



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Atlantic Grove Plat No. 2

Meeting	File No.	Application Type
October 18, 2021	2021-148-PMA-HPB	Major Subdivision
Applicant	Property Owner	Authorized Agent
New Urban Communities	Atlantic Grove Partners, LLC	Timothy Hernandez

Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Atlantic Grove Plat No. 2," associated with the Atlantic Grove development for the creation of 14 fee-simple lots and four open space tracts, provision of easements and dedication of right-of-way for the properties currently addressed as 35-37 NW 4th Avenue and generally located at the intersection of NW 1st Street and NW 4th Avenue.

Background Information

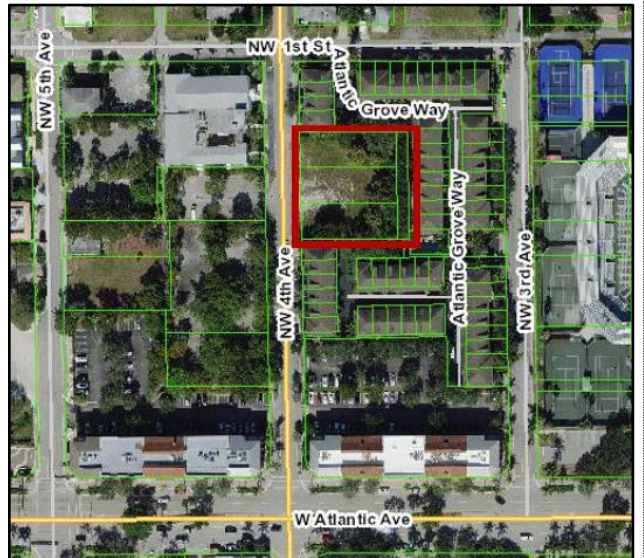
The subject 0.49-acre parcel is located on the east side of NW 4th Avenue and north of West Atlantic Avenue. The property is located within the development known as Atlantic Grove, which is a mixed-use development. The site is located within the West Atlantic Neighborhood Sub-district of the Central Business District, and the portion of the property within the plat is also located in the West Settlers Historic District.

In the late 1990's the Atlantic Grove site consisted of properties assembled by the CRA for redevelopment as a mixed-use project. The CRA issued a Request for Proposal (RFP) for the project on March 1, 2000, and the Atlantic Grove development was chosen from among four proposals.

On July 24, 2001, the City Commission approved a Conditional Use to allow a density of 16.54 units per acre for the project. The Site Plan for the mixed-use development consisting of 3-story townhouses on the north side of the site and mixed-use commercial and condominium buildings fronting on West Atlantic Avenue was reviewed and approved by the Historic Preservation Board (HPB) on August 15, 2001.

The site currently contains eight 3-story buildings containing 55 townhouses with two-car garages, an accessory cabana building and swimming pool for the residents, and two mixed-use buildings that contain 47,856 square feet of retail/office/restaurant space and 20 residential condominium units, which front on West Atlantic Avenue. Access is provided by two gates entries on NW 3rd Avenue and NW 1st Street. There are 201 off-street parking spaces located in parking lots behind the commercial buildings and 71 on-street parking spaces on NW 3rd Avenue, NW 4th Avenue, NW 5th Avenue and NW 1st Street. Paver brick sidewalks and street lighting matching those on West Atlantic Avenue surround the site.

