



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### The Tropics

Meeting	File No.	Application Type
July 15, 2024	2024-030-SPM-SPR-LV4 & 2024-031-USE-PZB	Level 4 Site Plan; Conditional Use, Free Standing Multiple-Family Housing
Property Owner	Authorized Agent	
Federal 2400 LLC & 2410 Federal LLC	Jeffrey Costello	

### Request

Provide a recommendation to the City Commission for a Level 4 Site Plan Application (including a Landscape Plan, Architectural Elevations, Waivers, and an Internal Adjustment), to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings; and a Conditional Use to allow free standing multi-family development in the General Commercial (GC) zoning district.

### Site Data & Information

**Location:** 2400 & 2410 N. Federal Highway

**PCN:** 12-43-46-04-30-000-0020 &  
12-43-46-04-08-000-0090

**Property Size:** 3.08 acres

**Land Use:** General Commercial (GC)

**Zoning:** GC  
(North Federal Highway Overlay District)

#### Adjacent Zoning:

- **North & South:** GC
- **East:** GC and Automotive Commercial (AC)
- **West:** GC and Community Facilities (CF)

**Existing Use:** Commercial

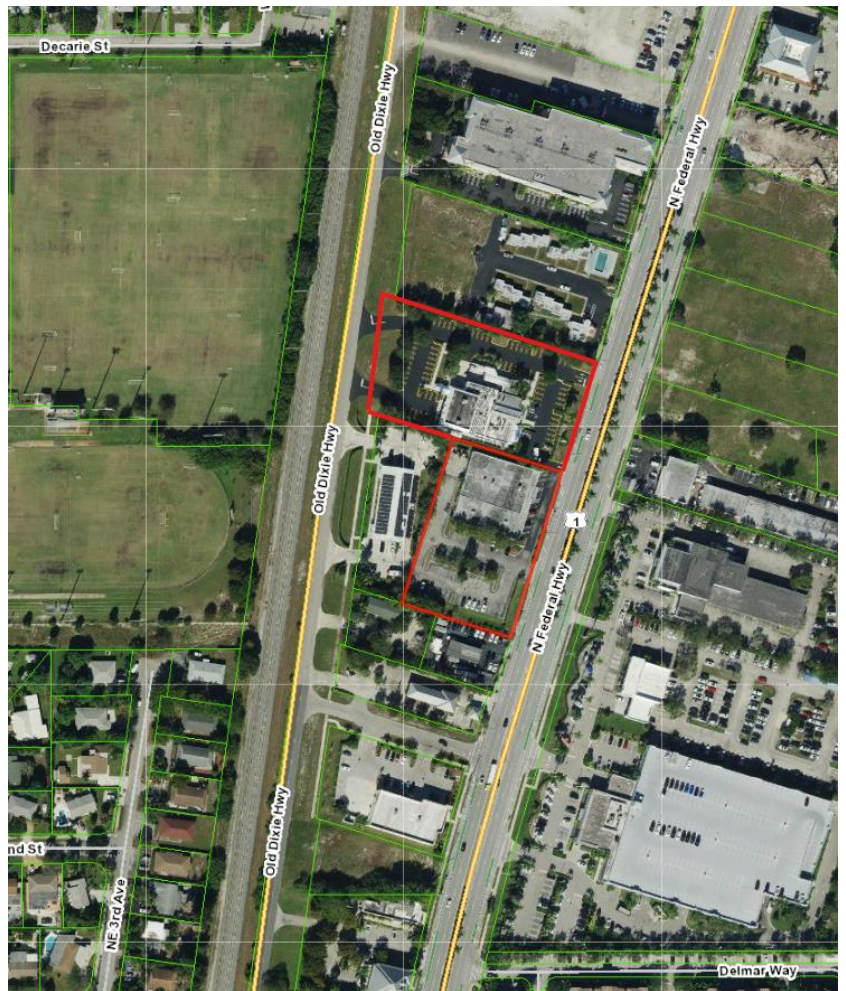
**Proposed Land Use:** Residential (34-unit multi-family)

#### Floor Area Ratio:

- **Existing:** 0.18 (approximate)
- **Proposed:** 0.98
- **Maximum Allowed:** 3.0

