



## Cover Memorandum/Staff Report

File #: 20-1036

Agenda Date: 1/5/2021

Item #: 9.A.

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** January 5, 2021

ORDINANCE NO. 01-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH CODE OF ORDINANCES, BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.3, "DISTRICT REGULATIONS, GENERAL PROVISIONS," SECTION 4.3.4, "BASE DISTRICT DEVELOPMENT STANDARDS," SUBSECTION 4.3.4(J), "HEIGHT," TO ADD THE PROPERTIES WITHIN THE LINTON COMMONS OVERLAY DISTRICT TO THE LIST OF PROPERTIES ELIGIBLE FOR AN INCREASED HEIGHT OF 60 FEET; AMENDING ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.12, PLANNED COMMERCIAL (PC) DISTRICT;" TO PROVIDE REGULATIONS FOR THE LINTON COMMONS OVERLAY; AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.5, "OVERLAY AND ENVIRONMENTAL MANAGEMENT DISTRICTS," ESTABLISHING SECTION 4.5.21, "LINTON COMMONS OVERLAY DISTRICT;" AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.7, "FAMILY/WORKFORCE HOUSING", SUBSECTIONS 4.7, "FINDINGS," 4.7.1, "DEFINITIONS," 4.7.2, "APPLICABILITY," AND 4.7.5, "DENSITY BONUS PROGRAMS," TO ESTABLISH WORKFORCE HOUSING CRITERIA FOR THE LINTON COMMONS OVERLAY DISTRICT; PROVIDING A CONFLICTS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE. (FIRST READING)

### **Recommended Action:**

Review and consider Ordinance No. 01-21, a privately-initiated request to amend Section 4.3.4, Base Development Standards; Section 4.4.12, Planned Commercial (PC) District; Article 4.5, Overlay and Environmental Management Districts; and Article 4.7, Family / Workforce Housing, of the Land Development Regulations (LDR), to establish the Linton Commons Overlay District and provide supporting regulations related to workforce housing requirements and height allowances within the overlay.

### **Background:**

The applicant is requesting LDR text amendments to establish the Linton Commons Overlay District to allow for a higher density, mixed use development, including at least 20% of the total units as workforce housing. The proposed overlay district is located on the south side of West Linton Boulevard between SW 4<sup>th</sup> Avenue and Lavers Avenue, and consists of 500, 510, and 520 West Linton Boulevard.

The properties have a General Commercial (GC) land use designation and are zoned Planned

Commercial (PC). The GC land use designation allows a maximum floor area ratio (FAR) of 3.0, and a standard residential density of 12 dwelling units per acre. A maximum of 30 dwelling units per acre is allowed in areas eligible for a revitalization incentive. Multiple-family residential development is allowed as a conditional use as the PC zoning allows all permitted, accessory, and conditional uses allowed in the GC zoning district. Additionally, residential uses must be a part of a mixed-use development within the PC zoning district.

The properties are part of the existing Linton Commons development that consists of 78,399 sf of general commercial development located throughout the three parcels totaling 9.438 acres. Parcels A, B and C were established by the New Century Commons Plat, recorded in May 2018.

The applicant is requesting amendments to the following sections of the LDRs:

- **Section 4.3.4(J).** Add the Linton Commons Overlay District to the list of properties eligible for an increase in height to 60 feet, subject to conditional use approval. The current LDR limits the provision to the geographic areas specifically identified in the section.
- **Section 4.4.12.** Allow residential development within the workforce housing, mixed use Linton Commons Overlay District.
- **Article 4.5.** Establish the Linton Commons Overlay District.
- **Article 4.7.** Establish regulations for the Linton Commons Overlay, as follows:
  - Require at least 20 percent of all residential units be provided as workforce housing units affordable to very low, or low, or moderate income families.
  - Allow a maximum density of up to 30 dwelling units per acre as a Conditional Use. To obtain a density greater than six units per acre, the performance standards of Section 4.4.6(I), shall also be substantially met and a minimum of 20 percent of the residential units must be developed as workforce housing.

