



DEVELOPMENT & NEIGHBORHOOD SERVICES STAFF REPORT AND RECOMMENDATION

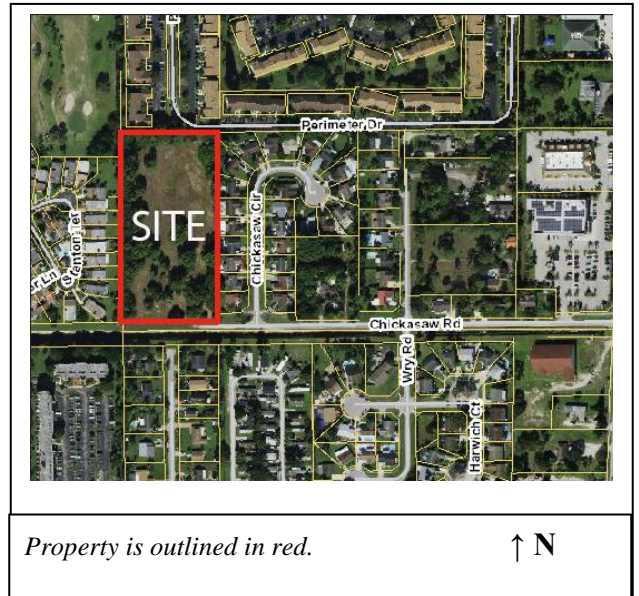
I. Project Description:

Project: Garden Square Townhouse Development
(Site and Development Plans Request)

Applicant: Jeanne Ducharme
Cotleur & Hearing
1934 Commerce Lane, Suite 1
Jupiter, FL 33458
Agent for the owners:
MF Associates Greenacres, LLC

Request: Site and Development Plans including
approval to construct forty-four (44)
two-story townhouse residential units.

Location: 6645 Chickasaw Road



Property is outlined in red.

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Project Manager: Linda Mia Franco, AICP, Zoning Administrator

II. Site Data:

Existing Use:	Vacant Parcel
Proposed Use:	Townhouses
Parcel Control Numbers:	18-42-43-27-05-022-0360
Parcel Size:	217,710 square feet (4.99 acres)
Existing Future Land Use Designation:	Residential – High Density (RS-HD) (Future Land Use Map Amendment: CPA-23-02, adopted July 17, 2023, through Ordinance 2023-06)
Existing Zoning District:	Residential High Density (RH) (Rezoning: ZC-23-01, adopted July 17, 2023, through Ordinance 2023-07)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Multi-Family (Park Pointe Condominiums)	Residential Medium (RS-MD)	Residential Medium (RM-2)
<i>South</i>	Single Family Residences (Sunset Ridge)	PBC Low Residential (LR-3)	PBC Agricultural Residential (AR)
<i>East</i>	Single Family Residences (Chickasaw Manor)	Residential Medium (RS-MD)	Residential Low -3 (LR-3)
<i>West</i>	Multi-Family (Poinciana Place Phase II)	PBC Residential High 12 (HR-12)	PBC Residential (RS)

III. Annexation/Zoning History:

The subject site is 4.99 acres and is currently vacant. It was granted approval for annexation into the City (ANX 04-03) through Ordinance 2004-12, a change in future land use designation from Palm Beach County Low Residential 3 (LR-3) to City Residential Medium Density (RS-MD) (CPA 04-03) through Ordinance 2004-14, a rezoning from Palm Beach County Agricultural Residential (AR) to City Residential Medium -2 (RM-2) (ZC 04-02) through Ordinance 2004-15 and site plan approval for the construction of twenty-five (25) detached single-family residences (SP 04-01) were approved by the City Council on October 4, 2004. The project was never platted, and the development order expired on October 4, 2006. Subsequently, a revised Site Plan petition for approval of the Sunset Springs project, which consisted of twenty-five single-family homes (SP 21-01), was approved by the City Council through Resolution 2022-12 on March 22, 2022. The Sunset Springs project was not platted or permitted and without a request for extension, the development order expired on March 22, 2024. The previously approved zoning application (Ordinance 2004-15) included a maximum development capacity for the site of 25 dwelling units.

