

# SITE PLAN REVIEW AND APPEARANCE BOARD

---STAFF REPORT---

CITY OF DELRAY BEACH

RECOMMENDATION:...Approval

MEETING DATE: December 9, 2015

ITEM: **Uptown Atlantic** – Class V Site Plan, Landscape Plan, Architectural Elevations and Waiver Approvals Associated With The Construction Of A Mixed Use Project That Contains 112 Dwelling Units, 17,267.30 square feet of office, 6,040 Square Feet of Restaurant, and 43,162 square feet of Commercial/Retail Floor Area Located Between SW 6<sup>th</sup> Avenue and SW 9<sup>th</sup> Avenue, South of West Atlantic Avenue.

## GENERAL DATA:

Applicant..... John Flynn Jr., Equity Enterprises USA, Inc.

Agent..... Currie Sowards Aguilu Architects

Location..... Between SW 6<sup>th</sup> Avenue and SW 9<sup>th</sup> Avenue, on the South side of West Atlantic Avenue

Property Size..... 6.21 Acres

Future Land Use Map... CC (Commercial Core)/MD (Medium Density Residential)

Current Zoning..... CBD (Central Business District)/RM (Multiple Family Residential)

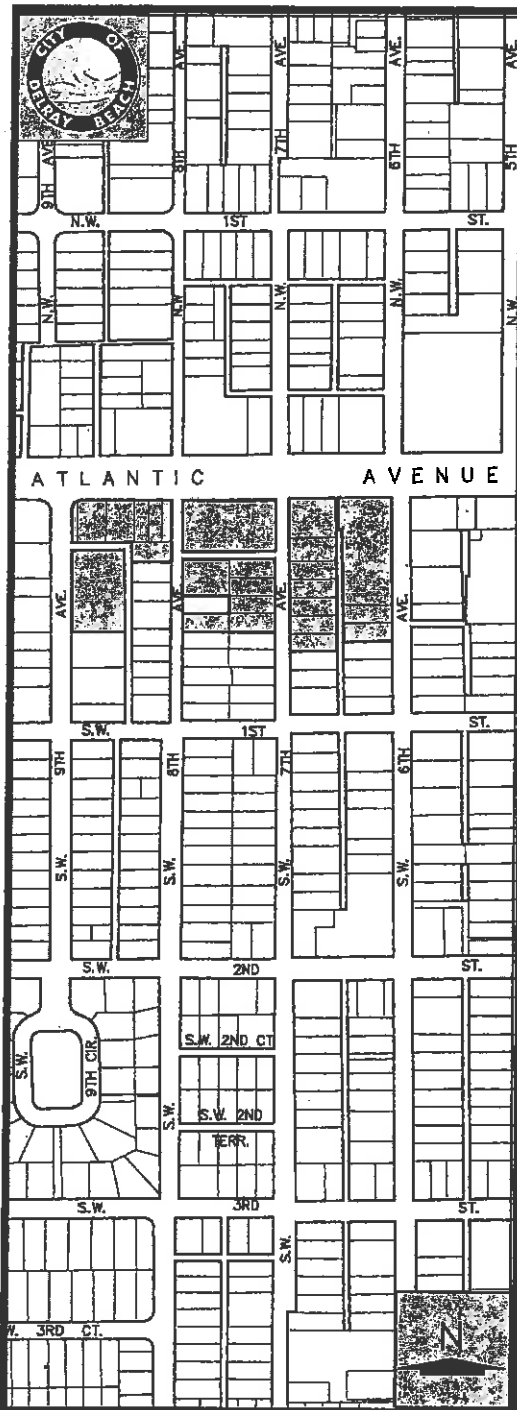
Adjacent Zoning..North: CBD  
 East: CBD  
 South: CBD & RM (Multiple Family Residential)  
 West: CBD

Existing Land Use..... Commercial, Retail, and Single Family Residential

Proposed Land Use..... Construction of a mixed use development with 112 dwelling units, 17,267.3 Square feet of office area, 6,040 square feet of restaurant, and 43,162 square feet of office area

Water Service..... Existing on site.

Sewer Service..... Existing on site.



## ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V site plan request for **Uptown Atlantic** pursuant to LDR Section 2.4.5(F). The request involves the following elements:

- Site Plan;
- Architectural Elevations;
- Landscape Plan; and
- Waivers.

The property is located on the south side of West Atlantic Avenue, between SW 9<sup>th</sup> Avenue and SW 6<sup>th</sup> Avenue.

**It is noted that the development proposal is being considered under the Land Development Regulations that were in effect prior to the revisions that were adopted on February 24, 2015.**

## BACKGROUND

The properties are located within the West Atlantic Overlay and are zoned Central Business District. The properties contain a 4,854 sq. ft. funeral home with a 957 sq. ft. apartment; a 6,320 sq. ft. retail building, and two single-family homes of 1,068 sq. ft. and 864 sq. ft., respectively. The site also contains parking areas and vacant land.

At its meeting of June 16, 2015, the City Commission approved a conditional use to allow increase in density above 12 dwelling units per acre to 18 du/ac.

At its meeting of November 3, 2015, the City Commission considered an in-lieu parking fee request for 21 parking spaces. The City Commission denied the request for 21 parking spaces in-lieu.

At its meeting of December 1, 2015, the City Commission considered a new in-lieu parking fee request for 19 in-lieu parking spaces. The City Commission tabled the in-lieu request subject to the applicant entering a Master Development Agreement that addresses the in-lieu parking fee, landscape maintenance agreement, workforce housing agreement, and addresses the private Community Benefit Agreement between the community and the applicant. The intent of the City Commission is to allow the site plan application to be considered by the SPRAB and that these assorted items (including the associated waivers for the project and temporary relocation of a retail tenant) be brought back to the City Commission at the same time under Master Development Agreement. A condition of approval is attached that a Master Development Agreement which includes the in-lieu parking fee agreement, landscape maintenance agreement, workforce housing agreement, and addresses the Community Benefit Agreement between the community and the applicant be approved by the City Commission.

