



Development Services Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: 142 NE 7th Ave

Project Location: 142 NE 7th Avenue

Request: Class V Site Plan, Architectural Elevations, Landscape Plans

Board: Site Plan Review and Appearance Board

Meeting Date: October 24, 2018

Board Action:

Approved with a 4-1 vote on each of the following requests: Class V Site Plan, Architectural Elevations and Landscape Plans. Vlad Dumitrescu opposed on each motion. Price Patton and Linda Purdo-Enochs were absent.

Project Description:

The project is located at 142 NE 7th Avenue. The subject property consists of 2 lots that are 0.37 acres in total. The proposal is for four (4) fee simple townhouses. The parcels are located within the Multiple Family Residential (RM) zoning district. The site has a Future Land Use Map (FLUM) designation of Medium Density (MD).

The project consists of four (4) fee simple two-story townhouses each with a two car garage. Guest parking is provided onsite. The townhouses consist of two three-bedroom units and two four-bedroom units. Each unit has a two-car garage and a grade level pool. Privacy walls are also proposed.

The applicant is proposing to remove existing vegetation. A large banyan tree encompasses a large portion of the lot. An arborist report states that the original stems of the tree are in poor health (30%) but that other stems that have since grown are in good health (70%). The applicant considered design changes to leave the tree in place but came to the conclusion that after the tree is trimmed to good health, and the subsequent trimmings that would be needed to keep the tree within its allotted growth area, the tree would not prove to retain its original shade value. Because this type of tree needs large areas in which to grow, the applicant has proposed to remove the tree and replace the tree in kind with large caliper Cathedral Oaks along the streetscape. The proposed oak trees are over and above what is required landscaping per code. The City Tree Board is weighing the pros and cons of relocating the banyan (ie, cost, survivability, available locations). The City's Senior Landscape Planner believes the substitution of additional and larger than required shade trees will provide a better canopy than the existing banyan after trimming. The applicant provided a time frame of four months in which to formulate a plan to relocate the banyan.

Board Comments:

Board comments were supportive of the requests for the site plan, architectural plan and the landscape plan. Several of the board members expressed concern for the removal of the banyan tree but noted that the Land Development Ordinance does permit the removal of existing vegetation.

Appealable Item Report

Public Comments:

Several members of the community spoke against the project, mainly due to the proposed removal of the banyan tree.

Associated Actions:

N/A

Next Action: The SPRAB action is final unless appealed by the City Commission.

ITEM BEFORE THE BOARD

The item before the Board is the approval of a Class V Site Plan, Landscape Plan and Architectural Elevations for **142 NE 7th Avenue**, pursuant to Land Development Regulations (LDR) Section 2.4.5(F), (H), and (I).

BACKGROUND

This project is located on the southwest corner of NE 7th Avenue and NE 2nd Street and consists of Lots 11 and 12, Block 115, DELRAY BEACH, according to the Plat thereof, recorded in Plat Book 1, Page 3, of Public Records of Palm Beach County, Florida. The property consists of 0.37 acres and it is zoned RM (Multiple Family Residential). The Future Land Use Map designation is Medium Density (MD). The project consists of the demolition of an existing 10 unit, two-story, multi-family structure and the construction four fee simple townhomes.

PROJECT DESCRIPTION

The development proposal consists of the following:

- Construction of four fee simple townhomes in the Masonry Modern style. Each unit shares two party walls with the other units giving a finished appearance of a single building. The townhomes consist of two three-bedroom units and two four-bedroom units, (Unit 1 under-air square footage is 3,270 square feet, Unit 2 is 3,390 square feet, Unit 3 is 3,513 square feet and Unit 4 is 3,273 square feet. All units are three stories and accommodate a two-car garage.
- Installation of a 6-foot-high masonry wall for privacy.
- Installation of grade level pools.
- Installation of associated landscaping.

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 Medium Density Residential (RM) purpose and intent:

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:

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 10.8 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 exits 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

Since the project is an infill development within an existing residential neighborhood and not a larger development with an interior road network, 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 residential units are designed within the required setbacks for the RM (Multiple Family) zoning district. An additional 5-foot setback for the third floor is also required. The chosen architectural style of Modern Masonry carves away at the solid mass of a block building to reduce its massing effect. The additional third floor setback and recessed windows also assist with reducing mass. 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, south and east by RM (Multiple Family Residential - Medium Density) zoned properties and to the west by CBD (Central Business District). Based on the above, this performance standard is not applicable.

