



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman

Hope Calhoun
Dwayne Dickerson
Ele Zachariades
Matthew H. Scott

Christina Bilenki
David F. Milledge
Jeffrey Schneider
Kristen Weiss
Sara Thompson

EXHIBIT A

Delray Central

1615 and 1625 South Congress Avenue Delray Beach, FL 33445

A Class V Site Plan Application Statement of Use and Justification Statement

G&C Arbors Investors LLC (“Petitioner”) is the owner of two (2) parcels of land comprising a total of +/- 12.134-acres (“Property”), which are generally located at the southeast corner of the intersection of South Congress Avenue and Linton Boulevard within the City of Delray Beach (“City”). The Property is referenced by parcel control numbers 12-43-46-30-10-001-0000 (1615 South Congress) and 12-43-46-30-11-000-5101 (1625 South Congress). The Property is designated Congress Avenue Mixed Use (CMU) on the City’s Future Land Use Map (FLUM) and is located within the Mixed-Use Residential Office and Commercial (MROC) zoning district. The property located at 1615 South Congress is an existing 2-story office building consisting of 80,580 SF and associated parking (449 parking spaces) located on 7.19 acres and the property located at 1625 South Congress consists of a 4-story office building and associated parking (350 parking spaces) located on 4.94 acres containing 101,006 SF. Both buildings are leased.

The Petitioner proposes to redevelop the Property by retaining the two office building and modifying the parking areas in order to construct a two hundred seventy-one (271) unit multiple-family residential development comprised of one (1) eight-story building (“Project”). Approximately, a total 326 surface parking spaces will be removed (203 parking spaces from the 1615 South Congress parcel and 123 parking spaces from the 1625 South Congress parcel) and will be relocated within the eight (8) story parking garage which will be connected to the residential building and contain a total of 585 spaces. The Project’s residential building will be located in the center the Property with convenient access to the adjacent office buildings. The two office buildings which are currently operating independent of one another will be unified as one (1) development and the respective access drives will be interconnected with each other and the proposed residential building. The proposed infill redevelopment of the Property will better serve the community as a strategically placed residential development with neighborhood serving commercial uses, further contributing to the City’s Comprehensive Plan NDC Goal 2 to “transform underutilized and blighted areas into attractive and thriving neighborhoods, districts, and corridors.” The Property is ideally located for the proposed development considering its location adjacent to the transit corridors along Linton Boulevard and Congress Avenue and in close proximity to the major Interstate 95 thoroughfare, civic and recreation uses, and general commercial uses. Approval of the Project will promote a more walkable and sustainable atmosphere at the Linton and Congress node.

Required Findings for Site Plan Application – Section 3.1.1 of the City’s LDRs

Prior to 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 existing zoning designation of Mixed Use Residential and Office (MROC) is consistent with the existing Congress Avenue Mixed Use (CMU) future land use designation. Per Section 4.4.29(A) of the City’s Land Development Regulations (LDRs), “The MROC District regulations 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”. Per Table NDC-1 of the City’s Comprehensive Plan, the MROC zoning designation is the preferred zoning district for CMU land use designation. Accordingly, the Project’s proposed residential and existing office uses are permitted in the MROC zoning district consistent with the CMU FLUM designation.

- (B) *Concurrency. Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and the School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.*

Since this is existing development on the site, all of the public facility services are in place. However, since there will be a residential component added to the development, we are required to address the additional impacts as a result of adding 271 MF residential units. We have commenced discussion with the utility providers in order to address the existing easements, pertaining to water, sewer, power, phone and cable service and how to properly re-route the existing infrastructure to make way for the residential building. School capacity availability determination (“SCAD”) has been completed.

As required, we have submitted the utility service providers and completed the Palm Beach County School District School Capacity Availability Determination (SCAD) application for submittal. Petitioner has also requested a concurrency determination from Palm Beach County Traffic.

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

The Project is consistent with the performance standards, as established by the City’s Comprehensive Plan and contained within Article 3.2. And, more specifically, is consistent with the following Policies and Objectives located within the City’s Comprehensive Plan:

Objective NDC 1.3 Mixed Use Land Designation: 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 1.3.2: 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 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.

Policy NDC 1.4.9: Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.

(D) *Compliance with LDRs.* Whenever an item is identified elsewhere in these 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.

As mentioned above, the Project is permitted within the MROC zoning district, and the Project will comply with the required LDRs. As mentioned above, per Section 4.4.29(A) of the City's LDRs, the existing office and proposed residential use are permitted and consistent with the Comprehensive Plan and LDRs. AS required within the MROC zoning district, we are requesting approval of Master Development Plan which will unify the existing office buildings and create the residential component with associated parking garage. As a result of this Master Development Plan, the existing office buildings will be interconnected and an enhanced and updated landscape palette will be provided to ensure the Property has a cohesive and aesthetically pleasing appearance. The project requires one (1) waiver which pertains to the front setback requirement of a maximum of 20 FT. This waiver request has been approved, the Project meets all LDR requirements and standards.

