



June 29, 2021 (revised)

City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

RE: Delray Townhomes - Class V Site Plan Justification Statement

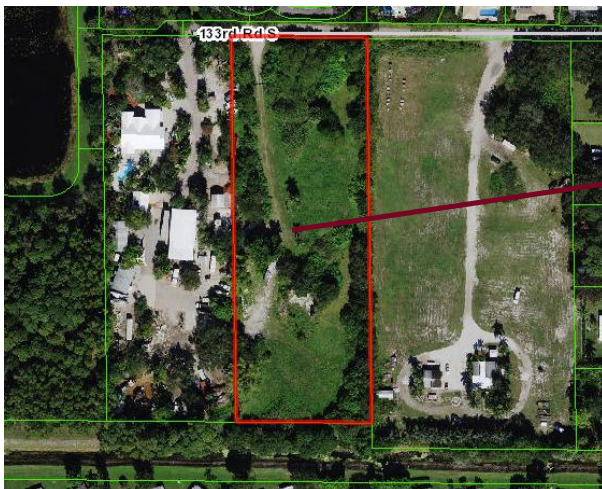
On behalf of the Owner and Petitioner, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Class V Site Plan Application
- Waiver for internal building separation (LDR Section 4.6.2)

Please note that this application no longer includes a request to change density, that application has been withdrawn.

PROPERTY HISTORY AND SITE CHARACTERISTICS

The subject property consists of 3.18 acres and is owned by Ocean Ridge Rentals LLC. The subject property has a Future Land Use (FLU) designation of MD – Medium Residential and a Zoning Designation of RM-8 – Medium Density Residential District. The agent met with the City of Delray Planning Staff on February 13, 2020 and again on September 22, 2020, these meetings served as a Pre-Application meeting. This justification statement has been revised to address the proposed waiver and also to assist in reviewing some additional land development regulations applicable to the review.



PROJECT SITE

ZONING HISTORY

The existing City of Delray zoning designation is RM-8, which provides for density up to 8 dwelling units/acre. This designation was assigned as part of the annexation from unincorporated Palm Beach County, as a lateral move for the County-assigned density. The adjacent property to the west and also east are still within the jurisdiction of Unincorporated Palm Beach County.

REQUIRED FINDINGS FOR LAND DEVELOPMENT APPLICATIONS

This project meets and exceeds the standards for approval of development applications contained in Section 3.1.1 as follows:

- (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 proposed use is consistent with the Future Land Use of Medium Residential. The existing RM-8 zoning is a result of the Palm Beach County annexation and is not being modified, which acts as a cap to the existing land use designation.

- (B) Concurrency. Concurrency as defined by Objective NDC [3.1](#) of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

The enclosed application has received a traffic concurrency approval letter from Palm Beach County Traffic (attached), will not exceed existing capacity for stormwater, water/sewer utility services, solid waste services, and has applied to the School District of Palm Beach County to verify Public School capacity for the project.

(C) Consistency. A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project outweighs the negative impacts of identified points of conflict.

There is one waiver requested, pertaining to the building separation formula in Section 4.6.2, discussed in detail below. Note that the standard side setbacks of 15' have been increased by 25% to accommodate the existing lower density within Unincorporated Palm Beach County. The benefits of a medium density (in the range of 5-15 units per acre) townhome development are many, including increased opportunities for usable open space and community activities, all within a low-rise two-story design shown below, which is at the same scale as a typical large lot single family home.



(D) Compliance with LDRs. Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request.

The enclosed project is in compliance with all land development regulations, no relief is requested from the code requirements.

STANDARDS FOR SITE PLAN

(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.

The building design, landscaping and lighting has been designed in accordance with to the standards. A photometric plan has been provided to show the lighting does not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

(B) All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).

Separation of different forms of transportation, including pedestrian sidewalks, private driveways, and the common area clubhouse and playground have been included in the site plan design. Multiple bike racks are shown on the site plan as well as pedestrian and vehicular areas. Note that additional right of way is being dedicated for 133rd, to provide additional opportunities for interconnections for pedestrian and bicycle traffic.

(C) Open space enhancements and recreational amenities shall be provided to meet Objective OPR [1.4](#) and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element

Please note the proposed clubhouse with recreation area, Goal OPR 1 promotes the provision of “EXEMPLARY OPEN SPACES PARKS, AND RECREATIONAL FACILITIES THAT ENHANCE QUALITY OF LIFE, PROVIDE RECREATIONAL OPPORTUNITIES, ENRICH INTERACTION WITH OTHERS, AND PROMOTE PHYSICAL AND MENTAL WELLBEING FOR THE RESIDENTS AND VISITORS OF THE CITY.” And Objective I.4, pertaining to private development promotes “SUFFICIENT AND APPROPRIATE PARK AND RECREATIONAL FACILITIES TO SUPPLEMENT THE CITY’S PROVISION OF RECREATION FACILITIES AND PROGRAMS IN PRIVATE DEVELOPMENT, PARTICULARLY RESIDENTIAL, FOR THE WELL-BEING OF THE FUTURE RESIDENTS OF THE DEVELOPMENT.” The proposed development plan has incorporated recreation facilities into the development in direct support of the referenced goals and objectives of the Open Space and Recreation Element of the Comprehensive Plan known as ‘Always Delray.’

(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.

The proposed development plan indicates the dedication of additional right of way (25’) that the applicant is agreeing to provide for 133rd Road South following a successful rezoning and site plan approval.

(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.

