



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### 5024 – 5070 W. Atlantic Ave | Delray Landing

| Meeting         | File No.       | Application Type  |
|-----------------|----------------|---|
| August 21, 2023 | 2023-039       | Master Development Plan Modification and Waiver Request of Landscape Buffers, Open Space, Lot Coverage, and Minimum Structure Size. |
| Applicant       | Property Owner | Authorized Agent  |
| KP Delray LLC   | KP Delray LLC  | Andrew Savage, PE, Bohler Engineering   |
| Request         |                |   |

Consideration of a Master Development Plan (MDP) modification for the Delray Landing to add a 1,820 square-foot bank to Tract 2 (addressed as 5070 W. Atlantic Avenue) with 3 waiver requests related to MDP requirements for lot coverage, open space, and perimeter landscape buffering, and waiver requests associated with the bank relative to perimeter landscape buffer requirements and minimum building size, detailed herein.

### Background Information

Delray Landing (formerly known as Delray Commons) is an 8.37-acre development that consists of the 7.19-acre **Tract 1** (5070 W. Atlantic Avenue), and the 1.18-acre **Tract 2** (5024 W. Atlantic Avenue). The subject property has a Land Use Map (LUM) designation of General Commercial (GC), and a zoning designation of Planned Commercial (PC) District within the Four Corners Overlay District; development within the Four Corners Overlay District is required to have a MDP.

The history of the property and most recent development requests and actions related to the Delray Landing are outlined below:

**1981.** The properties were developed as Delray Pines under Palm Beach County's jurisdiction.

**1991.** The property was annexed into the municipal boundary of Delray Beach via Ordinance No. 07-91.

**1999.** Property owners of **Tract 1** and **Tract 2** were granted reciprocal cross ingress, egress, parking, and drainage easements, as recorded on June 1, 1999, in ORB 11169, Page 1360.

**2018.** Planning and Zoning Board approved a MDP modification for Delray Landing, as well as a waiver request for the minimum structure size required for the proposed Taco Bell restaurant. Updates to the MDP included the **Tract 1** site layout within the shopping center and the Taco Bell configuration on **Tract 2**. The related Class IV site plan modification with landscape plan, and architectural elevations, and murals was approved by SPRAB in 2019.

**2021.** Site Plan Review and Appearance Board (SPRAB) approved a Class III Site Plan Modification with landscape plan and architectural elevations to develop a Sprouts grocery store in **Tract 1**. The certified site plan included improvements to the entire site including parking and landscaping.



**Project Planner:**  
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**Attachments:**

- Narrative; waiver justification
- Survey
- Master Development Plan
- Landscape Plans
- Architectural Plans
- Elevations
- TPS Letter