In December 2022, the ownership was transferred to MF Associates Greenacres LLC, where analysis was conducted for alternative development potential and maximize opportunities. Consequently, in circa 2023, the applicant requested a Rezoning (ZC-23-01) from Residential-Medium Density (RS-MD) (7 units per acre) to Residential - High Density (RH) (10 units per acre) and a Small-Scale Future Land Use Map Amendment (CPA-23-02) from Residential Medium Density to Residential High Density (RS-HD). The Rezoning (ZC-23-01) and Small-Scale Future Land Use Map Amendment (CPA-23-02) were approved on July 17, 2023, through Ordinance 2023-06 and Ordinance 2023-07, respectively.

IV. Applicable Code Provisions:

Sections 16-196 through 16-202 pertaining to Site and Development Plans

Sections 16-361 through 16-373 pertaining to the Residential High Density (RH) zoning district

Sections 16-856 through 16-863 pertaining to Townhouse Development

Sections 16-931 through 16-997 pertaining to sign regulations

Sections 16-1241 through 16-1312 pertaining to landscaping

Sections 16-1331 through 16-1340 pertaining to off-street parking

V. Summary of Proposed Site and Development Plans Details:

The applicant's Site and Development Plans date stamped as received by the City on March 7, 2025, depict the following:

1. A total land area of 4.99 acres (217,710 square feet).
2. Forty-four (44) two-story townhouse residential units.
3. A 3,403 square foot tot lot.
4. A total of 174 parking spaces. This consists of 64 garage spaces, 88 driveway spaces, 22 guest standard spaces, including two (2) Americans with Disabilities Act (ADA) accessible parking spaces at the tot lot playground area, in addition to 8 bicycle parking spaces.
5. A density of 8.82 units per acre.
6. One (1) ingress and egress point onto Chickasaw Road for vehicles and two (2) sidewalk connections to Chickasaw Road.
7. Landscape Plan.
8. Architectural Plans and Elevations.
9. Photometric Plan.
10. Preliminary Engineering Plan.
11. Boundary Survey.

Table 2: Proposed Site Data:			
Area:	Square Footage:	Acreage:	Percentage:
Building Lot Coverage (including covered canopies)	48,080	1.10	22.08%
Site Impervious Area (excluding building lot coverage)	65,914	1.51	30.28%
Site Landscape Area	103,716	2.38	47.64%
<i>Total</i>	<i>217,710</i>	<i>4.99</i>	<i>100%</i>

VI. Staff Analysis:

Background:

The applicant is requesting approval for the Site and Development Plans to construct a Townhouse Development consisting of forty-four (44) two-story townhouse units on a 4.99-acre site. The development will feature townhouses designed with four (4) buildings typologies consisting of five-units and six (6) building typologies consisting of four-units, two-story building configuration, each unit consisting of four (4) bedrooms and two (2) bathrooms and one (1) powder room for a total of ten (10) building groupings. A Homeowners Association will maintain the common areas of the project to include the private amenity, which is a 3,403 square foot tot lot playground area.

The site will have one (1) ingress and egress point onto Chickasaw Road for vehicular access with pedestrian access by sidewalk connections on both sides of the ingress and egress points; the applicant has provided concrete crosswalks within the development. The parking for the development consists of a total of 174 parking spaces. Parking for the townhouses includes three (3) to four (4) parking spaces located at each unit, comprising one (1) to two (2) garage parking space(s) and two (2) driveway parking spaces per unit.

Twenty-two (22) spaces are distributed throughout the development as guest parking spaces, including two (2) Americans with Disabilities Act (ADA) accessible parking spaces at the tot lot playground area.

