



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

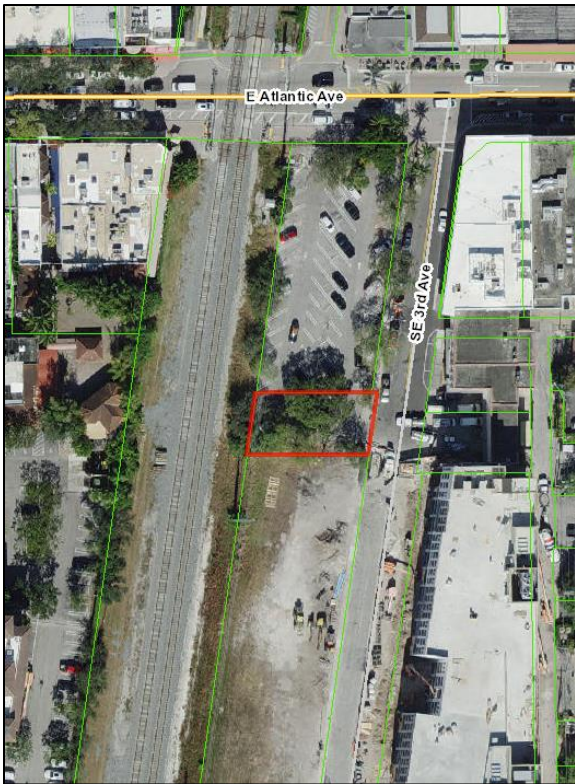
### SE 3<sup>rd</sup> Avenue - Pierre Delray Two

Meeting	File No.	Application Type
January 24, 2022	2022-033-FLM-CCA 2022-034-REZ-CCA	Land Use Map Amendment Rezoning and LDR Amendment
Applicant	Owner	Authorized Agent
Pierre Delray Two LLC	Pierre Delray Two LLC	Bonnie Miskel, Esq. Dunay, Miskel & Backman, LLP

### Request

Provide a recommendation to the City Commission on Ordinance Nos. 02-22 and 03-22, privately-initiated requests for a Land Use Map Amendment (LUMA) (Ordinance No. 02-22), and rezoning request (Ordinance No. 03-22) for the +/-0.1109 acre property located on the west side of SE 3<sup>rd</sup> Avenue between East Atlantic Avenue and SE 1<sup>st</sup> Street (PCN # 12-43-46-16-01-085-0050) with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-districts Regulating Plan, to officially include the subject property.

### Background Information



The subject property is a +/-0.1109 acre lot located on the west side of SE 3<sup>rd</sup> Avenue between East Atlantic Avenue and SE 1<sup>st</sup> Street, PCN # 12-43-46-16-01-085-0050. The subject parcel and parcel to the north are currently being used as a commercial “for pay” parking lot as approved by the City Commission in November of 2010. The parking lot is operated jointly for utilization of SunTrust Bank customers and paying patrons. The site is zoned Community Facilities (CF) with a land use designation of Community Facilities (CF) and is also located within both the Community Redevelopment Agency (CRA) and Downtown Development Agency (DDA) district boundaries.

Per the adopted 1970 Zoning Map, the property was originally zoned General Commercial District (C-2). In 1972, the zoning of the property changed from C-2 to Limited Commercial District (C-1). Between 1972 and 1976, the zoning of the property changed again from C-1 to CBD and remained CBD until 1990 when the property’s zoning changed from CBD to CF. On March 19, 2002, the City Commission adopted the Downtown Delray Beach Master Plan, which identified the possibility of accommodating a multi-modal transit station and parking area spanning the entire block inclusive of the subject site. However, on October 16, 2018, the City Commission approved the Tri-Rail Coastal Link Transit-Oriented Development Master Plan, which identified the location of the station north of East Atlantic Avenue adjacent to the Florida East Coast (FEC) railway. Therefore, the property is no longer under consideration for a multi-modal transit station. The remaining parcels on the block, aside from the subject site, have been rezoned from CF to CBD.