It is important to note that in addition to the subject request, the applicant has submitted requests for conditional use approvals for a free-standing multi-family residential building within the PC zoning district, increased height, and increased density, as well as a Class V Site Plan application. Although the Class V site plan application is not under the purview of the board, the concurrent site plan indicates that the purpose of the amendments is to facilitate the redevelopment of Parcel A (5.98 acres) as multi-family residential units with a parking garage and residential amenities; Parcels B and C are slated to retain their existing uses as retail and restaurant outparcels to compliment the proposed residential as part of a horizontal mixed use development. The complete request letter and narrative memo are provided as attachments.

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 Jordana Jarjura of Menin Development for NCC Rosebud Two, 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 (GOPs) of the Comprehensive Plan. The following GOPs of the adopted

Comprehensive Plan are applicable to the proposed amendment:

**Neighborhoods, Districts, and Corridors Element**

**Policy NDC 1.1.2:** *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

- *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
- *Uses that meet the daily needs of residents.*
- *Public open spaces that are safe and attractive.*

**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.*

**Policy NDC 1.1.14** *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the 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.*

**Objective NDC 1.3 Mixed-Use Land Use Designations** *Apply the mixed-use land use designations of Commercial Core, General Commercial, Transitional, Congress Mixed-Use, and Historic Mixed-Use to accommodate a wide range of commercial and residential housing opportunities appropriate in scale, intensity, and density for the diverse neighborhoods, districts, and corridors in the city.*

**Policy NDC 1.3.9** *Allow a maximum floor area ratio of 3.0 and a maximum standard density of 12 dwelling units per acre with a revitalization/incentive density of 12-30 dwelling units per acre in the General Commercial land use designation to accommodate general commercial uses such as retail, office, commercial services, and mixed use developments with limited residential development opportunities.*

**Policy NDC 2.7.20** *Review existing land uses and traffic patterns along the West Linton Boulevard corridor, located between Interstate-95 and South Federal Highway for the purpose of creating a redevelopment plan, overlay district or other development tool, which incorporates the defined vision for the to promote and guide redevelopment of the area. [Complete by 2025]*

The subject properties are surrounded by the following mix of land use designations, zoning districts, and uses:

**North**

- Land Use: GC - General Commercial / TRN - Transitional
- Zoning: GC - General Commercial / POC - Planned Office Center
- Use: Delray Village Shoppes. Commercial Development consisting of a mix of general retail, restaurant, and commercial establishments; Women's Cancer Care Center

**South**

- Land Use: MD - Medium Density, 5-12 du/acre
- Zoning: SAD - Special Activities District
- Use: 3-story multi-family residential (The Vinings)

**East**

- Land Use: GC - General Commercial / IND - Industrial
- Zoning: GC - General Commercial / I - Industrial
- Use: Shell gas station and Delray Industrial Park

**West**

- Land Use: GC - General Commercial
- Zoning: PC - Planned Commercial
- Use: Delray Beach Plaza. Commercial Development consisting of a grocery store (Whole Foods), and a mix of general retail, restaurant, and commercial establishments.

Multi-family residential development is allowed in other zoning districts at varied densities, but those outside of the Central Business District (CBD) that allow more than 12 dwelling units per acre require workforce housing provisions. Density and height increases are tools that have been used successfully throughout the City to cultivate workforce housing and residential development in targeted areas. The proposed Linton Commons Overlay District will increase the current maximum density of 12 du/ac for market rate units to a maximum of 30 du/ac, provided that 20 percent of the total units are reserved as Workforce Housing units at the very low, low, or moderate level. It's important to note that most of the current LDRs only require a percentage of the additional density, not the full number of units; as such, the proposed text amendment exceeds this standard.

Establishing the Linton Commons Overlay District and supporting text amendments would add residential uses and support the provision of a complimentary mix of uses that can meet the daily needs of residents by introducing residential in close proximity to commercial uses both within the proposed overlay district (Parcels B and C), as well as to the surrounding mostly commercial area.

While mixed use has been traditionally thought of in a vertical configuration (one story over another in the same building), the same benefits of mixed use can also be realized when residential and commercial uses are collocated on a compact site designed to promote ease of access among uses. In further pursuit of mixed-use and multi-modal supportive land development patterns, the proposed overlay district is surrounded by a mix of commercial uses, including a grocery store (Whole Foods), and is also in close proximity to a hub of additional retail and restaurant uses near the intersection of East Linton Boulevard and South Federal Highway. Delray Plaza, at the northwest corner of the intersection, includes a grocery store (Publix), diverse retail uses, personal care businesses, and a variety of restaurants; the southernmost portion of the plaza is approximately a half mile (10-minute) walk from the subject properties. Similarly, the entrance to Delray Place, located southeast of the intersection and approximately three-tenths of a mile from the proposed overlay district, has additional restaurants, retail, and a grocery store (Trader Joe's). The proposed Linton Commons Overlay District is also approximately a half mile east of the entrance for Delray Crossing, which has restaurants, Target, Dollar Tree, Home Goods, and Home Depot.

