
PROJECT NARRATIVE / JUSTIFICATION STATEMENT

Layton Pointe

Planning and Zoning Board (PZB) | Site Plan Review and Appearance Board (SPRAB)

Initial Submittal: February 5, 2024

Resubmittal 1: August 23, 2024

Request

The applicant, Toll Brothers Inc., is requesting approval of the following:

Planning and Zoning Board (PZB) Requests:

1. **Amendment to the Comprehensive Plan: Land Use Designation Amendment (Comp. Plan Amendment)** for the 1.07-acre portion of the site from Community Facility (CF) to Low Density (LD).
2. **Change of Zoning District Designation (Rezoning)** from Community Facilities (CF) and R-1-AA to Single Family Residential R-1-A.
3. **Subdivision/Preliminary Plat (Major)**
4. **Subdivision/Final Plat**

Site Plan Review and Appearance Board (SPRAB) Requests:

5. **Site Plan – Class I** for 26 single-family lots and associated open space.

Site Location and Background

The subject site is located at 3900 Sherwood Blvd, Delray Beach, Florida, 33445. It is located approximately 900 feet east of the intersection of Sherwood Boulevard and S Military Trail. The site is bordered by Lakeview Boulevard and Sutton Place. The property is identified by Palm Beach County Property Appraiser parcel control number (PCN) 12-42-46-24-02-007-0071 and recorded in official Record Book 34718 Page 1967.

The subject site is identified as “Parcel 1”, “Parcel 2”, and “Parcel 3” on the survey provided by Caulfield & Wheeler, with a gross site area of approximately 10.984 acres. The affected development area omits ‘Parcel 1’, or ‘lot 7’ to ‘lot 12’ in Block 7 in the Replat Blocks 7-8-9-10, Sherwood Park and includes ‘Parcel 2’ and ‘Parcel 3’. The application pertains to the affected development area of 9.34 acres.

The site retains a Future Land Use Designation (FLU) of Low Density (LD) and Community Facilities (CF) (1.07-acre parcel) and a Zoning district classification of R-1-AA and Community Facilities (CF) (1.07-acre parcel). The site is within the Urban/Suburban Tier and Commission District 4.

Approval History

In 1959, the property was annexed into the City, and the property was assigned a zoning designation of C-2 “General Commercial”. At some point between annexation and the adoption of the City’s Comprehensive Plan in 1961, a Residential land use designation was assigned, and the subject property was assigned low density residential zoning.

In 1967, Christ the King Monastery was built. At that time, the City did not have a Community Facilities zoning district – the zoning that would likely be applied if the property was developed as such under current regulations.

In 1990, the property was assigned CF zoning during the citywide rezoning, at which time the CF district was created.

In 2007, at the initiation of Christ the King monastery, 8.27 acres of the property were rezoned again to R-1-AA from CF, and the land use map for the same part of the property was amended from CF to LF via Ordinance No. 59-06 (1.63 acres of the property along Sherwood Boulevard already had low density residential land use and zoning). The intent was to develop the majority of the property as single family homes at some point in the future.

In 2021, a privately-initiated request was submitted to amend the Land Use Map designation from Low Density (LD) to Transitional (TRN) (File ID 2021-142), and to rezone the property from Single Family Residential R-1-AAA-B, Single Family Residential, R-1-AA, and Community facilities (CF) to residential office (RO) (File ID 2021-143). The applicant withdrew the request.

In 2022, a privately-initiated request was submitted to amend the land use map from Low Density (LD) to Medium Density (MD) (File ID 2022-263) and a rezoning from Single Family Residential R-1-AA and Community Facilities (CF) to Medium Density Residential (RM) (File ID 2022-262) for a 9.53-acre portion of the 10.97-acre property, and the Board denied the request on February 27, 2023.

In 2023, the city-initiated a request to amend the Land Use Map from Low Density (LD) to Community Facilities (CF) for 1.07 acres of the 10.97-acre parcel located at 3900 Sherwood Boulevard in correction of a mapping error (Ordinance No. 24-23).

Surrounding Uses

Historically, the existing building on the site has been utilized as a convent connected to Emmanuel Catholic Church, however, it is currently vacant. The surrounding area is composed of residential and institutional uses, further explained below.

North: Across from Sherwood Boulevard, the parcels to the north contain five (5) single-family homes located on lots ranging from half-acre to three-quarters of an acre in size. The parcels to the north have a Single-Family Residential (SFR) Existing Land Use designation and a Low Density Residential (LDR) Future Land Use designation. It is in the Single-Family (R-1-AAAB) zoning district.

West: There are three (3) properties directly west of the site, containing a single-family home, a rectory that is also connected to Emmanuel Catholic Church, and the Emmanuel Catholic Church. The single-family home has a Single Family Residential Existing Land Use designation and a Low Density Residential (LDR) Future Land Use designation. It is in the Single-Family (R-1-AAAB) zoning district. The rectory has an Institutional Existing Land Use designation and a Low Density Residential (LDR) Future Land Use designation. It is in the Community Facilities (CF) zoning district. The rectory is primarily accessed from a private driveway off of Sherwood Blvd that connects through the site, therefore, access to the rectory will need to be reconsidered as part of this development process.



Figure 1: Existing conditions

South: The properties to the south are a golf course and a conference center. The golf course has an Open Space & Recreation (OS) Future Land Use designation. It is in the open space & recreation center (OSR) zoning district. The conference center has an educational a Community Facilities (CF) Future Land Use designation. It is in the Community Facilities (CF) zoning district.

