13th FLOOR HOMES
Building Communities Centered Around You

Parks at Delray SAD Amendment
Submittal: March 16, 2026
Revised 5/11/2026, 6/22/2026, 7/22/2026,9/14/2026,11/3/2026

13FH Buyer, LLC ("Applicant") is the contract purchaser of the ±9.8333-acre property comprised of two (2) parcels (C1 and C2) located on the southwest corner of Old Germantown Road and South Congress Avenue (PCNs: 12-43-46-30-41-003-0020 & 12-43-46-30-41-003-0010) ("Property") in the City of Delray Beach, Florida ("City"). The Property is designated Congress Mixed Use ("CMU") future land use designation on the City's Future Land Use Map and is zoned Special Activities District ("SAD"). The Property is undeveloped. As discussed in more detail below, the Applicant is now seeking an SAD amendment to expressly include townhomes as a permitted residential product type for the 250 dwelling units already authorized for the Property and Parcel C, together with additional clean-up items within the SAD development regulations ("Amendment"). The Amendment does not request additional dwelling units, additional density, additional height, or an expansion of the approved development envelope. Instead, it adds townhouse as one of the residential products for the Property. The Amendment therefore allows the Property to be developed in a manner that is consistent with the existing SAD, the CMU future land use designation, and the current market and planning context for this portion of the South Congress Avenue corridor.

PROPERTY BACKGROUND

The Property is part of the overall ±48.78-acre Parks at Delray mixed-use development. On December 11, 2018, the City adopted Ordinance No. 30-18, which approved the rezoning of the property from MROC (Mixed Residential, Office, and Commercial) to SAD, together with the associated Master Development Plan (MDP). The approved SAD permits up to 1,007 dwelling units, of which 250 dwelling units are permitted for the C, C1, and C2 parcels.

In 2021, the SAD was further amended by Ordinance No. 60-21 to revise the timing for completion of infrastructure improvements, modify development standards that conflicted with the approved site plan, clarify the process for future SAD amendments, and update the MDP to relocate the clubhouse and park and reflect changes to the internal street network. The adjacent parcels as part of the MDP to the west and south of the Property are currently being developed with 747 total units (the MDP approved 757 units) and the parcel to the north is already developed with a commercial office building.

PROPOSED AMENDMENT

The Applicant requests the following amendments to the SAD which are also summarized in Table 1.1. Concurrently with the Amendment, the Applicant is proposing a site plan application to allow the construction of 108 townhouse units on parcels C1 and C2.

1. Standardization of "South Congress Avenue" References

The SAD ordinance and its associated exhibits contain inconsistent references to the adjacent roadway, alternately identifying it as "Congress Avenue" and "South Congress Avenue." City Staff identified this discrepancy during review and requested that all references be standardized to "South Congress Avenue" for consistency with the official roadway designation and to avoid any ambiguity in the administration and interpretation of the SAD's development standards. This is a

non-substantive, ministerial correction that does not alter any development standard, permitted use, or development right under the SAD.

2. Shared Parking LDR Cross-Reference Correction (Exhibit “B” – Parking, Section i)
The SAD ordinance currently references an outdated or incorrect LDR section for the shared parking formula applicable to commercial mixed-use developments with a residential component. City Staff requested that the cross-reference be corrected to LDR Section 4.6.9(c)(8)(a), which is the operative provision governing shared parking for mixed-use projects. This is a ministerial correction to ensure that the SAD’s parking provisions align with the current LDR framework and that future site plan and permitting review can be conducted under the correct regulatory authority. The correction does not modify the substance of the shared parking allowance; it ensures the applicable LDR provision is accurately cited.

3. Perimeter Landscaping and Parking Island Standards (Exhibit “B” – Landscaping)
The amendment revises the parking landscape island standard to require landscape islands of at least 60 square feet of planting area (reduced from 135 square feet) and at least 60 square feet of shrubs and groundcovers (reduced from 75 square feet), with a minimum dimension of nine feet exclusive of the required curb, at intervals of no less than one island for every 13 standard parking spaces (or one island for every 15 compact parking spaces where compact parking is approved), with tree and palm specifications consistent with LDR Sections 4.6.16(E)(5) and 4.6.16(E)(6). This amendment allows palms (up to 25 percent of landscape island trees) and shade trees to be used within the landscape islands and aligns the SAD's parking area landscaping requirement with the newly proposed townhome development and citywide LDR standards.

