



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### 4652 133<sup>rd</sup> Road South

Meeting	File No.	Application Type
April 19, 2021	2020-024-REZ	Rezoning
Applicant	Property Owners	Authorized Agent
Ocean Ridge Rentals, LLC	Ocean Ridge Rentals, LLC	Kimley-Horn, Mark Rickards AICP

#### Request

Provide a recommendation to the City Commission on Ordinance No. 14-21, to rezone a 3.18± acre parcel located at 4652 133<sup>rd</sup> Road South from Medium Density Residential, 8 dwelling units per acre (RM-8) to Medium Density Residential (RM), with a density range of 6 to 12 dwelling units per acre.

*NOTE: This item was previously scheduled for the April 19, 2021 meeting of the Planning and Zoning Board but was postponed prior to the meeting at the request of the applicant. The request remains the same as was previously noticed.*

#### Background Information

The applicant has requested to rezone a 3.18± acre parcel located at 4652 133<sup>rd</sup> Road South, between 133<sup>rd</sup> Road South to the north and the LWDD L-31 Canal to the south. The property, which is approximately 644 feet west of Barwick Road, is located between two enclave parcels of unincorporated Palm Beach County. Bexley Park is located north of 133<sup>rd</sup> Road South, and Country Manors is located south of the LWDD L-31 canal. The single-family dwelling unit on the property has been demolished.

The subject property was acquired by the City of Delray Beach in February 2005 with the intent to use the parcel for a future park development. The City annexed the property into the City from unincorporated Palm Beach County on February 6, 2007 through Ordinance No. 70-06. The property was assigned a zoning designation of Medium Density Residential - 8 dwelling units per acre (RM-8) with the same ordinance, rezoning the property from Palm Beach County (AR) Agricultural Residential. The land use map designation was changed from Palm Beach County MR-5 - Medium Density Residential, 5 units per acre to City MD - Medium Density Residential, 5-12 du / acre with Comprehensive Plan Amendment 2007-01, adopted through Ordinance No. 38-06. Although the advisory land use was LD – Low Density, up to 5 du/acre, MD was applied to the property at the time of annexation. The MD land use designation did not eliminate development rights afforded by the previous County designation as they both allow 5 du/acre; RM zoning is consistent with MD land use. The City sold the property in 2017 as approved by Resolution No. 66-17, due to a change in City policies related to real estate accumulation.



In the RM-8 zoning district, with the MD Land Use designation, a total of 25 units could be built at a density of 8 du/ac. No additional density incentives for the provision of workforce housing are available at this location. The rezoning request is related to the proposed Class V site plan application for the 35-unit “Delray Townhomes” development. To increase the density above 8 du/ac, the LDRs require a rezoning to RM, removing the density-limiting suffix. The LDRs describe the “Purpose and Intent” of the RM zoning district as one

#### Project Planner:

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#### Attachments:

- Ordinance No. 14-20
- Application Justification Statement
- Existing and Proposed Zoning
- Always Delray Map AD-5
- Traffic Study

that “provides a residential zoning district with flexible densities having a base of six units per acre and a maximum of 12 units per acre...based upon [the development’s] ability to achieve certain performance standards which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses...provides for implementation of those objectives and policies contained within the Housing Element of the Comprehensive Plan which call for accommodating a variety of housing types.” Objective NDC 1.2 of the Always Delray Comprehensive Plan states that the Low Density Residential and Medium Density Residential land use designations should be applied “to maintain and enhance the City’s established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.”

The property is identified as Stable on the Residential Neighborhood Stabilization Map (Always Delray Map AD-5, attached), and properties to the north and south are identified as the same. The properties to the east and west are located in unincorporated Palm Beach County; therefore, a category on the Residential Neighborhood Stabilization Map has not been assigned. However, the advisory land use, should the property annex, is Low Density (LD).

### Description of Proposal

The property has an existing zoning designation of RM-8; the applicant is requesting that the property be rezoned to RM, removing the limitation on density so that the property can be developed to the maximum density of 12 du / acre allowed by the land use designation. The request would afford the applicant the ability to develop a maximum of 38 dwelling units on the property, whereas a maximum of 25 units is presently allowed.

