## Planning, Zoning and Building Department

## BOARD ACTION REPORT - APPEALABLE ITEM

Project Name: 912 Palm Trail<br>Project Location: 912 Palm Trail<br>Request:<br>Class V Site Plan Modification Landscape Plan, and Architectural Elevations associated with the construction of 10 townhomes.<br>Board: Site Plan Review and Appearance Board<br>Meeting Date: April 12, 2017

## Board Action:

Approved (6-0) for site plan, landscape plan and architectural elevation changes associated with a Class V site plan modification for $\mathbf{9 1 2}$ Palm Trail with the conditions:

1. Pursuant to LDR Section $4.3 .3(\mathrm{O})(2)$ and $5.1 .3(\mathrm{~A})$, a plat and/or replat is required. Provide the separate application(s) and processing fee(s) required per LDR Section 2.4.3(K)(1)(1).
2. That a park impact fee of $\$ 500.00$ per unit ( $\$ 5,000$ total) be paid prior to the issuance of a building permit.
3. Sight Visibility Waiver is approved by the City Commission.
4. That a note be added to the plan prior to site plan certification that all service utilities be placed underground.
5. 
6. The Palm Trail street alley be corrected on the plans to reflect a 20 ' x 10 ' sight visibility.
7. That a landscape maintenance plan be executed.
8. Require landscaping around the transformers along Palm Trail.

## Project Description:

The development proposal consists of the following:

- Demolition of the two existing buildings
- Construct two fee simple townhome buildings with five units on each separately platted lot.
- Each individual unit is three bedroom town home (the under-air square footages for Unit "A" is 3,973 sq. ft., Unit "B" is 4,932 sq. ft. and Unit " $C$ " is 4,052 sq. ft.). All units will accommodate a two-car garage. Each unit will be three stories.
- Installation of a 6 ft . aluminum fence with a $3^{\prime} \times 6^{\prime}$ gate in a bronze finish.
- Installation of grade level pools.
- Installation of associated landscaping.
- Waiver request.

Appealable Item Report

## Staff Recommendation:

Approval

## Board Comments:

none
Public Comments:
none

## Associated Actions:

Waiver Request for Sight Visibility to Commission
Next Action:
The SPRAB action is final unless appealed by the City Commission.

## SITE PLAN REVIEW AND APPEARANCE BOARD CITY OF DELRAY BEACH

MEETING DATE: April 12, 2017
ITEM:
RECOMMENDATION:

912 Palm Trail (2017-001) - Approval of a Class V Site Plan Modification and associated Landscape Plan, Architectural Elevations and Waiver request

Approval with conditions

GENERAL DATA:

| Applicant/Owner....................... | Shovel Ready <br> Projects, LLC |
| :---: | :---: |
| Agent.................................... | Richard Jones Architects Inc. |
| Location.. | Westside of Palm Trail north of George Bush Blvd. |
| Property Size.......................... | 0.953 acres |
| Future Land Use Map.............. | MD (Medium Density) |
| Current Zoning......................... | RM (Multiple Family Residential) |
| Adjacent Zoning...............North: | RM |
| East: | R-1-A (Single Family Residential) |
| South: | RM |
| West: | RM |
| Existing Land Use.................... | 13 Unit Multiple Family Development |
| Proposed Land Use.............. | Two townhome units with 5 units each |
| Water Service...................... | Existing on site via an 6 " water line in the Palm Trail, McKee Lane and Witherspoon Lane right of way. |
| Sewer Service..................... | Existing on site via an 8" water line throughout the neighborhood. |



The item before the Board is the approval of a Class $V$ Site Plan Modification and associated Landscape Plan, Architectural Elevations and Waiver request for 912 Palm Trail, pursuant to Land Development Regulations (LDR) Section 2.4.5(F)(1)(a).

## BACKGROUND

This project is located on Palm Trail north of George Bush Blvd between McKee Lane and Witherspoon Lane on two separate parcels, and consists of Kenmont First addition lots 8 to 11 inclusive according to plat therof as recorded in plat book 22, page 24 of the public records of Palm Beach. The property consists of 0.953 acres with 13 units and it is currently zoned (RM) Multiple Family. The existing structures were built in 1960.

