



## Legislation Details (With Text)

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**Title:** RESOLUTION NO. 179-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.6(H)(6) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "FREDERICK ISLES" AT 2621 FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Frederick Isles - Resolution 179-20, 3. Frederick Isles - Planning and Zoning Board Staff Report, 4. Frederick Isles - Applicant Justification Letter, 5. Frederick Isles - Location Map, 6. Frederick Isles - Map DIA-7, 7. Frederick Isles - SCAD Letter, 8. Legal Review Resol 179-20 .pdf

Date	Ver.	Action By	Action	Result
12/1/2020	1	City Commission	approved	Pass

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** December 1, 2020

RESOLUTION NO. 179-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A CONDITIONAL USE REQUEST PURSUANT TO SECTION 4.4.6(H)(6) OF THE LAND DEVELOPMENT REGULATIONS; PROVIDING A DENSITY BONUS IN EXCHANGE FOR WORKFORCE HOUSING FOR THE PROJECT KNOWN AS "FREDERICK ISLES" AT 2621 FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES. (QUASI-JUDICIAL HEARING)

### **Recommended Action:**

Review and consider Resolution No. 179-20, granting a conditional use to provide a density bonus in exchange for workforce housing, increasing density from 12 dwelling units per acre to 16 dwelling units per acre, for the project know as "Frederick Isles" located at 2621 Frederick Boulevard.

### **Background:**

The subject Property is generally located east of South Federal Highway, west of Florida Boulevard and north of La Mat Avenue. The 0.39-acre site is currently vacant and is zoned Medium Density Residential (RM) with a Land Use Map (LUM) designation of Transitional (TRN) within an identified

### Infill Workforce Housing Area.

Frederick Boulevard was previously accessible from South Federal Highway via La Mat Avenue, Avenue "G" and Avenue "F". In 2018, Avenue "G" and Avenue "F" were abandoned to allow for the construction of the Delray Chevrolet car dealership. As such, the Property is now only accessible from Frederick Boulevard via La Mat Avenue.

The proposed project consists of a 2-story, 6-unit townhome development with associated parking and landscaping. Of the six units, four are proposed as 2-bedroom, 2.5-bathroom units and two are proposed as 3-bedroom, 2.5-bathroom units. All six units are proposed with a 1-car garage, driveway with space to park two additional vehicles, and a patio. The project does not include a common area or other amenities.

The Applicant is seeking to increase the density from a maximum density of 12 dwelling units per acre (du/ac) and four dwelling units to 16 du/ac and six units. Section 4.7.4 of the Land Development Regulations (LDR) allows for two bonus units for every one workforce unit provided at a moderate household income level. The Applicant is proposing one moderate workforce dwelling unit and one bonus unit, bringing the total number of units to six for the proposed Project. The moderate-income level is classified as 80% to 120% of the Average Median Income (AMI) for Palm Beach County.

Pursuant to LDR Section 4.4.6(H)(1), Special Regulations, the Property is allowed a base density of six units per acre for multiple family housing projects. Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6. The Property is located within the Infill Workforce Housing Area (see attached Map DIA-7); pursuant to LDR Section 4.4.6(D)(10) a maximum of 18 units per acre is allowed within the Infill Workforce Housing Area, subject to the provisions of LDR Section 4.4.6(I), and Article 4.7.

### **Conditional Use Findings LDR Section 2.4.5 (E)(5)**

In addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:

- a) *Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;*
- b) *Hinder development or redevelopment of nearby properties.*

The applicant states, in response to the required findings, that *"the (Project) will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located. Additionally, this project will not hinder development or redevelopment of nearby properties. The townhouse development will be a friendly addition to the neighborhood. Each unit has plenty of driveway space for the resident's guests to park, as well as a provided garage for each townhome."*

The townhouse project immediately adjacent to the north of the Project was approved at 9.64 du/ac, which exceeds the base density allowed by the RM regulations. If approved, the proposed density would be the highest in the immediate surrounding area, but the project is of a small scale, it would not cause a significant burden to the adjacent property owners or be visually overbearing.

As the Project is in a similar scale to the surrounding neighborhood, and proposes an additional moderate workforce housing unit, the additional density, which results in two units, is compatible with the surrounding neighborhood and meets the intent of designating the area as an Infill Workforce Housing Area. The increased density will not have a significantly detrimental effect upon the stability of the neighborhood within which it will be located. Access is taken from Frederick Boulevard, which is unlikely to increase traffic within the surrounding single-family neighborhood. Additionally, the

Applicant is proposing to develop a vacant lot that will not hinder development or redevelopment of nearby properties, but rather likely encourage development or redevelopment of older properties in need of improvement.

