

#### Planning, Zoning & Building Department

#### **BOARD ACTION REPORT - APPEALABLE ITEM**

**Project Name:** Congress Warehouse

**Project Location:** 355 North Congress Avenue

**Request:** Class V Site Plan, Landscape Plan, Architectural Elevations and Waiver

**Board:** Site Plan Review and Appearance Board

Meeting Date: August 10, 2016

#### **Board Action:**

Approved the Class V Site Plan (5-0, Shannon Dawson and Andrew Youngross, Absent); Approved the Landscape Plan (5-0, Shannon Dawson and Andrew Youngross, Absent); Approved the Architectural Elevations (5-0, Shannon Dawson and Andrew Youngross, Absent); Approved the Waiver (5-0, Shannon Dawson and Andrew Youngross, Absent).

#### **Project Description:**

The proposal involves a 78,265 sq. ft. (1.79 acre) vacant site. The legal description of the subject property is the Park Of Commerce Replat Parcel B.

The Class V Site Plan, Landscape Plan, Architectural Elevations and Waiver were associated with construction of two one-story industrial buildings containing, warehouse, storage, attendant offices, accessory retail sales, on-site parking and landscaping within the MIC (Mixed Industrial and Commercial) zoning district located at 355 North Congress Avenue.

The requested waiver was to LDR 4.6.16(H)(3)(d) that required buffering to be inclusive of a two foot hedge and shade trees spaced no farther than thirty feet on center along the north parcel perimeter, due to LWDD restrictions.

Staff raised concerns regarding the aesthetics of the architectural elevations facing the north and south interior sides and the rear of the property. Staff suggested that decorative banding or colors incorporated into the front elevation also be included on the other sides. Staff also noted that the floor plan details were inconsistent regarding the number of proposed bays (i.e. 3 vs. 5) throughout the plan set. Staff asked that the plans be corrected prior to site plan certification as a condition of approval. Finally, staff required that a cross access agreement be established with the property to the south. Otherwise, the proposed connection must be removed. Staff had no concerns regarding the perimeter landscaping waiver requests due to LWDD restrictions and recommended approval.

#### **Board comments:**

The Board supported staffs concerns and required that all items be addressed as conditions of approval, subject to staff's satisfaction prior to site plan certification. The Board also supported staff's position regarding the waiver request.

The Board retained staff's recommended conditions for the Site Plan and Architectural Elevations, with no modifications. There were no conditions posed by staff or the Board for the Landscape Plan. The Board also approved the waiver request.

Appealable Item Report

<u>Public input – noting comments and concerns:</u>

No members of the public spoke in opposition to or in support of the development proposal.

Associated Actions: None.

Next Action: None.

# SITE PLAN REVIEW AND APPEARANCE BOARD CITY OF DELRAY BEACH ---STAFF REPORT---

MEETING DATE: August 10, 2016

ITEM: Congress Warehouse - Class V Site Plan, Landscape Plan, Architectural

Elevations and waiver request associated with construction of two one-story industrial buildings containing warehouse, storage, attendant offices and accessory retail sales with on-site parking and landscaping at 355 North

Congress Avenue.

**RECOMMENDATION:** Approve the Class V Site Plan,

Landscape Plan, Architectural Elevations and Waiver Request.

**GENERAL DATA:** 

Owner..... Kenneth E. Richardson

Agent..... Gustavo J. Carbonell

Location...... On the east side of North Congress

Avenue south of Lake Ida Road

adjacent to the LWDD Canal L-32

Property Size...... 1.7952 acres

Future Land Use Map...... CMR (Commerce)

Current Zoning...... MIC (Mixed Industrial and Commercial)

Adjacent Zoning...... North: PCC (Plannned Commerce Center)

South: MIC (Mixed Industrial and Commercial)

East: MIC (Mixed Industrial and Commercial)

West: MIC (Mixed Industrial and Commercial)

Existing Land Use...... Undeveloped/Vacant Land

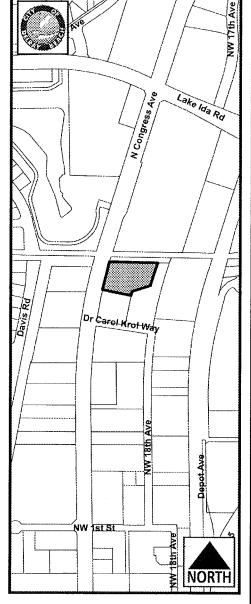
Proposed Land Use...... Warehouse, Storage and Retail

Complex (25% Maximum), with

**Attendant Offices** 

Water Service..... Existing on site

Sewer Service..... Existing on site



#### ITEM BEFORE THE BOARD

|   | The  | item    | before   | the   | Board           | ai b | the  | approval | of the | e followir | ng | aspects | of a | Class   | 111 | Site  | Plan  |
|---|------|---------|----------|-------|-----------------|------|------|----------|--------|------------|----|---------|------|---------|-----|-------|-------|
|   | Mod  | ificati | on req   | uest  | for C           | ong  | ress | Wareho   | use,   | pursuant   | to | Land I  | Deve | lopment | R   | egula | tions |
| ı | (LDF | R) Se   | ction 2. | 4.5(F | <del>-</del> ): |      |      |          |        |            |    |         |      |         |     |       |       |

- Landscape Plan;
- ☐ Architectural Elevations; and,
- □ Waiver Request.

The business is located at 355 North Congress Avenue, which is on the east side of North Congress Avenue south of Lake Ida Road adjacent to the LWDD Canal L-32.

#### BACKGROUND

The proposal involves a 78,265 sq. ft. (1.79 acre) vacant site. The legal description of the subject property is the Park Of Commerce Replat Parcel B.

Now before the Board for consideration is a Class V Site Plan, Landscape Plan and Architectural Elevations associated with construction of two one-story industrial buildings containing, warehouse, storage, attendant offices, accessory retail sales, on-site parking and landscaping within the MIC (Mixed Industrial and Commercial) zoning district located at 355 North Congress Avenue.

#### PROJECT DESCRIPTION

The development proposal consists of the following:

☐ Construction of two one-story industrial buildings with warehouse, storage and retail use (25% maximum) with attendant offices, on-site parking and landscaping.

The development proposal also includes a waiver to the following:

☐ Buffering inclusive of a two foot hedge and shade trees spaced no farther than thirty feet on center is required along the north parcel perimeter, pursuant to LDR 4.6.16(H)(3)(d).

#### SITE PLAN ANALYSIS

#### COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

#### LDR Section 4.3.4(K) Development Standards Matrix – Nonresidential Zoning Districts:

The following table indicates that the proposal complies with LDR Section 4.3.4(K) as it pertains to the Mixed Industrial & Commercial (MIC) zoning district:

| MIC      | Min. Lot<br>Size<br>(acres) | Min.<br>Lot<br>Width<br>(ft.) | Min. Lot<br>Depth<br>(ft.) | Min. Lot<br>Frontage<br>(ft.) | Min.<br>Open<br>Space<br>(%) | Max. Lot<br>Coverage<br>(%) | Min.<br>Front<br>Setback<br>(ft.) - W | Min.<br>Side<br>Interior<br>Setback<br>(ft.) - N | Min.<br>Side<br>Interior<br>Setback<br>(ft.) - S | Min.<br>Rear<br>Setback<br>(ft.) - E | Max.<br>Building<br>Height<br>(ft.) |
|----------|-----------------------------|-------------------------------|----------------------------|-------------------------------|------------------------------|-----------------------------|---------------------------------------|--|--|--------------------------------------|-------------------------------------|
| Required | 0                           | 0                             | 0                          | 0                             | 25                           | 50                          | 25                                    | 10   | 10   | 10                                   | 48                                  |
| Proposed | 1.79                        | 215.11                        | 326.30                     | 215.11                        | 49.75                        | 22.2                        | 31.08                                 | 121.83   | 30.08  | 10.66                                | 22'7"                               |

As demonstrated in the chart above, all items are deemed to be in compliance.

#### LDR Section 4.6.9 (Parking):

Pursuant to Section 4.6.9(C)(5)(a), general industrial uses (manufacturing, assembly, attendant offices) shall provide parking at a rate of 3 spaces per 1,000 sq. ft. of floor area devoted to such uses and 1 space per 1,000 sq. ft. of floor area devoted to storage and warehouse. Retail uses shall provide 4.5 spaces per 1,000 sq. ft. of gross floor area associated with warehouse and storage floor area, as well as employee and management facilities, per LDR Section 4.6.9(C)(3)(a)(General Commercial Uses).

| Location    | GFA (Sq. Ft.) | Parking Rate | Spaces |
|-------------|---------------|--------------|--------|
| Bldg. #1*   | 14,895        |              |        |
| Bay #1      | 8,000         |              |        |
| Office      | 616           | 3.0/1,000    | 2.0    |
| Retail (8%) | 1,200         | 4.5/1,000    | 5.0    |
| Warehouse   | 6,184         | 1.0/1,000    | 6.0    |
| Bay #2      | 4,431         |              |        |
| Office      | 616           | 3.0/1,000    | 2.0    |
| Warehouse   | 3,815         | 1.0/1,000    | 4.0    |
| Bay #3      | 2,464         |              |        |
| Office      | 616           | 3.0/1,000    | 2.0    |
| Warehouse   | 1,848         | 1.0/1,000    | 2.0    |
| Bldg. #2    | 2,966         | 1.0/1,000    | 3.0    |
| Total       | 17,861        | Required     | 26.0   |
|             |               | Provided     | 26.0   |

<sup>\*</sup> Allows up to 25% (3,723 sq. ft.) maximum allowable retail uses

#### LDR Section 4.6.6(C)(1) Refuse Facilities:

Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides and have vision obscuring gates on the fourth side. The proposed refuse area is located to the rear of the property on the east the 14,895 sq. ft. industrial building. Thus, it will not be visible from the public right-of-way. However, a detail of the proposed dumpster enclosure has been provided.

### LDR Section 4.6.8(B)(3)(c) Lighting:

A photometric plan in compliance with City's maximum (12.0 foot candles) and minimum (1.0 foot candle) standards of illumination levels and uniformity for industrial parking areas has been provided. A minimum foot candle level of 1.1 and a maximum foot candle level of 12.0 are proposed. Thus, this standard is met.

