



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

716 North Lake Avenue Land Use Map Amendment

| Meeting | File No. | Application Type |
|----------------------|-------------------|------------------------|
| April 18, 2022 | 2022-120-LUM | Land Use Map Amendment |
| Applicant | Property Owner(s) | Authorized Agent |
| City of Delray Beach | BW 007 PAD LLC | N/A |

Request

Provide a recommendation to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment (LUMA) for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error.

Background Information

City staff recently identified a data conversion error on the adopted Land Use Map for the property located at 716 North Lake Avenue. Located to the east of the intersection of North Lake Avenue and North Federal Highway (see map at right), the single parcel totaling 0.18 acres is currently designated on the adopted Land Use Map as Medium Density Residential (MD). However, this designation is the result of a data conversion error; the correct designation is General Commercial (GC).

The subject parcel has had a commercial land use designation since the Comprehensive Plan was first drafted in 1961. The June 2016 LUMA was the last map adopted with the correct designation of GC (see maps below). The 2017 land use map changed the land use designation of the property from GC to MD. However, between June 2016, when the adopted LUMA is confirmed to have the correct designation of GC, and the present, no LUMAs have been proposed or adopted for the subject area.



The implementing zoning district for this parcel is General Commercial (GC), and has been applicable since the adoption of the 1961 Comprehensive Plan. It is important to note that the conversion of the zoning map from AutoCAD to GIS maintained the appropriate zoning district designation for the parcels.

City staff consulted with the State of Florida Department of Economic Opportunity (DEO), the state regulating agency for comprehensive planning, regarding a previously discovered error on the land use map related to the AutoCAD / GIS conversion. The Staff at the DEO determined that an official update to the Land Use Map is the most appropriate course of action to correct the data conversion error given that the map was officially readopted in 2020 with the Always Delray Comprehensive Plan. The proposed LUMA will correct the adopted error and this parcel will revert to the correct designation as GC pursuant to previous direction from DEO.

Project Planner:

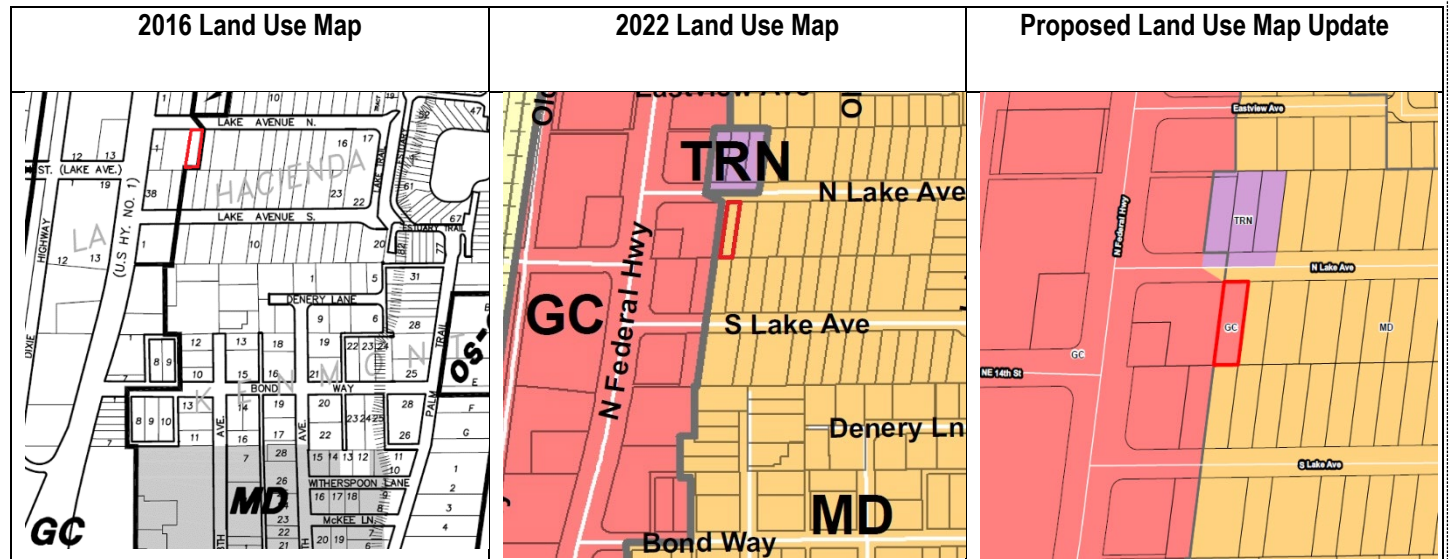
Andrew Allen, Planner; Rebekah Dasari, Senior Planner
allena@mydelraybeach.com
561.243.7000, Ext. 7065

Attachments:

- Ordinance No. 14-22
- Proposed Land Use Map Amendment

Description of Proposal

The subject request is to correct the data conversion error designating the subject property as MD and return the land use designation to the GC land use that was previously applicable. The 2016 land use map, which reflects the correct designation, the current land use map with the incorrect designation, and the proposed map to correct the error are provided below.



