

## Justification Statement

The Applicant recently purchased the subject property on June 17, 2021. The subject property is adjacent to the west side of the Applicant's main campus. The Applicant intends to use the subject property as office space for existing staff. Parking is available for staff in the parking lot on the main campus. The Applicant's main campus is zoned Community Facility (CF) and the FLUM designation is CF.

The Applicant purchased another single-family home located at 345 NW 5<sup>th</sup> Avenue in November, 2007. This house is located across the street from the Applicant's main campus. It is used as office space for the Applicant. When the house was purchased, the property was rezoned from R-1-A to Community Facility (CF), and the FLUM designation was changed from Low density Residential to Community Facility.

Through Ordinance No. 16-00, the Achievement Center amended its land use from LD to CF and rezoned from R-1-A to CF. The subject site, 620 Lake Ida Road, was not included in the Land Use Map amendment and Rezoning. The subject property is currently zoned R-1-A. Per a meeting with staff on 1/31/22, staff will move forward with a City-initiated LUM to adopt the LD land use category for the subject site. This will run concurrently with the rezoning application. The Applicant seeks to change the zoning to CF, which will be consistent with the main campus' zoning and FLUM designations.

The rezoning request is supported by the following Sections of the Land Development Regulations (LDR)

**LDR Section 2.4.5(D).** *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.*

This particular policy in the City Comprehensive Plan would support the request: **Policy NDC 2.7.5** *“Deny requests to change residential land use or zoning designations to designations other than Community Facilities or Open Space land use designations or zoning categories unless the proposed changes implement an adopted neighborhood or redevelopment plan.”*

**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.

*(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)*

It is the intent of the Applicant to use the subject property as additional office space for the adjacent Achievement Center for Children and Families child care center. Permitted uses under LDR Section 4.4.21(B)(4) includes child care centers. Thus, the proposed use is allowed in the proposed CF zoning district.

City Comprehensive Plan: **Policy NDC 2.7.5** would support the requested zoning as the zoning change is a change from residential to Community Facility. City Comprehensive Plan: **Table NDC-1** states that CF zoning is compatible with Low Density (LD) Land Use Designation. LDR Section 3.2.2(A) would also support the zoning change from residential to Community Facility.

*(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 requested rezoning is from R-1-A to Community Facility. The property would no longer be used for residential purposes so there would be no public education needs of residents.

This not a new development but conversion of an existing use from residential to office. As noted in the traffic statement included with the application: “The project traffic has an insignificant impact on area roadways and is, therefore, in compliance with the Palm Beach County Traffic Performance Standards.” Likewise, the staff proposed to occupy the subject property are already employed by the Applicant so there would be an insignificant increase in water and sewer use, if any.

*(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]*

The Applicant submits that the proposed conversion from residential to office does not conflict with any of the individual performance standards contained in LDR Section 3.2 for the reasons

set forth below in the analysis of that Section. Therefore, there should be a finding of overall consistency.

*(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]*

*Special regulations for CF zoning are as follows, with responses:*

*(1) The perimeter setback area, when provided, shall be a landscaped area within which no paving shall be allowed except for driveways and walkways leading to structures on the premises. Such driveways and walkways shall be generally perpendicular to the property line. [Amd. Ord. 32-94 6/21/94]*

There is no perimeter setback area.

*(2) 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]*

The existing building is only 7.8 feet from the west property line, which abuts a R-1-A zoned residence, so a perimeter landscape area of 15 feet is not feasible. There is an existing fence on the west property line, which is adjacent to the R-1-A zoned lot. If the fence is not considered to be “decorative”, a hedge could be installed on the inside of the fence if required.

*(3) For CF zoned properties located within the West Atlantic Avenue Redevelopment Area, a minimum of ten percent non-vehicular open space shall be provided. Notwithstanding the provisions of this section, the body acting upon a development application may require additional open areas, including but not limited to courtyards, plazas, and landscaped setbacks, in order to add interest and provide relief from the building mass. All landscape requirements for parking lots and buffering of residential properties, pursuant to [Sections 4.6.5](#) and [4.6.16](#), shall apply. [Amd. Ord. 44-02 10/1/02]*

Not applicable.

**LDR Section 3.2.2.** *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.*

- (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.*

The request is to change the residential zoning to Community Facilities is a change from residential zoning permitted under this section.

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

Not applicable.

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

Not applicable.

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

Rezoning to Community facilities will be consistent with the adjacent main campus of the applicant.

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

Not applicable.

Because the land use for the property is being changed to LD, Community Facilities zoning is justified pursuant to LDR Section 3.3.2(A) above.