#### Right-of-Way and Sidewalk Requirements:

Pursuant to LDR Sections 5.3.1(A) and (D) and Table T-1 of the Comprehensive Plan Transportation Element, the following table describes the required right-of-way and the existing right-of-way adjacent to the subject property:

| Item<br>Considered          | Sidewalk<br>Width<br>-Existing- | Sidewalk<br>Width<br>-Proposed- | Curb &<br>Gutter<br>-Existing- | Right-Of-<br>Way<br>-Required- | Right-Of-<br>Way<br>-Existing- | Right-Of-<br>Way<br>-Dedication- |
|-----------------------------|---------------------------------|---------------------------------|--------------------------------|--------------------------------|--------------------------------|----------------------------------|
| North<br>Congress<br>Avenue | 5'                              | N/A                             | Yes                            | 120'                           | 120'                           | N/A                              |

Pursuant to LDR Section 5.3.1(D)(2) and Table T-1 of the Comprehensive Plan Transportation Element, 120' of right-of-way is required for the principal arterial (North Congress Avenue). Sixty feet of right-of-way is required and existing on the east side of the road. Thus, no right-of-way is required on the east side of North Congress Avenue along the subject property frontage.

Pursuant to LDR Section 6.1.3 (B)(1), a minimum five foot sidewalk is required. A five foot sidewalk exists on the east side of North Congress Avenue along the property frontage. Plans reflect that the existing sidewalk will be retained. Thus, this standard is met.

#### LDR Section 6.1.8 (Undergrounding of Utilities):

Pursuant to Section 6.1.8 (Undergrounding of Utilities), utility facilities serving the development (i.e. electric, phone, cable) shall be located underground throughout the development. The utility services for the proposed structure must be placed underground and a note to this effect has been included on the proposed site plan. This is reiterated in a note on the site plan. Thus, this standard is met.

<u>Site Plan Technical Items:</u> While revised plans have accommodated most of staff's concerns, the following items remain outstanding and will need to be addressed prior to site plan certification:

1. The floor plan details are inconsistent throughout the plan set (i.e. 5 bays vs. 3 bays). Only the building footprint is required on plans other than the actual floor plan sheets (A-0 and A-2). Either remove the floor plan details from all other sheets or make them consistent with current proposal (i.e. 3 bays).

<u>Engineering Technical Items:</u> Plans have accommodated staff's preliminary engineering comments deemed necessary for site plan certification. Final engineering comments will be addressed prior to building permit issuance.

#### LANDSCAPE PLAN ANALYSIS

Pursuant to LDR section 4.6.16(C)(1)(a), prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3 (C). A landscape plan has been submitted, evaluated and recommended for approval by the City Senior Landscape Planner, with the exception of the requested waiver. The following analysis highlights the compliance determination for various landscaping aspects of the proposal:

#### Perimeter Landscape Buffer:

Pursuant to LDR Section 4.6.16(H)(3)(a), a landscape barrier shall be located between the common lot line and the off-street parking area or other vehicular use area in a planting strip of not less than 5' in width. A minimum 5' landscape buffer has been provided around the entire perimeter of the property. Thus, this standard is met.

#### Terminal Landscape Islands:

Pursuant to LDR Section 4.6.16(H)(3)(i), landscape islands must contain a minimum of 135 sq. ft. of planting area, with a minimum dimension of 9 feet, exclusive of the required curb. A minimum 9' landscape island which meets the 135 sq. ft. of planting area has been provided for all parking rows and parking spaces on-site. Thus, this standard is met.

#### Parking Rows:

Pursuant to LDR Section 4.6.16(H)(3)(i), parking rows shall be placed at intervals of no less than one landscaped island for every thirteen (13) standard parking spaces. The two parking rows to the north have 12 and 11 spaces separated by a landscape island. Thus, this standard is met.

#### Shade Trees:

Pursuant to LDR Section 4.6.16(H)(3)(i), one shade tree shall be planted in every island with a minimum of 75 square feet of shrubs and groundcovers. The Senior Landscape Planner did not require the shade tree in the 9' island separating the parking rows on the north due to LWDD restrictions. However, additional trees around the perimeter of the property were allowed to remedy this deficit.

#### **Dumpster Screening:**

Per 4.6.16(H)(3)(o), all dumpster and refuse areas shall be screened. All refuse enclosure areas having a height is 5 ft. or less must be screened with shrubbery that is tall enough to fully screen the units from view. Plans reflect compliance. Thus, this standard is met.

#### Foundation Landscaping:

Per 4.6.16(H)(4), foundation landscaping shall be required around the base of all buildings. This shall incorporate trees, shrubs and groundcovers. Multiple tiers of plant material must be utilized and thoughtfully designed to accomplish the goal of softening the building mass while adding vibrant color and textures. Plans reflect compliance. Thus, this standard is met.

#### Species Summary:

A variety of trees, plants and groundcover materials are employed to enhance the development. The variety of species to be utilized include, but is not limited to: Foxtail Palm, Jamaican Caper, Green Buttonwood, Coontie, Coco Plum, Bridalveil Tree, Silver Buttonwood, Pitch Apple, Simpson's Stopper, Dwarf Confederate Jasmine, Live Oak and St. Augustine Sod.

#### Tree Disposition:

Of the existing trees, 7 are proposed to be removed as follows: 2 Black Olives and 5 Earleaf Acacia; 8 are proposed to remain as follows: 2 Black Olives, 4 Live Oaks and 2 Sabal Palms; 3 are proposed to remain on adjacent property which have overhangs on-site as follows: 1 Black Olive and 2 Live Oaks. It is noted that all exotic nuisance vegetation existing on-site will be removed.

Based on the above analysis, the Landscape Plan will comply with LDR Section 4.6.16, provided the waiver is approved. The waiver is analyzed in the following section:

#### WAIVER ANALYSIS

Pursuant to LDR Section 4.6.16(H)(3)(d), Buffering inclusive of a two foot hedge and shade trees spaced no farther than thirty feet on center is required along the north parcel perimeter. Due to restrictions from LWDD (Lake Worth Drainage District), no plantings may be placed within their 90' maintenance easement area. Supporting documentation detailing these restrictions is attached to the report. Accordingly, the applicant has requested a waiver to these requirements. An analysis of the waiver is below.

Pursuant to LDR Section 2.4.7(B)(5), prior to granting a waiver, the approving body shall make a finding 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.

The applicant submitted the following justification in support of the waiver:

"The request is necessary as a result of an agreement with LWDD. The site is very irregular in configuration and greatly impacted by the LWDD easement. The request is the minimum required to develop the property very similar to others in the area.

LWDD prohibits any type of planting with the exception of grass or sod in referenced area in order to maintain the canal. Please see a copy of documentation from LWDD stating that parking may be paced within the 90' maintenance easement and nothing else but sod, shall be there.

The granting of the request will not affect the neighboring areas. The neighboring areas are still buffered by the remainder of the landscaped areas along the banks of the canal in addition to the canal itself. The condition described is very common in the area that consists of mainly industrial buildings."

The applicant has demonstrated a willingness to make every effort toward satisfying code requirements alongside a redevelopment effort under the special circumstances affecting the proposed project. Staff concurs with the applicant's assessment of this unique situation particular to the development area as an existing condition, and recommends approval of the waiver, finding that the approval of this waiver shall not adversely affect the neighboring area, diminish the provision of public facilities, create an unsafe situation or result in the granting of a special privilege. Thus, positive findings can be found with respect to LDR Section 2.4.7(B)(5).

#### ARCHITECTURAL ELEVATIONS ANALYSIS

<u>LDR Section 4.6.18(E) – Criteria for Board Action:</u> The following criteria shall be considered, by the Site Plan Review and Appearance Board (SPRAB), 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 architectural elevations consist of one 14,985 sq. ft. industrial building with three bays and one 2,966 sq. ft. warehouse building with roll downs door opening interior to the property. Both buildings will have a medium texture, painted stucco façade with a flat finish which will be primarily an "Eggwhite" color. The cornerstone at the northwest corner of Building #1 will be a "Outgoing Orange" color with stone veneer accent bands at the top and base. Three tower-like entry features in Building #1 will be a "Coastal Plain" green color with the stone veneer base. All tower features include a metal frame hanging awning. Two levels of stain resistant impact glass panels alternate between the tower features on the north and west elevations. While the east elevation includes the two levels of stain resistant impact glass on a small portion, the balance remains undecorated and contains one walk-in roll down door. The south elevation is primarily a rear loading area interior to the site and only contains roll down doors and entry doors. Building #2 only adds the "Coastal Plain" green color to the west elevation and has some isolated clearstory glass windows about the entry door. The base of the entry door is stone veneer. No other elevations contain any decorative features or colors. The south elevation races interior to the site and contains roll down doors for loading and an entry door.

While the elevations are superior in design, style and materials, the focus appears to be only on the elevations specifically fronting along North Congress Avenue. At a minimum, staff recommends that some banding at the top and bottom of the other elevations be added to match either the "Outgoing Orange" or "Coastal Plain" color for both Building #1 and Building #2. This is recommended as a condition of approval. Also, the color chips must be updated to reflect the proposed Sherwin Williams colors, not Benjamin Moore. Similarly, the manufacturer pamphlet for the stone veneer and metal awning must be added to the file.

The proposed elevations are compatible and harmonious with the surrounding properties. Upon review of the final architectural drawings, color and material samples addressing the attached condition of approval, the proposed architectural elevations will be deemed compliant. Thus,

positive findings can be made with regard to the criteria listed in LDR Section 4.6.18 (E), subject to these conditions.

#### REQUIRED FINDINGS

#### **REQUIRED FINDINGS: (Chapter 3):**

Pursuant to 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. These findings relate to the following four areas.

<u>FUTURE LAND USE MAP:</u> The use or structures must be allowed in the zone district and the zoning district must be consistent with the land use designation).