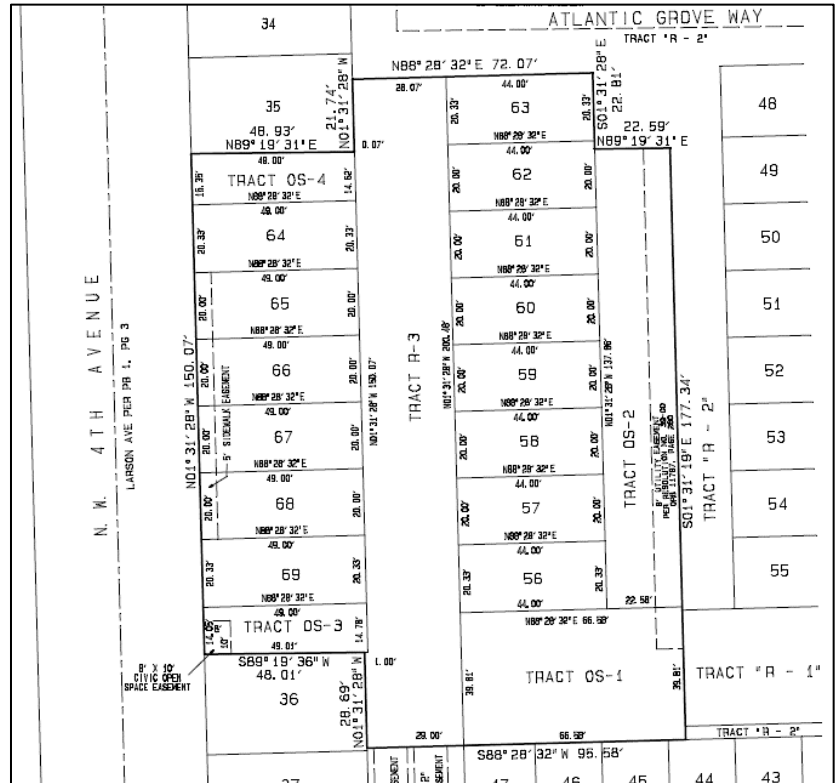
A Class IV Site Plan Modification and Certificate of Appropriateness (COA) request was approved by the City Commission on April 6, 2021 for the construction of 14 new three-story townhomes within two buildings along NW 4th Avenue and interior to the site. The project utilizes the Residential Incentive Program, to allow for an increase in density from 16.54 du/ac to 16.9du/ac through the provision of one (1) Workforce Housing Unit priced in the Moderate-income household range. The approval also includes a new cabana/restroom building, reconfiguration of the hardscape within the cabana/swimming pool area, and new landscaping, hardscaping, driveways, site lighting, and fencing.



Plat Description

The Major Subdivision is required as part of the site plan approval process to create and establish the fourteen fee simple lots required for the townhouse development, and includes the following:

- Replat of Lots 16-21, Block 36, Revised Plat of Block 36, Town of Delray, Plat Book 5, Page 38; and a portion of the lley in Block 36, Town of Linton, Plat Book 1, Page 3; and a portion of Tract "R-2", Atlantic Grove, Plat Book 96, Pages 55 through 58; and a portion of Lot 2, Mt. Olive Baptist Church Property, Plat Book 69, Page 20; and A portion of the Alley in Block 28, Town of Linton, Plat Book 1, Page 3; all in the public records of Palm Beach County, Florida; lying in Section 17, Township 46 South, Range 43 East, City of Delray Beach, Palm Beach County Florida.
- Dedication of Lots 56-69 for each of the individual fee-simple townhomes; and,
- Dedication of a sidewalk easement to the City of Delray Beach for public access; and,
- Dedication of a civic open space easement to the City of Delray Beach for cultural exhibit; and,
- Dedication of Tract P to the Atlantic Grove Condominium Association for emergency response, ingress, egress, parking utility and drainage purposes; and,
- Dedication of Tract R-3 to the Atlantic Grove Townhome Association for emergency response, ingress, egress, parking utility and drainage purposes; and,
- Tracts OS-1, OS-2, OS-3 and OS-4 to the Atlantic Grove Townhome Association for open space and recreation purposes, drainage, irrigation, landscaping and roof and balcony overhangs.



Review and Analysis

Pursuant to **Land Development Regulations (LDR) Section 4.3.3(O)(2), Townhouses and Townhouse Type of Development: Plat Required**, 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.

Pursuant to **LDR Section 4.3.3(O)(2), Townhouses and Townhouse Type of Development: Design Standards**, no townhouse row shall consist of more than eight dwelling units or a length of 200 feet, whichever is less.

