PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH ---STAFF REPORT---

MEETING DATE: October 15, 2018

ITEM: Privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan for 1690-2350 South Congress Avenue (former Office Depot campus and Arbors office building) located at the southwest corner of Congress Avenue and Old Germantown Road. **NOTE: The rezoning requires a Quasi-Judicial Hearing.**

Recommendation: Approve

GENERAL DATA: **2018-176**

Owner	Transamerica Life Insurance Co.
Applicant	Centerpointe Delray Holdings, LLLP
Agent	Covelli Design Associates, Inc.
Location	Southwest corner of Congress Avenue and Old German Town Road
Property Size	48.78 acres
Existing FLUM	CMU (Commercial Mixed Use)
Existing Zoning	MROC (Mixed Residential Office and Commercial)
Proposed Zoning	SAD (Special Activities District)
Adjacent Zoning North:	RM (Multiple Family Residential)
East:	MROC & I (Industrial)
South:	RM & OSR (Open Space & Recreation)
West:	RM
Existing Use	Former Office Depot campus and the Arbors office building
Proposed Use	A mixed use project containing residential and commercial
Water Service	Available via connections to a 10" main along Congress Avenue and a 16" main along Old Germantown Road
Sewer Service	Available via connections to an existing force main along Old Germantown Road

ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission on a privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan for the property located at the southwest corner of Congress Avenue and Old Germantown Road (1690-2350 South Congress Avenue).

Pursuant to Section 2.2.2(E)(6) of the Land Development Regulations, the Planning and Zoning Board shall review and make a recommendation to the City Commission with respect to the rezoning and associated Master Development Plan of any property within the City through a quasi-judicial hearing.

BACKGROUND

The subject property is located at the southwest corner of Congress Avenue and Old Germantown Road and is approximately 48.78 acres in size. The existing development consists of 352,539 square feet of office in four buildings. The office campus was formerly occupied by the Office Depot corporate offices and The Arbors office building located at the northeast corner of the site.

Beginning in 1981 and ending in 1995, portions of the site were annexed into the City of Delray Beach from unincorporated Palm Beach County. The site was rezoned from POC (Planned Office Center) to MROC (Mixed Residential Office and Commercial) in 2007.

The development application consists of an SAD rezoning with a Master Development Plan (MDP) that includes up to 1,009 total dwelling units; 70,000 square feet of office; 250,000 square feet of retail; and 80,000 square feet of restaurant. The MDP will be constructed within six parcels. The request also includes a waiver from the procedural requirements in LDR Section 4.4.25(D), which requires a SAD rezoning be accompanied by a site and development plan to be approved by the SPRAB (Site Plan Review and Appearance Board) prior to adoption of the rezoning. The applicant proposes that a Master Development Plan accompany the SAD rezoning and that individual site and development plan applications, consistent with the MDP, be processed at later date and approved by SPRAB. The SAD and MDP are further supported by a proposed set of process and development standards unique to the subject property.

REZONING ANALYSIS

REQUIRED FINDINGS (Chapter 3):

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 part of the official record. This may be achieved through information on the application, 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 following four areas.

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 Future Land Use Map (FLUM) designation of CMU (Congress Mixed Use) and the proposed zoning designation is SAD (Special Activities District). Pursuant to LDR Section 4.4.25(A), the SAD zoning designation is deemed consistent with all FLUM designations. The uses allowed within a specific SAD shall be consistent with the land use category shown on the Future Land Use Map. The Congress Avenue Mixed Use designation accommodates a

variety of uses including limited commercial, office development, and residential uses. The primary purpose of the district is to provide a mix of residential, office, and commercial uses in a master-planned environment.. The Master Development Plan proposes this mix of uses. The proposed SAD rezoning ordinance, prepared by the applicant, provides the list of uses, which includes general commercial uses such as retail, office, and services.

Based upon the above, a positive finding with respect to consistency with the Future Land Use Map designation is made.

CONCURRENCY: Pursuant to Section 3.1.1(B), Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

As described in Appendix "A", a positive finding of concurrency is made as it relates to water and sewer, streets and traffic, drainage, parks and recreation, open space, and solid waste.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies were found. An analysis and/or staff review of the referenced objectives and policies is provided as well (italicized).

Future Land Use Element Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate in terms of soil, topographic and other applicable physical considerations, is complimentary to adjacent land uses and fulfills remaining land use needs.

There are no physical issues associated with the property that would prevent redevelopment of the subject property. There is a portion of the original Oak hammock that remains at the southwest corner of the property. This area will be preserved and is noted on the plans.

The existing uses to the north (Linton Lake), south (Sabal Pine East), and west (The Environment) are multiple family developments and the Delray Oaks nature preserve. The Master Development Plan indicates that multiple family dwelling units will be placed along the west and south sides of the proposed development. This placement will be complimentary to the adjacent existing multiple family developments.

Future Land Use Element Objective A-8: Encourage compact development reflecting characteristics which include a mixture of community-serving use FL - 26 institutional, recreation and open space, characterized by efficient infrastructure, promotion of pedestrian circulation and convenient access to mass transit facilities through the establishment of Regional Activity Center overlays within the Congress Avenue corridor in the CMU (Congress Avenue Mixed Use) land use designation.

Policy A-8.1: All Regional Activity Center Overlays shall include the following community design elements:

1. An interconnected network of streets and paths designed to encourage walking and bicycle use, with traffic calming where desirable;

2. A complimentary mix and range of land uses, including residential, office, commercial and recreational. Education, civic and cultural land uses may also be included if desired.
3. Appropriate densities and intensities of land uses within walking distance of transit stops;
4. Daily activities within walking distance of residences and public uses
5. Streets and squares that are safe, comfortable, and attractive for the pedestrian;
6. Access to buildings streets and parking designed to be conducive with all transportation modes;
7. Off-street parking areas located and designed in a manner that supports and does not conflict with pedestrian activity, such as to the side or rear of buildings, and shall be limited in size and scale. Large fields of parking shall not be placed between the building façade and the connecting roadway.

The proposed Master Development Plan is consistent with this Policy. The development provides common access streets with traffic calming throughout the project. The development includes residential, office, and general commercial uses. A transit stop is provided interior to project and a Palm Tran stop along Congress Avenue. A 12-acre park is provided centrally next to the round-a-bout located at the western end of the access drive from Congress Avenue.

Policy A-8.2: Regional Activity Center overlays shall be planned in a manner that maximizes internal circulation and minimizes conflicts on the major arterial roadways.

The internal street/pedestrian system will allow residents and patrons to access the development without exiting and re-entering at different locations.

Policy A-8.3: Regional Activity Center overlays shall provide fully-connected routes to all destinations with direct bicycle and pedestrian connections within and between residential areas and supporting community facilities and services, such as shopping areas, employment centers, transit stops, neighborhood parks and schools. The paths should be spatially defined by buildings, trees and lighting.

In addition to the proposed sidewalks along the internal street system, the MDP provides a perimeter sidewalk system that provides good access to different points within the developments.

Policy A-8.4: The Congress Village Regional Activity Center overlay, is hereby established on the 42.749 acre Office Depot headquarters site, located on the west side of Congress Avenue, south of Old Germantown Road. The development of the site as a Regional Activity Center will result in a maximum developable intensity of 600,000 square feet of office use, 400,000 square feet of commercial uses, 350 hotel units and 2,000 residential units.

The proposed MDP complies with this Policy since the development includes up to 1,009 total dwelling units; 70,000 square feet of office; 250,000 square feet of retail; and 80,000 square feet of restaurant.

Policy A-8.5: Regional Activity Center overlays shall contribute to providing a safe, convenient, comfortable and aesthetically pleasing transportation environment that promotes walking, cycling and transit use. Improvements or enhancements to the multimodal network, which may be required as a condition of development approval, include the following:

1. Full accommodations for pedestrian access and movement, including shaded sidewalks;
2. Full accommodations for bicycles, such as lockers, showers and racks; FL - 27
3. Direct connections between the Regional Activity Center overlay area and the regional bicycle/pedestrian network;
4. Installation of bike lanes, sidewalks, and shared use paths/trails;
5. Well designed accommodations for transfer of passengers at designated transit facilities;

6. Preferential parking for rideshare participants;
7. Well designed access for motor vehicle passenger drop-offs and pick-ups at designated transit facilities and commercial and office development sites;
8. Full accommodations for the mobility impaired, including parking spaces, sidewalks, and ramps for handicapped access; and
9. Installation of transit use shelters.

As noted previously, the proposed MDP provides an extensive pedestrian system. A transit stop has been provided along the interior street system. Some of the specifics such as bicycle parking/showers will be addressed when the individual site plans are submitted.

LDR SECTION 2.4.5(D)(5) - REZONING FINDINGS:

Pursuant to LDR Section 2.4.5(D)(5), in addition to provisions of Chapter 3, the City Commission must make findings that the rezoning fulfills at least one of the reasons listed under Subsection (2):

(a) That the zoning had previously been changed, or was originally established, in error;

(b) That there has been a change in circumstances which make the current zoning inappropriate; or

(c) That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

The Applicant submitted the attached justification statement and supporting documentation addressing this requirement. The Applicant's statement seeks to justify the rezoning based on a change in circumstances related to the designation of the property as a Regional Activity Center in 2009. Per LDR Section 4.4.25(B)(2)(a), any development which is designated as a Large Scale Mixed Use pursuant to the Comprehensive Plan necessitates the zoning designation of SAD. The Applicant indicates that following designation of the property as a Regional Activity Center, the property should have been rezoned to SAD. The reason this did not occur is the downturn in the economy and the resulting lack of development interest in the property. Staff concurs that the SAD zoning designation is appropriate for the property and that a positive finding is made on findings "b" and "c" that the rezoning is consistent with LDR Section 2.4.5(D)(5).

MASTER DEVELOPMENT PLAN

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.
Per LDR Section 4.4.25(D), final approval of the rezoning to SAD will require the inclusion of an approved site plan in the SAD rezoning ordinance. The Site Plan must be approved by the Site Plan Review and Appearance Board (SPRAB) prior to the second and final reading of the SAD rezoning ordinance. The applicant has submitted a waiver request from LDR Section 4.4.25(D) procedural Review and Approval Process that requires the site plan concurrent with the SAD rezoning.

WAIVER ANALYSIS

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the 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; and
(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.

The Applicant's waiver justification is attached. The waiver will not adversely affect the neighboring area since the individual parcel site plan applications will be reviewed when they are received. The applicant has submitted a Master Development Plan that identifies the maximum development potential of the property, uses allowed, and development standards, such as building setbacks. The waiver will have no impact on the provision of public facilities or create an unsafe situation. The waiver would not grant a special privilege since other large scale phased development seeking SAD zoning would need a similar request. Based on the above, a positive finding with LDR Section 2.4.7(B)(5) can be made.

It is noted that the Master Development Plan includes building and parking lot plans for the residential portions of the development. These plans are not sufficient to conduct a technical review. This technical review will be conducted when the site plan applications for these parcels are submitted.

The Applicant has submitted the attached development standards and commercial uses. The development standards identify the development regulations and uses that will guide the development of the subsequent site plan applications for the site. One of the highlights of the development standards is the inclusion of tandem spaces within the commercial site. It is noted that these spaces will need to be attended by a valet operator during the hours of operation of the commercial phase since they won't be accessible by self-parking customers and this is attached as a condition of approval. The development standards include building setbacks, perimeter and interior landscape regulations, parking requirements, building height, recreation facility requirements, and architectural requirements.

The proposed SAD standards also modify the workforce housing requirements by requiring 10% of the rental housing units and 10% of the for sale housing units to meet the City's workforce housing requirements in Section 4.7 of the Land Development Regulations (LDR). The City typically requires that residential developments include a minimum of 20 percent workforce units consisting of moderate income workforce units. It is noted that the applicants will need to enter into workforce housing covenants as part of the individual site plan approvals.

As a design consideration, an internal road (one-way or two-way) should be provided between the residential apartments and "The Annex" park. This will provide a clear separation between the public space and the residential space. The recommended internal road is attached as a condition of approval.

The commercial use list consists of general commercial uses including retail, office, personal services, and ice skating rinks.

<u>Section 3.2.2 (Standards for Rezoning Actions)</u>: Standards "A", "B", "C", and "E" are not applicable with respect to this rezoning request. An evaluation of the applicable standards is discussed below:

Standard "D" requires that the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

The following table identifies the zoning designations and uses that are adjacent to the subject property:

	Adjacent Zoning:	Adjacent Uses:
North	RM (Multiple Family Residential)	Delray Verana Multiple Family Residential Development
West	RM (Multiple Family Residential)	The Environment Multiple Family Residential Sabal Pine East Condominium
East	I (Industrial) and MROC (Mixed Residential Office and Commercial)	Hardrives (paving) and offices
South	OS (Open Space)	Delray Oaks Nature Preserve

Typically, a rezoning to SAD is linked to a site plan at the time of rezoning, the specific uses are known and compatibility with adjacent and nearby land uses can be assured at that time. However, this request includes a waiver from the site plan process and is substituted with a Master Development Plan. The Applicant has included a list of uses that will be allowed within the SAD and will be an exhibit to the rezoning ordinance. These uses are typical general commercial consisting of retail, offices, services, and multiple family residential. If additional uses are proposed in the future, a rezoning will need to be approved to add them to the list. These uses are consistent with the vision for the property and are compatible with the surrounding uses.

Based on the above, a positive finding with respect to Section 3.2.2 cannot be made.

REVIEW BY OTHERS

The development proposal is not within a geographical area requiring review by the DDA (Downtown Development Authority) or CRA (Community Redevelopment Agency).

Courtesy Notices:

A special courtesy notice was provided to the following homeowners and/or civic organizations:

- Abbey Delray South
- Delray Oaks West
- Rabbit Hollow
- Spanish Wells
- Andover
- Verona Woods
- Oakmont

Public Notices:

Formal public notice has been provided to property owners within a 500' radius of the subject property. Any letters of objection and/or support will be presented at the Planning and Zoning Board meeting.

ASSESSMENT AND CONCLUSION

The requested rezoning from Mixed Residential Office and Commercial (MROC) to Special Activities District (SAD), for the subject property, is to allow development of the property as a

Regional Activity Center. It is noted that a waiver request is included with the application seeking relief from the procedural requirement that requires a site plan to be approved by SPRAB prior to the rezoning adoption. The applicant has provided a Master Development Plan in lieu of the site plan. This waiver can be supported due to the size of the development and that it will be developed in parcels. Site plan applications will be submitted for the individual parcels. Positive findings are made with respect to LDR Section 3.1.1 (Required Findings), LDR Section 3.2.2 (Standards for Rezoning Actions) and LDR Section 2.4.5(D)(5)(Rezoning Findings), 2.4.7(F)(5)(Waiver Findings) and the Goals, Objectives, and Policies of the Comprehensive Plan.

RECOMMENDED ACTIONS

A. Continue with direction.

B. Move a recommendation of **approval** to the City Commission for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan for 1690-2350 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is *consistent* with the Comprehensive Plan and *meets* the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.7(B)(5)(Waiver Findings), 2.4.5(F)(6), and 2.4.5(D)(5)(Rezoning Findings).

C. Move a recommendation of **denial** to the City Commission for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) and Master Development Plan for 1690-2350 South Congress Avenue, by finding that the request and approval thereof is *inconsistent* with the Comprehensive Plan and *does not meet* the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.7(B)(5), 2.4.5(F)(6) and 2.4.5(D)(5)(Rezoning Findings).

STAFF RECOMMENDATIONS

Move a recommendation of **approval** to the City Commission for the privately-initiated rezoning from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan for 1690-2350 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is *consistent* with the Comprehensive Plan and *meets* the criteria set forth in LDR Sections 3.1.1 (Required Findings), 3.2.2 (Standards for Rezoning Actions), 2.4.7(B)(5)(Waiver Findings), 2.4.5(F)(6), and 2.4.5(D)(5)(Rezoning Findings), subject to the following conditions:

1. That the traffic issues identified by the Palm Beach County Traffic Engineering Division are addressed and a finding of concurrency be provided prior to scheduling the rezoning request for a City Commission meeting.

2. That the sewer capacity issue be resolved prior to scheduling the rezoning request for a City Commission meeting.

3. That the proposed development standards be revised to require the tandem parking spaces be attended by a valet operator during the hours of operation of the commercial phase.

4. That the Master Development Plan be revised to include an internal road (one-way or two-way) between the residential apartments and "The Annex" park.

Attachments:

- Location Map
- Existing Zoning Map
- Proposed Zoning Map
- Reduced Plans
- SAD Rezoning Ordinance
- Applicant's Project Narrative
- Applicant's Waiver Justification

APPENDIX "A"
CONCURRENCY FINDINGS

Pursuant to Section 3.1.1(B), Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

Water and Sewer: The site is served by water and sewer service. Municipal water service is available via connection to a 10" water main along Congress Avenue and a 16" main along Old Germantown Road. Sewer service would be provided to the site via a force main along Old Germantown Road and Congress Avenue. The City of Delray Beach Public Works Department has identified a potential issue with respect to the sewer connection capacity. The Applicant is currently analyzing the capacity of the force main to accommodate the proposed development. The sewer connection capacity issue will need to be resolved/addressed prior to the City Commission consideration of the rezoning and is presented as a condition of approval.

