



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Fifth Third Bank

Meeting	File No.	Application Type
November 17, 2025	PZ-000014-2025 (Level 4 Site Plan) PZ-000015-2025 (Waiver)	Level 4 Site Plan Modification, with Waiver
Property Owner	Authorized Agent	
1820 Federal Delray LLC	Nisit Sapparkhao, Infinity Engineering Group LLC	

Request

Provide a recommendation to the City Commission on a Level 4 Site Plan Modification, with Architectural Elevations and Landscape Plan, for Fifth Third Bank to demolish the existing building at 1820 South Federal Highway and to construct a one-story standalone branch bank with a drive-thru, with an associated waiver to reduce the minimum floor area from 6,000 square feet to 2,578 square feet pursuant to LDR Section 4.4.12(F)(2).

Site Data & Information

Location: 1820 South Federal Highway

PCN: 12-43-46-28-11-002-0020

Total Development Area: 0.87 acres

Land Use Designation: General Commercial (GC)

Zoning District: Planned Commercial (PC)

Adjacent Zoning:

- **North & South:** PC
- **West:** Automotive Commercial (AC) & PC
- **East:** Special Activities District (SAD)

Existing Use: Restaurant - vacant

Proposed Use: Financial Institution with drive-thru





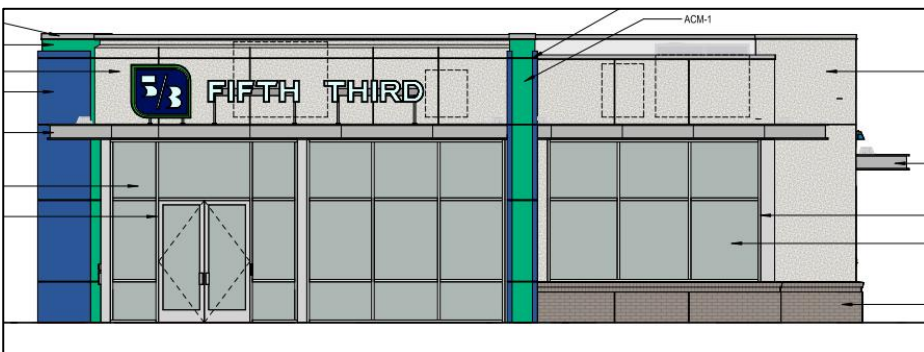
Background

The subject property is located on the west side of South Federal Highway. Federal Highway is a critical corridor under the jurisdiction of the Florida Department of Transportation (FDOT). This prime location along a major arterial road ensures high visibility and accessibility, which aligns with the City's long-term vision for the revitalization and redevelopment of the corridor. The existing development consists of a one-story 3,397 square-foot structure with a drive-thru, formerly occupied by Burger King. The structure was completed in 1979, and the restaurant ceased operations in 2024 and the establishment has remained vacant since that time.



Description of Proposal

The proposed development includes the demolition of the existing 3,397 square-foot structure and the construction of a one-story freestanding bank for Fifth Third Bank, with a total floor area of 2,578 square-foot and two drive-thru ATM lanes located on the west side of the site.



The site provides a total of 15 parking spaces, including one accessible space, which exceeds the minimum requirement of 11 spaces. The internal circulation layout accommodates safe vehicular movement with defined ingress and egress points on South Federal Highway, and stacking capacity for two drive-thru lanes meeting the minimum required 100 feet from the first point of transaction.

The site also incorporates two stormwater retention areas designed to retain on-site runoff and comply with City drainage and stormwater quality standards. Landscape buffers are provided along all property lines, with a 20-foot special landscape setback along the Federal Highway frontage to enhance visual character and pedestrian comfort.

The site also incorporates two stormwater retention areas designed to retain on-site runoff and comply with City drainage and stormwater quality standards. Landscape buffers are provided along all property lines, with a 20-foot special landscape setback along the Federal Highway frontage to enhance visual character and pedestrian comfort.

The applicant has requested the following relief:

- Waiver from LDR Section 4.4.12(F)(2), to reduce the minimum required floor area for free standing structures in the PC zoning district from 6,000 square feet to 2,578 square feet.
- Height Exception pursuant to LDR Table 4.3.4(J)(3) to exceed the maximum allowed parapet height of four feet by one foot and 11 inches.

