



April 18, 2024

**The Tropics of Delray (2400 & 2410 N. Federal Highway)
Conditional Use
REVISED Narrative Letter**

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

BACKGROUND:

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

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

Pursuant to LDR Section 4.4.9(D)(10), free-standing multiple family housing developments are allowed as conditional uses in the GC zoning district and are subject to the RM (Medium Density Residential) zoning district regulations except for setbacks and height, which are subject to the GC zoning district regulations.

DEVELOPMENT PROPOSAL:

The Conditional Use request is to allow the proposed 36-unit free-standing multiple-family development within the GC zoning district, per LDR Section 4.4.9(D)(10). An associated Level 4 Site Plan application is being processed concurrently for the proposed development.

The development proposal consists of the following:

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



- Modifications to and reduction of curb cuts along Federal Highway and installation of parallel parking spaces to be coordinated with FDOT.

REQUIRED FINDINGS – LDR SECTION 3.1.1

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

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

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

The vision of the North Federal Highway Redevelopment Plan includes improving the appearance of the area and stimulating economic investment and revitalization of the North Federal Highway Corridor by encouraging new development, including residential development. 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. 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, consistent with the Federal Highway Overlay District development standards, which promote a more pedestrian-friendly streetscape. Therefore, positive findings can be made with respect to Land Use Map consistency. Similar findings have been made with previous multiple family developments along North Federal Highway, such as Old Palm Grove, St. George, Windsor at Delray Beach, and most recently The North Edge.

(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 main located in Old Dixie Highway and the sewer main located within the General Utility Easement along the west side of the property. Sewage calculations have been provided for City review. Pursuant to the City's Comprehensive Plan, adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population, based on the current Land Use Map designation.



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

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

Traffic. A traffic study was prepared and transmitted to Palm Beach County Traffic Division for review. The project will generate 229 average daily trips, 14 a.m. peak hour trips, and 17 p.m. peak hour trips. Compared to the existing uses, the proposal will result in 394 less net external daily trips, 37 less net a.m. peak hour trips and 35 less net p.m. peak hour trips. No problems are anticipated meeting the Traffic Performance Standards of Palm Beach County.

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

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

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

Neighborhoods, Districts, and Corridors Element

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

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

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

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



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

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

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

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

Economic Prosperity Element

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

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

Housing Element

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

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

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

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

(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.

In conjunction with the Conditional Use Request, a Level 4 Site Plan application has been submitted and review/consideration by the Planning and Zoning Board will occur concurrent with the Conditional Use request.



Pursuant to Section 4.4.9(D)(10), free-standing multiple family housing developments are allowed as a conditional use within the GC zoning district. subject to the RM (Medium Density Residential) requirements, except for setback and height requirements. The proposed development complies with GC and RM zoning district regulations as well as other LDR requirements, as applicable, including but not limited to the North Federal Highway Overlay District regulations, Special Landscape Setback requirements, building setbacks, townhouse regulations, height, lighting, off-street and bicycle parking. With the site plan application, relief has been requested to LDR provisions regarding reduction of vehicle stacking distance [LDR Section 4.6.9(D)(3)(c)], drive aisle width [LDR Section 4.6.9(D)(6)(d)], townhouse building length [LDR Section 4.3.3(O)(4)(b)], and distance between residential buildings [LDR Section 4.6.2 (Distance Between Residential Buildings)]. The requests are site specific and do not impact the required findings associated with the conditional use request. Compliance with LDR Section 4.3.3(BB) *Performance standards for multi-family development* is discussed below.

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

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

Per LDR Section 4.4.9(D)(10), within the GC zoning district, free-standing multiple-family housing allowed as a Conditional Use, subject to the requirements of the RM District except for setback and height requirements which shall be pursuant to the GC zoning district regulations. The standard density within the GC Land Use Map designation is 12 du/ac. The proposal does not propose to increase the density above 12 du/ac and is not in an area eligible for the revitalization incentive bonus. However, Per LDR Section 4.4.6(H) **Special regulations.**(1) *“Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with the performance standards in [Section 4.3.3\(BB\)](#), which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses...”* Therefore, the following analysis of the Performance Standards found in LDR Section 4.3.3(BB) is provided below.

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

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

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

This performance standard has been met. The 3 and 4-story condominium buildings on the east side of the development are oriented facing N. Federal Highway consistent with the North Federal Highway Overlay



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

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

This standard is not applicable.

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

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

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

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

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

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



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

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

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

This performance standard is not applicable.

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

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

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

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

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

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

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

This performance standard has been met. The development eliminates multiple existing driveways and will provide 10 on-street public parking spaces along Federal Highway, including 2 ADA compliant spaces, in



addition to the 4 spaces that currently exists abutting the property. The proposal also maintains cross-access with the adjacent commercial property located at 2455 N. Federal Highway.

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

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

Conditional Use Required Findings:

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

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

The conditional use request is to allow a 34-unit free-standing multiple family development (combination of townhomes and condominium buildings) at 11.02 du/ac 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 is appropriate.

This redevelopment initiative will assist in the revitalization and stabilization of 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.

Therefore, positive findings can be made with respect to LDR Section 2.4.6(A)(5) in that the proposed multi-family development 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.

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

