April 21, 2026

2419, 2507, 2515, 2519, 2601, 2605 & 2613 N. Federal Highway, Delray Beach, FL 33483
Level 4 Site Plan
Revised Narrative Letter

This revised narrative letter associated with the Level 4 Site Plan application for 2419 N. Federal Highway-MULTIFAMILY is respectfully submitted on behalf of Ultra Luxury Homes, LLC for the properties located at 2419, 2507, 2515, 2519, 2601, 2605 & 2613 N. Federal Highway, Delray Beach, FL 33483 (PCNs: 12-43-46-04-08-000-0351; 12-43-46-04-08-000-0352; 12-43-46-04-08-000-0340; 12-43-46-04-08-000-0330; 12-43-46-04-08-000-0320; 12-43-46-04-08-000-0310; 12-43-46-04-08-000-0300). The proposal is to redevelop the properties to accommodate a 47-unit free-standing multi-family (townhouse-type) residential development.

BACKGROUND:

The subject properties are located on the east side of North Federal Highway, approximately 745 feet south of Gulfstream Boulevard. The combined properties total 4.39 acres have an underlying Land Use Map designation of General Commercial, are zoned GC (General Commercial), and are within the North Federal Highway Redevelopment Area. The subject properties are currently vacant.

The most recent proposal related to the subject property are as follows:

- February 7, 2020 – a rezoning application (File No. 2020-108) was submitted requesting to change the zoning designation of Lots 31-35 from GC to AC (Automotive Commercial). Note: The request was withdrawn by the applicant on May 8, 2020.
- March 3, 2020 – File No. 2020-071, the temporary use for a parking lot, was removed from the City Commission agenda at the applicant's request and moved to a further date. City records do not show evidence of the item being heard at a later City Commission meeting.
- In 2022, – A rezoning application (File No. 2022-144) was submitted requesting to change the zoning designation for the subject 4.39 acre property from GC to AC with the intention to construct a full-service automotive dealership.
- August 16, 2022 – the City Commission denied the rezoning of the subject property from GC to AC.

DEVELOPMENT PROPOSAL:

A Conditional Use application is being processed concurrently to allow the proposed 47-unit free-standing multiple-family development (47-unit townhouse-type condominium development) within the GC zoning district, per LDR Section 4.4.9(D)(10).

The development proposal consists of the following:

- Construction of 39 2-story townhouse units (3-bed, 3.5 baths with 2-car garages and 2-car driveways. The townhouse units have the following range in sizes: 3,102 sf. (25-Type 2) to 3,268 sf. (14-Type 1).
- Construction of 8 3-story, 3,231 sf. townhouse units – Type 3 (3-bed, 3 baths, Elevator) with 2-car garages and 2-car driveways.

- Associated amenities consisting of a centrally located 2-story 2,411 sf. Clubhouse with club room, restrooms, an office and fitness area; a pool area, spa and play/tot lot area.
- Installation of associated guest parking, landscaping, site lighting, with refuse containers located within the garages of each unit.
- Dedication of 10' of right-of-way along N. Federal Highway.
- Modifications to and reduction of curb cuts along Federal Highway including retention of 3 existing parallel parking spaces and installation of a deceleration lane to be coordinated with FDOT.

SITE PLAN ANALYSIS:

SITE PLAN FINDINGS:

Pursuant to LDR Section 2.4.10(A)(3) Findings. All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.

(b) Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.
(c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.
(d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.
(f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).

CHAPTER 3 – PERFORMANCE STANDARDS:

REQUIRED FINDINGS – LDR SECTION 3.1.1

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

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

The property has a LUM designation of General Commercial (GC) and is zoned GC, which is a preferred zoning district under the GC land use designation. Pursuant to Section 4.4.9(D)(10), free-standing multiple-family housing is allowed as a conditional use within the GC zoning district. Per Neighborhoods, Districts, and Corridors Element Table NDC – 1 of the Comprehensive Plan, the GC land use designation allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 12 dwelling units per acre. The proposed 47-unit multiple family development will have a density of 10.70 du/ac and an FAR of 0.79.

