

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**FINAL SUBDIVISION PLAT REQUEST FOR FOURTH AND FIFTH DELRAY
LOCATED BETWEEN SE 4TH AVENUE AND SE 5TH AVENUE, SOUTH OF EAST
ATLANTIC AVENUE.**

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

1. The final subdivision plat request regarding the project "Fourth and Fifth Delray", located at between SE 4th Avenue and SE 5th Avenue, south of East Atlantic Avenue, has come before the City Commission on March 15, 2016.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the final subdivision plat request for the project "Fourth and Fifth Delray" located Between SE 4th Avenue and SE 5th Avenue, South of East Atlantic Avenue. All of the evidence is a part of the record in this case. Required findings are made in accordance with the following sections:

A. **Future Land Use Map**: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map. The subject property has a Future Land Use Map designation of Commercial Core and a zoning designation of Central Business District.

Is the project's proposed location consistent with the Future Land Use Map?

Yes _____ No _____

B. **Concurrency**: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Are the concurrency requirements met with respect to water, sewer, drainage, streets and traffic, parks, open space, solid waste, and schools?

Yes _____ No _____

C. **Consistency**:

Will the granting of the conditional use be consistent with and further the goals and policies of the Comprehensive Plan?

Yes _____ No _____

D. **LDR Requirements**: Pursuant to L.D.R. 2.4.5(J)(5), the City Commission must make findings that the Final Plat is consistent with the findings associated with the preliminary plat.

On February 23, 2016, the Planning and Zoning Board made positive findings that the preliminary plat is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required

Findings for Land Use and Land Development Applications) of the Land Development Regulations.

Is the Final Plat consistent with the findings associated with the preliminary plat attached as Exhibit "A"?

Yes ____ **No** ____

3. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the Final Subdivision Plat was submitted and finds that its determinations set forth in this Order are consistent with the Comprehensive Plan.

4. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses which supports the findings set forth in this Order.

5. Based on the entire record before it, the City Commission approves ____ denies ____ the final subdivision plat and hereby adopts this Order this March 15, 2016, by a vote of ____ in favor and ____ opposed.

ATTEST:

Cary D. Glickstein, Mayor

Chevelle Nubin, City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Timothy Stillings, Director of Planning & Zoning

Exhibit "A"

PLAT ANALYSIS

Pursuant to Section 3.1.1 of the Land Development Regulations, prior to approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. These findings relate to Future Land Use Map, Concurrency and Consistency with the Comprehensive Plan, and Compliance with the Land Development Regulations.

Section 3.1.1 (A) - Future Land Use Map: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

The subject property has a zoning designation of CBD (Central Business District) and a Future Land Use Map of CC (Commercial Core). The CBD zoning district is consistent with the GC Future Land Use Map designation. Based upon the above, positive findings can be made with respect to consistency with the Future Land Use Map.

Section 3.1.1 (B) – Concurrency: Pursuant to Section 3.1.1(B), Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

During the conditional use process, the City Commission made a positive finding of concurrency with respect to water and sewer, streets and traffic, drainage, parks and recreation, open space, solid waste, and schools.

Section 3.1.1 (C) - Consistency: Pursuant to Section 3.2.1 (Basis for Determining Consistency), the performance standards set forth in Section 3.2.3 (Standards for Site Plan and/or Plat Actions) shall be the basis upon which a finding of overall consistency is to be made.

As described in Appendix "A", a positive finding for consistency can be made as it relates to Standards for Plat Actions.

Section 3.1.1 (D) - Compliance with the Land Development Regulations:

- **LDR Section 4.3.4(K) (Development Standards Matrix):**

Open space, building setbacks and building height, pursuant to the CBD zoning district regulations, were addressed with approval of the conditional use and will be further enforced with the approval of the site plan for the project. A positive finding can be made once all site plan conditions of approval have been addressed.

- **LDR Section 5.1.3(A) (Plat Required):**

A positive finding can be made with respect to this LDR Section as a Replat has been submitted and is before the Board for consideration.

- **LDR Section 5.3.1(D) (Right-of-Way Dedication):**

Per LDR Section 5.3.1(D)(2), the required minimum right-of-way width of alleys is 20 feet. The north/south is currently 16 feet, which requires the dedication of 2 feet and this has been accommodated on the site plan and is reflected on the plat. The east/west alley is currently 16 feet wide. As part of the conditional use approval, the City Commission required that a dedication of 8 feet be provided along the south side for a total of 24 feet to accommodate traffic congestion concerns. This eight feet has been accommodated on the plans and is reflected on the plat.

APPENDIX - A
STANDARDS FOR PLAT ACTIONS

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

| | |
|--------------------------|--|
| Not applicable | |
| Meets intent of standard | X (Subject to revision of the photometric plan) |
| Does not meet intent | |

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

| | |
|--------------------------|----------|
| Not applicable | |
| Meets intent of standard | X |
| Does not meet intent | |

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

| | |
|--------------------------|----------|
| Not applicable | X |
| Meets intent of standard | |
| Does not meet intent | |

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

| | |
|--------------------------|----------|
| Not applicable | |
| Meets intent of standard | X |
| Does not meet intent | |

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

| | |
|--------------------------|----------|
| Not applicable | |
| Meets intent of standard | X |
| Does not meet intent | |

- F. Vacant property shall be developed in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

| | | |
|--------------------------|-------------------------------------|--|
| Not applicable | <input checked="" type="checkbox"/> | |
| Meets intent of standard | | |
| Does not meet intent | | |

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

| | | |
|--------------------------|-------------------------------------|--|
| Not applicable | | |
| Meets intent of standard | <input checked="" type="checkbox"/> | |
| Does not meet intent | | |

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

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|--------------------------|-------------------------------------|--|
| Not applicable | | |
| Meets intent of standard | <input checked="" type="checkbox"/> | |
| Does not meet intent | | |

- I. Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.**

| | | |
|--------------------------|-------------------------------------|--|
| Not applicable | | |
| Meets intent of standard | <input checked="" type="checkbox"/> | |
| Does not meet intent | | |

- J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.**

| | | |
|--------------------------|-------------------------------------|--|
| Not applicable | | |
| Meets intent of standard | <input checked="" type="checkbox"/> | |
| Does not meet intent | | |

