

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: April 26, 2017

ITEM: **Lisa Building (2016-209)** - Class V Site Plan Modification, Landscape Plan and Architectural Elevations to demolish an existing building and construct a new one-story retail building with 7,249 sq. ft. with a waiver request to reduce the landscape terminal island in the parking area from nine feet to one foot.

RECOMMENDATION: Approve the Class V Site Plan with conditions, the Landscape Plan, and the Architectural Elevations

GENERAL DATA:

Owner..... 104-106 Delancy Realty LLC

Applicant..... 104-106 Delancy Realty LLC

Agent..... Louis J. Carbone, PA

Address..... 47 SE 5th Avenue

Location..... East side of 5th Avenue,
South of East Atlantic
Avenue

Property Size..... 13,098 sq. ft. (0.3079 ac.)

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

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

Adjacent Zoning:

North	CBD
South	CBD
East	CBD
West	CBD

Existing Land Use..... 4,795 sq. ft. one-story commercial building

Proposed Land Use..... 7,249 sq. ft. one-story retail building

Water Service..... Existing on site

Sewer Service..... Existing on site



ITEM BEFORE THE BOARD

The action before the Board is approval of the following aspects of a Class V Site Plan proposal for **The Lisa Building (2016-209)**, located at 47 SE 5th Avenue, pursuant to LDR Section 2.4.5(F):

- ☐ Site Plan;
- ☐ Landscape Plan;
- ☐ Architectural Elevations; and,
- ☐ Waiver Request

BACKGROUND

The subject property is zoned CBD (Central Business District) and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The existing site contains a 4,795 sq. ft. office building which was constructed in 1963. The 13,098 sq. ft. (0.3 acres) site is located on the east side of SE 5th Avenue, south of East Atlantic Avenue.

PROJECT DESCRIPTION

Now before the Board for consideration is a Class V Site Plan proposal to demolish the existing building and construct a new one-story building with 7,249 sq. ft. of retail use. A waiver to LDR Section 4.6.16(H)(3)(d) is requested to reduce the landscape terminal island in the parking area from nine feet to one foot.

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

- Demolish the existing building;
- Construct five retail bays;
- Provision of 10 parking spaces in the rear, accessible from the alley; and,
- Associated landscape and streetscape improvements

SITE PLAN ANALYSIS

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

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

The following indicates that the proposed building complies with the CBD District - Central Core. Pursuant to Table 4.4.13(C), the following development regulations are applicable to CBD Sub-districts:

LISA BUILDING (CLV)	Central Core	SE 5 th Ave.	Alley
Lot Width	20 ft. min.	109.40'	109.40'
Lot Area	2,000 sf. min.	13,675 sq. ft.	
Front Setback1	10' min./ 15' max.	10' – 14'	N/A
Side Setback (north)	0 ft. min.	1"	N/A
Side Setback (south)	0 ft. min.	10'-2"	N/A
Rear Setback	10 ft. min.	N/A	33'-0"
Building Frontage Required on Primary Streets	75% min./ 100%max	90%	N/A

Max. Height outside of the Atlantic Avenue Limited Height Area	4 Stories & 54 ft.	1 Story & 27'-0"
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Pursuant to Figure 4.4.13-5 (Central Core Regulating Plan), SE 5th Avenue is classified as a Primary Street. Thus, all development standards applicable to Primary Streets must be applied.

Parking:

Pursuant to LDR Section 4.4.13(L), 1 parking space per 500 sq.ft. of retail/commercial use is required. The building requires 14 parking spaces, of which 10 are provided on-site, behind the building and accessed from the alley. Pursuant to LDR Section 4.6.9(E)(3), a maximum of 30% of required parking may be provided by using the in-lieu of parking program. On February 8, 2017, the City Commission approved an In Lieu of Parking Fee request in the amount of \$94,640.00 for four parking spaces. Prior to building permit issuance, the agreement must be recorded in the public records of Palm Beach County and 50% of the fee (\$42,320) must be paid to the City.

