



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Frederick Isles Townhomes

Meeting	File No.	Application Type
October 19, 2020	2020-243-USE-PZB	Conditional Use
Property Owner	Applicant	
Frederick Isles, LLC	Miles Rich	

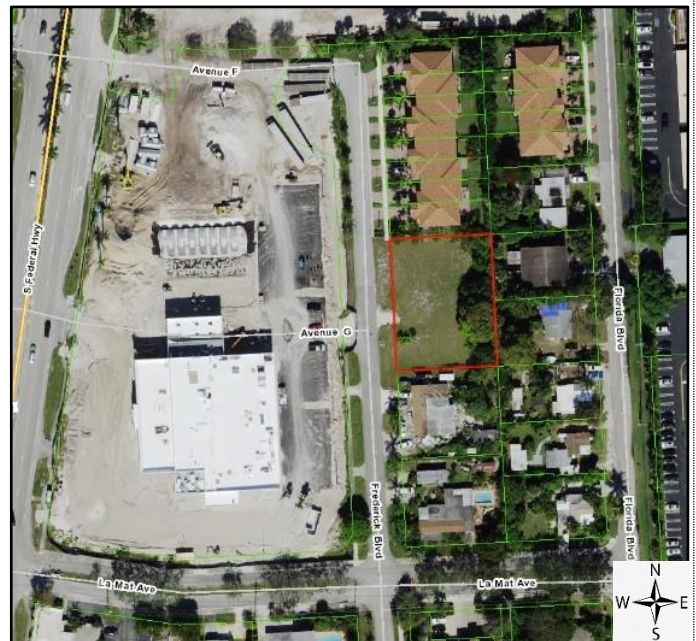
Request

Provide a recommendation to the City Commission regarding a Conditional Use request to increase the density from a maximum of 12 du/ac to 16 du/ac, for the property located at 2621 Frederick Boulevard ("Property").

Background Information

The subject Property is generally located east of South Federal Highway, west of Florida Boulevard and north of La Mat Avenue. The 0.39-acre site is currently vacant and is zoned Medium Density Residential (RM) with a Land Use Map (FLUM) designation of Transitional (TRN) within a identified Infill Workforce Housing Area.

Frederick Boulevard was previously accessible from South Federal Highway via La Mat Avenue, Avenue "G" and Avenue "F". In 2018, Avenue "G" and Avenue "F" were abandoned to allow for the construction of the Delray Chevrolet car dealership. As such, the Property is now only accessible from Frederick Boulevard via La Mat Avenue.



Project Description

The proposed project consists of a 2-story, 6-unit townhome development with associated parking and landscaping. Of the six units, four are proposed as 2-bedroom, 2.5-bathroom units and two are proposed as 3-bedroom, 2.5-bathroom units. All six units are proposed with a 1-car garage, driveway with space to park two additional vehicles, and a patio. The project does not include a common area or other amenities.

The Applicant is seeking to increase the density from a maximum density of 12 dwelling units per acre (du/ac) and four dwelling units to 16 du/ac and six units. Section 4.7.4 of the Land Development Regulations (LDR) allows for two bonus units for every one workforce unit provided at a moderate household income level. The Applicant is proposing one moderate workforce dwelling unit and one bonus unit, bringing the total number of units to six for the proposed Project. The moderate-income level is classified as 80% to 120% of the Average Median Income (AMI) for Palm Beach County.

Pursuant to LDR Section 4.4.6 (H)(1), Special Regulations, the Property is allowed a base density of six units per acre for multiple family housing projects. Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6(I). In no event shall a development's total density exceed 12 units

Project Planner:

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Attachments:

- Applicant Justification Statement
- Site Plan
- Map DIA-7
- School Availability Capacity Determination (SCAD) Form

per acre, except within the Southwest Neighborhood Overlay District, Carver Estates Overlay District and the Infill Workforce Housing Area, as allowed by Section 4.4.6(D)(9) and 4.4.6(D)(10).

The Property is located within the Infill Workforce Housing Area (see attached Map DIA-7); pursuant to LDR Section 4.4.6(D)(10) a maximum of 18 units per acre within the Infill Workforce Housing Area is allowed, subject to the provisions of LDR Section 4.4.6(I), and Article 4.7.

Review and Analysis

The LDRs provide general required findings for conditional uses; there are also requirements specific to each use in the LDRs. An analysis of each is provided below.