The action now before the Board is approval of the site plan, landscape plan, building elevations, and waivers.

## PROJECT DESCRIPTION

The development proposal incorporates the following:

- Demolition of the existing buildings and construction of a mixed-use development consisting of 112 dwelling units, 17,267.3 square feet of office, 6,040 square feet of restaurant, and 43,162 square feet of commercial/retail. The residential portion of the development includes 15 efficiency units; 18 one-bedroom units; 75 two-bedroom units, and 4 three-bedroom units.
- The recreational amenities include a gazebo, tot lot, swimming pool, a gymnasium on the 2<sup>nd</sup> floor of building #800, a teen room on the 3<sup>rd</sup> floor of building #800, and a computer room on the 4<sup>th</sup> floor of building #800.
- Building #800 includes two bicycle storage rooms.
- Installation of sidewalks, walkways, courtyards, and associated landscaping.

The development proposal includes waivers to the following sections of the Land Development Regulations:

1. A waiver to LDR Section 4.4.13(F)(4)(b)(2), which requires setbacks for the upper level building setback for that portion of a building above 37 feet.
2. A waiver to LDR Section 4.4.13(F)(4)(c)(1), which requires setbacks for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue.

**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.

**LDR Section 4.3.4(K) Development Standards Matrix:**

The following table indicates that the proposal complies with LDR Section 4.3.4(K) and Section 4.4.13(F) as it pertains to the Central Business District:

It is noted that the development proposal is being considered under the Land Development Regulations that were in effect prior to the revisions that were adopted on February 24, 2015.

		Standard	Provided
Maximum Building Height		48'	46' (bld #800)
Open Space		10%	17.7%
Floor Height	Ground Floor	10'	21' (bld #600) 16' (bld #700) 16' (bld #800)
	Upper Floors	9'	10' to 12' all buildings
Rear Setback	600 Block	10'	32' 8"

	700 Block	10'	10'
	800 Block	10'	241'

**Building Setbacks:**

The following tables indicate that the proposal complies with LDR Section 4.4.13(F)(4) & (6) as it pertains to the CBD zone district, except for those portions of the buildings as noted in the furthest column to the right:

**600 Block**

Road/ Building Side	Building Height	% Building Frontage (min/max)	Req'd Setback	Required Building Frontage at Setback	Proposed Building Frontage	Compliance with LDR Requirements?	
						Yes	No
Atlantic Avenue 267 33 Lot Frontage	Ground Floor to 37'	70% min./90% max.	5' min 10' max.	187.31 min. /240.6 max.	225'	*	
		Remaining length	15' min.	26.7' min.	34'	*	
	37' to 48'	70% min.	15' min.	187.31' min.	267.33'	*	
SW 6 <sup>th</sup> Ave 369 41 Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	258.58'min. / 332.47'max	80'		*(1)
		Remaining length	15' min.	36.9' min.	189.41'	*	
	25' to 48'	70% min.	15' min.	258.58'min.	270'	*	
SW 7 <sup>th</sup> Ave 400 08 Lot Frontage	Ground Floor to 25'	70% min./90% max.	5' min 10' max.	280.05' min 360.07' max	80'		*(1)
		Remaining length	15' min.	40'	0'	*	
	25' to 48'	70% min.	15' min.	280.05'	322'	*	

Road/ Building Side	Required Setback	Proposed Setback	Compliance with LDR Requirements?	
			Yes	No
REAR South	10' Section 4.4.13 (F) (6) Section 4.6.4 (A) Townhome height: 33.25'	Townhome at 32.91'  Gazebo at 20' 7"	*	
			*	

(1) Waiver request submitted

**700 Block**

Road/ Building Side	Building Height	% Building Frontage (min/max)	Req'd Setback	Required Building Frontage at Setback	Proposed Building Frontage	Compliance with LDR Requirements?	
						Yes	No
Atlantic Avenue 267.16' Lot Frontage	Ground Floor to 37'	70% min./90% max.	5' min 10' max.	187.01 min. /240.44 max.	198'	*	
		Remaining length	15' min.	26.7'min.	69'	*	
	37' to 48'	70% min.	15' min.	N/A	N/A		
SW 7 <sup>th</sup> Ave 319.16' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	223.41' min /287.24' max	35'		*(1)
		Remaining length	15' min.	31.91' min	0'	*	
	25' to 48'	70% min.	15' min.	223.41'min.	262'	*	
SW 8 <sup>th</sup> Ave 269.16' Lot Frontage	Ground Floor to 25'	70% min./90% max.	5' min 10' max.	223.41' min /287.24' max	7'		*(1)
		Remaining length	15' min.	31.91' min	312.16'	*	
	25' to 48'	70% min.	15' min.	188.41'	212'	*	

Road/ Building Side	Required Setback	Proposed Setback	Compliance with LDR Requirements?	
			Yes	No
SW 7 <sup>th</sup> Ave Townhomes	10' Section 4.4.13 (F) (5) Section 4.6.4 (A)	9'-2" ¼ to gate and fence 10' to exterior stairs	*	
SW 8 <sup>th</sup> Ave Townhomes	10' Section 4.4.13 (F) (5) Section 4.6.4 (A)	10' to exterior stairs and fence	*	
REAR South Townhomes	10' Section 4.4.13 (F) (6) Section 4.6.4 (A) Townhomes height: 33.25'	10' to townhome (east) 10.25' townhome (west)	*	

(1) Waiver request submitted.

