



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

CITY COMMISSION STAFF REPORT

Delray Central Master Development Plan

Meeting	File No.	Application Type
August 9, 2022	2021-138-MDP	Master Development Plan
Applicant	Property Owners	Authorized Agent
G&C Arbors Investors, LLC	G&C Arbors Investors, LLC	Dunay, Miskel, and Backman, LLP Bonnie Miskel, Esq.

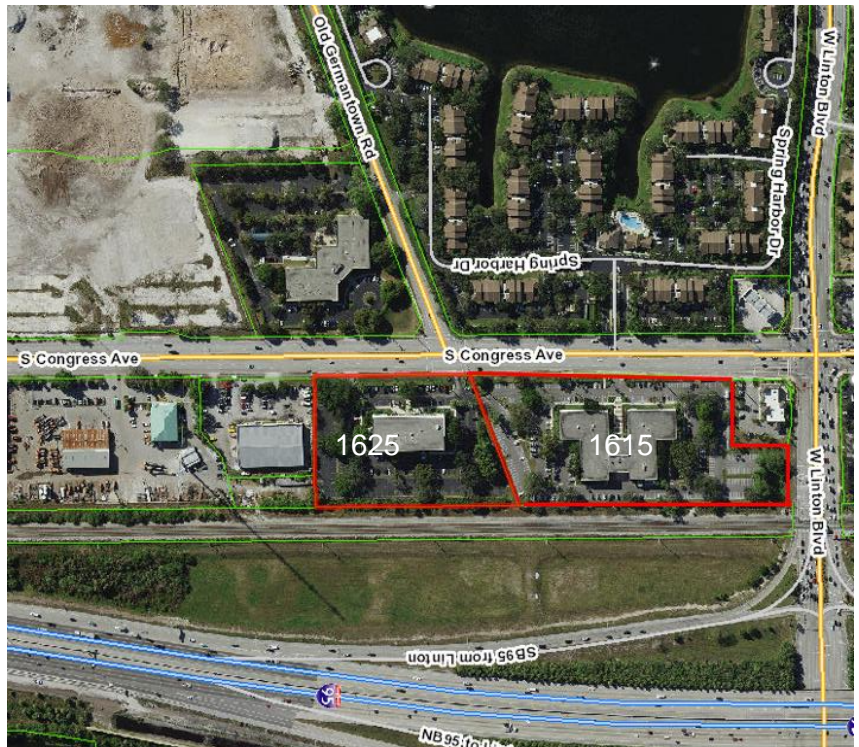
Request

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

Background Information

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

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



Description of Proposal

The proposed Master Development Plan incorporates a new mixed-use building centrally located between two existing office buildings. The proposed density on the site changes from 0 to 22.33 du/ac, and includes the following site modifications and improvements:

- Removal of 248 surface parking spaces (155 parking spaces from the 1615 South Congress parcel and 93 parking spaces from the 1625 South Congress parcel);
- Construction of a new building that includes:

- 8-stories with 1,095 square feet of non-restaurant, commercial space and 271 residential rental units with a mix of unit types:
 - 136 one-bedroom units
 - 121 two-bedroom units
 - 14 three-bedroom units
- a 7-level parking garage with 513 spaces;
- 55 workforce housing units (20% of 271 units = 54.2) at the moderate average median income level (80% to 120% AMI) for Palm Beach County proportionately distributed, as required by the LDR, throughout the unit types as “floater” units;
- Residential amenities including a gym and yoga space, central courtyard area with swimming pool, bike storage room, a co-working/conference room, and on-site leasing office.
- Multiple ‘pocket parks’ along South Congress Avenue that include enhanced landscaping and seating areas in addition to a 1,450 feet long linear section of shared-use path along the rear of the property.

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



It is important to note the threshold for full compliance with the LDR is 25%; the proposed development exceeds this threshold. The gross floor area of the existing buildings is 181,566 SF. The proposed development including the parking garage is 488,444 SF of floor area – adding more than 2.5 times the existing development on the site. Therefore, all non-compliant aspects of the site plan, including those associated with existing legal non-conformities, must either be brought into compliance with current standards or require waivers. The MDP includes waiver requests for relief to four provisions, related to existing nonconformities on the site.

