Introduction

The Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, *Florida Statutes*, requires that the Treasure Coast Regional Planning Council (TCRPC) 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 the TCRPC 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 has proposed four amendments to the Future Land Use Map (FLUM) and text amendments to the Future Land Use, Housing, Transportation, Conservation and Capital Improvements Elements of the City Comprehensive Plan. The City requested that the DCA not carry out a formal review of the proposed amendments.

Evaluation

A list of the proposed amendments is included as Attachment A.

A. Future Land Use Map Amendments

Information regarding the amendments is shown in Table 1. The location of the amendments and other pertinent information is shown in the Exhibits.
Table 1
Proposed Amendments to the Future Land Use Map
City of Delray Beach Comprehensive Plan
DCA Reference No. 10-1

<table>
<thead>
<tr>
<th>Amendment Number/Name</th>
<th>Approx. Acreage</th>
<th>Current FLUM Designation</th>
<th>Proposed FLUM Designation</th>
<th>Approximate Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marketplace of Delray</td>
<td>30.3</td>
<td>CH/8*</td>
<td>GC</td>
<td>Northwest corner of West Atlantic Avenue and Military Trail.</td>
</tr>
<tr>
<td>Breezy Acres</td>
<td>2.5</td>
<td>MR-5*</td>
<td>LD</td>
<td>East side of Markland Lane, south of West Atlantic Avenue.</td>
</tr>
<tr>
<td>Lintco Property</td>
<td>7.1</td>
<td>MD</td>
<td>GC</td>
<td>North side of Linton Boulevard, west of SW 4th Avenue.</td>
</tr>
<tr>
<td>Waterford</td>
<td>4.6</td>
<td>TRN</td>
<td>GC</td>
<td>East of I-95 and south of Linton Boulevard.</td>
</tr>
<tr>
<td><strong>Total:</strong></td>
<td><strong>44.5</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* County Designation

**Key to FLUM Designations**

**City Designations**
- **LD** Low Density Residential – maximum of 5 dwelling units per acre
- **MD** Medium Density Residential – maximum of 12 dwelling units per acre
- **GC** General Commercial
- **TRC** Transitional

**County Designations**
- **MR-5** Medium Density Residential – maximum of 5 dwelling units per acre
- **CH/8** Commercial High Intensity with an underlying residential density of 8 units per acre.

1. Marketplace of Delray

This 30.3 acre property is located at the northwest corner of Atlantic Avenue and Military Trail, at the western edge of the City (see Exhibits 3-5). The property is developed as a shopping center. No changes in use are proposed: The property is being annexed by the City.

The FLUM designation under the County Comprehensive Plan is Commercial High Intensity (CH/8). The proposed designation under the City Plan is General Commercial (GC). The existing land uses and FLUM designations on adjacent property are as follows:
The shopping center and several outparcels were developed from 1980 to 1986. When the water service agreement between the landowner and the City was revised in 2000 due to the need for new connections, the City required a consent for annexation and the assessment of storm water fees. The City has notified the landowner that annexation proceedings have been initiated. The City designation of GC is compatible to the County CH/8 designation.

2. Breezy Acres

This 2.5 acre property (containing 3 lots) is located on the eastside of Markland Lane, south of Atlantic Avenue at the western edge of the City (see Exhibits 6-8). Each lot contains a single family home and no changes are proposed to the use.

The current FLUM designation under the County Plan is Medium Density Residential (MR-5). The proposed FLUM designation under the City Plan is Low Density Residential. Both designations permit a maximum of 5 dwelling units per acre. The land uses and FLUM designations on surrounding properties are as follows:

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>FLUM Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Apartment complex, retail center</td>
<td>Medium Density Residential, Transitional</td>
</tr>
<tr>
<td>East: Commercial plaza</td>
<td>GC</td>
</tr>
<tr>
<td>South: Commercial plaza</td>
<td>GC</td>
</tr>
<tr>
<td>West: Residential, flea market</td>
<td>CH/8</td>
</tr>
</tbody>
</table>

A water service agreement containing an annexation clause was executed for each lot. The property is located in City Planning Annexation Area “D”.

