



Planning, Zoning, and Building Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Chili's at Delray Square (2017 -208)
Project Location: 14530 South Military trail
Request: Class IV Site Plan Modification
Board: Site Plan Review and Appearance Board
Meeting Date: October 11, 2017

Board Action:

Approve the Class IV Site Plan Modification, Landscape Plan and Architectural Elevations as submitted on a 6 to 0 vote.

Project Description:

Located at 14530 South Military Trail, The existing Delray Square Plaza is located at the Northeast corner of the intersection between West Atlantic Avenue and South Military Trail. The project lies within Section 13, Township 46S, Range 42 East in the City of Delray Beach, Palm Beach County, Florida.

The subject proposal is for the new construction of a 4,950 square foot, one-story outbuilding for a new restaurant adjacent to South Military Trail. The site improvements include the removal of existing parking spaces to accommodate the new building, provision of new parking spaces adjacent to the building, landscaping, lighting, a loading zone, and refuse area.

Board Comments:

Board comments were complementary to the proposed improvements.

Public Comments:

No members of the public spoke for or against the project.

Associated Actions:

All required actions were taken.

Next Action:

SPRAB action is final unless appealed by the City Commission.

ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Class IV Site Plan Modification, Architectural Elevations, and a Landscape Plan request for **Chili's at Delray Square** located at **14530 South Military Trail**, pursuant to Land Development Regulations (LDR) Section 2.4.5(F).

BACKGROUND

The site, which consists of two large parcels, consists of a total of 33.31 acres containing an existing shopping center and associated parking improvements which were developed in Palm Beach County; the site was annexed into the City in 1989. The site has a Future Land Use Map (FLUM) designation of General Commercial (GC) and a zoning designation of Planned Commercial (PC). In 2007, the Four Corners Overlay District was created for the intersection of South Military Trail and West Atlantic Avenue which included the subject property.

In 2015, a Master Development Plan (MDP) was approved and remains valid. The approval provided for the demolition of the existing Publix and its relocation elsewhere within the property in a new retail building, and the creation of two commercial outbuildings along West Atlantic Avenue, reconfiguration of the interior parking lot area with landscaping upgrades for the improved areas, and a right turn-lane from West Atlantic Avenue as requested by Florida Department of Transportation (FDOT). The associated Class IV Site Plan Modification for those site improvements was subsequently approved, and remains valid (2015-091).

The aforementioned MDP approval included the following relief:

- Waiver to LDR Section 4.4.9(F)(3)(f)(2), which requires a twenty-five foot (25') building setback for parcels within the master development plan; the complete requirement was waived.
- Waiver to LDR Section 4.4.9(F)(3)(d)(1)(d), which requires a twenty-five foot (25') landscape buffer between internal parcels within the Master Plan; the complete requirement was waived.
- Waiver to LDR Section 4.4.9(G)(3)(e)(1)(a), which requires that land area equivalent to at least twenty-five percent (25%) open space be included with the master development plan area; the open space was reduced to 17% which was an existing non-conformity.
- Waiver to LDR Section 4.6.16(B)(4), which requires any modification to an existing development which results in an increase of twenty-five percent (25%) in the gross floor area of the structures situated on site to be upgraded to current landscape standards; the complete requirement was waived as a 32.03% increase was proposed, and the required landscape standards were met within the proposed redevelopment areas.

In August 2017, a modification to the approved MDP was approved by the Planning and Zoning Board which provided for the construction of a new outbuilding for restaurant use adjacent to South Military Trail, and minor square footage modifications to two retail buildings approved in 2015. This MDP approval also included two waivers which reduced the required landscape buffer and front setback along South Military Trail from 30' to 2'. The waiver requests took into consideration of the applicant's present abandonment request to Palm Beach County for 40' of right of way along South Military Trail. As a result of the abandonment, the landscape buffer and front setback will be compliant.

PROJECT DESCRIPTION

The subject proposal is for the new construction of a 4,950 square foot, one-story outbuilding for a new restaurant adjacent to South Military Trail. The site improvements include the removal of existing parking spaces to accommodate the new building, provision of new parking spaces adjacent to the building, landscaping, lighting, a loading zone, and refuse area.

SITE PLAN ANALYSIS

Development Standards

The subject property is located within the PC Zoning District, within the Four Corners Overlay District, which is subject to the standards of the GC Zoning District. The following chart provides the applicable Development Standards for the entire Delray Square shopping Center as provided in LDR Sections 4.4.9, GC Zoning District applicable to the Four Corners Overlay District, 4.4.12, PC Zoning District, and 4.3.4(K), Development Standards. Pursuant to LDR Section 4.4.9(G)(3)(e)(1)(a), where standards unique to the Four Corners Overlay District conflict with standards contained elsewhere in the zoning code, that unique standard shall apply.

	Required	Existing	Provided
PC Zoning District, Development Standards			
Open Space (Minimum)	25%	16.64%	16.67%
Front Setback (Minimum): West	30'	N/A	2'
GC Zoning District, Development Standards for the Four Corners Overlay District			
Site Area (Minimum)	4 acres	33.31 acres	33.31 acres
Lot Coverage (Maximum)	75%	83.36%	83.33%
Front Perimeter Landscape Buffer (Minimum): South Military Trail	30'	0'	2'
Floor Area (Minimum square feet):	4,000	N/A	4,950

The information provided in the chart above combines the entire Delray Square shopping center, and individualizes the applicable floor areas, as they were approved with the MDPM. Existing non-conformities were slightly reduced with the proposed site modifications.

Four Corners Overlay District, Supplemental Regulations

Pursuant to LDR Section 4.4.9(G)(3)(d)(2), Allocation of Uses, retail uses shall not encompass more than 100% of the total building area square footage of the Four Corners Overlay Master Development Plan. The Delray Square Master Development Plan and subsequent Modification do not provide for more than 100% retail square footage.

Lighting

The proposed lighting consists of under canopy fixtures, wall fixtures, and freestanding poles adjacent to the building. The proposed values are within the permitted minimum and maximum ranges, which comply with the requirements of LDR Section 4.6.8(B)(3), Illumination Standards.

Minimum Parking Requirements

Pursuant to LDR Section 4.6.9(C)(3)(e), shopping centers shall require 4 spaces per 1,000 sq. ft. of gross leaseable floor area, irrespective of uses, for up to 400,000 sq. ft. The entire Delray Square shopping center is approved (per the Master Development Plan Modification) for a total of 321,751 square feet of leaseable floor area, which requires 1,287 parking spaces, plus the 4,335 square foot IHOP which requires 17 parking spaces, for a total of 1,304 parking spaces. A total of 1,433 parking spaces have been provided, which includes 74 handicap accessible spaces. Therefore, the requirement has been met as there is a 129 parking spaces surplus.

Dumpsters

Pursuant to LDR Section 4.6.16(H)(3)(n), all dumpster and refuse areas shall be screened. The proposed refuse area is located interior to the property, facing away from the public right of way, but

adjacent to the main drive aisle and parking area. The area will be screened by a split face concrete wall and accessed by wood gates.

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 proposed landscape plan has been submitted and evaluated by the Senior Landscape Planner. The proposed landscaping is primarily located adjacent to the new building and contains an array of ground covers, shrubs, palms, and shade trees; additional modifications are proposed within the landscape islands throughout the adjacent parking area of the parcel. The proposed landscape islands contains either Foxtail Palms or Southern Live Oak trees. The Landscape Planner, however, has noted that other "street and parking island trees" such as Gumbo Limbo, Green Buttonwood, Dahoon Holly, East Palatka Holly or Magnolia should be included. This revision in the tree types is listed as a recommended condition of approval.

ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, 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 proposed facade elevations are typical of the well-known and easily identifiable chain restaurant which are not contrary to the intent of the applicable criteria above. The exterior finishes consist of a stone, tile, and brick veneer which accent the painted stucco. The color scheme is generally earthy with red and green accents.

The elevations are generally in good taste and will not materially depreciate the surrounding environment. Additionally, they are not inconsistent with the shopping center, and will be harmonious with both the existing development and proposed improvements for the site. Therefore, positive findings can be made with regard to the criteria listed in LDR Section 4.6.18(E). In addition to the criteria noted above, the Four Corners Overlay District requires that any free-standing non-residential structure be architecturally consistent with other structures in the master development plan. The architectural consistency is evidenced in the low-scale building which demonstrates typical suburban design.

REQUIRED FINDINGS

Pursuant to LDR Section 3.1.1, Required Findings, prior to the approval of development applications, certain findings must be made in a form which is 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. These findings relate to the following areas:

Section 3.1.1 (A), Future Land Use Map: The subject property has a Future Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Future Land Use Map (FLUM) designation. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map.

Section 3.1.1 (B), Concurrency: A positive finding of concurrency was made with the review of the Master Development Plan Modification. However, a positive concurrency finding for streets and traffic is still pending by the Palm Beach County Traffic Division.

Section 3.1.1 (C), Consistency (Standards for Site Plan Actions and Specific Areas): As described in Appendix A, a positive finding of consistency can be made as it relates to Development Standards for Site Plan Actions.

Section 3.1.1 (D), Compliance With the Land Development Regulations: As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made.

Required Findings:

Pursuant to LDR Section 2.4.5(F)(5), 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 indicates the zoning and land use of the properties surrounding the subject property:

	Adjacent Zoning	Adjacent Land Use
North	GC, Agricultural (A) & Single Family Residential (R-1-A)	KFC Restaurant, Boy's Farmer's Market & Lee's Crossing Subdivision
East	Planned Office Center (POC)	Multi-Building Professional Office Complex
South	GC & PC	Gasoline Station, Delray West Shopping Plaza, Bank, Vacant Land and Dunkin Donuts
West	PC	Marketplace at Delray Shopping Center

With the review and approval of the MDPM, the proposed site improvements were found to be consistent with the PC Zoning district uses which allow all retail uses (inclusive of restaurant) permitted with the General Commercial (GC) zoning district. The existing Delray Square shopping plaza has coexisted with the adjacent properties without any adverse effects, and none are anticipated. A positive finding can be made with regard to LDR Section 2.4.5(F)(5) that the site plan will remain compatible and harmonious with adjacent and nearby properties.