The vision of the North Federal Highway Redevelopment Plan includes improving the appearance of the area and stimulating economic investment and revitalization of the North Federal Highway Corridor by encouraging new development, including residential development. While the North Federal Highway Redevelopment Plan also indicates the potential for mixed-use development consisting of commercial uses on the ground floor and residential units on the upper floors, it is not a requirement. With the Market Analysis completed in 2014 for the North Federal Highway corridor, the need was identified for higher residential densities and greater building heights in selected locations to create a more coherent, pedestrian-friendly corridor and to support the current and potential commercial development along the corridor. The proposal meets the goal of providing additional residential units in the study

area, consistent with the Federal Highway Overlay District development standards, which promote a more pedestrian-friendly streetscape. Therefore, positive findings can be made with respect to Land Use Map consistency. Similar findings have been made with previous multiple family developments along North Federal Highway, such as Old Palm Grove, St. George, Windsor at Delray Beach, The North Edge and most recently The Tropics.

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

Schools. The Palm Beach County School District School Capacity Availability Determination (SCAD) Application has been submitted for review for compliance with the adopted Level of Service for School Concurrency. No problems are anticipated.

Water and Sewer. Municipal water and service is available via connections to the existing water and sewer mains along Federal Highway. It is noted; installation of a lift station will be necessary. Pursuant to the City's Comprehensive Plan, adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population, based on the current Land Use Map designation.

Solid Waste. Multi-family units with 5 or more units are calculated to generate 0.52 tons of solid waste per unit per year. The development proposal is to accommodate a maximum of 47 units, which represents 24.44 tons of solid waste per year. The landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

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

Traffic. A traffic study was prepared and transmitted to Palm Beach County Traffic Division for review. The project will generate 324 average daily trips, 19 a.m. peak hour trips, and 24 p.m. peak hour trips. The Palm Beach County Traffic Division issued a TPS approval letter stating the project meets the Palm Beach County Traffic Performance Standards.

Parks and Open Space: While there are sufficient recreation facilities in the City to meet this LOS, the proposal includes private on-site amenities. A park impact fee in the amount of $500.00 per dwelling unit ($23,500) will be collected prior to issuance of a building permit to offset any impacts that a residential project may have on the City's recreational facilities.

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

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

Neighborhoods, Districts, and Corridors Element

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

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

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

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

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

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

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

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

Economic Prosperity Element

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

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

Housing Element

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

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

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

	Land Use Map Designation	Zoning District	Use
North	**GC**	**GC**	**Office Building**
South	**GC**	**GC**	**Commercial Uses**
East- Town of Gulfstream	**SF**	**RS-P**	**Single Family Residential**
West	**GC**	**GC**	**Self-Storage Facility, Motel, Vacant Restaurant**

The proposed redevelopment of the properties is to accommodate a 47-unit free-standing multiple family development (townhouse-type condominium buildings) at 10.70 du/ac. The properties are being redeveloped in a manner that the use, intensity, and density are appropriate as the property has an underlying GC Land Use Map designation, is zoned GC, and is within the North Federal Highway Redevelopment Area. This redevelopment initiative will assist in the revitalization and stabilization of the North Federal Highway corridor. The development along the North Federal Highway corridor will provide a more permanent customer base for area businesses on a year-round basis, which will assist in achieving economic sustainability consistent with the Comprehensive Plan and North Federal Highway Redevelopment Plan.

The goals of the North Federal Highway Redevelopment Plan are to improve the appearance of the area and to stimulate the revitalization of the North Federal Highway Corridor by encouraging new development. The proposed 47-unit multi-family development will help to stimulate related commercial development along Federal Highway by creating demand for goods and services in the area. The development will also assist in the redevelopment of the North Federal Highway corridor in a manner consistent with the vision of the Redevelopment Plan as intended.

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

LDR Section 3.2.3 – Standards for Site Plan Actions:

(A) Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

The proposal meets this standard. The proposed buildings along with the landscaping and lighting will be constructed in a manner that does not create unwarranted distractions or blockage of visibility as they pertain to traffic circulation. Required site visibility will be provided at the driveway connection on N. Federal Highway.

(B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).

The development proposal meets the intent of this standard as the project provides the required interconnections, where appropriate. The project includes accessible routes from the internal sidewalk system to the public sidewalks network along N. Federal Highway in accordance with ADA.