3. Lintco, Inc.

This 7.1 acre property is located in the northwest quadrant of the intersection of Linton Boulevard and SW 4th Avenue (see Exhibits 9-12). It includes 12 contiguous parcels. The property is vacant. Commercial development is proposed for the site.

The current FLUM designation is Medium Density Residential. The proposed designation is GC. The land uses and FLUM designations on surrounding properties are as follows:

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>FLUM Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Office building</td>
<td>GC</td>
</tr>
<tr>
<td>East: Townhouse development</td>
<td>Medium Density Residential</td>
</tr>
<tr>
<td>South: Single family homes</td>
<td>MR-5 (County)</td>
</tr>
<tr>
<td>West: Multi-family residential development</td>
<td>MR-5, High Density Residential (HR-12) (both County designations)</td>
</tr>
</tbody>
</table>

A water service agreement containing an annexation clause was executed for each lot. The property is located in City Planning Annexation Area “D”.
The City indicates that the proposed FLUM designation is considered more consistent with the prevailing commercial development along Linton Boulevard. A text amendment will limit non-residential development on the site to a Floor Area Ratio (FAR) of 0.36. Under the General Commercial FLUM, a maximum FAR of 3.0 is permitted. The FAR is to be restricted because of a limitation on traffic capacity; primarily along Linton Boulevard. The City indicates that buffering will be necessary along the north and west sides of the site.

4. Waterford

This 4.6 acre property is within the Waterford Park development, located south of Linton Boulevard and east of I-95 (see Exhibits 13-16). The property is vacant. The landowner had indicated that the property will be used for retail commercial development.

The current FLUM designation is Transitional, a designation the City indicates may be applied to properties that are to be developed for either residential or non-residential uses. It is generally applied in areas where a transition is needed between less intense residential uses and commercial uses; or where non-residential uses may be established that are compatible with an adjacent residential use. The proposed FLUM designation is General Commercial. The land uses and designations on surrounding properties are as follows:

<table>
<thead>
<tr>
<th>Existing Use</th>
<th>FLUM Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Big box retail (Home Depot)</td>
</tr>
<tr>
<td>East</td>
<td>Residential condominium development</td>
</tr>
<tr>
<td>South</td>
<td>Residential condominium development</td>
</tr>
<tr>
<td>West</td>
<td>I-95</td>
</tr>
</tbody>
</table>

The subject property was approved as a hotel site as part of the Waterford Special Activities Zoning District. The landowner indicates that hotel development is no longer viable due to market conditions, location and development in the surrounding area. The owner seeks a designation which is similar to other commercial properties along Linton Boulevard.

A text amendment will limit non-residential development to an FAR of 1.32, in order to meet traffic concurrency standards. The City staff considers a commercial or mixed use development appropriate for this property which is located in a highly commercialized
corridor. The General Commercial designation will allow more flexibility in uses consistent with adjacent commercial development. Relative to a determination of need for the amendment (required by the City), the landowner indicates that hotel development is not viable and that additional uses or a mix of uses is more appropriate.

B. Text Amendments

1. City-Initiated Amendments

a. Capital Improvements Element

1) Table C1-CIP is revised to reflect the City’s new five-year (2009-10 to 2013-14) Capital Improvements Program.
2) Table SD-CIP is revised to reflect the Palm Beach County School District’s Capital Improvement Schedule for FY 2010-FY2014.
3) Table RW-CIP is revised to reflect the integration of the 20-year Water Supply Facility Work Plan into the Comprehensive Plan.
4) Updated timeframes are provided in the General Fund Revenue and Expenditure Forecast Table, the Pledgeable Revenue Matrix Table and the Debt Summary Table.

b. Conservation Element

1) Policy E-1.1 is revised to indicate that the Green Task Force has been replaced by a Green Implementation Achievement Board.

