



Planning Solutions

July 14, 2022

Ms. Anthea Gianniotis, AICP, Director
Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL 33444

RE: Alexan Delray (1155 S. Congress Avenue, Delray Beach, FL 33445) – Rezoning and Master Development Plan Applications – Revised Narrative Letter

Dear Ms. Gianniotis:

This Narrative Letter associated with the Rezoning and Master Development Plan applications for the property totaling 6.74 acres located at 1155 S. Congress Avenue, Delray Beach, FL 33445 (PCN#: 12-43-46-19-00-000-5037) ("Property") is respectfully submitted on behalf of Maple Multi-Family Land SE, L.P. ("Petitioner"). The property is generally located on the east side of S. Congress Avenue, approximately 950 feet north of Linton Boulevard.

BACKGROUND:

The 6.74 acre parcel is primarily vacant with a 29,250 sf. warehouse/flex building and associated parking located on the north 230' of the Property. The building was constructed in 1981 and has been vacant since 2012. Over the years the zoning of the property has changed. In the 1980s, the property was zoned LI (Light Industrial). In 1990s, the Property was rezoned to MIC (Mixed Industrial and Commercial), and, in 2007, the Property was rezoned from MIC to MROC (Mixed Residential Office and Commercial). The owner has had difficulty leasing the industrial building to light industrial type businesses given the change in zoning from MIC to MROC and has not been able to successfully lease to businesses/uses permitted in the MROC zoning district.

PROPOSAL:

The request is to change zoning designation from MROC to Special Activities District (SAD) with an associated Master Development Plan/Site Plan.

The development proposal consists of the following, primarily consistent with the MROC zoning district development standards, as modified based on the proposal:

- Demolition of the existing 29,200 sf. warehouse located on the north end of the property ;
- Construction of two (2) 5-story apartment buildings fronting Congress Avenue containing a total of 267 units (161 1-Bed, 88 2-Bed, 18 3-Bed) with a variety of floor plans and 54 Workforce Housing



units (Moderate Income level);

- Construction of 404 parking spaces consisting of 245 surface spaces and a 158-space parking deck (273 standard, 103 compact, 10 parallel, 12 ADA accessible, and 6 EV).
- Associated amenities consisting of a centrally located 2-story 9,580 sf. Club/Leasing Facility with fitness areas, club room, and makerspace/tech lounge/coworking space; a pool area, and play/tot lot area as well as a central plaza with a gazebo at the terminus of the access drive adjacent to the parking deck.
- Installation of required bicycle parking consisting of 11 bike racks (Type I) and 67-space bicycle locker/storage (Type II) as well as Electric Vehicle charging stations.
- Installation of associated landscaping, lighting, and refuse container/compactor area; and,
- Dedication of a Greenway Easement (City Pedestrian, Bicycle, and Trail Network/CSX Railroad Greenway) along the east side of the property adjacent to the CSX Railway and a bus shelter easement.

The proposed SAD ordinance also includes a specific Workforce Housing Program, which addresses the 54 on-site workforce housing units as well as funding for housing rehabilitation and any other program that promotes and expands the provision and rehabilitation of affordable and workforce housing in Delray Beach.

REZONING:

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. These findings relate to the Future Land Use Map (FLUM) (A), Concurrency (B), Comprehensive Plan Consistency (C), and Compliance with the Land Development Regulations (D). As indicated below, positive findings can be made with respect to LDR Sections 3.1.1 (A) – (D).*

(A) Future 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 Future Land Use Map.*