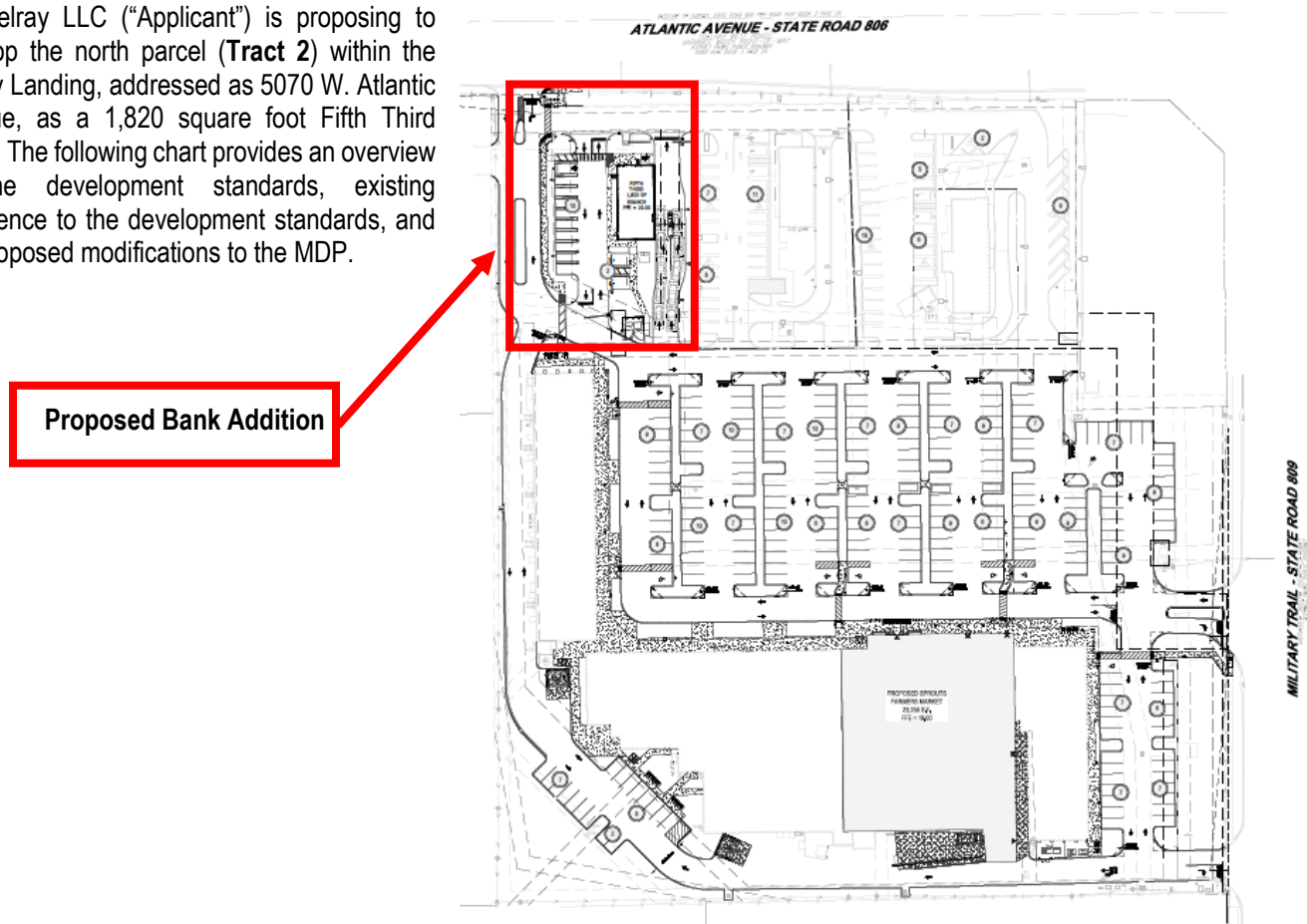
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The subject request to modify the MDP uses the most recent changes to the site related to this application as a starting point for evaluation of this MDP modification request.

**2022** SPRAB approved a Class I Site Plan Modification for the plaza. The modifications to the architectural elevations extended the existing shed-roof covered walkway and extended it to the east elevations, modified the paint colors for the supporting columns, eliminated windows on the north elevation, and added three service ladders to provide access the mechanical equipment on the roof.

## Project Description

KP Delray LLC ("Applicant") is proposing to develop the north parcel (**Tract 2**) within the Delray Landing, addressed as 5070 W. Atlantic Avenue, as a 1,820 square foot Fifth Third Bank. The following chart provides an overview of the development standards, existing adherence to the development standards, and the proposed modifications to the MDP.



| Zoning District Standards for the Four Corners Overlay District  |                 |            |                   |
|--|-----------------|------------|-------------------|
| Standard   | Required        | Existing   | Proposed          |
| Minimum site area  | 4 Acres         | 8.37 Acres | 8.446 Acres       |
| Maximum lot coverage   | 75%             | 73.02%     | 77.17%**          |
| Minimum open space   | 25%             | 27.31%     | 22.83**           |
| Landscape perimeter buffer setback, North (Atlantic Avenue)      | 30 feet         | 10 feet*** | 9.5 feet**        |
| Landscape perimeter buffer setback, East (Military Trail)        | 30 feet         | 31.8 feet  | 31.8 feet         |
| Landscape perimeter buffer setback, West (Office Commercial)     | 10 feet minimum | 7.1 feet   | 7.1 feet*         |
| Minimum floor area per structure                                 | 4,000 SF        | Varies*    | 1,820 SF** (bank) |
| Interior Perimeter Landscape Buffer (East side of Proposed Bank) | 10 feet minimum | ---        | 5 feet**          |

\*The subject property was annexed into the City of Delray Beach with existing legal non-conformities.  
 \*\*Waiver Requested.  
 \*\*\* West Atlantic Avenue Perimeter Landscape buffer is 10 feet adjacent to an access road which is a legal non-conformity.

