New Urban Communities
Atlantic Grove Partners, LLC

July 30, 2019

Anthea Gianniotes, Principal Planner
City of Delray Beach
100 NW 1st Avenue, Delray Beach, Florida 33444

Dear Anthea:

Thank you for meeting with us on the long awaited completion of Atlantic Grove. This is a request for the zoning text amendment we discussed.

Applicant

Atlantic Grove Partners, LLC
c/o New Urban Atlantic Grove, LLC, its Manager
200 Congress Park Drive, Suite 201
Delray Beach, FL 33445
561-279-8706

Intent

The proposed text amendment is found in Section 4.4.13(H) – Incentive Program for the purpose of allowing certain properties within the West Settlers Historic District to be eligible to participate in the Incentive Program.

Proposed Amendment

Section 4.4.13(H) – Incentive program.

(1) ***Residential incentives***. In order to encourage a variety of unit types, and income ranges within the downtown area, opportunities to increase density are offered in certain CBD Sub-districts. This incentive program is the only way to obtain increases in density in the CBD. The maximum density allowed by Table 4.4.13(C) in certain CBD Sub-districts may be increased in the locations described below. Performance Standards are set forth in Section 4.4.13(H)(2).

(a) Density may be increased over 12 du/ac (up to 30 du/ac) within the West Atlantic Neighborhood Sub-district.

(b) Properties located within a historic district or on individually designated sites as listed on the Local Register of Historic Places in Section 4.5.1(I) are not eligible to use the Incentive Program<u>, except for lots specified below, and adjacent vacated alley and street rights-of-way, located within the following plats:</u>

(1) Atlantic Grove, Plat Book 96, Pages 55-58 Palm Beach County Record, ALL LOTS AND TRACTS.

(2) The Revised Plat of Block 36, Plat 5, Page 38, Palm Beach County Record, LOTS 16-21 ONLY.

(3) Mt. Olive Baptist Church Property, Plat Book 69, Page 20, Palm Beach County Record, LOT 2 ONLY.

Justification

The intent of clause (b) in Sec. 4.4.13(H)(1) is intended to protect the nature and character of historic districts and sites within Delray Beach. However, in this case, the subject property, along with the properties proposed for exemption in the requested text amendment, while located in the West Settlers Historic District, is also located within a development that is not historic. Atlantic Grove, when developed roughly 15 years ago, was zoned GC -- General Commercial and received a conditional use approval that allowed its density to be increased above the base density allowed in the underlying zoning code, even though it was within the West Settlers Historic District. Since the completion of Atlantic Grove, the zoning designation of the subject property has changed to CBD – Central Business District and is now not eligible to participate in the Incentive Program due to the historic district clause.

While New Urban Communities supports the city's desire to preserve the character of historic districts and sites, it does not believe that the subject property, given its context within, and as an addition to, the Atlantic Grove development, will negatively impact the West Settlers Historic District if allowed to participate in the Incentive Program. Therefore, we request approval of this proposed zoning text amendment to allow for the listed properties above to be eligible to use the Incentive Program found in Sec. 4.4.13(H).

Thank you for your time and consideration.

Sincerely,

Atlantic Grove Partners, LLC

By: New Urban Atlantic Grove, LLC

Timothy L. Hernandez, AICP
Manager