Bicycle Parking:

Pursuant to LDR Section 4.4.13(I)(4) bicycle parking is required. The requirement is two spaces per 1,000 sq.ft. of retail uses, which results in 14 bicycle parking spaces. The site plan has three racks located along the south side of the building. The specification for the bike rack indicates each double-U shape can hold up to 5 bikes, which satisfies this requirement.

Handicap Accessible Parking:

Pursuant to LDR Section 4.6.9(C)(1)(b), special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Pursuant to the Florida Accessibility Code for Building Construction, one parking space serving the development must be handicap accessible. Based upon the single ADA compliant handicap parking space provided, this standard is met.

Refuse Enclosure:

The trash enclosure is located in the rear of the building. Trash and recycling pick up is from the alley. The design will require bins be rolled out to the alley by the tenant. In order to ensure access around the parking, the enclosure doors have 180° hinges and a “no parking” sign during trash pickup days/times (typically prior to business hours) will be posted. Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three (3) sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public right-of-way. The dumpster detail indicates that this requirement has been met.

Lighting:

Pursuant to LDR Section 4.6.8, on-site lighting must be provided and be consistent with the minimum and maximum foot candle illumination level requirements. The details provided indicate that wall mounted light fixtures will be used in the rear. The photometric plan meets the minimum and maximum foot candle allowances in the front and rear of the building. The lack of lighting on the pathway on the south side of the building is a CPTED (Community Policing Through Environmental Design) concern. The walkway links the sidewalk to bike parking to the rear parking lot and alley. Lighting should be incorporated to ensure a safe space. This provision is listed as a recommended condition of approval.

Minimum Streetscape Width:

Pursuant to LDR Section 4.4.13(E)(2)(a), the combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than fifteen feet (15') in width, measured from the back of curb. The streetscape area meets the standards of the code as follows:

Streetscape Standards	Minimum Standard	Proposed Design
Curb Zone	4'-0"	12'-5"

Pedestrian Zone	6'-0"	6'-7"
Remaining Front Setback Area	5'-0"	10'0"
Total Streetscape Width	15'0"	29'-0"

As demonstrated in the table above, the proposal complies with the required streetscape standards.

Ground Story Height:

Pursuant to LDR Section 4.4.13(D)(1)(a)(4), the ground story of commercial or mixed-use buildings shall be a minimum of twelve feet tall. The plans demonstrate the ground level ceiling height will be measured from the finished floor to finished ceiling at a minimum height of 12'0".

Separation Between Entrances:

Pursuant to LDR Section 4.4.13(E)(3)(Building Entrances), on the ground level there shall be no more than seventy-five foot separation between entrances along a Primary Street for all non-residential uses. The entrances along South Federal Highway comply, with a maximum building entrance separation of 19' feet.

Storefront and Glazing Area:

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

Storefronts	Minimum Required	Maximum Allowed	Proposed
Building Setback	10 ft.	15 ft.	10 ft. & 14 ft.
Storefront Width	N/A	75' on Required Retail Streets	19'-4"*
Storefront Base	9 in.	3 ft.	2 ft.
Glazing Height	8 ft.	-	12 ft.
Required Openings	80%	-	83%
Eyebrow	3 ft.	-	3 ft.

*The tenant spaces will be subdivided when leased. In order to meet this requirement, an individual tenant space should not exceed 75'-0" in width; final installation of demising walls indicated on the plans should not create a space larger than 75'-0" in width. This provision is listed as a recommended condition of approval.

LANDSCAPE PLAN ANALYSIS

The landscape plan submitted has been evaluated by the City Landscape Senior Planner. For parcels in the CBD, the main landscape components required are the streetscape, civic open space requirements, and parking lot landscaping. The design proposes to remove the existing buffer landscaping between the existing building and the sidewalk, widening the sidewalk and providing views into the retail stores for the passersby. Additional landscaping is proposed within the curb zone, greening an area previously used as an access drive. The landscaping is consistent with the recently installed landscaping along SE 5th Avenue.

Pursuant to LDR Section 4.4.13(G) Civic Open Space is required for parcels 20,000 sq.ft. or greater. At 13,098 sq. ft, this parcel is below the threshold and not required to provide Civic Open Space. The project has landscaped the walkway on the south side of the building and has incorporated "green" walls using a cable trellis system on both the south and north sides of the building.

