



CITY OF DELRAY BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

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



PLANNING & ZONING BOARD STAFF REPORT

620 Lake Ida Road – Community Child Care Center of Delray Beach, Inc.

| Meeting | File No. | Application Type |
|---|---|--|
| April 18, 2022 | 2022-077-REZ-CCA | Rezoning |
| Applicant | Owner | Authorized Agent |
| Community Child Care Center of Delray Beach, Inc. | Community Child Care Center of Delray Beach, Inc. | David W. Schmidt, of Simon and Schmidt, PA |
| Request | | |

Provide a recommendation to the City Commission on Ordinance No. 09-22, a privately initiated rezoning request from Single Family Residential (R-1-A) to Community Facilities (CF) for the +/-0.1833-acre property located on the south side of Lake Ida Road between NW 8th Avenue and NW 4th Street (620 Lake Ida Road).

Background Information



The subject property is a +/-0.1833-acre lot located on the south side of Lake Ida Road between NW 8th Avenue and NW 4th Street. The site was developed in 1969 as a 1,720 square foot single-family residence and remains a single-family residence to date. The site is zoned R-1-A and is also located within the Community Redevelopment Agency (CRA) district boundaries.

Pursuant to the City's adopted 1979 Land Use Map, the property had a land use designation of Single Family (SF). Between 1979 and 1989, the City established the Low Density (LD) land use category, and the property's land use designation changed from SF to LD. While the City's Geographic Information Systems (GIS) mapping software indicates that the property has a current land use designation of CF, no documentation has been found to reflect a formal land use designation change from LD to CF. Therefore, staff has brought forward a separate application for a City-initiated Land Use Map Amendment (LUMA) to correct a data conversion error that occurred when the City's mapping software changed from AutoCAD to GIS. Should the City-initiated LUMA be approved, the land use designation of the subject property will be LD. Further, the staff report is written under the presumption that the subject property's land use is LD.

Community Child Care Center of Delray Beach Inc. owns the subject site (620 Lake Ida Road), 555 NW 4th Avenue, and 345 NW 5th Avenue. The property at 555 NW 4th Avenue operates as the main campus of the Community Child Care Center, while 345 NW 5th Avenue (not shown on map) is utilized as office space.

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Attachments:

- Ordinance No. 09-22, Rezoning
- Existing and Proposed Zoning
- Applicant Justification Statement
- Traffic Statement Letter
- Legal Review of Ordinance No. 09-22

The Community Child Care Center of Delray Beach was founded in 1969 as a nonprofit organization, originally operated in a donated church classroom with limited volunteer teachers and children. As low-income needs increased, the program grew to support families and help prepare children for the public school system. In 1990, the preschool facility opened its doors at its current address, 555 NW 4th Street, and has since expanded its campus to accommodate preschool through 5th grade education.

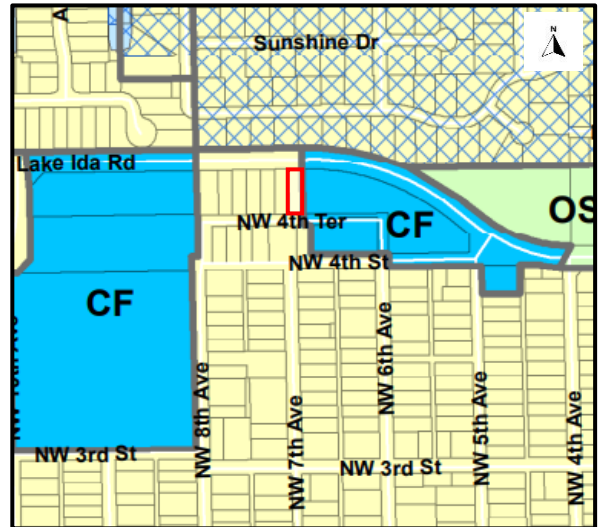
On August 15, 2000, the City Commission approved a rezoning for 555 NW 4th Avenue from R-1-A to CF to accommodate the expansion of the Community Child Care Center. Following the rezoning of 555 NW 4th Avenue, on November 14, 2007, the City Commission approved a rezoning for 345 NW 5th Avenue from R-1-A to CF for the use of office space that supports the Community Child Care Center. Subsequently, a Class I Site Plan Modification was approved for minor landscaping, and parking improvements.