Waivers are required to address the proposed deviations from the development standards for the Four Corners Overlay District, and are summarized as follows:

MDP Modification Requests Affecting the Entire Site (Tracts 1 and 2)

- **Waiver 1:** Waiver from LDR Section 4.4.9(F)(3)(c) to allow lot coverage of 77.17% where a maximum of 75% lot coverage is required.
- **Waiver 2:** Waiver from LDR Section 4.4.9(G)(3)(e)(1) Lot Coverage and Open Space to allow 22.83% of open space where the minimum open space required is 25% for the Master Development Plan.
- **Waiver 3:** Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow a front yard landscape buffer of 9.5 feet where a 30-foot buffer is required when abutting an arterial street (West Atlantic Avenue) to apply to the north property line of Tract 2. The previous MDP showed a non-conforming 10-foot perimeter buffer adjacent to West Atlantic Avenue.

Waiver Requests Associated with the Bank (Tract 2)

- **Waiver 4:** Waiver from LDR Section 4.4.9(G)(3)(e)(2) Minimum Structure size to allow construction of a 1,820 square foot bank with a drive-thru that is less than the required 4,000 square feet, on the western portion of Tract 2 facing West Atlantic Avenue.
- **Waiver 5:** Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow the parcel's east perimeter interior landscape buffer to be 5 feet where a minimum of 10 feet is required; this waiver is interior to the MDP adjacent to Tract 1.

All elevations and specific site details for the Class V site plan will be reviewed by the Site Plan Review and Appearance Board (SPRAB) based on compliance with the applicable LDR.

**Review and Analysis**

The subject property is located in the PC zoning district within the Four Corners Overlay District. Pursuant to **LDR Section 4.4.12(E), Planned Commercial District, Review and approval process**, *all development within the Four Corners Overlay District shall comply with the provisions of the GC District, LDR Section 4.4.9(E) Review and Approval Process.*

**LDR Section 4.4.9(E)(4)** requires that *All Development within the Four Corners District shall be governed by a Master Development Plan (MDP). A MDP may be modified pursuant to Section 2.4.5(G). Any new development approval must be granted by the Site Plan Review and Appearance Board and be consistent with the approved Master Development Plan (MDP).*

Inasmuch as an MDP has already been adopted for Delray Landing, a modification is required to meet the development review process required for the Four Corners Overlay District. A separate Class V site plan will be reviewed by the SPRAB.

Pursuant to **LDR Section 2.4.5(F)(5), Master Development Plans, Findings**, *in addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.*

The Four Corners Overlay District was established to encourage mixed use developments including retail, office, restaurant, and residential uses. Each of the four corners adjacent to the intersection of West Atlantic Avenue and Military Trail contain long-established shopping plazas with a variety of retail and restaurant uses. The proposed retail use is consistent with the existing development-style of the area, and the use is compatible with the existing uses in the plaza. Tract 2 was previously developed with a bank building with drive-thru, but the structure was demolished to allow for redevelopment. There is now an existing Taco Bell on the eastern portion of Tract 2 where the bank was previously located. The proposed Fifth Third Bank will complete development of Tract 2. The proposed modification provides an additional amenity on the site by adding a new bank with drive-thru service.

The following table indicates the zoning and established uses of the properties surrounding the development:

|                       | Zoning Designation                    | Use   |
|-----------------------|---------------------------------------|---|
| <b>Subject Parcel</b> | PC – Planned Commercial               | Delray Landing - Commercial Plaza             |
| <b>North</b>          | PC – Planned Commercial               | Marketplace of Delray - Commercial Plaza      |
| <b>South</b>          | RM-8 – Multiple Family Medium Density | Gramercy Square Townhomes - Residential       |
| <b>East</b>           | PC – Planned Commercial               | Bed Bath and Beyond Plaza - Commercial/Retail |
| <b>West</b>           | PC – Planned Commercial               | Commercial / Retail                           |

The proposed use provides a service that can complement the existing uses that surround the property.

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.* The findings relate to the following four areas:

**(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.*

The subject property has a Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is a preferred zoning district for property with the GC Land Use Map (LUM) designation. The proposed use is permitted in PZ zoning.

**(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.*

**Water and Sewer:** An existing 8-inch water main which connects to Atlantic Avenue is located within the subject property and currently serves the retail tenant space. Sanitary sewer connections are made into an existing 8-inch main located on site. Pursuant to the Always Delray Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

**Traffic:** The Palm Beach County Traffic Division has determined that the proposed bank generates less than 20 peak hour trips, therefore the project meets the Traffic Performance Standards of Palm Beach County.

