



Legislation Text

File #: 21-282, Version: 1

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: April 6, 2021

RESOLUTION NO. 59-21: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, GRANTING AN APPEAL TO SECTION 5.3.1(A) OF THE LAND DEVELOPMENT REGULATIONS TO REDUCE THE REQUIRED RIGHT-OF-WAY WIDTH FOR TANGERINE TRAIL, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL).

Recommended Action:

Review and consider Resolution No. 59-21 for an appeal to Land Development Regulations (LDR) Section 5.3.1(A), Right-of-way Dimensions and Dedication required, to reduce the ultimate right-of-way width required for Tangerine Trail.

Background:

A request to subdivide four lots into 14 single-family residential lots has been submitted; the subdivision is known as the Delray Ridge plat. The four lots, which include 2201, 2275, and 2315 North Swinton Avenue and an unaddressed vacant parcel (PCN 12-43-46-04-00-000-7400), are located at the northeast corner of North Swinton Avenue and NE 22nd Street and generally span north to Tangerine Trail. The subdivision includes a private road with access from both NE 22nd Street and North Swinton Avenue and open space area to accommodate utility needs.

Tangerine Trail is a 20-foot wide public right-of-way that extends from Seacrest Boulevard and dead-ends at the vacant lot in the proposed subdivision. It provides paved access to two homes on the north side of the road. An undeveloped single-family lot to the west of the existing homes can only be accessed from the unpaved, unimproved portion of Tangerine Trail. The remaining portion needed to complete the road was not platted and remains un-dedicated.

As part of the technical review for the Delray Ridge plat, it was determined that right-of-way dedications are required from the project for Tangerine Trail, for both the existing, narrow portion and the un-dedicated portion of the road. It is important to note, a water and sewer easement (ORB 7990, Page 1593) is located within the area required for dedication. This easement provides access to the existing 8-inch sewer main and 8-inch water main.

Analysis:

Public rights-of-ways provide the areas to install vehicular travel lanes, sidewalks, lighting, and landscaping, as well as utilities, both above and below ground, including stormwater, water, sewer, and other services. Dedications of land for public rights-of-way are required to provide for services, access, and other community needs. The Comprehensive Plan and Land Development Regulations

(LDR) sets forth the minimum standards for public rights-of-way widths. In this case, Tangerine Trail is considered a local street and therefore, has an ultimate right of way width of 50 feet.

Properties on either side of streets are generally required to provide half of the required ROW width, based on the centerline of the road. Other widths may be required based on the land configuration or street alignments

Tangerine Trail - Existing right-of-way:

Required: As part of the technical review for the Delray Ridge plat, it was determined that 25 feet of right-of-way dedication is required along the southern boundary of the portion of Tangerine Trail that exists, starting at Seacrest Blvd. With the required dedication, the right-of-way will measure 45 feet. The remaining 5 feet to reach the required minimum width of 50 feet will be required from the properties to the north when they develop or redevelop.

Proposed: Provide 15 feet, instead of 25 feet for the portion of the Tangerine Trail right-of-way that currently exists. This results in a 35-ft right-of-way, with 40 feet as the maximum width that could be achieved over time, which is 10 feet less than the 50 feet required for local streets.

Tangerine Trail - Un-dedicated right-of-way:

Required: As part of the technical review for the Delray Ridge plat, it was determined that 45 feet of right-of-way is required to extend Tangerine Trail west to connect to North Swinton Avenue. Most of the right-of-way (45 feet of 50 feet) is required to be dedicated by the Delray Ridge subdivision, based on the land configuration. The remaining 5 feet needed for the ultimate right of way width will be required to be dedicated by the adjacent properties to the north when redevelopment occurs.

Proposed: Provide zero right-of-way for the portion of Tangerine Trail that does not exist today. In lieu of a right-of-way dedication, the applicant is proposing to dedicate a 20-foot access easement to the City for limited use of the property for a bicycle-pedestrian link and to accommodate any utilities.

The chart below depicts the existing, required and proposed Tangerine Trail right-of-way width. Exhibits illustrating the items listed below are provided as an attachment.

	Tangerine Trail existing right-of-way	Tangerine Trail non-dedicated right-of-way
Existing width	20 feet	0 feet
Ultimate width	50 feet	50 feet
Required dedication for Delray Ridge	25 feet	45 feet
Required dedication from properties to the north when redevelopment occurs	5 feet	5 feet
Proposed dedication	15 feet	0 feet (20-foot access easement)

Article 6.1 of the LDR sets forth the minimum standards for streets and alleys. The minimum paving width for local streets is 22 feet. These standards also require sidewalks on both sides of streets with a minimum width of 5 feet. Based on these base standards, 32 feet of the 50 feet of width is needed

to accommodate vehicular and pedestrian travel. Additional area for stormwater management, landscaping, etc. is typically needed. Since this development does not propose to utilize Tangerine Trail for access, the construction of the road is not required at this time. Future improvements to Tangerine Trail would be scheduled, designed, and installed through the Capital Improvement Plan (CIP) process.

Pursuant to **LDR Section 5.3.1(A)(7), Reduction in Width**, *a reduction in the required right-of-way width, may be granted by the body having the approval authority of the associated development application in developments in which new streets are created. For existing streets, reductions in right-of-way width may be granted by the City Engineer upon a favorable recommendation from the Development Management Services Group (DSMG). Reductions in the required right-of-way width may be granted pursuant to the following:*

- (a) The reduction is supported by the City Engineer. Nonsupport by the City Engineer may be appealed to the City Commission.*
- (b) That requiring full dedication would constitute a hardship in a particular instance and that all required improvements will be provided in a manner which will not endanger public safety and welfare.*
- (c) That acceptable, alternative provisions are made to accommodate features which would otherwise be accommodated within the right-of-way e.g. alternative drainage systems, alternative pedestrian walkways, alternative on-street parking, etc.*

The applicant's justification for the requested reductions in the required right-of-way is provided as an attachment.

At its meeting of January 26, 2021, the DSMG considered and did not support the requests to reduce the required right-of-way width. The DSMG expressed concerns related to existing utilities within the ultimate right-of-way, access to adjacent properties, emergency vehicle access and a turnaround ability, and the elimination of a future vehicular connection between North Swinton Avenue and Seacrest Boulevard through Tangerine Trail. The Fire Department does not object to the requested reduction, but prefers a through route of some type, if possible. As the DSMG did not provide a favorable recommendation for the request, the City Engineer cannot administratively grant the right-of-way reduction request. The City Engineer's determination letter is attached.

Pursuant to LDR Section 5.3.1(A)(7), the applicant is appealing the City Engineer's determination to the City Commission. The City Engineer's determination letter is provided as an attachment; the letter includes an analysis of the request and review of applicable Comprehensive Plan goals, objectives, and policies.

City Attorney Review:

City Attorney approves for form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

If the appeal is denied, the proposed Subdivision request will need to be revised prior to

consideration.