Description of Proposal

The subject request is for a rezoning from R-1-A to CF. The other properties in the subject block are currently zoned CF and R-1-A. To the immediate west of the subject site are six single-family residences, to the south are six single-family residences, to the north are single family residences, (which are separated by Lake Ida Road), and to the east is the Main Campus of the Community Child Care Center.

CF Zoning

Pursuant to **LDR Section 4.4.21, Community Facilities (CF) District**, the requested CF district is a *special purpose zone district primarily, but not exclusively, intended for locations at which facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities.* Pursuant to Table NDC-1 in the Always Delray Comprehensive Plan, the proposed CF zoning district is a compatible zoning district under the LD land use designation. Further, LDR Section 4.4.21(B)(2) allows Community Centers as a principal use and structure in the CF zoning district.



If the rezoning request is approved, the property owner intends to convert the existing single-family residence into additional office space to support the Community Child Care Center. At this time, no site plans have been submitted.

Review and Analysis

Pursuant to **LDR Section 2.4.5(D)(1), Change of zoning district designation: Rule**, the City Commission may amend the Official Zoning Map by ordinance after review and recommendation for approval by the Planning and Zoning Board.

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

LDR Section 2.4.5(D)(2), Change of zoning district designation: Required Information, requires that “a statement of the reasons for which the change is being sought must accompany the application.”.. Valid reasons for approving a change in zoning are:

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

While the applicant's justification statement states that the request is applicable to all three criteria above, criterion one is not applicable as there are no errors that have been identified particularly given the single-family residential use on the property since 1969. Criterion two could be applicable given the change in circumstances for the neighboring Community Child Care Center, which continues to grow and have a positive impact on the surrounding community. For this reason, criterion three is most applicable as the change is zoning is also necessitated by the change in circumstances for the Community Child Care Center.

As noted, CF is a compatible zoning district under the LD land use designation. The proposed CF zoning district is generally consistent with the neighborhood and surrounding uses. The property to the east is zoned CF (Community Child Care Center), while the properties to the north, south, and west are zoned R-1-A and all contain single-family residences. The residential neighborhood to the north is separated by a four-lane street (Lake Ida Road) and barrier wall.



The Community Child Care Center expanded in 2007 by rezoning 345 NW 5th Avenue from R-1-A to CF. Following the rezoning, the on-site single-family structure was converted into a satellite office to support the Community Child Care Center. The Community Child Care Center intends to expand in a similar manner by rezoning the subject property to CF and ultimately converting the existing single-family residence into additional office space to also support the Center.

Expansion of the Community Child Care Center results in the expansion of an organization that continues to serve the community.

Rezoning from R-1-A to CF will not result in an increase in density, as the LD land use designation limits density to up to 5 dwelling units per acre, and the CF zoning district does not allow residential uses where a density calculation would be required. The development intensity is limited by the development standards for the CF zoning district. A comparison of the standards is provided in the following chart.

| | Density | Setbacks | Building Height | Lot Coverage | Open Space |
|--|----------------------|--|-----------------|--------------|----------------------------|
| CF (Proposed) | <u>Standard</u> – NA | Perimeter – 10 feet* | 48 feet | NA | Minimum 10% non-vehicular* |
| R-1-A (Existing) | <u>Standard</u> – NA | Front – 25 feet Side Street – 15 feet Side Interior – 7 ½ feet Rear – 10 feet | 35 feet | NA | Minimum 25% non-vehicular |
| *See LDR Section 4.4.21(H)(3) for additional setback requirements. | | | | | |

It is important to consider that the maximum height is increased from 35 feet to 48 feet and there are not prescribed setbacks for the CF zoning district. There are, however, special regulations that take into consideration the likelihood of a property zoned CF being located within or adjacent to a residential neighborhood. The LDR requires that when the CF “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.” The LDR also requires that a setback of 64 feet be provided from the centerline of Lake Ida Road, which abuts the north side of the property.

In addition, the 0.18 acre site is anticipated to provide additional office space that supports the Center. It is important to note that a stand-alone business, professional, medical, or other office-type could not be established on the site. When a site plan is submitted, consideration to the potential impact on the adjacent neighborhood will be carefully considered.

