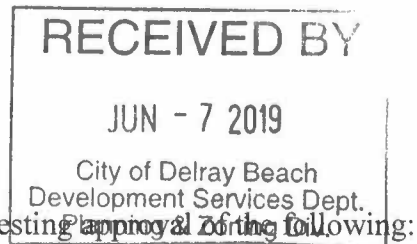


JUSTIFICATION STATEMENT
Future Land Use Map Amendment
1060 Del Harbour



REQUEST

On behalf of the applicant, Wright By The Sea 1901, LLC is requesting approval of the following:

- 1) **Future Land Use Map (FLUM) Amendment** to assign the subject property a City of Delray Beach Future Land Use (FLU) designation of Medium Density (MD) Residential, 5-12 dwelling units per acre

Note: A Class V Site Plan application is being processed concurrently with the aforementioned requests.

SITE CHARACTERISTICS

The "1060 Del Harbour site is comprised of one parcel (12-43-46-21-16-000-0010) with a site area of approximately .3313 acres and is located at the SW corner of Del Harbour Drive and Ocean Avenue (A-1-A). The site has a future land use (FLU) designation of Low Density (LD) and a zoning district of RM (Residential Medium Density), which uses are inconsistent and conflicting.

SURROUNDING PROPERTIES AND USES

The subject site is surrounded by compatible land uses within the municipal limits of the City of Delray Beach. The following pertains to the developments surrounding the subject property.

- North:** Directly across Del Harbour Drive is a multi-family condominium, know as "Del Harbour Condominium", which retain a Future Land Use (FLU) designation of Medium Density (MD) and a Zoning designation of Medium-High Density Residential (RM) 6-12 dwelling units per acre.
- South:** Directly to the south is a multi-family community, known as "Penthouse Delray", which retains a FLU designation of Medium Density (MD), and a Zoning designation of Medium-High Density Residential (RM) 6-12 dwelling units per acre.
- East:** East of the subject site across Ocean Boulevard will be a proposed condominium structure, known as "Ocean Delray Condominium" with a FLU designation of Medium Density (MD), and a Zoning designation of Medium-High Density Residential (RM) 6-12 dwelling units per acre.
- West:** Immediately to the west is an undeveloped parcel, which has a FLU designation of Low Density (LD), and a Zoning designation of Low-Medium Density Residential (RL) 3-6 dwelling units per acre.

PROPERTY HISTORY

The site is currently uninhabited and vacant.

WARRANTY DEED

The following is a summary of the ownership information for the subject site.

- 12-43-46-21-16-000-0010: The site is owned by Wright By The Sea 1901, LLC, as identified on The Willis Family Trust, as identified on the Warranty Deed (Official Records Book 30164, at Page 408, of the Public Records of Palm Beach County, Florida)

JUSTIFICATION

The property is zoned by the City of Delray Beach as "RM" (Residential – Medium Density), allowing for 6 units per acre or, subject to meeting certain performance standards, 12 units per acre. This zoning density is compatible with the surrounding (north, south east and west) neighborhoods comprised solely of family multi-family residential uses.

REVIEW CRITERIA FOR FUTURE LAND USE MAP AMENDMENTS

Policy A.1-7 of the Comprehensive Plan requires Amendments to the Future Land Use Map (FLUM) to 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, including but not limited to the minimum amount of land required to accommodate the medium population projections as published by the Office of Economic and Demographic Research for at least a 10-year planning period, 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.**

As population growth in South Florida has continued to increase over previous decades, the amount of space available for new homes is limited. As per the Economic Prosperity - Data, Inventory and Analysis (EP-DIA) document, Table ECP-A shows that Delray Beach compound annual growth rate for population of .9% in the past 16 years. Also Table ECP-B shows the expected growth rate to increase 1.15% in the next 3 to 4 years. The zoning classification by the City of Delray Beach is proper for this particular site, recognizing that the entire surrounding area is made of medium and high density residential properties. The FLUM, however, has characterized this site as "Low Density" which is completely contrary to the existing use surrounding the property and, more importantly, is inconsistent with the zoning classification of Delray Beach itself. The most efficient use of this site is as a medium-density residential use which conforms with, is consistent with, and is compatible with, the surrounding neighborhood. Further, the FLU designation of "MD" is use remains consistent and compatible with the land uses of the surrounding vicinity.

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

The requested future land use designation of Medium Density Residential (MD) is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan. The following section outlines the specific Goals, Objectives and Policies of which this designation aligns.

Goal Area "A" of the Future Land Use Element: 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.

The proposed FLU designation of MD will enhance the existing quality of life, compliment the surrounding residential development, and result in a mixed but predominantly residential community with a balanced economic base. Therefore, it is consistent with this Goal.

Objective A-1 of the Future Land Use Element: 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.

The subject parcel currently maintains a “RM” designation from the City of Delray Beach. A designation of “MD” in the Palm Beach County Future Land Use Map would be consistent with the designation of the City of Delray Beach. Further, it is surrounded by Medium Density Residential. As the soil, topography, and physical status of the site are all conducive to Medium Density Residential, and the adjacent uses are complementary and compatible with Medium Density Residential, the proposed designation is consistent with this objective.

Policy A-1.5 of the Future Land Use Element: As the City has an ample supply of housing designed to accommodate its seasonal and retirement population, new residential developments shall be designed for a balanced demographic mix of permanent year-round residents. This shall be accomplished through the implementation of policies from Objective B-2 of the Housing Element.