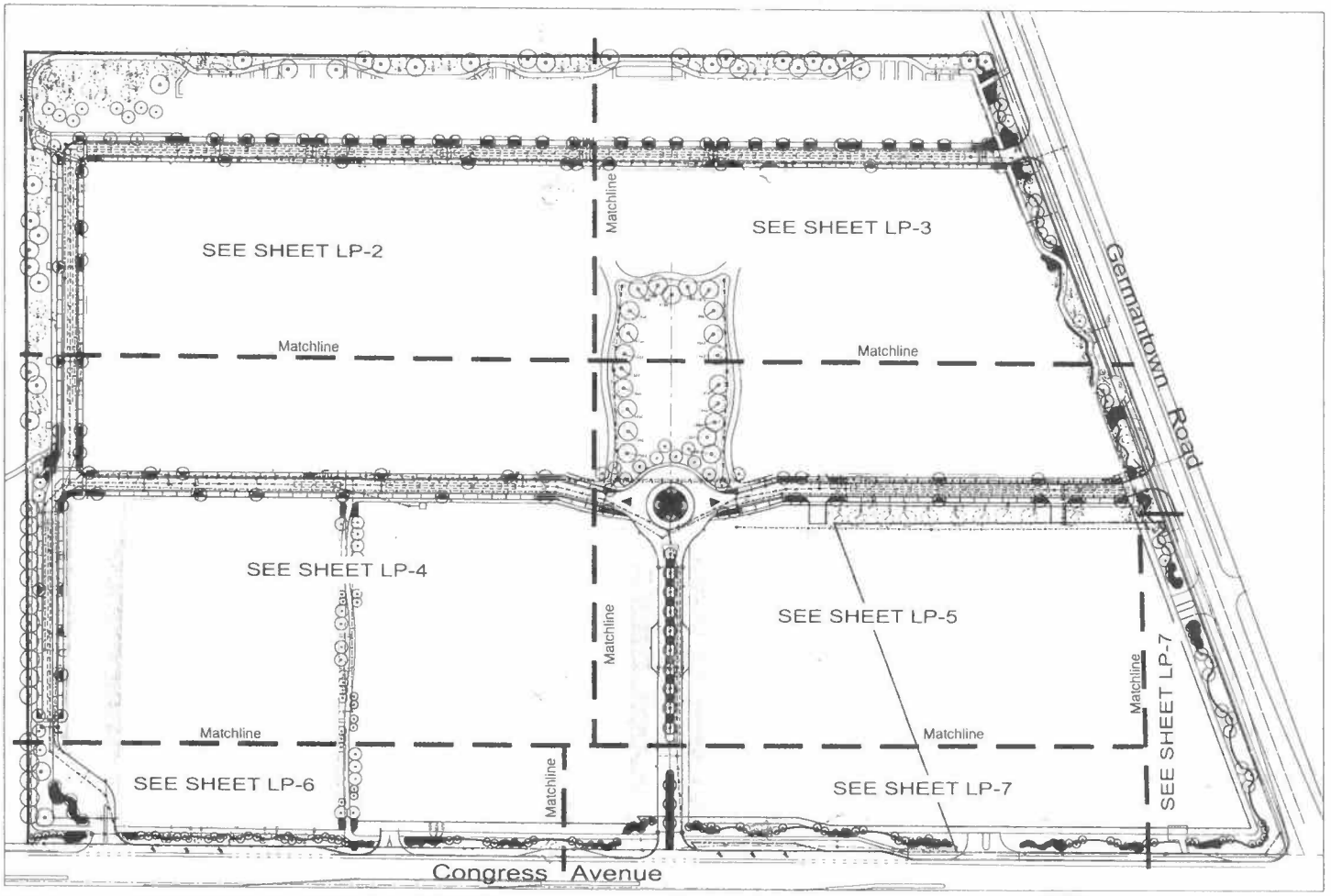
Streets and Traffic: A traffic analysis report for the proposed SAD with a Master Development Plan was prepared. The traffic report determined that the proposed development program will generate a net increase of 12,955 external Average Daily Trips (ADT), with a net increase of 265 new external A.M. peak hour trips, and a net increase of 931 new P.M. peak hour trips. Due to these impacts, the report concludes that the development pay a proportionate share to the improvement of Congress Avenue from 6 lanes to 8 lanes from Clint Moore Road to NW 82nd Street; improvement of Clint Moore Road from Jog Road to Military Trail from 4 lanes to 6 lanes; and, improvement of the intersection of Military Trail and Linton Boulevard to add one eastbound through lane.

The Palm Beach County Traffic Engineering (PBCTE) has responded to the study and found that the proposed development does not meet the Traffic Performance Standards of Palm Beach County. PBCTE have identified several issues that need to be addressed by the Applicant's Traffic Engineer. PBCTE also identified additional off-site improvements that need to be addressed such as modifying the left turn lanes along Congress Avenue. The issues listed in the letter from PBCTE need to be addressed prior to scheduling the rezoning for a City Commission meeting and this recommendation is presented as a condition of approval.

Drainage: The Master Development Plan includes conceptual drainage plans that indicate the storm water runoff will be accommodate via sheet flow to catch basins and an exfiltration trench system. Drainage will be addressed as part of the individual site plans that will be submitted for each parcel.

Parks and Open Space: The Open Space and Recreation Element of the City's Comprehensive Plan indicates in its conclusion that "The City will have sufficient recreation facilities at build-out to meet the adopted standards". A park impact fee is collected to offset any impacts that the 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 will be collected prior to issuance of a building permit for each unit. A total fee of $504,500 will be required of this development for parks and recreation purposes based upon the total number of units proposed. The park impact fee will be collected at the time of each building permit based upon the number of units permitted.

Solid Waste: The proposed redevelopment of the property will result in a net increase of 1,862 tons per year in solid waste generation. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2047, thus a positive finding with respect to this level of service standard can be made.



LANDSCAPE KEY PLAN

SCALE 1" = 80'

NOTE-
SHADED AREA
NOT PART OF
THIS PLAN

Site Location Map

See LP-6 for Plant Key & Replacement Tabulations
See LP-8 for Standard Planting Details & Notes

Revisions

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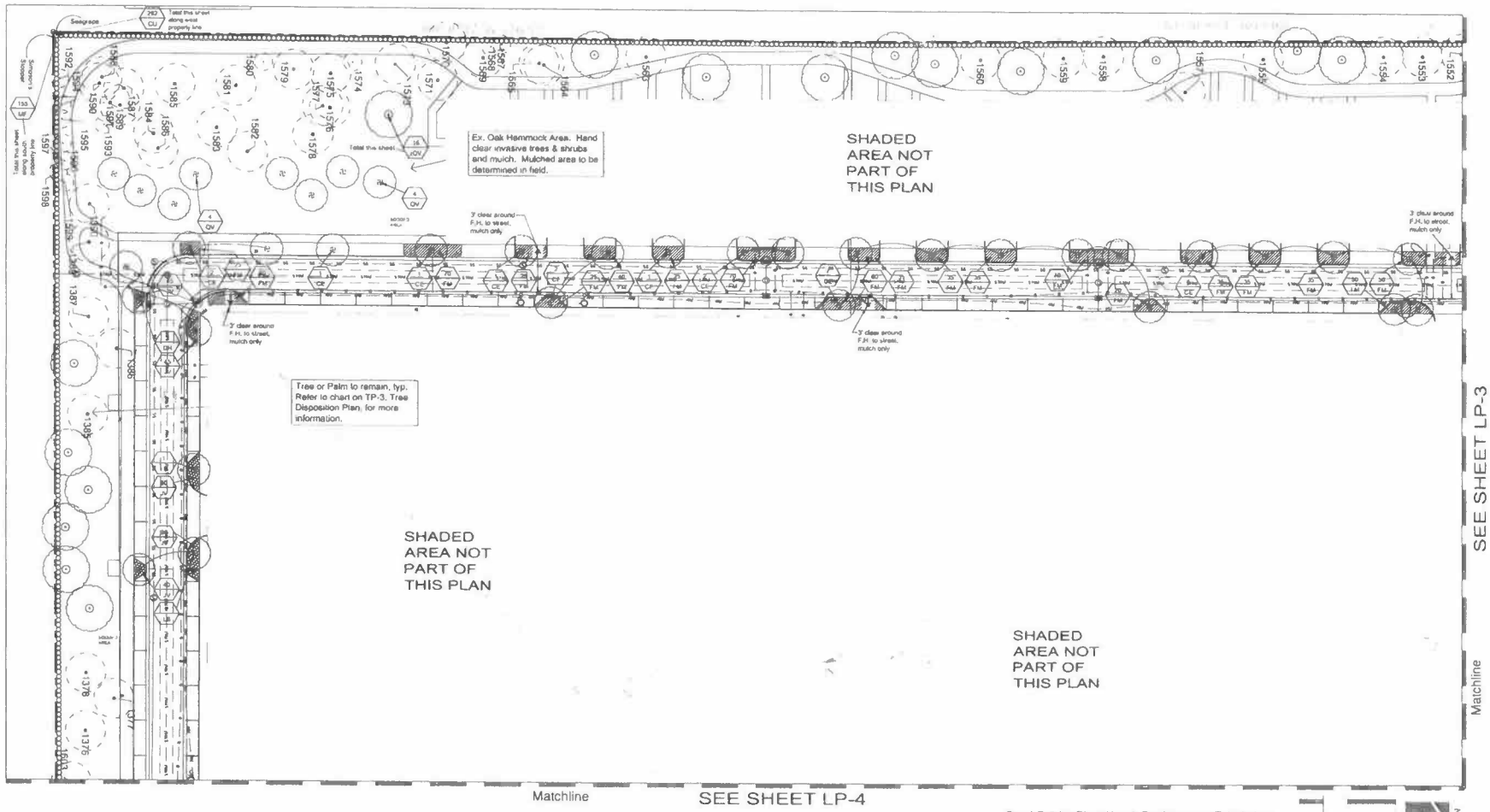
Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date 09-04-2018
Scale As Noted
PN# 1331

PREPARED BY
Steven E. Tyler BLA
Landscape Architect #967
State of Florida
For The Firm
DATE 09-10-2018

Drawing No.
LP-1
OF 8



See LP-6 for Plant Key & Replacement Tabulations
See LP-8 for Standard Planting Details & Notes

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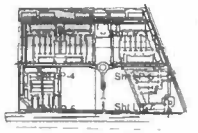
GRAPHIC SCALE 1" = 30'
NORTH



Revisions

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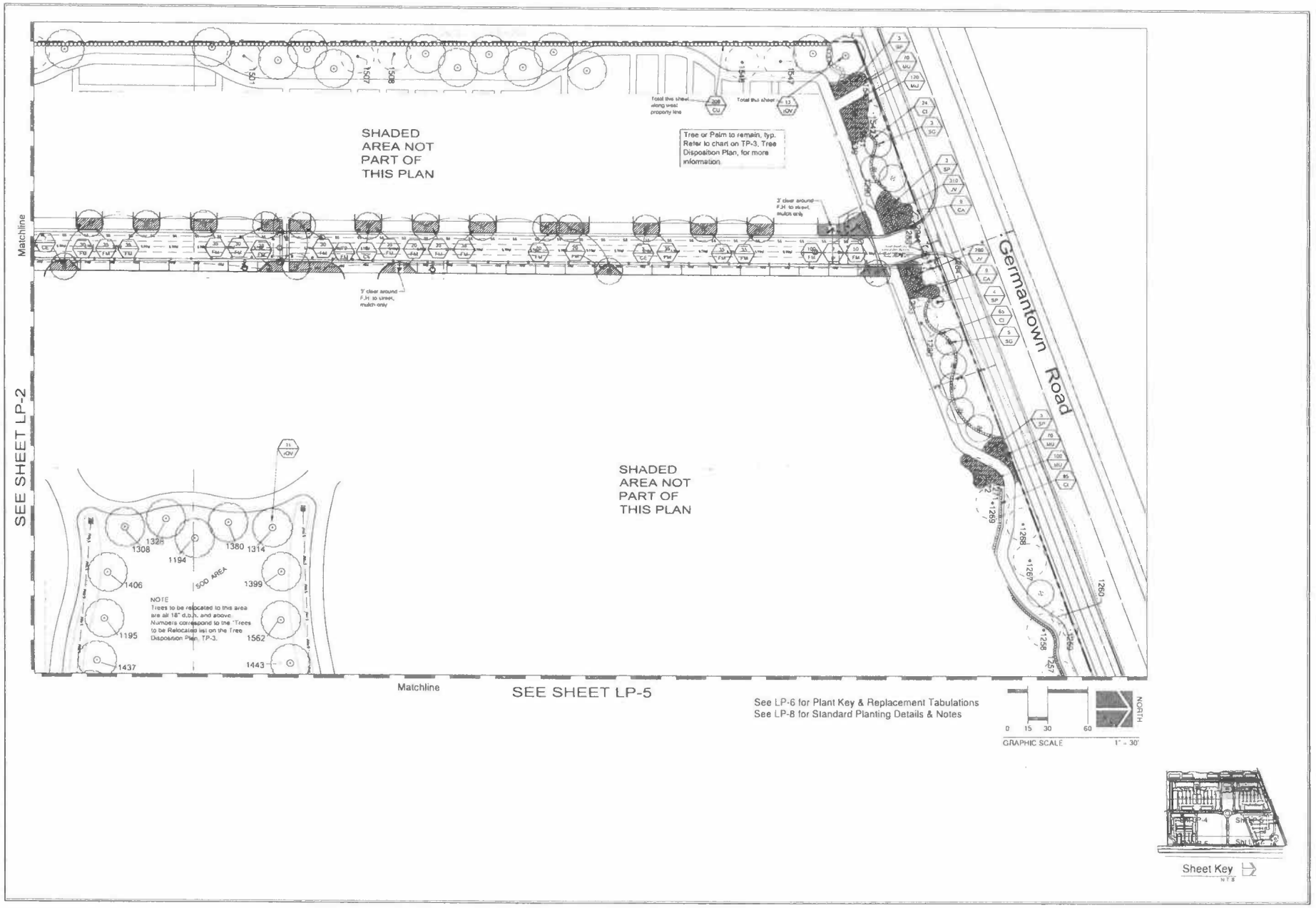
Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date	08-04-2016
Scale	As Noted
PN#	1231

PREPARED BY
Steven E. Tate RLA
Landscape Architect #667
State of Florida
For Tire Farm
DATE 08-10-2016

Drawing No.
LP-2
OF 8



Revisions

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Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date	09-04-2018
Scale	As Noted
PN#	1231

PREPARED BY
Steven E. Tate, RLA
Landscape Architect #667
State of Florida
For the Firm
DATE 09-19-2018

Drawing No.
LP-3
OF 8

Matchline SEE SHEET LP-2

Tree or Palm to remain, typ. Refer to chart on TP-3, Tree Disposition Plan, for more information.

SHADED AREA NOT PART OF THIS PLAN

3' clear around F.H. to street, mulch only

3' clear around F.H. to street, mulch only

Total inn sheet along south property line

3' clear around F.H. to street, mulch only

SHADED AREA NOT PART OF THIS PLAN

SHADED AREA NOT PART OF THIS PLAN

Total this sheet along west property line

Matchline SEE SHEET LP-5

Matchline SEE SHEET LP-6

See LP-6 for Plant Key & Replacement Tabulations
See LP-8 for Standard Planting Details & Notes

0 15 30 60
GRAPHIC SCALE 1" = 30'

NORTH

Sheet Key
N.T.S.

