

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

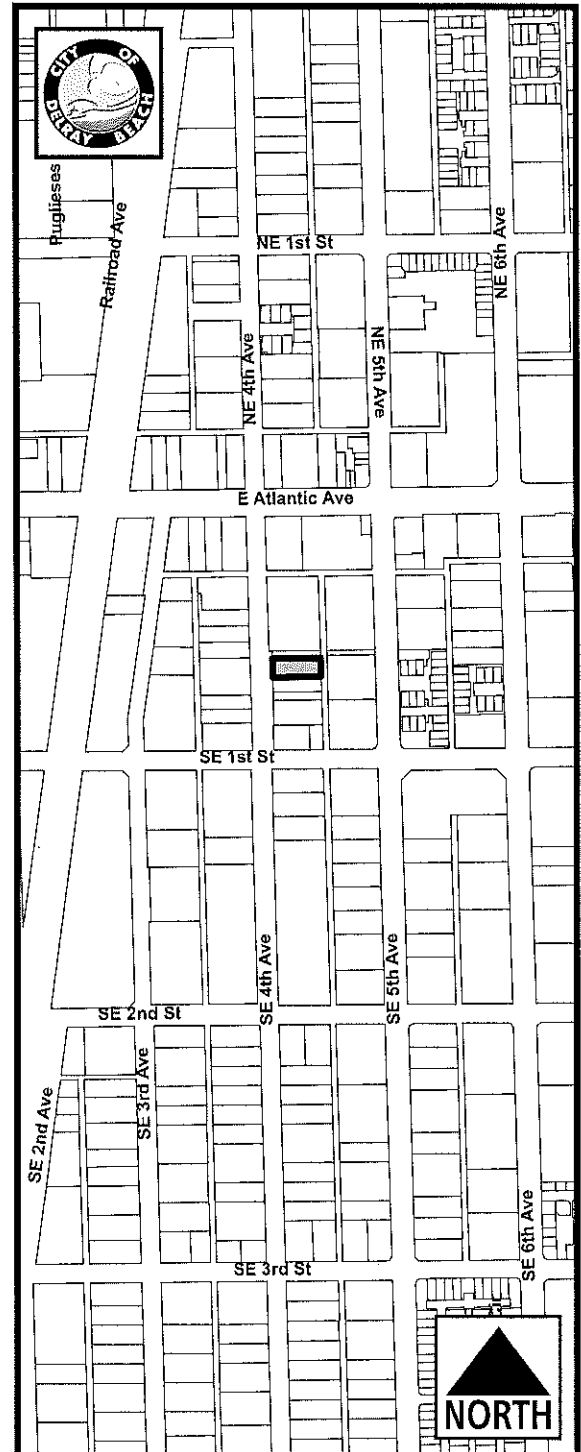
MEETING DATE: December 16, 2015

ITEM: **Martini Property** – Class V Site Plan and Landscape Plan With The Construction Of A Driveway and Parking at 59 SE 4th Avenue.

RECOMMENDATION: Approval with conditions

GENERAL DATA:

Applicant..... Delray Beach Holdings, Inc.
Agent..... Dunay, Miskel & Backman, LLP
Location..... 59 SE 4th Avenue
Property Size..... 0.14 Acres
Future Land Use Map... CC (Commercial Core)
Current Zoning..... CBD (Central Business District)
Adjacent Zoning..North: CBD
 East: CBD
 South: CBD
 West: CBD
Existing Land Use..... Commercial and Residential
Proposed Land Use..... Construction of a driveway and parking
Water Service..... Existing on site.
Sewer Service..... Existing on site.



ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V site plan request for **Martini Property** pursuant to LDR Section 2.4.5(F). The request involves the following elements:

- Site Plan; and
- Landscape Plan.

The requests are in conjunction with the construction of a parking area and cross access to the public north-south alley from SE 4th Avenue (approximately 0.14 acres) at 59 SE 4th Avenue.

BACKGROUND

The project area consists of a portion of Lot 10, Block 101 Town of Linton. The property contains a mixed use building that was constructed in 1950.

At its meeting of August 18, 2015, the City Commission approved the abandonment application for a portion of the north/south alley and the conditional use applications for an increase in building height to 59.5 feet and for the movie theater use associated with the Fourth and Fifth Delray project.

