



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

100 N.W. 1ST AVENUE • DELRAY BEACH • FLORIDA 33444 • (561) 243-7040



PLANNING & ZONING BOARD STAFF REPORT

Cason Court

Meeting	File No.	Application Type
November 14, 2022	2021-268-FLM-CCA 2021-269-REZ-CCA 2021-270-MDP-SPR	Land Use Map Amendment (LUMA), Rezoning, Master Development Plan, and Variances
Applicant	Owner	Authorized Agent
Cason Court, LLC	Cason United Methodist Church, Inc.	Marcela Camblor and Associates, Inc.

Request

Provide a recommendation to the City Commission on a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) (Ordinance No. 39-22), rezoning request from Community Facilities (CF) to Planned Residential Development – 4 du/acre (PRD-4) (Ordinance No. 38-22) for a 2.83-acre portion of the 5.88 acre property located at 342 North Swinton Avenue, further described in Exhibit A, and to approve the associated Master Development Plan (MDP) with three variances and a special parking reduction, for the entire subject property.

Background Information

The subject property is a 5.88-acre lot located on the southwest corner of Lake Ida Road and North Swinton Avenue. The property is currently developed with an 18,556 square foot church (Cason United Methodist Church) with a private school. The west 2.83-acre portion of the property remains vacant. The following is a summary of the property's history:

- 1968. The main church building was constructed.
- 1975-1981. Additions to the church were approved and completed. The property was zoned Single Family Residential (R-1-A).
- 1989. The property's land use was amended from Single Family (SF) to CF.
- 1988-2009. The church operated a daycare known as Cason Christian Academy.
- October 1990. A portion of the property was rezoned from R-1-A to CF through a Citywide ordinance.
- August 1991. The original ordinance that rezoned the property to CF was corrected to rezone the remaining portion of the property CF.



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Attachments:

- Ordinance No. 38-22
- Ordinance No. 39-22
- Existing and Proposed Land Use
- Existing and Proposed Zoning
- Master Development Plan
- Justification Statement
- Parking Demand Analysis Report
- Legal Review Form

- May 1992. A phased site plan was approved for the construction of a new 9,427 square foot fellowship hall, a 7,202 square foot addition to the main church building, a 1,712 square foot entry court, and expansion of the childcare area to accommodate 84 students.
- May 3, 2021. A Conditional Use was approved to allow a private school accommodating a maximum of 36 students in connection with the religious facility.
- March 2022. The property owner recorded a 15-foot wide right-of-way dedication, extending the length of a portion of the property, along Lake Ida Road to Palm Beach County. It is noted that during the review of the site plans, the property owner was required to dedicate 15 feet of right-of-way along Lake Ida Road to Palm Beach County. The dedication is only applied to the LUMA and rezoning subject area. If the church property is ever be demolished and redeveloped, a right-of-way dedication will be required for that portion of the property as well.

The property is currently zoned CF with a land use map (LUM) designation of CF. The CF land use designation is intended to *provide a full range of local or regional community-based uses primarily intended to serve the public*. Similarly, the CF zoning district is intended for *locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities*.

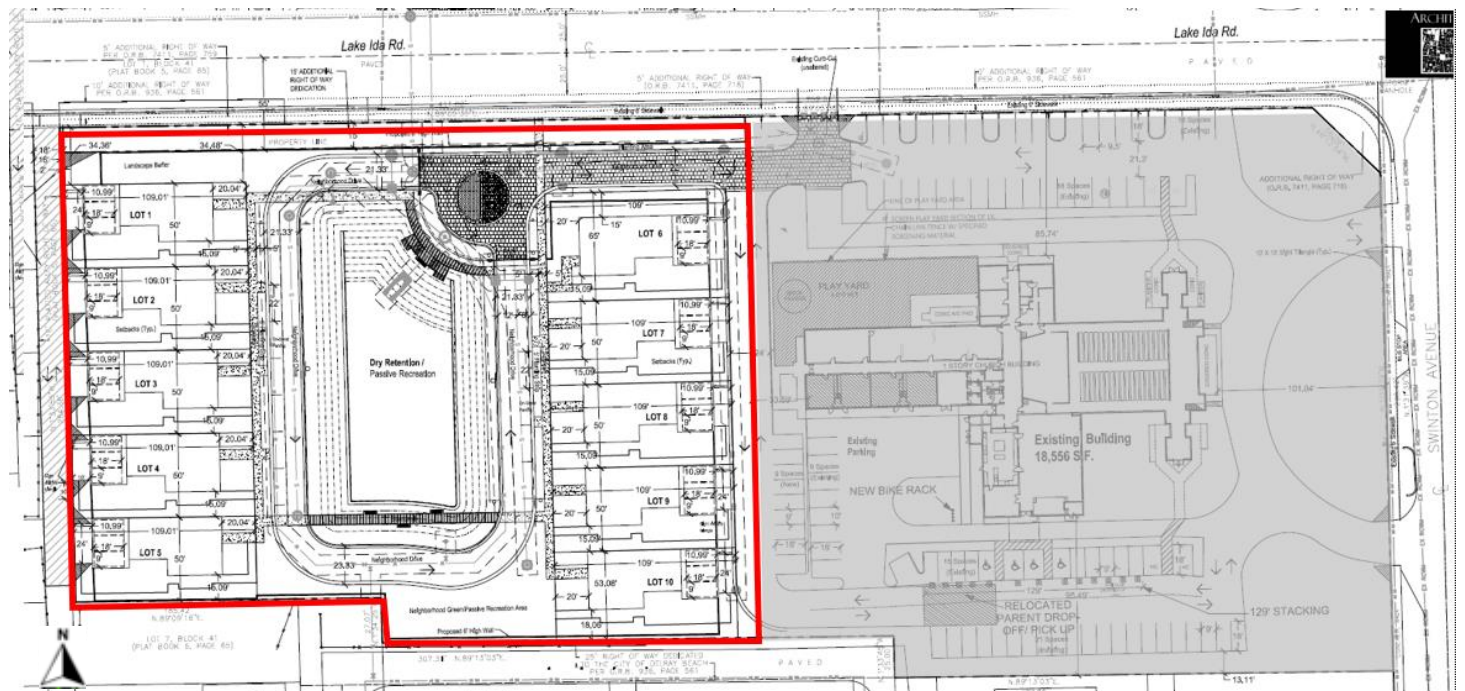
Description of Proposal

The subject request is for a small-scale LUMA from CF to Low Density (LD) and a rezoning from CF to Planned Residential Development – 4 du/acre (PRD-4), with an associated MDP and three variances. The associated MDP is by the PRD zoning. Pursuant to **LDR Section 4.4.7(E)(1)**, *all principal uses and structures must be approved by the Planning and Zoning Board through a Master Development Plan*.

