

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: May 15, 2017

ITEM: **Atlantic Crossing Plat** - A preliminary plat and certification of the final plat associated with the Atlantic Crossing project. The project includes 343 dwelling units; 39,434 square feet of restaurant; 83,462 square feet of office floor area; and 37,642 square feet of retail floor area. The property is located between NE 6th Avenue and Veterans Park, north of Atlantic Avenue.

RECOMMENDATION: Approval

GENERAL DATA:

Agent..... Covelli Design Associates, Inc.

Applicant..... Edwards Atlantic Avenue, LLC

Owner..... CDS Freecore, LLC
CDR Atlantic Plaza, LTD
CDS Delray Redevelopment, LLC

Location..... Between NE 6th Avenue and Veterans Park, fronting the north side of Atlantic Avenue

Property Size..... 9.23 Acres

Current FLUM..... Commercial Core (CC)
Medium Density 5-12 du/ac (MD)

Current Zoning..... Central Business District (CBD)
Community Facilities (CF)

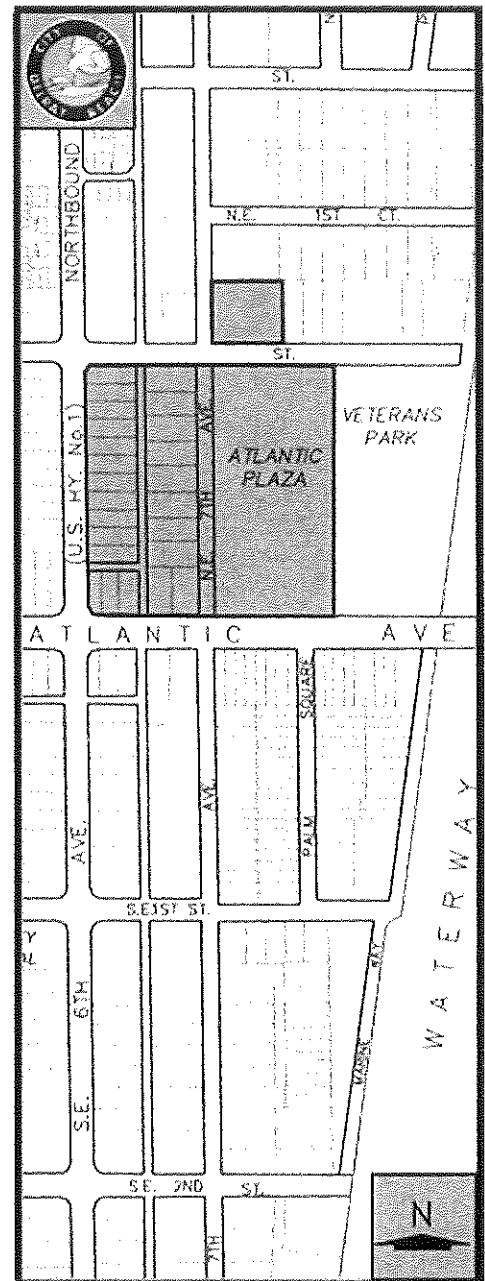
Adjacent Zoning..... North: Multiple Family Residential (RM) & CBD
South: CBD
East: Open Space & Recreation (OSR) & RM

Existing Land Use..... Retail, Professional Offices and Vacant

Proposed Land Use..... Mixed Use

Water Service..... Connection available via an existing 12" water main within NE 7th Avenue; an existing 8" water main along NE 1st Street.

Sewer Service..... Connection available via an existing 10" Sanitary Sewer Main within the Atlantic Ave. r-o-w; an existing 8" main along NE 1st Street.



ITEM BEFORE THE BOARD

The item before the Board is that of approval of a preliminary plat and certification of a final plat for a two (2) Tract Subdivision being platted as **Atlantic Crossing**. The subject property is located between NE 6th Avenue (Northbound Federal Highway) and Veterans Park and between Atlantic Avenue and NE 1st Street, along with the parking lot at the northeast corner of NE 1st Street and NE 7th Avenue. This plat is being processed pursuant to LDR Section 2.4.5(J), Major Subdivisions.

BACKGROUND

The project area consists of the existing Atlantic Plaza, a stand alone 62 space parking lot located at the northeast corner of NE 1 Street and NE 7 Avenue, and four buildings (recently demolished) that were constructed between 1962 and 1979 which contained offices, retail and an auction house. A gasoline station and multiple family residences previously located along NE 6th Avenue have since been demolished. The project area is a replat of a portion of CDS Delray Redevelopment (Plat Book 116, Pages 172-182), a replat of a portion of Block 123, Town of Linton (Plat Book 1, Page 3) and the NE 7th Avenue right-of-way between Atlantic Avenue and NE 1st Street (now abandoned). The entire 9.229 acre project area has a lengthy history of development approvals and the following is a summary of the most recent approvals since 2012. Please refer to the Background Section of the Site Plan Review and Appearance Board Staff Report of November 20, 2013 for a more comprehensive and detailed summary of all development approvals.

At its meeting of September 24, 2012, the Planning and Zoning Board considered the conditional use requests to increase the density of the project to 51.10 dwelling units per acre, and increase the building height to 59 feet 4 inches. The Planning and Zoning Board directed the applicant to address traffic, transportation management, access to Veteran's Park and the impact of vehicles on the residential neighborhood to the north. The pedestrian connections and general walkability of the project was also emphasized as a concern. The applicant revised the plans and eliminated the fifth floor of building IV, which was the one nearest Veteran's Park. The site was also redesigned to improve the vehicular access to the garages. The applicant agreed to contribute the cost of a shuttle bus to the City to address transportation management concerns. At its meeting of October 15, 2012, the Planning and Zoning Board re-considered the conditional use application and recommended approval to the City Commission.

The City Commission considered the development proposal at its meeting of November 13, 2012. At that time, the development proposal consisted of 2 five-story buildings; 2 four-story buildings; and 2 three-story buildings. The commercial component of the development consisted of 52,021 square feet of retail; 28,204 square feet of restaurant; and 79,071 square feet of office. The residential portion of the development included 442 dwelling units comprised of 70 efficiency units; 151 one-bedroom units; 208 two-bedroom units; and 13 three-bedroom units. After considerable public comment and Commission discussion, the project was postponed with the applicant directed to reduce the intensity of the project.

At its meeting of December 4, 2012, the City Commission reconsidered the revised development proposal. The revised development proposal reduced the total number of residential units from 442 dwelling units (51.10 du/ac) to 372 dwelling unit (43 du/ac) for a reduction of 70 dwelling units. The residential mix at that time consisted of 38 efficiency units; 141 one-bedroom units; 180 two-bedroom units; and 13 three-bedroom units. The proposed unit reductions would occur within the "footprint" of the buildings that the City Commission previously considered. It is noted that there was no change to the physical layout of the property with respect to the building locations, height, driveways, landscaping, courtyards, etc.

from what the City Commission previously considered. The effect of the proposal on parking was a net reduction in the total number of required parking spaces from 1,092 spaces to 1,000 spaces (92 space reduction). The reduction in required parking resulted in an increase in the number of surplus parking spaces that the project would have had from the previous 70-space surplus to a 162 space surplus. Following considerable public input and discussion, the City Commission voted to approve the conditional uses for the development, subject to conditions.

At its meeting of November 30, 2013, the Site Plan Review and Appearance Board approved a Class V Site Plan, Building Elevations and Landscaping for the development, subject to conditions. These conditions have either been addressed or have been attached to the Site Plan as conditions of approval.

At its meeting of January 21, 2014, the City Commission considered the private appeal of the project and upheld the SPRAB approval.

At its meeting of March 1, 2017, the City Commission approved waivers to:

1. A waiver to LDR Section 5.3.1(D)(2), which requires a minimum right-of-way width of 60 feet for the new east/west road between NE 6th Avenue and NE 7th Avenue, with the condition that a public roadway easement be dedicated for the roadway.
2. A waiver to LDR Section 6.1.3(B)(1)(f), which requires an 8-foot wide sidewalk where 6 feet is proposed along the north side of the new east/west road between NE 6th Avenue and NE 7th Avenue.
3. A waiver to LDR Section 4.4.13(F)(4), which requires minimum and maximum building setbacks for the buildings and frontage along the new east/west road between NE 6th Avenue and NE 7th Avenue.
4. A waiver to LDR Section 4.6.18(B)(14)(iv)(2), which requires a minimum wall transparency on the ground floor of 75% where 37.5% is proposed for the building on the south side of the new east/west road between NE 6th Avenue and NE 7th Avenue.

At its meeting of April 12, 2017, the City Commission approved the settlement agreement for the Atlantic Crossing project.

The action now before the Board is approval of a preliminary plat and certification of a final plat named Atlantic Crossing.

PLAT DESCRIPTION

The subdivision is a replat of a portion of CDS Delray Redevelopment, a replat of a portion of Block 123, Town of Linton and the abandoned portion of NE 7th Avenue right-of-way between Atlantic Avenue and NE 1st Street. The development area contains approximately 9.229 acres currently used as a shopping center, a standalone parking lot, offices, and vacant land.

The plat proposes to subdivide the development area into two tracts of land, Tract A and Tract B. Tract A is approximately 8.599 acres and will contain the mixed use project consisting of 37,642 square feet of retail floor area, 39,434 square feet of restaurant floor area, 83,462 square feet of office floor area, and 343 dwelling units all within 6 buildings. The majority of the parking will be located on Tract A via sub-grade parking and an above-grade parking garage. Tract B is approximately 0.630 acres and consists of a 20-space surface parking lot and a

potential cul-de-sac installed within the closed NE 7 Avenue right-of-way located north of NE 1 Street.

Access is provided through Tract A via a dedicated 49.5' to 68' wide ingress-egress easement located in the same general location as the previously abandoned NE 7 Avenue (which has been applied a temporary access easement) between Atlantic Avenue and NE 1 Street. The parking facilities along the east side of NE 7th Avenue will be accessed via valet queue/circular drive from NE 7th Avenue, a garage driveway along NE 1st Street, and individual driveways to the townhouse garages along NE 1st Street. The ingress/egress to the subgrade parking facility along the west side of NE 7th Avenue will be available from a two-way driveway along NE 7th Avenue and a right-in, right-out driveway onto Federal Highway. Sidewalks are constructed throughout the site, namely, along the perimeter of Tract A and on either side of the north-south interior access road. Sidewalk easements have been dedicated at various widths ranging from 5', 7.5', 5.11', 8', 9' and 10'. There are a number of other easements such as water, sewer, drainage, utility, and FP&L that have been previously dedicated via separate easement deeds. These easements will remain and noted on the proposed plat. Easements dedicated from previously recorded plats for the subject property will be vacated by virtue of this replat.

As part of the settlement agreement approved by the City Commission on April 12, 2017, it was agreed that a new two-way east/west surface road will connect NE 6th Avenue to public access easement that will replace the previous NE 7th Avenue right-of-way. A 30-foot public access easement will be dedicated via separate instrument following the approval of the plat by City Commission for this surface road.

PLAT ANALYSIS

Pursuant to Section 3.1.1 of the Land Development Regulations, prior to 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 in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. These findings relate to Future Land Use Map, Concurrency and Consistency with the Comprehensive Plan, and Compliance with the Land Development Regulations.

Section 3.1.1 (A) - Future Land Use Map:

The subject property has a Future Land Use Map designation of CC (Commercial Core) and is zoned CBD (Central Business District). The CBD zoning district is consistent with the (CC) Future Land Use Map designation. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

Section 3.1.1 (B) - Concurrency:

As noted previously, the City Commission made a positive finding of concurrency with respect to water and sewer, streets and traffic, drainage, parks and recreation, open space, solid waste.

Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):

As described in Appendix A, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

Section 3.1.1 (D) - Compliance With the Land Development Regulations:

As described under the Site Plan Analysis of the attached Site Plan Review and Appearance Board report, a positive finding of compliance with the LDRs can be made, when all outstanding items attached as conditions of approval are addressed.

Comprehensive Plan Policies:

A review of the objectives and policies of the Comprehensive Plan was conducted under the Site Plan Analysis of the attached Site Plan Review and Appearance Board report. All applicable objectives or policies along with a discussion on how they were addressed are attached as Appendix "C".

TECHNICAL ITEMS

Technical comments from the Planning and Zoning and the Environmental Services Departments have been addressed.

REVIEW BY OTHERS

Courtesy Notices:

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

Delray Citizen's Coalition
Palm Trail
Delray Summit
Beach Cabana Condo
Beach Property Owners' Association
Peggy Hammond
HHC Atlantic, LLC
Patricia G. Moran
Barr Terrace
Casa La Brisa
Seagate Towers Condominium, Inc.
Carolyn Patton
Martin Pizel
BO I & Maud Andersson
RG Realty Holdings, LLC
Chamber of Commerce
Barr Harbor
Via Marina
Harbor House HOA
The Grove
Harbor View Apts.
Parkview Manor Condo
Bruce and Cynthia H

ASSESSMENT AND CONCLUSION

The proposed plat is consistent with the Zoning and Future Land Use Map designation for the subject property. Positive findings can be made with respect to LDR Section 2.4.5(J) (Major Subdivisions), LDR Section 3.1.1 (Required Findings for Land Use and Land Development Applications), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and the Goals, Objectives and Policies of the Comprehensive Plan. The plat will require minor technical modifications, as listed in "Appendix B" - Technical Items" section of this report, before it can advance to the City Commission.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for **Atlantic Crossing** by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.
- C. Approve the preliminary plat, and require submittal of a final plat to be processed separately.
- D. Deny the preliminary plat and final plat with basis stated.

STAFF RECOMMENDATION

Move a recommendation of approval to the City Commission of the Preliminary Plat and certification of the Final Plat for **Atlantic Crossing**, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

Attachments:

- Appendix A
- Appendix B
- Appendix C
- Location Map
- Reduced Plat
- SPRAB Report of November 30, 2013

APPENDIX - A
STANDARDS FOR PLAT 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.

