



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

5200 West Atlantic Avenue

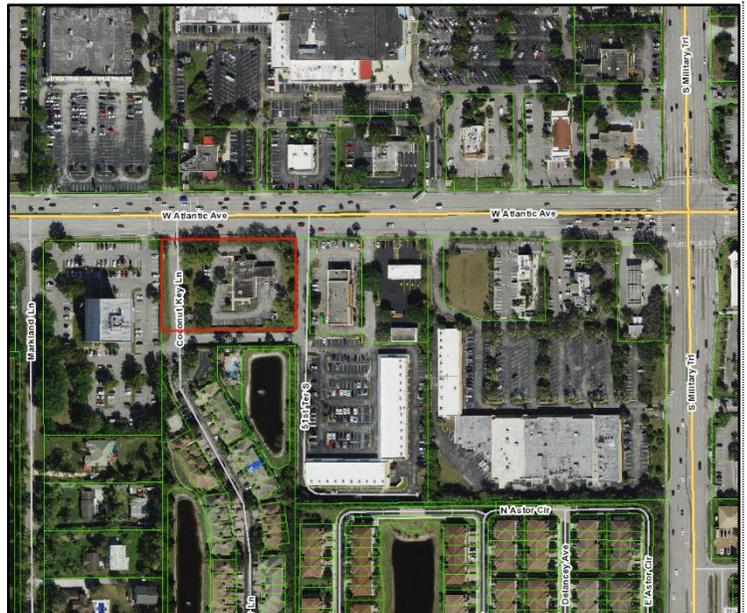
Meeting	File No.	Application Type
December 13, 2021	2021-245-REZ-CCA	Rezoning

Request

Provide a recommendation to the City Commission on a privately-initiated petition request to rezone the property located at 5200 West Atlantic Avenue from Planned Office Center (POC) to General Commercial (GC).

Background Information

The +/- 1.78 subject site is located at 5200 West Atlantic Avenue and is zoned Planned Office Center (POC) with a compatible Land Use Designation of General Commercial (GC). The site was annexed into the City from Unincorporated Palm Beach County in 1991 with several other parcels east of Military Trail (City Ordinance No. 07-91) and is currently developed with a +/- 4,479 square foot financial institution building (built in 1977). The building is currently vacant, and the property is inactive.



Description of Proposal

The applicant is requesting to rezone the property from POC to GC. The applicant states the intention is to redevelop the site for a commercial retail/ service use. The property is located adjacent to the Four Corners Overlay District, however the applicant does not desire to be added into the district. The applicant's justification statement is attached.

Review and Analysis

Findings | LDR Section 2.4.5(D), Change of Zoning District Designation

Pursuant to LDR Section 2.4.5(D)(1), 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 Board, the request 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) 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 applicant has requested the rezoning based on the last two criteria by indicating that the change in circumstance is due to the closed bank facility, and that the GC zoning district is also preferred for the GC land use designation.

The bank facility was an appropriate use for a property zoned POC, which is a zoning district intended to provide a concentration of office and support uses in a well-planned and managed environment. The uses permitted range from banks and financial institutions, business offices, medical clinics and professional offices.

The site is located on West Atlantic Avenue, which encompasses a large stretch of GC and PC zoning that includes commercial and retail uses. GC Zoning is established 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.” (Policy NDC 1.3.10). Retail uses are not permitted in the POC district unless the use is ancillary to the principal use. To provide additional commercial retail and services uses along this major corridor, a rezoning to GC would be required.

While the site is not contiguous to any existing GC zoning, it is adjacent to two parcels zoned Planned Commercial (PC) within the Four Corners Overlay District. The Four Corners Overlay District allows for all uses permitted within the GC district and therefore the proposed zoning is compatible.

Pursuant to **LDR Section 3.1.1, Required Findings**, *prior to the approval of development applications, certain findings must be made.* These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

- 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 has a Land Use Map (LUM) designation of GC, and the existing zoning district is POC. The applicant is proposing to rezone from POC to GC. Pursuant to Table NDC-1 of the adopted Comprehensive Plan, the GC zoning district is a preferred implementing zoning district with the GC LUM designation.

- 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.*

Schools. School Capacity Availability will be determined as applicable when a site plan application for development is submitted, subject to review and approval by the Site Plan Review and Appearance Board.

Water and Sewer. Water and Sewer services are currently available at the site. These will be further evaluated when a site plan application for development is submitted, subject to review and approval by the Site Plan Review and Appearance Board.

Solid Waste. Solid waste will be evaluated when a site plan application for development is submitted, subject to review and approval by the Site Plan Review and Appearance Board.

Drainage. Drainage will be evaluated when a site plan application for development is submitted, subject to review and approval by the Site Plan Review and Appearance Board.