## PROJECT DESCRIPTION

The development proposal consists of the following:

- Demolition of the two existing buildings
- Construct two fee simple townhome buildings with five units on each separately platted lot.
- Each individual unit is three bedroom town home (the under-air square footages for Unit "A" is 3,973 sq. ft ., Unit " $B$ " is $4,932 \mathrm{sq}$. ft . and Unit " C " is $4,052 \mathrm{sq}$. ft .). All units will accommodate a two-car garage. Each unit will be three stories.
- Installation of a 6 ft . aluminum fence with a $3^{\prime} \times 6^{\prime}$ gate in a bronze finish.
- Installation of grade level pools.
- Installation of associated landscaping.
- Waiver request.


## SITE PLAN ANALYSIS

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

LDR Section 4.4.6 RM Zone District:
Pursuant to LDR Section 4.4.6; the Medium Density Residential (RM) District provides a residential zoning district with flexible densities having a base of six units per acre and a maximum of twelve units per acre for this property. The actual density of a particular RM development is based upon its ability to achieve certain performance standards which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses. Further, the Medium Density Residential District provides for implementation of those objectives and policies contained within the Housing Element of the Comprehensive Plan which call for accommodating a variety of housing types.

LDR Section 4.4.6(I) Performance Standards:
Pursuant to LDR Section 4.4.6(I), the following standards shall apply to all site plans approved subsequent to October 7, 1997, and for modifications to existing developments which involve the creation of additional residential units. In order 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. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. For example, if a project meets or exceeds all of the standards, and is otherwise consistent with applicable standards and policies of the City's Comprehensive Plan and Land Development Regulations, the maximum density is permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. The performance standards are as follows:

The density of the overall development is 10.5 units per acre, which requires a finding of substantial compliance with all applicable Performance Standards since it exceeds six units per acre. The following are the specific Performance Standards with an analysis of each:
a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exists into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.

Analysis
This performance standard applies to larger developments that include an interior road network. Thus, this performance standard is not applicable.
b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.
Analysis
The proposed three story residential development is designed with a 25 ' side setback on each side which reduces the overall massing and provides a feeling of open space between the subject development and the adjacent properties. There is an additional 5' front setback and interior side setback for the 3rd story which reduces overall massing and provides a level transition from second to third level. The middle unit is staggered 5' to 8' from the end unit to help reduce the building frontage size while providing an individual entrance for each residence. Each unit has a functional outdoor area which includes a ground swimming pool, open space and landscape area. Based on the above, a finding of compliance can be made.
c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least $25 \%$ of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by $25 \%$ or more; and a hedge, wall or fence is provided as a visual buffer between the properties.

## Analysis

The proposed development is surrounded to the north and south by RM (Multiple Family Residential - Medium Density) zoning designated properties; to the west and north by RL (Multiple Family Low Density) and to the east by R-1-A, single family homes, the current land use for surrounding properties varies from 5 to 10 unit condominium developments; the performance standard does not apply to the R-1-A to the east nor the the RL to the north as it is separated by a street and alley. The setback must be increased only on the west side of the north parcel by $25 \%$ which would be 31.25 ' and the proposal is $25^{\prime} 1^{\prime \prime}$, thus not meeting this
standard. However, there is a $6^{\prime}$ garden proposed along the west side with a lush underground landscaping, a 5' Podocarapus Hedge and twenty eight 16' Areca Palms. Therefore, the performance standard partially meets the required setback.
d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.

## Analysis

There are 5' offsets found at ground level and each townhome has an open air terrace, ground level pool, courtyard, 2 story interior volumes at the front entry's and varied window shapes and designs. Based on the above, the development proposal complies with this requirement.
e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans.

## Analysis

Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans. This will provide opportunities that may be attractive to families. The project consists of five units per building. Yet of the 5 total there are three unique unit plans. Each unit plans unique configuration is based on its unique stair and elevator layout. There are three 2 bedroom floor plans and three upper levels with a bedroom, a club room and an open terrace. Due to square footage size of these units it is impractical to have one bedroom or two bedroom units. Therefore, this performance standard is not applicable.
f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.

## Analysis

Each of the 5 units per building will have lush landscaped private backyards and private swimming pools. In addition, the middle unit will have a landscape private courtyard. Since this standard is for larger projects, it does not apply to smaller in-fill developments. Therefore, this performance standard is not applicable.
g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.

## Analysis

The project is proposing new concrete sidewalks on all three sides of each building; this adds to the bicycle/pedestrian network of the area and enhances the walkability of the neighborhood and the access to the very close A1A. However, this standard pertains to larger developments and not in-fill projects. Therefore, this performance standard is not applicable.