East: The properties directly east are the golf course and single-family homes. The golf course has an Open Space & Recreation (OS) Future Land Use designation. It is in the open space & recreation center (OSR) zoning district. The single-family homes are on lots about a quarter-acre in size and have a Single-Family Residential (SFR) existing land use designation and a Low Density Residential (LDR) Future Land Use designation. It is in the Single-Family (R-1-AAAB) zoning district.

Proposed Conceptual Site Plan

In order to allow the proposed conceptual site plan, the applicant is requesting an Amendment to the Comprehensive Plan: Land Use Amendment from Community Facility (CF) to Low Density (LD) for the 1.07-acre portion of the site, as well as a Rezoning to R-1-A, Subdivision (Major)/Final Plat, and Site Plan (Class I) as outlined in the requests.

The proposed conceptual site plan is in compliance with the Single Family Residential (R-1-A) zoning designation and associated land development regulations as defined in Section 4.4.3. The proposed conceptual site plan features the following:

- 26 single-family residential lots
 - 65' x 125' – 6 lots
 - 65' x 130' – 5 lots
 - 65' x 135' – 12 lots
 - 66' x 135' – 1 lot
 - 67' x 220' – 1 lot
 - 67' x 135' – 1 lot
- Perimeter landscape buffers on south, west, east perimeter of the site
- 2.5 acres of open space

The proposed 26 single-family residences will include a mix of 1 and 2-story housing models ranging from 3- and 4-bedrooms. The homes will range in size from 2,200 square feet to 4,100 square feet (A/C total). The proposed models include the Mariner, the Inlet, the Lagoon, and the Nautilus, which each feature 3 different elevations, Contemporary, Modern, and Transitional, for a total of 12 different home options.

The applicant has participated in discussions with City Staff and abutters to design the proposed conceptual site plan. The applicant has proposed a conceptual site plan that is optimal for integrating a new high-end residential development into the surrounding single-family residential area and meets the goals and desires of the conversations with neighbors. The proposed conceptual site plan is designed to comply with the City of Delray Beach's Code of Ordinances including the Land Development Regulations and *Always Delray* Comprehensive Plan.

City Staff Meetings

- Pre-application Meeting #1 (October 3, 2023) with City Staff Amy Alvarez and Rebekah Dasari.
 - The applicant met with city staff to discuss the preliminary concept plan and the benefits of PRD zoning vs. R-1-AA. The staff encouraged the applicant to meet with abutters and explained the Master Development Plan process.
- Pre-application Meeting #2 (December 6, 2023) with City Staff Amy Alvarez and Rebekah Dasari.
 - The applicant requested a follow-up with city staff to discuss the preliminary concept plan after refinement based on the applicant's informal meetings with abutters and representatives of the

neighboring Home Owner's Association. The staff confirmed the applicant's requests, and requested the applicant include a summary of the R-1-AA vs. PRD regulations in the submittal (see attachment Project Data, also included in this justification statement).

- Staff Discussion (May 7, 2024 at 10:30AM) via Zoom with City Staff.
 - The applicant met with City Staff to discuss the comments on the initial submittal package. The staff expressed concern with PRD zoning, the usability of the open space, and the applicant agreed to consider the comments and revisit the site plan.
- Application Discussion (May 16, 2024 at 2:30PM) In Person Staff Meeting
 - The applicant met with City Staff to discuss the initial site plan and discuss pathways forward for rezoning and revising the site plan. The staff emphasized that a PRD has additional requirements including for open space that will be a challenge to meet given some of the site constraints, and encouraged the applicant to consider a zoning district that is a Single-Family Residential district in order to be aligned with the existing zoning.
- Pre-Resubmittal Meeting (June 18, 2024 at 2PM) In Person Staff Meeting
 - The applicant met with City Staff to discuss the revised Site Plan designed to comply with the R-1-A zoning, a Single Family Residential zoning district that is aligned with the existing zoning. The applicant revised the layout so that the open space is centralized and improved the usability by adding a pathway around the open space, benches, and landscaping.

Community Meetings

- Community Open House (March 5, 2024)
 - The applicant hosted a Community Open House on March 5, 2024 in collaboration with the Sherwood and Lakeview Civic Association in order to share the project with the community and solicit feedback on the initial proposal. The Community Open House was well-attended, with over seventy (70) attendees signed in. The project was generally well received, with positive comments about the homes and community design, but neighbors expressed concerns about the access, existing traffic and flooding issues, which have been explored and addressed with site plan modifications.

Density

The subject property currently has a Future Land Use Designation of Low Density Residential (LD) and Community Facilities (CF) (1.07-acre parcel). The applicant is requesting an Amendment to the Comprehensive Plan: Land Use Designation Change for the 1.07-acre portion of the site from Community Facility (CF) to Low Density (LD). According to *Table NDC – 1 Land Use Designations: Density, Intensity, and Implementing Zoning Districts*, the maximum number of dwelling units per acre for the Low Density land use designation is up to five (5). The proposed density of the R-1-A is 2.78 dwelling units per acre.

Layout and Design

The proposed site plan provides an effective layout of the new residential development, emphasizing principles of high-end residential design, maintaining open space, and adhering to R-1-A zoning requirements. The site plan accounts for the preservation of existing trees and scenic features (views of the existing golf course). The proposed development is designed to be in harmony with the existing development surrounding the site, which is R-1-AA and R-1-AA-B and Open Space (OS) and Community Facilities (CF). The landscaping of open space areas throughout the site will be coordinated to create a cohesive plant palette across the site. The design incorporates adequate parking and guest parking, landscape buffers, and necessary easements to support the new single-family homes while integrating with the existing community in the Sherwood area of Delray Beach.