(C) Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.

This standard is not applicable; however, the project includes associated amenities consisting of a swimming pool and spa along with an amenity building, outdoor areas and a tot lot.

(D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.

The proposal meets this standard. The Project does not include any street widening or modifications to traffic circulation. As previously stated, the project will generate 324 average daily trips, 19 a.m. peak hour trips, and 24 p.m. peak hour trips. The Palm Beach County Traffic Division issued a TPS approval letter stating the project meets the Palm Beach County Traffic Performance Standards.

(E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.

This standard is not applicable.

(F) Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The proposal meets this standard. The subject property is being redeveloped in a manner that the use, intensity, and density (10.70 du/ac) are appropriate as the property has an underlying GC land use designation within the North Federal Highway Redevelopment Area. The Project will assist in the revitalization of the North Federal Highway Redevelopment Area. The project is designed in a manner that is complementary to and compatible with the surrounding properties, especially the low density residential subdivision to the east. The Project provides a variety of unit types, fulfilling remaining land use needs as identified in the Housing Element. The result will be a more permanent customer base to support area businesses, providing more economically viable and sustainable business opportunities along the N. Federal Highway corridor thereby enhancing the City's tax base in a manner consistent with the Comprehensive Plan.

(G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.

The proposal meets this standard. The development consists of 47 multiple family townhouse-type condominium units. The unit mix consists of 3-bedroom units with varying floor plans in 2 and 3 story townhouse buildings.

(H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.

The proposal meets this standard. The proposed development will have a positive impact on the safety, livability, and stability of the surrounding area. As previously stated, the project will assist in the revitalization of the North Federal Highway corridor overall.

(I) 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.

The proposal meets this standard. The traffic study submitted in conjunction with this application indicates minimal vehicular trips and does not show any indication that the project will create nor exacerbate an existing situation to become a high accident location.

(J) Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments 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.

The proposal meets this standard. A tot lot and recreational areas, serving children, teens, and adults, have been provided on site. As illustrated on the Site Plan, the project's amenities include a swimming pool, a spa, amenity buildings with gym/fitness center, club room and tot lot. There are also open space areas that are available for recreational activities.

(K) Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e., workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.

This standard has been met. The project does not exceed the maximum limits established in Table NDC-1 for the General Commercial land use designation.

(L) Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations.

This standard will be met. The development will comply with the applicable provisions of CSR 5, Energy Efficiently and Diverse Energy Mix, LDR Section 7.11.1, Green Building Regulations, and Florida Building Code, Energy Conservation Code 7th Edition to achieve at least a certification level of LEED Silver or equivalent, as applicable.

(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.*

General Commercial (GC) and Medium Density Residential (RM) Regulations:

The proposed development complies with GC and RM zoning district regulations as well as other LDR requirements, as applicable, including but not limited to the North Federal Highway Overlay District regulations, as well as other development standards including building setbacks, height, lighting, off-street and bicycle parking. Discussed in more detail below is compliance with LDR Section 4.3.3(O) (*Townhouses and townhouse type of development),* and relief requests to LDR provisions regarding drive aisle width [LDR Section 4.6.9(D)(6)(d)], townhouse building setbacks [LDR Section 4.3.3(O)(3)(c)], townhouse offsets [LDR Section 4.3.3(O)(4)(a)], special landscape setbacks [LDR Section 4.3.4(H)(6)(b)], and distance between residential buildings [LDR Section 4.6.2]. In addition, a reduction in the 100' stacking distance per LDR Section 4.6.9(D)(4) was submitted for review and approved by the Development Services Engineering Division Manager, per LDR Section 4.6.9(D)(5), and FDOT.

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

(1) Applicability. Except for proposals within the Central Business District, these standards shall apply, as follows, to new site plans or to modifications to existing site plans that create additional residential units:

(a) To increase the density beyond the minimum number of units per acre allowed by the zoning district.

(b) To meet the requirements of a revitalization incentive density bonus.

(c) Some performance standards may not be entirely applicable to small, infill residential projects. In such cases, the ultimate density should be based upon the attainment of the applicable performance standards, as well as the development's ability to meet or exceed other minimum code requirements.

