

Cason Court
Comprehensive Plan Amendment
Justification Statement

This justification statement is associated with property located at 342 North Swinton Avenue, City of Delray Beach. The property is currently owned by Cason United Methodist Church, Inc.

Cason Commons, LLC is the contract purchaser and applicant for approximately 2.83-acres of the existing +/-5.71-acre parcel. The applicant's intent is to utilize the 2.83-acre portion of the church property to accommodate a proposed single-family residential subdivision. The applicant is requesting to amend the future land use and change the zoning specific to 2.83-acres with a request to consider a 10-lot, single-family residential subdivision. The remainder of the church property will continue to accommodate the existing church and ancillary school use.

The existing church property consists of approximately +/-5.71 acres located on the southwest corner of Lake Ida Road and North Swinton Avenue. The parcel is zoned Community Facility (CF) and has a City of Delray Beach Land Use Map designation of Community Facility (CF). The site is currently occupied by a religious facility (Cason United Methodist Church) and more recently has been approved with a conditional use permit, to include a private educational facility within the church building.

The site is adjacent to residentially zoned properties to the west and south. Trinity Evangelical Lutheran Church, a nearby place of worship with educational services offered, is located to the north and is zoned CF. The properties located to the east are zoned Old School Square Historic District (OSSHAD), which is a mixed-use zone for the Old School Square Historic District, allowing a mix of office and residential uses. The site is also within the Subarea 4 of the Community Redevelopment Area (CRA) and will require review by the CRA Director.

The following table provides a summary of the key data information associated with the subject property:

Owner	Cason United Methodist Church, Inc.
Applicant	Cason Commons, LLC
Location	Southwest corner of Lake Ida Road and North Swinton Avenue. Delray Beach, Florida. Current address: 342 North Swinton Avenue, Delray Beach, Florida, 33444 2726
PCN	12-43-46-16-01-041-0010
Property Size	5.88 acres existing 2.83 acres as proposed LD and PRD 2.88 acres church property
Future Land Use Map	
	City of Delray Beach – CF Community Facility existing land use. City of Delray Beach – LD – Low Density land use.
Zoning District	
	CR – Community Facility existing zoning district. PRD – Planned Residential Development proposed zoning district.

Adjacent Land Use	
	North: LD East: LD & HMU & OS South: CF West: LD & CF
Adjacent Zoning	
	North: R-1-AAA East: R-2-AAA&OSSHAD South: CF& OSSHAD West: R-1-AAA-B
Existing Use	Church & church school
Proposed Use	Low density single family residential
Services	
Water	Existing
Sewer	Existing

Modifications to the existing church and school operations have been kept to a minimum in terms of circulation, access, parking, stormwater management and functionality of the church use on site and within the community. The MDP for the residential subdivision and the modification to the church site plan provide assurances regarding design and scale of the introduction of residential use on an underutilized part of the existing church property, without negatively impacting the church, recently approved small church school, or surrounding neighborhoods.

Future Land Use Amendment

Pursuant to Land Development Regulations (LDR) Section 2.4.5(A), Comprehensive Plan Amendments are required to follow the procedures outlined in Florida Statutes. The request to amend the Future Land Use Map (FLUM) is being processed therefore as a small-scale Comprehensive Plan amendment pursuant to Florida Statutes, F.S. 163.3184 through F.S. 163.3253.

The proposed FLUM amendment is being processed as a small-scale Comprehensive Plan amendment. Florida Statutes F.S. 163.3187 provides that a small-scale development amendment may be adopted under the following conditions:

- (a) The proposed amendment involves a use of 10 acres or fewer;
- (b) The cumulative annual effect of the acreage for all small-scale development amendments adopted by the local government does not exceed a maximum of 120 acres in a calendar year;
- (c) The proposed amendment does not involve a text change to the goals, policies, and objectives of the local government's comprehensive plan, but only proposes a land use change to the future land use map for a site-specific small-scale development activity. However, text changes that relate directly to, and are adopted simultaneously with, the small-scale future land use map amendment shall be permissible under this section;
- (d) The property that is the subject of the proposed amendment is not located within an area of critical state concern, unless the project subject to the proposed amendment involves the construction of affordable housing units meeting the criteria of s.420.0004(3), and is located within an area of critical

state concern designated by s.380.0552 or by the Administration Commission pursuant to s. 380.05(1)

