



April 18, 2024

**The Tropics of Delray (2400 & 2410 N. Federal Highway)
Level 4 Site Plan
REVISED Narrative Letter**

This narrative letter associated with the Level 4 Site Plan application for The Tropics of Delray is respectfully submitted on behalf of Federal 2400, LLC and 2410 Federal, LLC for the properties located at 2400 and 2410 N. Federal Highway, Delray Beach, FL 33483 (PCNs: 12-43-46-04-30-000-0020 & 12-43-46-04-08-000-0090).

BACKGROUND:

The subject properties are located on the west side of North Federal Highway, approximately 1,234 feet south of Gulfstream Boulevard. The combined properties total 3.08 acres, have an underlying Land Use Map designation of General Commercial, are zoned GC (General Commercial), and are within the North Federal Highway Redevelopment Area.

The property located at 2400 N. Federal Highway contains a 14,875 sf. commercial building (furniture store) constructed in 1951 and 2410 N. Federal Highway contains an 8,656 sf. Restaurant with banquet facilities. The 3,694 sf. restaurant was constructed in 1970, while the 4,962 sf. banquet facilities were constructed in 1997.

A Conditional Use application is being processed concurrently to allow the proposed 34-unit free-standing multiple-family development (18 townhouses & 16-unit condominium building) within the GC zoning district, per LDR Section 4.4.9(D)(10).

DEVELOPMENT PROPOSAL:

The development proposal consists of the following:

- Demolition of the existing 14,875 sf. and 8,656 sf. commercial buildings.
- Construction of 18 3-story townhouse units (3-bed, 3.5 baths – varying floor plans) with 2-car garages and 2-car driveways. The townhouse units have the following range in sizes under a/c: 2,274 sf., 2,364 sf., 2,315 sf., & 2,373 sf.
- Construction of a 4-story, 16-unit condominium building with ground level 2-car garages and a 313 sf. pool cabana for each unit. The unit mix consists of 11 3-bed, 3.5 bath units (2,836 sf., 2,405 sf., & 3,169 sf.), 2 4-bed 4.5 baths (3,625 sf.), and 2 5-bed, 4.5 bath units (3,687 sf. & 3,690 sf.).
- The amenities consist of 2 swimming pools (1 adjacent to the condominium building and 1 adjacent to the townhouses) along with amenity buildings with fitness facilities, outdoor areas and a tot lot.
- Installation of associated guest parking, landscaping, site lighting, with refuse containers located within the garages of each unit.
- Dedication of 10' of right-of-way along N. Federal Highway.
- Modifications to and reduction of curb cuts along Federal Highway and installation of parallel parking spaces to be coordinated with FDOT.



SITE PLAN ANALYSIS:

SITE PLAN FINDINGS:

Pursuant to 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.*
- (f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).*

CHAPTER 3 – PERFORMANCE STANDARDS:

REQUIRED FINDINGS – LDR SECTION 3.1.1:

*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 a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. As indicated below, positive findings can be made with respect to LDR Sections 3.1.1 (A) – (D).*

***(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 (LUM).*

The property has a LUM designation of General Commercial (GC) and is zoned GC, which is a preferred zoning district under the GC land use designation. Pursuant to Section 4.4.9(D)(10), free-standing multiple-family housing is allowed as a conditional use within the GC zoning district. Per Neighborhoods, Districts, and Corridors Element Table NDC – 1 of the Comprehensive Plan, the GC land use designation allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 12 dwelling units per acre. The proposed 34-unit multiple family development will have a density of 11.02 du/ac and an FAR of 0.98. Thus, positive findings can be made with respect to Land Use Map consistency.

***(B) Concurrence.** Concurrence 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-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Schools. The Palm Beach County School District School Capacity Availability Determination (SCAD) Application has been submitted for review for compliance with the adopted Level of Service for School Concurrence. No problems are anticipated.

Water and Sewer. Municipal water and service is available via connections to the existing water main located in Old Dixie Highway and the sewer main located within the General Utility Easement along the west side of the property.



Sewage calculations have been provided for City review. Pursuant to the City's Comprehensive Plan, adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population, based on the current Land Use Map designation.

Solid Waste. Multi-family units with 5 or more units are calculated to generate 0.52 tons of solid waste per unit per year. The development proposal is to accommodate a maximum of 34 units, which represents 17.68 tons of solid waste per year. The landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

Drainage. Drainage will be accommodated on-site via an exfiltration trench system. No problems are anticipated obtaining a South Florida Water Management District permit. A signed and sealed drainage report has been submitted for review. The proposed system will meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3(D)(8) as well as requirements in LDR Section 6.1.9 for the surface water management system.

