



Cover Memorandum/Staff Report

File #: 25-656

Agenda Date: 6/3/2025

Item #: 8.C.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: June 3, 2025

ORDINANCE NO. 02-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 4.27 ACRES LOCATED AT 975 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM CONGRESS AVENUE MIXED USE TO COMMERCE PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/ PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 02-25, a privately initiated request for a small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) for the 4.27 acre property located at 955-975 South Congress Avenue.

Background:

The subject request is to amend the land use designation of a 4.27-acre parcel located at 955-975 South Congress Avenue from CMU to CMR. The request is being reviewed and processed concurrently with a rezoning request from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC).

This property was previously designated with a land use of CMR, and was re-designated to CMU in 2007 as part of a City-initiated land use map amendment for the corridor (Ordinance No. 38-06), which was accompanied by rezoning the corridor to MROC.

The property is developed with two commercial/office/warehouse buildings, which were established under the previous CMR land use and MIC zoning. As a result, the property owner has experienced challenges to sustain and attract businesses that are permitted under the CMU land use and MROC zoning district. Many of the established uses were deemed nonconforming uses after the 2007 rezoning from MIC to MROC, and LDR Section 1.3.4(B)(2) states that a nonconforming uses may not be re-established if the use ceases for a continuous period of 180 days. If the owner cannot find another "nonconforming use" within the time limit, they must try to market the building for uses it was not initially constructed to accommodate.

Long-standing businesses at the property, such as wholesale flooring, retail of building materials and garden supplies, and hardware stores, are deemed nonconforming uses under the current MROC zoning; however, such uses are permitted in the MIC zoning district, which is supported by the CMR

land use designation.

In late 2022, the City engaged with Streetsense and CBRE (real estate consultants) to perform a study of the corridor (attached). On May 22, 2023, CBRE prepared the Delray Beach Congress Avenue Strategies Plan *to provide market-informed development and retail strategy recommendations for the Congress Avenue corridor, with the goal of balancing commercial and housing growth*. The Study found that the initial vision of the CMU land use and the companion MROC district has not been fulfilled, with many office and retail vacancies, limited space for growing industrial businesses, and the increasing pressure to build stand-alone residential development along the corridor due to the increased costs of land (Delray Beach Congress Avenue Strategies Plan, Page 5 and 8).

The current CMU land use designation is the predominant zoning district along the Congress Avenue corridor from West Atlantic Avenue to the southern City boundary, and was created to support the MROC zoning district, setting a standard density of up to 40 dwelling units per acre and a revitalization density of 50 dwelling units per acre with a maximum Floor Area Ratio (FAR) of 2.5. CMU is intended to *accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue* (Policy NDC 1.3.18).

The proposed CMR land use designation has a maximum FAR of 0.60 and is intended to be applied to *property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities* (Policy NDC 1.4.7).

Pursuant to LDR Section 3.1.1, Required Findings, *prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations*. The attached Planning and Zoning Board staff report provides a full analysis of the request. The proposal meets the concurrency of the Always Delray Comprehensive Plan and results in less traffic, with a potential decrease of 17,553 daily trips.

The Always Delray Comprehensive Plan places emphasis on maintaining the CMR land use designation to foster a balanced mix of uses along the Congress Avenue corridor and to support the long-term economic prosperity of the city. CMR supports zoning districts (MIC, LI, and PCC) that allow a variety of light industrial uses that are not permitted under the existing MROC zoning district, yet have a market per the CBRE analysis. In the CBRE Delray Beach Congress Avenue Strategies Plan, the subject site is located within an industrial cluster, specifically, a home improvement and light industrial zone. The Plan states that *existing light-industrial clusters south of Atlantic Avenue are the most vulnerable for conversion, as they are completely unsupported within the MROC zone and considered nonconforming, preventing property and business owners from expanding*. Further, Senate Bill 102 puts industrial properties even more at risk for being converted to solely residential development.

The requested land use is generally compatible with the surrounding CMU and Transitional (TRN) land uses, as it allows a lower FAR than the existing CMU designation (0.60 compared to 2.5) and has implementing zoning districts that are anticipated along the Congress Avenue corridor. No site plan modifications have been proposed by the applicant. Should the site be redeveloped, the site

would be subject to all regulations of the requested MIC zoning district. Additionally, all uses in the implementing zoning district will apply.

The Planning and Zoning Board (PZB) voted 6-0 (Jeffrey Meiselman absent) to recommend approval of the request at the February 24, 2025, meeting. The City Commission voted 5-0 to approve the ordinance on first reading at the April 8, 2025 meeting.

City Attorney Review:

Ordinance No. 02-25 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

The Land Use Map Amendment request will be heard concurrently with Ordinance No. 01-25 for the rezoning.