The subject property is an infill property consisting of only 2.83-acres of the maximum 120 acres and is unlikely to have exceeded the thresholds for the 2021 calendar year. The proposed FLUM amendment does not involve a text change to the Goals, Policies, or Objectives of the Comprehensive Plan. The requested FLUM amendment is for a site-specific parcel of land. The subject property is not located within an area of critical state concern. Thus, the proposed FLUM amendment can be processed as a small-scale amendment because it complies with all of the above conditions.

Pursuant to LDR Section 3.1.1, Required Findings, "... Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Future Land Use Map (FLUM) (A), Concurrency (B) Comprehensive Plan Consistency (C), and Compliance with the Land Development Regulations (D). The following analysis and findings identify positive findings can be made with respect to the LDR Section 3.1.1(A)-(D).

FUTURE LAND USE MAP

Future 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 Future Land Use Map.

Neighborhoods, Districts, and Corridors Element

Table NDC-1 Land Use Designation: density, intensity, and implementation zoning district, identifies preferred and compatible implementing zoning districts for each land use designation. Identifying the proposed Low-Density LD designation preferred and compatible implementing zoning districts as: R-1, RL, PRD Compatible: A, RR, CF, OS, OSR. Maximum number of dwelling units/densities for a property with an LD land use designation is 5 units per acre. The future land use has been requested as it is considered compatible with the existing LD designations abutting the subject property to the north, east, and west.

The future land use of LD and a rezoning to PRD are consistent with Table NDC-1 and the surrounding existing land use designations. Existing development patterns adjacent to the property include primarily single-family dwellings on smaller lots, the existing Cason Methodist Church to the east, and an existing school and church to the north of Lake Ida Road. The proposed LD land use designation and PRD zoning district designation, and proposed density of up to 5 units per acre, are consistent with each other and the surrounding established development patterns and designations.

The NDC policies as follow describe the intent and provide direction regarding the implementation of the existing and proposed land use designations, especially as it relates to the FLUM amendment from CF to LD and rezoning from CF to PRD. Based on the analysis as follows, positive findings can be made with respect to the referenced objectives and policies.

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 infill development introduces a residential 10 lot subdivision of similar scale and development pattern to that of adjacent established uses. Additional residential units will be close to the existing churches and schools immediately abutting the property. The site is well served by the three access options and pedestrian and vehicular connectivity within the proposal site and Cason Methodist Church facilities. Open space has been designed to maximize amenity and enjoyment of the 0.4-acre bioswale with boardwalks and open space amenities in the form of neighborhood greens within the proposed residential subdivision.

Policy NDC 1.1.3: Provide transitions between land use designations at the rear of properties or at major corridors so that the prescribed uses and potential development patterns are arranged to achieve compatible and appropriate changes in intensity, height, and scale.

The proposed height and scale of the residential units is consistent with the adjacent established development patterns. Primarily residential units on small lot configurations single-story. The bioswale amenity area provides a suitable transition area to provide sufficient distance between the existing church and recently approved church school operations, and the proposed residential subdivision. The wider area consists of predominantly residential areas and additional church and school facilities to the north.

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

The proposed residential infill on a property with sufficient space to accommodate additional use other than the existing church and newly approved school, offers an effective and sympathetic development pattern within this area of the City of Delray Beach. The property is well served by existing services and amenities and easily accessed off of three different roads with Lake Ida to the south, North Swinton Avenue to the east, NW 1st Avenue to the north.

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 detached residential subdivision offers a high quality of design, of similar scale to that of existing adjacent properties. The 2.83-acre property offers the opportunity for infill and less option for a mix of housing types given the smaller lot size and scale and density of the adjacent development patterns. The proposal compliments existing uses while making better use of the existing church property.

