



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

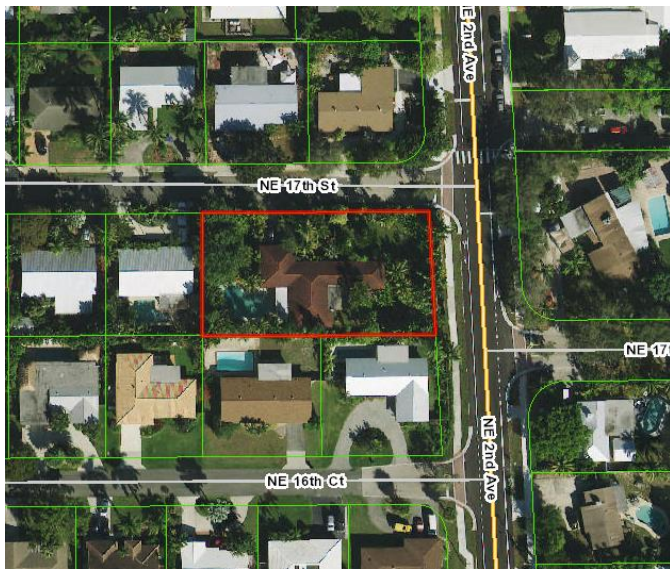
126 NE 17th Street, Lake Ida Gardens
Resolution No. 48-20, Major Subdivision Plat

Meeting	File No.	Application Type
February 24, 2020	2020-018-FSP-CCA	Major Subdivision Plat With Waiver

Request

Provide a recommendation to the City Commission regarding a request for approval of a major subdivision plat with waivers from Section 4.3.4(K) of the Land Development Regulations for the property located at 126 NE 17th Street.

Background Information



The 0.44-acre subject property is located on the southwest corner of NE 2nd Avenue and NE 17th Street within a single-family residential zoning district designated as R-1-AA. A circa 1960 single-family residence with swimming pool is presently located on the property. The applicant has requested to subdivide the property into two single-family lots.

Project Description

The subject request is for the subdivision as a single property into two single-family lots, and two waivers to the minimum development standards. Along with the creation of two new lots, the applicant is providing a Limited Access Easement (LAE) along the east side of Lot 2, which is adjacent to NE 2nd Avenue, which is classified as a City Collector. The LAE will restrict vehicular access from NE 2nd Avenue onto Lot 2, thereby not disturbing the recently constructed bicycle lane or sidewalks and continuing to support a safe environment for pedestrians and cyclists along NE 2nd Avenue. The chart below indicates the minimum requirements for lot area, lot width / frontage, and lot depth.

Proposed Lot Configuration								
	Lot Size		Lot Width		Lot Frontage		Lot Depth	
	Required	Provided	Required	Provided	Required	Provided	Required	Provided
Lot 1 (Interior)	9,500 SF	9,052 SF	75 feet	94 feet	75 feet	94 feet	100 feet	96.30 feet
Lot 2 (Corner)	9,500 SF	9,748 SF	95 feet	104.82 feet (North)	95 feet	99.89 feet (North)	100 feet	96.30 feet

Project Planner:
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Attachments:

- Location Map
- Proposed Plat
- Application Justification Statement
- Waiver Request
- Resolution 48-20

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The applicant has requested a waiver for the lot size requirements for Lot 1, and waivers to the required depth for Lots 1 and 2.

NOTE: The creation of two single-family lots is typically processed as a minor subdivision, unless dedication of right-of-way is required. Because the applicant is required to dedicate right-of-way, the plat is thus considered a major subdivision plat. Additionally, the required right-of-way dedication results in non-conforming lots, for which the applicant has requested waivers.

Review and Analysis

LDR Section 2.4.5(J)(5) - Required Findings. *The Planning and Zoning Board must make findings pursuant to Chapter 3 on a preliminary plat. The City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.*

Required Findings: 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, 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
- Concurrency
- Consistency
- Compliance with the LDRs

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 land use designation is LD, which is compatible with R-1-AA zoning.

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, of 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 in order to maintain the Levels of Service Standards established in Table CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.*

Compliance with traffic, schools, utilities, and solid waste is described below.

Traffic. *The proposed plat will increase the development from one (1) single-family home to two (2) single-family homes. The applicant was asked to provide a limited access easement on NE 2nd Avenue / Seacrest and locate the primary access along NE 17th Street to improve the flow of traffic on Seacrest, which is a City Collector and has a higher traffic volume.*

Schools. *The applicant has submitted the proof of submittal of the School Availability and Capacity Determination Application. The response from the School Board must be submitted to the City prior to scheduling a hearing at City Commission.*

Water & Sewer. *The property is served by City water and sewer. A 12" water main provides service on NE 17th Street. A sewer line currently provides service to the property from NE 2nd Avenue. The plat provides a 10' utility easement along NE 2nd Avenue and NE 17th Street, and 5' utility easement along the south property line.*

Solid Waste. *The Solid Waste Authority has indicated that capacity is available to support development in the City through 2047.*

Drainage. *Engineering has provided approval of the plat. The drainage will undergo additional review during the permit review process.*

Consistency. *The basis for determining consistency is provided in Section 3.2.1. The performance standards set forth in this Article either reflect a policy from the Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article*

shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.

