



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

307 NE 5<sup>th</sup> Avenue

Meeting	File No.	Application Type
September 27, 2023	2022-151-SPF-SPR-CLV	Class V Site Plan
Property Owner	Agent	
Sir 1 Development LLC	David Karam; Gregory Jones	

### Request

Consideration of a Class V Site Plan application, including a Landscape Plan and Architectural Elevations, for a three-story, 5-unit townhouse development.

### Site Data & Information

**Location:** 307 NE 5<sup>th</sup> Avenue

**PCN:** 12-43-46-16-05-105-0160

**Property Size:** 0.29 acres (gross);  
0.28 acres (net)

**Land Use Designation:** Commercial Core (CC)

**Zoning:** Central Business District (CBD) - Central Core Sub-district

**Adjacent Zoning:**

- North, South, East, and West: CBD - Central Core Sub-district
- 

**Existing Land Use:** Vacant

**Proposed Land Use:** Multi-Family Residential, Fee-simple Townhomes (5 Units)

**Floor Area Ratio:**

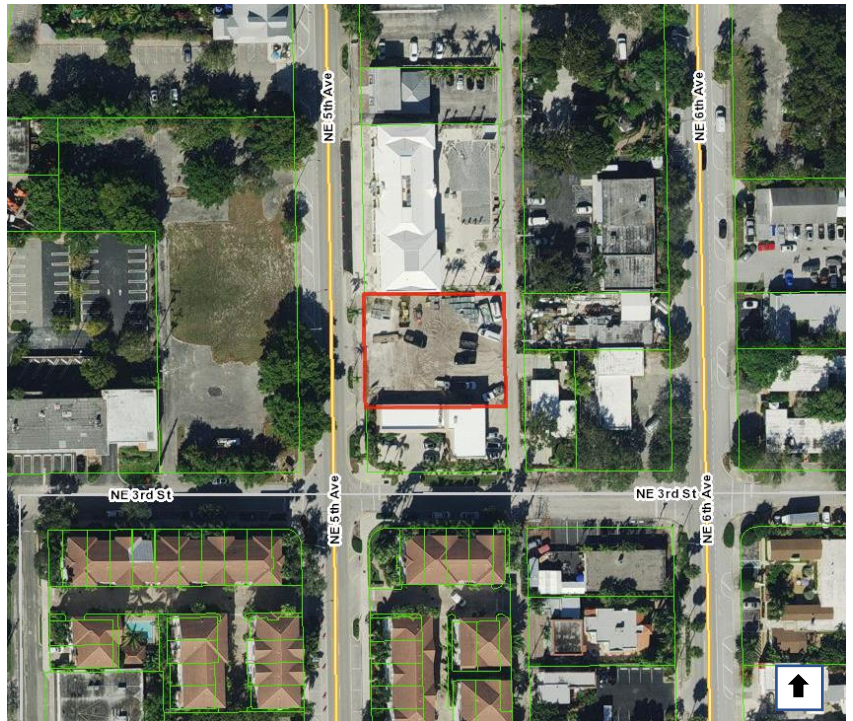
- Existing: NA
- Proposed: 1.48
- Maximum allowed: 3.0

**Density:**

- Existing: NA
- Proposed: 17 du/acre
- Maximum allowed: 30 du/ac

**CBD Central Core Sub-district**

- SE 5<sup>th</sup> Avenue:  
-Primary Street





## Background

The site was previously developed as a low-density, low-scale multi-family property with a complete demolition of the previously existing structures occurring in 2020. The site currently sits vacant. The property fronts NE 5<sup>th</sup> Avenue - considered a primary street in the CBD - which has undergone various street improvements over the years, facilitated by FDOT, including the installation of landscape islands, lane narrowing, bike lane, and other traffic calming strategies. The property is bordered to the north by a new construction office building and to the south by a commercial property that houses a mixture of uses.



In 2021, a Class V site plan application was submitted for the new construction of a three story, 5-unit, approximate 18,000 sq. ft. townhouse development in the Art Deco style, including two landscape waivers. This application was ultimately denied on a 3-2 vote by the City Commission via the appealable process after initially receiving approval from SPRAB.