Conservation Element: Policy B-2.1: The submission of a biological survey and a habitat analysis shall accompany land use requests for plan amendments, rezoning, and site plan approval. However, the requirement shall not apply to small parcels, developed parcels, or where it is apparent that there are no such resources. Policy B-2.2: Whenever and wherever significant or sensitive flora and fauna communities are identified, plans shall be required to preserve the habitat to the extent feasible or provide for mitigation if preservation is infeasible or inappropriate.

The subject property is on a small parcel of 2.83-acres. There is no habitat requiring preservation or mitigation on the property.

Concurrency: Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards. Concurrency with respect to traffic, water and sewer, drainage, parks and recreation and school capacity determination are evaluated below:

Water and sewer service are available to the property through the City of Delray Beach, also documented and attached. Likewise, fire and police services are available to the property and will also be confirmed in the Class II Site Plan application. Adequate services are available to serve the subject site as proposed.

Streets and Traffic: the site has three existing access points, with one from Lake Ida Road and two on North Swinton Avenue. The site has an existing internal circulation that will adequately accommodate ingress and egress of vehicles without negatively impacting the adjacent areas.

Chapter Three sets forth Level of Service Standards consistent with the Comprehensive Plan. It also sets forth performance standards by which a development application shall be assessed for the purpose of determining overall consistency with the Comprehensive Plan and with good planning, engineering and design practice. A complete review of both Chapter Three and the Comprehensive Plan is provided below.

Pursuant to LDR Section 3.1.1, Required Findings, prior to the approval of development applications, certain findings must be made in a form which is a part of the official record. This may be achieved through information on the application, written materials submitted by the applicant, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application. These findings relate to the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

(A) Future 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 Future Land Use Map.

The subject properties are currently zoned Community Facility (CF). The proposed zoning is Planned Residential Development (PRD). The proposed PRD zoning designation is consistent with the proposed Low Density (LD) Future Land Use Map designation and would allow for the proposed 10-unit, single-family residential development planned for the subject site. Based upon the above, we are confident positive findings can be made with respect to Future Land Use Map Consistency.

(B) Concurrency: Development at the highest intensity possible under the requested designation can meet the adopted concurrency standards. The proposed rezoning can meet the adopted concurrency standards. Concurrency findings with respect to Water and Sewer, Drainage, Parks and Recreation, Solid Waste, Schools, and Traffic are demonstrated within the Future Land Use Map part of this report.

(C) Consistency: The request is consistent with all policies within the Comprehensive Plan and with the development pattern and proposed residential within this part of the City of Delray Beach jurisdiction.

LDR Section 3.2.2, Standards for Rezoning Actions provides five standards that must be considered for rezoning of property, listed as follows:

Sec. 3.2.2. Standards for rezoning actions.

In addition to the standards listed below, rezoning actions shall be consistent with the land use designation applied to the land to be rezoned. Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element, identifies the land use designations and implementing zoning districts that provide appropriate development and improvements that further the adopted strategies of and are compatible with the assigned land use designation. (Ord. No. 23-20, § 11, 9-10-20)

- (A) The most restrictive residential zoning district that is applicable given existing development patterns and typical lot sizes shall be applied. Requests for rezonings to a different zoning designation, other than Community Facilities, Open Space, Open Space and Recreation, or Conservation shall be denied unless the proposed changes implement an adopted neighborhood or redevelopment plan. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)***

The subject properties are currently zoned Community Facility (CF). The proposed zoning is Planned Residential Development (PRD). The proposed PRD zoning designation is consistent with the proposed Low Density (LD) Future Land Use Map designation and would allow for the proposed 10-unit, single-family residential development planned for the subject site. The site is adjacent to residentially zoned properties to the west and south. Trinity Evangelical Lutheran Church, a nearby place of worship with educational services offered, is located to the north and is zoned CF. The properties located to the east are zoned Old School Square Historic District (OSSHAD), which is a mixed-use zone for the Old School Square Historic District, allowing a mix of office and residential uses. The plan proposed provides an opportunity for an infill development complimentary to existing development patterns within the neighborhood. Based upon the above, we are confident positive findings can be made with respect to Future Land Use Map Consistency.

