



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Preliminary Plat and Certification of the Final Plat for Townhomes at 214 4th

Meeting	File No.	Application Type
May 20, 2019	2019-011	Major Plat

Request

Consideration of the Preliminary Plat and Certification of the Final Plat for the Townhomes at 214 4th development consisting of five fee simple townhouses.

Recommendation

Approval of the Preliminary Plat and certification of the Final Plat 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Background Information

The 0.33 acre property is located at 214 NE 4th Street also known as Lots 27 and 28 of the 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 subject parcel is located at the southwest corner of the intersection of NE 4th Street and NE 3rd Avenue and 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. The allowable density for this parcel is 30 dwelling units per acre which equates to a maximum of 9 dwelling units permitted. The Applicant is proposing 5 dwelling units.

At its meeting of March 13, 2019, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan, and Architectural Elevations. Per Central Business District (CBD) requirements, the Applicant has proposed street trees within the right-of-way (ROW) of NE 4th Street and NE 3rd Avenue, therefore, a Landscape Maintenance Agreement is required to be recorded. Additionally and also in accordance with CBD requirements, a Perpetual Sidewalk Easement Agreement to grant the right of the public ingress and egress over the easement area that parallels NE 4th Street is required to be recorded. These agreements will be considered at the time of Final Plat approval by the City Commission.

Plat Description

The plat proposes the following:

- Replat of Lots 27 and 28, Block 81, Subdivision of Block 81, according to the Plat as recorded in Plat Book 11, Page 32 of the public records of Palm Beach County; and,
- Dedication of Lots 1-5 for private purposes; and,
- Dedication of Tracts A and B to the City of Delray Beach as public ROW for streets and utility purposes; and,
- Dedication of Tract C for ingress, egress, and utility purposes; and,
- Dedication of a drainage easement, general utility easement (GUE), and a perpetual sidewalk easement.

The drainage easement is located parallel to NE 4th Street and continues, along with the GUE, running parallel to the alley. The perpetual sidewalk easement is located within the subject parcel parallel to the southern ROW line of NE 4th Street.

Review and Analysis

Pursuant to **LDR Section 3.1.1**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant,

the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following areas:

LDR Section 3.1.1(A) - Future Land Use Map: The subject property has a 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 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.

LDR Section 3.1.1(B) - Concurrency:

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

LDR Section 3.1.1(C) - Consistency:

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Section 3.2.3-Standards for Site Plan Actions.

LDR Section 3.1.1(D) - Compliance with the Land Development Regulations:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

LDR Section 5.3.1(A)(Plat Required):

A plat is required for major subdivisions. A major subdivision is any subdivision other than a minor subdivision. A minor subdivision is any subdivision which is, or involves, one of the following:

1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right-of-way;
2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development.
3. A boundary plat; or 4. A one-time splitting of an existing lot of record.

The subject plat is considered a major subdivision because of providing of additional right-of-way and the creation of more than three lots, therefore a plat is required.

Right-of-Way Dedications:

Tract A is being dedicated to provide two additional feet to the public alley ROW, as well as a corner clip at the eastern corner of intersection of the alley and NE 4th Street. LDR Section 5.3.1 requires a minimum ROW width of 20-feet for alleys. The existing alley ROW width is 16 feet; therefore, two feet of additional ROW from this development is required to be dedicated. Tract B is being dedicated to provide five additional feet to the public ROW of NE 3rd Avenue as well as a corner clip at the intersection of intersection of NE 4th Street and NE 3rd Avenue. The Transportation Element of the Comprehensive Plan requires residential streets with curb and gutter to have a minimum ROW width of 50-feet. The existing ROW of NE 3rd Avenue is 40-feet; therefore five feet of additional ROW from this development is required to be dedicated. The dedications of the corner clips are provided to ensure adequate public right-of-way for the safe movement of pedestrians in the CBD.

Perpetual Sidewalk Easement Dedication

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 pedestrian clear zone is at least six feet wide. The code requires that if a portion of the pedestrian clear zone is located within the front setback area, it must be designed as an extension of the public sidewalk, providing a seamless physical transition, and, 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. NE 4th Street has four feet of pedestrian clear zone within the front setback area, therefore, a Perpetual Sidewalk Easement Agreement will be recorded concurrently with the plat. The sidewalk easement location and dedication language have been included with this plat.

Undergrounding of Utilities:

Pursuant to LDR Section 6.1.8, utility facilities serving the development shall be located underground throughout the development. A General Utility Easement has been dedicated with this plat to comply with this section.

Review By Others

Public and Courtesy Notices:

Formal public and courtesy notices are not required.

Assessment and Conclusion

The site is zoned Central Business District (CBD)-Railroad Corridor with a Commercial Core (CC) Future Land Use Map (FLUM) designation. The CBD zoning district is consistent with the CC FLUM designation. Positive findings can be made with respect to LDR Section 2.4.5(J)(Major Subdivisions), LDR Section 3.1.1 (Required Findings), Section 3.2.3 (Standards for Plat Actions) and the Goals, Objectives and Policies of the Comprehensive Plan.

Alternative Actions

- A. Continue with direction.
- B. Move approval, as amended, of the preliminary plat and certification of the Final Plat 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).
- C. Deny the preliminary plat and certification of the Final Plat for **Townhomes at 214 4th**, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

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 via an existing 8" water main within NE 4th Street.
- Sewer Service is available via an existing 8" sewer main within NE 3rd 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 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-Consistency-Standard for Plat Actions-Section 3.2.3(A)

- 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