#### Density:

- **Existing:** N/A
- **Proposed:** 11 du/acre
- **Maximum Allowed:** 12 du/acre

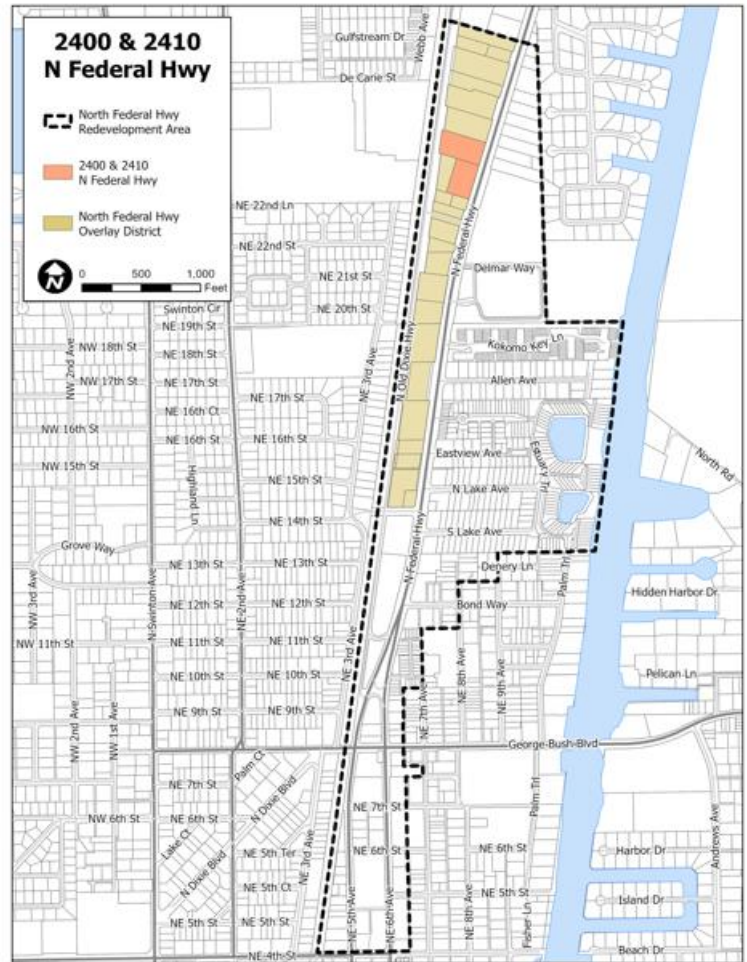


## Background Information

The subject property consists of three parcels totaling 2.97 acres (3.08 acres pre-dedication of ROW) located between North Federal Highway and Old Dixie Highway. There is currently an existing commercial building on each lot: Badcock Home Furniture (2400 N Federal Highway) and the Bees Knees Diner (2410 N Federal Highway).

The property is zoned General Commercial (GC) with an underlying Land Use Map (LUM) designation of General Commercial (GC). GC land use has a maximum standard density of 12 dwelling units per acre. Per Section 4.4.9(A), GC zoning generally is intended to provide *basic regulations for small parcels which are best suited for general retail and office uses*, but free-standing multiple-family housing is permitted with approval of a Conditional Use subject to the requirements of RM zoning - except for height and setbacks, which are subject to the regulations established in LDR Section 4.4.9, and applicable to all uses.

The property is also located within the North Federal Highway Overlay District (map at right). The Redevelopment Plan for the Overlay was adopted in 1999, as the City recognized that several older areas of the City were becoming increasingly blighted and that property values were declining. The Redevelopment Plan established a framework for the future redevelopment of the North Federal Highway Corridor, with the intention of fostering redevelopment through strategic investments that support traditional neighborhood development.



The property's development history is outlined below:

- The existing structures were constructed in 1951 (2400 N Federal Highway) and 1970 (2410 N Federal Highway)
- In 1977, the north property was annexed into the City of Delray Beach from unincorporated Palm Beach County and was assigned a land use designation of General Commercial (GC) and a zoning district of General Commercial (GC) at the time of annexation. The south property was annexed in 1979 with GC land use and zoning.
- Since annexation, the structures on the subject property have contained restaurant (north) and retail (south) uses.
- In November 2023, the applicant submitted a request for a Level 4 Site Plan and Conditional Use for a free-standing multiple-family residential development (subject request) further described in subsequent sections.

## Project Description

The development proposal includes 34 residential units distributed between 18 townhouse-type condominium units located in five three-story buildings, and 16 traditional condominium units located in a single four-story building. The units range from three-bedroom to five-bedroom.

