

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

**FINAL SUBDIVISION PLAT REQUEST FOR THE METROPOLITAN AT DELRAY
LOCATED AT THE NORTHEAST CORNER OF SE 3RD AVENUE AND SE 1ST
STREET (33 SE 3RD AVENUE)**

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

1. The final subdivision plat request regarding the project “The Metropolitan at Delray”, located at the northeast corner of SE 3rd Avenue and SE 1st Street (33 SE 3rd Avenue), has come before the City Commission on June 7, 2016.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the final subdivision plat request for the project “The Metropolitan at Delray” located at the northeast corner of SE 3rd Avenue and SE 1st Street (33 SE 3rd Avenue). All of the evidence is a part of the record in this case. Required findings are made in accordance with the following sections:

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

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

Yes _____ No _____

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

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

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

Yes _____ No _____

C. **Consistency**:

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

Yes _____ No _____

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

On April 18, 2016, the Planning and Zoning Board made positive findings that the final plat is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site

Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

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

Yes ____ **No** ____

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

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

5. Based on the entire record before it, the City Commission approves ____ denies ____ the final subdivision plat and hereby adopts this Order this June 7, 2016, by a vote of ____ in favor and ____ opposed.

ATTEST:

Cary D. Glickstein, Mayor

Chevelle Nubin, City Clerk

Approved as to legal form
And sufficiency:

City Attorney

Department Head:

Timothy Stillings, Director of Planning & Zoning

Exhibit “A”

CBD Zoning District Requirements:

It must be noted that this development application was submitted prior to the establishment of the Zoning-In-Progress that was in place while the new development regulations were processed for the Central Business District (CBD). This proposal is therefore reviewed in accordance with the regulations that were in effect at that time.

Specifically, the Conditional Use Requests, Class V Site Plan and Class II Site Plan Modification applications associated with The Metropolitan Mixed-Use Development were originally received on September 19, 2014. Subsequently, on October 7, 2014, the City Commission established Zoning-In-Progress (Resolution No. 54-14) pending adoption of revised Land Development Regulations for the Central Building District (CBD), which include a density allowance no higher than 30 dwelling units per acre and a maximum height allowance of fifty-four feet for projects within the Central Core (CC) Future Land Use Map designated areas. Zoning-In-Progress remained in effect until the changes (Ord. No. 03-15) were adopted by the City Commission on February 24, 2015. As such, the the Metropolitan mixed-use development complies with the CBD Zoning District development standards that were in effect as of September 19, 2014.

PLAT ANALYSIS

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

Pursuant to LDR Section 3.1.1(A) - Future Land Use Map: The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation.

The subject property has a Future Land Use Map designation of CC (Commercial Core), and a zoning designation of CBD (Central Business District). The CBD zoning is consistent with the Commercial Core FLUM designation. Pursuant to Table 4.4.13(A), Allowable Uses in the CBD Sub-Districts, in the Central Core, principle uses include retail and office uses, multiple family dwellings and parking garages. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

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

Water and Sewer:

Water service is available via a lateral service connection to existing 4" water mains located within the rear alleyway and SE 1st Street right-of-way. Sewer service is available via a lateral service connection to existing 8" sanitary sewer mains located within the rear alleyway and SE 3rd Avenue right-of-way. Pursuant to the City's 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.

Streets and Traffic:

The subject property is located within the City's Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC, OSSHAD, and West Atlantic Avenue Business Corridor. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. Therefore, a traffic study is not required for concurrency purposes. However, a traffic statement is necessary to keep a record of trips approved in the TCEA and for calculation of traffic impact fees. A traffic statement was prepared which indicates that the Metropolitan mixed-use development will generate an increase of 579 daily trips, 31 am peak hour trips and 55 pm peak hour trips. The Palm Beach County Traffic Division also issued a traffic concurrency determination letter on March 23, 2015 indicating development proposal compliance with Palm Beach County traffic standards, and that it is valid through build-out at the end of year 2018.

Parks and Recreation Facilities:

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 \$24,000 will be required of this development for parks and recreation purposes, prior to building permit issuance.

Solid Waste:

For the Metropolitan site, the proposed 3,741 sq. ft. of retail generates a total of 19.07 tons of solid waste per year. The proposed 1,318 sq. ft. of office generates a total of 3.55 tons of solid waste per year. The proposed 48 dwelling units will generate a total of 24.96 tons of solid waste per year. Therefore, there will be a net increase of 47.58 tons per year with the proposed development of the site. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2047.

Schools:

The Palm Beach County School District has approved the development proposal for compliance with the adopted Level of Service for School Concurrency. Written verification from the Palm Beach County School District was received on April 1, 2016 and is valid until March 31, 2017.

