



## Cover Memorandum/Staff Report

File #: 25-427

Agenda Date: 4/22/2025

Item #: 9.B.

**TO: Mayor and Commissioners**  
**FROM: Anthea Gianniotas, Development Services Director**  
**THROUGH: Terrence R. Moore, ICMA-CM**  
**DATE: April 22, 2025**

ORDINANCE NO. 13-25: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 0.79 ACRES LOCATED AT 1660 SOUTH CONGRESS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PROFESSIONAL AND OFFICE DISTRICT TO GENERAL COMMERCIAL DISTRICT; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.(QUASI JUDICIAL/FIRST READING)

### **Recommended Action:**

Consider Ordinance No. 13-25, a privately initiated rezoning from Professional and Office District (POD) to General Commercial (GC) for the 0.79 acre property located at 1660 South Congress Avenue.

### **Background:**

The subject request is to rezone a 0.79-acre parcel located at 1660 South Congress Avenue from POD to GC.

This property was annexed into the City in 1960 with Low Density (LD) Residential zoning. Subsequently, the property was rezoned to Medium Density Residential (RM-15), followed by Special Activities District (SAD) zoning, until the property was rezoned to POD.

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 there are 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).

Both the existing POD zoning and proposed GC zoning are preferred zoning districts of GC land use, which is intended *to accommodate a wide range of non-residential and mixed-use development, and limited stand-alone residential development, along major corridors and in certain districts in the city* (Policy NDC 1.3.10) with a maximum floor area ratio of 3.0 and a maximum standard density of 12 dwelling units per acre with a revitalization/incentive density of 12-30 dwelling units per acre.

POD zoning *is created to provide a smaller-scale and very limited application of professional, office, and similar intensity uses to small parcels on properties designated as Transitional or General Commercial on the Land Use Map and mitigate against adverse effects which may occur with a higher intensity development*" (LDR Section 4.4.16(A)).

The proposed GC zoning district *provides basic regulations for small parcels which are best suited for general retail and office uses*, with regulations in particular locations, such as the Four Corners Overlay District, *that encourages mixed use development that may include retail, office, and multi-family uses*. GC zoning is generally applied primarily along arterial and collector streets (LDR Section 4.4.9(A)); POD zoning does not provide location criteria.

#### **LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information,**

Valid reasons for approving a change in zoning are:

- *That the zoning had previously been changed, or was originally established, in error;*
- *That there has been a change in circumstance which makes the current zoning inappropriate;*
- *That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*

The subject application is being processed under the second and third criteria. The applicant cites social changes that affected the market after the COVID 19 epidemic, transitioning to more work-from-home culture, and thus resulting in less demand for office space. The justification statement (attached) cites references that specifically highlight the decline of physical locations for banks and financial institutions in the real estate market, which further renders the POD zoning district inappropriate.

The proposed GC zoning district is designed to accommodate a mix of general retail and office uses on small parcels, primarily along arterial and collector streets. The property is relatively small, being approximately 0.79 acres, best suited for stand-alone uses. Additionally, the property sits on a prominent intersection fronting West Linton Boulevard (Minor Arterial) and South Congress Avenue (Principal Arterial). As many of the office uses permitted in POD are also allowed in GC, rezoning to GC would provide more flexibility by expanding the types of principal uses allowed. However, it is important to note GC will allow more intense uses, like restaurants.

#### **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 proposal meets the concurrency for water and sewer, solid waste, drainage, and school capacity. The attached traffic analysis uses the existing building footprint since maximizing the 3.0 floor area ratio is unlikely on a lot this size. Comparing the most traffic-intense development in the POD zoning district, which is a drive-thru bank, and one of the most traffic-intense development in the GC zoning district, which is a drive-thru restaurant, there is a potential net increase of 510 daily trips, 64 being peak hour trips. Because traffic rates will vary depending on the use, a traffic study will likely be required concurrently with a site plan application.

**Section 3.2.2 - Standards for Rezoning Actions**

Rezoning requests must meet five standards, which are described below relative to the proposed rezoning under consideration.

(A) *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

Not applicable; the current zoning is a commercial zoning district, and a commercial / mixed residential zoning district is proposed.

(B) *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*

Not applicable; AC zoning not proposed.

(C) *Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed-use projects that provide compatible transitions in form and use to the surrounding area.*

Both the existing and proposed zoning permit uses that could be configured as a strip commercial development. However, the existing structure is not configured as such, and the generally square shape of the property and its small size make a strip commercial development configuration unlikely.

(D) *Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

The site is immediately adjacent to Medium Density Residential (RM) to the north and west. GC zoning is located across West Linton Boulevard to the south, and Mixed Residential, Office, and Commercial (MROC) zoning is located across South Congress Avenue to the east. While the GC zoning district is a preferred implementing district of the GC land use category, the board may consider if the uses permitted under the GC zoning district are compatible with the surrounding residential development, and if sufficient regulations are set in place to mitigate any potential negative impacts from the neighborhood (e.g. traffic, odor, etc.). The rezoning will expand the uses allowed on the property from mostly office uses to include wide range of retail, service, and restaurant options.

(E) *Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable; The property is not located within the Coastal Planning Area.

The Planning and Zoning staff report provides a full analysis. The Planning and Zoning Board (PZB) voted 6-1 to recommend approval of the request at the March 17, 2025, meeting.

**City Attorney Review:**

Ordinance No. 13-25 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

Not applicable.

**Timing of Request:**

The date of second reading and adoption is to be determined.