



Planning, Zoning, and Building Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: 246 NE 6th Avenue
Project Location: 246 NE 6th Avenue
Request: Class V Site Plan and Architectural Elevations with two landscape Waiver requests.

Board: Site Plan Review and Appearance Board
Meeting Date: October 11, 2017

Board Actions: Approved the Class V Site Plan (2017-106) with conditions on a 6 to 0 vote; approved the Architectural Elevations on a 6 to 0 vote; approved a Landscape Waiver to the minimum landscape barrier on a 6 to 0 vote; approved a Landscape Waiver to the minimum terminal island on a 5 to 1 vote.

Project Description:

The subject property consists of 7,959 sq. ft. (0.18 acres) and is generally located on the west side of NE 6th Avenue, between NE 2nd and NE 3rd Streets. The property is zoned CBD (Central Business District) and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The site contains a 688 sq. ft. office building, which was constructed in 1953. The Class V Site Plan is to demolish the existing building and construct a new four-story mixed-use building with 3,277 sq. ft. of office use in the first floor and five residential units in the upper stories.

Board comments:

The board was complementary and approved the Architectural Elevations with some departures from the Masonry Modern architectural style noted by staff.

Public Comments:

No public comment was provided at the meeting. Notice was provided to the Chamber of Commerce and the Palm Trail Neighborhood Association.

Associated Actions:

All required actions were taken.

Next Action:

SPRAB action is final unless appealed by the City Commission.

SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: October 11, 2017

ITEM: **246 NE 6th Avenue (2016-182)** - Class V Site Plan and Architectural Elevations to construct a new four-story building with 3,277 sq. ft. of office on the first floor and five residential units in the upper stories with waiver requests to waive the terminal island landscape requirement and the five feet wide landscape barrier in the parking area.

RECOMMENDATION: Approve the Class V Site Plan with conditions
Deny the Architectural Elevations
Approve the Waivers

GENERAL DATA:

Owner..... Ronen Gershon-Gore, LLC

Agent/ Applicant Jeffrey Silberstein of
Silberstein Architecture

Address..... 246 NE 6th Avenue

Location..... West side of NE 6th
Avenue, north of NE 2nd
Street

Property Size..... 7,959 sq. ft. (0.18 ac.)

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

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

Adjacent Zoning:

North CBD

South CBD

East CBD

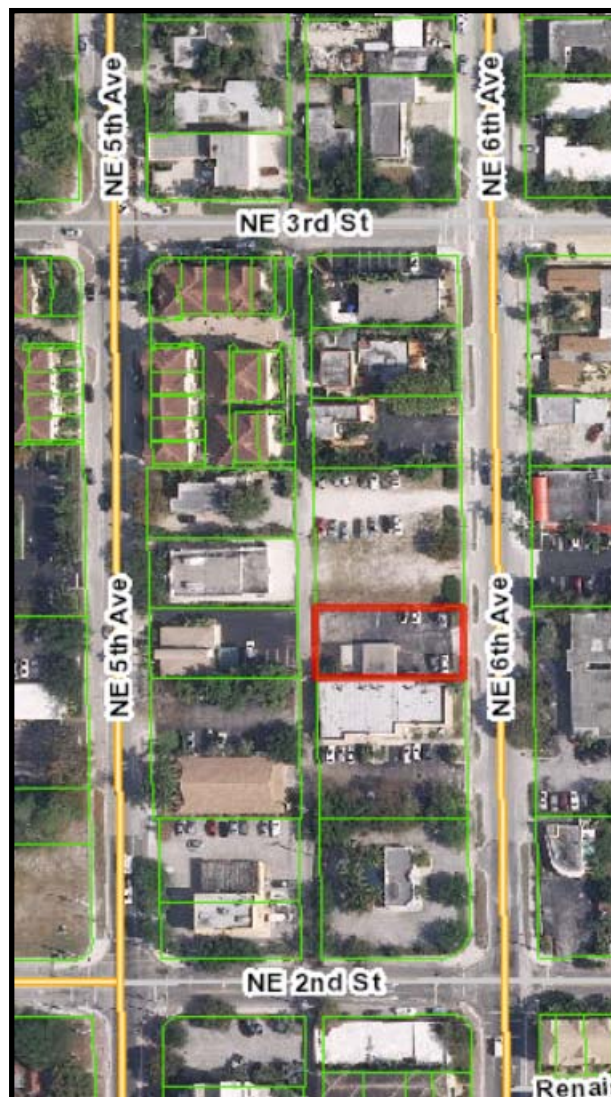
West CBD

Existing Land Use..... 688 sq. ft. one-story
commercial building

Proposed Land Use..... Mixed-use building with
3,277 sq. ft. of office and
five residential units

Water Service..... Existing on site

Sewer Service..... Existing on site



ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V Site Plan for **246 NE 6th Avenue (2016-182)**, located at 246 NE 6th Avenue, pursuant to LDR Section 2.4.5(F), including the following:

- ☐ Site Plan;
- ☐ Architectural Elevations; and,
- ☐ Waiver Requests

BACKGROUND

The subject property is zoned CBD (Central Business District) and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The site contains a 688 sq. ft. office building, which was constructed in 1953. The 7,959 sq. ft. (0.18 acres) site is located on the west side of NE 6th Avenue, between NE 2nd and NE 3rd Streets.

PROJECT DESCRIPTION

Now before the Board for consideration is a Class V Site Plan proposal to demolish the existing building and construct a new four-story mixed-use building with 3,277 sq. ft. of office use and five residential units.

The development proposal includes, but is not limited to, the following:

- Demolish the existing building;
- Construct four-story mixed-use building; and
- Provision of eight parking spaces in the rear, accessible from the alley.

The development proposal includes waivers to the following sections of the Land Development Regulations:

1. A waiver to LDR Section 4.6.16(H)(3)(d), which requires a landscape barrier of at least five feet between vehicular use area and the abutting property line, whereas no barrier is proposed; and
2. A waiver to LDR Section 4.6.16(H)(3)(j), which requires terminal landscape islands located at the end of each parking row with a minimum width of seven feet and 105 square feet, whereas no landscape islands are proposed.

