



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Delray Central Master Development Plan

Meeting	File No.	Application Type
May 16, 2021	2021-138-MDP	Master Development Plan
Applicant	Property Owners	Authorized Agent
G&C Arbors Investors, LLC	G&C Arbors Investors, LLC	Dunay, Miskel, and Backman, LLP Bonnie Miskel, Esq.

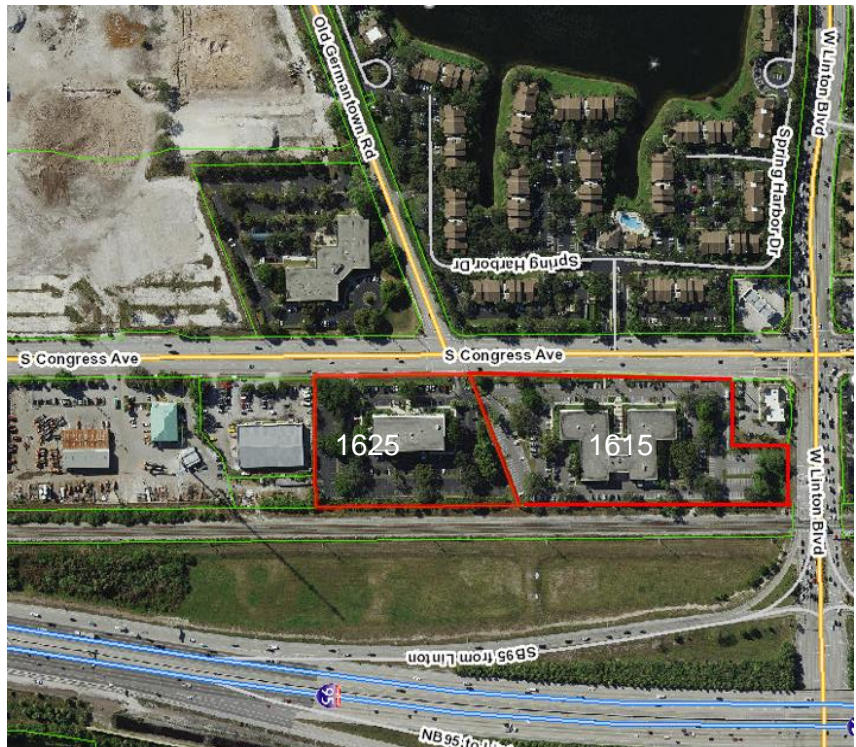
### Request

Consideration of a Master Development Plan (MDP) for Delray Central, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including an attached parking structure and amenities.

### Background Information

The subject properties consisting of a total of +/- 12.134 acres are generally located at the southeast corner of West Linton Boulevard and South Congress Avenue at the southern terminus of Old Germantown Road. The two parcels are zoned Mixed-Use Residential Office and Commercial (MROC), with a land use of Congress Avenue Mixed Use (CMU).

The northern property, which consists of 7.19 acres, is located at 1615 South Congress Avenue, and contains an 80,580 SF 2-story office building and associated parking (449 parking spaces). The southern property, which consists of 4.94 acres, is located at 1625 South Congress Avenue, and contains a 101,006 SF 4-story office building and associated parking (350 parking spaces). Both buildings were constructed in the early 1980s, are leased, and contain active uses.



### Update

On April 18, 2022, the Planning and Zoning Board (Board) considered the subject request and voted 5-1 to continue with direction (Christina Morrison absent, Allen Zeller dissenting). During the Board's consideration and discussion of the item, concerns were expressed regarding:

- The request of waivers to memorialize nonconformities instead of bringing the site into compliance.
- Excess parking provided in lieu of providing additional landscaping.
- Overall size and scale of the project and location on the subject site.
- A lack of a mix of unit types and income levels for units reserved as workforce housing.

The applicant has since provided the following adjustments to the MDP:

1. Northwest Corner – removed of 9 parking spaces to:
  - Increase the size of the buffer/increase the open space; and
  - Increase the size of the pocket park located north of the northernmost ingress/egress point. This revision makes the west buffer 100% compliant.
2. North Buffer – increased the size of the buffer (by converting regular parking spaces to compact spaces and shifting the driveway to the south). This revision makes the north buffer 100% compliant.
3. East Buffer - increased at the northeast corner an additional 2 feet and removed of two parking spaces, increasing the east buffer to +/- 18 feet.
4. Parking lot south of the 1625 Building - removed unnecessary impervious sidewalk area to:
  - Increase overall open space; and
  - Make three landscape islands compliant.
5. Addition of pavers in front of the residential building to enhance the entrance and improve the South Congress Avenue frontage aesthetics.
6. Modification to the parking calculation for the office buildings based on the provided net square footage, as opposed to the gross square footage. The required parking for office buildings was modified to eliminate 12 parking spaces, based on a total of 3,340 net square feet between the two existing office buildings. The chart below provides a comparison.

