



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Atlantic Crossing

Meeting	File No.	Application Type
November 17, 2025	PZ-000182-2025 (CBD Waiver sub-record) PZ-000021-2025 (Level 1)	CBD Waiver associated with Level 1 Site Plan
Property Owner	Applicant	Authorized Agent
Kim Ulle, VP Edwards Intracoastal, LLC	David Goth Lupton Rausch Architecture + Interior Design	Bryce Hall Kephart

Request

Provide a recommendation to the City Commission on a waiver request to reduce the required front setback from 5 feet to 2 feet and 6 inches along a portion of Building IV-S adjacent to NE 7th Avenue, associated with a Level 1 Site Plan modification for Atlantic Crossing.

Site Data & Information

Location: 777 East Atlantic Avenue (Phase II: Buildings IV-S)

PCN: 12-43-46-16-P7-001-0020

Total Development Area: 9.22 acres

Land Use Designation: Commercial Core (CC) and Medium Density Residential, 5-12 units/acre

Zoning District: Central Business District (CBD), Central Core Sub-district, 8.59 ac; Community Facilities (CF), 0.63ac

Adjacent Zoning:

- **North:** Medium Density Residential (RM)
- **South & West:** CBD, Central Core Sub-district
- **East:** Open Space & Recreation (OSR)

Use: Mixed-use (residential/commercial)

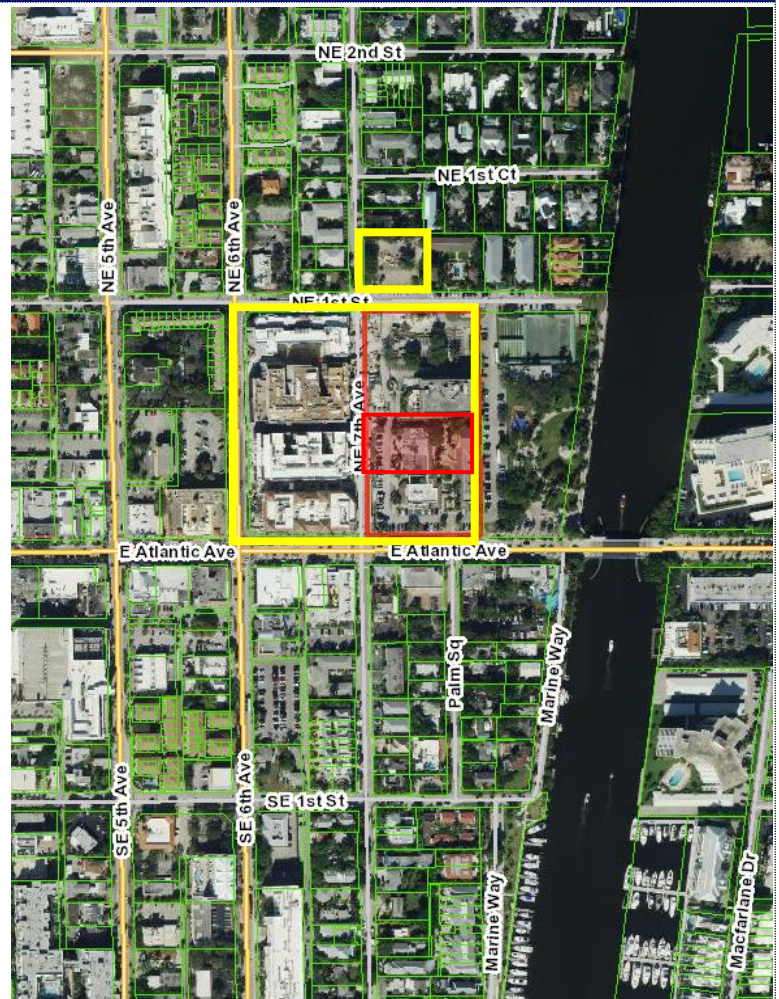
Floor Area Ratio (calculated on 8.59 ac):

Maximum: 3.0

Approved: 1.71

Density (calculated on 8.59 ac):

Approved: 38.2 du/ac; 328 units, inc. 22 WFH units.





Background

Conditional Use, Atlantic Plaza

On December 4, 2012, the City Commission approved a Conditional Use request to allow an increase in building height to a maximum of 60 feet for Buildings III and VI-S and to allow an increase in the overall density of the project to 40 dwelling units per acre. The result of the Conditional Use approvals was the provision of workforce housing units. At that time, the LDR allowed an increase in height up to 60 feet as an incentive when 20 percent of the total number of units within the additional height above 48 feet is provided for workforce housing. The LDR also previously allowed additional density as a Conditional Use (now called a Residential Incentive) when 20 percent of the units (exclusive of those in the additional height) over the maximum base density of 30 du/ac are provided for workforce housing.

