



## Legislation Text

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**TO: Mayor and Commissioners**  
**FROM: Timothy Stillings, Planning, Zoning and Building Department**  
**THROUGH: Mark R. Lauzier, City Manager**  
**DATE: March 6, 2018**

APPLICANT APPEAL OF THE HISTORIC PRESERVATION BOARD DENIALS OF APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, CLASS V SITE PLAN, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS, FIVE RELOCATIONS AND TWO DEMOLITIONS ASSOCIATED WITH THE MIDTOWN DELRAY PROJECT WHICH INCLUDES 39,396 SQUARE FEET OF RETAIL; 11,117 SQUARE FEET OF RESTAURANT; 55,218 SQUARE FEET OF OFFICE; 45 DWELLING UNITS AND 39 RESIDENTIAL-TYPE INN UNITS. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

#### **Site Plan Modification:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated Class V site plan for Midtown Delray, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Chapter 3, Section 2.4.5(F)(5), and Section 2.4.6(H)(5) of the Land Development Regulations and Comprehensive Plan, subject to the following conditions of approval.

1. That the locations of the generators are provided on the plans together with the source of fuel prior to certification of the site plan.
2. That the waiver regarding building length are approved by the City Commission.

#### **Landscape Plan:**

Motion to approve COA 2017-284-SPM-HPB-CL5 and associated landscape plan for Midtown Delray, based on positive findings with respect to LDR Section 4.6.16 and Section 2.4.5(H)(5), subject to the condition that a payment of \$139,800 to the Delray Beach Tree Trust Fund for remediation of the trees to be removed.

#### **Elevations:**

Motion to approve COA-2017-284-SPM-HPB-CL5 and associated design elements for Midtown Delray, based on positive findings with respect to LDR Section 4.6.18 and Section 2.4.5(I)(5), subject to the elimination of the conflict between the building elevations of building #9 and the floor plans.

#### **Relocations:**

Move approval of COA 2016-069 (Rectory, Building 'A'), 14 S. South Swinton for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, Block 61 to the property located at further south on Block 61 fronting on South Swinton Avenue (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the

request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-070 (Rectory, Building 'B') for the relocation of the contributing structure on the property located at 20 W Atlantic Avenue, OSSHAD to the property located at southwest section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-071 (Building 'C') for the relocation of the contributing structure on the property located at 22 South Swinton Avenue, OSSHAD to the property located at north section of Block 70 (address to be determined) OSSHAD by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-063 (Building 'E'), a.k.a. Cathcart House for the relocation of the contributing structure on the property located at 38 South Swinton Avenue, OSSHAD to be relocated back to its current location by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of COA 2016-060 (Building 'F'), a.k.a. Peach House for the relocation of the contributing structure on the property located at 40 South Swinton Avenue, OSSHAD to property located on the Sundry Block, OSSHAD (address to be determined) by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

### **Demolitions:**

Move approval of COA 2016-064 (Building 'E-1') for the demolition of a contributing structure located at 38½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E)(5) and 4.5.1(F), Comprehensive Plan and meets the criteria set forth in the Land Development Regulations, and the Secretary of the Interior's Standards for Rehabilitation.

Move approval of the COA 2016-061 (Building 'G-ACC') for the demolition of a (contributing structure/accessory structure secondary building to Building 'G' a contributing structure) located at 44½ South Swinton Avenue, Old School Square Historic District, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with LDR Sections 4.5.1 (E) (5) and 4.5.1(F).

### **Background:**

The properties associated with the subject development proposal are zoned Old School Square Historic Arts District (OSSHAD) and located within the Old School Square Historic District. That

portion of the project that fronts on West Atlantic Avenue and the proposed condominium that front on SE 1<sup>st</sup> Avenue are subject to the development standards of the Central Business District (CBD).

At its meeting of February 6, 2018, the applicant requested that the project be postponed to the March 6, 2018 to modify the development proposal to eliminate the waivers to the building width for buildings #8 and #9 and the rear setback for building #1. Revised plans have been submitted that demonstrate the building width waivers for buildings #8 and #9 are no longer needed. Further, building #1 has been revised to eliminate the requested waiver to the rear setback. It is also noted that the revised development proposal has fully addressed site plan condition #2 regarding the parking discrepancy. Also, condition #3 has been partially addressed since the building setback waiver has been eliminated. Condition #2 has been eliminated from the recommended motion and condition #3 has been modified to eliminate the setback waiver. Finally, the revised elevations for building #9 are not consistent with the floor plan. Thus, a condition of approval has been added that this conflict is resolved prior to certification of the site plan. These revisions have resulted in a project that consists of 35,042 square feet of retail, 11,117 square feet of restaurant, 60,320 square feet of office, 35 residential-type inn units, and 45 condominium units.

At its meeting of December 19, 2017, the Historic Preservation Board denied the Class V site plan approval for the Midtown Delray project, which includes the construction of 39,396 square feet of retail; 11,117 square feet of restaurant; 55,218 square feet of office; 45 dwelling units; and 39 residential-type inn units. The Historic Preservation Board also denied the relocation of five of the existing contributing buildings and demolition of two structures.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

The site plan can only be approved if all associated requests for relocations, demolitions, waivers, and alley abandonments are approved.