



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

The Maxwell

Meeting	File No.	Application Type
June 16, 2025	2023-196-SPF-SPR-LV4	Level 4 Site Plan with waiver
Property Owner	Applicant	Authorized Agent
306 NE 2 nd Street LLC	Harold Van Arnem	Jon Kinsman

Request

Provide a recommendation to the City Commission on a Level 4 Site Plan application for a four-story, 45,247 square-foot mixed-use building at 306 NE 2nd Street, known as *The Maxwell*, including Architectural Elevations; a Landscape Plan, with an associated landscape waiver to the required five-foot perimeter landscape strip; and a determination of adequacy for reduction of required off-street loading.

Site Data & Information

Location: 306 NE 2nd Street

PCN: 12-43-46-16-01-090-0250

Property Size: 0.856 acres (37,220 square-foot)

Land Use: Commercial Core (CC)

Zoning: Central Business District (CBD) –
Central Core and Railroad Corridor Sub-districts

Adjacent Zoning:

- **North:** CBD – Railroad Corridor and Community Facilities (CF)
- **South:** CBD – Central Core Sub-district
- **East:** CBD – Central Core and Railroad Corridor
- **West:** CBD – Central Core and Railroad Corridor

Existing Use: Commercial

Proposed Use: Mixed-use; Commercial and Multi-family Residential

Floor Area Ratio:

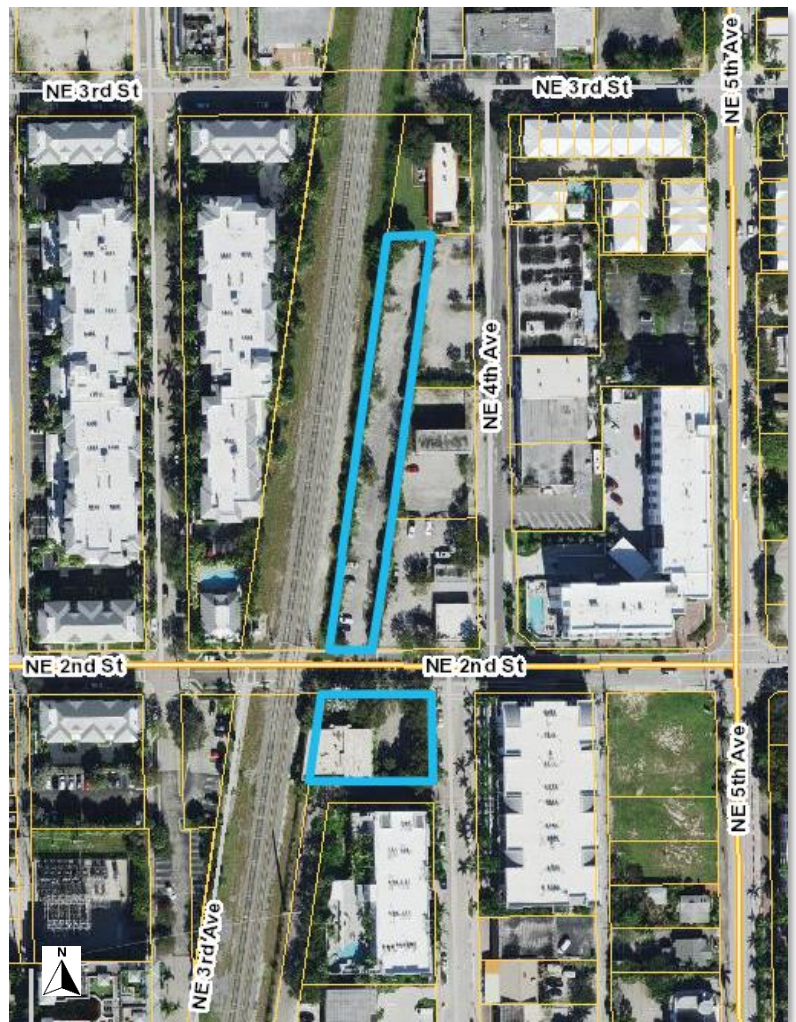
- **Existing:** 0.16
- **Proposed:** 1.01
- **Maximum Allowed:** 3.0

Density:

- **Existing:** N/A
- **Proposed:** 27 du/acre (23 units)
- **Maximum Allowed:** 30 du/ac (25 units)

SE 2nd Street and 4th Avenue: Primary Street

Railroad Street: Secondary Street



Project Planner:

Alexia Howald, Senior Planner; howalda@mydelraybeach.com
Susana Rodrigues, Senior Planner; rodrigues@mydelraybeach.com



Background Information

The subject property is 0.856 acres, comprising two lots bisected by NE 2nd Street. The southern lot, south of NE 2nd Street is developed with a two-story, 6,011 square-foot commercial building constructed in 1948, and zoned Central Business District (CBD), Central Core Sub-district. The lot north of NE 2nd Street, used as a surface parking lot, is zoned Central Business District (CBD), within the Railroad Corridor Sub-district.

The project is uniquely positioned within a fully urbanized context: it is fronted by NE 2nd Street to the north, NE 4th Avenue to the east, and Railroad Street to the south, while the Florida East Coast (FEC) Railway defines its western edge. This configuration results in a compact downtown parcel with three public street frontages and one rail corridor. While NE 2nd Street and NE 4th Avenue provide traditional high-visibility frontages with full streetscape improvements, Railroad Street functions as a lower-profile rear access road that nonetheless serves a critical role in the site's circulation and design integration.

On August 17, 2023, Development Services Management Group (DSMG) evaluated the site-specific constraints along Railroad Street, acknowledging the limited width and constrained condition of the right-of-way. Rather than requiring full compliance with expanded right-of-way dedication standards, the DSMG determined that a 25-foot right-of-way would be acceptable given the street's physical limitations and surrounding built environment. However, the public road will still be treated as a street in recognition of its functional relationship to both the proposed development and adjacent properties.

The project is located within both the Community Redevelopment Area (CRA) and the Downtown Development Authority (DDA) district. On July 10, 2024, the DDA reviewed the proposal and issued a recommendation of approval, finding that the development supports economic vitality and aligns with the goals and policies of the Downtown Master Plan.