Traffic. A traffic study was prepared and transmitted to Palm Beach County Traffic Division for review. The project will generate 229 average daily trips, 14 a.m. peak hour trips, and 17 p.m. peak hour trips. Compared to the existing uses, the proposal will result in 394 less net external daily trips, 37 less net a.m. peak hour trips and 35 less net p.m. peak hour trips. No problems are anticipated meeting the Traffic Performance Standards of Palm Beach County. Per the Palm Beach County Traffic Division's TPS review letter dated 11/16/2023, "the Traffic Division has determined the proposed development is expected to generate less trips compared to that of the existing development on the site, which is proposed to be replaced. Therefore, the project meets the TPS of Palm Beach County."

Parks and Open Space: While there are sufficient recreation facilities in the City to meet this LOS, the proposal includes private on-site amenities. A park impact fee in the amount of \$500.00 per dwelling unit (\$17,000) will be collected prior to issuance of a building permit to offset any impacts that a residential project may have on the City's recreational facilities.

(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.

As discussed below, a finding of overall consistency can be made that the development proposal is consistent with the Goals, Objectives and Policies of the Always Delray Comprehensive Plan and North Federal Highway Redevelopment Plan.

Neighborhoods, Districts, and Corridors Element

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

Objective NDC 1.3, Mixed-Use Land Use Designations: 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 1.3.3: Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing



opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.

Policy NDC 1.3.9: Allow a maximum floor area ratio of 3.0 and a maximum standard density of 12 dwelling units per acre with a revitalization/incentive density of 12-30 dwelling units per acre in the General Commercial land use designation to accommodate general commercial uses such as retail, office, commercial services, and mixed use developments with limited residential development opportunities.

Policy NDC 1.3.10: Use the General Commercial land use designation to accommodate a wide range of non-residential and mixed-use development, and limited stand-alone residential development, along major corridors and in certain districts in the city.

Objective NDC 2.6 Improve City Corridors Improve the appearance and function of visually prominent or distressed corridors in Delray Beach.

Objective NDC 2.7 Planning of Neighborhoods, Districts, and Corridors Continue to respond to unique needs and conditions of the varied neighborhoods, districts, and corridors of Delray Beach using Neighborhood and Redevelopment Plans that determine specialized planning strategies and improvement projects to implement the vision of plans.

Policy NDC 2.7.9: Review and update the North Federal Highway Redevelopment Plan to include new development and other improvements that have occurred since the Plan’s adoption in 1999, and re-evaluate the vision for the North Federal Highway Redevelopment Area; new development shall comply with the provisions of the adopted Plan until an updated plan is adopted.

Economic Prosperity Element

Policy ECP 3.3.4 Continue to support efforts of commercial districts, streets and neighborhoods to improve their physical attributes by encouraging infill, adaptive reuse, redevelopment and other strategies.

Policy ECP 3.3.6 Promote development or redevelopment of vacant, underutilized or surplus properties, particularly those with the potential to serve as a catalyst for economic development.

Housing Element

Objective HOU 3.1 Provide opportunities for residential development to accommodate the housing needs of existing and future residents.

Policy HOU 3.1.4 Encourage development of vacant or underdeveloped land for housing and mixed-uses, and promote rehabilitation of underutilized housing into desirable places to live.

The existing uses and zoning surrounding the proposed development are as follows:

	Land Use Designation	Zoning District	Use
North	GC	GC	Motel – Partially Vacant Land
South	GC	GC	Used Car Sales & Office
East	MD	AC & GC	Auto Dealership, Commercial Uses & Vacant Land
West	CF	CF	Soccer Complex

The proposed redevelopment of the properties is to accommodate a 34-unit free-standing multiple family development (combination of townhomes and condominium buildings) at 11.02 du/ac. The properties are being



redeveloped in a manner that the use, intensity, and density are appropriate as the property has an underlying GC Land Use Map designation and is zoned GC. This redevelopment initiative will assist in the revitalization of the North Federal Highway corridor. The development along the North Federal Highway corridor will provide additional housing stock and a more permanent customer base for area businesses on a year-round basis, which will assist in achieving economic sustainability consistent with the Comprehensive Plan and North Federal Highway Redevelopment Plan.

