SITE PLAN REVIEW AND APPEARANCE BOARD MEMORANDUM STAFF REPORT

Applicant:

Delray Beach Holdings

Project Name:

Fourth and Fifth Delray

Project Location:

Located between SE 5th Avenue and SE 4th Avenue approximately

156 feet south of Atlantic Avenue (approximately 1.59 acres).

ITEM BEFORE THE BOARD

The action before the Board is to consider the Class V Site Plan, Landscape Plan, and Architectural Elevations associated with the Fourth and Fifth Delray (iPic Movie Theater) project.

BACKGROUND/DESCRIPTION

At its meeting of December 16, 2015, the SPRAB considered and postponed action on the site plan, landscape plan, and building elevations mentioned above and provided the applicant direction on changes to be made. The Board recommended approval to all three of the following waivers:

- 1. A waiver to LDR Section 4.4.13(F)(7)(a), which requires a minimum rear setback of 10 feet for all floors.
- 2. A waiver to LDR Section 4.4.13(F)(4)(c)(1)&(2), which requires a specified building frontage for the lower and upper levels along the east/west alley.
- 3. A waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum transparency or glass surface area of 75%.

The Board had the following observations/concerns regarding the development proposal that needed to be addressed by the applicant:

- Location of the loading zone.
- > Photometric plan identifying all light fixtures and compliance with the City's illumination requirements.
- > Garage ventilation and elevations be provided if necessary.
- > Emergency vehicle access to the ground floor of the parking facilities.
- > Adequacy of vehicle turning radii within the garage.
- > A minimum 5-foot wide sidewalk be provided along the entire length of the alley to the north of the project.

Per the Board vote, condition #4 was revised to require that the security guard be posted from 4:00 p.m. until 10:00 p.m. seven days a week. The direction of the Board was to delete the provision that the applicant could petition the City Commission to eliminate the security guard requirement. This condition has been revised as noted in the recommendation section of this report.

Loading Zone:

The parallel parking spaces on the Martini property have been eliminated and converted to a loading zone. One set of doors has been added to south side of the building to accommodate deliveries from this loading zone into the building.

Photometric Plan:

The photometric plans have been revised to comply with the illumination levels of LDR Section 4.6.8 and the maximum light pole heights (15') along the perimeter of the garage. While the wall sconces were not noted on the initial building elevations, the plans have been revised to include the wall-mounted sconces.

Garage Ventilation:

The mechanical ventilation equipment for the ground floor of the parking garage is noted on the plans (sheet A2.1). The equipment is located on the south side of the parking garage and is ventilated to the southern wall, which is screened with a louvered vent.

Vehicular Turning:

The revised plans include vehicle turning templates for a passenger vehicle for the ground and upper levels of the garage. These templates indicate that there will be sufficient radii for safe vehicle maneuvering within the parking facility for a 11.29 foot long vehicle with a width of 5.25 feet.

Sidewalk Width:

The plans have been revised to provide a minimum 5-foot wide sidewalk along the entire alley to the north. This was achieved by eliminating a portion of the movie theater at the intersection of the alley and SE 5^{th} Avenue.

RECOMMENDATION

By separate motion:

Site Plan:

Approve the request for a Class V site plan for **Fourth and Fifth Delray**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

- 1. Address all Site Plan and Engineering Technical Items, including the following, and submit four (4) copies of the revised plans for certification.
 - a. That the fire access radius within the ground floor of the garage be deleted since this access will be provided on the Martini property.

