



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Village Square Homes Phase III Modification of Conditional Use

Meeting	File No.	Application Type
April 15, 2019 (rev. 4/25/19)	2019-126	Modification of Conditional Use

#### Request

Provide a recommendation to the City Commission regarding a request for a modification of a Conditional Use approval to allow a Multiple Family Residential Development to increase a previously approved density of 13.91 dwelling units per acre (du/ac) to 15.51 du/ac within the Carver Estates Overlay District. The increase in dwelling units is located in Phase III of the previously approved Village Square Homes development. Phase III is located between SW 12<sup>th</sup> Avenue and SW 13<sup>th</sup> Avenue and SW 8<sup>th</sup> Street and SW 10<sup>th</sup> Street. There are no changes proposed for the Phases I and II.

#### Recommendation

Recommend **approval** to the City Commission for the Conditional Use Modification request to allow a Multiple Family Residential Development to increase a previously approved density of 13.91 dwelling units per acre (du/ac) to 15.51 du/ac within the Carver Estates Overlay District, based upon positive findings with respect to Chapter 3, Section 2.4.5(E)(5), (Conditional Use Findings), Section 4.4.6(H)(Special Regulations), Section 4.4.6(I), (Performance Standards), and Article 4.7, (Family/Workforce Housing), of the Land Development Regulations, and consistency with the policies of the Comprehensive Plan with the following conditions of approval:

1. Any restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be sold to the eligible income group in accordance with Article 4.7-Family/Workforce Housing.
2. Coordination with the City's Neighborhood & Community Services Department is required on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.
3. Prior to site plan approval, the rear alley will have traffic calming devices such as speed humps or raised paver cross-walks spaced to deter higher speeds along the alley.
4. Prior to site plan approval, a note will be added to the Phase III site plan modification noting that 34 workforce housing units must comply with the regulations of Section 4.7 and remain affordable for a period of no less than 40 years. Units are located within Phase I and Phase II.

#### Background Information

The subject parcel was known as Tract "B", A Light Industrial Development for Franz/Delk/Kinnaird, PB. 63, PG. 93 and a portion of Lot 19 and Lot 27, a subdivision of Section 20, PB. 1, PG. 4, all of the public records of Palm Beach County. The latest replat of the subject parcel is known as Village Square at Delray Beach PB. 118, PG. 122 of the public records of Palm Beach County. The parcel contains 18.18 acres and is zoned Multiple Family Residential (RM) within the Carver Estates Overlay District. The property has a Future Land Use Map (FLUM) designation of Transitional (TRN). In 2011, a conditional use request to allow density above 12 units per acres in the Carver Estates Overlay District, in accordance with the provisions of the City's Family/Workforce Housing Ordinance (LDR Section 4.7) was submitted and reviewed by Staff. The request was associated with a proposed 253-unit residential development known as Village Square. Multiple family residential developments may exceed 12 units per acre, up to a maximum of 24 units per acre within the Carver Estate overlay District defined in Section 4.5.11, subject to the provisions of Section 4.4.6(I) and Article 4.7. On July 18, 2011, the Planning and Zoning Board recommended approval to allow an increase in residential density above the allowable 12 du/ac to 13.91 du/ac pursuant to the City's Family/Workforce Housing Program. On August 2, 2011, the City Commission approved the conditional use for 13.91 du/ac.

On June 13, 2012, the Site Plan Review and Appearance Board approved the Village Square Development Class V Site Plan, Landscape Plans and Architectural Elevations. The approved plan consisted of a 253-unit residential units. The development consisted of three phases; Phase I was construction of a three-story rental building and amenities targeted for senior living; Phase II was the construction

of a clubhouse and six three-story rental buildings with a mix of six one-bedroom units, 66 two-bedroom units, 48 three-bedroom units and 24 four-bedroom units for a total of 144 rental units at rent significantly below current market rates; Phase III proposed the construction of 11 three-bedroom single family homes and 14 three-bedroom duplex units that would be available for purchase. To date, Phase I and Phase II have been completed, Phase III was not constructed. The redesign of Phase III is the focus of the approved plan modification. Phase III, also known as Lots 1-10 and Lots 12A-18B, PB 118, PG. 122, Village Square at Delray Beach, is located between SW 12<sup>th</sup> Avenue and SW 13<sup>th</sup> Avenue and SW 8<sup>th</sup> Street and SW 10<sup>th</sup> Street.