	April 18, 2022 Review		May 16, 2022 Review	
Building	Gross Square Footage	Spaces Required	Net Square Footage	Spaces Required
1615	80,560	355	79,560	347
1625	101,006	284	98,666	280
Total	181,566	639	178226	627

7. Additional changes were included to correct the noted site data errors.

As a result of the changes made to the MDP, the waiver requests have been modified as follows:

- Waiver from LDR Section 4.4.29(G)(2)(g)(1) to allow a maximum 90'-10" front setback from the west property line along South Congress Avenue in lieu of the maximum required 20-foot front setback.

**Note: No change**

- Waiver from LDR Section 4.6.16(H)(3)(i) to maintain certain landscape islands less than nine feet wide in lieu of providing a nine-foot-wide landscape island at intervals for every 13 parking spaces.

**Note: Adjustments were made to make three more landscape islands compliant; 8 landscape islands remain nonconforming with the minimum requirement.**

- Waiver from LDR Section 4.4.29(G)(2)(d) to provide a landscape buffers less than 15 feet in lieu of providing the required 15-foot landscape buffer along the north, west south property line, and providing the required 25-foot landscape buffer adjacent to the CSX/FEC railway.

**Note: Please see table below:**

Buffer	AT PZB	PROPOSED TODAY
North	½ Buffer length complied	ENTIRE BUFFER COMPLIES
East	60% of entire buffer length complies	10% of non-compliant buffer expanded 2 ft
South	25% of entire buffer complies	NO CHANGE
West	Northwest corner was noncompliant	ENTIRE BUFFER COMPLIES

- Waiver from LDR Section 4.4.29(H)(11) to allow parking adjacent to Congress Avenue.

**Note: The applicant has reduced the amount of parking spaces located adjacent to South Congress Avenue by an additional eight spaces from the Board's initial review, for a total of 23 spaces eliminated from those that exist. The adjustment further reduces the existing nonconformity.**

- Waiver from LDR Section 4.4.29(G)(2)(c)2 to allow land area, equal to or at least 24.4 percent of the total district including the perimeter landscaped boundary to be open space

**Note: This waiver has been eliminated; the requirement has been met.**

**Staff Notes Regarding the Board's Concerns:** Staff has provided the following information to assist the Board regarding previously noted concerns.

Calculation of 'gross' versus 'net' square footage for existing office buildings for purposes of parking:

Pursuant to Section 4.6.9(C)(4)(a), business and professional offices shall provide 4 spaces per 1,000 square feet of **net** floor area up to 3,000 square feet and then three and one-half spaces per 1,000 square feet of net floor area over the initial 3,000 square feet. Net square footage is defined in the LDR as: *The total floor area of a building, measured from the finished interior wall surface of the outer building walls, excluding major vertical penetrations of the floor (elevator and other mechanical shafts, stair wells), mechanical equipment, parking areas, common restrooms, common lobbies, and common hallways. Storage area is included in the net square feet calculation unless it is demonstrated that it cannot be converted to habitable space.*

The applicant was previously calculating the existing office buildings using gross square footage to calculate required parking. Staff included a technical note to 'amend the parking tables to utilize net office square footage in the calculation of the parking requirements' and also noted that the Board should consider 'whether an adjustment to the parking calculation should be provided to reduce the amount of parking required and provided resulting in a reduction in hardscaping and increase in open space'.

Using Property Appraiser data, the applicant determined and modified the square footage of the existing office buildings to indicate that 1615 South Congress Avenue contains 79,560 net square feet versus 80,580 square feet of gross (previously provided), a difference of 1,020 square feet for a two-story office building, and that 1625 South Congress Avenue contains 98,666 net square feet versus the 101,006 of gross (previously provided), a difference of 2,340 square feet for a four-story office building. The total difference is 3,360 net square feet between the two buildings.

**NOTE:** The amount removed and assumed as "net" is minimal - roughly 2.3% of the 101,006 square foot, four-story building and 1.5% of the 80,580 square foot, two-story building. Construction plans for 1615 South Congress Avenue have been located and indicate many areas that would qualify to be removed from the net square footage calculation, i.e., hallways, bathrooms, mechanical equipment areas, etc. Given the standard dimensions for door openings, hallway widths, etc., along with the provided dimensions on the plans, a professional estimation could be made that would be more realistic than the utilization of Property Appraiser information. Additionally, internet searches for the average amount of common area for an office building turn up several references for a "common area factor" at an average of 10-25% for office buildings. Using even the low end of the common area assumptions would provide a much smaller net square footage (for purposes of calculating required parking) resulting in an opportunity to provide additional landscaping and open space while also reducing the urban heat island effect.

If 10% were assumed to be the common area factor for the office buildings, which is on the low end of the typical amount, approximately 18,159 square feet could be removed from the office buildings' required parking calculations, which would equate to approximately 64 parking spaces. A parking space is required to be designed with dimensions of 9 feet by 18 feet and equates to 162 square feet. Assuming 162 square feet multiplied by 64 parking spaces, the project could potentially provide approximately 10,368 square feet of additional landscaping and open space in lieu of parking that is not required by Code. This reduction in the amount of asphalt and increase in the amount of landscaping and open space would also have a more significantly positive environmental impact.