- b. Address the CPTED comments with the Police Department regarding the provision of a CCTV system, securing the projector rooms, internal security personnel, and design of the stairwells.
- 2. Submit the parking management agreement with the Community Redevelopment Agency (CRA) prior to issuance of a building permit.
- 3. Prior to issuance of a building permit, the applicant shall coordinate with the City regarding the use/connectivity for the Martini property during construction. The applicant shall reconstruct/reconfigure the north/south alley to provide continuous connection to SE 4th Avenue via the Martini property. The construction shall be completed concurrently with the on-site construction to maintain access and circulation. The reconstruction of the alley shall be completed in accordance with the approved site plan for the Martini Property.
- 4. Provide a security guard at the entrance along SE 5th Avenue to prohibit pick-ups/drop-offs along the project frontage on SE 5th Avenue. This requirement shall be implemented upon commencement of theater operations. The security guard shall be posted from 4:00 p.m. until 10:00 p.m. seven days a week.
- 5. Prior to issuance of a building permit, the applicant shall use its best efforts to coordinate with the City, CRA, and Downtown Development Authority to develop a plan to address construction employee parking and parking for businesses in the 400 block of Atlantic Avenue during construction of the project. The plan shall address parking issues during construction to minimize impacts to businesses in the 400 block and provide sufficient parking for the construction employees.
- 6. Prior to the issuance of a building permit, the applicant will record a covenant approved as to form by the City Attorney related to the applicant's obligation to allow non-exclusive public use of the upper level third floor terrace garden area and corresponding access areas pursuant to a reasonable operational plan to be approved by the City Manager.
- 7. If a traffic signal is warranted at the intersection of SE 4th Avenue and SE 1st Street within two years of the date of the issuance of the certificate of occupancy AND the City has programmed this signal in the Capital Improvement Plan within the same period, the applicant shall be responsible for their proportionate share of the cost of the signal based upon the traffic information provided in support of this site plan approval. A security bond in the amount of 110% of the proportionate share of the traffic light shall be required and provided to the City prior to issuance of the certificate of occupancy.
- 8. Within 6 months of the issuance of the certificate of occupancy, the applicant will evaluate the valet and parking garage operations and provide the results to the City and if consistent problems exist that result from both or either operations, the applicant will provide the City with recommendations for commercially reasonable modifications of such operations the address the problem(s) identified in the analysis.
- 9. If requested by the City within two years of the issuance of the certificate of occupancy, the applicant shall perform a comprehensive intersection analysis at SE 4th Avenue and Atlantic Avenue and SE 5th Avenue and Atlantic Avenue to assess existing signal timing and recommend modifications by the applicant for intersection timing modifications to be performed by the City and/or Palm Beach County. This analysis shall be performed during the peak season and designated peak time periods (i.e., Friday P.M. and Saturday P.M.) and coordinated with City staff.

Fourth and Fifth Delray (iPic Movie Theater) – January 20, 2016 Class V Site Plan, Landscape Plan, and Building Elevations

Landscape Plan:

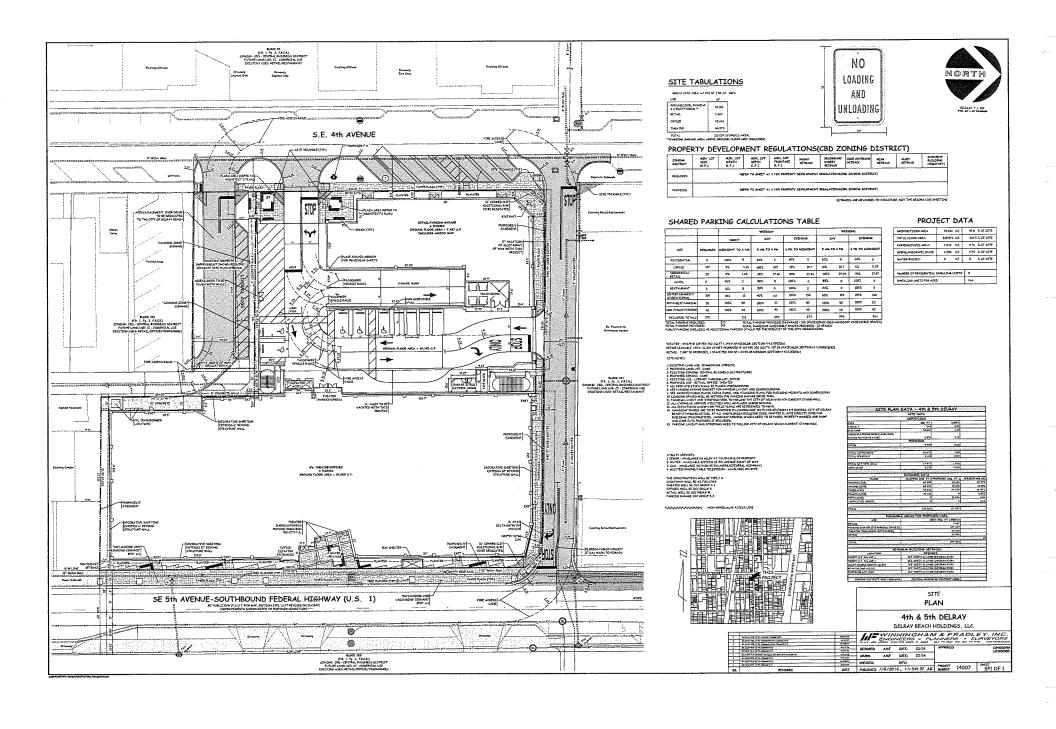
Approve the landscape plan for **Fourth and Fifth Delray** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