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

(3) Performance standards. The performance standards are as follows:

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

This performance standard has been met. The interior street (driveway) network consists of loops and short segments no greater than 22' wide with a gated ingress/egress point to Federal Highway at the northwest corner of the site, which prevents through traffic and will keep speeds at or below 20 m.p.h. The posted speed limit sign will be 15 m.p.h. with stops signs and stop bars at intersections and mid-block crosswalks. The proposal includes elimination of multiple curb cuts onto Federal Highway. The proposed 47-unit townhouse-type condominium development will only generate 324 average daily trips, 19 a.m. peak hour trips, and 24 p.m. peak hour trips. The Palm Beach County Traffic Division issued a TPS approval letter stating the project meets the Palm Beach County Traffic Performance Standards.

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

This performance standard has been met. The 2-story townhouse-type condominium buildings on the west side of the development are oriented facing N. Federal Highway consistent with the North Federal Highway Overlay District regulations and North Federal Highway Redevelopment Plan. The two 4-unit, 3-story buildings are located on the south side of the property abutting the commercial property and are obscured from the residential properties to the east by the proposed 2-story townhouse type units located along the east side of the property as well as landscaping. The reduction of overall massing was taken into consideration as the majority of the buildings are no more than 2-stories in height and are set back at least 18' from the internal street system with internal open spaces areas, and setbacks have been increased along the east property line enhancing the 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. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.

This performance standard has been met. The property abuts the Town of Gulfstream RS-P (Residential Single Family-Place Au Soleil District) zoning district and single family residences. An 8' high c.b.s. wall is proposed along the east property line abutting the single family residential properties. In addition, the landscape materials have been increased beyond the required minimums (20' at the time of planting) in order to provide a meaningful buffer. Trees have been provided every 25' and staggered or grouped to provide a solid mature buffer In addition, the building setbacks have been increased from 10' to 12.5' (25%).

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

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

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

The development meets the intent of this performance standard. The development provides home ownership in the form of attached single family housing (townhouses) within the N. Federal Highway Redevelopment Area, which abuts a low density residential neighborhood to the east. The units are primarily 3 bedroom units with varying floor plans. Thus, the development provides a diverse mix of units and varying floor plans as required by the standard.

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

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

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

This performance standard has been met. The proposed development is located along N. Federal Highway, which contains bike lanes and is serviced by Palm Tran Bus Route 1. The project provides an extensive bicycle/pedestrian network and bicycle racks internal to the site adjacent to the amenity area with connections to the existing sidewalk and bike lane on N. Federal Highway as well as the bus stop within Federal Highway in front of the Volkswagen dealership, just south of the site.

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

This performance standard is not applicable.

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

This performance standard has been met. The proposed townhouse-type condominium development provides a unified architectural character in the Contemporary Modern architectural style. The development will have gated vehicular access as well as gated pedestrian access to the townhouse units facing Federal Highway and the central amenity area, with an internal pedestrian walkways as well. The design incorporates lighting that is complementary to the architectural style.

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

This performance standard has been met. The development provides common areas and amenities for residents including swimming pools, a spa, exercise facilities, storage areas within the townhouse units and private patio areas.

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

This performance standard has been met. The walkways internal to the site provide convenient access to the existing public sidewalk and bus stop along N. Federal Highway. The internal walkways, garages driveways and guest parking are designed in a manner that minimizes conflicts. The streetscape along Federal Highway will be enhanced by landscape nodes with associated trees designed consistent with FDOT design standards. Due to overhead utility lines within the N. Federal Highway right-of-way abutting the property, the majority of the landscaping will be installed on-site adjacent to the right-of-way with mid-level trees installed within the 10' right-of-way dedication area, significantly enhancing the streetscape.

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

This intent of this standard has been met. The development eliminates multiple existing driveways and will provide on-street public parking spaces along Federal Highway, if permitted by FDOT.

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

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

LDR Section 4.3.3(O) Townhouses and townhouse type of development:

(3) ***Setbacks.*** *Setbacks shall be measured as follows:*

(a) Setbacks from the perimeter of the overall project shall be as established by the base zone district requirements.

(b) Setbacks interior to the project shall be measured from the platted street system.

