PLANNING & ZONING BOARD STAFF REPORT

2419 North Federal Highway

Meeting	File No.	Application Type
May 18, 2026	2025-213-SPR-WAI-LV4 2025-214-USE-PZB	Level 4 Site Plan; Conditional Use, For Free Standing Multiple-Family Housing

Property Owner	Authorized Agent
Ultra Luxury Townhomes, LLC	Jeffrey Costello, AICP JC Planning Solutions

Request

Provide a recommendation to the City Commission for a Level 4 Site Plan Application, including a Landscape Plan, Architectural Elevations, Four Waivers, an Internal Adjustment, and a Loading Determination, to construct a 47-unit multiple-family townhouse-type condominium development with a mix of two- and three-story buildings; and a Conditional Use to allow free-standing multiple-family development in the General Commercial (GC) zoning district.

Site Data & Information

Location: 2419, 2507, 2515, 2519, 2601, 2605 and 2613 North Federal Highway

PCN: 12-43-46-04-08-000-0351, 12-43-46-04-08-000-0352, 12-43-46-04-08-000-0340, 12-43-46-04-08-000-0340, 12-43-46-04-08-000-0320, 12-43-46-04-08-000-0310, and 12-43-46-04-08-000-0300

Property Size: 4.25 acres (4.39 acres pre-ROW dedication)

Land Use: General Commercial (GC)

Zoning: GC

Adjacent Zoning:
- **North, South, and West:** GC
- **East:** Town of Gulf Stream - Residential Single-Family

Existing Use: Vacant Commercial

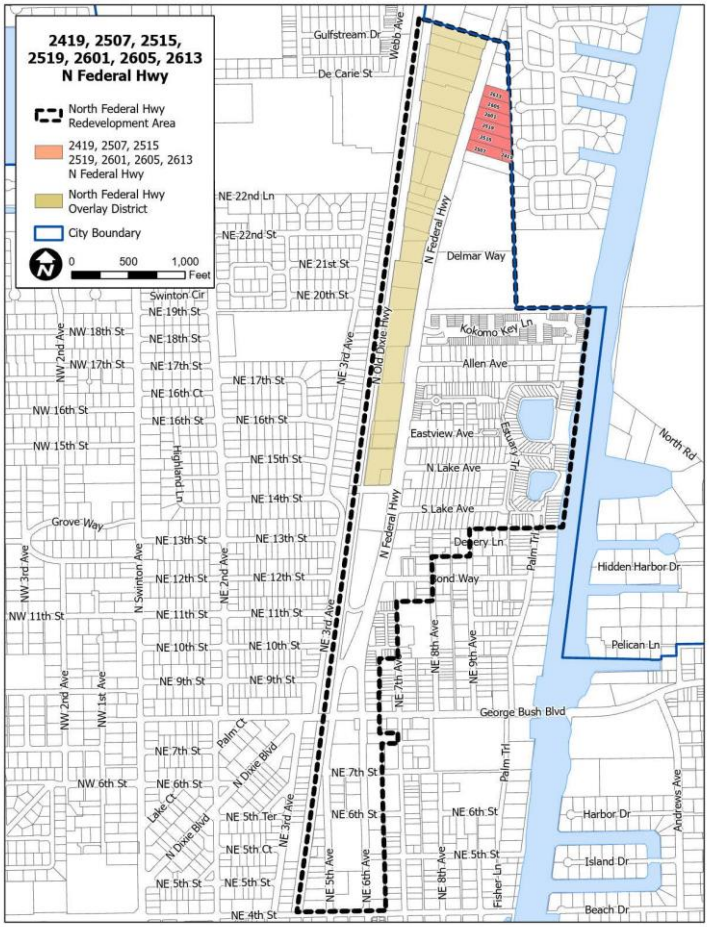
Proposed Use: Residential (47-unit multiple-family)

Floor Area Ratio:
- **Existing:** N/A (vacant)
- **Proposed:** 0.79
- **Maximum Allowed:** 3.0

Density:
- **Existing:** N/A (vacant)
- **Proposed:** 10.7 du/acre (acres pre-ROW dedication)
- **Maximum Allowed:** 12 du/acre

Background Information

The subject property consists of seven parcels (six lots) totaling 4.25 acres post ROW dedication, or 4.39 acres pre-ROW dedication, located on the east side of North Federal Highway, directly adjacent to the Town of Gulf Stream to the east and approximately 745 feet south of Delray Beach north city limits. The parcels are currently vacant.



The property is zoned General Commercial (GC) with an underlying Land Use Map (LUM) designation of General Commercial (GC). GC land use has a maximum standard density of 12 dwelling units per acre. Per Section 4.4.9(A), GC zoning generally is intended to provide *basic regulations for small parcels which are best suited for general retail and office uses*, but free-standing multiple-family housing is permitted with approval of a Conditional Use subject to the requirements of RM zoning - except for height and setbacks, which are subject to the regulations established in LDR Section 4.4.9, and applicable to all uses.

The property is also located within the North Federal Highway Redevelopment Area (map on the right). The Redevelopment Plan was adopted in 1999, as the City recognized that several older areas of the City were becoming increasingly blighted and that property values were declining. The Redevelopment Plan established a framework for the future redevelopment of the North Federal Highway Corridor, with the intention of fostering redevelopment through strategic investments that support traditional neighborhood development.

The property's development history is outlined below:

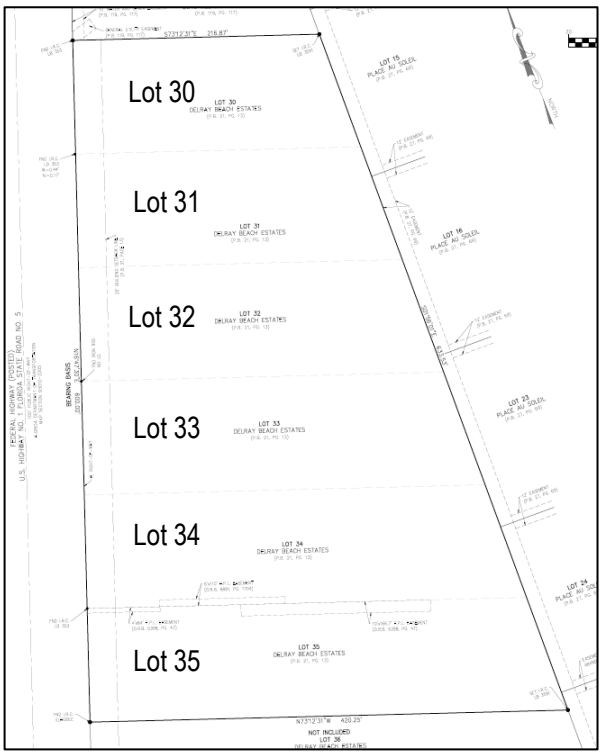
- **August 22, 1989**. Three of the subject south parcels (Lots 33-35) were annexed into the City from unincorporated PBC with a GC zoning designation.

- **March 22, 1994**. The remaining two lots (Lot 31 and 32) were annexed into the City with GC zoning.

  Lots 31-35 have remained vacant aside from being utilized as a construction staging area, which included the storage of vehicle inventory during the reconstruction and expansion of Gunther Volvo.