Access

The existing access to the site is located off of Sherwood Boulevard. The access to the rectory will be shifted to the west. The proposed access to the development will be located via an extension of Lakeview Boulevard in order for the development to blend seamlessly with the existing neighborhood. There are sidewalks proposed along both sides of the proposed street which connects to the pathway that lines the open space.

Parking Requirements

The parking requirements for single-family detached dwellings are defined in Section 4.6.9 Off-street parking regulations and shown in the table below.

Off-street Parking Requirements			
Parking Requirement	R-1-AA	R-1-A	Proposed
Number of vehicular spaces for Single Family Detached Residences	Two spaces per dwelling unit	Two spaces per dwelling unit	Each single-family home will have a 3-car garage
Bicycle parking	Not required	Not required	Not applicable

Figure 5: Parking requirements

The proposed site plan meets the parking requirements defined in section 4.6.9, each single-family home will be equipped with an attached, covered garage and a driveway.

Accessory Structures

In general, swimming pools and screen enclosures are allowed in the rear yard setback but no closer than 10 feet to the property line. In lots that are abutting open space, swimming pools are allowed in the rear yard setback but no closer to 5 feet from the property line. The open space within the subdivision, such as the drainage area, and the golf course meet the requirements for open space (as defined by [Section 4.3.4\(H\)\(5\)\(c\)](#) and (d).) Screen enclosures can have a zero rear yard setback where abutting open space. As shown on the Landscape Plans, all accessory structures including pool and screen enclosures will be located within the 10' rear yard setback.

Buffers

The site plan depicts a landscape buffer along the south, west, and east edges of the site to be incorporated in the open space. The proposed landscape is intended to create a physical and visual separation between the proposed single-family home lots and the surrounding church, golf course, and residences.

Open Space

A minimum of 25% non-vehicular open space, or 2.335 acres, is required per section 4.3.4(K). Interior and perimeter landscaping may be applied toward meeting this requirement. As shown on the site plan, 2.5 acres of open space is provided. This open space includes various landscaped buffers and dry retention areas thoughtfully designed to enhance the visual appeal and environmental quality of the development.

The open space consists of a centralized open space and dry retention area, pathways, the landscape buffers, and open space areas at the site entrance and on the corner lots. The open space and dry retention area (.73 acres) is the largest open space area on the site and was designed to be centrally located and to maximize usability for the proposed development. The open space and dry retention area is an area that is ideal for passive recreation in that it has a pathway around the perimeter that connects to the sidewalk network, a mail kiosk area, benches and shade trees, and landscaping throughout the open space. The pathway is located on

the perimeter of the open space and connects to the sidewalk network. Benches have been placed in select locations along the path for age-friendly design. The landscape buffers are designed to provide separation between the proposed single-family homes and the existing church property, golf course, and residences. The open space located at the entrance to the proposed development will be where the monument sign is located, and it will be landscaped and the sign will feature LED lighting for visibility. The open space areas on the corners provide a buffer between the side of lots and the right-of-way, and will be landscaped to match the entrance landscaping to create cohesion of the open space areas throughout the development.

Amenities and Features:

The development will include several amenities, such as landscaped open spaces, a mail kiosk, benches, pathway, and a monument sign at the entrance. The site design also incorporates guest parking areas and crosswalks to enhance pedestrian safety and convenience.

Tree Mitigation and Landscape Requirements

As mentioned above, the site has an existing building that has been utilized as a convent in the center of the site. The surrounding landscape is mostly flat with mature trees scattered throughout. There is an existing landscape buffer consisting of a chain-link fence and hedges located around the property. This will be replaced with the proposed landscape buffer, fence, and hedges as shown on the proposed landscape plan.

Tree Disposition

Based on the Tree Assessment Condition Rating Table provided by EW Consultants, there are 209 mature trees on site including Live Oak, Slash Pine, Gumbo Limbo, Strangler Fig and Sabal Palms. Nine of the trees (9 of 209) are Category 1 Invasive species. 94 of the trees have a condition rating of less than 50 percent. Based on the proposed site plan and anticipated impacts to the site due to grading and construction activities, it is assumed that fourteen (14) trees are to be preserved in the perimeter buffer area and open space area of the site. Mitigation is required for the removal of code-required trees that have a Diameter Breast Height "DBH" of four (4) inches or greater. A tree disposition plan is included, which specifies that fourteen trees will be preserved and 45 sabal palms will be relocated on the site. The remainder of the trees require mitigation through replacement or payment-in-lieu.

The Tree Disposition Plan shall identify trees and palms to be preserved, relocated, and removed. Tree and palm protection and relocation measures shall be specified on the plan, as well as mitigation calculations (i.e. In Lieu Fees). The Tree Disposition Plan, including the relocation measures and mitigation (including transport methods, watering details, etc.), shall be subject to review by SPRAB, as a part of the development proposal's landscape plan, and may be approved, denied, or approved with conditions. Where the property cannot accommodate tree replacement on a DBH/caliper inch-per-inch basis, an in-lieu of fee shall be deposited into the Tree Trust Fund for those trees with a condition rating of 50 percent or greater. The in-lieu fee is calculated per DBH inch for each tree that cannot be mitigated by replacement and shall be approved by the Site Plan Review and Appearance Board (SPRAB) as part of the landscape plan. The in-lieu fee for is calculated on an escalating scale:

