



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Delray Business Incubator

Meeting	File No.	Application Type
January 27, 2024	2023-159-SPF-SPR-LV4	Level 4 Site Plan with 1 variance & 3 waivers
Property Owner	Authorized Agent	
GS Deerfield LLC	John Tice	

Request

Provide a recommendation to the City Commission on a Level 4 Site Plan Application at 905 SW 14th Avenue, including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25 percent non-vehicular open space requirement and three waivers for bay size, overhead doors, and the 5-foot perimeter landscape strip requirement associated with the development.

Site Data & Information

Location: 905 SW 14th Avenue

PCN: 12-43-46-20-59-002-0000

Property Size: 2.5448 acres (110,853 square feet)

Land Use Designation: Industrial (IND)

Zoning District: Light Industrial (LI)
(West Atlantic Redevelopment Master Plan)

Adjacent Zoning:

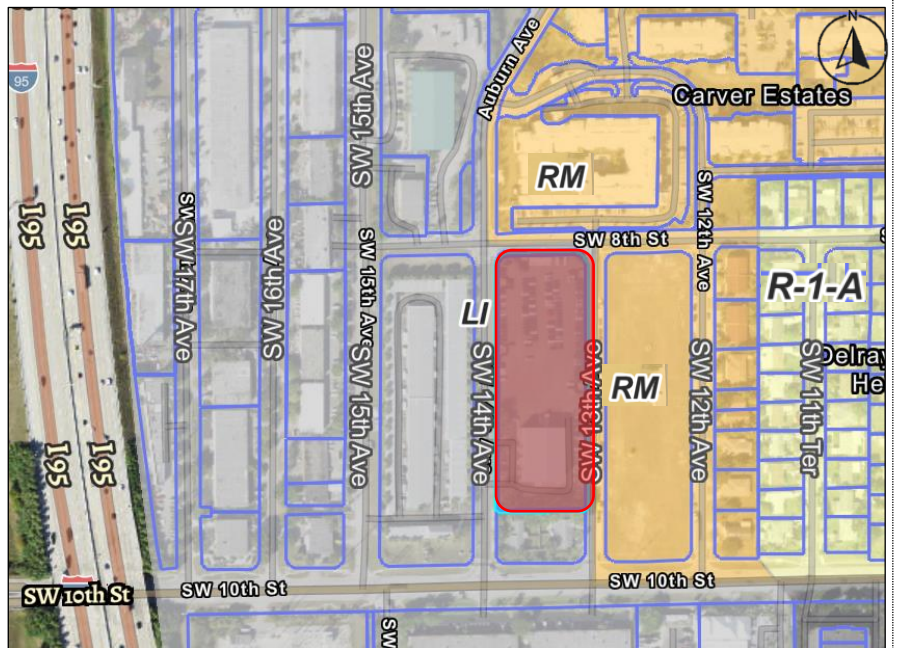
- **North:** Medium Residential (RM)
- **South:** LI
- **East:** RM
- **West:** LI

Existing Use: Two-story, 12,979 square feet warehouse & office

Proposed Use: 20,216 square feet warehouse and office development

Floor Area Ratio:

- **Existing:** 0.120
- **Maximum Allowed:** .60
- **Proposed:** 0.307



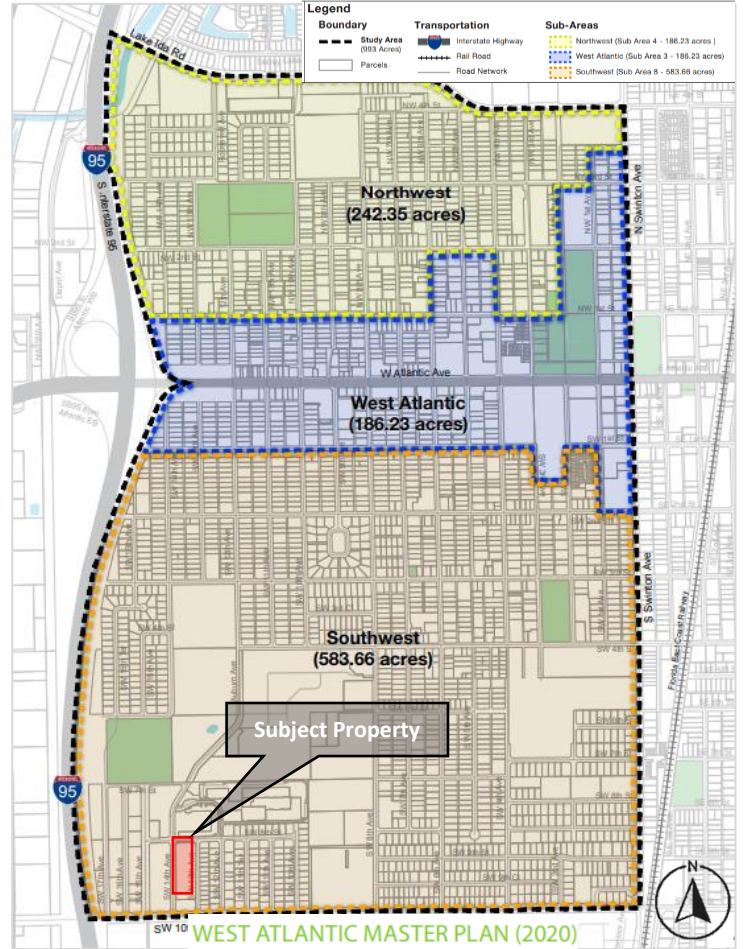
Background Information

The subject property is located at 905 SW 14th Avenue and consists of Lots 2 through 13, Block 6, within the King Industrial Park subdivision. The property, totaling 2.5448 acres (2.47 acres post-right-of-way dedication), is situated in the Light Industrial (LI) zoning district with an underlying Industrial (IND) land use designation. The property is within the Southwest portion of the West Atlantic Redevelopment Master Plan and Subarea 8 of the Community Redevelopment Agency (CRA) district boundaries.

