

**PALM BEACH COUNTY
ENGINEERING AND PUBLIC WORKS DEPARTMENT
LAND DEVELOPMENT DIVISION**

ZONING COMMISSION STANDALONE VARIANCE STAFF REPORT

Application No.: SV-2020-01842
Application Name: Stacy Street Apartments
Control No./Name: 2020-00022
Applicant(s): K&F Investment Group, Inc.
Owner(s): K&F Investment Group, Inc.
Agent(s): United Construction Partners - Randall Granberry
Telephone No.: (561) 827-2821
Project Manager: Scott Cantor, Division Director II

TITLE: a Subdivision Variance **REQUEST:** to allow access from the existing 50-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips.

APPLICATION SUMMARY: Petition of Randall Granberry, on behalf of K & F Investment Group Inc., requesting a variance to allow access from the existing 50-foot Right-of-Way and to exceed the maximum allowable Average Daily Trips.

SITE DATA:

Location:	west of N Haverhill Road, on the south side of Stacy Street
Property Control Number(s)	00-42-43-26-02-000-0052
Existing Land Use Designation:	High Residential (HR-8)
Existing Zoning District:	Multi-Family Residential (High Density) District (RH)
Acreage:	0.74 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	Haverhill Neighborhood Plan
CCRT Area:	Stacey Area
Municipalities within 1 Mile	Haverhill
Future Annexation Area	Haverhill, West Palm Beach

STAFF RECOMMENDATION: Staff recommends approval of the request, subject to the Conditions of Approval as indicated in Exhibit C.

PUBLIC COMMENT SUMMARY: At the time of publication, staff had received no contacts from the public regarding this project.

PROJECT HISTORY:

The subject property currently has a Future Land Use designation of High Residential, 8 units per acre (HR) – 8 within the Multi-Family Residential (High Density) (RH) Zoning District. The site is under Unincorporated Palm Beach County jurisdiction and lies within the boundaries of the Haverhill Neighborhood Plan. Specifically, the site is within the Stacey Area Countywide Community Revitalization Area (CCRT). Historically, the property has one single-family dwelling unit on site.

SURROUNDING LAND USES:

NORTH (across Stacey Street):

FLU Designation: High Density Residential (HR-8)
 Zoning District: Residential Multi-Family (RH)
 Supporting: Vacant (Control No. N/A)

SOUTH:

FLU Designation: High Density Residential (HR-8)
 Zoning District: Residential Multi-Family (RH)
 Supporting: Type III CLF (Control No. 1988-00003)

EAST:

FLU Designation: High Density Residential (HR-8)
Zoning District: Residential Multi-Family (RH)
Supporting: Public Park (Control No. N/A)

WEST:

FLU Designation: High Density Residential (HR-12)
Zoning District: Residential Multi-Family (RH)
Supporting: Multi-Family Residential (Control No. N/A)

SUBDIVISION VARIANCE SUMMARY

ULDC Article	Required	Proposed	Variance
11.E.2.A.2 Chart of Minor Streets	1,500 Average Daily Trips (ADT) (maximum)	5,177 ADT	Exceed maximum allowable ADT by 3,677 daily trips by adding 44 additional daily trips

FINDINGS:

Table 11.E.2.A-2 in Article 11 of the Unified Land Development Code (ULDC), limits the number of average daily trips (ADT) to 1,500 on local residential streets. This variance application is to request site access from Stacy Street (aka Stacy Road per Plat Book 20 Page 75), a County-maintained 50-foot right of way local residential street, for a 0.74 acre site located on the south side of Stacy Street that would add more traffic to a roadway that already exceeds the ADT for this type of street per Table 11.E.2.A.2. This site is currently developed with an existing structure that may remain as a storage building. The Property Owner plans to construct 6 multi-family residential units and a clubhouse.

Based on the amount of ADT on Stacy Street, Article 11 requires access be from a non-plan collector street. The applicant is requesting a subdivision variance to allow additional trips on Stacy Street instead of requiring that the proposed development have access from a non-plan collector street. Engineering staff is recommending **APPROVAL** of the subdivision variance.