The justification for this waiver and the required findings for its approval are discussed in a later section of this report.

NOTE: Signage is not part of this application and will be reviewed under a separate sign permit process.



Review and Analysis: Site Plan

LDR Section 2.4.10(A)(1)(d), Level 4

Level 4 Site Plan applications include requests that could otherwise be classified as a Level 2 or Level 3 Site Plan application but have concurrent request requiring final action by the City Commission for one or more of the following:

- 1. Increase of height or density as part of a City workforce housing or incentive program.*
- 2. Utilization of the Central Business District (CBD) Incentive Program.*
- 3. Approval of Conditional Use.*
- 4. Granting of an In-lieu of Parking Fee request.*
- 5. Approval of Waiver(s) not otherwise authorized to other approving bodies.*

LDR Section 2.1.5(E)(5), Board Recommendations

The Planning and Zoning Board shall review and make recommendations to the City Commission with respect to the following items, pursuant to the procedures and standards of the Land Development Regulations (LDR):

- (j) Level 4 Site Plan Applications, including any density or height increases, and associated relief such as waivers, variances, etc.*

The proposed development will result in a total building area of 2,578 square feet, which would typically be processed as a Level 2 Site Plan application. Since the proposal includes a request for relief from the minimum floor area requirement of LDR Section 4.4.12(F)(2), the application has been elevated to a Level 4 Site Plan. Pursuant to LDR Section 2.4.10(A)(1)(d), both the Level 4 Site Plan and waiver request are subject to review and recommendation by the Planning and Zoning Board (PZB), and final action by the City Commission.

LDR Section 2.4.10(A)(3)(b), Findings

Level 2, Level 3, and Level 4 Site Plan applications require compliance with the findings in Chapter 3, Performance Standards.

LDR Section 3.1.1 Required Findings

Prior to the approval of development applications, certain findings must be made in a form which is a 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.

A complete review and analysis of the request based on the Required Findings of LDR Section 3.1.1 are provided throughout the following report sections.

(A) Land Use Map *The resulting use of land or structures must be allowed in the zoning district within which the land is situated and said zoning must be consistent with the applicable land use designation as shown on the Future Land Use Map.*

The subject property has a Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the General Commercial designation and is identified as one of the preferred zoning districts for properties with the GC Land Use Map (LUM) designation. The proposed use, a financial institution with drive-thru facilities, is permitted within the PC Zoning District.

(B) Concurrency *as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted Comprehensive Plan must be met and a determination made that the public facility needs, including public schools, of the requested land use and/or development application will not exceed the ability of the City and The School District of Palm Beach County to fund and provide, or to require the provision of, needed capital improvements in order to maintain the Levels of Service Standards established in Table CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.*

Water and Sewer: The potable water service and sewage system will be provided through connections to the existing main on South Federal Boulevard, ensuring efficient and compliant utility service for the site.

Drainage: On-site drainage will be managed through dry retention areas and a utility drainage system designed to contain the stormwater runoff within the property. The system is approved by the City Engineer and Utility Plans Reviewer.



Streets and Traffic: Based on the Palm Beach County Traffic Performance Standards (TPS) review, dated September 24, 2025, the Palm Beach County Traffic Division has determined that the proposed development meets the County's TPS requirement. As such, the anticipated traffic impact generated by the project has been deemed acceptable under current standards.

Parks and Recreation Facilities: Not applicable.

Solid Waste: Based on the Palm Beach County Waste Generation Rates, the proposed project is expected to generate approximately 5 tons of solid waste annually, a decrease of 30 tons from the previous establishment. The Solid Waste Authority has confirmed that its facilities have adequate capacity to accommodate this projected increase in waste generation, with sufficient capacity until 2054.

Schools: Not applicable.

