



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

917 NE 8th Ave

Meeting	File No.	Application Type
September 28, 2022	2022-100-SPF-SPR-CL5	Class V Site Plan
Property Owner		Agent
917 NE 8 th Ave LLC		Thomas Carney

Request

Consideration of a Class V Site Plan, Landscape Plan, Landscape Waiver, and Architectural Elevations for a three-unit multi-family townhouse development.

Site Data & Information

Location: 917 NE 8th Avenue

PCN: 12-43-46-09-16-004-0080

Property Size: 0.30 acres

LUM: Medium Density (MD)

Zoning: Medium Density Residential (RM)

Adjacent Zoning:

- North, South, East, & West: RM:

Existing Land Use: Single-Family Residential

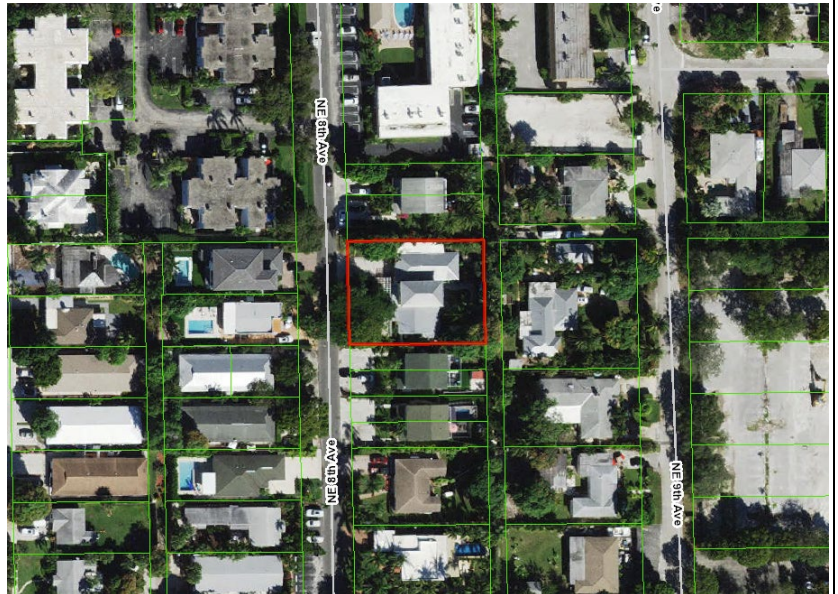
Proposed Land Use: Multi-Family Residential

Floor Area Ratio:

- Existing: 0.25
- Proposed: 0.68
- Allowed: N/A

Density:

- Existing: 3.3 du/acre
- Proposed: 9.88 du/acre
- Allowed: 6 to 12 du/acre



Background

There is an existing two-story, single-family home on the property that was built in 1948. The development pattern along NE 8th Avenue includes a mix of single-family and multi-family residences. The maximum allowable density within the RM zoning district is 12 units per acre, subject to compliance with specific performance standards. The existing home, which is not individually designated as historic nor is it located within a historic district, will be demolished to make way for the new proposed development.

Project Planner:

Julian Gdaniec, Senior Planner; gdaniec@mydelraybeach.com
561-243-7365

Attachments

- Site Plan, Architectural Plans, Civil Plans Landscape Plan, Survey
- Applicant Justification Statement



Description of Proposal

The Class V Site Plan application proposes a new three-unit, two-story multi-family townhouse building with square footage per unit ranging from approximately 2,500 sq. ft. to 3,100 sq. ft.; each unit includes three bedrooms. The development includes site improvements and amenities including pools for each unit. Parking is provided for each unit in two-car garages accessed from NE 8th Avenue via a driveway that also contains the requisite guest parking spaces.



The request includes one landscape waiver to LDR Section 4.6.16(H)(6), requesting the ability to provide no street trees wherein one tree is required per 40 feet of linear frontage.

Review & Analysis: Site Plan and Zoning

LDR Section 2.4.5(F)(5), Class V Site Plan

A Class V Site Plan is an application for new development of vacant land, and which requires full review of Performance Standards found in Section 3.1.1. In addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the Class V site plan or MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.

LDR Section 3.1.1 Required Findings, 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, 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.

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 are provided throughout the following report sections.

**3.1.1(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 Land Use Map designation of MD, and a zoning designation of RM, which is a preferred zoning district of the MD land use designation per the Always Delray Comprehensive Plan. Pursuant to LDR Section 4.4.6, multi-family residential is a permitted use within the RM zoning district.

