



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Delray Mazda

Meeting	File No.	Application Type
May 20, 2024	2022-248-SPM-SPR-CL3	Level 3 Site Plan Modification with Waivers
Property Owner	Authorized Agent	
MDR Motors LLC	Michael Weiner, Esq. Sachs Sax Caplan PL	

Request

Consideration of a Level 3 Site Plan Modification for Delray Mazda including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, and addition of pavers in front of Building 1, and five landscape waivers associated with the landscape plan.

Site Data & Information

Location: 2001 South Federal Highway

PCN: 12-43-46-28-06-002-0150

Total Development Area: 3.1 acres (2.98 acres prior to ROW abandonment)

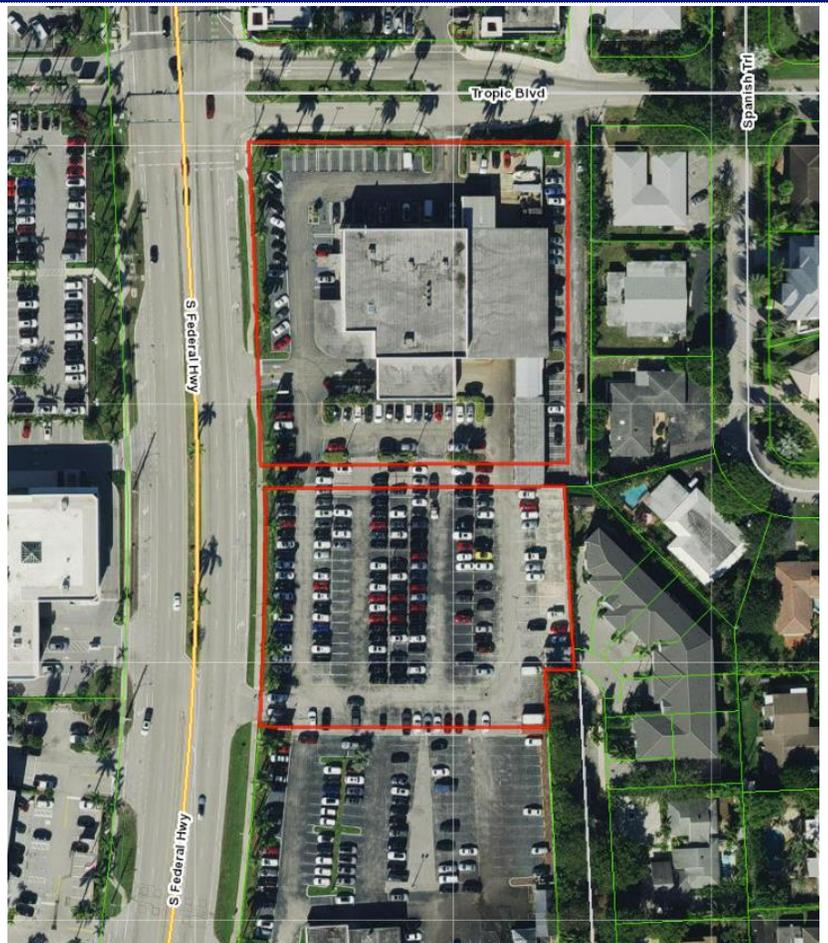
Land Use Designation: General Commercial (GC)

Zoning District: Automotive Commercial (AC)

Adjacent Zoning:

- **North:** Planned Commercial (PC)
- **South & West:** AC
- **East:** Multiple Family Residential (RM)

Use: Full Service Automotive Dealerships



Background

The subject property consists of Lots 15 through 28, inclusive, Lot 30, and that parcel designated as “parking area”, all in Tract B of Gateway Shopping Center, recorded in Plat Book 25 at Page 76. The property is located within the Automotive Commercial (AC) zoning district and contains four buildings. Building 1 is a two-story building, 30,314 square feet, constructed in 1981, and consists of the main dealership building with attached service bays; Building 2 is a one-story building, 1,872 square-feet, constructed in 1991, and consists of the detail bays; Building 3 is a one-story warehouse storage, 456 square feet constructed in 1981; and Building 4 is also a one-story warehouse storage, 200 square feet. The site has experienced several site plan modifications, including the following:



Previous Requests

- Class III for the demolition of a 1,285 square foot showroom area damaged by Hurricane Wilma, re-construction of a 1,178 square foot showroom area; and an additional vehicle service write-up area with canopy, approved at the Site Plan Review and Appearance Board (SPRAB) meeting on September 13, 2006.
- Class I for the expansion of an existing 460 square foot storage building to 1,338 square feet, approved at the SPRAB meeting on May 23, 2007.
- Class I for the relocation of two modular buildings approved administratively on September 19, 2007.
- Class I for the installation of overhead doors approved at the SPRAB meeting on March 12, 2008.
- Class II for installation of interior car-lift I the interior showroom approved at the SPRAB meeting on April 9, 2008.