Excerpt from Master Site Plan Data Table (Sheet AS1.00)

		COVERAGE (S.F.)	FLOOR AREA (S.F.)
EXISTING BUILDINGS TO REMAIN	1625 S CONGRESS AVE (OFFICE)	18,675	80,580
	1615 S CONGRESS AVE (OFFICE)	51,580	101,006
	TOTAL EXISTING	70,255	181,586
PROPOSED	PROPOSED MULTI FAMILY	37,919	307,251
	PROPOSED COMMERCIAL (AT RESIDENTIAL GROUND FL)	1,095	1,095
	PROPOSED PARKING GARAGE	25,435	180,098
	TOTAL PROPOSED	64,449	488,444
TOTAL BUILDING AREA		134,704	670,030

The following waivers are requested with the MDP:

- Front Setback, LDR Section 4.4.29(G)(2)(g)(1): Allow a maximum front setback of 90 feet, 10 inches from the west property line along South Congress Avenue, in lieu of the required 20-foot maximum front setback.
- Landscape Buffer, LDR Section 4.4.29(G)(2)(d): Allow a reduction from the required 15-foot-wide landscape buffer along the south property line to 7 feet and a reduction to the required 25-foot-wide landscape buffer along the east property line, adjacent to the CSX/FEC railway to 15.14 feet. **Note:** the proposed MDP reduces existing non-conformities.
- Parking Location, LDR Section 4.4.29(H)(11): Allow parking to be located adjacent to South Congress Avenue, whereas parking between South Congress Avenue and the front of building(s) is not allowed. **Note:** the proposed MDP reduces the existing non-conformity by eliminating existing parking spaces adjacent to South Congress Avenue.
- Landscape Islands, LDR Section 4.6.16(H)(3)(i): Allow certain existing landscape islands to maintain a width less than nine feet and at intervals greater than every 13 parking spaces in some areas where restriping of the parking area will occur. **Note:** the proposed MDP reduces an existing non-conformity by widening some landscape islands in the parking lots; however, 8 landscape islands remain nonconforming.

Review and Analysis

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

The property consists of more than three acres and includes waivers to adjust certain provisions in the LDR. Following approval of the MDP with waivers, consideration of a Class IV Site Plan Modification is required by the Site Plan Review and Appearance Board (SPRAB) to assess the development in more detail.

The purpose and intent of the MROC District is to “provide for a mix of residential, office, and commercial uses in a master-planned environment. The district encourages stand-alone office buildings and mixed-use development within the corridor with commercial or office uses on the ground floor and office or residential uses above while providing higher density opportunities and emphasizing transit-oriented development patterns.”

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

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

- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*

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

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

Pursuant to **LDR Section 3.1.1, Required findings**, *prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.*

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

The subject property has a Land Use Map designation of CMU, and a zoning designation of MROC, which are compatible with each other. Pursuant to Section 4.4.29(B)(4), multiple-family dwellings are a permitted use (subject to additional requirements) at a maximum density of 40 dwelling units per acre so long as they are proposed as part of a mixed-use development containing office and/or commercial uses; the request proposes 22.33 dwelling units per acre and includes a small commercial (1,095 sf) component in the ground floor of the new building accommodating the residential units. Additional non-residential use (office) will be maintained on the site in two existing buildings. The FAR limitation of the CMU land use is 2.5. The FAR of the project, including both the existing buildings and the proposed structures (including the garage levels) is 1.27.

