



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD

Delray Ridge

Meeting	File No.	Application Type
June 22, 2022	2022-109	Class II Site Plan Modification
Request		
Consideration of a Class II Site Plan Modification, Landscape Plan, and Waiver for Delray Ridge associated with the development of 14 single-family homes and site improvements.		
Applicant	Property Owner	Authorized Agent
Ron Ellish, Delray Ridge, LLC	Delray Ridge, LLC	G. Allan Hendricks, Caufield & Wheeler Inc.

Site Data & Information

Location: Northeast corner of N. Swinton Ave and NE 2 Street

PCN (common areas): 12-43-46-04-50-012-0000 & 12-43-46-04-50-018-0000

Property Size: 5.18 acres

LUM: LD (Low Density Residential, 0-5 DU / Acre)

Zoning: R-1-AA (Single Family Residential)

Adjacent Zoning:

- o North: R-1-AA
- o South: R-1-AA
- o East: CF (Community Facilities)
- o West: CF (Community Facilities)

Existing Use: Vacant land approved for a new 14 home single-family development



Background

The project is located at the northeast corner of North Swinton Avenue and NE 22nd Street. The site was annexed into the municipal boundaries of Delray Beach via Ordinance No. 111-88. Since annexation in 1988, the zoning designation has been Single-family Residential, R-1-AA. The designation on the Land Use Map is Low Density (LD) for the subject property. The site is approved for development of 14 new single-family homes, a private street, and associated common areas.

The project is presented to the SPRAB to obtain approval of the proposed plan for the common areas and the private streetscape.

The complete developmental history of the property is as follows:

- **April 6, 2021:** the City Commission approved a waiver to Section 5.3.1(A) of the Land Development Regulations (LDR) to allow for a reduction in required right-of-way dedication from 25 feet to 15 feet for the portion of Tangerine Trail adjacent to the project on the north, resulting in an ultimate 35-foot wide right-of-way. City Commission also approved a 20-foot wide public access easement (for bike-ped travel) in lieu of providing a 45-foot wide right-of-way dedication for the connection of Tangerine Trail to North Swinton Avenue (**Resolution No. 59-21**).
- **December 13, 2021:** The Plat for the project was approved by the Planning and Zoning Board, which includes "Tract RW" as a public right of way, and maintenance easements reserved for and maintained by Delray Ridge Homeowners' Association, Inc. for landscape, wall repair, drainage, and utility purposes (**Recorded Plat Book/Page 133/13**). A copy of the recorded Plat is attached.

Project Planner:

Jae Eun Kim
Kim.J@mydelraybeach.com
561.243.7348

Attachments:

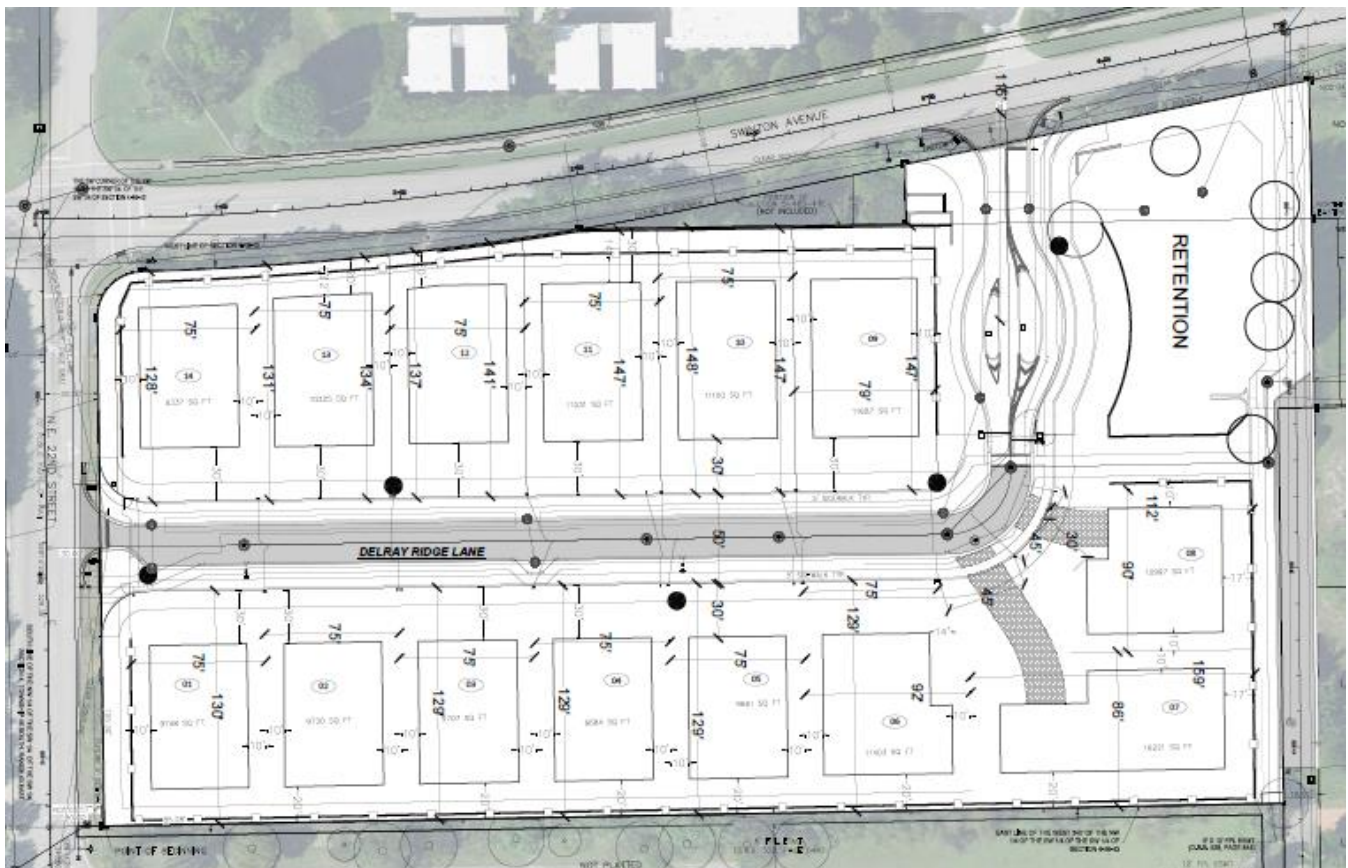
- Justification Statement
- Vicinity Map & Photos
- Recorded Plat
- Site & Hardscape Plans
- Survey
- Engineering & Utility Plans
- Landscape, Irrigation, Tree Disposition Plans

- Associated Building Permits under the common address for the site: 2275 N. Swinton Avenue
 - a. **Tree Removal Permit no. 22-202439** was approved and issued on February 16, 2022.
 - b. **Demolition Permit no. 21-195235** was approved and issued on October 8, 2021.

Description of Proposal

The Class II Site Plan, Landscape Plan, and Waiver for Delray Ridge proposes the following associated with the new 14 single-family residential development:

- Construction of a new private road;
- Construction of a stormwater retention area;
- Construction of main entrance features including perimeter walls and gates along N. Swinton Avenue;
- Establishment of 20 ft. wide public access easement connecting from Swinton Avenue to Tangerine Trail;
- Installation of new perimeter landscaping along the site boundary;
- Installation of new street trees along N. Swinton Avenue and NE 22nd Street; and,
- Waiver to allow for the use of palms (Wild Date palms) for street tree type along Delray Ridge Lane



Reviews

Required Findings:

Pursuant to LDR Section 2.4.5(G)(1)(c), Class II Site Plan Modification. Approval of a modification to a site plan (other than Class I applications), which requires no review of Performance Standards found in Section 3.1.1, but which requires action by a Board.

Pursuant to LDR Section 2.4.5(G)(5), Findings. Formal findings are not required for a Class I or II modification.

The recorded Plat provides the parameters for the overall layout of the development including 14 new single-family lots but does not include approval of the details associated with the common areas including the community private road, retention, and site walls and gates. Therefore, separate approval through a Class II Site Plan Modification is required. The following review includes those elements required as part of the LDR and not approved by the Plat.

Base District Requirements

The following matrix provides the minimum development standards for the R-1-AA zoning district set forth in LDR Sec. 4.3.4 (K).