Comprehensive Plan Policies: A review of the objectives and policies of the adopted Comprehensive Plan were conducted with the review of the Master Development Plan Modification which was found to be in compliance and meeting the intent.

ASSESSMENT AND CONCLUSION

The proposed new outbuilding is consistent with the existing Delray Square Shopping Center, as well as the proposed improvements, all of which are typical of suburban development in this area of the western portion of the city. The addition of a new restaurant will provide new dining opportunities for the residents in adjacent neighborhoods, and continue to increase the economic value of this significant intersection. The proposal is consistent with the policies of the Comprehensive Plan and can be found consistent with the Land Development Regulations.

ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Approve the Class IV Site Plan Modification (2017-208) for Chili's at Delray Square located at 14530 South Military Trail, 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 Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.
- C. Deny the Class IV Site Plan Modification (2017-208) for Chili's at Delray Square located at 14530 South Military Trail, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.

STAFF RECOMMENDATION

By separate motions:

Site Plan

Approve the Class IV Site Plan Modification (2017-208) for Chili's at Delray Square located at 14530 South Military Trail, 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 Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the condition that approval of Traffic Concurrency be provided.

Landscape Plan

Approve the Landscape Plan (2017-208) for Chili's at Delray Square located at 14530 South Military Trail, 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 LDR Section 4.6.16, subject to the condition that other "street and parking island trees" such as Gumbo Limbo, Green Buttonwood, Dahoon Holly, East Palatka Holly or Magnolia should be provided within the landscape islands throughout the parking area.

Architectural Elevations

Approve the Architectural Elevations (2017-208) for Chili's at Delray Square located at 14530 South Military Trail, 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 LDR Section 4.6.18(E).

APPENDIX A
STANDARDS FOR SITE PLAN ACTIONS

- 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.**
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 **X**
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
Meets intent of standard **X**
Does not meet intent
- 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. Property shall be developed or redeveloped 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
Meets intent of standard **X**
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

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 – pending concurrency determination by Palm Beach County

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

Meets intent of standard

Does not meet intent

CLASS IV SITE PLAN

FOR

DELRAY SQUARE CHILI'S

PREPARED FOR

TSLF DELRAY, LLC

JULY 2017



PROJECT LOCATION
PALM BEACH COUNTY

PROJECT TEAM

ARCHITECT

BRINKER INTERNATIONAL
6820 LBJ FREEWAY
DALLAS, TX 75240-6515
PHONE: (972) 770-5880
CONTACT: CHRIS BUTLER, AIA, LEED AP

CIVIL ENGINEER

KIMLEY-HORN & ASSOCIATES, INC.
1615 SOUTH CONGRESS AVENUE, SUITE 201
DELRAY BEACH, FL 33445
PHONE: (561) 404-7240
CONTACT: JOSHUA D. HORNING, P.E.

LANDSCAPE ARCHITECT

KIMLEY-HORN & ASSOCIATES, INC.
1920 WEKIVA WAY, SUITE 200
WEST PALM BEACH, FL 33411
PHONE: (561) 840-0233
CONTACT: JONATHAN D. HAIGH, RLA, ASLA

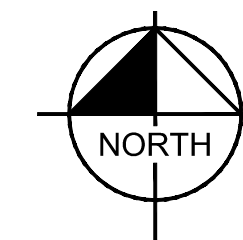
SURVEYOR

CAULFIELD & WHEELER, INC.
7900 GLADES ROAD, SUITE 100
BOCA RATON, FL 33434
PHONE: (561) 392-1991
CONTACT: DAVID P. LINDLEY, PLS



PROJECT LOCATION
DELRAY BEACH, FL 33445

VICINITY MAP
NOT TO SCALE
SECTION: 13 TOWNSHIP: 46 S RANGE: 42 E



Sheet Number	Sheet Title
C0.00	COVER SHEET
C0.01	GENERAL NOTES
C0.02	GENERAL NOTES
C1.00	CLASS IV SITE PLAN
C2.00	PAVING, GRADING, AND DRAINAGE PLAN
C2.10	PAVING, GRADING, AND DRAINAGE DETAILS
C3.00	UTILITY PLAN
C3.10	UTILITY DETAILS
C3.11	UTILITY DETAILS
C4.00	COMPOSITE UTILITY PLAN
L0.00	TREE DISPOSITION PLAN
L1.00	LANDSCAPE PLAN
L1.01	LANDSCAPE PLAN
L1.10	LANDSCAPE DETAILS
L1.11	LANDSCAPE NOTES
PLANS BY OTHERS	
S1.00	ALTA LAND TITLE SURVEY
S2.00	ALTA LAND TITLE SURVEY
S3.00	ALTA LAND TITLE SURVEY
S4.00	ALTA LAND TITLE SURVEY
A201	EXTERIOR ELEVATIONS
A202	EXTERIOR ELEVATIONS
A151	SERVICE YARD PLAN AND DETAILS

Sheet List Table

AGENCY CONTACTS

DELRAY BEACH PLANNING & ZONING

150 NE 2ND AVENUE
DEERFIELD BEACH, FL 33441
PHONE: (954) 480-4200
CONTACT: AMY ALVAREZ, AICP

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

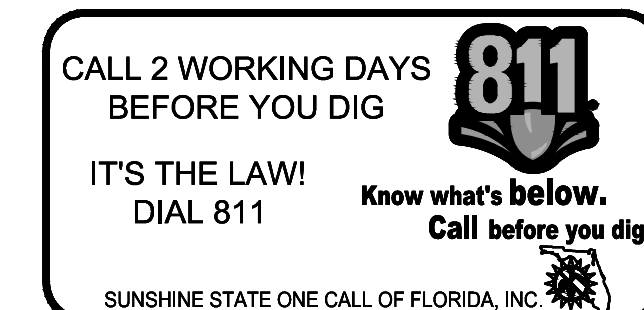
3301 GUN CLUB ROAD
WEST PALM BEACH, FL 33406
PHONE: (561) 686-8800
CONTACT: CARLOS DEROJAS, P.E.