(c) Setbacks interior to the project with respect to side and rear lot lines shall not be observed; but in-lieu thereof structures (dwelling unit groups) shall not be located closer than 25 feet for a two-story structure, nor 30 feet or a three story, or greater, structure.

The development proposal complies with the setback requirements referenced above, except between Buildings D, where a waiver has been requested to reduce the distance between 3-story townhouse type buildings from 30' to 25', which is discussed in more detail below.

(4) ***Design standards.***

(a) No more than two townhomes may be constructed without providing a front setback of not less than four feet offset front to rear.

A waiver has been requested to this standard, which is discussed in more detail below.

(b) No townhouse row shall consist of more than eight (8) dwelling units or a length of 200 feet, whichever is less.

This design standard has been met.

(c) *Service features, garages, parking areas, and entrances to dwelling units shall, where possible, be located on a side of the individual lot having access to the interior street. Walkways should be designed to connect dwelling units with each other and connect each dwelling unit with common open space.*

This design standard has been met. Along Federal Highway, the townhouse buildings face Federal Highway as intended with lead walkways to the units as well as the interior of the site as intended in the North Federal Highway Overlay District. The townhouse units interior to the site have front entrances that face an interior street with sidewalks that connect to common open space as well as Federal Highway, providing a more pedestrian friendly experience. Access to the garages and parking areas are provided from the access tracts.

(d) *Not less than 25 percent of the total area, less water bodies, shall be usable open space, either for recreational or some other suitable purpose, public or private. For the purpose of this section; streets, driveways, garages, parking areas, and water bodies shall not be construed as usable open space.*

This design standard has been met. The basis for this standard is to ensure that larger residential developments provide adequate recreational amenities. The proposed 47-unit townhouse development provides 25% of the site will be landscape/open space area. In addition to the amenities provided with the development, including a large swimming pool, spa, amenity building with gym/fitness centers and tot lot, each townhouse unit will have a private patio area, which will be used as passive open spaces.

Waiver Requests:

1. Townhouse Building Separation:

Pursuant to LDR Section 4.3.3(O) ***Townhouses and townhouse type of development,*** (3) ***Setbacks.***

(c)Setbacks interior to the project with respect to side and rear lot lines shall not be observed; but in-lieu thereof structures (dwelling unit groups) shall not be located closer than 25 feet for a two-story structure, nor 30 feet or a three story, or greater, structure.

The waiver request is to reduce the setbacks between the 3-story townhouse buildings (Buildings D) from 30' to 25'.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 waiver request only applies to the two 4-unit townhouse buildings located along the south side of the site, abutting the multi-tenant commercial property, which is zoned GC. The townhouse buildings are set back 10' from the south property line, with perimeter landscaping buffering the townhouse development from the commercial property. The 5' building separation requirement will increase the building setback from the east property line abutting the single family development from 68' to 73', while also ensuring adequate vehicular access and maneuvering for the 2-story townhouse units at the southeast corner of the development.

Positive findings can be made with LDR Section 2.4.11(B)(5) ***Findings.*** The proposed waiver will not adversely affect the surrounding area. As stated, the buildings abut the GC-zoned property and the setbacks of the 3-story building closest to the single family subdivision will be increased to 73'. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. In addition, the waiver does not result in the grant of a special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

2. Townhouse Offsets

Pursuant to LDR Section 4.3.3(O) ***Townhouses and townhouse type of development,*** (4) ***Design Standards*** *(a)* No more than two townhomes may be constructed without providing a front setback of not less than four feet offset front to rear.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 intent of this LDR section above is to provide relief from continuous uninterrupted façade walls. The section describes one townhome unit push back from the other. The proposed project provides the relief intended by the LDR by designing the articulations within each unit. Therefore, providing even more relief as each unit provides a minimum 4-foot articulation and the articulation staggered by limiting continuous walls as intended by the LDR. In addition to the four-foot articulations, cantilever balconies have been included in the design to provide additional relief to the façade. See plans and perspectives for typical buildings below illustrating the proposed reliefs. Reliefs have been provided for all buildings. See proposed floor plans for location of the articulations.

