

# PLANNING AND ZONING BOARD

## CITY OF DELRAY BEACH

## ---STAFF REPORT---

**MEETING DATE:** July 17, 2017

**ITEM:** **Oneal-Priest Post 4141 of the VFW (2017-180)** – a Conditional Use request to allow the Veterans of Foreign Wars (VFW), a fraternal lodge, to locate within the South Delray Shopping Center at 3001 S Federal Highway

**RECOMMENDATION:** Recommend approval to the City Commission

### GENERAL DATA:

Owner..... Gator Investments

Applicant..... Oneal-Priest Post 4141 of the VFW

Agent..... Bill Conder, Quarter Master

Address..... 3001 S Federal Highway

Location..... East side of S Federal Highway,

Property Size..... 8.89 ac.

Future Land Use Map..... GC (General Commercial)

Current Zoning..... PC (Planned Commercial)

Adjacent Zoning:

North	PC
South	AC (Automotive Commercial)
East	RM (Multiple Family Residential)
West	PC

Existing Land Use..... 92,622 sq. ft. shopping center;  
2,722 sq. ft. retail tenant space

Proposed Land Use..... 92,622 sq. ft. shopping center;  
2,722 sq. ft. fraternal lodge

Water Service..... City of Delray Beach Public Water service existing on site.

Sewer Service..... City of Delray Beach Public Sewer service existing on site.



## ITEM BEFORE THE BOARD

The action before the Board is a recommendation to the City Commission on a Conditional Use request to allow the **Oneal-Priest Post 4141 of the Veterans of Foreign Wars (VFW)**, a fraternal lodge, to locate within the South Delray Shopping Center at **3001 S Federal Highway**, pursuant to Land Development Regulations (LDR) Section 2.4.5(E) and 4.4.12(D).

## BACKGROUND

The subject property is located at the northeast corner of the intersection of S Federal Highway (US 1) and Avenue L, consisting of approximately 8.89 acres and containing 92,622 sq. ft. of gross leasable floor area. The property has a PC (Planned Commercial) zoning district and a GC (General Commercial) future land use designation.

The most recent zoning action taken on the property was a Class II Site Plan Modification, which was approved April 25, 2012. The modification included architectural elevation changes to the entire shopping plaza in association with a new anchor store (Walmart), along with additional parking, minor landscaping modifications and construction of a loading bay and new dumpster enclosures in the rear of the shopping center.

## PROJECT DESCRIPTION

The VFW requests approval of a Conditional Use to allow the fraternal organization to locate within 2,722 sq. ft. of existing tenant space within the shopping center. The existing retail space faces Avenue L. The VFW is a non-profit organization offering support to veterans and their families.

Post 4141 is a members-only lodge. Currently, the membership is 267, which is down from 285 members in 2016. The lodge will be open Monday through Friday from noon until 10:00 pm, Saturdays from 11:00 am to 10:00 pm, and Sundays from 1:00 pm to 9:00 pm. Three to six events are held each year, typically recognizing patriotic holidays. The lodge will be run by two to three part time employees or volunteers. 24 seats will be accommodated around a new bar area and 26 seats will be provided around tables and two ADA accessible chairs, providing 52 seats.

The only site improvements are converting the retail space into a lodge including a bar, serving area, and table seating. Upgrades to the doors to ensure handicapped accessibility may also be necessary. No additional square footage or changes to the parking area or landscaping are proposed.

## CONDITIONAL USE ANALYSIS

Pursuant to **LDR Section 3.1.1 (Required Findings)**, 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 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 consistency with the Future Land Use Map (FLUM), Concurrency, Comprehensive Plan Consistency, and Compliance with the LDR.

**FUTURE LAND USE MAP:** 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 Future Land Use Map (FLUM) designation of General Commercial (GC) and a zoning designation of Planned Commercial (PC). The PC zoning district is consistent with the FLUM designation of GC. Pursuant to **LDR Section 4.4.12(D)(1)**, the conditional uses allowed in the General Commercial (GC) zoning district are also allowed as conditional uses in the PC zoning district. Pursuant to **LDR Section 4.4.9(D)(4)**, social, fraternal, and recreational clubs and lodges not exceeding 3,500 sq. ft. of space are allowed as a conditional use in the GC district and, therefore, also in the PC district. The proposed tenant space is 2,722 sq. ft, which is below the established threshold for this use.

**CONCURRENCY:** 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.

The proposal involves the conversion of an existing retail space into a lodge. The anticipated traffic will decrease by 86 daily trips with this change in use. Solid waste generation is estimated to increase by 2.16 tons per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

**CONSISTENCY:** Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use request 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.