**800 Block**

Road/ Building Side	Building Height	% Building Frontage (min/max)	Req'd Setback	Required Building Frontage at Setback	Proposed Building Frontage	Compliance with LDR Requirements?	
						Yes	No
Atlantic Avenue 280' Lot Frontage	Ground Floor to 37'	70% min./90% max.	10' max.	196' min. /252' max.	(1 <sup>st</sup> floor) 198' (2 <sup>nd</sup> floor) 257.08'	*	
		Remaining length	15' min.	28' min.	(1 <sup>st</sup> floor) 37.32' (2 <sup>nd</sup> & 3 <sup>rd</sup> floor) 15.32'	*	
	37' to 48'	70% min.	15' min.	196' min.	4 <sup>th</sup> floor 130'		*(1)
SW 9 <sup>th</sup> Ave 302' Lot Frontage	Ground Floor to 25'	70% min./90% max.	5' min 10' max.	211.14' min./ 271.8' max.	60'		*(1)
		Remaining length	15' min.	30.2' min.	242'	*	
	25' to 48'	70% min.	15' min.	211.14' min.	242'	*	
SW 8 <sup>th</sup> Ave 172.08' Lot Frontage	Ground Floor to 25'	70% min./90% max.	5' min 10' max.	127.45' min/ 163.87' max	27'		*(1)
		Remaining length	15' min.	18.2' min	148.08'	*	
	25' to 48'	70% min.	15' min.	120.46'	122.08	*	

Road/ Building Side	Required Setback	Proposed Setback	Compliance with LDR Requirements?	
			Yes	No
REAR South	10' Swimming Pools Section 4.4.13 (F) (6)	10'	*	

(1) Waiver request submitted.

**WAIVER ANALYSIS**

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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.

### **Building Setbacks:**

As noted in the building setback table above, the project does not comply with LDR Section 4.4.13(F)(4)(c)(1) for the lower floors for buildings 600, 700, and 800 along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue. Per LDR Section 4.4.13(F)(4)(b)(2), building 800 does not comply for the upper floors along Atlantic Avenue.

The applicant has submitted the following verbatim narrative in support of the waivers:

*"...Please consider this our formal request for a waiver to Section 4.4.13(F)(4)(e)(6)(c) of the Land Development Regulation (LDRs) of the City of Delray Beach Side Street Building Frontage and Setback allowing the primary frontage to be continued 60'-0" from the front property line along the side street. According to the above mentioned code section the 37' height break for additional setback and the 0'-0" setback for arcaded building may be continued on side streets for a distance of 60'-0" and then the height break transitions 25' and the setback becomes 5'-0". Our request is to maintain the same height and setback conditions to the back corner of our building. A transition at 60' back from the front property line would occur in the middle of an apartment. This continuous treatment of the façade is in our opinion a better aesthetic solution, more unifying and more functional. The continuity of the Arcade allows a connection between the parking to the rear of the building and the entrances to the retail spaces facing Atlantic Avenue. It should be pointed out that there are no adjacent buildings in close proximity to the rear of the buildings which is the intent of the LDRs..."*

*"...Please consider this our formal request for a waiver to the Front Setback Requirement for areas of buildings over 37'-0" fronting on Atlantic Avenue per section 4.4.13(F)(4)(b)(2) of the Land Development Regulations (LDRs) of the City of Delray Beach. The height of the front façade of the 600 building (Eastern most on the site) requires an adjustment to the height at which an additional front setback is required. The floor to floor height of this building on the ground floor needs to be a minimum of 21'-0" to accommodate a grocery store. In order to build two additional floors above the grocery store the prescribed additional setback at 37'-0" in height will present a difficulty. The second floor of this building would need to be 16'-0" floor to floor to reach the 37' break point and then the third floor would set back an additional 5'-0" for the remainder of the building height up to the height limit of 48'. The 16' second level would be out of scale. We request that the building not be required to have an additional setback at the 37' height which with conventional floor to floor heights for the residential units above the grocery store that height would fall 4'-0" above the third floor level in the middle of the third floor units. This is a result of the unique condition of having a Grocery on the ground floor of this building which is a key component of the Uptown Atlantic development..."*

### **Waiver Analysis:**

The proposed waiver for the lower floors along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue are not egregious since the setbacks are greater than the required maximum setback of 10 feet. If the intent was to continue the building frontage along the street further south from Atlantic Avenue, these waivers might be problematic. However, the CBD

zoning district ends at the southern end of the Uptown Atlantic project. Thus, there is no need to extend that urban design principle of bringing the buildings up to the street.

The proposed waiver for the upper floor of building 800 cannot be supported. In this case the fourth floor of this building is required to be stepped-back 15 feet from the front property line for a distance of 196 feet and the building is only setback 15 feet for 130 feet from the front setback. The width of West Atlantic Avenue is greater than East Atlantic Avenue, which perceptively mitigates the effects of the additional massing. Based on the above positive findings can be made with respect to LDR Section 2.4.7(B)(5), Waiver Findings.

**END OF SITE PLAN WAIVER ANALYSIS**

**Parking Requirements:**

LDR Section 4.4.13(G)(2)(c) requires six (6) parking spaces per 1,000 square feet of gross floor area for restaurants, and one (1) parking space per 300 square feet of total floor area for all nonresidential uses (4.4.13.(G)(2). Per LDR Section 4.4.13(G)(2)(g), the parking for business and professional office is one space per 300 square feet of net floor area. Parking for multi-family residential structures and mixed use development must be provided pursuant to the following (LDR Section 4.6.9 (C)(2):

• Efficiency dwelling unit	1.0 space/unit
• One bedroom dwelling unit	1.5 spaces/unit
• Two or more bedroom dwelling unit	2.0 spaces/unit
• Guest parking shall be provided cumulatively as follows:	
- for the first 20 units	0.5 spaces/unit
- for units 21-50	0.3 spaces/unit
- for units 51 and above	0.2 spaces/unit

The proposed mixed use development contains 17,267.3 square feet of office use; 6,040 square feet of restaurant use; 43,162 square feet of commercial/retail use; and 112 Multi-family dwelling units comprised of 15 efficiency units, 18 one-bedroom units, 75 two-bedroom units, and 4 three-bedroom units. Based on this development mix, the required parking for the proposed development is 469 parking spaces.

