



# PLANNING & ZONING BOARD STAFF REPORT

PLANNING, ZONING AND BUILDING DEPARTMENT  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200



## Preliminary Plat and Certification of the Final Plat for Delray 7 Townhomes

Planning and Zoning Board: October 15, 2018

File No.: 2018-142

Application Type: Major Plat

### Requests:

Consideration of the Preliminary Plat and Certification of the Final Plat for development of seven fee simple townhomes.

### Recommendation:

Approve ~~and~~ of the preliminary plat and certification of the Final Plat for the **Delray 7 Townhomes**, 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).

### Background:

The subject vacant property was previously platted as Tropic Isle Lots 101 and 102, Plat Book 24, Page 235 Palm Beach County Public Records, totaling 0.618 acres (26,933 sf). The property is zoned Multiple-Family Residential (RM) and has a Future Land Use Map designation of MD (Medium Density Residential 5-12 Dwelling Units per acre).

At its meeting of November 29, 2017, the Site Plan Review and Appearance Board approved a Class V Site Plan, ~~and~~ Landscape Plan. The Architectural Plans were approved on January 11, 2018. The Applicant has proposed landscaping within the public right-of-way, ~~therefore, an executed~~ Landscape Maintenance Agreement is required to be executed. The agreement will be considered at the time of Final Plat approval by the City Commission.

### Plat Description:

The proposed plat subdivides 7 lots and two Tracts, A and B. ~~Lots~~ The lots are intended for fee simple townhomes. Tracts A and B are intended for private street and utility purposes.

The plat includes a 10-foot-wide general utility easement (GUE) located along the southern property lines of Lots 1 and 2, the eastern/northeastern property lines of Lots 2-7 and the western property line of Lot 7. A 5-foot wide access easement parallels the GUE along the north and western easement line within Lots 1-6, ending at Lot 7. This easement provides access to the rear yards of the units. A drainage easement of varying width borders the rear of Lots 2-7 as well as the front of lots 4-7. There is a 15-foot common access easement northeast of Tract B to permit vehicular cross access between each of the units.

### Plat Analysis

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).

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<p><b>Project Planner:</b> Christine Stivers, Senior Planner; <a href="mailto:stiversc@mydelraybeach.com">stiversc@mydelraybeach.com</a>, 561.330.6056</p>	<p><b>Board Review Dates:</b> <u>Planning and Zoning Board</u>, October 15, 2018 <u>City Commission</u>: November 20, 2018</p>	<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Location Map</li> <li>• Plat</li> <li>• Survey</li> <li>• Certified Site Plan</li> </ul>
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**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:**

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. Townhome units have been shown as separate lots that access from Florida Boulevard. Because the proposed Delray 7 Plat establishes 7 new lots, it is considered a major subdivision and requires a plat.

**Right-of-Way Dedications:**

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 feet. The right-of-way width for Florida Blvd. is 50 feet. At its meeting of February 6, 2017, the Development Management Service Group (DSMG) approved a reduction of the required right-of-way from 60 feet to maintain the existing 50 feet. Therefore, no additional dedication of right-of-way is required.

**Sidewalks:**

LDR Section 6.1.3(B)(1)(a) a 5'-wide sidewalk is required along Florida Blvd and a 5' sidewalk is proposed to be constructed. Thus, this requirement is met.

**Access Easements:**

In order to provide rear access for the lots for landscaping maintenance, and larger equipment delivery, an access easement is provided. The easement starts at a common access point, and as stated above, continues through the rear of the lots. A common access easement is also depicted along the front of the property to permit vehicular cross access between each of the units.

**Undergrounding of Utilities:**

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

**Review by Others:**

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

- Tropic Isle Homeowner Association
- Tropic Bay Homeowner Association

Letters of objection and/or support, if any, will be presented at the Planning and Zoning Board 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 approval of the preliminary plat and certification of the Final Plat for the **Delray 7 Townhomes**, 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 the preliminary plat and certification of the Final Plat for the **Delray 7 Townhomes**, 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 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).

**Staff Recommendation:**

Approve ~~all of~~ the preliminary plat and certification of the Final Plat for the **Delray 7 Townhomes**, 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).

Staff Report Prepared By: Christine Stivers, Senior Planner



### 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 is available via a 4" water main within the Florida Boulevard right-of-way to the south.
- Sewer is available via an 8" sewer main within the Florida Boulevard right-of-way to the south.

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. Based upon the above, positive findings can be made with respect to this level of service standard.

#### Streets and Traffic:

A traffic statement has been provided which indicates that the proposed 7-unit townhome development will generate 47 daily trips. A traffic concurrency letter from the Palm Beach County Traffic Division for compliance with the adopted Performance Standards has been provided.

#### Parks and Recreation Facilities:

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit will be collected prior to issuance of a building permit for the seven townhome units. A total fee of three thousand five hundred dollars (\$3,500.00) will be required of for parks and recreation purposes, prior to building permit issuance.

#### Solid Waste:

Based upon the Solid Waste Authority's typical waste generation rates, seven townhome units will generate 3.64 tons of waste annually (7 x 0.52 tons). The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2047.

#### 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 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 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. 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

Does not meet intent X

- 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