RESOLUTION NO. 109-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A REQUEST FOR A CONDITIONAL USE MODIFICATION PURSUANT TO LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES, AND THE COMPREHENSIVE PLAN, TO AUTHORIZE A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT (KNOWN AS "VILLAGE SQUARE HOMES") TO INCREASE A PREVIOUSLY APPROVED DENSITY WITHIN THE CARVER ESTATES OVERLAY DISTRICT AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, Kimley Horn ("Agent") on behalf of Delray Beach Housing Authority ("Applicant/Property Owner") submitted a Conditional Use application (2019-126-USE-PZB) for a modification of an approved conditional use for a development known as Village Square Homes whose boundaries are fully described in Plat Book 118, Page 122 of the Public Records of Palm Beach County, Florida, and as more particularly described in Exhibit "A"; and

WHEREAS, a conditional use was approved on August 2, 2011, to allow a density of 13.9 dwelling units/acre (du/ac) on 18.18 acres within the Carver Estates Overlay District in accordance with the City's Land Development Regulations (LDRs) Section 4.7 Family/Workforce Housing; and

WHEREAS, a concurrent Class V Site Plan was approved by the Site Plan Review and Appearance Board on June 13, 2012, for a three phase development consisting of 253 residential units, with 228 units designated as workforce housing units within Phases I and II and 25 market rate residential units within Phase III; and

WHEREAS, Phase I and Phase II have been completed and a Class IV site plan modification has been submitted to develop 54 townhome units in accordance with the City's , LDRs Section 4.7 Family Workforce Housing within Phase III, thereby increasing the density of the development; and

WHEREAS, LDR Section 2.4.5(E)(5), Establishment of a Conditional Use, establishes the findings that in addition to provisions of Chapter 3 of the LDRs, the City Commission must make findings that establishing the conditional use will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located; nor hinder development or redevelopment of nearby properties; and

WHEREAS, LDRs Section 4.4.6(H), *Special Regulations*, establishes that a density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied the performance standards at listed in Section 4.4.6(I) and in no event shall a developments density exceed 12 units per acres, except within the Carver Estates Overlay as allowed by LDRs Section 4.4.6(D)(10); and

WHEREAS, the Conditional Use modification (2019-126-USE-PZB) was presented to the Planning and Zoning Board (PZB) at a public hearing conducted April 15, 2019, and the PZB recommended for approval 5-0; and

WHEREAS, the Conditional Use modification (2019-126-USE-PZB) was presented to the City Commission at a quasi-judicial hearing conducted on May 21, 2019; and

WHEREAS, the City Commission has reviewed the Conditional Use modification for Village Square Homes and has considered the respective findings for each as set forth in the Land Development Regulations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITYOF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the forgoing recitals are hereby incorporated herein by this reference and are approved and adopted.

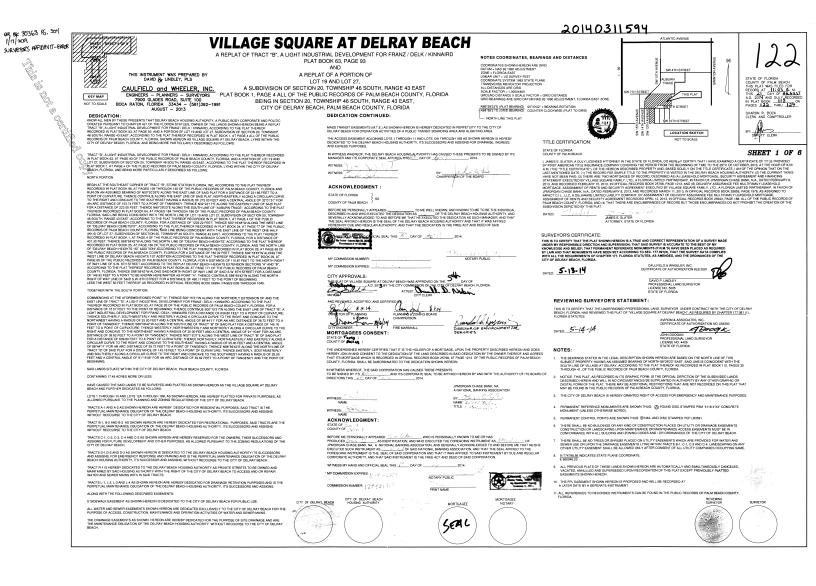
Section 2. The City Commission makes positive findings for granting approval of the Conditional Use to authorize the increase in density to 15.5 du/ac for Village Square Homes, incorporated herein as Exhibit "B", pursuant to Chapter 3 and LDR Sections 2.4.5(E)(5), 4.4.6(I),), and Article 4.7, subject to the following conditions:

