



Development Services Department

BOARD ACTION REPORT – APPEALABLE ITEM

Project Name: Delray Square (Hobby Lobby)

Project Location: 14620 S. Military Trail

PCN: 12-42-46-13-41-002-0000

Request: Consideration of a Master Development Plan (MDP) Modification (2022-009) for the Delray Square Shopping Center to construct a truck well, a 231 square foot addition, and dumpster enclosure with associated waiver requests to the perimeter buffer and open space percentage requirements.

Board: Planning and Zoning Board (PZB)

Meeting Date: July 18, 2022

Board Action: Approved on a 5-2 vote (Allen Zeller and Christina Morrison dissenting)

Project Description:

The request is related to a Hobby Lobby retail store proposed at 14620 South Military Trail within the Delray Square Shopping Center. The shopping center, which was constructed in 1987 and annexed into the City of Delray Beach in 1989, is spread across 33.31 acres and is subject to the adopted MDP. The property has a Land Use Map (LUM) designation of General Commercial (GC), and a zoning designation of Planned Commercial (PC) within the Four Corners Overlay District. The proposed MDP modification includes the following details:

- A truck well and 231 SF receiving vestibule structure on the southeastern building façade;
- A dumpster enclosure area along the northeastern façade;
- Landscaping improvements along the eastern perimeter buffer; and
- Modifications to architectural elevations.

The proposal included a waiver request from **LDR Section 4.4.9(G)(3)(E)1.a., Lot Coverage and Open Space**, to reduce the existing non-confirming open space percentage from 16.67 percent to 16.63 percent of the minimum 25 percent open space requirement. Additionally, a waiver from **LDR Section 4.4.9(F)(3)(d)1.d., Perimeter Buffer**, was requested to reduce the perimeter buffer from the 25 foot requirement to 17 feet 9 inches on the east side of the subject property related to the truck well and receiving vestibule.

Board Comments:

Several members of the Board expressed concern with the reduction of open space, and absence of mixed use development in the shopping center.

Public Comments: No comments.

Associated Actions:

A Class III site plan will be heard by the Site Plan Review and Appearance Board (SPRAB).

Next Action:

The PZB action is final unless appealed by the City Commission.

**CITY OF DELRAY BEACH
PLANNING AND ZONING BOARD
BOARD ORDER**

Project Name: Hobby Lobby at Delray Square
Location: 14620 S. Military Trail
File No: 2022-009—MDP-SPR

ORDER

Following consideration of all the evidence and testimony presented at the July 18, 2022 meeting before the Planning and Zoning Board (PZB) for the City of Delray Beach and pursuant to Section(s) of the Land Development Regulations (LDR) of the City of Delray Beach, the PZB finds that there is ample and competent substantial evidence to support the findings for the respective requests.

Request & LDR Section		Approved	Approved with Conditions*	Denied**
MASTER DEVELOPMENT PLAN MODIFICATION, WITH WAIVERS				
	Master Development Plan, with Waivers			
x	LDR Section 2.4.5(F)(5)	5-2		
x	Perimeter Buffer Requirement			
x	LDR Section 2.4.7(B)(5)			
x	LDR Section 4.4.9(F)(3)(d)1.d.			
x	Lot Coverage and Open Space			
x	LDR Section 2.4.7(B)(5)			
x	LDR Section 4.4.9(G)(3)(E)(1)(a)			

*Conditions of Approval are attached as Exhibit A, as applicable.

**For a denial, the list of findings not supported by the Board are attached as Exhibit B, as applicable.



Chair
Planning and Zoning Board

Signed Original To:
Jason Webber, P.E.
Kimley-Horn
1615 S. Congress Avenue, Suite 101
Delray Beach, FL 33445



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Hobby Lobby at Delray Square Shopping Center

Meeting	File No.	Application Type
July 18, 2022	2022-009	Master Development Plan Modification
Applicant	Property Owner	Authorized Agent
Kimley-Horn on Behalf of Hobby Lobby	TKC CLXXVIII, LLC	Jason Webber, P.E.

Request

Consideration of a Master Development Plan Modification for the Delray Square Shopping Center to construct a truck well, a 231 square foot addition, and dumpster enclosure with associated waiver requests to the perimeter buffer and open space percentage requirements.

Background Information

Hobby Lobby ("Applicant") is proposing a new retail store (area outlined in red, at right) at 14620 South Military Trail within the Delray Square Shopping Center. The shopping center, which was constructed in 1987 and annexed into the City of Delray Beach in 1989, is spread across 33.31 acres. The subject property has a Land Use Map (LUM) designation of General Commercial (GC), and a zoning designation of Planned Commercial (PC) within the Four Corners Overlay District.

There is an extensive review and approval history associated with the Delray Square Shopping Center. In 2015, the Shopping Center, which is made up of multiple parcels, were combined through the approval of a Master Development Plan (MDP). Subsequently, minor modifications or improvements to the elevations have been approved throughout the center as it continues to update from the original 1987 construction. The most recent modifications to the Shopping Center MDP accommodated a restaurant (Chili's) adjacent to South Military Trail and a restaurant (Chick-fil-A) adjacent to West Atlantic Avenue.



Project Planner:

Rachel Falcone, Planner
falconer@mydelraybeach.com
561-243-7000 ext. 6052

Attachments:

- Narrative; waiver justification
- Survey
- Master Development Plan
- Landscape Plans
- Architectural Plans
- Elevations

Project Description

The proposed Master Development Plan Modification for Hobby Lobby at Delray Square Shopping Center is associated with the following details:

- Construction of a truck well along the southeastern portion of the façade;
- Construction of a 231 square foot receiving vestibule structure along the southeastern façade;
- Provision of a dumpster enclosure area along the northeastern façade;
- Landscaping improvements along the perimeter buffer and the eastern façade of the structure; and
- Modifications to architectural elevations, such as an updated storefront, brick veneer columns, and a parapet for the entrance of the structure.