Current Requests

- ROW Abandonment for the alley bisecting the property is being reviewed concurrently with the requested Level 3 Site Plan.
- Plat Exemption is being reviewed concurrently with the requested ROW Abandonment and is pending approval based on the motion for the ROW Abandonment.

Description of Proposal

The proposed modifications are limited to Building 1 and parking; Building 2 through 4 will remain as is. The modifications include the following:

- color change with new aluminum composite panels for the exterior elevations;
- replacement of exterior storefront systems;
- demolition of existing 826 square foot two service bay metal building and replace it with a two-story concrete block construction building;
- addition of 2,180 square foot four service bay addition on the ground floor; and 2,180 square foot expansion of the parts department on the second floor accessed thru the second floor existing parts department.
- landscape plan with five waivers.



The total proposed ground floor for Building 1 is 23,342 square feet, and 9,680 square feet on the second floor (total is 33,022 square feet). The overall site's building square footage has increased from 32,016 square feet to 35,550 square feet.

Review and Analysis

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.

3.1.1(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 GC, and a zoning designation of AC, which are consistent with one another. Pursuant to LDR Section 4.4.10(B)(1), full service automotive dealerships are allowed within the AC District.

3.1.1(B), Concurrency

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: No significant modifications that impact the project are proposed in the request.

Drainage: No significant modifications that impact the project are proposed in the request.

Streets and Traffic: Based on the Palm Beach County Traffic Performance Standards (TPS) review, sent on June 10, 2022, the Traffic Division has determined the proposed development meets the TPS of Palm Beach County.

Parks and Recreation Facilities: N/A

Solid Waste: Based on the Palm Beach County Waste Generation Rates, the proposed project is anticipated to generate approximately 327,060 pounds of solid waste per year, 32,513 more than previously approved for the entire project. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Schools: N/A

3.1.1(C), Consistency

A finding of overall consistency may be made even though the action will be in conflict with some individual performance standards contained within Article 3.2, provided that the approving body specifically finds 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 of Article 3.2, Performance Standards, are LDR Section 3.2.1, which requires a determination of consistency with the Comprehensive Plan, and LDR Section 3.2.3, which provides standards for site plan actions. The Standards strive to ensure new development will not have a negative impact on the surrounding area, provide any requisite amenities to enhance the quality of life for its residents when residential units are provided, 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 generally meets the applicable standards as there are no significant concerns related to the overall consistency with Article 3.2.

Comprehensive Plan

A review of the objectives and policies of the previously adopted Comprehensive Plan was conducted, and the following applicable objectives or policies were noted:

Objective 2.5 Automotive Dealerships: *Recognize that automotive dealers and auto-related uses are local legacy industries with unique impacts that require appropriate and strategic locations.*

The proposed modifications to the development remain consistent with the applicable Goals, Objectives, and Policies of the Comprehensive Plan, particularly those of the Neighborhoods, Districts, and Corridors Element.

3.1.1(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

Standard/Regulation	Review		
Setback	Required Front: 15 feet Side Street: 15 feet Side Interior: 10 feet Rear: 10 feet	Existing Front: 71 feet 6 inches Side Street: 75 feet 1 inch Side Interior: 286 feet Rear: 22 feet 3 inches	Proposed Front: 71 feet 6 inches Side Street: 47 feet 3 inches Side Interior: 286 feet Rear: 22 feet 3 inches

LDR Section 4.4.10, Automotive Commercial (AC) District

(2) Bullpen areas.

