



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

## SITE PLAN REVIEW AND APPEARANCE BOARD

**Meeting:** October 28, 2020 | **File No.:** 2020-096-233-SPF-SPR-CL5 | **Application Type:** Class 5 Site Plan – Parks at Delray

### General Data:

**Agent:** Covelli Design Associates, Inc

**Applicant/Owner:** Centerpointe Delray Holdings, LLLP

**Location:** Southwest corner of Congress Avenue and Germantown Road (1690-2350 South Congress)

**PCN:** 12-43-46-30-37-000-0010

12-43-46-30-15-001-0000

12-43-46-30-37-000-0020

12-43-46-30-39-001-0010

**Property Size:** 23.13 acres

**FLUM:** CMU (Commercial Mixed Use)

**Zoning:** SAD (Special Activities District)

### Adjacent Zoning:

- North: RM (Multiple Family Residential)
- South: RM & OSR (Open Space & Recreation)
- East: MROC (Mixed Residential Office and Commercial) I (Industrial)
- West: RM

**Existing Land Use:** Former Office Depot campus and the Arbors office building

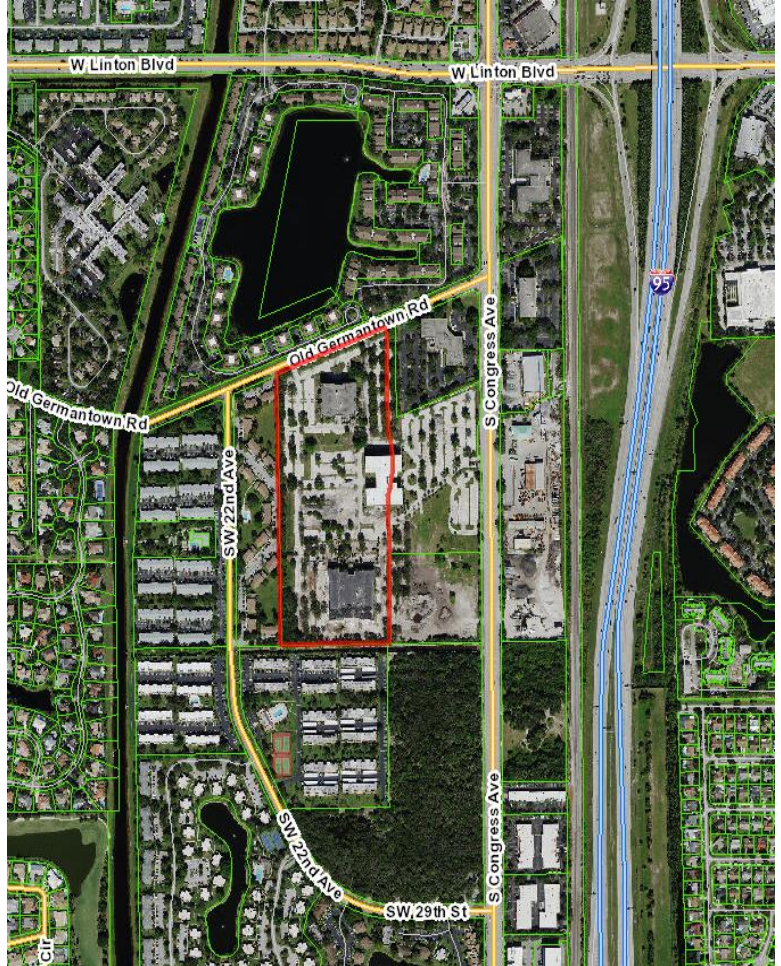
**Proposed Land Use:** Multiple Family Residential – 600 total residential units

**FAR:** 1.20

### Item before the Board:

The action before the Board is the approval of a Class V Site Plan application for Parks at Delray pursuant to LDR Section 2.4.5 (F)(1)(a), including the following:

- Site Plan
- Landscape Plan
- Architectural Elevations



### Optional Recommendations:

- A. Continue with direction.
- B. Move approval of the request for a Class V Site Plan 2020-096-SPF-SPR-CL5 for **Parks at Delray**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move denial of the request for a Class V Site Plan 2020-096-SPF-SPR-CL5 for **Parks at Delray**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.