- (B) Rezoning of land located west of Interstate-95 to accommodate auto dealerships or to AC (Automotive Commercial) is prohibited pursuant to Policy NDC 2.5.2 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)***

Not applicable. A dealership is not proposed.

- (C) Zoning changes that would result in strip commercial development shall be avoided. Where strip commercial developments or zoning currently exists along an arterial street, consideration shall be given to increasing the depth of the mixed-use zoning to provide for more substantive, mixed use projects that provide compatible transitions in form and use to the surrounding area. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)***

Not applicable. The rezone to PRD is consistent with the LD land use amendment request. A strip commercial development would not be permitted in accordance with the LD and PRD designations.

- (D) Rezoning of land shall result in allowing land uses deemed compatible with adjacent and nearby land uses both existing and proposed; or that if an incompatibility may occur, that sufficient regulations exist to properly mitigate adverse impacts from the new use. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)***

The proposed Low-Density LD designation preferred and compatible implementing zoning districts as: R-1, RL, PRD Compatible: A, RR, CF, OS, OSR. The requested zoning is required to be applied in context with the surrounding neighborhood and the resulting use of the land and zoning. With the exception of the existing church and school to the north and west of the subject property, the remainder of the properties are of similar scale and use to the proposed Low-Density land use designation, with properties predominantly sharing that same land use. Densities within proximity to the subject property are similar in scale and the character and development patterns are predominantly single family residential. The

proposed PRD zoning district will result in allowing uses that are deemed compatible with the adjacent LD and R1A designated properties. The proposed residential development and existing church will function as an interconnected, urban site.

Summary of adjacent property details:

Future Land Use Map

City of Delray Beach – CF Community Facility existing land use.

City of Delray Beach – LD – Low Density land use.

Zoning District

CF – Community Facility existing zoning district.

PRD – Planned Residential Development proposed zoning district.

Adjacent Land Use

North: CF

East: CC & HMU

South: LD

West: LD

Adjacent Zoning

North: CF

East: CBD- OSSHAD

South: R-1-A, CF& OSSHAD

West: R-1-A

Existing Use Church & church school

Proposed Use Low density single family residential

The project proposed brings an urban, detached residential project into downtown Delray Beach. It provides market variety and appropriate density and building type transition while remaining compatible with the surrounding neighborhood. The request to rezone to PRD addresses the minimum lot size requirement afforded to a property with an LD land use designation. The PRD also provides the opportunity to reduce the lot width and lot size. At the same time the PRD designation may accommodate additional development conditions and innovative design requirements not available under straight zoning district designations. The project embeds innovative infill strategies that result in value creation, architectural preservation and placemaking.

(E) Remaining infill lots within the Coastal High Hazard Area of the Coastal Planning Area shall be developed using zoning which is identical or similar to the zoning of adjacent properties or that results in less intense development. [Amd. Ord. 13-99 3/16/99] (Ord. No. 23-20, § 11, 9-10-20)

Not applicable. The proposed development is not within the coastal planning area.

CONCLUSION

Accommodating the request to amend the FLUM to LD and a concurrent rezoning of the property from CF to PRD is considered consistent with the City's applicable land use policies and procedures. The FLUM request to LD is consistent with the proposed PRD designation. A Low-Density Residential land use and PRD may accommodate a maximum density of five units per acre, completely appropriate in maintaining the overall low-density residential character of the neighborhood. The RM zoning district provides sufficient regulations to ensure that areas of incompatibility can be mitigated. Thus, positive findings can be made with respect to Concurrency and Compatibility with the surrounding land uses.

CASON COURT

Master Development Plan Narrative

The Cason United Methodist Church is located 342 N Swinton Avenue. The 5.71 acre site is bound by Lake Ida Rd. to the North, an alley and single family residential to the west, SW 3rd Ct. to the south and single family residential to the south, and neighborhood commercial to the east.

The church's existing Future Land Use (FLU) is Community Facilities (CF). The current Zoning is Community Facilities (CF).

The church is proposing to sell off 2.83 acres of land to house a new residential development. The church's site will be sensibly connected and share access and stormwater infrastructure with the proposed new project.

