

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: June 28, 2017

ITEM: **324 Lofts (2017-033)** - Class V Site Plan, Landscape Plan, and Architectural Elevations for the new construction of a four-story mixed-use building containing restaurant, yoga studio, professional office, and artist studio uses, with site improvements including two parking spaces, lighting, and landscaping; and, two waiver requests associated with an increase to the front setback from the maximum 15' to 19'4", and a reduction in the required 5' landscape buffer on the property located at **324 NE 3rd Avenue**.

RECOMMENDATION: Approve the Class V Site Plan, Landscape Plan, and Architectural Elevations subject to conditions, and deny the waiver request.

GENERAL DATA:

Owner..... JLLS LLC

Applicant..... Josh Abrams

Agent..... George Brewer

Address..... 324 NE 3rd Avenue

Location..... West side of NE 3rd Avenue between NE 3rd Street and NE 4th Street.

Property Size..... 0.16 acres

Future Land Use Map..... CC (Central Core)

Current Zoning..... CBD (Central Business District)

Adjacent Zoning:

North	CBD
South	CBD
East	CBD
West	CBD

Existing Land Use..... Vacant

Proposed Land Use..... 14,618 square foot, four-story mixed-use commercial building

Water Service..... Existing on site

Sewer Service..... Existing on site



ITEM BEFORE THE BOARD

The action before the Board is consideration of a Class V Site Plan, Landscape Plan, Architectural Elevations, and a waiver request for the new construction of a four-story, mixed-use building for **324 Lofts**, located at **324 NE 3rd Avenue**, pursuant to LDR Section 2.4.5(F).

BACKGROUND

The subject property is zoned CBD (Central Business District) within the Railroad Corridor Sub-district and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The site is presently vacant; the original building was recently demolished and was home to Brenda's Birds. The 0.16 acre site is located on the west side of NE 3rd Avenue between NE 3rd Street and NE 4th Street.

PROJECT DESCRIPTION

The development proposal consists of the following:

- Construction of a 14,618 square foot four-story, mixed-use building containing a 3,516 square foot restaurant on the first floor, a 3,520 square foot yoga studio on the second floor, a 3,520 professional office on the third floor, and a 3,430 square foot artist studio on the fourth floor;
- Provision of 2 back-out parking spaces at the rear of the property, accessible from the alley; and,
- Provision of associated landscape, lighting, and streetscape improvements.

A waiver to LDR Section 4.4.13(D)(2)(a)1.-2., Configuration of Buildings, Dimensional Requirements for CBD Sub-districts, is requested to increase the maximum front setback from 15' to 19'4". A second waiver to LDR Section 4.6.16(H)(3)(d), is also requested to eliminate the 5' minimum required landscape buffer between parking areas and the abutting property.

SITE PLAN ANALYSIS

The subject property is located within the CBD Railroad Corridor Sub-district, and is reviewed in accordance with those applicable regulations.

Permitted Uses

Pursuant to **Table 4.4.13(A), Allowable Uses in the CBD Sub-Districts**, restaurant, professional offices, and yoga and artist studios (services and facilities) are permitted principal uses. However, pursuant to **LDR Section(C)(4)(d), Allowable Uses, Supplemental Use Standards, Railroad Corridor District Supplemental Use Standards**, within the Railroad Corridor Sub-district, except for outside storage approved pursuant to Section 4.6.6(C)(2), all principal and conditional uses shall be conducted within an enclosed building. Therefore, the rooftop cannot be utilized for any uses and the outdoor dining associated with the first floor restaurant is not permitted at this time. It is noted that an LDR Amendment has been submitted to permit outdoor uses other than outdoor storage, as this prohibition was made in error with the adoption of the CBD regulations in 2015.

LDR Section 4.4.13(D)(1-2), Configuration of Buildings, Standards for CBD Generally and Dimensional Requirements by CBD Sub-district

These LDR Sections and Table 4.4.13(C) provide the applicable development regulations are applicable to the CBD Railroad Corridor Sub-district, as follows:

	Railroad Corridor	Proposed
Lot Width (Minimum)	20'	50'
Lot Area (Minimum Square Feet)	2,000	6,750*
Front (East) Setback (Minimum – Maximum)	10' - 15'	10' – 19'-4"***
Side (North) Setback (Minimum)	0'	0'
Side (South) Setback (Minimum)	0'	0'
Rear (West) setback (Minimum)	10'	28'-5"
Additional Setback Above 3 rd Story (Minimum)	20'	20'
Max. Height outside of the Atlantic Avenue Limited Height Area	4 Stories & 54'	4 stories & 53'-6"
Ground Story Height (Minimum)	12'	12'-6'
Upper Story Height (Minimum)	9'	11'
Civic Open Space (Sites Smaller than 20,000 square feet)	0%	N/A
* Existing lot area; subsequent to ROW dedication, Lot Area will be reduced to 6,650 square feet.		