### Project Description

LDR Section 2.4.5(E)(7) allows an approved Conditional Use to be modified. As stated in the background information, the 18.18 acre development has an approved Conditional Use for an increased density allowance of 13.91 du/ac. The applicant has submitted a Class IV Site Plan Modification for the revised layout and design of Phase III in conjunction with the conditional use request. The Site Plan Modification proposes 54 multi-family fee-simple townhouses to supersede the previously approved 11 single family and 14 duplex units within Phase III, therefore, increasing the total number of units that were analyzed under the approved conditional use by 29 units. The proposed density would increase to 15.51 du/ac. The modification to the approved conditional use utilizes 18.18 acres for the basis of the density calculation just as was done in the previous approval although the affected area of development with the Site Plan Modification is 3.07 acres. The project as a whole has already exceeded the workforce housing requirement in Phase I and Phase II. This modification proposes units to be marketed at workforce housing rates, which will result in a mix of workforce housing unit types in the project.

The modification to the approved conditional use request to allow a density above the previously approved 13.91 du/ac in the Carver Estates Overlay District as defined in Section 4.5.11, subject to the provisions of Section 4.4.6(I) and Article 4.7. is before the Board for consideration.

### Conditional Use Review and Analysis

#### REQUIRED FINDINGS: (Chapter 3):

Pursuant to 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 TRN, and a zoning designation of RM. RM zoning is consistent with TRN FLUM designation. Pursuant to LDR Section 4.4.6(D)(10), multiple family residential development may exceed 12 units per acre, up to a maximum of 24 units per acre within the Carver Estates Overlay District as defined in Section 4.5.11 subject to the provisions of Section 4.4.6(I), and Article 4.7. Based on the above, positive findings can be made with respect to consistency with the Future Land Use Map.

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 for the increase in density can be made as it relates to applicable standards such as water and sewer, drainage, solid waste and traffic.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use 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 objectives and policies were found:

**Future Land Use Element - Objective A-1:** Property shall be developed or redeveloped in a manner so that the future use and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourages affordable goods and services; is complimentary to adjacent land uses, and fulfills remaining land use needs.

There are no significant environmental characteristics to the vacant portion of the subject property. The proposed residential development will be complimentary to the neighborhood bringing in newly constructed fee simple houses. The additional residential units will add to the customer base for the existing commercial uses along West Atlantic Avenue and aid in the continued redevelopment of this corridor. The proposed development will enable the fulfillment of remaining land use needs by the provision of workforce housing, as discussed in greater detail with Future Land Use Element Policy C-1.7. Based upon the above, a positive finding can be made with respect to Future Land Use Element Objective A-1, that the redevelopment of the subject property will be complimentary to adjacent land uses and will fulfill remaining land use needs.

**Future Land Use Element Policy C-1.7:** The following pertains to the Southwest Neighborhood Redevelopment Area:

This area is generally defined as the area bounded by West Atlantic Avenue on the north, SW 10th Street on the south, Interstate-95 on the west, and Swinton Avenue on the east.

Many of the parcels in the area contain vacant or dilapidated structures, substandard parking and substandard landscaping. The area also contains residential areas identified as "Rehabilitation" on the Residential Neighborhood Categorization Map contained in the Housing Element.

The Southwest Area Neighborhood Redevelopment Plan was adopted by the City Commission at its meeting of June 3, 2003. The Plan establishes a blueprint for the revitalization and stabilization of the area. The Southwest Area Neighborhood Redevelopment Plan is divided into five sub-areas based upon current and proposed land uses. The sub-areas serve to define potential boundaries for the phased implementation of the various plan components. Future development in the area must be in accordance with the provisions of the Redevelopment Plan.