(C) Consistency *A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards within Article 3.2, provided that the approving body determines that the beneficial aspects of the proposed project (hence compliance with some standards) outweighs the negative impacts of identified points of conflict.*

The applicable subsections include LDR Section 3.2.1, which mandates consistency with the Comprehensive Plan, and LDR Section 3.2.3, which outlines standards for site plan actions. The Standards strive to ensure new development will not have a negative impact on the surrounding area, provide appropriate mobility connections and open space and recreational improvements, and comply with the maximum intensity and density allowed for the land use designation and zoning district.

The proposed development meets the intent of LDR Article 3.2. The site design, building placement, lighting, and landscaping have been reviewed for compliance with visibility and photometric standards and are not expected to create distractions or glare along South Federal Highway. The replacement of the former restaurant and drive-thru with a financial institution represents a comparable use type that will not negatively affect the stability or safety of the surrounding area. The proposed development meets the applicable standards as there are no significant concerns related to the overall consistency with Article 3.2.

Comprehensive Plan Consistency

Neighborhoods, Districts, & Corridors Element

Objective NDC 1.1 Land Use Designation *Establish compatible land use arrangements using land use categories appropriate for the diverse and different neighborhoods, districts, and corridors throughout Delray.*

Policy NDC 1.1.14 *Continue to require that property be developed or redeveloped or accommodated, in a manner so that the 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.*

Objective NDC 2.7 Planning of Neighborhoods, Districts, and Corridors *Continue to respond to unique needs and conditions of the varied neighborhoods, districts, and corridors of Delray Beach using Neighborhood and Redevelopment Plans that determine specialized planning strategies and improvement projects to implement the vision of plans.*

The General Commercial land use designation and corresponding zoning regulations within the Planned Commercial District support the continued redevelopment of the South Federal Highway corridor by encouraging the provision of appropriate and complementary commercial activities to serve the nearby neighborhoods. The proposed financial institution aligns with Objective NDC 1.1 and Policy NDC 1.1.14 of the Neighborhoods, Districts, and Corridors Element by promoting a land use arrangement that is compatible with adjacent properties, provides accessible goods and services, and strengthens the commercial character of the corridor. The proposal also supports Objective NDC 2.7 by contributing to the ongoing improvement and reinvestment of established commercial areas through coordinated design, improved access, and site enhancements. Collectively, these factors demonstrate consistency with the Comprehensive Plan and reinforce the City's long-term vision for the corridor as a vibrant, mixed commercial destination serving surrounding neighborhoods and regional patrons.



(D) **Compliance with the LDRs** Whenever an item is identified elsewhere in these Land Development Regulations (LDRs), it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.10 and in special regulation portions of individual zoning district regulations.

LDR Section 4.3.4(K), Development Standards Matrix

The proposed development complies with the development standards for the PC zoning district. The requirements and proposal are detailed below.

Standard/Regulation	Review	
Lot Coverage	Maximum: 75%	Proposed: 8%
Open Space	Minimum: 25%	Proposed: 46%
Floor Area	Minimum: 6,000 sqft	Proposed: 2,578 sqft (waiver request)
Height	Maximum: 48 feet	Proposed: Finished Floor: approximately 12 feet, 9 inches to 16 feet, 6 inches Parapet: ranges from 1 foot to 5 feet, 11 inches (relief request)* Total Height: ranges from 17 feet, 4 inches to 18 feet, 8 inches *Exception types that are "Subject to Action by the Approving Body" in Table 4.3.4(J)(3), require board action by the approving body
Setback	Required: Front: 20 feet* Side Interior: 0 feet Rear: 10 feet *Landscape Special Setback requires 20-foot buffer	Proposed: Front: 24.5 feet (East) Side Interior: 25.3 feet (North), 60.8 feet (South) Rear: 10.5 feet (West)

Other Requirements

Standard/Regulation	Review	
Lighting 4.6.8(A)(3)	The proposed lighting complies with the minimum and maximum illumination requirements for off-street parking illumination, lighting at the building entrance, lighting at the property line adjacent a parcel or public right-of-way, and lighting at the night deposit canopy.	
Off-Street Parking 4.6.9(C)(3)(a)	Required: 4.5 per 1,000 sf of total gross floor area = <u>11 spaces</u>	Proposed: Standard: 14 spaces Accessible: 1 space Total: <u>15 spaces</u>
Bicycle Parking 4.6.9(C)(1)(c)1.	Required: Type I – 2 spaces per 10,000 sqft = <u>2 spaces</u> Type II/Shower – Not required	Proposed: Type I = <u>4 spaces</u>
Drive-Thru Stacking 4.6.9(D)(3)(c)3.	Required: 100 feet from first point of transaction for each lane	Proposed: 100 feet



Further review of the project for compliance with the LDR is provided as part of the Landscape Plan and Architectural Elevations review.