The site currently includes a two-story, 12,979-square-foot warehouse and office building constructed in 1991. The property is secured by a 6-foot-high black decorative metal fence and a concrete wall along the southern border.

The property's development history is outlined below:

- **1959:** The "Delray Beach Heights Extension Section A" subdivision was approved identifying 22 lots in Block 6.
- **1968:** The subdivision was re-platted as "Delray Beach Heights Extensions A and B" to consists of 14 lots in Block 6.
- **1990,** The Plat was further subdivided and recorded as "King Industrial Park" consisting of Lots 2 through 13, Block 6, excluding lots 1 and 14.
- **1991:** A one-story warehouse building was constructed.
- **2015:** A Class I Site Plan Modification to construct a black decorative fence along the property line was approved.
- **2020:** A Class I Site Plan Modification was approved to construct a second story addition for office space and minor changes to the existing elevation.



The Redevelopment Plan was adopted by Resolution No. 105-20 on October 20, 2020, replacing the West Atlantic Redevelopment Plan and the Southwest Area Neighborhood Redevelopment Plan. The West Atlantic Master Plan (2020) builds upon those prior efforts but with a goal of aligning The West Atlantic neighborhoods with the success of the rest of Delray Beach not just in terms of appearance but more importantly equitable access to economic opportunity, wealth creation and health.



Project Description

The application is proposing the construction of a one-story, 20,216 square-foot warehouse and office building designed to include 10 tenant bays intended for small start-up type businesses. The development includes 74 new parking spaces, a new on-site generator, bus shelter, perimeter landscaping and a storm water retention area. The existing 12,979-square-foot warehouse and office building will remain.

Additionally, the request includes the closure of three existing driveway openings along SW 13th Avenue, the construction of a new fence within that segment that aligns with the existing fence, constructing a new pedestrian access with a gate connecting the development to the sidewalk on SW 13th Avenue, and a new fence that circumvents a proposed FPL transformer on SW 13th Avenue. Likewise, a new driveway opening is proposed with a new fence and gate to accommodate the new development.

As part of the development review, the Engineering Department determined that a total 50-foot right-of-way is required to comply with Table MBL-1, "Street Network and Classification and Improvements" of the Mobility Element. Currently, the ultimate right-of-way width of 13th Avenue is 45 feet (20 feet on the west side and 25 feet on the east side). Therefore, a 5-foot right-of-way dedication is required along SW 13th Avenue.

Due to the required dedication, the previously approved fence will be located within the SW 13th Avenue right-of-way. A fence removal agreement between the City and the Property Owner shall be approved and executed to allow the fence to be within the right-of-way.

The application is also associated with one variance and three waivers. The requested relief is as follows:

Variance:

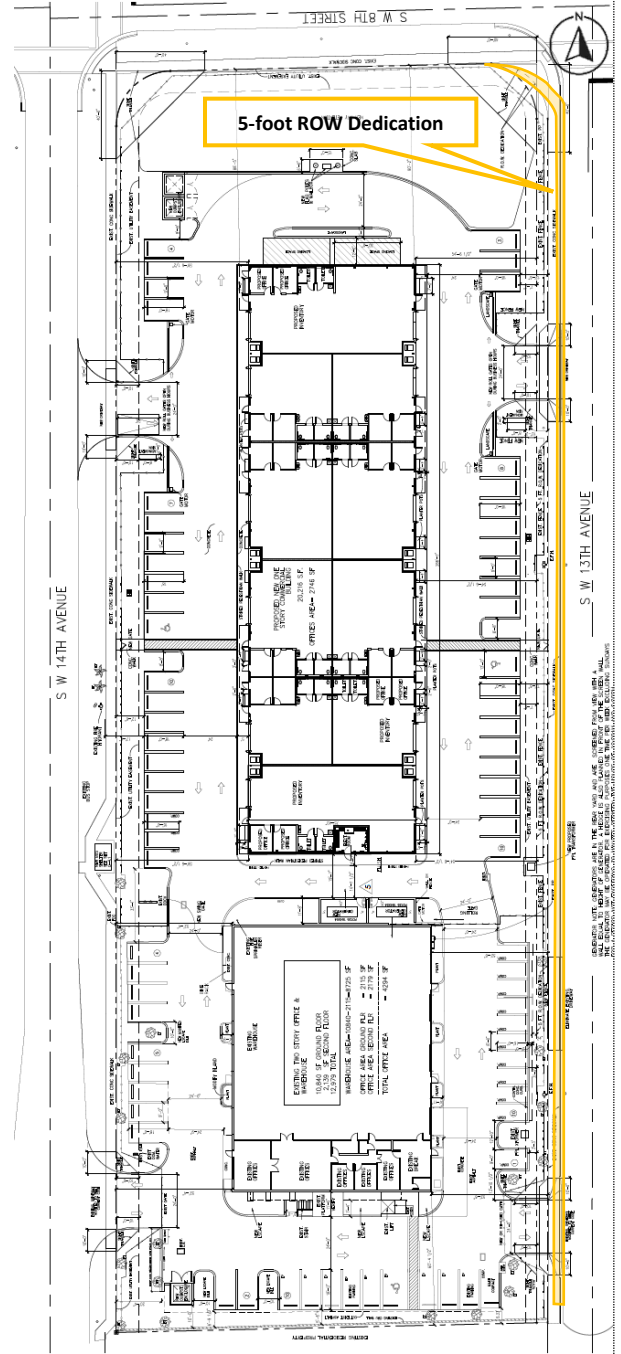
1. **LDR Section 4.3.4(K)**: Relief from the required minimum 25 percent non-vehicular open space to allow 23.9 percent; and

Waivers:

1. **LDR Section 4.4.26(H)(1)**: Relief to allow overhead doors to face the right-of-way; and
2. **LDR Section 4.4.26(H)(3)**: Relief from the required minimum floor area of at least 4,000 square feet per tenant or bay; and
3. **LDR Section 4.6.16(H)(3)(a)**: Relief from the required 5-foot landscape buffer between the off-street parking area and the right-of-way; and

The Planning and Zoning Board will provide a recommendation on the site plan and requested relief, prior to final action by the City Commission on the entire request, pursuant to **LDR Section 2.1.5(E)(5)(j)**.

