



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### 3827 West Atlantic Avenue (Delray Garden Center), Ordinance No. 17-20

Meeting	File No.	Application Type
February 24, 2019	2020-035	Rezoning

#### Request

Provide a recommendation to the City Commission on Ordinance No. 17-20 regarding the rezoning of land from Agricultural (A) to Single-family Residential (R-1-A) for a parcel totaling 4.0781 acres located at 3827 West Atlantic Avenue and presently known as Delray Garden Center, for the purpose of creating a 12 lot development to accommodate fee-simple single-family detached homes.

#### Background Information

The subject property is located on the north side of West Atlantic Avenue approximately 165' west of High Point Boulevard with physical address 3827 W. Atlantic Avenue. The property, which operates a nursery, containing two CBS buildings, a Tiki Hut, a metal shed, and a mobile home. The subject property is zoned Agriculture (A) and has a Future Land Use Map (FLUM) designation of Transitional (TRN).

According to the Palm Beach County Property Appraiser the subject property was developed in 1972. On October 11, 1988, the City of Delray Beach City Commission adopted Ordinance 116-88, which annexed the property into the City under enclave 65 and zoned Agricultural Residential Transitional (ART). The annexation staff report indicates that "the recommended zoning of ART allows the existing nursery use to continue as a permitted use yet recognizes the future transition of the property to residential." The analysis at the time indicated that service is available from High Point to the north either through direct individual connection or connection to The Commons directly west of the enclave, which is serviced by the High Point lines. The ART zoning designation was later changed to Agriculture (A) at the time of the City-wide rezoning in 1990; the ART zoning designation was eliminated. The property has remained a landscape nursery since it was incorporated into the City.



#### 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 property is zoned Agricultural (A) and is adjacent to Medium Density Multi-Family (RM) zoned properties to the north and east, a Professional Office District (POD) property to the west, and Low-Density Multi-Family (RL) to the south. The homes in the neighborhoods surrounding the subject property are composed of duplex and single-family detached residence; development of single-family residences within the RM and RL zoning districts are subject to the development standards applicable to R-1-A zoned properties. The Residential Neighborhood Categorization Map #22 of the Housing Element of the current Comprehensive Plan shows that the subject property is surrounded by "Stable" neighborhoods. If the rezoning request is approved, it will be required to meet the "Stable" category classification, which means no signs of physical or other decline, and no improvement needed. If a determination is made that the proposed zoning designation of R-1-A is appropriate given proposed development patterns, then R-1-A could be considered "the most restrictive residential zoning district that is applicable."

**(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 property is surrounded by RM zoned properties to the east and north, a POD zoned property to the west, and RL zoned properties to the south; other residential zoning districts located along the West Atlantic Avenue corridor include R-1-AA, PRD, and R-1-A. The balance of the West Atlantic Avenue corridor consists of commercial, residential, educational and recreational properties. The current FLUM designation of Transitional (TRN) is compatible with R-1-A as listed on Table L-6 of the Future Land Use Element (FLUE) of the Comprehensive Plan. While the property is currently zoned Agriculture, the FLUE indicates that there are "no designations for agricultural land use on the Future Land Use Map. The City of Delray Beach Planning Area is an urbanized area with 98.9% of its land area developed. The long-term continuance of existing agricultural operations is not compatible with the urbanization which has occurred." If the rezoning is approved, the applicant has indicated that a plat would be submitted to subdivide the 4.07-acre property into 12 single family lots. The new development would be required to comply with R-1-A standards, which are compatible with RM and RL zoning districts.

**(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.

- If the rezoning request is approved, the applicant is proposing to submit a plat application to create 12 individual lots that would each accommodate a single-family detached home. The surrounding residential neighborhoods are RM and RL zoned. RM properties allow for single-family and multi-family homes with a minimum lot size of 8,000 sf and up to 12 dwelling units per acre (du/ac). RL zoned properties allow for multiple-family, duplex and single-family home with a minimum lot size of 8,000 sf and up to 6 du/ac. The applicant has indicated that lots would be sold individually and permitted separately, which would result in a variety of sizes, colors and styles. It is important to note single-family homes require a building permit, and not SPRAB approval when permitted separately and not a part of a master planned project. If rezoned to R-1-A the property could yield up to 20 dwelling units ( $4.07 \times 5 \text{ du/ac} = 20.35$ ), however, the applicant is proposing just 12. The lot sizes proposed demonstrates compatibility with the adjacent neighborhoods in size and characteristics.