The current list in the LDRs of geographical sites that may request height up to 60 feet includes Area "G" *the property on either side of Linton Boulevard, extending 200 feet north and south of its ultimate right-of-way, extending from I-95 to Dixie Highway.* A portion of the proposed Linton Commons Overlay District is within this area. The proposed LDR amendment would extend the allowance for additional height beyond the current 200 feet limit to include the entirety of all three properties to

Lavers Circle. While the intent of the current regulations focuses the additional height to frame the wide, newer commercial development along West Linton Boulevard, recent projects have not taken advantage of the additional height provision. The Linton Boulevard corridor has high-quality new commercial development, like Whole Foods, but mixed use or new office development has not occurred to date. The proposed extension of the height area encourages the inclusion of residential uses located further from the commercial corridor. The development on the south side of Lavers Circle is developed at three stories. However, it is important to note the performance standards in the LDR for additional height includes required strategies. The request for additional height is subject to separate conditional use approval.

### **Housing Element**

The following Objective and Policies are to be considered relative to the proposed language that allows an increase from the standard density of 12 dwelling units per acre to a maximum revitalization density of 30 dwelling units per acre within the overlay subject to conditional use approval.

***Policy HOU 1.1.4 Encourage walking, bicycling and transit use to benefit people of all ages, as a means to encourage social interaction and provide a sense of place in new developments and neighborhood improvements.***

***Objective HOU 3.2 Expansion of the Housing Supply Expand the housing supply by allowing different unit types in a variety of locations for all income levels.***

***Policy HOU 3.2.1 Allow a variety of housing types to reflect the needs of all household types, including both rental and ownership opportunities for single people, couples, families, seniors, persons with disabilities and multi-generational families.***

***Policy HOU 3.2.2 Establish and regularly reassess criteria for requiring workforce housing units in new development (either on-site or through participation in a housing program) based upon proposed development density, intensity, and size.***

***Policy HOU 6.1.2 Encourage income diversity by requiring a mix of unit types in new development.***

***Policy HOU 6.1.3 Promote mixed income development in areas with access to amenities including parks, recreational and cultural facilities, transit services, employment centers and healthcare services.***

***Policy HOU 6.1.4 Implement incentives in the Land Development Regulations, such as increases in density, to establish workforce housing units within targeted areas.***

***Policy HOU 6.4.10 Encourage a shared responsibility for the private sector to address workforce housing needs by offering incentives.***

The proposed density change will increase the current maximum of 12 dwelling units per acre to 30 dwelling units per acre, provided that 20% of the total number of units are reserved as Workforce Housing units at the very low, or low, or moderate income level. At the standard density, the 9.438-acre parcel could be developed with 113 dwelling units. The proposed revitalization incentive density would maximize the site build-out at 277 units. The proposed requirement of 20% as workforce units

would require 55 of the 277 units be restricted to workforce units. The amendment would allow 164 additional units and 34% (55) of these “bonus” units would be dedicated as workforce housing. Based on projected population growth analyzed in both the Neighborhoods, Districts, and Corridors and Housing Elements, additional workforce housing units are needed in Delray Beach to accommodate both existing residents and to attract a workforce who can live, work, and play within the City. The proposed privately initiated development meets this need identified in the Always Delray Comprehensive Plan.

The proposed dwelling units on Parcel A exceed the proposed maximum density of 30 du/ac (277 dwelling units / 5.9837 acres = 46.29 dwelling units / acre). However, the Linton Commons Overlay District meets the proposed density maximum using the combined acreage of Parcels A, B, and C. With the combined parcels, the density is 29.89 dwelling units per acre (277 units / 9.2663 acres). It is important to note that requests for an increased density require a recommendation by the Site Plan Review and Appearance Board (SPRAB) to the City Commission; the final action would be taken by the City Commission.