DELRAY BEACH ENVIRONMENTAL SERVICES

434 SOUTH SWINTON AVENUE
DELRAY BEACH, FL 33444
PHONE: (561) 243-7196
CONTACT: MAURICIO LARA, P.E.

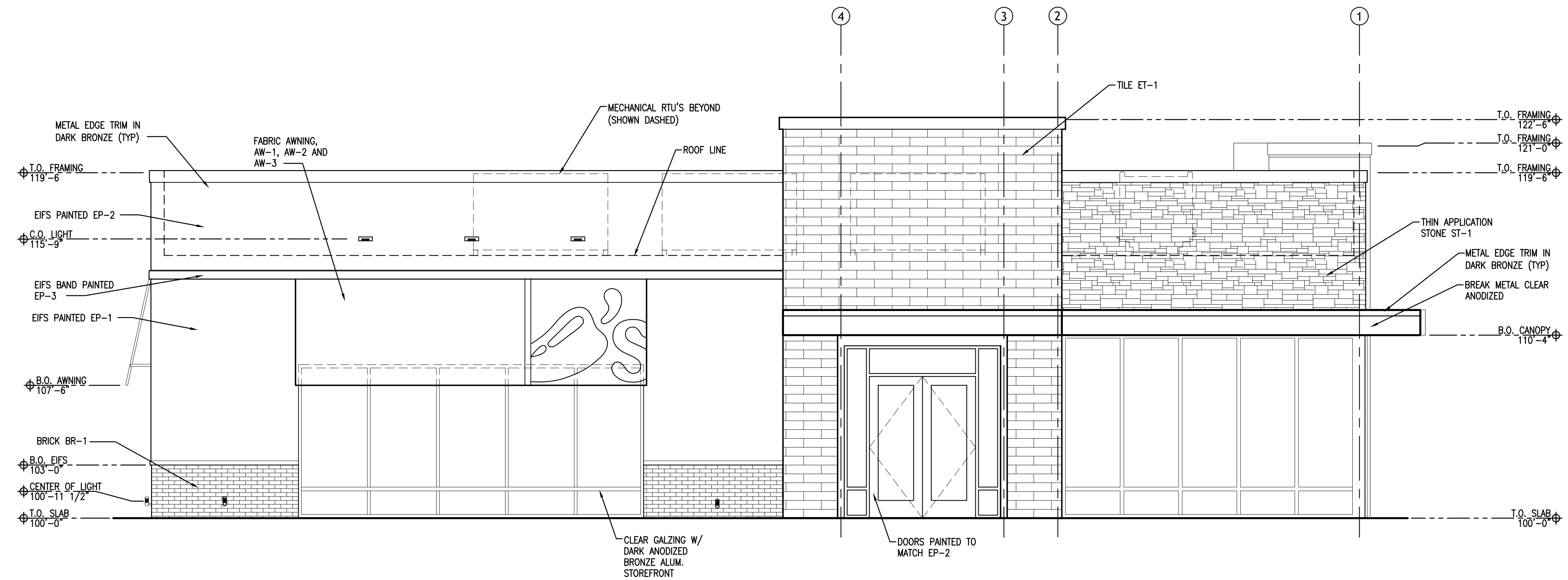
LAKE WORTH DRAINAGE DISTRICT

13081 SOUTH MILITARY TRAIL
DELRAY BEACH, FL 33484
PHONE: (561) 498-5363
CONTACT: MARGARET ILLSLEY

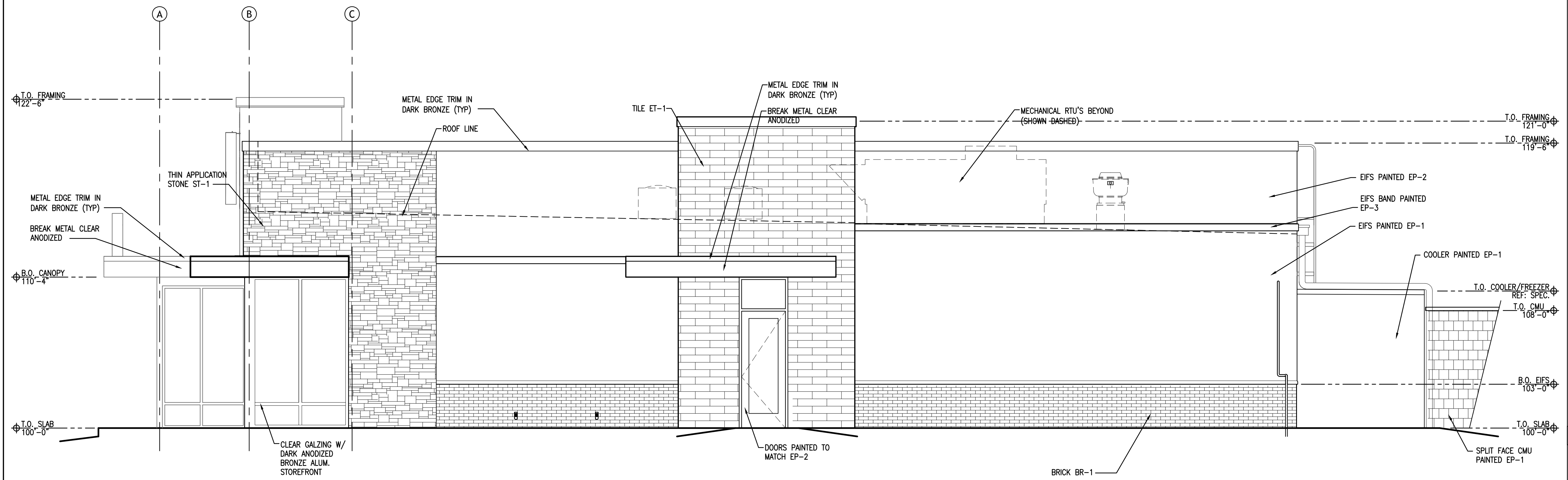


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<p>LICENSED PROFESSIONAL JOSHUA D. HORNING, P.E. FL LICENSE NUMBER 67505</p>	<p>KHA PROJECT 144816002 DATE JULY 2017 SCALE AS SHOWN DESIGNED BY JDH DRAWN BY JPB CHECKED BY JDH</p>	<p>COVER SHEET</p>	<p>DELRAY BEACH FL</p>
<p>DELRAY SQUARE CHILI'S PREPARED FOR TSLF DELRAY, LLC</p>	<p>SHEET NUMBER C0.00</p>	<p>DELRAY BEACH</p>	<p>FL</p>

Plotted By: Burks, Joke - Sheet Set: DELRAY SQUARE CHILI'S - Layout: C0.00 COVER SHEET - July 21, 2017 10:14:14am - K:\bld_civil\144816002 - delray square ii chili's op\CADD\plansheets\class iv site plan\C0.00 COVER SHEET.dwg
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

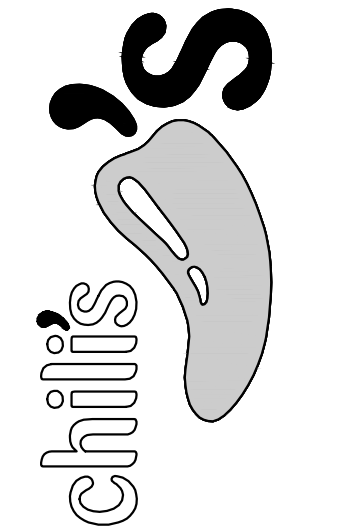
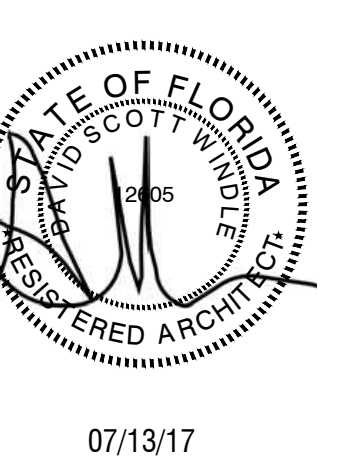


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RIGHT ELEVATION
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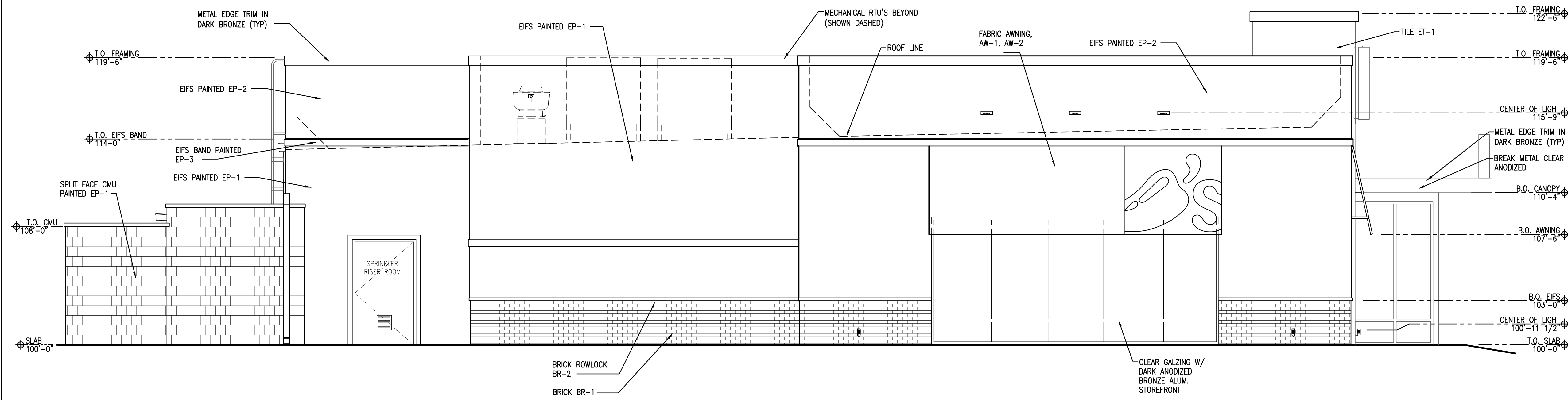


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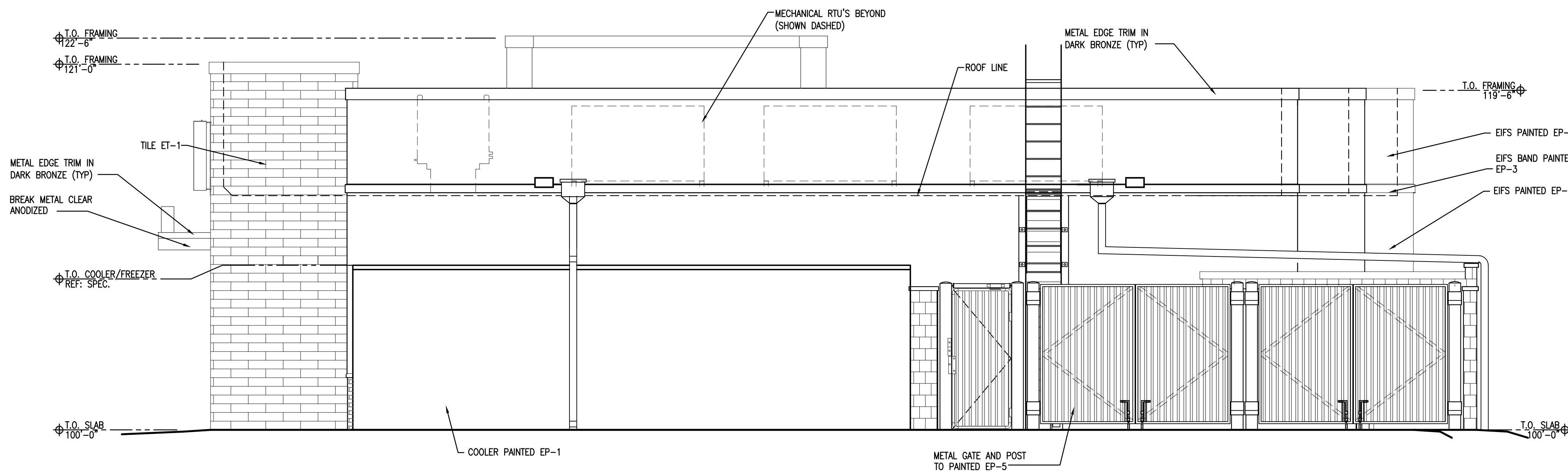
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SHEET TITLE:
EXTERIOR ELEVATIONS

SHEET NUMBER:
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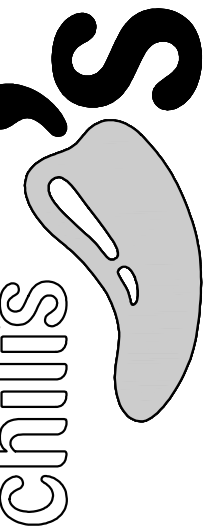
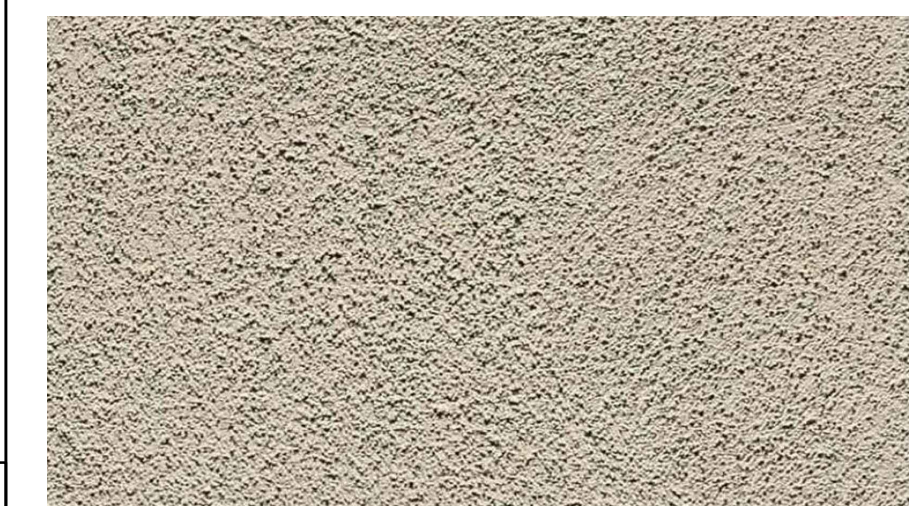


LEFT ELEVATION
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REAR ELEVATION
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EIFS FINE SAND FLOAT

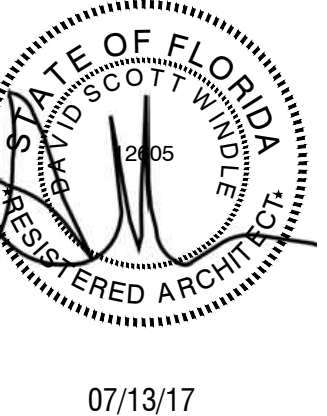


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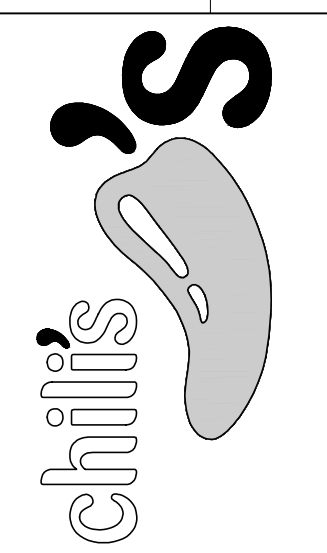
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RESTAURANT 401833
 PROTOTYPE 460335

CHILI'S DELRAY SQUARE
 MID BLOCK - S. MILITARY TRAIL
 DELRAY BEACH, FL

CLIENT: BRINKER FLORIDA, INC.