The alley abandonment was approved subject to the following conditions:

1. That the Martini property (located to the south and west of the project) be acquired and redeveloped to provide vehicular access to SE 4th Avenue from the north-south alley prior to issuance of a building permit.
2. That the applicant resolves any concerns of the affected utility service providers prior to issuance of a building permit.

The action now before the Board is approval of the site plan and landscape plan.

PROJECT DESCRIPTION

The development proposal incorporates the following:

- Demolition of the existing improvements on the property.
- The construction of four parallel parking spaces and a cross access driveway that provides a public connection to the north-south alley.
- Installation of associated landscaping.

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 4.3.4(K) Development Standards Matrix:

The following table indicates that the proposal complies with LDR Section 4.3.4(K) and Table 4.4.13(C):

	Standard	Provided
Open Space	0%	22.84%

Lighting:

Pursuant to LDR Section 4.6.8(A)(3), a photometric plan has been submitted that demonstrates compliance with the minimum illumination (1 fc) and the maximum (12 fc) illumination levels for a parking lot.

Right-of-Way Dedication:

Pursuant to Land Development Regulation (LDR) Section 5.3.1(D)(2), there are no rights-of-way dedication required for SE 4th Avenue. However, the required alley width is 20 feet and 16 feet exists. The existing north-south alley is 16 feet wide and 20 feet is required. The site plan includes the dedication of 2 feet to this alley.

Other Issues:

Alley Connection:

The City Commission approved the partial abandonment of the north/south alley and additional landscaping subject to the condition that the Martini property be acquired and redeveloped to provide vehicular access to SE 4th Avenue from the alley with additional landscape area prior to issuance of a building permit. The applicant has submitted the site plan application that provides the required vehicular access from the north/south alley to SE 4th Avenue. A public access easement will need to be provided on this property to ensure cross access and this attached as a condition of approval.

LANDSCAPE ANALYSIS

The Senior Landscape Planner has reviewed the proposed landscape plan and found that it substantially complies with LDR Section 4.6.16. The proposed landscaping consists of Verawood, Cathedral Live Oak, Foxtail Palms, Upright Elephant Ear, Redtip Cocoplum, Coral Creeper, Dwarf Firebush, Shilling's Dwarf Holly, Dwarf Date Palm, and Podocarpus. Based upon the above, the proposed landscape plan will comply with LDR Section 4.6.16.

Landscape Technical Items: The following Landscape Plan items remain outstanding, and will need to be addressed prior to certification of the site plan.

1. Tree #'s 1 -3 (city-owned Foxtail Palms) and #'s 6-7 (Sabal Palms) shall be saved either on-site or off-site. Update the Existing Tree Disposition plan to show final locations for all relocated trees. Provide a separate column entitled "Relocated To". Trees will either be relocated on-site or off-site. If off-site, provide an asterisk next to each tree with a note. The note shall read, "All trees to be relocated off-site shall be coordinated with the City of Delray

Beach a minimum of six (6) weeks prior to relocation. Call Peter Anuar, Senior Landscape Planner, at (561) 243-7226 for coordination."

2. Per LDR 4.6.16(H)(3)(d), a five foot (5') wide landscape buffer is required on the north side of the property. A two foot (2') hedge along with shade trees spaced no farther than thirty feet (30') on center is required within this buffer.
3. Per LDR 4.6.16(E)(5), all required trees are to be a minimum of sixteen feet (16') in height with a seven foot (7') spread and eight foot (8') of clear trunk. Revise specifications and species if this size cannot be found for the species that is currently being proposed.
4. Landscape Maintenance Agreement is required for the proposed plantings outside the property line. Submit the signed agreement with the supporting exhibits (as outlined in the agreement) as quickly as possible. This will need to be executed by City Commission.

REQUIRED FINDINGS

REQUIRED FINDINGS (Chapter 3):

Pursuant to 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 Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the LDRs as noted below.

Section 3.1.1 (A) - Future Land Use Map:

The subject property has a Future Land Use Map designation of CC (Commercial Core) and is zoned CBD (Central Business District). The CBD zoning district is consistent with the CC Future Land Use Map designation. Per LDR Section 4.4.13(B)(3)(b), commercial parking lots are a Principal Use in the CBD zoning district. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

Section 3.1.1 (B) - Concurrency:

The proposed driveway and parking will have no impact on concurrency levels.

Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):

As described in Appendix A, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

Section 3.1.1 (D) - Compliance With the Land Development Regulations:

As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made, when all outstanding items attached as conditions of approval are addressed.

Comprehensive Plan Policies:

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

Future Land Use Element Objective A-1: 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.

There are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed development. The surrounding uses are municipal library to the north, Chamber of Commerce to the east (both of which are planned to be demolished and replaced with the iPic movie theater mixed-use development), commercial to the south, and office to the west.

Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings): 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 subject property is bordered to the north, south, east, and west by CBD. The surrounding uses are retail, restaurant and offices to the north, east and west, and residential to the south.

REVIEW BY OTHERS

Community Redevelopment Agency (CRA):

The CRA considered the site plan request at its meeting of November 19, 2015 and recommended approval.

Downtown Development Authority (DDA):

At its meeting of November 9, 2015, the DDA reviewed the site plan application and recommended approval.

Courtesy Notice:

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

- Delray Citizen's Coalition
- Chamber of Commerce
- Courtyards of Delray
- Alberta Beale, Inc.
- Mallory Square
- Town Square
- Village Grand of Delray Beach
- Downtown Development Authority
- Osceola Park

Any letters of concern and support will be presented to the SPRAB.

ASSESSMENT AND CONCLUSION

The proposed driveway and parking is a result of the Fourth and Fifth Delray alley abandonment, which required the applicant to obtain the subject property and provide cross access to the remainder of the north/south alley. The proposed development is consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. Positive findings can be made with respect to Section 2.4.7(B)(5)[Waiver Findings] and Section 2.4.5(F)(5) regarding compatibility of the proposed development with surrounding properties.

ALTERNATIVE ACTIONS

- A. Postpone with direction.
- B. Move approval of the request for Class V site plan and landscape plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the attached conditions of approval.
- C. Move denial of the request for Class V site plan and landscape plan for the **Martini Property**, 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 Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations.

STAFF RECOMMENDATION

By Separate Motions:

Site Plan:

Approve the request for a Class V site plan for the **Martini Property**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That a public access easement be provided on this property to ensure cross access.
2. That a recorded deed be provided for the 2-foot alley dedication.

Landscape Plan:

Approve the landscape plan for the **Martini Property** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

Attachments:

- Appendix A
- Site Plan
- Landscape Plan

Report prepared by: Scott D. Pape, AICP, Principal Planner

**APPENDIX A
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.

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. Property shall be developed or redeveloped 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 _____
 Meets intent of standard _____ **X** _____
 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 X