Neighborhoods, Districts, and Corridors Element

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The existing land designation of Congress Avenue Mixed Use (CMU) lists the proposed SAD zoning designation as a compatible zoning designation. Thus, the SAD zoning is consistent with the CMU Land Use Map designation. Per LDR Section 4.4.25 (Special Activities District) (A) (Purpose and Intent), "...The uses, activities, and characteristics of a SAD are to be consistent with the Land Use Map designation, and the Goals, Objectives, and Policies of the adopted Comprehensive Plan to provide a development that is suitable and compatible with surrounding existing development, and with any adopted redevelopment plans for the area. The existing CMU Land Use Map designation permits 40 du/ac with a revitalization/incentive density up to 50 dwelling units per acre also permitted. The proposed SAD zoning will accommodate a multi-family residential development/use at a density of 40 units per acre, which is consistent with the CMU Land Use Map designation as well as the current MROC zoning district designation. In addition, the proposed rezoning to SAD is consistent with the Goals, Objectives and Policies of the Always Delray Comprehensive Plan as well as the "Congress Avenue: Delray Beach's Next Great Street" report.



The NDC Policies listed below describe the intent and provide direction regarding the implementation of the existing Congress Avenue Mixed Use land use designation, especially as it relates to the rezoning from MROC to SAD. Based upon the analysis below, positive findings can be made with respect to the referenced objectives and policies.

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 1.3.17 *Allow a maximum floor area ratio of 2.5, and a standard density up to 40 dwelling units per acre with a revitalization/incentive density up to 50 dwelling units per acre for properties with a Congress Avenue Mixed Use land use designation to encourage a mix of uses and continue to transform the Congress Avenue corridor as a destination and great street.*

Policy NDC 1.3.18 *Use the Congress Avenue Mixed Use future land use designation to accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit-oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue.*

GOAL NDC 2 QUALITY OF LIFE AND URBAN FORM - PROVIDE A HIGH QUALITY OF LIFE FOR ALL RESIDENTS AND TRANSFORM UNDERUTILIZED AND BLIGHTED AREAS INTO ATTRACTIVE AND SUCCESSFUL NEIGHBORHOODS, DISTRICTS, AND CORRIDORS

Policy NDC 2.3.7 *Implement the vision in the "Congress Avenue: Delray Beach's Next Great Street" report by protecting commercial and industrial land uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of uses along the corridor.*

Objective NDC 2.4 Promote Transit-Oriented Development - Promote Transit-Oriented Development patterns that support a high quality of life around commuter rail stations and along transit corridors to attract economic development, enhance sustainability, and maximize infrastructure investments.

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.

NDC Policy 2.7.21 – *Evaluate the Congress Avenue corridor study and consider implementing the strategies and recommendations of the Delray Beach's Next Great Street report.*

The Property is ideally located for the proposed 267-unit multi-family residential development with 54 workforce housing units considering its location adjacent to the multimodal transit corridor along Congress Avenue with existing Palm Tran routes to the Tri-Rail Station at the South Palm Beach County Administrative Complex located at 345 S. Congress Avenue, and in close proximity to the Interstate 95 thoroughfare, civic and recreation uses, and nearby commercial and office uses. Approval of the Project will provide a more walkable and sustainable residential development to support nearby businesses, especially the existing businesses located within the 107,236 sf. shopping center abutting the Property (Linton Square – Immediately to the south), the 13,435 sf. shopping center at the intersection of S. Congress Avenue and SW 10th Street/Lowson Boulevard (Sherwood Plaza), as well as other existing and proposed businesses along the Congress Avenue corridor. The Project will also encourage and promote additional investment in the surrounding non-residential and residential properties.

The proposed infill redevelopment of the Property as a free-standing multi-family development with 54 workforce housing units will better serve the community as a strategically placed residential development, further contributing to the City's Always Delray Comprehensive Plan NDC Goal 2 to "transform underutilized and blighted areas into attractive and thriving neighborhoods, districts, and corridors."

