

# PLANNING AND ZONING BOARD

## CITY OF DELRAY BEACH

---STAFF REPORT---

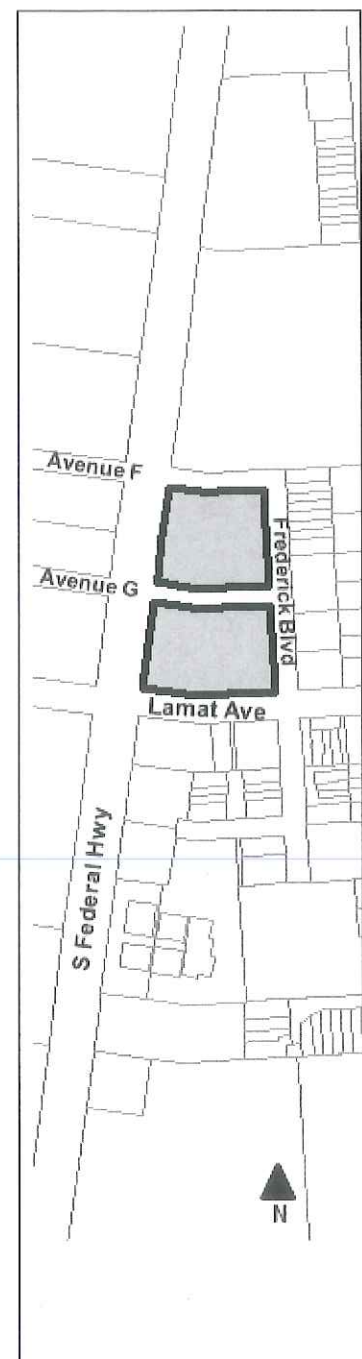
**MEETING DATE:** August 21, 2017

**ITEM:** Privately-initiated Rezoning from SAD (Special Activities District) in part, GC (General Commercial) in part, NC (Neighborhood Commercial) in part and RM Multiple Family Residential Medium-Density) in part to AC (Automotive Commercial) for Blocks 24 and 25, Delray Raton Park, located on the east side of South Federal Highway between Avenue F (Fladell Way) and LaMat Avenue.

**RECOMMENDATION** To recommend approval to the City Commission

### GENERAL DATA:

Owner/Applicant.....	Grieco Motors, LLC
Location.....	East side of South Federal Highway, between Avenue F (Fladell Way) and La Mat Avenue
Property Size.....	3.294 acres
Existing Future Land Use Map Designation .....	GC (General Commercial) in part and TRN (Transitional) in part
Proposed Future Land Use Map Designation.....	GC (General Commercial)
Existing Zoning.....	SAD (Special Activities District) in part, GC (General Commercial) in part, NC (Neighborhood Commercial) in part and RM (Multiple Family Residential - Medium Density) in part
Proposed Zoning.....	AC (Automotive Commercial)
Adjacent Zoning.....	North: AC (Automotive Commercial)
	East: RM (Multiple Family Residential - Medium Density)
	South: GC (General Commercial) in part and RM (Multiple Family Residential - Medium Density)
	West: AC (Automotive Commercial)
Existing Land Use.....	Used car and truck sales, vacant commercial buildings and two single family residences
Proposed Land Use.....	Automobile Dealership
Water Service.....	Water service is available via connection to a 12" and 10" water mains located along South Federal Highway, and 10" main LaMat Avenue and an 8" main on Frederick Boulevard
Sewer Service.....	Sewer service is available via an 8" sewer mains along LaMat Avenue and Frederick Boulevard



## ITEM BEFORE THE BOARD

The action before the Board is making a recommendation to the City Commission on a privately-initiated rezoning from SAD (Special Activities District) in part, GC (General Commercial) in part, NC (Neighborhood Commercial) in part, and RM (Multiple Family Residential-Medium Density) in part to AC (Automotive Commercial) pursuant to LDR Section 2.4.5(D).

The subject property is bordered on the west by South Federal Highway, on the north by Avenue F (Fladell Way), on the south by LaMat Avenue and on the east by Frederick Boulevard.

Pursuant to Section 2.2.2(E)(6) of the Land Development Regulations, the Planning and Zoning Board shall review and make a recommendation to the City Commission with respect to the rezoning of any property within the city.

## BACKGROUND

The subject property encompasses Block 24 and Block 25, Del Raton Park recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County and contains 3.294 acres.

Prior to June 1989, the subject property was in unincorporated Palm Beach County. The property was annexed into the city as part of Enclave 50 (Enclave Act) on July 25, 1989, with a GC (General Commercial) and RM (Medium to Medium High Density Dwelling) zoning classification.