#### Project Planner:

Scott Pape, AICP, Principal Planner;  
[pape@mydelraybeach.com](mailto:pape@mydelraybeach.com),  
(561) 243-7040 x7321

#### Review Dates:

SPRAB Board:  
October 28, 2020

#### Attachments

1. Site Plans
2. Landscape Plans
3. Architectural Elevations



**Technical Notes: The following must be satisfied if the site plan is approved based on the respective timing.**

1. That the SAD Ordinance address the encroachments of the buildings into the property setbacks. Further, the inconsistency between the building setbacks in the setback table in the Exhibit "B", page 4, and the site plan on sheet SP-2 in how the setbacks are measured be resolved as part of the SAD Ordinance. These inconsistencies must be addressed and adopted into the SAD Ordinance prior to certification of the site plan.
2. That the SAD ordinance address the inconsistency between the rotary requirement and the site plan prior certification of the site plan.
3. That the SAD ordinance address the separation of club house and leasing office uses and that a floor plan or the club house and leasing office be provided prior to certification of the site plan.
4. That pursuant to the adopted SAD Ordinance, Exhibit "B", page 2, the development is required to follow a sequencing procedure for common infrastructure improvements including roads, utilities, buffers, multi-use paths, and central park. The buffers along Germantown Road and Congress Avenue must be installed with the first phase of development. The internal infrastructure such as buffers, roads, and utilities for each parcel must be completed prior to issuance of the first certificate of occupancy for each phase. Further, the demolition of the former Office Depot headquarters and tree preservation/relocations must be accomplished prior to issuance of the first certificate of occupancy for a residential building.
5. That the 6-foot wide sidewalks are provided for the infrastructure roadway prior to site plan certification.
6. That a dumpster enclosure detail be provided prior to site plan certification.
7. That the applicant amend the SAD Ordinance to reflect the City's Workforce Housing moderate income level of 120 percent and enters into a Workforce Housing Covenant with the City of Delray Beach prior issuance of a building permit.

**Project Request:**

The proposed project is a Class V Site Plan proposal to construct 76 townhouses and 524 apartment dwelling units. The recreational facilities include two swimming pools, two dog parks, a playground, and a clubhouse. Access to the development is via a road system from Congress Avenue and Germantown Road.

**Background:**

The subject property is located at the southwest corner of Congress Avenue and Old Germantown Road and is 23.13 acres in size. The site consists of the western half of the Parks at Delray master development plan, which has a total of 48.78 acres. The existing development consists of 352,539 square feet of office in four buildings. The office campus was formerly occupied by the Office Depot corporate offices and The Arbors office building located at the northeast corner of the site.

Beginning in 1981 and ending in 1995, portions of the site were annexed into the City of Delray Beach from unincorporated Palm Beach County. The site was rezoned from POC (Planned Office Center) to MROC (Mixed Residential Office and Commercial) in 2007.

The City Commission approved the rezoning of the property from MROC to SAD (Special Activities District) on December 11, 2018 (Ordinance No. 30-18) and a waiver to LDR Section 4.4.25(D) of the requirement that the site plan be processed concurrently with the SAD Ordinance. This approval includes 1,009 dwelling units; 70,000 square feet of office; 250,000 square feet of retail; and 80,000 square feet of restaurant.

An amendment to Ordinance No. 30-18 has been submitted, and is being processed as a rezoning, as required by the LDRs. The SAD Ordinance is also being processed concurrently with the subject site plan application. This rezoning has been submitted to address inconsistencies with the proposed site plan, such as building setbacks and building separations. Consideration of this rezoning by the Planning and Zoning Board and City Commission will follow the consideration of the site plan by the Site Plan Review and Appearance Board. The proposed amendments do not increase or change the number of units or commercial square footage that was approved by Ordinance No. 30-18.



**Review and Approval Procedures:**

- Pursuant to LDR Section 4.4.25(A), The Special Activities District (SAD) is established to provide a zone district appropriate for developments not otherwise classified or categorized in other districts; or, cannot be properly accommodated in any other zone district. The SAD is to be used for large scale and mixed-use developments for which conventional zoning and development standards are not appropriate. The uses, activities, and characteristics of a SAD are to be consistent with the Land Use Map designation, and the Goals, Objectives, and Policies of the adopted Comprehensive Plan to provide a development that is, suitable and compatible with surrounding existing development, and with any adopted redevelopment plans for the area.
- Pursuant to LDR Section 4.4.25(D)(1), all SAD's are established by an ordinance which is processed as is a rezoning. Concurrent with processing of the rezoning application, a complete site and development plan with, at least, preliminary engineering plans shall be processed.
- Pursuant to LDR Section 4.4.25(D)(2), a proposed SAD may proceed to first reading based upon a lesser submission provided that, if approved on first reading, prior to second reading a complete site and development plan including landscaping plans and architectural elevations must be processed through, and approved by the Site Plan Review and Appearance Board. However, in no event shall the time between first and second readings of the enacting ordinance exceed a period of 180 calendar days. In such an event, the rezoning process shall cease and the application considered denied without prejudice. A subsequent application may be processed thereafter anew.