The proposal meets the applicable standards noted above, with the exception of the maximum front setback for which a waiver has been requested. Therefore, positive findings can be made subject to the approval of the waiver by the City Commission. If the waiver is not approved, the front setback will be required to comply with the maximum setback of 15'.

As noted above, the front setback exceeds the maximum permitted, and a waiver has been request. Pursuant to **LDR Section 4.4.13(K)(8)(b), CBD Review and Approval Process, Waivers**, within the CBD, that authority of the City Commission to waive certain regulations is limited to certain restrictions including front setback waiver. Waivers to decrease the minimum front setback depth are not permitted if the reduction would result in a streetscape that does not meet the minimum requirements of Section 4.4.13(E)(2). The waiver request is analyzed further in this report.

Pursuant to **LDR Section 4.4.13(D)(1)(b)2.a.-b., Configuration of Buildings, Standards for CBD Generally**, Building Placement, where development may build with no side setback, side setbacks are required only when a property with a building existing as of the passing of Ordinance 02-15 on February 24, 2015 with windows facing the adjoining lot line. Then, new development shall setback to provide at least 10 feet of separation between the existing and new buildings. In addition, all light and air shafts, including those necessary per the percentage of openings on building facades, shall be provided within the property. The two adjacent properties contain buildings with windows facing the subject property. Given that the proposed building will be constructed on the property line both on the north and south sides, the property owners have provided signed affidavits to permit the windows to be blocked up with either glass block or solid to match the walls. The glass block is acceptable and will meet fire and building code requirements. The modifications to the two adjacent buildings must occur prior to the issuance of the building permit of the subject development. While this is required, it is also added as a condition of approval to ensure it is completed.

Frontage Standards, 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 meets the standards of the code as follows:

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

As demonstrated in the table above, the proposal complies with the required streetscape standards.

Street Trees

Pursuant to **LDR Section 4.4.13(E)(2)(b)**, street trees are intended to provide a shaded environment for the pedestrian, provide a physical separation between pedestrians and vehicles, and improve the overall visual appearance of the street. All new construction, relocation of a building, or addition equal to or greater than 20% of the gross floor area of an existing building shall install street trees at the time of development. Street trees shall be located in the curb zone of the streetscape, in order to separate pedestrians from vehicular lanes and to provide room for tree canopies.

While street trees are required, the Community Redevelopment Agency has plans to improve the street, which includes landscaping. Therefore, street trees are not specifically required for this development at this time.

Frontage Types

Pursuant to LDR Section 4.4.13(E)(4)(e), Frontage Types, Storefront, the storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. The table below, as regulated by **Table 4.4.13(I)**, provides the dimensional requirements for all elements contained in a storefront:

Storefronts	Minimum Required	Maximum Allowed	Proposed
Building Setback	10'	15'	10' – 19'4"
Storefront Width	N/A	75' on Required Retail Street	N/A
Storefront Base	9"	3'	10" – 3'
Glazing Height	8'	---	11' – 12'-6"
Required Openings	80%	----	90%
Awning Projection	3'	----	4'

As illustrated above, the proposed Storefront frontage type has been appropriately provided on the front elevation.

