



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Comprehensive Plan Text Amendment | Commerce Land Use

| Meeting                         | File No.        | Application Type                  |
|---------------------------------|-----------------|-----------------------------------|
| February 24, 2025               | 2025-088-PCA    | Comprehensive Plan Text Amendment |
| Applicant                       | Owner           | Agent                             |
| Not applicable, City-initiated. | Not applicable. | Not applicable, City-initiated.   |

#### Request

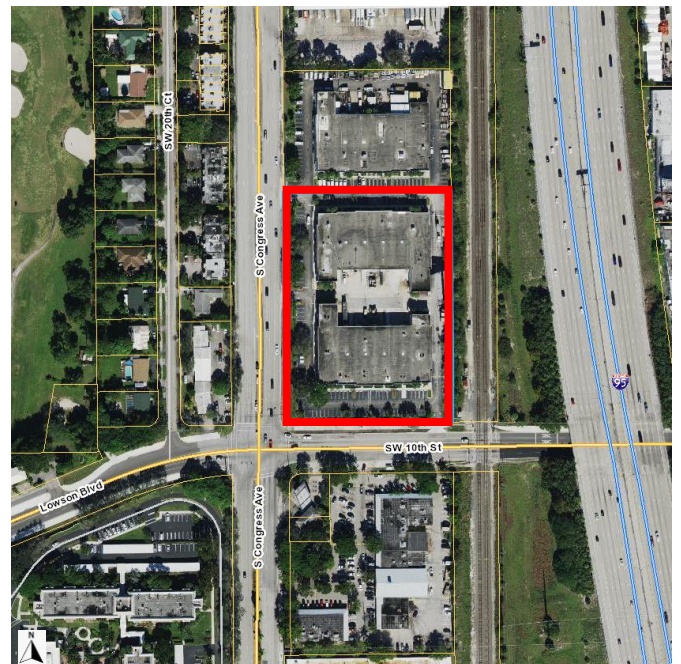
Provide a recommendation to the City Commission on Ordinance No. 05-25, a City initiated amendment to the Always Delray Comprehensive Plan, by adopting a text amendment to Policy NDC 1.4.7 of the Neighborhoods, Districts, and Corridors Element.

#### Background Information

In response to the citizen-initiated Next Great Street Plan, the Congress Avenue Mixed Use (CMU) land use designation and Mixed Residential, Office and Commercial zoning district were created (Ordinance No. 33-06 and Ordinance No. 05-07) as part of a greater vision to develop Congress Avenue as a mixed-use destination. The MROC zoning district, which dominates the Congress Avenue corridor south of West Atlantic Avenue to the southern City boundary, provides for a mix of residential, office, and commercial uses at a higher density and intensity, by encouraging transit-oriented development in proximity to the Tri-Rail station. The CMU land use designation was created to support MROC by providing the maximum density and intensity for the implementing zoning district, establishing a workforce housing revitalization incentive, and establishing allowances for higher densities based on the proximity of residential development to the Tri-Rail station. However, the vision of CMU and the MROC district has experienced limited success; several rezonings have been processed along the corridor to accommodate residential-only developments.

The proposed amendment is related to a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) (Ordinance No. 02-25), and a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) (Ordinance No. 01-25) for a 4.27-acre parcel located at 955-975 South Congress Avenue. The subject property is located on the northeast corner of SW 10<sup>th</sup> Street/Lowson Boulevard and South Congress Avenue – south of Atlantic Avenue. The current zoning and land use was applied through Ordinance No. 05-07 and Ordinance No. 38-06 relative to the adoption of both ordinances.

The site is currently developed with two 35,703 square foot buildings used for commercial, office, and warehouse space constructed in 1988. However, the property owners have had challenges leasing the plaza because the MROC zoning district created and applied in 2006 does not match the characteristics of the plaza, and the aspirational nature of the MROC zoning district has not resulted in a whole-scale redevelopment.