SITE PLAN ANALYSIS

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

LDR Section 4.4.13(D) – Dimensional Requirements by CBD Sub-district:

Pursuant to Figure 4.4.13-5 (Central Core Regulating Plan), NE 6th Avenue is classified as a Primary Street. Pursuant to Table 4.4.13(C), the following dimensional requirements are applicable:

PROPOSED BUILDING (CLV)	Required	Proposed
Lot Width	20 ft. min.	61.22 ft.
Lot Area	2,000 sf. min.	7,959 sf.

Front Setback	10' min./15' max.	12'-2"
Side Setback (north)	0 ft. min.	0 ft. & 5'-1"
Side Setback (south)	0 ft. min.	0 ft. & 5'-1"
Rear Setback	10 ft. min.	53'-10"
Building Frontage Required on Primary Streets	75% min./100%max	100%
Maximum Height	4 Stories & 54 ft.	4 Stories & 53'-11"
Density	30 du/ac = 5 units	5 units

The proposed building complies with the dimensional requirements in Table 4.4.13(C). While the building may be built on the property line without a side setback, the windows on the north and south sides require a setback to accommodate light and air to those openings within the property. It appears that the building complies with this requirement with the provision of a 5'-1" indentation on both sides of the building. It is noted that compliance will be determined during the building permit review. It is important to note that redevelopment on both sides of the site has the same zoning and may also build without side setbacks, which will likely enclose the area in the future.

Streetscape Standards:

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 15' in width, measured from the back of curb. The streetscape area is comprised of a curb zone, a pedestrian clear zone, and any remaining front setback area. The curb zone is at least four feet wide, measured from the back of curb, and accommodates street trees and public infrastructure needs such as utility poles, street lights, street signs, parking meters, etc. The pedestrian clear zone is at least six feet wide. The code requires that portion of the pedestrian clear zone located within the front setback area must be designed as an extension of the public sidewalk, providing a seamless physical transition. The remaining front setback area in front of commercial uses may be hardscaped and/or landscaped with foundation planting, plants in removable planters, and palms, provided views into storefront windows are not obstructed.

Per the LDRs, a sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. The property owner shall also be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. These agreements are a condition of approval and must be executed prior to site plan certification.

As part of the US 1 improvements, landscape islands were located in the public right-of-way in front of the site. Pre-existing curb and gutter remains between the sidewalk and the new landscape islands. The landscape islands accommodate part of the curb zone; however, some signage is still located within the existing sidewalk area. The determination was made that the curb zone would extend from the landscape islands to the area with existing poles within the sidewalk, approximately 10 feet. To ensure the minimum pedestrian clear zone of six feet is accommodated, the building is setback between 12'-2" to 11'-3", providing a sliver of land (2'-2" wide at the south property line and 1'-3" wide at the north property line) to augment the existing sidewalk to meet the minimum width.

Pursuant to LDR Section 4.4.13(E)(2)(b), street trees are required to be planted in the public right-of-way directly in front of the property line uniformly spaced no greater than 30 feet on center. This project would

have required two shade trees; however, the US 1 corridor improvements established a palm design pattern and installed trees in this location. The existing curb cut will no longer be needed to access this property in the proposed design. The applicant intends to maintain the current configuration of the landscape islands and repurpose the driveway access for a new parallel parking space. If FDOT will not permit the area to be a parallel parking space, the landscape islands should be enlarged to encompass this area. This is a condition of approval and must be resolved prior to the issuance of a building permit.

Frontage Standards and Finished Floor Height:

Pursuant to LDR Table 4.4.13(B), finished floors for commercial uses are to be a maximum of 6 inches in height, a regulation intended to keep commercial uses engaged with the sidewalk. This site has a change in grade between the alley and the NE 6th Avenue, with the alley approximately one foot higher than the existing sidewalk. Once drainage is accommodated in the rear parking area, the first floor finished floor is less than six inches above grade in the rear; however, along NE 6th Avenue, the first floor finished grade is almost two feet higher than the sidewalk level. The applicant proposes a storefront frontage type, which is typically located at the sidewalk level, but the grade changes necessitate a hardscape design in the front with stairs and ramps to access the first floor. Pursuant to Section 4.3.4(K)(4)(I), steps and platforms that do not exceed three feet in height are permitted within setback areas. The overall design meets the intent of the standards by ensuring the main entrances to the ground floor commercial uses are accessible from the public rights-of-way.

Storefront Standards:

Pursuant to LDR Section 4.4.13(E)(4)(b)(e) the storefront is a frontage type along sidewalk level of the ground story, typically associated with commercial uses. The applicant proposes to have professional office in the first story. The table below provides the dimensional requirements for the elements contained in a storefront:

Storefronts	Required	Proposed
Building Setback	10 ft. min/ 15 ft. max.	11'-3" – 12'-2"
Storefront Width	N/A	N/A
Storefront Base	9 in. min / 3 ft. max.	9 in.
Glazing Height	8 ft. min.	11'-6"
Required Openings	80% length = 47 ft. min.	87% = 53 ft.

The proposed building complies with the dimensional requirements for a storefront frontage type.

Parking:

Pursuant to LDR Section 4.4.13(I)(2)(d), properties in the CBD less than 65 feet wide are not required to provide off-street parking, except for restaurants and lounges. Since this property is only 61.2 feet wide, parking is not required for the development of office and residential. However, the proposal accommodates eight spaces behind the building, accessed from the alley. It is important to note that 60 feet is the minimum width necessary to accommodate a two-way, double-loaded, 90° parking configuration. Since the property is less than 62 feet wide, no room remains for landscaping along the side property lines; this is the subject of a waiver that is analyzed later in this report. One handicap accessible parking space is provided pursuant to the Florida Accessibility Code for Building Construction. The design proposes four electric vehicle charging stations, which exceeds the minimum standard of 3% and provides access to electrical charging to every parking space.

