



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Delray Ridge Plat

Meeting	File No.	Application Type
October 18, 2021	2020-237-FSP-CCA	Major Subdivision
Applicant	Property Owner	Authorized Agent
Delray Ridge, LLC / Ron Elish	Delray Ridge, LLC / Ron Elish	Allan Hendricks, RLA

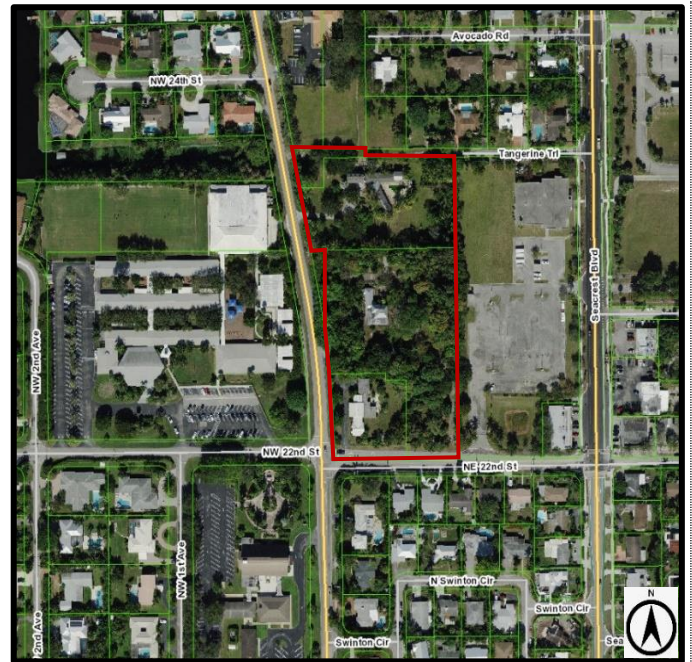
Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Delray Ridge" with three waivers from Section 4.3.4(K) of the Land Development Regulations (LDR), associated with the creation of 14 fee-simple lots, for the properties currently addressed as 2201, 2275, and 2315 North Swinton Avenue and an unaddressed vacant parcel, located at the northeast corner of North Swinton Avenue and NE 22nd Street.

Background Information

The subject properties are generally located at the northeast corner of North Swinton Avenue and NE 22nd 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 No. 111-88. Since their annexation in 1988, the zoning designation has been Single-family Residential, R-1-AA. The designation on the Land Use Map is Low Density (LD) for all four properties.

As part of the technical review for the Delray Ridge plat, it was determined that right-of-way dedications would be required from the project for Tangerine Trail, for both the existing, narrow portion and the un-dedicated portion of the road. Tangerine Trail, which is a 20-foot wide public right-of-way that extends from Seacrest Boulevard and deadends at the vacant lot in the proposed subdivision, provides paved access to two homes on the north side of the road and unpaved access to another undeveloped parcel also located on the north side.



On April 6, 2021, the City Commission approved a waiver to Section 5.3.1(A) of the Land Development Regulations (LDR) to allow for the reduction of the required right-of-way dedication from 25 feet to 15 feet for the portion of Tangerine Trail adjacent to the project, resulting in an ultimate 35-foot wide right-of-way. At the same City Commission meeting, approval was granted to provide a 20-foot wide public access easement (for bike-ped travel) in lieu of providing a 45-foot wide right-of-way dedication for the connection of Tangerine Trail to North Swinton Avenue.

At its meeting of September 22, 2021, the Site Plan Review and Appearance Board (SPRAB) reviewed the Tree Removal, Disposition, and Mitigation Plan ("Plan") associated with the Delray Ridge development. A recommendation of approval to the Planning and Zoning Board of the subject plat was made based on the review of the Plan. The purpose of reviewing the Plan in conjunction with the Plat is to ensure that viable vegetation is not removed through lot clearance in preparation for the new construction (lot clearance is not

permitted until the plat is recorded), and that the new subdivision lines are also not placed in an inappropriate location, such as through the middle of a tree required to be maintained in location.