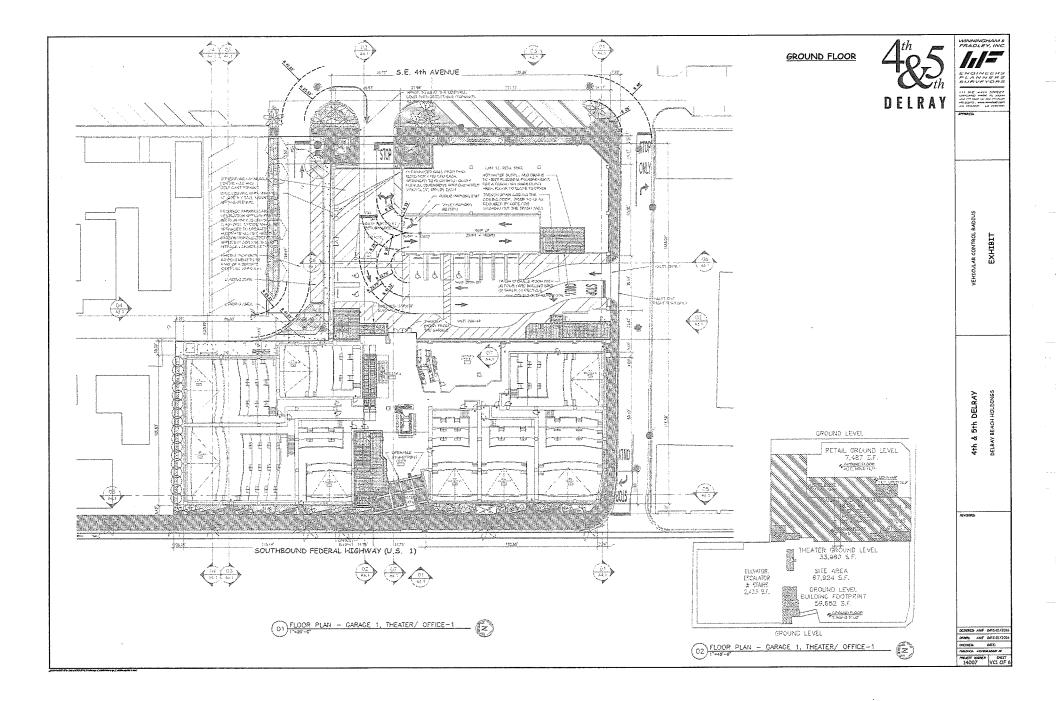
Elevations:

Approve the proposed elevations for **Fourth and Fifth Delray** based on positive findings with respect to LDR Section 4.6.18(E).

Attachments:

- Revised Site Plan, Landscape Plan, and Architectural Elevations
- SPRAB Staff Report December 16, 2015





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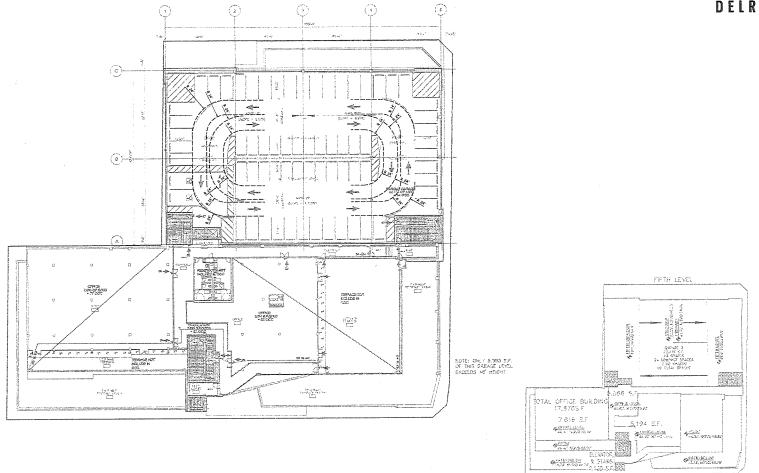