4. Street Tree Exception for Fee-Simple Townhouse Driveways (Exhibit “B” – Landscaping)
The SAD's street tree standard requires street trees along the edge of the sidewalk to provide shade for pedestrians. Where fee-simple townhouse units are served by a driveway with no adjoining sidewalk, the purpose underlying the street tree requirement, shading a pedestrian walkway, does not apply, and requiring street trees along a driveway with no sidewalk would serve no practical function while potentially conflicting with the narrow drive aisle and utility placement inherent to the fee-simple townhouse configuration. For a townhouse community where the driveway serves as a back-of-house vehicular and service area, sidewalks are not provided as part of the driveway. Instead these communities provide internal pedestrian pathways that front the units, open spaces, green areas, and buffers. The amendment states that street trees are not required along the rear access drive in this specific condition, provided that the total number of street trees otherwise required is provided along the sidewalks and pedestrian pathways that front the open space, green areas, and buffers. This amendment does not eliminate the required trees. It redistributes the required trees to other more appropriate areas of the Property when developed with a rear access driveway.

5. Recreation Facility Standards for Townhouse Uses (Exhibit “B” – Recreation Facilities)
The existing SAD recreation facility standard was written to address large-scale multifamily development and requires a 12,000-square-foot clubhouse as the primary amenity. This standard is disproportionate to the scale and character of a townhouse community and would impose an amenity requirement that does not reflect the needs or expectations of the ownership-oriented, ground-floor residential product proposed on Parcels C1 and C2. The proposed amendment retains the clubhouse requirement for multi-family, non-fee simple uses and, for townhouse uses, substitutes a flexible menu of recreation facilities appropriate to a townhouse community, requiring the inclusion of at least two options from a defined list that includes a tot lot, pool and

bathrooms, dog park, fitness center, and outdoor seating area. This approach ensures that meaningful recreational amenities are provided while scaling the requirement to the size, density, and product type of the proposed development. The amendment is consistent with recreation standards applied to comparable townhouse communities in the City of Delray Beach and better serves the long-term residents of the proposed community. The SAD consists of multiple properties with different owners. While shared facilities such as a roadway and sidewalks can be secured and governed through a recorded easement, sharing private amenities such as a pool and clubhouse is less feasible.

6. Private Roadway and Traffic Circulation Standards for Fee-Simple Townhouse Units (Exhibit "B" – Performance Standards for Site Plan)

The SAD's performance standards require that the traffic circulation system be designed to control speed and reduce volumes through traffic calming devices, loop and short-segment street networks, and multiple points of entry and exit, consistent with the loop-configured, traffic-calmed internal drive aisle system proposed for Parcels C1 and C2. The amendment adds a specific minimum paving width of twenty-four (24) feet, measured back of curb to back of curb, for private roadways fronting fee-simple townhouse units, provided that unobstructed width, turning radii, and vertical clearance remain sufficient to satisfy fire department access requirements, and provides that the typical section of such roadway consists only of the travel lanes and curbs. This roadway serves as a back-of-house service area and does not include sidewalks; instead, pedestrian connections will be provided along the unit frontages on buffers, green spaces, and open space, connecting to the development's internal pedestrian network, and the street trees otherwise required will be provided along those pedestrian connections. This amendment establishes a clear, codified private roadway standard tailored to the fee-simple townhouse product type now proposed for the Property.