Subsequently, on October 1, 2024, the City Commission approved the requests below following recommendations from the Planning and Zoning Board:

- **Resolution No. 176-24:** The utilization of Art Deco as the proposed architectural style.
- **Resolution No. 177-24:** A waiver from LDR Section 4.4.13(E)(2)(a), allowing a streetscape width of 11 feet, 2 inches instead of the required 15 feet.
- **Resolution No. 178-24:** A waiver from LDR Section 4.4.13(D)(2)(a)1, allowing a reduction for the required front setback for the ground, second and third floor.
- **Resolution No. 179-24:** A waiver from LDR Section 4.4.13(G)(1)(b), allowing the reduction of the required civic open space from 841 to 778 square feet.

These prior approvals, combined with the site's physical constraints and urban context, form the regulatory and design foundation for the current Level 4 Site Plan request under review.

Project Description

The proposed development is a four-story, mixed-use building that includes 23 multi-family residential units and 2,651 square feet of ground floor retail space, located on an infill site in the CBD. The Development totals 45,247 square feet of gross floor area, with 37,504 square feet of net floor area.

The project reflects a compact, urban redevelopment approach that maximizes land efficiency on a constrained parcel with three street frontages and one side abutting the Florida East Coast (FEC) railway. The building mass and site plan have been organized to activate the public realm on all street frontages while concentrating services and circulation at strategic locations to reduce visual and operational impact.





The residential component includes a mix of unit types ranging in size from 776 to 1,865 square feet, designed to serve a variety of household types. A key feature of the project is the integration of five ground-floor units with direct pedestrian access from Railroad Street via stoop frontages. This design enhances walkability and reinforces individual unit identity, while contributing to the active frontage requirements of the CBD district. Although Railroad Street functions at a lower profile compared to NE 2nd Street and NE 4th Avenue, its recognition as a formal frontage guided the applicant's decision to introduce stoops. This approach ensures continuity of frontage design, provides street-level activation, and reflects a holistic response to the site's multi-frontage condition.

On NE 2nd Street, a primary street, the ground floor includes retail storefronts, a covered arcade, and a residential lobby. The corner of NE 2nd Street and NE 4th Avenue are anchored by a public civic open space, which functions as both a visual anchor and a neighborhood amenity. NE 4th Avenue, serving as a transition street, also includes stoop frontages for additional residential units, contributing to a rhythmic and pedestrian-oriented streetscape.

Parking for the development is provided through 47 off-street spaces within a linear parking lot directly across NE 2nd Street, and three new on-street spaces will be constructed as part of the site improvements. Together, these meet the total CBD parking requirement of 50 spaces, per LDR Section 4.4.13(I). The off-site lot has been designed to optimize maneuverability and comply with compact space and electric vehicle provisions. A secure pedestrian crossing between the residential entrance and the parking lot promotes safe, direct access.

In addition to the residential and commercial uses, the project incorporates rooftop amenities above the fourth level. These include a swimming pool, fitness facility, meeting room, restrooms, and a designated pet relief area, providing residents with high-quality recreational and communal spaces within the urban core.

To facilitate the proposed development, two requests for regulatory relief are included:

- A waiver from **LDR Section 4.6.16(H)(3)(a)** to reduce the required five-foot landscape buffer along the west portion of the parking lot area to a minimum 1.4 feet and no buffer where an EV concrete pad is located, and
- A determination of adequacy under **LDR Section 4.6.10(C)** for off-street loading, where two loading spaces are required based on the gross floor area of the project, but no loading spaces are proposed. The applicant instead proposes managing loading operations using Railroad Street and short-term curbside access adjacent to the main entrance.

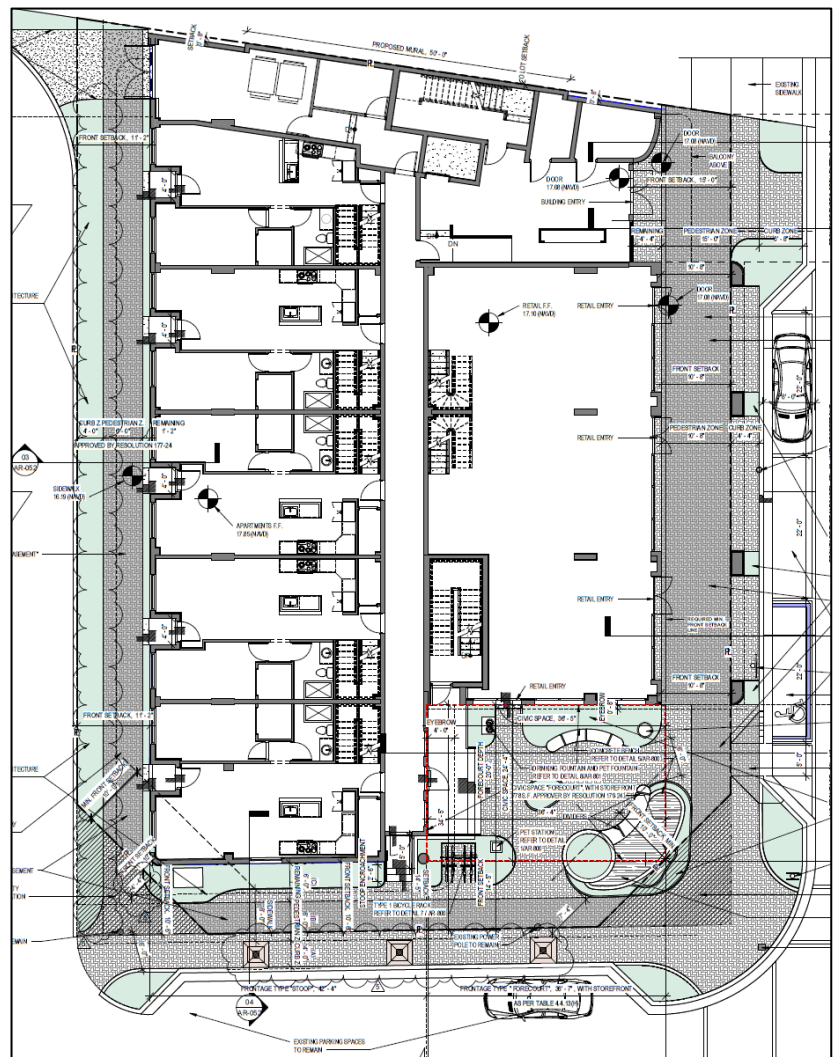
The City Commission will take final action on the Level 4 Site Plan and associated waivers after receiving a recommendation from the Planning and Zoning Board.