LDR Section 4.3.4 (K) Development Standards Matrix

R-1-AA Zoning District for Single Family	Required
Lot Frontage (Min. Interior/Corner)	75 FT / 95 FT
Lot Width (Min. Interior/Corner)	75 FT / 95 FT
Lot Depth (Min.)	100 FT
Lot Size (Min.)	9,500 Sq. Ft.
Height (Max.)	35 FT
Open Space (Min)*:	25% *
Setbacks:	
Front	30 FT
Side Interior	10 FT
Rear	10 FT
* Open Space: A minimum of 25% non-vehicular open space shall be provided for an individual lot. The common areas for the development is not subject to such open space requirements in R-1-AA zoning district.	

Each of the 14 single-family lots provides frontage onto Delray Ridge Lane, a new private road that runs north to south through the center of the new development. Given the classification of NE 22nd Street and North Swinton Avenue as City Collector roads, the applicant has provided a Limited Access Easement along the south portion of Lots 1 and 14 and the western portions of Lots 11 - 14, so that the front is clearly determined to be along Delray Ridge Lane.

All 14 individual lots must comply with the minimum standards set forth in LDR Sec. 4.3.4 (K), and residential structures will be reviewed during the time of building permit. Furthermore, it is necessary to note that there are other standards and requirements that are also applicable depending upon the type of structure or appurtenance on the lot, such as a fence, driveway, patio, or swimming pool.

Lighting

Pursuant to LDR Sec. 6.1.5, Street lighting, the development of property alongside a public or private street shall be responsible for the installation of streetlights pursuant to the practice of the Florida Power and Light Company.

Typical FPL street lighting is proposed at a 15 ft. mounting height. The new lights will be installed 2 ft. from the new sidewalk along Delray Ridge Lane within the 10 ft. general utility easement.

Walls, Fences, or Hedges

Pursuant to LDR Section 4.6.5, Walls, fences, and hedges, the following requirements are reviewed for compliance.

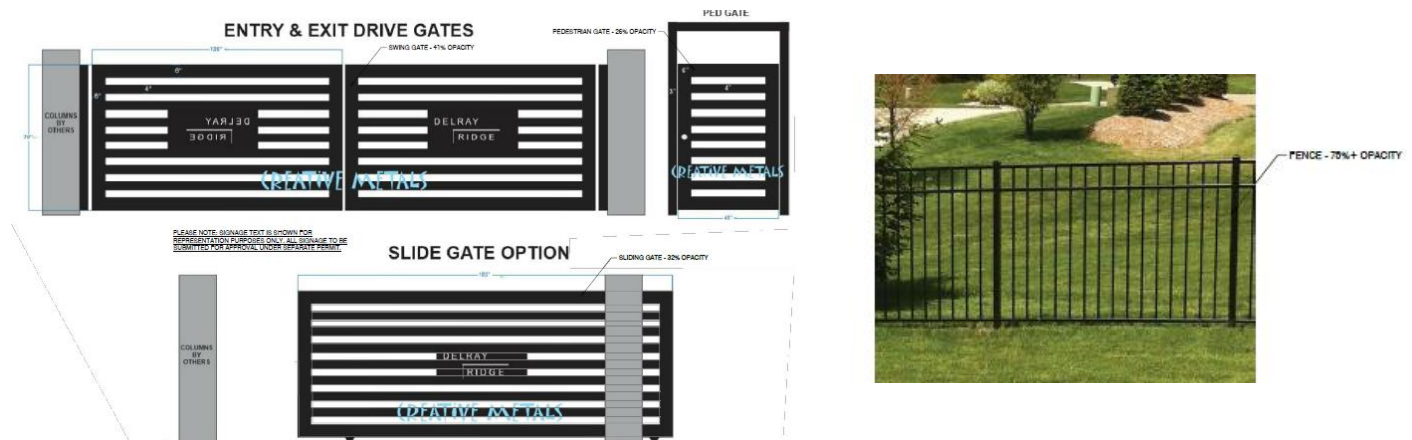
- (A) **Relationship to travelways.** Walls, fences, access gates, hedges, or similar structures shall not be erected in the public right-of-way nor close to the public right-of-way in a manner which will obstruct visibility or otherwise interfere with the proper flow of vehicular traffic, pedestrian safety, or the provision of services. Where deemed to create a sight obstruction, fences, hedges and walls shall be maintained at a height not exceeding three feet. On corner lots and at points of access, additional restrictions requiring provision of adequate sight triangles are provided in Section 4.6.14(A).
- (B) **Dangerous features.** No walls, fences, or hedges shall contain any substance such as, but not limited to, barbs, broken glass, nails, or spikes. No fence shall be electrically charged, unless designed and approved pursuant to Subsection (H). Two feet of barbed wire may be placed upon a six foot or higher fence in nonresidential zone districts.
- (C) **Height restrictions.** Walls, fences, or hedges located in a required front yard or street side yard shall not exceed six feet in height. Walls, fences, or hedges located in a required interior side or rear yard shall not exceed eight feet in height. Such

