



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

**Estates at Ocean Delray (1060 Del Harbour Drive)**

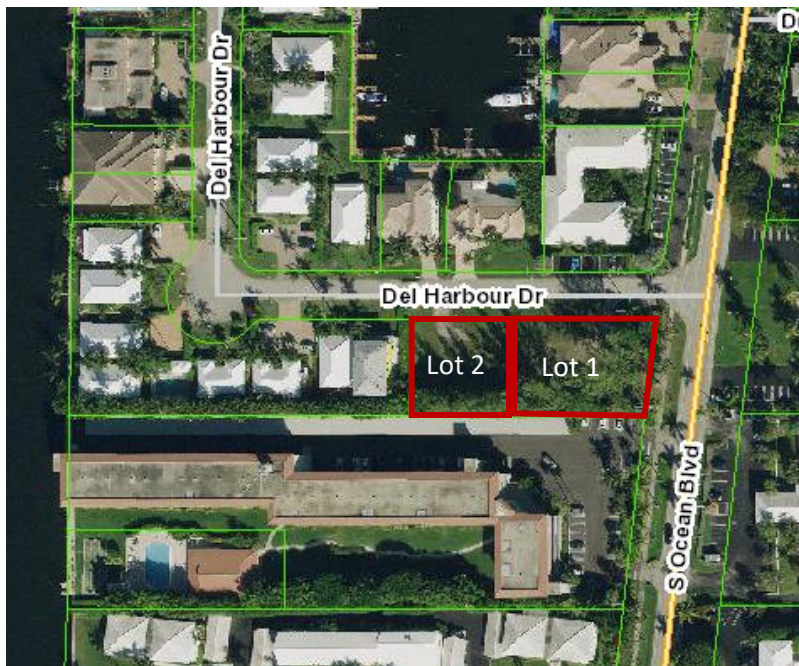
**Resolution No. 46-20**

Meeting	File No.	Application Type
February 24, 2020	2020-079-FSP-CCA-PLAT	Major Subdivision Plat With Waivers

### 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 Estates at Ocean Delray, 1060 Del Harbour Drive.

### Background Information



The subject request consists of Lot 1 and Lot 2 of the Del Harbour Plat approved via Ordinance No. 03-58 in 1958; there was a total of 44 properties in the original Del Harbour Plat. Lots 1 and 2 consist of 0.5725-acres located at the southwest corner of South Ocean Boulevard and Del Harbour Drive; the address for Lot 1 is 1060 Del Harbour Drive. Lot 2 has never been assigned an address. Neither lot has ever been developed.

Lot 1, which consists of approximately 0.33 acres, is designated as Medium Density Residential (MD) on the Land Use Map with a Multiple Family Residential, Medium Density (RM) zoning designation. The land use designation was amended in September 2019 from Low Density Residential (LD) to maintain and appropriate consistency with the zoning designation. Lot 2, which consists of approximately 0.24 acres, is designated as Low Density Residential (LD) on the Land Use Map with a Multiple Family Residential, Low Density (RL) zoning designation. It is important to note that the two lots have

differing land use designations and, therefore, are required to develop independently to ensure compliance with the maximum density allowed on each parcel.

### Project Description

The applicant has requested a Major Subdivision to split Lots 1 and 2, Del Harbour, to five single-family lots, to be known as Estates at Ocean Drive. Lot 2, zoned RL with a land use designation of LD, will be subdivided to create two lots; Lot 1, zoned RM with a land use designation of MD, will be subdivided to create three lots. The proposed Estates at Ocean Delray plat respects the boundaries of the land use and zoning designations, which is required to ensure that the density limitations are in compliance.