Subsequent to the annexation several zoning changes and Future Land Use Map (FLUM) amendments have been approved for the subject blocks. The following outlines the most recent FLUM and zoning changes:

### **Block 24**

- On October 1, 1996, the City Commission approved a FLUM amendment from Transitional (TRN) to General Commercial (GC) for Lots 1-5 and Lots 13-24 (less the west 38 feet) together with the abandoned alleys lying east of Lots 1-5 and east of Lot 23. Concurrently, the City Commission approved a rezoning from POD (Professional and Office District) in part and RM in part to SAD. The SAD zoning provided for the specific uses of the property, to include vehicle sales, leasing, and rental with no service component and vehicle wash establishments with the condition that only one of the principal uses may exist at any one time.
- On April 15, 1997, the City Commission approved a FLUM amendment from TRN to GC for Lots 6-10 (less the west 38 feet) and 11-12, together with the abandoned alleys lying east of Lots 6-10; and lying west of Lot 16 and 17. Concurrently, the City Commission approved a rezoning from POD in part and RM in part to SAD. The allowed uses under the SAD zoning included vehicle parking for employees, customers, display, bullpen and inventory to be used only in conjunction with the abutting property's (to the north and east) use of vehicle sales, leasing, and rental with no service component.



The current FLUM designation for Block 24 is GC and the zoning is SAD and this site is occupied by Thrifty Used Car and Truck Sales.

### **Block 25**

As noted above Block 25 was zoned GC and RM at annexation. Subsequent to annexation, there were several FLUM and zoning changes with the most recent changes outlined below:

- On June 17, 1997, the City Commission approved a rezoning from POD to NC for the east 77' of Lots 1-9 and the abandoned alley lying west of Lots 1-9, Lots 10-14 and Lots 24-27.
- On January 16, 2007, the City Commission approved a FLUM amendment from TRN to GC for Lots 1-11 and the west ½ of Lot 12, Lots 25 -27 together with the abandoned alley lying between Lots 1-9 and less the west 38' of Lots 1-9. Concurrently, the City Commission approved a rezoning from NC to GC.

The above FLUM and zoning changes, resulted in the current zoning classifications of GC in part, NC in part, and RM in part and FLUM designations of GC in part and TRN in part for the block. Currently these properties contain a mix of commercial and residential uses. The commercial buildings located on Federal Highway were formerly occupied by Insta Sign, Pawn Jewelry Place. The single family residences are located on LaMat Avenue and Frederick Boulevard.

The SAD, GC and NC zoned properties are located within the South Federal Highway Redevelopment Area which was adopted by the City Commission on September 20, 2012. The South Federal Highway area includes the commercial property along both sides of South Federal Highway, between Linton Boulevard on the north and the City limits to the south. The redevelopment plan was developed to address land use issues, sustainability of the commercial uses within the redevelopment area and to ensure compatibility between the commercial uses and neighboring residential uses.

Applications have been submitted to rezone the properties within Blocks 24 and 25 to AC, for an automobile dealership. This rezoning application is also being processed concurrently with a FLUM amendment from TRN to GC for a 0.879 acre parcel located at the northwest corner of LaMat Avenue and Frederick Boulevard which would allow for a GC FLUM designation on the entire subject property. Also, an application for abandonment of the Avenue G (Transportation Lane) right-of-way has been submitted. This application is currently under review and will be forwarded to the Planning and Zoning Board for a recommendation to the City Commission.

<b>ZONING ANALYSIS</b>
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Pursuant to **LDR Section 2.4.5(D) Change of Zoning District Designation" (1) Rule:** the City Commission, by ordinance, after review and recommendation for approval by the Planning and Zoning Board may amend the Official Zoning Map. The subject review is for the purpose of providing a recommendation to the City Commission.

Pursuant to **LDR Section 2.4.5(D) Change of Zoning Designation (2) Required Information:** standard application items pursuant to 2.4.3(A) shall be provided. Traffic information prepared in

accordance with Section 2.4.3(E) and which addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning shall be provided. In addition, a statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning include:

- A. That the zoning had previously been changed, or was originally established, in error;
- B. That there has been a change in circumstance which makes the current zoning inappropriate;
- C. 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 applicant has submitted the following justification statement pursuant to Section 2.4.5(D)(2): *"Reasons B and C (as noted above) are each valid reasons for approving a change in the zoning. Reason B is met as there has certainly been a change in circumstances which makes the current zoning designations inappropriate. The residential and commercial market has clearly changed throughout South Florida and in Delray Beach so that the current zoning is no longer appropriate. Developed and undeveloped land are being utilized in a manner that promotes blight and undesirable uses. The present uses undermine compatibility. Given the impact of technology on retail and related uses automotive dealerships are more economic sustainable.*

*Reason C (as noted above) has also been met because the requested zoning is more appropriate for the Property based upon the circumstances particular to the site and the neighborhood. A unified redevelopment of the entire property would improve the area and the neighborhood. The property to the north is already designated as AC zoning and the property to the west, which is currently a car dealership is also designated as AC zoning.*

*Additionally the requested zoning of AC is of similar intensity as allowed under the Future Land Use Map. In fact, the Future Land Use Map designation of GC is consistent with the AC zoning district. Thus, the AC zoning designation is appropriate for the property based upon the circumstances particular to the site and/or neighborhood. Therefore, as each of these reasons for approving a change are met, this rezoning to AC should be approved."*

Pursuant to **LDR Section 2.4.5(D) Change of Zoning Designation (5) 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 (2).