The applicant has requested a waiver; the request is analyzed below.

Waiver Analysis

LDR Section 4.4.12(F)(2), *Any free-standing structure shall have a minimum floor area of 6,000 square feet; shall be architecturally compatible with other structures, shall take access from the interior circulation system of the development and shall be able to meet all code requirements if it were to be situated on an outparcel. Architectural compatibility shall be determined pursuant to Section 4.6.18.*

The waiver request is subject to the following findings:

LDR Section 2.4.11(B)(5), Waiver: Findings

Prior to granting a waiver, the granting body shall make findings that granting of a waiver:

- Shall not adversely affect the neighboring area;*
- Shall not significantly diminish the provision of public facilities;*
- Shall not create an unsafe situation; and*
- 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.*

Pursuant to LDR Section 4.4.12(F)(2), freestanding structures within the PC zoning district must have a minimum floor area of 6,000 square feet. The applicant is requesting relief from this requirement to reduce the minimum floor area to 2,578 square feet.

The intent of the PC zoning district is to encourage the development of retail, office, and other commercial activities on large sites in a well-planned, functional, and aesthetically pleasing manner. The PC district was originally applied to properties larger than five acres designated as General Commercial on the Land Use Map. The PC district designated properties preserve the character of certain specialty retail and office centers and ensure certain high visibility areas are developed with coordinated design and appropriate intensity.

The site is 0.87 acres and is surrounded by similar outparcels developed with structures under 6,000 square feet, including Chik-fil-a, Verizon, and Truist Bank. The southwest corner of Linton Boulevard and Federal Highway is characterized by a series of individual freestanding commercial buildings that serve nearby residential neighborhoods and the traveling public. Although the property is smaller than what was envisioned for the PC district, the proposed structure is consistent in scale, function, and design with surrounding development.

The Planning and Zoning Board must determine if the reduction to the minimum floor area aligns with the intent of the district and is compatible with the surroundings.

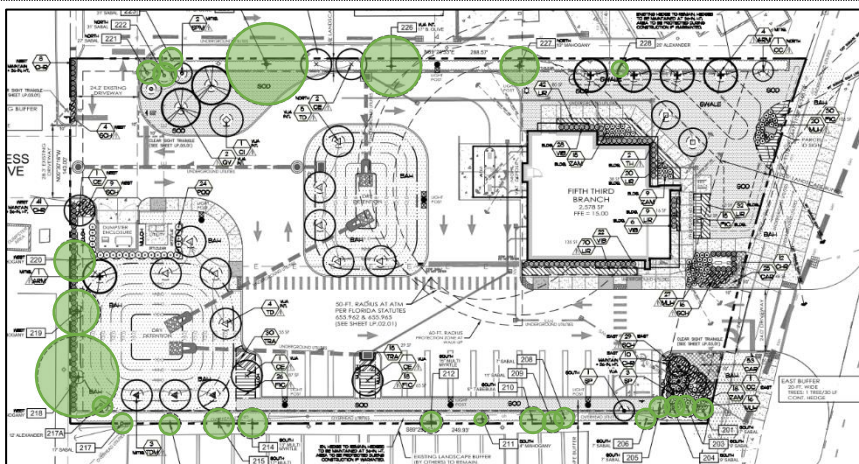
Review and Analysis: Landscape Plan

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

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

A technical review of this site plan has been performed, and a determination has been made that the project substantially complies with all applicable landscape regulations including the open space requirements highlighted in LDR Section 4. 3.4(K).

The proposal includes the removal of 15 trees, three palms, and three invasive trees (invasive trees not counted toward mitigation); the removed trees meet the mitigation standards pursuant to LDR Section 4.6.19, with replacement on a one-to-one or Diameter at Breast Height (DBH) basis depending on the condition rating of each tree/palm. The proposal will preserve 11 trees and 14 palms, shown in light green. The full arborist report is attached.