The Landscape Mitigation displays the calculations of trees and palms with condition ratings above 50%, between 25%-50%, and below 50%. Trees and palms with a condition rating above 50% that are proposed for removal are required to be replaced with new tree planting using a caliper per caliper-inch basis, a palm for palm of the same height, or using an in-lieu fee. Trees and palms with a condition rating below 50% are required to be replaced at a one for one basis. The in-lieu fees for trees are determined by LDR Section 4.6.19(E)(5)(d), which is calculated per Diameter Breast Height (DBH) inch for each tree that cannot be mitigated by replacement. While the Plan illustrates the removal of a significant number of trees and palms from the properties, the proposed landscape plan mitigates for the trees and palms proposed for removal, as required by the LDR. According to the landscape mitigation table, 316.8 caliper inches of trees with a condition rating above 50% are proposed to be removed from the subject site. The proposed landscape plan mitigates the removal of trees by providing 326.5 caliper inches, which exceeds the amount of caliper inches removed. The proposal includes the removal of 97 palms with a condition rating above 50% 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 and is due prior issuance of the building or tree removal permit.

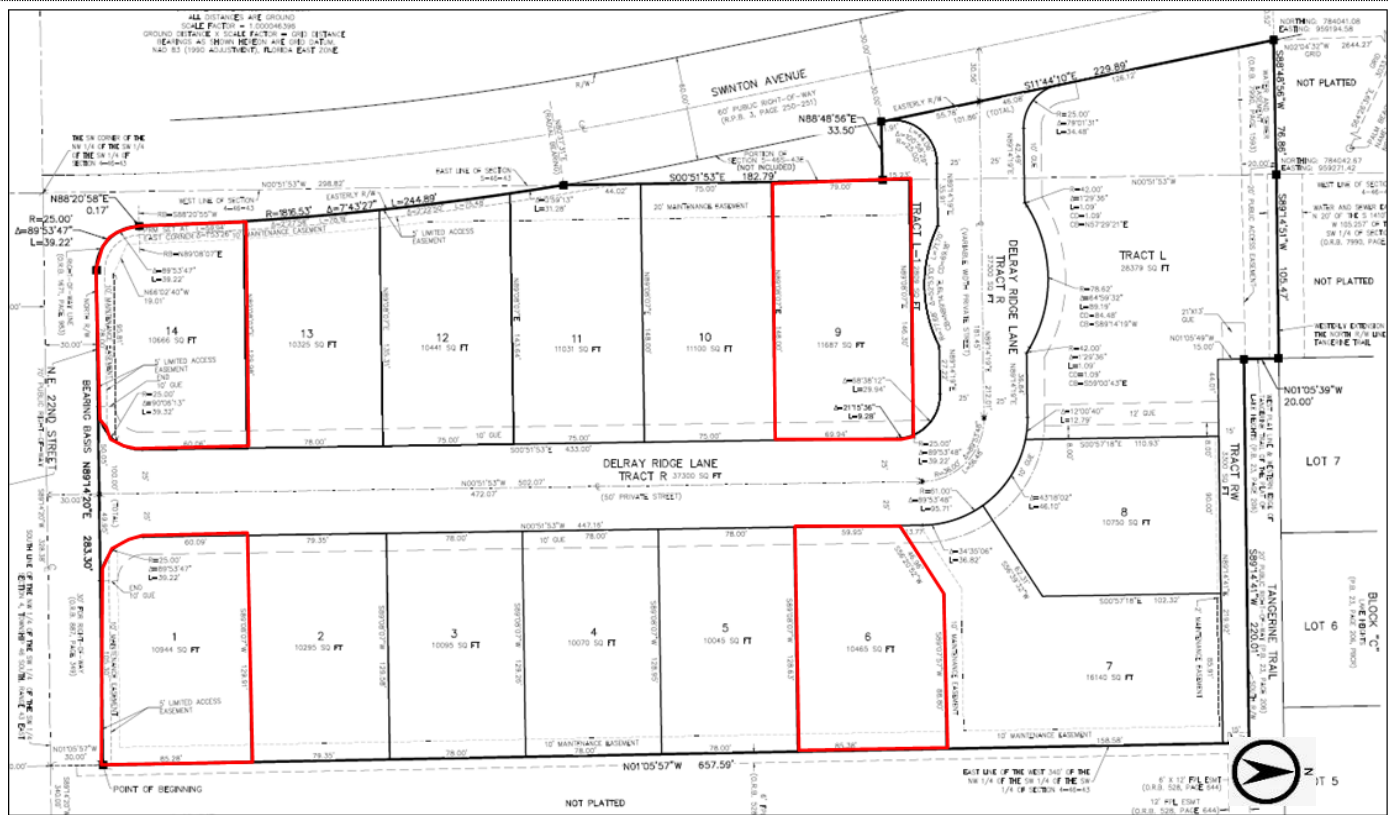
Plat Description

The proposed plat consists of 5.18 acres of land that is established through a metes and bounds legal description as it has never been officially recorded by a plat. The proposed major subdivision includes the following components:

- Dedication of Lots 1 through 14 for the fee-simple development of a detached single-family residence on each lot; and,
- Dedication of a Residential Access Street (Delray Ridge Lane), identified as Tract R, reserved for the Delray Ridge Homeowner's Associations, Inc. as a private street for drainage, ingress, and egress; and
- Dedication of public right-of-way, Tract RW, a public right-of-way and for utility purposes; and
- Dedication of open space tracts, Tracts L and L-1; and
- Provision of easements for emergency and maintenance purposes for the City of Delray Beach, a public access easement for non-vehicular ingress and egress, general utility easements, a limited access easement, and maintenance easements.
- 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.

During the technical review of the plat, it was determined that four of the 14 lots (see lots outlined in red, pg. 3) do not meet all of the minimum development standards in LDR Section 4.3.4(K) for R-1-AA zoning. Relief for the reduced dimensions is available via City Commission review at the same time as the consideration of the subject plat.

- Lot Width, Corner Lots: Minimum 95 feet required
 - Lot 1- 85.28 feet provided
 - Lot 9- 79 feet provided
 - Lot 14- 85.28 feet provided
- Lot Frontage, Corner Lots: Minimum 95 feet required
 - Lot 1- 85.28 feet provided
 - Lot 9- 79 feet provided
 - Lot 14- 85.28 feet provided
