



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

ASEA 4 Plat

Meeting	File No.	Application Type
September 26, 2023	2023-188-PMA-PZB	Preliminary Plat Final Plat
Applicant	Owner	Authorized Agent
142 NE 7th Avenue LLC	142 NE 7th Avenue LLC	Thomas Carney, Esq. Carney Stanton, P.L.

Request

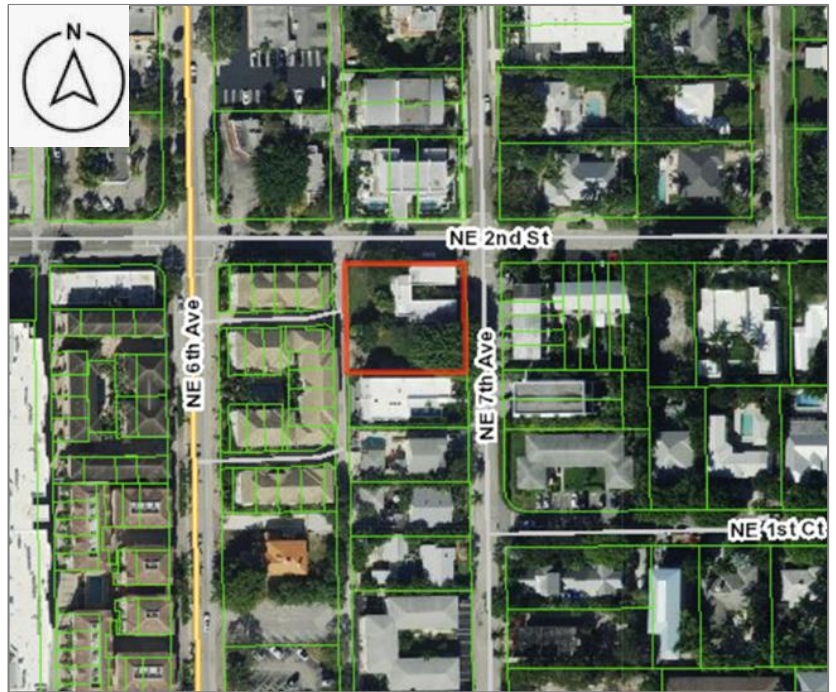
Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "ASEA 4", a 0.378-acre replat of Lots 11 and 12, Block 115, Town of Linton, recorded in Plat Book 1, Page 3, to create four fee-simple lots at the property currently addressed as 142 NE 7th Avenue.

Background Information

The 0.378-acre subject property is located at 142 NW 7th Avenue, a corner parcel south of NE Second Street and west of NE 7th Avenue. The property is currently developed with a 5,952 square-foot 10-unit apartment building built in 1927. The property has a land use map (LUM) designation of Medium Density, 5-12 units per acre (MD) and is zoned Multiple Family Residential (RM).

The property's development history is as follows:

- March 25, 1910.** The property was platted as Lots 11 and 12, Block 115, Town of Linton, Plat Book 1, Page 3.
- 1927.** The 5,952 square-foot apartment building was constructed on the subject property.
- October 24, 2018.** The Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plans and Architectural Elevations to construct four, three-story townhouses on the property. The applicant requested and received extensions of the development order.



Two of the proposed town houses face west along an unnamed, platted alley. Both the Planning and Zoning Board and the City Commission will hear a separate request to name the alley; final consideration of both the alley naming and the plat will be made by the Commission at the same hearing.

Plat Description

The proposed replat of Lots 11 and 12, Block 115, Town of Linton, recorded in Plat Book 1, Page 3, consists of 0.378-acres of land currently addressed as 142 NE 7th Avenue. The ASEA 4 Plat accommodates four fee-simple townhouse lots.