Class V, Site Plan, Atlantic Crossing

The Class V Site Plan for Atlantic Crossing was approved on January 21, 2014 by the City Commission on an appeal of the approvals granted by the SPRAB on November 20, 2013 (Class V Site Plan) and December 18, 2013 (special actions associated with building elevations and building setbacks). The approved site plan is for a mixed-use development with a total of 37,642 square feet of retail floor area, 39,434 square feet of restaurant floor area (including 1,443 square feet of outdoor dining area), 83,462 square feet of office floor area and 343 dwelling units (39.9 du/ac).

Waivers

At its meeting of March 1, 2017, the City Commission approved the following four waivers for the development:

1. LDR Section 5.3.1(D)(2), to reduce the minimum right-of-way width from 60 feet for the new east/west road between NE 6th Avenue and NE 7th Avenue to 30 feet.
2. LDR Section 6.1.3(B)(1)(f), to reduce the minimum 8-foot-wide sidewalk to 6 feet along the north side of the new east/west road between NE 6th Avenue and NE 7th Avenue.
3. LDR Section 4.4.13(F)(4), to reduce the minimum and maximum building setbacks for the buildings and frontages along the new east/west road between NE 6th Avenue and NE 7th Avenue.
4. LDR Section 4.6.18(B)(14)(iv)(2), to reduce the minimum wall transparency of 75% on the ground floor to 37.5% for the building on the south side of the new east/west road between NE 6th Avenue and NE 7th Avenue.

Workforce Housing Covenant

On May 22, 2015, the Workforce Housing Covenant was executed by the City Commission. The Covenant specifies how the 25 workforce housing units will be distributed, with 6 of the units provided via an in-lieu payment of \$960,000 (\$160,000/unit) to the Delray Beach Housing Trust Fund per LDR Section 4.7.2 and the balance provided on site. The Covenant requires that the in-lieu payment shall be made simultaneous or prior to the issuance of the first vertical building permit of any "For Sale" Unit.

Site Plan Modifications

Approved Site Plan Modifications associated with the Atlantic Crossing development include the following:



Phase I: Building I Development



Settlement Agreement

On April 12, 2017, the City Commission approved a settlement agreement with the applicant of the project. Given that the project was approved prior to the adoption of the current CBD form-based code in Section 4.4.13, the agreement specified that the applicable review criteria is from the LDR and Comprehensive Plan in effect at the time the application was submitted in 2013. As a result, the form-based CBD code that was adopted in 2015 via Ordinance No. 02-15 is not applicable to the development. The agreement also includes the processing obligations and stipulations that a new two-way east/west surface road connect NE 6th Avenue to the public access easement (formerly NE 7th Avenue right-of-way).



- May 24, 2017: The SPRAB approved a Class II Site Plan Modification for the two-way surface road identified in the Settlement Agreement.
- October 16, 2019: The SPRAB approved a Class II Site Plan Modification associated with the reconfiguration of the pedestrian plaza area between Buildings I and III at the southwest corner of the development. The modification included a trellis over the surface road between Buildings III and IV.
- November 13, 2019: The SPRAB approved a Class II Site Plan Modification associated with the replacement of the aquarium feature at the eastern end of the pedestrian plaza, adjacent to NE 7th Avenue, with an aerial art piece by the artist Janet Echelman. The piece consists of a multi-color rope that spans across NE 7th Avenue.
- February 15, 2023: A Class I Site Plan Modification for temporary valet operations located at 601 E Atlantic Avenue, including the location of stands and vehicular queues, was administratively approved.
- June 20, 2023: A Class I Site Plan Modification for Buildings III, VI-S and VI-N (Phase I) associated with the redistribution of the dwelling units among the three subject buildings and the reduction of 10 parking spaces, was administratively approved. Due to the redistribution of units, the number of workforce housing units was revised to 26 units.
- January 24, 2024: The SPRAB approved a Level 3 Site Plan Modification for Phase II of Atlantic Crossing including a reduction in the total number of units for the project from 343 to 328 with the reduction specifically located within Building IV-S, reduction of the retail/commercial area in Building IV-S, modifications to the exterior elevations for both Buildings IV-S and II, and reduction in the number of parking spaces in the SE Parking Garage.

Additional minor site plan modifications have been approved either administratively or by the SPRAB, which were largely to accommodate exterior elevation changes for specific tenant bays, as-built changes during construction, and modifications to parking garage layout. The overall Master Sign Program for Phase I, as well as subsequent amendments, have also been approved by the SPRAB.

