



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD

### STAFF REPORT

4594 133<sup>rd</sup> Road South

**Annexation (Ordinance No. 21-23), Land Use Map Amendment (Ordinance No. 22-23), & Rezoning (Ordinance No. 23-23)**

Meeting	File No.	Application Type
July 17, 2023	2023-109-ANX-CCA 2023-108-LUM-CCA 2023-107-REZ-CCA	Annexation Land Use Map Amendment Rezoning
Applicant	Property Owner	Agent
Covelli Design Associates, Inc.	Cocoon Development III, LLC	Mike Covelli, AICP; Covelli Design Associates, Inc.

### Request

Provide a recommendation to the City Commission on a privately-initiated petition for a voluntary annexation of 4594 133<sup>rd</sup> Road South, a 5.08-acre parcel from Palm Beach County; a Land Use Map amendment from Palm Beach County Medium Residential, 5 units per acre (MR-5) to City of Delray Beach Low Density Residential, 1 to 5 units per acre (LD); and rezoning from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A).

### Background Information

NOTE: This item was on the June 19, 2023, agenda and was postponed at the request of the applicant.

The subject property is located approximately 300 feet west of Barwick Road and immediately north of the Lake Worth Drainage District (LWDD) L-31 Canal. The property is currently developed with a 1,387 square foot residence and detached garage (625 square feet) built in 1954, and a shed (110 square feet).

The existing land use is Palm Beach County, Medium Residential, 5 units per acre (MR-5) and the zoning is Palm Beach County Agriculture Residential (AR).

The adopted Comprehensive Plan includes several portions of unincorporated Palm Beach County in the "Planning Area" shown in Map AD-1 (attached). The subject property is located within the Planning Area. The Planning Area is the area for which calculations and projections in the City's Comprehensive Plan are predicated upon. The Planning Area is also considered the City's ultimate boundary.



### Description of Proposal

The applicant is requesting annexation from unincorporated Palm Beach County into the City of Delray Beach. The existing land use is Palm Beach County Medium Residential, 5 units per acre (MR-5); the applicant is requesting City of Delray Beach Low Density Residential, 1 to 5 units per acre (LD). The existing zoning is Palm Beach County Agriculture Residential (AR); the applicant is requesting City of Delray Beach Single Family Residential (R-1-A) zoning.

**Project Planner:**  
Grisel Rodriguez, Senior Planner;  
rodriguezg@mydelraybeach.com  
561.243.6236

- Attachments:**
- Ordinance Nos. 21-23, 22-23 and 23-23
  - Map AD-1 Future Annexation Area
  - Applicant's Statement
  - Traffic Study
  - TPS Letter

The proposed LD land use allows a density up to 5 dwelling units per acre; LD land use is established, “to maintain and enhance the City’s established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity” (Objective NDC 1.2, Comprehensive Plan).

Comprehensive Plan Table NDC-1 identifies R-1 zoning as a preferred implementing zoning district of LD land use. Single Family Residential (R-1) Districts: Purpose and Intent indicates that “the Single Family Residential Districts have been created to provide areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single Family Residential Districts are established in compliance with provisions of Goal HOU 2 of the Housing Element of the adopted Comprehensive Plan which calls for the preservation and maintenance of stable neighborhoods” [Section 4.4.3(A), Land Development Regulations (LDR)].

The existing and proposed land use and zoning is depicted on the following maps; full-sized maps of the proposed land use and zoning are attached.



Existing Land Use



Proposed Land Use



Existing Zoning



Proposed Zoning

The applicant indicates an intent to develop the property as a single family neighborhood with 16 homes, which requires a major plat and review by the Planning and Zoning Board, with final approval by the City Commission. If the property is developed as a unified site, any common area improvements will require a site plan application and approval by the Site Plan Review and Appearance Board (SPRAB).