The property owner, Pierre Delray Two LLC, also owns the 0.43 acre property to the north, 298 East Atlantic Avenue, and plans to incorporate the subject property with 298 East Atlantic Avenue. On May 21, 2019, the City Commission approved a Land Use Map Amendment for 298 East Atlantic Avenue, amending the land use designation from CF to Commercial Core (CC). Following this approval,

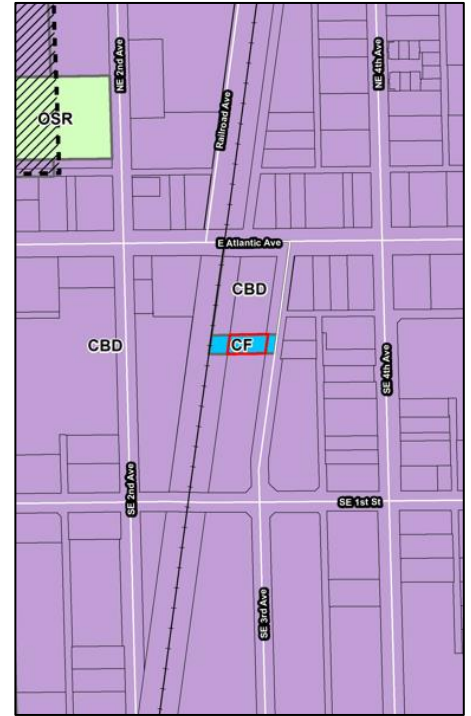
#### Project Planner:

Alexis Rosenberg, Senior Planner  
[rosenberg@mydelraybeach.com](mailto:rosenberg@mydelraybeach.com)  
 561.243.7226

#### Attachments:

- Applicant LUMA Justification Statement
- Applicant Rezoning Justification Statement
- Ordinance No. 02-22, Land Use Map Amendment
- Ordinance No. 03-22, Rezoning
- Existing and Proposed Land Use and Zoning
- Central Core Sub-district Regulating Plan

the property was rezoned from CF to Central Business District (CBD) - Central Core Sub-district. On November 19, 2020, the Site Plan Review and Appearance Board (SPRAB) approved a Class V Site Plan with associated waivers to construct a 49,282 square foot, three (3) story office/restaurant building with three arcades, an internal parking garage, and rooftop parking on 298 East Atlantic Avenue. It is noted in the project file that four parking spaces on 298 East Atlantic Avenue are reserved for 302 East Atlantic Avenue. However, the recorded parking agreement between the two properties does not disclose the number of spaces dedicated to 302 East Atlantic Avenue.



#### Surrounding Area

The other properties in the subject block are also zoned CBD and located within the Central Core Sub-district. To the north of the subject site is a “for pay” commercial parking lot at 298 East Atlantic Avenue; a mixed-use development is approved for the site. To the east of the property is a SunTrust Bank, an Urban Outfitters retail store, and second-story offices. To the south is a 0.8 acre vacant lot, and to the west is the FEC Railway. Should a site plan modification be approved to extend the approved development from 298 East Atlantic Avenue onto the subject property, the property owner will be required to replat the site and submit an application for a site plan modification.