Please note that the applicant has removed 12 required parking spaces based off the calculation of a reduction of 3,360 square feet which has allowed for 1,944 square feet of additional landscaping and open space.

Lack of mix of affordable housing unit types:

Pursuant to Section 4.4.29(B)(4)(c)1., *residential developments must include a minimum of 20 percent workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing.* The development meets the minimum requirements by providing 20 percent of the total number of units proposed as workforce housing at the moderate income level. It should be noted that the LDR provide for the minimum required and do not prohibit an applicant from proposing additional workforce housing units, or providing a mix of income levels, such as low or very low.

The staff report has been adjusted to note the elements of the project that have been modified since the prior presentation to the Board. Additionally, staff has provided supplementary considerations related to consistency with the Comprehensive Plan related to the overall design of the site located in the 'Consistency' analysis portion of the report.

### Description of Proposal

The proposed Master Development Plan accommodates the two existing office buildings and incorporates the following site modifications and improvements:

- Removal of 232 surface parking spaces (145 parking spaces from the 1615 South Congress parcel and 87 parking spaces from the 1625 South Congress parcel);
- Construction of a new building to include:
  - 8-stories with 271 residential rental units (22.33 du/ac) and 1,095 square feet of non-restaurant, commercial space; and
- a 7-level parking garage with 505 spaces, including those eliminated by the new building. **Update: The amount of parking spaces located in the parking garage has been increased from 505 to 513 since the last presentation to the Board.**

The breakdown of the residential unit types is:

- 136 one-bedroom units
- 121 two-bedroom units
- 14 three-bedroom units
- 55 workforce housing units (20% of total units = 54.2) at the moderate average median income (AMI) level for Palm Beach County proportionately distributed, as required by the LDR, throughout the unit types as "floater" units (see chart);
- Residential amenities including a gym and yoga space, central courtyard area with swimming pool, bike storage room, a co-working/conference room, and on-site leasing office.
- Multiple 'pocket parks' along South Congress Avenue that include enhanced landscaping and seating areas in addition to a 1,450 feet long linear section of shared-use path along the rear of the property;

The new building will be centrally located to the property between the two office buildings. The two parcels, which are currently operating independent of one another, will be unified as one development and the respective access drives will be interconnected. Access to all elements of the MDP is provided from two driveways off South Congress Avenue.





The MDP includes waiver requests for relief to those provisions that are specifically associated with the proposed improvements. Other existing non-conformities exist on the site that were legally established when the original development approvals were granted (i.e. the depth of the landscape buffer on the north and south, and width of landscape islands). However, the threshold for compliance of existing non-conformities is an increase of 25% in the gross floor area in structures on the site; since the proposed development exceeds this limitation, waivers associated with existing non-conformities are included in the request.

- Front Setback, LDR Section 4.4.29(G)(2)(g)(1): Allow a maximum front setback of 90 feet, 10 inches from the west property line along South Congress Avenue, in lieu of the required 20-foot maximum front setback for structures.
- Landscape Buffer, LDR Section 4.4.29(G)(2)(d): Reduce the required 15-foot landscape buffer width along the west, north, and south property lines in front of the proposed building and reduce the required 25-foot landscape buffer at the rear of the proposed building, adjacent to the CSX/FEC railway (existing non-conformities). **Note: The applicant has removed the north and west buffers from this request as they have been adjusted to come into compliance since the last presentation to the Board.**
- Parking Location, LDR Section 4.4.29(H)(11): Allow parking to be located adjacent to South Congress Avenue, whereas parking between South Congress Avenue and the building is not allowed. Note: the applicant is reducing an existing non-conformity by eliminating some of the existing parking spaces adjacent to South Congress Avenue. **Note: The applicant has removed an additional 8 parking spaces along South Congress Avenue since the last presentation to the Board.**
- Landscape Islands, LDR Section 4.6.16(H)(3)(i): Allow certain existing landscape islands to maintain a width less than nine feet where restriping of the parking area will occur. **Note: The applicant has adjusted 3 additional landscape islands to come into compliance since the last presentation to the Board, leaving 8 landscape islands nonconforming.**
- MROC Open Space, LDR Section 4.4.29((G)(2)(c)2.: Allow 24.4% of open space, whereas 25% is required. **Note: The applicant has adjusted the open space to meet the minimum requirement by providing 25.11% open space. This waiver request has been eliminated since the last presentation to the Board.**

## Review and Analysis

Pursuant to **LDR Section 4.4.29(F)(1), Mixed Residential, Office And Commercial (MROC) District: Review and approval process**, all development of parcels greater than three acres with development planned to be completed in a phased manner and/or which require waivers within the MROC District shall be governed by a Master Development Plan (MDP). The MDP shall consist of a narrative; a land use map; conceptual site, landscaping, and utility plans; and conceptual elevations and architectural renderings. An MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board.

