

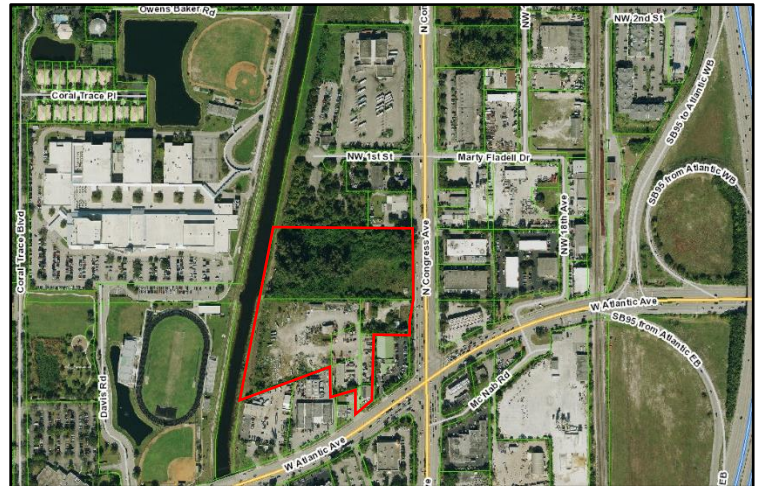


PLANNING & ZONING BOARD STAFF REPORT

Meeting	File No.	Application Type
July 20, 2020	2019-116-REZ	LDR Amendment
Applicant	Property Owners	Authorized Agent
Trinsic Residential Group	Delray Land Holdings, LLC; Steve Retterath; Debra J. Langel and Michael R. Langel; and Ruth D. Adams, Mary D. Amar, Daniels Family Trust, Elizabeth D. Taylor, Corey D. Daniels, Trustee, and Lula M. Smith, Trustee.	Dunay, Miskel, and Backman, LLP Bonnie Miskel, Esq. / Beth Scrantz, Land Planner

Consideration of a privately-initiated request to amend the Land Development Regulations (LDR) 4.3.4(J)(4), Increases to height regulations, to list the Aura Delray Beach properties as eligible to increase height up to 60 feet, subject to conditional use approval; and to amend Article 4.7, Family/Workforce Housing, to establish the Aura Delray Beach Overlay District requiring a minimum of 25 percent as workforce housing units.

The properties consist of a total of 12.20 acres and are generally located at the northwest corner of West Atlantic Avenue and North Congress Avenue. The eight parcels are all presently zoned Mixed Industrial and Commercial (MIC) with a land use of Commerce (CMR). The Always Delray Comprehensive Plan requires that when allowed on land with a land use of CMR, residential development provide a minimum of 25 percent workforce housing units. Given that the MIC zoning designation limits residential development to the I-95/CSZ Railroad Corridor Overlay District (developed as Delray Station apartments), the applicant proposes to rezone the parcels to Special Activities District (SAD) to accommodate a multi-family residential development. The rezoning to SAD is being reviewed concurrent with the subject request as Ordinance No. 32-20.



The proposed amendments seek to increase the height from 48 feet to 60 feet and to allow a density of 24 dwelling units per acre for the subject parcels. The height amendment seeks to add the Aura Delray Beach parcels to the list of geographic areas identified in LDR Section 4.3.4(J)(4), Increases to Height Regulations, that are allowed to build up to 60 feet in height, subject to approval of a conditional use request. The amendment to add the "Aura Delray Beach Overlay District" to Section 4.7, will establish the requirement in the LDRs that at least 25 percent of all dwelling units be provided as workforce housing units that are affordable to moderate income families.

Project Planner:
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- Draft Ordinance 21-20
- Applicant Request Letter & Justification

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 by Bonnie Miskel and Beth Scrantz of Dunay, Miskel, and Backman, LLP on behalf of Trinsic Residential Group.

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 the Goals, Objectives and Policies (GOPs) of the adopted Comprehensive Plan are applicable to the proposed amendment, and compliance with their intent is to be considered with the request:

Neighborhoods, Districts, and Corridors Element, Objective NDC 1.1, Land Use Designations

Policy NDC 1.1.3: *Provide transitions between land use designations at the rear of properties or at major corridors so that the prescribed uses and potential development patterns are arranged to achieve compatible and appropriate changes in intensity, height, and scale.*

Policy NDC 1.1.7: *Establish the maximum density, measured in dwelling units per gross acre, for residential land use and mixed-use designations (See Table NDC-1). The Standard density is the range of density allowed in the land use designation. 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. Standards in the Land Development Regulations, including those guiding compatibility and transitions, such as setbacks, height limitations, open space criteria, etc. may limit the actual density achievable on a specific site.*

The surrounding land use designations are predominantly CMR. The surrounding zoning is predominantly MIC. The primary difference with the proposed SAD plus LDR text amendment will be the increased building height allowed as the surrounding sites are limited to 48 feet in height, whereas the text amendment would allow building up to 60 feet, via a conditional use approval. Appropriate transitions and changes in intensity can be further addressed through the conditional use and site plan review processes. The Revitalization / Incentive density identified for the CMR land use is 24 dwelling units per acre, which is the same as the density proposed for the overlay district.

