



Planning Solutions

September 29, 2022

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

RE: The North Edge Condominium (1405 N. Federal Hwy. & 716 N. Lake Avenue) – Conditional Use Application – Revised Narrative Letter

Dear Ms. Gianniotis:

This revised narrative letter associated with the Conditional Use request for The North Edge Condominium is respectfully submitted on behalf of Lake Ave. Federal, LLC for the properties located at 1405 N. Federal Highway and 716 N. Lake Avenue, Delray Beach, FL 33483 (PCNs 12-43-46-09-11-004-0011, 12-43-46-09-11-004-0012 & 12-43-46-17-01-012-0170).

BACKGROUND:

The subject properties are located at the southeast corner of N. Federal Highway and N. Lake Avenue and contain a total of 0.802 acres within the North Federal Highway Redevelopment Area.

The properties have an underlying Land Use Map designation of General Commercial, are zoned GC (General Commercial). The properties located at 1405 N. Federal Highway contain a 1,750 sf. commercial building, a 1,092 sf. single family residence and a 460 sf. apartment with associated backout parking onto Federal Highway and open space area in the rear of the property. The property located at 716 N. Lake Avenue contains a 1,405 sf. single family residence with an accessory structure.

An associated Class V Site Plan application is being processed concurrently for the proposed 9-unit free-standing multiple-family/condominium development.

DEVELOPMENT PROPOSAL:

The development proposal consists of the following:

- Demolition of the existing structures.
- Construction of a 3-story, 9-unit condominium development with ground level parking, 5 second floor units and 4 third floor units.
- The residential units will consist of 1 four-bedroom unit (3,108 sf.), 6 three-bedroom units (2,003 – 2,549 sf.), and 2 two-bedroom units (2,108 – 2,496 sf.).



- The ground level parking area will include 26 parking spaces (15 standard, 2 standard/EV, 7 compact, 2 handicapped accessible), a storage area for each dwelling unit, a bike storage area, a mail room, and ancillary storage and mechanical rooms.
- The amenities will be located at the east end of the property and include a one-story 643 sf. recreation/clubhouse building with trellis, a swimming pool with spa, an outdoor patio/seating area and an outdoor kitchen area.
- Installation of associated landscaping, site lighting, refuse container area.
- Dedication of 10' of right-of-way along N. Federal Highway and 25' radius at the intersection of N. Federal Highway and N. Lake Avenue.

CONDITIONAL USE FINDINGS:

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 Land Use Map, Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

(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 property has a LUM designation of General Commercial (GC) and is zoned GC, which is a preferred zoning district under the GC land use designation. Pursuant to Section 4.4.9(D)(10), free-standing multiple-family housing are allowed as a conditional use within the GC zoning district. Per Neighborhoods, Districts, and Corridors Element Table NDC – 1 of the Comprehensive Plan, the GC land use designation allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 12 dwelling units per acre. The proposed 9-unit condominium development will have a density of 11.24 du/ac and an FAR of 1.2.

Pursuant to the North Federal Highway Redevelopment Plan: *"The City encourages additional residential development in the study area. There are few vacant building lots within the existing residential neighborhoods and new development on these lots within the existing residential neighborhoods and new development on these lots is limited to infill single and low density multiple family housing."* While the North Federal Highway Redevelopment Plan also indicates the potential for mixed-use development consisting of commercial uses on the ground floor and residential units on the upper floors, it is not a requirement. The small lot sizes, market demand, parking regulations as well as the corridors character present challenges for mixed use development. With the Market Analysis completed in 2014 for the North Federal Highway corridor, the need was identified for higher residential densities and greater building heights in selected locations to create a more coherent, pedestrian-friendly corridor and to support the current and potential commercial development along the corridor. The proposal meets the goal of providing additional residential units in the study area. Therefore, positive findings can be made with respect to consistency with the Land Use Map since the proposed free-standing multiple family development provides additional residential development, which is encouraged by the North Federal Highway Redevelopment Plan. Similar findings have been made with previous multiple family developments along North Federal Highway, such as Old Palm Grove, St. George, and Windsor at Delray Beach.