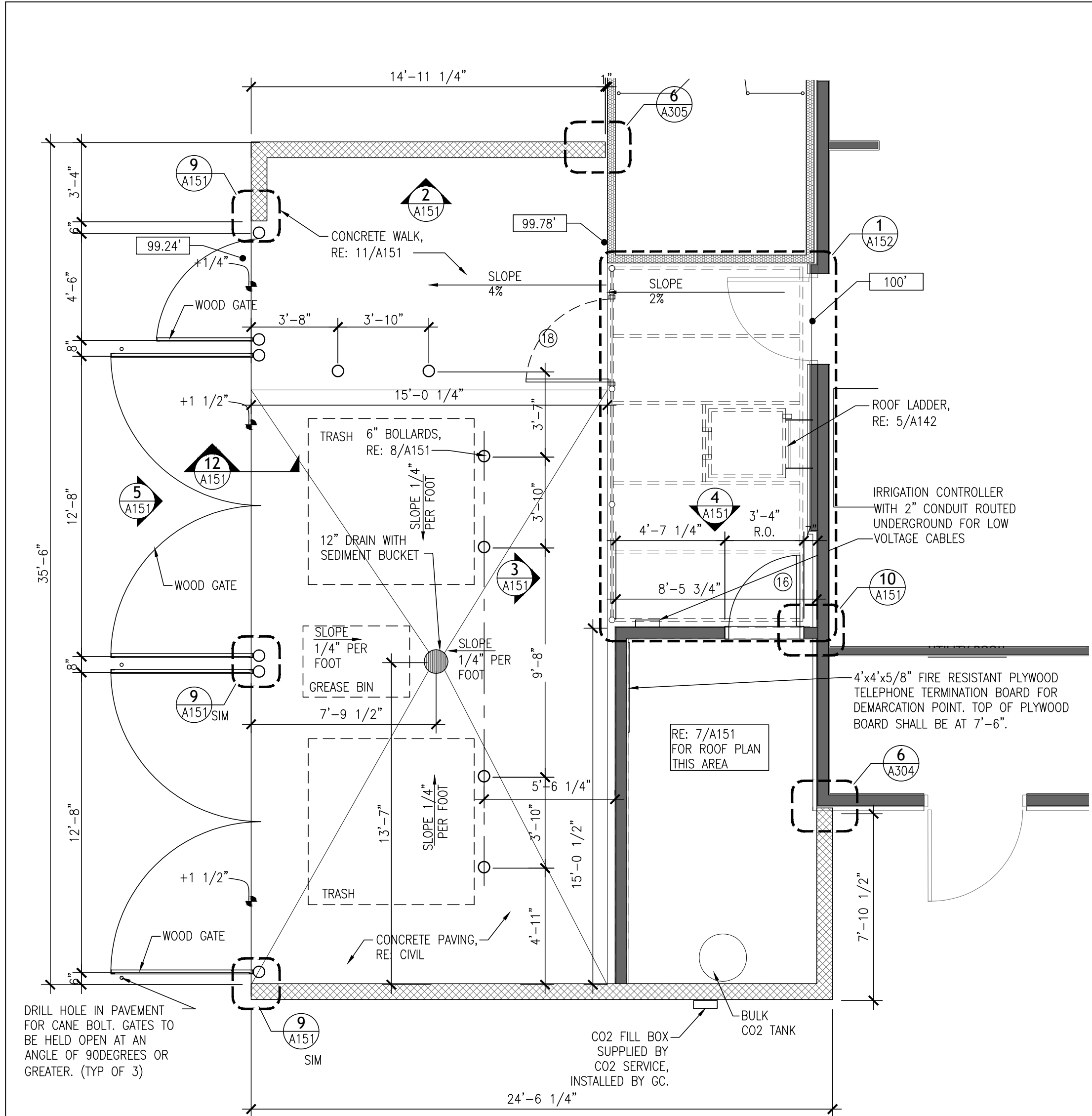


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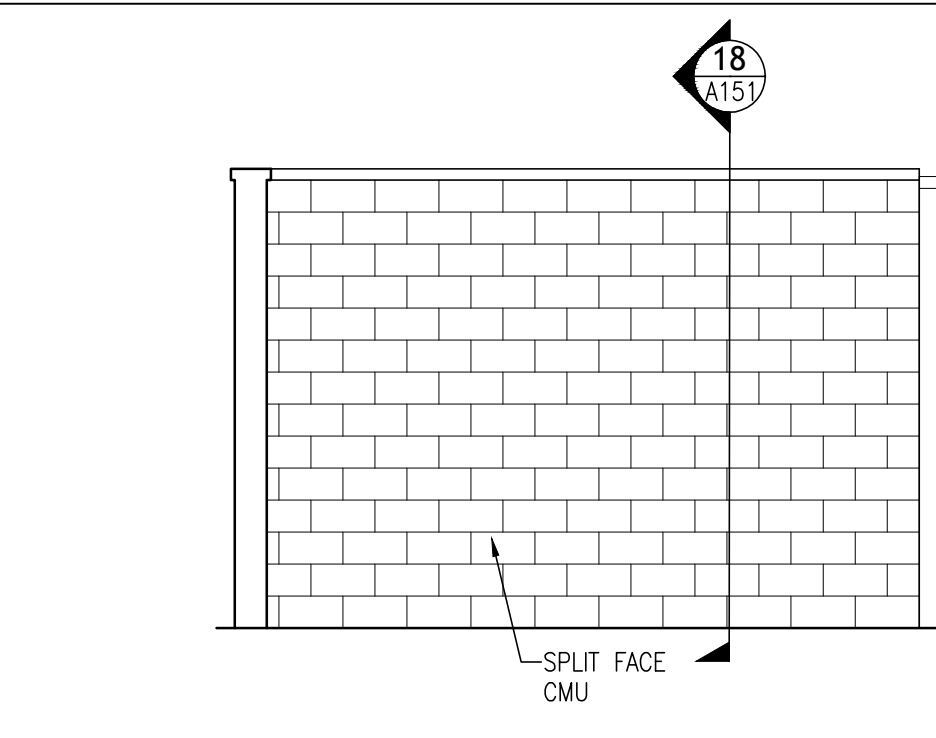
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SHEET TITLE:
**SERVICE YARD
 PLAN AND
 DETAILS**

