



**Aura Delray Beach  
Intersection of N. Congress Avenue and W. Atlantic Avenue  
Master Plan Application Statement of Use and Justification Statement**

Trinsic Residential Group (“Petitioner”) is the contract purchaser of the 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 small commercial component (“Project”). The Project will be developed two (2) phases with the residential completed in one phase and the commercial completed in separate phase. The Project is planned to locate the 3-story buildings along Congress Avenue to activate the streetscape, two (2) of the 5-story buildings along the canal, and two (2) of the 5-story buildings clustered central to the Property to provide a resort-style courtyard. The Project will also feature a variety of common amenities for residents including, but not limited to, a centrally located pool, clubhouse, and tot lot. The proposed infill redevelopment of the Property will better serve the community as a strategically placed residential development with neighborhood serving commercial uses, further contributing to the City’s Comprehensive Plan NDC Goal 2 to “transform underutilized and blighted areas into attractive and thriving neighborhoods, districts, and corridors.” The Property is ideally located for the proposed development considering its location adjacent to the transit corridors along Atlantic Avenue and Congress Avenue and in close proximity to the major Interstate 95 thoroughfare, civic and recreation uses, and general commercial uses. Approval of the Project will promote a more walkable and sustainable atmosphere at the Atlantic and Congress node.

In order to develop the Project, Petitioner is concurrently requesting that the Property be (1) rezoned from MIC to Special Activities District (“SAD”) (“Rezoning Application”); and (2) granted master plan approval for the Project (“Master Plan Application”). In addition, Petitioner has submitted a text amendment to the City’s Land Development Regulations (“LDRs”) to establish a workforce housing overlay for the Property and allow a maximum building height of 60 feet for the Project. The statement of use and justification for the Rezoning Application and Text Amendment Application is discussed under separate cover.

### **Required Findings for Master Plan Application – Section 3.1.1 of the City’s LDRs**

*Prior to approval of development applications, certain findings must be made in a form which is a 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.*

- (A) *Future Land Use Map.* *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.*

**As is more fully described in the Rezoning Statement of Use and Justification Statement, the proposed SAD zoning is consistent with the CMR Future Land Use designation. Per Section 4.4.25(A) of the City’s LDRs, “while SAD zoning is deemed consistent with any land use designation on the Future Land Use Map, the uses allowed within a specific SAD shall be consistent with the land use category shown on the Future Land Use Map,” and “the uses, activities, and characteristics of a SAD are to be consistent with the Comprehensive Plan.” Per Policy NDC 1.4.7 of the City’s Comprehensive Plan, the CMR FLUM designation “is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities.” Accordingly, the Project’s proposed residential and limited commercial use are permitted in the SAD and consistent with the CMR FLUM designation.**

- (B) *Concurrency.* *Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and the School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.*

**Please reference the utility service providers’ no objection letters pertaining to the Project. has requested concurrency determinations from Palm Beach County Traffic and Palm Beach County School District. Additionally, payment of processing, in lieu, impact and special fees will be paid at appropriate times during the development process. Finally, the Project will comply with all County and City Wellfield Protection requirements, and Hazardous Waste Disposal requirements.**

- (C) *Consistency.* *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

**As is more fully discussed in “Standards for Rezoning Application – Section 3.2.2 of the City’s LDRs”, below, the Project is consistent with the performance standards contained within Article 3.2.**

- (D) *Compliance with LDRs.* *Whenever an item is identified elsewhere in these LDRs, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

As mentioned above, the Project is permitted within the SAD zoning district, and the Project will comply with the City's LDRs. As mentioned above, per Section 4.4.25(A) of the City's LDRs, "the uses allowed within a specific SAD shall be consistent with the land use category shown on the Future Land Use Map," and "the uses, activities, and characteristics of a SAD are to be consistent with the Comprehensive Plan." Per Section 4.4.25(B)(1), "all uses which are to be allowed in a particular SAD shall be established at the time of establishment of the SAD zoning designation through inclusion in the rezoning ordinance." Please see the proposed SAD development standard regulations for the Project included with this application.