- (B) Concurrency.** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

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

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

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

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

- Residential: 1.99 tons per unit per year

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

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

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

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

Neighborhoods, Districts, and Corridors Element

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

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

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

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

Policy NDC 1.3.17: *Allow a maximum floor area ratio (FAR) of 2.5, and a standard density up to 40 dwelling units per acre with a revitalization/incentive density up to 50 dwelling units per acre for properties with a Congress Avenue Mixed Use land use designation to encourage a mix of uses and continue to transform the Congress Avenue corridor as a destination and great street.*

Policy NDC 1.3.18: *Use the Congress Avenue Mixed Use future land use designation to accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit-oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue.*

The CMU land use designation provides a foundation for the MROC zoning district, which strives to create a corridor with a mix of commercial uses supported by residential uses, with higher densities offered as an incentive based on proximity to transit. The proposed MDP results in a mix of uses on a single site by maintaining the existing office buildings and providing a small commercial component on the ground floor of a new residential building. While the desired mix of uses in the building and on the site would be those that can support the residents of the property and reduce trips to/from the site, consideration of the large mixed-use development (Parks at Delray) across Congress Avenue and to the southwest of the subject property is warranted, as it will provide an array of commercial uses (i.e. a grocery store) that will benefit the residents of Delray Central. Additionally, the existing office buildings are being maintained and incorporated into the MDP.

The addition of 271 residential units to the site complies with the maximum density allowed per the LDR (maximum 40 du/ac allowed, 22.33 du/ac proposed) and the Always Delray Comprehensive Plan. Of the 271 units, 55 will be workforce housing units, which provides additional units that contribute to the supply and reduces the demand gap for housing for moderate income workers

in Delray Beach. The resulting FAR, which includes the parking garage, is also in compliance as the maximum allowed is 2.5, and approximately 1.27 will result with the addition of the proposed building.

Mobility Element

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

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

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

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

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

While some of the mobility aspects of the MDP comply with City policies, there are omissions related to the bike-ped network both internally and connecting to the surrounding area. Positive improvements include a 1,450-foot long linear (over a quarter mile) section of shared-use path along the CSX railway, complying with Mobility Policy 2.2.3. The path provides an alternative bike-ped route parallel to South Congress Avenue, which is auto-dominated, a connection to Linton Boulevard, which is another important city corridor, and creating a significant link in the larger network intended to eventually connect the Tri-Rail Station. The Florida Greenbook (published by the Florida Department of Transportation) requires such pathways to be 10 to 14 feet wide and only allows an eight-foot-wide path where right-of-way is constrained. The proposed path is eight feet wide, which staff found compliant with the Florida Greenbook based on the presence of utilities, drainage, and existing parking on the site. The MDP proposes a string of landscaped plaza features along South Congress Avenue, including a transit stop, that are linked to the existing and proposed buildings and provide a designed greenway, in lieu of building frontages.

The mobility concerns are the auto-centric design and circulation pattern of the MDP and the lack of adequate multi-modal elements. For the benefits of mixed use to be realized, particularly in trip capture and traffic alleviation, appropriate bike-ped infrastructure is needed among the buildings on the site, the tot lot, parking areas, as well as to external destinations. Parks at Delray is across South Congress Avenue and the light at Germantown Road provides a safe crossing point to access the stores, restaurants, and future neighbors. However, it is important to note, the sidewalk network is sparse and lacks key paths to the main buildings. For example, a direct route from the intersection at Germantown Road to the existing office building is missing; workers have to walk all the way to the south entry – or more likely will create “desire paths” through landscaping and the parking area. Future residents will have to cross the driveway opening and walk along South Congress Avenue before being able to walk toward the new residential building – and could not access the tot lot at all without entering the building first or walking in a drive aisle.

The two one-way driveways provide a vehicular route from South Congress to the rear parking garage and existing surface lots, but do not accommodate safe bicycle or pedestrian movements. As designed, this layout does not meet Mobility policies 2.5.2 and 2.5.3 above. An opportunity exists to improve overall mobility within the MDP and to the surrounding area for both office workers and residents by detailing these drives as small streets, with lighting, landscaping, sidewalks, and bicycle accommodations, resolving many disconnects. Further, properly designed links to the multi-use path in the rear of the property along the CSX railway are needed to facilitate connections for pedestrians and cyclists traveling to work at the offices or for future residents. Additionally, to help meet the minimum open space requirement, the plan proposes removing small sidewalks links on the south side from the parking area to the office building, when additional pedestrian paths are needed.