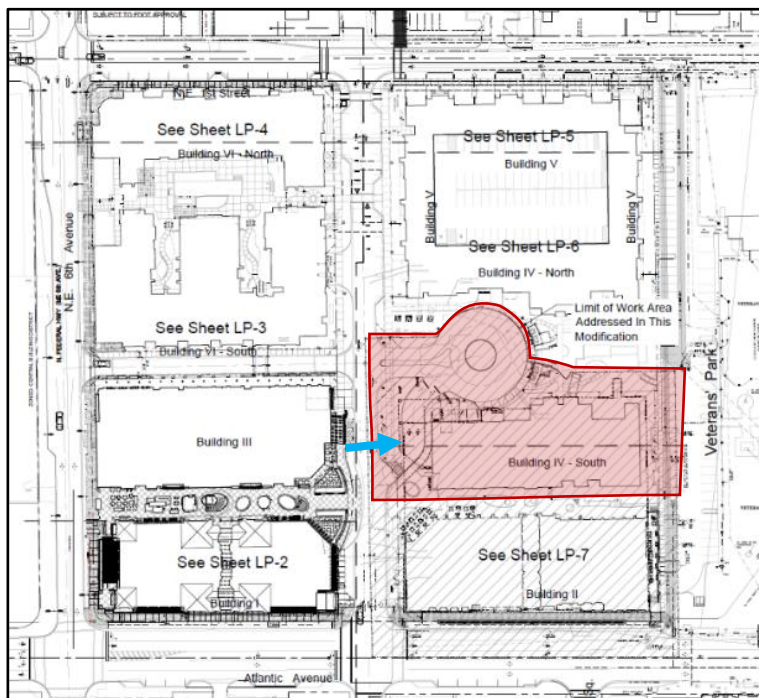
Description of Proposal

The item for board consideration is a waiver from LDR Section 4.4.13(F)(4)(a)2., to reduce the required minimum front setback from five feet to two feet and six inches to accommodate modifications to the porte-cochere on Building IV-S. The modifications are necessary to carry the load of the art installation (approved in 2019) that will span across NE 7th Avenue.

The exterior modifications associated with the requested relief are limited to Building IV-S and submitted as a Level 1 Site Plan Application, which includes the following:

- Removal and modification of balconies
- Relocation of rooftop screening
- Addition of restroom cabana on the elevated pool deck
- Extension of the porte-cochere

The City Commission will take final action on the waiver after receiving a recommendation from the Board. Once the City Commission has taken final action on the waiver, review of the complete Level 1 Site Plan Application will be finalized with final action on the site plan under administrative purview, pending no outstanding issues or concerns.

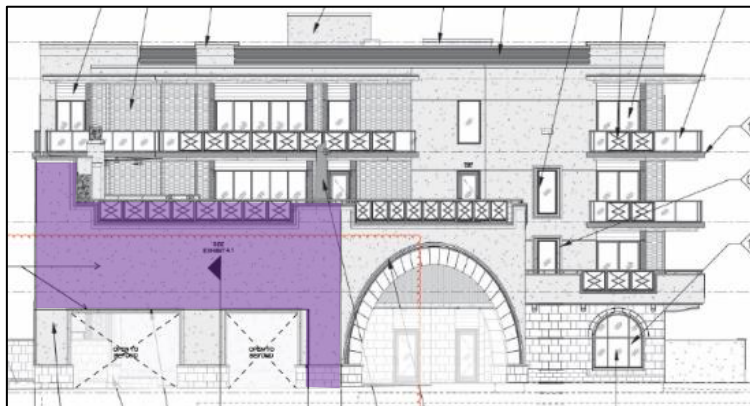


Review and Analysis: Site Plan

LDR Section 2.1.5(E)(5), Board Recommendations

The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):

- (k) Relief to the requirements of the Central Business District prior to the consideration of an associated site plan application.



The requested waiver shall be presented before the Planning and Zoning Board (PZB) for recommendation to City Commission associated with a site plan application.

