



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

CBD Railroad Corridor Sub-district Height and Density, Ordinance No. 21-20

Meeting	File No.	Application Type
February 24, 2020	2020-059-LDR	Land Development Regulations Amendment

Request

Consideration of a privately-initiated request to amend the Land Development Regulations (LDR) Section 4.4.13, Central Business District (CBD), to increase the height and density for those properties located within the Railroad Corridor Sub-district.

Background Information

Prior to the adoption of Ordinance No. 02-15 in February 2015, the standard height and density for the CBD was a maximum of 48 feet and a maximum of 30 du/ac for the area now known as the Central Core Sub-district and Railroad Corridor Sub-district (previously zoned CBD-Railroad Corridor). An increase in density to more than 30 du/ac was available via a conditional use process with the provision of workforce housing for a limited area within the downtown's core. To minimize impacts on residential neighborhoods surrounding the downtown; the area available for higher density was limited to properties in the Central Core area located south of NE 2nd Street and North of SE 2nd Street, and a small area of the CBD-Railroad Corridor defined by the area west of the FEC railroad north of NE 2nd Street and South of NE 3rd Street (Pineapple Grove Village project), all subject to specific performance standards. The Comprehensive Plan established the density limitation for properties with a Commercial Core Future Land Use designation to a maximum density of 100 du/ac, subject to approval of a conditional use request.

In addition, a conditional use to increase the building height from 48 feet to 60 feet was also an option via a conditional use process for certain properties prior to the adoption of Ordinance No. 02-15. This height increase was available for "all property within the Central Core portion of the CBD, except for that portion within 150' of any zoning district which has a maximum height limit of 35 feet, measured from the property lines of the CBD zoned property." No properties with CBD-Railroad zoning were eligible for height above 48 feet. Those properties eligible to request a conditional use height increase were subject to "a finding of compliance" with the applicable criteria, as follows:

- Same Floor Area: That the increase in height will not provide for, nor accommodate an increase in the floor area (within the structure) beyond that which could be accommodated by development which adheres to a height limitation of 48 feet, except for an increase in height when the increase to 60 feet is for the purpose of accommodating residential use on the top floor of the structure; however, the increase in height is only for the added residential area.
- Workforce Housing: Workforce housing units, equal to at least 20 percent of the residential units on the top floor shall be provided within the development onsite, offsite, or through monetary contributions...the workforce housing units shall be at the low or moderate income levels...
- That the increase in height shall be allowed if two or more of the following are met:
 - Additional Setbacks: That for each foot in height above 48 feet, an additional building setback of two feet is provided from the building setback lines which would be established for a 48 foot tall structure. The additional setback is required from all setback lines for the portion of the building that extends above 48 feet. In lieu of this setback requirement, buildings in the CBD zone shall adhere to the setback requirements of that district;
 - Mixed-Use Development: That a minimum of 50 percent of the ground floor building frontage consist of nonresidential uses (excluding parking);
 - Open Areas: That open areas, such as courtyards, plazas, and landscaped setbacks, be provided in order to add interest and provide relief from the building mass.

Project Planner:

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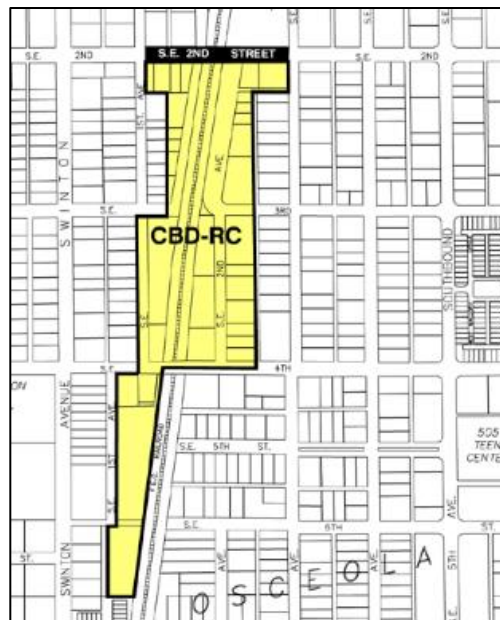
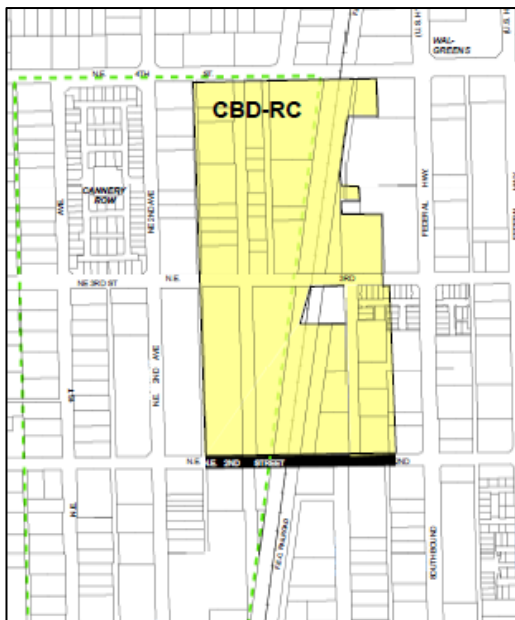
Attachments:

- Draft Ordinance 21-20
- Applicant Request Letter & Justification
- Exhibit A Zoning Map

In 2015, with the adoption of Ordinance No. 02-15, the standard height was increased to a maximum of 54 feet and four stories to accommodate taller ceiling heights without increasing the building capacity and the density was limited to 30 du/ac for the areas located within the Central Core and Railroad Corridor Sub-districts; the conditional use process to allow density higher than 30 du/ac and additional height were eliminated as options for properties within the CBD.