- DBH 0 inches through 8 inches are calculated at \$450.00/DBH inch; (Ord. No. 19-17, [§ 1](#), 8-2-17)
- DBH 9 inches through 12 inches are calculated at \$650.00/ DBH inch; (Ord. No. 19-17, [§ 1](#), 8-2-17)
- DBH 13 inches through 18 inches are calculated at \$850.00/DBH inch; (Ord. No. 19-17, [§ 1](#), 8-2-17)
- DBH 19 inches and greater are calculated at \$1,000.00 per inch. (Ord. No. 19-17, [§ 1](#), 8-2-17)

Special Exception Trees

EXCEPTIONAL SPECIMEN TREE. Any tree determined to be of value to the public because of its size, location, age, historic association, ecological value, aesthetics or other unique characteristics. [Amd. Ord. 37-06 9/19/06]

- (a) *Size:* Diameter at Breast Height (DBH) of 18 inches or more. (Ord. No. 10-23, [§ 4](#), 9-5-23)
- (b) *Location:* Proximity to a thoroughfare or highly traveled area.
- (c) *Age:* Approximate-based on size.
- (d) *Historic Association:* Tree is associated with a notable or local or regional historical event.
- (e) *Aesthetics:* Exceptional representation of a certain species of tree because of its form or character.

In terms of mitigation, there are 209 total trees on the site. Fourteen (14) trees will be preserved on site. Forty-five (45) palm trees will be relocated on the site. A total of 144 trees will be removed. Nine (9) invasive trees will be removed and do not require mitigation. A total of 329 trees for mitigation will be provided, of those, 241 mitigation trees are provided per DBH inches, 82 trees are provided for one-to-one mitigation, and six (6) palms are provided for one-to-one mitigation. All of the trees will be mitigated for on-site, therefore an in-lieu fee is not required.

Street Tree Requirements

Street tree requirements for new residential developments are set forth in section 4.6.16. The proposed landscape plan is designed to meet the requirement of one (1) street tree for every 40 linear feet of street frontage with a minimum of one (1) tree per property. The site plan shows a total of 2,417 linear feet of lot frontage, therefore 61 street trees are required. As shown on the landscape plan, a total of 61 street trees are provided which meets the requirement.

Single Family Lot Landscape Requirements

For new single-family residences shall comply with the regulations set forth in Section 4.6.16(H)

- At minimum, one shade tree shall be planted for every 2,500 square feet of lot area. Shade trees for single family residences shall be a minimum of 12 feet in height with a five-foot spread at the time of installation. Existing trees preserved on the site with the same specifications as above, may be credited toward this tree requirement. The typical lot size is 8,125 sq. ft. divided by 2500SF is equal to 3.25 trees per lot. The landscape typical plans provided for each lot exceed this requirement.
- Shrubs will be installed along the foundation of the side of the residence that faces any street.
- Air-conditioning units whose height is five feet or less will be screened with shrubbery or wood fencing that is tall enough to fully screen the units from view. The air conditioning units and pool equipment will be screened from view with 3-foot tall hedges.
- All other lot areas not covered by driveways or structures will be planted with lawn grass, ground cover or other approved landscape materials.
- The area between the property line and the edge of pavement of the abutting right-of-way will be sodded.
- There are no proposed refuse container storage areas.
- All landscaped areas will be provided with an irrigation system, automatically operated, to provide complete coverage of all plant materials and grass to be maintained. **The source of water may be either from City water or non-potable water.**

Compliance with Land Development Regulations

The development is subject to the development regulations outlined within the City of Delray Beach, FL Land Development Regulations. This Justification Statement analyzes the development regulations of the existing Single Family Residential (R-1-AA) zoning district and the proposed Single Family Residential (R-1-A) District and the surrounding zoning district. This Justification Statement also outlines the details of the proposed project and compliance with the City of Delray Land Development Regulations.

R-1-AA vs R-1-A

The property development regulations are set forth in Section 4.3.4(K) and are also listed in the table below.

Dimensional Standards Comparison Table R-1-AA vs R-1-A vs Proposed vs R-1-AAAB				
Dimensional Standard	R-1-AA (Existing)	R-1-A	Proposed	R-1-AAAB
Minimum Lot Size (sq. ft.)	9,500	7,500	8,125	12,500
Lot Width I/C (ft.)	75/95	60/80	65 (typical)	100
Lot depth (ft.)	100	100	125 (minimum)	110
Lot Frontage I/C (ft.)	75/95	60/80	65 (typical)	100
Minimum Floor Area (sq. ft.)	1,500	1,000	Three and four bedroom: minimum 2,200	1,500
Maximum Lot Coverage	N/A	N/A	32.4%	N/A
Minimum Open Space	Minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.	Minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement.	2.5 acres	Minimum of 25% non-vehicular open space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement
Setbacks				
Front (ft.)	30	25	25	35
Side Street (ft.)	15	15	15	17
Side Interior (ft.)	10	7.5	7.5	12
Rear (ft.)	10	10	10	12

Density	46 units (5 units per acre)	N/A	2.78 dwelling units per acre	N/A
Height (ft.)	35	35'	35'	35'
Minimum Development Area	N/A	N/A	9.34 acres	N/A

I/C = Interior lot / Corner lot

Figure 4: R-1-AA vs R-1-A vs proposed vs R-1-AAAB Land Development Regulations

The property development regulations for Single Family Residential (R-1-A) allow for slightly smaller lot sizes, lot width, frontage, and slightly less restrictive lot sizes as compared to R-1-AA. The minimum lot size allowed in the R-1-AA district is 9,500 whereas the minimum lot size allowed in the R-1-A district is 7,500, although the lot sizes range from a minimum of 8,125 SF to a maximum of 12,025 SF. The lot width for R-1-AA 75 feet for interior lots and 95 feet for corner lots, the lot width for R-1-A is a minimum of 60 feet for interior lots and a minimum of 80 feet for corner lots, while the proposed lot width is 65 feet, only 10 feet less than the existing zoning district. The front setbacks for R-1-AA are 30 feet while the front setbacks for R-1-A is 25 feet, only 5 feet less. The side setbacks for R-1-AA and R-1-A are the same at 15 feet. The rear setbacks are also the same across both districts at 10 feet. Overall, there are minimal differences between the existing R-1-AA and the R-1-A Single Family Residential zoning districts.

