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**Aura Delray Beach  
Intersection of N. Congress Avenue and W. Atlantic Avenue  
Text Amendment Request and Justification Statement**

Trinsic Residential Group ("Petitioner") is the contract purchaser of an aggregation of parcels comprising +/- 12.20-acres ("Property"), which are generally located at the northwest corner of the intersection of North Congress Avenue and West Atlantic Avenue within the City of Delray Beach ("City"), Palm Beach County ("County"), Florida. The Property is referenced by parcel control numbers 12-43-46-18-00-000-5090, 12-43-46-18-00-000-5101; 12-43-46-18-00-000-5110; 12-43-46-18-00-000-5111; 12-43-46-18-00-000-5120; 12-43-46-18-00-000-5122; 12-43-46-18-00-000-1190; 12-43-46-18-00-000-5100. The Property is designated Commerce ("CMR") on the City's Future Land Use Map and is located within the MIC, Mixed Industrial & Commercial, zoning district. The southern portion of the Property is primarily developed with blighted warehouses and the northern +/- 5.53-acre portion of the Property remains undeveloped.

Petitioner proposes to redevelop the Property with a mixed use project including a 292 dwelling unit multifamily residential component comprised of two (2) 3-story buildings containing 40 dwelling units and four (4) 5-story buildings containing 252 dwelling units, and a +/- 2,000 square foot commercial component ("Project"). The Project will provide 25% of the project density as workforce housing units through a workforce housing incentive program. The Property is ideally located to meet the workforce housing needs of the City considering its location at the major intersection of Congress and Atlantic, adjacent to the area's major transportation network, closer to the Tri-Rail station and downtown Delray than any other property within the Commerce land use designation, in close proximity to the civic and recreational uses to the west, and between the employment generating commercial uses to the south, industrial uses to the north, and downtown district to the east. The Project will provide new housing opportunities adjacent to the existing Palm Tran routes and within ½ mile of the City's Tri Rail station, thereby providing an alternative option to the decentralized, auto-reliant residential development patterns which inherently increase housing and commute costs and limit accessibility for a portion of the workforce. Approval of the Project will promote a more walkable and sustainable atmosphere at the Atlantic and Congress node and provide a transit-oriented development pattern within the City.

Petitioner has submitted applications requesting rezoning from MIC to the SAD, Special Activities District, ("Rezoning Application") and master plan approval for the Project ("Master Plan Application") as required by the City's SAD regulations. In order to develop the Project, Petitioner hereby requests approval for an amendment to Section 4.7 of the City's Land Development Regulations ("LDRs") to establish a Workforce Housing Incentive Program Overlay on the Property and to Section 4.3.4(J)(4)(b) of the City's LDRs to allow a maximum building height of sixty feet (60') for the Property ("Text Amendment"). A draft of the proposed language to be amended is attached hereto as Exhibit "A". A memorandum analyzing the appropriateness of and need for the proposed residential development on the Property is attached hereto as Exhibit "B".

## **CONSISTENCY WITH THE COMPREHENSIVE PLAN**

In accordance with Section 2.4.3(M)(5), Petitioner will demonstrate below that the Text Amendment is consistent with and promotes the Always Delray Comprehensive Plan as follows. The requested Text Amendment is necessary to allow development of the Project, which is consistent with the Goals, Objectives, and Policies of the Neighborhoods, Districts, and Corridors Element, Economic Prosperity Element, and Mobility Element as described below.

### **NEIGHBORHOODS, DISTRICTS AND CORRIDORS ELEMENT**

*Goal NDC 1: Enhance the quality and character of the city's neighborhoods, districts, and corridors to continue to provide a sustainable community in which to live, work, and play.*

**Approval of the Text Amendment will help the City to meet the performance measures identified to measure success in addressing the objectives and policies of Goal NDC 1. Approval of the Text Amendment is necessary for development of the Project, which is a mixed used development that will support pedestrian and bicycle activity through provision of a shared bicycle/pedestrian path along the E-4 canal to allow a future connection to the regional greenway network, stimulate public transit ridership by locating residential adjacent to existing Palm Tran routes and within ½ mile of the Delray Beach Tri-Rail Station, and create a park-once environment by clustering density within three (3) and five (5) story buildings and allowing additional area for open space and recreational activities within the Property. Further, approval of the Text Amendment will establish a new Workforce Housing Overlay area, thus allowing for the use of community incentives to provide workforce housing as a part of the Project. Considering the foregoing, approval of the Text Amendment will support the success of Goal NDC 1.**

