



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Delray Nissan

Meeting	File No.	Application Type
April 15, 2024	2024-002	Level 3 Site Plan Application
Property Owner	Agent	
MDR Delray Auto, LLC	Michael Weiner, Sachs Sax Caplan, PL	

Request

Consideration of a Level 3 Site Plan and Architectural Elevations Modifications to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total) for Delray Nissan located at 2200 S. Federal Highway.

Site Data & Information

Location: 2200 S. Federal Hwy

PCN: 12-43-46-28-21-001-0000

Property Size: 4.14 acres (180,309.19 square feet)

Land Use Designation: General Commercial (GC)

Zoning: Automotive Commercial (AC)

Adjacent Zoning:

- **North:** AC
- **East:** AC
- **South:** AC
- **West:** Open Space Recreation (OSR)

Existing Use:

Automotive Dealership

Proposed Addition:

Modify the existing elevations and enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total).

Lot Coverage:

- **Maximum Allowed:** 25% Non-Vehicular Open Space
- **Existing:** 5.8%

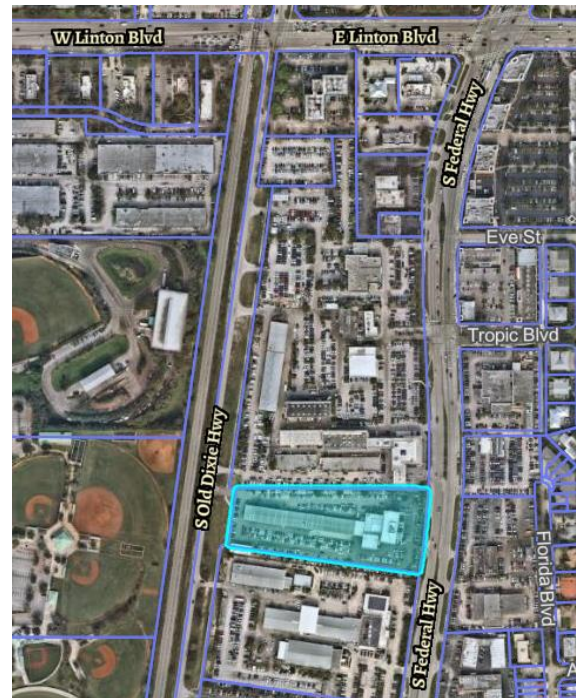
Water Service: Existing on-site

Sewer Service: Existing on-site

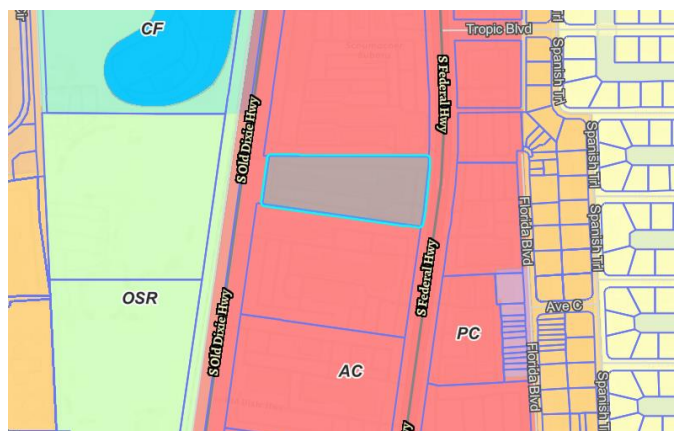
Floor Area Ratio:

- **Maximum Allowed:** 3.0
- **Proposed:** 0.266

Location Map



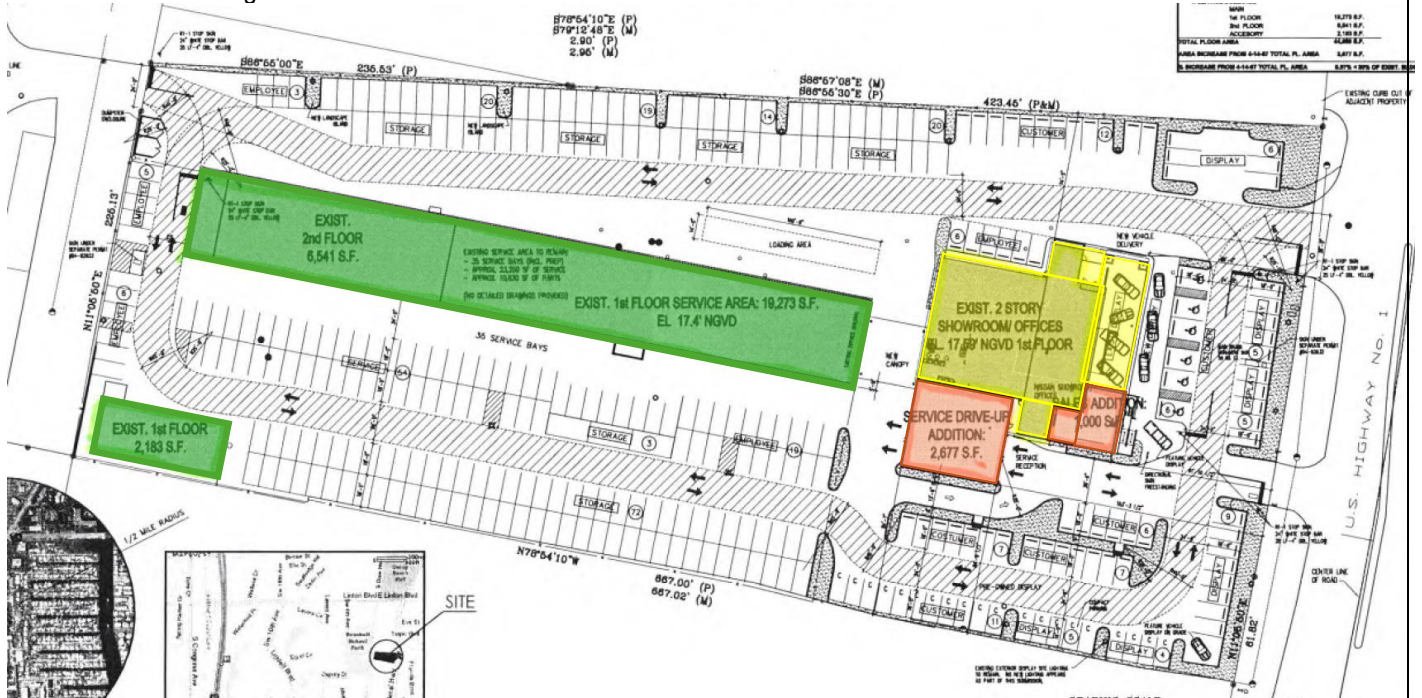
Land Use



Background

The property consists of Tract "A" of the GM's Acres subdivision and contains 4.14 acres. The site contains an existing 2-story showroom/office containing 13,015 square feet (yellow); an existing 2-story service building that contains 27,997 square feet (green); which includes an existing 2,183 square foot accessory building on the SW corner of the property. These existing structures were built in several phases between 1970 and 1985. The most recent substantial change occurred in 2005 with the construction of 2,677 square foot service drive-up addition and a 1,000 square foot sales office addition (orange).

The property was annexed to the City in 1969 with the C-2, General Commercial, zoning designation. In 1972, the property was rezoned to SC, Specialized Commercial, in conjunction with Citywide rezoning and adoption of a new Zoning Code. As part of the Citywide rezoning and adoption of the Land Development Regulations (LDR) in October 1990, the property was rezoned from SC to PC, Planned Commercial. In 1993, the City Commission rezoned the property from PC to AC, Automotive Commercial, as part of a corrective rezoning.



Description of Proposal

The applicant is requesting approval of a Level 3 Site Plan to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for vehicle display towards the rear of the building (3,346 square feet total). The application also includes modification to the architectural elevations.



