



October 5, 2020

City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

**RE: Delray Townhomes
Rezoning and Class V Site Plan
Justification Statement**

On behalf of the Owner and Petitioner, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Class V Site Plan Application
- Change of Zoning District from RM-8 (Annexation) to RM

PROPERTY HISTORY AND SITE CHARACTERISTICS

The subject property consists of 3.18 acres and is owned by Ocean Ridge Rentals LLC. The subject property has a Future Land Use (FLU) designation of MD – Medium Residential and a Zoning Designation of RM-8 – Medium Density Residential District. The agent met with the City of Delray Planning Staff on February 13, 2020 and again on September 22, 2020, these meetings served as a Pre-Application meeting.



PROJECT SITE

ZONING HISTORY

The existing City of Delray zoning designation is RM-8, which provides for density up to 8 dwelling units/acre. This designation was assigned as part of the annexation from unincorporated Palm Beach County, as a lateral move for the County-assigned density. As part of this development the applicant seeks to change the zoning designation to the City of Delray Beach standard district of 'RM' which will allow for an increase to the density to 12 dwelling units/acre, providing the for the moderate townhome project outlined in the attached development plans and supporting documents. The adjacent property to the west and also east are still within the jurisdiction of Unincorporated Palm Beach County.

REQUIRED FINDINGS FOR LAND DEVELOPMENT APPLICATIONS

This project meets and exceeds the standards for approval of development applications contained in Section 3.1.1 as follows:

- (A) 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 use is consistent with the Future Land Use of Medium Residential. The applicant has requested a rezoning from RM-8 to RM. The RM-8 zoning is a result of the Palm Beach County annexation and a change to RM will provide consistency with The City's code.

- (B) 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, or 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.*

The enclosed application has prepared a traffic impact statement for review and approval from Palm Beach County Traffic, will not exceed existing capacity for stormwater, water/sewer utility services, solid waste services, and has applied to the School District of Palm Beach County to verify Public School capacity for the project.

(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 outweighs the negative impacts of identified points of conflict.

There are no waivers or variances requested from the individual performance standards that the attached site plan. Specifically, the standard side setbacks of 15' have been increased by 25% to accommodate the existing lower density within Unincorporated Palm Beach County. The benefits of a medium density (in the range of 5-15 units per acre) townhome development are many, including increased opportunities for usable open space and community activities, all within a low-rise two-story design shown below, which is at the same scale as a typical large lot single family home.



(D) Compliance with LDRs. Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request.

The enclosed project is in compliance with all land development regulations, no relief is requested from the code requirements.

STANDARDS FOR SITE PLAN

(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. [Amd. Ord. 13-99 3/16/99]

The building design, landscaping and lighting has been designed in accordance with to the standards. A photometric plan has been provided to show the lighting does not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.

(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. [Amd. Ord. 13-99 3/16/99]

Separation of different forms has been included in the site plan design. Multiple bike racks are shown on the site plan as well as pedestrian and vehicular areas.

(C) Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed. [Amd. Ord. 13-99 3/16/99]

Please note the proposed clubhouse with recreation area, Goal OPR 1 promotes the provision of “EXEMPLARY OPEN SPACES PARKS, AND RECREATIONAL FACILITIES THAT ENHANCE QUALITY OF LIFE, PROVIDE RECREATIONAL OPPORTUNITIES, ENRICH INTERACTION WITH OTHERS, AND PROMOTE PHYSICAL AND MENTAL WELLBEING FOR THE RESIDENTS AND VISITORS OF THE CITY.” And Objective I.4, pertaining to private development promotes “SUFFICIENT AND APPROPRIATE PARK AND RECREATIONAL FACILITIES TO SUPPLEMENT THE CITY’S PROVISION OF RECREATION FACILITIES AND PROGRAMS IN PRIVATE DEVELOPMENT, PARTICULARLY RESIDENTIAL, FOR THE WELL-BEING OF THE FUTURE RESIDENTS OF THE DEVELOPMENT.” The proposed development plan has incorporated recreation facilities into the development in direct support of the referenced goals and objectives of the Open Space and Recreation Element of the Comprehensive Plan known as ‘Always Delray.’