The townhouses have a front and rear entrance covered by the upper floor from the elements and each building will feature architectural detail on all four elevations and will be finished with roofing, colors and materials to be compatible with the adjacent housing developments. Air-conditioning equipment will be effectively screened on the ground to the rear of the buildings, instead of being placed on the roof of the buildings. The site will be landscaped in accordance with the landscape plan and city code with some existing material to be preserved, a variety of landscape materials are provided in the front of the units to avoid monotony and break up the driveways in the front with landscaping material.

Based on the land dedication requirements outlined in Chapter 12 of the City Code, the proposed development must dedicate a total of 0.678 acres to the City, a 10% credit for the private amenities being provided on-site, for a reduced total dedication of 0.63 acres. Per Section 12-82, which requires 5 acres per 1000 residents for recreational purposes, the required dedication is calculated as follows: with 44 residential units and an estimated household size of 2.2 persons per unit, resulting in a total estimated population of 96.8 persons, the formula $(44 \times 2.2) / 1,000 \times 5$ results in a 0.484-acre parks and recreation land dedication requirement. Section 12-84 allows a credit for on-site private recreational amenities; the proposed development will include a 3,403 square foot tot lot allowing a 10% credit. A total of 10% credit or reduction will be applied to the required parks and recreation land dedication of 0.484 acres, which reduces the required parks and recreation land dedication to 0.436 acres. Additionally, Section 12-92, requires 2 acres per 1000 residents for city government purposes, the formula $(44 \times 2.2) / 1,000 \times 2$ results in an additional 0.194-acre dedication, bringing the total dedication requirement to 0.63 acres considering the 0.436-acres reduced with credit required for the parks and recreation land dedication. The applicant will pay for the entire 0.63 acres in lieu of dedication to the City, consistent with Sections 12-83 and 12-93, which recommend that the City Council consider payment in lieu of dedication to the City for sites to be dedicated that are under one (1) acre in size, as shown below in condition #2.

On August 20, 2024, with last review on March 10, 2025, the Development Review Committee (DRC) reviewed this application and recommended approval with the comments as noted herein and subject to the conditions of approval listed below.

Standards and Staff Findings:

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|-------------------------------|---|
| 1. Minimum Lot Requirement: | The proposed Townhouse Development meets the lot size requirement of 6,000 square feet. |
| 2. Maximum Lot Coverage: | Building lot coverage of 22.08% does not exceed the maximum allowable lot coverage of 40% for a Townhouse Development. |
| 3. Minimum Yard Requirements: | Building setbacks meet all yard requirements of 25' front, 20' side, and 20' rear. |
| 4. Height Restrictions: | The building height of 27.5' does not exceed the allowable height of 35'. |

5. Off-Street Parking & Loading: The 174 parking spaces provided **meets** the minimum code requirement based on 3 spaces required for each 3-bedroom unit and guest parking at ½ space per unit.
6. Landscaping: The landscaping plan **complies** with the Landscape Code requirements. (See Landscaping Plans)
7. Lighting: The photometric plan **complies** with the code requirements for lighting. (See Photometric Plans)
8. Sign Regulations: The applicant has indicated they are not proposing any signage on site. Prior to any signage being installed, a Master Sign Plan is required and any permits **shall be obtained**.
9. Utilities: The proposed water, sanitary sewer and drainage systems **meet** preliminary engineering and code requirements subject to final approval of an Engineering Permit and prior to the issuance of a Building Permit.
10. Concurrency: Project **meets** traffic concurrency. Water and Sewer service and capacities **are available** to serve the site.
11. Comprehensive Plan: The proposed development's density of 8.82 units per acre **does not exceed** the maximum density of 10 dwelling units per acre allowed within the Residential-High Density (RS-HD) future land use designation.
12. Color Scheme: The color of the building **shall be** in accordance with the approved Site and Development Plans.
13. Site and Building Design: The project layout and architectural design **comply** with the site and building design requirements of the Code. The townhouses have a front entryway that is sheltered by the upper floor in a foyer setting and will feature architectural detailing on all four sides and are finished with roofing, colors, and materials that complement adjacent developments.