The property consists of more than three acres and includes waivers to adjust certain provisions in the LDR. The Planning and Zoning Board has final action on the MDP, including certain waivers. Following approval of the MDP by the Planning and Zoning Board, consideration of a Class IV Site Plan Modification is required at a meeting by the Site Plan Review and Appearance Board (SPRAB).

The purpose and intent of the MROC District is to “provide for a mix of residential, office, and commercial uses in a master-planned environment. The district encourages stand-alone office buildings and mixed—use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while providing higher density opportunities and emphasizing transit-oriented development patterns.” The uses allowed in the MROC district are specifically prescribed to ensure the proper distribution and allocation of uses throughout the corridor that also encourage transit-oriented development (TOD). Therefore, the MROC district allows higher density and stand-alone residential buildings in closer proximity to the Tri-Rail Station, while mixed-use buildings within a development are required when further than 1,000 feet from Tri-Rail. Additionally, the MROC Special Regulations require that *Multi-family dwelling units may be located...in mixed-use buildings that contain a combination of residential and non-residential uses. However, where residential uses are located in structures having frontage on Congress Avenue except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor.* Given this requirement, the applicant has not included any residential units uses along the ground floor and facing South Congress Avenue. The proposed “mix” of uses is further analyzed throughout the report.

**LDR Section 2.4.5(F)(1), Site and Master Development Plans (MDP): Rule**, further specifies that a *Master Development Plan* is a plan required for properties within certain zoning districts or for projects which are phased. In addition, **LDR Section 2.4.5(F)(4)**, allows that conditions may be imposed by the appropriate Board for Master Development Plans in accordance with the provisions of **LDR Section 2.4.4(C), Imposition of Conditions**. This Section provides that *in granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:*

- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*
- *Consistency with objectives and policies of the Comprehensive Plan.*
- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.*

In consideration of the requests, Staff has specified areas where the Board may want to consider requiring revisions to the proposal or including specific conditions to better meet the intent of the code.

Pursuant to **LDR Section 2.4.5(F)(3)(5)**, in addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the Class V site plan or MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

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.*

**(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.*

The subject property has a Land Use Map designation of CMU, and a zoning designation of MROC, which are compatible with each other. Pursuant to Section 4.4.29(B)(4), multiple-family dwellings are a permitted use (subject to additional requirements) at a maximum density of 40 dwelling units per acre so long as they are proposed as part of a mixed-use development containing office and/or commercial uses; the request proposes 22.33 dwelling units per acre (noted as 22.41 by the applicant) and includes a small commercial (1,095 sf) component in the ground floor of the residential building. Additional non-residential use (office) will be maintained on the site. The FAR limitation of the CMU land use is 2.5. The FAR of the project with the proposed structures,

including the above ground garage levels is 1.26. **Note: The applicant has updated the site data table to indicate a 1.26 FAR since the last presentation to the Board.**

- (B) **Concurrency.** *Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the 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 CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.*

Traffic. The applicant has provided a traffic impact analysis, which indicates a net increase of 1,528 daily trips based on the addition of 271 dwelling units and 1,095 square feet of general commercial. The Palm Beach County Traffic Division has reviewed the request and provided a letter indicating that “the proposed development meets the Traffic Performance Standards of Palm Beach County.” For the purposes of traffic concurrency, the general commercial land use category does not include restaurants. If the commercial space is proposed for conversion to restaurant in the future, the traffic concurrency review will need to be reanalyzed.

Schools. A review by the Palm Beach County School District for compliance with the adopted Level of Service for School Concurrency indicates that “to address the school capacity deficiency generated by this proposed development at the District middle school level, the property owner shall contribute \$5,448.00 to the School District of Palm Beach County prior to the issuance of first building permit.”

Water and Sewer. Municipal water service and sewer service is available via connections along South Congress Avenue; a thorough review of the connection locations and types will be conducted during the site plan review, which requires complete engineering plans. Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2054. The following generation rates will be used to calculate impact with the site plan evaluation:

- Residential: 1.99 tons per unit per year
- Commercial (Store/Retail): 10.2 pounds per square foot per year
- Office: 5.4 pounds per square foot per year

Drainage. Drainage is will be thoroughly reviewed with the site plan submittal; the applicant is required to provide a signed and sealed drainage report indicating the proposed system’s ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3(D)(8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into the City’s sewer system.

Parks and Open Space: A park impact fee is collected to offset any impacts that a residential project may have on the City’s recreational facilities. Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit (\$135,500) will be collected prior to issuance of a building permit for each residential unit at the time a project is presented for approval at the Building Department.

