CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1ST AVENUE ♦ DELRAY BEACH ♦ FLORIDA 33444 ♦ (561) 243-7040

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PLANNING AND ZONING BOARD STAFF REPORT

200 SE 7th Avenue

Meeting	File No.	Application Type
May 20, 2024	2024-097-REZ-CCA 2024-098-LUM-CCA	Land Use Map Amendment (LUMA) and Rezoning
Applicant	**Owner**	**Authorized Agent**
200 SE 7th Ave, LLC	200 SE 7th Ave, LLC	Jeffrey A. Costello, AICP, FRA-RA

Request

Provide a recommendation to the City Commission on Ordinance No. 16-24, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 0.5021-acre property, and Ordinance No. 17-24, a privately initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-AA) for a 0.5021-acre property located at 200 SE 7th Avenue within the Marina Historic District.

Background Information

The 0.5021-acre subject property is located at 200 SE 7th Avenue on the southeast corner of SE 2nd Street and SE 7th Avenue within the Locally and Nationally Designated Marina Historic District. The property is currently developed with a 5,389 square foot museum/event space, currently known as Chapel 4. The subject property operated as the First Church of Christ, Scientist from 1947 to 2019. At one time the property was joined by an additional site directly to the north of the subject site, across SE 2nd Street where a structure once existed housing a Sunday School and later a grass parking lot. The property to the north has been sold by the owner of the current property and is no longer associated with the subject property. A more detailed summary of the property's history is outlined below:

- **1942**. The church sanctuary was originally constructed on the Boca Raton Air Force Base.
- **1947**. The church sanctuary was moved to the current site at 200 SE 7th Avenue.
- **1947**. Adjacent property to the north, across SE 2nd Street – A Sunday School/administrative office building was built. At the time, the lots on which the sanctuary was located (south of SE 2nd Street) was zoned R-1-AA, while the lot with the Sunday School building (north of SE 2nd Street) was zoned RM-10. Both use were conditional uses within their respective zoning districts.
- **1949**. Additions were made to the church including a new portico to the front of the structure and porches on either side. These were designed by Samual Ogren, Sr., Delray Beach's first architect.
- **December 1988**. A Site Plan Modification and Conditional Use were approved by the City Commission for demolition of an existing structure, conversion of the site to a once-a-week parking area, addition of a Sunday School and offices to the existing church, and creation of grass parking lot adjacent to the church.
- **1991**. An addition was constructed to the south side of the church and still exists today.
- **1993**. The property was rezoned from R-1-AA to CF.
- **December 2019**. A Zoning Certificate of Use was approved for a change of use from a church to a museum.

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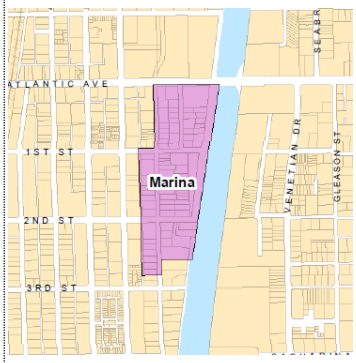
Attachments:
- Ordinance No. 16-24
- Ordinance No. 17-24
- Existing and Proposed Land Use
- Existing and Proposed Zoning
- Justification Statement

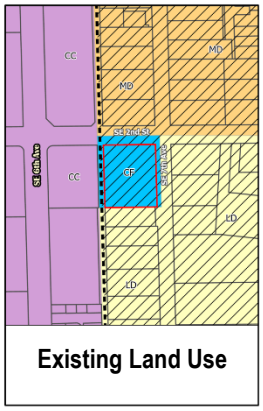


The property is within the Marina Historic District, which was developed between the 1920s and 1940s with a mix of architectural styles, including Mediterranean Revival, Mission Revival, Monterey, Minimal Traditional, and Art Moderne. The neighborhood consists primarily of one and two-story single-family homes and several multi-family dwellings. The district contains six commercial buildings fronting East Atlantic Avenue and one church (the subject property). The subject property contains one of two colonial revival-style buildings among the 58 contributing (historic) structures within the historic district. According to the Florida Master Site File (FMSF) Form, 200 SE 7th Avenue is an "excellent example of the classical revival style".