### Review and Analysis

Pursuant to **LDR Section 2.4.5(D)(1), Change of Zoning District Designation: Rule**, the City Commission, by ordinance, after review and recommendation for approval by the Planning and Zoning Board may amend the Official Zoning Map.

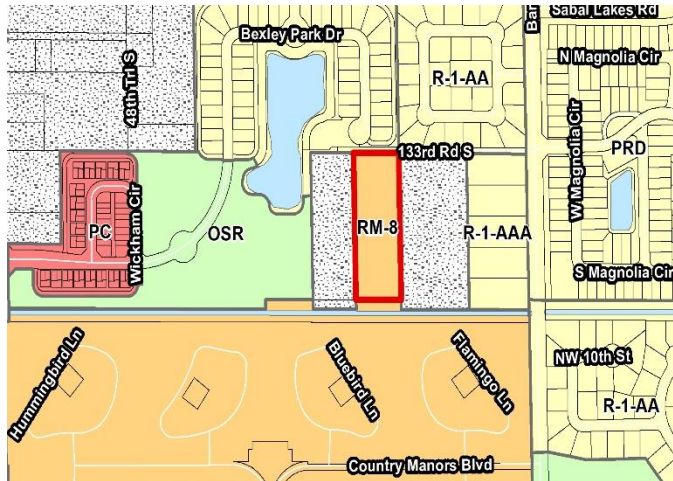
Pursuant to **LDR Section 2.4.5(D)(5), Change of Zoning District Designation: Findings**, in addition to provisions of Chapter Three, the City Commission must make a finding that the rezoning fulfills at least one of the reasons listed under Subsection (2). Pursuant to **LDR Section 2.4.5(D)(2), Change of Zoning District Designation: Required Information**, outlines the valid reasons for approving a change in zoning:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning inappropriate;
- That the requested zoning is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

The request is based on the third criteria. The Land Use Map designation for the property is MD, and the proposed zoning allows a density of up to 12 dwelling units per acre, subject to the development’s ability to meet the performance standards in **LDR Section 4.4.6(I)**. Although the proposed rezoning would allow the property to develop at the same density afforded the property to the south (Country Manors), the surrounding properties are already developed at lower densities. Data on the use, zoning, and density of the surrounding properties is provided below, along with the zoning map.

Surrounding Developments					
	Development	Size / Units	Land Use	Zoning	Built Density
North	Bexley Park Single- and multi-family	54.5 acres / 264 units	LD - Low Density, 0-5 dwelling du/ac	Planned Residential Development (PRD), Open Space Recreational (OSR), and Planned Commercial (PC)	4.84 du / ac
South	Country Manors Condominium / duplex	71.14 acres / 448 units	MD - Medium Density 5-12 dwelling du/ac	Medium Density Residential (RM)	6.29 du / ac
East	PCN 00-42-46-12-00-000-3202 Single-family / warehouse storage	5.07 acres / 1 unit	Unincorporated Palm Beach County, MR-5 - Medium Residential, 5 du / ac*	Unincorporated Palm Beach County, AR - Agricultural Residential	0.197 du / ac
West	PCN 00-42-46-12-00-000-3024 Agriculture / single-family	3.03 acres / 1 unit	Unincorporated Palm Beach County, MR-5 - Medium Residential, 5 du / ac	Unincorporated Palm Beach County, AR - Agricultural Residential	0.33 du / ac

\* The advisory land use is LD – Low Density, up to 5 du/ac.



**Current Zoning**

The subject property is now vacant and can presently be developed at a maximum density of 8 du/ac, which would provide 25 dwelling units. Bexley Park, to the north, has a mix of one and two-story single-family residences and 3-story, 5-unit townhome structures within the development. The townhomes are located due west of the subject property within the area zoned PC. Country Manors, to the south of the property, is a single-story two-unit villa development. Any future development on the unincorporated properties to the east and west are anticipated to have a lower maximum density, due to the assigned advisory land use of LD, 0-5 du/ac.

### **Chapter 3, Performance Standards**

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes.

Findings shall be made by the body, which has the authority to approve or deny the development application.” These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

- (A) Land Use Map:** *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.*

Consistency with the Land Use Map designation will be maintained. The subject property has a Land Use Map (LUM) designation of MD and is zoned RM, although a suffix limits the density. Table NDC-1 of the adopted Comprehensive Plan establishes RM zoning as one of the preferred zoning districts for MD land use.

