



Cover Memorandum/Staff Report

File #: 24-1491

Agenda Date: 11/19/2024

Item #: 9.C.

TO: Mayor and Commissioners
FROM: Anthea Giannotes, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: November 19, 2024

ORDINANCE NO. 33-24: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 9.34 ACRES LOCATED SOUTH OF SHERWOOD BOULEVARD AND EAST OF SOUTH MILITARY TRAIL AT 3900 SHERWOOD BOULEVARD, FROM SINGLE FAMILY RESIDENTIAL (R-1-AA) AND COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL (R-1-A), AS MORE PARTICULARLY DESCRIBED HEREIN; 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. (FIRST READING / QUASI JUDICIAL)

Recommended Action:

Consider Ordinance No. 33-24, a privately initiated request for a rezoning from 1.07 acres of Community Facilities (CF) and 8.27 acres of Single-Family Residential (R-1-AA) to Single-Family Residential (R-1-A) for a 9.34-acre property located at 3900 Sherwood Boulevard.

Background:

The 9.34-acre property is located at 3900 Sherwood Boulevard. The property is south of Sherwood Boulevard and east of South Military Trail. The property is currently developed with a monastery in the northwest area. The now-vacant facility was sold in 2022.

The rezoning request is related to the applicant's stated intent to develop the property as a single-family neighborhood. A land use map amendment is being considered concurrently to change the land use designation from Community Facility CF to Low Density Residential (LD) and must be approved prior to approving the rezoning request.

The requested Single Family Residential (R-1-A) zoning is identified in Comprehensive Plan Table NDC-1 as a preferred implementing zoning district for the requested LD land use designation. The attached Planning and Zoning Board staff report provides a full analysis of the request.

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 subject property is surrounded by Single Family R-1-AA zoning to the north and east, east, Open Space & Recreation (OS) to the south and southeast, and Community Facilities to the west.

LDR Section 2.4.5(B)(3), Change of zoning district designation: Required Information, A

statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning are:

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

The requested zoning can be considered to have similar intensity, as the proposed R-1-A zoning is consistent in density and scale with the surrounding neighborhood. The R-1-A allows for the establishment of single-family residences in a form consistent with the development pattern of the general area.

LDR 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.*

The applicable standards are summarized below.

(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.*

The surrounding zoning is a mix of single-family zoning districts, but predominately R-1-AAA-B. Within the R-1 single-family district, there are six housing types with lot sizes ranging from 12,500 square feet to 7,500 square feet. A comparison of the lot dimensional standards for the surrounding, existing, and proposed single-family low density zoning districts is provided in the attached staff report.

(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 preferred residential zoning districts for the requested LD land use are Single Family Residential, Low Density Residential (RL), and Planning Residential Development (PRD). The R-1 Zoning is the most restrictive of the listed residential zoning districts. R-1-A allows for smaller lots than some other R-1 districts; however, contextually, R-1-A is compatible with the surrounding area. The attached Planning and Zoning Board staff report provides a full analysis of the request.

LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule
The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.

The Planning and Zoning Board (PZB) voted 5-0 to recommend approval of the request at the October 21, 2024, meeting.

Please note, privately initiated rezoning requests are quasi-judicial considerations.

City Attorney Review:

Ordinance No. 33-24 was approved as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

The date of second reading and adoption is anticipated for December 10, 2024. The rezoning request will be heard concurrently with Ordinance No. 32-24 for the Land Use Map Amendment.