#### Description of Proposal

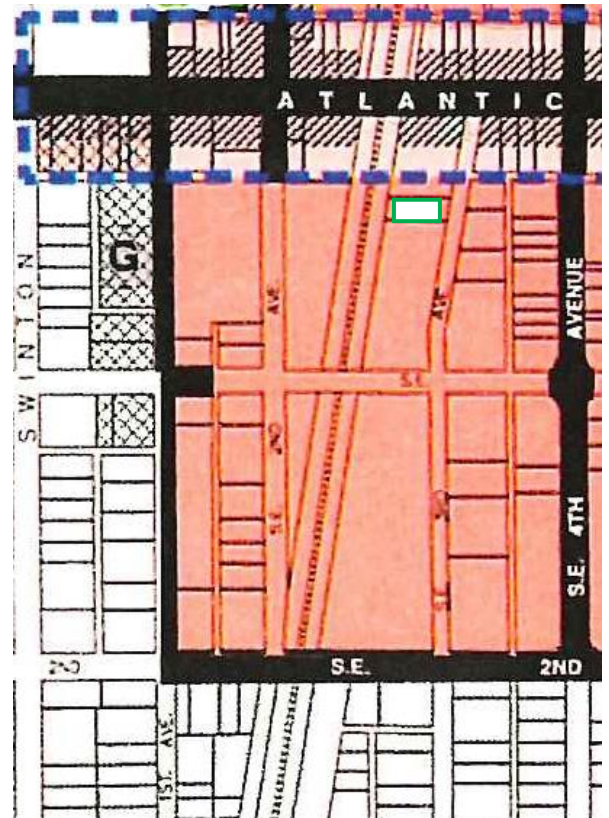
The subject request is for a small-scale Land Use Map Amendment from CF to CC, and a rezoning from CF to CBD - Central Core Sub-district. The associated LDR Amendment that is necessitated by the rezoning is to officially include the property in the CBD Central Core Sub-district Regulating Plan. The property is surrounded by CC land use and CBD zoning on all sides as shown on the zoning map above.

#### CBD Zoning and CC Land Use

The requested CC land use has a standard density of 12-30 du/acre and a revitalization incentive of 30-100 du/acre in targeted areas. It is noted that the subject property is not eligible to take advantage of the revitalization incentive as it is not located in a targeted area. Development intensity is regulated by a maximum Floor Area Ratio (FAR) of 3.0 for all properties with a CC land use designation. The CBD zoning, which is the preferred zoning district for the CC land use designation, is “*established to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area*”.

#### Central Core Sub-district

The CBD zoning district is comprised of four sub-districts; the subject property is adjacent to the southern Central Core Sub-district. Regulations in the Central Core Sub-district of the CBD “*are intended to result in development that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area evolve into a traditional, self-sufficient downtown. Residential development is permitted at a density that fosters compact, pedestrian oriented growth that will support downtown businesses.*”





## Review and Analysis

### Land Use Map Amendment

Pursuant to **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.

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.

### Neighborhoods, Districts, and Corridors Element

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The existing land use designation of CF lists CF as a preferred implementing zoning district. The CBD zoning designation is not listed as an implementing zoning district for the CF land use designation. Therefore, the applicant has requested both a LUMA and a Rezoning to meet the consistency requirement.

The table below provides a comparison of density and intensity limitations for both the CF and CC land use designations. The proposed LUMA will increase the potential building scale and the density on the parcel.

Land Use Designation	Density (Standard dwelling units/acre)	Intensity (Maximum Floor Area Ratio)
CF	---	1.0
CC	12 – 30	3.0

The NDC Policies listed below describe the intent and provide direction regarding the implementation of the existing and proposed land use designations

**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 1.1.11 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 1.1.12 Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.

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

Policy NDC 1.3.2 *Apply the mixed-use land use designation that best maintains the scale, density, intensity, and enhances the character of the surrounding neighborhood, district, or corridor.*

Policy NDC 1.3.5 *Use the Commercial Core land use designation to stimulate the vitality and economic growth of the city while simultaneously enhancing and preserving the cultural and historic downtown area.*

The property is currently developed as a commercial parking lot. The proposed CC land use and CBD zoning designation will foster economic growth by allowing a more active use in the downtown area.

