



# DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

## PLANNING AND ZONING BOARD STAFF REPORT

### Popstroke Delray Plat

Meeting	File No.	Application Type
March 21, 2022	2022-029-PMA-PZB	Major Subdivision
Applicant	Property Owner	Authorized Agent
PopStroke Land Delray Beach, LLC	PopStroke Land Delray Beach, LLC	Mike Covelli, AICP

### Request

Consideration of the Preliminary Plat and recommendation to the City Commission for the certification of the Final Plat, "Popstroke Delray," associated with the PopStroke Class V site plan application for a 4,628 square foot restaurant and 18-hole miniature golf course, provision of easements and dedication of right-of-way for the property currently addressed as 1314 North Federal Highway and the associated parcels with PCN numbers 12-43-46-0912-000-0052, 12-43-46-0912-000-0061, 12-43-46-0912-000-0062, 12-43-46-0939-000-0045 and generally located between Old Dixie Blvd and North Federal Highway, east of NE 14th Street.

### Background Information

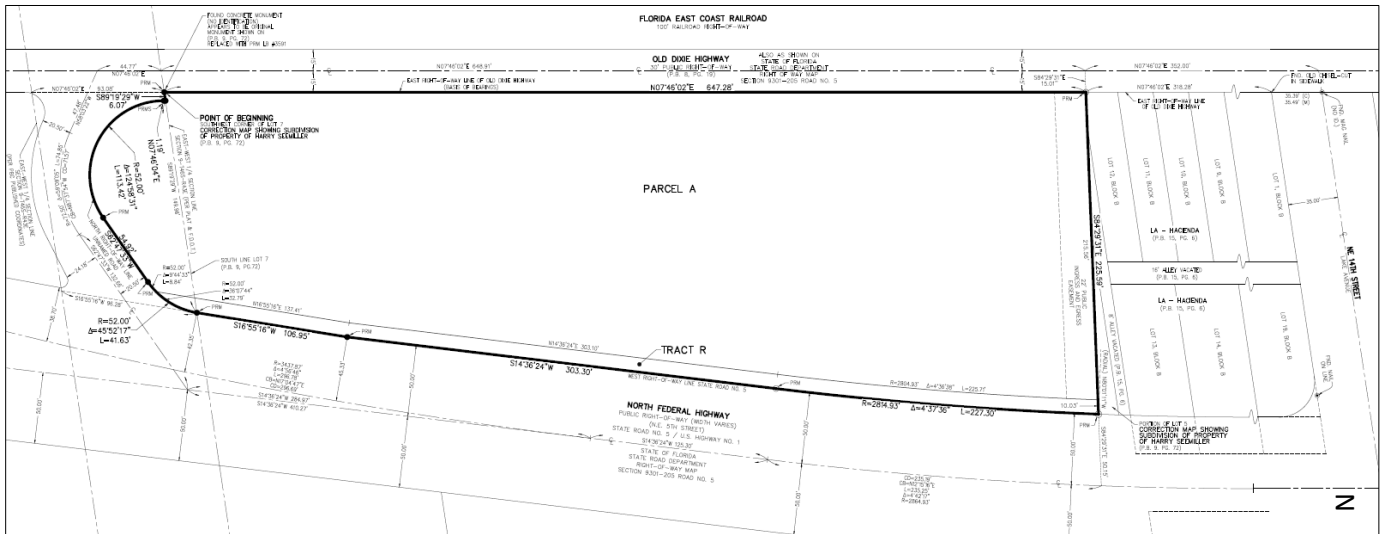
The subject properties, which are currently vacant, measure approximately 2.86 acres and are zoned General Commercial (GC) with a Land Use Map designation of General Commercial (GC). A gasoline station (Chevron) was previously developed on a portion of the site. Permits to remove four underground storage tanks were issued in 1993. On March 12, 2019, a temporary use permit for a temporary parking lot (with associated waivers) (2019-081-WAI-CCA) was approved for a period of two years.

On April 20, 2021, the applicant received Conditional Use approval for the miniature golf course (recreational establishment). On March 11, 2021, the Development Services Management Group (DSMG) approved a request associated with the Class V Site Plan application to reduce the dedication requirement for Old Dixie Highway from 20 feet to zero feet, thereby eliminating a right-of-way dedication and maintaining the current dimension of 30 feet. On January 11, 2022, the City Commission approved a waiver request to allow the installation of a 6-foot tall fence on top of a 2-foot high berm surrounding the property. The Class V Site Plan is scheduled for review by the Site Plan Review and Appearance Board at its meeting of March 23, 2022.

### Plat Description

The Major Subdivision, which is required as part of the site plan approval process to unify the five parcels, includes the following:

- Replat of a portion of Lot 4, Section 9, Gulfstream Map showing subdivisions of portions of Townships 45 and 46 South, Range 43 East, Recorded in Plat Book 1, Page 4, and a replat of a portion of Correction Map showing subdivision of property of Harry Seemiller, recorded in Plat Book 9, Page 72, and a replat of a portion of La – Hacienda, recorded in Plat Book 15, Page 6, All of the Public Records of Palm Beach lying in Section 9, Township 46 South, Range 43 East, City of Delray Beach, Palm Beach County, Florida.
- Dedication of 10 feet of right-of-way for North Federal Highway to Florida Department of Transportation as Tract R for road, access, and other related purposes; and,
- Dedication of a public ingress and egress easement along the north property line at a depth of 22 feet.