Currently the church has an effective seating capacity of 432 seats. The ground-level sanctuary has 36 (thirty-six), 18'6" pews with a maximum seating capacity of 12 persons per pew. (Note: With a 12" egress, no more than seven seats from the center of the row to the nearest aisle area are allowed). A balcony area has 13 pews with a maximum capacity of 7 seats per pew. However, this balcony is not ADA accessible and is used only for A/V equipment and storage.

Consistent with national trends and as outlined in a March 2021 Gallup study (<https://news.gallup.com/poll/341963/church-membership-falls-below-majority-first-time.aspx>), Americans' membership in houses of worship is declining. In 2020, 47% of Americans said they belonged to a church, synagogue or mosque, down from 50% in 2018 and 70% in 1999. The Cason Methodist Church has experienced a decline of membership and attendance, which has been exacerbated by the current pandemic. Nationally, religious services are either becoming smaller or are streamed online. Congregation growth is only occurring through multi-site expansion (several small sites in different areas that are part of the same congregation), small church partnerships or, for the larger congregations, even larger (stadium style) sites.

Typically, church services at Cason Methodist host a maximum of 100 patrons. Giving the current and projected congregation size, Cason church has no physical use for the vacant 2.83 acres it is proposing to sell and redevelop and has excess parking. The profit from the sale will provide much needed capital to preserve the congregation and the building itself, an iconic architectural piece in the city.

The master plan proposes a shared vehicular access off Lake Ida Rd., a connected, continuous sidewalk along the south side of both properties, and a minor parking reduction and reconfiguration to the parking to meet landscape and ADA codes and allow for a shared parking isle between both parcels.

There are currently 140 parking spaces. Required parking based on LDC is 144 spaces. Actual parking use is never more than 75 spaces. Proposed parking is 96 spaces.

A private day school operates within the church. Their hours of operation do not coincide with church services.

This land split will allow for an innovative infill development project that in turn will guarantee the preservation of a beloved civic structure.

As proposed, the residential development and the church will function as an interconnected, urban site. Both properties share access off of Lake Ida and Swinton Ave. Parking isles serve both the western parking for the

church as well as garages for the proposed residences. A comprehensive stormwater strategy for the church and the residential program is incorporated into a central bioswale at the core of the residential parcel. A continuous sidewalk provides pedestrian connection along the southern edge of both parcels. Golf cart connection is available through the church site, on to Swinton Ave. The proposed residential units are compatible in type and scale with the detached single-family surrounding neighborhoods. Backs face backs along the alley and sides front sides along NW 3rd Ct. The units are rear-loaded, have private open space, and are organized around a shared green/bioswale that fosters a strong sense of community. Smaller lots, heavily landscaped and buffered from the 5-lane lake Ida section.

The stormwater requirements result in the need to build up the site. The final elevation is up to 3' higher than the adjacent ROW. This results in retaining walls along the north and south property boundaries, over which a privacy/safety wall is built. The retaining and perimeter walls are heavily landscaped on both sides (public and private sides).

The ability for the church to sell the undeveloped portion of its site while providing appropriate parking, shared access and a comprehensive shared stormwater strategy, will ensure financial permanency and allow for the preservation of this iconic civic structure.

A 2' wide strip is dedicated across the entire width of the parcel, along the western boundary. This dedication will contribute to and increased R.O.W. for the alley.



MARCELA CAMBLOR & ASSOCIATES, INC
Town Planning • Architectural Design

July, 2022

Alexis Rosenberg
Senior Planner
Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL, 33444

RE: ID-1075 342 North Swinton Avenue 2' minimum setback from property line

Dear Alexis,

Please find attached the completed application form and required information submitted for Variance request for the above-mentioned project.

Variance Request Proposed privacy wall along northern property line to be setback a minimum of 2' from property line per Sec 4.6.5. Walls, Fences, and Hedge.

The Project is seeking a variance for the 2' setback of the wall. A hedge is proposed in the front of the wall in the area of the property being dedicated for additional right-of-way.

Variance Relief Procedures

Section 2.4.7.(A) Procedure for obtaining relief from compliance with portions of the Land Development Regulations.