The subject property has a CMR (Commerce) Future Land Use Map (FLUM) designation and is zoned MIC (Mixed Industrial and Commercial). The MIC zoning is consistent with the CMR land use designation. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map designation.

<u>CONCURRENCY:</u> Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

As described in Appendix A, a positive finding of concurrency can be made as it relates to applicable standards such as water and sewer, streets and traffic, drainage and solid waste.

<u>CONSISTENCY</u>: Compliance with performance standards set forth in Chapter 3 and required findings shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following applicable objectives and policies were found:

<u>Future Land Use Element Objective A-1:</u> Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.

The property is to be developed for industrial use which is appropriate for its MIC (Mixed Industrial and Commercial) zoning designation. The current use of the property is vacant land. The new warehouse, storage and office facility with assessor retail uses will jumpstart additional new or redevelopment along this section of North Congress Avenue.

#### COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made when all outstanding items attached as conditions of approval are addressed.

<u>COMPATIBILITY:</u> The approving body must make a finding that development of the property pursuant to the site plan 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 following table identifies the zoning designations and land uses that are adjacent to the subject property:

|        | Current Zoning Designation:           | Current Land Use:  |
|--------|---------------------------------------|--|
| North: | PCC (Planned Commerce Center)         | Congress Commerce Center (Corporate Condominiums)              |
| South: | Mixed Industrial and Commercial (MIC) | Multi-Tenant Industrial Center (Retail/Warehouse/Distribution) |
| East:  | Mixed Industrial and Commercial (MIC) | Drainage Retention Pond (N/A)                                  |
| West:  | Mixed Industrial and Commercial (MIC) | DMV/Interstate Title Solutions<br>(Corporate Offices)          |

The proposed warehouse, storage and office building with accessory retail uses are compatible with the existing MIC (Mixed Industrial and Commercial) zoning. The existing use to the south is a multi-tenant industrial center (retail/warehouse/distribution), which is compatible with the proposed Congress Warehouse uses. To the east is a City-owned drainage retention pond which will be unaffected by the proposal, as drainage will be contained on-site. To the west (across North Congress Avenue) are corporate offices for DMV/Interstate Title Solutions. Given the 120' right-of-way separation, no negative impact is anticipated. Immediately abutting the property to the north is the LWDD Canal E-4. This provides a minimum 80' buffer between the Congress Commerce Center (Corporate Condominiums) on the opposite side of the canal and the proposed Congress Warehouse. In fact, at least 90' interior to the property on either side of the canal is undevelopable which creates an even larger physical buffer (up to 260'). Thus, there are no compatibility concerns. Approval of this Class V Site Plan application for Congress Warehouse will not have a detrimental effect upon the stability of the neighborhood. Likewise, it will not hinder development or redevelopment of nearby properties. Therefore, positive findings can be made with respect to LDR Section 2.4.5(F) and Chapter 3 (Required Findings) of the Land Development Regulations, and the policies of the Comprehensive Plan.

#### **REVIEW BY OTHERS**

The development proposal is not located within a geographical area requiring review by the PGMS (Pineapple Grove Main Street), WARC (West Atlantic Development Coalition), HPB (Historic Preservation Board), CRA (Community Redevelopment Agency) or the DDA (Downtown Development Authority).

#### **Courtesy Notices:**

Courtesy notices have been provided to the following homeowner's associations, which have requested notice of developments in their areas:

Delray Citizens Coalition

#### **Public Notices:**

No public notice is required for Class V Site Plan applications. Letters of objection, if any, will be presented at the Site Plan Review and Appearance Board (SPRAB) meeting.

#### ASSESSMENT AND CONCLUSION

The proposed Class V Site Plan requests construction of a new storage, warehouse and office building facility with accessory retail uses in a 14,895 sq. ft. industrial building and a 2,966 sq. ft. building for warehouse and storage uses. The project meets all of the LDR requirements for the site plan. However, one landscape plan waiver is requested, due to development restrictions on the north side of the property where a 90' LWDD maintenance easement exists. The architectural elevations are superior in style, quality and design. However, updated material and color samples need to be provided. Also, elevations not facing the public right-of-way may be visible from adjacent properties and on the approach to the property from the north or side sides. As such, some color banding is recommended at the top and base of the south and east elevations and the north elevation for Building #2. With the exception of the proposed floor plan for Building #2, all other plans reflect 5 bays, whereas 3 bays are proposed. This inconsistency must be updated prior to site plan certification. Only the building footprint is necessary on all other sheets, except the floor plan. The proposed development will be compatible with the MIC (Mixed Industrial and Commercial) Zoning and the surrounding properties. Drainage facilities exists on the north and east sides which will never be developed. To the south is a multi-tenant industrial building containing similar uses to Congress Warehouse. The office building to the west is separated by 120' of right-of-way for North Congress Avenue and will not suffer any negative effects. Upon addressing the conditions of approval contained within the staff report. the proposed Congress Warehouse will be consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations and positive findings can be made. Approval of this proposal will not have a detrimental effect upon the stability of the neighborhood not will it hinder development or redevelopment of nearby properties. In fact, it may spark future new or redevelopment of industrial and commercial uses along the Congress Corridor.

#### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Move approval of the Waiver, Class V Site Plan, Landscape Plan and Architectural Elevations to for **Congress Warehouse**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F), 4.6.16, 4.6.18 and 3.1.1 (Required Findings) of the Land Development Regulations, subject to conditions.
- C. Move denial of the Waiver, Class V Site Plan, Landscape Plan and Architectural Elevations for Congress Warehouse, by adopting the findings of fact and law contained in the staff report, and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Sections 2.4.5(F), 4.6.16, 4.6.18 and 3.1.1 (Required Findings) of the Land Development Regulations.

#### RECOMMENDED ACTION

#### Waiver:

Move approval of the requested waiver to LDR 4.6.16(H)(3)(d), which requires buffering inclusive of a two foot hedge and shade trees spaced no farther than thirty feet on center is required along the north parcel perimeter, due to positive findings identified in the staff report and consistency with and 2.4.7(B)(5).

#### Class V Site Plan:

Move **approval** of the Class V Site Plan for Congress Warehouse, by adopting the findings of fact and law contained in the staff report, and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(F) and Chapter 3 of the Land Development Regulations, subject to the following condition:

- 1. The floor plan details are inconsistent throughout the plan set (i.e. 5 bays vs. 3 bays). Only the building footprint is required on plans other than the actual floor plan sheets (A-0 and A-2). Either remove the floor plan details from all other sheets or make them consistent with current proposal (i.e. 3 bays).
- Obtain written consent from the abutting property to south for the proposed cross access into their site. If legal documents existing supporting this connection, provide a copy for the file and denote the plat book and page number reference on the plans. Otherwise, this connection must be removed.

#### Landscape Plan:

Move **approval** of the architectural elevations for the Congress Warehouse, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.16 of the Land Development Regulations, subject to the waiver approval.

#### Architectural Elevations:

Move approval of the architectural elevations for the Congress Warehouse, by adopting the findings of fact and law contained in the staff report, and finding that the request meets criteria set forth in Section 4.6.18(E) of the Land Development Regulations, subject to the following conditions:

- 1. Add color banding at the top and bottom of the south and east elevations to match either the "Outgoing Orange" or "Coastal Plain" color for both Building #1 and Building #2. Also, add color banding to the north elevation of Building #2 for consistency. Optional color banding can wrap around the west elevation of Building #1 to match.
- 2. Replace the color chips with the proposed Sherwin Williams colors, not Benjamin Moore. Provide the manufacturer pamphlet for the stone veneer and metal awning.

## APPENDIX A CONCURRENCY FINDINGS

Pursuant to LDR Section 3.1.1(B), Concurrency, as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan, must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

#### Water and Sewer:

- Water service is available to the south of the property via a connection to an existing
   8" lateral valve which runs parallel to the west perimeter of the drainage pond
- Sewer service is available to the south of the property via a connection to an existing
   8" lateral valve which runs parallel to the west perimeter of the drainage pond

Pursuant to the City's Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out.

<u>Streets and Traffic:</u> In a letter dated November 15, 2015, the Palm Beach County Traffic Division indicated that the development proposal meets the minimum required standards. Specificall, 4 new AM trips, 4 new PM trips and new 50 daily trips are estimated. This traffic concurrency determination is valid until December 31, 2018.

<u>Parks and Recreation Facilities:</u> Park dedication requirements do not apply for non-residential uses. Thus, the proposed development will not have any impact with respect to this standard.

<u>Solid Waste:</u> The site is currently vacant. The proposed industrial uses (17,861 sq. ft.) will generate 46.44 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2047.

<u>Schools:</u> School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have any impacts with respect to this standard.

<u>Drainage:</u> Drainage is accommodated on site via an exfiltration trench system. There should be no impact on drainage as it relates to this standard.

| Α. | 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.  |

| Not applicable           |   |
|--------------------------|---|
| Meets intent of standard | X |
| Does not meet intent     |   |

B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists, and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.

| Not applicable           |   |
|--------------------------|---|
| Meets intent of standard | Χ |
| Does not meet intent     |   |

C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.

| Not applicable           | X |
|--------------------------|---|
| Meets intent of standard |   |
| Does not meet intent     |   |

D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.

| Not applicable       |       | X |
|----------------------|-------|---|
| Meets intent of star | ndard |   |
| Does not meet inte   | ent   |   |

E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations.

| Not applicable           | X |
|--------------------------|---|
| Meets intent of standard |   |
| Does not meet intent     |   |

| F. | Vacant property shall be developed in a manner so that the future use and     |
|----|---|
|    | intensity are appropriate in terms of soil, topographic, and other applicable |
|    | physical considerations; complementary to adjacent land uses; and fulfills    |
|    | remaining land use needs.   |

| Not applicable           | Χ |
|--------------------------|---|
| Meets intent of standard |   |
| Does not meet intent     |   |

G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.

| Not applicable           | X |
|--------------------------|---|
| Meets intent of standard |   |
| Does not meet intent     |   |

H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

| Not applicable           |   |
|--------------------------|---|
| Meets intent of standard | X |
| Does not meet intent     |   |

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.

| Not applicable           |   |
|--------------------------|---|
| Meets intent of standard | X |
| Does not meet intent     |   |

J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

| Not applicable           | X  |
|--------------------------|--|
| Meets intent of standard | The state of the s |
| Does not meet intent     |  |



July 14, 2016

Ms. Candi Jefferson, Senior Planner Mr. Peter Anuar. City of Delray Beach Planning Department 100 NW 1st Ave, Delray Beach, FL 33444

Re:

CONGRESS WAREHOUSE 355 NORTH CONGRESS AVENUE CLASS V SITE PLAN MODIFICATION (New industrial buildings) Waiver Request

RECEIVED BY

JUL 18 2016

City of Delray Beach Planning & Zoning

Dear Ms. Jefferson,

Due to landscape buffer planting conditions that cannot be met in this development, in regard to the LDR Section 4.6.16(H)(3)(d), ) a requirement that a two foot (2') hedge along with shade trees spaced no farther than thirty feet (30') on center are required within the north landscape buffer, adjacent to the parking row of the proposed industrial building development be provided.

