



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD

1060 Del Harbour Drive, Ordinance No. 24-19:

**Future Land Use Map Amendment from Low Density Residential (LD) to Medium Density Residential (MD)**

Meeting	File No.	Application Type
July 15, 2019	2019-215	Future Land Use Map Amendment

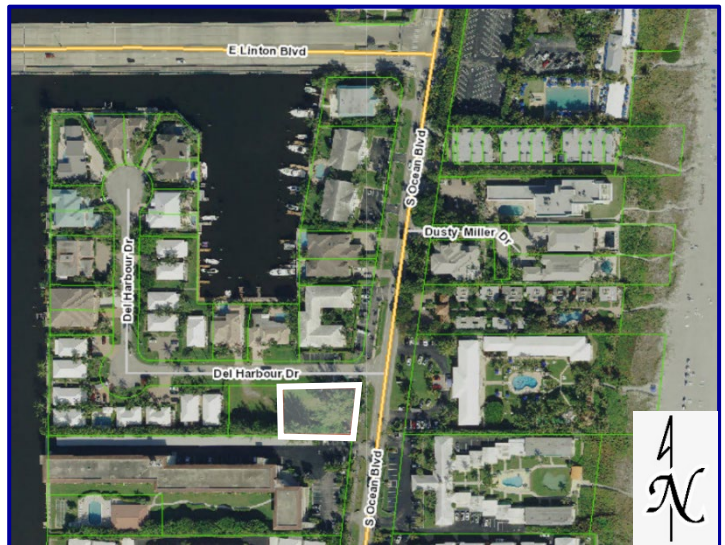
### Request

Provide a recommendation to the City Commission on Ordinance 24-19 regarding a Future Land Use Map Amendment from Low-Density Residential (LD) to Medium-Density Residential (MD) for the property located at 1060 Del Harbour Drive.

### Background Information

The subject property, Lot 1 of the Del Harbour Plat, is presently designated as Low Density Residential (LD) on the Future Land Use Map with a Multiple Family Residential, Medium Density (RM) zoning designation. The 0.33 acre (14,430 square feet) parcel, which has never been developed, is located at the southwest corner of Del Harbour Drive and South Ocean Boulevard, south of East Linton Boulevard. Building permit records indicate that a multiple-family residential development was submitted for review in 1990, but a permit was never issued or approved; there are no records that indicate the development was submitted for site plan approval.

Lot 1 was part of a larger parcel of property annexed into Delray Beach in 1958 as "Del Harbour", per Ordinance No. 03-58. The Del Harbour plat consisted of 44 properties. The annexation ordinance (Ordinance No. 03-58) indicates the initial zoning designation for those lots fronting onto South Ocean Boulevard, including Lot 1, was R-3 (Multiple Family Dwelling District). The balance of the Del Harbour properties were identified as R-1-AA (single family residential). The land use designations were not identified.



Given the request to amend the property's designation on the Future Land Use Map, research was conducted to understand the history of the property's zoning and future land use designations. The following chart provides the available information regarding the land use and zoning designations for Lot 1.

Year(s)	Zoning Designation	Future Land Use Designation
1970*-1971	RM-1 (Multiple-family Residential, up to 10 units)	Not Available
1972-1976	RM-15	
1979	RM-15	MF-15
1989	RM-15**	LD, 0-5 du/acre**
1990-Present	RM	LD, 0-5 du/acre
*First available Zoning Map in Development Services.		
**Conflict between FLUM and Zoning: LD Land Use Designation established/created with 1989 Comprehensive Plan, adopted by Ordinance 82-89.		