Required findings under LDR Section 2.4.5(E) are discussed later in this report. The following objective found in the adopted Comprehensive Plan may also be used in making a finding of overall consistency:

**Future Land Use Element, Goal A, Objective A-1:** Property shall be developed or redeveloped, in a manner so that the future use, intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

Since the proposed redevelopment of the property consists largely of interior changes to an existing structure, an evaluation with respect to the soil or topography is not necessary. The proposed use is compatible with the other uses on the site. The center has a broad mix of tenants. Walmart is the anchor retail store, with some smaller stores and two restaurants. The center has several service uses, including medical offices, massage and nail salons, and tattoo artists. The proposed VFW post will be compatible with the varying uses in the center. Other spaces are vacant within the center, including those adjacent to the west of the proposed VFW Post. Since the site accommodates a wide range of uses, positive findings can be made with respect to compatibility.

#### **Land development Regulations Review**

Items identified in the Land Development regulations shall specifically be addressed by the body taking final action on the land development application/request. This discussion is limited to those items which are relevant to the conditional use request.

Given the existing development of the site, with no significant changes other than the change of use, no site plan changes are proposed.

### **Special Requirements for Specific Uses**

Pursuant to **LDR Section 4.4.12(H)(3)** no clubs and lodges maybe located within 750 feet of another such facility. No other clubs or lodges are located within 750 feet of the proposed space. An analysis of the surrounding area indicates that no other clubs or lodges are within 750 feet of the proposed location. The likely intent of this regulation is to ensure lodges do not absorb too much parking during events and, conversely, do not inadvertently reduce the viability of retail uses in adjacent tenant spaces given the limit on access to members only. The traffic report shows a reduction in trips, which is indicative of reduced exposure for stores. However, as discussed above, the center already has a high amount of service uses, as opposed to traditional retail stores. The tenant space the VFW proposes to occupy does not have visibility from Federal Highway, making it a less desirable location for a traditional retail store or restaurant. Adjacent uses include a vacant tenant space, a health services business, Tradition Tattoos, and a kava bar. Allowing the VFW to locate within the center would provide needed occupancy and activity in this portion of the center.

### **Minimum Parking Requirements**

Pursuant to **LDR Section 4.6.9(C)(6)(d)**, clubs and lodges require 1 parking space for every four seats or 1 parking space per 50 sq. ft. of gross floor area, whichever is higher. The total number of seats planned is 52, which would require 13 spaces. Using the gross square footage of 2,722 sq. ft. results in a requirement for 55 spaces, which would provide a parking space for each seat plus all employees at the same time. However, since the lodge is proposed to be located within a shopping center, the required parking is calculated based on the size of the center, irrespective of uses. Pursuant to **LDR Section 4.6.9(C)(3)(e)**, the required parking for shopping centers 25,000 sq. ft. to 400,000 sq. ft. in size is four spaces per 1,000 gross sq. ft. At 92,622 sq. ft., the required parking is 371 spaces. The center currently has 481 spaces, which provides 110 extra spaces.

<b>REQUIRED FINDINGS</b>
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Pursuant to **LDR Section 2.4.5(E)(5), Establishment of a Conditional Use: Findings**, in addition to provisions of Chapter Three, the City Commission must make findings that establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- (b) Hinder development or redevelopment of nearby properties.

The proposed use will be located within an existing commercial shopping center. The center is largely surrounded by commercial uses to the north, west, and south. The center backs up to an existing multi-family development to the east, which is separated by a fence and mature plantings providing an opaque buffer between uses. As previously discussed, the VFW will provide a stable tenant in a portion of the center with limited visibility and several vacancies. The proposed lodge will not have a detrimental effect on the stability of the neighborhood or hinder redevelopment of nearby properties. As such, a positive determination can be made with respect to the subject findings.

<b>REVIEW BY OTHERS</b>
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A Public Notice sign was posted at the site on Thursday, July 6, 2017, and formal Public Notices were provided to property owners within a 500' radius of the subject property. Letters of objection or support, if any, will be presented at the Planning and Zoning Board meeting.

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## ASSESSMENT AND CONCLUSION

The Conditional Use request is to allow the establishment of a fraternal club or lodge. The proposed use is consistent with the policies of the Comprehensive Plan and Chapter 3 of the Land Development Regulations. Positive findings can be made with respect to Section 2.4.5(E)(5) that it will not have a significant detrimental effect upon the stability of the neighborhood nor will it hinder development or redevelopment of nearby properties.

## ALTERNATIVE ACTIONS

- A. Continue with direction.
  
- B. Recommend approval to the City Commission of the Conditional Use request to allow a fraternal club or lodge at **3001 S Federal Highway**, 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(E)(5), and Chapter 3 of the Land Development Regulations with conditions.
  
- C. Recommend denial to the City Commission of the Conditional Use request to allow a fraternal club or lodge at **3001 S Federal Highway**, by adopting the findings of fact and law contained in the staff report, and finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.5(E)(5), and Chapter 3 of the Land Development Regulations.

## RECOMMENDATION

Recommend approval to the City Commission of the Conditional Use request to allow a fraternal club or lodge, the VFW, at **3001 S Federal Highway**, 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(E)(5), and Chapter 3 of the Land Development Regulations.



**750 FT. RADIUS MAP**

3001 South Federal Hwy

750FT. Radius

PLANNING, ZONING AND BUILDING DEPARTMENT