Development of Single-family residential units within the RM and RL zoning is subject to the development standards of the R-1-A Single-family Residential zoning district. The Applicant is requesting the following waivers for each lot:

- Reduce the minimum lot size of 7,500 square feet; and
- Reduce the minimum lot width and frontage

## Review and Analysis

Pursuant to **LDR Section 4.4.5(F)(1), Low Density Residential (RL), Development Standards**, and **Section 4.4.6(F)(1), Medium Density Residential (RM)**, the provisions for the R-1-A District shall apply for single family detached dwellings. The chart below provides the minimum development standards applicable to the R-1-A; those standards that have not been met and require approval of a waiver are **bold**. The waiver requests are discussed in detail below.

Lots 1-3: MD Land Use Designation; RM Zoning District				
	Min. Lot Size	Min. Lot Width	Min. Lot Depth	Min. Lot Frontage
<b>Lot 1</b>				
Required	7500 SF	80'	100'	80'
Provided	<b>4922 SF</b>	<b>53'7"/45'</b>	100.15'	<b>53.7'</b>
<b>Lot 2</b>				
Required	7500 SF	60'	100'	60'
Provided	<b>4752 SF</b>	<b>47.5'</b>	100.1'	<b>47.5'</b>
<b>Lot 3</b>				
Required	7500 SF	60'	100'	60'
Provided	<b>4753 SF</b>	<b>47.5'</b>	100.1'	<b>47.5'</b>
Lots 4-5: LD Land Use Designation; RL Zoning District				
<b>Lot 4</b>				
Required	7500 SF	60'	100'	60'
Provided	<b>5255 SF</b>	<b>52.5'</b>	100.1'	<b>52.5'</b>
<b>Lot 5</b>				
Required	7500 SF	60'	100'	60'
Provided	<b>5257 SF</b>	<b>52.5'</b>	100.1'	<b>52.5'</b>

### 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 proposed Lots 4 and 5 have a Future Land Use Map designation of LD – Low Density and RL - Multiple Family Residential (Low Density) zoning. RL zoning is considered consistent with LD land use. The proposed Lots 1, 2, and 3 are MD land use, with RM zoning. RM zoning is considered consistent. The applicant acknowledged the boundaries of the underlying land use and zoning with a note on the plat, and in the layout of the plat.

**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 generate 50 new daily trips – 4 AM new peak hour trips, and 6 PM new peak hour trips. The applicant has received a Traffic Performance Standards (TPS) approval letter Palm Beach County.

**Schools.** The applicant has submitted a School Capacity Availability Determination (SCAD) Application for five (5) single family homes. The response must be received from the School Board prior to scheduling the item for City Commission approval. The applicant may be required to submit payment to the School Board to mitigate the impact on the public school system.

**Water & Sewer.** The City's Water Atlas and the survey indicate water is available to the site.

**Solid Waste.** The Solid Waste Authority (SWA) is the waste collector for the City, and they have indicated that there is capacity for City projects through 2047.

**Drainage.** The plat has been approved by Engineering. Each single-family unit will be reviewed during the building permit process.

**Consistency.** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

**Compliance with the LDRs.** General compliance with particular sections of the LDRs is discussed below. Additionally, any application for site development or building permit is subject to the LDRs.

**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.*

For plats, the requirements 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 permit review process.

- (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 site design protects existing and proposed pedestrian and bike infrastructure. Additionally, per Comprehensive Plan Policy A-1.5 and LDR Section 2.4.3(D)(7), as a new residential project fewer than 25 units the applicant is required to contribute 50 percent of the cost and purchase to the installation of a complete bus shelter.

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

The proposed site plan provides between 40-50% open space, which is in excess of the 25% required by Section 4.3.4(K).

- (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.

- (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 surrounding properties currently have a mix of housing types. The surrounding housing types are described below:

	Use / Housing Type
North	Condominium, single family homes
South	Condominium
East	Condominium (on the east side of S. Ocean Drive)
West	Condominium

- (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 proposed plat meets the density and intensity standards for the underlying Land Use categories. Single-family homes are complimentary to the surrounding condominium and single family developments.

- (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 provide additional opportunities to increase the housing stock within the City.

