



Cover Memorandum/Staff Report

File #: 22-1597

Agenda Date: 11/15/2022

Item #: 7.C.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: November 15, 2022

RESOLUTION NO. 190-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR A REZONING OF THE APPROXIMATE .21 ACRE PARCEL LOCATED AT 210 SE 3RD AVENUE FROM A ZONING DESIGNATION OF SINGLE FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD) PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

Recommended Action:

Review and consider Resolution No. 190-22, overruling the decision of the Planning and Zoning Board for rezoning the property located at 210 SE 3rd Avenue from R-1-A to CBD; providing a conflicts clause and a severability clause; providing an effective date; and for other purposes.

Background:

The subject property is a +/- 0.21-acre lot located at 210 SE 3rd Avenue, east of the FEC rail line and south of SE 2nd Street within the Delray Beach Community Redevelopment Agency (DBCRA) Sub-Area # 7 boundary. It is also located within the Osceola Park neighborhood and subject to the Osceola Park Neighborhood Redevelopment Plan. 206 Delray Beach LLC (the "Applicant") has requested a rezoning from Single Family Residential (R-1-A) to Central Business District (CBD). An accompanying Land Use Map amendment (LUMA) changing the property's designation from Low Density (LD) to Commercial Core (CC) is also requested.

On September 12, 2022, the Planning and Zoning Board, sitting as Local Planning Agency for the City of Delray Beach, considered the rezoning at a public hearing and did not recommend approval of the application to rezone the property from R-1-A to CBD by a vote of 6-0.

On September 21, 2022, the applicant filed a request to appeal the decision of the Planning and Zoning Board.

The Comprehensive Plan contains multiple policies to protect single-family areas from commercial intrusion and to provide appropriate transitions between single-family and commercial uses. The attached Planning and Zoning Board staff report provides a full analysis.

If Resolution No. 190-22 is approved, both the LUMA and rezoning ordinances will be scheduled for First Readings. The accompanying LUMA request was also not supported by a vote of 5-1 (Chris Brown dissenting), but is not included in this appeal as LUMAs do not require a recommendation of approval to move forward for Commission consideration.

City Attorney Review:

Resolution No. 190-22 has been reviewed as to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Pursuant to LDR Section 2.4.7(E)(3)(c), the hearing on an appeal shall be held no more than 60 calendar days from the date of the City Clerk's receipt of the request to appeal, which was September 21, 2022.