



Cover Memorandum/Staff Report

File #: 23-1152

Agenda Date: 9/18/2023

Item #: 9.B.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: September 18, 2023

ORDINANCE NO. 22-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A PARCEL OF LAND MEASURING APPROXIMATELY 5.08 ACRES LOCATED WEST OF BARWICK ROAD, IMMEDIATELY NORTH OF LAKE WORTH DRAINAGE DISTRICT L-31 CANAL, AND IMMEDIATELY SOUTH OF 133RD ROAD SOUTH, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM PALM BEACH COUNTY MEDIUM RESIDENTIAL TO LOW DENSITY RESIDENTIAL, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT," FLORIDA STATUTES SECTION 163.3187; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

Recommended Action:

Review and consider Ordinance No. 22-23, a privately initiated request for a Land Use Map Amendment for a parcel of land located at 4594 133rd Road South, subject to Florida Statutes Section 163 and the City of Delray Beach Land Development Regulations Section 2.4.5(A).

Background:

The applicant is requesting a Land Use Map amendment for the 5.08-acre parcel located at 4594 133rd Road South to Low Density Residential (LDR) from Palm beach County Medium Residential. The rezoning request is accompanied by a request for Voluntary Annexation, and a rezoning request from Agriculture Residential (AR) to Single Family Residential (R-1-A). A petition for voluntary annexation was submitted by Covelli Design Associates, Inc. (Agent), on behalf of Cocoon Development III, LLC (Applicant and Property Owner of record).

Pursuant to **Policy NDC 3.3.2 of the Always Delray Comprehensive Plan**, the City shall apply a land use designation immediately following any annexation and amend the Land Use Map of the Comprehensive Plan. The requested Low Density Residential land use designation is intended to *create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities* (Policy NDC 1.2.5).

Pursuant to **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 detailed review of these, and all other required findings and relevant information for review is provided in the attached Planning and Zoning Board staff report.

This item was on the June 19, 2023, agenda and was postponed at the request of the applicant. The Planning and Zoning Board considered Ordinance No. 22-23 at the July 17, 2023 meeting and recommended denial (4-3) (board members Brown, Howell and Morrison dissented).

City Attorney Review:

Ordinance No. 22-23 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 21-23 must be approved prior to approving Ordinance No. 22-23 and Ordinance No. 23-23. Second reading is anticipated for October 24, 2023.