The subject property is located within the borders of the Southwest Area Neighborhood Redevelopment Plan, and is more specifically included within sub-area #3, which is known as The Village Center. This sub-area extends from SW 3rd Street to S.W. 10th Street. The Agencies currently based within the Village Center corridor include the Village Academy, the Boys and Girls Club, Head Start, the Delray Beach Housing Authority, and other service providers. The Southwest Area Neighborhood Redevelopment Plan recommends that sub-area #3 (the Village Center) be redeveloped to create a seamless service network linking education, social, and recreation services and facilities to meet the needs of southwest area neighborhoods. The Southwest Area Redevelopment Plan also calls for the provision of a mix of incomes with a strong base of affordable housing units and a mixture of multi-family housing (apartments/townhomes).

Phases I and II have already furthered these goals of the Neighborhood Redevelopment Plan by replacing previously existing deteriorated housing with residential development including senior housing and rental apartments. Phase III proposes 54 multi-family fee simple homes to be sold at workforce housing rates. The three phases of the proposal includes a mix of workforce housing units. 228 of the units (Phases I and II) are workforce housing rental units, including 144 rental apartments and 84 senior apartments, to be rented to tenants with an income below 60% of the Palm Beach County median income. Phase III of the development will introduce new housing units to the area and strengthen night time security providing more "eyes on the street" as a deterrent to criminal behavior, which is a critical and basic concept of Crime Prevention Through Environmental Design (CPTED). This new phase of the development will improve the safety of the area as well as its long term stability.

The Southwest Area Neighborhood Redevelopment Plan also recommends that redevelopment in sub-area #3 be implemented by building upon traditional models of town development and architecture to enhance neighborhood character and create a sense of place. The proposed development does provide a sense of place. The front porches and balconies provided for the units will provide a contact, conversation, and gathering place for the residents. Each townhome grouping fronts onto a common sidewalk and landscape area creating a "green-like" feel for each individual building giving residents another place to gather beyond the porches and balconies. The proposed porches and greens will also provide a sense of place and allow for passive recreation and community living. Based upon the above, a positive finding can be made with respect to Future Land Use Element Policy C-1.7, that the proposed development will fulfill the goals and objectives of the Southwest Area Neighborhood Redevelopment Plan.

**Housing Objective A-11:** To assist residents of the City in maintaining and enhancing their neighborhood, the City, through public input and notification, shall take steps to ensure that modifications in and around the neighborhood do not lead to its decline, such as those described in the following policies.

**Housing Policy A-11.3:** 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.

Phase I and II of the previously approved development replaced the some of the deteriorated housing that was demolished in 2009, with 84 senior housing rental apartments and 144 regular rental apartments with the intent that the 14 duplex residential units and 11 single-family homes proposed in Phase III would also be available. This application provides 29 more fee simple units than the previous approval within the same land area. The circulation pattern for this parcel, rear alley providing access to garages and parking spaces, also remains the same. The provision of existing workforce housing within the development will assure that affordable housing will be maintained within the neighborhood. Safety, habitability and stability of the neighborhood should be significantly improved by introducing additional homeowners into the area.

**Transportation Element-Policy D-2.2:** Bicycle parking and facilities shall be required on all new development or redevelopment.

As mentioned in the project description, the Phase III site plan includes the installation of a bicycle rack at the pool and tot lot areas. The bicycle rack is consistent with the Transportation Element of the Comprehensive Plan and associated policies.

**PERFORMANCE STANDARDS FOR DENSITY INCREASE:**

**LDR Section 4.4.6 RM Zoning District:**

Per LDR Section 4.4.6(A), 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 12 units per acre, except within the Southwest Neighborhood Overlay District and the Carver Estates Overlay District where the maximum density is 24 units per acre. 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. Within the Southwest Neighborhood Overlay District, the Southwest 10th Street Overlay District, and the Carver Estates Overlay District, the actual density is also based upon the development's ability to comply with Article 4.7 (Family/Workforce Housing). 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(H) Special Regulations:**

Per Section 4.4.6(H), A minimum density of six units per acre is established for duplex and multiple family housing projects within this district. Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6(I). In no event shall a development's total density exceed 12 units per acre, except within the Carver Estates Overlay District as allowed by Section 4.4.6(D)(10).

