



**Aura Delray Beach  
Northwest Corner of North Congress Avenue and West Atlantic Avenue  
Conditional Use 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 in two (2) phases with the residential completed in one phase and the commercial completed in a separate phase. The Project is designed to locate the 3-story buildings along the eastern Property boundary on Congress Avenue to activate the streetscape, two (2) of the 5-story buildings along the canal to the west, 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.

Petitioner has submitted applications requesting that the Property be (1) rezoned from MIC to Special Activities District ("SAD") ("Rezoning Application"); (2) granted master plan approval ("Master Plan Application"); and (3) granted Class V Site Plan approval in order to develop the Project ("Site 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 to allow a maximum building height of 60 feet for the Project ("Text Amendment Application"). At this time, Petitioner is requesting Conditional Use approval in order to allow for a maximum building height of 55 feet for the Project in lieu of the maximum 48 feet as established in LDR Section 4.3.4 (K) ("Conditional Use Application").

#### **Required Findings for Conditional Use Application – 4.3.4 (J)(4)(b)(i)-(iv) of the City's LDRs**

*An increase to a maximum height of 60 feet may be approved by the City Commission in any zone district not listed above, except for the CBD zoning district, when approved pursuant to the processing of a conditional use request and based upon a finding of compliance with each of enumerated criteria listed below, as applicable.*

- i. *That the structure is to be located in one of the following geographic areas:*
  - 1) *Area "A" - all property located east of Congress Avenue and west of I-95.*
  - 2) *Area "B" - the property encompassed by the Delint DRI, with the exception of that portion platted as "Waterford Village"; along with property located west of S.W. 10th Avenue, south of Linton Boulevard, and east of I-95.*
  - 3) *Area "C" - the property encompassed by the boundary of Linton Boulevard, Wallace Drive, S.W. 10th Street, and I-95.*
  - 4) *Area "D" - the properties located south of Atlantic Avenue, north of S.W. 1st Street, west of S.W. 2nd Avenue, and east of S.W. 4th Avenue; and the properties located north of Atlantic Avenue, south of N.W. 1st Street, west of N.W. 1st Avenue, and east of N.W. 3rd Avenue. [Amd. Ord. 21-04 5/4/04]; [Amd. Ord. 71-95 12/5/95]*
  - 5) *Area "E" - the property encompassed on the west by the F.E.C. Railroad, on the east by the Intracoastal Waterway, on the south by Allen Avenue extended to said easterly and westerly boundaries, and on the north to the northernmost boundary of the City.*
  - 6) *Area "F" - the property located between the one-way pair system of Federal Highway (5th and 6th Avenues), except for property located in the CBD zoning district. [Ord. No. 03-15 2/24/15]*
  - 7) *Area "G" - the property on either side of Linton Boulevard, extending 200 feet north and south of its ultimate right-of-way, extending from I-95 to Dixie Highway.*
  - 8) *Area "H" - the area bounded by Linton Boulevard on the south, the F.E.C. Railroad on the east, the combination of Southridge Road and Swinton Avenue on the north, and S.W. 4th Avenue on the west.*
  - 9) *Reserved. [Ord. No. 03-15 2/24/15]; [Amd. Ord. 67-04 1/04/05]; [Amd. Ord. 64-04 11/16/04]*
  - 10) *Area "J" - the property encompassed by Lindell Boulevard on the north, Federal Highway on the east, Dixie Highway on the west, and the City limits on the south.*
  - 11) *Area "K" - the property within the project known as Delray Medical Center (Delray Hospital), located on the south side of Linton Boulevard approximately 1,240 feet west of Military Trail, and as annexed into the City of Delray Beach via Ordinance 33-05. [Amd. Ord. 05-13 3/5/13]*

**As detailed above, Petitioner has submitted a Text Amendment Application to add the property location as Area "I" to allow a maximum height of 60 feet at this location. The Text Amendment Application was considered by the City's Planning and Zoning Board on July 20, 2020 and received a unanimous vote to recommend approval of the Text Amendment Application to the City Commission.**