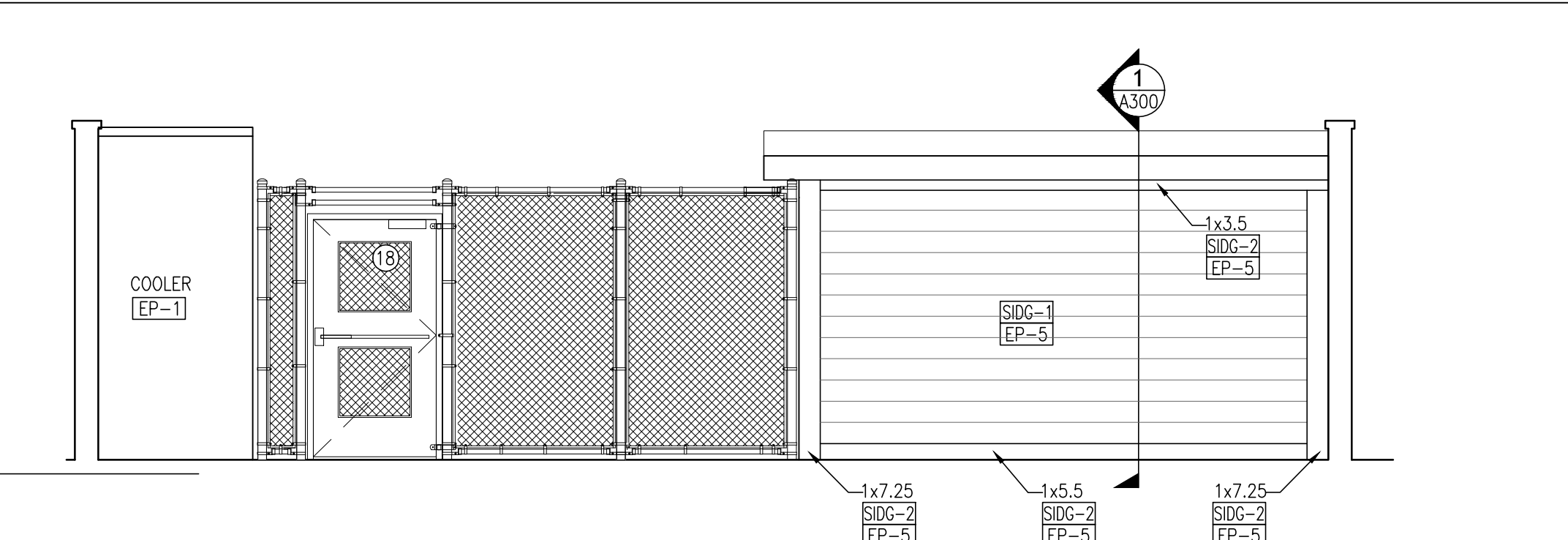
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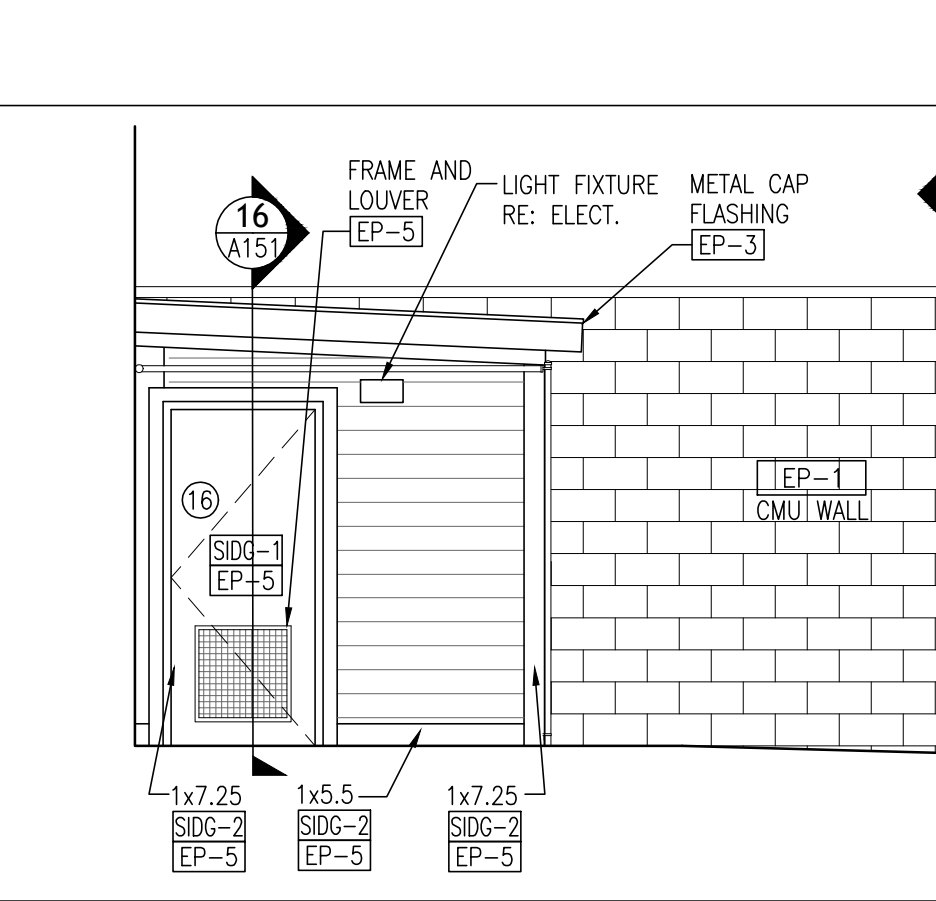
SERVICE YARD / STORAGE ROOM PLAN
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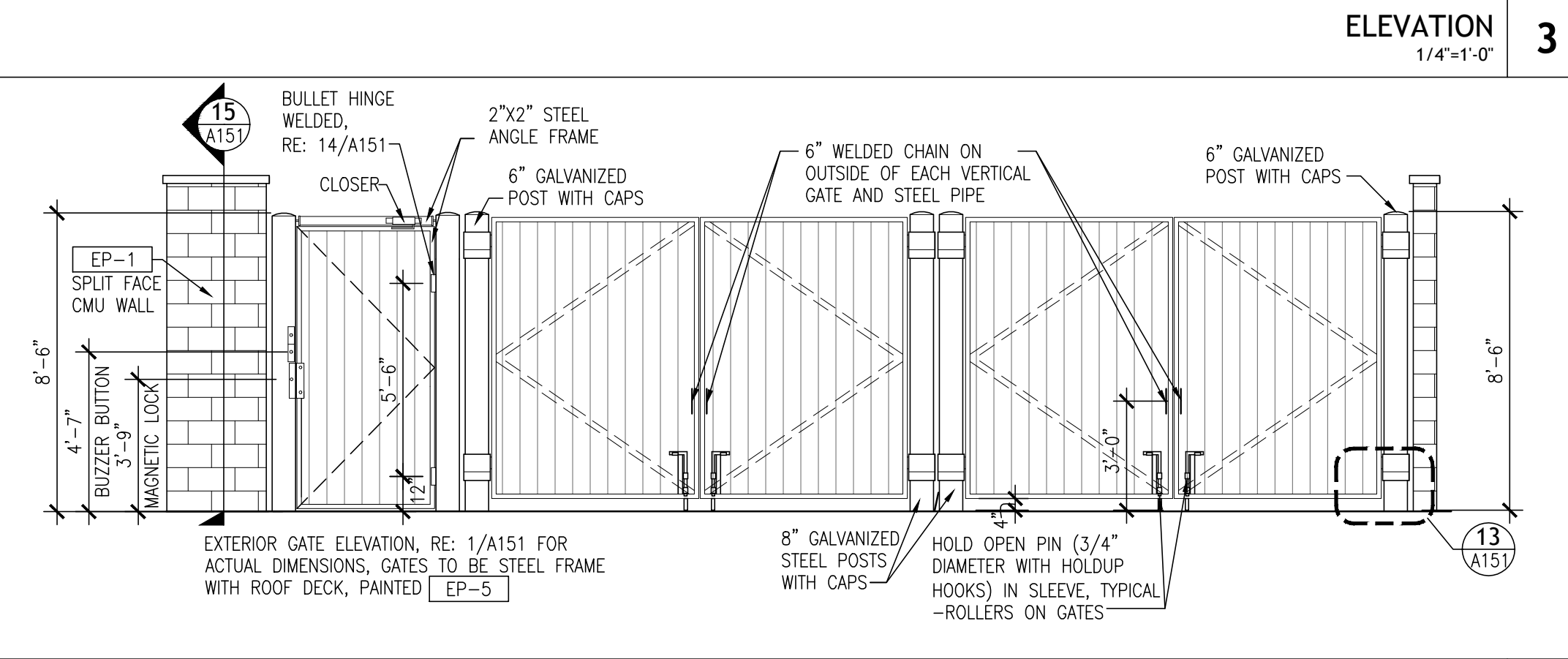
ELEVATION 2
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ELEVATION 3
 1/4"=1'-0"



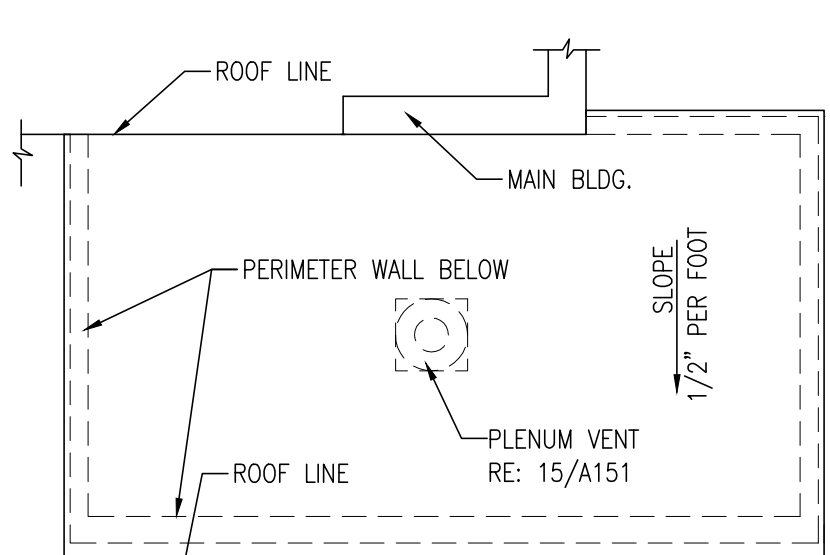
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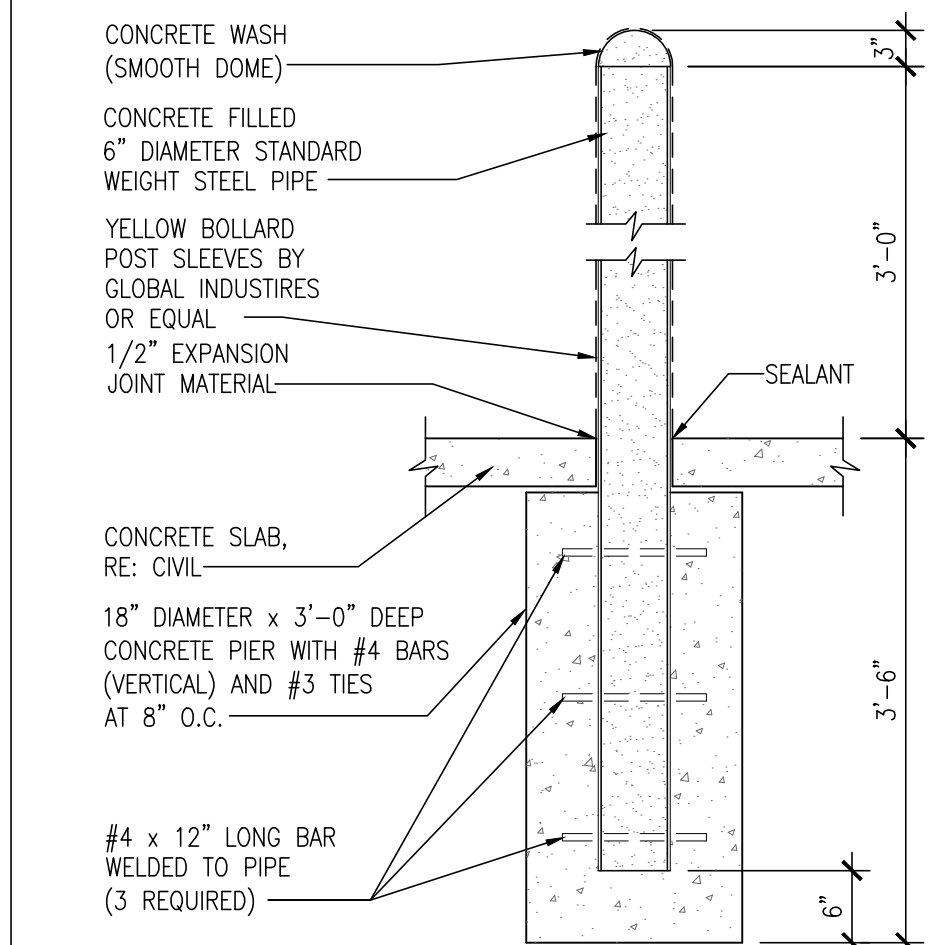
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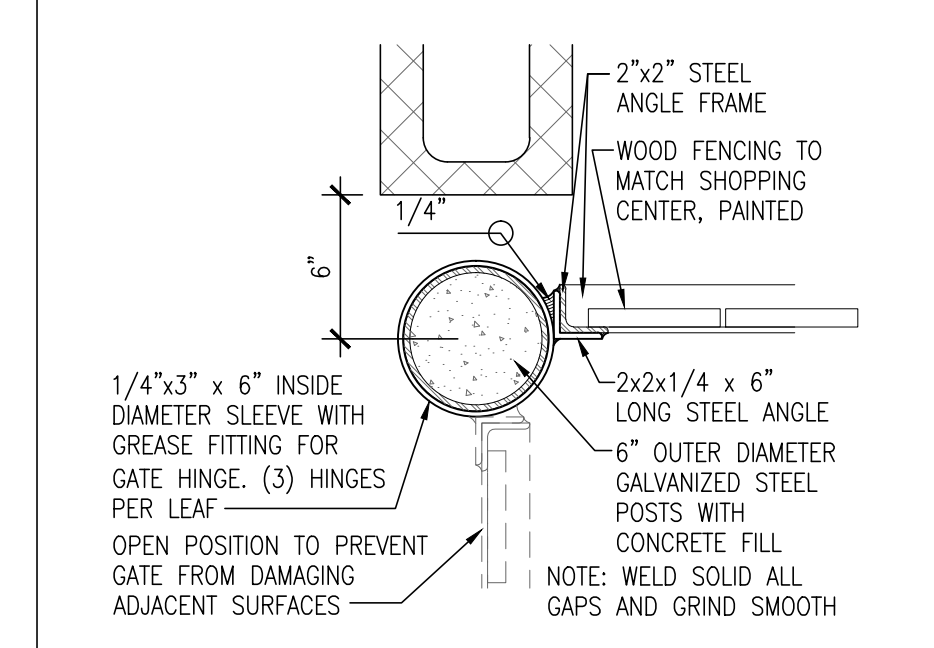
NOT USED
 1/4"=1'-0" **6**



