



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Pineapple Road Plat

Meeting	File No.	Application Type
June 15, 2020	2020-008	Preliminary and Final Plat – Major Subdivision
Property Owner	Applicant	Authorized Agent
Lakeview Baptist Church	Bomo Development LLC	Miller Land Planning/ Bradley D. Miller

Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat for the Pineapple Road Plat to create six fee simple lots, a private street tract and associated easements.

Background Information

The 1.92 acre site is located on the east side of North Swinton Avenue just south of the City limit and north of Coconut Road. The site is zoned Single Family Residential (R-1-AA) and the Land Use designation is Low Density (LD). The subject property was annexed into the City in 1969 via Ordinance No. 04-63. A portion of the land was originally included as part of the Lakeview Baptist Church property, which was constructed in 1969.

On May 19, 2020, the City Commission approved the Lakeview Baptist Church Plat (to be recorded in the Public Records of the Palm Beach County, Florida, prior to the approval of the proposed replat), which was a subdivision of a portion of Section 4 and 5, Township 46 South, Range 43, of the 5.26 acre site located at 2599 North Swinton Avenue. The proposal was a boundary plat, to create two lots: Parcel 1 and Parcel 2.



The major subdivision request under consideration is a replat of Parcel 2, Lakeview Baptist Church Plat, to create six fee simple lots, a private street tract (Pineapple Road) and associated easements.

Plat Description

The proposal includes the following:

- Replat of Parcel 2, Lakeview Baptist Church Plat; and,
- Creation of six fee simple lots (Lots 1-6) for the purpose of constructing single-family residences on each lot; and,
- Dedication of Road Tract A, named Pineapple Road, as a private street to be owned and maintained by the Homeowner Association; and,
- Dedication of General Utility Easements, Drainage Easements, and an Access Easement throughout the site; and,
- Waiver to LDR Section 5.3.1(D)(2), to reduce the minimum width for the proposed internal, local street to 40 feet, whereas a minimum of 50 feet is required.

Review and Analysis

Per LDR Section 2.4.5(J) Major Subdivision, 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. Pursuant to LDR Section 3.1.1, Required Findings, 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 areas:

LDR Section 3.1.1(A), Future Land Use Map: The resulting use of land 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 designation of LD and a zoning designation of R-1-AA. The R-1 zoning, which allows the proposed single-family residences, is consistent with the LD FLUM designation.

LDR Section 3.1.1(B), Concurrency: Concurrency as defined by 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 CIE-2 of the Comprehensive Plan.

Appendix A provides an assessment for concurrency related to water, sewer, drainage, transportation, parks and open space, solid waste and public schools.

LDR Section 3.1.1(C) - Consistency: Compliance with performance standards set forth in Chapter 3 shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

Appendix B provides a review for consistency with the Development standards for Plat actions.

LDR Section 3.1.1(D), Compliance with the Land Development Regulations: Items identified in the Land Development Regulations, including those found in Section 2.4.5 and in special regulation portions of individual zoning district regulations, shall specifically be addressed by the body taking final action on the development application/request.

LDR Section 4.3.4(K), Development Standards Matrix, Residential Zoning District:

The proposed dimensions for Lots 1- 6 meet the minimum lot dimension requirements for lots located in the R-1-AA zoning district, as identified below:

	Min. Lot Size (sf.)	Min. Lot Width (ft.)	Min. Lot Frontage (ft.)	Min. Lot Depth (ft.)	Compliance
Requirement - LDR Section 4.3.4(K)	9,500	75/95*	75 ft./95 ft.*	100 ft.	
Lot 1 – Corner Lot	10,529	100	95.01	101.15	Yes
Lot 2	9,598	95	95	100.93	Yes
Lot 3	9,577	95	95	100.70	Yes
Lot 4	9,556	95	95	100.48	Yes
Lot 5	10,337	103	103	100.23	Yes
Lot 6	10,372	104.20	104.20	100	Yes

*Requirement for Corner Lot

LDR Section 6.1.8, Undergrounding of Utilities:

Utility facilities serving the development shall be located underground throughout the development. A General Utility Easement has been dedicated with this plat to comply with this section.

LDR Section 2.4.7, Waiver:

The item identified below involve the granting of a specific development regulation.

LDR Section 5.3.1(D)(2), Right-of-Way Dimensions: Local Streets, private or public with or without curb, except as otherwise provided in the Comprehensive Plan, are required to have a minimum width of 50 feet. A reduction in the required right-of-way width may be granted by the body having the approval authority (City Commission) of the associated development application in developments in which new streets are created. The applicant has requested a reduction for the proposed new ingress and egress tract, Tract A – Pineapple Road, to a minimum of 40 feet in width throughout the entire length of the proposed tract.

The applicant's waiver request and justification statement is attached, which states that *"the requested waiver is internal to a six lot development and should have no direct effect on the neighboring areas. Although the required width is below the minimum standards, sidewalk paths are accommodated along the north side of the proposed Tract A, adjacent to the proposed lots"*.