Positive findings can be made with LDR Section 2.4.11(B)(5) ***Findings***. The proposed waiver will not adversely affect the surrounding area. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. In addition, the waiver does not result in the grant of a special privilege in that the same waiver could be granted under similar circumstances on other property for another applicant or owner.

3. Drive Aisle Width:

Pursuant to LDR Section 4.6.9(D)(6)(d), the standard aisle width is 24' for normal traffic flow with perpendicular parking. The minimum aisle width for normal traffic flow is 20', but this dimension can only be used for short distances where there are no parking spaces entering therein.

The request is to reduce the driveway width from 24' to 22' for the portion of the access driveways where backout parking is not provided on both sides of the internal access driveway.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 practical application of this requirement is based upon the provision of adequate ingress and egress into the adjoining parking spaces, or in this case 18' deep driveways leading to the garages. The design provides an overall vehicular maneuvering area of 24' as there is a 22' drive aisle and a 4' sidewalk, which will not create an unsafe situation. It is noted, the majority of the development is designed with single loaded driveways with continuous internal landscape areas provided on the opposite side of the driveway. This is a typical layout of townhouse developments in the urban core and redevelopment areas of the City where a townhouse layout is desired.

Positive findings can be made with LDR Section 2.4.11(B)(5) ***Findings.*** The proposed waiver will not adversely affect the surrounding area, as the waiver is associated with a portion of the driveways internal to the development and will not diminish the provision of public facilities. The waiver will not create an unsafe situation and does not result in the grant of a special privilege in that the same waiver has been granted under similar circumstances on other property for another applicant or owner.

4. Special Landscape Setback:

Pursuant to LDR Section 4.3.4(H)(6)(b) ***Special landscape setbacks***, within the following special landscape setbacks, no structures shall be altered, erected, or reconstructed; nor shall any paving be allowed except for driveways and sidewalks which lead to structures on, or provide access to, the site and then only when generally perpendicular to the frontage. However, waivers may be granted to these restrictions at the time of site plan review in order to accommodate landscape features, decorative walls, meandering sidewalks, and other decorative pedestrian ways.

Per LDR Section 4.3.4(H)(6)(b)(1) and (2), along this section of North Federal Highway a 10' special landscape setback is required.

As provided for in LDR Section 4.3.4(H)(6)(b), the proposal is to install a 6' high decorative black aluminum picket fence with 6' cbs columns along the proposed west property line (after 10' Federal Highway right-of-way dedication) within the special landscape setback area with associated landscape material.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 10' wide special landscape setback area has been provided east of the 10' right-of-way dedication for North Federal Highway that is required as part of this project. Within the 10' right-of-way dedication area a variety of landscape material will be provided, which will be subject to Landscape Maintenance Agreement. A combination of Crepe Myrtle trees and groupings of Sunshine Palms will be provided with underplantings consisting of Pittosporum, Podocarpus and Green Island Ficus. Within the 10' landscape setback east of the proposed decorative fence to be installed along the west side of the property, additional landscaping will be provided, which includes Satin Leaf trees with Snake Plants and Liriope underplantings. The site is designed in a manner that creates a more coherent, pedestrian-friendly streetscape by eliminating the curb cuts along Federal Highway that provided access to the previously demolished commercial structures and by providing pedestrian/bicycle entrances to the site and townhomes from Federal Highway. The redevelopment of the site with the proposed improvements is more appropriate to enhance pedestrian safety and provide a more pedestrian friendly urban environment.

As stated previously, the proposal includes installation of the 6' high decorative black aluminum fence with 6' high concrete block columns within the special landscape setback area along with associated landscape material. The transparent decorative fencing along with the landscaping provides a landscape feature while also providing security for townhouse development. This feature tends to help create a sense of scale and portions with the proposed architecture and the pedestrians. The picket aluminum fencing provides visibility for both pedestrians walking along Federal Highway and a sense of privacy for the residence. The design will significantly enhance and beautify the North Federal Highway streetscape and will be complementary to the project and area. Installation of the decorative aluminum fencing within the special landscape setback area is similar to what has been approved along North Federal Highway for St. George, Old Palm Grove, Windsor at Delray Beach and The North Edge residential developments.