Project Planner:
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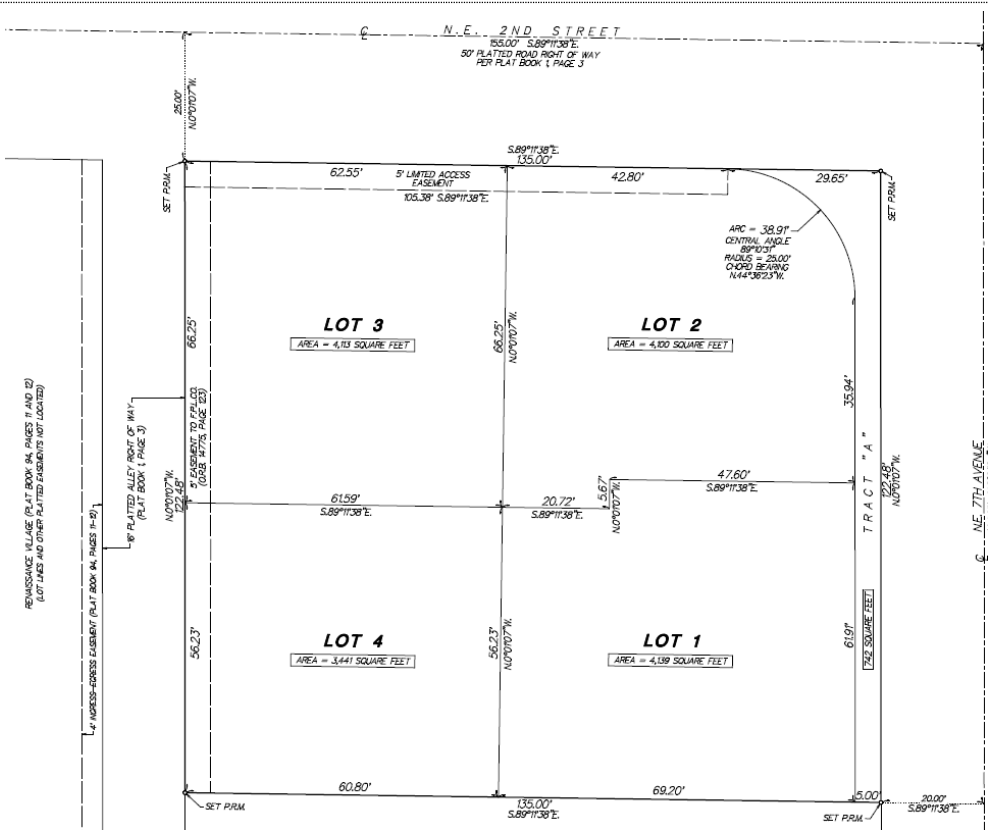
Attachments:

- Proposed Plat
- Survey
- Traffic Impact Statement
- Applicant's Justification Statement

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Lots 1 and 2 have frontage on NE 7th Avenue, while Lots 3 and 4 have frontage on the 16-foot platted alley (which has an additional four-foot public access easement dedicated on the west side of the alley as part of the Renaissance Village Plat recorded in Plat Book 96, Page 11).

The plat includes a 5-foot limited access easement along NE 2nd Street, a 5-foot utility easement along the frontage of Lots 3 and 4, a 10-foot, and a right-of-way dedication of 5 feet along Lot 1 and Lot 2, as well as a corner clip on Lot 1.



Review and Analysis

Pursuant to **LDR Section 2.4.5(J), Major Subdivision**, the Planning and Zoning Board must make findings pursuant to Chapter 3 on a preliminary plat. The City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.

The proposed plat (at right) qualifies as a Major Subdivision as it creates more than three lots, per the definitions of "Major Subdivision" and "Minor Subdivision" in the LDR. Major subdivision plats require the certification of the preliminary plat and a recommendation on the Final Plat by the Planning and Zoning Board prior to City Commission review.

Required Findings: LDR Section 3.1.1

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. 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 MD and a zoning designation of RM. Pursuant to the Always Delray Comprehensive Plan, the zoning district is a preferred implementing zoning district of the MD land use designation. Townhouses are permitted uses in the RM zoning district.

(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 project received a School Capacity Availability Determination (SCAD), concluding that the four single-family townhouses resulting from the proposed plat will not pose a negative impact on the School District of Palm Beach County public school system.

Water and Sewer. The existing apartment building is currently served by municipal water and sewer connections. All sewer connections and all existing water and sewer piping will be required to be inspected prior to making any connections. Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out; adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current LUM designation.