3.1.1(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.

Potable Water and Sewer: Water and sewer services are existing on-site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

Drainage: Drainage and water run-off will be addressed through on-site retention, which should not impact the level of service standard.

Transportation: A Traffic Performance Standards (TPS) letter has been provided by Palm Beach County indicating the project meets the requirements Palm Beach County Traffic Performance Standards As such, the proposed project meets the requirements of traffic concurrency.

Parks and Open Space: A park impact fee of \$500 per unit will be due to the City prior to issuance of any building permit.

Solid Waste: The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: A School Capacity Availability letter has been issued by the Palm Beach County School Board and has determined the development will have no impact on the school system.

3.1.1(C), Consistency

A finding of overall consistency may be made even though the action may 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 applicable subsections of Article 3.2, Performance Standards, are Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and Section 3.2.3, which provides standards for site plan actions and is provided as Appendix A. The proposed development generally meets the applicable standards.

Comprehensive Plan

Overall, the proposed modifications are consistent with any applicable Goals, Objectives, or Policies of the Always Delray Comprehensive Plan, particularly those of the Neighborhoods, Districts, and Corridors Element. The proposal includes the redevelopment of an existing residential property in a manner that complies with the minimum density and development regulations as deemed appropriate for the RM district and surrounding neighborhood.

The Comprehensive Plan speaks to the provision of diverse housing types throughout the city. Townhomes are common in

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.



redevelopment throughout the RM zoning districts. While the proposed development does not provide a variety of unit types given that each unit has three-bedrooms, the units do vary in size. Further, the entire building, specifically each unit, is limited to two-stories, whereas three-story units have become more common. The lower height of two-stories will allow for the development to blend in with the historically lower scale that remains in the neighborhood for those properties that have not yet been redeveloped.

3.1.1(D), Compliance with the LDRs

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.

Section 4.3.4(K): Development Standards, RM Zoning District

	Required / Allowed	Provided
Lot Area (Min.)	8,000 SF	13,229 SF (0.30 acres)
Lot Width (Min.)	60 feet	99.80 feet
Lot Depth (Min.)	100 feet	132.55 feet
Lot Frontage (Min.)	60 feet	99.80 feet
Lot Coverage (Max.)	40%	38%
Open Space (Min.)	25%	26.6%
Height (Max.)	35 feet	26 feet, 2 inches (two-stories)
Minimum Floor Area		
3-Bedroom or more Units (3 units)	1,250 SF	2,582 – 3,152 SF. (min.) 3 units @ 3 bedrooms
Setbacks (Min.)		
Front (West – NE 8 th Avenue)	25 feet (1 st /2 nd stories)	25 feet (1 st / 2 nd Stories)
	30 feet (3 rd Story)	N/A (3 rd Story)
Side Interior (North & South)	15 feet (1 st /2 nd stories)	15 feet (1 st / 2 nd Stories)
	30 feet (3 rd Story)	N/A (3 rd Story)
Rear (East-Alley)	25 feet	29 feet, 6 inches (1 st / 2 nd Stories)
		N/A (3 rd Story)

Pursuant to **LDR Section 4.4.6(H)(1), Performance Standards**, “*density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6(I).*”

Compliance with LDR Section 4.4.6(I) is discussed below.

LDR Section 4.4.6 (I) Performance Standards,

To increase a project density beyond six units per acre, the approving body must make a finding that the development substantially complies with the performance standards listed in this section. Some of the referenced standards may not be entirely applicable to small, infill type residential projects. For those types of projects, the ultimate density should be based upon the attainment of any applicable standards, as well as the development's ability to meet or exceed other minimum code requirements.

For the Board's consideration in increasing the density above 6 du/ac., the Performance Standards are provided below along with an applicable evaluation of the corresponding improvements associated with the specific standard.

Performance Standard	Review
Traffic calming 4.4.6(I)(1)(a)	The small scale, two-story, three-unit townhome project is located on a lot flanked by other residential lots, and facing NE 8 th Avenue, which is classified as a Local Road. Traffic calming devices are not specifically applicable to this low scale project.
Building placement to reduce massing and provide a feeling of open space. 4.4.6(I)(1)(b)	The proposed building has been centrally placed on the property and at the required setbacks from each side. The development is not required to provide additional upper story setbacks as it has been limited to two-stories, thereby alleviating an impact on the adjacent properties and streetscape from the additional massing.



