

2 SW 12th Avenue
Text Amendment to the R1D Zoning District
Site Plan Approval
Park Square - Senior Living Facility
Project Narrative

Religious Science Unlimited, Inc (“Applicant”) is the owner of the +/-3.70-acre parcel located at 2 SW 12th Avenue, which is generally located just south of Palmetto Park Road and abutting SW 12th Avenue (“Property”) within the City of Boca Raton (“City”). The Property is comprised of one parcel identified by parcel control number 06-42-47-25-03-015-0050 on the Palm Beach County Property Appraiser’s website. The Property is designated Residential Low (RL), on the City’s Future Land Use Map and is located within the R-1-D, zoning district. The Property was originally developed as a church in 1962. As the structure is 60 years old, it is in great need of redevelopment.

The Applicant proposes to redevelop the Property with a three-story, 135,238 square foot Senior Living Facility with 128 beds comprised of a mix of one bedroom, one bedroom with a den and two-bedroom units (“Project”). The Project provides a total of 61 parking spaces (three above code required parking), as well as three (3) electrical vehicle parking spaces (one above code requirement), and five (5) bicycle parking spaces, two above code requirement. The Project also far exceeds all setback requirements in accordance with the City Code. The Project includes a very large linear art park with a garden walk along SW 12th avenue (“Linear Art Park”). This Linear Art Park provides the opportunity for the community to enjoy a meandering garden walk while experiencing art exploration within the Linear Art Park.

In order to achieve approval for the Project, a text amendment would be required to provide an assisted living facility as a conditional use. The text amendment would be tailored as to not have a proliferation of assisted living facilities throughout the R-1-D zoning district, and specifically not in the heart of a residential development. In this case, the Property is in a perfect location for an assisted living facility – it is in close proximity to Palmetto Park Road, and while in a residential neighborhood, the Property sits between a residential area and a major City thoroughfare. The proposed text amendment similarly provides specifics so to ensure that only the appropriate locations are eligible for the assisted living facility use.

As such, the Applicant proposes the following text amendment to Sec. 28-340. - Conditional uses:

Assisted Living Facilities that abut a Major Collector on two sides, which Major Collector feeds into a Major Arterial, which Major Arterial either abuts or shall be within 150 feet of the proposed Assisted Living Facility.

Further, the density would need to be revised to introduce beds into the density equation. The Applicant proposes revising Sec. 28-336. - District classifications and adding an asterisk to R-1-D to include language similar to the following Assisted living facilities, convalescent homes, and nursing homes shall be regulated by beds per acre (BPA), and shall have a maximum BPA (assuming 1 person per bed) of 35. This language is found in other portions of the City Code, albeit in other sections of the City Code, 75 beds per acre are permitted while the Applicant is merely requesting 35 beds per acre.

Additionally, a text amendment to allow for additional height would also be required. In this instance, the Applicant would request a text amendment to the maximum allowable height to read as follows:

Sec. 28-342. - Building height.

(1) No building or structure or part thereof shall be erected or altered to a height exceeding 25 feet; however, in single family residential structures portions of roofs, not exceeding 40% of the total roof area, may extend up to a maximum height of 35 feet, provided that no portion of the finished roof may extend beyond 35 feet as measured from the established grade. No part of any roof in a single family residential structure may exceed 25 feet as measured from the established grade if that portion of the roof exceeds 40% of the total roof area. However, flat roofs or portions of roofs with a roof pitch less than 1.5 on 12 feet shall not extend beyond 25 feet in height as measured from the established grade. Under no circumstances shall any portion of any roof extend beyond a maximum of 35 feet as measured from the established grade; provided, however, that permitted nonresidential buildings or structures may be erected or altered to a height not exceeding 50 feet.

(2) The maximum building height of an Assisted Living Facility shall not exceed 35 feet, but any portion of the building in excess of 25 feet shall be at a minimum 50' from other properties zoned R-1-D, and provide at a minimum a 10' landscape buffer.