It is noted the Project is located along existing Palm Tran routes with connections at the Tri-Rail Commuter Rail Station and transportation hub, less than ¼ mile of the Property. The Project's location provides alternative transportation options for residents reducing dependency on auto-reliance, which limit housing accessibility for a portion of the workforce. Considering that the Project will promote transit-oriented development patterns, provide workforce housing opportunities, and support the long-term feasibility of adjacent and nearby commercial uses, the Property is the appropriate location for the proposed free-standing multi-family residential use within the Congress Avenue corridor, fulfilling a remaining land use need. As described, it is not necessary for the development to provide additional commercial uses, given the existing and proposed/approved commercial uses within the corridor. The project promotes a balanced mix of uses along the corridor, which is already primarily developed with the mix of commercial, office, industrial, and service, uses needed with additional similar uses approved/proposed. The addition of this residential project will provide a catalyst for reinvestment and/or redevelopment of properties along the corridor. The Project's proposed residential use is permitted in the proposed SAD ordinance and consistent with the CMU Land Use Map designation. Therefore, approval of the requested Rezoning application is consistent with the Always Delray Comprehensive Plan.

The majority of the residential communities on the west side of S. Congress Avenue, across from the Property, are identified on the Neighborhood Categorization Map as "Need Revitalization". The proposal to redevelop an underutilized blighted property will provide needed investment along the Congress Avenue corridor that will enhance the area, encourage re-investment in surrounding properties and begin to create a critical mass of mixed-income residences that will support area businesses. This redevelopment initiative consisting of a 267-unit multi-family development with 54 workforce housing units provides a more appropriate transition between land uses and is designed in a manner that will achieve compatibility and will be complementary to the adjacent and surrounding developments, thereby meeting the intent of the objectives and policies referenced above. The residents of this development will aid in the economic stability of the businesses along the Congress Avenue corridor as well as the surrounding commercial nodes. The



proposed SAD development standards and associated Master Development Plan are comparable to the MROC development standards established for the Congress Avenue corridor and will provide a sustainable residential development that will support area businesses. It is further noted, the proposed SAD ordinance includes a specific Workforce Housing Program. The program provides 54 (20%) of the total of 267 units as on-site workforce housing units for moderate income households. In addition, funding will be provided in coordination with the City to a not-for-profit organization in the business of providing very-low, low and/or moderate income workforce and affordable housing, for housing rehabilitation as well as any other program that will promote and expand the provision and rehabilitation of affordable and workforce housing in Delray Beach. The project also includes buildings that shall be in accordance with National Green Building Standards, extensive Civic Open Space along Congress Avenue, and Makerspace/Tech Lounge/Coworking Space within the clubhouse, as well as pedestrian and bicycle connectivity, which are above and beyond the minimum base zoning district requirements of the MROC zoning district.

Unlike the west side of Congress Avenue, the depth and size of many of the properties along the east side of Congress Avenue, south of the Palm Beach County Administrative Complex are challenged by the railroad corridor and other constraints that limit the ability to provide a substantial economically feasible mixed-use project providing much needed diverse housing options, including workforce housing, in a manner envisioned along the Congress Avenue corridor. Rezoning of the property to SAD to enable the proposed 267-unit multi-family development (@ 40 units per acre) with 20% workforce housing will assist in the revitalization and stabilization efforts envisioned for the area and Congress Avenue corridor as a whole. In terms of safety, introducing a residential component to the Congress Avenue will likely improve the stability of the area and reinforce the revitalization contemplated through the previous community engagement and planning process. It will introduce more nighttime activity, and more “eyes” to observe what is happening in the area, which will be a deterrent to criminal activity.

It is further noted, that in addition to the applicable goals, objectives and policies of the Always Delray Comprehensive Plan, the Rezoning to SAD and associated development proposal is also consistent with the following Guiding Principles outlined in the referenced Report:

- “New development and redevelopment should attract aspiring, diverse and talented people to live, work and play since jobs and other investment will follow the people.
- Fostering an inclusive, welcoming community for all through more affordable housing choices and stellar neighborhood design.
- Encouraging a higher intensity and increasing density with mixed uses will build vibrancy and a stronger tax base.
- Transforming underutilized spaces into places to socialize and experience is crucial to improving the area’s quality of life.
- The private sector as an engine of growth plays a key role in Congress Avenue’s future success.”

