# PLANNING AND ZONING BOARD

## CITY OF DELRAY BEACH

## ---STAFF REPORT---

**MEETING DATE:** 

April 21, 2014

ITEM:

Conditional Use Request for Depot Square Apartments to Establish a 284 Multiple Family Residential Development up to 24 Dwelling Units Per Acre in the MIC (Mixed Industrial and Commercial) Zoning District Between the CSX Railroad and

Interstate 95 Rights-of-Way, South of Lake Ida Road.

## **GENERAL DATA:**

Owner..... Depot Industrial Center, LLC

Agent...... Charles Putman & Associate, Inc.

Location..... Between the CSX Railroad and

Interstate 95 Rights-of-Way, South

of Lake Ida Road.

Property Size..... 12.34 acres

Future Land Use Map..... CMR (Commerce)

Current Zoning...... MIC (Mixed Industrial and

Commercial)

Adjacent Zoning....North: MIC

East: R-1-A (Single Family Residential)

South: MIC West: MIC

Existing Land Use...... Vacant & Industrial

Proposed Land Use...... Conditional Use Request for Depot

Square Apartments to Allow a Multiple Family Residential Project with a Density up to 24 Dwelling Units

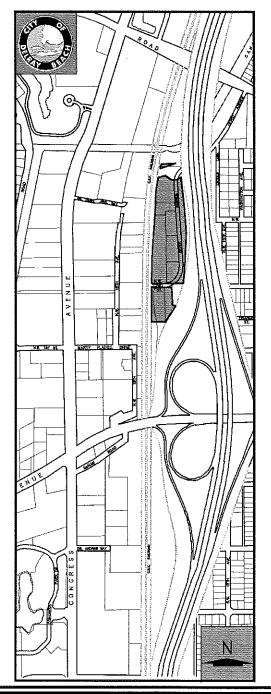
Per Acre.

Water Service...... Via Extension of Water Main Along

Depot Road.

Sewer Service...... Via Extension of a Sewer Main

Along Depot Road.



#### ITEM BEFORE THE BOARD

The action before the Board is making a recommendation to the City Commission on a request for Conditional Use approval to establish a 284-unit multiple family residential development up to 24 dwelling units per acre (23.01 dwelling units per acre proposed) in the MIC (Mixed Industrial and Commercial) zoning district for Depot Square Apartments, pursuant to Land Development Regulations (LDR) Section 2.4.5(E).

The property is located between the CSX railroad and Interstate 95 rights-of-way, south of Lake Ida Road and measures 12.34 acres.

## **BACKGROUND/PROJECT DESCRIPTION**

At its meeting of March 20, 2007, the City Commission approved an LDR text amendment establishing the Interstate 95/CSX Railroad Corridor Overlay District, which allows multiple family residential developments in the MIC zoning district up to 24 dwelling units per acre as a conditional use provided at least 25% of the units are workforce housing units.

At its meeting of September 17, 2007, the Planning and Zoning Board considered a conditional use request for a mixed use that consisted of 90,135 square feet of office area and 296 multiple family dwelling units and recommended approval to the City Commission. The City Commission approved the conditional use on October 2, 2007.

At its meeting of March 26, 2008, the Site Plan Review and Appearance Board approved the site plan for the mixed use project mentioned above.

At its meeting of February 25, 2014 the Planning and Zoning Board postponed the development proposal at the request of the applicant and as suggested by staff to a date certain of April 21, 2014. The postponement was requested by the applicant to provide additional time to address the concerns with respect to the project's deficiencies to the performance standards.

Depot Square Apartments is a multiple family development consisting of 284 dwelling units. The development is subject to Article 4.7 (Family/Workforce Housing), which requires that a minimum of 25% of the units be designated as workforce housing units. The development proposal includes the relocation of Depot Road from its current location along Interstate 95 to the west side of the property along the CSX railroad right-of-way. The conditional use application for the development is now before the Board for recommendation.

The development proposal incorporates the following:

Construction of 7 three-story buildings that contain a total of 284 multiple family dwelling units and 615 surface parking spaces. The residential development consists of 77 one-bedroom units, 162 two-bedroom units, and 45 three-bedroom units.
Construction of a single story 7,500 square foot clubhouse that includes a cyber café, fitness room, mailroom, kids room, and leasing offices. Additional recreational facilities include a swimming pool, bicycle storage room, tot lot, putting green, barbeque area, and outdoor pool table.
Relocation of the Depot Road right-of-way to the west side of the property and construction of improvements that include landscaping, parallel parking spaces, drive lanes, vehicular roundabout, and sidewalks; and

☐ Installation of sidewalks, walkways, and associated landscaping on-site.

## **CONDITIONAL USE ANALYSIS**

## **REQUIRED FINDINGS (Chapter 3):**

Pursuant to LDR Section 3.1.1 (Required Findings), 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. These findings relate to Future Land Use Map Consistency, Concurrency, Comprehensive Plan Consistency and Compliance with the LDR's as noted below.

<u>FUTURE LAND USE MAP:</u> The use or structures must be allowed in the zone district and the zoning district must be consistent with the land use designation.

The subject property has a Future Land Use Map (FLUM) designation of CMR (Commerce) and a zoning designation of MIC, which are consistent with one another. Pursuant to LDR Section 4.4.19(D)(1)(f), multiple family residential development up to a maximum of 24 units per acre within the I-95/CSX Railroad Corridor Overlay District, as defined in Section 4.5.15, subject to the provisions of Article 4.7, are permitted through the conditional use approval process. The development complies with the maximum density of 24 units per acre since a density of 23.01 units per acre is proposed. As discussed later in this report, positive findings can be made with respect to the referenced performance standards; thus positive findings can be made with respect to FLUM consistency.

<u>CONCURRENCY:</u> 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.

<u>Water and Sewer:</u> Water service will be available to the site via extension of a water main along Depot Road from Lake Ida Road to the southern end of the subject property.

Sewer service will be available to the site via extension of a sewer main from Lake Ida Road. This main also needs to be extended to the southern end of the property and this is attached as a technical item.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard provided the technical items are addressed.

<u>Drainage:</u> Conceptual engineering plans have been submitted that indicate that drainage will be accommodate via sheet flow to catch basin with outfall to four retention areas located throughout the property. It is noted that the system includes exfiltration trenches to accommodate additional drainage. Based upon the above, positive findings with respect to this level of service standard can be made.

<u>Streets and Traffic:</u> The applicant has submitted a traffic study that indicates that the project will generate 1,995 new daily trips onto the surrounding roads and approximately 173 new peak p.m. trips. The traffic study indicates that the proposed development will not have an adverse

impact on the Level of Service for the surrounding roads. A letter from the Palm Beach County Traffic Division has been submitted that indicates the proposed development complies with the Palm Beach County Traffic Performance Standards Ordinance, with the conditions that an extra northbound lane be provided at the intersection of Lake Ida Road and Depot Avenue and the creation of a median refuge at the intersection of these two streets to accommodate northbound left turns. The plans include the extra lane and median refuge as required by the Palm Beach County Traffic Division. A condition of approval is attached that written verification be provided from the Palm Beach County Traffic Division that these elements comply with its design criteria. It is also noted that the trip generation was based on the previous development proposal of 296 dwelling units. An additional condition of approval is attached that a revised traffic study is submitted and that a finding of concurrency be provided from the Palm Beach County Traffic Engineering Division.

Parks and Recreation Facilities: The Open Space and Recreation Element of the City's Comprehensive Plan indicates in its conclusion that "The City will have sufficient recreation facilities at build-out to meet the adopted standards". A park impact fee is collected to offset any impacts that the project may have on the City's recreational facilities. Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit for each unit. A total fee of \$142,000 will be required of this development for parks and recreation purposes.

<u>Solid Waste:</u> The proposed 284 dwelling units will generate 147.68 tons of solid waste per year  $(284 \text{ units } \times 0.52 \text{ tons} = 147.68 \text{ tons})$ . The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2046, thus a positive finding with respect to this level of service standard can be made.

**Schools:** Notification from the Palm Beach County School District has been submitted that indicates that the residential portion of the development has been found concurrent.

<u>CONSISTENCY:</u> Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(E)(5) for the Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies that are relevant to the Conditional Use applications are noted:

<u>Future Land Use Element Objective A-1:</u> Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

When the LDR text was amended to include residential uses in the MIC zoning district, the City Commission essentially found that residential is compatible with the surrounding industrial uses for this property. Therefore, the proposed project is consistent with this policy.

<u>Transportation Element Policy A-1.5:</u> New residential projects over 25 units and nonresidential projects over 10,000 square feet adjacent to existing or future Palm Tran bus stops shall provide an easement and install a city-approved bus shelter on site. If the project is not adjacent to a bus stop, or a bus shelter already exist, a contribution shall be made to the City in-lieu of providing the bus shelter on site.

There is an existing bus stop east of the southeast corner of Lake Ida Road and Depot Avenue. Thus, the applicant will be required to install a city-approved bus shelter at this bus stop and this is attached as a condition of approval.

Open Space and Recreation Element Policy A-3.1: Tot lots and recreation areas serving children from toddlers 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.

In response to this requirement the applicant has provided a tot lot, cyber café, kid's room, outdoor pool table, and putting green. Based on the variety of recreational amenities that can be utilized by all age groups of children, the project is consistent with this policy.

Housing Element Policy B-2.2: The development of new adult oriented communities within the City is discouraged. New housing developments shall be designed to accommodate households having a range of ages, especially families with children, and shall be required to provide three (3) and four (4) bedroom units and activity areas for children ranging from toddlers to teens. This requirement may be waived or modified for residential development located in the downtown area and for infill projects having fewer than 25 units.

