



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING & ZONING BOARD STAFF REPORT

### O'Reilly Auto Parts

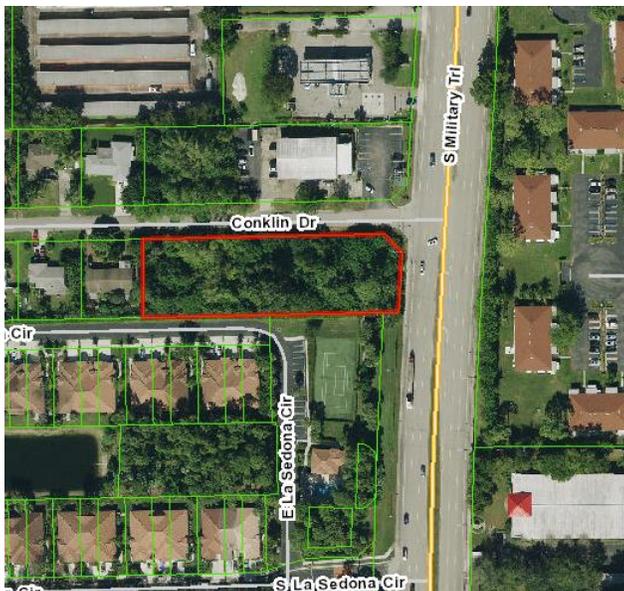
#### Ordinance No. 19-20, Land Use Map Amendment; Ordinance 20-20, Rezoning

Meeting	File No.	Application Type
March 16, 2020	2020-088-FLM 2019-034-REZ	'Land Use Map Amendment Rezoning

### Request

Provide a recommendation to the City Commission on a City-initiated Land Use Map (LUM) amendment from Transitional (TRN) land use to General Commercial (GC) land use, and a recommendation to the City Commission on a privately-initiated request for rezoning from Special Activities District (SAD) to General Commercial (GC).

### Background Information



The 0.99-acre vacant, undeveloped property located at 14145 South Military Trail is located at the southwest corner of South Military Trail and Conklin Drive. The property was annexed into the City of Delray Beach from Palm Beach County in 2006. Prior to annexation, the property had a future land use designation of Palm Beach County LR-3 (Low Density Residential – 3 du/acre) and a Palm Beach County zoning designation of CG/SE (Commercial General / Special Exception). In 2007, subsequent to annexation, the property was assigned a FLUM designation of Transitional (TRN) and SAD zoning designation as the Robotic Space Savers SAD.

In October 2018, on behalf of O'Reilly Automotive Stores, Inc. ("Applicant"), WGI ("Agent") submitted a request for rezoning from the Robotic Space Savers SAD to a new SAD in conjunction with a request for site plan approval for a 7,428 SF building to be used for the retail sale of automotive parts and accessories, with parking, landscaping, and site improvements. City staff determined that General Commercial (GC) zoning is more appropriate for the proposed development, and it is in the best interest of the City for the property to rezone to GC instead of SAD. The Comprehensive Plan in effect at the time of the application identified the

SAD zoning district as compatible with the TRN land use designation, as does the recently adopted Always Delray Comprehensive Plan. Always Delray does not, however, consider GC zoning to be preferred within the TRN land use designation. Therefore, the City initiated a land use map amendment from TRN to GC land use to ensure greater compatibility with GC zoning.

### Review and Analysis

#### Future Land Use Map Amendment

Pursuant to **LDR Section 2.4.5(A)**, Comprehensive Plan amendments must follow the procedures outlined in the Florida Statutes. The FLUM amendment is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

#### Findings

Pursuant to **LDR Section 3.1.1, Required Findings**, findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

**Future Land Use Map:** The current Land Use Designation is Transitional (TRN) and the proposed land use is General Commercial (GC). The Future Land Use Element, of the Comprehensive Plan, Table L-6, identifies which zoning districts are consistent with the Future Land Use Map designations. Pursuant to Table L-6, the proposed General Commercial FLUM designation and the proposed General Commercial (GC) Zoning District are consistent.

### **Consistency**

A finding of Consistency requires that the requested designation is consistent with Goals, Objectives, and Policies of the Comprehensive Plan adopted at the time of submittal. An amendment to the Comprehensive Plan (Always Delray) was adopted on February 4, 2020, but the application is subject to plan that was adopted at the time of submittal. The applicable Objectives and Policies from the plan effective at the time of submittal are provided below.

