

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: March 19, 2018

ITEM: Consideration of the Preliminary Plat and Certification of the Final Plat associated for the development of seven new townhome lots, located on the west side of NE 7th Avenue, north of George Bush Blvd.

RECOMMENDATION: Approve

GENERAL DATA:

Location..... Between NE 7th Avenue and Federal Highway (NE 6th Avenue), approximately 150-foot north of George Bush Boulevard.

Property Size..... 0.68 Acres

Future Land Use Map..... MD (Medium Density Residential, 5 – 12 Units/Acre) RM (Multiple Family Residential – Medium Density)

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

Adjacent Zoning.....North: RM
East: RM
South: GC
West: GC

Existing Land Use..... Vacant

Proposed Land Use..... Construction of seven townhomes

Water Service..... Existing on site.

Sewer Service..... Existing on site.



ITEM BEFORE THE BOARD

The item before the Board is consideration of the Preliminary Plat and Certification of the Final Plat for development of seven new town home lots. The subject property is located on the west side of NE 7th Avenue, north of George Bush Blvd.

This plat is being processed pursuant to LDR Section 2.4.5(J), Major Subdivisions.

BACKGROUND

The subject property consists of Section 9, Township 46 South, Range 43 East, City of Delray Beach, Palm Beach County, Florida and measures 0.6835 acres (29,773 sq. ft.). The site contains a replat of lots 1 through 8 (Atlantica Delray Platt) and has a Future Land Use Map (FLUM) designation of MD (Medium Density Residential) and is zoned RM (Multiple Family Residential). All parcels are currently vacant/unimproved.

The existing parcel configuration (Atlantic Delray Plat) was approved by City Commission on October 17, 2006 and recorded in the Official Record Books of Palm Beach County on January 4, 2007, which was a plat of Lots 6, 7, 13 through 16, a portion of a sixteen foot abandoned alley Block 2, Sophia Frey Addition to Delray.

At its meeting of February 21, 2006, the City Commission approved the abandonment of a portion of the 16' wide alley lying adjacent to Lots 4-7 and lots 13-16, Block 2 of Sophia Frey Addition to Delray.

PLAT DESCRIPTION

The 0.6835 acre 7 on 7th Plat will consist of Lots 1-7 and are intended for seven townhomes.

The plat also includes a 5' wide access easement that is located on the south side and continues the length of the property on the westerly side. The purpose of the access easement is for individual access to the rear yards for pool service and lawn maintenance. A proposed 10' general utility easement is also located on the east side of the property adjacent to NE 7th Avenue and a 5' drainage easement runs east and west on the property. There is also a 10' drainage easement that runs north and south on the property. The alley on the westerly side was abandoned in 2006, by the City Commission and was replatted within Tract A, of the Atlantic Delray Plat, which is not part of this plat. A 5' sidewalk exist adjacent to the NE 7th Avenue from recent improvements due to the St. George project.

PLAT ANALYSIS

Pursuant to Section 3.1.1 (Required Findings) of the Land Development Regulations, prior to 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 in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. These findings relate to Future Land Use Map, Concurrency and Consistency with the Comprehensive Plan, and Compliance with the Land Development Regulations.

Pursuant to LDR Section 3.1.1(A) - Future Land Use Map: The use or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation.

The subject property has a Future Land Use Map (FLUM) designation of MD (Medium Density Residential) and a zoning designation of RM (Multiple Family Residential). The RM zoning is consistent with the Medium Density Residential (MD) FLUM designation. 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 8.16 units per acre is permitted and appropriate. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

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 and Sewer: Water and sewer service will be provided to the site through a existing 8" mains along NE 7th Avenue. 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. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic:

A traffic statement was prepared which indicates that the 7 on 7th Plat development will generate an increase of 47 daily trips, 7 am peak trips and 7 pm peak hour trips. The Palm Beach County Traffic Division also issued a traffic concurrency determination letter on November 28, 2017 indicating development proposal compliance with Palm Beach County traffic standards and is valid through build-out on December 31, 2018.

Parks and Recreation Facilities:

A park impact fee is collected to offset any impacts that the project may have on the City's recreational facilities. Pursuant to 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. A total fee of \$3,500 will be required of this development for parks and recreation purposes, prior to building permit issuance.

Solid Waste:

The subject property will consist of seven new units. Based on a waste generation rate of 0.52 tons per year for apartment and townhome units, the new units will generate 7.7 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.

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. Thus, this standard is met.

Section 3.1.1(C) - Consistency: Pursuant to Section 3.2.1 (Basis for Determining Consistency), the performance standards set forth in Section 3.2.3 (Standards for Site Plan and/or Plat Actions) shall be the basis upon which a finding of overall consistency is to be made.