## Summary

In conclusion, a finding of compliance can be made to (b) and (d) and partially to (c). With respect to (a), (e), (f), and (g) each of the standards is not applicable to the project. Pursuant to section 4.4.6(I)(2), it is acknowledged that some of the above referenced standards may not be entirely, applicable to small infill type residential projects. For those types of projects, the ultimate density should be based on the attainment of those standards which are applicable, as well as the developments ability to meet or exceed other minimum code requirements.

## LDR Section 4.4.6 (H) (Special Regulations - RM zone district):

Pursuant to LDR Section 4.4.6(H)(3) recreational areas shall be required for all new rental apartment developments, and of owner occupied developments which have homeowner associations that must care for retention areas, private streets, or common areas. New developments must include recreational features that are designed to accommodate activities for children and youth of all age ranges. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, is not considered to meet this requirement. Projects having fewer than twenty-five (25) units may be exempted from this standard where it is determined by the approving body that it is not practical or feasible to comply.

This development will consist of two buildings of five fee-simple townhouse owner-occupied units. The development will not have a homeowners association as there is no retention, private streets or common areas. As there are only five units per building it is not practical to require a common tot lot or recreation area/swimming pool. It is noted that the proposal includes the construction of individual swimming pools for each unit. There is a City owner pocket park located to the north in the La Hacienda neighborhood that could easily be accessible by bicycle and the beach and downtown is also in walking distance. Based upon the above, compliance with this code requirement has been achieved.

## LDR Section 4.3.3(O) (Townhouse Design Standards):

As described below, the development proposal complies with the design standards for townhouse developments outlined in LDR Sections 4.3.3(O)(4)(a) through (d):
a) No more than two townhouses may be constructed without providing a front setback of no less than 4' offset front to rear.

The purpose of this requirement is to prevent a long linear appearance. The front setback for the proposed development is along Palm Trail for both the South and North Parcel. A 10' off-set is provided for the units located along Palm Trail and additional 8' for the middle unit.
b) No townhouse row shall consist of more than 8 units or a length of $200^{\prime}$.

The townhouse row consists of 2 units with one in the middle and is $125^{\prime}$ in length, thus meeting this code requirement.
c) Service features, garages, parking areas, and entrances to dwelling units shall, whenever possible, is located on a side of the individual lot having access to the interior street. Walkways should be designed to connect dwelling units with each other and connect each dwelling unit with common open space.

This standard applies to large townhouse developments, and does not apply in this in-fill situation.
d) Not less than $25 \%$ of the total area, less water bodies, shall be usable open space, either for recreational or some other suitable purpose, public or private.

The basis for this standard is to assure that larger residential developments provide adequate recreational amenities. With smaller developments, provision of these amenities is not considered financially feasible, and the required contribution of $\$ 500.00$ per unit (park impact fee) is considered adequate. It is noted, however, that the South parcel $30.75 \%$ of the site will be landscape/open space area and the North parcel $31.17 \%$ of of the site will be landscape/open space area.

## Platting:

LDR Section 4.3.3(O)(2) and 5.1.3(A) (Plat required) states that each townhouse, or townhouse type development shall be platted. The plat must be recorded prior to issuance of any building permits, and this is attached as a technical item in Appendix "A."

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:

South Parcel

| Zoning | $\frac{\text { Required }}{\left(1 \& 2 / 3^{*}\right)}$ | $\frac{\text { Proposed }}{\left(1 \& 2 / 3^{\star}\right)}$ |
| :---: | :---: | :---: |
| Building Setbacks (min.): - Front (east) | 25'/30'* | 25'-5"/30'-51/2" |
| Interior Side | 15'/30** | N/A |
| Side Street (north) | 25'/30'* | 25'3"/30'1" |
| Side Street (south) | 25'/30* | 25'2"1/2/30-0" |
| Rear(west) | 25-0" | 25'-1" |
| Maximum Lot Coverage: | 40\% | 34.11\% |
| Open Space: | 25\% | 30.75\% |
| Building Height (max.): | $35^{\circ}$ | 35' |
| Minimum Floor Area: $3 B R$ (Unit A) | 1,250 sq. ft. | 3,973 sq. ft. |
| $3 B R$ (Unit B) | 1,250 sq. ft. | 4,932 sq. ft. |
| $3 B R$ (Unit C) | 1,250 sq. ft. | 4,051 sq. ft. |
| Minimum/Maximum Density:** | 6-12 units/acre | 5 units (10.5 units/acre) |
| Min. Lot Size (sq.ft.) | 8,000 sq. ft. | 20,744 sq. ft. |
| Min. Lot Frontage (ft.) | 60 ft . | 128.55 ft . |
| Min. Lot Width (ft.) | 60 ft . | 128.55 ft . |
| Min. Lot Depth (ft.) | 100 ft . | 149.92/187.05 ft. |