7. Reduction of Front and Rear Façade Offset and Driveway Separation Requirements for Townhouse Units (Exhibit "B" – Performance Standards for Site Plan)

LDRs Section 4.3.3(O)(4) require a front and rear façade offset of four (4) feet for every two (2) townhouse units. While façade articulation is a reasonable design objective, the application of a mandatory four-foot stagger to attached townhouse construction imposes a practical constraint that would render the proposed building footprints non-compliant and, in the context of the constrained parcel geometry of C1 and C2, effectively unbuildable. Reducing this requirement to three (3) feet does not compromise design quality. Townhouse communities regularly achieve architectural variety and visual interest through material changes, varied patterns, and color variation applied across individual units, none of which require physical horizontal displacement between units. Furthermore, waivers from front façade offset requirements are routinely requested and granted for townhouse projects within the City of Delray Beach, reflecting a recognized planning practice that the standard is not well-suited to the attached townhouse product type. The amendment appropriately tailors the performance standard to the proposed product type and site constraints. The amendment also provides that the minimum driveway distance to property lines does not apply to townhouse units. LDR Section 6.1.2(C)(3)(b)2 exempts the zero lot line side of a zero lot line lot from the five-foot driveway separation; the individual townhouse driveways are separated by planters, each with a tree, through which the shared property lines run, so the same rationale applies.

8. Addition of Townhouse Units as Permitted Use (Exhibit "C" – Allowed Uses)

The Commercial Component Uses section of Exhibit "C" of the SAD ordinance identifies multi-family dwelling units, live-work units, and clubhouse and recreational amenities for residential units as permitted uses within the commercial parcels. Townhouse units, while broadly consistent

with and functionally similar to the multifamily residential category, are not currently permitted within the commercial parcels. The amendment adds “Townhouse units” to the list of permitted uses within the Commercial Component. This addition does not expand the overall residential entitlement and the 250-unit cap across Parcels C, C1, and C2 remains unchanged. Townhouses are expressly recognized as a compatible residential form under the City’s LDR, and their inclusion within the SAD’s allowed uses is consistent with the mixed residential character envisioned for this portion of the Parks at Delray development.

9. Residential and Commercial Integration Standard (Performance Standards for Site Plan)
The existing performance standard for site plan review required any residential development within the commercial parcels to be physically integrated with commercial uses through shared parking, pathways, open spaces, and architecture, framing residential as an ancillary component of a commercial-led mixed-use project. As the development program for Parcels C1 and C2 has evolved toward a standalone residential townhouse community, this standard requires revision. The amendment revises the performance standard to recognize that residential development on the commercial parcels may be designed as a standalone residential use, while still requiring that it maintain meaningful connectivity to adjacent commercial areas within the SAD. This connectivity is to be achieved through coordinated pedestrian pathways, landscape design, signage, architectural compatibility, and other site planning elements that support a cohesive and viable mixed-use development pattern across the overall Parks at Delray SAD. The revised standard reflects the physical and market realities of the site, where standalone residential development on C1 and C2 is the appropriate use, while preserving the planning objective of ensuring that the residential and commercial components of the SAD function as an integrated, mutually supportive development rather than isolated, disconnected land uses.

10. Permitted Residential Tenure (Performance Standards for Site Plan)
The SAD's performance standards are silent as to residential tenure. With townhouse units now proposed as a for-sale product on Parcels C1 and C2 alongside the existing rental apartments on Parcels A1, A2, and B, the Applicant proposes to add a standard confirming that residential development within the SAD may be developed as fee simple, condominium, or rental units, or any combination thereof. This does not add a use, increase density, or expand the SAD's development rights; it confirms that the existing residential entitlement may be delivered under any tenure recognized under the LDRs.

Table 1.1

Proposed Amendment	Explanation
Revise ordinance and exhibits to correctly refer to “South Congress Avenue”	Revision requested by City Staff for consistency.
Exhibit “B” - Development Standards **Parking** *** i) For commercial mixed-use developments with a residential component, the shared parking formula under LDR Section 4.6.9(c)(8)(a) can be utilized.	Revision requested by City Staff to correctly reference applicable LDR section.
Exhibit “B” - Development Standards **Landscaping** *** 2. Perimeter landscaping requirements relating to	Revises landscape island standards for surface parking areas, adds up to 25 percent palms as allowable for

