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5200 W Atlantic Ave
Rezoning Justification Statement

5200 W Atlantic LLC ("Petitioner") is the owner of the +/-1.78-acre property located at 5200 W Atlantic Ave (PCN: 12424614000005340), which is generally located on the south side of W Atlantic Ave between Markland Lane and 51st Terrace S ("Property") in the City of Delray Beach ("City"). The Property is designated as General Commercial ("GC") on the City's Future Land Use Map ("FLUM") and is zoned Planned Office Center ("POC"). The Property is currently developed with a +/- 4,479 square foot building and associated parking area that previously operated as a drive-through bank facility. The building is currently vacant and the Property is inactive. Petitioner is proposing to redevelop the Property for a commercial retail/service use. As the POC district is primarily suited for offices uses, in order to redevelop the Property, Petitioner is requesting to rezone the Property from POC to the General Commercial ("GC") zoning designation.

Pursuant to Section 2.4.5(D) of the City's Land Development Regulations ("Code"), the City Commission, by ordinance, after review and recommendation for approval by the Planning and Zoning Board may amend the Official Zoning Map. 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 circumstances which makes the current zoning inappropriate; that the requested zoning is of similar intensity as allowed under the FLUM and that it is more appropriate for the Property based upon circumstances particular to the site and/or neighborhood. Petitioner will demonstrate that the second and third criteria are applicable to the subject Property as the valid reasons for approving the change of zoning designation because there has been a change of circumstances which makes the current zoning inappropriate, and the requested zoning is more appropriate based on circumstances particular to the site and/or neighborhood.

There has been a change in circumstances which makes the current zoning inappropriate.

More specifically, the closure of the existing bank operation amounts to a change in circumstances which makes the current zoning inappropriate. According to Section 4.4.15 of the Code, the POC district is intended to provide for a concentration of office and support uses in a well-planned and managed environment and is not intended for general commercial activities in which goods and merchandise are stored, displayed or sold. It is also not intended for other commercial neighborhood service uses. Rather, the uses permitted in the POC zoning district are limited to banks and financial institutions, business offices, medical clinics, and professional offices. Retail uses are not permitted in the POC district, unless the use is ancillary such as the retail sales of convenience items, newspapers, candies, lunch counters, and exercise facilities located within an office structure and designed for use of employees and their guests. The development potential of the Property for such office use is limited due to the size of the Property, as the Property is only +/- 1.78-acres. Along the west side of the Property, there is also an existing cross-access easement which further limits the developable area of the site. Most office uses require larger parcels in order to accommodate the office space needed for businesses to conduct their activities and

house employees, and meet other development standards for associated parking and vehicular use areas and required landscaping. Considering these factors, the POC district is no longer appropriate for the Property. However, as the Property is located along the Atlantic Avenue corridor, which is lined with a variety of commercial uses and other commercial parcels sharing the GC zoning designation, the proposed rezoning of the Property to the GC zoning district is more appropriate. The GC district permits general retail uses and/or facilities including but not limited to: confectionaries, pharmacies, sporting goods, wearing apparel and accessories, and food. The GC district also allows for a variety of services and facilities including beauty shops and salons, pet grooming, restaurants, dance, gymnastic, and karate facilities and a wide variety of similar uses that are needed to serve the community. These uses are better suited for the Property because they do not require the same development area and associated parking demands as would an office building. The GC district also permits business, professional, and medical uses, should such a use be considered in the future. As such, the rezoning will not impact the Property's ability to support these uses in the future. Through the rezoning and redevelopment of the Property, Petitioner is also proposing to activate the site by introducing additional neighborhood serving retail for the benefit of the community and to increase the City's tax base.

The requested zoning is of similar intensity as allowed under the FLUM and that it is more appropriate for the Property based upon circumstances particular to the site and/or neighborhood.

The proposed GC zoning district is of similar intensity as allowed under the FLUM and is more appropriate for the Property based upon circumstances particular to the site and/or neighborhood. The Property is a fringe parcel located near the western municipal boundary of the City. While, the property to the west shares the current POC zoning designation, and the property to the south is zoned RM-8, the properties to the north and east are zoned GC. Furthermore, as the Property is located along the Atlantic Avenue corridor, which is lined with a variety of commercial uses, many other similarly situated parcels share the desired GC zoning designation. As such, rezoning the Property from POC to GC is compatible with the zoning designation of the surrounding properties and will continue the commercial character that extends along W Atlantic Ave. Additionally, the proposed rezoning is consistent with the Property's GC future land use designation. Table NDC - 1 of the Neighborhoods, Districts and Corridors Element of the Always Delray Comprehensive Plan identifies the zoning districts that are consistent with the FLUM designations. Pursuant to Table NDC – 1, the proposed GC zoning designation is a preferred zoning district within the GC future land use category. The rezoning is further consistent with the goals, policies and objectives of the Always Delray Comprehensive Plan as follows:

- Policy NDC 1.1.11. *Use the implementing zoning district 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.* Petitioner is proposing a rezoning to the GC zoning district, consistent with the designation identified for the GC land use designation in Table NDC-1.
- 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 the 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 need. The proposed rezoning will be compatible with adjacent land uses and are appropriate in terms of the physical considerations of the Property.

- Policy NDC 1.3.10. *Use the General Commercial land use designation to accommodate a wide range of non-residential and mixed-use development, and limited stand-alone residential development, along major corridors and in certain districts in the city.* Petitioner is proposing to develop the Property with neighborhood serving retail, consistent with the existing commercial uses along W Atlantic Ave.

As previously indicated, the proposed GC zoning is also more appropriate for the Property based upon the circumstances peculiar to the neighborhood. According to Section 4.4.15 of the Code, the POC district is intended to provide for a concentration of office and support uses in a well-planned and managed environment and is not intended for general commercial activities in which goods and merchandise are stored, displayed or sold. It is also not intended for other commercial neighborhood service uses. Rather, the uses permitted in the POC zoning district are limited to banks and financial institutions, business offices, medical clinics, and professional offices. Retail uses are not permitted in the POC district, unless the use is ancillary such as the retail sales of convenience items, newspapers, candies, lunch counters, and exercise facilities located within an office structure and designed for use of employees and their guests. This significantly limits the potential redevelopment of the Property and the permitted uses, as the site constraints would make redevelopment with such uses difficult. The GC zoning district is more appropriate for the Property as it permits general retail uses and/or facilities including but not limited to: confectionaries, pharmacies, sporting goods, wearing apparel and accessories, and food. The GC district also allows for a variety of services and facilities including beauty shops and salons, pet grooming, restaurants, dance, gymnastic, and karate facilities and a wide variety of similar uses that are needed to serve the community. Business, professional and medical offices would also be permitted should such a user be found that can develop the site as required to meet their needs. As the Property is located along the Atlantic Avenue corridor and in close proximity to many residential communities, such neighborhood serving uses would be more appropriate for the Property and consistent with the uses already existing along this primary commercial corridor within the City.

Considering the foregoing, the proposed rezoning is compatible with the underlying GC future land use designation and the surrounding character of the existing GC zoning district along W Atlantic Ave. For the reason stated above, Petitioner respectfully requests approval of the rezoning application.