PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH ---STAFF REPORT---

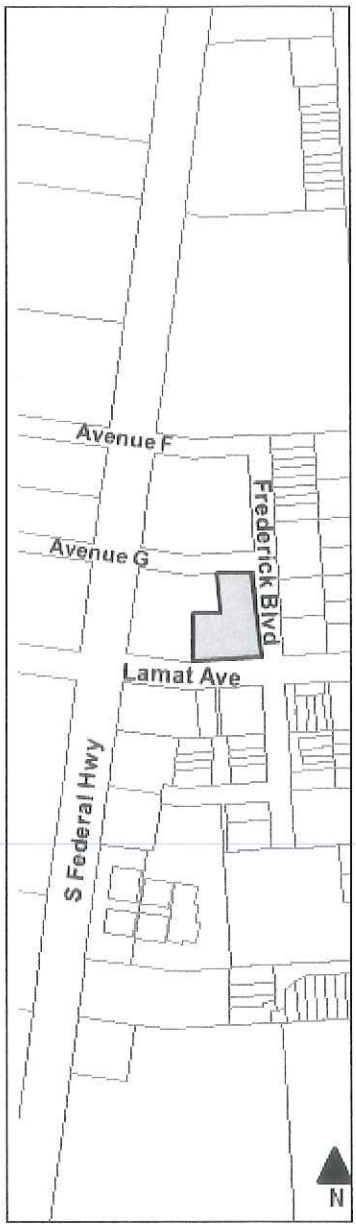
MEETING DATE: August 21, 2017

ITEM: Privately-initiated amendment to the Future Land Use Map from TRN (Transitional) to GC (General Commercial) for properties located at the northwest corner of LaMat Avenue and Frederick Boulevard.

RECOMMENDATION To recommend approval to the City Commission

GENERAL DATA:

Owner/Applicant	Grieco Motors, LLC
Location	Northwest corner of LaMat Avenue and Frederick Boulevard
Property Size	0.879 acres
Existing Future Land Use Map Designation	TRN (Transitional)
Proposed Future Land Use Map Designation	GC (General Commercial)
Existing Zoning	NC (Neighborhood Commercial) in part and RM (Multiple Family Residential - Medium Density) in part
Proposed Zoning	AC (Automotive Commercial)
Adjacent Zoning...North:	SAD (Special Activities District)
East:	RM (Multiple Family Residential - Medium Density)
South:	RM (Multiple Family Residential - Medium Density)
West:	GC (General Commercial)
Existing Land Use	Two single family residences
Proposed Land Use	Automobile Dealership
Water Service	Water service is available via connection to a 10" water main located along LaMat Avenue and an 8" water main on Frederick Boulevard
Sewer Service	Sewer service is available via an 8" sewer main along LaMat Avenue and Frederick Boulevard



ITEM BEFORE THE BOARD

The item before the Board is that of making a recommendation to the City Commission on a privately-initiated request for a Future Land Use Map amendment from TRN (Transitional) to GC (General Commercial) for a parcel of land located within Block 25, Del Raton Park at the northwest corner of LaMat Avenue and Frederick Boulevard. This request is in conjunction with a rezoning petition to AC (Automotive Commercial) for all of Block 25 as well as Block 24 (to the north).

BACKGROUND ANALYSIS

The subject parcel is legally described as the west half of Lot 12, and Lots 13 thru 24, Block 25, Del Raton Park, recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County. The site measures 0.879 acres. The subject property contains two single family residences that occupy four lots (Lots 16 and 17 and Lots 22 and 23) with the remaining lots being vacant.

Prior to June 1989, the subject property was in unincorporated Palm Beach County. The property was annexed into the city as part of Enclave 50 (Enclave Act) on July 25, 1989, with a GC (General Commercial) zoning designation on Lot 12 and RM (Medium to Medium High Density Dwelling) on Lots 13 thru 24.

With the adoption of the Citywide Future Land Use Map amendments on November 28, 1989, the TRN (Transitional) Land Use Map designation was affixed to the subject property. The RM (Medium to Medium High) zoning classification was changed to Multiple Family Residential-Medium Density with the adoption of the LDRs in October 1990. Subsequently, there have been several zoning changes for the subject property which are more fully addressed in the rezoning staff report. The subject property is currently zoned NC (Neighborhood Commercial) in part and RM (Multiple Family Residential-Medium Density) in part.

