



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

PHG Delray Plat

Meeting	File No.	Application Type
June 21, 2021	2021-007	Preliminary and Final Plat – Major Subdivision
Property Owner and Applicant		Authorized Agent
PHG Delray Beach, LLC.		Covelli Design Associates, Inc.

Request

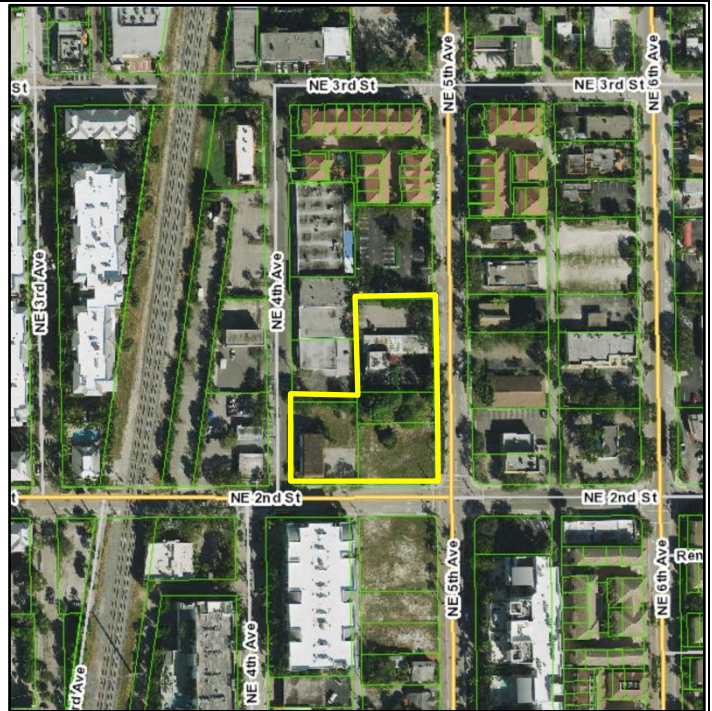
Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat for PHG Delray, to combine four properties currently addressed as 401 NE 2nd Street, 200 NE 5th Avenue, and 234 NE 5th Avenue, and an unaddressed vacant parcel generally located at the northwest corner of NE 2nd Street and NE 5th Avenue into one parcel boundary, providing of easements, and right-of-way dedications.

Background Information

The development area (“property”) contains 1.162 acres and consists of a portion of Block 98, City of Delray Beach (formerly the Town of Linton, Florida) recorded in Plat Book 1, page 3, and all of Lots 22 and 23 and portions of Lots 30, 31, 32 and 33, Block 98, L.R. Benjamin’s subdivision recorded in Palm Beach County plat book 12, page 18. The properties are zoned Central Business District (CBD) within the Central Core and Railroad Corridor Sub-Districts and have a Land Use Map designation of Commercial Core (CC).

The developmental history relating to the four properties is as follows:

- The property previously contained two buildings that were built in 1941 and 1952.
- On December 10, 2019, the City Commission approved Resolution No. 213-19, granting a waiver request to LDR Section 4.4.13 (D)(2)(a), to allow for the front setback of PHG Delray to encroach 9 feet along NE 2nd Street, 8 feet - 2.5 inches along NE 5th Avenue, and 9.51 feet along the west side of the property as it pertains to a fully subterranean parking.
- On February 26, 2020, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan application (2019-233) for a new 143-room hotel (PHG Delray).



Plat Description

The proposed plat, which is required to combine the land and accommodate the approved hotel and associated site improvements, includes the following:

- Replat of a portion of Block 98, City of Delray Beach (formerly the Town of Linton, Florida) recorded in Plat Book 1, page 3, and all of Lots 22 and 23 and portions of Lots 30, 31, 32 and 33, Block 98, L.R. Benjamin’s subdivision recorded in Palm Beach County plat book 12, page 18; and,
- A 25-foot by 25-foot corner clip dedication at the southeast corner of the site (Tract “R-1”) adjacent to the northwest corner

of NE 2nd Street and NE 5th Avenue; and,

- A five-foot right-of-way dedication along NE 4th Avenue (Tract "R-2"); and,
- A six-foot pedestrian sidewalk easement dedication along East Atlantic Avenue; and,
- A 1.6-foot sidewalk easement dedication along NE 5th Avenue; and,
- General Utility Easement (G.U.E.) dedications throughout the property (see plat sheet 2 of 2); and,
- A 12-foot sanitary sewer easement dedication.

Review and Analysis

Pursuant to **LDR Section 5.1.3 (A), Subdivision Regulations: Applicability**, *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 occupants.*

- The proposal is a replat of Lots 22 and 23 and portions of Lots 30, 31, 32 and 33, of Block 98 of the L.R. Benjamin's subdivision of the City of Delray Beach. The application is being processed as a Major Subdivision because of the combining of the individual lots into one parcel (PHG Delray), right-of-way dedications and utility easements. Plat sheet 2 of 2 shows public sidewalk easements on the property adjacent to the public rights-of-way to be dedicated to the City and FDOT separately. To note, the description of the FDOT sidewalk easement on plat sheet 1 of 2 may change prior to City Commission review of the final plat.

Pursuant to **LDR Section 2.4.5(J)(1), Major Subdivision: Rule**, *action on a preliminary plat shall rest with the Planning and Zoning Board. The City Commission shall be the final authority in the subdivision review process. The City Commission may approve or deny a final plat.*

Pursuant to **LDR Section 2.4.5(J)(5), Major Subdivision: Findings**, *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.*

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. The City Commission is anticipated to review the plat at its meeting of July 13, 2021.