A variance may be granted to the procedural and substantive provisions of the LDR regulations. Provisions in the LDR require such a request may be submitted and considered concurrently with the development application for which it is associated. Findings associated with such a request are required to demonstrate that the following findings prior to the approval of the variance:

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

Lake Ida Road, a County ROW, is required to be 110 ft wide. The site plan has been designed to accommodate property being dedicated for the additional right of way. Provision of a hedge to be located in front of the wall is a means to achieve privacy and maintain sufficient land required to accommodate additional right of way.

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

The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

As a County right of way, Lake Ida Road is required to be 110 ft. wide. Provision of the 2ft setback from the property line in addition to the lands required to be dedicated for the future widening of Lake Ida Road, would further limit the opportunity to accommodate infill development on the subject property.

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

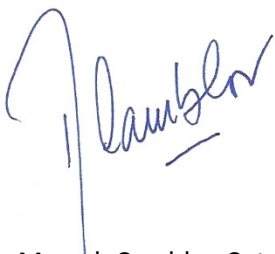
The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

The variance petition is the minimum request to allow a residential infill project to occur on the subject property while accommodating a hedge in the front of the wall in the area of the property being dedicated for additional right-of-way rather than the code required 2' minimum setback from the property line.

We trust the above provides sufficient information in consideration of the Variance request. Should you require any additional information please do not hesitate to contact me.

Sincerely,



Marcela Camblor-Cutsaimanis, AICP
Principal, Marcela Camblor & Associates, Inc.
Encl.



MARCELA CAMBLOR & ASSOCIATES, INC

Town Planning • Architectural Design

July, 2022

Alexis Rosenberg
Senior Planner
Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL, 33444

RE: ID-1075 342 North Swinton Avenue Variance Request

Please find attached the completed application form and required information submitted for Variance request for the above-mentioned project.

Variance Request

Section 4.4.6(F)(2)(c) minimum site area for PRD

Please accept this request for a variance of the development standards set forth in Section 4.3 as outlined in Section s.2.4(D0(4)(a) specifically included in Section 4.4.6(F)(2)(c) that states the minimum site area for PRD is five acres.

Variance Relief Procedures

Section 2.4.7.(A) Procedure for obtaining relief from compliance with portions of the Land Development Regulations.

A variance may be granted to the procedural and substantive provisions of the LDR regulations. Provisions in the LDR require such a request may be submitted and considered concurrently with the development application for which it is associated. Findings associated with such a request are required to demonstrate that the following findings prior to the approval of the variance:

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

A request to reduce the minimum site size of five-acres is supported by the fact that the original site includes an existing church and is 5.71-acres in total. Rather than create a single application for both the church and residential units, the church site is being split and improved to meet current LDR requirements, retaining the CF land use and zoning, while the residential portion is proposed to be PRD.

The proposed parcel division allows for a simplified and compliant application, independent, unencumbered ownership, and maintenance and management of both the existing church and proposed residential subdivision sites. The PRD category does not include Civic Facilities/Uses, deeming it not possible to submit a single application for the 5.71-acre site.

A reduction in site area to 2.83-acres, and the accommodation of a 10-lot single family subdivision provides a suitable scale, density, and pattern of development to that established within proximity to the site. The master development plan application and concurrent land use and zoning change applications, provide sufficient detail to demonstrate the proposed residential subdivision may be accommodated without diminishing public facilities. The site layout, lot configurations, and shared facilities with the church, including interconnected access and stormwater management, shall not create an unsafe situation.

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

The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

Were the CF land use on the subject property to allow residential use, or the proposed LD land use and PRD to allow for a church, there would be no requirement to split the 5.71-acre parcel to accommodate a residential infill development. A request to reduce the minimum site size from 5-acres to 2.83-acres will achieve retention of the church and more adequate utilization of the remainder of the property as an infill property within Downtown Delray.