**Solid Waste:** The increase in solid waste is minimal, the proposed Bank of 1,820 square feet is calculated to generate 6.643 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

**Drainage:** A drainage system exists on-site and has been analyzed by the City Engineer for compliance during the site plan review process.

**(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.*

**LDR Section 3.2.3, Standards for site plan actions**, specifies the standards site plans must adhere to. The following standards are applicable to this proposal, and a more in-depth review will be included with the associated Class V Site Plan Modification to be reviewed by the Site Plan Review and Appearance Board (SPRAB).

- A. *Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.*
- B. *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*
- F. *Property shall be developed or redeveloped 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.*
- H. *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the surrounding areas, the project shall be modified accordingly or denied.*
- I. *Development shall not be approved if traffic associated with such development would create a new high accident location, or exacerbate an existing situation causing it to become a high accident location, without such development taking actions to remedy the accident situation.*
- K. *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program; development in all other areas shall not exceed the Standard density.*

Relative to the applicable standards, the proposed building design, lighting, and landscaping are not anticipated to impact visibility or create distractions. The proposal complies with the sight visibility requirements; minimum and maximum photometric levels will be reviewed as part of the Class V site plan for compliance with the LDRs. The proposed bank replaces a former bank and is not anticipated to have a negative impact on the safety and stability of nearby neighborhoods; it is a permitted use within the Four Corners Overlay District, and similar to other recent development within the area.

Per the Always Delray Comprehensive Plan, the maximum Floor Area Ratio (FAR) for the General Commercial land use designation is 3.0 and the overall resulting FAR for Delray Landing is 0.211.

Considerations of and compliance with applicable goals, objective, and policies of the Comprehensive Plan may be considered for determining consistency. The following Comprehensive Plan policies are related to the proposal.

### **Neighborhoods Districts and Corridors**

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.*

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.*

Objective 2.3, Western Neighborhoods (West of Interstate-95) *Protect and enhance the residential neighborhoods located west of I-95, improve connectivity, and provide a mix of uses that meet daily needs of residents.*

Policy NDC 2.3.9 *Continue to offer incentives to encourage strip commercial development to redevelop into mixed-use, high quality, multi-modal environments.*

Objective NDC 2.7 Planning of Neighborhoods, Districts, and Corridors *Continue to respond to unique needs and conditions of the varied neighborhoods, districts, and corridors of Delray Beach using Neighborhood and Redevelopment Plans that determine specialized planning strategies and improvement projects to implement the vision of plans.*

Policy NDC 2.7.25 *Evaluate the Land Development Regulations to the Four Corners Overlay District, which were adopted in 2007, to assess the vision for the area and create and adopt a redevelopment plan that implements the identified vision through the provision of guidelines and recommendations; new improvements and development shall comply with the provisions of the applicable Land Development Regulations until a Plan and associated Land Development Regulations are adopted.*

The land use designation and corresponding zoning regulations within the Four Corners Overlay District support the continued redevelopment of the area by encouraging the provision of appropriate and complementary commercial activities to serve the surrounding neighborhoods. The mix of restaurants, financial services, and retailers serves the needs of both the surrounding residential development, as well as consumers from outside of the immediate area who access the plaza from both West Atlantic Avenue and Military Trail.

It is important to note that the development standards for the Four Corners Overlay District, which were adopted in 2007 (Ordinance No. 08-07), anticipate the redevelopment of the four commercial nodes at the intersection of Military Trail and West Atlantic Avenue. The development standards provide for mixed-use development on properties containing a minimum of four acres and encourage the inclusion of residential uses by allowing a higher density and including workforce housing. The Planning and Zoning Board Staff Report associated with the creation of the Overlay indicates that the Four Corners Overlay District was based on a 2004 report that included *recommendations that the development mass be increased at the corners and that incentives be implemented to provide mixed-use development including workforce housing, while highlighting opportunities for a transit-oriented development and utilizing new urbanism design elements to distinguish the intersection from others along the Military Trail corridor.* The overlay district was also intended to implement policies in the Comprehensive Plan that called for innovative development practices (see Policy NDC 2.3.9) and provide a variety of housing types including workforce housing.

