
PROJECT NARRATIVE / JUSTIFICATION STATEMENT

Delray 36

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

Initial Submittal: February 5, 2024

Request

On behalf of the applicant, Toll Brothers Inc., the applicant 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 Planned Residential Development (PRD).
3. **Master Development Plan** for the Planned Residential Development for 27 single-family home lots, streets, sidewalks, and common open space.
4. **Subdivision/Preliminary Plat (Major)**
5. **Subdivision/Final Plat**

Site Plan Review and Appearance Board (SPRAB) Requests:

6. **Site Plan – Class I**

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 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.

East: There are three (3) properties directly east 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 a Recreational (REC3) Existing Land Use designation and 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 (EDU2) Existing Land Use designation and a Community Facilities (CF) Future Land Use designation. It is in the Community Facilities (CF) zoning district.

West: The properties directly west are the golf course and single-family homes. The golf course has a Recreational (REC3) Existing Land Use designation and 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 Residential Planned Development (PRD), Master Plan Development, Subdivision (Major)/Final Plat, and Site Plan (Class I) as outlined in the requests.

The proposed conceptual site plan is in compliance with the Planned Residential Development (PRD) zoning designation and associated land development regulations as defined in Section 4.4.7. The proposed conceptual site plan features the following:

- 27 single-family residential lots
- 65' x 135' typical lot size for interior lots
- 80' x 135' typical lot size for corner lots
- Perimeter landscape buffers on south, west, east edges of the site
- 4.63 acres of open space / 1.86 acres of common open space

The proposed 27 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 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 a planned residential development 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).

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 ac x 5.0 du = 46.7 = 46 units

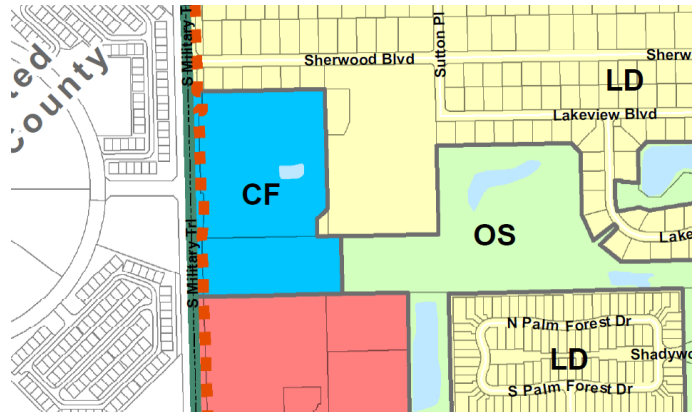


Figure 2: Future Land Use Map

Therefore, the subject property has a development potential of 46 dwelling units per acre. The proposed conceptual site plan shows 27 single-family lots which is a resulting density of 2.9 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 Planned Residential Development (PRD) 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 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 will determine the School Capacity availability. 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.”

The following Comprehensive Plan policies apply to this request:

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 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.

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 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.

*(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.

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 Planned Residential Development (PRD). The Summary of Land Development Regulations below is a comparison of R-1-AA, PRD, and the proposed development standards.