- Lot Frontage, Interior Lots: Minimum 75 feet required
 - Lot 6- 59.95 feet provided



A Class II Site Plan Modification, which requires approval by the SPRAB after approval of the Plat, is also required as part of the development request. The modification will include the Landscape Plan and Site Plan for all common areas, and the public access easement area, as well as all common elements, such as the entry gates, walls, street lighting, etc. In addition, each building permit for the individual single-family residences will be reviewed for compliance with the LDR and other applicable requirements.

Review and Analysis

Plat Analysis

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 LD (Low Density) and a zoning designation of R-1-AA (Single-family Residential). The zoning district is consistent with the Land Use Map designation, as it is a preferred implementing zoning district in the Always Delray Comprehensive Plan. Detached single-family residences are a permitted use in the R-1-AA zoning district.

(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 but will be modified to accommodate the proposed development. 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 at the northwest corner of the property dedicated as Tract L. A swale and French drain system is also proposed throughout the site to assist in accommodating on-site drainage. 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 approximately 140 Daily Trips (10 am peak hour trips, and 15 pm peak hour trips). It is important to note that the development is located within the Coastal Residential Exception Area, and is, therefore, 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 and providing a credit for the three existing residences, an impact fee of \$4,900 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:

In 2020, the Applicant received a School Capacity Availability Determination (SCAD) from the Palm Beach County School District (see attached SCAD form) that determined the development will generate three students at the elementary level, two students at the middle school level, and two students at the high school level. The SCAD review indicates a negative impact on the public school system, and School District staff has recommended *"that the Applicant contribute a total of \$10,161 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). It is noted that the SCAD approval, which is valid for just one-year, has expired and the applicant has requested a new review. It is not anticipated that the new review will result in any or a significant deviation from the 2020 approval. The applicant is required to provide the new SCAD approval letter prior to scheduling review by the City Commission.

(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 3.2.2, Basis for Determining Consistency

The performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)]

is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.

The following Objectives and Policies from the Always Delray Comprehensive Plan are applicable to the subject request.