- 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

The four unit development has 2 units facing NE 7th Avenue and 2 units facing the alley. Units 2 and 3 also have side exposure toward NE 2nd Street. The modern masonry look consists of flat roofs, stained wood garages and entry doors, wood louvers, eyebrows and balconies which provide diversity in the organized framework of the building. The first floor has covered porches and roof decks are provided on the third floor. There are ground level pools, and individual courtyards with a perimeter wall and landscaping. Based on the above, a finding of compliance can be made.

- 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

The project consists of an infill development that proposes four townhomes. The four units will range from 3,270 sf to 3,513 sf under air conditioning. Each unit has a slightly different overall floor plan therefore, a finding of compliance can be made.

- 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

Since this standard is for larger projects, it does not apply to smaller in-fill developments of this type. 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 development proposes the addition of sidewalk along NE 2nd Street and the replacement of the existing sidewalk along NE 7th Avenue. This will improve the bicycle/pedestrian network of the area and enhances the walkability of the neighborhood. In addition, the proposed development is one block east of NE 6th Avenue which has access to Palm Beach County Palm Tran Bus Service. Based on the above, a finding of compliance can be made.

Summary

In conclusion, a finding of compliance can be made to (b), (d), (e), and (g). With respect to (a),(c), and (f) each of the standards is not applicable to the project. Pursuant to section 4.4.6(l)(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. As the development is in compliance with the applicable standards, the 10.8 unit per acre density is acceptable.

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

Recreational areas shall be required for all of owner-occupied developments which have homeowner associations that must care for retention areas, private streets, or common areas.

This development will consist of four fee simple townhomes with individual courtyards and pool areas. There are not common areas, retention or private streets, therefore there will not be an HOA. 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 NE 7th Avenue. There are no more than two townhomes proposed along the front setback; therefore the 4' offset is not required.

- b) No townhouse row shall consist of more than 8 units or a length of 200'.

The townhouse row consists of two units and is 120' in length, thus meeting this code requirement.

- c) Service features, garages, parking areas, and entrances to dwelling units shall, whenever possible, be 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 to this infill 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 25.6% will be landscape/open space.

LDR Section 4.3.3(O)(2) (Platting):

Each townhouse, or townhouse type development shall be platted. **Prior to building permit issuance, the plat and any maintenance agreements must be recorded.**

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:

RM Zoning Standards	Required (1&2/3*)	Proposed (1&2/3*)
Building Setbacks (min.):		
Front (NE 7 th Avenue)	25'	25'-1"/30'-1" *
Side Interior Setback (south)	15'	15'-1"/30'-1" *
Side Street Setback (NE 2 nd Street)	25'	25'-1"/30'-1" *
Rear (Alley)	25'	25'-1"/25'-1"
Maximum Lot Coverage:	40% max.	35.4%
Open Space:	25% min.	25.6%
Building Height (max.):	35'	35'
Minimum Floor Area:		
3BR (Unit 1 and 2)	1,250 sf	3,270 (a/c), 3,390 total sf.
4BR (Unit 3 and 4)	1,250 sf	3,513 (a/c), 3,273 total sf
Minimum/Maximum Density:	6-12 units/acre	10.8 units/acre
Min. Lot Size (sf.)	8,000 sf	15.921 sf
Min. Lot Frontage (ft.)	60 ft.	122.48 ft.
Min. Lot Width (ft.)	60 ft.	122.48ft.
Min. Lot Depth (ft.)	100 ft.	135 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.

LDR Chapter 4.6 Supplementary District Regulations:

LDR Section 4.6.9(C)(2)(c) Vehicle Parking:

Two or more-bedroom dwelling units shall provide two spaces per unit and one-half space per unit for guest parking. The parking requirement for the site is ten spaces. The development proposes two standard guest spaces in front of the two-car garage for each unit for a total of 16 parking spaces, providing a six space parking surplus for the overall site. The parking requirement is met.

LDR Sections 4.6.15(G)(1) Pool Setbacks:

A minimum ten-foot 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 proposed pools meet the required setbacks.

LDR Section 4.6.14(B) Sight Visibility Triangles:

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 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 four outer edges driveways along the street rights-of-way have been depicted and comply with this LDR requirement. **Prior to plan certification, the landscape**

“island” between the driveways of all units shall have the sight visibility triangle shown on the site plan and landscape plans.

