



March 20, 2023

**319 NE 3rd Avenue
Class III Site Plan Modification
Narrative/Justification Letter**

This revised Narrative Letter associated with the Class III Site Plan Modification Application is respectfully submitted on behalf of Big B Investments, LLC for the property located at 319 NE 3rd Avenue (PCN:12-43-46-16-01-089-030).

Background:

The 0.0647-acre (2,818.33 sf.) property located at 319 NE 3rd Avenue, Delray Beach, FL 33444 (Palm Beach County Property Control Number: 12-43-46-16-01-089-0030), contains a one-story 1,808 square foot commercial building (office/warehouse) constructed in 1950 with 4 back-out parking spaces partially within the abutting NE 3rd Avenue right-of-way. The building was formerly occupied by American Security & Fire Alarm Systems, Inc. and is currently vacant. The property fronts NE 3rd Avenue with an existing improved alley along the east side of the property.

The property has a Future Land Use Map designation of Commercial Core (CC), is zoned Central Business District (CBD), and is within the CBD Railroad Corridor Core Sub-district as well as the Pineapple Grove Arts District.

Development Proposal:

Development proposal consists of the following:

- Building alterations to accommodate conversion of the existing 1,808 sf. office building to a 1,832 sf. restaurant with a proposed 850 sf. roof terrace and enclosure of the existing rear canopy area.
- Removal of the 4 existing backout parking spaces along NE 3rd Avenue and construction of 2 parallel parking spaces within the NE 3rd Avenue right-of-way along with sidewalk improvements, installation of a street tree and accessibility improvements to the front entrance.
- Installation of site lighting and associated landscaping.
- Solid waste will be accommodated utilizing the existing dumpster located on the adjacent property (301 NE 3rd Avenue) via an agreement between the property owners.
- A waiver request to LDR Section 4.4.13(D)(2), Table 4.4.13(C), to reduce the rear building setback from 10' to 5' to accommodate the staircase, and an In-Lieu Parking Fee request for 12 required parking spaces.

CLASS III SITE PLAN MODIFICATION:

Pursuant to LDR Section 2.4.5(G)(1)(d), a **Class III**, is a modification to the site plan which represents either a change in intensity of use, or which affects the spatial relationship among improvements on the land, requiring partial review of Performance Standards found in [Section 3.1.1](#).



Required Findings – Sec. 3.1.1:

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. As indicated below, positive findings can be made with respect to LDR Sections 3.1.1 (A) – (D).

- (A) **Land Use Map.** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The property has a Land Use Map designation of Commercial Core (CC), is zoned Central Business District (CBD), and is within the CBD Railroad Corridor Sub-district. Table NDC 1 lists CBD zoning as the preferred zoning district to implement the CC land use designation. Pursuant to LDR Table 4.4.13(A), the proposed restaurant is a permitted use within the Railroad Corridor Sub-district of the CBD. While a floor area ratio (FAR) of 3.0 is allowed, the existing FAR is 0.63 and 0.95 is proposed. Thus, a finding of consistency can be made.

- (B) **Concurrency.** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

- **Water and Sewer:** Pursuant to the City's Comprehensive Plan, adequate water and sewer treatment capacity exists to meet the adopted Level of Service Standards at the City's buildout population, based on the current Land Use Map designation. Water and sewer services currently exist to the building/site via service lateral connections the existing water and sewer mains located within the NE 3rd Avenue right-of-way.
- **Drainage.** Drainage will be accommodated on-site via exfiltration system. There is no change to existing drainage and no increase in impervious area. Signed and sealed drainage calculations have been submitted for review. The proposed design will meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3(D)(8) as well as requirements in LDR Section 6.1.9 for the surface water management system. Thus, there will be no impact on this level of service standard.
- **Traffic:** A Traffic Impact Statement was prepared and transmitted to Palm Beach County Traffic Division for review. The project, which is located within the City's Traffic Concurrency Exception Area (TCEA), will generate 141 new daily trips, 11 new AM peak hour trips and 10 peak PM hour further noted, trips. A Traffic Performance Standards (TPS) letter was provided by Palm Beach County Traffic Division stating the Traffic Division has determined the proposed development generates less than 20 peak hour trips; therefore, the project meets the TPS of Palm Beach County. It is further noted, the proposed development is within the City of Delray Beach Traffic Concurrency Exception Area (TCEA); therefore, it is exempt from the TPS of Palm Beach County.
- **Solid Waste:** The Solid Waste Authority of Palm Beach County reports that the landfill servicing this property has sufficient capacity to meet the City's needs until 2054.