Open Space, Parks, and Recreation Element

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

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

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

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

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

The open space areas include the provision of a series of small 'pocket parks' along South Congress Avenue that include enhanced landscaping and seating areas, including a transit stop. The project also has a tot lot that is located beyond the general area of the proposed new multi-family residential units. The location is situated on the southeast corner of the 1615 South Congress Avenue office building. This location is out of place to be considered an amenity to the residential development. Children would need to cross a vehicular drive aisle to access the tot lot. A better location could be chosen to make this element a true amenity to the future residents, or additional pedestrian infrastructure could be added to better link the area to the new building.

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

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

Allocation of Uses

The MROC zoning district prescribes the allocation of uses in a development. LDR Section 4.4.29(B)(4)(c), MROC: Multi-family Dwelling Units, specifies that residential units greater than 2,500 feet from the Tri-Rail Station may comprise up to 75% percent of the total floor area of the MDP when part of a mixed-use development containing office and/or commercial uses. The residential component comprises 46% of the total development square footage.

LDR Section 4.4.29(I)(5) stipulates, "...where residential uses are located in structures having frontage on Congress Avenue, except if development is 100 percent residential within 1,000 feet of the Tri-Rail Transit station, there must be nonresidential uses fronting on Congress Avenue on the ground floor." The existing development provides office uses on 100% of the ground floors of both buildings, with no residential units. The proposed building to be inserted between the offices provides 271 units with 1,095 sf of commercial use and the residential amenities including gym and yoga space, a co-working/conference room, and on-site leasing office facing South Congress Avenue. Only one ground floor residential unit faces Congress Avenue. Though the new building is not vertically mixed, it is important to note that mixed use development can be successful in either a vertical or horizontal mix arrangement, provided the site design supports connections between the uses.

Workforce Housing

Pursuant to Section 4.4.29(B)(4)(c)1., residential developments must include a minimum of 20 percent workforce units consisting of moderate income workforce units as defined by Article 4.7 Family/Workforce Housing. The development meets the minimum requirements by providing 20 percent of the total number of units proposed as workforce housing at the moderate income level (80% to 120% AMI). The workforce housing units will proportionately distributed, as required by the LDR, throughout the various unit types as "floater" units. Deed restrictions to this effect will be required prior to the issuance of building permits. The City supervises compliance with the income qualification requirements of the renters/purchasers of workforce housing units. It should be noted that the LDR provide for the minimum required and do not prohibit an applicant from proposing additional workforce housing units, or providing a mix of income levels, such as low or very low.

Development Standards

The development standards applicable to the MDP request are provided in the data chart (excerpt below). The front setback does not meet the maximum 20-foot setback requirement and is analyzed in the waiver section. The MROC regulations also require a landscape buffer of at least 15 feet adjacent to South Congress Avenue and along the north and south property lines, while a buffer of 25 feet is required along the CSX Railway, located to the rear of the property. The existing site improvements do not meet these minimum requirements in certain areas and the MDP does not adjust for compliance in all areas. Therefore, a waiver to the requirement has been requested and is also analyzed in the waiver section. The balance of the MROC standards identified in the chart are in compliance.

It should be noted that the amount of open space is reduced on the site from 30% to 25.11%, almost the minimum amount. The MDP a series of small 'pocket parks' along South Congress Avenue and perimeter buffer areas. Parking lot landscaping is not permitted to count toward fulfilling this requirement and is not included. However, some of the site adjustments to reach the minimum standard are the result of the elimination of "surplus" sidewalk areas to expand landscape opportunities. Given that the MDP is lacking in bike-ped infrastructure, additional adjustments are needed to provide for both adequate open space and more sidewalk areas.