As noted in the background section of this staff report, the City Commission approved a waiver from the timing of the site plan process to allow the approval of the rezoning ordinance and subsequent processing of the site plan.

- **SPRAB review and approval process**, for any new development requiring approval under Sections 2.4.5(F) Class V Site Plan, 2.45(H) Landscape Plans, or 2.4.5(I) Architectural Elevations, approval must be granted by the Site Plan Review and Appearance Board (SPRAB), unless the property is located within a designated historic district or is individually designated.
  - ✓ The follow site plan analysis demonstrates compliance with the applicable Land Development Regulations for site plan review, provided the SAD ordinance is amended to address the technical notes.

**Site Plan Analysis:**

**Compliance With The Land Development Regulations:**

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

**SAD Rezoning Ordinance:**

The applicant submitted a revised SAD Ordinance (attached). Several inconsistencies are identified between the proposed site plan, which are described below, and the proposed ordinance. The necessary revisions to the ordinance to implement the site plan as presented are included as technical notes in this staff report.

**Special Activities District (SAD)**

**Building Setbacks:**

- Pursuant to the minimum setbacks, SAD Ordinance Exhibit "B", page 4, a minimum building setback of 15 feet is required around the perimeter of any property. The townhomes along the west and north sides of the phase encroach into the required setback from the perimeter buffer, which is a property line. The apartments encroach into the 15-foot setback along the north and west sides and from the interior road. The building setbacks from the interior road system need to be taken from the back of the sidewalk. Thus, a note is attached to this staff report that the SAD ordinance address these encroachments. Further, there is an inconsistency between the building setbacks in the setback table in the Exhibit "B", page 4 and the site plan on sheet SP-2 in how the setbacks are measured. A note is attached to this staff report that this inconsistency be addressed prior to certification of the site plan.

**Mid-Block Rotary/Roundabout:**

- Pursuant to SAD Ordinance Exhibit "B", page 10, the Infrastructure/Streetscape/Bus Shelter requirements, a mid-block rotary is required at the intersection of the east/west and north/south internal road. This rotary has been removed from the site plan and replaced with a parking tier adjacent to the clubhouse. It is noted that the rotary is





still shown on sheet AS1.00. A note is attached to this staff report that the SAD ordinance address this inconsistency and the site plan sheets must be consistent prior to site plan certification.

**Clubhouse:**

- Pursuant to SAD Ordinance Exhibit “B”, page 11, Recreation Facilities, a 12,000 square foot club house equipped with typical club house amenities to service as a private recreational facility is required. A two-story club house is provided at the intersection of the north/south and east/west roads. However, a floor plan has not been provided that includes the recreational site plan (sheet SP-2) that indicates the recreational facilities or club house size. Further, the site plan indicates that 1,000 square feet of the club house will be used as a leasing center. It is noted that this leasing center needs to be in addition to the 12,000 square feet for the clubhouse recreational amenity. A note is attached to this staff report that the rezoning ordinance address this separation of uses and that a floor plan be provided prior to certification of the site plan.

**Sequencing Plan:**

- Pursuant to SAD Ordinance Exhibit “B”, page 2, the development is required to follow a sequencing procedure for common infrastructure improvements including roads, utilities, buffers, multi-use paths, and central park. The buffers along Germantown Road and Congress Avenue must be installed within the first phase of development. The internal infrastructure such as buffers, roads, and utilities for each parcel must be completed prior to issuance of the first certificate of occupancy for each phase. Further, the demolition of the former Office Depot headquarters and tree preservation/relocations must be accomplished prior to issuance of the first certificate of occupancy for a residential building. A note is attached to this staff report that the sequencing plan be followed.

**Parking:**

The development proposal includes the construction of 76 townhomes, 524 apartment dwelling units, and 1,000 square feet of leasing office in the clubhouse.