## Review and Analysis

### Annexation

#### **Florida Statutes Governing Voluntary Annexations**

§ 171.044, Florida Statutes says that *“the owner or owners of real properties in an unincorporated area of the County, which is contiguous to a municipality and reasonably compact, may petition the governing body of said municipality that said property be annexed to the municipality.”*

A petition for voluntary annexation was submitted by Covelli Design Associates, LLC, on behalf of Cocoon Development III, LLC, the property owner of record. The subject property is contiguous on all sides with the City of Delray Beach, separated by the Lake Worth Drainage District (LWDD) L-31 Canal to the south.

Pursuant to § 171.044 (5), Florida Statutes, *“land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”* § 171.031, Definitions – (13) defines “Enclave” as *“(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality.”*

The subject property is surrounded by the City of Delray Beach on all sides; the property is accessible via 133 Road South, approximately 300 feet west of Barwick Road. The subject property is currently an enclave; granting this request will eliminate an enclave.

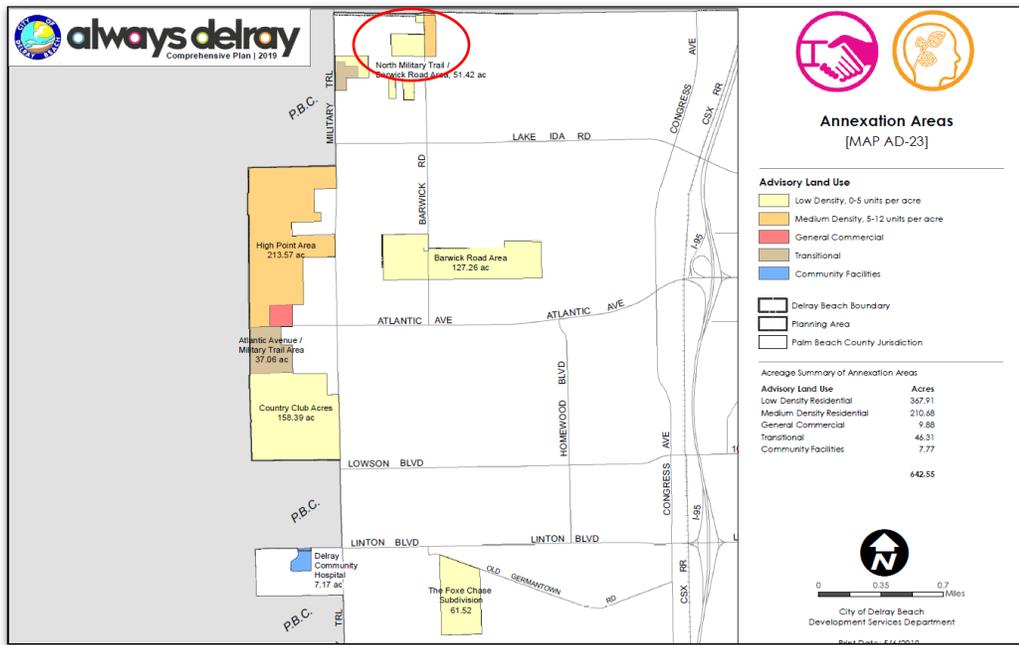
#### **Land Development Regulations Governing Annexations**

Pursuant to the Land Development Regulations 2.4.5 (C)(1), *“the owner of land may seek the annexation of contiguous property, under his ownership. The City may initiate an annexation of private property if said right has been delegated via provisions of a water service agreement or other agreement to that end. Further, the City may initiate annexation of property pursuant to Florida Statutes.”*

The voluntary annexation petition was submitted by Cocoon Development III, LLC, property owner, in accordance with Chapter 171, Florida Statutes, and complies with the State and City requirements for annexation.

#### **Comprehensive Plan Regulations Governing Annexation**

Located with the City’s Planning Area (Map AD-1, attached), the annexation of this property is consistent with Neighborhoods, Districts, and Corridors Policy NDC 3.3, which says that the City should *“continue to annex unincorporated areas within the City’s Planning Area.”* Map AD-23 (below)



**Provision of Services**

When annexation of property occurs, services are to be provided in a manner which is consistent with services provided to other similar properties already in the City. NDC Objective 3.1 Concurrency states that the City should “Allow new development within the Planning Area provided the necessary public facilities and services that are provided by, or through, the City are available concurrently.”