PERCENTAGE OF PLOT COVERED	SEC. 4.4.29 G(2)c	MROC		PERCENT	S.F.
			MAX. ALLOWABLE	75%	396,450.45
			PROPOSED (OFFICE AND RESIDENTIAL)	71.04%	375,542.60
BUILDING SEPERATION	SEC. 4.4.29 G(2)(g)5	MROC	MIN. ALLOWABLE		25 FT
			PROVIDED		
			SEPERATION BETWEEN	1615 S CONGRESS AVE (OFFICE PROPOSED MULTI FAMILY)	38.08 FT
				1625 S CONGRESS AVE (OFFICE) PROPOSED MULTI FAMILY	37.75 FT
SETBACKS	SEC. 4.4.29 G(2)g	MROC	REQUIRED		
			CONGRESS AVENUE FRONTAGE	10 FT MIN/ 20 FT MAX	
			SIDE YARD	15 FT/25 FT* MIN	
			ADJACENT TO CSX RAILWAY (REAR)	25 FT MIN	
			PROVIDED		
			1615 S CONGRESS	FRONT (FACING CONGRESS AVE)	98.39 FEET
				SIDE (FACING LINTON BLVD)	171.34 FEET
				SIDE (FACING SOUTH)	748.90 FEET
				REAR (FACING CSX RAILWAY)	82.23 FEET
			1625 S CONGRESS	FRONT (FACING CONGRESS AVE)	115.85 FEET
				SIDE (FACING LINTON BLVD)	876.17 FEET
				SIDE (FACING SOUTH)	177.80 FEET
				REAR (FACING CSX RAILWAY)	181.43 FEET
			PROPOSED (MULTI-FAMILY BUILDING/GARAGE)	FRONT (FACING CONGRESS AVE)	90.88 FEET
				SIDE (FACING SOUTH)	433.20 FEET
				SIDE (FACING LINTON BLVD)	561.16 FEET
				REAR (FACING CSX RAILWAY)	25 FEET
			(*) PER SEC 4.4.29 G(2)g3 PERIMETER DEVELOPMENT BUFFERS TO A MAX HEIGHT OF 42 FT. THEREAFTER ADDITION SETBACKS FOR THE BUILDING EXCEEDING 42 FT SHALL BE A MINIMUM OF 10 ADDITIONAL FEET		
LOT DIMENSIONS	SEC. 4.3.4 (D)	BASE DISTRICT STANDARDS	LOT DEPTH	REQUIRED	PROPOSED
				N/A	395'-0"
PERIMETER DEVELOPMENT/LANDSCAPE BUFFER	SEC. 4.4.29 G(2)d	MROC	ADJACENT TO CONGRESS	15 FT	15 FT
			ALL OTHER PERIMETERS	15 FT	7 FT
			ADJACENT TO CSX RAILWAY	25 FT	15.14 FT
OPEN SPACE	SEC. 4.4.29 G(2)c	MROC		PERCENT	S.F.
			MIN. REQUIRED	25.00%	132,150
			PROVIDED	25.11%	132,733 *

Parking

When the uses are individually considered, the data table indicates a total of 627 parking spaces are required for the office use, 504 spaces for the residential units of which 271 spaces are reserved, and 5 spaces for the commercial component proposed in the new building. Pursuant to Section 4.6.9(C)(4)(a), business and professional offices shall provide 4 spaces per 1,000 square feet of net floor

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

Building	Gross Square Footage	Net Square Footage	% Common Area	Common Area SF	Spaces Required
1615	80,580	79,560	1.2%	1,020	347
1625	101,006	98,666	2.3%	2,340	280
Total Parking					627

The applicant has indicated they used Property Appraiser information to determine net office areas. The amount assumed as “net” office is high - roughly 2.3% of the 101,006 square foot, four-story building and 1.5% of the 80,580 square foot, two-story building are considered common areas in the data tables. The average amount of common area for an office building average of 10-25% for office buildings. Using even the low end of the common area assumptions would provide a much smaller net square footage for purposes of calculating required parking. This calculation matters because determining the actual parking need could result in opportunities to provide additional landscaping and open space, while also reducing the urban heat island effect. If just 10% were assumed to be the common area of the office buildings, which is conservative, approximately 60 fewer parking spaces are needed. A reduction in the amount of asphalt needed for parking would provide opportunities to increase the areas for landscaping and open space, and allow for more bike-ped infrastructure, as well as provide a positive environmental impact.

Construction plans for 1615 South Congress Avenue have been located and indicate many areas that would qualify to be removed from the net square footage calculation, i.e., hallways, bathrooms, mechanical equipment areas, etc. Given the standard dimensions for door openings, hallway widths, etc., along with the provided dimensions on the plans, a professional estimation could be made that would be more realistic than the utilization of Property Appraiser information.