The purpose of this letter is to apply for a Waiver as per LDR Section 2.4.7(B)(5), to waive the referenced requirement.

The waiver is required along the 90 foot LWDD that prohibits any type of planting with the exception of grass or sod in referenced area in order to maintain the canal. Please see a copy of documentation form LWDD stating that parking may be paced within the 90' maintenance easement and nothing else but sod, shall be there.

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

(a) Shall not adversely affect the neighboring area;

RESPONSE; The granting of the request will not affect the neighboring areas. The neighboring areas are still buffered by the remainder of the landscaped areas along the banks of the canal in addition to the canal itself. The condition described is very common in the area that consists of mainly industrial buildings.



- (b) Shall not significantly diminish the provision of public facilities; RESPONSE; The waiver request will not diminish or affect the provision of any public facilities.
- (c) Shall not create an unsafe situation; and,

RESPONSE; The elimination of the planting will not create an unsafe situation. The area will be maintained clear.

(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.

RESPONSE; The request is necessary as a result of an agreement with LWDD. The site is very irregular in configuration and greatly impacted by the LWDD easement. The request is the minimum required to develop the property very similar to others in the area.

The waiver processing fee of \$1,000 payable to the "City of Delray Beach" is included.

Respectfully submitted:

Kenneth E Richardson

355 Congress Centre, LLC

RECEIVED BY

JUL 18 2016

City of Delray Beach Planning & Zoning



Board of Supervisors
James M. Alderman
Joyce D. Haley
Jeffrey P. Phipps, Sr.
Harry Raucher
John I. Whitworth III
Executive Director
Robert M. Brown
Attorney
Mark A. Perry, P.A.

February 5, 2016

Candi Jefferson, Senior Planner Planning & Zoning Department City of Delray Beach 434 South Swinton Ave Delray Beach, Florida 33444

Dear Ms. Jefferson:

Re:

CONGRESS WAREHOUSE

SE Quad of Congress Avenue and LWDD E-4 Canal

PARCEL B, LL PARK OF COMMERCE REPLAT, PB 72 PG 91

355 North Congress Avenue PCN: 12-43-46-18-43-002-0000 LWDD Canal: Equalizer No. 4

LWDD Project No. 99-5470P.01

This petition is located on the south side of the E-4 Canal and is adjacent.

In accordance with the maintenance easement per ORB 3363 PG 1875 dated in 1980, LWDD agreed to allow the property owner to utilize the south 20 feet of the north 90 feet for paving and parking only.

After reviewing the submitted site plan and survey, it appears that Building No. 2 is very close to the right-of-way line on the northeast. The Property Owner should ensure that all construction, including footers and overhangs, do not encroach into the right-of-way. This may require the building to be shifted slightly to the southwest. LWDD's Field Inspector, K.C. White, will monitor this during construction.

LWDD will require a drainage permit be obtained from this District. Please contact Mike Brady at 561 819-5587 or mbrady@lwdd.net.

LWDD has no objection in the certification of the referenced petition.

Sincerely,

Anne H. Perry Right-of-way Coordinator RECEIVED BY

JUL 18 2016

City of Delray Beach
Planning & Zoning

umant Was Proposed Dy.

ATTUMENTS AND COUNSELORS AT LAW SO S.E. 416 AVENUE DELRAY BEACH, FLORIDA 33444

#### EASEMENT DEED AND AGREEMENT

WITNESSET

That party of the first part, for and in consideration of the sum of TEN (\$10.00) DOLLARS, and other good and valuable considerations to it in hand paid, receipt of which is hereby acknowledged, has granted bargained and sold, and by these presents does grant, bargain, sell and release unto the party of the second part, its superiors and assigns, a perpetual easement for the purpose of providing an unencumbered right-ofway for utilities which may be granted to others by the second party, as well as providing an inempumbered right-of-way for use as a canal and canal related pupposes including ingress and egress purposes, said right of way includes, but is not limited to the use of the same for excavation, irrigation, canal drainage ditch, sluice ways, spoil deposit water control structures, berm and areas for maintenance and deposit of spoil, all quasi public utility type purposes and for any such improvement thereunto related or in anywise appertaining; over, across, through and upon, over, under or within that parcel of land located in Palm Beach County, Florida, described on Exhibit "A" attached hereto and made a part hereof as if recited at length.

Party of the first part reserves the right to pave and utilize for parking the South 20 feet of said land area but first party shall allow the erection of no buildings or other type improvements and no trees, shrubbery or plants shall be allowed to exist on or within said 20 foot area.

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First party shall throughout the entire term of this easement maintain any improvements effected therein in a good, clean, usable, safe, high-grade, condition and it is acknowledged that any damage, erosion, deterioration, or destruction of or to the improvements shall be repaired, replaced and restored at the sole cost and expense of first party, or his successors or assigna

It is further acknowledged by both parties that LAKE WORTH DRAINAGE WISTRICT has the primary right of use of said land area for the purposes incident to the maintenance of its canal and first party avail cooperate with said District periodically in clearing the (street or parking area during the District's program for maintenance.

Party of the f(r) part does hereby specifically warrant the title to said land and will defend the same against the lawful claims of all perso ts whomsoever; and does further warrant it has good right and law at authority to grant the above described easement and that the same is unencumbered.

IN WITNESS WHEREOF, party of the first part set his hand and seal the date forst above written

Signed, sealed and delivered

STATE OF FLORIDA

COUNTY OF PALM BEACH

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the state and county aforesaid to take acknowledgments, personally appeared GEORGE A. WIEBELT, JR., TRUSTEE U/A dated December 20, 1978, to me known to be the person described in and who executed the foregoing instrument and he acknowledged before me that he executed the same.

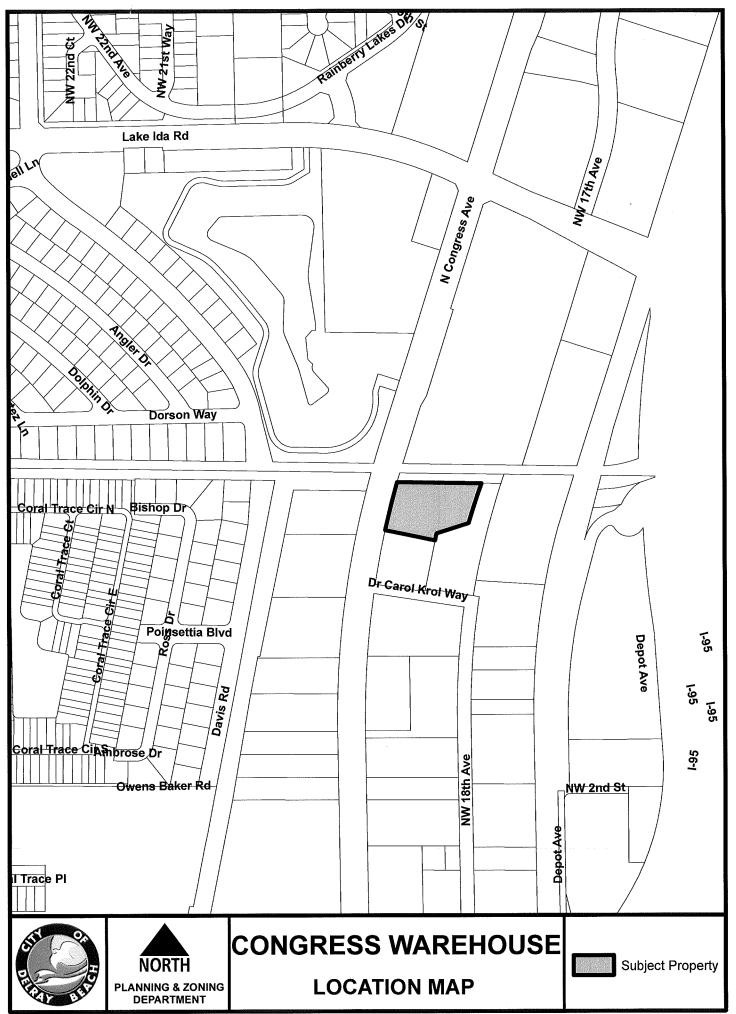
GEORGE X, WIEBELT, JR., dated December 20, 1978

WITNESS my hand and official seal in the county and state ""Rast aforesaid this 8th day of September, 1980.

My Commission Expires: My

The South 90 feet of the North 130 feet of Section 18, Township 46 South, Range 43 East, lying between the East right-of-way line of Congress Avenue and a curve concentric with but 350 feet West of the center line of the Seaboard Coast Airlines right-of-way.

