



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Cocoplum Nature School

Meeting	File No.	Application Type
July 19, 2021	2021-169-USE-PZB	Conditional Use
Applicant	Authorized Agent	Property Owner
Cocoplum Nature School, Inc.	Jeffrey C. Lynne, Esq.	Cason United Methodist Church, Inc.

Request

Provide a recommendation to the City Commission regarding a Conditional Use request for Cocoplum Nature School to allow a private educational facility containing a maximum of 36 students on the property located at 342 North Swinton Avenue.

Background Information

The subject site consists of a combination of three parcels totaling approximately 5.8 acres located on the southwest corner of Lake Ida Road and North Swinton Avenue. The parcels are zoned Community Facility (CF) and have a Land Use Map designation of CF. The site is currently occupied by a religious facility (Cason United Methodist Church). The following is a list of actions related to the subject site:

- The main church building was constructed in 1968 and building additions were completed in 1975 and 1981. At the time, the properties were zoned Single Family Residential (R-1-A).
- In October 1990, during the citywide zoning changes, a portion of the property was rezoned from R-1-A to CF. In August 1991, the original Ordinance that rezoned the property to CF was corrected to include the remaining portion that had not been included as part of the original rezoning via a corrective Ordinance process.
- In May 1992, a phased site plan was approved for the construction of a new 9,427 square feet fellowship hall, for the construction of 7,202 square feet building addition, a 1,712 entry court, and an expansion of the child care area to accommodate a total of 84 students.
- Records indicate that a daycare facility, Cason Christian Academy (formally known as Wee Care at Cason), was established in 1988 and remained in operation through 2009. The daycare program was originally approved as an attendant use as part of the principal use (religious facility). Available records also indicate that Palm Beach South Middle School was established at this location as a private school from 2015 to 2016 and had a maximum capacity of 40 students; however, the records do not indicate that a zoning approval was obtained for this use.

