



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### 7-Eleven at Via Delray

Ordinance No. 21-19, Annexation; Ordinance No. 22-19, Future Land Use Map Amendment; Ordinance No. 23-19, Rezoning

Meeting	File No.	Application Type
July 15, 2019	2019-220-ANX-CCA	Annexation
	2019-218-FLM-CCA	Future Land Use Map Amendment
	2019-219-REZ-CCA	Rezoning

### Request

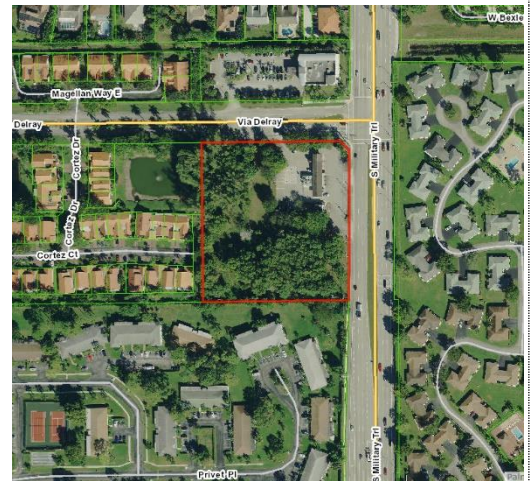
#### Annexation

Provide a recommendation to the City Commission on a privately-initiated petition for a Voluntary Annexation of a 3.54-acre parcel from Palm Beach County, a Future Land Use Map amendment from Palm Beach County Commercial High (CH-5) to City of Delray Beach General Commercial (GC), and rezoning from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC).

### Background Information

The site currently has a 199 SF area of covering 4 fuel pumps with 8 fuel stations and a 700 SF convenience store (both built in 1984), and a 720 SF car wash (built in 1995). The applicant states the intention is to redevelop the site in a manner consistent with the 7-11 corporate model with a 4,500 SF convenience store, self-service car wash, and 8 fuel pumps with 16 fueling stations in the summer of 2019. The applicant indicates in the submitted Justification Statement (attached) that features of the new 7-Eleven corporate model include enhanced architecture, lighting, landscaping, and additional site security, which will be evaluated in a future site plan submittal. The project described by the applicant will require a Class V site plan application and a Conditional Use approval.

The property owner recently completed another project within the City of Delray Beach, and desires to annex this property into the City.



### Review and Analysis

#### Annexation

#### Florida Statutes Governing Voluntary Annexations

Section 171.044 of the Florida Statutes indicates that "the owner or owners of real properties in an unincorporated area of the County, which is contiguous to a municipality and reasonably compact, may petition the governing body of said municipality that said property be annexed to the municipality." A petition for voluntary annexation was submitted by Gunster, on behalf of 7-Eleven, Inc., the property owner of record. The parcel is contiguous to the City of Delray Beach along the east property line, which extends approximately 384 feet.

Pursuant to F.S. 171.044 (5) "land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves." F.S. 171.031, Definitions – (13) defines "Enclave" as "(a) Any unincorporated improved or developed area that is enclosed within and bounded on all sides by a single municipality; or (b) Any unincorporated improved or developed area that is enclosed within and bounded by a single municipality and a natural or manmade obstacle that allows the passage of vehicular traffic to that unincorporated area only through the municipality." The subject property is contiguous to the City of Delray Beach, and is surrounded

on three sides by Palm Beach County. The site is accessible from both unincorporated Palm Beach County and the City of Delray Beach from Military Trail, and to unincorporated Palm Beach County from Via Delray Beach Boulevard. Therefore, granting this request will not create an enclave.

### **Land Development Regulations Governing Annexations**

Pursuant to the Land Development Regulations 2.4.5 (C)(1), "the owner of land may seek the annexation of contiguous property, under his ownership" pursuant to Florida Statutes. The voluntary annexation petition was submitted by 7-Eleven, Inc., property owner, in accordance with Chapter 171, Florida Statutes, and the subject property is contiguous to the City of Delray Beach as noted above.

