



Legislation Details (With Text)

**File #:** 16-196      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/3/2016      **In control:** City Commission  
**On agenda:** 2/16/2016      **Final action:** 2/16/2016  
**Title:** ORDINANCE NO. 03-16, REZONING FROM AC (AUTOMOTIVE COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 2455 OLD DIXIE HIGHWAY (QUASI-JUDICIAL HEARING) (SECOND READING)  
**Sponsors:** Planning & Zoning Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance No. 03-16, 2. Delray Beach P&Z Staff Report 12-21-15 Meeting, 3. Delray Beach Boxing Streetscape Photos, 4. Letter regarding Non-Conformity

Date	Ver.	Action By	Action	Result
2/16/2016	1	City Commission	adopted	Pass

**TO: Mayor and Commissioners**  
**FROM: Tim Stillings, Director of Planning and Zoning**  
**THROUGH: Donald B. Cooper, City Manager**  
**DATE: February 16, 2016**

ORDINANCE NO. 03-16, REZONING FROM AC (AUTOMOTIVE COMMERCIAL) TO GC (GENERAL COMMERCIAL) FOR THE PROPERTY LOCATED AT 2455 OLD DIXIE HIGHWAY (QUASI-JUDICIAL HEARING) (SECOND READING)

**Recommended Action:**

Motion to Approve Ordinance No. 03-16 on second reading and *quasi-judicial hearing* for the rezoning of the property located at 2455 Old Dixie Highway from AC to GC.

**Background:**

The item before the City Commission is to consider rezoning the property located at 2455 Old Dixie Highway from AC (Automotive Commercial) to GC (General Commercial).

The property is located on the east side of Old Dixie Highway, approximately 0.25 miles south of Gulfstream Boulevard and just north of NE 22nd Lane. The 0.78 acre lot is located within the North Federal Highway Overlay District and contains a one-story, two tenant building constructed in 2003.

The complete zoning history of the property and analysis of the request is provided in the attached Planning and Zoning Board Staff Report from the meeting of December 21, 2015.

The property has a new owner who wishes to rezone the property back to GC for the purpose of establishing a boxing facility (gym) within one of the two tenant spaces within the building. The golf cart rental business (Exhiliride) will remain, but will become a non-conforming use with rezoning to GC. If the non-conforming use ceases for any reason for a continuous period of 180 days, all future

change of uses must comply with the GC zoning district.

**Review by Others**

At its meeting of December 15, 2015, the Community Redevelopment Agency (CRA) recommended approval of the request.

At its meeting of December 21, 2015, the Planning and Zoning Board recommended approval of Ordinance 03-16 with a vote of 6 to 0 (Jocelyn Patrick Absent). The recommendation was approved with a stipulation that the existing lease of the golf cart rental business not be extended due to the created non-conformity. The Authorized Agent has provided a letter indicating that the property owner has agreed not to extend the lease which will expire on December 31, 2016, with an option to extend for an additional 6 months to June 30, 2017.

**City Attorney Review:**

This ordinance was advertised in the Sun Sentinel newspaper on February 9, 2016. Approved as to form and legal sufficiency.