- Pursuant to Rezoning Ordinance Exhibit “B”, page 2, the required parking for the townhomes is 152 parking spaces, plus 24 quest spaces. The townhomes provide either one or two-car garages and all have two-car driveways. Thus, they have met their parking requirement for resident and guest parking.
- Pursuant to Rezoning Ordinance Exhibit “B”, page2, the required parking for the apartments and leasing office portions of the development are:

| Unit Type/Use  | Parking Standard  | Dwelling Units /Leasing Office Required | Provided           |
|--|---|---|--------------------|
| Efficiency dwelling unit   | 1.0 spaces per unit   | 50                                      | 50                 |
| One bedroom dwelling unit  | 1.25 spaces per unit  | 238                                     | 238                |
| Two or more bedroom dwelling unit  | 2.00 spaces per unit  | 568                                     | 568                |
| Two or more bedroom dwelling units within 1,000 feet of a Tri-Rail station | 1.5 spaces per unit   |   |                    |
| <b>Guest parking:</b>  |   |   |                    |
| For the first 20 units   | 0.50 spaces per unit  | 10                                      | 10                 |
| For units 21-50  | 0.30 spaces per unit  | 9                                       | 9                  |
| For units 51 and above   | 0.20 spaces per unit  | 95                                      | 95                 |
| Non-residential  | 4 spaces per 1,000 square feet of gross floor area (1,000 sq.ft. leasing office). | 4                                       | 4                  |
| <b>Sub-Total</b>   |   | <b>974 spaces</b>                       | <b>974spaces</b>   |
| <b>Total parking provided</b>  |   |   | <b>1050 spaces</b> |

- Pursuant to LDR Section 4.6.9(C)(1)(b), **Handicapped Spaces**, Special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Such spaces shall not be in addition to, but shall substitute for, required parking.



- ✓ According to the 2012 Florida Accessibility Code, the project is required to provide 12 handicap accessible parking spaces. The development proposal provides 22 handicap accessible spaces.
- Pursuant to the SAD Ordinance Exhibit "B", page 4, wheel stops are required for all parking except for parallel space. The site plan indicates that all non-parallel spaces will be provided with wheel stops.
- Pursuant to the SAD Ordinance Exhibit "B", page 4 two-way parking lot driving aisles must be a minimum of 24' wide when perpendicular parking spaces are used. The site plan indicates that the interior drive aisles will be 24 feet wide.

**Sidewalks:**

Pursuant to the SAD Ordinance Exhibit "B", page 4, a minimum sidewalk of 6' is required along Congress Avenue, Germantown Road, the Central Park area, and the infrastructure roadways. The multi-use path within the perimeter buffers shall be a minimum of 8' wide and a minimum of 5' for all other sidewalks. There is a conflict between the site plan and the SAD ordinance. The infrastructure roadway sidewalks are noted on the site plan as 5' wide. The 6' wide sidewalk provides improved pedestrian access. The site plan should be revised to include the already approved 6' wide sidewalk adjacent to the interior infrastructure roads rather than revising the SAD ordinance to reduce the sidewalk width; this attached to this staff report as a note.

**Lighting:**

Pursuant to LDR Section 4.6.8, the minimum illumination levels for multiple family residential parking areas is 0.3 foot candles and the maximum illumination is 4.0 foot candles. The photometric plan complies with this standard as a maximum of 4.0 foot candles and a minimum of 0.7 foot candles is proposed.

**Performance Standards:**

Pursuant to the SAD Ordinance Exhibit "B", page 13, the intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The performance standards are as follows:

- a) *The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.*

Analysis:

The phase includes two long stretches of internal road along the east and west sides. The development includes paver block pedestrian cross walks to calm traffic speeds along these two interior roads. The remainder of the interior vehicular areas consist of short segments that will adequately calm the traffic speeds.

- b) *Buildings are placed throughout the development in a manner that reduces the overall massing and provides a feeling of open space.*

Analysis:

The buildings either meet or exceed the proposed minimum building separation requirements. The inclusion of a perimeter buffer area and multi-use path will also enhance the feeling of open space.

- c) *Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas.*

Analysis:

The SAD zoned property is bordered on the west and south by RM (Multiple Family Residential). A minimum 40' wide perimeter buffer has been provided along these sides that will a receiving site for the existing preservable mature trees that exist on the site.

