



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Swinton Avenue Properties, Ordinance No. 25-19

Meeting	File No.	Application Type
July 15, 2019	2019-044	Rezoning

Request

Provide a recommendation to the City Commission of Ordinance No. 25-19 for a rezoning from Single-family Residential, R-1-AA to Single-family Residential, R-1-AB for four properties, referred to as Swinton Avenue Properties, including 2201, 2275, and 2315 North Swinton Avenue, and an adjacent, unaddressed property north of 2315 North Swinton Avenue.

Background Information

The subject properties are generally located at the northeast corner of North Swinton Avenue and NE 22nd Street. Three of the properties (2201, 2275, & 2315) each contain a single-family residence; the Palm Beach County Property Appraiser's website indicates that the three structures were built in 1933, 1955, and 1999. The fourth property has never been individually developed, and therefore, has not been assigned an address.

The four properties were annexed into the municipal boundaries of Delray Beach via Ordinance 111-88. Since their annexation in 1988, the zoning designation has been Single-family Residential, R-1-AA. The designation on the Future Land Use Map is Low Density (LD) for all four properties.

Note: The graphic also refers to Lots 1 – 5; these lot numbers coincide with the legal descriptions in the attached Ordinance.



Review and Analysis

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.

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 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.

Pursuant to **LDR Section 3.2.2, Standards for Rezoning Actions**, the following standards are applicable to the subject request:

- (A) 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.

The subject area is identified as needing "stabilization", and therefore, a review of the existing development patterns and typical lot sizes is to be considered. The existing development pattern of the surrounding is predominantly in keeping with the R-1-AA standards that are currently applicable to each of the properties. If a determination is made that the proposed zoning designation of R-1-AB is appropriate given existing development patterns and considered "the most restrictive residential zoning district that is applicable", then positive findings can be made.

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

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

This standard is not applicable.

- (D) 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 rezoning from R-1-AA to R-1-AB will maintain the current permitted land uses and density, which are compatible with the surrounding single-family residential neighborhood and North Swinton Avenue corridor. An incompatibility with respect to the land uses will not result from the rezoning.

- (E) 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.

Other Comprehensive Plan Policies that apply:

Housing Element, Objective B-2: Redevelopment and the development of new land shall result in the provision of a variety of housing types and other amenities (i.e. bike trails, parks, sidewalks) to accommodate the diverse economic makeup of the City's demographic profile, and meet the housing needs of all residents.

Housing Element, Policy B-2.3: New housing developments shall include a range of housing types that offer variety in size, color, and style.

The redevelopment of the property under the proposed R-1-AB zoning designation will allow slightly smaller single-family lot sizes than required in the current R-1-AA and established throughout the surrounding area.

Pursuant to **LDR Section 2.4.4(D)(2), Change of zoning district designations: Required Information**, 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:

- 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.

Pursuant to **LDR Section 2.4.4(D)(5), Change of zoning district designations: 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). The criteria, referred to as "valid reasons for approving a change in zoning" listed under Subsection (2), above, has been addressed by the applicant in the attached justification statement.

Staff has documented that the zoning has not been changed since the land was annexed and there is no indication that the zoning was originally established in error, as it is the same designation for the surrounding residential area.

A determination must be made of whether there has been a change in circumstance that makes the current zoning inappropriate. The change in circumstance of the assembly of the parcels has not resulted in a condition whereby the current zoning is deemed inappropriate. Assembling the three large home-sites and re-platting into more single-family lots using the current zoning regulations accommodates growth in a manner compatible with the surrounding area.

Regarding similar intensity under the Future Land Use Map, the properties have Low Density land use designations, which is consistent with the R-1 zoning district designations. The LD land use designation permits a density of up to five units per acre, which is applicable to and limits both zoning designations. Therefore, positive findings can be made that the intensity of the requested zoning is similar under the Future Land Use Map.

However, a determination must also be made whether the proposed zoning designation of R-1-AB is "more appropriate for the property" than R-1-AA "based upon circumstances particular to the site and/or neighborhood." While the current and the proposed zoning designations are both (R-1) districts, the Development Standards differ between the two suffixes (AA vs. AB). The chart below provides a comparison of the Development Standards required by LDR Section 4.3.4(K); the shaded areas highlight those standards that are different between the two designations: minimum lot size, minimum lot width and frontage, minimum front setbacks, and minimum side interior setbacks.

Zoning District	Lot Size	Lot Width/ Frontage (I/C)	Lot Depth	Setbacks				Open Space	Height
				Front	Side Interior	Side Street	Rear		
R-1-AA	9,500 sq. ft.	75'/95'	100'	30'	10'	15'	10'	25%	35'
R-1-AB	7,500 sq. ft.	60'/80'	100'	25'	7'6"	15'	10'	25%	35'

Given the differences between the two zoning designations, it can be determined that the R-1-AB zoning designation has the potential to provide a slightly more dense (but still compliant with the LD land use designations) single-family residential development than the surrounding R-1-AA zoning designation provides. A comparison between the two designations using the length of the assembled properties along North Swinton Avenue results in one more unit facing North Swinton Avenue than allowed under the current zoning regulations. Ultimately, the outstanding determination for the board is whether the slightly smaller lot size (7,500 sf) is "more appropriate" for the neighborhood than R-1-AA minimum lot size (9,500 sf). It is important to note that the findings for the rezoning have to stand on their own and are not tied to a specific site plan. The ultimate lot configuration will be determined through the plat review process.

Review By Others

The First and Second Readings of the subject request are tentatively scheduled for the City Commission meetings of August 20, 2019, and September 5, 2019.

Board Action Options

- A. Recommend **approval** to the City Commission for the rezoning from Single-family Residential (R-1-AA) to Single-family Residential (R-1-AB) for four properties, referred to as Swinton Avenue Properties, including 2201, 2275, and 2315 North Swinton Avenue, and an adjacent, unaddressed property north of 2315 North Swinton Avenue, by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Recommend **denial** to the City Commission for the rezoning from Single-family Residential (R-1-AA) to Single-family Residential (R-1-AB) for four properties, referred to as Swinton Avenue Properties, including 2201, 2275, and 2315 North Swinton Avenue, and an adjacent, unaddressed property north of 2315 North Swinton Avenue, finding that the request 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 are not applicable to this request

N/A Courtesy Notices were provided to the following:

----- Public Notices are not required for this request.

X Public Notice was posted at the property on July 8, 2019.

X Public Notice was mailed to property owners within a 500' radius on July 5, 2019, ten days before the meeting date.

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

X Public Notice was published in the Sun Sentinel on July 5, 2019, seven days before the meeting date.

X Public Notice was posted to the City's website on July 5, 2019.

X Public Notice was posted in the main lobby at City Hall on July 5, 2019.