MEMORANDUM

To: Council Members

From: Staff

Date: February 20, 2009 Council Meeting

Subject: Local Government Comprehensive Plan Review
Draft Amendments to the City of Delray Beach Comprehensive Plan
DCA Reference No. 09-1

Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, requires that Council review local government comprehensive plan amendments prior to their adoption. Under the provisions of this law, the Department of Community Affairs (DCA) prepares an Objections, Recommendations, and Comments (ORC) Report on a proposed amendment only if requested to do so by the local government, the regional planning council, an affected person, or if an ORC Report is otherwise deemed necessary by the DCA. If an ORC Report is to be prepared, then Council must provide DCA with its findings of consistency or inconsistency with the Strategic Regional Policy Plan (SRPP), and provide any comments and recommendations for modification on the proposed amendments within 30 days of its receipt.

Background

The City of Delray Beach has proposed text amendments to the Future Land Use Element (FLUE) and one amendment to the Future Land Use Map (FLUM) of the City Comprehensive Plan. The City did not request a formal review of the amendments by the DCA. However, in a letter dated February 3, 2009, the DCA informed the City that the proposed amendments would be formally reviewed.

Evaluation

A. Future Land Use Map Amendment

The proposed amendment is for a 6.2 acre property located on the west side of Federal Highway south of SE 10th Street and south of the Plaza at Delray (see Exhibit 2). It is part of a larger 8.2 acre parcel.
The property currently contains a dilapidated mobile home park and several single family homes. The present FLUM designation is Transitional. The proposed FLUM designation is General Commercial, which is the designation currently assigned to the 2.0 acre portion of the property that is not included in the amendment.

The existing land uses on surrounding properties include multi-family and single family residential development to the north, U.S. 1 (Federal Highway) to the east, the Plaza at Delray retail facility to the south and single family homes to the west. The FLUM designations on surrounding properties include Medium Density residential to the east and west, General Commercial to the south and Transitional to the north.

The City indicates the proposed amendment is consistent with surrounding uses and with a number of objectives and policies with the FLUE. As explained below, the property will be included in an overlay that will allow both residential and commercial uses.

B. Text Amendments

1. The description/definition of the General Commercial FLUM designation is modified to allow an increase in residential density (up to 22 dwelling units per acre) and a decrease in the maximum floor area ratio (from 3.0 to 0.75) within Silver Terrace Courtyard Overlay District (see Exhibit 3 and 4). The FLUM amendment discussed above is part of the overlay district. The City considers this consistent with previous actions to allow increased residential densities in some areas of the City. Residential development within the Overlay District will be required to provide a minimum of 20 percent of all units within the moderately priced category, subject to the City’s Workforce Housing Element. The amendment modifies the text of the FLUE under the description of the General Commercial FLUM designation to specifically address the Silver Terrace Courtyard Overlay District.

2. This amendment modifies the definition of the Congress Avenue Mixed Use (CMU) FLUM designation to allow for the establishment of a Regional Activity Center (RAC) on the Office Depot Property (see Exhibit 5). The CMU designation is applied to properties in the Congress Avenue Corridor (see Exhibit 6), and the designation accommodates a variety of uses including limited commercial, office and residential. The purpose of the CMU district is to attract Class A office development while allowing limited residential development (including workforce housing) and supporting commercial uses.

The text of the FLUE is modified to allow increased Development of Regional Impact thresholds for mixed use development that meet the guidelines for RACs. The definition of an RAC is as follows: a compact, high intensity, high density multi-use area designated as appropriate for intensive growth by the
local government of jurisdiction and may include: retail; office; cultural, recreational and entertainment facilities; hotels and motels; or appropriate industrial activities. The designated area shall be consistent with the local government comprehensive plan and future land use map intensities; shall routinely provide service to, or be regularly used by, a significant number of citizens of more than one county; contain adequate existing public facilities as defined in Chapter 9J-5, F.A.C., or committed public facilities, as identified in the capital improvements element of the local government comprehensive plan; and shall be proximate and accessible to interstate or major arterial roadways (Chapter 28-24.014(10)(c)2., F.A.C.).

3. This amendment adds a new objective and several new policies to support the establishment of a RAC on the Office Depot property. Objective A-8 is to encourage compact, mixed use development through the establishment of a RAC overlay within the Congress Avenue Corridor FLUM designation (CMU). Policy A-8.1 lists the required community design elements for RAC overlays. These include:

- An interconnected network of streets and paths.
- A complementary mix and range of land uses.
- Appropriate densities and intensities within walking distance of transit stops.
- Daily activities within walking distance.
- Safe, comfortable and attractive streets and squares for pedestrians.
- Access for all transportation modes to buildings, streets and parking.
- Off-street parking that supports pedestrian activities.

Policy A-8.2 indicates that RAC overlays shall be planned to maximize internal circulation and minimize conflicts on major arterials. Policy A-8.3 requires that RAC overlays provide fully-connected routes to all destinations including direct bicycle and pedestrian connections. Policy A-8.4 formally establishes the Congress Village RAC Overlay on the 42.7 acre Office Depot headquarters site located on the west side of Congress Avenue, south of Germantown Road. Policy A-8.5 requires that RAC overlays create a transportation environment that promotes walking, cycling and transit use. A number of improvements and enhancements to the multi-modal network are listed and may be required by the City as conditions of development approval.

Extrajurisdictional Impacts

The City provided a notice of the proposed amendments to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC). This notice was distributed by IPARC on November 17, 2008. Council is not aware of any objections to the proposed amendments; or of the potential for detrimental extrajurisdictional impacts.
Effects on Significant Regional Resources or Facilities

Analysis of the proposed amendments indicates that they would not have adverse effects on significant regional resources or facilities.

Analysis of Consistency with Strategic Regional Policy Plan

Council has no comments/recommendations for modification to the proposed amendments. The amendments are considered to be consistent with the SRPP.

Consistency with Strategic Regional Policy Plan

The contract agreement between the DCA and the Treasure Coast Regional Planning Council requires Council to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. Council finds the proposed amendments to be CONSISTENT with the SRPP.

Recommendation

Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Exhibits

Exhibit

1. General Location Map
2. Proposed Future Land Use Map Amendment
3. Proposed Silver Terrace Courtyard Overlay District – Location Map
4. Proposed Silver Terrace Courtyard Overlay District – Future Land Use Map
5. Proposed Congress Village Regional Activity Center
6. Congress Avenue Mixed Use – Future Land Use Map
Exhibit 1
General Location Map
City of Delray Beach
Exhibit 3