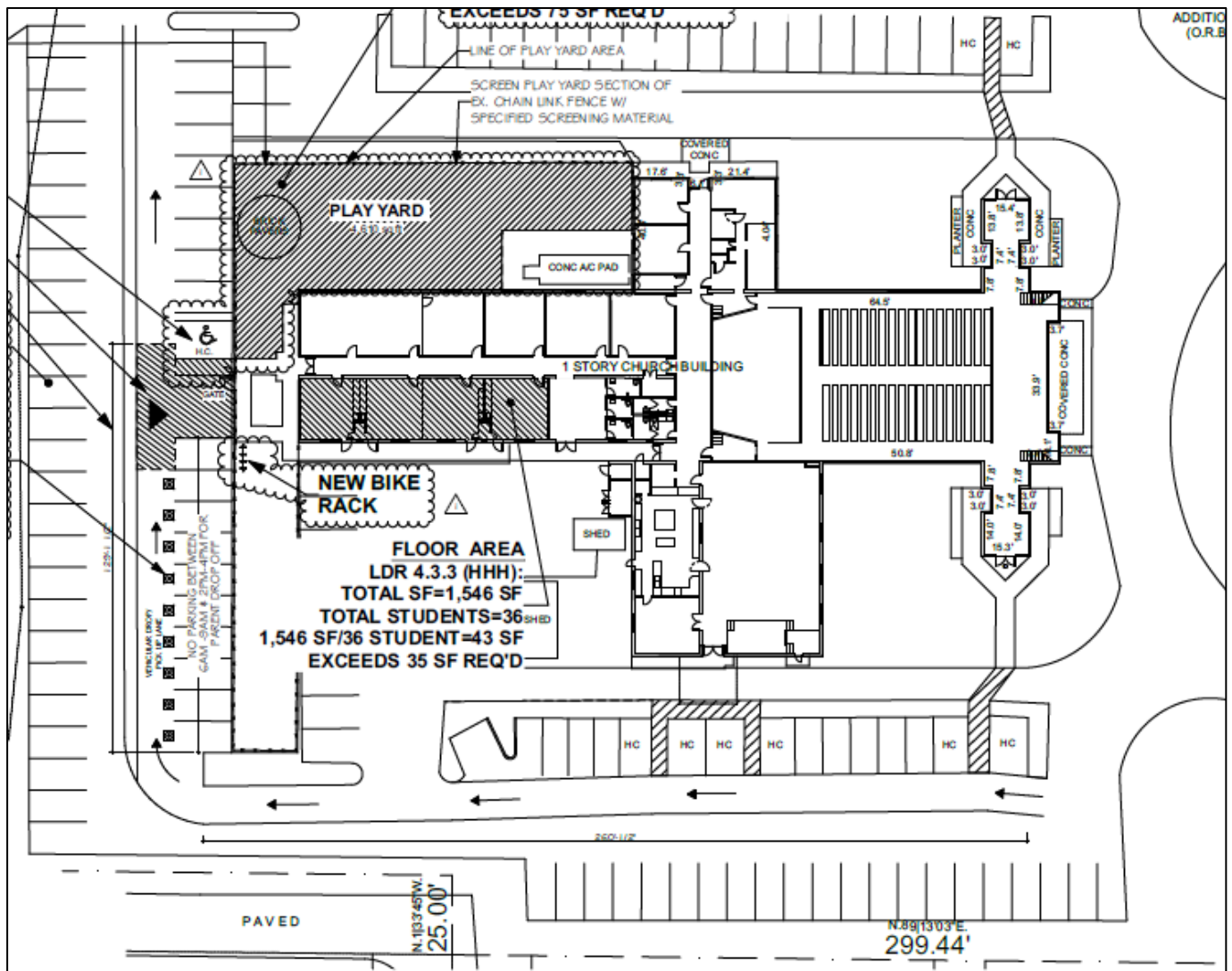


Description of Proposal

The proposal is to allow a private educational facility ("school") containing a maximum of 36 students within the same site as the Cason Methodist Church, an established religious facility. The school will utilize four existing classrooms located within the western portion of the existing building. The school will accommodate a total of nine students in each classroom and will offer primary grade education programming (elementary level). Proposed hours of operation are Monday through Friday from 7:30am through 6:15pm, with full school session from 8am through 2:30 pm and aftercare services from 2:30pm through 6pm. A total of six staff members is proposed; four full-

time teachers plus two part time "specialists". To accommodate the conditional use, the following site improvements, also identified in the site plan below, are proposed:

- Designation of a loading area for student pick-up and drop-off on the west side of the facility main entrance;
- Designation of a 4,610 square feet outdoor play area and installation of a privacy screening surrounding the play area;
- Upgrades to the existing lighting levels surrounding the subject facility entrances and parking lot area;
- Construction of one ADA parking space adjacent to the school's main entrance on the west side of the building, and installation of a bike rack; and,



Analysis

LDR Section 2.4.5(E), Establishment of a Conditional Use:

Pursuant to LDR Section 2.4.5(E)(1), Rule, the City Commission, by motion, after review and recommendation for approval by the Planning and Zoning Board may approve or reject a request for a conditional use.

The City Commission is anticipated to review the subject request at an upcoming meeting, pending a recommendation of approval by the Planning and Zoning Board. Conditional use requests that do not receive a recommendation of approval do not move forward to the City Commission for consideration.

Pursuant to **LDR Section 2.4.5(E)(4), Conditions**, *conditions may be imposed pursuant to Section 2.4.4(C). In addition, limitations on the hours of operation and/or the longevity of the use may be imposed.*

LDR Section 2.4.4(C), Imposition of conditions. In granting approval to any development application, the granting body may impose whatever conditions it deems necessary in order to insure:

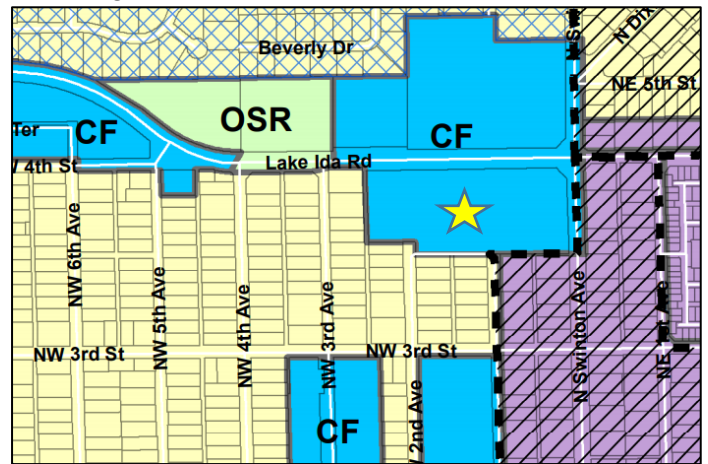
- *The compatibility of the use with nearby existing and proposed uses.*
- *Concurrency.*
- *Consistency with objectives and policies of the Comprehensive Plan.*
- *The fulfillment of requirements of these Regulations which should have or could have been fulfilled prior to the approval action but which were not, due to conditions beyond the control of the applicant.*
- *The fulfillment of requirements of these Regulations which could have been fulfilled prior but remain outstanding; thus, providing that they will be accommodated in a later stage of processing.*

In consideration of the request, the Board has ability to ensure that there is minimal to no impact on the surrounding area or the church, which will remain in operation.

Pursuant to **LDR Section 2.4.5 (E)(5), Findings**, *in addition to provisions of Chapter 3, the City Commission must make findings that establishing the conditional use will not:*

a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;

The site is adjacent to residentially zoned properties to the west and south (yellow on map). Trinity Evangelical Lutheran Church, which is a place of worship with educational services offered within the same site, 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, and their current land uses provide a mix of office and residential uses. The Housing Element of the Comprehensive Plan provides that "in evaluating proposals for new development or redevelopment, the City shall consider the effect that the proposal will have on the stability of nearby neighborhoods." Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas." City records indicate that two different educational facilities operated at this location from 1988 until 2016. While it is unclear what the maximum student occupancy was for each establishment, City records indicate that the most intense establishment allowed a maximum of 84 students in the 1990's and the most recent establishment allowed 40 students. The applicant's request states that the most recent use was a daycare with a maximum occupancy of 80 students. The proposed establishment is requesting approval for a maximum capacity of 36 students.



The existing 4,610 square feet fenced area will continue to be designated as the outdoor play area; this area is located at the north side of the building, adjacent to the parking lot along Lake Ida Road, which is not adjacent to the surrounding residential properties. Minor site improvements to accommodate loading and improve existing site conditions are proposed with the intent to improve safety; the proposed improvements should not negatively affect the adjacent neighborhoods.

With regards to circulation, the site has three existing access points: one off Lake Ida Road and two on North Swinton Avenue. The number of average daily trips generated by the proposed school in comparison with the most recent approved use (daycare with 80 students) is 2 trips in the morning and a reduction of 23 trips during evening peak hours.

The site has an existing internal circulation that will adequately accommodate ingress and egress of vehicles without negatively impacting the adjacent areas. A drop-off/pick-up area for vehicles is proposed to be located at the west end of the building in the west parking lot in front of the main entrance. Pursuant to **LDR Section 4.3.3(HHH)(2), Loading Area**, *a pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building. A minimum of 100 feet dedicated to vehicular drop-off/pick-up lane shall be provided. The stacking area is measured from the loading area and shall not block drive-aisles or parking areas. A greater distance may be required by the approving body based on the intensity of the Private School.* The proposed loading area exceeds the minimum stacking distance, however, as proposed, it will block 10 existing parking spaces. On the plans, it is noted that these 10 spaces will be blocked with orange safety cones from Monday through Friday during parent drop off and pick up hours “no parking between 6AM-9AM and 2PM-4PM for parent drop off”. The Board should consider if this condition is adequate to comply with the intent of the code requirement, based on the limited number of students (36) at the school.

b) Hinder development or redevelopment of nearby properties.

