

# SITE PLAN REVIEW AND APPEARANCE BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** January 11, 2017

**ITEM:** **Patio Beach Delray** - Class III Site Plan Modification associated with construction of a 2<sup>nd</sup> story building addition for one unit (#6) within an existing one-story 10-unit condominium development.

**RECOMMENDATION:** **Approve** the Class III Site Plan Modification, Landscape Plan and Architectural Elevations subject to the conditions identified in the attached staff report.

#### GENERAL DATA:

Agent..... Steve Siebert

Applicant..... Paul Pinto

Owner..... Paul Pinto, John Pinto, Marc Pinto

Location..... Southeast corner of Bay St. and Gleason St.

Property Size..... 23,152 sq. ft. (0.53 acre)

Current FLUM..... MD (Medium Density Residential – 5 to 12 dwelling units per acre)

Current Zoning..... RM (Multiple Family Residential – Medium Density)

Adjacent Zoning...North: RM (Multiple Family Residential – Medium Density)

South: RM (Multiple Family Residential – Medium Density)

East: RM (Multiple Family Residential – Medium Density)

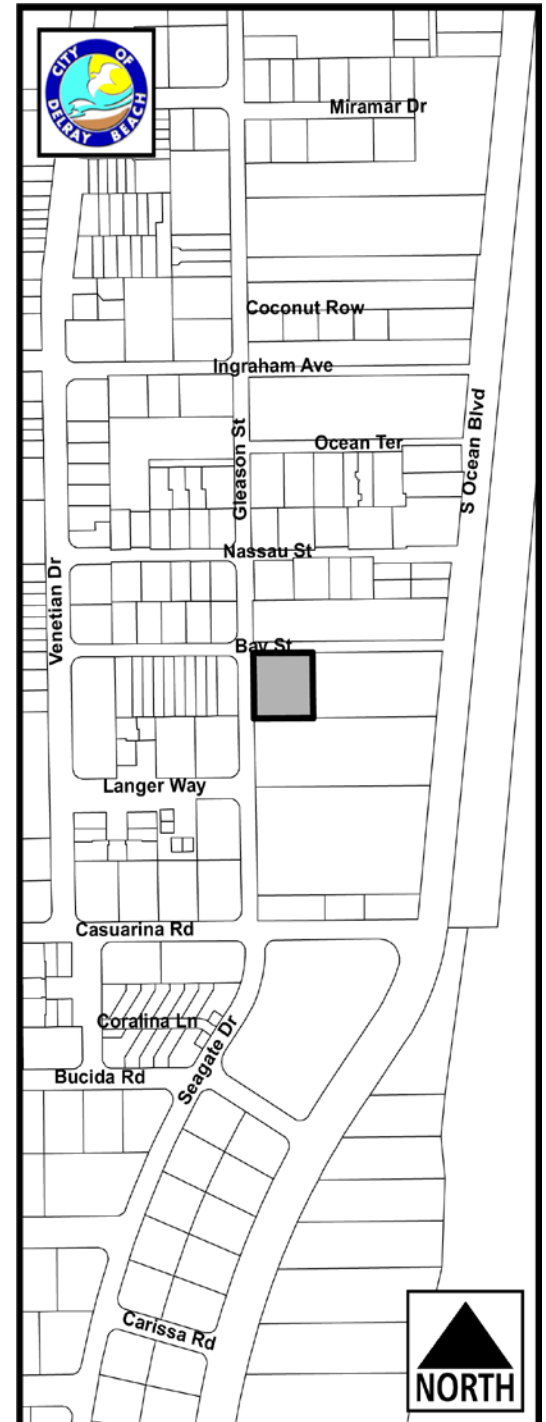
West: RM (Multiple Family Residential – Medium Density)

Existing Land Use..... Multi-family Residential

Proposed Land Use..... No Change

Water Service..... Existing On-Site

Sewer Service..... Existing On-Site



## ITEM BEFORE THE BOARD

The item before the Board is approval of a Class III Site Plan Modification for **Patio Beach Delray**, pursuant to Land Development Regulations (LDR) Section 2.4.5(G)(1)(c). The request involves the following elements:

- ☐ Site Plan;
- ☐ Landscape Plan; and,
- ☐ Architectural Elevations

The property is located at the southeast corner of Bay Street and Gleason Street.