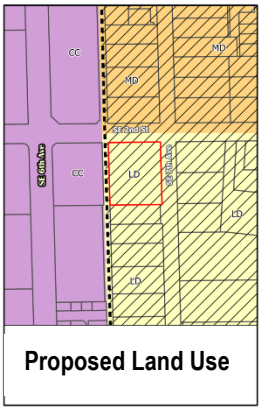
The property currently has a LUM designation of CF. The CF land use designation is intended to *provide a full range of local or regional community-based uses primarily intended to serve the public*. Similarly, the CF zoning district is intended for *locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities.*

Description of Proposal

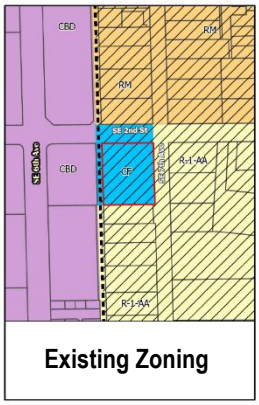
The subject request is for a small-scale LUMA from CF to LD for the 0.5021-acre property, and a rezoning from CF to R-1-AA for the 0.5021-acre property. The existing and proposed land use and zoning maps are shown below.



Existing Land Use



Proposed Land Use



Existing Zoning

Proposed Zoning

The requested LD land use has a maximum density of five dwelling units per acre; LD land use does not establish a maximum Floor Area Ratio (FAR). The LD land use is intended to maintain and enhance *the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

The requested zoning of Single Family Residential (R-1-AA) District, which is identified in Comprehensive Plan Table NDC-1 as a preferred implementing zoning district for the LD land use designation, *provides areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single Family Residential Districts are established in compliance with provisions of Goal HOU 2 of the Housing Element of the adopted Comprehensive Plan which calls for the preservation and maintenance of stable neighborhoods* (LDR Section 4.4.3(A).

Since the subject property is located within the Marina Historic District, applications for Rezoning and Land Use Map amendments require review by the Historic Preservation Board with a recommendation to the Planning and Zoning Board (PZB), prior to the PZB recommendation to City Commission.

Review and Analysis

Land Use Map Amendment

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

Amendments must follow the procedures outlined in the Florida Statutes. The LUM is adopted as part of the Comprehensive Plan. Therefore, the LUMA is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

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.

(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.*

Neighborhoods, Districts, and Corridors Element

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The CF land use designation (existing) lists CF as a preferred implementing zoning district. The requested R-1-AA zoning designation is not listed as an implementing zoning district for the CF land use designation. Therefore, the applicant has requested both a LUMA and a rezoning to meet the consistency requirement.

The existing property currently contains a museum/exhibit space which is a permitted use for CF zoning. With the request to rezone to R-1-AA, the existing use would no longer be permitted. If the proposed LUMA and rezoning are approved, it will result in a non-conformity, as the current use is not permitted within the R-1-AA zoning district. To rectify the potential inconsistency, documentation has been requested that indicates the existing use has ceased operations prior to second reading at City Commission.

(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.*

Schools**.** The project is pending School Capacity Availability Determination (SCAD). Review and approval from the School Board is required prior to the adoption hearing to ensure the proposal meets the school capacity availability for Palm Beach County. If impact fees are required, such fees will be due at the time of building permit.

Water and Sewer. The site is currently connected to existing City water and sewer connections. There is a proposed conversion of the existing museum/exhibit space to single family residential and minor subdivision for construction of a new single-family residence on a newly created lot; both will require the project manager to coordinate with City during the site plan review process, prior to construction to ensure the appropriate connections are made. One of the City's active roadway projects involves installation of a new generator and seawall along Marine Way. However, this is not anticipated to affect any construction needs in regard to the water main.

Further, pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out; adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current LUM designation. The designation change to LD may potentially increase the demand on these services given the previous use/density, which will need to be determined during the site plan review process.