- d) *The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.*



Analysis: The development includes a variety of units/building types including townhomes and flats. The townhomes are all two stories and the flats vary between three and five stories.

- e) *A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of efficiency, one, two and three bedroom units with varying floor plans.*

Analysis: The development includes numerous units types, sizes and floor plans ranging from 558 square foot efficiencies (flats) to 1,518 square foot three bedroom townhome units.

- f) *The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.*

Analysis: The development includes a Live Oak Hammock at the southwest corner of the property that is remaining portion of the larger Delray Oaks Natural Area. This area will be preserved as part of the overall development.

- g) *The project provides a convenient and extensive multi-use bicycle/pedestrian network, and access to available transit.*

Analysis: The development includes a 8' multi-use path around the perimeter of the overall development. Further, the development includes an extensive sidewalk system with connections to Old German Town Road and Congress Avenue. A bus bay will be provided along Congress Avenue and a school bus pick up/drop off area at the clubhouse.

- h) *In the event, residential dwellings units are proposed within the commercial parcel(s), any residential development shall be integrated within the commercial utilizing shared parking, pathways, open spaces and architecture in such a way as to create a one viable mixed use development.*

Analysis: The current phase of the overall development does not include a commercial component.

**Building Height:**

Pursuant to the SAD Ordinance Exhibit “B”, page 9, the maximum building height is 85’. The maximum proposed building height is 55’-11”.

**Building Separations:**

Pursuant to the Rezoning Ordinance Exhibit “B”, page 10, the required building separation are as follows:

| <b>Building Separations (Minimum Requirements)</b> |                             |                         |                         |                         |                         |                        |                        |
|--|-----------------------------|-------------------------|-------------------------|-------------------------|-------------------------|------------------------|------------------------|
|  | <b>5-Story Building</b>     | <b>4-Story Building</b> | <b>3-Story Building</b> | <b>2-Story Building</b> | <b>1-Story Building</b> | <b>Garage Building</b> | <b>Covered Parking</b> |
| <b>5-Story Building</b>                            | 50.0 ft                     | 40.0 ft                 | 35.0 ft                 | 32.5 ft                 | 40.0 ft                 |                        |                        |
| <b>4-Story Building</b>                            |                             | 30.0 ft                 | 25.0 ft                 | 22.5 ft                 | 20.0 ft                 |                        |                        |
| <b>3-Story Building</b>                            |                             |                         | 20.0 ft                 | 17.5 ft                 | 15.0 ft                 |                        |                        |
| <b>2-Story Building</b>                            |                             |                         |                         | 15.0 ft                 | 12.5 ft                 |                        |                        |
| <b>1-Story Building</b>                            |                             |                         |                         |                         | 10.0 ft                 |                        |                        |
| <b>Club House</b>                                  | 25.0 ft.                    | 25.0 ft.                | 25.0 ft.                | 25.0 ft.                | 25.0 ft.                | 25.0 ft.               | 25.0 ft.               |
| <b>Garage Building</b>                             | 25.0 ft.                    | 25.0 ft.                | 25.0 ft.                | 25.0 ft.                | 25.0 ft.                | 25.0 ft.               | 25.0 ft.               |
| <b>Covered Parking</b>                             | 5.0 ft.                     | 5.0 ft.                 | 5.0 ft.                 | 5.0 ft.                 | 5.0 ft.                 | 5.0 ft.                | 5.0 ft.                |
| <b>Other Separations:</b>                          |                             |                         |                         |                         |                         |                        |                        |
| Sidewalk to Building                               | 3.0'                        |                         |                         |                         |                         |                        |                        |
| Property Line to Building                          | Minimum Buffer requirements |                         |                         |                         |                         |                        |                        |

The proposed building separations on the site plan exceed the minimum distances noted above.

**Enclosure Screening:**

Pursuant to the SAD Ordinance Exhibit “B”, page 11, utility enclosures shall be enclosed on three sides and have vision obscuring gates on the fourth side. Landscaping in the form of a hedge must be provided in front of the enclosures to screen the enclosure



from view. The enclosure may not be located within a required setback or easement area. Screening for all ground level and roof top level air-conditioning units and mechanical equipment shall be provided.

The plans indicate that the dumpster enclosures will be enclosed. However, a detail of the enclosures is not provided with the site plan. A note is attached to this staff report that an enclosure detail be provided prior to site plan certification. The ground level mechanical equipment is screened by landscaping.