The proposal includes a waiver request from **LDR Section 4.4.9(G)(3)(E)1.a., Lot Coverage and Open Space**, to further reduce the existing non-confirming open space percentage from 16.67 percent to 16.63 percent of the required minimum 25 percent open space percentage. Additionally, a waiver has been requested from **LDR Section 4.4.9(F)(3)(d)1.d., Perimeter Buffer**, to reduce the perimeter buffer from the 25 foot requirement to 17 feet 9 inches on the east side of the subject property.

Review and Analysis

The subject property is located within the PC zoning district and the Four Corners Overlay District. Pursuant to **LDR Section 4.4.12(E), Planned Commercial District, Review and approval process**, *all development within the Four Corners Overlay District shall comply with the provisions of Section 4.4.9(E)(4)*. Additionally, pursuant to **Section 4.4.9(E)(4), General Commercial District, Review and Approval Process**, *all Development within the Four Corners District shall be governed by a Master Development Plan (MDP). A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a MDP. When considering a Master Development Plan (MDP) in the Four Corners Overlay, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.*

As the subject request is modifying an existing development, an MDP Modification is required to meet the development review process required for the Four Corners Overlay District. The waiver to the minimum perimeter buffer required by **LDR Section 4.4.9(F)(3)(d)1.d.** and the waiver to the minimum open space percentage required by **LDR Section 4.4.9(G)(3)(E)(1)(a), Lot Coverage and Open Space**, is part of the MDP consideration.

Pursuant to **LDR Section 2.4.5(F)(5), Master Development Plans, Findings**, *in addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.*

Mixed use developments including retail, office and restaurant uses are encouraged within the Four Corners Overlay District. Each of the four corners along West Atlantic Avenue and Military Trail contain long-established shopping plazas with a variety of retail and restaurant uses. The proposed retail use is consistent with the existing development-style of the area, and the use is compatible with the existing uses in the plaza. The existing tenant space where Hobby Lobby is proposed was planned for a retail use according to the site plan for the Delray Square Shopping Center. The proposed modification is enhancing the structure to allow for a larger retail tenant to have functional business operations.

The following table indicates the zoning and established uses of the properties surrounding the development:

	Zoning Designation	Use
North	GC - General Commercial and R-1-ASingle Family Residential	Commercial/Single-Family Dwelling
South	PC – Planned Commercial	Bed Bath and Beyond Plaza
East	POC – Planned Office Center	Multi-Building Professional Office Center
West	PC - Planned Commercial	Delray West Shopping Plaza

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 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. The findings relate to the following four areas:

(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 designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Land Use Map (LUM) designation.

(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: An existing 8-inch water main which connects to Atlantic Avenue is located within the subject property and currently serves the retail tenant space. Sanitary sewer connections are made into an existing 8-inch main located on site that connects to Military Trail. Pursuant to the Always Delray 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.

Traffic: Due to the minimal increase in square footage for the retail tenant space, a traffic study and/or traffic statement is not required for the MDP or the Class III Site Plan Modification. The use area for the proposed addition to the structure is for loading purposes, therefore, the traffic counts for the overall development will remain the same.

Solid Waste: The increase in solid waste is minimal.

- Existing Retail Tenant 52,150 square feet x 7.3 lbs. / 2,000 = 190.34 tons per year.
- Proposed Retail Tenant 52,381 square feet x 7.3 lbs. / 2,000 = 191.19 tons per year.

The minor increase in square footage for the retail tenant space produces an additional 0.84 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Drainage: A drainage system exists on-site and will be analyzed by the City Engineer for compliance during the site plan review process.

(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 outweigh the negative impacts of identified points of conflict.*

LDR Section 3.2.3, Standards for site plan actions, specifies the standards required for site plans. The following standards are applicable to this proposal, and a more in-depth review will be included with the associated Class III Site Plan Modification to be reviewed by the Site Plan Review and Appearance Board (SPRAB).

- 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.*
- 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).*

- 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.*
- 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.*

Relative to the applicable standards, the proposed building design, lighting, and landscaping are not anticipated to impact visibility or create distractions the proposal is in compliance with the sight visibility requirements and minimum and maximum photometric levels. The proposed retail tenant space is not anticipated to have a negative impact on the safety and stability of nearby neighborhoods; it is a permitted use within the Four Corners Overlay District, and similar to other recent development within the area. The maximum Floor Area Ratio (FAR) for the General Commercial land use designation is 3.0 and the overall resulting FAR for the plaza is 0.22 (326,317 square feet of building/1,450,923.6 square feet of lot area).

Considerations of and compliance with applicable goals, objective, and policies of the Comprehensive Plan may be considered for determining consistency. The following Comprehensive Plan policies are related to the proposal.

Neighborhoods Districts and Corridors

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 2.3, Western Neighborhoods (West of Interstate-95)

Protect and enhance the residential neighborhoods located west of I-95, improve connectivity, and provide a mix of uses that meet daily needs of residents.

Policy NDC 2.3.9

Continue to offer incentives to encourage strip commercial development to redevelop into mixed-use, high quality, multi-modal environments.

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.

Policy NDC 2.7.25

Evaluate the Land Development Regulations to the Four Corners Overlay District, which were adopted in 2007, to assess the vision for the area and create and adopt a redevelopment plan that implements the identified vision through the provision of guidelines and recommendations; new improvements and development shall comply with the provisions of the applicable Land Development Regulations until a Plan and associated Land Development Regulations are adopted.

The land use designation and corresponding zoning regulations within the Four Corners Overlay District support the continued redevelopment of the area by encouraging the provision of appropriate and complementary commercial activities to serve the surrounding neighborhoods. The mix of restaurants and retailers, most of which are part of a larger chain or franchise business, serves the needs of both the surrounding residential development, as well as consumers from outside of the immediate area who access the plaza from both West Atlantic Avenue and South Military Trail.