Bicycle Parking:

Pursuant to LDR Section 4.4.13(I)(4) bicycle parking is required. The requirement is one space per 2,000 square feet of professional office and one space per every two units, resulting in a requirement of five spaces. The site plan proposes racks for 6 bikes near the rear entry of the building in a covered enclave.

Refuse Enclosure:

The trash and recycling enclosure is located in the rear of the building. Trash and recycling pick up is from the alley. The design will require bins be rolled out to the alley by the tenants. Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public rights-of-way. The enclosure details on the site plan indicate 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 two pole mounted lights will be used in the parking lot and recessed, ceiling mounted light fixtures will be used in the front and rear entries. The photometric plan meets the minimum and maximum foot candle allowances in the front and rear of the building.

Green Building requirements:

Pursuant to LDR Section 4.4.13(F)(10) buildings that are 50,000 sq. ft. or greater are required to have green building certification; this building is 11,783 sq. ft. LDR Section 4.4.13(F)(9), contains standards that apply to all development in the CBD to reduce urban heat islands for both roofed and non-roofed areas. The applicant has specified material to meet the high-reflectance and high emissivity roofing option. For the non-roofed area, the applicant has specified a light-colored, high reflectance concrete for the parking area, which is an alternative to providing shade over 30% of the non-roofed areas on the site. The GIAB (Green Implementation Advancement Board) reviewed this project on May 18, 2017; the board comments are attached to the staff report.

Generators:

Pursuant to LDR Section 4.3.3(OO) multifamily residential buildings equipped with elevators shall provide auxiliary power generators for interior corridor lighting, exit signs, and at least one elevator. The location of the generator and fuel source needs to be added to the plans. This is a condition of approval prior to site plan certification.

Right-of-Way Dedication:

The alley serving the rear of the property is 16 feet wide. Pursuant to LDR Sections 5.3.1 (A) and (D) and Table T-1 of the Comprehensive Plan Transportation Element, the minimum alley right-of-way width is 20 feet. LDR Section 5.3.1(A)(3) sets forth that when development is adjacent to an existing or planned street, the development is responsible for providing one-half of the ultimate right of way. The project is dedicating two feet along the rear property line to the alley right-of-way and, therefore meets this requirement. A condition of approval is attached that the deed for the two-foot dedication be provided prior to issuance of a building permit.

PARKING LOT LANDSCAPE - WAIVER ANALYSIS
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The applicant has requested two waivers related to landscape requirements in the rear parking area. The waiver requests are to the following LDR Sections:

- LDR Section 4.6.16(H)(3)(d), which requires a landscape barrier of at least five feet between vehicular use area and the abutting property line
- LDR Section 4.6.16(H)(3)(j), which requires terminal landscape islands located at the end of each parking row with a minimum width of seven feet and 105 square feet.

The applicant's verbatim waiver justifications are as follows:

Request for waiver as per LDR 4.6.16(H)(3)(d)

The lot width is 61 feet. The parking lot requires 60 feet to accommodate the parking layout. Therefore there is no room for a landscape strip between the parking and the abutting properties. We propose to install confederate jasmine within the 18" of surface in front of the wheel stops that grows as a vine on the 6' high chain link fence.

I believe granting this 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.*

Request for waiver as per LDR 4.6. I 6(H)(3)(j)

There is no room for terminal islands as we have to locate an closure for the trash receptacles, the fire service and ac units

I believe granting this 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*

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.

Staff Assessment of CBD Standards and Required Findings:

After weighing accommodating parking to support the development with the request for relief from the parking lot landscape regulations, Staff recommends approval of the waiver requests. The size of the lot will not accommodate both uses, which is one factor in alleviating parking requirements entirely from smaller parcels. The concrete specified to meet the code's requirements related to reducing urban heat islands helps ameliorate the potential heat gain from the lack of shade. Aesthetically, the design specifies Mexican pebble stone with confederate jasmine in the wheel stop area. The location of the trash enclosure and walls enclosing fire and water meters captures the ends of the parking area, shielding it from view.

Since the waiver requests affect landscaping in the rear of the project, approval of the waiver will not result in an inferior pedestrian experience along a Primary Street. The waiver will not create incompatibilities with the vacant lot to the north nor with the development to the south, which does not have any side-facing windows. The waiver has no effect on civic open spaces and none are required for this sized site. Therefore, the request for the waivers meets the standards of LDR Section 4.4.13(K)(8)(b)(2).

Granting the requested waiver will not have an adverse effect on the neighboring area as discussed above and will not create an unsafe situation. Incorporating terminal islands on such a small parcel would result in the loss of two spaces, which would impact redevelopment potential of a small, infill site. The waiver would be supported under similar circumstances and therefore will not result in the granting of a special privilege. The City has approved numerous similar waiver requests in the downtown area to accommodate infill development on small sites. Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made for the a waiver to LDR Sections 4.6.16(H)(3)(d) and 4.6.16(H)(3)(j).

The proposed redevelopment does not include many landscape elements; as such, a landscape plan is not included for this Class V application. Planting is proposed within a planter that is integral to the upper story balcony railing/wall. The Senior Landscape Planner for the city recommended seven different urban landscape elements for the proposed development:

1. Move the building, slightly to the west, to make room for a planter in front of the proposed ramp wall, along the existing sidewalk.
2. Add a planter at the south end of the entrance steps and/or one at the intersection of the ramp and steps. Planting some vertical and cascading plant species, within these planters would break up and soften the planes of the building
3. Add some sleek modern-design pots with "sculptural plants", along the entrance terrace. Add some pots along the back entrance to the building.
4. As a planter is planned for the top of the penthouse east wall under this building's design, add an additional planter within the parapet on the top of the building (possibly on all four sides). A vining (possibly colorful) plant could be specified in this planter, to soften these top planes of the structure.
5. Add structures over the trash can and air-conditioning unit enclosures to collect water off these structures in a cistern, to be used in the landscape. Alternatively, plant the top of these small buildings to soften them, provide an aesthetic element to be viewed upon and to filter the rainwater that could be derived from them.
6. Incorporate a roof-top garden; not just to alleviate some heat on the roof, but to provide a use area for the tenants. The introduction of some raised planters with small trees and/or palms, seating elements, shade structures, decorative pavement, etc. would benefit the project and the environment. Rain water collected on this flat roof, could be captured in a cistern and used to irrigate the plants.