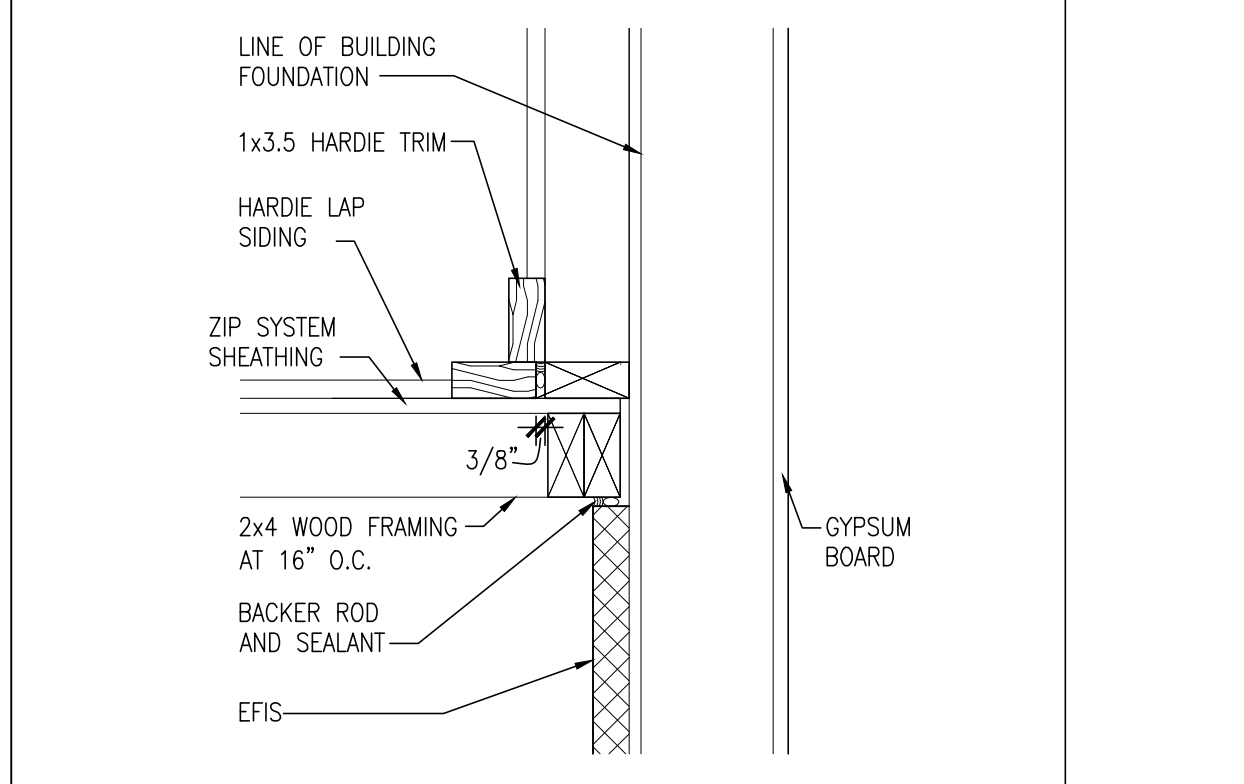
SHED ROOF
 1/4"=1'-0" **7**



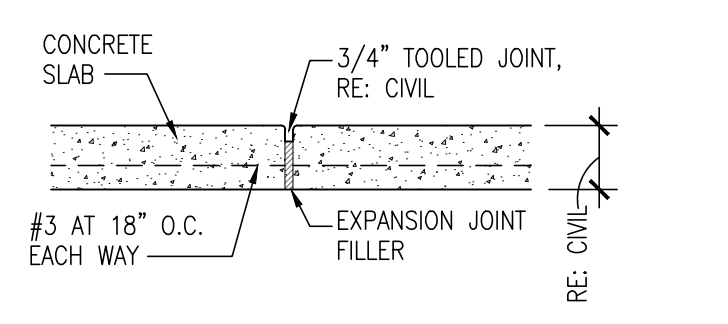
BOLLARD DETAIL
 3/4"=1'-0" **8**



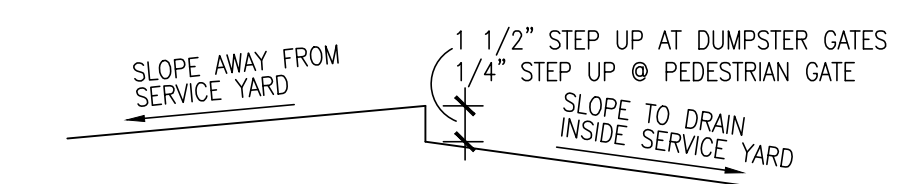
GATE HINGE PLAN
 1 1/2"=1'-0" **9**



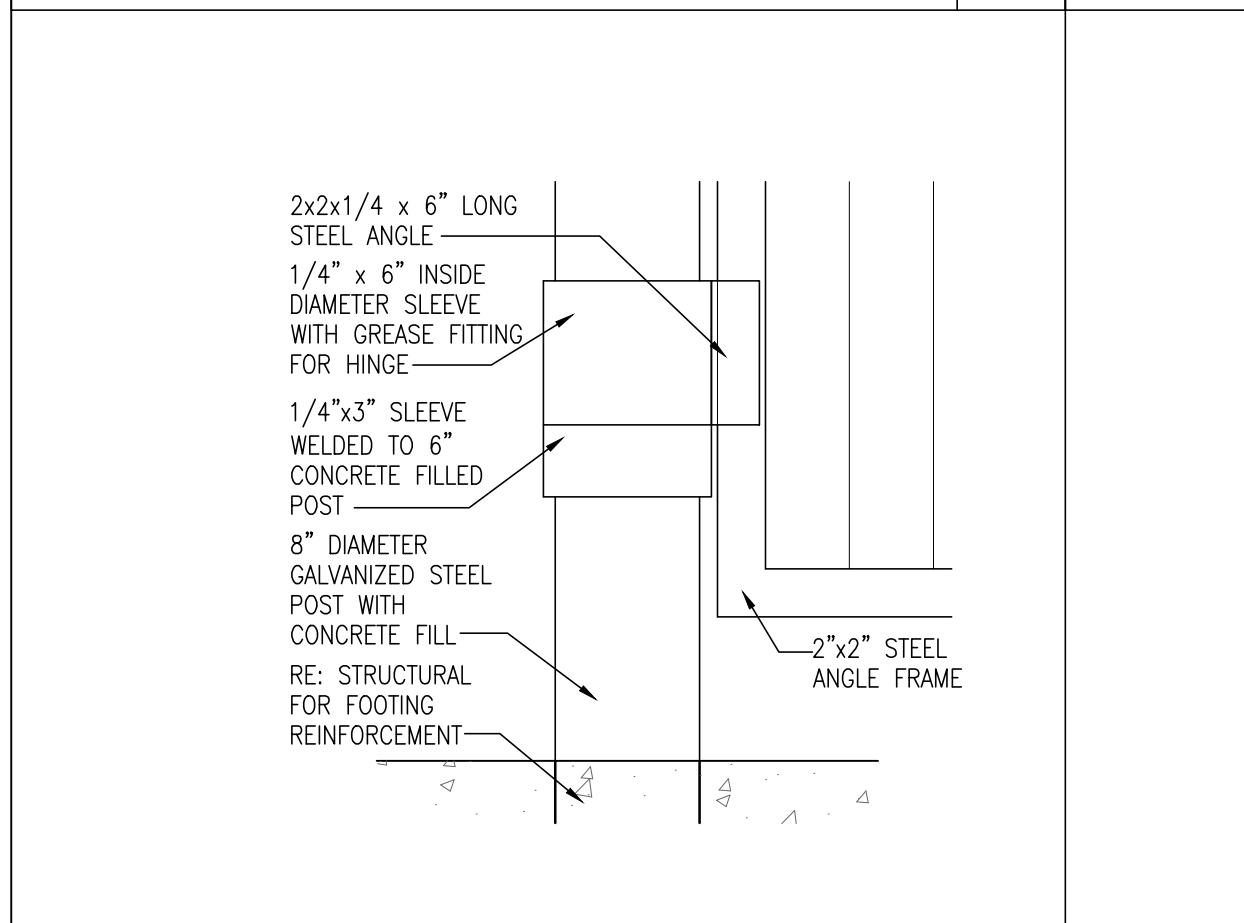
LAP SIDING AND EIFS PLAN DETAIL
 1 1/2"=1'-0" **10**



