

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

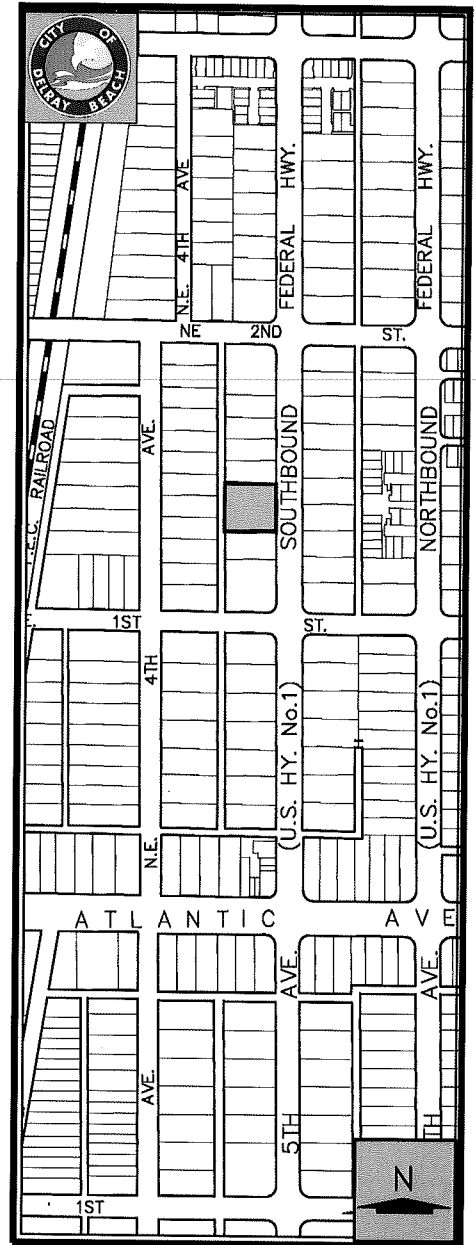
MEETING DATE: March 9, 2016

ITEM: **The Flossy Building** - Class V Site Plan, Landscape Plan and Architectural Elevations associated with demolition of the existing site and construction of a new 2-story mixed-use development with 6,540 sq. ft. of retail on the ground level and residential on the upper levels. (124 NE 5th Avenue)

RECOMMENDATION: Approve the Class V Site Plan, Landscape Plan, Architectural Elevations and Waiver Requests.

GENERAL DATA:

Owner.....	KH Delray at Fifth, LLC
Applicant.....	Flossy B. Building, LLC
Agent.....	Louis J. Carbone, P.A.
Location.....	On the west side of NE 5 th Avenue, between NE 1 st St. and NE 2 nd St.
Property Size.....	13,675 sq. ft. (0.3144 acres)
Future Land Use Map.....	CC (Central Core)
Current Zoning.....	CBD (Central Business District)
Adjacent Zoning.....	North: CBD (Central Business District) East: CBD (Central Business District) South: CBD (Central Business District) West: CBD (Central Business District)
Existing Land Use.....	Two (2) Vacant Structures
Proposed Land Use.....	New Mixed-Use Development
Water Service.....	Available On-Site
Sewer Service.....	Available 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 Flossy Building**, pursuant to LDR Section 2.4.5(F):

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

The site is located on the west side of NE 5th Avenue, between NE 1st St. and NE 2nd St. (124 NE 5th Avenue).

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 two vacant structures which were constructed in 1939 as single family residences and later converted to office use. The site measures 13,675 sq. ft. (0.3144 acres).

Now before the Board for consideration is a Class V Site Plan proposal to demolish all existing buildings and construct a new 2-story mixed-use development with 6,540 sq. ft. of retail on the ground level and residential on the upper levels.

PROJECT DESCRIPTION

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

- Demolish all existing buildings;
- Construct a pharmacy on the ground level;
- Construct two residential units on the upper level;
- Provision of a soda fountain take-out retail establishment on the ground floor;
- Provision of a sidewalk café;
- Provision of a one-way vehicular accessible entry off of US1;
- Provision of a two-way vehicular accessible entry off the alley; and,
- Associated landscape and streetscape improvements

The development proposal also includes a waiver to the following section of the Land Development Regulations (LDRs):

- A waiver to LDR Section 4.6.16(H)(3)(d), which requires a minimum 5' landscape buffer to separate a parcel boundary line and a vehicular use area.
- A waiver to LDR Section 4.6.16(H)(3)(i), which requires a 9' terminal landscape island at the end of each parking row.

SITE PLAN ANALYSIS

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

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:

FLOSSY BUILDING (CLV)		Central Core	NE 5 th Ave.	Alley
Lot Width		20 ft. min.	109.40'	109.40'
Lot Area = 13,675 sq. ft.		2,000 sf. min.		
A	Front Setback1	10' min.	10' min./	N/A
		/15' max.	10' max.*	
B	Side Setback1 (north)	0 ft. min.	26'11''*	N/A
B	Side Setback1 (south)	0 ft. min.	1'1"	N/A
C	Rear Setback	10 ft. min.	N/A	44'10"
E	Building Frontage Required on Primary Streets	75% min./ 100%max	76.22%	N/A
Max. Height outside of the Atlantic Avenue Limited Height Area		4 Stories & 54 ft.	2 stories & 34'4" ft.	2 stories & 24'4" ft.
Max. Density = 9.4 du/ac		30 du/ac		

* For Table 4.4.13(C) above, the items identified in **BOLD** are compliant. However, the plan notations must be updated.

¹ Side lot lines facing streets are regulated by front setback requirements. Side lot lines along alleys are regulated by rear setbacks.

Pursuant to Figure 4.4.13-5 (Central Core Regulating Plan), NE 5th Avenue is classified as a Primary Street. Thus, all development standards applicable to Primary Streets must be applied.

Shared Parking:

Pursuant to LDR Section 4.6.9.C.8.a., see the following shared parking tabulations chart:

Pursuant to CBD:	Parking	Weekday	Weekday	Weekday	Weekend	Weekend
Table 4.4.13(K)	Req.	Night	Day	Evening	Day	Evening
Residential/Guests	2.00	2.00	1.20	1.80	1.60	1.80
Office	0.00	0.00	0.00	0.00	0.00	0.00
Commercial/Retail	8.00	0.40	5.60	7.20	8.00	5.60
Hotel	0.00	0.00	0.00	0.00	0.00	0.00
Restaurant	0.00	0.00	0.00	0.00	0.00	0.00
Entertainment/Recreational	0.00	0.00	0.00	0.00	0.00	0.00
Other/Reserved	2.00	2.00	2.00	2.00	2.00	2.00
Actual required	12.00	4.40	8.80	11.00	11.60	9.40
Total provided	12.00	4	9	11	12	9
Shared Parking Total	12.00					

Per the shared parking calculations demonstrated above, 12 spaces are required and 12 spaces have been provided. Thus, this standard is met.

However, it should be noted that the 750 sq. ft. associated with the Soda Fountain Machine is considered a retail use, not a restaurant use which would require a higher parking rate at 6 per 1,000 sq. ft. As such, no seating is provided interior to the building. Should future utilization of this area be changed to restaurant use, then a subsequent site plan modification will be deemed necessary for the change of use and reallocation of required parking to accommodate the restaurant dining and seating area.

Bicycle Parking:

Bicycle parking is calculated pursuant to Table 4.4.13(L), Minimum Number of Bicycle Parking Spaces Required in the CBD for commercial and residential uses. A minimum of nine bicycle parking spaces is required as calculated below:

Table 4.4.13(L)	Site (sq. ft.)	Minimum Number of Bicycle Parking Spaces Required in the CBD	Required
Commercial Uses			
Retail, Restaurant, and Commercial Uses	4,050	2 space per 1,000 sf. of gross floor area	8
Residential			
Residential < 50 units	2	1 space per 2 units	1
Total			9

Plans indicate a bicycle racks to accommodate 10 bicycles, 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:

Since the current location and position the proposed dumpster enclosure may potentially conflict with ingress and egress from the two-way 24' drive aisle, provision of a truck turning template to demonstrate how the dumpster truck will maneuver in and out of the alleyway to accommodate regular trash pick-up is requested. 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. However, provision of the dumpster truck detail is attached as a condition of approval. Upon doing so, this LDR requirement will be 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 all pole mounted light fixtures do not exceed the 25' maximum height requirement. Cut sheets have also been provided for any proposed free-standing and wall-mounted light fixtures. The photometric plan meets the minimum and maximum foot candle allowances. It is noted that 0.25 spillage onto adjacent properties is cut-off at their property lines. Thus, this standard is met.

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 shall be organized as follows:

Streetscape Standards	Minimum Standard	Proposed Design
Curb Zone	4'0"	5'5"
Pedestrian Zone	6'0"	6'0"
Remaining Front Setback Area	5'0"	10'0"
Total Streetscape Width	15'0"	21'5"

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 compliance on the ground level as measured from the finished floor to finished ceiling at a minimum height of 12'0".

Upper Story Height:

Pursuant to LDR Section 4.4.13(D)(1)(a)(6), each story above the ground story in all buildings must be at least nine feet tall. The building sections demonstrate compliance on all upper stories as measured from the finished floor to finished ceiling at a minimum height of 10'0".

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 33' feet.

One Bedroom Units:

Pursuant to LDR Section 4.4.13(D)(1)(d)(1), one bedroom units may total up to 55%, if no efficiency/studio units are proposed. Currently, 50% one bedroom units are proposed, which meets this requirement.

Residential Floor Area:

The following table indicates that the proposal complies with LDR Section 4.3.4(K) - Minimum Residential Floor Area. There are a total of 2 units. As demonstrated in the chart below, this LDR requirement has been met.

Dwelling Size	Standard (Sq. Ft.)	Provided (Sq. Ft.)	Total Units	Compliance with LDR Requirements?	
				Yes	No
Efficiency	400	0	0	N/A	
1 Bedroom Units	600	1,152	1	•	
2 Bedroom Units	900	1,165	1	•	
3 Bedroom Units	1,250	N/A	0	N/A	
4 Bedroom Units	1,500	N/A	0	N/A	

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 commercial uses. Storefront Dimensions Table 1 provides the dimensional requirements for all elements contained in a storefront as indicated in the chart below:

Table 1	Dimensional Requirements		
Commercial Storefronts	Minimum Required	Maximum Allowed	Proposed
Building Setback	10 ft.	15 ft.	10 ft.
Storefront Width	N/A	75' on Required Retail Streets	70'*
Storefront Base	9 in.	3 ft.	1 ft. 4 in.
Glazing Height	8 ft.	-	9 ft.
Required Openings	80%	-	70%**
Awning Projection	3 ft.	-	3 ft.

*The storefront parallel to the Primary Street is 70'. The building frontage (83'1") includes recessed areas.

**At the time of submittal of the Flossy Building on October 6, 2015, prior to approval of Ordinance 28-15, only a 70% glass storefront was required, which is represented in the proposed plans.

As indicated in the chart above, The Flossy Building meets all dimensional requirements for those elements contained in a commercial storefront, as of the date of their application submittal.

LDR Section 6.1.8 (Undergrounding of Utilities):

Pursuant to Section 6.1.8 (Undergrounding of Utilities), utility facilities serving the development (i.e. electric, phone, cable) shall be located underground throughout the development. Therefore, the utility services for the proposed structure must be placed underground and a note to this effect shall be included on the proposed site plan. This shall replace the current note "All existing underground utilities to be left undisturbed as noted". This is a condition of approval.

LANDSCAPE PLAN ANALYSIS

The landscape plan submitted has been evaluated by the City Landscape Senior Planner. The landscape plan provides a variety of ground cover and tree specimens and calls for various native plants as well as plants that are suitable for the local climate. Two waivers have been requested. The first is a waiver to the terminal landscape island requirement. This is necessary to accommodate the proposed stairwells at the southwest corner of the building. A terminal landscape island waiver is requested for the east end of the 2-space parking row and the south end of the 5-space parking row adjacent the rear of the building. Additionally, a waiver to the 5' perimeter landscape buffer is requested along the south and west property lines. Due to the alley right-of-way dedication and the limited lot size, the waiver is deemed necessary to adequately accommodate the proposed on-site parking configuration. Upon approval of these waiver requests, 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

The applicant has requested 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. Specifically, the terminal landscape island waiver is requested for the east end of the 2-space parking row and the south end of the 5-space parking row adjacent the rear of the building. This is necessary to accommodate the proposed stairwells at the southwest corner of the building.

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 following verbatim justification has been provided by the applicant (*in italics*):

"The Building requires an access stairwell to the second story in the rear of the Building as well as rear access for services. The requirement for a nine (9) foot terminal landscape island will

eliminate the required stairwell access and rear access for services for the Building. In lieu of this requirement, the Applicant has provided (a) the nine (9) foot terminal landscape island on one side (North Side) of the parking row directly behind the Building and a smaller landscape strip on the South side of this parking row (b) a fully landscaped dumpster area at the south west corner of the south parking row along; and (c) additional landscape areas along the North property boundary have been provided and a larger terminal landscape islands (11'2' and 12' 1') have been provided along the West parking row. Finally, the parking row along the south boundary of the Property only has two (2) parking stalls (total 18 feet wide) adding an additional nine (9) foot (total 18 feet) terminal landscape island on each end is excessive and not necessary as the customary application of this LDR requirement is for larger parking rows.