NOTE: Any signage included in the renderings has not been reviewed for compliance with the LDR and is not included as part of the subject review and approval. A separate review and approval process is required for signage.



Review and Analysis: Site Plan

LDR Section 2.1.5. - The Planning and Zoning Board – Board Recommendations

The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):

- Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc

LDR Section 2.4.10(A)(1)(d)4.,

Applications that include new construction or additions to an existing building of 15,000 gross square feet or more for nonresidential development is a Level 3 Site Plan application.

LDR Section 2.4.10(A)(1)(d)5. - Site Plan Applications Level 4

Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:

- Approval of Waiver(s) not otherwise authorized to other approving bodies.

LDR Section 2.4.10(A)(2)(d)5., Board Review

The following applications require board action:

- Level 4 Site Plan applications require review and recommendation by the Planning and Zoning Board and/or Historic Preservation Board prior to action by the City Commission.

The proposed 20,216 square feet warehouse development qualifies as a Level 3 Site Plan application based on the criteria for new construction involving 15,000 square feet or more. However, since the application includes waivers that fall outside the authorization of other approving bodies, it is elevated to a Level 4 application for review and recommendation by the Planning and Zoning Board.

This classification allows for review and recommendation by the Planning and Zoning Board to City Commission, which includes any relief requests for determination and final action.

LDR Section 2.4.10(A)(3), Findings

All site plan applications require compliance with the applicable regulations and review criteria and shall be consistent with the Comprehensive Plan and other local ordinances.

- (b) Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.
- (c) Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.
- (d) Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.
- (e) Site Plan applications that include a variance(s) are subject to the findings of Section 2.4.11(A).
- (f) Site Plan applications that include a waiver(s) are subject to the findings of 2.4.11(B).

The site plan application requires compliance with b, c, and d listed above while the variance and waiver are subject to the findings of LDR Section 2.4.11. The analysis of the required findings is further identified below.

LDR Section 3.1.1, Required Findings.

Prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved through information on the application, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

The required findings relate to the land use map, concurrency, consistency, and compliance with the Comprehensive Plan. Compliance with the required findings is discussed below.

- (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.

As noted, the subject property is zoned Light Industrial (LI), which is a preferred zoning district under the Industrial (IND) land use designation. A warehouse building intended for industrial purposes, including manufacturing and storage, is a permitted use in the LI zoning district. Therefore, the proposed land use is consistent with the underlying land use designation. Additionally, the maximum floor area ratio (FAR) allowed within the Industrial land use is 0.60; and the proposed development has a total FAR of 0.307, thus complying with the FAR requirements.

(B) 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, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Potable Water and Sewer. The development will water services to be 2-inch poly to meter tie into the existing 8" water main and the sewer lateral will be a 6-inch poly tie into existing clean out on SW 14th Avenue. The development is within the impact area of the City's Series 20 wellfield and this area is strictly regulated to ensure it does not degrade the City's potable water supply.

Drainage. Drainage will be accommodated on site. All stormwater runoffs will be collected and contained within the subject property through a utility drainage system as approved by the discretion of the City Engineer and Utility Plans Reviewer.

Transportation. A Traffic Performance Standard (TPS) letter from Palm Beach County dated July 17, 2024, was determined the proposed development generates less than 21 peak hour trips and will have insignificant traffic impact.

Solid Waste. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054. The development proposes two new dumpster and dumpster enclosures on site.

Parks and Open Space: Not applicable. Parks impact fees are only required for residential development.

Public Schools. Not applicable to commercial development.

(C) Consistency A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.

Article 3.2 Performance Standards

The following standards contained in Article 3.2 are applicable:

- **LDR Section 3.2.1, Basis for Determining Consistency**
- **LDR Section 3.2.3, Standards for site plan and/or plat actions**
- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The proposed development generally aligns with each of these standards, and there are no identified concerns regarding its overall consistency with Article 3.2. as discussed in detail below.

- **LDR Section 3.2.1. Basis for Determining Consistency.**

The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

Conservation, Sustainability, and Resilience Element

Objective CSR 2.2 Wellfield Protection Implement and expand upon the concepts, principles, and regulations contained in the Palm Beach County Wellfield Protection Program.

Policy CSR 2.2.1 Continue to assure compliance with the County Wellfield Protection Ordinance by including compliance as a performance standard for which a specific finding must be made upon approval of any site plan or conditional use action.

Policy CSR 2.2.2 Inspect and monitor business premises to ascertain that facilities and procedures exist and are utilized to properly manage hazardous materials and wastes commonly occurring as a result of existing or proposed activities in compliance with the Wellfield Protection Program, Industrial Pretreatment Program, and Fire Department inspections.

Policy CSR 2.2.4 Continue to evaluate all new development and business tax receipt applications for compliance with the County Wellfield Protection Ordinance, as implemented by the Land Development Regulations.

Economic Prosperity Element

Policy ECP 6.3.4 Discourage the reduction of Commerce land use designations, which involve a mix of light industrial, commercial uses, and research and development, and Industrial land use designations, which are needed to grow Delray Beach's job base.

Neighborhoods, Districts, and Corridors Element

Objective NDC 1.4 Industrial Land Use Designations Apply the industrial land use designations of Industrial and Commerce to those areas where industrial type uses, such as fabrication and assembly of goods, warehousing, and vehicle repair, are the primary economic strategy for the district, to ensure that those industries, which are essential to the local economy, are appropriately accommodated in the city.

Policy NDC 1.4.2 Allow a maximum floor area ratio of 0.60 for properties with an Industrial land use designation.

Policy NDC 1.4.3 Use the Industrial land use designation to accommodate manufacturing, fabrication, assembly, and warehousing uses on properties where such uses currently exist and in areas identified as appropriate to continue or expand industrial-based uses.

Policy NDC 1.4.5 Recognize the importance of maintaining the Industrial land use designation for long term economic prosperity by prohibiting amendments to the Land Use Map that diminish the quantity of property with Industrial land use designation.