Land Use Map Amendment and Rezoning

The subject area for the LUMA and Rezoning is the western 2.83-acre portion of the 5.88-acre parcel, outlined in red in the map below and further described in Exhibit A. While approval of the LUMA and Rezoning would result in the establishment of two different zoning districts on one parcel, a technical note has been added requiring that the property be divided along the zoning district boundary line through a Minor Plat process. The platting of the individual residential lots, common area, and shared access easements will be completed through a separate Major Plat.

The requested LD land use has a maximum density of five dwelling units per acre; LD land use does not establish a maximum Floor Area Ratio (FAR). The LD land use is intended to maintain and enhance *the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity*.

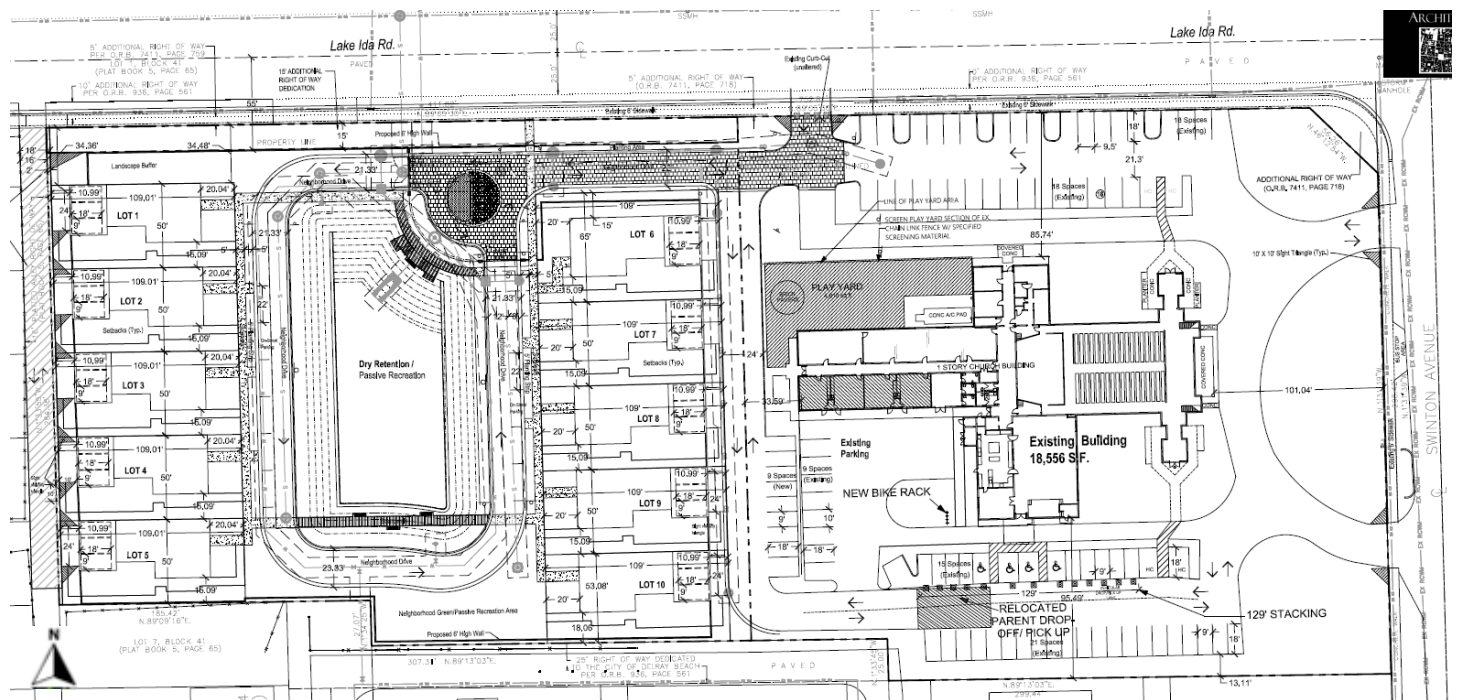


The requested PRD district, which is a preferred zoning district for the LD land use designation, provides a residential zoning district with flexible densities in which multiple-family and single-family detached dwellings are designed together so as to: promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design (LDR Section 4.4.7(A)). Additionally, the density for a PRD is established by a numerical suffix affixed to the designation and shown on the zoning map i.e. PRD-8 limits the density to eight units per acre. To seek a density greater than that shown in such a manner, it is necessary to rezone the property. If there is no density suffix, then the maximum density shall be as allowed by the Land Use Map (LDR Section 4.4.7(H)(1)). The applicant has requested PRD-4 zoning, which fixes the density at 4 dwelling units per acre.

Master Development Plan

The MDP encompasses the entire 5.88-acre parcel, including the existing +/- 19,580 square foot church and the proposed diagrammatic configuration of 10 new single-family residences known as Cason Court. Primary guest access to Cason Court is provided via a shared access drive aisle off of Lake Ida Road leading up to an automated gate to the west of the roundabout. Residents of Lots 1-5 are intended to access their homes through the rear (west) alleyway, and residents of Lots 6-10 are intended to access their homes through the shared drive aisle west of the church parking and play yard (diagram below). As a result of the proposed shared drive aisle, 49 parking spaces will be eliminated, and the parent pick-up/drop-off area has been relocated to the south of the church. The special parking reduction will be reviewed for approval as part of the MDP, and the modifications to the pick-up/drop-off area, along with the proposed new single-family residences, are being processed and reviewed as separate Class II and Class III Site Plan applications, subject to review and approval by the Site Plan Review and Appearance Board (SPRAB).