The proposed plat includes 14 lots for each townhouse. Eight lots (Lots 56-63) are proposed on the east side of Tract R-3 and 6 lots (Lots 64-69) are proposed on the west side. Lots 57-62 measure 20.00 feet wide by 44 feet deep. Lots 65-68 measure 20.00 feet wide by 49 feet deep. Lots 56 and 63 measure 20.33 feet wide by 44 feet deep. Lots 64 and 69 measure 20.33 feet wide by 49 feet deep.

Standard	Required (Minimum)	Provided (Overall)
Lot Size	2,000 sf	230,069 SF
Lot Width (NW 1 st Street)	20 ft	288 ft

It is important to note that pursuant to **LDR Section 4.3.4(B), Base District Development Standards: Lot Area**, minimum lot areas do not need to be provided for individual ownerships within townhome developments. However, the minimum base standards to develop a property must be met. The Development Standards applicable to the West Atlantic Neighborhood Sub-district in the CBD zoning

district are provided in the chart above. Each unit must also meet the minimum square footage requirements, which are based on the number of bedrooms to ensure that quality dwelling units are provided.

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 three lots and involves right-of-way dedication, per the definitions of "Major Subdivision" and "Minor Subdivision" in the LDR. 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 subject property has a Land Use Map (LUM) designation of CC (Commercial Core) and a zoning designation of CBD (Central Business District). The zoning district is consistent with the Land Use Map designation, and the approved residential townhouse development is a permitted use.

(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 utilities, traffic, impact fees, solid waste and schools is described below:

Water and Sewer:

Water and sewer services are existing on-site. Pursuant to the 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.

Drainage:

Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

Traffic:

The applicant has provided a traffic statement stating the addition of the proposed 14 residential units will generate a maximum of 76 new Daily Trips and it is not anticipated to significantly affect traffic circulation nor cause negative impacts upon the surrounding area. A letter from Palm Beach County (PBC) Traffic Engineering Division has been received indicating that the proposal is located within the City of Delray Beach Traffic Concurrency Exception Area (TCAE) and is exempt from the Traffic Performance Standards of Palm Beach County.

Parks and Recreation:

Pursuant to **LDR Section 5.3.2(C), Impact Fee Required**, whenever a development is proposed upon land which is not designated for park purposes in the Comprehensive Plan, an impact fee of \$500.00 per dwelling unit (including hotel rooms) will be collected prior to issuance of building permits for each unit. Based on the 14 new residential dwelling units, an impact fee of \$7,000 will be required of this development.

Solid Waste:

The 14 new residential dwelling units will generate approximately 27.86 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2054.

Schools:

The Applicant has received a School Capacity Availability Determination (SCAD) from the Palm Beach County School District (see attached SCAD form) that determined the Project will generate two students 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 \$7,044 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).

(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. The following standards are applicable to the review of the plat; an in-depth review of the standards is provided below based on the associated Class IV Site Plan that was reviewed by the HPB.

- 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.*
- 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).*
- 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.*
- 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.*
- 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 building design is set back from the street and will not disrupt the flow of traffic. Lighting is low level and complementary to the surrounding area. 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 residential development as it was designed as part of the existing Atlantic Groves development. The townhouse type development adds to the diverse need for housing within the City and the design improves the safety, livability, and stability of the surrounding neighborhood. The project received a letter from Palm Beach County indicating that the proposed development would have a de minimis impact on the adjacent roadway system. Finally, the approved density complies with the maximum limits of the Comprehensive Plan that allows for an increase when workforce housing is

incorporated. The approved project includes an increase from 16.54 du/ac to 16.9du/ac through the provision of one (1) Workforce Housing Unit priced in the Moderate-income household range.

(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 Class IV Site Plan application, the subject request was required to meet the applicable regulations. Review of the LDR applicable to the review of Plats has been provided in this report.

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 **Atlantic Grove Plat No. 2**, 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.