This residential development is proposed as a rental community. The mix of units includes 77 one-bedroom units, 162 two-bedroom units, and 45 three-bedroom units. There are no four bedroom units proposed within the development. Given the location of the development in an industrial area, it is acknowledged that larger families may not find the locale appropriate.

Housing Policy A-11.3: In evaluating proposals for new development or redevelopment, 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.

Given the location of the development within an industrial area, this development will not have a direct impact on the stability of nearby residential neighborhoods. The introduction of residential uses into an industrial area is likely to create conflicts between long established industrial uses and new residential occupants. However, future residents will be coming to live in an area that is industrially intensive and no changes to these existing uses are warranted or are appropriate. As noted previously, the traffic impact of the development will be addressed with the site plan in accord with the <u>Streets and Traffic</u> discussion on the previous page.

<u>Transportation Element Policy D-2.2:</u> Bicycle parking and facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

The development proposal provides bicycle racks throughout the property together with a secured storage room in building #1. Based on the above, the policy has been met within the proposed development.

## **FAMILY/WORKFORCE HOUSING:**

## Minimum Family/Workforce Housing:

Pursuant to LDR [Land Development Regulation] Section 4.4.19(A), a minimum of 25% of the 284 dwelling units (71) must be designated for workforce housing. The provision of workforce housing units will be addressed per an agreement that will need to be approved by the Community Improvement Director and executed prior to certification of the site plan and this is attached as a condition of approval.

#### Covenant:

Per LDR Section 4.7.6(a), a covenant will need to be recorded that specifies the income level served, rent levels, reporting requirements and all restrictions applicable to the workforce housing units. All leases shall contain language incorporating covenants applicable to the workforce housing unit and reference recorded covenants. A technical item is attached that a covenant be submitted for approval by the City Attorney's Office and recorded.

### PERFORMANCE STANDARDS FOR DENSITY INCREASE:

LDR Section 4.4.19(A) - Performance Standards: These standards shall apply to the residential portion of the development to allow a density of up to 24 dwelling units per acre subject to Article 4.7 "Family/Workforce Housing" and LDR Section 4.4.6(I) "Performance Standards."

(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 exists 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.

The parking area consists of short segments and multiple entrances onto Depot Road and NW 2<sup>nd</sup> Street. The applicant proposes to construct a roundabout at the north end of the project. There is a lengthy parking area along the east side of the property. The applicant proposes to control the speeds along this parking area through the provision of two raised circular paved intersections with east/west drive aisles. These traffic designs will keep the speeds within the development at or below 20 miles per hour. Based on the condition this performance standard has been met.

(b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.

The residential buildings have been reasonably disbursed throughout the property. As noted in the "Compliance with Land Development Regulations" section of this staff report, the development proposal has been revised to comply with the building separation requirement of LDR Section 4.6.2(B). In order to achieve this compliance, the development eliminated 12 dwelling units. Consequently, the development proposal now complies with this performance standard.

(c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to

those lower density areas. Building setbacks are increased by at least 25% of the required\_minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25%\_or more; and a hedge, wall or fence is provided as a visual buffer between the properties.

The property is not immediately adjacent to a residential zoning district. Therefore, this performance standard is not applicable.

(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.

The buildings have a flat cement tile roof with a pewter color. The roof line also includes cupolas with standing seam metal roofs. The upper floor of the residential buildings will have a smooth stucco to simulate a 7 inch horizontal siding that will be painted Notable Hue (blue). Staff previously expressed concerns that the stucco siding be changed to The applicant has submitted examples of stucco siding that cementitious siding. demonstrate a quality wall finish. If a proper stucco siding job is performed, the quality of the project will be maintained. Thus, the condition has been modified to require that a detail of how the stucco siding be included on the building elevation plans and that it demonstrates a historically correct level and smooth stucco siding be applied utilizing an "L" bracket. The lower floors of the buildings will have a light textured stucco finish that will be painted Creamy (off white). The window treatments include headers, sills, vinyl shutters, and aluminum Bahama shutters. The balconies and opposing roof features include different architectural approaches that include foam louver inserts, standing seam metal roofs, stucco banding, and decorative brackets. The roof of the clubhouse will be standing seam metal and includes dormers. The wall of this building will be light textured stucco finish. The primary wall color will be Notable Hue with a secondary color of Creamy. The rhythm and balance of the buildings are appealing, thus, this performance standard has been met subject to the condition of approval.

(e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multifamily housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.

The proposed development provides 77 one-bedroom units, 162 two-bedroom units, and 57 three-bedroom units. The development contains two versions of the one-bedroom floor plan that contain 722 square feet and 828 square feet. There is one version of the two-bedroom unit that contains 1,174 square feet. The three-bedroom is available in one floor plan that has 1,319 square feet. Given the variety of floor plans and unit type, this performance standard has been met.

(f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.

The property does not contain existing natural areas or water bodies. The applicant has provided additional landscaping along the south side of the property adjacent to the

retention area. Since a native habitat has not been provided, this performance standard has only partially been met. It is noted that the previous mixed use development proposal was approved with a density of 23.93 dwelling units per acre with a similar provision of landscaping within a retention area.

(g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.

The project provides an adequate bicycle/pedestrian system within the development. The applicant proposes to install a pedestrian connection along Depot Road to Lake Ida Road. The provision of a bus shelter at Lake Ida Road and Depot Road helps meet this standard by providing access to existing mass transit (Palm Tran Route 80). Therefore, this performance standard has been met.

If approved as conditioned, the proposed development will comply with performance standards (a), (b), (d), (e), and (g). The development proposal does not fully comply with performance standards (f) and (c) is not applicable. Given the level of achievement with the performance standards, the density increase can be supported provided the conditions of approval are addressed.

## LDR SECTION 2.4.5(E) - REQUIRED FINDINGS:

Pursuant to LDR Section 2.4.5(E)(5), in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- A. Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- B. Nor that it will hinder development or redevelopment of nearby properties.

## **COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:**

In conjunction with the Conditional Use request a sketch plan was submitted which staff has reviewed. Based upon staff's review of the sketch plan and site inspections, the following analysis is provided.

## LDR Section 4.3.4(K) Development Standards Matrix:

The following table indicates that the proposal complies with LDR Section 4.3.4(K) and Section 4.4.6(F)(3) as it pertains to the Mixed Industrial/Commerce (MIC) zone district:

		Standard	Provided
Maximum Building Height	Residential Buildings #1, #2, #5	48'	35'
	Residential Building #3, #4	48'	34' 6"
Minimum Building Setbacks	Front Building #3	15'	88' 2"
	Front Building #4	15'	15' 1"
	Side Street Clubhouse	15'	17'
	Side Street Building #5	15'	21' 9"
	Side Interior Building #5	15'	21' 7"
	Rear Building #5	10'	70' 1"
	Rear Buildings #1, #3	10'	75' 7"

Maximum Lot Coverage	50%	25.8%
Minimum Open Space	25%	35.3%

## Parking Requirements:

Per LDR Section 4.6.9(C)(2)(c), the required parking for the multiple family portion of the development must be provided pursuant to the following:

One bedroom dwelling unit	1.50 spaces/unit
Two or more bedroom dwelling unit	2.00 spaces/unit
Guest parking shall be provided cumulatively as follows:	
- for the first 20 units	0.50 spaces/unit
- for units 21-50	0.30 spaces/unit
- for units 51 and above	0.20 spaces/unit

The proposed development consists of 77 one-bedroom units, 162 two-bedroom units, and 45 three-bedroom units. Based on this unit mix, the residential portion of the development is required to provide 595 parking spaces. The development complies with the parking requirement since 615 parking spaces are provided.

## Right-of-Way Dedication:

Pursuant to LDR Sections 5.3.1 (A) and (D) and Table T-1 of the Comprehensive Plan Transportation Element, the following table describes the required rights-of-way and the existing rights-of-way adjacent to the subject property:

Right-of-Way	Required	Existing	Proposed	Required Dedication
Depot Road (new)	50'	n/a	50'	0,
NW 2 <sup>nd</sup> Street	50'	40'	30'	0'

Pursuant to LDR Section 5.3.1(D)(4), a reduction in the required right-of-way width or existing streets may be granted by the City Engineer upon favorable recommendation from the Development Services Management Group (DSMG). The City Engineer and DSMG considered the reduction and approved the reduction of right-of-way for NW 2<sup>nd</sup> Street to 30 feet.

## Distance Between Residential Buildings:

The development has been revised to comply with the City's building separation requirements. The following table identifies the building separation requirements per LDR Section 4.6.2(B):

Buildings	Required Separation	Proposed Separation
#3 and #5	43.5 feet	129 feet
#3 and #5	43.5 feet	97 feet
#3 and #4	90.39 feet	90.58 feet
#3 and #2	43.5 feet	71.42 feet
#4 and #2	43.5 feet	71.42 feet

#1 and #2	72.33 feet	91.58 feet

Compliance with the building separation requirements were achieved by the elimination of 12 dwelling units, which reduced the required separations.

## Sidewalks:

Pursuant to LDR Section 6.1.3(B), a 5-foot sidewalk is required along both sides of Depot Road. The applicant has noted a sidewalk on the east side and none on the west side of Depot Road. The applicant will need to submit a waiver to the sidewalk requirement, which will be considered by SPRAB. It is noted that the sidewalk will not improve pedestrian access, since the CSX railroad right-of-way is located on the west side of Depot Road and does not generate pedestrian activity.

#### Other Issues:

## One-way Exit:

The parking area includes a one-way out driveway onto the roundabout at the north end of the property. There is a concern that resident's on the east side of the property will attempt to enter the property through this one-way driveway since it is would be the shortest route to their apartments. This would be an unsafe design and cause conflict at this intersection. A condition of approval is attached that this driveway be converted to two-way.