### **Comprehensive Plan Regulations Governing Annexation**

Upon adoption of the 1989 Comprehensive Plan, the City's "reserve annexation area" was replaced by the boundaries of its "Official Planning Area". The Official Planning Area is the area for which most calculations and projections in the City's Comprehensive Plan are predicated upon. It is also considered the City's ultimate boundaries. The Planning Area is specifically delineated on Map #1, Future Land Use Element (attached). The subject property is not located within the Planning Area. However, approving the annexation of this property is consistent with Future Land Use Element Policy B-3.5, which says that the City should "accommodate voluntary annexations as the opportunities arise."

### **Provision of Services**

When annexation of property occurs, services are to be provided in a manner which is consistent with services provided to other similar properties already in the City (Future Land Use Element Policy B-3.1). The provision of services, with respect to public health, safety, and welfare, is provided below. Full discussion of the availability of services is provided in the discussion of the future land use map amendment.

**Police:** Per Palm Beach Sheriff's Office (PBSO) communications, the location has had approximately 30 calls for service since November of 2018 and no significant calls for service. The estimated response service time by the City's Police Department is similar to all other locations' response times in Beat 7. The annexation of this site will not require additional staffing to facilitate service.

**Fire and Emergency Services:** Palm Beach County Fire Rescue Station #41 (located at Woolbright Road, just west of Military Trail) currently serves the site. The approximate response service time to currently serve the site is between 4-6 minutes. City of Delray Beach Fire Station No. 114 (located at the northeast corner of Lake Ida and Barwick Roads) will service the site. The City's Fire Department response service time to the site, provided by the City's Fire Department, would be 2-4 minutes. The annexation of this parcel will not require additional staffing to facilitate service to this site.

### **Financial Impacts**

**Ad Valorem Tax Revenue.** At the 2018/2019 City operating millage of 6.7611 mills and debt rate of 0.2108 mills, the property will pay approximately \$5,144 more in ad valorem taxes per year. Under the annexation, the City will receive approximately \$12,266.81 per year in taxes. The City can also anticipate the receipt of the Communication Service Tax (Cable and Telephone of 5.22%); Electric and Gas Tax of 10% and Utility Franchise Fee on Electric of 6%.

**Non Ad Valorem Tax Revenue:** The Lake Worth Drainage District manages the water resources in southeast Palm Beach County and is supported by an annual non-ad valorem assessment. This fee will remain the same with annexation. The Delray Beach Stormwater Utility is a new non-ad valorem tax, and will apply upon annexation. This amount is dependent upon the development of the site; the final fee amount will be determined upon the applicant's submittal of a site plan application. This assessment is based upon the percentage of impervious area of the structures, buildings, parking areas, etc. For the existing buildings, a stormwater assessment will be applied based on the same criteria.

The following tables depict the current assessed value and total (Palm Beach County) taxes for the subject property and provides an estimate of the taxes under the same assessed value if the property is annexed into the City Delray Beach:

PROPERTY TAX DETAIL					
<b>13555 S. Military Trail</b>		<b>Taxable Value</b>			
<b>*00424611000005060</b>		<b>1,759,465</b>			
<b>AD VALOREM</b>	<b>COUNTY</b>	<b>COUNTY TOTAL</b>	<b>CITY TOTAL</b>	<b>CITY TOTAL</b>	
<b>TAXES</b>	<b>TOTAL TAXES</b>	<b>MILLAGE</b>	<b>TAXES</b>	<b>MILLAGE</b>	
Fire/Rescue MSTU	6,084.41	3.4581	0.00	0	
Palm Beach County Lib.	966.12	0.5491	0.00	0	
Palm Beach Co.Lib.Debt	72.14	0.041	0.00	0	
Florida Inland Navigation	56.30	0.032	56.30	0.032	
Health Care District	1,277.55	0.74	1,277.55	0.74	
Palm Beach County	8,412.88	4.7815	8,412.88	4.7815	
Palm Beach County Debt	204.98	0.1165	204.98	0.1165	
Children Service Council	1,126.59	0.6403	1,126.59	0.6403	
Public Schools Loc.Board	4,395.14	2.498	4,395.41	2.498	
Public Schools State Law	7,168.06	4.074	7,168.06	4.074	
SFWMD District	212.72	0.1209	212.72	0.1209	
SFWMD Basin	230.49	0.131	230.49	0.131	
SFWMD Everglades Const.	73.37	0.0417	73.37	0.0417	
City of Delray Beach	0.00	0	11,895.92	6.7611	
City of Delray Beach Debt	0.00	0	370.90	0.2108	
<b>TOTAL</b>	<b>30,280.75</b>	<b>17.2241</b>	<b>35,425.16</b>	<b>20.1478</b>	

