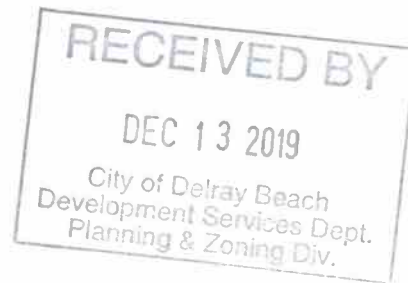


December 10, 2019

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Proposed Text Amendment

This is a proposed request for a privately-initiated amendment to **Table 4.4.13 (C)** of the Land Development Regulations (LDRs), to modify the maximum height in the CBD-RC District, from a maximum height of four floors and 54' to a maximum height of six floors and 72', and from a density of 30 du/ac to a density of 48 du/ac and a total of 91 residential units. The area under consideration encompasses within the CBD-RC District the area located between NE 2nd Street and NE 4th Street to the north of Atlantic Avenue; and SE 2nd Street to SE 6th Street to the south of Atlantic Avenue.

Other LDR Sections that are Impacted by the Proposed Text Amendment

LDR Section 4.4.13(D) - Table 4,4,13 (D)

(D) Configuration of buildings.

- (1) **Standards for CBD.** The following building configuration standards apply to all CBD Sub-districts: (Ord. No. 19-18, [§ 5](#), 10-16-18)

- (a) **Building Height.** Unless otherwise specified herein, the height of buildings shall be measured in and regulated by the number of stories and the maximum overall building height (See Table [4.4.13\(C\)](#)). Stories are measured from the finished floor to finished ceiling. (See Figure 4.4.13-10). (Ord. No. 19-18, [§ 5](#), 10-16-18)

1. Within the Atlantic Avenue Limited Height Area, maximum overall building height is 38 feet and maximum building height in number of stories is three. The Atlantic Avenue Height Limit Area is defined as those properties, or portions of properties, located within 125 feet north or south of the East Atlantic Avenue right-of-way line, between Swinton Avenue and the Intracoastal Waterway. (See Figure 4.4.13-5). (Ord. No. 19-18, [§ 5](#), 10-16-18).

2. Except within the Atlantic Avenue Limited Height Area and the CBD-RC District, maximum overall building height is 54 feet and maximum building height in number of stories is four. (Ord. No. 19-18, [§ 5](#), 10-16-18).

- a) Within the CBD-RC District, for the area located between NE 2nd Street and NE 4th Street to the north of Atlantic Avenue; and the area located between SE 2nd Street to SE 6th Street to the south of Atlantic Avenue, the maximum overall building height is 72 feet and the maximum building height in number of floors is six.

3. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height. (Ord. No. 19-18, § 5, 10-16-18)
4. Stories located below grade are for parking or storage uses only and are not counted for the purpose of measuring building height unless the floor of the first habitable story is elevated more than four feet above the adjacent sidewalk, then the space below counts as the first story for the purposes of measuring building height. (Ord. No. 19-18, § 5, 10-16-18) (CONTIUED REGULAR LDR TEXT...)

LDR Section 4.4.13(B) - Table 4,4,13 (B)

Table 4.4.13 (B) Building Height		
A	Maximum Building Height in the Atlantic Avenue Limited Height Area	3 stories and 38 ft
A	Maximum Building Height outside of the Atlantic Avenue Limited Height Area	4 stories and 54 ft.
A	<u>Maximum Building Height Within the CBD-RC Districts</u>	6 Floors and 72 ft.
B	Ground Floor Finished Level	

LDR Section 4.4.13(C) - Table 4,4,13 (C)

Table 4.4.13 (C) Dimensional Requirements by CBD Sub-district				
	Central Core	Railroad Corridor	Beach	West Atlantic Neighborhood
<i>Lot Size</i>				