Overall, the proposed development aligns with the applicable Goals, Objectives, and Policies of the Always Delray Comprehensive Plan, which emphasizes the need for redevelopment that is compatible with neighboring land uses in terms of use, intensity and density. Additionally, the proposed warehouse development supports the broader objective of fostering industrial economic prosperity, aligning with policies that prioritize the use and maintenance of manufacturing, fabrication, assembly and warehousing uses on properties where such uses currently exist and in areas identified as appropriate for the continuation and or expansion of industrial-based uses.

- **LDR Section 3.2.3, Standards for site plan action.**

The following standards are applicable to the request:

- (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.*

(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.

The proposed warehouse development generally complies with these standards for site plan action.

- **LDR Section 3.2.4, Standards for Specific Areas or Purposes**

The property is not located within a flood prone zone area, an environmentally sensitive area, on the barrier island, or a historic district. The property is not an individually designated site or would impact adjacent communities. The subject property is located within Wellfield Protection Zone 1, 2, 3 and 4 as shown in the image to the right.

LDR Section 4.5.5(B)(2), Applicability, to land contained within Wellfield Protection Zones 1, 2, 3, and 4 as depicted upon the Wellfield Protection Map Series as maintained by the Palm Beach County Department of Environmental Resources Management and upon which any of the following uses or activities are proposed

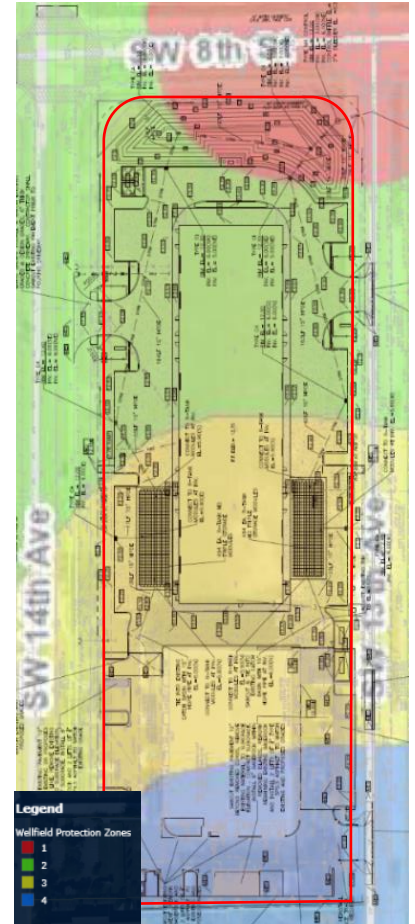
LDR Section 4.5.5(B)(3)(a), Process, Development applications. When the above activities occur, the City shall require the applicant to file an "Affidavit of Notification" signed by the County Department of Environmental Resources Management as a part of submission materials. When site plan or conditional approval is required, the staff report provided to the approving body shall contain information as to the potential existence of regulated substances and the manner in which compliance with applicable provisions of the Ordinance will be achieved.

The existing well (12-17E) is located across from the subject property on SW 8th Street within Zone 1 (red). Although a portion of the subject property is located within Zone 1, the building footprint is confined to Wellfield Zone 2 (green) and Zone 3 (yellow). According to Palm Beach County Environmental Resources Management, new exfiltration systems are prohibited within Zones 1 and 2. Any future businesses that occupy the proposed warehouse, particularly those storing regulated substances, shall apply for a Wellfield Protection Operating Permit with the Palm Beach County Department of Environmental Resources Management to confirm that the use meets the requirements of the Wellfield Protection Ordinance.

The proposed exfiltration system is designed within Zone 3 (yellow), with all the catch basins and manholes located on the north side of the subject property. These will be constructed using precast concrete and are designed to prevent percolation into the groundwater. The applicant has submitted the required affidavit of notification to the Palm Beach County Environmental Resources Management, ensuring compliance with wellfield protection regulations. for further details, see the attached correspondence.

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

The proposed warehouse development complies with the development requirements of the LI zoning district, with the exception of the three requested waivers and one variance. Specific standards are discussed below.



LDR Section 4.4.26, Light Industrial - 4.3.4(K) – Development Standards Matrix

Standard/Regulation	Review	
Minimum	Required:	Proposed:
Lot Size	20,000 sf	108,008 sf
Lot Width	0 feet	195 feet
Lot Depth	0 feet	545 feet
Lot Frontage	100 feet	195 feet
Open Space	25% (27,002 sf)	23.9% (25,822 sf)
Maximum		
Lot Coverage	50%	23.9%
Height	48 feet	20 feet, 8 inches
Minimum Setbacks		
Front (North)	10 feet	88 feet, 5 inches
Side Street (East)	10 feet	54 feet, 6 inches
Side Street (West)	10 feet	59 feet, 6 inches
Rear (South)	10 feet	212 feet

Article 4.6 – Supplemental District Regulations

Regulation	Review	
4.6.4., Special district boundary treatment	Required:	Proposed:
Front abutting residential with street separation	30 feet front setback with landscape	88 feet, 5 inches with landscape
Side abutting residential with street separation	50 feet side setback and a masonry wall or 4 feet, 6 inches continuous hedge along east side	59 feet, 6 inches setback with 72 inches (6 feet) high continuous hedge along east side
Rear abutting residentially zoned property without any separation	60 feet rear setback and masonry wall 6 feet high or 4 feet, 6 inches continuous hedge along the south side	Existing 60 feet, 4 inches setback and masonry wall
4.6.5., Walls, Fences, And Hedges.	Required:	Proposed:
Height restrictions	Front & Side: max 6 feet Interior Side & Rear: max 8 feet	Front & Side: 6 feet Interior Side & Rear: 6 feet
Fence types	Existing decorative black metal fence	
Setbacks	2 feet	*Existing fence in ROW after 5-foot dedication
*Fence Removal Agreement		
4.6.8, Lighting	Illumination spillover is limited to the maximum degree feasible given the minimum illumination requirements for street lighting, off-street parking illumination, and lighting at the building and garage entrance.	
4.6.9, Off-Street Parking	<u>Existing Office:</u> 17 spaces <u>Existing Warehouse:</u> 9 spaces <u>Proposed Office:</u> 11 spaces <u>Proposed Warehouse:</u> 17 spaces Total: 54 spaces	(56 Standard, 3 ADA and 15 Compact) Total: 74 spaces