Policy NDC 1.3.7 *Implement the Commercial Core land use designation using form-based code to provide for adaptive-reuse, development, and redevelopment that preserves the downtown's historic moderate scale, while promoting a balanced mix of uses that will help the area continue to evolve into a traditional, self-sufficient downtown. This designation is applied to the Community's downtown area. It includes a substantial portion of the Transportation Concurrency Exception Area described in the Future Land Use Element and graphically shown in Map 9. The Commercial Core designation accommodates a variety of uses including commercial and office development; residential land use upper story apartments; older homes renovated to accommodate office use; and uses such as "bed and breakfast" establishment; and industrial/commerce type uses.*

The existing parking lot remains in use. The applicant intends to redevelop the subject property by incorporating it into the approved mixed-use development to the north. Since the rezoning of the parcel to the north from CF to CBD, the subject site is now characterized as being "spot-zoned" as it is surrounded by CBD zoned properties to the north, south, east, and west. Because the City Commission approved the location of the Delray Beach Tri-Rail Coastal Link Transit-Oriented Development Master Plan for properties north of East Atlantic Avenue, CF zoning is no longer warranted for the subject site.

**Objective NDC 2.2, Downtown and Surrounding Neighborhoods** *Protect and enhance the "Village by the Sea" character of the downtown and neighborhoods located east of I-95.*

Policy NDC 2.2.7 *Within the Commercial Core, locate and design off-street parking areas in a manner that does not detract from the character by providing standards in the Land Development Regulations, such as locating parking to the side or rear of buildings, limiting size of lots, and landscaping and façade requirements. Large fields of parking between building facades and streets are generally not desirable.*

**Objective NDC 3.4, 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:*

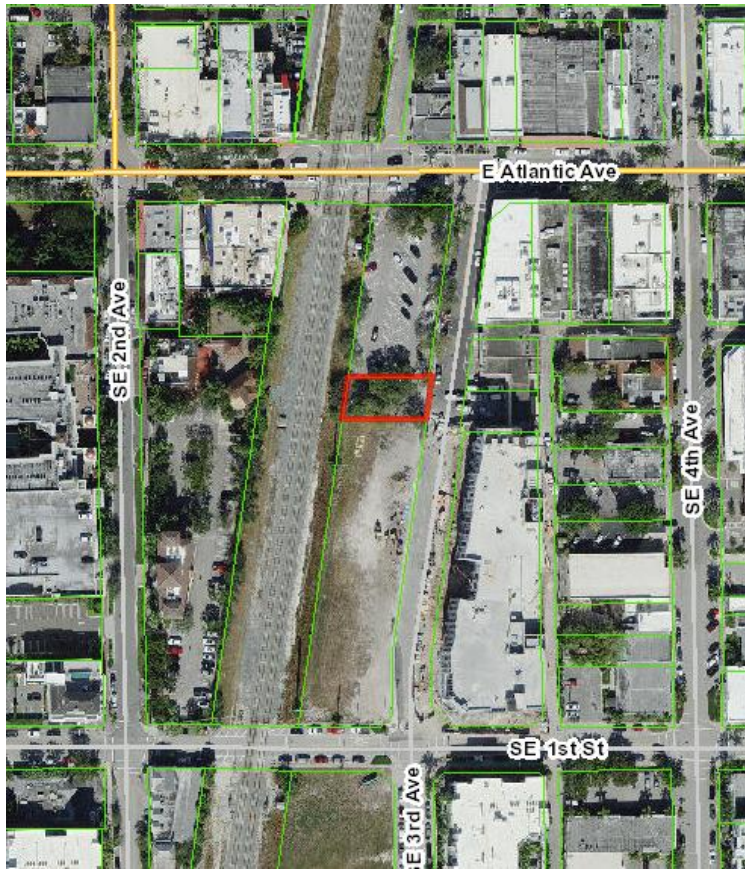
- *That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,*
- *That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,*
- *That 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.*

Policy NDC 3.4.2 *Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).*

Consistency with these policies is to be considered as part of this request, per Policy NDC 3.4.1. The applicant's narrative provides a review of Policy NDC 3.4.1 (see attachment).

In consideration of the required findings for Policy NDC 3.4.1, the Board must determine if the requested land use designation is consistent with those applicable goals, objectives, and policies of the Comprehensive Plan that are analyzed throughout the report. A review of concurrency is provided further in this report and the chart below provides an overview of the adjacent properties. A determination regarding compatibility with the land use designations of the surrounding area is required.

