



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Silver Terrace Land Use Map Amendment

Meeting	File No.	Application Type
August 17, 2020	2020-213-FLUM	Land Use Map Amendment
Applicant	Property Owner(s)	Authorized Agent
City of Delray Beach	See Ordinance No. 37-20, Exhibit A	N/A

### Request

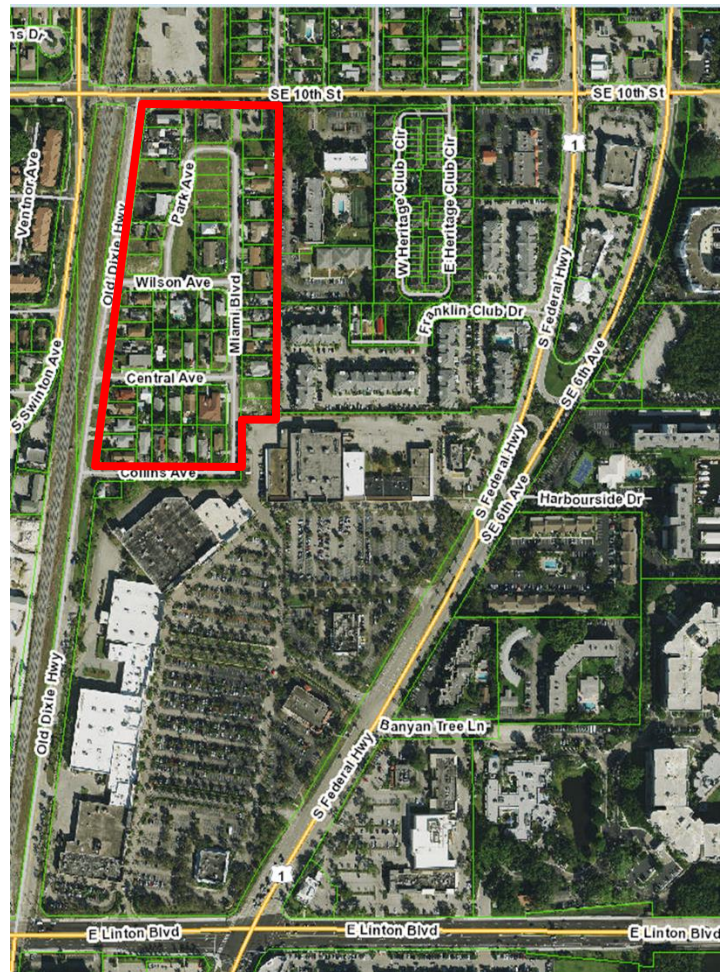
Provide a recommendation to the City Commission on Ordinance No. 37-20, a City-initiated Land Use Map Amendment (LUMA) from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use to correct a scrivener's error.

### Background Information

City staff recently identified a scrivener's error on the adopted Land Use Map for the properties located entirely within the Silver Terrace Special Activities District (SAD). Located southeast of the intersection of SE 10<sup>th</sup> Street and Old Dixie Highway (see map at right), there are 61 parcels totaling 9.94± acres currently designated on the adopted Land Use Map as Low Density (LD).

Between June 2016, when the adopted LUMA is confirmed to have the correct designations of General Commercial (GC), Medium Density (MD), and Transitional (TRN), and the present, no Land Use Map Amendments have been proposed or adopted for the subject area. The last amendment to the area was the adoption of Comprehensive Plan Amendment 96-1B in June 1996. The scrivener's error has been confirmed to be a result of the conversion of map data from AutoCAD to Geographic Information Systems (GIS) in 2017. The June 2016 LUMA was the last map adopted with the correct designation of GC, MD, and TRN (see maps below).

The implementing zoning district for these 61 parcels is the Silver Terrace SAD, which was adopted in 1996 by Ordinance No. 39-96 and revised by subsequent amendments described in and adopted by Ordinance Nos. 54-02, 51-02, and 30-00. Both the Land Use Map amendment that established the GC, MD, and TRN land use, and the SAD zoning, were adopted in response to recommendations within the Silver Terrace Redevelopment Plan (1996). Residents and businesses in the area supported the existing mix of residential and commercial uses, but felt constrained from making improvements to their properties by their status as non-conforming in the adopted zoning districts at that time. The SAD allowed the area to maintain and redevelop consistent with the existing neighborhood character.



City staff consulted with the Department of Economic Opportunity, the state regulating agency for comprehensive planning, and determined that an official update to the Land Use Map is the most appropriate course of action to correct the scrivener’s error. The proposed LUMA will correct the adopted error and these 61 parcels will revert to the correct designation as GC, MD, and TRN from LD, as described more particularly in Exhibit A of the adopting ordinance.

