



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

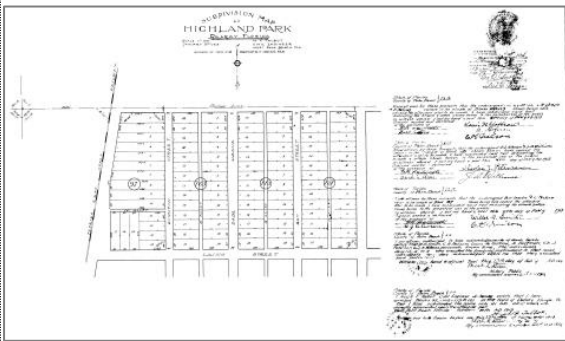
### Highland Park Townhomes Plat

Meeting	File No.	Application Type
October 17, 2022	2022-208-PMA-PMF-PZB	Preliminary Plat Final Plat
Applicant	Owner	Authorized Agent
Mike Covelli, Covelli Design Associates, Inc.	Courchene Highland Park LLC	Mike Covelli, Covelli Design Associates, Inc.

### Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Highland Park Townhomes", to create 30 fee-simple lots, a residential access street, open space and recreation tracts, sidewalk easements, and public right-of-way tracts, on two parcels at the southeast corner of NE 6<sup>th</sup> Avenue and NE 4<sup>th</sup> Street totaling 1.36-acres, currently addressed as 375 and 395 NE 6<sup>th</sup> Avenue.

### Background Information



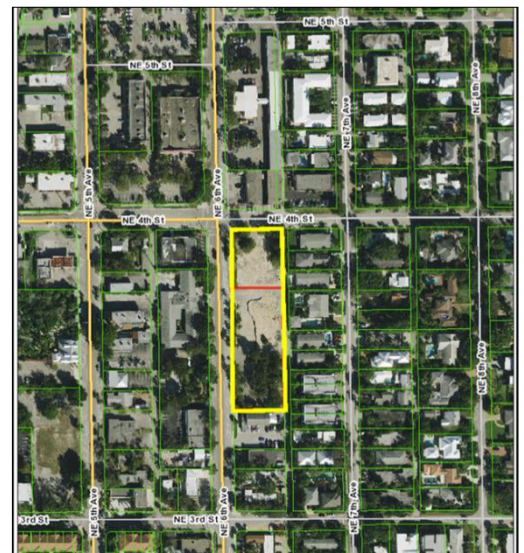
The plat request is related to the approved townhome redevelopment at 375 & 395 NE 6<sup>th</sup> Avenue (map below).

The subject properties are part of the Highland Park Plat recorded in Plat Book 2, Page 79 in 1913 (image at left). 375 NE 6<sup>th</sup> Avenue was developed with a car wash in 1959 under the C-2 zoning district. The site was rezoned to SC (Specialized Commercial) in 1972 and to CBD in 1990 as part of a City-wide rezoning. Car washes were considered permitted uses in the SC district until 1980, when the code changed to allow them as a Conditional Use. Then, in 1990 the CBD was created, eliminating car washes as a permitted use. In January 2006, the 1-story, non-conforming, car wash structure was demolished

and has remained vacant since. The 395 NE 6<sup>th</sup> Avenue portion of the site contained an automobile repair shop which similarly was considered a non-conforming use as of 1990, with the last use known as Midas Muffler. The 1-story structure was demolished in October of 2007 and has remained vacant since.

Recent approvals are as follows:

- **March 1, 2022**, the City Commission granted two waivers for the project. One waiver approved reduced ground floor setbacks, and zero-foot setbacks for the second and third floor (Resolution No. 32-22) and the second waiver (Resolution No. 33-22) approved a waiver to modify the required location of required civic space.
- **March 23, 2022**. A Class V Site plan application (2020-157) associated with the construction of a 30-unit townhome development located at 375 & 395 NE 6<sup>th</sup> Avenue was approved. The townhomes are composed of 5, four-story buildings with units that contain three to four bedrooms, a private elevator, individual terraces, and accessible roof decks. The proposal also includes civic open space, private pool, paved sidewalks, 9 new on-street parallel parking spaces, an interior paved drive-aisle, and landscaping. Two landscape waivers were



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**Attachments:**  
• Proposed Plat

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approved with the site plan: 1) to allow for a 1.22-foot minimum width landscape strip where a five-foot minimum is required, 2) to provide palms for the required interior landscaping rather than trees.

