



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PUBLIC NOTICE

RE: REQUEST FOR REZONING AND LAND USE MAP AMENDMENT – DOC'S PLACE

Pursuant to the Land Development Regulations of the City of Delray Beach, you are hereby notified that the Planning and Zoning Board, acting as the Local Planning Agency, will conduct a **VIRTUAL PUBLIC HEARING** on **MONDAY, AUGUST 17, 2020 at 6:00 PM** to consider and make a recommendation to the City Commission regarding a privately-initiated request for a Land Use Map Amendment (LUMA) and rezoning of two parcels totaling 0.5744± acres located along West Atlantic Avenue between North Swinton Avenue and NW 1st Avenue (see map below) within the Old School Square Historic District. The applicant intends to redevelop the property as a 3-story mixed-use building. This notice is being provided as your property is located within 500 feet of the subject property.

The existing and proposed Land Use Map and zoning district designations are as follows (see attached map):

Existing Land Use:

Historic Mixed Use (HMU)

Proposed Land Use:

Commercial Core (CC)

Existing Zoning District:

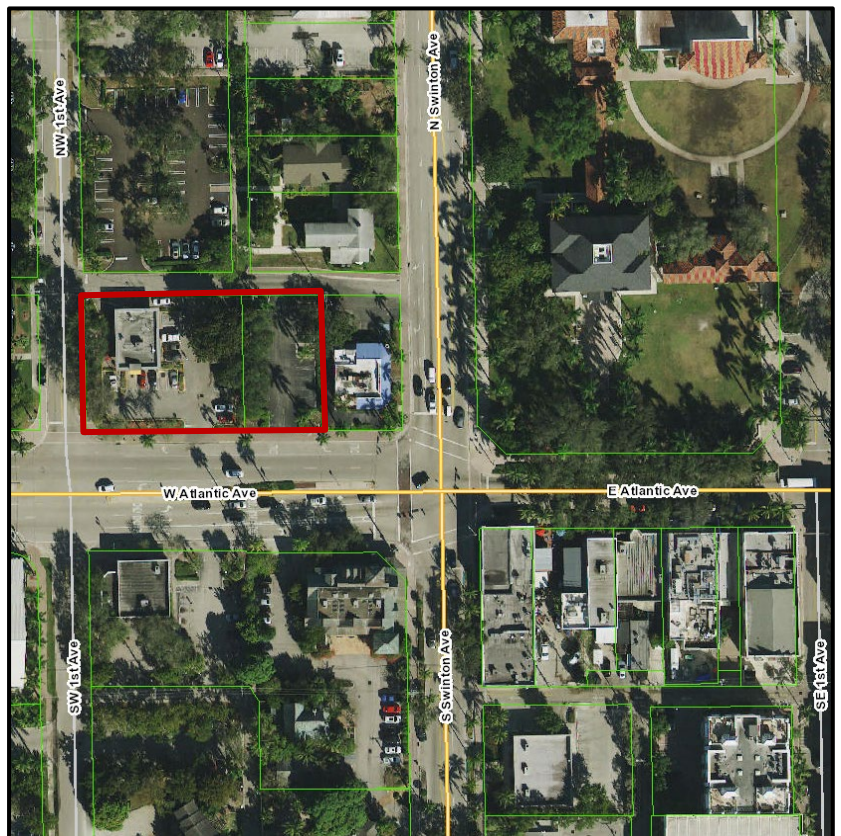
Old School Square Historic Arts District (OSSHAD)

Proposed Zoning District:

Central Business District (CBD)

Following the Planning and Zoning Board hearing, the City Commission will review the LUMA and rezoning requests at two separate hearings. A separate mail notice will be provided in advance of the 2nd City Commission adoption hearing (date to be determined).

Pursuant to Executive Order 20-69, during the COVID-19 State of Emergency, Planning and Zoning Board meetings may be held virtually. Members of the public wishing to view Planning and Zoning Board meetings should log into the City's website, <https://www.delraybeachfl.gov/i-want-to/watch/city-meetings>, where the meeting will be live-streamed for the public. The meeting agenda will be made available online prior to the meeting at: <https://delraybeach.legistar.com/Calendar.aspx>.



Due to the closure of City Hall, members of the public wishing to participate may do so by submitting their comments via voicemail. Any member of the public wishing to comment publicly on any matter, including public comment or public hearing items, may submit their comments by dialing (561) 243 - 7556 and leaving a voicemail message that will be played during the Planning and Zoning Board meeting and made a part of the public record:

1. State your full name
2. State your address
3. Leave a comment no longer than 3 minutes.

Public comment on items that have been set for a formal public hearing shall only be made during the presentation of the item. After the Planning and Zoning Board has heard from both the applicant and the City, the Board will take a recess in order to afford the public an opportunity to comment on the specific agenda item. After the recess, comments from the public will be played into the record for the Board's consideration.