The NC zoned portion of the subject property is located within the South Federal Highway Redevelopment Area which was adopted by the City Commission on September 20, 2012. The Plan was developed to address land use issues, sustainability of the commercial uses within the redevelopment area and to ensure compatibility between the commercial uses and neighboring residential uses.

FUTURE LAND USE MAP ANALYSIS

Current Land Use Designation: The current Future Land Use Map designation for the subject properties is TRN (Transitional).

Proposed Land Use Designation: The proposed Future Land Use Designation is GC (General Commercial).

The proposed land use change is being processed in conjunction with a proposed rezoning to AC (Automotive Commercial) District to accommodate an automobile dealership. The proposed GC FLUM designation and the proposed AC zoning are consistent.

Pursuant to **LDR Section 3.1.1, Required Findings,** *prior to approval of Land Use applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or*

minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

Pursuant to **LDR Section 3.1.1(A), Future Land Use Map,** *the resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.*

Policy A-1.7 *Amendments to the Future Land Use Map (FLUM) must be based upon the findings listed below, and must be supported by data and analysis that demonstrate compliance with these findings:*

❑ *Demonstrated Need -- That there is a need for the requested land use. The need must be based upon circumstances such as shifts in demographic trends, changes in the availability of land, including but not limited to the minimum amount of land required to accommodate the medium population projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period, changes in the existing character and FLUM designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances. The need must be supported by data and analysis verifying the changing demographics or other circumstances. This requirement shall not apply to requests for the FLUM designations of Conservation or Recreation and Open Space; nor shall it apply to FLUM changes associated with annexations when the City's advisory FLUM designation is being applied, or when the requested designation is of a similar intensity to the advisory designation. However, the findings described in the remainder of this policy must be addressed with all FLUM amendments.*

The submitted application states the following: *"Objective A-1 of the Future Land Use Element of the Comprehensive Plan states that property shall be redeveloped in a manner so that the use and intensity is appropriate and complimentary to adjacent land uses and fulfils remaining land use needs.*

Clearly, a GC land use designation would be more complimentary to this area, which is located near Federal Highway and immediately adjacent to or attached to parcels with a GC land use designation. Moreover, additional provisions from the City of Delray Beach Comprehensive Plan which further support this land use amendment are attached to this justification".

Staff Comments:
The TRN designation was assigned following the annexation of the properties and is applied to land which is developed, or is to be developed, for either residential or nonresidential uses. In some instances this designation provides for a transition between less intensive residential use and commercial uses. In other instances, it allows the establishment of uses which are compatible with an adjacent residential use or provides for uses which are not as intensive as general commercial in areas where residential uses are not desirable and/or appropriate. Nonresidential development at an intensity equivalent to that associated with medium density residential land uses is also appropriate at a maximum FAR of 1.0

The GC FLUM designation is applied to land which is, or should be, developed for general commercial purposes e.g. retail, office, services and residential. A maximum Floor Area Ratio of 3.0 is permitted for nonresidential uses, except in certain areas identified in the Comprehensive

Plan where the maximum has been reduced to achieve traffic concurrency. None of these areas are located within the South Federal Highway Redevelopment Area

Given the FLUM designation changes to GC which has occurred on the remaining west half of the block, and the limited size of the property which is not conducive for a freestanding commercial development, it is more appropriate to be aggregated into a single general commercial development.

☐ ***Consistency*** *-- The requested designation is consistent with goals, objectives, and policies of the most recently adopted Comprehensive Plan:*

The submitted application cites *the following policies as consistent with the goals, objectives and policies of the most recently adopted Comprehensive Plan:*

Future Land Use Element

Objective A-1: *Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

Objective A-2: *To reduce, and eventually eliminate, uses which are inconsistent with predominant adjacent land uses, and to insure compatibility of future development, the following policies shall be applied.*

Policy A-2.3: *Development of remaining vacant properties shall occur in a manner which is consistent with and complementary to adjacent development regardless of zoning designations. This policy shall be implemented through the review process associated with platting and site plans.*

Policy C-1.12: *The following pertains to the South Federal Highway area, south of Linton Boulevard.*

In FY 2010/11, the City's Planning & Zoning Department shall review existing land uses in this area and shall create a redevelopment plan, overlay district or other development tool to promote and guide future redevelopment of the area.