Solid Waste: Based on Palm Beach County Waste Generation Rates, a single-family residence generates 1.99 tons of waste per year. Therefore, the proposed land use permits development that has the possibility of generating approximately 3.98 tons of waste per year; less than the existing CF land use designation. A complete review of solid waste capacity is completed during the site plan review process. It is noted that at this time, the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

Drainage. Drainage must be accommodated on-site, pursuant to City requirements. Technical issues pertaining to the drainage would be addressed through the site plan review process, which requires the submittal of a signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations and the LDR.

Parks and Open Space. Park impact fees are assessed at $500.00 per dwelling unit and collected prior to issuance of the building permit. This value will be calculated depending on future proposal(s). If development involves a lot that has been subdivided since the initial impact fee was paid, a new impact fee shall be imposed for each new structure/dwelling unit on each new lot.

Traffic. The submitted traffic analysis, dated November 29, 2023 (attached), analyzes the anticipated traffic demands for two single-family residences and the traffic demands for an existing church; however, the current use is a museum/exhibition space. The traffic analysis will need to be revised to take the current use of the museum/exhibition space into account rather than the church. It is noted that a residential use on the site would generate less than 10 peak hour trips per residence. A technical item has been added for the applicant to provide a Traffic Performance Standards letter issued by the Palm Beach County Traffic Division, to ensure compliance. The proposed land use map amendment is not anticipated to cause any failures to the Year 2045 Transportation System Plan.

(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.

Neighborhoods, Districts, and Corridors Element
Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

- *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
- *Uses that meet the daily needs of residents.*
- *Public open spaces that are safe and attractive.*

Policy NDC 1.1.11 *Use the implementing zoning districts identified in Table NDC-1 to provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.*

Policy NDC 1.1.12 *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the 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.*

These policies support the provision of a complimentary mix of uses through the application of appropriate land use. Either the existing CF land use or the proposed LD land use can provide a complimentary and compatible mix of uses.

Objective NDC 1.2, Residential Land Use Designations *Apply the Low Density Residential and Medium Density Residential land use designations to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

Policy NDC 1.2.4 *Allow the Low Density Residential land use designation on small parcels that have noncommercial, neighborhood-oriented facilities, such as community clubhouses, neighborhood amenities, and places of worship.*
Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

The requested land use (and corresponding zoning) supports both community uses and residential uses.

Objective NDC 1.6, Community Facility land use designation *Provide a full range of local or regional community-based uses primarily intended to serve the public by appropriately applying the Community Facilities land use designation*.

Policy NDC 1.6.2 *Use the Community Facility land use designation for current and future school sites, public buildings, public facilities, and buildings that serve the community and are not commercial in nature, such as places of worship*.

Policy NDC 1.6.3 *Community facilities located on small sites, governmental services (e.g. Florida Department of Health) that lease common office space, and existing places of worship that do not have substantial accessory uses, such as educational facilities, are not required to be designated as Community Facility on the Land Use Map.*

CF land use is to be used for community-based uses, but it is not always required for a community facility to operate, nor is it required that CF land use be applied to any particular parcel. As noted above, small community facility uses can be accommodated with other land use designations (such as LD).

Objective NDC 3.4, Land Use Map Amendments *Use a consistent set of standards to evaluate amendments to the Land Use Map.*

Policy NDC 3.4.1 *Amend the Land Use Map only when a demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and Land Use Map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:*

- *That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,*
- *That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,*
- *That the requested land use designation is compatible with the land use designations of the surrounding area; and,*
- *That the requested land use designations are compliant with the provisions and requirements of the Land Development Regulations.*

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Vacant/Single/Multi-family Residences	MD	RM
South	Single-family residences	LD	R-1-AA
East	Single-family residences	LD	R-1-AA
West	Commercial	CC	CBD

The subject property is surrounded by LD, MD land uses to the north, south and east, and Commercial Core (CC) land uses to the west, thus the neighboring land uses are generally characterized by single-family neighborhoods. The proposed LD land use allows for zoning that facilitates small-scale residential development, including adaptive reuse of the existing structure to a residential use, which is compatible with the surrounding neighborhood in character and scale. The Board should consider whether the Land Use designation of the property will have unintended consequences that limit preservation and adaptive reuse of the historic structure.