LDR Section 4.6.9(C)(8)(a) – Shared Parking allows for buildings or a combination of buildings on a unified site to utilize the shared parking calculations which affords reduced parking requirements by accommodating varied peak utilization periods for different uses (see below).



Use	Required	Weekday						Weekend			
		Night Midnight to 6 AM		Day 9 AM to 4 PM		Evening 6 PM to Midnight		Day 9 AM to 4 PM	Evening 6 PM to Midnight		
Residential	100.4	100%	100.4	60%	60.24	90%	90.36	80%	80.32	90%	90.36
Office	57.5577	5%	2.877885	100%	57.5577	10%	5.75577	10%	5.75577	5%	2.877885
Commercial/Retail	143.873	5%	7.19365	70%	100.7111	90%	129.4857	100%	143.873	70%	100.7111
Restaurant	36.24	10%	3.624	50%	18.12	100%	36.24	50%	18.12	100%	36.24
Reserved Parking	131	100%	131	100%	131	100%	131	100%	131	100%	131
Other		100%	0	100%	0	100%	0	100%	0	100%	0
<b>TOTALS</b>	<b>469</b>		<b>245</b>		<b>368</b>		<b>393</b>		<b>379</b>		<b>361</b>

Per the shared parking calculation table, the minimum total parking requirement is the highest sum of the vertical columns. The subject development application requires a minimum of 393 spaces.

The development proposal provides a total of 355 on-site parking spaces. As noted in the background section of this report, an in-lieu request for 38 parking spaces (19 with the credit for the on-street spaces provided).

**Compact Parking:**

Pursuant to LDR Section 4.6.9(C)(1)(g), up to 30% of the required parking for any use may be designated for compact cars. The development proposal includes 105 compact parking spaces, which is 29.6% of the total required parking. Thus, the development proposal complies with this requirement.

**Handicapped Accessible Parking:**

Pursuant to LDR Section 4.6.9(C)(1)(b), parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction (FACBC). Accessibility for residential units is addressed by the Federal Fair Housing Act. Pursuant to the FACBC, 18 handicap accessible spaces are required. The plan complies with this requirement since 18 handicap accessible parking spaces are provided.

**Minimum Residential Floor Area:**

Pursuant to LDR Section 4.4.13(H)(6) and LDR Section 4.3.4(K)[Minimum residential floor area], the minimum required floor area for efficiency dwelling units is 400 square feet, a one-bedroom unit is 600 square feet, a two-bedroom unit is 900 square feet, and a three-bedroom unit is 1,250 square feet. There are 15 efficiency dwelling units that range in size from 400 square feet to 411 square feet; 18 one-bedroom dwelling units that range in size from 635 square feet to 707 square feet; 75 two-bedroom dwelling units that range in size from 900 square feet to 1,102 square feet; and 4 three-bedroom dwelling units that are all 1,269 square feet. Based upon the above this LDR requirement has been met.

**Efficiency or Studio Type Dwelling Units:**

Per LDR Section 4.4.13(I)(2) the total number of efficiency or studio type units shall not exceed 25% of the total number of units in the project, including both family/workforce units and market

rate units. The development includes 15 efficiency units, which is 13.4% of the total number of dwelling units within the development.

### **Workforce Housing Units:**

Per LDR Section 4.7.9(c)(h), no efficiency or studio type units shall be allowed under the family/workforce housing program. If the project is approved, the applicant will need to enter into a family/workforce housing program covenant with the City that ensures municipal oversight of this program. One of the stipulations of this covenant will be that no efficiencies or studio units be utilized in this program and this requirement is attached as a condition of approval. It is noted that this covenant will need to be fully executed prior to issuance of a building permit.

Per LDR Section 4.4.13(I)(1) the proposed development shall provide 20% of the residential units above the 12 du/acre as workforce housing. Based on the LDR requirements, the subject development is required to have 8 units workforce housing. The applicant is proposing 22 workforce housing units. Thus, the applicant exceeds this standard.

### **Lighting:**

A photometric plan has been submitted that generally demonstrates compliance with LDR Section 4.6.8(A)(3). The commercial parking requires a minimum of one foot candles and a maximum of 12 foot candles. The photometric plan indicates that the commercial parking areas will have a minimum illumination of one foot candles and a maximum of 8.9 foot candles. The required illumination for the residential parking areas is a minimum of 0.3 foot candles and a maximum of four foot candles. However, the photometric plan indicates that a minimum of 0.7 foot candles and a maximum of 4.8 foot candles. Thus, a condition of approval is attached that the photometric plan be revised to comply with the residential illumination standards.

### **Right-of-Way Dedication:**

Pursuant to Table T-1, Street Network Classification and Improvements (revised by Amendment 99-2), Atlantic Avenue's ultimate right-of-way is required to be 110 feet wide. It is currently 106 feet wide; therefore, a two-foot dedication will be required for the proposed development to meet this requirement. Table T-1 further indicates that "other" streets with curb and gutter are required to be 50 feet wide. The width of 6<sup>th</sup>, 8<sup>th</sup>, and 9<sup>th</sup> Avenues meets this requirement. However, 7<sup>th</sup> Avenue is 25 feet wide and will require a dedication of an additional 25 feet to meet this requirement. These dedications have been accommodated in the layout of the project and will need to be addressed as part of the subsequent plat process.

### **Alleys:**

The existing alleys within the proposed development will need to be abandoned. These abandonments will occur as part of the plat process and is a technical condition.