The South Federal Highway Redevelopment Plan was adopted by the City Commission on September 12, 2012. The Plan recommends that modifications to this Policy are made to reflect the adoption of the redevelopment plan, and to require that all future development shall be in compliance with the adopted plan. This amendment will made concurrent with the rewrite of the Comprehensive Plan.

Staff Comments:
The site does not have any specific characteristics that would be negatively impacted with a change to GC FLUM designation.

The South Federal Highway Redevelopment Plan was adopted in 2012 to meet the intent of Future Land Use Element Policy C-1.12, which required the creation of a development tool to promote and guide future redevelopment within the area.

South Federal Highway Redevelopment Plan:

The South Federal Highway area includes the commercial property along both sides of South Federal Highway, between Linton Boulevard on the north and the City limits to the south. The intent of the Plan was to make South Federal Highway a unique place that will encourage the development of commercial office and residential uses in an urban setting; and to serve as a catalyst to increase property values and employment. The Plan identified that the private sector would be the driving force behind the revitalization of the Redevelopment Area and would provide private property owners and developers a clear understanding of what the future could hold if they developed in the prescribed manner as suggested by the Plan.

Based upon the land use analysis conducted for the redevelopment plan, nearly 93% of the South Federal Highway Redevelopment Area is currently designated as GC (General Commercial) on the Future Land Use Map with the remaining 7% designated TRN (Transitional). Since the adoption of the redevelopment plan there has been no Future Land Use Map amendment change within the plan area.

The plan highlights in its key tenets the following:

1. To address land use issues including the type and intensity of uses that are appropriate.
2. To promote uses that will be sustainable over time and enhance economic vitality of the area.
3. To ensure compatibility with adjacent residential uses.
4. To address increasing redevelopment flexibility.
5. To provide unifying elements with respect to the streetscape with development or redevelopment of parcels.
6. To provide design guidelines for the redevelopment with respect to building placement, access and buffering.

As the South Federal Highway Redevelopment plan area only included the commercial corridor, it is noted that the RM portion of the site was not integrated into the analysis or recommendations of the redevelopment plan.

The commercial portion of the site is identified as Area #1. The Plan states: ***"Area 1**: contains undeveloped parcels located on the north side of La Mat Avenue – Change the FLUM designation from TRN (Transitional) to GC (General Commercial) – approximately 0.23 acres. The current zoning of these two parcels is NC (Neighborhood Commercial), but they do not meet the minimum 1 acre size requirement in the NC zoning district, even when combined. Given the limited size of the property, freestanding development for commercial use is unlikely. However, since these parcels are under common ownership with the adjacent property fronting on South Federal Highway, they could be aggregated into a single general commercial development site. The existing structures on the property along Federal Highway are among the oldest in the redevelopment area and in the worst condition.*

This change will support a long term strategy for future redevelopment of the entire site. A concurrent rezoning to GC will be processed with the FLUM amendment."

Since the adoption of the Redevelopment Plan, the parcels within the subject block (Block 25) and Block 24 to the north have been aggregated and are under the same ownership. A unified development under a single land use designation would be more appropriate than a combination of land uses with varying FAR requirements. The proposed FLUM amendment and rezoning is

associated with an overall development proposal for the two block site which will increase property values for underutilized parcels and provide employment opportunities. As stated above, the South Federal Highway is a commercial corridor with nearly all of the property having a GC designation. With this Future Land Use designation firmly in place, the anticipated change from TRN to GC will not negatively impact the existing land uses and land use pattern in the area.

❑ ***Concurrency*** *-- Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.*

The application states the following: *Development at the highest intensity possible under the request designation will meet the adopted concurrency standards.*

Staff Comments:

Traffic: The subject property measures 0.879 acres and contains two single family residences. An analysis of the traffic impacts associated with the maximum development potential for both the existing and proposed Future Land Use Map designations for the subject property was prepared by EnviroDesign Associates, Inc. The comparative traffic statement reveals that under the maximum development potential (based on a FAR of 1.0) a net increase of 401 daily trips with 53 AM peak and 27 PM peak hour trips are anticipated (For additional information please see summary table).

The applicant will need to provide a site specific traffic study when a development proposal is submitted. Verification will need to be submitted at the time of site plan approval that the specific development does not exceed a Level of Service "D" for Federal Highway.