The request for Land Use Plan Amendment and rezoning approval may be inspected online at <https://www.delraybeachfl.gov/government/city-departments/city-clerk/public-notices>. If you would like further information as to how the request may affect your property, please contact Amy Alvarez, Principal Planner, at 561.243.7284, via email at alvarez@mydelraybeach.com, or at the Development Services Department, City Hall, 100 NW 1st Avenue, Delray Beach, Florida 33444.

All interested parties are invited to attend the public hearing and comment upon the proposed action or submit their comments in writing on or before the date of the hearing to the Development Services Department. Please be advised that if the action taken on this request is appealed, the appellant may need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is to be based. The City does not provide nor prepare such record pursuant to F.S. 286.0105.

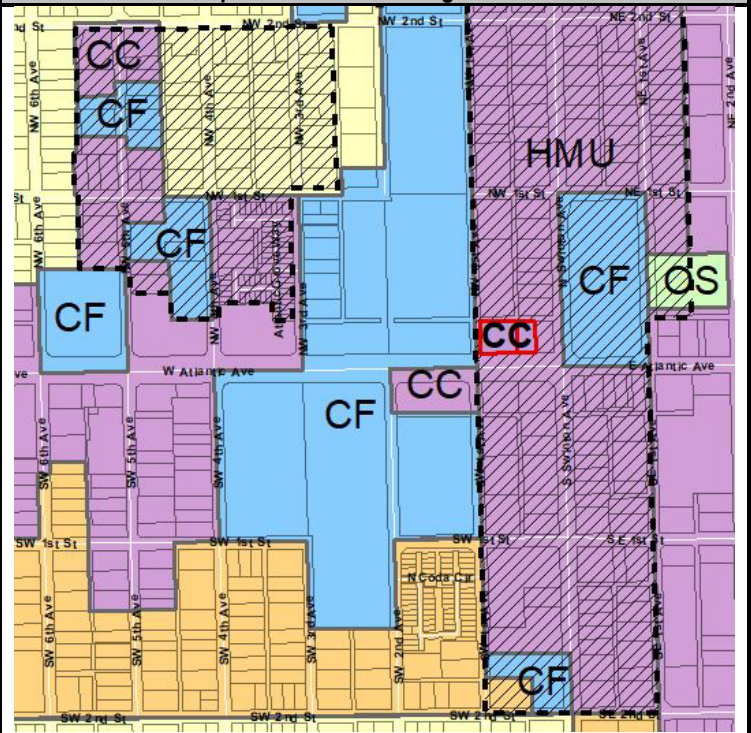
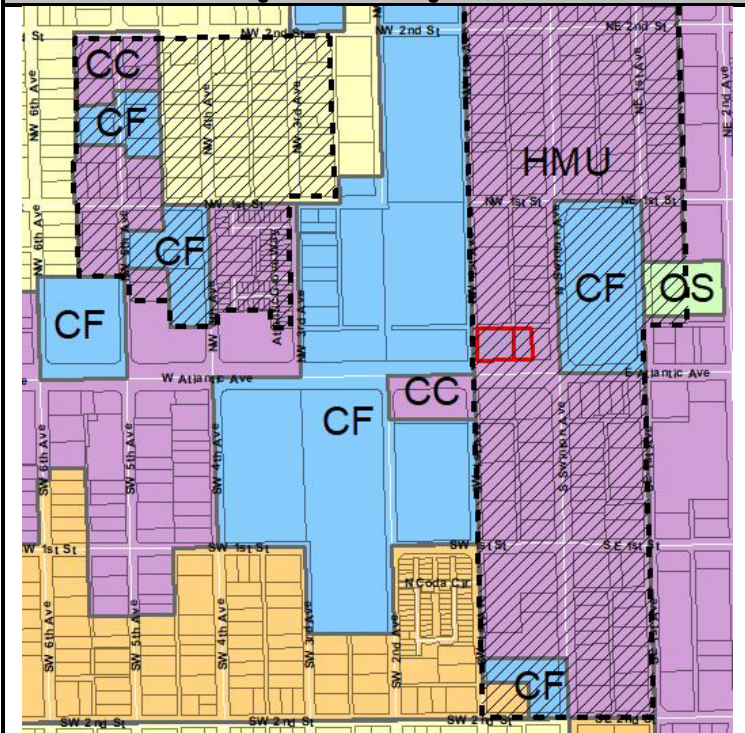
Doc's Place:

Land Use Map Amendment and Rezoning

Unaddressed Parking Lot (Lot 15, Block 60) and 37 West Atlantic Avenue (Lots 13 -14, Block 60)