- **December 19, 2019**. A temporary use application for a parking lot (storage of vehicle inventory) was submitted (File No. 2020-071) for Lots 31-35.

- **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. This request was withdrawn by the applicant on May 8, 2020.



- **March 3, 2020**. The temporary use for a parking lot (File No. 2020-071) 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.

- **November 15, 2022**. A rezoning application (File No. 2022-144) requesting to change the zoning designation of Lots 30-35 from GC to AC was denied by 3-2 vote.

- **June 30, 2025**. The applicant submitted a request for a Level 4 Site Plan and Conditional Use for a free-standing multiple-family residential development (subject request) further described in subsequent sections.

Project Description

The development proposal includes 47 residential units distributed between 39 two-story townhouse-type condominium units, and 8 three-story townhouse-type condominium units. The units are all a three-bedroom typology ranging from 3,102 square feet to 3,268 square feet.

There is a centrally located two-story 2,411 square-foot clubhouse with a club room, restrooms, office and fitness area, along with a pool area, spa and play/tot lot area adjacent to the clubhouse (shown in blue to the right). The two-story townhouse-type condominium structures (shown in purple to the right) are fronting North Federal Highway, adjacent to the east residential zoning district, and internal to the site. The three-story structures (shown in orange to the right) are located on the south side of the property abutting the commercial property. While the units are proposed in a townhouse typology, it is important to note that the entirety of the project will be structured as a condominium and there are no proposed fee-simple lots.

Required parking for each unit is provided within a private garage, and guest parking for each unit is provided through either an attached driveway in front of the garage or a reserved parking space located generally near the unit. Private garages for each townhouse-type unit are accessed through a private drive aisle that navigates around the perimeter of the buildings.

The Level 4 Site Plan request is associated with a Conditional Use request to construct free-standing multiple-family housing in the GC zoning district.

The request includes five Waivers, an Internal Adjustment, and a Loading Determination. The stacking-distance reduction is included in the project relief summary, but it has been reviewed and approved by the City Engineer and is not presented for Board action. The requested relief is as follows:

Waivers:

1. **LDR Section 4.3.3(O)(4)(a):** Relief from the required four-foot minimum townhouse offset to allow an offset of zero feet and instead propose an articulation of four feet within each townhouse.

2. **LDR Section 4.3.4(H)(6)(b):** Relief to allow decorative fencing in the required special landscape setback along Federal Highway.

3. **LDR Section 4.6.9(D)(6)(d):** Relief from the required drive aisle width of 24 feet to allow 22 feet.

4. **LDR Section 4.6.9(D)(4)(b)(i):** Relief from the required 100-foot minimum stacking distance from the property line to allow 89 feet, seven inches and 65 feet.

5. **LDR Section 4.6.16(H)(3)(d):** Relief from the five-foot required landscaped buffer between the driveways to allow three feet.

Internal Adjustment:

6. **LDR Section 4.6.2(B):** Relief from the minimum distance between residential buildings to allow a 25-foot separation and 12-foot and four inches separation.

Loading Determination

7. **LDR Section 4.6.10(C):** Relief from the requirement to provide two off-street loading spaces, to provide no dedicated loading spaces.

A reduction in stacking distance is subject to approval by the City Engineer, pursuant to **LDR Section 4.6.9(D)(3)(c)2**. The City Engineer has reviewed the request and approved the stacking distance relief. No further action from the Board is required for this request; The remaining waiver items, internal adjustment, and loading determination are presented for Board consideration.

Pursuant to **LDR Section 4.4.9(D)(10)**, free standing multiple-family housing is only permissible within the GC zoning district if conditional use approval is granted. Accordingly, the applicant is requesting Conditional Use approval for multiple-family housing on the subject property. The development is subject to the requirements of the RM district in **LDR Section 4.4.6**, including the performance standards in **LDR Section 4.3.3(BB)**, except for setback and height requirements which are pursuant to the requirements of the GC zoning district in **LDR Section 4.4.9**.

NOTE: Any signage included in the renderings or architectural elevations has not been reviewed for compliance with the LDR and is not included as part of the subject review and approval. A separate review process is required for signage.

Review and Analysis: Conditional Use

LDR Section 2.4.6(A)(1), General
The City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a Conditional Use.

If the Board provides a recommendation of approval, the request will be scheduled for an upcoming City Commission meeting. However, if the Board does not provide a recommendation of approval, the application would not move forward with the review process to the City Commission unless an appeal is submitted by the Applicant. If there are concerns with the request, conditions may be imposed in accordance with the following provisions:

LDR Section 2.4.6(A)(4), Conditions
Conditions may be imposed pursuant to Article 2.2. In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.

LDR Section 2.2.1(E)(3), Approval with Conditions
In granting approval to any development application, the granting body may impose conditions it deems necessary to ensure:

(a) *The compatibility of the use with nearby existing and proposed uses.*
(b) *Consistency with the requirements of these Land Development Regulations.*
(c) *Meeting concurrency requirements.*
(d) *Consistency with the Comprehensive Plan.*
(e) *The fulfillment of requirements of the Land Development Regulations that should have or could have been fulfilled prior to the approval action but were not due to conditions beyond the control of the applicant.*

(f) *The fulfillment of requirements of the Land Development Regulations that could have been fulfilled prior to the approval action, but remain outstanding, providing that they will be completed in a later stage of processing.*
(g) *Not withstanding the provisions above, neither a final subdivision plat, nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.*

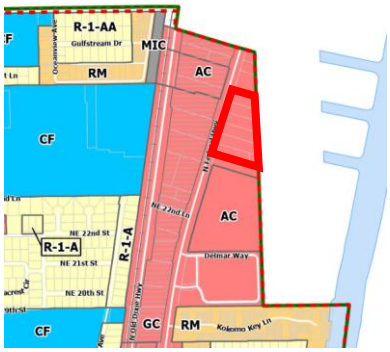
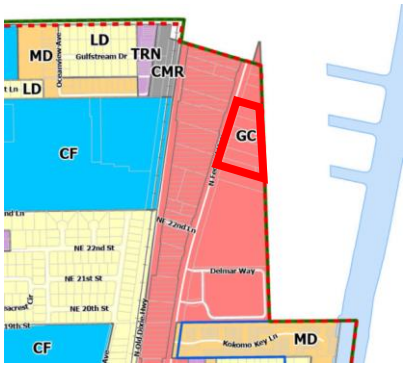
In general, the reviewing bodies must review and make a recommendation on a conditional use request with negative or positive findings as follows:

LDR Section 2.4.6(A)(5), **Findings,** *In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:*

a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
b) Hinder development or redevelopment of nearby properties.

The conditional use review is required because free-standing multiple-family housing is not permitted by right in the GC zoning district. It may be considered only through conditional use approval. The question before the Board is not whether residential development is generally appropriate, but whether this specific use, on this specific site and with the proposed design, satisfies the conditional use findings. The Board's recommendation should therefore focus on compatibility, neighborhood stability, and the long-term redevelopment function of the North Federal Highway corridor.

The adjacent zoning, land use, and uses are summarized in the table below.

