

Clare Avenue Mixed Use  
**Major Planned Development Amendment**  
November 13, 2018  
Revised January 4, 2019  
Revised February 1, 2019



Urban Planning and Design  
Landscape Architecture  
Communication Graphics

*Request Summary*

On behalf of the applicant, The District Flats LLC, Urban Design Kilday Studios (UDKS) (hereinafter referred to as the agent) has prepared and hereby respectfully submits a Major Planned Development (PD) Amendment application for the +/-5.560-acre property located east and west of Clare Avenue, just south of Blanch Street and east of Elizabeth Avenue.

The new applicant is under contract to purchase the subject property known as Pod A. The applicant has analyzed the approved development program and has determined it is not financially feasible to construct or to market to the targeted demographic. The proposed amendment is directly related to addressing these concerns of constructability and marketability.

Included with this application is an amendment to the master plan reflecting modifications to the configuration and density/intensity of the proposed CPD. Pod A, to the west of Clare Avenue, has been amended to reflect 178 residential apartments with 3,706 SF of commercial area including outdoor seating. Pod B, to the east of Clare Avenue, remains as approved with 133,633 commercial square feet. Pod B will remain a future phase of development.

The master plan and site plan for Pod A were originally approved on September 24, 2018 by way of Resolution 2317-18. A future land use change to Commercial East was also approved at this hearing by way of Ordinance 4804-18.

The applicant is requesting approval of the following from the City of WPB Commission:

- Major PD to modify the site plan and add five (5) residential units.
- **To allow waivers for the following:**
  1. To allow a reduction in the minimum nonresidential uses required on the first floor of the mixed-use building.
  2. To allow less parking spaces than required.
  3. To allow less trees than required.
  4. To allow landscape buffer reductions.
  5. To allow loading maneuvering on-street.
  6. To allow two access points on Clare Ave (Pod B only and previously approved).

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**Subject Property**

The subject property is comprised of four (4) parcel control numbers (PCN) (as assigned by the Property Appraiser of PBC):

74434328100110010  
74434328090140230

74434328090140170  
74434328090130320

The subject property is currently within the following FLU designations and Zoning districts:

**FLU Designation:** Commercial East (CE)  
**Zoning Districts:** Commercial Planned Development (CPD)

**Surrounding Uses**

Below is a description of the uses on the adjacent properties (or those on the other side of abutting R-O-W's) to the north, south, east and west of the overall property. Note that the acreages, uses, number of units, etc. listed below are from the Property Appraiser of Palm Beach County's web site.

**Northwest:**

To the northwest of the subject property there are two parcels. Both parcels are within the industrial zoning district and retain industrial type uses.

<b>PCN</b>	<b>Acreage per PAPA</b>	<b>Zoning</b>	<b>Use</b>
74434328100090010	1.69 ac	Industrial	Open storage
74434328100090230	0.53 ac	Industrial	Light manufacturing

**Northeast:**

To the northeast of the subject property there are three parcels. All parcels are within the Industrial zoning district and retain industrial type uses.

<b>PCN</b>	<b>Acreage per PAPA</b>	<b>Zoning</b>	<b>Use</b>
74434328090110160	0.49 ac	Industrial	Warehouse
74434328100100310	0.54 ac	Industrial	Office
74434328090130280	0.30 ac	Industrial	Warehouse

**Southeast:**

To the southeast of the subject property there is one parcel. This parcel is the canal, also an FDOT Right-of-Way.

<b>PCN</b>	<b>Acreage per PAPA</b>	<b>Zoning</b>	<b>Use</b>
74434328000001110	10.35 ac	Industrial	Canal ROW

**Southwest:**

To the southwest of the subject property there are six parcels predominantly residential in nature consisting of multifamily and single-family, and one industrial use with a warehouse.

<b>PCN</b>	<b>Acreage per PAPA</b>	<b>Zoning</b>	<b>Use</b>
74434328100030090	0.13 ac	MF14	Vacant
74434328100060080	0.13 ac	MF14	Multifamily <10 un
74434328100060092	0.06 ac	MF14	Single Family
74434328100060091	0.06 ac	MF14	Single Family
74434328100070080	0.24 ac	MF14	Multifamily <10 un
74434328100120010	0.48 ac	Industrial	Warehouse

As shown above the majority of the land area surrounding the subject property support non-residential uses with the exception of the south where the residential parcels are located. Only one of the six residential parcels has a Homestead exemption per the Property Appraisers website.