Existing Land Use Designation: HMU

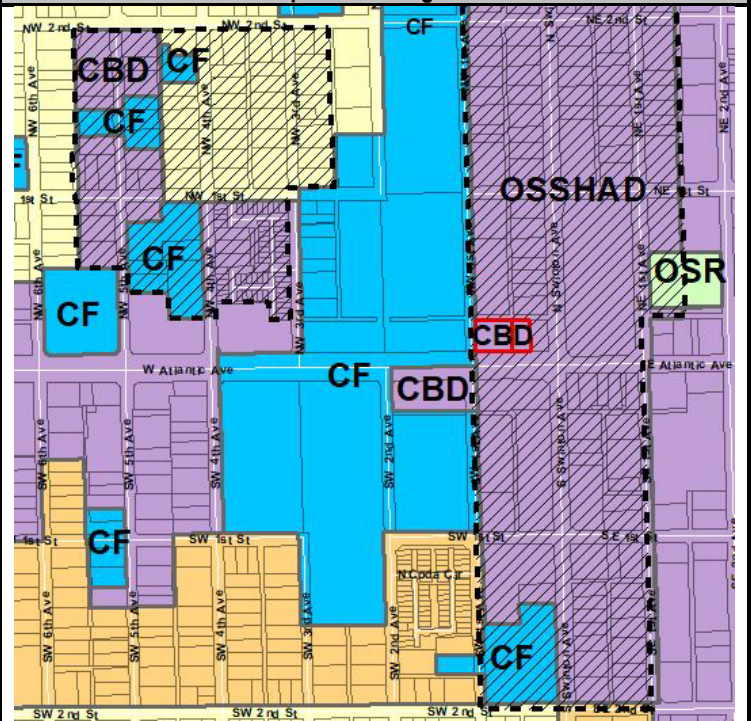
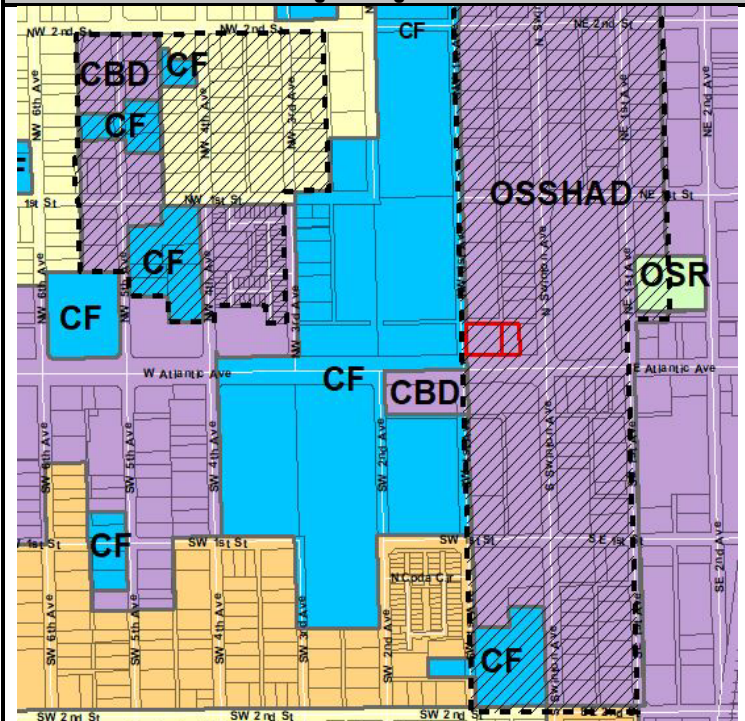
Proposed Land Use Designation: CC



KEY: HMU: Historic Mixed Use CF: Community Facilities CC: Commercial Core OS: Open Space

Existing Zoning: OSSHAD

Proposed Zoning: CBD

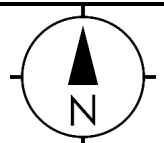


KEY: OSSHAD: Old School Square Historic Arts District CF: Community Facilities CBD: Central Business District OSR: Open Space & Recreation



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING



Date: August 7, 2020

ORDINANCE NO. 34-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, ADOPTING A SMALL SCALE LAND USE MAP AMENDMENT RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE FROM HISTORIC MIXED USE (HMU) TO COMMERCIAL CORE (CC), PURSUANT TO SECTION 163.3187, FLORIDA STATUTES, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Delray Beach exercised the authority granted pursuant to the provisions of Florida Statutes Sections 163.3161 through 163.3248, inclusive, known as the "Community Planning Act"; and

WHEREAS, via Ordinance No. 82-89, the City Commission adopted the document entitled "Comprehensive Plan - Delray Beach, Florida"; and

WHEREAS, Cecelia J. Egan, Diane Marshall, Vito W. Vultaggio, and Philip Vultaggio, Jr., are the fee simple owner of 37 West Atlantic Avenue and an abutting unaddressed parcel, which combined measure approximately 0.57 acres± and are located on the north side of West Atlantic Avenue between North Swinton Avenue and NW 1st Avenue; and