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Parking Lot (approved for a mixed-use development)	CC	CBD
South	Vacant	CC	CBD
East	Retail, Office and Financial Institution (SunTrust Bank)	CC	CBD
West	FEC Railway / Office / Restaurant	CC	CBD



**(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.** The applicant has provided a signed School Capacity Availability Determination (SCAD) letter from the School District of Palm Beach County. The District has determined that the proposed land use map amendment and rezoning request will not have a negative impact on the school system. Any new development proposal will require final SCAD review, and any negative impact on the public school system will result in a required contribution to the School District of Palm Beach County to offset the impact prior to issuance of the building permit.

**Water and Sewer.** Based on the City's 2022 Portable Water and Sewer Maps, the City has an eight inch gravity sewer main and an eight inch PVC watermain on SE 3<sup>rd</sup> Avenue, which are

available for extension to connect to the site.

Pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out. The Comprehensive Plan also states that adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current LUM designation. The designation change to CC will not significantly increase the demand on these services given the size of the parcel.

**Solid Waste.** The subject property is currently improved as part of a larger parking lot together with the parcel to the north. While parking lot uses are not determined to produce a significant amount of waste, solid waste generation calculations are limited to parking structures at a rate of 0.3 pounds of solid waste per square foot per year. Once the property is redeveloped, whether together with the parcel to the north or not, the calculation will consider all uses proposed in the development, which will likely be a significant increase. For example, an office use is calculated to produce 5.4 tons of solid waste per square foot per year. Once a site plan application is submitted for the



redevelopment of the site, a complete review will be conducted. At this time, 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.** Within this area of the city, drainage is usually accommodated on-site via exfiltration trench systems or swale retention areas. While no problems are anticipated with obtaining South Florida Water Management District permits, technical comments and issues pertaining to the drainage will be addressed during the and site plan process. Any new site plan applications will be required to include a signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3(D)(8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into the City's sewer system.

**Parks and Open Space.** If the CBD zoning is approved, the provision of a Civic Open Space will be required pursuant to the requirements of the LDR. If the property is redeveloped under the current zoning, a minimum of 25% non-vehicular open space will be required. If residential units are included in the redevelopment, park impact fees will be assessed at \$500 per dwelling unit and collected prior to issuance of the building permit.

**Traffic.** The submitted traffic analysis, dated December 6, 2021 and December 9, 2021, considers both the maximum land use impact potential and the anticipated impact from the intended development. The chart below reflects both scenarios.

	Daily Traffic Generation	AM Peak Hour	PM Peak Hour
<b>Existing Land Use (1.0 FAR)</b>	179 trips per day	29 pht* (15 In, 14 Out)	30 pht (14 In, 16 Out)
<b>Proposed Land Use - Maximum Potential (3.0 FAR)</b>	813 trips per day	6 pht (4 In, 2 Out)	69 pht (33 In, 36 Out)
* Peak hour traffic			

Based on the information above, changing to the proposed CC LUM would potentially increase the total number of daily trips to and from the subject property by 634 trips. It is noted that the subject property is in the adopted Transportation Concurrency Exception Area (TCEA); and while exempt from traffic concurrency requirements, the applicant has submitted a request for a Traffic Performance Standards (TPS) letter from the Palm Beach County Traffic Division to be included in the forthcoming site plan application.

**(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.

As previously noted, the subject property is surrounded by CC land use and CBD zoning to the north, south, east, and west. The surrounding uses are comprised of commercial and office uses that are in line with the intent of the CC land use designation. Therefore, changing the land use designation from CF to CC would establish a consistent zoned bock along East Atlantic Avenue, and the potential uses would be compatible with the existing uses surrounding the subject site.

**(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 site plan application for the parcel's redevelopment will be subject to all applicable provisions and requirements of the Land Development Regulations, particularly those applicable to the Central Core Sub-district.