Revisions

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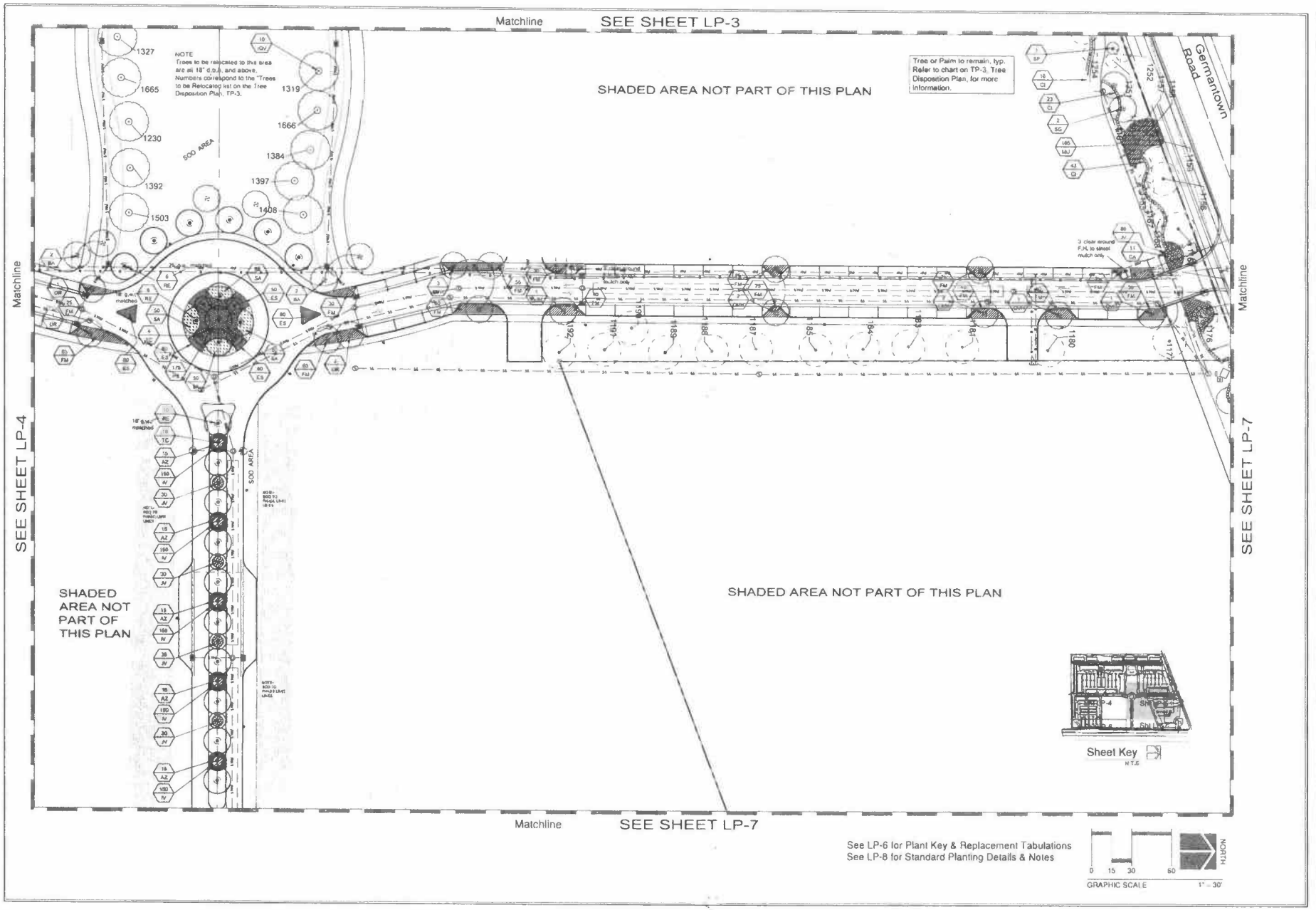
Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date 09-04-2018
Scale As Noted
PN# 1231

PREPARED BY
Steven E. Tate, RLA
Landscape Architect #667
State of Florida
For Tax Form
DATE 09-10-2018

Drawing No.
LP-4
OF 8



Revisions

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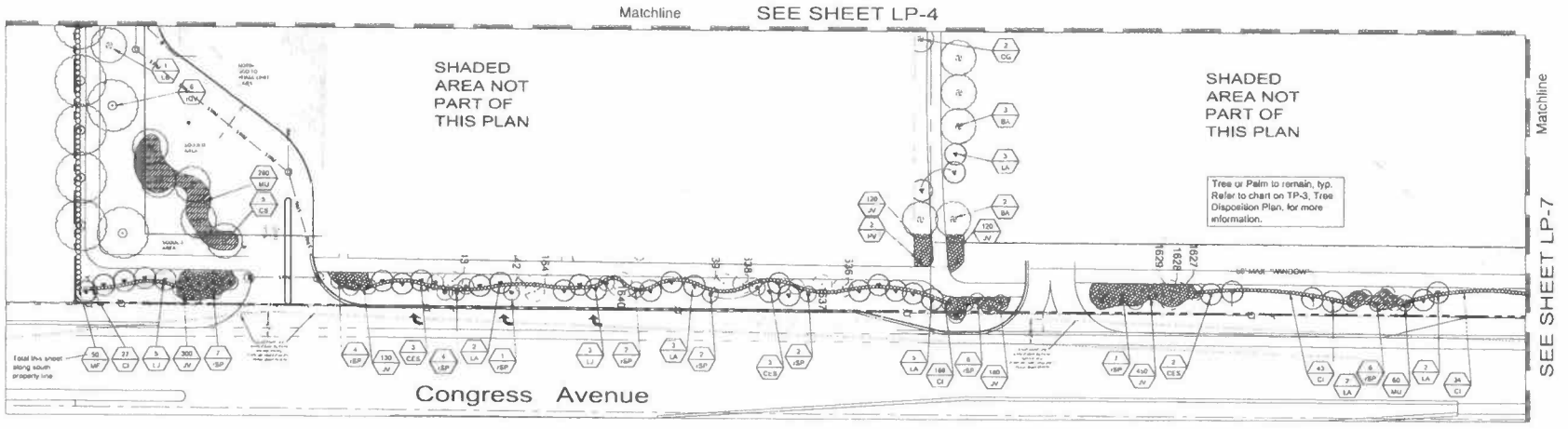
Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date	06-04-2018
Scale	As Noted
PN#	1231

PREPARED BY
Steven E. Tate, R.L.A.
Landscape Architect #667
State of Florida
For the Firm
DATE 06-10-2018

Drawing No.
LP-5
OF 8



See LP-6 for Plant Key & Replacement Tabulations
See LP-8 for Standard Planting Details & Notes

0 15 30 60
GRAPHIC SCALE 1" = 30'
NORTH

PLANT KEY

Quantity	Plan Symbol	Botanic Name / Common Name Specification	Degree of Drought Tolerance	Tree/Palm Replacement 1:1	Tree d.b.h. Replacement
135	AC	Alpinia zerumbet Variegata / Variegated Shell Ginger 24" o.a. full 24" o.c.	VERY		
18	BA	Bulnesia arborea / Verawood 18' ht. x 8' spr. 4" d.b.h. balanced branching 5' c.t.	VERY		18 @ 4" /72"
43	CA	Cinnum broceum splendens / Queen Emma Lily 30" ht.	VERY		
39	CE*	Cococcarpus Erectus / Green Buttonwood 16' ht. x 8' spr. 4" d.b.h. balanced branching 5' c.t.	VERY		39 @ 4" 156"
25	CES*	Cococcarpus erectus sericeus / Silver Buttonwood 12' ht. x 6' spr. 3' c.t. multi-stem tree form	VERY	25	
10	CG	Caesalpinia granadilla / Brindaved Tree 12' ht. x 8' spr. 5' c.t.	MOD	10	
5	CS	Chorisia speciosa "Monsa" / Thornless Floss Silk Tree 18' ht. x 8' spr. 6" d.b.h. balanced branching 5' c.t.	VERY	4	1 @ 5 5
500	CU	Coccoloba uvifera / Seagrape 36" ht. x 24" spr. 30" o.c. full to ground	VERY		
7250	CI*	Chrysobalanus icaco "Red Tip" / Red Tip Cocoplum 24" ht. x 15' spr. 24" o.c.	VERY		
14	DR	Delonix regia / Royal Poinciana 18-20 x 10' spr. 6" d.b.h. balanced branching 6' c.t.	VERY		14 x 6 84"
400	ES	Eugenia axillaris "Snow & Sweet" / Thornless Clewn of Thorns	VERY		
2562	FM	Ficus microcarpa "Green Island" / Green Island Ficus 12" ht. x 15-18" spr. maintain at 24" ht.	-		
750	IV*	Ilex Vomitoria "Shellings Dwarf" / Dwarf Yaupon Holly 10-12" ht. x 15" spr. 15" o.c.	VERY		
8295	JV	Jasminum volubile / Wax Jasmine 10-12" ht. x 15" spr. 15" o.c.	VERY		
35	LA	Lagerstroemia indica Muskogee / Pink Crape Myrtle 18' ht. x 6.5' spr. 4" d.b.h. 5' c.t. standard	VERY	25	10 x 4 40"
11	LB*	Lysiloma Bahamensis / Wild Tamarind 16' ht. x 8' spr. 4" d.b.h. 5' c.t. balanced branching	VERY		11 x 4 44"
29	LJ	Ligustrum Japonicum / Japanese Privet 12' ht. x 6' spr. 5' c.t. multi-stem tree form	VERY	29	

PLANT KEY (cont.)

Quantity	Plan Symbol	Botanic Name / Common Name Specification	Degree of Drought Tolerance	Tree/Palm Replacement	Tree d.b.h. Replacement
403	MS*	Myrcianthes Fragrans / Simpson Stopper 30" ht. x 20-24" spr. 30" o.c.	VERY		
1515	MU*	Muhlenbergia capillaris / Pink Muhly Grass 24" ht. x 18" spr. 24" o.c.	VERY		
175	PS	Philodendron selloum / Selloum 24" ht., min. 2 heads per pot 30" o.c.	VERY		
4	PV	Petrea volubilis / Queens Wreath 36" ht. min. 3 main runners, tied to arbor with plastic ties	VERY		
8	QV*	Quercus Virginiana / Highline Live Oak 16" ht. x 8 spr. 4" d.b.h. 5' c.t.	VERY	8	
25	QVH*	Quercus Virginiana "Highline" / Highline Live Oak 16' ht. x 8 spr. 4" d.b.h. 5' c.t.	VERY		25 @ 4" 100
24	RE	Roystonea Elata / Royal Palm g.w. ht. as noted on plan, heavy trunk, matched	VERY	24 palms	
200	SA	Schefflera Arboricola "Trinette" / Dwarf Var. Schefflera 18" ht. x 12" spr. 24" o.c.	VERY		
22	SQ*	Senaloubia glauca / Paradise Tree 16' ht. x 8' spr. 4" d.b.h. balanced branching 5' c.t.	VERY	22	
58	SP*	Sabal palmetto / Cabbage Palm Stagger c.t. hts. 14-20' in ea. group per detail on LP-8	VERY	58 palms	
19	TC	Tabebuia caraiba / Yellow Trumpet Tree 16' ht. x 8' spr. 4" d.b.h. balanced branching	VERY	19	

Trees & Palms to be Relocated

71	QV*	Quercus Virginiana / Live Oak Relocated from site. Note oaks to be relocated with 18' and larger trunks are noted by tree # on the Tree Disposition Plan and are to be relocated to park area as shown on LP-3 & 5	VERY		
58	SP*	Sabal palmetto / Cabbage Palm Relocated from site. Stagger c.t. hts. 14-20' in ea. group per detail on LP-8	VERY		

Removal & Replacement

SEE ALSO TREE DISPOSITION PLAN

Trees & Palms to Remain - 123
(primarily located in future perimeter buffer area)

Trees & Palms to be Relocated - 129
(rated quality at least 40% by LaGerla report and located in developable area)

Trees - 71 (all live oaks) THIS PLAN - 71 LIVE OAKS RELOCATION SHOWN
Palms - 58 (all cabbage palms) - THIS PLAN 58 CABBAGE PALMS RELOCATION SHOWN

Trees & Palms to Remove - 364
(located in total site, due to rating in report)

Trees
Rating *Quant*
0-49% 176 @ 1:1 Trees
50-100% 31 Total dbh = 501"
Total - 207

THIS PLAN 142 @ 1:1 REPLACEMENT TREES
34 TREES TO BE REPLACED IN FUTURE PHASE

THIS PLAN 501" REPLACEMENT

Palms
Rating *Quant*
0-49% 142
50-100% 15 (up to 80' ht.)
Total - 157

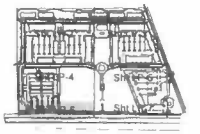
THIS PLAN 83 REPLACEMENT PALMS
74 PALMS TO BE REPLACED IN FUTURE PHASE

TOTAL TREES & PALMS ORIGINALLY ON SITE - 616

All sod shall be St. Augustine "Floratam"

NOTE - THE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL QUANTITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT
* = Florida Native
Drought tolerance noted is per SFWMD (May 2003) "Waterwise" South Florida Edition or University of Florida IFAS Extension Service

Abbreviations
c.w. - clear wood
g.w. - grey wood
ht. - height
o.a. - overall
o.c. - on-center spacing
spr. - spread



Sheet Key
N.T.S.

Revisions

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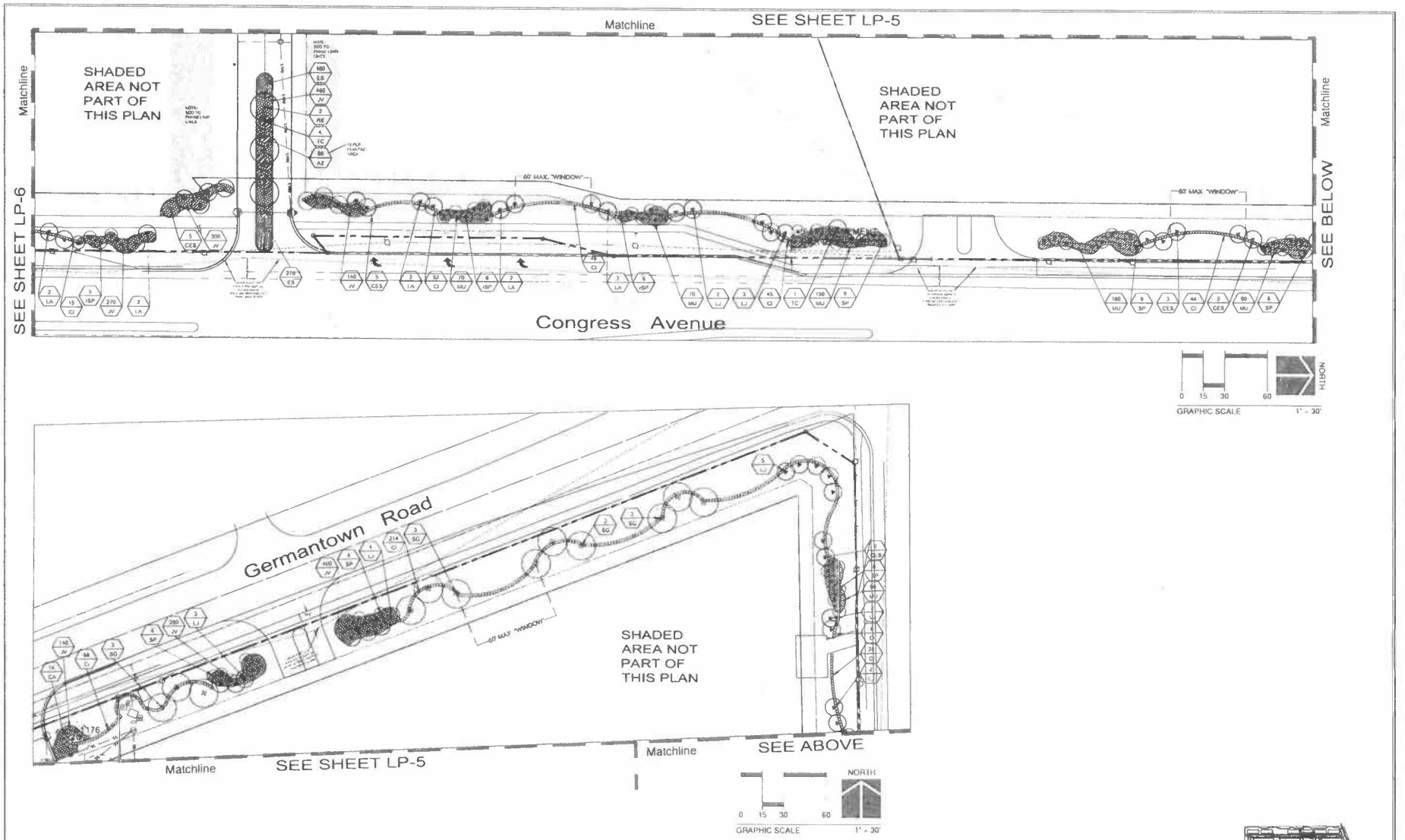
Landscape Plan
1690-2350 South Congress Avenue
Delray Beach Florida

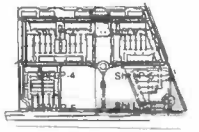
Date 09-04-2018
Scale As Noted
PN# 1231

PREPARED BY
Steven E. Tate, RLA
Landscape Architect #667
State of Florida
For The Firm
DATE 09-10-2018

Drawing No.
LP-6
OF 8



See LP-6 for Plant Key & Replacement Tabulations
See LP-8 for Standard Planting Details & Notes



Sheet Key
NTS

Revisions

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Landscape Plan

1690-2350 South Congress Avenue
Delray Beach Florida

Date	06-04-2018
Scale	As Noted
PN#	1231

PREPARED BY
Steven E. Tate, RLA
Landscape Architect 6667
State of Florida
For The Firm
DATE 06-10-2018

Drawing No.
LP-7
OF 8

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED MIXED RESIDENTIAL, OFFICE AND COMMERCIAL (MROC) DISTRICT TO SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT; SAID LAND LYING GENERALLY BETWEEN OLD GERMANTOWN ROAD ON THE WEST SIDE OF CONGRESS AVENUE AND THE PRESERVE AREA TO THE SOUTH; AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the property hereinafter described is shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Mixed Residential, Office and Commercial (MROC); and

WHEREAS, Transamerica Life Insurance Company, an Iowa corporation, and 1690 South Congress Building LLC, a Delaware limited liability company, are the fee simple owners of the subject property lying generally between Old Germantown Road on the west side of Congress Avenue and the preserve area to the south; and

WHEREAS, at its meeting of _____, the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing and voted _____ to recommend that the property hereinafter described be rezoned, based upon positive findings; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c) the Planning and Zoning Board, sitting as the Local Planning Agency, has determined that the changes are consistent with and further the objectives and policies of the Comprehensive Plan; and

WHEREAS, the City Commission of the City of Delray Beach adopts the findings in the Planning and Zoning Staff Report; and

WHEREAS, the City Commission of the City of Delray Beach finds the ordinance is consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate that the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Zoning District Map of the City of Delray Beach, be, and the same is hereby amended, to reflect a zoning classification of Special Activities District (SAD) District, for the following described property:

See Exhibit "A" attached.

Section 3. That the Development Standards applicable to the Special Activities District is attached as Exhibit "B," and the list of permitted uses is attached as Exhibit "C."

Section 4. That the Planning, Zoning and Building Director of the said City shall, upon the effective date of this ordinance, amend the City of Delray Beach Zoning Map, to conform with the provisions of Section 2 hereof.

Section 5. That all ordinances or parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 6. That should any section or provision of this ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. That this ordinance shall become effective upon the effective date of Ordinance No. _____. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this ___ day of _____, 2019.