The MDP is provided below and is also attached as Exhibit C in Ordinance 38-22.



Variances

The applicant is requesting three variances associated with the MDP. The variances are outlined below.

- **Variance A.** A variance request to LDR Section 4.6.5(F) to establish a wall along the north property line with a zero foot setback in lieu of the required two foot setback.
- **Variance B.** A variance request to LDR Section 4.6.4(A)(2)(a) and LDR Section 4.4.21(H)(2), allowing the establishment of a residential zoning district (PRD) adjacent to CF zoning without the required district boundary buffer (a solid finished masonry wall or continuous hedge along the west property line).
- **Variance C.** A variance request to allow a PRD to be established on a 2.83-acre parcel, instead of the minimum five-acre requirement to establish a PRD (LDR Section 4.4.7(F)(2)(c)).

A full analysis of the requested variances is provided in the analysis section of this report.

Parking Reduction

Pursuant to **LDR Section 4.6.9(F)(1), Reduction allowed**, when upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly.

The subject site currently has 139 parking spaces associated with the church and school. As a result of the proposed shared drive aisle between the church and the Cason Court development, 49 parking spaces will be eliminated, resulting in a total of 90 parking spaces on the church parcel. Based on the City's parking requirements, a minimum of 106 spaces shall be provided for the church and school. Therefore, the applicant is requesting a special parking reduction of 16 spaces and has provided a Parking Demand Analysis to support the request.

Review and Analysis

Land Use Map Amendment

LDR Section 2.4.5(A), Amendments to the Comprehensive Plan

Amendments must follow the procedures outlined in the Florida Statutes. The LUM is adopted as part of the Comprehensive Plan. Therefore, the LUMA is being processed as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

LDR Section 3.1.1, Required Findings

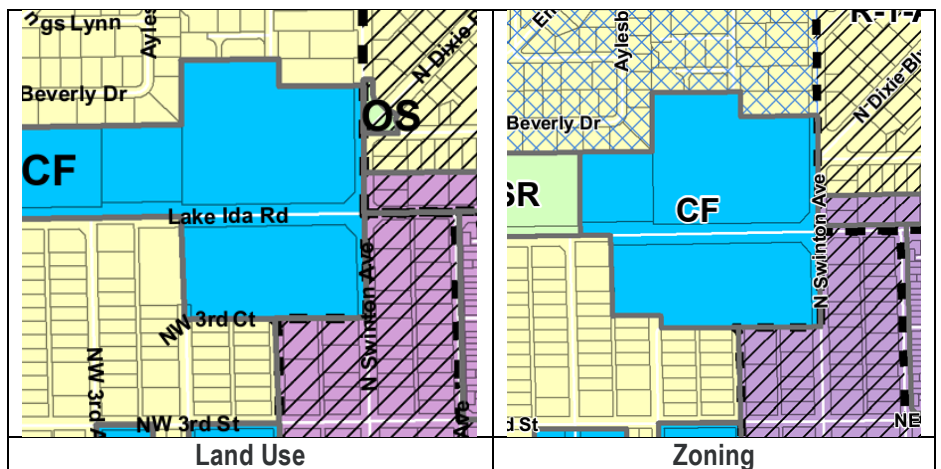
Prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

(A) Land Use Map: The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Land Use Map.

Neighborhoods, Districts, and Corridors Element

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The existing land use designation of CF lists CF as a preferred implementing zoning district. The PRD zoning designation is not listed as an implementing zoning district for the CF land use designation. Therefore, the applicant has requested both a LUMA and a Rezoning to meet the consistency requirement.

The table below provides a comparison of density and intensity limitations for both the CF and LD land use designations. The proposed PRD-4 zoning is permitted in LD, Medium Density (MD), and Transitional (TRN) land use, with the density regulated by the underlying land use and the MDP. As residential uses are not permitted in the CF land use designation, the proposed LUMA will increase the potential density on the parcel.






Land Use Designation	Density (Standard dwelling units/acre)	Intensity (Maximum Floor Area Ratio)
CF	---	1.0
LD	Up to 5	---

The Comprehensive Plan policies listed below describe the intent and provide direction regarding the implementation of the existing and proposed land use designations.

Neighborhoods, Districts, and Corridors Element

Objective NDC 1.1, Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and difference neighborhoods, districts, and corridors throughout Delray Beach.*

Policy NDC 1.1.2 *Provide a complementary mix of land uses, including residential, office, commercial, industrial, recreational, and community facilities, with design characteristics that provide:*

-  *Similar uses, intensity, height, and development patterns facing each other, especially in residential neighborhoods.*
-  *Uses that meet the daily needs of residents.*
-  *Public open spaces that are safe and attractive.*

Policy NDC 1.1.11 *Use the implementing zoning districts identified in Table NDC-1 to provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation.*

Policy NDC 1.1.12 *Develop and redevelop remaining infill lots in residential neighborhoods using zoning that is identical or most similar to the zoning of adjacent properties or that results in same or less intense development.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*

Objective NDC 1.2, Residential Land Use Designations *Apply the Low Density Residential and Medium Density Residential land use designations to maintain and enhance the City's established neighborhood characteristics, while supporting new and revitalized housing that compliments the desired development pattern and intensity.*

Policy NDC 1.2.3 *Allow the Low Density Residential land use designation on land that is or will be developed for detached, single family residential housing or for residential uses within a mix of housing types under a planned residential zoning district.*

Policy NDC 1.2.5 *Use the Low Density Residential land use designation to create and maintain low density residential neighborhoods up to five dwelling units per acre with high quality amenities.*