SUMMARY OF IMPACTS ON THE PROPERTY OWNER				
County vs. City Ad Valorem Millage				
City Mills	County Mills			Difference
20.1478	17.2241	=		2.9237
City vs. County Ad Valorem Taxes				
City Tax	County Tax			Difference
35,425.16	30,280.75			\$5,144.41
City vs. County Non-Ad Valorem Taxes				
City Tax	County*			Difference
Not Known**	1490.13			TBD
ANNUAL FINANCIAL IMPACT:				
* There is no County non-ad valorem tax. The Solid Waste Authority and the Lake Worth Drainage District tax the property regardless of the jurisdiction. The figure provided is from the current tax year. We anticipate an assessment, subsequent to annexation, very similar to the current amount, with the only increase coming from the increase in building size.				
** Cannot be determined. The calculation is dependent on site development.				



FISCAL IMPACT (CITY)		
AD VALOREM TAXES 2018		
City of Delray Beach	6.7611 Mills	\$11,895.92
City of Delray Beach Debt	0.2108 Mills	\$370.90
SUB-TOTAL		\$12,266.81
NEW NON-AD VALOREM TAXES 2018*		
Storm Water Assessment (Estimated)**		TBD
SUB-TOTAL		\$0.00
PARK AND RECREATION IMPACT FEE		
\$500 per unit	0 Units	\$0.00
<b>TOTAL</b>		<b>\$12,266.81</b>
* The City doesn't have a non-ad valorem tax. The Solid Waste Authority and the Lake Worth Drainage District tax the property regardless of the jurisdiction. Therefore, this should be very similar, with the only increase coming from the increase in building size.		
** Cannot be determined. The calculation is dependent on site development.		

13555 S. Military Trail Annexation  
Tax Comparison Summary

SUBJECT PROPERTY	TAXABLE VALUE 2018	PBC ADVAL. TAXES	DELRAY ADVAL. TAXES	DIFFERENCE IN AD VALOREM TAXES	NON AD VALOREM TAXES	DELRAY NON AD VALOREM TAXES	DIFFERENCE IN NON AD VALOREM TAXES
13555 S. Military Trail	1,759,465.00	30,280.75	35,425.16	5,144.41	1490.13	TBD	TBD
<b>TOTALS</b>	<b>\$ 1,759,465.00</b>	<b>\$ 30,280.75</b>	<b>\$ 35,425.16</b>	<b>\$ 5,144.41</b>	<b>\$ 1,490.13</b>	<b>\$ -</b>	<b>\$ -</b>

**Future Land Use Map Amendment**

Pursuant to **LDR Section 2.4.5(A)**, Comprehensive Plan amendments must follow the procedures outlined in the Florida Statutes. The FLUM amendment is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

**Findings**

Pursuant to LDR Section 3.1.1, Required Findings, "findings shall be made by the body which has the authority to approve or deny the development application." These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

**Future Land Use Map**

The subject property is not within the City's Planning Area. The current Land Use Designation is Palm Beach County CH-5 – Commercial High. The requested Future Land Use Map Designation is City General Commercial - GC. The Future Land Use Element, of the Comprehensive Plan, Table L-6, identifies which zoning districts are consistent with the Future Land Use Map designations. Pursuant to

Table L-6, the proposed General Commercial FLUM designation and the proposed General Commercial (GC) Zoning District are consistent.

### **Consistency**

A finding of Consistency requires that the requested designation is consistent with Goals, Objectives, and Policies of the most recently adopted Comprehensive Plan. An amendment to the Comprehensive Plan (Always Delray) is currently under review by City Commission, but the application is subject to plan that was adopted at the time of submittal. The applicable Objectives and Policies from the plan adopted at submittal are provided below.