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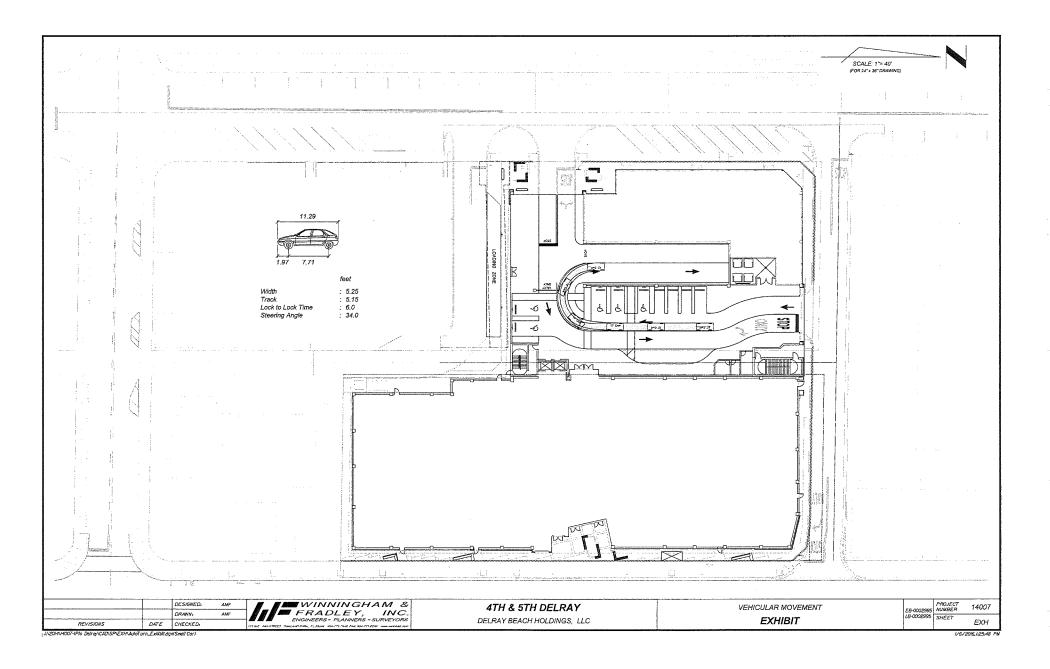
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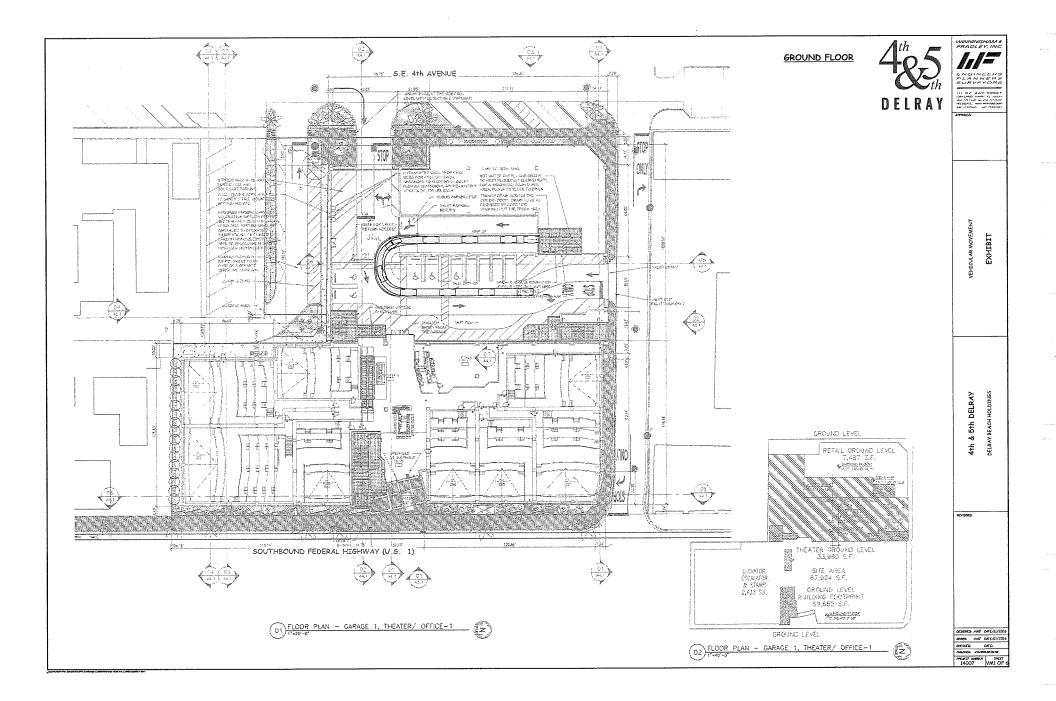
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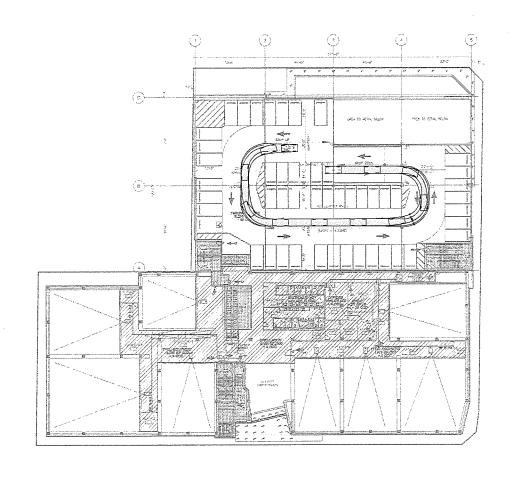