Other than the recent partial redevelopment of Delray Landing, and Delray Square, which both abut Military Trail on the south side of West Atlantic Avenue, there have not been significant development requests at any of the four corners since the Overlay District was established. While the proposal does not take advantage of the residential redevelopment incentives offered in the Four Corners Overlay District, the proposed modifications to the existing retail space support the continued service of the daily needs of residents.

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

The Board must make a determination regarding compliance with the Findings, which require *that development of the property as represented by the MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.* A determination of compliance with the LDRs includes review and consideration of the requested waiver to reduce the minimum structure size, lot coverage, open space and external and internal perimeter buffers.

The following chart provides the applicable Development Standards as provided in **LDR Section 4.4.9, General Commercial (GC) District** (as applicable to the Four Corners Overlay District), and **LDR Section 4.4.12, Planned Commercial (PC) District**.

| Zoning District Standards for the Four Corners Overlay District  |                 |            |                   |
|--|-----------------|------------|-------------------|
| Standard   | Required        | Existing   | Proposed          |
| Minimum site area  | 4 Acres         | 8.37 Acres | 8.446 Acres       |
| Minimum open space   | 25%             | 27.31%     | 22.83%**          |
| Maximum Lot Coverage   | 75%             | 73.02%     | 77.17%**          |
| Landscape perimeter buffer setback, North (Atlantic Avenue)  | 30 feet         | 10 feet*** | 9.5 feet**        |
| Landscape perimeter buffer setback, East (Military Trail)  | 30 feet         | 31.8 feet  | 31.8 feet         |
| Landscape perimeter buffer setback, West   | 10 feet         | 7.1 feet   | 7.1 feet*         |
| Landscape perimeter buffer setback, Rear   | 25 feet         | 8.2 feet   | 8.2 feet*         |
| Minimum floor area per structure   | 4,000 SF        | Varies*    | 1,820 SF** (bank) |
| Interior Perimeter Landscape Buffer (East side of Proposed Bank)   | 10 feet minimum | ---        | 5 feet**          |
| *The subject property was annexed into the City of Delray Beach with existing legal non-conformities.<br>**Waiver Requested.<br>*** West Atlantic Avenue Perimeter Landscape buffer is 10 feet adjacent to an access road which is a legal non-conformity. |                 |            |                   |

In addition to the sections specified above, the layout of the building, parking, and landscape areas have been analyzed and approved for compliance with the City's Land Development Regulations, with the exception of the requests for waivers to the open space percentage, lot coverage and perimeter buffer requirements discussed below.

### Waiver Analysis

The first three waiver requests are to modify the overall site development of the shopping center in connection with the MDP. The fourth and fifth waivers are associated to the Class V site plan and concern the size of the bank structure and the relationship of the bank landscape buffer to the adjacent restaurant site. The applicant's waiver request and justification are provided as an attachment.

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

- Shall not adversely affect the neighboring area.
- Shall not significantly diminish the provision of public facilities.
- Shall not create an unsafe situation; and
- Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Compliance with these findings is discussed below relative to each requested waiver.

- **Waiver 1:** Waiver from LDR Section 4.4.9(F)(3)(c) to allow lot coverage of 77.17% where a maximum of 75% lot coverage is required.
- **Waiver 2:** Waiver from LDR Section LDR Section 4.4.9(G)(3)(e)(1) Lot Coverage and Open Space to allow 22.83% of open space where the minimum open space required is 25% for the Master Development Plan.

**LDR Section 4.4.9(F)(3)(c)1, Lot Coverage.** Lot coverage by building, pavement and hardscape site improvements shall not exceed 75 percent of the area of development of any individual lot.

**LDR Section 4.4.9(G)(3)(e) Four Corners Overlay District: Lot Coverage and Open Space,** Land area equal to at least 25 percent of the individual Four Corners Overlay District Master Development Plan (MDP) including the perimeter landscaped boundary, shall be in open space. Water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.