**Generators:**

Pursuant to the SAD Ordinance Exhibit "B", page 11, generators shall be installed for multi-family buildings and the clubhouse with adequate fuel supply to run the generator for 12 hours. The site plan identifies the locations of these generators. The applicant has indicated that fuel will be brought to the site in the event of a power outage.

**Workforce Housing:**

Pursuant to the SAD Ordinance Exhibit "B", page 12, workforce housing shall be as follows:

|  |
|--|
| <b>1690-2350 S. Congress Avenue SAD</b>  |
| <i>Residential developments must include a minimum of 10 percent Workforce Housing Units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing as modified by the terms of this approval.</i>   |
| <i>If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units by bedroom count must be approximately the same (within 10%) as the proportion of market rate units by bedroom count to total market rate units regardless of type of unit.</i>                 |
| <i>Moderate income household. A household with a gross, combined income between 81 percent and 120 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Authority) for a 2-person household for 1 BR units, for a 3-person household for 2 BR units and for 4-person+ household for 3 BR+ units.</i> |
| <i>For moderate income households, the maximum price shall be established by the Community Improvement Department based on a formula that considers the prevailing mortgage interest rates.</i>  |

Based on the percentage of required workforce dwelling units noted above, the total number of units to be provided is 60. The site data table on sheet SP-2 indicates that 60 workforce dwelling units will be provided in the apartment buildings. The development proposal provides no workforce housing units in the townhouse units. However, the City's workforce housing program has a maximum income level of 120 percent AMI. The proposed Rezoning ordinance needs to reflect the current income levels in the City's LDRs. A note is attached to this staff report that the applicant address this inconsistency and enters a Workforce Housing Covenant with the City of Delray Beach prior issuance of a building permit.

**Landscape Requirements:**

The City's Senior Landscape Planner has reviewed the proposed landscape plan and found that it substantially complies with LDR Section 4.6.16 and the SAD Ordinance Exhibit "B", page 4. The proposed landscaping includes relocation and preservation of quality specimen trees, perimeter buffers around the property, building foundation landscaping, landscaping within the surface parking area, and street trees. Further, the proposed landscape plan includes the preservation of an old growth Live Oak stand at the southwest corner of the property.

The landscape species consist of Marberry, Imperial Bromeliad, Annuals, Dwarf Chenille Plant, Foxtail Asparagus Fern, Verigated Shell Ginger, Verawood, Graceful Bamboo, Queen Emma Lily, Cat Palm, Pigeon Plum, Green Buttonwood, Silver Buttonwood, Bridalveil Tree, Red Tip Cocoplum, Small Leaf Clusia, Maypan Coconut Palm, Jamaica Caper, Pitch Apple, Orange Geiger Tree, Auntie Lou Ti Plan, Petra Croton, Gold Dust Croton, Zanzibar Croton, Royal Poinciana, Verigate Flax Lily, Pink Crown of Thorns, Japanese Fern Tre, Green Island Ficus, Florida Privat, Firebush, Hibiscus Seminole Pink, Dahoon Holly, Dwarf Yaupon, Wax Jasmine, Pink Crepe Myrtle, Coral Red Crepe Myrtle, Waild Tamarind, Japanese Privet, Ceriman, Simpson Stopper, Pink Muhly Grass, Dwarf Sword Fern Petra Bromeliad, Burle Marx Philodendron, Alexander Palm, Sylvester Date Palm, Dwarf Date Palm Bahama Wild Coffee, Yew Podocarpus, Pringles Podocarpus, Selloum, Live Oak, Highrise Live Oak, Dwarf Schefflera, Cabbage Palm, Yellow Trumpet Tree, Purple Tabebuia, Purple Glory Tree, Florida Thatch Palm, Winin Palm, Sandankwa, Fox Tail Palm, and Washington Palm. Based upon the above, the proposed landscape plan will comply with LDR Section 4.6.16.





**Architectural Elevations and Aesthetics**

- Pursuant to **LDR Section 4.6.18(E) Criteria for Board Action**, the following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits:

*If the following criteria are not met, the application shall be disapproved.*

*(1) The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*

*(2) The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.*

*(3) The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.*

- ✓ The proposed contemporary designed hotel is consistent with the criteria for Board action. The quality of the architecture will not cause the local/evolving environment to depreciate in appearance or value. The proposed architecture will be harmonious with the surrounding residential development to the west and south.