- (C) **Consistency.** The following Comprehensive Plan objectives and policies are relevant to the MDP request:

**Neighborhoods, Districts, and Corridors Element**

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

**Policy NDC 1.3.1:** *Apply mixed-use land use designations to foster development patterns that support pedestrian and bicycle activity, stimulate public transit ridership, and create a park-like environment.*



Policy NDC 1.3.2: *Apply the mixed-use land use designation that best maintains the scale, density, intensity, and enhances the character of the surrounding neighborhood, district, or corridor.*

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 (FAR) 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.*

The provision of additional residential units and a commercial space into the South Congress Avenue area will help to spur additional development that is in line with the Congress Avenue Mixed Use land use designation. The intent of the CMU land use designation is to provide a foundation for the intent of the MROC zoning district that results in a corridor where there is a mix of commercial uses supported by residential uses, and higher densities are incentivized based on proximity to transit. The proposal results in a mix of uses on a single site by maintaining the existing office use and providing a small commercial component on the ground floor of the new building. While the desired mix of uses on a site would be those that can be supported by the residents of the property and/or reduce trips to/from the site, consideration of the larger mixed-use development (Parks at Delray) to the southwest of the subject property is warranted as it will provide an array of commercial uses (i.e. a grocery store) that can benefit the residents of Delray Central. Additionally, the existing office buildings are being maintained and incorporated into the MDP, rather than unnecessarily demolished. The project includes a 10-foot shared use path that will support pedestrian activity in the area and proposes pocket parks along South Congress Avenue.

The addition of 271 residential units to the site complies with the density maximums allowed per the LDR (maximum 40 du/ac allowed, 22.33 du/ac proposed) and the Always Delray Comprehensive Plan. Of the 271 units, 55 will be workforce housing units, which provides additional units that contribute to a reduction in the supply and demand gap for moderate income workers in Delray Beach. The resulting FAR, which includes the parking garage, is also in compliance as the maximum allowed is 2.5, and approximately 1.26 will result with the proposed building.

### **Mobility Element**

Policy MBL 2.2.3: Create bicycle/pedestrian paths along canal, rail, and public corridor rights-of-way as part of an interconnected network of greenways, parks, and open spaces, for non-motorized transportation.

Policy MBL 2.4.: Integrate local transit stops into existing and future development to provide convenient access to destinations, safe and comfortable waiting areas, and other amenities to improve the rider experience and increase transit ridership in the City.

**Objective MBL 2.5:** Optimize Connectivity Maintain safe and effective operation of the transportation network through optimization of connectivity.

Policy MBL 2.5.2: Ensure safe vehicular, pedestrian, and bicycle operations in all new development, redevelopment, and on all City streets, including at driveway entrances and at intersections.

Policy MBL 2.5.3: Establish connectivity between transportation modes as an integral part of providing overall mobility.

The project proposes a string of landscaped plaza features along South Congress Avenue, including a transit stop, that are linked to the existing and proposed buildings. The project also provides the required shared use path along the CSX train tracks, which will link to adjacent properties over time.



The internal circulation of the plan is autocentric in design, and given the mix of uses on the site, lacks the same attention to detail and connectivity for pedestrians and cyclists among buildings, parking areas, and external mobility features. Two one-way driveways provide a vehicular connection from the front of the site to the proposed rear parking garage and existing surface lots. The design does not, however, accommodate safe bicycle or pedestrian movements in these lanes. An opportunity exists to improve overall mobility within the MDP and to the surrounding area for both office workers and residents by detailing these drives as small streets, with lighting, landscaping, sidewalks, and bicycle accommodations.

### **Open Space, Parks, and Recreation Element**

**Objective OPR 1.4 Private Development Requirements:** Provide sufficient and appropriate park and recreational facilities to supplement the City's provision of recreation facilities and programs in private development, particularly residential, for the well-being of the future residents of the development.

Policy OPR 1.4.1: Continue to require the provision of sufficient open space in public and private development projects through the Land Development Regulations.

Policy OPR 1.4.2: Require residential developments to include tot lots and recreational areas, serving children from toddlers to teens, within all new housing developments consisting of more than 12 units or located outside the downtown area.

Policy OPR 1.4.4: Direct the siting of appropriate private recreational facilities within Delray Beach through the development review process.

Policy OPR 1.4.5: Maximize public accessibility to open space, parks, and recreational facilities provided by requiring them to be strategically planned and located within new development.

The project includes a tot lot that is located in an area outside of the general area that the multi-family residential building is proposed. The location is situated in an area on the southeast corner of the 1615 South Congress Avenue office building. This location may cause a disturbance to the employees of the office building and also is out of place to be considered an amenity of the residential development. Children would need to cross over a vehicular drive aisle to access the tot lot. To meet the Comprehensive Plan policies discussed above, a better location could be chosen to make this element a true amenity to the future residents.

- (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 requirements of the MROC zoning (provided as an attachment), as well as any additional supplemental regulations, that are reviewed within the MDP are provided in this section. It is important to note that the specific components of the architecture and landscape plan will be acted on separately by the Site Plan Review and Appearance Board (SPRAB) at an upcoming meeting.

### **Allocation of Uses**

The MROC zoning district prescribes the allocation of uses in a development. LDR Section 4.4.29(B)(4)(c), MROC: Multi-family Dwelling Units, specifies that residential units greater than 2,500 feet from the Tri-Rail Station may comprise up to 75% percent of the total floor area of the MDP when part of a mixed-use development containing office and/or commercial uses. The residential component comprises 46% of the total development square footage. The sizes of the unit types must meet the minimum requirements provided for in the LDR. The unit types sizes are not provided; however, this detail will also be included with the SPRAB review.