7. Use a “porous pavement” system (poured concrete, pavers, asphalt) for the parking area. A better approach would be to use a “stabilized grass parking system” for the surface

The applicant incorporated suggestion #3 into the design.

ARCHITECTURAL ELEVATIONS ANALYSIS
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Pursuant to LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. Pursuant to LDR Section 4.6.18(E), the following 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 building proposes to use the Masonry Modern style of architecture, which is identified as one of seven permitted architectural styles in LDR Section 4.4.13(F). The execution of the style exhibits some of the characteristics of this style: pure geometric forms, exterior spaces incorporated into the front facade, the extension of the solid wall forming the top floor balcony railing, stucco finish, and limited ornamentation.

The design incorporates elements which directly contradict the CBD Architectural Design Guidelines (ADG):

- a. The ADG state, “The ratio of glass to wall emphasizes the solidity of the structure”. The ratio of glass to wall on the front façade is high and coupled with glass railings creates a transparent building façade that detracts from the solidity of the structure.
- b. The ADG state the style has a “system of punched openings vs. large expansive walls of windows.” The front façade is composed of expansive walls of windows, which is specifically called out as contrary to the style.
- c. The Characteristics listed on Sheet A-3.3 state the style has “Railings are glass, wood, or extensions of solid walls”. The guidelines actually state that, “Railings are **metal**, wood, or extensions of solid walls”. The proposed glass railings are not listed as one of the appropriate materials for the style.

Generally, the proposed architecture is more simple and stark than the guidelines demonstrate. There is no hierarchy among the masonry portions of the building; the cantilevered portion is the same thickness and mass as the base and the top, which appears incongruent with a “rational load bearing system.” Incorporation of forms to denote the building entry or reflect the building program, shade

devices, or the addition of accent materials such as wood or stone would add a layer of richness to the design that would be more consistent with the examples in the guidelines.

Pursuant to **LDR Section 4.4.13(F)(5)(a)2.**, all public entries, excluding emergency exits, shall be easily identifiable and integrated into the building architecture and use one of the frontage types in Section 4.4.13(E)(4). Each freestanding principal structure shall have a minimum of one clearly defined primary public entrance facing the street. The hardscape design denotes the access to the structure; however, the front facade demonstrates entry by simply incorporating doors within the storefront glass, which is only differentiated by a thin door frame and door handle.

Given the analysis above, staff recommends denial of the Architectural Elevations, based on findings that the front façade does not meet Standard 1, as the proposed design does not contribute to the image of the City as defined by the adopted CBD Architecture Design Guidelines by incorporating design elements (expansive glass walls with glass railings) that contradict the style, and Standard 3, as the proposed building will stand out from surrounding redevelopment as it does not contain sufficient architectural detail to be consistent with the CBD Architectural Design Guidelines (adopted, supplemental criteria)

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. It is located in the Central Core 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 professional office and residential uses. Based upon the above, 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 such as water and sewer, streets and traffic, drainage, and solid waste.

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 was 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 replace an obsolete building with a structure that lines the street with active uses, improving the downtown CBD. The proposed mix of uses is compatible and consistent with other existing establishments in the downtown area. Therefore, the proposed use and intensity of the 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 six bicycle parking spaces. Thus, this LDR requirement is met.

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.

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:

	<i>Zoning Designation:</i>	<i>Land Use:</i>
<i>North:</i>	CBD	Vacant Lot
<i>South:</i>	CBD	Offices
<i>East:</i>	CBD	One-story Retail Plaza
<i>West:</i>	CBD	Alley / American Legion Post 65

The surrounding uses are diverse, which is typical of development in the Central Core (CC) of the Central Business District (CBD). The four-story mixed-use building will be the first multi-story building and the first residential uses on this portion of NE 6th Avenue. The project is compatible with the surrounding office and retail uses and consistent with the mixed-use district. Thus, 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 of May 11, 2017, the **CRA (Community Redevelopment Agency)** reviewed the development proposal and recommended approval.

At the meeting of June 12, 2017, the **DDA (Downtown Development Authority)** reviewed the development proposal and recommended approval.

At the meeting of May 18, 2017, the **GIAB (Green Implementation Advancement Board)** reviewed the development proposal and the board's comments are attached to this report.

Courtesy notice has been provided to the Chamber of Commerce and the Palm Trail Neighborhood Association.

ASSESSMENT AND CONCLUSION

The Class V Site Plan development proposal is associated with demolition of an existing buildings and construction of a new four-story mixed use building with 3,277 sq. ft. of office use and five residential units. Two waivers to parking lot landscaping requirements are requested and supported by staff to accommodate as many on-site parking spaces as possible on a small site, accessed from the alley and located behind the building. Staff has identified inconsistencies with the proposed Masonry Modern architecture, which is one of seven styles defined for the CBD Zoning District. The mixed-use development will be consistent with the current policies and objectives of the Comprehensive Plan and Chapter 3 of the Land Development Regulations, subject to the conditions as indicated in the staff report. Therefore, positive findings can be made with respect to Section 2.4.5(F)(5), but negative findings can be made with respect to LDR Section 4.6.18(E).

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Waivers, Class V Site Plan and Architectural Elevations for **246 NE 6th 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), 2.4.5(I)(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, and Architectural Elevations for **246 NE 6th 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), 2.4.5(I)(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:

Landscape Barrier Waiver:

Move approval of the requested waiver to LDR Section 4.6.16(H)(3)(j), to waive the requirement of a landscape barrier between vehicular use area and the abutting property line of at least five feet, whereas no barrier area and landscaping the wheel stop area is proposed, due to positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Terminal Landscape Island Waiver:

Move approval of the requested waiver to LDR Section 4.6.16(H)(3)(i), to waive the requirement for terminal landscape islands at the end of each parking row, whereas 7'-0" and 150 square feet are required

and zero feet is proposed, due to positive findings identified in the staff report and consistency with LDR Sections 4.4.13(K)(8) and 2.4.7(B)(5).

