



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD

The Edge at Pineapple Grove

Meeting	File No.	Application Type
November 29, 2023	2022-008-SPF-SPR-CLV	Level 4 Site Plan with Waiver (previously a Class V – classifications have changed in accordance with the adoption of Ordinance 31-23)
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 for waiver requests to the requirements of the Central Business District (CBD) associated with a Level 4 Site Plan for an eight-unit townhouse development; the reliefs specifically pertain to allowing vehicular access from a Primary Street (NE 2nd Street) and to reduce the front setback requirement for the second and third floors.

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

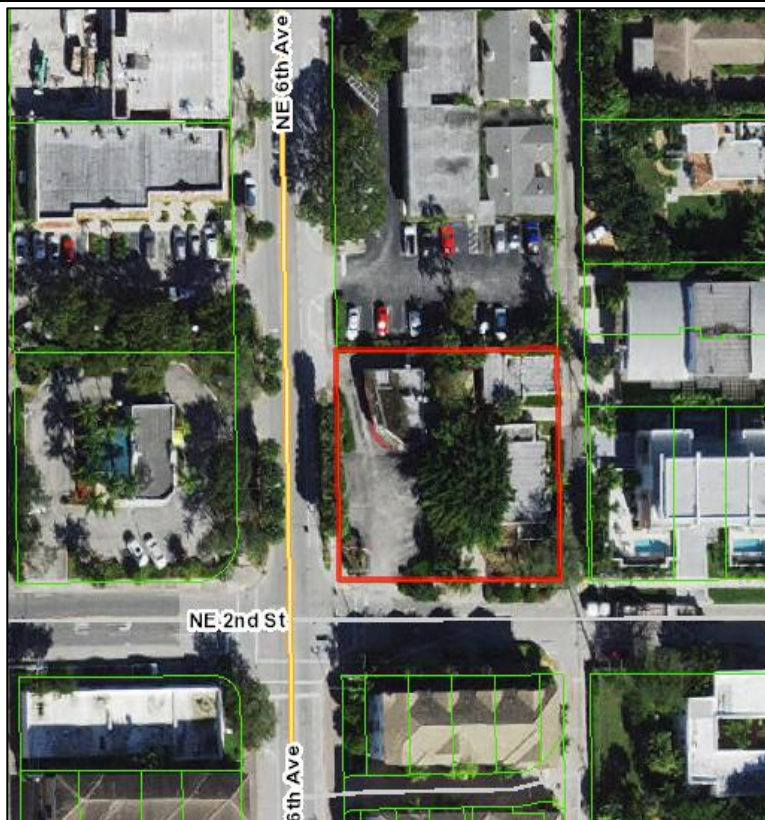
Use: Residential

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



Project Planner:

Susie Rodrigues, Planner

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Amy Alvarez, Assistant Director, AICP

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Background

Note that code sections referenced from Chapter 2 of the LDRs in the original report reflect the applicable code section predating the adoption of Ordinance 31-23. While all applicable criteria for review remain the same, the specific code section within the ordinance may differ from what is referenced in the report.

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 regulatory is “..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



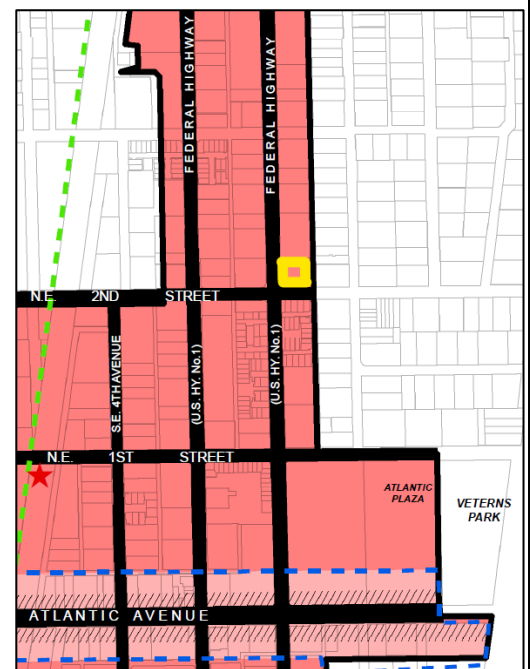
Residential building on the corner of NE 2nd Street and the alley

Description of Proposal

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.