### **Required Findings LDR Section 3.1.1**

- a) **Land Use Map (LUM):** *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 Property has a LUM designation of TRN, and a zoning designation of RM, which are compatible with each other. Pursuant to LDR Section 4.4.6(B)(3), multiple family structures are an allowed use in the RM zoning district with a base density of six and a maximum density of 12 du/ac. Pursuant to LDR Section 4.4.6(D)(10), additional density may be granted by conditional approval in the Infill Workforce Housing Area, subject to compliance with LDR Section 4.4.6(I) and Article 4.7. The conditional use is required as the applicant is proposing a density of 16 dwelling units per acre. As the TRN land use designation allows for a standard density of 5 to 12 du/ac, the density is increased for the TRN land use designation to a range of 12 to 24 du/ac as a revitalization / incentive density. The site has been included within an area designated with an incentive density to provide workforce housing, and the project is consistent with the provisions of the land use designation.

- b) **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-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Traffic: The Applicant has received a Traffic Performance Standards (TPS) approval letter from Palm Beach County for 6 Low-rise Multi-Family Residential dwelling units. The proposed Project will generate 44 New Net Daily trips, 2 (1/1) New Net AM Peak Hour trips, and 3 New Net PM Peak Hour Trips. Six individual driveways are proposed to each unit that are accessed from Frederick Boulevard.

School: The Applicant has received a School Capacity Availability Determination (SCAD) from the Palm Beach County School District (see attached SCAD form) which determined that the Project will generate one student at the elementary level, one student at the middle school level, and one student at the high school level. Based on the findings and evaluation of the proposed development, there will be negative impact on the public-school system. Therefore, if the proposed development is approved, School District staff recommends the following condition to mitigate such impact:

*In order to address the school capacity deficiency generated by this proposed development at the District Middle and High School level, the School District has recommended that the Applicant contribute a total of \$18,798 to the School District of Palm Beach County prior to the issuance of first building permit.*

This school capacity contribution is intended to supplement the required school impact fee (impact fee credit has already been applied).

Water and Sewer: The City's Water Atlas and the survey indicate water is provided to the site by an 8-inch water main located within the Frederick Boulevard right-of-way. The survey indicates sanitary sewer service is provided. The City's Sewer Atlas indicates that sewer service provided to the site by an 8-inch water main located within Frederick Boulevard right-of-way.

Solid Waste: 6 units x 1.99 tons = 11.94 tons/ 23,880 lbs. per year.

As the property is vacant, the proposed development will generate an additional 11.94 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

- 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.*

### **Housing Element**

**Policy HOU 5.1.1**: *Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.*

**Policy HOU 6.1.1**: *Provide opportunities for income diversity by allowing a mix of housing types and ownership options.*

**Objective HOU 6.1.4**: *Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.*

**Policy HOU 6.2.8**: *Protect the affordability of units at risk of losing subsidies or being converted to market rate housing and retain workforce housing options in existing neighborhoods that will allow long-term residents to age in place.*

### **Neighborhoods, Districts, and Corridors Element**

**Policy NDC 1.3.13**: Allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses.

**Policy NDC 1.3.14**: Use the Transitional land use designation for properties located between two or more land use designations that allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions.

**Policy NDC 1.3.15**: Allow a maximum floor area ratio of 1.0, a maximum standard density of 12 dwelling units per acre, and a revitalization/incentive density of 12-24 dwelling units per acre in the Transitional land use designation to provide a mix of uses and potential development patterns to provide an appropriate scale, height, and intensity, and other essential transitions among areas with different land uses or levels of intensity.

The Property has a Transitional land use designation and is located within the Infill Workforce Housing Area. The project proposes a density of 16 du/ac and a Floor Area Ratio of 0.69, thereby complying with the density and intensity limitations of the Transitional land use designation. The Project provides six dwelling units with a mix of two- and three-bedroom floor plans, with one unit provided as a workforce housing unit for a moderate-income household.

The workforce housing unit provides an additional affordable unit available in the City where one was not previously proposed and allows for a mix of income diversity as well as housing type. The property owner will be required to execute a restrictive covenant ensuring that the workforce housing unit will be retained in perpetuity. The mix of floor plans and the addition of the workforce housing unit increases the range of residential uses within the City and provides a transition between an automotive commercial use along Federal Highway and the adjacent single-family residential neighborhood.

- d) Compliance with the LDRs.** General compliance with the LDRs is discussed below, followed by a discussion of compliance with the regulations specific to each Conditional Use request.

If the Conditional Use is approved, site plan approval complying with LDR Sections 2.4.3 and 4.4.6 will be required. The site plan was reviewed initially by the City's Technical Advisory Committee on September 25, 2020 and is undergoing revisions. Platting will also be required pursuant to Section 4.3.3(O)(2).

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A