## Description of Proposal

The proposed project consists of a 5-unit, three-story townhouse development wherein each unit reflects the same floor plan. The units are comprised of three-bedrooms, an interior courtyard, a two-car garage, and a raised pool deck in the rear elevated above the garage and driveway. The project proposes an architectural design generally reflective of the Masonry Modern style, and while a new code provision has been adopted that requires special approval of the City Commission to utilize the masonry modern style, this project was submitted for consideration prior to the code amendment, and therefore the revised provision does not apply. The design includes an elevated stoop frontage type with planter feature and canopies and overhangs that project to provide shade and rain cover at the entrance.



There is no vehicle access provided along the NE 5<sup>th</sup> Avenue frontage, which is beneficial in preserving the integrity and quality of the pedestrian experience; with vehicle access and trash pick-up instead being routed through the alley at the rear of the property.



**Review & Analysis: Site Plan and Zoning****LDR Section 2.4.5(F), Class V Site Plan**

*A Class V Site Plan is an application for new development of vacant land which requires full review of Performance Standards found in Section 3.1.1. In addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the Class V site plan or MDP 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.*

**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, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 are provided throughout the following report sections.

**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 subject property has a Land Use Map designation of CC, and a zoning designation of CBD, which is a compatible zoning district to implement the CC land use designation. A townhouse typology residential development is permitted within the CBD district, so long as the applicable form-based requirements of the CBD code are sufficiently integrated into the design and configuration of the development.

**3.1.1(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.*

Potable Water and Sewer: Water and sewer services will be connected to adjacent available networks pursuant to approval of the utilities plan reviewer. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

Drainage. Drainage and water run-off will be addressed through on-site retention, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) letter has been provided by Palm Beach County (dated February 2023) indicating the project meets concurrency standards with an anticipated net daily increase of 34 trips, generating a total of 2 new trips at AM peak hour and 3 new trips at PM peak hour.

Parks and Open Space: A park impact fee of \$500 per residential unit will be applied at time of building permit.

Solid Waste: The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: A SCAD approval letter has been provided by the Palm Beach County School Board in May 2023, which has found that the proposed development will have no negative impact on the capacity of the school system. certification.

**3.1.1(C), Consistency**

*A finding of overall consistency may be made even though the action may 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.*

The applicable subsections of Article 3.2, Performance Standards, are Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and Section 3.2.3, which provides standards for site plan actions.

**Section 3.2.3, Standards for site plan and/or plat actions**

The applicable subsections of Article 3.2, Performance Standards, are Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and Section 3.2.3, which provides standards for site plan actions. The proposed development generally meets the applicable standards; however, there are concerns with (G), which requires that *“a variety of housing types be provided to accommodate the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.”* It is acknowledged that the proposed units will result in additional housing inventory downtown, yet the proposed unit typology is limited to a narrow subset of Delray Beach's larger demographic. Residential developments that provide a diverse mix of unit typology is preferred.

Otherwise, there are no significant areas of concern with regard to impacts from the overall site configuration on the surrounding area. The site improvements remain well within the allowable thresholds for the land use and zoning district.

**Comprehensive Plan**

Overall, the proposed application is consistent with any applicable Goals, Objectives, or Policies of the Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element. The Proposal includes the redevelopment of a vacant lot within the parameters of the CBD regulations that encourage development at a scale consistent with the development pattern found throughout the adjacent area.

**Neighborhoods, Districts, and Corridors Element**

**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 *balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown. This designation is applied to the Community's downtown area. It includes a substantial portion of the Transportation Concurrency Exception Area described in the Future Land Use Element and graphically shown in Map 9. The Commercial Core designation accommodates a variety of uses including commercial and office development; residential land use upper story apartments; older homes renovated to accommodate office use; and uses such as "bed and breakfast" establishment; and industrial/commerce type uses.*

**Policy NDC 1.1.14:** *Continue to require that property be developed or redeveloped or accommodated, 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*

**Housing Element**

**Policy HOU 3.1.2:** Protect existing established residential neighborhoods from the encroachment of nonresidential uses, except for strategic locations where such transition is planned in support of multimodal improvements, mixed-use development, or an adopted neighborhood plan.

**Policy HOU 3.1.4:** Encourage development of vacant or underdeveloped land for housing and mixed-uses, and promote rehabilitation of underutilized housing into desirable places to live.