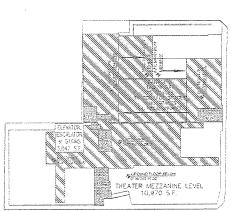
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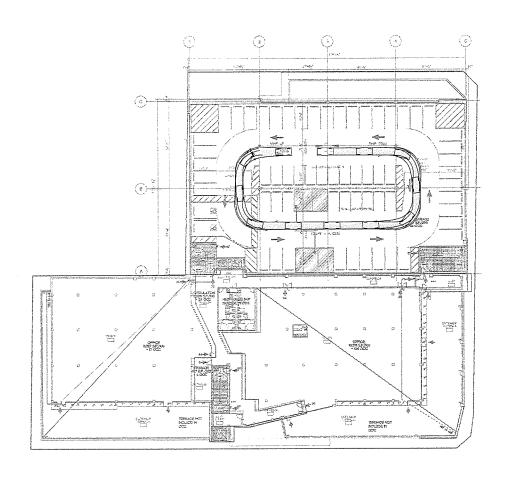
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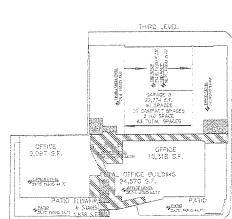
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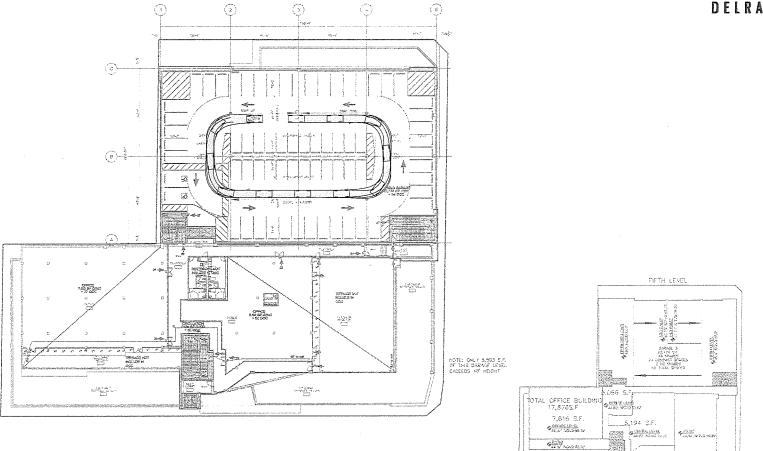
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WINNINGHAM & FRADLEY, INC.

VEHICULAR MOVEMENT EXHIBIT

DELRAY BEACH HOLDINGS 4th & 5th DELRAY



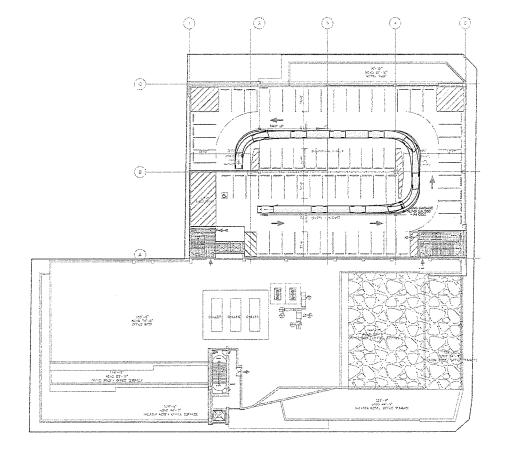
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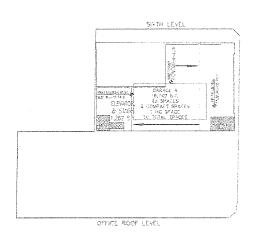




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