A Major Subdivision is required subsequent to site plan approval to create and establish the thirty fee simple lots required for the townhouse development.

### Plat Description

The proposed replat of Lots 20 through 28 of the Highland Park Plat recorded in Plat Book 2, Page 79 consists of 1.36 acres of land currently addressed as 375 & 395 NE 6th Avenue. The allocation of acreage is consistent with the approved site plan, and is summarized in the table below. The proposed major subdivision plat includes the following components:

- Lots.** Dedication of 30 lots totaling nearly 0.7 acres. The lots are between 18.62 to 24.40 feet in width and 42-43 feet (approximate) in depth. Lot square footage ranges between 990 square feet and 1,045 square feet. There are two 5-unit buildings, two 6-unit buildings, and one 8-unit building.
- Residential Access Street.** A (primarily) north-south street ("motorcourt") dedicated to the Highland Park Homeowners Association is proposed with ingress and egress on the north and south of the subject properties. One driveway on the west side of the west of the property provides a right-in / right-out between the motorcourt and North Federal Highway, and a driveway on the east side of the subject properties provides ingress / and egress with the alley to the east.
- Open Space Tracts.** Eight open space tracts totaling 13,105 square feet are identified on the plat. These tracts are primarily located along the perimeter of the property. Tract OST5 (3,272 square feet, highlighted in green at right) is the largest tract – the required civic open space area. It is designated in perpetuity as accessible to the public during daylight hours and dedicated to the Highland Park Homeowners Association.
- Recreation Tract.** The Recreation Tract (1,255 square feet, highlighted in blue at right) is dedicated as the Highland Park Homeowners Association in perpetuity.
- Sidewalk Easements.** A 5.9+/- foot wide sidewalk easement is provided along North Federal Highway.
- Public Right-of-Way Tracts.** Tract D1 is dedicated to the City as public right-of-way for street and utilities, and Tract D2 is dedicated to the Florida Department of Transportation.

NAME	SQUARE FEET	ACRES
<i>Lots 1-30</i>	30,488	0.6999
<i>Tract R</i>	12,527	0.2876
<i>Tracts OST1-OST8</i>	13,105	0.3008
<i>Tracts D1-D2</i>	2,031	0.0466
<i>Tract REC / OST5</i>	1,255	0.0288
<b>TOTAL</b>	<b>59,406</b>	<b>1.3638</b>



### Review and Analysis

Pursuant to **LDR Section 4.3.3(O)(2), Townhouses and Townhouse Type of Development: Plat Required**, 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.

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 right-of-way dedication, 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 Land Use Map (LUM) designation of CC (Commercial Core) and a zoning designation of CBD (Central Business District). Per Comprehensive Plan Table NDC -1, the standard density for the CC land use designation is 12 to 30 dwelling units per acre (du/ac) and the revitalization / incentive density is 30 to 100 du/ac; the maximum intensity for development is a Floor Area Ratio (FAR) of 3.0. Pursuant to LDR Table 4.4.13(A), multiple-family structures are allowed as a principal use in the CBD zoning district at a maximum density of 30 du/ac. Based on the total existing land area of 1.36 acres, a density of 30 du/ac yields 40 dwelling units; the plat provides for 30 townhouse units – a density of 22 dwelling units / acre. The maximum square footage allowed for the total development is 177,724 square feet, which equals an FAR of 3.0.

**(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 Highland Park Townhomes development was determined to meet concurrency standards, as part of site plan review and approval.

**(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**



**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.*




**Policy HOU 6.1.2** *Encourage income diversity by requiring a mix of unit types in new development.*

The proposed townhomes add to the ample existing supply of luxury housing in the city. The variation in the model types with a range of 3 to 4 bedrooms may encourage a mix of family types and sizes. However, the proposed units are intended to provide for the housing needs of luxury homebuyers.

