

**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 on an 8-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 +/-5.71 acres parcel is zoned Community Facility (CF). The City of Delray Beach Land Use Map designation of Community Facility (CF) on +/-1.78 acres of the +/-5.71 acres and the remaining 1.05 acres is designated LD, Low Density Land Use. 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:

<u>Owner</u>	Cason United Methodist Church, Inc.
<u>Applicant</u>	Cason Commons, LLC
<u>Location</u>	Southwest corner of Lake Ida Road and North Swinton Avenue. Delray Beach, Florida.  Current address: 342 North Swinton Avenue, Delray Beach, Florida, 33444 2726
<u>PCN</u>	12-43-46-16-01-041-0010
<u>Property Size</u>	+/-5.71-acre acres existing 2.88 acres church property 2.83-acre Cason Court proposed 8 lot residential subdivision
<u>Future Land Use Map</u>	
	City of Delray Beach – CF Community Facility existing land use (1.78 acres). City of Delray Beach – LD – Low Density proposed land use (1.78 acres).

Zoning District	
	CR – Community Facility existing zoning district. R-1-A proposed zoning district on 2.83-acres.
	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 proposed future land use to LD is also consistent with the existing LD designation on 1.05 acres of the western half of the Cason Court proposed residential subdivision.

The future land use of LD and a rezoning to R-1-A 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 R-1-A 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 R-1-A. 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 8 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 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 proposed 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 1<sup>st</sup> 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 R-1-A, consistent with the proposed Low Density (LD) Future Land Use Map designation. The request to change the land use designation on 1.78 acres of the 2.83 acre Cason Court property, would allow for the proposed 8-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 R-1-A. The proposed R-1-A zoning designation is consistent with the proposed Low Density (LD) Future Land Use Map designation and existing LD land use designation currently on 1.05 acres of the subject property. The request would allow for the proposed 8-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 (OSSHD), 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 R-1-A is consistent with the LD land use amendment request. A strip commercial development would not be permitted in accordance with the LD and R-1-A 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. Half of the Cason Court subject property is already designated with an LD future 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 R-1-A zoning district will result in allowing uses that are deemed compatible with the adjacent LD and R-1-A 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.

R-1A - Residential

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 R-1-A addresses the minimum lot size requirement afforded to a property with an LD land use designation. The R-1-A also provides the opportunity to accommodate 8 single family units. 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 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 on 1.78 acres of the Cason Court property will address the split land use designation while accommodating the Cason Court 8-lot single family subdivision. The concurrent rezoning of the property from CF to R-1-A is considered consistent with the City's applicable land use policies and procedures. The FLUM request to LD is consistent with the proposed R-1-A designation. A Low-Density Residential land use and R-1-A may accommodate a scale of development completely appropriate in maintaining the overall low- density residential character of the neighborhood. The R-1-A 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.