On February 22, 2023, the Site Plan and Appearance Board reviewed and approved a color change from light grey aluminum panels to grey aluminum panels and beige stucco to grey stucco color; the modifications were never made, however.

Review & Analysis

Site Plan and Zoning

LDR Section 2.4.10, Site Plan Applications

The request is considered a Level 3 Site Plan, which is subject to compliance with the required findings in Chapter 3, Performance Standards.

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, 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 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.*

The subject property has a Land Use Map designation of General Commercial (GC), and a zoning designation of Automotive Commercial (AC). Pursuant to Table NDC-1 of the Always Delray Comprehensive Plan, AC is one of the five preferred zoning districts for the implementation of the GC land use designation. This deliberate compatibility between land use and zoning designations is a crucial element in ensuring a harmonious and purposeful development. Additionally, the use as a full service automotive dealership is allowed in the AC zoning district. This compatibility is a key factor in the analysis, indicating that both the

existing and proposed use are consistent with the Land Use Map.

The existing covered structures (the east and rear elevations) are currently used as an outdoor display area for vehicle sales. These areas will be used as fully enclosed indoor display area for vehicles sales only. The automotive dealership use on the subject property not only complies with the zoning district regulations but is also in harmony with many broader land use goals in the Comprehensive Plan (discussed in detail below).

(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.*

Potable Water and Sewer: The survey indicates City water and Sewer service will continue to be provided to the site.

Drainage. Stormwater is collected via an existing system of catch basins and pipes. Public Works Department determined that the application request will not create any additional drainage requirement.

Transportation: The proposed enclosure of the existing outdoor showroom will not generate additional traffic, given that the current use will remain unchanged and the sole modification pertains to enclosing the pre-existing outdoor showroom space.

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

Solid Waste: The request to enclose the existing outdoor showroom will not generate additional solid waste as the current use is already established.

Public School: Not applicable. The facility is not residential use.

(C) Consistency. *A finding of overall consistency may be made even though the action may 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.*

LDR Section 3.2.1, Basis for Determining Consistency requires a determination of overall consistency with the Comprehensive Plan, and **LDR Section 3.2.3, Standards for site plan and/or plat actions** provides standards for site plan actions (discussed further below). The proposed site plan modification generally aligns with each of these standards, and there are no identified concerns regarding its overall consistency with Article 3.2.

LDR Section 3.2.1. The following applicable objectives or policies from the Always Delray Comprehensive Plan apply to the request.

Economic Prosperity Element

Policy ECP 6.3.6 *Continue to provide specific and appropriate locations for the automotive dealership cluster.*

Neighborhoods, Districts, and Corridors Element

Objective 2.5 Automotive Dealerships *Recognize that automotive dealers and auto-related uses are local legacy industries with unique impacts that require appropriate and strategic locations.*

Policy NDC 2.5.1 *Accommodate automotive dealerships and auto-related uses on land with a General Commercial land use designation, zoned Automotive Commercial, and located: north of George Bush Boulevard, between North Federal and Dixie Highways, on the east side of North Federal Highway north of 2200 North Federal Highway, south of Linton Boulevard, between South Federal and Dixie Highways, south of Linton Boulevard, between South Federal and Dixie Highways, on the north side of*

West Linton Boulevard, between Interstate 95 and SW 10th Avenue, or; along Wallace Drive.

Approval of the request would support the continued operations of the legacy industry, and provide a more comfortable experience for vehicle buyers.

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.*
- C. Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of the Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*
- 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 3,346 square foot enclosure of the existing covered outdoor display is currently within the envelope of the existing Nissan Dealership footprint; it increases building floor area, but not lot coverage. The development will not impact the safety or stability of the surrounding neighbourhoods nor create unwarranted distractions of visibility to traffic circulation.