abutting properties: *** a) Landscape islands which contain a minimum of 60 square feet of planting area, with a minimum dimension of nine feet, exclusive of the required curb, shall be placed at intervals of no less than one landscaped island for every 13 standard parking spaces. One shade tree or palm tree shall be planted in every island with a minimum of 60 square feet of shrubs and groundcovers. Tree and palm specifications shall adhere to those listed in Section 4.6.16(E)(5) and 4.6.16(E)(6) of the Land Development Regulations. Palms shall not exceed 25 percent of the trees provided within landscape islands. Where approval for the use of compact parking has been approved, islands may be placed at intervals of no less than one island for every 15 compact parking spaces~~:~~.	landscape islands which shall stay consistent with LDR Sections 4.6.16(E)(5) and 4.6.16(E)(6), and specifies the applicable parking area landscaping requirement for the Property.
Exhibit "B" - Development Standards **Landscaping** *** 4. Street trees for new residential developments Street trees are an integral component of creating a themed landscape and shall be required as per this section. Street trees shall be located along the edge of the sidewalk to provide shade for pedestrians. Where fee-simple townhouse units are rear-loaded, the rear access drive functions as a back-of-house vehicular and service area, and the primary pedestrian frontage of the units is oriented toward open space, green areas, and perimeter buffers. In this condition, a sidewalk is not required along the rear access drive, and street trees shall not be required along the rear access drive, provided that the total number of street trees otherwise required is provided along the sidewalks and pedestrian pathways that front the open space, green areas, and buffers.	Where fee-simple townhouse units are rear-loaded, waives the sidewalk and street trees along the rear access drive, which functions as a back-of-house service area, provided the total number of required street trees is relocated to the sidewalks and pedestrian pathways fronting the open space, green areas, and buffers.
Exhibit "B" - Development Standards **Recreation Facilities** *** Recreation facilities for multi-family, non-fee simple uses shall include the following: Townhouse uses shall include a minimum of two (2) of the following recreation facilities: a) Tot lot b) Pool and bathrooms c) Dog park d) Fitness Center e) Outdoor seating	Revision to include specific recreation facility requirements for townhouse uses. The 12,000 square foot club house requirement is more appropriate to a large scale multi-family development than townhouse community.

Exhibit "B" - Development Standards **Performance Standards for Site Plan** *** a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h. Where fee-simple townhouse units front on buffers, green spaces, or other open space and take vehicular access from a private roadway that functions as a back-of-house service area within the development, such private roadway shall have a paving width of not less than twenty-four (24) feet, measured from back of curb to back of curb, provided that the unobstructed width, turning radii, and vertical clearance satisfy fire department access requirements. The typical section for such private roadway shall consist only of the travel lanes and curbs. No sidewalk shall be required along the private roadway, provided that adequate pedestrian connections are provided along the unit frontages on buffers, green spaces, and open space, connecting to the development's internal pedestrian network. Street trees shall not be required along the private roadway, provided that the total number of street trees otherwise required is provided along those pedestrian connections.	Adds a minimum 24-foot back-of-curb-to-back-of-curb private roadway width standard for fee-simple townhouse frontage, subject to fire department access requirements, consistent with the proposed traffic-calmed internal circulation system. Required street trees remain and are provided along the pedestrian network throughout the site.
Exhibit "B" - Development Standards **Performance Standards for Site Plan** *** d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc. Front and rear façade offsets shall be three (3) feet and minimum driveway distance to property lines shall not be required for townhouse units.	Revision from LDRs Section 4.3.3(O)(4) to reduce the required front and rear façade offset between every two (2) townhouse units to three (3) feet and to exempt townhouse units from the minimum driveway distance to property lines. A four (4) foot stagger between units would render townhouse units unbuildable within Parcels C1 & C2. Additionally, this is a common waiver requested and provided to townhouse communities within the City of Delray Beach. LDR Section 6.1.2(C)(3)(b)2 states: *No driveway shall be located within five feet of a property line except on the zero*