The table at right provides a comparison of density and intensity limitations for both the existing CF and proposed LD land use designations. As residential uses are not permitted in the CF land use designation, the proposed LUMA will increase the potential density on the parcel, whereas the potential intensity will decrease.

Land Use Designation	Density (Standard dwelling units/acre)	Intensity (Maximum Floor Area Ratio)
CF	---	1.0
LD	Up to 5 dwelling units per acre	---

Additionally, pursuant to the requirement that there is a *demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends,* the applicant has indicated that there is a change in circumstance, due to the reduced demand for church facilities both nationally and locally, whereas demand remains strong for residential uses (that the requested land use would allow).

Housing Element

Policy HOU 1.1.5 *Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.*

Policy HOU 1.1.10 *Utilize infill and redevelopment programs as a way to improve the neighborhood quality of life and to promote neighborhood preservation and stabilization.*

There is significant housing demand in Delray Beach. The proposed LD land uses provides an option to use the subject property as a residential use, or to revert to its original community facilities type use (with both residential and community uses possible under the proposed LD land use).

Historic Preservation Element
Objective HPE 1.4, Historic Preservation Planning *Implement appropriate and compatible design and planning strategies for historic sites and properties within historic districts.*

Policy HPE 1.4.1 *Continue to require that the Historic Preservation Board make findings that any land use or development application for a historic structure, site or within a historic district, is consistent with the provisions of the Secretary of the Interior's Standards for Rehabilitation, the Land Development Regulations, and Delray Beach Historic Preservation Design Guidelines*.

GOAL HPE 2 HISTORIC PRESERVATION INCENTIVES *Support and expand the City's historic preservation program through financial incentives, adaptive reuse, and promotional programs*.

Policy HPE 2.2.3 *Continue to develop new land use and zoning incentives for eligible and historic resources within the Land Development Regulations, such as encouraging the adaptive reuse of historic structures within mixed-use zoning.*

Policy HPE 3.2.3 *Encourage restoration and adaptive reuse of historic structures and sites where such investments will provide for or contribute to heritage tourism development.*

The proposed land use and zoning are not anticipated to have a negative impact on the preservation of the historic resource located on the subject property. The structure itself can be retained with either land use designation or zoning district, and the existing structure can be used as either a church / community facility or as single-family residence.

LDR Section 3.2.4(E), Historic districts and individually designated sites listed on the Local Register of Historic Places. *Proposed development shall be consistent with the purpose and provisions of LDR Section 4.5.1, Historic Preservation: Designated Districts, Sites, and Buildings, the Delray Beach Historic Preservation Design Guidelines, and the Secretary of the Interior's Standards for Rehabilitation.*

A full analysis of any proposed development will be completed if any applications are submitted for alteration of the property and associated structure(s), if the LUMA and rezoning are approved. The requirements in this LDR section are greatly related to site design, setting, architectural elements/design, etc. For example, below is an excerpt from the Secretary of the Interior's Guidelines for Rehabilitation, one of many historic requirements applicable to alteration and modification of historic sites & structures:

Alterations and Additions for a New Use	
Designing new features (such as parking areas, access ramps, or lighting), when required by a new use, so that they are as unobtrusive as possible, retain the historic relationships between buildings and the landscape in the setting, and are compatible with the historic character of the setting.	Locating parking areas directly adjacent to historic buildings where vehicles may cause damage to buildings or landscape features or when they negatively impact the historic character of the setting if landscape features and plant materials are removed.
Designing new exterior additions to historic buildings or adjacent new construction that are compatible with the historic character of the setting that preserve the historic relationship between the buildings and the landscape.	Introducing new construction into historic districts which is visually incompatible or that destroys historic relationships within the setting, or which damages or destroys important landscape features.

The Board will need to consider if it is more appropriate for the property to be redesignated as a residential land use map designation. The rezoning and LUMA can, however, be considered to be consistent with the requirement in LDR Section 3.2.4(E).