Standards for Site Plan Actions – Section 3.2.3 of the City's LDRs

(A) Building design, landscaping, and lighting (glare) shall be such that they do no create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

The proposed buildings, landscaping and lighting have been designed in a way that does not create any unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

- (B) Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.

The Project provides for separation of different forms of transportation. Specifically, the Project will provide an expanded 10 FT multi-purpose sidewalk for biking and walking path along the western edge of the property, which is designed to encourage surrounding properties to expand their adjacent sidewalk. The driveways for each of the office buildings will be interconnected as a result of this Project. There will be interconnectivity on the west side of the Property and through the parking garage on the east side of the site.

The various traffic elements being incorporated as a result of this application are consistent with the following Objectives and Policies within the City's Comprehensive Plan.

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

Policy MBL 2.5.8: Continue to provide standards for new development and redevelopment in the Land Development Regulations to provide for safe traffic movements and reduce potential pedestrian-vehicular conflict points, including, but not limited to

- Location and design of driveway access and site circulation;
- Width and location of curb cuts;
- Width and location of median openings;
- Radii of curves and location of intersections of driveways and intersections on curves;
- Street lighting standards Traffic impact analysis Cross-access standards; and
- Minimum sidewalk widths

Policy MBL 2.5.5 Seek opportunities to provide an interconnected roadway network, especially in areas of the City where the network of streets is disconnected (such as area generally west of I-95). Require development to provide pedestrian, bicycle, and vehicular interconnections to adjacent properties.

- (C) Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed.

- (D) **As a result of the modification of some of the surface parking that exists today and to make way for the construction of the residential building, the open space is not modified significantly. Currently, the open space is 30.1 % and as a result of the proposed site plan, the open space is 26.41%. The removal of the surface parking area allows for the residential component to be added while maintaining consistent levels of open and pervious areas. In terms of recreation, the residential component will contain top of the line amenities which will include a swimming pool, heated spa, large sun deck, sun chairs, fitness equipment, tables and chairs and outdoor BBQ grills.**

- (E) The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.

No street widening or traffic circulation modification is proposed on public rights-of-way. As discussed in the Traffic Impact Analysis, access to the Property is through two (2) main, full-access driveways. The driveways are located at the signalized intersection of South Congress Avenue and Germantown Road and at the median opening located approximately 550 feet north of Germantown Road. Both locations provide southbound left-turns and right in/right out access. Additionally, there is a third access point, located south of the signalized intersection of South Congress and Germantown Road. This access point provides a right turn in/right turn out movement.

- (F) Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.

As mentioned above, the Property is an existing developed site with two (2) existing office buildings and associated parking on the site. The proposed residential use is consistent with the CMU Future Land Use designation, Comprehensive Plan and MROC zoning district. The Proposed Project is strategically positioned on the Property to be centered between the two (2) office buildings in order to provide for easy access for workplace opportunities. Additionally, the development of this Project will provide connectivity between the two (2) office buildings which does not presently exist today. The removal of surface parking will be relocated inside of a parking garage that will be connected and located behind the residential structure.

- (G) Vacant property shall be developed in a manner so that the future land use and intensity are appropriate in terms of soil topographic, and other applicable physical considerations; complimentary to adjacent land uses; and fulfills remaining land use needs.

The soil topographic and other applicable physical considerations are appropriate for the proposed Project. The Property is already developed and the addition of the residential component will have no impact on the soil topography and will complement the existing office uses on the site.

- (H) Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objection B-2 of the Housing Element.

The proposed Project will add multi-family apartments to an area that is currently comprised of office and commercial uses. The proposed Project will add to the housing inventory that will be located in close proximity to places of employment and transit corridors.

- (I) The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

It is not envisioned that the proposed Project will have any negative impact on the stability of nearby neighborhoods.

- (J) Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.

Per the Traffic Impact Analysis the surrounding roads and intersections currently operate at an acceptable level of service. While the proposed residential use will add approximately 1,480 new net trips, the adjacent roads and areas of influence will not be impacted. There is an existing traffic signal at the center of the proposed development located at the intersection of Germantown Road and South Congress Avenue. Here, traffic is controlled for ingress and egress and will be monitored to adjust to peak hour demands. The site circulation will be improved as a result of this application which will interconnect the office sites and have connected driveways on both the east and west sides of the Property. There is also driveway connections located in between buildings so that traffic is able to move freely throughout the site.

- (K) Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing development as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

As illustrated on the site plan, the Project will provide several recreational areas serving children from toddlers to teens. To be more specific, the amenity for the residential building will contain top of the line facilities which will include a swimming pool, heated spa, large sun deck, sun chairs, tables and chairs, fitness equipment and outdoor BBQ grills. The amenity area is over 8,000 SF and contains a gym/yoga room and a business center with computer access.