



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

HISTORIC PRESERVATION BOARD STAFF REPORT

Ordinance No. 33-19

Meeting	File No.	Application Type
October 2, 2019	2019-259-LDR	Land Development Regulations Amendment

Request

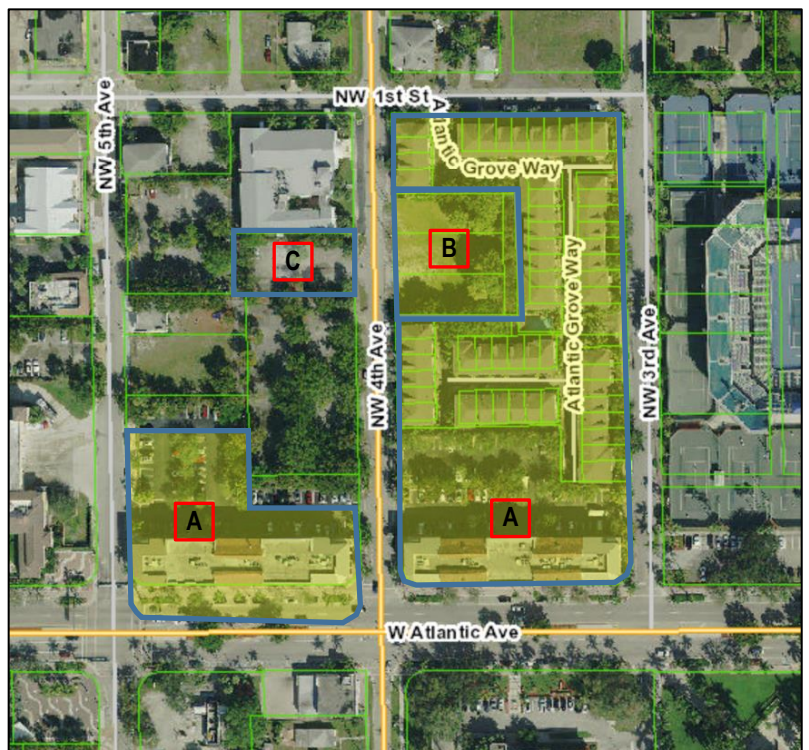
A request by Timothy L. Hernandez on behalf of Atlantic Grove Partners, LLC, to amend the Land Development Regulations Section 4.4.13(H)(1), "Residential Incentives," to allow residential incentives in the form of increased density on certain lots that do not contain contributing historic structures in the West Settlers Historic District and Atlantic Grove development.

Background Information

Proposed Ordinance No. 33-19 amends Section 4.4.13(H)(1) of the City's Land Development Regulations (LDR) that govern the availability of residential incentives within the Central Business District (CBD) zoning district. The CBD has four sub-districts, each with customized regulations to reflect distinct areas of the downtown. Currently, the West Atlantic Neighborhood Sub-District allows 12 du/ac. Under the Residential Incentives, density may be increased in this Sub-district from 12 du/ac to 30 du/ac as an incentive for the provision of workforce housing.

LDR Section 4.4.13(H)(1) excludes properties located within historic districts and sites that are individually designated from using residential incentives. The reason historic properties were excluded from obtaining density increases was offering increased density on historic properties would increase the desirability of redeveloping historic structures and provide an incentive counter to preservation goals.

The boundaries of the West Settlers District includes land that is geographically representative of the historic settlement and neighborhood, in addition to protecting sites with historic structures from the period of significance. The parcels that would be affected by the proposed land development regulation text amendment (highlighted in yellow on the aerial image to the right) are part of the Atlantic Grove development and are either vacant or contain surface parking lots or buildings constructed in 2003. None of the lots specified in the proposed amendment as eligible for density increases contain historic structures.



- A: All lots and tracts, excluding Tract "C-3", of the Atlantic Grove Plat, as recorded in Plat Book 96, Pages 55-58, Public Records of Palm Beach County.
- B: Lots 16 through 21, including adjacent vacated rights-of-way, of the Revised Plat of Block 36, Town of Delray, as recorded in Plat Book 5, Page 38, Public Records of Palm Beach County
- C: Tract C-3 of the Atlantic Grove plat.

In the case of Block 36, Lots 16-21 ("B" on the aerial image) are surrounded on the north, east, and south sides with townhomes constructed in 2003 as part of the Atlantic Grove development. The proposed amendment will allow an infill development of similar townhomes. Tract C-3 ("C" on the aerial image above) is not included amendment because it currently has a Community Facility (CF) zoning designation and is, therefore, not governed by the CBD zoning or eligible for the Residential Incentive Program.

The existing Atlantic Grove development received density increases through a conditional use process that is no longer offered within the current Land Development Regulations. The current Atlantic Grove development ("A" + "C") is 4.54 acres and has a total of 75 residential units plus retail and commercial uses along West Atlantic Avenue. The residential units are townhomes and third floor apartments in the mixed use buildings. The density of the current overall project is 16.54 du/ac. If approved, the proposed infill development on "B" would increase the redevelopment potential from 5 units to 14 units, of which 2 (20% of the 9-unit increase) would be required to be workforce housing. The potential incentive could also allow the existing project to add more units, provided parking and other LDR requirements could be met; however, given the current build out, the opportunities are realistically limited to the commercial or parking lot areas. Workforce housing is deed restricted for 40 years and purchasers or renters have to be income-qualified for the units. The residential incentive offered in the LDR does not allow for increases in building height.