Objective NDC 3.4, Land Use Map Amendments *Use a consistent set of standards to evaluate amendments to the Land Use Map.*

Policy NDC 3.4.1 *Amend the Land Use Map only when a demonstrated need for the requested land use is based upon circumstances that are verified and supported by data and analysis, such as shifts in demographic trends, changes in the availability of land, changes in the existing character and Land Use Map designations of the surrounding area, fulfillment of a comprehensive plan objective or policy, annexation into the municipal boundaries, or similar circumstances, and the following findings can be determined:*

- *That the requested land use designation is consistent with the goals, objectives, and policies of the most recently adopted Comprehensive Plan; and,*
- *That development at the highest intensity possible under the requested land use designation meets the adopted concurrency standards; and,*
- *That the requested land use designation is compatible with the land use designations of the surrounding area; and,*
- *That the requested land use designations are compliant with the provisions and requirements of the Land Development Regulations.*

The subject property is surrounded by LD, CF, and Historic Mixed Use (HMU) land uses, which are generally comprised of single-family neighborhoods. A church with an associated private school is located to the north (Recovery Church Delray and Trinity Delray Lutheran School). The proposed LD land use allows for zoning that facilitates small-scale residential development, which is compatible with the surrounding neighborhood in character and scale. The proposed PRD-4 zoning and MDP establish 10 new single-family residences at a maximum density of four dwelling units per acre, which is a density consistent with the general area. The chart below provides a summary.

Location	Development Type / Uses	Land Use Designation	Zoning District
North	Church with school (Recovery Church Delray and Trinity Delray Lutheran School)	CF	CF
South	Single-family residences	LD and HMU	R-1-A and OSSHAD
East	Single-family residences	HMU	OSHHAD
West	Single-family residences	LD	R-1-A

(B) Concurrency. *Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Schools. The project is pending School Capacity Availability Determination (SCAD). Review and approval from the School Board is required prior to the adoption hearing to ensure the proposal meets the school capacity availability for Palm Beach County. If impact fees are required, such fees will be due at the time of building permit. Any new development proposal will require final SCAD review, and any negative impact on the public school system will result in a required contribution to the School District of Palm Beach County to offset the impact prior to issuance of the building permit.

Water and Sewer. The site will be connected to existing City water and sewer connections. One of the City's active roadway projects involves replacing the six-inch watermain along NW 3rd Court. Therefore, a technical note associated with the Class II Site Plan application requires the project manager to coordinate with the City prior to constructing along NW 3rd Court to connect to the new water main.

Further, pursuant to the Comprehensive Plan, treatment capacity is available at the South Central County Waste Water Treatment Plant for the City at build-out. The Comprehensive Plan also states that adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current LUM designation. The designation change to LD will not significantly increase the demand on these services given the size of the property and proposed development.

Solid Waste. The LUMA and rezoning subject area is unimproved and therefore, currently generates zero solid waste. Under the LD land use designation and PRD-4 zoning, a maximum of 10 single-family structures are permitted. Based on Palm Beach County Waste Generation Rates, a single-family residence generates 1.99 tons of waste per year. Therefore, the proposed development is anticipated to generate approximately 19.9 tons of waste per year. A complete review of solid waste capacity is completed during the site plan review process. It is noted that at this time, the landfill serving the property is projected to have sufficient capacity to meet the needs of city residents through the depletion year in 2054.

Drainage. Drainage will be accommodated onsite. Technical issues pertaining to the drainage are being addressed through the site plan review process, which requires the submittal of a signed and sealed drainage report indicating the proposed system's ability to meet storm water requirements in accordance with the South Florida Water Management District regulations and the LDR.

Parks and Open Space. Park impact fees are assessed at \$500.00 per dwelling unit and collected prior to issuance of the building permit; 10 units = \$5,000.00.

Traffic. The submitted traffic analysis, dated August 10, 2021 and performed by JFO Group Inc., analyzes the traffic demands for the existing church and private school, and analysis the anticipated traffic demands for the 10 proposed single-family residences. Based on the analysis, the addition of 10 single-family residences will generate less than 20 peak hour trips and less than 201 average daily trips. Further, based on the Traffic Performance Standards (TPS) letter issued by the Palm Beach County Traffic Division on August 12, 2021,

the proposed development meets the TPS of Palm Beach County. The chart at right, from the traffic analysis, outlines the existing net trips versus the net trips anticipated from the proposed development.

(C) Consistency A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

Consistency with the Always Delay Comprehensive Plan is analyzed throughout the report.

(D) Compliance with LDR Whenever an item is identified elsewhere in these Land Development Regulations (LDR), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.

The applicant has concurrently submitted a Class II and Class III Site Plan Modification to modify the parking on the east side of the property and to establish 10 new single-family residences on the west side of the property. The proposed site plans are subject to all applicable provisions and requirements of the LDR. Additionally, the findings for the Rezoning request and MDP approval in LDR Section 2.4.5(D)(5), are detailed in subsequent sections.

Rezoning

LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule

The City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board. The submitted application complies with the submittal requirements in **LDR Section 2.4.3**.

Upon a recommendation of approval by the Planning and Zoning Board, the requests can move forward for consideration by the City Commission. If a recommendation of approval is not made or does not pass, the request does not move forward to the City Commission for further consideration.

LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information,

A statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning are:

- That the zoning had previously been changed, or was originally established, in error;
- That there has been a change in circumstance which makes the current zoning inappropriate;
- That the requested zoning is of similar intensity as allowed under the Future Land Use Map and that it is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

The application is being processed under the second and third criteria. As specified in the applicant's justification statement (attached), the existing church has secured a contract purchaser for the undeveloped portion of the site to ensure financial stability and to allow the preservation of the civic structure. The proposed PRD-4 zoning is consistent in density and scale with the surrounding neighborhood. A chart and map of the surrounding land use and zoning is provided in the LUMA analysis of this report.