*Policy NDC 1.1.2: Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

- *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
- *Uses that meet the daily needs of residents.*
- *Public open spaces that are safe and attractive.*

**Approval of the Text Amendment will allow for a complementary mix of land uses by allowing appropriate multifamily residential development to be located adjacent to existing commercial, industrial, and recreational uses, and in close proximity to existing Palm Tran routes and Tri-Rail Station. This synergy of uses will ensure that the daily needs of residents are met. Further, the allowance for additional building height provides additional open spaces that are safe and attractive throughout the Project.**

*Policy NDC 1.1.3: Provide transitions between land use designations at the rear of properties or at major corridors so that the prescribed uses and potential development patterns are arranged to achieve compatible and appropriate changes in intensity, height, and scale.*

**Approval of the Text amendment will allow for the transition of uses needed to promote development patterns that are arranged to achieve compatible and appropriate changes in intensity, height, and scale. The Project is designed with commercial use and lower building heights along the Congress Avenue corridor, wide open space and shared bicycle/pedestrian path along the western side of the Property, parking and passive buffer along the northern boundary adjacent to the existing County Palm**

**Tran facility, and parking and useable open space along the southern boundary adjacent to the existing commercial uses. This transition through design will**

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

**Approval of the Text Amendment will establish a Workforce Housing Overlay for the Property and allow for the incentive density permitted in the Commerce future land to be applied to the Property, thus allowing for the use of community incentives to provide workforce housing as a part of the Project.**

*Policy NDC 1.1.10: Provide for open space areas, quality neighborhood and development amenities, and water retention areas by encouraging the clustering the gross density on a parcel.*

**Approval of the requested Text Amendment will allow for the Project to be designed to provide significant open space areas, quality neighborhood and development amenities, and water retention areas by encouraging the clustering of the gross density on the Property. The proposed site layout has been designed to thoughtfully cluster the density on the Property, reduce the hardscape, and increase open space and amenities to provide a quality neighborhood experience. Specifically, allowing additional building height to 60' instead of 48' will allow for the clustering of density and provision of increased open space and development amenities in accordance with Policy NDC 1.1.10. To that end, two 3-story buildings are proposed along Congress on either side of the entry drive to activate the frontage along the Congress Avenue corridor, locate open spaces strategically throughout the development, and provide a logical transition for the project heights. The commercial component has been located to the northeast corner of the property to transition from the industrial uses to the north to the proposed multifamily use and general commercial use at the intersection. The transition from industrial to commercial to residential is consistent with good planning practices. Further, two (2) 5-story buildings are proposed along the canal in order to cluster the density and provide larger, more meaningful open spaces and amenities along the canal including a multiuse greenway path to the west of the buildings. The buildings located in the central portion of the property are situated to cluster the open space into a centralized pool courtyard amenity. The parking areas are dispersed throughout the property to ensure residents have convenient access to parking, and ample landscaped areas are located throughout all parking areas to soften the hardscape areas, provide shade, and prevent the heat island effect. The proposed design will provide an attractive and interesting active use along Congress Avenue and allow an appealing viewshed into the Property from the main entry given the strategic location of open spaces and variation of roof heights within the Project. Considering the foregoing, the requested Text Amendment promotes Policy NDC 1.1.10 by encouraging the clustering of density to provide for increased open spaces and high quality amenities.**

*Policy NDC 1.1.11 Use the implementing zoning districts identified in Table NDC-1 to provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.*

**Approval of the Text Amendment will allow for development of the Project through the SAD regulations, which is an implementing zoning district for the Commerce future land use designation.**

**The Text Amendment will allow for the addition of a Workforce Housing Overlay on the Property, thus furthering the adopted strategy of the Commerce future land use designation to provide residential opportunities through a community incentive program.**