Record Verified
Pelm Beach County, Fis
John B. Dunkle
Clerk Circuit Court



#### SHEET INDEX

INDEX SHEET

SURVEY

SP-1 SITE PLAN

PARTIAL FLOOR PLAN BUILDING #1

A-1.1 PARTIAL FLOOR PLAN BUILDING #1

A-1.2 PARTIAL ROOF PLAN BUILDING #1 A-1.3 PARTIAL ROOF PLAN BUILDING #1

A-2 FLOOR PLAN BUILDING #2

A-2.1 ROOF PLAN BUILDING #2

A-3 BUILDING ELEVATION (BUILDING #1)

A-4 BUILDING ELEVATION (BUILDING #2)

TD-1 TREE DISPOSITION PLAN

L-1 LANDSCAPE PLAN

C-1 PAVING & DRAINAGE PLAN

SP-2 COMPOSITE OVERLAY SITE PLAN SP-3 SITE DETAILS

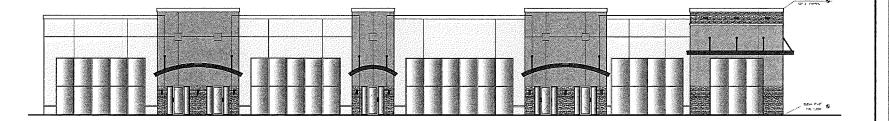
SP-4 HARDSCAPE SITE PLAN A

PH-1 SITE PHOTOMETRIC PLAN

PH-2 SITE LIGHTING SPECS

## Proposed Office/Warehouse For: Congress Warehouse

355 North Congress Avenue Delray Beach, Florida 33445



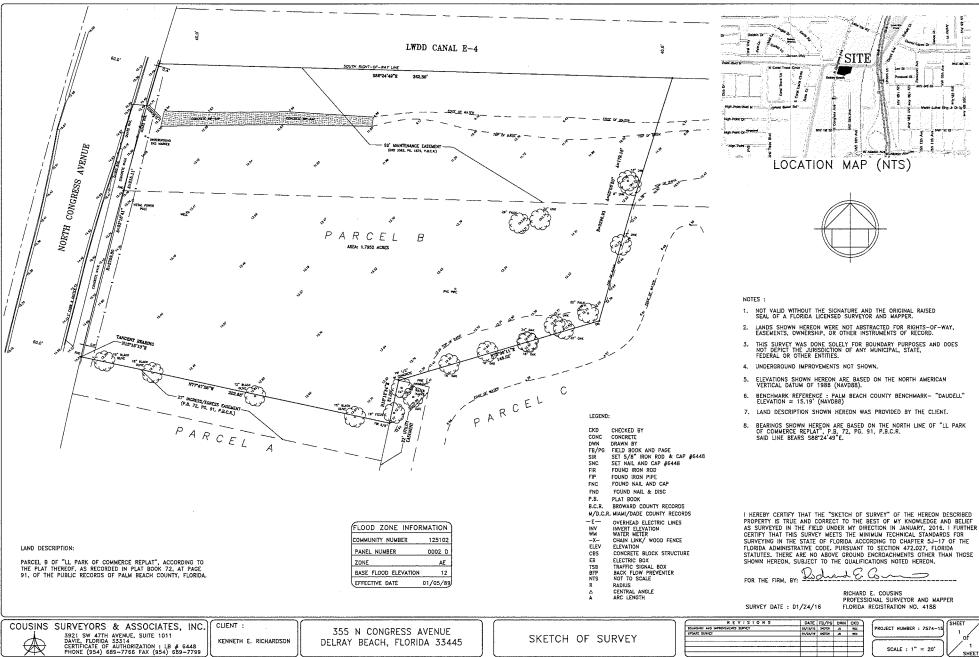




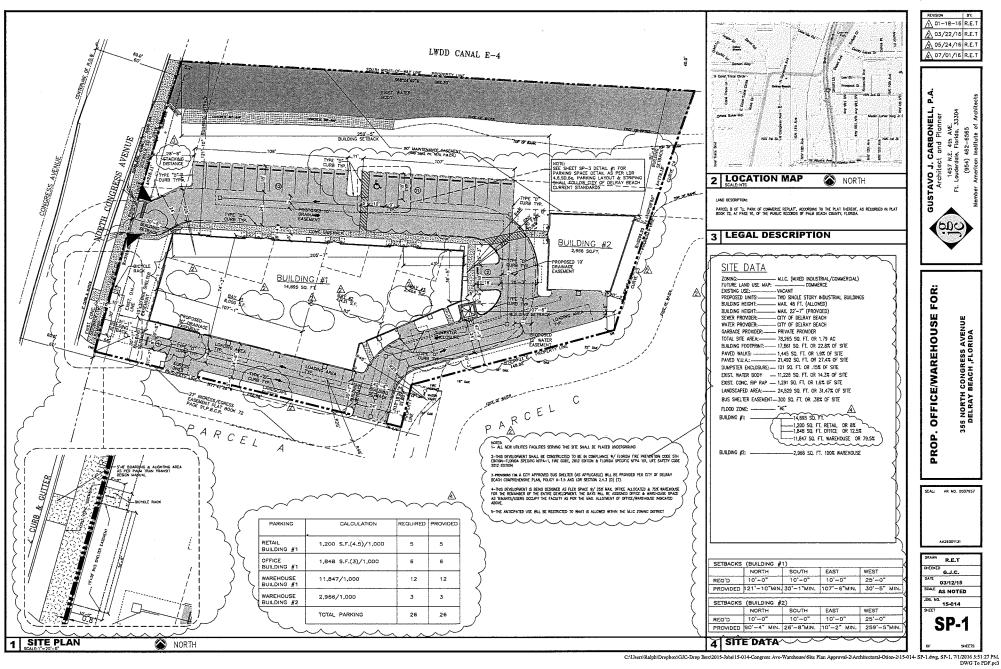
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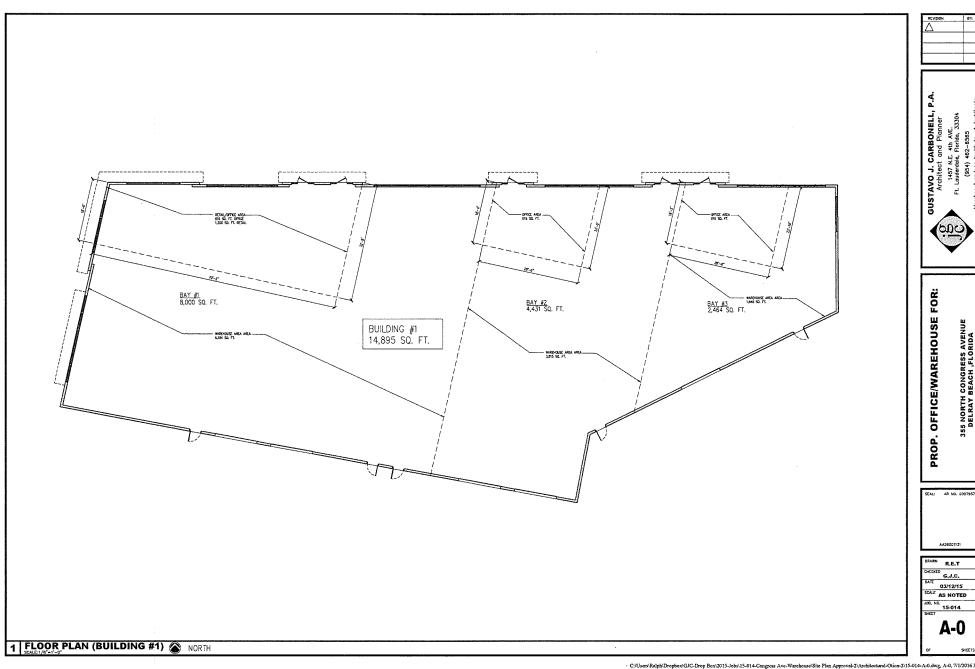
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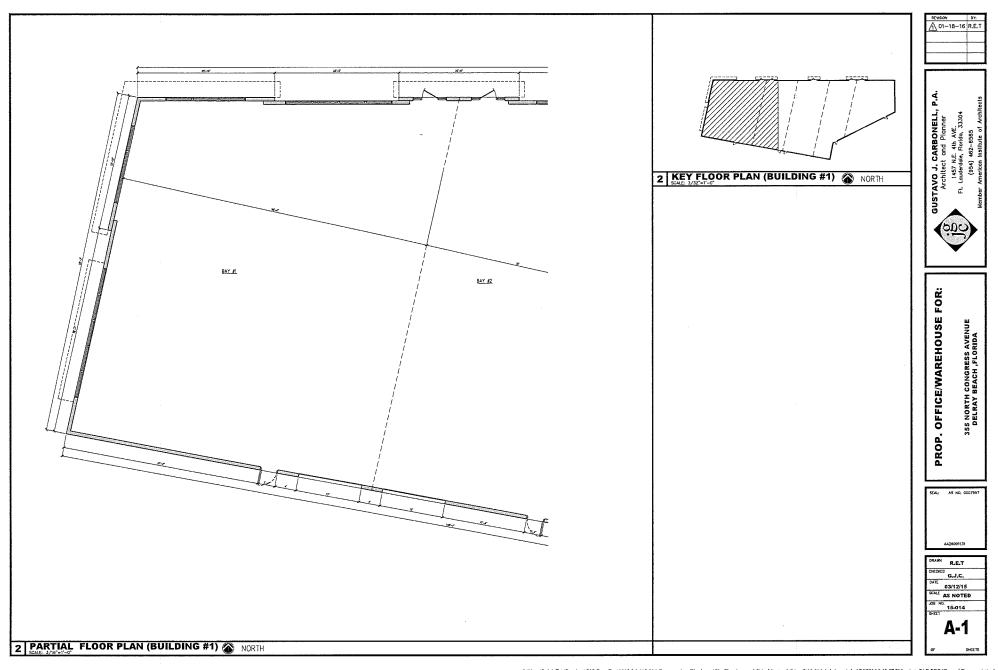
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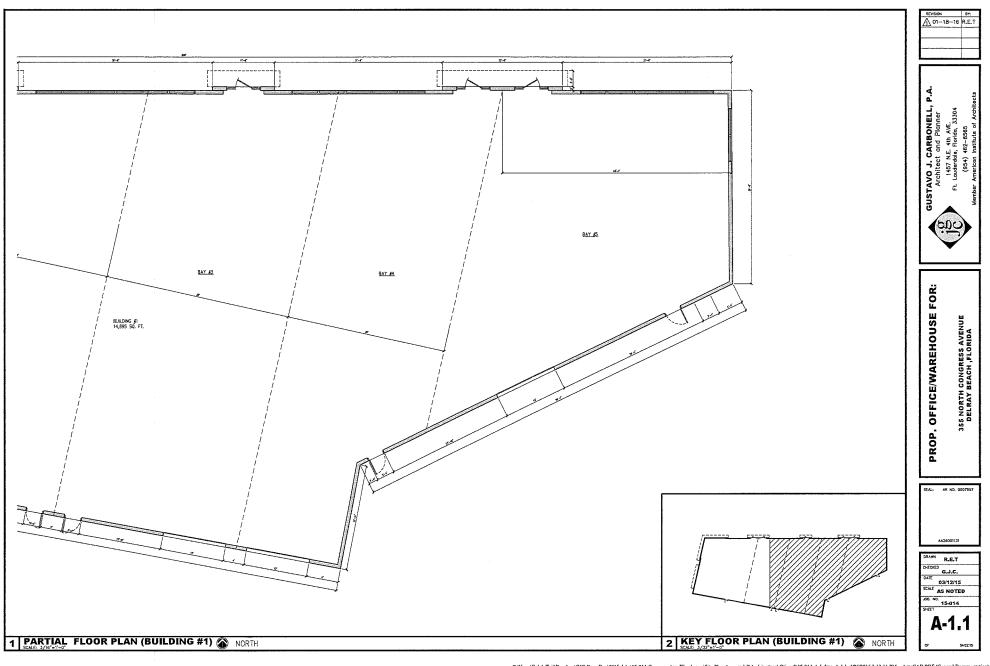