A review of Subsection (2) is provided above. Chapter Three sets forth Level of Service Standards consistent with the Comprehensive Plan. It also sets forth performance standards by which a development application shall be assessed for the purpose of determining overall consistency with the Comprehensive Plan and with good planning, engineering and design practice. A complete review of both Chapter Three and the Comprehensive Plan is provided below.

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the



authority to approve or deny the development application. These findings relate to the FLUM, Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

**(A) Future 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 Future Land Use Map.

The subject properties are currently zoned SAD in part, GC in part, NC in part and RM in part. The proposed zoning is AC. The proposed AC zoning designation is consistent with the GC FLUM designation and would allow for the proposed automotive dealership planned for the subject site. Based upon the above, positive findings can be made with respect to Future Land Use Map Consistency.

**(B) Concurrency:** *Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.*

The proposed rezoning will have impacts on adopted concurrency standards. Concurrency findings with respect to Water and Sewer, Drainage, Parks and Recreation, Solid Waste, Schools, and Traffic are discussed below:

**Water & Sewer:** Water and sewer service is currently available to the subject property. 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. The properties are served by an existing 12" main along Federal Highway, a 10" water main along LaMat Avenue and an eight inch main along Frederick Boulevard. Sewer service is available by an eight inch sewer main are available along La Mat Avenue and Frederick Boulevard. Fire hydrants are located around the perimeters on the west side of Federal Highway, north side of La Mat Avenue and the east side of Frederick Boulevard. Based upon the above, positive findings can be made with respect to this level of service standard.

**Traffic:** The 3.294 acre site contains a mix of residential and commercial uses. An analysis of the traffic impacts associated with the maximum development potential for both the existing and proposed zoning classification was prepared by EnviroDesign Associates, Inc. The comparative traffic statements utilizes a FAR of 1.0 and concludes that under the maximum development potential, net decreases in the daily trips (805) and PM peak hour trips (30) are anticipated. An increase of 120 AM peak hour trips are anticipated. For additional information please see summary tables).

The applicant will need to provide a site specific traffic study when a development proposal is submitted. Verification will need to be submitted at the time of site plan approval that the specific development does not exceed a Level of Service "D" for Federal Highway.

**Drainage:** With a rezoning request drainage plans are not required. The storm water retention will be reviewed during the site plan application process. There are no problems anticipated with retaining drainage on site and obtaining a South Florida Water Management District permit.

**Parks and Recreation:** The Open Space and Recreation Element of the City's Comprehensive Plan indicates in its conclusion that "the City will have sufficient recreation facilities at build-out to meet the adopted standards." A park impact fee of \$500 per dwelling unit is collected to offset any impacts that the project may have on the City's recreational facilities for all residential development. For commercial development this fee does not apply.

**Solid Waste:** The determination for solid waste impact are calculated based on specific uses/development proposal and building square footages. A comparative analysis will be conducted between the existing and proposed solid waste generation rates at the time a development proposal is submitted. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2046, thus a positive finding with respect to this level of service standard can be made.

**Schools: (Capacity Determination):** The proposed rezoning to AC will not result in an increase in density thus a capacity determination from the Palm Beach County School District is not required.

**(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.

**LDR Section 3.2.2, Standards for Rezoning Actions** provides five standards that must be considered for rezoning of property, listed as follows:

1. The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied to those areas identified as "stable" and "stabilization" on the Residential Neighborhood Categorization Map. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied.

This Standard is not applicable.

2. Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95.

This Standard is not applicable as the automobile dealership is being proposed east of I-95

3. 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 should be given to increasing the depth of the commercial zoning in order to provide for better project design.

The proposal involves the aggregation of the parcels for one unified development proposal which will eliminate the current strip commercial uses that exists on Block 25. The South Federal Highway Redevelopment Plan states "The second area where aggregation is needed is across the street from the first area in the 2700 block along the east side of South Federal Highway. The potential site includes three parcels fronting on South



Federal Highway and a fourth parcel facing LaMat Avenue. The property is already under common ownership, but the rear portion of the site is vacant. With its small size and current zoning of NC, freestanding commercial development of this vacant portion of the property is unlikely. One of the recommendations of this Plan is to rezone the rear property from NC to GC to match the frontage properties. The existing structures in the front are among the oldest in the area and are in poor condition. Unified redevelopment of the entire one acre property would improve the area.” The proposal to aggregate the parcels for a unified development will be consistent with the redevelopment plan.

4. That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use 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 following table identifies the zoning designations and uses that are adjacent to the subject property:

<b>Zoning Designation:</b>		<b>Use:</b>
<b>North:</b>	AC	Vacant parcel currently being used for the storage of vehicles
<b>South:</b>	PC and RM	Retail (Quality Lighting) and two duplexes
<b>East:</b>	RM	Townhomes, and single family residences
<b>West:</b>	AC	Automobile Dealership

As noted previously, the SAD, GC and NC zoned portions of the site are located within the South Federal Highway Redevelopment Area. At the time of adoption of the redevelopment plan, the AC zoning and automotive commercial/service uses were identified as the predominant zoning district and land use category within the plan area.