- (B) Concurrency:** *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

**Schools.** The applicant has submitted an application for School Capacity Availability Determination (SCAD) from the School District of Palm Beach County. The SCAD application for the rezoning, which will include the maximum density proposed, must be submitted prior to 1<sup>st</sup> reading of the ordinance. Any development proposal will require final SCAD review; determinations of a negative impact on the public school system will result in a required contribution to the School District of Palm Beach County to offset the impact prior to issuance of the building permit.

**Water and Sewer.** Either a 12-foot exclusive water and 12-foot exclusive sewer easement is required over water and sewer mains, or a joint easement for water and sewer compatible with other City easements. A gravity sanitary sewer main, force main and lift station onsite are proposed as private utilities and no easement is required. A valve has been provided on both the public water main and the private sewer force main at the proposed new north ROW line, after the dedication takes place.

**Solid Waste.** Single-family units are calculated to generate 1.99 tons of solid waste per unit per year. With a maximum development potential of 38 units, this represents 75.62 tons of solid waste per year. The landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

**Drainage.** A permit will be required for any development from the Lake Worth Drainage District and the South Florida Water Management District. A thorough review of on-site drainage will be conducted with any proposed development for the site.

**Parks, Recreation, and Open Space.** Park impact fees are assessed at \$500 per dwelling unit for all residential development and are collected prior to the issuance of a building permit.



**Traffic.** The traffic study indicates that the maximum possible development (38 units) would generate 268 net external daily trips, 16 net new external AM peak hour trips, and 20 net new external PM peak hour trips. However, the traffic concurrency approval letter from Palm Beach County is based on an October 1, 2020 traffic study that estimated a 36-unit development would generate 254 net external daily trips, 16 net new external AM peak hour trips, and 19 net new external PM peak hour trips.

**133<sup>rd</sup> Road South:** 133<sup>rd</sup> Road South is an unmarked road with pavement that varies in width from approximately 17 feet to 22 feet, and swales on the edges contained within a 25-foot right-of-way. The Mobility Element Table MBL-1 requires ultimate right-of-way for local roads such as 133<sup>rd</sup> Road South to be 50 feet wide. The applicant will be required to dedicate the required right-of-way adjacent to its property as part of a development application and reconstruct the roadway length spanning from the subject property to Barwick Road. While the dedication will result in a 50-foot-wide right-of-way adjacent to the site, only 25 feet will remain for the balance of 133<sup>rd</sup> Road South. The City has requested a roadway section that includes two 9-foot-wide travel lanes with a 5-foot sidewalk, and a swale to be constructed from the project site to Barwick Road. This construction approach will avoid creating an unsafe roadway condition where the right-of-way would narrow from 50 feet right-of-way to 25 feet.

The applicant has coordinated with Palm Tran and confirmed that a bus shelter is not needed in this area. An in-lieu payment in the amount of \$11,000 will be required at the time of building permit for any new development.




**(C) Consistency.** *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

Applicable policies from the adopted Always Delray Comprehensive Plan are provided below, relative to the consistency of the request with the Goals, Objectives, and Policies of the plan.

#### **Neighborhoods, Districts, and Corridors Element**

##### **Objective NDC 1.1, Land Use Designation**

**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 1.1.3** *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). [...] 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 1.1.12** *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