**Description of Proposal**

The subject request is to correct the scrivener’s error designating the 61 properties as LD, and return the land use designations to the General Commercial (GC), Medium Density (MD), and Transitional (TRN) land uses that were adopted in 2016. The breakdown of the land designations is as follows:

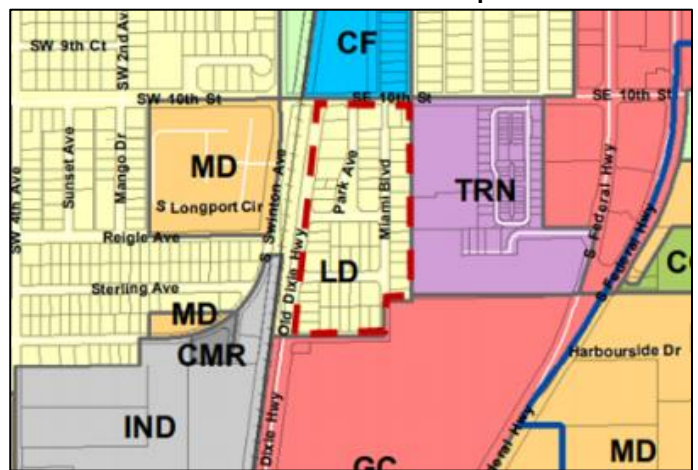
Land Use Designation	Acreage	Parcels
General Commercial (GC)	0.49	2
Medium Density (MD)	7.73	50
Transitional (TRN)	1.71	9
<b>Total</b>	<b>9.94</b>	<b>61</b>

The 2016 land use map, which reflects the correct designation, and the current land use map with the incorrect designation, are provided below.

**2016 Land Use Map**



**Current Land Use Map**



**Review and Analysis**

Pursuant to LDR Section 2.4.5(A), amendments to the Comprehensive Plan shall be processed pursuant to Section 163.3184 through 163.3253, *Florida Statutes*, as may be amended. Pursuant to direction provided by the Department of Economic Opportunity relative to this proposed amendment, the proposed amendment is being processed as an amendment to the City of Delray Beach Comprehensive Plan pursuant to Florida Statutes 163.3187, which provides the process for the adoption of a Small-Scale Comprehensive Plan Amendments.

**Findings**

Pursuant to **LDR Section 3.1.1, Required Findings**, findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Land Use Map, Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

**Land Use Map:** The current Land Use Designation is Low Density (LD) and the proposed land use is General Commercial (GC), Medium Density (MD), and Transitional (TRN). These GC, MD, and TRN designations were previously approved by the governing body, whereas LD was an unintentional amendment and was not analyzed by City staff or approved by the governing body.

### **Consistency**

A finding of Consistency requires that the requested designation is consistent with Goals, Objectives, and Policies of the Comprehensive Plan. The applicable Objectives and Policies are provided below.

Future Land Use Element Policy A-1.7: Amendments to the Future Land Use Map (FLUM) must be based upon the findings listed below, and must be supported by data and analysis that demonstrate compliance with these findings:

- *Demonstrated Need -- That there is a need for the requested land use. The need must be based upon circumstances such as shifts in demographic trends, changes in the availability of land, changes in the existing character and FLUM designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances. **The need must be supported by data and analysis verifying the changing demographics or other circumstances.** This requirement shall not apply to requests for the FLUM designations of Conservation or Recreation and Open Space; nor shall it apply to FLUM changes associated with annexations when the City's advisory FLUM designation is being applied, or when the requested designation is of a similar intensity to the advisory designation. However, the findings described in the remainder of this policy must be addressed with all FLUM amendments.*

The unintentional adoption of the current LD Land Use designation was not supported by data and analysis. The proposed amendment reverts to the land use designations that were previously adopted by the City, as supported by data and analysis in Ordinance No. 36-96 and the Silver Terrace Redevelopment Plan.

- *Consistency -- The requested designation is consistent with goals, objectives, and policies of the most recently adopted Comprehensive Plan.*

*Policy NDC 2.7.8 Evaluate and update the Silver Terrace Redevelopment Plan to include development and other improvements that have occurred since the Plan's adoption in 1996, and reevaluate the vision for the Silver Terrace area; new development shall comply with the provisions of the adopted Plan until an updated plan is adopted. [Complete by 2025]*

The GC, MD, and TRN land use designations were adopted to implement the Silver Terrace Redevelopment Plan (1996). The Plan did not intend for the LD land use designation to be applied to the area.

- *Concurrency -- Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.*

The requested land use map amendment is not associated with any development proposals. However, any future development proposed within the amendment area is subject to compliance with adopted standards for the provision of traffic, schools, utilities, and solid waste concurrent with development.

- *Compatibility -- The requested designation will be compatible with existing and future land uses of the surrounding area.*

The land use designations in the proposed amendment were previously determined to be compatible with the surrounding area.

- *Compliance -- Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations.*

No development proposals are associated with this request. Any future proposed development will be subject to all applicable provisions and requirements for the implementing zoning district ( the Silver Terrace SAD) as adopted by Ordinance No. 39-96 and amended by Ordinance Nos. 54-02, 51-02, and 30-00.

## Review By Others

The **City Commission** is anticipated to review the proposed Land Use Map Amendments at September 2020 (First Reading) and October 2020 (Second Reading) meetings.

## Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 37-20, amending the Land Use Map for the 61 parcels listed in Exhibit A, which are located at the southeast corner of the intersection of SE 10<sup>th</sup> Avenue and Old Dixie Highway, from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 37 -20, **as amended**, amending the Land Use Map for the 61 parcels listed in Exhibit A, which are located at the southeast corner of the intersection of SE 10<sup>th</sup> Avenue and Old Dixie Highway, from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission of Ordinance No. 37 -20, amending the Land Use Map for the 61 parcels listed in Exhibit A, which are located at the southeast corner of the intersection of SE 10<sup>th</sup> Avenue and Old Dixie Highway, from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

## Public and Courtesy Notices

Courtesy Notices are not applicable to this request.

Public Notice was posted at the property 7 calendar days prior to the meeting.

Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

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.