c. Housing Element

1) Policy B-3.3 regarding the revision of Land Development Regulations (LDRs) for consistency with State Statutes is deleted as this task has been completed.

d. A number of policies in the Future Land Use and Transportation Elements are revised to postpone various tasks and studies. These include:

1) A comprehensive study of economic development issues and needs (2011-12).
2) Design guidelines for the Congress Avenue Corridor and Four Corners Overlay District (2010-11).
3) A marketing plan for the redevelopment of the Congress Avenue Corridor (2010-11).
4) A comprehensive evaluation of the section of the LDRs that deals with non-conforming uses and studies (2011-12).
5) An evaluation of the need for design guidelines for the north Federal Highway Corridor (2010-11).
6) Special planning in the South Florida Highway Area (2010-11).
7) Special planning along Linton Boulevard, from I-95 east to Federal Highway (2010-11).
8) Investigation of funding for the downtown shuttle (2010-11).
9) A program to encourage street trees for green linkages (2010-11).
10) Preparation and adoption of a bicycle network plan (2010-11).
11) Surveys to determine issues and needs for employer based Transportation Demand Management activities (2010-11).
12) Determination of the operational feasibility and financing requirements to provide shuttle services from the Tri-Rail Station (2010-11).

2. Privately-Initiated Text Amendments to the Future Land Use Element

a. Revisions are proposed to the description of the General Commercial FLUM designation to provide for a Lintco Development Overlay District. Non-residential development in this Overlay is limited to an FAR of 0.36, based on traffic capacity/concurrency concerns primarily on Linton Boulevard. An FAR of 3.0 is generally allowed in the General Commercial FLUM designation. A FLUM amendment is being processed concurrently with this text amendment. The amendment will allow mixed use development on the property. The City indicates that all other facilities are adequate to serve the site.

b. Revisions are proposed to the description of the General Commercial FLUM designation to provide for a Waterford Overlay District. Non-residential development in this Overlay is limited to an FAR of 1.32, based on traffic capacity/concurrency concerns primarily on Linton Boulevard, SW 10th Avenue, Old Dixie Highway-Federal Highway, Ocean Boulevard, Swinton Avenue and NW 2nd Avenue. A concurrent FLUM amendment is being processed to change the FLUM designation from Transitional to General Commercial. The City indicates that all other facilities are adequate to serve the site.

Extrajurisdictional Impacts

The City provided copies of the proposed amendment materials to the Palm Beach County Intergovernmental Plan Amendment Review Committee (IPARC). The amendments were noticed to local governments and other agencies on July 7, 2010. Council is not aware of any significant extrajurisdictional impacts that would result from the adoption of these amendments.

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

The SRPP supports infill development in existing neighborhoods and districts (Regional Goal 5.1) and a balanced, well-planned compatible mix of land uses (Policy 6.1.1.1). Both the Lintco, Inc. and Waterford FLUM amendment sites can be considered infill development, since they are vacant lands surrounded by existing development.
When the future land use map of a local government comprehensive plan is amended, the amendment should improve the land use mix in the area or address a shortcoming of another nature. Some local governments require specific findings to be made in order for an amendment to be approved. Some of these findings are:

1. Conditions have changed since the FLUM was adopted.
2. The original FLUM was poorly conceived; amendments are necessary to better balance the land use designations.
3. Changes in population or population characteristics make a re-evaluation necessary.
4. A neighborhood or district plan has been prepared and adopted. Changes in FLUM designations are necessary to carry out the recommendations of the neighborhood/district plan.

There might be other reasons for an amendment. However, a FLUM amendment should be based on a finding of need. The Florida Statutes requires the local government to base its future land use plan on the amount of land required to accommodate anticipated growth and the projected population of the area (163.3177(6)(a)). City Policy A-1.7 in the Future Land Use Element requires a demonstrated need for the requested land use change. The need must be supported by data and analysis verifying changing demographics or other circumstances.