4.6.9, Compact Parking Spaces	16 compact spaces (Max. 30%)	15 compact spaces (28%)
4.6.9, Bicycle Parking	Type I spaces – 2 spaces minimum Type II spaces – ≥ 15,000 sf: 1 per 15,000 sf	Type I spaces – 2 spaces Type II spaces – 2 spaces

Section 4.6.6. - Commercial and industrial uses to operate within a building

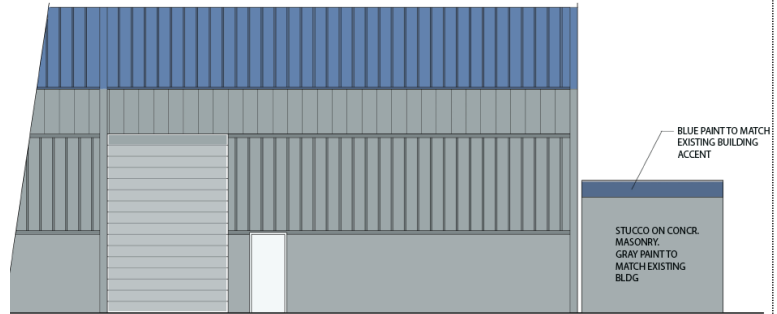
All commercial and industrial uses shall conduct within a completely enclosed building rather than outside regardless of the zoning district.

All proposed uses will be conducted within the enclosed building.

Section 4.3.3(ZZ), Permanently installed generators

The following standards shall apply to all permanently installed generators:

- (1) Generators are prohibited in the front yard and side street setbacks.
- (2) Generators and accessory above ground facilities, such as fuel tanks, are to be screened from view from adjacent properties or rights-of-way by a wall or hedge equal to the height of the generator at the time of installation.
- (3) Generators may be operated for exercising purposes one time per week, excluding Sundays, for a period not exceeding 30 minutes between the hours of 10:00 a.m. to 6:00 p.m.
- (6) Generators are setback a minimum of five feet from the rear property line in all zoning districts.



The proposed generator is located between the two buildings, north of the existing building. The generator is confined by concrete enclosure and landscape compatible with the existing Rapid Response building color (image at right).

LDR Section 7.11.1(C), Green Building Certification Required

Certification is required through a green building certification entity for new construction or additions consisting of 15,000 square feet of gross floor area that is condition space.

The applicant is not required to obtain green building certification, as the total Gross Floor Area is under 15,000 square feet. The total square footage, under air, is 2,746 square feet of office space and 4,294 square feet of office for the existing warehouse building, for a total 7,040 square feet of air conditioned space. The warehouse space for both existing and proposed building are not air conditioned, and therefore not included in in the overall square footage for the purposes of the green building requirement.

Review & Analysis: Architectural Elevations

LDR Section 2.4.10(A)(3)(d), Findings

Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

LDR Section 4.6.18. - Architectural elevations and aesthetics - Minimum requirement

The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development. It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings

There are five subsections for consideration in **LDR Section 4.6.18:**

- (A) Minimum requirements;
- (B) Building and structure requirements;
- (C) Exterior space;

- (D) Parking lots and vehicular use areas, and
- (E) Criteria for board action.

(E) Criteria for Board Action.

The following criteria shall be considered by the Site Plan Review and Appearance Board in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.

- (1) The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
- (2) The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
- (3) The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.
- (4) The proposed elevations provided below have been reviewed for compliance with Section 4.6.18 - Architectural Standards.

The design of the proposed warehouse building aligns with the existing structure on the property, maintaining a cohesive architectural character while introducing distinct features. The new warehouse is standing 20 feet, 8 inches tall, featuring a flat roof with a parapet wall, which complements the structural type of the existing building. The roof is designed with corrugated steel siding panels, painted in Sherwin Williams Danube Blue, and includes metal canopy overhang above the service doors, providing both functionality and visual appeal.



The building's façade showcases a white stucco finish with a solid base cladding in a thin stone veneer, creating a tasteful aesthetic. The proposed style creates harmony between the two structures with its own distinct features that tie the site together in a simple solution. All the mechanical equipment is screened at ground level by architectural louver panels which are operable for maintenance while maintaining the building's clean lines. There are two dumpster enclosures constructed with materials and colors matching the building and designed in simple geometric forms to avoid distracting from the primary structures. The site lighting is designed to light the property focusing on safety and security while enhancing visibility throughout the site.

The site includes a central building surrounded by driveways and walkways, providing efficient circulation and connection to the existing driveway. The proposed generator enclosure is designed to blend with the color scheme of the existing building, ensuring visual harmony across the site.

Overall, the architectural design reflects compliance with **LDR Section 4.6.18** by maintaining a cohesive aesthetic, integrating functional elements, and contributing to the site's harmonious and visually appealing redevelopment. Elevations are provided below.

WEST ELEVATION



EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



Review & Analysis: Landscape Plan

LDR Section 2.4.10(A)(3)(c), Findings

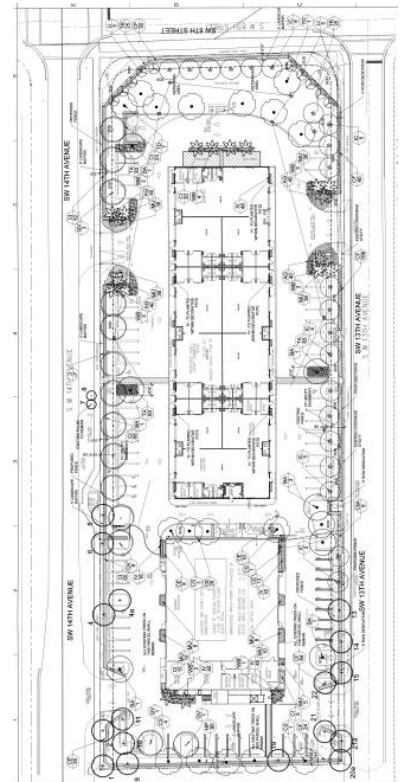
Landscape Plans, including modifications to existing landscaping, shall be consistent with Section 4.6.16, Landscape Regulations.