The proposal also includes new trees, shrubs and groundcovers along the perimeter and retention areas. The perimeter and interior landscaping, including but not limited to landscape islands, special landscape setback, tree and shrub species and height, groundcover, and open space, have been reviewed and are deemed compliance to LDR Section 4.6.16.

Review and Analysis: Architectural Elevations

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

Architectural Elevations, including modifications to existing building facades, require an overall determination of consistency with the objectives and standards of Section 4.6.18, Architectural Elevations and Aesthetics, and any adopted architectural design guidelines and standards, as applicable.

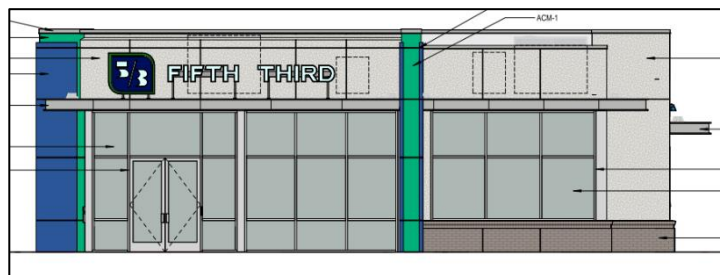
(A) Minimum requirements.

- (1) The requirements contained in this Section are minimum aesthetic standards for all site development, buildings, structures, or alterations except for single family development.
- (2) It is required that all site development, structures, buildings, or alterations to same, show proper design concepts, express honest design construction, and be appropriate to surroundings.

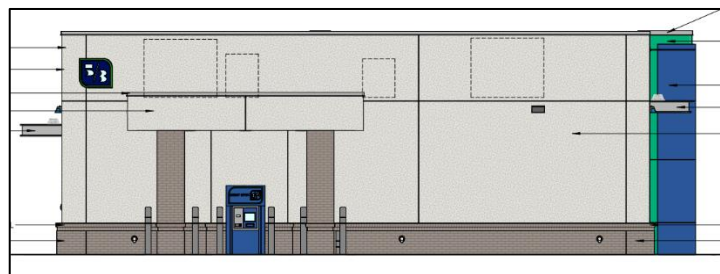
Pursuant to LDR Section 2.4.10(A)(3)(c), architectural elevations are required to be reviewed for consistency with the objectives and standards of LDR Section 4.6.18, *Architectural Elevations and Aesthetics*. These standards establish minimum aesthetic requirements to ensure that all new development demonstrates appropriate architectural expression, honest construction methods, and an overall appearance that complements the surrounding built environment.

LDR Section 4.4.12(F)(2) further requires that freestanding structures within the PC zoning district maintain architectural compatibility with surrounding development. The proposed facade elevations reflect a cohesive design approach that incorporates contextual elements drawn from nearby commercial buildings, including the use of compatible materials, rooflines, and a neutral color palette consistent with the corridor's established character. The proposed design employs soft earth tones and finishes similar to those used within adjacent developments along South Federal Highway.

Staff has reviewed the architectural elevations and finds that the project meets the intent of Section 4.6.18 by integrating compatible materials, colors, and massing. The building utilizes brick veneer accent features, a light neutral Dover Sky finish, and the signature Fifth Third blue and green color scheme in a balanced and restrained manner. Overall, the proposed architecture is appropriate to its setting, complements surrounding structures, and contributes to a unified visual character along the corridor.



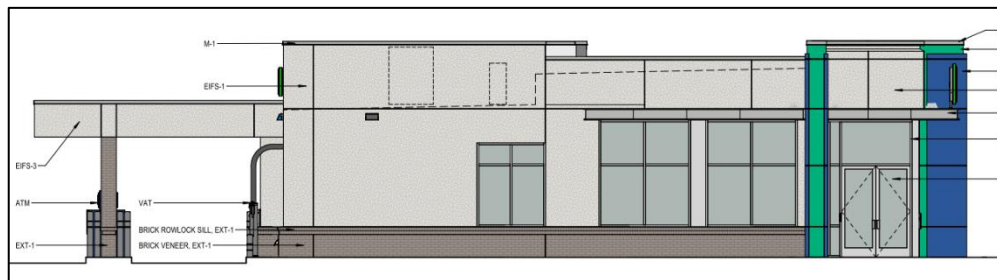
East Elevation



West Elevation



North Elevation



South Elevation



LDR Section 4.3.4(J)(3)(b), Height exceptions subject to action by the approving body.

