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Urban Design  
Land Planning  
Landscape Architecture

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## PROJECT NARRATIVE

### THE FLO DELRAY

#### Annexation, Land Use Map Amendment, and Rezoning

May 11, 2023

Rev. June 30, 2023

Rev. August 4, 2023

### REQUEST

Urban Design Studio, as agent for the property Owner and Applicant, Alice Clayton, LLC has prepared and hereby respectfully submits these requests for Annexation, Land Use Map Amendment and Rezoning of a 4.86-acre site (Site), for the proposed development of The Flo Delray residential community consisting of 116 multi-family rental units that will include 20 percent of the units as workforce housing. Applicant has also filed a companion request for an amendment to the City of Delray Beach (City) Land Development Regulations to create a new Revitalization Overlay for the Site specific to allow for up to twenty-four (24) dwelling units to the acre. It is the intent of the Applicant to additionally file a Class V Site Plan application request for the noted development program for the Site.

More specifically, this application is requesting the following:

- Annexation of the Site into the jurisdictional boundary of the City of Delray Beach from unincorporated Palm Beach County. (*Consistent with Map AD-23/Annexation Areas, of the City's Always Delray Map Series.*)
- Small Scale Amendment of the Land Use Map designation for the Site from **Residential High, with eight (8) dwelling units to the acre** (HR8 - PBC) to the City's **Medium Density** Land Use designation. (*Consistent with Map AD-2/Future Land Use Designations, of the City's Always Delray Map Series.*)
- Rezone the Site from **Agricultural Residential** (AR - PBC) to the City's **Medium Density Residential** zoning district. (*Consistent with the projected Land Use designation above.*)

The Site is located north of West Atlantic Avenue and west of Military Trail with access to West Atlantic Avenue at the signalized intersection of West Atlantic Avenue and Marketplace Delray West Plaza. The Site is land locked by the existing Marketplace of Delray commercial center, which is located at the northwest corner of West Atlantic Avenue and Military Trail, however has legal access via an existing 1981 access easement agreement (as recorded on ORB 3602, Page 0273), which is proposed to be amended as part of this process to allow for direct ingress and egress of the Site at its southwest corner. The Site is comprised of one (1) parcel of land, parcel control number (PCN) 00-42-46-14-00-000-5190 and although currently vacant of any use, there does exist a dilapidated single-family home on the Site. The Site has not been granted any prior approvals for entitlements.

## **BACKGROUND / HISTORY**

As noted, the Site is currently located within the jurisdictional boundary of PBC and has a Land Use designation of HR-8 and Zoning designation of AR. These designations allow for the Site to develop with up to 8 dwelling units to the acre, with bonus entitlements that could be sought with PBC, which theoretically would allow for up to 80+ dwelling units through the Density Bonus Programs offered by Palm Beach County.

The Site is vacant of any use and has become overgrown with both native and ornamental species. The only structure on the Site is a dilapidated 2,270 square foot single-family home, built in 1942, that will be removed as a result of the proposed redevelopment. The Site has changed ownership five (5) times since 1988, with the most recent sale to the Applicant, Alice Clayton LLC. As noted above, the Site has legal access via an executed access easement with the Marketplace of Delray commercial center ownership, RPT Realty LP, which will be amended concurrent to with these requests to allow ingress and egress at the Site's southwest corner.

The Site is located within the City's future annexation area, according to the City's Annexation Map (Map AD-23), and after numerous meetings and conversations with City Staff over the past year, the Applicant desires to voluntarily annex the Site into the City's jurisdictional boundary via this privately initiated request, along with concurrent Land Use Map Amendment and Rezoning. Additionally, and concurrent to the above requests, Applicant has submitted a request to amend the City's Land Development Regulations to create a Revitalization Overlay district to be known as The Flo Delray Overlay District, as directed by City Staff to pursue bonus density on the Site for up to 24 units to the acre.

The Flo Delray Overlay District, if approved and codified, will allow the Site to increase density up to 24 dwelling units to the acre from the 12 dwelling units per acre as currently permitted within the City's MD zoning district. This increase in density is consistent with densities permitted within the adjacent Four Corners Revitalization Overlay, which currently allows for up to 30 dwelling units to the acre for mixed use developments.

### **Pre-application Meeting(s)**

Applicant met with City Staff on September 14, 2022, with subsequent meetings since, and have been in continual contact and discussion with staff as it relates to the applications listed herein.