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

**Approval of the Text Amendment will allow the Property to be developed in a manner such that the intensity and density are appropriate with regard to soil, topographic, and other applicable physical considerations; provision of affordable goods and services is encouraged; compatibility with adjacent uses is ensured; and the City's remaining land use needs are fulfilled. The Data, Inventory, and Analysis for the NDC Element of the Always Delray Plan identifies a need for approximately 1,200 dwelling units that cannot currently be accommodated by the City's existing residential areas. In addition, the City's NDC Data, Inventory, and Analysis indicates that "incentive programs continue to be needed" to provide the additional units, promote transit-oriented development patterns, provide housing affordable for all household incomes, and attract investment to areas of the City in need of revitalization. Approval of this Text Amendment will allow for a well-planned housing opportunity that is inclusive to a range of income groups, with significant amenities at a strategic node within the City. The Project is ideally suited to help the City meet the remaining land use need for additional residential units and workforce housing in a transit-oriented development pattern considering its location along a transit corridor adjacent to Palm Tran bus routes, in close proximity to the Tri-Rail Station, and adjacent to the major I-95 transportation network, civic uses, recreation uses, industrial uses, employment generating, and commercial uses. In fact, the property is within ½ mile of the prime Delray Beach Tri-Rail Station, which is consistent with the Florida Department of Transportation's Transit Oriented Design Guidebook. The Text Amendment also helps the City to address the remaining land use need for affordable housing with 25% workforce housing provided through establishment of a Workforce Housing Overlay for the Property. Further, the Project will locate the density needed in the City within a blighted and underutilized area that will locate the needed population base and demographics needed to attract additional investment to this area of the City, which is in need of revitalization. Considering the foregoing, the requested Text Amendment is consistent with Policy NDC 1.1.14.**

*Objective NDC 1.4 Industrial Land Use Designations: Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.*

**Approval of the Text Amendment will provide for compact and well planned residential development on the Property with a significant workforce housing component, thus providing housing for the labor force needed to promote and support the industrial type uses envisioned by this Objective. The underlying Commerce land use designation allows residential uses subject to the provision of 25% workforce housing (NDC Policy 1.4.6), as opposed to the Industrial land use designation, which is intended solely for industrial type uses and prohibits any residential or general commercial uses (NCD Policies 1.3.4 and 1.4.4). The policies related specifically to the Commerce land use designation acknowledge that it is a category intended for a mix of industrial, service, commercial, and residential uses (Policy NDC 1.4.7) to provide a balanced mix of uses and cohesive aesthetic for the corridor (Policy NDC 1.4.9). The Property is the ideal location within the Commerce land use designation for residential use along the Congress Avenue corridor given its location at the edge of the Commerce land use area at the intersection of Congress and Atlantic, closer to the Tri-Rail station than any other property within**

the Commerce land use designation, adjacent to the area's major I-95 transportation network, and in close proximity to the civic (place of worship and school) and recreational uses to the west, downtown corridor to the east, and between the employment generating commercial uses to the south and industrial uses to the north. Considering that the Project's residential use is specifically envisioned in the Always Delray plan policies, the Property is the prime location to implement the residential uses identified as needed within the Commerce land use designation in the Plan, and the residential is needed to support the existing industrial and commercial type uses, approval of the Text Amendment is consistent with Objective NDC 1.4.

*Policy NDC 1.4.6: Allow a maximum floor area ratio of 0.60 for nonresidential uses and a revitalization/incentive density up to 24 dwelling units per acre with at least 25% of the units provided as workforce housing units, for properties with a Commerce land use designation.*

The Text Amendment will allow for the addition of a Workforce Housing Overlay on the Property, thus furthering the adopted strategy of the Commerce future land use designation to provide residential opportunities through a community incentive program. With a proposed FAR of 0.0037 for nonresidential uses, and a proposed revitalization/incentive density of 24 dwelling units per acre with 25% of the units provided as workforce housing units, approval of the Text Amendment is consistent with Policy NDC 1.4.6.

*Policy NDC 1.4.7: Use the Commerce land use designation for property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities.*

Approval of the Text Amendment will allow for the provision of the limited residential opportunities envisioned by this policy adjacent to North Congress Avenue, north of Atlantic Avenue. The Project is consistent with that limitation as it is on North Congress just north of Atlantic. In addition, with the exception of undeveloped property to the north, all other contiguous properties are developed with non-industrial uses. Moreover, the Property is just north of the Atlantic and Congress intersection, which is primarily commercial. The Property provides a strong transition to the uses located to the north and is the ideal location to provide the residential development opportunities envisioned by Policy NDC 1.4.7 within the Commerce land use designation. Approval of this Text Amendment will locate the residential use at the edge of the corridor at the major intersection/node of Congress and Atlantic, adjacent to the area's major transportation network, closer to the Tri-Rail station and downtown Delray than any other property within the Commerce land use designation, in close proximity to the civic (place of worship and school) and recreational uses to the west, and between the employment generating commercial uses to the south and industrial uses to the north. The Project will provide new housing opportunities adjacent to the existing Palm Tran routes and within ½ mile of the City's Tri Rail station, thereby providing an alternative option to the decentralized, auto-reliant residential development patterns which inherently increase housing and commute costs and limit accessibility for a portion of the workforce.