There are two ground floor amenity areas, one located amongst the townhouse-type units and one within the four-story building. The larger four-story building (in blue, at right) includes designated garages and private pool cabanas on the ground floor, while the residential units are located on the second through fourth floors. The three-story townhouses (in red, at right) are dispersed amongst five structures, with four units fronting North Federal Highway and the remaining 14 units separated into two rows of six and eight units where the units front a pedestrian pathway that divides the two rows. A pool and gym / fitness building are provided for the townhouse units. While some of the units are proposed in a townhouse typology, it is important to note that the entirety of the project will be structured as a condominium and there are no proposed fee-simple lots.

Required parking for each unit is provided within a private garage, and guest parking for each unit is provided through either an attached driveway in front of the garage or a reserved parking space located generally near the unit. Private garages for each townhouse-type unit are accessed through a private drive-aisle that navigates around the perimeter of the buildings.

The request includes 3 Waivers and an Internal Adjustment. The requested relief is as follows:

### Waivers:

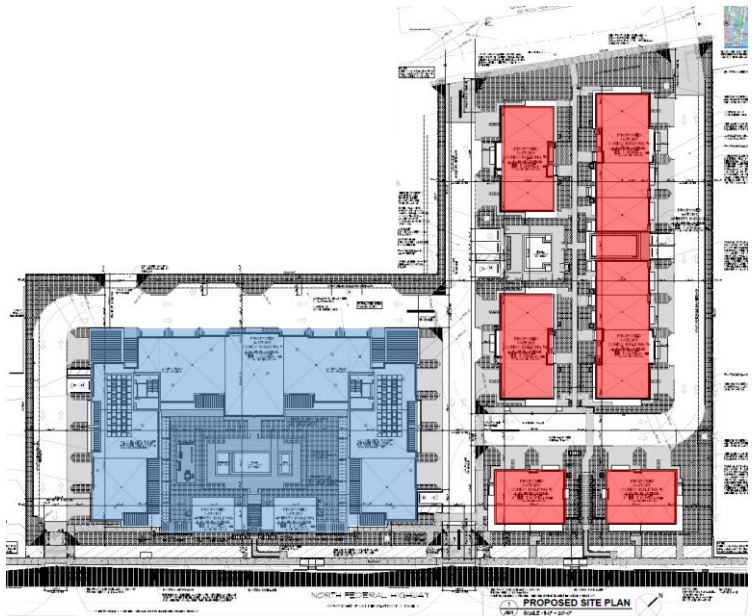
1. **LDR Section 4.6.9(D)(3)(c)1.:** Relief from the required 50-foot stacking distance from Federal Highway and Dixie Highway to allow a stacking distance of 23'8" from Federal Highway and 24'6" and 35'20" from Dixie Highway;
2. **LDR Section 4.6.9(D)(6)(d):** Relief from the required drive aisle width of 24 feet to allow 22 feet;
3. **LDR Section 4.3.3(O)(4)(b):** Relief from the 200-foot maximum length of a townhouse building to allow a length of 222'8"

### Internal Adjustment:

4. **LDR Section 4.6.2(B):** Relief from the minimum distance between residential buildings to allow a 30-foot separation.

A reduction in stacking distance is subject to approval by the City Engineer, pursuant to **LDR Section 4.6.9(D)(3)(c)2**. The City Engineer has reviewed the request and approved the stacking distance relief. No further action from the Board is required for this request; only 2. through 4. are presented for Board consideration.

Pursuant to **LDR Section 4.4.9(D)(10)**, free standing multiple-family housing is only permissible within the GC zoning district if conditional use approval is granted. Accordingly, the applicant is requesting Conditional Use approval for multiple-family housing on the subject



property. The development is subject to the requirements of the RM district in **LDR Section 4.4.6**, including the performance standards in **LDR Section 4.3.3(BB)**, except for setback and height requirements which are pursuant to the requirements of the GC zoning district in **LDR Section 4.4.9**.

**NOTE:** Any signage included in the renderings or architectural elevations has not been reviewed for compliance with the LDR and is not included as part of the subject review and approval. A separate review process is required for signage.