The landscaping plan for the proposed development has been evaluated for consistency with LDR Section 4.6.16. The project incorporates a lush and substantial landscape design along the perimeter of the site (image at right, and attached as full size).

At the front of the lot along SW 8th Street, a retention area is proposed, enhanced with Dahoon Holly Trees, hedges and sod, contributing to a functional and aesthetically pleasing frontage. Along the west perimeter, the design includes a 12-foot, 6 inches landscape buffer, lined with Live Oaks, hedges and sod, creating a substantial green edge.

Due to the 5-foot right-of-way (ROW) dedication along SW 13th Avenue, the previously existing 5-foot landscape buffer between the parking area and the right-of-way on the east side of the site has been eliminated, resulting in non-conformity. To address this, the applicant has included a request for a landscape waiver to reduce the buffer requirement to zero feet for the existing parking spaces along the east side (discussed in detail below). The eastern property line is not un-landscaped, however. There is a 7-foot, 7-inch-wide landscape buffer provided up to the existing parking spaces on the east perimeter, featuring Dahoon Holly Trees, hedges, and sod, to maintain continuity and greenery.

Despite the non-conformity created by the ROW dedication, the overall landscape plan has been reviewed and deemed technically compliant by the Senior Landscape Planner, except for the requested waiver. The proposed plan effectively integrates lush and functional landscaping across the site, enhancing its appearance while meeting the general intent of the LDR Section 4.6.16 regulations.



Review & Analysis: Variance

Pursuant to **LDR Section 4.3.4(K)**, a *minimum 25 percent non-vehicular open space* is required. The existing building and parking configuration, along with the site's development requirements, including driveway connections, parking spaces, and landscape buffer dimensions, determine the amount of space available for non-vehicular open space. The applicant is requesting relief from this requirement.

Variance #1:

Required: 27,002 square feet (25 percent of the 108,008-square-foot site).

Provided: 25,822 square feet (23.9 percent).

Request: A reduction of 1.1 percent in the required non-vehicular open space, equating to 1,180 square feet.

LDR Section 2.4.11. – Variances

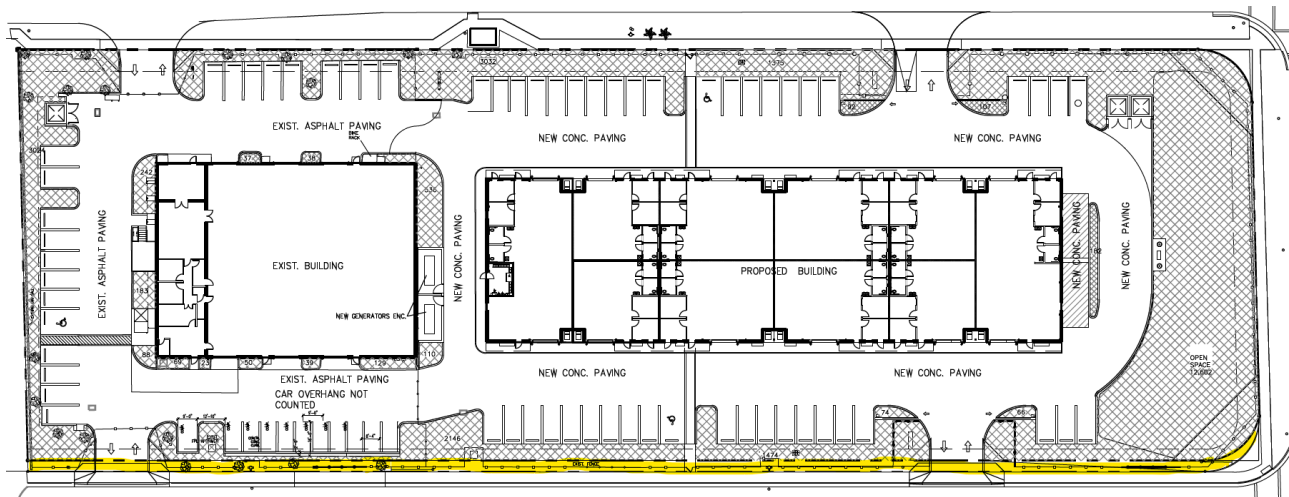
A variance is a departure from the dimensional or numeric requirements of these land development regulations where such variance will not be contrary to the public interest and where, owing to the existing conditions peculiar to the property and not the result of the actions of the landowner, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Findings. The following findings must be made prior to approval of a variance:

- That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not generally applicable to other lands, structures, or buildings subject to the same zoning. Economic hardship shall not constitute a basis for the granting of a variance.
- That literal interpretation of the regulations would deprive the applicant of rights commonly enjoyed by other properties subject to the same zoning.
- That the special conditions and circumstances have not resulted from actions of the applicant.
- That granting the variance will not confer onto the applicant any special privilege that is denied to other lands, structures, and buildings under the same zoning. Neither the permitted, nor nonconforming use, of neighborhood lands, structures, or buildings under the same zoning shall be considered grounds for the issuance of a variance.
- That the reasons established in the variance petition justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.
- That the granting of the variance will be in harmony with the general purpose and intent of existing regulations, and will not be injurious to the neighborhood, or be otherwise detrimental to the public welfare.

The reviewing body must review and make a recommendation on a variance request based on a negative or positive finding on the above.

Following a required **5-foot right-of-way dedication** (image below), the total site area is reduced to **108,008 square feet**. The resulting open space provided is **25,822 square feet**, which does not meet the 27,002 square feet required by the regulation. The variance request seeks relief to reduce the open space requirement to **23.9 percent**, based on the proposed site design and its constraints.



The Board should consider if granting the variance is appropriate, considering the circumstances provided by the applicant.

