

# PLANNING & ZONING BOARD

## CITY OF DELRAY BEACH

### ---STAFF REPORT---

**MEETING DATE:** April 16, 2018

**ITEM:** **New Century Commons (2017-071):** Preliminary Plat and certification of a Final Plat for New Century Commons at 500 West Linton Boulevard.

**RECOMMENDATION:** Approve the Preliminary Plat and Certification of the Final Plat

#### GENERAL DATA:

Owner/Applicant: NCC Rosebud Two LLC

Agent: Michael Weiner, Sachs Sax Caplan, PL.

Location: 500 West Linton Boulevard, south side of West Linton Boulevard between SW 4<sup>th</sup> Avenue and Laver's Circle.

Property Size: 9.3480 acres

Future Land Use Map: GC (General Commercial)

Current Zoning: PC (Planned Commercial)

#### Adjacent Zoning:

North: GC and POD (Professional District)

South: SAD (Special Activities District)

East: GC and I (Industrial)

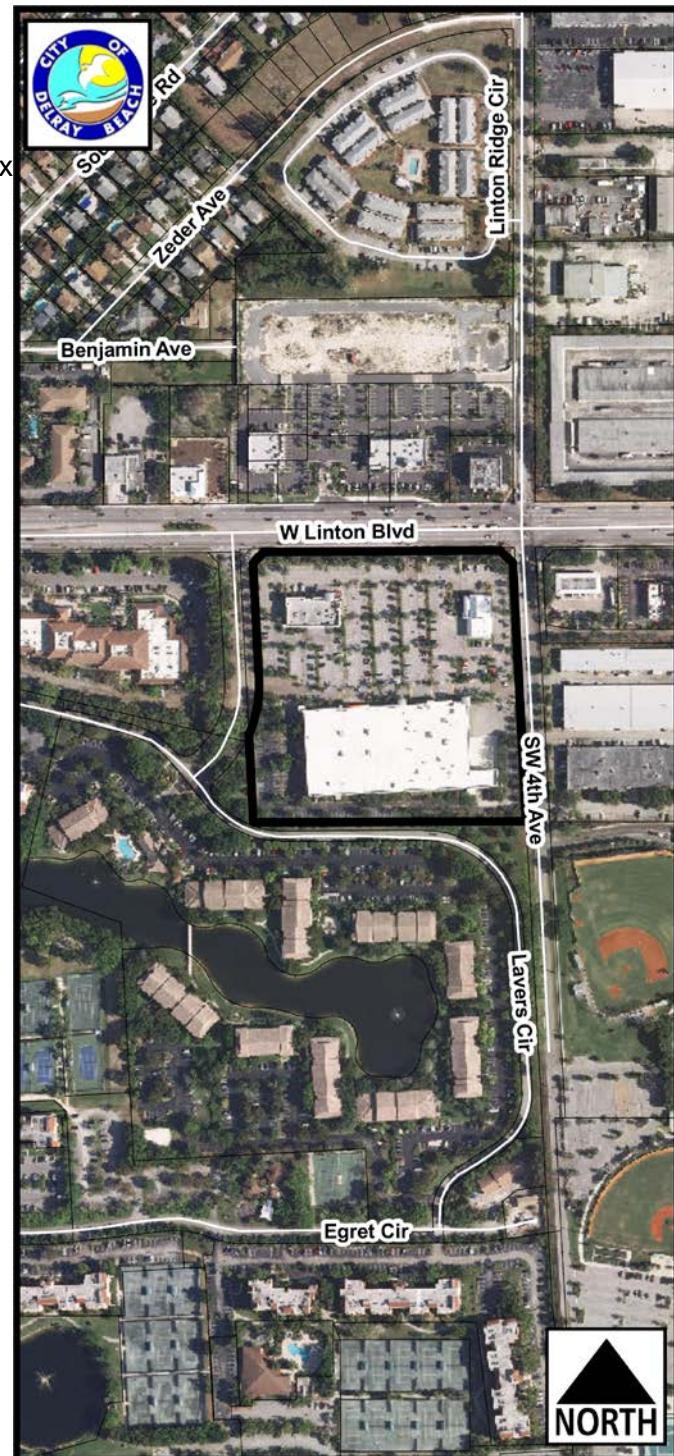
West: PC

Existing Land Use: Commercial

Proposed Land Use: Commercial

Water Service: Existing on site

Sewer Service: Existing on site



## ITEM BEFORE THE BOARD

The item before the Board is the approval of a Preliminary Plat and certification of a Final Plat as **New Century Commons** located at **500 West Linton Boulevard**.

This plat is being processed pursuant to LDR Section 2.4.5(J), Major Subdivisions.

## BACKGROUND

The subject property is located on the south side of West Linton Boulevard between SW 4<sup>th</sup> Avenue and Lavers Circle and is zoned Planned Commercial (PC). The site configuration consists of the Costco Wholesale-Delray Beach plat created in 1990, and containing Tract A (8.89 acres), Tract B (0.18 acres), and Tract C (0.29 acres). The original Costco development was removed in 2007 to accommodate construction of the New Century Commons development.

The New Century Commons development consists of three buildings: Building A contains 260,644 square feet with a mix of retail uses, including two anchor tenants; Building B contains 7,740 square feet with multiple retail tenants; and Building C contains 3,340 square feet for a bank with a drive-thru.

