



**DUNAY
MISKEL
BACKMAN** LLP

Gary Dunay
Bonnie Miskel
Scott Backman
Eric Coffman
Hope Calhoun

Dwayne Dickerson
Ele Zachariades
Matthew H. Scott
Christina Bilenki
Lauren G. Odom

2419, 2507, 2515, 2519, 2601, and 2605 N. Federal Hwy

Rezoning Justification Statement

This is an application to rezone a collection of parcels of real property from General Commercial (“GC”) to Automotive Commercial (“AC”). The prior version of the Comprehensive Plan and the new “Always Delray” Comprehensive Plan state, in Objective 2.5 (Automotive Dealerships), Policy NDC 2.5.1, that a preferred location for “automotive dealerships and auto-related uses on land with a General Commercial land use designation” is “on the east side of North Federal Highway north of 2200 North Federal Highway” The subject properties are located precisely in this defined area.

More specifically, the +/- 3.85-acre collection of six adjoining parcels, assigned parcel control numbers of 1243-46-04-08-000-0310, 1243-46-04-08-000-0320, 1243-46-04-08-000-0330, 1243-46-04-08-000-0340, 1243-46-04-08-000-0352, 1243-46-04-08-000-0351, are located east of North Federal Highway, north of Delmar Way, and south of Gulfstream Boulevard (collectively referred to as the “Property”) within the City of Delray Beach (“City”), Palm Beach County, Florida. The Property is designated as Commercial (“C”) on the City’s Future Land Use Map and is zoned General Commercial (“GC”) on the City’s Zoning Map. In addition, the Property was included in the City’s 1999 North Federal Highway Redevelopment Plan.

James O’Neill (“Petitioner”) has a lease with an option to purchase the Property and intends to redevelop it with a new automotive dealership(s) and accessory uses. However, the current zoning designation does not permit sales of automotive vehicles. Accordingly, Petitioner proposes rezoning the Property from the GC zoning designation to the AC zoning designation (Automotive Commercial), with express written authorization from the Owner, Adoodledoo, LLC.

The Property has remained vacant and undeveloped for over a decade. Petitioner’s plans to improve the Property with a new car dealership and associated accessory uses will help revitalize this area of the City with quality infill development and create new employment opportunities, contributing to the underlying objectives of the North Federal Highway Redevelopment Plan. Specifically, Petitioner proposes to develop the Property with state-of-the-art structures designed for automotive sales, vehicle service/maintenance, inventory storage, and associated parking and landscaped areas (“Project”). The first step for Petitioner in this process is to rezone the Property. As discussed further herein, the rezoning request is consistent with the City’s Comprehensive Plan and complies with all applicable criteria in the City’s Land Development Regulations (“LDR”). Accordingly, Petitioner respectfully requests approval of this application.

Rezoning Criteria Analysis

The rezoning from the GC zoning district to the AC zoning district requires a statement of justification per LDR Section 2.4.5(D)(2). The potential reasons stated in the LDRs for approving a change in zoning include:

- A. The zoning had previously been changed, or was originally established, in error;
- B. There has been a change in circumstance which makes the current zoning inappropriate;
- or**
- C. 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.

Item C is Petitioner's primary reason for the rezoning request. The Comprehensive Plan indicates the Property has a land use designation of "Commercial." GC and AC zoning are both permitted zoning categories under the Commercial land use classification. The rezoning would not create inconsistency with the Comprehensive Plan. In fact and as stated above, Objective 2.5 (Automotive Dealerships), Policy NDC 2.5.1 of the City's Comprehensive Plan specifically states that a preferred location for "automotive dealerships and auto-related uses on land with a General Commercial land use designation" is "on the east side of North Federal Highway north of 2200 North Federal Highway" Further, there are properties zoned AC to the south and west of the Property.

Rezoning the Property would also not engender inconsistent uses in the neighborhood. Other businesses in this area of North Federal Highway include car dealerships with accessory uses, a car wash, a pawn shop, outdoor furniture sales, a home furnishing store, a diner/ballroom space, and a bicycle shop. Based on the fact that nothing has been developed on the Property for over a decade, the AC zoning designation is more appropriate for the Property and compatible with existing proximate uses. Moreover, from a traffic generation perspective, the proposed zoning category is less intense than what could be developed under the current zoning designation which is GC. Accordingly, there are a variety of factors that militate in favor of the requested rezoning.

What is more, the rezoning will advance the goals of the North Federal Highway Redevelopment Plan. The North Federal Highway Redevelopment Plan was designed, quite obviously, to encourage redevelopment in this area of the City. Unfortunately, the Property has not been redeveloped and has sat vacant for years. Petitioner requests the rezoning of the Property for the specific purpose of redevelopment in the area. Moreover, the rezoning will allow for a multi-million dollar investment in construction and related costs and the creation of scores of new jobs, not to mention the concomitant incremental increase in property values. From a visual perspective, a vacant lot will be replaced with brand new structures with modern architecture and fresh landscaping, further contributing to the City's redevelopment objectives.

Based on the foregoing, Petitioner's rezoning request satisfies all applicable criteria in the LDRs. Accordingly, Petitioner respectfully requests approval.