### **Surrounding Uses**

Below is information on the adjacent properties to the Site.

<b>Adjacent Property</b>	<b>Land Use Designation</b>	<b>Zoning Designation</b>	<b>Existing Use</b>	<b>Municipality</b>
<b>NORTH</b>	Residential High, with 8 du to the acre (HR-8)	Multifamily Residential (RM)	High Point West	Palm Beach County

<b>SOUTH</b>	Commercial (GC)	Planned Commercial (PC)	Marketplace of Delray	Delray Beach
<b>EAST</b>	Commercial (GC)	Planned Commercial (PC)	Marketplace of Delray	Delray Beach
<b>WEST</b>	Residential High, with 8 du to the acre (HR-8)	Multifamily Residential (RM)	High Point West	Palm Beach County

**DEVELOPMENT SITE**

The existing conditions on the Site include an abandoned and dilapidated 2,270 square foot single-family residence and overgrowth consisting of both native and ornamental trees and palms. The proposed development will be a gated residential community with vehicular access to West Atlantic Avenue via an amended private access agreement with the adjacent commercial center.

The development is proposed to consist of 116 multi-family rental apartments with a workforce housing component, clubhouse facility and other recreation amenities, such as fitness center, pool, and tot lot, and other recreation area(s). Applicant proposes to meet all requirements of the City’s Land Development Regulations and will address specific Site development as part of the Class V Site Plan request. Applicant will additionally achieve bonus density through substantially meeting the Performance Standards of Section 4.3.3 (BB), Special Requirements for Specific Uses.

Along the west and north property boundaries exists chain link fencing, however not consistently placed and at varying heights. The north portion of the Site will be encumbered by a 23’ Lake Worth Drainage District easement that the Applicant is proposing to maintain free from plantings as desired by the LWDD. This easement provides access for LWDD to maintain the adjacent L-33 Canal that abuts the north property boundary.

Previously constructed along the south and east property boundaries of the Site, adjacent the Marketplace of Delray use, is an eight (8) foot cinderblock wall that provides for access at the southeast corner of the Site, consistent with the current access agreement. This access through the wall will remain for the purposes of emergency access. The Applicant will work with the commercial center owner to update and maintain the wall for its visual appearance to the proposed residential use and create a second opening at southwest section of the wall for the proposed resident’s ingress and egress.

East of the Site, and again on the Marketplace Delray site, is a mature stand of Australian Pine and large retention pond. The Site additionally has several trees, palms, and ornamental/accent trees and plants that have either been planted by the prior owner(s) or occurred naturally on the Site. Applicant has prepared a disposition report and plan and will be proposing a combination of relocation and mitigation as part of the Class V Site Plan request.

Applicant notes that the Marketplace of Delray is a 240,789 square foot community retail shopping center which consists of anchor tenants in excess of 20,000 square feet, junior anchor tenants of 5,000 to 15,000 square feet, eight outparcel buildings, and approximately numerous "shops" under 5,000 square feet. The Marketplace at Delray is located on 30 +/- acres that was annexed into the City's jurisdictional boundary in 2010 and is bounded by Military Trail to the east and West Atlantic Avenue to the south.

### Concurrency

The Site is currently located in the jurisdictional boundary of PBC. With this request to annex the Site into the jurisdictional boundary of the City of Delray Beach, the Applicant has notified the required utility providers, including Florida Power and Light, Comcast, Florida Public Utilities, and AT&T (see submitted docs).

It is anticipated that the Site will be serviced by the City of Delray Beach for water and sewer service as the Site is located within their service area, as well served by Delray Beach Fire Station 114 for Fire and Emergency Services.

The Applicant has submitted as part of these requests the required traffic statements meeting the City's standards for requests to modify a land use map and rezone. The traffic statements have been prepared by WGI, supporting a 3-story multi-family rental unit development with amenities. These reports have additionally been submitted same to PBC's Traffic Division for review and approval.

The Site is located within the South Florida Water Management District (SFWMD) C-15 Drainage Basin and the Lake Worth Drainage District (LWDD) jurisdictions. The subject has not been previously permitted with SFWMD. The proposed drainage system will be designed following the requirements of LWDD and the SFWMD with the C-15 Basin criteria. Water quality will be provided in the proposed exfiltration trench. Water attenuation for the 25-year 3-day storm event will be met on-site using proposed surface and underground detention, and exfiltration areas prior to discharge via a control structure to the LWDD L—33 Canal which will serve as the point of legal positive outfall.