Neighborhoods, Districts, and Corridors Element

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

The proposed development maintains the desired low density in this section of Delray Beach as the proposed density is 2.7, whereas the LD land use designation allows a maximum of 5 du/ac. The low number of units and proximity of the development to the downtown area does not require that development specific amenities be provided. Residents will have easy, connected access to area parks, the downtown, and the municipal beach.

Housing Element

Policy HOU 1.1.6 *Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.*

Policy HOU 1.1.7 *Foster growth without substantially and adversely impacting existing residential neighborhood character.*

Policy HOU 1.1.12 *Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns 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.*

Building design for the single-family residences is not reviewed for compliance with any specific design standards as the properties are not located within an overlay or historic district. However, the developer's architect should consider the existing neighborhood character when developing the overall architectural scheme for the new residences to provide compatibility. The development, which will include controlled access, is largely surrounded by an established, non-gated single-family neighborhood. Although the addition of a controlled access for a larger development is not found in this area, there are several examples of individual lots facing North Swinton Avenue with controlled access as part of the property's fence or wall.

Open Space, Parks, and Recreation Element

Policy OPR 3.2.3 *Require new developments provide central focal points at entries and landscape buffers along the external (arterial, collector) streets that service them. Back-lotting of individual homes along such streets should be allowed only when special landscape buffers are provided between the rear yard walls or fences and the right-of-way.*

Policy OPR 3.2.5 *Provide consistent wall and fence treatments for all new developments when the rear of lots faces the right-of-way without any separating green space.*

Landscaping will be provided along NE 22nd Street and North Swinton Avenue to continue beautification efforts to the south along North Swinton Avenue. The proposed design provides a mix of palms and gumbo limbos. While the lots adjacent to North Swinton Avenue are back-lotted, there is a landscaped area, at least 5 feet in depth along the privacy wall, that will line the sidewalk. In addition, the privacy wall design, which requires approval by the SPRAB, will be required to be consistent throughout the perimeter of the development.

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 subject plat.

- 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).*

A new sidewalk will be installed around the perimeter of the development, adjacent to North Swinton Avenue and NE 22nd Street, with a connection to the crosswalk at the intersection. An internal sidewalk system is also provided within the development. Additionally, the pedestrian access easement to the north of the development will provide a non-vehicular connection to Tangerine Trail then Seacrest Boulevard. The new pathways will provide a safer pedestrian environment for the surrounding residents; they will be particularly helpful for local students from the surrounding neighborhood seeking a safer route to school.

- 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.*

The site will be landscaped to enhance the open space areas, and each individual single-family residence lot will be required to provide landscaping in compliance with the minimum requirement. The landscape plan illustrates that the perimeter of the development, adjacent to NE 22nd Street and North Swinton Avenue and on the public side of the proposed privacy wall, will contain a mix of shade trees and palm trees, accented by shrubs and ground cover plantings.

- 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.*

The proposed use (detached single-family residences) and density (2.7 du/ac) are appropriate for the area and consistent with adjacent land uses. While the units are not intended to address affordable or workforce housing needs, the new dwellings will provide more housing in the city.

- 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.*

The property is not located within a workforce housing overlay district where there are incentives, such as additional density, to provide a variety of housing types to accommodate the city's socio-economically diverse population. The plat does include differing lot sizes. As a result, there may be variations in the floor plans and number of bedrooms that can accommodate different family types.

- 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.*

The development provides both ingress and egress for residents from NE 22nd Street and North Swinton Avenue. Both rights-of-way are classified as City Collectors, and create a busy intersection, particularly in the morning during the school year. Both roads are used by residents and non-residents to travel through the city to get to the surrounding private and public schools. However, the dual access for residents should alleviate any impact on the current traffic volumes. Otherwise, the development is not anticipated to have a negative impact on the safety, livability, or stability of the surrounding neighborhoods.

- 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 single-family residential zoning district does not have a density amount assigned to it, as just one detached single-family residence is allowed per each lot. The land use designation of LD has a maximum density of 5 du/ac; the proposed density for the overall development is 2.7 du/ac. A maximum of 25 units would be permitted based on the total lot area of 5.18 acres for the entire development.

