



## Legislation Text

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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** April 6, 2021

RESOLUTION NO. 57-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CLASS IV SITE PLAN, CERTIFICATE OF APPROPRIATENESS, LANDSCAPE PLAN, ARCHITECTURAL ELEVATIONS AND APPROVING AN INCREASE IN RESIDENTIAL DENSITY THROUGH THE CENTRAL BUSINESS DISTRICT INCENTIVE PROGRAM PURSUANT TO SECTION 4.4.13(H)(1) OF THE LAND DEVELOPMENT REGULATIONS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

RESOLUTION NO. 58-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.4.13(F)(9)(b) OF THE LAND DEVELOPMENT REGULATIONS; APPROVING THE USE OF AN ASPHALT SHINGLE ROOFING MATERIAL FOR THE PROJECT KNOWN AS ATLANTIC GROVE, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

### **Recommended Action:**

Review and consider Resolution No. 57-21 for a Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations and approving an increase in residential density through the Central Business District Incentive Program pursuant to Section 4.4.13(H)(1) of the Land Development Regulations in exchange for Workforce housing for the project known as "Atlantic Grove".

Review and consider Resolution No. 58-21 for a Waiver request to Section 4.4.13(F)(9)(b) of the Land Development Regulations to allow asphalt shingle roofing material that does not comply with the requirements of the Land Development Regulations relating to Urban Heat Islands for the project known as "Atlantic Grove".

### **Background:**

The subject 0.49-acre parcel is located on the east side of NW 4<sup>th</sup> Avenue and north of West Atlantic Avenue. The property is located within the development known as Atlantic Grove, which is a mixed-use development that contains commercial and residential uses. The overall site is located within West Atlantic Neighborhood Sub-district of the Central Business District, and the portion of the property is also located in the West Settlers Historic District.

In the late 1990's the Atlantic Grove site consisted of properties assembled by the CRA for

redevelopment as a mixed-use project. The CRA issued a Request for Proposal (RFP) for the project on March 1, 2000 and the Atlantic Grove development was chosen from among four proposals.

On July 24, 2001, the City Commission approved a Conditional Use to allow a density of 16.54 units per acre for the project and on August 7, 2001, the City Commission approved the rezoning and conditional use for the stand-alone parking lot located on the west side of NW 4<sup>th</sup> Avenue, immediately south of Mount Olive Missionary Baptist Church.

The Site Plan for the mixed-use development consisting of 3-story townhouses on the north side of the site and mixed-use commercial and condominium buildings fronting on West Atlantic Avenue was reviewed and approved by HPB on August 15, 2001. On March 6, 2002, the Board approved the Landscape Plan, final Architectural Elevations, and design elements for the project. Groundbreaking for the project occurred in late 2002.

The site currently has eight 3-story townhouse buildings containing 55 townhouses with two-car garages, two mixed-use buildings that contain 47,856 square feet of retail/office/restaurant space and 20 residential condominium units, which front West Atlantic Avenue, and an internal recreational area that contains a swimming pool and cabana building. There are 201 off-street parking spaces located in parking lots behind the commercial buildings and 71 on-street parking spaces on NW 3<sup>rd</sup> Avenue, NW 4<sup>th</sup> Avenue, NW 5<sup>th</sup> Avenue and NW 1<sup>st</sup> Street. Paver brick sidewalks and street lighting matching those existing on West Atlantic Avenue surround the site and there are two gated entries, one off of NW 3<sup>rd</sup> Avenue and the other off of NW 1<sup>st</sup> Street.

The subject request is a Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, Architectural Elevations that includes the following:

- Construction of 14 new three-story townhomes within two buildings along NW 4<sup>th</sup> Avenue and interior to the site;
- Demolition of the existing cabana/restroom building and construction of a new cabana/restroom building;
- Reconfiguration of existing hardscaping within the cabana/swimming pool area; and,
- New landscaping, hardscaping, driveways, site lighting, and fencing.

Since the original Site Plan was approved, both the zoning and Land Development Regulations (LDRs) have changed. Under the current CBD code, bonus density is no longer approved through a Conditional Use process and, instead, uses an Incentive Program. The Incentive Program offer bonus density in exchange for the provision of workforce housing and requires the additional density be approved as part of a site plan application, which provides a holistic review of projects in their final form. This Site Plan Modification proposes to utilization of the CBD Residential Incentive Program to allow for an increase in density from 16.54 du/ac to 16.9 du/ac through the provision of one (1) Workforce Housing Unit priced in the Moderate-income household range. The current zoning on the .49-acre parcel allows for 12 du/ac (5 units) and the proposal is for 14 units. The Residential Incentive Program requires 20% of the bonus units be workforce units. In this case 9 bonus units calculates to 1.8, so, as density is rounded down in the LDRs, equates to the provision of 1 workforce housing unit. The applicant has agreed to provide the unit as a moderate income level unit, and has provided a justification statement (attached) that explains the number of units provided under the original site plan and construction of the project.

The waiver is related to the proposed material on the roof. Since the site is within a historic district, the waiver was considered by the Historic Preservation Board (HPB) as part of the full site plan consideration. The waiver analysis is included on pages 13-15 in the attached HPB Staff report, which provides a full analysis of the project.

At its meeting of March 3, 2021, the HPB recommended approval (4-0, Bright and Smith absent, and Caruso abstaining) of the Class IV Site Plan, Certificate of Appropriateness, Landscape Plan, Elevations, and Waiver providing an increase in residential density through the Central Business District Incentive Program for the mixed-use development known as "Atlantic Grove". There was a consensus for support of the proposal with board members noting the importance of the project's commitment to the community through the programming that the Center for Technology, Enterprise and Development (TED Center) and the Delray Beach Community Development Center (Delray Beach CDC) (who are part owners involved in the project) provide to Delray Beach.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source:**

N/A

**Timing of Request:**

If approved, a plat will be required prior to building permit submittal and a workforce housing covenant will be required prior to building permit issuance.