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. Drainage will be accommodated on site for each lot. A signed and sealed drainage report and drainage calculations have been submitted to the City for review to ensure compliance with the storm water requirements in accordance with the South Florida Water Management District regulations. A full review of the drainage will be completed upon building permit submittal.

Parks and Open Space. Park impact fees are assessed at \$500.00 per dwelling unit and collected prior to issuance of the building permit; the fee for 4 additional units is \$2,000.00.

Traffic. The Traffic Impact Statement prepared by KEITH and dated May 24, 2023 states that the proposed Major Plat, resulting in four townhouses, is not expected to generate additional trips. The traffic engineer's impact statement shows that 28 total trips will result, which is 41 trips less than the current traffic generation from the existing 10-unit multiple family development on the site. The traffic study table of the analysis is below.

Table 2.1: Trip Generation

Daily Trip Generation									
Land Use	ITE Code	Intensity		Trip Generation Rate	Directional Distribution		Total Calculated Trips		
		Quantity	Units		% Entering	% Exiting	Entry	Exit	Total
Existing Development									
Multifamily Low-Rise Housing upto 3 story (Apartment)	220	10	Dwelling Units	T = 6.74 (X)	50%	50%	35	35	69
Existing Daily Trips							35	35	69
Proposed Development									
Multifamily Low-Rise Housing upto 3 story (Townhomes)	220	4	Dwelling Units	T = 6.74 (X)	50%	50%	14	14	28
Proposed Daily Trips							14	14	28
Estimated Net New Daily Trips							-21	-21	-41

Source: Palm Beach County Trip Generation Rates (Updated July 25, 2022).

(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 four 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 four-unit development will replace a 10-unit multifamily structure.

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

The proposed plat of 4 fee-simple townhouses and is compatible with the surrounding area of townhouses to the north, east, and west.

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 does not change the RM zoning designation. The proposed plat is for four single-family townhouses on a site with a land use of MD and will result in a density of 10.88 dwelling DU/acre. The property abuts CC land use to the west, and MD land use to the north, south and east. The parcel is adjacent to townhouse development on the west, north and east sides.

(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 October 24, 2018, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plans and Architectural Elevations associated with 142 NE 7th Avenue, 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 is to comply with this requirement.

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 Class V site plan was approved on October 24, 2018, by the Site Plan Review and Appearance Board for Landscape Plans and Architectural Elevations of the four-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 and 2 have access to NE 7th Avenue, while Lots 3 and 4 have access to a dedicated alley. Sidewalks will be installed on all three sides of the development.

(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 Class V 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 (townhouses), west (CBD townhouses) and south (RM, single-family use). The four townhouse lots result in a density of 10.88 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 west, north and east 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 multi-family 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 28 total trips will result, which is 41 trips less than the current traffic generation from the existing 10-unit multiple family development 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 four 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 four town houses with a density of approximately 10.88 dwelling units per acre; the maximum density under MD land use is 12 dwelling units per acre.

Technical Notes

All costs associated with water, sanitary sewer, paving and drainage improvements that will be maintained by the City, or which are necessary to adequately provide service to the site and for guaranteeing its installation and that it properly functions, must be provided as a 110% surety bond and Surety Agreement, pursuant to the Engineer's Opinion of Cost approved by the Engineering. The applicant has posted a surety bond in the amount of \$125,108.77. Therefore, the plat may be scheduled for City Commission hearing.

The proposed alley naming will be heard concurrent with the Commission hearing for review of the plat.

Options for Board Action

Preliminary Plat

- A. Approve the Preliminary Plat, "**ASEA 4**", associated with the creation of four fee-simple lots, for the property currently addressed as 142 NE 7th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Deny the Preliminary Plat, "**ASEA 4**", associated with the creation of four fee-simple lots, for the property currently addressed as 142 NE 7th Avenue, 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.

Final Plat

- A. Recommend approval to the City Commission for the certification of the Final Plat, "**ASEA 4**", associated with the creation of four fee-simple lots, for the property currently addressed as 142 NE 7th Avenue, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Recommend denial to the City Commission for or the certification of the Final Plat for "**ASEA 4**", associated with the creation of four fee-simple lots, for the property currently addressed as 142 NE 7th Avenue, 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:

- Renaissance Village Assn. Inc

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