Note that the applicant meets all requirements of the R-1-A. The applicant does not need any variances for the proposed site plan.

Base Zoning Districts

The Base District Development Standards are applicable to all districts and pertain to the regulation of area, size, bulk, height, and other physical aspects of the development. Standards that pertain to the proposed development regarding frontage are that each lot is required to have frontage, and on curving streets and cul-de-sacs the frontage may be reduced by 40% provided the centerline radius of the street is 100 feet or less. The front of the lot is the side with frontage on a street. For corner lots, the side having the least street frontage shall be the front for setback purposes. In regards to structures allowed in setbacks, fences and walls, swimming pools in conformance with Section 4.6.15, and air conditioner units are allowed. The setbacks for screen porches, screen enclosures, and accessory structures in rear yards shall comply with the required setbacks.

Plat

The site will be required to re-plat to subdivide the existing 'Parcel 2' and 'Parcel 3' to create the new development parcel and subdivision of lots for single-family residences and open space tracts pursuant to Section 5 Subdivision and Plat Regulations. There is an access easement (ORB 13805, Page 835, PBCR) to provide access to the rectory in the north portion of the site that is in conflict with the proposed lot configuration that will be modified with the re-plat. Additionally, there is a 12' sanitary easement (ORB 14049, Page 211, PBCR), a 12' water easement (OB 14049, Page 199, PCBR), and an FPL Easement (ORB 14049, Page 199, PCBR) which extend north-south through lot 8. There is also a temporary access easement (ORB 13805, Page 842, PCBR) that extends north-south through lot 7 and lot 8. These easements will be in conflict with the proposed development plan and will be modified to be shifted to the west through the re-plat process.

Compliance with Criteria

Land Use

The subject property currently has a Future Land Use Designation of Low Density Residential (LD) and Community Facilities (CF) (1.07-acre parcel). The applicant is requesting an Amendment to the Comprehensive Plan: Land Use Designation Amendment for the 1.07-acre portion of the site from Community Facility (CF) to Low Density (LD). Justification for the request and compliance with the Comprehensive Plan and the applicable Land Use Regulations is explained below.

According to *Table NDC – 1 Land Use Designations: Density, Intensity, and Implementing Zoning Districts*, the maximum number of dwelling units per acre for the Low Density land use designation is up to five (5). As defined in Section 4.3.4, density is the calculation of the number of residential dwelling units allowed per gross acre of land to be developed. The allowable unit count is determined by the maximum number shown for the base zoning district as reflected in the Matrix (Section 4.3.4(K)). This number is multiplied to the one-hundredth of an acre. When a fraction exists, it shall be rounded down.

As mentioned above, the affected development area is 9.34 acres which is used to determine the potential density of the property. As mentioned above, the affected area omits the existing platted parcels identified as 'Parcel 1', or 'lot 7' to 'lot 12' in Block 7 in the Replat Blocks 7-8-9-10, Sherwood Park, and includes 'Parcel 2' and 'Parcel 3'.

Subsequently, the property has the density potential of:

Residential Low Density – Permitted by Right

$$9.34 \text{ ac} \times 5.0 \text{ du} = 46.7 = 46 \text{ units}$$

Therefore, the subject property has a development potential of 46 dwelling units per acre. The proposed conceptual site plan shows 26 single-family lots which results in a density of 2.78 dwelling units per acre and is aligned with the requirements of the Low Density (LD) Future Land Use designation.

Compliance with Section 3.1.1

- (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. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 9, 9-10-20)*

The applicant is requesting a Comp. Plan Amendment for the 1.07-acre parcel from Community Facilities (CF) to Low Density (LD). The proposed Low Density (LD) land use designation will result in uses that are allowed within the Single Family Residential (R-1-AA) zoning district in which the land is situated. Both the existing R-1-AA zoning district and the proposed districts are consistent with the preferred uses for the Low Density residential land use designation. According to *Table ND-1 Land Use Designations: Density, Intensity, and Implementing Zoning Districts* of the *Always Delray Comprehensive Plan*, the preferred zoning districts for the low density residential land use designation are Single Family Residential (R-1), Low Density Residential (RL), and Planned

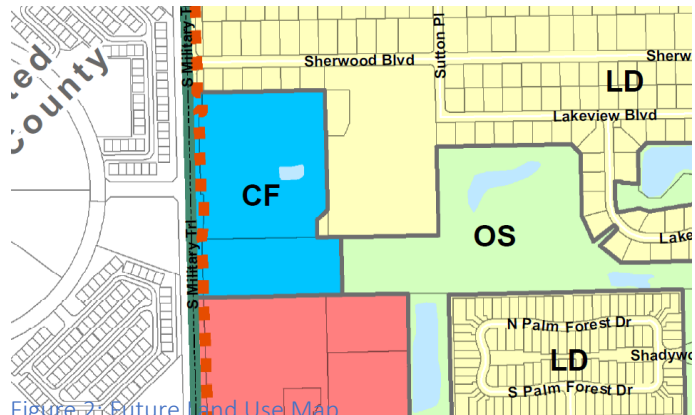


Figure 2: Future Land Use Map

Residential Development districts.

