



Legislation Details (With Text)

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Title:	ORDINANCE NO. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE 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, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-7, "RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; 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. 10-21 RZ, 3. Delray Swan-Ord. No. 10-21, PZB Staff Report, 4. Delray Swan-Proposed Land Use and Zoning, 5. Delray Swan-Proposed Regulating Plan, 6. Delray Swan-Applicant Justification, 7. Delray Swan-Traffic Study, 8. Delray Swan-Legal Review Ord. No. 10-21				

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. 10-21: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND ZONED MEDIUM DENSITY RESIDENTIAL (RM) TO CENTRAL BUSINESS DISTRICT (CBD) FOR THE NINE 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, WHICH MEASURE APPROXIMATELY 1.41± ACRES, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-7, "RAILROAD CORRIDOR SUB-DISTRICT REGULATING PLAN" AND REGULATING MAP IN SECTION 4.4.13, LAND DEVELOPMENT REGULATIONS ACCORDINGLY; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

Recommended Action:

Consider Ordinance No. 10-21, a privately-initiated request for rezoning from Medium Density Residential (RM) to Central Business District (CBD) 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 with an associated amendment to the Land Development Regulations (LDR) Figure 4.4.13-7, Railroad Corridor Sub-district Regulating Plan, to add the subject properties.

Background:

The applicant is requesting a rezoning from RM to CBD, as well as a Land Use Map Amendment (LUMA) from MD to CC, for nine parcels (215, 219, 223, 227, 231, 237, 243, 251, and 253 SE 1st Avenue) located along the east side of SE 1st Avenue, between SE 2nd and 3rd Streets, west of the FEC railroad. As the properties are adjacent to the existing Railroad Corridor Sub-district of the CBD, an associated LDR Amendment is necessary to include the properties on the CBD Railroad Corridor Sub-district Regulating Plan, which guides the application of the CBD rules for properties.

The properties, which total 1.41 acres, have a land use designation of MD and are zoned RM. RM zoning 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 from MD 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 recent approval of Ordinance No. 03-21 on March 2, 2021, properties within the Railroad Corridor Sub-district have an incentive density of 70 du/ac with the inclusion of 20 percent affordable 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 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 does not address the rezoning of properties with CBD or RM zoning.

The block across the street from the subject properties is also zoned RM with an MD land use designation and consists of a mix of one and two-story single-family residences, duplexes, and multi-family residences; approval of the request would result in taller buildings and higher density and intensity land uses across the street from a much less intense development pattern.

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 considerations related to the request to rezone from RM to CBD are summarized as follows:

- Whether the proposed CBD zoning provides sufficient regulations to mitigate any negative impact of the increased density, intensity, and height afforded the site by the rezoning.
- Whether there has been a change in circumstances on the site or within the neighborhood that renders the RM zoning inappropriate.
- Whether a limited height area for CBD zoning would be appropriate at this location.

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 compatibility of the development that would result from the rezoning with the existing neighborhood, as well as the spread of downtown development patterns into the neighborhoods to the west of the subject properties.

City Attorney Review:

Ordinance No. 10-21 was approved to form and legal sufficiency.

Funding Source/Financial Impact:

NA