Architectural Standards

Pursuant to LDR Section 4.4.13(F), Architectural Standards, the following requirements are applicable:

Standard	Met	Not Met	Notes:
Façade Composition			
Building Articulations	Yes	---	---
Tripartite Composition	Yes	---	Base, Middle, and Top have been clearly expressed, as depicted on page A6.
Visual Screenings	Yes	---	---
Façade Composition Compliance	Yes	----	See page A7
Appropriate Architectural Styles	Yes	----	Style: Masonry Modern
Walls	Yes	---	Material: Stucco
Treatment of Blank Walls	Yes	---	Design Treatment: Diagonal reveal on north and south elevations, and Contrasting colors
Openings	Yes	---	
20% - 75% Transparency on each floor	Yes	---	63% transparency is provided on the first floor, whereas page A6 indicated 81.5%. This correction is to be included in the revised plans for certification.
Clearly defined public entrance	Yes	---	
Roofs	Yes	---	Flat roof screened with parapet, consistent with architectural style.
Elements			
Maximum of four base wall colors	Yes	---	3 colors proposed: Trout Gray, Deep Silver, Seattle Gray
Mechanical Elements and Equipment	Yes	---	Elevator and mechanical room integrated into design and screened on roof.
Free standing appurtenances	Yes	---	Dumpster screening and other equipment appropriately screened.
Reduction of Urban Heat Islands	Yes	---	See note on page A5
Green Building Practices	N/A	---	For buildings proposing 50,000 square feet or more

Parking

Pursuant to **LDR Section 4.4.13(I)(2)(d), CBD Parking Standards, Minimum Number of Off-Street Parking Spaces**, properties less than 65 feet in width are not required to provide off-street parking, except for restaurant and lounge uses. The subject property measures 50' wide and therefore, is not required parking for the yoga, professional office, or artist studio uses. Pursuant to **Table 4.4.13(L)**, restaurants and lounges not in the Atlantic Avenue Parking District, 6 spaces per 1,000 square feet of gross floor area is required. Therefore, 21 parking spaces are required. The proposal includes 2 on-site spaces to the rear of the property; the balance of the parking spaces are provided via off-site parking agreements with 325 NE 3rd Avenue (Seacrest Water) which has a surplus of 3 parking spaces, and 381 NE 3rd Avenue (Bedner's Farm Fresh Market) which has a surplus of 16 parking spaces. The off-site parking agreements must be approved by the City Commission and recorded in accordance with LDR Section 4.6.9(E)(6), Off-site Parking Agreement. The approval of the two off-site parking agreements are specially listed as conditions of approval as they are required in order to meet the parking requirement.

Alternative Fuel Parking Spaces are also required, pursuant to **Table 4.4.13(L)** at a rate of 3% of required parking spaces for commercial uses. Therefore, 1 (0.63) charging station for electric vehicles is provided at the rear of the property, adjacent to the standard parking space.

Bicycle Parking

Pursuant to **LDR Section 4.4.13(I)(4)** bicycle parking is required; all non-residential uses over 2,000 square feet shall provide at least one bicycle space, and two spaces per 1,000 sq.ft. of restaurant use. The proposed development requires 23 bicycle parking spaces; a bike rack of a typical design is proposed at the rear of the property adjacent to the car wash area, while a decorative rack is proposed at the front of the property which holds 5 bicycles.

Refuse Enclosure

The trash enclosure is located in the rear of the building, with pick up from the alley and accommodates a dumpster and recycling facilities. 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 on page SP2 indicates that this requirement has been 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 a wall mounted light fixture will be used in the rear, while ceiling mounted lights will be located on the bottom of the overhang at the front of the building. The photometric plan meets the minimum and maximum foot candle allowances in the front and rear of the building.

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.

Sidewalks

The sidewalk required along NE 3rd Avenue is part of a beautification project by the Community Redevelopment Agency. However, the property owner may pay the required \$2,000 in-lieu fee instead of installing the sidewalk so that it will be installed with the beautification project. The payment of the in-lieu fee is listed as a recommended condition of approval.

FRONT SETBACK - WAIVER ANALYSIS
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The applicant has requested a waiver to the front setback requirement which requires a maximum setback of 15', whereas the provided front setback is 19'4". This requirement is noted in both LDR Section 4.4.13(E)(4)(e) and Table 4.4.13(C).

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 applicant's Waiver Justification is attached; an excerpt is provided as follows:

“..since the existing buildings adjacent to this project are primarily single-story the overall mass of this new structure would be reduced if set back further, the additional setback would also create a wider area to have outdoor seating improving the buffer to the street...”

