



Government
L A W G R O U P

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1201 George Bush Blvd

Justification Statement for Rezoning

REQUEST

The Applicant, 1201 George Bush Blvd LLC, (“Applicant”) seeks to rezone the subject property, 1201 George Bush Blvd., (“Property”) from Residential Office (RO) to Medium Density Residential (RM) to develop three townhomes. Part of the rezoning should include an increase in density from 6 du/acre to 8 du/acre.

PROPERTY

The property lies on the northeast corner of George Bush Boulevard and Andrews Avenue and is 0.4 acres. The current use of the property seems to be professional office with 21 surface parking stalls. The future land use designation for the property is Transitional (TRN) and the current zoning is Residential Office.

CRITERIA

Sec. 2.4.5(D)(2) – Required Information. Standard application items pursuant to [2.4.3\(A\)](#) shall be provided. Traffic information prepared in accordance with [Section 2.4.3\(E\)](#) and which addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning shall be provided. In addition, a statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning include:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning inappropriate;
- 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.

Response: The requested zoning is of similar intensity as allowed under the the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood. Table NDC-1 reflects that the TRN land use designation is compatible with the proposed RM zoning.

Transitional (TRN)			
Standard	5-12	1.0	Preferred: PRD, NC, RO Compatible: POC, POD, SAD, CF, OS, OSR, A, R-1, MH, RM
Revitalization/Incentive	12-24		

The proposed RM zoning is more appropriate for the property because the whole block where the Property is located is zoned RM, this is the only property on the block that is zoned RO. Additionally, the Property is the only one with a land use designation of TRN, while the other properties on the block have a land use designation of Medium Density Residential. While the multifamily residential use proposed is not permitted under the current RO zoning, there are other permitted uses that are substantially more intense than what the proposed RM zoning allows.

Sec. 3.1.1 – Required Findings.

- (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

RESPONSE: The proposed rezoning is consistent with the TRN land use designation. Table NDC-1 reflects that the TRN land use designation is compatible with the proposed RM zoning district. Please see the following Goals, Policies and Objectives, that the proposed rezoning is consistent with.

- Objective NDC 1.3 – Mixed-Use Land Use Designations. Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.

RESPONSE: The proposed rezoning to RM continues the intent of the Transitional land use designation which will accommodate new residential housing opportunities in appropriate scale, intensity and density for the neighborhood.

- Policy NDC 1.3.13 - Allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses.

RESPONSE: The proposed rezoning would allow for the residential use for the property that is in the TRN land use; while maintaining consistency of design, intensity and density.

- Policy NDC 1.3.15 - Allow a maximum floor area ratio of 1.0, a maximum standard density of 12 dwelling units per acre, and a revitalization/incentive density of 12-24 dwelling units per acre in the Transitional land use designation to provide a mix of uses and potential development patterns to provide an appropriate scale, height, and intensity, and other essential transitions among areas with different land uses

or levels of intensity.

RESPONSE: Applicant seeks a rezoning to RM with a density of 8 du/acre to yield 3 townhomes, which are consistent in the design, density and intensity in the neighborhood.

- (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.

RESPONSE: The proposed rezoning application will be in compliance with concurrency. The impact on Palm Beach County Public Schools, Palm Beach County Solid Waste Authority, stormwater and drainage, and other public utilities will be negligible.

- (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.

RESPONSE: The proposed application is consistent with the Comprehensive Plan, the LDRs and the community. Removing a professional office building with surface parking and replacing it with three beautiful townhomes with access from Andrews Avenue, is a significant improvement for the area. There is a net decrease in TRIPs between the two uses and this corner does not become “dead” during non-business hours. The three townhomes will fit in with the other multi-family and single family residential properties on the block and that make up the community.

- (D) **Compliance with LDRs.** Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), 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.

RESPONSE: The proposed rezoning application will be compliant with the City’s Land Development Regulations.

Sec. 3.2.2 – Standards for Rezoning: rezoning actions shall be consistent with the land use designation applied to the land to be rezoned. Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element, identifies the land use designations and implementing zoning districts that provide appropriate development and improvements that further the adopted strategies of and are

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compatible with the assigned land use designation.

Response: Table NDC-1 reflects that the TRN land use designation is compatible with the proposed RM zoning.

Transitional (TRN)			
Standard	5-12	1.0	Preferred: PRD, NC, RO
Revitalization/Incentive	12-24		Compatible: POC, POD, SAD, CF, OS, OSR, A, R-1, MH, RL, RM

- (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: The proposed rezoning to Medium Density Residential is the most restrictive zoning district applicable given the existing multifamily development pattern that was established on the block with existing multifamily residential units. Applicant is seeking density of 8 du/acre which is necessary to develop the three townhomes. The LDRs mandate that the density be between 6 and 12 du/acre.