The open space area allows for a development to provide the green space necessary to provide visual appeal and reduce the heat island effect throughout the property. Throughout the years, the percentage of open space within the Delray Landing has fluctuated as a result of improvements to the site. Due to the age of the shopping plaza and the subsequent adoption of the regulations for the Four Corner Overlay District, the plaza had an existing legal non-conformity regarding open space. Prior to the MDP modification in

2018, the open space percentage for the subject property was 18.67 percent and each additional improvement modified the legal non-conformity for the open space percentage. The MDP modification, approved on September 17, 2018, provided an open space percentage of 24.33% which substantially reduced the non-conformity for the subject property. After the MDP of 2018, a development proposal was approved for the Sprouts Market on Tract 1. As a result of that approval, the open space non-conformity for the MDP was eliminated by providing 27.31% open space. The proposed modification of the bank addition creates a new non-conformity and reduces the open space by 4.43 percent to 22.83%. Consideration should be given to the age of the parcel, which was developed originally under Palm Beach County regulations and incorporated into the City in 1991. The applicant argues that the waivers are necessary to the development of the shopping center.

Per the waiver criteria, the reduction in open space may not significantly impact the development and the granting of the waiver may not result in special privilege to the property owner. The applicant's representative states that all the waivers are necessary because the applicant is "redeveloping an old shopping center with various existing constraints, nonconformities, and established adjacent development, access points, and driveway configurations."

- **Waiver 3:** Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow a front yard landscape buffer of 9.5 feet where a 30-foot buffer is required when abutting an arterial street (West Atlantic Avenue) to apply to the north property line of Tract 2. The previous MDP showed a non-conforming 10-foot perimeter buffer adjacent to West Atlantic Avenue.
- **Waiver 5:** Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow the parcel's east perimeter interior landscape buffer to be 5 feet where a minimum of 10 feet is required; this waiver is interior to the MDP adjacent to Tract 1.

Pursuant to **LDR Section 4.4.9(F)(3)(d)1.d, Four Corners Overlay District: Perimeter Buffers**, a 30-foot perimeter buffer is required when abutting West Atlantic Avenue. The perimeter buffers within the Four Corners Overlay District are intended to allow the proper separation between more intense mixed and lower intensity residential neighborhoods. The perimeter buffer requirements vary in size based on the proximity to collector or arterial streets and residential or commercial zoning districts. The existing perimeter buffer of 10 feet because an existing non-conforming access road occupies the area where the rest of the landscape buffer should be; the remaining 20.5 feet is taken up by an alley which is non-conforming and has been a part of the plaza since it was annexed from Palm Beach County. The applicant has requested a waiver to reduce the size requirement of the perimeter buffer from 30 feet to 9.5 feet. It is important to note that a similar waiver was granted in 2019 for the Taco Bell Master Development Plan application. This waiver will bring uniformity to the width to the perimeter buffer parallel to West Atlantic Avenue. The applicant has added landscape to the subject perimeter to compensate for the requested reduction.

In addition, the applicant is requesting a waiver to reduce the size of the required landscape buffer on the interior (east side) of the proposed bank site adjacent to the Taco Bell restaurant, from the 10-foot minimum to 5 feet. The purpose for the reduction in perimeter buffer is to accommodate the drive-thru lanes proposed for the bank. Due to the configuration of the structure on the site, the eastern side is the only suitable location for the drive-thru lanes. However, the proposed reduction in the 10-foot perimeter buffer is interior to the overall site and is not anticipated to have an adverse effect on the neighboring area or create safety concerns. The utilities in the proposed work area will not be altered, therefore, the provision of public facilities will not be affected. And while the proposal does not meet the minimum perimeter buffer required for the overlay district, the applicant believes the reduction is necessary to create a usable tenant space for the existing development.

- **Waiver 4:** Waiver from LDR Section 4.4.9(G)(3)(e)(2) Minimum Structure size to allow construction of a 1,820 square foot bank with a drive-thru that is less than the required 4,000 square feet, on the western portion of Tract 2 facing West Atlantic Avenue.

Per **LDR Section 4.4.9(G)(3)(e)(2) Minimum structure size**, 4,000 square feet is the minimum structure size in the Four Corners Overlay. The waiver to allow construction of a 1,820 square foot bank with a drive-thru allows the bank to develop consistent with trends in the provision of banking services, and is consistent with the waiver granted to Taco Bell.

#### **Minimum Parking Requirements**

Pursuant to **LDR Section 4.6.9(C)(3)(e), Number of Parking Spaces Required: Requirements for Commercial Uses**, shopping centers ranging from 25,000 to 400,000 square feet require 4 parking spaces per 1,000 square feet of gross leasable floor area,

irrespective of uses. The entire development will have a total of 77,163 square feet of leasable floor area, including the proposed 1,820 square-foot bank addition. The development requires 309 parking spaces and 313 are provided.

