



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

314 NE 3rd Avenue

Meeting	File No.	Application Type
July 15, 2024	2024-081-SPF-SPR-LV4	CBD Waiver Associated with a Level 4 Site Plan
Applicant/Property Owner		Authorized Agent
Ocean Parker Delray, LLC		Jeffrey A. Costello, AICP, FRA-RA

Request
 Provide a recommendation to the City Commission on a waiver request associated with a Level 4 Site Plan for a mixed-use development, to reduce the front setback requirement from the required 10 feet to 6 feet.

Site Data & Information

Location: 314 NE 3rd Avenue

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

Property Size: 0.15 Acres

Land Use Designation: Commercial Core (CC)

Zoning District: CBD, Railroad Corridor Sub-district

Adjacent Zoning:

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

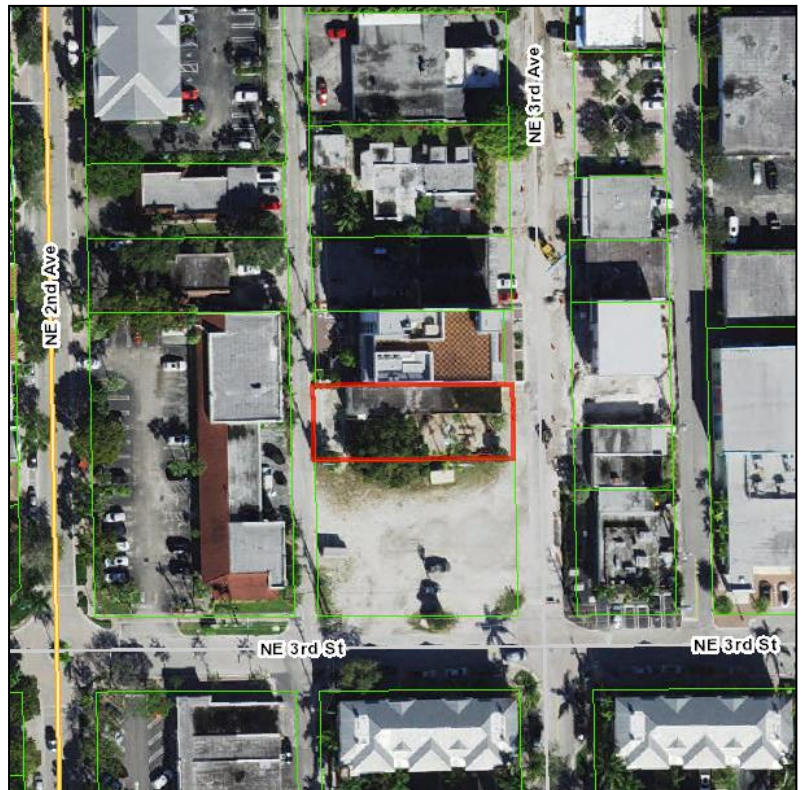
Existing Use: Residential

Floor Area Ratio:

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

CBD Railroad Corridor Sub-district

- **NE 3rd Avenue:** Secondary Street



For Reference: [LDR Section 4.4.13, CBD](#)

Background

The site was originally developed in 1954 and contains a warehouse on the ground floor and one residential unit on the second floor with a garage accessible via the alley. The warehouse (the yellow building in the images below), which exemplifies a simple masonry vernacular style commonly built in the 1950s, has been occupied with an art studio for a number of years. On August of 2023, the property received a permit approval to demolish the existing building. The property fronts NE 3rd Avenue, which has recently undergone streetscape improvements as part of a City funded public improvement project.



Front (East) Elevation



Rear (West) Elevation

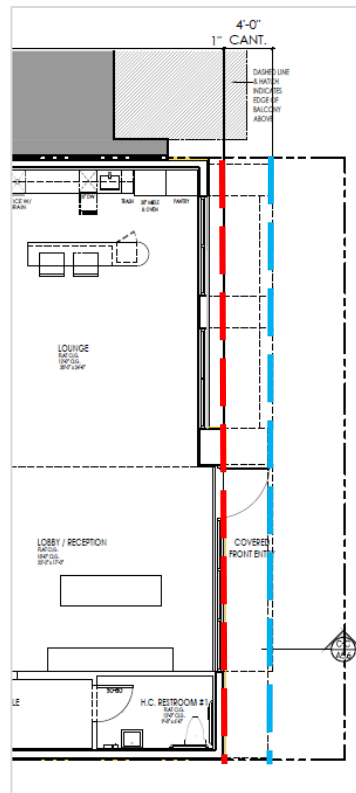
A Level 4 Site Plan application has been submitted to construct a mixed-use development with an office on the ground floor and a residential unit on the second floor. As part of the development application, the applicant has requested a waiver from the front setback requirement in CBD development regulations.