A waiver has been requested to LDR Section 4.6.16(H)(3)(i), which requires a nine-foot wide terminal landscape island at the end of each parking row. Due to the alley right-of-way dedication and the limited lot

size, the waiver is requested to adequately accommodate the proposed on-site parking configuration. Upon approval of this waiver request, the proposed landscape plan will be deemed compliant with LDR Section 4.6.16. The waivers are analyzed in the following to sections.

TERMINAL LANDSCAPE ISLAND - WAIVER ANALYSIS
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The applicant has requested a waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands be located at the end of each parking row with a minimum width of 9' and depth of 15' for a total of 135 sq. ft. Specifically, the waiver is requested for the north and south ends of the 10-space parking row in the rear of the building to one foot on each side.

CBD Waiver Criteria:

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

- (a) The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.
- (b) The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
- (c) The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
- (d) The waiver shall not reduce the quality of civic open spaces provided.

LDR Required Findings:

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;
- (b) Shall not significantly diminish the provision of public facilities;
- (c) Shall not create an unsafe situation; and,
- (d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

The applicant's Waiver Justification is attached.

Staff Assessment of CBD Standards and Required Findings:

The City concurs with the applicant's request for the waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft. Specifically, approval of the waiver shall not result in an inferior pedestrian experience along a Primary Street, because the affected area is behind the building, along the alley. The waiver will not create incompatibilities with the municipal parking lot to the north nor with the townhomes to the south, which have a landscape area separating the properties. The reconfigured site plan also moves the trash enclosure away from the residences. The waiver has no effect on any civic open spaces, since none are required for this site. Therefore, the request for the waiver substantially meets the standards of LDR Section 4.4.13(K)(8)(b)(2).

Granting the requested waiver will not have an adverse effect on the neighboring area as discussed above and will not create and unsafe situation. Incorporating terminal islands on such a small parcel would result in the

loss of two spaces, which would impact redevelopment potential of a small, infill site. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made for the a waiver to LDR Section 4.6.16(H)(3)(i), which requires terminal landscape islands to be located at the end of each parking row and have a minimum width of 9' and depth of 15' for a total of 135 sq. ft.

ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to in LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The proposed building has been designed with an Art Deco style of architecture, which is identified as one of seven permitted architectural styles. The execution of the style leans toward the streamline modern period of Art Deco. The design includes Art Deco characteristics, such as windows at the corners, cantilevered eyebrow for shade, horizontal streamlined details on vertical elements and neon details. Concern was voiced during the review process regarding the exaggerated quality of the columns and roof line so the elevations were updated to refine the design.

Pursuant to LDR Section 4.6.18(B)(14)(ii)(3) Treatment of Blank Walls, architectural design elements must be proposed to reduce blank wall space in the Downtown Area. The architect has included additional treatments to the blank wall space on the south and north elevations, despite the zero lot line condition. The treatment includes a cable trellis system to establish a green wall over time.

The proposed architectural building is a high quality design product that will be compatible with the neighboring properties and will further enhance the image of the City and the downtown. This building will be located across the street from the future iPIC theater, which uses a whimsical modern elevation treatment. The Art Deco style is appropriate in close proximity to the modern architecture. Based upon the above, the proposal will be consistent with the criteria established in LDR Section 4.6.18(E).

REQUIRED FINDINGS

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 the following four areas.

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

The subject property has a Future Land Use Map designation of CC (Commercial Core), and a zoning designation of CBD. It is located in the Central Core Sub-district. The CBD zoning is consistent with the Commercial Core FLUM designation. Pursuant to Table 4.4.13(A), Allowable Uses in the CBD Sub-Districts, in the Central Core, principle uses “P” include retail use. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

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

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

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

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

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.

The proposed infill development will replace an obsolete building with a structure that lines the street with storefronts and active uses, improving the downtown CBD. The proposed retail use is compatible and consistent with other existing establishments in the downtown area. Therefore, the proposed development will be complementary to adjacent land uses.