### **Crime Prevention Through Environmental Design (CPTED):**

Pursuant to LDR Section 4.4.13(F)(4)(f)(2), building and site design shall incorporate Crime Prevention Through Environmental Design (CPTED) standards to the greatest extent possible. The Delray Beach Police Department has conducted a CPTED review of the development proposal. The access points to the upstairs areas that contain office and residential areas should have a physical access control such as a key card system to track and only allow

authorized users in the areas. The project should include mechanical surveillance such as a high quality security camera system. No trespassing signs should be posted on the property and a trespass affidavit signed and on file with the police department to allow officers the right to enforce the law and remove unwanted subjects from the property. All lighting should be LED. LED is an excellent choice for lighting due to its significant energy reduction, maintenance avoidance, uniform light throw, and ability for citizens and police to differentiate colors due to an actual white light output. Back doors to retail and restaurants should have a security window or peep hole to allow employees to look outside prior to exiting into a possible ambush. These observations are attached as conditions of approval.

**Technical Items:** While the revised site plan has accommodated most of the staff concerns the items noted in Exhibit "A" remain outstanding, and will need to be addressed prior to certification of the site plan unless as otherwise noted.

## LANDSCAPE ANALYSIS

The City Horticulturalist has reviewed the proposed landscape plan and found that it substantially complies with LDR Section 4.6.16. The proposed landscaping consists of Variegated Aechmea, Red Imperial Bromeliad, Foxtail Asparagus Fern, Variegated Shell Ginger, Verawood, Bougainvillea, Jamaican Caper, Green Buttonwood, Silver Buttonwood, Small Leaf Clusia, Cat Palm, Red Tip Cocoplum, Caranday Palm, Queen Emma Lily, Hawaiian Ti Leaf, Seagrape, Mamey Croton, Green Island Fig, Florida Privet, Dahoon Holly, Wax Jasmine, Lysiloma, Pink Crepe myrtle, Japanese Privet, Simpson's Stopper, Dwarf Sword Fern, Alexander Palm, Macarthur Palm, Variegated Peperomia, Pringles Podocarpus, Dwarf Date Palm, Highrise Live Oak, Live Oak, Royal Palm, Lady Palm, West Indies Mahogany, Cabbage Palm, Purple Tabebuia, Confederate Jasmin, Thatch Palm, Mirror Leaf Viburnum, Winin Palm, and Sandankwa. Based upon the above, the proposed landscape plan will comply with LDR Section 4.6.16.

**Landscape Technical Items:** The following Landscape Plan items remain outstanding, and will need to be addressed prior to certification of the site plan.

- 1) Provide a certified arborist's report describing the condition of the existing trees and their recommendation for proposed action. All existing trees with a caliper of 4" or greater need to be included in this report. Trees deemed to be in good condition are expected to be relocated.
- 2) During a site visit on 6-22-2015, I found existing tree #'s 65, 66, 67, 68, 69, 70, 71, 73 and 74 to be in good condition and suitable candidates for relocation. Per 4.6.16(H)(5)(a)(3), on-street parallel landscape islands are required to have one (1) canopy tree installed. Furthermore, LDR 4.4.13(l)(2)(i) requires that existing native vegetation be incorporated into the new design. The proposed on-street landscape islands would be the most desirable location for these existing trees. Update TP and LP sheets. Show tree relocation and root pruning details and notes. Existing tree #65 also needs to be relocated.
- 3) Show all overhead utility lines on site, landscape and engineering plans. These all should be buried including those running north and south down the avenues, to allow for the placement of the proposed trees. Provide a note and label these lines as to be

buried underground. Lines need to be shown on the above plans and noted as stated above.

- 4) A Landscape Maintenance Agreement is required for the proposed plantings outside the property line. Submit the signed agreement with the supporting exhibits (as outlined in the agreement) as quickly as possible. This will have to get executed by City Commission. The agreement has not been submitted.
- 5) Provide a copy of the FDOT permit for all work proposed in the Atlantic Avenue right-of-way. Initiate an MMOA with FDOT (amendment to existing).
- 6) Specify flexipave product for all proposed tree wells along Atlantic Avenue. These have to match the flexipave product the city has used for the existing tree wells, both product and color. Coordinate with Tim Tack, engineering, (561) 243-7315. Show detail on plans. Dimension off the planter wells on the plans. This would be best illustrated in a typical detail. The dimensions used shall match the existing planters on W. Atlantic Avenue.
- 7) Per LDR 4.6.16(H)(3)(h), a group of palms or a shade tree shall be planted for every 125 square feet of required interior landscaping. This applies to the landscape strip between the two parking tiers. Add more trees. The landscape strip needs an additional two (2) trees.
- 8) The proposed relocated Royal Palms (C10, C11, C12) are located too close to each other or another tree. Provide additional space between these trees.
- 9) Specify root barrier for all on-street landscape islands that contain trees.
- 10) Specify structural soil for all new and relocated trees within the Atlantic Avenue right-of-way. Label and depict the limits of the soil.
- 11) Sheet LP-3: The landscape island on the south side of the walkway and west side of type 3 townhome does not meet the width requirement.
- 12) Sheet LP-3: Per LDR 4.6.16(H)(3)(k), parking tiers are required to be separated by a landscape strip that is five feet (5') in width, exclusive of vehicular encroachment.
- 13) Provide enlargement sheets of the Composite Utility Plan. Ensure that there are no conflicts between underground utilities and light poles with respect to tree canopy and root balls.

## ARCHITECTURAL ELEVATIONS

Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered, by the Site Plan Review and Appearance Board, in the review of the plans. If the following criteria are not met, the application shall be disapproved.

- a) 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.

- b) 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.
- c) 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 design of the commercial and mixed use building are a masonry modern style. The townhomes are Floribbean and vernacular mix. The commercial and mixed use buildings will have stucco walls with one inch reveals, and cable guard rails. The primary wall colors are white for all of these buildings. The 600 building will be highlighted with orange, charcoal, and light green accents. The 700 building will be highlighted with red, yellow, and charcoal. The 800 building will be highlighted with blue, yellow, and charcoal. The townhomes will have a simulated lap siding. A condition of approval is attached that an "L" bracket be used if available. The townhomes will have a primary wall color of light green, blue, off-white, and tan. Trim and accents will be painted white. Based on the above, a positive finding can be made with respect to LDR Section 4.6.18(E)

**Green Building Design:**

Per LDR Section 4.6.18(B)(14)(v)(6), cross-ventilation, energy efficiency, and green building design shall be considered for all projects. The project includes canopies and balconies that will shade the south facing windows to reduce heat gain. The vertical fins on the east and west facing windows reduce heat gain. The storefronts are oriented on the north side of the buildings to reduce heat gain. Covered walkways are provided on all sides of the building to provide shade. The roofs will have a high Solar Reflective Index to reduce the heat island effect. The buildings will include a high R value insulation to reduce heat gain. The project will include continuous insulation with no thermal breaks to reduce heat gain and reduce mold forming condensation inside the walls. The rooftop storm water will be collected to irrigate the landscaping. Finally, low flow toilets and showers and energy star appliances will be provided.