Description of Proposal

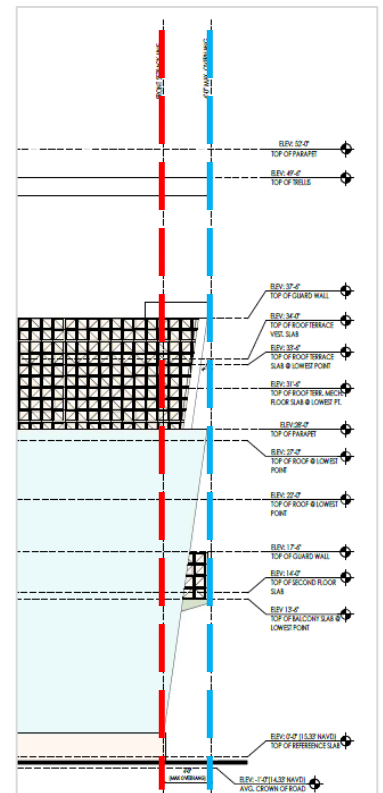
Pursuant to **LDR Section 2.1.5(E)(5)(k)**, *The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR): Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.*

The requested waiver is from the requirement in **LDR Section 4.4.13(D)(a)1.**, **Dimensional Requirements for CBD Sub-districts**, *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 request is to reduce the front setback from a minimum of 10 feet (red dashed) to six feet (blue dash). The ground floor level would meet the required 10-foot setback (image at right); however, the overall building mass angles out towards the streetscape and the second floor and the overhang above the rooftop encroaches four feet into the setback (far right image).



Ground Floor Level



Elevation

The final consideration of the waiver will be made by the City Commission, subsequent to a recommendation by the Board. Following the final action on the waiver by the City Commission, the complete Level 4 Site Plan will come before City Commission for final action.

Waiver Analysis

Waiver requests are subject to the following findings.

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

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

- 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.*

LDR Section 4.4.13(D)(a)1., Dimensional Requirements for CBD Sub-districts, 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 applicant is requesting a reduction of the required front setback. The required minimum setback of ten feet would be reduced to approximately six feet. The ground floor of the building begins at the required setback of 10 feet and the entire front façade leans four feet into the front setback. The encroachment does not exceed into the pedestrian clear zone and curb zone; therefore, the pedestrian experience on the ground level will not be affected by the request. The proposed streetscape has been swapped to place the pedestrian clear zone adjacent NE 3rd Avenue and then the curb zone; this is proposed to meet the existing streetscape configuration on NE 3rd Avenue. The proposed streetscape meets the dimensional requirements in LDR Section 4.4.13(E)(2). The proposal depicts approximately six feet and four inches for the pedestrian clear zone corner and four feet for the curb zone.

Overall, in consideration of the waiver criteria, the request is not anticipated to diminish the pedestrian experience or the connectivity of the street and sidewalk network. The request is not anticipated to negatively affect the neighboring area or create unsafe conditions. Other projects with similar conditions have been granted approvals.

Review by Others

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

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

The **City Commission** will review the subject waiver requests at an upcoming meeting.

Options for Board Action

- A. Move to recommend **approval** to the City Commission of the waiver request for **314 NE 3rd Avenue** (2024-081) to reduce the front setback requirement from 10 feet to six feet, by finding that the request meets the criteria set forth in the Land Development Regulations.
- B. Move to recommend **denial** to the City Commission of the waiver request for **314 NE 3rd Avenue** (2024-081) to reduce the front setback requirement from 10 feet to six feet; by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- C. Move to **continue** with direction.

Public and Courtesy Notices

Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

- Pineapple Grove Association, Email provided on July 5, 2024

Public Notices are not required for this request.