The subject property is within the Carver Estates Overlay District.

Recreational areas shall be required for all new rental apartment developments, and of owner occupied developments which have homeowner associations that must care for retention areas, private streets, or common areas. New developments must include recreational features that are designed to accommodate activities for children and youth of all age ranges. Tot lots are appropriate for toddlers; features such as a basketball court, volleyball court, and open playfields are appropriate for older children. A pool and clubhouse, unless specifically designed for children, is not considered to meet this requirement.

The Southwest Area Neighborhood Redevelopment Plan calls for the implementation of recreational facilities throughout the area where it is appropriate. The project is located in an urban environment approximately 70 yards south of Catherine Strong Park and approximately a mile south of Pompey Park. Recreational opportunities for older children, such as the community center and tennis center are located approximately a mile away from the proposed development. The approved project includes a general clubhouse for the development that will feature a fitness center, media center, business center, arts and craft room, a great multiple purpose room with a large kitchen area, a beauty salon, swimming pool, and BBQ gazebo area. The senior housing area features a swimming pool and a putting green and includes a clubhouse located within the senior building which has the same amenities as the general clubhouse.

It is also noted that the development includes a volley ball court and open field recreational areas within the areas of Phase I and II, which are centrally located to provide a gathering place for the residents to interact socially. The current design for Phase III includes a tot lot and pool.

**Density bonuses.** Density bonuses may be granted to eligible properties governed by regulations set forth in Chapter 4, "Zoning Regulations" and "Family/Workforce Housing" as discussed below:

(a) Carver Estates Overlay District: Density bonuses above 12 units per acre may be granted as a Conditional Use to eligible properties within the Carver Estates Overlay Districts, defined in Section 4.5.11 subject to the regulations set forth in Chapter 4, "Zoning Regulations", and Article 4.7, "Family/Workforce Housing".

The following discusses the regulations set forth in Chapter 4, "Zoning Regulations" and Article 4.7, Family/Workforce Housing".

**LDR Section 4.4.6(l) Performance Standards:**

- 1) Per LDR Section 4.4.6(l)(1), these 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.
- 2) Per LDR 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 upon the attainment of those standards, which are applicable, as well as the development's ability to meet or exceed other minimum code requirements.

The performance standards are as follows:

- (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.

The existing 3-story senior housing building is fronting both Auburn Avenue and the proposed internal street system; and the existing six 3-story rental apartment buildings have been oriented to front the proposed internal street system. To reduce speed and increase the element of safety, various speed humps have been strategically located and depicted on the site plan along the interior street system. The proposed Phase III multi-family townhomes are oriented to front on SW 12<sup>th</sup> Avenue and SW 13<sup>th</sup> Avenue with a rear alley to provide access to the units. The rear alley will have traffic calming devices such as speed humps or raised paver cross-walks spaced to deter higher speeds along the alley. **This will be noted to be included on the**



**site plan modification.** The proposed traffic calming measures should be an adequate means to control speed therefore, the proposed new development complies with this performance standard.

- (b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.**

The approved plan involved the development of eighty four (84) senior housing apartment units in a 3-story building and 144 rental apartments within six 3-story buildings, which were constructed per the approved site plan. The fourteen (14) duplex residential units; and eleven (11) single-family units were not constructed. The senior housing and the rental apartments were previously found to meet this standard. The proposed 54 multi-family units are designed with two story units as end units and three story within the center of the building separated by a common open space between each building. The units of each individual building propose the center units farthest from the street mitigating the massing along the front facades of the buildings. Vertically, concrete porches and balconies give relief to the façade of the buildings. The use of parapet walls on the end units reduces the mass of the roofline from the inner units' hip and gable roof and provides different roof plane changes which add visual interest. This generates a harmonious rhythm to the buildings and provides a more visually attractive appearance and streetscape. These features will help lessen the potential perception of massing of the development. Thus, the proposed development complies with this performance standard.