Lot Width		20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
Lot Area		2000 sf. min.	2000 sf. min.	2000 sf. min.	2000 sf. min.
<i>Building Placement</i>					
<i>A</i>	Front Setback ¹	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.	10 ft. min./ 15 ft. max.
<i>B</i>	Side Setback ¹	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²	0 ft. or 5 ft. min. ²
<i>C</i>	Rear Setback	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
<i>B</i> <i>C</i>	Side Setback Abutting Res. District; 1 st to 3 rd Story	10 ft. min.	10 ft. min.	10 ft. min.	10 ft. min.
<i>B</i> <i>C</i>	Side/Rear Setback Abutting Res. District Above 3 rd Story	30 ft. min.	30 ft. min.	30 ft. min.	30 ft. min.
<i>D</i>	Front Setbacks Above 3 rd Story ¹	20 ft. min.	20 ft. min.	20 ft. min.	20 ft. min.
<i>E</i>	Building Frontage Required on Primary Streets	75% min./ 100% max.	N/A	75% min./ 100% max.	75% min/ 100% max.

<i>Building Height</i>				
Min. Building Height on Primary Streets	1 Story and 18 ft.	1 Story	1 Story and 18 ft.	1 Story
Max. Building Height in Atlantic Avenue Limited Height Area	3 Stories and 38 ft.	N/A	N/A	N/A
Max. Height outside of the Atlantic Avenue Limited Height Area	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.	4 Stories and 54 ft.
<u>Maximum Height within the North and South CBD-RC Districts</u>		<u>6 Stories and 72 ft.</u>		
<i>Density</i>				
<u>Density</u>	30 du/ac	<u>100 du/ac</u> 30 du/ac	12 du/ac	12 du/ac ³
<i>Civic Open Space Requirement (See Section 4.4.13(G))</i>				
Sites smaller than 20,000 sq.ft.	0%	0%	0%	0%
Sites Between 20,000	5% of area	5% of area	5% of area	5% of area above

and 40,000 sq. ft.	above 20,000	above 20,000	above 20,000	20,000
Sites Greater than 40,000 sq. ft.	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000	5% of area above 20,000 + 9% of area above 40,000

The applicant is aware that pursuant to LDR Section 1.1.6, an amendment to the text of the Land Development Regulations cannot be made until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission.

Justification Statement

The text amendment is being proposed along with a Class V Site Plan modification to demolish four existing dilapidated warehouse buildings and build a new mixed-use development that will include:

- A 179-room hotel.
- A 91 residential unit building.
- Restaurant and retail area with frontage on NE 4th Street.
- An attractive central courtyard plaza with open space for pedestrian circulation.
- Roof top pool, spa, and gym/fitness area.
- Hotel room connection across the pedestrian courtyard shall be via a glass sky bridge.
- Parking will be in an underground garage or valet assisted in automated parking.

The existing Artist Alley is an area in need of improvement and new development to create new jobs in the downtown area. Only with the creation of new jobs generated by the retail area and hotel being proposed, will the CBD-RC District and downtown redevelopment be a sustainable and economically feasible development.

A large portion of the parcels contained within the CBD-RC District are facing the FEC rail-road track, and several of them have wedge shaped sites. This configuration makes it more challenging to accommodate functional and efficient architectural design improvements. Residential development will have to be provided with double glass windows to mitigate noise generated by the rail-road track.

The applicant believes that to accommodate a successful, functional, sustainable and economically feasible development, a modification of the height and density allowed within the CBD-RC is required. Thus, the applicant is seeking a height increase of two stories

from the 4 floors currently permitted and a density increase from the permitted 56 dwelling units to 91 dwelling units. Perhaps it is time to return to the original 100 du/ac maximum density that prevailed for over a decade until February 2015, when the New CBD-RC were approved. An increase in density will be a greater incentive for new investment and development in the CBD-RC District.

In order to mitigate the changes in density and height, the applicant will comply with the provision of 20 percent of Workforce Housing units as required by LDR Section 4.4.13 (H)(2), for low- or moderate-income levels, and will comply with the applicable provisions of Article 4.7. Although, pursuant to LDR Section 4.4.13(G) 4.8% of open space is required, the applicant is providing a 30% open space to mitigate the height and the density being requested.

