



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

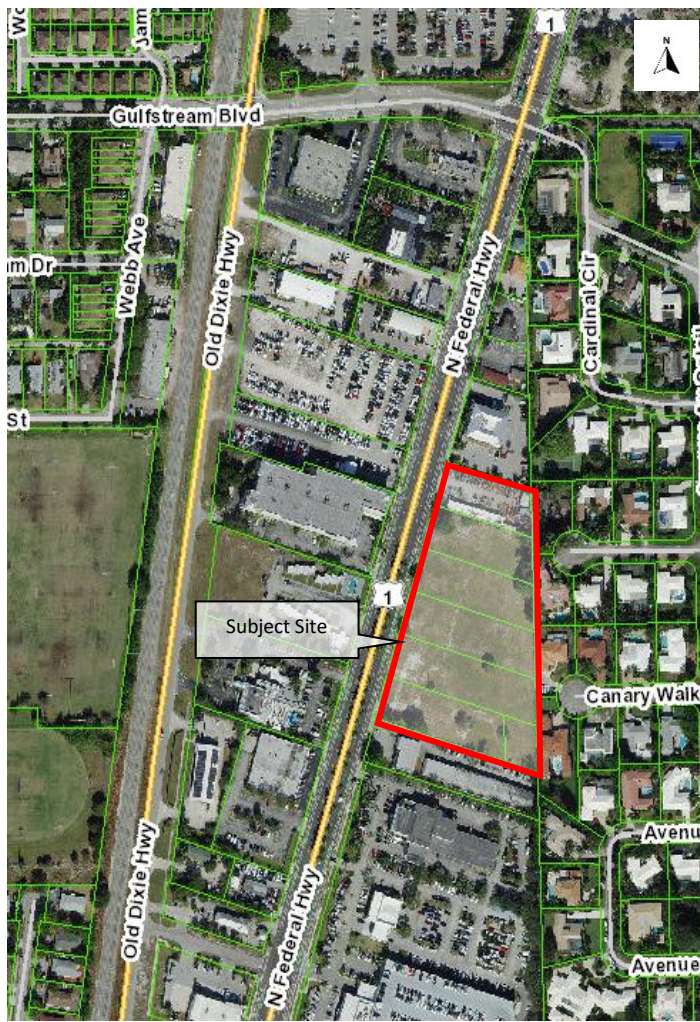
### 2419 – 2613 North Federal Highway

Meeting	File No.	Application Type
June 20, 2022	2022-144-REZ-CCA	Rezoning
Applicant	Owner	Authorized Agent
ABC JS Auto Imports II, LLC	ABC JS Auto Imports II, LLC	Dunay, Miskel and Backman, LLP

### Request

Provide a recommendation to the City Commission on Ordinance No. 21-22, a privately initiated rezoning request from General Commercial (GC) to Automotive Commercial (AC) for seven parcels, totaling +/- 4.3882 acres, located on the east side of North Federal Highway between Delmar Way and Gulfstream Boulevard (2419, 2507, 2515, 2519, 2601, 2605, and 2613 N Federal Highway).

### Background Information



On behalf of ABC JS Auto Imports II, Dunay, Miskel and Backman, LLP is requesting to rezone the properties located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway from GC to AC. The subject properties are comprised of seven parcels (Lots 30-35 of the Delray Beach Estates Plat) located in the northeast corner of the City, east of North Federal Highway between Delmar Way and Gulfstream Boulevard.

The subject properties are located within the Community Redevelopment Agency (CRA) district boundaries and within the North Federal Highway Redevelopment boundaries. Therefore, the properties are subject to the North Federal Highway Redevelopment Plan.

As depicted on the location map, Lots 31-35 are currently vacant, while Lot 30 is developed with an 887 square foot commercial building licensed for an outdoor furniture and pottery business.

The properties' history is outlined below:

- August 22, 1989 – three of the subject parcels (Lots 33-35) were annexed into the City from unincorporated PBC with a GC zoning designation.
- March 22, 1994 – remaining two lots (Lot 31 and 32) were annexed into the City with GC zoning.
- Lots 31-35 have remained vacant aside from being utilized as a construction staging area, which included the storage of vehicle inventory during the reconstruction and expansion of Gunther Volvo.