A sight triangle shall be required at the area formed by the intersection of an alley and a street with a length of ten feet along the alley right-of-way, a length of 20 feet along the street right-of-way, and the third side being a line connecting the ends of the other two lines. Visibility at the southwest corner of NE 2nd Street and the alley has been depicted and complies with this LDR requirement.

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 feet 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. At the intersection of NE 2nd Street and NE 7th Avenue on the northeast corner a 25 foot x 25 foot sight visibility triangle is depicted on the plans Pursuant to LDR section 4.6.14(E) Relief, the request for relief from the sight visibility triangle dimensions may be granted by the City Engineer on a case-by-case basis and the review shall take into consideration neighborhood characteristics such as the location of schools, parks, and other community facilities and street characteristics such as the pavement width, width of right-of-way to curb or sidewalk, curvature of the street, one-way directional traffic, presence of on-street parking spaces, speed limit and other similar elements. On September 6, 2018, the City Engineer supported the request to reduce the sight visibility triangle to 25 feet x 25 feet, therefore complying with the requirement.

LDR Section 5.3.1(D)(2) Right-of-Way:

The existing right-of-way width on NE 7th Avenue is 40 feet. The City Engineer has requested a 5-foot ROW dedication and a 5-foot sidewalk easement along NE 7th Avenue to bring the ROW width closer to compliance with the 60 foot ROW required. The plans comply with the requests.

LDR Section 6.1.3(B)(1), Sidewalk:

5' to 8'-wide sidewalks are required along all sides of the street for medium and high-density residential areas. As depicted on the plans, a new 5 foot sidewalk will be constructed on NE 7th Avenue and NE 2nd St. meeting this requirement.

LDR Section 6.1.8 Undergrounding of Utilities:

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.

LANDSCAPE ANALYSIS

A landscape plan has been submitted, evaluated and recommended for approval by the City Senior Landscape Planner. An arborist report evaluating health of the existing trees was submitted. A copy of the report has been attached to the report. Landscape Plan L-1 details the mitigation of the existing trees for the development. The proposed landscaping consists of removing a large (non-native) Banyan Tree on the Southeast corner of the property as well as Ficus Trees and Cabbage Palms scattered throughout the property and replacing it with a mixture of shrubs, trees, and groundcover. It should be noted that the original stems of the Banyan tree are in poor health. ~~A mitigation in-lieu fee of \$3,600.00 will be collected for the removal of this tree.~~ The City Senior Landscape Planner will verify the in-lieu fees. Other trees will be mitigated by replacing in kind on site. Two Eight large native Live Oak trees are

being added at the corner along N.E. 2nd Street and NE 7th Ave to create a street tree system, within proposed landscape nodes. In between the driveways into the dwelling units, native Pigeon Plum trees are being added to provide shade and soften the multi-story architecture. ~~Along the perimeter, native Silver Buttonwood trees are being added to provide screening of the units from the street and to increase the shade within the patios on the property.~~ Along the south perimeter of the property, additional Brazilian Beautyleafs were added to increase the buffering in the form of a tall hedgerow that will also provide additional shade within the patios on the property. With these additions, the proposed tree canopy's effect will more than match the loss of the Banyan tree and it will be spread more evenly throughout the property.

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 four town homes with two-car garages. The building is a Masonry Modern architectural style with flat roofs, float finish stucco painted in Super White, vertical windows with clear glass anodized aluminum (silver color) frames, with glass handrail anodized aluminum (silver color) framing and wood louvers on the second floor. The garages and entry doors are stained wood. The first floor has covered porches. Roof decks and balconies are on the third floor. There are ground level pools with individual courtyards and a six-foot stucco masonry wall and landscaping.

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 10.8 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 the surrounding properties. This townhouse 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 fee simple townhome 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 east. Located to the west is Central Business District. Thus, the proposed 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.

The development is surrounded on three sides by streets and an alley. There is a single family residence to the south. A 6 foot high privacy wall and landscaping is proposed to negate nuisances such as noise, odors, and dust. The traffic volumes will be minimal as there are only 4 units. They can be accommodated by the surrounding road network. Thus, the proposal will not negatively impact the stability of the adjacent residential areas.

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). On June 19, 2018, the development proposal was reviewed by the Green Implementation Board (GIAB). A copy of the review has been attached to the report.