The subject amendment materials indicate that:

1. Lintco, Inc. FLUM – the change from Residential to General Commercial is more consistent with the existing character of the commercial nature of Linton Boulevard and is more appropriate based on market conditions. This property was assigned Redevelopment Area as a “holding” designation in 1999; then a designation of MD in 2005 as part of a development proposal to construct a multi-family development. However, this proposed development did not occur. The landowner feels a commercial designation is now more appropriate for this site and commercial is more feasible than residential development. Commercial development fronting Linton Boulevard with residential uses behind is the prevailing pattern on the southern side of Linton Boulevard.

2. Waterford FLUM – the change from Transitional to General Commercial is necessary because various market conditions, geographical location and development of the surrounding area makes hotel development not viable. A commercial designation will enhance the “viability” of the site and is more consistent with the existing commercial character of the Linton Boulevard Corridor. The landowner feels that the size of the property and location in proximity to other large-scale uses makes General Commercial a more viable designation.

In both cases, there are compatibility issues due to adjacent residential neighborhoods/communities. In the case of the Lintco amendment, access could also be an issue due to the uncertainty of the status of Alta Meadows Lane.
Despite the reasons given above for the proposed amendments, the City has not made an argument that the land use mix in the area is unbalanced and that the change to a commercial designation will improve the mix. Council recommends that the City better identify the need for these proposed amendments consistent with City Policy A-1.7 prior to adoption.

**Conclusion**

Despite the concerns expressed above regarding the lack of a documented need for the Lintco and Waterford FLUM amendments, Council has not identified any detrimental extrajurisdictional impacts or effects on significant regional resources and facilities. Therefore, the TCRPC does not recommend a formal review the proposed amendments.

**Consistency with Strategic Regional Policy Plan**

The contract agreement with the DCA requires the TCRPC to include a determination of consistency with the SRPP as part of the written report to be submitted to the DCA. The TCRPC finds the proposed amendments to be CONSISTENT with the SRPP. However, Council recommends that the City do an analysis of need for the Lintco, Inc. and Waterford FLUM amendments. A need should be confirmed consistent with City Policy A-1.7 of the Future Land Use Element and with state statutory requirements prior to the adoption of the amendments.

**Recommendation**

The Treasure Coast Regional Planning Council should adopt the above comments and instruct staff to transmit the report to the Department of Community Affairs.

Attachments
List of Attachments

Attachments

A  List of Comprehensive Plan Amendments
COMPREHENSIVE PLAN AMENDMENT 10-1

CITY OF DELRAY BEACH, FLORIDA

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TEXT CHANGES - (CITY INITIATED)

1 Capital Improvement Element - Update the City's Five-Year Capital Improvements Schedule (Table CI-CIP) to reflect adoption of the FY2010-FY2014 Capital Improvements Program.

1 Capital Improvement Element - Update the City's Reclaimed Water Capital Improvement Schedule (Table RW-CIP) to reflect adoption of the FY2010-FY2014 Capital Improvements Program.

1 Capital Improvement Element - Update the Palm Beach County School District's Capital Improvement Schedule (Table SD-CIP) to reflect adoption of its FY2010-FY2014 Capital Improvements Program.

2 Capital Improvement Element - Update General Fund Revenue and Expenditure 5-Year Forecast Table to reflected updated timeframes.

2 Capital Improvement Element - Update Pledgeable Revenue Matrix Table to reflected updated timeframes.

2 Capital Improvement Element - Update Debt Summary Table to reflected updated timeframes.

2 Conservation Element - Modification of Objective E-1 and Policy E-1.1, dealing with the Green Task Force, to reflect new name (Green Implementation Advancement Board) and expanded Board purpose.

4 Future Land Use Element - Modification of Policy A-1.4 to extend the time frame for completion of a study on economic development issues from FY08/09 to FY11/12.

