



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT  
100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444  
PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

## SITE PLAN REVIEW AND APPEARANCE BOARD

### Meeting

September 22, 2021

### File No.:

2020-237-FSP-CCA

### Application Type

Tree Removal, Disposition, and Mitigation Plan

### Application and Property Information

**Agent:** G. Allan Hendricks, RLA; Caulfield & Wheeler Inc.

**Applicant/Owner:** Delray Ridge LLC

**Location:** NE Corner of Swinton Ave and NE 22<sup>nd</sup> Street

**PCN:** 12-43-46-04-00-000-7290/7101/7090/7400

**Property Size:** 5.1845 acres

**LUM:** Low Density Residential (LD)

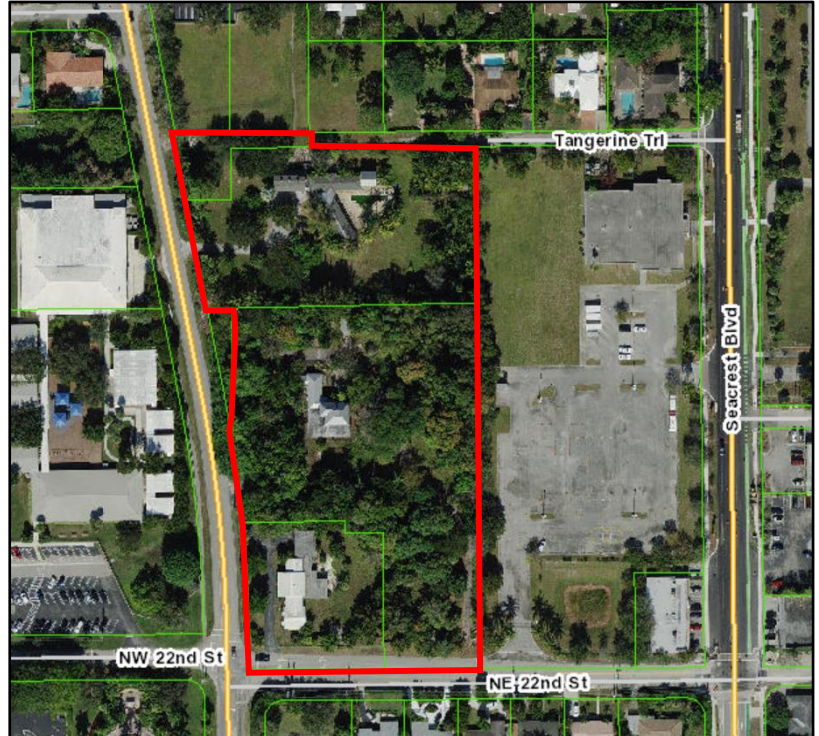
**Zoning:** Single Family Residential (R-1-AA)

### Adjacent Zoning:

- North: Community Facilities (CF) / Single Family Residential (R-1-AA)
- South: Single Family Residential (R-1-AA)
- East: Community Facilities (CF)
- West: Community Facilities (CF)

**Existing Land Use:** Single Family Residential  
– Three Homes

**Proposed Land Use:** Single Family Residential – 14 Homes



### Item Before the Board

Consideration of a Tree Disposition Plan for compliance with the requirements of LDR Section 4.6.19, Tree Preservation, Protection, Enforcement and Maintenance, associated with the review of the Delray Ridge Plat, to establish 14 single-family residential properties currently addressed as 2201, 2275, and 2315 North Swinton Avenue and an additional unaddressed parcel, and located at the northwest corner of North Swinton Avenue and NE 22<sup>nd</sup> Street.

### Optional Board Motions for Action Items

- A. Move to continue with direction.
- B. Recommend **approval** to the Planning and Zoning Board of the **Delray Ridge** Major Subdivision Plat, by finding that the proposed Tree Removal, Disposition, and Mitigation Plan meets the criteria set forth in the Land Development Regulations.
- C. Recommend **denial** to the Planning and Zoning Board of the **Delray Ridge** Major Subdivision Plat, by finding that the proposed Tree Removal, Disposition, and Mitigation Plan does not meet criteria set forth in the Land Development Regulations.