**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.*

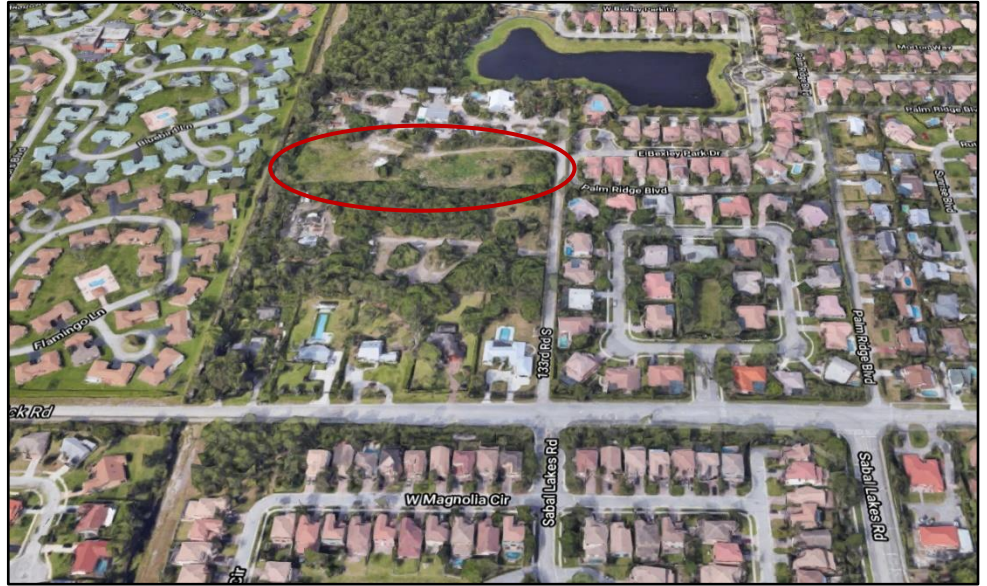
**Objective NDC 1.2 Residential Land Use Designations** *Apply the Low Density Residential and Medium Density Residential land use designations to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

**Policy NDC 1.2.6** *Apply the Medium Density Residential land use designation to land that is or will be developed for a wide range of housing types, including but not limited to attached and detached single-family and multi-family housing.*

**Policy NDC 1.2.7** *Use the Medium Density Residential land use designation to create and maintain residential neighborhoods with a wide range of housing types with associated neighborhood amenities at a density more than five and up to 12 units per acre.*

Both the existing (RM-8) and proposed zoning (RM) allows the property to develop at a density greater than the existing development on the surrounding properties, where the established development pattern is of a smaller scale and lower densities. Country Manors, to the south, with an MD land use designation, was built in 1974 and has not maximized the development potential of the land use. Country Manors consists of single-story two-unit villas but is separated from the subject property by the LWDD L-31 canal. Bexley Park to the north has an LD land use designation with PRD zoning but is separated from the subject property by 133<sup>rd</sup> Road South.

The goals, objectives, and policies, as well as the data, inventory, and analysis of the Neighborhood's District's and Corridor's Element of the comprehensive plan supports infill development as a means of providing the projected housing demand. Although the proposed zoning is a higher density than what is presently allowed, certain policies such as **Policy NDC 1.1.14** support the development of property with intensity and density that is complementary to and compatible with adjacent land uses and fulfills remaining land use needs. **Objective NDC 1.2** supports new and revitalized housing that complements the desired development pattern and intensity.



Comprehensive plan policies, as implemented by the LDRs, require appropriate transitions from more intense development to lower scale neighborhoods by maintaining similar building intensity and scale facing each other across streets, with transitions occurring along the backs or sides of properties, as opposed to the front (facing each other). This development typology maintains the neighborhood character and provides predictability for all properties along a street. Transitioning uses in this manner particularly lessens the potential impacts of more intense building scale on small scale residential development.

In 2018, a similar request along Barwick Road was proposed at RM-8 zoning for the purpose of providing a 53-unit townhouse development. Subsequent to significant public input and concern from the surrounding neighborhoods, the applicant revised the request and ultimately was approved for a PRD with a limitation of 6 du/ac. The PRD, which was approved in 2020, is known as Banyan Court and includes 40 single-family residences.

**Objective 2.3 Western Neighborhoods (West of Interstate-95)** *Protect and enhance the residential neighborhoods located west of I-95, improve connectivity, and provide a mix of uses that meet daily needs of residents.*

**Policy NDC 2.3.2** *Seek opportunities west of Interstate 95 to enhance and augment the street, sidewalk, and bicycle route network and require new development and redevelopment to provide pedestrian, bicycle, and vehicular interconnections to adjacent properties.*

Barwick Road, which provides the only access to 133<sup>rd</sup> Road South, is generally single-family in character with residences either facing the street or accessed as part of a larger neighborhood. The five lots to the east of the subject property along Barwick Road are zoned R-1-AAA, which is a single-family zoning district requiring estate-sized lots at a minimum size of 12,500 square feet. Properties in Barwick Ranch Estates, a single-family neighborhood to the northeast of the subject property, are zoned R-1-AA and have a minimum lot size of 9,500 square feet. The policies governing transitions strive to mitigate any impacts on the surrounding lower density development.