- (a) The Waiver Request does not adversely affect the neighboring area since there are many existing buildings on, adjacent to or along US -1 in the Central Business District (CBD) that do not presently have nine (9) foot terminal landscape islands on each ends of parking rows. Additionally the Applicant has provided larger landscape areas for the Project.*
- (b) The Waiver Request does not significantly diminish the provision for public facilities as the waiver has no impact on existing public facilities or is it expected that any future public facilities.*
- (c) 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.*
- (d) The Waiver Request does not grant special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. Given that there are many existing properties located in and adjacent to US-1 in the Central Business District (CBD) which do not have a nine (9) foot terminal landscape islands on each ends of parking rows 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."*

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 because the affected area where the landscape islands would be located is interior to the site. The waiver also 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 and will not create and unsafe situation, because of its obscure location in the southwest corner of the site, visibility and accessibility is limited. The location is more appropriately utilized for the proposed stairwells. 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.

PERIMETER LANDSCAPE BUFFER - WAIVER ANALYSIS

The applicant has requested a waiver to LDR Section 4.6.16(H)(3)(d), which requires a minimum 5' landscape buffer to separate a parcel boundary line and a vehicular use area. Specifically, the 5' perimeter landscape buffer is requested along the south and west property lines. Due to the alley right-of-way dedication and the

limited lot size, the waiver is deemed necessary to adequately accommodate the proposed on-site parking configuration.

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 following verbatim justification has been provided by the applicant (*in italics*):

- “(a) The subject vehicular use area on the South Side of the proposed parking lot consists of two (2) perpendicular parking spaces #6 and #7. The length of relief requested by the waiver is only the width of the parking spaces (approximately 18 feet). The application of a 5' landscape buffer will result in the spaces having to be set back into the drive areas into rear alley access way to the East and will also block existing parking spaces to the West thus eliminating required parking for the Site as well as required 2-Way alley access; and*
- (b) There is an existing alley along the West perimeter of the Site. At this City's request the Applicant will be providing a two (2) foot alley dedication in connection with the Project. As a result of this dedication, the landscape area buffer has been reduced in the area where the parking stalls are located (spaces 8-12) to allow for the required parking and required site circulation for two way alley access. The reduction in the buffer is minimal and additional landscaping areas have been provided on the North and South of these parking spaces.*

In addition, for the following reasons the waiver should be granted:

1. *The Waiver Request does not adversely affect the neighboring area since a majority of the Building is located on the South property line adding a buffer will have no adverse affect. Additionally the Applicant has provided larger landscape areas for the Project.*
2. *The Waiver Request does not significantly diminish the provision for public facilities as the waiver has no impact on existing public facilities or is it expected that any future public facilities.*
3. *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.*
4. *The Waiver Request does not grant special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. There are many existing properties located in the Central Business District (CBD) which do not have a 5' foot landscape buffer adjacent to 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. Also, given that there are many existing properties located in the Central Business District (CBD) along the alley areas where either (a) no landscape buffer exists or (b) as a result of a dedication to the alley the landscape buffer has been likewise reduced 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."*

Staff Assessment of CBD Standards and Required Findings:

The City concurs with the applicant's request for the waiver to 4.6.16(H)(3)(d), which requires a minimum 5' landscape buffer to separate a parcel boundary line and a vehicular use area. Specifically, approval of the waiver shall not result in an inferior pedestrian experience because neither location is along a Primary Street. The buffer to the south abuts an interior lot. The buffer to the west is along an alley. With an existing mixed-use building existing within a few feet of the south property line, there is little to no likelihood that this will jeopardize pedestrian traffic. The waiver also has no effect on any civic open spaces, since none are provided. 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 and will not create and unsafe situation, because the adjacent land uses to the south and west are also commercial. To the west, the parking row is buffered by an existing 16' alley. To the south, the parking row will be adjacent to a building extending the full length of the adjacent parcel boundary. 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)(d), which requires a minimum 5' landscape buffer to separate a parcel boundary line and a vehicular use area.

ARCHITECTURAL ELEVATIONS ANALYSIS
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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's architectural elevations will enhance the image of the City and the US1 Northbound corridor. The building has been designed with an Art Deco style of architecture, which is identified as one of seven permitted architectural styles in LDR Section 4.4.13(F)(3)(a). It is noted, however, that the application was submitted prior to the approval of the architectural design guidelines via Ord. No. 28-15 on Dec. 2, 2015. As such, the architectural standards in LDR Section 4.6.18(E) are applicable.

The architect has chosen a Benjamin Moore color palette which includes a white anodized clear glass storefront with black and white striped canvas awnings, an "Ice Mist" stucco body with "Orange Burst" accent colors. The façade will have a satin finish. The doors will also be "Ice Mist" with an enamel finish. The railings will match the accent color "Orange Burst" and have a powder coat finish. There will be 30" x 30" stucco scoring square which compliments the middle banding. A decorative fin supports the entry awning at the northeast corner.

While it is not explicitly stated in the most recent updates to the LDRs and architectural guidelines, ongoing discussion regarding the discouragement, and potential prohibition of "foam moulding" continues, due to its lack of long term durability. As such, staff is recommending that this feature element be modified to reflect stucco banding or an alternate material to produce the desired visual effect proposed by the "foam moulding". This is a staff recommendation that is at the Board's discretion. However, it is recommended as a condition of approval for the proposed architectural elevations.

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 west elevations consisting of equidistant scored stucco squares to satisfy this requirement.

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 North Federal Highway corridor. Based upon the above, the proposal will be consistent with the criteria established in LDR Section 4.6.18(E), upon addressing the staff recommended condition of approval.

REQUIRED FINDINGS

REQUIRED FINDINGS: (Chapter 3):

Pursuant to 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 (Central Business 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 and multiple family dwellings. 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 mixed-use development will be a welcome addition to the downtown CBD (Central Business District) district. The proposed pharmacy and 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 bicycle racks to accommodate 10 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 (Central Business District)	Single Family Residence
<i>South:</i>	CBD (Central Business District)	Mixed-Use Office, Retail and Residential Building
<i>East:</i>	CBD (Central Business District)	5 th Avenue at Delray Condominiums
<i>West:</i>	CBD (Central Business District)	Office, Retail and Multi-Family Residential Buildings

To the north is an existing single family residence, which is a nonconforming use in the CBD. Future development of the site to the north will be more compatible with the proposed use. However, to mitigate impacts a larger perimeter buffer and extensive landscaping including existing and proposed trees and groundcover is provided on the north side. The resident also has the option to install fencing along the property line for additional buffering efforts, as deemed necessary. To the south is an existing retail and office building with residential accommodations. To the east, across US1, is the existing 5th Avenue at Delray Condominiums. The site is abutted by three properties across the alley to the west. The uses include an existing retail store establishment, mixed-use office, retail and residential building, and a multi-family development. The alley to the west buffers the adjacent use, which are compatible and consistent with allowed use in CBD Zoning. Adjacent rights-of-way also buffer the existing condominium development on the east. The existing mixed-use building to the south is compatible with the Flossy Building mixed-use development. Therefore, the development proposal is consistent with typical development in the Central Core (CC) of the Central Business District (CBD). 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

The development proposal is not located in an area which requires review by the Pineapple Grove Main Street (PGMS) or West Atlantic Redevelopment Coalition (WARC).

Community Redevelopment Agency:

At its meeting of January 14, 2016, the CRA (Community Redevelopment Agency) reviewed the development proposal and reached a consensus to recommend approval.

Downtown Development Authority:

At the meeting of January 11, 2016, the DDA (Downtown Development Authority) reviewed the development proposal and reached a consensus to recommend approval.

Courtesy Notices:

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

- Delray Citizen's Coalition
- Downtown Development Authority

Public Notices:

To date, no letters of objection and/or support have been received. Any additional letters of objection and/or support received after the report has been prepared, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

ASSESSMENT AND CONCLUSION

The Class V Site Plan development proposal is associated with demolition of all existing buildings and construction of a new 2-story mixed-use development containing 4,050 sq. ft. of retail on the ground level and two residential units totaling 2,490 sq. ft. on the upper levels. One waiver to the terminal landscape island requirement is requested and supported by staff to accommodate a stairwell serving the second level residences providing accessibility from the southwest corner of the site. Another waiver to the 5' perimeter landscape buffer requirement is requested and supported by staff to accommodate the proposed on-site parking lot configuration. Due to limited parcel size and the two foot alley dedication, reduced perimeter landscape buffers are necessary. Staff supports the Art Deco building design, which is one of seven preferred

styles in the CBD Zoning District. However, staff does not support the use of foam moulding and requests that this feature element be replaced with a more durable but equally aesthetic architectural element. The mixed-use 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 Flossy Building**, 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 Flossy Building**, 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), which requires a 9' terminal landscape island at the end of each parking row, 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).

Perimeter Landscape Buffer Waiver:

Move approval of the requested waiver to LDR Section 4.6.16(H)(3)(d), which requires a minimum 5' landscape buffer is required to separate a parcel boundary line and a vehicular use area, 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 and architectural elevations for **The Flossy Building**, 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. Provide revised civil drawings which satisfy the preliminary engineering technical comments identified in the attached "Appendix C", prior to site plan certification.
2. Pursuant to Section 6.1.8 (Undergrounding of Utilities), utility facilities serving the development (i.e. electric, phone, cable) shall be located underground throughout the development. Therefore, the utility services for the proposed structure must be placed underground and a note to this effect shall be included on the proposed site plan. This shall replace the current note "All existing underground utilities to be left undisturbed as noted", prior to certification of the site plan.
3. Since the current location and position the proposed dumpster enclosure may potentially conflict with ingress and egress from the two-way 24' drive aisle, provision of a truck turning template to

demonstrate how the dumpster truck will maneuver in and out of the alleyway to accommodate regular trash pick-up is required, prior to certification of the site plan.

4. That no seating is provided in the 279 sq. ft. indoor area adjacent to the Soda Fountain machine.
5. That the site plan, associated data charts and all plan notations are corrected for accuracy and to reflect consistency with the staff report, prior to site plan certification.

Landscape Plan:

Move approval of the Landscape Plan for **The Flossy Building**, 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 Flossy Building**, 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, subject to the following condition:

1. Replace the “foam moulding” with an alternate material or design that exhibits a similar visual effect (i.e. stucco banding) and has long term durability. This feature element is not preferred and is inconsistent with the recently established CBD architectural design guidelines.

Staff Report Prepared by: *Candi Jefferson, 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 r.o.w. to the west.
- Sewer Service is available via an existing 8" sewer main within the adjacent rear alley r.o.w. to the west.

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 Flossy Building will generate an increase of 240 daily trips, 23 am peak trips and 20 pm peak hour trips. The Palm Beach County Traffic Division has issued a traffic concurrency determination letter on February 1, 2016 indicating the development proposal compliance with Palm Beach County traffic standards and is valid through build-out on December 31, 2020.

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 for the proposed two new residential units. A total fee of \$1,000 will be required of this development for parks and recreation purposes, prior to building permit issuance.

Solid Waste:

The existing two vacant office buildings (1,120 sq. ft.) generate 3.02 tons of solid waste per year. The proposed mixed-use development with two residences and 4,050 sq. ft. of retail use will generate 24.63 tons of solid waste per year. There is a 21.61 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 Palm Beach County School District has approved the development proposal for compliance with the adopted Level of Service for School Concurrency. Written verification from the Palm Beach County School District was received on December 3, 2015 and is valid until December 2, 2016.