It is important to understand that the development standards for the Four Corners Overlay District, which were adopted in 2007 (Ordinance No. 08-07), anticipate the redevelopment of the four commercial nodes at the intersection of Military Trail and West Atlantic Avenue. The development standards provide for mixed-use development on properties containing a minimum of four acres and encourages the inclusion of residential uses by allowing a higher density and including workforce housing. The 2007 Planning and Zoning Board Staff Report indicates that the Four Corners Overlay District was based on a 2004 report that included *recommendations that the development mass be increased at the corners and that incentives be implemented to provide mixed-use development including workforce housing, while highlighting opportunities for a transit-oriented development and utilizing new urbanism design elements to distinguish the intersection from others along the Military Trail corridor.* The overlay district was also intended to implement policies in the Comprehensive Plan that called for innovative development practices (see Policy NDC 2.3.9) and provide a variety of housing types including workforce housing.

Other than the partial redevelopment of Delray Plaza at the northeast corner of the intersections, there has not been significant development requests at any of the four corners since the overlay district was established. While the proposal does not take advantage of the residential redevelopment incentives offered in the Four Corners Overlay District, the proposed modifications to the existing retail space supports the continued service of the daily needs of residents.

(D) Compliance with the Land Development Regulations: *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 2.4.5 and in special regulation portions of individual zoning district regulations.*

The Board must make a determination regarding compliance with the Findings, which require *that development of the property as represented by the MDP will be compatible and harmonious with adjacent and nearby properties and the City as a whole, so as not to cause substantial depreciation of property values.* A determination of compliance with the LDRs includes review and consideration of the requested waiver to reduce the minimum structure size.

The following chart provides the applicable Development Standards as provided in **LDR Section 4.4.9, General Commercial (GC) District** (as applicable to the Four Corners Overlay District), **LDR Section 4.4.12, Planned Commercial (PC) District**; and **LDR Section 4.3.4(K), Development standards matrix.**

Zoning District Standards for the Four Corners Overlay District			
Standard	Required	Existing	Proposed
Minimum site area	4 Acres	33.31 Acres	33.31 Acres
Minimum floor area per structure	6,000 SF	52,150 SF	52,381 SF
Minimum open space	25%	16.67%*	16.63%**
Perimeter buffer, Interior side (west):	25 feet	25 feet	17 feet 9 inches**
*Existing legal nonconformities. The subject property was annexed into the City of Delray Beach with legal non-conformities.			
**Waiver Requested.			

In addition to the sections specified above, the layout of the building, parking, and loading area have been analyzed and approved for compliance with the City's Land Development Regulations, with the exception of the requests for waivers to the open space percentage and perimeter buffer requirements (discussed below).

Minimum Parking Requirements

Pursuant to **LDR Section 4.6.9(C)(3)(e), Number of Parking Spaces Required: Requirements for Commercial Uses**, shopping centers ranging from 25,000 to 400,000 square feet require 4 parking spaces per 1,000 square feet of gross leasable floor area, irrespective of uses. The entire development will have a total of 321,982 square feet of leasable floor area, including the proposed 231 square-foot addition to the retail tenant space. Therefore, the development requires 1,304 parking spaces and has provided a total of 1,433 parking spaces resulting in a total of 129 surplus parking spaces. The proposed 231 square-foot addition does not require additional parking allocation.

Waiver Analysis: Perimeter Buffer and Lot Coverage & Open Space

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:

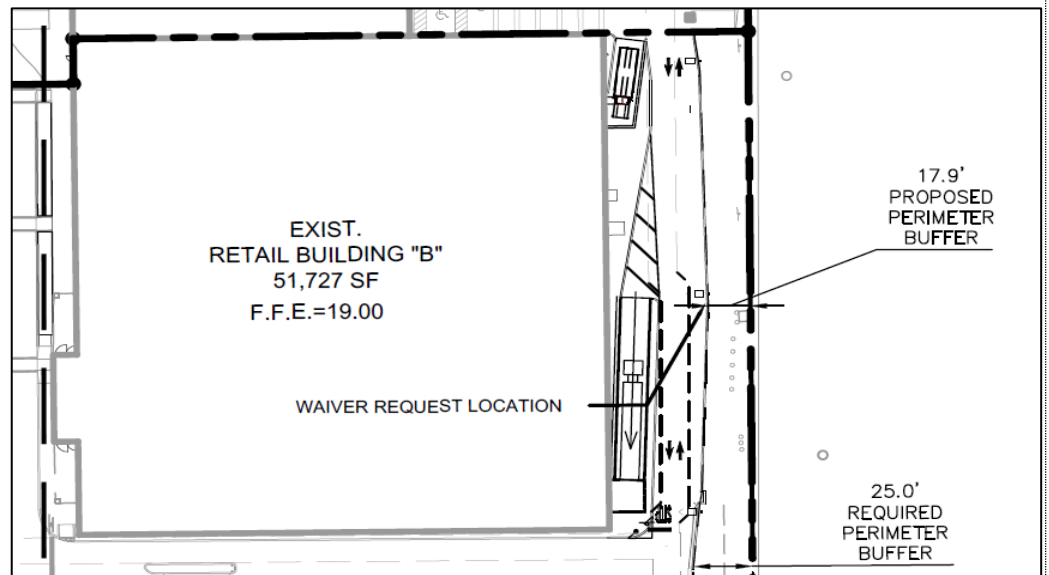
- Shall not adversely affect the neighboring area.
- Shall not significantly diminish the provision of public facilities;
- Shall not create an unsafe situation; and
- Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

Pursuant to **LDR Section 4.4.9(F)(3)(d)1.d., Four Corners Overlay District: Perimeter Buffers**, a 25 feet perimeter buffer is required when abutting non residentially zoned property. The perimeter buffers within the Four Corners Overlay District are intended to allow the proper separation between more intense mixed and lower intensity residential neighborhoods. The perimeter buffer requirements vary in size based on the proximity to collector or arterial streets and residential or commercial zoning districts. The existing perimeter buffer within the scope of work area is in conformance with the 25 feet requirement. The applicant has requested a waiver to reduce the size requirement of the perimeter buffer from 25 feet to 17 feet 9 inches along the eastern property line adjacent to a developed commercial property. The purpose for the reduction in perimeter buffer is to accommodate the proposed loading dock for the retail tenant space. Due to the configuration of the structure on the site, the rear is the only suitable location for a loading dock.