**The Property is ideally situated and contextually suited to support the proposed 55 foot maximum building height. Specifically, the Property is bordered by industrial warehouses**

and general commercial uses to the south, a canal to the west, a major intersection of arterial roadways to the southeast, and a County Palm Tran office to the north. The taller residential buildings have been strategically positioned on the Property to be interior to the Property with the lower building heights located along the Congress Avenue frontage to provide an appropriate and active streetscape along Congress Avenue, mitigate any impact resulting from the proposed 55 foot maximum building height, and provide a logical and attractive transition along the Congress Avenue frontage. The 55 foot building height requested allows Petitioner to provide premium residential units for City residents with wide landscape and ample, usable open space areas strategically located throughout the Project to better serve residents and the City. As detailed herein the Project and proposed building height have been strategically planned to meet the intent of the enumerated criteria herein regarding geographical area. As such, the requested Conditional Use complies with this criterion.

- ii. *That the increase in height will not provide for, nor accommodate, an increase in the floor area (within the structure) beyond that which could be accommodated by development which adheres to a height limitation of 48 feet, except for the following situations:*
  - 1) *An increase in height is allowed when the increase from 48 feet to 60 feet is for the purpose of accommodating residential use on the top floor of the structure; however, the increase in height is only for the added residential use area. [Amd. Ord. 51-08 11/18/08]; [Amd. Ord. 16-06 4/4/06]*
  - 2) *DELETED (2) in its entirety [Amd. Ord. 16-06 4/4/06]*

The requested 55 foot maximum building height is for the purpose of accommodating residential use on the top floor of the structures and is only for use as residential use area. The requested 55 foot maximum building height will accommodate the proposed residential use in a compact and well-planned manner and will allow for the Project to further provide housing opportunities through the provision of 25 percent of the units as Workforce Housing Units. In sum, the requested increase in building height will allow the Project to maximize the provision of a much-needed product to the housing stock, including substantial workforce housing opportunities, as is more fully described in the companion Rezoning, Master Plan, and Text Amendment applications for this Project. As such, the requested Conditional Use complies with this criterion.

- iii. *Workforce housing units, equal to at least 20 percent of the residential units on the top floor, shall be provided within the development onsite, offsite, or through monetary contributions as referenced in Article 4.7 (fractions shall be rounded up). The workforce housing units shall be at the low or moderate income levels and shall comply with other applicable provisions of Article 4.7. [Amd. Ord. 51-08 11/18/08]*

The Project exceeds this standard with the provision of 25 percent of the Project units dedicated to workforce housing units on site for moderate income households. The workforce housing units will comply with all other applicable provisions of Article 4.7, except as provided for in the proposed SAD regulations. As enumerated in the Project's proposed SAD regulations and Text Amendment, the Project will provide for a minimum of 25 percent of the residential units as workforce housing units to moderate income households. As such, this Conditional Use request complies with this criterion.

- iv. *That the increase in height shall be allowed if two or more of subsections 4.3.4(J)iv.(1), (2) or (3) are met: [Amd. Ord. 51-08 11/18/08]; [Amd. Ord. 16-06 4/4/06]; [Amd. Ord. 67-04 1/4/05]*
- 1) *That for each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure. The additional setback is required from all setback lines (i.e., front, side, and rear) for the portion of the building that extends above 48 feet; [Ord. No. 03-15 2/24/15];*
  - 2) *That a minimum of 50 percent of the ground floor building frontage consist of nonresidential uses (excluding parking);*
  - 3) *That open areas, such as courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass.*

**For each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48-foot tall structure on all setbacks for the portion of the building that extends above 48 feet. In addition, the Project proposes to provide abundant open space and recreational areas. Specifically the Project will provide a biking/walking path that is designed to connect to the future City Greenway network, attractive linear green spaces, resort style swimming pool with cabanas, covered loggia and outdoor lounge area, tot lot, dog park, and generously landscaped setbacks to add interest and provide relief from the building mass. As such, the requested Conditional Use complies with this criterion.**

In conclusion, Petitioner establishes that the requested 55 foot building height complies with the criteria enumerated in Section 4.3.4 (J)(4)(b)(i)-(iv) of the City's LDRs and respectfully requests approval of this Conditional Use Application.