



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay

Bonnie Miskel

Scott Backman

Eric Coffman

Melanie Brill

Hope Calhoun

Dwayne Dickerson

Ele Zachariades

Matthew H. Scott

Christina Bilenki

Lauren G. Odom

Parks at Delray (f/k/a CenterPointe Delray)
Modification to Master Development Plan for Special Activities District

Centerpointe Delray Holdings, LLLP (“Petitioner”) is the developer of the +/- 48.78 acre property generally located at the southwest corner of Congress Avenue and Old German Town Road (“Property”) in the City of Delray Beach (“City”). The Property was previously developed with +/- 352,539 square feet of office building and is the former location of the Office Depot campus and Arbors office building. On December 11, 2018, the City approved Ordinance No. 30-18 on Second Reading to rezone the Property from MROC (Mixed Residential Office and Commercial) to SAD (Special Activities District) with a Master Development Plan (“MDP”). The MDP allows for up to one thousand nine (1,009) dwelling units, seventy thousand (70,000) square feet of office, two hundred fifty thousand (250,000) square feet of retail and eighty thousand (80,000) square feet of restaurant use to be constructed within six (6) parcels (“Project”). Ordinance No. 30-18 further contained a proposed set of process and development standards unique to the Property (“Development Standards”).

Exhibit B of Ordinance No. 30-18 provides that an “approved Master Plan may be modified either by administrative approval or review by the Planning and Zoning Board through the public hearing process, depending on the degree of modification proposed to the Master Plan” and that an application for a modification to the MDP shall be in accordance with Section 2.4.5(F) of the City’s Land Development Regulations. As Petitioner is also requesting to modify the Development Standards contained within Ordinance No 30-18 as they relate to the required timing for completion of improvements related to the Project infrastructure, a rezoning application is also being submitted to the City in order to amend the SAD for the Property.

More specifically, the Development Standards currently require the demolition of the existing office buildings, parking lot and associated underground utilities, the installation of the main infrastructure including the roads, utilities, buffers, multi-use paths and central park, and the preservation or relocation of required trees in accordance with the tree preservation and removal plan all to be completed prior to the issuance of a building permit for vertical construction. In addition, the interconnected network of streets, sidewalks and paths and bus bay along Congress Avenue be commenced prior to construction of any residential or commercial parcel within the MDP (collectively referred to as “Infrastructure”). Petitioner is respectfully requesting to amend the required timing for the Infrastructure improvements so that they are completed prior to the issuance of the first certificate of occupancy (“CO”) for a building, rather than being tied to the issuance of a building permit.

The requested modification to the timing of the Infrastructure improvements would be consistent with the City’s standard process, which requires such infrastructure to be completed prior to CO. This will ensure that the Infrastructure is completed before the occupancy of any buildings on the Property, while allowing Petitioner to commence certain vertical improvements while continuing to work towards completion of the Infrastructure. In addition to being consistent with the City’s standard practice, this allows for a more efficient construction schedule, allowing for multiple construction activities to occur at the same time and condensing the total time for construction of the Project.

Finally, Petitioner is modifying certain standards that conflict with the site plan applications for the Property that are currently under review by the City. These modifications include changes to the minimum building separation requirements and certain minimum setbacks. The Project previously anticipated construction of one central clubhouse for all residents. However, due to the size of the Project and to provide more convenience to future residents, the Project will likely provide two (2) clubhouses. At this time, Petitioner is also proposing to modify the language related to the Clubhouse to contemplate a smaller clubhouse size, due to the likelihood the Project will provide two (2) clubhouses to serve residents.