



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

318 SE 5th Avenue

Meeting	File No.	Application Type
November 27, 2023	2023-200-PMA	Final Plat
Applicant	Owner	Authorized Agent
Urbana, LLC	318 SE 5 th Avenue, LLC	Yexsy Schomberg, Principal Land Planner Urbana, LLC

Request

Provide a recommendation to the City Commission for the certification of the Final Plat, "Blackstar 318 SE 5th Ave", a replat of a portion of Lots 1 through 6, Block 104, Osceola Park, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, associated with the construction a four-story mixed use development, totaling 0.88 acres, located at 302, 318, 338, and 346 SE 5th Avenue.

Background Information



The development site is located on the west side of SE 5th Avenue (South Federal Highway) between SE 3rd Street and SE 4th Street, and is currently addressed as 302, 318, 338, and 346 SE 5th Avenue. The subject properties are in the Central Core Sub-district of the Central Business (CBD) District Zoning District and have a Land Use Map Designation of Commercial Core (CC). The properties are located within the Osceola Park Neighborhood.

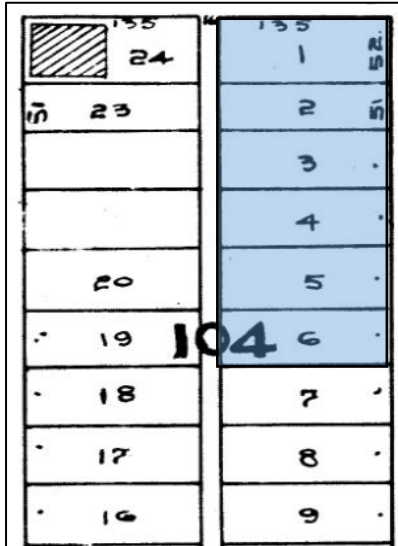
The properties are generally vacant, while 346 SE 5th Avenue contains a commercial structure associated with an active business license and must be demolished prior to recordation of the plat.

Below is an outline of the property's development history:

- 1912.** A single-family home with an 800 SF woodworking plant was constructed on Lot 6. To date, the commercial structure remains on the property.
- 1948.** A duplex was constructed on Lot 1 and 2 and was demolished in 2018.
- 1952.** A multifamily building was constructed on Lot 3 and 4 and was demolished in 2018.
- 1953.** A single-family home was constructed on Lot 5 and was demolished in 2002.

On March 22, 2023, A Class V Site Plan, with no conditions, was approved by the Site Plan Review and Appearance Board for a Masonry Modern, four-story, mixed-use development, containing 4,479 square feet of ground floor commercial space and 26 multi-family units with amenities (rendering below).

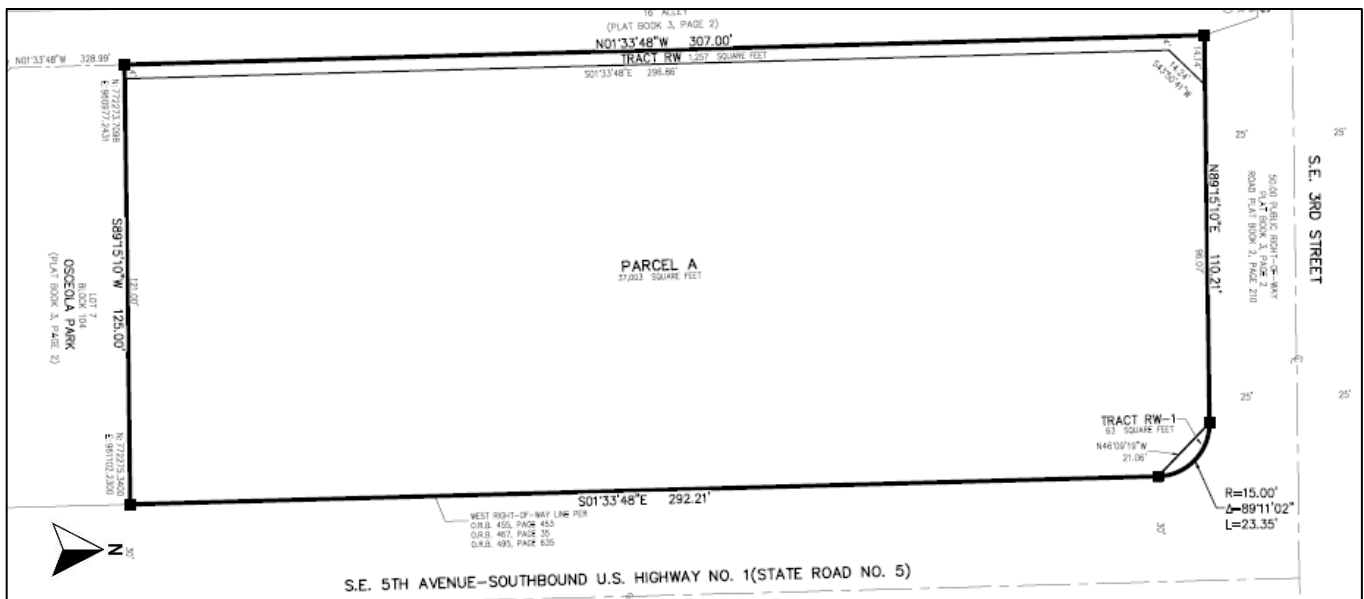
The original Plat known as the Osceola Park Plat was recorded in May of 1919 and is one of the oldest platted neighborhoods in the City (image at right). The original lot dimensions were 51 feet wide by 135 feet deep. The original lot configuration no longer exists, as a result of various replats.