Drainage:

Drainage will be accommodated on site via installation of two catch basins in the parking lot area with a 3' x 3' French drain. 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	
Meets intent of standard	X
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	
Meets intent of standard	X
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.**

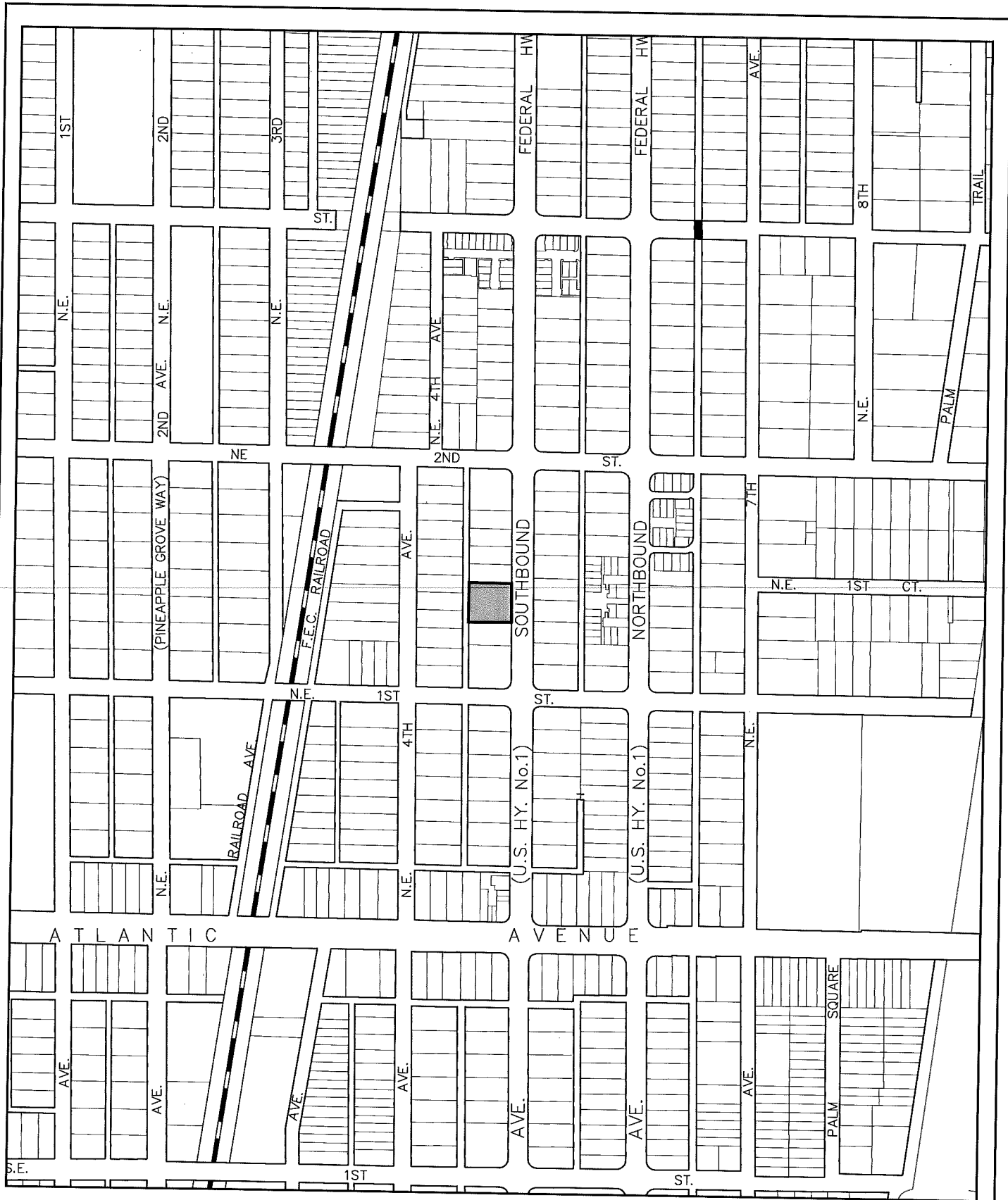
Not applicable	
Meets intent of standard	X
Does not meet intent	

- 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	

APPENDIX C
PRELIMINARY ENGINEERING TECHNICAL COMMENTS

1. Civil plans shows an existing utility pole in alley, please indicate plans to relocate out of traffic area.
2. Clearly indicate limits of alley restoration in 2' area to be dedicated.
3. Florida Department of Transportation (FDOT) permit(s) required for this project per LDR Section 2.4.2 (C) (2) (c). Submit copy of FDOT pre-application letter.
4. Provide letter. In accordance with LDR Section 7.1.3 (B) (2), if finished floor elevation is less than 18-inches above centerline of adjacent road, but above the 100-year storm or National Flood Insurance minimum elevations, then a letter is required from a professional registered engineer certifying that the drainage conditions have been investigated and the proposed floor elevation is above the flooding level. It must be shown that the property will have adequate drainage to ensure that flooding will not occur in a 100-year, 3-day storm event.
5. Provide a Composite Utility Plan signed by a representative of each utility provider attesting to the fact that services (water, sewer, drainage, gas, power, telephone and cable) can be accommodated as shown on the Composite Utility Plan. The Composite Utility Plan needs to address the responsibility for relocation of existing services and installation of new services in accordance with LDR Section 2.4.3 (F) (4). Composite Utility Plan is also used to ensure physical features do not conflict with each other and existing or proposed utility services.
6. 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.
7. Additional comments may follow after review of revised plans.



CITY OF DELRAY BEACH, FL
PLANNING & ZONING DEPARTMENT

SUBJECT
PROPERTY



FLOSSY BUILDING 124 NE 5TH AVENUE LOCATION MAP

-- DIGITAL BASE MAP SYSTEM --

MAP REF: S:\Planning & Zoning\DBMS\File-Cob\Z-LM 1001-1500\LM1511_flossy building_124 NE 5TH Avenue

LOUIS J. CARBONE, P.A.

A PROFESSIONAL ASSOCIATION

90 SE 4th AVENUE SUITE 1
DELRAY BEACH, FL 33483

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FAX (561) 272-6013
E-MAIL: LJCLEGAL@AOL.COM

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

*In House Counsel

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NEW YORK OFFICE

254 Katonah Avenue
Katonah, New York 10536

December 23, 2015

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)(d) & 4.6.16(H)(3)(i)
Project: The Flossy B. Building
Property Location: 124 N.E 5th Avenue Delray Beach FL.

Dear Ms. Jefferson:

As agent for and on behalf of **The Flossy B. Building 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 two-story building with commercial and residential uses with any approximate size of 6,540 Square feet located in the Central Business District (CBD) at 124 N.E 5th Avenue Delray Beach FL and to be known as The Flossy B Building ("Building")

LDR Requirement: LDR Section 4.6.16(H)(3)(i) requires a nine foot terminal landscape islands at each end of a parking row

Waiver Request: To eliminate the LDR landscape requirement for a nine (9) foot terminal landscape islands at each end of a parking row

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

The Building requires an access stairwell to the second story in the rear of the Building as well as rear access for services. The requirement for a nine (9) foot terminal landscape island will eliminate the required stairwell access and rear access for services for the Building. In lieu of this requirement, the Applicant has provided (a) the nine (9) foot terminal landscape island on one side (North Side) of the parking row directly behind the Building and a smaller landscape strip on the South side of this parking row (b) a fully landscaped dumpster area

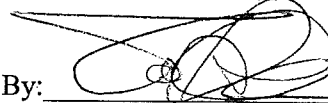
at the south west corner of the south parking row along; and (c) additional landscape areas along the North property boundary have been provided and a larger terminal landscape islands (11'2' and 12' 1') have been provided along the West parking row. Finally, the parking row along the south boundary of the Property only has two (2) parking stalls (total 18 feet wide) adding an additional nine (9) foot (total 18 feet) terminal landscape island on each end is excessive and not necessary as the customary application of this LDR requirement is for larger parking rows.

- (a) The Waiver Request does not adversely affect the neighboring area since there are many existing buildings on, adjacent to or along US -1 in the Central Business District (CBD) that do not presently have nine (9) foot terminal landscape islands on each ends of parking rows. Additionally the Applicant has provided larger landscape areas for the Project.
- (b) The Waiver Request does not significantly diminish the provision for public facilities as the waiver has no impact on existing public facilities or is it expected that any future public facilities.
- (c) 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.
- (d) The Waiver Request does not grant special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. Given that there are many existing properties located in and adjacent to US-1 in the Central Business District (CBD) which do not have a nine (9) foot terminal landscape islands on each ends of parking rows 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.

We have enclosed a check for \$500.00 for the Waiver Request fee payable to the City of Delray Beach.

LOUIS J. CARBONE, P.A.

By: 

LOUIS J. CARBONE

LJC/aja

cc: The Flossy B Building LLC

File

RECEIVED BY

FEB 16 2016

City of Delray Beach
Planning & Zoning

LOUIS J. CARBONE, P.A.

A PROFESSIONAL ASSOCIATION

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DELRAY BEACH, FL 33483

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

*In House Counsel

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NEW YORK OFFICE

254 Katonah Avenue
Katonah, New York 10536
February 11, 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)(d)
Project: The Flossy B. Building
Property Location: 124 N.E 5th Avenue Delray Beach FL.

Dear Ms. Jefferson:

As agent for and on behalf of **The Flossy B. Building 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 two-story building with commercial and residential uses with any approximate size of 6,540 Square feet located in the Central Business District (CBD) at 124 N.E 5th Avenue Delray Beach FL and to be known as The Flossy B Building ("Building")

LDR Requirement: LDR Section 4.6.16(H)(3)(d) requires a five foot (5') wide perimeter landscape buffer is required adjacent to a vehicular use area.

Waiver Request: To eliminate the LDR Landscape buffer requirements for (a) five foot (5') wide perimeter landscape buffer adjacent to a vehicular use area on the South Side of the proposed parking lot and (b) a five foot (5') wide free of vehicular encroachment on the West Side of the site (the non-encroachment area is less than 5 feet).

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

- (a) The subject vehicular use area on the South Side of the proposed parking lot consists of two (2) perpendicular parking spaces #6 and #7. The length of relief requested by the waiver is only the width of the parking spaces (approximately 18 feet). The application of a 5' landscape buffer will result in the spaces having to be set back into the drive areas into rear alley access way to the East

and will also block existing parking spaces to the West thus eliminating required parking for the Site as well as required 2-Way alley access; and

- (b) There is an existing alley along the West perimeter of the Site. At this City's request the Applicant will be providing a two (2) foot alley dedication in connection with the Project. As a result of this dedication, the landscape area buffer has been reduced in the area where the parking stalls are located (spaces 8-12) to allow for the required parking and required site circulation for two way alley access. The reduction in the buffer is minimal and additional landscaping areas have been provided on the North and South of these parking spaces.

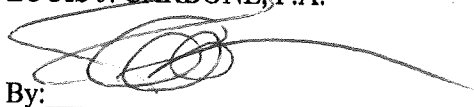
In addition, for the following reasons the waiver should be granted:

1. The Waiver Request does not adversely affect the neighboring area since a majority of the Building is located on the South property line adding a buffer will have no adverse affect. Additionally the Applicant has provided larger landscape areas for the Project.
2. The Waiver Request does not significantly diminish the provision for public facilities as the waiver has no impact on existing public facilities or is it expected that any future public facilities.
3. 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.
4. The Waiver Request does not grant special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner. 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. Also, given that there are many existing properties located in the Central Business District (CBD) along the alley areas where either (a) no landscape buffer exists or (b) as a result of a dedication to the alley the landscape buffer has been likewise reduced 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)(d) be granted in connection with the subject Site Plan Application as justified above.

We have enclosed checks for \$1,000.00 for the Waiver Request fee payable to the City of Delray Beach.

LOUIS J. CARBONE, P.A.

By: 

LOUIS J. CARBONE

LJC/aja

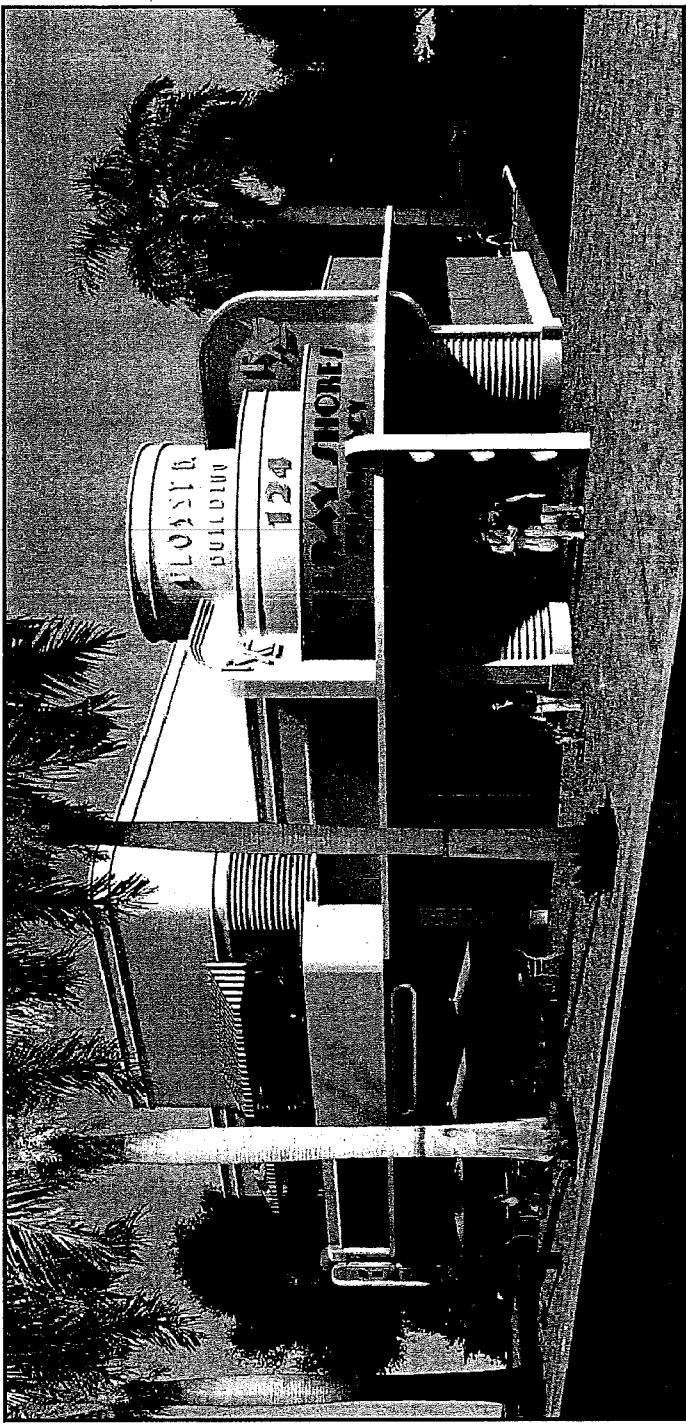
cc: The Flossy B Building LLC

The Flossy B. Building

Delray Shores Pharmacy & Soda Fountain

124 N.E. 5th Ave • Delray Beach • FL

RECEIVED BY
FEB 19 2016
City of Delray Beach
Planning & Zoning



BUILDING ARCHITECTURE
RICK BRAUTIGAN ARCHITECTURE, INC.
Delray Beach, Florida, 33483