(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.*

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

Water and Sewer. Municipal water and service is available via connections to the existing water and sewer mains located within N. Lake 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 development proposal is to accommodate a maximum of 9 units, which represents 4.68 tons of solid waste per year. The landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

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

Traffic. A traffic study was prepared and transmitted to Palm Beach County Traffic Division for review. The project will generate 66 average daily trips. Compared to the existing uses, the proposal will result in 38 less net external daily trips, 2 new net a.m. peak hour trips and 3 less net p.m. peak hour trips. A Traffic Performance Standards (TPS) letter was provided by Palm Beach County Traffic Division stating the Traffic Division has determined the proposed development generates less than 20 peak hour trips; therefore, the project meets the Traffic Performance Standards of Palm Beach County.

Parks and Open Space: While there are sufficient recreation facilities in the City to meet this LOS, the proposal includes private on-site amenities. A park impact fee in the amount of \$500.00 per dwelling unit (\$4,500) will be collected prior to issuance of a building permit to offset any impacts that a residential project may have on the City's recreational facilities.

(C) Consistency. *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within [Article 3.2](#), provided that the approving*



body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

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

Neighborhoods, Districts, and Corridors Element

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

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

Policy NDC 1.3.3: *Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.*

Policy NDC 1.3.10 *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.*

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

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

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

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

Policy NDC 2.7.9: *Review and update the North Federal Highway Redevelopment Plan to include new development and other improvements that have occurred since the Plan's adoption in 1999, and re-*



evaluate the vision for the North Federal Highway Redevelopment Area; new development shall comply with the provisions of the adopted Plan until an updated plan is adopted.

Objective NDC 2.8: Innovative Housing Strategies - *Use innovative housing planning practices to provide a wide range of housing types at price points that serve the city's diverse population.*

Economic Prosperity Element

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

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

Housing Element

Housing Element Policy HOU 1.4.4: *Continue to enforce streetscape landscaping requirements which are consistent and compatible within a neighborhood and reinforces the neighborhood's established theme and character.*

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.*

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

The goals of the North Federal Highway Redevelopment Plan are to improve the appearance of the area and to stimulate the revitalization of the North Federal Highway Corridor by encouraging new development. As previously states, pursuant to the North Federal Highway Redevelopment Plan: *"The City encourages additional residential development in the study area. There are few vacant building lots within the existing residential neighborhoods and new development on these lots within the existing residential neighborhoods and new development on these lots is limited to infill single and low density multiple family housing."* The proposed 9-unit condominium development will help to stimulate related commercial development along Federal Highway by creating demand for goods and services in the area. The proposed development will also assist in the revitalization of underutilized property and a blighted structure by the private sector, which is the intent of the redevelopment plan (Page 34).

The abutting residential community on the east side of N. Federal Highway is identified on the Neighborhood Categorization Map as "Needing Revitalization". While the neighborhood is experiencing significant investment and improvements to the existing housing stock, the proposal to redevelop this underutilized blighted property will provide needed investment along the North Federal Highway corridor that will enhance the area, encourage re-investment in surrounding properties and provide additional residences that will support area businesses. This proposed multi-family development 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 goals, objectives and policies referenced above.



The project is located within an area in need of redevelopment and private investment to provide stabilization as well as needed housing to further support area businesses, both existing and proposed. This redevelopment initiative will further enable revitalization and stabilization of the North Federal Highway corridor in a manner that is consistent with and furthers the goals, objective and policies of the Comprehensive Plan and North Federal Highway Redevelopment Plan.

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

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

In conjunction with the Conditional Use Request, a Class V Site Plan application has been submitted and review/consideration by the Site Plan Review and Appearance Board will occur subsequent to the City Commission approval of the Conditional Use request. The proposed development complies with GC and RM zoning district regulations as well as other LDR requirements, as applicable, including but not limited to building setbacks, height, off-street and bicycle parking. The RM Special Regulations and Performance Standards are discussed below.

LDR Section 4.4.6(H) Special Regulations:

(3) *Recreational areas shall be required for all new rental apartment developments, and of owner occupied developments which have homeowner associations that must care for retention areas, private streets, or common areas. New developments must include recreational features that are designed to accommodate activities for children and youth of all age ranges. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, is not considered to meet this requirement. Projects having fewer than 25 units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply.*

This standard is not applicable as the proposed infill development consists of a 9-unit condominium within the North Federal Highway Redevelopment Area. As illustrated on the Site Plan, the project includes a recreation/clubhouse building with trellis, a swimming pool with spa, an outdoor patio/seating area and an outdoor kitchen area. It is noted, the La Hacienda Gardens Pocket Park, located at the east end of the N. Lake Avenue, contains playground equipment, a play area, as well as a bike path, which connects to Palm Trail providing access to George Bush Boulevard, which is currently being improved to include bike lanes.