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

Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use. The proposed project has provided racks to accommodate 15 bicycle parking spaces. Thus, this LDR requirement is met.

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

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

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

	<i>Zoning Designation:</i>	<i>Land Use:</i>
<i>North:</i>	CBD	Municipal Parking Lot

<i>South:</i>	CBD	Townhouses
<i>East:</i>	CBD	ACE Hardware Store
<i>West:</i>	CBD	Future iPIC Theater

The surrounding uses are diverse, which is typical of development in the Central Core (CC) of the Central Business District (CBD). The small scale retail building will be compatible with the surrounding parking, residential, retail, and entertainment uses and consistent with the mixed-use district. Thus, a finding can be made that the use will not have a detrimental effect upon the stability of the downtown, nor will it hinder the development or redevelopment of nearby properties. Thus, positive findings can be made pursuant to LDR Section 2.4.5(F)(5).

REVIEW BY OTHERS

At its meeting of January 12, 2017, the **CRA (Community Redevelopment Agency)** reviewed the development proposal and recommended approval.

At the meeting of January 9, 2017, the **DDA (Downtown Development Authority)** reviewed the development proposal and recommended approval.

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

- Chamber of Commerce
- Downtown Development Authority

ASSESSMENT AND CONCLUSION

The Class V Site Plan development proposal is associated with demolition of an existing buildings and construction of a new one-story retail development containing 7,249 sq. ft. of retail uses. One waiver to the terminal landscape island requirement is requested and supported by staff to accommodate as many on-site parking spaces as possible on a small site, accessed from the alley and located behind the building Staff supports the Art Deco building design, which is one of seven styles defined for the CBD Zoning District. The retail development will be consistent with the current policies and objectives of the Comprehensive Plan and Chapter 3 of the Land Development Regulations, subject to the conditions as indicated in the staff report. Therefore, positive findings can be made with respect to Section 2.4.5(F)(5).

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Waivers, Class V Site Plan, Landscape Plan and Architectural Elevations for **The Lisa Building**, located at 47 SE 5th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations, subject to conditions.
- C. Move denial of the Waivers, Class V Site Plan, Landscape Plan and Architectural Elevations for **The Lisa Building**, located at 47 SE 5th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(F)(5), 2.4.7(B)(5), 4.4.13(K)(8)(b)(2), 4.6.16, 4.6.18(E) and Chapter 3 of the Land Development Regulations.

RECOMMENDED ACTION

By Separate Motions:

Terminal Landscape Island Waiver:

Move approval of the requested waiver to LDR Section 4.6.16(H)(3)(i), to permit a 1'-0" wide terminal landscape island at the end of each parking row, whereas 9'-0" is required, due to positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Site Plan:

Move approval of the Class V Site Plan (2016-209) for **The Lisa Building**, located at 47 SE 5th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. That the final installation of demising walls, which define tenant space, indicated on the plans shall not create a space larger than 75'-0" in width;
2. That prior to building permit issuance, the In Lieu Parking Agreement must be recorded in the public records of Palm Beach County and 50% of the fee (\$42,320) must be paid to the City;
3. The Photometric Plan be revised to light the walkway that links the sidewalk to bike parking to the rear parking lot and alley; and
4. That the Engineering Technical Comments in Appendix C are addressed prior to Site Plan Certification.

Landscape Plan:

Move approval of the Landscape Plan for **The Lisa Building**, located at 47 SE 5th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in 4.6.16, Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.

Architectural Elevations:

Move approval of the Architectural Elevations for **The Lisa Building**, located at 47 SE 5th Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.18(E), and Section 4.4.13 (F)(3) of the Land Development Regulations

Staff Report Prepared by: *Anthea Gianniotis, AICP, Senior Planner*

Attachments: *Site Plan, Landscape Plan, Architectural Elevations, Waiver Justifications, Appendix "A", Appendix "B" & Appendix "C"*

APPENDIX “A” CONCURRENCY FINDINGS

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Water and Sewer:

- Water Service is available via an existing 8” water main within the adjacent rear alley ROW to the east.
- Sewer Service is available via an existing 8” sewer main within the adjacent rear alley ROW to the east.

