



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

## DEVELOPMENT SERVICES DEPARTMENT

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

### SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: March 13, 2019

File No.: 2018-044-  
SPF-SPR-CL5

Application Type: Class V Site Plan, Landscape Plan,  
Architectural Elevations and Landscape Barrier Waiver –  
Townhomes at 214 4th

#### General Data:

Agent/Applicant: 214 NE 4<sup>th</sup> St., LLC, Lennie Smith

Owner: WFL Land, LLC.

Location: 214 NE 4<sup>th</sup> Street

PCN: 12434616010810270

Property Size: 0.33 Acres

FLUM: CC (Commercial Core)

Zoning: CBD (Central Business District)

Sub-district: RC (Railroad Corridor)

#### Adjacent Zoning:

- North: RO (Residential Office)
- South: CBD-RC
- East: CBD-RC
- West: CBD-CC (Central Business District-Central Core Subdistrict)

Existing Land Use: One-story vacant office building

Proposed Land Use: Five residential townhomes

#### Item before the Board:

The action before the Board is for the consideration of a Class V Site Plan application for **Townhomes at 214 4th** pursuant to LDR Section 2.4.5 (F), including:

- ☐ Site Plan
- ☐ Landscape Plan
- ☐ Architectural Elevations
- ☐ Landscape Barrier Waiver Request LDR 4.6.16(H)(3)(d)



#### Staff Recommendations

By separate motions:

#### Waiver:

Move approval of the waiver to LDR 4.6.16(H)(3)(d) which requires a 5-foot wide landscape barrier requirements where one-foot is proposed for **Townhomes at 214 4th** by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent and meets criteria set forth in Section 2.4.7(B)(5).

#### Site Plan:

Move approval of the Class V Site Plan (2018-044) for **Townhomes at 214 4th** by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.

#### Project Planner:

Christine Stivers, Senior Planner;  
[stiversc@mydelraybeach.com](mailto:stiversc@mydelraybeach.com),  
561-330-6056

#### Review Dates:

DDA: May 14, 2018  
PGMS: June 6, 2018  
GIAB: June 21, 2018

#### Attachments:

1. Site Plans
2. Elevations
3. Landscape Plan



*\*Note: If the site plan is denied, no further action shall be taken on the landscape plan or architectural elevations due to potential inconsistencies.*

**Landscape Plan:**

Move approval of the Landscape Plan for **Townhomes at 214 4<sup>th</sup>** 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 4.6.16.

**Architectural Elevations:**

Move approval of the Architectural Elevations for **Townhomes at 214 4<sup>th</sup>**, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in 2.4.5(l)(5), and Section 4.6.18(E) and Section 4.4.13(F)(3) of the Land Development Regulations.

**NOTES:**

If the site plan and associated plans are approved, the following must be addressed prior to site plan certification or building permit issuance, as noted:

1. Prior to site plan certification, a note must be added to the plans regarding the light transmission reduction of not more than 20% is permitted for transparent windows.
2. Prior to site plan certification, a note regarding the waiver request for the Corner Clip at the southwest corner of NE 4<sup>th</sup> Street and NE 3<sup>rd</sup> Avenue and subsequent approval shall be added to the site plans.
3. Prior to building permit issuance, the sidewalk maintenance agreement acceptable to the City Attorney, must be recorded.
4. Prior to building permit issuance, the property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section. The maintenance agreement shall be recorded.
5. Prior to building permit issuance, a bond for alley lighting shall be submitted.
6. Prior to Rock Inspection, the property must be platted and ROW dedicated.

**Background:**

The 0.33 acre property is located at 214 NE 4<sup>th</sup> Street also known as lots 27 and 28 of Subdivision of Block 81 according to the plat thereof as recorded in Plat Book 11, Page 32 of the Public Records of Palm Beach County Florida. The site is at the southwest corner of the intersection of NE 4<sup>th</sup> Street and NE 3<sup>rd</sup> Avenue. The site is zoned Central Business District (CBD-RC) in the Railroad Corridor Sub-district and has a Central Core (CC) Future Land Use Map (FLUM) Designation. The site has a one story vacant office building approximately 1,800 sf in size as well as associated parking. According to the property appraiser's information, the building was constructed in 1953.