The proposed school represents a decrease in intensity from other educational facilities (both daycare and school) previously established at this location. Educational services have been a component of the site and the existing church functions since the 1980's. Although the site is adjacent to residentially zoned properties with residential uses, educational facilities are compatible with residential uses and are allowed in residentially zoned districts as principal and conditional uses. The existing Cason United Methodist Church provides worship services Wednesday afternoon and Sunday morning. The church operations and service hours are compatible and complementary with the proposed educational facility.

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 that has the authority to approve or deny the development application.* The following findings relate to consistency with the Land Use Map (LUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the LDR:

a) Land Use Map (LUM): *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.*

The “resulting use of land” as a religious facility and a school is allowed, with the proposed school requiring approval as a conditional use in the CF zoning district, which is consistent with the CF land use designation per Table NDC-1 of the Comprehensive Plan. Both the CF land use designation and zoning district are intended for locations where facilities are provided to serve public, semi-public, and private purposes. Such purposes include governmental, religious, educational, health care, social service, and special facilities.

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.*

Traffic: The traffic study indicates that the proposed private educational facility (36 students) will generate 238 daily trips less than the previous daycare establishment (80 students), 2 new AM peak hour trips will be generated and 23 PM peak hour trips will be decreased. The Traffic Performance Standards Review letter issued by the Palm Beach County Traffic Division to determine compliance with the County standards has not been received. This outstanding requirement shall be provided prior to action by the City Commission.

Water and Sewer: Water service and sewer services are existing, and no changes are proposed.

Solid Waste:

Private Educational Facility: $1,546 \text{ gsf} \times 3.5 \text{ lbs} = 5,411 / 2,000 = 2.7 \text{ tons per year}$

The proposed use is anticipated to generate approximately 2.7 tons in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2048.

Drainage: No changes are proposed that requires drainage improvements or review of existing facilities.

- 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 outweigh the negative impacts of identified points of conflict.*

Article 3.2, Performance Standards, provides the basis for determining consistency and standards for site plan actions, which includes consideration of and compliance with applicable goals, objective, and policies of the Comprehensive Plan. The standards for site plan actions, which are based on policies of the Comprehensive Plan and included as part of the subject review, will be thoroughly reviewed with the site plan following approval of the conditional use.

The following Comprehensive Plan policies are related to the proposal:

Neighborhoods, Districts, and Corridors Element

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; and public open spaces that are safe and attractive.*

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.*

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”.*

The site is adjacent to residentially zoned properties to the west and south. The Trinity Evangelical Lutheran Church site, located to the north, is zoned CF and offers similar services as the subject site. The properties located to the east of the site are zoned Old School Square Historic District (OSSHAD) and are currently occupied with office and residential uses. The subject building has a long history of being occupied by different educational programs. Private educational facilities compliment residentially zoned districts. The intensity and size of the proposed facility can be considered of a small scale when compared to other educational facilities within the area and the previous intensity of programs offered within the subject location. Given the history of the site, the use and zoning of the surrounding properties, the proposed request is consistent and complimentary with the development pattern and uses within the area.

- d) **Compliance with the LDRs.** General compliance with the LDRs is discussed below, followed by a discussion of compliance with the regulations specific to each Conditional Use request.

LDR Section 2.4.6(C) Certificate of Occupancy: *A certificate of occupancy is required prior to the establishment of use on any site or occupancy of a structure. Prior to issuance of an occupancy permit, all conditions and requirements associated with this development approval shall be met.*

Pursuant to **LDR Section 4.4.21(D)(1), Conditional uses ad structures allowed, allowed**, private educational facilities are allowed as a Conditional use in the CF zoning district pursuant to the regulations set forth in Section 4.3.3 (HHH).

Pursuant to **LDR Section 4.3.3(HHH)**, Private schools and other similar education facilities are required to comply with the following regulations:

(1), Facilities shall contain a minimum floor area of 35 square feet per child, exclusive of space devoted to bathrooms, halls, kitchen, offices, and storage.