## Shared Pathway:

The applicant proposes to construct an 8-foot wide shared pathway along Depot Avenue from the development to Lake Ida Road. In order to accommodate this additional width, the City Engineer has allowed each lane width of Depot Avenue to be reduced to 10 feet.

An additional shared pathway is under consideration along the west side of Interstate 95 that will provide access from the development to Atlantic Avenue. If approved by the Florida Department of Transportation, the applicant will be responsible for the installation and maintenance of this path and this is attached as a condition of approval.

#### REVIEW BY OTHERS

The development proposal is not located in an area that requires review by the CRA (Community Redevelopment Agency) or DDA (Downtown Development Authority).

## **Courtesy Notice:**

Courtesy notices have been provided to the following homeowner's associations and interested parties, which have requested notice of developments in their areas:

#### Delray Citizen's Coalition

#### **Public Notice:**

Formal public notice has been provided to property owners within a 500' radius of the subject property. Any letters of support or objection will be presented at the Planning and Zoning Board (P&Z) meeting.

#### ASSESSMENT AND CONCLUSION

The proposed conditional use is to allow a multiple family residential development in the MIC zoning district subject to Family/Workforce housing program and performance standards. As described in this staff report, the request for the multiple family residential development has been substantially modified to comply with the City's performance standard that supports a project with 23.01 dwelling units per acre. The shared pathways to Lake Ida Road and Atlantic Avenue will provide safe access for pedestrians and bicyclist to these two roads.

### **ALTERNATIVE ACTIONS**

- A. Postpone with direction.
- B. Move a recommendation of approval of the conditional use request to allow a multiple family residential development in the MIC zoning district with a density of 23.01 dwelling units per acre for **Depot Square Apartments**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5), 4.4.6(I), Article 4.7 [Family/Workforce Housing], and Chapter 3 of the Land Development Regulations, subject to conditions.
- C. Move a recommendation of denial of the conditional use request to allow a multiple family residential development in the MIC zoning district with a density of 23.01 dwelling units per acre for **Depot Square Apartments**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, is inconsistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5), 4.4.6(I), Article 4.7 [Family/Workforce Housing], and Chapter 3 of the Land Development Regulations.

## RECOMMENDATION

Move a recommendation of approval to the City Commission of the conditional use request to allow a multiple family residential development in the MIC zoning district with a density of 23.99 dwelling units per acre for **Depot Square Apartments**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(E)(5), 4.4.6(I), Article 4.7 [Family/Workforce Housing], and Chapter 3 of the Land Development Regulations, subject to the following conditions:

- 1. Approval of a site plan by SPRAB that is in general conformance to the submitted sketch plan and addresses the "Exhibit "A" Technical Items" attached in the staff report.
- 2. That written verification be provided from the Palm Beach County Traffic Division that the project complies with its design criteria.
- 3. That a revised traffic study is submitted that reflects the reduction of units to 284 residences and that a finding of concurrency be provided from the Palm Beach County Traffic Engineering Division.
- 4. That a detail of how the stucco siding be included on the building elevation plans and that it demonstrates a historically correct level and smooth stucco siding be applied utilizing an "L" bracket.

- 5. That a bus shelter be provided near the intersection of Lake Ida Road and Depot Road.
- 6. That the driveway at the northeast corner of the property be converted to two-way.
- 7. If approved by the Florida Department of Transportation, the applicant will be responsible for the installation and maintenance of the shared pathway from the property to Atlantic Avenue.

## Attachment:

- Conceptual Plans
- Location Map

Report prepared by: Scott Pape, AICP, Senior Planner

# EXHIBIT "A" TECHNICAL ITEMS

- 1. Pursuant to LDR Section 5.3.3(F), the sewer main needs to be extended to the furthest points of the property both north and south.
- 2. That a covenant be submitted for approval by the City Attorney's Office and recorded.
- 3. Include an Overall Landscape Plan showing the entire project on one sheet of paper. Show center line of CSX RR tracks on plan.
- 4. Revise the Existing Tree Survey to include all existing vegetation along Depot Road all the way up to Lake Ida Road. Make sure to call out all the invasive trees located at the SW corner of Depot Road and Lake Ida Road.
- 5. Existing tree #'s 54, 65 and 82 were deemed to be in good condition and shall be either saved in place or relocated elsewhere on site. Show all applicable requirements for root pruning and tree relocation including protective barriers.
- 6. Sheet LP-1 depicts the scale and north arrow behind the line work, making it very hard to read. Move these to another location on the sheet so that the line work and graphics remain clear.
- 7. A Landscape Maintenance Agreement is required for the proposed plantings outside the property line. Submit the signed agreement with the supporting exhibits (as outlined in the agreement) as quickly as possible. This will have to get executed by City Commission.
- 8. Provide documentation from CSX RR stating that they approve of the proposed perimeter landscape improvements that are adjacent to their Right-of-Way.
- 9. There are numerous conflicts between proposed light poles and required canopy trees, especially within landscape islands. Coordinate with Engineer to move light poles away from trees to allow for appropriate growing space. This will allow for more light to shine through canopies and will avoid unnecessary pruning in the future. Where feasible, move poles out of landscape islands and into landscape strips, between canopies. If this cannot be done, move light pole to nose of the landscape island and tree to back end of island.
- 10. Per LDR 4.6.16(H)(4), all buildings shall have foundation trees spaced so that their canopies will be touching at maturity. Size specifications are to adhere to the chart listed within this regulation. All palms that are used as foundation trees must be a minimum of twenty-five feet (25') in overall height. Revise plans and/or specifications.
- 11. All overhead lines within the project limits will need to be buried underground. These include the lines crossing over NW 2<sup>nd</sup> Street and those running north and south down the existing portion of Depot Road. Revise all applicable plans (including site and landscape plans) to show all overhead lines to be buried underground.
- 12. Show all balconies on landscape plans by using a dashed line. Revise plans to ensure there is no conflict between proposed foundation trees and balconies.

- 13. Per LDR 4.6.16(H)(3)(h), All landscape islands are required to contain a minimum of seventy-five (75 SF) square feet of shrubs and groundcovers. Shrubs shall be placed at the back of the island with low groundcovers in the nose to eliminate sight visibility issues.
- 14. Per LDR 4.6.16(H)(3)(a), multiple tiers of plant materials shall be used within the landscape buffers fronting NW 2<sup>nd</sup> Street and Depot Road.
- 15. Per LDR 4.6.16(H)(3)(k), a two foot (2') hedge is required between the parking tier and the dog run in front of building #8.
- 16. There are several labeling and graphical errors on the landscape plans. For instance, the symbols are not labeled on the north side of building #7. These appear to be triple Carpenter palms. There are also three symbols across NW 2<sup>nd</sup> Street that are labeled 'R' that should probably be 'WR'. Perform quality control for entire plan and correct all errors.
- 17. Per LDR 4.6.16(H)(4)(o), all mechanical equipment and refuse areas are required to be screened with plant material sized according to the height of the item to be screened. In most cases, this height will be equal to half of the overall height of the item to be screened. However the minimum height is at least five feet (5') planted. The dumpster and lift station will need plant screening that meets these requirements. Revise plans and specifications.
- 18. The existing fence along the east property line jogs in and out of the proposed plant material, especially on the east side of building #3. Revise plan to show plant material in front of the fence to screen it from view.
- 19. Sheet LP-3 shows the concrete symbol within the proposed pool planters. This appears to be another graphical error as trees and understory plantings cannot be planted in this material. Revise plans and correct all errors.
- 20. Remove the proposed three Montgomery Palms and one Tabebuia at the NE corner of the clubhouse and replace them with one Live Oak that is a minimum of sixteen feet in overall height.
- 21. Again, there appears to be graphical errors on the landscape plan. The existing guardrail is shown running directly through the road into the round-a-bout. Remove all symbols and structures from plan that are not being proposed. If you wish, you can show this on a separate demolition plan.
- 22. Label building numbers on landscape plans. This will make it easier to refer to specific items in the future.
- 23. The reference numbers associated with the relocated existing trees on sheet LP-4 and LP-5 do not match up to the reference numbers listed on the Existing Tree Survey. Revise plans to ensure that all existing trees can be cross-referenced with the same reference number.
- 24. The proposed privacy wall along Depot Road will need to be set in a minimum of two feet (2') from the property line and screened with a hedge that is at least two feet (2') in height at the time of planting.
- 25. The match lines on Sheet LP-4 and LP-5 do not match up. There appears to be a missing sheet. Revise plans.

- 26. Per LDR 4.6.16(H)(4)(n), all existing soil within landscape areas adjacent to vehicular use areas is required to be removed (to 30" below grade), inspected and then replaced with a sixty to forty (60/40) mix of sand to topsoil, native soil that has been screened of rock or another mixture suggested by the Landscape Architect. Provide note on plans. Include in plans the illustration found in LDR 4.6.16(H)(3)(n).
- 27. Provide irrigation plans for the entire project including the stretch along Depot Road all the way up to Lake Ida Road.
- 28. Please label streets on all plans and confirm name is consistent and correct, in particular Depot Road versus Depot Avenue.
- 29. Provide note on plans indicating existing Depot Avenue will not be abandoned until the new Depot Road has been constructed and accepted by the City.
- 30. Confirm proposed improvements are consistent on all plans; site plan and civil plans do not match, please revise.
- 31. Relocate proposed perimeter wall from Depot Road's right-of-way to Depot Square private property and indicate on all plans.
- 32. The Survey, Plat, Site Plan, Landscaping Plan and Preliminary Engineering Plan needs to be at the same scale. All plans needs to be drawn at a scale of 1" = 10', 1" = 20' or 1" = 30' per LDR Section 2.4.3 (B) (1) and (D) (1). Having one overall sheet at 1" = 60' is acceptable however; a 1" = 20' or 1" = 30' scale is required for all other sheets and not both.
- 33. Provide Engineering Plans drawn on a topographic base with topographic features extended to 10-feet beyond the site per LDR Section 2.4.3 (D) (2). Please provide additional elevations at least 10-feet beyond property line along east side of site.
- 34. Please indicate location of all existing easements as shown on recorded plat on all plans including Site, Civil, Landscape and Composite Utility Plans. Existing and proposed easement locations and labeling needs to be consistent on all plans. For all new easements to be dedicated via separate instrument, provide ORB information in parenthesis.
- 35. Indicate location of proposed street lights on civil plans and address responsibility for installation and maintenance per LDR 2.4.3 (D) (6). Please note, the City does not maintain decorative street lights. Street lights will have to be relocated to private side of street and maintained by property association or City approved street lights can be used, which is the "Cobra" type.
- 36. If project phasing is proposed, such phases need to be clearly shown on the plans and a narrative describing the phasing program provided per LDR Section 2.4.3 (B) (22). Please indicate phasing plan on Engineering Plans and clearly indicate how this would affect proposed improvements and specifically water and sewer improvements. Please take into consideration constructability, health department releases, road closures, re-paving, inconvenience to local residence, etc. when developing a civil phasing plan.
- 37. Palm Beach County Health Department permits required for this project. Permits will have to be phased in accordance with construction phasing so Health Department releases do not hold-up Certificate of Occupancy issuance by the Building Permit Department.