Adjacent Zoning, Land Use, and Use					
	Zoning	**Land Use**	**Use**	**Zoning Map**	**Land Use Map**
North	GC	GC	Office		
South	GC	GC	Golf Cart Sales		
East (Town of Gulf Stream)	RS-P	SF	Residential Single-Family (Place au Soleil District)		
West	GC & AC	GC	Hotel/Motel, Self-Storage Facility, Parking Lot (Approved Automotive Dealership), Vacant Restaurant (Approved Multiple-family Development)		

The closest residential zoning district, located east in the Town of Gulf Stream, consists of single-family residences. The subject property is directly abutting the single-family zoning district. Based on the available Gulf Stream regulations, this zoning district has a maximum height allowance of 30 feet, typically preferring one-story structures. The proposed buildings along the eastern edge are two stories and under 27 feet in height. The proposed density of 10.70 units per acre is more intense compared to the adjacent single-family residential district. However, the townhouse typology, two-story eastern edge, perimeter wall, and landscape buffer assist in reducing potential compatibility impacts and provide a transition between the single-family neighborhood and the General Commercial corridor.

The Board should consider the corridor context. The GC land use designation and GC zoning district are intended to support commercial and mixed-use activity along major corridors, while allowing limited free-standing residential development through the conditional use process. The proposed residential-only development would redevelop a vacant site and may support reinvestment in the area. However, the Board should also consider whether the loss of potential commercial frontage affects the long-term function of North Federal Highway as a commercial corridor.

Based on the site context, the Board should evaluate whether the proposed building placement, two-story eastern edge, perimeter buffering, and landscape treatment are sufficient to protect the adjacent residential neighborhood and do not hinder nearby development or redevelopment. The Board's recommendation should be based on the required findings in LDR Section 2.4.6(A)(5), together with the applicable Chapter 3 performance standards.

Review and Analysis: Site Plan

LDR Section 2.1.5(E)(5) - The Planning and Zoning Board – Board Recommendations
The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):

(e) Establishment of a Conditional Use.
(j) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc

LDR Section 2.4.10(A)(1)(d), Level 4
Applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:

1. *Increase of height or density as part of a City workforce housing or incentive program.*
2. *Utilization of the Central Business District (CBD) Incentive Program.*
3. *Approval of Conditional Use.*
4. *Granting of an In-lieu of Parking Fee request.*
5. *Approval of Waiver(s) not otherwise authorized to other approving bodies.*

The proposed 47-unit multiple-family development qualifies as a Level 3 Site Plan application based on the scope of new construction involving more than 5 residential units. However, in accordance with LDR Section 2.4.10(A)(1)(d), applications that include concurrent requests requiring City Commission approval, such as a Conditional Use, are elevated to a Level 4 Site Plan. Therefore, the subject application is being processed as a Level 4 Site Plan with Conditional Use, requiring review and recommendation by the Planning and Zoning Board, and final action by the City Commission pursuant to LDR Section 2.1.5(E)(5).

LDR Section 2.4.10(A)(2)(d)5., Board Review
Level 4 Site Plan applications require review and recommendation by the Planning and Zoning Board and/or Historic Preservation Board prior to action by the City Commission.

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.

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

These findings relate to the following four areas:

(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.*

As noted, the subject property is zoned GC, which is a preferred zoning district under the GC land use designation. Whereas the GC zoning district typically requires that residential uses are developed in tandem with commercial uses as vertical mixed-use structures with commercial uses on the ground floor and oriented towards the frontage, the district does permit the establishment of free-standing multiple-family housing on a case-by-case basis through the conditional use process. As part of the conditional use review, the Board shall find that all applicable LDR requirements are satisfied.

(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, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Water and Sewer. The residential development will utilize on-site gravity sewer system to be privately owned and maintained. All individual unit water services to be 2-inch poly to meter.

Drainage. Drainage will be accommodated on site. All stormwater runoff will be collected and contained within the subject property through a utility drainage system, as approved by the City Engineer and Utility Plans Reviewer.

Transportation. The submitted Traffic Statement indicates the proposed 47-unit residential development will result in an anticipated 324 daily trips. The applicant has provided a Traffic Performance Standards (TPS) letter indicating the project meets the Palm Beach County requirements.

Parks and Open Space: Park impact fees shall be $500 per dwelling unit regardless of the size or occupancy of the unit. Therefore, with a total of 47 dwelling units, the proposal requires a fee of $23,500 to be paid prior to the issuance of a building permit.

Solid Waste. The proposed development is estimated to generate 24.44 tons of solid waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2071. The applicant has provided correspondence from Waste Management that advises roll out containers picked up from the driveway of each unit (which is the stated intention of the applicant) is a feasible method of waste disposal for this project. Waste Management has expressed concerns that upon entry, the truck would be required to enter through the residential gate as the visitor lane is too narrow for the truck to access safely.

Schools. The applicant has provided a SCAD letter issued by The School District of Palm Beach County finding that the proposed development will have no negative impact on the existing school system. Any fees due will be at the discretion of the School Board.

(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 following standard in **Article 3.2**, **Performance Standards** is applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**
- **LDR Section 3.2.3. - Standards for site plan and/or plat actions** (discussed under (D), Compliance with the LDR)

LDR Section 3.2.1. Basis for Determining Consistency. *The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.*

The following Comprehensive Plan objectives and policies are relevant to the Conditional Use request:

Neighborhoods, Districts, and Corridors Element
Objective NDC 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 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide: Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods. Uses that meet the daily needs of residents. Public open spaces that are safe and attractive.*

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.*

The comprehensive plan allows for the provision of limited free-standing multiple-family housing development within the General Commercial Land Use designation and further emphasizes that similar uses, intensities, heights, and development patterns should orient towards each other when new developments are proposed. Although the site directly abuts single-family residential uses to the east, the proposed two-story eastern edge, setback, wall, and landscape buffer reduce potential compatibility impacts. The Board should consider whether this specific proposal fits the adjacent context and represents an appropriate opportunity to introduce limited free-standing multiple-family housing into the commercial corridor.

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.*

The redevelopment plan does not provide specific guidance relative to multiple-family housing development within the GC district. However, the plan generally supports redevelopment, removal of blighted conditions, neighborhood stabilization, and a healthy mix of residential and commercial uses within the study area. The subject site is vacant, and the redevelopment plan is receptive to the idea of new development. The Board should consider whether the proposed residential-only development supports the corridor's redevelopment direction or whether a stronger commercial or mixed-use component would better serve the long-term function of North Federal Highway.

Housing Element

Policy HOU 3.2.1 *Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

Policy HOU 5.1.1 *Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.*

The Comprehensive Plan emphasizes the importance of encouraging the growth of the City's housing stock in a way that ensures the development and availability of accessible housing that meets the needs of a diverse range of household types. While this project is proposing to develop near the maximum allowable standard density (12 dwelling units per acre, or 51 units), there are also no workforce housing or density incentives currently available at this location that would allow the property to be developed in the incentive density range of 12-30 dwelling units per acre. That being said, a request could be made to establish a distinct incentive overlay district that could allow the Applicant to more effectively achieve a greater diversity of unit types, including 1- and 2-bedroom units, than is currently proposed. However, an incentive overlay is subject to approval of the City Commission and the Applicant is not obligated to pursue incentive density.