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

- Palm Trail

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

ASSESSMENT AND CONCLUSION

The property consists of 0.37 acres and is currently zoned RM (Multiple Family Residential). The development consists of the construction of four townhomes; two of the units consist of three bedrooms (the under-air square footages for Unit 1 is 3,270 sq. ft., Unit 2 is 3,390 sq. ft.). The two units that will consist of four bedrooms are Units 3 and 4 which consists of 3,513 sq. ft. and 3,273 sq. ft. All units will accommodate a two-car garage and will be three stories with a 6 ft. masonry stucco wall which will include the grade level pools and courtyards. There will also be the installation of associated landscaping. The Masonry Modern Architectural style of the four town homes will be aesthetically pleasing, a visual asset and is compatible with existing multi-family developments on adjacent properties. The development substantially meets the performance standards in LDR Section 4.4.6

ALTERNATIVE ACTIONS

- Continue with direction.
- Move approval of the Class V Site Plan, Landscape Plan, and Architectural Elevations for **142 NE 7th Avenue**, 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), Chapter 3, Section 4.6.16, and 4.6.18(E).
- Move denial of the Class V Site Plan, Landscape Plan and Architectural Elevations for **142 NE 7th Avenue**, 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), Chapter 3, Section 4.6.16, and 4.6.18(E).

STAFF RECOMMENDATION

By Separate Motions:

Site Plan

Move approval of the Class V Site Plan Modification for **142 NE 7th Avenue**, 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.

Landscape Plan

Move approval of the Landscape Plan (dated October 24, 2018) for **142 NE 7th Avenue**, 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.

Architectural Elevations

Move approval of the Architectural Elevations for **142 NE 7th Avenue**, 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).

Notes:

1. Prior to building permit issuance, a landscape maintenance agreement must be recorded.
2. Prior to plan certification, the landscape “island” between the driveways of all units shall have the sight visibility triangle shown on the site plan and landscape plans.
3. Prior to building permit issuance, the plat and any maintenance agreements must be recorded.
4. Prior to site plan certification, the dimension of 60'-0" Right of Way near the existing driveway label will be revised to read 55'-0".
5. Prior to site plan certification, the civil and site plan drawings will be updated to show the new location of the proposed sidewalk along 7th Avenue as shown on the landscape rendering submitted October 24, 2018, removal of proposed parallel parking along 2nd Street to be replaced with a landscaped strip, and curb and gutter shown along the site frontage on NE 7th Avenue and NE 2nd Street. Civil drawings will be approved by the City Engineer prior to site plan certification.

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 and sewer service will be provided to the site through an existing 12" water main and an 8" sewer main 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.

Streets and Traffic: A traffic statement through EnviroDesign was provided on April 7, 2018 it has been determined the proposal development has an insignificant impact on the surrounding roadway network, meeting the requirement of Palm Beach County's Traffic Performance Standards. Therefore, a positive finding can be made.

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 \$2,000 will be required. Therefore, a positive finding can be made.

Solid Waste: The subject property will consist of four new units. Based on a waste generation rate of 0.8 tons per year for apartment and townhome units, the new units will generate an additional 6.4 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. Therefore, a positive finding can be made.

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	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	x		
Meets intent of standard			
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		

September 25, 2018

Jeffrey Silberstein
 Silberstein Architecture, Inc.
 524 NE 2nd. Street
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 T. 561-276-9393
js@silbersteinarchitect.com

Re: Tree and Palm Health Evaluation and Report for 142 Northeast 7th Avenue, Delray Beach, Florida

Dear Mr. Silberstein,

We visited the above-mentioned property on Thursday, September 20, 2018 at your request to review the 14 trees and palms located on the property.

Our task was to perform a tree health evaluation for the trees and palms and provide a table with the overall heights, canopy width, diameter of the trunks at breast height and a health condition percentage, see attached. Additionally, we have provided within this document photographs and observations of the four (4) shade trees found on the property. Please note that our assessment was performed as a visual inspection from the ground (level 2), and no aerial inspections were performed.

Overview

The site is a multi-family structure that faces east onto northeast 7th avenue the north portion of the property faces northeast 2nd street and the west portion of the property abuts an alley.

The four shade trees are mature *Ficus* species. One *Ficus benghalensis*, Banyan, and three *Ficus aurea*, Strangler figs. The remaining vegetation found were palms; four Cabbage palms, *Sabal palmetto*, three Christmas palms, *Adonidia merrillii*, two Queen palms, *Syagrus romanzoffiana* and one Areca palm, *Dypsis lutescens*. The trees and palms were numbered by me on the survey dated March 13, 2018 provided to us by your firm.