WHEREAS, Cecelia J. Egan, Diane Marshall, Vito W. Vultaggio, Philip Vultaggio, Jr., designated John W. Szerdi, Architect for Banyan Fund, LLC, as the agent for the Land Use Map amendment to re-designate the parcels from Historic Mixed Use (HMU) to Commercial Core (CC); and

WHEREAS, the subject properties hereinafter described have an existing Land Use Map designation of HMU; and

WHEREAS, pursuant to Florida Statutes 163.3174(4), the Planning and Zoning Board for the City of Delray Beach, sitting as Local Planning Agency, considered this item at a public hearing on August ____, 2020, and voted ____ to ____ to recommend that the Land Use Map designation be changed for the properties hereinafter described, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, it is appropriate that the designation of Commercial Core (CC) on the Land Use Map of the City of Delray Beach, Florida is applied to the property described herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. That the recitations set forth above are incorporated herein.

Section 2. That the Land Use Map of the City of Delray Beach, Florida, be and the same, is hereby amended to reflect a future land use designation of Commercial Core (CC) for the described properties in Exhibit "A", Legal Descriptions, attached hereto and incorporated herein.

Section 3. That the City Commission of the City of Delray Beach, Florida, hereby declares its intent to exercise the authority granted pursuant to the provisions of Sections 163.3161 through 163.3248, Florida Statutes, inclusive, known as the "Community Planning Act."

Section 4. The Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this ordinance, be amended to conform to the provisions of Section 2 hereof, as depicted in Exhibit "B", Proposed Land Use Map, attached hereto and incorporated herein.

Section 5. The Land Use Map of the City of Delray Beach, Florida, shall, upon the effective date of this Ordinance, be amended to conform to the provisions of Section 4 hereof.

Section 6. All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 7. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 8. This ordinance shall become effective thirty-one (31) days after adoption, unless the Comprehensive Plan amendment is timely challenged. If timely challenged, the effective date of this Ordinance shall be the date a final order is issued by the State Land Planning or the Administration Commission, finding the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

“EXHIBIT A”
LEGAL DESCRIPTIONS

37 WEST ATLANTIC AVENUE (PCN 12-43-46-16-01-060-0130)

Lots 13 and 14, Block 60, Delray Beach (formerly Linton), according to the plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida. Less that portion conveyed to the State of Florida, in Official Records Book 1253, Page 461, of the Public Records of Palm Beach County, Florida.