Site Plan:

Move approval of the Class V Site Plan (2016-209) for **246 NE 6th 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. Prior to site plan certification, the location of the generator and fuel source for auxiliary power is added to the plans;
2. Prior to building permit issuance, a sidewalk easement and a maintenance agreement for the portion of the pedestrian clear zone within the front setback must be executed
3. Prior to building permit issuance, a park impact fee of \$500.00 per each new dwelling unit must be paid to the City;
4. Prior to the issuance of a building permit, final design of the adjoining public right-of-way design must be permitted with FDOT to accommodate either an on-street parallel parking space or install a new landscape island.
5. Prior to the issuance of a building permit, the alley dedication of two feet is recorded and submitted to the Planning, Zoning, and Building Department.

Architectural Elevations:

Move denial of the Architectural Elevations for **246 NE 6th Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request does not meets criteria set forth in 2.4.5(I)(5), Section 4.6.18(E) and Section 4.4.13 (F)(3) of the Land Development Regulations, specifically:

1. Standard 1 as the proposed design does not contribute to the image of the City as defined by the adopted CBD Architecture Design Guidelines;
2. Standard 3 as the proposed structure is not in harmony with the CBD Architectural Design Guidelines (adopted, supplemental criteria); and
3. The Masonry Modern architectural style per LDR Section 4.4.13(F)(3)(a)(6).

Staff Report Prepared by: *Anthea Gianniotes, AICP, Senior Planner*

Attachments: *Site Plan, Architectural Elevations, Waiver Justifications, Appendix "A", Appendix "B" & GIAB Memo*

<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 is available via an existing 4” water main within the adjacent rear alley ROW to the east.
- Sewer Service is available via an existing 8” sewer main within the adjacent rear alley ROW to the east.

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. Based upon the above, 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, CBD-RC and OSSHAD. 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 traffic statement was prepared which indicates that the project will generate an increase of 89 daily trips, an increase of 13 am peak trips and 15 pm peak hour trips. The city letter from Palm Beach County on September 7, 2017, stating the project meets the county’s standards.

Parks and Recreation Facilities:

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit (\$2,500 total) will be collected prior to issuance of a building permit.

Solid Waste:

The existing building (688 sq. ft.) generates 1.9 tons of solid waste per year. The proposed office 3,277 sq. ft. of office use will generate 8.8 tons of solid waste per year. The five new residential units will generate 2.6 tons of solid waste per year. There is a 9.5 ton net increase in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Drainage:

Drainage will include an exfiltration trench in the rear parking lot and potential trench repair in the alley. 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	X
Meets intent of standard	
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	X
Meets intent of standard	
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	
Meets intent of standard	X
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.**

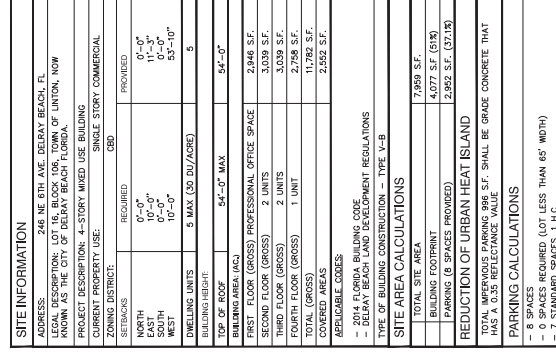
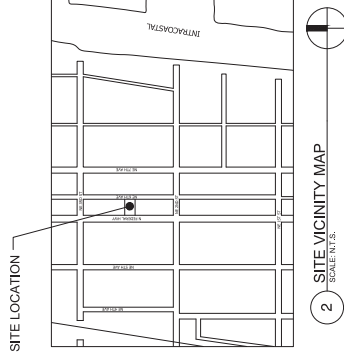
Not applicable	
Meets intent of standard	X
Does not meet intent	

- 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.**

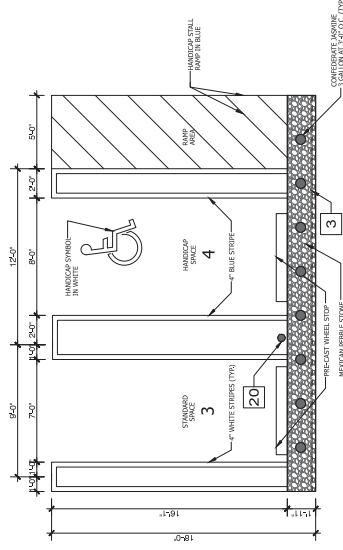
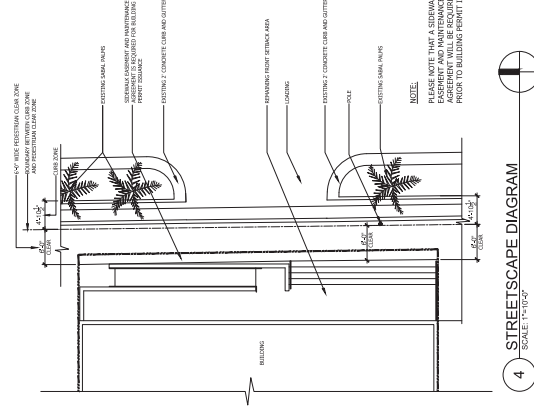
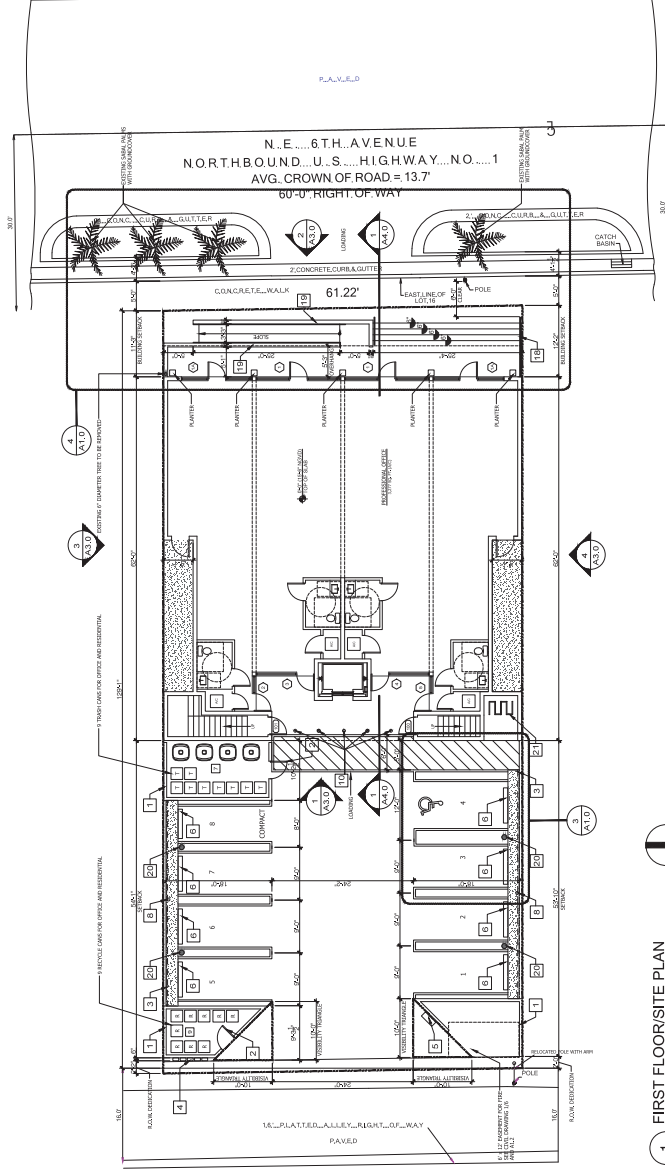
Not applicable	
Meets intent of standard	X
Does not meet intent	