Water and Sewer: Water service to the two residential structures are via a connection to a 10" water main located within La Mat right-of-way and an 8" main located within Frederick Boulevard right-of-way. Fire protection is provided by one fire hydrant located at the southwest corner of La Mat Avenue and Federal Highway.

Sewer service is available via connections to existing 8 inch sanitary sewer mains within La Mat Avenue and Frederick Boulevard. Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out. The Comprehensive Plan also states that adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current FLUM. The FLUM change to GC will not significantly increase the demand on these services given the size of the parcel. Thus, a positive finding with respect to this level of service standard can be made.

Drainage: Within this area of the City, drainage is usually accommodated on-site via exfiltration trench systems or swale retention areas. While no problems are anticipated with obtaining South Florida Water Management District permits, technical comments and issues pertaining to the drainage will be addressed during future development process.

Parks & Recreation: Park and recreation concurrency is not applicable for non-residential uses.

Education (School Capacity Determination): The proposed change from TRN to GC will not result in an increase in density thus a capacity determination from the Palm Beach County School District is not required.

Solid Waste: The generation of solid waste is based on specific land use and building area and such determination will be made once a specific development proposal has been submitted. Further, the Solid Waste Authority has indicated that it has sufficient capacity for concurrency management and comprehensive planning purposes. Based on population projections, waste generation rate projections, waste reduction, and recycling, the Solid Waste Authority forecasts that capacity will be available at the existing landfill through approximately 2046.

Based on the above, positive findings can be made at this time with regard to concurrency for all services and facilities.

☐ **Compatibility** -- *The requested designation will be compatible with existing and future land uses of the surrounding area.*

The application states: *"The requested designation will be compatible with the existing and future land uses of the surrounding area. The Future Land Use map of the City shows that a GC land use designation for the subject property is consistent with GC land use designation surrounding the property."*

Staff Comments: The requested GC designation will be consistent with the existing GC designation within the remaining portion of the block and the prevailing land use pattern within the area. The FLUM designation to the north is GC and the site is occupied by automotive rental and sales uses. The TRN designation abuts the subject property to the east (east side of Frederick Boulevard), and consist of a mix of townhomes, duplexes and single family residential uses. The TRN designation also abuts the subject site to the south (south side of La Mat), and are occupied by two duplexes.

The subject property is separated from the TRN designation and residential uses by the abutting streets. Compatibility with the proposed GC designation is not a concern since it will not negatively impact the existing and future land uses within the commercial core. Impacts on the adjacent neighborhood can be alleviated through additional buffering, building placement and specific site design as recommended by the Redevelopment Plan and will be required to be facilitated with any future development.

☐ **Compliance** -- *Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations.*

The application states: "Development under the requested designation that complies with the provisions and requirements of the Land Development Regulations will be accomplished during the site plan review process."

Staff Comments: Any proposed development and redevelopment of the subject property will be required to meet the criteria set forth both by the Land Development Regulations.

REVIEW BY OTHERS

IPARC Notice: On June 20, 2017, notice of the Future Land Use Amendment was provided to the Interlocal Plan Amendment Review Committee (IPARC) which distributes the information to adjacent municipalities. No objections have been received to date.

Public Notices: Formal public notice has been provided to property owners within a 500' radius of the subject property. Letters of objection and/or support, if any, will be presented at the Planning and Zoning Board meeting.

Courtesy notice was provided to the following homeowners associations:

- Tropic Isle Civic Association
- Pelican Harbor
- Pelican Pointe Condo
- Tropic Harbour
- Tropic Bay

ASSESSMENT AND CONCLUSION

The proposed Future Land Use Map amendment from TRN to GC is in conjunction with a request for a change in zoning for a larger development area. The South Federal Highway Redevelopment Plan encourages the aggregation of properties to promote sustainable development.

As stated in the Redevelopment Plan, "It is intent of the Redevelopment Plan to provide for the type and intensity of uses that are appropriate based upon the location of the property, the configuration of the particular parcels, and the nature of the surrounding uses. It is also important to promote uses that will be sustainable over time, enhance the economic vitality of the area and the city as a whole, and at the same time be compatible with adjacent residential uses."

The intensity of the GC land use designation is appropriate given that the property is a part of a larger commercial corridor which is primarily designated General Commercial. The configuration of the parcels as a part of a compact block area which is separated from residential uses by the abutting streets provides a buffer from the adjacent residences.

