



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 14-19, Collier Car Club SAD

Meeting	File No.	Application Type
February 25, 2019	2019-060	Rezoning

Request

Provide a recommendation to the City Commission regarding Ordinance No. 14-19, Collier Car Club SAD, to rezone the property located at 777 South Congress Avenue from Mixed-Residential, Office, and Commercial (MROC) to Special Activities District (SAD).

Recommendation

Recommend **approval** to the City Commission for a privately-initiated rezoning from Mixed Residential Office and Commercial to Special Activities District for the **Collier Car Club SAD** located at 777 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.

Background Information

The subject property is located on the east side of South Congress Avenue between West Atlantic Avenue and SE 10th Street. The site consists of approximately 4.8 acres, and contains a large, two-story warehouse with a one-story office on the front. The site was initially developed in 1979 for Kraft Foods as a warehouse and distribution center under the Light Industrial (LI) zoning regulations.

In 1990, the site was rezoned to Mixed Industrial Commercial (MIC) as part of the city-wide rezoning efforts; a Land Development Regulation (LDR) Amendment to the permitted uses was subsequently approved to accommodate ABC Carpets, a home furnishings and floor coverings business. ABC Carpets made additional improvements to the parking area and warehouse. In 2006, the City formulated a new vision for the Congress Avenue Corridor. As a result, a new Future Land Use category of Congress Mixed Use (CMU) was created, and the MIC zoned parcels between West Atlantic Avenue and the southern municipal boundary were rezoned to a new zoning designation of Mixed Residential, Office, and Commercial (MROC). The purpose and intent of the MROC zoning district was to create a transit-oriented development area along the Congress Avenue corridor surrounding the Delray Beach tri-rail station. MROC requires office and commercial uses along the streetscape and ground floor with upper stories limited to office or residential uses. Additional height, up to 85 feet, is permitted within MROC, as well as increased density opportunities in proximity to the Tri-Rail station.

Project Description

The request is to rezone the subject property from Mixed-Residential Office, and Commercial (MROC) to Special Activities District (SAD) for the purpose of establishing a membership-based automobile club ("club") within the existing building. The club will provide storage of the members' "meaningful cars" and specific services and benefits, such as the provision of an on-site research library, common showroom area, climate-controlled secure car storage exclusive to members, and an auto lab for restoration with supervision provided by master mechanics.

The club anticipates employing approximately 10-16 professionals, including a club manager, three club assistants, and a concierge to facilitate member events. Additionally, two fulltime storage assistants will be responsible for caring for and preparing the cars for members and 2 – 3 master mechanics will be available on site to assist members with their restoration efforts.

The primary hours of operation are specified as seven days a week from 9am – 5pm; special events will be hosted outside of the normal operating hours. The special events, which will not be open to the public, will include influential leaders in the automotive world, car and collection displays, instruction workshops, charity events, local car club meetings, etc.

Project Planner:

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Attachments:

- Draft Ordinance 14-19
- Descriptive Narrative of Use
- Rezoning Justification Statement
- Proposed Site Plan

The draft of Ordinance 14-19 includes the following standards specific to the use and site:

- Exhibit B: Permitted Use and Supplemental Standards
 - Use: Membership-based automobile club.
 - Supplemental Standards: Limitations on use areas indoors and outdoors, and regulations for exterior vehicle lifts.
- Exhibit C: Development Standards
 - Review and approval process.
 - Development standards for setbacks, building height, lot coverage, open space, structure size, office and showroom location, architectural design, exterior loading, fences and walls, and stacking are outlined.
 - Requirement of a 10' Greenway Easement is required along the rear of the property.
 - Landscape Plan requirements.
 - Parking requirements.

The Ordinance also specifies that those applicable requirements, which are in the LDRs and not included in Ordinance 14-19, shall also be met.

Review and Analysis

Pursuant to **LDR Section 2.4.5(D)(5)**, in addition to provisions of Chapter 3, the City Commission must make findings that the rezoning fulfills at least one of the reasons listed under Subsection (2):

- (a) That the zoning had previously been changed, or was originally established, in error;
- (b) That there has been a change in circumstances which make the current zoning inappropriate; or
- (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 indicated that the request is based on (b) above, as "there has been a change in circumstances which makes the current zoning inappropriate. There has been a substantial decline in retail shopping at brick and mortar stores...Accordingly, a free standing solitary 'big box' located along Congress Avenue is unlikely to be repurposed as retail with another vendor...The applicant's use will fit these circumstances and create a use that bring a spotlight to the Congress Avenue corridor..." The complete statement is attached. Approval of the request requires that the City Commission make a positive finding that the reason for the request is a change in circumstance which makes the current zoning inappropriate.

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.