Article 3.2, Performance Standards

Table 2: Trip Generation

Land Use	Intensity	Daily Traffic	AM Peak Hour			PM Peak Hour			Weekend Peak Hour		
			In	Out	Total	In	Out	Total	In	Out	Total
EXISTING DEVELOPMENT											
Church	19,580 SF	136	4	2	6	5	5	10	94	102	196
Day Care	80 Students	327	33	29	62	30	33	63	0	0	0
Σ		463	37	31	68	35	38	73	94	102	196
Pass-By											
Church	5%	7	0	0	0	0	1	1	5	5	10
Day Care	50%	164	17	14	31	15	17	32	0	0	0
Σ		171	17	14	31	15	18	33	5	5	10
Net Existing Traffic		292	20	17	37	20	20	40	89	97	186
PROPOSED DEVELOPMENT											
Church	19,580 SF	136	4	2	6	5	5	10	94	102	196
Private School	36 Students	89	18	15	33	4	5	9	0	0	0
Single Family	10 DUs	100	2	5	7	7	4	11	-	-	-
Σ		325	24	22	46	16	14	30	94	102	196
Pass-By											
Church	5%	7	0	0	0	0	1	1	5	5	10
Net Proposed Traffic		318	24	22	46	16	13	29	89	97	186
Net Traffic		26	4	5	9	(4)	(7)	(11)	0	0	0

Section 3.2.2 - Standards for Rezoning Actions

Rezoning requests must meet five standards, which are described below relative to the proposed rezoning under consideration.

- (A) *The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan.*

Pursuant to Table NDC-1, the preferred residential zoning districts for the requested LD land use are Single Family Residential (R-1), Low Density Residential (RL), and PRD. Rural Residential (RR) is a compatible residential zoning district. The chart at right describes the features of each possible zoning district. While a PRD may or may not be the

	Permitted Housing Types
R-1	Single family
RL	Single family, duplex, multiple family structures
PRD	Single family, duplex, multiple family structures
RR	Single family

most restrictive district, the requested PRD zoning is one of the more restrictive options, particularly with the MDP proposed as part of the rezoning request. The subject MDP limits the density to four dwelling units per acre and adopts a single-family configuration.

- (B) *Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan.*

Not applicable.

- (C) *Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed-use projects that provide compatible transitions in form and use to the surrounding area.*

Not applicable.

- (D) *Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use.*

The property is surrounded by a mix of CF, R-1-A, and OSSHAD zoning. The proposed PRD-4 zoning district allows for single family residences at a maximum density of four dwelling units per acre, which is a use and density compatible with those in the neighborhood. A chart and maps of the surrounding land use and zoning is provided in the LUMA analysis of this report.

- (E) *Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development.*

Not applicable. The property is not located within the Coastal Planning Area.

LDR Section 4.4.7 - Planned Residential Development (PRD) District

The requested PRD-4 zoning “provides a residential zoning district with flexible densities in which multiple family and single family detached dwellings” are allowed to “promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design.” Single family conventional and zero lot line lot patterns are allowed within the PRD district. Rezoning to PRD must be accompanied by an MDP. Therefore, the applicant has submitted an MDP, along with a request for three variances (discussed below). Subsequent to approval of the MDP by the Planning and Zoning Board, the Class II and Class III Site Plan Modifications to construct the 10-single family residences and modify the church property must be approved by SPRAB. Development standards for PRDs, provided in Subsection (F)(2), are as follows:

- a) *At least 50 percent of the units must be in single family detached units where the overall density is six units per acre or less, or at least 40 percent where the overall density is greater than six units per acre;*

The proposed development is 100 percent single-family detached units. The proposed density of the PRD is four dwelling units per acre.

- b) *Fifteen percent of the gross area of the site must be placed in common open space where the overall density is six units per acre or less, or at least 20 percent where the overall density is greater than six units per acre;*

The PRD subject area, encompassing 2.83 acres, provides a total of 29 percent open space under common ownership and control. A dry retention area/passive recreation area is proposed central to the site with a pedestrian boardwalk on the south end and north end of the green area. The LDR states that bodies of water cannot be used towards the open space requirement. Based on the drainage calculations submitted by the applicant, the dry retention area will remain dry and can therefore be accounted for as common open space. Additionally, a neighborhood green/passive recreation area is located south of the dry retention area, immediately west of Lot 10. According to the applicant's justification statement, this area is designed to encourage unscheduled interaction between neighbors.

- c) *Minimum site area is five acres.*

The site is 2.83 acres which is less than the minimum site area for PRDs. Therefore, the applicant is requesting a variance from this requirement. The variance is analyzed with the MDP analysis in this report. If the variance to the minimum area of a PRD is not approved, the proposed PRD cannot be established.

Master Development Plan

LDR Section 2.4.5(F)(5) provides the criteria for MDP approval. Generally, *"the approving body must make a finding that development of the property pursuant to the site plan will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values."* The proposed MDP associated with the PRD-4 zoning is not anticipated to cause depreciation of property values. The MDP proposes 10 new single-family residences compatible with the uses and scale of the properties in the surrounding neighborhoods.