As a mixed-use project, the development is eligible to utilize the shared parking calculations provided in the LDR. While 1,148 total parking spaces are required, the shared parking calculation indicates that 1,042 parking spaces (including the reserved residential parking spaces) will meet the demands of the site, which is anticipated to be highest during the week from 9am to 4pm. The proposed amount of parking is 1,058 spaces.

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

In addition to vehicular parking, the development requires a total of 79 bicycle parking spaces with 68 accommodated within the parking garage and 11 located throughout the site.

Waivers

Pursuant to **LDR Section 2.4.6(F)(6)(c)**, *variances and waivers to the requirements of base district standards and supplemental district regulations, referred to herein, may be granted by the Planning and Zoning Board concurrent with approval of the MDP without the requirement of a public hearing.*

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

- a. Shall not adversely affect the neighboring area.
- b. Shall not significantly diminish the provision of public facilities.
- c. Shall not create an unsafe situation;
- d. Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

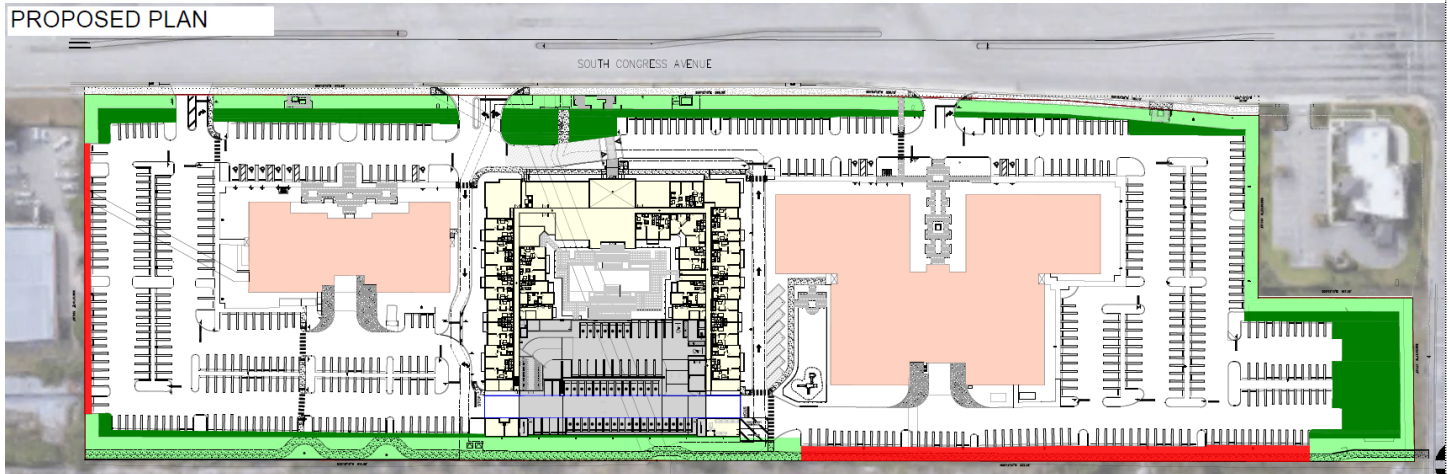
The MDP requires four waivers, which are detailed below. The Applicant's justification statement is attached.

- Front Setback, LDR Section 4.4.29(G)(2)(g)(1): Allow a maximum front setback of 90 feet, 10 inches from the west property line along South Congress Avenue, in lieu of the required 20-foot maximum front setback for the proposed structure.

The MROC zoning district strives to create a more urban, pedestrian-friendly mixed-use corridor in contrast to the auto-centric suburban development type that exists on the site. The intent of the maximum setback along South Congress Avenue is to provide a more engaging streetscape with buildings positioned along the street with vehicular areas located to the side and behind them. The proposed building aligns with the existing office buildings and has been positioned to retain the drive aisle along the front of the property, as well as the existing vehicular entrance at the intersection at Old Germantown Road. The MDP provides extensive landscaping along South Congress Avenue to improve the aesthetics in lieu of lining the street with a building.