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

**Attachments:**

- Ordinance No. 21-22
- Existing and Proposed Zoning
- Applicant Justification Statement
- Traffic Statement
- Legal Review Form for Ordinance No. 21-22

PAGE | 1

- December 19, 2019 - a temporary use application for a parking lot (storage of vehicle inventory) was submitted (File No. 2020-071) for Lots 31-35.
- February 7, 2020 – a rezoning application (File No. 2020-108) was submitted requesting to change the zoning designation of Lots 31-35 from GC to AC. Note: This request was withdrawn by the applicant on May 8, 2020.
- March 3, 2020 – File No. 2020-071, the temporary use for a parking lot, was removed from the City Commission agenda at the applicant's request and moved to a further date. City records do not show evidence of the item being heard at a later City Commission meeting.

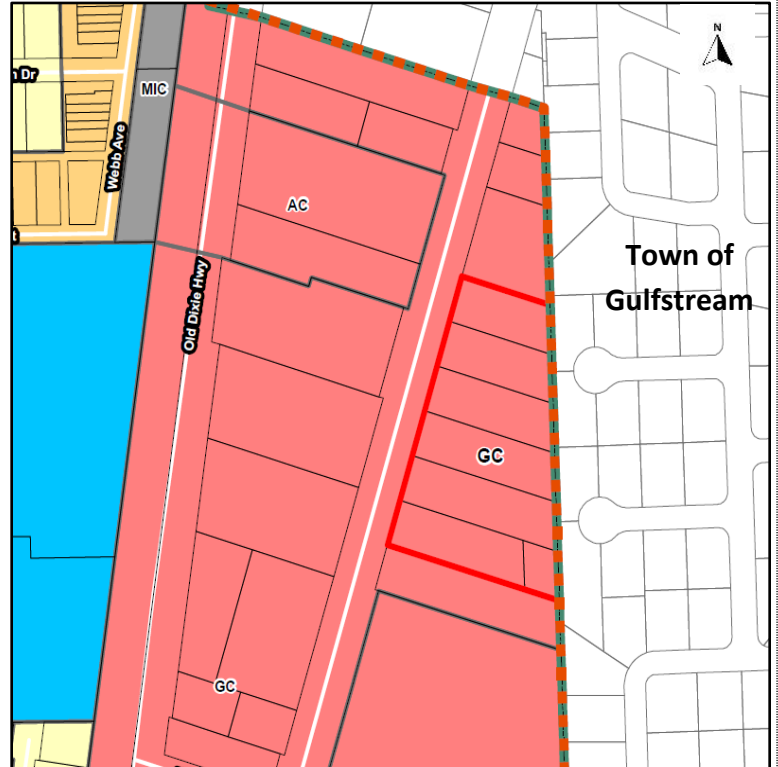
### Description of Proposal

The subject request is for a rezoning from GC to AC. The surrounding properties to the north, south, and west are comprised of GC and AC zoning. Directly abutting the properties to the east are single family residences zoned Residential Single Family - Place Au Soleil District (RS-P) within the Town of Gulf Stream.

#### AC Zoning

Pursuant to **LDR Section 4.4.10, Automotive Commercial (AC) District**, the requested AC district has been created to provide specific regulations for this class of use and related uses when those related uses are not located within Commerce or Industrial Districts; and to further Objective NDC 1.1 of the Neighborhoods, Districts, and Corridors Element. Pursuant to Table NDC-1 in the Always Delray Comprehensive Plan, the proposed AC zoning district is a preferred zoning district under the GC land use designation.

If the rezoning request is approved, the property owner has identified an intention to construct a full-service automotive dealership. Pursuant to LDR Section 4.4.10(B), full service automotive dealerships are permitted by right in the AC zoning district. At this time, no site plans have been submitted.



### Review and Analysis

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 application is being processed under criterion three, as specified in the applicant's justification statement, which is provided as an attachment. The Board should also consider whether the AC zoning district is more appropriate for this location given its proximity to other auto related uses, while also considering the close proximity to single family residences.

Pursuant to **LDR Section 2.4.5(D)(5), Change of zoning district designation: Findings**, in addition to provisions of Chapter Three, the City Commission must make a finding that the rezoning fulfills at least one of the reasons listed under Subsection (D)(2).