Policy HOU 3.2.1 Indicates the intent to *allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

The Always Delray Comprehensive Plan speaks to the provision of diverse housing types throughout the city. While luxury townhomes are an increasingly common development type and a proposal more varied in unit mix would be desirable, the addition of five units into the downtown residential base on land that is currently vacant and underutilized is a general benefit to the city. The Board should consider whether the proposed development successfully meets the intent of the Comprehensive Plan for new residential development to *“accommodate the City's growing and socio-economically diverse population.”*

**3.1.1(D), Compliance with the 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.*

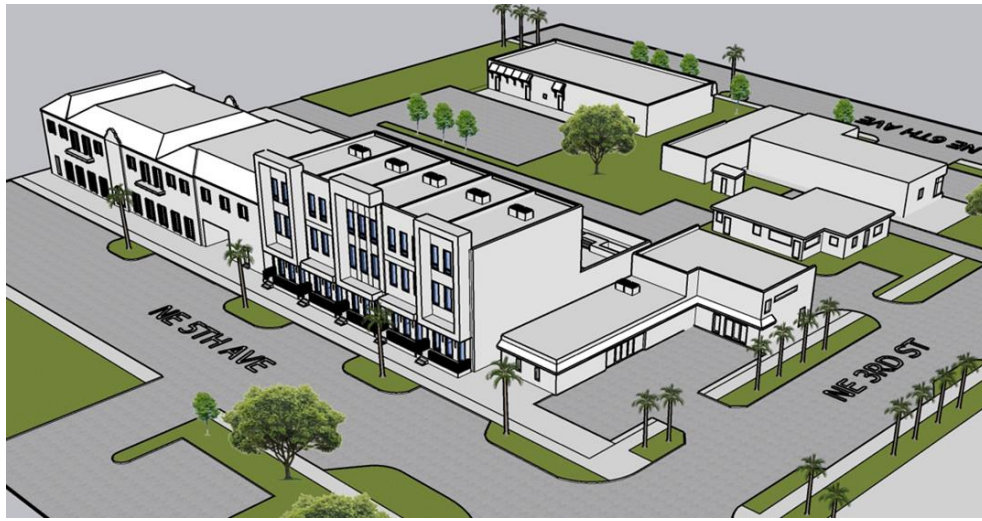
**Section 4.4.13, Central Business District**

Standard/Regulation	Review
<b>Height</b> Table 4.4.13(C)	<b>Maximum:</b> 54 feet, 4 stories <b>Proposed:</b> 38 feet, - measured height of flat roof, 3 stories
<b>Setbacks</b>	<b>Required:</b> <b>Front:</b> 10-15 feet <b>Side:</b> 0-5 feet <b>Rear:</b> 10 feet  <b>Proposed:</b> <b>Front (West):</b> 13 feet, 6 inches <b>Side (North and South):</b> 1 inch <b>Rear (East):</b> 24 feet – 25 feet, 7 inches
<b>Dwelling Unit Standards, Diverse Unit Types</b> 4.4.13(D)(1)(d)1.	Residential development with less than 12 units are not required to provide a mix of units type, <i>“however, a mix of unit types and sizes is encouraged.”</i>  The request includes five residential units, each comprising three bedrooms, and approximately 2,725 sq. ft. A mix of unit types is not required yet is desired. The mix of types can be accommodated either through the provision of additional units or an adjustment in the floor plans/unit sizes, which are all identical to each other.
<b>Streetscape Standards</b> 4.4.13(E)(2)	The project complies with the minimum requirements of the CBD streetscape standards.  Curb Zone: Required – Minimum 4 feet; Provided – 4 feet to 14 feet Pedestrian Clear Zone: Required – 6 feet; Provided – 6 feet  Minimum total streetscape width: Required – 15 feet; provided 15 feet, 9 inches
<b>Remaining Front Setback Area</b> 4.4.13(E)(2)(a)3.	<b>Required:</b> Hardscape or Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.  <b>Proposed:</b> The remaining front setback area contains hardscaping and ground plantings (shrubs) in front of each stoop.
<b>Frontage Type: Stoop</b> 4.4.13(E)(4)(b)	<b>Required:</b> A small staircase leading to the entrance of a building that may be covered. The elevation of the stoop is necessary to ensure privacy for residential uses in the ground story of buildings. Stoops should provide sufficient space for a person to comfortably pause before entering or after exiting the building. Stoop may have a maximum depth of 8 feet and may encroach into the minimum required front setback a maximum of 5 feet.  <b>Proposed:</b> Each unit includes an elevated stoop that is five feet in depth that projects from 3 feet, 8 inches to 4 feet, 8 inches into the required minimum front setback. The stoop is framed with landscaping and is partially covered by a cantilevered horizontal projection (canopy and protruding stucco brow) that defines the front entrance.