- (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. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 9, 9-10-20)*

The proposed land use 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. Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan states, “allow new development within the Planning Area provided the necessary public facilities and services that are provided by, or through, the City are available concurrently”.

The SCAD application was submitted which determined that adequate School Capacity is available for the proposed development. The traffic statement has also been submitted as part of this application which details that the proposed land use amendment will result in minimal traffic impacts.

- (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. [Amd. Ord. 13-99 3/16/99]*

Sections of Chapter 3, Performance Standards, are provided throughout the report. LDR Section 3.2.1, Performance Standards, Basis for Determining Consistency, also specifies that “the performance standards set forth in this Article either reflect a policy from the adopted Comprehensive Plan or a principle of good planning practice. The performance standards set forth in the following sections as well as compliance with items specifically listed as required findings in appropriate portions of Section 2.4.5 shall be the basis upon which a finding of overall consistency [Section 3.1.1(C)] is to be made. However, exclusion from this Article shall not be a basis for not allowing consideration of other objectives and policies found in the adopted Comprehensive Plan in the making of a finding of overall consistency.”

Zoning

The subject property is currently within the Single-Family (R-1-AA) zoning district. The 1.07-acre portion of the site on the southwest edge is in the Community Facilities (CF) zoning district. The applicant is requesting a Change in Zoning District Designation from Community Facilities (CF) and R-1-AA to R-1-A. The Summary of Land Development Regulations below is a comparison of R-1-AA, R-1-AA, and the proposed development standards.

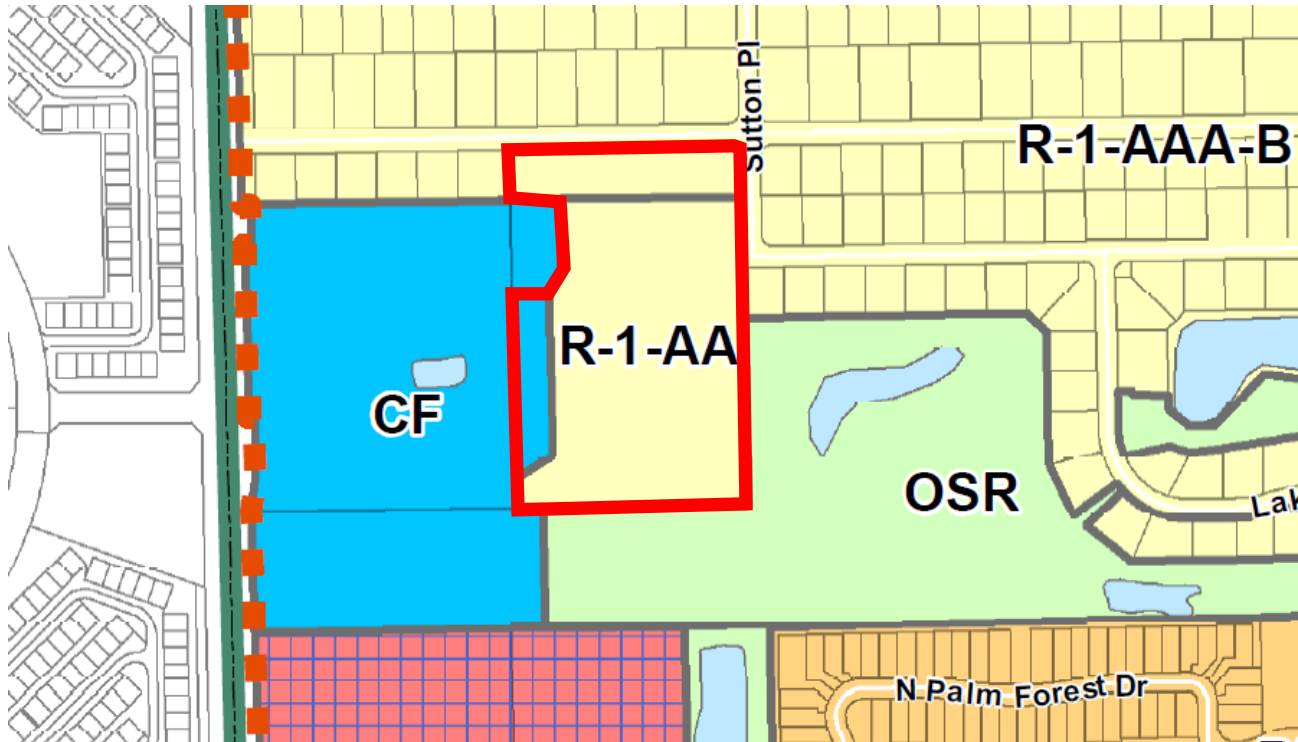


Figure 3: Zoning Map

The existing zoning district R-1-AA allows single-family detached dwellings and is compatible with the proposed residential use of the property. The Community Facilities (CF) designation does not permit single-family dwellings. Therefore, in order to accommodate single-family development, the applicant is requesting that the portion of the site that is designated CF be rezoned to a Single Family Residential District (R-1-A) to allow for residential development. Additionally, the applicant is requesting a change in zoning district designation from the R-1-AA to a R-1-A zoning district.