Considering that the project will promote transit-oriented development patterns, provide workforce housing opportunities, and support the long term feasibility of the adjacent commercial and industrial uses, the proposed residential use is the appropriate location for residential development within the Commerce district. As described here, it is not necessary for the development within the project to support a greater amount of commercial or industrial uses than is proposed in order to promote a balanced mix of uses along the corridor as the remainder of the corridor is already developed with the mix of industrial, service, and commercial uses needed and the addition of the project's residential uses will provide a catalyst for re-investment and re-development of the existing commercial and industrial

uses. Considering the foregoing, the requested Text Amendment and Project is consistent with Policy NDC 1.4.7.

*Policy NDC 1.4.9: Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.*

Approval of the Text Amendment will ensure that the mix of uses along the Congress Avenue Corridor is balanced and provides a cohesive aesthetic for the corridor. The Project's residential use provides the appropriate residential development to complement and balance the existing uses located at the intersection of Congress Avenue and Atlantic Avenue. An inventory of the lands designated Commerce on the City's land use map indicates that the predominant uses within the Commerce land use are primarily developed as auto repair, warehouse/showroom, utility, and office uses with limited industrial/manufacturing and that there is minimal vacant land or opportunity for new development within the Commerce land use in close proximity to the existing transit facilities. As such, the Property provides the only logical location to accommodate the desired balance with limited residential use envisioned for the Commerce land use designation and in the most practical, transit-oriented location along the corridor.

In addition, it is essential to the long-term viability of the desired mix of industrial, service and commercial uses in the Commerce land use designation that higher density residential uses are in direct proximity in order to provide the population base and demographics the needed to protect and support the existing industrial and commercial uses within the CMR land use. Considering the foregoing, the proposed Text Amendment is in harmony with Policy NDC 1.4.9.

*Goal NDC 2: Provide a high quality of life for all residents and transform underutilized and blighted areas into attractive and successful neighborhoods, districts, and corridors.*

Approval of the Text Amendment will allow for development of the Project, which will transform the underutilized and blighted Property into an attractive and successful neighborhood and significantly improve the Congress Avenue corridor. Approval of the Text Amendment will help the City to meet the performance measures identified to measure success in addressing the objectives and policies of Goal NDC 2. Increased bicycle and pedestrian connectivity west of I-95 will be provided through a shared bicycle and pedestrian pathway adjacent to the E-4 Canal allowing a future connection to the regional greenway network. Approval of the Text Amendment will also allow for completion of a Transit-Oriented Development. Considering the foregoing, approval of the Project will promote the success of Goal NDC 2.

*Objective NDC 2.4 Promote Transit-Oriented Development: Promote Transit-Oriented Development patterns that support a high quality of life around commuter rail stations and along transit corridors to attract economic development, enhance sustainability, and maximize infrastructure investments.*

Approval of the Text Amendment is necessary to allow development of the Project, which will locate residential development and workforce housing units along existing transit corridors and within ½ mile of the Delray Tri-Rail Station. As described in greater detail herein, this location is ideal to promote the Transit-Oriented Development envisioned by this Objective.