Drainage:

Preliminary engineering and drainage plans have been submitted with the proposed development. Drainage will be accommodated via floor drains on the ground level of the parking garage that will connect to an exfiltration trench system. There are no problems anticipated in accommodating on-site drainage.

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

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

Comprehensive Plan - Consistency: 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 section was found relevant to this proposal:

Future Land Use Element - Objective A-1: 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.

The proposed Metropolitan mixed-use development will be a welcome addition to the downtown CBD (Central Business District) district. The proposed window and storefront design of the front architectural elevation is compatible and consistent with the urban architecture prevailing in other existing establishments. Therefore, the proposed development will be complementary to adjacent commercial and residential land uses.

Section 3.1.1(D) - Compliance with the Land Development Regulations (LDRs): Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

LDR Section 5.3.1(A)(Plat Required):

A plat is required for the project, and was included as a condition of site plan approval. It combines fourteen existing individual lots and requires right-of-way dedications. Thus, it is considered a major subdivision of land.

Right-of-Way Dedications:

SE 3rd Avenue: Pursuant to LDR Section 5.3.1 and Table T-1 of the Transportation Element of the City's Comprehensive Plan, the ultimate right-of-way width for S.E. 3rd Avenue is 60' where no curb and gutter exists and 50' where curb and gutter exists. Currently, only 40' of right-of-way exists with curb and gutter. The applicant has chosen to voluntarily provide an additional five feet of right-of-way along the east side of SE 3rd Avenue. The proposed site plan,

landscape plan and civil plans currently depict the five foot right-of-way dedication. Thus, this LDR requirement has been met.

SE 1st Street: Pursuant to LDR Section 5.3.1 and Table T-1 of the Transportation Element of the City's Comprehensive Plan, the ultimate right-of-way width for S.E. 1st Street is 55' and only 50' of right-of-way currently exists. The applicant has chosen to voluntarily provide an additional 2.5' of right-of-way along the north side of SE 1st Street. The proposed site plan, landscape plan and civil plans currently depict the 2.5' right-of-way dedication. Thus, this LDR requirement has been met.

16' Alley: Pursuant to LDR Section 5.3.1(D)(2), the required width of an alley is 20'. Further, pursuant to LDR Section 5.3.1(D)(3), additional right-of-way width may be required to promote public safety and welfare; to provide for storm water management; to provide adequate area for street trees; and to ensure adequate access, circulation and parking in high intensity use areas. The applicant has chosen to voluntarily provide an additional two feet of right-of-way along the west side of the alley. The proposed site plan, landscape plan and civil plans currently depict the two foot right-of-way dedication. Thus, this LDR requirement has been met.

Street Improvement Obligations:

Pursuant to LDR Section 6.1.2(A)(2)(a), when a street or alley is located on a boundary of a project, the project is responsible for providing one-half of the current costs of such improvements along its property line. When access to the project is provided from a local street and/or alley, then the project must provide appropriate traffic lanes meeting requirements of Section 5.3.1(C) in order to provide continuous paved access from the nearest paved street or alley to the subject property in addition to the improvements on its side of the center line of the right-of-way. The existing 16-foot alley right-of-way, which abuts the east property line of the subject property, is already improved. Paving of the additional two feet of alley right-of-way dedicated with this project is the obligation of the developer and will occur with construction of the project.

Sidewalks:

LDR Section 6.1.3(B)(1)(f) requires that sidewalks within the Central Business District be provided at a minimum of eight feet wide. The applicant has proposed minimum eight foot sidewalk widths along SE 1st Street and SE 3rd Avenue. Thus, this requirement is met.

Bus Shelter:

As noted earlier in this report, pursuant to Transportation Element A-1.5 of the Comprehensive Plan, the applicant shall provide a contribution of approximately one-half the cost of a bus shelter prior to certification of the site plan for the Metropolitan site which fronts along SE 1st Street served by the Palm Tran Route #81.

APPENDIX - A
STANDARDS FOR PLAT ACTIONS

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

Not applicable	☐
Meets intent of standard	☒
Does not meet intent	☐

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

Not applicable	☐
Meets intent of standard	☒
Does not meet intent	☐

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

Not applicable	☒
Meets intent of standard	☐
Does not meet intent	☐

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

Not applicable	☐
Meets intent of standard	☒
Does not meet intent	☐

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

Not applicable	☒
Meets intent of standard	☐
Does not meet intent	☐

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

Not applicable	☒	
Meets intent of standard		
Does not meet intent		

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

Not applicable		
Meets intent of standard	☒	
Does not meet intent		

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

Not applicable		
Meets intent of standard	☒	
Does not meet intent		

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

Not applicable		
Meets intent of standard	☒	
Does not meet intent		

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

Not applicable		
Meets intent of standard	☒	
Does not meet intent		