VII. Staff Recommendation:

Approval of SP-23-03 with the following conditions:

1. The most stringent requirements of this DNS Staff Report and Recommendation dated March 10, 2025, and strict compliance with the Site and Development Plan exhibits stamped approved by the City of Greenacres and listed below, which are attached hereto and made part hereof as Exhibit "A"

- A. SP-23-03 Garden Square Townhouse Development **Final Site Plan**, Sheets FSP-1 through FSP-3, received by DNS on March 07, 2025, and prepared by RO/JS/DEH Donaldson Coutleur & Hearing
 - B. SP-23-03 Garden Square Townhouse Development **Landscape Plans**, Sheets LP-1 of 9 through LP-2 of 9 (total 9 sheets misnumbered), received by DNS on March 10, 2025, and prepared by HK/DEH Donaldson Hearing of Cotleur & Hearing
 - C. SP-23-06 SP-23-03 Garden Square Townhouse Development **Photometric Plan**, Sheet PH-1, received by DNS on February 03, 2025, and prepared by Bradley Lane Brown, P.E. of KAMM Consulting
 - D. SP-23-03 Garden Square Townhouse Development **Architectural Plans and Elevations**, Sheets CS, A1.0 through A.2.0 for 5-unit plans and 4-units plans (18 sheets total), received by DNS on March 07, 2025, and prepared by Casey Najjar, P.E. of CDN Engineering, Inc.
 - E. SP-23-03 Garden Square Townhouse Development **Civil/Engineering Plans**, Sheets C0.0 through C9.1, received by DNS on March 7, 2025, and prepared by Gabriel D. Burden of Civil Design, Inc
2. The project shall be subject to the City's required parks and recreation and governmental services land dedication in accordance with Article IV of the Subdivision Regulations. The requirements are 2 acres per 1,000 population for governmental services and 5 acres per 1,000 population for parks and recreation. Based upon 44 townhouse units x 2.2 persons per unit = 96.8 /1,000 = .097 x (5 + 2) – the 10% credit to the parks and recreation dedication for the private recreation = a **total land dedication of 0.63 acres. In lieu of land dedication, the developer shall be required to pay a fee equal to the combined value of the required land dedication** to be determined in accordance with Sections 12-83 and 12-93 of the City's Subdivision Regulations. The fee shall be paid prior to the issuance of Building Permits. (Engineering)
 3. The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the total construction costs are two hundred fifty thousand dollars (\$250,000) or greater, in accordance with Section 16-661. The public art fee is calculated at one (1) percent of the total construction costs of the project. The contribution shall be placed in the city's public art fee fund and the contributor shall have no input in the use of such funds. The contribution shall be divided into two (2) payments as follows:
 - A. **Prior to Building Permit Issuance:** The developer shall submit to the building division/finance department a preliminary certification of the total construction costs. This preliminary certification shall be used to calculate the developer's initial payment of thirty (30) percent of the contribution. The developer shall make this initial payment to the building division/finance department prior to the issuance of the building permit.
 - B. **Prior to Issuance of the Final Certificate of Occupancy:** The developer shall submit to the building division/finance department a final certification of the total construction costs. This final certification shall be used to calculate the outstanding portion of the contribution. The developer shall pay the outstanding portion of the contribution prior to the issuance of the final certificate of occupancy for the project. (Building and Planning)

