



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

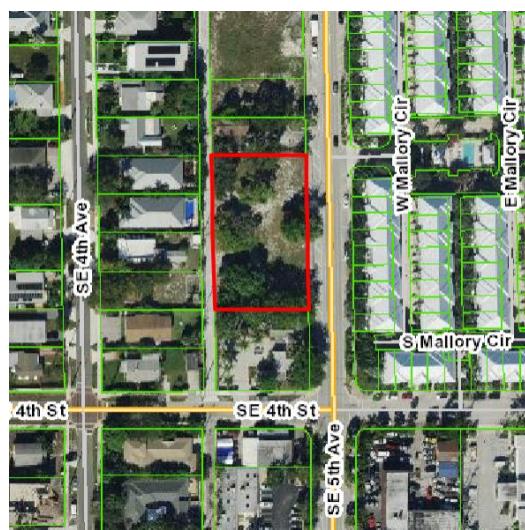
### 354 SE 5<sup>th</sup> Avenue

Meeting	File No.	Application Type
May 20, 2024	2024-048	Major Subdivision Plat
Applicant	Owner	Authorized Agent
Delport Limited Partnership	Delport Limited Partnership	Michael Weiner, Esq. Sachs Saks Caplan, P.L.

#### Request

Provide a recommendation to the City Commission regarding a Major Subdivision Plat, "354 SE 5<sup>th</sup> Townhomes", a replat of Lots 7 through 10, Block 104, Osceola Park, as recorded in Plat Book 3, Page 2 of the Public Records of Palm Beach County, associated with the construction a three-story, eight-unit, fee-simple townhouse development totaling 0.58 acres and located at 354 SE 5<sup>th</sup> Avenue.

#### Background Information



The development site is located on the west side of SE 5<sup>th</sup> Avenue (South Federal Highway) between SE 3<sup>rd</sup> Street and SE 4<sup>th</sup> Street and is currently addressed as 354 SE 5<sup>th</sup> Avenue. The subject property is in the Central Core Sub-district of the Central Business (CBD) District Zoning District and has a Land Use Map Designation of Commercial Core (CC). The property is located within the Osceola Park Neighborhood. The property is currently vacant.

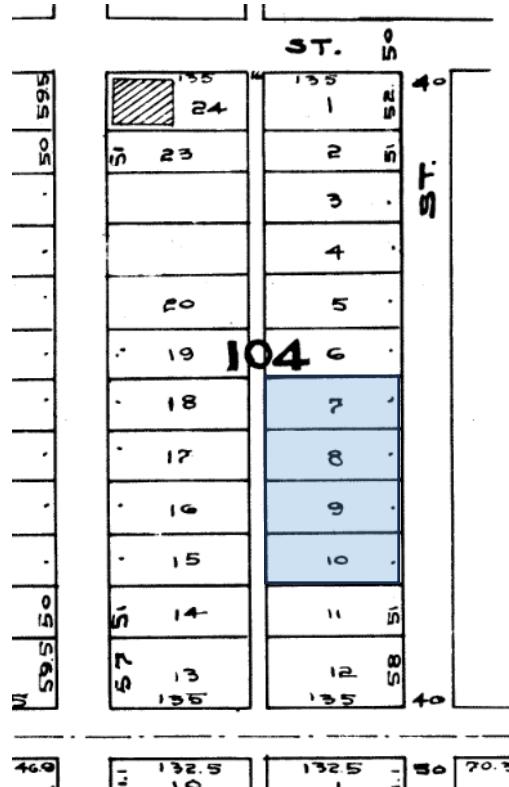
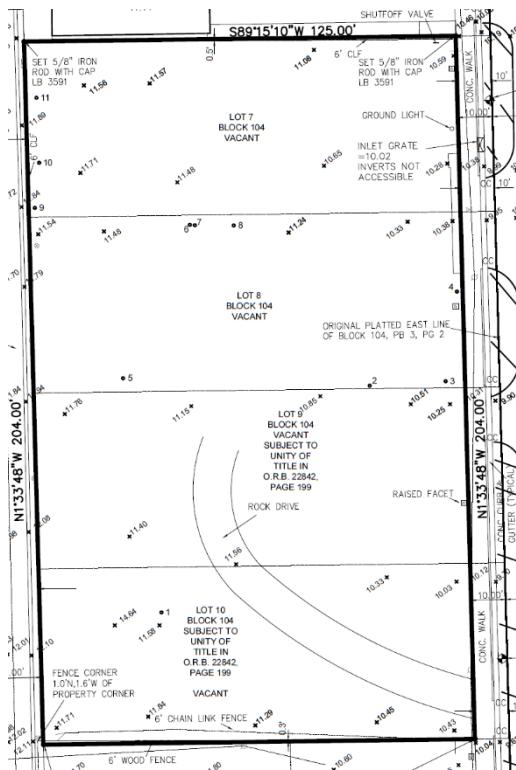
On November 29, 2023, A Level 3 Site Plan application for a Masonry Modern three-story, eight-unit townhouse development was approved by the Site Plan Review and Appearance Board (rendering below). This subdivision plat is necessary to establish the fee-simple lots required to implement the approved development.





