



Legislation Text

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TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: August 11, 2020

RESOLUTION NO. 128-20: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, APPROVING A PLAT REQUEST FOR A SIX-LOT SUBDIVISION KNOWN AS "PINEAPPLE ROAD" LOCATED ON THE EAST SIDE OF NORTH SWINTON AVENUE JUST SOUTH OF THE NORTH CITY LIMITS AND NORTH OF COCONUT ROAD. (QUASI JUDICIAL).

Recommended Action:

Review and consider Resolution No. 128-20 pertaining to a Final Plat with a waiver request to LDR Section 5.3.1(D)(2).

Background:

The 1.92 acre site is located on the east side of North Swinton Avenue just south of the City limit and north of Coconut Road. The site is zoned Single Family Residential (R-1-AA) and the Land Use designation is Low Density (LD). The subject property was annexed into the City in 1969 via Ordinance No. 04-63. A portion of the land was originally included as part of the Lakeview Baptist Church property, which was constructed in 1969.

On May 19, 2020, the City Commission approved the Lakeview Baptist Church Plat (Plat Book 130 Page 168 as recorded in the Public Records of the Palm Beach County, Florida) which was a subdivision of a portion of Section 4 and 5, Township 46 South, Range 43, of the 5.26 acre site located at 2599 North Swinton Avenue. The proposal was a boundary plat, to create two lots: Parcel 1 and Parcel 2. The major subdivision request under consideration consists of:

- Replat of Parcel 2, Lakeview Baptist Church Plat;
- Creation of six fee simple lots (Lots 1-6) for the purpose of constructing single-family residences on each lot;
- Dedication of Road Tract A, named Pineapple Road, as a private street to be owned and maintained by the Homeowner Association;
- Dedication of General Utility Easements, Drainage Easements, and an Access Easement throughout the site;
- Waiver to LDR Section 5.3.1(D)(2), to reduce the minimum width for the proposed internal, local street to 40 feet, whereas a minimum of 50 feet is required.

Findings associated with replat request shall be made by the body which has the authority to approve or deny the development application. These findings relate to the following areas:

LDR Section 3.1.1(A), Future Land Use Map: The resulting use of land or structures must be allowed in the zoning district and the zoning district must be consistent with the land use designation. The subject property has a Future Land Use Map designation of LD and a zoning designation of R-1-AA. The R-1 zoning, which allows the proposed single-family residences, is consistent with the LD FLUM designation.

LDR Section 3.1.1(B), Concurrency: Concurrency as defined by the 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 of the Comprehensive Plan. Appendix A included in the Planning and Zoning Board staff report provided as an attachment contains an assessment for concurrency related to water, sewer, drainage, transportation, parks and open space, solid waste and public schools.

LDR Section 3.1.1(C) - Consistency: Compliance with performance standards set forth in Chapter 3 shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency. Appendix B included in the Planning and Zoning Board staff report provided as an attachment contains a review for consistency with the Development standards for Plat actions.

LDR Section 3.1.1(D), Compliance with the Land Development Regulations: Items identified in the Land Development Regulations, including those found in Section 2.4.5 and in special regulation portions of individual zoning district regulations, shall specifically be addressed by the body taking final action on the development application/request.

LDR Section 4.3.4(K), Development Standards Matrix, Residential Zoning District:
The proposed dimensions for Lots 1- 6 meet the minimum lot dimension requirements for lots located in the R-1-AA zoning district, as identified below:

Minimum	Size (sf.)	Width (ft.)	Frontage (ft.)	Depth (ft.)	Compliance
Requirement -	9,500	75/95*	75 ft./95	100 ft.	
Lot 1 - Corner	10,529	100	95.01	101.15	Yes
Lot 2	9,598	95	95	100.93	Yes
Lot 3	9,577	95	95	100.70	Yes
Lot 4	9,556	95	95	100.48	Yes
Lot 5	10,337	103	103	100.23	Yes
Lot 6	10,372	104.20	104.20	100	Yes

LDR Section 6.1.8, Underground Utilities:

Utility facilities serving the development shall be located underground throughout the development. A General Utility Easement has been dedicated with this plat to comply with this section.

Waiver Request:

LDR Section 5.3.1(D)(2), Right-of-Way Dimensions: Local Streets, private or public with or without

curb, except as otherwise provided in the Comprehensive Plan, are required to have a minimum width of 50 feet. A reduction in the required right-of-way width may be granted by the body having the approval authority (City Commission) of the associated development application in developments in which new streets are created. The applicant has requested a reduction for the proposed new ingress and egress tract, Tract A - Pineapple Road, to a minimum of 40 feet in width throughout the entire length of the proposed tract.

The standard code requires a minimum right-of-way width of 50 feet to accommodate certain improvements, such as, two traffic lanes, sidewalks on both sides of the street, parallel parking spaces, and swale areas for drainage purposes. The applicant has requested a waiver to accommodate a 40-ft. wide private street in Tract A. The private right-of-way is comprised of a 20-ft. wide paved roadway, four-ft. wide sidewalks on the north side of the street, and swale areas. The south side of the proposed street is lined by the backs of the lots that face Coconut Road. The proposed private road provides separate vehicular and pedestrian infrastructure elements; however, the sidewalks are narrower than the five ft. width required by the standard code and are located only on one side, adjacent to the proposed lots. The road width of 20 feet wide is the minimum standard when parallel parking spaces are not proposed.

The requested waiver is internal to six lot development and should have no direct effect on the neighboring areas. The proposed road system provides access to the six proposed lots and does not provide access to other neighborhoods or streets. A turn-around area measuring 20 feet wide by 45 feet deep is proposed to be dedicated as an access easement for public access along Lot 5 and Lot 6. Although the properties to the south (Beacon Plat Subdivision) abut the proposed Tract A area, access cannot be taken by those units, as Tract A is dedicated as a private street to be owned and maintained by the subject development.

Per LDR Section 2.4.7(B)(5), Findings, prior to granting a waiver, the granting body shall make findings that the granting of the waiver is in accordance with the following:

- 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.*

At its meeting of June 15, 2020, meeting, the Planning and Zoning Board voted 6 to 0 to approve the Preliminary Plat and to recommend approval to the City Commission of the Final Plat with a waiver request from LDR Section 5.3.1(D)(2).

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Development of the land as proposed requires approval of the final plat with a waiver request.