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

The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

The variance petition is the minimum request to allow a residential infill project to occur on the subject property. Reducing the minimum property size from 5-acres to 2.83-acres allows the existing church operations and facilities to continue to operate safely and effectively while accommodating a 10-lot single

We trust the above provides sufficient information in consideration of the Variance request to reduce the minimum lot size. Should you require any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marcela Camblor-Cutsaimanis". The signature is stylized with a large initial "M" and a long, sweeping underline.

Marcela Camblor-Cutsaimanis, AICP
Principal, Marcela Camblor & Associates, Inc.
Encl.



MARCELA CAMBLOR & ASSOCIATES, INC

Town Planning • Architectural Design

September 12, 2022

Alexis Rosenberg
Senior Planner
Development Services Department
City of Delray Beach
100 NW 1st Avenue
Delray Beach, FL, 33444

RE: ID-1075 342 North Swinton Avenue Variance Request – Landscape Buffer

Please accept the following justification statement in support of the request for a Variance to address landscape buffer requirements.

Variance Request Section 4.4.21(H)(2) – landscape buffer requirement Section 4.4.21(H)(2)

A variance request is required for relief from the provision of a landscape buffer along the western property line, as indicated in staff's initial review of the site plan Class II and Class III, Section 4.4.21(H)(2). This code provision states: When this zone district is adjacent to residential zoning, the perimeter landscape area should be increased to a depth of 15 feet; or, as an alternative, either a wall, decorative fencing, or hedging should be installed for aesthetic and buffer purposes. [Amd. Ord. 32-94 6/21/94].

Variance Relief Procedures

Section 2.4.7.(A) Procedure for obtaining relief from compliance with portions of the Land Development Regulations.

A variance may be granted to the procedural and substantive provisions of the LDR regulations. Provisions in the LDR require such a request may be submitted and considered concurrently with the development application for which it is associated. Findings associated with such a request are required to demonstrate that the following findings prior to the approval of the variance:

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

Addressing the requirement for a landscape buffer, fence or wall between the existing church and proposed residential subdivision will help facilitate an effective infill project while allowing the church to continue to operate and function effectively as a church. The residences and church will be sharing a driveway.

Accommodating a physical boundary division between the church and proposed residential development would therefore hinder and obstruct the functionality of the site in shared driveway terms, should a landscape buffer or wall be included as part of the site design. The proposal is to make more efficient use of the property and have the uses function without the creation of a clear divide between the church and residence.

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

The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

To accommodate a landscape buffer along the western property line would alter and reduce existing circulation and parking provisions for the church. The code does not take into consideration a design challenge when accommodating an infill project on a property where the existing church is to be minimally impacted both in terms of parking and vehicular circulation.

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

The request will not grant a special privilege not afforded to other property owners. Section 2.4.7.(A) provides provision for any property owner to submit a request for a waiver from the provisions of the LDR.

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

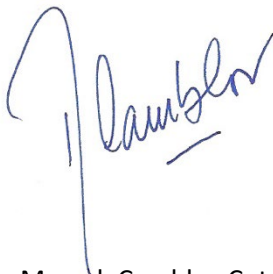
The variance petition is the minimum request to allow a residential infill project to occur on the subject property. Provision of a landscape buffer, decorative fencing, wall or hedging, would significantly alter the existing layout of parking, vehicular access and circulation regarding the existing church operations. The site plan has been designed to accommodate an infill project while retaining the existing operations of the church and school property.

Removing strict provision of a landscape buffer, fence or wall between the existing church and proposed residential subdivision will help facilitate an effective infill project while allowing the church to continue to operate and function effectively as a church. The residences and church will be sharing a driveway.

Accommodating a physical boundary division between the church and proposed residential development would therefore hinder and obstruct the functionality of the site in shared driveway terms, should a landscape buffer or wall be included as part of the site design. The proposal is to make more efficient use of the property and have the uses function without the creation of a clear divide between the church and residence.

We trust the above provides sufficient information in consideration of the Variance request to reduce the buffer requirement on the subject property. Should you require any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Marcela Camblor-Cutsaimanis". The signature is fluid and cursive, with a long vertical line extending downwards from the first letter.

Marcela Camblor-Cutsaimanis, AICP
Principal, Marcela Camblor & Associates, Inc.
Encl.