



Legislation Details (With Text)

**File #:** 22-649      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Agenda Ready

**File created:** 5/13/2022      **In control:** City Commission

**On agenda:** 6/7/2022      **Final action:** 12/31/2023

**Title:** ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Ordinance No. 09-22, 3. 620 Lake Ida Road - PZB Report, 4. 620 Lake Ida Road - Existing and Proposed Zoning, 5. 620 Lake Ida Road - Applicant Justification Statement, 6. 620 Lake Ida Road - Traffic Statement Letter, 7. 620 Lake Ida Road - Legal Review Ordinance 09-22

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Giannotes, Development Services Director  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** June 7, 2022

ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING/PUBLIC HEARING)

**Recommended Action:**

Consider Ordinance No. 09-22, a privately initiated request for a Rezoning of the +/- 0.183-acre property located at 620 Lake Ida Road, to rezone the property from Single Family Residential (R-1-A) to Community Facilities (CF).

**Background:**

The request is for a rezoning from R-1-A to Community Facility (CF), for the property located at 620 Lake Ida Road. The property is a +/- 0.183-acre parcel located on the on the south side of Lake Ida Road between NW 8th Avenue (Nancy’s Way) and NW 4th Street. The parcel is currently developed with a single-family residence. It is noted that while the City’s Geographic Information Systems (GIS) mapping software indicates that the property has a land use designation of CF, no documentation

has been found to reflect a formal land use designation change from Low Density (LD) to CF. Therefore, staff has brought forward a separate application for a City-initiated Land Use Map Amendment (LUMA) to correct a data conversion error that occurred when the City's mapping software changed from AutoCAD to GIS. Should the City-initiated LUMA be approved, the land use designation of the subject property will be LD. Therefore, the staff report is written under the presumption that the subject property's land use is LD.

The applicant is requesting the rezoning from R-1-A to CF to establish a support office for the main campus of the Community Child Care Center which is located directly east of the subject property. At this time, no site plans have been submitted.

Pursuant to LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule, *the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.* Further, LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information, states that *a statement of the reasons for which the change is being sought must accompany the application.*

The existing zoning of R-1-A is a preferred zoning district under the LD land use designation. The proposed zoning of CF, while not a preferred district, is a compatible implementing zoning district under the LD land use designation. Rezoning from R-1-A to CF will not result in an increase in density, as the LD land use designation limits density to up to five dwelling units per acre, and the CF zoning district does not allow residential uses where a density calculation would be required. The development intensity is limited by the development standards for the CF zoning district.

Pursuant to LDR Section 3.1.1, Required Findings, *prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.* The attached Planning and Zoning Board staff report provides a full analysis of the request.

As noted, the site is anticipated to provide additional office space that supports the Community Child Care Center. It is important to note that under the proposed rezoning, a stand-alone business, professional, medical, or other office-type could not be established on the site. When a site plan is submitted, consideration to the potential impact on the adjacent neighborhood will be carefully considered.

The Planning and Zoning Board (PZB) voted 6-0 (with Ms. Morrison absent) to recommend approval of Ordinance No. 09-22 at the April 18, 2022, meeting.

The City Commission voted 5-0 to approve Ordinance No. 09-22 at first reading on May 17, 2022.

**City Attorney Review:**

Ordinance No. 09-22 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Ordinance 09-22 will become effective immediately upon adoption.