### Review and Analysis: Conditional Use

#### **LDR Section 2.4.6(A)(1), General**

*The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a Conditional Use.*

If the Board provides a recommendation of approval, the request will be scheduled for an upcoming City Commission meeting. However, if the Board does not provide a recommendation of approval, the application would not move forward with the review process to the City Commission unless an appeal is submitted by the Applicant. If there are concerns with the request, conditions may be imposed in accordance with the following provisions:

**LDR Section 2.4.6(A)(4), Conditions,** *Conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.*

#### **LDR Section 2.2.1(E)(3), Approval with Conditions**

*In granting approval to any development application, the granting body may impose conditions it deems necessary to ensure:*

- (a) *The compatibility of the use with nearby existing and proposed uses.*
- (b) *Consistency with the requirements of these Land Development Regulations.*
- (c) *Meeting concurrency requirements.*
- (d) *Consistency with the Comprehensive Plan.*
- (e) *The fulfillment of requirements of the Land Development Regulations that should have or could have been fulfilled prior to the approval action but were not due to conditions beyond the control of the applicant.*
- (f) *The fulfillment of requirements of the Land Development Regulations that could have been fulfilled prior to the approval action, but remain outstanding, providing that they will be completed in a later stage of processing.*
- (g) *Notwithstanding the provisions above, neither a final subdivision plat, nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.*

In general, the reviewing bodies must review and make a recommendation on a conditional use request with negative or positive findings as follows:

**LDR Section 2.4.6(A)(5), Findings,** *In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:*

- a) *Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- b) *Hinder development or redevelopment of nearby properties.*

The Board's recommendation to the City Commission must consider whether the default development standards for the project are sufficient to prevent a significantly detrimental effect upon the stability of the adjacent neighborhood, or hinder development or redevelopment of nearby properties. If the default development standards are insufficient, conditions may be imposed to mitigate any anticipated detrimental impacts with respect to the specific context of the surrounding area. The adjacent properties generally consist of commercial uses with a land use designation and zoning district that does not typically accommodate multi-family housing. While there is no residential use directly abutting the subject property, there are examples of existing multi-family residential uses that are abutting North Federal Highway that become more frequent moving southward along Federal Highway towards George Bush Boulevard. The adjacent zoning, land use, and existing uses are outlined in the table below:

Adjacent Zoning, Land Use, and Use					
	Zoning Designation	Land Use	Use	Zoning Map	Land Use Map
North	GC	GC	Hotel/Motel		
South	GC	GC	Auto Sales/Retail		
East	GC & AC	GC	Auto Dealership/Golf Cart Sales		
West	GC & CF	GC & CF	Gym/School		

The closest residential zoning district (located southwest) has a lower density classification and a primary development pattern of single-family residences; however, this neighborhood is disconnected from the subject property by both Dixie Highway and the FEC railroad corridor. By means of this physical separation, the subject property is not necessarily related to these single-family residences in terms of any connectedness to the neighborhood, and the difference in density should not be seen as incongruent.

The Board should consider whether the displacement of an existing commercial use, for the benefit of additional residential units, is a net positive for the stability of the neighborhood or if the neighborhood would instead remain more stable with the persistence of commercial uses on the subject property along this predominately commercial arterial.

**Review and Analysis: Site Plan**

The proposed site plan generally meets all applicable requirements of the Land Development Regulations, other than the specifically identified waivers. The site is configured in a logical manner that orients the buildings towards Federal Highway and provides frontage connection along the corridor. Furthermore, parking is strategically located towards the interior of site which helps alleviate the negative visual impact that results from an abundance of visible off-street parking placed between the buildings and public realm. The site configuration facilitates a well-landscaped pedestrian friendly environment with a clearly defined pedestrian network that is integrated throughout the site with convenient connection to the larger public sidewalk network. Substantial landscaping and utilization of street walls also provide privacy screening where appropriate and beautify the overall project.

**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.*

**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 the following four areas:

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

As noted, the subject property is zoned GC, which is a preferred zoning district under the GC land use designation. Whereas the GC zoning district typically requires that residential uses are developed in tandem with commercial uses as vertical mixed-use structures with commercial uses on the ground floor and oriented towards the frontage, the district does permit the establishment of free-standing multiple-family housing on a case-by-case basis through the conditional use process. As part of the conditional use review, the Board shall find that all applicable LDR requirements are satisfied.

**(B) Concurrency** as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Water and Sewer. The residential development will utilize on-site gravity sewer system to be privately owned and maintained. All individual unit water services to be 2" poly to meter.