- 1. Special Conditions and circumstances exist that are peculiar to the parcel of land, building and structure that are not applicable to other parcels of land, structures or buildings in the same zoning district.**

Applicant’s Response: *The ULDC allows six (6) units on this parcel by right. However, the existing/approved daily trips on Stacy Road is already above the allowable 1,500 ADTs per Article 11.E.2.A.2. The proposed development generates 44 daily trips and the existing/approved trips are 5,117 ADTs. The special circumstance is that this parcel is being developed by right after other parcels on Stacy Road have acquired their trips through their development and others have secured their trips and concurrency through this process but have not been developed.*

Staff Response: CORRECT. This property will be developed in accordance to the existing Future Land Use and Zoning District. The properties abutting Stacy Street have been developed as multi-family residential, so it would be nearly impossible for this property to purchase the rights-of-way necessary to construct Stacy Street as a non-plan collector roadway.

- 2. Special Circumstances and conditions do not result from the actions of the applicant.**

Applicant’s Response: *The property owner is not creating the overload of trips on Stacy Road. Per the traffic report submitted along with this application, the existing daily trips today is 5,117 ADTs (higher than the allowable 1,500 ADTs per Article 11.E.2.A.2) and the 2022 projected trips are 5,622 ADTs. This project is expected to produce 44 ADTs which is less than 10% of the 2022 projected ADTs.*

Staff Response: CORRECT. The proposed multi-family development did not cause the Average Daily Traffic to exceed the maximum allowable per code as it's an existing condition. Also, due to the built-out nature of the surrounding properties, purchasing additional right-of-way to construct a non-plan collector is not feasible.

3. Granting the variance shall not confer upon the applicant any special privilege denied by the comprehensive plan and this code to other parcels of land, buildings or structures in the same zoning district.

Applicant's Response: *The approval of this variance does not confer a special privilege to the applicant but extends the right to develop this parcel just as any other parcel on Stacy Road has been developed.*

Staff Response: CORRECT. Granting this variance would allow the Property Owner to develop this property consistent with the current Zoning District and Future Land Use as other properties in this same zoning district has done.

4. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of lands in the same zoning district, and would work an unnecessary and undue hardship.

Applicant's Response: *Yes, enforcing the allowable 1,500 ADTs per Article 11.E.2.A.2. would deprive the property owner the right to develop this parcel. We kindly ask for this variance to please be approved so the 6 residential units can be constructed.*

Staff Response: CORRECT. Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship. This property would have to acquire right-of-way from all properties to the east to Haverhill Road, which would also result in non-conforming lots.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.

Applicant's Response: *The property owner is only requesting a maximum of 6 units which are allowed per the ULDC by right. We believe this is the minimum variance we can ask for in order to develop the parcel.*

Staff Response: CORRECT. Granting this variance is the minimum needed for the reasonable use of the property. This project is adding 44 daily trip to the roadway.

6. Grant of the variance will be consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this code.

Applicant's Response: *As mentioned above, the existing/approved total ADTs are 5,117, which is above the 1,500 ADTs per Article 11.E.2.A.2. We believe the 44 additional trips on Stacy Road will not interfere with the purpose, goals, objectives, and policies of the Plan.*

Staff Response: CORRECT. Grant of this variance will allow this property to be developed in a manner consistent with the Comprehensive Plan and the ULDC.

7. The grant of the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Applicant's Response: *The six (6) proposed residential units are allowed by right per the ULDC on this parcel. Granting the variance will not interfere with public welfare. In contrast, it will improve the area and increase the surrounding property values.*

Staff Response: CORRECT. Grant of this variance will not be injurious to the public.