The waiver request does not meet the findings or criteria noted above. In consideration of the applicable CBD criteria above, the granting of the waiver is not appropriate as it pushes the front elevation further away from the pedestrian area which is intended to be more active and thereby resulting in an inferior pedestrian experience. The granting of the waiver would allow the creation of significant incompatibilities with new construction along this street once it comes forward. In consideration of the existing buildings, the granting of the waiver may not create an incompatibility as the existing buildings along the street vary in their front setback. The ability to push back the front elevation of the first floor would not result in an erosion of the street or sidewalk network. Last, the waiver would not reduce the quality of the civic open space as this requirement is not applicable to the proposed development.

In consideration of the general waiver criteria, findings cannot be made, as the granting of the waiver would adversely affect the desired design throughout the neighboring area, and the improved pedestrian experience. The provision of public facilities would not be impacted and the creation of an unsafe situation would not occur by the granting of the waiver. However, the granting of the waiver would be considered a special privilege not granted under similar circumstances when developing a vacant property.

LANDSCAPE PLAN ANALYSIS

The landscape plan submitted has been evaluated by the City Landscape Senior Planner. The proposed landscaping is located at the rear of the property and consists of a Gumbo Limbo and Montgomery Palm; shrubs and ground cover consists of Lady Palm, Clusea, and Green Island Fig. The proposed open space is 4.7%; no open space is required. The required street trees at the front of the property have not been provided on the plans as the CRA will be improving the streetscape with brick paver sidewalks and street trees within the newly created landscape islands.

A waiver has been requested to LDR Section 4.6.16(H)(3)(d), which requires that a landscaped barrier be provided between off-street parking and abutting properties. Upon approval of this waiver request, the proposed landscape plan will be deemed compliant with LDR Section 4.6.16. The waiver is analyzed in the following section.

LANDSCAPE BUFFER - WAIVER ANALYSIS

The applicant has requested a waiver to LDR Section 4.6.16(H)(3)(d), which requires that a landscaped barrier be provided between off-street parking and abutting properties. The landscape barrier may be 2' at the time of planting and be maintained at not less than 3' in height. The landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five (5) feet in width that is free of any vehicular encroachment, including car overhang.

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 applicant's Waiver Justification is attached.

The landscape waiver request does meet the findings and criteria noted above Landscaping is not proposed between the off-street parking area (consisting of two parking spaces) and the abutting property to the north. The parking is proposed along the alley, and the subject regulation is more appropriately applied to wider properties with more on-site parking. In consideration of the criteria above, the granting of the subject waiver will not adversely affect the neighboring area as the area under consideration is located adjacent to the alley. The granting of the waiver will not diminish the provision of public facilities, or create an unsafe situation. Further, the granting of the waiver request is not considered a special privilege as the same consideration would be given with other narrow lots within the City's downtown, particularly where there is no open space requirement. Therefore, the request for the waiver meets the standards of LDR Section 2.4.7(B)(5).

ARCHITECTURAL ELEVATIONS ANALYSIS

In addition to the architectural review requirements in LDR Section 4.4.13, the criteria provided in LDR Section 4.6.18(E) shall be considered. 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 Masonry Modern building meets the criteria of the architectural design guidelines applicable to this style in the CBD. The building has been designed with good taste and design and will have a positive impact on the surrounding area while contributing to this area of the City. The overall architectural aesthetic is appropriate; however, it is the scale and massing that will initially be found to be out of character for this area. This improved quality of design is desired in the CBD, and once other properties within this area are redeveloped, it will be found to be in harmony. Therefore the proposal will be consistent with the criteria established in LDR Section 4.6.18(E).

REQUIRED FINDINGS

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 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, and located within the Railroad Corridor Sub-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 restaurant, professional offices, and services such as artist and yoga studios. Therefore, 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.

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 and Policy were 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 infill development will line the street with an active restaurant use to activate the street and improve the pedestrian experience so desired in the CBD. The proposed uses are compatible and consistent with other existing establishments in the downtown area while providing services for the surrounding residents. 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 racks to accommodate the required bicycle parking both at the front and rear of the property.

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, subject to compliance with the front setback requirement.

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:

	Zoning Designation	Land Use:
North	CBD	Business Offices
South	CBD	Artists Gallery
East	CBD	Business Office
West	CBD	Retail Plaza

The surrounding uses are diverse, which is typical of development in this area of the CBD, which consists of a mix of commercial businesses. The proposed new development, while larger in scale than the historic development pattern along the NE 3rd Avenue streetscape, meets the applicable regulations which strive to create an active streetscape and improve the pedestrian experience. 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

At its meeting April 26, 2017, the **PGMS (Pineapple Grove Main Street)** reviewed the development proposal and recommended approval.