Buffering; Increased setbacks and landscaping 4.4.6(l)(1)(c)	The property is surrounded by other properties of a similar land use designation and zoning, so an additional setback, additional landscaping, nor a wall or fence is required to achieve the increased density. The intent of the requirements is to provide a buffer and mitigate an impact when the adjacent district is a classification of lesser intensity.
Varied streetscape and building design LDR Section 4.4.6(l)(1)(d)	This Performance Standard requires <i>staggered & offset setbacks to add interest and distinguish individual units while incorporating diversity in window and door shapes and locations and include features such as balconies and porches</i> . The modern design, commonly found in new residential construction, is unique and departs from the other styles and details more recently reviewed and considered by the Board. The materials utilized and overall composition provides a minimalist aesthetic that still provides interesting elements and movement across the façade.
Varying Unit Types LDR Section 4.4.6(l)(1)(e)	A mix of “three- and four-bedroom units with varying floor plans” for both attached and detached single-family residences is encouraged. The development is limited to three units, and the ability to provide variation in size and type is limited. Each unit provides a different size ranging from 2,582 – 3,152 square feet.
Open Space Areas 4.4.6(l)(1)(f)	The proposed development is required to provide a minimum of 25% open space, whereas 36% has been provided, and exceeds the minimum requirement.
Multi-modal Connectivity 4.4.6(l)(1)(g)	The property is in close proximity to the North Federal Highway corridor and downtown area, where sidewalks and bike lanes provide connectivity throughout the neighborhood and adjacent areas, including connections to the George Bush Boulevard Bridge and east of the Intracoastal Waterway. Additionally, there are transit stops available nearby. There is limited means for a project of this scale to introduce new multi-modal transit infrastructure. That being said, a sidewalk will be installed or an in-lieu fee will be paid for a sidewalk by the applicant.
Attainment of Standards 4.4.6(l)(2)	This Standard acknowledges that some standards may not be entirely applicable to small, infill type residential projects, such as the one proposed. As such, the ultimate density should be based upon the attainment of the applicable standards, as well as the development’s ability to meet or exceed other minimum code requirements. The applicable standards have been generally met, with the additional setbacks meeting the minimum requirement.

LDR Section 4.3.3(O) Special requirements for specific Uses; Townhouses and townhouse type of development:

Requirement	Review
4.3.3(O)(2) Plat required	A plat is required for the development, which will incorporate the necessary right-of-way dedications, and easements. Recordation of the plat is required prior to the issuance of a building permit.
4.3.3(O)(3)(a) through (c): Setback requirements	The proposal meets the required building setbacks from the perimeter property line.
4.3.3(O)(4)(a) through (d)	The intent of the design standards is mainly to address potential impacts of larger development projects, especially when homogenous architectural patterns are repetitively utilized in high quantities. Specifically, the standards are intended to improve the relationship of buildings with respect to other buildings within a single large development site, the relationship of buildings to open space areas throughout the development, enhance the overall connectivity in and around the development, and control the overall massing when there are multiple contiguous units. One of the requirements is to provide a four-foot offset when constructing more than two townhomes. The proposed development of three townhomes, also referred to as a



triplex, does not provide a four-foot offset. Providing a significant offset between units is more applicable and more appropriate for developments with many units in a contiguous row, when the impact of a flat façade across a large area may be deemed detrimental, whereas in this instance given that the composition is only three units total, an offset may appear forced or artificial and degrade the overall effectiveness of the simplicity of the design. The simplicity and minimalism of the composition enhances the overall design and highlights the quality and interesting materials utilized (graphite stone, bronze, etc) which are unique relative to other developments. The integration of the alcove entrance for the middle unit and the addition of the protruding metal screens on the upper story of each end units helps create a break in the massing and create interest through an otherwise flat façade.

If the Board deems that the four-foot offset is applicable and needed, the item should be continued to provide the applicant an opportunity to formally request relief or make the applicable adjustment.

Other Applicable Regulations

Requirement	Review
Off-Street Parking 4.6.9(C)(2)(c),	Requirement: Two or more-bedroom dwelling units shall provide two spaces per unit and one-half a space of guest parking. Provided: There are 9 parking spaces are provided. The development is required to provide 8 spaces.
Streets (rights-of-way) 5.3.1(A)(3)	A 2-foot alley dedication will be provided along the rear of the property.