The AC zoning and automotive commercial/service uses comprised of 51.63% and 41.72% respectively. Subsequent to the adoption of the plan, the automotive commercial/service uses percentage increased to 49.15% with the development of the vacant parcels on the west side of Federal Highway to new automobile dealerships. With the proposed rezoning to AC this will be further increased to 51.4%.

The zoning pattern along South Federal Highway is predominately AC and PC with smaller GC parcels and two SAD parcels. It should be noted that one of the two SAD parcels (Block 24, is included in this rezoning action) and is currently being used for the sale, rental and lease of automobiles. The proposed zoning change would not significantly change the existing land use pattern along south Federal Highway, however the impact on the adjacent residential neighborhoods must be considered and are discussed in a later section of this report.

The following is a comparison of the base district regulations for the AC, SAD, GC, NC and RM zoning districts.

Regulation	AC	SAD	GC	NC	RM
Minimum Lot Size (sq.ft.)	10,000*	0'	0'	1.0 acre	8,000
Minimum Lot Width	50'	0'	0'	100'	60'
Minimum Lot Depth	100'	0'	0'	200'	100'
Minimum Lot Frontage	50'	0'	0'	100'	60'
Minimum Open Space	25%	25%	25%	25%	25%
Maximum Lot Coverage	-	-	-	40%	40%
Minimum Front Setback	15'	15' (perimeter)	10'	40'	25/30***
Minimum Side Street	15'	15' (perimeter)	10'	30'	25/30***
Minimum Side Interior	0**	15' (perimeter)	0**	30'	25'
Minimum Rear	10'	15' (perimeter)	10'	10'	25'
Maximum Height	48'	48	48'	48'	35'

\* A minimum of 1.5 acres is required for full service automobile dealerships.

\*\*When there is no dedicated access to the rear of any structure, a 10-foot side yard setback shall be provided.

\*\*\* Setback Requirements 1&2/3 story.

The above table indicates that the standard AC development regulations with respect to setback and open space requirements are comparable to the SAD regulations with the exception of the side interior setback and is more stringent than those of the GC requirements. While the NC setback and lot coverage requirements are more restrictive, these are tied to a larger required parcel size (one acre minimum). The NC parcel is only 0.23 acres and therefore would not be able to establish a viable commercial use.

Substantial differences are noted between the AC and RM zoning district regulations. However, given the limited RM parcel size of 0.64 acre, it is more appropriate to incorporate this parcel within the overall development.

Incompatibilities with the adjacent residential uses may be mitigated through existing regulations such as the requirements for additional building setback and buffering requirements when a commercial parcel abuts residential zoning even when separated by a street. The AC zoning district also provides regulations for the operation of an automobile dealership that would reduce the potential impacts on residential uses. These include:

- *The provision of a hedge or berm at least three feet high and trees planted at least 40 feet on center when outdoor display is separated from residential.*
- *The provision of a wall 6' high when outdoor display area is adjacent to residential zoning districts, whether or not separated by a street or alley.*



- *The outdoor display area 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.*
- *Repair facilities and paint and body shops shall be located at least 100 feet from any residentially-zoned lot. Service bay doors shall not be oriented toward any adjacent residentially-zoned property, except where currently existing, nor oriented toward any adjacent public street unless it can be demonstrated to the Site Plan Review and Appearance Board that it is not feasible to comply.*
- *Accessory fuel pump islands and automated wash facilities for vehicles shall not be located within 100 feet of any residentially-zoned property. Wash facilities shall be located within a completely enclosed building. Fuel pump islands, shall be located within an enclosed area so that they are not visible off premises.*
- *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.*
- *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.*
- *Dealers are prohibited from using residential streets for the testing of vehicles after servicing and for the demonstration of vehicles.*
- *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.*

Additionally, the South Federal Highway redevelopment plan also addresses the concerns raised with respect to the number of potential impacts from automotive/service uses with the neighboring residential developments. The redevelopment plan states "Any redevelopment on this side (east side) of South Federal Highway must address compatibility with the adjacent residential neighborhoods to the east. Although commercial development immediately adjacent to residential neighborhoods is not unique in Delray or elsewhere, to increase the comfort level of these neighborhoods and ensure compatibility, this Plan includes a number of special buffering and setback provisions, as well as a limitation on maximum tenant size." These recommendations include:

- *On the east side of South Federal Highway, special setbacks and building offsets based on building length will be required to reduce the massive scale and uniform appearance of large buildings when the rear or side of a commercially zoned property is adjacent to a residential zoning district.*
- *Machinery equipment, service areas, and trash collection must be screened from the adjacent neighborhood in a manner consistent with the overall design of the building and landscaping. Delivery and loading areas must be designed so as to minimize visual and noise impacts. On the east side of South Federal Highway, a landscape buffer, which includes canopy trees, is required for all sites that adjoin residential uses or zoning districts. The landscape buffer shall be 25 feet in depth, and shall include a wall placed 10 feet from the rear or side property line when abutting an adjacent right-of-way, trees spaced on 25 foot centers and a hedge planted outside of the wall. An additional row of trees on 25' centers shall also be placed inside of the wall. Where the rear property line immediately adjoins residential property with no roadway or alley between, the wall shall be placed against the property line and the 25 foot buffer provided inside the walled area. In order to more effectively screen the commercial development, shade trees with a minimum height of 18 feet and a spread of 8 feet at the time of planting shall be used.*
- *Street access shall be primarily from South Federal Highway. No vehicular access is permitted to the rear of the commercial districts onto residential streets on the east side of South Federal Highway.*
- *No deliveries, loading or unloading operations in the rear of the commercial buildings will be permitted before 7:00 AM or after 7:00 PM on the east side of South Federal Highway.*

Compliance with the provision of these regulations will ensure that potential incompatibilities with the adjacent residential neighborhood can be mitigated.

5. Remaining, isolated infill lots within the coastal planning area shall be developed under zoning which is identical or similar to the zoning of adjacent properties; and, the resulting development shall be of a design and intensity which is similar to the adjacent development.

This Standard is not applicable.



A review of the applicable objectives and policies of the adopted **Comprehensive Plan** was conducted and the following are noted:

**Future Land Use Element, Objective A-1:** Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate in terms of soil, topographic and other applicable physical considerations; is complimentary to adjacent land uses; and fulfills remaining land use needs.

The proposed rezoning of the property to AC will allow uses which can be developed with intensities that are appropriate with respect to the soil, topographic, or other applicable physical considerations. As stated previously, Block 24 (northern block) is currently being used for auto related uses. Block 25 comprises of a mix of substandard underutilized commercial uses and two single family residences. These uses are not complimentary to the area and contain dilapidated structures which creates a blighted appearance, which may discourage investment in adjacent properties.

**Future Land Use Element, Policy A-2.4:** Automobile uses are a significant land use within the City and as such they have presented unique concerns. In order to properly control these uses and guide them to locations which best suit the community's future development, the following apply:

Automobile dealerships shall be directed in the following areas:

- North of George Bush Boulevard, between Federal and Dixie Highways;
- East side of Federal Highway north of the north property line of the Delray Swap Shop/Flea Market;
- South of Linton Boulevard, between Federal and Dixie Highways;
- On the north side of Linton Boulevard, between I-95 and S.W. 10th Avenue, and along Wallace Drive.

While automotive commercial uses exist on both sides of South Federal Highway, the majority of the land devoted to this use is located on the west side of the roadway. This is also where most of the full-service dealerships are located. Currently, there are two full service automotive dealerships, Delray Mazda and Delray Kia located on the east side of Federal Highway.

The South Federal Highway Redevelopment Plan makes specific recommendations on the placement of uses and zoning classifications for certain parcels within the redevelopment area. The recommendations that are applicable to the subject site are noted below:

- *The Planned Commercial district provides for a variety of retail and service uses, as well as office and residential development. This zoning district is appropriate within the entire redevelopment area.*
- *The Automotive Commercial District provides for the sale, lease and rental of automobiles, trucks, boats, recreational vehicles and motorcycles. Vehicle repair, paint and body shops are allowed as accessory uses in full-service dealerships and full-service vehicle repair not associated with dealerships as a conditional use. These automotive uses have a number of potential impacts on adjacent residential development, such as test-driving on residential streets; offloading vehicles on adjacent streets, noise impacts from car alarms, music, loud speakers and mechanical equipment; and nighttime glare from higher levels of lighting and*

*lighting during later hours of the evening. For this reason, AC zoning is more appropriate on the west side of South Federal Highway”*

- *The Plan recommends that the 0.23 acre undeveloped parcels located on the north side of LaMat Avenue (a portion of the subject site) to be rezoned from NC (Neighborhood Commercial) to GC (General Commercial).*
- *LDR text amendments will be necessary to create an overlay district and amend the development standards for the PC and AC zoning districts within the Redevelopment Area/Overlay District to increase redevelopment flexibility and address compatibility issues. The proposed text amendments include the following:*
  - *All AC zoned properties in the redevelopment area will be allowed the alternative of developing under the PC zoning regulations.*
  - *Mixed-use residential/commercial development will continue to be encouraged, but conditional uses for free-standing multiple-family residential development will not be permitted within the overlay district.*

It should be noted that while the plan identifies the west side of South Federal Highway as more desirable for AC zoning, the redevelopment plan does not prohibit the rezoning to AC for parcels located on the east side of Federal Highway.

The South Federal Highway Redevelopment Plan was developed during the recession during when the automotive industry was especially hard hit by the economic downturn where the industry experienced an 18% drop in new car sales from 2007 levels.