- 38. Palm Beach County permit(s) or permit modification through the Traffic Division required for this project per LDR Section 2.4.2 (C) (2) (d). Provide documentation indicating applicant has met with Palm Beach County regarding proposed project.
- 39. Florida Department of Transportation (FDOT) permit(s) required for this project per LDR Section 2.4.2 (C) (2) (c). Submit copy of FDOT pre-application letter.
- 40. Submit South Florida Water Management District (SFWMD) permit or permit modification in accordance with LDR Section 2.4.6(J).
- 41. Lake Worth Drainage District (LWDD) permit(s) required for this project per LDR Section 2.4.2 (C) (2) (e). Provide Letter of No Impact from LWDD or pre-application correspondence with LWDD regarding proposed project.
- 42. Clearly dimension driveway width on Engineering Plans.
- 43. Indicate handicap spaces are to be provided in accordance with LDR Section 4.6.9 (D)(8)(d); City of Delray Beach Construction Standard Detail RT 4.2; and the Florida Building Code, Chapter 11, Accessibility Code for Building Construction. Handicapped parking spaces need to be paved, properly marked, and ramp and curb cuts provided if required. Ensure ADA compliant access from parking space to the building will be provided.
- 44. Provide note that parking layout and striping needs to follow City of Delray Beach current standards. Provide latest Parking Lot Detail RT 4.1 and Typical Parking Space Details RT 4.2 A thru C, as applicable on Civil Plans. On plan view, indicate double striping at parking spaces.
- 45. Provide signed and sealed drainage report indicating the proposed system's ability to meet storm water <u>quality</u> and <u>quantity</u> requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (7). In addition, the surface water management system needs to be designed in accordance with LDR Section 6.1.9 for a minimum of a 10 yr./24 hr. storm event. The system needs to provide for positive drainage of lots, streets, roads, and other public areas as well as handling any run-off from adjacent areas that historically flowed into the subject area. Include drainage calculations confirming that there will be no negative post development impacts on adjacent homes, structures or properties. Drainage report submitted needs to be revised to include above requirements and schematic indicating limits of each basin.
- 46. Indicate storage volume to be provided by each detention area on civil plans. Elevations and cross sections will be required prior to Building permit issuance.
- 47. Relocate exfiltration trenches out of Depot Road. Exfiltration trenches not allowed in public right-of-ways. Private drainage systems cannot discharge into the City's drainage system or cross public right-of-ways.
- 48. Provide note indicating no landscaping shall be planted over any exfiltration trenches on civil plans.
- 49. Provide drainage easements / tracts for all proposed private drainage systems in accordance with LDR Section 5.3.4. Drainage easements for privately maintained systems are not allowed in public right-of-ways. Private drainage systems cannot discharge into the City's drainage system or cross public right-of-ways. Drainage tracts are required for detention areas.

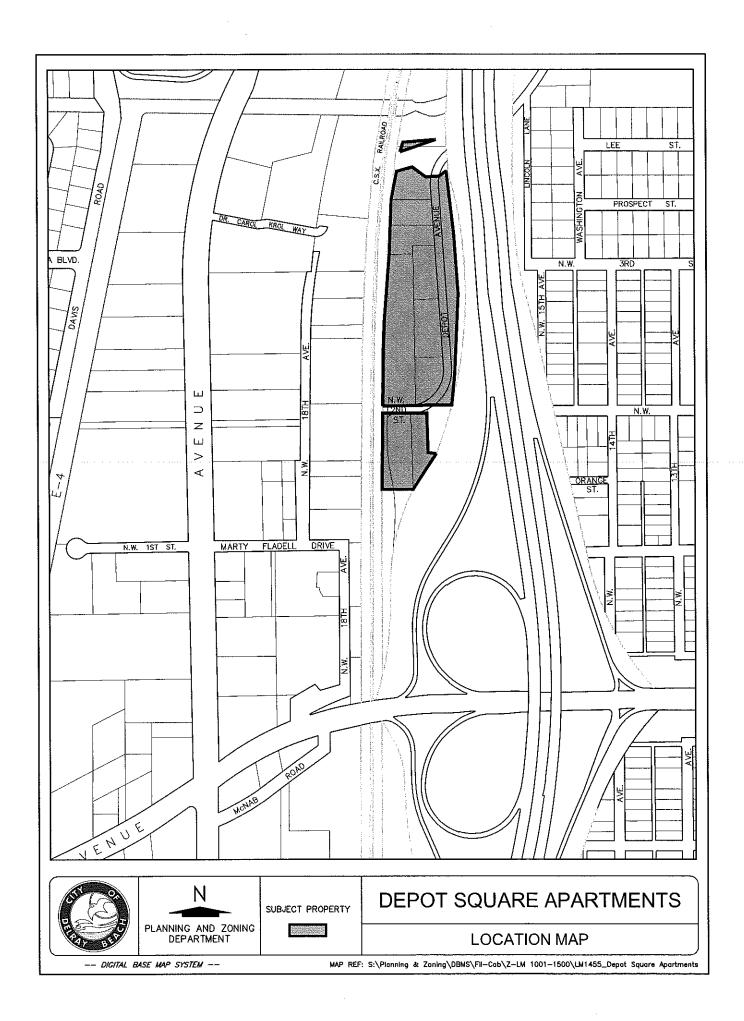
- 50. Provided recorded drainage easement for all proposed drainage improvements not shown in an easement or tract as shown in the recorded plat. Recorded information will need to be shown on final construction plans.
- 51. Provide documentation / agreement indicating this project has permission to discharge LWDD canal.
- 52. Provide stationing along Depot Road or along sanitary sewer line in Depot Road in order to match plans shown, on separate sheets.
- 53. Indicate all symbols used in civil plans in legend. There are pavers used that are not shown in legend.
- 54. Indicate sanitary sewer main will be extended from its existing terminus to the furthest boundary of the property involved in order to provide for the continuation of service in accordance with LDR Section 5.3.3 (F). Extend proposed sanitary sewer along Depot Road to south property line and terminate into a manhole with additional manholes along run as required.
- 55. Label and clearly indicate location of existing 20-inch water main along N.W. 2<sup>nd</sup> Street. Looped water mains are required on or off site in order to increase reliability of water flows and pressure in accordance with LDR Section 5.3.3 (E).
- 56. Indicate Building numbers on civil plans.
- 57. Indicate location of water main tie-in at south end of Depot Road.
- 58. Relocate water service to north side of fire hydrant at Building #7 to avoid dead end hydrants.
- 59. Provide 12-foot exclusive water and 12-foot exclusive easements over water and sewer mains respectively. Easement required up to first sewer clean out, water meter an DDCV.
- 60. Indicate proposed water main will be connected to existing 20-inch water main on N.W. 2<sup>nd</sup> Street and provide 8-inch water main not a 6-inch, refer to sheet C17. Minimum size of water mains in City of Delray Beach is 8-inches. Also refer to sheet C18 and ensure a minimum 8-inch water main will be provided.
- 61. Provide a separate tap for domestic water and fire service at Buildings #5 and #6.
- 62. Provide applicable gate valves for water / fire service connections to other buildings. Revise design to isolate service so one line remains in service while the other is being repaired, refer to detail A on sheet C36. In addition, place reducer after meter tee.
- 63. Provide a separate tap for fire hydrant; refer to sheet C16, Building #7, the service closest to Depot Road.
- 64. Indicate proposed 6-inch force main will be connected to existing 30-inch force main at Lake Ida. Plans indicate 14-inch will be used, however, this line is out of service.
- 65. Provide note stating existing 14-inch force main to be removed and plugged on either side.

