



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Preliminary Plat and Certification of the Final Plat for Corey Isle Plat

Meeting	File No.	Application Type
October 21, 2019	2019-245	Major Plat

#### Request

Consideration of the Preliminary Plat and Conditional Certification of the Final Plat for the Corey Isle Plat.

#### Optional Board Motions for Action Item

- A. Continue with direction.
- B. Move approval of the preliminary plat and conditional certification of the Final Plat for the **Corey Isle Plat**, by finding that the request is consistent with respect to the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan with the following condition:
1. The City Commission declares at the time of approval of the plat that it is necessary and appropriate to create nonconformity in regard to the minimum lot size and lot width of Lots 1 and 2 for the creation of two lots of record.
- C. Deny the preliminary plat and certification of the Final Plat for the **Corey Isle Plat** by finding that the request is inconsistent with respect to Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan.

#### Project Description and Assessment (Plat)

The request is to combine five existing lots into two residential lots for workforce housing, dedicate 2-feet of alleyway and a 25-foot right-of-way (ROW) intersection radius by a Major Plat. The following items are shown on the plat:

- Lots 1 and 2 are platted for private purposes as allowed pursuant to the Land Development Regulations of the City.
- Tracts R-1 and R-2 are dedicated to the City as public ROW for street and utility purposes.
- A 10-foot General Utility Easement (GUE) along the alleyway is dedicated to any public or private utility.
- Perpetual sidewalk easements located along SW 7<sup>th</sup> Avenue and SW 4<sup>th</sup> Street of varying width dedicated by separate instrument in O.R.B. 30758, Page 710.
- An existing GUE along the norther property line of Lot 1 dedicated in Plat Book 14, Page 58, Subdivision of Block 8 Town of Delray (Formerly Linton).

With the determination by City Commission that the necessity and appropriateness of the replat application which contains non-conformities can be made per LDR Section 4.3.1(D), the plat can be considered consistent with respect to the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Chapter 3 (Performance Standards) and the policies of the Comprehensive Plan.

#### Background Information

The subject property is located at the northwest corner of the intersection of SW 7<sup>th</sup> Avenue and SW 4<sup>th</sup> Street. The parcels are in the Single Family Residential (R-1-A) zoning district and have a Future Land Use Map (FLUM) Designation of Low Density Residential ((LD). The property is made up of 5 parcels consisting of Lots 26-30 of the Block 8 Subdivision, Town of Delray (Formerly Linton) as recorded in Plat Book 14, Page 58, of the Public Records of Palm Beach County and is approximately 0.31 acres. As shown on the survey, Lot 26 is approximately 31.5 feet wide and 102.5 feet deep. Lots 27-30 are 25 feet wide and approximately 102.5 feet deep. The vacant lots are considered lots of record, however, given the narrowness of the existing lots, the applicant is proposing platting five lots into two lots to be utilized for workforce housing.

Pursuant to LDR Section 4.3.1(D), lots created after October 1, 1990, shall meet the minimum requirements established in Chapter 4 unless the City Commission declares, at the time of approval of an associated development application, that it is necessary and appropriate to create such a nonconformity. The applicant's request is to combine five lots into two lots. The proposed replat will not create additional lots, however, action by the City Commission is required as the proposed reconfiguration does not meet the minimum development standards for new lots. The existing and proposed configuration and code compliance of each lot is identified below:

Interior Lots (non-corner Development Standards)	Min. Lot Size: 7,500 sf.	Min Lot Width: 60 ft.	Min. Lot Frontage: 60 ft.	Min. Lot Depth: 100 ft.
Existing Lots 27-29	2,565 sf	25 ft.	25 ft.	102.5 ft.
Existing Lot 26	3,230 sf	31.5 ft.	31.5 ft.	102.5 ft.
Code Compliance	Ex. Non-conformity Ex. Non-conformity	Ex. Non-conformity Ex. Non-conformity	Ex. Non-conformity Ex. Non-conformity	In Compliance In Compliance
Proposed Lot 1	5,826 sf	45 ft.	45 ft.	129.5 ft.
Code Compliance	Decreased Non-conformity	Decreased Non-conformity	Decreased Non-conformity	In Compliance

Corner Lot- Development Standards	Min Lot Size: 7,500 sf.	Min. Lot Width: 80 ft.	Min. Lot Frontage: 80 ft.	Min. Lot Depth: 100 ft.
Existing Corner Lot 30	2,565 sf	25 ft.	25 ft.	102.5 ft.
Code Compliance	Existing Non-conformity	Existing Non-conformity	Existing Non-conformity	In Compliance
Proposed Corner Lot/ Lot 2	7,338 sf	57.6 ft.	57.6 ft.	129.5 ft.
Code Compliance	Decreased Non-conformity	Decreased Non-conformity	Decreased Non-conformity	In Compliance

