



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING STAFF REPORT

### Ordinance No. 15-22, Waterford Place / Delint DRI SAD Corrective Land Use Map Amendment

Meeting	File No.	Application Type
August 15, 2022	2022-122-LUM	Land Use Map Amendment
Applicant	Property Owner(s)	Authorized Agent
City of Delray Beach	Delint, Inc.	N/A

#### Request

Provide a recommendation to the City Commission on a City-initiated Land Use Map Amendment (LUMA) from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22.

#### Background Information



As part of a broader effort to identify map errors related to the conversion of City map data from AutoCAD to Geographic Information (GIS) mapping systems in 2017, City staff identified a scrivener's error on the adopted Land Use Map for a 4.58± acre parcel (PID 12434629410000020) located east of Interstate 95 and south of West Linton Boulevard (see map at left) within the Waterford Place SAD. The subject property is currently designated as TRN on the Land Use Map (map below). However, this designation is the result of a scrivener's error; the correct designation is GC.

The GC land use designation was applied to the property on December 14, 2010 with the adoption of Ordinance No. 17-10, as a privately initiated amendment. In 2017, the land use designation was changed to TRN on the official land use map. However, no land use map amendments were proposed or adopted for the subject area since the GC designation was adopted with Ordinance No. 17-10. The June 2016 LUMA was the last map adopted with the correct designation of GC (map below). After extensive research on the property, staff has determined that the application of TRN land use is the result of a data conversion error related to the transfer of map data from AutoCAD to Geographic Information Systems (GIS) in 2017.

City staff previously consulted with the Department of Economic Opportunity (DEO), the state regulating agency for comprehensive planning, regarding another land use map error related to the AutoCAD / GIS conversion, and determined that an official update to the Land Use Map is the most appropriate course of action to correct the data conversion error. The proposed LUMA will correct the adopted error and the subject parcel will revert to the correct designation of GC, pursuant to the previous direction from DEO.

NOTE: This item was previously published on the July 18, 2022 agenda, and pulled for public hearing at a later date due to an advertising error.

#### Project Planner:

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561.243.7040, Ext. 7044

#### Attachments:

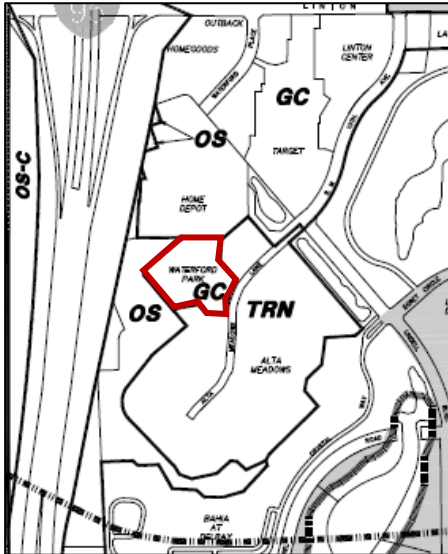
- Ordinance No. 15-22
- Proposed Land Use Map Amendment

## Description of Proposal

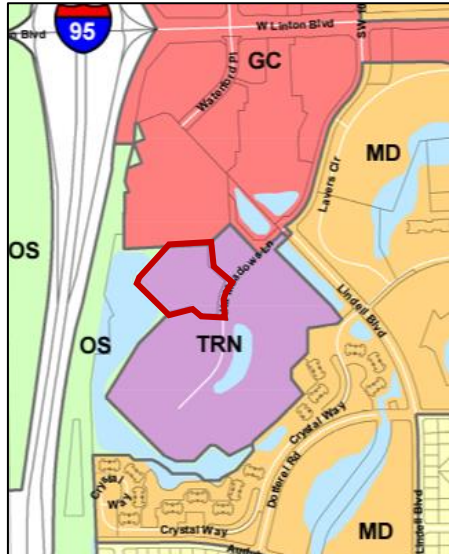
The subject request is to correct the data conversion error designating the subject property as TRN and to return the land use designation to the GC land use that was adopted in 2010 with Ordinance No. 17-10.

