



## Memorandum

**To:** City of Delray Beach Development Services Department

**From:** CDM Smith, Petitioner

**Date:** January 21, 2025

**Subject:** Level 3 - City of Delray Beach Water Treatment Plant Upgrades Justification Statement and LDR Chapter 3 Performance Standards Applicability

### Purpose

The purpose of this memorandum is to satisfy *Item No. 7 Letter and analysis addressing Chapter 3 Performance Standards* under Part 1 Submission Items of the Universal Development Application Checklist in the Land Development Regulations (LDR). A summary of how the Water Treatment Plant (WTP) Upgrades project satisfies Chapter 3 as applicable follows below.

### Section 3.1.1 Required Findings

#### (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.*

The land use designation for the site is community facility (CF) which is consistent with the intended use for this project. The City's LDR states that "The Community Facilities (CF) District is a special purpose zone district primarily, but not exclusively, intended for locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities. It is also applied to regulated properties subjected to a transfer of development rights pursuant to Section 4.6.20. In addition, this district has provisions for the Medical Arts Overlay District. Upgrades to the WTP which will serve the public are permitted under CF. The existing zoning designation will stay the same.

#### (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.*

**This is an existing facility. The project will not exceed the capacity of stormwater, water/sewer utility services, solid waste services or public school capacity.**

### **(C) Consistency**

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

**The upgrades at the WTP are essential to ensure the City complies with regulatory requirements set by the United States Environmental Protection Agency (EPA). In addition to addressing aging treatment infrastructure, these improvements will expand the plant's capacity to meet the growing water demands of the City's increasing population. This project is vital for the City's future, delivering numerous benefits, including enhanced water quality and a reliable supply of water to support population growth. The project is consistent with the performance standards, as established by the City's Comprehensive Plan and contained with Article 3.2.**

### **(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.*

**The project is in compliance with LDRs. Applicable waiver requests are included with this application package.**

## **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 building design, landscaping, and lighting have been designed in accordance with standards. A photometric plan has been provided to show lighting does not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

*(B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*

**The site plan complies with the required pedestrian, bicycle and vehicular interconnections to adjacent properties and includes accessible routes from entry points to the sidewalk in accordance with the American with Disabilities Act (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.*

**Open space enhancements for a specialized project of this nature have been thoughtfully and appropriately addressed.**

*(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 project does not have a detrimental impact on the existing neighborhood for traffic circulation. A traffic concurrency evaluation has been included in this application package.**

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

**There is no residentially zoned vacant land included in the scope of this project.**

*(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 soil topographic and other physical considerations are appropriate for the proposed project.**

*(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.*

**This project does not have housing.**

*(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 project will not impact the safety, livability, or stability of surrounding neighborhoods.**

*(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 project does not create a new high accident location or exacerbate the existing situation.**

*(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 requirement is not applicable to this project.**

*(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

**The project meets the limits established for its 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 requirement is not applicable to this project.**

We are appreciative of your review and consideration of the information included above for the City of Delray Beach Water Treatment Plant Upgrades project and look forward to providing a project design that meets the required needs as well as meeting the City's regulations to the greatest extent possible. Please reach out via phone at 954.882.9566 or by email at fernandezji@cdmsmith.com with any questions or concerns that arise during your review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Juan Zebz".

Permitting Task Lead  
CDM Smith