- **Parks, Recreation, and Open Space:** No new residential units are proposed. Thus, there will be no impact on parks and recreation level of service standards. In addition, as the property is less than 20,000 sf, there is no civic open space required per LDR Section 4.4.13(G).
- **Schools:** The proposal does not include the addition of new residential units. As such, school concurrency review is not applicable.

(C) **Consistency.** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

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

Comprehensive Plan Policies:

Overall, the proposed modifications are consistent with any applicable Goals, Objectives, or Policies of the Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element as well as the Pineapple Grove Neighborhood Plan. The Proposal includes the adaptive reuse and modification of an existing building that will maintain the historically low-scale development pattern originally found along NE 3rd Avenue.

Neighborhoods, Districts, and Corridors Element

Policy NDC 2.2.3 *Encourage the adaptive reuse of existing structures located within mixed-use and commercial land use designations, particularly those that were originally established as single family homes or are over 50 years old, by providing incentives, such as relief in the Land Development Regulations, grants to facilitate retrofitting or rehabilitation, etc.*

Policy NDC 2.2.6 *Accommodate automobile access through innovative approaches, including creating district-wide parking programs, strategically locating public garages and lots to maximize access without conflicting with pedestrian activity, providing on-street parking, designating ride-share drop off and pick up locations, and developing “park once” areas that facilitate walking among multiple destinations in a safe, attractive environment.*

Policy NDC 2.7.22 *Continue to support efforts to revitalize and enhance the Pineapple Grove Main Street area and its promotion as an arts-based district by implementing the guidelines and recommendations of “A Neighborhood Plan for ‘Main Street’ in the Grove”, which was last updated and adopted in 1998.*

Policy NDC 3.5.5 *Continue to develop new land use and zoning incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning districts and providing parking relief strategies.*

The development proposal is consistent with the Goals, Objectives, and Policies of the Comprehensive Plan as well as the Pineapple Grove Neighborhood Plan. The adaptive reuse of the existing building



and conversion to restaurant helps fulfill the objective to continue the physical and economic revitalization of the Pineapple Grove neighborhood.

LDR Section 3.2.3 – 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.*

The proposal meets this standard. The proposed building is of the Masonry Modern Architectural Style, which is one of seven architectural styles identified in the Delray Beach Central Business District Architectural Design Guidelines. The building along with the associated landscaping and site lighting are designed in compliance with the LDRs. The proposed rear setback waiver as well as other associated improvements will not create any distractions of block visibility as it pertains to traffic circulation.

- (B) *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*

The intent of this standard has been met. The building fronts NE 3rd Avenue with Artist's Alley to the rear. As required, the proposal includes removal of the backout parking onto NE 3rd Avenue and includes the installation of 2 parallel parking spaces and a new public sidewalk, with an improved accessible route to the building's entrance. In addition, 2 bicycle racks will be installed at the rear of the property abutting Artist's Alley.

- (C) *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*

This standard is not applicable, given the proposed change of use. The above-referenced Objective pertains primarily to private residential development and the property is less than 20,000 sf.; therefore, there is no civic open space required, per LDR Section 4.4.13 (G).

- (D) *Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.*

This standard is not applicable, given the proposed change of use and no street widening or traffic circulation modifications are associated with the project. It is noted; however, the proposal includes removal of the backout parking onto NE 3rd Avenue and installation of 2 parallel parking spaces, which will improve pedestrian safety.

- (E) *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*



This standard is not applicable as the property is zoned CBD. However, the proposed conversion of use from office to restaurant and associated improvements are designed in a manner that is consistent with the surrounding properties.

- (F) *Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

This standard has been met. The proposed use, intensity and density are appropriate, and are compatible with and complementary to the adjacent uses. The proposed adaptive reuse and conversion of the existing 1-story office building to a restaurant use along with a roof terrace and other improvements will provide additional dining opportunities to serve area businesses, residents, and visitors and will significantly enhance the NE 3rd Avenue corridor as well as the Pineapple Grove Arts District.

- (G) *Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*

This standard is not applicable as there are no residential units proposed.

- (H) *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.*

This standard has been met. The proposed change of use will have a positive impact on the stability, revitalization, and safety of the Pineapple Grove Arts District. The introduction of the restaurant use and associated improvements to the property will further enhance and stabilize the area. The use will not generate any factors that will result in degradation of the surrounding area. It is noted the roof terrace has been designed to mitigate potential impacts to surrounding properties and is subject to the time limitations specified in LDR Section 4.4.13(C)(4)(h)2.b.

- (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.*

This standard has been met. The traffic statement submitted in conjunction with this application does not show any indication that the project will create any significant additional traffic that will exacerbate an existing situation to become a high accident location. The elimination of the 4 backout parking spaces and the installation of the 2 parallel parking spaces will improve pedestrian safety.