height is further regulated by subsection (A), above. For the purpose of this section, height is to be measured from the undisturbed (natural) grade of the ground adjacent to the exterior of the fence, wall or hedge.

- (D) **Fence types.** Chain link fencing located in the front and street side yards shall be black or green vinyl coated, unless screened by hedging which is to be maintained at the full height of the fence. Fencing that is greater than 75 percent opaque and located in front and street side yards shall also be screened by hedging which is to be maintained at the full height of the fence.
- (E) **Masonry walls.** Masonry walls located in the front and street side yards shall be screened by landscape material that is to be maintained at a minimum height equal to half of the height of the wall. Landscape materials must be of the type that will reach the required height within two years of planting. [Amd. Ord. 7-97 2/18/97]
- (F) **Setbacks.** Fences and walls which are required to be landscaped shall be set back a minimum of two feet from the property line to provide adequate area for vegetation to mature.

A 6-foot-high precast site wall, painted with white color, is proposed along the perimeters of the development. For the areas subject to site visibility clearance, the fence with 75 % opacity is incorporated to the site wall design. Decorative horizontal gates are proposed for the main entrance along N. Swinton Ave and the egress along NE 22 Street.

Shrubs, groundcovers, palms, and trees are proposed to enhance the visual appearance along the wall. These trees and palms are also part of the required mitigation calculations, which are narrated in detail in this report.



Off-Street Parking Regulations

Pursuant to LDR Section 4.6.9 (C)(2)(a), Single family detached residences. Two spaces per dwelling unit. Tandem parking may be used in the Single Family (R-1) Residential Districts or Low Density Residential (RL) District. Required parking spaces shall not be located in the front setback or side street setback areas. For lots that are less than 60 feet wide and do not have alley access, one parking space may be located in either the front setback area or the side street setback area, provided that no more than 50 percent of the front and side street setback area may be improved for parking purposes.

The proposed parking for the single-family residences meets the minimum requirements of LDR Section 4.6.9(C)(2)(a). Required parking is not permitted within the front setback of residentially zoned properties, therefore, the required parking is contained within the proposed two-car garages for each structure. Additionally, the driveway for individual lots could permit parking for guests. This requirement will be reviewed at the time of the building permit for the residential structure.

Landscape Reviews:

Pursuant to LDR Section 2.4.5(H)(5), Landscape Plan Findings. At the time of action on a landscape plan, the approving body shall make finding with respect to the proposed plan's relationship to the following:

- (a) Objectives of landscaping regulations Section 4.6.16.
- (b) Site and landscape design standards pursuant to Section 4.6.16.

An overall determination of consistency with respect to the above items is required in order for a landscaping plan to be approved.

Pursuant to LDR Section 4.6.16(C)(1)(a), prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of LDR Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C).

The landscape improvement plan has been reviewed by staff for compliance pursuant to LDR Section 4.6.16, Landscape Regulations. Provided the waiver request is approved by SPRAB, the plans can be considered to meet the requirements of the code.