The goals of the North Federal Highway Redevelopment Plan are to improve the appearance of the area and to stimulate the revitalization of the North Federal Highway Corridor by encouraging new development. The proposed 34-unit multi-family development will help to stimulate related commercial development along Federal Highway by creating demand for goods and services in the area. The development will also assist in the redevelopment of the North Federal Highway corridor in a manner consistent with the vision of the Redevelopment Plan as intended.

Further, the proposed development will provide needed investment along the North Federal Highway corridor that will enhance the area, encourage re-investment in surrounding properties and provide additional residences that will support area businesses. The buildings are designed in a manner that is compatible with and complementary to the adjacent and surrounding developments, thereby meeting the intent of the goals, objectives and policies referenced above. This redevelopment initiative will further enable revitalization and stabilization of the North Federal Highway corridor in a manner that is consistent with and furthers the goals, objective and policies of the Comprehensive Plan and North Federal Highway Redevelopment Plan.

LDR Section 3.2.3 – 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.

The proposal meets this standard. The proposed buildings along with the landscaping and lighting will be constructed in a manner that does not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. Required site visibility will be provided at the driveway connections on N. Federal Highway and Old Dixie Highway.

(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).

The development proposal meets the intent of this standard as the project provides the required interconnections, where appropriate. The project includes accessible routes from the internal sidewalk system to the public sidewalks network along N. Federal Highway and Old Dixie Highway in accordance with ADA.

(C) Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.

This standard is not applicable; however, the project includes associated amenities consisting of 2 swimming pools (1 adjacent to the condominium building and 1 adjacent to the townhouses) along with amenity buildings, outdoor areas and a tot lot.

(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.

The proposal meets this standard. The Project does not include any street widening or modifications to traffic circulation. As previously stated, the proposal will result in 394 less net external daily trips, 37 less net a.m. peak hour



trips and 35 less net p.m. peak hour trips. No problems are anticipated meeting the Traffic Performance Standards of Palm Beach County.

(E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.

This standard is not applicable.

(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.

The proposal meets this standard. The subject property is being redeveloped in a manner that the use, intensity, and density (11.02 du/ac) are appropriate as the property has an underlying GC land use designation within the North Federal Highway Redevelopment Area. The Project will assist in the revitalization of the North Federal Highway Redevelopment Area. The project is designed in a manner that is complementary to and compatible with the surrounding properties. The Project provides a variety of unit types, fulfilling remaining land use needs as identified in the Housing Element. A result will be a more permanent customer base to support area businesses, providing more economically viable and sustainable business opportunities along the N. Federal Highway corridor thereby enhancing the City's tax base in a manner consistent with the Comprehensive Plan.

(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.

The proposal meets this standard. The development consists of 34 multiple family units 18 townhouse units and 16 condominium units. The unit mix consists of primarily of 3-bedroom units with varying floor plans with both the townhouse and condominium buildings with 5-bedroom units also provided within the condominium buildings.

(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.

The proposal meets this standard. The proposed development will have a positive impact on the safety, livability, and stability of the surrounding area. As previously stated, the project will assist in the revitalization of the North Federal Highway corridor overall.

(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.

The proposal meets this standard. The traffic study submitted in conjunction with this application indicates a reduction of vehicular trips and does not show any indication that the project will create nor exacerbate an existing situation to become a high accident location.

(J) Tot lots and recreational areas, serving children, teens, and adults 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.



The proposal meets this standard. A tot lot and recreational areas, serving children, teens, and adults, have been provided on site. As illustrated on the Site Plan, the project's amenities include two swimming pools, a spa, amenity buildings with gym/fitness centers and playrooms and tot lot. There are also open space areas that are available for recreational activities.

(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.*

This standard has been met. The project does not exceed the maximum limits established in Table NDC-1 for the General Commercial land use designation.

(L) *Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR [Section 7.11.1](#), Green Building Regulations.*

This standard will be met. The development will comply with the applicable provisions of CSR 5, Energy Efficiently and Diverse Energy Mix, LDR Section 7.11.1, Green Building Regulations, and Florida Building Code, Energy Conservation Code 7th Edition to achieve at least a certification level of LEED Silver or equivalent, as applicable.