- (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 percent 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 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.**

The 18.18 acres consists of Phase I and Phase II north of SW 8<sup>th</sup> Street with Auburn Avenue to the west and includes Village Square Circle, which have been constructed. Within Phase I and II there was a lower density residential zoning district, R-1-A, to the south. The mitigation required between the higher and lower density zoning districts was included in the site development plans for Phase I and II and met the performance standard. Phase III does not have an adjacent lower density zoning district therefore, the performance standard is met.

- (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.**

Phase I and Phase II previously met this performance standard. The proposed streetscape for Phase III incorporates offsets as well as variations in the rooflines for the buildings. The rooflines are a combination of gable, hip, and parapet roofs. Diversity among the windows will be accomplished with the use of louvers and shutters. The front elevations of the multi-family buildings provide porches and stucco accent details. The units are staggered and offset. The middle units provide concrete porches and balconies on the upper stories. The garages and driveways in all cases are provided to the rear of the housing units and are accessed from the proposed alleyway. This phase of the development meets the performance standard.

- (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. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.**

When analyzing all three phases for this performance standard, the project provides one and two-bedroom senior rental apartments, one, two, three, and four-bedroom regular rental apartments and two and three bedroom multi-family fee simple townhomes with two car garages. Variety has been provided in terms of the size of the units and different floor plans to accommodate households of various sizes and ages. Based upon the above, this standard has been accommodated.

(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. This is a redevelopment project. Since the site has already been disturbed, no natural areas exist on site to be preserved. However, Phase I and Phase II development provided a common open space area for native habitat through the introduction of multiple purpose play fields (dry retention) for football and soccer practice. Based upon the above, this standard has been accommodated.

(g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.

All phases of the development provide a walkway pedestrian system that links each unit to the public sidewalk system and the available mass transit system. This performance standard has been met.

Based on the above, positive findings can be made with respect to all seven (7) performance standards of the RM zoning district to support the proposed density of 15.51 units per acre.

#### **WORKFORCE HOUSING STANDARDS FOR DENSITY INCREASE:**

**LDR Section 4.7.3. - Provision of Workforce Housing units:** Developers will be allowed additional density or height in exchange for providing workforce housing units, subject to the limits and requirements of this chapter. Developers will be allowed additional density, beyond the base number allowed per existing Land Development Regulations after performance standards have been met. Developers will be allowed additional height under section 4.3.4(J)(4) beyond 48 feet after the height requirements of Section 4.3.4(J)(4)(b) have been met.

- a. Developers may earn additional density by building housing for very low, low or moderate income families within the designated boundaries of the Overlay Districts and Infill Workforce Housing Area or other appropriately zoned areas of the City described in this article.
- b. All development shall meet the requirements for units as specified in this chapter and meet all required Land Development Regulations.
- c. Workforce units shall include those units in a development, which are regulated in terms of:
  - i. Sales price or rent levels; and
  - ii. Marketing and initial occupancy; and
  - iii. Continued requirements pertaining to resale or rent increases.

**LDR Section. 4.7.4. - Density Bonus Program for the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area:** Developers of property in the Southwest Neighborhood Overlay District, the Carver Estates Overlay District and the Infill Workforce Housing Area, that meet the minimum standards will earn bonus units for building workforce housing for very low, low and moderate income families.

- d. The bonus allowances are set forth in Table 1 below:

TABLE 1 DENSITY BONUS ALLOCATIONS IN THE SOUTHWEST NEIGHBORHOOD OVERLAY DISTRICT, THE INFILL WORKFORCE HOUSING AREA AND THE CARVER ESTATES OVERLAY DISTRICT

<b><i>OPTION: SALE/RENT</i></b>	<b><i>NUMBER OF BONUS UNITS PER WORKFORCE UNIT PROVIDED</i></b>
VERY LOW 60%	4
LOW 80%—61%	3
MODERATE	2

<b>LARGE HOME</b>	
4+ bedroom workforce housing units	Additional 0.5 bonus will be added to the bonus provided above in this chart