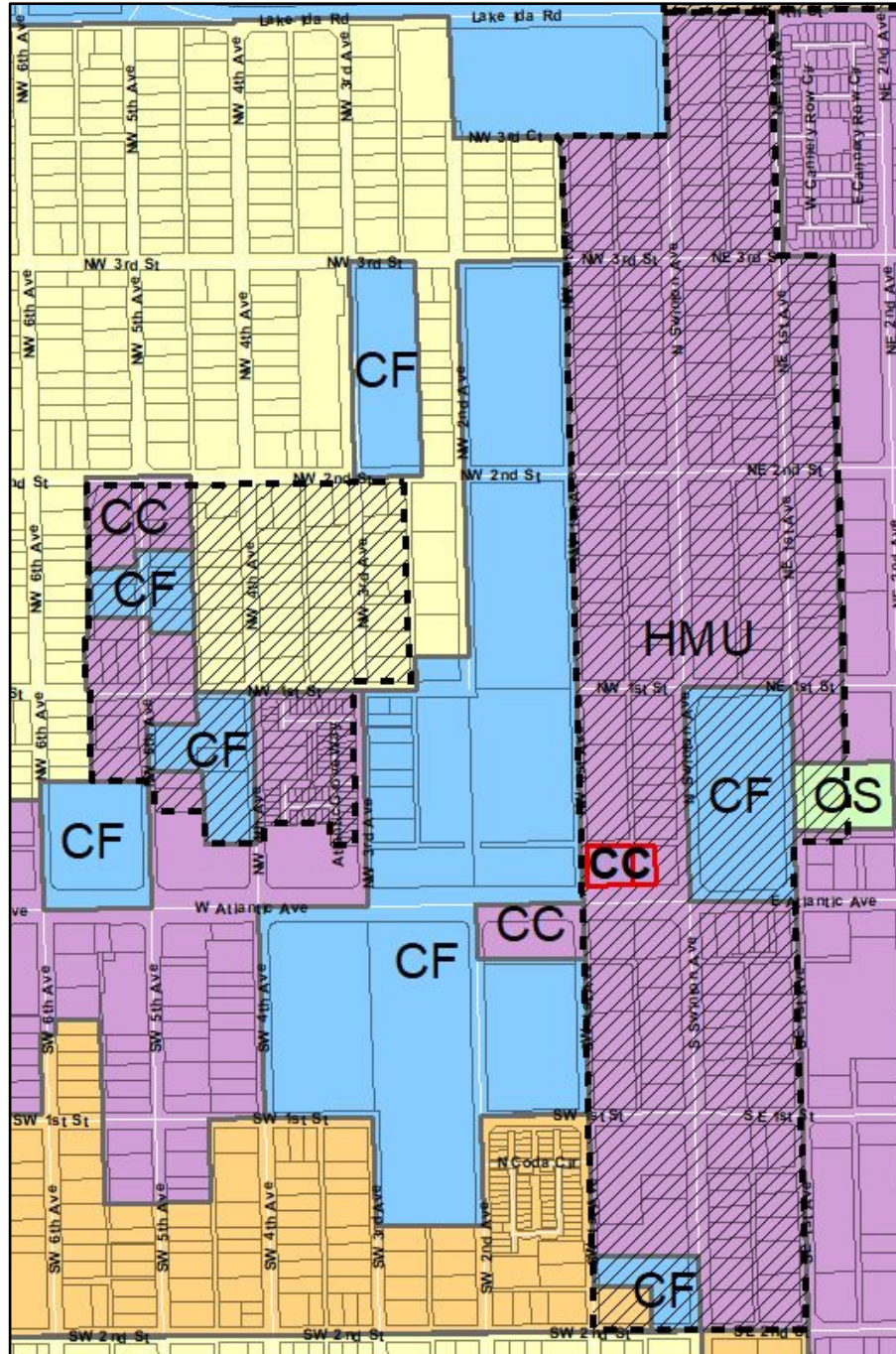
TOGETHER WITH

UNADDRESSED PARCEL (PCN 12-43-46-16-01-060-0150)

Lot 15 (less the South 20 feet thereof), Block 60, Delray Beach (formerly Linton), according to the plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida.

Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.57 acres, more or less.

“EXHIBIT B”
PROPOSED LAND USE MAP



ORDINANCE NO. 35-20

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, REZONING AND RE-DESIGNATING LAND APPROXIMATELY 0.57± ACRES IN SIZE PRESENTLY ZONED OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD) TO CENTRAL BUSINESS DISTRICT (CBD), WITHIN THE WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT, FOR THE PROPERTIES LOCATED AT 37 WEST ATLANTIC AVENUE AND AN ABUTTING UNADDRESSED PARCEL TO THE EAST, AS MORE PARTICULARLY DESCRIBED HEREIN; AMENDING THE LAND DEVELOPMENT REGULATIONS OF THE CODE OF ORDINANCES BY AMENDING CHAPTER 4, "ZONING REGULATIONS," ARTICLE 4.4, "BASE ZONING DISTRICT," SECTION 4.4.13, "CENTRAL BUSINESS (CBD) DISTRICT," SUBSECTION (B), "REGULATING PLANS," AND FIGURE 4.4.13-6, "WEST ATLANTIC NEIGHBORHOOD SUB-DISTRICT REGULATING PLAN;" BY AMENDING SECTION 4.4.24, "OLD SCHOOL SQUARE HISTORIC ARTS DISTRICT (OSSHAD)," SUBSECTIONS 4.4.24(B), "PRINCIPAL USES AND STRUCTURES," 4.4.24(C), "ACCESSORY USES AND STRUCTURES PERMITTED," 4.4.24(E), "REVIEW AND APPROVAL PROCESS," AND 4.4.24(F), "DEVELOPMENT STANDARDS," TO REFLECT THE REZONING AND RE-DESIGNATION, AND IDENTIFY THE FLOOR AREA RATIO LIMITATION; PROVIDING A CONFLICTS CLAUSE AND A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the properties hereinafter described are shown on the City of Delray Beach Zoning Map, dated June 29, 2017, as being zoned Old School Square Historic Arts District (OSSHAD) and located within the Old School Square Historic District; and

WHEREAS, Cecelia J. Egan, Diane Marshall, Vito W. Vultaggio, and Philip Vultaggio, Jr., are the fee simple owner of 37 West Atlantic Avenue and an abutting unaddressed parcel, which measure approximately 0.57 acres± and are located on the north side of West Atlantic Avenue between North Swinton Avenue and NW 1st Avenue; and

WHEREAS, Cecelia J. Egan, Diane Marshall, Vito W. Vultaggio, Philip Vultaggio, Jr., designated John W. Szerdi, Architect for Banyan Fund, LLC, as the agent for the request to re-zone the parcels from Old School Square Historic Arts District (OSSHAD) to Central Business District (CBD); and

WHEREAS, a land use designation of Commercial Core was simultaneously requested for said parcels, and approved by the City of Delray Beach on _____, 2020; and

WHEREAS, pursuant to Florida Statutes 163.3174(4)(c), the Planning and Zoning Board for the City of Delray Beach, sitting as the Local Planning Agency, considered this item at a public hearing on August 18, 2020, and voted X to X to recommend the property hereinafter described be rezoned to City of Delray Beach Central Business District (CBD), finding the request and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations; and

WHEREAS, the City Commission of the City of Delray Beach finds this Ordinance is consistent with the Comprehensive Plan; and

WHEREAS, it is appropriate the Zoning District Map of the City of Delray Beach, Florida, be amended to reflect the revised zoning classification; and

WHEREAS, due to the rezoning and re-designation, Sections 4.4.13, “Central Business (CBD) District,” and 4.4.24, “Old School Square Historic Arts District (OSSHAD),” of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be amended to be consistent with the revised zoning classification.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The recitations set forth above are incorporated herein.

