



## Legislation Text

---

File #: 17-850, Version: 1

---

**TO:** Mayor and Commissioners  
**FROM:** Timothy Stillings, Planning, Zoning and Building Director  
**THROUGH:** Mark R. Lauzier, City Manager  
**DATE:** November 7, 2017

ORDINANCE NO. 33-17: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND PLACING LAND PRESENTLY ZONED SPECIAL ACTIVITIES DISTRICT (SAD) DISTRICT IN PART, GENERAL COMMERCIAL (GC) DISTRICT IN PART, NEIGHBORHOOD COMMERCIAL (NC) DISTRICT IN PART, AND MULTIPLE FAMILY RESIDENTIAL-MEDIUM DENSITY (RM) DISTRICT IN PART TO AUTOMOTIVE COMMERCIAL (AC) DISTRICT; SAID LAND LYING BETWEEN SOUTH FEDERAL HIGHWAY AND FREDERICK BOULEVARD, AND BETWEEN AVENUE F (FLADELL WAY) AND LAMAT AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017"; PROVIDING A CONFLICTS CLAUSE; AND A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES. (SECOND READING)

### **Recommended Action:**

Move to approve on Second Reading, Ordinance No. 33-17, a privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, 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 the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D)(5), 3.1.1 and 3.2.2 of the Land Development Regulations.

### **Background:**

The item before the City of Delray Beach ("City") City Commission is to consider a privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park. The site measures 3.294 acre and contains a mix of commercial, automotive sales and rentals and single family residential uses. The proposed rezoning is to allow the establishment of an automobile dealership. An application for abandonment of the Avenue G (Transportation Lane) right-of-way which lies between Blocks 24 and 25 has been submitted and is currently under review.

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 (General Commercial) and RM (Medium to Medium High Density Dwelling) zoning classification.

Subsequent to the annexation several zoning changes and Future Land Use Map (FLUM) amendments have been approved for the subject blocks. The following outlines the most recent

FLUM and zoning changes:

#### **Block 24**

- On October 1, 1996, the City Commission approved a FLUM amendment from Transitional (TRN) to GC for Lots 1-5 and Lots 13-24 (less the west 38 feet) together with the abandoned alleys lying east of Lots 1-5 and east of Lot 23. Concurrently, the City Commission approved a rezoning from POD (Professional and Office District) in part and RM in part to SAD. The SAD zoning provided for the specific uses of the property, to include vehicle sales, leasing, and rental with no service component and vehicle wash establishments with the condition that only one of the principal uses may exist at any one time.
- On April 15, 1997, the City Commission approved a FLUM amendment from TRN to GC for Lots 6-10 (less the west 38 feet) and 11-12, together with the abandoned alleys lying east of Lots 6-10; and lying west of Lot 16 and 17. Concurrently, the City Commission approved a rezoning from POD in part and RM in part to SAD. The allowed uses under the SAD zoning included vehicle parking for employees, customers, display, bullpen and inventory to be used only in conjunction with the abutting property's (to the north and east) use of vehicle sales, leasing, and rental with no service component.

#### **Block 25**

As noted above Block 25 was zoned GC and RM at annexation. Subsequent to annexation, there were several FLUM and zoning changes with the most recent changes outlined below:

- On June 17, 1997, the City Commission approved a rezoning from POD to NC for the east 77' of Lots 1-9 and the abandoned alley lying west of Lots 1-9, Lots 10-14 and Lots 24-27.
- On January 16, 2007, the City Commission approved a FLUM amendment from TRN to GC for Lots 1-11 and the west ½ of Lot 12, Lots 25 -27 together with the abandoned alley lying between Lots 1-9 and less the west 38' of Lots 1-9. Concurrently, the City Commission approved a rezoning from NC to GC.

The SAD, GC and NC zoned properties are located within the South Federal Highway Redevelopment Area. The South Federal Highway Area and Redevelopment Plan ("Plan") 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 Plan was developed to address land use issues, sustainability of the commercial uses within the redevelopment area and to ensure compatibility between the commercial uses and neighboring residential uses.

The rezoning analysis examined the required findings as they relate to the Future Land Use Map, Concurrency, Comprehensive Plan Consistency (Standards for Rezoning), and Compliance with the Land Development Regulations.

Additionally, the Plan was also examined with respect to the requested action. While the Plan identifies the west side of South Federal Highway as more desirable for AC zoning, the redevelopment plan does not prohibit the rezoning to AC for parcels located on the east side of Federal Highway. Additionally, the Plan also addresses the concerns raised with respect to the number of potential impacts from commercial, automotive and service uses with the neighboring residential developments. The redevelopment plan states "Any redevelopment on this side (east

side) of South Federal Highway must address compatibility with the adjacent residential neighborhoods to the east. Although commercial development immediately adjacent to residential neighborhoods is not unique in Delray or elsewhere, to increase the comfort level of these neighborhoods and ensure compatibility, this Plan includes a number of special buffering and setback provisions, as well as a limitation on maximum tenant size.” These recommendations include:

- *On the east side of South Federal Highway, special setbacks and building offsets based on building length will be required to reduce the massive scale and uniform appearance of large buildings when the rear or side of a commercially zoned property is adjacent to a residential zoning district. Exhibit A, attached, provides specific recommendations with respect to the special setbacks and building offsets based on the length and height of the building.*
- *Machinery equipment, service areas, and trash collection must be screened from the adjacent neighborhood in a manner consistent with the overall design of the building and landscaping. Delivery and loading areas must be designed so as to minimize visual and noise impacts. On the east side of South Federal Highway, a landscape buffer, which includes canopy trees, is required for all sites that adjoin residential uses or zoning districts. The landscape buffer shall be 25 feet in depth, and shall include a wall placed 10 feet from the rear or side property line when abutting an adjacent right-of-way, trees spaced on 25 foot centers and a hedge planted outside of the wall. An additional row of trees on 25’ centers shall also be placed inside of the wall. Where the rear property line immediately adjoins residential property with no roadway or alley between, the wall shall be placed against the property line and the 25 foot buffer provided inside the walled area. In order to more effectively screen the commercial development, shade trees with a minimum height of 18 feet and a spread of 8 feet at the time of planting shall be used.*
- *Street access shall be primarily from South Federal Highway. No vehicular access is permitted to the rear of the commercial districts onto residential streets on the east side of South Federal Highway.*
- *No deliveries, loading or unloading operations in the rear of the commercial buildings will be permitted before 7:00 AM or after 7:00 PM on the east side of South Federal Highway.*

The complete analysis of the Rezoning request 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 5 to 0, (Joseph Pike stepped down and Neil Jones absent), the Planning and Zoning Board recommended approval of Ordinance 33-17 for the privately-initiated rezoning from SAD in part, GC in part, NC in part and RM in part to AC for the properties located within Block 24 and Block 25, Del Raton Park, 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 the South Federal Highway Redevelopment Plan and meets the criteria set forth in Sections 2.4.5(D) (5), 3.1.1 and 3.2.2 of the Land Development Regulations, provided that the applicant addresses

the issues regarding compatibility at the City Commission level as it relates to the east end of the property abutting the neighboring residential properties lying directly across the east end of the site.

**City Attorney Review:**

Approved as to form and legal sufficiency.

**Finance Department Review:**

N/A

**Funding Source:**

N/A

**Timing of Request:**

N/A

Attachments:

Ordinance No. 33-17  
Planning and Zoning Board Staff Report of August 21, 2017  
Exhibit "A" - Building and Site Design Requirements