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

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 Land Use Map.*

The Property has a LUM designation of TRN, and a zoning designation of RM, which are compatible with each other. Pursuant to LDR Section 4.4.6(B)(3), multiple family structures are an allowed use in the RM zoning district with a base density of six and a maximum density of 12 du/ac. Pursuant to LDR Section 4.4.6(D)(10), additional density may be granted by conditional approval in the Infill Workforce Housing Area, subject to compliance with LDR Section 4.4.6(I) and Article 4.7. The conditional use is required as the applicant is proposing a density of 16 dwelling units per acre. As the TRN land use designation allows for a standard density of 5 to 12 du/ac, the density is increased for the TRN land use designation to a range of 12 to 24 du/ac as a revitalization / incentive density. The site has been included within an area designated with an incentive density to provide workforce housing, and the project is consistent with the provisions of the land use designation.

Concurrency. *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted 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, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

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

Traffic. The Applicant has received a Traffic Performance Standards (TPS) approval letter from Palm Beach County for 6 Low-rise Multi-Family Residential dwelling units. The proposed Project will generate 44 New Net Daily trips, 2 (1/1) New Net AM Peak Hour trips, and 3 New Net PM Peak Hour Trips. Six individual driveways are proposed to each unit that are accessed from Frederick Boulevard.

Schools. The Applicant has received a School Capacity Availability Determination (SCAD) from the Palm Beach County School District (see attached SCAD form) which determined that the Project will generate one student at the elementary level, one student at the middle school level, and one student at the high school level. Based on the findings and evaluation of the proposed development, there will be negative impact on the public-school system. Therefore, if the proposed development is approved, School District staff recommends the following condition to mitigate such impact:

In order to address the school capacity deficiency generated by this proposed development at the District Middle and High School level, the School District has recommended that the Applicant contribute a total of \$18,798 to the School District of Palm Beach County prior to the issuance of first building permit.

This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).

Water. The City's Water Atlas and the survey indicate water is provided to the site by an 8-inch water main located within the Frederick Boulevard right-of-way.

Sewer. The survey indicates sanitary sewer service is provided. The City's Sewer Atlas indicates that sewer service provided to the site by an 8-inch water main located within Frederick Boulevard right-of-way.

Solid Waste. 6 units x 1.99 tons = 11.94 tons/ 23,880 lbs. per year.

As the property is vacant, the proposed development will generate an additional 11.94 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

Drainage. The applicant has provided 48.12% impervious surfaces on the site. The site plan is currently under review, and the review process will ensure sufficiency of site drainage.

Consistency. A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies that are relevant to Conditional Use applications are noted:

Housing Element

Policy HOU 5.1.1: *Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.*

Policy HOU 6.1.1: *Provide opportunities for income diversity by allowing a mix of housing types and ownership options.*

Objective HOU 6.1.4: *Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.*

Policy HOU 6.2.8: *Protect the affordability of units at risk of losing subsidies or being converted to market rate housing and retain workforce housing options in existing neighborhoods that will allow long-term residents to age in place.*

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.3.13: Allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses.

Policy NDC 1.3.14: Use the Transitional land use designation for properties located between two or more land use designations that allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions.

Policy NDC 1.3.15: Allow a maximum floor area ratio of 1.0, a maximum standard density of 12 dwelling units per acre, and a revitalization/incentive density of 12-24 dwelling units per acre in the Transitional land use designation to provide a mix of uses and potential development patterns to provide an appropriate scale, height, and intensity, and other essential transitions among areas with different land uses or levels of intensity.

The Property has a Transitional land use designation and is located within the Infill Workforce Housing Area. The project proposes a density of 16 du/ac and a Floor Area Ratio of 0.69, thereby complying with the density and intensity limitations of the Transitional land use designation. The Project provides six dwelling units with a mix of two- and three-bedroom floor plans, with one unit provided as a workforce housing unit for a moderate-income household. The workforce housing unit provides an additional affordable unit available in the City where one was not previously proposed and allows for a mix of income diversity as well as housing type. The property owner will be required to execute a restrictive covenant ensuring that the workforce housing unit will be retained in perpetuity. The mix of floor

plans and the addition of the workforce housing unit increases the range of residential uses within the City and provides a transition between an automotive commercial use along Federal Highway and the adjacent single-family residential neighborhood.

Compliance with the LDRs. General compliance with the LDRs is discussed below, followed by a discussion of compliance with the regulations specific to each Conditional Use request.

If the Conditional Use is approved, site plan approval complying with LDR Sections 2.4.3 and 4.4.6 will be required. The site plan was reviewed initially by the City's Technical Advisory Committee on September 25, 2020 and is undergoing revisions. Platting will also be required pursuant to Section 4.3.3(O)(2).