- a. 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 LDR Article 4.7 Family/Workforce Housing in effect at the date of this resolution.
- b. 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.
- c. Prior to site plan approval, the site plans shall show traffic calming devices such as speed humps or raised paver cross-walks within the rear alley spaced to deter high speeds.
- d. 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.
- e. Common areas must have a maintenance entity.
- f. One parking space in the two-car garage must be maintained for vehicular parking.

Section 3. This Resolution shall be effective immediately u	pon adoption.	
PASSED AND ADOPTED in regular session on the	day of	, 2019
	MAYOR	
ATTEST:		
Katerri Johnson, City Clerk		
Approved as to form and legal sufficiency:		
Lynn Gelin, City Attorney		

Exhibit "A" Village Square Homes Legal Description

EXHIBIT A



THIS INSTRUMENT WAS PREPARED BY DAMO BY LINDLEY, PLS

CAULFIELD and WHEELER, INC.
ENGINEERS - PLANNERS - SUPEYORS
900 CAUPS NOW, SUITE 100

BOCA RATON, FLORINA 33344 - (581)392-1991
AUGUST - 2013

VILLAGE SQUARE AT DELRAY BEACH

A REPLAT OF TRACT "B", A LICHT INDUSTRIAL DEVELOPMENT FOR FRANZ / DELK / KINNAIRD PLAT BOOK 83, PAGE 93
AND
A REPLAT OF A PORTION OF
LOT 19 AND LOT 27,
A SUBDIVISION OF SECTION 20, TOWNSHIP 48 SOUTH, RANGE 43 EAST
PLAT BOOK 1, PAGE 4 ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA
BEING IN SECTION 20, TOWNSHIP 48 SOUTH, RANGE 43 EAST,
CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA

123

STATE OF PLORIDA
COUNTY OF PALM BEACH
THIS PLAT WAS FILED FOR
RECORD AT
HIS
DAY OF
AD, 201_AND DULY RECORDED
IN PLAT BOOK
THRU
DYAGES
THRU
ON SHARON R. BOCK CLERK AND COMPTROLLER