Not applicable	<input type="checkbox"/>
Meets intent of standard	<input checked="" type="checkbox"/>
Does not meet intent	<input type="checkbox"/>

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

Not applicable	<input type="checkbox"/>
Meets intent of standard	<input checked="" type="checkbox"/>
Does not meet intent	<input type="checkbox"/>

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

Not applicable	<input checked="" type="checkbox"/>
Meets intent of standard	<input type="checkbox"/>
Does not meet intent	<input type="checkbox"/>

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

Not applicable	<input type="checkbox"/>
Meets intent of standard	<input checked="" type="checkbox"/>
Does not meet intent	<input type="checkbox"/>

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

Not applicable	<input type="checkbox"/>
Meets intent of standard	<input checked="" type="checkbox"/>
Does not meet intent	<input type="checkbox"/>

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

Not applicable	<input checked="" type="checkbox"/>	
Meets intent of standard		
Does not meet intent		

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

Not applicable		
Meets intent of standard	<input checked="" type="checkbox"/>	
Does not meet intent		

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

Not applicable		
Meets intent of standard	<input checked="" type="checkbox"/>	
Does not meet intent		

- 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.**

Not applicable		
Meets intent of standard	<input checked="" type="checkbox"/>	
Does not meet intent		

- J. Tot lots and recreational areas, serving children from toddler to teens, 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.**

Not applicable		
Meets intent of standard	<input checked="" type="checkbox"/>	
Does not meet intent		

APPENDIX - B COMPREHENSIVE PLAN POLICIES

A review of the objectives and policies of the adopted Comprehensive Plan was conducted with the Site Plan Review process. The following applicable objectives or policies are noted as reference only:

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

There are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed mixed-use (residential, restaurant, retail and office) development. The development will be complimentary with the surrounding commercial developments and provide a customer base for the businesses on a year-round basis, which in turn will provide economic stability and growth for the downtown area.

In terms of fulfilling remaining land use needs, the Housing Element of the Comprehensive Plan states the following:

"One of the most important objectives of the City's overall housing policy is the establishment of housing in the downtown area. In the years since adoption of the 1989 Comprehensive Plan the downtown has changed from a somewhat sleepy, seasonally oriented shopping district to a vibrant year-round retail, service, and entertainment area with an active nightlife. A critical missing element is a significant housing development. The City recognizes the importance of providing housing in close proximity to shopping, employment, and transportation, and the need to have a residential base to support the businesses in the downtown area".

The proposed Atlantic Crossing development will help to fulfill this stated land use need by providing housing at an appropriate increased density for the downtown core resulting in 343 additional dwelling units in the downtown area in close proximity to shopping and employment, and at the eastern portion of the downtown. Therefore, the proposed project is consistent with this policy.

Future Land Use Element Objective C-4: The Central Business District (CBD) represents the essence of what is Delray Beach i.e. a "village like, community by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan of "A City Set Apart In South Florida". The following policies and activities shall be pursued in the achievement of this objective:

Policy C-4.1: The CBD zoning district regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:

- ☐ Deletion of inappropriate uses;
- ☐ Incentives for locating retail on the ground floor with office and residential use on upper floors;
- ☐ Accommodating parking needs through innovative actions;
- ☐ Incentives for dinner theaters, playhouses, and other family oriented activities;
- ☐ Allowing and facilitating outdoor cafes;
- ☐ Incentives for mixed use development and rehabilitation;
- ☐ Elimination of side yard setback requirements; and

☐ **Allow structural overhang encroachments into required yard areas.**

This Comprehensive Plan Policy specifically refers to the CBD district regulations. The intent of the CBD district regulations are to facilitate the development of the downtown with a mix of uses, which include pedestrian-oriented retail activities on the ground floor (particularly along Atlantic Avenue) and office and residential uses on the upper floors.

In addition this development proposal will locate 343 residential dwelling units of various floor plans and sizes within the downtown area. The residents of these dwellings will be able to walk to shops, restaurants, work, cultural areas and parks. They will interact on a regular basis with the storekeepers and employees, and their neighbors. They will get to know the downtown much more intimately than the majority of Delray residents. They will play a major role as participants in, and contributors to, the downtown area community. The Atlantic Crossing development proposal is consistent with Future Land Use Element Policy C-4.1 as it will facilitate the continued rehabilitation and dynamic revitalization of the CBD zoning district.

The Downtown Delray Beach 2004 Patron Profile, Cluster Analysis, and Retail Development Strategy prepared by the Delray Beach Joint Venture

The Delray Beach Joint Venture has sub-divided Downtown Delray Beach into eight clusters for analysis. This development is in Cluster 6 which is a critical pedestrian link between the resort district and the heart of Downtown.

Cluster 6 corresponds to the commercial corridor along East Atlantic Avenue from 5th Avenue to the Intracoastal Waterway. This cluster contains several "comparison goods" retailers as well as prime street-level retail space devoted to non-retail uses such as offices. Several restaurants offer seating overlooking the Intracoastal Waterway. Atlantic Plaza is a privately owned shopping center with significant redevelopment potential. Veterans Park has potential for enhanced programming. Cluster 6 is a critical pedestrian link between the resort district and the heart of Downtown. Redevelopment of a site occupied by a gas station offers the opportunity to add continuous storefronts on a portion of the northern frontage of Atlantic Avenue. Atlantic Plaza's setback from the street presents a challenge to maintaining continuity of pedestrian activity. Conversion of non-retail uses into retail spaces on the south side of Atlantic Avenue can increase pedestrian activity. Additional apparel/shoe retailers (in Atlantic Plaza and on the street) should be sought for this cluster. Restaurant uses are also appropriate.

The Atlantic Crossing project's concept facilitates the creation of a vibrant and pedestrian friendly retail corridor connection along the Avenue in the CBD (Central Business District), which is consistent and in harmony with the City's efforts to provide a pedestrian friendly streetscape for Atlantic Avenue. The City's efforts are reinforced through Future Land Use Element Policy C-4.1, the Downtown Master Plan and by the Downtown Delray Beach 2004 Patron Profile, Cluster Analysis, and Retail Development Strategy.

Transportation Element Policy A-1.3: The City endorses the continued operations of the Palm Tran Transit System and its operations in Delray Beach, and through policies of this Element related to the TCEA, will coordinate with Palm Tran to improve the system.

Studies have shown that the provision of bus shelters to protect riders from the elements leads to increased utilization and mitigates negative impacts to adjacent properties. Given the potential impacts the proposed mixed-use development will have on the surrounding road network and the location of a Palm Tran bus stop one block to the north of the subject property, on NE 6th Avenue (Northbound Federal Highway), it is appropriate that the development provide a bus shelter and easement on NE 6th Avenue. The site plan indicates that a bus shelter will be installed at the southeast corner of Federal Highway and NE 1st Street between the public

sidewalk and Federal Highway. Based on the above, the development complies with Transportation Element Policy A-1.3.

Transportation Element Policy D-2.2: Bicycle parking and facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

The development proposal includes bicycle racks along Atlantic Avenue, Federal Highway, and NE 7th Avenue. Further, the development provides bike storage lockers in the subgrade parking area on the west side of NE 7th Avenue. Based on the above, the development will comply with Transportation Element Policy D-2.2.

Open Space and Recreation Element Policy A-3.1: Tot lots and recreation areas serving children from toddlers to teens, 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.

This policy may be waived for projects in the downtown because the City recognizes that households located in the downtown are likely to have fewer children than those located in suburban settings. Further, land in the downtown is at a premium and it can be cost prohibitive to provide recreational features such as tennis courts, volleyball courts, etc. However, the proposed development does provide several recreational facilities for its residents, such as a swimming pool, cyber café, recreational room, and exercise room. Given the intensity of the proposed development (343 dwelling units), it is reasonable that the proposed development provide these recreational opportunities.

Some of the recreational, cultural and open space opportunities located in proximity to the Atlantic Crossing development include: Veteran's Park, which includes a large playground and recreational area; the Municipal Beach, the City's Tennis Center, and Old School Square Cultural Center. As playground areas are located close by (Veteran's Park, Osceola Park, and Currie Commons) and other facilities that can be utilized by children (such as the pool) have been provided, the intent of this policy will be met. Based on the above, it is appropriate to waive in part (tot lot) this requirement to provide these services entirely on site.

Housing Element Objective B-2: Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in this Element. Policies, which will implement this objective, include:

Housing Element Policy B-2.2: The development of new adult oriented communities within the City is discouraged. New housing developments shall be designed to accommodate households having a range of ages, especially families with children, and shall be required to provide three (3) and four (4) bedroom units and activity areas for children ranging from toddlers to teens. This requirement may be waived or modified for residential development located in the downtown area and for infill projects having fewer than 25 units.

This development will not be restricted to occupancy by adults only. However, it is acknowledged that dwellings in downtown Delray Beach are not typically occupied by families with children. The proposed development will primarily accommodate young and middle-age professionals. The development will provide the following mix: 25 efficiency units, 97 one-bedroom units, 201 two-bedroom units, and 20 three-bedroom units. The proposed

development accommodates various sizes of units for households having a range of ages, and thus, complies with Housing Element Policy B-2.2.

Housing Element Policy B-2.6: Housing in and near the downtown area, in close proximity to employment opportunities and services, is a critical need. In order to help stimulate demand for new housing in and around the Central Business District, the development of new rental housing projects outside of the TCEA and North Federal Highway area is discouraged.

The development proposal is consistent with Housing Element Policy B-2.6 as it provides the desired type of residential development within the CBD.

Housing Objective A-12: To assist residents of the City in maintaining and enhancing their neighborhood environment, the City shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline, such as those described in the following policies.

Housing Policy A-12.3: In evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

As noted previously, the residents of this development will aid in the revitalization and economic stability of the downtown area. Additionally, the introduction of additional residential dwelling units will increase the safety of the area by introducing more night time activity and more "eyes on the street" as a deterrent to criminal behavior. Based upon the above, the development proposal will be consistent with Housing Policy A-12.3.

Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings): The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The subject property is bordered to the north by CBD and RM (Multiple Family Residential – Medium Density); to the south and west by CBD; and OSR (Open Space Recreation) to the east. The surrounding uses are a parking lot, multiple family, and restaurant to the north; Veterans Park to the east; retail to the south; and the Colony Hotel to the west.

The mixed-use development proposal will significantly enhance the aesthetics of the subject property together with the neighborhood. This will also provide a crucial pedestrian link along Atlantic Avenue that will promote harmony between adjacent and nearby properties. The proposed redevelopment will provide year-round customer and employment base for the nearby commercial properties as well as new opportunities for businesses. The stability of the downtown area will be enhanced by the addition of 343 households and office employees that will patronize area businesses and contribute to the long term revitalization of this redevelopment area together with employment base of the commercial uses.



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 PLANNING AND ZONING
 DEPARTMENT

SUBJECT PROPERTY



ATLANTIC CROSSING

LOCATION MAP

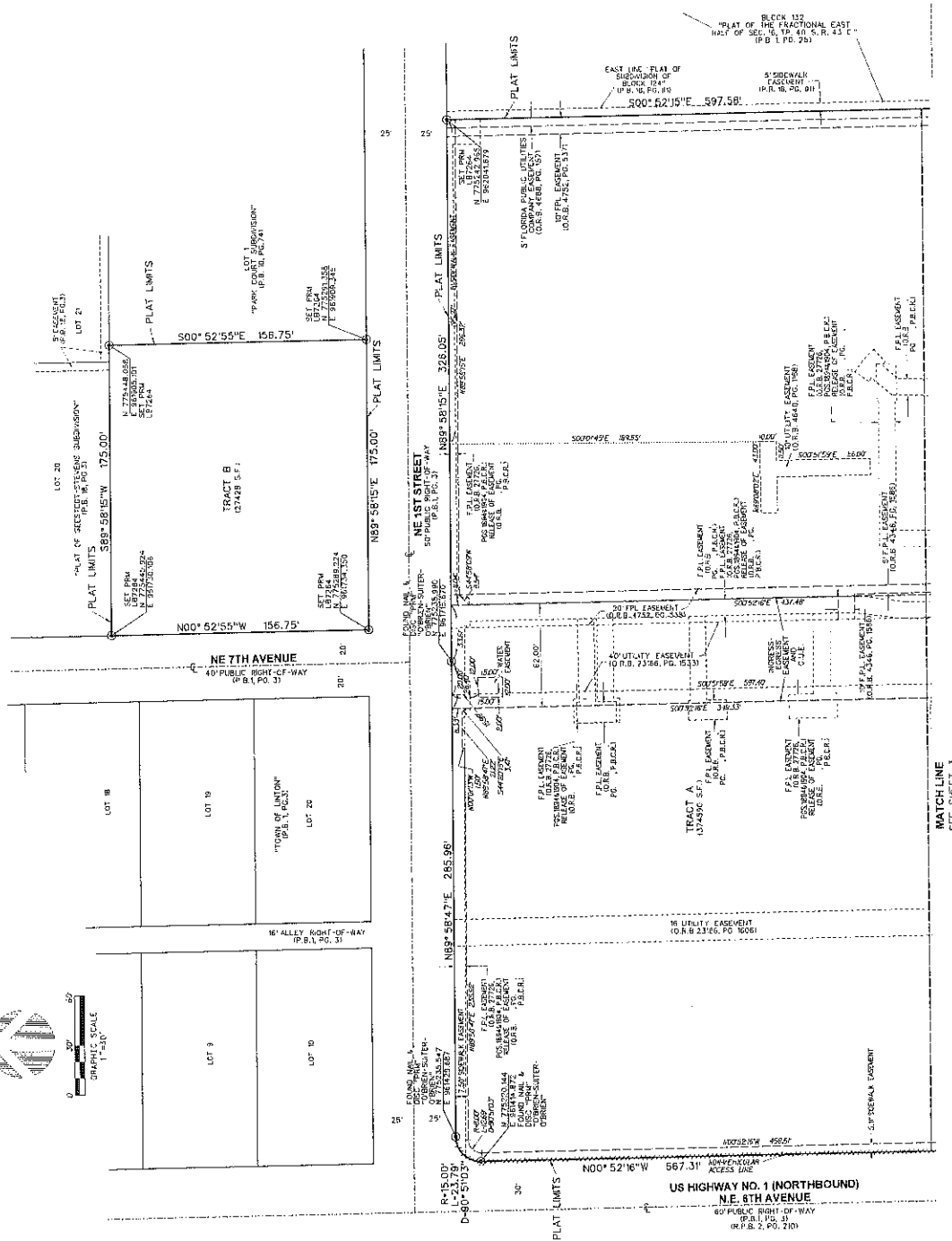
A REPLAT OF A PORTION OF "CDS DELRAY REDEVELOPMENT" (P.B. 116, PGS. 172-182, P.B.C.R.), TOGETHER WITH A PORTION OF BLOCK 123, "TOWN OF LINTON" (P.B. 1, PG. 3, P.B.C.R.)

