



P A D U L A B E N N A R D O L E V I N E
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December 28, 2020

Rebekah Dasari, CNU-A
Senior Planner
Department of Planning and Zoning
City of Delray Beach
100 NW 1st Avenue
Delray Beach, Florida 33444

Re: 1177 George Bush Boulevard, Delray Beach, Florida ("**Property**")
 GB 1177, LLC Project Applicant's Justification Letter in support of Request for Modification to
 the Special Activities District known as the HHH Building, (L.D.R. Section 4.4.25(H) established
 by Ordinance No. 38-84, modified by Ordinance No. 39-90, modified by Ordinance 01-11. [Amd.
 Ord. 01-11 2/1/11] ("**SAD District**")

Dear Ms. Dasari:

This firm represents the Applicant, GB 1177, LLC. The accompanying rezoning application seeks a modification and amendment to the governing ordinance establishing the SAD District. This justification letter is submitted in support of the rezoning application. This justification letter amends and replaces the former letters on file dated May 7, 2020 and November 10, 2020.

The rezoning application is filed concurrently with the Applicant's Site Plan Approval Application for the development of a sixteen (16) unit residential condominium on the Property. Although the applicant does not seek any actual rezoning of the relevant parcel, L.D.R. Section 4.4.25 requires any modification to an existing Special Activities District to be processed by use of the rezoning application. This request seeks a modification and amendment to the SAD District and its permitted uses.

The proposed Site Plan and this concurrent request will allow the Property to conform to the purpose and intent of the SAD District as set forth in L.D.R. 4.4.25(A). Namely, the Master Development Plan and the Property's uses, activities, and characteristics will be consistent with the Comprehensive Plan, *suitable and compatible with surrounding existing development, and with the proposed character of the area*. Its current use *does not* meet this purpose and intent.

Furthermore, the proposed Site Plan maintains the *unique character of the site which cannot be properly accommodated in the other zoning districts*. Specifically, the Site Plan provides for unique amenities of a private club not available in any other multifamily property in the area, which include a separately housed spa and thermal suite. The Property is additionally of a unique dimension and layout, unlike those provided for in other existing zoning districts. The southern boundary of the

Property follows the northeastern-southwestern direction of George Bush Boulevard, giving the Property a triangular three-sided layout, not otherwise seen in area districts.

The existing Property within the SAD District is known as the HHH Bush Building, located at 1177 George Bush Blvd. The SAD District currently consists of a single five (5) story commercial building with an asphalt parking lot consuming the remaining parcel. There is minimal green space. Despite its commercial use and character, the Property is located within a residential neighborhood surrounded by a multifamily medium density residential zone east of the intracoastal waterway. The five (5) story commercial building *exceeds* the height of each residential property along George Bush Boulevard and the surrounding neighborhood.

The proposed Site Plan and Master Development Plan provides for:

- *A 3-story residential condominium building and private club, including a spa and thermal suite;*
- *Density of 12 units per acre in conformity with the neighboring multifamily residential district, for a total of sixteen (16) units;*
- *A new and reduced building height from the existing HHH Building;*
- *Setbacks in accordance with the SAD Zoning requirements of 15'-0" along the perimeter and 50' from the centerline of George Bush Blvd (L.D.R. Section 4.4.25);*
- *45 parking spaces in accordance with the L.D.R. requirements;*
- *Lot coverage of less than 40% in accordance with the L.D.R. requirements.*
- *Green space over 25% in accordance with the L.D.R. requirements; and*
- *Amenities including a pool, spa, fitness center, dog park, and pavilions.*

The proposed Site Plan requests the rename of the District to the new building's proposed name, **1177 Moderne**. The requested modification to the SAD District exceeds the requirements as are set forth in the L.D.R. for a modification to SAD zone and in support of this rezoning application. Specifically:

- 1. The proposed Site Plan and Master Development Plan, exhibit "A" attached hereto, provides similar intensity and more appropriate use of the Property as those within the surrounding neighborhood.***

L.D.R. Section 2.4.5(D)(2) defines a valid reason to support a rezoning application to be that "*the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*"

The proposed Master Development Plan and accompanying modifications to the SAD District are appropriately suited for the neighborhood and are of similar intensity in that:

- A. The current commercial use of the Property will be removed from a residential neighborhood.*** The Property is centered within a surrounding multi-family neighborhood, with no other commercial use along the George Bush Boulevard corridor east of the intracoastal waterway. The proposed modification will allow a residential condominium in conformity with the character and use of those existing structures along George Bush Boulevard and the surrounding multifamily zoning district. The proposed modification will allow a density of 12 units per acre in conformity with the surrounding multifamily zoning district.