_____
MAYOR

Attest

_____
City Clerk

First Reading: _____

Second Reading: _____

APPROVED AS TO
FORM AND LEGAL
SUFFICIENCY

BY:

_____
_____, City Attorney

ORD. NO. _____

Exhibit "A"

Legal Description - Overall Site

PARCEL I:

ALL OF THE REPLAT OF LAKESIDE AT CENTRE' DELRAY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 77, PAGES 49 AND 50, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL II:

ALL OF THE REPLAT OF THE TERRACES AT CENTRE' DELRAY, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 77, PAGES 51 AND 52, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL III:

PARCELS 1 AND 3, CATALFUMO P.O.C. PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 77, PAGES 53, 54 AND 55, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

PARCEL IV:

PARCEL 2, CATALFUMO P.O.C. PLAT, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 77, PAGES 53, 54 AND 55, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH

ALL OF THE PLAT OF THE ARBORS AT CENTRE DELRAY, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 43, PAGE 166, AS MODIFIED BY SURVEYOR'S AFFIDAVIT MODIFYING THE DESCRIPTION AND CALLS OF SAID PLAT, AS RECORDED IN OFFICIAL RECORDS BOOK 3760, PAGE 384, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. LESS AND EXCEPT THAT CERTAIN PORTION OF THE PLAT DEEDED TO PALM BEACH COUNTY PURSUANT TO RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 5031, PAGE 101, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA.

CONTAINING 2,125,352 SQUARE FEET/48.7814 ACRES, MORE OR LESS.

Exhibit "B"

Development Standards
1690 – 2350 S. Congress Avenue S.A.D.

Master Plan & Site Plan Approval

Review and approval process

a) All development parcels within the development plan to be completed in a phased manner and/or which require waivers shall be governed by regulations set in association with the approval of the Master Plan.
b) The Master Plan shall consist of a narrative and a land use map designating dwelling units and intensity of development and a supporting development standard document that will include data to be utilized in preparing site plans, landscaping, utility plans and tree mitigation.
c) Information related to the architectural character should also be included in the development standards to guide the preparation of building elevations and architectural renderings.
d) Within the SAD regulations, the Master Plan shall be reviewed by the Planning and Zoning Board to make a recommendation to the City Commission. The Master Plan shall be forwarded to the City Commission with the Planning & Zoning Board's recommendation. The City Commission will conduct two public hearings at which the final action will be taken at the second hearing.
e) Site Plan(s) will not be filed concurrently with the Master Plan. A waiver from Section **4.4.25(D)** requiring review and approval of a Site Plan prior to second reading of the Master Plan is being requested.
f) In accordance with Section 2.4.5(F)(7), upon final approval of the Master Plan, such plan shall be stamped and certified by the Director of Planning and Zoning as to its status and shall serve as the baseline for any subsequent submittals. All subsequent submissions shall conform in every respect to the Master Plan as may be modified as provided below.

Future Modifications to Master Plan

a) The Master Plan shall be in accordance with Section 2.4.5 (F). Subsequent to approval of the Master Plan, any site and development plans shall be filed in accordance with Section 2.4.5(F)(1) through (5). An approved Master Plan may be modified either by administrative approval or by review by the Planning & Zoning Board through the public hearing process, depending on the degree of modification proposed to the Master Plan. If the modification relates to number of dwelling units, parking count, intensity or the dimensional standards, including setbacks ("Standards") and is less than a 5% deviation from such standard, the modification shall be processed administratively. All other modifications and those modifications of Standards in excess of 5% shall be processed and approved by the Planning and Zoning Board in accordance with 2.4.4 E(6).

b) All Site Plan applications for new development must receive approval by SPRAB and be consistent with the approved Master Plan.

Sequencing Plan

a) The Master Plan establishes the location of the parcels which include each parcel's their respective acreage, number of units and unit type, parking, and intensities for the commercial parcel, location of the main streets including parallel parking, internal transit stop, buffers, multi-use paths, the central park and the oak hammock preserve serving the overall development.

b) The sequence for redevelopment of the parcels is as follows:

(1) the demolition of three existing office buildings, asphalt parking lots and associated underground utilities which were formerly a part of the Office Depot headquarters;

(2) the installation of the main infrastructure including the roads, the utilities, buffers, multi-use paths, and the central park;

(3) With the exception of the parcel within which the Arbors building (Folio # 12-43-46-30-15-001-0000) is located, all trees to be preserved or relocated shall be preserved or relocated in accordance with the tree preservation and removal plan; and

(4) The trees within the Arbors site located at the northeast corner of the Master Plan shall be relocated or preserved prior to commencing construction on the Arbors site.

Note: Items 1 through 3 shall be completed prior to the issuance of a building permit for vertical construction.

Parking

a) Guest parking spaces must be accessible to all visitors and guests and may be centralized or located near recreational features within a development project.

b) Parking adjacent to Congress Avenue shall be located to the rear or side of buildings having direct frontage along Congress Avenue. If parking is fronting on Congress Avenue between buildings, the parking must be screened with landscaping, fencing, and/ or a berm adequately landscaped to obscure the view of the parked cars from Congress Avenue. No surface parking shall be located between buildings and Congress Avenue frontage.

c) Parking lots for the multifamily buildings are located to minimize pedestrian conflicts while providing locations within close proximity of destinations once cars are parked.

d) Access to parking lots shall be restricted to specific driveway locations to minimize curb cuts as well as minimize conflicts between vehicles and pedestrians.

e) Parking fields are to be placed internal to the site so as to not be visible from the major surrounding roadways or are buffered with berms and/ or landscaping to obscure the view of the parked cars from the adjacent roadway.

f) The internal streets should provide parallel parking where possible on both sides of the street to provide ample convenient parking for guests and residents.

Parking shall be provided for the residential multifamily or mixed use buildings of the site as follows:

Efficiency dwelling unit	1.0 space/unit
One bedroom dwelling unit	1.25 spaces/unit
Two or more bedroom dwelling unit	2.00 spaces/unit
Two or more bedroom dwelling units within 1,000 feet of a Tri-Rail station	1.5 spaces/unit
Guest parking shall be provided cumulatively as follows:	
for the first 20 units	0.50 spaces/unit
for units 21—50	0.30 spaces/unit
for units 51 and above	0.20 spaces/unit

g) The commercial non-residential portion of the site will provide parking spaces as required based upon size at the shopping center rate below per gross leasable floor area, irrespective of mix of uses:

25,000 to 400,000 square feet	provides: 4/1,000 square feet of gross floor area

h) For commercial mixed-use developments with a residential component, the shared parking formula under LDR Section 4.6.9(c)(8) can be utilized.

i) Tandem spaces are permissible for valet parking within the commercial site.

MINIMUM PARKING STANDARDS	
PARKING SPACE SIZE	
STANDARD	9' x 18'
COMPACT	8'-16'
PARALLEL	8' x 22'
HANDICAP	12' X 18'
PARKING DRIVING AISLE (TWO-WAY)	24'-0"
PARKING LANDSCAPE ISLAND	9'-0" WIDE
PARKING LANDSCAPE STRIP	5'-0"
FRONT OF BUILDING FAÇADE TO PARKING SPACE	5'-0"
PROPERTY LINE TO BUILDING	15'-0"

MINIMUM SETBACKS	
MINIMUM SETBACK (A minimum setback of 15 feet shall be established around the perimeter of any property. Within the front and any street side setback, the 15-foot setback area shall be a landscape area and no pavement shall be allowed therein except for pedestrian ways and driveways (or streets) which provide access to the property and which are generally perpendicular to the abutting street.)	15'-0"
NOTE: DISTANCES ARE MEASURED TO THE SHORTEST DISTANCE BETWEEN BUILDING ELEMENTS EXCLUDING PORCHES, BALCONIES AND COVERED ENTRIES.	

j) Wheel Stops shall be provided for all parking, other than parallel spaces, in the form of concrete wheel stops or a continuous concrete curb which is located so that there is two feet of clear distance from the front edge of the device to the front of the parking space.

k) Two-way parking lot driving aisles 24 feet wide must be used when perpendicular parking spaces are used.

l) The minimum drive aisle for two-way traffic flow is 20 feet but this dimension can only be used for short distances where there are no parking spaces on either side of the driving aisle.

m) The minimum width of sidewalks along Congress Avenue, Germantown Road, within the Central Park and the infrastructure roadways shall be six (6) feet. All other sidewalks shall be a minimum of five (5) feet. The multi-use path within the perimeter buffers shall be a minimum of eight (8) feet.

Tree Mitigation

a) A tree survey and arborist evaluation and rating report has been prepared for the trees contained within the site. Large buffers are provided around the entire perimeter of the site to provide adequate area for the relocation and preservation of quality specimen trees. The inventory, mitigation, preservation, and landscaping will be performed in conformity with the Land Development Regulations related to landscaping and preservation.

Landscaping

Landscaping shall be in accordance with the Landscape Regulations as listed below:

1. **Perimeter requirements adjacent to public and private rights-of-way:**
   a) The landscaping shall consist of at least one tree for each 30 linear feet or fraction thereof. The trees shall be located between the right-of-way line and the off-street

parking or vehicular use area. Where the depth of the perimeter landscape strip adjacent to the right-of-way exceeds 15 feet, shade trees may be planted in clusters, but the maximum spacing shall not exceed 50 feet. The remainder of the landscape area shall be landscaped with grass, ground cover, or other landscape treatment excluding pavement.

b) Additionally, a hedge, wall or other durable landscape area shall be placed along the interior perimeter of the landscape strip. If a hedge is used, it must be a minimum of two feet in height at the time of planting and attain a minimum height of three feet above the finished grade of the adjacent vehicular use or off-street parking area within one year of planting.

c) Multiple tier plantings are strongly encouraged for all properties, regardless of the depth of the landscape buffer. Those properties that have a landscape buffer depth of ten feet or more shall be required to provide an additional layer of groundcover. The groundcover shall be located directly in front of the required hedge, so as to be visible from the adjacent right-of-way. This groundcover shall be installed at one-half of the height of the required perimeter hedge.

d) If a nonliving barrier is used, it shall be a minimum of three feet above the finished grade of the adjacent vehicular use. Nonliving barriers shall require additional landscaping to soften them and enhance their appearance. For each ten feet of nonliving barrier, a shrub or vine shall be planted along the street side of the barrier, in addition to tree requirements.

e) Earth berms may be used only when installed in conjunction with sufficient plant materials to satisfy the screening requirements. The slope of the berm shall not exceed a 3:1 ratio.

f) Hedges for multi-family projects which are used to separate a residential use from an adjacent arterial or collector road right-of-way may attain a height of eight feet to mitigate the impact of the adjacent roadway

g) The unpaved portion of the right-of-way adjacent to the property line shall be landscaped with sod and provided with irrigation and maintenance.

h) The width of access ways which provide access to a site or vehicular use areas may be subtracted from the linear dimensions used to determine the number of trees required.

2. **Perimeter landscaping requirements relating to abutting properties:**

a) A landscaped barrier shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape barrier may be two feet at the time of planting and achieve and be maintained at not less than three nor greater than six feet in height to form a continuous screen between the

off-street parking area or vehicular use area and such abutting property. This landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five feet in width that is free of any vehicular encroachment, including car overhang. Duplexes may be permitted to reduce the perimeter planting strip to two and one-half feet in width in cases where lot frontage is less than 55 feet. In addition, one tree shall be provided for every 30 linear feet of such landscaped barrier or fraction thereof.

b) The provisions for perimeter landscape requirements relating to abutting properties shall not be applicable where a proposed parking area or other vehicular use area abuts an existing hedge or established tree line, the existing hedge and trees may be used to satisfy the landscape requirements provided the existing material meets all applicable standards. The landscape strip, a minimum of five feet in depth, however, is still required, and must be landscaped with sod or ground cover and be free of any vehicular encroachment, including car overhang. If the existing landscaping does not meet the standards of this article, additional landscaping shall be required as necessary to meet the standards. In the event the landscaping provided by the adjacent property which has been used to satisfy the landscaping requirements for the property making application is ever removed, the property heretofore using the existing vegetation to satisfy landscaping requirements, must then install landscaping as required to comply with the provisions of this code.

c) There shall be a group of palms or a shade tree for every 125 square feet of required interior landscaping. No more than 25 percent of these required trees shall be palms.

d) Landscape islands which contain a minimum of 135 square feet of planting area, with a minimum dimension of nine feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces. One shade tree shall be planted in every island with a minimum of 75 square feet of shrubs and groundcovers. Tree specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6) of the Land Development regulations. Where approval for the use of compact parking has be approved, islands may be placed at intervals of no less than one island for every 15 compact parking spaces:

e) The distance between parking islands can be increased up to 15 standard or 17 compact parking spaces but the width of the parking island must be increased by one foot for each additional space (i.e. if the distance between parking islands is 15 standard parking spaces the parking island would have to be 11 feet wide).

f) Unobstructed cross-visibility shall be maintained at all terminal landscape islands where it intersects a right-of-way. Clear visibility shall be maintained between three feet to six feet above ground. Proper plant selection shall be utilized that

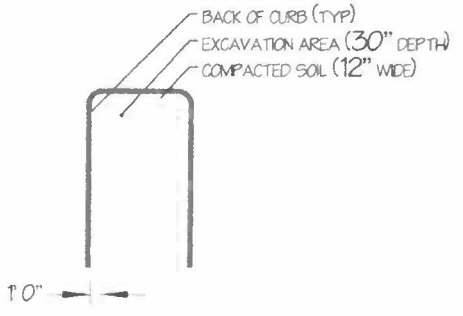
fully accounts for the mature height and spread of that plant. The proper design shall have low groundcovers within the nose of the island with small shrubs located at the back end of the island.

g) Each row of parking spaces shall be terminated by landscape islands with dimensions as indicated above. An exception to this requirement is when a landscaped area, with the dimensions above, exists at the end of the parking row.

h) Perimeter landscape strips which are required to be created by this code or requirements of the zoning code shall not be credited to satisfy any interior landscaping requirements, however, the gross area of perimeter landscape strips which exceed minimum requirements may be credited to satisfy the interior landscape requirements of this section.

i) Interior landscaping in both parking areas and other vehicular use areas shall, insofar as possible, be used to delineate and guide major traffic movement within the parking area so as to prevent cross-space driving wherever possible. A portion of the landscaping for interior parking spaces, not to exceed 25 percent of the total requirement, may be relocated so as to emphasize corridors or special landscape areas within the general parking area or adjacent to buildings located on the site, if helpful in achieving greater overall aesthetic effect. Such relocated landscaping shall be in addition to the perimeter landscaping requirements.

j) Existing native soil within all landscape islands, interior landscape strips and perimeter landscape strips, adjacent to vehicular use areas, shall be excavated down to a depth of 30 inches below existing grade, except for a 12-inch buffer from the inside of curb or pavement (see diagram below). A suitable planting soil mixture of 50/50, 60/40 (sand/topsoil) or as otherwise indicated by the Registered Landscape Architect, shall either be backfilled in place of the native soil or efficiently mixed with the native soil to create an optimum environment for successful root development. If native soil is to be mixed, it shall first be screened to remove rocks and debris larger than one-half inch in diameter prior to mixing. All properties under this section shall be required to have an open landscape bed inspection prior to backfilling to insure the 30-inch depth has been met.



k) All air-conditioning units and other mechanical equipment and refuse areas whose height is five feet or less shall be screened with shrubbery that is tall enough to fully screen the units from view. Equipment five feet to 16 feet above

grade shall be screened with hedges that are half of the height of the item to be screened. In such instances, the required hedge shall not be any less than five feet in height. Anything higher than 16 shall be screened with shrubbery that is a minimum of eight in height.

l) Landscaping may be permitted in easements only with the written permission of the easement holder. Written permission shall be submitted as part of the site plan or landscape plan review.

3. Foundation landscaping requirements

a) Foundation landscaping shall be required. This shall incorporate trees, shrubs and groundcovers. Multiple tiers of plant material should be utilized and thoughtfully designed to accomplish the goal of softening the building mass while adding vibrant color and textures.

b) New multi-story structures shall adhere to the landscape requirements set forth in this section. The purpose of these requirements is to aesthetically and visually buffer larger structures and to maintain an appropriately scaled relationship between the height of the structure and its surrounding landscape.

c) Foundation trees with specifications listed in Table 1 below shall be planted along the building façade that faces a dedicated Right-of-Way. The spacing of these trees shall be determined based on the average canopy width of the proposed tree.

Table 1. Foundation Tree Specifications

Mean Structure Height (feet)	Minimum Tree Height (feet)	Minimum Tree Spread (feet)	Minimum Overall Palm Height (feet)
To 15	12 to 14 (code)	5	12 (code)
15 to 25	14 to 16	6	16
26 to 35	16 to 18	7	20
36 and greater	16 to 18	7	25

4. Street trees for new residential developments

Street trees are an integral component of creating a themed landscape and shall be required as per this section. Street trees shall be located along the edge of the sidewalk to provide shade for pedestrians.

Perimeter Buffers

A landscape buffer shall be provided around the development. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The

width of the buffer shall be as per the chart below. In no case shall the landscape area be a width of less than fifteen feet.

When adjacent to Congress Avenue	15 feet
When abutting residentially zoned property	40 feet
When adjacent to but separated from residentially zoned property by a street, waterway, alley, or park	25 feet
All other perimeters	15 feet

Perimeter Site Setbacks

a) Setbacks adjacent to the Congress Avenue Frontage shall be a minimum of ten feet and a maximum of 20 feet measured from the back side of the required buffer.

b) Except as otherwise provided in paragraph a) above, ***setbacks for front, side, and rear yards*** shall be the minimum as identified in the chart above for Perimeter Buffers.

Lot coverage and open space.

a) Lot coverage by building, pavement and hardscape site improvements excluding sidewalks or multipurpose paths shall not exceed 75 percent of the gross area of the Master Plan.

b) Land area, equal to at least 25 percent of the total district including the perimeter landscaped boundary, shall be in open space including sidewalks and multi-purpose paths. Landscape areas required to meet internal parking lot design requirements, water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.