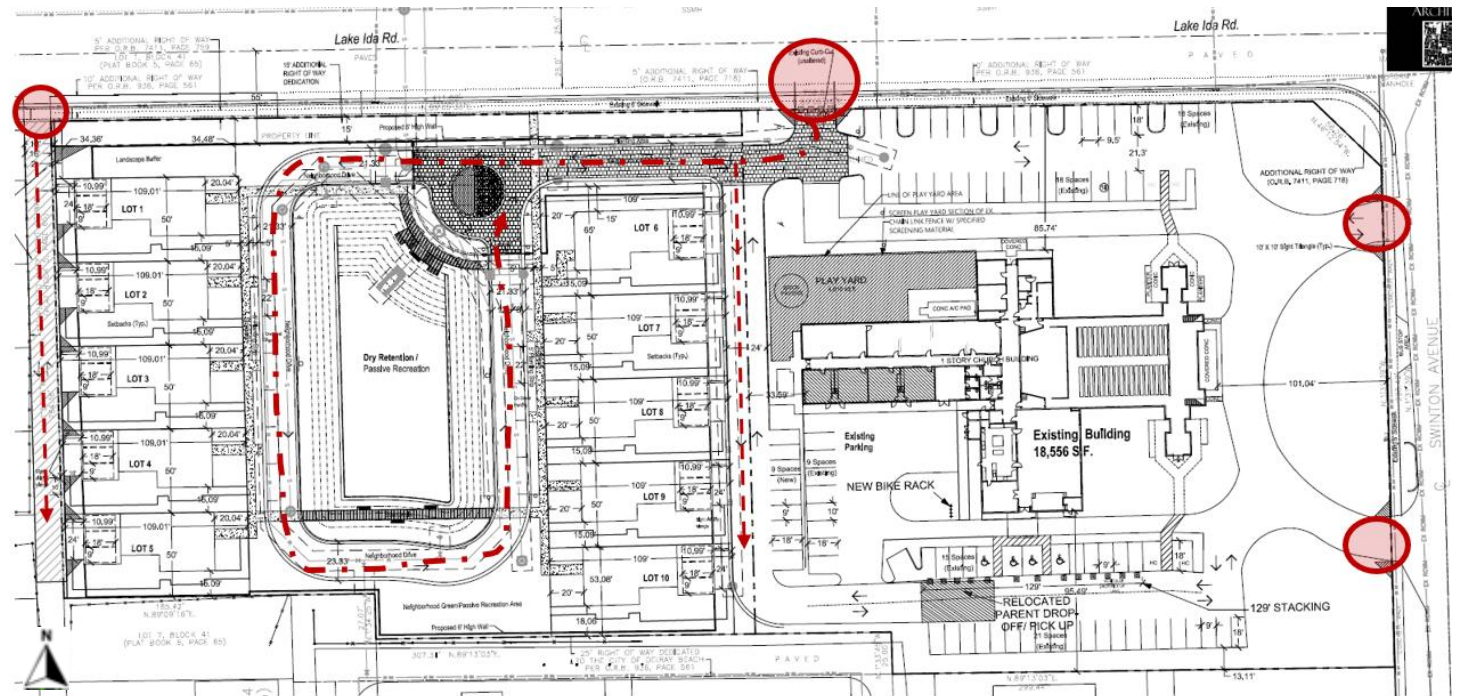
While the MDP is reviewed with the three variances and parking reduction as a whole, each component has separate criteria and findings outlined in the analysis below. To approve the MDP associated with a PRD, the Planning and Zoning Board must make the following findings in **LDR Section 4.4.7(H)**:

- (a) *The development plan provides for an effective and unified treatment of the development potential of the site, making appropriate provisions for the preservation of scenic features and amenities of the site;*
- (b) *The development plan fosters harmony with existing or proposed development in areas surrounding the site.*
- (c) *Buildings in the layout shall be an integral part of the development and have convenient access to and from adjacent uses and blocks;*

The purpose and intent of PRD zoning is to provide *"...a residential zoning district with flexible densities in which multiple family and single family detached dwellings are designed together so as to: promote improved design, character, and quality of development; to preserve natural, scenic, and open space features of a site; and to accommodate flexibility in design."* The single-family zero lot line development is similar to the existing surrounding neighborhoods and compatible with the character of the residential neighborhoods and OSSHAD. The proposed architecture and common area landscaping will be reviewed and approved separately after approval of the LUMA, Rezoning, and MDP request by the SPRAB as part of the Class II and Class III Site Plans submitted concurrently.

Access to the site is provided off of both North Swinton Avenue and Lake Ida Road. A circular drive aisle exists with two ingress/egress points along North Swinton Avenue. These access points are primarily for the church and school. Another two-way drive aisle exists on the north end of the site along Lake Ida Road, which is intended to be a shared drive aisle between the church/school and the proposed Cason Court neighborhood. Vehicles accessing the site via the shared drive aisle are able to travel east onto the church property, south which leads to both the church site and the rear driveways of residential Lots 6 through 10, or vehicles may travel west and go through the automated security gate for Cason Court. Additionally, the existing 18-foot two-way alleyway off of Lake Ida Road will be utilized to access the rear driveways of residential Lots 1 through 5. A diagram of the proposed ingress, egress, and circulation

is provided below. While there was discussion of connecting NW 2nd Avenue (local road immediately to the south of the site) to Lake Ida Road through the subject property during preliminary discussion of the project, the connection was not proposed with the MDP, as the applicant stated many neighbors opposed the connection.



- (d) In the multiple family portion, individual buildings shall be related to each other in design, masses, materials, placement, and connections so as to provide a visually and physically integrated development. Treatment of the sides and rear of buildings shall be comparable in amenity and appearance to the treatment given to the front.

The proposed development is a single-family development; no multiple-family residences are proposed with the MDP.

- (e) The landscape treatment for plazas, streets, paths, and service and parking areas shall be designed as an integral part of a coordinated landscape and street furniture design.
- (f) The location, shape, size, and character of the common open space must be suitable for the contemplated development in terms of density, population characteristics, and housing types;
- (g) Common open space must be used for amenity or recreational purposes and must be suitably improved for its intended use. Natural features, worthy of preservation, shall be incorporated into the common open space system;

The landscape treatment, internal streets and paths, and parking are designed to function as a unified development with cross access between Cason Court and the existing church and school. The common open space areas are central to the residential site, serving as a focal point of the neighborhood. The boardwalk on the south end of the dry retention/passive recreation area incorporates three respite areas with benches with views to the open space. The north boardwalk has terraced access to the passive recreation area, which has been intentionally left open to allow passive activities such as picnicking, yoga, catch, etc.

