



Cover Memorandum/Staff Report

File #: 23-465

Agenda Date: 6/6/2023

Item #: 8.A.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: June 6, 2023

ORDINANCE NO. 06-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT REDESIGNATING A 1.78 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF LAKE IDA ROAD AND NORTH SWINTON AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM COMMUNITY FACILITIES TO LOW DENSITY 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. (SECOND READING / PUBLIC HEARING)

Recommended Action:

Consider Ordinance No. 06-23, a privately initiated request for a small-scale Land Use Map Amendment from Community Facilities (CF) to Low Density (LD) for a +/- 1.78 acre portion of the 5.88 acre property located at 342 North Swinton Avenue.

Background:

The subject request is for a 1.78 acre portion of the 5.88 acre property located on the southwest corner of Lake Ida Road and North Swinton Avenue. The property is currently developed with an 18,556 sq. ft. church (Cason United Methodist Church) with a private school. The west 2.83-acre portion of the property remains vacant. The property currently has a Land Use Map (LUM) designation of CF (primarily) and LD (1.78 acres), with CF zoning on the entire property. 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."*

The requested LD land use designation 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 request is being reviewed and processed concurrently with a rezoning request from Community Facilities (CF) to Single Family Residential (R-1-A). While approval of the LUM amendment and rezoning would result in the establishment of two different zoning districts on one parcel, the property is required to be divided along the zoning district boundary line through a Minor Plat process. The platting of the individual residential lots, common area, and shared access easements will be completed through a separate Major Plat, which has been submitted by the applicant and is currently under review by City

staff. While not part of this request, the applicant has stated an intent to develop eight single-family residences on the vacant portion of the property if the subject applications are approved.

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.* The attached Planning and Zoning Board staff report provides a full analysis of the request. The following chart provides density and height information related to the development standards that would result under the proposed land use change:

Development Standard	CF/CF	LD/R-1-A
Floor Area Ratio (FAR)	1.0	--
Density	--	Up to 5 du/acre
Maximum Number of Units	--	14 units
Building Height (maximum)	48 feet	35 feet

As residential uses are not permitted in the CF land use designation, the proposed LUM amendment will increase the potential density on the parcel; however, the potential intensity and building height will decrease. The subject property is surrounded by Low Density, Community Facilities, and Historic Mixed Use land uses, which are generally characterized by single-family neighborhoods; a 1.78-acre portion of the property already has a land use designation of LD. A church with an associated private school is located to the north (Recovery Church Delray and Trinity Delray Lutheran School). The proposed LD land use allows for zoning that facilitates small-scale residential development, which is compatible with the surrounding neighborhood in character and scale.

The property is located in the northeast corner of the area with in the adopted West Atlantic Master Plan (2020). The plan provides background and analysis, as well as strategies and recommendations for the West Atlantic neighborhoods (also known as "The Set"). The plan illustrates the property both as a house of worship and as a Community Garden. No specific recommendations are made for the property, however, the plan recognizes the important role churches have in The Set and provides general recommendations that include protecting the single family neighborhoods in the Northwest Sub-District and incorporating more Community Gardens along Lake Ida Road and on other City-owned parcels.

The Planning and Zoning Board (PZB) voted 5-2 (with Mr. Zeller and Ms. Blankenship opposing) to recommend approval of the request at the February 27, 2023 meeting.

The City Commission voted 4-1 (with Commissioner Angela Burns opposing) to approve the request at first reading at the April 4, 2023 meeting.

City Attorney Review:

Ordinance No. 06-23 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 06-23 will become effective immediately upon adoption. The Land Use Map Amendment request will be heard concurrently with Ordinance No. 07-23 for the rezoning.