*Future Land Use Policy A-1.2:* *Zoning changes which would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exist along an arterial street, consideration should be given to increasing the depth of the commercial zoning in order to provide for better project design. Strip commercial development, in this context, is characterized by several of the following design features: buildings are arranged in a linear (or strip) format on a narrow depth lot; parking is generally street frontage or on-street; uses are one store deep; no design integration among individual uses; typically no pedestrian access between adjacent developments; very little or no uniformity of signage on an individual development.*

The subject property is not a strip commercial development and provides neighborhood-serving commercial services in a compact node.

*Future Land Use Element Policy A-1.7:* *Amendments to the Future Land Use Map (FLUM) must be based upon the findings listed below, and must be supported by data and analysis that demonstrate compliance with these findings:*

- ☐ *Demonstrated Need -- That there is a need for the requested land use. The need must be based upon circumstances such as shifts in demographic trends, changes in the availability of land, changes in the existing character and FLUM designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances. The need must be supported by data and analysis verifying the changing demographics or other circumstances. This requirement shall not apply to requests for the FLUM designations of Conservation or Recreation and Open Space; nor shall it apply to FLUM changes associated with annexations when the City's advisory FLUM designation is being applied, or when the requested designation is of a similar intensity to the advisory designation. However, the findings described in the remainder of this policy must be addressed with all FLUM amendments.*

A land use plan amendment is necessary for any parcel annexing into the City of Delray Beach.

- ☐ *Consistency -- The requested designation is consistent with goals, objectives, and policies of the most recently adopted Comprehensive Plan.*

Goal A of the Future Land Use Element of the Comprehensive Plan says that "Land within the Planning Area shall be developed or redeveloped to sustain and enhance the existing quality of life, compliment and be compatible with existing land use and result in a mixed, but predominately residential community with a balanced economic base and encourage accessible affordable everyday services." A gas station and convenience retail in proximity to residential development provides everyday services to residents within the City of Delray Beach.

- ☐ *Concurrency -- Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards.*

The subject property was previously subject to Palm Beach County land use and zoning at the highest commercial intensity possible, and it was determined to have sufficient capacity. Compliance with traffic, schools, utilities, and solid waste is described below.

*Traffic.* The City has determined that a traffic study is not necessary, because the applicant is requesting City land use and zoning designations that are to a comparable the current County designation. Additionally, the site is already developed. Increases in the existing density and intensity would require a re-evaluation of concurrency standards, including traffic, under Site Plan application.

Schools. Commercial development is not subject to school concurrency evaluation. Furthermore, the applicant indicates that a deed restriction is in place for the property that prevents the site from becoming a residential development. Therefore, there will be no negative impact on the public school system.

Utilities. The Comprehensive Plan Future Land Use Element, Policy B-3.2, indicates water and sewer facilities may be provided to unincorporated areas by the City, upon demand, along with an annexation agreement. The provision of water facilities shall be accompanied by an agreement to voluntarily annex upon eligibility unless the property is already eligible in which case, annexation shall precede the provision of services. Availability of utilities is discussed below.

Water. The City's Water Atlas and the survey indicate water is provided to the site by a 12" water main located within the Military Trail right-of-way.

Sewer. The survey indicates sanitary sewer service is provided. The City's Sewer Atlas indicates that sewer service is not provided to the site by the City. Under Future Land Use Policy B-3.1, the City is not required to provide services upon annexation in areas that receive these services from Palm Beach County. Therefore, the property can remain on Palm Beach County sanitary sewer service, thereby there is no impact on City sanitary sewer facilities.

Solid Waste. The Solid Waste Authority (SWA) is the waste collector for both the City and the County. Since the use as a gas station and convenience store is not changing in this application, no new impact will result. Changes in intensity and the potential impacts, will be evaluated as part of any subsequent site plan submittals.

Drainage. The City will review drainage plans upon receipt of a site plan application. At site plan submittal, the applicant will be required to provide a signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D) (8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into City's sewer system. A letter from the Deputy Director of Public Utilities stating that the City's system has sufficient capacity to treat proposed flows will be issued upon review and approval of submitted site plans.