- (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: N/A

- (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: N/A

- (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: The rezoning of the Property will allow permit the development of three townhomes, which are permitted under the proposed zoning district. The proposed zoning district is also compatible with the Property's existing land use designation, which shows compatibility with the nearby existing land uses.

- (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: The proposed rezoning to RM is located in the Coastal High Hazard Area and is identical to the zoning of adjacent properties and this also results in less intense development. The current RO zoning allows for single family detached units, duplexes, business professional and medical offices, neighborhood electric vehicle sales, abused spouse residences for 40 or under, funeral homes/parlors, parking lots, community residences for 4-10 people and assisted living facilities. The proposed RM zoning allows single family detached units, duplexes, multiple family structures, abused spouse residences for 12 or under, community residences for 4-10 people, parking lots, pocket parks, schools, assisted living facilities, and nursing homes within multi-family structures only. Despite having more permitted uses than the RO zoning district, it is clear that the RO related uses are more intense than those permitted in RM.

Sec. 4.4.6(I) – Performance Standards: In order to increase a project density beyond six units per acre, the approving body must make a finding that the development substantially complies with the performance standards listed in this section. The intent of the standards is to mitigate the impacts of the additional density both internal and external to the site. The extent to which a project meets the standards will determine the number of units per acre that will be permitted. For example, if a project meets or exceeds all of the standards, and is otherwise consistent with applicable standards and policies of the City's Comprehensive Plan and Land Development Regulations, the maximum density is permitted. Projects which only partially achieve these standards will be permitted a correspondingly lower density. The performance standards are as follows:

- (a) The traffic circulation system is designed to control speed and reduce volumes on the interior and exterior street network. This can be accomplished through the use of traffic calming devices; street networks consisting of loops and short segments; multiple entrances and exits into the development; and similar measures that are intended to minimize through traffic and keep speeds within the development at or below 20 m.p.h.

RESPONSE: The proposed rezoning to RM with 8 du/acre would result in three townhomes with their only vehicular access from Andrews Avenue.

- (b) Buildings are placed throughout the development in a manner that reduces the overall massing, and provides a feeling of open space.

RESPONSE: The building is located in the center of the property towards the eastern property line. This placement allows for the maximization of open space while providing privacy for each of the unit owners.

- (c) Where immediately adjacent to residential zoning districts having a lower density, building setbacks and landscape materials along those adjacent property lines are increased beyond the required minimums in order to provide a meaningful buffer to those lower density areas. Building setbacks are increased by at least 25 percent of the required minimum; at least one tree per 30 linear feet (or fraction thereof) is provided; trees exceed the required height at time of planting by 25 percent or more; and a hedge, wall or fence is provided as a visual buffer between the properties.

RESPONSE: The Property is located adjacent to RM zoning, which is the same zoning district Applicant is seeking.

- (d) The development offers a varied streetscape and building design. For example, setbacks are staggered and offset, with varying roof heights (for multi-family buildings, the planes of the facades are offset to add interest and distinguish individual units). Building elevations incorporate diversity in window and door shapes and locations; features such as balconies, arches, porches, courtyards; and design elements such as shutters, window mullions, quoins, decorative tiles, etc.

RESPONSE: The proposed townhome project has varying roof heights, diversity in materials, door locations, balconies, greenery, etc...

- (e) A number of different unit types, sizes and floor plans are available within the development in order to accommodate households of various ages and sizes. Multi-family housing will at a minimum have a mix of one, two and three bedroom units with varying floor plans. Single family housing (attached and detached) will at a minimum offer a mix of three and four bedroom units with varying floor plans.

RESPONSE: The proposed townhome project consists of three units with varying floorplans.

- (f) The development is designed to preserve and enhance existing natural areas and/or water bodies. Where no such areas exist, new areas which provide open space and native habitat are created and incorporated into the project.

RESPONSE: The existing Property has little green space, due to the 21-space surface parking lot. The proposed project will eliminate the surface parking lot (heat island) to develop three townhomes with side and back yards. The new project will have more green space than the existing development.

- (g) The project provides a convenient and extensive bicycle/pedestrian network, and access to available transit.

RESPONSE: The proposed project has frontage on Andrews Avenue, rather than George Bush Blvd., which may conflict with traffic. Additionally, the existing access to transit will be the same with the proposed project.