INDEX OF DRAWINGS

No.	Title	Issued	Revisions
1.	Cover Sheet	10-01-15	12-22-15
2.	Survey	10-01-15	12-22-15
3.	Architectural Site Plan (Add)	10-01-15	12-22-15
4.	Site Details	10-01-15	12-22-15
5.	1st Floor Plan	10-01-15	12-22-15
6.	2nd Floor Plan/Lower Roof Plan	10-01-15	12-22-15
7.	Roof Plan	10-01-15	12-22-15
8.	Elevations	10-01-15	12-22-15
9.	Building Section	10-01-15	12-22-15
10.	Color Elevations	10-01-15	12-22-15
11.	Photometrics	10-01-15	12-22-15
12.	Composite Overlay	10-01-15	12-22-15

PROPOSED BUILDING

CIVIL ENGINEERING
JOHN A. SPAIN, P.E.
3333
Boca Raton, FL 33431

LANDSCAPE ARCHITECTURE
CARRIE K. ANDERSON, P.L.A.
3333
Delray Beach, FL 33483

No.	Title	Issued	Revisions
C1	Cover Sheet	10-01-15	12-22-15
C2	Stormwater Erosion Control & Details	10-01-15	12-22-15
C3	General Notes/Typical Cross Sections & Drainage Details	10-01-15	12-22-15
C4	Paving Details & Specs	10-01-15	12-22-15
C5	Water & Sewer Details	10-01-15	12-22-15
C6	Utility Relocation, Easement & Sewer	10-01-15	12-22-15
C7	Shipping & Signage Plan	10-01-15	12-22-15

No.	Title	Issued	Revisions
L1	Overall Existing Tree Removal & Relocation Plan	10-01-15	12-22-15
L2	Landscape Plan	10-01-15	12-22-15
L3	Landscape Notes & Details	10-01-15	12-22-15
L4	Irrigation Plan	10-01-15	12-22-15
L5	Irrigation Details	10-01-15	12-22-15

CoverSheet

RICK BRAUTIGAN
ARCHITECTURE
1000 DELRAY BEACH BLVD
DELRAY BEACH, FL 33483
P: 561-272-2800
F: 561-272-2805
A: 561-272-2807

The Flossy B.
Building
Delray Shores
Pharmacy &
Soda Fountain
124 N.E. 5th Ave
Delray Beach,
Florida
RBA-IN-13515-07

ISSUED
© SPRING 2016
Reviewed: Spring
Submitted: April
Per: Staff Comments
12/22/15

Site Total Area 13,675 S.F. (3.1 AC)

Use Zoning CENTRAL BUSINESS (CBD) DISTRICT
CENTRAL CORE SUB-DISTRICT

at Impervious Area: 11,425 S.F. 84%
posed Building Footprint: 4,050 S.F. 30%
posed Pavement: 5,475 S.F. 40%
posed Concrete: 1,054 S.F. 7.7%
en Space (Uncovered): 2,495 S.F. 6.2%
1,950 S.F. 12%

DEVELOPMENT STANDARDS FOR CBD

- 1. Lobby and Future Elevator to second floor future apartments (2) 1st fl. including future driveway.
- 2. Existing Royal Palm street trees and light pole future.
- 3. Dumpster Enclosure (See Detail B)
- 4. Streetscape: Curb zone, Ped. Clear, zone, Fr. setback.
- 5. Existing Foot Ramp to Existing Driveway.
- 6. 20' wide drive per 6.1.4 (C)(1) of LDR.
- 7. Designated Residential Parking: 10/Unit = (2) 4.6.9 (c)(a)
- 8. Ice Cream/ Soda Fountain - 750 S.F. including A1 Fresno seating in front.
- 9. Promenade and Related support areas - 3,150 S.F.
- 10. Existing power walkway (city std).
- 11. Proposed pavement to match city std, hatched per city std.
- 12. Landscaped area (see Landscaping Plans)
- 13. Steel Balcony
- 14. Stop Bar/ Stop Sign
- 15. One Way Sign
- 16. 10' Sight Triangle
- 17. Do Not Enter Sign

Department Notes:

- 1. Florida Fire Prevention Code 5th Edition.
- 2. Access road is 20' wide per NFPA 1 and 8.2.3.4.1.1
- 3. Will provide Life Safety plan @ Building Permit.
- 4. Knox box @ 4.6.9.1b. Fire Walk.
- 5. Fire hydrants located in front of building.
- 6. Type of construction is type "Vb".
- 7. Building to be fully sprinklered.
- 8. Min. 4th, 8th, 8thg. Numbers (see elevations)
- 9. Fire Hydrants are located appropriately along the recently improved NE 5th Ave.
- 10. 9'x9' REF. TRUSS SIGN
- 11. PER NFPA 101/IFPC

Per meeting with the Fire Department on 9/21/2015, the Fire Department requires that the building be fully sprinklered and that the building be fully fire alarm monitored. Emergency access will be from S.E. 5th Ave. or rear alley.

Per meeting with the Fire Department on 9/21/2015, the Fire Department requires that the building be fully sprinklered and that the building be fully fire alarm monitored. Emergency access will be from S.E. 5th Ave. or rear alley.

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Per meeting with the Fire Department on 9/21/2015, the Fire Department requires that the building be fully sprinklered and that the building be fully fire alarm monitored. Emergency access will be from S.E. 5th Ave. or rear alley.

THE PROJECT CONSIST OF THE FOLLOWING:

PHASE I

- 1. NEW PHARMACY WITH COMPOUNDING
- 2. 1ST FLOOR APARTS (1,400-1,500) SHELL ONLY*
- 3. 2ND FLOOR APARTS (1,400-1,500) SHELL ONLY*
- 4. ELEVATOR LOBBY

TOTAL BUILDING S.F. 6,540 S.F.

PHASE II

- 1. PERMIT AND BUILD OUTSIDE CREAM SODA FOUNTAIN
- 2. TO BE COMPLETED WITH PHASE I

PHASE III

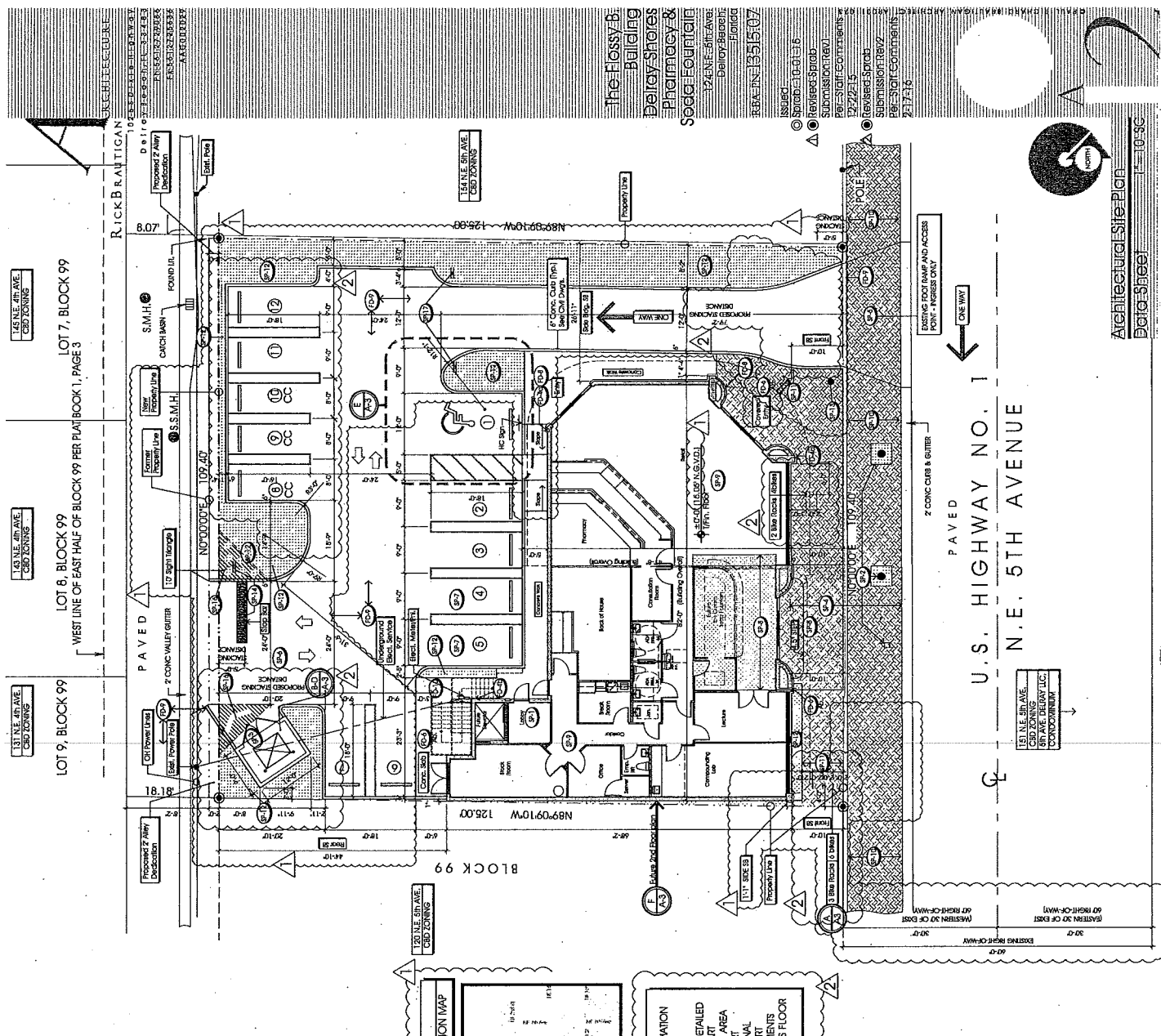
- 1. PERMIT AND BUILD OUT INTERIOR OF THE (12) APARTMENTS THIS PHASE WILL INCLUDE THE STAIR AND ELEVATOR CAB.

DIMENSIONAL REQUIREMENTS	
Lot Size	Minimum
Width	109.47'
Area	13,675 S.F. (3.1 AC)
Building Placement	
A. Front Setback	15'-0" Min.
B. Side Setback	5'-0" Min.
C. Rear Setback	15'-0" Min.
Density 30 du/oc	44.07'
Allowed	2 provided

SITE DEVELOPMENT STANDARDS FOR CBD	
CENTRAL CORE SUB-DISTRICT	
Use:	Per Table 4.4.1.3 (A)
Permitted:	Per Table 4.4.1.3 (A)
Prohibited:	Per Table 4.4.1.3 (A)
Building Height	Per Table 4.4.1.3 (B)
Allowed	34'-0" (12 stories)
Proposed	34'-0" (12 stories)
Building Frontage	25% (100' min) 52'
Required	52'-0"
Proposed	52'-0"