Objective NDC 1.4, Industrial Land Use Designations

Policy NDC 1.4.6: *Allow a maximum floor area ratio of 0.60 for nonresidential uses and a revitalization/ incentive density up to 24 dwelling units per acre with at least 25% of the units provided as workforce housing units, for properties with a Commerce land use designation.*

Policy NDC 1.4.7: *Use the Commerce land use designation for property located along or adjacent to the North Congress Avenue corridor, north of West Atlantic Avenue, where it is appropriate to accommodate a mix of industrial, service, and commercial uses, and limited residential development opportunities.*

The property has a Commerce land use designation and is proposing a maximum of 24 dwelling units per acre with a minimum of 25 percent workforce housing units. While the Commerce land use designation allows for limited residential development opportunities, the ability to provide opportunities for a mix of industrial, services, and commercial uses will be further limited.

The following NDC Policies are provided to reference the vision for the Congress Avenue corridor, where incentives are offered to support transit-oriented development for developments within ¼ mile of the Tri-Rail station, but also within the Congress Avenue Mixed Use land use designation. The subject properties are outside of those parameters. However, Policy NDC 1.4.9 recognizes the need to study the entire Congress Avenue corridor..

Objective NDC 1.3 Mixed-Use Land Use Designations, Policy NDC 1.3.19: *Continue to support transit-oriented development by providing incentives in the Land Development Regulations, for developments located within one quarter mile of the Delray Beach Tri-Rail Station with the Congress Avenue Mixed Use land use designation.*

Objective NDC 1.4, Industrial Land Use Designations, Policy NDC 1.4.9: *Analyze the existing land use and zoning designations of Commerce and Congress Avenue Mixed Use assigned to property along the Congress Avenue Corridor for the purpose of accommodating a balanced mix of commercial, industrial, office, and residential uses with a cohesive aesthetic for the corridor.*

Housing Element

Objective HOU 5.1, Housing Equity: *Housing Equity Support housing options which ensure equitable access and elimination of disparities for all residents and household types.*

Policy HOU 5.1.1: *Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.*

Objective 6.1, Accommodation of Income Diversity

Policy HOU 6.2.4: *Analyze areas targeted for workforce housing to determine opportunities for expansion, and identify new areas which should be included, with special attention given to areas west of Interstate 95 that coincide with major arterials and transit routes.*

Policy HOU 6.2.5: *Utilize incentives outlined in the workforce housing ordinance to develop additional workforce housing units.*

The Housing Objective and Policies noted above request mixed-income housing opportunities, particularly for the area west of Interstate-95. While the proposed amendment provides Workforce Housing Opportunities, the requirement is to require a minimum of 10 percent on site for moderate income households, with the balance provided through a payment to the Delray Beach Housing Trust at a fee of \$60,000 per unit. It should be noted that the other overlays require housing opportunities for very low, low, and moderate-income households. However, one of the criteria with the conditional use for height is the provision of at least 20 percent of the residential units be provided for low- or moderate-income levels. Consideration should be given to revising the request to expand the income level(s) beyond the moderate household income, thereby providing additional opportunities for a range of income levels.

Given the above and the underlying land use designation of Commerce, consideration is necessary as to the appropriateness of the provision of residential development in an area where industrial and services uses are accommodated. In addition, the appropriateness of the increased height is to be considered, which is sought to accommodate higher residential densities, with the majority of the proposed workforce housing accommodated through a financial contribution, rather than by on site units. The surrounding heights are limited to 48 feet, which is consistent along most of the Congress Avenue corridor. However, within the zoning designation of Mixed Residential Office and Commercial (MROC), which dominates the South Congress Avenue corridor from West Atlantic Avenue to the southern City boundary, the height is increased up to 85 feet to accommodate the higher densities allowed (up to 50 dwelling units per acre) and desired office uses. The vision for the MROC zoning district was to emphasize transit-oriented development patterns given the tri-rail station within that portion of the Congress Avenue corridor.

Review By Others

The **City Commission** is tentatively scheduled to review Ordinance 31-20 (First Reading) at its meeting of August 11, 2020; the Second Reading of the Ordinance has not yet been determined.

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No.31-20, to amend the Land Development Regulations (LDR) 4.3.4(J)(4), Increases to height regulations, and Article 4.7, Family/Workforce Housing, to establish the Aura Delray Beach Overlay District requiring a minimum of 25 percent as workforce housing units, 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. 31-20, **as amended**, to amend the Land Development Regulations (LDR) 4.3.4(J)(4), Increases to height regulations, and Article 4.7, Family/Workforce Housing, to establish the Aura Delray Beach Overlay District requiring a minimum of 25 percent as workforce housing units, 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. 31-20, to amend the Land Development Regulations (LDR) 4.3.4(J)(4), Increases to height regulations, and Article 4.7, Family/Workforce Housing, to establish the Aura Delray Beach Overlay District requiring a minimum of 25 percent as workforce housing units, 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

X 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.