**Project Description:**

The subject request includes a Class V Site Plan, Architectural Elevations, Landscape Plans and a Landscape Barrier waiver to construct five 3-story townhomes, a permitted use in the CBD-RC district. The townhomes are designed in the Modern Masonry architectural style, as permitted within the Central Business District Architectural Design Guidelines. Each unit has a stoop style frontage design. The project includes CBD streetscape requirements such as curb zone and pedestrian clear zones. The project will be subdivided into 5 fee simple lots by plat. For setback purposes, NE 4<sup>th</sup> Street and NE 3<sup>rd</sup> Avenue are subject to front setback regulations and CBD Streetscape Elements. The alley is considered the rear of the development and the southern property line is considered an interior side yard.

**Site Plan Analysis:**

The following items identified in the Land Development Regulations shall specifically be addressed by the Site Plan Review and Appearance Board (SPRAB) for final action on the site and development applications/requests, as presented.

**Right-of-Way Dedications**

Pursuant to LDR Section 5.3.1(A)(3), new development adjacent to an existing street is responsible for one-half of the ultimate right-of-way (ROW). NE 3<sup>rd</sup> Avenue will have a 5-foot wide ROW dedication as well as a 10-foot by 10-foot corner clip dedication at the southwest corner of the intersection of NE 3<sup>rd</sup> Avenue and NE 4<sup>th</sup> Street. A 2-foot alley ROW dedication as well as a 10-foot by 10-foot corner clip dedication at the southeast corner of the alley is also required for this development. **ROW must be dedicated prior to Rock Inspection.**

**LDR Section 4.4.13(D) – Dimensional Requirements by CBD Sub-district**

Pursuant to Figure 4.4.13-7 (Railroad Corridor Regulating Plan), NE 3rd Avenue and NE 4th Street are considered Secondary Streets. Pursuant to Table 4.4.13(C), the following dimensional requirements are applicable:

Standard	Required	Proposed
Lot Width	20 ft. min.	104 ft.
Lot Area	2,000 sf. min.	13,416 sf.
Front Setback NE 4 <sup>th</sup> Street	10 ft. min. /15 ft. max.	11'-4"min/12'-2" max.
Front Setback: NE 3 <sup>rd</sup> Avenue	10 ft. min. /15 ft. max.	10 ft.
Rear Setback	10 ft. min.	10 ft.
Interior Side Setback (South)	0 ft.	32'-7"
Maximum Height	4 Stories & 54 ft.	3 Stories & 36'-4"
Density	30 du/ac permitted(max 9 du for this site)	16 du/ac (5 du proposed)

**The proposed building complies with the dimensional requirements in Table 4.4.13(C).**

**Streetscape Standards:**

Pursuant to LDR Section 4.4.13(E)(2)(a), the combination of public sidewalk (located within the right-of-way) and hardscape (located in front setback areas) shall provide a minimum streetscape area no less than 15 ft. in width, measured from the back of curb. The streetscape area is comprised of a curb zone, a pedestrian clear zone, and any remaining front setback area. The curb zone is at least four feet wide, measured from the back of curb, and accommodates street trees and public infrastructure needs such as utility poles, street lights, street signs, parking meters, etc. The pedestrian clear zone is at least six feet wide. The code requires that portion of the pedestrian clear zone located within the front setback area must be designed as an extension of the public sidewalk, providing a seamless physical transition. In the remaining setback area, buildings with residential uses in the ground story shall detail and design any remaining front setback area within the 15-foot wide minimum streetscape area using hardscape or foundation planting landscaping. The encroachment of porches or stoops in this area may be permitted. The applicant has a distance of approximately 18 ft. from the back of curb to the building face along NE 4<sup>th</sup> Street and approximately 22 ft. from NE 3<sup>rd</sup> Avenue. NE 3<sup>rd</sup> Avenue is undergoing City streetscape improvements. The approved streetscape plans within this area are in conflict with the "typical" order of the CBD streetscape layout. In this case, the pedestrian clear zone will be parallel to the curb line of NE 3<sup>rd</sup> Avenue with the curb zone located west of the pedestrian clear zone. This ensures a smooth transition between the City improvements and the new development streetscape requirements. Each streetscape area contains the required curb zone and pedestrian zone element within the respective setback areas, thus this requirement is met.