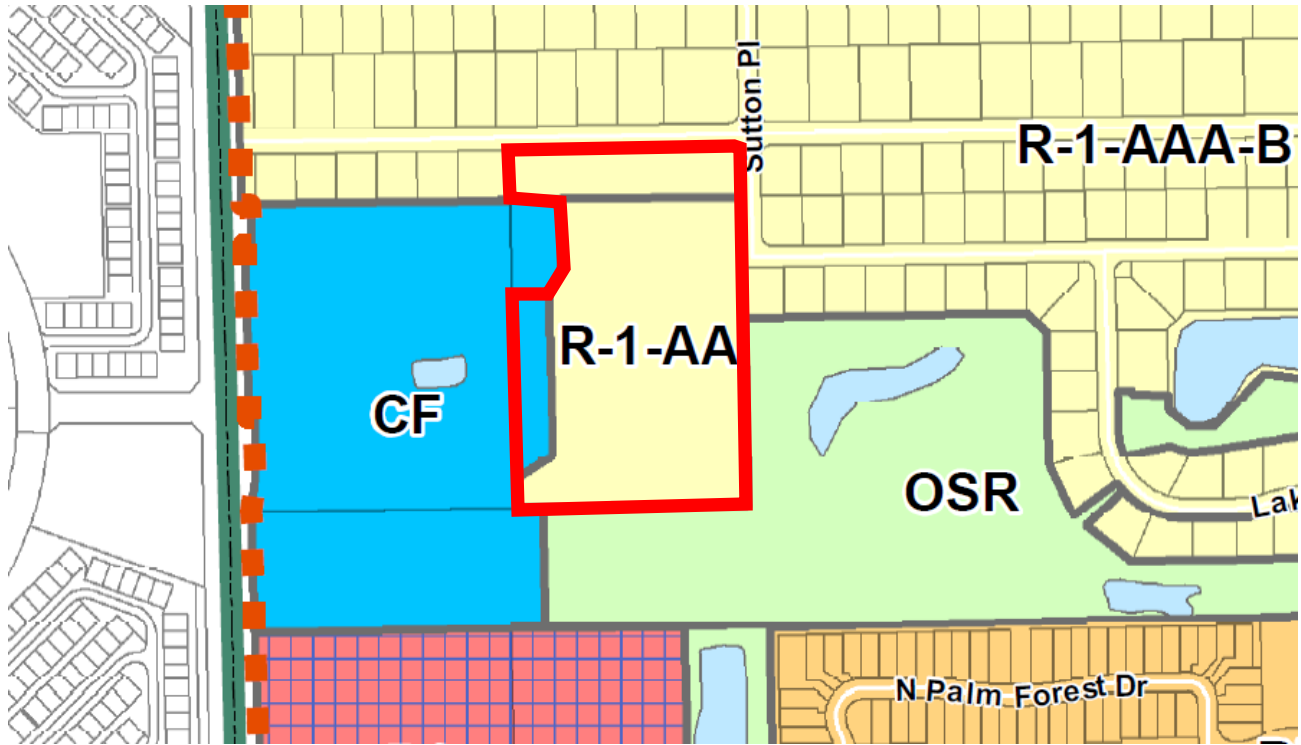


Figure 3: Zoning Map

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 Planned Residential Development (PRD) to allow for residential development. Additionally, the applicant is requesting a change in zoning district designation from the R-1-AA to a PRD zoning district which would allow for flexible property development regulations to promote innovative and quality site design as proposed in the conceptual site plan.

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, 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 PRD 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 PRD would allow a density of 2.9 acres, which is below the allowed density of 5.0 units per acre.

Compliance with Land Development Regulations

The development is subject to the development regulations outlined within the City of Delray Beach, FL Land Development Regulations. Based on pre-application meetings with the City of Delray Beach, this report analyzes the development regulations of R-1-AA and a Planned Residential Development (PRD) District as compared to the proposed project.

PRD

The property development regulations for a PRD are set forth in Section 4.4.7 and are also listed in the table below.

R-1-AA vs PRD Vs Proposed Zoning Districts Dimensional Standards				
Dimensional Standard	R-1-AA	PRD		Proposed
Minimum Lot Size (sq. ft.)	9,500	7,500		8,125
Lot Width I/C (ft.)	75/95	60/80		65 (typical) / 80 (corner)
Lot depth (ft.)	100	100		125 (minimum)
Lot Frontage I/C (ft.)	75/95	N/A		65 (typical)
Minimum Floor Area (sq. ft.)	1,500	1,200		Three and four bedroom: minimum 2,200
Maximum Lot Coverage	N/A	N/A		64%
Minimum Open Space	Minimum of 25% non-vehicular open space shall be provided. Interior	Minimum of 25% non-vehicular open	15% of gross area of the site must be	4.63 AC