(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.*

Pursuant to **LDR Section 4.4.3(F), Single-family Residential Districts, Development standards**, the development standards set forth in Section 4.3.4 shall apply. The applicable development standards identified in **LDR Section 4.3.4(K), Development Standards Matrix**, are indicated in the chart below.

	R-1-AA Development Standards		
	Lot Size (Square feet)	Lot Width & Frontage: Interior / Corner (Feet)	Lot Depth (Feet)
Required (Minimum)	9,500	75 / 95	100
Provided			
Lot 1 (corner)	10,944	85.28	129.91
Lot 2	10,295	79.35	129.58
Lot 3	10,095	78.00	129.26
Lot 4	10,070	78.00	128.95
Lot 5	10,045	78.00	128.63
Lot 6	10,465	Frontage: 59.95 ¹ Width: 85.38	128.63
Lot 7 (cul-de-sac)	16,140	Frontage: 50.59 ² Width: 158.58	128.63+/-
Lot 8 (cul-de-sac)	10,750	Frontage: 46.10 ² Width: 90.00	110.93+
Lot 9 (corner)	11,687	79.00	148.00
Lot 10	11,100	75.00	148.00
Lot 11	11,031	75.00	143.64-148.00
Lot 12	10,441	75.00	143.64 – 135.31
Lot 13	10,325	78.00	135.31 – 129.98
Lot 14 (corner)	10,666	85.28	129.98

¹ See waiver analysis.
² Per LDR Section 4.3.4(E), Front and Frontage, on curving streets and cul-de-sacs the frontage may be reduced by 40 percent provided the centerline radius of the street is 100 feet or less.

Pursuant to **LDR Section 4.3.4(E), Front and frontage**, the following are applicable in determining frontage:

- (1) Each lot is required to have frontage.
- (2) On curving streets and cul-de-sacs the frontage may be reduced by 40 percent provided the centerline radius of the street is 100 feet or less.
- (3) The front of a lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. Where a corner lot or through lot has frontage on an arterial or collector street, the front shall be the side with frontage on the arterial or collector. For lots with frontage on both an arterial and a collector, the front shall be the arterial frontage.
- (4) Notwithstanding the previous description, if a limited access easement or limited access right-of-way runs the length of the

frontage on a street, then the front of the lot shall be on a frontage without such access restrictions.

Each of the 14 lots provides frontage onto Delray Ridge Lane. Lots 7 and 8 front onto the curved portion of the street, thereby allowing a 40% reduction of the minimum 75-foot width, which calculates to a minimum frontage of 30 feet. Both lots provide more than 30 feet of frontage onto Delray Ridge Lane. Given the classification of NE 22nd Street and North Swinton Avenue as City Collector roads, the applicant has provided a Limited Access Easement along the south portion of Lots 1 and 14 and the western portions of Lots 11 - 14, so that the front is clearly determined to be along Delray Ridge Lane. The Limited Access Easement also ensures that no additional vehicular access will be allowed from the individual lots on either North Swinton Avenue or NE 22nd Street.

Compliance with the setbacks, open space, and building height are reviewed during the time of building permit for single-family residences, as follows:

- Open Space (non-vehicular): 25% minimum
- Height (maximum): 35 feet
- Setbacks (minimum)
 - Front: 30 feet
 - Side-interior: 10 feet
 - Side-street: 15 feet
 - Rear: 10 feet

All 14 lots will be required to meet the applicable development standard requirements. It is noted that the submitted landscape plans indicate a side setback for Lots 1, 9, and 14 of 10 feet. Lots 1, 9, and 14 will be required to provide the increased side-street setback of 15 feet on one side. Side-street setbacks are larger than side interior setbacks as they are at the intersection of two streets and needed as a safety measure to ensure sufficient visibility for motorists, bicyclists, and pedestrians, as well as small amount of additional privacy for the resident from the public right-of-way.

Waiver Analysis

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- a) *Shall not adversely affect the neighboring area;*

With the proposed reduction in lot width and lot frontage, each lot is still able to provide the minimum required building setbacks and open space for a single-family home while providing ample open space. It is not anticipated that the requested reductions would create a significant impact on the neighboring area, as concurrency standards are met with respect to traffic, water, sewer, solid waste, and schools. The surrounding residential areas have the same land use designation of LD and zoning of R-1-AA. A spot check of corner lots in the surrounding neighborhoods, some of which were platted as far back as the 1950s when there may have been different minimum requirements, indicates that most have conforming lot widths and frontages.