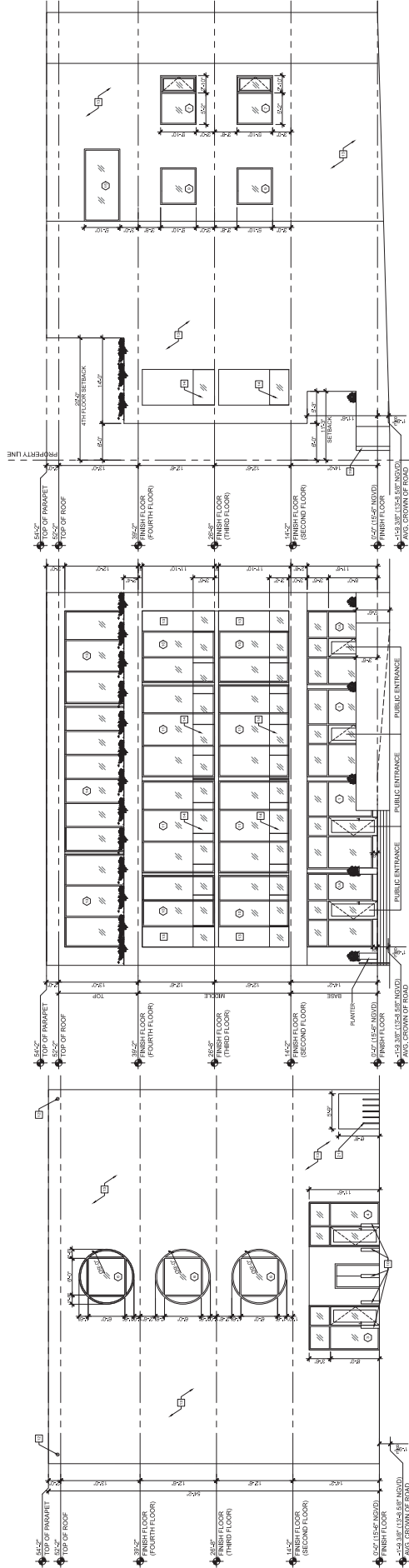
- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

Not applicable	X
Meets intent of standard	
Does not meet intent	



DESCRIPTION	LEGEND
1' x 4" TALL TIECHS MAGNET WALL - WHITE	1
1' x 4" TALL TIECHS ALUMINUM GRATE - WHITE	2
1' x 4" TALL BLACK CHAIN LINK FENCE	3
1' x 4" TALL BLACK CHAIN LINK FENCE	4
ELECTRIC CABLES	5
WALKWAYS	6
CONCRETE WHEEL STOP STOP	7
ACTIVATOR MOUNT INCLOSURE	8
16" DEPTH POLE SEE INCLOSURE PLAN ON A-3 FOR DIMENSIONS	9
INCLOSURE FOR BICYCLE CARS	10
LOCATIONS OF NEW 1/2" DIAMETER 1' x 4" TALL BOLTERS - YELLOW	11a
LOCATIONS OF ROOF DRAIN	11b
LOCATIONS OF ROOF OVERFLOW SCUPPERS	12
PAVEMENT WITH TROUSERS MARKS	13
1' x 2" SPANNED TIECHS MAGNET 36" TALL	14a
1' x 2" SPANNED TIECHS ALUMINUM GRATE ON BOTH SIDES OF RAMP IN A-3 ABOVE	14b
CHANGING STATION FOR ELECTRIC CARS	15
TO BE BICYCLE (16 BICYCLES)	16