The original Plat of Osceola Park was recorded in May of 1919 and is one of the oldest platted neighborhoods in the City. The subject property comprises Lots 7 through 10 as illustrated on the original plat map (below).

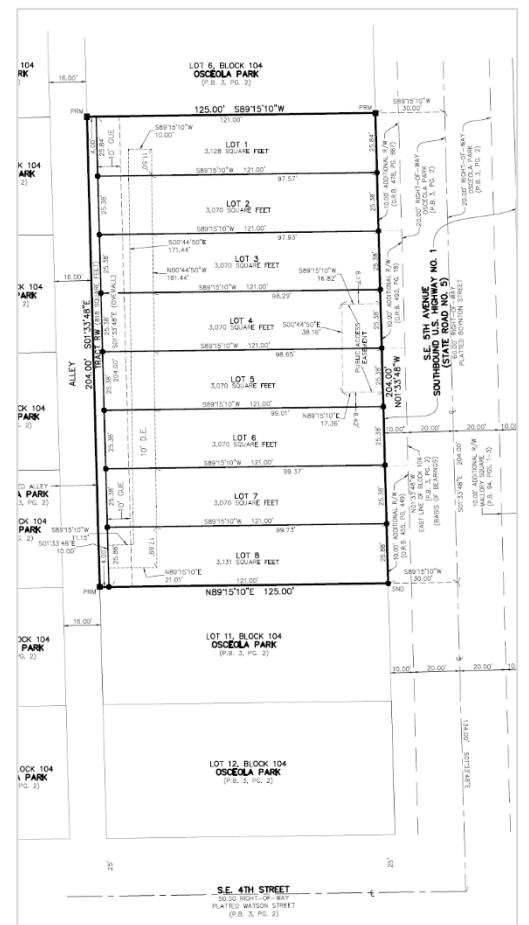
## **Survey Depicting Original Platted Lots**



## Plat Description

The proposed replat (image at right) includes the following elements:

- Establishment of eight fee-simple lots that each correspond to one of the eight townhouse units within the proposed development. Dimensions of the lots vary between 3,070 sq. ft. and 3,131 sq. ft. and are consistent with the approved site plan. There are no minimum lot dimension or area requirements within the CBD.
- Dedication of “Tract RW” on the western property line for conveyance to the City as Right of Way, to be consolidated with the ultimate Right of Way of the public alley.
- Establishment of a 10-foot Drainage Easement and a 10-foot General Utility Easement.
- Establishment of a public access easement fronting the eastern property line located within Lot 4 and Lot 5, which is generally situated over civic open space and adjoining front setback area which is to remain open and accessible for public enjoyment.