- e. Instead of or in addition to providing workforce housing units, developers may also accrue bonus units by contributing to the City of Delray Beach Housing Trust Fund that will be utilized to subsidize workforce housing in the City of Delray Beach. Developers may earn one bonus unit for each payment of a sum equal to \$60,000.00, payable to the City of Delray Beach Housing Trust Fund.
- f. Also, instead of or in addition to providing workforce housing units, developers shall earn bonus units by donating land (buildable lots) in the City Delray Beach to be used for workforce housing. The appraised value of donated land will be valued in accordance with subsection e. above and may be prorated. The appraisal shall be obtained by developer at developer's cost.
- g. The maximum total density of a development in the Southwest Neighborhood Overlay District and the Carver Estates Overlay District shall not exceed 24 units per acre. The maximum total density of a development in the Infill Workforce Housing Area shall not exceed 18 units per acre. All other Workforce Housing Area densities shall be limited to the maximum allowed in the zoning district and as set forth elsewhere in the Land Development Regulations.

Previously there were 253 dwelling units proposed within the subject property (18.18 acres). This equated to an overall density of 13.91 dwelling units per acre (253 units/ 18.18 acres= 13.91 du/ac). The current application increased the total dwelling units to 282 units (253 dwelling units-11 single family units-14 duplex units+54 multi-family units = 282 units). The base density allowed is 12 du/ac which equates to a total of 218 residential units (18.18 acres x12 du/ac = 218 units). The applicant is requesting an increase of 67 units above the two hundred and eighteen units allowed (282 - 218 = 67 units). To support the increased density, thirty-four (34) moderate income workforce housing units are needed (67 units / 2 bonus per workforce unit provided = 34). **The applicant has indicated that out of the 282 total residential units in the project, two hundred twenty eight (228) units (all of Phase I senior housing and Phase II rental apartments) are workforce housing for low to moderate income families.** Pursuant to the City's Workforce Housing Ordinance, 34 of these units must comply with the regulations of Section 4.7 and remain affordable for a period of no less than 40 years. **Prior to site plan approval, a note will be added to the Phase III site plan modification noting that 34 workforce housing units must comply with the regulations of Section 4.7 and remain affordable for a period of no less than 40 years.** Units are located within Phase I and Phase II. Based upon the above, an increase in density to 15.51 units per acre can be granted.

#### **Workforce Housing General Provisions:**

##### **Maximum One Bedroom Units:**

Pursuant to LDR Section 4.7.9(i), the total number of one-bedroom units in any qualifying project shall not exceed 30% of the total number of units in the project, including both family/workforce units and those units marketed at workforce housing rates. In the previous approval, the development proposal consists of 48 one- bedroom units or 18.97% of the 253 total units, with the current application no additional one-bedroom units have been proposed. Accounting for the additional units, the updated one-bedroom quantity percentage is 17%, therefore the LDR requirement remains in compliance.

##### **Covenants Enforcement:**

Per LDR Section 4.7.9(g), the City of Delray Beach, its successors or assigns may enforce the covenants relating to the workforce units. No amendments to the covenants shall be made unless by written instrument approved by the City. **The previously approved covenant shall be superseded with a covenant to reflect the workforce housing as reflected in the current application for Phase III.**



### Review and Approval Process:

Pursuant to LDR Section 4.7.10(a), final conditions of approval shall specify that the restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be rented and/or sold to the eligible income group. The conditions will also specify the requirements for reporting to the City's Community Improvement Department on buyer/renter eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions. **A condition of approval is attached that requires the coordination of the Community Improvement Department on renter eligibility for the workforce units.**

### LDR SECTION 2.4.5(E) - REQUIRED FINDINGS:

Pursuant to LDR Section 2.4.5(E) (5), in addition to 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;
- B. Nor that it will hinder development or redevelopment of nearby properties.

The three-phased project had the following land uses adjacent to the total 18.18 acres. The development property is bordered on the east by RM (Multiple Family Residential) zoning district and OSR (Open Space Recreational) respectively; to the south partially by R-1-A (Single-family Residential) and Industrial zoning (I), and to the west by LI (light Industrial). To focus on the current application for the redesign of Phase III, the adjacent land use to the north is zoned RM, Industrial (I) to the south, RM to the east and LI to the west. The proposed multiple-family development for Phase III will be compatible with the surrounding neighborhood as a higher density use transitioning from Multiple Family residential to light industrial and industrial uses to the south and west, as well as continuing the multiple family development pattern that prevails in the neighborhood to the north and east. The additional fee simple homes will provide opportunity for more home owners that have an investment in the neighborhood. Therefore, the increase of density will not have a significantly detrimental effect upon the stability of the neighborhood, nor will it hinder development or redevelopment of nearby properties.

### COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:

In conjunction with the Conditional Use request, the Applicant has submitted a site plan modification for review. It is noted that upon approval of the Conditional Use by the City Commission, the application will receive a full review by Staff prior to being seen by the Site Plan Review and Appearance Board (SPRAB). The Board will need to find the application in compliance with Section 2.4.5(G), Chapter 3 of the Land Development Regulations, and the Comprehensive Plan.

Per Section 4.3.3(O)-Special Requirements for Specific Uses: Townhouses and townhouse type of development.-Setbacks shall be measured as follows:

- (a) Setbacks from the perimeter of the overall project shall be as established by the base zone district requirements.
- (b) Setbacks interior to the project shall be measured from the platted street system. Each townhouse, or townhouse type, development shall be platted with a minimum designation of the interior street system as a tract. When the dwelling units are to be sold, each such unit must be shown on the plat. This development proposes a private alley tract to which the rear setback shall be measured.

Minimum Building Setbacks (Perimeter)		
Standard	Required per 4.4.6(F)	Provided
Front (SW 12 <sup>th</sup> /13 <sup>th</sup> Avenues)	15-ft.	15-ft.
Side Street (SW 8 <sup>th</sup> /10 <sup>th</sup> Streets)	15-ft.	21-ft.

Minimum Building Setbacks(Interior) per 4.4.6(F) *Interior Adjustment Request to be determined by SPRAB		
Rear (Private alley with garages)	20-ft.	19.1-ft*
Side (Interior): Two-story	10-ft. from interior lot lines between units	*Zero-ft. with 15-ft. open space between units(end units have a zero lot line status)

As shown in the table above, the proposed development meets the perimeter building setback requirements for multi-family buildings. However, it is noted that some interior relief will need to be granted for rear yards with garages and side setbacks between buildings. Staff supports the requested relief as the Applicant is providing a better quality product with in inclusion of porches and common open space. Should the requests for relief not be granted, redesign of units or reduction of units will be required. Either scenario results in equal or lessening of the increase of density with this application.

Per LDR Section 4.3.4(K), the minimum floor area for two and three-bedroom units are as follows:

Multi-Family Units		
Number of Bedrooms	Required	Provided
Two Bedroom Unit	900 sf	1,469 sf
Three Bedroom Units	1,250 sf	1,366-1,667 sf

The minimum floor area for multi-family exceeds the minimum required.

#### **Parking:**

Per LDR Section 4.6.9(C)(2)(c), multiple family two or more bedroom dwelling units shall provide two (2) spaces per unit; and guest parking shall be provided at a rate of one-half (0.5) a space per dwelling unit up to the first 20 units, 0.3 spaces per unit for units 21-50, and 0.2 spaces per unit for units 51 and above. For Phase III, each unit has a two-car garage to meet the 2 spaces per unit requirement. Additionally, there is space within the rear driveways of each unit to accommodate at least one guest parking space. There are three parallel spaces provided at the recreation area within Phase III, as well as 48 parallel parking spaces provided along the Phase III frontage of SW 12<sup>th</sup> Avenue and SW 13<sup>th</sup> Avenue.

The parking requirement for Phase I (Senior Housing) was granted approval of a Special Action Request by the City Commission for a reduction of parking required from 173 spaces to 101 spaces. Phase II had a parking requirement of 323 spaces and provided 329 spaces. Parking requirements have been met.

#### **Review By Others**

#### **Public Notice:**

Formal public notice has been provided to property owners within a 500-foot radius of the subject property. Letters of objection, if any, will be presented at the Planning and Zoning Board meeting.