Per the LDRs, a sidewalk easement, in a form acceptable to the City Attorney, over any portion of the pedestrian clear zone located within the front setback shall be granted to the City. This will be required along NE 4<sup>th</sup> Street. The property owner shall also be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any improvements made or installed by the owner to meet the requirements of this section. **Prior to issuance of a building permit, the sidewalk maintenance agreement must be recorded.**

Pursuant to LDR Section 4.4.13(E)(2)(b), street trees are required to be planted in the public right-of-way directly in front of the property line uniformly spaced no greater than 30 feet on center. For new construction, the street trees may only exceed 30 feet in order to accommodate curb cuts, fire hydrants, utilities, existing trees, and other infrastructure elements. Consistency in street tree species shall be established on both sides of the street along each block. The first to develop shall establish the species with approval from the Development Services Director in consultation with the Environmental Services Director. In this



application, street tree species of Live Oaks are proposed along the street with Southern Magnolias at the corner of NE 4<sup>th</sup> Street and NE 3<sup>rd</sup> Avenue.

**Frontage Standards and Finished Floor Height:**

Pursuant to LDR Table 4.4.13(B), the first habitable floor for residential uses within the Railroad Corridor Sub-district must be a minimum of 18 inches above the adjacent sidewalk. The minimum required height provides a level of privacy to the residential uses located along the sidewalk. The minimum floor height of the first floor of residential dwellings is 10 feet and each subsequent story must be 9 feet. For the frontage type, a stoop is being proposed. A stoop must have a minimum height of 1 foot with a maximum height of 4 feet. Although the stoop may encroach into the setback a maximum of 5 feet, no encroachments of the stoop are permitted within the pedestrian clear zone or the curb zone. The proposed structures meet these standards.

**Stoop Standards:**

Pursuant to LDR Section 4.4.13(E)(4)(b), the stoop is a frontage type along sidewalk level of the ground story, typically associated with residential uses. The table below provides the dimensional requirements for the elements for a stoop:

Stoops	Required	Proposed
Building Setback	10 ft. min/ 15 ft. max.	11 ft. – 7".
Depth	5 ft. min/8 ft. max.	5 ft.
Width	4-ft min / N/A max.	6 ft.
Floor Elevation	1 ft. min/ 4 ft. max.	>1-ft.
Allowable Encroachment	5 ft. max	<5-ft.

The proposed building complies with the dimensional requirements for a stoop frontage type.

**Parking:**

Pursuant to LDR Section 4.4.13(I), Table 4.4.13(L), residential properties in the CBD with two or more bedrooms shall provide 1.75 spaces parking spaces per unit. There are 2 spaces located within each garage, therefore code requirements have been met and exceeded. Guest spaces shall be 0.5 spaces per unit, therefore 3 guest spaces are required and provided along the southern property line. 3% of all required parking spaces must provide an alternative fuel parking space. This requirement has been met since each unit will have an electric car charging station within the garage.

**Bicycle Parking:**

Pursuant to LDR Section 4.4.13(I)(4) bicycle parking is required. The requirement is 1 space per 4 units or 2 spaces per the newly adopted Ordinance 19-18. The site plan denotes a rack for 4 bikes along NE 3<sup>rd</sup> Avenue.

**Solid Waste Disposal:**

The trash and recycling must be screened from the public right of way. The applicant has indicated that the trash and recycling containers will be placed in the garage. A note has been added to the plan stating such.

