

To: Council Members

From: Staff

Date: January 13, 2011

Subject: Local Government Comprehensive Plan Amendment Review
Adopted Amendments to the City of Delray Beach Comprehensive Plan
DCA Reference No. 10-1

Background

On December 14, 2010, the City of Delray Beach adopted text amendments to the Future Land Use, Housing, Transportation, Conservation and Capital Improvements Elements; as well as three Future Land Use Map (FLUM) amendments to the City Comprehensive Plan.

The Treasure Coast Regional Planning Council (TCRPC) reviewed the proposed amendments at a regular meeting held on October 15, 2010. The Florida Department of Community Affairs (DCA) issued a letter in lieu of an Objections, Recommendations and Comments (ORC) Report on November 12, 2010.

The City did not adopt one of the proposed FLUM amendments (Breezy Acres) and made some very minor modifications to the text amendments prior to adoption.

Evaluation

A. TCRPC Report

The TCRPC report concluded that the City had not provided adequate documentation of the need for the proposed Lintco, Inc. and Waterford FLUM amendments (see Attachment A).

B. DCA ORC Report

The letter of November 12, 2010 indicated the DCA had no objections to the proposed amendments.

C. City Response

1. To TCRPC Comments/Recommendations for Modification

No response received.

2. To the DCA ORC Report

No response necessary.

Conclusion

For information only.

Attachment

**Excerpts from TCRPC report on City of Delray Beach
Comprehensive Plan Amendments (DCA Ref# 10-1)
Approved at October 15, 2010 Council Meeting, Agenda Item 5E**

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.