

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: September 17, 2018

ITEM: Consideration of the Preliminary Plat and Certification of the Final Plat associated for the development of two fee simple townhome buildings with five units, located on the west side of Palm Trail. **(2018-048)**

RECOMMENDATION: Approve

GENERAL DATA:

Applicant/Owner..... Palm Trail Estates, LLC

Agent..... Richard Jones Architects Inc.

Location..... Westside of Palm Trail north of George Bush Blvd.

Property Size..... 0.953 acres

Future Land Use Map..... MD (Medium Density)

Current Zoning..... RM (Multiple Family Residential)

Adjacent Zoning.....North: RM
East: R-1-A (Single Family Residential)
South: RM
West: RM

Existing Land Use..... 13 Unit Multiple Family Development

Proposed Land Use..... Two townhome buildings with 5 units each

Water Service..... Existing on site via an 6" water line in the Palm Trail, McKee Lane and Witherspoon Lane right of way.

Sewer Service..... Existing on site via an 8" water line throughout the neighborhood.



ITEM BEFORE THE BOARD

The item before the Board is consideration of the Preliminary Plat and Certification of the Final Plat for development of two fee simple townhome buildings with five units each. The subject property is located on the west side of Palm Trail.

This plat is being processed pursuant to LDR Section 2.4.5(J), Major Subdivisions.

BACKGROUND

The subject property consists of Lots 8,9,10 and 11, FIRST ADDITION KENMONT SUBDIVISION, as recorded in the Office of the Clerk of the Circuit Court and or Palm Beach County, Plat Book 22, Page 24 of the Public Records of Palm Beach County, Florida and has a Future Land Use Map (FLUM) designation of MD (Medium Density Residential) and is zoned RM (Multiple Family Residential). The existing property from 1960 consists of two multi-family buildings with 13 units.

The existing parcel configuration was first plated on April 20, 1948 and recorded in the Official Record Books of Palm Beach County which was a plat of Lots 8 9, 10 and 11 FIRST ADDITION KENMONT SUBDIVISION.

At its meeting of April 12, 2017, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Plan.

PLAT DESCRIPTION

The 0.953-acre Palm Trail Estate will consist of Lots 1-10 and are intended for two fee simple townhome buildings with five units each.

The plat includes a 5-foot-wide general utility easement around the entire property. A drainage easement that varies in dimension from 5 feet to 10 feet is provided as well. The alley on the north side was granted a reduction of 2.5 feet, by the Development Management Service Group (DSMG) at its meeting on February 9, 2017. Also at this meeting, a reduction of the required right-of-way from 60 feet to the existing 50 feet was approved. A 5-foot wide sidewalk is proposed along McKee, Palm Trail and Witherspoon Lane.

PLAT ANALYSIS

Pursuant to Section 3.1.1 (Required Findings) of the Land Development Regulations, prior to 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 in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. These findings relate to Future Land Use Map, Concurrency and Consistency with the Comprehensive Plan, and Compliance with the Land Development Regulations.

Pursuant to LDR Section 3.1.1(A) - 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 Future Land Use Map (FLUM) designation of MD (Medium Density Residential) and a zoning designation of RM (Multiple Family Residential). The RM zoning is consistent with the Medium Density Residential (MD) FLUM designation. Pursuant to LDR Section 4.4.6(B)(3), within the RM zoning district, multiple family structures up to 12 units per acre are allowed as a permitted use, subject to compliance with the performance standards of LDR Section 4.4.6(I). Since compliance with the Performance Standards has been provided, the proposed density increase to 10.5 units per acre is permitted and appropriate. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map (FLUM) designation.

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 can be provided to the site through an existing 6" water main along Palm Trail, McKee Lane and Witherspoon Lane. Several existing 8" sewer lines exist throughout the neighborhood, which can provide service to the new residential units. The Comprehensive Plan states that adequate water and sewer treatment capacity exists to meet the adopted level of service standard at the City's build-out population based on the current FLUM. Based upon the above, positive findings can be made with respect to this level of service standard.

Streets and Traffic:

A traffic statement through Palm Beach County Traffic Division was provided on November 29, 2016. It has been determined the proposed development does not have significant peak hour traffic impact on the roadway network and, therefore, meets the Traffic Performance Standards of Palm Beach County and is valid through build out by December 31, 2020.

Parks and Recreation Facilities:

A park impact fee is collected to offset any impacts that the project may have on the City's recreational facilities. Pursuant to LDR Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit for each unit. A total fee of \$5,000 will be required of this development for parks and recreation purposes, prior to building permit issuance.

Solid Waste:

The subject property will consist of 10 new units. Based on a waste generation rate of 0.52 tons per year for apartment and townhome units, the new units will generate an additional 73.63 tons of solid waste per year will result in a property total of 5.2 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals to the year 2048.

Drainage:

Preliminary engineering and drainage plans have been submitted with the proposed development. Drainage will be accommodated via an exfiltration trench system. Therefore, no problems are anticipated in accommodating on-site drainage. Based upon the above, positive findings with respect to this level of service standard can be made.

Section 3.1.1(C) - Consistency: Pursuant to Section 3.2.1 (Basis for Determining Consistency), the performance standards set forth in Section 3.2.3 (Standards for Site Plan and/or Plat Actions) shall be the basis upon which a finding of overall consistency is to be made.