- ☐ *Compatibility -- The requested designation will be compatible with existing and future land uses of the surrounding area.*

The land use on the site was previously determined compatible with surrounding properties by Palm Beach County. The proposed City of Delray Beach land use is comparable to the existing County land use. Under the proposed General Commercial (GC) land use, General Commercial (GC) zoning is considered a compatible zoning district. Furthermore, the proposed zoning is compatible with the existing uses. The subject property does not possess any specific characteristics that would be negatively impacted by the adoption of the GC – General Commercial designation. The adjacent FLUM designations are indicated below:

	Land Use Map Designations
North	Unincorporated Palm Beach County CH-0/5 Commercial High Office, with an underlying MR-5
South	Unincorporated Palm Beach County Medium Density Residential 5 units per acre (MR-5)
East	City of Delray Beach Medium Density 5-12 du/acre (MD)
West	Unincorporated Palm Beach County Medium Density Residential 5 units per acre (MR-5)

The proposed gas station and convenience store is consistent with the FLUM designation, and consistent with the surrounding land use map designations.

- ☐ *Compliance -- Development under the requested designation will comply with the provisions and requirements of the Land Development Regulations.*

The applicant intends to submit a Site Plan application with a Conditional Use application in the summer of 2019 to replace the existing gas station, car wash, and fuel pumps with a higher intensity development. The application will be processed by Development Services, and the proposed development will be subject to all applicable provisions and requirements of the Land Development Regulations. Inasmuch as the existing gas station and convenience store were built in 1984, the development review process will likely result in a higher quality development than currently exists on the site.

*Conservation Element Policy B-2.1: The submission of a biological survey and a habitat analysis shall accompany land use requests for plan amendments, rezonings, and site plan approval. However, the requirement shall not apply to small parcels, developed parcels, or where it is apparent that there are no such resources.*

*Conservation Element Policy B-2.2: Whenever and wherever significant or sensitive flora and fauna communities are identified, plans shall be required to preserve the habitat to the extent feasible, or provide for mitigation if preservation is infeasible or inappropriate.*

A field review was conducted of the subject property to determine whether there are any significant habitats or biological communities. Based upon the existing conditions of the properties, it was determined that a biological survey and a habitat analysis are not required. However, conformance with respect to preservation of trees will be addressed during the site plan review process.

### Rezoning Amendment

Pursuant to **LDR Section 2.4.5(D)(1)**, the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. The submitted application complies with these requirements.

### Findings | LDR Section 2.4.5(D)

LDR Section 2.4.5(D)(2) outlines the procedures for a zoning change, which includes the standard application items in Section 2.4.3. Valid reasons for approving a change in zoning, pursuant to **LDR Section 2.4.5(D)(2)** are:

- 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.

The application fulfills the last two criteria. The change of circumstance (annexation from Palm Beach County and land use map amendment) necessitates the adoption of City zoning. Additionally, concurrent with annexation, an initial zoning designation must be applied to the property consistent with the requested Future Land Use Map designation, and match the intensity of the proposed land use. The proposed zoning is comparable to the existing Palm Beach County zoning, and the existing development is compatible with the surrounding neighborhoods, providing neighborhood-serving amenities.

A traffic study must be prepared in accordance with **LDR Section 2.4.3(E)** to address the development of property under reasonable intensity pursuant to the existing and proposed zoning. Section 2.4.3 sets forth the items required for each application and states, "These requirements may be waived when, on a case by case basis, the Director finds that such material is not relevant or necessary to fully analyze or make a recommendation relative to the application." The requirement for a traffic study was waived as the property is already developed, will maintain its existing use, and has previously been subject to concurrency in Palm Beach County. Any future increase in intensity will require evaluation of impacts, including traffic.

### Section 3.2.2 - Standards for Rezoning Actions

Rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

- (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. [Amd. Ord. 13-99 3/16/99]*

Because the subject property is located in unincorporated Palm Beach County, a category on the Residential Neighborhood Categorization Map has not been assigned. This property is requesting a commercial zoning district.

