



Legislation Details (With Text)

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File created:	12/10/2020	In control:		City Commission	
On agenda:	2/9/2021	Final action:		12/31/2023	
Title:	RESOLUTION NO. 04-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING A WAIVER REQUEST TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 9 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 10-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 4 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 11-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 5 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 12-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 6 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 13-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 7 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 14-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 8 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING) RESOLUTION NO. 15-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY				

BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 13 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 16-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 14 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 17-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 15 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 18-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4 (D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 16 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

RESOLUTION NO. 19-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING WAIVER REQUESTS TO SECTIONS 4.1.4(B) AND SECTION 4.1.4(D) OF THE LAND DEVELOPMENT REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY NON-WORKFORCE HOUSING STRUCTURE FOR THE PROPERTY LOCATED AT 816 PALM TRAIL (LOT 17 BLOCK 5), AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

Sponsors: Development Services Department

Indexes:

Code sections:

Attachments: 1. Agenda Cover Report, 2. Plat, 3. Unity of Title, 4. Res No. 04-21 (Lot 9 Block 5), 5. Exhibit A- Res. No. 04-21, 6. Res No. 10-21 (Lot 4 Block 5), 7. Exhibit A -Res. No 10-21, 8. Res No. 11-21 (Lot 5 Block 5), 9. Exhibit A - Res.No. 11-21, 10. Res No. 12-21 (Lot 6 Block 5), 11. Exhibit A - Res. No 12-21, 12. Res No. 13-21 (Lot 7 Block 5), 13. Exhibit A -Res.No 13-21, 14. Res No. 14-21 (Lot 8 Block 5), 15. Exhibit A - Res.No. 14-21, 16. Res No. 15-21 (Lot 13 Block 5), 17. Exhibit A - Res. No 15-21, 18. Res No. 16-21 (Lot 14 Block 5), 19. Exhibit A -Res No 16-21, 20. Res No. 17-21 (Lot 15 Block 5), 21. Exhibit A - Res. No 17-21, 22. Res No. 18-21 (Lot 16 Block 5), 23. Exhibit A - Res. No 18-21, 24. Res No. 19-21(Lot 17 Block 5), 25. Survey - Res. No 19-21, 26. Simple Legal Review Approval 10-21, 27. Simple Legal Review Approval 11-21, 28. Simple Legal Review Approval 12-21, 29. Simple Legal Review Approval 13-21, 30. Simple Legal Review Approval 14-21, 31. Simple Legal Review Approval 15-21, 32. Simple Legal Review Approval 16-21, 33. Simple Legal Review Approval 17-21, 34. Simple Legal Review Approval 18-21, 35. Simple Legal Review Approval 19-21

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: February 9, 2021

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Recommended Action:

Review and consider Resolution No. 04-21 (Lot 9 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.10-21 (Lot 4 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.11-21 (Lot 5 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.12-21 (Lot 6 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.13-21 (Lot 7 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.14-21 (Lot 8 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.15-21 (Lot 13 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No.16-21 (Lot 14 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 17-21 (Lot 15 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 18-21 (Lot 16 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Review and consider Resolution No. 19-21 (Lot 17 Block 5) for a waiver to Land Development Regulations Section 4.1.4(B) and 4.1.4(D) to allow for the construction of a non-workforce housing residential structure on a lot with a frontage of less than 50 feet.

Background:

The subject property, located at 816 Palm Trail, is a lot of record described as Lots 4 through 9, inclusive, and Lots 13 through 17, inclusive, Block 5, together with abandoned alley lying between Lots 4 through 8 and Lots 13 through 17, inclusive, and the west half of said alley lying adjacent to Lot 9, Sophia Frey Subdivision, according to the plat thereof as recorded in Plat Book 4, Page 37, of the Public Records of Palm Beach County, Florida. The property is located in the North Palm Trail neighborhood and is zoned (RM) Medium Density Residential with a LUM of (MD) Medium Density. The existing property is currently one parcel that is unified by a Unity of Title. The property contains a medical office that is 22,778 square feet, which was built in 1978.