IN SECTION 16, TOWNSHIP 46 SOUTH, RANGE 43 EAST,
CITY OF DELRAY BEACH, PALM BEACH COUNTY FLORIDA.

APRIL, 2017



SHEET 2 OF 3



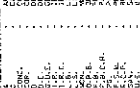
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A PORTION OF THIS DELAY REDEVELOPMENT, ACCORDING TO THE PLAYERS, WOULD BE RECORDED IN PLAT BOOK 12 AT PAGES 171 THROUGH 182 OF THESE DELAY REDEVELOPMENT RECORDS. THE PLAYERS BELIEVE THAT THE REDEVELOPMENT OF BLOCK 12 OF LOTWING COULD BE PLAT THEREIN AS RECORDED IN PLAT BOOK 12 AT PAGE 171 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 104.42 FEET OF THE WEST 175 FEET OF BLOCK 23, "TOWN OF LINTON",
ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 3, OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

THE SOUTHERN COAST OF FLORIDA, PALM BEACH COUNTY, FLORIDA
AND CONTAIN 2,222 ACRES, MORE OR LESS.

FILE COMMITMENT - 4930241
DELITY NATIONAL TITLE INSURANCE COMPANY

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SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON
COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR
SURVEYS AS CONTAINED IN CHAPTER 317, FLORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472-037,
FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS
CONVEYED TO ME BY THE DIRECTION.

JEFF S. NOODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. L55111

FLIGHT LICENSE NO. 13311
LAST DATE OF FIELD WORK: OCTOBER 15, 2014

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Quinn and J. A. J. 2002

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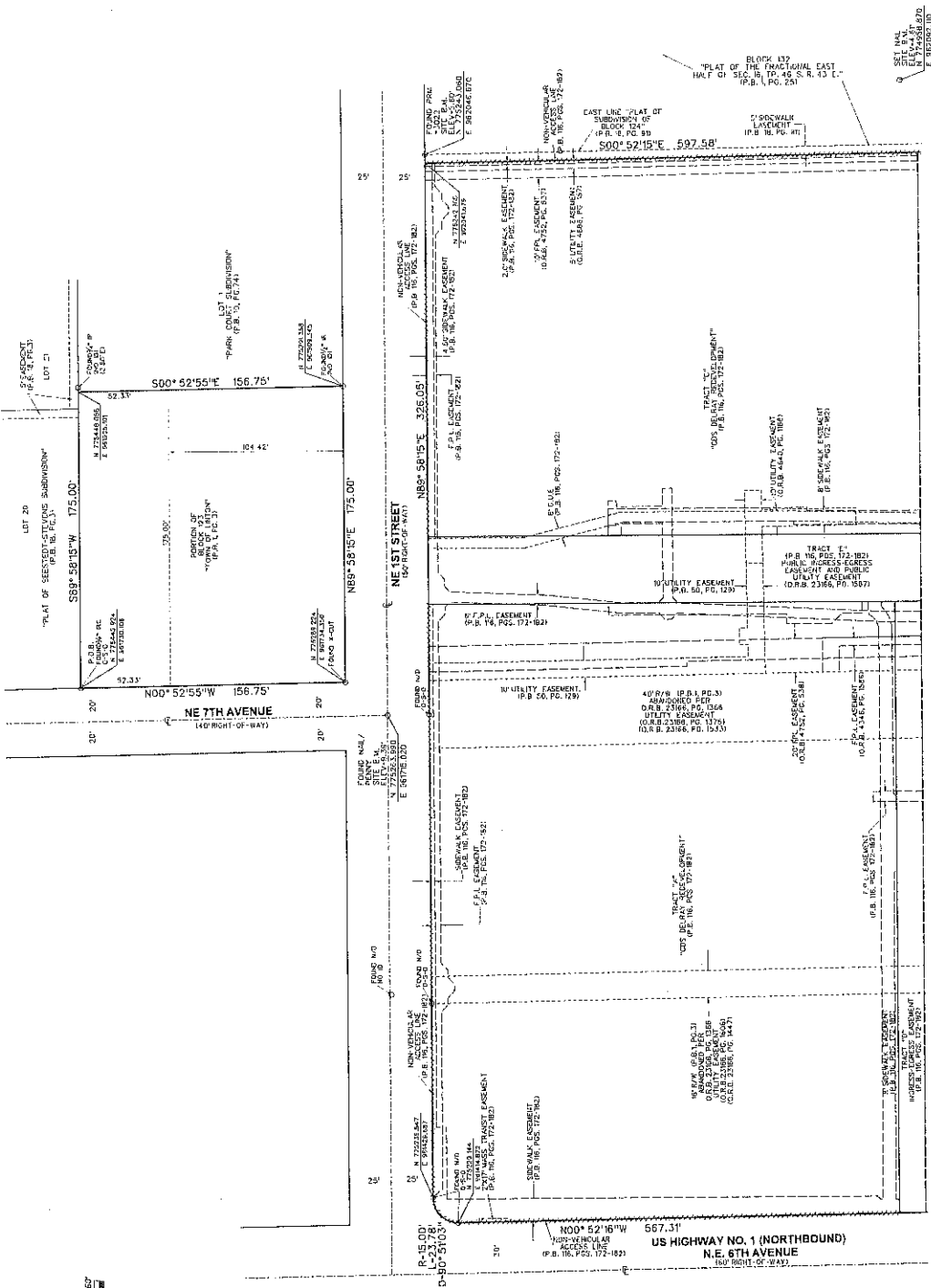
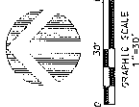
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ATLANTIC CROSSING
BOUNDARY SURVEY

PERIMETER
SURVEYING & MAPPING
Dedication of Authorization No. 137264

3447 Citra Moore Road
Sarasota, Florida 34237
SURVEYING & MAPPING
Dedicated to Authorization No. LB264
(E. 561) 241-0088
Fax (561) 241-5182

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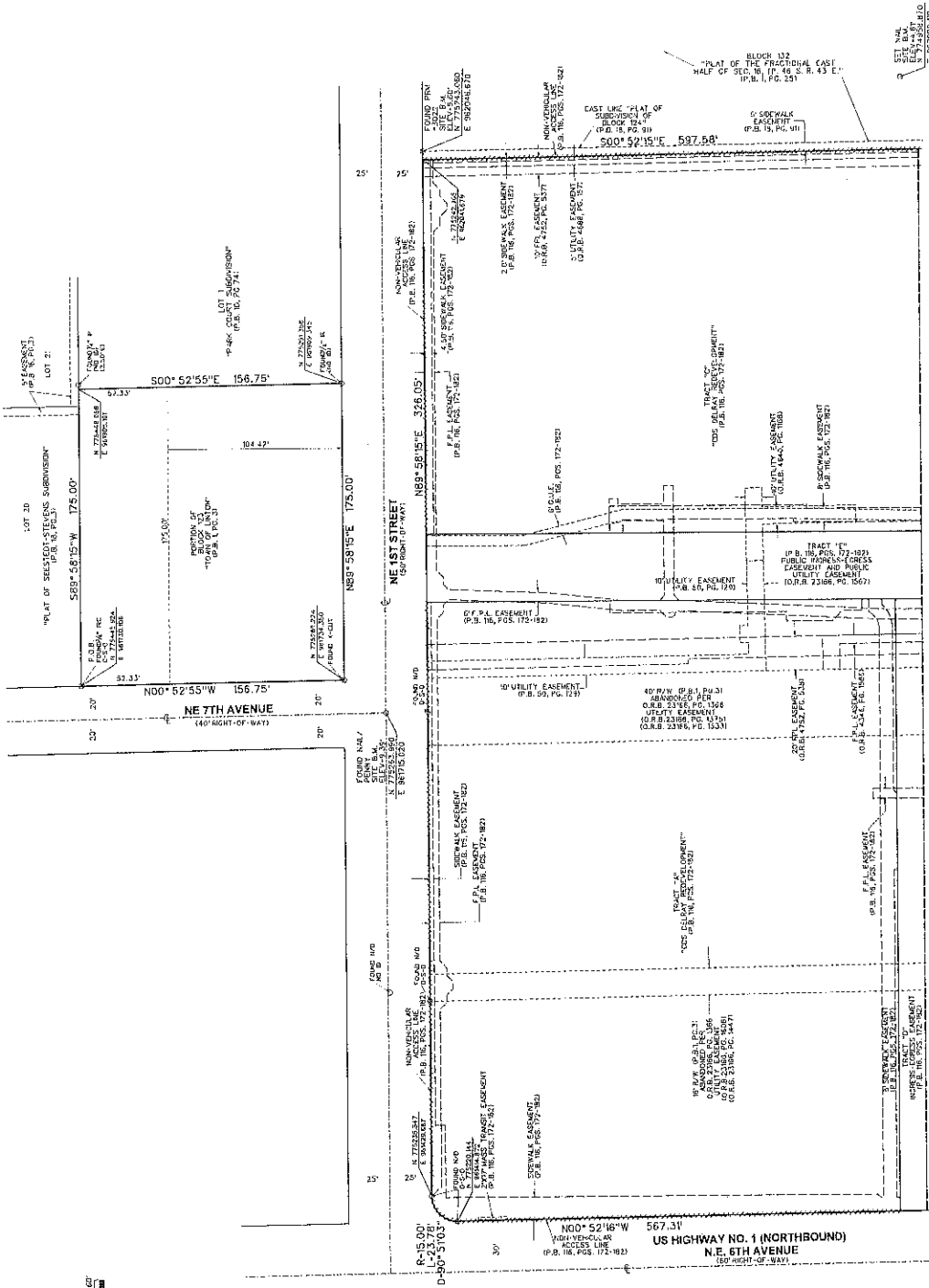
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ATLANTIC CROSSING BOUNDARY SURVEY



PERIMETER
SURVEYING & MAPPING
847 Dixons Road
Box 100, P.O. 248
Columbia, SC 29204
Tel: (803) 241-5500
Fax: (803) 241-5501



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SHEET 2 OF 2

ATLANTIC CROSSING BOUNDARY SURVEY



SURVEYING & MAPPING
347 On Itzre Road
Boca Raton, Florida, 33487
Tel: (561) 244-8888
Fax: (561) 244-5588
Certificate of Accreditation No. 02894

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SAID LANDS SITUATE IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAIN 9.228 ACRES, MORE OR LESS.

TITLE CERTIFICATE

TIME CURRENTLY IN SERVICE
FIDELITY NATIONAL TITLE INSURANCE COMPANY
EFFECTIVE DATE: JULY 29, 2014 AT 1:00 PM

SURVEYOR'S CERTIFICATION
I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREOF
COMPLIES WITH MINIMUM TECHNICAL STANDARDS FOR
SURVEYS AS CONTAINED IN CHAPTER 54-17, F.L.S.,
ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027,
FLORIDA STATUTES, AND THAT SAID SURVEY IS TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AS
SURVEYED UNDER MY DIRECTION.

JEFF S. HODAPP
SURVEYOR AND MAPPER
FLORIDA LICENSE NO. L55111
LAST DATE OF FIELD WORK: OCTOBER 15, 2014

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SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: November 20, 2013

ITEM: **Atlantic Crossing** – Class V Site Plan, Landscape Plan And Architectural Elevation Approvals Associated With The Construction Of A Mixed Use Project That Contains 37,642 Square Feet Of Retail Floor Area, 37,991 Square Feet Of Restaurant Floor Area, 83,462 Square Feet Of Office Floor Area, And 343 Dwelling Units.

GENERAL DATA:

Owners..... Freecor Investment, Inc., Atlantic Center, Ltd., CDS Gas Station, LLC, CDS 45, LLC, CDS-ASJ Building, LLC, CDS Delray Redevelopment, LLC, and CDR Atlantic Plaza, Ltd.

Applicant..... Edwards CDS, LLC

Agent..... Covelli Design Associates, Inc.

Location..... Between Veterans Park and NE 6th Avenue, and between East Atlantic Avenue and NE 1st Street. The development also includes the parking lot at the Northeast corner of NE 7th Avenue and NE 1st Street.