- (B) *Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95. [Amd. Ord. 13-99 3/16/99]*

Not applicable. This is a fuel station.

- (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. [Amd. Ord. 13-99 3/16/99]*

The subject property is not a strip commercial development and provides neighborhood-serving commercial services in a compact node.

- (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. [Amd. Ord. 13-99 3/16/99]*

Under the proposed General Commercial land use, General Commercial (GC) is considered a compatible zoning district. Furthermore, the proposed zoning is compatible with the existing use on the site. The existing uses and zoning surrounding the proposed development is as follows:

	Zoning Designation	Land Use	Use
North	Palm Beach County Specialized Commercial (CS)	Palm Beach County Commercial High Office with an Underlying MR-5 (CH-0/5)	Medical office
South	Palm Beach County Single Family (RS)	Palm Beach County Medium Density Residential (MR-5)	Condominiums
East	City of Delray Beach Medium Density Residential (RM)	City of Delray Beach MD – Medium Density, 5-12 du/ac	Condominiums
West	Palm Beach County Single Family (RS)	Palm Beach County Medium Density Residential (MR-5)	Townhomes / water retention

Therefore, the zoning is compatible with the adjacent and nearby land use.

- (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. [Amd. Ord. 13-99 3/16/99]*

Not applicable. The proposed development is not within the coastal planning area.

#### **Section 4.4.9 – General Commercial (GC) District**

General Commercial (GC) “provides basic regulations for small parcels which are best suited for general retail and office uses. [...] The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial and collector streets. Uses may be conducted singularly or in combination within the same structure.”

The subject property is located on an arterial and has existing development (described previously). Standard development regulations are appropriate for the parcel, which does not have any unique characteristics that necessitate the application of non-standard



regulations. The property has multiple (existing and proposed) uses on the same property. Gas stations are allowed by conditional use, pursuant to Section 4.4.9(D)(8). Section 4.3.3(J) provides the development standards for gasoline stations. Any future site plan modification will also be subject to the standards in this section.

### Review By Others

The subject property is not within a redevelopment area or overlay.

**Palm Beach County Notice:** On June 20, 2019, the Palm Beach County Planning Division was notified of the intent to annex this property. No objection has been received from Palm Beach County to date.

**Interlocal Plan Amendment Review Committee (IPARC):** On June 20, 2019, notice of the Future Land Use Amendment has also been provided to the IPARC, which distributes the information to adjacent municipalities. No opposition has been noted.

The item is anticipated to go before the City Commission on August 20, 2019 for first reading.

### Board Action Options

#### Annexation

- A. Move a recommendation of **approval** of Ordinance No. 21-19, a privately-initiated request to annex 3.54 acres from Palm Beach, finding that the annexation and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **denial** of Ordinance No. 21-19, a privately-initiated request to annex 3.54 acres from Palm Beach County, finding that the annexation 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

#### Future Land Use

- A. Move a recommendation of **approval** of Ordinance No. 22-19, a privately-initiated request for a Future Land Use Map amendment from Palm Beach County CH-5 - Commercial High to City of Delray Beach General Commercial (GC), 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. Move a recommendation of **denial** of Ordinance No. 22-19, a privately-initiated request for a Future Land Use Map amendment from Palm Beach County CH-5 - Commercial High to City of Delray Beach General Commercial (GC), 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

#### Rezoning

- A. Move a recommendation of **approval** of Ordinance No. 23-19, a privately-initiated request to rezone from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC), finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **denial** of Ordinance No. 23-19, a privately-initiated request to rezone from Palm Beach County General Commercial (GC) to City of Delray Beach General Commercial (GC), finding that the rezoning 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

☒ Courtesy Notices are not applicable to this request.

☐ Public Notices are not required for this request.

☒ Public Notice was posted at the property 7 calendar days prior to the meeting.

☒ Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

☐ Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

☒ Public Notice was published in the Sun Sentinel July 5, 2019, 10 calendar days prior to the meeting.

☒ Public Notice was posted to the City's website 10 calendar days prior to the meeting.

☒ Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

☒ Agenda was posted on Monday, July 8, 2019, at least 5 working days prior to meeting.

### Aerial View of 13555 S. Military Trail

