



## Legislation Text

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File #: 24-860, Version: 1

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**TO: Mayor and Commissioners**  
**FROM: Anthea Giannotes, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: July 16, 2024**

ACCEPTANCE OF A MASS TRANSIT EASEMENT AGREEMENT FOR THE PROPERTY LOCATED AT 318 SE 5TH AVENUE.

**Recommended Action:**

Review and consider acceptance of a Mass Transit Easement for the property located at 318 SE 5th Avenue.

**Background:**

The subject property is a 0.88-acre lot on the west side of SE 5th Avenue (South Federal Highway) between SE 3rd Street and SE 4th Street and is currently under construction. The property is zoned Central Business District, Central Core Sub-district (CBD-CC), and has frontage along SE 5th Avenue and SE 3rd Street and is also within the Osceola Park Neighborhood.

At its meeting of March 22, 2023, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan, and Architectural Elevations approving the construction of the 79,732 square foot, four-story mixed-use building, containing 4,479 square feet of ground floor retail space and 26 multi-family unit and associated parking.

Pursuant to Land Development Regulation (LDR) Section 6.1.14.(A)(1) (a-c) - Transit, Provisions of a bus shelter is required for new residential development with 25 or more units, a non-residential development greater than 10,000 square feet, and or a development adjacent to an existing or proposed transit stop to provide a bus shelter. The bus shelter shall include a pad, an ADA-compliant boarding and alighting area, and an ADA-compliant structure which includes a mounted trash receptacle, bike rack, bench, and sufficient illumination. Furthermore, Policy MBL 2.4.2 of the *Always Delray Comprehensive Plan* requires future developments make provisions for public transit facilities and amenities, such as covered bus shelters, benches, and bus stops, and coordinate closely with strategic partners to promote transit facilities and amenities that are consistent with short and long-range plans of those agencies.

The proposed project contains both residential and non-residential uses with a total square footage of 75,732 square feet; 26 residential units and commercial use on the bottom floor. A perpetual easement is to be provided for public transit operational activities. The applicant shall improve the easement area to be a functional bus shelter to and adjacent to the public sidewalk. The public sidewalk shall match the sidewalk in design and material. The proposed bus shelter is located on South Federal Highway. The applicant is responsible for maintenance of the bus shelter.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Agreement must be recorded in the Palm Beach County Clerk of Court prior to building permit issuance.