(a) *Vehicles may be stored on an approved parking surface without reference to parking stalls, stall striping, or wheel stops. This type of parking, called bullpen parking shall be allowed only pursuant to a site plan which is prepared and approved based upon the following:*

1. *Wherever reasonably possible as determined by the approving body, bullpen areas shall be separated from a street by an outdoor display area, customer or employee parking area, or a building. Where not possible, the landscaping and separation requirements of Subsection (G)(1)(b) shall apply.*
2. *Landscaping strips and landscaped islands internal to the bullpen parking area are not required; however, the ten percent interior landscaping requirement shall be met by transferring the required landscaping to the perimeter of the site and/or bullpen area. The transferred landscaped areas shall be designed and located to mitigate and buffer the impact of the aggregated car storage area.*

(b) *Bullpen parking shall not be counted toward the parking requirements in Section 4.6.9.*

(c) *A bullpen parking arrangement may be used for an employee parking area provided that it complies with Subsection (G)(2)(a) and is in conjunction with a full-service new car automobile dealership. Employee parking provided in a bullpen arrangement may count toward meeting employee parking requirements.*

The location of the bullpen has been modified to remove the parking striping for the middle tandem parking row; pursuant to the above section, bullpen parking may store vehicles without reference to parking stall, stall striping or wheel stops. The total of 156 inventory parking spaces within the bullpen parking has not been modified and is not included in the required parking calculations. Also, although the landscaping strips and islands are not required for bullpen parking, the ten percent interior landscaping requirement must be met by transferring to the perimeter of the site and/or bullpen area. Due to the non-conformity of the site’s landscaping, the interior landscape requirement and perimeter requirement are not met and the applicant is requesting a waiver from the these requirements (further review of waivers provided in the Landscape Regulations Review).

(3) *Customer and employee parking areas. Customer and employee parking areas shall be provided in accordance with Section 4.6.9(C)(3)(f).*

The project has been reviewed for compliance with LDR Section 4.6.9, provided below.

LDR Section 4.6.9, Off-Street Parking Regulations

Standard/Regulation	Review	
Off-Street Parking Regulations 4.6.9(C)(3)(f)	4 per 1,000 sqft of total gross floor area, except indoor display areas Building Gross Area: 35,550 sqft Indoor Showroom: 5,135 sqft Gross Area for Parking: 30,415 sqft Required Total: 122 parking spaces	Proposed Total: 142 parking spaces Bullpen Parking: 156 parking spaces (not included in required total)
	Of the Required Spaces 1.5 per service bay for service use Service Bays: 20 bays Required Service Parking: 30 parking spaces 2 per 1,000 sqft of gross floor area (less indoor display area) for employee and customer use Gross Area for Parking: 30,415 sqft Required Employee/Customer Parking: 61 parking spaces	Proposed Service Parking: 30 parking spaces Proposed Employee/Customer Parking: 62 parking spaces Remaining Display: 50 parking spaces

LDR Section 4.6.16, Landscape Regulations

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.

Due to the existing non-conformity of the site, specifically the percentage and location of landscape, the modifications would require compliance with the landscape regulations; the applicant has requested a total of five landscape waivers indicated and reviewed below.

LDR Section 2.4.11(B)(5), Findings *Prior to granting a waiver, the granting body shall make findings 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.*
- (e) *Within the CBD, the following additional findings apply:*
 1. *The waiver shall not result in an inferior pedestrian experience along a Primary Street, such as exposing parking garages or large expanses of blank walls.*
 2. *The waiver shall not allow the creation of significant incompatibilities with nearby buildings or uses of land.*
 3. *The waiver shall not erode the connectivity of the street and sidewalk network or negatively impact any adopted bicycle/pedestrian master plan.*
 4. *The waiver shall not reduce the quality of civic open spaces provided under this code.*

Requested Waivers:

LDR Section 4.6.16(B)(3), Applicability

To any new development, or any modification of existing development. That portion of the site which is being newly developed or modified must comply with the requirements contained herein.

The modifications to the existing development must comply with the requirements set in LDR Section 4.6.16. Due to the site's non-conformity, many of the landscape regulations cannot be met. The applicant is requesting waivers for the following sections:

LDR Section 4.6.16(H)(3)(a), New Multiple Family, Commercial, and Industrial Development

A strip of land at least five feet in depth located between the off-street parking area or other vehicular use area and the right-of-way shall be landscaped, provided, however, that should the zoning code of the Delray Code of Ordinances require additional perimeter depths, that the provisions of the zoning code shall prevail. This landscape strip shall be free of any vehicular encroachment, including car overhang. The landscaping shall consist of at least one tree for each 30 linear feet or fraction thereof. The trees shall be located between the right-of-way line and the off-street parking or vehicular use area. Where the depth of the perimeter landscape strip adjacent to the right-of-way exceeds 15 feet, shade trees may be planted in clusters, but the maximum spacing shall not exceed 50 feet. The remainder of the landscape area shall be landscaped with grass, ground cover, or other landscape treatment excluding pavement.