(D) Compliance with LDRs. *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), 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.*

General Commercial (GC) and Medium Density Residential (RM) Regulations:

The proposed development complies with GC and RM zoning district regulations as well as other LDR requirements, as applicable, including but not limited to the North Federal Highway Overlay District regulations, Special Landscape Setback requirements, building setbacks, height, lighting, off-street and bicycle parking. Discussed in more detail below is compliance with LDR Section 4.3.3(O) (*Townhouses and townhouse type of development*), and relief requests to LDR provisions regarding reduction of vehicle stacking distance [LDR Section 4.6.9(D)(3)(c)], drive aisle width [LDR Section 4.6.9(D)(6)(d)], townhouse building length [LDR Section 4.3.3(O)(4)(b)], and distance between residential buildings [LDR Section 4.6.2 (Distance Between Residential Buildings)].

LDR Section 4.3.3 (BB) Performance standards for multi-family development.

- (1) *Applicability. Except for proposals within the Central Business District, these standards shall apply, as follows, to new site plans or to modifications to existing site plans that create additional residential units:*
- (a) *To increase the density beyond the minimum number of units per acre allowed by the zoning district.*
 - (b) *To meet the requirements of a revitalization incentive density bonus.*
 - (c) *Some performance standards may not be entirely applicable to small, infill residential projects. In such cases, the ultimate density should be based upon the attainment of the applicable performance standards, as well as the development's ability to meet or exceed other minimum code requirements.*

Per LDR Section 4.4.9(D)(10), within the GC zoning district, free-standing multiple-family housing allowed as a Conditional Use, subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to the GC zoning district regulations. The standard density within the GC Land Use Map designation is 12 du/ac. The proposal does not propose to increase the density above 12 du/ac and is not in an



area eligible for the revitalization incentive bonus. However, Per LDR Section 4.4.6(H) **Special regulations.**(1) “Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with the performance standards in [Section 4.3.3\(BB\)](#), which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses... “. Therefore, the following analysis of the Performance Standards found in LDR Section 4.3.3(BB) is provided below.

(3) *Performance standards. The performance standards are as follows:*

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

This performance standard has been met. The interior street (driveway) network consists of loops and short segments no greater than 22' wide as well as multiple entrances and exits into the development, which will minimize through traffic and keep speeds at or below 20 m.p.h. The proposal includes elimination of multiple all curb cuts onto Federal Highway. The proposed 34-unit condominium development will result in the reduction of average daily trips onto the roadway network and will only generate 14 AM peak hour trips and 17 PM peak hour trips.

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

This performance standard has been met. The 3 and 4-story condominium buildings on the east side of the development are oriented facing N. Federal Highway consistent with the North Federal Highway Overlay District regulations and North Federal Highway Redevelopment Plan. The 3-story townhouse type condominium buildings internal to the site are over 41' from the abutting properties to the north and south. The 4-story condominium building is 47' from the abutting property to the south and 42' from the property to the west. The fronts of the townhouse units face a pedestrian-oriented courtyard between the buildings and sufficient building separation providing a superior pedestrian experience consistent with traditional neighborhood development as well as a feeling of open space. The condominium is U-shaped with a large amenity area in the center. This feeling of open space is also reflected along the internal roadways, which are primarily along the perimeter of the site.

(c) *Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.*

This standard is not applicable.

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



This performance standard has been met. The development offers a varied streetscape and building design with elements described above including but not limited to setbacks that are staggered and offset throughout the development as well as façade plane offsets. The building elevations incorporate a variety of architectural elements consistent with the Contemporary Modern architectural style including façade offsets and projections, balconies, wood composite siding and aluminum horizontal railings.

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

The development meets the intent of this performance standard. The development provides home ownership in the form of attached single family housing (townhouses) and traditional condominium units. The 4-story condominium provides 3, 4, & 5 bedroom units with varying floor plans and the townhouses provide 3-bedroom units with varying floor plans. Thus, the development provides a diverse mix of units and varying floor plans as required by the standard.

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

The development meets the intent of this performance standard. The project is urban infill redevelopment of commercial properties along the N. Federal Highway corridor within the North Federal Highway Redevelopment Area. There are no natural areas or water bodies. The proposed development provides the open space as required as well as extensive native landscaping while preserving the existing mature oak trees to the greatest extent possible.

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

This performance standard has been met. The Tropics of Delray is located along N. Federal Highway, which contains bike lanes and is serviced by Palm Tran Bus Route 1. The project provides an extensive bicycle/pedestrian network and bicycle racks internal to the site with connections to the existing sidewalk and bike lane on N. Federal Highway as well as the bus stop within Federal Highway at the south end of the development. There are also connections to the proposed sidewalk along Old Dixie Highway.