**Lighting:**

Pursuant to LDR Section 4.6.8, on-site lighting must be provided and be consistent with the minimum and maximum foot candle illumination level requirements. The photometric plan meets the minimum and maximum foot candle allowances within the interior drive area and parking spaces. Section 4.4.13(J)(1)(c) states that development on property alongside an alley shall provide street lights as set forth in Section 6.1.5. **Prior building permit issuance, a bond for alley lighting shall be submitted.**

**Green Building requirements:**

LDR Section 4.4.13(F)(9), contains standards to reduce urban heat islands for both roofed and non-roofed areas of development within the CBD. The applicant has specified a Thermoplastic Polyolefin (TPO) white reflective roof to meet the high-reflectance and high emissivity roofing option. Although 0% of open space is required, 20% open space has been provided within the non-roofed areas. Living Walls are proposed on the east and west sides of the building. EV charging stations are within each garage and bike racks are part of the proposal.





**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 proposed landscape plan has been submitted and evaluated by the Senior Landscape Planner and found to be in compliance should the waiver of Landscape Barrier width be granted. The Landscape Barrier waiver will be evaluated later within this report. Per Section 4.4.13(E)(2)(b), tree species have been planted in the public right-of-way uniformly spaced and planted within the curb zone. Several native species were utilized in the design. **Prior to building permit issuance, the property owner shall be required to enter into a maintenance agreement, in a form acceptable to the City Attorney, requiring the property owner to be responsible for and maintain any tree grates, irrigation, and landscaping installed by the property owner to meet the requirements of this section. The maintenance agreement shall be recorded.**

**Waiver of Landscape Barrier Width:**

Per LDR 4.4.16(H)(3)(d), the landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than five feet in width that is free of any vehicular encroachment, including car overhang. In addition, one tree shall be provided for every 30 linear feet of landscaped barrier.

The parallel parking provided for required guest spaces is located closer than 5-feet from the property line. The applicant is requesting to reduce the barrier width from 5'-0" to 1'-0" for the length of the proposed parallel parking spaces (72-feet). The relief from the 5-foot width would allow for a safer back-out and maneuvering distance from the garages while maintaining the width of the parallel parking guest spaces.

Prior to granting a waiver, the granting body shall make findings 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.

**Staff Analysis Criteria a:**

The lack of barrier width shall not adversely affect the neighboring area. Within the CBD-RC Zoning District, the side yard interior setback requirement is zero, therefore a building can be constructed up to the property line. Parallel parking is a less intensive impact than a three story building built to the property line. There is an existing hedge row along the adjoiners property and the applicant is proposing a fence between the parallel parking spaces and the property line to further mitigate any impact on the neighboring area. The five required trees have been provided.

**Staff Analysis Criteria b:**

The lack of barrier width does not diminish public facilities as none will be affected. The proposed site has on site drainage mitigation. Drainage from the proposed parallel parking spaces drains to a catch basin not onto landscaped area. Additionally, 20 percent open space is provided to aid in storm runoff absorption to further mitigate additional drainage into the City's drainage systems.

**Staff Analysis Criteria c:**

The lack of barrier width does not create an unsafe situation. The parking spaces have curbing to aid in containing the vehicles within the parking space and negating chances of vehicles crossing into the adjoiners property. It also provides a safe back out and maneuvering distance from exiting the garages.

**Staff Analysis Criteria d:**

The lack of barrier width 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. As stated in Criteria a, within the CBD-RC, a side yard interior setback requirement is zero, therefore a building can be built up to the property line. A parked vehicle has less impact than a building built to the property line.



### **Architectural Elevations Analysis:**

Pursuant to LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The building proposes to use the Masonry Modern style of architecture, which is identified as one of seven permitted architectural styles in LDR Section 4.4.13(F). The execution of the style exhibits many of the characteristics of the style:

- Pure geometric forms;
- Exterior spaces incorporated into the front façade by utilizing the stoop-style frontage;
- The ratio of glass to wall solidifies the structure, the windows are recessed back from the exterior face of the building; this also leads to façade articulation.
- Tripartite composition meets code requirements, composition includes spaces carved from the mass;
- Materials used are smooth stucco, metal railings, stone veneer and wood-like wall cladding;
- Walls have a smooth stucco finish as well as a wood and stone veneer; and,
- Building facades facing the streets have transparent windows. **Prior to site plan certification, a note must be added to the plans regarding the light transmission reduction of not more than 20% is permitted for transparent windows.**

Given the analysis above, staff recommends approval of the Architectural Elevations, based on findings that the proposed architecture meets the intent of the design guidelines and the three criteria listed above.