Plat Description

The proposed replat of a portion of Lots 1 through 6, Osceola Park recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, Florida includes the following elements:

- Parcel "A" containing 38,323 square feet, measuring approximately 110 to 125 feet wide by approximately 292 to 307 feet deep.
- Dedication of Tract RW containing 1,257 square feet, for street and utility purposes.
- Dedication of Tract RW1 containing 63 square feet, to the State of Florida Department of Transportation (FDOT) for the perpetual use of the public roadway purposes.



An image of the plat is provided at above, and full sized as an attachment.

The purpose of a plat or replat is to combine or subdivide lots, blocks, parcels, or tracts. In this case, a replat has been requested by the applicant to create a new parcel by combining the four individual lots into one for the construction of the proposed four-story, mixed-use development. Upon recordation in the office of the Clerk of the Circuit Court of Palm Beach County, Florida, the proposed "Blackstar 318 SE 5th Ave" plat becomes a lot of record.

Review and Analysis

Pursuant to **LDR Section 2.4.8(B), Major Subdivision** shall involve both the Planning and Zoning Board and the City Commission. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a plat.

Per the definitions of "Major Subdivision" and "Minor Subdivision" in the LDR, the proposed plat qualifies as a Major Subdivision as it involves more than three lots and requires dedications. Major subdivision plats require a recommendation by the Planning and Zoning Board, with final determination by the City Commission, and recordation with Palm Beach County Clerk of Court.

Required Findings: LDR Section 3.1.1

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.

A complete review and analysis of the request based on the Required Findings of **LDR Section 3.1.1** is provided below.

LDR Section 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 property has a Land Use Map designation of CC, and a zoning designation of CBD - which is the preferred zoning district to implement the CC land use designation, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan. The land use has a Maximum Floor Area Ratio of 3.0 and a density of 100 dwelling units per acre; this location has a maximum density of 30 dwelling units per acre. The land use is compatible with the proposed use pursuant to LDR Table 4.4.13(A), which allows multi-family residential and commercial uses as a principal use in the Central Core Sub-district of the CBD. The approved site plan has an FAR of 2.08, which is under the allowable maximum of 3.0; the density is 29.55 dwelling units per acre.

LDR Section 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.

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 January 11, 2023, indicating that the project will result in 136 new daily trips and nine new peak hour trips. The letter also states that the proposed development meets the TPS of Palm Beach County. Further, the Traffic Impact Statement, performed by JFO Group Inc. and updated on December 27, 2022, also states that the proposed development will generate approximately 136 new daily trips. Based on the TPS of Palm Beach County, turn lanes will not be required at the development's driveways.

Parks and Open Space: The required civic open space is provided in the form of a 1,590 square foot plaza at the northeast corner of the site. Additionally, pursuant to **LDR Section 5.3.2**, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

Solid Waste: Based on the Waste Generation Rates for Palm Beach County, the proposed development will generate approximately 36.36 tons (22.84 tons + 13.52 tons) of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: The applicant has submitted a School Capacity Availability Determination application with the Palm Beach County School District. The School District stated that based on the findings and evaluation of the proposed development, there will be no negative impact on the School District of Palm Beach County public school system.

LDR Section 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.

Comprehensive Plan

The following Objectives and Policies from the Always Delray Comprehensive Plan are applicable to the subject request.