The 2016 land use map, which reflects the correct; the current land use map with the incorrect designation; and the proposed land use map, are provided below.

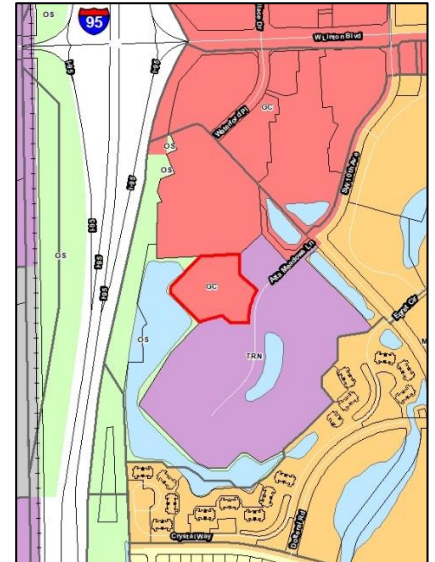
2016 Land Use Map



Current Land Use Map



Proposed Land Use Map



## Review and Analysis

Pursuant to LDR Section 2.4.5(A), 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 DEO relative to another data conversion error identified associated with 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.

### Land Use Map

The current Land Use Designation is Transitional (TRN), and the proposed land use is General Commercial (GC). The GC designation was previously approved by the governing body, whereas TRN was an unintentional amendment and was not analyzed by City staff or approved by the governing body.

### Consistency

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.

**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 1.3.13 Allow a wide range of residential and low intensity nonresidential uses for properties with a Transitional land use designation to address varied community needs, unique development patterns, and/or distinctive uses.

Policy NDC 1.3.14 Use the Transitional land use designation for properties located between two or more land use designations that allow different building scale, heights, uses, or levels of intensity to create development patterns that balance the changes in intensity relative to the specific, unique surrounding conditions.

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 TRN Land Use designation was not supported by data and analysis. Although the basic intent for either TRN or GC land use, as outlined in the policies above, could apply to the property, the GC designation was applied with the adoption data and analysis in Ordinance No. 17-10. The proposed amendment reverts the subject property to the GC land use designation that was previously adopted by the City, as supported by data and analysis.

### **Concurrency**

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 has previously determined to have sufficient level of service.

### **Compatibility**

The requested designation is compatible with existing uses and land use map designation of the surrounding area. The proposed land use designation was previously determined to be compatible with the surrounding area.

### **Compliance with the LDR**

No development proposals are associated with this request. Any future development proposals would be subject to the implementing Waterford Place / Delint SAD zoning, which was adopted in 1984 by Ordinance No. 79-84, and amended by Ordinance Nos. 96-87, 68-89, 64-92, 11-96, and 45-01. The subject property is also subject to the regulations for the Waterford Overlay District (adopted by Ordinance No. 22-12), which limits non-residential development intensity in non-residential or mixed-use developments to a maximum Floor Area Ratio (FAR) of 1.32, and residential density in free-standing residential development and mixed-use developments to 12 units per acre. The subject property was also governed by an approved Development of Regional Impact (DRI) for a 250-room hotel and 811,736 gross square feet of office, but the project was abandoned and therefore neither the DRI regulations nor City of Delray Beach Resolution No. 49-85 (recognizing the development order associated with the DRI) currently apply.

### **Review By Others**

The City Commission is anticipated to review the proposed Land Use Map Amendments at two meetings in September 2022.

### Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 15-22, amending the Land Use Map from Transitional (TRN) to General Commercial (GC) in correction of a data conversion error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22, 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 **denial** to the City Commission of Ordinance No. 15-22, amending the Land Use Map from Transitional (TRN) to General Commercial (GC) in correction of a scrivener's error for a 4.58± acre parcel located within the Waterford Place / Delint DRI Special Activities District (SAD) and fully described in Ordinance No. 15-22, 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.
- C. Move to continue.

### Public and Courtesy Notices

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