The following items are highlighted in relation to the proposed text amendment associated to the proposed Artist Alley Mixed Use development:

- The proposed 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 sustainability and growth for the downtown area. The increase in density, which is associated to the increase in height, will allow the development of 91 residential units. This will contribute to the creation of a customer base for those retail businesses located in the downtown area. The proposed text amendment allows the project to achieve this goal because the text amendment makes it a viable mixed-use development project.
- The City has stated in its Comprehensive Plan the importance of providing housing in adequate proximity to shopping areas and place of employment. The basic idea is to provide enough residential units to support the business in the CBD district. The proposed project achieves this goal because the text amendment makes it a viable mixed-use development.
- The development proposal will locate 91 residential dwelling units on two floor plans of different sizes within CBD-RC of the downtown area. It will also provide customers in the 179-room hotel. The residents of the dwelling units, and to some extent, the customers of the hotel will be able to walk to shops, restaurants, cultural areas and parks. They will interact on a regular basis with the storekeepers and employees, and their neighbors. They will get to know downtown much more intimately than most of the Delray Beach residents. They will play a major role as participants in, and contributors to, the CBD downtown area community. The Artist Alley mixed use development along with the proposed text amendment, which makes the proposal viable, will facilitate the continued rehabilitation and dynamic revitalization of the CBD zoning district.
- As noted previously, the residents of the 91 residential units of this development and the customers of the 179-room hotel, will increase safety of the area by introducing more nighttime activity and more "eyes on the street" as a deterrent to criminal behavior. Again, the level of pedestrian activity is directly related to the increase in density, which in turn is due to the increase in height allowed by the text amendment.

It is important to notice that recently, similar development changes in density have been approved for other projects in the CBD District. Properties located within **the West Atlantic Neighborhood Sub-District** that are also located within **the West Settlers Historic District**

may now utilize the Residential Incentive Program to increase the density to over 12 du/ac (up to 20 du/ac). The City Commission unanimously approved on 2nd reading a text amendment for **Atlantic Grove** development to build 17 units on a parcel of land where only 5 units were previously allowed. This approval is in excess of 3 times what they could have built with the previous code requirement. We very much understand and agree with such unanimous approval by the City Commission, because the West Atlantic Neighborhood Sub- District is also located within the West Settlers Historic District, and thus, requires a different treatment than the one applied for all other areas encompassed within the CBD District. This is a similar case to the proposed text amendment being submitted for the CBD-RC.

Before the new CBD District Land Development Regulations were approved (February 2015) a building height in excess of 48' (57'- 7") was approved with conditions for **The Strand Project**, located at the intersection of SE 1st Street and SE 3rd in the CBD District downtown area; also a density in excess of 30 du/ac per acre (64 du/ac) was approved. **The Astor Condominium** (aka as Villas in the Grove) located at the NE corner of 1st Street and NE 2nd Avenue was approved a density in excess of 30 du/ac (43 du/ac approved) and a height to a maximum of 60 ft. **Worthing Place** located in the Downtown CBD District was approved at a density of 92 du/ac and a maximum height of 60. Sofa District Lofts located on the east side of SE 1st Avenue (south of SE 1st Street) was approved a density in excess of 30 du/ac (68 du/ac approved). **SOFA Building #1**, located on the east side of SE 3rd Avenue between SE 1st Street and SE 2nd Avenue, was approved a density in excess of 30 du/ac (62 du/ac approved). **SOFA Building #2**, located south of NE 2nd Street and north of SE 2nd Street was approved a density in excess of 30 du/ac dwelling units per acre (65 du/ac approved). **SOFA Building Lofts**, located on the east side of SE 1st Avenue, approximately 76.5' south of SE 1st Street, was approved a density in excess of 30 du/ac (69 du/ac approved).

The applicant understands and supports the goal of the City of Delray Beach, to maintain a specific density and height outside of the Atlantic Avenue Limited Height. But we believe that based on all arguments described above, the CBD-RC District requires a different treatment than the one applied for all other areas encompassed within the CBD District.

Therefore, we respectfully request approval of the proposed LDR text amendment to allow for a building height in excess of 54' (72') and a density in excess of 30 units per acre (100 du/ac) for **The Artist Alley Mixed Use** development, based on the arguments presented above.

Thank you, for your consideration.

Sincerely,

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