(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.*

Given the site's location within the Marina Historic District, any proposed development or site modification will require a Certificate of Appropriateness application and potentially such will require review by the Historic Preservation Board. As such, proposed site plans are

subject to all applicable provisions and requirements of the LDRs, most significantly with **LDR Section 4.5.1**, which contains the Visual Compatibility Standards for properties that are contributing (historic), non-contributing (non-historic), and/or new construction.

Rezoning

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 submitted application complies with the submittal requirements in **LDR Section 2.4.3**.

The Historic Preservation Board made a recommendation to the Planning and Zoning Board. A recommendation of approval by the Planning and Zoning Board is required for the rezoning to move forward; only the land use map amendment could move forward to the City Commission if the Board recommends denial. If a recommendation of approval is not made or does not pass, the request does not move forward to the City Commission for further consideration.

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 applicant requested processing under the second and third criteria. Relative to the second criteria, the applicant states that church attendance has declined nationwide, and the Church of Christ, Scientist congregation that occupied the building experienced the same trend – which led to the sale of the property to the current owner. Relative to the third criteria, the proposed R-1-AA zoning is consistent in density and scale with the surrounding neighborhood. A chart and map of the surrounding land use and zoning is provided in the LUMA analysis of this report.

Both the existing and proposed zoning districts are low impact districts, compared to other zoning districts in the city. The existing CF zoning, which has an intensity of 1.0 FAR (through the land use restrictions), does not have a residential density, as residential uses are not permitted in that district. On the other hand, the proposed land use that implements the R-1-AA zoning does not have a FAR standard but does have a maximum density of five dwelling units per acre. The R-1-AA zoning district controls development intensity through the density of the underlying land use, building setbacks, and minimum open space requirements. The chart below shows the different uses allowed by each zoning district.

Zoning District	Principal Uses and Structures Permitted	Conditional Uses and Structures Allowed
Single Family Residential (R-1-AA) (Proposed)	• Conventionally sited single family detached residences. • Family Community Residences • Public educational facilities of The School District of Palm Beach County	• Child care and adult day care. • Churches, or places of worship, and their attendant educational, nursery, Sunday school, recreational, and columbarium facilities (but not educational uses such as elementary school and general day care; a separate conditional use application for child care or rezoning to C.F. would be required). • Private educational facilities • Common recreational facilities associated with a subdivision • Single family detached residences in zero lot developments (only in R-1-A and R-1-AA Districts) • Large Family Child Care Home • Family Community Residence, less than 660 feet from the closest existing community residence • Transitional Community Residence

Community Facilities (CF) (Existing)	• Governmental uses • Community uses • Recreation • Services • Religious • Public educational facilities of the School District of Palm Beach County • Clubs and Lodges (without alcoholic beverage service) • Assisted Living Facilities • Urban Agriculture • Community Residences	• Private educational facilities • Senior Housing • Transportation • Special Services and Facilities • Community Residences (transitional, or closer than 660 feet from another)

Both the existing and proposed zoning have a wide range of uses, which are also very similar. The proposed R-1-AA zoning allows for the establishment of single-family residences in a form consistent with the general area. It is noted that when the existing structure (initially constructed and used as a church) was relocated to the subject property, the zoning was residential, and it only changed to CF in the early 1990's as part of the citywide rezoning that applied CF zoning to community-type uses that were operating in residential zoning.

The Board should consider the impact of the proposed R-1-AA zoning district compared to the potential impact of development under the existing CF zoning, and whether maintaining the CF zoning is a critical component of the preservation of the historic resource.

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.

Pursuant to Table NDC-1, the preferred residential zoning districts for the requested LD land use are Single Family Residential (R-1), Low Density Residential (RL), and Planned Residential Development (PRD). Rural Residential (RR), Agricultural (A), Open Space (OS), Open Space and Recreation (OSR), and CF are listed as compatible zoning districts. The chart below describes the permitted housing types of the preferred residential zoning districts (with PRD excluded because the minimum development area is far greater than the size of the subject property, along with RR). R-1 is the most restrictive residential zoning district, but R-1-AA is not the most restrictive R-1 district (table below). The requested R-1-AA zoning is, however, the most appropriate residential district given the existing development pattern and existing lot sizes in the surrounding area and the Marina Historic District.