In addition, the only parcel that would meet the definition of abutting per the City of WPB Zoning and Land Development Regulations (ZLDR's) would be the parcel to the northeast of the northern most Jamco parcel which is a warehouse use. To the south, east and west the parcels are separated from the subject property by public rights-of-way.

### **Workforce Housing**

In an effort to attract and retain the younger "millennial" workforce to Downtown West Palm Beach, the applicant is proposing a voluntary workforce housing program for the project. This will provide additional housing opportunities for both employees of the surrounding non-residential uses as well as for those who enjoy to be near the synergy of the new awakening within the Warehouse District.

A total of 178 units are proposed of which 20% (or 36 units) will be set aside for workforce housing for 15 years. Workforce housing is defined as housing for residents who earn less than 140% of the area's median's income (AMI). The area is defined as Palm Beach County.

### **Phase 1 Environmental Report (WGI)**

This assessment has revealed no evidence of RECs in connection with the Property except for the following:

- A pump station and UST tank were observed on the property. The presence of the UST constitutes a REC.
- There is no evidence of any hazardous substances or petroleum products that have been allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations [AULs], institutional controls, or engineering controls).
- A discharge report was filed in June 1994 due to drippings within the dispenser unit. The stained soil was removed and the dispenser was repaired. A No Further Action letter was issued for the discharge in March 1995.

## **COMPLIANCE WITH PLANNED DEVELOPMENT (PD) STANDARDS**

### **Planned Development Requests and Standards:**

The following analysis demonstrates consistency with the City's Zoning Code as required by Section 94-32(a):

A. Whether the proposed amendment is consistent with all elements of the City comprehensive plan.

Response: The request for a Commercial Planned Development (CPD) is consistent with all elements of the City's Comprehensive Plan.

B. Whether there exist changed conditions which require an amendment.

Response: The Elizabeth Avenue area is primarily within the Industrial Zoning District, however there has been a transformation of the district into something more than the typical heavy industrial type uses. The uses found in the district today lend themselves more to neighborhood commercial type uses including but not limited to cross-fit gym, office space, food hall, coffee shops, yoga, and even a brewery. The rezoning is also being requested for consistency with the proposed FLU Amendment as described above.

C. Whether the proposed amendment is in conformance with all applicable portions of the city development code.

Response: The proposed amendment is in conformance with all applicable portions of the City's development code and the existing/proposed Design Guidelines.

D. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses.

Response: The proposed use of the property for a mixed use planned development including residential and commercial uses is consistent with the proposed Commercial East land use designation for the site.

E. Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities.

Response: The proposed amendment will provide the necessary capacity of public facilities for adequate public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities. Again, these were previously assessed in the land use and zoning standards in this document.

F. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment.

Response: The proposed amendment would not result in significantly adverse impacts on the natural environment. The land was previously developed with industrial type uses.

G. Whether and the extent to which the proposed amendment would adversely affect property values in the area.

Response: The proposed amendment is anticipated to be a benefit to the area as the district is going through a transformation. The revolution of uses that can now be found in the District is more consistent with a mixed use urban style project. The introduction of the development will aid in creating a sustainable environment for the area.

H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any negative effects on such pattern.

Response: The proposed amendment is consistent with an orderly and logical development pattern. The single family residential uses to the south of the industrial district will now be

buffered by a multifamily residential use to the north, instead of the existing industrial storage uses that can be found on the parcels today.

**STANDARDS FOR CODE COMPLIANCE – WAIVER STANDARDS**

The applicant is requesting the following waivers identified in Table 2 as part of the rezoning to CPD.