Property Size..... 9.22 Acres

Future Land Use Map... Commercial Core & MD (Medium Density 5-12 du/ac)

Current Zoning..... CBD (Central Business District) & CF (Community Facilities)

Adjacent Zoning..North: CBD & RM (Multiple Family Residential – Medium Density)

East: RM & OSR (Open Space Recreation)

South: CBD (Central Business District)

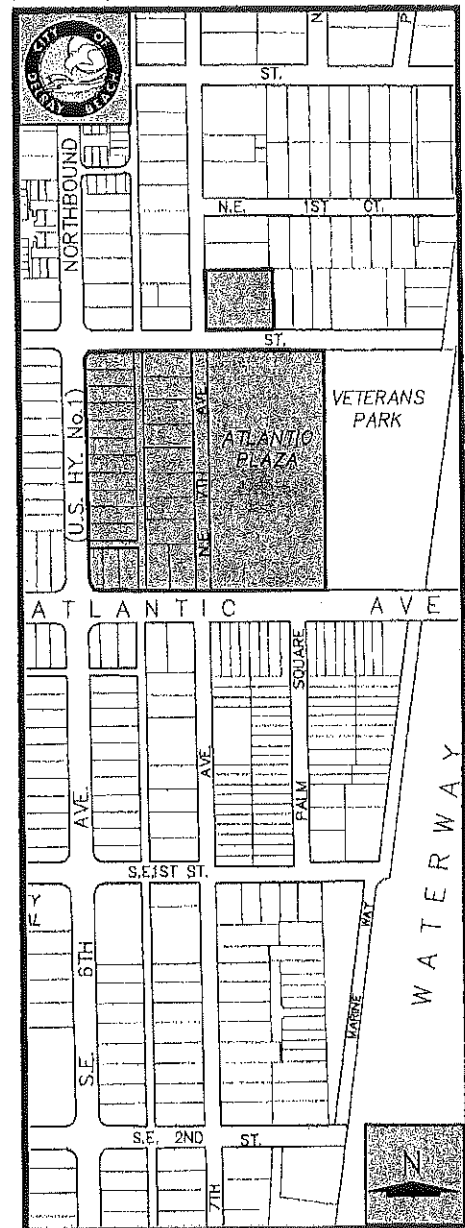
West: RM & CBD (Central Business District)

Existing Land Use..... Office, Retail, and Multiple Family

Proposed Land Use..... Construction of a mixed use development with 37,642 sq.ft. of retail, 37,991 sq.ft. of restaurant, 83,462 sq. ft. of office, and 343 dwelling units.

Water Service..... Existing on site.

Sewer Service..... Existing on site.



ITEM BEFORE THE BOARD

The action before the Board is approval of a Class V site plan request for **Atlantic Crossing** pursuant to LDR Section 2.4.5(F). The request involves the following elements:

- ☐ Site Plan;
- ☐ Architectural Elevations; and
- ☐ Landscape Plan.

The project is located between NE 6th Avenue (Federal Highway) and Veterans Park and between Atlantic Avenue and NE 1st Street, along with the parking lot at the northeast corner of SE 1st Street and NE 7th Avenue.

BACKGROUND

The project area consists of the existing Atlantic Plaza, a portion of Block 123, all of Block 116 of the Town of Delray subdivision and the NE 7th Avenue right-of-way between Atlantic Avenue and NE 1st Street (9.22 acres total). Block 116 contains four buildings that were constructed between 1962 and 1979. These buildings contain office, retail, and auction house uses. The gasoline station and multiple family residence previously located along NE 6th Avenue have been demolished. The site plan for the existing Atlantic Plaza was approved in 1984 with a total building area of 80,000 square feet. A non-impacting site plan modification was approved in 1986, reducing the total building area to 78,248 square feet. A total of 261 parking spaces were required for the approved building area. Since only 206 spaces were provided on site, the developer entered into an agreement with the City on January 3, 1986 to either provide the remaining required spaces in an off-site parking lot, or pay in-lieu fees for the 56 space deficit.

On August 26, 1986, the Planning and Zoning Board approved a conditional use request for an off-site parking lot at the northeast corner of NE 1st Street and NE 7th Avenue. The 62 space lot was constructed in 1992. It is noted that this property is now included in the current development proposal.

On August 31, 1998, a Class III site plan modification request was submitted to expand the existing dry cleaners. During its meeting of October 21, 1998, the Site Plan Review and Appearance Board (SPRAB) approved a site plan, landscape plan, and architectural elevations associated with a 1,200 sq.ft. addition to Gulfstream Cleaners.

Atlantic Plaza

At its meeting of October 17, 2005, the Planning and Zoning Board considered conditional use requests to increase the height and density for a new proposed mixed-use project called Atlantic Plaza. The development proposal consisted of the existing Atlantic Plaza site together with portions of Block 116. The project consisted of 4 five-story mixed-use buildings with 57,137 square feet of retail floor area, 44,204 square feet

of office area, and 8,811 square feet of restaurant area; a 795 space parking garage (distributed among the 4 buildings), along with 306 residential dwelling units. At this meeting, the Board recommended approval of the conditional use requests to increase the height of the buildings above 48 feet (60 feet proposed) and to increase the density of the project above 30 dwelling units per acre (47 du/ac proposed).

At its meeting of December 6, 2005, the City Commission considered the conditional use requests for the increase in building height up to 60'-0" and the increase in density to 47 units per acre for the Atlantic Plaza project. Following consideration, the City Commission postponed the application in order to provide the applicant the opportunity to reconsider the massing of the project along Veteran's Park. However, at the request of the applicant, the project was never rescheduled for consideration by the City Commission and the file was closed.

Atlantic Plaza II (A)

A new conditional use application was submitted for the property for a mixed use project that units of six (6) buildings with 89,126 sq.ft. of retail floor area, 29,709 sq.ft. of restaurant floor area, and 111,628 sq.ft. of office area, with 197 residential units and to allow an increase of the maximum building height to 60 feet. At its meeting of December 9, 2008, the City Commission approved the conditional use to increase the building up to a maximum height of 60 feet.

At its meeting of February 17, 2009, the City Commission approved the abandonment of NE 7th Avenue and the alleys within the project area, subject to the provision of an easement for public access to a "relocated" NE 7th Avenue. The approval of the abandonment included the approval of a waiver to the minimum centerline street-jog offset of 125 feet (85 feet at the intersection of NE 7th Avenue and NE 1st Street).

At its meeting of March 11, 2009, the Site Plan Review and Appearance Board approved the Class V site plan application associated with the development proposal.

At its meeting of April 7, 2009, the City Commission considered an appeal of the Site Plan Review and Appearance Board action. Following consideration of the project, the City Commission denied the appeal of the SPRAB action. Therefore, the SPRAB action to approve the site plan application remained in effect. The conditions of approval were addressed and the site plan was certified. This site plan approval is still valid until September 9, 2021.

Atlantic Plaza II (B)

A new development application was submitted that included the construction of two (2) five-story buildings; two (2) four-story buildings; and two (2) three-story buildings. The commercial component of the development consists of 52,021 square feet of retail; 28,204 square feet of restaurant; and 79,071 square feet of office. The residential portion of the development includes 442 dwelling units comprised of 70 efficiency unit; 151 one-bedroom units; 208 two-bedroom units; and 13 three-bedroom units. At its meeting of September 24, 2012 the Planning and Zoning Board considered the

conditional use requests to increase the density of the project to 51.10 dwelling units per acre and increase the building height to 59 feet 4 inches voted to postpone the applications. The Planning and Zoning Board directed the applicant to address traffic, transportation management, access to Veteran's Park (special emphasis on emergency vehicle access), and the impact of vehicles on the residential neighborhood to the north. Several of the Board members indicated that LEED certification should be sought for the proposed development. The pedestrian connections and general walkability of the project was also emphasized as a concern. The applicant revised the plans and eliminated the fifth floor of building IV, which is the one nearest Veteran's Park. The site was also redesigned to improve the vehicular access to the garages. The applicant agreed to contribute the cost of a shuttle bus to the City to address transportation management concerns. At its meeting of October 15, 2012, the Planning and Zoning Board re-considered the conditional use application and recommended approval to the City Commission.

The City Commission considered the development proposal at its meeting of November 13, 2012. At that time, the development proposal consisted of two (2) five-story buildings; two (2) four-story buildings; and two (2) three-story buildings. The commercial component of the development consisted of 52,021 square feet of retail; 28,204 square feet of restaurant; and 79,071 square feet of office. The residential portion of the development included 442 dwelling units comprised of 70 efficiency units; 151 one-bedroom units; 208 two-bedroom units; and 13 three-bedroom units. After considerable public comment and Commission discussion, the project was postponed with the applicant directed to reduce the intensity of the project.

Atlantic Crossing

At its meeting of December 4, 2012, the City Commission reconsidered the revised development proposal. The revised development proposal reduced the total number of residential units from 442 dwelling units (51.10 du/ac) to 372 dwelling unit (43 du/ac) for a reduction of 70 dwelling units. The residential mix at that time consisted of 38 efficiency units; 141 one-bedroom units; 180 two-bedroom units; and 13 three-bedroom units. The proposed unit reductions would occur within the "footprint" of the buildings that the City Commission previously considered. The reduction was achieved by making individual dwelling units larger, which creates a corresponding reduction in the unit count and density. It is noted that there was no change to the physical layout of the property with respect to the building locations, height, driveways, landscaping, courtyards, etc. from what the City Commission previously considered. The effect of the proposal on parking was a net reduction in the total number of required parking spaces from 1,092 spaces to 1,000 spaces (92 space reduction). The reduction in required parking resulted in an increase in the number of surplus parking spaces that the project would have had from the previous 70 space surplus to a 162 space surplus. Following considerable public input and discussion, the City Commission voted to approve the conditional uses for the development, subject to conditions noted in Exhibit A.

These conditions have either been addressed in the revised development proposal or will be attached to the site plan recommendation as conditions to be addressed.

The action now before the Board is approval of the site plan, landscape plan, and building elevations.

PROJECT DESCRIPTION

The development proposal incorporates the following:

- Demolition of the existing structures and construction of a mixed use project that contains 37,642 square feet of retail floor area, 39,434 square feet of restaurant floor area (include 1,443 square feet of outdoor dining area), 83,462 square feet of office floor area, and 343 dwelling units (25 loft units; 97 – 1 bedroom units; 201 – 2 bedroom units; and 20 – 3 bedroom units). These uses will be contained within 6 buildings;
- Construction of parking facilities that contain a total of 1,089 parking spaces. This parking is provided via sub-grade parking, an above-grade parking garage, surface parking lot at the northeast corner of the intersection of NE 7th Avenue and NE 1st Street, parallel on-street parking, and individual two-car garages for the townhomes. The parking facilities along the east side of NE 7th Avenue will be accessed via valet queue/circular drive from NE 7th Avenue, a garage driveway along NE 1st Street, and individual driveways to the townhouse garages along NE 1st Street. The ingress/egress to the subgrade parking facility along the west side of NE 7th Avenue will be available from a two-way driveway along NE 7th Avenue and a one-way egress driveway onto Federal Highway;
- Construction of 9 parallel parking spaces and landscape nodes along NE 1st Street.
- The amenity package for the development includes fitness rooms, resident storage facilities, club room, rooftop pool on the porte cochere, rooftop patios, resident bar/commons café, bicycle storage lockers, common showers for employees, at-grade pool with spa and Baja shelf.
- The project contains numerous public and private (residential) courtyards and plazas. These areas contain several amenities including water features, terraced water feature, fire feature, fire place, seating/benches, public art, trellis, and aquarium feature. Additional hardscape features include: landscape planters, bike racks, and trash receptacles;
- Closure of NE 7th Avenue, construction of a cul-de-sac and emergency vehicle access, installation of a swale along the north side of NE 1st Street, and reconfiguration of the parking area at the northeast corner of NE 7th Avenue and NE 1st Street.

And other improvements including:

- Construction of a parallel drop-off/loading zone at the northeast corner of the intersection of Atlantic Avenue and NE 7th Avenue. Construction of a trash room and loading areas at the northeast corner of Building III. Construction of trash rooms in Buildings VI-N, V, IV-S, and a dumpster enclosure on the south side of Building IV-N. The grease interceptors for the restaurants are located in the subgrade parking areas.
- Installation/expansion of additional landscape islands on the south side of Atlantic Avenue, which will result in the elimination of 4 parking spaces;
- Installation of landscape areas within the public rights-of-way;
- Construction of raised crosswalks along NE 7th Avenue
- Installation of sidewalks, walkways, and associated landscaping.

SITE PLAN ANALYSIS

COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

Building Setbacks:

The following tables indicate that the proposal complies with LDR Section 4.4.13(F)(4) as it pertains to the Downtown Design Guidelines for the Central Business District (CBD) zone district, except for those portions of the buildings as noted in the furthest column to the right:

Buildings I, III, and VI							
Road/ Building Side	Building Height	% Building Frontage (min/max)	Required Setback	Required Lot Frontage at Setback	Proposed Lot Frontage	Compliance with LDR Requirements?	
						Yes	No
Atlantic Avenue (Bld. 1) 262.75' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	183.25' min./236. 48' max.	155.42'*		*
		Remaining length	15' min.	27.48' min.	185.75'	*	
	25' to 48'	70% min.	15' min.	183.25'	185.75'	*	

NE 6 th Avenue 582.67'*** Lot Frontage	Ground Floor to 37'	70% min./90% max.	10' max.	407.87' min./524. 40' max.	280.67**		*
		Remaining length	15' min.	58.27' min.	279'	*	
	37' to 48'	70% min.	15' min.	407.87' min.	554.67'	*	
	48' to 60'	90%	30' min.	236.48' min.	100%	*	
NE 1 st Street 257.75'**** Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	180.43' min./231. 98' max.	181.25'	*	
		Remaining length	15' min.	35.12' min.	80.25'	*	
	25' to 48'	70% min.	15' min.	180.43' min.	238.58'****	*	
	48' to 60'	90% min.	30'	231.98' min.	100%	*	
NE 7 th Avenue 582.33' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	407.63' min./524. 10' max.	287.08**		*
		Remaining length	15' min.	58.23' min.	290.25'	*	
	25' to 48'	70% min.	15' min.	407.63' min.	494.42'	*	
	48' to 60'	90% min.	30'	524.10' min.	100%	*	

* Per LDR Section 4.4.13(F)(4)(e)(4), Modifications to the frontage requirements may be granted by the Site Plan Review and Appearance Board or the Historic Preservation Board in order to accommodate plazas that connect the building to the sidewalk and promote social interaction by offering one or more of the following: public seating areas, sidewalk cafes, sculptures or other artwork for public display, and similar features. The applicant has provided an alternative plan that graphically depicts how the project would look if compliance with the design guidelines were achieved. The inability to provide sufficient building up on the street is due to the provision of public plazas and additional area for sidewalk cafes. Thus, the proposed development has demonstrated eligibility for relief from the frontage requirements. The granting of relief by SPRAB is reflected in the "Recommendation Section" of this staff report under Special Actions.