## Review and Analysis

Pursuant to **LDR Section 2.4.8(B)**, **Major Subdivision** shall involve both the Planning and Zoning Board and the City Commission. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a plat.

Per the definitions of “Major Subdivision” and “Minor Subdivision” in the LDR, the proposed plat qualifies as a Major Subdivision as it involves more than three lots and requires dedications. Major subdivision plats require a recommendation by the Planning and Zoning Board, with final determination by the City Commission, and recordation with the Palm Beach County Clerk of Court.

### Required Findings: LDR Section 3.1.1

*Prior to the 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 on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.*

A complete review and analysis of the request based on the Required Findings of **LDR Section 3.1.1** is provided below.

#### LDR Section 3.1.1(A), 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 Land Use Map.*

The subject property has a Land Use Map designation of CC, and a zoning designation of CBD, which is a compatible zoning district to implement the CC land use designation. A townhouse typology residential development is permitted within the CBD district, so long as the applicable form-based requirements of the CBD code are sufficiently integrated into the design and configuration of the development.

Through the granting of the Level 3 Site Plan application, a determination has been made that the proposed project sufficiently meets the design requirements of the CBD.

#### LDR Section 3.1.1(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.*

Potable Water and Sewer: Water and sewer services will be connected to adjacent available networks pursuant to approval of the utilities plan reviewer. Pursuant to the Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

Drainage: Drainage and water run-off will be addressed through on-site retention, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) letter has been provided by Palm Beach County indicating the project meets concurrency standards with an anticipated net daily increase of 59 trips, generating a total of 4 new trips at AM peak hour and 4 new trips at PM peak hour.

Parks and Open Space: A park impact fee of \$500 per residential unit will be applied at time of building permit.

Solid Waste: The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: A SCAD approval letter has been granted indicating the proposed development does not have a negative impact on school capacity.

#### LDR Section 3.1.1(C), Consistency

*A finding of overall consistency may be made even though the action may 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 (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*



## Comprehensive Plan

The following Objectives and Policies from the Always Delray Comprehensive Plan are applicable to the subject request.

Policy NDC 1.3.3: *Apply the density and intensity in mixed-use land use designations to encourage adaptive re-use, development, and redevelopment that advances strategic, policy-driven goals, such as diverse residential housing opportunities, sustainable building practices, historic preservation, public parking, civic open space, or economic development strategies.*

Policy NDC 2.7.17: *Continue to support the accommodation of compatible housing types within Osceola Park based on the recommendations and overall intent of the adopted Osceola Park 2019 Redevelopment Plan Update.*

Policy NDC 2.7.18: *Consider the vision and strategies in the Osceola Park Redevelopment Plan Update (2019) when assessing rezoning requests, reviewing development applications, and planning public infrastructure projects.*

Policy HOU 3.1.2: *Protect existing established residential neighborhoods from the encroachment of nonresidential uses, except for strategic locations where such transition is planned in support of multimodal improvements, mixed-use development, or an adopted neighborhood plan.*

Policy HOU 3.1.4: *Encourage development of vacant or underdeveloped land for housing and mixed-uses and promote rehabilitation of underutilized housing into desirable places to live.*

Policy HOU 4.1.7: *Support innovative use of higher density in detached and attached housing which maintains usable open space, while providing larger living spaces.*

Policy MBL 2.6.2: *The City shall maintain the existing network of alleys in the downtown, which provide multiple benefits that enhance the quality of the area:*

- *Providing access for sanitation collection*
- *Providing locations for utilities*
- *Minimizing commercial deliveries from occurring in the primary street network*
- *Reducing pedestrian-vehicular conflict points on the sidewalk*