As the Applicant has limited the unit typology to three bedroom units, the Board should consider whether the proposed project meets the intent of the Housing Element of the Comprehensive Plan and whether there is opportunity to ensure a greater diversity of unit types at varying income levels, even though there is currently the absence of revitalization incentives available for this location. Likewise, the Board should also consider whether the large unit sizes may be a contributing factor for some of the requested relief. Additionally, if the overall building area was reduced, including a reduction of the square footage of some of the units, the applicant could theoretically provide some units at a lower bedroom count – or mitigate the need for some or all of the requested waivers by reducing the bulk of the building. In summary, the Board should consider whether the provision of unit types solely proposed as three-bedroom units meets the intent of the Comprehensive Plan, and if this proposed typology of large luxury residential units is appropriate when introducing free-standing multiple-family residential into a predominantly commercial corridor.

Conditions may be imposed on the conditional use approval, if deemed appropriate, but the City may not require affordable housing where it is not required as part of an incentive program, and any approval or denial must be based on the required findings in **LDR Section 2.4.10(A)(3)**.

In making an overall consistency finding under LDR Section 3.1.1(C), the Board should consider the project as a whole. The project would develop a vacant site, add to the city housing inventory, improve the North Federal Highway frontage, provide resident amenities, and add substantial landscaping. The report also identifies issues that must be considered, including the requested relief, building

separation, drive aisle width, internal landscape buffering, loading, traffic calming, lighting, rooftop screening, townhouse articulation, and limited unit variety. The Board should determine whether the project benefits, together with any conditions, are sufficient to outweigh these issues and support the required findings.

(D) Compliance with the LDRs *Whenever an item is identified elsewhere in the LDR, 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.*

LDR Section 3.2.3, Standards for site plan action.

The following standards are applicable to the request:

(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 building layout and landscaping do not appear to create visibility obstruction for traffic circulation. The photometric plan has not yet fully demonstrated compliance with applicable lighting standards, including maximum illumination levels, perimeter illumination, full-cutoff fixture requirements, and site-wide photometric coverage. See also the staff analysis under LDR Section 4.6.8.

(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 site provides internal pedestrian connections to the units, clubhouse, pool area, and the public sidewalk along North Federal Highway. Bicycle parking is provided. Vehicular access is limited to one gated entrance, with no shared vehicular connection to adjacent properties. The applicant has identified traffic calming measures; however, these measures must be shown on the site plan before City Commission final action so the approved plan reflects the proposed mitigation.

(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.

The project provides 27.4 percent open space, where 25 percent is required. Recreational amenities include a clubhouse, pool, spa, and 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.

Access and circulation improvements are proposed along North Federal Highway. These improvements remain subject to review by the City, Palm Beach County, and the Florida Department of Transportation, as applicable. See also the staff analysis under LDR Section 4.3.3(BB)(3)(a), Traffic Calming.

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

The subject property is zoned General Commercial (GC), and this standard is not directly triggered by the existing zoning designation. However, the request introduces a free-standing multiple-family residential development through the Conditional Use process. The proposal has been reviewed in relation to the surrounding development pattern, including the adjacent single-family residential area to the east and the commercial uses along North Federal Highway. The placement of two-story buildings along the eastern edge provides a transition in height and form.

(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 proposed density and FAR are within the maximum limits allowed for the property. The townhouse-type layout and placement of two-story buildings along the east side provide some transition to the adjacent single-family residential area. The requested waivers and internal adjustment, however, remain relevant to the overall review of site intensity and compatibility.

(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 project provides one residential unit type, consisting of three-bedroom units. The Board may consider whether the proposed unit mix satisfies the intent of this standard and the applicable Housing Element policies.

(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 project is adjacent to single-family residential development to the east. The lower building height along that edge helps reduce potential impacts. The sufficiency of the site design, internal circulation, pedestrian layout, and lighting remains a consideration in determining the project's effect on the safety, livability, and stability of the surrounding area.

(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 traffic statement identifies 324 daily trips, and a TPS letter has been provided. No information in the record indicates that the project would create a new high accident location or worsen an existing one.

(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 project includes a tot lot and recreational amenities for residents.

(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.

The proposed density of 10.7 dwelling units per acre and FAR of 0.79 do not exceed the applicable maximum limits.

(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.

Compliance with applicable energy efficiency and green building requirements will be addressed at the building permit stage.

LDR Section 4.4.9, General Commercial

Standard/Regulation	Review
Height 4.3.4(K) – Development Standards Matrix	**Maximum:** 48 feet **Proposed:** Two-Story Townhouses – 26.7 feet Three-Story Townhouses – 38 feet Clubhouse – 25 feet

	The Applicant included AC units on the rooftop in the latest submittal. The elevations and roof plans must identify the height of the rooftop equipment, height and material of screening, and rooftop equipment area percentage to confirm compliance with LDR Table 4.3.4(J)(3). This item should be resolved before City Commission final action. Pursuant to LDR Table 4.3.4(J)(3), rooftop appurtenances and screening may have a maximum height of four feet and a maximum roof area of 10%. As this information was not included in the submittal, Staff cannot confirm full compliance of the rooftop equipment.	
Setbacks 4.3.4(K) – Development Standards Matrix	**Minimum Required** Front – 10 feet Side Interior – 10 feet Side Street – 10 feet Rear – 10 feet	**Provided:** Front (West) – 10 feet Side Interior (North) – 10 feet, 11 inches Side Interior (South) – 10 feet Rear (East) – 12 feet, 6 inches

LDR Section 4.4.6, Medium Density Residential

Standard/Regulation	Review
Open Space	**Minimum:** 25% **Provided:** 27.4%
Lot Coverage 4.3.4(K) – Development Standards Matrix	**Maximum:** 40% **Provided:** 39.7%

Other Development Regulations

Standard/Regulation	Review
4.6.8, Lighting	The development is required to meet the lighting standards in LDR Section 4.6.8, including but not limited to the height of the lighting fixture, the maximum and minimum illumination, and the cutoff luminaire requirement. These standards must be met throughout the entire site. The proposed lighting exceeds the maximum illumination both internal to the site and along the perimeter of the site. Staff cannot complete the lighting compliance analysis because the submitted photometric plan does not depict lighting levels for the entire site, including landscaped areas, and does not include a note confirming that fixtures will be full cutoff. This item should be resolved before City Commission final action.
4.6.9, Off-Street Parking	**Required:** 2 spaces/unit = 94 spaces Guest Parking: 0.5 spaces for first 20 units; 0.3 spaces for 21-50 units = 18 spaces Total = 112 spaces **Provided:** Garage Parking: 94 spaces Standard Driveway Parking: 60 spaces Compact Driveway Parking: 34 spaces (17%) Additional Parking (On-Site): 11 spaces Total = 199 spaces The Applicant has stated in the Project Narrative that the application will maintain the three existing on-street parking spaces on North Federal Highway; however, the Site Plan only depicts one on-street parking space remaining. Any removal of existing parking spaces must be accounted for in the required parking space. Due to the inconsistency, Staff is unsure if the two removed spaces are accurate and if the table must be updated to reflect this removal. The project provides an abundance of parking spaces, well above the required amount, so the addition of the two extra required spaces should be met. Site Plan and Project Narrative must be updated to be consistent.