**Establishment of the Proposed Use/ Certificate of Occupancy:**

- Per LDR Section 2.4.6(C), a certificate of occupancy is required prior to the establishment of use on any site or occupancy of a structure. Prior to issuance of an occupancy permit, all conditions associated with this development approval shall be met, unless otherwise required.

**Required Findings:**

- Pursuant to Section 3.1.1 (**Required Findings**), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following areas:

**Land Use Map:** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

The subject property has a Land Use Map (LUM) designation of CMU (Congress Mixed Use) and the proposed zoning designation is SAD (Special Activities District). Pursuant to Table NDC-1 of the Comprehensive Plan, SAD zoning is deemed compatible with the CMU Land Use Map Designation.

**CONCURRENCY:** *Pursuant to Section 3.1.1(B), Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.*

A finding of concurrency was made as part of the original SAD rezoning ordinance and Master Development Plan. As noted in the background section of this report the SAD rezoning ordinance and Master Development Plan approval includes 1,009 total dwelling units; 70,000 square feet of office; 250,000 square feet of retail; and 80,000 square feet of restaurant. The proposed 600 dwelling units and 1,000 square feet of leasing office are included in the approved Master Development plan.

**CONSISTENCY:** *Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.*

The Always Delray Comprehensive Plan was adopted after the Class V Site Plan was submitted; however, the Always Delray Comprehensive Plan will be used to analyze the proposed SAD Ordinance, which will revise Ordinance No. 30-18, as it was submitted after the adoption of the Always Delray plan. The Class V Site Plan requires compliance with the revised ordinance, as the zoning district is an SAD. As such, the site plan will be analyzed with the Always Delray Comprehensive Plan. An analysis and/or staff review of the referenced objectives and policies is provided as well (italicized).





**Neighborhoods, Districts, and Corridors Element**

**Policy NDC 1.1.14** *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

There are no physical issues associated with the property that would prevent redevelopment of the subject property. There is a portion of the original Oak hammock that remains at the southwest corner of the property. This area will be preserved and is noted on the plans.

**Policy NDC 1.3.4** *Use Regional Activity Centers in mixed-use land use designations for large projects to create compact development with a variety of community-serving uses with the following development pattern design characteristics:*

- *An interconnected block structure and network of multimodal streets and paths to maximize internal circulation and minimize impacts to arterial roads;*
- *A complementary mix of uses, including residential, office, commercial, and recreation that meets the daily needs of residents, that may also include education and civic uses;*
- *Densities and intensities that support nearby transit service;*
- *Streets, paths, and public open spaces that are interconnected, safe, and attractive;*
- *Off-street parking areas located and designed to support walking, such as located to the rear or sides of buildings and limited in size; large fields of parking between building facades and streets are not desirable; and,*
- *Efficient Infrastructure.*

The proposed site plan is consistent with this Policy. The development provides residential units with a variety of types and sizes, and provides common access streets with on-street parking, and traffic calming throughout the project. A 12-acre park is provided centrally next to the intersection of the north/south and east/west road. The internal street/pedestrian system will allow residents to access the development without exiting and re-entering at different locations.

**Mobility Element**

**Policy MBL 3.1.5** *Require new development to provide connections to public transportation facilities, such as sidewalks, bike routes, and transit stops.*

In addition to the proposed sidewalks along the internal street system, the site plan provides a perimeter sidewalk system that provides good access to different points within the developments.

**Section 3.1.1 (D) – Compliance with the LDRs:**

- As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs is made, provided the technical notes are addressed.

The development proposal is not within a geographical area requiring review by the DDA (Downtown Development Authority) or CRA (Community Redevelopment Agency).

**Courtesy Notices:**

A special courtesy notice was provided to the following homeowners and/or civic organizations:

- |                      |                |
|----------------------|----------------|
| • Abbey Delray South | • Andover      |
| • Delray Oaks West   | • Verona Woods |
| • Rabbit Hollow      | • Oakmont      |
| • Spanish Wells      |                |



**APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)**

- A. Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent
  
- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.
  - Not applicable
  - Meets intent of standard
  - Does not meet intent



- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.
- Not applicable
  - Meets intent of standard
  - Does not meet intent
- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.
- Not applicable
  - Meets intent of standard
  - Does not meet intent