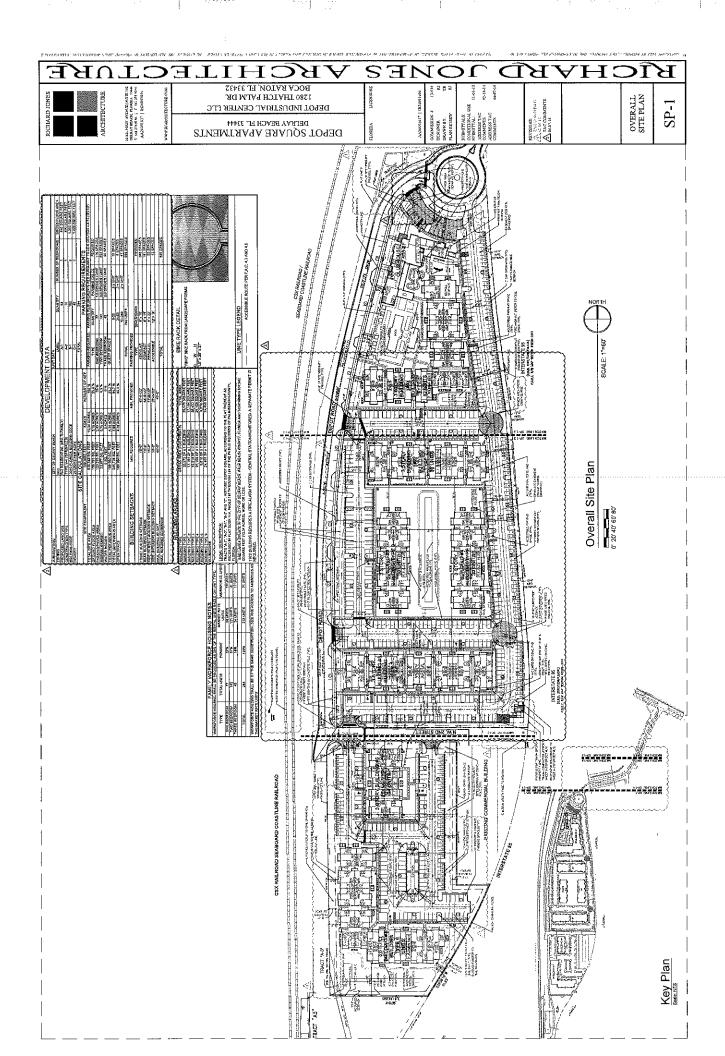
- 66. Provide the following note on both the Engineering Plans and the Landscape Plans that, "any trees or shrubs placed within water, sewer or drainage easements shall conform to the City of Delray Beach Standard Details; LD 1.1 & LD 1.2."
- 67. Provide a minimum horizontal distance of 10-feet between water mains and storm or sanitary sewers; refer to City Standard Detail PW 2.1 for other City design criteria.
- 68. Provide note indicating, "No proposed improvements, buildings or any kind of construction can be placed on or within any water, sewer or drainage easements, unless approved by the City of Delray Beach City Engineer."
- 69. Provide note indicating, "No proposed structures shall be installed within a horizontal distance of 10-feet from any existing or proposed water, sewer or drainage facilities, unless approved by the City of Delray Beach City Engineer."
- 70. Provide a minimum horizontal distance of 6-feet between water main / connection and right-of-way and/or easement line.
- 71. Provide a minimum horizontal distance of 6-feet between sanitary sewer main / connection and right-of-way and/or easement line.
- 72. Provide details for all water, sewer and drainage conflicts. Provide both bottom and top elevations at all conflict locations on profile sheets.
- 73. Provide copy of traffic statement or study per LDR Section 2.4.3 (E).
- 74. Provide signed and sealed calculations indicating current and proposed estimated flows into existing or proposed lift station and force main; submit to my attention at the Engineering Division. Upon review and approval, a letter from the Deputy Director of Public Utilities stating that the City's system has sufficient capacity to treat proposed flows will be issued. This is a requirement in accordance with LDR Section 5.3.3 (D) for the Off-Site Impact Assessment to the City's water and sewer systems.
- 75. Provide a Composite Utility Plan signed by a representative of each utility provider attesting to the fact that services (water, sewer, drainage, gas, power, telephone and cable) can be accommodated as shown on the Composite Utility Plan. The Composite Utility Plan needs to address the responsibility for relocation of existing services and installation of new services in accordance with LDR Section 2.4.3 (F) (4). Composite Utility Plan is also used to ensure physical features do not conflict with each other and existing or proposed utility services.
- 76. The Composite Utility Plan (or Composite Overlay Plan) needs to include all existing and proposed overhead and underground utilities; all existing and proposed light poles; all existing and proposed easements; all existing and proposed improvements to hardscape and landscape. The Composite Utility Plan is also used to ensure physical features and existing or proposed utilities do not conflict with each other.
- 77. Indicate a City approved bus shelter and mass transit easement (as applicable) will be provided per City of Delray Beach Comprehensive Plan, Policy A-1.5 and LDR Section 2.4.3 (D) (7). A bus shelter is required to be installed on site for 1) a new residential project that has 25 or more units; 2) a nonresidential project that is greater than 10,000 square feet; and 3) a project that is adjacent to an existing or proposed Palm Tran bus stop. A contribution for the full cost of the purchase and installation of a complete bus shelter will be required if bus shelter will be located less than the standard minimum distance from an existing shelter.

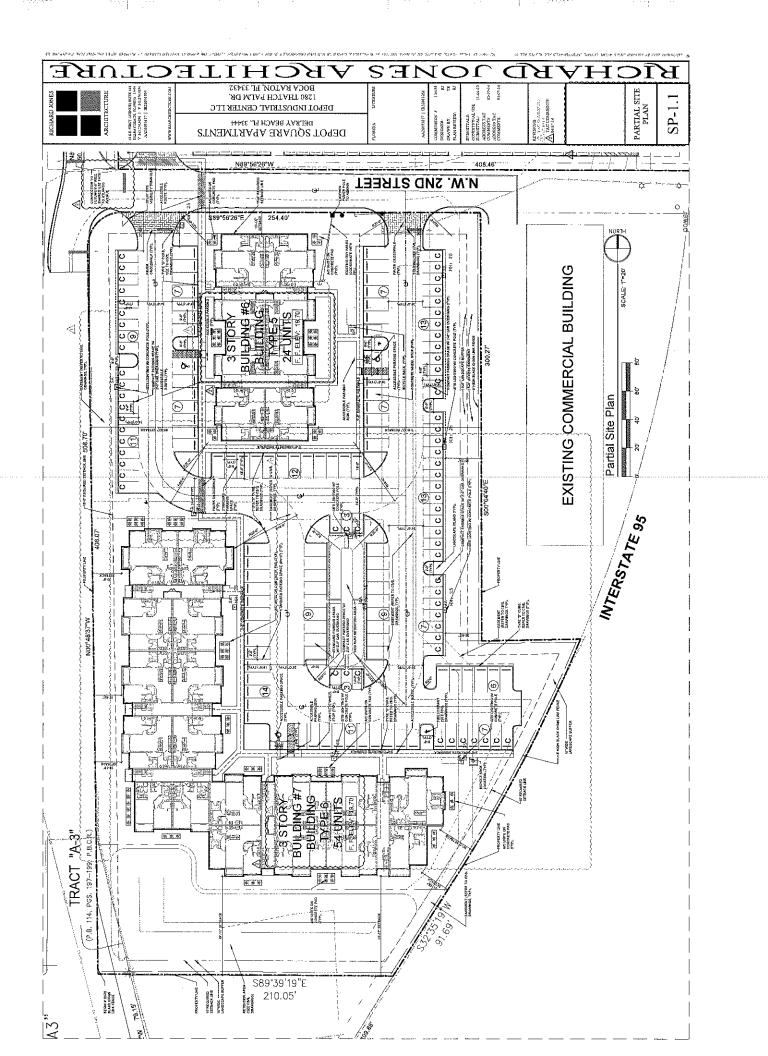
Fifty percent of bus shelter and installation cost will be required if 1, 2 and 3 above are not meet.