The proposed waiver request abuts a commercial parcel which is not a part of the Delray Square Shopping Center. However, the proposed reduction in the perimeter buffer is not anticipated to have an adverse effect on the neighboring area or create safety concerns. The utilities in the proposed work area will not be altered, therefore, the provision of public facilities will not be affected.

Similar waivers have been previously considered and waived for the internal parcels within the development, but none have been approved in Delray Square for a parcel abutting the perimeter of the property. Although the waiver request is less likely to negatively impact the neighboring property to the east in its current state, it could impact the property if it was rezoned and redeveloped as a residential use in the future.

While the proposal does not meet the minimum perimeter buffer desired for the overlay district, the reduction is necessary to create a usable retail tenant space for the existing development. The applicant's waiver request and justification are provided as an attachment.



Pursuant to **LDR Section 4.4.9(G)(3)(e)1.a., Four Corners Overlay District: Lot Coverage and Open Space**, *Land area equal to at least 25 percent of the individual Four Corners Overlay District Master Development Plan (MDP) including the perimeter landscaped boundary, shall be in open space. Water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.*

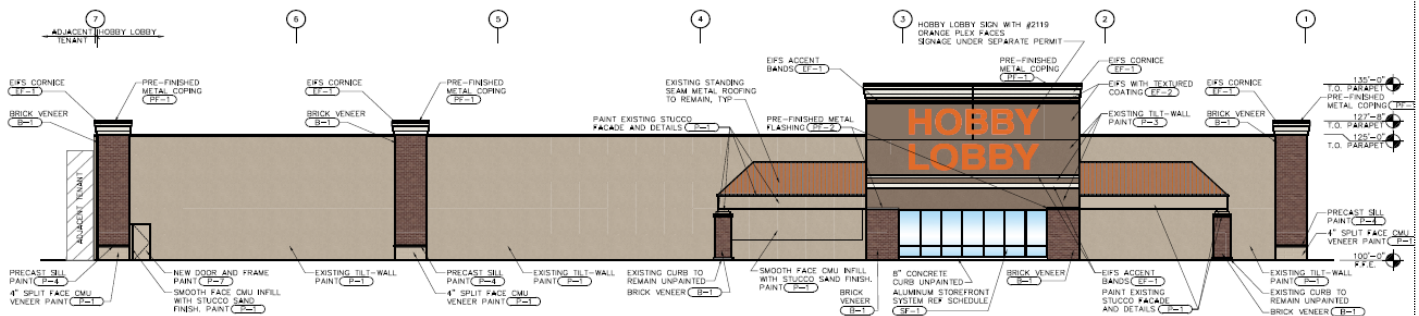
The Four Corners Overlay District requires properties to include 25 percent open space area. The open space area allows for a development to provide the green space necessary to provide visual appeal and reduce the heat island effect throughout the property. Throughout the years, the percentage of open space within the Delray Square Shopping Plaza has fluctuated as a result of improvements to the site. Due to the age of the shopping plaza and the subsequent adoption of the regulations for the Four Corner Overlay District, the plaza is an existing legal non-conformity in regard to open space. Prior to the MDP amendment in 2015, the open space percentage for the subject property was 14.0 percent and each additional modification to the MDP modified the legal non-conformity for the open space percentage. The most recent MDP, approved on September 27, 2017, provided an open space percentage of 16.67% which reduced the non-conformity for the subject property. The proposed modification minimally increases the existing non-conformity for open space from 16.67 percent to 16.63 percent, resulting in a 0.04 percent (746 square foot) decrease.

Per the waiver criteria, the reduction in open space may not significantly impact the development and the granting of the waiver may not result in special privilege to the property owner. The proposed reduction in the open space area is not anticipated to have an adverse effect of the neighboring area, would not create public safety concerns, and will not diminish the provision of public facilities. Although the requested reduction in the overall percentage of open space is minimal, the increase of the existing non-conformity for open space on the subject site should be taken into consideration. The applicant's waiver request and justification are provided as an attachment.

Architecture

Pursuant to **LDR Section 2.4.5(F)(6), Master Development Plans, Special Provisions**, *a Master Development Plan (MDP) for property not located within a designated historic district and not located on an individually listed property shall be approved by the Planning and Zoning Board. A MDP shall be the guide for any subsequent site plan or subdivision action. A site plan shall be required for any phase or the entire area encompassed by a MDP. Individual site plans shall be processed pursuant to Section 2.4.5(G), (H), and (I) with approval authority of the Site Plan Review and Appearance Board.*

The proposed MDP modification requires approval by the Planning and Zoning Board, prior to consideration of the associated site plan modification by the SPRAB. While the elevations are ultimately approved by the SPRAB through a Class III site plan, architectural consistency is part of the MDP consideration. The Board must also consider whether the proposal is architecturally consistent with the balance of the Delray Square Shopping Center MDP. The proposed elevations are provided below.