- (h) *Parking garage elevations provide a unified design with the main building through the use of similar building materials and color, vertical and horizontal elements, and architectural style.*

This performance standard is not applicable.

- (i) *The project design creates a unified architectural character by the use of common architectural elements in the building(s), parking lot, and landscaping. Examples of unifying features are decorative freestanding light poles and exterior light fixtures; pedestrian amenities such as benches, shaded walkways, and decorative pavement treatment; focal points such as public art, water feature/fountain, courtyard or public plazas along a continuous pedestrian walkway; or a combination of similar features that meet the intent of this standard.*

This performance standard has been met. The Tropics of Delray condominium development provides a unified architectural character in the Contemporary Modern architectural style. The development incorporates lighting that is complementary to the architectural style, decorative pavement treatment and a courtyard along the continuous pedestrian walkway that traverses the townhouse portion of the property.



- (j) *The development provides common areas and/or amenities for residents such as swimming pools, exercise rooms, storage rooms or lockers, gardens, or courtyards.*

This performance standard has been met. The development provides common areas and amenities for residents including swimming pools, exercise facilities, storage rooms and courtyards for the townhouse units.

- (k) *The development promotes pedestrian movements by providing convenient access to the public sidewalk system. Pedestrian areas adjacent to the building are enhanced by providing additional sidewalk area at the same level as the abutting public sidewalk. Accessways to parking areas are designed in a manner that minimizes conflicts between vehicles and pedestrians. The public street(s) immediately adjacent to the development are enhanced consistent with the streetscape in the surrounding area (i.e., installation of landscape nodes, extension of existing paver block system, installation of approved street lighting, etc.).*

This performance standard has been met. The walkways internal to the site provide convenient access to the existing public sidewalk and bus stop along N. Federal Highway and the proposed sidewalk along Old Dixie Highway. The internal walkways, garages driveways and guest parking are designed in a manner that minimizes conflicts. The streetscape along Federal Highway will be enhanced by landscape nodes with associated trees designed consistent with FDOT design standards. Due to overhead utility lines within the N. Federal Highway right-of-way abutting the property, landscaping will be installed on-site adjacent to the right-of-way in a manner that will enhance the streetscape.

- (l) *The development provides opportunities to share parking, accessways, and driveways with adjoining properties, or additional parking spaces that may be used by the public.*

This performance standard has been met. The development eliminates multiple existing driveways and will provide 10 on-street public parking spaces along Federal Highway, including 2 ADA compliant spaces, in addition to the 4 spaces that currently exists abutting the property. The proposal also maintains cross-access with the adjacent commercial property located at 2455 N. Federal Highway.

- (2) *Findings. The approving body must make a finding that the development substantially complies with the performance standards listed in this section.*

Based upon the above, positive findings can be made that the development substantially complies with the applicable performance standards listed above.

LDR Section 4.3.3(O) Townhouses and townhouse type of development:

- (3) **Setbacks.** *Setbacks shall be measured as follows:*

- (a) *Setbacks from the perimeter of the overall project shall be as established by the base zone district requirements.*
- (b) *Setbacks interior to the project shall be measured from the platted street system.*
- (c) *Setbacks interior to the project with respect to side and rear lot lines shall not be observed; but in-lieu thereof structures (dwelling unit groups) shall not be located closer than 25 feet for a two-story structure, nor 30 feet or a three story, or greater, structure.*

The development proposal complies with the setback requirements referenced above.



(4) Design standards.

- (a) *No more than two townhomes may be constructed without providing a front setback of not less than four feet offset front to rear.*

This design standard has been met.

- (b) *No townhouse row shall consist of more than eight (8) dwelling units or a length of 200 feet, whichever is less.*

A waiver to this design standard has been requested to allow a townhouse row of 222'-8" long, which is discussed in further detail below.

- (c) *Service features, garages, parking areas, and entrances to dwelling units shall, where possible, be located on a side of the individual lot having access to the interior street. Walkways should be designed to connect dwelling units with each other and connect each dwelling unit with common open space.*

This design standard has been met. Along Federal Highway, the townhouse buildings face Federal Highway as intended with lead walkways to the units as well as the interior of the site as intended in the North Federal Highway Overlay District. The townhouse units interior to the site have front entrances that face an interior courtyard area with a spine walkway that connects to common open space as well as both Federal and Old Dixie Highways, providing a more pedestrian friendly experience. Access to the garages and parking areas are provided from the access tracts.