### Project Planner:

Rachel Falcone, Planner  
[FalconeR@mydelraybeach.com](mailto:FalconeR@mydelraybeach.com)  
561-243-7000 ext. 6052

### Review Dates:

SPRAB Board:  
September 22, 2021

### Attachments

1. Arborist Report
2. Tree Disposition Plan
3. Landscape Plans
4. Proposed Plat

**Technical Notes**

1. Pursuant to LDR Section 4.6.19(C), prior to approval of the plat, a Vegetation Removal Permit shall be submitted to the Development Services Department.
2. Prior to the approval of the Vegetation Removal Permit, Sheet L-1 – Landscape Mitigation Table shall be updated to reflect the Clear Truck (CT) feet being removed and replaced rather than the number of palms being removed and replaced.
3. Provide the tree mitigation in-lieu fee in the amount of \$5,325.00 and an approved tree removal permit prior to demolition permit issuance.
4. Provide an executed landscape maintenance agreement with the City for the landscaping located in the public right-of-way adjacent to the subject site prior to building permit issuance.

**Background**

The subject properties are generally located at the northeast corner of North Swinton Avenue and NE 22<sup>nd</sup> Street. Three of the properties (2201, 2275, & 2315) each contain a single-family residence; the Palm Beach County Property Appraiser's website indicates that the three structures were built in 1933, 1955, and 1999. The fourth property has never been individually developed, and therefore, has not been assigned an address. The four properties were annexed into the municipal boundaries of Delray Beach via Ordinance 111-88. Since their annexation in 1988, the zoning designation has been Single-family Residential, R-1-AA. The designation on the Future Land Use Map is Low Density (LD) for all four properties.


On April 6, 2021, the City Commission approved a waiver to Section 5.3.1(A) of the Land Development Regulations to allow for the reduction of the required right of way dedication for Tangerine Trail. Now before the Board is consideration of a Tree Disposition Plan for compliance with the requirements of LDR 4.6.19, Tree Preservation, Protection, Enforcement and Maintenance, associated with the review of the Delray Ridge Plat.

**Request**

The Tree Disposition Plan requests to remove a significant number of trees and palms from the subject site, however, the proposed landscape plan mitigates for the trees and palms removed. The Landscape Mitigation displays the calculations of trees and palms above a 50% condition, between 25%-50% condition and below 50% condition. Trees and palms above a 50% condition rating are required to be replaced at caliper inches, palm height or an in-lieu fee. Trees and palms below a 50% condition rating are required to be replaced at a one for one basis. The in-lieu fees for trees are determined by LDR Sec. 4.6.19(E)(5)(d) which is calculated per Diameter Breast Height (DBH) inch for each tree that cannot be mitigated by replacement. The Development Services Department has determined the in-lieu fees for palms are \$75.00 per clear truck (CT) feet height to accommodate the CT feet height that cannot be replaced.

According to the landscape mitigation table, 316.8 caliper inches of trees above 50% condition are proposed to be removed from the subject site. The proposed landscape plan mitigates the removal of trees by providing 326.5 caliper inches to the subject site which exceeds the amount of caliper inches removed.

The proposal includes the removal of 97 palms in which are over 50% condition from the subject site with a total a clear truck (CT) height of 2,079 ft. The proposed landscape plan mitigates the removal of the palms by providing 118 palms with a total of 2,008 ft in CT height. The proposal lacks 71 ft of CT height provided on site; therefore, the applicant has proposed to provide an in-lieu fee for seven (7) palms. The in-lieu fee required for the palms is \$5,325.00.

LANDSCAPE MITIGATION 	
REQUIRED	PROVIDED
ABOVE 50% CONDITION (REPLACE AT INCHES CALIPER OR HEIGHT OR 100% IN LIEU FEE)	
TREE CALIPER INCHES REMOVED = 316.8"	326.5 INCHES PROVIDED
PALMS REMOVED = 97	0 TREES IN LIEU FEE 118 PALMS PROVIDED 7 PALMS IN LIEU FEE
BETWEEN 25% AND 50% CONDITION (REPLACE AT 1 FOR 1 OR TREES 50% IN LIEU FEE)	
TREES REMOVED = 44	TREES REPLACED = 44
PALMS REMOVED = 9	0 TREES IN LIEU FEE PALMS REPLACED = 9
BELOW 50% CONDITION (REPLACE AT 1 FOR 1)	
TREES REMOVED = 112	TREES REPLACED = 112
PALMS REMOVED = 4	PALMS REPLACED = 4
TOTAL PROPOSED	
	704 CALIPER INCHES (229 TREES) 131 PALMS

\*REFER TO TREE PRESERVATION PLAN FOR FURTHER LANDSCAPE MITIGATION INFORMATION

The landscape mitigation table refers to the trees and palms below a 50% condition rating to be replaced at a tree for tree basis. The total trees and palms removed under the 50% condition rating totals to 156 trees and 13 palms. The overall proposal for the landscape includes 229 trees (704 caliper inches) and 131 palms.