The proposed four-unit townhome project will increase housing stock and diversify housing options. The development of the townhomes will provide housing for a more balanced demographic mix of permanent year-round residents. Additionally, Objective B-2 of the Housing Element calls for the development of a variety of housing styles in conjunction with the provision of a variety of amenities.

Policy A-2.3 of the Future Land Use Element: Development of remaining vacant properties shall occur in a manner which is consistent with and complementary to adjacent development regardless of zoning designations. This policy shall be implemented through the review process associated with platting and site plans.

The proposed land use of Medium Density Residential is consistent with and complementary to the adjacent residential land uses, as noted previously within this justification statement. Therefore, development of the property as proposed is consistent with this Policy.

Objective A-3 of the Future Land Use Element: The development or utilization of remaining vacant land shall provide for the creation and retention of open space and the retention of natural resources. This objective shall be met through the following policies:

The proposed residential community will preserve and/or enhance the current vacant site with additional landscaping which is consistent with this Objective.

Policy A-3.2 of the Future Land Use Element: Proposed development should not adversely affect any land identified as an environmentally sensitive area pursuant to Objective B-1 of the Conservation Element.

The proposed residential community will not adversely affect any land identified as an environmentally sensitive area and will not cause any negative environmental impacts.

Policy A-5.3 of the Future Land Use Element: The City shall continue to enforce its existing off-street parking regulations.

The proposed residential community will meet parking regulations.

Goal Area "B" of the Future Land Use Element: The remaining growth of the community shall occur in a manner where new development and redevelopment will be serviceable and it will not impede the community's ability to accommodate future growth or detract from its current quality of life.

The proposed residential community is entirely surrounded by residential development and is thus able to access existing services and utilities. Therefore, it will not impede the community's ability to accommodate future growth and is consistent with this Goal.

Policy B-2.1 of the Future Land Use Element: Services and facilities shall be provided pursuant to the levels of service as established elsewhere in this Plan, concurrent with occupancy. For water facilities, concurrency shall mean that direct connection to a functioning municipal system is made. For sewer facilities, concurrency shall mean that direct connection to a functioning municipal system is made; or, where such facilities are

not reasonably accessible (as defined in the Land Development Regulations), connection to a septic system that meets the requirements of the County Health Department. For public schools, concurrency shall be defined as the improvement is in place or construction appropriations are specified within the first three years of the most recently approved School District of Palm Beach County Five Year Capital Improvement Schedule, as reflected in Table SD-CIP of the Capital Facilities Element. For streets, drainage, and other facilities concurrency shall be determined by the following: the improvement is in place prior to issuance of the occupancy permit; FL - 28 the improvement is bonded, as a part of the subdivision improvements agreement or similar instrument, and there is a schedule of completion in the bonding agreement; the improvement is a part of a governmental capital improvement budget; it has been designed; and a contract for installation has been solicited.

The proposed residential community will have concurrency in order to meet or exceed all level of service standards as established in the Comprehensive Plan.

Goal B of the Housing Element: to ensure that an adequate supply of quality new housing is available in a range of types and cost levels to meet the needs of the city's future population.

This proposal will help to ensure an adequate supply of quality new housing is available in a range of types and cost levels to meet the needs of the City's future population by providing housing options that are different than those in immediate proximity to the site.

Objective B-2 of the Housing Element: 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. Policies which will implement this objective include: (Policies).

The proposed residential community will provide a new variety of housing types in addition to recreational opportunities to accommodate the diverse economic makeup of the City' profile. Thus, the proposal is consistent with this objective.

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

The proposed future land use designation and the maximum intensity of said designation meet the adopted concurrency standards as the site is currently surrounded by future land uses that are compatible with the requested designation.

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

The proposed future land use is consistent with the surrounding future land use designations and existing land uses as shown in the table below.

Direction	Future Land Use Designation	Existing Land Use
North	Medium Density Residential (MD)	Multi-Family Residential (Del Harbour Condominium)
East	Medium Density Residential (MD)	Multi-Family Residential (Ocean Delray Condominium - proposed)
South	Medium Density Residential (MD)	Multi-Family Residential (Penthouse Delray)
West	Low Density Residential (LD)	Vacant

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

The proposed future land use designation and uses will comply with all applicable provisions and requirements of the Land Development Regulations.

The property is currently zoned by the City of Delray Beach as “RM” (Residential Medium Density). No rezoning request is being requested of the City. This request solely deals with dealing with the conflicting zoning classifications between the City of Delray Beach and the Palm Beach county Future Land Use Map which provides for a different zoning classification (“LD”) and which is consistent with the zoning classification of the City of Delray Beach (“RM”).

REVIEW CRITERIA FOR REZONING FLUM TO “MD”

As stated, the current zoning designation of the subject site by the City of Delray Beach is Medium Density (“RM”). The zoning designation under the Palm Beach County Land Development Code is Low Density (“LD”). The applicant is looking to amend the FLUM map from “LD” to “MD” to be consistent with the RM classification of the City of Delray Beach.

The requested zoning of MD is consistent with the current zoning of RM, as it is of similar intensity and is more appropriate for the property based upon the compatibility with surrounding future land uses.

Based on the above justification, the petitioner respectfully requests approval of the amendment to the future land use map for the subject site.