### **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 1.1.14** *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.*

**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 adopted Comprehensive Plan anticipates the population of the city to increase from 70,520 in 2020 to 81,874 in 2040; additional housing inventory is needed to accommodate the projected population increase.

The subject property is surrounded by CBD land use to the west, south, and north, and Medium Density (MD) land use to the east. Multi-family development is located to the east of the subject properties. The property to the south is an auto service use, and office and substance abuse treatment services are located to the west. Townhomes are consistent with the character of the district and the surrounding area.

**(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.*

Pursuant to **LDR Section 4.3.3(O)(2), Townhouses and Townhouse Type of Development: Design Standards**, *no townhouse row shall consist of more than eight dwelling units or a length of 200 feet, whichever is less.*

Minimum lot areas do not need to be provided for individual lots within townhome developments, pursuant to **LDR Section 4.3.4(B), Base District Development Standards: Lot Area**. However, the minimum base standards to develop a property must be met. Each unit must also meet the minimum square footage

Development Standards LDR Table 4.4.13(C)	Required	Approved Site Plan
Lot Width	20 ft. min.	125 ft.
Lot Area	2,000 sf. min.	59,406 sf.
Civic Open Space	2,564 sf	2,586 sf

requirements, which are based on the number of bedrooms to ensure that quality dwelling units are provided. The Development Standards applicable to multi-family development in the CBD zoning district, which were approved by SPRAB, are provided in the chart above.

**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.*

The approved Class V Site plan application (2020-157) was determined to be sufficient with regards to this standard.

*(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 is provided at the north and south sides of the proposed development from the motorcourt, and driveways are provided on the east and west sides of the property off of the motorcourt. A sidewalk will be provided along Federal Highway.

*(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, but the civic open space and recreation tracts contribute to this requirement.

*(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.*

Not applicable. Street widening is not proposed. Right-of-way dedications to both the City and FDOT are provided.

*(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.*

The Class V Site plan application (2020-157) is associated with the construction of a 30-unit townhome development located at 375 & 395 NE 6th Avenue. The townhomes are composed of 5, four-story buildings with units that contain three to four bedrooms, a private elevator, individual terraces, and accessible roof decks. The proposal also includes civic open space, private pool, paved sidewalks, 9 new on-street parallel parking spaces, an interior paved drive-aisle, and landscaping.

*(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 floor plans have 3 and 4 bedrooms, which may serve diverse family compositions, but a range of incomes is not anticipated in this luxury housing product.

*(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 Highland Park Townhomes will be built at a density of 22 dwelling units per acre, consistent with CBD zoning. The three

driveways will aid in limiting the intensity of traffic on the neighboring properties as there are multiple options for ingress/egress.

- (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 internal traffic circulation was approved as part of the Class V site plan. Inasmuch as the subject properties were previously vacant, an increase in traffic is anticipated, the applicant obtained a Traffic Performance Standards (TPS) approval letter from Palm Beach County. The properties are located within the City Traffic Concurrency Exception Area (TCEA) and is therefore exempt from the PBC TPS.

- (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.*

A pool is approved in the Recreation Tract as part of the approved site plan.

- (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 site plan provides 30 townhome units with a density of approximately 22 dwelling units per acre; the maximum standard density under CC land use is 30 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, prior to scheduling for City Commission hearing.

#### Options for Board Action

##### Preliminary Plat

- A. Approve the Preliminary Plat, "**Highland Park Townhomes**", associated with the creation of 30 fee-simple lots, for the properties currently addressed as 375 and 395 NE 6<sup>th</sup> 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, "**Highland Park Townhomes**", associated with the creation of 30 fee-simple lots, for the properties currently addressed as 375 and 395 NE 6<sup>th</sup> Avenue, 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, "**Highland Park Townhomes**", associated with the creation of 30 fee-simple lots, for the properties currently addressed as 375 and 395 NE 6<sup>th</sup> 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 "**Highland Park Townhomes**", associated with the creation of 30 fee-simple lots, for the property currently addressed as 1375 and 395 NE 6<sup>th</sup> 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

☒ Courtesy Notices are not applicable.

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