Section 2. The Zoning District Map of the City of Delray Beach, Florida, be, and the same is, hereby amended to reflect a zoning classification of Central Business (CBD) District for the described properties in Exhibit “A”, Legal Descriptions, and identified in Exhibit “B”, Proposed Zoning Map, attached hereto and incorporated herein.

Section 3. That Section 4.4.13, “Central Business District (CBD),”, Subsection 4.4.13(B), “Regulating Plans,” of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(1)-(5) (These subsections shall remain in full force and effect as previously adopted.)

(6) **Old School Square Historic Arts District (OSSHAD) Zoning with CBD Overlay.** Section 4.4.24(E) identifies OSSHAD properties with CBD Overlay and which CBD Sub-district standards apply.

- a. Properties with OSSHAD Zoning with CBD Overlay may follow the applicable CBD Sub-district development standards for principal and accessory uses only and may not apply for conditional uses or participate in the Incentive Program in Section 4.4.13(H).
- b. CBD Overlay properties are also subject to the OSSHAD Special District Regulations of Section 4.4.24(H).

- c. CBD Overlay properties must adhere to the required standards set forth in Section 4.4.13(F)(1), and 4.4.13(K)(3).
- d. Properties with OSSHAD Zoning with CBD Overlay must individually maintain consistency with the requirements of the applicable land use designation.

(7) Limited Floor Area Ratio. The following properties are subject to a limited Floor Area Ratio (FAR):

- a. Lots 13 – 15, Block 60, are limited to a FAR of 2.6.
- b. Lots 13 – 16, Block 60, are limited to a combined FAR of 2.0 when redeveloped together and includes the preservation of the Doc’s All-American structure on Lot 16, Block 60 (10 North Swinton Avenue).

Section 4. That Figure 4.4.13-6, “West Atlantic Neighborhood Sub-district Regulating Plan,” in Section 4.4.13, “Central Business (CBD) District,” of the Land Development Regulations shall, upon the effective date of this Ordinance, be removed and replaced as shown in Exhibit “C”, to conform with the provisions of Section 2 hereof.

Section 5. That Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection 4.4.24(B), “Principal uses and structures,” of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(B) Principle uses and structures. The following types of uses are allowed within the OSSHAD as a permitted use:

- (1)-(11) (These subsections shall remain in full force and effect as previously adopted.)
- (12) Within the following described areas, the uses allowed as permitted uses in Section 4.4.13(B) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD:
 - (a) ~~Lots 13—16, Block 60;~~
 - (b) Lots 1—4, Block 61;
 - (c) Lots 1—7, Lots 16—18 and 19-24, Block 69
 - (d) Lots 23-25, Block 70;
 - (e) Lots 7—8, and the South 34.75 feet of Lot 6, Block 75; and
 - (f) Lots 1—6, Block 76.

(13)-(15) (These subsections shall remain in full force and effect as previously adopted.)

Section 6. That Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection 4.4.24(C), “Accessory uses and structures permitted,” of the Land Development Regulations of the Code of

Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(C) **Accessory uses and structures permitted.** The following uses are allowed when a part of, or accessory to, the principle use:

(1)-(5) (These subsections shall remain in full force and effect as previously adopted.)

(6) Within the following described areas, the uses allowed as accessory uses in Section 4.4.13(C) pursuant to the base district and special regulations of the Central Business District regulations shall also be allowed in the OSSHAD:

- (a) Lots ~~13~~—16, Block 60;
- (b) Lots 1—4, Block 61;
- (c) Lots 1—7, Lots 16—18 and 19-24, Block 69;
- (d) Lots 23—25, Block 70;
- (e) Lots 7—8, and the South 34.75 feet of Lot 6, Block 75; and
- (f) Lots 1—6, Block 76.

(7) (This subsection shall remain in full force and effect as previously adopted.)

Section 7. That Section 4.4.24, “Old School Square Historic Arts District (OSSHAD),” Subsection 4.4.24(F), “Development standards,” of the Land Development Regulations of the Code of Ordinances of the City of Delray Beach, Florida, be and the same is hereby amended as follows:

(F) **Development standards.** The development standards as set forth, for the OSSHAD District, in Section 4.3.4 apply, except as modified below:

(1) (This subsection shall remain in full force and effect as previously adopted.)