Since the annexation of this block, underutilized uses with minimal improvements to the buildings have resulted in stagnation which has led to further deterioration. The proposed GC designation of the entire parcel will enhance the economic vitality of the area and allow for a unified development. Finally, the redevelopment plan incorporates specific strategies to promote compatible with adjacent residential uses which will be required with any development of the site.

The proposed Future Land Use Map amendment from TRN to GC is consistent with the goals, objectives and/or policies of the City's Comprehensive Plan, and the South Federal Highway Redevelopment Plan. Positive findings can be made with respect to Concurrency and Compatibility with the surrounding land uses. Therefore, positive findings can be made with respect to the subject request.

ALTERNATIVE ACTIONS

A. Continue with direction.

B. Move a recommendation of approval to the City Commission for the privately-initiated Future Land Use Map amendment from TRN to GC for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

C. Move a recommendation of denial to the City Commission for the privately-initiated Future Land Use Map amendment from TRN to GC for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

STAFF RECOMMENDATION

Move a recommendation of approval to the City Commission for the privately-initiated Future Land Use Map amendment from TRN to GC for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

Attachments:

Existing and Proposed Future Land Use Maps
Exhibit A

Report prepared by: Jasmin Allen, Senior Planner

EXHIBIT A

Florida Statutes Criteria (Section 163.3187) for Processing a Small-Scale FLUM Amendment:

(a) The proposed amendment involves a use of 10 acres or fewer;
(b) The cumulative annual effect of the acreage for all small scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year;
(c) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small scale future land use map amendment shall be permissible under this section;
(d) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s.420.0004(3), and is located within an area of critical state concern designated by s.380.0552 or by the Administration Commission pursuant to s. 380.05(1).

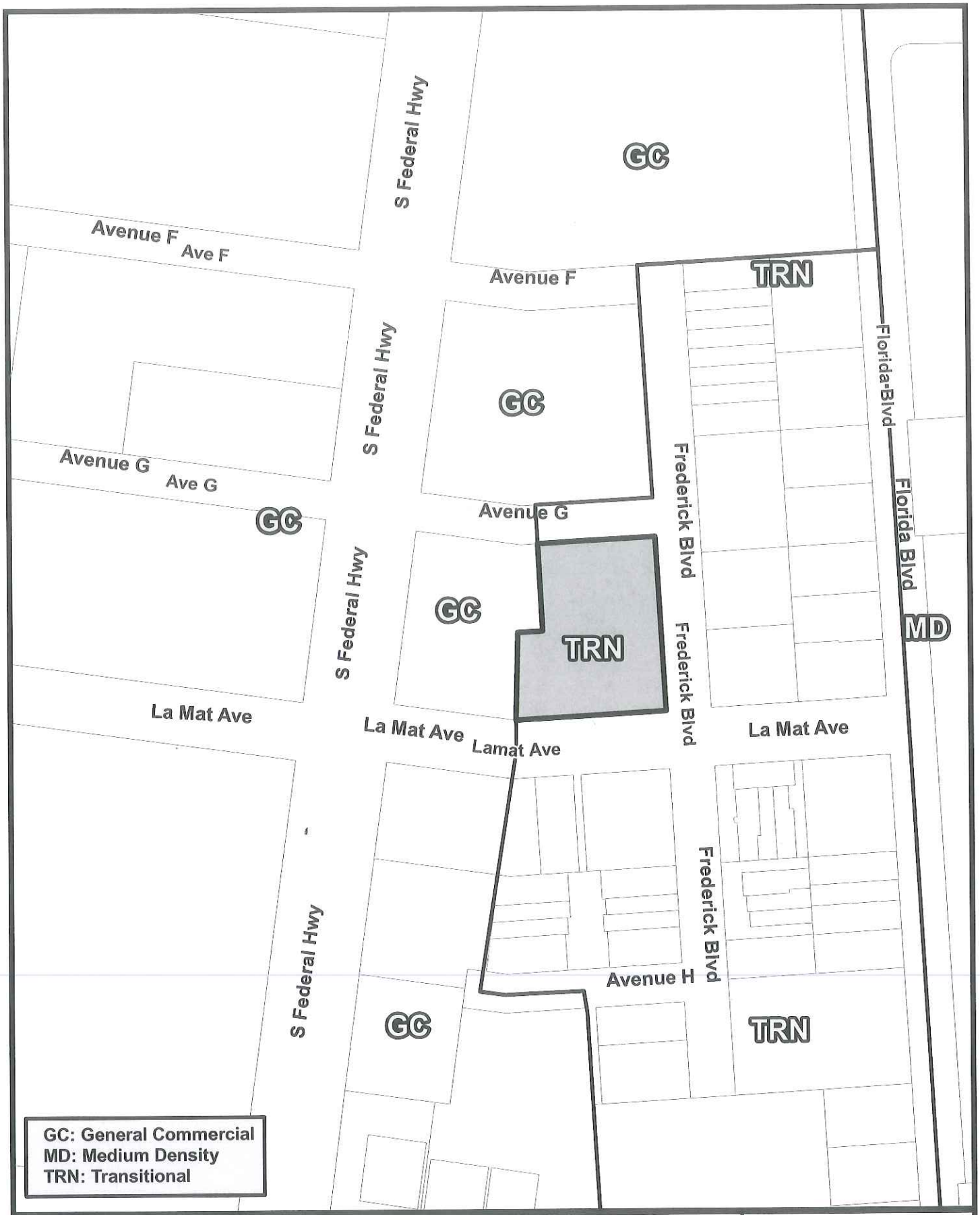
This is the first amendment for 2017. This amendment consists of 0.879 acres, thus the maximum of 120 acres has not been exceeded. The proposed FLUM amendment does not involve a text change to the Goals, Objectives and Policies of the comprehensive plan. The requested FLUM amendment is for a site-specific parcel of land. The subject property is not located within an area of critical state concern. Thus, the proposed FLUM amendment can be processed as a small scale amendment because it complies with all of the above conditions.

