



Legislation Text

File #: 23-466, Version: 1

TO: Mayor and Commissioners
FROM: Anthea Gianniotis, Development Services Department
THROUGH: Terrence R. Moore, ICMA-CM
DATE: June 6, 2023

ORDINANCE NO. 07-23: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING LAND MEASURING APPROXIMATELY 2.83 ACRES LOCATED ON THE SOUTHWEST CORNER OF THE INTERSECTION AT LAKE IDA ROAD AND NORTH SWINTON AVENUE, FROM COMMUNITY FACILITIES TO SINGLE FAMILY RESIDENTIAL, 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. (SECOND READING / PUBLIC HEARING / QUASI JUDICIAL)

Recommended Action:

Review and consider Ordinance No. 07-23, a privately-initiated rezoning request from Community Facilities (CF) to Single Family Residential (R-1-A) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue.

Background:

The subject request is for a 2.83-acre portion of the 5.88-acre property located on the southwest corner of Lake Ida Road and North Swinton Avenue. The property is currently developed with an 18,556 square foot church (Cason United Methodist Church) with a private school. The west 2.83-acre portion of the property remains largely vacant, though a Community Garden was maintained on a portion of the area. The property currently has a land use map (LUM) designation of CF (primarily) and LD (1.78 acres), with CF zoning on the entire subject property. The request is being concurrently reviewed with a small-scale Land Use Map (LUM) amendment to change the land use from CF to Low Density (LD).

The requested R-1-A zoning is intended to *provide areas where the traditional single family detached residence can be established and maintained and be protected from the unwarranted intrusion of other inappropriate uses*. Pursuant to LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information, valid reasons for approving a change in zoning 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 application is being processed under the second and third criteria.

Pursuant to LDR Section 3.1.1, Required Findings, prior to the approval of development applications, the following findings shall be made:

- (A) Land Use Map: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.
- (B) Concurrency: Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element (NDC) of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.
- (C) Consistency Compliance with performance standards set forth in Chapter 3 and required findings in LDR Section 2.4.5(D)(5) for the Rezoning request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.
- (D) Compliance with LDR Whenever an item is identified elsewhere in these Land Development Regulations (LDR), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.

The property is surrounded by a mix of CF, R-1-A, and OSSHAD zoning. The proposed R-1-A zoning allows for single family residences at a maximum density of five dwelling units per acre, which is a use and density compatible with the adjoining neighborhood. Both the existing and proposed zoning districts are low impact districts compared to other zoning districts in the City, and are found throughout the City's neighborhoods. The existing CF zoning, which has an intensity standard of 1.0 FAR, does not have a residential density, as the types of residential uses accommodated in CF are facility-based, like Assisted Living Facilities and Senior Housing Services. The proposed R-1-A zoning does not have an FAR standard, but does have a maximum density allowance of five dwelling units per acre. The R-1-A zoning district allows residential uses in single-family housing and controls development intensity through setbacks and minimum open space requirements.

The property is located in the northeast corner of the area within the adopted West Atlantic Master Plan (2020). The plan provides background and analysis, as well as strategies and recommendations for the West Atlantic neighborhoods (also known as "The Set"). The plan illustrates the property both as a house of worship and as a Community Garden. No specific recommendations are made for the property, however, the plan recognizes the important role churches have in The Set and provides general recommendations that include protecting the single family neighborhoods in the Northwest Sub-District and incorporating more Community Gardens along Lake Ida Road and on other City-owned parcels.

The attached Planning and Zoning Board Staff Report provides a full analysis of the request.

On February 27, 2023, the Planning and Zoning Board (PZB) voted 5-2 (with Mr. Zeller and Ms. Blankenship opposing) to recommend approval of the request.

The City Commission voted 4-1 (with Commissioner Angela Burns opposing) to approve the request at first reading at the April 4, 2023 meeting.

City Attorney Review:

Ordinance No. 07-23 has been approved to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

Ordinance No. 07-23 will become effective immediately upon adoption. The Rezoning request will be heard concurrently with Ordinance No. 06-23 for the Land Use Map Amendment.