Review and Analysis: Site Plan

LDR Section 2.1.5. - The Planning and Zoning Board – 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):

- Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc





LDR Section 2.4.10(A)(1)(d)4.

Applications that include new construction or additions to an existing building of 15,000 gross square feet or more for nonresidential development is a Level 3 Site Plan application.

LDR Section 2.4.10(A)(1)(d)5. - Site Plan Applications Level 4

Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:

- *Approval of Waiver(s) not otherwise authorized to other approving bodies.*

LDR Section 2.4.10(A)(2)(d)5., Board Review

The following applications require board action:

- *Level 4 Site Plan applications require review and recommendation by the Planning and Zoning Board and/or Historic Preservation Board prior to action by the City Commission.*

The application is classified as a Level 4 Site Plan pursuant to LDR Section 2.4.10(A)(1)(d)5 due to the inclusion of waiver requests that require final action by the City Commission. Although the proposed development satisfies the criteria for a Level 3 Site Plan based on its size, the requested waivers exceed the approval authority of the Planning and Zoning Board and therefore require elevation to Level 4.

The Planning and Zoning Board is responsible for conducting a comprehensive review of the application and providing a formal recommendation to the City Commission, which serves as the final decision-making body for the site plan and all associated relief.

LDR Section 2.4.10(A)(3), Findings

All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.

- (b) Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.*
- (c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.*
- (d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.*
- (e) Site Plan applications that include a variance(s) are subject to the findings of Section 2.4.11(A).*
- (f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).*

The site plan application requires compliance with b, c, and d listed above while the variance and waiver are subject to the findings of LDR Section 2.4.11. The analysis of the required findings is further identified below.

LDR 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, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

The required findings relate to the land use map, concurrency, consistency, and compliance with the Comprehensive Plan. Compliance with the required findings is discussed below.

(A) 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.*

As noted, the subject property is zoned Central Business District (CBD), which is a preferred zoning district under the Commercial Core (CC) land use designation. Mixed-used development is a permitted use in the CBD zoning district. Therefore, the proposed land use is consistent with the underlying land use designation. Additionally, the maximum floor area ratio (FAR) allowed within the CC land use is 3.0; and the proposed development has an FAR of 1.019, thus complying with the FAR requirements.

(B) Concurrency *as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund*



and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Potable Water and Sewer. The water main will be connected from NE 4th Avenue by a 6-inch fire line with 3 branches, first is 6-inch DDCV, second by a 2-inch service line with 2-inch domestic meter and 2-inch RPZ and the third by 1 ½ commercial meter and 2-inch RPZ. There will be connection for reclaimed water by a 1 ½ inch irrigation meter. Meanwhile, the parking lot will be serviced from NE 2nd Street for reclaim water main by a 2-inch service line and 1 ½ irrigation meter. Sewer will be connected from NE 4th Avenue sanitary sewer gravity main by a 6-inch sewer lateral.

Drainage. Drainage will be accommodated on site. All stormwater runoffs will be collected and contained within the subject property through a utility drainage system as approved by the City Engineer and Utility Plans Reviewer.

Transportation. A Traffic Performance Standard (TPS) letter issued by Palm Beach County dated January 29, 2025, confirmed that the proposed development will generate fewer than 20 peak hour trips, and will therefore have an insignificant impact on traffic.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals through the year 2054. The development proposes two new dumpsters with enclosures to be provided on site.

Parks and Open Space: A park impact fee of \$500.00 per dwelling (23) unit will be collected prior to issuance of a building permit. A total of \$11,500 impact fee will be collected.

Public Schools. The School District of Palm Beach County has determined that there will be no negative impact on public school capacity.

(C) Consistency *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

Article 3.2 Performance Standards

The following standards contained in Article 3.2 are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**
- **LDR Section 3.2.3, Standards for site plan and/or plat actions**
- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The proposed development aligns with each of these standards, and there are no identified concerns regarding its overall consistency with Article 3.2. as discussed in detail below.

- **LDR Section 3.2.1. Basis for Determining Consistency.**

The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.1.7 *Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*



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.

Objective NDC 1.3 Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.

Policy NDC 1.3.1 Apply mixed-use land use designations to foster development patterns that support pedestrian and bicycle activity, stimulate public transit ridership, and create a park-like environment.

Policy NDC 1.3.2 Apply the mixed-use land use designation that best maintains the scale, density, intensity, and enhances the character of the surrounding neighborhood, district, or corridor

Policy NDC 1.3.5 Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.

Housing Element

Policy HOU 1.1.6 Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.

Objective HOU 3.2 Expansion of the Housing Supply Expand the housing supply by allowing different unit types in a variety of locations for all income levels.

Policy HOU 3.2.1 Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.

Mobility Element

Policy MBL 2.5.9 New development or modifications to existing development shall upgrade points of access to meet current, adopted standards.

Overall, the proposed development aligns with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, which promotes redevelopment that is compatible with surrounding land uses in terms of use, intensity, and density. The plan also supports the continued growth of the City's housing supply in ways that reflect demographic diversity and economic vitality, consistent with Policy HOU 3.2.1 and Policy NDC 1.3.5.

Under Policy NDC 1.1.7, the maximum density permitted within the Commercial Core (CC) land use designation is 30 dwelling units per gross acre. However, this policy also acknowledges that the actual achievable density on a given site may be limited by other regulatory standards set forth in the Land Development Regulations, including requirements for setbacks, open space, height, landscaping, and parking. These standards serve important planning functions but may constrain full buildout of density on constrained or irregular sites.

In this case, the proposed development includes 23 residential units on a 0.856-acre site, resulting in a density of approximately 26.9 units per acre, which is below the permitted maximum. The site is physically constrained by its urban context, bound on all four sides by NE 2nd Street, NE 4th Avenue, Railroad Street, and the FEC rail corridor. These conditions, combined with the project's need to accommodate multiple access points, landscape requirements, and functional frontage types, make full utilization of the maximum allowable density impractical. Additionally, the development includes several reliefs related to streetscape width, front and side yard setbacks, civic open space, landscape buffer, and off-street loading, further illustrating the limited development envelope and the effort to balance regulatory compliance with design objectives.