## Rezoning

Pursuant to **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 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), Change of zoning district designation: Required Information**, requires that “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 applicant's justification statement states that the request is most applicable to the second and third criterion (above). Central Business District is the preferred zoning district for CC land use, which is established to “to preserve and protect the cultural and historic aspects of downtown Delray Beach and simultaneously provide for the stimulation and enhancement of the vitality and economic growth of this special area”. If approved, the requested land use map amendment and rezoning would change the property from compatible land use and zoning (CF and CF) to compatible land use and zoning (CC and CBD).

An important consideration is whether the development intensity and density of the CBD to the north, south, east, and west renders the current CF zoning inappropriate for the property and less likely to be redeveloped with a viable use, making CBD a more appropriate zoning district. CF zoning does not permit residential uses and has a maximum FAR of 1.0. Changing the zoning of the property from CF to CBD would increase the allowable density from 0 du/acre to 30 du/acre (three units) and increase the maximum FAR by 2.0 (9,661.6 square feet) from 1.0 to 3.0.

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. 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.*

While the proposed CBD zoning is more intense than the existing CF zoning, because CF is not a residential district, this standard does not apply.

- (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 property is located east of I-95, and neither the existing CF zoning nor the requested CBD zoning allows auto dealerships.

- (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.*

The request is to rezone the subject property to CBD along a local road (non-arterial); the CBD is a mixed-use zoning district and award-winning Form-based Code that does not allow strip commercial development where mixed-use developments are supported.

- (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.*

The CC designation is implemented by the CBD zoning designations, which uses form-based code techniques and sub-district standards that strive to customize a downtown development pattern that is consistent with the area. The subject property is surrounded by CC land use designations, CBD zoning districts, and a variety of commercial and office uses (see chart provided under Land Use Map Amendment review). The allowed uses and use types, which

include commercial, office, and residential uses, will significantly change in contrast to those allowed by the CF zoning district, as the CF district is a special purpose district primarily intended for public, semi-public, and private facilities (e.g. religious, governmental, educations, health care, and social service institutions). While the FAR resulting from the new land use designation will allow a more intense development than possible under the CF land use designation, more appropriate uses and development types will result in the downtown and allow for a more cohesive streetscape and development pattern along SE 3<sup>rd</sup> Avenue. A comparison of the Development Standards in the existing and proposed zoning, which includes standards to provide additional mitigation from impact on adjacent properties, is provided below.

	Density	Setbacks	Building Height	Lot Coverage	Open Space
<b>CBD</b>  <b>Central Core Sub-district</b>  <b>(Proposed)</b>	<u>Standard</u> - 12-30 du / ac  <u>Sub-district</u> – 30 du / ac  Revitalization Incentive – 30-100 du / ac*  *This property is not located within a Sub-district that offers a revitalization incentive	<u>Front</u> – 10 feet min/15 feet max <u>Front, above 3<sup>rd</sup> floor</u> – 20 feet <u>Side</u> – 0 feet or 5 feet min <u>Side, abutting a res. district, 1<sup>st</sup> to 3<sup>rd</sup> floor</u> – 10 feet <u>Side, abutting a res. district, above 3<sup>rd</sup> floor</u> – 30 feet <u>Rear</u> – 10 feet minimum	4 stories and 54 feet	NA	Civic Open Space:  Sites < 20,000 SF – 0%
<b>CF</b>  <b>(Existing)</b>	<u>Standard</u> – 0 du / ac	N/A	48 feet	N/A	25%, non-vehicular

The proposed land use map amendment and rezoning present a greater impact on the surrounding properties than the existing land use and zoning. Each zoning district provides measures to mitigate the impact of development on adjacent properties:

#### CF Zoning

- CF zoned properties adjacent to residential zoning shall provide a 15-foot perimeter landscape area or provide a perimeter wall, decorative fence, or hedge.
- CF zoned properties shall have fully landscaped perimeter setback areas with no paving except for driveways or walkways leading to structures on the premises.