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

Streets and Traffic:

It is noted that the site is located within the City’s Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC and OSSHAD. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. Therefore, a traffic study is not required for concurrency purposes. However, a traffic statement was prepared which indicates that The Lisa Building will generate an increase of 343 daily trips, a reduction of 14 am peak trips and 33 pm peak hour trips. The Palm Beach County Traffic Division has issued a traffic concurrency determination letter on August 23, 2016 indicating the development proposal compliance with Palm Beach County traffic standards and is valid through build-out on December 31, 2021.

Parks and Recreation Facilities:

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit will be collected prior to issuance of a building permit. This standard does not apply to retail use.

Solid Waste:

The existing office building (4,795 sq. ft.) generates 12.9 tons of solid waste per year. The proposed retail 7,249 sq. ft. of retail use will generate 37 tons of solid waste per year. There is a 24.1 ton net increase in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Schools:

The proposed development does not contain residential units and therefore, is not subject to school concurrency.

Drainage:

Drainage will sheet flow on site to an 80-ft. trench drain running parallel to the alley. There are no problems anticipated with respect to drainage as it relates to this standard.

APPENDIX B 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	X
Meets intent of standard	
Does not meet intent	

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable	X
Meets intent of standard	
Does not meet intent	

- F. Vacant property shall be developed in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable	X
Meets intent of standard	
Does not meet intent	

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

Not applicable	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	

<p style="text-align: center;">APPENDIX C PRELIMINARY ENGINEERING TECHNICAL COMMENTS</p>
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1. Please provide signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (7). In addition, the surface water management system needs to be designed in accordance with LDR Section 6.1.9 for a minimum of a 10 yr./24 hr. storm event.
2. Indicate location of existing water service on Civil Plans per LDR Section 2.4.3 (B) (8) and 2.4.3 (D) (3) including type and size of existing lines. Provide notes that state the disposition of all existing facilities including service lines and meters. Provide proposed backflow preventer and meter locations as well as fire hydrant location.
3. Provide the following note on both the Engineering Plans and the Landscape Plans that, "any trees or shrubs placed within water, sewer or drainage easements shall conform to the City of Delray Beach Standard Details; LD 1.1 & LD 1.2." These Details are to be shown on the Landscape Plans.
4. Provide note on Civil Plans that "water meter sizes shall be designed by Engineer of Record and shall be checked and authorized by City of Delray Beach Utilities Division." Water meter sizes will be finalized during the City's permit review process.
5. Provide cost estimate for improvements in accordance with LDR Section 2.4.10. Estimate needs to be certified by Engineer of Record and include all costs associated with water, sanitary sewer, paving and drainage costs. These are the costs for improvements to be maintained by the City or which is necessary to adequately provide service to or on site and for guaranteeing its installation and that it properly functions. Please use the latest version of the spreadsheet "Engineer's Opinion of Cost" when submitting cost estimate; an electronic copy is available upon request. In addition, as part of the project closeout requirements, this spreadsheet is to be used to submit the final quantities, especially the City maintained quantities with associated cost.
6. (If required) Provide 110% surety (financial guarantee) amount in accordance with LDR Section 2.4.10 as estimated in the "Engineer's Opinion of Cost." Prior to Certificate of Occupancy and return of the 110% surety, a 10% warranty surety will be required.
7. (If required) Provide Financial Guarantee Agreement for 110% surety in accordance with LDR Section 2.4.10. Agreements can be obtained online at www.mydelraybeach.com, go to Environmental Services Department, Standard Details then select appropriate agreement.
8. (If required) Provide 2% engineering inspection fee based on the total water and sewer improvements as estimated in the "Engineer's Opinion of Cost."
9. Submit "As-Built Checklist" form indicating which items will be required on as-builts. The Engineer of Record will be required to submit two sets of black / blue line prints and one mylar of the as-builts as part of project close-out. Form and as-built requirements can be obtained at www.mydelraybeach.com, go to Environmental Services Department, Standard Details then select section with pages C-8 thru C-
10. Please Resubmit Through The Planning and Zoning Department; and Clearly Indicate Which Documents Are For The Engineering Division. Also, Ensure A Complete Set Of Plans Is Provided For The Engineering Division.
11. Additional comments may follow after review of revised plans.