The provision of services, with respect to public safety, is discussed below. Full discussion of the availability

of services is provided in the discussion of the Land Use Map amendment.

**Police.** Per Palm Beach Sheriff’s Office (PBSO), the agency provides a community patrol with 6-8 deputies for the West Delray area between Military Trail and Highway 441. The service area response time is 11:43 minutes for priority calls and 2:09 hours during non-priority response calls. The response service time to the site provided for the City of Delray Beach Police Department is 5:03 minutes for priority calls. The response time for non-priority calls for service is 28:14 minutes. In order to maintain current levels of service, additional staff will be required in the West Corridor service area. The police department reports that the growth of development in the west corridor area of the City of Delray Beach would necessitate one additional officer added to the police unit in order to maintain current response levels. In addition, with the increase in traffic, the police department estimates that it will require one motorcycle officer in the west corridor service area for traffic related issues.

**Fire and Emergency Services.** On February 3, 2015, the Palm Beach County Board of County Commissioners approved Board Resolution R2015-0232. The Resolution titled, *Emergency Services Agreement for Mutual Assistance, Automatic Aid, and Dispatch Services*, allows for mutual assistance in aid and dispatch service between the City and the County. Palm Beach County Fire Rescue Station No. 44 (located on Flavor Pict Road, west of Jog Road) serves the area. The approximate response service time to currently serve the site is estimated at between five and six minutes. City of Delray Beach Fire Station No. 114 (located at the northeast corner of Lake Ida and Barwick Roads) will service the site. The City’s Fire Department response service time to the site would be between four and five minutes. The annexation of this parcel will not require additional staffing to facilitate service to this site.

**Financial Impacts**

**Ad Valorem Tax Revenue.** At the 2022-23 City operating millage of 6.51 mills and debt rate of 0.16 mills, the property will pay approximately \$855.40 more in ad valorem taxes per year. Under the annexation, the City will receive approximately \$6,576.19 per year in taxes.

**Non Ad Valorem Assessments:** The Lake Worth Drainage District manages the water resources in southeast Palm Beach County and is supported by an annual non ad valorem assessment. This assessment of \$247.50 will remain the same with annexation. The Solid Waste Authority assessment is \$380.00. The Delray Beach Stormwater Utility assessment is a City imposed non ad valorem tax and will apply upon annexation. All of these amounts will vary, depending upon the development of the site; the final fee amount will be determined upon the applicant’s submittal of a site plan application. For a residential property, the assessment is per Equivalent Residential Unit (ERU). One ERU equals to 2,502 sq. ft., and according to the City’s 2023 budget document, the

residential stormwater utility assessment fee is \$5.33 per equivalent residential unit per month, or approximately \$63.96 per dwelling, annually.

The following tables depict the current assessed value and total (Palm Beach County) taxes for the subject property and provides an estimate of the taxes under the same assessed value if the property is annexed into the City Delray Beach.

**PROPERTY TAX DETAIL**  
**4594 133rd ROAD SOUTH (PID 00424612000003024)**  
**TAXABLE VALUE: \$325,124**

	PBC TAXES (2022)	PBC TOTAL MILLAGE (2022)	CITY TOTAL TAXES (ANTICIPATED)	CITY TOTAL MILLAGE (2023)
AD VALOREM TAXES	TAXES	RATE	TAXES	RATE
Palm Beach County Lib.	178.82	0.55	-	-
Palm Beach County Library Debt	9.75	0.03	-	-
Fire/Rescue MSTU	1,124.93	3.46	-	-
Florida Inland Navigation	9.75	0.03	9.75	0.03
Health Care District	23.73	0.07	23.73	0.07
Palm Beach County	1,534.59	4.72	1,534.59	4.72
Palm Beach County Debt	9.75	0.03	9.75	0.03
Children Service Council	178.82	0.55	178.82	0.55
Public Schools Local Board	1,285.60	3.25	1,285.60	3.25
Public Schools State Law	1,293.51	3.27	1,293.51	3.27
SFWMD District	29.26	0.09	29.26	0.09
SFWMD Basin	32.51	0.10	32.51	0.10
SFWMD Everglades Const.	9.75	0.03	9.75	0.03
City of Delray Beach	0.00	-	2,116.88	6.51
City of Delray Beach Debt	0.00	-	52.02	0.16
<b>TOTAL**</b>	<b>5,720.79</b>	<b>16.183</b>	<b>6,576.19</b>	<b>18.814</b>