- (h) Roads, pedestrian ways, and open space shall be designed as an integral part of the overall design and shall be properly related to buildings and appropriately landscaped;
- (i) There shall be an adequate amount of pedestrian ways and landscape spaces to limit pedestrian use of vehicular ways, and to separate pedestrian ways and public transportation loading places from general vehicular circulation;

The roads, pedestrian ways, and open spaces are integral parts of the site and provide cross access between the church/school and Cason Court. The church/school is maintaining the existing pedestrian network, but is relocating the parent drop-off/pick-up area to the south in order to accommodate the shared drive aisle. The minimum 100-foot stacking distance, pursuant to LDR Section 4.3.3(HHH), is being maintained, and all conditions associated with the conditional use for the private school remain applicable and are subject to inspections by Code Enforcement if necessary.

- (j) *The location and design of pedestrian ways should emphasize desirable views of new and existing development.*
- (k) *Tot lots and recreational areas shall be a feature of all new housing developments containing more than 12 units and located outside the downtown area.*

Sidewalks are provided along the front of the residential properties and connect to both the north and south boardwalks that run across the central dry retention/passive recreation area. As the proposed housing development has less than 12 units, no playground equipment for tot lots are provided on site. The applicant states that while no playground equipment is proposed on site, residents will be within close proximity to a variety of recreation areas such as Mike Macheck Boy Scout Park, Pompey Park, Cornell Park, and the Delray Beach Tennis Center.

The MDP is also subject to the provisions of **LDR Section 3.2.3, Standards for site plan and / or plat actions**; compliance with this section is being analyzed through the site plan review process and is not part of the Board consideration at this time.

Variances

An MDP is subject to the regulations in the applicable zoning district. The applicant has requested three variances summarized in the table below.

Requested Variances		
	Required	Proposed
Variance A: Section 4.6.5(F) Setbacks for walls and fences	2-foot setback from property line	0-foot setback from property line
Variance B: Section 4.6.4(A)(2)(a) Special district boundary treatment and Section 4.4.21(H)(2) Special regulations	Either a 6-foot high solid finished masonry wall or a 4.5-foot high continuous hedge along the boundary line	No wall or hedge
Variance C: Section 4.4.7(F)(2)(c) Minimum area for a PRD	5 acres	2.83 acres

LDR Section 2.4.5(F)(6), Master Development Plans, Special Provisions

Variances and waivers to the requirements of base district standards and supplemental district regulations, may be granted by the Planning and Zoning Board concurrent with approval of the MDP without the requirements of a public hearing.

LDR Section 2.4.7(A)(5), Variances: Findings

Prior to granting a variance, the granting body shall make the following findings:

- a) *That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning (The matter of economic hardship shall not constitute a basis for the granting of a variance);*

Variance A: Due to the 15-foot right-of-way dedication to Palm Beach County, the property line has shifted south, and the area of the property has reduced by approximately 5,835 square feet. Due to this special circumstance, the applicant is requesting to construct a wall along the new established property line, post dedication, in lieu of constructing the wall with a two-foot setback from the new established property line.

Variance B: The MDP, which encompasses the entire 5.88-acre parcel, proposes a shared drive aisle along the boundary line that would divide the CF-zoned portion of the property from the PRD-4-zoned portion of the property. Due to the interconnectivity of the

site, the required district boundary treatment/perimeter landscape area cannot be installed without eliminating the shared drive aisle which is a vital component to the MDP.

Variance C: Cason Court proposes a zero-lot line configuration, which is a configuration type only permitted in Low-Medium Density (RL), Medium Density (RM), and PRD zoning. The minimum lot area required to establish a PRD is five acres. While the subject rezoning area is 2.83 acres, the entire site under the MDP is 5.88 acres. Therefore, the Board should consider if the proposed PRD, while under the minimum area threshold, meets the intent of this criterion since the area of the MDP exceeds five acres.

- b) *That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning;*

The literal interpretation of the regulations restricts the applicant from constructing the intended development at this location – one of the main restrictions being the minimum area of a PRD. Further, because 15 feet of the subject LUMA and Rezoning area has been dedicated to Palm Beach County for right-of-way, additional setback requirements for the wall would affect the internal landscaping of the site, eliminating the northern stretch of planting area that is intended to buffer the wall from the drive aisles and residences. Regarding the special district boundary, if installed as required, cross access would not be provided between the church/school and Cason Court which is an integral function of the MDP.

- c) *That the special conditions and circumstances have not resulted from actions of the applicant;*

The property's special conditions are not a result of actions by the applicant. The request to construct a wall along the north property line without a setback is a result of the recent right-of-way dedication required by Palm Beach County. The request to not install the special district boundary treatment is due to the interconnectivity of the site which results in a safer and more connected MDP. And the size of the PRD is limited due to the existing church on the east side of the property that intends to continue operating.

- d) *That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance;*

Variance A: The PRD zoning district promotes *improved design, character, and quality of development*. Allowing the north wall on top of the newly created lot line as opposed to being setback two feet from the lot line will allow the +/- three-foot planting area to remain, which helps screen the wall from the neighborhood drive aisle and residents. Heavy landscaping is proposed on the north side of the wall in the 15-foot right-of-way dedication area to screen the wall from Lake Ida Road.

Variance B: MDPs are intended to operate cohesively and provide safe circulation throughout the site. The required special district boundary treatment buffers residential zoning districts from non-residential zoning districts so as to protect residents from any adverse effects posed by non-residential uses (e.g. noise, traffic, waste, etc.). As the property is being reviewed as an MDP, the shared drive aisle is a vital component to allowing cross access between Cason Court and the existing church/school. Therefore, the granting of the variance would not grant a special privilege, but would in fact, allow for a unified design of the MDP.

Variance C: As noted, while the subject LUMA and Rezoning area is 2.83 acres, the entire site under the MDP is 5.88 acres. Because the MDP is necessitated by the PRD-4 zoning, the PRD is essentially part of the MDP. The Board should consider if the area of the MDP as a whole meets the intent of the minimum area requirement for a PRD or if the granting of the variance affords a special privilege to the property owner.