Regarding anticipated processing and review sequencing of the Project, the Project will utilize the alternative processing option for SAD rezoning – Section 4.4.25(D)(2) of the LDRs. Pursuant to this alternative processing option, "a proposed SAD may proceed to first reading based upon a lesser submission provided that, if approved on first reading, prior to second reading a complete site and development plan including landscaping plans and architectural elevations must be processed through, and approved by the Site Plan Review and Appearance Board." Accordingly, the Petitioner will submit a site plan application and plat application in accordance with the above alternative processing standards.

**Standards for Master Plan Actions – Section 3.2.3 of the City's LDRs**

- (A) Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

**The proposed buildings, landscaping and lighting will be constructed in a way that doesn't create any unwarranted distractions or blockage of visibility as it pertains to traffic circulation. Please see the proposed SAD development standard regulations for the Project included with this application.**

- (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.

**The Project provides for separation of different forms of transportation. Please see the proposed SAD development standard regulations for the Project included with this application.**

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

**The Project will provide ample open space enhancements. Please see the proposed SAD development standard regulations for the Project included with this application..**

- (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.

**No street widening or traffic circulation modification is proposed. As discussed in the traffic statement, access to the Property will still be provided via a right-in only driveway and a right-out**

only driveway on Atlantic Avenue, and a right-in, right-out driveway on Congress Avenue. Further, while per the traffic statement it is expected that several links of Atlantic Avenue and Congress Avenue will be impacted by the Project, if the projected traffic volumes on the impacted links exceed the acceptable level of service standard, a detailed analysis and/or proportionate share calculations will be performed.

- (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.

As mentioned above, the Property is partially developed with blighted industrial warehouse uses and is partially undeveloped. As mentioned above, the Project's residential and commercial proposed uses are consistent with the Property's CMR Future Land Use designation and Comprehensive Plan. The Property is bordered by industrial warehouses to the south, a canal and school to the west, a main intersection of primary streets to the east, and a County Palm Tran office to the north. The residential buildings have been strategically positioned on the Property to be interior to the Property and along the Congress Avenue frontage to activate the Congress streetscape. Wide landscape and open space areas are strategically located adjacent to the existing commercial uses and the proposed commercial use is located at the northeast corner of the Project to provide a logical and attractive transition along the Congress Avenue frontage. Accordingly, the proposed residential component of the proposed SAD zoning will be strategically positioned to mitigate any negative impact generated by the surrounding uses, pushing the uses closer to the complementary public facility use and canal.

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

The soil topographic and other applicable physical considerations of the vacant property are appropriate for the proposed Project. Further, the proposed Project is consistent with the permitted development on Property located in the CMR future land use map designation. Finally, the Project is also contemplated in the City's Comprehensive Plan as permitted uses in the CMR and will fulfill the remaining land use needs for the surrounding area.

- (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 Objection B-2 of the Housing Element.

The proposed Project will add multi-family apartments to an area that is currently comprised of single-family homes, townhomes, and apartments. The proposed Project will add a much-needed product to the housing inventory, including a workforce housing component, as is more fully described in the proposed SAD development standards.

- (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.

**It is not envisioned that the proposed Project will have any negative impact on the stability of nearby neighborhoods.**

- (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.

**Per the traffic statement the surrounding roads and intersections currently operate at an acceptable level of service. Further, per the traffic statement, since it is expected that several links of Atlantic Avenue and Congress Avenue will be significantly impacted; if the projected traffic volumes on the significantly impacted links exceed the acceptable level of service standard, a detailed analysis and/or proportionate share calculations will be performed.**

- (J) Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing development 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.

**As illustrated on the master plan, the Project will provide a tot lot and pool area serving children from toddlers to teens.**