** The plans incorrectly note the building frontage along NE 6th Avenue. A condition of approval is attached that the plans are revised to correctly note the building frontage.

*** The plans incorrectly change the building frontage for the upper floors and incorrectly note the frontage provided for the third floor of building VI along NE 1st Street. A condition of approval is attached that the plans be revised to correctly note the northern frontage dimensions of building VI.

Buildings II, IV-S, IV-N, and V

Road/ Building Side	Building Height	% Building Frontage (min/max)	Required Setback	Required Lot Frontage at Setback	Proposed Lot Frontage	Compliance with LDR Requirements?	
						Yes	No
Atlantic Avenue 277.5' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	194.25' min./249. 75' max.	224.75'	*	
		Remaining length	15' min.	27.75' min.	52.75'	*	
	25' to 48'	70% min.	15' min.	194.25' min.	253.5'	*	

NE 7 th Avenue 582.33' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	407.63' min./524. 10' max.	240.58'		*
		Remaining length	15' min.	58.23' min.	278.92'	*	
	25' to 48'	70% min.	15' min.	407.63' min.	472.42'	*	
NE 1 st Street 245.17' Lot Frontage	Ground Floor to 25'	70% min./90% max.	10' max.	171.62' min./220. 65' max.	182'	*	
		Remaining length	15' min.	24.52' min.	63.17'	*	
	25' to 48'	<i>Pursuant to LDR Section 4.4.13(F)(4)(e)(1), upper level setbacks do not apply to 3-story townhomes.</i>					

* Per LDR Section 4.4.13(F)(4)(e)(4), Modifications to the frontage requirements may be granted by the Site Plan Review and Appearance board or the Historic Preservation Board in order to accommodate plazas that connect the building to the sidewalk and promote social interaction by offering one or more of the following: public seating areas, sidewalk cafes, sculptures or other artwork for public display, and similar features. The applicant has provided an alternative plan that graphically depicts how the project would look if compliance with the design guidelines were achieved. The inability to provide sufficient building up on the street is due to the provision of public plazas and additional area for sidewalk cafes. Thus, the proposed development has demonstrated eligibility for relief from the frontage requirements. The granting of relief by SPRAB is reflected in the Recommendation section of this staff report under Special Actions.

Allowable Upper Level Floor Area:

Per LDR Section 4.4.13(F)(4)(b)(2), Section 4.4.13(F)(4)(c)(2), and Section 4.4.13(F)(4)(d)(1), the floor area of the upper levels of a building cannot exceed a certain percentage of the allowable ground level footprint area. The following table identifies the allowable ground level footprint building areas and the proposed upper levels for the proposed development.

				Compliance with LDR Requirement?	
Allowable ground level footprint	Maximum allowed percentage	Proposed (Upper Levels)		Yes	No
354,091sq.ft. Third Floor	70%	47.16% (166,985 sq.ft)		*	
354,091sq.ft. Fourth Floor	70%	28.28% (100,125 sq. ft.)		*	
354,091sq.ft. Fifth Floor	50%		11.71% (41,483 sq.ft.)	*	

Side Interior Setback:

Per LDR Section 4.4.13(F)(5)(a), a 10-foot setback is required along the east side of the property adjacent to Veterans Park and 10.5 feet is proposed. Thus, the development complies with this requirement.

Parking Requirements:

LDR Section 4.4.13(G)(1)(a), the required parking for the retail floor area is 1 parking space per 300 square feet of total gross floor area. Per LDR Section 4.4.13(G)(1)(d), the required parking for restaurants is 6 spaces per 1,000 sq. ft. of total gross floor area. Per LDR Section 4.4.13(G)(1)(i)(1), the required parking for the office floor area is one parking space per 300 square feet of net floor area.

Parking for multi-family residential structures and mixed use developments must be provided pursuant to the following:

• Efficiency dwelling unit	1.0 space/unit
• One bedroom dwelling unit	1.25 spaces/unit
• Two or more bedroom dwelling unit	1.75 spaces/unit
• Guest parking shall be provided cumulatively as follows:	
- for the first 20 units	0.50 spaces/unit
- for units 21-50	0.30 spaces/unit
- for units 51 and above	0.20 spaces/unit

The proposed development contains 37,642 square feet of retail, 39,434 square feet of restaurant and outdoor dining area, 83,462 square feet of office along with 343 residential dwelling units that are comprised of 6 townhouse units (all are three-bedroom units), 25 loft units, 97 one-bedroom, 201 two-bedroom, and 14 three-bedroom units.

Based on this development mix, the required parking for the proposed development is 1,026 parking spaces when adjusted by the shared parking allowance noted below. LDR Section 4.6.9(C)(8)(a) – Shared Parking allows for buildings, or a combination of buildings on a unified site, to utilize the shared parking calculations which affords reduced parking requirements by accommodating varied peak utilization periods for different uses (see below).

Use	Required	Weekday						Weekend			
		Night		Day		Evening		Day		Evening	
		Midnight to 6 AM		9 AM to 4 PM		6 PM to Midnight		9 AM to 4 PM		6 PM to Midnight	
Residential	171.6	100%	171.6	60%	102.96	90%	154.44	80%	137.28	90%	154.44
Office	278.207	5%	13.91035	100%	278.207	10%	27.8207	10%	27.8207	5%	13.91035
Commercial/Retail	125.473	5%	6.27365	70%	87.8311	90%	112.9257	100%	125.473	70%	87.8311
Hotel		80%	0	80%	0	100%	0	80%	0	100%	0
Restaurant	236.604	10%	23.6604	50%	118.302	100%	236.604	50%	118.302	100%	236.604
Entertainment/Recreational (theatres, bowling alleys, etc.)		10%	0	40%	0	100%	0	80%	0	100%	0
Reserved Parking	439	100%	439	100%	439	100%	439	100%	439	100%	439
Other		100%	0	100%	0	100%	0	100%	0	100%	0
TOTALS	1251		654		1026		971		848		932

The site plan data table indicates that a total of 1,089 parking spaces on-site via a combination of above grade and below grade parking (1078 spaces), 12 townhouse garage spaces, and 11 parallel parking spaces along NE 7th Avenue. However, in tabulating the actual parking provided from the floor plans, the project provides only 1,076 parking spaces. Thus, the proposed development contains a surplus of 50 parking spaces.

The subgrade parking area on the west side of NE 7th Avenue has a two-way driveway from NE 7th Avenue (abandoned and now a private street) and a one-way vehicular egress onto NE 6th Avenue (Northbound Federal). This parking area contains 271 reserved (gated) parking spaces and 144 shared parking spaces that will be accessible to the public. The vehicular ingress/egress access points will be gated for control and payment purposes. A driveway onto Federal Highway is proposed approximately 300 feet south of the intersection with NE 1st Street. While we have received a concern over its proximity to NE 1st Street it allows essentially the length of a football field for drivers to transition to the western lane to make the left turn at the intersection.

The above-grade parking garage on the east side of NE 7th Avenue contains 380 shared parking spaces and 93 reserved spaces. This facility is accessed via a driveway along NE 1st Street and a driveway from the circular drive along NE 7th Avenue. This facility is also gated for control and payment purposes. The reserved spaces are located on the ground floor and are accessed from NE 1st Street. Given the peak usage times of the valet queue, the primary access to the garage will be from NE 1st Street. The applicant has indicated that this garage will be utilized for valet overflow.

The subgrade parking facility on the east side of NE 7th Avenue contains 63 reserved parking spaces and 81 shared parking spaces. The applicant has indicated that this facility will be the primary valet storage lot. Given the peak usage and congestion, the developer will likely need to valet the resident's (reserved) vehicles in addition to the general public. The valet queue is designed with an entrance at the porte cochere, which serves as the drop-off. As stated, vehicles are parked in the primary sub grade facility and overflow to the above grade garage. Vehicle retrieval will occur further along the circular drive. The sidewalk around the circular drive includes a covered walkway for customer protection from the elements as they wait to retrieve their vehicles. All three parking garages will have roll down gates to secure these parking areas after hours.

Generators:

Per LDR Section 4.3.3(OO) & (OOO), all new multifamily residential buildings (including hotels and motels) equipped with public elevators shall provide auxiliary power generators for all interior corridor lighting and exit signs and at least one public elevator together with the clubhouse. The proposed development provides a generator for each of the buildings that contain residential units. Based on the above, the development complies with this requirement.

Open Space:

Per LDR Section 4.3.4(K), the minimum open space on the CF zoned property is 25% and 47% is proposed. Thus, this requirement has been met. Per LDR Section 4.4.13(F)(2), within the area encompassed by the boundaries of the original Downtown Development Authority as described in Section 8.2.2(B) there shall be no minimum open space requirement. Notwithstanding the provisions of this section, the body acting upon a development application within the CBD may require that open areas, including but not limited to courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass. It is noted that the proposed development has provided 32,048 square feet (8.55%) of the total project area as open space landscaped area.

Minimum Residential Floor Area:

Pursuant to LDR Section 4.4.13(H)(6) and LDR Section 4.3.4(K)[Minimum residential floor area], the minimum required floor area for efficiency dwelling units is 400 square feet, a one-bedroom unit is 600 square feet, a two-bedroom unit is 900 square feet, and a three-bedroom unit is 1,250 square feet. There are 25 efficiency (loft) dwelling units that range in size from 479 square feet to 663 square feet; 97 one-bedroom dwelling units that range in size from 663 square feet to 1,066 square feet; 201 two-bedroom dwelling units that range in size from 963 square feet to 1,997 square feet; and 20 three-bedroom units that range in size from 1,997 square feet to 3,962 square feet. Based upon the above this LDR requirement has been met.

Workforce Housing:

As noted in the background section of this staff report, the development was granted conditional use approval to increase the height of the building to 60 feet and a density of 43 dwelling units per acre subject to the condition that the applicant demonstrate compliance with the requirements of Article 4.7 (workforce housing) prior to certification of the site plan. Per LDR Section 4.3.4(J)(4)(b)(iii), workforce housing equal to at least 20% of the residential units on the top floor (fifth story) shall be provided within the development, offsite, or through monetary contributions as referenced in Article 4.7. Further pursuant to LDR Section 4.4.13(I)(1) (density), the development is required to provide 20% of the dwelling units above 30 dwelling units per acre as workforce units.

The revised development proposal contains 33 dwellings on the fifth floor. The developer is now required to provide 7 workforce dwelling units for the height increase. The current development proposal includes 86 dwelling units over 30 dwelling units per acre. The development is now required to provide 18 workforce units for the density increase. The total required workforce requirement for the development is 25 dwelling units. The units (if any) that are provided either on-site or off-site will need to comply with the location and amenity requirements of LDR Section 4.7.9. If the developer opts to contribute monetary funds, an in-lieu payment of \$160,000 per unit will be required payable to the City of Delray Beach Housing Trust Fund. The workforce housing

option(s) and compliance with Article 4.7 will need to be finalized prior to certification of the site plan and this is attached as a condition of approval.

Building Height Restriction:

Pursuant to LDR Section 4.3.4(J)(4)(b)(i)(9), an increase to a maximum height of sixty feet, may be approved by the City Commission as a conditional use for property within the Central Core portion of the CBD (Central Business District), except for that portion within 150 feet of any zoning district which has a maximum height limit of 35 feet, measured from the property line of the CBD zoned property. The property located at the northwest corner of NE 7th Avenue and NE 1st Street and east of this intersection is zoned RM (Multiple Family Residential – Medium Density) which has a 35-foot maximum height requirement. Thus, the 150-foot separation requirement applies to building #6, which includes a fifth floor. The fifth-story floor plan for building #6 graphically depicts the 150-foot separation. Therefore, the proposed development complies with this requirement.

Floor Height:

Per LDR Section 4.4.13(F)(1)(c), the floor height shall be a minimum of 10 feet for ground floors and a minimum height of 9 feet for all other floors. All heights shall be measured from finished floor to finished ceiling. Auxillary and service rooms, such as, garages, restrooms, closets, laundry rooms, dressing rooms, storage rooms, mechanical, electrical, and plumbing equipment rooms are exempted from the floor height regulations. The smallest required ground floor height for all buildings are those with residential use on the ground floor, which have a height of 10 feet. The smallest required upper floor heights for all buildings are also the residential building with a floor height of 9.08 feet. Thus, the proposed development complies with the minimum floor height requirements.

Special Buffer:

Per LDR Section 4.4.21(H)(2), when the CF zone district is adjacent to residential zoning, the perimeter landscape area should be increased to a depth of fifteen feet; or, as an alternative, either a wall, decorative fencing, or hedging should be installed for aesthetic and buffer purposes. The suggested 15-foot perimeter landscape area has been provided on the north and east sides of the parking lot on the north side of NE 1st Street.

Crime Prevention Through Environmental Design

The Delray Beach Police Department has reviewed the initial submittal of the site plan application (which has since been revised) and has made the following observations:

Surveillance:

Observation:

Natural Surveillance describes the natural ability of 'normal users' to observe the activity of others. CPTED standards require that residents, pedestrians, and passing motorists (all 'normal users') are afforded the ability to observe unlawful activity while conducting routine day to day activities. Good natural surveillance dictates that most 'normal users' will be able to observe illegal activity in nearby surrounding areas. Trees should be maintained regularly as to not block light or windows, and plant life should be below 3 ft. tall or above 6 ft. tall as to not obstruct natural surveillance vantage points. Windows to business and office areas should remain unobstructed by signage or plant life.

Comment: A condition of approval is attached that the vegetation be maintained below 3 feet and above 6 feet to maintain good surveillance throughout the property. Further, the condition will include a provision that the windows of the businesses and offices remain unobstructed by signage or plant life.

Access Control

Observation:

Access Control involves using mechanical, organizational, or natural measures to deny access to crime targets and ensure there are no major traffic issues. Access Control can involve the use of doors, gates, locks and bollards.