4.6.9, Bicycle Parking	**Required:** Type I spaces – 1 space/20 unit = 2 spaces Type II spaces – not required **Provided:** Type I spaces – 4 spaces

LDR Section 4.3.3(BB) Performance Standards for Multi-Family Development
To increase a project density beyond six dwelling units per acre, the approving body must make a finding that the development substantially complies with the performance standards in this section. Per LDR Section 4.3.3(BB)(1)(c), some of the referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, *the ultimate density should be based upon the attainment of any applicable standards, as well as the development's ability to meet or exceed other minimum code requirements*.

For the Board's consideration in increasing the density above six dwelling units per acre, the Performance Standards are provided below along with analysis of the corresponding improvements associated with the specific standard.

Performance Standard	Review
Traffic Calming LDR Section 4.3.3(BB)(3)(a)	The proposed project configures the site such that vehicle ingress/egress is channeled through one entrance. The Applicant is working with FDOT to extend the turning lane into the development to reduce possible congestion on North Federal Highway. The project may benefit from dispersing the vehicular traffic through multiple access points, alleviating the stress on any access point. Staff has raised concerns regarding safe pedestrian movement to and from the units as the proposed sidewalks are level to the drive aisles with no buffer. The Applicant has proposed the incorporation of speed bars and stop signs at intersections and mid-block crosswalks along with 15 mph speed limit signs; however, the proposed Site Plan does not depict these traffic calming elements. The Board should consider whether the single access point and proposed traffic calming measures are sufficient to provide safe internal circulation.
Building Placement to Reduce Massing and Provide a Feeling of Open Space LDR Section 4.3.3(BB)(3)(b)	The proposed buildings are arranged so that the larger three-story structures are located along the south property line, adjacent to GC and AC uses. The lower-scale two-story structures are placed along North Federal Highway and near the north and east property lines. The requested relief from the building separation requirement affects the amount of open space and separation between structures. The Board should consider whether the proposed layout provides adequate building separation, light, air, and usable open space while maintaining compatibility with surrounding uses.
Buffering; Increased Setbacks and Landscaping LDR Section 4.3.3(BB)(3)(c)	While the GC district has a minimum required setback of 5 feet when a structure has openings on a façade, all proposed buildings meet the minimum required side and rear setback. The perimeter buffer on the east side contains trees at 20 feet in height and the north and south contains trees at 16 feet in height.
Varied Streetscape and Building Design LDR Section 4.3.3(BB)(3)(d)	The proposed architectural design incorporates movement and shifts across the façade to reduce the visual impact of the mass; however, the design limits the articulation to only the facades facing North Federal Highway or the internal driveways, while other facades lack similar design elements. The Applicant is requesting relief from the required front and back offset. Further detail and analysis of the design can be found in the Architectural and Waiver analysis section.

Varying Unit Types LDR Section 4.3.3(BB)(3)(e)	*Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans.* The development proposes exclusively three-bedroom units. The LDR performance standard identifies a mix of one-, two-, and three-bedroom units with varying floor plans as a desirable feature of multiple-family housing. The Board should consider whether the absence of one- and two-bedroom units affects the project's ability to substantially comply with this performance standard, particularly because the project seeks density above six dwelling units per acre. The Board should also consider whether the large unit size contributes to the requested relief or site design constraints.
Open Space Areas LDR Section 4.3.3(BB)(3)(f)	The proposed development provides 27.4% open space, where a minimum of 25% is required.
Multi-modal Connectivity LDR Section 4.3.3(BB)(3)(g)	There are limited means for a project of this scale to introduce new multi-modal transit infrastructure. However, the property is located along the North Federal Highway corridor and in close proximity to the downtown area, where sidewalks and bike lanes provide connectivity throughout the neighborhood and adjacent areas, including connections to the George Bush Boulevard Bridge and east of the Intracoastal Waterway. Additionally, there are transit stops available nearby.
Parking Garage Design LDR Section 4.3.3(BB)(3)(h)	The parking is integrated into the building design by way of ground floor individual garages per unit, and all garage doors are oriented to face away from the public street frontages.
Unified Architectural Character LDR Section 4.3.3(BB)(3)(i)	The proposed design is stated to be Contemporary Modern architectural style. Contemporary Architecture is based on the current trends and changes over time; there are no standard characteristics for this type of style. Modern Architecture can be divided into many subcategories, but is typically emphasized with minimalist and functional designs. The townhouse development utilizes the same elements and design for each structure, only differing for the façade fronting North Federal Highway and the structure to the south increasing to three-story rather than two-story. Although the design may be considered repetitive, the development may be deemed to have a unified architectural character.
Amenities LDR Section 4.3.3(BB)(3)(j)	Amenities are provided such as a clubhouse, a pool area, spa and play/tot lot area.
Pedestrian Connectivity LDR Section 4.3.3(BB)(3)(k)	The development provides pedestrian connections to the public sidewalk, individual units, clubhouse, and pool area. However, portions of the internal sidewalks are level with the drive aisles and lack a physical landscape buffer or curb separation. Although shade trees are provided across the project, some sidewalk segments may have limited shade and comfort. The Board should consider whether the sidewalk design minimizes conflicts between vehicles and pedestrians and whether additional landscape buffering or shade should be required.
Shared Parking and/or Accessways LDR Section 4.3.3(BB)(3)(l)	The development does not provide a shared access point to any of the adjacent properties. The Board should consider whether the gated configuration is appropriate for this free-standing multiple-family townhouse-type development, or whether shared access or a less restrictive access pattern would better support circulation along the corridor.

Because the proposed density exceeds six dwelling units per acre, the Board must make a finding of substantial compliance with LDR Section 4.3.3(BB). Based on the analysis above, the Board should determine whether the applicable performance standards, together with the requested relief and outstanding items, support the proposed density.

LDR Section 4.3.3(O), Townhouses and townhouse type development
These special requirements apply to townhome or townhouse development and to apartment complexes which are designed in the style of a townhome, except projects located within the Central Business District and Central Business District - Railroad Corridor, which shall comply with the applicable district regulations.

Standard/Regulation	Review
Plat LDR Section 4.3.3(O)(2)	Each townhouse, or townhouse type, development shall be platted with a minimum designation of the interior street system as a tract. A Major Plat is required for the proposed development and has yet to be submitted.
Setbacks LDR Section 4.3.3(O)(3)	Perimeter setbacks are established by the base zoning district. The Conditional Use for freestanding multiple-family structures in GC are subject to the RM district requirements expect for height and setback. The proposed setbacks are in compliance with the GC zoning district. The interior setbacks require two-story structures to be no closer than 25 feet, and 30 feet for three-story structures. The proposal does not comply with this section, however, pursuant to LDR Section 4.6.2(B), the development is required to provide a greater distance between residential buildings based off the required calculations. As this language is more restrictive, the requested relief to reduce the building separation is to the more restrictive section, understanding that the less restrictive section is also not in compliance.
Design Standards LDR Section 4.3.3(O)(4)	Townhouses are to be designed in a manner that reduces monotonous design by requiring a four-foot offset to the front and rear for no more than every two townhouses and minimizes the townhouse row to eight dwelling uses or 200 feet, whichever is less. The project does not exceed the maximum length; however, the Applicant has requested relief from offset for the front and rear. Further analysis of the requested waiver is outlined later in the report. Townhouses are required to provide a minimum of 25% of usable open space, either for recreational or some other suitable purpose, public or private. The project complies with the required 25% open space; however, the Board should consider if the proposed open space is suitable to be considered usable in the sense that the areas provide opportunities for comfortable and enjoyable activities within these areas.