RECEIVED BY
OCT 19 2016

City of Delray Beach
Planning & Zoning

MEMBER OF FL, N.Y., NJ*,
Ct. & D.C. BARS

*In House Counsel

LOUIS J. CARBONE, P.A.

A PROFESSIONAL ASSOCIATION

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Katonah, New York 10536

September 26, 2016

Candi Jefferson, Senior Planner
Planning and Zoning Department
City of Delray Beach
100 N.W. 1st. Avenue
Delray Beach, Florida 33444

RE: Waiver Request LDR Section 4.6.16(H)(3)(i)
Project: The Lisa Building
Class V Site Plan Application
Property Location: 47 SE 5th Avenue Delray Beach FL.

Dear Ms. Jefferson:

As agent for and on behalf of **104-106 Delancey Realty LLC** the owner of the above premises, we hereby submit this Waiver Request with respect to the above Land Development Regulations (LDR) in connection with the above referenced Class V Site Plan application.

Background: The Project consists of the new construction of a one-story building with five (5) commercial retail stores (bays) with an approximate size of 8,000 square feet located in the Central Business District (CBD) at 47 SE 5th Avenue Delray Beach FL and to be known as The Lisa Building ("Building")

LDR Requirement: LDR Section **4.6.16(H)(3)(i)** requires a nine (9') terminal landscape island at the end of each parking row.

Waiver Request: To eliminate the specified LDR Landscape requirement for a nine (9') terminal landscape island at the end of each parking row. The applicant proposed to reduce the width of the landscape island to one (1') foot.

Waiver Justification: The Waiver Request is justified for the following reasons:

Due to the alley Right of Way dedication that the Applicant has been asked to provide for this Project and the limited lot size the waiver is deemed necessary to adequately accommodate the on-site parking configuration. It should be noted that by dedicating a two (2) foot right of way to the City in connection with this project it increase the width of the current public alley right of way.

- (f) Approval of the waiver shall not result in an inferior pedestrian experience because neither location is along a Primary Street. The buffer to the North is along the alley. The buffer to the South abuts an interior lot. Additionally a pedestrian walkway has been provided along the length of the south side Building to provide a safe pedestrian walkway.
- (g) The waiver also has no effect on any civic open spaces since none are provided.
- (h) Granting the requested waiver will not have an adverse effect on the neighboring area and will not create an unsafe condition because the adjacent land uses to the north and south are also commercial. To the East the parking row is also buffered by an existing 16' alley.
- (i) The Waiver Request does not create an unsafe condition or situation as there is sufficient space still provided at the end of each parking row.
- (j) Additional Landscape areas have been provided in the front of the parking spaces and along the South side of the Building.
- (k) The Waiver Request does not grant special privilege in that the same waiver has and would be granted under similar circumstances on other property for another applicant or owner. Given that there are many existing properties located in the Central Business District (CBD) which do not have a 5' foot landscape buffer adjacent to a vehicular use areas the same waiver would be granted under similar circumstances on other property for another applicant or owner and would not create a special grant or privilege.

Based on the foregoing, we request this Waiver Request from LDR Section **4.6.16(H)(3)(i)** be granted in connection with the subject Site Plan Application as justified above.

We have enclosed a check for the Waiver Request fee payable to the City of Delray Beach.

LOUIS J. CARBONE, P.A.

By: 

LOUIS J. CARBONE

LJC/aja

cc: 104-106 Delancey Realty LLC

File

DESIGNED BY:
CARTER & ASSOCIATES
LANDSCAPE ARCHITECTS INC.
77 N.E. 5th AVE. Delray Beach, FL 33483
561-272-2722 dhlaine@bellsouth.net LA. 831

DRAWN	JB	CHECKED	D.H.C.	DATE	8.4.16	SCALE	1" = 10'	JOB NO.	51016	SHEET	L-2	OF 3 SHEETS
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