\*\* Sums may vary slightly in comparison with the County Tax Collector due to differences in the way programs calculate rounding numbers

**4594 133rd ROAD SOUTH TAX COMPARISON SUMMARY**

SUBJECT PROPERTY	TAXABLE VALUE 2022	COUNTY AD VALOREM TAXES	DELRAY AD VALOREM TAXES	DIFFERENCE IN AD VALOREM TAXES	PBC NON AD VALOREM ASSESSMENT	DELRAY NON AD VALOREM ASSESSMENT	DIFFERENCE IN NON-AD VALOREM ASSESSMENT
<b>4594 133 Road South</b>	\$325,124.00	\$5,720.79	\$6,576.19	\$855.40	\$627.50	\$691.46	\$63.97

It is important to note that the calculation presupposes the redevelopment of the property as one single-family home, not the development scenario the applicant has indicated, which would result in greater tax revenue.

Land Use Map Amendment

**LDR Section 2.4.5(A)**

Comprehensive Plan amendments must follow the procedures outlined in the Florida Statutes. The Land Use Map amendment (LUMA) is being processed as a small-scale Comprehensive Plan amendment pursuant to § 163.3184 to 163.3253, Florida Statutes.

**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, consistency, and compliance with the Land Development Regulations.

**(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.*

The subject property is within the City’s Planning Area. The current Land Use Designation is Palm Beach County Palm Beach County Medium Residential, 5 units per acre (MR-5). The requested Land Use Map (LUMA) Designation is City Low Density Residential, 1 to 5 units per acre (LD) – the advisory land use for the property. The Neighborhoods, Districts, and Corridors Land Use Element, of the Comprehensive Plan, Table NDC-1, identifies the implementing zoning districts for Land Use Map designations. Pursuant to Table NDC-1, the proposed Single Family Residential (R-1-A) Zoning District is considered a preferred zoning district for the proposed LD land use.

<b>Table NDC - 1</b>			
<b>Land Use Designations: Density, Intensity, and Implementing Zoning Districts</b>			
<b>Land Use Designation</b>	<b>Residential Density</b> <small>(Maximum Dwelling Units Per Acre)</small>	<b>Intensity</b> <small>(Maximum Floor Area Ratio)</small>	<b>Implementing Zoning Districts</b>
<b>Residential</b>			
<b>Low Density (LD)</b>			
Standard	Up to 5	---	Preferred: R-1, RL, PRD Compatible: A, RR, CF, OS, OSR

**(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.*

The property was previously subject to Palm Beach County land use and zoning at a similar density. Compliance with traffic, schools, utilities, and solid waste is described below. It is important to note that while the Comprehensive Plan evaluates concurrency based on the maximum number of dwelling units per gross acre (25), the applicant has submitted information based on the parcel size minus land for road and canal drainage ROW. This net acreage is 4.5 acres and would allow a total of 22 units at a density of 5 DU/AC.

Traffic, school, utilities, and drainage concurrency is discussed below.

Traffic. Palm Beach County Traffic Division has determined in its Traffic Performance Standards (TPS) Review of the applicant’s traffic impact statement that the maximum development of 22 dwelling units, at a density of 5 dwelling units per acre, generates less than 20 peak hour trips; therefore, the project meets the TPS of Palm Beach County.

Schools. The project received a School Capacity Availability Determination (SCAD), concluding that there will be no negative impact resulting from the maximum development potential of the proposed annexation, land use amendment, and rezoning.