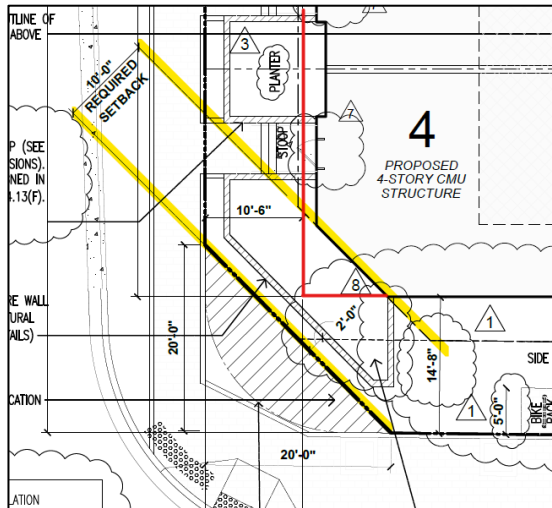
A Level 4, formally a Class V, site plan application has been submitted to demolish the existing buildings and construct an eight-unit townhouse development. As part of the development application, the applicant has requested two waivers from the development regulations.

- LDR Section 4.4.13(I)(3)(b)1., Location and Access to Off-street Parking: Access. to allow vehicular access from a Primary Street (NE 2nd Street), whereas the alley 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, identifies those rights-of-way that are classified as Primary (black) and Secondary Streets.

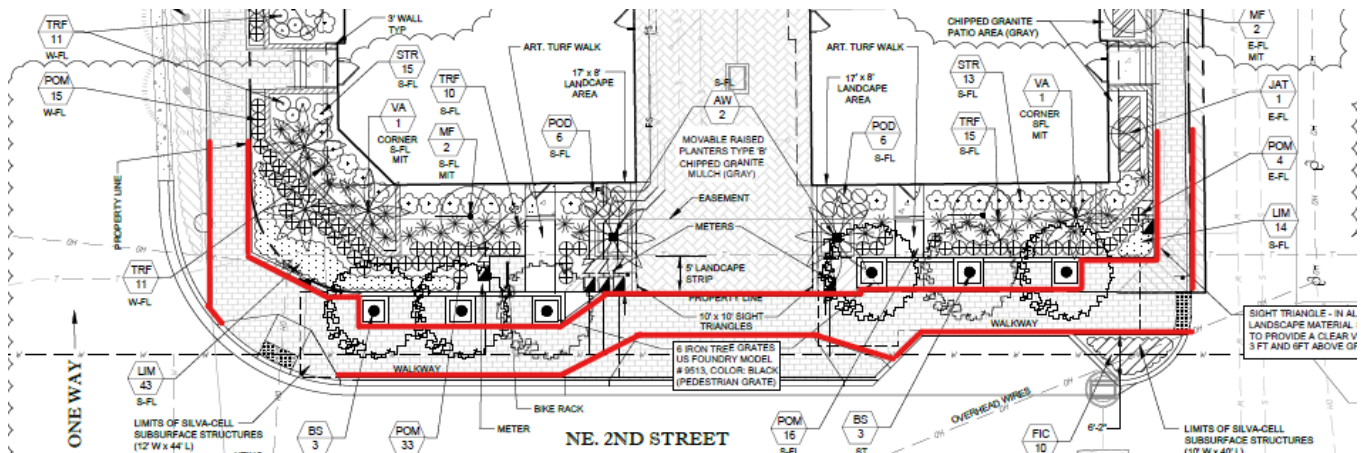




- LDR Section 4.4.13(D)(2)(a)1., to reduce the front setback from a minimum of 10 feet (yellow highlight) to three feet and six inches (red line) at the northwest corner of NW 6th Avenue and NE 2nd Street.