Based upon the above, the Rezoning to SAD and its associated master development plan to accommodate a 267-unit multi-family development with 54 workforce housing units is consistent with the goals, objectives, and policies of the Always Delray Comprehensive Plan as well as the vision outlined in the “Congress Avenue: Delray Beach’s Next Great Street” report.

(B) CONCURRENCY

Pursuant to **LDR Section 3.1.1(B), Concurrency**, *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-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Traffic. A traffic study was prepared and transmitted to Palm Beach County Traffic Division for review. A Traffic Performance Standards (TPS) letter was provided by Palm Beach County Traffic Division stating the Traffic Division has determined the proposed development meets the Traffic Performance Standards of Palm Beach County.

The study indicates the project will generate 1,352 new daily trips, 88 new AM peak hour trips and 108 new PM peak hour trips.

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

Water and Sewer. Municipal water and service is available via connections to the existing water and sewer mains located within Congress Avenue. 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 rezoning to SAD is to accommodate a maximum of 267 units, which represents 138.84 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.

Parks and Open Space: While there are sufficient recreation facilities in the City to meet this LOS, the proposal includes private on-site recreation facilities consisting of a 9,581 sf. club/leasing facility with a fitness center and club room, a pool area, a tot lot with open play area, and a perimeter trail as well as a 36% open space. A park impact fee is collected to offset any impacts that a residential project may have on the City's recreational facilities. It is further noted, pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit.

(C)CONSISTENCY WITH COMPREHENSIVE PLAN

Pursuant to **LDR Section 3.1.1(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.*

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable objectives and policies are noted, in addition to the NDC objectives and policies. As discussed below



a finding of overall consistency can be made that the Rezoning to SAD is consistent with the Goals, Objective and Policies of the Always Delray Comprehensive Plan, as well as the vision in the “Congress Avenue: Delray Beach’s Next Great Street” report.

Housing Element

Objective HOU 3.1 Development to Accommodate Housing Needs *Provide opportunities for residential development to accommodate the housing needs of existing and future residents.*

Policy HOU 3.1.3 *Identify areas near job centers, commuter rail service, existing and planned transit corridors that are appropriate for higher density, multi-modal development and provide incentives in the Land Development Regulations, to promote redevelopment.*

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.*

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

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

Policy HOU 3.2.2 *Establish and regularly reassess criteria for requiring workforce housing units in new development (either on-site or through participation in a housing program) based upon proposed development density, intensity, and size.*

Policy HOU 6.1.2 *Encourage income diversity by requiring a mix of unit types in new development.*

Policy HOU 6.1.3 *Promote mixed income development in areas with access to amenities including parks, recreational and cultural facilities, transit services, employment centers and healthcare services.*

Policy HOU 6.1.4 *Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.*

Policy HOU 6.4.10 *Encourage a shared responsibility for the private sector to address workforce housing needs by offering incentives.*

Policy ECP 6.4.1 *Implement the vision in the “Congress Avenue: Delray Beach’s Next Great Street” report by protecting commercial and industrial uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of appropriate uses along the corridor.*

The proposed Rezoning to SAD to accommodate the proposed multi-family development with workforce housing units will enable further revitalization and stabilization of the Congress Avenue corridor through redevelopment in a manner that is consistent with and furthers the goals, objective and policies of the Always Delray Comprehensive Plan as well as the vision in the “Congress Avenue: Delray Beach’s Next Great Street” report. The project is located within an area in need of redevelopment and private investment to provide



needed housing and critical mass to further support area businesses, both existing and proposed. The requested rezoning and resulting redevelopment will provide diverse housing opportunities for a range of income levels, includes workforce housing and will enhance quality of life. This redevelopment initiative will help strengthen the economy and provide an opportunity to further fulfill the goals, objectives and policies of the Housing Element and Economic Prosperity Element of the City's Always Delray Comprehensive Plan.