Staff notes that Policy NDC 1.1.7 contemplates such conditions, acknowledging that LDR regulations may limit density even where land use designations would otherwise permit it. While the proposed development does not maximize the site's residential yield, it reflects a measured response to its urban constraints and seeks to maintain contextual compatibility. In light of the site's physical constraints and the associated relief requests, this policy may warrant closer consideration by the Board as part of the broader consistency review required under Article 3.2.1 of the Land Development Regulations.



- **LDR Section 3.2.3, Standards for site plan action.**

The following standards are applicable to the request:

- (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.*
- (B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*
- (D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.*
- (F) Property shall be developed or redeveloped 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.*
- (G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*
- (H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.*
- (K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

The proposed mixed-use development complies with the applicable standards of LDR Section 3.2.3, which ensure that site design promotes compatibility, access, and functional integration. The plan includes accessible pedestrian pathways and active frontages along all street interfaces, consistent with Subsection (B) and aligned with Mobility Policy MBL 2.5.9 and Policy NDC 1.3.1, which encourage walkable, connected development.

Bounded by three public streets and the FEC rail corridor, the site presents spatial constraints that influence building orientation, vehicular access, and the placement of open space. These elements have been evaluated in relation to Subsections (A), (D), and (H), which address traffic safety, visibility, and neighborhood livability. The layout avoids adverse impacts and responds to its urban context with an appropriate balance of design elements. The mix of unit sizes supports Subsection (G) and advances Objective HOU 3.2 by contributing to a diverse housing supply. The use, intensity, and form of development reflect compatibility with adjacent properties, consistent with Subsection (F) and Policy NDC 1.1.14.

- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The property is not located within a flood prone zone area, an environmentally sensitive area, on the barrier island, or a historic district. The property is not an individually designated site or would impact adjacent local government. The subject property is not located within Wellfield Protection Zone.

- (D) Compliance with the LDRs** *Whenever an item is identified elsewhere in the LDR, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The proposed mixed-use development complies with the development requirements of the CBD zoning district, with the exception of the requested landscape waiver and determination of adequacy for off-street loading. Specific standards are discussed below.



Section 4.4.13, Central Business District

Standard/Regulation	Required	Proposed:
Table 4.4.13(C), Height	Maximum: 54 feet, 4 stories	<ul style="list-style-type: none">• 54 feet, (4 stories+Mezzanine) to top of flat roof;• 60 feet to top of parapet*• 64 feet to top of elevator overrun and stairways** <p>*Parapets for roof screening shall be a minimum of 4 feet, maximum of 6 feet in height, but shall not extend beyond the maximum building height of 60 feet.</p> <p>**Elevator overruns and stairways are not limited by number of stories; however, they shall not exceed 10 feet above the maximum overall building height</p>
Table 4.4.13(C), Setbacks	Required: Front: Min. 10 feet – Max. 15 feet Front Above 3rd Story: Min. 20 feet Side: 0 feet Rear: Min. 10 feet	Front: <u>Railroad (RR) Street:</u> 1st, 2nd & 3rd Story: 11 feet, 2 inches Front Above 3rd Story: 10 feet <u>Corner RR & 4th Avenue:</u> 1st Story: 1 foot, 10 inches* 2nd & 3rd Story: 9 inches* Above 3rd Story: 20 feet *Approved Resolution No. 178-24 <u>NE 4th Avenue:</u> 1st Story: 10 feet, 6 inches 2nd & 3rd Story: 10 feet Above 3rd Story: 20 feet <u>NE 2nd Street:</u> 1st Story: 10 feet, 8 inches 2nd & 3rd Story: 10 feet, 8 inches Above 3rd Story: 20 feet Side: <u>FEC Railway:</u> 8 inches Rear: N/A
4.4.13(D)(1)(d)1., Dwelling Unit Standards, Diverse Unit Types	Required: <i>In projects consisting of more than 12 dwelling units, the proportion of efficiency or studio type units may not exceed 25 percent of the total units. One bedroom units may not exceed 30 percent; however, if no efficiency or studio units are constructed, the cumulative amount of one bedroom units may not exceed 55 percent.</i>	Provided: The request includes 23 residential units comprised of the following unit mix: <ul style="list-style-type: none">• 6 one-bedroom (26 percent of total units)• 15 two-bedroom• 2 three-bedroom



4.4.13(E)(2), Minimum Streetscape Width	<p>Required: 15 ft Curb Zone: 4 ft (min.) Ped. Clear Zone: 6 ft (min.) Remaining Front Setback Area: up to 15 ft</p>	<p>Railroad Street: 11 feet, 2 inches Curb Zone: Min 4 ft Ped. Clear Zone: Min 6 ft *Remaining Front Setback Area: 1.2 feet *Approved Resolution No. 177-24</p> <p>NE 4th Avenue: 16 feet Curb Zone: Min 4 ft Ped. Clear Zone: Min 6 ft Remaining Front Setback Area: 6 ft</p> <p>NE 2nd Street: 15 feet Curb Zone: Min 4.4 ft Ped. Clear Zone: 10.8 ft Remaining Front Setback Area: 0 ft</p>
4.4.13(E)(2)(a)3, Remaining Front Setback Area	<p>Hardscape or Landscaping comprised of plants in removable planters, palms and/or ground planting may be installed adjacent to the building provided views into storefront windows are not obstructed.</p>	<p>The remaining front setback area is primarily hardscape on all four sides of the block. A mix of trees and ground plantings are located within a portion of the front setback area.</p>
4.4.13(E), Frontage Type: Stoop, Storefront, Arcade, and Lobby	<p>Stoop Requirements: Building Setback: 10 to 15 ft Depth: 5 to 8 ft Width: Min 4 ft</p> <p>Floor Elevation: 1 – 4 ft Allowable Encroachment: max. 5 ft</p> <p>Forecourt Requirements: Building Setback: 10 to 15 ft Depth: 10 to 20 ft Width: Min 20 ft, Max. 50% facade Floor Elevation: 0 ft to 3 ft</p> <p>Storefront Requirements: Building Setback: 10 to 15 ft Store Width: max. 75 ft Storefront Base: 9 in to 3 ft Glazing Height: Min 8 ft Required Openings: Min 80% Awning Projection: Min 5 ft</p> <p>Arcade Requirements: Building Setback: Max 15 ft Arcade Depth: 10 to 20 ft Arcade Height: 10 to 20 ft Column/Pillar to Face of Curb: 2 to 5 ft Column/Pillar Width to Depth: Min 1 ft</p> <p>Lobby Requirements: Building Setback: 10 to 15 ft Overhang/Awning Projection: Max 10 ft</p>	<p>Stoop: Building Setback: 11.2 ft (RR), 14.5 ft (4th Ave) Depth: 5 ft (RR), 7 ft (4th Ave) Width: 4 ft (RR), 5 ft (4th Ave) Floor Elevation: 1 ft (RR), 1 ft 6 in (4th Ave) Allowable Encroachment: 2.6 ft (4th Ave)</p> <p>Forecourt Requirements: Building Setback: 14.5 ft Depth: 20 ft Width: 36.4 ft (45%) Floor Elevation: 0 ft</p> <p>Storefront Requirements: Building Setback: 60 ft 2 in (civic space) Store Width: 67 ft Storefront Base: 9 in Glazing Height: 16 ft Required Openings: 80.41% Awning Projection: N/A</p> <p>Arcade Requirements: Building Setback: 10 ft 8 in Arcade Depth: 10 ft 8 in Arcade Height: 16 ft 9 in Column/Pillar to Face of Curb: 3.4 ft Column/Pillar Width to Depth: 2 ft x 1 ft</p> <p>Lobby Requirements: Building Setback: 15 ft Overhang/Awning Projection: 9 ft</p>
4.4.13(G), Civic Open Space	841 square feet	Forecourt: 778 square feet (waiver)