## BACKGROUND

The subject property measures 23,152 sq. ft. (0.53 acre) and currently contains an existing 10-unit 1-story condominium development which was constructed in 1950. It is zoned RM (Multiple Family Residential – Medium Density), with an MD (Medium Density Residential – 5 to 12 Dwelling Units Per Acre) Future Land Use Map (FLUM) designation.

In 1950, the front of the property was determined to be Gleason Street and the existing setbacks were constructed according to the City Ordinance. With the adoption of the City of Delray Beach Land Development Regulations on October 1, 1990, the site was subject to RM Zoning District standards.

On November 3, 1998, the City Commission adopted Ordinance 43-98, which established the legal front of the property as Bay Street. This created an existing nonconformity for the subject property. It is noted that the applicant requested relief from the development standards in effect at the time that the site was constructed (i.e. 15' side setback).

On January 21, 2016, the Board of Adjustment (BOA) approved a variance to allow the 9.85' existing rear setback to remain, whereas a 25' rear setback is required.

On March 23, 2016, the Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan Modification proposal to construct a 2<sup>nd</sup> story building addition for four units within an existing one-story 10-unit condominium development.

Now before the Board for consideration is another Class III Site Plan Modification proposal to construct a 2<sup>nd</sup> story building addition for one additional unit (#6) within an existing one-story 10-unit condominium development.

## PROJECT DESCRIPTION

The development proposal consists of the following:

- Construction of a 2<sup>nd</sup> story addition for one existing 1-story one bedroom unit (Unit #6)
- Upper level floor plans for additional bedroom and bathroom serving the unit
- Construct 1 additional parking space to a prior-approved 10-space parking row
- Architectural elevation changes for affected condominium (Unit #6)
- Associated minor landscaping modifications

## SITE PLAN ANALYSIS

### **COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:**

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

### **LDR Section 4.3.4(K) Development Standards Matrix:**

The following table indicates that the proposal complies with LDR Section 4.3.4(K), as it pertains to the RM (Multiple Family Residential – Medium Density) zoning district:

<u>Zoning</u> <b>RM</b> (Medium Density – Multiple Family Residential)	<u>Required</u> (1&2/3*)	<u>Existing</u> (1&2/3*)
<i>Building Setbacks (min.):</i> - Front (north)	25'/30'	23.61'
Side Interior (east)	15'/30'	9.89'
Side Street (west)	25'/30'	24.85'
Rear (south)	25'	9.85'
<i>Maximum Lot Coverage:</i>	40%	22.73%
<i>Open Space:</i>	25%	36%
<i>Building Height (max.):</i>	35'	22.5'
<i>Minimum Floor Area: (8 Existing) Efficiencies</i>	400 sq. ft.	390 sq. ft.
(2 Existing) 1BR	600 sq. ft.	590 sq. ft.
(1 Proposed) 2BR	900 sq. ft.	590 sq. ft.
<i>Maximum Density:</i>	6-12 units/acre	18 units/acre
<i>Min. Lot Size (sq. ft.)</i>	8,000 sq. ft.	23,152 sq. ft.
<i>Min. Lot Frontage (ft.)</i>	60 sq. ft.	304 sq. ft.
<i>Min. Lot Width (ft.)</i>	60 sq. ft.	150 sq. ft.
<i>Min. Lot Depth (ft.)</i>	100 sq. ft.	154 sq. ft.

\*1&2/3 = 1<sup>st</sup> and 2<sup>nd</sup> Story/ 3<sup>rd</sup> Story. There is an additional 5' setback for the 3<sup>rd</sup> story. (not applicable for this proposal)

The proposal includes conversion of 1 existing 590 sq.ft. 1BR to a 900 sq.ft. 2BR unit, increasing the unit size by 310 sq.ft. to construct a 2BR, and remove the existing nonconformity.