The applicable provisions of Chapter Three are provided in the following analyses.

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.

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. Both the existing zoning of GC and proposed zoning of AC are preferred zoning districts under the GC land use designation.

Table NDC - 1 Land Use Designations: Density, Intensity, and Implementing Zoning Districts			
Land Use Designation	Residential Density (Maximum Dwelling Units Per Acre)	Intensity (Maximum Floor Area Ratio)	Implementing Zoning Districts
<b>General Commercial (GC)</b>			
Standard	12	3.0	Preferred: GC, AC, PC, POC, POD
Revitalization/Incentive	12-30		Compatible: A, NC, SAD CF, OS, OSR

**(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.** Residential uses are not allowed in the AC zoning district, and commercial development is not subject to school concurrency evaluation.
- **Water and Sewer.** Water and sewer services are currently available to the subject properties through an existing 10 inch sewer main and a 12 inch water main along North Federal Highway. Further, the Delray Beach Water Treatment Plant and the South Central County Waste Water Treatment Plant both have adequate capacity to serve the City at build out.
- **Solid Waste.** The existing use of an office generates approximately 5.4 pounds of solid waste per square foot per year. If the property is rezoned to AC, the applicant intends to construct a full-service automotive dealership, which generates approximately 9.2 pounds of solid waste per square foot per year, resulting in a total increase of 3.8 pounds of solid waste per square foot per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals through 2054.
- **Drainage.** The City will review drainage plans upon receipt of a site plan application. At site plan submittal, the applicant will be required to provide 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 City's sewer system. A letter from the Public Utilities Department stating that the City's system has sufficient capacity to treat proposed flows will be issued upon review and approval of submitted site plans.
- **Parks, Recreation, and Open Space.** Park dedication requirements and fees do not apply to non-residential uses. However, the GC and AC zoning districts both require a minimum of 25 percent non-vehicular open space.



- **Traffic.** The submitted traffic statement, prepared by KBP Consulting, Inc. and dated April 21, 2022, analyzes the traffic impacts associated with the current and proposed zoning. The comparative traffic statement utilizes the maximum FAR, which is 3.0 (573,450 square feet). A total of 19,715 daily trips are anticipated under the current GC zoning, and a total of 15,965 daily trips are anticipated under the proposed AC zoning, resulting in a reduction of approximately 3,750 daily trips. Because the anticipated daily traffic does not result in an increase of at least 200 trips, a traffic study is not required to be submitted to the Palm Beach County Traffic Division. However, at time of site plan review, a Traffic Performance Standards (TPS) letter from Palm Beach County will be required as part of the submission.

**(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.*

Pursuant to **LDR Section 3.2.1, Basis for determining consistency**, the performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.

The following policies apply to the rezoning request:

**Neighborhoods, Districts, and Corridors Element**

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.*

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.*

Objective 2.5, Automotive Dealerships: *Recognize that automotive dealers and auto-related uses are local legacy industries with unique impacts that require appropriate and strategic locations.*

Policy NDC 2.5.1: *Accommodate automotive dealerships and auto-related uses on land with a General Commercial land use designation, zoned Automotive Commercial, and located (cross reference Policy ECP 6.3.6):*

- north of George Bush Boulevard, between North Federal and Dixie Highways,
- on the east side of North Federal Highway north of 2200 North Federal Highway, south of Linton Boulevard, between South Federal and Dixie Highways,
- south of Linton Boulevard, between South Federal and Dixie Highways,
- on the north side of West Linton Boulevard, between Interstate 95 and SW 10th Avenue, or;
- along Wallace Drive.

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).*

**Economic Prosperity Element**

Goal ECP 6, Economic Placemaking: *Provide the proper built environment, space development and strategic investments to protect and grow Delray Beach's economic base.*

Policy ECP 6.3.6: *Continue to provide specific and appropriate locations for the automotive dealership cluster (cross reference Policy NDC 2.5.1).*

Rezoning the subject properties from GC to AC will allow a variety of automotive and commercial uses that will be compatible with existing and future land uses along the corridor. Further, the properties are located in an area encouraged to accommodate automotive dealerships and auto-related uses. As a majority of the properties have remained vacant, rezoning to AC may promote development of the underutilized land.