Please find more detailed description of each of the four shade trees below.

Tree Two: Banyan, *Ficus benghalensis*, approximately 45 feet tall, 85 feet wide. The trees trunks were measured at breast height, 54 inches above ground level. The primary trunk is made up of four stems that measured, 22 inches, 35 inches, 28 inches and 32 inches. In addition, there are five aerial roots that have become structural supports that were also measured, the measurements are, 29 inches, 29 inches, 36 inches, 28 inches and 21 inches. Please refer to photographs below indicating the stems and aerial roots.

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The three stems on the western portion of the tree appear to be the original tree. The three stems formed at approximately two feet above the ground level. Those stems have significant cavities at the base of the tree. When probed there was no living wood tissue beneath the openings. There was a mushroom conk present above one of the cavities on the south side that was identified as *Ganoderma tornatum*. This type of fungal conk grows on dead wood tissue, indicating additional dead or decaying wood tissue above the ground level and extending into the stems. This portion of the tree with three stems is in poor health condition, 30%, with the upper half of the canopy of these stems with decayed stubs, decaying limbs and storm damage.

The eastern portion of the tree is made up of four of the five aerial roots and is in good health condition, 70%. No cavities or decay was found in that portion of the tree. One broken limb greater than six inches in diameter is in the upper canopy of the tree.

The overall health condition for the entire tree is fair or 50% due to the two extremes with the older and newer portions of the tree.

Tree Three: Strangler fig, *Ficus aurea* approximately 25 feet tall, 25 feet wide, the trees multiple trunks were measured at breast height, 54 inches above ground level and were 72 inches. The trunk is covered with vines and a thorough analysis of the trunk was not possible due the vines. Stem cavities and heading cuts of the lower portion of the tree were evident. The tree has been hatracked at approximately 20 feet above the ground level. The tree is in poor health condition, 30% with low vitality.

Tree Four: Strangler fig, *Ficus aurea* approximately 25 feet tall, 20 feet wide, the tree has three codominant stems that measured, 19, eight and seven inches in diameter at breast height, 54 inches above ground level. The tree is within the overhead utility easement and has been utility pruned on the west side resulting in heading cuts and decayed stubs. Storm damage was also observed. The trees health condition is poor with a 35% health condition percentage.

Tree Ten: Strangler fig, *Ficus aurea* approximately 30 feet tall, 40 feet wide, the tree diameter is 50 inches measured at breast height, 54 inches above ground level. The tree has heading cuts, trunk and root damage. Cavities were found at the base of the tree on all sides. The tree is in decline and a risk of falling over onto the adjacent sidewalk or parked cars. The health condition for this tree is very poor with a 20% health condition percentage.

Photos;



Tree Two, Banyan, view looking west of east side

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View of Banyan looking south of the three original stems indicated by red arrows

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View of east side of Banyan, aerial roots serve as structural supports

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View looking from west to east, original stems with red arrows, aerial roots with blue arrows.



***Ganoderma tornatum* found at base of original stems on south side of Banyan. Cavity immediately beneath.**



Close up view of cavity beneath stem on south side of Banyan eight inches in diameter no living wood beneath



Discoloration and decay found at base of original stems of Banyan

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Soil penetrometer used to measure depth of cavity. No living wood tissue found beneath stem on both north and south sides.



Large pruning wounds with decay found on the three original stems of the Banyan

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Heading cuts with decay found on original stems of Banyan

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Large stem removed on Banyan, north side

Tree Number Three



Strangler fig, *Ficus aurea* view looking east, note trunk covered with vines, tree is growing from decayed limbs resulting from being headed (topped)

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Large stems of Strangler fig, tree three, with extensive decay



View of stem of Strangler fig, tree three, with cavity approximately ten feet above ground level.