	lot line side of a zero lot line development lot. The individual townhouse driveways in proposed site plan are separated by planters each with a tree. The property lines run through those planters. Providing the five-foot separation requires a reduction in the driveway width, a change that negatively impacts parking provided on site and would not comply with minimum driveway requirements. Therefore, the LDR exception afforded to zero lot lines is also appropriate for this Application.
Exhibit "C" – Allowed Uses **Commercial Component Uses** *** Multi-family dwelling units, Townhouse units, Clubhouse and recreational amenities for residential units, Live work units. Hotel / Motel and residential type Inns.	Revision to allow Townhouse units as allowed use within the commercial parcels (C, C1 & C2)
Performance Standards for Site Plan *** g) In the event, residential dwellings units are proposed within the commercial parcel(s), ~~any residential development shall be integrated within the commercial utilizing shared parking, pathways, open spaces and architecture in such a way as to create a one viable mixed use development.~~ such residential development may be developed as a standalone residential use, provided that it is designed to maintain connectivity to adjacent commercial development areas within the SAD through coordinated pedestrian pathways, landscape design, signage, architectural compatibility, and other site planning elements, as applicable, in a manner that supports a cohesive and viable mixed-use development.	Revision to performance standards stating how to address the integration of residential and commercial developments.
Performance Standards for Site Plan *** h) A residential development may include one or a combination of fee simple lots, rental units, or condominium units.	Revision to performance standards confirming that residential development within the SAD may include one, or any combination, of fee simple lots, rental units, or condominium units.

POST-AMENDMENT ALLOCATION

The 250-dwelling-unit maximum authorized for Parcels C, C1, and C2 under Ordinance No. 61-20 is unchanged by the Amendment but is now reallocated among the parcels. Upon approval of the concurrent site plan application, Parcels C1 and C2 collectively are limited to a maximum of 108 dwelling units, consisting entirely of the townhouse units proposed under the concurrent site plan application. The remaining 142 dwelling units of the 250-unit maximum are retained on Parcel C upon approval of the concurrent site plan application on Parcels C1 and C2. A maximum of 330,000 square feet of commercial, retail, professional office, restaurant, or food-service use remains assigned to Parcels C, C1, and C2, inclusive of the existing 70,000-square-foot professional office building on Parcel C, which counts toward that maximum. The existing 70,000-square-foot office building will remain in place until Parcel C is redeveloped. Following approval and construction of the concurrent site plan application, Parcels C1 and C2 do not retain any non-residential development entitlement; their development potential is limited solely to the 108 residential units described above. This allocation is depicted in Table 1.2, the revised Master Development Plan and Phasing Plan.

Table 1.2

PARCELS C1, C2 & C — DEVELOPMENT PROGRAM	
	Parcels C1, C2, and C
Residential*	A maximum of 250 Townhome or Dwelling Units
Commercial*	A maximum of 330,000 SF of commercial, retail, professional office, restaurant or food services. Parcel C currently is improved with 70,000 SF of professional office which counts towards the 330,000 SF maximum, reflecting a current remaining density of 260,000 SF unless demolished and redeveloped.
Note: Parcels C, C1, and C2 are not sequenced in phasing and can be developed at any time. All Master and Site requirements are self-contained and provided to meet code requirements within their respective parcels. ***Density and intensity are transferable across parcels in the commercial zone. Any approved and developed site plan for certain parcels will reduce the remaining developable density available for the remaining parcels. By way of example, if a site plan for C1 and C2 containing 108 homes is approved and developed, a maximum remaining density of 142 residential units will be available for the C parcel and the same shall apply for the commercial square footage.**	

CONSISTENCY WITH LAND DEVELOPMENT REGULATIONS

In accordance with Section 4.4.25(D) of the LDR, SAD's shall be processed as a rezoning. The proposed amendment is consistent with the procedures and substantive standards applicable to SAD amendments, including the requirements for Planning and Zoning Board review and City Commission approval. The proposed amendment is supported by this justification narrative and is accompanied by all required application materials. Section 2.4.5(B)(6) of the LDRs requires that in addition to provisions of Chapter 3, the City Commission must make a finding that the rezoning fulfills at least one of the reasons under 2.4.5(B)(3) provided below and is in furtherance of the public health, safety, and welfare.

