



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Stamm 1201 George Bush Blvd Plat

| Meeting               | File No.              | Application Type                            |
|-----------------------|-----------------------|---|
| March 17, 2025        | 2023-189-PMA-PZB      | Final Plat                                  |
| Applicant             | Owner                 | Authorized Agent                            |
| 1201 George Bush, LLC | 1201 George Bush, LLC | Neil Schiller, Esq.<br>Government Law Group |

### Request

Consideration and recommendation to the City Commission for the certification of the Final Plat, "Stamm 1201 George Bush Blvd", a 0.3975-acre replat of Lot 6 and the southerly 54.5 feet of Lot 7, Blues Seas, recorded in Plat Book 23, Page 185, to create three fee-simple lots at the property currently addressed as 1201 George Bush Blvd.

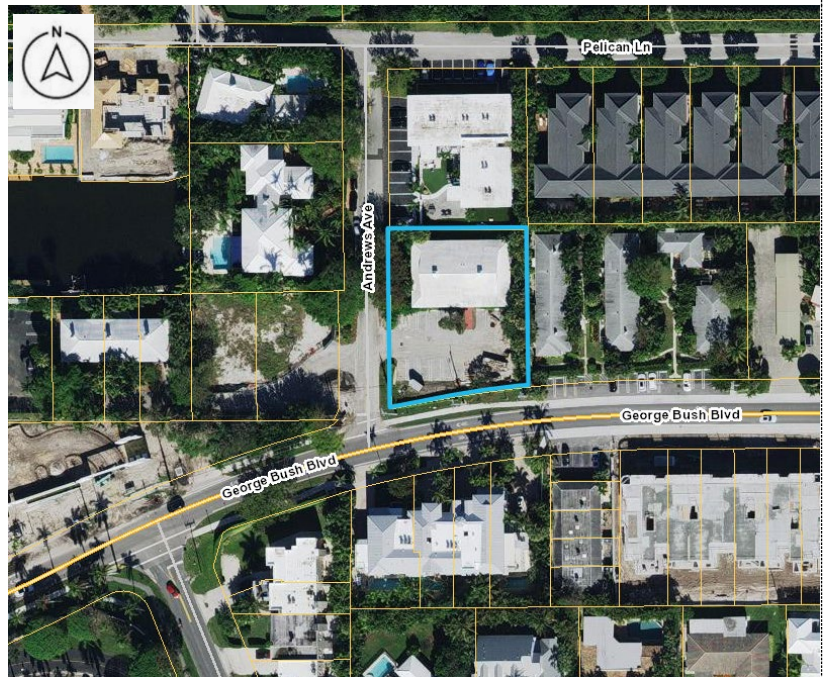
### Background Information

The 0.3975-acre subject property is located at 1201 George Bush Boulevard, occupies the northeast corner of the intersection of George Bush Boulevard and Andrews Avenue, lying within the Coastal High Hazard Area (CHHA). The property, originally platted in 1951 as part of the Blue Seas subdivision, encompasses Lot 6 in its entirety and a portion of Lot 7. The property currently features a 3,984-square foot office building built in 1979.

The property has a land use designation of Transitional (TRN), which allows a residential standard density of 5 to 12 dwelling units per acre (du/ac) and establishes a maximum floor area ratio (FAR) of 1.0 for non-residential or mixed-use development.

The property's recent development history is as follows:

- November 7, 2023.** City Commission adopted Ordinance 30-23 for the rezoning of the property from Residential Office (RO) to Medium Density Residential District (RM).
- December 17, 2024.** City Commission voted to uphold the administrative approval action, through the appealable process, for a Level 2 Site Plan application.