## North Parcel

| $\begin{array}{\|l} \hline \text { Zoning } \\ \text { RM (Medium Density - Multiple Family Residential) } \end{array}$ | $\frac{\text { Required }}{\left(1 \& 2 / 3^{\star}\right)}$ | $\frac{\text { Proposed }}{\left(1 \& 2 / 3^{\star}\right)}$ |
| :---: | :---: | :---: |
| Building Setbacks (min.): - Front (east) | 25'/30'* | 25'-5"/30'-51/2" |
| Interior Side | 15'/30'* | N/A |
| Side Street (north) | 25'/30'* | 25'6"/30'4" |
| Side Street (south) | 25'/30* | 25'2"1/2/30-0" |
| Rear(west) | 25-0" | 25'-1" |
| Maximum Lot Coverage: | 40\% | 34.03\% |
| Open Space: | 25\% | 31.17\% |
| Building Height (max.): | $35^{\prime}$ | 35' |
| Minimum Floor Area: 3BR (Unit A) | 1,250 sq. ft. | 3,973 sq. ft. |
| 3BR (Unit B) | 1,250 sq. ft. | 4,932 sq. ft. |
| 3BR (Unit C) | 1,250 sq. ft. | 4,051 sq. ft. |
| Minimum/Maximum Density:** | 6-12 units/acre | 5 units (10.5 units/acre) |
| Min. Lot Size (sq.ft.) | 8,000 sq. ft. | 20,7786 sq. ft. |
| Min. Lot Frontage (ft.) | 60 ft . | 128.89 ft . |
| Min. Lot Width (ft.) | 60 ft . | 128.89 ft . |
| Min. Lot Depth (ft.) | 100 ft . | 149.84/187.05 ft. |

* $1 \& 2 / 3$ = 1st and 2nd Story/ 3rd Story. There is an additional 5' front setback and 15' interior side setback for the 3rd story.
**Performance standards are applied to density requests over the min. six (6) units per acre.


## 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 five residential units per buildings and fifteen parking spaces are provided. The parking requirement for the site is ( 10 units $\times 2$ spaces $=20$ spaces/guest space 10 units $\times .05=5$ spaces. This is an overall requirement of 25 spaces.) The development proposes one standard guest space in front of the two-car garage for each unit. Thus, there is a parking surplus of five spaces for the overall site. Therefore, the parking requirement is met.

## Pool Setbacks:

LDR Sections 4.6.15(G)(1), a minimum ten foot (10') setback is required for swimming pools located in the rear, interior or side street setback areas. Swimming pools shall not extend into the front setback area noted in Section 4.3.4(K).

The swimming pools are all located in the rear (west side) and side interiors (north and south) the required setback of 10 feet is met.

## Sight Visibility Triangles:

Pursuant to LDR Section 4.6 .14(B)(1), when an access way intersects a public right-of-way, triangular areas shall provide unobstructed cross-visibility. The area on both sides of a driveway formed by the intersection of a driveway and a street with a length of ten (10) feet along the driveway, a length of 10' along the street right-of-way and the third side being a line connecting the ends of the other two lines. Visibility triangles for the three access driveways along the street rights-of-way have been depicted and comply with this LDR requirement.

Pursuant to LDR Section 4.6.14(B)(2) is the area formed by the intersection of an alley and a street with a length of 10 ' along the alley right-of-way, a length of 20 along the street right of way, and the third side being a line connecting the ends of the other two lines.

The north parcel intersects an alley way in which only a 10' sight visibility is shown on Palm Trail. As a condition of approval, the plans must indicate a 20' sight visibility on Palm Trail prior to certification.

Pursuant to LDR Section 4.6.14(B)(6), in all other situations, the area of property located at a corner formed by the intersection of two or more public rights of way with two sides of the triangular area being 40' in length along the abutting public right of way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.