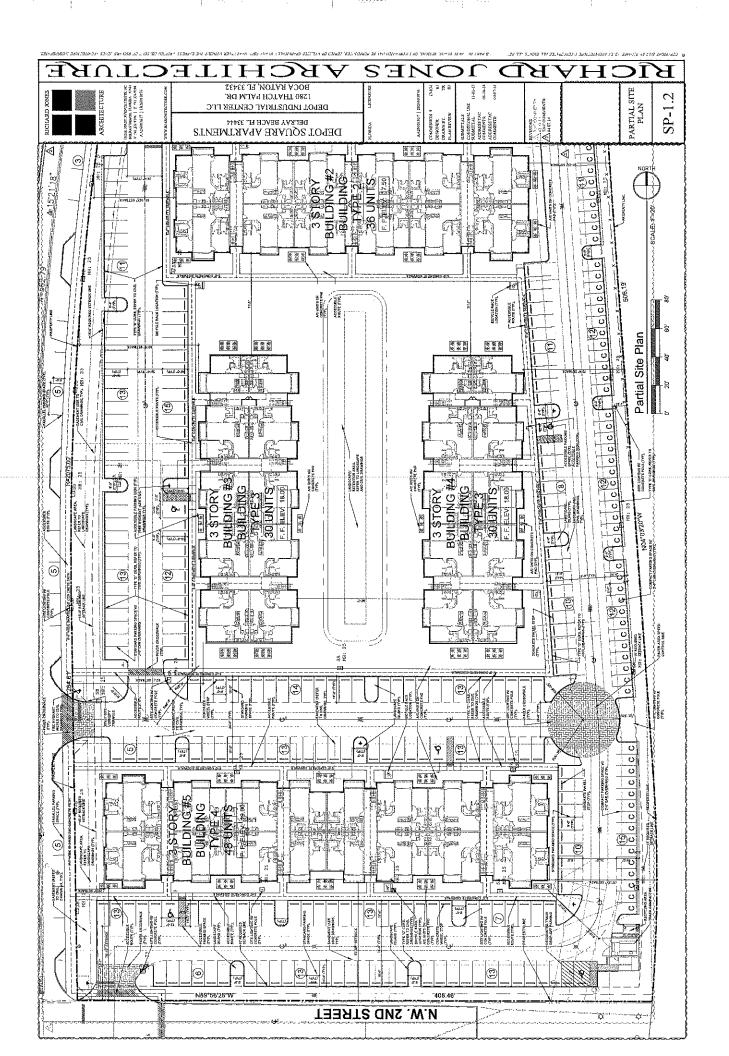
- 78. Please note, a Financial Guarantee in accordance with LDR Section 2.4.10 will be required to ensure the timely and proper installation of public improvements which are required to support the proposed development. Refer to LDR Section 2.4.10 (A) for items which require a Financial Guarantee. The Financial Guarantee (surety) amount is quantified in the approved Engineer's Opinion of cost. Surety format can be Letter of Credit, Cash Deposit or Performance Bond (Subdivision Format). Surety is required prior to issuance of any permits from the Building Permit Department.
- 79. Updated cost estimate for improvements in accordance with LDR Section 2.4.10 will be required. Estimate needs to be certified by Engineer of Record and include all costs associated with water, sanitary sewer, paving and drainage costs. These are the costs for improvements to be maintained by the City or which is necessary to adequately provide service to or on site and for guaranteeing its installation and that it properly functions. Please use the latest version of the spreadsheet "Engineer's Opinion of Cost" when submitting cost estimate; an electronic copy is available upon request. In addition, as part of the project closeout requirements, this spreadsheet is to be used to submit the final quantities, especially the City maintained quantities with associated cost. This will be required prior to issuance of any permits from the Building Permit Department.
- 80. Please include cost for improvements (turn lane(s), signalization, etc.) at intersection of Depot Avenue and Lake Ida Road in Engineer's Estimate. A bond will be required for the left turn lane and signalization improvements on Depot Road.
- 81. Update detail sheet with City of Delray Beach current Standard Construction Details as applicable. Details can be found on the City's webpage at <a href="http://www.mydelraybeach.com">http://www.mydelraybeach.com</a> go to Departments, Environmental Services, then Standards and Details 2011. **PLEASE DO NOT MODIFY CITY DETAILS.**
- 82. Provide digital copy of recorded plat in AutoCAD dwg or dxf format, files indicate one was not provided.
- 83. LWDD quit-claimed a strip of land 180 foot in width to the Florida Department of Transportation on September 18, 1973 and took back an easement per ORB 2213 PG 1904 for canal maintenance purposes. This easement needs to be depicted on all applicable sheets on the plans and the survey. No construction or encroachments of any kind, above or below ground, may be placed in the E-4 Canal right-of-way. Please revise the site plan by removing the sidewalk/bike path out of the right-of-way.
- 84. Additionally, LWDD will require all recording information, either sectional or plat, for the E-4 Canal right-of-way along this area to be added to the cross-sections in order to identify the specific location of the cross-sections. Please provide the revised cross-sections to my attention via email to: anneperry@lwdd.net.
- 85. Additionally, it appears that this property will drain into the E-4 Canal which is under the jurisdiction of LWDD. As a result, in order to obtain legal, positive outfall, the Petitioner will need to either:
  - Annex this property into LWDD's boundaries, or

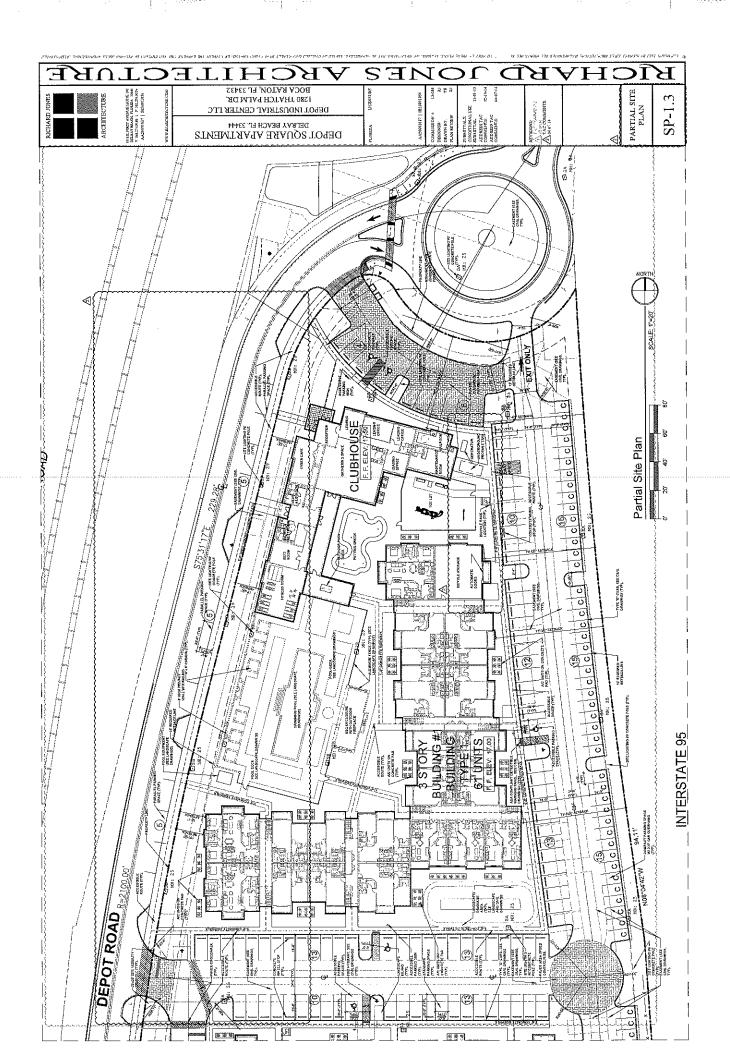
- Provide a signed and sealed letter from an engineer certifying that all water is being held onsite.
- 86. If this property will be annexing, the property owner or their representative needs to appear before the LWDD Board of Supervisors to request the annexation and obtain approval to enter into a Service Agreement with LWDD. This is a simple process that will allow the project to proceed while the annexation takes place at a later date.

