



Legislation Details (With Text)

File #: 21-1107 **Version:** 1 **Name:**
Type: Request **Status:** Agenda Ready
File created: 9/20/2021 **In control:** City Commission
On agenda: 10/5/2021 **Final action:**
Title: ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT ALONG NW 1ST STREET AND A LANDSCAPE MAINTENANCE AGREEMENT ALONG NW 1ST STREET AND NW 5TH AVENUE FOR THE PROPERTY LOCATED AT 98 NW 5TH AVENUE.
Sponsors: Development Services Department
Indexes:
Code sections:
Attachments: 1. Agenda Cover Report, 2. Easement Agreement for Pedestrian Clear Zone - CRA 98 NW 5th Ave., 3. Legal Review Pedestrian Clear Zone Easement CRA 98 NW 5th Ave., 4. Landscape Maintenance Agreement CRA-98 NW 5th Ave., 5. Lgal Review - Landscape Maintenance Agreement CRA-98 NW 5th Ave., 6. 2020-10-07-HPB Staff Report-98 NW 5th Ave., 7. Plans-98 NW 5th Ave., 8. Color Rendering-98 NW 5th Ave., 9. Agenda Cover Report

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: October 5, 2021

ACCEPTANCE OF A PEDESTRIAN CLEAR ZONE EASEMENT ALONG NW 1ST STREET AND A LANDSCAPE MAINTENANCE AGREEMENT ALONG NW 1ST STREET AND NW 5TH AVENUE FOR THE PROPERTY LOCATED AT 98 NW 5TH AVENUE.

Recommended Action:

Review and consider acceptance of a Pedestrian Clear Zone along NW 1st Street and a Landscape Maintenance Agreement along NW 1st Street and NW 5th Avenue for the property located at 98 NW 5th Avenue.

Background:

The subject property consists of the north 50 feet of the east 135 feet of Block 20, Town of Delray and is located on the southwest corner of NW 5th Avenue and NW 1st Street. The two-story apartment building was built in 1972 in a modern style and is of CBS construction with a flat cement tile roof. The 7,076 square foot structure contains garages on the first floor and apartments on the second floor and is a non-contributing structure within the West Settlers Historic District. The property is currently zoned Central Business District (CBD).

At its meeting of October 7, 2020, the Historic Preservation Board approved the Certificate of Appropriateness request for the renovation and adaptive reuse of the existing 2-story mixed-use non-contributing building for use as retail and office. The Certificate of Appropriateness and Class III Site

Plan Modification requested for the adaptive reuse project, involved the following:

- Enclosure of the ground floor parking garage for use as retail space;
- Conversion of the 2nd floor residential use to office space;
- Construction of an elevator shaft on the north side of the building;
- Interior and exterior architectural improvements; and,
- Landscaping, hardscaping, and site lighting.

Also associated with the project were several Waiver requests from the Central Business District (CBD) zoning requirements. At its meeting of September 2, 2020, the Waiver requests went before the Historic Preservation Board and were recommended for approval to the City Commission. At its meeting of September 22, 2020, the City Commission approved the waiver requests.

The Pedestrian Clear Zone Easement and Landscape Maintenance Agreement are technical documents required to execute the approved project at 98 NW 5th Avenue.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

The Building Permit cannot be issued prior to the execution of the agreements.