



## Legislation Details (With Text)

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<b>Type:</b>	Ordinance	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	9/27/2017	<b>In control:</b>		City Commission	
<b>On agenda:</b>	10/17/2017	<b>Final action:</b>			
<b>Title:</b>	ORDINANCE NO. 32-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)				
<b>Sponsors:</b>	Planning and Zoning Board				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Ordinance No. 32-17, 2. Planning and Zoning Board Staff Report of August 21, 2017				

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Chief Neal de Jesus, Interim City Manager  
**DATE:** October 17, 2017

ORDINANCE NO. 32-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE FUTURE LAND USE MAP AMENDMENT FROM TRANSITIONAL (TRN) TO GENERAL COMMERCIAL (GC), PURSUANT TO THE PROVISIONS OF THE "COMMUNITY PLANNING ACT", FLORIDA STATUTES SECTION 163.3187, FOR A PARCEL OF LAND LOCATED ON THE NORTHWEST CORNER OF LA MAT AVENUE AND FREDERICK BOULEVARD, AS MORE PARTICULARLY DESCRIBED HEREIN, PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING)

### **Recommended Action:**

Move to approve on First Reading, Ordinance No. 32-17, a privately-initiated Future Land Use Map amendment from Transitional (TRN) to General Commercial (GC) for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard, by adopting the findings of fact and law contained in the staff report, and the finding that the request is consistent with the Comprehensive Plan, South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

### **Background:**

The item before the City of Delray Beach ("City") City Commission is to consider a privately-initiated FLUM amendment from TRN to GC for the parcel of land located at the northwest corner of LaMat Avenue and Frederick Boulevard. The site measures 0.879 acres. The subject property contains two single family residences that occupy four lots (Lots 16 and 17 and Lots 22 and 23) with the remaining lots being vacant.

Prior to June 1989, the subject property was in unincorporated Palm Beach County. The property was annexed into the City as part of Enclave 50 (Enclave Act) on July 25, 1989, with a GC zoning designation on Lot 12 and RM (Medium to Medium High Density Dwelling) on Lots 13 thru 24.

With the adoption of the Citywide Future Land Use Map amendments on November 28, 1989, the TRN Land Use Map designation was affixed to the subject property. The RM (Medium to Medium High) zoning classification was changed to Multiple Family Residential-Medium Density with the adoption of the LDRs in October 1990. Subsequently, there have been several zoning changes for the subject property with the most recent zoning changes occurring on June 17, 1997, that resulted in the parcel being zoned NC (Neighborhood Commercial) in part and RM (Multiple Family Residential-Medium Density) in part.

The NC zoned portion of the subject property is located within the South Federal Highway Redevelopment Area which was adopted by the City Commission on September 20, 2012. Since the adoption of the Redevelopment Plan, the parcels within the subject block (Block 25) and Block 24 to the north have been aggregated and are under the same ownership. The proposed FLUM amendment and associated rezoning is being processed in conjunction with an overall development proposal for the two block site for an automobile dealership.

The South Federal Highway Redevelopment Plan ("Plan") area includes the commercial property along both sides of South Federal Highway, between Linton Boulevard on the north and the City limits to the south. The intent of the Plan was to make South Federal Highway a unique place that will encourage the development of commercial office and residential uses in an urban setting; and to serve as a catalyst to increase property values and employment. The Plan identified that the private sector would be the driving force behind the revitalization of the Redevelopment Area and would provide private property owners and developers a clear understanding of what the future could hold if they developed in the prescribed manner as suggested by the Plan.

The Plan highlights in its key tenets the following:

1. To address land use issues including the type and intensity of uses that are appropriate.
2. To promote uses that will be sustainable over time and enhance economic vitality of the area.
3. To ensure compatibility with adjacent residential uses.
4. To address increasing redevelopment flexibility.
5. To provide unifying elements with respect to the streetscape with development or redevelopment of parcels.
6. To provide design guidelines for the redevelopment with respect to building placement, access and buffering.

As the Plan only included the commercial corridor, it is noted that the RM portion of the site was not integrated into the analysis or recommendations of the redevelopment plan.

The commercial portion of the subject site is identified as Area #1 within the South Federal Highway

Redevelopment Plan. The Plan states: **“Area 1: contains undeveloped parcels located on the north side of La Mat Avenue - Change the FLUM designation from TRN (Transitional) to GC (General Commercial) - approximately 0.23 acres. The current zoning of these two parcels is NC (Neighborhood Commercial), but they do not meet the minimum 1 acre size requirement in the NC zoning district, even when combined. Given the limited size of the property, freestanding development for commercial use is unlikely. However, since these parcels are under common ownership with the adjacent property fronting on South Federal Highway, they could be aggregated into a single general commercial development site. The existing structures on the property along Federal Highway are among the oldest in the redevelopment area and in the worst condition.**

*This change will support a long term strategy for future redevelopment of the entire site. A concurrent rezoning to GC will be processed with the FLUM amendment.”*

The intensity of the GC land use designation is appropriate given that the subject property is a part of a block, the remainder of which has a GC designation and the configuration of the parcels as a part of a compact block area which is separated from residential uses by the abutting streets provides a buffer from the adjacent residences. The redevelopment plan incorporates specific strategies to promote compatibility with adjacent residential uses which will be required with any development of the site.

The complete analysis of the proposed FLUM amendment is provided in the attached Planning and Zoning Board Staff Report from the meeting of August 21, 2017.

#### **Review By Others:**

##### **Planning and Zoning Board:**

On August 21, 2017, on a vote of 4 to 1, (Kevin Osborn dissenting, Joseph Pike stepped down and Neil Jones absent), the Planning and Zoning Board recommended approval of Ordinance No. 32-17 for the privately-initiated amendment to the Future Land Use Map from TRN to GC, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in Sections 3.1.1 of the Land Development Regulations.

##### **City Attorney Review:**

Approved as to form and legal sufficiency.

##### **Finance Department Review:**

N/A

##### **Funding Source:**

N/A

##### **Timing of Request:**

If passed on first reading, a public hearing will be scheduled for November 7, 2017.

Attachments:

Ordinance No. 32-17

Planning and Zoning Board Staff Report of August 21, 2017