## Tree Disposition Plan Analysis

### **LDR Section 4.6.19(A) – Purpose:**

Pursuant to **LDR Section 4.6.19(A), Tree preservation, protection, enforcement, and maintenance: Purpose**, the purpose of this section is to promote the public health, safety and general welfare and to encourage the preservation, protection, enforcement, and maintenance of trees. Through maintaining and enhancing their canopy, trees contribute to making cities sustainable by: providing food and securing nutrition, increasing natural biodiversity, housing wildlife, mitigating climate change, cooling the air, filtering pollutants, improving physical and mental health, reducing storm water runoff, reducing carbon emissions and increasing property values.

### **LDR Section 4.6.19(B) – Applicability:**

Pursuant to **LDR Section 4.6.19(B), Tree preservation, protection, enforcement, and maintenance: Applicability**, this section shall apply to all improved and unimproved properties within the City, including single family homes and duplexes.

- The proposed tree disposition plan is associated with a single-family residential subdivision for 14 new lots, and therefore, the following regulations are applicable to the entire area located within the boundary of the plat.

### **LDR Section 4.6.19(C) – Compliance and Enforcement:**

Pursuant to **LDR Section 4.6.19(C), Tree preservation, protection, enforcement, and maintenance: Compliance**, regulations to provide for both enforcement and relief have been established in Subsections (1) – (2).

- As a part of the plat, a tree disposition plan, landscape plan for common areas and proposed landscape plans for the single-family homes was submitted. A Class II Site Plan Modification will be required for the landscaping of the common areas. The landscaping for the single-family homes will be subject to permitting and will not be apart of the Class II Site Plan Modification for the common areas. If the project does not comply with the regulations set for in LDR Sec. 4.6.19, it will be subject to code violations.

### **LDR Section 4.6.19(D) – Preservation and Promotion of Existing Trees and Palms:**

Pursuant to LDR Section 4.6.19(D), Tree preservation, protection, enforcement, and maintenance: Preservation and promotion of existing trees and palms, to the fullest extent practicable, all development proposals (land development application or building permit) must provide for the protection of existing trees having a trunk four inch or greater diameter measured at four and one-half feet above grade (Diameter at Breast Height "DBH") and palms having a Clear Trunk (CT) of eight feet or more.

(1) Preservation of native plant communities, (2) Preservation of trees, (3) Relocation of trees and palms, (4) Tree and palm removal

- The Tree Disposition plan meets all requirements such as location, diameter, species, condition and disposition of all trees and palms greater than the DBH or height. The building permit submittal includes a site plan and landscape plans to illustrate the new development and proposed landscaping throughout the subject site. The Tree Disposition Plan identifies all trees and palms to be removed, relocated and to remain. The overall proposal for the landscape includes 229 trees (704 caliper inches), 131 palms and 7 in-lieu palms.
- The applicant has proposed to preserve five (5) of the existing trees on the subject site. The trees to remain on site are Live Oaks and Eucalyptus
  - (Eucalyptus / 22 DBH / 70% Condition (T-352)
  - Live Oak / 23 DBH / 40% Condition (T-361)
  - Live Oak / 16.5 DBH / 70% Condition (T-363)
  - Live Oak / 23 DBH / 70% Condition (T-365)
  - Live Oak / 15.25 DBH / 60% Condition (T-367).
- A Live Oak is being relocated to the northwest portion of the subject site. The Live Oak (T-379) has a 21 DBH and has an 80% condition rating.

