



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### Delray Commercial Centre

Meeting	File No.	Application Type
February 24, 2025	2025-053-LUM-CCA 2025-052-REZ-CCA	Land Use Map Amendment Rezoning
Applicant and Owner		Authorized Agent
Nathan Properties Inc. & Properties of Delray Inc.		McKenna West, Cotleur & Hearing

### Request

Provide a recommendation to the City Commission on a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) (Ordinance No. 02-25), and a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) (Ordinance No. 01-25) for the property located at 955-975 South Congress Avenue.

### Background Information

The subject property is a 4.27-acre parcel located on the northeast corner of Lawson Boulevard and SW 10<sup>th</sup> Street and South Congress Avenue. The property has an existing land use designation of CMU and is within the MROC zoning district.

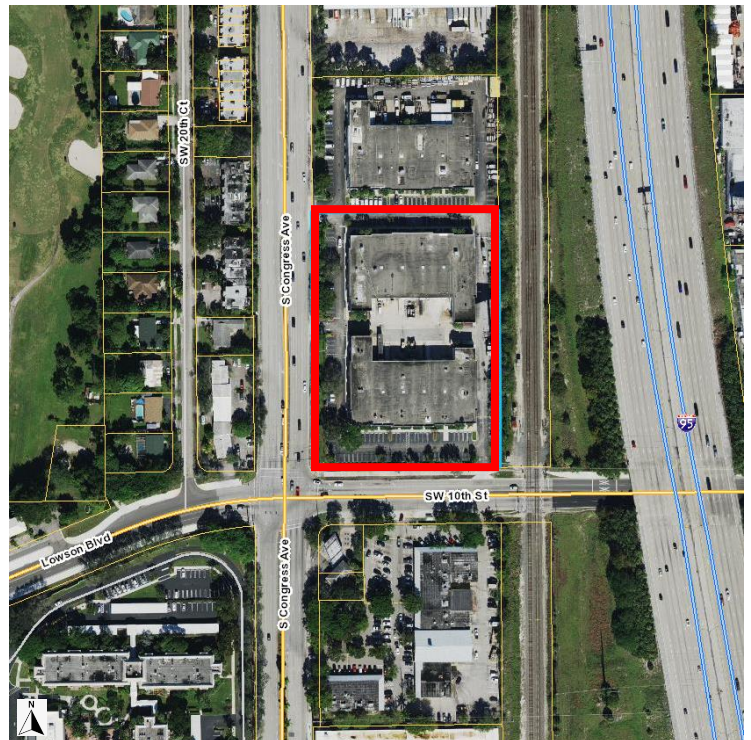
The site is currently developed with two 35,703 square foot buildings used for commercial, office, and warehouse space. Below is an outline of the land use and zoning history for the site:

1988. Two 35,703 square foot commercial / office / warehouse structures were constructed. The site had a Land Use Map (LUM) designation of CMR and was zoned MIC.

December 5, 2006. Ordinance No. 33-06 was approved, establishing the MROC zoning district.

February 6, 2007. Ordinance No. 38-06 was approved, creating the CMU land use category, and amending the land use designation of 63 parcels (approximately 225.5 acres of land) from CMR, Transitional (TRN), General Commercial (GC), and Community Facilities (CF) to CMU. The subject site was included in the LUM amendment area.

February 20, 2007. Ordinance No. 05-07 was approved as a companion to Ordinance No. 38-06, rezoning 63 parcels (approximately 225.5 acres of land) from MIC, CF, Planned Office Center (POC), Planned Commercial (PC), and Planned Commercial Center (PCC) to MROC. The subject site was included in the rezoning area.



The MROC district, which dominates the Congress Avenue corridor from West Atlantic Avenue to the southern City boundary, provides for a mix of residential, office, and commercial uses at a higher density and intensity by encouraging transit-oriented development in proximity to the Tri-Rail station. At the same time that the MROC zoning district was created, the CMU land use designation was created to support MROC by providing the maximum density and intensity for the implementing zoning district, supporting the requirement to provide workforce housing, and establishing provisions for higher densities based on the proximity of residential development to the Tri-Rail station. The primary function of the MROC district was to attract Class A office space while promoting high density residential development. The intent was for the corridor to provide walkable streets and accommodate multiple modes of transportation.