Utilities. Comprehensive Plan Policy NDC 3.2.1 states that the City “Provide services to unincorporated areas upon annexation at a level that exists for land uses under similar conditions elsewhere in the city; do not require areas that received water and sewer services from Palm Beach County prior to annexation to switch to City service.” Availability of utilities is discussed below.

Water. The City of Delray Beach has sufficient capacity to accommodate the development of 25 single family homes (gross density). If it is determined that the City's water infrastructure requires upgrades due to the proposed development, all costs associated would be the responsibility of the Applicant.

Sewer. The City of Delray Beach has sufficient capacity to accommodate the development of 25 single family homes (gross density). If it is determined that the City's sanitary sewer infrastructure requires upgrades due to the proposed development, all costs associated would be the responsibility of the Applicant.

Solid Waste. The Solid Waste Authority (SWA) is the waste collector for both the City and the County. According to the memo titled "Availability of Solid Waste Disposal Capacity," dated January 6, 2021, the SWA forecasts that capacity will be available at the existing landfill through approximately 2054.

Drainage. The City will review drainage plans upon receipt of a site plan application. At site plan submittal, the applicant will be required to provide a signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with requirements in LDR Section 6.1.9 for the surface water management system and the South Florida Water Management District regulations per LDR Section 2.4.3 (D)(8).

**(C) Consistency.** *Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.*

The applicable Objectives and Policies of the Always Delray Comprehensive Plan are provided below.

#### **Neighborhoods, Districts, and Corridors Element**

Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and different neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

- *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
- *Uses that meet the daily needs of residents.*
- *Public open spaces that are safe and attractive.*

Policy NDC 1.1.13 *Apply the most restrictive residential zoning district(s) that is appropriate to the neighborhood based on existing development patterns and lot sizes, unless another zoning district better supports the implementation of an adopted neighborhood or redevelopment plan.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

Objective NDC 1.2, Residential Land Use Designations *Apply the Low Density Residential and Medium Density Residential land use designations to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

Policy NDC 1.2.3 *Allow the Low Density Residential land use designation on land that is or will be developed for detached, single family residential housing or for residential uses within a mix of housing types under a planned residential zoning district.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

The proposed LD land use is comparable to the existing County land use. City LD land use is the lowest residential density in the City (and the requested implementing zoning) will allow for similar uses, intensity, height and development patterns with the surrounding neighborhoods (table at right). The subject property is contiguous to LD land use with single family residential development to the east and north, and MD land use to the south and west. Therefore, the proposed LD designation is consistent with the Comprehensive Plan requirement to apply the most restrictive land use appropriate to the neighborhood.

	Surrounding Land Use Map Designations
<b>North (Barwick Ranch)</b>	City of Delray Beach Low Density Residential 0-5 du/acre (LD)
<b>South (Country Manors)</b>	City of Delray Beach Medium Density Residential 5-12 units per acre (MD)
<b>East (Single family homes)</b>	City of Delray Beach Low Density Residential 0-5 du/acre (LD)
<b>West (Vacant)</b>	City of Delray Beach Medium Density Residential 5-12 units per acre (MD)

Policy NDC 3.3.2 Apply the City's land use designation immediately upon annexation of a parcel. Following any annexation, amend the Land Use Map, and appropriate portions of the Comprehensive Plan, to reflect the change in the city's boundaries.

Objective NDC 3.4, Future Land Use Map Amendments Use a consistent set of standards to evaluate amendments to the Land Use Map.

Policy NDC 3.4.1 Amend the Land Use Map only when a demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and Land Use Map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:

- That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,
- That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,
- That the requested land use designation is compatible with the land use designations of the surrounding area; and,
- That the requested land use designations are compliant with the provisions and requirements of the Land Development Regulations.

A Land Use Map amendment is necessary for any parcel annexing into the City of Delray Beach. The requested land use designation is compatible with the surrounding LD land use to the north and east of the subject property, and MD land use to the south and west. The companion zoning meets the requirements of LDR Section 2.4.5(D) that [t]he 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.