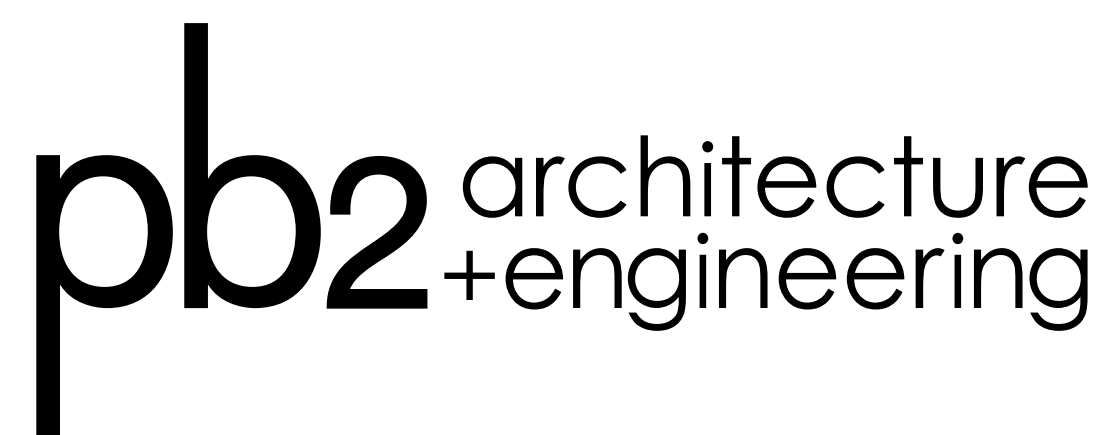
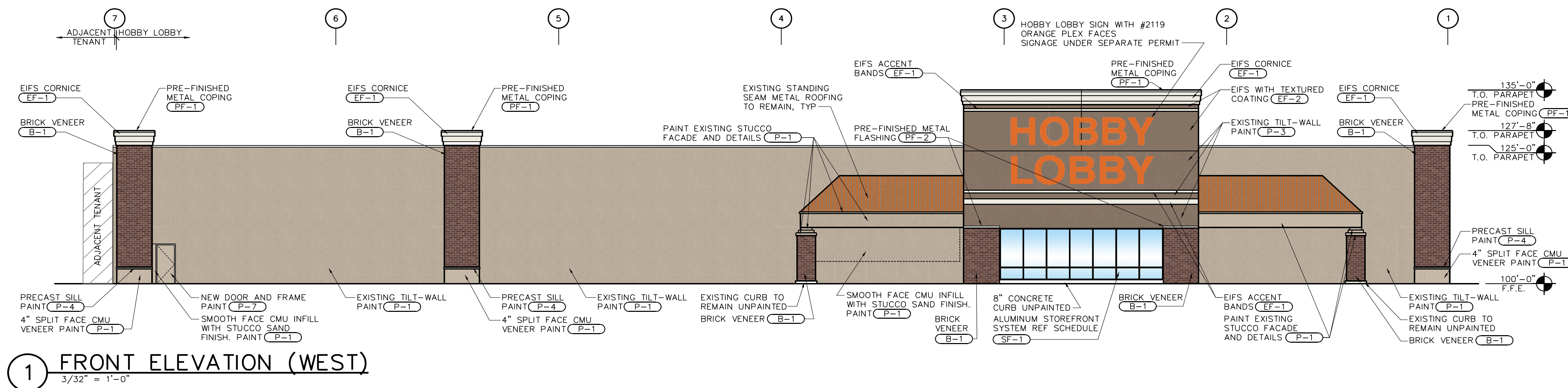
Options for Board Action

- A. Move to **continue with direction**.
- B. **Approve** the amendment to the Hobby Lobby at Delray Square Shopping Center Master Development Plan Modification; with a waiver from LDR 4.4.9(F)(3)(d)1.d. to allow a reduction from the required 25 foot perimeter buffer to 17 feet 9 inches, and a waiver from LDR 4.4.9(G)(3)(e)1.a. to allow a reduction of the existing open space percentage from 16.67 percent to 16.63 percent; finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. **Approve** the amendment to the Hobby Lobby at Delray Square Shopping Center Master Development Plan Modification **as amended**; with a waiver from LDR 4.4.9(F)(3)(d)1.d. to allow a reduction from the required 25 foot perimeter buffer to 17 feet 9 inches, and a waiver from LDR 4.4.9(G)(3)(e)1.a. to allow a reduction of the existing open space percentage from 16.67 percent to 16.63 percent; finding that the approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- D. **Deny** the amendment to the Hobby Lobby at Delray Square Shopping Center Master Development Plan Modification; with a waiver from LDR 4.4.9(F)(3)(d)1.d. to allow a reduction from the required 25 foot perimeter buffer to 17 feet 9 inches, and a waiver from LDR 4.4.9(G)(3)(e)1.a. to allow a reduction of the existing open space percentage from 16.67 percent to 16.63 percent; finding that the approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in the Land Development Regulations.

Public and Courtesy Notices

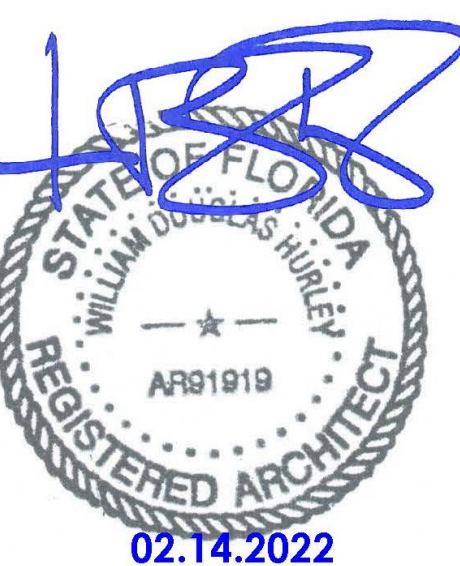
<p><input checked="" type="checkbox"/> Courtesy Notices were provided to the following on July 8, 2022:</p> <ul style="list-style-type: none"> • Chamber of Commerce • Lee's Crossing • Sunset Pines • Highland Trailer Park • Sherwood Forest • Country Club Acres 	<p><u>N/A</u> Public Notices are not required for this request.</p>
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MATERIAL LEGEND		GENERAL NOTES
PATTERN	DESCRIPTION	
	NEW EIFS	A. SIGNAGE TO BE SUBMITTED UNDER PERMIT SEPARATE FROM BUILDING.
	NEW CMU WALL	B. PROVIDE KNOX BOX AT LOCATION DETERMINED BY LOCAL FIRE DEPARTMENT REPRESENTATIVE.
	EXISTING MATERIAL TO REMAIN	C. REFERENCE STRUCTURE FOR DETAILS AT CMU INFILL.
		D. ALL WOOD MATERIAL SHOWN IN DETAILS ON THIS SHEET SHALL BE FIRE RETARDANT TREATED WOOD (FRTW) IN ACCORDANCE WITH BUILDING CODE SECTION 603.1, THIS INCLUDES ALL REFERENCES TO "BLOCKING", "NAILERS", "PLYWOOD", "SHEATHING", AND IF APPLICABLE "WOOD STUDS".
		E. NEW MECHANICAL EQUIPMENT SCREENING AS REQUIRED BY AHJ. MANUFACTURER: AES INDUSTRIES (OR EQUAL) PANEL PROFILE: CORRUGATED PANELS TRIM PROFILE: FLAT COLOR: BONE WHITE
		F. ALL EQUIPMENT SCREENING TO BE ENGINEERED TO MEET FLORIDA BUILDING CODES OR TO HAVE FLORIDA PRODUCT APPROVAL.