(D) COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS

Pursuant to LDR Section 3.1.1 (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.

Pursuant to LDR Section 2.4.5(D)(1), the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. The submitted application complies with the submittal requirements in LDR Section 2.4.3.

LDR Section 2.4.5(D)(2) outlines the procedures for a zoning change, which includes the standard application items in Section 2.4.3. and a statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning, pursuant to LDR Section 2.4.5(D)(2) are:

- *That the zoning had previously been changed, or was originally established, in error;*
- *That there has been a change in circumstance which makes the current zoning inappropriate;*
- *That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*

The rezoning to SAD is requested based on the second and third criterion referenced above. There has been a change on circumstances which makes the current MROC zoning inappropriate. In addition, the SAD zoning and associated master development plan to accommodate a free-standing multi-family development is of similar intensity currently permitted under the existing CMU Land Use Map designation and is more appropriate for the property based upon circumstances particular to the site and neighborhood.

While the MROC zoning district regulations adopted in 2007 were well intended, with the "Congress Avenue – Delray Beach's Next Great Street" report it was identified that a comprehensive review of the regulations is needed, which should be conducted in conjunction with the review of the economic strategy, goals and market demand for various retail, office and residential opportunities along the Congress Avenue corridor. The commercial real estate market is recovering from the pandemic but systemic changes to the way people shop and work clouds future growth of the office and retail sector. Across industries, employers are broadly embracing hybrid work. Currently, the market does not support additional office and retail along Congress Avenue. As stated previously, the Property abuts an existing 107,236 sf. shopping center (Linton Square) with a 13,435 sf shopping center 400 feet to the north at the intersection of S. Congress Avenue and SW 10th Street/Lowson Boulevard (Sherwood Plaza). In addition, the 1690-2350 South Congress Avenue SAD, just south of Linton Boulevard at Germantown Road and Congress Avenue is approved for 70,000 square feet of office; 250,000 square feet of retail; 80,000 square feet of restaurant. Also, the commercial development approved and existing along Linton Boulevard, between Congress Avenue and the Intracoastal Waterway needs to be taken into consideration. In order to generate sufficient demand, a residential critical mass is necessary to support the businesses and need for future investment in the retail and office markets along the



corridor. Requiring a commercial component for this particular Project, serves as a deterrent to the desired investment to strengthen the tax base and serve as a catalyst for future investments. It is noted, the proposed ~9,600 sf clubhouse facility includes a tech lounge/co-working space and makerspace, which provides entrepreneur-maker-creator spaces as identified in the Congress Avenue: Delray Beach's Next Great Street report. This enables residents that would normally commute to an office environment to remain within the Congress Avenue corridor, which will benefit the City's local economy.

In addition, the need for additional housing opportunities within the City continues to increase, especially workforce housing. This is further emphasized given inflation and increased housing costs. Consistent with the Always Delray Comprehensive Plan, the proposed development and SAD ordinance include a specific Workforce Housing Program. The project provides 54 (20%) of the total of 267 units as on-site workforce housing units for moderate income households. Funding will also be provided in coordination with the City to a not-for-profit organization in the business of providing very-low, low and/or moderate income workforce and affordable housing, for housing rehabilitation as well as any other program that will promote and expand the provision and rehabilitation of affordable and workforce housing in Delray Beach. Considering the current retail and office markets and increased population, and increasing housing costs, there are significantly changed circumstances that make the current zoning inappropriate by requiring a multi-family residential development property that is providing workforce housing to be designed as a mixed-use development consisting of office and/or commercial uses, within this section of the Congress Avenue corridor.