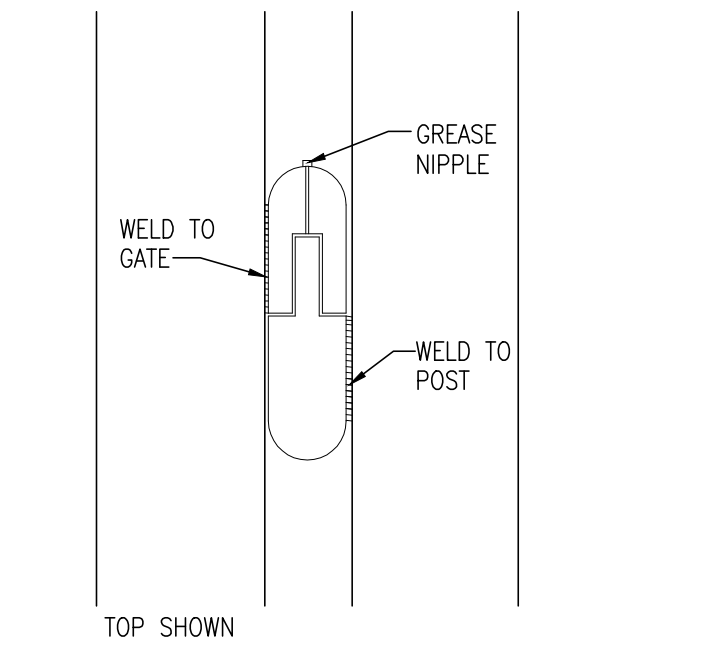
CONCRETE PAVING
 1"=1'-0" **11**



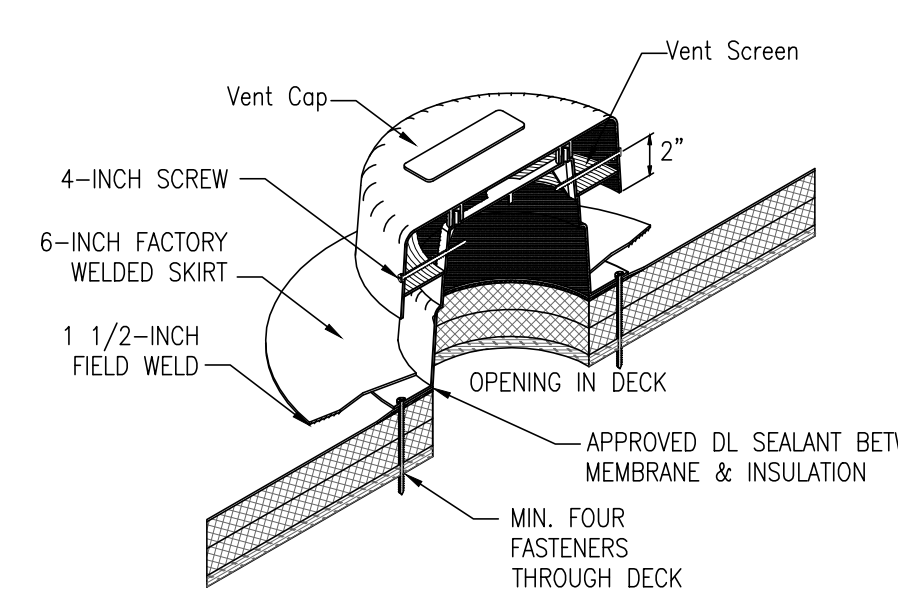
CONCRETE STEP UP
 1 1/2"=1'-0" **12**



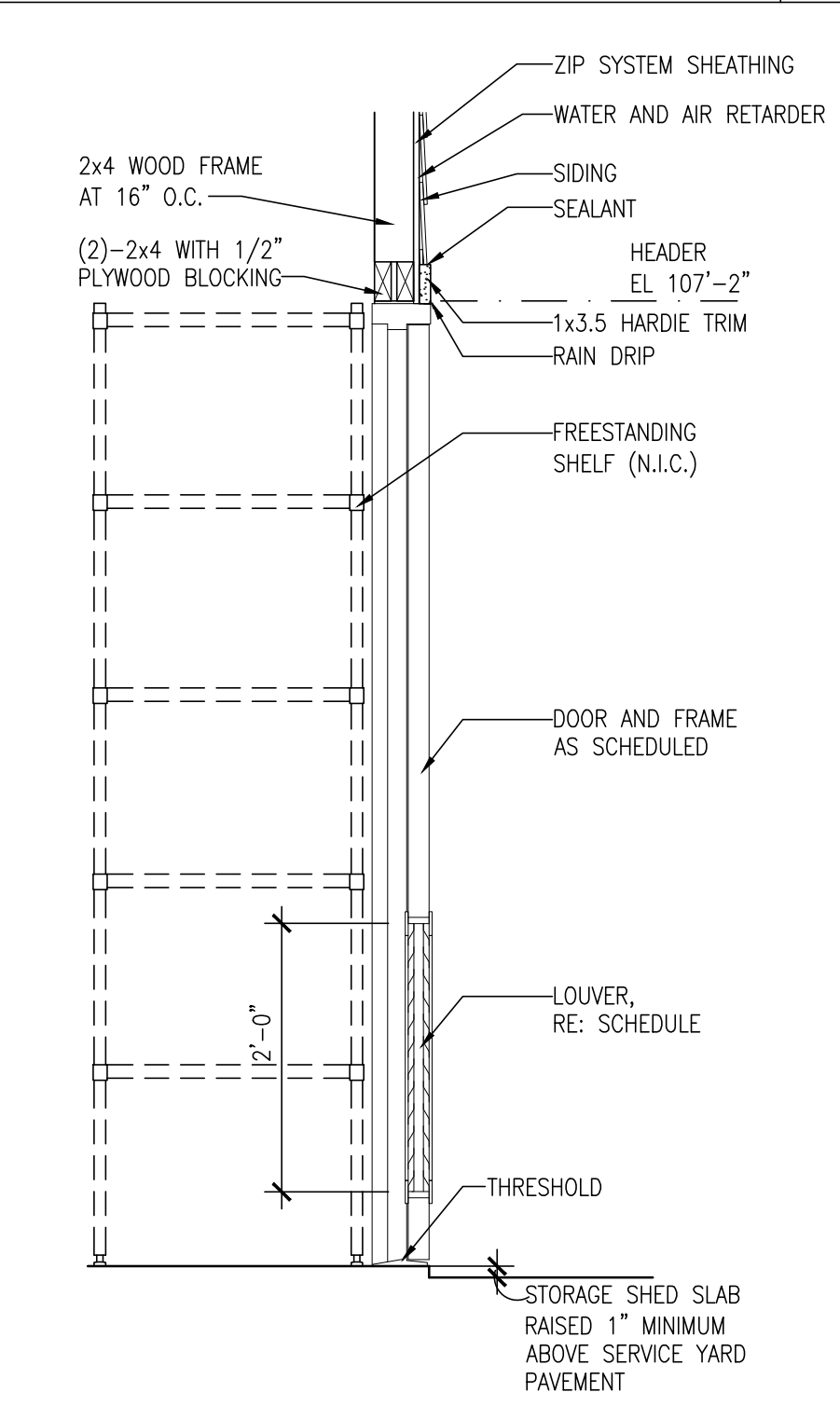
GATE HINGE ELEVATION
 1 1/2"=1'-0" **13**