The proposed facility provides 42 square feet per student. A maximum occupancy of 36 students is proposed, and each classroom measures approximately 19 feet by 20 feet with a total of 1,546 square feet is devoted for classroom space. Although the facility has adequate room to accommodate more than 36 students, the maximum occupancy requested is 36 students. To increase the student count to a higher occupancy, a Conditional Use Modification request in accordance with LDR Section 2.4.5(E) will be required.

(2), Loading area. A pickup and drop-off area for children shall be provided in a convenient area adjacent to the building and shall provide clear ingress and egress to the building. A minimum of 100 feet dedicated to vehicular drop-off/pick-up lane shall be provided. The stacking area is measured from the loading area and shall not block drive-aisles or parking areas. A greater distance may be required by the approving body based on the intensity of the Private School. A lesser stacking distance may be approved by the Board based on a traffic impact statement. Pathways that cross vehicular use areas shall be defined by special pavings, brick, striping or other method acceptable to the Board.

As mentioned previously, a drop-off/pick-up area for vehicles is proposed to be located at the west end of the building in the west parking lot in front of the main entrance. The proposed loading area exceeds the minimum stacking distance with approximately 139 feet proposed; however, the designated area will block 10 existing parking spaces. On the plans, it is noted that these 10 spaces will be blocked with orange safety cones from Monday through Friday during parent drop off and pick up hours "no parking between 6AM-9AM and 2PM-4PM for parent drop off". As previously mentioned, the Board should consider if this condition is adequate to comply with the intent of the code requirement, based on the limited number of students (36) at the school.

With the proposed loading area, three parking spaces will be eliminated. During the site plan modification review process, the applicant shall identify that the minimum number of required parking spaces for the religious facility is provided (one space for every three seats provided in the sanctuary, [LDR Section 4.6.9(C)(6)(c)]). However, if this information (or any other additional information that remains outstanding) is provided prior to scheduling the conditional use request by the City Commission, then a site plan modification will not be required.

(3), Outdoor area. There shall be a minimum area of 75 square feet of outdoor play area per student. The play area shall be located on the same lot as the principal use and shall not be located in the front yard setback. The play area shall be surrounded by a six-foot-high opaque fence or chain link fence with a six-foot-high hedge.

The area designated for outdoor play area provides 128 square feet per student.

A maximum occupancy of 36 students is proposed, and the play area measures 4,610 square feet. The play area is located on the same lot as the principal use and is not located in the front yard setback. The play area is currently surrounded by a six-foot-high chain link fence; to meet the opacity requirement, a bamboo like screen over the existing chain link is proposed. Certain bamboo screens are not fully opaque; the applicant was made aware that the opacity of the proposed screening will be inspected prior to issuance of a Building Certificate (CO) for compliance.

The Board should consider if the intent of the requirement has been met with the combination of a chain link fence and a bamboo screen, or if another method of screening should be provided, such as the addition of a hedge at the height of the fence or installation of a different type of fence..

(4), Transport Vehicles. For private schools that utilize transport vehicles, an area must be designated for the parking/storage of these vehicles and that these areas be screened when visible from a public right-of-way or residentially zoned property in accordance with LDR Section 4.6.4(A) and 4.6.16(H)(3)(e).

No transport vehicles will be utilized by the facility.

(5), Other regulations. All Private Schools and Similar Facilities shall comply with the American Disability Act (ADA), Standard Building Code, Fire Codes, and any other regulations including State and County regulations as may be required.

Applicant is aware of this requirement. Further review of these regulations will be considered during the permitting review process, as applicable. It is noted that a new handicap parking space has been added to the existing parking area adjacent

to the school's main entrance. The provision of this space is also in compliance with **LDR Section 4.6.9(C)(1)(b)**, which requires that *special parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction*.

LDR Section 4.6.8(A)(3): The site area to be utilized by the facility for entrance, parking, and outdoor play area shall comply with the appropriate illumination standards.

The applicant stated that the lighting will be upgraded around the school as needed to meet this requirement; a photometric plan must be provided and determined to be in compliance prior to scheduling the request for consideration by the City Commission.