### **LDR Section 4.4.6(F)(2) – Density Allowances:**

LDR Section	Lot Size	Base Density	Base Units	Max. Density	Max. Units	Actual Density	Actual Units
4.4.6(H)(1)	0.53 acre	6 du/ac	3.0	12 du/ac	6.0	18 du/ac	10.0

The existing Patio Beach Delray 10-unit condominium development is an existing nonconforming use within the RM (Multiple Family Residential – Medium Density) Zoning District with respect to density. The current zoning allows multiple family residences up to 12 units per acre. The existing site currently contains 10 units on a 0.53 acre site which comprises 18 units per acre.

Performance standards (LDR Section 4.4.6(I)(a. thru g.) are applicable to proposed new developments pursuant to LDR Section 4.4.6(H)(1) for densities proposed over the standard 6 units per acre. Since the 10-unit condominium development exists and no new units are proposed, a review of the performance standard is not deemed necessary.

#### **LDR Chapter 4.6 Supplementary District Regulations:**

##### **Vehicle Parking:**

Pursuant to LDR Section 4.6.9(C)(2)(c), two or more bedroom dwelling units shall provide two spaces per unit and one-half a space of guest parking. There are a total of ten residential units and sixteen parking spaces exists which back out onto the adjacent rights-of-way. With the proposed improvements, the parking requirement for the site will be nineteen spaces. Nineteen parking spaces are proposed. The development proposes to restripe a prior-approved 10-space parking row to obtain 1 additional parking space. Therefore, the parking requirement will be met.

##### **Bicycle Parking:**

LDR Section 4.6.9(C)(1)(c) and Transportation Element Policy D-2.2 of the Comprehensive Plan recommend that a bicycle parking facility be provided. New bicycle racks are proposed. Thus, this LDR requirement is met.

#### **LDR Section 6.1.3(B) - Sidewalk Requirements:**

Bay Street: At its meeting on Thursday, January 7, 2016, the Development Services Management Group (DSMG) determined that payment of in-lieu fees instead of sidewalks is necessary for the existing 150' of frontage. The estimated in-lieu cost is \$6,000 at \$8 per sq. ft. for a 5' sidewalk. This remittance is required prior to issuance of a building permit.

Gleason Street: At its meeting on Thursday, January 7, 2016, the Development Services Management Group (DSMG) determined that payment of in-lieu fees instead of sidewalks is necessary for the existing 154.4' of frontage. The estimated in-lieu cost is \$6,176 at \$8 per sq. ft. for a 5' sidewalk. This is also required prior to issuance of a building permit.

### **LANDSCAPE PLAN ANALYSIS**

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 Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3(C). A proposed landscape plan has been submitted and evaluated by the City's Senior Landscape Planner and deemed to be in compliance. Based upon these findings, the proposed development can be found in compliance with applicable requirements of LDR section 4.6.16.

## ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to LDR Section 4.6.18(E), 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.

The development includes 10 existing one-story condominium units. Only 5 of the 10 existing units will be affected with the current proposal to construct a 2<sup>nd</sup> story addition for existing efficiency units fronting along Gleason Street. No architectural changes are proposed for the units along Bay Street.

The existing building is lacking architectural character and is mostly shielded from view by an existing enclosed, covered walkway made of white vinyl fencing with a blue canvas awning. The existing blue canvas awning is inconsistent with the proposed color scheme which is “Pure White” and “Cean Stone”. The proposed white standing seam metal roof covering the second story addition is architecturally compatible with the existing site. The proposed architectural elevations will contribute to the image of the City as a place of beauty, harmony, taste and high quality, once the conditions of approval have been met. It will not cause the nature of the local environment or evolving environment to materially depreciate in appearance and value. Based on the above, positive findings with respect to LDR Section 4.6.18(E) can be made.

## REQUIRED FINDINGS

**Pursuant to 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, 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:**

### **LDR Section 3.1.1(A) - Future Land Use Map:**

The subject property has a zoning designation of RM (Multiple Family Residential - Medium Density) and a MD (Medium Density 5-12 units/acre) Future Land Use Map designation. The zoning is consistent with the FLUM designation. Therefore, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM).