The south parcel is showing the only required $40^{\prime} \times 40^{\prime}$ required sight visibility triangle located on the corner of Palm Trail and Witherspoon Lane. The sight visibility triangle located on Palm Trail and McKee Lane and Palm Trail and the north Parcel of Palm Trail and Witherspoon Lane have only proposed 25 ' x $25^{\prime}$ sight visibility triangles. Thus the applicant is seeking a waiver from this section of the code.

## WAIVER ANALYSIS

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding that the granting of the 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; and
(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.

The elimination of the $40^{\prime} \times 40^{\prime}$ sight visibility triangle located at the corner of the property on the south parcel of (McKee and Palm Trail) and the north parcel of (Witherspoon and Palm Trail) for 912 Palm Trail will not negatively affect traffic flow, nor present a danger to vehicular traffic or pedestrians. The property is zoned RM and is adjacent to R-1-A and is not highly traveled. Granting the requested waiver will not have an adverse effect on the neighboring area, diminish the provision of public facilities, or create and unsafe situation. This waiver would also be
supported under similar circumstances and therefore will not result in the granting of a special privilege. Subsequently, a positive finding with respect to LDR Section 2.4.7(B)(5) can be made.

## Right-of-Way:

Pursuant to LDR Section 5.3.1(D)(2), the required right-of-way width for a local street without curb and gutter is $60^{\prime}$ and alleys are $20^{\prime}$. The right-of-way width for Palm Trail, McKee Lane and Witherspoon Lane is 50'. At its meeting of February 9, 2017, the Development Management Service Group (DSMG) approved a reduction of the required right-of-way from 60' to the existing 50'. In addition, August 11, 2016, DSMG granted a 2.5 ' reduction for the alley way on the northern portion of this project. Therefore no additional dedication of right-of-way is required.

## Sidewalk:

Pursuant to LDR Section 6.1.3(B)(1), a 5 ' to $8^{\prime}$-wide sidewalk is required along all sides of the street for medium and high density residential Areas. As depicted on the plans, the applicant has opted to build a 5 ' wide sidewalk.

## Undergrounding of Utilities:

Pursuant to LDR Section 6.1.8, utility facilities serving the development shall be located underground throughout the development. All utilities lines that will serve the subject development shall be placed underground. A condition of approval is attached that a note be added to the plan prior to site plan certification that all service utilities be placed underground.

## LANDSCAPE 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 landscape plan has been submitted, evaluated and recommended for approval by the City Senior Landscape Planner.

The proposed landscaping consists of a mixture of shrubs, trees, and groundcover. The landscaping being provided is more than adequate pursuant to LDR section 4.6.16. There will a minimal removal of trees and the relocation of some sabal and coconut palms. There are proposed trees outside of the property line which will require a landscape maintenance agreement prior to certification of the plans.

## ARCHITECTURAL ELEVATIONS

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered, by the Site Plan Review and Appearance Board (SPRAB), 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 proposal consists of the construction of two three-story townhome buildings with two car garages. There are five units on two separate parcels. The building is a Modern Architectural style with cantilevered balconies, horizontal aluminum bronze finished railings, vertical windows with clear glass and bronze frames.

The (vertical accents) will be Resysta Veneer and the columns are a Purtain Gray. The walls are a smooth stucco in Extra White. The design incorporates parapet walls with flat roofs and upper terraces with the middle units containing a courtyard.

The two car garages are Resysta Veneer and face the right-of-way with a 20 ' x 8' pool in the required 10' setback enclosed with a 6' garden wall and 3' x 6' aluminum gate in bronze finish; each wall contains a decorative horizontal bronze finish railing.

The proposed architectural elevations present design elements that will contribute to the image of the residential area by introducing a development that will maintain the architectural harmony, compatibility and quality of the neighborhood. 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 2.4.5(F)(1)(a), Class V Site Plan Modification, a new application for development of vacant land, or for modification of a developed property when no valid site plan of record exists and which requires full review of Performance Standards found in Section 3.1.1.

Pursuant to 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. These findings relate to the following areas:

Section 3.1.1 (A), Future Land Use Map: The subject property has a Future Land Use Map designation of MD (Medium Density Residential), and is zoned RM (Medium Density Residential). Pursuant to LDR Section 4.4.6(B)(3), within the RM zoning district, multiple family structures up to 12 units per acre are allowed as a permitted use, subject to compliance with the performance standards of LDR Section 4.4.6(I). Since compliance with the Performance Standards has been provided, the proposed density increase to 10.5 units per acre is permitted and appropriate.