LDR Section 2.2.1(A), *Within 120 days after the Director has deemed an application complete and sufficient, or 180 days for applications that require final action through a quasi-judicial hearing or public hearing, the City will approve, approve with conditions, or deny the application. The applicant or the Director may request an extension of time for a decision. The request must be in writing and made prior to the 120 or 180-day period, as applicable. If the extension is agreed upon by the applicant and Director, the new time for the decision shall be memorialized in writing. There shall be no limitation on the number of extensions agreed upon for the review process.*

The applicant requested that the application proceed to the May 18, 2026, Planning and Zoning Board meeting following the April 10, 2026 TAC comments and the April 22, 2026 supplemental submittal. Staff advised that several remaining items affect the ability to confirm full compliance with the LDR, while other items may be addressed as technical notes or prior to site plan certification. The applicant has elected to proceed with Board consideration at this time, with the remaining LDR compliance issues identified in this staff report and summarized in the Technical Notes section at the end of this report, as applicable. This approach allows the application to move forward while preserving the City's review record and the applicable timing requirements under LDR Section 2.2.1(A) and Section 166.033, Florida Statutes.

The proposed site plan addresses several applicable LDR requirements; however, full compliance cannot be confirmed until the unresolved items identified in this report are addressed. The application is therefore presented for Board consideration subject to the requested relief, the outstanding LDR compliance items identified in the record, and any conditions imposed by the approving body. Placement on the Board agenda shall not be construed as a determination that all outstanding LDR requirements have been satisfied.

Review and Analysis: Landscape Plan

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

Based on the technical review, the landscape plan is deemed compliant with the applicable landscape regulations including the open space requirements highlighted in LDR Section 4. 3.4(K), except the specified relief requests for the special landscape setback and landscape buffer between driveways, as further detailed later in the report.

The proposal includes the removal of 27 trees, and seven palms; the removed trees meet the mitigation standards pursuant to LDR Section 4.6.19, with replacement on a one-to-one or Diameter at Breast Height (DBH) basis depending on the condition rating of each tree/palm. The proposal will relocate two trees (shown in grey). The full arborist report is attached.

The proposal includes 167 new trees on-site (shown in green), and 169 new palms (shown in yellow). The proposal also includes new shrubs and groundcovers throughout the site. The perimeter and interior landscaping, including but not limited to landscape islands, tree and shrub species and height, groundcover, and open space, have been reviewed and are deemed compliant with LDR Section 4.6.16.

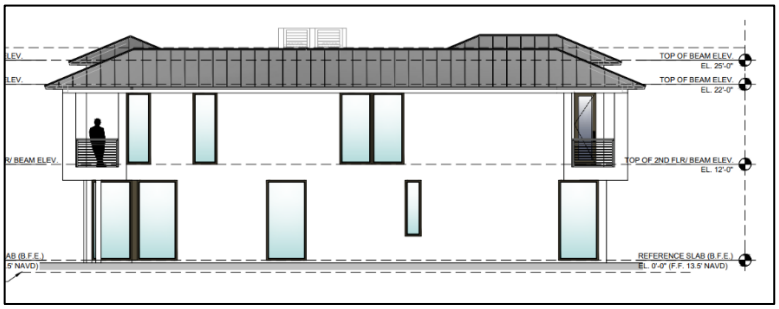
Review and Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Findings
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.

LDR Section 4.6.18, Architectural Elevations and Aesthetics
(E), Criteria for board action
The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation 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 proposal is identified as Contemporary Modern Architectural Style. The architectural design uses a neutral color palette, grey metal roofing, wood cladding accents, recessed balcony areas, and façade articulation along North Federal Highway and the internal drive aisles. These elements provide visual movement and help reduce the apparent length and mass of the townhouse-type buildings where the elevations are most visible from the public frontage and from internal circulation areas.



The strongest architectural treatment is provided along North Federal Highway and along the internal drive aisle frontages. These elevations include more defined entries, balcony recesses, shifts in wall plane, and material changes. However, some side and rear elevations do not carry the same level of articulation, material treatment, or façade depth. This is most relevant where those elevations face adjacent properties or contribute to the perceived edge of the development. The project would benefit from carrying key design elements around the buildings so that side and rear elevations do not appear secondary to the frontage and driveway-facing elevations.

The design is generally unified, but also somewhat repetitive. Most buildings use the same architectural vocabulary and vary primarily by unit count, building length, and building height. This repetition is partly a function of the townhouse-type condominium format; however, additional variation in color, material, fenestration rhythm, or architectural detailing could improve the overall composition while still maintaining a coordinated development character.

The two-story buildings along the eastern edge help reduce the transition impact to the adjacent single-family residential area in the Town of Gulf Stream. The three-story buildings are placed toward the south side of the site, adjacent to commercial and automotive-oriented uses, which is a more appropriate location for the taller building form. This arrangement helps support a finding that the project may be compatible with the surrounding development pattern, subject to the Board's consideration of the requested townhouse offset waiver, building separation adjustment, and remaining technical conditions.

The Board should consider whether the proposed elevations, as designed and conditioned, satisfy the criteria in LDR Section 4.6.18. In particular, the Board should consider whether the architectural treatment contributes to the image of the City, whether the side and rear elevations provide sufficient design quality, whether the repetitive townhouse rhythm is adequately mitigated, and whether the project remains harmonious with the evolving character of the North Federal Highway corridor and the adjacent residential edge.

Staff notes that rooftop mechanical equipment and screening remain a separate technical compliance item. Prior to City Commission final action, the elevations and roof plans should identify the height of the rooftop equipment, the height and material of screening, and the rooftop equipment area percentage to demonstrate compliance with LDR Table 4.3.4(J)(3).

Review and Analysis: Waivers, Internal Adjustment, and Determination

Pursuant to **LDR Section 2.4.11(B)(5),** *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 subject request includes relief in the form of five waivers, one internal adjustment, and one loading determination. The stacking-distance reduction has been approved by the City Engineer and is included for reference only. The remaining relief items are discussed below:

Waivers:

1. **LDR Section 4.3.3(O)(4)(a):** Townhouse Offset

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

The intent of the townhouse design standards, such as the four-foot offset requirement, is to prevent long rows of repetitive design, reducing the overall mass, and articulating each townhouse unit (shown in blue to the right). Rather than offsetting each townhouse unit, the project proposes to provide a four-foot articulation within each unit (shown in purple to the right).