Other Development Regulations

Standard/Regulation	Required	Proposed
4.6.8(A)(3), Lighting	Illumination spillover is limited to the maximum degree feasible given the minimum illumination requirements for street lighting, off-street parking illumination, and lighting at the building and garage entrance. The proposed lighting complies with the minimum and maximum illumination requirements for off-street parking illumination, lighting at the building entrance, and lighting at the property line adjacent a parcel or public right-of-way.	
4.4.13(l), CBD Parking Standards	Required: 50 parking spaces total with at least 1.5 spaces designated for EV parking* *The applicant utilized the shared parking table as there are a mix of uses (commercial and residential) proposed as part of this project	Provided: 47 off-street, 3 on-street, including 12 compact spaces (25.5%) and 2 spaces for electric vehicles (3%)
LDR Table 4.4.13(M), Bicycle Parking	Residential: Type I spaces – 1 spaces per 10 units = 3 space Type II spaces – 1 space per 6 units = 4 space Retail: Type I spaces – 1/2500 sf = 1 space Type II – Not Required	Type I spaces – 4 Type II spaces - 4
4.6.9(D)(4)b.ii., Stacking distance	20 feet stacking	A justification statement and traffic study prepared by Dynamic Engineering were provided and reviewed by the City Engineer, who determined that it is sufficient and approved the stacking distance.

LDR Section 7.11.1(C), Green Building Certification Required

Certification is required through a green building certification entity for new construction or additions consisting of 15,000 square feet of gross floor area that is condition space.

The applicant is required to obtain green building certification, as the total Gross Floor Area is over 15,000 square feet. The total square footage, under air, is 37,504 square feet.

LDR Section 4.6.10, Off-Street Loading

Multi-family residential development has a robust need for intensive loading and unloading activities. Although it may not occur frequently, they often require the use of substantially large vehicles. Specifically, it can be reasonably anticipated that certain periods, such as initial move-in and move-out, delivery of furniture, and delivery or removal of large appliances, will be expected to generate significant loading demands. A dedicated loading area ensures that the loading demand for a development is not dispersed onto the public street and alley network, which could unfairly burden surrounding property owners and the general public. LDR Section 4.6.10 requires that at least two 12 feet by 30 feet loading berths are provided for residential development exceeding 20,000 square feet; the proposal is for approximately 45,000 square feet of development and does not include any on-site dedicated loading zone.

The LDR establishes provisions to accommodate loading of merchandise on-site. The site plan must identify designated areas for such activities. The Board shall determine the adequacy of the provisions utilizing the standards and guidelines set forth in LDR Section 4.6.10, which describes the amount of loading berths required based on gross floor area, loading space dimensions and location of such accommodation. Based on this review, the Board may determine whether the site requires additional accommodations, fewer than the standard, or a full waiver.



The applicant proposes utilizing Railroad Street for loading and unloading purposes, diverging from the LDR requirements for designated on-site loading areas. The absence of the required two loading berths raises concerns regarding compliance with **LDR Section 4.6.10, Off-Street Loading**.

Considering the project's intensity, with 23 residential units and 2,139 square feet of commercial space. This scale suggests a considerable level of service demand related to move-ins, deliveries, and operational functions. While Railroad Street may appear to function as a service alley, it is an active segment of the street network. It provides frontage for five of the proposed residential unit's stoop-entry and supports the adjacent residential development to the south known as Ocean City Lofts with garage access, rear parking, and commercial businesses to the south. The street also functions as the primary corridor for garbage pick-up for all the properties in the vicinity from NE 1st Street to NE 4th Avenue. Periods of concentrated activity could result in temporary blockages that interfere with circulation and access to nearby properties.

The applicant also states that short-term loading could occur within the on-street parking spaces adjacent to the entrance lobby on NE 2nd Street. However, these on-street parking spaces are counted toward the required parking spaces for the development, and there is no surplus. This raises operational concerns for the development of this intensity. This level of activity necessitates proper loading infrastructure to prevent congestion, safety hazards, and disruptions to neighboring properties. Furthermore, NE 2nd Street and 4th Avenue are Primary Streets; pursuant to LDR Section 4.4.13(B)(1) vehicular operations must be accommodated on Secondary Streets, not on primary frontages.

While the LDR allows for flexibility in applying guidelines, any deviation should demonstrably meet or exceed the intended operational efficiency and community impact mitigation. The current proposal does not provide sufficient evidence to support the idea that the alternative loading method will achieve these objectives. The Board shall consider whether this scenario is a consequence of compact infill development on constrained CBD parcels and whether the request should be accepted or revised accordingly.

Review & Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Findings

Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

LDR Section 4.6.18. - Architectural elevations and aesthetics - Minimum requirement

The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development. It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings

There are five subsections for consideration in **LDR Section 4.6.18**:

- (A) Minimum requirements;
- (B) Building and structure requirements;
- (C) Exterior space;
- (D) Parking lots and vehicular use areas, and
- (E) Criteria for board action.