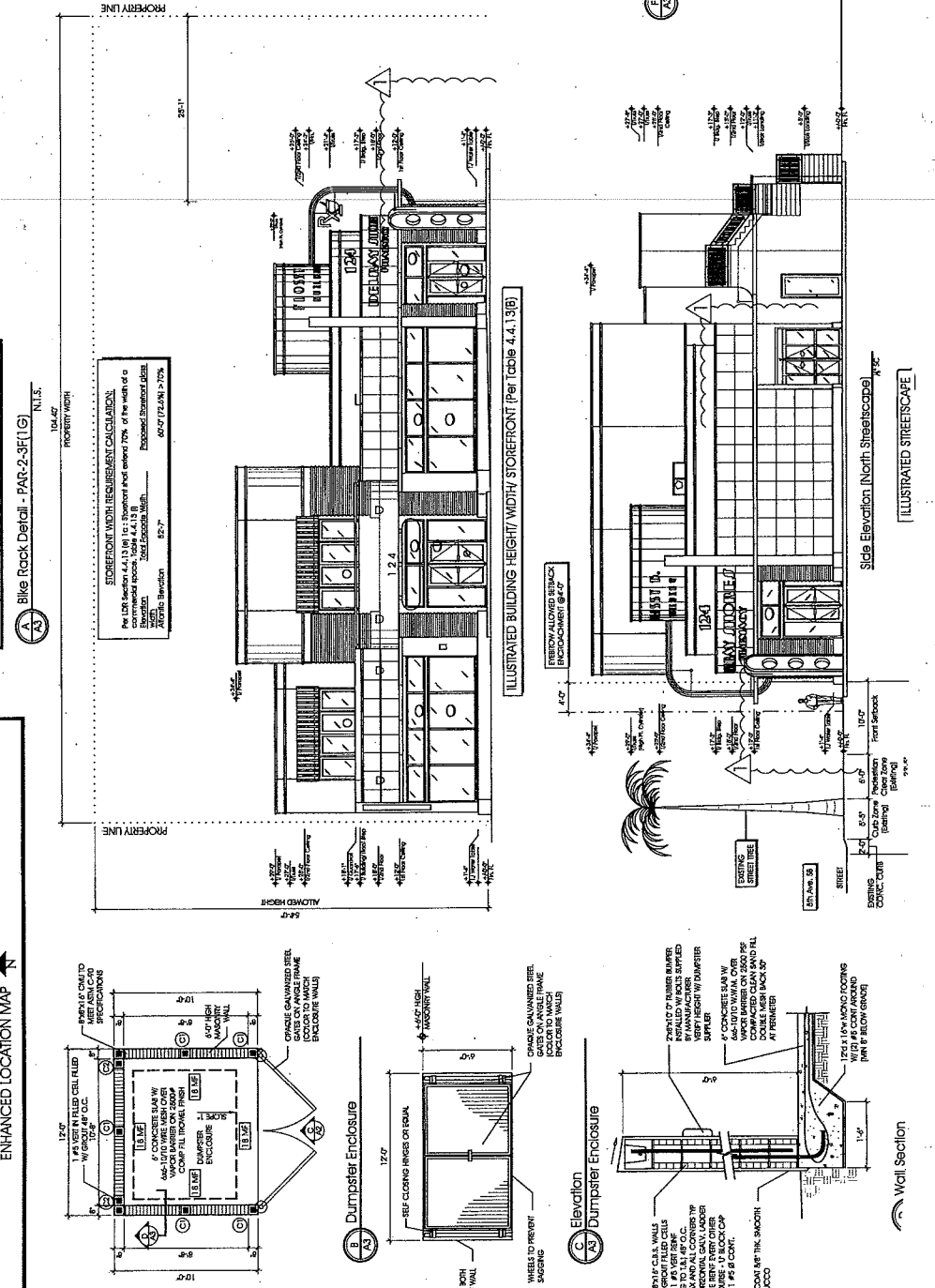
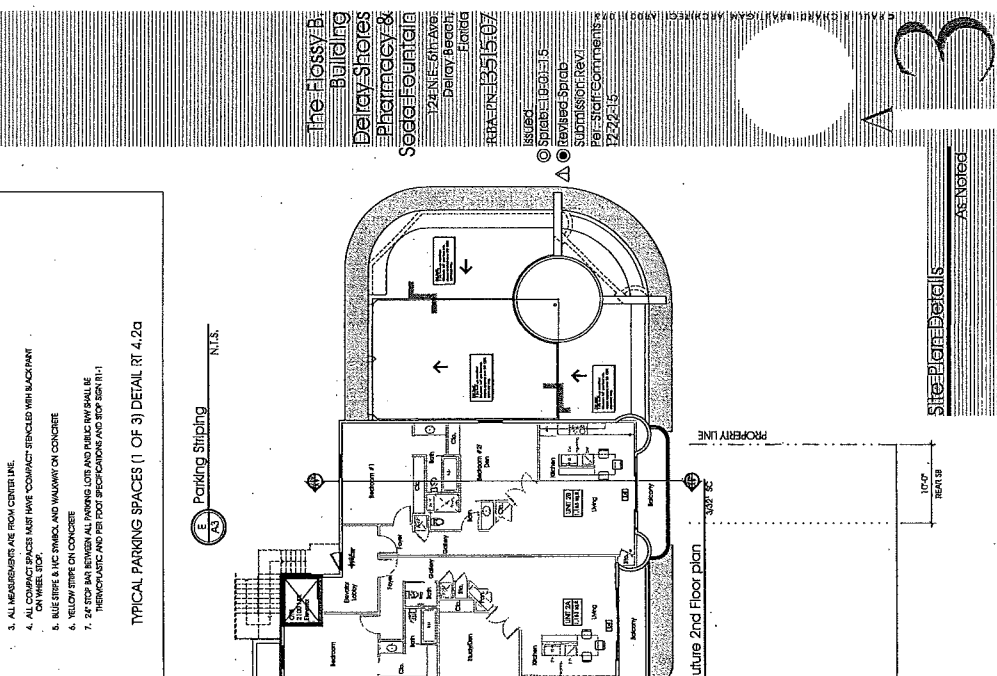
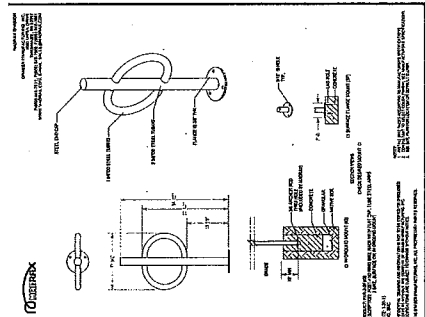
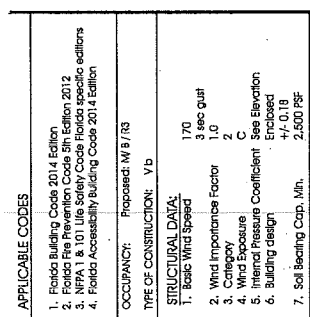
REQUIRED PARKING (MIN) OFF-STREET CBD	
USE	REQUIRED
RETAIL/COMMERCIAL	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
DOWN TOWN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
SOCA FOUNTAIN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
RESIDENTIAL (12) 34' APARTS	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
TOTAL REQUIRED	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
USE	PROVIDED
RETAIL/COMMERCIAL	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
DOWN TOWN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
SOCA FOUNTAIN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
RESIDENTIAL (12) 34' APARTS	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
TOTAL PROVIDED	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA

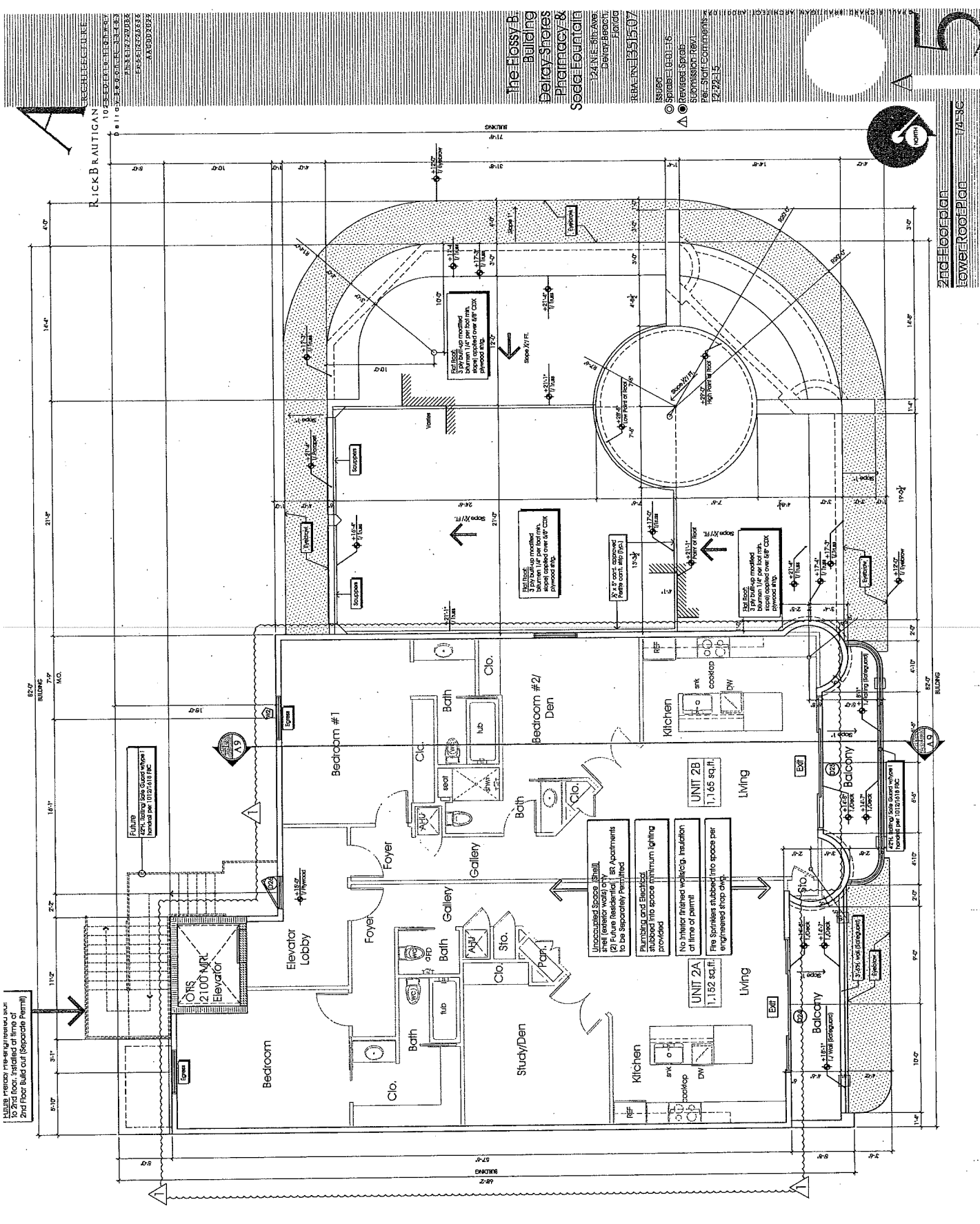
REQUIRED BICYCLE PARKING	
USE	REQUIRED
RETAIL/COMMERCIAL	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
DOWN TOWN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
SOCA FOUNTAIN	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
RESIDENTIAL (12) 34' APARTS	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
TOTAL REQUIRED	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
USE	PROVIDED
RETAIL/COMMERCIAL	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
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RESIDENTIAL (12) 34' APARTS	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA
TOTAL PROVIDED	1.15 S.F. PER 1,000 S.F. OF GROSS FLOOR AREA



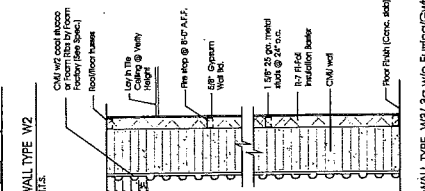
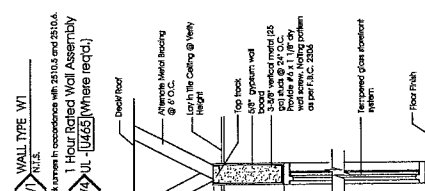
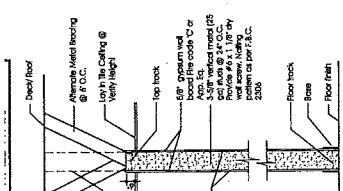
Architectural Site Plan
Data Sheet

1-10-SC





PLUMBING: PIPING, MECHANICAL, AND ELECTRICAL TO 2ND FLOOR. INSTALLED AT TIME OF 2ND FLOOR BUILD OUT (SEPARATE PERMIT).