Height

The maximum height of all buildings shall be 85 feet. Floor heights for all buildings shall comply with the following:

a) Office, Research, and Commercial Floor Heights shall be a minimum of 12 feet floor to floor on the first floor and ten feet floor to floor on all floors above.

b) Hotel, motel, residential, and all suite lodging, shall have a minimum floor height of nine feet floor to floor on all floors, with the exception of ceiling drops for mechanical distribution and, in that case, no less than seven feet and six inches.

c) Auxiliary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations.

***Building separations* (minimum requirements)**

5 Story Multi-family building to 5 Story Multi-Family building	50'-0"
5 Story Multi-Family building to Single Family building	40'-0"
Single Family building to Single Family building	10'-0"
Sidewalk to Single Family building	5'-0"
Sidewalk to Multi-Family building	5'-0"
4 Story Multi-Family to 4 Story Multi-Family building	30'-0"
4 Story Multi-Family building to Single Family building	20'-0"
PROPERTY LINE TO BUILDING	MINIMUM BUFFER REQUIREMENTS
NOTE: DISTANCES ARE MEASURED TO THE SHORTEST DISTANCE BETWEEN BUILDING ELEMENTS EXCLUDING PORCHES, BALCONIES, AND COVERED ENTRIES.	

Minimum floor area

a) Residential units are subject to the minimum square footage per the chart below.

b) There are no minimum floor area requirements for office, retail, hotels, motels, and residential all suite lodging uses.

Efficiency	400 sq. ft.
One Bedroom	600 sq. ft.
Two Bedroom	900 sq. ft.
Three Bedroom	1,250 sq. ft.
Four Bedroom	1,500 sq. ft.

c) For purposes of bedroom count, a room used as a den, library or study without a closet shall not be counted as a bedroom.

Infrastructure/ Streetscape/ Bus Shelter

An interconnected network of streets with sidewalks and paths designed to encourage walking and bicycle use and a mid-block rotary for traffic calming and better facilitation of traffic flow have been incorporated into the master plan and shall be constructed as

detailed above. Protecting pedestrians from vehicular conflicts and segregating vehicular from pedestrian traffic is an important element in the design of the street and walkway network. Streets will be lined with street trees to provide shade for pedestrians and parked cars while creating a pleasing streetscape that is inviting to residents and guests.

A bus bay is proposed on Congress Avenue to accommodate full size city transit buses. The construction of this improvement shall be commenced and completed with the initial infrastructure work for the overall development. Multimodal nodes will be provided within the commercial area and can be accommodated at the central rotary to provide convenient drop off/ pick up for a variety of private or public transportation modes that will include the Tri-rail shuttle, the Downtowner shuttle (if route can be modified), Uber and the like, and private carrier pick up and drop off. Multimodal facilities will be centrally located within the commercial site and will be within easy walking distance between residential and non-residential uses. The Tri-rail Station is to the north of the site and the Park and Ride Lot is to the south, providing residents alternative modes of transportation within a short distance from the site.

A shaded walking/ biking path is being provided within large green belts around the perimeter of the property. These pathways will provide opportunities for biking, jogging, walking minimizing conflicts with motorized vehicles while moving around the site. A connection to the Delray Oaks Natural Area adjacent to the south property line and the proposed perimeter bike/walkway is proposed provided the county will approve such a connection. This would permit users to expand their walking / biking experience beyond the limits of the site and enjoy the flora and fauna within the natural area.

All of the infrastructure provided in this paragraph shall be commenced as discussed above prior to construction of any residential or commercial parcel within the Master Plan.

Enclosure Screening

Utility enclosures shall be enclosed on three sides and have vision obscuring gates on the fourth side. Landscaping in the form of a hedge must be provided in front of the enclosures to screen the enclosure from view. The enclosure may not be located within a required setback or easement area.

Screening for all ground level and roof top level air-conditioning units and mechanical equipment shall be provided.

Generators

Generators shall be installed for multi-family buildings and the clubhouse with adequate fuel supply to run the generator for 12 hours.

Traffic Calming

The traffic circulation system shall be designed to control speed and reduce volumes on the interior street network, not to include driveways within parking access. This can be accomplished through the use of traffic calming devices which include the installation of speed tables, different pavement patterns, parallel parking, landscape nodes, striping, and a round-a-bout. Signage will also remind motorist of speed limit and locations of traffic calming devices.

Recreation Facilities

Tot lots and recreational areas, serving children from toddler to teens, shall be a feature as part of the design to accommodate households having a range of ages. Recreation facilities shall include the following:

The Club House is a private recreational facility and will have approximately 18,000 sf of covered area, comprised of two floors and equipped with the following amenities to serve residents:

a) Public Restrooms
b) Business Center
c) Social Room
d) Gymnasium with yoga/aerobics room
e) Kids room
f) Media room
g) Lounge area

.

Note: The leasing/ management office will be located within the clubhouse in a space separate from the recreation activities.

The outdoor component, distributed within the residential areas of the master plan, will have the following elements:

a) The Central Park, including seating areas, open "green" areas and tree-shaded areas.
b) Main private outdoor pool* adjacent to the Club House, with cabanas and outdoor barbeque area. For avoidance of doubt, the Club House and pool area shall be private
c) Tot lots
d) Dog park
e) Multi-use paths is contained within the perimeter buffers, adjacent to both the residential and nonresidential parcels of the master plan.

Note: The Central Park and the Multi-use paths shall be commenced prior to the issuance of a building permit for vertical construction. The remaining items shall be constructed prior to the issuance of the first certificate of occupancy for residential development.

Architectural Style

Architectural styles are graphically shown within a pattern book created to highlight a select choice of architectural styles to provide architectural guidelines and character details for architectural

themes utilized within the development. The pattern book is proposed to ensure a cohesive complimentary design for the community. Within the pattern book, the architectural standards address the architectural character of the development. It specifies design principles and concepts to be used with the project. Examples of building materials, finishes, details and signs are depicted to ensure high quality and consistent design standards. The character of the community will be largely set though regulating the architectural character within the community. A pattern book depicting architectural styles, themes, design elements, materials, colors, and standards is being utilized to insure conformance with a particular style while providing alternative choices to ensure the architecture of the overall development is diverse and interesting.

Workforce Housing shall be as follows:

Proposed SAD Provision
Residential developments must include a minimum of 10 percent Rental Workforce Housing Units and 10 percent For Sale Workforce Housing Units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing.
If the development contains a mix of different types of units, (e.g. condominium, townhouse, detached, etc.), the proportion of workforce units by bedroom count must be approximately the same (within 10%) as the proportion of market rate units by bedroom count to total market rate units regardless of type of unit.
Moderate income household. A household with a gross, combined income between 81 percent and 140 percent of the Palm Beach County Adjusted Median Income (as defined by the Florida Housing Finance Authority) for a 2-person household for 1 BR units, for a 3-person household for 2 BR units and for 4-person+ household for 3 BR+ units.
For moderate income households, the maximum price shall be established by the Community Improvement Department based on a formula that considers the prevailing mortgage interest rates.

Performance Standards for Site Plan

The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. 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.

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

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.

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.

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 efficiency, one, two and three bedroom units with varying floor plans. 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.

f) The project provides a convenient and extensive multi-use bicycle/pedestrian network, and access to available transit.

g) In the event, residential dwellings units are proposed within the commercial parcel(s), any residential development shall be integrated within the commercial utilizing shared parking, pathways, open spaces and architecture in such a way as to create a one viable mixed use development.

Exhibit "C"

Proposed Residential Component Uses

Proposed uses within the residential site may be any combination of, or all of the following uses:

Multi-family dwelling units, Live-work units, Townhouse units, Workforce Housing units, Clubhouse and recreational amenities for residential units

Proposed Commercial Component Uses

Proposed uses within the commercial site may be any combination of, or all of the following uses:

Retail shops or kiosks.

Financial Institutions, banks, savings and loan establishments, brokerage firms, and similar institutions including drive-through facilities.

Medical Offices, physicians, dentists, chiropractors, podiatrists, optometrists, medical and dental clinics, medical and dental laboratories etc.

Business and Professional Offices, including Co-Working facilities.

Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities.

Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

Research and development. Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others.

Product creation, testing, evaluation, and development. Computer hardware. Computer software. Pharmaceuticals. Research and development services.

Restaurants including drive-in and drive-through, outdoor cafes, baked goods, caterer, cheeses, beer, wine, liquor, confectioneries, meats, fruits and vegetables, ice cream, butcher shop, Lunch counters, cafeterias, snack bars, and vending machine areas, food preparation and processing as single tenant space or incorporated into a shared space "Food Hall" building.

Pharmacies, flowers and plants, gifts, glassware, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry

Cosmetics, barber, beauty shops, and salons.

Tobacconist, Cocktail lounges, Standalone bars (no minimum spacing restriction), Brewery, Distillery, sundry shops. Brewery or Distilleries can be standalone bars or incorporated with food service.

Dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations; tailoring.

Galleries, exercise facilities, museums, libraries, newsstands.

Pet grooming, pets, and pet supplies.

Vocational schools limited to arts and crafts, beauty, dancing, gymnastics, modeling, karate-judo studio, interior decorating, photographic studio, printing and publishing.

Classroom and training facilities, meeting and conference facilities.

Child Care facilities.

Multi-family dwelling units, Live work units.

Hotel / Motel and residential type Inns.

Theaters.

Ice Skating Rink.

"1690 – 2350 S. Congress Avenue"
Project Narrative

The Master Plan for "1690 – 2350 S. Congress Avenue" is located at the south west corner of Congress Avenue and Germantown Road with frontage on both roadways. The subject property is the former Office Depot headquarters which has three vacant office buildings and associated existing surface parking lots. The office building known as the Arbors fronting on the NE corner of Germantown Road and Congress Avenue is also included in the master plan and is a partially leased active office building.

The property to the east and adjacent to Congress Avenue is existing office and industrial uses. Adjacent to the south property line is a canal. The Delray Natural Area is south of the property along the eastern portion of the subject property. Multifamily is to the south of the canal along the western portion of the subject property. Adjacent to the west property line of the subject property is a townhome community and to the north across and adjacent to the north side of Germantown Road is a multifamily community.

The Master Plan will be surrounded with buffers containing mature trees, a bike/ walking path, and benches with trash and dog waste receptacles. A large 1.8 acre park will be centrally located for the use of all residents. In addition a number of pocket parks are dispersed within the master plan with an area containing a play area for toddlers and a park specifically designated for dog usage. The main roadways will provide parallel parking and sidewalks with street trees to provide shade and a pleasing street scape to be utilized by residents and guests.

This multiple use master plan is designed to be developed in phases in response to market demand. The master plan was designed to create a village atmosphere with a central park, user friendly open space, tree lined walkable streets, and perimeter greenbelt with a shaded walk/ bike path linking use areas within the master plan. Future residents are given an opportunity to choose from starter rental units to move up ownership units with a variety of building types and architectural designs within the framework of the master plan. Architectural styles are graphically shown within a pattern book created to highlight a select choice of architectural styles to provide architectural guidelines and character details for architectural themes utilized within the development.

The pattern book (included in the submission package) is proposed to ensure a cohesive complimentary design for the community. Within the pattern book, the architectural standards address the architectural character of the development. It specifies design principles and concepts to be used with the project. Examples of building materials, finishes, details and signs are depicted to ensure high quality and consistent design standards. The character of the community will be largely set though regulating the architectural character within the community. A pattern book depicting architectural styles, themes, design elements, materials, colors, and standards is being utilized to insure conformance with a particular style while providing alternative choices to ensure the architecture of the overall development is diverse and interesting.

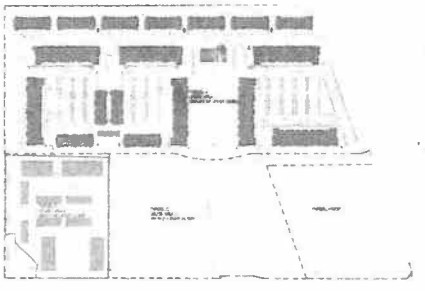
The proposed Regulating Plan for the master plan is developed around the concept of community building, where each of the components provides distinctive dwelling types and commercial

spaces that are interconnected with one another with a network of parks, green belts and pedestrian oriented tree lined streets. The Regulating Plan also establishes minimum design standards as related to setbacks, building separations, and the like, to be utilized when formal site plans are prepared.

Residential

A diversity of residential unit types is being proposed. A description of the various unit types and general locations is as follows:

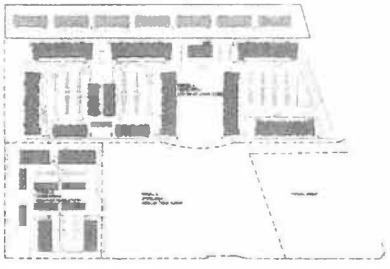
Along the Congress Avenue frontage there will be 34 fee simple, 3-story townhomes in six 5 and 6 unit buildings and 123 loft condominiums in four 4-story buildings in an urban like setting that will provide alternative housing types within the community as opposed to rental units. This will provide the opportunity for home ownership as a "move up" option from the rental portion of the development. Home ownership will provide stability to the area as renters will have an opportunity to remain in the community instead of leaving if their financial circumstances or lifestyle situations make owning more appealing than renting. The mix of units will provide a range of sizes, prices and floor plans and will be primarily targeted to first time and first time move-up homebuyers, but the location and availability of single story floor plans will also appeal to slightly older households working in the various employment clusters along the Congress Corridor between Boca Raton and Boynton Beach.

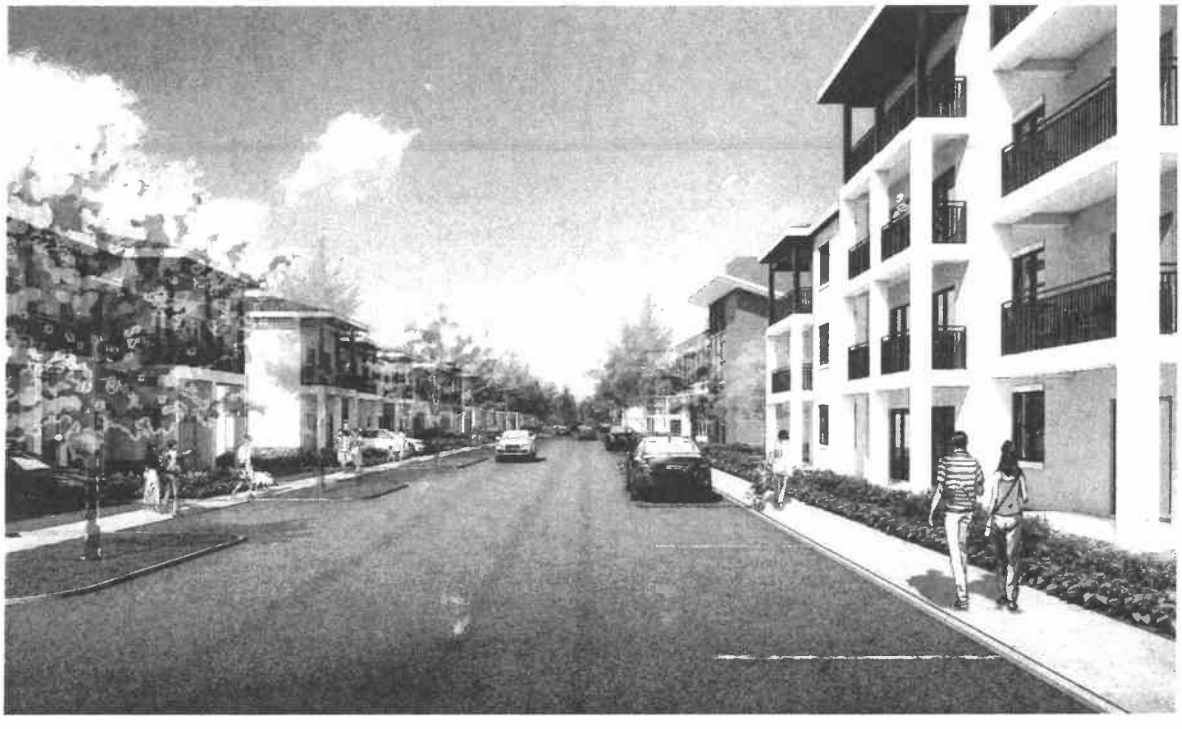


Rear loaded garages and surface parking to the rear of the loft condominium buildings will permit the creation of a tree-lined streetscape with sidewalks on the perimeter of the site. The alley system minimizes pedestrian / vehicular conflicts and reduces interruption of the sidewalk system. An internal network of green spaces which are anticipated to include such elements as fountains, trellises, benches and art all combine to make this parcel a unique, interesting and very walkable.

Along the west portion of the site, 56 two story, 3 bedroom, rental townhomes are proposed which will provide a unit type that is compatible with the adjacent townhome development to the west. The units will have garages with driveways so these units are self-parked. Parallel parking for additional guests is available on the opposite side of the adjacent street. Landscape nodes are provides at various locations within the parallel spaces to provide shade and a pleasing street scape. The 56 townhouse units back up to the perimeter greenbelt which contains a shaded 8' walking / biking path that provides access to various destinations around the site including access to the Delray Oaks Natural Area and the commercial site. The row of townhouses will provide a transitional use between the existing adjacent townhouses and the proposed 4 and 5 story

apartment buildings to be situated within the interior portion of the development to the east of the townhouses.