LDR Section 3.2.4, Standards for Specific Areas or Purposes. Subsection (A), *Wellfield protection zones. The City shall 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, for any development or site improvements within a designated wellfield protection zone as designated on Map AD-20, in accordance with Goal 2, Water Resources, Conservation, and Protection, of the Conservation, Sustainability, and Resiliency Element.*

The subject property is within Zone 4, which is the outer most zone, and has the least restrictions. The purpose of the zones is to regulate uncontrolled substances to protect ground water supply for the ground water plant, if something were to spill and percolate down to the ground. However, no controlled substances are proposed with this addition. The applicant is aware of the best management practices for the construction industry.

LDR Section 3.2.4, Standards for Specific Areas or Purposes. Subsection (G), *Transportation demand management. A land use application, which will add use area or establish a new use, that will result in the addition on the premises of more than 50 employees, located in the City's Transportation Concurrency Exception Area (TCEA), shall include submittal of a program to implement employer-based Transportation Demand Management (TDM) activities. These activities may include, but are not limited to, ride sharing, van pooling, and flexible work hours.*

The proposed 3,346 square foot enclosure of the existing covered outdoor display of the Nissan Dealership is currently within the envelope of the existing structure. Therefore, the proposed enclosure of the existing covered areas will not result in the addition of any employees.

(D) Compliance with the LDR. *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.*

LDR Section 4.4.10 Automotive Commercial (AC) District

Full service automotive dealership is listed as permitted use within the AC Zoning District.

The applicable regulations are outlined in **LDR Section 4.3.4(K), Development Standards Matrix** table below.

Standard/Regulation	Review
Setbacks Development Standards Matrix 4.3.4(K)	Required: Front Setback: 15 feet Provided: Front Setback: 91 feet 10 inches The existing building is located on the west side of S. Federal Highway and only involves the front setback from S. Federal Highway.
Lot Size, Width and Depth Development Standards Matrix 4.3.4(K)	Min. Lot Size Required: 10,000sf Provided: 180, 309 sf Min. Lot Width Required: 50 feet Provided: 256.51 feet Min Lot Depth Required: 100 feet Provided: 693 feet
Lot Frontage Development Standards Matrix 4.3.4(K)	Min. Lot Frontage Required: 50 feet Provided: 256.51 feet
Max Lot Coverage Development Standards Matrix 4.3.4(K)	Min. Non-Vehicular Open Space Required: 25% Existing: 5.8% The covered area proposed to be enclosed exists and is less than 30% of the total building area. Therefore, this requirement is not applicable.
Height Base district development standards 4.3.4(J)(1)	Maximum: 48 Feet Proposed: 30 feet, 8 inches from the highest parapet The structure is existing and the only change to the height is the increase in the parapet.

The site plan also complies with other applicable requirements, detailed as follows.

LDR Section 4.4.10(H)(2), Special Regulations, Compliance upon expansion of building area. *When there is not a change of use, but there is an expansion of building area and such expansion involves an increase in total floor area of 30 percent, or greater, in a cumulative amount, than that which existed as of April 14, 1987, the entire site shall be brought into compliance with the standards and supplemental regulations of this Section. If such expansion is less than 30 percent, the standards and design portions of the supplemental regulations shall apply only to that portion of the site which is adjacent to and required to be improved to comply with landscape and parking requirements made necessary by the addition. This provision for total site upgrading may be waived by the approving body in instances where because of the small size of the structure in relationship to the totality of the site, the upgrade is infeasible or impractical.*

Nissan Dealership is a long-established full service automotive dealership built between 1970 and 1985 on 4.14 acres, featuring 16, 692 square feet of showroom/sales, and 27,997 square feet of service building. The proposed existing covered showroom display area to be enclosed is a cumulative floor area of 3,346 square feet and is less than 30 percent of the total floor area. Therefore, the supplemental regulations shall apply only to that portion of the site which is adjacent to and required to be improved to comply with landscape and parking requirements by the addition.

- **LDR Section 4.6.9, Off-Street Parking:** Auto sales, auto rental agencies, recreational vehicle sales and rental, and truck sales and rental, shall provide four spaces per 1,000 square feet of total building(s) gross floor area, except indoor display areas. The proposed indoor display area is exempt from the parking requirement.