The building has been designed to be compatible with the surrounding neighborhood in style and also provides additional setbacks. It is important to note, however, that in accordance with the City's Code, a single family home can be constructed 12.5 feet from their side neighbor AND 40% of the total roof area may extend up to a maximum height of 35 feet. The Applicant is proposing a 50' setback for portions of the building that are 35'. This is far greater separation than what can be constructed as of right today.

Site Plan Approval:

As mentioned above, the Applicant is proposing to develop the property with a three-story, 135,238 square foot Senior Living Facility with 128 beds comprised of a mix of one bedroom, one bedroom with a den and two-bedroom units. The Applicant must obtain site plan approval for the Project in accordance with Article II, Division 2, of the Code. In accordance with Section 28-54, the Project complies with the site plan approval factors as follows:

A. All code and other technical regulation requirements;

The Project complies with all Code and other technical regulation requirements of the City unless relief is otherwise requested herein.

B. The method of pedestrian and vehicular ingress and egress;

Please note, the City of Boca Raton illegally closed one of our driveways. This closure was done without the property owners knowledge or consent. This is despite the fact that there currently exists a church on the property that is operational. As a result, the Applicant has completely redesigned our site plan to allow this closure to remain, at a considerable cost to the Applicant. However, in the unlikely circumstance that this application is denied, the Applicant reserves the right to demand the reopening of this illegal closure so that the existing church can continue to operate.

The Project provides a safe and efficient method of pedestrian and vehicular ingress and egress along SW 12th Avenue. In order to avoid generating any traffic in the adjacent residential community to the east, two points of ingress/egress are located along SW 12th Avenue.

Regarding pedestrian circulation, the Project has an existing 8' sidewalk along SW 12th Avenue. The Applicant is also proposing a Linear Park that is at a minimum 14'-5" feet wide and at a maximum 23' feet wide. There are also significant internal sidewalks to allow for easy and safe access from parking as well as the ability for residents to safely stroll around the property.

C. Internal traffic circulation and vehicular parking, and the traffic impact upon abutting properties, particularly where the abutting properties are residential;

The Project provides strategically designed traffic circulation, strategically placed vehicle parking spaces, a pick-up/drop-off area for users' convenience, and minimizes traffic impact upon abutting properties. Further, by not providing ingress/egress along the east and south property line, the Project avoids any traffic impact on the adjacent residential development.

D. Screening, landscaping and lighting;

The Project will provide the requisite screening buffer on all property lines.

E. Environmental pollution, including noise, light and air;

The Project will produce minimal environmental light and air pollution. Further, the lush landscaping will shield the adjacent residential community from light pollution from headlights at nights. Further, all lights on the buildings will be facing away from the residential community.

F. Garbage and refuse collection;

The Project will provide garbage and refuse collection on site and will recycle all trash that is recyclable.

G. Surface water drainage;

The Project will provide for proper surface water drainage.

H. Water supply and sewer collection;

The Project will provide proper water supply and sewer collection.

I. Energy conservation and efficiency;

The Project proposes to use all LED, full cut-off, Dark Sky compliant pole-mounted site lighting fixtures. Additionally, the Project proposed to use high efficiency, low flow, drip irrigation for landscaping.

J. Location of structures and uses on the site plan;

The Project will have one phase and will consist of a three-story, 135,238 square foot Senior Living Facility with 128 beds comprised of a mix of one bedroom, one bedroom with a den and two-bedroom units.

K. The relationship of the site plan to existing or planned transportation, utility and public facilities, any deficiencies in such locations, and the curing of such deficiencies;

There is a bus station in close proximity on Palmetto Park road. Additionally, the Project proposes to install a publicly accessible sidewalk and linear art park along the west and north edge of SW 12th Avenue. This is a substantial public benefit or the residential community.

L. Compatibility of proposed use with adjacent uses;

Currently, the Property is developed and operating as a church. The proposal is to change the use from a church to an Assisted Living Facility. With this change, the opportunity to have existing residents within the surrounding community age in place, as well as have our loved parents and grandparents in walking distance to visit and spend time.

