



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### 1236 George Bush Plat

Meeting	File No.	Application Type
August 15, 2022	2022-015-PMA	Preliminary Plat Final Plat
Applicant	Owner	Authorized Agent
1236 George Bush Boulevard	1236 GEORGE BUSH BLVD LLC	Thomas F. Carney Jr., Esq.

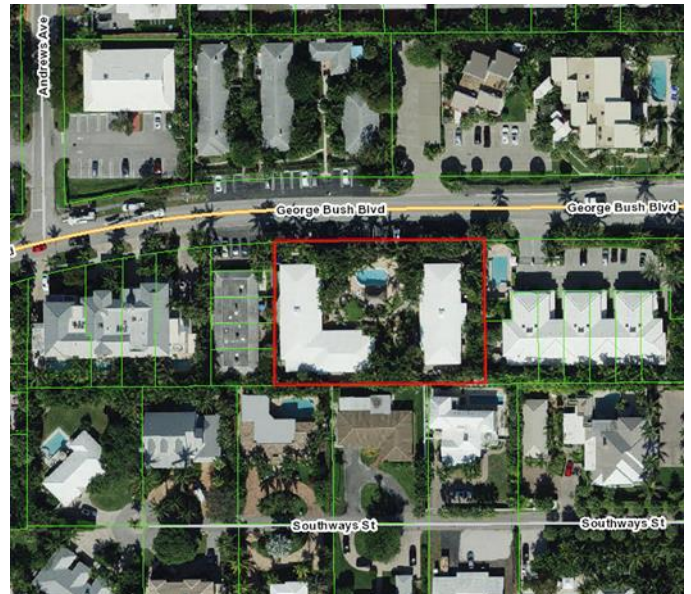
#### Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "1236 George Bush Blvd", a replat of the 0.62-acre Model Land Company recorded in Plat Book 8, Page 40, associated with the creation of six fee simple lots currently addressed as 1236 George Bush Boulevard.

#### Background Information

The subject property is located at 1236 George Bush Boulevard on the north side of George Bush Blvd just west of A-1-A, within the Coastal High Hazard Area (CHHA). The property operated as the Parliament Inn until its closing in 2021, and consisted of two buildings constructed in 1966, a tiki hut and a pool (demolished in 2022). It.

The property has had multi-family zoning designations since at least as far back as 1970 (the oldest digital zoning map in City records). The 1970 zoning map identifies the property as RM-1A, which was a Multiple Family Dwelling District. Sometime between 1970 and 1989, the zoning was changed to RM-10, Multiple Family Residential. The current Medium Density Residential (RM) zoning was adopted as part of the citywide rezoning in 1990. The property has had a residential land use since the 1961 comprehensive plan was adopted, and multi-family land use since 1979, if not before. The current MD Land Use Designation was adopted in 1990.



On May 25, 2022, A Class V Site Plan, with no conditions, was approved by the Site Plan Review and Appearance Board for six three story townhome units that include second story terraces, individual garages, pools, and associated landscaping.

#### Plat Description

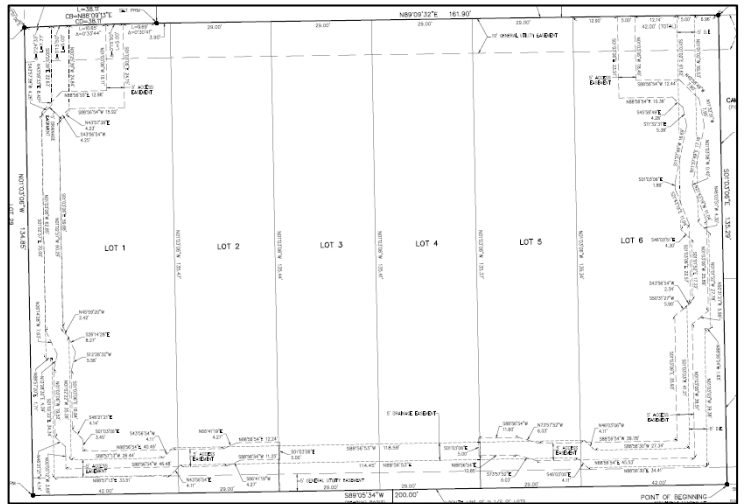
The proposed plat includes the following:

- Replat of a portion of Lots 28 and 29, Model Land Company as recorded in Plat Book 8, Page 40 of the public records of Palm Beach County, Florida, lying in Section 9, Township 46 South, Range 43 East, City of Delray Beach (Formerly the Town of Linton, Florida), Palm Beach County, Florida.
- Dedication of Lots 1-6 for each fee-simple townhome,
- Dedication of a ten-foot general utility easement (GUE) along the (south) front of the property,

- Dedication of a five-foot general utility easement (GUE) along the north) rear of the property,
- Dedication of a drainage easement located on the east, west and north of the property; and
- Dedication of a five-foot access easement to the (north) rear of the property for the purpose of ingress, egress, and maintenance for the owners of lots 1-6.

## Review and Analysis

Pursuant to **LDR Section 4.3.3(O)(2)**, each townhouse, or townhouse type, development shall be platted with a minimum designation of the interior street system as a tract. When the dwelling units are to be sold, each such unit must be shown on the plat. The plat includes six lots (figure at right). Lots 1 and 6 (corner lots) measure 42 feet wide by 135 feet and 29 inches deep. Lots 2 – 5, measure 29 feet wide and 135 feet 29 inches deep.



