

Exhibit C: CDAP Justification

GreenspoonMarder

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Community Design Appeal Request: The Applicant is requesting a deviation from the build-to line requirement along Woolbright Road. The intent of the build-to line deviation is to allow the Applicant to develop an incremental improvement to the existing site that has existing uses and required parking adjacent to the right-of-way that cannot be removed due to long term leases. The Applicant is meeting the build-to-line along Federal Highway with a new building, outdoor dining areas and a canopy that covers the existing Walgreens drive-through. The land within the Applicants ownership along Woolbright Road is currently encumbered with existing access drives, Wendy's restaurant and associated parking which prevent compliance with the build-to line requirements. The existing Wendy's lease, with renewals, extends to 2037.

Review Criteria Chapter 2, Article II, Section 4.B.3

The Applicant's request is consistent with the Community Design Appeal Review Criteria as documented below.

a. Whether the proposed request will demonstrate consistency with the Comprehensive Plan

A deviation from the build-to line requirements will allow the redevelopment plan to include a public plaza and related amenities along the Intracoastal Waterway. Strict construction of the build-to line in the present application would result in building footprint placement and site configuration such that the public plaza amenities would not be possible. The public plaza will establish new public access to the Intracoastal Waterway, an important community resource, and a feature that differentiates the City of Boynton Beach from other municipalities that do not have waterfront access. Additionally, opening up public access to the Intracoastal Waterway and establishing a public plaza creates an opportunity for public events that activate the site and create the possibility for Water Taxi connectivity to other nearby areas, such as the Las Ventanas mixed use development and other exciting destinations within the Boynton Beach Arts District. These factors undergird and give form to the numerous comprehensive plan goals, objectives, and policies enumerated below.

Moreover, strict application of the build-to line requirements in the present instance would tend to produce the appearance of a hulking, massive structure given that the zero-foot build-to line would apply to frontage along Federal Highway, Woolbright Road, and the Intracoastal Highway, thereby greatly impacting neighboring access to light and air. The proposed redevelopment plan preserves attractive view corridors into and through the site, helping to promote the human scale of the design and overall project. Deviating from strict application of the build-to line requirements allows the redevelopment plan to include more compact structure design, an important and distinctive element consistent with the benefits of mixed-use development – one which discourages urban sprawl in all its forms.

The proposed request is consistent with the Comprehensive Plan because it complies with a variety of goals, objectives and policies as enumerated below. Specific elements of the goals, objectives and policies that are reflected in the development plan are underlined for clarity.

The proposed request to deviate from build-to line requirements complies with the following goals, objectives, and policies of the Future Land Use Element of the City's Comprehensive Plan:

1. GOAL 1 Provide a range of land uses which accommodate a full range of services, and activities, and housing types, while minimizing land use conflicts, maintaining the character of the community, ensuring adequate public facilities, and minimizing adverse impacts on natural resources.
2. Objective 1.1 Land development and future land uses shall continue to be coordinated with the provision of the following facilities and services, concurrent with the needs of the existing and future land uses, and consistent with the adopted minimum levels of service standards contained in this Comprehensive Plan:
 1. Roadways
 2. Potable Water
 3. Sanitary sewer
 4. Solid Waste
 5. Stormwater Drainage
 6. Recreation and Open Space
 7. Public School Facilities
3. Objective 1.3 Future development and redevelopment within the City shall continue to be regulated through administration of the Land Development Regulations specified within the City's Zoning Code, Community Redevelopment Plans, Building Code and subdivision regulations.

Policy 1.3.1 The City shall continue to implement the Future Land Use Plan in accordance with the following descriptions of land use categories and designations. The uses, densities and intensities shall be the maximums allowed, but shall not indicate that those maximums are necessarily allowed in a land use category or zoning district. The land development regulations or other provisions of the City's Comprehensive Plan or Code of Ordinances may prohibit or regulate certain specific uses if doing so would be reasonable. Furthermore, other uses which may have land use characteristics very similar to those uses listed under a particular land use category may also be allowed in that land use category. One or more zoning districts, including planned development districts, shall be established to implement each of the following land use categories.

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d. Mixed Use category shall provide for the vertical or horizontal mixing of land uses within a single site in order to allow development and redevelopment in specific geographic areas of the City that take maximum advantage of existing utility systems and services; and promote compact development, safe and pedestrian-friendly streets, and provide transportation choices.