LD-Compatible Zoning Districts	Permitted Housing Types
R-1	Single family
RL	Single family, duplex, multiple family structures

			MINIMUM LOT SIZE (sq. ft)	LOT WIDTH I/C (ft.)	LOT DEPTH (ft.)	SETBACKS			
						FRONT 1st & 2nd / 3rd (ft.)	SIDE 1st & 2nd / 3rd (7) (ft.)	SIDE INTERIOR 1st & 2nd / 3rd (ft.)	Rear (ft.)
Single Family	R-1-AAA	Conventional	12,500	100	110	35	17	12	12
	R-1-AAAB	Conventional	12,500	100	110	35	17	12	12
	R-1-AA	Conventional	9,500	75/95	100	30	15	10	10
	R-1-AAB	Conventional	9,000	90	100	25	20	8.5	25
	R-1-A	Conventional	7,500	60/80	100	25	15	7.5	10
	R-1-AB	Conventional	7,500	60/80	100	25	15	7.5	10
Low Density	RL	Multi-family	8,000	60	100	25/30	25/30	15/30	25
		Duplex							25
		Zero Lot Line	4,800		80				25

(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.

(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.*

Not applicable.

(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 property is surrounded by a mix of R-1-AA, RM, and CBD zoning (map at right). The proposed LD land use and R-1-AA zoning allows for single-family residences at a maximum density of 5 dwelling units per acre, which is a use and density compatible with the character of the neighborhoods to the south and east.

Further, **LDR Section 4.5.1, Historic Preservation: Designated Districts, Sites, and Buildings** provides extensive regulations to ensure the compatibility of any rehabilitation or renovation, or construction of new structures.

(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.

As discussed above, the requested R-1-AA zoning is identical to the properties to the south and east, and a similar intensity could be expected.

Considerations

The Board should consider the following in reviewing the subject request:

Land Use Map Amendment: CF to LD

- Whether the requested LD land use would have a detrimental impact on the ability to maintain the historic resource on the subject property.
- Whether the existing CF land use is an essential component of the historic character of the subject property.

Rezoning: CF to R-1-AA

- Whether the zoning regulations that govern historic resources are sufficient to provide protection of the historic resource, regardless of the zoning.

Review By Others

The **Historic Preservation Board** recommended denial of the proposal on May 1, 2024; the vote was 7 to 0. There were concerns regarding potential use changes and possibility of demolition if the request is approved, as well as a concern that the property should be retained as a community use.

The first and second reading dates by the **City Commission** are anticipated in June of 2024.

Options for Board Action

Land Use Map Amendment

A. Move a recommendation of **approval** to the City Commission of Ordinance No. 16-24, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 0.5021-acre property located at 200 SE 7th Avenue, 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 **denial** to the City Commission of Ordinance No. 16-24, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 0.5021-acre property located at 200 SE 7th Avenue, 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.

C. Continue With Direction.

Rezoning

A. Move a recommendation of **approval** to the City Commission of Ordinance No. 17-24, a privately-initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-AA) for a 0.5021-acre property located at 200 SE 7th Avenue, finding that the request 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 **denial** to the City Commission of Ordinance No. 17-24, a privately-initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-AA) for a 0.5021-acre property located at 200 SE 7th Avenue, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

C. Continue With Direction.

Public and Courtesy Notices

_X_ Courtesy Notices were sent to the following:

- Marina Homeowners Association

_X_ Public Notice was posted at the property on Monday, May 13, 2024, at least 7 calendar days prior to the meeting.

_X_ Public Notice was mailed to property owners within a 500' radius on Friday, May 10, 2022, at least 10 days prior to the meeting.

_X_ Public Notice was posted to the City's website on Friday, May 10, 2024, 10 calendar days prior to the meeting.

_X_ Public Notice was posted in the main lobby at City Hall on Friday, May 10, 2024, 10 calendar days prior to the meeting.

_X_ Agenda was posted on Friday, May 10, 2024, at least 5 working days prior to meeting.