



## Legislation Details (With Text)

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<b>On agenda:</b>	5/17/2022	<b>Final action:</b>			
<b>Title:</b>	ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)				
<b>Sponsors:</b>	Development Services Department				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Agenda Cover Report, 2. 620 Lake Ida Rd - Ordinance No. 09-22, 3. 620 Lake Ida Road - PZB Report, 4. 620 Lake Ida Road - Existing and Proposed Zoning, 5. 620 Lake Ida Road - Applicant Justification Statement, 6. 620 Lake Ida Road - Traffic Statement Letter, 7. Simple Legal Review Approval Ordinance 09-22				

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 17, 2022

ORDINANCE NO. 09-22: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING APPROXIMATELY 0.183 ACRES OF LAND PRESENTLY ZONED SINGLE FAMILY RESIDENTIAL (R1) DISTRICT TO COMMUNITY FACILITIES (CF) DISTRICT FOR A PARCEL LOCATED AT 620 LAKE IDA ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE "CITY OF DELRAY BEACH, ZONING MAP, JULY 6, 2021"; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (FIRST READING/PUBLIC HEARING)

### **Recommended Action:**

Review and consider Ordinance No. 09-22, a privately initiated request for a Rezoning of the +/- 0.183-acre property located at 620 Lake Ida Road, to rezone the property from Single Family Residential (R-1-A) to Community Facilities (CF).

### **Background:**

The subject request is for 620 Lake Ida Road, a +/- 0.183-acre parcel located on the south side of Lake Ida Road between NW 8th Avenue (Nancy's Way) and NW 4th Street. The parcel is currently developed with a single-family residence and is zoned R-1-A. It is noted that while the City's Geographic Information Systems (GIS) mapping software indicates that the property has a current

land use designation of Community Facility (CF), no documentation has been found to reflect a formal land use designation change from Low Density (LD) to CF. Therefore, staff has brought forward a separate application for a City-initiated Land Use Map Amendment (LUMA) to correct a data conversion error that occurred when the City's mapping software changed from AutoCAD to GIS. Should the City-initiated LUMA be approved, the land use designation of the subject property will be LD. Therefore, the staff report is written under the presumption that the subject property's land use is LD.

The applicant is requesting a Rezoning from R-1-A to CF to establish a support office for the main campus of the Community Child Care Center which is located directly east of the subject property. At this time, no site plan applications have been submitted.

Pursuant to LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule, *the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board*. Further, LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information, states that *a statement of the reasons for which the change is being sought must accompany the application*. The applicant's justification statement is attached for review.

The existing zoning of R-1-A is a preferred zoning district under the LD land use designation. The proposed zoning of CF, while not a preferred district, is a compatible implementing zoning district under the LD land use designation, as the City has various community facilities located within predominantly residential neighborhoods. Rezoning from R-1-A to CF will not result in an increase in density, as the LD land use designation continues to limit density to up to five dwelling units per acre, and the CF zoning district does not allow residential uses where a density calculation would be required. The development intensity is limited by the development standards for the CF zoning district.

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 Rezoning:

\*See LDR Section 4.4.21(H)(3) for additional setback requirements

As noted, the site is anticipated to provide additional office space that supports the Community Child Care Center. It is important to note that a stand-alone business, professional, medical, or other office-type could not be established on the site. When a site plan is submitted, consideration to the potential impact on the adjacent neighborhood will be carefully considered.

The attached Planning and Zoning Board (PZB) staff report provides a full analysis of the Request. On April 18, 2022, the PZB voted 6-0 (Ms. Morrison absent) to recommend approval of Ordinance No. 09-22.

**City Attorney Review:**

Ordinance No. 09-22 was approved to form and legal sufficiency.

**Funding Source/Financial Impact:**

N/A

**Timing of Request:**

Second reading of Ordinance No. 09-22 is anticipated for June 7, 2022.