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

Transportation. The submitted Traffic Statement indicates the proposed 34-unit residential development will result in an anticipated net reduction of 394 daily trips when compared to the existing commercial uses. The applicant has provided a TPS letter indicating the project meets the Palm Beach County requirements for traffic performance standards. The project fails to provide an adequate loading zone that complies with the requirements of LDR Section 4.6.10. Based on the square footage of the project, the LDR recommends that three loading berths be provided, whereas the applicant provides no loading berth. As such, the approving Board must make a determination that the proposed conditions are adequate to service the loading demand for the proposed project. The Board should consider whether the decision to omit a practical loading zone from the plan will result in any negative consequence on the public road network, or whether loading for a residential project of this size can be accommodated without issue within the private drive-aisles; and also whether a potential obstruction in the drive-aisle to accommodate frequent delivery and move-in/out will conflict with other necessary site operations, such as waste disposal and general vehicle circulation.

Solid Waste. The proposed development is estimated to generate 17.68 tons of solid waste compared to the existing 122 tons generated with the retail and restaurant. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054. The applicant has provided correspondence from Waste Management that advises roll out containers picked up from the driveway of each unit, which is the stated intention of the applicant, is a feasible method of waste disposal for this project.

Schools. The applicant has provided a SCAD letter issued by The School District of Palm Beach County finding that the proposed development will have no negative impact on the existing school system. Any fees due will be at the discretion of the School Board.

**(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.

The following Comprehensive Plan objectives and policies are relevant to the Conditional Use request:

### **Neighborhoods, Districts, and Corridors Element**

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

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

Policy NDC 1.3.10 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.

The comprehensive plan allows for the provision of limited free-standing multiple-family housing development within the General Commercial Land Use designation, and further emphasizes that similar uses, intensities, heights, and development patterns should orient towards each other when new developments are proposed. A negative impact on residential neighborhoods is not anticipated,

due to the location of the subject property in relation to the adjacent single-family residential neighborhoods. The Board should consider whether this specific proposal fits within the context of the adjacent area in an appropriate way such that it represents a good opportunity to introduce limited stand-alone multiple-family housing into the commercial corridor.

*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.*

The redevelopment plan does not provide specific guidance relative to multiple-family housing development within the GC district. However, the plan is generally in support of, and encourages, multiple-family housing development within the redevelopment plan study area. The plan specifically states that stabilization and preservation of existing residential neighborhoods is a priority; and that new development, redevelopment, and removal of blighted properties are potential strategies to achieve neighborhood stabilization. While the existing structures on the subject property are not blighted, the redevelopment plan is receptive to the idea of new development, and furthermore, the plan states that a healthy mix of residential and commercial uses should be promoted within the study area.

### **Housing Element**

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

*Policy HOU 5.1.1 Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.*

The Comprehensive Plan emphasizes the importance of encouraging the growth of the City's housing stock in a way that ensures the development and availability of accessible housing that meets the needs of a diverse range of household types. While this project is proposing to develop near the maximum allowable standard density (12 dwelling units per acre, or 36 units), there are also no workforce housing or density incentives currently available at this location that would allow the property to be developed in the incentive density range of 12-30 dwelling units per acre. That being said, a request could be made to establish a distinct incentive overlay district that could allow the Applicant to more effectively achieve a greater diversity of unit types, including 1- and 2-bedroom units, than is currently proposed. However, an incentive overlay is subject to approval of the City Commission and the Applicant is not obligated to pursue incentive density.

While the applicant is providing a range of unit types from 3-5 bedrooms, the Board should consider whether the proposed project meets the intent of the Housing Element of the Comprehensive Plan and whether there is opportunity to ensure a greater diversity of unit types at varying income levels, even though there is currently the absence of revitalization incentives available for this location. Likewise, the Board should also consider whether the large unit sizes may be a contributing factor for some of the requested relief. Additionally, if the overall building area was reduced, including a reduction of the square footage of some of the units, the applicant could theoretically provide some units at a lower bedroom count – or mitigate the need for some or all of the requested waivers by reducing the bulk of the building. In summary, the Board should consider whether the provision of unit types within a range of 3-5 bedrooms meets the intent of the Comprehensive Plan, and if this proposed typology of large luxury residential units is appropriate when introducing free-standing multi-family residential into a predominantly commercial corridor.

Conditions may be imposed on the conditional use approval, if deemed appropriate, but the City may not require affordable housing where it is not required as part of an incentive program, and any approval or denial must be based on the required findings in LDR Section 2.4.10(A)(3). Staff has not identified any necessary conditions during review of the development proposal.