## PLAT DESCRIPTION

The proposed plat will consist of the following:

- Tract A will be divided into three parcels referred to as Parcel A, Parcel B, and Parcel C;
- Tract B will be divided into two new tracts referred to as Tract RW and Tract PBC; and,
- Tract C will be renamed Tract PR.

The proposed Parcel A will contain frontage primarily along Lavers Avenue and SW 4<sup>th</sup> Avenue stretch north to include the access aisle from West Linton Boulevard. Building A is included within Parcel A. The proposed Parcel B will front onto West Linton Boulevard and Lavers Circle, with access granted by Parcel A. Building B is included with Parcel B. The proposed Parcel C will front onto West Linton Boulevard and SW 4<sup>th</sup> Avenue, and also be accessed through Parcel A. Building C is included with Parcel C.

Tract RW is created for the purpose of dedicating five feet along SW 4<sup>th</sup> Avenue to the City to meet the ultimate right-of-way width. Tract PBC is created for the purpose of dedicating seven feet along West Linton Boulevard to Palm Beach County to meet the ultimate right-of-way width of 120 feet. Tract PR is reserved for the purpose of providing public ingress and egress between Laver's Circle and the subject property.

## PLAT ANALYSIS

Pursuant to **LDR Section 3.1.1** of the Land Development Regulations, prior to 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 in the application, the staff report, or minutes. Findings shall be made by the Board to approve or deny the development application. These findings relate to Future Land Use Map, Concurrency and Consistency with the Comprehensive Plan, and Compliance with the Land Development Regulations.

**Section 3.1.1 (A) - Future 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 Future Land Use Map.

The subject property has a Future Land Use Map designation of General Commercial and is zoned Planned Commercial. These two designations are consistent with each other, per the Future Land Use Element of the Comprehensive Plan. The reconfiguration of the parcels on the subject property remains consistent with these designations.

**Section 3.1.1 (B) – Concurrency:** Pursuant to LDR Section 3.1.1(B) Concurrency as defined pursuant to Objective B-2 of the Future 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. Concurrency for water and sewer, traffic, drainage, and solid waste were all reviewed and approved with the development of New Century Commons, and the subsequent modification for Orchard Supply Hardware. Further concurrency review will be required when further development is proposed.

**Section 3.1.1 (C) - Consistency:** Pursuant to Section 3.2.1 (Basis for Determining Consistency), the performance standards set forth in Section 3.2.3 (Standards for Site Plan and/or Plat Actions) shall be the basis upon which a finding of overall consistency is to be made. Consistency determinations were previously made; there are no changes to the existing site which require additional review.

#### **Section 3.1.1 (D) - Compliance with the Land Development Regulations:**

The subject property is zoned PC, and the applicable Development Standards outlined in **LDR Section 4.3.4(K)**, are applicable:

	Standard	Provided
<b>Lot Area (Minimum Square Feet)</b>		
Parcel A		260,644
Parcel B	10,000	76,987
Parcel C		49,709
<b>Lot Frontage (Minimum)</b>		
Parcel A		199.2'
Parcel B	50'	107.3'
Parcel C		100.6'
<b>Lot Width (Minimum)</b>		
Parcel A		640'
Parcel B	50'	367.78'
Parcel C		177.24'
<b>Lot Depth (Minimum)</b>		
Parcel A		405.13'
Parcel B	100'	190.35'
Parcel C		196.71'

In addition to the Standards listed above, the required setbacks are met with each building within the new parcel lines; the open space is divided throughout the site and meets the minimum requirement of 25%; and the parking requirement of 358 spaces, which is shared throughout the site, has been exceeded by the provision of 457 spaces. A Declaration of Restrictions has been recorded for the three parcels to address sharing of parking, and maintenance issues.

- LDR Section 5.3.1(Right-of-Way Dedication):** Pursuant to LDR Section 5.3.1 and the Transportation Element of the City's Comprehensive Plan, the ultimate right-of-way width for Linton Boulevard is 120', and 60' for SW 4<sup>th</sup> Avenue. Therefore, a 7' right-of-way dedication

along Linton Boulevard is required, and a 5' right-of-way dedication along SW 4<sup>th</sup> Avenue is required. These dedications are provided on the plan. The dedication along Linton Boulevard will be accepted by Palm Beach County subsequent to the recordation of this plat.

A review of those LDRs applicable to the subject request has been conducted. As a result, it was determined that a waiver is required to the minimum structure size for Parcel C, since 6,000 square feet are required, whereas 3,340 square feet exist. The waiver will be processed concurrently with the Plat at an upcoming City Commission meeting.

**Comprehensive Plan Policies:** A review of the objectives and policies of the Comprehensive Plan was conducted with the initial Site Plan approval, and the subsequent modification. The proposed property reconfiguration is consistent with the applicable Objective noted below:

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

Based on the above, positive findings with respect to **LDR Section 3.1.1, Required Findings**, can be made.

#### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Approve the Preliminary Plat, and require submittal of a Final Plat to be processed separately.
- C. Deny the Preliminary Plat and Final Plat with basis stated.

#### STAFF RECOMMENDATION

Move approval of the Preliminary Plat and certification of the Final Plat for **New Century Commons** located at **500 West Linton Boulevard**, 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 Section 2.4.5(J) (Major Subdivisions), Section 3.2.3 (Standards for Site Plan and/or Plat Actions) and Section 3.1.1 (Required Findings for Land Use and Land Development Applications) of the Land Development Regulations.

Report prepared by: Amy E. Alvarez, AICP, Senior Planner