The existing CMU land use has a standard density of up to 40 dwelling units per acre and a revitalization density of 50 dwelling units per acre. Mixed use land use designations are subject to both density and intensity; the maximum Floor Area Ratio (FAR) allowed for the CMU land use designation is 2.5. The CMU land use is intended to *accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue* (Policy NDC 1.3.18).

In late 2022, the City engaged with Streetsense and CBRE (real estate consultants) to perform a study of the corridor (document attached). On May 22, 2023, CBRE prepared the Delray Beach Congress Avenue Strategies Plan *to provide market-informed development and retail strategy recommendations for the Congress Avenue corridor, with the goal of balancing commercial and housing growth*. The Study found that the initial vision of the CMU land use and the companion MROC district has not been fulfilled, with many office and retail vacancies, limited space for growing industrial businesses, and the increasing pressure to build stand-alone residential development along the corridor due to the increased costs of land (Delray Beach Congress Avenue Strategies Plan, Page 5 and 8). Further analysis of the Study is provided on Page 5 of the report.

### Description of Proposal

The subject request is for a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) and a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC). The existing and proposed land use and zoning maps are shown below (full-sized maps attached).



The proposed CMR land use only allows residential uses for developments with workforce housing in the I-95/CSX Railroad Corridor Overlay District; the revitalization incentive density is 24 dwelling units per acre. The CMR land use designation has a maximum FAR of 0.60 and is intended to be applied to *property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities* (Policy NDC 1.4.7).

The subject applications are being processed concurrently with a companion city-initiated Comprehensive Plan Text Amendment (Ordinance 05-25) to allow the establishment of the CMR land use designation south of West Atlantic Avenue.

The requested MIC zoning is intended to *provide for a mix of industrial, commercial, and office use in a single zoning district*, whereas the existing MROC zoning is intended to provide a *transit-supportive, pedestrian-friendly mix of residential, office, and commercial uses in a master-planned environment*.

## Review and Analysis

### Land Use Map Amendment

#### **LDR Section 2.4.5(A), Amendments to the Comprehensive Plan**

*Amendments must follow the procedures outlined in the Florida Statutes.* The LUM is adopted as part of the Comprehensive Plan. Therefore, the LUMA is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

#### **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.

**(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 proposed MIC zoning district is a preferred implementing zoning district of the CMR land use, pursuant to Table NDC-1 of the Always Delray Comprehensive Plan. The property is currently developed with two 35,198 square foot commercial/office/warehouse buildings that encompass businesses such as wholesale flooring, retail of building materials and garden supplies, and hardware stores. As these are allowed uses within the MIC zoning district, the proposed land use and zoning are appropriate for the existing use of the property.

**(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.*

Traffic. The submitted traffic impact study (attached) analyzes the most intense potential traffic demands of the existing versus proposed land use and zoning. Under the existing CMU land use and MROC zoning, applying the 2.5 maximum FAR and a base density of 40 dwelling units per acre, the most intense development (464,567 square feet of medical office and 170 units) would result in 18,641 daily trips. Under the proposed CMR land use and MIC zoning, applying the 0.60 maximum FAR, the most intense development (111,496 square feet of general office) would result in 1,088 daily trips, which equals a potential net decrease of 17,553 daily trips.

Water and Sewer. The subject property is currently served by City water and sewer. Pursuant to the Always Delray Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out; adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the proposed LUM designation.

Solid Waste. The Solid Waste Authority (SWA) is the waste collector for both the City and the County, and currently serves the subject property. It is noted that the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

Drainage. No modifications have been proposed for the site.

Parks and Open Space. Park impact fees do not apply to commercial land use and zoning.

Schools. School Capacity Availability Determination (SCAD) does not apply to commercial land use and zoning.