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

**LDR Section 4.4.9, General Commercial**

Standard/Regulation	Review	
<b>Height</b> 4.3.4(K) – Development Standards Matrix	<b>Maximum:</b> 48 feet <b>Proposed:</b> Condominium – 46 feet and 8 inches top of roof 51 feet and 8 inches top of parapet 55 feet and 8 inches top of stair tower Townhouses – 36 feet top of roof 39 feet top of parapet	
<b>Setbacks</b> 4.3.4(K) – Development Standards Matrix	<b>Minimum Required</b> Front – 10 feet Side Street – 10 feet Rear – 10 feet Interior – 0 feet	<b>Provided:</b> Front (East) – 10 feet and 1 inch Front (West) – 20 feet and 3 inches Side Interior (North) – 21 feet and 3 inches Side Interior (South) – 48 feet Rear (West) – 39 feet and 6 inches

**LDR Section 4.4.6, Medium Density Residential**

Standard/Regulation	Review	
<b>Open Space</b>	<b>Minimum:</b> 25% <b>Provided:</b> 25.6%	
<b>Lot Coverage</b> 4.3.4(K) – Development Standards Matrix	<b>Maximum:</b> 40% <b>Provided:</b> 32.4%	

**Other Development Regulations**

Standard/Regulation	Review	
<b>4.6.9, Off-Street Parking</b>	<b>Required:</b> 2 spaces/unit = 68 spaces Guest Parking: 0.5 spaces for first 20 units; 0.3 spaces for 21-50 units = 14.2 spaces Total = 82 spaces <b>Provided:</b> 129 spaces	
<b>4.6.9, Bicycle Parking</b>	<b>Required:</b> Type I spaces – 1 spaces/20 unit = 2 spaces Type II spaces – not required <b>Provided:</b> Type I spaces – 30 spaces	

**LDR Section 4.3.3(BB) Performance Standards for Multi-Family Development**

To increase a project density beyond six dwelling units per acre, the approving body must make a finding that the development substantially complies with the performance standards in this section. Per LDR Section 4.3.3(BB)(1)(c), some of the referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, *the ultimate density should be based upon the attainment of any applicable standards, as well as the development's ability to meet or exceed other minimum code requirements.*

For the Board's consideration in increasing the density above six dwelling units per acre, the Performance Standards are provided below along with analysis of the corresponding improvements associated with the specific standard.



Performance Standard	Review
<b>Traffic Calming</b> LDR Section 4.3.3(BB)(3)(a)	The proposed project configures the site such that vehicle ingress/egress is dispersed through multiple access points, which helps alleviate stress on any particular access point. Circulation on site is also designed to accommodate safe pedestrian movement to and from the units on clearly demarcated pedestrian sidewalks.
<b>Building Placement to Reduce Massing and Provide a Feeling of Open Space.</b> LDR Section 4.3.3(BB)(3)(b)	The proposed building is located on site such that the massing of the larger structure is oriented towards the North Federal Highway frontage. The lower scale, three story structures are oriented towards the adjacent properties. The requested relief to reduce building separation and provide an overall building length that exceeds the maximum does have a direct and literal effect on the amount of open space and massing of structures provided in close proximity, however the project is in compliance with the minimum open space and maximum lot coverage requirements for the RM district and the open space that is provided is well landscaped to soften any potential side effects of accumulated massing.
<b>Buffering; Increased Setbacks and Landscaping</b> LDR Section 4.3.3(BB)(3)(c)	While the GC district has a minimum required setback of 5 feet when a structure has openings on a façade, all proposed buildings far exceed the minimum required side and rear setback (10 feet required for each, with 21-48 feet provided on the side and 39 feet provided on the rear). The perimeter buffer on the north and south side contains trees at 16 feet in height.
<b>Varied Streetscape and Building Design</b> LDR Section 4.3.3(BB)(3)(d)	The proposed architectural design incorporates movement and shifts across the façade to reduce the visual impact of the mass. Architectural treatment is further accentuated with decorative landscaping along both street frontages. Three different building typologies are utilized throughout the project.
<b>Varying Unit Types</b> LDR Section 4.3.3(BB)(3)(e)	"Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans." The development proposes a unit mix ranging from 3-bedrooms, 4-bedrooms, and 5-bedrooms. The Department has received a significant number of development applications proposing luxury, large-footprint residential typologies, and the market may be experiencing oversaturation of this type at the expense of other diverse, and greatly needed, unit typologies - especially in proximity to Downtown. The Board should consider this in their evaluation of the appropriateness of the request. The Comprehensive Plan would encourage 1-and 2-bedroom units be intermixed into multi-family developments, when feasible, and the LDR establishes this as a performance standard.
<b>Open Space Areas</b> LDR Section 4.3.3(BB)(3)(f)	The proposed development provides 25.6% of open space, where a minimum of 25% is required.
<b>Multi-modal Connectivity</b> LDR Section 4.3.3(BB)(3)(g)	There are limited means for a project of this scale to introduce new multi-modal transit infrastructure. However, the property is located along the North Federal Highway corridor and in close proximity to the downtown area, where sidewalks and bike lanes provide connectivity throughout the neighborhood and adjacent areas, including connections to the George Bush Boulevard Bridge and east of the Intracoastal Waterway. Additionally, there are transit stops available nearby.
<b>Parking Garage Design</b> LDR Section 4.3.3(BB)(3)(h)	The parking is integrated into the building design by way of ground floor individual garages per unit, and all garage doors are oriented to face away from the public street frontages.
<b>Unified Architectural Character</b> LDR Section 4.3.3(BB)(3)(i)	The proposed design delivers many elements of a successful implementation of the Masonry Modern architectural style. The townhouse and condo portions of the development have unique elements, while sharing common unifying style elements.