**Architectural Elevations**

4.4.13(F)

A review of the CBD architectural requirements is provided under the **Architectural Elevations** section of the report.

**Other Requirements**

Standard/Regulation	Review
<b>Lighting (Photometric Plan)</b> 4.6.8(A)(3), Illumination Standards: Table 2	Illumination spillover is limited to the maximum degree feasible given the minimum illumination requirements for street lighting, off-street parking illumination, and lighting at the building entrance.
<b>Off-Street Parking</b>	<b>Required:</b> 1.75 spaces per unit (2BR or more), plus 0.5 guest spaces per unit (18 total); 3% of required parking as Alternative Fuel Spaces.  <b>Provided:</b> 24 total; two-spaces provided in the garage of each unit as well as a guest space in the driveway of each unit. 1 Alternative Fuel Space is required at time of building permit and may be provided in a garage
<b>Bicycle Parking</b> LDR Table 4.4.13(M)	<b>Required:</b> 1 space per 10 units  <b>Provided:</b> 2 spaces are provided in front of Unit 1, integrated into the streetscape

Further review of the project for compliance with the LDR is provided as part of the Landscape Plan and Architectural Elevations review.



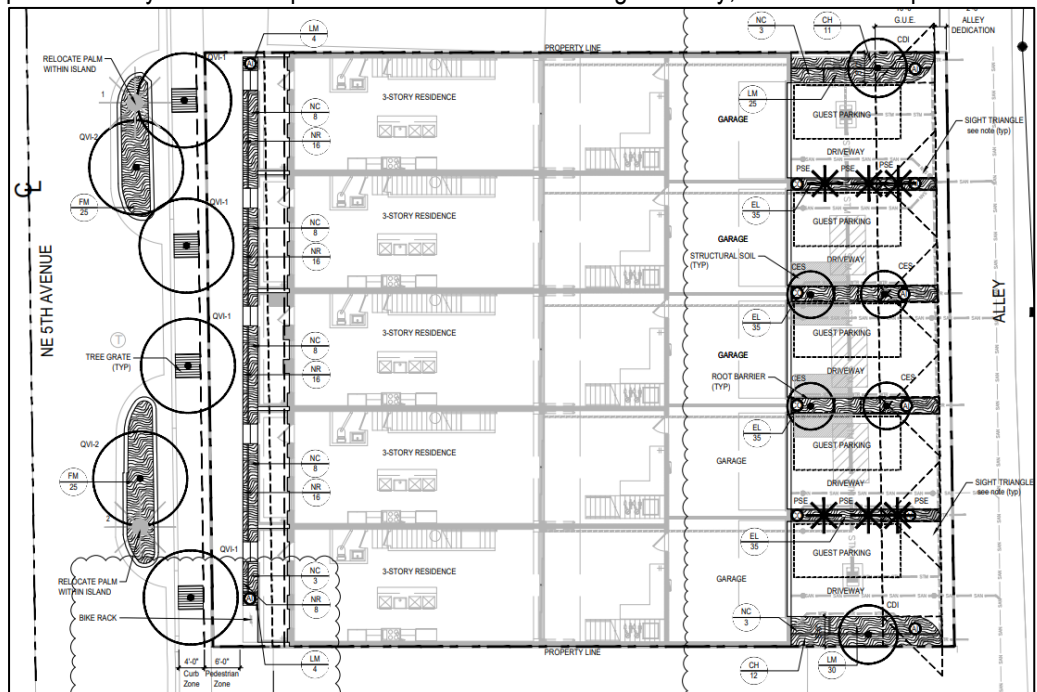
**Review & Analysis: Landscape Plan****LDR Section 2.4.5(H)(5), Findings**

At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

- (a) Objectives of landscaping regulations Section 4.6.16.;
- (b) Site and landscape design standards pursuant to Section 4.6.16.