**(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.*




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 difference 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 1.1.7** *Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.*

**Policy NDC 1.1.11** *Use the implementing zoning districts identified in Table NDC-1 to provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.*

**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.*

**Policy NDC 1.3.17** *Allow a maximum floor area ratio of 2.5, and a standard density up to 40 dwelling units per acre with a revitalization/incentive density up to 50 dwelling units per acre for properties with a Congress Avenue Mixed Use land use designation to encourage a mix of uses and continue to transform the Congress Avenue corridor as a destination and great street.*

**Policy NDC 1.3.18** *Use the Congress Avenue Mixed Use future land use designation to accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue.*

**Objective NDC 1.4 Industrial Land Use Designations** *Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.*

**Policy NDC 1.4.7** *Use the Commerce land use designation for property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities.*

**Policy NDC 1.4.8** *Recognize the importance of maintaining the Commerce land use designation for long term economic prosperity by discouraging amendments to the Future Land Use Map that diminish the quantity of property with Commerce land use designation.*

**Policy NDC 1.4.9** *Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.*

**Policy NDC 2.3.7** *Implement the vision in the “Congress Avenue: Delray Beach’s Next Great Street” report by protecting commercial and industrial land uses to maintain and enhance the jobs base; ensuring diverse housing options for varying income levels; attracting higher education institutes; encouraging sustainable redevelopment; and, establishing a balance of uses along the corridor. Policy ECP 6.4.2*

**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.

The subject property is surrounded by CMU land use to the north, south, and east, and TRN land use to the west. MROC zoning is located to the north and south of the subject site, with Conservation District (CD) to the east, and Medium Density Residential (RM) and Professional Office District (POD) to the west, shown in the chart and map below.

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Light Industrial/Commercial Warehouse	CMU	MROC
South	Commercial/Retail/Gas Station	CMU	MROC
East	CSX Railway	CMU	Conservation District (CD)
West	Multifamily Residential & Professional Office	Transitional (TRN)	Medium Density Residential (RM) & Professional Office District (POD)



The proposed MIC zoning is an implementing district of the proposed CMR land use, which facilitates a variety of industrial, commercial, and office uses. Further, the permitted uses in MIC are intended to enhance employment opportunities in the industrial, manufacturing and trade sectors, with supporting business and professional office functions. As the subject property was previously designated CMR with MIC zoning, the site was originally developed to accommodate the industrial, commercial, and office type uses allowed in MIC.

The Always Delray Comprehensive Plan places emphasis on maintaining the CMR land use designation to foster a balanced mix of uses along the Congress Avenue corridor and to support the long-term economic prosperity of the city. The establishment of the CMU land use and MROC zoning district in 2006 and 2007 aimed to transform the corridor into a walkable, mixed-use street with emphasis on transit-oriented development. However, with low demand for new office and retail along the corridor, the economic climate currently supports more Class B/C office space for start-up companies, light industrial and home improvement clusters, and stand-alone residential development along the corridor. While the implementing zoning districts for the CMU land use reinforces high density residential development and a variety of commercial uses, the zoning districts do not support light industrial or home improvement-type businesses. The proposed CMR land use is implemented by MIC, LI, and PCC zoning districts, which allow a variety of light industrial uses that are not permitted under the existing MROC zoning district.

While amending the land use to CMR would help expand the industrial land inventory in the City, the amendment would also limit the possibility of establishing high-density residential development in the future without the adoption of another residential density incentive or a LUMA and rezoning. Therefore, consideration should be given as to whether the proposal results in allowing the most appropriate development to fulfill remaining land use needs.

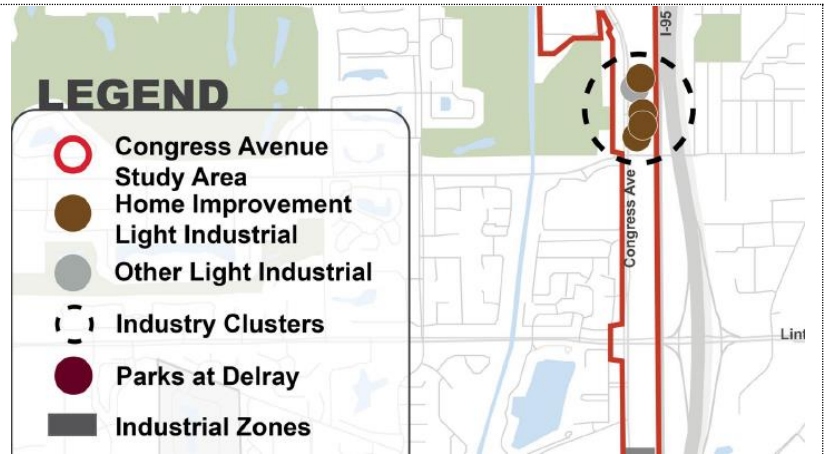
An existing multi-family development is located to the west of the subject property, and the properties to the north and south of the subject property have mixed-use land use and zoning that allows for residential redevelopment. The Board should consider if the character of the land use and implementing zoning district of these adjacent properties is compatible with proposed CMR land use and do not pose negative impacts to surrounding existing and future development.