In the general area of the subject site, it is clear that the trend is a medium density product, and in time the adjacent properties will annex into the City of Delray Beach. The proposed design has increased the setbacks on the side property lines adjacent to the parcels currently in the County with a slightly lower maximum density and has limited the height of the townhomes to 2 stories to further provide a compatible transition to the existing uses on the adjacent parcels.

(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.

The response to (E) above could be copied, the site design and 2 story design provides for land use compatibility, and the preliminary engineering plan is provided to indicate the desired plan for drainage, legal positive outfall, and dry retention on the subject property.

(G) Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.

Consistent with Policy HOU 4.1.7 of the Housing Element of the Always Delray Comprehensive Plan, the City should 'SUPPORT INNOVATIVE USE OF HIGHER DENSITY IN DETACHED AND ATTACHED HOUSING WHICH MAINTAINS USABLE OPEN SPACE, WHILE PROVIDING LARGER LIVING SPACES.' Additionally, the provision of a for rent townhome community for families and young professionals within the City who do not wish to live downtown, but also do not wish to purchase a single-family home or attached condominium. Capturing this segment of future residents is an important element of the provision of diverse housing options within the City limits.

(H) Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.

The surrounding properties and developments will not be negatively impacted by the construction of this project, note that NPDES standards are required to be upheld by the site contractor, and the design of a moderate two-story townhome development represents a positive addition to the surrounding community.

- (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.*

A Traffic Letter is supplied in the application documents and has been submitted to Palm Beach County Traffic for review and issuance of a concurrency letter.

- (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.*

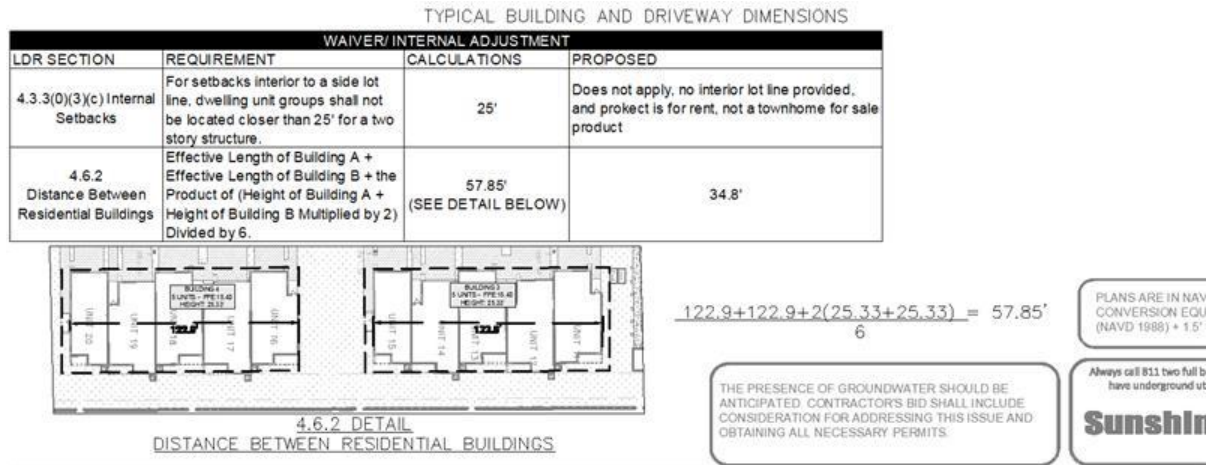
A clubhouse, playground and amenity center have been included in the proposed site plan. As part of the proposed clubhouse area a pool is also available to residents.

- (K) *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

The subject property has a land use designation of MD (Medium Residential) which correlates to a density of between 5 and 12 units per acre in the referenced table. The existing density is within this range, no increase to this is proposed or requested.

STANDARDS FOR WAIVERS

Requested is a waiver from Section 4.6.2 which states that the separation distance between two residential buildings (referred to as Building A and Building B) shall be based on a formula described below in graphic form:



The findings required for the granting of partial relief from this section include agreement that granting the proposed waiver:

(A) Shall not adversely affect the neighboring area.

The applicant's understanding of the intent of this section of the code is to prevent narrow alley like separations between larger several hundred-unit townhome projects, knowing that these can be difficult to light, and limit the general penetration of light and a feeling of usable open space to these larger projects. Proposed is a low-density community consistent with the surrounding communities that has provided a photometric plan that provides for adequate lighting within this internal space and is providing an excess of open space within the development. There are no adverse impacts created by the granting of this waiver.

(B) Shall not significantly diminish the provision of public facilities.]

As described above, there are no issues with public facilities, and also an excess of usable open space in the proposed plan.

(C) Shall not create an unsafe situation.

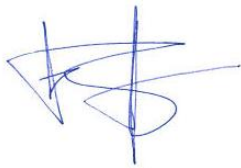
The proposed internal spacing, just under 35', does not create an unsafe situation, will be well lit as demonstrated by the attached photometric, and affords the ability to create a fire truck 'T' turnaround, as well as dry retention on site.

(D) Does not result in the granting of a special privilege.

As stated above, the proposed community development at a neighborhood scale has been redesigned to maximize usable open space, incorporates the dedication of right of way for 133rd Road South, provides increased side setbacks, and is a low-rise two story product which is in keeping with the scale of the neighborhood. The granting of this waiver should be based on the size of the project, scale of the proposed units, and increased photometric coverage during evening hours.

In closing, we appreciate your review and consideration of this request, please feel free to reach out via phone at (561) 404-7244 email (Mark.Rickards@kimley-horn.com) with any questions or concerns.

Best Regards;

A handwritten signature in blue ink, appearing to be 'Mark Rickards', with a stylized, cursive-like script.

Mark Rickards, AICP