### **Visual Impact Analysis:**

A Visual Impact Analysis was provided. This project proposes 17,985 sf. of building construction, therefore, must provide a model of the development site and all properties and structures within a 100-foot radius of the development site, as measured from the property lines of the development site. The massing of the development appears is consistent with newer construction in the area as most existing older buildings are one or two story. As the retail use to the east is set back from NE 4th Street, the 3 story building may feel out of context but the CBD encourages taller buildings and lining of street frontage therefore, the development meets the intent of the district. A Line of Sight Study is also required to determine the equipment screening in relation to the adjacent properties and/or public street. The elevations illustrate the outline of the mechanical equipment to be taller than the parapet, however, it is apparent from the Sight Line Study that all mechanical equipment is screened from the adjacent properties by its central location on the roof. This includes the upper floors of any future buildings as well as from the public right-of-way therefore no additional screening shall be required.

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, 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 four areas.

**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 designation of CC and a zoning designation of CBD. It is located in the Railroad Corridor Sub-district. The CBD zoning is consistent with the Commercial Core FLUM designation. Pursuant to Table 4.4.13(A),



Allowable Uses in the CBD Sub-Districts, in the Railroad Corridor Sub-district, principle uses "P" include multiple family dwellings. Based upon the above, a positive finding is made with respect to consistency with the Future Land Use Map (FLUM) designation.

**CONCURRENCY:** Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

As described in Appendix "A", a positive finding of concurrency can be made as it relates to applicable standards such as water, sewer, streets and traffic, drainage, and solid waste.

**CONSISTENCY:** Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(F)(5) for the request shall be the basis upon which a finding of overall consistency is to be made. 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 objective and policy was found:

**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 infill development will replace a vacant building with a structure that lines the street and provides residential uses that are within walkable distances of City businesses such as shopping, retail and restaurants, improving the downtown CBD. The proposed use is compatible and consistent with other existing establishments in the downtown area. Therefore, the proposed use and intensity of the development will be complementary to adjacent land uses.

**Transportation Element Policy D-2.2:** Bicycle parking facilities shall be required on all new development and redevelopment. Particular emphasis is to be placed on development within the TCEA Area.

Bicycle Parking requirements are applied to new development, expansion of an existing use, and changes of use. The proposed project has provided racks to accommodate four bicycle parking spaces for the residences. Thus, this LDR requirement is met.

**COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs):** Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made.

**LDR 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.

The following zoning designations and uses are abutting the subject property:

	<i>Zoning Designation:</i>	<i>Land Use:</i>
<i>North:</i>	RO – Residential Office	Office
<i>South:</i>	CBD – Railroad Corridor Sub-district	Office
<i>East:</i>	CBD – Railroad Corridor Sub-district	General Retail
<i>West:</i>	CBD – Central Core Sub-district	Gasoline Station

The surrounding uses are not residential in nature, however, the RO district north of the subject parcel permits a residential component. The Gasoline Station use to the west is permitted by conditional use. The uses to the south and east are permitted within the CDB-RC zoning districts. The project is compatible with the Central Business District purpose and intent to provide for the stimulation and enhancement of the vitality and economic growth of this area. The location is within walking distances to future



commercial development and current transit. Thus, a finding can be made that the use will not have a detrimental effect upon the stability of the downtown, nor will it hinder the development or redevelopment of nearby properties. Thus, positive findings can be made pursuant to LDR Section 2.4.5(F)(5).