#### ECONOMIC PROSPERITY ELEMENT

*Policy ECP 6.4.1: Implement the vision in the Delray Beach Next Great Street report by protecting commercial and industrial uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of appropriate uses along the corridor.*

**Approval of the Text Amendment promotes Policy ECP 6.4.1 by ensuring diverse housing options for the City's varying income levels, encouraging sustainable redevelopment of lands, and establishing a balance of appropriate uses along the corridor which fit the needs of the area's existing and future residents. As such, the proposed residential use will strengthen and support the viability of these commerce. Specifically, the Delray Beach Next Great Street Report ("Street Report") identifies Congress Avenue as a multi modal transportation corridor which needs to foster high density and intensity through mixed uses and urban-oriented zoning versus its current suburban scale in order to thrive economically. The Street Report specifically identifies transit-oriented development as a transformational opportunity for this area, with a mix of office, retail, housing and other amenities in a walkable neighborhood located near the Tri-Rail station as an opportunity to improve access to jobs, expand mobility, increase property values, and accommodate a more healthy, active lifestyle for its neighbors and families. While currently the area surrounding the property boasts a number of existing industrial and office spaces, there are insufficient residential opportunities for the area's current and future residents. The project proposes to provide a transit and urban-oriented development in direct proximity to the City's transportation networks and existing job centers nearby.**

The Street Report identifies the Congress Avenue corridor as having a 1960-70s suburban aesthetic, areas of blight, underutilized industrial sites, and outdated plazas, making it ripe for rebuilding with an urban 21<sup>st</sup> Century sensibility. The project is poised to do just that by harnessing the demand for more compact, urbanized residential development on the currently underutilized property within a generally blighted area. As noted herein, the project will promote Policy ECP 6.4.1 by ensuring diverse housing options for the City's varying income groups, encouraging sustainable redevelopment of lands and establishing a balance of appropriate uses along the corridor which fit the needs of the area's existing and future residents. Delray Beach Next Great Street Report's Guiding Principle number 7 encourages emphasizing walking, biking, mass transit and not just driving. The Project will support this principle by encouraging a walkable lifestyle and providing a greenway easement along the west side of the property adjacent to the LWDD canal.

Finally, the Property is located within, or in close proximity to, the Old School Bakery, Saltwater Brewery Area, and Delray Station. The Street Report notes that this portion of the corridor has become a location of choice for locals, hipsters and visitors seeking to enjoy the locally made bread and beer since the opening of Saltwater Brewery in 2013. As such, the Property is a prime location for this type of development as it provides an opportunity for residents to have walkable "play" opportunities, in addition to its proximity to the Tri-Rail station, local schools, employment uses, parks, and places of worship. Finally, The Street Report's Guiding Principle 2 calls for fostering an inclusive, welcoming community through more affordable housing choices and stellar neighborhood design. The proposed Text Amendment will do just that by allowing the Applicant to provide a high-quality, inclusive residential community in close proximity to the City's major transportation nodes and the jobs and cultural amenities offered in the nearby Central Business District. Considering the foregoing, the proposed Text Amendment and the Project's residential use is the appropriate location for residential development within the Commerce designation and consistent with Policy ECP 6.4.1.

*Objective ECP 8.2: Maintain and implement programs specifically designed to improve the community's appearance to further encourage the provision of housing options in close proximity to local workplaces.*

**Approval of the Text Amendment will encourage the provision of housing options in close proximity to local workplaces. As noted previously, the Project supports this objective by providing additional housing options for varying income groups in direct proximity to local workplaces as well as public transportation networks in a way that is aesthetically pleasing and consistent with the surrounding context of the corridor.**

*Policy ECP 8.2.2: Encourage the development of additional workforce housing units utilizing the incentives outlined in the workforce housing ordinance.*

**Approval of the Text Amendment will provide transit-oriented workforce housing units close to existing work centers. Utilization of the Workforce Housing Overlay is necessary to allow for any viable residential development on the Property. Approval of the Text Amendment is necessary to allow Petitioner to provide an inclusive, high-quality product in an efficient, compact manner. The requested Text Amendment will allow for the provision of additional housing options for a range of income groups within close proximity to local workplaces as well as public transportation networks in a way that is aesthetically pleasing and consistent with the adjacent uses and context of the corridor. Considering the foregoing, approval of the requested Text Amendment supports Policy ECP 8.2.2.**

#### MOBILITY ELEMENT

*Policy MBL 2.2.3: Create bicycle/pedestrian paths along canal, rail, and public corridor rights-of-way as part of an interconnected network of greenways, parks, and open spaces, for non-motorized transportation.*

**Approval of the Text Amendment is necessary to allow the Project, which includes the provision of a greenway link along the canal at the west side of the Property that is necessary to provide a future connection to the regional greenway network. The Project is designed to provide a 16' wide Greenway Easement area adjacent to the Lake Worth Drainage District Canal. Considering the foregoing, the Text Amendment is consistent with this policy.**