structure and is complimentary to the structures within the Pineapple Grove Arts District.

The waiver will not adversely affect the surrounding neighborhood, as the project design is complimentary to the character of the area. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that similar relief could be granted for another property under similar circumstances on other properties for another applicant or owner.

With regard to the additional CBD waiver findings, the waiver does not impact an area that will result in an inferior pedestrian experience along a Primary Street, as the waiver applies to a 23'8" wide portion of the 50' wide property, which is located on a Secondary Street. The waiver will not create an incompatibility with the nearby buildings or uses and will not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan. In addition, the property is less than 20,000 sf.; therefore, civic open space is not required. Thus, the waiver will not reduce the quality of civic open spaces provided under the CBD regulations. Thus, positive findings can be made with LDR Section 2.4.11(B)(5).

LANDSCAPE PLAN:

Positive findings can be made that the landscape plan complies with the LDR Section 4.6.16 (Landscape Regulations).

The proposed landscape design will be a significant enhancement to the property and the surrounding area and is in compliance with LDR Section 4.6.16. In order to maximize the backout parking area adjacent to the alley, including the ability to park alternative vehicles, a waiver to the landscape barrier dimensions will be necessary, which is discussed in more detail below.

Waiver Request:

LDR Section 4.6.16(H)(3)(d) – 5' Landscape Barrier

Pursuant to LDR Section 4.6.16(H)(3)(d), 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. Duplexes may be permitted



to reduce the perimeter planting strip to two and one-half feet in width in cases where lot frontage is less than 55 feet. In addition, one tree shall be provided for every 30 linear feet of such landscaped barrier or fraction thereof.

The waiver request is to reduce the perimeter landscape strips along the north and south property lines from 5' to 2'-4" to accommodate the reconstruction of the rear backout parking area.

Waiver Analysis/Findings:

Pursuant to LDR Section 2.4.11(B)(5) Findings. Prior to granting a waiver, the granting body shall make findings 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.*
- (e) Within the CBD, the following additional findings apply:*
 - 1. 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.*
 - 2. The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
 - 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.*
 - 4. The waiver shall not reduce the quality of civic open spaces provided under this code.*

The proposal includes reconstruction of the rear nonconforming concrete parking area to include drainage, perimeter landscaping, installation of a handicapped accessible parking space, a new driveway for the two-car garage and two (2) golf cart parking spaces (or other mobility alternatives to a car). The proposal consists of the redevelopment of a constrained 50' wide infill lot in the CBD. The proposed interior side building setbacks are 0' as permitted in the CBD with the garage for the residential unit located along the north side of the building, similar to the structure that was recently demolished.

Given the site constraints, a waiver to reduce the required 5' wide landscape barriers to 2'4" on the north and south sides of the backout parking area is respectfully requested. It is noted that the landscape barriers will be planted with Dahoon Holly trees 16' at the time of planting with Green Island Ficus and Cocoplum underplantings. The trees are situated towards the front of the landscape islands due to the existing overhead utility lines along the east side of the alley, abutting the west side of the subject property. Therefore, landscape buffering is still proposed to the maximum degree feasible. The waiver is not impactful on adjacent and surrounding area given that it is located in the rear of the property adjacent to the service alley where it is common to find existing properties with the entirety of the rear setback adjacent to the alley paved with hardscape.

The waiver will not adversely affect the surrounding neighborhood, as the project design is sensitive to the character of the surrounding area. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that a similar waiver was granted in conjunction with the abutting development to the north and could be granted under similar circumstances on other properties for another applicant or owner.

With regard to the additional CBD waiver findings, the waiver does not impact an area that will result in an inferior pedestrian experience along a Primary Street, as the waiver applies in the rear of the property adjacent to the alley and the project is on a Secondary Street. The waiver will not create an incompatibility with the nearby buildings or uses and will not erode the connectivity of the street and sidewalk network or negatively impact any adopted



bicycle/pedestrian master plan. In addition, the property is less than 20,000 sf.; therefore, civic open space is not required. Thus, the waiver will not reduce the quality of civic open spaces provided under the CBD regulations.

Therefore, positive findings can be made with LDR Section 2.4.11(B)(5).

ARCHITECTURAL ELEVATIONS:

*Per LDR Section 4.4.13(F)(3) (**Appropriate Architectural Styles**) (e) the use of Masonry Modern or Art Deco architectural styles requires City Commission approval, via recommendation by SPRAB or HPB, as applicable, City Commission approval is required prior to consideration of the site plan by SPRAB or HPB. Applicants shall provide an explanation, including graphics, demonstrating how the proposed building design implements the selected style.*

Included with the submittal is a narrative letter with graphics from Affiniti Architects, which describes the Masonry Modern architectural style building. The building has a defined projecting office entry (Refer to attached Design Narrative). Decorative ornamentation is provided above the covered office entrance, at the balconies of the residential unit and the roof terrace, with a decorative cantilevered brise soleil above the roof terrace. The pastel color scheme with white contrast is complementary to the Masonry Modern architectural style building as well as the Pineapple Grove Arts District.

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the below 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 elevations are consistent with the Masonry Modern architectural style and meet the criteria of LDR Section 4.6.18(E)(1)-(3) as well as the Delray Beach CBD Architectural Guidelines. The proposed elevations are in conformity with good taste and good design. The design is in harmony with the developments in the area and will enhance the character, value, and attractiveness of the surrounding Pineapple Grove Arts District.

CONSLUSION/FINDINGS:

Based on the above, positive findings can be made that the project as represented by the Level 4 Site Plan application is consistent with Chapter 3 (Performance Standards, LDR Section 3.1.1 (Required Findings), (A) Future Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with LDRs, as well as the Always Delray Comprehensive Plan, Downtown Delray Beach Master Plan, Pineapple Grove Main Street Neighborhood Plan and Community Redevelopment Plan. Positive findings can also be made with LDR Sections 4.6.16 and 4.6.18. Therefore, approval of the Level 4 Site Plan application and associated waivers is respectfully requested.