Compliance with the Landscape Plan and Architectural Elevations are discussed below.

Landscape Plan

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

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

The proposed enclosures of the existing covered structures is consistent with the requirement of LDR Section 4.6.16 Landscape Regulations.

Architectural Elevations

LDR Section 4.6.18, Architectural Elevations and Aesthetics

Pursuant to 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 LDR Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

While no defined architectural style is required in this zoning district, the building architecture can be described as influenced modern style (image at right and elevations below). The modification incorporates the proposed enclosures and updates the design consistent with current Nissan branding.



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. Relevant requirements from (A), (B), and (E) are discussed below in detail.

(A) Minimum Requirements

- (1) *The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.*
- (2) *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.*

B) Building and structure requirements.

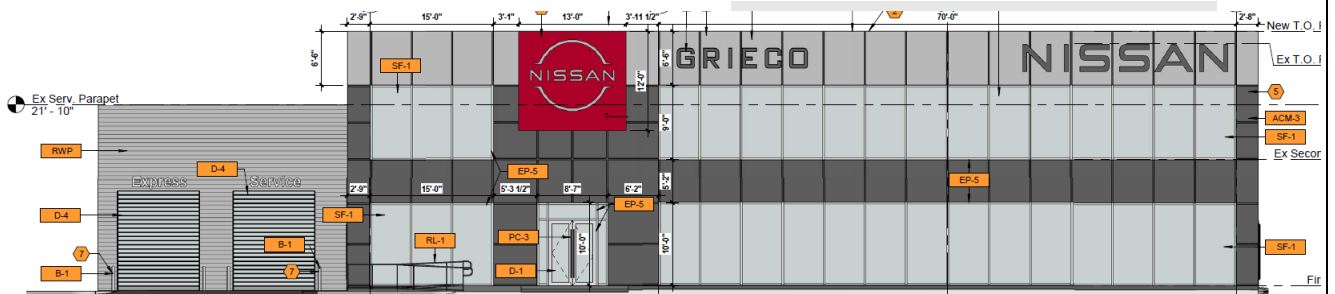
- (2) *Buildings or structures located along strips of land or on single sites, and not a part of a unified multi-building complex, shall strive to achieve visual harmony with the surroundings. If they are built in undeveloped areas, the three primary requirements shall be met: express honest design construction, show proper design concepts, and be appropriate to the City.*
- (3) *All facades visible to public or adjacent property shall be designed to create a harmonious whole. Materials shall express their function clearly and not appear as a material foreign to the rest of the building.*
- (10) *All exterior forms, attached or not to buildings, shall be in conformity to, and secondary to, the building. They shall be an asset to the aesthetics of the site and to the neighborhood.*
- (14) *Architectural features and building structures constructed or placed above the roof, such as stair towers, restroom facilities, and elevator overruns, shall be incorporated into the overall building design and shall be consistent with the architectural style.*
- (15) *Flat roofs shall be screened from the lateral view of adjacent properties by a parapet. New or replacement rooftop appurtenances, including mechanical equipment, shall be screened by a parapet, enclosure, or other method equal in height to the appurtenance. The screening must be integrated and compatible with the building architecture.*

(E) Criteria for Board Action. *The following criteria shall be considered by the [approving body] in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved.*