The Board should consider whether the granting of the waiver allows for a reasonable site layout, given the position of the existing buildings, angled intersection, and driveway access constructed in the early 1980s or if providing the required front setback and repositioning the vehicular parking/circulation along Congress Avenue should occur now, given the amount of redevelopment proposed and the vision for the corridor, even if the existing office buildings remain. Further, the board should consider whether allowing the larger setback would have an adverse effect on the neighboring area by disregarding the desired development pattern, in essence solidifying the current pattern for the long term if a significant, 8-story project is not required to comply.

- Landscape Buffer, LDR Section 4.4.29(G)(2)(d): Allow a reduction from the required 15-foot-wide landscape buffer along the south property line to 7 feet and a reduction to the required 25-foot-wide landscape buffer along the east property line, adjacent to the CSX/FEC railway to 15.14 feet. **Note:** the proposed MDP reduces existing non-conformities. The diagram below shows the remaining noncompliant areas in red.



The current landscape buffer depth is an existing non-conformity that is reduced in the MDP. Parking areas are replaced with new buffer areas along South Congress Avenue and parking spaces along the northern property line have been changed to compact spaces allowing a deeper buffer. Two buffer areas will remain non-conforming: the southern property line and part of the eastern property line along the CSX railway. Both areas are not adjacent to the new construction and are depicted in

the diagram above. A series of landscape pocket parks are provided along the South Congress Avenue streetscape to beautify and enhance the corridor.

- Parking Location, LDR Section 4.4.29(H)(11): Allow parking to be located adjacent to South Congress Avenue, whereas parking between South Congress Avenue and the front of building(s) is not allowed. **Note:** the proposed MDP reduces an existing non-conformity by eliminating existing parking spaces adjacent to South Congress Avenue.

The existing development has parking in front of the buildings along South Congress Avenue; the proposal reduces this non-conformity. The diagram submitted by the applicant indicates 23 spaces are removed, however, staff's assessment is that approximately 29 parking spaces are removed. The removal of parking provides additional green space and a new pedestrian connection from the proposed building to the public sidewalk. This waiver request should be considered in concert with the front setback waiver; ultimately, the consideration is whether additional beautification along the South Congress Avenue streetscape, sufficiently reduces the adverse effect of maintaining surface parking and vehicular circulation in the front of the proposed building.

- Landscape Islands, LDR Section 4.6.16(H)(3)(i): Allow certain existing landscape islands to maintain a width less than nine feet and at intervals greater than every 13 parking spaces in some areas where restriping of the parking area will occur. **Note:** the proposed MDP reduces an existing non-conformity by widening some landscape islands in the parking lots; however, 9 landscape islands remain nonconforming.

The parking lot conditions on the site have existed since the early 1980s. However, when redevelopment of more than 25% of the existing development is proposed, the entire site is required to come into compliance with the City's landscaping provisions. As a result, 9 existing landscape islands in the surface parking lots that do not meet the minimum size requirements have been identified. While some of the landscape islands within the development will be modified to meet the current requirement, several throughout the site are proposed to be maintained at the existing, smaller width. The parking area around the islands will be restriped to come into compliance with respect to the current striping and parking space size standards. The applicant has identified that the existing islands contain mature trees that will be maintained. Given the possibility of excess parking on the site related to the question of net office square footage, substandard islands could be resolved if a few more spaces could be removed from the site without negatively impacting the need for parking.

Board Considerations

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

- Whether the MDP provides for an adequate mobility network that serves the needs for *all* users both within the site and to the surrounding destinations;
- Whether the provision of 1,085 square feet of non-restaurant, commercial space, and amenities for the residential units combined with the existing office uses meets the intent of the requirement of *"there must be nonresidential uses fronting on Congress Avenue on the ground floor."*
- Whether the parking calculation should be refined to check if the amount of surface parking could be further reduced to increase open space and landscaping opportunities.
- Whether the inclusion of more open space is necessary to provide for site design that has a more viable lot location, meets the minimum MROC requirement of 25% without removing sidewalk links and allows for the provision of more bike-ped links through the site, and to further reduce landscape associated non-conformities.