Further, the Property is in close proximity to a brand new kindergarten – 8th grade school. This would be a great opportunity to have students of Addison Mizner learn and spend time at the proposed Assisted Living Facility.

Last, unlike the church, the Applicant is willing to limit visitation hours as well as start and end times for employees to not coincide with pick up and drop off times for Addison. This provides an extremely positive result: minimal traffic generated by the low intensity use of an Assisted Living Facility will be zero during the peak times of Addison Mizner.

M. The availability of utility easements to provide municipally franchised electric, telephone, cable television, or other service;

All utility easements are in place.

N. Any other factor that would promote and further the health, safety, and welfare of the community and the comprehensive plan.

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Conditional Use:

As mentioned above, the Applicant is proposing to develop the property with a three-story, 135,238 square foot Senior Living Facility with 128 beds comprised of a mix of one bedroom, one bedroom with a

den and two-bedroom units. To do so, the Applicant is proposing a text amendment to include Assisted Living Facilities as a use allowed as a conditional use. As such, the Applicant must obtain conditional use approval for the Project in accordance with Article II, Division 2, of the Code. In accordance with Section 28-102, the Project complies with the conditional use criteria as follows:

- (a) The use is compatible with present, existing or planned development in the area proposed for the use;

The use is compatible with present, existing or planned development in the area. The proposed assisted living facility is a residential use and as such is compatible with existing residential uses in the R-1-D. However, unlike other properties in the R-1-D, if not any other property in the R-1-D, this property is surrounded by a major collector road on two (2) sides and is in very close proximity to a major arterial. Single family homes at this location are not appropriate, nor has this property ever been developed with single family homes. To the contrary, the proposed assisted living facility would act as a buffer between the major collectors and the major arterial to the single family residential buildings. Other permitted uses (conditionally) in the R-1-D are more intrusive and would generate significant traffic, such as a college with a dormitory, a daycare, a school, etc.

Currently, the Property is developed and operating as a church. This proposal is to change the use from a church to an Assisted Living Facility. With this change, the opportunity to have existing residents within the surrounding community age in place, as well as have our loved parents and grandparents in walking distance to visit and spend time.

Further, the proposed assisted living facility provides the opportunity for aging in place – residents within the area can continue to live in the City they love while allowing their loved ones to walk to for visits.

Additionally, the close proximity to both Addison Mizner School and Boca Raton Middle School provides a great opportunity to have students of Addison Mizner learn and spend time at the proposed Assisted Living Facility.

Last, unlike the church, the Applicant is willing to limit visitation hours as well as start and end times for employees to not coincide with pick up and drop off times for Addison. This provides an extremely positive result: minimal traffic generated by the low intensity use of an Assisted Living Facility will be zero during the peak times of Addison Mizner.

- (b) The use will not adversely affect population densities, light, air, and natural resources, including native ecosystems;

The use will not adversely affect population densities, light, air and natural resources. This use is a very low volume generator and an extremely quiet use. For the residential properties in the area, you couldn't get a better neighbor than the new, beautifully

designed assisted living facility. The use will not create additional traffic concerns for its neighbors and will not generate excessive noise or light issues for the neighbors.

There are no natural resources or environmental concerns on the property and this particular use will not create any environmental issues as it is a clean use and will not store hazardous materials.

- (c) The character of the district is suitable for the particular use requested;

The character of the district is suitable for the particular use requested. As denoted above, the proposed assisted living facility is a residential use and as such compatible with existing residential uses in the R-1-D. However, unlike other properties in the R-1-D, if not any other property in the R-1-D, this property is surrounded by a major collector road on two (2) sides and in very close proximity to a major arterial. Single family homes at this location are not appropriate, nor has this property ever been developed with single family homes. To the contrary, the proposed assisted living facility would act as a buffer between the major collectors and the major arterial to the single-family residential buildings. Other permit uses (conditionally) in the R-1-D are more intrusive and would generate significant traffic, such as a college with a dormitory, a daycare, a school, etc.