(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 existing FLUM designation is CMU, which is the designation applied to properties in the Congress Avenue Corridor. The CMU is described as a designation that accommodates a variety of uses including limited commercial, office development and residential uses. The proposed use, a member-based automobile club, is of a commercial nature with accessory office use and is consistent with the CMU designation, which is consistent with SAD zoning designation. Member-based automobile clubs are not specifically accommodated in any of the City's zoning districts, and therefore, is appropriate to the SAD zoning designation.

(B) Concurrency. Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the 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 CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.

Water and sewer services are adequately provided to the site and will remain as the site is not proposed to be redeveloped with the subject request. Drainage is accommodated by catch basins and existing dry retention areas on both the north and south sides of the existing structure. The traffic analysis report for the proposed use indicates a net decrease of 170 trips per day. The proposal has been reviewed by Palm Beach County Traffic Engineering and determined that it meets the Traffic Performance Standards of Palm Beach County. The change in use will also significantly decrease the solid waste generation, which is presently calculated at approximately 7.2 pounds for warehouse use area and 10.2 pounds for retail use area per square foot/year; the proposal would reduce the impact to 5.4 pounds for the storage area and 5.2 pounds for the office use area. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2047. It is noted that the park impact fee is not applicable to the subject request as it does not include a residential component.

(C) Consistency. A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

A review of Article 3.2 has been conducted and found no conflicts with the Standards for Rezoning Actions, and that the Standards for Site Plans are addressed with the standards incorporated in the ordinance as part of the site plan review. The Standards for Specific Areas or Purposes are not applicable to the subject request.

(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.

Concurrent with the review of the rezoning request, the LDRs relative to the development and use of the site have been applied and will be acted on separately by the Site Plan Review and Appearance Board (SPRAB). Section 4.4.25, Special Activities District specifies that SADs are established by an ordinance which is processed the same as a rezoning. However, a complete site plan is required to be reviewed concurrently, which can also be approved by SPRAB between First and Second Reading of the ordinance. The applicant has submitted the complete site plan, which has been reviewed by staff and will be scheduled for approval by the SPRAB prior to adoption of the ordinance.

In addition to consistency with the Future Land Use designation as described in the Comprehensive Plan, the plan identifies the following, which are applicable to the request:

Future Land Use Element, Objective A-1 Property shall be developed or redeveloped in a manner so that the future 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.

Future Land Use Element, Policy A-2.2 Prior to approving any development application which comes before it, the applicable approving board must make a "finding of overall consistency" of the requested land use action with the objectives and policies of the Future Land Use Element.

The proposed rezoning to SAD to accommodate the membership-based automobile club and associated site improvements are appropriate and proposed in a manner that is compatible with the adjacent land uses and the Congress Avenue corridor. Further, the proposed rezoning is consistent with the future land use designation, and meets the intent of the objectives and policies of the Future Land Use Element. Therefore, a finding of overall consistency can be made.

Review By Others

The **City Commission** is anticipated to review Ordinance 14-19 at its meetings of March 12, 2019 (First Reading) and April 16, 2019 (Second Reading, Final Adoption).

The **Site Plan Review and Appearance Board** is anticipated to review the site plan at its meeting of March 27, 2019.

Assessment and Conclusion

The proposed rezoning is to accommodate a use that is not otherwise specifically allowed in another zoning district, and allows for the adaptive reuse of an existing building and site along the Congress Avenue corridor. Compatibility will be maintained along the corridor as the general development standards specified in the ordinance maintain the intent of the MROC standards. The proposed use will also assist in serving a niche industry or market in Delray Beach and the surrounding local area. Given the analysis provide throughout the report and compliance with the LDRs and Comprehensive Plan, positive findings can be made with respect to the proposed Ordinance 14-19.

Alternative Actions

- A. Move a recommendation of **approval**, as amended, to the City Commission for a privately-initiated rezoning from Mixed Residential Office and Commercial to Special Activities District for the **Collier Car Club SAD** located at 777 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.
- B. Move a recommendation of **denial** to the City Commission for a privately-initiated rezoning from Mixed Residential Office and Commercial to Special Activities District for the **Collier Car Club SAD** located at 777 South Congress Avenue, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in LDR Sections 2.4.5(D)(5), 3.1.1, and 3.2.2.

Public and Courtesy Notices

N/A Courtesy Notices are not applicable to this request

X Courtesy Notices were provided to the following, at least 5 working days prior to the meeting:

- Delray Beach Chamber of Commerce

N/A Public Notices are not required for this request.

X Public Notice was posted at the property on Friday, February 15, 2019, 7 calendar days prior to the meeting. NOTE: The earlier posting was due to a holiday on Monday, February 18, 2019.

X Public Notice was mailed to property owners within a 500' radius on Friday, February 15, 2019, 10 days prior to the meeting.

N/A Public Notice was mailed to the adjacent property owners on (insert date), 20 days prior to the meeting.

X Public Notice was published in the Sun Sentinel on Friday, February 15, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, February 15, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Friday, February 15, 2019, 10 working days prior to the meeting.

X Agenda was posted on Friday, February 15, 2019, at least 5 working days prior to meeting.