<b>REQUIRED FINDINGS</b>
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**REQUIRED FINDINGS (Chapter 3):**

Pursuant to 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. These findings relate to Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the LDRs as noted below. At its meeting of October 15, 2013, the City Commission made positive findings with respect to the Future Land Use Map, Comprehensive Plan Consistency, and Concurrency provided conditions of approval are addressed.

**Section 3.1.1 (A) - Future Land Use Map:**

The subject property has a Future Land Use Map designation of CC (Commercial Core) and is zoned CBD (Central Business District). The CBD zoning district is consistent with the CC

Future Land Use Map designation. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

**Section 3.1.1 (B) - Concurrency:**

The City Commission made a positive finding of concurrency with respect to water and sewer, streets and traffic, drainage, parks and recreation, open space, solid waste, and schools.

**Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):**

As described in Appendix A, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

**Section 3.1.1 (D) - Compliance With the Land Development Regulations:**

As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made, when all outstanding items attached as conditions of approval are addressed.

**Comprehensive Plan Policies:**

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies were noted:

**Future Land Use Element Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.**

There are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed mixed-use development. The Future Land Use designation and Zoning district adjacent to the south of the property is Medium Density-Residential which allows 6-12 du/acre. However, the existing use to the south is primarily a single family neighborhood. The development is proposing to increase density from 12 (by right) to 18 du/acre (by conditional use).

In addition to the above analysis, the proposed development will act as a transition buffer between an arterial road with high intensity (Atlantic Avenue) and the less intense neighborhood to the south. From the redevelopment point of view, the surrounding area to the south could be potentially developed with townhomes similar to the proposed subject project.

**Future Land Use Element Objective C-3: The Central Business District (CBD) represents the essence of what is Delray Beach i.e. a "village like, community by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan of "A City Set Apart In South Florida". The following policies and activities shall be pursued in the achievement of this objective:**

**Policy C-3.1: The CBD zoning district regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:**

- Deletion of inappropriate uses;

- Incentives for locating retail on the ground floor with office and residential use on upper floors;
- Accommodating parking needs through innovative actions;
- Incentives for dinner theaters, playhouses, and other family oriented activities;
- Allowing and facilitating outdoor cafes;
- Incentives for mixed use development and rehabilitation;
- Elimination of side yard setback requirements; and
- Allow structural overhang encroachments into required yard areas.

The proposed mixed use development consisting of office, restaurant, and commercial/retail uses, and, 112 multi-family dwelling units is consistent with Policy C 3.1 and the character of the district. The proposed development complies with the character and nature of the core downtown area which encourages the pedestrian oriented uses at the street level.

**Transportation Element Policy A-1.5** New residential projects over 25 units and nonresidential projects over 10,000 square feet adjacent to existing or future Palm Tran bus stops shall provide an easement and install a city-approved bus shelter on site. If the project is not adjacent to a bus stop, or a bus shelter already exist, a contribution shall be made to the City in-lieu of providing the bus shelter on site.

Studies have shown that the provision of bus shelters to protect riders from the elements leads to increased utilization and mitigates negative impacts to adjacent properties. Given the potential impacts the proposed mixed-use development will have on the surrounding road network and the location of a Palm Tran bus stop on West Atlantic at SW 8<sup>th</sup> Avenue, it is appropriate that the development contribute to the City in-lieu of providing the bus shelter on site (\$11,000). This is attached as a condition of approval.

**Transportation Element Policy D-2.2:** Bicycle parking and facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

The development proposal provides one bicycle rack per block located on the south side of the commercial or mixed use buildings and none along Atlantic Avenue. Additionally, the development provides bike rooms within these buildings. The one bike rack per block will likely not be sufficient "common" parking for visitors and employees coming to the property. At least one additional bike rack should be provided per block on the north side of these buildings (so they can be seen from the interior of the ground floor uses) and this is attached as a condition of approval. Based on the above, the policy has been met within the proposed development subject to the condition of approval.

**Open Space and Recreation Element Policy A-3.1:** Tot lots and recreation areas serving children from toddlers 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.

This policy may be waived for projects in the downtown area, because the City recognizes that households located downtown are likely to have fewer children than those located in suburban settings. Further, land in the downtown area is at a premium and it can be cost prohibitive to provide recreational features such as tennis courts, volleyball courts, etc. However, the

proposed development does provide recreational facilities for its residents, such as a swimming pool, a tot lot, a public pocket park, and a dog walking area.

Given the intensity of the proposed development (112 units), it is reasonable that sufficient recreational opportunities be provided. The development includes a swimming pool, a public pocket park, and a dog walking area that can be used by residents any age. These facilities are sufficient to satisfy the requirements of the Open Space and Recreation Element.

**Housing Element Objective B-2:** Redevelopment and the development of new land shall result in the provision of a variety of housing types and other amenities (i.e. bike trails, parks, sidewalks) to accommodate the diverse economic makeup of the City's demographic profile, and meet the housing needs of all residents. Policies which will implement this objective include:

**Housing Element Policy B-2.2:** The development of new adult oriented communities within the City is discouraged. New housing developments shall be designed to accommodate households having a range of ages, especially families with children, and shall be required to provide three (3) and four (4) bedroom units and activity areas for children ranging from toddlers to teens. This requirement may be waived or modified for residential development located in the downtown area and for infill projects having fewer than 25 units.