On April 12, 2023, the Site Plan Review and Appearance Board (SPRAB) review this project. The applicant requested deferral of the item to meet with a few residents in the area who raised concerns at the meeting and SPRAB made 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. The Primary Street is held to higher standards of building placement that affect the overall pedestrian experience, including the streetscape standards; a minimum six-foot wide continuous pedestrian clear zone and four-foot wide curb zone must be provided.



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

Waiver Analysis: Access from a Primary Street

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 2.4.7(B)(5):

- 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.
- The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.
- The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.
- The waiver shall not reduce the quality of civic open spaces provided under this code.

**LDR Section 2.4.7(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.*
- 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.*

LDR Section 4.4.13(l)(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 above requirement, the alley should be the primary source of vehicular access; however, the sole vehicular access to the property is provided from NE 2nd Street.

The development across NE 2nd Street, 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. As a result, the multi-family development (consisting of attached single-family townhome residences) utilizes NE 2nd Street as it’s side with on-street parking and a garden wall with landscaping lining the right-of-way. Vehicular access is provided from both NE 6th Avenue (a Primary Street) and the alley along the rear.

The applicant has indicated that the purpose for the design not taking vehicular access from the alley is due to its narrowness. However, the alley will be expanded as a result of the required dedication of two feet from the proposed development. 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 likely divert additional traffic away from the alley.



Primary Street: NE 2nd Street

Overall, in consideration of the waiver criteria, the request is not anticipated to diminish the pedestrian experience or the connectivity of the street and sidewalk network. The request is compatible with the nearby developments and is not anticipated to negatively affect the neighboring area or create unsafe conditions. Although the vehicular access passes through the required sidewalk adjacent to NE 2nd Street, the proposed pavers for the sidewalk continues through the access to ensure that the pedestrian experience is continuous, and vehicles will proceed with caution when accessing the proposed entrance and ensure the safety of the pedestrian.

**Waiver Analysis: Front Setback****LDR Section 4.4.13(K)(5)(b)1.b., Front Setback Waivers**

Section 2.4.7(B)(1)(b) authorizes the City Commission to waive certain other regulations that no other official or board have the authority to waive. Waivers to decrease the minimum front setback depth are permitted if the reduction would not result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2).

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 2.4.7(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 2.4.7(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.*
- 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.*

LDR Section 4.4.13(D)(2)(a)1.

Front Setback requirement: 10 feet minimum / 15 feet maximum

The applicant is requesting a reduction of the required front setback limited to the second and third floors at the corner of NE 6th Avenue and NE 2nd Street. The required minimum setback of ten feet would be reduced to approximately three feet and six inches. The first floor of the building has been chamfered to accommodate the required setback due to the corner clip dedication at the intersection; therefore, the pedestrian experience on the ground level will not be affected by the request. The upper-story encroachment overhangs the landscaped area that emphasizes and accents the corner of the intersection. The hardscape at the corner runs adjacent to the landscaped area and will not have any pedestrians walking below the overhanging portion of the building. The proposed streetscape meets the requirements in LDR Section 4.4.13(E)(2). The proposal depicts approximately six feet and six inches for the pedestrian clear zone around the corner and approximately eight feet for the curb zone.

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

Review by Others

The **Downtown Development Authority (DDA)** reviewed the full Level 4 Site Plan request, 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** review of the subject waiver requests is anticipated for the meeting of November 14, 2023.

**Optional Board Motions****Access from a Primary Street Waiver**

- 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.

Front Setback Waiver

- 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 reduce the front setback requirement from ten feet to approximately three feet and six inches for the second and third floors and limited to the corner at the intersection of NE 6th Avenue and NE 2nd Street per Sheet A.100, 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 reduce the front setback requirement from ten feet to approximately three feet and six inches for the second and third floors and limited to the corner at the intersection of NE 6th Avenue and NE 2nd Street per Sheet A.100, 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 November 21, 2023

☒ Public Notices are not required for this request.