*Future Land Use Policy A-1.2:* *Zoning changes which would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exist along an arterial street, consideration should be given to increasing the depth of the commercial zoning in order to provide for better project design. Strip commercial development, in this context, is characterized by several of the following design features: buildings are arranged in a linear (or strip) format on a narrow depth lot; parking is generally street frontage or on-street; uses are one store deep; no design integration among individual uses; typically no pedestrian access between adjacent developments; very little or no uniformity of signage on an individual development.*

General Commercial zoning allows for a variety of building and development types that does not require nor strive for strip commercial development. Given the property configuration as a narrow lot with the smaller side facing South Military Trail, design configuration is limited, and higher exposure to South Military Trail is likely most desirable. The submitted site plan illustrated vehicular access points from Conklin Drive, with a parking area between South Military Trail and the building, and an additional parking area towards the rear of the building. Review of the site plan may require site changes to increase the building's frontage along South Military Trail; the Land Development Regulations will require pedestrian access from the sidewalk to the building entrance.

*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:*

- 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, 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 requested SAD zoning is not appropriate for the proposed use on the property and will be rezoned to General Commercial, the LUM amendment is necessary to support the rezoning. The previously adopted comprehensive plan in effect at the time of application submittal that governs this submittal (prior to the adoption of Always Delray on February 4, 2020) allows SAD zoning in any land use category subject to consistency with the Comprehensive Plan. The Always Delray comprehensive plan, however, does not identify GC as a compatible or preferred zoning district in the TRN land use category; General Commercial land use is considered to have greater compatibility with GC zoning. As a means of supporting the long-range vision of the City, City staff asked the Applicant if they were amenable to rezoning to GC instead of SAD; the Applicant agreed to proceed with the rezoning to GC with the City initiating the corresponding land use plan amendment to accompany the rezoning.

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

Goal A of the Future Land Use Element of the Comprehensive Plan says that "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.” An auto parts store in proximity to residential development provides everyday services to residents within the City of Delray Beach, while appropriately locating the store along a major corridor for others, as well.

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

Compliance with traffic, schools, utilities, and solid waste is described below.

Traffic. The applicant submitted a traffic statement dated December 2019, based on the analysis of a 7,428 SF automobile parts store. The anticipated impact is 296 daily trips, with 14 AM Peak Hour Trips and 26 PM Peak Hour Trips. The traffic study indicates that the proposed development is anticipated to generate less than 1% of the adjacent roadway peak-hour peak-direction LOS in all links within the radius of development influence. The applicant must provide a TPS approval letter prior to first reading at City Commission.

Schools. Commercial development is not subject to school concurrency evaluation. Therefore, there will be no negative impact on the public school system.

Water & Sewer. The City’s Water and Sewer Atlases indicate that water and sewer services is provided to the site. The site plan submitted as part of the Special Activities District rezoning request established a plan for water and sewer infrastructure.

Solid Waste. The Solid Waste Authority (SWA) is the waste collector for the City. The SWA has indicated that there is significant capacity for projects within the City through 2047.

Drainage. The City will review drainage plans upon receipt of a site plan application. At site plan submittal, the applicant will be required to provide a signed and sealed drainage report indicating the proposed system’s ability to meet storm water requirements in accordance with the South Florida Water Management District regulations per LDR Section 2.4.3 (D)(8); requirements in LDR Section 6.1.9 for the surface water management system; and signed and sealed calculations indicating current and proposed estimated flows into City’s sewer system. A letter from the Deputy Director of Public Utilities stating that the City’s system has sufficient capacity to treat proposed flows will be issued upon review and approval of submitted site plans.

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

The Comprehensive Plan says that Transitional land use (existing) “is applied to land which is developed, or is to be developed, for either residential or nonresidential uses [...]. In some instances this designation provides for a transition between less intensive residential use and commercial uses. In other instances, this designation allows the establishment of uses which are compatible with adjacent residential use.” General Commercial land use (proposed) similarly “is applied to land which is, or should be, developed for general commercial purposes e.g. retail, office, services.” Both GC and TRN land uses are clustered along Military Trail. The adjacent FLUM designations are indicated below:

Land Use Map Designations	
North	General Commercial (GC)
South	Medium Density (MD)
East	Medium Density (MD)
West	Advisory Land Use, Medium Density (MD)

The proposed automotive parts store is consistent with the proposed General Commercial FLUM designation, and consistent with the surrounding land use map designations.

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

The applicant has submitted a request for site plan approval, and the proposed development will be subject to all applicable provisions and requirements for GC zoning in the Land Development Regulations.

## Rezoning

Pursuant to **LDR Section 2.4.5(D)(1)**, the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. The submitted application complies with these requirements.