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

The Landscape Plan has been reviewed for technical compliance by the Landscape Plan Reviewer and the scope of work has been deemed to comply with all applicable regulations. A thorough mix of shade trees, shrubs, and ground landscaping is interspersed throughout the site to help soften the mass of the building as viewed from the right of way. Shade trees and clusters of palms are provided in the rear parking area as well as shade trees along the pedestrian sidewalk adjacent to NE 5th Avenue. While the streetscape along NE 5<sup>th</sup> Avenue predominantly consists of palm trees within the FDOT right of way, the new development has proposed shade trees in lieu of continuing the use of palms. The shade trees are a functional amenity that provides shade to all users, while also enhancing the overall aesthetic of the streetscape

**Tree Removal/Relocation**

Given that the site was cleared without permits, the previously existing tree canopy can be estimated through aerial photography. Pursuant to LDR Section 4.6.19(E)(8)(b), Penalties: Canopy Replacement and Triple Fees, if trees are removed before obtaining authorization for removal, and the DBH size of the removed trees(s) cannot be determined from any remnants, aerial photography will be used to calculate mitigation. The number of required replacement trees shall be based upon the size of canopy removed and the type of replacement trees selected by the applicant and approved by the City. Replacement area credits shall equal the canopy removed, per Table 4.6.19(E)(8). Where the property cannot accommodate tree replacement on a canopy replacement basis, an in-lieu fee shall be deposited into the Tree Trust Fund.





A tree mitigation fee of \$20,850.50 will be due to the City at the time of building permit.

**MITIGATION CALCULATION (SECTION 4.6.19 E(8)(b)(i))**

*\$850.00 per 100 square feet for those trees removed with a canopy larger than 899 square feet (Ord. No. 19-17, § 1, 8-2-17)*

CANOPY REMOVED TREES = 6,356 SF

MITIGATION CANOPY CREDITS = 3,000 SF

- 300 x 6 (6 Quercus virginiana) + 300 x 2 (2 Coccoloba diversifolia)+ 300 x 4 (2 Conocarpus erectus Sericeous)+ 50 x 6 (4 Ptychosperma macarthurii 'Schefferi')

CANOPY TO BE MITIGATED = 6,356 SF - 3,900 SF = 2,453 SF

MITIGATION FEES = 2,453 / 100 = 24.53 X \$850.00 = **\$20,850.50 IN LEU FEES TO BE PAID TO THE CITY**

**Review & Analysis: Architectural Elevations**

**LDR Section 2.4.5(l)(5), Architectural (appearance) elevations: Findings**

*At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, **Section 4.6.18**. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.*

**LDR Section 4.6.18, Architectural Elevations and Aesthetics**

**(A) Minimum Requirements**

- 1. The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
- 2. It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.*

The proposed front elevations provided below have been reviewed for compliance with both Section 4.6.18 and the architectural standards in 4.4.13.

**(E), Criteria for board action**

*The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation 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 development incorporates many elements of the Masonry Modern architectural style outlined in the Delray Beach CBD Architectural Guidelines. That being said, there are certain aspects of the design that, if improved, would benefit the composition to be more consistent in keeping with the proposed style and the intent of the Criteria for Board Action.

The front elevation is more characteristic of a commercial building rather than a residential building. The way in which the projecting stucco banding/pilaster is integrated into the design results in a front façade that appears overtly heavy and does not represent the overall function typically intended for residential development. For example, the design of a residential building, particularly in the downtown area, would typically accommodate balconies or terraces. Balconies and terraces are not only an amenity to the residents, but also add interest to the overall design and façade that break up the mass. A reduction in the thickness of the elements and inclusion of balconies may benefit the design. Furthermore, the elevations illustrate a 2-inch depth difference between materials (stucco and wood), however the front façade would benefit from a greater differentiation between the materials. By instilling a more dynamic break between the stucco and wood, more movement would be introduced across the façade that would relieve the sense of flatness that is currently communicated in certain areas of the design.

In addition, the design communicates elements reflective of an office building. The monotonous color palette of gray, white, and black may serve to reinforce this disconnect. Certain design language utilized reinforces the sense that the design is more





reminiscent of buildings typically intended for a use other than residential. Specifically, the repetition of the window pattern, absence of balconies, and design of the projecting canopies, allude to a commercial or office type building. While the stoops and front door design elements identify that this is a residential structure, in their absence the top half of the composition does not clearly communicate the intended use.

The Board should consider this feedback when determining if the design meets the applicable criteria for approval found in both 4.4.13 and 4.6.18.