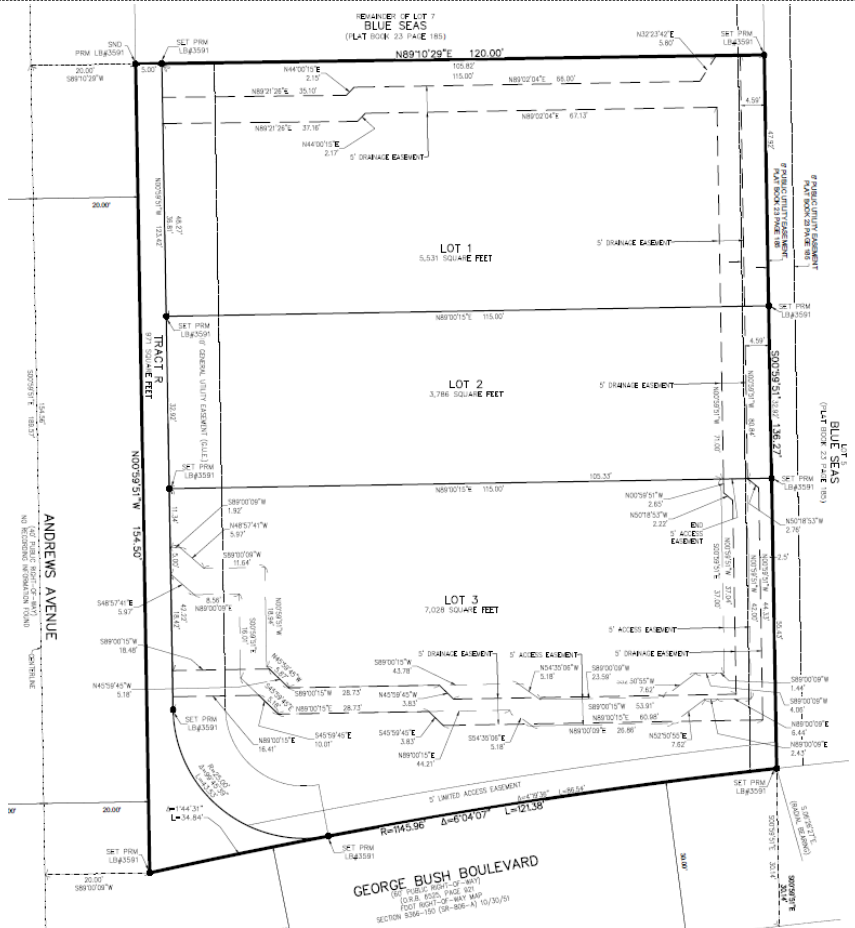
## Plat Description

The proposed replat of Lot 6 and the southerly 54.5 feet of Lot 7, Blues Seas, recorded in Plat Book 23, Page 185 accommodates three fee-simple townhouse lots.

Lots 1, 2 and 3 of the “Stamm 1201 George Bush Blvd Plat” have frontage on Andrews Avenue. The plat includes:

- A 5-foot limited access easement along George Bush Blvd,
- a 5-foot access easement extending south from the southern lot boundary of Lot 2, along the south property line of Lot 3 until it reaches the Andrews Avenue Frontage,
- a 5-foot drainage easement along the north, east and south perimeter of the entire plat, and
- a 10-foot utility easement along the frontage of Lots 1, 2 and 3.

In addition, there is a 5-foot right-of-way dedication along Andrews Avenue (Tract R), as well as a corner clip at the intersection of Andrews Avenue and George Bush Boulevard to provide safe sight for vehicles navigating the turn.



## Review and Analysis

### LDR Section 2.4.8(B)(1), Major Subdivision (Platting)

*The major subdivision process, which generally involves the creation of more than three individual lots, 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.*

The proposed plat qualifies as a Major Subdivision as it involves the creation of providing additional right-of-way, per the definitions of “Major Subdivision” and “Minor Subdivision” in the LDR.

### LDR Section 2.4.8(B)(5), Findings

*The City Commission must make a finding that the Final Plat is consistent with the Performance Standards in Chapter 3.*

Compliance with Chapter 3, “Performance Standards” is detailed below.

### 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 the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.*

**(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 LUM designation of TRN and a zoning designation of RM. Pursuant to the Always Delray Comprehensive Plan, the zoning district is a compatible zoning district of the TRN land use designation. Townhouses are permitted uses in the RM zoning district; the approved site plan will result in a density of 3 dwelling units per acre. Additionally, the property abuts TRN and Low Density (LD) land use to the west, and MD land use to the north, south and east, furthering the consistency of the request.

**(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.*

**Schools.** The School Capacity Availability Determination (SCAD) review from the School District of Palm Beach County (see attached SCAD form) determined that the Project will generate one student at the elementary level, one student at the middle school level, and one student at the high school level. It was determined that there will be no negative impact on the public-school system, and impact fees are not required.

**Water and Sewer.** Water and sewer services will be provided through four 2" PE domestic water service lines with 2" Tap and 2" corp stop (the initial control valve for the service line, allowing for the installation of a new water service line without interrupting the water main) to connect to the 8" PVC water main on Andrews Ave. Three of these 2" potable service lines will be connected to 1.5" Domestic water meters and 2" RPZ, while one 2" service line will be dedicated to a 1" irrigation meter. Additionally, the developer will connect three 6" laterals—configured as both a double service line and a single service line—to the existing 8" VCP gravity main on Andrews Ave. Pursuant to the Always Delray 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.

**Solid Waste.** Palm Beach County Solid Waste Authority notes that the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

**Drainage.** Proposed property line retaining walls are offset inside site to allow for swales to be constructed between walls/property lines which will direct neighbor stormwater runoff west/south towards Andrews Ave/George Bush Blvd. The Drainage statement has been reviewed and deemed sufficient by the City Engineer.

**Parks and Open Space.** 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. Based upon the proposed number of units, a park impact fee of \$1,500 will be required at the time of building permit.

**Traffic.** A Traffic Performance Standard (TPS) letter from Palm Beach County dated April 20, 2023, states that the project meets the TPS of Palm Beach County

**(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 (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

#### **LDR Section 3.2.2, 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.*

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

## **Housing Element**

Policy HOU 1.1.5 *Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.*

The proposed development of three townhouses is consistent with the surrounding townhouse development.