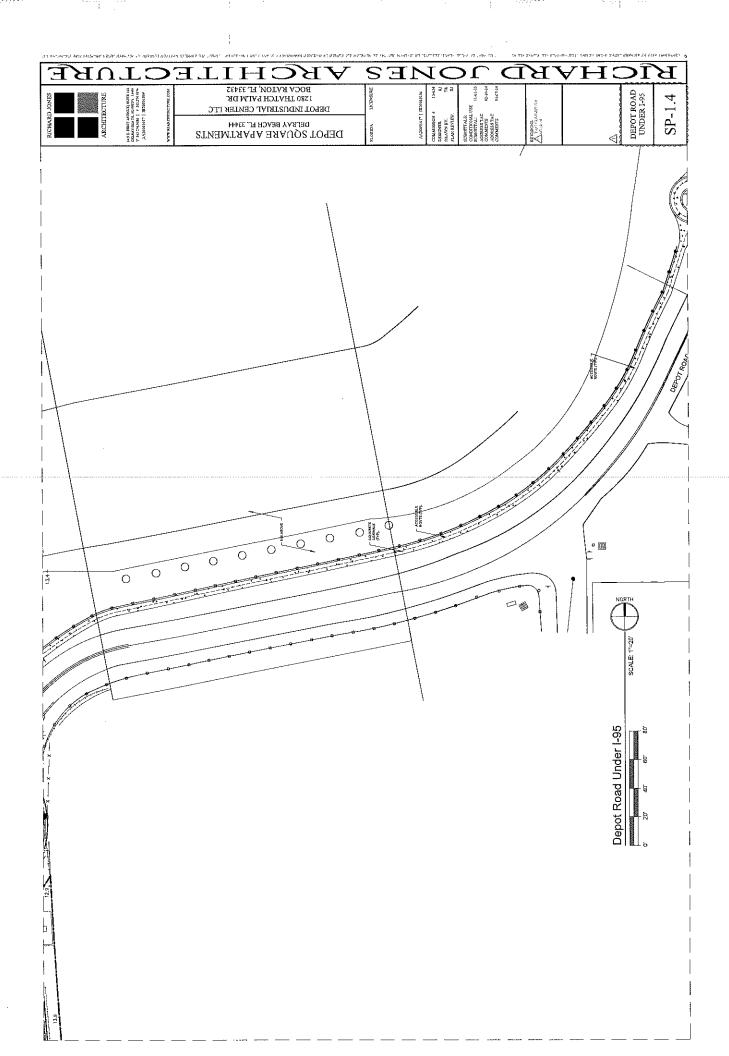


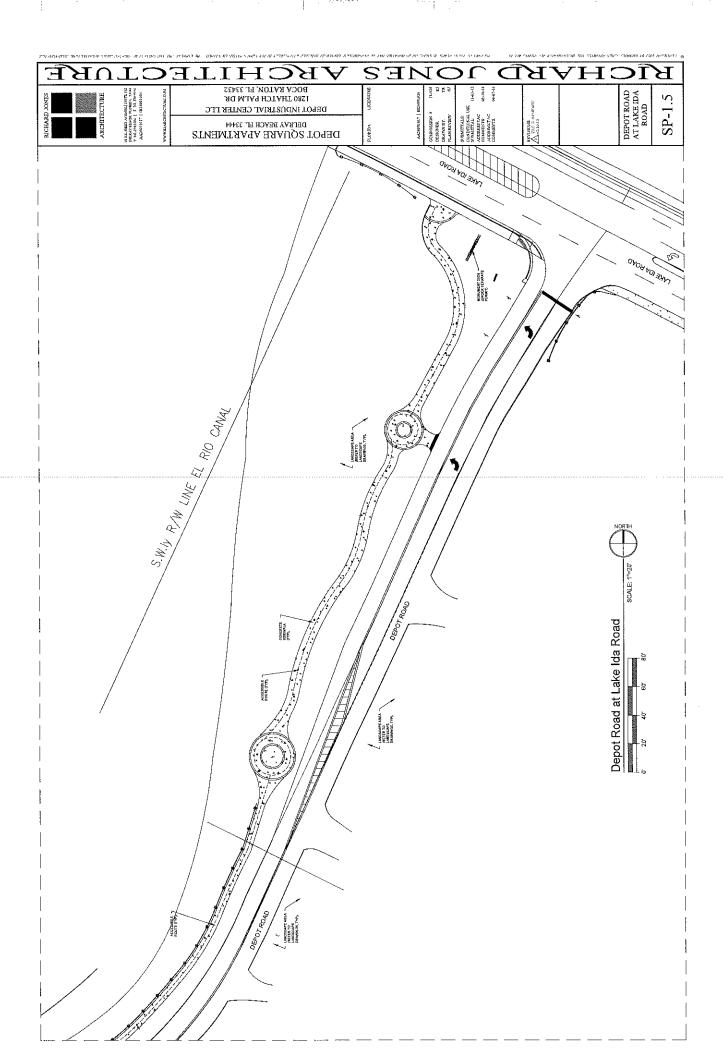


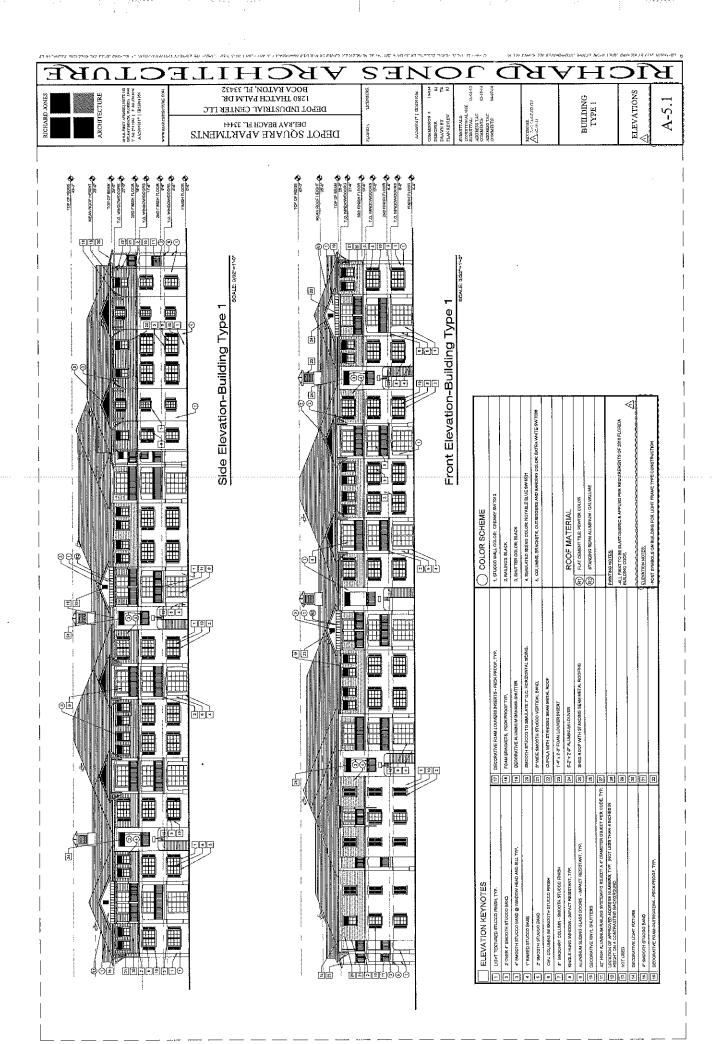


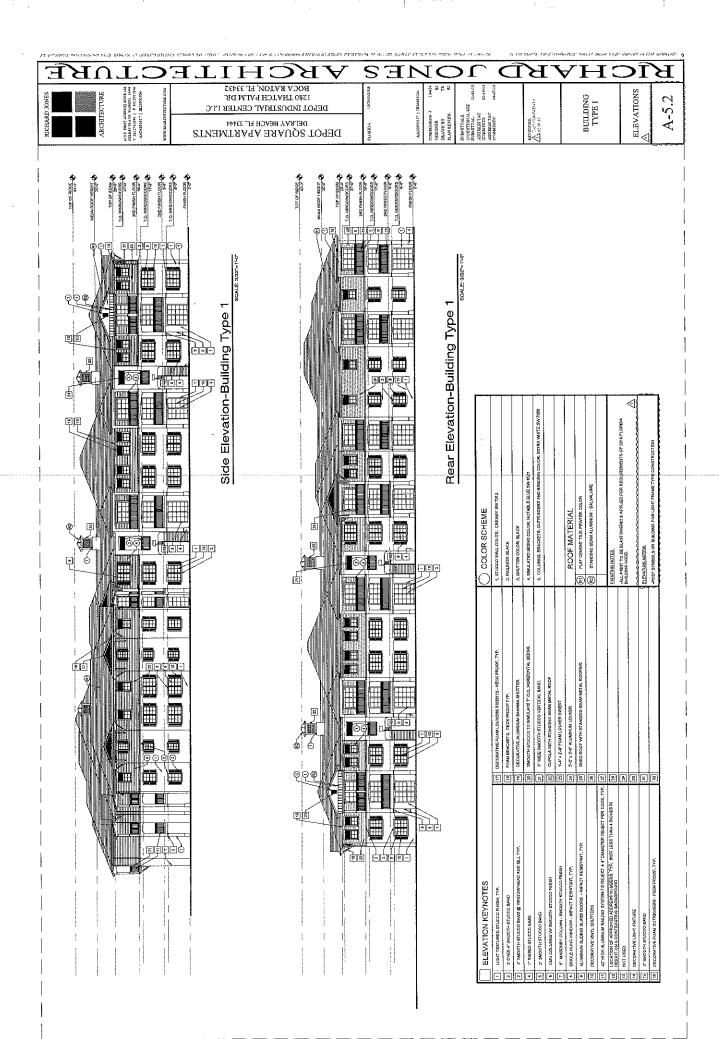


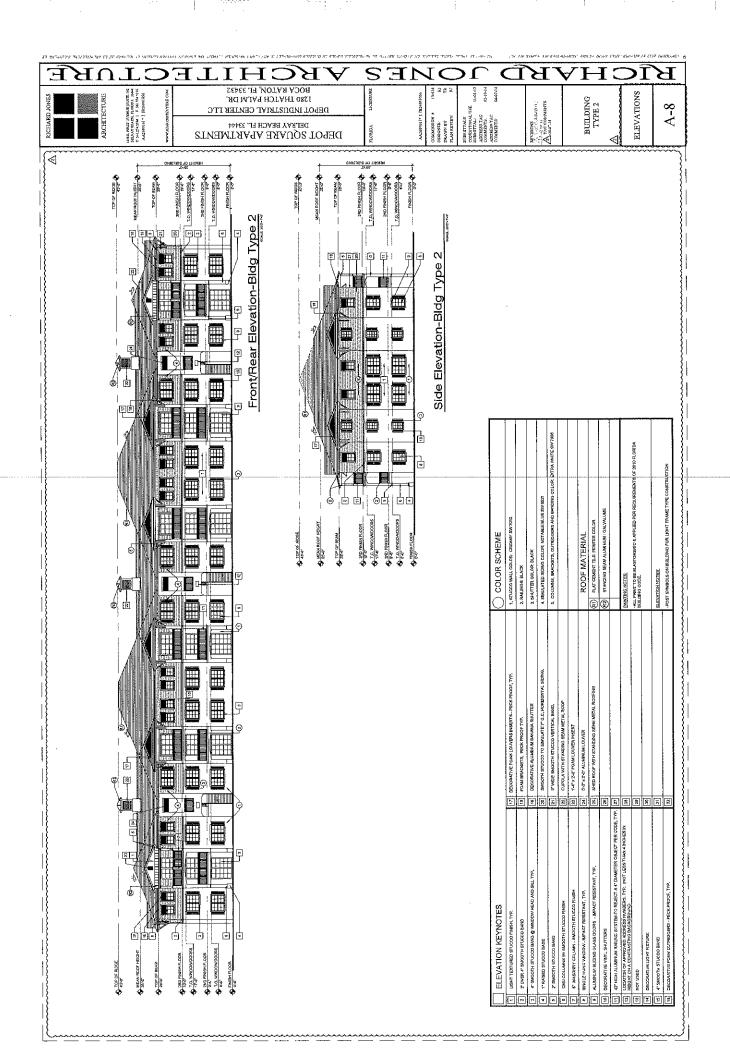


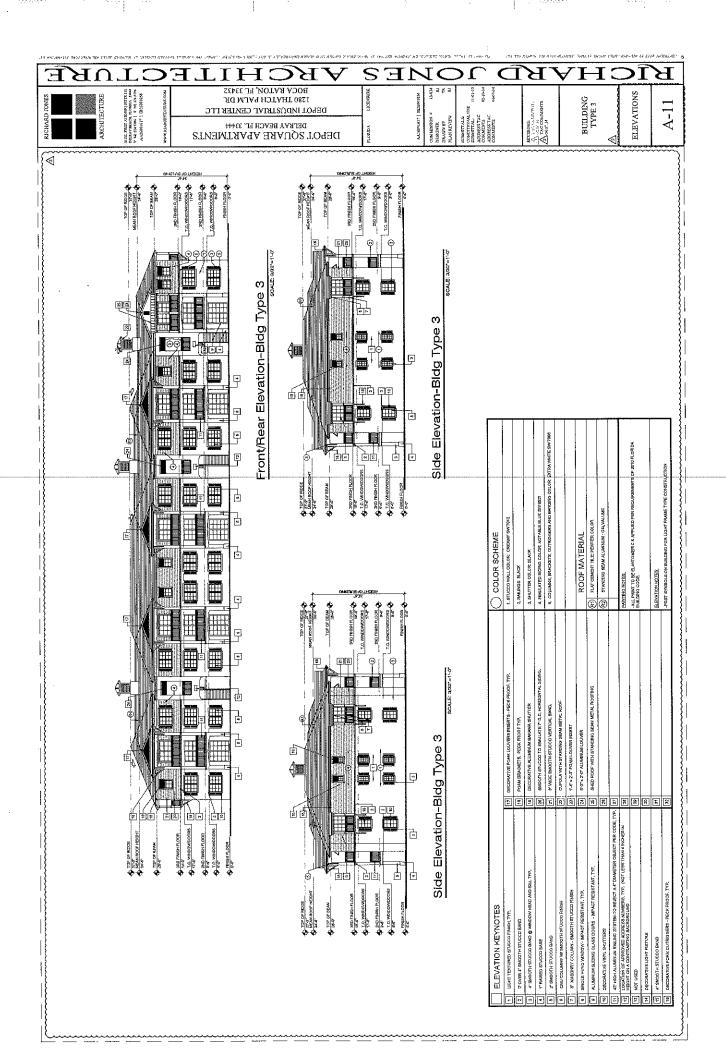


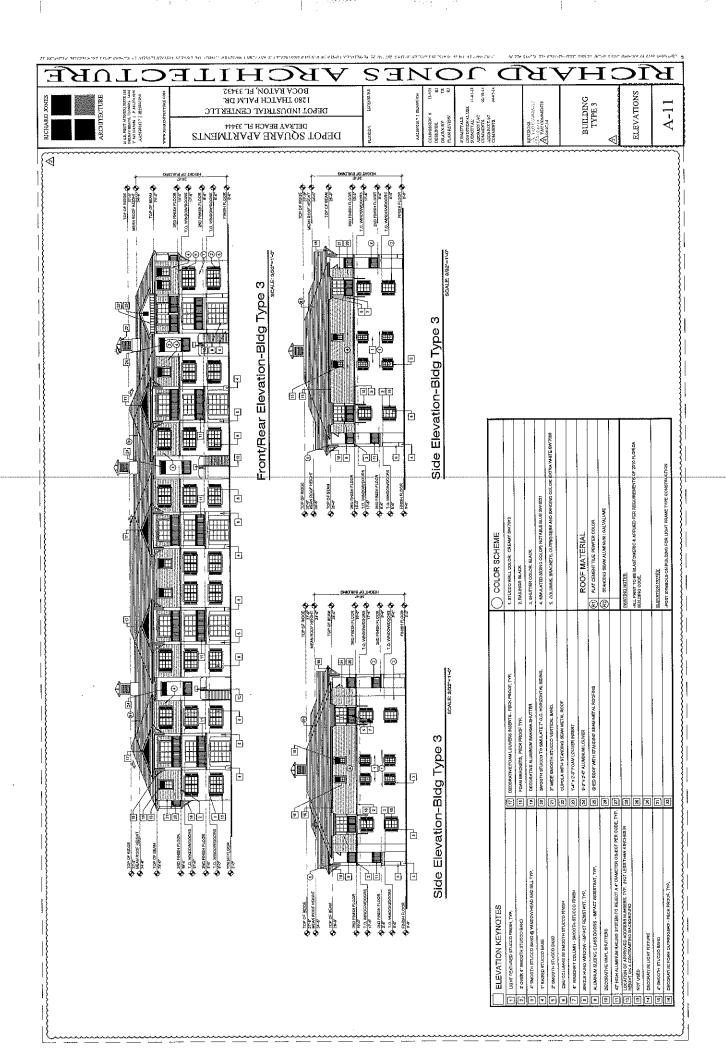


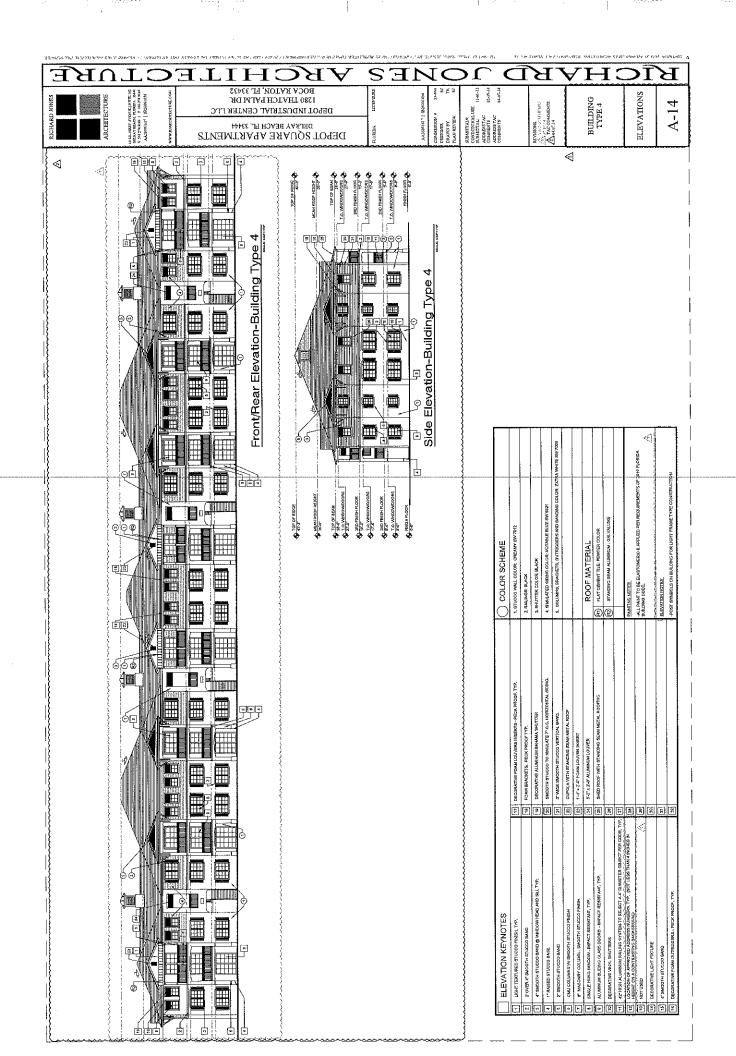


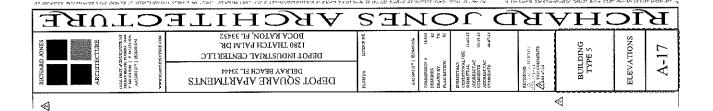


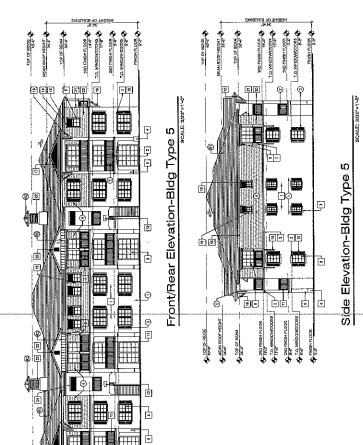












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A 2ND FINISH FLOOR

MEAN ROCF HEIGHT

◆ TOP OF BEAR

ELEVATION KEYNOTES			○ COLOR SCHEME
LIGHT TECHNISD STUCCO PINISH, TYP.		DECOMATIVE FOAM LOUVERS INSERTS - PECK PROGF, TYP,	1. STUCCO WALL COLDIE CREAMY SW 7012
2' OVER 4" SWOOTH STUCCO BAND	3	FOAM BRACKETS. PECK PRODF TYP.	2. RAILINGS: BLACK
4" SMOOTH STUCCO BAND @ WANDOW HEAD AND SILL TVP.	9.	DESCRATIVE ALUMINUM SAHAMA SHUTTER	3. SAUTTER COLOR: BLACK
t" RAISED STUCCO BASE	Ŕ	SINGOTH STUCCO TO SIMULATE?" D.C. HORIZONTAL SIDING,	4. SIMULATED SIDRIG COLOR: NOTABLE BLUE SIM 5521