A School Capacity Availability Determination (SCAD) has been received and submitted to the City under separate cover. Nearby schools include:

- Banyan Creek Elementary School (Grades: PK-5), distance: 1.6 mi
- Carver Middle School (Grades: 6-8), distance: 0.8 mi
- Atlantic High School (Grades: 9-12), distance: 1.8 mi

Applicant will work with other outside service providers such as waste disposal, and the like.

### Platting

No platting of the Site is required.

## **ANNEXATION REQUEST**

In accordance with Section 2.4.5.C, Procedures for obtaining development approvals, the Applicant is requesting voluntary annexation from the jurisdictional boundary of Palm Beach County into the jurisdictional boundary of the City of Delray Beach. Section 2.4.5.C states that, 'The owner of land may seek the annexation of contiguous property, under his ownership.'

As stated previously, the Site is located within the City's future annexation area, according to the City's Annexation Map (Map AD-23). The Applicant has had numerous meetings and conversations with City Staff over the past year and desires to voluntarily annex the Site into the City's jurisdictional boundary via this privately initiated request. Applicant has provided as part of the application submittal survey showing the Site is contiguous to the City's boundary, as well as other required documentation.

## **LAND USE MAP AMENDMENT REQUEST**

Concurrent to the Applicant's request to annex the Site, the Applicant is requesting to amend the City's land use map to reflect a change in the Site's land use from the current PBC designation of Residential High, with eight (8) dwelling units to the acre (HR8 - PBC) to the City's Medium Density. This determination is based on prior discussions with City staff and is consistent with the land use designation predicated on the City's Always Delray Comprehensive Map series (*Map AD-2/Future Land Use Designations*), which reflects a Medium Density designation for the subject Site and the High Point community site, located adjacent the Site to the north and west, and which is also within the City's annexation area.

## **REZONING REQUEST**

Within the City of Delray Beach, a change of zoning district designation must comply with Section 2.4.5(D) of the City's Code and requires a statement of the reasons for the change. The section lists three "valid reasons" for approving the change and that the City Commission must find that the rezoning fulfills at least one of the "valid reasons". This application fulfills the two of the three reasons (2 & 3) in that there is a change of circumstance that makes the current zoning inappropriate and that the requested zoning is similar in intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the Site and or neighborhood.

Valid reasons for approving a change in zoning include:

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

Applicant proposes that the voluntary annexation of the Site into the City's jurisdictional boundary is consistent with a change in circumstance that makes the current Palm Beach County zoning designation inappropriate and for consistency with the City's current zoning districts established, a rezoning of the Site is required.

As to Item (3), the request to rezone the Site to the City's MD zoning designation is consistent with the City's prior pre-determination that the 'future annexation area' Site should be zoned MD, consistent with other developments in the area and consistent with the current PBC zoning district of RM.

**Standards for Rezoning actions 3.2.2.**

- 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.**

*Response: Applicant is requesting to be rezoned to the Residential Medium District which is the most compatible with existing development patterns and restrictive residential designation, as determined by the City Staff.*

- (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.**

*Response: This standard does not apply.*

- (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.**

*Response: This standard does not apply.*

- (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.**

*Response: Applicant is requesting to be rezoned to the Residential Medium District which is the most compatible district to the adjacent land uses, even providing for a transition between the existing residential to the west and north and the adjacent commercial center to the east and south.*

**(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.**

*Response: This standard does not apply.*

## **CONCLUSION**

On behalf of the Owner and Applicant, Urban Design Studio, respectfully requests approval of these requests for annexation of the Site into the City of Delray Beach's jurisdiction, and to apply the appropriate Land Use and Zoning designations. Approval of these requests and the concurrent LDR Amendment request, will ultimately allow for the development of the Site as a 3-story, 116-unit multi-family residential rental development with workforce element. The Project Managers at Urban Design Studio are Bradley Miller, Principal, and Sandra Megrue, Senior Planner, who can be reached at (561) 366-1100 or via email at [bmiller@udsflorida.com](mailto:bmiller@udsflorida.com) and [smegrue@udsflorida.com](mailto:smegrue@udsflorida.com).