



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING & ZONING BOARD STAFF REPORT

3900 Sherwood Boulevard

Meeting	File No.	Application Type
April 17, 2023	2023-124-FLUM	Land Use Map Amendment
Applicant	Owner(s)	Authorized Agent
City of Delray Beach	3900 Sherwood Blvd LLC 3900 Sherwood Blvd RE LLC SD HOLDCO LLC	Not applicable.

Request

Provide a recommendation to the City Commission on Ordinance No. 24-23, a City-initiated request to amend the Land Use Map from Low Density (LD) to Community Facilities (CF) for 1.07 acres of the 10.97-acre parcel located at 3900 Sherwood Boulevard in correction of a mapping error.

Background Information

The 10.97-acre subject property is located at 3900 Sherwood Boulevard, south of Lowson Boulevard (immediately south of Sherwood Boulevard), east of South Military Trail, and to the northwest of the Lakeview Golf Course. The parcel, which is currently home to the Christ the King Monastery of St. Clare, contains a 34,060 sq. ft. building built in 1967. The Sherwood Park neighborhood abuts the property.

The history of the property is as follows:

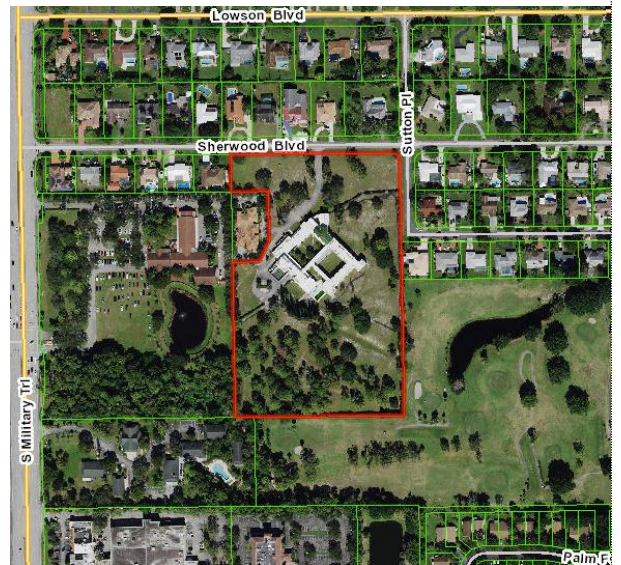
1959. The property was annexed into the City, and the property was assigned a zoning designation of C-2 "General Commercial". At some point between annexation and the adoption of the City's Comprehensive Plan in 1961, a Residential land use designation was assigned, and the subject property was assigned low density residential zoning.

1967. Christ the King Monastery was built. At that time, the City did not have a Community Facilities zoning district – the zoning that would likely be applied if the property was developed as such under current regulations.

1990. The subject property was assigned CF zoning during the citywide rezoning, at which time the CF district was created.

2007. At the initiation of Christ the King Monastery, 8.27 acres of the property were rezoned again to R-1-AA from CF, and the land use map for the same part of the property was amended from CF to LD via Ordinance No. 59-06 (1.63 acres of the property along Sherwood Boulevard already had low density residential land use and zoning). The intent was to develop the majority of the property as single family homes at some point in the future.

2021. A privately-initiated request was submitted to amend the Land Use Map designation from Low Density (LD) to Transitional (TRN) (File ID 2021-142), and to rezone the property from Single Family Residential R-1-AAA-B, Single Family Residential R-1-AA, and Community Facilities (CF) to Residential Office (RO) (File ID 2021-143). The applicant withdrew the request.



Project Planner:

Rebekah Dasari, Principal Planner;
dasari@mydelraybeach.com
561.243.7044

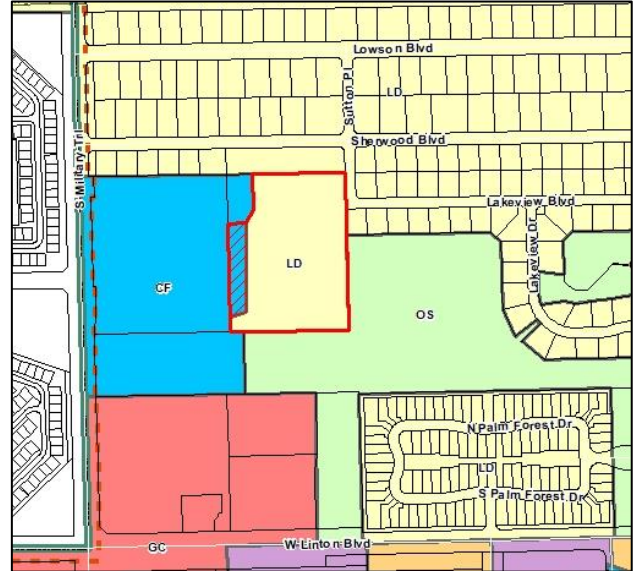
Attachments:

- Sketch and Legal of the Subject Area
- Ordinance No. 08-23

2022. A privately initiated request was submitted to amend the land use map from Low Density (LD) to Medium Density (MD) (File ID 2022-263) and a rezoning from Single Family Residential R-1-AA and Community Facilities (CF) to Medium Density Residential (RM) (File ID 2022-262) for a 9.53-acre portion of the 10.97-acre the property; the Board denied the request on February 27, 2023.

Description of Proposal

The City of Delray Beach is requesting a land use map amendment (LUMA) for **a 1.07-acre portion of the 10.97-acre parcel** located at 3900 Sherwood Boulevard from Low Density (LD) to Community Facilities (CF). The map at right reflects the location of subject area (parcel in red; subject area in red hatching).



During staff review of the privately initiated LUMA and rezoning requests in 2021, it was determined that the current adopted land use map incorrectly shows the entire parcel as LD land use; the land use map amendment adopted through Ordinance No. 59-06 did not change the CF land use near the western property line. 1.07 acres of the 10.97-acre property should have CF land use. This map error appears to have occurred when the official land use map was incorrectly updated following the approval of Ordinance No. 59-06.

Development Services staff previously contacted the Department of Economic Opportunity (the State land planning agency) to determine how to correct a map error, and staff were directed to process a land use map amendment. The request before the Board is in pursuit of the land use map corrective.

Review and Analysis

Pursuant to **LDR Section 2.4.5(A), Amendments to the Comprehensive Plan**, *amendments must follow the procedures outlined in the Florida Statutes*; the land use map is adopted as part of the Comprehensive Plan. Because the subject property is less than 50 acres, it is considered a small-scale plan amendment subject to state coordinated review and the LUMA is being processed as such pursuant to Florida Statutes, F.S. 163.3187.

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, and are discussed below.

(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.*

Comprehensive Plan 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. The zoning (map at right) is consistent with the land use adopted through Ordinance No. 59-06.

(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.*



The analysis related to Ordinance No. 59-06 reviewed concurrency of schools, water and sewer, solid waste, drainage, parks, and traffic, and deemed the available infrastructure as concurrent.

(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.*




Sections of Chapter 3, Performance Standards, are provided throughout the report. LDR Section 3.2.1, Performance Standards, Basis for Determining Consistency, also specifies that *"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 Comprehensive Plan policies apply to the request.

Neighborhoods, Districts, and Corridors Element

Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and different neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

-  *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
-  *Uses that meet the daily needs of residents.*
-  *Public open spaces that are safe and attractive.*

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.*

Objective NDC 1.6 Community Facility Land Use Designation *Provide a full range of local or regional community-based uses primarily intended to serve the public by appropriately applying the Community Facilities land use designation.*

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 LD land use designation was not supported by data and analysis. The proposed amendment reverts to the CF land use designation that was previously adopted by the City, as supported by data and analysis.

(D) Compliance with LDRs. *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.*

The request is corrective; no development requests are associated with the request, and any future development requests are subject to the LDR.

Review By Others

The first and second reading dates by the City Commission are to be determined; the second reading will be a public hearing.

Options for Board Action

- A. Recommend **approval** of Ordinance No. 24-23, a City initiated request to amend the land use map from Low Density (LD) to Community Facilities (CF) for a 1.07-acre portion of the 10.97-acre the property located at 3900 Sherwood Boulevard, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Recommend **denial** of Ordinance No. 24-23, a City initiated request to amend the land use map from Low Density (LD) to Community Facilities (CF) for a 1.07-acre portion of the 10.97-acre the property located at 3900 Sherwood Boulevard, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

C. Continue With Direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following:

- Sherwood Park
- Shady Woods
- Lakeview Civic Association

X Public Notice was posted at the property at least 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.