(2) The following locations shall be subject to the development standards of the West Atlantic Neighborhood (WAN) area of the CBD Zone District:

- (a) Lots ~~13~~—16, Block 60.
- (b) Lots 1—4, Block 61.

(3)-(7) (These subsections shall remain in full force and effect as previously adopted.)

Section 8. That all ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

Section 9. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 10. Specific authority is hereby given to codify this Ordinance.

Section 11. This ordinance shall become effective only after the effective date of Ordinance No. 34-20, and upon approval at second reading. No development orders, or land uses dependent on this amendment may be issued or commence before it has become effective.

PASSED AND ADOPTED in regular session on second and final reading on this _____ day of _____, 2020.

ATTEST:

Katerri Johnson, City Clerk

Shelly Petrolia, Mayor

First Reading: _____

Second Reading: _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney

EXHIBIT A
LEGAL DESCRIPTIONS

37 WEST ATLANTIC AVENUE (PCN 12-43-46-16-01-060-0130)

Lots 13 and 14, Block 60, Delray Beach (formerly Linton), according to the plat thereof, as recorded in Plat Book 1, Page 3, of the Public Records of Palm Beach County, Florida. Less that portion conveyed to the State of Florida, in Official Records Book 1253, Page 461, of the Public Records of Palm Beach County, Florida.

TOGETHER WITH

UNADDRESSED PARCEL (PCN 12-43-46-16-01-060-0150)

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Said land situated in the City of Delray Beach, Palm Beach County, Florida and contains 0.57 acres, more or less.