#### Project Planner:

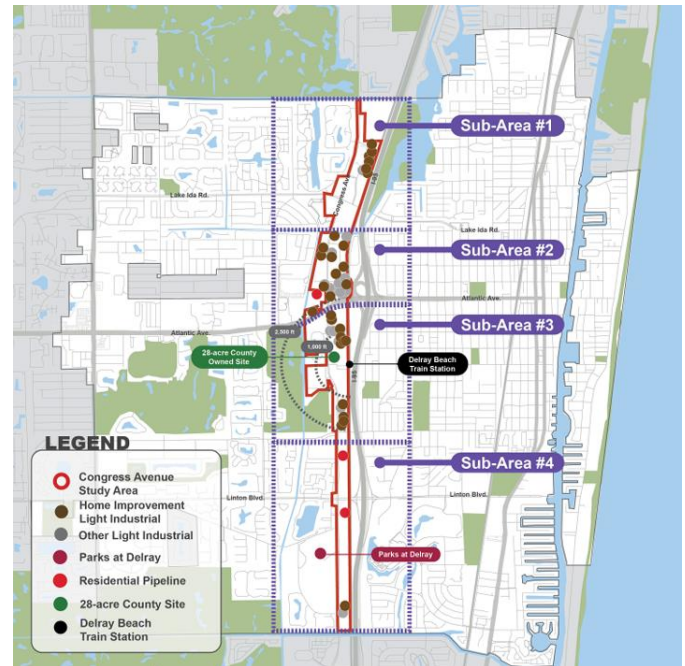
Rebekah Dasari, Principal Planner;  
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561.243.7040, Ext. 4044

#### Attachments:

- Ordinance No. 05-25
- Neighborhoods, Districts, and Corridors Element
  - Data Inventory and Analysis
  - Goals, Objectives, and Policies
- Congress Avenue Report

Comprehensive Plan Policy NDC 1.4.7, however, says that the Commerce land use designation should be used for 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.

In 2023, a Congress Avenue Corridor study was completed by CBRE (document attached); the subject property in the related privately-initiated LUMA and rezoning applications is located in Sub-Area #3. The City has a list of potential changes pursuant to the CBRE Congress Avenue study, which includes a comprehensive use update citywide and modifications to the MROC zoning district to implement recommendations in the study to make it more conducive to industrial businesses. Consistent with the recommendations in the study, a City-initiated comprehensive plan text amendment and amendment to the LDR is being proposed to allow CMR land use south of West Atlantic Avenue (and thus MIC zoning), to accommodate the requested privately initiated LUMA and rezoning and support industrial uses.



## Description of Proposal

The following policy change is proposed:

Policy NDC 1.4.7 Use the Commerce land use designation for 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.

The proposed change is identified in strike-through and underline and is provided as an attachment. Both the Data, Inventory, and Analysis (DIA) and the Goals, Objectives, and Policies (GOPs) of the Neighborhoods, Districts and Corridors Element are attached as reference.

## Review and Analysis

### LDR Section 2.4.5(A), Amendments to the Comprehensive Plan

Amendments must follow the procedures outlined in the Florida Statutes.

Chapter 163.3184, Florida Statutes, provides the specific process to amend the City's Comprehensive Plan. The proposed amendment is processed for expedited review, which includes the following steps:

Planning and Zoning Board Review. As the Local Planning Agency (LPA), the Planning and Zoning Board will review the amendment and provide a recommendation to the City Commission

### City Commission Review

- Public Hearing No. 1, Transmittal Hearing
  - Transmittal to the State Land Planning Agency (the Department of Economic Opportunity (DEO) and applicable state review agencies within ten working days of the hearing.
  - Comments returned to the City by DEO and review agencies within 30 days.
- Public Hearing No. 2, Adoption Hearing
  - Hearing 2 must take place within 180 days of receipt of comments by reviewing agencies.

- Transmittal of the adopted amendments to DEO and any agency that provided review comments within 10 working days of the hearing.

#### Amendment Effective Date

If no challenge to the amendment is filed by an affected person, within 30 days of the adoption hearing, the amendment becomes effective within 31 days

#### **LDR Section 3.1.1, Required Findings**

*Prior to the approval of development applications, certain findings must be made. These findings relate to (A) the Land Use Map, (B) Concurrency, (C) Consistency, and (D) Compliance with the Land Development Regulations.*

**(A) 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 Land Use Map.*

The character of land zoned MROC

**(B) Concurrency:** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

**(C) Consistency** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

Per **LDR Section 3.2.1, Basis for determining consistency**, the Comprehensive Plan policies listed below provide direction regarding the implementation of the existing and proposed land use designations and analysis of required findings.