Article 4.7 - “Family Workforce Housing” of the LDRs provides several ways that developments can use workforce housing to access a revitalization incentive:

1. Require 20 percent of the bonus density or height to be workforce housing (most existing areas).
2. Density bonus program that offers a certain number of extra or “bonus” units in exchange for the provision of workforce housing, weighted by the affordability level of the units provided. More units are offered as an incentive when lower income levels are set aside.
3. A flat out set aside of a percentage of the total units (such as Aura Delray SAD, which requires 25 percent of the total units to be affordable to achieve maximum density in Commerce Land Use; or the Four Corners Overlay District with General Commercial Land Use and PC zoning, which requires 20 percent).

Revitalization incentives are available in six different land use categories throughout the city.

The applicant is proposing a percentage of the total units as workforce housing, with the same percentage of workforce housing as the existing PC overlay district - Four Corners. The proposed Linton Commons Overlay is not required to choose a particular income category, but the Overlay establishes the requirement that the units be provided at very low, or low, or moderate income levels. (Four Corners does not specify a required income level.) The very low level is up to 60 percent of the Area Median Income (AMI), low is 61% - 80% AMI, and the moderate level is 81-120% AMI - which is currently \$79,100 for Palm Beach County.

AMI Range	Income Range	Rental for 2 BDR unit	Rental for 3 BDR unit
Very Low Income (up to 60% AMI)	Up to \$52,680	Up to \$1,186	Up to \$1,370
Low Income (61-80% AMI)	\$52,680 - 70,240	\$1,186 - 1,582	\$1,370 - 1,827
Moderate Income (81-120% AMI)	\$70,240 - 105,360	\$1,582 - 2,373	\$1,827 - 2,740

The inclusion of the multiple income categories supports the City’s Comprehensive Plan policies in support of mixed income development.

**Mobility Element**

The following policies relate to how the proposed amendment fulfills the goals, objectives, and policies of the Comprehensive Plan, related to the City's mobility system.

**GOAL MBL 3** *Accommodate future growth through projects that maintain and enhance the City's mobility system, directed toward enhancing walkability, accessibility, and quality of life.*

**Objective MBL 3.1.** *Improve mobility options by increasing connections among multiple transportation modes in the downtown area, nodes of higher density along major corridors, transportation hubs, transit-oriented developments, urban redevelopment and infill, and in suburban redevelopment to support the mobility system.*

**Policy MBL 3.1.1** *Include cross access between properties to reduce vehicular trips on the roadway network. Cross-connectivity shall include bicycle and pedestrian accommodations except where infeasible due to natural or environmental constraints.*

**Objective MBL 3.2 Vehicular Dependency** *Take measures to reduce the number of vehicular trips, reduce trip length, and reduce vehicle miles travelled through interconnectivity principles and through Transportation Demand Management principles.*

The proposed Linton Commons Overlay District is located on a County Minor Arterial, approximately a half mile from several PalmTran stops. The TriRail Station is approximately 2 miles from the property, and the Boca Raton Brightline Station (anticipated) is 4.7 miles from the site. It should be noted, new residential projects with 25 or more units are required to include a bus shelter. In projects where a bus shelter is located less than the standard minimum distance from an existing shelter (as determined by PalmTran), the project shall contribute the full cost for the purchase and installation of a complete bus shelter. Additionally, the applicant is proposing bicycle storage, and an internal pedestrian circulation system. These items will be addressed as part of the site plan review.

As discussed previously, the proposed overlay is located near a hub of commercial development, which provides amenities accessible to the future residents without additional vehicle trips. Additionally, residential development at this location supports the objective of developing higher density nodes as infill development along major corridors.

**Healthy Community Element**

This policy relates to how the proposed amendment supports the City's vision of a high quality of life for the residents of Delray Beach by supporting access to healthy built, social, economic, and natural environments for individuals and families of all demographic groups.

**Policy HCE 3.3.7** *Accommodate pedestrian circulation through mixed-use and commercial projects with sidewalks and internal pathways.*

The proposed development provides both commercial and retail as part of the redevelopment of the site. The site plan (which will be reviewed and approved separately) provides a network of sidewalks and linear paths.

The Planning and Zoning Board voted 6-0 to recommend approval of the request at its meeting on December 14, 2020.

**City Attorney Review:**

Ordinance No. 01-21 is approved as to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA

**Timing of Request:**

Second reading is anticipated for January 19, 2020.