Section 2.4.5(B)(3) - Required information. A complete application that includes the following:

(a) Traffic analysis that addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning

Applicant Response: The MDP has a TPS approval dated August 14, 2024. The approved MDP anticipated 1,009 dwelling units of residential use, 330,000 square feet of retail, and 70,000 square feet of office use. The concurrent site plan application is proposing 108 townhouse units on the Property and retaining 142 units on Parcel C. According to the traffic equivalency statement dated January 14, 2026 (revised July 20, 2026, and September 2, 2026) provided as part of the Amendment, there is a decrease of 9 net new external daily trips, no change to net external AM peak hour trips, and a decrease of 1 net new external PM peak hour trips (-1 outbound) when compared to the approved plan. As a further, more conservative demonstration, the residential-only equivalency statement dated September 2, 2026, which compares the total residential unit count authorized under the Amendment against the approved plan without crediting any of the 330,000 square feet of retail or 70,000 square feet of office use retained on Parcel C, reflects a decrease of 8,543 net new external daily trips, a decrease of 279 net external AM peak hour trips, and a decrease of 740 net new external PM peak hour trips when compared to the approved plan. As such, the Amendment meets this requirement.

(b) A statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning are:

1. The zoning had previously been changed, or was originally established, in error;

   Applicant Response: Not Applicable. The proposed SAD Amendment is based on the valid reasons listed in # 2 and 3, as further detailed below.

2. There has been a change in circumstance which makes the current zoning inappropriate;

   Applicant Response: Since adoption of Ordinance No. 30-18, as amended by Ordinance No. 61-20, market conditions along the South Congress Avenue corridor have materially changed, making the originally contemplated commercial program for Parcels C1 and C2 no longer viable or appropriate. The proposed amendment is therefore a site-specific and corridor-consistent response to changed market conditions, not a departure from the mixed-use vision of the SAD or the Congress Avenue corridor.

   At the project level, the Applicant has made sustained, good-faith efforts to implement the commercial program previously contemplated for the Property, including efforts to secure a grocery anchor. Those efforts were unsuccessful. The previously executed leases with Publix Super Markets and an associated liquor store were formally terminated, as reflected in recorded Memorandums of Termination in Official Records Book 35266, Pages 1500 and 1506. This is direct evidence that the commercial anchor use originally envisioned for Parcels C1 and C2 is not market-supported at this location.

The Applicant's experience is consistent with the City's broader Congress Avenue Strategies Report. The report identified significant grocery store saturation in the immediate area and concluded that the market is unlikely to support additional grocery tenants. More broadly, the report found that the study area is over-retailed, with an estimated oversupply of approximately 89,300 square feet. Requiring additional commercial development on Parcels C1 and C2 under these conditions would risk prolonging vacancy, delaying productive development, and creating underperforming commercial space inconsistent with the City's redevelopment objectives.

By contrast, residential development is expressly supported by the Congress Avenue Strategies Report for this portion of the corridor. The Property is located within Sub-Area 4, which the report identifies as an area that should "Support More Residential." The report explains that this area is where new full residential development currently gravitates and, because it is outside a half-mile walking distance of the Tri-Rail Station, should focus less on transit-oriented development and more on a balanced horizontal mix of uses, including 100% residential development. The requested amendment implements that recommendation. The proposed townhouse use provides a residential product type that is compatible with the surrounding SAD development pattern, responds to demonstrated market demand, and supports the remaining commercial component of the SAD by adding residents within walking and short driving distance of future commercial services. Rather than eliminating the commercial intent of the SAD, the amendment concentrates future commercial opportunity on Parcel C, which is better positioned for commercial uses due to its frontage, visibility, and access along South Congress Avenue and Old Germantown Road.

Accordingly, the proposed amendment represents a market-supported refinement of the SAD that preserves the overall mixed-use character of the development while allowing Parcels C1 and C2 to develop with the use most appropriate for their location, surrounding context, and the City's adopted corridor strategy.