As stated above, the Property is currently a partially undeveloped and blighted, adjacent to residential neighborhoods in need of revitalization. This redevelopment initiative will improve and enhance the quality of life of the community, especially the immediately surrounding area. The existing CMU Land Use Map designation permits 40 du/ac with a revitalization/incentive density up to 50 dwelling units per acre also permitted. The proposed SAD zoning will accommodate a free-standing multi-family residential development/use at a density of 40 units per acre, which is consistent with the CMU Land Use Map designation. In addition, the proposed rezoning to SAD is consistent with the Goals, Objectives and Policies of the Always Delray Comprehensive Plan as well as the "Congress Avenue: Delray Beach's Next Great Street" report. The City created and codified the SAD zoning district to be consistent with any land use designation for circumstances like this rezoning: because the Project cannot currently be properly accommodated in the MROC or CF (Community Facilities) zoning districts that are consistent with the CMU Land Use Map designation.

LDR Section 3.2.2 - Standards for Rezoning Actions:

Pursuant to **LDR Section 3.2.2, Standards for Rezoning Actions**, *In addition to the standards listed below, rezoning actions shall be consistent with the land use designation applied to the land to be rezoned. Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element, identifies the land use designations and implementing zoning districts that provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.*

- (A) *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

Not applicable. While to date, all residential development has been on the west side of Congress



Avenue, due to the depth of parcels on the railroad corridor, the majority of the residential properties along the west side of Congress Avenue, across from the Property, are shown on the Neighborhood Categorization Map as an area "Needing Revitalization". Pursuant to Housing Element Objective HOU 2.3 (Neighborhoods Needing Revitalization), implement strategies to prevent further decline, and prioritize measures needed to improve the classification of those neighborhoods identified as Needing Revitalization on the Residential Neighborhood Categorization Map. Investment on the east side of the corridor to a blighted property will certainly motivate the same on the west side improving the overall corridor. The proposed Rezoning and proposed development will enhance the Congress Avenue corridor and assist in the revitalization of the area consistent with the Always Delray Comprehensive Plan.

- (B) *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*

Not applicable as the rezoning to SAD, associated ordinance and Master Development Plan will only accommodate a free-standing multi-family development.

- (C) *Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area.*

The rezoning to SAD will not result in strip commercial development, as the proposed SAD zoning, associated ordinance and Master Development Plan will only accommodate a free-standing multi-family development. It is important to note that the property to the south, an older strip center, is exactly what we hope to avoid. Given the width and depth size limitations to the site, additional commercial redevelopment of the site would likely result in more strip development. The proposed development provides compatible transitions in form and use to the surrounding area.

- (D) *Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

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

	Land Use Designation	Zoning District	Use
North	CMU	MROC	Self-Storage Facility & Shopping Center
South	CMU	MROC	Shopping Center
East	OS	CD	CSX Railroad & I-95
West	LD & MD	R-1-A & RM	Single & Multi-family, Assisted Living Facility

The proposed SAD zoning will result in a use (multi-family residential at 40 units per acre) that is and has been deemed compatible with the surrounding properties. In addition, while the proposed development will be complementary to and enhance the surrounding area, the proposed SAD development regulations are comparable to the current MROC zoning district regulations, providing sufficient regulations to mitigate any adverse impacts from the proposed development. It is noted, while the current MROC zoning allows building height of 85 feet, the proposed SAD limits building



height to no more than 48 feet.

- (E) *Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable. The proposed development is not within the coastal planning area.

MASTER DEVELOPMENT PLAN

Pursuant to LDR Section 2.4.5(F)(6), Master Development Plans, Special Provisions, the Master Development Plan “shall be the guide for any subsequent site plan or subdivision action. A site plan shall be required for any phase or the entire area encompassed by an MDP...Variances and waivers to the requirements of base district standards and supplemental district regulations, referred to herein, may be granted by the Planning and Zoning Board concurrent with approval of the Master Development Plan (MDP) without the requirement of a public hearing.”