There are several areas where access control is a concern. How will the parking garage and other enclosed parking areas be managed over night? Will there be gates or keycard access? How will residents access their living quarters from the parking garage and the other inside parking areas? How will elevators be accessed? What system is being used to ensure the elevators cannot access the upstairs office space after hours. How will the elevators to the residential areas be controlled. There are several types of key card systems or number pad systems that can be utilized to ensure only normal users gain access, and abnormal users are kept out. The Police Department should also be provided with access to any and all gates and doors in case of emergency.

Comment: The development proposal has been revised to indicate that roll down doors will be provided at the entrances to the parking garages to restrict abnormal users from conducting nefarious activities. The applicant provided the following narrative regarding access to the residential areas of the development:

"...The residential portions of the parking garages are secured at all times with floor to ceiling barriers and roll up doors. Residents use a key card system for access to the parking and buildings. The overall parking garages also will have roll up doors that will be closed after hours to secure the parking garages. Any patron that is locked in can get out, but no one from the public can access the garages after hours. Residents will have key card access 24 hours..."

The roll down gates will need to have knock boxes to allow entrance by emergency personnel and this is attached as a condition of approval.

Lighting

Observation:

Lighting strategies are important for two reasons: First, they insure that the appropriate amount of illumination protects a site. Secondly, they provide quality light; characterized by minimum glare and color distortion. The study indicates that lighting will provide sufficient illumination for the lot and the surrounding area. There are no photometric numbers provided for the East Atlantic corridor. These numbers should be provided as the buildings will affect light in the area. The lights used should be LED, as they provide the best light with the least amount of glare. Wire cages or industrial strength shatter resistant lenses should be placed over the light to deter vandalism and lights should be positioned to avoid glare areas and blind spots.

Comment: The photometric has been revised and discussed in greater detail in a later section of this staff report. The applicant has indicated that LED light fixtures and shatter-proof lenses will be provided. It is noted that the Engineering Division reviews the lighting within the public and private streets as part of the building permit process.

Traffic

Observation:

The design shows there is no access to Veteran's Park from Atlantic Ave. It is recommended that there be an exit-only westbound lane included so vehicles can leave the park through a southern exit. NE 7th Ave. being blocked off at NE 1st St. creates concerns for emergency vehicle access. The concerns are two-fold, police and fire response times will increase to certain parts of the city due to the change. It will also force some local traffic to northbound Federal Hwy. This will cause a strain on the already designated "high crash intersection" NE 6th Ave. and 1st St. Keeping NE 7th Ave. open does not affect the overall design plan much, but assists emergency personnel to continue to provide efficient services.

Comment: The applicant submitted the following narrative in response:

"...A proposed Master Redevelopment Plan has been prepared for the park by a consultant hired by the city. The access to the park is not related to the Atlantic Crossing. However, at meeting with FDOT a southern access was discussed and will not be approved by FDOT due to sight distance constraints caused by the bridge. The proposed master plan shows the parking being reconfigured to the north end of the park with a full circulation parking lot which will alleviate this concern. An emergency access point is being proposed to permit access from NE 1st Street to NE 7th Avenue..."

As noted, the existing vehicular cross access between the Atlantic Plaza property and Veterans Park will be eliminated. This cross access was provided through an easement granted by the property and has since been dissolved. This cross access was granted by the property owner and had no responsibility to maintain this driveway. Further, the

property owner bears no responsibility in seeking or providing a new driveway from Veterans Park onto Atlantic Avenue. As noted, a new driveway from the park is extremely problematic given the proximity to the bridge.

The closure of NE 7th Avenue at NE 1st Street creates a concern with respect to response routes and times for emergency responders. This was placed as a condition on the conditional use approval by the City Commission.

Safety/Security

Observation:

This area historically yields a large volume of calls for service. Will there be any security guards patrolling the area? Will there be employees in the lobby of any of the residential buildings? A CCTV system or camera security device inside and outside the buildings and parking lots is a necessity. In the event of a crime, the cameras will aid with identification of the suspect, preventing repeat incidents.

Comment: The applicant submitted the following narrative in response to these comments:

"...Site security will be paramount for all tenants, customers and visitors of Atlantic Crossing. The following state of the art security measures will be used:

- *Controlled access parking with direct building entry*
- *24 hour controlled building access to all residential buildings*
- *24 hour emergency maintenance*
- *Security cameras in parking garages*
- *Controlled access to office buildings after regular business hours*
- *Controlled elevator operation in residential buildings*
- *Staffed reception desk in office buildings*
- *On-site parking attendant to monitor all parking facilities..."*

The development includes a security office that will include a staff member that will observe the CCTV monitors.

With the provision of facilities outlined above and the items attached as condition of approval (Maintenance of vegetation) the CPTED concerns will be addressed.

Lighting:

A photometric plan has been submitted for the parking and pedestrian areas within the development. The photometric plan demonstrates compliance with the City's illumination levels for all locations except for the east/west courtyards between buildings I & III, II & IV south, and on the north side of building III. These areas include commercial building entrances. In these situations, the maximum illumination is 10 foot candles and the minimum illumination is 1 foot candle. The photometric plan does not provide the illumination levels. These areas are of particular importance since they do not have street frontage and surveillance becomes more problematic. Thus, a condition

of approval is attached that the photometric plans be revised to include the illumination levels in these east/west courtyards.

Loading:

Per LDR Section 4.6.10(C), the suggested number of loading spaces for the 37,642 square feet of retail, 39,434 square feet of restaurant (includes outdoor dining areas), and 83,462 square feet of office is 10 berths. Per LDR Section 4.6.10(D)(1), the following are the dimensions for these births:

	FOR SINGLE UNITS	FOR TRAILER UNITS
* Width	12'	14'
* Length	30'	60'
* Vertical Clearance	12'	15'
* Maneuvering Apron	30'	60'

Per LDR Section 4.6.10(D)(2), where the entrance of a building is designed for loading and unloading operations, such entry shall provide, at least, one loading space. Otherwise loading areas shall not be located so as to create confusion or conflict with other use areas e.g. dumpster locations.

The proposed development provides loading births that are co-located with other uses. In lieu of providing the dedicated loading births that meet the dimensional requirement, the applicant proposes to provide a total of 13 loading areas that are all accessed from NE 7th Avenue. These loading areas include 5 parallel spaces along NE 7th Avenue that are also utilized for a shuttle stop, cab drop-off, and required parking spaces. Two loading spots are collocated in an enclosed compactor/dumpster area (Building III) on the west side of NE 7th Avenue. The applicant identifies 4 loading spaces collocated with the valet queue underneath the porte cochere and one more in the valet pickup area. The last loading space is in the covered area within Building IV and is collocated with a trash collection area. There is a concern that proposed loading/unloading facilities for the commercial uses will be insufficient to accommodating the demand of the businesses or the maneuvering/dimensional needs of the semi-trailers. If the proposed loading facilities prove to be insufficient for the larger vehicles, they will be forced to load from the travel lanes along NE 7th Avenue. It is also noted that there is a concern that the proposed parallel zone on the east side of building I and the valet queue are not located optimally for daily deliveries, such as FEDEX or UPS to serve all of the businesses. This may result in the temptation for the drivers to simply park in the travel lanes along Atlantic Avenue or NE 6th Avenue to service those buildings. The applicant has indicated that the project is considered a "managed" development, and delivery companies will be forced to utilize the designated loading zones by the management company.

Per LDR Section 4.6.10(B), the body approving the site plan associated with the proposed development shall determine the adequacy of the provisions which are made for (un)loading. In making such a determination, the standards and guidelines of this

Section shall be considered. The final determination may result in accommodations in excess of or less than such guidelines, or in the waiving of any such accommodations. There are concerns with the functionality of the collocated loading zones and the reasonability of the proximity of the loading spaces (particularly the FEDEX/UPS type deliveries) with the businesses they serve. If the Board finds that the loading facilities are adequate, staff recommends the attached condition that the management company require delivery services to utilize the designated loading zones exclusively.

Tandem Parking:

Per LDR Section 4.6.9(D)(2), each required parking space shall be accessible at all times. The tandem parking spaces are not allowed within the subgrade parking garages on the west side of NE 7th Avenue. A condition of approval is attached that the two tandem parking spaces are eliminated. This will reduce the surplus of parking that the development has.

Dead-End Parking Bays:

Per LDR Section 4.6.9(D)(4)(c), dead-end parking bays are discouraged, but when site conditions dictate that there be dead-end parking bays, they shall be designed so that there is a 24' wide by 6' deep maneuvering area at the end of the bay. This maneuvering area shall not encroach upon required landscape areas. The parking facilities contain numerous cases of dead-end parking bays without the required maneuvering areas. In order to address the required maneuvering area, a condition of approval is attached that the last parking space in these dead-end bays be striped-out. This will reduce the surplus of parking that the development contains.

NE 7th Avenue Closure:

At its meeting of December 4, 2012, the City Commission approved the conditional use requests for an increase in building height and density increase subject to a condition of approval that the applicant pay for the closure of N.E. 7th Avenue at N.E. 1st Street. The purpose for this requirement was in response to concerns from the residential neighborhood to the north regarding traffic impacts caused by the proposed development. The concern with closure of this road is the negative impact on response times for emergency services. It also reduces navigation options in the area for these responders. Further, impacts on normal daily traffic circulation are not known from the closure in the grid system. For instance, the closure may have an adverse impact on the two-lane George Bush Boulevard Intracoastal Waterway bridge, since local traffic may seek this route to cross rather than rerouting through the downtown to use the four lane Atlantic Avenue bridge. The outright closure of this street should be reconsidered. The City Engineer and Delray Beach Police Department do not support the closure of this street. In order to address all party's concerns, this street should be closed temporarily (removable concrete barriers) and the cost of the improvements noted on the plans paid to the City. This will allow the City time to study the impacts the closure will have on response times and traffic patterns. This temporary closure should

continue until after the issuance of the final certificate of occupancy for the development a full study of impacts post development is conducted.

Technical Items: While the revised site plan has accommodated most of the staff concerns the following items contained in Exhibit B remain outstanding, and will need to be addressed prior to certification of the site plan unless as otherwise noted.

LANDSCAPE ANALYSIS

The City Horticulturalist has reviewed the proposed landscape plan and found that it substantially complies with LDR Section 4.6.16. The proposed landscaping consists of Imperial Buttonwood, annuals, Dwarf Chenille Plant, Foxtail Asparagus Fern, Variegated Shell Ginger, Verawood, potted Bromeliads, Queen Emma Lily, Cat Palm, Green Buttonwood, Bridalveil, Redtip Cocoplum, Glory Bower, Green Malayan Coconut Palm, Old Man Palm, Geiger Tree, Croton, Small Leaf Clusia, Jamaica Caper, Royal Poinciana, Dwarf Thornless Euphorbia, Japanese Fern Tree, Mauritius Hemp, Green Island Fig, Climbing Fig, Hibiscus, Dwarf Yaupon, Wax Jasmine, Pink Crepe myrtle, Japanese Privet, Simpson's Stopper, Dwarf Sword Fern, Green Apples Bromeliad, Petra Bromeliad, Medjool Date Palm, Alexander Palm, Bay Rum, Bahama Wild Coffee, Macarthur Palm, Yew Podocarpus, Pringles Podocarpus, Dwarf Date Palm, Queen's Wreath, Xanadu Philodendron, Highrise Live Oak, standard Live Oak, Lady Palm, Royal Palm, Gold Seum, Paradise Tree, Satakentia Palm, Cabbage Palm, Purple Tabebuia, Thatch Palm, Mirror Leaf Viburnum, Sandankwa, Winin Palm, Coontie.

Landscape Technical Items: The following Landscape Plan items remain outstanding, and will need to be addressed prior to certification of the site plan.

- 1) The Landscape Plan will need to take into account the improvements along NE 6th Avenue as part of the Federal Highway Beautification project. Plans for this project are available through our Engineering Department. Please call Tim Tack at (561) 243-7315. Show all improvements associated with this beautification project within the limits of the Atlantic Crossing project on the Landscape Plans.
- 2) The donation of existing trees on site was made a Condition of Approval prior to the changing of ownership of this project. All existing trees that were proposed for removal and were of interest to the City of Delray Beach were required to be root-pruned and relocated to a park designated by the City of Delray Beach. This requirement shall remain. As such, a new Existing Tree Survey is required. Show all existing trees with a caliper of 4" or greater. Label all trees with their botanical name, common name, height and spread specifications, condition and proposed action (remain, relocate or remove). All trees proposed for removal based on this new survey will be evaluated by City staff who will determine the value of the trees to the City.

- 3) It was discussed that a similar streetscape proposed along the north side of Atlantic Avenue would be replicated along the south side of Atlantic Avenue. A combination of Live Oaks and Royal Palms were to be used. This has not been indicated on the plans.
- 4) There appears to be a conflict with proposed trees within the parking lot on the north side of NE 1st Street and existing underground utilities. The proposed trees will need to be shifted so that these conflicts are resolved.
- 5) The proposed Royal Palms along the north side of Atlantic Avenue are planted too close together. Space out the palms so that the edge of the canopies are touching, but are not grossly encroaching on each other.
- 6) Per LDR 4.6.16(H)(3)(h), All landscape islands are required to contain a minimum of seventy-five (75 SF) square feet of shrubs and groundcovers. Shrubs shall be placed at the back of the island with low groundcovers in the nose to eliminate sight visibility issues.
- 7) Per LDR 4.6.16(H)(3)(i), landscape islands are required to contain one (1) shade tree that is at least sixteen feet (16') in height. Palms are not permitted.

ARCHITECTURAL ELEVATIONS

Pursuant to LDR Section 4.6.18(E), the following 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.

- a) 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.
- b) 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.
- c) 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 proposed development is comprised of an array of architectural styles unified not by their details but by their similarity in scale and massing.