<p><b>Amenities</b> LDR Section 4.3.3(BB)(3)(j)</p>	<p>Amenities are provided for both the condo and townhouse portions of the development (detailed above).</p>
<p><b>Pedestrian Connectivity</b> LDR Section 4.3.3(BB)(3)(k)</p>	<p>The development promotes pedestrian movements by providing convenient access to the public sidewalk system. Pedestrian areas adjacent to the building are enhanced by the provision of landscaping and shade trees. There is a defined pedestrian route that will provide an option for circulation, both internal to the site as well as to the exterior sidewalk network, that separates the pedestrian from vehicle traffic. However, the placement of some of the guest parking spaces would require a visitor to navigate on foot through the drive-aisle to reach the unit entrance. However, the private drives will be low speed and low traffic volume, and it is not anticipated to create any significant issues.</p>
<p><b>Shared Parking and/or Accessways</b> LDR Section 4.3.3(BB)(3)(l)</p>	<p>The development provides a shared access point to the adjacent property to the west, which in addition to the many access points along both Federal Hwy and Dixie Hwy, allows multiple opportunities for vehicles to disperse efficiently into the road network.</p>

The Board should consider whether or not the project is considered a small, infill type residential project, whether the proposed development still meets the intent of the performance standards with the omission of 1- and 2- bedroom units, and if the omission of 1- and 2-bedroom units is the result of the project size (and therefore does not apply) or some other controllable factor.

**LDR Section 3.2.3, Required Findings.**

The Site Plan shall be reviewed according to the performance standards for site plan actions listed in LDR Section 3.2.3 and these standards have been factored into the technical review of the application. The project generally complies with the performance standards; however the Board should consider if the project is successful in meeting the intent of the Housing Element of the Comprehensive Plan to provide a variety of housing types that accommodates the City's growing and socio-economically diverse population pursuant to the performance standard listed in LDR Section 3.2.3(G).

**Review & Analysis: Landscape Plan**

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

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

A technical review of this site plan has been performed and a determination has been made that the project substantially complies with all applicable landscape regulations. Extensive landscaping is interspersed throughout the site, including a substantial perimeter buffer, with shade trees along the internal drive aisle, pedestrian walkway and along the Federal Highway frontage. The applicant is mitigating the removal of existing trees through replacement of trees on-site.

**Review & Analysis: Architectural Elevations**

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

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

**LDR Section 4.6.18, Architectural Elevations and Aesthetics (E), Criteria for board action**

*The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.*

1. *The plan or the proposed structure, is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*
2. *The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.*

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

Staff finds that through different design strategies, including material variation and articulation, the design criteria are generally met. While this project is not located within the CBD, and therefore not subject to the CBD design guidelines, the proposed design delivers many elements of a successful implementation of the Masonry Modern architectural style described in the CBD design guidelines.