1 EXTERIOR ELEVATION WEST
SCALE: 1/8"=1'-0"

2 EXTERIOR ELEVATION EAST
SCALE: 1/8"=1'-0"

3 EXTERIOR ELEVATION NORTH
SCALE: 1/8"=1'-0"

4 EXTERIOR ELEVATION SOUTH
SCALE: 1/8"=1'-0"

EXTERIOR GLAZING SCHEDULE										ALL GLAZING: CLEAR LAMINATED IMPACT GLASS - SOLARBAN 60									
MASONRY OPENING		WINDOW TYPE		MANUFACTURER		FINISH		DETAILS											
WIDTH	HEIGHT	WIDTH	HEIGHT	FRAME	GLASS	FINISH	GLASS	DETAILS	REMARKS										
1A	12'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
2	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
3	9'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
4	9'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
5	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
6	9'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
7	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
8	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
9	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
10	6'-0"	11'-0"	11'-0"	FIXED/OUTSLIDING DOOR	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
11	15'-0"	11'-0"	11'-0"	SLIDERS	WINDOOR - 8100	WINDOOR	8100	WINDOOR	-										
12	15'-0"	11'-0"	11'-0"	SLIDERS	WINDOOR - 8100	WINDOOR	8100	WINDOOR	-										
13	15'-0"	11'-0"	11'-0"	SLIDERS	WINDOOR - 8100	WINDOOR	8100	WINDOOR	-										
14	23'-9 1/2"	12'-0"	12'-0"	SLIDERS	WINDOOR - 8100	WINDOOR	8100	WINDOOR	-										
15	5'-10"	5'-10"	5'-10"	FIXED	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										
16	4'-4"	5'-10"	5'-10"	FIXED	ALDORA - FRONT SET	ALUM.	ANODIZED	ALUMINUM	-										

NOTES:
1. SEE SHOP DRAWINGS FOR ARCHITECT'S APPROVAL
2. SEE ELEVATION SCHEDULES FOR GLAZING LOCATION

EXTERIOR DOOR SCHEDULE										EXTERIOR DOORS TO BE HURRICANE IMPACT RATED FIBERGLASS DOORS BY PLASTIRO									
NOMINAL SIZE		DOOR TYPE		FRAME		FINISH		HARDWARE GROUP											
WIDTH	HEIGHT	WIDTH	HEIGHT	FRAME	GLASS	FINISH	GLASS	GROUP	DETAILS										
100	3'-0"	6'-0"	6'-0"	FIBERGLASS	-	PAINT	1-1/2"	-	-										
101	3'-0"	6'-0"	6'-0"	FIBERGLASS	-	PAINT	1-1/2"	-	-										

NOTES:
1. EXTERIOR DOORS TO BE HURRICANE IMPACT RATED FIBERGLASS DOORS BY PLASTIRO

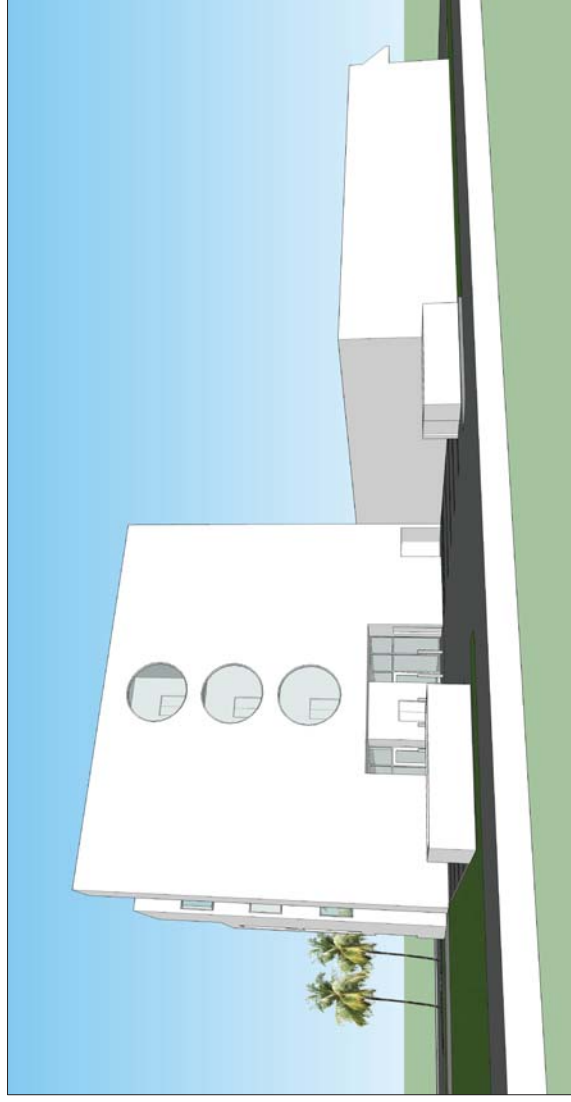
LEGEND			
DESCRIPTION			
10		6" DIAMETER X 12' TALL ROLL-UP - YELLOW	
11		LOCATION OF ROOF OVERHANG SCUPPER	
12		3/4" FLOAT FINISH STUCCO - UNPAINTED WHITE	
13		42" TALL GLASS RAILING	
14		1" X 2" STAINLESS STEEL HANDRAIL, 36" TALL	
15		STUCCO MASONRY WALL, 4" X 8" WITH HANDRAIL ON BOTH SIDES OF RAMP AT 36" ABOVE WALKING SURFACE	
16		FLO. BKE. RACK (8 BICYCLES)	

ST. DAY SCHEDULE	2.0.17
THUR. SCHEDULE	1.0.17
FRIDAY	1.0.17
SATURDAY	1.0.17
SUNDAY	1.0.17
MONDAY	1.0.17
TUESDAY	1.0.17
WEDNESDAY	1.0.17
THURSDAY	1.0.17
FRIDAY	1.0.17
SATURDAY	1.0.17
SUNDAY	1.0.17

SITE PLAN SUBMITTAL	2.21.17
SECOND SUBMITTAL	5.28.17
THIRD SUBMITTAL	7.10.17
REVISIONS	
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