3. The requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

<u>Applicant Response:</u> The Amendment does not increase the overall density or intensity of development beyond what is already permitted under the existing SAD and the CMU future land use designation, as the 250-unit cap established by the ordinance remains unchanged. At approximately 10.98 units per acre, the proposed townhouse development falls comfortably within the intensity range envisioned by the CMU designation and is consistent with the residential scale and character of the broader SAD. The proposed townhouse program is also more appropriate for the Property because it aligns the scale and type of development with the locational guidance in the Congress Avenue Strategies Report. The report distinguishes Sub-Area 4 from areas closer to the Tri-Rail Station, recognizing that this portion of the corridor is less suited for transit-oriented development and more suited for a balanced horizontal mix of uses,

including 100% residential development. The proposed townhomes therefore do not represent an underutilization of the CMU designation; rather, they apply the CMU designation in a context-sensitive manner by delivering residential density below the maximum permitted intensity while adding a distinct ownership housing product that complements the existing rental apartment phases within the Parks at Delray development. The Amendment further complies with the following comprehensive plan objectives and policies as follows:

Objective NDC 1.3 requires mixed-use land use designations to accommodate housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors of the city. The townhome form on C1/C2 responds directly to the scale and density of the immediately adjacent residential neighborhood, fulfilling the scale-appropriateness criterion embedded in this objective.

Policy NDC 2.3.7 directs implementation of the Congress Avenue corridor vision by ensuring diverse housing options for varying income levels and establishing a balance of uses along the corridor. Policy NDC 1.3.17 establishes a standard density of up to 40 du/ac for the CMU designation, with a revitalization/incentive density up to 50 du/ac to encourage a mix of uses and continue to transform the Congress Avenue corridor as a destination and great street. For-sale townhomes at approximately 10.98 du/ac represent a distinct housing typology, ownership product, family-scale units, ground-floor entries, that is absent from the 747 rental units comprising the rest of the Parks at Delray development. Adding townhomes does not replicate the intensity of the existing rental phases; it introduces a differentiated housing form that directly fulfills the corridor's housing diversity mandate and providing a contextually scaled use of the CMU designation rather than a density-maximizing one.

Policy NDC 1.4.9 directs analysis of CMU-designated properties along the Congress Avenue corridor to accommodate a balanced mix of commercial, office, and residential uses with a cohesive aesthetic. The C1/C2 townhome form, with consistent setbacks, landscaped frontages, and residential-scale architecture, contributes to the cohesive aesthetic of the corridor while fulfilling the residential component of that balanced mix.

In addition, the Congress Avenue Strategies report conducted a diagnostic of four (4) sub areas along Congress Avenue. It was concluded that Sub-Area 4, which includes the Property, to support more residential. "This area, although zoned MROC, is where new, full residential development currently gravitates. Because it is outside of a half-mile walking distance of the TriRail Station, it makes sense for this area to focus less on transit-oriented development and more on a balanced horizontal mix of uses, including 100% residential development." As such, the Amendment is more appropriate for the Property based on the circumstances which are confirmed by the Congress Avenue Strategies report.

As previously stated, Section 4.4.25(D) of the LDRs requires that rezoning applications meet Chapter 3, Performance Standards. Section 3.2.2 provides the standards for rezoning actions, and the Amendment adheres to all the standards as demonstrated below.

Section 3.2.2 Standards for rezoning actions.

(A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning

designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.

Applicant Response:
This standard is not directly applicable in the same manner as a conventional rezoning to a standard residential zoning district because the Property is already zoned SAD and will remain zoned SAD. The Amendment does not change the zoning designation, does not establish a new residential zoning district, and does not increase the residential density already authorized by the SAD. Rather, it adds townhouse as an allowed residential product type within the existing SAD framework.

To the extent the policy objective of this standard is applicable, the Amendment satisfies it. The proposed townhouse use represents a lower-scale residential form than the multifamily development already permitted within the SAD and is compatible with the surrounding development pattern. The Amendment therefore applies a residential form that is appropriately restrictive in scale and intensity while remaining consistent with the CMU future land use designation and the adopted SAD.

(B) Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.

Applicant Response: This standard does not apply. The Amendment does not involve auto dealerships or the AC zoning designation in any respect.

(C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area.