#### Review & Analysis: Waivers and Internal Adjustment

Pursuant to **LDR Section 2.4.11(B)(5)**, *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 subject request includes relief in the form of three Waivers and one internal adjustment, discussed below:

#### Waivers:

1. **LDR Section 4.6.9(D)(3)(c)1:** Stacking Distance - Approved by City Engineer.
2. **LDR Section 4.6.9(D)(6)(d):** Drive Aisle Width

The project proposes a drive aisle width of 22 feet along certain portions of the private drive, whereas the code requires a minimum width of 24 feet. Drive-aisle width requirements are generally established to ensure that there is sufficient space to allow effective and safe navigability of two-way travel lanes, as well as ensure that there is sufficient area to allow for effective back-out maneuverability from parking spaces. While the applicant has proposed a reduced width, they have provided at the request of Staff a turning radius diagram that illustrates larger vehicles will be able to effectively maneuver through the site. Likewise, reduced width occurs at areas of the drive-aisle where parking is not located on both sides. This is relevant when considering the potential for conflict between parked vehicles and those backing out from parking stalls on the opposite side of the aisle. While there are areas where the amount of back-out space is substandard (40 feet instead of 42 feet), this reduction occurs adjacent to the landscaped perimeter buffer. At worst, cars backing out would contend with a potential conflict with landscaping, rather than with other persons or vehicles. It is important to note that this requested reduction solely applies to a private drive-aisle and has no impact on the surrounding neighborhood or public facilities.

3. **LDR Section 4.3.3(O)(4)(b):** Length of Townhouse Building

The northernmost townhouse-type condominium building (Building 6) has an overall length of 222 feet and 8 inches, whereas the LDRs establish a maximum length of 200 feet for a single residential building. The intent of this regulation is to mitigate and control the conglomeration of massing of residential buildings so that the visual impact of any single structure does not dominate the surrounding area. It also serves to reinforce architectural principles of scale, compatibility, and harmony. It is important to note that the full length of the structure is only maintained for the ground floor of the building, while the area above the fitness room at the center of the composition is open on the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Something to consider is that the observable impact of this request from surrounding areas would largely be from the adjacent property to the north and, given that a substantial landscape buffer is proposed along the northern boarder of the property, the ground floor may not be concretely observable from the adjacent properties. As such, the potential negative impact of this request appears minimal.

Pursuant to **LDR Section 2.4.11(C)**, *An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land within the boundary of the site or development plan. An adjustment shall only be considered during the site and development plan review process and shall be only for requirements that do not pertain to, or affect, standards that apply to the perimeter of a proposed development*

Internal Adjustment:

**4. LDR Section 4.6.2(B): Residential Building Separation**

The LDRs establish regulations for the distance between residential buildings to provide adequate separation between structures to allow for light, air, and open space; and to provide for aesthetically pleasing design relationships among buildings which are constructed within a townhouse, apartment, or condominium residential development. The required distance separation is a function of the proposed length and height of the buildings, whereas the larger the building the more separation is generally required. Based on the dimensions of the proposed structures, a separation between buildings of 53 feet would be required. The applicant instead proposes a distance of 30 feet between buildings 2 and 3, 4 and 6, and 5 and 6. This request has no impact on the perimeter of the property. The Board *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.*

**Board Action Options**

- A. Move to recommend to the City Commission **approval** of a Conditional Use and Level 4 Site Plan Application request for **The Tropics**, including a Landscape Plan, Architectural Elevations, Two Waivers and an Internal Adjustment, to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings at the subject property addressed as 2400 and 2410 N. Federal Highway, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend to the City Commission **approval** of a Conditional Use and Level 4 Site Plan Application request for **The Tropics**, including a Landscape Plan, Architectural Elevations, Two Waivers and an Internal Adjustment, to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings at the subject property addressed as 2400 and 2410 N. Federal Highway, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.
- C. Move to recommend to the City Commission **denial** of a Conditional Use and Level 4 Site Plan Application request for **The Tropics**, including a Landscape Plan, Architectural Elevations, Two Waivers and an Internal Adjustment, to construct a 34-unit multi-family condominium development with a mix of three- and four-story buildings at the subject property addressed as 2400 and 2410 N. Federal Highway, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations.
- D. **Continue with direction.**

**Public and Courtesy Notices**

Courtesy Notices were provided to the following neighborhood associations:

- Seacrest

Public Notice was posted at the property 7 calendar days prior to the meeting.

Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

Public Notice was posted to the City's website 10 calendar days prior to the meeting.

Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

Agenda was posted at least 5 working days prior to meeting.