



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Parks at Delray Plat

Meeting	File No.	Application Type
May 16, 2022	2019-155	Preliminary and Final Plat – Major Subdivision
Property Owner and Applicant		Authorized Agent
Centerpointe Delray Holdings, LLLP		Covelli Design Associates, Inc.

### Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Parks at Delray", to replat portions of The Arbors at Centre Delray (Plat Book 43, page 166), a replat of all of Lakeside at Centre Delray (Plat Book 77, page 49), a replat of all of Catalfumo P.O.C (Plat Book 77, page 53), and a replat of all of Terraces at Centre Delray (Plat Book 77, page 51), associated with the Parks at Delray development.

### Background Information

The development area ("property") contains 48.7913 acres and is zoned SAD (Special Activities District). The subject property is located at the southwest corner of Congress Avenue and Old Germantown Road.

The site consists of the entire Parks at Delray Master Development Plan (MDP). The office campus was formerly occupied by the Office Depot corporate offices and The Arbors office building located at the northeast corner of the site.

Beginning in 1981 and ending in 1995, portions of the site were annexed into the City of Delray Beach from unincorporated Palm Beach County. The site was rezoned from POC (Planned Office Center) to MROC (Mixed Residential Office and Commercial) in 2007.

The City Commission approved the rezoning of the property from MROC to SAD (Special Activities District) on December 11, 2018 (Ordinance No. 30-18) and a waiver to LDR Section 4.4.25(D) of the requirement that the site plan be processed concurrently with the SAD Ordinance. This approval includes 1,009 dwelling units; 70,000 square feet of office; 250,000 square feet of retail; and 80,000 square feet of restaurant.

At its meeting of November 18, 2020, the Site Plan Review and Appearance Board considered the Class V site plan application for the 600 dwelling unit project known as Parks at Delray, which was located along western half of the MDP.

At its meeting of October 23, 2019, the Site Plan Review and Appearance Board approved a Class II site plan modification for the perimeter landscape buffer.

The City Commission approved Ordinance No. 61-20 on January 5, 2021 that identified the timing of infrastructure improvements,



modified building setback requirements, clarified future modification processes, and modified the location of the clubhouse and park configurations.

A Class IV site plan modification has been submitted to include the phase at the southeast corner of the property along Congress Avenue. This modification is currently being processed.

### Plat Description

The proposal is to consider the Preliminary Plat and, if approved, provide a recommendation to the City Commission for the certification of the Final Plat for Parks at Delray, to replat portions of The Arbors at Centre Delray (Plat Book 43, page 166), a replat of all of Lakeside at Centre Delray (Plat Book 77, page 49), a replat of all of Catalfumo P.O.C (Plat Book 77, page 53), and a replat of all of Terraces at Centre Delray (Plat Book 77, page 51), associated with the Parks at Delray development.

In addition to combining the parcels, the plat includes the following:

- Dedication of Tracts R, R-1, and R-2 for private cross-access and sidewalk easements.
- Dedication of Tracts E1 through E7 for common open space.
- Dedication of Tracts RW and RW1 for public right-of-way along South Congress Avenue.

It is important to note that the requested plat and the incorporated components are necessary to implement the approved site plan and all associated plans of the approved improvements and construction.

### Review and Analysis

Pursuant to **LDR Section 5.1.3 (A), Subdivision Regulations: Applicability**, *a plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building occupants.*

The application is being processed as a Major Subdivision because of the combining of the individual lots into nine individual parcels.

Pursuant to **LDR Section 2.4.5(J)(1), Major Subdivision: Rule**, *action on a preliminary plat shall rest with the Planning and Zoning Board. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a final plat.*

Pursuant to **LDR Section 2.4.5(J)(5), Major Subdivision: Findings**, *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.*

Major subdivision plats require the certification of a preliminary plat by the Planning and Zoning Board, and a recommendation to the City Commission regarding the Final Plat. If the preliminary plat is approved by the Planning and Zoning Board, the City Commission is anticipated to review the plat at its meeting of June 14, 2022.

Pursuant to **LDR Section 2.4.4(C), Imposition of conditions**, *in granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:*

- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*
- *Consistency with objectives and policies of the Comprehensive Plan.*
- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus,*

*providing that they will be accommodated in a later stage of processing.*

*However, neither a final subdivision plat nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.*

As a preliminary plat is under consideration by the Board, the Board may impose conditions on the preliminary plat and require that said conditions be addressed on the Final Plat.

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 a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, 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 following areas:*

**(A) - Land Use Map (LUM):** *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 property has a LUM designation of Congress Mixed Use (CMU) and a zoning designation of Special Activities District (SAD) which are compatible in accordance with Table NDC-1 in the Neighborhood, Districts, and Corridors Element of the Always Delray Comprehensive Plan (Comp Plan).

**(B) - 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.*

A complete review of the concurrency findings for the Parks at Delray project is provided in the attached Rezoning and Master Development Plan Report of October 15, 2018. There were no noted significant concerns that would impact the review of the plat as the sewer capacity issues have been resolved. The applicant will need to address the Palm Beach County Traffic Division issues prior to approval of the Class IV site plan modification that is currently being reviewed by staff.

**(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 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions**, specifies the Standards required for site plans and plats. The following standards are applicable to the review of the plat; an in-depth review of the standards was included with the associated Class V Site Plan approved by SPRAB.

- 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.*
- 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).*
- C. *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*
- 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.*
- E. *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*
- 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.
- 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.
  - 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.
  - 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.
  - 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.
  - 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 development complies with the applicable standards for plat approvals. Most of these standards were considered as part of the approved development applications associated with the Rezoning and Master Plan. The ultimate rights-of-way are being provided via the dedications noted on the plat.

**(D) - Compliance with the LDRs:** *Whenever an item is identified elsewhere in the LDR, 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 regulations.*

The plat has been reviewed for technical compliance with the LDR and determined to be complete and ready for approval.

#### Review By Others

The project is not in an area requiring review by the **Downtown Development Authority (DDA)** or the **Community Redevelopment Agency (CRA)**.

Pursuant to **LDR Section 2.4.2(C)(2)(a), Utility Companies**, utility providers for gas, electricity, cable television and power were notified of the application; no objections have been provided to date.

**Board Action Options**

- A. Move **approval** of the Preliminary Plat and recommendation of approval to the City Commission for the Certification of the Final Plat for **Parks at Delray**, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move **denial** of the Preliminary Plat for **Parks at Delray**, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- C. Continue With Direction.

**Public and Courtesy Notices**

Courtesy Notices are not applicable to this request.                       Public Notices are not required for this request.