Section 3.1.1 (B), Concurrency: As described in Appendix A, a positive finding of concurrency can be made as it relates to water, streets and traffic, sewer, drainage, parks and recreation, open space, and solid waste.

Section 3.1.1 (C), Consistency (Standards for Site Plan Actions): As described in Appendix B, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.

Section 3.1.1 (D), Compliance with the Land Development Regulations: As described under the Site Plan Analysis Section of this report, a positive finding of compliance with the Land Development Regulations can be made, subject to compliance.

Section 2.4.5 (F)(5), Compatibility (Site Plan Findings): 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.

Compatibility is not a concern, as similar uses exist on surrounding properties. This multiple family development will be compatible and harmonious with the adjacent and nearby properties and should enhance property values in the area.

Comprehensive Plan Policies: A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable policies and objectives 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 two three-story townhome building development is appropriate and consistent with the surrounding area. There are existing multi-family residential developments on the adjacent properties to the north, south and west. Thus, the proposed 912 - 914 Palm Trail development can be deemed a compatible and appropriate use for this site.

Housing Element Policy A-12.3: 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.

There are existing multi-family residential developments on the adjacent properties to the north, south and west. 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 negatively impact the stability of the adjacent residential areas.

Housing Element Objective B-2: 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 this Element. Policies, which will implement this objective, include:

Housing Element Policy B-2.2: The development of new adult oriented communities within the City is discouraged. New housing developments shall be designed to accommodate households having a range of ages, especially families with children, and shall be required to provide 3 and

4 bedroom units and activity areas for children ranging from toddlers to teens. This requirement may be waived or modified for residential development located in the downtown area, and for infill projects having fewer than 25 units.

The project will contain ten 3-bedroom units. Thus, the proposed development complies with this policy.

## NOTICES

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).

Courtesy notices have been sent to the following homeowner's and/or civic associations:

- La Hacienda
- Palm Trail
- Seacrest Neighborhood
- Beach Property Owners, Association, Inc.
- Del Ida Park Association

Letters of objection or support, if any, will be presented at the SPRAB meeting.

## ASSESSMENT AND CONCLUSION

The property consists of 0.953 acres with 13 units and it is currently zoned (RM) Multiple Family. The existing structures were built in 1960. The development proposal consists of the demolition of the two existing buildings and the construction of two fee simple townhome units on separately platted lots. Each individual unit will be a three bedroom town home (the underair square footages for Unit " $A$ " is 3,973 sq. ft ., Unit " $B$ " is $4,932 \mathrm{sq}$. ft . and Unit " C " is $4,052 \mathrm{sq}$. ft .). All units will accommodate a two-car garage and swimming pool with a garden wall. The Modern Architectural style of the multi-family building will be aesthetically pleasing, a visual asset and is compatible with existing multi-family developments on adjacent properties to the north, south, and west. The development substantially meets the performance standards in LDR Section 4.4.6. The applicant is seeking a waiver to LDR Section 4.6.14(B)(1); Sight Visibility. Based upon this report including all findings, the proposed development can be found in compliance with applicable requirements in the Land Development Regulations as analyzed in this report with the recommendation of the waiver request to the City Commission.

## ALTERNATIVE ACTIONS

A. Continue with direction.
B. Move approval of the Class V Site Plan Modification, Landscape Plan, and Architectural Elevations and waiver request for sight visibility for 912-914 Palm Trail, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 2.4.7(F)(5), LDR Section 2.4.7(B)(5), Chapter 3, Section 4.6.16, and 4.6.18(E).
C. Move denial of the Class V Site Plan Modification, Landscape Plan and Architectural Elevations and waiver request for sight visibility for 912 - 914 Palm Trail, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in LDR Section 2.4.5(F)(5), LDR Section 2.4.7(B)(5), Chapter 3, Section 4.6.16, and 4.6.18(E).

## STAFF RECOMMENDATION

By Separate Motions:

## Waiver Request:

Move to recommend approval to the City Commission of the waiver to LDR Section 4.6.14(B)(1) to allow the sight visibility triangles located on Palm Trail and McKee Lane and Palm Trail and the north Parcel of Palm Trail and Witherspoon Lane to exist at $25^{\prime} \times 25^{\prime}$, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations.