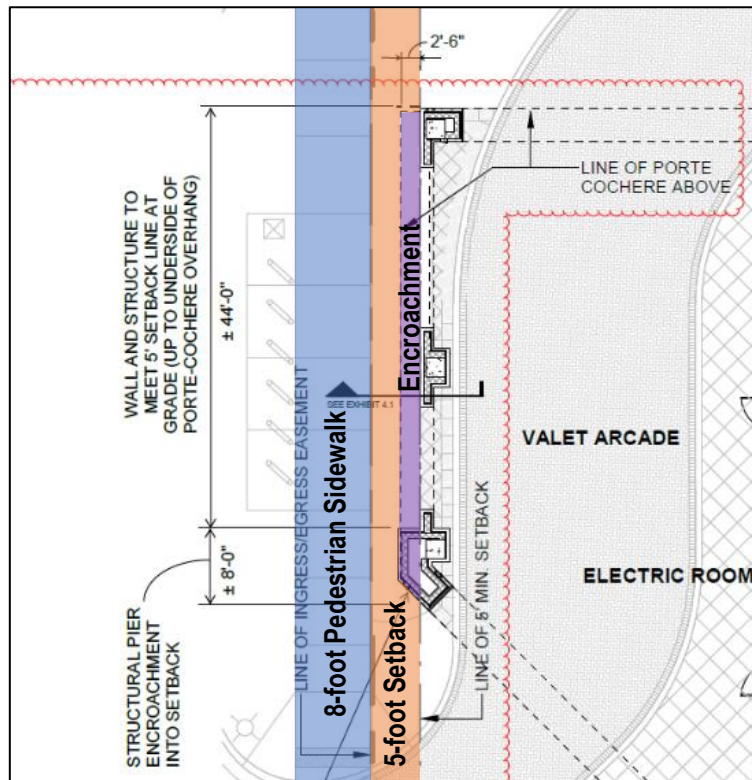
A detailed analysis of the waiver request is provided below, based on the required findings. Additionally, the Applicant's justification for the waiver is included as an attachment for further review and consideration.

As a reminder, the 2013 Land Development Regulations and Comprehensive Plan are applicable per the Settlement Agreement. Per the 2013 LDR, **Section 4.4.13(F)(4)(a)2., Front Setbacks**, requires a minimum front setback of five feet for buildings with nonresidential uses on the ground floor. See area depicted in orange on the image to the left.

The requested relief will reduce the setback associated with the porte-cochere structure to two and a half feet along NE 7th Avenue. The proposed encroachment accommodates the porte-cochere, the structural pier that carries the load of the art installation, and the rooftop pool deck on the third floor; see area in purple on the plan and elevation to the top left.

The two-and-a-half-foot encroachment extends approximately eight linear feet on the ground floor, and approximately 52 linear feet on the second floor. The encroachment of the structural pier on the ground floor will be utilized for the art installation that spans across NE 7th Avenue.

The approved streetscape along NE 7th Avenue includes an eight-foot-wide sidewalk and a 10-foot-wide landscape area where bicycle racks are also provided. Landscaping is proposed between the support columns of the porte-cochere.





Waiver Analysis

LDR Section 4.4.13(F)(4)(a)2., Front Setbacks: *The following minimum front setbacks shall apply in all districts: For buildings with nonresidential uses on the ground floor: five feet (5')*



The waiver request is subject to the following findings:

LDR Section 2.4.7(B)(5), Waiver: Findings

Prior to granting a waiver, the granting body shall make findings that granting of a waiver:

- Shall not adversely affect the neighboring area;*
- Shall not significantly diminish the provision of public facilities;*
- Shall not create an unsafe situation; and*
- 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.*

In consideration of the findings, the reduced setback is not anticipated to negatively affect the quality of the pedestrian experience, as the sidewalk width is not being reduced and the area between the support columns is open and finished with landscaping to further enhance the streetscape experience for pedestrians. The proximity of the structure to the sidewalk area is not anticipated to have an impact on any public facilities. As the project adheres to the 2013 LDR, the Board should consider if the granting of the waiver aligns with the broader goals of the LDR, which supports a superior pedestrian environment and connective pedestrian network, and evaluate if the justification provided by the applicant supports this goal.

Options for Board Action

- Move to recommend **approval** to the City Commission of the waiver request for **Atlantic Crossing** (PZ-182-2025), located at 777 East Atlantic Avenue, to reduce the required front setback from 5 feet to 2 feet and 6 inches along a portion of Building IV-S adjacent to NE 7th Avenue, associated with a Level 1 Site Plan modification, by finding that the request meets the criteria set forth in the Land Development Regulations.
- Move to recommend **approval, subject to conditions**, to the City Commission of the waiver request for **Atlantic Crossing** (PZ-182-2025), located at 777 East Atlantic Avenue, to reduce the required front setback from 5 feet to 2 feet and 6 inches along a portion of Building IV-S adjacent to NE 7th Avenue, associated with a Level 1 Site Plan modification, by finding that the request meets the criteria set forth in the Land Development Regulations.
- Move to recommend **denial** to the City Commission of the waiver request for **Atlantic Crossing** (PZ-182-2025), located at 777 East Atlantic Avenue, to reduce the required front setback from 5 feet to 2 feet and 6 inches along a portion of Building IV-S adjacent to NE 7th Avenue, associated with a Level 1 Site Plan modification, by finding that the request does not meet the criteria set forth in the Land Development Regulations.
- Move to **continue** with direction.

TAC Review Timeline

Review No.	Submittal Date	TAC Comments Transmitted	Extension Approval
1	07-03-2025	07-25-2025	
Waiver	10-02-2025	-	

Total time with Applicant: **22 days**

Total time under review: **69 days**