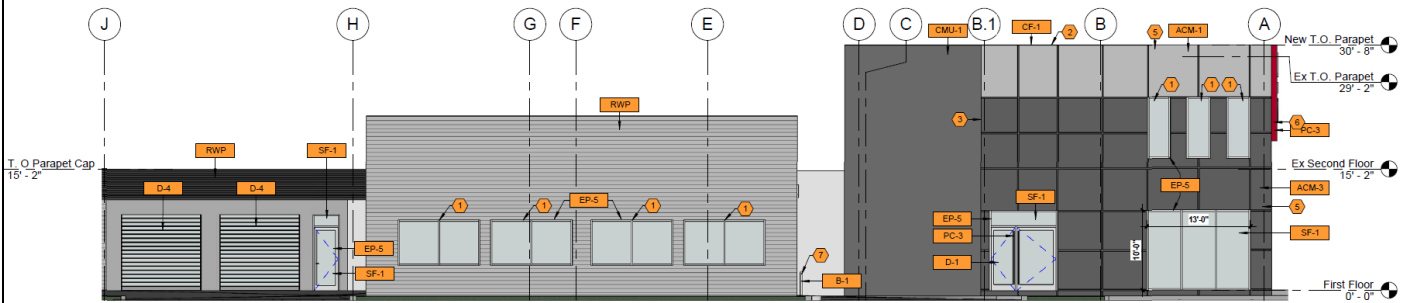
- (1) *The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.*
- (2) *The proposed structure, or project, is in its exterior design 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.*

The proposed modification before the Board to the elevations are requested to incorporate the proposed enclosure and to reflect the new Nissan prototype. The proposed modifications to the south elevation include the addition of display windows on the first and second floor facing South Federal Highway. The modifications to the façade of the service bay include changes to the metal panel from corrugated to ribbed panel and large rectangle glass overhead doors to thin rectangle glass overhead doors. The Nissan logo with red background will be reviewed under a separate sign permit application as well as to the Greico and Nissan sign.

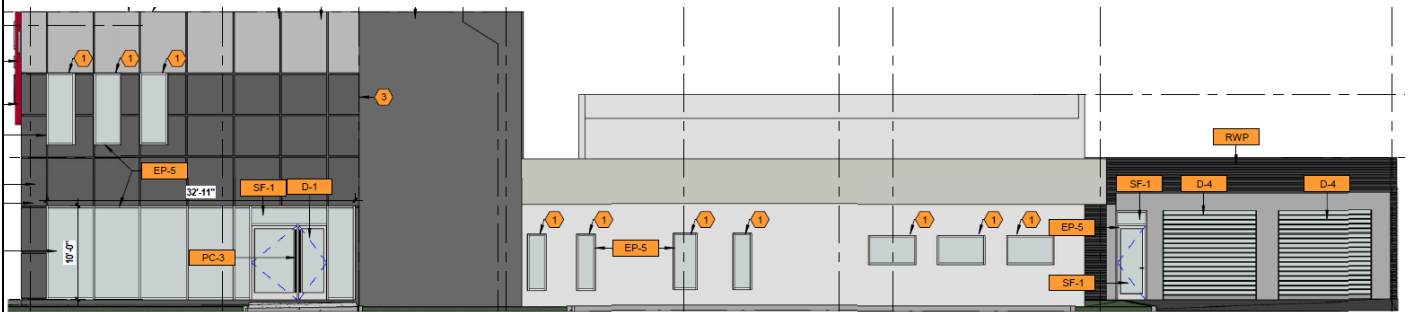
The proposed elevations reflect the new Nissan standard design, which enhance the existing grey tones and clean lines to create a harmonious whole on the overall site. The corrugated panels will be replaced with silver ribbed metal panels. The modifications to the existing canopy will include roll-up glass doors to allow an indoor car display area towards the rear of the building as shown on the south and north elevations.



Proposed East Elevation



Proposed South Elevation



Proposed North Elevation

Options for Board Action

- A. **Move approval** of the Level 3 (2024-002) Site Plan, and Architectural Elevations, to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total), for Delray Nissan located at **2200 S. Federal Highway**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. **Move approval, as amended**, of the Level 3 (2024-002) Site Plan, and Architectural Elevations, to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total), for Delray Nissan located at **2200 S. Federal Highway**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. **Move denial** of the Level 3 (2024-002) Site Plan, and Architectural Elevations, to modify the existing elevations and to enclose 1,794 square feet of the existing outdoor display area with glass and 1,552 square foot existing canopy with glass overhead doors for indoor vehicle display (3,346 square feet total), for Delray Nissan located at **2200 S. Federal Highway**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. **Move to continue with direction.**