Pursuant to **LDR Section 2.4.4(C), Imposition of conditions**, *in granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:*

- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*
- *Consistency with objectives and policies of the Comprehensive Plan.*
- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.*

However, neither a final subdivision plat nor an abandonment of a right-of-way or an easement shall be approved subject to conditions.

As a preliminary plat is under consideration by the Board, the Board may impose conditions on the preliminary plat and require that said conditions be addressed on the Final 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 a 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:

(A) - Land Use Map (LUM): *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 Commercial Core (CC), and a zoning designation of CBD, which are compatible in accordance with Table NDC-1 in the Neighborhood, Districts, and Corridors Element of the Always Delray Comprehensive Plan (Comp Plan). The approved hotel use is an allowable use in the Central Core and Railroad Corridor sub-districts in the CBD zoning district in accordance with LDR Section 4.4.13, Table 4.4.13 (A). The Floor Area Ratio (FAR) for the approved development is 1.57, which is less than the maximum 3.0 FAR allowed for CC land use properties.

(B) - 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-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Transportation:

- A finding of concurrency was made by the Palm Beach County Traffic Division on April 8, 2019. It was determined that the hotel will generate 884 average daily trips with 50 peak a.m. trips and 68 peak p.m. trips.

Water, Sewer and Drainage:

- The hotel will have sewer service via a lateral 8" connection to an 8" sewer main along NE 4th Avenue. Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.
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Solid Waste:

Anticipated demand based on approved site plan:

- Hotel: $79,559 \text{ gsf} \times 4.7\text{lbs} = 16,627 / 2,000 = 8.46 \text{ tons per year}$
- The approved PHG Hotel project will add 8.46 tons of waste per year to the current demand. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2048, thus, meeting concurrency.

Undergrounding of Utilities:

- Utility facilities serving the development shall be located underground throughout the development in accordance with LDR Section 6.1.8. A General Utility Easement is being dedicated with this plat to comply with this section.

(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.*

LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions, specifies the Standards required for site plans and plats. The following standards are applicable to the review of the plat; an in-depth review of the standards was included with the associated Class V Site Plan approved by SPRAB.

- 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.*
- 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).*
- 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.

- 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.*
 - E. *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*
 - 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.*
 - 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.*
 - 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.*
 - 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.*
 - 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.*
 - 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.*
- The development complies with the applicable standards for plat approvals. The approved building design (see rendering) is set back from the street and will not disrupt the flow of traffic. The photometric plan was approved with the Class V Site Plan in accordance with lighting standards listed in LDR Section 4.6.8. Pedestrian connections are provided via the existing and proposed concrete walkway adjacent to the street. The site will be landscaped to enhance the open space areas. The development is complimentary to the surrounding uses in the downtown with similar density and intensity. The plat will accommodate the hotel that will add to the mix of uses in the downtown area and increase both the tourist base and customer base for businesses in the downtown while providing additional employment opportunities in the district and will enhance the economic growth in the area. The approved masonry modern design is consistent with the CBD design requirements, and the quality of the architecture will not cause the local/evolving environment to depreciate in appearance or value. The approved development is consistent with newer developments in the area such as Fifth Avenue at Delray and Ocean City Lofts.

The traffic impact statement provided demonstrates compliance with Palm Beach County Traffic Concurrency. Finally, the approved 1.7 FAR is in compliance with the Comprehensive Plan by providing less intensity than the 3.0 FAR allowed in the Commercial Core.



(D) - Compliance with the LDRs: *Whenever an item is identified elsewhere in the LDR, 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.*

- The plat finding contained herein demonstrates compliance with the LDR. The Class V Site Plan application approved by SPRAB demonstrated compliance with the applicable LDR in place at that time.

LDR Section 4.3.4(K), Development Standards Matrix, Table 4.4.13(C), Central Business District lot requirements:

- The proposed dimensions exceed the minimum lot dimension requirements for the CBD:

	Proposed	Min. Required
Lot Width (NE 5 th Avenue)	285 ft.	20 ft.
Lot Area	50,637 sq. ft.	2,000 sq. ft. (min.)
Lot Depth	215 ft.	0 ft.

Review By Others

Pursuant to **LDR Section 2.4.2 (C)(1)**, City Boards shall be noticed as follows:

- The Class V Site Plan was presented to the Downtown Development Authority (DDA) on March 9, 2020, and the Community Redevelopment Agency (CRA) on November 22, 2019; no objections were provided.

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 application; no objections have been provided to date.

Pursuant to **LDR Section 2.4.2 (C)(2)(c) Other entities**, FDOT approval of any required improvements or connections to the thoroughfare shall be required prior to approval of a final plat.

- FDOT will review the final plat prior to City Commission hearing (TBD). To note, the description of the FDOT public sidewalk easement on plat sheet 1 of 2 may be amended prior to final plat review.

Pursuant to **LDR Section 2.4.5(J)(3) Procedure**, the Final Plat shall be considered by the City Commission on a future date to be decided.

Board Action Options

- Move **approval** of the Preliminary Plat and recommendation of approval to the City Commission for the Certification of the Final Plat for **PHG Delray**, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- Move **denial** of the Preliminary Plat for **PHG Delray**, by finding that the request is not consistent with the Comprehensive Plan and does not meets criteria set forth in the Land Development Regulations.
- Continue With Direction.

Public and Courtesy Notices

X Courtesy Notices are not applicable to this request.

X Public Notices are not required for this request.