### Architecture

Pursuant to **LDR Section 2.4.5(F)(6), Master Development Plans, Special Provisions**, a Master Development Plan (MDP) for property not located within a designated historic district and not located on an individually listed property shall be approved by the Planning and Zoning Board. A MDP shall be the guide for any subsequent site plan or subdivision action. A site plan shall be required for any phase or the entire area encompassed by a MDP. Individual site plans shall be processed pursuant to Section 2.4.5(G), (H), and (I) with approval authority of the Site Plan Review and Appearance Board.

The proposed MDP modification requires approval by the Planning and Zoning Board, prior to consideration of the associated site plan approval by the SPRAB. While the elevations are ultimately approved by the SPRAB through a Class V site plan, architectural consistency is part of the MDP consideration. The Board must also consider whether the proposal is architecturally consistent with the balance of the Delray Landing MDP. The bank proposed northeast elevation is provided at right.



**Proposed Fifth Third Bank**



**Existing Sprouts Market**



**Existing Taco Bell**

### Options for Board Action

A. Move to **continue with direction**.

B. **Approve** the amendment to the Delray Landing Master Development Plan Modification; with five waivers;

- Waiver No. 1. Waiver from LDR Section 4.4.9(F)(3)(c) to allow lot coverage of 77.17% where a maximum 75% of lot coverage is required.
- Waiver No. 2. Waiver from LDR Section LDR Section 4.4.9(G)(3)(e)(1) Lot Coverage and Open Space to allow 22.83% of open space where the minimum open space required is 25% for the Master Development Plan.
- Waiver No. 3. Waiver from LDR 4.4.9(F)(3)(d)1, to allow a reduction from the required 30-foot perimeter buffer to 9.5 feet;
- Waiver No. 4. Waiver from LDR Section 4.4.9(G)(3)(e)(2) Minimum Structure size to allow construction of a 1,820 square foot bank with a drive-thru, less than the required 4,000 square feet.

- Waiver No. 5. Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow the interior east perimeter landscape buffer to be 5 feet where a minimum of 10 feet is required.

finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

- C. **Approve** the amendment to the Delray Landing Master Development Plan Modification **as amended**; with five waivers \_\_\_; finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

- Waiver No. 1. Waiver from LDR Section 4.4.9(F)(3)(c) to allow lot coverage of 77.17% where a maximum 75% of lot coverage is required.
- Waiver No. 2. Waiver from LDR Section 4.4.9(G)(3)(e)(1) Lot Coverage and Open Space to allow 22.83% of open space where the minimum open space required is 25% for the Master Development Plan.
- Waiver No. 3. Waiver from LDR 4.4.9(F)(3)(d)1, to allow a reduction from the required 30-foot perimeter buffer to 9.5 feet;
- Waiver No. 4. Waiver from LDR Section 4.4.9(G)(3)(e)(2) Minimum Structure size to allow construction of a 1,820 square foot bank with a drive-thru, less than the required 4,000 square feet.
- Waiver No. 5. Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow the interior east perimeter landscape buffer to be 5 feet where a minimum of 10 feet is required.

finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.

- D. **Deny** the amendment to the Delray Landing Master Development Plan Modification; with five waivers;

- Waiver No. 1. Waiver from LDR Section 4.4.9(F)(3)(c) to allow lot coverage of 77.17% where a maximum 75% of lot coverage is required.
- Waiver No. 2. Waiver from LDR Section 4.4.9(G)(3)(e)(1) Lot Coverage and Open Space to allow 22.83% of open space where the minimum open space required is 25% for the Master Development Plan.
- Waiver No. 3. Waiver from LDR 4.4.9(F)(3)(d)1, to allow a reduction from the required 30-foot perimeter buffer to 9.5 feet;
- Waiver No. 4. Waiver from LDR Section 4.4.9(G)(3)(e)(2) Minimum Structure size to allow construction of a 1,820 square foot bank with a drive-thru, less than the required 4,000 square feet.
- Waiver No. 5. Waiver from LDR Section 4.4.9(F)(3)(d) Perimeter Buffers to allow the interior east perimeter landscape buffer to be 5 feet where a minimum of 10 feet is required.

finding that the approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

#### Public and Courtesy Notices

X Courtesy Notices were provided to the following on August 10, 2022:

- Coconut Key
- Grammercy Square

N/A Public Notices are not required for this request.