(E) Criteria for Board Action.

The following criteria shall be considered by the Site Plan Review and Appearance 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.*
- (4) *The proposed elevations provided below have been reviewed for compliance with Section 4.6.18 - Architectural Standards.*



In conjunction to the above minimum requirements, all buildings in the CBD Sub-districts shall utilize one of the architectural styles as identified in the *Delray Beach Architectural Design Guidelines* and adhere to the defining characteristics outlined in the guideline document to ensure high quality architecture in the downtown area.

The proposed development is utilizing the Art Deco architectural style, which is one of the seven styles that are within the guidelines. However, the Art Deco and Masonry Modern style are two styles that require City Commission approval prior to consideration of the site plan. On October 1, 2024, the City Commission approved Resolution No. 176-24 to allow the utilization of Art Deco as the proposed architectural style.

A further analysis of compliance with the CBD Architectural Design Guidelines and LDR Section 4.6.18 are discussed below.

Delray Beach Central Business District - Architectural Design Guidelines

“Art Deco is an influential modern design style that first appeared in France post WWI. It is an eclectic style, borrowing traditional craft details and incorporating influences from the streamlined machine age. The popularity of the Art Deco waned post WWII, although it is often referenced in modern architectural design. While stone typically was used in northern examples of the Art Deco, masonry and stucco with vivid color highlights are common in Florida.”

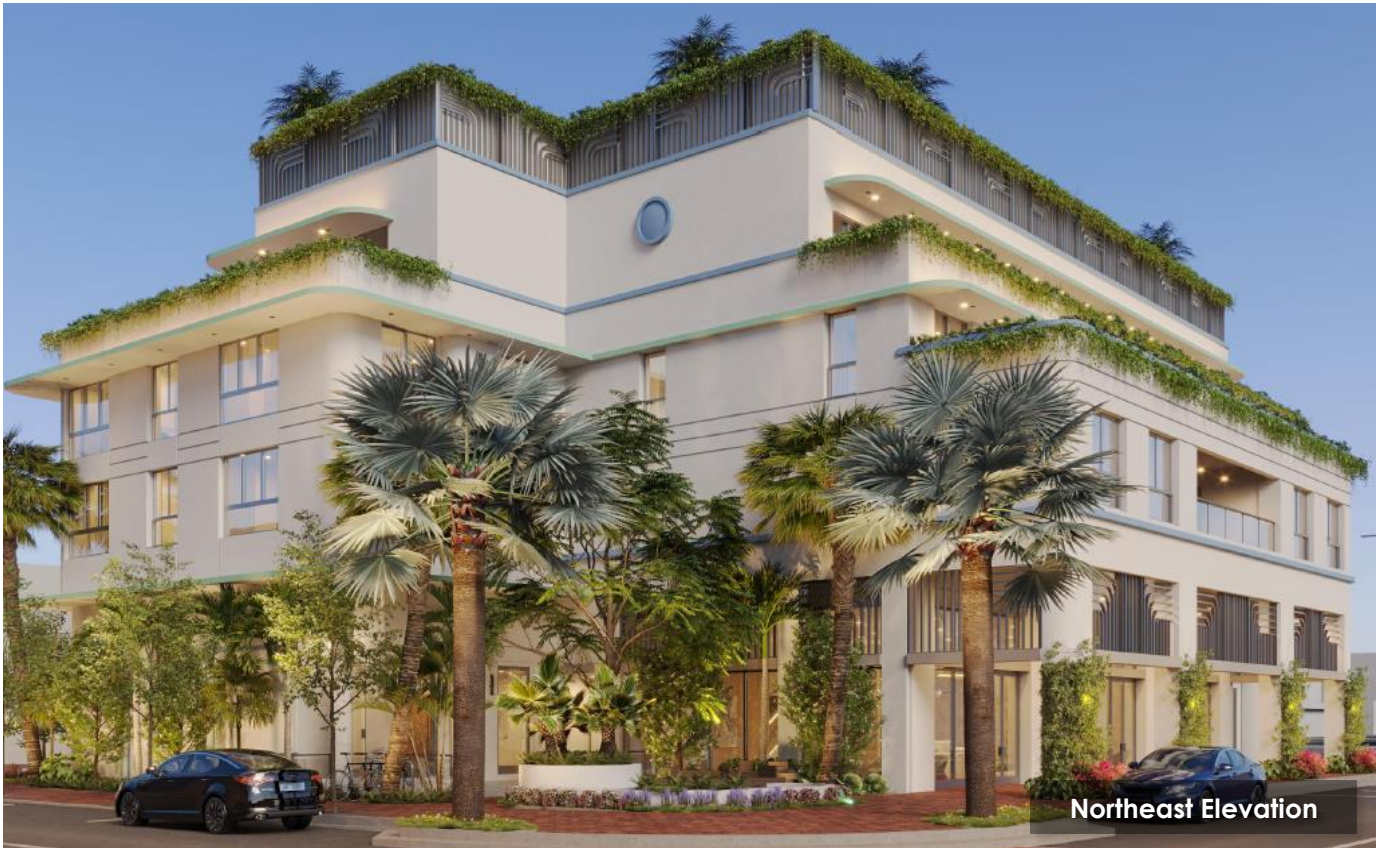
Pursuant to the *Central Business District – Architectural Design Guidelines*, Art Deco is an eclectic style, borrowing traditional craft details and incorporating influences from the streamline machine age. Corners are often rounded, and horizontal lines are expressed and cantilevered eyebrows are a defining characteristic of Florida Art Deco. The strong horizontal lines of an Art Deco building in Florida are typically juxtaposed to vertical features such as towers and marquess that mark the building entrances. Abstract figures and geometries often adorn the exterior; in Florida, the native flora and fauna are often represented in panels between windows, or in the signage, parapet, and base of the building. Elements include clearly marked entrances, shaded store fronts, and cantilevered eyebrows for protection from sun and rain. While stone was typically used in northern examples of the Art Deco, masonry and stucco with light, neutral, or pastel color highlights are common in Florida. Openings for doors and windows are recessed, casting deep shadows revealing the thickness and solidity of the structure. Windows are commonly located at corners, emphasizing the horizontal composition of the building façade and expressing modern building structural advancement.