4. Policy 1.3.2 The City shall continue to administer land development regulations that address and regulate the following:
- a. All land uses identified on the Future Land Use Map;
 - b. The coordination of future land uses with the appropriate topography and soil conditions;
 - c. Compatibility of adjacent land uses and buffering and screening of uses;
 - d. The subdivision of land;
 - e. Signage;
 - f. Areas subject to seasonal or periodic flooding and provisions for drainage and stormwater management;
 - g. The protection of environmentally sensitive lands, water wellfields and aquifer recharge areas;
 - h. Access Management;
 - i. On-site vehicular circulation, parking lots and loading areas designed and sized to provide the maximum reasonable degree of safety and convenience;
 - j. The provision of open space;
 - k. The protection of known and discovered archaeological sites;
 - l. The identification, documentation, and preservation of historic and cultural resources;
 - m. The protection of natural resources; and,
 - n. The availability of facilities and services at adopted levels of service concurrent with the impacts of development.

5. Objective 1.4 The City shall encourage innovative land development regulations that implement this Comprehensive Plan.

Policy 1.4.2 The City shall continue to modify land development regulations as needed to make them more effective or less burdensome in achieving goals and objectives of this Plan, and to seek innovative regulatory solutions to promote economic development and sustainability initiatives.

6. Objective 1.7 The City shall eliminate blighted residential neighborhoods and business districts through the adoption and implementation of Community Redevelopment Plans within the commercial and residential Community Redevelopment Area. This includes areas east of I-95, notably in the Federal Highway corridor, the Heart of Boynton and Boynton Beach Boulevard areas, and the Ocean District.

Policy 1.7.3 The City shall require that designs for redevelopment and infill projects encourage the use of public transit, pedestrian and bicycle travel as alternatives to the car and shall maximize personal safety.

7. Objective 1.8 The City shall discourage the proliferation of urban sprawl and shall facilitate a compact urban development pattern that provides opportunities to more efficiently use and develop infrastructure, land, and other resources and services by concentrating more intensive growth within the City and the City's utility service area.

Policy 1.8.2 The City shall further discourage urban sprawl by;

A. Preventing the presence or frequency of the primary indicators of urban sprawl through continuous promotion of compact developments within the City's utility service areas, while requiring the maximization of all public services for each development in the most cost effective manner possible; and

B. Requiring, in all future development and redevelopment in the City, land use patterns that are non-strip in nature and demonstrate the ability to attract and encourage a functional mix of uses.

8. Objective 1.18 The City shall encourage transit-supportive land development patterns to promote multi-modal transportation and increased mobility.

Policy 1.18.2 The City shall aim to transform the Downtown TOD District area into an active, mixed-use, pedestrian-friendly activity zone, supporting new housing to increase potential ridership, intensifying land development activity, and adding amenities and destination uses for future transit riders. The City shall strive to achieve this goal through facilitating compact, high density and intensity development of a varied mix of land uses.

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d. The City shall ensure that new development contributes to the creation of an enhanced pedestrian environment through well-located public plazas, expanded public sidewalks, and pedestrian-scaled street and block structure for maximized internal and external connectivity.

The proposed request to deviate from build-to line requirements complies with the following goals, objectives, and policies of the Transportation Element of the City's Comprehensive Plan:

1. Goal 2 To develop and maintain a transportation system which will serve the transportation needs of all sectors of the City of Boynton Beach in a safe, efficient, cost effective, and aesthetically pleasing manner that promotes multimodal transportation options, such as walking, bicycling, and transit.
2. Objective 2.4 The City shall develop and maintain a safe, convenient, multimodal transportation system, including walking, bicycling, and public transit, which will meet future as well as current transportation needs, particularly within the TCEA and the CRA.
3. Policy 2.4.12 The City shall promote a variety of transportation choices within the Community Redevelopment Area (CRA) by supporting the following design features for streets within the TCEA boundaries: low speed turning radii; new continuous and permanent on-street parking; pedestrian-scaled lighting; narrow travel lanes; curb extensions or bulb outs; installation of shading street trees; bus stops and other transit enhancements; widening sidewalks; installation of bicycle lanes; and use of brick crosswalks.
4. Policy 2.4.15 The City shall investigate the opportunity for expanding the Palm Beach water taxi service to include stops in Boynton Beach. The City shall apply for capital funding available through the Metropolitan Planning Organization for water taxi stops when the service is determined to be feasible in the southern portions of Palm Beach County.

5. Policy 2.4.17 The City shall strive to adapt its transportation network to accommodate the anticipated passenger rail service on the FEC Corridor, with a new station in the City's CRA. To implement transit-oriented development and provide superior access to the future downtown station, the City shall plan for:

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- a. "Complete streets", accommodating all modes of transportation (automobile as well as pedestrian, bicycle, and transit), to be interconnected with surrounding developments and neighborhoods within the Downtown TOD District.

- b. Short blocks that will allow for an interconnected roadway network to be created over time, with new streets, alleys and pedestrian passageways to ensure that blocks are easily walkable to maximize pedestrian and bicycle access to the future station from the Downtown TOD District and beyond.

- c. Pedestrian- and bicycle-friendly design standards for new streets and for retrofitting existing streets to match their new function.

