



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

The Edge at Pineapple Grove

Meeting	File No.	Application Type
April 15, 2024	2022-008-SPF-SPR-CLV	Level 4 Site Plan with Waiver
Applicant	Property Owner	Authorized Agent
Downtown Second Street, LLC	215 NE 6 th Ave, LLC	Dunay, Miskel & Backman, LLP

Request

Provide a recommendation to the City Commission on a waiver request associated with a Level 4 Site Plan for an eight-unit townhouse development, to allow vehicular access from a Primary Street (NE 2nd Street) within the Central Business District (CBD).

Site Data & Information

Property Owner: 215 NE 6th Ave, LLC

Agent: Dunay, Miskel & Backman, LLP

Location: 605 NE 2nd Street

PCN: 12-43-46-16-01-114-0090

Property Size: 0.36 Acres

Land Use Designation: Commercial Core (CC)

Zoning District: CBD, Central Core Sub-district

Adjacent Zoning:

- **North:** CBD, Central Core Sub-district
- **East:** RM (Multiple Family Residential)
- **South:** CBD, Central Core Sub-district
- **West:** CBD, Central Core Sub-district

Use: Residential

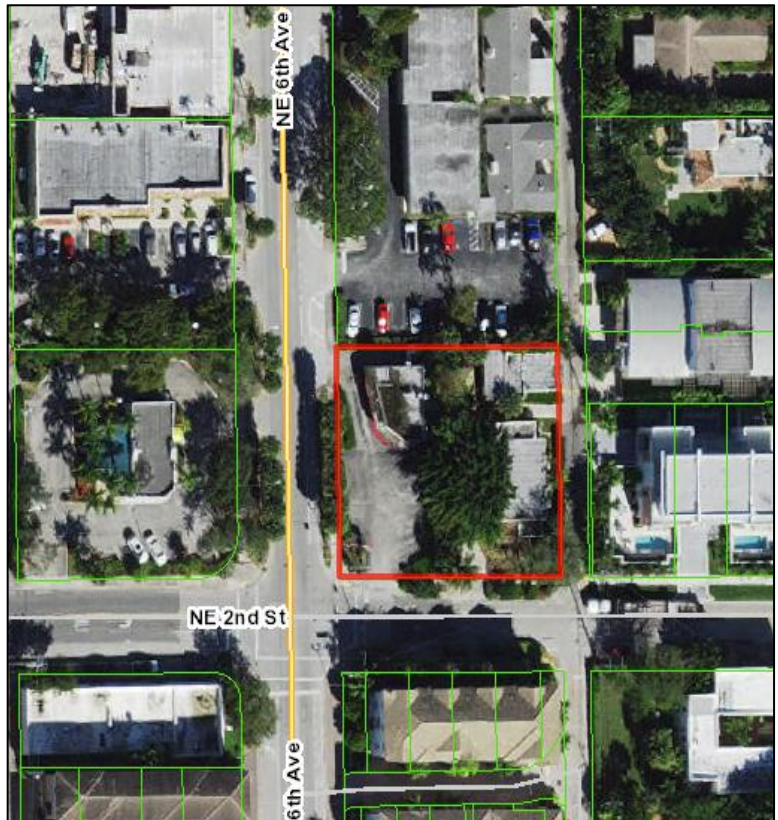
Floor Area Ratio:

- **Existing:** 0.22
- **Proposed:** 2.08
- **Maximum Allowed:** 3.0

CBD Central Core Sub-district

- **NE 6th Avenue & NE 2nd Street:**
Primary Street

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



Background

Project Planner:

Susie Rodrigues, Planner; Amy Alvarez, Assistant Director, AICP
rodrigues@mydelraybeach.com; alvarez@mydelraybeach.com

Attachments:

- Applicant Justification Statement
- Site Plan
- Landscape Plan
- DDA Recommendation



The subject property is located on the northeast corner of NE 6th Avenue and NE 2nd Street. Currently it is occupied by three buildings: a former restaurant built in 1948, as well as two residential buildings constructed in 1925. The parcel corners two Primary Streets (NE 6th Avenue on the western side and NE 2nd Street on the southern side), and it adjoins the alley between NE 6th Avenue and NE 7th Avenue on the property's eastern side. The property is located within the Central Core Sub-district, where the "...regulations are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown."