Meets intent of standard _____

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

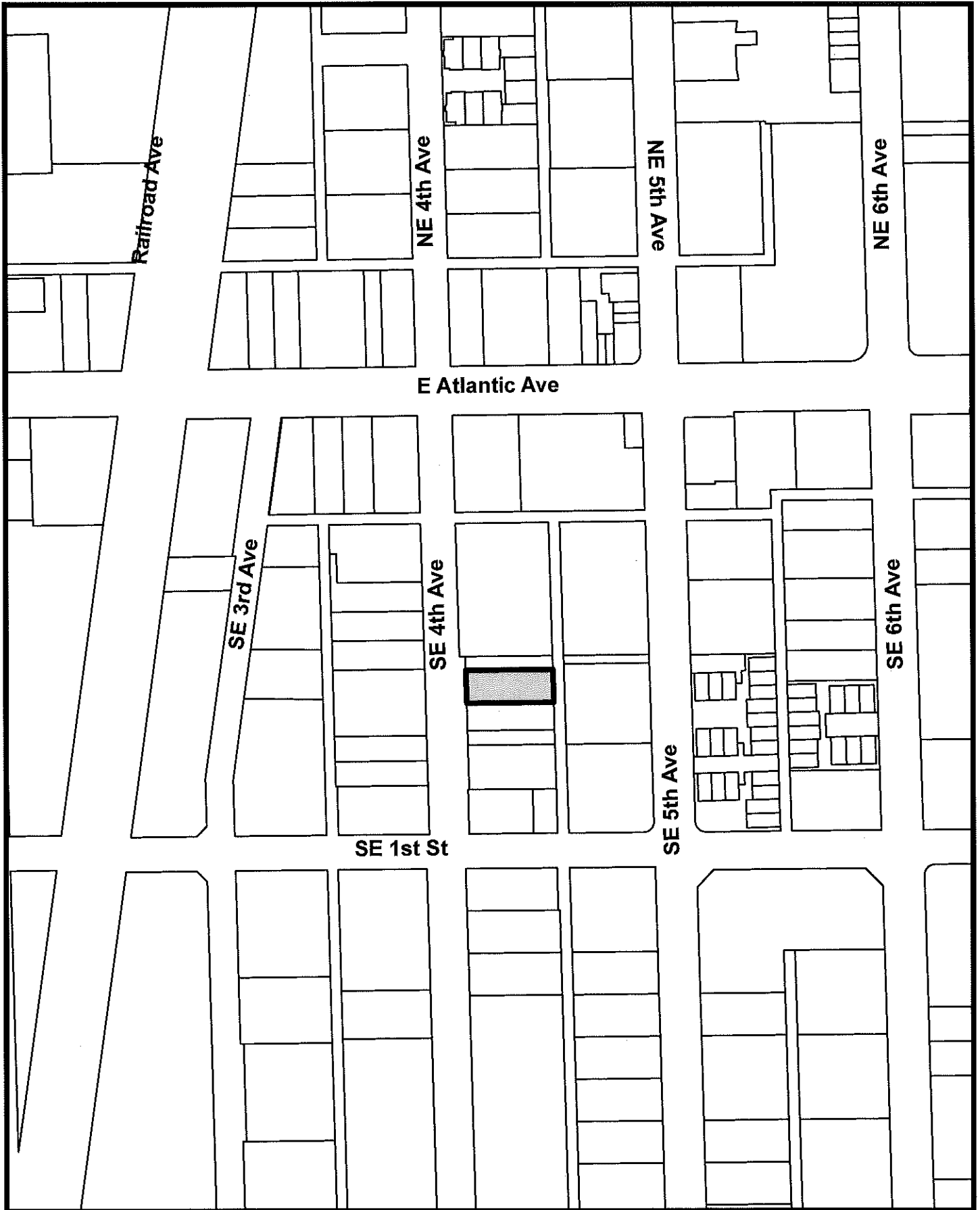
Does not meet intent _____

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 X

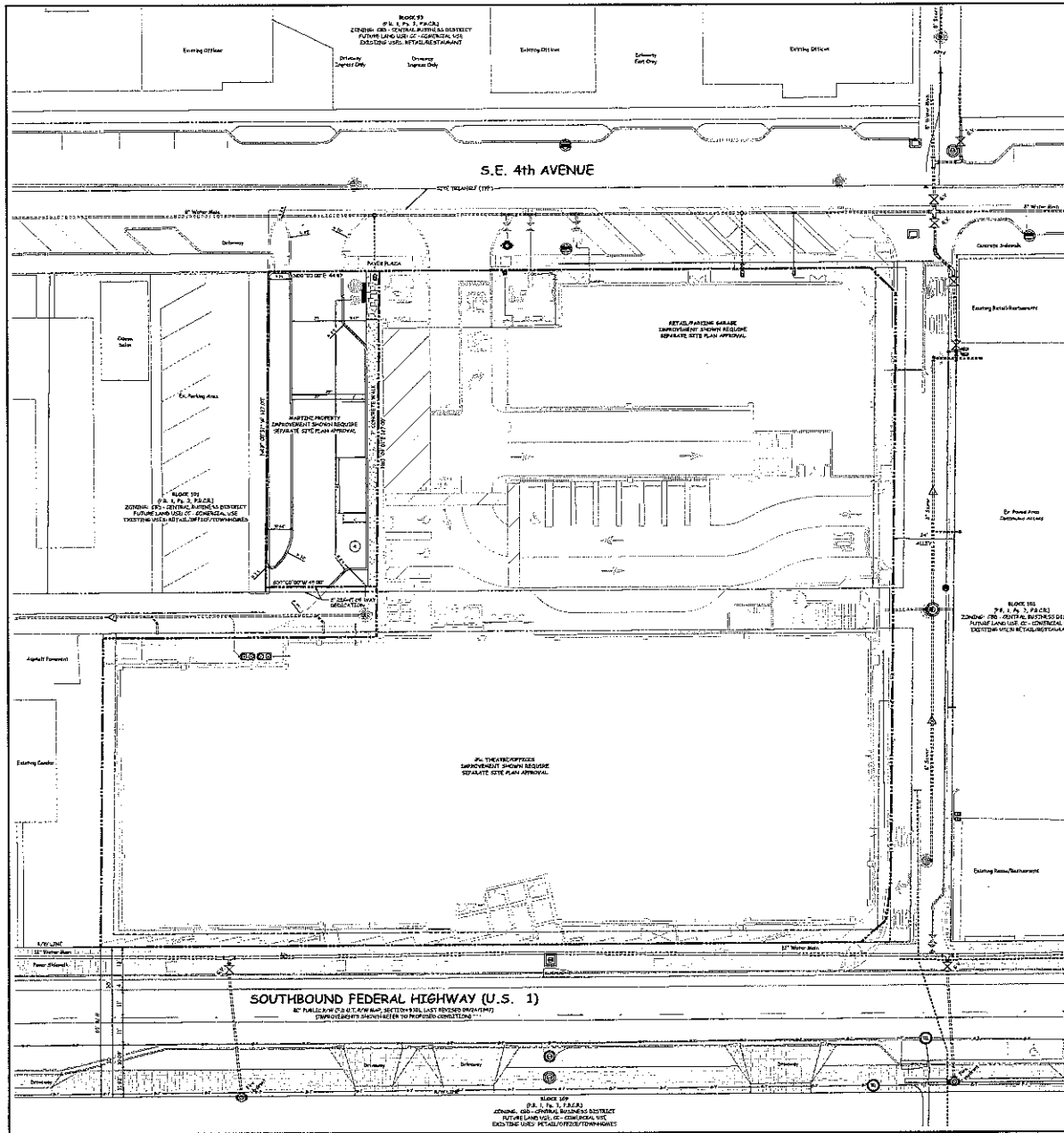
Meets intent of standard _____

Does not meet intent _____



MARTINI PROPERTY
 59 SE 4th Avenue
LOCATION MAP

 Subject Property



SITE TABULATIONS

80015 SITE AREA 5.284 SF @ 3.21 AC @ 50%

PROPERTY DEVELOPMENT REGULATIONS (CBD ZONING DISTRICT)

ZONING DISTRICT	MIN. LOT WIDTH (B.F.)	MIN. LOT DEPTH (S.F.)	MIN. LOT AREA (S.F.)	MIN. LOT FRONTAGE (F.T.)	FRONT YARD SETBACK	REAR YARD SETBACK	SIDE YARD SETBACK	REAR SETBACK	ALLEY SETBACK	MINIMUM BUILDING HEIGHT (FEET)
REQUIRED	N/A	0	0	0	30' MIN. MAX	0'	0'	N/A	0'	N/A
PROVIDED	45.14'	100.4'	123.7'	106.2'	22'	5.4'	5.1'	N/A	8.8'	N/A

SETBACKS ARE MEASURED TO STRUCTURE, NOT THE DECORATIVE SCREENING

SHARED PARKING CALCULATIONS TABLE

USE	PERCENT	ADJACENT TO 4 PM	WEEKDAY		WEEKEND	
			DAY	EVENING	DAY	EVENING
RESIDENTIAL	0	100%	4	4	3	3
OFFICE	0	100%	3	3	3	3
EDUCATIONAL	0	100%	3	3	3	3
RETAIL	24.4	53	133	205	164	104
HOTEL	0	0%	0	0	0	0
RESTAURANT	0	100%	0	0	0	0
ENTERTAINMENT	140.9	105	1439	405	94.34	107%
PUBLIC PARKING	0	100%	0	0	0	0
RETAIL TOTAL	103	75	415	231	204	222
TOTAL PARKING PROVIDED	215	155	415	231	204	222