- (d) *Not less than 25 percent of the total area, less water bodies, shall be usable open space, either for recreational or some other suitable purpose, public or private. For the purpose of this section; streets, driveways, garages, parking areas, and water bodies shall not be construed as usable open space.*

This design standard has been met. The basis for this standard is to assure that larger residential developments provide adequate recreational amenities. The proposed 18-unit townhouse portion of the development only occupies 1.6 acres of the overall 3.08 acre site and 25% of the site will be landscape/open space area. In addition to the amenities provided with the development including two swimming pools, a spa, amenity buildings with gym/fitness centers and playrooms and tot lot, each townhouse unit will have a private patio area, which will be used as passive open spaces.

Waiver Requests:

1. Townhouse Building Length:

Pursuant to LDR Section 4.3.3(O) ***Townhouses and townhouse type of development, (4) Design standards.***

- (b) *No townhouse row shall consist of more than eight (8) dwelling units or a length of 200 feet, whichever is less.*

The waiver request is to allow a townhouse row of eight (8) dwelling units at a length of 222'-8" for Townhouse Building Type 3.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(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 waiver request only applies to the 8-unit townhouse building along the north side of the site, which is set back 41' - 45' from the abutting GC-zoned property to the north, and separated by the projects, perimeter landscaping and perimeter roadway. Within the building, each townhouse unit is a minimum 25'-2" wide with the end units at 25'-6" wide. The width of the units provides a superior design and quality floor plans. The 8-unit building is designed with a 1-story 20' wide amenity building separating the grouping of 4, 3-story townhouse units, which reduces enhances the internal streetscape of the new urbanist townhouse development. While providing a benefit to the development, the 1-story amenity effectively breaks up the massing of the 3-story townhouses and required extending the building 22'-8" to the east. The requested waiver is to allow an increase in length by only 22'-8" to accommodate the proposed amenity building and is appropriate given the adjustment is internal to the site and does not affect the perimeter of the overall development.

Positive findings can be made with LDR Section 2.4.11(B)(5) **Findings**. The proposed waiver will not adversely affect the surrounding area, which is zoned General Commercial (GC), and will not diminish the provision of public facilities. As stated in the analysis, the waiver will not create an unsafe situation and does not result in the grant of a special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

2. Stacking Distance:

Per LDR Section, 4.6.9(D)(3)(c), provisions must be made for stacking and transition of incoming vehicular traffic from a public street into a private property to maintain a clear and safe path for vehicles, bicyclists, and pedestrians. Vehicles shall not queue into or obstruct the public right-of-way, nor planned or existing public infrastructure in the ultimate right-of-way, per Always Delray Table MBL-1, Street Network Classification and Improvements.

Pursuant to LDR Section 4.6.9(D)(3)(c)1. and Table [4.6.9\(D\)-1](#), stacking, the minimum distance between a right-of-way and the first parking space or aisleway in a parking lot not controlled by access gates with 51 or more parking spaces on all streets is 50'.

Pursuant to LDR Section 4.6.9(D)(3)(c)2., the minimum stacking distance may be reduced to a minimum of 20 feet for parking lots containing more than 50 parking spaces when the parking lot is designed and operated with two or more access points. This reduction in stacking distance is subject to approval by the City Engineer based on the following:

- a. The primary access point to the parking lot is not located along a collector or arterial street; and*
- b. A Traffic Statement or Study identifies that the site will generate no more than 200 ADT; or*
- c. A dedicated right turn lane measuring at least 50 feet in length from the primary access point is located along a collector or arterial street.*

Pursuant to LDR Section 4.6.9(D)(5) Additional stacking distance may be required to improve site access and public safety. A reduction to the minimum required stacking distance may be requested when supported by a traffic study and justification statement addressing access into the site and efforts to diminish the impact of queuing on the public right-of-way. The City Engineer shall provide a written determination regarding the request to reduce the stacking distance. A denial to reduce the minimum stacking distance requirement may be appealed to the City Commission and processed as a waiver request.

The request is to reduce the stacking distance from 50' to 23'-8" at the main entrance driveway along North Federal Highway, with the stacking distance reduced along Old Dixie Highway from 50' to 24'-6" for the south driveway and 35'-10" for the north driveway.



Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(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 proposed development includes 4 driveways (3 two-way and 1 egress only). Along Federal Highway, the primary access driveway is two-way with a stacking distance of 23'-8" from the dedicated ultimate right-of-way line of North Federal Highway to the handicapped accessible parking space serving the condominium building (adjacent to outbound lane). It is noted from the vehicular travel lane along North Federal Highway to the handicapped accessible space is 57'-8". There are no parking spaces or drive aiseways directly abutting the inbound lane until 72' into the site from the ultimate right-of-way line of North Federal Highway. It is also noted, there is no median open on Federal Highway into the site. Thus, vehicles entering the site will be making right turns from southbound Federal Highway.

The south driveway onto Old Dixie Highway provides a stacking distance of 24'-6" to the first driveway and the north access driveway onto Old Dixie Highway provides 35'-10" of stacking to the first driveway. The distance from the edge of pavement Old Dixie Highway is 64'-6" and 75'-10" respectively.

The traffic study indicates the project will generate 229 average daily trips, 14 a.m. peak hour trips, and 17 p.m. peak hour trips. Compared to the existing uses, the proposal will result in 394 less net external daily trips, 37 less net a.m. peak hour trips and 35 less net p.m. peak hour trips. It is noted the inbound peak hour volumes from Federal Highway will be 3 AM trips and 8 PM trips. The average inbound time per vehicle during the PM peak is only 1 vehicle every 7.5 minutes. Along Old Dixie Highway the inbound peak hour volumes are 0 AM trips and 1 PM trip (Refer to AM/PM Peak Hour Volume graphic).



Positive findings can be made with LDR Section 2.4.11(B)(5) **Findings.** The proposed waiver will not adversely affect the surrounding area, which is zoned General Commercial (GC), and will not diminish the provision of public facilities. As stated in the analysis, the waiver will not create an unsafe situation and does not result in the grant of a special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

3. Drive Aisle Width:

Pursuant to LDR Section 4.6.9(D)(6)(d), the standard aisle width is 24' for normal traffic flow with perpendicular parking. The minimum aisle width for normal traffic flow is 20', but this dimension can only be used for short distances where there are no parking spaces entering therein.

The request is to reduce the driveway width from 24' to 22' for the east/west driveways along the north side of the townhouses and south side of the townhouses, just west of the internal drive to the condominium building, and the north/south driveway, just west of the townhomes fronting N. Federal Highway.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(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 practical application of this requirement is based upon the provision of adequate ingress and egress into the adjoining parking spaces, or in this case 14' - 18' deep driveways leading to the garages. The design provides an overall vehicular maneuvering area greater than 24' and will not create an unsafe situation. It is noted, these are single loaded driveways with continuous perimeter and internal landscape areas provided on the opposite side of the driveway. This is a typical layout of townhouse developments in the urban core and redevelopment areas of the City where a neo-traditional townhouse layout is desired.

Positive findings can be made with LDR Section 2.4.11(B)(5) **Findings.** The proposed waiver will not adversely affect the surrounding area, as the waiver is associated with a portion of the driveways internal to the development and will not diminish the provision of public facilities. The waiver will not create an unsafe situation and does not result in the grant of a special privilege in that the same waiver has been granted under similar circumstances on other property for another applicant or owner.

Internal Adjustment Request/Analysis:

Pursuant to LDR 2.4.11(C) *Internal adjustments.* An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land.

- (1) *Rule.* An adjustment shall only be considered during the site and development plan review process and shall be only for requirements which do not pertain to, or affect, standards that apply to the perimeter of an overall development proposal (plan). An adjustment may be granted by the body or board which is empowered to approve or deny the site and development plan.

Internal Adjustment Findings: Per LDR Section 2.4.11(C)(5), **Findings.** Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.

LDR Section 4.6.2 (Distance Between Residential Buildings)

Pursuant to LDR Section 4.6.2(B) **Application.** The minimum horizontal distance(s) between any two residential buildings (referred to as Building A and Building B) shall vary according to the length and height of such buildings. Such minimum distances shall be the distance required under the following formula as further defined in LDR Section 4.6.2(B):

$$D = \frac{LA + LB + 2(HA + HB)}{6}$$

The internal adjustment request is to reduce the distance between buildings for the following as indicated in the chart below: Buildings #2 and #3 from 37.4' to 30'; Buildings #4 and #6 from 53.3' to 30'; and Buildings #5 and #6 from 54.3' to 30'.



