



March 12, 2019 (revised)

Christine Stivers, Senior Planner
City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

***RE: Village Square Homes Phase III / Delray Beach Housing Authority
Conditional Use and Site Plan Justification Statement***

Dear Christine;

On behalf of the Petitioner, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Class IV Site Plan Application with request for Internal Adjustments
- Application for Conditional Use
- Preliminary Plat Application (Under a sperate cover)

PROPERTY HISTORY AND SITE CHARACTERISTICS

The subject property consists of 3.0776 acres and is owned by Delray Beach Housing Authority. The subject property has a Future Land Use (FLU) designation of TRM – Transitional (Infill Workforce Housing) and a Zoning Designation of RM – Multiple Family Residential (Medium Density). Property is also part of the Carver Estates Overlay District (Sec.4.5.11) The Agent met with the City of Delray Beach planning staff on January 8, 2019, this meeting served as a Pre-Application meeting.

The application for modification to the previous conditional use is necessary because a specific density was referenced in the City Commission action approving the special exception. Whereas previously the 3.0776 acre portion to the project shown as Phase III included 25 single family homes, the proposed modification would convert Phase II to multi family, with 54 units.

The application also requests several internal adjustment for relief of side interior setbacks between two story buildings.

ZONING HISTORY

City Commission approved a Conditional Use request to allow an increase in density above 12 unit per acre in the Carver Estates Overlay District on August 2, 2011. On July 25, 2012 the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to construct a 252-unit residential development in 3 phases. Phase 1 and Phase 2 of the project have been completed. Phase 3 was intended for single family homes, but never constructed.

LAND DEVELOPMENT REGULATIONS

The Medium Density Residential (RM) District provides residential zoning with flexible densities having a base of six units per acre with the exception of the Carver Estates Overlay District (where the property is located) maximum density is 24 units per acre. (Sec. 4.4.6)

The Carver Estates Overlay Districts regulations state *that a) parking in the front yard is discouraged. No parking shall be allowed in the front yard unless there is no dedicated access to the side or rear of the property and b) When garages are provided in the side or rear yards, on street parking must be provided.* The subject property complies with these regulations.

The following development standards should be understood as applicable to the project:

Section 4.3.3 (Townhouse Development)	<i>Plat Requirement: Each unit shall be platted, each unit must be shown on the plat. A preliminary plat application indicating each individual unit separately will be provided under a separate cover.</i>
Section 4.3.3 (Townhouse Development)	<i>Setbacks: Perimeter setbacks for overall project shall meet base zoning district standards, setbacks interior to the project with respect to side and rear lot lines shall not be observed.</i>
Section 4.4.6 (RM District/Carver Estates Overlay)	<i>Front Setback: 15' with maximum 5' overlap for front porches. Front Setback provided at 15'</i>

Section 4.3.3 (Townhouse Development)	<i>Design Standards (no more than two units may be constructed without providing an offset of at least four feet front to rear/no more than 8 dwelling units or 200' in a row per grouping/service features to be located with access to interior street/not less than 25% of the total area shall be usable open space. The attached site plan demonstrates compliance with these regulations.</i>
Section 4.3.3 (Clubhouses)	<i>All new clubhouses shall provide auxiliary power generators. Note that the common area provided, including the bathroom structure, is not air-conditioned space, nor does it function as a clubhouse for the development, therefore the amenities area will not include provisions for a generator.</i>
	<i>Side Street Setback: 15' Side Street Setback varies, but exceeds 15'</i>
Section 4.4.6 (RM District/Carver Estates Overlay)	<i>Setbacks for garages must be 20' minimum when facing a public street or alley.</i>

REQUIRED FINDINGS FOR ESTABLISHING CONDITIONAL USE

In addition to the provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;

The project has no detrimental effect on the stability of the neighborhood but will instead be an improvement. Phase III is currently a vacant lot and will improve stability once developed. The Village Square development will rejuvenate the neighborhood and provide increased housing options.

- (b) Hinder development or redevelopment of nearby properties.

No hindrance will be caused to nearby properties by the development of the vacant lot or existing redevelopment.

REQUIRED FINDINGS FOR LAND DEVELOPMENT APPLICATIONS

This project meets and exceeds the standards for approval of a Class IV Site Plan contained in Section 3.1.1 as follows:

(A) Future Land Use Map. The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.

The proposed use is consistent with the current zoning designation, and the requested modification from single family to multi-family is consistent with the site's Land Use Designation of Transitional, with workforce housing designation (TRN). The Housing Element identifies in Table HO-19 that there is a need for additional affordable housing units within the City of Delray Beach. The greatest need is in the provision of owner-occupied housing for above moderate-income households.

(B) Concurrency. Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, or the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements.

The enclosed application has prepared a traffic impact statement for review and approval from Palm Beach County Traffic, will not exceed existing capacity for stormwater, water/sewer utility services, solid waste services, and has applied to the School District of Palm Beach County to verify Public School capacity for the project.

(C) Consistency. A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project outweighs the negative impacts of identified points of conflict.

This justification letter contains the review of existing land development standards applicable to the site and is in compliance with all standards.

(D) Compliance with LDRs. Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request.

Mark Rickards of Kimley-Horn met with Steve Anderson, Transit Planning Manager at Palm Tran on January 17, 2019. Mr. Anderson confirmed at that time that Palm Tran does not have a need for a bus shelter along SW 10th and 13th Ave. Attached is an email confirming this.

In closing, we appreciate your review and consideration of this request, please feel free to reach out via phone at (561) 330-2345 or email (Juliana.Beale@kimley-horn.com) with any questions or concerns.

Sincerely,
Juliana Beale, P.E.
Civil Engineer