CONDITIONS OF APPROVAL

EXHIBIT C– Subdivision Variance - Standalone

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

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Figure 1 - Land Use Map

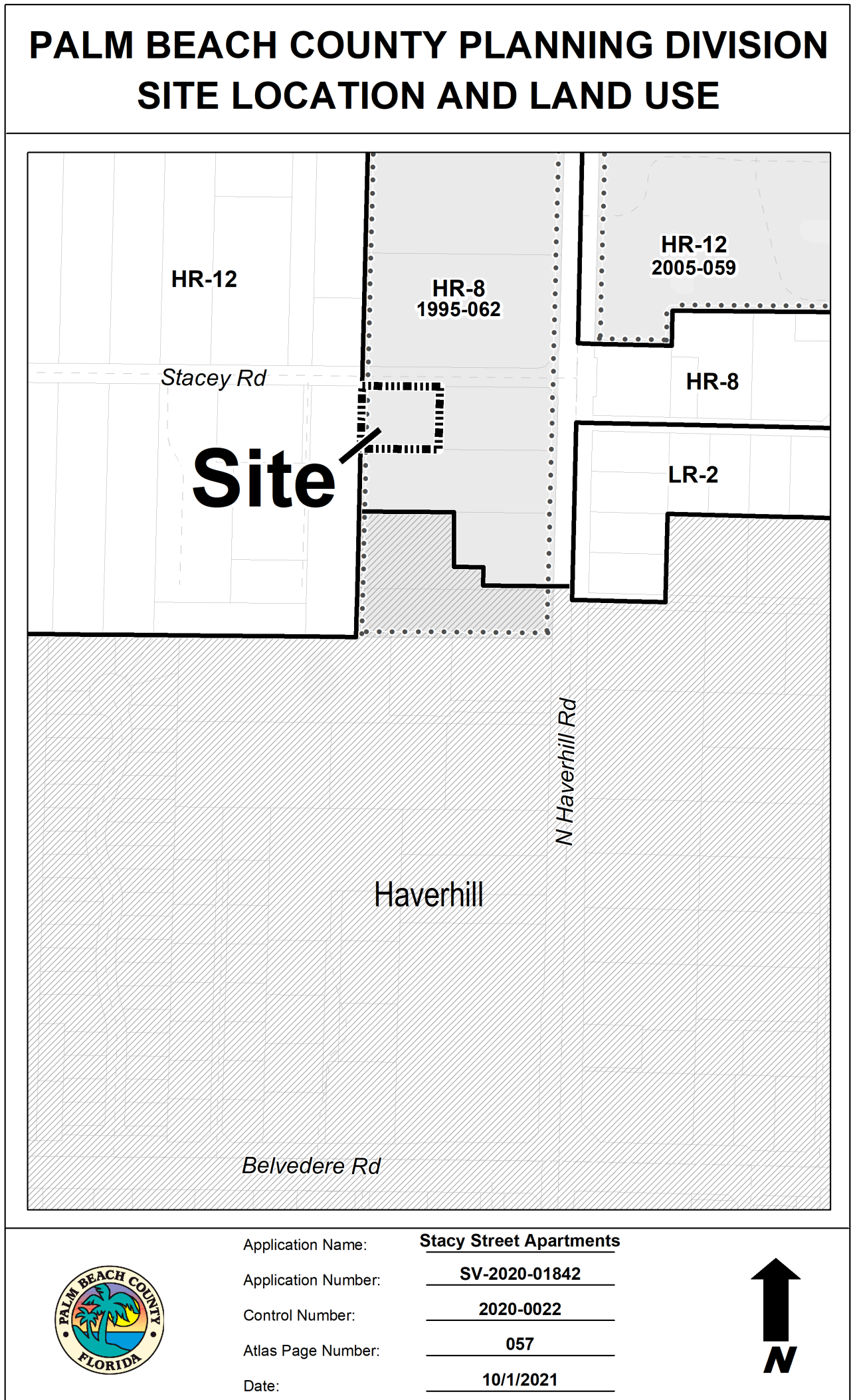


Figure 2 - Zoning Map

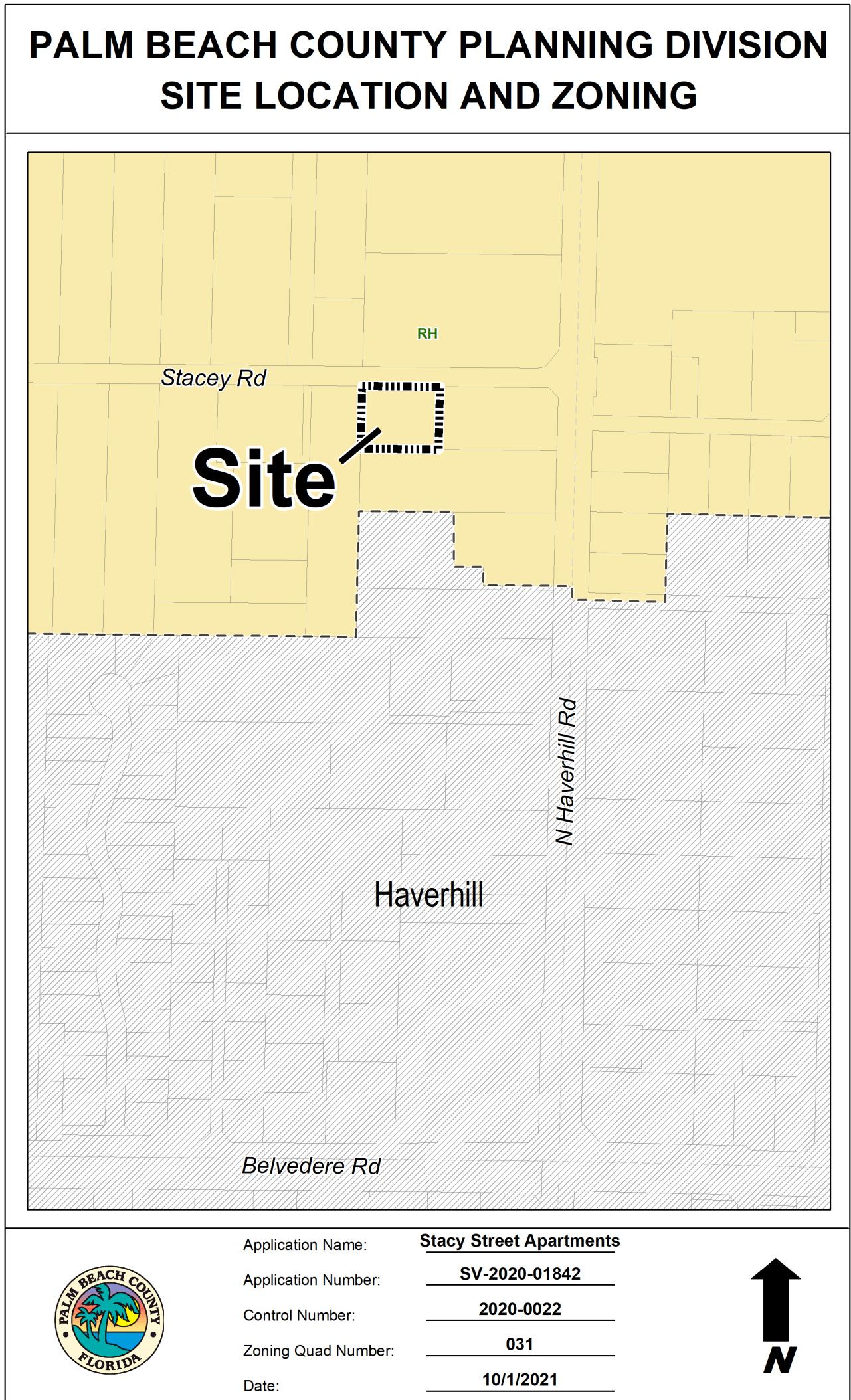
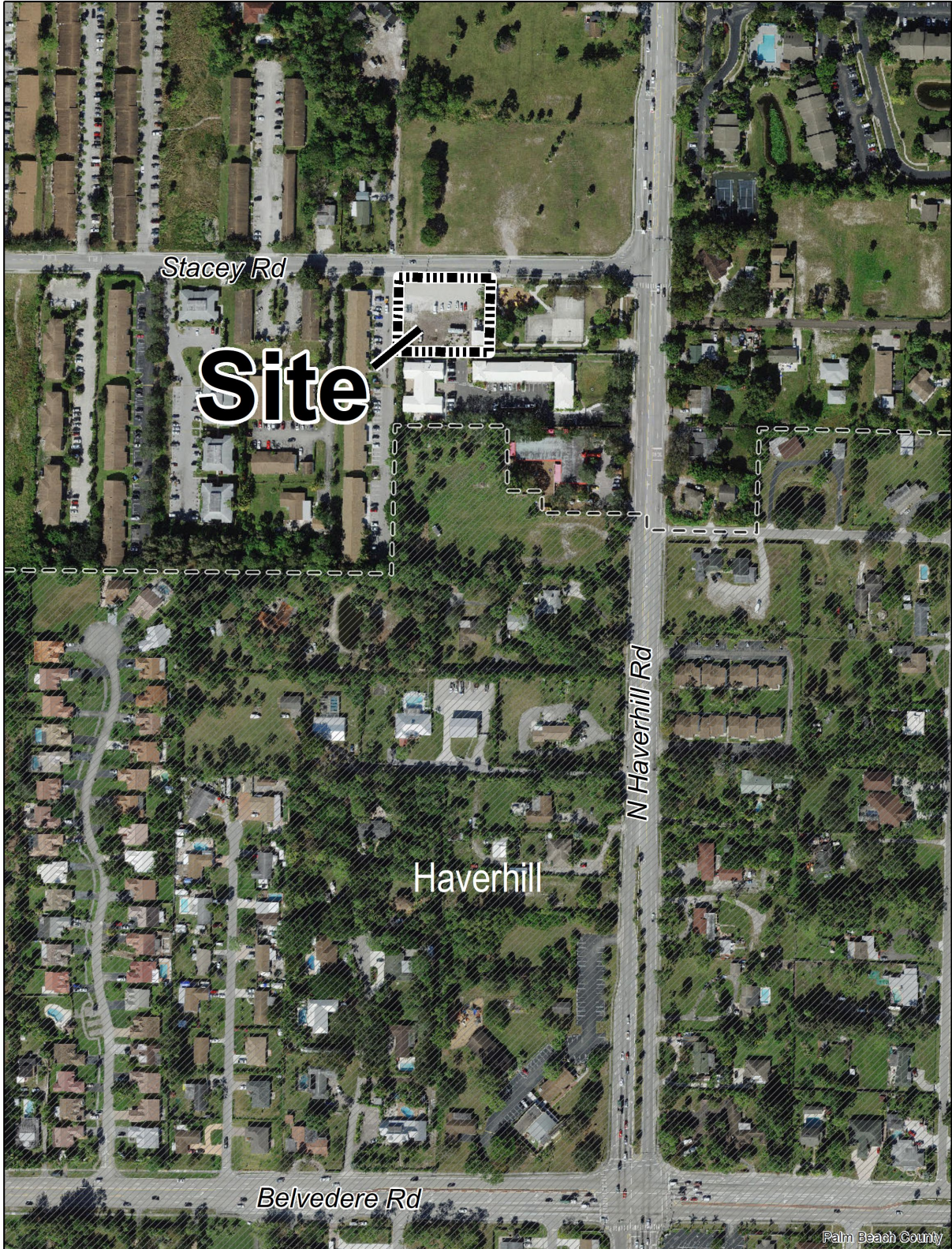