#### Project Planner:

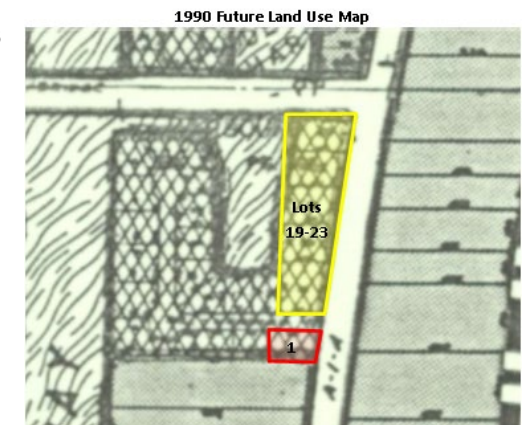
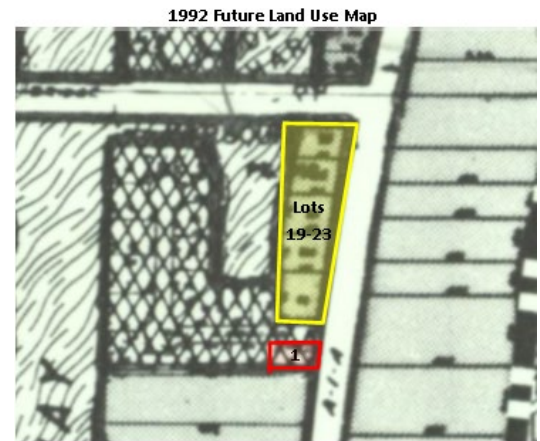
Amy Alvarez, Senior Planner; [alvarez@mydelraybeach.com](mailto:alvarez@mydelraybeach.com); 561.243.7284

#### Attachments:

- Location Map
- Request / Justification Letter
- Ordinance No 25-19
- Table L-6, Land Use Designation / Zoning Matrix

It is important to note that in 1992, the lots along South Ocean Blvd. located north of Lot 1 between Del Harbour Drive and East Linton Boulevard, were part of a Future Land Use Map amendment approval from Low Density to Medium Density. It has been determined through research that the amendments were a result of a 1992 ORC Report (Objections, Recommendations, and Comments) from the State Department of Community Affairs, which conducted an analysis “to determine if there were any outstanding inconsistencies between the current zoning and future land use designation.” The subject property, however, was not identified as inconsistent; therefore, the amendments did not correct the inconsistency between zoning and future land use designation for Lot 1, as was accomplished for the lots to the north.

Prior to the 1992 Future Land Use Map amendments for the lots located north of Lot 1 (Lots 19-23), the zoning and future land use designations were the same as the designations for Lot 1. The figure of the 1990 Future Land Use Map illustrates the same land use designation for Lot 1, and Lots 19-23.



### Project Description

The request is to amend the Future Land Use Map for 1060 Del Harbour Drive (Lot 1) from Low Density Residential to Medium Density Residential. If approved, the Medium Density land use designation for the subject property will resolve a conflict between the land use designation of Low Density and the zoning designation of Multiple Family Residential, Medium Density. Table L-6, Land Use Designation / Zoning Matrix (attached), is located within the current Future Land Use Element of the Comprehensive Plan and indicates those zoning designations that are consistent with each land use designation. Low Density Residential land use is not consistent with Medium Density Residential (RM)

The current Comprehensive Plan has two categories of residential land use: Low Density and Medium Density. Low Density “is applied to land which is developed, or is to be developed, at a density of five units per acre or less. Such land is usually developed for single family purposes although mixed residential uses may occur under a planned residential zoning district...” Medium Density “is applied to land which is developed, or is to be developed, at a density between five and twelve units per acre...” The change of future land use designation from Low Density to Medium Density will increase the density potential from a maximum of five units per acre to a range of five to twelve units per acre.

The conflict between the land use designation and zoning district was discovered upon review of a submitted site plan for the construction of a multi-family residential development. The development is currently proposed for both Lots 1 and 2, Del Harbour. Lot 2 also has a future land use designation of Low Density, but is zoned Low Density Residential (RL), which permits single-family, duplex, and multiple family structures. The zoning and land use designations for Lot 2 are consistent and, therefore, not part of the subject request. It is important to note that if the subject request is approved, the two lots will have differing land use designations and, therefore, would be required to develop independently to ensure compliance with the maximum density allowed on each parcel.



## Review and Analysis

Pursuant to **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. The applicant provides analysis for compliance with these findings in the submitted justification statement (attached).

- **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.

The conflicting land use and zoning designations may be considered as "other circumstances" as part of the demonstrated need. Positive findings regarding demonstrated need can be made if the conflicting land use and zoning designations are determined as "other circumstances."

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

The following Goals, Objectives, and Policies are applicable to the request:

**Future Land Use Element, Goal Area "A":** 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 land use designation is the same as the surrounding land uses to the north, south, and east and result in residential development.

**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.

The proposed land use designation will allow for residential development that is consistent in density and intensity with the adjacent land uses, which are multi-family residential to the north, south, and east of the property. The adjacent property to the west also allows for residential development, including single-family and duplex.