The request letter specifies that the proposed homes would be 4 to 5-bedroom units. Although the development would not offer a variety of housing types (studio, 1,2, and 3 bedrooms etc.), it will add to the existing range of housing types in the City, particularly given the smaller unit types found in the downtown.

The preliminary site plan exhibit provided shows lot sizes greater than 9,294 sf which are larger than the minimum 7,500 sf required for R-1-A zoned properties. The proposed conceptual site plan submitted does not indicate any proposed bike trails, parks or sidewalks; specific requirements within the development will be handled during the plat review process.

NOTE: The subject request was submitted prior to the adoption of the Always Delray Comprehensive Plan on February 4, 2020; therefore, the applicable Goals, Objectives, and Policies from the prior Comprehensive Plan have been provided and reviewed.

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 2.4.5(D)(2).

Pursuant to **LDR Section 2.4.5(D)(2), Change of zoning district designations: Required Information**, standard application items pursuant to 2.4.3(A) shall be provided. Traffic information prepared in accordance with Section 2.4.3(E) and which addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning shall be provided. In addition, 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;**

- When the subject property was annexed into the City limits it was zoned Architectural Residential Transitional (ART). The designation has since been changed to Agriculture (A). The FLUE specifies that "agricultural zoning may function as a "holding" zone in all of the noted Future Land Use Map designations except for the Rural Residential designation where it is a permanent zoning."

**That there has been a change in circumstance which makes the current zoning inappropriate;**

- Since the subject property was annexed into the City, the Agricultural zoning was considered an appropriate zoning district until such time that the nursery use should cease. The applicant is seeking to replat the property to provide 12 single-family residences, and thereby rendering the current Agricultural zoning designation as 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 subject property has a current Agriculture (A) zoning designation and a Transitional (TRN) FLUM designation; the TRN land use designation, which allows a density of 5-12 du/ac, is compatible with the requested R-1-A zoning district designation. The TRN designation supports the establishment of uses that are compatible with adjacent residential uses. that the table below compares development standards required for the existing and proposed zoning districts.

Zoning District	Minimum Lot Size	Lot Width/ Frontage (I/C)	Lot Depth	Setbacks				Open Space	Height
				Front	Side Interior	Side Street	Rear		
<b>Agriculture (A)</b>	10 AC* / 435,600 sf*	100'	110'	35'	15'	25'	25'	25%	35'
<b>Single Family (R-1-A)</b>	7,500 sf	60'/80'	100'	25'	7'-6"	15'	10'	25%	35'

\* (1) Nurseries duly approved as a conditional use, shall not be subject to a minimum lot size nor to lot dimension requirements; (2) When the Agriculture Zone District is used as a "holding zone: upon an annexation, the lot size and dimension requirements shall be as exist upon annexation.

As shown in the table, the lot setbacks are similar between both zoning categories, but the minimum lot size is substantially different. Agriculture zoned properties have a 10-acre minimum size per lot and allows for up to one single-family home to be placed on a lot. Since the property was annexed into the city it was allowed to maintain the size and dimension of 4.07 acres. The table shows that the setbacks and height requirements are comparable. Since the subject property is less than the minimum required for Agricultural zoned lots, it would be more feasible to rezone the use of the property to accommodate a more compliant land use. 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.

Included with the application was a traffic impact analysis created by MacKenzie Engineering and Planning. The analysis identified that the proposed development would create approximately 20 gross peak hour trips. The analysis was approved by the Palm Beach County Traffic Division. Furthermore, FDOT approval of the entrance way onto Atlantic Avenue would be required during the plat submission. Additionally, a letter of support is provided from the High Point of Delray Beach Condominium Association Section 1, Inc., supporting the sewer hook up through the High Point neighborhood. The utility layout will be reviewed during the plat submittal.

#### Review By Others

The First and Second Readings of the subject request are required to heard by the City Commission, at a following date to be determined.

#### Board Action Options:

- A. Recommend **approval** to the City Commission for the rezoning from Agricultural (A) to Single-family Residential (R-1-A) for the subject property located at 3827 West Atlantic Avenue (Delray Garden Center), 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 Agricultural (A) to Single-family Residential (R-1-A) for the subject property located at 3827 West Atlantic 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 February 17, 2020, seven days before the meeting date.

X Public Notice was mailed to property owners within a 500' radius on February 14, 2020, ten days before the meeting date.

X Public Notice was published in the Newspaper on February 14, 2020, ten days before the meeting date.

X Public Notice was posted to the City's website on February 14, 2020, ten days before the meeting date.

X Public Notice was posted in the main lobby at City Hall on February 14, 2020.