**LDR Section 3.1.1(B) - Concurrency:**

As described in Appendix “A”, a positive finding of Concurrency can be made as it relates to water and sewer, streets and traffic, drainage, parks and recreation, open space, solid waste, and schools.

**LDR Section 3.1.1(C) - Consistency:**

As described in Appendix “B”, a positive finding of Consistency can be made as it relates to Standards for Site Plan Actions.

**LDR Section 3.1.1(D) - Compliance with the Land Development Regulations:**

**Pursuant to LDR Section 2.4.5(F)(5), the approving body must make a finding that development of the property pursuant to the site plan 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.**

The following table indicates the zoning and land use of the properties surrounding the subject property:

	<b><i>Adjacent Zoning</i></b>	<b><i>Adjacent Land Use</i></b>
<b><i>North</i></b>	RM (Multiple Family Residential - Medium Density)	50-unit Condominium Development
<b><i>South</i></b>	RM (Multiple Family Residential - Medium Density)	41-unit Condominium Development
<b><i>East</i></b>	RM (Multiple Family Residential - Medium Density)	55-unit Condominium Development
<b><i>West</i></b>	RM (Multiple Family Residential - Medium Density)	10-unit Townhome Development

To the west is an existing 10-unit townhome development. To the south is an existing 41-unit condominium development. To the north is an existing 50-unit condominium development. To the east is an existing 55-unit condominium development. The proposed 10-unit multi-story townhome development will complement the existing fabric of the adjacent developments and significantly improve the aesthetic and property value of the existing site. Thus, the proposed change will not pose any adverse effect on the surrounding properties. Based upon the above, a positive finding can be made with regard to LDR Section 2.4.5(F)(5) that the site plan will be compatible and harmonious with adjacent and nearby properties.

**Comprehensive Plan Policies:**

A review of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies are noted:

**Future Land Use Element Objective A-1 - Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.**

The proposed 2<sup>nd</sup> story addition to the existing single-story 10-unit condominium development is appropriate and consistent with the surrounding area. There are existing multi-family residential developments on the adjacent properties to the north, south, east and west. Thus, the proposed addition to the existing Patio Beach Delray development can be deemed a compatible and appropriate use for this site.

**Housing Element Policy A-11.3: In evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

The proposed 2<sup>nd</sup> story addition to 5 out of 10 units in an existing condominium development should have a stabilizing effect by providing a quality residential development in an urban environment. Nuisances such as noise, odors, and dust will not be a factor to the adjacent residential uses. The traffic volumes will be minimal and can be accommodated by the surrounding road network. Thus, the proposal will not result in a degradation of, but will enhance adjacent neighborhoods.

#### **REVIEW BY OTHERS**

The development proposal is not located in an area which requires review by the Community Redevelopment Agency (CRA), the Downtown Development Authority (DDA), Pineapple Grove Main Street (PGMS) or West Atlantic Redevelopment Coalition (WARC).

#### **Public Notice:**

Formal public notice is not required. Any letters of objection and/or support for this site plan modification will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

#### **ASSESSMENT AND CONCLUSION**

The subject property is a 21,152 sq. ft. (0.53 acre) parcel containing an existing 10-unit condominium building (Patio Beach Delray) constructed in 1950. The development proposal includes construction of a 2<sup>nd</sup> story building addition for one of the existing efficiency units (#6) fronting on Gleason Street. This will decrease the existing nonconformity relative to unit size. No changes are proposed to the units fronting on Bay Street. The proposed architectural changes only affect the 5 units with the 2<sup>nd</sup> story addition. The increase in gross floor area (i.e. more than 25%) requires the entire site to be upgraded to meet current code requirements with respect to landscaping. A landscape plan has been provided and complies. There is no increase in the number of units. Thus, traffic patterns are anticipated to remain the same. Additionally, since the parking rows prohibit provision of a minimum 5' sidewalk, payment of

fees in-lieu of sidewalk construction is required prior to building permit issuance. Accordingly, the project is in compliance with the LDRs and Comprehensive Plan.