- (J) *Tot lots and recreational areas, serving children, teens, and adults 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.

This standard is not applicable as the project does not provide any residential units.

(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.

The intent of this standard has been met. The proposed adaptive reuse and conversion of the existing 1-story office building to a restaurant use along with a roof terrace and other improvements. The proposal is to change the existing office use to a restaurant with significant site and building improvements including a roof terrace. The proposal will not exceed the maximum limits in the Table NDC-1, or the specific standards related to the intensity and density, as the floor area ratio will be 0.95 where 3.0 is allowed.

(D) Compliance with LDRs. *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in [Section 2.4.5](#) and in special regulation portions of individual zoning district regulations.*

The development proposal is in compliance with the Land Development Regulations, including the CBD Development and Architectural Standards as they relate to front building setbacks, site lighting, building design, rooftop terraces, and streetscape standards, based on the NE 3rd Avenue Improvement Plans. Also, the required 5' right-of-way dedication along NE 3rd Avenue will be provided which will reduce the front setback of the existing building from 10' to 5'. Parking and Rear Building Setbacks are discussed in more detail below.

Parking:

Pursuant to LDR Section 4.4.13(I) ***CBD Parking Standards***, (2) ***Minimum number of off-street parking spaces*** (d) Properties less than 65 feet in width with a building no more than two stories in height are not required to provide off-street parking, except for restaurant and lounge uses.

Pursuant to LDR Section 4.4.13(I), Table 4.4.13(L) ***Minimum Number of Off-street Parking Spaces Required in the CBD***, the following parking requirements pertain to the conversion from office to restaurant.

Restaurants and lounges (including those located within hotels/motels) NOT in the Atlantic Avenue Parking District - 6 spaces per 1,000 sf. of gross floor area. In addition, per LDR Section 4.4.13(C)(4)(h)2.c., Rooftop Terraces must provide parking when a principal use (restaurant) is located on a rooftop terrace. Per LDR Section 4.4.13(I)(3)(a)6., if the required parking is not or cannot be provided on-site or off-site, the in-lieu fee option provided in [Section 4.6.9\(E\)\(3\)](#) may be applied.



As previously stated, the proposal includes conversion of the existing 1,808 sf. office building to a 2,682 sf. restaurant (1,832 sf. ground floor; 850 sf. roof terrace), requiring 16 parking spaces. In addition, 5' of right-of-way will be dedicated along NE 3rd Avenue, the 4 existing backout parking spaces along NE 3rd Avenue will be replaced with 2 on-street parallel parking spaces within the NE 3rd Avenue right-of-way along with sidewalk improvements and street tree, as required to comply with the City's streetscape standards. The improvements will be consistent with the recently completed NE 3rd Avenue streetscape improvements.

Based upon the above, given the replacement of the 4 existing spaces with the 2 on-street parallel spaces and associated streetscape improvements as well as the site constraints, the request is to provide the balance of the required parking spaces via the in-lieu parking fee for 12 parking spaces.

Pursuant to LDR Section 4.6.9(E)(3) (*In-Lieu Fee*), subject to the limitations of LDR Section 4.6.9, new development, use conversion to existing buildings, building additions and/or renovations, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in-lieu of parking program. A maximum limit of 30 percent of eligible required parking can be provided under this option, except for use conversions for which there is no maximum. Before granting such approvals, the City Commission must find that adequate public parking options are available and that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies.

Per LDR Section 4.6.9(E)(3)(b), arrangements for payment shall be approved by the City Commission at the time of the approval of the in-lieu fee. The subject property is located within Area 4 [ref. LDR Section 4.6.9(E)(3)(b)(4)] requiring an in-lieu parking fee in the amount of \$4,600 per space (ref. Resolution No. 27-17) and payment in the amount of \$55,200 for the 12 parking spaces.

Parking Analysis:

Pursuant to LDR Section 2.4.5(O)(5) *In-Lieu Parking Fee Findings*. *The City Commission must find that the request is consistent with the Land Development Regulations, City Comprehensive Plan, and all currently adopted City policies and/or studies. For In-lieu requests, an additional finding must be made that adequate public parking options are available.*