As described in "Appendix A", a positive finding for consistency can be made as it relates to Standards for Plat Actions.

Comprehensive Plan - Consistency: Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable section was found relevant to this proposal:

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 seven fee simple town home building development is appropriate and consistent with the surrounding area. There are existing multi-family residential developments on the adjacent properties to the north and east. Located to the west and south is General Commercial. Thus, the proposed development can be deemed a compatible and appropriate use for this site.

Transportation Element – Goal Area C, Policy C-1.1: Efforts shall be made to limit excessive through-traffic and nonresidential traffic on local roads within residential neighborhoods. Where a problem with such traffic is specifically identified, it should be addressed through the utilization of traffic calming measures, such as roundabouts, medians, and speed humps.

As noted in the Palm Beach County Traffic Statement date November 28, 2017, there will be no significant traffic impact to NE 7th Avenue and is in compliance with Palm B3each County Standards.

LDR Section 3.1.1(D) - 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 5.3.1(A)(Plat Required):

A plat is required for the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building. All Townhome units have been shown as a separate lot and take access from NE 7th Avenue. The proposed 7 on 7th Plat establishes seven new lots, a 10' general utility easement on the east side of the property and a 5' drainage easement which runs east and west on the property. There is also a 10' drainage easement that runs north and south on the property. A 5' sidewalk exists from recent improvements to the area due to the St. George project. Thus, it is considered a major subdivision of land.

Right-of-Way Dedications:

Pursuant to LDR Section 5.3.1(D)(2), the ultimate right-of-way width for local residential streets is 60' where no curb and gutter exists and 50' where curb and gutter exists. The plans do not indicate that curb and gutter is proposed. Therefore, a 60' of width is required. Thus, no further action is required. However, in January, 2008, the Development Management Service Group (DSMG) approved a reduction of the required right-of-way from 60' to the existing 50'. Therefore no additional dedication of right-of-way is required.

Street Improvement Obligations:

Pursuant to LDR Section 6.1.2(A)(2)(a), when a street or alley is located on a boundary of a project, the project is responsible for providing one-half of the current costs of such improvements along its property line. When access to the project is provided from a local street and/or alley, then the project must provide appropriate traffic lanes meeting requirements of Section 5.3.1(C) in order to provide continuous paved access from the nearest paved street or alley to the subject property in addition to the improvements on its side of the center line of the right-of-way. No street improvements are needed for this project. In addition, access will not be taken from the alley; therefore no improvements for the alley are expected.

Sidewalks:

LDR Section 6.1.3(B)(1)(a) requires that a minimum 5' sidewalk is provided within medium density residential areas. A 5' sidewalk exists along NE 7th Avenue. The sidewalk was installed due to recent improvements from the St. George project.

Undergrounding of Utilities:

Pursuant to LDR Section 6.1.8, utility facilities serving the development shall be located underground throughout the development.

Engineering Technical Items: Preliminary plans have been reviewed by staff and the remaining comments are provided in the attached "Appendix B". These requirements must be met prior to the certification of the final plat. Final engineering comments will be addressed prior to building permit issuance.

REVIEW BY OTHERS

The development proposal is not located within a geographical area requiring review by the PGMS (Pineapple Grove Main Street), WARC (West Atlantic Development Coalition), HPB (Historic Preservation Board), CRA (Community Redevelopment Agency) or the DDA (Downtown Development Authority).

Courtesy Notices:

Courtesy notices have been provided to the following homeowner's associations; La Hacienda. Public notice is not required for plat applications. Any additional letters of objection or support received after preparation of this staff report will be presented at the Planning and Zoning Board (PZB) meeting.

ASSESSMENT AND CONCLUSION

The proposed plat is consistent with RM (Multiple Family Residential) Zoning and MD (Medium Density Residential) Future Land Use Map (FLUM) designation for the subject property. Positive findings can be made with respect to LDR Section 2.4.5(J)(Major Subdivisions), LDR Section 3.1.1 (Required Findings), Section 3.2.3 (Standards for Plat Actions) and the Goals, Objectives and Policies of the Comprehensive Plan.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move a conditional approval of the preliminary plat and certification of the Final Plat for the **7 on 7th Plat**, 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).
- C. Deny Final Plat with basis stated.

STAFF RECOMMENDATION

Move approval of the preliminary plat and certification of the Final Plat for the **7 on 7th Plat**, 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 Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Attachments: Appendix A, Proposed Plat, Boundary Survey and Civil Engineering Plans

**APPENDIX A
STANDARDS FOR PLAT ACTIONS**

- A. Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.**

Not applicable X
Meets intent of standard _____
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 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 _____
Meets intent of standard X
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 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 _____