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 qualifies as a Major Subdivision as it creates more than three lots and involves dedications, per the definitions of “Major Subdivision” and “Minor Subdivision” in the LDR. Major subdivision plats require the certification of a preliminary plat by the Planning and Zoning Board, prior to receiving a recommendation to the City Commission regarding the Final Plat.

### 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, which are compatible with each other as RM is a preferred implementing zoning district. The standard density for MD land use designation is 5 to 12 dwelling units per acre (du/ac). Pursuant to **LDR Section 4.4.6(B)(3)**, multiple family structures are allowed as a principal use in the RM zoning district with a base density of six and a maximum density of 12 du/ac. Based on the total existing land area of 0.62 acres, a maximum of 6 units are allowed; 6 are proposed.

**(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.

The proposed six-unit townhome development was determined to meet concurrency standards, as part of the Site Plan approval by SPRAB on May 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.*

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

#### **HOUSING ELEMENT**

**Policy HOU 1.4.4** *Continue to enforce streetscape landscaping requirements which are consistent and compatible within a neighborhood and reinforces the neighborhood's established theme and character.*

Street trees are important to the neighborhood's character. Unfortunately, in many areas of the City of Delray Beach, the City swale and utilities conflict with ability to install the street trees. In this instance, FDOT is making improvements to George Bush Boulevard and the required placement of street trees conflicts with the City's exfiltration system. The applicant has provided shade trees along with palms and foundation plantings next to each driveway.

**Objective HOU 3.1 Development to Accommodate Housing Needs** *Provide opportunities for residential development to accommodate the housing needs of existing and future residents.*

Luxury townhomes are very common in Delray Beach.

#### **NEIGHBORHOODS, DISTRICTS, AND CORRIDORS ELEMENT**

**Policy NDC 1.1.7** *Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.*

**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.*

The proposed townhouse development complies with the development requirements of the RM zoning district and the density limits and character prescribed by the MD land use.

**Policy NDC 1.1.14** *Continue to require that property be developed or redeveloped or accommodated, 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 proposed townhome development is compatible with the adjacent existing surrounding residential neighborhoods. The project provides six dwelling units with four-bedroom floor plans and open terraces. Luxury townhome developments are a common development type within the City. Any housing units contribute the housing supply, which currently does not meet the housing demand.

**Policy NDC 2.1.2** *The City shall not increase the net density within the Coastal High Hazard Area, including through incentive programs, zoning changes, or land use designation amendments.*

There were 10 hotel rooms on the subject property; 6 residential dwelling units are proposed. The land use and zoning for the property have not changed.

**(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 regulations.*

Through the review of the Class V Site Plan application, the subject request was found to meet all applicable requirements of the LDRs.

**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.*

**LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions**, specifies the Standards required for site plans. 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 May 25, 2022, by the Site Plan Review and Appearance Board for the architectural elevations of the six-unit townhome development including landscaping, and lighting.

*(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).*

A new sidewalk, designed and installed by the Florida Department of Transportation (FDOT), is forthcoming on George Bush Blvd. This new infrastructure will add to the bicycle/pedestrian network of the area and enhance the walkability of the neighborhood and access to A-1-A. Additionally, FDOT is improving George Bush Blvd. by upgrading pedestrian signals, removing, and replacing concrete sidewalks and driveways and installing new sidewalks to connect for a continuous path. These improvements will also improve the bicycle/pedestrian network. The applicant's project will benefit from this infrastructure and will not impede the implementation. The development provides private driveways to each of the units which is accessible from George Bush Boulevard.

*(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.*

No natural features exist on the site. There is landscaping proposed for each unit including the third story terrace.

*(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 Florida Department of Transportation (FDOT), is forthcoming on George Bush Blvd. This new infrastructure will add to the bicycle/pedestrian network of the area and enhance the walkability of the neighborhood and access to A-1-A. Additionally, FDOT is improving George Bush Boulevard by upgrading pedestrian signals, removing, and replacing concrete sidewalks and driveways and installing new sidewalks to connect for a continuous path.

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

The property will be demolished to create the six fee simple townhomes. The approved site plan is compatible with the scale and use of the adjacent properties.



*(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 approved site plan for the six fee simple townhomes is compatible with the surrounding developments. The approved density of the subject property is approximately ten dwelling units per acre. The property to the north, east and west is multi family and to the south is single family residential (R-1-AAA) which requires 12,500 SF of minimum lot size.

*(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.*

There are only two different unit types to serve potential buyers that do not include the purchasing income for a growing socio-economically diverse population.

*(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 site plan was reviewed for Land Development Regulation compliance and met all standards. The development will not have an adverse effect on the surrounding neighborhood.

*(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 applicant obtained a Traffic Performance Standards (TPS) approval letter from Palm Beach County. The approved project will decrease Net Daily trips by 16, -1 (-1/0) Net AM Peak Hour trips, and -1(-1/0) Net PM Peak Hour Trips (a decrease from the existing development).

*(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.*

This standard is not applicable to this application.

*(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 approved development consists of 10 dwelling units per acre; there are six fee simple townhomes that were approved on the site plan.

## Options for Board Action

### Preliminary Plat

- A. Move approval of the preliminary plat "**1236 George Bush Boulevard**", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 George Bush Boulevard, 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 "**1236 George Bush Boulevard**", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 George Bush Boulevard, 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.

**Final Plat**

- A. Recommend approval to the City Commission for the certification of the Final Plat, "**1236 George Bush Boulevard**", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 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 "**1236 George Bush Boulevard**", associated with the creation of 6 fee-simple lots, for the property currently addressed as 1236 George Bush Boulevard, 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**

X Courtesy Notices were sent to the following Homeowner Associations\*:

- Palm Trail
- Beach Property Owners

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