#	Code Section	Code Requirement	Proposed Condition	Requested Reduction of Waiver
<b>POD A ONLY</b>				
1	Section 94-145.(12) GC District - Percentage of nonresidential uses on first floor of mixed-use buildings	More than 50% of the first floor of mixed-use buildings shall be used for non-residential uses	Net first floor use area : 47,399 sf (excludes garage)  First floor use ratios (% of net area): Residential = 40,037 SF / 84.5% Non-residential =7,362 SF /15.5%	34.5% reduction in the minimum floor area required on the first floor of the mixed-use building.
2	Section 94-486, Table XV-6 Citywide parking requirements	372 parking spaces	294 parking spaces	To allow 78 less parking spaces than required (20.9% reduction)
3	Section 94-442 (c)(2)b. Open Space Landscape Requirements Section 94-443 (d)(2)(a) Additional landscaping requirements for multi-family residential uses	47 open space trees plus 178 additional trees for the multi-family residential units = 225 total trees	99 trees & palms	To allow 26 less trees than required (11.6% reduction)
4	Section 94-443 (d)(1) Additional landscaping requirements for multi-family residential use	A ten-ft landscape buffer required for multifamily uses adjacent to public thoroughfare; max. 20% interruption of buffer length; All portions of the buffer strip shall be covered with natural plant material; Min. 1 tree per 30 linear feet	East buffer (Clare) – Min 8-ft buffer along building frontage and no buffer adjacent to 97-ft plaza.  West Buffer (Elizabeth) – Min 8-ft buffer along northern property line.  North Buffer (Blanch) – No buffer adjacent to 64-ft plaza area.	To allow a reduced buffer width along portions of the east and west buffer, and a full reduction adjacent to the plaza on the northeast corner of the site.

5	Section 94-485(j)(1) Configuration of parking and loading ingress and egress	Loading configurations which require backing directly onto a street shall be prohibited.	Required Loading to occur on-street	To allow a required loading space and associated maneuvering to be located on-street within the right-of-way
<b>POD B ONLY (previously approved)</b>				
7	Section 94-312(1)(a) Number of access points	1 access point onto each right-of-way	2 access points onto Clare Avenue from Pod 'B'	To allow one additional access point onto Clare Avenue from Pod 'B'

The proposed waivers comply with the following provisions of Section 94-273.(a).(2), Additional Standards, of the City of WPB's ZLDR's (verbatim text from the ZLDR's is indicated in italics):

*Will be consistent with the comprehensive plan of the city adopted by the city commission;*

**Agent's Description:**

**Waivers 1 - 6:** The requested waivers will be consistent with those standards and the plan. The future land use and consistent zoning designations were approved earlier this year. The amendments proposed with this request do not change the intent of the original proposal of use for these parcels.

*Will be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activity, traffic and parking conditions, and number of similar uses;*

**Agent's Description:**

**Waivers 1:** Allowing the first level of the Pod A building to be predominantly residential in nature will be in harmony with the general character of the neighborhood. Pod B will ultimately be 100% non-residential use once developed in the future and will balance the makeup of Pod A's ground floor. It's also important to consider the existing makeup of the surrounding community with primarily single family and duplex type units to the south and across Parker to the east. Keeping these uses in mind, the proposal for more than half residential on the ground floor is consistent with the general character of the extended neighborhood.

**Waiver 2:** The parking waiver proposed is consistent with previous parking waivers approved within the City and for this particular project, and therefore it should be harmonious with the general character of the neighborhood. The code permits a 30% decrease in the required parking by use of the waiver process. The applicant is proposing a 20.9% parking waiver (78 spaces) and has provided a parking analysis study by a licensed traffic engineer to justify the need for the waiver. The previously **approved** parking waiver for this site allowed for a 21.6%

parking waiver for a total of 76 less parking spaces than required. Furthermore, the nature of this location will deter many residents from having more than one vehicle due to the proximity to so many other uses, similar to the Downtown Master Plan. Residents can walk or bike, or take a short Uber/Lyft ride to work, school, the grocery store, or to dinner. Additionally, there is a bus stop on Parker that will provide many residents with an option for a longer commute to work, in addition to the new Bright Line station north of City Place for regional commutes.

Most importantly by way of the original approval for this CPD, the applicant will be contributing funds to the City for the purpose of constructing an accessible pathway to Parker Avenue via Caroline Street and pedestrian improvements to the intersection of Parker Avenue and Caroline Street to encourage walkability in order to reduce parking space needs.