In 2023, CBRE prepared the Delray Beach Congress Avenue Strategies Plan to provide market-informed development and retail strategy recommendations for the Congress Avenue corridor, with the goal of balancing commercial and housing growth. The subject site is within Sub-Area #3 – Concentrate Mixed-Use/Transit Oriented Development (TOD) of the corridor, which is characterized as *an area with a concentration of transportation options and a thriving industry cluster with culturally significant expression*.

The area at the northeast corner of South Congress Avenue and Lawson Boulevard/SW 10<sup>th</sup> Street is identified as an industrial cluster (map at right), specifically a home improvement light industrial zone.

Guiding principles for Sub-Area #3 include:

- Support existing home improvement/ light industrial clusters and encourage commercial property improvement/ redevelopment;
- Focus mixed-use transit-oriented development around the TriRail Station; and
- Enable 100% residential developments in certain areas



Page 9, Delray Beach Congress Avenue Strategies Plan

While there is a demand for industrial property in the City, the study states that land costs may be prohibitive to industrial developers, as single-story light industrial development is not the highest and best use compared to vertically-dense multi-family buildings. The Always Delray Comprehensive Plan has guiding policies to preserve industrial land, but few industrial areas along the corridor are zoned industrial. The Study states that *existing light-industrial clusters south of Atlantic Avenue are the most vulnerable for conversion, as they are completely unsupported within the MROC zone and considered nonconforming, preventing property and business owners from expanding*.

The applicant's justification statement supports this notion, as many established businesses at the property have been deemed nonconforming uses as a result of the CMU land use and MROC zoning district change in 2007. The requested land use designation and correlating rezoning (which must accompany the LUMA) would reinforce the economic longevity of the existing light industrial development by providing an avenue for the existing nonconforming uses to be conforming uses, and by broadening the range of future light industrial uses available to tenants at the subject property.

Overall, the requested land use is generally compatible with the surrounding CMU and TRN land uses, as it allows a lower FAR than the existing CMU designation (0.60 compared to 2.5) and has implementing zoning districts that are anticipated along the Congress Avenue corridor.

**(D) Compliance with LDR** *Whenever an item is identified elsewhere in these Land Development Regulations (LDR), 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 amendment is being processed pursuant to LDR Section 2.4.5(A).

No site plan modifications have been proposed by the applicant. Should the site be redeveloped, the site would be subject to all regulations of the requested MIC zoning district. Additionally, all uses in the implementing zoning district will apply.

## Rezoning

### **LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule**

*The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.*

Upon a recommendation of approval by the Planning and Zoning Board, the requests can move forward for consideration by the City Commission. If a recommendation of approval is not made or does not pass, the request does not move forward to the City Commission for further consideration.

**LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information,**

*A statement of the reasons for which the change is being sought must accompany the application.* Valid reasons for approving a change in zoning 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 subject application is being processed under the second and third criteria. The MROC zoning district provides for a mix of residential, office, and commercial uses at a higher density and intensity by encouraging transit-oriented development in proximity to the Tri-Rail station. However, because the commercial/office/warehouse buildings were developed under the previous MIC zoning, the property owner has experienced challenges to sustain and attract businesses that are permitted under the MROC zoning district. Many of the established uses were deemed nonconforming uses after the 2007 rezoning from MIC to MROC. Land Development Regulations (LDR) Section 1.3.4(B)(2) states that a nonconforming uses may not be re-established if the use ceases for a continuous period of 180 days. This is often a difficult time frame for another business of the same use to establish itself.

Additionally, LDR Section 4.4.29(B)(3)(a), requires that general retail uses shall not encompass more than 20 percent of the total floor area of the development. For the kitchen and bath contractor types of businesses, the mix of retail / showroom space and warehouse uses has been a difficult balance to sustain. The applicant also states that obtaining permits for minor maintenance or renovations has posed challenges due to the limitations of Article 1.3, Nonconformities, which restricts the expansion of nonconforming uses.

