



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Lake Ida Road Land Use Map Amendment

Meeting	File No.	Application Type
April 18, 2022	2022-121-LUM	Land Use Map Amendment
Applicant	Property Owner(s)	Authorized Agent
City of Delray Beach	See Ordinance No. 13-22, Exhibit A	N/A

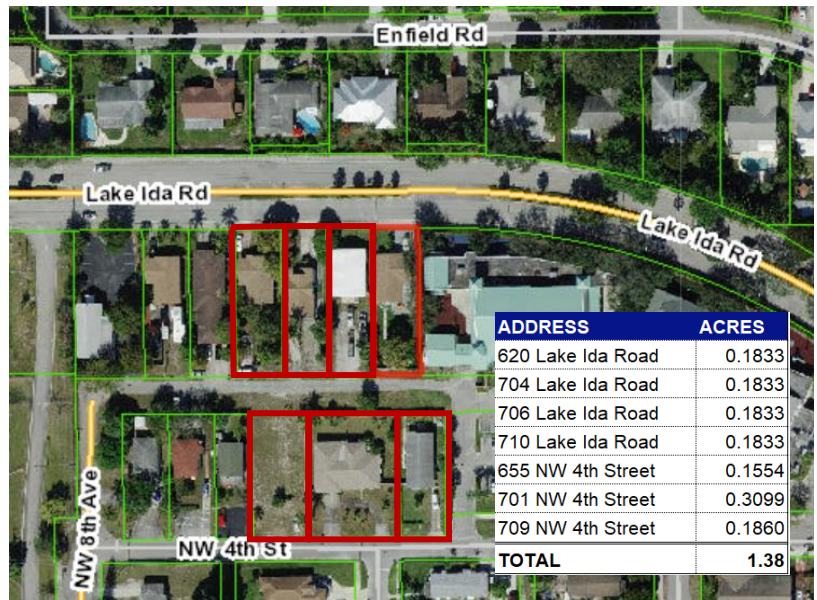
#### Request

Provide a recommendation to the City Commission on Ordinance No. 13-22, a City-initiated Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) land use to correct a data conversion error on seven parcels totaling 1.38 acres currently addressed as 620, 704, 706, and 710 Lake Ida Road, and 655, 701, and 709 NW 4<sup>th</sup> Street.

#### Background Information

City staff recently identified a data conversion error on the adopted Land Use Map for seven properties totaling 1.38 acres, located south of Lake Ida Road, north of NW 4<sup>th</sup> Street, east of NW 8<sup>th</sup> Avenue, and west of NW 6<sup>th</sup> Avenue (see map at right). The properties are currently designated on the adopted Land Use Map as Community Facilities (CF). However, this designation is the result of a scrivener's error; the correct designation is Low Density (LD).

The subject parcels have had a low density, single family residential land use designation since the Comprehensive Plan was first drafted in 1961. The June 2016 Land Use Map was the last map adopted with the correct designation of LD (see maps below). In 2017, the City switched from utilizing AutoCAD to using Geographic Information Systems (GIS) for its mapping software; the conversion resulted in several confirmed errors throughout the city that are now being identified. As a result, the land use designation of the subject



properties was changed on the Land Use Map from LD to CF. Between June 2016, when the adopted LUMA is confirmed to have the correct designation of LD, and the present, no amendments have been proposed or adopted for any of the subject properties. In August 2000, a LUMA from LD to CF-P (Community Facilities – Public Buildings) and rezoning from R-1-A to CF was approved for several parcels to the east of the subject property associated with the construction of a new building and associated parking area for the Achievement Center for Children and Families. It is important to note that the subject properties were not included in the request.