Internal Façade (Building A)

North Federal Façade (Building A)

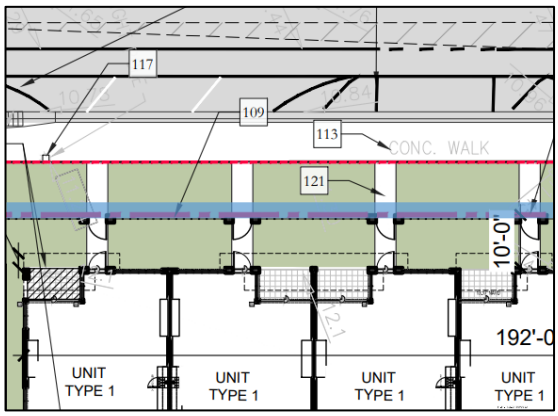
The offset requirement applies to both the rear and front of the structure; the structures along North Federal Highway appropriately articulate the townhouse mass both to the front and rear similar to the intent of offsetting the townhouse units (shown to the right). All the facades facing the driveways have this four-foot articulation within each townhouse unit, breaking up the overall massing; several rear and side elevations, particularly along the south and east edges, do not provide the same level of articulation as the driveway-facing elevations.

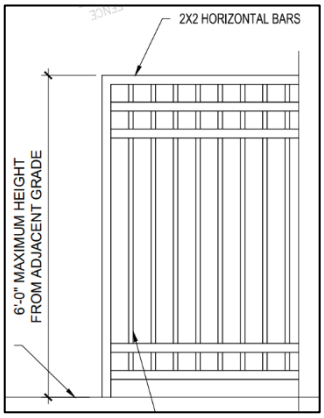
The Board should consider if the proposed four-foot articulation within each unit adequately meets the intent of the offset requirement, or whether the lack of rear and side articulation weakens the request.

2. **LDR Section 4.3.4(H)(6)(b):** Special Landscape Setback

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.

The project is required to provide a 10-foot special landscape setback adjacent to North Federal Highway. Structures including walls and fences are not permitted in the special landscape setback. The Applicant is proposing a six-foot aluminum fence along the property line fronting North Federal Highway within the special landscape setback. Although the proposed fence is relatively transparent, it may create a visual disconnection between the development and the corridor frontage. Relief may be granted to allow decorative fencing in the required special landscape setback; however, the Board should consider if the location of the fence is appropriate for fronting and activating North Federal Highway.

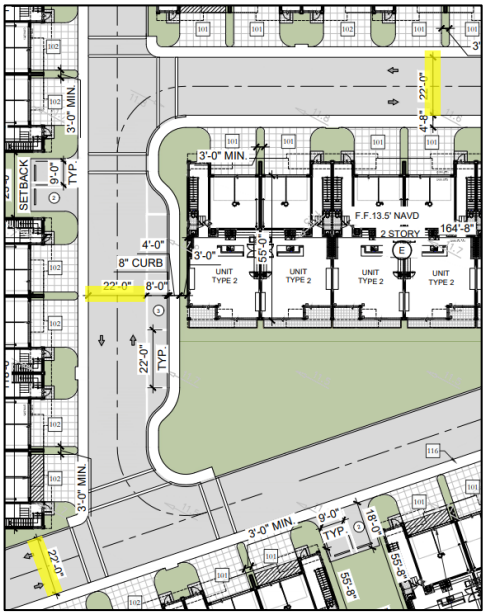


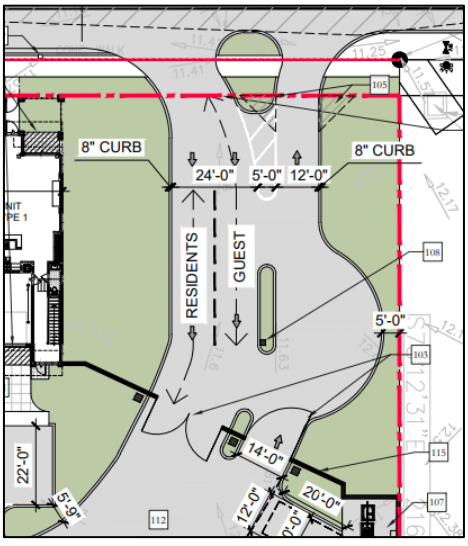


3. LDR Section 4.6.9(D)(6)(d): Drive Aisle Width

The project proposes 22-foot private drive aisles, whereas the code requires a minimum width of 24 feet. Drive aisle width requirements are established to ensure safe two-way circulation and adequate maneuvering for vehicles backing out of parking spaces. The applicant has proposed a maneuvering diagram that illustrates larger vehicles will be able to effectively maneuver through the site. However, the reduced width occurs in areas where parking is located on both sides, which may create conflict between parked vehicles, backing movements, service vehicles, and emergency access. Fire has also noted potential concerns if a fire truck blocks circulation while accessing a hydrant during an emergency.

The Board should consider whether the reduced drive aisle width will negatively affect maneuverability and safety within the development. The requested reduction applies only to private internal drive aisles and does not directly affect the public right-of-way.





4. LDR Section 4.6.9(D)(4)(b)(i): Stacking Distance – Approved by City Engineer

A minimum stacking distance of 100 feet from the property line or ultimate right-of-way, whichever is greater.

The Applicant is requesting to reduce the required 100-foot minimum stacking distance from the property line to allow a stacking distance of 89 feet, seven inches for the residence entry gate, and 65 feet stacking for the guest callbox. Pursuant to LDR Section 4.6.9(D)(5), a reduction to the minimum required stacking distance may be requested when supported by a traffic study and justification statement addressing access into the site and efforts to diminish the impact of queuing on the public right-of-way and the City Engineer shall provide a written determination regarding the request to reduce the stacking distance. The City Engineer has reviewed and approved the reduced stacking distance.

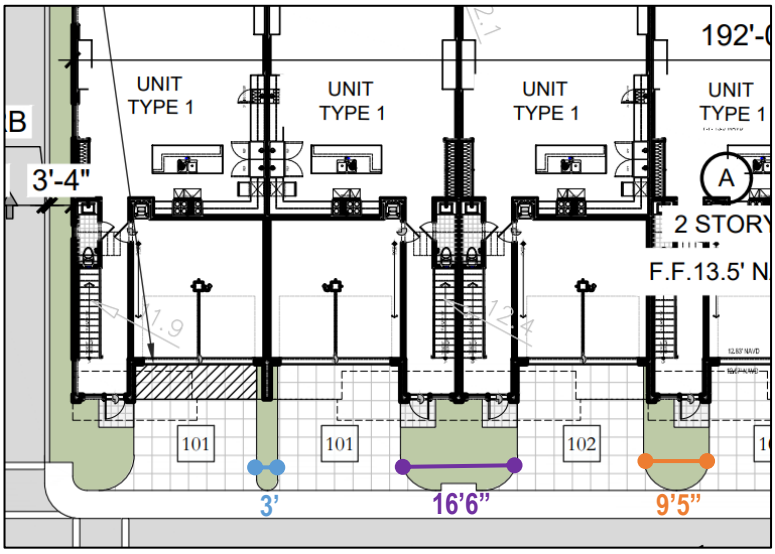
The Site Plan must be updated to reflect accurate stacking dimensions as requested in the Stacking Distance Reduction Request.

