



## Legislation Details (With Text)

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**File created:** 4/27/2021      **In control:** City Commission

**On agenda:** 5/4/2021      **Final action:** 5/4/2021

**Title:** ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), 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)

**Sponsors:** Development Services Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Agenda Cover Report, 2. Delray Swan-Ord. No. 09-21 LUMA, 3. Delray Swan-Ord. No. 09-21, PZB Report, 4. Delray Swan-Proposed Land Use and Zoning, 5. Delray Swan-Applicant Justification, 6. Delray Swan-Traffic Study, 7. Delray Swan-Legal Review Ord. No. 09-21

Date	Ver.	Action By	Action	Result
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**TO:** Mayor and Commissioners  
**FROM:** Anthea Gianniotis, Development Services Director  
**THROUGH:** Jennifer Alvarez, Interim City Manager  
**DATE:** May 4, 2021

ORDINANCE NO. 09-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL-SCALE LAND USE MAP AMENDMENT FOR PARCELS OF LAND LOCATED AT 215 SE 1st AVENUE, 219 SE 1st AVENUE, 223 SE 1st AVENUE, 227 SE 1st AVENUE, 231 SE 1st AVENUE, 237 SE 1st AVENUE, 243 SE 1st AVENUE, 251 SE 1st AVENUE, AND 253 SE 1st AVENUE, WHICH MEASURE APPROXIMATELY 1.41± ACRES AS MORE PARTICULARLY DESCRIBED HEREIN, RE-DESIGNATING SAID LAND FROM MEDIUM DENSITY (MD) TO COMMERCIAL CORE (CC), 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)

### Recommended Action:

Consider Ordinance No. 09-21, a privately-initiated request for a Land Use Map Amendment (LUMA) from Medium Density (MD) to Commercial Core (CC) for the properties located at 215 SE 1st Avenue, 219 SE 1st Avenue, 223 SE 1st Avenue, 227 SE 1st Avenue, 231 SE 1st Avenue, 237 SE

1st Avenue, 243 SE 1st Avenue, 251 SE 1st Avenue, and 253 SE 1st Avenue.

**Background:**

The applicant is requesting a LUMA from MD to CC, as well as a rezoning from RM to CBD, for nine parcels (215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1<sup>st</sup> Avenue) located along the east side of SE 1<sup>st</sup> Avenue, between SE 2<sup>nd</sup> and 3<sup>rd</sup> Streets, west of the FEC railroad.

The properties, which total 1.41 acres, have a land use designation of MD and are zoned RM. RM allows a density up to 12 du/ac. The properties are also located within an identified Workforce Housing Infill Area, which allows for a density increase up to 18 du/ac based on the provision of workforce housing units. The LUMA to CC and associated rezoning to CBD would place the properties within the Railroad Corridor Sub-district, which has a standard density of 30 du/acre. With the approval of Ordinance No. 03-21 on March 2, 2021, properties within the Railroad Corridor Sub-district have a revitalization incentive density of 70 du/ac with the inclusion of 20 percent workforce housing, and a maximum height of 54 feet and 5 stories (an increase from the previous maximum of 54 feet and 4 stories for the sub-district).

The attached Planning and Zoning Board staff report provides a full analysis of the request at the time of submittal. It is important to note that even with the adoption of Ordinance No. 03-21, the concurrency review in the staff report remains valid, including the traffic study, as the maximum build out of the proposed land use, which is 100 du/ac and a 3.0 FAR, was the basis. The following chart provides an update to the density and height information related to the development standards that would result under the proposed zoning change:

Development Standard	MD/RM	CC/CBD
FAR	n/a	3.0
Maximum Potential Commercial use	0	184,258
Number of Units (no Workforce Housing Units)	16	42
Number of Units (with Workforce Housing Units)	25	98
Height	35 Feet	54 Feet & 5 stories

The parcels currently contain a mix of single-family residences and duplexes, and are located within the Osceola Park Redevelopment Plan area. To preserve the character of the area, the Osceola Park Redevelopment Plan expressly discourages land use changes and rezoning of properties with LD land use and single-family zoning, but it does not address the rezoning of properties with CBD or RM zoning.

The block across the street from the subject properties has an MD land use designation RM zoning, with a mix of one and two-story single-family residences, duplexes, and multi-family residences; approval of the request would put higher density and intensity land use and zoning across the street from a much less intense development pattern.

The considerations related to the request are summarized as follows:

- The potential traffic impacts that will result in an area outside of the Transportation Concurrency Exception Area (TCEA).
- Whether the subject area should be considered part of downtown or the residential neighborhood.

- Whether the requested land use designation is consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.
- Whether the potential reduction of industrial uses in the area conflicts with Policy NDC 2.7.16, or if it supports the accommodation of compatible housing types as required by Policy NDC 2.7.17.

At its meeting on February 22, 2021, the Planning and Zoning Board voted 3-2 to recommend approval of the request. The split vote reflects board concern over the impact of the increased density on the neighborhood, and the spread of downtown development patterns into the residential neighborhoods to the west of the subject properties.

This item is heard in conjunction with Ordinance No. 10-21, a request to rezone the property from Medium Density Residential (RM) to Central Business District (CBD).

**City Attorney Review:**

Ordinance No. 09-21 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

NA