### Findings | LDR Section 2.4.5(D)

LDR Section 2.4.5(D)(2) outlines the procedures for a zoning change, which includes the standard application items in Section 2.4.3. Valid reasons for approving a change in zoning, pursuant to **LDR Section 2.4.5(D)(2)** are:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning 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 request meets the third criteria. The applicant submitted a request for rezoning from the Robotic Space Savers Special Activities District (SAD) to a new SAD in conjunction with a request for site plan approval for a 7,428 SF building to be used for the retail sale of automotive parts and accessories. Upon review of the application, City staff determined that General Commercial zoning is more appropriate for the proposed development, and determined it is in its best interest to amend the land use map to GC. Section 4.4.25 says that "The Special Activities District (SAD) is established in order to provide a zone district which is appropriate for projects which are not otherwise classified or categorized in other zone districts; or, which for some other good reason, cannot be properly accommodated in the other zone districts. Also, the SAD is to be used for large scale and mixed projects for which conventional zoning is not applicable." The proposed development is allowed by right in GC zoning, and the proposed site plan can be accommodated by GC zoning. Additionally, GC zoning allows for the site to change operator and use without rezoning the property. This allows for redevelopment or reuse of the site to resume more quickly than it could with SAD zoning, should the Applicant cease operations at that site at any time in the future.

### Section 3.2.2 - Standards for Rezoning Actions

Rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

- (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.*

Not applicable. The applicant is requesting GC zoning, and the Residential Neighborhood Categorization has not been applied.

- (B) *Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be permitted west of I-95.*

Not applicable. This will be a general retail business.

- (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.*

The subject property is not a strip commercial development and provides neighborhood-serving commercial services in a compact node.

(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.

Under the proposed General Commercial land use, General Commercial (GC) is considered a compatible zoning district. Furthermore, the proposed zoning is compatible with proposed site development. The existing uses and zoning surrounding the proposed development is as follows:

	Zoning Designation	Land Use	Use
North	AC - Automotive Commercial	General Commercial (GC)	Auto repair and servicing
South	RL – Multiple Family Residential (Low Density)	Medium Density (MD)	Condominium / community amenity
East	RM – Multiple Family Residential (Medium Density)	Medium Density (MD)	Condominiums
West	Unincorporated Palm Beach County	Advisory Land Use, Medium Density (MD)	Single family home

(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.

Not applicable. The proposed development is not within the coastal planning area.

**Section 4.4.9 – General Commercial (GC) District**

General Commercial (GC) “provides basic regulations for small parcels which are best suited for general retail and office uses. [...] The GC designation is applied to small parcels, most of which are developed, where adherence to standard regulations is most appropriate. The GC designation is to be applied primarily along arterial and collector streets. Uses may be conducted singularly or in combination within the same structure.”

The subject property is located on an arterial. Standard development regulations are appropriate for the parcel, which does not have any unique characteristics that necessitate the application of non-standard regulations. Any future site plan is subject to the standards in this section.

**Review By Others**

**Interlocal Plan Amendment Review Committee (IPARC):** On February 11, 2020, notice of the Future Land Use Amendment has also been provided to the IPARC, which distributes the information to adjacent municipalities. No opposition has been noted.

**City Commission:** The item is anticipated to go before the City Commission for first and second reading at dates to be determined.

## Board Action Options

### Future Land Use

- A. Move a recommendation of **approval** of Ordinance No. 19-20, a City-initiated request for a Land Use Map amendment from Transitional (TR) to General Commercial (GC) land use designation for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval** of Ordinance No. 19-20, a City-initiated request for a Land Use Map amendment from Transitional (TR) to General Commercial (GC) land use designation for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, **with the condition that a Traffic Performance Standards (TPS) approval letter from Palm Beach County be submitted prior to scheduling for first reading at City Commission.**
- C. Move a recommendation of **denial** of Ordinance No. 19-20, a City-initiated request for a Land Use Map amendment from Transitional (TR) to General Commercial (GC) land use designation for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. Continue With Direction.

### Rezoning

- A. Move a recommendation of **approval** of Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (as recorded in Ordinance 04-07) to General Commercial for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- B. Move a recommendation of **approval** of Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (as recorded in Ordinance 04-07) to General Commercial for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations, **with the condition that a Traffic Performance Standards (TPS) approval letter be submitted from Palm Beach County prior to scheduling for first reading.**
- C. Move a recommendation of **denial** of Ordinance No. 20-20, a privately-initiated request for rezoning from Special Activities District (as recorded in Ordinance 04-07) to General Commercial for the property located at 14145 South Military Trail, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- D. Continue With Direction.

## Public and Courtesy Notices

Courtesy Notices are not applicable to this request.

Public Notices are not required for this request.

Public Notice was posted at the property 7 calendar days prior to the meeting.

Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

Public Notice was mailed to the adjacent property owners 20 days prior to the meeting.

Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

Public Notice was posted to the City's website 10 calendar days prior to the meeting.

Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

Agenda was posted at least 5 working days prior to meeting.

Aerial View of 14145 S. Military Trail