As described in “Appendix A”, a positive finding for consistency can be made as it relates to Standards for Plat Actions.

Comprehensive Plan - Consistency: Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable section was found relevant to this proposal:

Future Land Use Element - Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

The proposed two three-story townhome building development is appropriate and consistent with the surrounding area. There are existing multi-family residential developments on the adjacent properties to the north, south and west of the subject property. Thus, the proposed 912 – 914 Palm Trail development can be deemed a compatible and appropriate use for this site.

Transportation Element – Goal Area C, Policy C-1.1: Efforts shall be made to limit excessive through-traffic and nonresidential traffic on local roads within residential neighborhoods. Where a problem with such traffic is specifically identified, it should be addressed through the utilization of traffic calming measures, such as roundabouts, medians, and speed humps.

As noted in the Palm Beach County Traffic Statement date November 28, 2017, no significant traffic impacts to Palm Trail are anticipated and the development in compliance with Palm Beach County Standards.

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 the subdivision of any lot, tract or parcel of land; and for the dedication, layout, opening or construction of any street, storm sewer, sanitary sewer, water main, or other facility for public use or for the common use of building. All Townhome units have been shown as a separate lot and take access from McKee lane, Palm Trail, Witherspoon Lane and the Alley. The proposed 912 Palm Trail Estates Plat establishes 10 new lots, a 5-foot general utility easement that runs around the entire property and a drainage easement that varies in width

from 5 – 10 feet runs through the entire property. A 5-foot wide sidewalk is shown on the plans to be constructed. Thus, this plat is considered a major subdivision of land.

Right-of-Way Dedications:

Pursuant to LDR Section 5.3.1(D)(2), the ultimate right-of-way width for local residential streets is 60 feet where no curb and gutter exists and 50 feet where curb and gutter exists. The plans do not indicate that curb and gutter is proposed. Therefore, 60 feet of width is required. However, at its meeting of February 9, 2017, the Development Management Service Group (DSMG) approved a reduction of the required right-of-way width from 60 feet to the existing 50 feet. In addition, at its meeting of August 11, 2016, DSMG granted a 2.5-foot reduction for the alley way on the northern portion of this project. Therefore, no additional dedication of right-of-way is required.

Street Improvement Obligations:

Pursuant to LDR Section 6.1.2(A)(2)(a), when a street or alley is located on a boundary of a project, the project is responsible for providing one-half of the current costs of such improvements along its property line. When access to the project is provided from a local street and/or alley, then the project must provide appropriate traffic lanes meeting requirements of Section 5.3.1(C) in order to provide continuous paved access from the nearest paved street or alley to the subject property in addition to the improvements on its side of the center line of the right-of-way. No street improvements are needed for this project. Alley access will be used for one of the town homes, improvements to the alley were made in 2009 with an approval of a Class II Site Plan Modification from the Site Plan Review and Appearance Board.

Sidewalks:

LDR Section 6.1.3(B)(1)(a) requires that a minimum 5-foot wide sidewalk is provided within medium density residential areas. A 5-foot wide sidewalk is proposed on the plans for McKee Lane, Witherspoon Lane and Palm Trail.

Undergrounding of Utilities:

Pursuant to LDR Section 6.1.8, utility facilities serving the development shall be located underground throughout the development.

Engineering Technical Items: Preliminary plans have been reviewed by staff and the remaining comments are provided in the attached “Appendix B”. These requirements must be met prior to the certification of the final plat. Final engineering comments will be addressed prior to building permit issuance.

REVIEW BY OTHERS

The development proposal is not located within a geographical area requiring review by the PGMS (Pineapple Grove Main Street), WARC (West Atlantic Development Coalition), HPB (Historic Preservation Board), CRA (Community Redevelopment Agency) or the DDA (Downtown Development Authority).

Courtesy Notices:

Courtesy notices have been provided to the following homeowner’s associations

- La Hacienda
- Palm Trail
- Seacrest Neighborhood

- Beach Property Owners, Association, Inc.
- Del Ida Park Association

Public notice is not required for plat applications. Any letters of objection or support received after preparation of this staff report will be presented at the Planning and Zoning Board (PZB) meeting.

ASSESSMENT AND CONCLUSION

The proposed plat is consistent with RM (Multiple Family Residential) Zoning and MD (Medium Density Residential) Future Land Use Map (FLUM) designation for the subject property. 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 a conditional approval of the preliminary plat and certification of the Final Plat for the **912 Palm Trail Estates**, 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 Final Plat with basis stated.

STAFF RECOMMENDATION

Move approval of the preliminary plat and certification of the Final Plat for the **912 Palm Trail Estates**, 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 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).

Attachments: Appendix A, Proposed Plat, Boundary Survey and Civil Engineering Plans

APPENDIX A STANDARDS FOR PLAT ACTIONS
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- 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 x
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 X
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 X
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 x
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 x
Meets intent of standard _____
Does not meet intent _____

- 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.**

Not applicable _____
Meets intent of standard X

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 X

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 X

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 X

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 X

Meets intent of standard _____

Does not meet intent _____