SHEET 2 OF 6

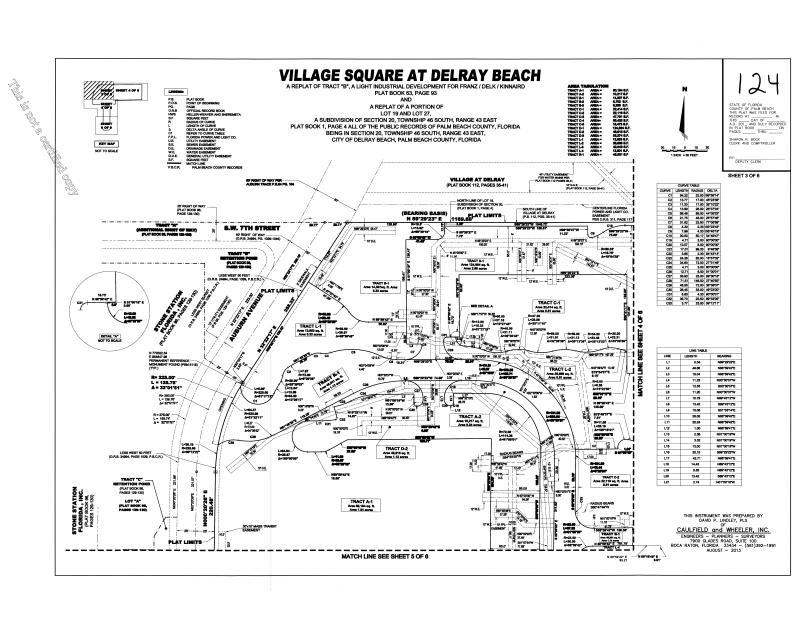
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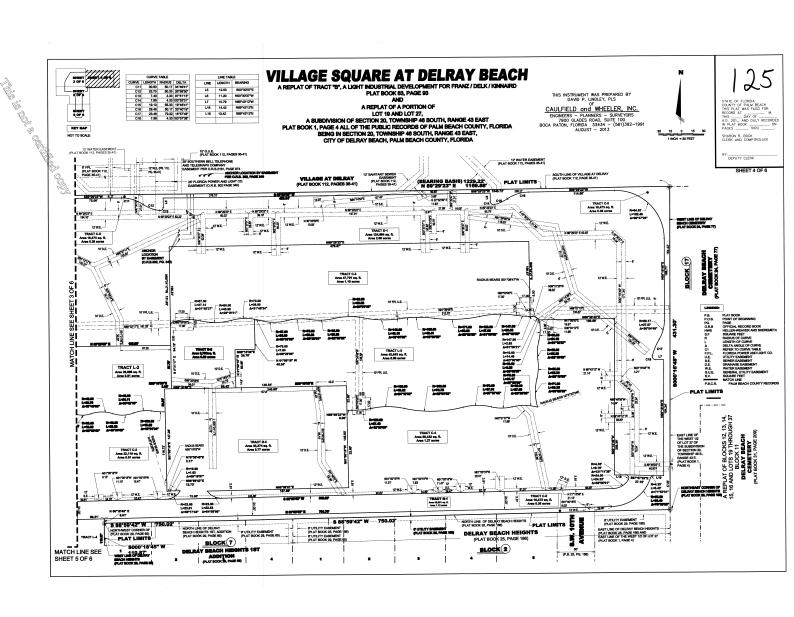
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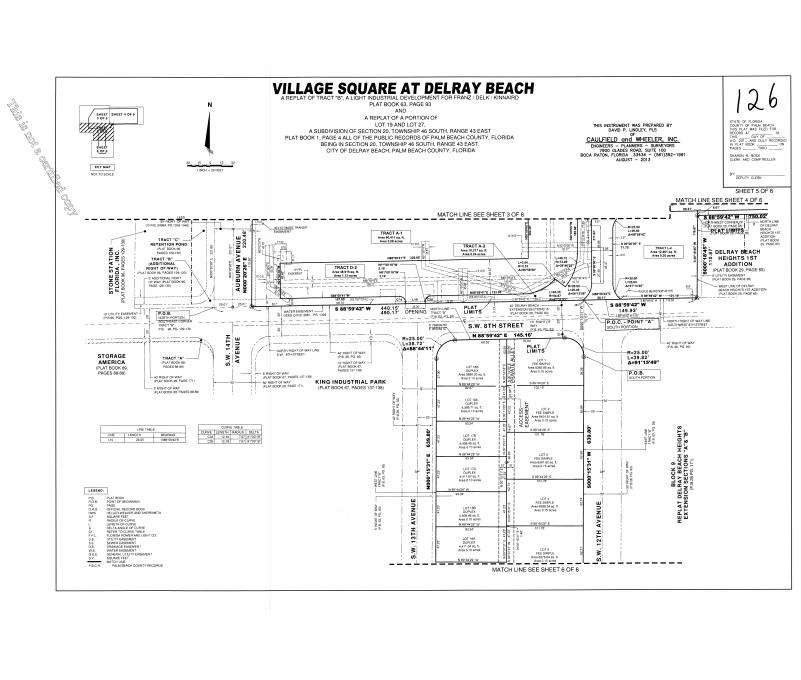
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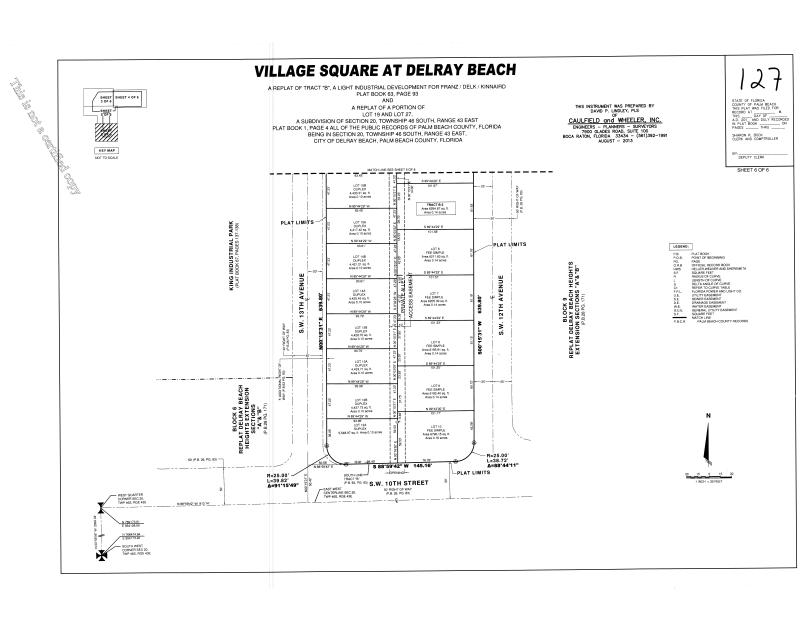