	and perimeter landscaping may be applied toward meeting this requirement. 2.335 AC	space shall be provided. Interior and perimeter landscaping may be applied toward meeting this requirement. 2.335 AC	placed in common open space where the overall density is six (6) units per acre or less, or at least 20 percent where the overall density is greater than six units per acre 1.401 AC	
Setbacks				
Front (ft.)	30	30		25'
Side Street (ft.)	15	15		15'
Side Interior (ft.)	10	10		7.5'
Rear (ft.)	10	10		10'
Density	46 units (5 units per acre)	46 units (5 units per acre)		2.9 dwelling units per acre
Height (ft.)	35	35		22' 10"
Minimum Development Area	N/A	5 acres		9.35 acres

I/C = Interior lot / Corner lot

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

The property development regulations for Planned Residential Developments (PRDs) allow for more flexibility in terms of the minimum lot size, depth, and width, however, a PRD requires Master Plan Development Process pursuant to Section 2.4.5(F) which is further explained in the Project Approval Process section. Deviations from standard requirements are processed as “waivers”, it is presumed that we would not need any variances for the proposed site plan.

The following additional special regulations for PRD districts are applicable to the site:

- (1) *The development standards as set forth in Section 4.3.4 shall apply to individual lots.*
 → The proposed site plan is designed to meet the requirements as set forth in section 4.3.4 as specified in this justification statement.
- (2) *The following standards apply to the overall development project:*
 - (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 overall density of the proposed PRD is 2.9 units per acre. At least fifty percent of the units within the proposed PRD are single-family detached units which meets the

requirements.

- (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 overall density of the proposed PRD is 2.9 units per acre. Therefore, fifteen percent (15%) of the gross area of the site is required to be placed in common open space. Utilizing the affected development area of 9.34 acres, the required open space is 1.401 acres. The proposed site plan shows that 1.86 acres are allocated to common open space, which exceeds the requirement.
- (c) *Minimum site area is five acres.*
 - The proposed site area is 9.34 acres which exceeds the minimum site area requirement of five (5) acres.

Density

The density for a PRD is established by a numerical suffix affixed to the designation and shown on the zoning map that correlates with units per acre, for example, PRD-8 limits the density to eight units per acre. To seek a greater density, 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, in this case, up to 5 units. The proposed density of the PRD is 2.9 dwelling units per acre.

Layout and Design

The development must provide 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. The development must be in harmony with the existing and proposed development surrounding the site. The buildings shall be an integral part of the layout and have convenient access to and from adjacent uses and blocks. The landscape treatment for plazas, streets, paths, and serve and parking areas shall be designed as an integral part of a coordinated landscape and street furniture design.

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 setbacks listed here:

- a. In all residential zoning districts, the minimum rear setback for screen porches attached to residential type buildings shall be ten feet whenever at least 50 feet of open space, as defined in subsection (c) below, separates that rear property line from the next rear property line directly across and abutting the open space.
- b. The accessory structure of a screen enclosure around swimming pools and other accessory structures may have a zero rear yard setback whenever at least 50 feet of open space as defined in subsection (c) below separates the rear property line from the property line directly across and abutting the open space. However, this subsection does not constitute a change to provisions of [Section 4.3.4\(H\)\(4\)](#) (Structures Allowed in Setbacks) or [Section 4.6.5](#) (Walls, Fences, Hedges and

the Like) in the interpretation of height restrictions. Any accessory structure which has a solid roof shall not be allowed a height greater than that allowed by the above sections.

- c. For the purpose of this subsection (5), open space shall mean any exterior open area clear from the ground upward, except as noted below, such as canals, lakes, golf courses, parks, sidewalks, streets, parking areas, bicycle paths, and the like. If an area of open space such as a golf course includes buildings or structures utilized in connection therewith, the reduced setback provision contained above shall still apply if there is a minimum of 50 feet between such buildings and structures, and the property line on which the subject screen porch is to be located.
- d. In order to qualify for the reduced setback provision, the open space must either consist of common open space that is owned or leased by the owners of residential units within the subdivision of which that open space is a part, or be dedicated to the public, or restricted to such open space use by covenants, declarations, easements, or deed restrictions in order to provide a reasonable degree of assurance of the continuity of the open space status of the property.