Pursuant to **LDR Section 2.4.5(D)(5), Change of zoning district designation: Findings**, in addition to provisions of Chapter Three, the City Commission must make a finding that the rezoning fulfills at least one of the reasons listed under Subsection (D)(2).

The applicable provisions of Chapter Three are provided in the following analyses.

Pursuant to **LDR Section 3.1.1, Required Findings**, prior to the approval of development applications, certain findings must be made. These findings relate to the Land Use Map, concurrency, consistency, and compliance with the Land Development Regulations.

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

Table NDC-1, Land Use Designation: Density, Intensity, and Implementing Zoning District, identifies the preferred and compatible implementing zoning districts for each land use designation. The existing zoning of R-1-A is a preferred zoning district under the LD land use designation. The proposed zoning of CF, while not a preferred district, is a compatible implementing zoning district under the LD land use designation.

| Table NDC - 1 Land Use Designations: Density, Intensity, and Implementing Zoning Districts | | | |
|---|---|--|---|
| Land Use Designation | Residential Density (Maximum Dwelling Units Per Acre) | Intensity (Maximum Floor Area Ratio) | Implementing Zoning Districts |
| Residential | | | |
| Low Density (LD) | | | |
| Standard | Up to 5 | --- | Preferred: R-1, RL, PRD Compatible: A, RR, CF, OS, OSR |

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

- ☐ **Schools.** The rezoning from R-1-A to CF will not generate any new students to the Palm Beach County school system, given that residential uses are not allowed in the CF zoning district.
- ☐ **Water and Sewer.** Water and sewer services currently exist on-site via a 6-inch cast iron water main and 8-inch sewer line.
- ☐ **Solid Waste.** The current use of single-family home generates approximately 1.99 tons of solid waste per year. If the property is rezoned to CF, the single-family residence use will no longer be allowed. Upon conversion to an office, as is the stated intentions for the property, approximately 4.6 tons of solid waste per year would be generated, resulting in a total increase of about 2.61 tons. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals through 2054.
- ☐ **Drainage.** Drainage is accommodated on site, and there are no known drainage issues at this time. Therefore, little to no impact is anticipated as a result of the rezoning from R-1-A to CF. If redeveloped, a full review of the required drainage improvements will be provided.
- ☐ **Parks, Recreation, and Open Space.** Park dedication requirements and fees do not apply to non-residential uses. However, if the CF zoning is approved and the property is redeveloped, a minimum of 10% non-vehicular open space will be required.
- ☐ **Traffic.** The submitted traffic statement letter, dated September 3, 2021, considers both the maximum zoning impact potential and the anticipated impact from the intended development. The statement letter anticipates a net increase of 87 daily trips as a result of rezoning the subject property to CF. Analyzing the intended development of an office, the statement letter anticipates a total net increase of six peak hour trips. Because the anticipated daily traffic does not result in an excess of 200 trips, a Traffic Performance Standards review from Palm Beach County is not required. It is important to consider that the office use provided in the traffic statement anticipates a stand-alone business office, as opposed to a support office for the Center, which will generate less trips.

(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.




Pursuant to **LDR Section 3.2.1, Basis for determining consistency**, 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 policies apply to the rezoning 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.

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

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

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

Policy NDC 1.6.3 Community facilities located on small sites, governmental services (e.g. Florida Department of Health) that lease common office space, and existing places of worship that do not have substantial accessory uses, such as educational facilities, are not required to be designated as Community Facility on the Land Use Map.

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

Policy NDC 3.4.2 Use the development review process to determine development, redevelopment, and adaptive reuse is consistent with and complementary to adjacent development, regardless of the implementing zoning designations for each land use designation (See Table NDC-1).

Objective EDU 3.1, Out of School K-5 Programming Support programs which provide additional educational support or activities to elementary school students after school and during the summer.

Policy EDU 3.1.1 Collaborate with strategic partners to study out of school programming to determine if unmet needs exist for local families.

Policy EDU 3.5.5 Support public private partnerships that include intergenerational programming for seniors and youths.

Rezoning the subject property to CF will continue to allow appropriate development in the neighborhood that is consistent with the intent of the LD land use designation. If converted to a supporting office, the applicant has the intention of preserving the aesthetic character of the existing residence. Further, the building footprint is not intended to increase and therefore, the intensity is appropriate to the CF zoning district and complements the surrounding residential and educational uses. Establishing another support office in close proximity to the main campus will facilitate the Community Child Care Center's growth and private partnership opportunities.