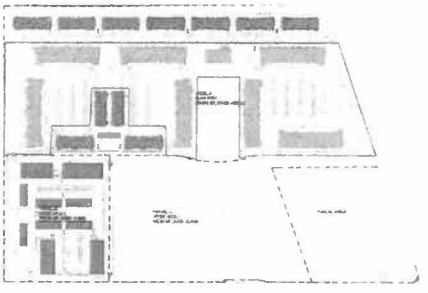




Streetscape between Townhouses on the left and Apartments on the right

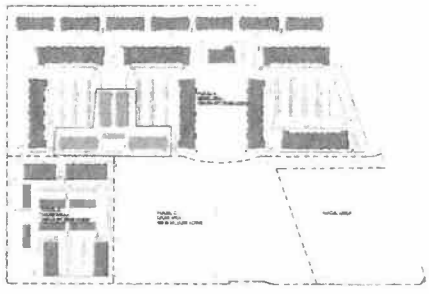
In the interior of the site, 4 and 5 story apartment buildings are proposed. The units will have a variety of bedroom configurations ranging from studios, 1 bedroom, 2 bedroom, and 3 bedroom apartments. There are 524 units proposed within the central portion of the site which will be on either side of the 1.8 acre central park which has the main recreation center and pool adjacent to the west side of the park. An additional pool complex is located within the southern portion of the apartment site. Parking is within close proximity to the buildings with additional on street parallel parking provided on surrounding streets. Street trees will provide shade and soften the visual scale of the site. Facilities and parking are linked via shaded green belts and sidewalks throughout the site to provide easy access from parking to buildings as well as separating vehicular traffic from pedestrians to provide conflict free pedestrian walkways to on site destinations including the

recreation center and the park. Buildings are situated to provide natural surveillance of the open spaces and sidewalk areas.



View looking west at Recreation Center at far side of the Park – Apartment building to the left

At the south eastern portion of the apartment complex and across the street from the loft condominiums, 30 two story, 3 bedroom townhouses are situated to provide a transitional use between the more urban 3 story loft units and the 4 and 5 story apartment buildings to the west. The units will have one and two car garages so these units are self-parked. Additional parallel parking is available for guests along the adjacent street.



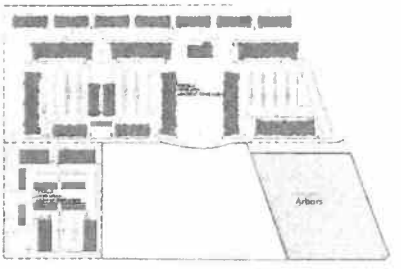
In a unique arrangement, all residents within the development will share the main recreational center and pool and central park. This allows all to have access to more comprehensive recreation facilities which can provide many more options for recreation and common facilities than would be possible if provided within each small grouping of unit types. Additionally, there is an extensive internal network of sidewalks / bike paths that connect the various parts of the site to the main recreation center which includes the commercial parcels along Congress Avenue and the Delray Oaks Natural Area.

Total residential units by phase are as shown in the table below:

RESIDENTIAL BUILDINGS		
PHASE NAME	TOTAL # OF BUILDING	TOTAL DWELLING UNITS
PHASE 2	13	410 D.U.
PHASE 3	8	301 D.U.
PHASE 4	7	56 D.U.
TOTAL	**21**	**767 D.U.**

Commercial

The commercial component of the master plan includes a variety of commercial categories which are intended to enhance the synergy between the residential and commercial uses and will promote a vibrant, livable atmosphere. These Commercial uses line Congress Avenue and are the front facade of the development. They serve as transitional buffer to the proposed residential uses located immediately to the west. The commercial site approval and construction schedules will be driven by marketing as pre-leasing is required in order to establish the final uses within the commercial parcels. Keep in mind that certain retailers have very specific requirements pertaining to building configuration, loading and servicing of the space, handling of trash, and availability and proximity of parking. Once retailers are established, a site plan utilizing specific design criteria of the specific retailer will be created. The master plan will be modified along with the site plan approval process so that the master plan will be consistent with the proposed commercial site plan. The commercial site will be developed in phases with the 70,000 square foot Arbors office building remaining until the final phase of the commercial site is redeveloped.



Proposed uses within the commercial site may be any combination of the all or some of the following uses:

Financial Institutions, banks, savings and loan establishments, brokerage firms, and similar institutions including drive-through facilities

Medical Offices, physicians, dentists, chiropractors, podiatrists, optometrists, medical and dental clinics, medical and dental laboratories etc.

Professional Offices, attorneys, engineering firms, architectural, etc.

Governmental offices, e.g., including federal, state, county, and local offices, along with their related fleet and communications operations (which will be considered accessory uses to governmental offices and services), civic centers, courthouses, fire stations, public health facility, law enforcement offices and facilities, post office, public utility facilities, communication towers and community facilities such as civic centers, cultural facilities, libraries, auditoriums, museums, and public recreation facilities.

Business Support Services, primarily engaged in rendering services to other building establishments, e.g., such as mailing, building maintenance, personnel and employment services, management, and consulting services, protective services, copy and printing, travel, office supply, and similar services.

Research and development. Research and Development (R&D) uses involve either some degree of product creation, testing, evaluation, and development or the provision of testing and evaluation services for use by others.

Product creation, testing, evaluation, and development. Computer hardware. Computer software. Pharmaceuticals. Research and development services.

Restaurants including drive-in and drive-through, outdoor cafes, baked goods, caterer, cheeses, beer, wine, liquor, confectioneries, meats, fruits and vegetables, ice cream, butcher shop, Lunch counters, cafeterias, snack bars, and vending machine areas. food preparation and processing

Pharmacies, flowers and plants, gifts, glassware, leather goods, luggage, medical and surgical equipment, music and musical instruments, nautical supplies, office furniture equipment and supplies, photographic equipment and supplies, sewing supplies, sporting goods, toys, wearing apparel and accessories, appliances, bicycles, business machines, jewelry

Cosmetics, barber, beauty shops, and salons.

Tobacconist, Cocktail lounges, Standalone bars (no minimum spacing restriction), Brewery, Distillery, sundry shops.

Dry cleaning limited to on-site processing for customer pickup only, dry cleaning and laundry pickup stations; tailoring.

Galleries, exercise facilities, museums, libraries, newsstands,

Pet grooming, pets, and pet supplies

Vocational schools limited to arts and crafts, beauty, dancing, gymnastics, modeling, karate-judo studio, interior decorating, photographic studio, printing and publishing

Classroom and training facilities, meeting and conference facilities

Child Care facilities.

Multi-family dwelling units, Live work units, Workforce Housing units

Hotel / Motel and residential type inns

Theaters

Phasing, Utilities, Traffic, Impact Fees

A phasing plan is included in the submission documents to depict the order that parcels will be utilized for construction. Phase 1 includes all of the primary buffers and infrastructure to service the site which includes the main roads, sidewalks, utility mains, drainage, and parallel parking. The intention is to have continuous construction of the pods with phasing being shown for the sequence of construction proposed as related to the residential parcels. If components of a proposed site plan depart from the approved master plan, a modification to the master plan consistent with the site plan will be processed concurrently with the site plan.

Conceptual civil engineering plans have been prepared for Phase 1 and includes all of the primary buffers and infrastructure to service the site which includes the main roads, sidewalks, utility mains, lift stations, drainage, and parallel parking. The civil design plans are included in the attached submission package. As utility location may affect site design, the following utility providers have been contacted to discuss providing services and their requirements for installation within the limits of the master plan site:

Delray Beach Utilities for potable water and sanitary sewer
Florida Power and Light
Florida Public Utilities Company
Comcast Cable
AT&T Utilities
Lake Worth Drainage District
South Florida Water Management District

Information received to date from the utility providers has been incorporated into the master plan and civil plans. An example is transformer locations are shown on the master plan. Transformers take up a lot of space and have specific clear zones around them to facilitate installation of

underground conduits. Including details of this nature early on in the process insures minimal conflicts with other utilities, hardscape, and trees.

A traffic analysis was prepared for the subject site based on proposed uses. The traffic Impact Analysis includes FDOT's scheduled improvements at the intersection of Congress Avenue & Linton Boulevard which will be handled by FDOT. In addition to the improvement being done by FDOT, proportionate share payments will be necessary to mitigate traffic impacts resulting in the payment of proportionate share fees for the following 3 improvements being required:

- Improvement of Congress Avenue from Clint Moore to NW 82nd Street from 6LD to 8LD in the northbound and southbound directions
- Improvement of Clint Moore Road from Jog Road to Military Trail from 4LD to 6LD in the westbound direction
- Improvement of the intersection of Military Trail & Linton Boulevard to add one eastbound through lane. A receiving lane currently exists for the third through lane.

Impact fees will be assessed at the time of building permit based on the actual uses and impact being permitted. Proportional Share Fees will be credited against assessed Road Impact Fees at the time of building permit. If proportional Share fees are equal to or greater than road impact fees, no additional fee is required. If Road Impact fees are greater than Proportional Share fees the greater of the two is to be paid.

Environmental

A small portion of Wellfield Protection Zone 4 falls within the northeast portion of the subject property. Wellfield Protection Zone 4 has various restrictions as related hazardous materials within the zone. As per the Palm Beach County Wellfield Protection guide lines the following will be adhered to:

Wellfield Protection Zone 4

a. Prohibited Activities All nonresidential activities within Zone 4 which store, handle, use or produce any Regulated Substance are prohibited, unless they qualify as a general exemption or receive an operating permit from ERM. b. Permit Conditions - An operating permit issued to any nonresidential activity within Zone 4 that stores, handles, uses or produces any Regulated Substance shall be subject to the following conditions:

1) Inspection A responsible person designated by the permittee who stores, handles, uses or produces the Regulated Substances shall check on every day of operation, for breakage or leakage of any container holding the Regulated Substances. Electronic sensing devices may be employed as part of the inspection process, if approved by ERM, and provided the sensing system is checked daily for malfunctions. The manner of daily inspection shall not necessarily require physical inspection of each container provided the location of the containers can be inspected to a degree which reasonably assures ERM that breakage or leakage can be detected by the Unified Land Development Code Supplement No. 16 (Printed 03/14) Article 14 - Environmental Standards 23 of 52 inspection. Monitoring records shall be kept and made available to ERM at all reasonable times for examination.

2) Reporting of Spills - Any spill of a Regulated Substance in excess of the non-aggregate quantity thresholds identified in the definition of "Regulated Substance" shall be reported by telephone to PBCHD and the designated public utility within one hour, and to ERM within 24 hours of discovery of the spill. Clean-up shall commence immediately upon discovery of the spill. A full written report including the steps taken to contain and clean up the spill shall be submitted to ERM within 15 days of discovery of the spill.

3) Revocation or Revision for Spill Within 30 days of acquiring knowledge of any spill of a Regulated Substance, ERM shall consider revocation or revision of the permit to comply with some or all the conditions applicable to Zone 2, as set forth in Article 14.B.6.C.2, Zone 2, and Article 14.B.6.C.2.b, Permit Conditions, in addition to those of Article 14.B.6.C.4.b.1)-4), Permit Conditions, Permit Conditions. In consideration of whether to revoke or revise the permit, ERM may consider the intentional nature or the degree of negligence, if any, associate with the spill, the extent to which containment or cleanup is possible, the nature, number and frequency of previous spills by the permittee and the potential degree of harm to the groundwater and surrounding wells due to such spill.

4) Permit Process Operating Permits required by this Chapter shall be applied for and processed by filing an application for an operating permit within 90 days of the receipt of written notice from ERM. Said permit application shall be prepared and signed by a Professional Engineer or Professional Geologist registered or licensed in the State of Florida. However, a nonresidential activity in Zone 4 is not required to retain an engineer or geologist to prepare the operating permit if the revocation for spill provisions of this Chapter do not apply. Within 30 days of receipt of said notice, the owner or operator shall file with ERM proof of retention of said engineer or geologist. If application is made for an operating permit, such a permit shall be issued or denied within 60 days of the filing of the completed application. If the application for an operating permit is denied, then the activity shall cease within 180 days of the denial. All Regulated Substances and contaminated containers shall be disposed in a lawful and environmental sound manner in accordance with applicable state and federal laws, and the activity and environs shall be cleaned up so as to preclude leaching of residual Regulated Substances into the environment. [Ord. 2013-001]

DUNAY
MISKEL
BACKMAN LLP

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Bonnie Miskel
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Hope Calhoun
Dwayne Dickerson

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Matthew H. Scott
Christina Bilenki
Heather Jo Allen
Lauren G. Odom

1690-2350 S. Congress Avenue
Waiver Request & Justification

Centerpointe Delray Holdings LLLP (collectively referenced as the "Petitioner") is the master developer of the +/- 48.7814 acre parcel located at 1690-2350 South Congress Avenue, which is generally located at the southwest corner of Old Germantown Road and South Congress Avenue ("Property") in the City of Delray Beach ("City"). The Property has a Future Land Use Designation of CMU, Congress Avenue Mixed Use, and is currently zoned MROC, Mixed Residential Office and Commercial. The Property is currently improved with three (3) vacant office buildings previously utilized as the Office Depot Corporate offices, and an additional +/- 70,093 square foot office building commonly referred to as The Arbors, and associated surface parking. Petitioner is proposing to redevelop the Property with a mix of uses that will be comprised of residential, commercial, and office space (the "Project"). In order for the Property to be developed accordingly, the Petitioner is proposing to rezone the Property to the Special Activities District ("SAD").

More specifically, the Project proposes a total of seven hundred fifty nine (759) residential units over four (4) phases which includes a mix of both fee simple and rental townhouse units, a loft condominium building, and apartment style residences to meet the diverse housing needs of residents in the City. In addition, Petitioner is proposing a variety of commercial uses intended to enhance the synergy with the residential communities and promote a vibrant, livable atmosphere. The proposed master plan includes up to 70,000 square feet of office, up to 250,000 square feet of general retail and up to 80,000 square feet of restaurant and food service uses.

Per Land Development Regulation ("LDR") Section 4.4.25(A), the SAD is intended to be use for large scale and mixed projects for which conventional zoning is not applicable. As such, it is the ideal zoning district to allow for the mix of uses proposed for the Project. Coordination of such a complex development cannot occur all at once and certain components need to occur in phases and over time as the end users are determined and plans for the later phases can be more defined. However, LDR Section 4.4.25(D) requires that all SADs be processed concurrent with a complete site and development plan with the site plan application being reviewed by the City's Site Plan Review and Appearance Board ("SPRAB") prior to approval of the SAD. Alternatively, this section of the LDRs provides that the SPRAB approval can occur before first and second readings of the ordinance enacting the SAD, provided that the period of time between first and second readings cannot exceed a period of one hundred eighty (180) calendar days. While Petitioner intends to submit a site plan for a portion of the proposed Project as the SAD rezoning application is under review by the City, a full site plan approval for all phases of development prior to approval of the SAD rezoning ordinance is not practical as the end users for later phases may change based upon market demands that are constantly evolving over time. As such, Petitioner is requesting a waiver from this procedural requirement so that the corresponding site plan approvals can occur following the SAD rezoning approval. This waiver will allow for greater flexibility as end users for the commercial components are determined and as the later phases of the Project are being better defined. Approval of this procedural waiver will encourage the immediate redevelopment of the early phases of the Project and a better transition for later phases of the development. As such,

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Petitioner is respectfully requesting the following waiver as permitted under LDR Section 2.4.7.(B)(1)(a):

Procedural waiver from the SAD approval process as described in LDR Section 4.4.25(D) in order to allow for SAD approval process to be completed, with first and second readings of the rezoning ordinance to occur, prior to the approval of a corresponding site plan application.

In support of the waiver and pursuant to Land Development Regulations 2.4.7(B)(5), Petitioner will demonstrate that the granting of the waiver: (1) will not adversely affect the neighboring area, (2) will not significantly diminish the provision of public facilities, (3) will not create an unsafe situation, and (4) will 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.

(1) The granting of the waiver will not adversely affect the neighboring area.

Granting the waiver will not adversely affect the neighboring area. As previously noted, Petitioner is proposing to redevelop the Property that previously served as the corporate headquarters for Office Depot. Three (3) of the four (4) existing office buildings on the Property are currently vacant and as a result, the Property is underutilized and in need of redevelopment. Petitioner is proposing to redevelop the Property with a vibrant mix of residential and commercial uses that will serve the needs of the City's growing population and offer needed services for both residents of the Project and those living elsewhere in the City. The adjacent parcels on the east side of Congress Avenue are developed with existing office and industrial uses. Existing multi-family uses are located on parcels both to the west and north of the Property. As such, the Project will provide compatible residential and commercial uses. The Project will improve the appearance of the Property by redeveloping the vacant buildings and underutilized parcels with new and vibrant uses that will serve the needs of both residents and the City's growing population. Further, the waiver will allow for the later phases of the Project to be defined as end users and tenants of the commercial areas are determined and as market demands are reassessed for the later phases of the development. Site Plan applications corresponding to each phase of development on the Property will still need to be fully reviewed and approved through the City's process. However, this waiver will allow for a design that better meets the needs of both future residents and business owners in the City. As such, the waiver will not adversely affect the neighboring area.

(2) The granting of the waiver will not significantly diminish the provision of public facilities.