Building I is situated on the northeast corner of East Atlantic Avenue and NE 6th Avenue/North Federal Highway, and contains what will likely be the most visible and viewed elevation of the entire project. The design exhibits a clean Commercial-Vernacular style with Mediterranean influences. Large amounts of upper-story fenestration lend itself to a corporate office aesthetic balanced by the pedestrian friendly

commercial spaces on the ground level. The wall planes and massing are broken up by the offsets between the stucco-finished, hip-roofed wall planes and towers at each corner and the flat-roofed set back walls of glass. An additional feature is the centrally located arcade on the ground floor, facing East Atlantic Avenue. The arcade anchors the main entry to the building, and is accented by a single-story, wood trellis covered in flowering vines.

Building II, which is located at the southeast corner of the development and adjacent to Veteran's Park, also fronts onto East Atlantic Avenue and will provide the focal point for all vehicular and pedestrian traffic crossing the Atlantic Avenue Bridge from the beach side of the city. The architectural influences in this building's design vary. The east and west ends of this building continue similar elements and aesthetics as Building I; the middle portion of Building II is influenced by both the Art Deco and Art Moderne style. The styles, while very similar, have their differences, each of which are evidenced in the details including the upper-story, stepped vertical focal point located slightly off center and above the ground floor arcade. This vertical element is flanked by horizontal bands of multi-light casement windows topped by style-appropriate eyebrows for shade. The ground floor, which contains retail space, consists of larger single-light panes of glass with multi-light transoms. An extended flat roof supported by simple, round columns provides a covered entry area for pedestrians. The stucco finish and white and blue color palette appropriately compliment these design features. The portion of the building to the east and adjacent to Veteran's Park consists of a ground floor containing larger multi-light windows and a walkway covered by the cantilevered upper-story terrace, supported by decorative brackets. In addition to the terrace, the upper-stories are broken up as the corner wall planes vary with setbacks and heights to break up the second and third stories. The north side of this elevation, however, reverts back to the ground floor store front and two stories of glass on the second and third floors above, as described in Building I. This design continues onto the rear elevation, which faces Building IV-S, and is broken up in the middle with the Art Deco/Moderne details as described on the front of the building. The clear architectural contrast between each of the building's three sections implies that three different buildings were developed separately possibly when the downtown was originally developed. Their juxtaposition is in harmony and scale with each providing balance to the elevation.

Building III is located due north of Building I, and fronts onto NE 6th Avenue/North Federal Highway. This five-story building consists of a commercial ground floor topped by four stories of residential units. As a result, the architecture significantly deviates from Buildings I and II by eliminating the upper-story glass walls and large expanses of fenestration. The west elevation consists primarily of a three-story building as the upper stories are considerably setback from the main wall plane. This setback provides the ability to contrast the architectural style within the building and give the appearance of two buildings constructed at different times. A green wall feature on the corner of the three-story portion adds interest to this side of the building which faces NE 6th Avenue/North Federal Highway. Juliet balconies with single-light French doors are featured in some units, while other units have been provided inset, covered balconies. The ground floor contains a mix of arched and flat openings, while the upper residential

stories consist of 9/1, single-hung windows, and multi-light and single-light French doors. The wall plans, primarily on the north and south elevations, have added interest with varying wall planes and setbacks, complimented by both a flat and parapet roof. The primary material consists of stucco, accented by a stone finish ground floor on the west elevation and a four story, decorative tile wall on the south elevation. These features are further celebrated by the complimentary color scheme which varies between the wall planes. The east elevation mimics the west elevation with the step down from five stories to three stories, thereby providing an appropriate transition into the pedestrian friendly streetscape adjacent to NE 7th Avenue.

To the east of Building III, and adjacent to Veteran's Park is Building IV-S. The design of this four-story building contains a strong Mediterranean Revival influence, with multi-light windows throughout including those of a diamond configuration reminiscent of leaded glass windows, arches throughout, a clay barrel-tile roof, decorative tile accents, and a mix of stucco and stone for the wall finishes. The building, which consists of ground floor retail dining uses and upper story residential units, is broken up by varying wall plane setbacks to provide interest in the elevations. The southwest corner of the building contains a rounded one-story element which provides open-air seating below and an open terrace for the building's residents above, at the second-story level. The northwest corner of the building contains a covered driveway/valet area extending from NE 7th Avenue. This two-story feature contains arched openings and decorative tile accents. The top of this feature provides the pool and outdoor area for the residents, with access gained on the third floor. Green and navy blue canvas awnings accent the architecture and color scheme and interest to the building. However, the ground floor on the south elevation incorporates Galvalume, standing seam metal roof overhangs to provide a covered walkway for pedestrians. This material is not appropriate and should be revised to the barrel clay tile on the roof, or the canvas awnings would also be appropriate. This material revision has been added as a condition of approval.

Building IV-N and Building V are located at the northeast corner of the project adjacent to both NE 1st Street and Veteran's Park. A five-level parking garage is situated in the center of the building and is connected to Building IV-N to the south, and Building V to the north. The garage will provide parking for residents in the attached residential units which consist of apartments and townhouses; no commercial spaces are located within these buildings. Building IV-N faces Building IV-S, which is similar in architectural style. A heavily landscaped courtyard provides an urban park area between these two buildings adds interest to the residential area while providing an appropriate separation from the busier, more intense area of the development. The Mediterranean details and influences in the architectural design are on the south elevation and slightly wrap around onto the east and west elevations. These details are similar to those described for Building IV-S; however, Building IV-N contains additional arched openings, and more prominent tower features at each corner. The very geometrical and modern design of Building V is a complete contrast from the Mediterranean style of the balance of the building. Building V is indicated as the north elevation of the parking garage, and a majority of the east and west elevations. The wall planes vary and create a rhythm on the elevation with the offsets and varying heights. The vertical elements are

complimented by the horizontal lines of the balconies, eyebrow details, and windows. The single-car garage doors on the north elevation also fit into the geometrical rhythm of the building.

Building VI, which consists of Building IV N and Building IV-S, is located at the northwest corner of the project and is adjacent to NE 6th Avenue/North Federal Highway and NE 1st Street. Looking at this as one building, there are five stories of residential units on the south side, interior to the overall development, and gradually steps down to three stories towards the adjacent rights of way with a small two-story commercial component at the extreme northwest corner of the building and development. The step down to two-stories will assist in relieving the impact of the project onto the adjacent residential neighborhood to the north. The buildings are connected on the west elevation only, with a metal roof, covered walkway; the west elevation does not physically connect the two buildings. A courtyard is located between the two buildings and provides a large deck area and swimming pool for the residents. Landscaping is also dispersed throughout the courtyard and around the perimeter of the building. The design of this corner consists of a round element to provide an interesting focal point for traffic coming from the north. The overall architectural design and style consists of a contemporary masonry vernacular style popular in local residential development and has been approved for multiple projects in recent years. Frequently referred to as "Key West" or "Floribbean", the overall design consists of smooth stucco, which varies between the lower and upper stories to break up the massing, 9/1 single-hung windows, inset balconies, a flat roof, and metal roof canopies or overhangs.

In addition to the green wall feature on Building III and the urban park at Building IV, there are other points of interest within the development such as the 33' tall, 50' long "Shell" located between Building I and Building III within the pedestrian retail/dining street. The "Shell" is made up of translucent glass over a metal frame. West of the "Shell" is a water feature and additional landscaping within this plaza. A freestanding aquarium is proposed adjacent to NE 7th Avenue and northeast of Building I. See attached color renderings.

In consideration of the applicable criteria, the proposed architectural elevations comply with the criteria of LDR Section 4.6.18(E) as illustrated in the architectural descriptions above. The plan conforms with good taste and design and will contribute to the image of the City as harmony both within the project and to the existing surroundings has been achieved. The exterior design will not cause depreciation in appearance or value of the local or evolving environment adjacent to the project. Based on the above, positive findings with respect to LDR Section 4.6.18(E) can be made, subject to the condition that the metal roof material on Building IV-S be revised to either barrel clay tile, or a canvas awning to match the other proposed awnings on the building.

Roof Mounted Equipment:

Per LDR Section 4.6.18(B)(14)(i)(4), roof mounted electrical, mechanical, air conditioning, and communication equipment shall be completely screened from

adjacent properties and streets. A sight line study with the following information shall be submitted to Site Plan Review and Appearance Board for approval:

- (a) A two-dimensional cross section, at a minimum scale of 1:100, of the site showing the building with the equipment screening in relation to the adjacent properties or public street.
- (b) Graphic illustration showing that the equipment is not visible within a 200 foot radius. The radius shall be measured from the exterior side of the screen to a point ten feet (10') above finished grade.

The plans include the line of sight surveys for buildings I and II and indicate that the rooftop equipment will not be visible from off site. The rooftop equipment for these buildings are located toward the interior of the roof deck and will be screened by the parapets and the angles involved. However, the rooftop equipment for buildings III, VI-N, VI-S are located along the perimeter of the roof decks. These buildings contain minimal parapets (as little as 5 inches). The rooftop equipment for these buildings needs to be relocated to the interior of the roof deck and the requisite line of sight survey submitted and this is attached as a condition of approval. The rooftop equipment for buildings IV-N and V are located approximately 28 feet from the edge of the roof deck and are mostly screened by parapets and will likely not be seen from offsite. However, a 200-foot line of sight survey needs to be submitted for verification and this is attached as a condition of approval. The rooftop equipment for building IV-S is located in a rooftop well and will not be visible offsite. A line of sight survey is not necessary for this building.

Minimum Transparency:

Per LDR Section 4.6.18(B)(14)(IV)(2), the minimum transparency or glass surface area on the ground floor wall area of all non-residential and mixed-use buildings shall be a minimum of 75% of the wall area for that elevation. All storefronts or glass areas abutting the street shall be transparent, non-solar or non-mirrored, and have a light transmission reduction of no more than 20%. The applicant has submitted a plan (sheet 12) that indicates that a minimum of 76.6% window transparency will be provided. Thus, this requirement has been partially met. A condition of approval is attached that a note be added to the plans that indicate light transmission for these glass areas will be no greater than 20%.

Green Building Design:

Per LDR Section 4.6.18(B)(14)(v)(6), cross-ventilation, energy efficiency, and green building design shall be considered for all projects. As noted in the background section of this report, the City Commission approved the conditional uses for this development subject to the condition that at least one building achieves the designation as "LEED for Neighborhood Development (certified)." This condition is attached to site plan recommendation.

REQUIRED FINDINGS

Pursuant to 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, 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. These findings relate to the Future Land Use Map and Comprehensive Plan Consistency, Concurrency, and Compliance with the Land Development Regulations. At its meeting of December 4, 2012, the City Commission made positive findings with respect to the Future Land Use Map, Comprehensive Plan Consistency, and Concurrency provided conditions of approval are addressed.

REQUIRED FINDINGS (Chapter 3):

Pursuant to LDR Section 3.1.1 (Required Findings), prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body, which has the authority to approve or deny the development application. These findings relate to Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the LDRs as noted below.

Section 3.1.1 (A) - Future Land Use Map:

The subject property has a Future Land Use Map designation of CC (Commercial Core) and is zoned CBD (Central Business District). The CBD zoning district is consistent with the (CC) Future Land Use Map designation. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

Section 3.1.1 (B) - Concurrency:

As noted previously, the City Commission made a positive finding of concurrency with respect to water and sewer, streets and traffic, drainage, parks and recreation, open space, solid waste, and schools.

Section 3.1.1 (C) - Consistency (Standards for Site Plan Actions):

As described in Appendix A, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

Section 3.1.1 (D) - Compliance With the Land Development Regulations:

As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made, when all outstanding items attached as conditions of approval are addressed.

Comprehensive Plan Policies:

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives or policies were noted:

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

There are no special physical or environmental characteristics of the land that would be negatively impacted by the proposed mixed-use (residential, restaurant, retail and office) development. The development will be complimentary with the surrounding commercial developments and provide a customer base for the businesses on a year-round basis, which in turn will provide economic stability and growth for the downtown area.

In terms of fulfilling remaining land use needs, the Housing Element of the Comprehensive Plan states the following:

"One of the most important objectives of the City's overall housing policy is the establishment of housing in the downtown area. In the years since adoption of the 1989 Comprehensive Plan the downtown has changed from a somewhat sleepy, seasonally oriented shopping district to a vibrant year-round retail, service, and entertainment area with an active nightlife. A critical missing element is a significant housing development. The City recognizes the importance of providing housing in close proximity to shopping, employment, and transportation, and the need to have a residential base to support the businesses in the downtown area".

The proposed Atlantic Crossing development will help to fulfill this stated land use need by providing housing at an appropriate increased density for the downtown core resulting in 343 additional dwelling units in the downtown area in close proximity to shopping and employment, and at the eastern portion of the downtown. Therefore, the proposed project is consistent with this policy.

Future Land Use Element Objective C-4: The Central Business District (CBD) represents the essence of what is Delray Beach i.e. a "village like, community by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan of "A City Set Apart In South Florida". The following policies and activities shall be pursued in the achievement of this objective:

Policy C-4.1: The CBD zoning district regulations shall facilitate and encourage rehabilitation and revitalization and shall, at a minimum, address the following:

- ☐ Deletion of inappropriate uses;
- ☐ Incentives for locating retail on the ground floor with office and residential use on upper floors;
- ☐ Accommodating parking needs through innovative actions;
- ☐ Incentives for dinner theaters, playhouses, and other family oriented activities;
- ☐ Allowing and facilitating outdoor cafes;
- ☐ Incentives for mixed use development and rehabilitation;
- ☐ Elimination of side yard setback requirements; and
- ☐ Allow structural overhang encroachments into required yard areas.

This Comprehensive Plan Policy specifically refers to the CBD district regulations. The intent of the CBD district regulations are to facilitate the development of the downtown with a mix of uses, which include pedestrian-oriented retail activities on the ground floor (particularly along Atlantic Avenue) and office and residential uses on the upper floors.