Barwick Road provides a nearly complete sidewalk system, with crosswalks identified at key locations as it is heavily utilized by bicyclists and pedestrians, particularly those going to and from Banyan Creek Elementary (to the south) and Barwick Park (to the north). Pedestrian infrastructure along 133<sup>rd</sup> Road South and connecting to Barwick Road will be required as part of any development approval.

## **Housing Element**

**Policy HOU 1.1.5** *Accommodate Delray Beach's existing and future housing needs through maintenance of existing residential neighborhoods, provision of infill development opportunities and redevelopment of underutilized parcels.*

**Policy HOU 1.1.10** *Utilize infill and redevelopment programs as a way to improve the neighborhood quality of life and to promote neighborhood preservation and stabilization.*

**Policy HOU 2.1.4** *Support efforts to maintain the neighborhood integrity and quality of life for residents in Stable residential areas, and avoid allowing new development that may decrease or negatively impact the Stable classification of an area or neighborhood.*

**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.*

The subject property is one of three vacant properties west of Barwick Road, which are surrounded by a mix of existing single-family and lower density multi-family development. Both the goals, objectives, and policies as well as the data, inventory, and analysis of the Housing Element of the comprehensive plan supports infill development as a means to provide for the projected housing demand. The Always Delray Map DIA-6 identifies vacant and underutilized residential and mixed-use land that could potentially be redeveloped as residential units. At the time of plan adoption, the single-family home on the site had not been demolished and the property was not included in the analysis. However, given the location and the existing development of the subject property, it can be considered vacant and underutilized. The requested rezoning would allow an additional 13 units on the property and continue to provide opportunities to develop new housing that compliments existing development and accommodates diverse housing demand. Although the subject location is not required to provide workforce housing to accommodate a variety of income levels, the requirement to provide different unit types within the resulting development will be part of the site plan consideration.

**(D) Compliance with LDRs.** *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application / request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

The Board must make a determination as to whether the request complies with the applicable LDRs for the rezoning. The LDRs specify findings for a rezoning [Section 2.4.5(D)(2)] that include compliance with the provisions of Chapter 3, and the valid reasons to approve the request. The applicant is requesting the rezoning based on that it *"is of similar intensity as allowed under the Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood."* The provisions of Chapter 3 include those of Section 3.1.1, as well as Section 3.2.2, Standards for Rezoning Actions.

### **LDR Section 3.2.2 – Standards for rezoning actions.**

Rezoning requests must meet five standards pursuant to this section, described below.

**(A)** *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

Given the current zoning designation, the most restrictive residential zoning district is the existing designation, with the suffix. Under the MD land use designation, RM is identified as a preferred zoning district as well as Planned Residential Development (PRD). While both Low Density Residential (RL) and Single Family Residential (R-1) zoning are considered compatible with the MD land use, and are more compatible with the surrounding development, the RM-8 zoning applied at the time of annexation allowed the property the same development potential provided by the previous County land use and zoning. It should be noted that both the existing and proposed zoning allows the property to develop at a density greater than the established development pattern in the surrounding area. There is no neighborhood plan or redevelopment plan adopted that incorporates the subject property.

**(B)** *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*



Not applicable. The proposed zoning is residential.

*(C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area.*

Not applicable. The proposed zoning is strictly residential, which does not allow commercial uses.

*(D) Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

The proposed rezoning maintains the allowed land uses of the RM zoning district, which includes detached single-family residences, duplexes, and multi-family structures. When the property was annexed and zoned RM-8, findings were made that the zoning was appropriate and compatible. The physical configuration of the surrounding properties, which has not changed since the property was annexed, provides a degree of separation from existing developments. The Lake Worth Drainage District L-31 canal is located to the south of the subject property, which provides separation from the existing Country Manors development. 133<sup>rd</sup> Road South provides separation from Bexley Park to the immediate north, and Barwick Ranch Estates located northeast of the property. Positioned between two unincorporated parcels to the east and west, the existing land use of the adjacent parcels is Unincorporated Palm Beach County, MR-5 – Medium Residential, 5 units / acre; these properties have an advisory land use of LD (recommended land use upon annexation).