The original plat was recorded in 1926 and contains eleven platted lots that measure 132.53 feet deep and have a frontage and width of 49.89 feet on Lots 4, 5, 6, 7, 13, 14, 15, 16, 17. Lot 9 has a width of 50.12 feet and Lot 8 has a width of 49.66 feet. The 16-foot wide alley that runs north and south within Block 5 was abandoned by Resolution No. 11-06 by the City Commission on February 21, 2006. As a result of the abandonment, the depth of the properties increased to 140.51 feet.

Lot 9 adjoins an east-west alley on the north side that is 16-feet wide. This alley currently contains utilities and provides vehicular access to two of the four residential lots that adjoin the property. A 2.5-ft right-of-way dedication is required; the applicant has submitted a companion request to appeal the dedication. Resolution No. 04-21 for Lot 9 Block 5 has been included with this item in the event the appeal is not granted, as the lot, which currently measures 50.12, will also be subject to the workforce housing requirements if the dedication reduces the lot width. If the appeal is successful, this resolution will not be needed.

North Palm Trail Neighborhood consists of General Commercial directly to the south of the property; and the surrounding area is a mixture of new construction which include duplexes, single family homes and multi family. The neighborhood is diverse in that there are 1950's, 1970's single family bungalows as well as new construction of single family, duplexes and multi family homes. The original plat of Sophia Frey of 1926 demonstrates that more than 90% of the lots were platted with frontage at less than 50 feet.

Pursuant to LDR Section 4.1.4(B), a residential structure shall not be constructed on any lot, within a residential zoning district, which has frontage of less than 50 feet. LDR Section 4.1.4(D), adjusts this regulation for legal lots of record with at least 40 feet of frontage in the R-1-A, RL and RM zoning districts for the express purpose of workforce housing. The request is to maintain the property in its original plat configuration for the construction of a non-workforce housing residential structure.

Pursuant to LDR 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;

The Palm Trail North Neighborhood consists of a mixture of single family, duplexes and multi family homes. The single family homes were built in the 1950's on the original platted lot of less than 50 feet (ranging from 49.91 to 49.9 feet by 132.5 feet). Some of the lots have been combined or reconfigured, which enlarged the lot frontage dimensions. However, while constructing a single family home in a RM zoning district the development standards for R-1-A are used. The R-1-A development standards for a single family home are 60' x 100'. The construction of a workforce housing home allows for a reduction in the side setback from 7 1/2 to 5 feet if necessary, which would maintain sufficient distance between neighbors, yet adjust the regulations for the narrower lots without requests for additional relief. Workforce housing is required to utilize the designs in LDR Section 4.7.12 to ensure high quality design. Granting the waivers to construct market value homes for each individual lot would not change the character of the current neighborhood as it is a diverse makeup of different types of homes which is allowed in the RM zoning district.

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

If granted, the waiver for each individual lot would not have a negative impact on public facilities; the

intended use is eleven single family homes.

(c) Shall not create an unsafe situation; and,

There is no safety issue with the request as the proposal is to return the parcel to its original platted lots from 1926 and replace the medical office with eleven single family homes.

(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.

If granted, the non-workforce residential structures would not be considered a special privilege as the surrounding area has lots of similar sizes with market rate homes. A similar waiver was recently granted to 822 N Lake Avenue and in Osceola Park. The development of market rate lots meets the intent of the of the Housing Element of the Comprehensive Plan, *"Promote the supply of high quality housing that accommodates the needs, preferences, and financial resources of existing and future residents."* However, the provision of workforce housing is high priority for the City and is supported by numerous comprehensive plan policies. Allowing the development of lots that would otherwise not be allowed was offered as incentive in the LDRs for the creation of workforce housing units. In this case, if the waivers are not granted, pursuant to LDR 4.4.6 Medium Density Residential, 17 multi-family units could be built on the existing parcel or the property could be re-platted to nine market rate single family lots that meet current lot width requirement.

City Attorney Review:

City Attorney has reviewed for form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Construction of non workforce housing units is dependent on the approval of the waivers.