Tree Four



Tree four, Strangler fig view looking west, note overhead wires in background

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Tree four, Strangler fig, heading cuts of entire canopy and utility pruned on west side

Tree 10



Tree number 10, Strangler fig, view looking north

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View of Strangler fig tree 10 root flare with decay beneath

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View of decay column and cavity on Strangler fig, tree 10, northwest side



Close up view of decay column and cavity on stem of Strangler fig, tree 10



Cavities beneath Strangler fig, tree 10, north side

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Stem cavity and decay beneath Strangler fig, tree 10 on east side

End Report

Jeremy T. Chancey

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CONSULTING ARBORISTS

ASCA Registered Consulting Arborist #646

ISA Certified Arborist FL 0762-A

ISA Tree Risk Assessment Qualified

LIAF Certified Landscape Inspector

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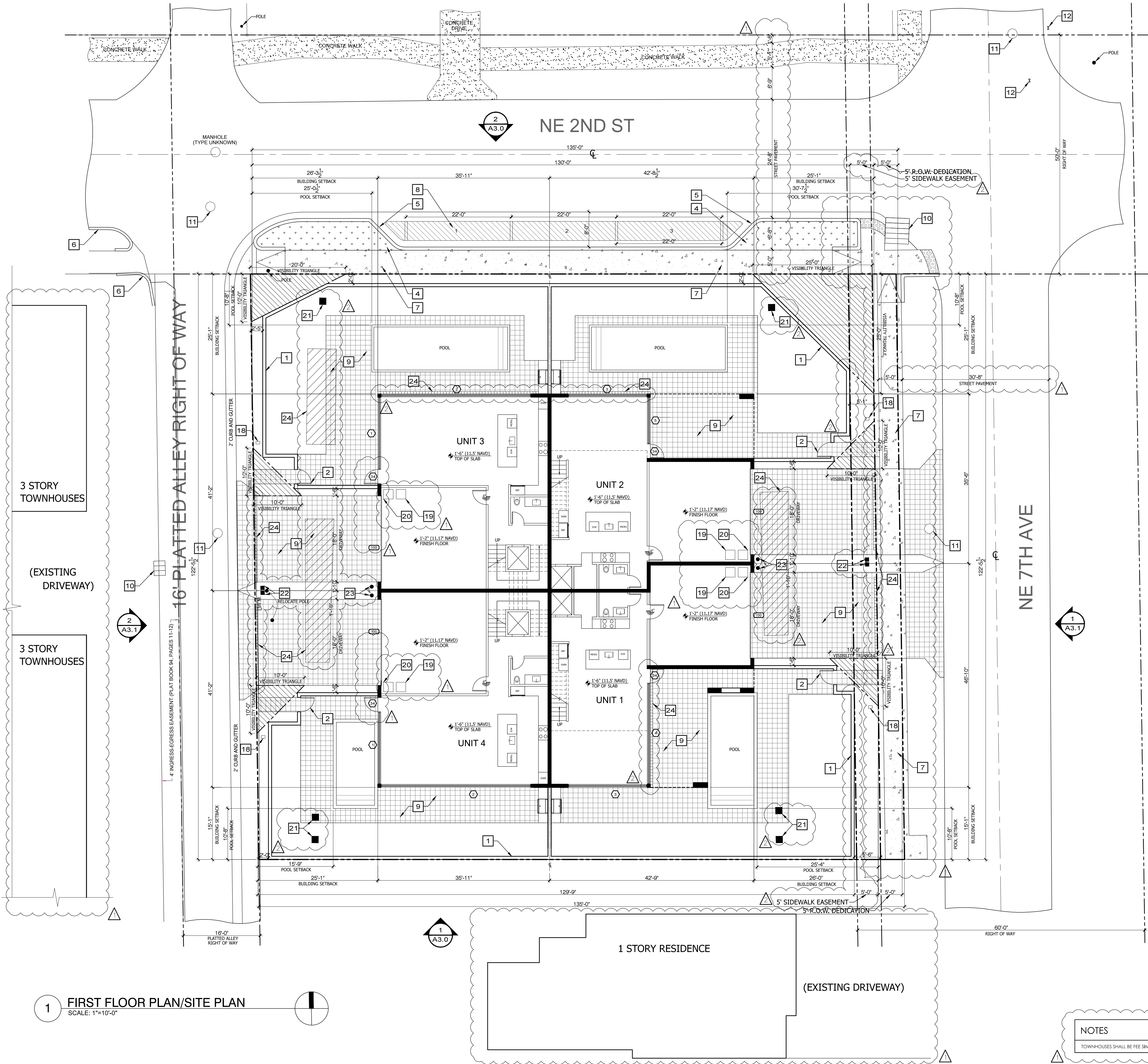
c 954 612 2500

jeremytchancey@gmail.com

PLEASE NOTE:

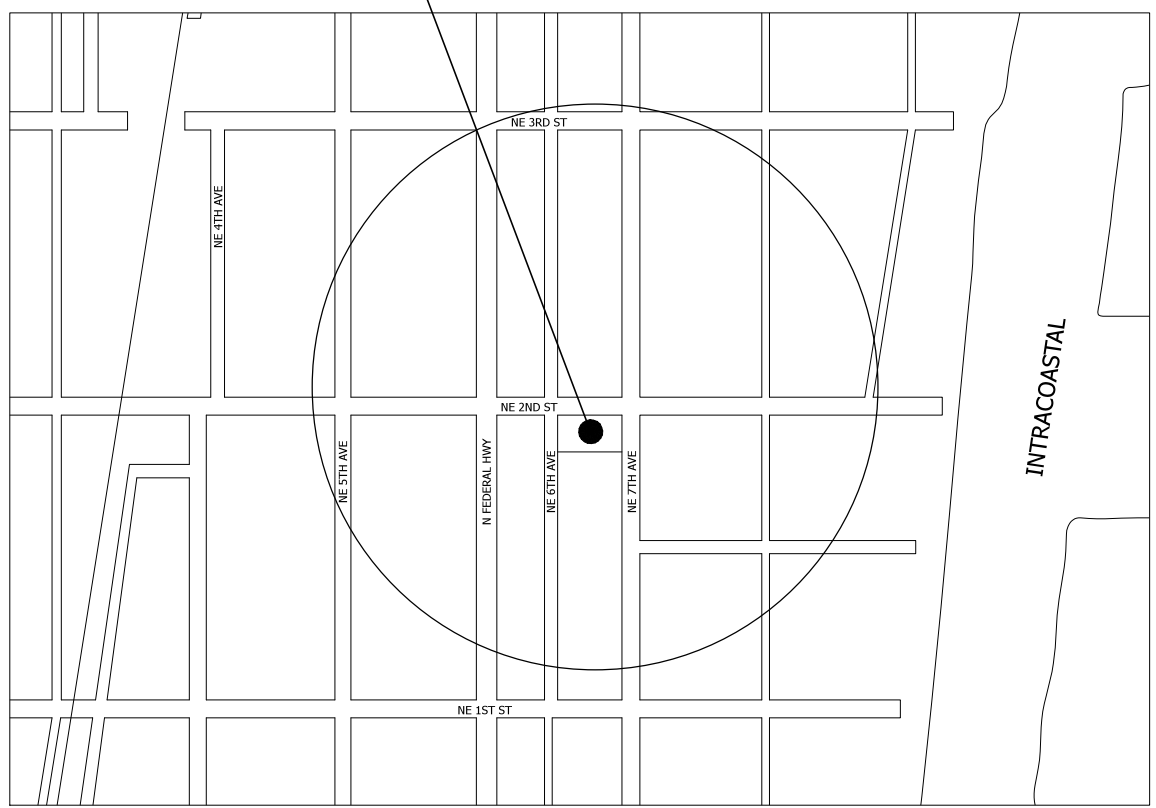
- ALL PLANT MATERIAL SHALL BE FLORIDA #1 GRADE OR BETTER
- MULCH SHALL BE APPLIED TO A MINIMUM DEPT OF THREE (3) INCHES IN ALL PLANTING BEDS
- ALL PROHIBITED PLANT SPECIES SHALL BE ERADICATED FROM THE SITE
- ALL LANDSCAPE AREAS SHALL BE PROVIDED WITH AN IRRIGATION SYSTEM, AUTOMATICALLY OPERATED, TO PROVIDE COMPLETE COVERAGE TO ALL PLANT MATERIALS AND GRASS
- SOD AND IRRIGATION SHALL BE PROVIDED WITHIN THE UNPAVED PORTION OF THE RIGHT-OF-WAY ADJACENT TO THE PROPERTY LINE
- THREE (3) PALMS ARE EQUIVALENT TO (1) SHADE TREE
- ANY TREES PLACED WITHIN THE WATER, SEWER OR DRAINAGE EASEMENTS SHALL CONFORM TO THE CITY OF DELRAY BEACH STANDARD DETAILS: LD 1.1 AND LD1.2