LDR Section 4.4.6(I) Performance standards. (1) The approving body must make a finding that the development substantially complies with the performance standards listed below. Some of the referenced standards below are not entirely applicable to small, infill type residential projects. The proposal complies with the applicable standards.

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



This standard is not applicable. However, the proposed 9-unit condominium is located at the southeast corner of N. Federal Highway and N. Lake Avenue with an access driveway on N. Lake Avenue. The proposal includes elimination of all curb cuts and backout parking onto Federal Highway. As previously stated, the proposed development generates less than 20 peak hour trips on the roadway network. Traffic distribution to and from the site will primarily be from Federal Highway via N. Lake Avenue.

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

The development proposal consists of a 3-story condominium building and a 1-story amenity building as well as a pavilion. The 3-story condominium building is situated toward the west side of the property along Federal Highway, a four lane divided highway, consistent with the N. Federal Highway Overlay District and Redevelopment Plan. The building height will be 35' where 48' is permitted. The 1-story amenity building and outdoor amenities are located on the east side of the property will be providing a transition from the residential properties to the east as well as open space. It is noted, the height of the proposed buildings is consistent with the with the maximum height (35') allowed on the residentially zoned properties in the adjacent La Hacienda residential neighborhood.

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

The 3-story condominium building is situated towards Federal Highway, consistent with the N. Federal Highway Overlay District setback requirements. The amenities are located along the east side of the property providing a transition to the lower density properties to the east. The amenity building setback has been increased over 25% to 16'-2". Along the east and south sides of the amenities a 6' high masonry wall will be installed along with extensive landscaping including trees spaced 9' to 25' apart with varying heights from 12' to 25' in height.

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

The development offers a varied streetscape and building design with elements described above including but not limited to setbacks that are staggered and offset, especially along Federal Highway, as well as façade plane offsets. The building elevations incorporate a variety of architectural elements consistent with the Masonry Modern architectural style including façade offsets and projections, balconies, wood composite siding and aluminum horizontal railings.

(e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a



mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.

The development proposal consists of a 9-unit condominium development. The intent of this performance standard pertains to development projects with multiple structures and is not applicable for this project. However, the residential units will consist of 1 four-bedroom unit (3,180 sf.), 6 three-bedroom units (2,003 – 2,549 sf.), and 2 two-bedroom units (2,108 – 2,496 sf.).

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

This standard is for larger projects and does not apply to smaller in-fill developments.

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

This performance standard is not applicable, as the standard pertains to larger developments and not in-fill projects. However, the Project is located along N. Federal Highway, which contains bike lanes and is serviced by Palm Tran Bus Route 1. In addition, at the east end of N. Lake Avenue exists a bike path, which connects to Palm Trail providing access to George Bush Boulevard, which is currently being improved to include bike lanes. Further, the project includes the installation of sidewalks improving the pedestrian network as well as bike storage area for residents and bike rack for guests.

Required Findings:

Pursuant to LDR Section 2.4.5(E)(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 conditional use request is to allow a 9-unit free-standing multiple family/condominium development on GC zoned property within the North Federal Highway Redevelopment Area. The properties are being redeveloped in a manner that the use, intensity, and density are appropriate, while being sensitive to the residential neighborhood to the east.

This redevelopment initiative will assist in the elimination of blighted conditions as well as revitalize and stabilize the North Federal Highway corridor. The proposed development along the corridor will provide a more permanent customer base for area businesses on a year-round basis, which will assist in achieving economic sustainability consistent with the Comprehensive Plan and North Federal Highway Redevelopment Plan.

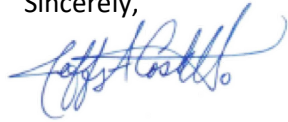
Based on the above, positive findings can be made with respect to LDR Section 2.4.5(E)(5) in that that will enhance and further stabilize the surrounding area and will encourage redevelopment of nearby properties in a manner envisioned by the City consistent with the Comprehensive Plan and North Federal Highway Redevelopment Plan.



Thus, the proposal is consistent with the Always Delray Comprehensive Plan, The North Federal Highway Redevelopment Plan, and the Community Redevelopment Plan. The proposal is also consistent with Chapter 3 (Performance Standards, LDR Section 3.1.1 (Required Findings), (A) Future Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with LDRs. Based upon the above, approval of the Conditional Use application 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