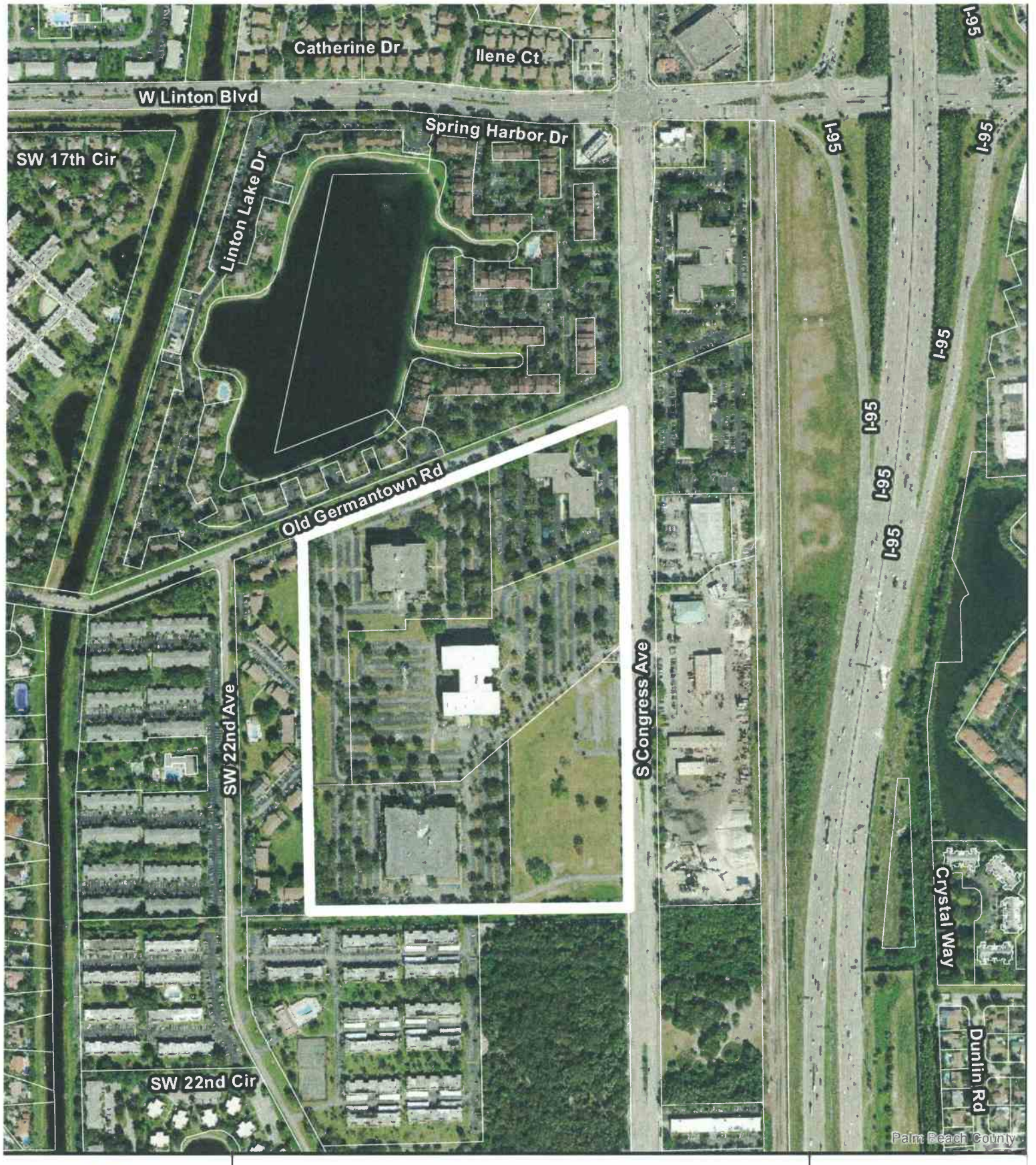
The waiver will not significantly diminish the provision of public facilities as this is a procedural waiver. The public facilities servicing the Project will not be impacted by the timing of the SAD and site plan review. As the same level of development could be proposed, regardless of timing, the provision of public facilities will not be impacted. Rather, the SAD specifies the maximum level of development that will be approved for the Property. These maximum development levels will be reviewed to ensure the Project as a whole does not significantly diminish the provisions of public facilities. As certain components and market needs become better defined for future phases of the Project, the square footage for commercial uses may be decreased, thereby reducing any impacts on public facilities. As such, the waiver will not diminish the provision of public facilities.

(3) The granting of the waiver does not create an unsafe situation.

The granting of the wavier will not create an unsafe situation. The waiver does not alter or reduce the City's scope for review of site plan applications corresponding to the Project. With each phase of development, the City will thoroughly review the corresponding site plan for elements such as pedestrian and vehicular circulation that will ensure the safety of those living on the Property and visiting the commercial uses. The waiver will allow Petitioner to fully examine each development area within the Project to be fully reviewed and analyzed prior to submittal to the City to ensure that it will be successful and provide residents and guests with the facilities they need. The waiver will allow for Petitioner to initiate the groundwork to develop a Project that will create jobs, provide more housing options, and create a convenient and safe destination where local residents can work, shop, and live.

(4) The granting of the waiver 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.

The granting of the waiver will 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. The Property is particularly unique as it is almost fifty (50) acres. There are very few large parcels remaining in the City for similar redevelopment. Unlike smaller parcels where phasing may not be required or where the mix of uses and end users can be determined from the start, larger scale projects that have multiple components and phases needs more flexibility to change to market demands and end users that come on board as the initial phases of the development are being constructed. The needs of such large scale, mixed use developments are not contemplated by the procedural requirements of LDR Section 4.4.25.(D) that require approval of a full site plan prior to approval of the SAD. As such, the Property is unique and unlike most other properties within the City. Petitioner still intends to submit a site plan for certain early phases of the Project as the SAD rezoning application is being processed through the City. However, the waiver will allow for the particular needs of this large scale, mixed-use Project that are not required for most other SADs within the City.



PLANNING, ZONING AND BUILDING DEPARTMENT

1690-2350 S Congress Ave

0 250 500
Feet

Date: 10/2/2018

Document Path: S:\Planning & Zoning\DBMS\GIS\GIS Projects\2018\04_Location Maps\01_Mxds\Base_Color.mxd

R-1-A - SINGLE FAMILY RESIDENTIAL
R-1-AB - SINGLE FAMILY RESIDENTIAL
R-1-AA - SINGLE FAMILY RESIDENTIAL
R-1-AA-B - SINGLE FAMILY RESIDENTIAL
R-1-AAA - SINGLE FAMILY RESIDENTIAL
R-1-AAA-B - SINGLE FAMILY RESIDENTIAL
RL - MULTIPLE FAMILY RESIDENTIAL (LOW DENSITY)
RM - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
RM-6 - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
RM-7 - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
RM-8 - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
RM-9 - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
RM-10 - MULTIPLE FAMILY RESIDENTIAL (MEDIUM DENSITY)
MH - MOBILE HOME
PRD - PLANNED RESIDENTIAL
PRD-4 - PLANNED RESIDENTIAL
PRD-5 - PLANNED RESIDENTIAL
RR - RURAL RESIDENTIAL
A - AGRICULTURAL

MROC - MIXED RESIDENTIAL OFFICE AND COMMERCIAL
RO - RESIDENTIAL OFFICE
POC - PLANNED OFFICE CENTER
POD - PROFESSIONAL OFFICE DISTRICT
CF - COMMUNITY FACILITIES
GC - GENERAL COMMERCIAL
AC - AUTOMOTIVE COMMERCIAL
NC - NEIGHBORHOOD COMMERCIAL
PC - PLANNED COMMERCIAL
CBD - CENTRAL BUSINESS DISTRICT
PCC - PLANNED COMMERCE CENTER
MIC - MIXED INDUSTRIAL & COMMERCIAL
LI - LIGHT INDUSTRIAL
I - INDUSTRIAL
SAD - SPECIAL ACTIVITIES DISTRICT
OSSHAD - OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT
CD - CONSERVATION DISTRICT
OS - OPEN SPACE
OSR - OPEN SPACE & RECREATION

THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 4.1.2 OF THE CITY'S LAND DEVELOPMENT REGULATIONS

MAYOR _____ DATE _____

ATTEST CITY CLERK _____ DATE _____

ON THE DATE SHOWN, BY OFFICIAL ACTION OF THE CITY COMMISSION, CHANGES WERE MADE TO THE OFFICIAL ZONING MAP AS FOLLOWS:

DATE	ORDINANCE NO. / DESCRIPTION	MAYOR	ATTEST: CITY CLERK
9/20/99	ORDINANCE NO. 99-18		

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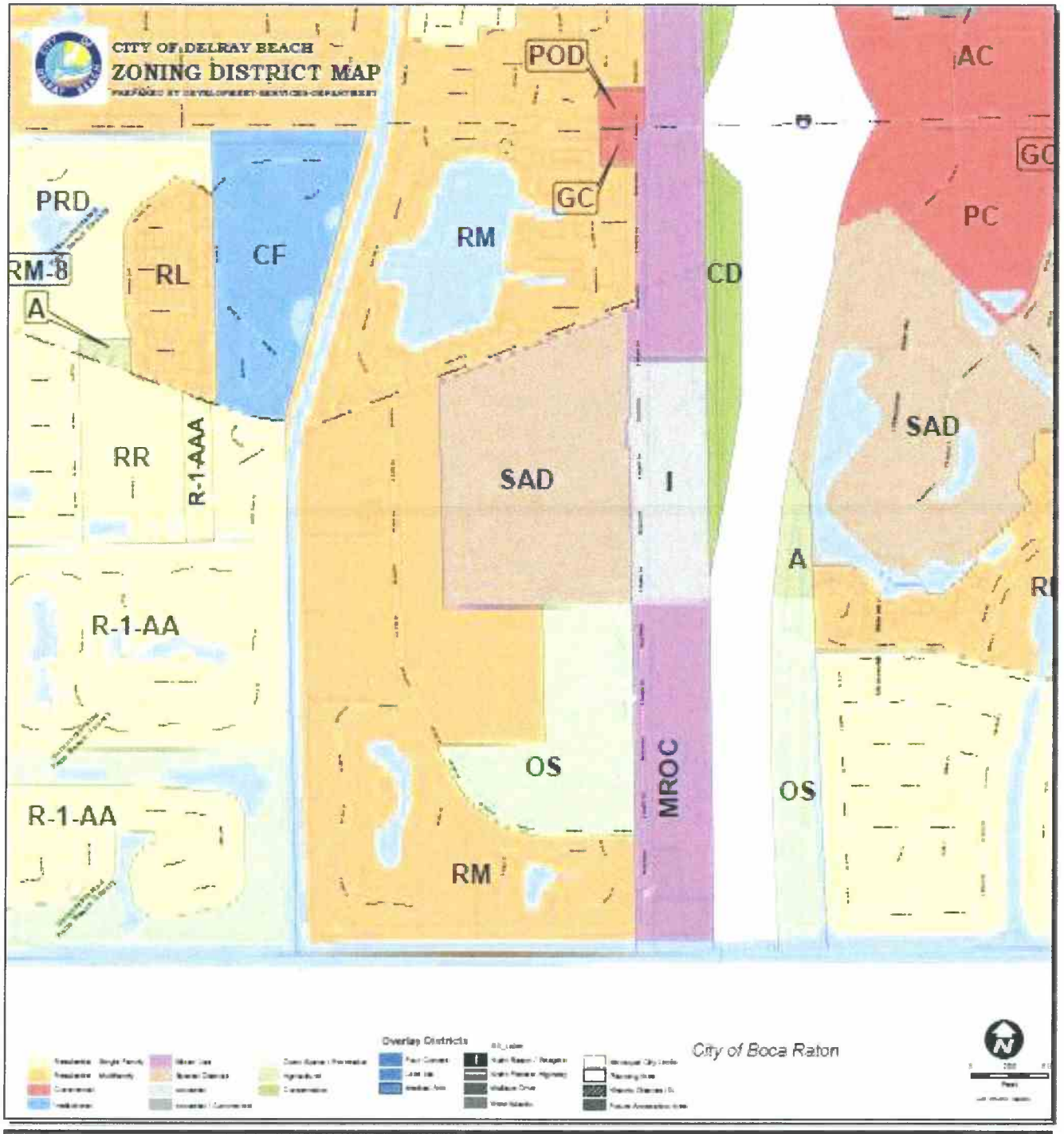
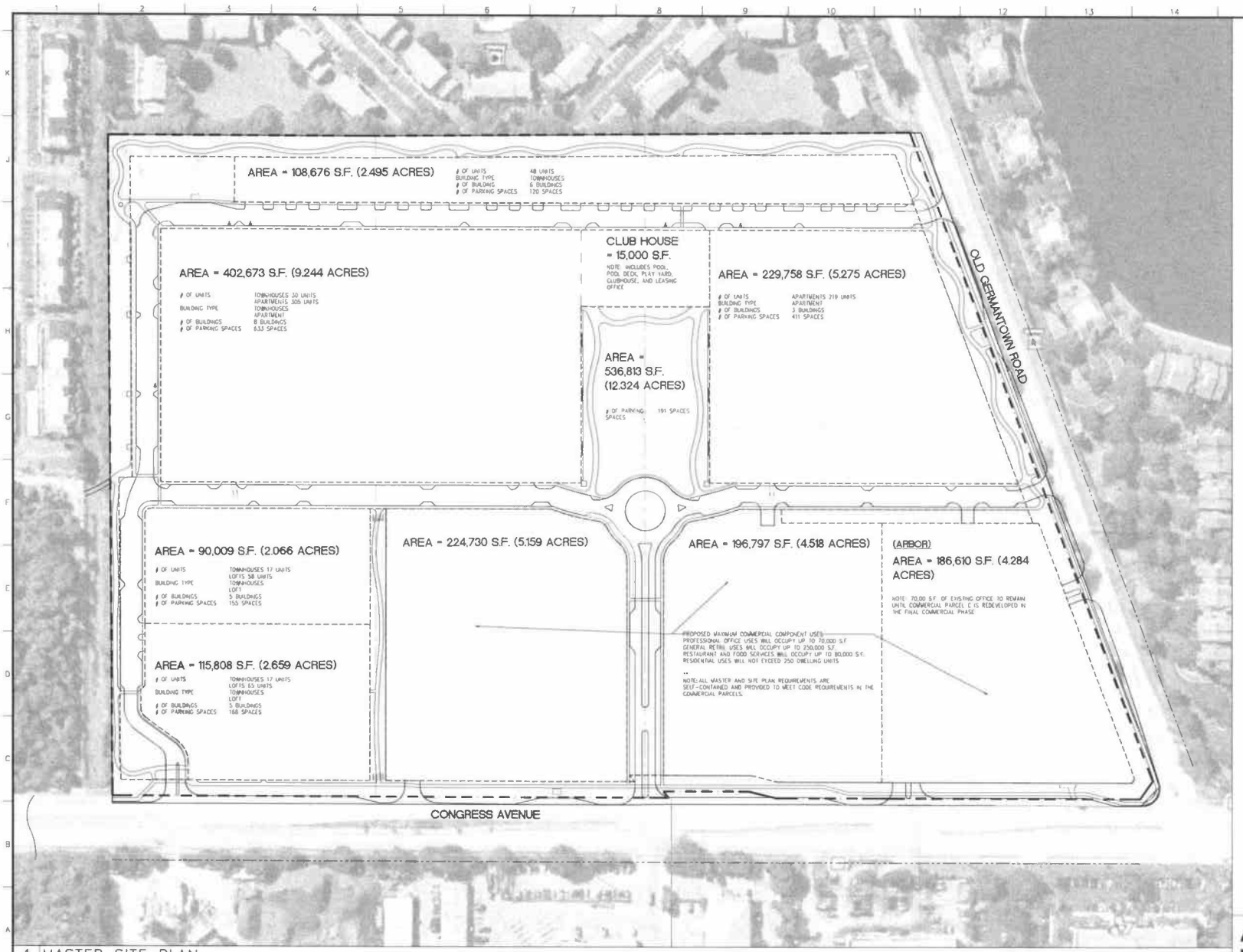

CITY OF DELRAY BEACH
ZONING DISTRICT MAP
POD
AC
GC
PC
PRD
RM-8
A
RL
CF
RM
GC
CD
SAD
I
SAD
RR
R-1-AAA
A
R-1-AA
OS
MROC
OS
R-1-AA
RM
Overlay Districts
City of Boca Raton



1 MASTER SITE PLAN

AS1.00 SCALE: 1" = 80'-0"