At that time the City leaders saw how volatile the automotive industry had become and became concerned that the large amount of automotive dealerships on South Federal Highway would not be sustainable in the long term. Concerns were particularly raised as to the impact on the Federal Highway corridor and the City as a whole if the auto dealers began to withdraw from the corridor.

In light of those circumstances, the plan wanted the corridor to have a mix of uses, thus limiting the dependence on one specific industry. Subsequent to the adoption of the redevelopment plan, the automobile industry has demonstrated resilience to the economic recession which has been seen in several redevelopment activities that has taken place in the corridor.

**Policy C-1.12:** *The following pertains to the South Federal Highway area, south of Linton Boulevard.*

*In FY 2010/11, the City's Planning & Zoning Department shall review existing land uses in this area and shall create a redevelopment plan, overlay district or other development tool to promote and guide future redevelopment of the area.*

While redevelopment has occurred along the South Federal Highway corridor, there has been no redevelopment or site improvement to the properties within the subject area. The buildings are dilapidated and detracts from the streetscape and character of the corridor. The proposed rezoning will allow for future development that continue the revitalization of the corridor.



Based on the above, an overall finding of consistency can be made with respect to the Delray Beach Comprehensive Goals, Objectives and Policies. As stated previously, while the proposed rezoning to AC is not encouraged on the east side of South Federal Highway, it is not inappropriate given current site and economic conditions.

**(D) Compliance:** *Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations.*

A development proposal has not been submitted. Any future development of the subject property shall comply with the requirements set forth in the Land Development Regulations and the recommendations of the South Federal Highway Redevelopment Plan.

#### REQUIRED NOTICES

**Public Notices:** Formal public notice has been provided to property owners within a 500' radius of the subject property. Letters of objection and/or support, if any, will be presented at the Planning and Zoning Board meeting.

**Courtesy Notices:**

Courtesy notice were provided to the following homeowners associations:

- Tropic Isle Civic Association
- Pelican Harbor
- Pelican Pointe
- Tropic Harbour
- Tropic Bay

#### ASSESSMENT AND CONCLUSION

The proposed rezoning from SAD, GC, NC and RM to AC is consistent with the goals, objectives and/or policies of the City's Comprehensive Plan, LDR Sections 2.4.5(D)(5), 3.1.1 and 3.2.2(D). While the proposal does not meet the recommendation of the South Federal Highway Redevelopment Plan with respect to rezoning to AC on the east side of Federal Highway, it will fulfill the recommendation for the aggregation of properties and will create development that will eliminate blight and create a catalyst for additional economic development within the area.

The recommendation put forward in the plan pertaining to the AC zoning east of Federal Highway, was generated out of concerns with respect to compatibility with the adjacent residential neighborhoods. The existing AC zoning regulations coupled with the buffering regulations identified in the redevelopment will ensure that areas of incompatibility could be mitigated. Thus positive findings can be made with respect to Concurrency and Compatibility with the surrounding land uses.

### **ALTERNATIVE ACTIONS**

- A. Continue with direction.
- B. Move a recommendation of approval to the City Commission for the privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.
- C. Move a recommendation of denial to the City Commission for the privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and the South Federal Highway Redevelopment Plan does not meet the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

### **RECOMMENDATION**

Move a recommendation of approval to the City Commission for the privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

Attachments:

Existing and Proposed Zoning Maps

Report prepared by: Jasmin Allen, Senior Planner



# NC AND RM TO AC TRAFFIC DATA

TABLE 1  
TRIP GENERATION ANALYSIS - MAXIMUM ZONING DENSITIES

Zoning	Acres	Land Use	Units per Acre or FAR	Intensity	Trip Generation Rate	In / Out	Total Trips		Pass-by	Net New Trips			
							In	Out	%	Trips	In	Out	Total
Daily													
Proposed AC	0.879	ITE Land Use \$41 -New Car Sales	1.00	38,289 SF	T= 32.30 (X)	50 / 50	619	618	1.237	186	526	525	1,051
Sub-Total	0.879						619	618	1.237		526	525	1,051
Current RM	0.640	ITE Land Use 230 - Condo TH	12 Units/acre	7 Units	T= 6.65 (X)	50 / 50	24	23	47	0	24	23	47
NC	0.239	ITE Land Use \$20 - General Retail	1.00	10,411 SF	$Ln(T) = 0.65 Ln(X) + 5.83$	50 / 50	781	780	1,561	958	302	301	603
Sub-Total	0.239						805	803	1,608		326	324	650
Difference**							-186	-185	-371		200	201	-401
AM Peak Hour													
Proposed AC	0.879	ITE Land Use \$41 -New Car Sales	1.00	38,289 SF	T= 1.92 (X)	75 / 25	6	68	74	11	47	16	63
Sub-Total							6	68	74		47	16	63
Current RM	0.640	ITE Land Use 230 - Condo TH	12 Units/acre	7 Units	$Ln(T) = 0.80 Ln(X) + 0.26$	17 / 83	1	5	6	0	1	5	6
NC	0.239	ITE Land Use \$20 - General Retail	1.00	10,411 SF	T= 0.96 (X)	62 / 38	6	4	10	61.4%	2	2	4
Sub-Total							7	9	16		3	7	10
Difference**							-1	59	58		44	9	53
PM Peak Hour													
Proposed AC	0.879	ITE Land Use \$41 -New Car Sales	1.00	38,289 SF	T= 2.62 (X)	40 / 60	4	96	100	15	34	51	85
Sub-Total							4	96	100		34	51	85
Current RM	0.640	ITE Land Use 230 - Condo TH	12 Units/acre	7 Units	$Ln(T) = 0.82 Ln(X) + 0.32$	67 / 33	5	2	7	0	5	2	7
NC	0.239	ITE Land Use \$20 - General Retail	1.00	10,411 SF	$Ln(T) = 0.67 Ln(X) + 3.31$	48 / 52	63	69	132	81	24	27	51
Sub-Total							68	71	159		29	29	58
Difference**							-64	25	-39		5	22	27