The waiver will not adversely affect the surrounding neighborhood, as the project design is sensitive to the character of the surrounding area and the design will enhance the North Federal Highway corridor. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that a similar waiver was granted in conjunction with other residential developments along North Federal Highway and could be granted under similar circumstances on other properties for another applicant or owner. Therefore, positive findings can be made with LDR Section 2.4.11(B)(5).

Internal Adjustment Request/Analysis:

Pursuant to LDR 2.4.11(C) Internal adjustments. An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land.

(1) Rule. An adjustment shall only be considered during the site and development plan review process and shall be only for requirements which do not pertain to, or affect, standards that apply to the perimeter of an overall development proposal (plan). An adjustment may be granted by the body or board which is empowered to approve or deny the site and development plan.

Internal Adjustment Findings: *Per LDR Section 2.4.11(C)(5),* ***Findings.*** *Concurrent with granting relief from a development standard or regulation, the granting body must find that such relief does not diminish the practical application of the affected regulation (requirement) and that by granting such relief a superior development product will result.*

LDR Section 4.6.2 (Distance Between Residential Buildings)

Pursuant to LDR Section 4.6.2(B) ***Application.*** *The minimum horizontal distance(s) between any two residential buildings (referred to as Building A and Building B) shall vary according to the length and height of such buildings. Such minimum distances shall be the distance required under the following formula as further defined in LDR Section 4.6.2(B):*

$$D = \frac{L_A + L_B + 2(H_A + H_B)}{6}$$

The internal adjustment request is to reduce the distance between buildings for the following as indicated in the chart below: Buildings A to Building A (2-story buildings) from 37.39' to 25'; Buildings B to B (2-story buildings) from 36.15' to 25' (2-story buildings); Buildings B to C (2-story buildings) from 36.15' to 25'; Buildings D to D (3-story buildings); from 38.33' to 25'; Building E to Amenity Building (2-story buildings) from 31.72' to 12.3'.

BUILDING SEPARATION (DISTANCE BETWEEN RESIDENTIAL BUILDINGS)		
	REQUIRED	PROVIDED
PROVIDED DISTANCE BETWEEN BUILDING A TO BUILDING A	59' + 59' + 2(26,58' + 26,58') / 6 = (118 + 106.32) / 6 = 37.39'	25'-0" (SEEKING RELIEF)
PROVIDED DISTANCE BETWEEN BUILDING B TO BUILDING B	55.3' + 55.3' + 2(26.58' + 26.58') / 6 = (110,6 + 106.32) / 6 = 36.15'	25'-0" (SEEKING RELIEF)
PROVIDED DISTANCE BETWEEN BUILDING B TO BUILDING C	55.3' + 55.3' + 2(26.58' + 26.58') / 6 = (110,6 + 106,32) / 6 = 36,15'	25'-0" (SEEKING RELIEF)
PROVIDED DISTANCE BETWEEN BUILDING D TO BUILDING D	39'+ 39' + 2(38' + 38') / 6 = (78 + 152) / 6 = 38,33'	25'-0" (SEEKING RELIEF)
PROVIDED DISTANCE BETWEEN BUILDING E TO REC. CENTER	42'+ 42' + 2(26,58' + 26,58') / 6 = (84 + 106.32) / 6 = 31.72'	12'-4" (SEEKING RELIEF)

The referenced code provision was adopted prior to 1990 when Delray Beach was experiencing development within the suburban areas west of I-95, and prior to adoption of LDR Section 4.3.3(O) (Townhouses and Townhouse Type Developments). The referenced LDR provision is more appropriately applied to residential development within residentially zoned areas in suburban settings and not for non-residentially zoned properties or townhouse type developments, especially in urban areas such as the Federal Highway corridor, downtown area and other redevelopment areas. The North Federal Highway Redevelopment Plan emphasizes traditional neighborhood design principles (TND/New Urbanism), which the site design implements. The reduction is limited to a few areas; however,

the building separation complies with minimum requirements, per LDR Section 4.3.3(O), except for the distance between Buildings D where a waiver has also been requested to reduce the distance from 30' to 25'. It is noted the buildings comply with Building and Fire Codes. This layout is similar to other TND townhouse developments along Federal Highway, within and surrounding the downtown area. The requested internal adjustment is appropriate given the adjustment is internal to the site and does not affect the perimeter of the overall development. The result will be an aesthetically pleasing TND development that will be an enhancement to the North Federal Highway Redevelopment Area.