Review and Analysis

Pursuant to **Land Development Regulations (LDR) Section 2.4.5(A), Procedures for obtaining development proposals, amendments to the Comprehensive Plan shall be processed pursuant to Section 163.3184 through 163.3253, Florida Statutes, as may be amended.** Pursuant to direction provided by the Department of Economic Opportunity relative to another identified data conversion error related to the transition from AutoCAD to GIS mapping, the proposed amendment is being processed as an amendment to the City of Delray Beach Comprehensive Plan pursuant to Florida Statutes 163.3187, which provides the process for the adoption of a Small-Scale Comprehensive Plan Amendments.

Findings

Pursuant to **LDR Section 3.1.1, Required Findings**, findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Land Use Map, Concurrency, Comprehensive Plan 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 Land Use Map presently identifies the Land Use Designation as MD for the subject property. The correct land use is GC, which is proposed. The GC designation was previously approved by the governing body, whereas MD was an unintentional amendment and was not analyzed by City staff or approved by the governing body. The requested designation is compatible with existing and future land uses of the adjacent properties that front onto North Federal Highway. The land use designation in the proposed amendment was previously determined to be compatible with the surrounding area. Additionally and perhaps most importantly, per Table NDC-1, the existing GC zoning is not consistent with MD land use.

(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.

To make a positive finding of concurrency, it must be established that development at the highest intensity possible under the requested designation can meet the adopted concurrency standards. The requested land use map amendment is not associated with any development proposal, and the requested GC land use was previously determined to have sufficient level of service.

(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.*

A finding of Consistency requires that the requested designation is consistent with Goals, Objectives, and Policies of the Comprehensive Plan. The applicable Objectives and Policies are provided below.

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

Policy NDC 1.3.9 *Allow a maximum floor area ratio of 3.0 and a maximum standard density of 12 dwelling units per acre with a revitalization/incentive density of 12-30 dwelling units per acre in the General Commercial land use designation to accommodate general commercial uses such as retail, office, commercial services, and mixed-use developments with limited residential development opportunities*

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.*

Policy NDC 1.3.11 *Accommodate light industrial type uses where they have historically existed on properties that are located in the North Federal Highway Overlay District with a General Commercial land use designation.*

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 unintentional adoption of the current MD Land Use designation was not supported by data and analysis. The subject property was never intended to have the MD land use designation applied. The proposed amendment reverts to the GC land use designation that was previously adopted by the City, as supported by data and analysis, and policy, in seven decades of adopted comprehensive plans. This preserves the goal of Policy 1.3.10 listed above, as the property is located within a proximity to a major corridor within the city (North Federal Highway).

While the subject property abuts residential land use and zoning, the potential development intensity is greater with the GC land use, which has been significantly impacted by the data conversion error. In addition, the Comprehensive Plan limits the implementation of the land use designations by specify the preferred and compatible zoning districts for each land use designation. The GC zoning district is not an implementing zoning district for the MD land use and maintaining the MD land use designation will retain an inconsistency with the Comprehensive Plan.

(D) Compliance With the LDR Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.

No development proposals are associated with this request, which is limited to correcting a data conversion error on the land use map. Any future development proposals would be subject to all applicable provisions and requirements for the GC land use designation and the implementing GC zoning district.

Review By Others

The **City Commission** is anticipated to review the proposed Land Use Map Amendments at May 2022 (First Reading) and June 2022 (Second Reading) meetings.

Alternative Actions

- A. Recommend **approval** to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error, by finding that the amendment as amended, and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the City Commission on Ordinance No. 14-22, a City-initiated Land Use Map Amendment for the property located at 716 North Lake Avenue from Medium Density Residential (MD) to General Commercial (GC) to correct a data conversion error, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

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| <u>X</u> Courtesy Notices are not applicable to this request. | <u>X</u> Public Notice was posted at the property 7 calendar days prior to the meeting. <u>X</u> Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting. <u>X</u> Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting. <u>X</u> Public Notice was posted to the City's website 10 calendar days prior to the meeting. <u>X</u> Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting. <u>X</u> Agenda was posted at least 5 working days prior to meeting. |
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