BUILDING SEPARATION (DISTANCE BETWEEN RESIDENTIAL BUILDINGS)		
	REQUIRED	PROVIDED
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #1 AND CONDO BUILDING #2	$\frac{36'-5" + 36'-5" + 2(46'-10\frac{1}{2}" + 36'-5\frac{1}{2}")}{6} = 39.9'$	51'-9"
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #1 AND CONDO BUILDING #4	$\frac{48'-5" + 48'-5" + 2(46'-10\frac{1}{2}" + 38'-5\frac{1}{2}")}{6} = 44.5'$	56'-0"
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #2 AND CONDO BUILDING #3	$\frac{39'-4" + 39'-4" + 2(36'-5\frac{1}{2}" + 36'-5\frac{1}{2}")}{6} = 37.4'$	30'-0" **SEEKING RELIEF
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #2 AND CONDO BUILDING #4	$\frac{39'-4" + 39'-4" + 2(36'-5\frac{1}{2}" + 36'-8\frac{1}{2}")}{6} = 37.5'$	46'-2"
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #3 AND CONDO BUILDING #6	$\frac{31'-7" + 31'-7" + 2(36'-5\frac{1}{2}" + 38'-5\frac{1}{2}")}{6} = 35.5'$	46'-2"
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #4 AND CONDO BUILDING #5	$\frac{39'-4" + 39'-4" + 2(36'-8\frac{1}{2}" + 38'-5\frac{1}{2}")}{6} = 38.2'$	50'-4"
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #4 AND CONDO BUILDING #6	$\frac{26'-2" + 26'-2" + 2(36'-8\frac{1}{2}" + 37'-2\frac{1}{2}")}{6} = 53.3'$	30'-0" **SEEKING RELIEF
PROVIDED HORIZONTAL DISTANCE BETWEEN CONDO BUILDING #5 AND CONDO BUILDING #6	$\frac{26'-2" + 26'-2" + 2(38'-5\frac{1}{2}" + 38'-5\frac{1}{2}")}{6} = 54.3'$	30'-0" **SEEKING RELIEF

The referenced code provision was adopted prior to 1990 when Delray Beach was experiencing development within the suburban areas west of I-95, and prior to adoption of LDR Section 4.3.3(O) (Townhouses and Townhouse Type Developments). The referenced LDR provision is more appropriately applied to residential development within residentially zoned areas in suburban settings and not for non-residentially zoned properties or townhouse type developments, especially in urban areas such as the Federal Highway corridor, downtown area and other redevelopment areas. The North Federal Highway Redevelopment Plan emphasizes traditional neighborhood design principles (TND/New Urbanism), which the site design implements. The reduction is limited to the area between the central courtyard/pedestrian area; however, the building separation complies with minimum 30' requirement, per LDR Section 4.3.3(O) and the buildings comply with Building and Fire Codes. This layout is similar to other TND townhouse developments along Federal Highway, within and surrounding the downtown area. The requested internal adjustment is appropriate given the adjustment is internal to the site and does not affect the perimeter of the overall development. The result will be an aesthetically pleasing TND development that will be an enhancement to the North Federal Highway Redevelopment Area.

Granting this relief from LDR Section 4.6.2(B) does not diminish the practical application of the affected regulation and by granting such relief a superior development product. Therefore, positive findings can be made with LDR Section 2.4.7(C)(5).

Landscape Plan Findings:

Pursuant to LDR Section 2.4.10(A)(3)(c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations

The proposed landscape plan complies with the objectives and design standards of LDR Section 4.6.16. The landscape plan provides a variety of landscape material in compliance with regulations and includes appropriate buffering of adjacent properties as well as required street trees.

Architectural Elevations Findings:

Pursuant to LDR Section 2.4.10(A)(3)(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.



Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the below 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.*

The Tropics of Delray is designed in a Contemporary Modern architectural style and meets the criteria of LDR Section 4.6.18(E)(1)-(3). The proposed building design and scale are in conformity with good taste and good design. The design is in harmony with the developments in the area and will enhance the character, value, and attractiveness of the surroundings.

Based upon the above, the proposal is consistent with the Always Delray Comprehensive Plan and The North Federal Highway Redevelopment Plan. The proposal is also consistent with Chapter 3 (Performance Standards, LDR Section 3.1.1 (Required Findings), (A) Future Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with LDRs. Thus, approval of the Level 4 Site Plan, Landscape Plan and Architectural Elevations, and associated waivers and internal adjustment is respectfully requested.