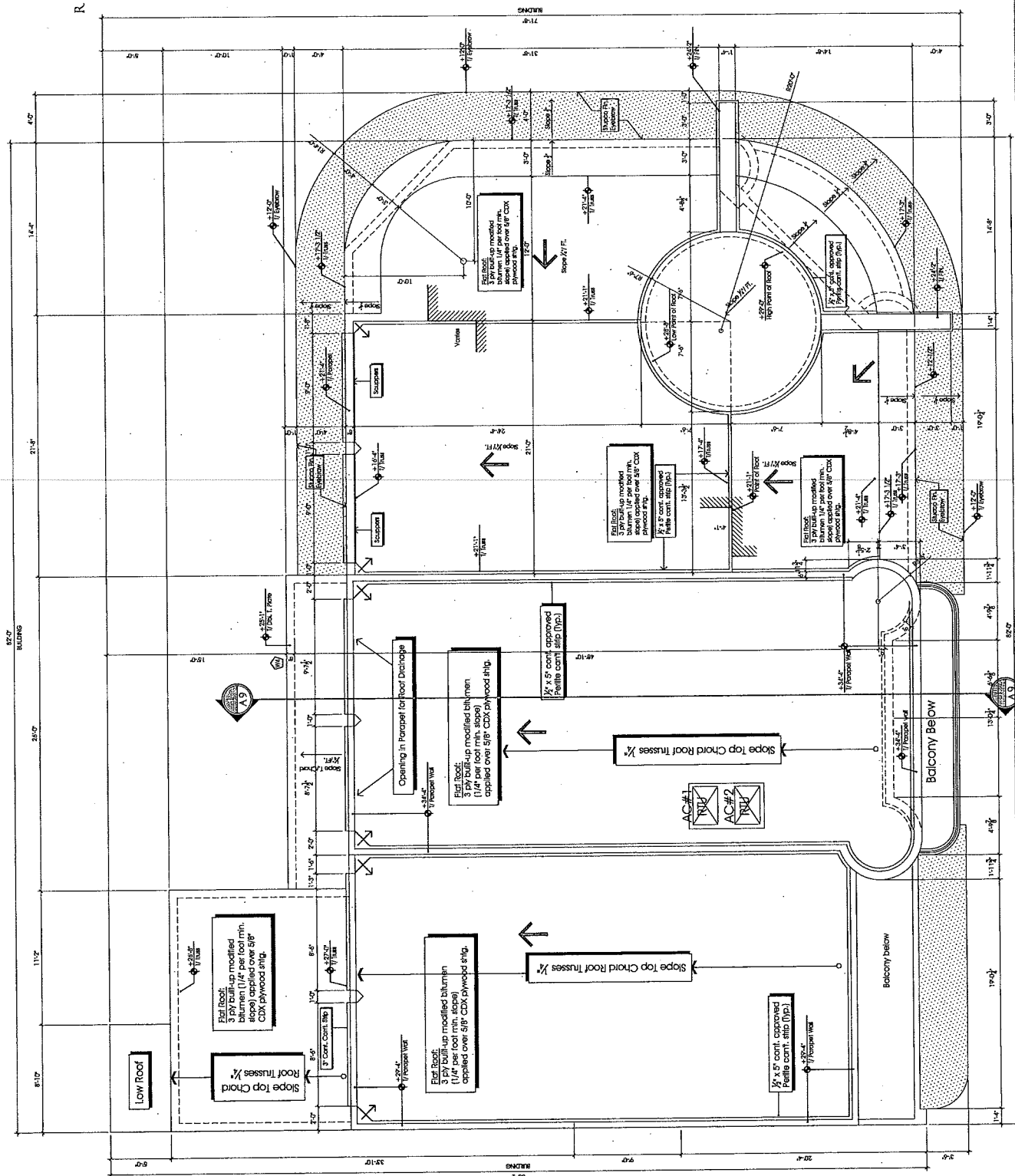


RICK BAUTIGAN

1043 E. 10TH AVE
DENVER, CO 80218
303.733.7200
ARCHITECTURE

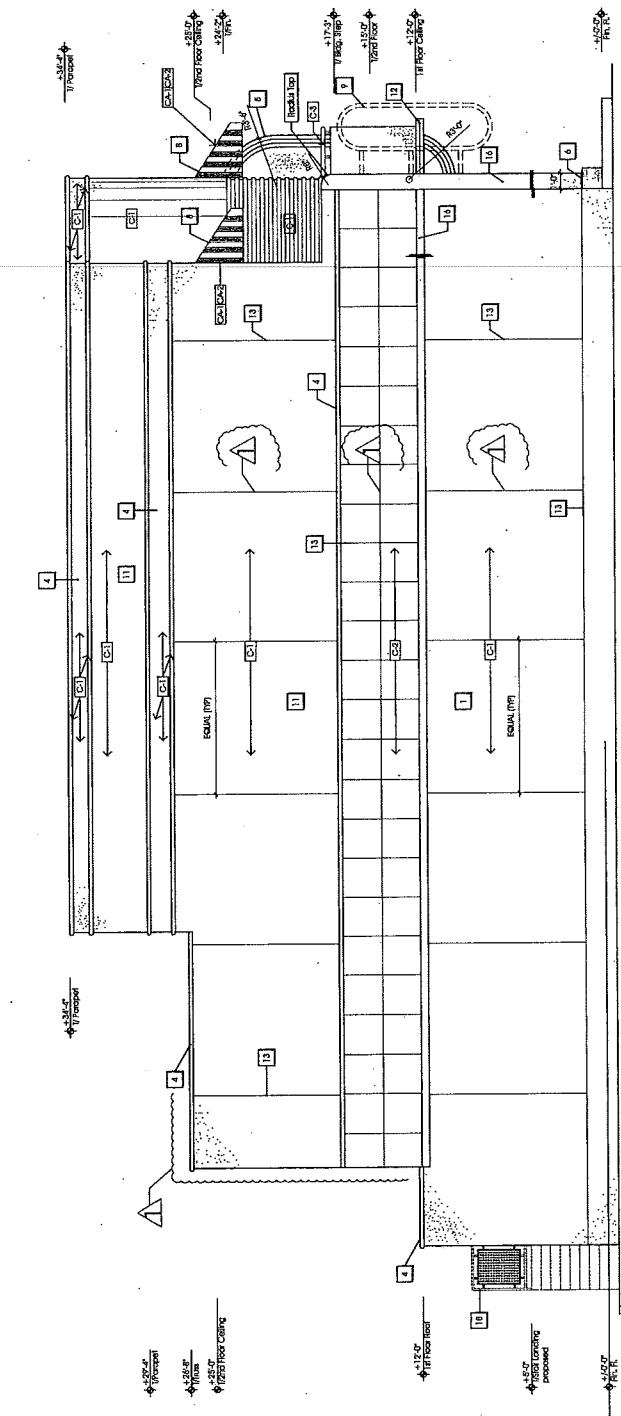
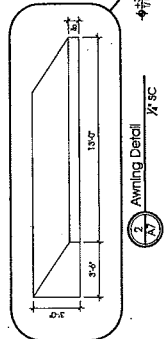
The Flossy Building
Delaney Shores
Pharmacy &
Sage Foundation
124 N.E. 8th Ave
Denver, CO 80218
Phone: 303.733.7200
Fax: 303.733.7200
Email: info@flossybuilding.com
Website: www.flossybuilding.com

2nd Floor Plan
Lower Roof Plan
1/4" = 1'-0"



Roof Plan _____ 1/4" SC
(Upper / Lower)

C-1	Color 1/ Base (Stucco) Benjamin Moore OC-67 - Ice Mist Satin Finish	C-2	Color 2/ Accent (Stucco) Benjamin Moore 2015-20 Orange Burst Satin Finish	C-3	Color 3/ Accent (Railing) Benjamin Moore 15-20 Orange Burst Powder Coat Finish	C-4	Color 4/ Accent (Metal Doors) Benjamin Moore OC-67 - Ice Mist Enamel Finish	C-5	Canvas Awning Trivantage Webcor Coastline Plus Navy Blue CP227-42	C-6	Canvas Awning Trivantage Webcor Coastline Plus Sail White CP2790-62	SE-1	Storefront White Anodized & Clear Glass
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Side Elevation (South) $\frac{1}{4}$ " SC

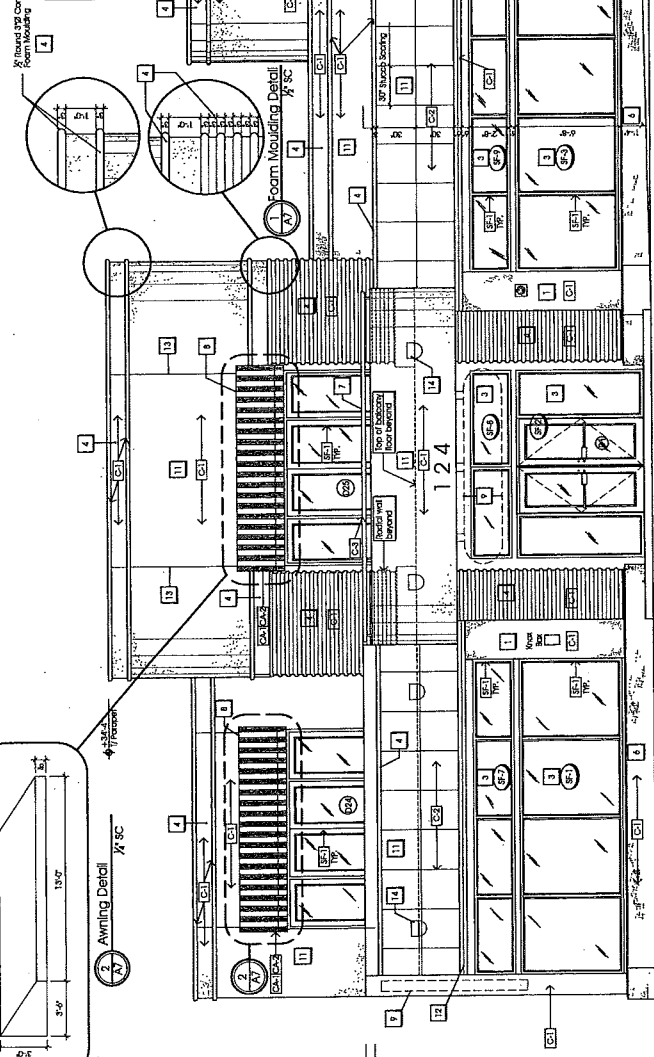
STOREFRONT WIDTH REQUIREMENT CALCULATION:

Per LUT Section 4.4.13 (a) 1: Storefront shall extend 70% of the width of a commercial space. Table 4.4.13 (b)

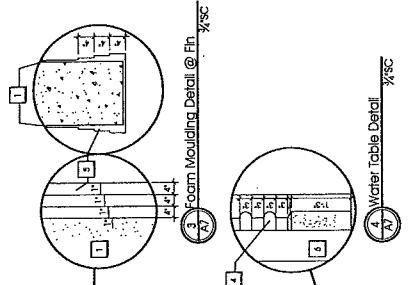
Storefront	Total Facade Width	Minimum Storefront Width	Percentage of Facade Width
1	_____	_____	_____

