



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING STAFF REPORT

Ordinance No. 37-22, The Hamlet Corrective Land Use Map Amendment

Meeting	File No.	Application Type
September 12, 2022	2022-217-LUM	Land Use Map Amendment
Applicant	Property Owner(s)	Authorized Agent
City of Delray Beach	Various (See Ordinance)	N/A

Request

Provide a recommendation to the City Commission on a City-initiated Land Use Map Amendment (LUMA) from Open Space (OS) to Low Density (LD) and Medium Density (MD) in correction of a data conversion error for 16 parcels totaling 22.42+/- acres located on Greensward Lane within The Hamlet and fully described in Ordinance No. 37-22.

Background Information

The Hamlet is a collective of five neighborhoods located north of Lawson Boulevard, south of West Atlantic Avenue, west of Homewood Boulevard, and east of South Military Trail. The development is comprised of 313 single residences, 136 condominium units, and a 146-acre golf course, which opened in 1973. The multi-family subject properties were developed in 1979, and the single-family homes were constructed in the early 1980s. The subject properties for this request are within the neighborhoods known as Greensward Village and The Enclaves.

As part of a broader effort to identify mapping errors related to the conversion of City map data from AutoCAD to Geographic Information Systems (GIS) in 2017, City staff identified a data conversion error on the adopted Land Use Map for 15 parcels totaling 21.94+/- acres located within the ___-acre development. The subject properties are currently designated as Open Space (OS) on the current Land Use Map (map below). However, this designation is the result of the data conversion, not a LUMA. The correct designation for these properties are Low Density (LD) and Medium Density (MD) residential.

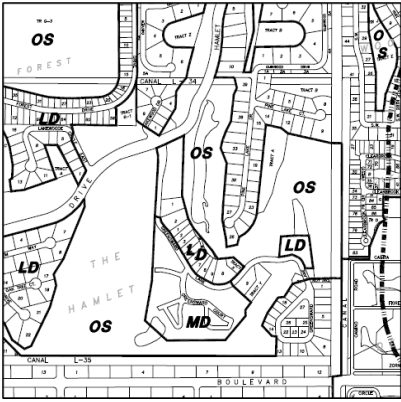




The subject parcels have had Low Density (LD) and Medium Density (MD) land use designations dating back to 1989. According to the 1979 Land Use Plan, prior to 1989 the subject parcels had designations of Single Family (SF) and Multifamily (MF-6). Both of which are similar to the current designations of Low Density (LD) and Medium Density (MD) in intent and purpose. After extensive research on the property, staff has determined that the application of the current OS land use designation is the result of a data conversion error related to the transfer of map data from AutoCAD to Geographic Information Systems (GIS) in 2017. The June 2016 Land Use Map was the last map adopted with the correct designations of LD and MD (see maps below). The 2017 land use map changed the land use designation of the property from OS to LD and MD. However, between June 2016, when the adopted Land Use Map is confirmed to have the correct designation of LD and MD, and the present, no LUMAs have been proposed or adopted for the subject properties.

The subject parcel is zoned Multiple Family Residential - Low Density (RL), which is deemed a “compatible implementing zoning district” for the MD land use designation and “preferred implementing zoning district” for the LD land use designation. 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 previously consulted with the Department of Economic Opportunity (DEO), the State land planning agency, 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 parcels will revert to the correct designation of LD and MD, pursuant to previous direction from DEO.

Description of Proposal

The subject request is to correct the data conversion error designating the subject properties as OS and return the land use designation to the LD and MD land uses that were previously applicable. The site is currently comprised of 145 multifamily condominiums to the north and south, with 13 single family residential homes fronting Greensward Lane in-between. 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.

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.

(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 current Land Use Designation is Open Space (OS) and the proposed land use is Low Density (LD) and Medium Density (MD). These LD and MD land use designations were previously approved by the governing body, whereas the OS designation was an unintentional amendment and was not analyzed by City staff or approved by the governing body. Additionally, the residential use and zoning render the LD and MD land use appropriate.

(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 LD and MD land uses were 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.

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 1.2.6 *Apply the Medium Density Residential land use designation to land that is or will be developed for a wide range of housing types, including but not limited to attached and detached single-family and multi-family housing.*

Policy NDC 1.2.7 *Use the Medium Density Residential land use designation to create and maintain residential neighborhoods with a wide range of housing types with associated neighborhood amenities at a density more than five and up to 12 units per acre.*

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 OS Land Use designation was not supported by data and analysis. The subject property was never intended to have the OS land use designation applied. The proposed amendment reverts to the LD and MD land use designations that were previously adopted by the City, as supported by data and analysis, and policy, in three decades of adopted comprehensive plans. This preserves the goal of Policies 1.2.5, 1.2.6 and 1.2.7 listed above, as the subject area is currently developed with both single-family and multi-family residential.

(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 LD or MD land use designation and the implementing RL zoning district.

Review By Others

The City Commission is anticipated to review the proposed Land Use Map Amendment at its October 2022 (First and Second Reading) meetings.

Options for Board Action

- A. Recommend **approval** to the City Commission of Ordinance No. 37-22, a City-initiated Land Use Map Amendment for the 15 parcels totaling 21.94+/- acres located within The Hamlet from Open Space (OS) to Low Density Residential (LD) and Medium Density Residential (MD) 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, as amended**, to the City Commission of Ordinance No. 37-22, a City-initiated Land Use Map Amendment for the 15 parcels totaling 21.94+/- acres located within The Hamlet from Open Space (OS) to Low Density Residential (LD) and Medium Density Residential (MD) 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.
- C. Recommend **denial** to the City Commission on Ordinance No. 37-22, a City-initiated Land Use Map Amendment for the 15 parcels totaling 21.94+/- acres located within The Hamlet from Open Space (OS) to Low Density Residential (LD) and Medium Density Residential (MD) 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.
- D. Continue with direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following homeowners associations:

- The Hamlet Residents Association

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.