**Future Land Use Element, Policy A-2.3:** 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 designation change will provide for development of the vacant property in a manner consistent with the surrounding development pattern using the current zoning designation.

**Future Land Use Element, Objective A-3:** 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:



**Future Land Use Element, Policy A-3.1:** Prior to recommending approval of any land use application which involves vacant land, the appropriate approving board must make a finding that the requested land use action is consistent with this objective and its supporting policies.

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

**Future Land Use Element, Policy A-3.3:** Proposed development shall accommodate required open space as provided for under Objective B-1 of the Open Space and Recreation Element.

Both the existing and proposed land use designations allow for residential development of the vacant property. The development will not impact any land identified as an environmentally sensitive area. The open space and recreation amenities, including streetscapes (which are identified in Objective B-1 of the Open Space and Recreation Element) and required will be

**Future Land Use Element, Policy A-7.3:** Residential Density may not be increased on any property located within the Coastal High Hazard Area through density bonuses in the Workforce Housing Program.

The change in the land use designation will not result in the availability of density bonuses in the Workforce Housing Program.

**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.

The proposed land use designation allows for one additional housing unit and a range of housing types, such as duplex and townhome; the area is predominantly multi-family and single-family.

**Coastal Management Element, Objective C-3:** Development, redevelopment or conservation on the barrier island and in the Marina Historic District shall occur in a manner which does not change the character, intensity of use, or demand upon existing infrastructure in the Coastal Planning Area, as dictated in the following policies:

**Coastal Management Element, Policy C-3.1:** Remaining, isolated infill lots 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.

**Coastal Management Element, Policy C-3.2:** There shall be no change in the intensity of land use designation within the barrier island and all infill development which does occur shall connect to the City's storm water management system and sanitary sewer system.

The existing zoning is the same as the properties located to the north, south, and east and is not proposed to change. Based on the RM zoning designation that has been applied to the property since 1990, the proposal will not increase the allowed intensity. Ultimately, the determination has to be made of whether the incorrect land use was inadvertently applied to the property in 1989. If the determination is that MD land use designation was intended to be applied to the property, consistent with the other Del Harbour lots along the South Ocean Boulevard corridor, then a positive finding can be made that correcting the land use designation will not increase the intensity of use permitted within the barrier island.

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

The development potential for the 14,430 square foot parcel between the designations is a difference of a single unit:

- Low Density, up to 5 units per acre: 14,430 square feet = 0.3313 acres x 5 units per acre = 1.65, which results in (1) unit as the Land Development Regulations require that all density calculations be rounded down; however, a duplex may be built on the parcel provided that a minimum of 4,000 square feet is provided for each lot. Note: Duplexes are not subject to density calculations.
- Medium Density, 5 to 12 units per acre: 14,430 square feet = 0.3313 acres x 12 units per acre = 3.98 (3) units.

Given the difference of a single unit, it is anticipated that the development would not create a significant impact, and, therefore, concurrency standards will be met with respect to traffic, water, sewer, solid waste, and schools. The complete review of impact of the redevelopment will be provided during the site plan review. Positive findings can be made regarding concurrency standards.

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

The adjacent parcels along South Ocean Boulevard, both on the east and west sides, have a Medium Density land use designation. Therefore, the requested designation is compatible with the future land uses of the surrounding area. Positive findings regarding compatibility can be made.



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

Development of the subject property will be required to comply with the applicable provisions and requirements of the Land Development Regulations subsequent to approval of the subject request. Positive findings regarding compliance are not applicable and will be assessed as part of a future site plan review.

#### 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.

Note: The subject property is not located within a designated Beach Property Owner's Overlay area.

#### Board Action Options

- A. Recommend **approval** to the City Commission for the small scale FLUM Amendment from Low-Density Residential (LD) to Medium-Density Residential (MD) for a 0.33± acre parcel of land located at the southwest corner of South Ocean Boulevard and Del Harbor Drive, findings can be made that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- B. Recommend **denial** to the City Commission for the small scale FLUM Amendment from Low-Density Residential (LD) to Medium-Density Residential (MD) for a 0.33± acre parcel of land located at the southwest corner of South Ocean Boulevard and Del Harbor Drive, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the 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 5, 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 twenty days before the meeting date.

**X** Public Notice was published in the Sun Sentinel on July 5, 2019, at least 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.