OVERALL SITE PLAN

(420 SF. 1 TYPE # BLDGS UNITABLDG, UNITYPES

* ALL OF PHASE III TO BE MARKET RATE - FOR SALE ONLY

BUILDING TABULATION

LUT TYPE C - THYER BEDROOM, TWO BATH HOUSE C2 - THYEE BEDROOM, TWO BATH UNIT

PHASE II SINGLE FAMILY

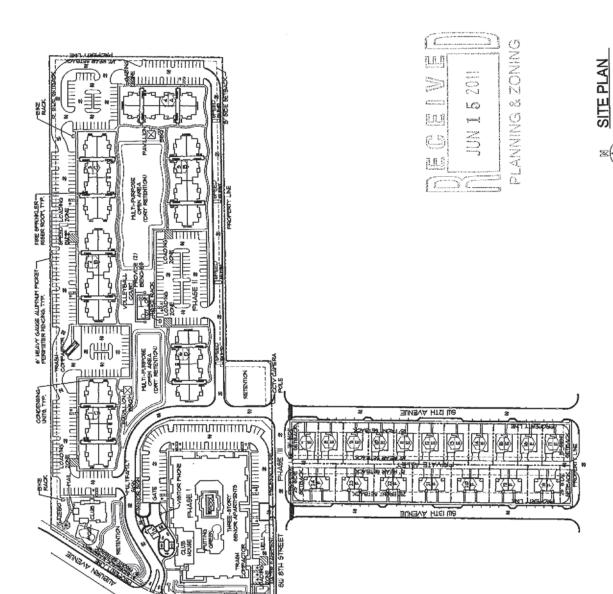
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DELRAY BEACH, FLORIDA VILLAGE SQUARE



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* 100%, OF THE UNTS UILL BE RESTRICTED TO 60% OR LESS OF THE AREA MEDIAN NOOME

BUILDING TABULATION

UNITIVE

AI ONE EEDROOM, ONE BATH

BI IND BEPROOM, TUD BATH

CI INREE BEDROOM, TUD BATH

DI FOUR BEDRROM, TUD BATH

TYPE # BLDG& UNITRIDG. UNITTPES.

A 1 24 514

C 2 24 61-34

C 2 24 61-37

C 1 24 84-6 81-18

CCTV CAP

PHASE II MULTIFAMILY • WORKFORCE HOUSING

UNIT TABULATION

* 100% OF THE UNITS WILL, BIE RESTRICTED TO 60% OR LESS OF THE AREA MEDIAN INCOME.

PARCING TABULATION
RESIDENTIAL
MANDICAR

TOTAL SPACES

INIT TYPE

AI - ONE BEDROOM, CNE BATH
BI - TUO BEDROOM, TUO BATH
BJ - TUO BEDROOM, TUO BATH

UNIT TABULATION PHASE I SENIOR

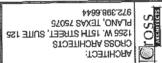


Exhibit "B" Village Square Homes Site Plan



EXHIBIT B