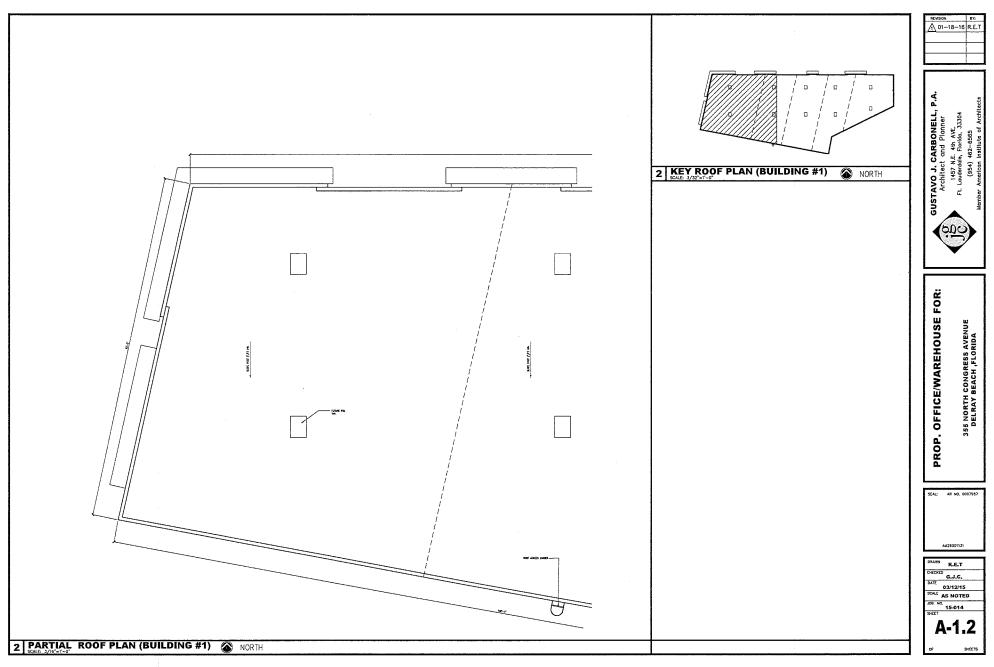
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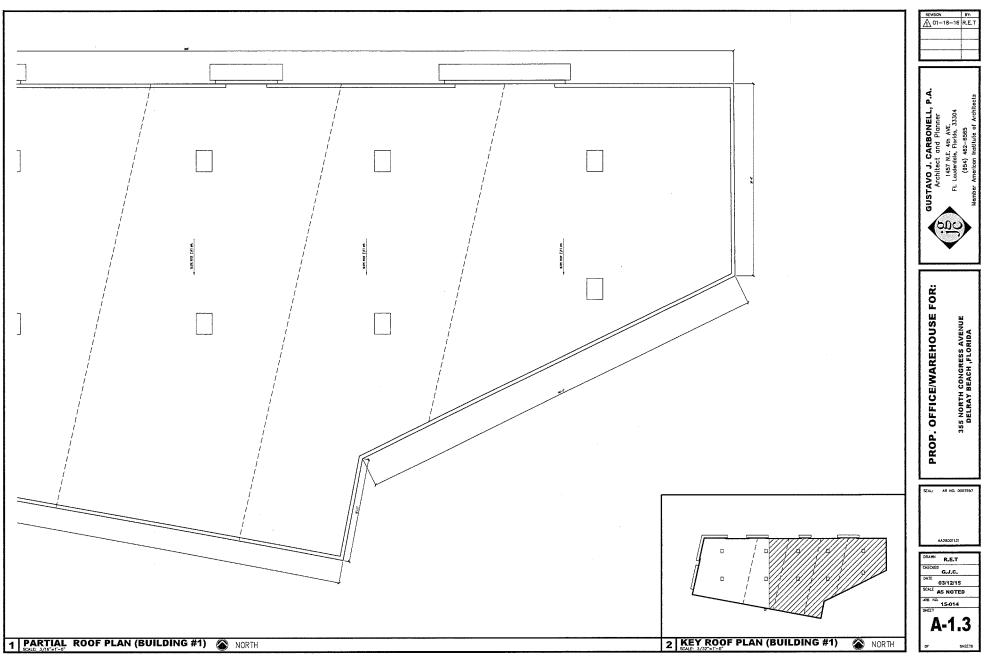