Figure 3 - Aerial

PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	Stacy Street Apartments
Application Number:	SV-2020-01842
Control Number:	2020-0022
Atlas Page Number:	057
Date:	10/1/2021

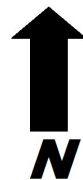


Exhibit D – Disclosure of Ownership

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Kirill Vesselov, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the [] individual or [x] President [position - e.g., president, partner, trustee] of K & F Investment Group Inc. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 2925 10th Avenue N
Palm Spring, FL 33461
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

K Vesselov

Kirill Vesselov, President, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 26 day of May, 2021 by Noreen P. McCarthy (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).

Noreen P. McCarthy
(Name - type, stamp or print clearly)

Noreen P. McCarthy
(Signature)

My Commission Expires on: 6/5/2023

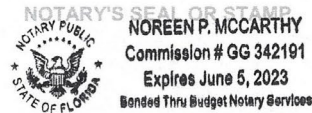


EXHIBIT "A"

PROPERTY

The West One Hundred (100) feet and the East One Hundred (100) feet of the West Two Hundred (200) feet of Tract Five (5), Haverhill Acres, according to the map or Plat thereof as recorded in Plat Book 20, Page 75, Public Records of Palm Beach County, Florida.

Exhibit E – Applicant’s Traffic Justification Statement dated 10/28/2020



Masoud Atefi & Associates

13246 Saint Tropez Circle
Palm Beach Gardens, FL 33410
(561) 329-9490
www.masoudatefi.com

October 28, 2020

Ms. Yexsy Schomberg
Principal Planner - Urbana
950 Peninsula Corporate Cir., Suite 1005
Boca Raton, FL 33487

RE: 5090 Stacey Street Residential – Traffic Justification Letter

We have prepared this “Traffic Justification Letter” in conjunction with the 6-unit townhomes project proposed at 5090 Stacey Street. This traffic analysis is focused on existing and future daily and peak hour traffic on Stacey Street, west of Haverhill Road. Existing on the 1.02 acres site is a 2,186 SF single family residential unit. The redevelopment project involves demolishing the existing structures and replacing it with 6 multi-family residential units/Townhomes. The project will be completed in two phases, during which 6 units will be built in Phase-1. The site parcel control number (PCN) is: 00-42-43-26-02-000-0052. See attachment for the County PAPA reports for the parcel.

A trip generation analysis was conducted for the proposed project and the results are summarized in Table-1. As indicated on the table, upon completion, the 6-unit townhomes are expected to generate 44 new daily trips, 3 new AM and 4 new PM peak hour trips.