LDR Section 4.4.29(I)(5) stipulates, "...where residential uses are located in structures having frontage on Congress Avenue, except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor." The existing development provides office uses on 100% of the ground floors of both buildings, with no residential units. The proposed building to be inserted between the offices provides 271 units with 1,095 sf of commercial use and the residential amenities including gym and yoga space, a co-working/conference room, and on-site leasing office facing South Congress Avenue. Only one ground floor residential unit faces Congress Avenue. The site layout provides a mix of uses and it is important to note that mixed use development can be successful in either a vertical or horizontal mix arrangement.

### Development Standards

The development standards applicable to the request are provided in the applicant's data chart (attached). The front setback does not meet the maximum 20-foot setback requirement and is analyzed in the waiver section. The balance of the standards identified in the chart are in compliance. However, it is important to note that while the pervious amount of land provided is 25%, the MROC zoning district requires that a minimum of 25% open space be provided, exclusive of landscaping required *"to meet internal parking lot design requirements."* The request to reduce the amount of open space is also analyzed in the waiver section. **Note: The applicant has increased the required open space to 25.11%, eliminating the need for the aforementioned waiver, since the last presentation to the Board.**

Please note, the following chart has been updated to address pervious/impervious area, open space, floor area ratio, and parking calculations since the last presentation to the Board.

PROJECT DATA			
The following information must be provided in the spaces below and must be shown on the Site Plan.			
	REQUIRED/PERMITTED	EXISTING	PROPOSED
FRONT SETBACK	20 FT MAX	1615 Building: 98.39 FT and 1625: 115.85 FT	Residential Building: 90.10 FT
North SIDE INTERIOR SETBACK	min of 25 FT building separation	1615 Building: 171.34 FT and 1625: 743 FT +/-	Residential Building: 561.5 FT
South SIDE STREET SETBACK	min of 25 FT building separation	1615 Building: 620 FT +/- FT and 1625: 177.80 FT	Residential Building: 433 FT
REAR SETBACK	25 FT	1615 Building: 82.23 FT and 1625: 181.45 FT	Residential Building: 25 FT
HEIGHT/FLOORS	85 FT	1615 Building: 30.6 FT and 1625: 58.5 FT	Residential Building: 80.3 FT
WIDTH OF SITE	none	1,440 FT	1,440 FT
DEPTH OF SITE	none	395 FT	395 FT
FRONTAGE	none	1,273 FT	1,273 FT
TOTAL SITE AREA	2 acres	12.134 AC	12.134 AC
PERVIOUS/IMPERVIOUS AREA	Min of 25% pervious and Max 75% impervious	30.1% and 56.6%	25.11% pervious and 71.04% impervious
OPEN SPACE (LANDSCAPED)	Min of 25%	30.1%	25.11%
WATER BODIES	none	none	none
GROUND FLOOR AREA	none	1615 Building: 51,580 SF and 1625 Building: 18,675 SF	Residential Building: 49,655 SF
TOTAL FLOOR AREA	4,000 SF	1615 Building: 101,008 SF and 1625: 80,580 SF	Residential Building: 153,216 SF
LOT COVERAGE	Max of 75%	13.3%	71.15%
FLOOR AREA RATIO	2.5	0.3 FAR (office buildings)	Residential & Office: 1.26 FAR
NUMBER OF DWELLING UNITS	none	none	271 MF units
DENSITY (UNITS PER ACRE)	40 du/ac	none	22.41 du/ac
DWELLING UNITS			
	NUMBER OF UNITS	A/C SQ. FT.	TOTAL SQ. FT.
EFFICIENCY	0	n/a	n/a
1 BEDROOM	136	8,830 (12)/ 12,170 (16)/ 13,720 (108) SF	103,319 SF
2 BEDROOM	121	900 (7)/ 10,030 (9)/ 16,550 (105) SF	132,180 SF
3 BEDROOM	14	2,780 (14) SF	19,460 SF
4 BEDROOM	0	n/a	n/a

PARKING SPACES REQUIRED				
USE	CALCULATED AT #SPACES PER	REQUIRED	EXISTING	PROPOSED
Office-1615 and 1625	1,000 Square Feet	627 (Shared Calculation)	799 (1615: 440 1625: 350)	554 surface + 505 garage
Residential	Unit Bedroom Count	504 (Shared Calculation)	0	554 surface + 505 garage
Commercial	1,000 Square Feet	5 (Shared Calculation)	0	14
REGULAR SPACES		1,054	782 (1615: 440 1625: 342)	725
COMPACT SPACES (30% max. of required may be compact)		0	0	312
HANDICAPPED SPACES		13-office + 8-residential = 21	1615: 9 + 1625: 8 = 17	10 surface + 12 garage = 22
TOTALS		1,042	799	1,058
Number of bike racks required: 79 bike spaces		Number of bike racks proposed: 79 bikes spaces		

The open space areas include the provision of a series of small 'pocket parks' along South Congress Avenue that include enhanced landscaping and seating areas. Additionally, a 1,450-foot long linear (over a quarter mile) section of shared-use path to comply with the requirements set forth in the Always Delray Comprehensive Plan Mobility Element 2.2.3 and provide a connection to Linton Boulevard for residents as part of a larger network developed over time. The Florida Greenbook (published by the Florida Department of Transportation) requires such pathways to be 10 to 14 feet wide and only allows an eight-foot-wide path where right-of-way is constrained. The City Engineer and Development Services team found this width request compliant with the Florida Greenbook based on the presence of utilities, drainage, and existing parking.