The parking to the rear of the lot adjacent to the alley is required to be screened with a hedge and a five-foot landscape strip. Due to the existing configuration of the parking spaces, the parking spaces abut directly on the property line and do not provide sufficient amount of space for screening. Therefore, the requirement cannot be met.

LDR Section 4.6.16(H)(3)(d), New Multiple Family, Commercial, and Industrial Development

A landscaped barrier shall be provided between the off-street parking area or other vehicular use area and abutting properties. The landscape barrier may be two feet at the time of planting and achieve and be maintained at not less than three nor greater than six feet in height to form a continuous screen between the off-street parking area or vehicular use area and such abutting property. This 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 five feet in width that is free of any vehicular encroachment, including car overhang. Duplexes may be permitted to reduce the perimeter planting strip to two and one-half feet in width in cases where lot frontage is less than 55 feet. In addition, one tree shall be provided for every 30 linear feet of such landscaped barrier or fraction thereof.

The existing site currently has no landscape strip on the south property line abutting the adjacent automotive dealership. The modifications cannot comply with the requirement due to the existing layout.

LDR Section 4.6.16(H)(3)(g), New Multiple Family, Commercial, and Industrial Development

The amount of interior landscaping within off-street parking areas shall amount to no less than ten percent of the total area used for parking and accessways.

The site is currently not meeting the ten percent requirement for the total landscape area used for parking and accessways; the modifications do not increase the existing non-conformity.

LDR Section 4.6.16(H)(4)(a), New Multiple Family, Commercial, and Industrial Development

Foundation landscaping shall be required. This shall incorporate trees, shrubs and groundcovers with the minimum required specifications as set forth in 4.6.16(E). Multiple tiers of plant material should be utilized and thoughtfully designed to accomplish the goal of softening the building mass while adding vibrant color and textures.

The rear of Building 1 abuts rear parking on the alley; the current configuration of the building and parking spaces does not provide adequate space for foundation planting. The current configuration of the parking spaces does not meet the total back-up parking requirement of 42 feet, and if foundation planting were provided in the narrow landscape strip existing, the non-conformity of the back-up requirement would be increased.

LDR Section 4.6.18, Architectural Elevations and Aesthetics

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.*

Building 1 exterior elevations are being modified for the proposed re-branding; the modifications include a change of color from beige and green to a range of grey and aluminum composite panels, and the replacement of exterior storefront systems.



Proposed West Elevation



Proposed North Elevation

The proposed modifications have been reviewed for compliance with LDR Section 4.6.18. As the surrounding area is concentrated with automotive use and the modifications are visible to the public and adjacent properties, the modifications are deemed to harmonious with the other surrounding automotive use and the automotive use is screened from the residential to the rear.

Review By Others

No other review is required for request. The determination by the Board will be final after placement on the appealable report, reviewable by City Commission.

Options for Board Action

- A. Move to **approve** the Level 3 Site Plan Modification for **Delray Mazda**, located at 2001 South Federal Highway, including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, addition of pavers in front of Building 1, and the five requested landscape waivers, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- B. Move to **approve, as amended**, the Level 3 Site Plan Modification for **Delray Mazda**, located at 2001 South Federal Highway, including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, addition of pavers in front of Building 1, and the five requested landscape waivers, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move to **denial** the Level 3 Site Plan Modification for **Delray Mazda**, located at 2001 South Federal Highway, including the expansion and reconfiguration of the service bays, reduction of the showroom area in Building 1, expansion of the second-floor parts area, reconfiguration of the customer showroom entrances, addition of pavers in front of Building 1, and the five requested landscape waivers, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.
- D. **Move to continue with direction.**

Technical Notes

Prior to the certification of plans, compliance is required with the following:

1. ROW Abandonment must be approved.
2. Hold Harmless Agreement and General Utilities Easement Agreement must be completed.
3. Plat Exemption must be approved.