TABLE 1

TRIP GENERATION ANALYSIS - MAXIMUM ZONING DENSITIES

Zoning	Acreage	Land Use	Units per Acre or FAR	Intensity	Trip Generation Rate	In / Out	Total Trips			Pass-by		Net New Trips		
							In	Out	Total	%	Trips	In	Out	Total
Daily														
Proposed														
AC	0.879	ITE Land Use 841 -New Car Sales	1.00	38,289 SF	T= 32.30 (X)	50 / 50	619	618	1,237	15.0%	186	526	525	1,051
Sub-Total	0.879						619	618	1,237			526	525	1,051
Current														
RM	0.640	ITE Land Use 230 - Condo/TH	12 Units/acre	7 Units	T= 6.65 (X)	50 / 50	24	23	47	0.0%	0	24	23	47
NC	0.239	ITE Land Use 820 - General Retail	1.00	10,411 SF	Ln(T)= 0.65 Ln(X)+ 5.83	50 / 50	781	780	1,561	61.4%	958	302	301	603
Sub-Total	0.239						805	803	1,608			326	324	650
Difference*							**-186**	**-185**	**-371**			**200**	**201**	**401**
AM Peak Hour														
Proposed														
AC	0.879	ITE Land Use 841 -New Car Sales	1.00	38,289 SF	T= 1.92 (X)	75 / 25	6	68	74	15.0%	11	47	16	63
Sub-Total							6	68	74			47	16	63
Current														
RM	0.640	ITE Land Use 230 - Condo/TH	12 Units/acre	7 Units	Ln(T)= 0.80 Ln(X)+ 0.26	17 / 83	1	5	6	0.0%	0	1	5	6
NC	0.239	ITE Land Use 820 - General Retail	1.00	10,411 SF	T= 0.96 (X)	62 / 38	6	4	10	61.4%	6	2	2	4
Sub-Total							7	9	16			3	7	10
Difference*							**-1**	**59**	**58**			**44**	**9**	**53**
PM Peak Hour														
Proposed														
AC	0.879	ITE Land Use 841 -New Car Sales	1.00	38,289 SF	T= 2.62 (X)	40 / 60	4	96	100	15.0%	15	34	51	85
Sub-Total							4	96	100			34	51	85
Current														
RM	0.640	ITE Land Use 230 - Condo/TH	12 Units/acre	7 Units	Ln(T)= 0.82 Ln(X)+ 0.32	67 / 33	5	2	7	0.0%	0	5	2	7
NC	0.239	ITE Land Use 820 - General Retail	1.00	10,411 SF	Ln(T)= 0.67 Ln(X)+ 3.31	48 / 52	63	69	132	61.4%	81	24	27	51
Sub-Total							68	71	139			29	29	58
Difference*							**-64**	**25**	**-39**			**5**	**22**	**27**

* A negative value indicates that the proposed land use generates less vehicle trips than the current land use.