Regulations in RM zoning provide mitigation of development impacts. The maximum building height in RM is 35 feet, which prevents development with larger building mass, that could negatively impact lower density properties to the east and west. Additionally, RM zoning requires increased setbacks above the second floor. **LDR Section 4.4.6(H), Special regulations**, provides additional standards for proposed developments that exceed 6 dwelling units per acre:

- (1) A minimum density of six units per acre is established for duplex and multiple family housing projects within this district. Density may exceed the base of six units per acre only after the approving body makes a finding that the project has substantially complied with performance standards as listed in 4.4.6(I)...The density for a specific RM development may be further limited by a numerical suffix affixed to the designation and shown on the zoning map (i.e. RM-8 limits the density to eight units per acre). To seek a density greater than allowed by the suffix, it is necessary to rezone the property.*

The performance standards in **Section 4.4.6(I)(1), Performance standards**, relate to traffic circulation, building separation and building placement, setbacks and landscaping when adjacent to properties with lower densities, streetscape and building design, diverse unit types, preservation of natural areas, and provision of a bicycle and pedestrian network. Additionally, in smaller, infill type residential projects, such as the subject property could accommodate, *“the ultimate density should be based upon the attainment of those standards which are applicable, as well as the development’s ability to meet or exceed other minimum code requirements.”* The appropriate and applicable performance standards are evaluated with the site plan application; SPRAB is required to ensure that the proposed development meets the requirements to achieve the requested density.

Additionally, RM zoning subjects properties with a density suffix to additional requirements: *“For vacant property that is proposed for rezoning to RM with a density suffix, the approving body must make a finding that the proposed density is appropriate based upon the future land use map designations of surrounding property as well as the prevailing development pattern of the surrounding area.”* Both the existing RM zoning, that limits development to 8 dwelling units / acre and the requested rezoning, to allow the property to develop at the maximum density of 12 dwelling units per acre, are compatible with the underlying land use designation of MD. The subject property is largely surrounded by lower density land use and zoning, except for the adjacent property to the south that has MD land use and RM zoning. The property’s current MD land use and RM-8 zoning is the result of consistent and appropriate application of City land use and zoning at the time of annexation from Palm Beach County. MD was the most appropriate land use designation because it is the least intense land use that allowed the property to retain the full development rights afforded by the previous County designation, AR – Agricultural Residential Land Use. Likewise, RM zoning is the most similar to the previous zoning – MR-5 - Medium Residential, 5 units / acre. The 8 dwelling units / acre limit was likely applied to support a development pattern more similar to the existing development pattern in the surrounding properties.

(E) *Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable. The subject property is not within the coastal planning area.

#### Summary of Considerations

The Board should consider the following in reviewing the subject request to rezone from RM-8 to RM:

- Whether the requested zoning is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.
- Whether the existing zoning designation with the suffix is the most restrictive given existing development patterns.
- Whether preserving the existing development patterns of the neighborhood fabric should be given precedent over the property being allowed to develop to its land use maximum.

#### Review By Others

The subject property is not within a redevelopment area or overlay.

The **City Commission** is anticipated to review Ordinance No. 14-21 at its meeting of June 1, 2021 and July 6, 2021.

#### Board Action Options

- A. Recommend **approval** of Ordinance No. 14-21, a privately-initiated request to rezone 3.18± acres located at 4652 133<sup>rd</sup> Road South from RM-8 to RM, finding that the rezoning and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- B. Recommend **denial** of Ordinance No. 14-21, a privately-initiated request to rezone 3.18± acres located at 4652 133<sup>rd</sup> Road South from RM-8 to RM, finding that the rezoning and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.
- C. Continue With Direction

#### Public and Courtesy Notices

X Courtesy Notices were mailed to:

- Bexley Park HOA
- Country Manors HOA
- Barwick Ranch HOA
- Sabal Lakes HOA

X Public Notice was posted at the property 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.

X Public Notice was published in the Sun Sentinel 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.

X Agenda was posted at least 5 working days prior to meeting.