#### CBD Zoning

- CBD zoning requires increased setbacks above the third story.
- CBD zoning requires the provision of civic open space.
- Central Core Sub-district of the CBD has a maximum height is 54 feet and four stories.

If deemed to be necessary given the surrounding CBD zoning, the Board should consider whether the regulations in the proposed CBD zoning provide sufficient rules to mitigate any potential negative impact of the increased density, intensity and height afforded to the site by the rezoning.

*(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.

#### **LDR Amendment**



As part of the rezoning, the City must amend the Central Core Sub-district Regulating Plan in Figure 4.4.13-B-1 in LDR Section 4.4.13, Central Business (CBD) District to officially include the subject property. The adoption ordinance includes this amendment.

#### Considerations

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

##### Land Use Amendment: CF to CC

- Whether the requested land use designation is consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.
- Whether the request supports the redevelopment of a surface parking lot into a resulting development that better enhances the character of the CC land use district as encouraged by Policy NDC 2.2.7.

##### Rezoning: CF to CBD

- Whether the proposed CBD zoning provides sufficient regulations to mitigate any negative impact of the increased density, intensity and height afforded to the site by the rezoning.
- Whether there has been a change in circumstances on the site or within the neighborhood that renders the CF zoning inappropriate.

#### Review By Others

The subject property is located within the **Delray Beach Community Redevelopment Agency (CRA)** area, Sub-Area 2 (NE 3<sup>rd</sup> Street/ NE 3<sup>rd</sup> Avenue Alley Improvement Area). The CRA was notified of the request.

The subject property is located within the **Delray Beach Downtown Development Authority (DDA)** area. The DDA considered the request at its meeting on December 13, 2021, and a recommendation of approval, 5-0, was provided. See attached letter.

On December 9, 2021, notice of the LUMA was provided to the Interlocal Plan Amendment Review Committee (IPARC), which distributes the information to adjacent municipalities. No opposition has been noted.

The first and second reading dates by the City Commission are anticipated to take place in March and April, 2022.

#### Alternative Actions

##### Land Use Map Amendment

- Move a recommendation of **approval** to the City Commission of Ordinance No. 02-22, a privately-initiated request to amend the land use map from Community Facilities (CF) to Commercial Core (CC) for the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050), 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.
- Move a recommendation of **approval as amended** to the City Commission of Ordinance No. 02-22, a privately-initiated request to amend the land use map from Community Facilities (CF) to Commercial Core (CC) for the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050), 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.
- Move a recommendation of **denial** of Ordinance No. 02-22, a privately-initiated request to amend the land use map from Community Facilities (CF) to Commercial Core (CC) for the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050), 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.
- Continue With Direction.**

##### Rezoning

- Move a recommendation of **approval** of Ordinance No. 03-22, a privately-initiated request to rezone the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050) from Community Facilities (CF) to Central Business District (CBD), within the Central Core Sub-district, 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.
- Move a recommendation of **approval as amended** of Ordinance No. 03-22, a privately-initiated request to rezone the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050) from Community Facilities (CF) to Central Business District (CBD),

within the Central Core Sub-district, 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 to **deny** Ordinance No. 03-22, a privately-initiated request to rezone the property located at SE 3<sup>rd</sup> Avenue (PCN # 12-43-46-16-01-085-0050) from Community Facilities (CF) to Central Business District (CBD), within the Central Core Sub-district, 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**

X Courtesy Notices were sent to the following:

- Chamber of Commerce

X Public Notice was posted at the property on Friday, January 14, 2022, at least 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius on Thursday, January 13, 2022, at least 10 days prior to the meeting.

X Public Notice was published in the Sun Sentinel on Friday, January 14, 2022, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, January 14, 2022, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Thursday, January 13, 2022, 10 calendar days prior to the meeting.

X Agenda was posted on Friday, January 14, 2022, at least 5 working days prior to meeting.