



## Legislation Details (With Text)

**File #:** 19-446      **Version:** 1      **Name:**

**Type:** Request      **Status:** Agenda Ready

**File created:** 4/3/2019      **In control:** City Commission

**On agenda:** 5/7/2019      **Final action:**

**Title:** APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) FINAL ACTION ON A CLASS V SITE PLAN, INTERNAL ADJUSTMENT, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR A THREE TOWNHOME DEVELOPMENT LOCATED AT 215 NE 7TH AVENUE. (QUASI-JUDICIAL HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. 215 NE 7th Avenue Board Order, 3. 215 NE 7th Avenue SPRAB Report February 27, 4. 215 NE 7th Avenue - architectural elevations 2/27/2019, 5. 215 NE 7th Avenue Approved architectural elevations on March 27, 2019, 6. 215 NE 7th Avenue Justification Internal Adjustment, 7. 215 NE 7th Ave Survey, 8. 215 NE 7th Avenue SITE PLAN, 9. 215 NE 7th Avenue ELEVATION, 10. 215 NE 7th Avenue Landscape Plans

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

**TO:** Mayor and Commissioners  
**FROM:** Timothy R. Stillings, Development Services Director  
**THROUGH:** Neal de Jesus, Interim City Manager  
**DATE:** May 7, 2019

APPEAL OF THE SITE PLAN REVIEW AND APPEARANCE BOARD (SPRAB) FINAL ACTION ON A CLASS V SITE PLAN, INTERNAL ADJUSTMENT, LANDSCAPE PLAN, AND ARCHITECTURAL ELEVATIONS FOR A THREE TOWNHOME DEVELOPMENT LOCATED AT 215 NE 7TH AVENUE. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Motion to Approve the Class V Site Plan , Internal Adjustment, Landscape Plan, and the revised Architectural Elevations for the three townhomes located at 215 NE 7th Avenue.

### **Background:**

At its April 2, 2019 meeting , the City of Delray Beach City Commission voted to appeal the SPRAB actions associated with 215 NE 7th Avenue. The SPRAB actions occurred on February 27, 2019, and included approval of the Class V Site Plan , Internal Adjustment, Landscape Plan, and denial of the Architectural Elevations. The applicant subsequently modified the architectural elevations which were reconsidered and approved by SPRAB at the March 27, 2019 meeting. The appealable report for the March 27th approval of the Architectural Elevations is on the May 7, 2019 City Commission agenda for consideration; therefore, the appeal will consider the approved architectural elevations.

The subject property is located on the east side of NE 7<sup>th</sup> Avenue between NE 2<sup>nd</sup> and NE 3<sup>d</sup>

Streets and consists of 0.35 acres. The subject property is zoned RM (Multiple Family Residential). The proposed project consists of the demolition (or the potential relocation) of an existing single-family home and the construction of three, 2-story townhomes. The end units (Units "A" and "C") consist of 3,241 SF and the middle unit (Unit "B") is 3,337 SF. All units accommodate a two-car garage, an 8 foot tall wall for privacy, swimming pools, and landscaping. The request also includes an internal adjustment to the required 10 feet wide setback for the location of the pools; the pools for the end units (Units "A" and "C") have a zero foot setback and are located at the property lines of the middle unit (Unit "B") and Unit "B" has a setback of 7'10" from Units "A" and "C". An internal adjustment is the lessening, or total waiver, of development standards which affect the spatial relationship among improvements on the land and may be granted by the body or board which is empowered to approve/deny the site plan.

Land Development Regulations Section 4.4.6 Medium Density Residential (RM) provides a residential zoning district with flexible densities at a base of six units per acre and a maximum of 12 units per acre. To increase a project density greater than six units per acre, a finding that the development substantially complies with the seven performance standards must be made. The intent of the performance standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. The proposed density of the three-unit townhome project is 8.57 units per acre. The performance standards and the analysis supporting the proposed density is presented in the SPRAB staff report attached.

The project includes a 5' wide right-of-way dedication and a 5' wide sidewalk easement along NE 7th Avenue.

At its meeting of February 27, 2019, the SPRAB approved the Internal Adjustment (7-0), Site Plan (6-1) and the Landscape Plan (5-2); the Architectural Elevations were denied (2-5). On March 27, 2019, the SPRAB approved modified architectural elevations (7-0).

**City Attorney Review:**

Approved as to form and legal sufficiency

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Land Development Regulations Section 2.4.7.(E). Appeals. requires the hearing shall be held no more than 60 days after the meeting at which the decision to appeal was made (April 2, 2019).