Access

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 proposed PRD will be located off of Lakeview Boulevard in order for the development to blend seamlessly with the existing neighborhood.

Parking Requirements

The parking requirements for single-family detached dwellings are defined in Section 4.6.8 Off-street parking regulations and shown in the table below.

Off-street Parking Requirements			
Parking Requirement	R-1-AA	PRD	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	4 spaces per 50 dwelling units located at a common area or clubhouse	Not applicable because the applicant is proposing less than 50 units.

Figure 5: Parking requirements

The proposed site plan meets the parking requirements defined in section 4.6.8, 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.

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 only one (1) tree, which is located on the perimeter of the site adjacent to the golf course, is to be preserved. Mitigation is required for the removal of code-required trees that have a Diameter Breast Height "DBH" of four inches or greater. A tree disposition plan is included, which specifies that one (1) tree 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. One (1) tree will be preserved on site. Forty-five (45) palm trees will be relocated on the site. 163 trees will be removed, totaling 1,047.5 DBH inches. Nine (9) invasive trees will be removed and do not require mitigation. A total of 262 mitigation trees are provided (per DBH inches) and nine (9) trees are provided for one-to-one mitigation, and six (6) palms are provided for one-to-one mitigation. A total of 80 trees are not mitigated for on site, therefore an in-lieu fee of \$322,528 will be paid for the non-mitigated trees.

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 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 1,909 linear feet of lot frontage, therefore 48 street trees are required. As shown on the landscape plan, a total of 53 street trees are provided which exceeds the requirement.

Buffers

A PRD allows flexibility in design of the landscape buffers and other requirements. The site plan depicts a landscape buffer along the south, west, and east edges of the site to be incorporated in the 25% minimum common 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.

Common Open Space

A minimum of 25% non-vehicular open space, or 2.335 acres, is required per section 4.3.4. Interior and perimeter landscaping may be applied toward meeting this requirement. As shown on the site plan, 4.63 acres of open space is provided.

A minimum of 15% of the site area must be provided as common open space, which must be suitable for the contemplated development in terms of location, shape, size, and character of common open space. Common open space must be used for amenity or recreational purposes and must be suitable for its intended use. Utilizing the affected development area of 9.34 acres, the required open space is 1.401 acres. The proposed conceptual site design has 1.86 acres of common open space, which meets the requirements. The layout of the roads, pedestrian ways, and open space are designed as an integral part of the overall design of the PRD. The site is designed to incorporate an adequate amount of pedestrian ways and landscape spaces to limit pedestrian use of vehicular ways. The location and design of pedestrian ways emphasize desirable views of new and existing developments. Tot lots and recreational areas shall be a feature of all new housing developments containing more than 12 units and located outside of the downtown area, however, staff indicated in the pre-application meetings that the applicant can propose alternatives that are appropriate for the development.

Single Family Lot Landscape Requirements

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

- 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. (Typical lot size for PRD is 8775 sq. ft. / 2500 = 3.5 trees per lot)

- Shrubs shall 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 shall be screened with shrubbery or wood fencing that is tall enough to fully screen the units from view. Units higher than five feet above grade shall be screened with hedges that are half of the height of the item to be screened. In such instances, the required hedge shall not be any less than five feet in height. [Amd. Ord. 6-12 2/21/12]
- All other lot areas not covered by driveways or structures shall 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 shall be sodded or landscaped with ground cover acceptable to the City Engineering Department. Rock or gravel is expressly prohibited from being used in the right-of-way, unless approved by City Engineering.
- All refuse container storage areas visible from an adjacent street must be screened with vision obscuring fencing or hedging. A vision obscuring gate must be used in conjunction with hedging.
- All landscaped areas shall 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. The use of recycled water is encouraged.

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.