The proposed development will accommodate residents of any age. The development will provide the following residential unit mix: 15 efficiency units, 18 one-bedroom units, 75 two-bedroom units, and 4 three-bedroom units.

**Housing Objective A-11:** To assist residents of the City in maintaining and enhancing their neighborhood, the City, through public input and notification, shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline, such as those described in the following policies.

**Housing Policy A-11.3:** In evaluating proposals for new development or redevelopment, 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.

The proposed development will increase density from 12 to 18 dwelling per acres. The Future Land Use designation and Zoning district adjacent to the south of the subject property is Medium Density-Residential which allows 6-12 du/acre. The proposed development will act as a transition buffer between an arterial road with high intensity (Atlantic Avenue) and the less intense neighborhood to the south. From the redevelopment point of view, the surrounding area to the south could be potentially developed with townhomes similar to the proposed subject project. Based upon the above, the development proposal will be consistent with Housing Policy A-11.3.

**Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings):** The approving body must make a finding that development of the property pursuant to the site plan will be compatible and



**harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.**

The following table identifies the zoning designations and uses that are adjacent to the subject property:

	<b><i>Zoning:</i></b>	<b><i>Use:</i></b>
<b><i>North</i></b>	Central Business District (CBD)	Commercial and Vacant
<b><i>South</i></b>	Multiple Family Residential (RM)	Residential Uses (primarily single family)
<b><i>East</i></b>	Central Business District (CBD)	Commercial/Residential Uses
<b><i>West</i></b>	Central Business District (CBD)	Hotel

The surrounding CBD (Central Business District) zoning designation to the north, south, east, and west is the same as the subject property. In addition, there is an RM-zoned area to the south of the subject site. Potentially, this surrounding area could be developed with townhomes similar to the proposed subject project. The proposed development will act as a transition buffer between an arterial road with high intensity (Atlantic Avenue) and the less intense neighborhood to the south. From the redevelopment point of view, the surrounding area to the south could be potentially developed with townhomes similar to the proposed subject project.

The proposed development will not hinder development or redevelopment of nearby properties. The proposed development will likely spur development and be a catalyst for further redevelopment in the West Atlantic Avenue area. Given the design of the proposed development with the townhomes located on the south side of the property, the project will not have a significant detrimental effect on the stability of the neighborhood and may have stabilizing effect by eliminating vacant and underutilized properties. Based upon the above, positive findings can be made with respect to LDR Section 2.4.5(E)(5).

**REVIEW BY OTHERS**

**Community Redevelopment Agency (CRA):**

The CRA considered the site plan at its meeting of July 23, 2015 and recommended approval.

**Downtown Development Authority:**

The DDA considered the site plan at its meeting of July 13, 2015 and recommended approval.

**West Atlantic Avenue Redevelopment Coalition:**

The WARC considered the site plan at its meeting of August 6, 2015 and recommended approval.

**Courtesy Notice:**

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

- Delray Citizen's Coalition
- Lincoln Park

- West Settlers Historic
- Atlantic Park Gardens
- Gateway
- Paradise Heights

Any letters of support or concerns regarding the proposed development will be submitted to the Board.

## ASSESSMENT AND CONCLUSION

The proposed development is consistent with the objectives and policies of the Comprehensive Plan and Chapter 3 of the LDRs. Positive findings can be made with respect to LDR Section 2.4.5(E)(5), regarding compatibility of the proposed development with the surrounding properties. The proposed development will serve as a buffer from the intense Atlantic Avenue corridor and the less intense single family neighborhood to the south. Further, the proposed development will act as a stabilizing agent to the neighborhood by eliminating vacant or underutilized properties. Finally, the proposed development should spur further redevelopment along West Atlantic Avenue. Based upon the above, positive findings can be made with respect to LDR Section 2.4.5(E)(5).

The combination of residences and commercial floor area will enhance the sustainability and extension of the downtown area. The proposed development is consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. Positive findings can be made with respect to Section 2.4.7(B)(5)[Waiver Findings] and Section 2.4.5(F)(5) regarding compatibility of the proposed development with surrounding properties.

## ALTERNATIVE ACTIONS

- A. Postpone with direction.
- B. Move approval of the request for waivers, Class V site plan, landscape plan, and architectural elevations for **Uptown Atlantic**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the attached conditions of approval.
- C. Move denial of the request for waivers, Class V site plan, landscape plan, and architectural elevations for **Uptown Atlantic**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.7(B)(5), Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations.

## STAFF RECOMMENDATION

By Separate Motions:

Waivers:

1. Move to recommend approval of the waiver to LDR Section 4.4.13(F)(4)(b)(2), which requires a minimum street frontage setbacks for the upper levels of the buildings along Atlantic Avenue, based on positive findings with LDR Section 2.4.7(B)(5).
2. Move to recommend approval of the waiver to LDR Section 4.4.13(F)(4)(c)(1), which requires setbacks for the lower levels of the buildings along SW 6<sup>th</sup> Avenue, SW 7<sup>th</sup> Avenue, SW 8<sup>th</sup> Avenue, and SW 9<sup>th</sup> Avenue, based on positive findings with LDR Section 2.4.7(B)(5).