**Conservation, Sustainability and Resiliency Element**

Policy CSR 4.2.3 Requires the submission of a biological survey and a habitat analysis with land use requests for plan amendments, rezonings, and site plan approval, with an exception where it is apparent that no such resources exist, as determined by staff.

The subject parcel is a developed single-family site. A tree survey has been submitted to document the existing landscape. No trees will be removed until a determination of compliance with the LDR Section 4.6.16, Landscape Regulations is made at time of plat submission. Conformance with respect to preservation of trees will be addressed during the plat application review process. Based upon the existing condition of the property, it was determined that a biological survey and a habitat analysis are not required.

**Housing Element**

Policy HOU 1.1.5 Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.

The subject site is a 5.08-acre underutilized parcel adjacent to single family neighborhoods to the north and east. Development of this underutilized site will make more housing available at a density compatible to the surrounding area.

Policy HOU 1.1.8 *Accommodate densities in established residential areas that promote compatibility with prevailing neighborhood character.*

The proposed LD land use accommodates the development of single-family homes, which are compatible with the existing LD uses adjacent to the parcel.

Policy HOU 1.1.12 *Require that proposals for new development illustrate compatibility with adjacent neighborhoods with respect to noise, odors, dust, traffic volumes and circulation patterns in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.*

The request for low density residential land use is compatible with adjacent development and thus will not create incompatible noise, odors, or dust. The county Traffic division has determined that the development at a density of up to 22 dwelling units per acre will generate less than 20 peak hour trips, which meets the Traffic Performance Standards of Palm Beach County.

**(D) Compliance with the LDR.** *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.*

The applicant states that the intent is to submit a plat and site plan application for a single-family development. The application will be processed by Development Services, and the proposed development will be subject to all applicable provisions and requirements of the Land Development Regulations (described in the subsequent section).

## Rezoning

Pursuant to **LDR Section 2.4.5(D)(1)**, the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. The submitted application complies with these requirements.

### Findings | LDR Section 2.4.5(D)

LDR Section 2.4.5(D)(2) outlines the procedures for a zoning change, which includes the standard application items in Section 2.4.3. Valid reasons for approving a change in zoning, pursuant to **LDR Section 2.4.5(D)(2)** are:

- *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.*

The application fulfills the last criteria. The voluntary annexation and land use map amendment necessitates the adoption of City zoning. Additionally, concurrent with annexation, an initial zoning designation must be applied to the property consistent with the requested Land Use Map designation and must match the intensity of the proposed land use. The proposed zoning is comparable to the existing Palm Beach County zoning, and the requested zoning is compatible with the surrounding neighborhoods.

A traffic study must be prepared in accordance with **LDR Section 2.4.3(E)** to address the development of property under reasonable intensity pursuant to the existing and proposed zoning.

The Palm Beach County Traffic Division has determined in its Traffic Performance Standards (TPS) Review that, based on the applicant's traffic impact statement to develop at a density of 22 single family homes, the proposed development generates less than 20 peak hour trips; therefore, the project meets the TPS of Palm Beach County.

**Section 3.2.2 - Standards for Rezoning Actions**

Rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

*(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.*

Because the subject property is in unincorporated Palm Beach County, a category on the Residential Neighborhood Categorization Map has not been assigned. This property is requesting a low-density residential zoning district.

*(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.*

Not applicable. This is a zoning request to change the zoning from Palm Beach County Agriculture Residential (AR) to single-family residential (R-1-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.*

Not applicable. This is a zoning request to change the zoning from Palm Beach County Agriculture Residential (AR) to single-family residential (R-1-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.*

Under the proposed LD land use, Single Family Residential (R-1-A) is considered a preferred zoning district. Furthermore, the proposed zoning is compatible with the existing use of the site. The existing uses and zoning surrounding the proposed development is as follows:

	Zoning Designation	Land Use	Use
<b>North</b>	City of Delray Beach R-1-AA	City of Delray Beach Low Density Residential 0-5 du/acre (LD)	Single Family Homes
<b>South</b>	City of Delray Beach Multiple Family Residential (RM)	City of Delray Beach Medium Density Residential 5-12 du/acre (MD)	Condominium Duplexes
<b>East</b>	City of Delray Beach Single Family Residential (R-1-AAA)	City of Delray Beach Low Density Residential 0-5 du/acre (LD)	Single Family Homes
<b>West</b>	City of Delray Beach Multiple Family Residential (RM-8)	City of Delray Beach Medium Density Residential 5-12 du/acre (MD)	Vacant

Therefore, the zoning is compatible with the adjacent and nearby land use.

*(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.*

Not applicable. The proposed development is not within the Coastal Planning Area.

**Section 4.4.3. – Single Family Residential (R-1) Districts**

*The Single Family Residential Districts have been created to provide areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses. Further, the Single Family Residential Districts are established in compliance with provisions of Goal HOU 2 of the Housing Element of the adopted Comprehensive Plan which calls for the preservation and maintenance of stable neighborhoods.*

The subject property has an existing single-family structure, and the surrounding development is residential. The applicable development standards for R-1-A zoning are in the chart below.

	Min. Lot Size	Lot Width (I/C)	Lot Depth	Frontage (I/C)	Min. Floor Area	Setbacks				Height
						Front	Side Street	Side Interior	Rear	
<b>R-1-A</b>	7,500 sf	60/80 ft.	100 ft.	60/80 ft	1,000 sf	25 ft.	15 ft.	7.5 ft.	10 ft.	35 ft.

The requested zoning, and the applicable development standards, provide for the protection of the existing residential character of the surrounding area.

**Review By Others**

**Palm Beach County Notice:** On March 20, 2023, the Palm Beach County Planning Division and the County Administrator were notified of the annexation request. No objection has been received from Palm Beach County to date.

**Interlocal Plan Amendment Review Committee (IPARC):** On March 24, 2023, notice of the proposed Land Use Amendment was provided to the IPARC, which distributes the information to adjacent municipalities. No opposition has been noted.

The requests are anticipated to go before the City Commission for first and second reading in July and August 2023.

**Options for Board Action**

**Annexation**

- A. Move a recommendation of **approval** of Ordinance No. 21-23, a privately-initiated request to annex 5.08 acres from Palm Beach, by adopting the findings of fact and law contained in the staff report and finding that the annexation and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of **denial** of Ordinance No. 21-23, a privately-initiated request to annex 5.08 acres from Palm Beach County, based on a failure make the findings of fact and law contained in the staff report and finding that the annexation and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).
- C. Continue With Direction

**Land Use Map Amendment**

- A. Move a recommendation of **approval** of Ordinance No. 22-23, a privately-initiated request for a Land Use Map amendment from Palm Beach County Medium Residential, 5 units per acre (MR-5) to City of Delray Beach Low Density Residential, 1 to 5 units per acre (LD), by adopting the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of **denial** of Ordinance No. 22-23, a privately-initiated request for a Land Use Map amendment from Palm Beach County Medium Residential, 5 units per acre (MR-5) to City of Delray Beach Low Density Residential, 1 to 5 units per acre (LD), based on a failure make the findings of fact and law contained in the staff report and finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).
- C. Continue With Direction

Rezoning

- A. Move a recommendation of **approval** of Ordinance No. 23-12, a privately-initiated request to rezone from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A), by adopting the findings of fact and law contained in the staff report and finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Section 2.4.5(M).
- B. Move a recommendation of **denial** of Ordinance No. 23-23, a privately-initiated request to rezone from Palm Beach County Agriculture Residential (AR) to City of Delray Beach Single Family Residential (R-1-A), based on a failure to make the findings of fact and law contained in the staff report and finding that the rezoning and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Section 2.4.5(M).
- C. Continue With Direction

Public and Courtesy Notices

Courtesy Notices were provided to:

- Bexley Park
- Sable Lakes
- Country Manors
- Barwick Ranch Estates

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.