### ALTERNATIVE ACTIONS

- A. Move **postponement** of the Class III Site Plan Modification, Landscape Plan and Architectural Elevations for *Patio Beach Delray*, by electing to continue with direction.
- B. Move **approval** of the Class III Site Plan Modification, Landscape Plan and Architectural Elevations for *Patio Beach Delray*, by adopting the findings of fact and law contained in the staff report, and finding that the request is *consistent* with and meets criteria set forth in LDR Sections 2.4.5(G)(1)(c), 3.1.1 (Required Findings), 4.6.16 (Landscaping) and 4.6.18 (Elevations).
- C. Move **denial** of the Class III Site Plan Modification, Landscape Plan and Architectural Elevations for *Patio Beach Delray*, by adopting the findings of fact and law contained in the staff report, and finding that the request is *inconsistent* with and does not meet criteria set forth in LDR Sections 2.4.5(G)(1)(c), 3.1.1 (Required Findings), 4.6.16 (Landscaping) and 4.6.18 (Elevations).

### STAFF RECOMMENDATION

*By Separate Motions:*

Site Plan:

Move **approval** of the Class III Site Plan Modification for *Patio Beach Delray*, by adopting the findings of fact and law contained in the staff report, and finding that the request is *consistent* with and meets criteria set forth in LDR Sections 2.4.5(F)(5) and 3.1.1 (Required Findings).

Landscape Plan:

Move **approval** of the Landscape Plan for *Patio Beach Delray*, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 4.6.16 of the Land Development Regulations.

Architectural Elevations:

Move **approval** of the Architectural Elevations for *Patio Beach Delray*, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 4.6.18(E) of the Land Development Regulations.



## **APPENDIX “A” CONCURRENCY FINDINGS**

**Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:**

*Water and Sewer:*

- Water service is existing on site
- Sewer service is existing on site

Water and sewer services currently exist on site. Pursuant to the City’s Comprehensive Plan, treatment capacity is available at the City’s Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out.

*Streets and Traffic:*

A traffic statement or study was provided with the prior approval which indicates that the 10-unit condominium development meets traffic concurrency requirements. There is no increase in the number of units. Thus, traffic patterns are anticipated to remain the same.

*Parks and Recreation Facilities:*

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit is required to be collected prior to issuance of a building permit. Since all 10 units, including the 5 affected units already exists, this fee is not applicable. It should have already been paid with prior building permit issuance for construction of the existing development.

*Solid Waste:*

The existing 10-unit condominium residential use generates 5.2 tons of solid waste per year. Since the unit count has not changed, there will be no increase in solid waste per year. Further, the Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

*Schools:*

The Palm Beach County School District has previously approved the development proposal for compliance with the adopted Level of Service for School Concurrency. No additional written verification from the Palm Beach County School District is required.

*Drainage:*

Drainage is already accommodated on-site. There appears to be no existing draining problems and the proposed changes will not have a negative impact on existing conditions. Based upon the above, positive findings with respect to this level of service standard can be made.

<b>APPENDIX “B” STANDARDS FOR SITE PLAN ACTIONS</b>
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- 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           X          

Does not meet intent \_\_\_\_\_

- B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.**

Not applicable \_\_\_\_\_

Meets intent of standard           X          

Does not meet intent \_\_\_\_\_

- C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.**

Not applicable           X          

Meets intent of standard \_\_\_\_\_

Does not meet intent \_\_\_\_\_

- D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.**

Not applicable \_\_\_\_\_

Meets intent of standard           X          

Does not meet intent \_\_\_\_\_

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.**

Not applicable           X          

Meets intent of standard \_\_\_\_\_

Does not meet intent \_\_\_\_\_

- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.**

Not applicable \_\_\_\_\_

Meets intent of standard           X          

Does not meet intent \_\_\_\_\_

- G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.**

Not applicable \_\_\_\_\_  
Meets intent of standard     X      
Does not meet intent \_\_\_\_\_

- H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.**

Not applicable \_\_\_\_\_  
Meets intent of standard     X      
Does not meet intent \_\_\_\_\_

- 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     X      
Does not meet intent \_\_\_\_\_

- J. Tot lots and recreational areas, serving children from toddler to teens, 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     X      
Meets intent of standard \_\_\_\_\_  
Does not meet intent \_\_\_\_\_