



Legislation Details (With Text)

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**Type:** Request      **Status:** Passed  
**File created:** 9/30/2022      **In control:** City Commission  
**On agenda:** 11/15/2022      **Final action:** 11/15/2022

**Title:** RESOLUTION NO. 186-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR REZONING APPROXIMATELY 6.74 ACRES LOCATED AT 1155 SOUTH CONGRESS AVENUE FROM MIXED-USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC) TO SPECIAL ACTIVITIES DISTRICT (SAD); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Res. No. 186-22 Overruling PZB Alexan SAD, 3. Alexan Delray - Notice of Appeal dated 9-20-22, 4. Alexan Delray - PZB Staff Report, 5. Alexan Delray - Memo for updated draft ordinance, 6. Alexan Delray - Master Development Plan, 7. Alexan Delray - Existing and Proposed Zoning, 8. Alexan Delray - Justification Statement, 9. Alexan Delray - Draft Ord No. 32-22\_no leg rev WMB - 9.1.22 - JC - REV 9.7.pdf, 10. Simple Legal Review Approval Reso 186-22

Date	Ver.	Action By	Action	Result
11/15/2022	1	City Commission	approved	

**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Department  
**THROUGH:** Terrence R. Moore, ICMA-CM  
**DATE:** November 15, 2022

RESOLUTION NO. 186-22: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, OVERRULING THE DECISION OF THE PLANNING AND ZONING BOARD, WHICH SERVES AS THE LOCAL PLANNING AGENCY FOR THE CITY, FOR REZONING APPROXIMATELY 6.74 ACRES LOCATED AT 1155 SOUTH CONGRESS AVENUE FROM MIXED-USE RESIDENTIAL OFFICE AND COMMERCIAL (MROC) TO SPECIAL ACTIVITIES DISTRICT (SAD); PROVIDING A CONFLICTS CLAUSE, AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (QUASI JUDICIAL)

**Recommended Action:**

Review and consider Resolution No. 186-22, overruling the recommendation of denial of the Planning and Zoning Board for rezoning approximately 6.74 acres located at 1155 South Congress from MROC to SAD.

**Background:**

The subject property is a +/- 6.74-acre lot located on the east side of South Congress Avenue, west of Interstate 95, between West Linton Boulevard and SW 10<sup>th</sup> Street/Lowson Boulevard. The property is primarily vacant with a 29,250SF warehouse/office building that was constructed in 1981 on the

north side.

The applicant is requesting to rezone the subject property from Mixed Residential, Office, and Commercial (MROC) to Special Activities District (SAD) for the purpose of constructing a 375,355 SF, 267-unit multi-family development.

The property is zoned MROC with a land use map (LUM) designation of Congress Avenue Mixed Use (CMU). The CMU land use designation is intended to *“accommodate a variety of commercial, office, and residential uses that provide development intensities that advance economic growth, provide incentives for transit-oriented development, and create multimodal development patterns along the Congress Avenue corridor, south of West Atlantic Avenue.”*

Pursuant to LDR Section 4.4.25(A), the purpose and intent of the SAD 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, activities, and characteristics of a SAD are to be consistent with the Land Use Map designation, and the Goals, Objectives, and Policies of the adopted Comprehensive Plan to provide a development that is suitable and compatible with surrounding existing development, and with any adopted redevelopment plans for the area.”*

The request also includes an associated amendment to the Land Development Regulations (LDR) to add the Alexan Delray to LDR Section 4.4.25(H), which lists the approved SADs in the city. A Master Development Plan (MDP) and Class V Site Plan were concurrently reviewed with the rezoning application. The MDP is an exhibit to the rezoning ordinance and the site plan will be reviewed by the Site Plan Review and Appearance board (SPRAB) between 1st and 2nd reading.

The attached Planning and Zoning Board Staff Report provides a full analysis of the request.

The Planning and Zoning Board, sitting as Local Planning Agency for the City of Delray Beach, considered this request at a public hearing on September 12, 2022, and did not recommend approval of the application to rezone the property from MROC to SAD, the associated MDP, and related amendments to the LDR by a vote of 4 to 2.

On September 19, 2022, the applicant, Maple Multi-Family Land SE, L.P., through its authorized agent, Jeffrey Costello of JC Planning Solutions, filed an appeal of the decision of the Planning and Zoning Board.

If Resolution No. 186-22 is approved, the rezoning ordinance will be heard for First Reading. First Reading of Ordinance No. 32-22 is included on this agenda; if Resolution No. 186-22 is not approved, no action will be taken on the ordinance.

**City Attorney Review:**

Reviewed as to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Pursuant to LDR Section 2.4.7(E) (3) (c), the hearing on an appeal shall be held no more than 60 calendar days from the date of the City Clerk’s receipt of the request to appeal, which was

September 19, 2022.