Also, latest Palm Beach County traffic data for the intersection of Haverhill Road/Stacey Street collected in 2015 (attached) was used to project Year 2020 average daily and peak hour (directional and two-way) traffic data for Stacey Street west of Haverhill Road. Note a K-factor of 0.09 was applied to convert peak hour data to daily trips. The results are presented on Table-2.

Furthermore, average daily traffic on Stacey Street for project build-out date (Year 2022) was calculated using existing data (Year 2020 - Table-2) and applying an annual growth rate of 1%, and a peak season factor of 1.03. Results are presented in Table-3, and as illustrated on the table, during peak season of Year 2022, Stacey Street east of Haverhill Road is projected to carry an average daily traffic of 5,622 vpd.



Table 1 Trip Generation Summary Stacey Street Residential								
Land Uses	Size	Daily Trips	AM Peak Hour Trips			PM Peak Hour Trips		
			In	Out	Total	In	Out	Total
Existing								
SF Residential	1 DU	10	0	1	1	1	0	1
Total Existing		10	0	1	1	1	0	1
Proposed								
Townhomes	6 DU	44	1	2	3	3	1	4
Total Proposed		44	1	2	3	3	1	4
Net New Trips		34	1	1	2	2	1	3
<i>Driveway Volumes</i>		<i>44</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>3</i>	<i>1</i>	<i>4</i>

Compiled by: Masoud Atefi & Assoc. Inc. (October 2020)

Source: PBC TG Rates, Updated March 2019.

Table-2 - Existing (2020) Daily & Peak Hour Traffic on Stacey Street

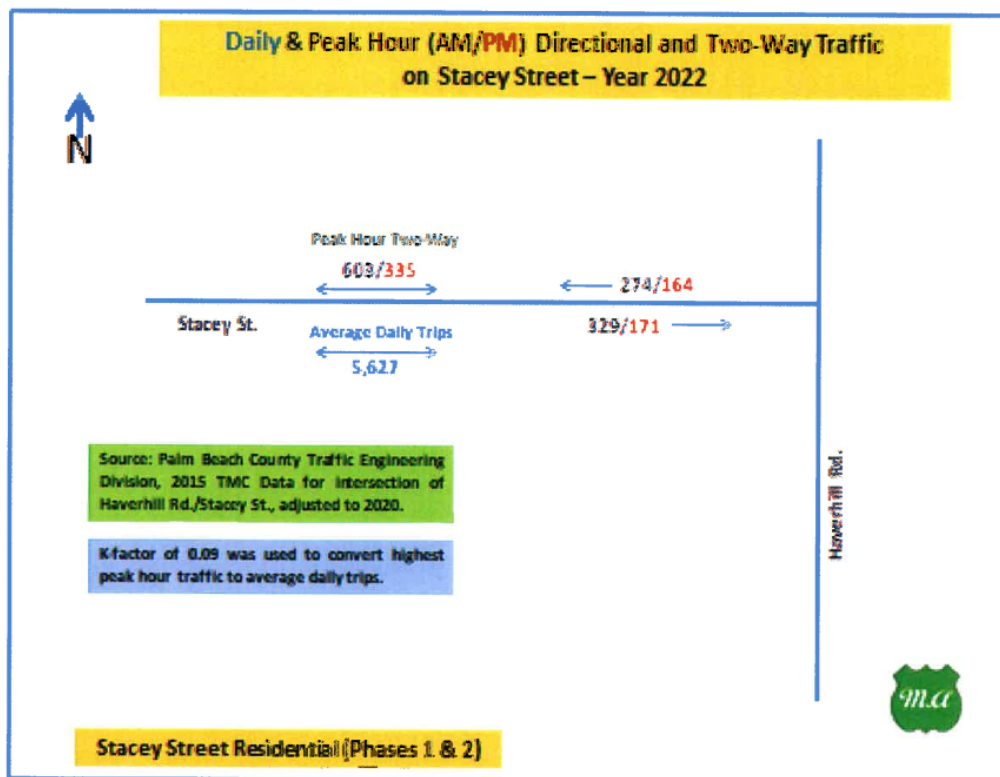
Peak Hour	Existing Data (2015)				Daily
	EB	WB	2-Way	K-Factor	
AM Peak Hour	323	269	592	0.09	6,578
PM Peak Hour	168	161	329	0.09	3,656
Average Daily Traffic					5,117