The MROC regulations also require a landscape buffer of at least 15 feet adjacent to South Congress Avenue and along the north and south property lines, while a buffer of 25 feet is required along the CSX Railway, located to the rear of the property. The existing site improvements do not meet these minimum requirements, and the MDP does not adjust for compliance in these areas, including behind the proposed parking garage. Therefore, a waiver to the requirement has been requested and is analyzed in the waiver section.

#### Parking

When individually considered, the data table indicates a total of 639 spaces is required for the office use, 504 spaces for the residential units with 271 spaces reserved for residents, and 5 spaces for the commercial component proposed in the new building. However, it is important to note the City's requirement for parking for office uses utilizes a "net square footage", while the applicant utilized the gross square footage. Therefore, it is likely that there is an opportunity to eliminate excess parking spaces to provide additional landscaping for both beautification and to reduce the urban heat island effect. This potential reduction in parking could help reduce non-conformities with respect to landscaping, the parking located along South Congress Avenue, and/or the buffer requirement – all of which are waiver requests in this development. **Note: The required parking for the existing office buildings has been updated to reflect "net" square footage since the last presentation to the Board.**

SHARED PARKING CALCULATIONS TABLE PER SEC 4.6.9 C(8)a						
USE	BASIC PARKING REQUIRED	WEEKDAY			WEEKEND	
		NIGHT	DAY	EVENING	DAY	EVENING
		12AM - 6AM	9 AM - 4 PM	6PM-12AM	9AM-4PM	8PM-12AM
RESIDENTIAL	233	233	140	210	186	210
OFFICE	627	32	627	63	63	32
COMMERCIAL	5	1	4	5	5	4
OTHER	271	271	271	271	271	271
TOTAL PARKING REQUIRED	1136	537	1042	548	525	517

In addition to vehicular parking, the development requires a total of 79 bicycle parking spaces with 68 accommodated within the parking garage and 11 located throughout the site. The development is eligible to utilize the shared parking calculations provided in the LDR – see chart provided below. While 1,148 total parking spaces are required, the shared parking calculation indicates that a reduction to 1,054 parking spaces will meet the demands of the site, which is anticipated to be highest during the week from 9am to 4pm. The proposed amount of parking is 1,059 spaces. **Note: The applicant has reduced the proposed parking from 1,059 to 1,058 spaces since the last presentation to the Board.**



## Waivers

Pursuant to **LDR Section 2.4.6(F)(6)(c)**, *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 MDP without the requirement of a public hearing.*

Pursuant to **LDR Section 2.4.7 (B)(5), Waivers: Findings**, *prior to granting a waiver, the granting body shall make findings on subsections a through d prior to the granting of a waiver.*

- a. *Shall not adversely affect the neighboring area.*
  - b. *Shall not significantly diminish the provision of public facilities.*
  - c. *Shall not create an unsafe situation;*
  - d. *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*
- **Front Setback, LDR Section 4.4.29(G)(2)(g)(1):** Allow a maximum front setback of 90 feet, 10 inches from the west property line along South Congress Avenue, in lieu of the required 20-foot maximum front setback for the proposed structure.

The MROC zoning district strives to create a more urban, pedestrian-friendly mixed-use corridor in contrast to the autocentric suburban development type that remains. The intent of the maximum setback along South Congress Avenue is to provide a more engaging streetscape with buildings positioned closer to the street, and vehicular areas located to the side and behind them. The proposed building aligns with the existing office buildings and has been placed to retain the drive aisle along the front of the property, as well as the vehicular entrance at the intersection at Old Germantown Road. The Board should consider whether the granting of the waiver allows for a reasonable site layout, given the location of the existing buildings, intersection, and driveway access constructed in the early 1980s or if providing the required front setback would better meet the vision for the corridor, even if the existing office building remain. Further, the board should consider whether the larger setback would have an adverse effect on the neighboring area in the long term by not providing desired development patterns when the opportunity for significant new construction is presented.

- **Landscape Buffer, LDR Section 4.4.29(G)(2)(d):** Reduce the required 15-foot landscape buffer width along the west, north, and south property lines in front of the proposed building and reduce the required 25-foot landscape buffer at the rear of the proposed building and adjacent to the CSX/FEC railway (existing non-conformities).