Description of Proposal

The proposed amendment seeks to increase the height and density for those properties within the Railroad Corridor Sub-district of the CBD. The proposed height is an increase from 54 feet to 72 feet and the proposed density is an increase from 30 du/ac to 100 du/ac. The amendment includes a requirement to comply with the Residential Incentive Program, which requires that a minimum of 20 percent of the bonus units above 30 du/ac be workforce housing units. The units can be provided on-site, offsite, or through a monetary contribution to the City's Housing Trust Fund.



The applicant has indicated that the purpose of the amendment is to accommodate a new mixed-use development in the Artists Alley section of the Railroad Corridor Sub-district consisting of a 179 room hotel, 91 residential units, and restaurant and retail opportunities with an underground parking garage or automated parking.

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, and requested by Tyler Knight of The Knight Group, 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:

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. The previous plan stipulated a conditional use process as the mechanism for increased density. The Always Delray Comprehensive Plan specifies that a density of 30 – 100 du/ac is limited as a revitalization or incentive density. The Revitalization/Incentive density is the maximum density that may be offered in the Land Development Regulations to achieve a certain community benefit in a specific area as part of an incentive program, or to implement the recommendations of an adopted redevelopment or neighborhood plan. The applicant has indicated the increase in density would require workforce housing. Newly adopted policy also requires LDR standards adjust density and intensity based on compatibility, scale, character, adopted master plans, or workforce housing incentives.

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.

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.

Future Land Use Element Objective C-3: The Central Business District (CBD) and surrounding neighborhoods, including A-1-A, Seacrest and Swinton Avenue represents the essence of what is Delray Beach i.e. a "village by the sea". The continued revitalization of the CBD is essential to achieving the overall theme of the City's Comprehensive Plan by managing growth and preserving the charm. The following policies and activities shall be pursued in the achievement of this objective.

The proposed height and density amendment will have an impact on the future intensity and density of development, which will likely have an impact on adjacent land uses, particularly on the adjacent properties with zoning designations that establish development of a smaller scale with lower heights and densities. The northern section of the Railroad Corridor Sub-district is surrounded by the Central Core Sub-district on all sides, except for the north, which is zoned Residential Office (RO) along NE 4th Street and part of the Del Ida Park Historic District. The height for the RO zoning district is limited to 35 feet with residential uses limited to single-family or duplex units.

The southern section of the Railroad Corridor Sub-district is primarily surrounded by Multiple-Family Residential, Medium Density (RM) zoning to the west and south, and Single-family residential (R-1-A) to the east and south; the RM and R-1 districts both have height limits of 35 feet. Single-family zoning is limited to a single unit per property, while the RM zoning allows a maximum density of 12 du/ac. The Central Core sub-district of the CBD is adjacent to the north where the height is limited to 54 feet and a density of 30 du/ac.

Consideration is needed regarding the proposed amendment, as presented, in whether it achieves compliance with or meets the intent of the identified Objectives and Policy, particularly related to compatibility. The density increase that was allowed in the previous version of the LDRs (prior to 2015) that was applicable to the Railroad Corridor Sub-district was limited to those areas west of the FEC railway. The increase in height to 60 feet that was allowed in the previous version of the LDRs (prior to 2015) was limited to properties not located within 150 feet of a zoning district with a maximum height of 35 feet. The proposed amendment seeks to apply the increased density and height throughout the Railroad Corridor Sub-district, regardless of proximity to zoning districts with a lower scale of development. "Community benefits", in addition to the provision of Workforce Housing units, should also be considered; other community benefit examples are high-level green building certifications, additional civic open space, contribution to a mobility fee, provisions for public parking, a higher percentage or range of workforce units price points serving a wider range of income brackets, etc.

It is important to note, that requests for an increased density currently require a recommendation by the applicable review Board (either Site Plan Review and Appearance Board or Historic Preservation Board) to the City Commission; the final action would be taken by the City Commission.

Review By Others

The proposed LDR Amendments have been reported to the **Community Redevelopment Agency (CRA)**.

The proposed LDR Amendments will be reviewed by the **Pineapple Grove Main Street Board** at its meeting of February 26, 2020; the Board's recommendation will be provided to the City Commission.

The **City Commission** review of the proposed LDR Amendments has not yet been scheduled, but will require two readings..

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.21-20, amending the Land Development Regulations to establish increased height and density in the Railroad Corridor Subdistrict of the Central Business District (CBD), 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 City Commission of Ordinance No. 21-20, **as amended**, amending the Land Development Regulations to establish increased height and density in the Railroad Corridor Sub-district of the Central Business District (CBD), 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 City Commission of Ordinance No. 21-20, amending the Land Development Regulations to establish increased height and density in the Railroad Corridor Sub-district of the Central Business District (CBD), by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meets the criteria set forth in Land Development Regulations

Public and Courtesy Notices

☐ Courtesy Notices are not applicable to this request

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

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

- Chamber of Commerce
- Del-Ida Park Historic District
- Osceola Park Neighborhood Association



Zoning Surrounding the Railroad Corridor Sub-district (South)