\* A negative value indicates that the proposed land use generates less vehicle trips than the current land use.

# GC to AC Traffic Data

TABLE 1  
TRIP GENERATION ANALYSIS - MAXIMUM ZONING DENSITIES

Zoning	Average	Land Use	Units per Acre or FAR	Intensity	Trip Generation Rate	In / Out		Total Trips		Pass-by		Net New Trips	
						In	Out	In	Out	%	Trips	In	Out
Daily													
Proposed		17E Land Use 820 - New Car Sales	1.00	44.86*	SP								
AC	1.00				T <sub>max</sub> = 39.30 AC	80	80			18.9%	24*	80.6	80.6
Sub-Total	1.00					80	80					80.6	80.6
Current		17E Land Use 820 - General Retail	1.00	44.86*	SP								
GC	1.00				T <sub>max</sub> = 1.66 Lm/A - 5.83	80	80			47.3%	1,238	1,058	1,058
Sub-Total	1.00					80	80					1,058	1,058
Difference*						-1,392	-1,392	-1,392	-1,392			-43*	-43*
AM Peak Hour													
Proposed		17E Land Use 820 - New Car Sales	1.00	44.86*	SP								
AC	1.00				T <sub>max</sub> = 1.92 AC	73	73			18.9%	13	85	85
Sub-Total	1.00					73	73					85	85
Current		17E Land Use 820 - General Retail	1.00	44.86*	SP								
GC	1.00				T <sub>max</sub> = 0.96 AC	62	62			37.8%	23	12	8
Sub-Total	1.00					62	62					12	8
Difference*						-21	-64	-43	-43			-41	-10
PM Peak Hour													
Proposed		17E Land Use 820 - New Car Sales	1.00	44.86*	SP								
AC	1.00				T <sub>max</sub> = 1.92 AC	73	73			18.9%	13	85	85
Sub-Total	1.00					73	73					85	85
Current		17E Land Use 820 - General Retail	1.00	44.86*	SP								
GC	1.00				T <sub>max</sub> = 0.96 Lm/A - 3.30	48	42			37.8%	16*	88	88
Sub-Total	1.00					48	42					88	88
Difference*						-163	-69	-163	-69			-48	-31