The current landscape buffer depth is an existing non-conformity that is proposed to remain in the development, in both those areas that are not adjacent to the new construction and in areas adjacent to the proposed building. Providing the required buffer areas adjacent to the new construction along both the east and west property lines would not only reduce the existing non-conforming buffer, but would also provide additional landscaping and open space that would help meet those requirements. The applicant strives to maintain the existing conditions on the site as the existing office development will remain, yet accommodations on the site could be made to meet the minimum requirements adjacent to the new building. The applicant has designed a series of landscape pocket parks along the South Congress Avenue streetscape to provide beautification to enhance the corridor. The board has to consider whether this design offsets any potential long-term adverse effect on the surrounding area and if the design is sufficient to prevent the granting of a special privilege. **Note: The applicant has removed the north and west buffers from this request as they have been adjusted to come into compliance since the last presentation to the Board.**

- **Parking Location, LDR Section 4.4.29(H)(11):** Allow parking to be located adjacent to South Congress Avenue, whereas parking between South Congress Avenue and the building is not allow.

The existing development has parking along South Congress Avenue; the proposal reduces this existing non-conformity by eliminating approximately eight parking spaces and providing additional green space and a pedestrian connection from the proposed building to the public sidewalk. There is excess parking provided, which presents an opportunity to eliminate additional parking spaces between the new building and South Congress Avenue, thereby further reducing the non-conformity (and urban heat island effect) while providing additional landscape buffer area and landscaping. The consideration is whether additional beautification, particularly along the South Congress Avenue streetscape, could be provided to further enhance the

corridor and reduce the adverse effect of surface parking in the front of the building. **Note: The applicant has removed an additional 8 spaces along Congress Avenue since the last presentation to the Board.**

- Landscape Islands, LDR Section 4.6.16(H)(3)(i): Allow certain existing landscape islands to maintain a width less than nine feet where restriping of the parking area will occur.

The parking lot conditions on the site have existed since the early 1980s. However, when more than 25% of existing gross square feet is proposed, the entire site is required to come into compliance with the City's landscaping provisions. As a result, it has been identified that the existing landscape islands do not meet the minimum size requirements. While some of the landscape island within the development will be modified to meet the requirement, many throughout the site are proposed to be maintained at the existing, smaller width. The parking area around the islands will be restriped to come into compliance with respect to the current striping and parking space size standards. The applicant has identified that the existing islands contain mature trees that will be maintained. **Note: The applicant has adjusted 3 additional landscape islands to come into compliance since the last presentation to the Board.**

- MROC Open Space, LDR Section 4.4.29((G)(2)(c)2.: Allow 24.4% of open space, whereas 25% is required.

The Project Data tables indicates that open space will be reduced on site from 30% to 25%. However, the applicant has included the parking lot landscape islands in the calculations, which are expressly excluded from meeting this requirement in the MROC district. Without the landscape islands, the open space provided is 24.4%, which necessitates a waiver. The site plan modification inserts a significant building into the site. The plan could accommodate 0.6% more open space through a variety of methods – and if it cannot, the board should consider whether or not allowing this amount of development on the site, without meeting the minimum open space standard constitutes a special privilege. Several opportunities have been discussed within the proposed development that could be utilized to meet the subject requirement – including increasing the buffer areas, recalculating the parking requirement using the net amount for office, and eliminating any excess parking spaces on the site to expand landscape opportunities. **Note: The applicant has adjusted the open space to provide 25.11% open space and therefore this waiver request has been eliminated since the last presentation to the Board.**

The Applicant's justification statement is attached.

### Board Consideration

The Board should consider the following in reviewing the Master Development Plan to ensure compliance with the applicable requirements while meeting the intent of the LDR.

- Whether the provision of 1,085 square feet of non-restaurant, commercial space, and amenities for the residential units meets the intent of the requirement of *"there must be nonresidential uses fronting on Congress Avenue on the ground floor."*
- Whether an adjustment to the parking calculation should be provided to reduce the amount of parking required and provided resulting in a reduction in hardscaping and increase in open space.
- Whether the inclusion of more open space is more appropriate to both meet the minimum MROC requirement of 25% and reduce landscape associated non-conformities.
- Whether the proposal meets the intent of the MROC district, the vision of the city, and the needs of the residents.

### Technical Items

The following items have been identified as technical items to be resolved prior to certifications:

1. Amend the Parking Tables to utilize Net Office square footage in a more realistic manner to calculate parking requirements and remove unneeded parking to be replaced with additional landscaping and open space instead.

### Board Action Options

- A. Move **approval** of a Master Development Plan (MDP) for **Delray Central**, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request, inclusive of the waivers, is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move **approval as amended** of a Master Development Plan (MDP) for **Delray Central**, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request, inclusive of the waivers, is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, with revisions.
- C. Move **denial** of a Master Development Plan (MDP) for **Delray Central**, located at 1615 & 1625 South Congress Avenue, associated with the addition of an eight-story building containing 1,095 square feet of non-restaurant, commercial use and 271 residential units including a parking structure and amenities, finding that the request, inclusive of the waivers, is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. Continue With Direction.

### Public and Courtesy Notices

☒ Courtesy Notices were sent to:  
Delray Estates

☒ Public Notice was not required.