In addition this development proposal will locate 343 residential dwelling units of various floor plans and sizes within the downtown area. The residents of these dwellings will be able to walk to shops, restaurants, work, cultural areas and parks. They will interact on a regular basis with the storekeepers and employees, and their neighbors. They will get to know the downtown much more intimately than the majority of Delray residents. They will play a major role as participants in, and contributors to, the downtown area community. The Atlantic Crossing development proposal is consistent with Future Land Use Element Policy C-4.1 as it will facilitate the continued rehabilitation and dynamic revitalization of the CBD zoning district.

The Downtown Delray Beach 2004 Patron Profile, Cluster Analysis, and Retail Development Strategy prepared by the Delray Beach Joint Venture

The Delray Beach Joint Venture has sub-divided Downtown Delray Beach into eight clusters for analysis. This development is in Cluster 6 which is a critical pedestrian link between the resort district and the heart of Downtown.

Cluster 6 corresponds to the commercial corridor along East Atlantic Avenue from 5th Avenue to the Intracoastal Waterway. This cluster contains several "comparison goods" retailers as well as prime street-level retail space devoted to non-retail uses such as offices. Several restaurants offer seating overlooking the Intracoastal Waterway. Atlantic Plaza is a privately owned shopping center with significant redevelopment potential. Veterans Park has potential for enhanced programming. Cluster 6 is a critical pedestrian link between the resort district and the heart of Downtown. Redevelopment of a site occupied by a gas station offers the opportunity to add continuous storefronts on a portion of the northern frontage of Atlantic Avenue. Atlantic Plaza's setback from the street presents a challenge to maintaining continuity of pedestrian activity.

Conversion of non-retail uses into retail spaces on the south side of Atlantic Avenue can increase pedestrian activity. Additional apparel/shoe retailers (in Atlantic Plaza and on the street) should be sought for this cluster. Restaurant uses are also appropriate."

The Atlantic Crossing project's concept facilitates the creation of a vibrant and pedestrian friendly retail corridor connection along the Avenue in the CBD (Central Business District), which is consistent and in harmony with the City's efforts to provide a pedestrian friendly streetscape for Atlantic Avenue. The City's efforts are reinforced through Future Land Use Element Policy C-4.1, the Downtown Master Plan and by the Downtown Delray Beach 2004 Patron Profile, Cluster Analysis, and Retail Development Strategy.

Transportation Element Policy A-1.3: The City endorses the continued operations of the Palm Tran Transit System and its operations in Delray Beach, and through policies of this Element related to the TCEA, will coordinate with Palm Tran to improve the system.

Studies have shown that the provision of bus shelters to protect riders from the elements leads to increased utilization and mitigates negative impacts to adjacent properties. Given the potential impacts the proposed mixed-use development will have on the surrounding road network and the location of a Palm Tran bus stop one block to the north of the subject property, on NE 6th Avenue (Northbound Federal Highway), it is appropriate that the development provide a bus shelter and easement on NE 6th Avenue. The site plan indicates that a bus shelter will be installed at the southeast corner of Federal Highway and NE 1st Street between the public sidewalk and Federal Highway. Based on the above, the development complies with Transportation Element Policy A-1.3.

Transportation Element Policy D-2.2: Bicycle parking and facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

The development proposal includes bicycle racks along Atlantic Avenue, Federal Highway, and NE 7th Avenue. Further, the development provides bike storage lockers in the subgrade parking area on the west side of NE 7th Avenue. Based on the above, the development will comply with Transportation Element Policy D-2.2.

Open Space and Recreation Element Policy A-3.1: Tot lots and recreation areas serving children from toddlers to teens, 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.

This policy may be waived for projects in the downtown because the City recognizes that households located in the downtown are likely to have fewer children than those located in suburban settings. Further, land in the downtown is at a premium and it can

be cost prohibitive to provide recreational features such as tennis courts, volleyball courts, etc. However, the proposed development does provide several recreational facilities for its residents, such as a swimming pool, cyber café, recreational room, and exercise room. Given the intensity of the proposed development (343 dwelling units), it is reasonable that the proposed development provide these recreational opportunities.

Some of the recreational, cultural and open space opportunities located in proximity to the Atlantic Crossing development include: Veteran's Park, which includes a large playground and recreational area; the Municipal Beach, the City's Tennis Center, and Old School Square Cultural Center. As playground areas are located close by (Veteran's Park, Osceola Park, and Currie Commons) and other facilities that can be utilized by children (such as the pool) have been provided, the intent of this policy will be met. Based on the above, it is appropriate to waive in part (tot lot) this requirement to provide these services entirely on site.

Housing Element Objective B-2: Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in this Element. Policies, which will implement this objective, include:

Housing Element Policy B-2.2: The development of new adult oriented communities within the City is discouraged. New housing developments shall be designed to accommodate households having a range of ages, especially families with children, and shall be required to provide three (3) and four (4) bedroom units and activity areas for children ranging from toddlers to teens. This requirement may be waived or modified for residential development located in the downtown area and for infill projects having fewer than 25 units.

This development will not be restricted to occupancy by adults only. However, it is acknowledged that dwellings in downtown Delray Beach are not typically occupied by families with children. The proposed development will primarily accommodate young and middle-age professionals. The development will provide the following mix: 25 efficiency units, 97 one-bedroom units, 201 two-bedroom units, and 20 three-bedroom units. The proposed development accommodates various sizes of units for households having a range of ages, and thus, complies with Housing Element Policy B-2.2.

Housing Element Policy B-2.6: Housing in and near the downtown area, in close proximity to employment opportunities and services, is a critical need. In order to help stimulate demand for new housing in and around the Central Business District, the development of new rental housing projects outside of the TCEA and North Federal Highway area is discouraged.

The development proposal is consistent with Housing Element Policy B-2.6 as it provides the desired type of residential development within the CBD.

Housing Objective A-12: To assist residents of the City in maintaining and enhancing their neighborhood environment, the City shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline, such as those described in the following policies.

Housing Policy A-12.3: In evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

As noted previously, the residents of this development will aid in the revitalization and economic stability of the downtown area. Additionally, the introduction of additional residential dwelling units will increase the safety of the area by introducing more night time activity and more "eyes on the street" as a deterrent to criminal behavior. Based upon the above, the development proposal will be consistent with Housing Policy A-12.3.

Section 2.4.5 (F)(5) - Compatibility (Site Plan Findings): The approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

The subject property is bordered to the north by CBD and RM (Multiple Family Residential – Medium Density); to the south and west by CBD; and OSR (Open Space Recreation) to the east. The surrounding uses are a parking lot, multiple family, and restaurant to the north; Veterans Park to the east; retail to the south; and the Colony Hotel to the west.

The mixed-use development proposal will significantly enhance the aesthetics of the subject property together with the neighborhood. This will also provide a crucial pedestrian link along Atlantic Avenue that will promote harmony between adjacent and nearby properties. The proposed redevelopment will provide year-round customer and employment base for the nearby commercial properties as well as new opportunities for businesses. The stability of the downtown area will be enhanced by the addition of 343 households and office employees that will patronize area businesses and contribute to the long term revitalization of this redevelopment area together with employment base of the commercial uses.

REVIEW BY OTHERS

Community Redevelopment Agency (CRA):

At its meeting of October 24, 2013, the CRA reviewed the site plan request and recommended approval.

Downtown Development Authority (DDA):

The DDA considered the development proposal at its meeting on November 4, 2013 and unanimously recommended approval.

Courtesy Notice:

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

- | | |
|--------------------------------------|---------------------------|
| ➤ Delray Citizen's Coalition | ➤ Martin Piszal |
| ➤ Palm Trail | ➤ BO I & Maud Andersson |
| ➤ Delray Summit | ➤ RG Realty Holdings, LLC |
| ➤ Beach Cabana Condo | ➤ Chamber of Commerce |
| ➤ Beach Property Owners' Association | ➤ Barr Harbor |
| ➤ Peggy Hammond | ➤ Via Marina |
| ➤ HHC Atlantic, LLC | ➤ Harbor House HOA |
| ➤ Patricia G. Moran | ➤ The Grove |
| ➤ Barr Terrace | ➤ Harbor View Apts. |
| ➤ Casa La Brisa | ➤ Parkview Manor Condo |
| ➤ Seagate Towers Condominium, Inc. | ➤ Bruce and Cynthia H |
| ➤ Carolyn Patton | |

Find attached, numerous letters of support and concerns regarding the proposed development.

ASSESSMENT AND CONCLUSION

The existing development of Atlantic Plaza has long created a disruption in the urban fabric of the Downtown. This development will provide that much needed pedestrian prime street level commercial connection between the resort district (east of the intracoastal) and the heart of Downtown. The resulting development, while substantial, has met every requirement of the Downtown Design Guidelines. The guidelines were adopted to mitigate mass and scale of projects by requiring greater setbacks as height increases as well as by reducing building mass for upper floors (reduced percentages as they relate to ground floor coverage). Consequently we believe the resulting development proposal is appropriate and consistent with the Comprehensive Plan, the LDR's and the Downtown Delray Beach Master Plan.

Outstanding concerns are noted on two items which will need to be addressed with the approval. These include adequacy of the loading function throughout the site and the closure of NE 7th Avenue at NE 1st. Staff has recommended the applicant provide the money to implement the improvement at this time, however, installation of the permanent improvements should wait till the impacts of the action and fully explored a temporary closure should occur at this time. This is consistent with how all prior

closures have been proceeded (temporary closure/analysis of impacts/permanent closure as warranted).

ALTERNATIVE ACTIONS

- A. Postpone with direction.
- B. Move approval of the request for Class V site plan, landscape plan, and architectural elevations for **Atlantic Crossing**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the attached conditions of approval.
- C. Move denial of the request for Class V site plan, landscape plan, and architectural elevations for **Atlantic Crossing**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations.

STAFF RECOMMENDATION

By Separate Motions:

Special Actions:

Approve the special action to modify the frontage requirements, 192 frontage on Federal Hwy./60 West side of NE 7th Avenue/75 east side of NE 7th Avenue. for the lower floors along Atlantic Avenue, NE 6th Avenue, and NE 7th Avenue based on the finding per LDR Section 4.4.13(F)(4)(e)(4), that the modifications are in order to accommodate public plazas that allow for public seating areas and public art.

Site Plan:

Approve the request for a Class V site plan for **Atlantic Crossing**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F)(5), and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. Address all Site Plan and Engineering Technical Items. (Exhibit A)
2. That the plans are revised to correctly note the building frontage dimension along NE 6th Avenue.
3. That the plans be revised to correctly note the northern frontage dimensions of building VI.

4. That the shared parking calculation table noted on the site plan be revised to be consistent with the current development proposal.
5. That the applicant contributes the cost of a shuttle bus trolley to the City.
6. That the applicant design and fund turn lane improvements (NE 1st Avenue/Northbound right turn lane on to NE 6th Avenue) and provide the cost for the traffic signal at NE 6th Avenue and NE 1st Street.
7. That a written finding of concurrency approval from the School District be submitted.
8. That the applicant fund a bus shelter along Federal Highway.
9. That the provision of workforce housing units be addressed per an agreement to be approved by the Community Improvement Director and executed prior to certification of the site plan.
10. That at least one building achieves the designation as "LEED for Neighborhood Development (certified)."
11. Applicant shall provide design plans and pay for the closure of N.E. 7th Avenue at N.E. 1st Street. A temporary closure is to be provided at this time and if warranted after project impacts are analyzed the permanent closure would be constructed.
12. Applicant shall provide design plans and pay all costs for traffic calming on Palm Square, which may include a cul-de-sac, beginning at the intersection with Atlantic Avenue and south to S.E. 2nd Street in accordance with the City's LDRs and as determined by the City Engineer.
13. That the roll down gates have Knox boxes to allow entrance.
14. If the Board finds that the loading facilities are adequate, the management company shall require delivery services to utilize the designated loading zones exclusively, and this be noted on the plan.
15. That the two tandem parking spaces in the subgrade parking area on the west side of NE 7th Avenue are to be eliminated.
16. That the last parking space in all dead-end parking tiers be striped-out to provide adequate turnaround options.
17. That the photometric plans be revised to include illumination levels in the east/west courtyards.

Landscape Plan:

Approve the landscape plan for **Atlantic Crossing** based on positive findings with respect to Section 4.6.16 of the Land Development Regulations, subject to the following conditions:

1. That all the Landscape Technical Items are addressed. (Exhibit B)
2. That the vegetation be maintained below 3 feet and above 6 feet to maintain good surveillance throughout the property.

Elevations:

Approve the proposed elevations for **Atlantic Crossing** based on positive findings with respect to LDR Section 4.6.18(E), subject to the following condition:

1. That the windows of the businesses and offices remain unobstructed by signage or plant life.
2. That the metal roof material on Building IV-S be revised to either barrel clay tile, or a canvas awning to match the other proposed awnings on the building.
3. A 200-foot line of sight survey needs to be submitted for verification for the roof top equipment on Buildings IV-N and V.
4. That the rooftop equipment be relocated to the interior of the roof deck and the requisite line of sight surveys submitted for buildings III/VI-N&VI-S.
5. That a note be added to the plans that indicate light transmission for ground floor glass areas be no greater than 20%.
6. That at least one building achieves the designation as "LEED for Neighborhood Development (certified)."

Attachments:

- Appendix A
- Site Plan
- Architectural Elevations
- Landscape Plan
- Letters of support and concern
- Exhibit A
- Exhibit B

Report prepared by: Scott D. Pape, AICP, FCP, Senior Planner

**APPENDIX A
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.**

Not applicable _____

Meets intent of standard X (Subject to revision of the photometric plan)

Does not meet intent _____

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

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable X

Meets intent of standard _____

Does not meet intent _____

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

Not applicable _____

Meets intent of standard X

Does not meet intent _____

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

Not applicable X

Meets intent of standard _____

Does not meet intent _____

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable _____

Meets intent of standard X

Does not meet intent _____

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

Not applicable _____

Meets intent of standard X

Does not meet intent _____

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

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- 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.

Not applicable _____

Meets intent of standard X

Does not meet intent _____

- J. Tot lots and recreational areas, serving children from toddler to teens, 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.

Not applicable _____

Meets intent of standard X

Does not meet intent _____