5. LDR Section 4.6.16(H)(3)(d): Landscape Buffer

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 requested reduction is internal to the site and does not reduce the required perimeter landscape buffers adjacent to North Federal Highway or neighboring properties. The proposed three-foot buffer provides some landscape separation, but less planting area than required by the LDR. The Board should consider whether the overall landscape design, including perimeter buffers, internal planting, and open space, sufficiently offsets the reduced buffer width.



The Board should determine whether the waiver improves the site design or whether the proposed layout is negatively impacting the quality of life for the residences of the overall project.

Internal Adjustment:

6. LDR Section 4.6.2(B): Residential Building Separation

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:

$$\frac{LA + LB + 2\,(HA+HB)}{6}$$

The LDR establishes regulations for the distance between residential buildings to provide adequate separation between structures to allow for light, air, and open space; and to provide for aesthetically pleasing design relationships among buildings which are constructed within a townhouse, apartment, or condominium residential development. The required distance separation is a function of the proposed length and height of the buildings, whereas the larger the building the more separation is generally required. Based on the dimensions of the proposed structures, a separation between buildings ranging from 32 feet to 38 feet would be required. The applicant instead proposes a distance of 25 feet between Buildings A, B, C and D, and 12 feet, 4 inches between Building E to the Recreational Center. This request has no impact on the perimeter setbacks.

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 Board should consider whether the proposed building separation provides adequate light, air, privacy, and open space between buildings, or whether the site would benefit from fewer units or a revised layout with greater separation between structures.

Pursuant to **LDR Section 2.4.11(C),** *An adjustment involves the lessening, or a total waiver, of those development standards which affect the spatial relationship among improvements on the land within the boundary of the site or development plan. An adjustment shall only be considered during the site and development plan review process and shall be only for requirements that do not pertain to, or affect, standards that apply to the perimeter of a proposed development.*

Loading Determination

7. LDR Section 4.6.10(C): Off-Street Loading

The project requested to provide no dedicated off-street loading zones that comply with the requirements of LDR Section 4.6.10. Based on the square footage of the project, the LDR recommends two loading berths. The approving Board must make a determination that the proposed site conditions are adequate to accommodate the loading demand for the project. The Board should consider whether deliveries, resident move-ins and move-outs, service vehicles, and waste collection can be accommodated within the private drive aisles without obstructing fire access, internal circulation, or the public right-of-way.

Overall Waiver Analysis

This project is proposing a development near the maximum allowable standard density. The Board should consider whether the requested relief, when viewed collectively, supports a better site design or whether the number and type of relief requests indicate that the proposed density and layout are placing pressure on the applicable development standards. The Board should also consider Policy NDC 1.1.7, which recognizes that LDR standards related to compatibility, transition, setbacks, height, and open space may limit the density achievable on a specific site.

Policy NDC 1.1.7 Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.

Options for Board Action

A. Move to recommend to the City Commission **approval** of a Conditional Use and Level 4 Site Plan Application request for **2419 North Federal Highway**, including a Landscape Plan, Architectural Elevations, four waivers, an internal adjustment and a loading determination, to construct a 47-unit multiple-family townhouse-type condominium development with a mix of two- and three-story buildings, at the subject property addressed as 2419, 2507, 2515, 2519, 2601, 2605 and 2613 North Federal Highway, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.

B. Move to recommend to the City Commission **approval** of a Conditional Use and Level 4 Site Plan Application request for **2419 North Federal Highway**, including a Landscape Plan, Architectural Elevations, four waivers, an internal adjustment and a loading determination, to construct a 47-unit multiple-family townhouse-type condominium development with a mix of two- and three-story buildings, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.

C. **Deny** a Conditional Use and Level 4 Site Plan Application request for **2419 North Federal Highway**, including a Landscape Plan, Architectural Elevations, four waivers, an internal adjustment and a loading determination, to construct a 47-unit multiple-family townhouse-type condominium development with a mix of two- and three-story buildings, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations.

D. **Continue with direction**.

Public and Courtesy Notices

___ Courtesy Notices were provided to the following neighborhood associations:

- N/A

_X_ Public Notice was posted at the property 7 calendar days prior to the meeting.
_X_ Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.
_X_ Public Notice was posted to the City's website 10 calendar days prior to the meeting.
_X_ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.
_X_ Agenda was posted at least 5 working days prior to meeting.

Technical Advisory Committee (TAC) Timeline

Review No.	Submittal Date	TAC Comments Transmitted
1	06/30/2025	07/23/2025
2	09/23/2025	10/23/2025
3	12/22/2025	01/20/2026
4	03/17/2026	04/10/2026
5	04/22/2026	-

Technical Notes

Not Compliant with the LDR:

1. **LDR Section 4.6.8(A)(2) and (3), Lighting:** The development is required to meet the lighting standards in LDR Section 4.6.8, including but not limited to the height of the lighting fixture, the maximum and minimum illumination, and the cutoff luminaire requirement. These standards must be met throughout the entire site. The proposed lighting does exceed the maximum illumination both internal to the site and along the perimeter of the site. Photometric Plans indicate levels at a maximum of 17.1-foot candles for pathways where 5-foot candles are the allowed maximum, and 1.0-foot candles along the north property line where 0.25-foot candles are allowed maximum.

2. **LDR Table 4.3.4(J)(3), Height Exceptions Allowed:** The elevations and roof plans must identify the height of the rooftop equipment, height and material of screening, and rooftop equipment area percentage to confirm compliance with LDR Table 4.3.4(J)(3). Pursuant to LDR Table 4.3.4(J)(3), rooftop appurtenances and screening may have a maximum height of four feet and a maximum roof area of 10%.

Technical Notes to be addressed prior to certification:

1. Applicant has indicated the inclusion of stop bars, stop signs, and speed limit signs to address Staff's concerns with the safety of the pedestrians utilizing the sidewalks leveled with the drive aisles. The traffic calming elements are not depicted on the Site Plans. Proposal and Site Plan need to be consistent.
2. Required FAR is not listed in the Site Data table. Refer to the Comprehensive Plan for the maximum FAR allowed in GC.
3. Project Narrative states the three on-street spaces are to remain; however, the Site Plan has removed two of the spaces. Revise so Project Narrative and Site Plan align. If on-street spaces are to be removed, those spaces are to be accounted for in the required parking space calculations.
4. Provide a driveway diagram dimensioning the two types of driveways proposed to ensure there are no conflicts with the required parking dimensions.
5. Indicate proposed height range in the Site Data Table.
6. Site Plan and Stacking Distance Relief Request letter needs to be consistent, and the Site Plan must reflect the correct stacking dimensions.
7. A few of the submitted documents indicate a 48-unit proposal; these documents must be amended to reflect the current proposal. This includes but not limited to the traffic study, FDOT letter, stacking relief request letter, and the TPS letter.
8. Applicant is required to enter into a Landscape Maintenance Agreement with the City.
9. Applicant is required to submit a Major Plat for review.
10. MOT Plan proposes eight construction parking spaces in the public ROW. Applicant has not noted any expected ROW closures for the project. Any closure of more than 14 days requires approval of City Commission. Project may need to seek City Commission approval at a later date if road closures extend past 14 days.