- (d) The use is consistent with the needs of the city for land area for specific purposes to serve population and economic activities;

The use is consistent with the needs of the city for land areas serving the population and economic base. The population is aging and currently there are not many constructed and operating assisted living facilities in the area to accommodate the aging population and allow our residents the dignity to age in place and in close proximity to their loved ones.

- (e) The use will not create an adverse impact on playgrounds, parks, schools and public and private recreation areas;

The use will not create an adverse impact on playgrounds, parks, schools and public and private recreation. There is no impact at all on such uses. To the contrary, the proposal includes a linear art park to allow for all residents in the area to enjoy both as a stroll and enjoying the sculptures located within the linear art park.

- (f) Adequate infrastructure is available, including roadway capacity and suitability, water and sewer service, drainage, parks, solid waste service and other infrastructure required for the use;

Adequate infrastructure is available including roadways, water, sewer, drainage, parks, solid waste service and other infrastructure. As touched upon above, this use is perhaps one of the lowest generators related to all infrastructure. Further, visiting hours and shift changes will not be permitted during drop off and pick up times for Addison Mizner. As such, not one additional trip would occur during the peak hours of 12th Avenue due

to Addison Mizner traffic. There is adequate infrastructure available and the property is being designed to improve the drainage system serving the area.

- (g) The use will not necessitate the construction, installation or improvement of additional infrastructure not currently included in the first 3 years of the capital improvements element of the comprehensive plan or provided by other providers;

The use will not necessitate the construction, installation or improvement of additional infrastructure not currently included in the first three (3) years of the capital improvements element of the comprehensive plan. As stated above, as one of the lowest generators of impacts on infrastructure, this will not be a problem.

- (h) The use is consistent with the comprehensive plan;

The use is consistent with the Comprehensive Plan. The underlying land use designation is Residential Low. The R-1-D zoning is consistent with the proposed use is in fact residential.

- (i) Parking facilities, entrances and exits are adequate;

Parking facilities, entrances and exits are adequate. The design of the building will meet all City code and ADA requirements. The parking, access and building entrances are compliant. The Project has been designed with one point of ingress and two points of egress. It is important to note, however, that the City of Boca Raton illegally closed one of our driveways. This closure was done without the property owners' knowledge or consent. This is despite the fact that there currently exists a church on the property that is operational. As a result, the Applicant completely redesigned our site plan to allow this closure to remain, at a considerable cost to the Applicant. However, in the unlikely circumstance that this application is denied, the Applicant reserve the right to demand the reopening of this illegal closure so that the existing church can continue to operate.

- (j) The use will not adversely affect the public health, safety comfort, convenience, order, appearance, general welfare and the city tax base.

The use will not adversely affect the public health, safety, comfort, convenience, order, appearance, general welfare and the city tax base. As discussed above, the use is consistent with the surrounding land uses and is consistent with the City's Comprehensive Plan and the zoning district. There is a need for assisted living facilities in the City of Boca Raton as there are not many constructed and operating at this time. Also, an assisted living facility at this location allows for our residents to age in place while also providing the ability for their loved ones to walk to see them. Additionally, the proposed use provides an opportunity not just for residents to age in place and for existing residents to have their loved ones close by, but also provides an opportunity for the local schools and potential colleges to volunteer, intern and learn at the proposed assisted living facility. The Project's façade is visually appealing; it was designed to be architecturally compatible with the nearby residential uses, and the design. The proposed use has minimal effect on future intensities, meets the demand for an underserved population, and a great source of property tax revenue. The proposal also

includes a linear art park to allow for all residents in the area to enjoy both as a stroll and enjoying the sculptures located within the linear art park, adding to the public health, safety comfort, convenience, etc. of the neighborhood. As such, the Project will not adversely affect the public health, safety, comfort, convenience, order, appearance, general welfare and the City tax base.

For the foregoing reasons, the Petitioner respectfully requests approval of the requested Project.