



TO: Nicholas Mimms, P.E., City Manager

THROUGH: Rebeca Guerra, AICP, LEED-AP, CPD, Interim Planning Director

FROM: Brandon Creagan, LEED Green Associate, Planner

RE: **Application for a Future Land Use Map Amendment
 Neill Farms**

BOARD DATE: July 15, 2019

STAFF REPORT

Property Owner Neill Farms FP, LLC
 601 North Congress Avenue
 Delray Beach, Florida 33445

Applicant/Representative: Brian Nolan, AICP, ASLA (Lucido & Associates)
 701 Southeast Ocean Boulevard
 Stuart, Florida 34994

Requested Action: Approval to change the Future Land Use of two (2) parcels from GC, General Commercial to RM, Medium Density Residential. (Large Scale Amendment)

Site Location: East side of South Jenkins Road, approximately 1,000 feet south of State Road 70.

Parcel IDs: 2419-323-0001-000-1 & 2419-323-0002-000-8

Existing Use: Vacant

Parcel Size: 19.07 Acres

Current Zoning: General Commercial (C-3)

Current Future Land Use General Commercial (GC)

Proposed Future Land-Use Medium Density Residential (RM)

Proposed Zoning: PD, Planned Development (Future City Commission Meeting)

Surrounding Zoning/FLU:

| North | East | South | West |
|--------|--------|--------|--------|
| C-3/GC | C-3/GC | R-2/RL | R-1/RL |

Staff Analysis:***Request***

The applicant is requesting review and approval of a Future Land Use Map Amendment from CG, General Commercial to RM, Medium Density Residential for two parcels of land that are approximately 19.07 acres in size.

Background

The subject site was originally set for development in 2005 for a 214 lot residential subdivision also known as Neill Farms. The developer was to be KB Homes and the Zoning and Future Land Use for six parcels of the development were changed to R-4, Medium Density Residential and RM, Medium Density Residential under ordinances K-387 & K-388.

Standards for Review

The following standards must be satisfied per Section 22-131 of the City Code prior to the approval of the requested amendment:

- (1) The amendment is consistent with the comprehensive plan.
- (2) The amendment will not have an adverse effect on the ability of the city to:
 - a. Satisfy land and water use needs.
 - b. Meet transportation demands and provide community facilities and services.
- (3) The amendment will promote and protect the public health, safety and general welfare.

The proposed amendment is consistent with the Goals, Objectives, and Policies of the City's Comprehensive Plan, as the request for zoning change and Future Land Use change will be consistent with one another and more importantly will be consistent with the proposed use of the property. Furthermore, the amendment would not have an adverse effect on the ability of the City to satisfy land and water use needs, meet transportation demands, and provide community facilities and services. This was a previously approved project by the City Commission and the applicant this time is requesting the zoning to be changed to a PD, Planned Development instead of the R-4, Medium Density Zoning district as was previously approved on the property. There are other residential developments either existing or in the process of building around this site and the services that are provided for those developments would be the same or similar in this request. The presented amendment promotes and protects the public health, safety and general welfare because this project is being used as originally intended from the request that was brought before the City Commission in 2005. When the City Commission reviewed the project back in 2005 they were charged with identifying if the project met the three criteria stated above. It is a fair assessment that since the City Commission approved both the Rezoning and Future Land Use requests back in 2005 that the project met all specifications of 22-131. Since that time nothing has changed to alter that assessment except that the Zoning will become PD, Planned Development and the Future Land Use on 2 of the parcels will be changed to RM, Medium Density Residential to become consistent with the other 6 parcels that are a part of the proposed subdivision that also carry that Future Land Use.

Future Land Use Designation Comparison

The subject site currently has a Future Land Use of GC, General Commercial for two of the parcels. This designation is intended for parcels that are for higher intensity commercial developments or horizontal and vertical mixed-use developments. Uses allowed within this designation include multifamily residential, intensive and general commercial, retail, service, offices, tourist/entertainment facilities, hotels/motels, parks and recreation, along with compatible public, quasi-public, and special uses. This land use designation allows for a maximum density of 15 dwelling units per acre and a maximum FAR of 1.0. Development shall include either commercial or mixed uses fronting major roadway corridors with higher intensity near major intersections. Residential uses may comprise up to 20% of the total floor area of the General Commercial Future Land Use designation.

The subject site is seeking a Future Land Use of RM, Medium Density Residential for two of the parcels to be consistent with the other 6 parcels in the development that already have this designation. This designation is intended for parcels that are best suited for multifamily residential uses ranging in density from 6.5 to 12 dwelling units per acre. This category allows for small-lot single family units and multifamily dwellings including duplexes, condominiums, and townhomes. Limited commercial uses intended to serve residential uses shall be allowed. Compatible public, quasi-public, and special uses including parks, churches, non-profit clubs, schools, and daycare facilities shall also be allowed.

When comparing both of these designations the Medium Density Residential designation would be considered a less intense designation compared to the General Commercial designation. Also when developing a project all parcels associated with the project should have the same Future Land Use and Zoning, so there are not any inconsistencies in the enforcement of the Land Development Code on the project. This request is an appropriate measure to ensure that the proposed subdivision can be developed under the same set of standards for its chosen Zoning district and Future Land Use designation. Lastly, Residential is not as appropriate for a General Commercial Future Land Use as it is for a Medium Density Future Land Use, especially considering the size and scale of the proposed subdivision.

Technical Review Committee:

All affected City Departments have reviewed the proposed Application for a Zoning Atlas Map Amendment and Future Land Use Map Amendment and have provided conditional approval based on compliance with requirements of the City Code. The comments generated from the technical review, and any responses by the applicant have been provided.

Planning Board:

The Planning Board at their June 11, 2019 meeting voted 6-0 to recommend approval of the request as presented.

Staff Recommendation Future Land Use Map Amendment:

The requested Application for Future Land Use Map Amendment meets the criteria specified in Section 22-131 of the City Code, the Comprehensive Plan, and does not adversely affect the public health, safety, convenience and general welfare; Therefore Staff recommends that the City Commission **APPROVE** this Future Land Use Map Amendment to be Transmitted to State of Florida for Review.