Per 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 is in accordance with the following:

a) Shall not adversely affect the neighboring area;

The requested waiver is internal to six lot development and should have no direct effect on the neighboring areas. Although the required width is below the minimum standards, sidewalk paths are accommodated along the north side of the proposed Tract A, adjacent to the proposed lots. The road width is 20 feet wide, which is the minimum standard when parallel parking spaces are not proposed. A turn-around area measuring 20 feet wide by 45 feet deep is proposed to be dedicated as an access easement for public access along Lot 5 and Lot 6. The proposed road system provides access to the 6 proposed lots and does not provide access to other neighborhoods or streets. Although the properties to the south (Beacon Plat Subdivision) abut the proposed Tract A area, access cannot be taken by those units as Tract A is dedicated as a private street to be owned and maintained by the subject development.

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

The standard code requirement of a minimum right-of-way width of 50 feet is required to accommodate certain improvements between the property lines such as, two traffic lanes, sidewalks, parallel parking spaces and swale areas for drainage purposes. The proposed Tract A accommodates a 20 foot paved roadway, four foot wide sidewalks, and swale areas. The required improvements and infrastructure to serve 6 single family dwellings can be effectively accommodated within the proposed 40 ft. private right-of-way.

c) Shall not create an unsafe situation;

As identified above, the waiver under consideration provides the necessary improvements and the capability to accommodate the necessary infrastructure to serve the demand of the approved small scale development.

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 granted in a similar circumstance for another applicant of a similarly sized private development if they do not create any unsafe conditions, diminish public facilities, or adversely impact adjacent developments.

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

Review By Others

The proposal is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), Historic Preservation Board (HPB), Downtown Development Authority (DDA) or the Community Redevelopment Agency (CRA).

Pursuant to LDR Section 2.4.2(C)(2)(a) Utility Companies, utility providers for gas, electricity, cable television and power were notified of the abandonment application; no objections have been provided to date.

Pursuant to LDR Section 2.4.5(J)(3) Procedure, the Final Plat shall be considered by the City Commission. Consideration by the City Commission is anticipated for July 21, 2020.

Board Action Options

- A. Move approval of the Preliminary Plat and recommendation of approval for the Certification of the Final Plat for **Pineapple Road Plat**, which includes a waiver to LDR Section 5.3.1(D)(2), to reduce the minimum width for the proposed internal, local streets to 40 feet, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move denial of the Preliminary Plat and recommendation of denial for the Certification of the Final Plat for **Pineapple Road Plat**, which includes a waiver to LDR Section 5.3.1(D)(2), to reduce the minimum width for the proposed internal, local streets to 40 feet, by finding that the request is not consistent with the Comprehensive Plan and does not meets criteria set forth in the Land Development Regulations.
- C. Continue With Direction.

Appendix "A" - LDR Section 3.1.1(B), Concurrency Findings

Concurrency as defined by 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 for the following areas:

Water and Sewer:

- Civil plan sheet 2 shows a proposed lateral connection into an existing 8 inch water main along North Swinton Avenue.
- Civil plan sheet 2 shows a proposed lateral connection 8 inch sanitary sewer main along North Swinton Avenue.

Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Waste Water Treatment Plant for the City at build-out.

Transportation:

A traffic study was submitted indicating that the development of the site into 6 single family dwellings will generate a total of 60 daily new trips, 5 am and 7pm peak hours. A letter from the Palm Beach County Traffic Division indicating that the project meets the Traffic Performance Standards was received.

Parks and Open Space:

Dedication of land for park purposes is not required. 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 per dwelling unit (6 units proposed); therefore, a fee of \$3,000 will be collected prior to building permit issuance.

Solid Waste:

Solid waste generated each year by this development will be approximately 0.8 tons per residential unit (5 units) for a total of 4.8 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

Public Schools:

The School Capacity Availability (SCAD) Determination received from The School District of Palm Beach County indicates there will be no negative impacts on the public school system. A total fee of \$2,991 to The School District of Palm Beach County is required to address the school capacity deficiency generated by the proposed development.

Appendix "B"- LDR Section 3.2.3 (A) through (J), Standards For Site Plan Actions

Compliance with performance standards set forth in Chapter 3 shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency. The following pertains to the proposed plat application:

- 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

NOTE: This plat request was submitted prior to the adoption of the Always Delray Comprehensive Plan on February 4, 2020. The Mobility Element provides a framework to support an interconnected multimodal mobility network rather than the previous focus on automobile capacity. An amendment to the LDRs to ensure consistency with the Always Delray plan includes updates to Section 3.2.3(B) with Objectives MBL 1.2 and MBL 2.5 of the Mobility Element; the amendment will be reviewed by the Planning and Zoning Board on June 15, 2020 with subsequent hearings at City Commission. These objectives support a bicycle and pedestrian network, along with Policy MBL 2.5.2, which requires safe vehicular, pedestrian, and bicycle operations in all new development, including at driveway entrances and at intersections. The proposed plat meets the intent of the standard.

- 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

The proposed LDR amendments necessitated by the adoption of the Always Delray plan includes and update to Section 3.2.3(C) with Objective OPR 1.4 of the Open Space, Parks, and Recreation Element. This objective supports sufficient and appropriate park and recreational facilities in private development, particularly residential.

- 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, subject to approval of the requested waivers.
 - ☐ 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 policy HOU 2.3 of the Housing Element.

☒ Not applicable
☐ Meets intent of standard
☐ Does not meet intent

The proposed LDR amendments necessitated by the adoption of the Always Delray plan includes Section 3.2.3(G) with a general reference to the Housing Element.

- 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