



Legislation Text

File #: 20-105, Version: 1

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Director
THROUGH: George Gretsas, City Manager
DATE: March 3, 2020

ORDINANCE NO. 09-20: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CITY OF DELRAY BEACH BY REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.752± ACRES IN SIZE PRESENTLY ZONED SINGLE-FAMILY RESIDENTIAL (R-1-A) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT; FOR THE PROPERTIES LOCATED AT 26 NORTHWEST 6TH AVENUE, 32 NORTHWEST 6TH AVENUE, 34 NORTHWEST 6TH AVENUE, 27 NORTHWEST 7TH AVENUE, AND 31 NORTHWEST 7TH AVENUE, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING "CITY OF DELRAY BEACH, ZONING MAP, JUNE 29, 2017" AND FURTHER AMENDING FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD 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. (FIRST READING)

Recommended Action:

Review and consider Ordinance No. 09-20 on First Reading, to change the zoning designation of approximately 0.752 acres of land from Single-family Residential (R-1-A) to Central Business District (CBD), for the properties located at 26 NW 6th Avenue, 32 NW 6th Avenue, 34 NW 6th Avenue, 27 NW 7th Avenue, and 31 NW 7th Avenue.

Background:

The properties located at 26 Northwest 6th Avenue, 32 Northwest 6th Avenue, 34 Northwest 6th Avenue, 27 Northwest 7th Avenue, and 31 Northwest 7th Avenue, are zoned Single-family Residential (R-1-A) with a Future Land Use Map (FLUM) designation of Low Density (LD). The request is accompanied by Ordinance No. 08-20 for a FLUM amendment from LD to Commercial Core (CC). Three of the properties are vacant; the properties at 32 and 34 NW 6th Avenue each contain a single-family residence built in the 1990's. Four of the properties are owned by the Delray Beach Community Redevelopment Agency (CRA). The property located at 32 NW 6th Avenue is privately owned, and the owner has provided consent to the CRA to include their property in this request.

At the Planning and Zoning Board meeting of November 18, 2019, the Board expressed concerns that, if the request were approved, more intense and larger scaled development would have a negative impact on the remaining single-family residential zoned properties located to the north, east, and west. Therefore, the Public Hearing for the FLUM amendment and Rezoning was continued to provide time for the drafting of an amendment to the Land Development Regulations to address the Board's concerns and mitigate impacts of future requests. The accompanying LDR Amendment

(Ordinance No. 07-20) seeks to establish a Limited Height Area for properties rezoned from Single-family Residential to CBD within the West Atlantic Neighborhood Sub-district. The Limited Height Area would limit development to three stories and 35 feet, which is the same height allowed for single-family zoned properties.

Pursuant to **LDR Section 2.4.5(D)(1)**, *the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.* The submitted application complies with the submittal requirements in LDR Section 2.4.3.

Pursuant to **LDR Section 2.4.5(D)(2)**, *the procedures for a zoning change include the standard application items in Section 2.4.3. Valid reasons for approving a change in zoning, pursuant to LDR Section 2.4.5(D)(2) are:*

- *That the zoning had previously been changed, or was originally established, in error;*
- *That there has been a change in circumstance which makes the current zoning inappropriate;*
- *That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.*

The requested rezoning is to be considered under a combination of the second and third criteria. The CRA Plan and West Atlantic Avenue Redevelopment Plan support higher density, intensity, and workforce / family housing for this area. The extension of the CBD zoning as part of the West Atlantic Neighborhood Limited Height Area (currently proposed as Ordinance No. 07-20) will assist in providing compatible development while having the potential to be catalytic to the area and contribute to the revitalization of the neighborhood by providing additional housing opportunities for diverse incomes and neighborhood amenities. The proposed FLUM designation of CC supports a greater intensity of development consistent with these plans, and the density of the proposed CBD zoning designation is compatible with and supports the land use designation and the provision of workforce units.

The subject request was submitted prior to the adoption of the Always Delray Comprehensive Plan on February 4, 2020; therefore, the applicable Goals, Objectives, and Policies from the prior Comprehensive Plan have been provided and reviewed.

Pursuant to **LDR Section 3.2.2, Standards for Rezoning Actions**, rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

(A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied to those areas identified as "stable" and "stabilization" on the Residential Neighborhood Categorization Map. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied.

Not applicable. The subject properties are considered "Needing Rehabilitation."

(B) Rezoning to AC (Automotive Commercial) to accommodate auto dealerships shall not be

permitted west of I-95.

Not applicable. Auto dealerships are not a proposed use.

(C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration should be given to increasing the depth of the commercial zoning in order to provide for better project design.

The proposed CBD zoning is a form-based code and does not permit strip-type commercial development. Further, the proximity of the properties from West Atlantic Avenue limits development to multiple-family residential use, unless a conditional use request for commercial uses is approved. If so, then neighborhood-serving commercial services and residential uses could ultimately result in a node with cohesive site design that addresses the relationship between the adjacent residential and new commercial uses.

(D) That the rezoning shall result in allowing land uses which are deemed compatible with adjacent and nearby land use both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.

Under the proposed CC future land use designation, the proposed CBD zoning district will be compatible. The existing uses and zoning surrounding the proposed development is as follows:

North: Single-Family Residential (R-1-A) zoning with single family residences and vacant properties

South: CBD zoning with vacant properties

East: Community Facility (CF) with a parking lot (Fire Station) and R-1-A zoning with vacant property

West: R-1-A zoning with single family residences

The requested rezoning from R-1-A to CBD within the proposed West Atlantic Neighborhood Limited Height Area will result in compatibility among existing and future land uses with the surrounding area. The CBD zoning uses form-based techniques to ensure compatible transitions in building scale and intensity. There are several examples throughout Delray Beach where CBD zoned property directly abuts single family residential areas, notably in the northwest area. The CBD zoning requires additional setbacks from single-family residences and districts. Regulations limit commercial uses from extending further than 150' from West Atlantic Avenue, which will establish a largely multi-family infill pattern, consistent with the surrounding land use designations. The CBD zoning uses open space and architectural regulations to provide for a high-quality urban environment.

(E) Remaining, isolated infill lots within the coastal planning area shall be developed under zoning which is identical or similar to the zoning of adjacent properties; and, the resulting development shall be of a design and intensity which is similar to the adjacent development.

Not applicable. The proposed development is not within the coastal planning area.

As part of the rezoning, the City must amend the Zoning Map, and the West Atlantic Neighborhood Sub-district Map and Regulating Plan in Figure 4.4.13-3 and Figure 4.4.13- 6 in Section 4.4.13 Central Business (CBD) District of the Land Development Regulations. The adoption ordinance includes these amendments.

At the meeting of January 27, 2020, the Planning and Zoning Board considered the subject request, and voted 6 to 1 to recommend approval of Ordinance No. 09-20.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Second Reading is anticipated to occur in April, 2020.