



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Christina Bilenki
Lauren G. Odom

**301 SE 1st Avenue – Delray Beach
Proposed Text Amendment**

1st Avenue Capital 301 LLC (“Petitioner”) is the owner of the +/- 1.46 acre property located at 301 SE 1st Avenue, which is generally located at the southeast corner of SE 1st Avenue and SE 3rd Street (“Property”) in the City of Delray Beach (“City”). The Property has a land use designation of Commercial Core (“CC”) and is designated Central Business District (“CBD”) on the City’s zoning map. The Property is further located within the Railroad Corridor of the CBD (“CBD-RC”). The Property is currently vacant. Petitioner is proposing to develop the Property with an attractive new multi-family residential development with a small café and retail component (“Project”). The Project will provide a vibrant and sustainable use for the Property that will support the existing uses within the City’s downtown area

In order to develop the Project, Petitioner is requesting a text amendment to the City’s Land Development Regulations (“LDRs”). More specifically, Petitioner is proposing to amend the LDRs in order to allow for an increase in height from four (4) floors and fifty four (54) feet to six (6) floors and seventy two (72) feet. It is our understanding that a similar text amendment has been submitted to the City for the CBD-RC district. Several developments in the City have already been developed within the City at significantly higher densities than what the LDRs currently allow. Examples of existing higher density developments in excess of the current fifty four (54) foot height limitation include Worthing Place, The Strand, and SOFA. These projects have proven successful for the community and there is a demand for additional housing of this type within the CBD. The CBD-RC is the most appropriate corridor for these higher density areas as it is outside of the Atlantic Avenue Limited Height area. The CBD-RC includes a large number of parcels that face the Federal East Coast (FEC) railroad track, making it unappealing for lower density residential development.

In addition, Petitioner is proposing to modify the City’s parking regulations, increasing the rates associated with each bedroom type to capture required guest parking, while removing the separate calculation for guest parking spaces. Petitioner is also proposing to expand the permitted automated parking area from the north CBD-RC to also include the southern parcels within the CBD-RC district. Finally, Petitioner is proposing to allow additional height for covered areas (including bathrooms) on the rooftop terraces within this district and to eliminate an additional setback above the 3rd story for parcels within the CBD-RC, as many of these parcels are narrow or wedge-shaped, making an additional step back difficult because of the unique site constraints and characteristics of this district. With this submittal, Petitioner has included a separate memorandum to support the proposed changes, including the higher density, height and reduced parking requirements. A strike-through and underline of the proposed text amendment has also been included.