- (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 surrounding properties are, by in large, condominiums; single family homes will not signifyingly add to the volume or circulation of traffic in the area, and will maintain the stability of nearby neighborhoods.

- (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.*

Access to each proposed lot will be provided from Del Harbour Drive, which reduces the possibility of interference with the flow of traffic along South Ocean Boulevard.

- (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.

The applicant has requested the waivers, which are subject to **Section 2.4.7(B) – Waivers**.

	Required	Proposed
Waiver 1 (Lot Size)	(Minimum)	
Lot 1	7500 SF	4922 SF
Lot 2		4752 SF
Lot 3		4753 SF
Lot 4		5255 SF
Lot 5		5257 SF
Waiver 2 (Lot Width)		
Lot 1	80 feet	53'7" / 45'
Lot 2	60 feet	47.5'
Lot 3		47.5'
Lot 4		52.5'
Lot 5		52.5'
Waiver 3 ( Lot Frontage)		
Lot 1	80 feet	53.7'
Lot 2	60 feet	47.5'
Lot 3		47.5'
Lot 4		52.5'
Lot 5		52.5'



Pursuant to **LDR Section 2.4.7(B)(5), Waivers: 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 proposed plat maintains the required density of the underlying land use designations of 2 units for LD, and 3 units for MD. On the existing Lot 1, the development potential for the 14,430 square foot parcel is 3 units [Medium Density, 5 to 12 units per acre: 0.3313 acres x 12 units per acre = 3.98 (3) units]. The development potential for Lot 2 is 2 units [Low Density, up to 5 units per acre: 0.2423 acres x 5 units per acre = 1.21 (1) unit]. The Land Development Regulations require that all density calculations be rounded down, and thus only one unit is permitted; however, with the proposed lot split, the proposal is not subject to the density calculation and can build a single-family home on each lot without impacting density, provided the lot meets the minimum lot size requirement of 7,500 SF for each lot.

With the proposed reduction in lot width and lot frontage, each lot is able to provide the required site setbacks and open space for a single-family home. It is not anticipated that the development would create a significant impact, and, therefore, concurrency standards will be met with respect to traffic, water, sewer, solid waste, and schools. The complete review of impact of the redevelopment will be provided during building permit review. Positive findings can be made regarding concurrency standards.

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

The proposed plat will not have a negative impact on public facilities. The proposed development has received a Traffic Performance Standards approval letter from Palm Beach County, and payment to the School Board may be required to mitigate the impact on the school system.

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

The property is still able to maintain the lot coverage and building setback requirements, ensuring circulation of air and maintenance of open space, if the waiver is approved. An unsafe situation should not result from the smaller lot configurations; building separation requirements will be required by the Florida Building Code, and the proximity of the driveway for Lot 1 from South Ocean Boulevard is required to be a minimum of 25 feet from the intersection to minimize impacts with vehicles on Del Harbour Drive waiting to turn onto South Ocean Boulevard. Additionally, the site visibility requirements must also be met; if they are not met, a waiver will also be required.

- 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 could be given consideration in a similar circumstance for another applicant maintain the allowed amount of units if the lot configurations were retained and not being divided up while maintaining the same amount of units.

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

#### Review By Others

The City Commission will review the plat request subsequent to Planning and Zoning Board.

### Board Action Options

- A. Move to recommend **approval** to the City Commission for a major subdivision plat with waivers for Estates at Ocean Delray, 1060 Del Harbour Drive, finding that the request is consistent with of the Land Development Regulations, and the policies of the Comprehensive Plan.
- B. Move to recommend **approval** to the City Commission for a major subdivision plat with waivers for Estates at Ocean Delray, 1060 Del Harbour Drive, finding that the request is consistent with the Land Development Regulations, and the policies of the Comprehensive Plan, **with conditions**.
- C. Move to recommend **denial** to the City Commission for major subdivision plat with waivers for Estates at Ocean Delray, 1060 Del Harbour Drive, 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

X Courtesy Notices are not applicable to this request.

X Public Notices are not required for this request.