## Site Plan

Move approval of the Class V Site Plan Modification for 912-914 Palm Trail, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the following conditions:

1. Pursuant to LDR Section 4.3.3(O)(2) and 5.1.3(A), a plat and/or replat is required. Provide the separate application(s) and processing fee(s) required per LDR Section 2.4.3(K)(1)(I).
2. That a park impact fee of $\$ 500.00$ per unit ( $\$ 5,000$ total) be paid prior to the issuance of a building permit.
3. Sight Visibility Waiver is approved by the City Commission.
4. That a note be added to the plan prior to site plan certification that all service utilities be placed underground.

## Landscape Plan

Move approval of the Landscape Plan for 912 - 914 Palm Trail, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 4.6.16 of the Land Development Regulations, subject to the condition that a landscape maintenance plan be executed.

## Architectural Elevations

Move approval of the Architectural Elevations for 912-914 Palm Trail, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 4.6.18(E).

## 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 can be provided to the site through an existing 6 " water main along Palm Trail, McKee lane and Witherspoon Lane. There are also several existing 8" sewer lines throughout the neighborhood which can service the new residential units. The Comprehensive Plan states that adequate water and sewer treatment capacity exists to meet the adopted level of service standard at the City's build-out population based on the current FLUM.

Streets and Traffic: A traffic statement through Palm Beach County Traffic Division was provided on November 29, 20-16 it has been determined the proposal development does not have significant peak hour traffic impact on the roadway network and therefore meets the Traffic Performance Standards of Palm Beach County.

Parks and Recreation Facilities: Pursuant to Land Development Regulations (LDR) Section 5.3.2, a park impact fee of $\$ 500.00$ per dwelling unit will be collected prior to issuance of a building permit for each unit. Based upon the proposed units, a park impact fee of $\$ 5,000$ will be required.

Solid Waste: The subject property will consist of 10 new units. Based on a waste generation rate of 0.52 tons per year for apartment and townhome units, the new units will generate an additional 73.63 tons of solid waste per year will result in a property total of 5.2 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2048.

Schools: The Palm Beach County School District has approved the development proposal with respect to compliance with the adopted Level of Service for School Concurrency. Written verification was received on January 31, 2017.

## Drainage:

Preliminary engineering and drainage plans have been submitted with the proposed development. Drainage will be accommodated via an exfiltration trench system. Therefore, there appears to be no problems anticipated in accommodating on-site drainage. Based upon the above, positive findings with respect to this level of service standard can be made.

## APPENDIX B STANDARDS FOR SITE PLAN 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 | $\mathbf{X}$ |  |
| 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 |  |  |
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| Meets intent of standard |  |  |
| 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 $\quad \mid \quad \mathbf{x}$ |  |
| :--- | :--- | :--- |
| 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 | $\mathbf{X}$ |  |
| :--- | :--- | :--- |
| Meets intent of standard |  |  |
| 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. Vacant property shall be developed 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 |  | $\mathbf{x}$ |
| 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 |  |  |
| Does not meet intent |  |  |
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Page 2
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 | $\mathbf{X}$ |  |
| 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 |  |  |
| 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 $\mathbf{2 5}$ units.

| Not applicable | $\mathbf{x}$ |  |
| :--- | :--- | :--- |
| Meets intent of standard |  |  |
| Does not meet intent |  |  |



## Richard Jones ARCHITECTURE

December $21^{\text {st }}, 2016$

Planning and Zoning<br>City of Delray Beach<br>Attn: Jennifer Buce

## Re: Waiver from the 40' Sight Visibility Triangle <br> Project: 912 Palm Trail Townhomes

Dear Jennifer:
This letter is a waiver request pursuant to Section 2.4.7(B)(5) of the Delray Beach Land Development Regulations ("LDRs") involving the granting of relief from LDR Section 4.6.14(B)(6) to allow for a reduction in the required $40^{\prime}$ sight visibility triangle from $40^{\prime} \times 40^{\prime}$ to $25^{\prime} \times 25^{\prime}$.

To support a waiver, LDR Section $2.4 .7(B)(5)$ requires that the governing body make a finding that granting 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; and,
(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.

This project meets or exceeds the requirements of LDR Section 2.4.7(B)(5) for this waiver request. By granting this waiver, a superior product will be achieved.

The waiver will not adversely affect the neighboring area, significantly diminish the provision of public facilities, create an unsafe situation and/or 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. Thus, this waiver request should be approved.

