



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Ordinance No. 07-20, Limited Height Area within the West Atlantic Neighborhood Sub-district

Meeting	File No.	Application Type
December 16, 2019	2020-053-LDR	Land Development Regulations Amendment

Request

Consideration of a City-initiated request to amend the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district.

Background Information

The subject amendment was initiated as a means of mitigating impacts and providing appropriate transitions to single-family properties from the Central Business District (CBD). Within the Northwest neighborhood, the properties along West Atlantic Avenue are zoned CBD. On the north side of West Atlantic Avenue, the CBD zoning extends to the approximate middle of the block, then changes to single-family residential zoning (R-1-A). Throughout the West Atlantic Neighborhood Sub-district, the north side transitions directly from CBD to R-1-A generally at the midblock. The south side of West Atlantic Avenue transitions to Multi-family zoning (RM) and then transitions to single-family residential zoning.

A current request is in process to rezone five properties from R-1-A to CBD along NW 6th Avenue and NW 7th Avenue, extending the CBD zoning to the alley. During the Planning and Zoning Board meeting of November 18, 2019, the Board expressed concerns for extending the CBD zoning farther north into the neighborhood, specifically regarding the compatibility of the potential new redevelopment adjacent to existing single-family houses. The proposed Limited Height Area intends to not only address the Board's concerns, but also to assist in mitigating potential impacts if future rezoning requests are submitted.

Description of Proposal

The proposed amendment establishes a Limited Height Area within the West Atlantic Neighborhood Sub-district of the CBD that is limited to those properties rezoned from R-1-A to CBD. The limited height is 35 feet and three stories, whereas the balance of the CBD sub-district may develop up to 54 feet and four stories.

Additional amendments are corrective in nature to clarify that those structures allowed more than 150 feet from West Atlantic Avenue include residential, and that commercial and mixed-use structures require approval of a conditional use request.

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 City-initiated, as supported by the Planning and Zoning Board at its meeting of November 18, 2019.

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 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.

The Limited Height Area will provide complementary and compatible new development with adjacent land uses for those properties that are rezoned from R-1-A to CBD, particularly those that are adjacent to other R-1-A zoned properties. The height reduction to 35 feet and 3 stories from 54 feet and four stories assists in the compatible transition as the maximum height for single-family zoned properties is 35 feet.

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.

The proposed limited height is supported by Policy A-2.3, as it requires that redevelopment is consistent and complementary regardless of adjacent zoning designations. The proposed height limitation of 35 feet is the same height as the maximum allowed for single-family residentially zoned properties.

Future Land Use Element 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 careful consideration of redevelopment by limiting non-residential uses on property located further than 150 feet from West Atlantic Avenue. The limited height will further the intent of this requirement by requiring it for properties rezoned from Single-family Residential to CBD.

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 amendment is designed to continue to support by "preserving the charm" of the established neighborhood fabric of the northwest neighborhood within the West Atlantic Neighborhood Sub-district.

Review By Others

The proposed LDR Amendments have been reported to the **Community Redevelopment Agency (CRA)**; a review date has not yet been determined.

The **City Commission** review of the proposed LDR Amendments is anticipated at the meetings of January 21, 2020 (First Reading) and March 3, 2020 (Second Reading).

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.07-20, amending the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district, 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. 07-20, **as amended**, amending the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district, 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. 07-20, amending the Land Development Regulations to establish a Limited Height Area and require limited height for properties that are rezoned to Central Business District (CBD) from Single-family Residential (R-1-A) within the West Atlantic Neighborhood Sub-district+, 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:

- Chamber of Commerce

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.

X Public Notice was published in the Sun Sentinel on Friday, December 6, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, December 6, 2019, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Friday, December 6, 2019, 10 working days prior to the meeting.

X Agenda was posted on Friday, December 6, 2019, at least 5 working days prior to meeting.