The following policies from the Comprehensive Plan apply to this request:

#### **Neighborhoods, Districts, and Corridors Element**

Policy NDC 1.3.18 *Use the Congress Avenue Mixed Use future land use designation 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.*

Objective NDC 1.4 Industrial Land Use Designations *Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.*

Policy NDC 1.4.3 *Use the Industrial land use designation to accommodate manufacturing, fabrication, assembly, and warehousing uses on properties where such uses currently exist and in areas identified as appropriate to continue or expand industrial-based uses.*

Policy NDC 1.4.5 *Recognize the importance of maintaining the Industrial land use designation for long term economic prosperity by prohibiting amendments to the Land Use Map that diminish the quantity of property with Industrial land use designation.*

Policy NDC 1.4.7 *Use the Commerce land use designation for 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. [Proposed changes indicated in strikethrough and underline.]*



**Policy NDC 1.4.9** *Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.*

**Policy NDC 2.7.21** *Evaluate the Congress Avenue corridor study and consider implementing the strategies and recommendations of the Delray Beach's Next Great Street report.*

**Policy NDC 2.3.7** *Implement the vision in the "Congress Avenue: Delray Beach's Next Great Street" report by protecting commercial and industrial land uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of uses along the corridor.*

[See Policy ECP 6.4.1]

### **Economic Prosperity Element**

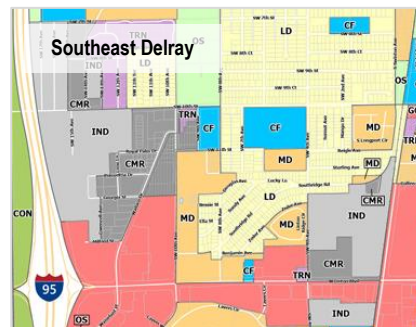
**Policy ECP 3.3.7** *Strictly limit activities and comprehensive plan amendments which convert industrial land that would diminish Delray Beach's economic competitiveness.*

**Policy ECP 6.3.4** *Discourage the reduction of Commerce land use designations, which involve a mix of light industrial, commercial uses, and research and development, and Industrial land use designations, which are needed to grow Delray Beach's job base.*

**Policy ECP 6.4.1** *Implement the vision in the Delray Beach Next Great Street report by protecting commercial and industrial uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of appropriate uses along the corridor.*

Most land designated CMR is north of Atlantic Avenue along the Congress Avenue Corridor, but pockets of CMU exist in the southeast quadrant of the city between I-95 and Dixie Highway on the west and east, and between SW 10<sup>th</sup> Street on the north and Linton Boulevard on the south (maps at right).

The CBRE Congress Avenue corridor study recommends that the City *Support existing home improvement/ light industrial clusters and encourage commercial property improvement/ redevelopment*. There are a number of existing industry clusters south of Atlantic Avenue (image below) that do not always align perfectly with CMU land use and implementing zoning districts. Allowing CMR land use south of Atlantic gives more opportunity for commercial or industrial types of uses to flourish.



It should be noted that allowing CMR land use south of Atlantic Avenue does not mean that CMR land use and MIC zoning would automatically be applied to any parcel. A land use map amendment and rezoning application, full analysis of the suitability of the request, and public notices, would be required.

**(D) Compliance with LDR** *Whenever an item is identified elsewhere in these Land Development Regulations (LDR), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The proposed amendment is being processed pursuant to the process outlined in LDR Section 2.4.5.

Because MIC is a preferred implementing zoning district of CMR land use, and MIC is the only zoning district that allows Adult Entertainment Establishments, a parallel amendment to the Land Development Regulations (LDR) is being processed to prohibit the location of the use south of Atlantic Avenue (Ordinance No. 06-25).

#### Review By Others

**City Commission.** First reading of Ordinance No. 05-25 is anticipated for April, and second reading will be scheduled subsequent to response from the Florida Department of Commerce.

#### Options for Board Action

- A.** Move a recommendation of **approval** of Ordinance No. 05-25, a City initiated amendment to the Always Delray Comprehensive Plan, by adopting a text amendment to Policy NDC 1.4.7 of the Neighborhoods, Districts, and Corridors Element, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B.** Move a recommendation of **approval** of Ordinance No. 05-25, a City initiated amendment to the Always Delray Comprehensive Plan, by adopting a text amendment to Policy NDC 1.4.7 of the Neighborhoods, Districts, and Corridors Element, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, **as amended**.
- C.** Move a recommendation of **denial** of Ordinance No. 05-25, a City initiated amendment to the Always Delray Comprehensive Plan, by adopting a text amendment to Policy NDC 1.4.7 of the Neighborhoods, Districts, and Corridors Element, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D.** Continue With Direction.

#### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request.

☒ Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted at least 5 working days prior to meeting.