**Site Plan:**

Approve the request for a Class V site plan for **Uptown Atlantic**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions to be completed or satisfied prior to site plan certification:

1. Address all Site Plan and Engineering Technical Items and submit four (4) copies of the revised plans.
2. That a Master Development Agreement that includes the in-lieu parking fee agreement, landscape maintenance agreement, workforce housing agreement, and addresses the Community Benefit Agreement between the community and the applicant be approved by City Commission.
3. That at least one additional bike rack be provided per block on the north side of these buildings and that the plans be revised.
4. That no efficiencies or studio units be utilized in this program and this requirement is attached as a condition of approval and that this be addressed as part of the Workforce Housing Agreement.
5. That the photometric plan be revised to comply with the residential illumination standards.
6. That the access points to the upstairs areas that contain office and residential areas have a physical access control such as a key card system to track and only allow authorized users in the areas and that this be noted on the plans.
7. That the project includes mechanical surveillance such as a high quality security camera system and that this be noted on the plans.
8. That "no trespassing" signs be posted on the property and a trespass affidavit signed and on file with the police department to allow officers the right to enforce the law and remove unwanted subjects from the property.
9. That all exterior lighting on the property be LED and that this is noted on the plans.
10. That rear doors to retail and restaurants have a security window or peep hole to allow employees to look outside prior to exiting into a possible ambush.
11. That the applicant contribute \$11,000 toward the provision of a bus shelter.

**Landscape Plan:**

Approve the landscape plan for **Uptown Atlantic** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the condition that all that all Landscape Technical Items are addressed and three (3) copies of the revised plans are submitted.

**Elevations:**

Approve the proposed elevations for **Uptown Atlantic** based on positive findings with respect to LDR Section 4.6.18(E), subject to the following condition:

1. That an "L" bracket be used for the simulated lap siding if available.

**Attachments:**

- Appendix A
- Site Plan
- Architectural Elevations
- Landscape Plan
- Waiver Justification Letters

Report prepared by: Scott D. Pape, AICP, Principal Planner

**APPENDIX A  
STANDARDS FOR SITE PLAN ACTIONS**

**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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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 \_\_\_\_\_ **X** \_\_\_\_\_  
 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  X   
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  X   
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  X   
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  X   
Does not meet intent \_\_\_\_\_

EXHIBIT "A"

1. That the executed Community Benefits Agreement be submitted prior to issuance of a building permit and that compliance with the Community Benefits Agreement be achieved prior to issuance of a Certificate of Occupancy.
2. That the plat and alley abandonment applications be approved and recorded prior to issuance of a building permit.
3. That a Tri-party agreement be approved and recorded for the in-lieu parking fee request.
4. Clearly indicate location of site wall on all plans. Site plan shows a 3' site wall.
5. Please coordinate location of all existing and proposed easements on Plat, Site, Civil, Landscape and Composite Utility Plans. Existing and proposed easement locations and labeling needs to be consistent on all plans. This will be checked when plat is submitted.
6. Undergrounding of overhead facilities are required per LDR Section 6.1.8. Required easements cannot be in right-of-way and will need to be shown on all plans.
7. Provide a minimum 10-foot General Utility Easement (GUE) through the property for all other utilities. This will need to be shown on all plans.
8. Indicate street lights in right-of-way will be the acorn type, refer to City of Delray Beach Standard Detail RT 11.1. Also address responsibility for installation and maintenance per LDR 2.4.3 (D) (6) and note on plans. Ensure location of light poles do not conflict with ADA requirement for sidewalks.
9. Florida Department of Transportation (FDOT) permit(s) required for this project per LDR Section 2.4.2 (C) (2) (c). Submit copy of FDOT pre-application letter.
10. Clearly indicate limits of pavement restoration for all streets with proposed underground utility installations.
11. Provide sidewalks adjacent to right-of-way line in accordance with LDR Section 6.1.3 (B). Sidewalks utilized by the public in the Central Business District are required to be a minimum of 10-feet wide.
12. Provide finished floor elevation. In accordance with LDR Section 7.1.3 (B) (2), if finished floor elevation is less than 18-inches above centerline of adjacent road, but above the 100-year storm or National Flood Insurance minimum elevations, **then a letter is required** from a professional registered engineer certifying that the drainage conditions have been investigated and the proposed floor elevation is above the flooding level. It must be shown that the property will have adequate drainage to ensure that flooding will not occur in a 100-year, 3-day storm event. **Provide letter.**
13. Provide signed and sealed drainage report indicating the proposed system's ability to meet storm water quality and quantity requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (8). In addition, the surface water management system needs to be designed in accordance with LDR Section 6.1.9 for a minimum of a 10 yr./24 hr. storm event. The system needs to provide for positive

drainage of lots, streets, roads, and other public areas as well as handling any run-off from adjacent areas that historically flowed into the subject area. Include drainage calculations confirming that there will be no negative post development impacts on adjacent homes, structures or properties. **Provide calculations.**

14. Indicate existing water service lines will be removed back to the main at all locations water meters are to be removed.
15. Provide signed and sealed calculations indicating proposed estimated flows into existing sanitary sewer system; submit to my attention at the Engineering Division. Upon review and approval, a letter from the Deputy Director of Public Utilities stating that the City's system has sufficient capacity to treat proposed flows will be issued. This is a requirement in accordance with LDR Section 5.3.3 (D) for the Off-Site Impact Assessment to the City's water and sewer systems.
16. Provide a Composite Utility Plan **signed by a representative** of each utility provider attesting to the fact that services (water, sewer, drainage, gas, power, telephone and cable) can be accommodated as shown on the Composite Utility Plan. The Composite Utility Plan needs to address the responsibility for relocation of existing services and installation of new services in accordance with LDR Section 2.4.3 (F) (4). Composite Utility Plan is also used to ensure physical features do not conflict with each other and existing or proposed utility services.
17. Indicate a City approved bus shelter and mass transit easement (as applicable) will be provided per City of Delray Beach Comprehensive Plan, Policy A-1.5 and LDR Section 2.4.3 (D) (7). Since there's an existing bus stop, a bus shelter is required.
18. Please indicate on plans a City approved bus shelter will be installed in accordance with Palm Tran and ADA requirements (eg. 5' x 8' landing area, 30' from intersection, direct access to site, etc). In accordance with LDR Section 6.1.14, bus shelter needs to include a pad, an ADA-compliant boarding and alighting area, and an ADA-compliant structure which includes a mounted trash receptacle, bike rack, bench and sufficient illumination.