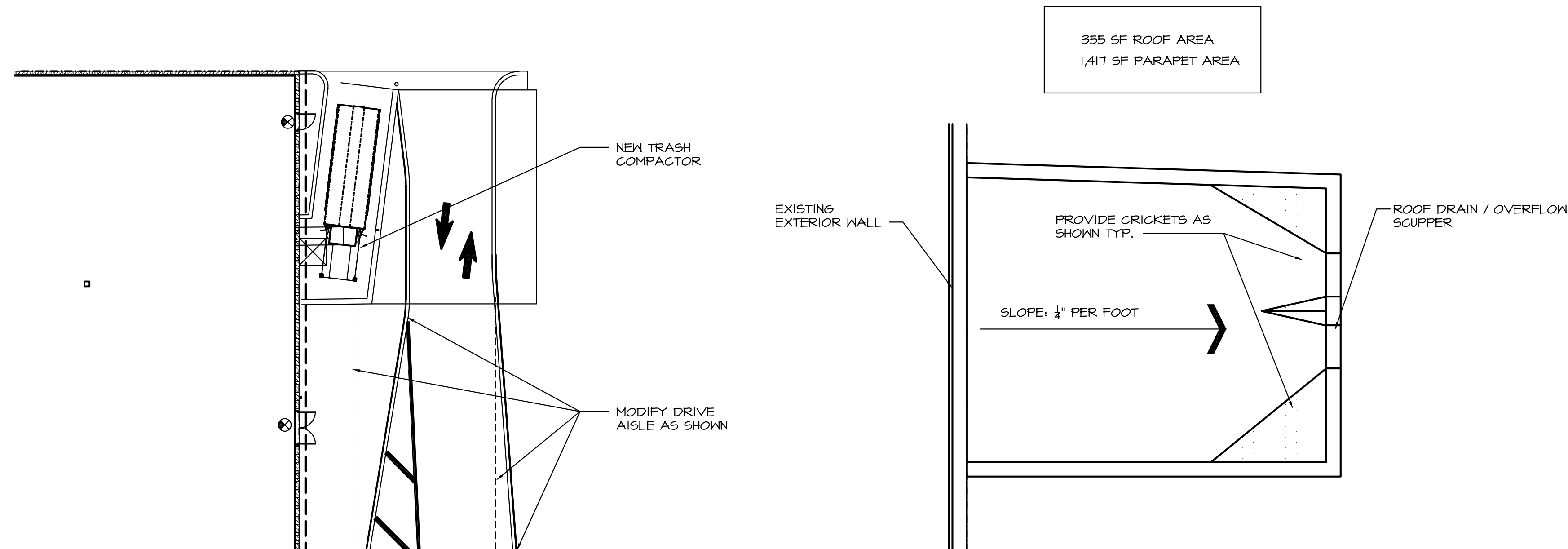
January 25, 2022

Delray Beach FL Building Elevations



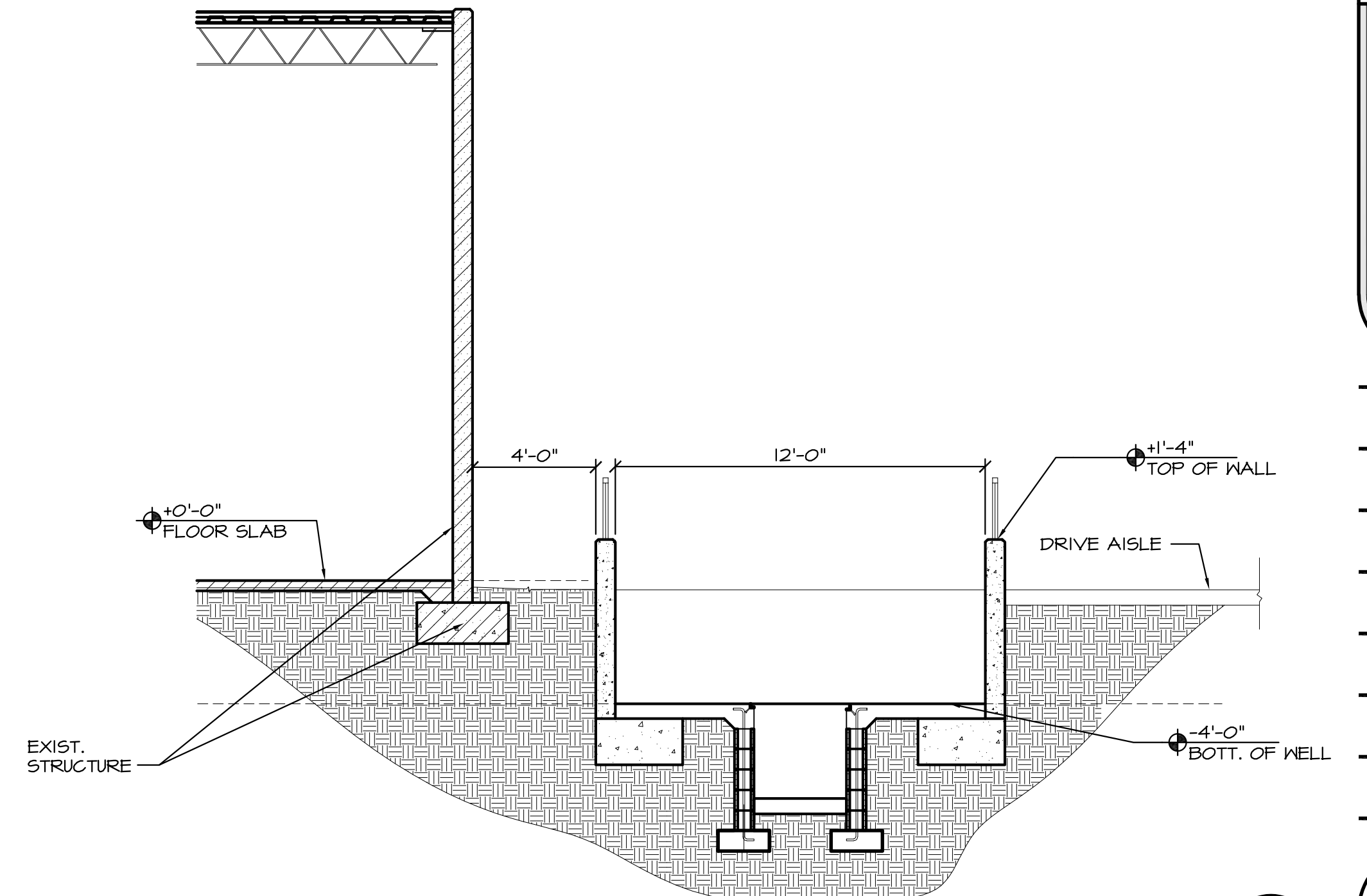
02.14.2022

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ROOF PLAN

$\frac{1}{4}" = 1'-0"$



SECTION THROUGH TRUCKWELL

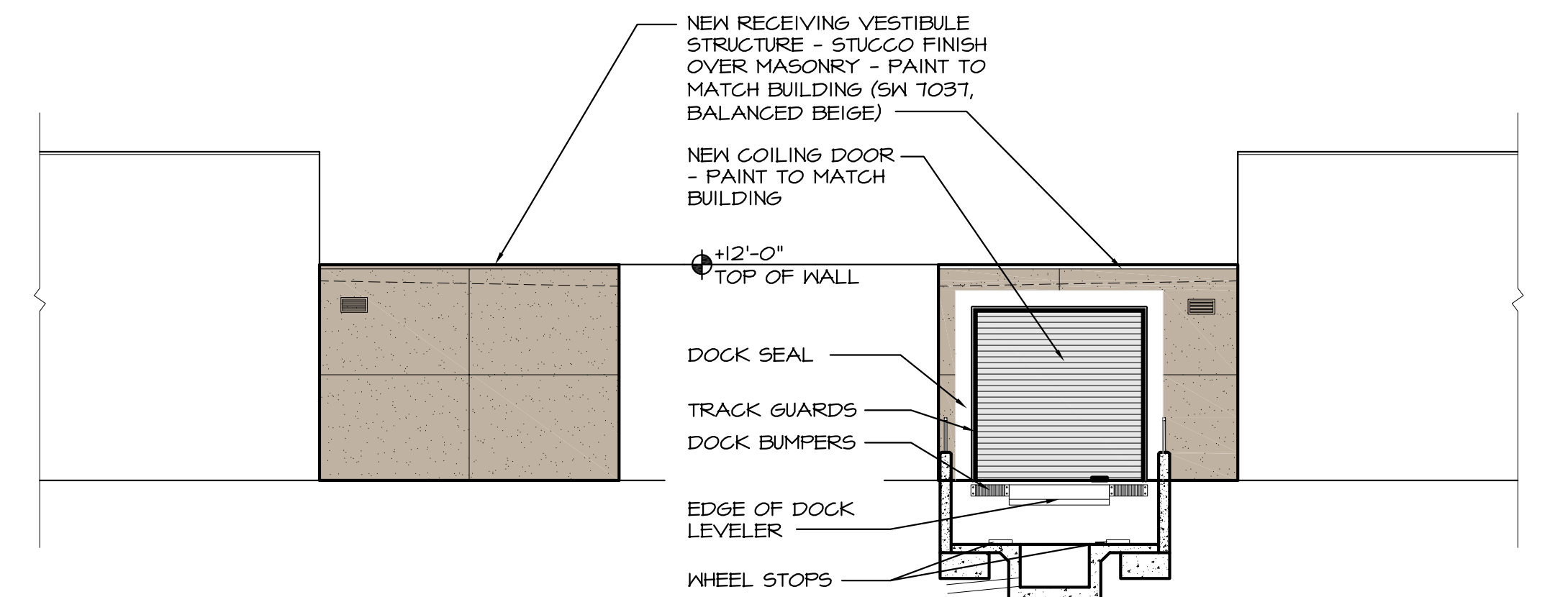
$\frac{1}{4}" = 1'-0"$

ROOF NOTES:

- THE ROOF SYSTEM SHALL BE:
 - ADMINISTRATION**
SINGLE PLY 45 MIL T.P.O. ROOF (SAF MATERIALS CORP. SPEC EVERGUARD TPO ROOFING OR EQUAL - NOA 13-0107.02) OVER MIN. 3" TAPERED ROOF INSULATION BOARD. THE STRUCTURE SLOPES AT A MINIMUM $\frac{1}{4}$ " PER FOOT. PROVIDE CRICKETING AS DESIGNATED ON THE PLANS.
 - INSULATION TO BE FASTENED USING SCREWS AND PLATES PER FM-190 REQUIREMENTS.
 - 4" FIBER CANT STRIPS AT ALL WALL AND CURB ADJOINMENTS.
 - 26 GAUGE H.D. GALVANIZED SCUPPERS AT ALL SCUPPER LOCATIONS.
- THE ROOF DRAINS AND OVERFLOW SCUPPERS ARE SHOWN ON SHEET A210.
- ROOF TRIM AND ACCESSORIES TO BE HOT DIPPED GALVANIZED (PAINTED WHERE EXPOSED) UNLESS OTHERWISE NOTED.
- ROOF DRAINAGE PER CHAPTER 11 FLORIDA BUILDING CODE 2020 - PLUMBING
 - OVERFLOW DRAINS OR SCUPPERS SHALL BE PLACED TO PREVENT AN ACCUMULATION OF MORE THAN FOUR INCHES OF WATER ON ANY PORTION OF THE ROOF.