Compliance with the LDRs. General compliance with particular sections of the LDRs is discussed below. Applications for building permit will be subject to compliance with the LDRs.

The requirements for plats are found in **Section 3.2.3 - Standards for site plan and/or plat actions.**

- (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.*

Building setbacks and any landscaping, gates, or hedges are subject to sight visibility requirements in the site plan review process. The limited access easement required along NE 2nd Avenue (classified as a City Collector) will improve the flow of traffic along the road by requiring access on NE 17th Street.

- (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.*

The applicant was required to dedicate right-of-way along NE 17th Street, which allows for future sidewalk installation. The limited access easement along NE 2nd Avenue protects existing and proposed pedestrian and bike infrastructure.

- (C) *Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed.*

The City has requested a right-of-way dedication of 5 feet along NE 17th Street, which supports street beautification such as sidewalk installation, landscaping, or swales.

- (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.*

No street widening is proposed. The City has requested a right-of-way dedication of 5' along NE 17th Street, which supports future pedestrian infrastructure.

- (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.*

The proposed plat is consistent with the size and configuration of the lots on the south side of NE 17th Street to the west of the subject property.

- (F) *Vacant property shall be developed 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.*

The existing lot is sufficient to accommodate two housing units, and the proposed plat maximizes the use of the property.

- (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.*

The proposed plat will increase the housing stock within the City. The housing product will be reviewed by Building during permitting for compliance with the Land Development Regulations.

- (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.*

The property is surrounded by LD land use and R-1-AA zoning, and the future development is similar to that of the surrounding neighborhood.

- (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.*

The applicant is providing a limited access easement for Lot 2 to require that access to the property be limited to NE 17th Street. Because this is a City Collector, prohibiting access from NE 2nd Avenue improves the safety of roadway users.

- (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.

Section 2.4.7(B), Waivers.

Prior to the required dedication of right-of-way, the applicant had sufficient lot area to meet the requirements of the Land Development Regulations; subsequent to the dedication, the minimum lot size and lot depth for Lot 1 and the minimum lot depth for Lot 2 were not in compliance with the minimum standards. Therefore, the applicant has requested waivers to those requirements. The chart below provides a comparison of the required and proposed measurements. :

Requested Waivers			
	Code Section	Required	Proposed
Lot 1			
Waiver 1	Section 4.3.4(K), Minimum lot size	9500 sf	9,052 sf
Waiver 2	Section 4.3.4(K), Lot depth	100 ft.	96.30 ft
Lot 2			
Waiver 3	Section 4.3.4(K), Minimum lot depth	100 ft.	96.30 ft

Pursuant to **LDR Section 2.4.7(B)(5), Findings**, prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- a) *Shall not adversely affect the neighboring area;*

The requested waiver to reduce the lot size results in a lot that is larger than the lots on the south side of NE 17th Street to the west of the property (approximately 8,000 SF). The lots on the north side of the road are, by in large, the same size as the lots on the south side of the street. The corner lot is 9,322 SF, which is smaller than the size of the proposed corner lot (Lot 2). All properties along NE 17th Street are subject to the same-right-of way dedication in the future; therefore, the proposed lot depth is not incongruous with the adjacent properties.

- b) *Shall not significantly diminish the provision of public facilities;*

The requested lot depth waiver is the result of a right-of-way dedication, which supports the provision of public facilities, such as sidewalks, in the right-of-way.

- c) *Shall not create an unsafe situation;*

The property is able to maintain the lot coverage and building setback requirements with the application of the waiver. The required waiver supports future plans for pedestrian infrastructure in the right-of-way.

- d) *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The requested waivers do not create any unsafe conditions, diminish public facilities, or adversely impact adjacent developments. If any other property along NE 17th Street requested a waiver that resulted from a required right-of-way dedication, the same waiver would be granted.

The applicant's waiver request and justification statement are attached.

Review By Others

The City Commission will review the plat request subsequent to Planning and Zoning Board, the exact date to be determined.

Board Action Options

- A. Move to recommend **approval** to the City Commission of **Resolution 48-20**, a request for **Lake Ida Garden Plat (126 NE 17th Street)**, a major subdivision plat with waivers, finding that the request is consistent with the Land Development Regulations, and the policies of the Comprehensive Plan.
- B. Move to recommend **approval** to the City Commission of **Resolution 48-20**, a request for **Lake Ida Gardens Plat (126 NE 17th Street)**, a major subdivision plat with waivers at 126 NE 17th Street, finding that the request is consistent with the Land Development Regulations , **with conditions**.
- C. Move to recommend **denial** to the City Commission of **Resolution 48-20**, a request for **Lake Ida Gardens Plat (126 NE 17th Street)**, a major subdivision plat with waivers, finding that the request is inconsistent with the Land Development Regulations, and the policies of the Comprehensive Plan.
- D. **Continue with direction.**

Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request.

☒ Public Notices are not required for this request.