4. Any site permits required and/or obtained shall be maintained in an active status with the respective permitting agency until all the work covered by the permit is satisfactorily completed, any applicable inspections passed, and officially closed out with the City. (Building, Planning, Engineering and Public Works)
5. Permits from the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County Land Development, as required, for the stormwater management system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
6. Permits from the Health Department for modifications to the water and sewer system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
7. An Engineering Permit, issued by the City of Greenacres, is required prior to any sitework or construction activities outside of the proposed structures and work related to subdivision and/or development improvements taking place. The Engineering Permit must be closed out prior to the Certificate of Occupancy (CO) for the 39th townhouse dwelling unit being issued. No Engineering Permit shall be issued for construction or work until an approved cost estimate and a bond for all sitework has been posted. (Engineering)
8. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of SFWMD and City of Greenacres must be submitted for review along with complete paving and drainage construction plans and subsurface investigation with percolation test. Additionally, documentation detailing the maximum impervious surface allowances for both the overall community and individual lots, as acceptable to the City Engineer, must be provided. All required documents must be submitted with the application for Engineering Permits. The percentage of building footprint and impervious area outside of the building footprint shall be depicted in a table on the Site and Development Plan and the Paving, Grading, and Drainage Plan. (Engineering)
9. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of **December 31, 2027**, unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning and Building)
10. The site must be platted prior to the issuance of Engineering Permits. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to platting. (Engineering)
11. Driveway connection and/or right-of-way construction permits from Palm Beach County Land Development must be obtained prior to the approval of the final plat. Any existing driveway connections on site which will become redundant shall be removed and replaced with curbing, etc. to match adjacent conditions. (Engineering)
12. Documentation establishing a Homeowner's Association governing all exterior elements of the project including but not limited to uniformity of exterior elevations, coordinated roof replacement, access and maintenance to the private road right-of-way and parking, common area

maintenance, uniformity in fencing and accessory structures such as screen enclosures, ensuring any fencing including privately owned fences along the property line will not conflict with or impact the development's required landscaping or the ability of the HOA to access and maintain such landscaping, prohibition of habitable space additions, enforcement of parking regulations, prohibitions on the expansion of driveways, and prohibitions on the expansion of impervious surfaces in accordance with Condition #9 shall be provided to the City in a form acceptable to the City Attorney prior to approval of the Final Plat. (Engineering and City Attorney)

13. In accordance with the requirements of the National Pollution Discharge Elimination System (NPDES), best management practices shall be used to control runoff from construction activities. An NPDES Permit shall be provided to the City, prior to any site activity, as part of the Engineering Permit. (Planning, Engineering, Building and Public Works)
14. Utilities shall be provided underground and sufficient in size to properly serve the site. Appurtenances to these systems which require above-ground installation must be effectively screened from view. If it is determined by the City that the screening does not effectively mitigate the impact, additional screening may be required. (Planning, Engineering and Building)
15. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Building)
16. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened from view. No equipment shall be taller than the proposed screening. (Planning and Building)
17. Landscaping shall be maintained in perpetuity in accordance with the City's Landscaping Regulations and the approved Landscaping Plan, including specifications for plant size, number, location, and type of landscaping material. All plant life shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed. All plant material shall be kept reasonably free of visible signs of pests, infestation, or disease. (Planning)
18. A certified cost estimate by a FL Registered Landscape Architect or Engineer, for the project's landscape materials, installation, irrigation and labor to establish a 1-year maintenance financial guarantee or financial security in a form acceptable to the City Attorney in the amount of 110% of the estimate shall be posted for the project's landscaping, in addition to the other bonds required for site improvements. The owner shall provide this financial guarantee or financial security before the City performs any landscape inspection or issues a Certificate of Occupancy. If project's landscaping is not maintained, the City may use the financial guarantee or financial security to maintain or replace dead or unacceptable landscape materials and irrigation components after providing written notice to the property owner. (Planning and Engineering)
 - a. The project Landscape Architect shall conduct a field inspection at substantial completion of the project to verify that the landscape and irrigation installation complies with the approved plans and is healthy and flourishing before the project's 1-year maintenance financial guarantee/security period begins. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City inspection of the landscape installation.