The Delray Beach Congress Avenue Strategies Plan identified the subject area as an industrial cluster and emphasized the need to preserve industrial land along the corridor. The proposed MIC zoning district would further secure the economic longevity of the Delray Commerce Centre by allowing many of the existing uses deemed nonconforming to continue to exist and expand, as well as attracting new tenants with emerging industrial and service-based businesses.

**Article 3.2, Performance Standards**

**Section 3.2.2 - Standards for Rezoning Actions**

Rezoning requests must meet five standards, which are described below relative 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.*

Not applicable; the current zoning is mixed use.

- (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.

- (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.*



Both the existing and proposed zoning permit uses that could be configured as a strip commercial development. However, no site plan modifications have been submitted in conjunction with this application. The property is currently developed with two 35,703 square foot buildings commercial/office/warehouse buildings.

(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.*

MROC zoning is located to the north and south of the subject site, with the potential of mixed-use residential redevelopment to the north and south on MROC zoned properties (up to 80 percent residential use is allowed at this location). The property to the east is zoned Conservation (CD), and the properties to the west are Medium Density Residential (RM) and Planned Office Development (POD) zoning to the west. A chart and maps of the surrounding land use and zoning is provided in the LUMA analysis of this report. Consideration should be given as to whether the uses permitted in the MIC zoning district are compatible and do not pose negative impacts to surrounding existing and future development. To address an obvious compatibility issue, a parallel LDR amendment has been prepared by the City (Ordinance No. 06-25) to prohibit the location of Adult Entertainment Establishments south of Atlantic Avenue due to the potential proximity to uses that are more residential in nature.

The MIC district allows a mix of commercial, office, and industrial uses including manufacturing, fabrication, wholesale and distribution, and service industries. The proposed MIC zoning limits residential development to 24 dwelling units per acre with workforce housing, and only within the I-95/CSX Railroad Corridor Overlay District. Any other residential development in MIC would require the establishment of a revitalization incentive or other amendment to the LDR. With the existing multi-family development to the west, and the potential of residential redevelopment to the north and south (MROC zoning), consideration should be given as to whether the uses permitted in the MIC zoning district are compatible and do not pose negative impacts to surrounding existing and future development. It is noted that if the adjacent property to the north were to be redeveloped, a full site plan review would be required, which would enforce provisions (e.g. setbacks, special buffers, landscaping, etc.) that are established to mitigate adverse impacts from new and existing 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.*

Not applicable. The property is not located within the Coastal Planning Area.

#### Considerations

The Board should consider the following in reviewing the subject request:

##### Land Use Map Amendment: CMU to CMR

- Whether the requested CMR land use designation is consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.
- Whether the requested CMR land use allows the most appropriate development to *fulfill remaining land use needs*.

##### Rezoning: MROC to MIC

- Whether there has been a change in circumstances on the site or within the neighborhood that renders the MROC zoning inappropriate.
- Whether the requested zoning is of similar intensity as allowed under the CMU land use designation and is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

#### Review By Others

**Interlocal Plan Amendment Review Committee (IPARC):** On December 19, 2024, notice of the proposed LUMA and rezoning was provided to the IPARC, which distributes the information to adjacent municipalities. No objection has been received to date.

The first and second reading dates by the **City Commission** are anticipated in April and May of 2025.



## Options for Board Action

### Land Use Map Amendment

- A. Move a recommendation of **approval** to the City Commission of Ordinance No. 02-25, a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval as amended** to the City Commission of Ordinance No. 02-25, a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- C. Motion a recommendation of **denial** of Ordinance No. 02-25, a privately-initiated small-scale Land Use Map Amendment from Congress Avenue Mixed Use (CMU) to Commerce (CMR) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. **Continue With Direction.**

### Rezoning

- A. Move a recommendation of **approval** to the City Commission of Ordinance No. 01-25, a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval as amended** to the City Commission of Ordinance No. 01-25, a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- C. Motion to **deny** Ordinance No. 01-25, a privately-initiated rezoning from Mixed Residential, Office, and Commercial (MROC) to Mixed Industrial and Commercial (MIC) for a 4.27-acre property located at 955-975 South Congress Avenue, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. **Continue With Direction.**

## Public and Courtesy Notices

☒ Courtesy Notices were sent to the following:

- Abbey Delray North

☒ 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 calendar days prior to the meeting.

	<u>X</u> Agenda was posted at least 5 working days prior to meeting.
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