



## Legislation Text

---

File #: 19-518, Version: 1

---

**TO: Mayor and Commissioners**  
**FROM: Tim Stillings, Development Services Director**  
**THROUGH: Neal de Jesus, Interim City Manager**  
**DATE: May 21, 2019**

RESOLUTION NO. 109-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, CONSIDERING A REQUEST FOR A CONDITIONAL USE MODIFICATION TO ALLOW A MULTIPLE FAMILY RESIDENTIAL DEVELOPMENT TO INCREASE A PREVIOUSLY APPROVED DENSITY WITHIN THE CARVER ESTATES OVERLAY DISTRICT. (VILLAGE SQUARE HOMES) (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 109-19: A Conditional Use Modification request to allow a Multiple Family Residential Development to increase a previously approved density of 13.9 dwelling units per acre (du/ac) to 15.5 du/ac within the Carver Estates Overlay, with the following conditions:

1. Any restricted units are priced and/or rented at workforce housing levels and shall state that those units shall be sold to the eligible income group in accordance with Article 4.7-Family/Workforce Housing.
2. Coordination with the City's Neighborhood & Community Services Department is required on buyer eligibility, housing prices, as well as any applicable requirement to record a covenant or to enforce resale restrictions.
3. Prior to site plan approval, the rear alley will have traffic calming devices such as speed humps or raised paver cross-walks spaced to deter higher speeds along the alley.
4. Prior to site plan approval, a note will be added to the Phase III site plan modification noting that 34 workforce housing units must comply with the regulations of Section 4.7 and remain affordable for a period of no less than 40 years. Units are located within Phase I and Phase II.
5. Common areas must have a maintenance entity.
6. One space in the two-car garage must be maintained for vehicular parking.

### **Background:**

The 18.18 acre parcel, currently known as Village Square Homes, is within the Carver Estates Overlay District, zoned Multiple Family Residential (RM) and has a Future Land Use Map (FLUM) designation of Transitional (TRN). As further described in Background Section of the attached staff report, a conditional use was granted for this parcel to allow density above 12 units per acres in accordance with the provisions of the City's Family/Workforce Housing Ordinance (LDR Section 4.7) to construct 253 residential units. On July 18, 2011, the Planning and Zoning Board recommended approval to allow an increase in residential density to 13.9 du/ac pursuant to the City's Family/Workforce Housing Program. On August 2, 2011, the City Commission approved

the conditional use for 13.9 du/ac. The 3- phase Class V site plan was subsequently approved in June of 2012.

Phase I and Phase II have been completed. The applicant has submitted a Class IV Site Plan Modification for the revised layout and design of Phase III in conjunction with the conditional use request. The Modification proposes 54 multi-family fee-simple townhouses to supersede the previously approved 11 single family and 14 duplex units within Phase III, increasing the total number of units that were analyzed under the approved conditional use by 29 units. The proposed density would increase to 15.5 du/ac.

As fully described in the attached staff report, positive findings with respect to Chapter 3, Section 2.4.5(E)(5), (Conditional Use Findings), Section 4.4.6(H)(Special Regulations), Section 4.4.6(I), (Performance Standards), and Article 4.7, (Family/Workforce Housing), of the Land Development Regulations, and consistency with the policies of the Comprehensive Plan, when implementing the Conditions of Approval, were made.

The Planning and Zoning Board reviewed the request at its meeting on April 15, 2019 where a recommendation to approve the Modification of Conditional Use was made by a 5-0 vote with conditions of approval as listed in the Recommend Actions section of this Cover Memorandum.

**City Attorney Review:**

Approved as to form and legal sufficiency

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Applicant cannot advance to the Site Plan Review and Appearance Board until the Conditional Use is approved.