- b. The project Landscape Architect shall conduct an interim field inspection near the 6-month mark of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request an interim City re-inspection of the maintained landscaping at the 6-month mark of the maintenance financial guarantee/security period.
 - c. The project Landscape Architect shall conduct a field inspection near the completion of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City re-inspection of the maintained landscaping 30 days prior to the end of the maintenance financial guarantee/security period.
 - d. Upon passing the final re-inspection, the property owner may request in writing the release and return of any remaining financial guarantee/security. If the location fails the final re-inspection, the financial guarantee/security shall not be released to the property owner. Once the property owner completes the required improvements, the financial guarantee/security shall be released. If these necessary improvements do not occur, the City may use the financial guarantee/security to maintain or replace landscape items as necessary.
19. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Landscaping Plan additions may be necessary to meet Code requirements if existing material is unsuitable to remain. (Planning)
20. By the initial landscape inspection, all existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the property owner to maintain the site free from invasive plants in perpetuity. (Planning)
21. Fences shall not be allowed in any front yards. Fences shall be constructed in accordance with the 6ft Privacy PVC fence as detailed on the Detail Plan, Sheet LP-4. Fencing shall not conflict with or impact the development's required landscaping, ensuring that all required landscaping elements, including trees, shrubs, and groundcover, remain intact. Fencing shall not impede the HOA's ability to access and maintain the required landscaping or any easements. (Planning and Building)
22. Screen enclosures with screen roofs and open patios may only be located in the rear yard and shall provide a minimum rear setback of 5' and may have a minimum side setback of 0' on the zero-lot line(s), and shall not extend beyond the unit side wall on end units. All screen enclosures shall be consistent in color, materials, and style. Hard roof enclosures are not allowed. (Planning)
23. The developer shall enter into a Traffic Control Jurisdiction Agreement with the City of Greenacres to provide for the enforcement of parking and traffic regulations within the development. This agreement must be approved by the City prior to the issuance of any residential Certificates of Occupancy. (Building and Planning)

24. The expansion of driveways beyond the dimensions depicted in the Site and Development Plan is strictly prohibited. (Planning)
25. No more than 11 Certificates of Occupancy (25% of project total) shall be issued prior to start of construction of the recreation amenities and no more than 22 Certificates of Occupancy (50% of project total) prior to the completion of the recreation amenities. (Planning and Building)
26. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “City of Greenacres”. (Planning)
27. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits and a Certificate of Occupancy. (Planning, Engineering, and Building)
28. The Site and Development Plan shall be revised as necessary and as otherwise noted herein to reflect all conditions of approval and re-submitted, prior to the Final Plat. (Planning, Building, Engineering and Public Works)
29. The conditions of approval herein shall apply to the Owner, Applicant, and their successors and assigns. Deviation from any portion of the approved Site and Development Plans, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval procedure shall render the Site and Development Plans approval null, void, and of no further effect upon determination by the City Council. (Planning)

30. CITY ADVISORY NOTICES:

- (1) **Development permits and orders.** As provided by subsection 166.033(6), Florida Statutes, issuance of a development permit by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- (2) **No Guarantee by City.** It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.
- (3) **Indemnification.** The Owner/Developer shall indemnify and hold the City harmless from any and all claims, demands, disputes, costs, expenses, (to include attorney’s fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Property, except those claims or liabilities by or arising from gross negligence or intentional acts of the City, or its employees, contractors or agents.

PLANNING & ZONING BOARD OF APPEALS RECOMMENDATION – March 13, 2025

The Planning and Zoning Board of Appeals on a motion made by Board Member Hayes and Seconded by Board Member Robarts, voting four (4) to zero (0), ***recommended approval*** of the Site & Development Plans for Garden Square Townhouse Development (**SP-23-03**), as presented by staff.

CITY COUNCIL ACTION – April 7, 2025

Exhibit:

A. Site and Development Plans