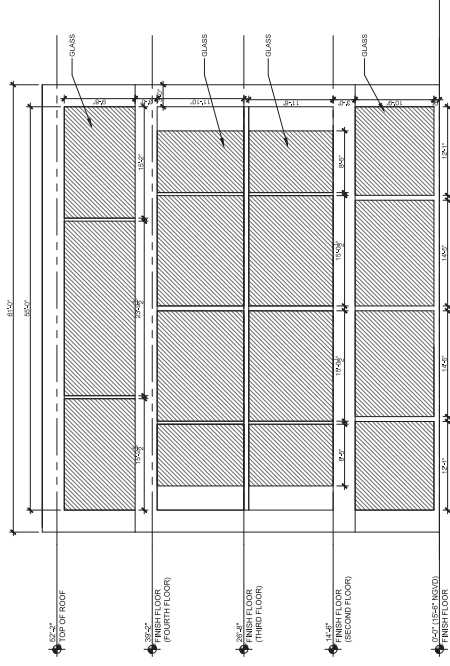


1 VIEW FROM SOUTHEAST (EXISTING)



2 VIEW FROM NORTHWEST (EXISTING)
SCALE: N.T.S.

SITE PLAN SUBMITTAL	2.21.17
SECOND SUBMITTAL	5.26.17
THRD SUBMITTAL	7.10.17
REVISIONS	
1.	
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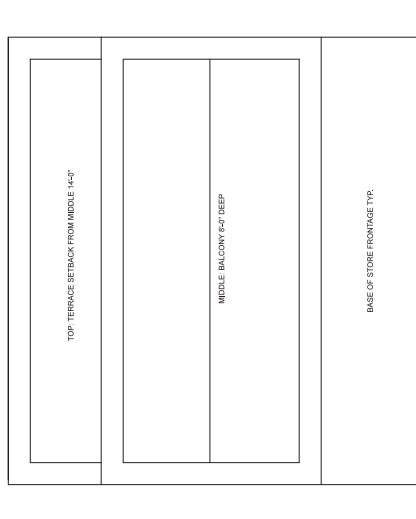
WINDOW COVERING SHOULD BE BETWEEN 20% - 75% OF THE WALL AREA			
FLOOR	WALL AREA	GLASS AREA	PERCENTAGE
FIRST	884 S.F.	566 S.F.	64.0%
SECOND	784 S.F.	520 S.F.	66.3%
THIRD	763 S.F.	525 S.F.	72.8%
FOURTH	793 S.F.	553 S.F.	69.9%

2 WINDOW COVERING DIAGRAM
SCALE: 1/8" = 1'-0"

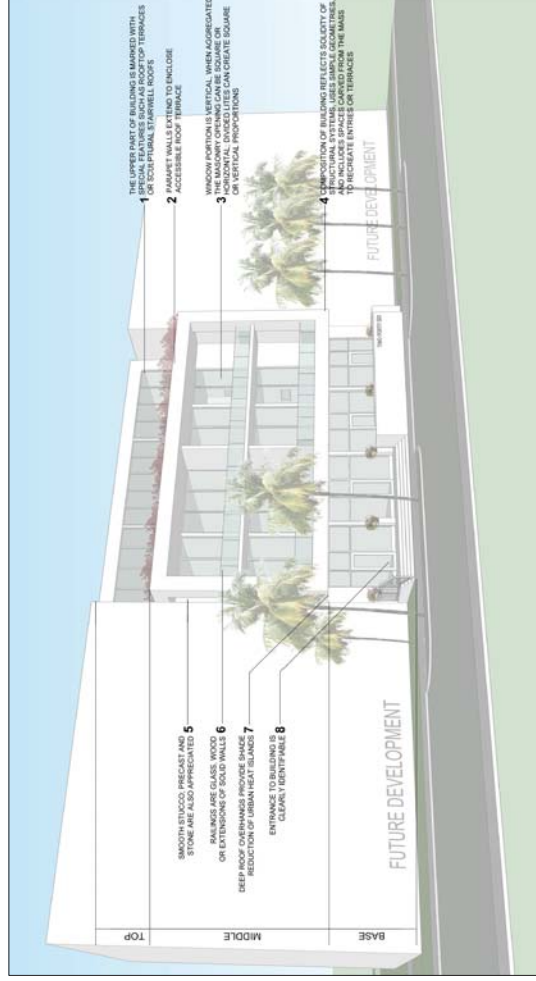
FRONTAGE TYPE: STOREFRONT		REQUIRED	PROVIDED
A	BUILDING SETBACK	10'-0"	10'-0"+
B	STORE WIDTH	N/A	N/A
C	STORE FRONT BASE	N/A	9'
D	GLAZING HEIGHT	8'-0"	10'-0"
E	REQUIRED OPENINGS	80%	88.5%

4 FRONTAGE TYPE TABLE
SCALE: 1/8" = 1'-0"

MASONRY MODERN	
AN EXAMPLE IN THE STYLE AS SHOWN IN THE ARCHITECTURAL DESIGN GUIDELINES FOR THE CBD	
1. THE UPPER PART OF BUILDING IS MARKED WITH SPECIAL FEATURES SUCH AS ROOF TOP TERRACES OR SCULPTURAL STAMPEL ROOFS	
2. PARADEY WALK EXTENDS TO INCLUDE ACCESSIBLE ROOF TERRACE	
3. WINDOW PROPORTION IS VERTICAL WHEN AGGREGATED, THE MASONRY OPENING FORMS A COHERENT VISUAL UNITS WITH AN ORIENTAL SQUARE OR VERTICAL PROPORTIONS	
4. COMPOSITION OF BUILDING REFLECTS QUALITY OF STRUCTURAL SYSTEM, USES SIMPLE GEOMETRIES, AND INCLUDES SPACES CARVED FROM THE MASS TO EMPHASIS OPEN SPACE	
5. SMOOTH STUCCO, PRECAST AND STONE ARE ALSO APPROPRIATE	
6. RAILINGS ARE GLASS, WOOD OR EXTENSIONS OF SOLID WALLS	
7. TERRAZZO, TERRACES, ARCADES, OR DEEP ROOF OVERHANGS PROVIDE SHADE	
8. REDUCTION OF URBAN HEAT ISLAND EFFECT	
9. ENTRANCE TO BUILDING IS CLEARLY IDENTIFIABLE	
10. HAS AN ATTEMPTED BASIC FORM AND TOP OF THE MODERN MASONRY BUILDING	



1 BUILDING ARTICULATION DIAGRAM
SCALE: 1/8"=1'-0"



3 VIEW FROM SOUTHEAST
SCALE: N.T.S.