4 Future Land Use Element - Modification of Policy A-1.10 to extend the time frame for evaluating the need for establishing design guidelines for the Congress Avenue Corridor and the Four Corners Overlay District, from FY08/09 to FY10/11.
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>Future Land Use Element - Modification of Policy A-1.11 to extend the time to develop a marketing plan to attract new business and promote redevelopment of the Congress Avenue corridor from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>5</td>
<td>Future Land Use Element - Modification of Policy A-2.5 to extend the time frame for analysis of the Land Development Regulations, dealing with nonconforming uses, from FY08/09 to FY11/12.</td>
</tr>
<tr>
<td>5</td>
<td>Future Land Use Element - Modification of Policy C-1.4 to extend the time frame for evaluating the need for establishing design guidelines for the North Federal Highway corridor from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>6</td>
<td>Future Land Use Element - Modification of Policy C-1.12 to extend the time frame for completion of a Redevelopment Plan for the South Federal Highway from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>7</td>
<td>Future Land Use Element - Modification of Policy C-1.13 to extend the time frame for completion of a Redevelopment Plan for Linton Boulevard, from I-95 to Federal Highway, from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>7</td>
<td>Housing Element - Deletion of Policy B-3.3 (Completed).</td>
</tr>
<tr>
<td>8</td>
<td>Transportation Element - Modification of Policy A-1.8 to extend the time frame for investigation of the feasibility of implementing an impact fee or other system for assessment of new development to fund operation of the downtown roundabout shuttle service from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>8</td>
<td>Transportation Element - Modification of Objective A-8 to extend the time frame for development of a program to encourage street trees for green linkages from FY08/09 to FY10/11.</td>
</tr>
<tr>
<td>8</td>
<td>Transportation Element - Modification of Policy D-2.4 to extend the time frame for adoption of a bicycle network plan for the city from FY09/10 to FY11/12.</td>
</tr>
<tr>
<td>9</td>
<td>Transportation Element - Modification of Policy D-3.1 to extend the time frame for completion of surveys and analysis to determine the issues and needs for employer based TDM activities, including but not limited to ride sharing, van pooling, and flexible work hours, from FY09/10 to FY10/11.</td>
</tr>
<tr>
<td>9</td>
<td>Transportation Element - Modification of Policy D-3.5 to extend the time frame to determine the operational feasibility and grant funding requirements necessary to provide shuttle service to meet and greet all trains at the station from FY08/09 to FY10/11.</td>
</tr>
</tbody>
</table>
Page

TEXT CHANGES - (PRIVATELY INITIATED)

10  Future Land Use Element – Modification of the description of the GC (General Commercial) Future Land Use designation to identify specific uses and intensities (FARs) for development within a proposed overlay district for the Lintco property on the north side of Linton Boulevard, west of SW 4th Avenue.

15  Future Land Use Element – Modification of the description of the GC (General Commercial) Future Land Use designation to identify specific uses and intensities (FARs) for development within a proposed overlay district for the Waterford property, located east of I-95, south of Linton Boulevard.

AMENDMENTS TO THE FUTURE LAND USE MAP – (CITY INITIATED)

22  Marketplace at Delray

22  Breezy Acres

AMENDMENTS TO THE FUTURE LAND USE MAP – (PRIVATELY INITIATED)

22  Lintco Development

22  Waterford
List of Exhibits

Exhibit

1  General Location Map
2  Amendment Location Map
3  Marketplace of Delray – Location Map
4  Marketplace of Delray – Existing Future Land Use Map
5  Marketplace of Delray – Proposed Future Land Use Map
6  Breezy Acres – Location Map
7  Breezy Acres – Existing Future Land Use Map
8  Breezy Acres – Proposed Future Land Use Map
9  Lintco Development – Location Map
10 Lintco Development – Site Location Map
11 Lintco Development – Existing Future Land Use Map
12 Lintco Development – Proposed Future Land Use Map
13 Waterford – Location Map
14 Waterford – Site Location Map
15 Waterford – Existing Future Land Use Map
16 Waterford – Proposed Future Land Use Map
Exhibit 2
Amendment Location Map