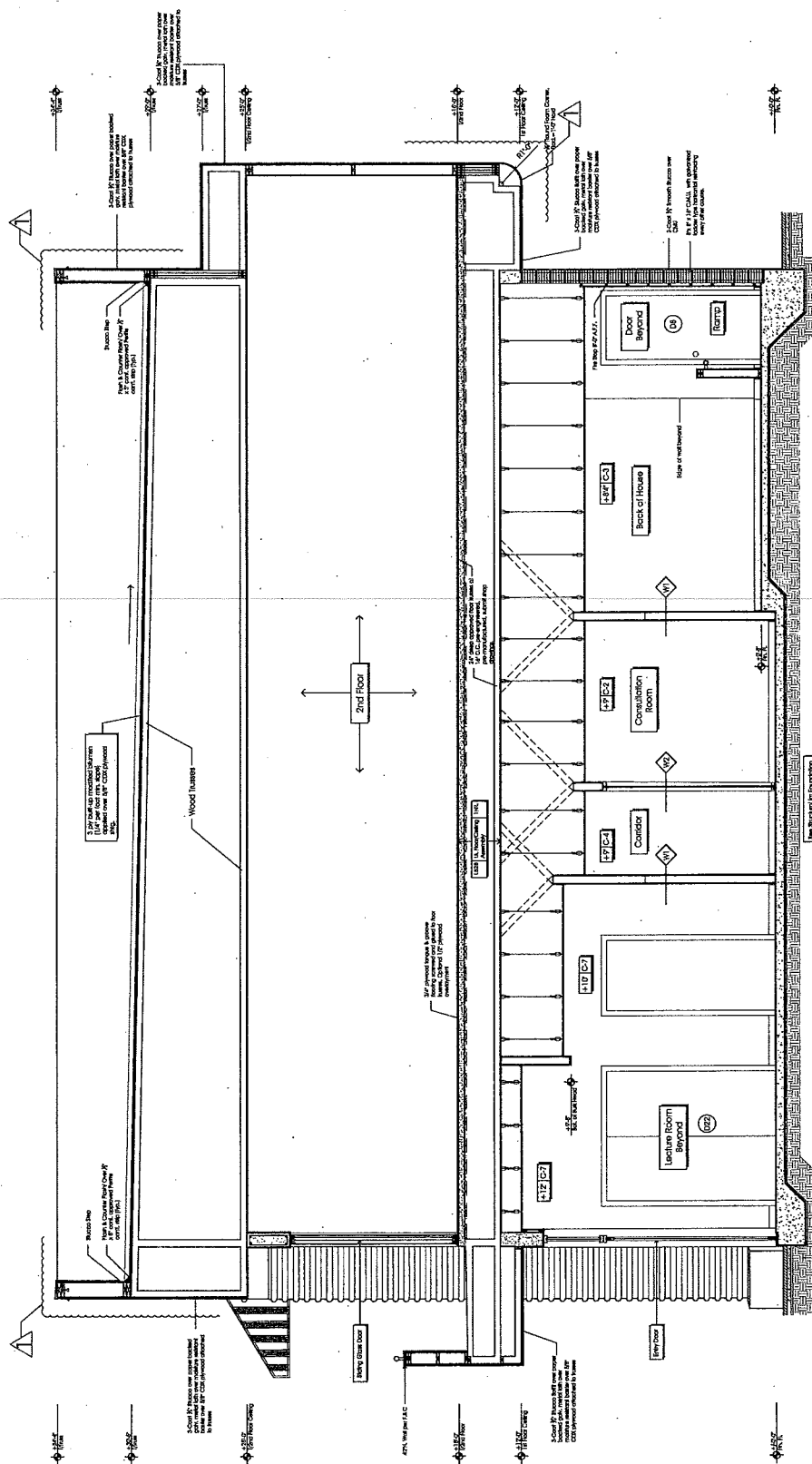
Minimum Storefront Width: _____

Percentage of Facade Width: _____

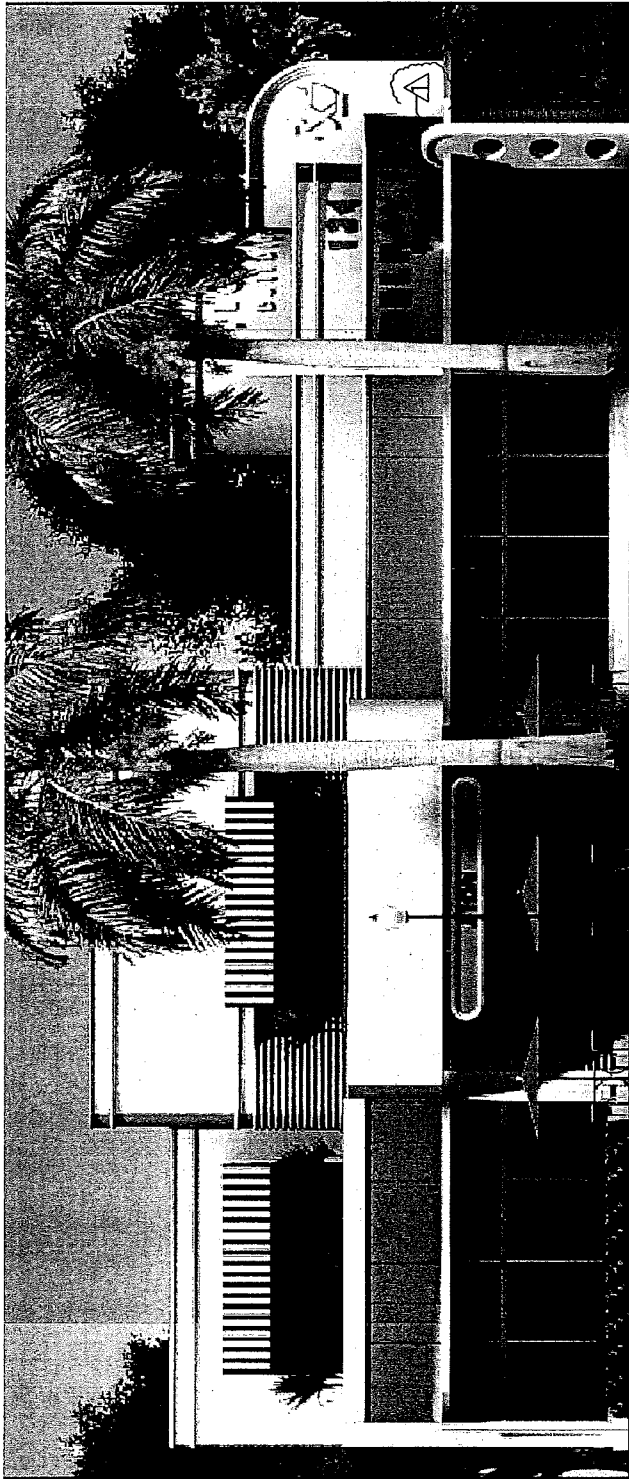


Front Elevation (East)

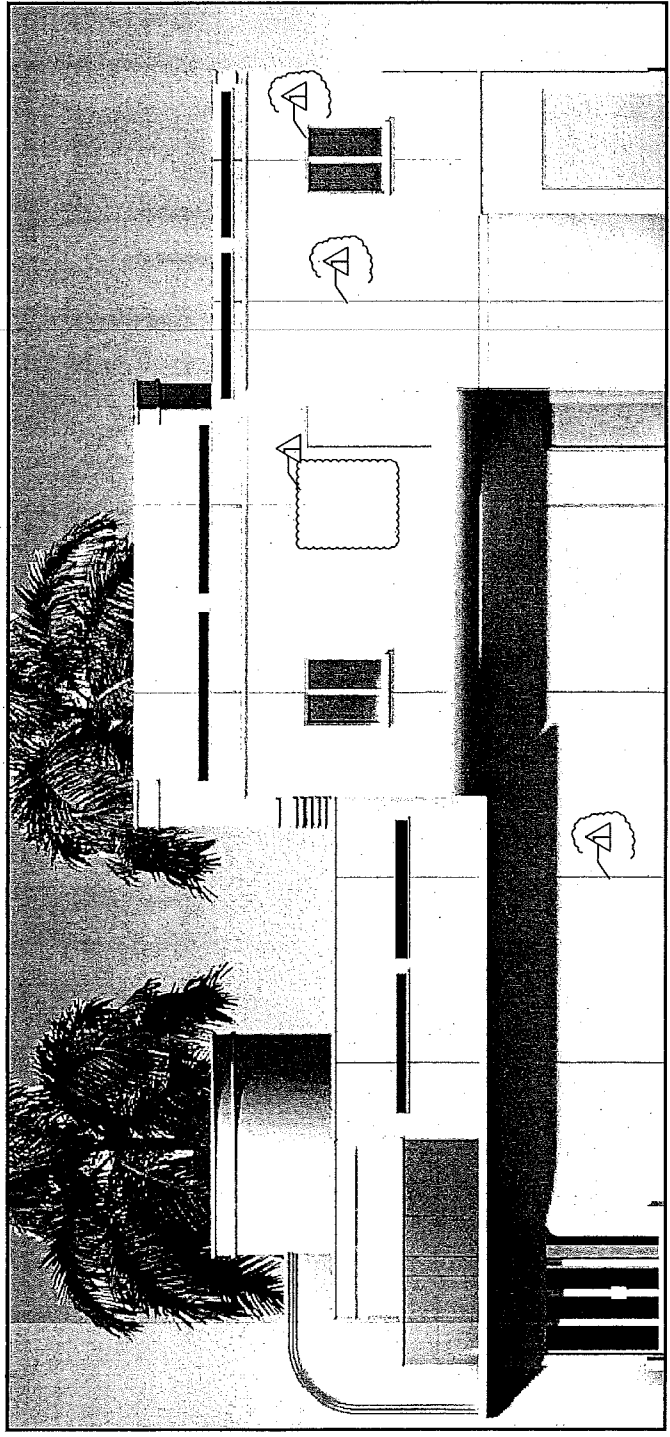




19 Building Section 1/2" SC



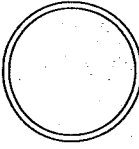
Front Elevation (East) 1/4" = 1'-0"



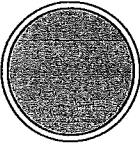
Rear Elevation (West) 1/4" = 1'-0"

ARCHITECTURE
RICK BRAUTIGAN
 10000 BAYVIEW BLVD
 SUITE 100
 BAYVIEW, FL 33154
 (305) 551-1234
 FAX (305) 551-1235
 E-MAIL: RICK@BRAUTIGAN.COM

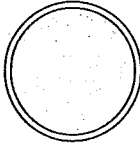
COLORS



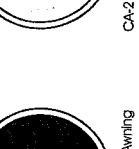
C-1 Color 1/ Base (Stucco)
 Benjamin Moore Color Preview
 OC-67 Ice Mist
 Satin Finish



C-2 Color 2/ Accent (Stucco)
 Benjamin Moore Color Preview
 9201 S-20 Orange Burst
 Powder Coat



C-3 Color 3/ Accent (Railing)
 Benjamin Moore Color Preview
 9201 S-20 Orange Burst
 Powder Coat



C-4 Color 4/ Accent (Doors)
 Benjamin Moore Color Preview
 OC-67 Ice Mist
 Enamel

THE FLOSSY B. BUILDING
 DELRAY SHORES
 PHARMACY &
 SOCIAL CLUB
 124 N.E. 8th Ave.
 Delray Beach, Florida
 33431-1507

ISSUED
 © 2007 Rick Brautigan
 Submission Rev.
 Per. Start Comments
 12/22/15

CA-1 Canvas Awning
 Jivantage
 Webton Coastline Plus
 Navy Blue CP2747-62

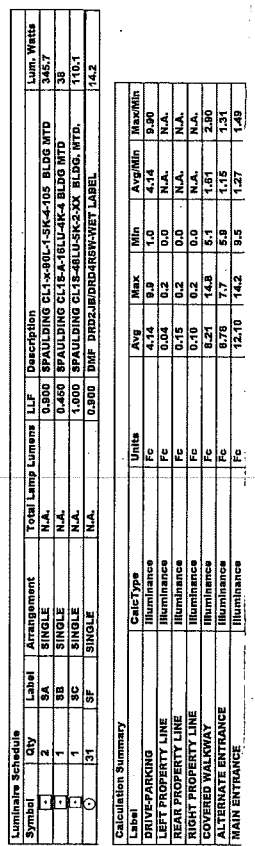
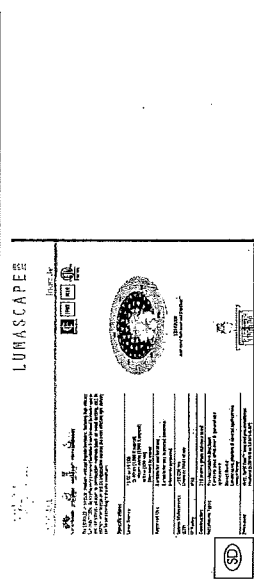
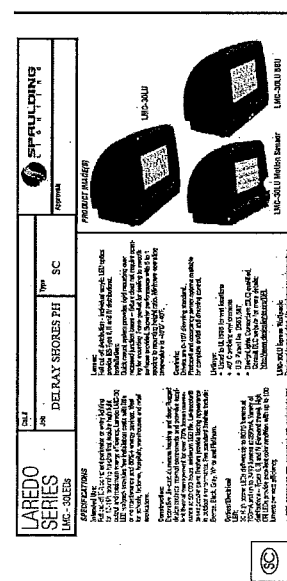
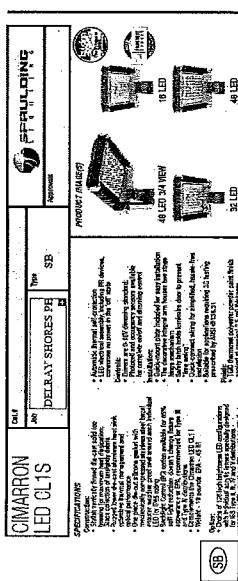
CA-2 Canvas Awning
 Jivantage
 Webton Coastline Plus
 Sail White CP2790-62

SF-1 Storefront
 White Anodized and Clear Glass

THE FLOSSY B. BUILDING
 DELRAY SHORES
 PHARMACY &
 SOCIAL CLUB
 124 N.E. 8th Ave.
 Delray Beach, Florida
 33431-1507

10

Color Elevations
 1/4" = 1'-0"

[illegible]

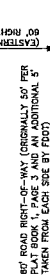
Site Photometric Plan
 $1'' = 10' - SC$

The Flossy B.
Building
Delray Shores
Pharmacy &
Soda Fountain
124 N.E. 58th Ave.
Delray Beach
Florida
FLA. IN. 13515:07
ISSUED

Revised: Sprab	12-22-15
Submission: Revd	
Per: Staff Comments	
Revised: Sprab	2-17-16
Submission: Rev2	
Per: Staff Comments	

A 12

Rick Brautigan
 101
 Delta



- | | |
|------------------------------|--------------------------------------|
| PROPOSED GRADE | PROPOSED FINISHED FLOOR ELEVATION |
| EXISTING ELEVATION | RADIUS |
| DEBITES PROPOSED PAVEMENT | TYPICAL |
| DEBITES PROPOSED PAVER BRICK | MATCH EXISTING GRADE |
| | SANITARY CLEAN OUT |
| | MANHOLE |
| | DUCTILE IRON PIPE |
| | REDUCED PRESSURE ZONE |
| | TACTILE SURFACE LOCATION & NUMBER |
| | GRAB RAMP LOCATION |
| | DOUBLE CHECK DETECTOR VALVE ASSEMBLY |
| | FIRE DEPARTMENT CONNECTION |
| | RESILIENT SEAT GATE VALVE |
| | DUCTILE IRON PIPE |
| | CENTER LINE |

DESIGNED BY:
CARTER & ASSOCIATES
LANDSCAPE ARCHITECTS INC.
74 N.E. 5th AVE., Delray Beach, FL 33483
561-272-9621
LA. 831

DRAWN	
SKP	
CHG:GDO	
Q.H.C.	
DATE	9.02.15
SCALE	1" = 10'
SHEET NO.	1.15.15
SHEET	



NOTE: All Landscape With-In Sight Triangles Shall Provide Unobstructed Cross-visibility At A Horizontal Level Between 30 Inches And 8 Feet, Including Trunks From Pavement.