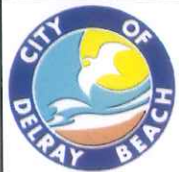
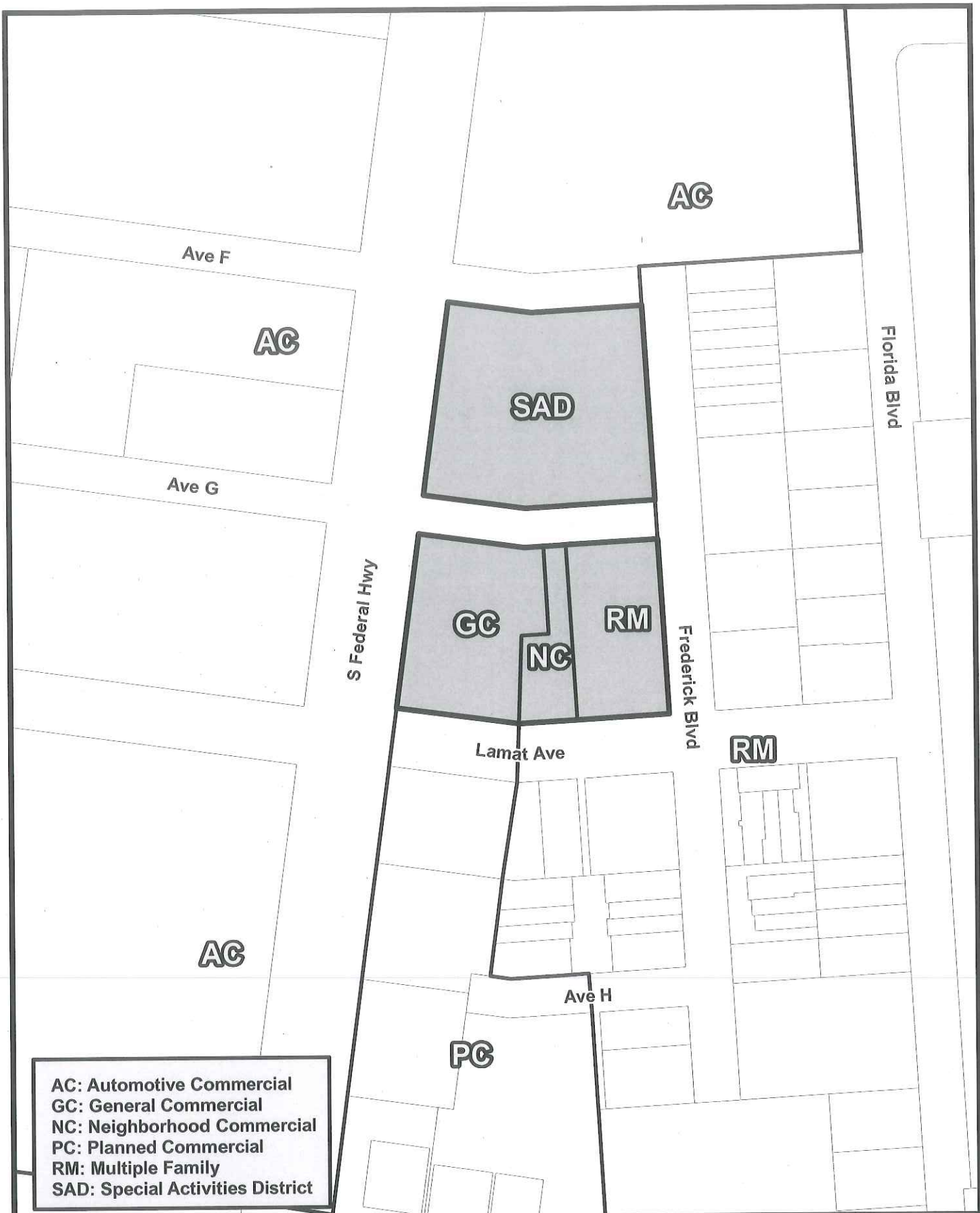
\* A negative value indicates that the proposed land use generates less vehicle trips than the current land use.



# SAD to AC Traffic Data

Zoning	Acreage	Land Use	Units per Acre or FAR	Intensity	Trip Generation Rate	In / Out		Total Trips		Pass-by		Net New Trips	
						In	Out	In	Out	%	Trips	In	Out
Daily													
Proposed	1.60	ITE Land Use 848 - Tire Store	0.50	34,848 SF	T = 24.87 (X)	50	50	434	433	867	28.0%	312	624
AC	1.60	ITE Land Use 841 - New Car Sales	0.50	34,848 SF	T = 32.30 (X)	50	50	563	563	1,126	15.0%	478	957
Sub-Total	1.60							997	996	1,993		791	1,581
Current													
SAD	1.60	ITE Land Use 841 - New Car Sales	1.00	69,696 SF	T = 32.30 (X)	50	50	1,126	1,125	2,251	15.0%	957	1,913
Sub-Total	1.60							1,126	1,125	2,251		957	1,913
Difference*								-129	-129	-258		-166	-332
AM Peak Hour													
Proposed	1.60	ITE Land Use 848 - Tire Store	0.50	34,848 SF	T = 2.88 (X)	63	37	6	95	101	28.0%	46	27
AC	1.60	ITE Land Use 841 - New Car Sales	0.50	34,848 SF	T = 3.92 (X)	75	25	3	62	67	15.0%	43	57
Sub-Total								11	157	168		89	130
Current													
SAD	1.60	ITE Land Use 841 - New Car Sales	1.00	69,696 SF	T = 3.92 (X)	75	25	101	33	134	15.0%	86	28
Sub-Total								101	33	134		86	28
Difference*								-90	124	34		3	13
PM Peak Hour													
Proposed	1.60	ITE Land Use 848 - Tire Store	0.50	34,848 SF	T = 4.15 (X)	43	57	62	83	145	28.0%	45	59
AC	1.60	ITE Land Use 841 - New Car Sales	0.50	34,848 SF	T = 2.62 (X)	40	60	36	55	91	15.0%	31	46
Sub-Total								36	55	91		76	106
Current													
SAD	1.60	ITE Land Use 841 - New Car Sales	1.00	69,696 SF	T = 2.62 (X)	40	60	73	110	183	15.0%	62	94
Sub-Total								73	110	183		62	94
Difference*								-37	-55	-92		14	12

\* A negative value indicates that the proposed land use generates less vehicle trips than the current land use.



## Delray Chevrolet Block 24 & 25 Del Raton Park Existing Zoning Map







## Delray Chevrolet Block 24 & 25 Del Raton Park Proposed Zoning Map