6. Objective 2.6 The City shall provide for private sector responsibility to implement project related transportation improvements, including bicycle, pedestrian, and public transit infrastructure, particularly within the TCEA.
7. Policy 2.7.4 The City shall promote Transportation Demand Management strategies such as car pooling, transit, and parking priorities to alleviate peak hour and/or peak season traffic congestion through public/private partnerships (e.g. Transportation Management Associations and/or Parking Management Associations).
8. Policy 2.7.6 By 2006, the City shall develop transportation system management strategies to more effectively manage the transportation system including, but not limited to, parking management strategies, signal timing coordination, and programs that increase walking and/or bicycling.
9. Policy 2.10.3 The City shall continue to maintain active and positive relationships with the Florida Department of Transportation, Palm Beach County, adjacent municipalities, and other relevant public and private entities in order to support and engage in cooperative funding of transportation improvements.
10. Objective 2.11 The City shall continue to assist Palm Tran in providing efficient public transit services based on existing and future

trip generators and attractors and also provide local public transit road and terminal areas which are safe for transit users.

11. Policy 2.11.1 The City shall support the transit shelter and terminal development programs of Palm Tran, the proposed High Speed Rail Project and of the Tri-Rail Authority.
12. Policy 2.11.2 The City shall continue to modify and enforce regulations to encourage the provision of transit related shelters in major land development projects.
13. Policy 2.11.5 As part of the transit study in Policy 2.4.10 and in cooperation with Palm Tran, the City shall evaluate transit service within the CRA boundaries and identify needs for route realignments and/or bus stop improvements such as well-designed shelters, bicycle parking, route information, benches, waste receptacles, pedestrian access to stops/shelters or the need for new bus stops. Based upon the conclusions of the transit study, the City will work with Palm Tran to program recommended actions and modifications to the existing transit system within the CRA boundaries.

The proposed request to deviate from build-to line requirements complies with the following goals, objectives, and policies of the Recreation and Open Space Element of the City's Comprehensive Plan:

1. Goal 5 To create and maintain an interconnected system of aesthetically pleasing, functional, and well-maintained parks, pedestrian/ bikeways, greenways, blueways and natural areas that will adequately serve the needs of the current and future residents of the City of Boynton Beach, including seasonal visitors, and special groups such as the elderly and handicapped.

The City shall also continue to provide a variety of high quality parks and recreation related programs for all residents.

2. Objective 5.1 The City shall provide a system of park sites with a variety of both user-oriented and resource based facilities and recreational programs to serve the needs of current and future City residents consistent with the Strategic Plan, dated April 2007 as defined in the Technical Support Documentation.

Elements of the system shall include:

- Urban Open / Civic Spaces
- Neighborhood Parks
- Community Parks
- Special Use Facilities

- Water / Beach Access
- Greenways / Bikeways / Trails
- Conservation Lands
- Regional Parks
- Schools / School Parks
- Private Recreational Facilities
- Art in Parks and other Public Spaces

3. Objective 5.2 The City shall ensure adequate and safe public access to all existing and future City parks, recreational facilities, and local waterways. This effort shall include vehicular, pedestrian, trail, bicycle, and handicapped access and shall continue to improve and increase access to parks and recreational facilities, where available space exists, by providing adequate automobile parking, bike rack facilities, and handicap access to all existing and planned, neighborhood and community parks operated by the City by the year 2013.
4. Objective 5.4 The City shall maximize the use of public and private resources in the provision of recreational facilities to meet current and future demands.

Policy 5.4.1 The City shall require the provision of recreation facilities and open space by public agencies and private developers.

Policy 5.4.2 City shall ensure that future private, as well as dedicated areas, are developed to meet identified needs of residents and address geographic deficiencies.

- b. Whether the proposed request will not significantly detract from the livability or appearance of the city and will be consistent with the established or desired character of the area, or with the redevelopment plan, where applicable.**

The intent of the Riverwalk Plaza redevelopment plan is to utilize an existing blighted site located in the CRA and improve it within the context of its existing conditions. The Property is constrained by an existing long term lease with Wendy's that prevent Isram from demolishing all the existing building. The Wendy's lease extends to 2037, including all renewal options. Isram proposes to improve the existing parking field behind the Wendy's parcel to improve the traffic flow and aesthetics of the Property. The Property will be greatly enhanced with new code compliant parking, improved landscaping, clearly delineated pedestrian paths as well as new shade structures and a public plaza along the Intracoastal. The Federal Highway frontage as well as the new public plaza area along the Intracoastal Waterway will be a focal point for public art. Because the site encompasses almost 10 acres along the entire corner of intersection, the character of all

of the improvements and new construction will establish a sense of place and enhance the character of the area.

