



Legislation Details (With Text)

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On agenda: 5/3/2022 **Final action:** 12/31/2023

Title: ORDINANCE NO. 02-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR AN UNADDRESSED PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, THAT MEASURES APPROXIMATELY 0.1109 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN; RE-DESIGNATING SAID LAND FROM COMMUNITY FACILITIES TO COMMERCIAL CORE, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; 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. SE 3rd Avenue - Ord 02-22, 3. SE 3rd Avenue - PZB Staff Report, 4. SE 3rd Avenue - Existing and Proposed Land Use and Zoning, 5. SE 3rd Avenue - Applicant LUMA Justification Statement, 6. SE 3rd Avenue - Traffic Analysis - Existing to Proposed Land Use and Zoning, 7. SE 3rd Avenue - Traffic Analysis - Including Future Project, 8. SE 3rd Avenue - Legal Review Ordinance 02-22

Date	Ver.	Action By	Action	Result
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TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: Terrence R. Moore, ICMA-CM
DATE: May 3, 2022

ORDINANCE NO. 02-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR AN UNADDRESSED PARCEL OF LAND LOCATED ON THE WEST SIDE OF SOUTHEAST 3RD AVENUE BETWEEN EAST ATLANTIC AVENUE AND SOUTHEAST 1ST STREET WITH A PARCEL CONTROL NUMBER OF 12-43-46-16-01-085-0050, THAT MEASURES APPROXIMATELY 0.1109 ACRES AS MORE PARTICULARLY DESCRIBED HEREIN; RE-DESIGNATING SAID LAND FROM COMMUNITY FACILITIES TO COMMERCIAL CORE, PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187; 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. 02-22, a privately initiated request for a Land Use Map Amendment for the +/- 0.1109 acre property located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street (PCN # 12-43-46-16-01-085-0050), to amend the Land Use Map designation from

Community Facilities (CF) to Commercial Core (CC).

Background:

The subject request is for an unaddressed +/- 0.1109 acre parcel located on the west side of SE 3rd Avenue between East Atlantic Avenue and SE 1st Street. The parcel is currently being used in conjunction with the lot to the north (298 East Atlantic Avenue) as a commercial “for pay” parking lot. The surrounding properties are comprised of commercial and office uses that are zoned Central Business District (CBD) with a land use designation of CC. The applicant is requesting a Land Use Map Amendment from CF to CC and a Rezoning from CF to CBD with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-B-1, Central Core and Beach Sub-districts Regulating Plan, to officially include the subject property. The LUMA from CF to CC and associated rezoning to CBD would place the property within the Central Core Sub-district, which allows a density up to 30 du/acre, and a maximum height of 54 feet and four stories.

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. The following chart provides density and height information related to the development standards that would result under the proposed land use change:

Development Standard	CF/CF	CC/CBD
Floor Area Ratio (FAR)	1.0	3.0
Maximum Potential Floor Area	4,830 sf	14,490 sf
Density	--	12 - 30 du/acre
Maximum Number of Units	--	3
Building Height (maximum)	48 Feet	54 Feet & 4 Stories

While the FAR, density, and height resulting from the new land use designation will allow for more intense development than possible under the CF land use designation, the uses and development types are consistent with the downtown and allow for a more cohesive streetscape and development pattern along SE 3rd Avenue.

The Planning and Zoning Board (PZB) voted 5-0 (with Mr. Davey and Mr. Long absent) to recommend approval of the request at the January 24, 2022 meeting.

The City Commission voted 5-0 to approve Ordinance No. 02-22 on first reading at the April 5, 2022 meeting.

City Attorney Review:

Ordinance No. 02-22 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

Not applicable.

Timing of Request:

Ordinance No. 02-22 will become effective immediately upon adoption. The Land Use Map Amendment request will be heard concurrently with Ordinance No. 03-22 for the rezoning.