#### **Assessment and Conclusion**

The modification of the conditional use approval includes the redesign of Phase III. The improvements consist of the construction of 54 multi-family townhouse units to replace the 11 single family units and the 14 duplex units previously approved resulting in an increase

of density from 13.91 du/ac to 15.51 du/ac. At the proposed density, the development meets the development standards listed in 4.4.6(H) and 4.4.6(I) and the applicable sections of 4.7. The increase in units increased the number of workforce housing that must be in compliance with Section 4.7 Family Workforce Housing from 18 to 34. Currently there are 228 workforce housing units within the development. Given the above, positive findings can be made with respect to both the Comprehensive Plan and all applicable sections of the Land Development Regulations.

The development proposal, is consistent with Chapter 3 of the Land Development Regulations and the policies of the Comprehensive Plan. Also, positive findings with respect to LDR Sections 2.4.5(E) (5) (Conditional Use Findings), 4.4.6(H)(Special Regulations), 4.4.6(I)(Performance Standards) and 4.7 (Family/Workforce Housing).

#### Alternative Actions

##### Modification of Conditional Use:

- A. Continue with direction.
- B. Recommend **approval**, as amended, to the City Commission for the Conditional Use modification request for an increase of density for **Village Square Homes**, based upon positive findings that it is consistent with respect to LDR Sections 2.4.5(E) (5) (Conditional Use Findings), 4.4.6(H)(Special Regulations), 4.4.6(I)(Performance Standards) and 4.7 (Family/Workforce Housing) of the Land Development Regulations, Chapter 3 (Performance Standards) and consistency with the policies of the Comprehensive Plan.
- C. Recommend **denial** to the City Commission for the Conditional Use modification request for an increase of density for **Village Square Homes**, finding that the request is inconsistent with respect to LDR Sections 2.4.5(E) (5) (Conditional Use Findings), 4.4.6(H)(Special Regulations), 4.4.6(I)(Performance Standards) and 4.7 (Family/Workforce Housing) of the Land Development Regulations, Chapter 3 (Performance Standards) and consistency with the policies of the Comprehensive Plan.

#### Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

N/A Courtesy Notices were provided to the following, at least 5 working days prior to the meeting

N/A Public Notices are not required for this request.

X Public Notice was posted at the property on Monday, April 8, 2019, 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius on Friday, April 5, 2019, 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

N/A Public Notice was published in the Sun Sentinel on Friday, February 15, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, April 5, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Friday, April 5, 2019, 10 working days prior to the meeting.

X Agenda was posted on Monday April 8, 2019, at least 5 working days prior to meeting.

#### Appendix A-Concurrency

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 by a connection to an 8" water main located on SW 12<sup>th</sup> Avenue and a 6" water main along SW 13<sup>th</sup> Avenue.
- Sewer service is available by a connection to a 12" sewer main located on SW 12<sup>th</sup> Avenue and an 8" sewer main located along SW 13<sup>th</sup> Avenue.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant for the City at build-out. Pursuant to the Comprehensive plan, treatment capacity is also available at the South Central County Regional Waste Water Treatment Plant for the City at Build-out.

Streets and Traffic:

The proposed development is in the City of Delray Beach Traffic Concurrency Exemption Area (TCEA), therefore exempt from the Traffic Performance Standards of Palm Beach County. A traffic study was submitted for Phase III. The proposed 54 multi-family units will generate 359 net new daily trips, 32 net new AM Peak Hour trips and 36 net new PM Peak hour trips.

Parks and Recreation Facilities:

Per LDR Section 5.3.2, an impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit. As Phase I and Phase II have been constructed only Phase III will be affected by the impact fee. A total fee of \$27,000 will be required of this phase of the development (54 x \$500.00 = \$27,000)

Solid Waste:

The previously approved project generated for a total of 168.31 tons of solid waste per year (49.75 (single family and duplex) +118.56 (multi-family) =168.31). This application replaces the single family and duplex units with 54 multiple family units, therefore it will be 282 multi-family units x 0.52 tons = 146.64 tons of solid waste per year. This is a decrease of 21.67 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2031, thus a positive finding with respect to this level of service standard can be made.

Drainage:

Drainage is accommodated on site via an exfiltration trench system. There should be no impact on drainage as it relates to this standard.