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

The CF zoning district provides additional special regulations to require additional landscape setbacks when adjacent to residential zoning districts, and while allowing flexibility in the development standards to accommodate the varied development needs for the

types of structures allowed in the CF zoning district. In addition, LDR Section 4.4.21(H)(3), Community Facilities (CF) District: Special Regulations, allows that for properties zoned CF and located within the West Atlantic Avenue Redevelopment Area, the “body acting upon the development application may require additional open spaces...to add interest and provide relief from the building mass.”

Pursuant to **Section 3.2.2 - Standards for Rezoning Actions**, rezoning requests must meet five standards, which are described below as they relate to the proposed rezoning under consideration.

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

The proposed rezoning to CF zoning is a compatible zoning to the LD land use designation and is not more intense.

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

Not applicable.

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

Not applicable.

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

The LD land use designation is implemented by the CF zoning designation. The subject property is surrounded by R-1-A on the South and West, R-1-AA to the north (separated by Lake Ida Road), and CF to the East. An overview of the properties is provided in the chart below. The R-1-A zoning district is primarily intended for single-family detached residences and accessory uses such as family day cares and home occupations. The R-1-A district also allows child and adult care, churches or places of worship, and private educational facilities subject to the approval of a conditional use. The proposed CF zoning district will not result in more intense uses as it is a *special purpose district primarily intended for public, semi-public, and private facilities* (e.g. religious, governmental, educations, health care, and social service institutions). Further, approval of the rezoning request would not result in an increased FAR as the LD land use designation does not have a required FAR.

| Location | Development Type / Uses | Land Use Designation | Zoning District |
|----------|-----------------------------|----------------------|-----------------|
| North | Single Family Home | R-1-AA | LD |
| South | Single Family Home | R-1-A | LD |
| East | Community Child Care Center | CF | CF |
| West | Single Family Home | R-1-A | LD |

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

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

Considerations

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

- Whether the proposed CF zoning is appropriate to the surrounding neighborhoods.

- Whether there has been a change in circumstances on the site or within the neighborhood that renders the R-1-A zoning inappropriate.

Review By Others

The subject property is located within the **Delray Beach Community Redevelopment Agency (DBCRA)** area, Sub-Area 4 (Pompey Park Master Plan and NW Neighborhood Improvement Area). The DBCRA was notified of the request.

The first and second reading dates by the City Commission are anticipated to take place in May and June 2022.

Alternative Actions

- Move a recommendation of **approval** of Ordinance No. 09-22, a privately initiated request to rezone the property located at 620 Lake Ida Road from Single Family Residential (R-1-A) to Community Facilities (CF), finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Move a recommendation of **approval as amended** of Ordinance No. 09-22, a privately initiated request to rezone the property located at 620 Lake Ida Road from Single Family Residential (R-1-A) to Community Facilities (CF), finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the applicable criteria set forth in the Land Development Regulations.
- Motion to **deny** Ordinance No. 09-22, a privately initiated request to rezone the property located at 620 Lake Ida Road from Single Family Residential (R-1-A) to Community Facilities (CF), finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the applicable criteria set forth in the Land Development Regulations.

D. Continue With Direction.

Public and Courtesy Notices

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| <p><u>X</u> Courtesy Notices were sent to the following:</p> <ul style="list-style-type: none"> • Chamber of Commerce • Paradise Heights • NW Community Improvement Association • West Side Heights • Lake Ida Park | <p><u>X</u> Public Notice was posted at the property on Friday, April 8, 2022, at least 7 calendar days prior to the meeting.</p> <p><u>X</u> Public Notice was mailed to property owners within a 500' radius on Friday, April 8, 2022, 10 days prior to the meeting.</p> <p><u>X</u> Public Notice was published in the Sun Sentinel on Friday, April 8, 2022, 10 calendar days prior to the meeting.</p> <p><u>X</u> Public Notice was posted to the City's website on Friday, Friday April 8, 2022, 10 calendar days prior to the meeting.</p> <p><u>X</u> Public Notice was posted in the main lobby at City Hall on Friday April 8, 2022, 10 calendar days prior to the meeting.</p> <p><u>X</u> Agenda was posted on Monday, April 11, 2022, at least five working days prior to meeting.</p> |
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