### **LDR Section 4.6.19(E) – Vegetation Removal Permits:**

Pursuant to LDR Section 4.6.19(E), Tree preservation, protection, enforcement, and maintenance: Vegetation removal permits, a *Vegetation Removal Permit* is required subject to the following:

1. Permit required.
2. Permit application information required.



3. Procedure.
4. Issuance of permit.
5. Imposition of conditions.
6. Exceptions to permit requirements.
7. Permit fees.
8. Penalties.

- Upon submittal, the requirements listed above will be applied to the Vegetation Removal Permit.

**LDR Section 4.6.19(H) – Tree Pruning/Removal/Maintenance Requirements in the Public Rights-of-Way:**

Pursuant to LDR Section 4.6.19(H), Tree preservation, protection, enforcement, and maintenance: Tree pruning/removal/maintenance requirements in the public rights-of-way, the adjacent property owner is responsible to maintain trees and vegetation between the property line/right-of-way line, and the edge of pavement of the adjacent improved right-of-way, or between the property line and the centerline of an unimproved alley. These trees may not be removed without obtaining a permit. Trees and vegetation must be maintained so as not to restrict use or visibility of public improvements, as follows:

- The proposed Plat includes Tract RW as a public right of way, therefore, a landscape maintenance is required with the City. According to the proposed Plat, the maintenance easements are reserved for Delray Ridge Homeowners' Association, Inc. for landscape, wall repair, drainage and utility purposes and are the perpetual maintenance obligation of the HOA.

**LDR Section 4.6.19(I) – Existing Street Trees:**

Pursuant to LDR Section 4.6.19(I), Tree preservation, protection, enforcement, and maintenance: Existing street trees, New development and building expansion shall take into consideration the existing vegetation and provide designs which will not result in the removal of street trees, or diminish existing streetscapes.

- The proposal does not affect the removal of street trees and does not diminish existing streetscapes.

**LDR Section 4.6.19(K) – Nuisance Species:**

Pursuant to LDR Section 4.6.19(K), Tree preservation, protection, enforcement, and maintenance: Nuisance species prohibited, the following is a list of invasive and exotic nuisance species that must be removed from all properties proposed for development or redevelopment.

- The proposed tree disposition plan and arborist report states that many trees on the subject site are nuisance species which are prohibited. The plans proposed to remove all nuisance species from the subject site such as Australian Pines, Schefflera Arboricola and Bischofia Javanica.

**LDR Section 4.6.19(L) – Prohibited Species to be Removed:**

Pursuant to LDR Section 4.6.19(L), Tree preservation, protection, enforcement, and maintenance: prohibited species removed, all Prohibited Species shall be removed from all properties and tree replacements may be required if trees were used to satisfy landscape code requirements at the direction of the Development Services Director or designee. Trees shall be replaced per an approved plan on a tree-per-tree basis and not on a caliper inch basis, thereby not requiring a deposit into the tree trust fund.

- The proposed landscape and mitigation plans show all the existing trees that are proposed to be removed due to being nuisance species or under 50% of health. The tree and/or palms to be removed are proposed to be replaced on the subject site on a tree-for-tree (one-to-one) basis. The trees to be removed due to health and nuisance species do not require a deposit into the tree trust fund.

**LDR Section 4.6.19(M) – Lethal Yellowing:**

Pursuant to LDR Section 4.6.19(M), Tree preservation, protection, enforcement, and maintenance: Lethal yellowing.

- (1) Lethal yellowing is a systemic disease of palms caused by bacterium transmitted by tropical insects. Palms considered to be highly susceptible to lethal yellowing are to be limited in use. The following common palms are known to be susceptible to lethal yellowing disease:





- (2) Palm varieties resistant to lethal yellowing shall be planted in favor of palms known to be susceptible to lethal yellowing.
- (3) Coconut palms proposed as a part of a permit application must be resistant to lethal yellowing. Proof of the variety must be provided at the time of permit inspection.
  - Pursuant to LDR Sec. 4.6.19(M), specific palms are susceptible to lethal yellowing, therefore, the code requires the palms that are susceptible to lethal yellowing to be limited throughout the subject site. According to the proposed landscape plan, the applicant has Wild Date Palms (Non-Native) which are susceptible to lethal yellowing. However, the remainder of the proposed palms are not susceptible of lethal yellowing: Silver Bismarck (Non-Native), Cabbage Palmetto (Native), Florida Thatch (Native), and Montgomery Palms (Non-Native).