The subject property is located within the Pineapple Grove Arts District where the continuation of the physical and economic revitalization is an objective of the Pineapple Grove Neighborhood Plan. The proposal will provide the desired investment and will encourage additional investment and improvements to other properties within the area. Within the 2 blocks of NE 3rd Avenue from NE 2nd Street to NE 4th Street there exists 101 public spaces (43-space CRA parking lot; 14-space City parking lot; 36 on-street along NE 3rd Avenue; 8 spaces along NE 3rd Street). The proposal also includes the construction of 2 on-street parking spaces as required to be consistent with the CBD Streetscape Standards, Complete Streets Policy and LDR Section 4.6.9(E)(3)(e), which requires, in addition to in-lieu fees due, construction of additional on-street parking where adequate right-of-way exists adjacent to a proposed project. In addition to the in-lieu fee request, and consistent with the City's Downtown Delray Beach Master Plan and Parking Management Plan, the applicant is pursuing an agreement with an adjacent property owner to utilize/share existing underutilized parking during peak periods of the restaurant (evenings) and off-peak periods of the property owner's tenants. It is further noted, multimodal transportation options exist in Delray Beach which also address the needs



of the compact, interconnected mixed use downtown. Given the above, positive findings can be made with LDR Section 2.4.5(O)(5).

Rear Building Setback Requirements (Rear):

CBD, Railroad Corridor Sub-district development standards. The proposal complies with the CBD, Railroad Corridor Subdistrict, except as indicated below.

Waiver Request:

Pursuant to LDR Section 4.4.13(D)(2), Table 4.4.13(C), within the CBD Railroad Corridor Sub-district the rear building setback is 10'. The proposal includes a waiver request to reduce the rear setback from 10' to 5' to accommodate a staircase adjacent to the Artist's Alley.

Waiver Analysis/Findings:

Pursuant to LDR Section 2.4.7(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 subject property is 42' wide and ~67' deep. The rear of the existing building is currently set back 7' from the east/rear property line, abutting Artist's Alley. The proposal consists of the adaptive reuse of the existing building to a restaurant. The metal staircase will be set back 5' from the rear property line and is designed to provide egress from the roof terrace consistent with the Florida Building Code without conflicting with the rear access to the restaurant. The staircase will be open and will be of similar impact as a balcony, which may encroach up to 5' into the setback area.

Given the site constraints and circumstances pertaining to the property, the adaptive reuse of the existing structure, it is reasonable to grant the request. The waiver will not adversely affect the surrounding neighborhood, as the project design is sensitive to the character of the area. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that similar relief was granted for the abutting development to the south and could be granted under similar circumstances on other properties for another applicant or owner. Therefore, positive findings can be made with LDR Section 2.4.7(B)(5).

In addition to the findings in Section 2.4.7(B)(5), pursuant to LDR Section 4.4.13(K)(5)(b)2, *within the CBD, the following standards shall be used by the City Commission, SPRAB or HPB when considering 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 under this code.*

Based on the analysis above, the waiver does not impact an area that will result in an inferior pedestrian experience along a Primary Street, as the waiver applies in the rear of the property adjacent to the alley and the project is on a Secondary Street. The waiver will not create an incompatibility with the nearby buildings or uses and will not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan. In addition, the property is less than 20,000 sf.; therefore, civic open space is not required. Thus, the waiver will not reduce the quality of civic open spaces provided under the CBD regulations. Thus, positive findings can also be made with LDR Section 4.4.13(K)(5)(b)2.

Landscape Plan Findings:

Pursuant to LDR Section 2.4.5(H)(5), Landscape Plan Findings. At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

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

The proposed landscape plan complies with the objectives and design standards of LDR Section 4.6.16.

Architectural Elevations Findings:

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the below 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 exterior renovations are designed in the Masonry Modern architectural style and meets the criteria of LDR Section 4.6.18(E)(1)-(3), as well as the CBD Architectural Standards (LDR Section 4.4.13(F)). The proposed building design and scale are in conformity with good taste and good design. The design is in harmony with the developments in the area and will enhance the character, value, and attractiveness of the surroundings.

Conclusion/Positive Findings:

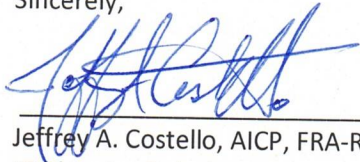
Based, on the above, positive findings can be made that the project as represented by the Class III Site Plan Modification is consistent with Chapter 3 (Performance Standards, LDR Section 3.1.1 (Required



Findings), (A) Future Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with LDRs, as well as the Always Delray Comprehensive Plan, Downtown Delray Beach Master Plan, Pineapple Grove Main Street Neighborhood Plan and Community Redevelopment Plan. Therefore, approval of the Class III Site Plan Modification, associated waiver, and in-lieu parking fee request is respectfully requested.

Please contact me should you have any questions or require additional information. Thank you for your consideration.

Sincerely,



Jeffrey A. Costello, AICP, FRA-RA, Principal
JC Planning Solutions, LLC