Art Deco is a distinguished architectural style celebrated for its opulence, geometric intricacies, and vivid color palette. The design incorporates geometric shapes and notable articulation between solid and void, particularly on the first three stories of the north elevation. The custom ornamental cladding on the north elevation has the potential to be the centerpiece of the design, particularly in its interaction with the civic space. The design's approach to openings is successful in many areas in defining Art Deco architecture, particularly with the vertical articulation of windows on the north and south elevation. The cantilevered eyebrows along with vertical articulation of windows are in harmony, especially along the south where lines are clearly marked along the façade, drawing both horizontal and vertical connections.

A successful Art Deco facade often consists of distinct sections—base, middle, and top—each with its own decorative treatment. The proposed design aspires to capture the grandeur of Art Deco, and its adherence to the style is evident. The proposed tripartite facades mass, with its clear division into base, middle, and top sections, provides a strong foundation and a sense of rhythmic progression.

The choice of stucco finishes, decorative aluminum screen, stucco wall medallion, custom ornamental parapet along with the proposed subdued blues, greens and gray pastel colors related to Art Deco style, primarily the examples seen in Florida. Smooth and sleek surfaces, paired with harmonious material combinations, reflect the luxury associated with Art Deco exteriors.

Images of the proposed design are provided below.





The design authentically captures the essence and visual impact of the Art Deco architectural style. The surrounding area consists of primarily Masonry Modern design. The design keeps with the modern aesthetic shown in the surrounding area, yet steps away from the masonry modern style and attempts a streamline Art Deco style, a style that is consistent with the permitted architectural styles outlined in the *Delray Beach Central Business District Architectural Design Guidelines*.

LDR Section 4.4.13(F), Architectural Standards, to ensure high quality architecture in the downtown area, the following architectural standards apply to all buildings in the Central Business District Sub-districts and in the OSSHAD with CBD Overlay. In addition to the standards in Section 4.6.18, the following standards apply in all CBD Sub-districts.

Standard/Regulation	Review
Façade Composition Tripartite Composition: Base Middle, Top 4.4.13(F)(2)	The development meets the intent of the building composition requirements. For example, there is strategic use of treatment, materials, and setbacks that differentiate the base from the middle and the top.
Appropriate Architectural Styles 4.4.13(F)(3)	Style: Art deco with Lobby Entrance Frontage Type Proposed: The proposed Art Deco architectural style is one of the seven permitted styles outlined in the <i>CBD Architectural Design Guidelines</i> ; however, requires City Commission approval prior to site plan. The style was reviewed and considered by City Commission and the project was granted approval to utilize the style.
Walls 4.4.13(F)(4)	Required: Maximum two primary material's appropriate to architectural style Provided: Smooth stucco texture and a decorative aluminum screen
Openings 4.4.13(F)(5)	Required: Transparent windows covering 20%-75% of each story Proposed: Primary entrances are easily identified and storefront for new retail <ul style="list-style-type: none"> • East Elevation: 20.88%-25.53% • North Elevation: 35.05%-47.82% • South Elevation: 28.64%-42.89%.
Roofs 4.4.13(F)(6)	Flat roof and rooftop equipment are screened by a four-foot parapet and is consistent with the overall architectural language
Elements 4.4.13(F)(7), Columns	Required: Min. 12 inches columns in width or depth Proposed: 2 ft x 1 ft
Parking Garages 4.4.13(F)(8)	There are no parking garages proposed with the subject development.
Reduction of Urban Heat Islands 4.4.13(F)(9)	The project will use energy star roof-compliant, high reflective and high emissivity roofing.
Green Building Practices 4.4.13(F)(10)	Ordinance No. 30-22 has been adopted and requires that all new construction of 15,000 square feet or more (air-conditioned space) that submit for a building permit on or after November 1, 2023, must obtain a minimum level of certification from a green building certification entity. <u>The subject building contains 37,504 square feet under air, green building certification is required.</u>

Note: The mural facing the railroad tracks to the west is not included in this review and requires a separate application for review.



Review & Analysis: Landscape Plan

LDR Section 2.4.10(A)(3)(c), Findings

Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

An overall determination of consistency with Landscape Regulations is required in order for approval.

The proposed landscape design presents a coordinated effort to create an inviting, pedestrian-friendly environment with a cohesive blend of lush greenery, shade trees, and aesthetically pleasing hardscape features. This proposal outlines the strategic placement of trees, plants, and hardscape elements to enhance the visual appeal and functionality of the streetscape design.

The streetscape along NE 4th Avenue and Railroad Street will feature shade trees to provide comfort and visual appeal. Specifically, Bridalveil trees and two Gumbo Limbo trees are planned within tree grates to support pedestrian flow while maintaining green coverage. The tree grates will be designed to align with pedestrian pathways, enhancing both safety and aesthetics. At the corner of NE 4th Avenue and NE 2nd Street is a proposed civic space which will serve as a gathering area. The space will include a water fountain feature as a focal point with bench seating and a European fan palm, adding vertical greenery and shade. Along the foundation of the building are diverse plantings that include Montgomery palms, Simpson Stopper shrubs, Sable Palms, Macarthur Palms filled with accent planting such as a green Congo dwarf plants, philodendron and colorful bromeliads for added texture and vibrancy. Centered within this civic open space will be an Amstel King tree, known for its upright growth and willow-like leaves.

Additionally, the surface parking lot at the rear, buffered by vegetation along both the east and west property lines. The east buffer meets the required five-foot width and includes Live Oaks, Silver Buttonwoods, and sable palms filled with red-tip cocoa palms complemented by Lilyturf ground cover. However, the west buffer does not fully comply with landscape requirements. A waiver is requested to reduce this buffer from five feet to 1.4 feet, with no landscape strip along a portion due to the location of an EV charging pad. The applicant has proposed tree plantings and canopy coverage to mitigate the impact of this reduction. The Board will need to weigh whether this adjustment maintains the intent of the landscape code, considering the site's physical constraints.

A number of existing trees are proposed. The applicant submitted a tree disposition and mitigation plan indicating that compensatory plantings will meet the canopy equivalency requirements in accordance with LDR Section 4.6.16. Overall, this curated landscape design integrates vibrant plant life with functional hardscapes to create a harmonious, welcoming atmosphere. The combination of shade trees, diverse plant species, and civic open space ensures both aesthetic appeal while meeting the intent of the landscape regulation in the downtown urban core for new mixed-use development.

