

**ITEM #: B**

**Project Name:** Fourth and Fifth Delray

**Project Location:** Located between SE 5<sup>th</sup> Avenue and SE 4<sup>th</sup> Avenue approximately 156 feet south of Atlantic Avenue.

**Request:** Class V Site Plan, Landscape Plan, and Architectural Elevations associated with the Fourth and Fifth Delray (iPic Movie Theater) project.

**Board:** Site Plan Review and Appearance Board

**Meeting Date:** January 20, 2016

**Board Action:**

**Site Plan:**

By a 5 to 2 vote (Aguila, Youngross dissenting) approved the request for a Class V site plan for **Fourth and Fifth Delray**, 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. Address all Site Plan and Engineering Technical Items, including the following, and submit four (4) copies of the revised plans for certification.
  - a. That the fire access radius within the ground floor of the garage be deleted since this access will be provided on the Martini property.
  - b. Address the CPTED comments with the Police Department regarding the provision of a CCTV system, securing the projector rooms, internal security personnel, and design of the stairwells.
2. Submit the parking management agreement with the Community Redevelopment Agency (CRA) prior to issuance of a building permit.
3. Prior to issuance of a building permit, the applicant shall coordinate with the City regarding the use/connectivity for the Martini property during construction. The applicant shall reconstruct/reconfigure the north/south alley to provide continuous connection to SE 4<sup>th</sup> Avenue via the Martini property. The construction shall be completed concurrently with the on-site construction to maintain access and circulation. The reconstruction of the alley shall be completed in accordance with the approved site plan for the Martini Property.
4. Provide a security guard at the entrance along SE 5<sup>th</sup> Avenue to prohibit pick-ups/drop-offs along the project frontage on SE 5<sup>th</sup> Avenue. This requirement shall be implemented upon commencement of theater operations. The security guard shall be posted from 4:00 p.m. until 10:00 p.m. seven days a week.
5. Prior to issuance of a building permit, the applicant shall use its best efforts to coordinate with the City, CRA, and Downtown Development Authority to develop a plan to address

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construction employee parking and parking for businesses in the 400 block of Atlantic Avenue during construction of the project. The plan shall address parking issues during construction to minimize impacts to businesses in the 400 block and provide sufficient parking for the construction employees.

6. Prior to the issuance of a building permit, the applicant will record a covenant approved as to form by the City Attorney related to the applicant's obligation to allow non-exclusive public use of the upper level third floor terrace garden area and corresponding access areas pursuant to a reasonable operational plan to be approved by the City Manager.
7. If a traffic signal is warranted at the intersection of SE 4<sup>th</sup> Avenue and SE 1<sup>st</sup> Street when 90% of all certificate of occupancies have been issued AND the City has programmed this signal in the Capital Improvement Plan within the same period, the applicant shall be responsible for their proportionate share of the cost of the signal based upon the traffic information provided in support of this site plan approval. A security bond in the amount of 110% of the proportionate share of the traffic light shall be required and provided to the City prior to issuance of the certificate of occupancy.
8. At the time that 90% of all certificate of occupancies have been issued, the applicant will evaluate the valet and parking garage operations and provide the results to the City and if consistent problems exist that result from both or either operations, the applicant will provide the City with recommendations for commercially reasonable modifications of such operations the address the problem(s) identified in the analysis.
9. At the time that 90% of all certificate of occupancies have been issued, the applicant shall perform a comprehensive intersection analysis at SE 4<sup>th</sup> Avenue and Atlantic Avenue and SE 5<sup>th</sup> Avenue and Atlantic Avenue to assess existing signal timing and recommend modifications by the applicant for intersection timing modifications to be performed by the City and/or Palm Beach County. This analysis shall be performed during the peak season and designated peak time periods (i.e., Friday P.M. and Saturday P.M.) and coordinated with City staff.
10. That the applicant prepare a report approved by staff in accordance with normal engineering standards after of 90% of issuance of all certificate of occupancies if determined by staff that the applicant shall pay their pro-rata share to the Marina District street way system.

### **Landscape Plan:**

By a 6 to 1 vote (Youngross dissenting), approved the landscape plan for **Fourth and Fifth Delray** 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 and the following condition of approval:

1. That the applicant is required to replace the palms at the entrance to the garage with Medjool Date Palms.

### **Elevations:**

By a 5 to 2 vote (Youngross, Aguila dissenting), approved the proposed elevations for **Fourth and Fifth Delray** based on positive findings with respect to LDR Section 4.6.18(E).

**Project Description:**

The requests are in conjunction with Fourth and Fifth Delray, a proposed commercial development that includes a movie theater, retail, and office space, located between SE 5<sup>th</sup> Avenue and SE 4<sup>th</sup> Avenue approximately 156 feet south of Atlantic Avenue (approximately 1.59 acres).

The development proposal incorporates the following:

- Demolition of the existing improvements on the property.
- The provision of 90 public parking spaces within the garage.
- Construction of a commercial mixed use development that consists 7,487 square feet retail; 42,446 square feet of office; and a 44,979 square foot (497 seats) 8-screen movie theater.
- Provision of 5,084 square foot terrace on the third floor above the theater that will be accessible to the general public.
- Installation of sidewalks, walkways, and associated landscaping.

**Board Comments:**

The two dissenting Board members (Youngross, Aguila) to the approval of the site plan and building elevations indicated that the intensity of the project was too great for the subject property. They expressed concerns with respect to vehicular turning movements within the garage, site illumination, and dislike for the metal “skin” of the building. Mr. Youngross recommended denial of the landscape plan for consistency purposes with the intensity of the project.

**Public Input:**

Two people from the public spoke in opposition to the project with concerns on the traffic impact to the Marina District and traffic concerns related to the location of the bus stop. One person from the project spoke in favor of the development proposal.

**Associated Actions:**

At its meeting of December 16, 2015, the Site Plan Review and Appearance Board recommended approval of the following waivers to the City Commission:

1. A waiver to LDR Section 4.4.13(F)(7)(a), which requires a minimum rear setback of 10 feet for all floors.
2. A waiver to LDR Section 4.4.13(F)(4)(c)(1)&(2), which requires a specified building frontage for the lower and upper levels along the east/west alley.
3. A waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum transparency or glass surface area of 75%.

**Next Action:** The SPRAB action is final unless appealed by the City Commission.

Attachment: Staff Report