As noted, if the subject rezoning is approved, the applicant intends to construct a full-service automotive dealership. Pursuant to LDR Section 4.4.10(B), full service automotive dealerships are permitted in the AC zoning district subject to specific regulations addressing setbacks, buffering, and business operations. Rezoning to AC will facilitate development of the site, and therefore increase Delray Beach's economic base and expand the existing cluster of automotive dealerships as supported by the Comprehensive Plan.

**(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 AC zoning district provides additional regulations for specific uses, such as full-service automotive dealerships, to minimize negative impacts on neighboring properties, with particular attention placed on the protection of adjacent residentially zoned properties. The additional regulations include:

- Business shall be conducted on a lot with the following minimum dimensions:
  - Frontage of 125 feet
  - Width of 125 feet
  - Depth of 200 feet
  - Area of 1.5 acres
- Except for automobiles, trucks, pickup trucks, vans, jeeps, motorcycle and recreation vehicles, no other outdoor sales or display of any materials, products, or goods shall be permitted. No industrial equipment shall be sold, leased, rented, or otherwise stored within the AC District. However, wherever reasonably possible as determined by the City, trucks other than pickup trucks, vans, and jeeps shall be displayed in areas which are separated from a street by an outdoor display area for other permitted vehicles, customer or employee parking areas, or buildings. Outdoor display areas shall:
  - Shall be separated from all adjacent streets, asphalt, or vehicular use areas by a hedge or berm at least three feet high and trees planted at least 40 feet on center. However, the hedge may be planted at such a location that at least 24 inches of the hedge is above the finished grade of the adjacent parking area.
  - Shall be separated from all residential zoning districts, whether or not separated by a street or alley, by a six-foot high, solid masonry wall with decorative finished surfaces (e.g., stuccoed and capped) on both sides.
  - Shall not be closer than 10' from an adjacent separating street or alley and such setback area shall be landscaped with trees planted 25' on center inside the required wall.
  - Shall provide a landscape strip between the display area and the ultimate right-of-way pursuant to LDR Section 4.3.4(H)(6).
  - Shall provide a landscape strip with a minimum width of five feet if adjacent to nonresidential zoning.
- Dealers are prohibited from using residential streets for the testing of vehicles after servicing and for the demonstration of vehicles.
- No vehicle shall be parked with its hood or trunk open, nor elevated off the ground in any way. Vehicles shall not be parked in any right-of-way or driveway.
- Other than information which is required by law to be posted on vehicles displayed on a sticker affixed to a side window, advertising, flags, pennants, streamers, balloons, signs or vehicle stock numbers shall not be displayed on any vehicle or equipment. Similar objects, gimmicks, or advertising designed to attract the public's attention shall not be displayed outdoors on any lot, building, vehicle, or equipment except as permitted by Section 4.6.7.

- Except for existing areas designated for off-loading, any areas designated for the off-loading of vehicles or for loading and deliveries shall be located to the rear of buildings and shall be located so as to contain noise on-site. These areas shall not be located closer than 100 feet from any residentially-zoned lot, and shall be appropriately designated, marked, and signed.
- Exterior lighting fixtures shall not exceed 25 feet in height; shall be directed away from adjacent properties; shall be a sharp cutoff, luminary; shall confine light to the site only; and shall not exceed when measured at ten feet inside any property line, the following illumination:
  - 100 foot-candles within display areas
  - 40 foot-candles within all other areas
  - After 11:00 p.m., the illumination in display areas shall be reduced to 50 foot-candles.

The above provisions are intended to reduce noise and light pollution onto adjacent properties, promote safety measures, and provide additional screening of the use. At the time of site plan review, the proposed development will be reviewed for compliance with all applicable LDR requirements.

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.*  
Not applicable.

- (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.

- (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.*

Rezoning the properties to AC will exclusively permit auto-based uses which may follow strip-center-like building placement. For design purposes, the maximum front setback for properties in the North Federal Highway Area is 15 feet, which discourages parking in the front. Further, at the time of site plan review, the proposed development shall be compatible with the goals and objectives of the North Federal Highway Redevelopment Plan, which promotes pedestrian movement between businesses along the corridor. A further description of the Plan is provided on Page 8.