Policy NDC 1.3.3: *Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.*

Policy NDC 2.7.17: *Continue to support the accommodation of compatible housing types within Osceola Park based on the recommendations and overall intent of the adopted Osceola Park 2019 Redevelopment Plan Update.*

Policy NDC 2.7.18: *Consider the vision and strategies in the Osceola Park Redevelopment Plan Update (2019) when assessing rezoning requests, reviewing development applications, and planning public infrastructure projects.*

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 4.1.7: *Support innovative use of higher density in detached and attached housing which maintains usable open space, while providing larger living spaces.*

Policy MBL 2.6.1: *The City shall not abandon alley rights-of-way and recognizes the important functions alleys provide by dispersing traffic, diversifying access points to properties, providing for multimodal access, and facilitating local trips.*

Policy MBL 2.6.2: *The City shall maintain the existing network of alleys in the downtown, which provide multiple benefits that enhance the quality of the area:*

- *Providing access for sanitation collection*
- *Providing locations for utilities*
- *Minimizing commercial deliveries from occurring in the primary street network*
- *Reducing pedestrian-vehicular conflict points on the sidewalk*

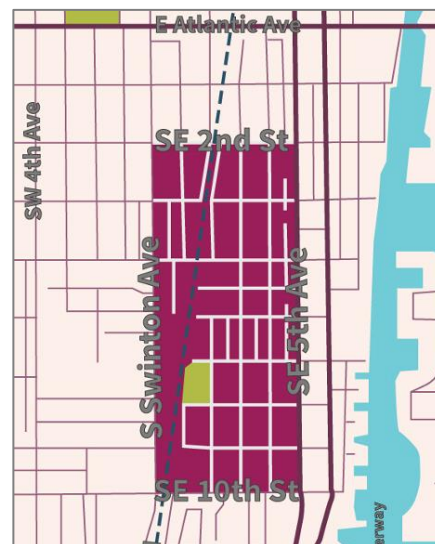
Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element, the Housing Element, and the Mobility Element.

The property is located within the Osceola Park Neighborhood Redevelopment area (map at right) on the corner of SE 3rd Street and SE 5th Avenue. The core of the neighborhood is comprised of single-family residences, with non-residential uses and multi-family development along the edges of the neighborhood. The Plan encourages adaptive reuse and infill development within and around the neighborhood while respecting the single-family character in the heart of the community.

The proposed development is compatible with the surrounding areas with Aloft Hotel to the north, Mallory Square townhomes to the east, and commercial development to the south. The single-family homes to the west are separated from the development, which faces SE 5th Avenue, by a 20-foot alleyway.

LDR Section 3.1.1.(D), Compliance with LDR

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 regulation.



A Class V site plan was approved on March 22, 2023, by the Site Plan Review and Appearance Board for the architectural elevations of the mixed-use development, containing 4,479 square feet of ground floor commercial space and 26 multi-family units with a mix of two-bedroom and three-bedroom units, ranging from 1,438 square feet to 2,190 square feet. The density and intensity comply with the land use and zoning regulations. Through the review of the Class V Site Plan application, the subject request was found to meet all applicable requirements of the LDRs.

LDR Section 3.2.1, Basis for Determining Consistency

The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.

Consistency with the Comprehensive Plan and LDR is discussed above.

LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions

Twelve different standards apply to both site plans and plats, and are designed to ensure that new development will not have a negative impact on the surrounding area, that amenities are provided to enhance the quality of life for residents, appropriate mobility connections and open space and recreational improvements are provided, and that the proposal complies with the maximum intensity and density allowed for the land use designation and zoning district. The adopted site plan was reviewed against these criteria and deemed compliant. The proposed plat implements the site plan, and can therefore be considered compliant with the standards for site plan and plat actions.

Options for Board Action

- A. Recommend approval to the City Commission for the certification of the Final Plat, “**Blackstar 318 SE 5th Ave**”, associated with the creation of a single lot, for the properties currently addressed as 302, 318, 338, and 346 SE 5th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Recommend denial to the City Commission for or the certification of the Final Plat for “**Blackstar 318 SE 5th Ave**”, associated with the creation of a single lot, for the property currently addressed as 302, 318, 338, and 346 SE 5th Avenue, finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- C. Continue with direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following Homeowner Associations:

- Osceola Park
- Marina Historic District
- Mallory Square
- Barton Apartments
- Meridian Delray Condominium

X Public Notice is not required for this request at Planning and Zoning Board.