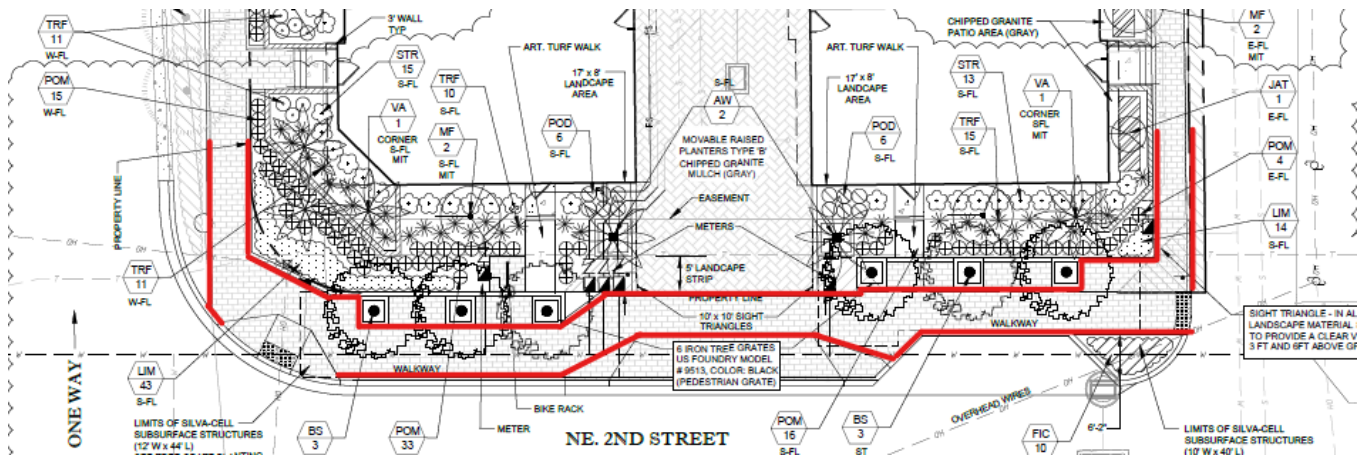
Former Restaurant on the corner of NE 6th Ave and NE 2nd Street



Residential building on the corner of NE 2nd Street and the alley

A Level 4, formerly a Class V, site plan application has been submitted to demolish the existing buildings and construct an eight-unit townhouse development. As part of the development application, the applicant has requested a waiver from the development regulations.

On April 12, 2023, the Site Plan Review and Appearance Board (SPRAB) reviewed this project. The applicant requested deferral of the item to meet with residents in the adjacent neighborhoods who raised concerns at the meeting; SPRAB approved a motion to continue with direction to come back before the Board with re-evaluation and discussion. The applicant has met with the residents in an effort to address their concerns, and as a result the project has been revised to remove the privacy wall along NE 2nd Street (a Primary Street), which improves the overall pedestrian experience.



On November 29, 2023, SPRAB reviewed the modifications the applicant proposed since the previous Board review in April and recommended denial, 4-1. On January 4, 2024, City Commission made a motion to continue with the direction to revise the primary access of the project and proceed to the Planning and Zoning Board for further review of the requested waiver. The second waiver request for LDR Section 4.4.13(D)(2)(a)1., to reduce the front setback from a minimum of 10 feet to three feet six inches at the northwest corner of NW 6th Avenue and NE 2nd Street, was approved (Resolution 11-24).



Description of Proposal

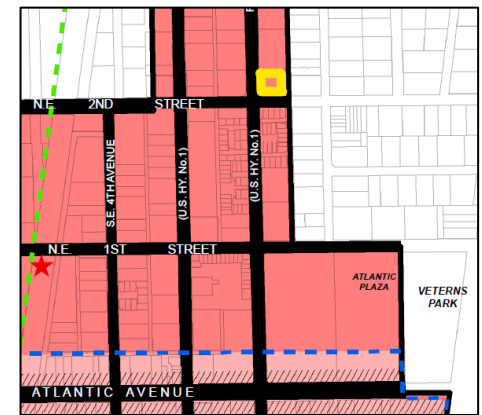
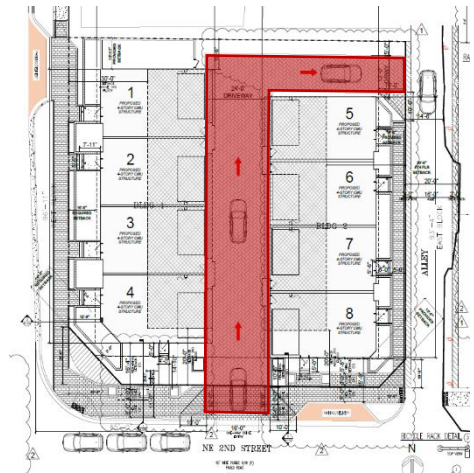
The applicant has submitted modified plans (at right, and attached) that now provide one-way ingress for the site from NE 2nd Street and egress onto the alley (recently named Hoffman Lane). Although the proposed access from NE 2nd Street is limited to ingress, a waiver is still required because any vehicular access is forbidden on a Primary Street.