It is also important to note that any infill development proposal on the site will be processed as a Site Plan Modification and will ultimately be evaluated by the Historic Preservation Board at that time for compliance with all land development regulations, including LDR Section 4.5.1. When Atlantic Grove was built, workforce units were offered for sale; the exact number of units required for the infill area will be determined at the time of Site Plan Modification evaluation within the context of the development as a whole.

Review and Analysis

Pursuant to **LDR Section 2.4.5(M)(1)**, amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.

The proposed amendment is privately-initiated by Timothy L. Hernandez on behalf of Atlantic Grove Partners, LLC.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with and furthers the Goals, Objectives and Policies of the Comprehensive Plan. The following GOPs of the adopted Comprehensive Plan are applicable to the proposed amendment:

Future Land Use 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 LDR amendment will allow for infill development that is consistent with the surrounding development.

Future Land Use Policy A-4.1: Prior to approval or recommending approval of any land use or development application for property located within a historic district or designated as a historic site, the Historic Preservation Board must make a finding that the requested action is consistent with the provisions of Section 4.5.1 of the Land Development Regulations relating to historic sites and districts and the "Delray Beach Design Guidelines".

A development application has not been filed at this time. If the amendment is approved, any development application on the parcels will be brought before the Historic Preservation Board for review. The Board's recommendation regarding the LDR amendment is requested.

Pursuant to **Future Land Use Element, Objective A-5**, the City shall maintain its Land Development Regulations, which shall be regularly reviewed and updated, to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, and other innovative development practices.

The proposed amendment will allow density incentives for the provision of workforce housing in the downtown area. The amendment provides an equitable provision for the properties affected by the amendment by allowing the same incentive available on vacant parcels throughout the West Atlantic Neighborhood Sub-district. Since the amendment only affects vacant parcels, historic structures are not impacted by the amendment.

Future Land Use Policy C-1.5 The following pertains to the redevelopment of the West Atlantic Avenue Area: This area extends in a corridor along Atlantic Avenue eastward from I-95 to Swinton Avenue. The present land uses in this area include single family homes, duplexes, mini-parks, commercial uses along Atlantic Avenue and N.W. 5th Avenue, and scattered vacant parcels. The West Atlantic Avenue Redevelopment Plan was adopted by the City Commission on July 11, 1995. The plan establishes Future Land Use Map designations, zonings, special development standards, and design guidelines for the Redevelopment Area. Future development in the area must be in accordance with the provisions of the redevelopment plan.

The proposed amendment is consistent with the plan, which calls for mixed use buildings along Atlantic Avenue and limits commercial uses to locations within 150 feet of West Atlantic Avenue. The plan also recognizes the need to improve the availability of housing and to facilitate construction of affordable housing in the area.

HOU Objective A-9: The City shall support the conservation and rehabilitation of historically significant housing, especially where such housing is an identifying characteristic of a particular neighborhood.

HOU Policy A-9.1: This objective will be implemented in accordance with the standards and criteria of Section 4.5.1 of the Land Development Regulations, Historic Preservation Sites and Districts.

The parcels specified in the amendment are vacant and do not contain historically significant housing or structures; infill development will not remove historic resources and will be evaluated in regard to Section 4.5.1 when a Site Plan Modification application is made.

Review By Others

This ordinance is scheduled to go before the Downtown Development Authority (DDA) on October 14, 2019.

The Planning and Zoning Board will review this ordinance at its regular meeting on October 21, 2019.

Alternative Actions

- A. Recommend **approval** to the Planning and Zoning Board and the City Commission of Ordinance No.33-19, amending the Land Development Regulations at Section 4.4.13 "Central Business (CBD) District" at Subsection (H)(1), "Residential Incentives", by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the Planning and Zoning Board and the City Commission of Ordinance No. 33-19, **as amended**, amending the Land Development Regulations at Section 4.4.13 "Central Business (CBD) District" at Subsection (H)(1), "Residential Incentives", by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- C. Recommend **denial** to the Planning and Zoning Board and the City Commission of Ordinance No. 33-19, amending the Land Development Regulations at Section 4.4.13 "Central Business (CBD) District" at Subsection (H)(1), "Residential Incentives", by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

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

- Community Redevelopment Agency
- Downtown Development Authority (DDA)

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

N/A Public Notice was posted at the property on (insert date), 7 calendar days prior to the meeting.

N/A Public Notice was mailed to property owners within a 500' radius on (insert date), 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.

N/A Public Notice was published in the Sun Sentinel on Friday, January 18, 2019, 10 calendar days prior to the meeting.

N/A Public Notice was posted to the City's website on (insert date), 10 calendar days prior to the meeting.

	<p><u>N/A</u> Public Notice was posted in the main lobby at City Hall on (insert date), 10 working days prior to the meeting.</p> <p><u>X</u> Agenda was posted on Friday, September 26, 2019, at least 5 working days prior to meeting.</p>
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