Compliance with Section 2.4.5.D.(2)

Required information. Standard application items pursuant to [2.4.3\(A\)](#) shall be provided. Traffic information prepared in accordance with [Section 2.4.3\(E\)](#) and which addresses the development of property under reasonable intensity pursuant to the existing and proposed zoning shall be provided. In addition, a statement of the reasons for which the change is being sought must accompany the application. Valid reasons for approving a change in zoning include:

- *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 change in circumstances that validates the zoning request is that the proposed development is aligned with the character of the neighborhood. The community has rejected previous proposals for the site that provided more density, including a proposal for a nursing home and townhomes. However, based on conversations with the representatives of the neighborhood Home Owner's Association, the neighbors support this proposal, including the requested zoning change. The zoning change to R-1-A would allow a project that is more aligned with the goals of the community and neighbors than the existing zoning allows, by providing more open space and landscape buffer areas.

The request is aligned with the goals and objectives of the comprehensive plan and Future Land Use map. The proposed R-1-A would allow a density of 2.78 acres, which is below the allowed density of 5.0 units per acre.

Policy Alignment: Comprehensive Plan

The following Comprehensive Plan policies apply to this request:

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

The proposed Low Density (LD) land use designation will result in compatible land uses with the surrounding neighborhood and is appropriate for the character of the surrounding area.

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.*

The proposed Low Density (LD) land use designation will result in the appropriate complementary mix of land uses. It will result in a development pattern that complements the surrounding single-family residential neighborhoods along Sherwood Boulevard and Sutton Place. It will result in a development pattern that provides safe and attractive public open spaces including common areas and sidewalks.

Policy HOU 1.1.6: *Promote good design in new housing construction and rehabilitation that highlights beauty, flexibility, and innovation, and respects existing neighborhood character.*

The proposed homes provide good design and implement the best practices in new housing construction. Flexibility is provided, there are a range of four (4) different housing models proposed for the development, each with three (3) different elevations options: Contemporary, Modern, and Transitional, providing over 12 combinations of homes for a development site with 26 homes. Each home also has options to provide flexibility in terms of add-ons and modifications to the base models. The proposed homes respect and are compatible with the existing neighborhood character, which consists of one-story and two-story single-family homes.

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.*

The proposed site plan implements a zoning district that is the Single Family Residential District (R-1-A). The surrounding zoning districts are Single Family Residential District (R-1-AA), Single Family Residential District (R-1-AAA-B), OSR, and Community Facilities (CF).

d. Workforce housing is not required, however the Comprehensive Plan has multiple policies encouraging the inclusion of housing productions for diverse incomes. Please consider adding workforce units.

The proposed Single Family Residential development will provide 26 single family homes that are appropriate with the surrounding existing single family residential development. Any additional housing contributes to the housing shortage, meeting market-demands for large single family homes in Delray Beach. Past proposals have included denser development, including a senior living project, and townhomes, and the neighbors were against these proposals, asking instead for a lower density development that will generate less traffic. The proposed development is aligned with the surrounding community's goals to have development that fits in and is compatible with the existing single-family development.

Policy NDC 1.1.13 *Apply the most restrictive residential zoning district(s) that is appropriate to the neighborhood based on existing development patterns and lot sizes, unless another zoning district better supports the implementation of an adopted neighborhood or redevelopment plan.*

R-1-A is the most restrictive residential zoning district that is appropriate to the existing development pattern and lot sizes and achieves the goal to create a residential subdivision that fits in with the existing neighborhood. The Sherwood neighborhood is an area that was mainly developed in the 1970s and 1980s, and there is not a recent neighborhood or redevelopment plan that would suggest a different zoning district.

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.*

The proposed Low Density (LD) land use designation will result in maintaining and enhancing the City's established neighborhood characteristics of the Sherwood Boulevard area, while supporting new 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.*

The proposed Low Density (LD) land use designation will result in the development of detached single family residential housing within 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.*

The proposed Low Density (LD) land use designation will result in a low density residential neighborhood that has a density of 2.9 dwelling units per acre which is below five (5) dwelling units per acre. The planned residential development will provide high-quality amenities including signage, well-lit sidewalks, landscaped common open space, a covered mail kiosk area, bike parking, guest parking spaces, and landscape buffers.

Policy NDC 1.5.3 *Provide for the creation and retention of open space and the retention of natural resources within new development or redevelopment.*

The proposed site plan provides for 26 single-family homes located around a central open space and dry retention area. The open space and dry retention area will feature several large preserved trees and new native plantings, benches, and the mail kiosk. The open space also features a pathway lined with plantings and benches that creates a walking path around the proposed development.

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 proposed Low Density (LD) land use designation is consistent with the goals, objectives, and policies of the Comprehensive Plan, as well as the desires of the surrounding neighbors based on informal discussions between the applicant and representatives of the surrounding Home Owner's Association, as well as the neighboring Church property. The proposed designation is compatible with the existing single-family residential development patterns of the surrounding area along Sherwood Boulevard and Sutton Place. The proposed development will meet concurrency requirements and will be in compliance with the provisions and requirements of the Land Development Regulations.

Policy HOU 5.1.1 Encourage construction of mixed-income housing developments to avoid a concentration of affordable units in one development or neighborhood and to provide a full range of residential unit types and prices.

The Layton Pointe development encourages mixed-income housing by incorporating various lot sizes and housing options within the existing single-family residential area. This approach avoids a concentration of affordable units in one development or neighborhood and introduces a residential homes at various sizes and price points.