#### **LDR Section 4.4.13(F), Architectural Standards.**

*To ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.*

<b>Standard/Regulation</b>	<b>Review</b>
<b>Façade Composition Tripartite Composition: Base Middle, Top</b> 4.4.13(F)(2)	While the base of the composition is clearly defined, there is a lack of delineation between the middle and top proportions – which results in a top-heavy composition.
<b>Appropriate Architectural Styles</b> 4.4.13(F)(3)	<b>Proposed Style:</b> Masonry Modern
<b>Walls</b> 4.4.13(F)(4)	<b>Required:</b> Maximum two primary material's appropriate to architectural style <b>Provided:</b> Stucco and faux-wood tile
	<b>Required:</b> Maximum four base wall colors <b>Provided:</b> One base wall color with two accent colors
<b>Openings</b> 4.4.13(F)(5)	Applicant has indicated that the transparency requirements have been met. Primary entrances are easily identified along the front elevation.
<b>Roofs</b> 4.4.13(F)(6)	Flat roof is screened by a four-foot parapet appropriate to the Masonry Modern style. There is a pool deck above the garages of each units, accessible from the 2 <sup>nd</sup> story of each unit.
<b>Reduction of Urban Heat Islands</b> 4.4.13(F)(9)	The roofed area is required to utilize Energy Star roof-compliant, high-reflectance and high emissivity roofing for a minimum of 75 percent of the roof's surface. Roofing details to ensure compliance with this requirement will need to be submitted at time of building permit.
<b>Green Building Practices</b> 4.4.13(F)(10) and Ordinance No. 30-22	<u>Green building certification is required</u> for developments containing 15,000 square feet or greater. As the proposed building has a gross floor area above the threshold, the building shall achieve at least the minimum level of certification from a green building certification entity. Documentation explaining how the green building certification will be achieved shall be provided at time of building permit.

#### **Delray Beach Central Business Architectural Design Guidelines**

*Masonry Modern is defined by its rational load bearing construction technique, its system of punched openings (versus large expansive walls of windows) and its limited ornament. Stucco is the prevalent building finish in the Masonry Modern style. Stone and wood details are used to soften the stark modern forms of the building mass.*



The proposed design is an interpretation of the Masonry Modern architectural style that is reminiscent of many iterations currently seen in development throughout the region. The design utilizes a material palette (primarily stucco with a porcelain tile as a “faux wood” accent siding) that is customary for the style and does deliver a composition that conveys a sense that the structure was carved from a singular mass – which is an important element of the style. Furthermore, the composition emphasizes the geometric nature of the form and incorporates design elements – such as vertically proportioned windows and protruding eyebrows that are generally appropriate for the style. However, the Board should consider whether the overall execution of the proposed style meets the intent of the defining characteristics.



### Board Considerations

The Board should consider the following in review of the request:

1. Whether there should be a mix of unit types provided, or if the proposed unit mix is consistent with the goals and policies of the comprehensive plan.
2. Whether the front façade should be modified to display a more residential character.
3. Whether the proposed design is a successful interpretation of masonry modern that is true to the CBD design guidelines and meets the intent of applicable criteria.

### Optional Board Motions

- A. Move to **approve** the requested Class V Site Plan application (2023-092), including site plan, architectural elevations, and landscape plan; for the property located at **307 NE 5<sup>th</sup> Avenue**, by finding that the request meets the criteria in the LDR and is consistent with the Comprehensive Plan.
- B. Move to **approve, as amended**, the requested Class V Site Plan application (2023-092), including site plan, architectural elevations, and landscape plan; for the property located at **307 NE 5<sup>th</sup> Avenue**, by finding that the request meets the criteria in the LDR and is consistent with the Comprehensive Plan.
- C. Move a to **deny** the requested Class V Site Plan application (2023-092), including site plan, architectural elevations, and landscape plan; for the property located at **307 NE 5<sup>th</sup> Avenue**, by finding that the request does not meet the criteria in the LDR and is not consistent with the Comprehensive Plan.
- D. Move to **continue with direction**.

### Technical Notes

Prior to Site Plan certification, the following is required:

1. Applicant shall submit an application and receive approval of a plat to establish fee-simple lots in accordance with the proposed project.
2. A Landscape Maintenance Agreement shall be submitted and approved by the City Commission for all landscaping located in the Right of Way.
3. Indicate location of at least 1 Alternative Fuel Parking Space within the development; this can be assigned to a single unit.

At time of Building Permit, the following is required:

1. Roofing details to ensure compliance with the Reduction of Urban Heat Islands provision need to be submitted with permit application.
2. Documentation explaining how the green building certification will be achieved shall be provided at time of permit.