A. Site Landscaping:

a. Existing Tree & Palm Removal and Mitigation

Trees			Palms		
Condition Rating	Removed	Proposed for Mitigation*	Condition Rating	Removed	Proposed for Mitigation*
Trees with the condition rating less than 50%:	159	159	Palms with the condition rating less than 50%:	9	19
Trees with the condition rating equal to or greater than 50%	316.8 DBH (19 trees)	324 DBH (75 trees)	Palms with the condition rating equal to or greater than 50%	2,079 ft in ht. (97 palms)	2,246 ft in ht (104 palms)

* Trees and palms proposed for individual lots are a part of the mitigation calculations. Those trees and palms are clearly noted in the Plant Schedule on sheet L-9 and L-10 for reviews and record purposes.

b. Preservation and Relocation

Four (4) Southern Live Oaks and one (1) Eucalyptus Trees are preserved, and one (1) Southern Live Oak is relocated.

c. Landscape Data

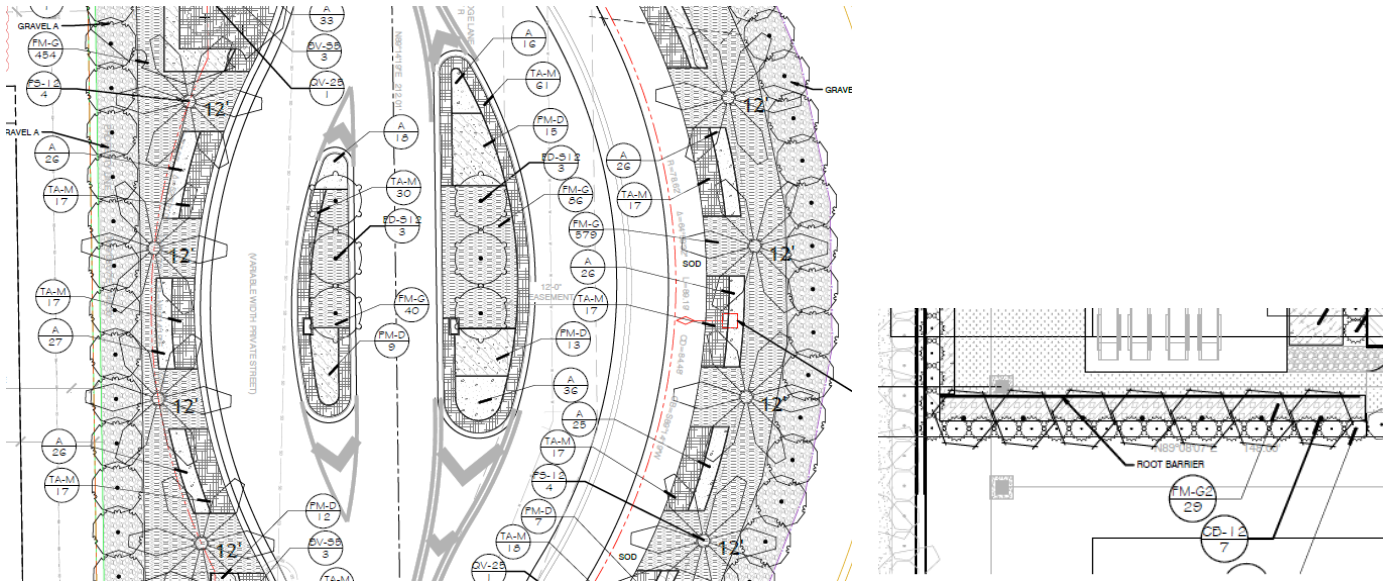
	Required	Proposed
Street Trees along N Swinton Avenue & NE 22 Street [Sec. 4.6.16(H)(6)]	20 trees	25 trees
Street Trees along Delray Ridge Lane [Sec. 4.6.16(H)(6)]	34 trees	33 Wild Date Palms & 2 Silver Bismark Palms

Notes for the Board:

1. The mitigation for tree and palm removal is different with the tree disposition plan submitted for the Plat review as a result of changes made to the landscape plan. The changes are mostly associated with street trees along N Swinton Avenue and NE 22 Street, which were not provided on the plan for the Plat review, and recalculation of the palm mitigation, which is based on the total heights of the removed palms rather than a height of each palm. Therefore, it is determined that an in-lieu-fee presented to the Planning and Zoning Board for the Plat review is not required based on the palm mitigation recalculations.
2. The applicant proposes Brazilian Beautyleaf trees (CB: Calophyllum Brasiliense) to create the visual barriers along the main entrance and interior perimeters for individual lots. The space arranged for those trees is less than 10 ft interval, which may stress an overall growth of such trees as defined in LDR Sec. 4.6.16 (E)(5), quoted below. The project landscape architect is confident that the space given for these trees would not be concerned for the growth but provide a visual barrier and enhance the appearance of the development.