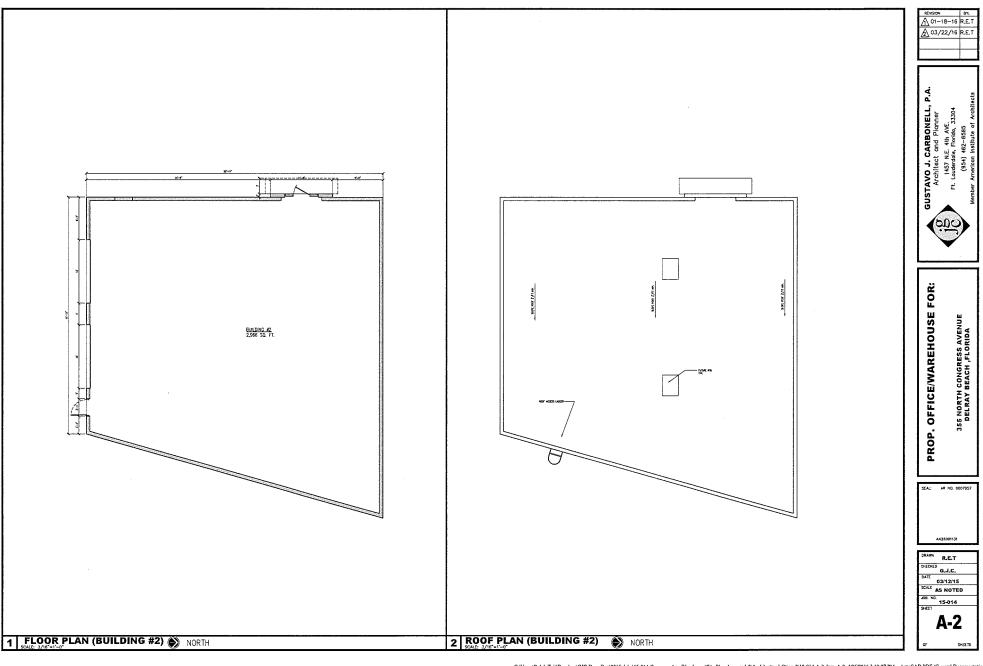


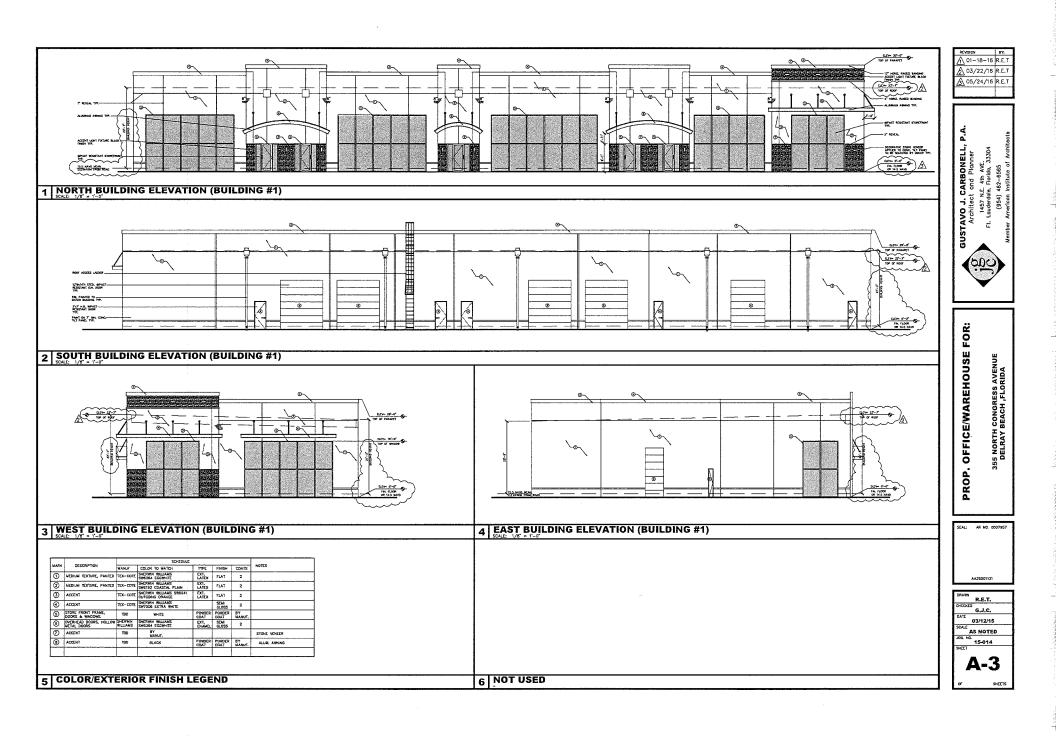


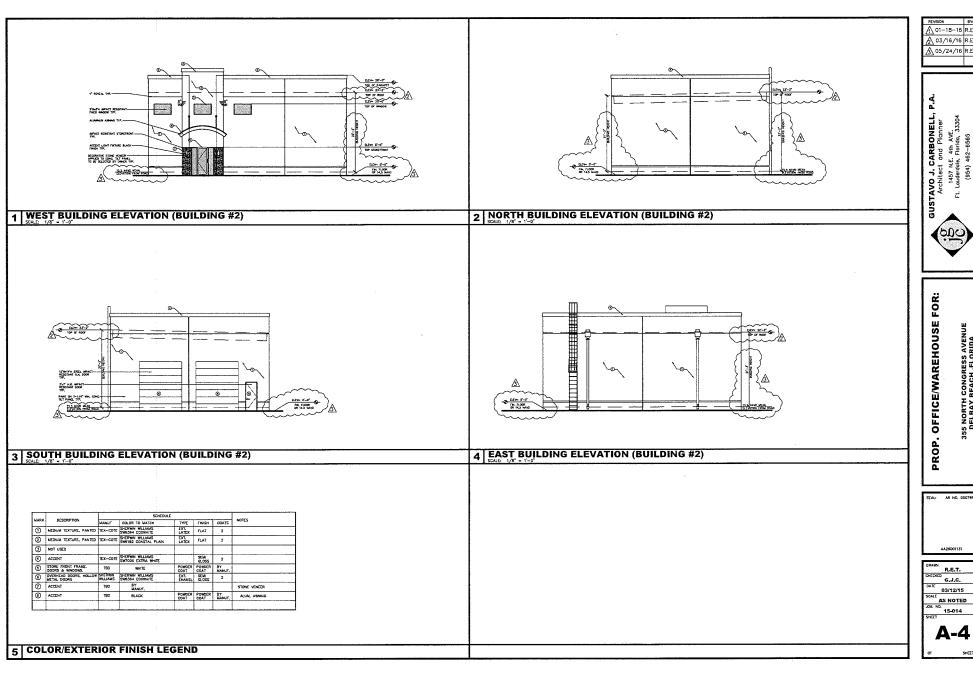








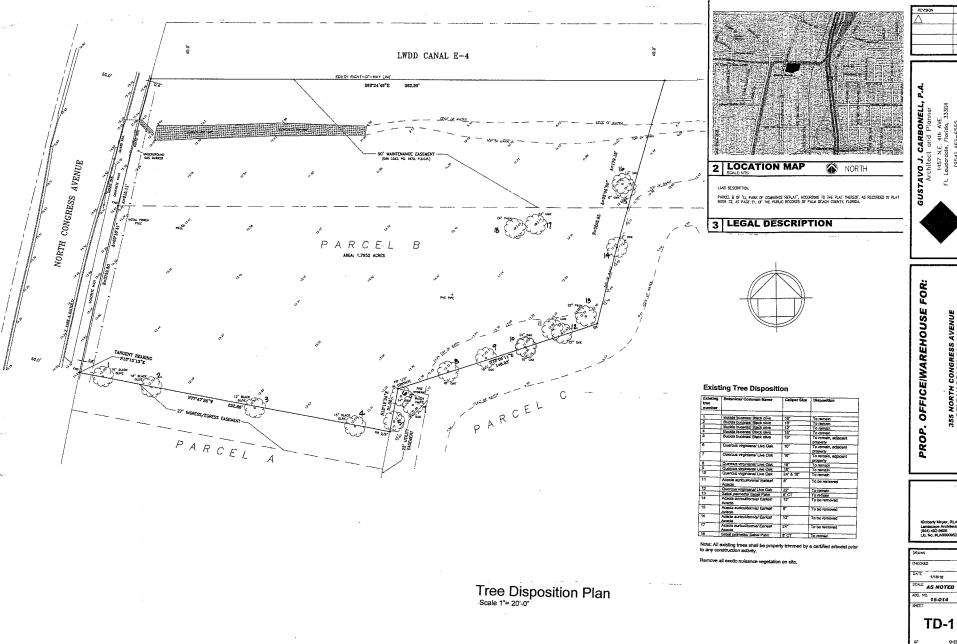


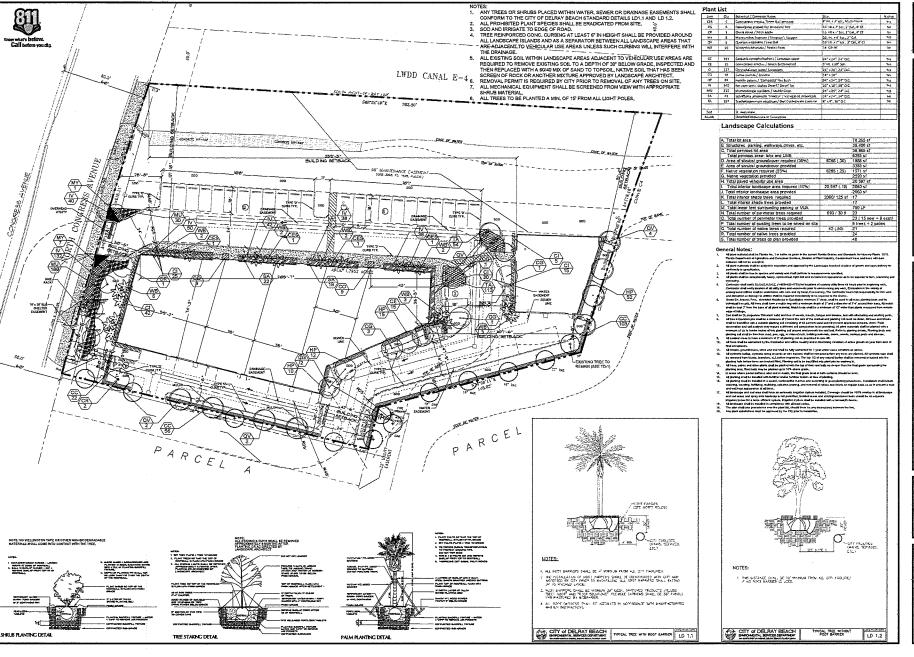


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G,J,C, 03/12/15 AS NOTED







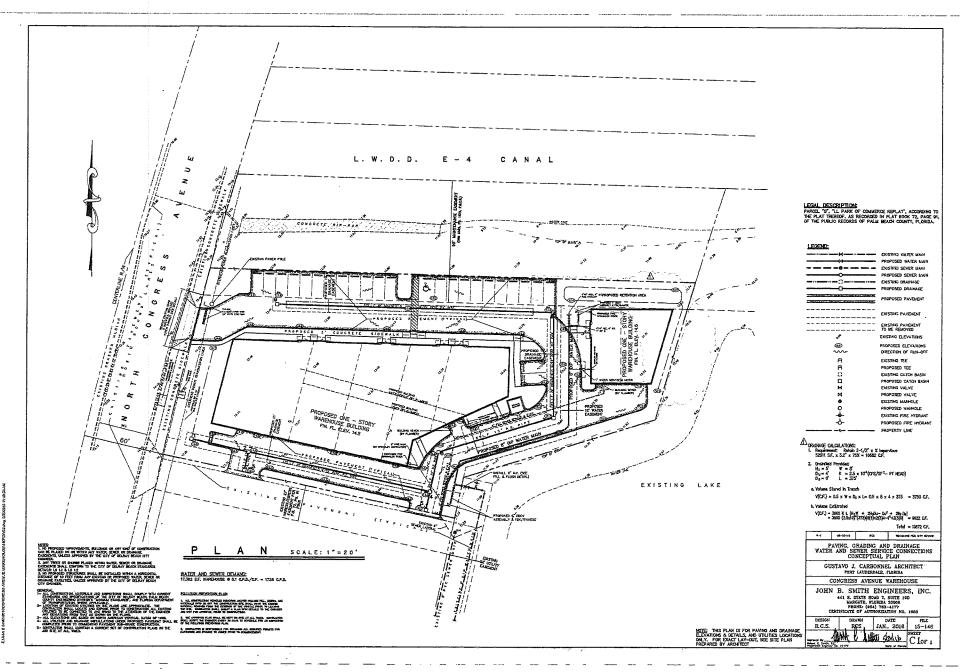
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1457 N.E. 4th AVE. Ft. Lauderdale, Florida, 33304 (954) 462-6565 GUSTAVO J. CARBONELL,
Architect and Planner (954) erlcan

FOR: OFFICE/WAREHOUSE PROP.

