



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Frederick Isles Plat

Meeting	File No.	Application Type
February 22, 2021	2020-253	Major Subdivision

#### Request

Certification of the Preliminary Plat and recommendation to the City Commission of the Final Plat for Frederick Isles townhouse development to create 6 fee-simple lots located at 2621 Frederick Boulevard.

#### Background Information

The subject property is generally located east of South Federal Highway, west of Florida Boulevard and north of La Mat Avenue, along the east side of Frederick Boulevard. The 0.39-acre site, which is currently vacant, is zoned Medium Density Residential (RM) with a Land Use Map (LUM) designation of Transitional (TRN); the property is also located within an 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 Frederick Boulevard is now only accessible from La Mat Avenue.

At its meeting of February 10, 2021, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan, Landscape Plan, and Architectural Elevations for a 2-story, 6-unit townhome development with associated parking and landscaping. The proposed street trees within the right-of-way (ROW) of Frederick Boulevard require the approval and recordation of a Landscape Maintenance Agreement. The agreement will be considered at the time of Final Plat approval by the City Commission.



In order to facilitate this request, the Applicant was required to receive conditional use approval from the City Commission to increase the density from a maximum of 12 du/ac to 16 du/ac (Resolution No. 179-20) on December 1, 2020.

#### Plat Description

The proposed plat includes the following:

- Replat of Lots 20, 21, 22, 23, 24 and 35, Block 35, Del-Raton Park, according to the Plat thereof as recorded in Plat Book 14, Page 9 of the public records of Palm Beach County, Florida. Lying in Section 28, Township 46, Range 43 East, City of Delray Beach, Palm Beach County, Florida.; and,
- Dedication of Lots 1-6 for each of the individual fee-simple townhomes; and,
- Dedication of Tract C to the Frederick Isles Homeowner's Association for recreation and drainage purpose; and,
- Dedication of a 10-foot general utility easement (GUE) along the front of the property.

## Review and Analysis

Pursuant to **LDR Section 4.3.3(O)(2), Townhouses and Townhouse Type of Development**, each townhouse, or townhouse type, development shall be platted with a minimum designation of the interior street system as a tract. When the dwelling units are to be sold, each such unit must be shown on the plat.

The proposed plat includes six lots for each townhouse; Lots 2 – 5 measure 21 feet wide by 82.75 feet deep, and Lots 1 and 6, which are the two corner lots, measure 21.33 feet wide by 82.75 feet. Tract "C" is dedicated for recreation and drainage purposes, and is located along Lots 1 and 6, and runs across the back of the properties. The Tabular Data chart on Page 2 of the plat provides the total square footage and acreage for each Lot and Tract "C".

Pursuant to **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.

The proposed plat qualifies as a Major Subdivision as it creates more than 2 lots, pursuant to **LDR Section 5.3.1(A), Plat Required**. Major subdivision plats require the certification of a preliminary plat by the Planning and Zoning Board, and a recommendation to the City Commission regarding the Final 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.

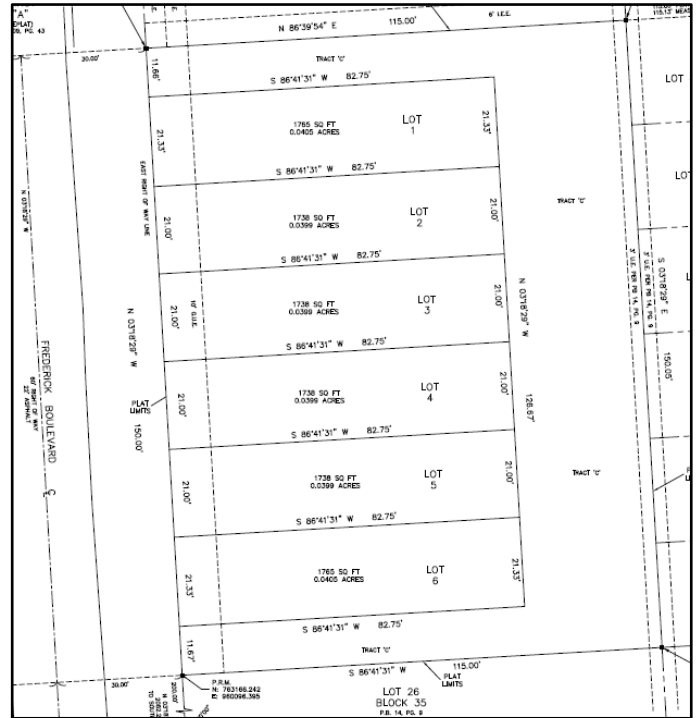
**(A) Land Use Map.** The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.

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 approved conditional use was required to increase the density to 16 dwelling units per acre with the provision of workforce housing units.

**(B) 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 approved 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 a negative impact on the public-school system. Therefore, School District staff 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”* to mitigate such impact. This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).

**Water.** The survey indicates City water service is provided. 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 site plan includes 48.12% impervious surfaces on the site which is provided via the Tract C common area.

**(C) 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.*

Appendix “A” provides a review of Consistency as it relates to Section 3.2.3, Standards for Site Plan and/or Plat Actions.

**(D) Compliance with the LDRs.** *Whenever an item is identified elsewhere in the LDRs, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

Through the review of the Conditional Use and Class V Site Plan requests, the subject request was found to meet the applicable requirements of the LDRs. Review of those LDRs applicable to the review of Plats is provided in this report.

#### Review By Others

The City Commission will review the Major Subdivision request for approval of the Final Plat at an upcoming meeting; the meeting date has not yet been determined.

#### Alternative Actions

- A. Continue with direction.
- B. Move approval of the preliminary plat and recommendation of approval to the City Commission for the certification of the Final Plat for **Frederick Isles**, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move denial of the preliminary plat finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.

#### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request

☒ Public Notices are not required for this request.

Appendix A-Consistency-Standard for Plat Actions-Section 3.2.3

- 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. All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).
- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent
- C. Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.
- ☐ Not applicable
- ☒ Meets intent of standard Note: the applicant will pay Park Impact Fees. The project does not provide a tot lot.
- ☐ Does not meet intent
- D. Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied.
- ☒ Not applicable
- ☐ Meets intent of standard
- ☐ Does not meet intent
- E. Development of residentially zoned vacant land shall be planned in a manner 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 use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.
- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent
- G. Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.
- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent

- H. Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, 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, teens, and adults 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
- K. Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.
- ☐ Not applicable
- ☒ Meets intent of standard
- ☐ Does not meet intent