Review & Analysis: Waivers

LDR Section 2.4.11(B) - Waivers.

A waiver involves the granting of partial or total relief from a specific development regulation.

LDR Section 2.4.11(B)(2), Special power to the City Commission.

The City Commission in its sole discretion may grant a waiver to any provision of these regulations when there is no other avenue for relief available in these regulations.

LDR Section 2.4.11(B) (5) Findings

Prior to granting a waiver, the granting body shall make findings that the granting of the waiver:

- (a) Shall not adversely affect the neighboring area;*
- (b) Shall not significantly diminish the provision of public facilities;*
- (c) Shall not create an unsafe situation; and*
- (d) 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.*

Each waiver is discussed in separately in detail below:

Waiver #1, Overhead Doors:

LDR Section 4.4.26(H)(1), Special district regulations

Overhead doors shall not face adjacent rights-of-way except when it is clearly demonstrated that no opportunity exists to do otherwise.

The development consists of 6 overhead doors facing SW 14th Avenue and 6 overhead doors facing SW 13th Avenue. The applicant is requesting a waiver to allow a total of 12 overhead doors to face two rights-of-way. The two largest tenant bays (3,038 sf) located at each end of the building will utilize the entire width of the building allowing receiving from on one side of the building and shipping on the other side of the building. Meanwhile each bay in the middle (4 bays at 1,519 sf and 4 bays at 2,016 sf) will receive and ship from one overhead opening.

The proposed overhead doors face another industrial use to the west and the adjacent residential use to the east (Island Cove). Although a landscape waiver is requested from the parking lot landscaping requirement on the east side of the property adjacent to the existing building on the southern portion of the property (discussed below), the parking lot landscape requirement will be met adjacent to the new structure with overhead doors. Additionally, the perimeter landscaping along the eastern property line is provided in compliance with the LDR requirement to screen the use.

Due to the rectangular shape lot with right-of-way on three sides, the site is inherently constrained. Additionally, the applicant is proposing smaller bay spaces to create opportunities for business development and job creation in this area, which effectively requires multiple overhead doors facing the right-of-way. The West Atlantic Master Plan has a goal of aligning The West Atlantic neighborhoods with the success of the rest of Delray Beach, not just in terms of appearance but more importantly equitable access to economic opportunity, wealth creation and health. The Board should consider if *"it is clearly demonstrated that no opportunity exists to do otherwise,"* and if the potential job creation results in an adverse or positive impact on the surrounding neighborhood.

In consideration of the requirement that granting a waiver will not result in the granting of a special privilege, three waivers related to overhead doors have been requested and granted in the in Mixed Industrial and Commercial (MIC) zoning district. As a result, Development Services has prepared an LDR amendment to amend prohibitions on overhead doors.

Waiver #2, Minimum Floor Area Per Tenant Bay:

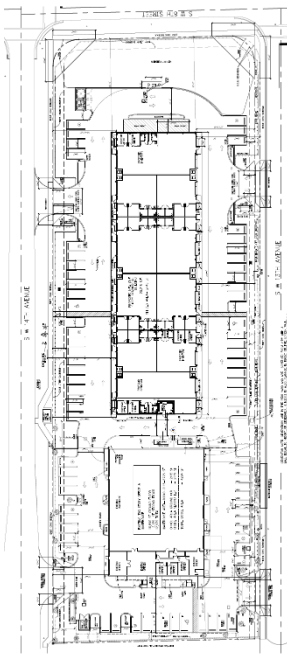
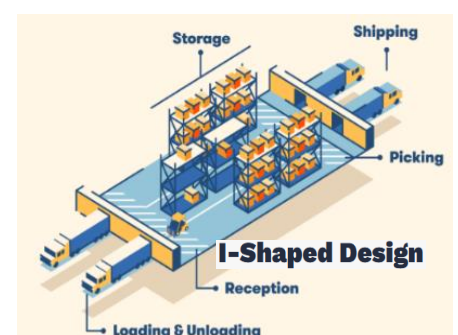
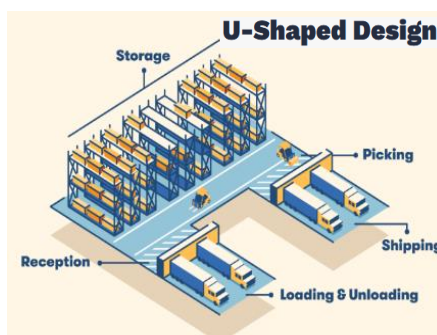
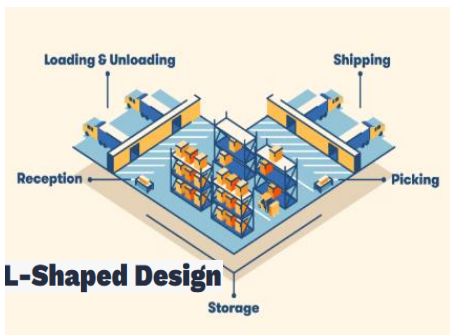
Required: Minimum floor area of at least 4,000 square feet per tenant or bay, pursuant to **LDR Section 4.4.26(H)(3)**

Proposed: 2 bays at 3,038 square feet, 4 bays at 1,519 square feet and 4 bays at 2,016 square feet

The construction of the proposed 20,216 square-foot warehouse includes 10 bays that range between 1,519 square feet to 3,038 square feet, with overhead doors facing rights-of-way. The applicant states that the smaller bay sizes are designed to facilitate and attract small light industrial start-up businesses (justification statement attached).

The LI zoning district regulations reflect the intent to allow and maintain high-quality or “clean” industrial uses in areas which are environmentally or aesthetically sensitive. The intent of the bay size regulations, at the time of adoption, was to use the size limitation as a tool to limit potentially damaging industrial uses within the wellfield protection zones; small bay sizes were thought to be more suitable to cleaner uses. Given the subsequent adoption of the County Wellfield Protection Ordinance, it is possible to allow light industrial uses in the area because of the regulation of potentially harmful substances in compliance with the Ordinance.

