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**TO:** Planning Board

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

**FROM:** Brandon Creagan, LEED Green Associate, Planner 

**RE:** **Application for a Zoning Atlas Map Amendment**  
**Application for a Future Land Use Map Amendment**  
**Application for Preliminary Plat**  
**Neill Farms**

**BOARD DATE:** June 11, 2019

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**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 rezone the subject property from C-3, General Commercial (2 parcels) & R-4, Medium Density Residential (6 parcels) to PD, Planned Development with associated Development Plan.

Approval to change the Future Land Use of two (2) parcels from GC, General Commercial to RM, Medium Density Residential.

Approval of a Preliminary Plat for a Subdivision to be known as Neill Farms.

**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, 2419-701-0001-0001, 2419-311-0002-000-1, 2419-313-0001-010-3, 2419-314-0002-000-0, 2419-313-0002-000-7, 2419-313-0001-000-0

**Existing Use:** Vacant

**Parcel Size:** 74.19 Acres

**Current Zoning:** General Commercial (C-3)/Medium Density Residential (R-4)

**Current Future Land Use** General Commercial (GC)/Medium Density Residential (RM)

**Proposed Zoning:** Planned Development (PD)

**Proposed Future Land-Use** Medium Density Residential (RM)

**Surrounding Zoning/FLU:**

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

**Staff Analysis:**

### ***Request***

In accordance with Sections 22-40, 22-128, & 22-143 of the City Code, the applicant is requesting the review and approval of a Zoning Atlas Map Amendment (Rezoning) from C-3, General Commercial (for two parcels) & R-4, Medium Density Residential to PD, Planned Development. The applicant is also 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. Lastly, in accordance with Chapter 18 of the City Code, the applicant is requesting review and approval of a Preliminary Plat for 74.19 acres of land. The applicant is requesting all of this so that they may develop a residential subdivision known as Neill Farms that will have 303 platted lots that will consist of single and two-family dwelling units.

### ***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 identified as 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 the Zoning and Future Land Use changes 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, would meet transportation demands, and provide community facilities and services. The applicant at this time is requesting the zoning to be changed to a PD, Planned Development instead of the R-4, Medium Density Zoning district that was previously approved on the property. There are other residential developments either existing or in the process

of being constructed around this site and the services that are provided for those developments would be the same or similar with this request. The presented amendment promotes and protects the public health, safety and general welfare as 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. Since that time nothing has changed to alter this except that the Zoning will now become PD, Planned Development and the Future Land Use on two of the parcels will be changed to RM, Medium Density Residential to become consistent with the other six parcels that are a part of the proposed subdivision that also carry that Future Land Use Designation.

### ***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 should 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 designation of RM, Medium Density Residential for two of the parcels to be consistent with the other six 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 designation 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.

**Staff Recommendation Zoning Atlas Map Amendment:**

The requested Application for a Zoning Atlas Map Amendment & associated Development Plan meets the criteria specified in Section 22-40 & 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 Planning Board forward a recommendation of **APPROVAL** to the City Commission.

**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 Planning Board forward a recommendation of **APPROVAL** to the City Commission.

**Staff Recommendation Preliminary Plat:**

The requested Application for Preliminary Plat meets the criteria as specified in Chapter 18 of the City Code of Ordinances and is consistent with the City's Land Development Code and Comprehensive Plan, therefore Staff recommends that the Planning Board forward a recommendation of **APPROVAL** to the City Commission with one (1) condition.

1. Prior to the submittal of the Final Plat address all of the Engineering Comments on the Plat document.