Policy HOU 1.1.7 *Foster growth without substantially and adversely impacting existing residential neighborhood character.*

The three-unit townhouse development will replace a one-story commercial building; the redevelopment is consistent with the character of the neighborhood.

Policy HOU 1.1.8 *Accommodate densities in established residential areas that promote compatibility with prevailing neighborhood character.*

The proposed plat of three fee-simple townhouses and is compatible with the surrounding area of townhouses to the west, north, south and condominium to the east.

Policy HOU 3.1.1 *Designate sufficient land area on the Land Use Map with appropriate development densities to accommodate population growth and housing requirements to ensure the continued provision of diverse residential types.*

Objective HOU 3.2 *Expansion of the Housing Supply* *Expand the housing supply by allowing different unit types in a variety of locations for all income levels.*




Policy HOU 3.2.1 *Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.*

Luxury townhomes are common in the city; the development adds to the existing supply. The development rights are vested, however, and the plat is an administrative function.

## **Neighborhoods, Districts, and Corridors Element**

Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

-  *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
-  *Uses that meet the daily needs of residents.*
-  *Public open spaces that are safe and attractive.*

Policy NDC 1.1.12 *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

Policy NDC 1.2.6 *Apply the Medium Density Residential land use designation to land that is or will be developed for a wide range of housing types, including but not limited to attached and detached single-family and multi-family housing.*

Policy NDC 1.2.7 *Use the Medium Density Residential land use designation to create and maintain residential neighborhoods with a wide range of housing types with associated neighborhood amenities at a density more than five and up to 12 units per acre.*

Policy NDC 3.4.2 *Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).*



The proposed project is consistent with the development standards and permitted uses in the RM zoning designation. The proposed plat is for three single-family townhouses, and the subject property is adjacent to townhouse development on the west, north and east sides.

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

Standards required for site plans are specified in this section. The following standards are applicable to the review of the subject plat.

*(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.*

A Level 2 Site Plan was the administrative approved and upheld on December 17, 2024, by the City Commission for Landscape Plans and Architectural Elevations of the three-unit townhome development.

*(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).*

Access will be provided from each townhouse. Lots 1, 2 and 3 have access from Andrews Avenue. Sidewalks will be installed on two sides of the development facing the right-of-way.

*(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.*

The approved Level 2 for the project meets the open space requirements.

*(D) Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.*

The City Engineer has reviewed and approved the required right-of-way dedications.

*(E) Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*

The property is being developed consistent with the constraints of the land use and zoning, which is consistent with the development allowed by the surrounding land use and zoning.

*(F) Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

The property abuts RM land use to the north (townhouses), east (condominium), south (townhouses), and west (TRN, townhouses). The three townhouse lots result in a density of 3 dwelling DU/acre, which is consistent with the RM zoning designation and overall character of the neighborhood.

*(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.*

The proposed plat is similar to the town house development to the north and south parcels. The proposal supports the intent of the MD land use designation.

*(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 plat is for a townhome use, in replacement of the existing commercial development.

*(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.*

The Traffic Impact Statement prepared by KEITH and dated May 24, 2023 states that 22 total trips will result, which is 36 trips less than the current traffic generation from the existing small office building on the site, therefore the project would not create a high accident situation.

*(J) Tot lots and recreational areas, serving children, teens, and adults 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. The proposed plat creates three fee-simple townhouses.

*(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 intended development consists of three town houses with a density of approximately 3 dwelling units per acre; the maximum density under MD land use is 12 dwelling units per acre.

**(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.*

On December 17, 2024, City Commission voted to uphold the administrative approval action through the appealable process for a Level 2 Site Plan, Landscape Plans and Architectural Elevations associated with 1201 George Bush, making findings that the project complies with the LDR. The following LDR sections are applicable.

#### **LDR Section 4.3.3 Special Requirements for Specific Uses, (O) Townhouses and townhouse type of development**

A plat is required and when the dwelling units are to be sold, and each unit must be shown on the plat. The request for the proposed plat complies with this requirement, other than design standards that are not applicable to a singular three-unit townhome development.

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

- A. Recommend approval to the City Commission for the certification of the Final Plat, "**Stamm 1201 George Bush Blvd**", associated with the creation of three fee-simple lots, for the property currently addressed as 1201 George Bush Boulevard, 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 or the certification of the Final Plat for "**Stamm 1201 George Bush Blvd**", associated with the creation of three fee-simple lots, for the property currently addressed as 1201 George Bush Boulevard, finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- C. Continue with direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following Homeowner Associations:

- Beach Property Owners Association Inc.

X Public Notice is not required for this request at Planning and Zoning Board.

Technical Review of Comments Timeline

| Review No. | Submittal Date | TAC Comments Transmitted |
|------------|----------------|--------------------------|
| 1          | 06-15-23       | 07-13-24                 |
| 2          | 08-30-23       | 09-26-23                 |
| 3          | 12-07-23       | 01-08-24                 |
| 4          | 08-19-24       | 09-10-24                 |