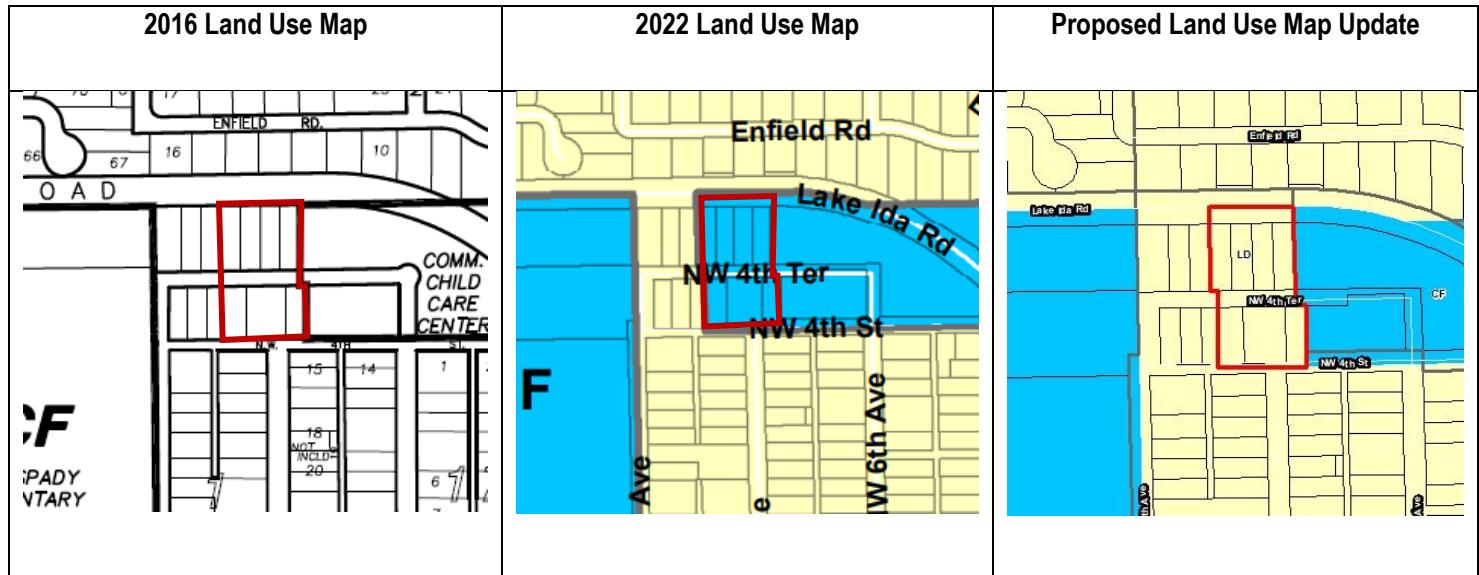
The implementing zoning district for these seven parcels is Single Family R-1-A, and has been since the adoption of the 1961 Comprehensive Plan. It is important to note that the conversion of the zoning map from AutoCAD to GIS maintained the appropriate zoning district designation for the parcels.

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 these seven parcels will revert to the correct designation as LD pursuant to previous direction from DEO.

### Description of Proposal

The subject request is to correct the data conversion error designating the seven properties as CF and return the land use designations to LD land use. The 2016 land use map, which reflects the correct designation, and the current land use map with the incorrect designation, 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 LDR.

- (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 Community Facilities (CF) for the subject properties. The correct land use is Low Density (LD), which is proposed. The LD designation was previously approved by the governing body, whereas CF was an unintentional amendment and was not analyzed by City staff or approved by the governing body. The requested designation will be compatible with existing and future land uses of the surrounding area. The land use designations in the proposed amendment were previously determined to be compatible with the surrounding area. Additionally, per Table NDC-1, the existing R-1-A zoning is not consistent with CF 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 LD land use has 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 1.2.3 *Allow the Low Density Residential land use designation on land that is or will be developed for detached, single family residential housing or for residential uses within a mix of housing types under a planned residential zoning district.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

Policy NDC 1.6.2 *Use the Community Facility land use designation for current and future school sites, public buildings, public facilities, and buildings that serve the community and are not commercial in nature, such as places of worship.*

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 CF Land Use designation was not supported by data and analysis. The subject properties were never intended to have the CF land use designation applied, inasmuch as the properties are historically residential in character. The proposed amendment reverts to the LD 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.

**(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. Any future development proposals would be subject to all applicable provisions and requirements for the LD land use designation and the implementing R-1-A zoning district.

#### Review By Others

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

#### Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 13-22, amending the Land Use Map for the seven parcels measuring 1.38 acres, listed in Exhibit A, which are located south of Lake Ida Road, north of NW 4<sup>th</sup> Street, east of NW 8<sup>th</sup> Avenue, and west of NW 6<sup>th</sup> Avenue, from Community Facilities (CF) to Low Density (LD), 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 of Ordinance No. 13-22, **as amended**, amending the Land Use Map for the seven parcels measuring 1.38 acres listed in Exhibit A, which are located south of Lake Ida Road, north of NW 4<sup>th</sup> Street, east of NW 8<sup>th</sup> Avenue, and west of NW 6<sup>th</sup> Avenue, from Community Facilities (CF) to Low Density (LD), amending the Land Use Map for the 61 parcels listed in Exhibit A, which are located at the southeast corner of the intersection of SE 10<sup>th</sup> Avenue and Old Dixie Highway, from Low Density (LD) to General Commercial (GC), Medium Density (MD), and Transitional (TRN) land use, 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 of Ordinance No. 13-22, amending the Land Use Map for the seven parcels measuring 1.38 acres, listed in Exhibit A, which are located south of Lake Ida Road, north of NW 4<sup>th</sup> Street, east of NW 8<sup>th</sup> Avenue, and west of NW 6<sup>th</sup> Avenue, from Community Facilities (CF) to Low Density (LD), 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

X Courtesy Notices are not applicable to this request.

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.

X Public Notice was published in the Sun Sentinel 10 calendar 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.

X Agenda was posted at least 5 working days prior to meeting.