As shown in the chart above, the proposed lot configurations will decrease all existing nonconformities. The proposed replat will be more in compliance with current code requirements than the existing lot configuration. As corner lots require a greater side street setback than an interior lot side setback, it would be deemed appropriate to have a greater lot area for Lot 2 than Lot 1 to ensure the corner lot has adequate area for a usable building envelope. Per the Subdivision of Block 8, the subject lots front on SW Fourth Street and were platted as 25-31 feet wide. Within the same plat, the existing lots fronting SW 7<sup>th</sup> Avenue and SW 8<sup>th</sup> Avenue were platted as 45-51 ft. wide. The reorientation of the subject lots to front on SW 7<sup>th</sup> Avenue will be more appropriate and compatible with the existing neighborhood pattern as the proposed lots range from 45-57 ft wide. The neighborhood consists of lot sizes and widths similar to the proposed lots, therefore, to combine the existing lots into one buildable lot of approximately 102 feet wide by 129.5 feet in depth would not be consistent with the neighborhood.

When analyzing the development and architectural design flexibility of the existing lots, it is noted that the narrowness of the lots would be very restrictive. After the setbacks are accommodated (front: 25 feet; side interior: 7 ½ feet; side street 15 feet; rear 10 feet) a structure on one of the interior lots would have a 10 ft wide area to build. With the proposed replat, the lots would be wider; a single-family structure on proposed Lot 2 (corner lot) would be have a 35-ft wide area to build. Lot 1 (interior lot) would have a 30 ft wide area to build. Given the possible increase in the frontage width, the future development of the reoriented properties would allow for a design that can articulate different architectural features and express spaciousness.

It can be determined that the necessity and appropriateness of the replat application which contains non-conformities can be made as the proposed lot layout will be more in conformance with code requirements than the existing lots. The replat will maintain the neighborhood quality and will be consistent with the development pattern.

## Plat Analysis

### **REQUIRED FINDINGS (CHAPTER 3):**

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 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 zoning designation of Single Family Residential (R-1-A) zoning district and a Low Density Residential (LD) Future Land Use Map designation. The R-1-A zoning district is consistent with the LD 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", the facilities which are provided by, or through, the City are provided pursuant to levels of service established within the Comprehensive Plan as it relates to water and sewer, streets and traffic, drainage and solid waste.

**CONSISTENCY:** Compliance with performance standards set forth in Chapter 3 and required findings in Section 3.2.3, for Standards of Site Plan and/or Plat Actions. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

As described in Appendix "B", the plat is in compliance with performance standards set forth in Chapter 3 and Section 3.2.3, Standards of Site Plan and/or Plat Actions.

### **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. Corey Isle Plat is considered a major subdivision as Right-of-Way dedication is required.

## Review By Others

The development proposal is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), West Atlantic Redevelopment Coalition (WARC), Historic Preservation Board (HPB), Downtown Development Authority (DDA). The Community Redevelopment Agency (CRA) is the applicant for this project.

### **Public Notice:**

Formal public notice is not required

## Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

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

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

N/A Public Notice was posted at the property on Friday, October 11, 2019, 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on Friday, October 11, 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, October 11, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website on Friday, October 11, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted in the main lobby at City Hall on Friday, October 11, 2019, 10 working days prior to the meeting.

X Agenda was posted on Friday, October 11, 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 will be provided by an existing 8" line located within SW 7<sup>th</sup> Avenue.
- Sewer service will be provided by an existing 8" line located within SW 7<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 plat reduces the number of lots from five to two. A Traffic letter was submitted and accepted by the City Engineer stating the two lot development will result in less trips than would be generated by the existing five lots therefore there is no net increase in the Average Daily Trips (ADT).

### Parks and Recreation Facilities:

The proposed units will not have a significant impact with level of service standards for parks and recreation facilities. However, per LDR Section 5.3.2, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee assessed for the purpose of providing park and recreational facilities shall be imposed. The amount of the fee shall be \$500.00 per dwelling unit, therefore a fee of \$1,000 will be collected prior to building permit issuance.

### Solid Waste:

Solid waste generated each year by this development will be approximately 1.99 tons per residential unit (2 units) for a total of 3.98 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

### Drainage:

Drainage will be accommodated on the site of each lot.

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