The Lake Eden Plat, which was recorded in 1972, includes the side streets off North Swinton Avenue north of NE 22nd Street; the corner lot widths and frontages range from 95 feet to 118 feet. Across NE 22nd Street the properties are platted by the Northridge Plat from 1951; the corner lot width and frontages range from 69 feet to 79 feet, with the smaller widths located on internal, non-through streets (Swinton Circle and Seacrest Circle). The Lake Heights Plat, which was recorded in 1952, includes the land along and north of Tangerine Trail; the corner lot widths and frontages face Seacrest Boulevard and measure 78 feet to 117 feet.

- b) *Shall not significantly diminish the provision of public facilities;*

The proposed plat, inclusive of the requested lot width and frontage reductions, is not anticipated to have a negative impact on public facilities, and any impacts will require the payment of a fee to assist in mitigating the impact. Payment to the School Board will be required to mitigate the calculated negative impact on the school system, as well as the parks impact fee.

c) *Shall not create an unsafe situation;*

If the waivers are approved, each property, particularly the three corner lots where a larger side-street setback is required, is still able to provide the building setback requirements, ensuring safety at intersections and maintenance of open space. Additionally, the site visibility requirements must also be met. The minimum dimension for the site visibility at the corner of the proposed Delray Ridge Lane and NE 22nd Street is 25 feet. If the minimum dimension is not met through the building permit review process, a waiver will also be required.

d) *Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.*

The historically low-scale, and overall low-density residential area is generally consistent with the proposed lot configuration. While lots along North Swinton Avenue generally front the street, the proposed development pattern differs north of NE 22nd Street, with the fronts of homes facing the side streets, many that are shorter, non-connected cul-de-sac streets ending at Lake Ida. In this area, the sides of homes face North Swinton Avenue. The proposed plat results in backs of lots facing Swinton Avenue, shielded by a privacy wall.

The Board must consider if the same waiver would be considered under a similar circumstance for another applicant or development proposal. The corner lots in the surrounding neighborhood, which were platted in the 1950s and 1970s, have a lot width that ranges from approximately 69 feet (on an internal, non-through street) to 118 feet (on a City Collector).

Compliance with the minimum lot dimensions would likely result in fewer lots with larger yards, thereby reducing the amount of additional detached single-family residences provided. However, it could be considered that a different development configuration that doesn't specifically have a gated ingress and egress could provide the minimum dimensions required and still be compatible with the neighborhood. The gated access from North Swinton Avenue requires a larger width to accommodate a dedicated guest lane, and location for the gate's associated mechanical equipment. A complete reconfiguration could also result in additional lots being created, whereas less development may be more desirable, given the low-impact developmental history of the lots with only three residences amongst a significant amount of vegetation.

The applicant's waiver requests are included as an attachment.

City Commission Consideration

In addition to the waiver findings above, **LDR Section 4.3.1, Application of District Regulations**, requires that *no yard or lot existing at the time of the passage of this chapter shall be reduced in area or dimensions below the minimum requirements set forth herein. Lots or yards created after October 1, 1990, shall meet the minimum requirements established by this chapter unless the City Commission declares at the time of approval of an associated development application that it is necessary and appropriate to create such a nonconformity.*

Notwithstanding the above, the City shall provide notice by mail of any such action before the City Commission. Notice shall be provided pursuant to Section 2.4.2(B)(1)(n) to the owners of all property located within 500 feet of the perimeter of the property on which the action is being sought. The notice shall be mailed no later than ten calendar days prior to the meeting before the City Commission.

The requested reductions require that mailed notice be provided to all property owners within a 500-foot radius prior to the City Commission meeting. The City Commission will review the waiver requests along with the plat, and will be required to determine that the reductions, which are creating nonconforming lot dimensions, are "necessary and appropriate."

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 Major Subdivision Plat with waivers for **Delray Ridge**, 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 for **Delray Ridge**, 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.