(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. [Amd. Ord. 13-99 3/16/99]

The proposed development plan indicates the dedication of additional right of way (25') that the applicant is agreeing to provide for 133rd Road South following a successful rezoning and site plan approval.

(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. [Amd. Ord. 13-99 3/16/99]

In the general area of the subject site, it is clear that the trend is a medium density product, and in time the adjacent properties will annex into the City of Delray Beach. The proposed design has increased the setbacks on the side property lines adjacent to the parcels currently in the County with a slightly lower maximum density and has limited the height of the townhomes to 2 stories to further provide a compatible transition to the existing uses on the adjacent parcels.

(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. [Amd. Ord. 13-99 3/16/99]

The response to (E) above could be copied, the site design and 2 story design provides for land use compatibility, and the preliminary engineering plan is provided to indicate the desired plan for drainage, legal positive outfall, and dry retention on the subject property.

(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. [Amd. Ord. 13-99 3/16/99]

Consistent with Policy HOU 4.1.7 of the Housing Element of the Always Delray Comprehensive Plan, the City should 'SUPPORT INNOVATIVE USE OF HIGHER DENSITY IN DETACHED AND ATTACHED HOUSING WHICH MAINTAINS USABLE OPEN SPACE, WHILE PROVIDING LARGER LIVING SPACES.' Additionally, the provision of a for rent townhome community for families and young professionals within the City who do not wish to live downtown, but also do not wish to purchase a single-family home or attached condominium. Capturing this segment of future residents is an important element of the provision of diverse housing options within the City limits.

(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. [Amd. Ord. 13-99 3/16/99]

The surrounding properties and developments will not be negatively impacted by the construction of this project, note that NPDES standards are required to be upheld by the site contractor, and the design of a moderate two-story townhome development represents a positive addition to the surrounding community.

(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. [Amd. Ord. 13-99 3/16/99]

A Traffic Letter is supplied in the application documents and has been submitted to Palm Beach County Traffic for review and issuance of a concurrency letter.

(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. [Amd. Ord. 13-99 3/16/99]

A clubhouse and amenity center have been included in the proposed site plan. As part of the proposed clubhouse area a pool is also available to residents.

STANDARDS FOR REZONING ACTIONS

- (A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied to those areas identified as "stable" and "stabilization" on the Residential Neighborhood Categorization Map. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied. [Amd. Ord. 13-99 3/16/99]

The subject site is not within a recognized residential adopted plan area such as the SW Area Neighborhood Plan or South Federal Highway Redevelopment Plan, consisting largely of properties that have been annexed into the City Limits extending to Military Trail over the last 20 years. The standard City district of RM allows for the appropriate level of development subject to design considerations such as height and setbacks, which the subject site has given great care to accommodate.

- (B) Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95. [Amd. Ord. 13-99 3/16/99]

This standard does not apply to the proposed project as they are not rezoning to AC.

- (C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration should be given to increasing the depth of the commercial zoning in order to provide for better project design. [Amd. Ord. 13-99 3/16/99]

This standard does not apply to the proposed project as changes will not result in strip commercial development.

- (D) That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use. [Amd. Ord. 13-99 3/16/99]

As stated above, the standard City district of RM allows for the appropriate level of development subject to design considerations such as height and setbacks, which the subject site has given great care to accommodate. The adjacent properties will eventually annex into the City limits of Delray Beach and it is expected that they would rezone to RM, consistent with the development patterns and subject to performance standards, concurrency, and careful design.

- (E) Remaining, isolated infill lots within the coastal planning area shall be developed under zoning which is identical or similar to the zoning of adjacent properties; and, the resulting development shall be of a design and intensity which is similar to the adjacent development. [Amd. Ord. 13-99 3/16/99]

The subject property is not within the coastal planning area, lying west of I-95.

In closing, we appreciate your review and consideration of this request, please feel free to reach out via phone at (561) 404-7244 email (Mark.Rickards@kimley-horn.com) with any questions or concerns.

Best Regards;

Mark Rickards, AICP