Objective HOU 6.1 Accommodation of Income Diversity Expand and diversify Delray Beach's housing stock.

The development expands and diversifies Delray Beach's housing stock by adding 26 new single-family homes to the area. This contributes to the city's goal of accommodating income diversity by providing modern housing options.

Policy HOU 6.1.1 Provide opportunities for income diversity by allowing a mix of housing types and ownership options.

Layton Pointe provides opportunities for income diversity by offering a high-end housing types and ownership options that are available to all ages. The proposed homes will vary in size and price, offering high-end housing options with different options. The models also provide flexible design options such as the cabana addition, which can provide solutions for multigenerational living and work-from-home that are sought-after in the current housing market.

Objective HOU 6.2 Affordable Housing *Provide very-low, low, moderate, and high moderate income level housing opportunities throughout Delray Beach.*

The site plan supports the objective of providing housing opportunities across moderate and high moderate income levels. By offering a diverse range of housing sizes and prices, Layton Pointe contributes to the availability of affordable housing throughout Delray Beach.

- (D) **Compliance with LDRs.** *Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), 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. [Amd. Ord. 13-99 3/16/99]*

The proposed land use amendment is consistent with the Land Development Regulations as outlined in this justification statement.

Sec. 3.2.3. - Standards for site plan and/or plat actions.

- A. *Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. [Amd. Ord. 13-99 3/16/99]*

The Layton Pointe Development ensures that building design, landscaping, and lighting are thoughtfully designed to prevent unwarranted distractions or visibility blockages that could affect traffic circulation. The site layout prioritizes clear lines of sight and minimizes glare through strategic placement of lighting fixtures, which are designed to direct light downwards to avoid spillage into the lots and traffic areas. Landscaping is designed and will be maintained to avoid overgrowth that could obstruct views, ensuring safe and smooth traffic flow throughout the community.

- B. *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA). [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The proposed development includes well-defined pedestrian, bicycle, and vehicular connections to the existing road network, enhancing overall connectivity. Accessible routes comply with the ADA standards, ensuring that all residents can navigate the community safely and comfortably. These routes provide seamless integration with existing infrastructure, promoting a walkable and age-friendly community.

- C. *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The proposed Layton Pointe development features 2.5 acres of open space (27%), exceeding the required amount, and incorporates various enhancements and recreational amenities. These include the landscaped buffers, open space and retention areas, mail kiosk, monument sign, and passive recreational amenities including benches and a pathway around the perimeter of the open space that connects to the sidewalk network. The development meets Objective OPR 1.4 by providing quality open spaces that support both passive recreational activities, aligning with the Open Space, Parks, and Recreation Element and Conservation Element goal/

- D. *Any proposed street widening or modifications to traffic circulation shall be evaluated by the City, and if found to have a detrimental impact upon or result in the degradation of an existing neighborhood, the request shall be modified or denied. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The proposed site plan includes a proposed access road that connects to Lakeview Boulevard. The proposed impacts of the new development has been evaluated and the traffic study findings are that the proposed development will have a minimal traffic impact on the existing neighborhood.

- E. *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The development of the residentially zoned (currently) vacant, formerly developed land is planned and designed to be consistent with adjacent development regardless of zoning designations. The proposed project consists of single-family homes in an area that is surrounded primarily by single-family homes of similar lot sizes.

- F. *Property shall be developed or redeveloped 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. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

Layton Pointe's development plan considers soil, topography, and other physical conditions to ensure that the use, intensity, and density are appropriate. The project promotes affordable goods and services, complements adjacent land uses, and addresses remaining land use needs. This thoughtful planning ensures the development is sustainable, environmentally sound, and beneficial to the community

- G. *Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The site plan for Layton Pointe includes a variety of single-family home sizes and configurations, accommodating the city's growing and socio-economically diverse population. This variety meets the

Goals, Objectives, and Policies of the Housing Element, providing housing options that cater to different income levels and household sizes.

- H. *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

Consideration has been given to the potential effects of the development on the safety, livability, and stability of surrounding neighborhoods. Factors such as noise, odors, dust, and traffic volumes have been carefully reviewed. The development plan includes measures to mitigate any negative impacts, ensuring that Layton Pointe enhances rather than degrades the surrounding areas.

- I. *Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation. [Amd. Ord. 13-99 3/16/99]*

The traffic associated with Layton Pointe is designed to avoid creating new high accident locations or exacerbating existing ones. Comprehensive traffic studies and mitigation strategies have been implemented to ensure that the development contributes to overall traffic safety and does not negatively impact existing road conditions.

- J. *Tot lots and recreational areas, serving children, teens, and adults shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 12, 9-10-20)*

The proposed open space and dry retention area as well as the pathway and sidewalk networks provides opportunities for passive recreation for households of all ages. These amenities promote a healthy and active lifestyle and ensures that future residents have access to open space within walking distance.

- K. *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density. (Ord. No. 23-20, § 12, 9-10-20)*

Layton Pointe adheres to the maximum density and intensity limits established in Table NDC-1 Land Use Designations. The development does not utilize incentive based density

programs and ensures that the project's scale aligns with both zoning regulations and community expectations.

- L. Development shall meet the intent of CSR 5, Energy Efficiently and Diverse Energy Mix and, where applicable, the requirements of LDR Section 7.11.1, Green Building Regulations.*

The development meets the intent of CSR 5, promoting energy efficiency and a diverse energy mix. Layton Pointe will comply with LDR Section 7.11.1, Green Building Regulations, incorporating sustainable building practices and energy-efficient systems to minimize environmental impact and promote long-term sustainability.