Exception types that are "Subject to Action by the Approving Body" in Table 4.3.4(J)(3), require board action by the approving body and are subject to the following procedure:

1. Documentation supporting the requested height exception must be provided, such as, but not limited to, massing study, line of sight diagrams, architectural proportion analysis, or roof area calculations, and justification statement addressing the necessity of the request and the criteria for board action in Section 4.6.18(E).
2. The approving body shall make findings that the granting of the height exception meets the standards in Section 4.6.18(E), and Section 4.5.1(E), as applicable.

LDR Section 4.6.18(E), Criteria for board action. The following criteria shall be considered, by the Site Plan Review and Appearance Board or Historic Preservation Board, 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 height of the building includes a parapet that ranges from one foot to five feet and 11 inches to effectively screen the roof equipment. The parapet exceeds the maximum allowed height of 4 feet pursuant to LDR Table 4.3.4(J)(3) by one foot and 11 inches. The requested height exception for the parapet does not exceed the maximum allowed height of 48 feet within the PC zoning district, however. Pursuant to LDR Table 4.3.4(J)(3), parapets between four to 10 feet are an exception to the maximum height and the height exception requires board action by the approving body. The architectural elevations demonstrate the necessity of the parapet for screening purposes and its integration into the overall building design. A justification statement has been provided by the applicant addressing compliance with the criteria of Section 4.6.18(E). The Board must determine whether the height exception maintains the intent of the regulation, preserves the visual quality of the surrounding area, and does not result in adverse impacts on the local environment.

Options for Board Action

- A. Move to recommend to the City Commission **approval** of a Level 4 Site Plan Modification, with Architectural Elevations and Landscape Plan, for Fifth Third Bank to demolish the existing building at 1820 South Federal Highway and to construct a one-story standalone branch bank with a drive-thru, with an associated waiver to reduce the minimum floor area from 6,000 square feet to 2,578 square feet pursuant to LDR Section 4.4.12(F)(2), by finding that the request is consistent with the Land Development Regulations and the Comprehensive Plan.
- B. Move to recommend to the City Commission **approval, subject to conditions**, of Level 4 Site Plan Modification, with Architectural Elevations and Landscape Plan, for Fifth Third Bank to demolish the existing building at 1820 South Federal Highway and to construct a one-story standalone branch bank with a drive-thru, with an associated waiver to reduce the minimum floor area from 6,000 square feet to 2,578 square feet pursuant to LDR Section 4.4.12(F)(2), by finding that the request is consistent with the Comprehensive Plan and meets the criteria in the Land Development Regulations.
- C. Move to recommend to the City Commission **denial** of Level 4 Site Plan Modification, with Architectural Elevations and Landscape Plan, for Fifth Third Bank to demolish the existing building at 1820 South Federal Highway and to construct a one-story standalone branch bank with a drive-thru, with an associated waiver to reduce the minimum floor area from 6,000 square feet to 2,578 square feet pursuant to LDR Section 4.4.12(F)(2), by finding that the request is inconsistent with the Comprehensive Plan and does not meet the criteria in the Land Development Regulations
- D. **Continue with direction.**



TAC Review Timeline

Review No.	Submittal Date	TAC Comments Transmitted	Extension Approval
1	08-11-2025	09-03-2025	
2	10-03-2025	10-27-2025	

Total time with Applicant: **30 days**

Total time under review: **47 days**

Technical Notes

Compliance is required prior to Site Plan Certification:

1. Replace POW with "ROW cleanout" on the Utility Plans.
2. Correctly identify cleanout on Utility Plans.
3. Revise Utility Plans to depict the backflow prevention device as a PVB installed downstream of the irrigation meter.