Table-3 - Year 2022 Projected Average Daily Traffic on Stacey Street

Existing Average Daily Volume 2020	Peak Season Factor	Peak Season Volume (2020)	1% Annual Growth	Project Traffic	Total Traffic 2022
5,117	1.03	5,271	307	44	5,622



Finally, Figure-1 presents an illustration of existing daily and peak hour traffic on Stacey Street. As illustrated on the Figure, highest directional peak hour traffic on Stacey Street is projected to be 329 vph (EB during PM peak hour). Directional peak hour LOS D capacity for Stacey Street per Palm Beach County is 810 vph,, therefore per County standards it is concluded that Stacey Street will operate at about 41% capacity under Year 2020 conditions.





Please feel free to contact us at (561)329-9490 should you have any questions or comments.

Sincerely,

Masoud Atefi MSCE - Principal
Masoud Atefi & Associates Inc.

Ali Atefi, P.E.

Florida Registration Number 43854

3715 Leeds Ct. Suite 201

This item has been electronically signed and sealed by Ali Atefi, P.E. on the time and date stamp using the digital signature. Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.



PAPA Banner				
Location Address 5090 STACY RD				
Municipality UNINCORPORATED				
Parcel Control Number 00-42-43-26-02-000-0052				
Subdivision HAVERHILL ACRES ADD				
Official Records Book 30384		Page 49		
Sale Date JAN-2019				
Legal Description HAVERHILL ACRES ADD W 200 FT OF TR 5				
Owners			Mailing address	
K&F INVESTMENT GROUP INC			1305 E ATLANTIC BLVD POMPANO BEACH FL 33060 6744	
Sales Date	Price	OR Book/Page	Sale Type	Owner
JAN-2019	\$425,000	30384 / 00049	WARRANTY DEED	K&F INVESTMENT GROUP INC
DEC-2000	\$85,000	12181 / 00280	WARRANTY DEED	WORKMAN TERRY L
No Exemption Information Available.				
Number of Units 1	*Total Square Feet 2186	Acres 1.02		
Use Code 0100 - SINGLE FAMILY	Zoning RH - Multi-Family (High Density) (00-UNINCORPORATED)			
Tax Year	2019	2018	2017	
Improvement Value	\$62,258	\$62,776	\$64,030	
Land Value	\$151,164	\$79,315	\$79,315	
Total Market Value	\$213,422	\$142,091	\$143,345	