PROJECT DATA

EXISTING FLOOR AREA	45,027 S.F.	84.0% OF SITE
TOTAL FLOOR AREA	228,201 S.F.	75.0% OF SITE
IMPROVED AREA	228 S.F.	1.2% OF SITE
OPEN/UNIMPROVED SPACE	4,254 S.F.	4.2% OF SITE
WATER BODIES	0 S.F.	0% OF SITE
NUMBER OF RESIDENTIAL UNITS	N/A	
NUMBER OF UNITS PER ACRE	N/A	

THEATER - 44,779 S.F. FOR THE 100 FT x 100 FT SPACE
 GENERAL OFFICE SPACE - 10,232 SQUARE FEET (APPROX. 20,475 NET PROPOSED @ 100 PER 100 S.F. - 100 SQUARE FEET)
 RETAIL - 7,286 S.F. PROPOSED, 3 SPACES PER 100 S.F. - 264 SPACES

SITE NOTES:

- EXISTING LAMP USE: 1.5 WATT/HR. CIRCLED
- PROPOSED LAMP USE: NONE
- EXISTING OPENING: 100% BUSINESS STRUCTURE
- PROPOSED ZONING: S.M.
- EXISTING USE: LIBRARY/READING ROOM
- PROPOSED USE: RETAIL OFFICE/STORAGE
- ALL NEW UTILITIES SHALL BE INSTALLED UNDERGROUND
- SEE ARCHITECTURAL PLAN FOR ELEVATIONS, AND STAIRWAY PLANS FOR BUILDING HEIGHTS AND STAIRWELL LOCATIONS
- EXISTING SPACES WILL BE REUSED WHERE APPROPRIATE
- PARKING LAYOUT AND DRIVEWAYS TO FOLLOW THE CITY OF DELRAY BEACH OFFICIAL STANDARDS
- ALL OPENING SERVICE VEHICLES MUST BE PLACED UNDERGROUND
- ALL UTILITIES SHOWN ON THESE PLANS ARE REFERENCED TO MAPS
- HANDLING OF WATER AND SEWAGE MUST BE ACCORDANCE WITH SECTION 4.4.9 CONTROL CITY OF DELRAY BEACH STANDARDS WITH A 15' MIN. (15' MIN.) MINIMUM COVER DEPTH. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF DELRAY BEACH.
- ALL UTILITIES SHALL BE INSTALLED IN ACCORDANCE WITH THE CITY OF DELRAY BEACH STANDARDS WITH A 15' MIN. (15' MIN.) MINIMUM COVER DEPTH. IT IS THE RESPONSIBILITY OF THE APPLICANT TO OBTAIN ALL NECESSARY PERMITS FROM THE CITY OF DELRAY BEACH.
- PARKING LAYOUT AND DRIVEWAYS TO FOLLOW THE CITY OF DELRAY BEACH OFFICIAL STANDARDS

- UTILITY SERVICES:**
- SEWER: AVAILABLE IN ALLEY AT SOUTH END OF PROPERTY
 - WATER: AVAILABLE WITHIN THE PROPERTY BOUNDARY
 - WATER: AVAILABLE WITHIN THE PROPERTY BOUNDARY
 - TELEPHONE: AVAILABLE WITHIN THE PROPERTY BOUNDARY
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SITE PLAN DATA - MARTINI PARCEL @ 4th & 5th DELRAY

SITE DATA	
AREA	5.284 AC
PERCENT IMPROVED	75.0%
PERCENT OPEN	25.0%
PERCENT WATER	0.0%
PERCENT UNIMPROVED	75.0%
PERCENT IMPROVED	75.0%
PERCENT OPEN	25.0%
PERCENT WATER	0.0%
PERCENT UNIMPROVED	75.0%
PERCENT IMPROVED	75.0%
PERCENT OPEN	25.0%
PERCENT WATER	0.0%
PERCENT UNIMPROVED	75.0%

SITE PLAN

MARTINI PARCEL @ 4th & 5th DELRAY
 DELRAY BEACH HOLDINGS, LLC.

WINNINGHAM & FRADLEY, INC.
 ENGINEERS, PLANNERS & SURVEYORS

DESIGNED AND DRAWN: 05/2015 APPROVED: 05/2015
 CHECKED AND DATED: 05/2015 PROJECT NUMBER: 15047 SHEET: SPL OF 1