U.S. HIGHWAY NO. 1
NEW FIFTH AVENUE

Landscape Plan

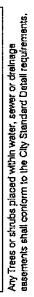
Landscape for:
DeRay Shores Pharmacy
DeRay Beach, Florida

DATE	1/27/71
TIME	1 ⁰⁰ - 1 ⁰⁵
LOCATION	JOINT.
WIND	1:15, 15
SEA	
WAVE	
SWP	
CHCOP	
D.H.C.	
DATE	9.02.15

DESIGNED BY:
CARTER & ASSOCIATES
LANDSCAPE ARCHITECTS INC.
74 N.E. 5th AVE. Delray Beach, FL 33483
561-272-9621
LA. 831

DRAWN	BY	DATE	SCALE	SHEET
SHOP	CHICKEN	D.H.C.	1" = 10'	1,15,15
		DATE		
		9.02.15		

Straight Trunk Palms

[illegible]

NOTE: (2) Delta Round Containers
Size: 30"x24"
Color: Gray
Supplier: Yard Art #6458108

[illegible]LANDSCAPE CALCULATIONS
(MULTI-FAMILY, COMMERCIAL, INDUSTRIAL)

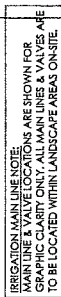
- | | | |
|----|--|--|
| A. | TOTAL LOT AREA | |
| B. | TOTAL DRIVEWAY, WALKWAYS, DRIVES, ETC... | |
| C. | TOTAL PERVIOUS LOT AREA | |
| D. | TOTAL AREA OF SHUBS & GROUND COVERS REQUIRED (CY 30) | |
| E. | AREA OF SHRUBS & GROUND COVERS PROVIDED | |
| F. | NATIVE VEGETATION PROVIDED | |
| G. | NATIVE PLANTATION REQUIRED | |
| H. | TOTAL PAVED VEHICULAR USE AREA | |
| I. | TOTAL INTERIOR LANDSCAPE AREA REQUIRED (H X 10) | |
| J. | TOTAL INTERIOR LANDSCAPE AREA PROVIDED | |
| K. | TOTAL INTERIOR SHADE TREES REQUIRED | |
| L. | TOTAL INTERIOR SHADE TREES PROVIDED | |
| M. | TOTAL LINEAR FEET SURROUNDING PARKING, OR VEHICULAR USE AREAS | |
| N. | TOTAL NUMBER OF PERIMETER TREES REQUIRED (M / 30) | |
| O. | TOTAL NUMBER OF PERIMETER TREES PROVIDED | |
| P. | TOTAL NUMBER OF EXIST. TREES TO BE PRESERVED ON SITE | |
| Q. | TOTAL NUMBER OF NATIVE TREES REQUIRED $\{ (K + N) \times .50 \}$ | |
| R. | TOTAL NUMBER OF NATIVE TREES PROVIDED | |
| S. | TOTAL NUMBER OF TREES ON PLAN PROVIDED | |

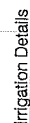
Note: All Above Ground Mechanical Equipment Such As, But Not Limited To, Exterior Utility Boxes, Meters, And Transformers Shall Be Depicted On All Plans And Shall Be Visually Screened. Backflow Preventers Shall Be Painted To Match Principle Structure.

shrubs & plants used on this site that conform to the requirements of "Low watering needs" specified in the South Florida Water Management District's "Waterside" publication. In addition, utility structures shall be planted on three sites with fast growing *Coccoloba* hedged to provide shade and reduce evaporation. Areas containing trees and vegetation shall be fast filled with city inspected clean fill soil. All planted areas on the site that are fast filled with clean fill to a depth of one foot from the surface shall be planted with a minimum height of 10' and a minimum canopy spread of 10'. The minimum height of the green space, island, or landscape buffer. The city shall inspect all clean fill, installation practices and landscape improvements prior to installation.

DESIGNED BY:
CARTER & ASSOCIATES
LANDSCAPE ARCHITECTS INC.
74 N.E. 5th AVE. Delray Beach, FL 33483
561-272-9621
LA. 831

DRAWN	SHEET
SKP	1
ENGINEER	
D.H.C.	
DATE	
9.02.15	
SCALE	
1" = 10'	
20' HORIZ.	
1:15.15	
SHEET	





CIVIL IMPROVEMENT PLANS: PAVING, GRADING & DRAINAGE IMPROVEMENTS WITH WATER, SEWER & FIRELINE SERVICES

THE FLOSSY B. BUILDING
DELRAY SHORES PHARMACY & SODA FOUNTAIN
124 N.E. 5TH AVENUE
DELRAY BEACH, FLORIDA 33483

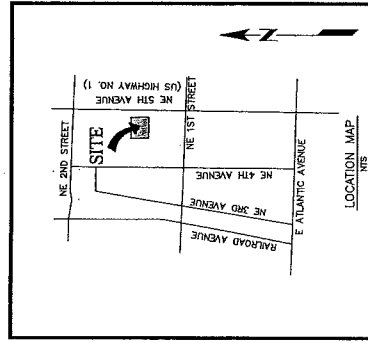
FOR

KH DELRAY AT FIFTH LLC
1390 S. DIXIE HWY STE 2213
MIAMI, FLORIDA 33416

BY

JOHN A. GRANT, JR., INC.
3333 NORTH FEDERAL HIGHWAY
BOCA RATON, FLORIDA
561-395-3333

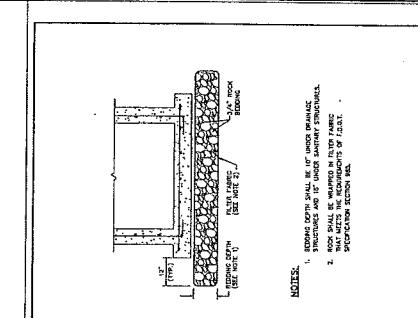
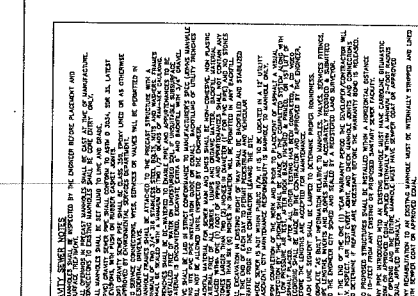
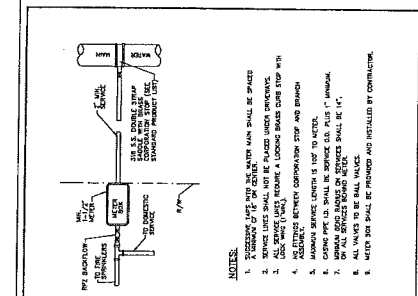
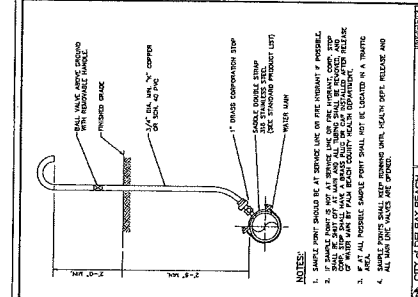
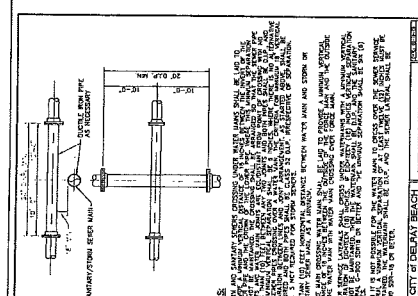
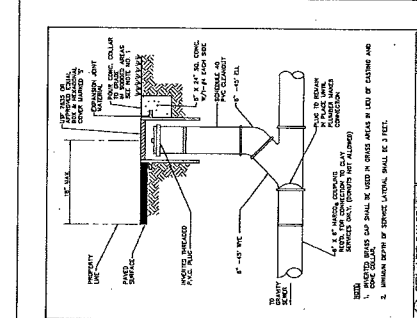
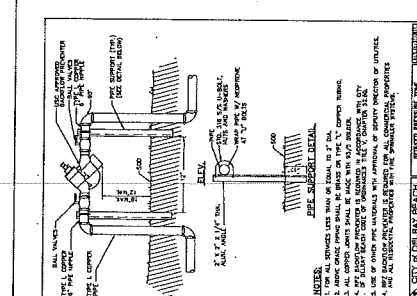
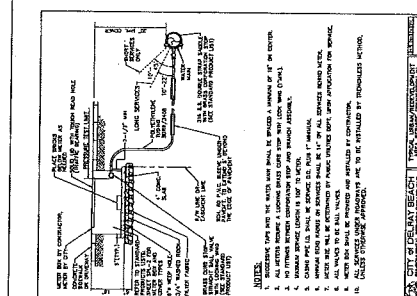
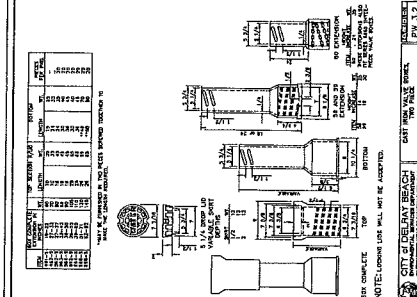
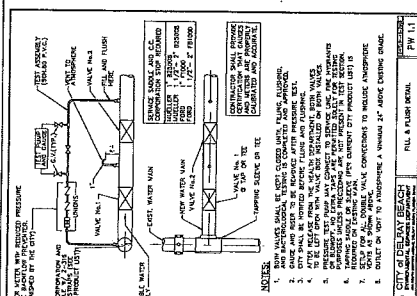
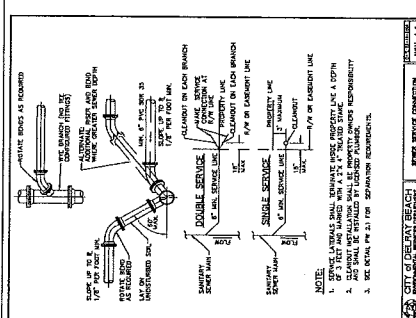
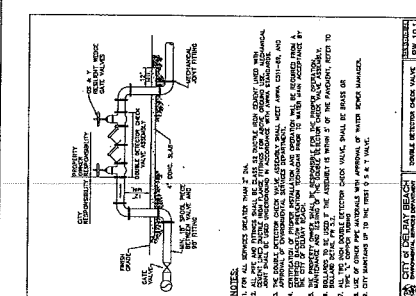
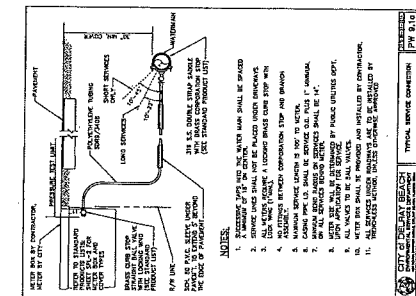
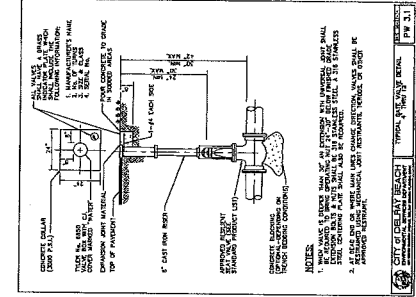
FOR PERMIT PURPOSES ONLY



PROJECT NO. JG100-9654

1. COVER SHEET
2. STORMWATER EROSION CONTROL NOTES & DETAILS
3. GENERAL NOTES, TYPICAL CROSS SECTIONS & DRAINAGE DETAILS
4. PAVING DETAILS & SPECIFICATIONS
5. WATER AND SEWER DETAILS
6. PAVING, GRADING & DRAINAGE IMPROVEMENTS WITH WATER, SEWER AND FIRELINE SERVICES
7. STRIPING AND SIGNAGE PLAN

THOMAS F. LUBANOVIC
Professional Engineer No. 56659
State of Florida



THOMAS F. LUBANOVIC
Professional Engineer No. 58659
John A. Grant, Jr., Inc.
3333 N. Federal Hwy., Ste. 3
Moca Raton, FL 33431
Certificate of Authorization No. LB 50

REVISION	BY	DATE
WATER AND SEWER DETAILS		
THE FLOSSY B. BUILDING LARRY SHORES PHARMACY & SODA FOUNTAIN 124 N.E. 6TH AVENUE DELAIR BEACH, FLORIDA 33483		
JOHN A. GRANT, JR., INC. CONSULTING ENGINEERS 3333 NORTH FEDERAL HIGHWAY SUITE 200 PH. NO. 561-3865 • FAX NO. 561-3846-1315 TELEGRAPHED BUSINESS NO. LB 50		
SHEET NO.	TOTAL SHEETS	PAGE NO.
100-100-5554	1	7

**THE FLOSSY B. BUILDING
LRLAY SHORES PHARMACY & SODA FOUNTAIN
124 N.E. 5TH AVENUE
DELRAY BEACH, FLORIDA 33483**

PH. NO. 561-395-3333 FAX NO. 561-395-3315
BOCA RATON, FLORIDA 33431
LICENSED BUSINESS NO. LB 50

E	CRS	DATE	SEPT 2012	F.B. N/A	PG
CKED		DATE		SCALE	N.T.S.
NO.		JOS-100-8654		SHEET	5 OF 7