EXHIBIT B
PROPOSED ZONING MAP

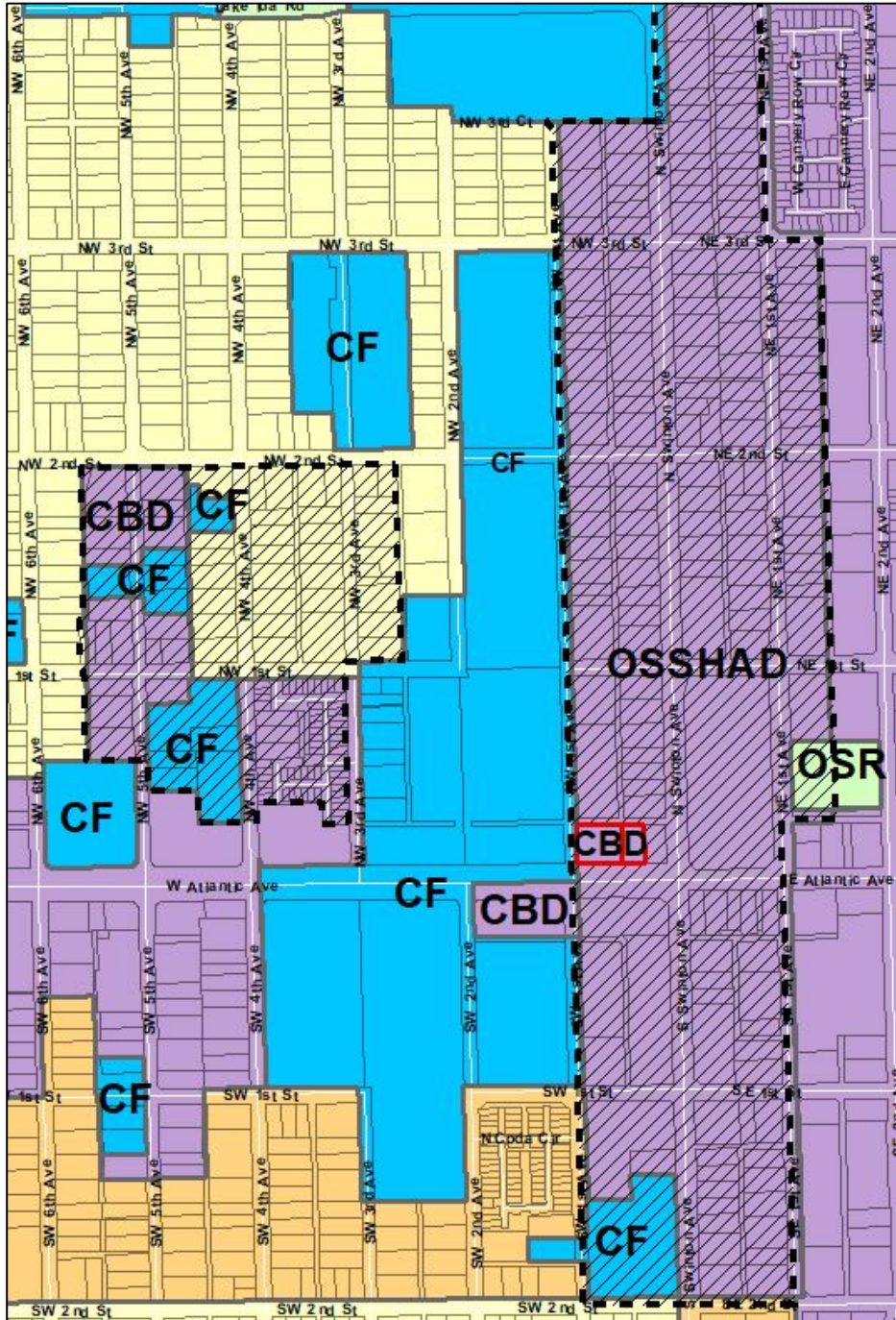
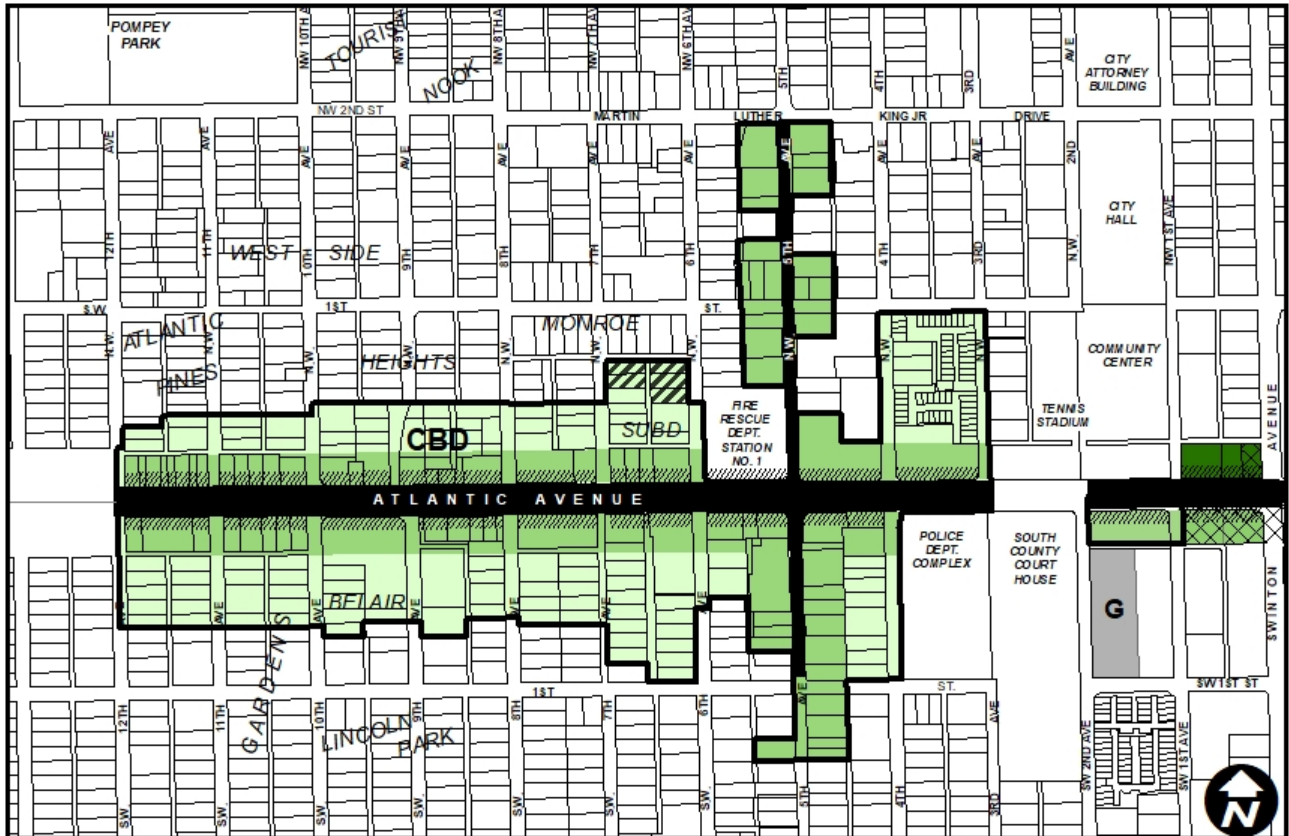


EXHIBIT C

Figure 4.4.13-6 West Atlantic Neighborhood Sub-district Regulating Plan



-  CBD ZONING
-  REQUIRED RETAIL FRONTAGE
-  OSSHAD ZONING WITH CBD OVERLAY
-  WEST ATLANTIC NEIGHBORHOOD LIMITED HEIGHT AREA
-  LIMITED FLOOR AREA RATIO
-  WEST ATLANTIC NEIGHBORHOOD COMMERCIAL AREA
-  WEST ATLANTIC NEIGHBORHOOD
-  PRIMARY STREETS
-  PUBLIC PARKING GARAGE