- B. ***The current building height will be reduced to conform with the surrounding neighborhood.*** The proposed modification will allow for the removal of the current five (5) story building and replacement with a three (3) story residential structure providing for a reduced building height of under forty (40) feet, a reduction of over ten (10) feet from its current height. Currently, the HHH Building is the only five (5) story structure along the entire George Bush Boulevard. The proposed modification will allow a residential structure of three (3) stories, conforming to the character of the surrounding neighborhood.
2. ***The proposed Master Development Plan maintains the unique character of the site which cannot be properly accommodated in the other zoning districts.*** The Proposed Master Development Plan includes amenities which are unique and not available at any other multifamily property in the area. The private club included in the Master Development Plan, which will be available for use by the residents of the proposed residential condominium only, provides for a unique spa and thermal suite making available private club services and amenities in a separate single-story structure on the site. The private club amenities conform to the requirements to maintain the current SAD District.
3. ***Green space will greatly increase at the Property to exceed the L.D.R. 25% coverage requirement.*** The structure at the Property is currently surrounded by an asphalt parking lot with over ninety (90) available spaces, leaving minimal green space, non-conforming to the neighboring residential properties and with less than 25% of the current lot area. The proposed modification will allow for green space at the Property in excess of the 25% lot coverage area requirement of the L.D.R. and a character in conformity with the green space available to neighboring properties.
4. ***Traffic and parking will be reduced for the Property and surrounding neighborhood.*** The Property currently provides a parking lot with over ninety (90) parking spaces to service the (5) story 27,528 square foot building. The proposed modification will allow the Site Plan improvements to reduce necessary parking by *over 50% to a total of forty-five (45) spaces*. The modification to the SAD District will therefore *reduce neighborhood traffic impact and decrease from the current use*.
5. ***The current existing setback non-conformity at the Property will be removed.*** The current structure along the north rear boundary is non-conforming to the required fifteen (15) foot perimeter setback requirement applicable to all SAD zoning districts. The modification to the SAD District and proposed Site Plan will remove the non-conformity. The Site Plan provides for conforming fifteen (15) foot perimeter setbacks along the perimeter and over fifty (50) feet from the centerline of George Bush Boulevard.
6. ***The Master Development Plan Concurrency requirements are met.*** The Master Development Plan and proposed modifications to the District does not negatively impact to the surrounding community. The applicant has submitted with its application package the School District of Palm Beach County's School Capacity Availability Determination, the Palm Beach County Traffic Performance Standards Review and EnviroDesign Associates, Inc.'s estimated sewage calculations ("Reports"). The Reports show a net *decrease* in sewage flow, a *decrease* in traffic flow, and a minimal impact on school capacity which will be met by the required contribution amount at building permit.

The following development standards for the SAD District are therefore appropriate and justified to facilitate the Master Development Plan:

1. **Permitted Use:** Residential multifamily;
2. **Density:** Maximum of 12 Units per acre;
3. **Setbacks:** 15' along George Bush Boulevard, and perimeter. 50' from the centerline of George Bush Blvd;
4. **Building Height (maximum):** 48 feet
5. **Lot Coverage:** 75 percent, which includes any buildings, pavement and hardscape site improvements of the property;
6. **Open Space (minimum):** Land area, equal to at least 25 percent of the total district, including the perimeter landscaped boundary, shall be in open space. Landscape areas required to meet internal parking lot design requirements.
7. **Structure Size (minimum):** Any free standing structure shall have a minimum floor area of 400 square feet and shall be architecturally consistent with other structures in the development plan.
8. Except as set forth above, the development standards shall apply as established in L.D.R. 4.4.25(E) and 4.3.4 as applicable to Multi-family RM Residential Zoning District.

Overall, modification to the SAD District and proposed Site Plan will be consistent with the Comprehensive Plan, suitable and compatible with surrounding existing development, and with the proposed character of the area and maintains the unique character of the site which cannot be properly accommodated in the other zoning districts. The inconsistencies in character from the surrounding neighborhood and non-conformities detailed herein will be removed, green space will be increased and traffic will be reduced.

The Applicant respectfully requests the appropriate modification and amendment to the SAD District in conformity with the Site Plan, and to allow the uses as are set forth above.

Very truly yours,



Cristofer A. Bennardo

cc: GB 1177, LLC