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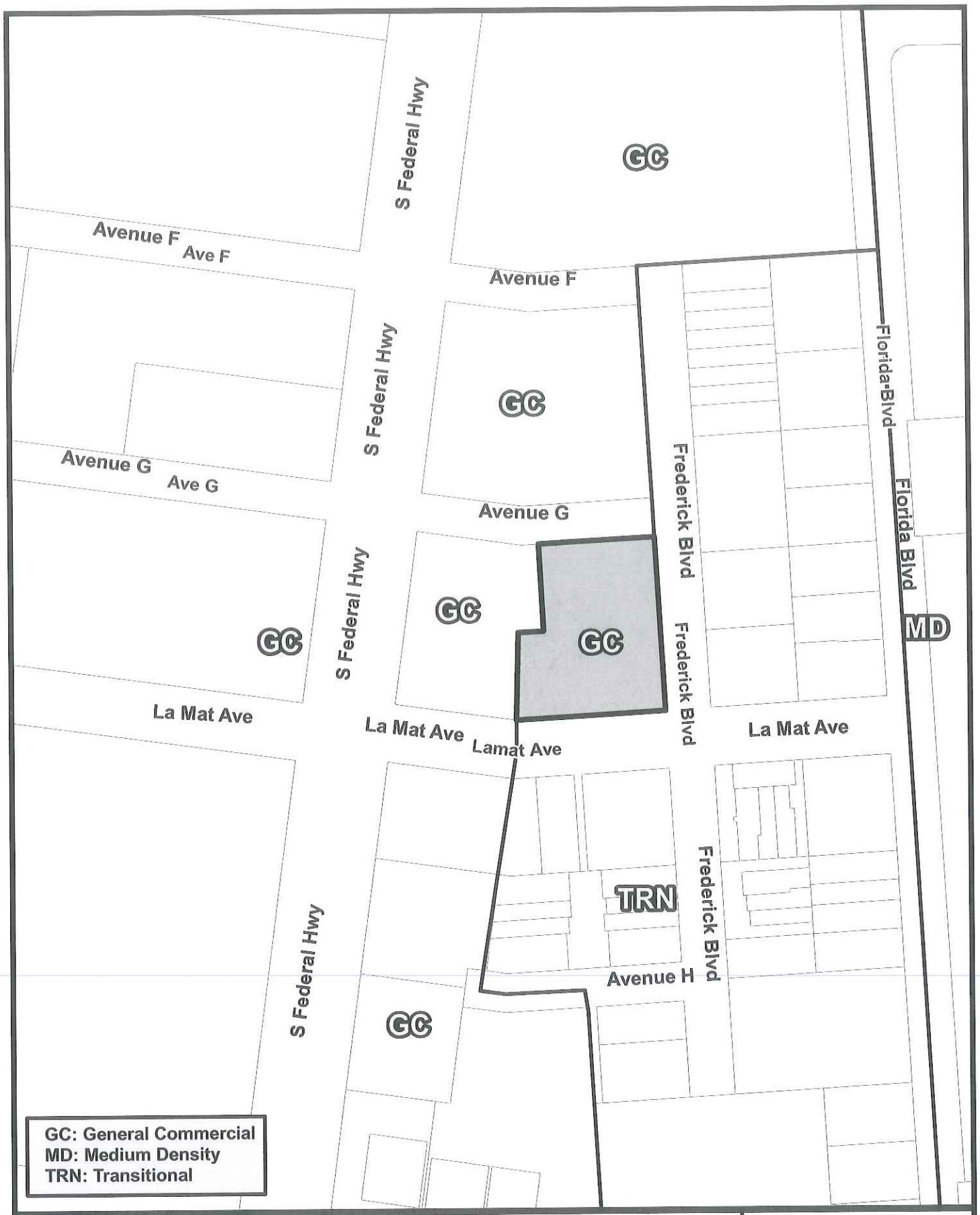

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