## Review and Analysis

Pursuant to **LDR Section 2.4.5(J), Major Subdivision**, the Planning and Zoning Board must make findings pursuant to Chapter 3 on a preliminary plat. The City Commission must make a finding that the Final Plat is consistent with the findings associated with the preliminary plat.

The proposed plat qualifies as a Major Subdivision as it involves right-of-way dedication, per the definitions of "Major Subdivision" and "Minor Subdivision" in the LDR. Major subdivision plats require the certification of a preliminary plat by the Planning and Zoning Board, and a recommendation to the City Commission regarding the Final Plat.

**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, the staff report, or minutes. Findings shall be made by the body which has the authority to approve or deny the development application.

**(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 Land Use Map.

The subject property has a Land Use Map (LUM) designation of GC (General Commercial) and a zoning designation of GC (General Commercial). The zoning district is consistent with the LUM designation. Restaurants are a permitted use in the GC Zoning District, and miniature golf courses are permitted with Conditional Use approval (which the applicant has received as discussed above).

**(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, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Compliance with utilities, traffic, impact fees, solid waste and schools is described below:

**Water and Sewer:** Water and sewer services are existing on-site. Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

**Drainage:** Drainage and water run-off will be addressed through the on-site retention. There should be no impact on drainage as it relates to this level of service standard.

**Traffic:** The applicant has provided a traffic statement stating that the proposed restaurant and golf course will generate 342 new Daily Trips and it is not anticipated to significantly affect traffic circulation nor cause negative impacts upon the surrounding area. A letter from Palm Beach County (PBC) Traffic Engineering Division was received indicating that the proposal met the Traffic Performance Standards of Palm Beach County. The letter was issued on February 18, 2021 and expired on February 18, 2022. The applicant will

provide an updated letter prior to scheduling for the SPRAB; it is not anticipated that a significant change will result from the new letter being issued.

Parks and Recreation: Parks and Recreation concurrency is not required as part of this application.

Solid Waste: Golf Course (Bowling Alley rate): +/- 43,560 sf (pervious area) x 4.1lbs = / 2,000 = 89.3 tons per year. Restaurant: 4,505 sf x 24.9 lbs. = 21,040.50 / 2,000=56.09 tons per year.

The proposed uses are anticipated to generate approximately 145.4 tons in solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals until the year 2048.

Schools: School Board concurrency is not required as part of this application.

**(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.*

**LDR Section 3.2.3(A) – (K), Standards for Site Plan and/or Plat Actions**, specifies the Standards required for site plans. The following standards are applicable to the review of the plat; an in-depth review of the standards is provided below based on the associated Class V Site Plan that will be reviewed by the SPRAB.

- 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.*
- B. *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*
- C. *Open space enhancements and recreational amenities shall be provided to meet Objective OPR 1.4 and other requirements of Goals, Objectives and Policies, as applicable, of both the Open Space, Parks, and Recreation Element and Conservation Element.*
- E. *Development of residentially zoned vacant land shall be planned in a manner consistent with adjacent development regardless of zoning designations.*
- F. *Property shall be developed or redeveloped 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.*
- G. *Development shall provide a variety of housing types that accommodates the City's growing and socio-economically diverse population to meet the Goals, Objectives, and Policies the Housing Element.*
- H. *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.*
- 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.*
- K. *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program: development in all other areas shall not exceed the Standard density.*

The development complies with the applicable standards for plat approvals. The building design is set back from the street and will not disrupt the flow of traffic. The golf course area and other areas of the site will be surrounded by a fence on top of a berm to create additional screening and security while alleviating light spill over into the surrounding area. Pedestrian connections are provided via the existing concrete sidewalk adjacent to North Federal Highway, and an access easement is provided on the plat to allow for vehicular access to the existing shopping plaza to the north. The floor area ratio of 0.37 is below the 3.0 maximum level of

intensity allowed by the GC land use designation. In 2021, the project received a letter from Palm Beach County indicating that the proposed development would not have a significant impact on the adjacent roadway system.

**(D) Compliance with the LDRs.** *Whenever an item is identified elsewhere in the LDRs, it shall specifically be addressed by the body taking final action on a land development application/request. Such items are found in Section 2.4.5 and in special regulation portions of individual zoning district regulations.*

Through the review of the Class V Site Plan application, the subject request was required to meet the applicable regulations. Review of the LDR applicable to the review of Plats has been provided in this report.

#### Alternative Actions

- A. **Continue with direction.**
- B. Move **approval** of the preliminary plat and recommendation of approval to the City Commission for the certification of the Final Plat for **Popstroke Delray**, finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. Move **denial** of the preliminary plat finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in the Land Development Regulations.

#### Public and Courtesy Notices

☒ Courtesy Notices are not applicable to this request.

☒ Public Notices are not required for this request.