Applicant Response: The Amendment will not result in strip commercial development. To the contrary, it helps avoid the conditions that can produce underperforming or fragmented strip commercial space by allowing Parcels C1 and C2 to develop with a cohesive residential program while preserving commercial opportunity on Parcel C, which is better positioned for commercial use due to its visibility, access, and frontage. ParkView Boulevard will remain as the primary access point to South Congress Avenue and will continue to provide vehicular and pedestrian connectivity among the residential and commercial components of the SAD. The Amendment therefore supports a more substantive and integrated mixed-use development pattern rather than isolated strip commercial development.

(D) Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

Applicant Response:
The inclusion of townhouse as a permitted use is compatible with adjacent and nearby land uses, both existing and proposed. The Property is located within the broader Parks at Delray SAD, which includes substantial residential development to the west and south, and nearby residential development in the surrounding area. Townhouse development at the proposed density is a lower-intensity residential form than the multifamily development already approved within the SAD and provides an appropriate transition between the corridor and surrounding residential components. The proposed townhouse use is also compatible from an operational standpoint. Residential townhouses generate fewer commercial loading, service, delivery, and customer-turnover impacts than many retail or commercial uses. The proposed residential amenities, including the pool, tot lot, and associated recreational facilities, are internal to the residential community and are compatible with the residential character of the surrounding SAD development.

(E) Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.

Applicant Response: This standard does not apply. The Property is not located within the Coastal High Hazard Area of the Coastal Planning Area.

CONCLUSION

The Applicant respectfully requests approval of the proposed SAD amendment to include townhouse as a permitted residential use, together with the proposed clean-up items.

The Amendment is in furtherance of the public health, safety, and welfare and advances several identifiable public benefits and sound planning objectives including housing diversity, infill redevelopment, workforce housing, and reduction in approved vehicular trips. The inclusion of townhouse as a permitted use within the SAD promotes housing diversity and provides an ownership-oriented housing option that complements the existing multi-family rental units within the SAD. Homeownership is a cornerstone of community stability and wealth-building, and townhouses provide an attainable pathway to homeownership in an amenity-rich, well-connected location. The Property is currently undeveloped, representing an underutilized opportunity within an established, well-served area of the City. The proposed amendment enables the productive development of the Property with a residential use that responds to current market demand and contributes to the City's housing supply. The Applicant will comply with the SAD's ten (10) percent workforce housing requirement, contributing to the City's stock of affordable and workforce housing consistent with Article 4.7 of the LDRs. Finally, the proposed amendment does not increase the overall number of permitted dwelling units within the SAD. The Applicant is proposing 108 units, well under the 250-unit cap established by the MDP, ensuring that the development's overall intensity remains within the parameters evaluated and approved by the City Commission. The Amendment results in a decrease of 9 net new external daily trips, no change to net external AM peak hour trips, and a decrease of 1 net new external PM peak hour trips (-1 outbound) when compared to the approved plan (per the traffic equivalency statement dated January 14, 2026, as revised through September 2, 2026). With this proposed Amendment, the intent of the MDP is satisfied, and the approved 330,000 square feet of retail, professional office, restaurant, and food services will remain allocated to the commercial parcels, specifically under consideration for the future redevelopment of Parcel C.

The Amendment does not increase density and does not alter the fundamental character of the SAD. Rather it (i) is consistent with the Comprehensive Plan; (ii) is compatible with adjacent and nearby land uses; (iii) promotes the efficient use of land; (iv) provides for adequate public facilities and services; and (v) does not adversely affect the natural environment. For these reasons, the requested Amendment satisfies the applicable SAD amendment and rezoning standards. It is consistent with the CMU future land use designation, implements the City's planning objectives for the Congress Avenue corridor, preserves the mixed-use character of the Parks at Delray SAD, and allows the Property to develop with a lower-intensity residential product type within the existing 250-unit cap. The Amendment also advances public health, safety, and welfare by promoting housing diversity, supporting workforce housing, facilitating productive infill development of an undeveloped site, reducing projected traffic impacts compared to the approved development program, and preserving future commercial opportunity on the better-positioned Parcel C. The Applicant respectfully requests the City's approval of the SAD Amendment.

Respectfully,



Osny G. Jean, AICP, LEED GA