Review & Analysis: Waivers

LDR Section 4.6.16(H)(3)(a)

A strip of land at least five feet in depth located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped.

The landscape buffer is required to be a minimum 5 feet in depth and must include a tree, along with grass, ground cover, and hedges that achieve a minimum height of three feet within one year. The applicant is requesting a waiver to reduce the required 5-foot buffer to a minimum 1.4 feet and no buffer where a EV concrete pad is proposed due to existing site constraints.

LDR Section 2.4.11(B) - Waivers.

A waiver involves the granting of partial or total relief from a specific development regulation.

(5) Findings. *Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

- (a) Shall not adversely affect the neighboring area;*
- (b) Shall not significantly diminish the provision of public facilities;*
- (c) Shall not create an unsafe situation; and*
- (d) 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.*

The reviewing body must review and make a recommendation on a waiver request based on a negative or positive finding on the above.



The current parking layout spans 480.26 feet long by 50 feet wide that allows vehicles to access the lot from NE 2nd Street and exit northward. Given the site's limited width, compliance with both the standard parking layout and the required 5-foot landscape buffer is not feasible without reducing parking capacity or reconfiguring circulation.

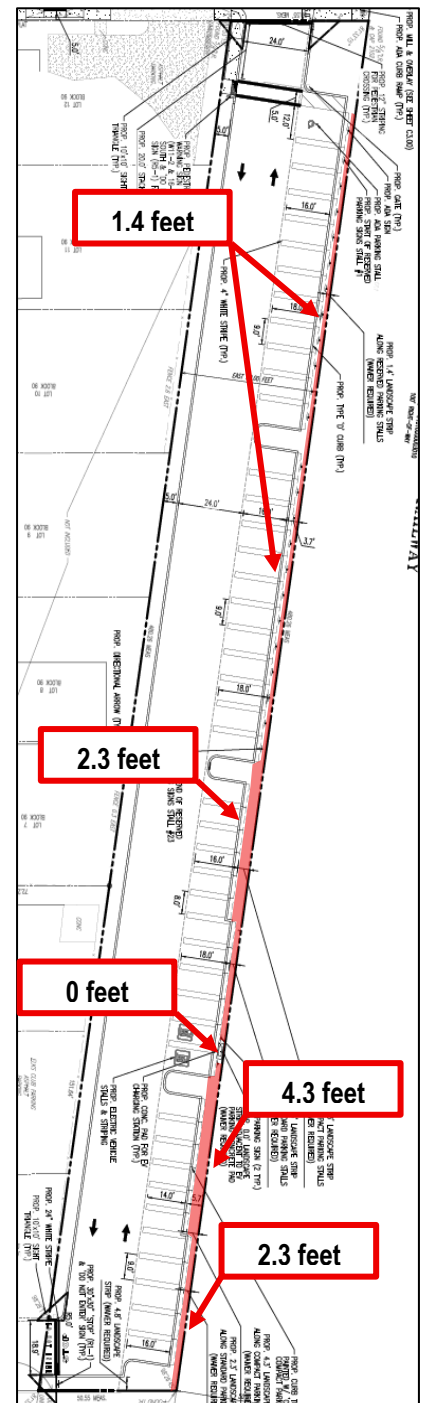
Additionally, a required 2-foot overhang cannot be included within the required 5-foot landscape buffer. The proposal also includes signage marking the residential reserved spaces and an EV concrete pad; the area where the signage and EV concrete pad is located cannot be included in the 5-foot landscape buffer. As a result, the proposed buffer varies in depth:

- **0 feet** where the EV pad is located.
- **1.4 feet** along the area with signage.
- **2.3 feet** in the remaining sections to the north.
- **4.3 feet** along a portion of the compact spaces

While the full 5-foot width is not maintained, the applicant proposes continuous landscaping within the reduced-width buffer areas. The landscape plan includes the required plant materials to the extent feasible, and efforts have been made to preserve visual screening along the right-of-way through enhanced planting design within constrained areas. The variation in buffer depth has been designed to minimize visual disruption and maintain an aesthetically cohesive frontage.

Although the buffer width is reduced, the proposed improvements attempt to offset the dimensional deficiency through maintained planting and limited visual intrusion. The constrained site conditions are unique to this property, suggesting that a similar waiver could reasonably be considered for comparable lots.

In conclusion, the waiver request reflects a balance between preserving required site functionality and mitigating landscape impacts. The applicant's response to existing physical limitations, while not fully meeting the buffer standard, provides a landscaped frontage that attempts to uphold the intent of the regulation.





Options for Board Action

- A. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 45,247 square-foot mixed-use building known as *The Maxwell*, including a landscape waiver to the 5-foot perimeter landscape strip and a determination of adequacy for off-street loading requirement associated with the development located at 306 NE 2nd Street, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 45,247 square-foot mixed-use building known as *The Maxwell*, including a landscape waiver to the 5-foot perimeter landscape strip and a determination of adequacy for off-street loading requirement associated with the development located at 306 NE 2nd Street, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.
- C. Move to recommend to the City Commission **denial** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 45,247 square-foot mixed-use building known as *The Maxwell*, including a landscape waiver to the 5-foot perimeter landscape strip and a determination of adequacy for off-street loading requirement associated with the development located at 306 NE 2nd Street, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations
- D. **Continue with direction.**

TAC Review Timeline

Review No.	Submittal Date	TAC Comments Transmitted	Extension Approval	<p>Total time with Applicant: 483 days</p> <p>Total time under review: 206 days</p> <p>Applicant requested a resubmittal extension on April 30, 2024, and August 14, 2024 due to the complexity of the project, which was accepted, and therefore, the obligation for final action to be granted within 180 days of initial application date was waived by the Applicant.</p>
1	06-16-2023 (Distributed 06-23-2023)	7-31-2023		
2	12-07-2023	01-24-2024		
EX	Extension Request #1	-	Approved on 04-30-2024	
3	05-20-2024	06-18-2024		
EX	Extension Request #2	-	Approved on 08-14-2024	
4	11-14-2024	12-20-2024		
5	02-18-2025	03-19-2025		
6	04-16-2025	05-05-2025		