There are three common warehouse layouts, which are selected based on the unique needs of the user; U shaped, L shaped, and I shaped (images below). Typically, these warehouse layouts are for large single-tenant importers, exporters, manufacturers, and wholesalers frequently positioned in industrial parks or on the outskirts of towns or ports to allow convenient access to roads and loading docks.



The proposed development is in an “I” shape layout with 10 tenant bays with 12 total overhead doors (image at left). This style is similar to the surrounding buildings west of the property for warehouse businesses with the typical “I” shaped layout with multiple overhead doors facing the right-of-way.

The applicant states that the configuration and bay size is necessary to accommodate small startup light industrial businesses that do not require larger spaces.

Waiver #3, Required Landscape Buffer:

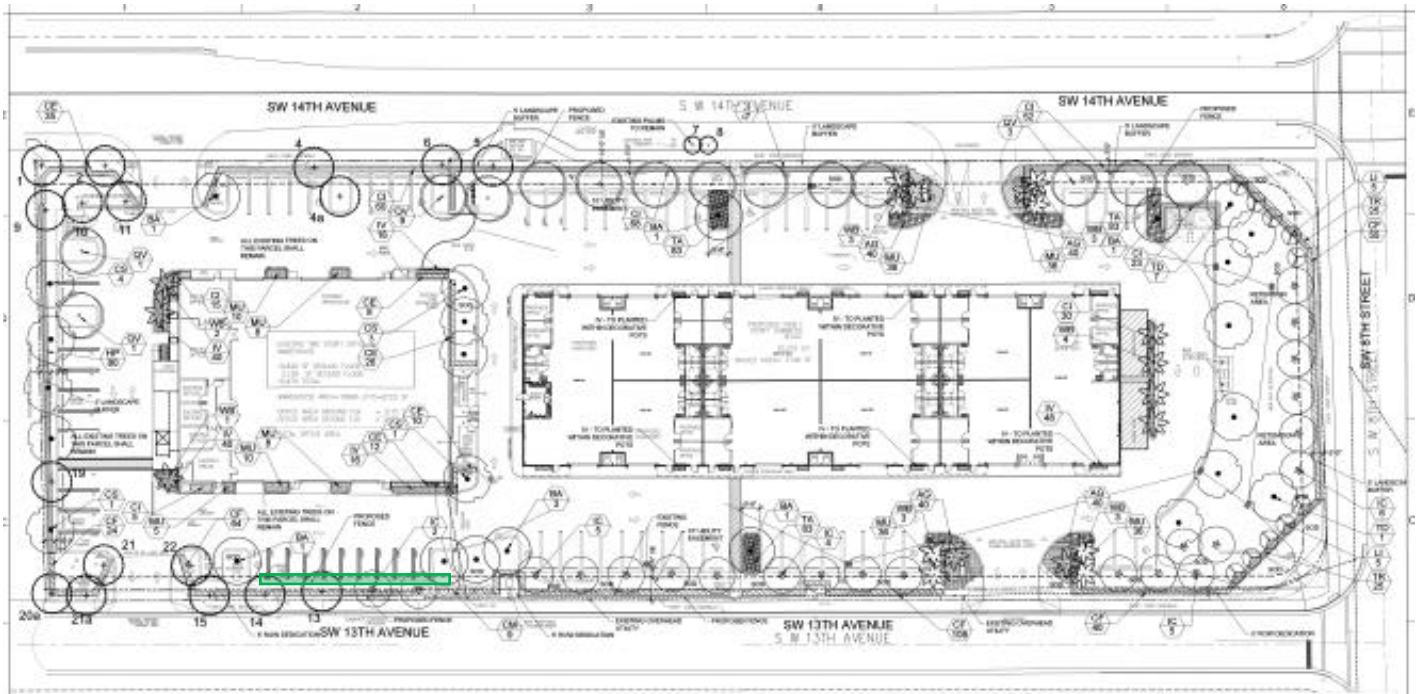
Required: 5-foot landscape strip, pursuant to LDR Section 4.6.16(H)(3)(a)

Proposed: 0-foot landscape strip

A strip of land at least five feet in depth located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped.

The existing 12,979 square foot, 2-story warehouse structure located at the southern portion of the parcel has existing parking spaces along SW 13th Avenue, with the required 5-foot landscape buffer. With the required 5 feet right-of-way dedication along SW 13th Avenue, the existing 5-foot landscape buffer will be reduced to 1-foot, creating a non-conformity to the parking lot design.

The applicant has requested a reduction to the required landscape buffer only along the 11 existing parking spaces on SW 13th Avenue while providing the prerequisite of a minimum 5-foot landscape buffer for the new development. The image below indicates the location of the requested waiver.



The Board should consider if granting of the waiver request is warranted, given the justification and limited area where the waiver is requested.

Board Action Options

- A. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25 percent non-vehicular open space and three waivers for bay size, overhead doors, and the 5-foot perimeter landscape strip located at 905 SW 14th Avenue, finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25 percent non-vehicular open space and three waivers for bay size, overhead doors, and the 5-foot perimeter landscape strip located at 905 SW 14th Avenue, finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations, **subject to conditions**.
- C. Move to recommend to the City Commission **denial** of a Level 4 Site Plan Application including Architectural Elevations and a Landscape Plan, to construct a 20,216 square-foot warehouse and office building, along with one variance to the required 25 percent non-vehicular open space and three waivers for bay size, overhead doors, and the 5-foot perimeter landscape strip, finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations
- D. **Continue with direction.**

Public Notices

- Public Notice was posted at the property 7 calendar days prior to the meeting.
- Public Notice was mailed to property owners within a 500' radius 10 days prior to the meeting.
- Public Notice was posted to the City's website 10 calendar days prior to the meeting.
- Public Notice was posted in the main lobby at City Hall 10 working days prior to the meeting.
- Agenda was posted at least 5 working days prior to meeting.

Technical Notes

Prior to Site Plan Certification:

1. A 5-foot right-of-way dedication is accepted and recorded
2. The Fence Removal Agreement is accepted and recorded.