**Review by Others:**

- At the meeting of May 14, 2018, the **DDA (Downtown Development Authority)** reviewed the development proposal and voted in support of the project.
- At the meeting of June 21, 2018, the **GIAB (Green Implementation Advancement Board)** reviewed the development proposal and made recommendations.
- At the meeting of June 6, 2018, **PGMS (Pineapple Grove Main Street)** reviewed the project and provided support for the project.

**Courtesy Notice:** Courtesy notices have been provided to the following neighborhood associations, which have requested notice of developments in their areas:

- Del Ida Park
- Pineapple Grove

Letters of objection or support, if any, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

**Assessment and Conclusion:**

The Class V Site Plan development proposal of five three-story fee simple townhomes is new development of an existing parcel with an unoccupied building. The proposed residential use is consistent with Central Business District uses. The development of the unoccupied parcel will provide additional residential units in a walkable area of the City. Staff has identified the proposed Masonry Modern architecture, which is one of seven styles defined for the CBD Zoning District, is consistent with the code and Architectural Design Guidelines. The development will be consistent with the current policies and objectives of the Comprehensive Plan and Chapter 3 of the Land Development Regulations, subject to the notes as indicated in the staff report. The proposal is consistent with the policies of the Comprehensive Plan and can be found consistent with the Land Development Regulations. Therefore, positive findings are made with respect to Section 2.4.5(F)(5), 4.6.16, and LDR Section 4.6.18(E).

**Alternative Actions:**

1. Continue with direction.
2. Move approval of the Class V Site Plan (2018-044) Landscape Plan, Architectural Elevations and Waiver for the **Townhomes at 214 4<sup>th</sup>**, as amended, 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 Sections 2.4.5(F)(5), 2.4.5(I)(5), 4.6.16, 4.6.18(E), and Chapter 3 of the Land Development Regulations.
3. Move denial of the Class V Site Plan (2018-044) Landscape Plan, Architectural Elevations and Waiver for the **Townhomes at 214 4<sup>th</sup>**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(F)(5), 2.4.5(I)(5), 4.6.16, 4.6.18(E), and Chapter 3 of the Land Development Regulations.

Staff Report Prepared by: *Christine Stivers, Senior Planner*

Attachments: *Appendix "A", Appendix "B"*



**APPENDIX "A" – Concurrency Findings**

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

**Water and Sewer:**

- Water Service is available via an existing 8" water main within NE 4<sup>th</sup> Street.
- Sewer Service is available via an existing 8" sewer main within NE 3<sup>rd</sup> Avenue.

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:**

It is noted that the site is located within the City's Transportation Concurrency Exception Area (TCEA), which encompasses the CBD, CBD-RC and OSSHAD. The TCEA exempts the above-described areas from complying with the Palm Beach County Traffic Performance Standards Ordinance. Therefore, a traffic study is not required for concurrency purposes. However, a traffic statement was prepared which indicates that the project will have a decrease of 22 daily trips, decrease of 2 am trips and an increase of 2 pm trips. Based on Palm Beach County's Traffic Performance Standards, Residential Projects generating less than or equal to 20 Gross Peak Trips based on PBC's adopted trip generation rates shall not be required to submit a Traffic Impact Study. Therefore the project meets the Palm Beach County Performance Standards and no review is required.

**Parks and Recreation Facilities:**

Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per each new dwelling unit (\$2,500.00 total) will be collected prior to issuance of a building permit.

**Solid Waste:**

The existing office building is approximately 1,800 sf and generated approximately 4.86 tons of solid waste per year. Based on waste generation of 0.52 tons per year for apartment or townhomes, the 5 new units will generate 2.6 tons of solid waste a year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

**Drainage:**

Drainage will be accommodated on site. No problems for adjacent properties are anticipated with respect to drainage as it relates to this standard.

**APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)**

- 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  
☐ 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  
☐ 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  
☐ Meets intent of standard



☐ Does not meet intent

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

☒ Not applicable

☐ Meets intent of standard

☐ 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

☐ 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

☐ 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

- 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

☐ 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 25 units.

☒ Not applicable

☐ Meets intent of standard

☐ Does not meet intent