Parks, Recreation, and Open Space. Policy OPR 3.2.3 “Require[s] new developments provide central focal points at entries and landscape buffers along the external (arterial, collector) streets that service them. [...]” This requirement will be addressed during site

plan review. Additionally, park impact fees are assessed at \$500 per dwelling unit; the fee will be calculated with the site plan review, and collected prior to issuance of the building permit, as applicable.

Traffic. A traffic statement dated December 2, 2021, was submitted with the request. In comparison to the existing and proposed zoning and the maximum traffic generating uses allowed, the traffic statement projects an increase of 43,537 daily trips, an increase of 3,597 trips during the AM peak hour, and an increase of 1,354 trips during the PM peak hour. Upon submittal of a site plan application, a traffic study will be required to analyze the proposed development. At that time, a concurrency determination will be required by Palm Beach County, and any roadway improvements necessitated by the proposed development will be identified.

- 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 following goals, objectives, and policies from the Comprehensive Plan apply to the request:

Neighborhoods, Districts, and Corridors Element

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.*

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.*

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.*

The applicant is proposing to rezone the property to GC, which is a preferred implementing zoning district for the existing GC Land Use designation. The proposed rezoning is compatible with adjacent land uses and the resulting development will be appropriate in terms of the physical considerations of the property as the property is located adjacent to the Four Corners Overlay, which has similar development standards and allows for all uses permitted within the GC zoning district. If the rezoning is approved, there will be an opportunity to provide non-residential uses, mixed use development, or stand-alone residential development on West Atlantic Avenue which is a major corridor in the city.

- D. **Compliance with 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.*

Development applications and their associated potential uses are not required nor considered as part of this rezoning request. The Board is to consider the applicable criteria for the rezoning request to determine if it is in compliance with the LDR. Any forthcoming site plan application or site plan modification application will be subject to all applicable provisions and requirements of the LDR.

Pursuant to **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 to those areas identified as "stable" and "stabilization" on the Residential Neighborhood Categorization Map. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied.*

Not applicable. The applicant is requesting to rezone from POC to GC which are both commercial zoning districts.

- (B) *Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95.*

Not applicable. The applicant is requesting to rezone from POC to GC.

(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 should be given to increasing the depth of the commercial zoning in order to provide for better project design.

The general development standards and regulations for GC zoning do not have requirements for the placement of a building and therefore could allow for strip commercial development on West Atlantic Avenue, which is an arterial street. While staff historically advises against strip development, the minimum setbacks for GC could allow for the proposal of a strip commercial development in the future.

(D) That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

The proposed GC zoning is a preferred implementing zoning district for the existing GC land use designation. The existing uses and zoning surrounding the proposed development is as follows:

	Zoning Designation	Land Use	Use
North	Planned Commercial (PC) / Four Corners Overlay	GC	Restaurant
South	Medium Density Residential, 8-Dwelling Units Per Acre (RM-8)	Medium Density 5-12 Dwelling Units Per Acre (MD)	Townhomes
East	PC/ Four Corners Overlay	GC	Auto Repair/ Retail
West	POC	GC	Office/ Financial Institution

While the site is not contiguous to any existing GC zoning, it is adjacent to two parcels zoned PC within the Four Corners Overlay District. The Four Corners Overlay District allows for all uses permitted within the GC district and therefore the proposed zoning is compatible. The ‘Special District Boundary Treatment’ requirements listed in Section 4.6.4 will ensure proper buffering for the residential district to the south.

(E) Remaining, isolated infill lots within the coastal planning area shall be developed under zoning which is identical or similar to the zoning of adjacent properties; and, the resulting development shall be of a design and intensity which is similar to the adjacent development.

Not applicable. The proposed development is not within the coastal planning area.

Section 4.4.9 – General Commercial (GC) District

The General Commercial (GC) zoning district “provides basic regulations for small parcels which are best suited for general retail and office uses. [...] The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial and collector streets. Uses may be conducted singularly or in combination within the same structure.”

The subject property is located on an arterial street and is presently developed. Standard development regulations are appropriate for the parcel, which does not have any unique characteristics that necessitate the application of non-standard regulations. Any future site plan applications will be subject to the standards in this section.

Review By Others

The subject property is not within any overlay or redevelopment area.

Board Action Options

- A. Move a recommendation of **approval** of Ordinance No. 01-22, a privately-initiated request to rezone the property located at 5200 West Atlantic Avenue from Planned Office Center (POC) to General Commercial (GC), 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** of Ordinance No. 01-22, a privately-initiated request to rezone the property located at 5200 West Atlantic Avenue from Planned Office Center (POC) to General Commercial (GC), 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. Move a **denial** Ordinance No. 01-22, a privately-initiated request to rezone the property located at 5200 West Atlantic Avenue from Planned Office Center (POC) to General Commercial (GC), 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.**

Public and Courtesy Notices

Courtesy Notices were sent to the Delray Beach Chamber of Commerce and the following Home Owners Associations:

- Coconut Key
- Gramercy Square

X Public Notice was posted at the property 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

Aerial View of 5200 West Atlantic Avenue