Pursuant to LDR Section 4.4.25(D)(1) *General*, All SAD's are established by an ordinance which is processed as is a rezoning. The ordinance includes the associated uses and development standards for proposed development. Concurrent with processing of the rezoning application, a complete site and development plan with, at least, preliminary engineering plans shall be processed. In accordance with the SAD provisions, the MDP has been submitted along with a Class V Site Plan application, which identifies the details of the site development, including placement, uses, parking, landscaping, amenities, floor plans, elevations, landscaping specifications, and engineering plans. Site Plan Review and Appearance Board (SPRAB) action on the Class V Site Plan will occur subsequent to City Commission approval of the SAD ordinance and Master Development Plan. Given that the SAD establishes the development standards applicable to the development, there are no identified waivers or variances. In addition to the above, the development proposal also complies with LDR Section 3.2.3, Standards for Master Development Actions, as indicated below.

LDR Section 3.2.3 – Standards for Master Development 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 connection on Congress Avenue and internal to the site.

- (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 this standard as the development provides the required interconnections, where appropriate, given the secured self-storage facility to the north and the rear of the shopping center to the south. The proximity of the proposed building to Congress Avenue provides for appropriate connections in accordance with the Americans with Disabilities Act. In addition, the project includes dedication of a 12' wide Greenway Easement along the CSX Railway as



well as installation of a bus shelter along Congress Avenue with dedication of an associated bus shelter easement, consistent with the Policy NDC 2.6.5 and the Mobility Element of the Comprehensive Plan.

- (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.*

The proposal meets this standard. The Project includes associated amenities consisting of a centrally located 2-story 9,580 sf. club/leasing Facility with fitness center and club room, a pool area, a tot lot with open play area, and a perimeter trail. In addition, a community open space/plaza area with a gazebo is also proposed at the terminus of the access driveway further enhancing the community and providing the desired pedestrian and bicycle connectivity from Congress Avenue to the Greenway Easement, adjacent to the CSX railway.

- (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 discussed in the traffic study, a driveway will be provided at the existing median opening on Congress Avenue (intersection with SW 20th Court) with one inbound and two outbound lanes.

- (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 are appropriate as the property has an underlying CMU land use designation along the Congress Avenue corridor. The Project will assist in the elimination of blighted conditions and will assist in the revitalization of the surrounding area. The project is designed in a manner that is complementary to and compatible with the surrounding properties. The Project will further buffer the lower density residential areas west of Congress Avenue from the CSX Railroad and I-95. In addition, the Project provides 54 workforce housing units (20% of total 267 units) at the moderate-income level with 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 Congress Avenue corridor thereby enhancing the City's tax base in a manner consistent with the Always Delray 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. As stated above, the Project provides 54 workforce housing units (20% of total 267 units) at the moderate-income level with a variety of unit types, fulfilling housing needs in a manner consistent with the Housing Element of the City's Always Delray Comprehensive Plan. This commitment is also consistent with the MROC regulations.

- (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 elimination of blighted conditions and will assist in the revitalization of the Congress Avenue 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 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.*

This standard has been met. As illustrated on the Master Development Plan, the Project includes a tot lot and recreation areas serving children, teens and adults. The amenities include a 9,580 sf clubhouse/leasing facility with a fitness center and club room, a pool area, a tot lot with open play area, and a perimeter trail. The tot lot with open play area has been sized appropriately for the development. In addition, a community open space/plaza area with a gazebo is also proposed at the terminus of the access driveway further enhancing the community.

- (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 Congress Avenue Mixed Use land use designation.



Based upon the above, the proposal is consistent with the Always Delray Comprehensive Plan and "Congress Avenue: Delray Beach's Next Great Street" report. 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, as well as Sections 2.4.5(D)(Valid Reasons for Rezoning), 3.2.2 (Standards for Rezoning) and Section 3.2.3 (Standards for Master Development Plan Actions). Thus, approval of the Rezoning application to SAD and the associated Master Development Plan is respectfully requested.

Please contact me should you have questions or require additional information. Thank you for your consideration.

Sincerely,



Jeffrey A. Costello, AICP, FRA-RA, Principal
JC Planning Solutions, LLC

Attachments