2" SMGOTH STÜGGO BANG	E	3"MDE SAXOOTH STUGGO VERTICAL BAND.	S, COLLIAMIS, BRACKETS, CUTRIGGERS AND BARENING COLOR: EXTRA WHITE SW 7058
CNU COLUMNS W SMOOTH STUDGO FINISH	Ñ	CUPOLAWITH STANDING SEAMMETAL ROOF	
8" MASONRY COLUMN - SMOOTH STUCCO FINISH	Ñ	ጎተና አ ፖቲ፣ ቸወልM Louver Insert	
SNOLE HUND WARDOW - IMPACT RESISTANT, TYP.	Ħ	5'2" x 2'4" ALUMINUM LOÜVER	ROOF MATERIAL
ALMANDIA SUDING GLASS COORS - IMPACT RESISTANT, TYP.	×	SHED ROCF WITH STANDING SEAK METAL RODPING	(R1) FLAT CEMENT TILE PENTER COLOR
DECORATIVE VINYL SHUTTERS	182		(R2) STANDING SEAM ALUMNUM - GALVALUINE
42" HIGH ALUNINUM RAILING SYSTEM-TO REJECT A 4" DIAMETER OBJECT PER CODE, TYP.	'n		
LOCATION OF APPROVED ADDRESS NUMBERS, TYP. (NOT LESS THAN 4 DICHES IN HEIGHT ON A CONTRASTING BACKGROUND	2		PAINTING NOTES.
NoTuseD	a		- ALL PAINT TO BE ELASTOMICALO & APPLIED PER REQUIREMENTS OF 2010 FLORIDA BUILDING CODE.
DECORATIVE LIGHT FİXTURE	8		(V)
4" SINDOTH STUCOD BAND	5		GLEVATION NOTES.
DECORATIVE FORM OUTRIGGERS - PECK/PROOF, TYP.	[2]		POST SYMBOLS ON BUILDING FOR LIGHT PRAXE TYPE CONSTRUCTION