Conditional Use Findings: LDR Section 2.4.5(E)(5) requires that the City Commission find that the request to allow an additional workforce housing dwelling unit, subject to the requirements for density bonuses in the Infill Workforce Housing Area, will not:

- a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- b) Hinder development or redevelopment of nearby properties.

The Board's recommendation to the City Commission must take into consideration if compliance with the required development standards specific additional workforce housing dwelling units, subject to the requirements for density bonuses in the Infill Workforce Housing Area, will not have a significantly detrimental effect upon the stability of the neighborhood, or hinder development or redevelopment of nearby properties. The chart below identifies the adjacent land uses, which are primarily residential, with commercial to the west.

Adjacent Zoning, Land Use, and Use			
	Zoning Designation	Land Use	Use
North	Multiple Family Residential (RM)	Transitional (TRN)	Townhouse Development
South	Multiple Family Residential (RM)	Transitional (TRN)	Single-Family Residential
East	Multiple Family Residential (RM)	Transitional (TRN)	Single-Family Residential
West	Automotive Commercial (AC)	General Commercial (GC)	Delray Chevrolet (under construction)

The applicant states, in response to the required findings, that *"the (Project) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located. Additionally, this project will not hinder development or redevelopment of nearby properties. The townhouse development will be a friendly addition to the neighborhood. Each unit has plenty of driveway space for the resident's guests to park, as well as a provided garage for each townhome."*

Staff has analyzed the surrounding area and notes that the townhouse project immediately adjacent to the north of the Project was approved at 9.64 dwelling units per acre which exceeds the base density allowed by the RM regulations. If approved, the density would be the highest in the immediate surrounding area but is of a small scale and therefore would not cause a significant burden to the adjacent property owners.

As the Project is in a similar scale to the surrounding neighborhood, and proposes an additional moderate workforce housing unit, the additional density, which results in two units, is compatible with the surrounding neighborhood and meets the intent of designating the area as an Infill Workforce Housing Area. As such, the increased density will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located, as access is taken from Frederick Boulevard which is unlikely to increase traffic within the surrounding single-family neighborhood. Additionally, the Applicant is proposing to develop a vacant lot that will not hinder development or redevelopment of nearby properties, but rather likely encourage development or redevelopment of older properties in need of improvement.

Density Bonus Program for the Infill Workforce Housing Area: LDR Section 4.7.4 specifies that *developers of property in the Infill Workforce Housing Area will earn bonus units for building workforce housing for very low, low and moderate income families, that meet the minimum standards of the aforementioned section.*

- a. *The size of the bonus varies based on several factors including:*
 - i. *Affordability (i.e., homes affordable to very low, low, or moderate income families)*
 - ii. *Home Size (i.e., workforce housing units with four or more bedrooms are awarded larger bonuses)*
 - iii. *Ownership versus Rental (i.e., larger bonuses are awarded for workforce housing units offered for sale to low and very-low income families and larger bonuses are awarded for ownership versus rental units.)*
- b. *To be eligible for bonus units, developers must meet one or more of the following criteria:*
 - i. *A designated number of the total units are restricted to very low income households, and/or*
 - ii. *A designated number of the total units are restricted to low income households, and/or*
 - iii. *A designated number of the units are restricted to moderate income households*

The Applicant is proposing one fee simple dwelling unit available to a moderate income household. The LDR's allow for two bonus units to be earned for each moderate dwelling unit provided. As the Applicant is proposing only one bonus unit, the proposal complies with the LDR requirements of 4.7.4.

Review By Others

The City Commission will review the conditional use at an upcoming meeting. Subsequent to conditional use approval, the site plan will require approval by the Site Plan Review and Appearance Board (SPRAB) and the Plat will require review by the Planning and Zoning Board and final approval by the City Commission.

Board Action Options

- A. Move to recommend **approval** to the City Commission of a Conditional Use request for Frederick Isles Townhomes to increase the maximum density from 12 dwelling units per acre to sixteen dwelling units per acre, for the property located at 2621 Frederick Boulevard, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend **denial** to the City Commission of a Conditional Use request for Frederick Isles Townhomes to increase the maximum density from 12 dwelling units per acre to sixteen dwelling units per acre, for the property located at 2621 Frederick Boulevard, finding that the request is inconsistent with the Land Development Regulations and the Comprehensive Plan.
- C. **Continue with direction.**

Public and Courtesy Notices

X Courtesy Notices were sent to the following neighborhood association representatives:

- Tropic Isle
- Tropic Bay

X Public Notice was posted at the property 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

N/A Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

X Agenda was posted at least 5 working days prior to meeting.