Review & Analysis: Landscape Plan

LDR Section 2.4.5(H)(5), 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.

The proposed project provides substantial landscaping improvement to the entire site, which includes the removal of 6 trees with a condition rating greater than 50% and 11 palms. The landscape plans specify that "the 11 palms & 6 tree proposed for removal on-site will be mitigated with 21 new palms & 27 new trees." Overall, the landscape plan has been deemed technically compliant by the Senior Landscape Planner with the exception of the waiver requested.

Waivers

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

- a. *Shall not adversely affect the neighboring area.*
- b. *Shall not significantly diminish the provision of public facilities.*
- c. *Shall not create an unsafe situation.*
- d. *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.*

Pursuant to **LDR Section 4.6.16 (H)(6)**, *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.*



A waiver has been requested that would allow the ability for the applicant to provide no street trees wherein one tree is required per 40 feet of linear frontage. The request is due to the limited space available to accommodate trees within the parameters of accepted industry standards. The applicant is required to dedicate space for the future installation of a 5' sidewalk on the exterior of their property. Tree planting should not encroach within 5' of any hardscape, so that there is sufficient clearance provided for root growth. Additionally, the Florida Department of Transportation green book, which informs transportation planning best practices requires that no objects (including trees) be placed within 14 feet of edge of curb on local roads. As such, it is not feasible for the applicant to provide street trees between edge of sidewalk and road pavement, without otherwise failing to meet industry standards with respect to necessary clearance from the future sidewalk and edge of road pavement.

Review & Analysis: Architectural Elevations

LDR Section 2.4.5(l)(5), Architectural (appearance) elevations: Findings

At the time of action on architectural elevations the approving Board shall make findings with respect to the objectives and standards as contained in the architectural regulations, Section 4.6.18. An overall determination of consistency with respect to the above is required in order for an architectural plan to be approved.

LDR Section 4.6.18, Architectural Elevations and Aesthetics

(A) Minimum Requirements

- The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
- It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.*

The contemporary architecture implements a minimalist design strategy that accentuates the simplicity of the form and highlights the uniqueness of the materials utilized. Large fenestration openings on the front façade contrast well with the starkness of the graphite wall material. The bronze accents provide elements of interest across the otherwise minimal composition.



(E) Criteria for Board Action

The following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If



the following criteria are not met, the application shall be disapproved.

1. *The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*
2. *The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.*
3. *The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.*

Staff finds the request generally consistent with the applicable criteria. The design composition is unique in its minimalist approach while still utilizing design strategies, such as material choice and strategic placement of accents and subtle ornamentation, that create interest across a simplified façade. The restrained scale of the height and massing, paired with the integration of substantial landscaping, should allow the project to maintain harmony with the surrounding neighborhood.

Board Consideration

The Board should consider the following in review of the request:

1. Whether the waiver to eliminate the required street trees meets the applicable criteria.
2. Whether the proposed project sufficiently meets the applicable performance standards that would qualify the project for a density above 6 units per acre (10 du/acre proposed).
3. Whether the architectural elevations are of sufficient quality to meet the minimum standards of 4.6.18.

Optional Board Motions

- A. Move **approval** of the Class V (2022-100) Site Plan, Landscape Plan with waiver, Architectural Elevations and for a three-unit multi-family townhouse development, located at **917 NE 8th Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move **approval, as amended**, of the Class V (2022-100) Site Plan, Landscape Plan with waiver, Architectural Elevations and for a three-unit multi-family townhouse development, located at **917 NE 8th Avenue**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move **denial** of the Class V (2022-100) Site Plan, Landscape Plan with waiver, Architectural Elevations and for a three-unit multi-family townhouse development, located at **917 NE 8th Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. **Move to continue with direction.**

Technical Notes

1. A plat of the property must be approved by the City Commission and recorded prior to the issuance of a building permit..

Courtesy Notices

- X Courtesy Notices were sent to:
- Palm Trail HOA



Appendix A:
Section 3.2.3, Standards for site plan and/or 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. 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).
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- 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.
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- D. Any proposed street widening or modification 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.
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- E. Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.
☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent
- 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.
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- 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.
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
- 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.
☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent
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- 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, 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
☒ Meets intent of standard
☐ Does not meet intent
- 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.
- ☐ Not applicable
☒ Meets intent of standard
☐ Does not meet intent