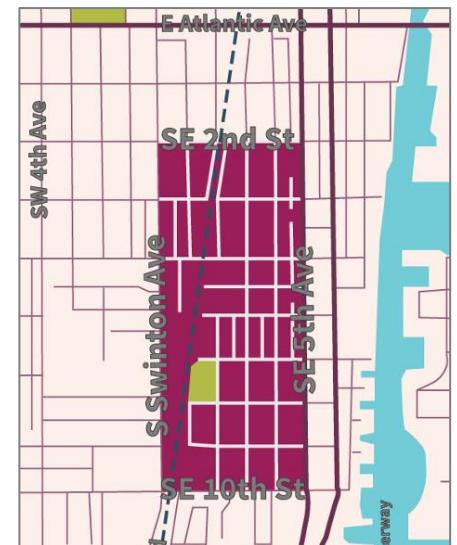
Overall, the proposed development is consistent with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, particularly those of the Neighborhood, Districts, and Corridors Element, the Housing Element, and the Mobility Element.

The property is located within the Osceola Park Neighborhood Redevelopment area (map at right) along SE 5<sup>th</sup> Avenue between SE 3<sup>rd</sup> Street and SE 4<sup>th</sup> Street. The core of the neighborhood is comprised of single-family residences, with non-residential uses and multi-family development along the edges of the neighborhood. The Plan encourages adaptive reuse and infill development within and around the neighborhood while respecting the single-family character in the heart of the community.

The proposed development is compatible with the surrounding areas with an approved mixed-use development to the north, Mallory Square townhomes to the east, and commercial development to the south. The single-family homes to the west are separated from the development, which faces SE 5<sup>th</sup> Avenue, by a 20-foot alleyway. The townhouse typology is a building form that establishes effective and necessary transitions between lower density residential and commercial and mixed-use development.

## LDR Section 3.1.1.(D), Compliance with LDR

*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. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulation.*





A Level 3 site plan was approved on November 29, 2023, by the Site Plan Review and Appearance Board. The density and intensity comply with the land use and zoning regulations. Through the review of the Level 3 Site Plan application, the subject request was found to meet all applicable requirements of the LDR.

#### **LDR Section 3.2.1, Basis for Determining Consistency**

*The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.*

Consistency with the Comprehensive Plan and LDR is discussed above.

#### **LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions**

Twelve different standards apply to both site plans and plats and are designed to ensure that new development will not have a negative impact on the surrounding area, that amenities are provided to enhance the quality of life for residents, appropriate mobility connections and open space and recreational improvements are provided, and that the proposal complies with the maximum intensity and density allowed for the land use designation and zoning district. The adopted site plan was reviewed against these criteria and deemed compliant. The proposed plat implements the site plan and can therefore be considered compliant with all applicable standards for site plan and plat actions.

As part of the Site Plan approval, the applicant will be required to submit a Landscape and Civic Space Maintenance agreement at time of Building Permit that will establish the responsibility for maintenance of all landscaping affiliated with the approved site plan as well as maintenance of the publicly accessible civic open space, as identified by the public access easement on the plat, is the responsibility of a Homeowners Association, to be established at a later date, and costs will be distributed amongst all unit owners.

#### **Technical Notes**

Prior to a City Commission hearing, the following shall be addressed/completed:

1. All costs associated with water, sanitary sewer, paving and drainage improvements that will be maintained by the City, or which are necessary to adequately provide service to the site and for guaranteeing its installation and that it properly functions, must be provided as a 110% surety bond and Surety Agreement, pursuant to the Engineer's Opinion of Cost approved by the City Engineer.

#### **Options for Board Action**

- A. Recommend approval to the City Commission for the certification of the Major Subdivision Plat, “354 SE 5<sup>th</sup> Ave Townhomes”, associated with the creation of eight fee-simple lots on the property currently addressed 354 SE 5th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Recommend denial to the City Commission for the certification of the Major Subdivision Plat, “354 SE 5<sup>th</sup> Ave Townhomes”, associated with the creation of eight fee-simple lots on the property currently addressed 354 SE 5th Avenue, finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- C. Continue with direction.