**Waiver 3:** The waiver to allow for less trees than required will be in harmony with the general character of the neighborhood considering the existing design and character of activity. The prior approved landscape plan satisfied the code required tree quantity because it proposed a heavily vegetated passive park in the south end of the site which did not provide effective public benefit. The space was not practical or usable for an urban setting such as the Jefferson Terminal planning area, an urban warehouse district. It is expected that when the Jefferson Terminal plan is implemented, there are incentives related to landscape design similar to the downtown master plan (DMP) landscape code. However, the landscape requirements for this project currently coincide with the standard landscape code that is also applicable in the western suburban areas of West Palm Beach. The Jefferson Terminal planning area has been established because it is a unique part of the City, between Downtown and the interstate, with a very similar history as Downtown due to its proximity.

The revised site plan utilizes the south open space as an art park that is uniquely designed to engage the surrounding community and is welcoming for the residents of the project as well as its neighbors. The balance of the south open space has been designed as a dog park which by its nature, will have landscaping around its perimeter, and be open in the interior for the park equipment. Both spaces provide opportunity for seating, wandering and shade. The landscape plan is designed to maximize the tree canopy to the extent possible without compromising the usability of the proposed public and private open space areas and to not hinder the long-term growth of the trees.

The revised landscape plan included with this resubmittal reflects the following changes to further demonstrate the applicant's desire to maximum tree canopy:

- Art Park: (1) Gumbo Limbo shade tree replaces what was previously shown as a Date Palm at the upper lawn.
- Commercial Plaza: (2) Silver buttonwood trees added to flank the commercial entryway, at the building foundation.
- Net change: Two (2) additional trees modifying the tree waiver from 28 to 26 trees (11.6% waiver).

This resubmittal also includes an assessment of the tree canopy coverage provided for the proposed public and private open space areas. Article XIV of the City's landscape code does not recognize tree canopy as a development requirement other than requiring mitigation for existing trees to be removed. That being said, the canopy

coverage analysis we have provided can be compared most similarly to the City's Downtown Master Plan (DMP) code which requires a minimum tree canopy coverage in required open space areas. Under the DMP code the art park would be considered a "Garden Plaza" requiring a minimum of 50% tree canopy and the commercial plaza would be considered a "Plaza" requiring a minimum 40% tree canopy.

The proposed landscape design exceeds the DMP standards used for comparison purposes. For this study the City's "Suggested Tree Species List" was utilized to determine the canopy credit for each tree/palm that is proposed with extra credit calculated for the 20' overall height Royal Palms and Medjool Date Palms which exceed the code minimal tree heights. The assessment shows the landscape design for the Art Park has 62% tree canopy and the Commercial Plaza has 49% tree canopy. Shade canopy for the proposed dog park (private open space) was also assessed and shows the proposed design provides 45% tree canopy. The DMP development standards requires private open space to include a 40% tree canopy. This project exceeds this requirement.

To further support landscape waiver request, the project provides several exemplary design features which exceed the typical open space requirements for a CPD. This includes but is not limited to:

- 1) A total of 9,700 SF of public open space (7% of the total site area) in the northeast commercial plaza that ties directly into the Warehouse District and an Art Park at the southeast corner of the site. The commercial plaza includes curvilinear steps that lead to a large patio for outdoor seating to be utilized by future retail or restaurant tenant(s). The plaza also includes public bench seating, bike racks, raised planters with shade trees and increased height specimen palms. The art park includes public art including sculptures and an art wall/light box. The art park will also include visually interesting amenities such as distinctive pedestrian lighting as well as uniquely designed benches and bike racks.
- 2) Double the number of trees/palms required within each of the perimeter buffers.
- 3) 66% increase from code minimum height for the proposed Medjool Date Palms and Royal Palms (20' overall height proposed, 12' overall height required).
- 4) Staggered height Sabal Palm clusters with clear trunk height between 8' and 12' (8' clear trunk required by code).
- 5) Ground floor units that front directly onto the surrounding street network and feature walk up gardens landscaped with trees, shrubs and ground covers.
- 6) A total of twenty-five percent (25%) vegetated area overall exceeding the code minimum fifteen percent (15%).
- 7) Low impact development features including:
  - a. 100% of proposed shade trees are native and drought tolerant;
  - b. 50% of the proposed flowering trees are native and drought tolerant;

- c. 66% of the proposed palms are native and drought tolerant;
- d. A rain garden has been provided in the northwest corner of the site; and
- e. 15% sod coverage whereas code allows up to 60%.