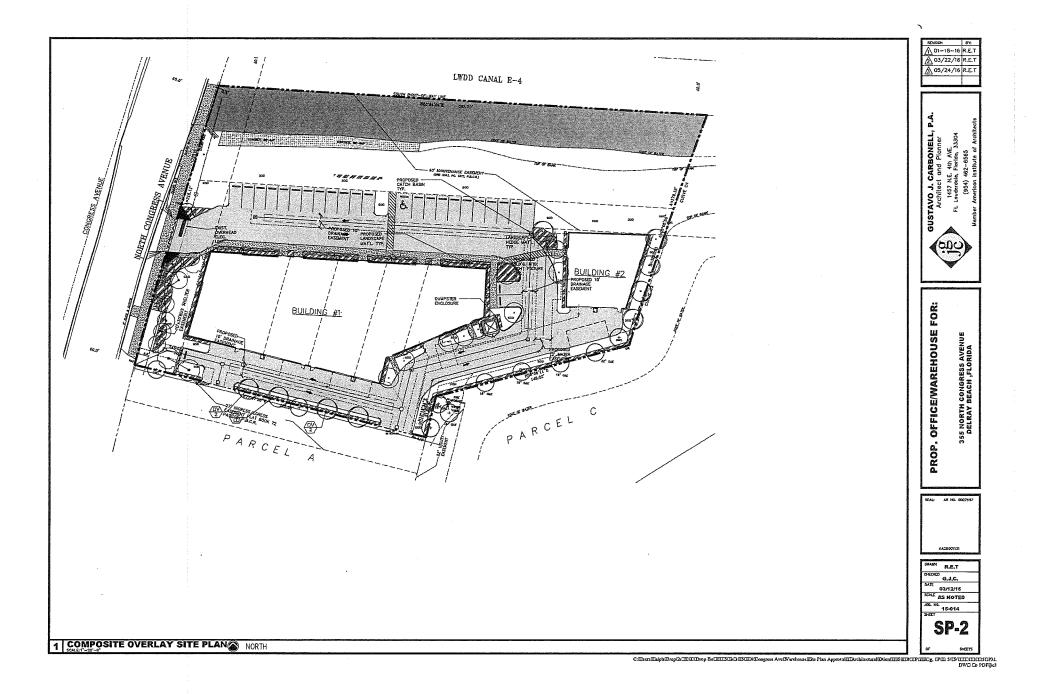
SEAL: Kimberly Moyer, RLA andscape Architectus 954) 492-9609 c. No. #LA0000952

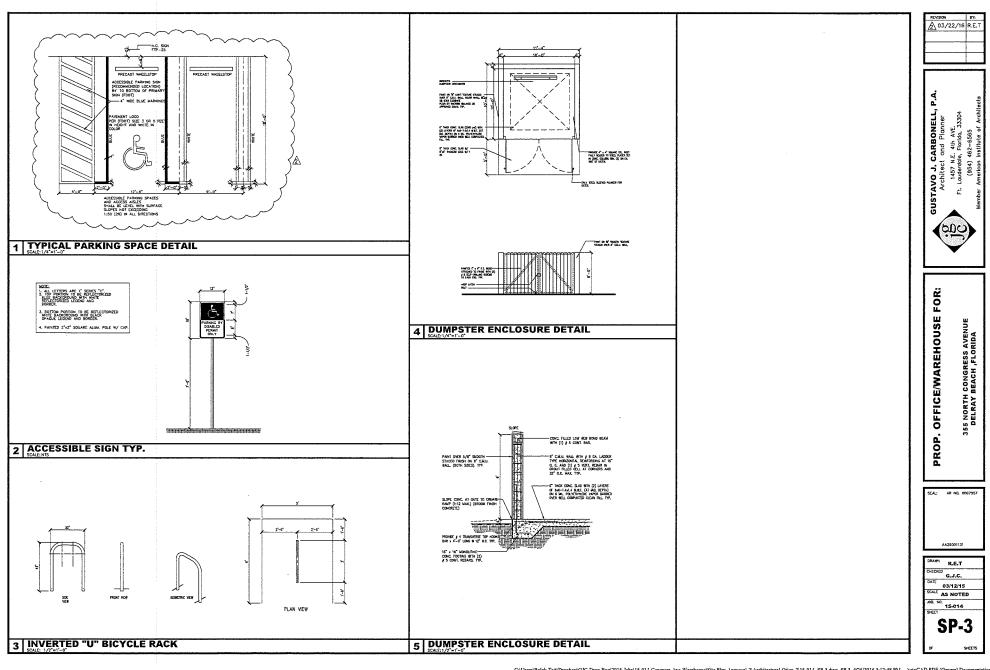
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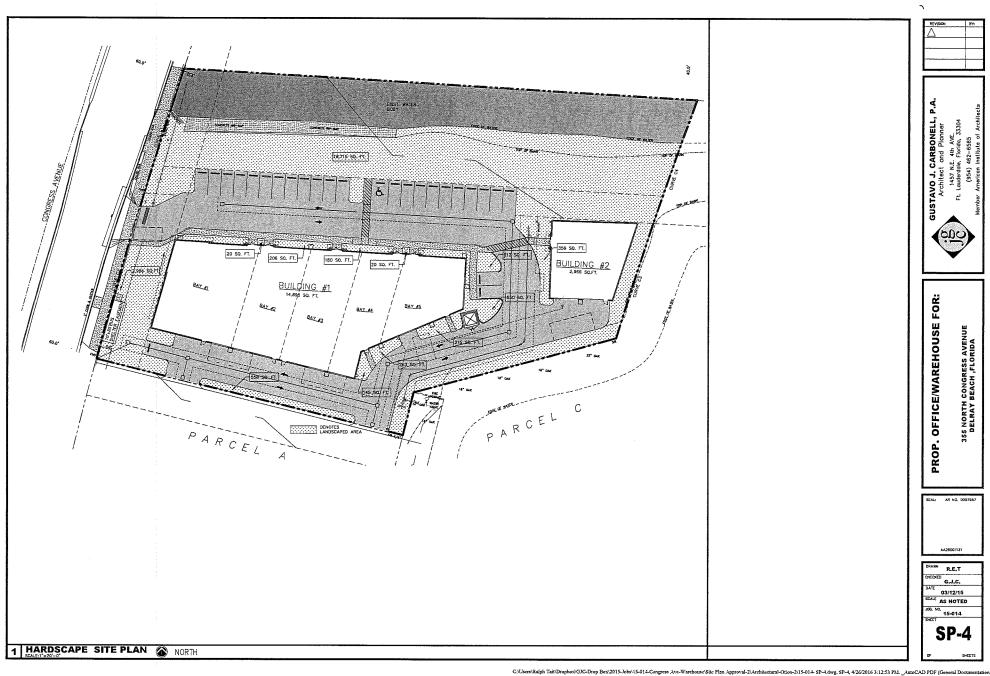


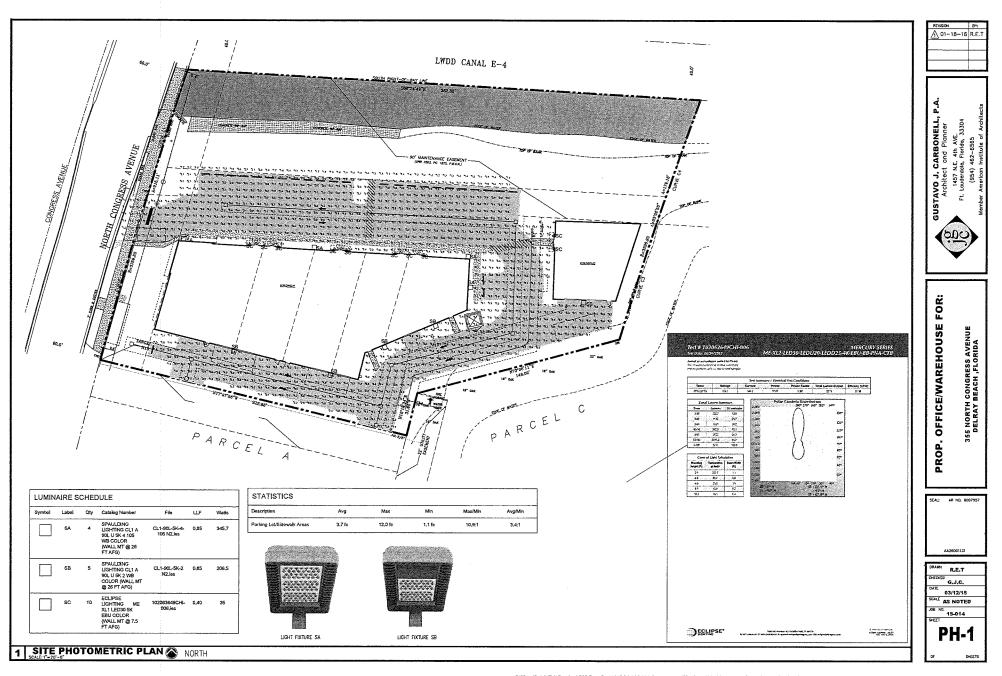
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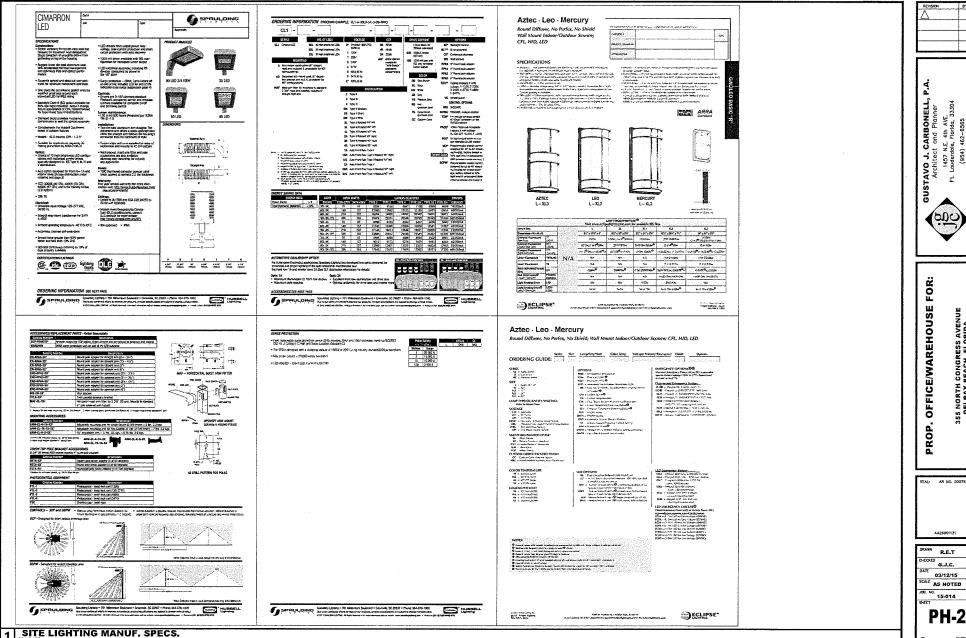
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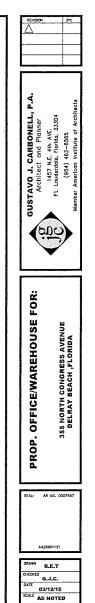












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