LDR Table 4.6.9(C)-1, Minimum Number of Bicycle Parking Spaces and Showers, requires public and private schools to provide one bicycle space per 20 students. With a maximum occupancy of 36 students, the facility is required to provide two 'Type I' spaces.

LDR Section 4.6.9(C)(1)(c): Type I Bicycle Parking. A *Type I Bicycle Parking space is a convenient bicycle space visible and publicly accessible from the street. Type I Bicycle Parking is used for a short period of time, approximately four hours. A Type I Bicycle Rack accommodates two spaces for the purposes of meeting the minimum number of required bicycle parking spaces. Type I Bicycle Racks placed on private property to meet the minimum requirements for off-street bicycle parking shall follow the form identified as a Typical Type I Bicycle Rack in Figure 4.6.9(D)-1 unless a variation is approved through the Site Plan approval process.*

The four-space bike rack shown on the plans does not meet the location requirement as it is not visible and publicly accessible from the street. A detail of the proposed type is required to ensure compliance. Further review of these regulations will be considered during the site plan review process.

LDR Section 4.6.9(C)(8)(a): Off-street Parking Regulations: Subsection (c): *When parking spaces are provided based upon an intensive use of a site (e.g. church services) and, at different times, other uses are on the site (e.g. day care) administrative relief may be granted to the effect of not requiring parking for the subordinate uses.*

Educational Facilities (public or private) shall provide two spaces per classroom [LDR Section 4.6.9(C)(6)(e)]. The proposed facility will have four classrooms; therefore, eight parking spaces are required and a total of 139 spaces are provided throughout the site. Given the proposed program hours of operation, the church service hours, and the number of parking spaces available and underutilized on-site, no additional parking spaces are required with the establishment of a private educational facility for a total of 36 students.

Considerations and Outstanding Items

In addition to compliance with the required findings for a Conditional Use, the Board should consider the following:

- Appropriateness of the loading area layout and the method proposed to prevent parking spaces from being blocked by the stacking of cars during pick-up and drop-off hours.
- Replacement of the proposed bamboo fence screening with a different material that is fully opaque and more durable.

The following items remain outstanding and shall be addressed as follows:

- A Traffic Performance Standards Review letter issued by the Palm Beach County Traffic Division to determine compliance with the County standards shall be provided prior to consideration by the City Commission.
- A Site Plan Modification application shall be submitted to address the required site improvements, if the items have not yet been addressed prior to scheduling of the conditional use by the City Commission.

Board Action Options:

- A. Move a recommendation of **approval** to the City Commission for a Conditional Use request (2021-169) for Cocoplum Nature School to allow a private educational facility containing a maximum of 36 students on the property located at 342 North Swinton Avenue, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.

- B. Move a recommendation of **approval with conditions** to the City Commission for a Conditional Use request (2021-169) for Cocoplum Nature School to allow a private educational facility containing a maximum of 36 students on the property located at 342 North Swinton Avenue, by finding that the request is consistent with the Comprehensive Plan and meets the criteria set forth in the Land Development Regulations.
- C. **Denial** of the Conditional Use request (2021-169) for Cocoplum Nature School to allow a private educational facility containing a maximum of 36 students on the property located at 342 North Swinton Avenue, by finding that the request is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.
- D. Move to **continue with direction**.

Public and Courtesy Notices

- | | |
|--|--|
| ✓ Courtesy Notice was provided to the following Homeowner's Association: <ul style="list-style-type: none">• Northwest Community Improvement Association | ✓ Public Notice was posted at the property on July 12, 2021 . |
| | ✓ Public Notice was mailed to property owners within a 500-foot radius on July 9, 2021 , at least ten days before the meeting date. |
| | ✓ Public Notice was posted to the City's website on July 9, 2021 . |
| | ✓ Public Notice was posted in the main lobby at City Hall on July 9, 2021 . |
| | ✓ Courtesy Notice was e-mailed on July 9, 2021 . |