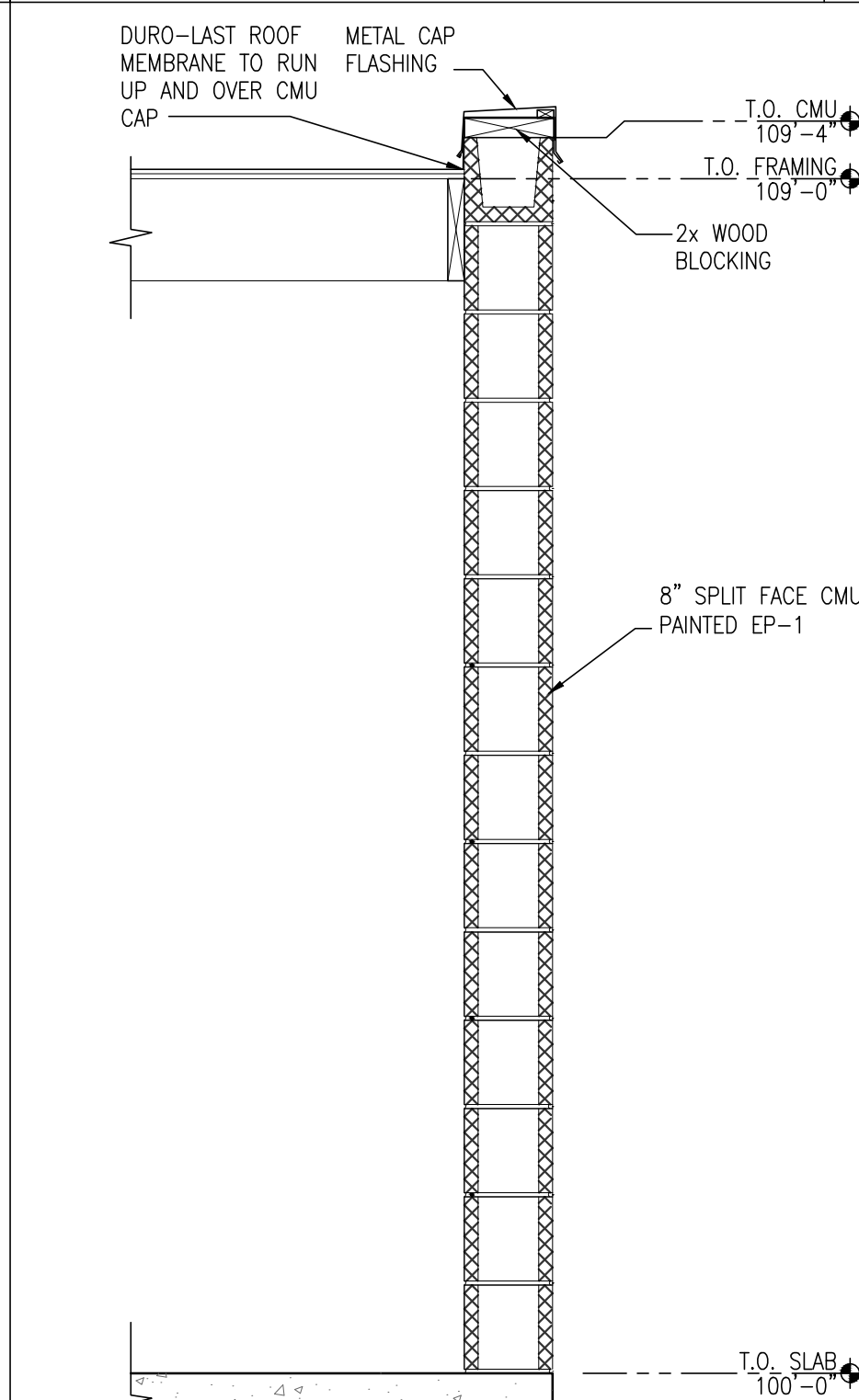
BULLET HINGE DETAIL
 3"=1'-0" **14**



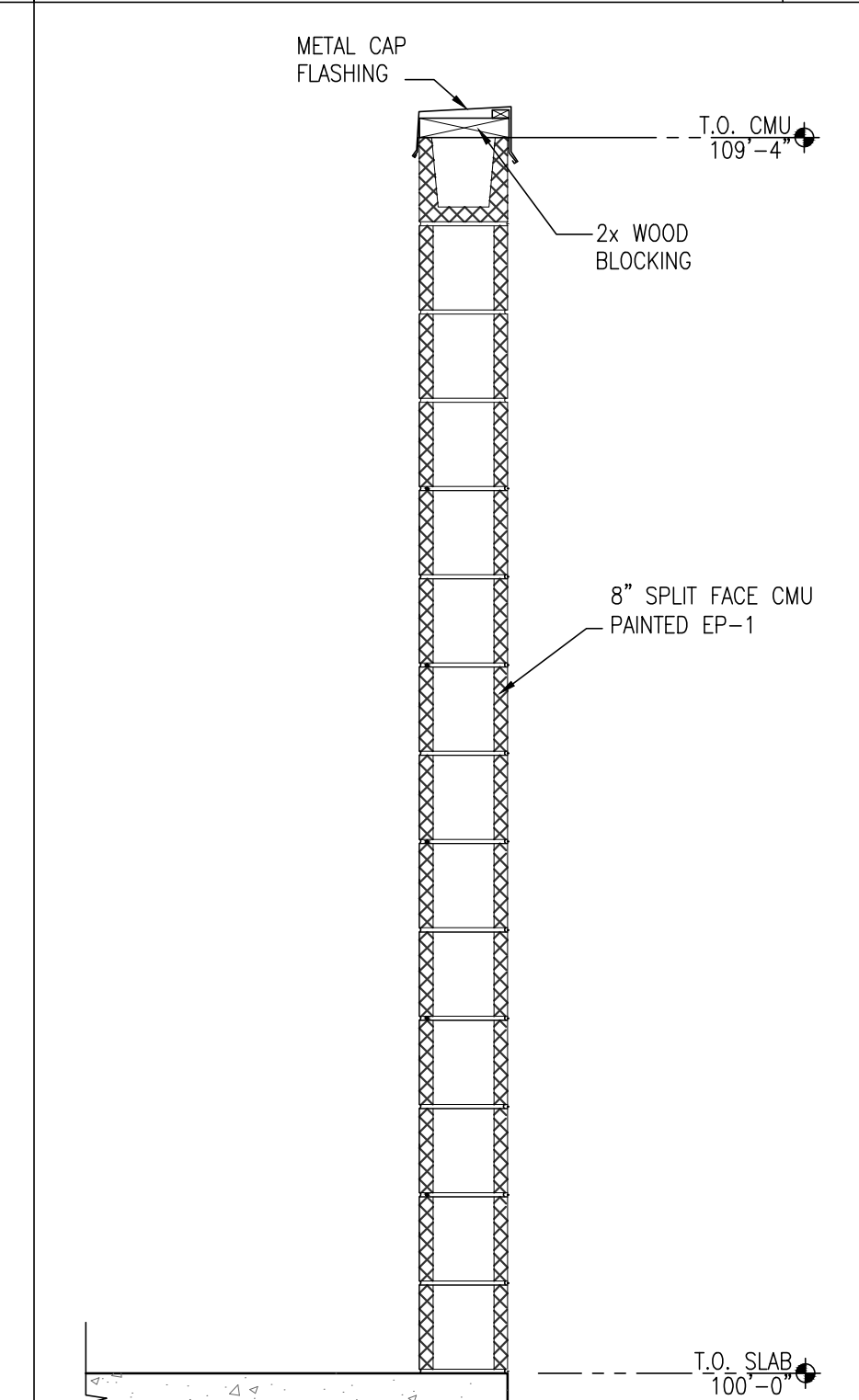
PLENUM VENT
 1-1/2"=1'-0" **15**



STORAGE DOOR
 3/4"=1'-0" **16**



CMU WALL SECTION AT STORAGE SHED
 3/4"=1'-0" **17**



CMU WALL SECTION
 3/4"=1'-0" **18**



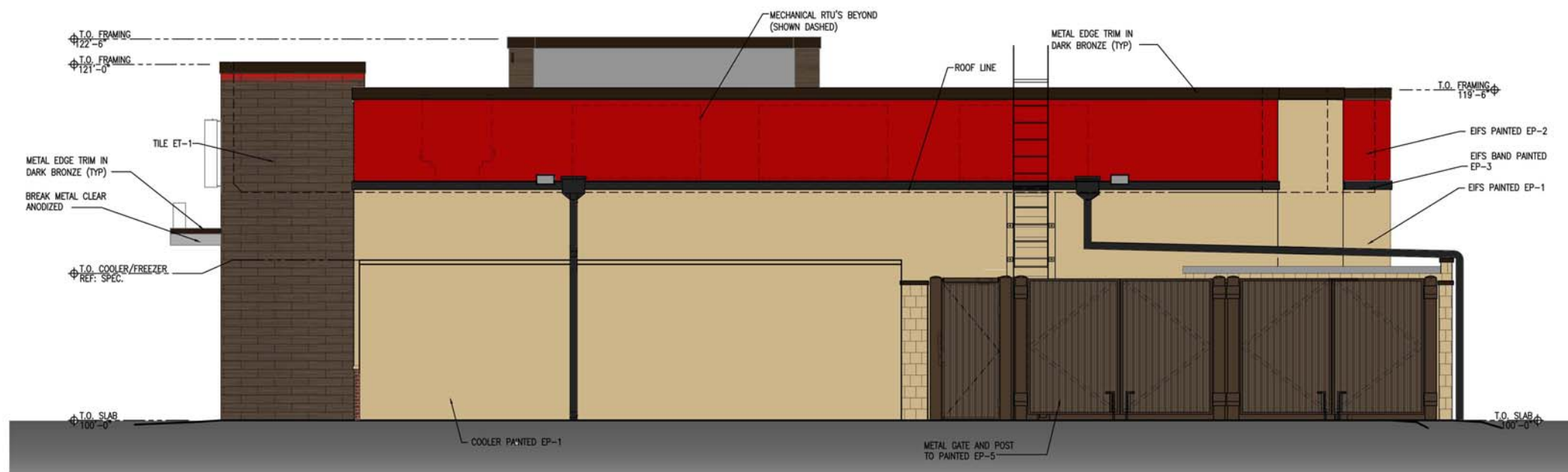
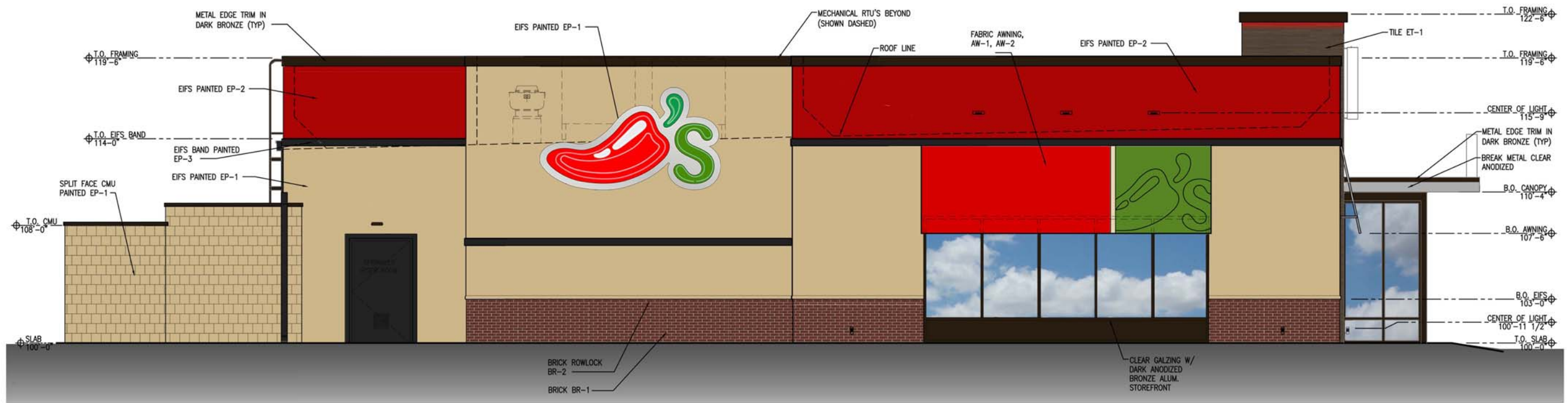
2017.07.13



Front and Side Elevations

Delray Beach, FL





2017.07.13



Back and Side Elevations

Delray Beach, FL