- (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 subject properties are located within the North Federal Highway Redevelopment Plan area. This area is characterized by a mix of commercial and service uses fronting the corridor. Rezoning from GC to AC will maintain compatibility along the corridor by allowing uses that are anticipated in the area. While the uses permitted in the AC zoning district will be generally compatible with the commercial and service uses along the corridor, there are existing single-family residences (Town of Gulf Stream) to the east that are immediately adjacent to the rear of the site. Therefore, the potential impact of the request on the single-family residences should be considered.

The GC land use designation is implemented by the GC and AC zoning designations. The subject properties are surrounded by GC to the north, GC to the south, GC and AC to the west, and Residential Single Family – Place Au Soleil District (RS-P) within the Town of Gulf Stream to the east. The GC district, primarily along arterial and collector

streets, is intended for general commercial, retail and office uses. The proposed AC district was created to provide specific regulations for automotive commercial uses and other related uses. Rezoning from GC to AC will not result in an increased FAR as the GC land use designation has a maximum FAR of 3.0. However, as mentioned, consideration of impacts from potential uses should be given to ensure the adjacent neighbors' quality of life is not compromised or diminished as a result of this request. The following table lists the properties' surrounding uses, land use designations, and zoning districts.

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Medical Offices	GC	GC
South	Commercial (Golf Cart Sales)	GC	GC
East	Single Family Residences	SF (Single Family) within Town of Gulf Stream	RS-P (Residential Single Family – Place Au Soleil District) within Town of Gulf Stream
West (across N Federal Hwy)	Retail/Restaurant/Motel	GC	GC and AC

The following table provides a comparison between the existing and proposed zoning district regulations including the additional development standards for parcels that have frontage on North Federal Highway, between NE 4th Street and the north City limits. Overall, the AC (proposed zoning) development standards are more restrictive than the GC (existing zoning) development standards.

Regulation	AC - Proposed	GC - Existing
Lot Size (min.)	10,000 sq. ft.	0
	1.5 acres (min.) required for full-service auto dealerships.	
Lot Width (min.)	50'	0'
	Min. 125-foot lot width and lot frontage required for full-service auto dealerships	
Lot Depth (min.)	100'	0'
	Min. 200 feet lot depth required for full-service auto dealerships	
Lot Frontage (min.)	50'	0'
	Min. 125-foot lot width and lot frontage required for full-service auto dealerships	
Open Space (min.)	25%	25%
Lot Coverage (max.)	-	-
<b>Setbacks</b>		
Front (min. & max.)	5' to 15'	min. 5' & max. 15'
Side Street (min.)	15'	10'
Side Interior (min.)	0	0
	When there is no dedicated access to the rear of any structure, a 10-foot side yard setback shall be provided.	
Rear (min.)	10'	10'
Height (max.)	48'	48'

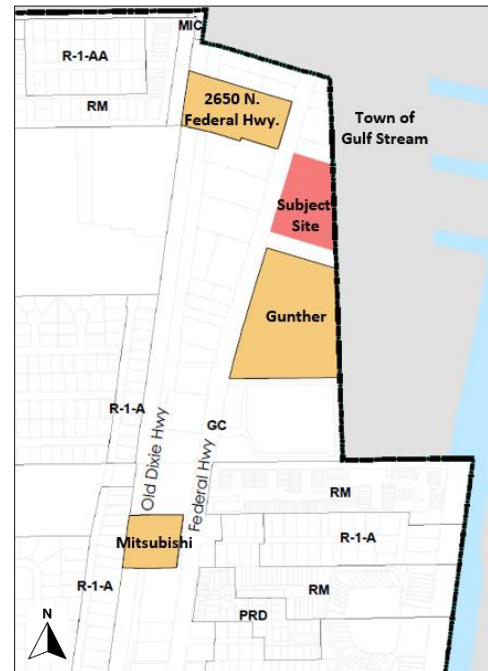
Based on the above, one of the most significant differences between the AC and GC zoning district regulations is the acreage requirement for the development of a full-service automotive dealership. The AC zoning district requires a minimum of 1.5 acres to establish a full-service automotive dealership, while the GC zoning district accommodates both small and large-scale development. Incompatibilities with the adjacent residential use may be mitigated through

the additional requirements in the AC zoning district, establishing additional setbacks, buffer requirements, and restrictions on business operations when a commercial parcel abuts residential zoning.