**Waiver 4:** The landscape buffer waiver proposed is required to, again, adapt to the surrounding industrial uses and built environment and to be in harmony with the general character. The applicant is proposing a deviation in the landscape buffers along the east, west and north perimeters to allow for an overlap, or encroachment, of hardscape and sidewalk. Similar to the justification for Waiver 3, the design of the site has been carefully articulated to conform to both the existing industrial uses and the newer "District" area to the north. Both the building and surrounding streetscape has been designed to honor the street and allow for an adaption and synergistic exchange with the surrounding uses. Planting areas have been provided where a typical buffer would be located, however the hardscape and sidewalk areas have been designed to promote connectivity for residents and visitors to the site. A waiver is proposed to allow for these buffer interjections.

**Waiver 5:** The loading zone maneuvering area waiver is proposed to allow for the maneuvering within the street. The waiver will be in harmony with the general character and activity of use in the area, as many of the existing structures in the Jefferson Terminal area do not have maneuvering areas on-site and are required to back up into the street, as is the condition in which is being proposed for the subject petition. Due to the limited land area in this district the maneuverability for large trucks is restricted. It is quite common to see a truck unloading or loading within the right-of-ways surrounding the subject site. The waiver will allow the site to function in harmony and similarly to many of the other uses in the District.

**Waiver 6:** The access waiver for Clare Avenue pertains to the master plan and access to Pod B. Since this pod is not yet site planned the master plan has been designed to propose at least two access points off of Clare Avenue, the only right-of-way adjacent to this development pod. The pod is long and linear and cannot be restricted to one access point for safety and emergency access management purposes.

*Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;*

**Agent's Description:**

**Waivers 1 - 6:** The proposed project will not be detrimental to the use or peaceful enjoyment of surrounding properties or the general neighborhood as it will not create objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. Approval of the requested waivers will not affect that point.

*Will have no detrimental effect on vehicular or pedestrian within a district due to detrimental effects on permitted uses;*

**Agent's Description:**

**Waivers 1 - 6:** Allowing the requested waivers, especially those related to vehicular access points, will have no detrimental effect on vehicles or pedestrians within a district.

*Will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area;*

**Agent's Description:**

**Waivers 1 - 6:** The proposed project will not adversely affect the health, safety, security, morals, or general welfare of residents, visitors, or workers in the area as it will not create objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. Approval of the requested waivers will not affect that point. Additionally, although review of the project by the City's professional staff will assure the design will not create such impacts.

*Will not, in conjunction with existing development in the area and development permitted under existing zoning, overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements;*

**Agent's Description:**

**Waivers 1 - 6:** As detailed above the proposed project will (1) be appropriately connecting to public water, wastewater and stormwater systems, (2) have accommodate the necessary access for public services and (3) will be contributing significantly, through taxes, to mitigate any impacts on public services. Allowing the requested waivers will not impact that compliance.

*Otherwise meets the definition standards set forth elsewhere in this chapter for such particular use; and*

**Agent's Description:**

**Waivers 1 - 6:** There are no definition standards negatively impacted by the requested waivers.

*Will provide alternative measures consistent with the intent of the additional standards to provide protection to adjacent properties and preserve neighborhood character.*

**Agent's Description:**

**Waivers 1 - 6:** The proposed design, as described in the Design section above, will provide alternative measures to mitigate the requested waivers.

In conclusion, the requested waivers for the subject property are justified, consistent with the Plan and is compatible with surrounding uses.

**CONCLUSION**

On behalf of the applicants, UDKS respectfully requests approval of these requests for the subject property. The Project Managers at UDKS are Michelle Cuetera and Alessandria Palmer who can be reached at (561) 366-1100 or via email at [mcuetera@udkstudios.com](mailto:mcuetera@udkstudios.com) or [apalmer@udkstudios.com](mailto:apalmer@udkstudios.com).



NOTE:  
SITE PLAN SHOWN FOR ILLUSTRATIVE PURPOSES

ILLUSTRATIVE SITE PLAN  
THE DISTRICT FLATS  
WEST PALM BEACH, FLORIDA