At its meeting of April 27, 2017, the **CRA (Community Redevelopment Agency)** reviewed the development proposal and recommended approval.

At the meeting of May 8, 2017, the **DDA (Downtown Development Authority)** reviewed the development proposal and recommended approval.

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

- Del-Ida Park Historic District Homeowner's Association
- Delray Beach Chamber of Commerce

ASSESSMENT AND CONCLUSION

The Class V Site Plan development proposal consists of the construction of a 14,618 square foot four-story, mixed-use building containing a 3,516 square foot restaurant on the first floor, a 3,520 square foot yoga studio on the second floor, a 3,520 professional office on the third floor, and a 3,430 square foot artist studio on the fourth floor. The building is proposed along a street consisting primarily of original one-story, low scale buildings providing offices for local businesses and services to residents. The area has recently benefited from the adaptive reuse of a few buildings (Bedner's and The Cube), as well as the new(er) office building to the north which is home to a local construction company. The proposal meets the applicable regulations outlined throughout the report with the exception of those two requirements for which waivers are being asked. The landscape waiver is supportable, whereas the front setback waiver request is not supported by Staff as the intent of providing both a minimum and maximum setback is to ensure an active streetscape. Therefore, positive findings can be made with respect to Section 2.4.5(F)(5), subject to compliance with the recommended conditions of approval.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Waivers, Class V Site Plan, Landscape Plan and Architectural Elevations (2017-033) for **324 Lofts**, located at **324 NE 3rd Avenue**, 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 (2017-033) for **324 Lofts**, located at **324 NE 3rd Avenue**, 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

Front Setback Waiver

Recommend **denial** to the City Commission of the waiver request to **LDR Section 4.4.13(D)(2)(a)1.-2., Configuration of Buildings, Dimensional Requirements for CBD Sub-districts**, to increase the maximum front setback from 15' to 19'4", based on a failure to make positive findings with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Landscape Buffer Waiver

Move **approval** of the waiver request to **LDR Section 4.6.16(H)(3)(d)**, to eliminate the required landscape buffer between the north property line and on-site parking space at the rear of the property, based upon positive findings with LDR Section 2.4.7(B)(5).

Site Plan

Move **approval** of the Class V Site Plan (2017-033) for **324 Lofts**, located at **324 NE 3rd Avenue**, 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. That the plans are revised to comply with the maximum front setback of 15';
2. That the required window modifications on the two adjacent buildings are completed prior to the issuance of the building permit for the subject development;
3. That the \$2,000 sidewalk in-lieu fee is paid prior to the issuance of a building permit; and,
4. That the required sidewalk easement and off-site parking agreements are approved by the City Commission and recorded prior to site plan certification.

Landscape Plan

Move **approval** of the Landscape Plan for **324 Lofts**, located at **324 NE 3rd Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in 4.6.16.

Architectural Elevations

Move **approval** of the Architectural Elevations for **324 Lofts**, located at **324 NE 3rd Avenue**, 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 provision of revised elevations which comply with the front setback requirement.

<p style="text-align: center;">APPENDIX “A” CONCURRENCY FINDINGS</p>
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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 will be provided by a new extension to the existing 8” water main within NE 3rd Avenue; the existing water service will be plugged at the main within the right of way. Sewer Service is available via an existing 8” sewer main within NE 3rd Avenue. A 7.6’ water easement is proposed at the southeast corner of the property. 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. Therefore, 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 and OSSHAD zoning districts. 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 Trip Generation Analysis was prepared which indicates that the proposed development will result in an additional 409 net new daily vehicle trips, 35 net new AM peak hour trips, and 32 net new PM peak hour trips.

Parks and Recreation Facilities: Park impact fees are only applicable to the provision of new dwelling units; therefore, compliance with this requirement is not applicable.

Solid Waste: The recently demolished retail building (1,665.85 square feet) generated approximately 8.5 tons of solid waste per year. The proposed development consisting of restaurant, yoga studio, professional office, and an artist studio will generate approximately 59 tons of solid waste per year. The proposal results in a net increase of 50 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Drainage: The primary method of on-site drainage is provided at the rear of the property via an exfiltration trench. 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	
Meets intent of standard	X
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	X
Meets intent of standard	
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	