



Cover Memorandum/Staff Report

File #: 21-319

Agenda Date: 4/6/2021

Item #: 10.A.

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Jennifer Alvarez, Interim City Manager
DATE: April 6, 2021

ORDINANCE NO. 04-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING THE HHH BUSH BUILDING SPECIAL ACTIVITIES DISTRICT (SAD) TO THE 1177 MODERNE SPECIAL ACTIVITIES DISTRICT (SAD) FOR THE PROPERTY AS MORE PARTICULARLY DESCRIBED HEREIN; REPEALING ORDINANCE NOS. 38-84, 39-90, AND 01-11 IN THEIR ENTIRETY; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.25, "SPECIAL ACTIVITIES DISTRICT (SAD)," SUBSECTION 4.4.25(H), "S.A.D.S", TO ADD "1177 MODERNE"; SAID LAND GENERALLY LOCATED NORTH OF GEORGE BUSH BOULEVARD BETWEEN THE INTRACOASTAL WATERWAY AND ANDREWS AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Review and consider Ordinance No. 04-21, a privately-initiated request to rezone the HHH Building Special Activities District (SAD) to the 1177 Moderne Special Activities District (SAD), repealing the existing HHH Bush Building SAD adopted by Ordinance No. 38-84 and subsequently amended by Ordinance Nos. 39-90 and 01-11, and adopting new development standards in the subject ordinance.

Background:

The 1.39-acre subject property is located at 1177 George Bush Boulevard, immediately north of George Bush Boulevard between Andrews Avenue to the east and the Intracoastal Waterway on the west. In September 2020, the 27,528 SF five-story office building (built in 1963) was demolished, and the property is now vacant.

The property has a land use designation of TRN (Transitional). TRN is a mixed use land use designation with a standard density of 5-12 dwelling units per acre (du/ac) and a floor area ratio (FAR) of 1.0. The property has been zoned Special Activities District since 1984, when it was rezoned from RM-10 (Multiple Family Residential, 10 du/acre). The purpose of the SAD district per the Land Development Regulations (LDR) is *"to provide a zone district appropriate for developments not otherwise classified or categorized in other districts; or, cannot be properly accommodated in any other zone district. The SAD is to be used for large scale and mixed-use developments for which conventional zoning and development standards are not appropriate..."*. The uses allowed by the HHH Building SAD, general and professional offices, were established as conditional uses, subject to

the completion of required site improvements. The HHH Building SAD also allowed all uses permitted in the RM-10 zoning district, subject to the same condition. As the building was built in 1963, and the SAD was established in 1984, limited site development standards were adopted. The HHH Building SAD was amended in 1990 to revise the list of conditional uses and to add sign regulations. In 2011, the SAD was amended to change all conditional uses to permitted uses, and to allow a single residential condominium unit as a fifth-floor use with no more than four bedrooms and 4,925 SF. Under the current SAD zoning, the applicant would only be able to rebuild the same development with the same permitted uses adopted by Ordinance No. 38-84 and subsequently amended by Ordinance Nos. 39-90 and Ordinance No. 01-11.

The current request is to rezone the HHH Building SAD to a new SAD, the "1177 Moderne SAD", for the purpose of developing a 16-unit residential condominium with private, resident-only amenities. With the rezoning, the previously adopted SAD regulations will be repealed in entirety and replaced by the development standards in Ordinance No. 04-21; the name of the SAD in the Land Development Regulations will be changed from the HHH Building Special Activities District to the 1177 Moderne SAD. The list below outlines the proposed development standards and associated requirements for the 1177 Moderne SAD:

Permitted Uses:

- 3-story, 16-unit residential condominium and private club with spa and thermal suite, pool, fitness center, dog park, and pavilions, which shall only be available to residents of the development and their guests.

Development Standards:

- Intensity / Floor Area Ratio (maximum): 1.0
- Density (maximum): 12 dwelling units / acre
- Setbacks (minimum): Front-50 feet from the centerline of George Bush Boulevard, pursuant to the adopted regulations for this segment of George Bush Boulevard in LDR Section 4.3.4(H) (1); Rear and Side- 15 feet
- Building Height (maximum): 39 feet
- Lot Coverage (maximum): 40 percent, which is the maximum amount of the lot which may be devoted to coverage by a structure or structures.
- Open Space (Minimum): Non-vehicular land area, equal to at least 25 percent of the total SAD area, including the perimeter landscaped boundary and landscape area required to meet internal parking lot design requirements
- Structure Size (minimum): Any free-standing structure shall have a minimum floor area of 400 square feet and shall be architecturally consistent with other structures in the development plan.
- Fences and Walls: All fences and walls shall conform to the Land Development Regulations height and setback requirements.
- Except as specifically set forth above, the development standards shall apply as established in Section 4.4.25(E) and Section 4.3.4 of the Land Development Regulations, as applicable to

the MF - Medium Density Residential Zoning District.

Since the proposed SAD uses are not mixed-use, and the proposed condominiums with amenities can be accommodated at the same density by the Medium Density Residential (RM) District, consideration of whether the rezoning to another SAD is appropriate for the proposed development. The property will retain its TRN land use, which allows for other uses overtime should redevelopment occur. The attached Planning and Zoning Board Staff Report provides a full analysis of the proposed rezoning. Where distinctions between the proposed SAD zoning and conventional RM exist, the staff report provides a comparison.

On January 26, 2021, the Planning and Zoning Board voted 7-0 to recommend approval of the rezoning, provided the building height was limited to 39 feet. This adjustment has been incorporated into the SAD standards in Ordinance No. 04-21 provided herein.

On March 2, 2021, the ordinance was approved by City Commission at first reading by a vote of 5-0.

Prior to second reading, the SAD process requires site plan approval. The Site Plan Review and Appearance Board reviewed the Class V Site Plan, Landscape Plan, and Architectural Elevations at its meeting on March 24, 2021 and voted to approve the request 5-0.

City Attorney Review:

Ordinance No. 04-21 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

NA

Timing of Request:

Second reading is the adoption hearing, and the ordinance will go into effect immediately upon adoption.