- c. On balance, whether the proposed request will be consistent with the purpose of the standard for which a deviation is requested. Granting the request will equally or better meet the purpose of the standard to be appealed.**

The purpose of the build-to line is to enhance the areas immediately adjacent to the rights-of-way for the public and pedestrians to experience as they drive by and walk the area. The intent is to also screen other non-active uses such as parking areas. To comply with this standard, a new commercial building will be constructed along the Federal Highway right-of-way that will incorporate shade structures, outdoor seating areas, public artwork, and landscaping to create a perimeter that not only greatly improves the right-of-way views, but also screens the required parking. These structures will frame the streetscape and contribute to a well-defined, consistent visual corridor that encourages walkability and activity along its length.

Allowing this design will provide for a betterment of the Property for the public because clearly marked pedestrian paths will lead to a public boardwalk that is included in the redevelopment plan. Currently the public has little opportunity to access the Intracoastal Waterway from the Property because a vacant big-box consumes most of the Property's frontage along the Intracoastal and the rear of the big box which is seen from the Intracoastal is an eyesore. The redevelopment plan provides for public access through a public boardwalk which will provide a public benefit to the residents of the development and the citizens of Boynton Beach.

- d. Whether the proposed request is intended to save or preserve existing trees or desired flora.**

A tree survey was submitted with the site plan noting all significant trees and landscaping on site. The site has relatively few significant trees given the size of the site, and the parking areas currently do not meet the intent of the code as it relates to landscaping. The Riverwalk Plaza redevelopment proposal will preserve any significant trees and flora where possible but will greatly enhance the site with additional code compliant landscaping that will be designed in conjunction with the new residential structure and enhanced pedestrian and vehicular areas.

- (1) Whether the applicant is unable to design or locate proposed buildings, structures, or improvements and preserve the tree(s) and comply with all provisions of these community design standards without causing the applicant undue hardship; and**

The primary reason for the request to deviate from the build-to line is because there are existing leases and code required parking serving those tenants that have long term leases. Based on lease provisions, the location of these spaces cannot

be relocated and the number of spaces required precludes them from being removed. In addition, additional buildings would add to the required parking. To wait for the existing leases to expire would prevent the entire project from being incrementally improved. If the Applicant is prevented from implementing the redevelopment plan, the CRA and City residents will be left with a dilapidated, underutilized center that will inhibit the redevelopment of the surrounding area.

(2) Whether it is not feasible to transplant the trees to another location on the subject site considering the following: 1) shape and dimensions of the real property; 2) location of existing structures and infrastructure improvements; and 3) size, age, health, and species of trees sought to be protected.

Any healthy, non-invasive trees shall either remain in place or be transplanted to another suitable location. Any other trees that are removed for any other reason shall be replaced according to the City Code requirements.

e. Whether the proposed request will have adverse environmental impacts that cannot be prevented by the imposition of conditions.

The site does not contain any environmentally significant characteristics. There will be no adverse impacts with the implementation of the redevelopment plan.

f. Whether the proposed request will have an adverse impact on property values of abutting or adjacent land.

There will be no adverse impacts on the adjacent properties. By improving the Property and adding new a residential component that will help support the nearby commercial uses and activate the street frontage, the redevelopment plan supports the CRA plan, and all surrounding property values in the area will increase as a result of the redevelopment.

g. Whether the proposed request will seriously reduce the quality or quantity of light and air available to adjacent properties.

There will be no appreciable impact of light and air to adjacent properties due to the setback of the new proposed residential building. The main new structure sits to the east end of the site thereby shadowing only the Property itself during the morning hours. To the north is a parking area and Woolbright Road. To the east is the Intracoastal Waterway and the properties across the waterway are approximately 400 feet away. A shadow study has been provided to show the shadow during the equinoxes. The residential building is designed to stepback from the Intracoastal Waterway to minimize the shadows to the east.

h. Whether the proposed request is necessary to further the objectives of the city to assist with economic development and business promotion.

The site is underutilized today with a large “big box” that is primarily vacant due to the loss of Winn Dixie. This coupled with a largely underutilized surface parking lot creates a blighted area with little economic value. By adding a significant amount of residents to the area, economic viability of the nearby commercial and retail uses will be improved. Renovating the existing Joann’s Fabric/Walgreens building will improve its aesthetic value and will further enhance the economic viability of those and surrounding businesses. Adding structures and landscaping along the rights-of-way will dramatically improve the corner of Federal and Woolbright and will help repair the fabric of the city in this location.

i. Whether the proposed request meets the purpose and intent of these regulations but conflicts with another site development standard or requirement, including sustainable development and green initiatives.

The redevelopment plan meets the intent of these regulations and supports site development standards such as sustainable strategies by creating a more walkable and transit supportive environment, adding trees and landscaping to help reduce the heat island effect, adding native landscaping to reduce water consumption and reinvigorating an existing, underutilized site.