Call Sunshine No-Cuts 48 hours before you dig
1-800-432-4770



1 FIRST FLOOR PLAN/SITE PLAN
SCALE: 1"=10'-0"

SITE LOCATION



2 SITE VICINITY MAP
SCALE: N.T.S.

SITE INFORMATION

ADDRESS:	142 NE 7TH AVE. DELRAY BEACH, FL
LEGAL DESCRIPTION:	TOWN OF DELRAY LTS 11 & 12 BLK 115
PROJECT DESCRIPTION:	THREE STOREY, FOUR UNIT TOWNHOUSES
CURRENT PROPERTY USE:	MULTI FAMILY
ZONING DISTRICT:	RM - MEDIUM DENSITY, 6 - 12 UNITS PER ACRE
APPLICABLE CODES:	2017 FLORIDA BUILDING CODE - FLORIDA FIRE PREVENTION CODE 6TH EDITION - FLORIDA SPECIFIC NFPA 1 FIRE CODE, 2015 EDITION - FLORIDA SPECIFIC NFPA 101 LIFE SAFETY CODE, 2015 EDITION
TYPE OF BUILDING CONSTRUCTION:	TYPE V-B

SETBACKS	REQUIRED	PROVIDED
FIRST FLOOR		
FRONT - NE 7TH AVE	25'-0"	25'-1"
SIDE STREET - NE 2ND ST	25'-0"	25'-1"
SIDE INTERIOR	15'-0"	15'-1"
REAR - ALLEY	25'-0"	25'-1"
SECOND FLOOR		
FRONT - NE 7TH AVE	25'-0"	25'-1"
SIDE STREET - NE 2ND ST	25'-0"	25'-1"
SIDE INTERIOR	15'-0"	15'-1"
REAR - ALLEY	25'-0"	25'-1"
THIRD FLOOR		
FRONT - NE 7TH AVE	30'-0"	30'-1"
SIDE STREET - NE 2ND ST	30'-0"	30'-1"
SIDE INTERIOR	30'-0"	30'-1"
REAR - ALLEY	25'-0"	25'-1"

DWELLING UNITS	6-12 UNITS/ACRE	4/0.37 = 10.88 DU/AC
BUILDING HEIGHT		
TOP OF ROOF	35'-0" MAX	35'-0"
BUILDING AREA: (A/C)		
	AIR CONDITIONED	GROSS AREA
UNIT 1	3,270 S.F.	4,310 S.F.
UNIT 2	3,390 S.F.	4,376 S.F.
UNIT 3	3,513 S.F.	4,195 S.F.
UNIT 4	3,273 S.F.	3,975 S.F.
TOTAL	13,443 S.F.	16,893 S.F.

SITE AREA CALCULATIONS

	REQUIRED	PROVIDED
LOT SIZE		0.37 ACRES (15,921 S.F.)
LOT COVERAGE	40% MAX	35.4% (5,643 S.F.)
OPEN SPACE	25% MIN	25.6% (4,074 S.F.)

PARKING CALCULATIONS

	REQUIRED	PROVIDED
(4) 3+ BEDROOM UNITS	2 PER UNIT	2 IN GARAGE
GUEST PARKING	0.5 PER UNIT	2 IN EACH DRIVEWAY x 4 UNITS = 8 GUEST PARKING SPACES

LEGEND

1	6'-0" TALL STUCCO MASONRY WALL - WHITE
2	6'-0" TALL STAINED WOOD GATE
4	NEW SWALE
5	NEW CONCRETE CURB
6	EXISTING CONCRETE CURB
7	NEW CONCRETE SIDEWALK TO MATCH EXISTING
8	NEW PARALLEL PARKING IN R.O.W.
9	12' x 12' CHARCOAL GRAY CONCRETE PAVERS - SEE ATTACHED CUT SHEET
10	CATCH BASIN
11	SANITARY SEWER MANHOLE
12	GATE VALVE
18	LOCATION OF MAILBOX
19	SOLID WASTE BIN
20	RECYCLING BIN
21	YARD DRAIN
22	WATER MAINS
23	SANITARY SEWER CLEAN-OUTS
24	TRENCH DRAIN

NOTES

TOWNHOUSES SHALL BE FEE SIMPLE

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REVISIONS		
1.	P & Z COMMENTS	07.18.18
2.	P & Z COMMENTS	08.31.18
3.		
4.		
5.		
6.		
7.		
8.		
9.		



VIEW FROM SOUTH EAST
SCALE: N.T.S.



VIEW FROM SOUTH WEST
SCALE: N.T.S.

REVISIONS		
1.	P & Z COMMENTS	07.18.18
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