Upon review and consideration of the proposed site plan, the acting body may request that additional provisions be required to further mitigate any impacts to adjacent properties, such as additional buffering and rear building setbacks, limitations on the height of lighting fixtures, etc.

Although, the properties are not directly abutting to AC zoning, there are three AC zoned areas along the North Federal Highway corridor that are in close proximity to the subject site. The AC property to the south (Gunther Volvo and Gunther Volkswagon), was approved in 1997 as an automotive dealership. The expansion and redevelopment of Gunther Volvo was approved in April of 2017.

The property to the northwest (2650 North Federal Highway), was annexed into the City in 1994 under the AC zoning designation and was occupied at the time by an automotive dealership. In 2018, the property was re-purchased and has since been utilized as a vehicle storage yard for an automotive dealership. The 1.42 acre property to the southwest, labeled “Mitsubishi”, is an automotive dealership and is located approximately 0.35 miles south of the subject properties.



#### North Federal Highway Redevelopment Plan

The North Federal Highway Redevelopment Plan, adopted on March 16, 1999, places emphasis on developing blighted and vacant land, creating *pedestrian movement and neighborhood connections*, creating *new public spaces*, and encouraging a *greater diversity of uses for commercial development*. The Plan identifies factors that hindered redevelopment in the North Federal Highway corridor up until the time of the plan, one being *the presence of a number of vacant and/or dilapidated structures. These structures give the area a blighted appearance, which discourages investment in other properties*. While there have been many improvements and new developments that have significantly enhanced and met the overall vision of the plan for the North Federal Highway area since the adoption of the plan, this large area of vacant land has remained undeveloped.

The existing GC zoning is compatible with the vision for the corridor, as the GC zoning is intended for small parcels and encourages small scale development such as retail, service and office uses. The proposed AC zoning district is intended to provide areas for the sale, lease, and rental of automobiles. The Plan states that the AC district is *applied to several areas of the corridor with frontage on Federal Highway*, but the Plan does not address the expansion or benefits of automotive dealerships and auto-related uses in the area.

- (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.

#### Considerations

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

- Whether the proposed AC zoning allows uses that are compatible with the nearby existing uses, particularly given the proximity to the residential neighborhood.
- Whether the requested zoning is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.



## Review By Others

**Delray Beach Community Redevelopment Agency (CRA):** The subject properties are located within the Delray Beach Community Redevelopment Agency (DBCRA) area, Sub-Area 5. The CRA was notified of the request.

**City Commission:** The request requires two readings by the City Commission. The first and second reading dates by the City Commission are anticipated to take place in July and August 2022, with the Second Reading as a Public Hearing.

## Alternative Actions

- A. Move a recommendation of **approval** of Ordinance No. 21-22, a privately initiated request to rezone the seven parcels located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway from General Commercial (GC) to Automotive Commercial (AC), finding that the amendment and approval thereof is consistent with the Always Delray Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval as amended** of Ordinance No. 21-22, a privately initiated request to rezone the seven parcels located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway from General Commercial (GC) to Automotive Commercial (AC), finding that the amendment and approval thereof is consistent with the Always Delray Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- C. Motion to **deny** Ordinance No. 21-22, a privately initiated request to rezone the seven parcels located at 2419, 2507, 2515, 2519, 2601, 2605, and 2613 North Federal Highway from General Commercial (GC) to Automotive Commercial (AC), finding that the amendment and approval thereof is not consistent with the Always Delray 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 mailed on June 10, 2022 to:

- Windsor at Delray (fka Delray Preserve)
- Kokomo Keys
- Place Au Soleil (Town of Gulfstream)

X Notice to the following adjacent municipalities (located within one-quarter mile of the boundary of the adjacent unit of government) were sent on June 10, 2022:

- Town of Gulf Stream
- City of Boynton Beach
- Palm Beach County

X Public Notice was posted at the properties on Friday, June 10, 2022, at least 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius on Friday, June 10, 2022, 10 days prior to the meeting.

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

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

X Public Notice was posted in the main lobby at City Hall on Friday June 10, at least 10 calendar days prior to the meeting.

X Agenda was posted on Friday, June 10, 2022, at least five working days prior to meeting.