- e) *That the reasons set forth in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure; and,*

The variances requested are the minimum variances needed to construct the intended development. The subject LUMA and Rezoning area has remained vacant aside from being used as a garden connected to the church. The property owner is selling the 2.83-acre undeveloped portion of the property in order to support financial operations and preserve the church and school.

- f) *That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.*

The granting of the variances will result in development that is generally consistent with the purpose and intent of the LDR. Further, the granting of the variances is not anticipated to be injurious to the neighborhood, as the proposed single-family development, Cason Court, is similar in use and intensity to the adjacent neighborhood.

Parking Reduction

The applicant is requesting a special parking reduction for vehicle parking, pursuant to the requirements in **LDR Section 4.6.9(F), Special provisions**. Pursuant to **LDR Section 4.6.9(F)(1), Reduction allowed**, *“When, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly.”* The authority to approve the parking reduction is vested with PZB as the determining body associated with the request for the MDP.

The applicant is requesting the reduction of 16 spaces, resulting in a total of 90 parking spaces on site in place of the required 106 parking spaces. The Parking Demand Analysis dated June 22, 2022, and performed by JFO Group, Inc. uses the latest edition of the Institute of Transportation Engineers (ITE) Parking Generation Manual. The ITE has developed a database of demand data including information on developed parking areas across the Country. This information is the basis for updating the Parking Generation Manual. Every manual edition update seeks to keep up with development patterns, such as changing development standards, transportation mode shift (i.e. from driving to other modes), and the changing nature of some industries to respond to market preferences. The City of Delray Beach LDRs utilizes a similar approach to that proposed by ITE manuals, but was modified from a prior ITE edition manual for local preferences (4th edition, 2010).

The Analysis states that based on the ITE Parking Generation Manual, the parking supply required for the church is 70 spaces. Additionally, based on a field parking occupancy data collection that was carried out from 9:00 AM to 1:00 PM on Sunday, June 19, 2022, the peak field parking demand is 38 vehicles. Therefore, the Analysis concludes that the proposed parking reduction, resulting in 90 parking spaces, will continue to meet the parking demand for the church and school, and the reduction will not be injurious to the property or surrounding area.

Considerations

The Board should consider the following in reviewing the subject request:

Land Use Map Amendment: CF to LD

- Whether the requested land use designation of LDR is consistent with the applicable goals, objectives, and policies of the Comprehensive Plan.
- Whether the request supports the redevelopment of a vacant portion of property into a resulting development that better enhances the character of the neighborhood.

Rezoning: CF to PRD

- Whether the proposed PRD-4 zoning provides sufficient regulations to mitigate any negative impacts of increased density afforded to the site by the Rezoning.
- Whether there has been a change in circumstances on the site or within the neighborhood that renders the CF zoning inappropriate.
- Whether the requested zoning is of similar intensity as allowed under the LD land use designation and is more appropriate for the property based upon circumstances particular to the site and/or neighborhood.

Master Development Plan

- Whether the proposed configuration results in a unified development, consistent with the existing neighborhood pattern.

Variances

- If the proposed size of the PRD (2.83 acres) meets the intent of the minimum area requirements being part of a 5.88 acre MDP.
- If the granting of the variances will result in a better design that benefits existing and future residents.

Parking Reduction

- If the requested reduction of 16 parking spaces is reasonable based on the documented demand.

Review By Others

The **Community Redevelopment Agency (CRA)** reviewed the full Class V Site Plan request in its September 10, 2022 CRA report.

The first and second reading dates by the **City Commission** are anticipated in December 2022 and January 2023.

Options for Board Action

Land Use Map Amendment

- Move a recommendation of **approval** to the City Commission of Ordinance No. 39-22, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **approval as amended** to the City Commission of Ordinance No. 39-22, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Motion to **deny** Ordinance No. 39-22, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- Continue With Direction.**

Rezoning

- Move a recommendation of **approval** to the City Commission of Ordinance No. 38-22, a privately-initiated rezoning request from Community Facilities (CF) to Planned Residential Development – 4 du/acre (PRD-4) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **approval as amended** to the City Commission of Ordinance No. 38-22, a privately-initiated rezoning request from Community Facilities (CF) to Planned Residential Development – 4 du/acre (PRD-4) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Motion to **deny** Ordinance No. 39-22 and Ordinance No. 38-22, a privately-initiated request for a Land Use Map Amendment (LUMA) from Community Facilities (CF) to Low Density (LD) (Ordinance No. 39-22), rezoning request from Community Facilities (CF) to Planned Residential Development – 4 du/acre (PRD-4) (Ordinance No. 38-22) for a 2.83-acre portion of the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.
- Continue With Direction.**

Master Development Plan

- Motion to **approve** the Cason Court Master Development Plan (MDP) with three variances and a special parking reduction for the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Motion to **approve as amended** the Cason Court Master Development Plan (MDP) with three variances and a special parking reduction for the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is consistent

with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.

- C. Motion to **deny** the Cason Court Master Development Plan (MDP) with three variances and a special parking reduction for the 5.88-acre property located at 342 North Swinton Avenue, finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

D. Continue With Direction.

Public and Courtesy Notices

X Courtesy Notices were sent to the following:

- Pineapple Grove
- NW Community Improvement Association
- Del Ida Park

X Public Notice was posted at the property on Friday, November 4, 2022, at least 7 calendar days prior to the meeting.

X Public Notice was mailed to property owners within a 500' radius on Friday, November 4, 2022, at least 10 days prior to the meeting.

X Public Notice was published in the Sun Sentinel on Friday, November 4, 2022, 10 calendar days prior to the meeting.

X Public Notice was posted to the City's website on Friday, November 4, 2022, 10 calendar days prior to the meeting.

X Public Notice was posted in the main lobby at City Hall on Friday, November 4, 2022, 10 calendar days prior to the meeting.

X Agenda was posted on Friday, November 4, 2022, at least 5 working days prior to meeting.