Granting this relief from LDR Section 4.6.2(B) does not diminish the practical application of the affected regulation and by granting such relief a superior development product. The massing and scale as the majority of the buildings are 2-story, especially abutting the single family residential neighborhood to the east. Therefore, positive findings can be made with LDR Section 2.4.7(C)(5).

Landscape Plan Findings:

Pursuant to LDR Section 2.4.10(A)(3)(c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations

The proposed landscape plan complies with the objectives and design standards of LDR Section 4.6.16. The landscape plan provides a variety of landscape material in compliance with regulations and includes appropriate buffering of adjacent properties as well as required street trees. The development proposal includes a landscape waiver to the LDR Section 4.6.16(H)(3)(d) which requires a 5' landscaped barrier between the off-street parking area or other vehicular use area and abutting properties. In this case, between the abutting driveways of the townhouse type units.

Waiver Request:

Pursuant to LDR Section 4.6.16(H)(3)(d), 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.

The proposal is to reduce the required 5' wide landscape barrier to 3' where townhouse garages and driveways abut each other.

Waiver Analysis/ Findings:

LDR Section 2.4.11(B)(5) ***Findings.*** *Prior to granting a waiver, the granting body shall make findings 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 landscape barrier provision applies where off-site parking area or other vehicular use area abuts another property, not internal to the site. Internal to the site where townhouse garages abut one another, between the driveways/parking areas (17.5'-18' wide each), the width of the landscape area will be 3', similar to the separation for

duplexes referenced in the provision and includes landscape material consisting of 3 Alexander Palms and Liriope. On the opposite side of the driveways, the landscape areas in front of the entrances to the townhouse units range in width from 8' to 16' and are provided with Dahoon Holly trees. It is noted per LDR Section 4.6.16(H)(3)(I), one landscaped island is required for every 13 standard parking spaces. Thus, the 3' wide strip provides adequate separation for the 2-space private driveways/parking spaces rather than 4 spaces in a row or a 36' wide driveway, while providing an 8'-16' landscape area on the opposite side of the driveways/parking spaces, which exceeds the minimum landscape width and spacing.

Also, while the proposal is a townhouse type condominium development, per LDR Section 6.1.4(C)(3) (Number, location, spacing, and stacking), the following spacing requirements shall be observed in the location and spacing of driveways (b)Location. 2. No driveway shall be located within five feet of a property line except on the zero lot line side of a zero lot line development lot. Regarding LDR Section 6.1.4(C)(3)(b)2., by their design, townhouses are "zero lot line", whether the ownership structure is condominium or fee simple.

The waiver will not adversely affect the surrounding neighborhood, as the relief quested is internal to the site, the overall project design is sensitive to the character of the surrounding area and the design will enhance the North Federal Highway corridor. The waiver will not diminish the provision of public facilities and will not create an unsafe situation. The waiver will not grant any special privilege in that a similar waiver was granted in conjunction with other residential developments along North Federal Highway and could be granted under similar circumstances on other properties for another applicant or owner. Therefore, positive findings can be made with LDR Section 2.4.11(B)(5).

Architectural Elevations Findings:

Pursuant to LDR Section 2.4.10(A)(3)(d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the below criteria shall be considered, by the Site Plan Review and Appearance Board, in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

(1) The plan or the proposed structure is in conformity with good taste, good design, and in general, contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
(2) The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
(3) The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The townhouse development is designed in a Contemporary Modern architectural style and meets the criteria of LDR Section 4.6.18(E)(1)-(3). The proposed building design and scale are in conformity with good taste and good design. The design is in harmony with the developments in the area and will enhance the character, value, and attractiveness of the surroundings.

Based upon the above, the proposal is consistent with the Always Delray Comprehensive Plan and The North Federal Highway Redevelopment Plan. The proposal is also consistent with Chapter 3 (Performance Standards, LDR Section 3.1.1 (Required Findings), (A) Future Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with LDRs. Thus, approval of the Level 4 Site Plan, Landscape Plan and Architectural Elevations, and associated waivers and internal adjustment is respectfully requested.