SAD
RE-SUBMITTAL

RLC

CONSULTANT
INFO/LOGO

1690 - 2350 S CONGRESS AVE. MASTER PLAN

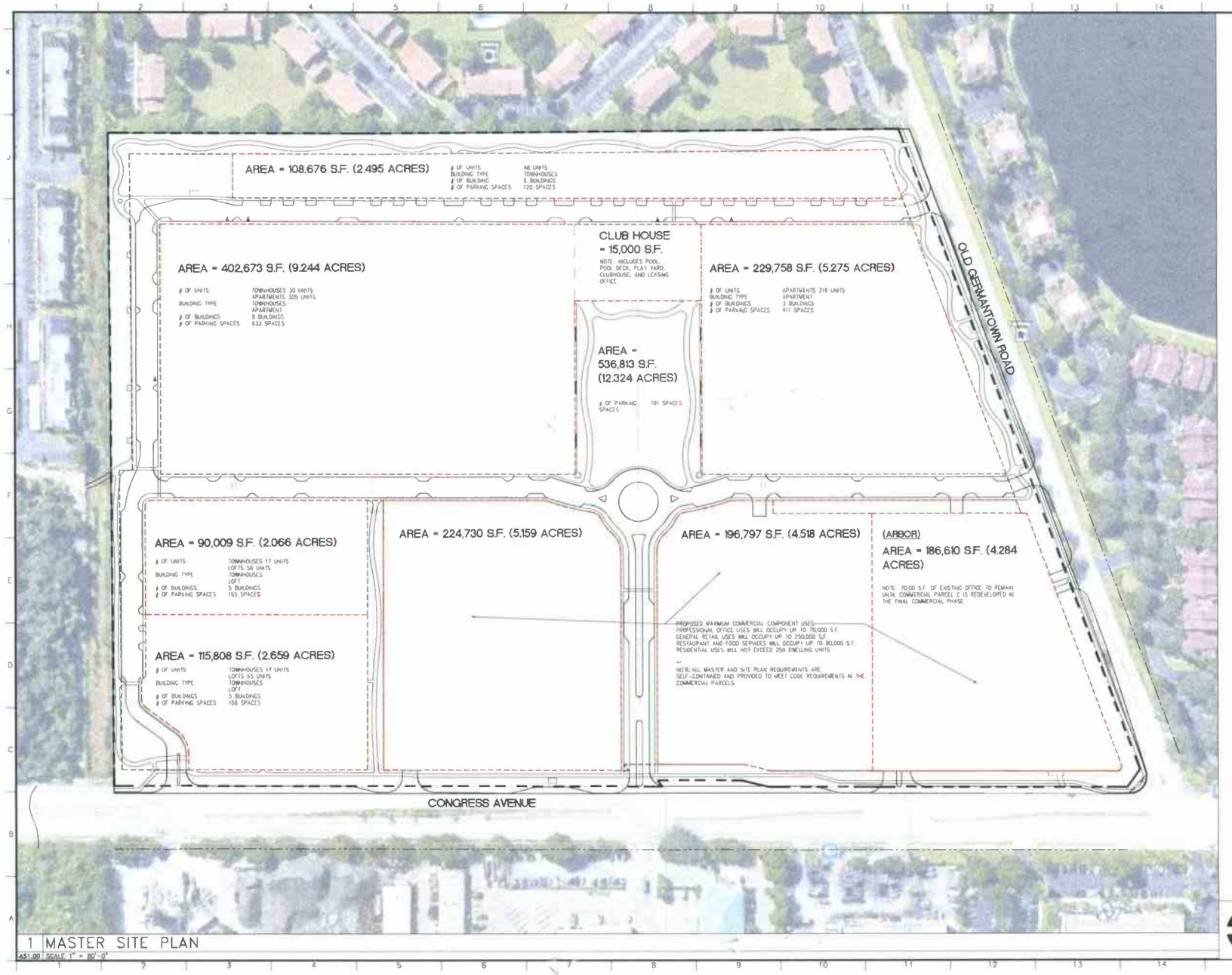
REVISIONS

Drawing Title
MASTER SITE PLAN

Scale
Project No. 16111.01
Plot Date 9/10/2018

Principal: JC
Project Director:
Project Manager:
Drafted by TUNG CHUI
Checked by

Sheet No.
AS1.00



1 MASTER SITE PLAN

AS1.00 SCALE 1" = 80'-0"

SAD
RE-SUBMITTAL

RLC

CONSULTANT INFO/LOGO

1690 - 2350 S CONGRESS AVE. MASTER PLAN

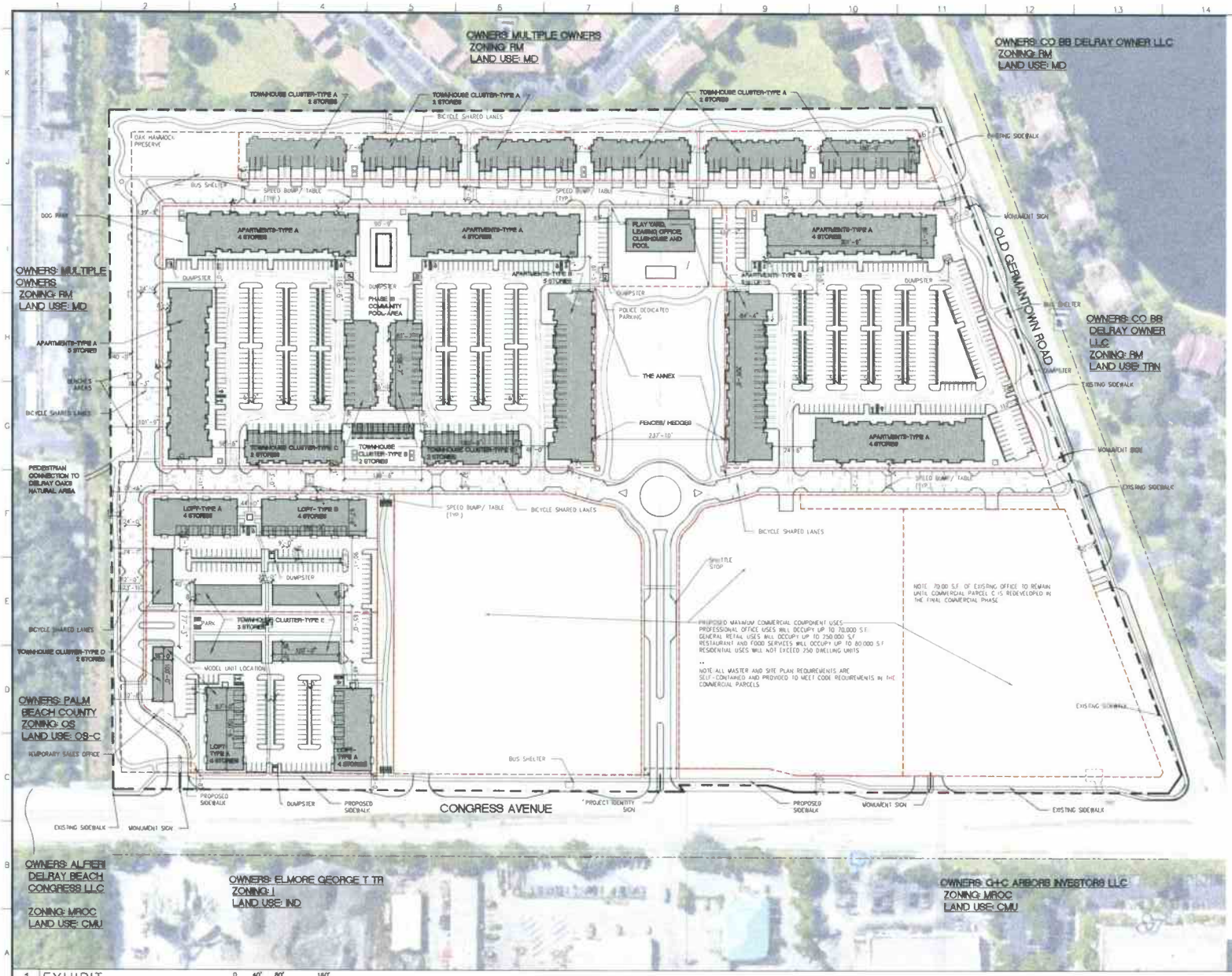
REVISIONS

Drawing Title
MASTER SITE PLAN

Scale
Project No. 16111.01
Plot Date 9/10/2018

Principal: JC
Project Director:
Project Manager:
Drafted by: TUAN CHUA
Checked by:

Sheet No.
AS1.00



1 EXHIBIT

AS1.10 SCALE: 1" = 80'-0"

0 40' 80' 160'

SAD RE-SUBMITTAL

RLC

CONSULTANT INFO/LOGO

1690 - 2350 S CONGRESS AVE. MASTER PLAN

Drawing title: EXHIBIT

Scale

Project No: 16111.01

Plot Date: 9/10/2018

Principal: JC

Project Director:

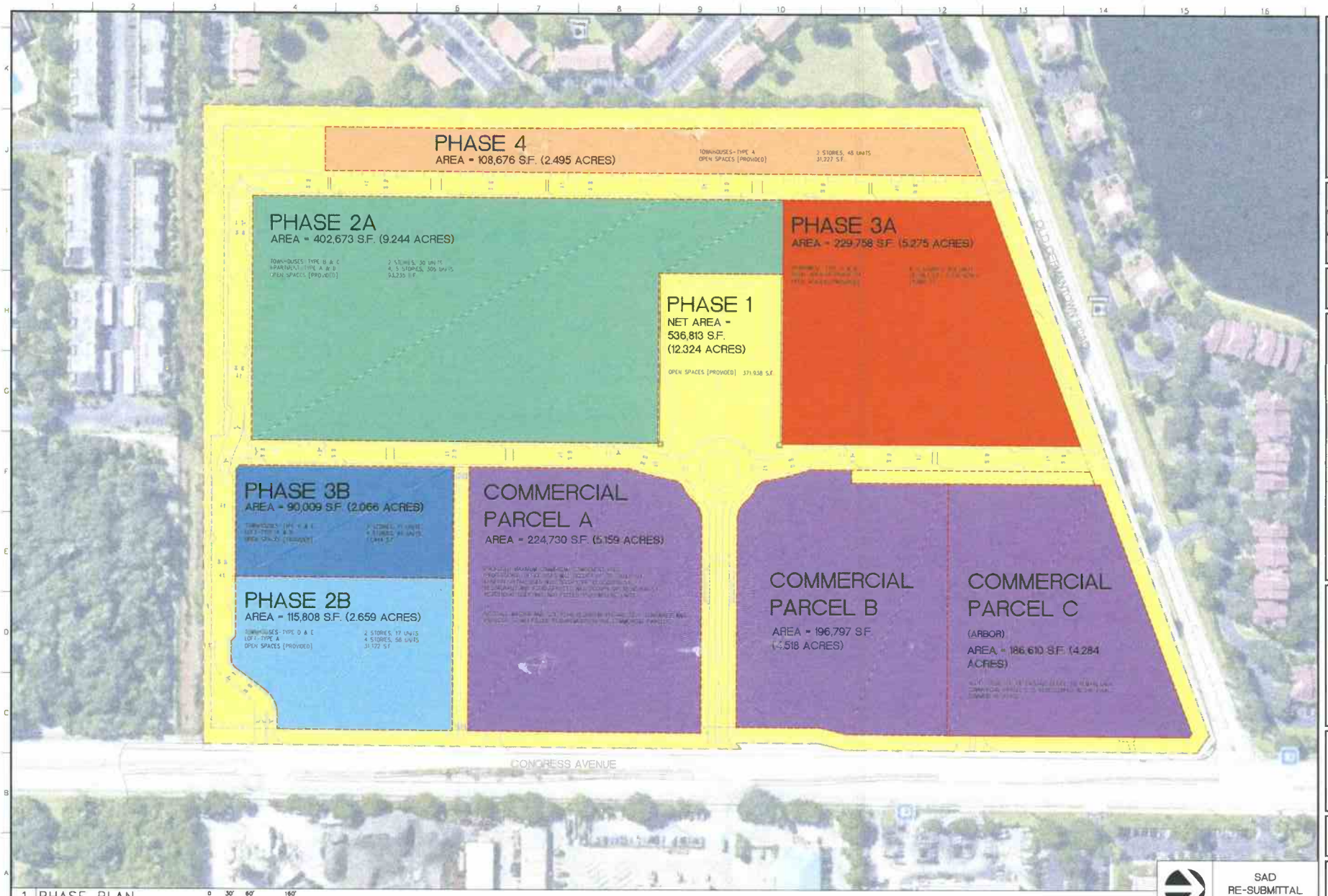
Project Manager:

Drafted by: TUNG CHU

Checked by:

Sheet No.

AS1.10



1 PHASE PLAN
AS1.20 SCALE 1" = 30'-0"

0 30' 60' 160'

SAD
RE-SUBMITTAL

RLC

CONSULTANT
INFO/LOGO

1690 - 2350 S
CONGRESS AVE.
MASTER PLAN

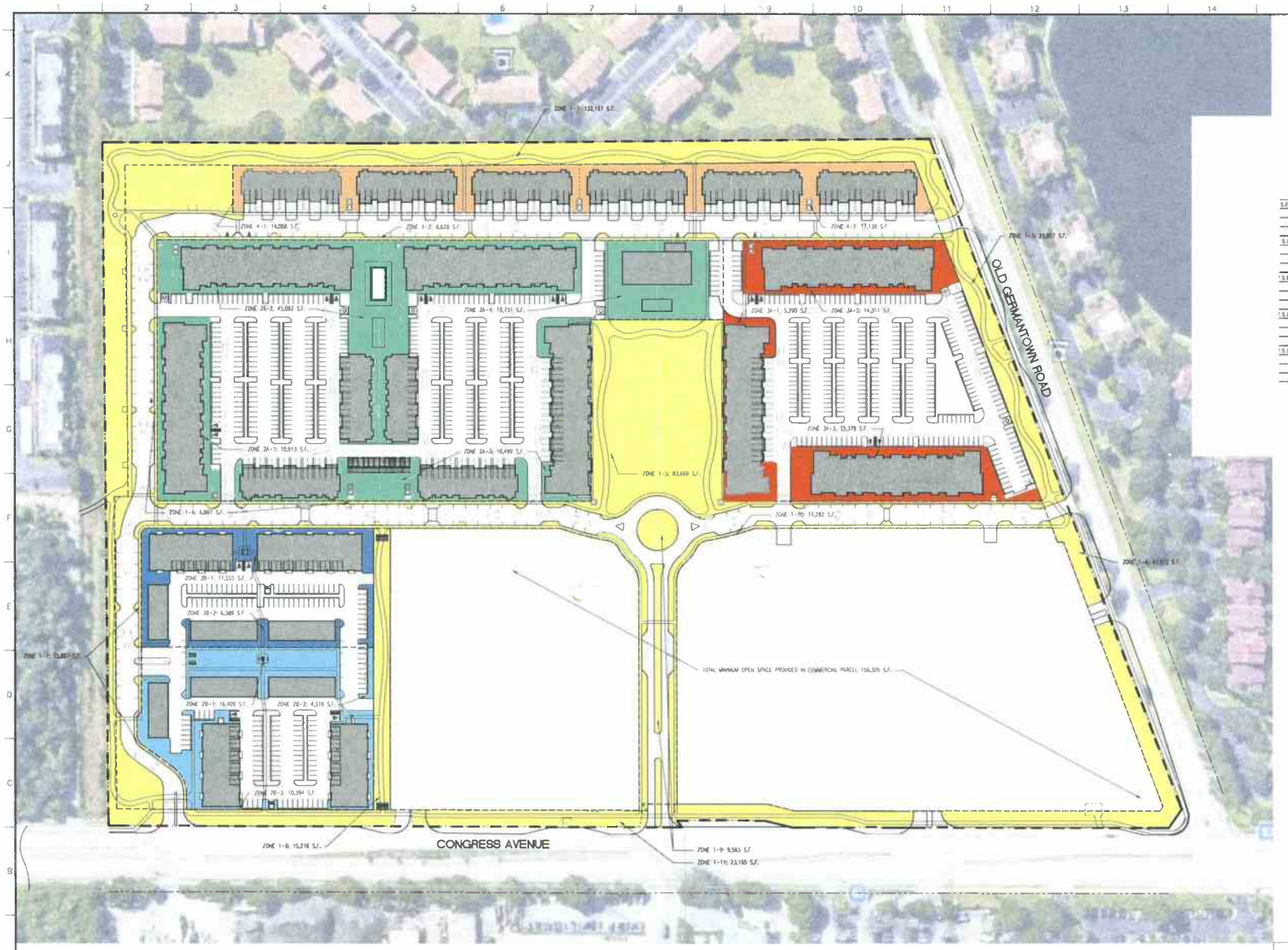
REVISIONS

Drawing Title
PHASE PLAN

Scale
Project No. 15111.01
Plot Date 9/7/2018

Principal: JC
Project Director:
Project Manager:
Drafted by: TUNG CHUI
Checked by:

Sheet No.
AS1.20



		% OF TOTAL SITE
		100%
		25%
		25.3%
S.F.	371,838 S.F.	17.5%
	402,873 S.F.	18.9%
S.F.	93,235 S.F.	4.4%
	115,808 S.F.	5.4%
S.F.	31,122 S.F.	1.5%
	229,758 S.F.	10.8%
S.F.	34,980 S.F.	1.8%
	90,009 S.F.	4.2%
S.F.	17,944 S.F.	0.8%
	108,876 S.F.	5.1%
		1.5%
		28.8%
		7.2%
		FUTURE
		27.3%

1 OPEN SPACE CALCULATION

AS1.30 SCALE: 1" = 80'-0"

0 30' 60' 160'

SAD RE-SUBMITTAL

RLC

CONSULTANT INFO/LOGO

1690 - 2350 S CONGRESS AVE. MASTER PLAN

REVISIONS

Drawing Title
OPEN SPACE CALCULATION

Scale
Project No. 16111.01
Plot Date 9/11/2018

Principal: JC
Project Director:
Project Manager:
Drafted by: TUNG CHU
Checked by:

Sheet No
AS1.30

1 ANNEX, CLUB HOUSE AND APARTMENT RENDERING

SCALE: N.T.S.

SAD
RE-SUBMITTAL

RLC

CONSULTANT
INFO/LOGO

1690 - 2350 S CONGRESS AVE. MASTER PLAN

REVISIONS

Drawing Title
ANNEX, CLUB HOUSE AND APARTMENT RENDERING

Scale
Project No 16111.01
Plot Date 9/7/2018

Principal JC
Project Director
Project Manager
Drafted by TUNG CHUI
Checked by

Sheet No
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1 INTERIOR STREET RENDERING

---- SCALE: N.T.S.

SAD
RE-SUBMITTAL

RLC

PRINCIPAL-IN-CHARGE

CONSULTANT
INFO/LOGO

1690 – 2350 S
CONGRESS AVE.
MASTER PLAN

REVISIONS

Drawing Title
INTERIOR STREET
RENDERING

Scale
Project No 1811.01
Plot Date 9/11/2018

Principal JC
Project Director
Project Manager
Drafted by TUNG CHUI
Checked by

Sheet No