The location of this project is adjacent to a Single-Family Zone where sight triangle requirements are $25^{\prime}-0^{\prime \prime}$. In fact, one of the corners we are requesting the reduction of the Sight Visibility Triangle is at the intersection of Palm Trail and Mc Keen Lane which has currently on corner with a $25^{\prime}$ Sight Visibility Triangle.

The project contains only 5 (each property) fee simple townhouse units with garages equally dispersed on (3) ROW's so there will be very little impact with additional vehicular traffic. The structures being proposed within the requires 40' sight triangle are garden walls to enclose the pool area with the top portion being horizontal railing, which also makes them more transparent.

In addition, it is important to note that if the sight triangles were measured from this defined edge of road instead of the property line they would be $+/-58$ '.

Consequently, a positive finding with respect to LDR Section 2.4.7(B)(5) Waiver Findings, can be made. Therefore, for the reasons enumerated above, we respectfuily request that this waiver be approved.

If you should have any additional questions or comments, please contact me at (561) 274-9186.












TH-A: Second Floor Plan


TH-A: Ground Floor Plan


| Area calculations |  | TH-A FLOORPLANS |
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TH-C: Second Floor Plan
Scale 316 $16^{\left[=1 \cdot 0^{-0}\right.}$


TH-C: Third Floor Plan


TH-C: Ground Floor Plan



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## EXISTING TREE LIST

| STM | COMMON NAME | DESCRIPTION | DISPOSITION |
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| A | Gumbo Limbo Tree | $28^{\prime \prime} \mathrm{ht} . \times 20^{\prime} \mathrm{spr} .13 \mathrm{lcal}$ cal | remove |
| B | Avocado Tree | $25^{\prime} \mathrm{ht} \times 20^{\prime} \mathrm{spr} .6^{\prime \prime} \mathrm{cal}$. | remove |
| c | Sabal Palm | $16^{\prime} \mathrm{ht}. \times 10^{\prime} \mathrm{spr} ., 16 \mathrm{cal}$ chin | relocate |
| D | Sabal Palm | $14^{\prime} \mathrm{ht} . \times 10^{\prime} \mathrm{spr} ., 16^{\prime \prime} \mathrm{cal}$. | relocate |
| E | Coconut Palm | $50^{\prime} \mathrm{ht} . \times 25^{\text {' spr., }} 13 \mathrm{\prime} \mathrm{\prime}$ d.b.h. | relocate |
| F | Coconut palm | $45^{\prime} \mathrm{ht} . \times 25^{\prime}$ spr., $16^{\prime \prime}$ cal. | remain |
| $G$ | Coconut Palm | 40 ' ht. $\times 25$ ' spr., 15 " cal., good | remain |
| H | Coconut Palm | 45' ht. $\times 25{ }^{\text {' spr., }} 13$ " cal. | relocate |
| । | Queen Palm | $20^{\prime \prime} \mathrm{ht},. 12 \mathrm{cal}$ cal | remove |
| $J$ | Queen Palm | $20^{\prime} \mathrm{ht.}$,12 lc cal. | remove |
| K | Queen Palm | $20^{\prime \prime} \mathrm{ht.,12"cal}$. | remove |
| L | Queen Palm | $20^{\prime} \mathrm{ht},. 12 \mathrm{cal}$. | remove |
| M | Coconut Palm | $35{ }^{\text {ht. }} \times 25^{\text {' spr., }} 7$ " cal. | remain |
| N | Queen Palm | $14^{\prime} \mathrm{ht} ., 8$ " cal., poor | remove |
| $\bigcirc$ | Tropical Almond Tree | $28^{\prime}$ ht. $\times 25^{\prime}$ spr., 8' cal. | remove |
| P | Tropical Almond Tree | $30^{\prime} \mathrm{ht} . \times 30^{\prime} \mathrm{spr} ., 9 \mathrm{~g}$ cal. | remove |
| $\stackrel{Q}{Q}$ | Rubber Fig | $35^{\prime}$ ht. $\times 45^{\prime}$ spr. $40^{\prime \prime}$ "cal. | remove |
| S | Weeping Fig | 25' ht. $\times 15 \mathrm{~s}$ spr., 6 ' cal. | leleate |

## LEGEND

\# ExISTING TREES To be removed

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\author{
912 palm trail north parcel <br> 





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