SIGNAL ID	E.W STREET	N.S STREET	DATE	TIME	NBU	NBL	NBT	MBR	SBU	SBL	SBT	SBR	EBU	EBL	EBT	EBR	WBU	WBL	WBT	WBR	TOTAL
30710	Southern Bl	Seminole Pratt White	2/3/2016	7:15 AM	0	0	0	0	9	788	0	155	0	86	540	0	3	0	810	325	2721
30710	Southern Bl	Seminole Pratt White	2/3/2016	5:00 PM	0	0	0	2	350	0	131	0	201	976	0	21	0	0	569	696	2946
30710	Southern Bl	Seminole Pratt White	1/8/2015	7:00 AM	0	0	0	0	709	0	138	0	90	484	0	0	0	0	766	276	2494
30710	Southern Bl	Seminole Pratt White	1/8/2015	5:00 PM	0	0	0	0	355	0	110	0	205	962	0	17	0	0	575	633	2857
30775	Southern Bl	SR 7	12/6/2018	7:30 AM	1	542	1495	1057	0	234	1046	295	95	652	95	746	39	505	66	209	7089
30775	Southern Bl	SR 7	12/6/2018	12:00 PM	0	612	1404	584	29	234	1184	471	182	593	105	493	63	584	121	166	6635
30775	Southern Bl	SR 7	12/6/2018	5:00 PM	12	785	1650	721	7	204	1411	619	234	646	131	798	44	900	172	275	8541
30775	Southern Bl	SR 7	12/13/2017	7:30 AM	2	491	1158	825	1	288	1086	328	117	649	76	445	14	555	36	214	6285
30775	Southern Bl	SR 7	12/13/2017	12:00 PM	4	507	990	438	2	244	1225	424	142	470	126	407	69	623	99	226	8016
30775	Southern Bl	SR 7	12/13/2017	4:45 PM	15	530	1642	620	14	298	1579	708	257	472	68	581	40	937	152	324	8257
30775	Southern Bl	SR 7	2/1/2016	7:30 AM	0	381	1073	677	0	360	1112	309	69	528	65	411	3	568	29	183	5708
30775	Southern Bl	SR 7	2/1/2016	12:00 PM	6	583	1196	489	16	245	1412	448	223	546	91	450	47	581	103	301	6727
30775	Southern Bl	SR 7	2/1/2016	5:00 PM	0	435	1564	495	8	351	1441	716	140	579	116	410	9	956	102	305	7537
30775	Southern Bl	SR 7	1/6/2015	7:30 AM	0	491	1258	680	4	322	1169	339	90	712	114	493	42	614	37	171	6536
30775	Southern Bl	SR 7	1/6/2015	4:45 PM	1	543	1814	324	16	266	1624	633	172	804	155	393	18	919	156	339	8177
81295	SR 80	SR 27	4/22/2015	7:30 AM	5	23	221	46	1	470	255	10	0	19	153	13	1	57	105	368	1747
81295	SR 80	SR 27	4/22/2015	4:30 PM	1	4	354	57	0	494	202	28	0	7	252	11	4	46	114	521	2035
78051	SR 80	SR 700/98	4/15/2015	7:15 AM	0	2	3	0	0	116	2	1	0	4	314	1	0	0	549	99	1081
78051	SR 80	SR 700/98	4/15/2015	4:45 PM	0	2	7	3	0	132	2	3	0	0	527	3	0	0	352	120	1151
81400	SR 89	SR 715	4/20/2015	7:30 AM	0	0	0	2	0	102	1	247	0	279	519	2	0	1	411	91	1655
81400	SR 80	SR 715	4/20/2015	4:30 PM	0	0	0	1	0	117	1	237	0	318	477	1	0	2	501	149	1804
78050	SR 80/Hooker Hwy	SR 15/Main S10US #41	4/20/2015	7:30 AM	14	69	157	169	0	43	280	41	0	19	50	31	0	283	148	18	1322
78050	SR 80/Hooker Hwy	SR 15/Main S10US #41	4/20/2015	4:30 PM	57	38	241	314	0	23	158	24	2	24	99	38	1	267	76	42	1406
28500	Stacy Rd	Heverhill Rd	11/2/2015	7:30 AM	0	114	699	0	0	0	643	142	0	179	0	129	0	0	0	0	1906
28500	Stacy Rd	Heverhill Rd	11/2/2015	5:00 PM	0	66	758	0	0	0	1068	87	0	86	0	74	0	0	0	0	2139
34510	Stirling Way	Donahue Way/Equestr	4/27/2016	7:00 AM	0	55	30	21	5	105	56	129	0	31	282	109	0	50	237	48	1148
34510	Stirling Way	Donahue Way/Equestr	4/27/2016	1:45 PM	0	35	50	18	7	40	41	45	1	64	126	33	1	16	91	23	591
34510	Stirling Way	Donahue Way/Equestr	4/27/2016	3:15 PM	0	109	12	34	11	19	17	70	3	83	184	82	0	28	235	37	924
34500	Stirling Way	SR 7	12/5/2018	7:30 AM	1	331	2219	190	10	114	2052	69	2	69	76	662	0	289	63	130	6277
34500	Stirling Way	SR 7	12/5/2018	12:00 PM	5	288	1853	91	55	40	1464	73	0	109	37	361	0	116	31	33	4576
34500	Stirling Way	SR 7	12/5/2018	5:00 PM	3	552	3526	285	64	85	2096	119	1	300	118	474	1	232	111	71	6928
34500	Stirling Way	SR 7	2/10/2016	7:30 AM	3	390	1918	139	19	102	2149	83	0	66	58	531	0	293	62	129	5954
34500	Stirling Way	SR 7	2/10/2016	4:45 PM	2	458	2366	232	47	190	1982	133	0	173	152	353	1	199	85	43	6331
34500	Stirling Way	SR 7	4/2/2015	7:30 AM	5	311	1653	147	5	89	1906	120	0	94	68	498	0	295	47	117	5995
34500	Stirling Way	SR 7	4/2/2015	5:00 PM	0	393	2338	269	49	98	1832	157	0	202	159	241	2	205	122	58	6026
32085	Summit Bl	Congress Ave	1/11/2018	7:15 AM	16	176	1442	193	3	213	872	286	3	655	616	248	0	180	468	395	5766