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Title: RESOLUTION 164-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9(D)(3)(c)2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS APPROVING A STACKING DISTANCE OF SIX (6) FEET FOR THE SECURITY GATE CONNECTED TO EASTVIEW AVENUE FOR THE PROPERTY LOCATED AT 775 ESTUARY WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Res. No. 164-20 Old Palm Grove Waiver, 3. Old Palm Grove - Queuing Analysis, 4. Old Palm Grove - Justification Statement, 5. Old Palm Grove - Legal Review

| Date | Ver. | Action By | Action | Result |
|------------|------|-----------------|----------|--------|
| 11/10/2020 | 1 | City Commission | approved | Pass |

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: November 10, 2020

RESOLUTION 164-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTION 4.6.9(D)(3)(c)2 OF THE CITY OF DELRAY BEACH LAND DEVELOPMENT REGULATIONS APPROVING A STACKING DISTANCE OF SIX (6) FEET FOR THE SECURITY GATE CONNECTED TO EASTVIEW AVENUE FOR THE PROPERTY LOCATED AT 775 ESTUARY WAY, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES (QUASI-JUDICIAL).

Recommended Action:

Review and consider Resolution No. 164-20, granting a waiver to LDR Section 4.6.9(D)(3)(c)(2), allowing six feet of stacking distance instead of 100 feet for Old Palm Grove.

Background:

The subject property is zoned Planned Residential Development (PRD). The 4.68-acre site is located at 775 Estuary Way, which is located between Estuary Way and Eastview Avenue along North Federal Highway. The property contains 33 single family residential homes and 11 town homes that were constructed in 2004, commonly known as "Old Palm Grove."

On May 27, 2020, a Class II Site Plan modification application (2020-182) was submitted for Old Palm Grove for the installation of two (2) security gates located at Estuary Way and Eastview

Avenue. Currently, the subject site does not have security gates at the entrances on Estuary Way and Eastview Avenue. The proposed security gates will open automatically as vehicles approach and will not require an access code or other form of identification.

Based on the applicant's justification statement, the intent of the proposed security gates is to act as a deterrent for individuals entering the community that do not live there and to slow traffic when entering the community.

Pursuant to LDR Section 4.6.9(D)(3)(c), stacking distance, "*Provisions must be made for stacking and transition of incoming traffic from a public street, such that traffic may not backup into the public street system.*" The proposed security gate on Estuary Way technically meets the minimum requirements for a 100-ft. stacking area, as the road is a private facility; however, it is important to note, the stacking distance queues in front of the alley/driveway (located approximately 60 feet in front of the proposed gate) that provides access to six townhomes located on the south side of the private road.

The security gate proposed on Eastview Avenue does not provide the required 100 feet of stacking distance; only six feet of stacking is provided. On July 20, 2020, a waiver request was submitted from LDR Section 4.6.9(D)(3)(c)(2), Stacking Distance, to allow six feet of clear stacking distance along Eastview Avenue in lieu of the required minimum 100 feet of clear stacking distance. Pursuant to LDR Section 4.6.9(D)(3)(c)(3), "The length of the stacking area may be reduced when supported by a traffic study". On October 22, 2020, a traffic study was submitted to provide a queuing analysis for the proposed gate on Eastview Avenue. Traffic counts were conducted on October 15-17, 2020 and a seasonal adjustment factor was applied. The resulting analysis estimated 20 vehicles arriving in one hour. The analysis states that would equal about one vehicle every three minutes - though there is no explanation provided as to why an even dispersal of vehicular demand would occur over the peak hour, as opposed to two or more vehicles queuing at the same time. The traffic analysis concluded that the proposed gate's vehicle detection system, minimal delay will occur when the vehicle approaches the gate. Therefore, the queues are projected to have negligible impacts on queuing in the public right-of-way.

Clear vehicle stacking areas outside of the public right-of-way are required for drive thru facilities, security gates, and where guardhouses are provided . When clear stacking areas are not provided, traffic could prevent ingress and egress access or cause congestion in public rights-of-way. Two single-family homes are located within the required 100 feet of clear stacking distance on Eastview Avenue. One driveway appears to be located less than 20 feet from the proposed gate, which is less than the length of one parking space under the City's code. It appears that one car waiting for the gate will be partially located in front of this driveway and that two cars in line for the gate will prevent access, though temporarily. Additionally, this home will have a fundamental change in that the front yard will now face a vehicular queue. The applicant has not provided documentation from the adjacent properties on the west side indicating support for the gate and the stacking that may queue in front of their houses.

With regard to traffic calming, the City of Delray Beach offers traffic calming measures for public rights-of-way which are better suited to calm traffic than access gates, which serve as traffic control measures. One such traffic calming measure could be the installation of speed humps in the community rather than access gates. Access gates have not been used on public rights-of-way in the past to calm or control traffic.

Two relevant planning documents were reviewed for consistency with this waiver request:

The North Federal Highway Overlay Plan reviewed vehicular traffic circulation throughout the planning area. The plan was created before this development was constructed and calls for the installation of a natural gateway feature with a tree lined street and swale to slow vehicles as they entered the neighborhood. Although the application proposes a security gate as a traffic calming measure, this measure is typically not the solution to traffic calming issues and does not reflect the vision of the North Federal Highway Overlay Plan.

The Always Delray Comprehensive Plan Mobility Goal 2 states “accommodate the existing and future mobility and accessibility needs of all users by providing a superior multimodal system.” The information provided does not address how the gate operates for people who are not driving, which could unintentionally make people feel they must drive to access this site. Additionally, Housing Policy 1.4 states “Protect the character of existing residential areas by diverting through-traffic and improving streetscape features.” While this application attempts to divert non-neighborhood traffic, no information was provided on the amount of cut-through traffic and the access gate could be deemed detrimental to the homes located just west of the gate, as well as have some impact to the aesthetics of the streetscape.

Pursuant to LDR Section 2.4.7 (B)(5), 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;
- b. Shall not significantly diminish the provision of public facilities;
- c. Shall not create an unsafe situation;
- 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 proposed waiver is adjacent to properties zoned Low Density Residential (RL) and could impact noise, the view shed, or traffic operations for the residents located west of the security gate. Granting of the waiver may affect the public right-of-way due to the lack of clear stacking distance provided. The granting of this waiver could result in a special privilege as no other property has received a waiver to allow for a significantly reduced stacking distance on site, allowing the stacking to occur on the public right of way.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A