Pursuant to LDR Section 4.6.16 (E)(5), Trees shall be a species having an average mature spread of crown greater than 20 feet and having trunks which can be maintained in a clean condition with over six feet of clear mature wood. Trees having an average mature spread of crown less than 20 feet may be substituted by grouping the same so as to create the equivalent of a 20-foot spread of crown. Tree species shall be a minimum of 16 feet in overall height at the time of planting, with a minimum of six feet of single straight trunk with eight feet of clear trunk, and a seven-foot spread of canopy. Tree species required for single family homes and duplexes shall be a minimum of 12 feet in overall height at the time of planting, with a minimum of four feet of single straight trunk with six feet of clear trunk, and a six-foot spread of canopy.

The project is designed to provide sufficient and appropriate landscape material to comply with requirements for individual single-family lots, vehicular use areas, sight visibility areas, and mitigations for the trees and palms to be removed in accordance with LDR Sec. 4.6.16. and 4.6.19. The specifications of the trees, palms, and shrubs also meet the minimum size defined in LDR Sec. 4.6.16, Landscape Regulations.



Landscape Waiver:

Required Findings:

Pursuant to LDR Section 2.4.7(B)(5) Findings, Waivers. *Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:*

- Shall not adversely affect the neighboring area;*
- Shall not significantly diminish the provision of public facilities;*
- Shall not create an unsafe situation; and,*
- Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The applicant has requested a waiver to allow for the use of palms (Wild Date palms) for street tree type along Delray Ridge Lane (a private roadway), rather than providing a tree as required in LDR Section 4.6.16(H)(6) (Street trees for new residential development).

Pursuant to LDR Section 4.6.16(H)(6), Street trees for new residential developments. *A themed landscape is very important for creating unity and common character within residential developments. Street trees are an integral component of creating a themed landscape and shall be required as per this section. All trees shall be in accordance with Section 4.6.16(E)(5), Trees. Tree selection shall be approved by City Staff. One street tree shall be required for every 40 linear feet of street frontage with a minimum of one tree per property. Street trees shall be located between the inside edge of sidewalk and edge of road pavement.*

Pursuant to LDR Section 4.6.16(C)(4), Compliance, review, appeal, and relief. *Relief from the provisions of LDR Section 4.6.16 shall only be granted through the waiver process [Section 2.4.7(B)] by the City Commission, Site Plan Review and Appearance Board or Historic Preservation Board as applicable.*

This Board may grant relief request of the street tree requirements.

The applicant stated in the justification letter that the Wild Date palms, proposed between the sidewalk and Delray Ridge Lane, are considered palms that provide canopies over the roadway and beautification for the community. Additionally, this type of palms are proposed for a street tree because of the potential conflict with utilities proposed along the private roadway. The use of Wild Date

Palms for the street trees is not anticipated to have an adverse effect on the neighborhood, will not create an unsafe situation for the traffic flow and pedestrians, and will not result in the grant of a special privilege to the property owner or applicant. The applicant's justification statement is provided for the Board's review.

Optional Board Motions

- A. Move **approval** of the Class II Site Plan Modification and Waiver (2022-109) for **Delray Ridge**, which is located at the northeast corner of N. Swinton Avenue and NE 22nd Street, by finding that the requests are consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move **approval, as amended**, of the Class II Site Plan Modification and Waiver (2022-109) for **Delray Ridge**, which is located at the northeast corner of N. Swinton Avenue and NE 22nd Street, by finding that the requests are consistent with the Land Development Regulations and the Comprehensive Plan.
- C. Move **denial** of the Class II Site Plan Modification and Waiver (2022-109) for **Delray Ridge**, which is located at the northeast corner of N. Swinton Avenue and NE 22nd Street, by finding that the proposed requests are not consistent with the Land Development Regulations and the Comprehensive Plan.
- D. Move to **continue with direction**.