Pursuant to **LDR Section 4.4.13(K)(5)(a)**, ...*waivers may be considered within the CBD in accordance with those specific provisions. When reviewing applications that include waivers that can only be granted by the City Commission, the SPRAB and the HPB shall make formal recommendations to the City Commission regarding those waivers prior to site plan consideration.*

The requested waiver is from the requirement in **LDR Section 4.4.13(I)(3)(b)1.**, **Location and Access to Off-street Parking (Access):** *On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking. Alleys may provide access to parking lots and garages and function as standard drive aisles, provided public access is maintained and access to all properties adjacent to the alley is maintained. Vehicles may back out onto alleys.*

The request is to allow vehicular access from a Primary Street (NE 2nd Street), rather than the alley, which should be the primary source of vehicular access to off-street parking. Figure 4.4.13-B-1, Central Core and Beach Sub-district Regulating Plan (excerpt at right, and attached), identifies those rights-of-way that are classified as Primary (black) and Secondary Streets and the location of the subject property (in yellow).

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



Waiver Analysis

Waiver requests are subject to the following findings.

LDR Section 4.4.13(K)(5)(b)2. CBD Waiver Standards

Within the CBD, the following standards shall be used by the City Commission, SPRAB or HPB when considering waiver requests, in addition to the findings in Section 2.4.11(B)(5):

- 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 under this code.*

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

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

- a. *Shall not adversely affect the neighboring area;*
- b. *Shall not significantly diminish the provision of public facilities;*
- c. *Shall not create an unsafe situation; and*
- d. *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*
- e. *Within the CBD, the following additional findings apply:*
 - 1. *The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*
 - 2. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*



- 3. The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/ pedestrian master plan.
- 4. The waiver shall not reduce the quality of civic open spaces provided under this code.

LDR Section 4.4.13(I)(3)(b)1. *On Primary Streets, alleys and Secondary Streets, when present, shall be the primary source of vehicular access to off-street parking. Alleys may provide access to parking lots and garages and function as standard drive aisles, provided public access is maintained and access to all properties adjacent to the alley is maintained. Vehicles may back out onto alleys.*

The property fronts NE 6th Avenue and NE 2nd Street, both Primary Streets. The designation of NE 2nd Street as a Primary Street ends at the alley along the east side of the property, consistent with the CBD boundary. Primary Streets, pursuant to LDR Section 4.4.13(B)(1), are “intended to develop over time as superior pedestrian environments and, as such, are held to higher standards in the regulations regarding building placement, building frontage, and the location of parking and service uses.” The proposal has been designed to place the fronts of the eight townhome units along both NE 6th Avenue and the alley, along the rear of the property. Based on the requirement (at left), the alley should be the primary source of vehicular access; however, the sole source of vehicular ingress to the property is provided from NE 2nd Street.

The multi-family development (consisting of attached single-family townhome residences) across NE 2nd Street on the southeast corner of NE 2nd Street and NE 6th Avenue, known as Renaissance Village, was constructed in 2003 prior to the adoption of the current CBD regulations that designated the street as a Primary Street – requiring the higher standards of building placement that affect the pedestrian experience and overall streetscape. Vehicular ingress for the development is provided from both NE 6th Avenue (a Primary Street) and the alley along the rear; sole vehicular access is not on a Primary Street and is accessible from both the alley and the Primary Street. The vehicular access from both alley and Primary Street conforms to current regulations; however, as a result, the development utilizes NE 2nd Street as its side with on-street parking and a garden wall with landscaping to line the right-of-way, and the pedestrian experience on NE 2nd Street is diminished according to the current CBD regulations. The Board should consider if this segment of NE 2nd Street currently has many characteristics of a Secondary Street (rather than a Primary Street), and if ingress from NE 2nd Street would be anticipated to have a significant impact.



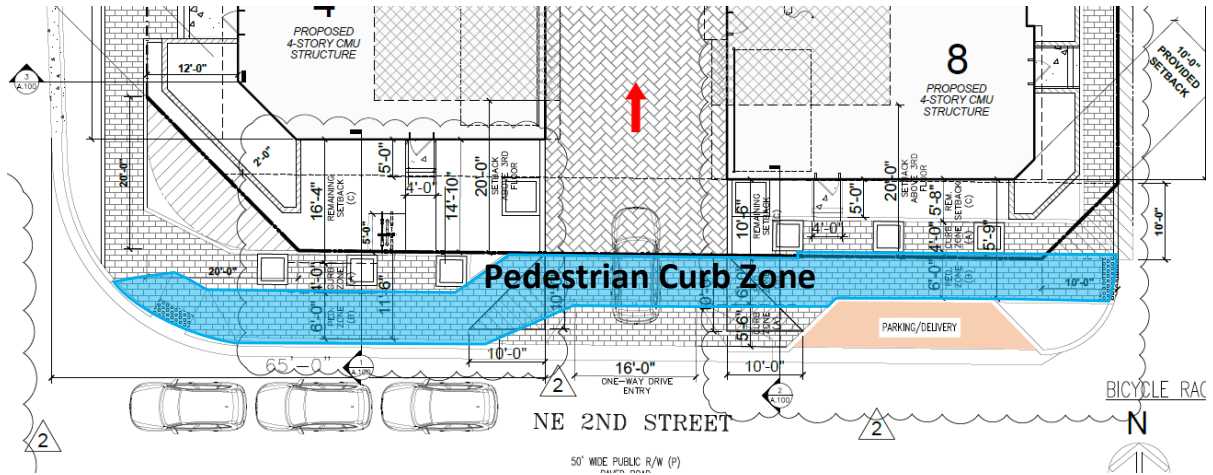
Primary Street: NE 2nd Street

The applicant has indicated that vehicular ingress was provided from the street, rather than the alley, due to its narrowness. However, the alley will be expanded as a result of the required dedication of two feet from the proposed development for a completed width of 20 feet for a portion of the alley adjacent to the subject property, with the remainder between 16 to 18 feet in width. It should be noted that the east side of the alley consists of residential buildings with a few of the buildings having access from the alley; allowing the driveway on NE 2nd Street will divert approximately half of the additional traffic away from the alley.

The CBD regulations are form-based and designed to foster predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. As such, the form-based code that regulates development within the CBD requires a higher standard on Primary Streets for building placement and streetscape standards that affect the overall pedestrian experience. The minimum six-foot wide continuous pedestrian clear zone and four-foot wide curb zone support pedestrian activity by minimizing conflict points between vehicular access ways and pedestrian pathways. In consideration of the waiver criteria, the use and the traffic anticipated for the proposed use, the request of sole ingress to the site from NE 2nd Street is not anticipated to significantly diminish the pedestrian experience or the connectivity of the street and sidewalk network. However, there is an inherent point of conflict when a vehicular access way crosses a pedestrian pathway. The sidewalk is proposed with a paver pattern that is different from the pavers indicating the drive entrance, and the sidewalk pavers continue across the vehicular access point indicating a continuous pedestrian clear zone adjacent to NE 2nd Street. The Board should consider if these design elements contribute to the ability



to make an overall finding that the request is compatible with the nearby developments and is not anticipated to negatively affect the neighboring area or create unsafe conditions.



Review by Others

The **Downtown Development Authority (DDA)** reviewed the full Level 4 Site Plan request (classified as a Class V at the time of review), at its meeting of September 12, 2022. A recommendation to approve the proposed changes was carried 5 to 0, with the suggestion that the “architectural features of the building should be reviewed to allow for a lighter look: use of more greenery features and opt for a more tropical modern style.” The DDA Board was in support of the waiver requests. The DDA Memo is attached and provides additional information.

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

Options for Board Action

- A. Move to recommend **approval** to the City Commission of the waiver request for **The Edge at Pineapple Grove at 605 NE 2nd Street** (2022-008) to allow vehicular access from NE 2nd Street, a Primary Street, by finding that the request meets the criteria set forth in the Land Development Regulations.
- B. Move to recommend **denial** to the City Commission of the waiver request for **The Edge at Pineapple Grove at 605 NE 2nd Street** (2022-008) to allow vehicular access from NE 2nd Street, a Primary Street; by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- C. Move to **continue** with direction.

Public and Courtesy Notices

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

- Palm Trail Neighborhood Association, Email provided on April 5, 2023

Public Notices are not required for this request.