PARTIAL SITE PLAN

$\frac{1}{16}" = 1'-0"$

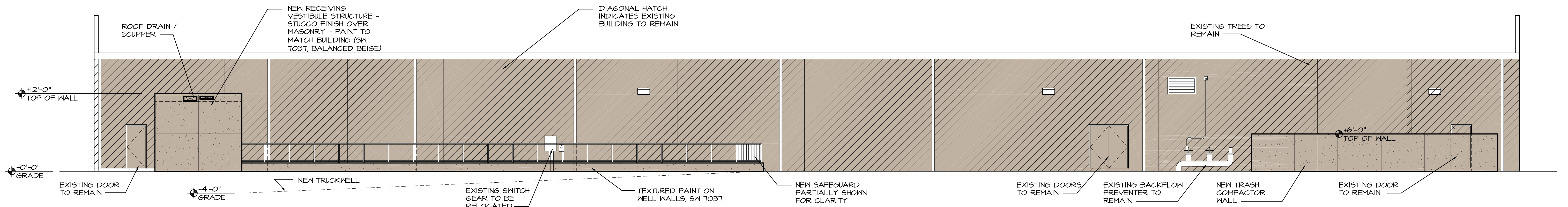


EXTERIOR ELEVATION

$\frac{1}{8}" = 1'-0"$

EXTERIOR ELEVATION

$\frac{1}{8}" = 1'-0"$



EXTERIOR ELEVATION OF TRUCKWELL

$\frac{1}{8}" = 1'-0"$

revision:



A new truckwell for:

Hobby Lobby
14530 S Military Trail - Bay XX
Delray Beach, Florida

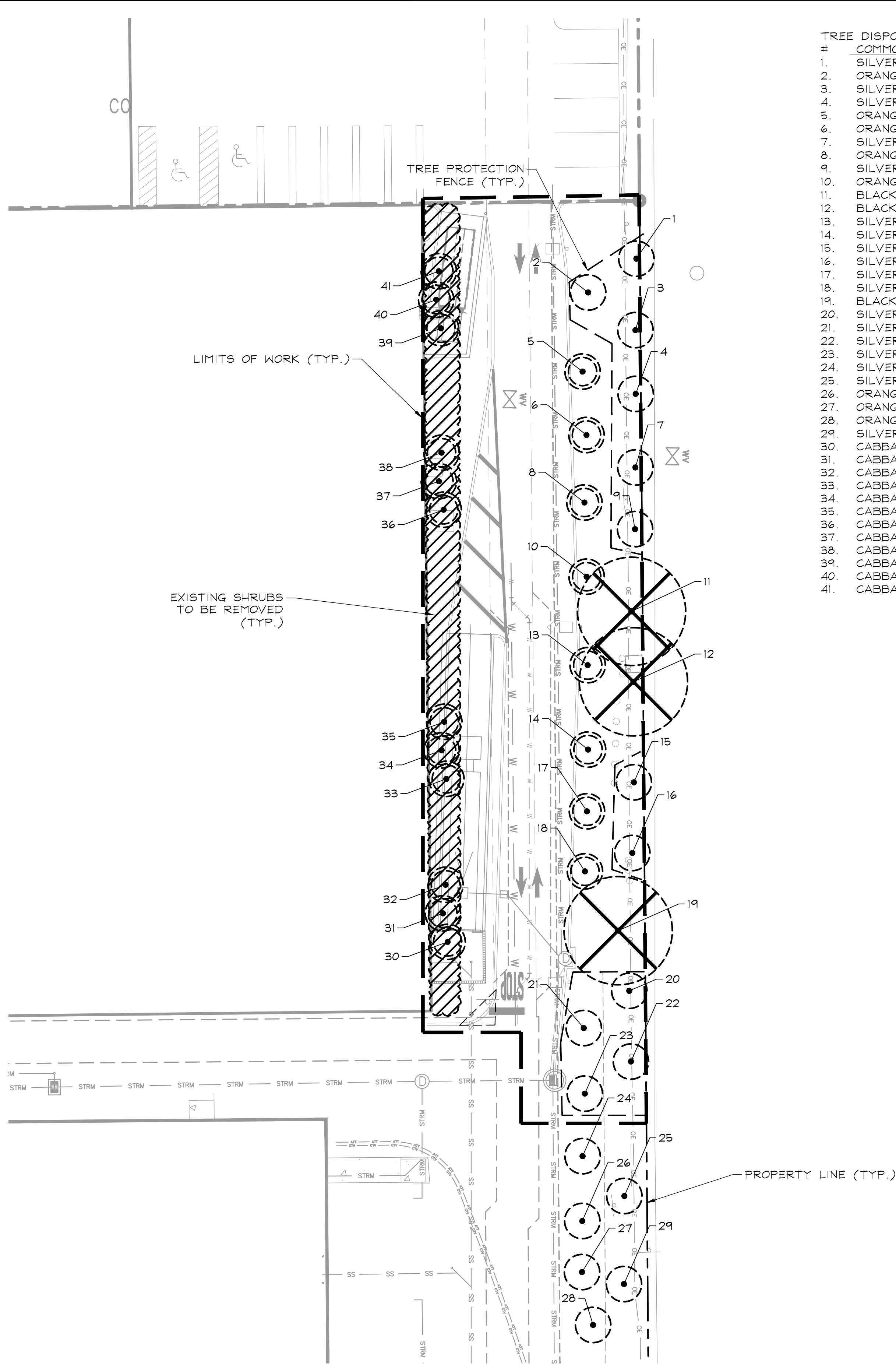
job no. 21-019
principal: CHRIS HAIR
CH
file name:
date: 07.12.21
title:

SITE PLAN

A210

1 A

Plotted By:Honnon, Morgan Sheet Set:DELRAY SQUARE RETAIL B Layout:L-100 TREE DISPOSITION PLAN May 31, 2022 03:55:03pm K:\BCD-Civil\042395001 - Delray Square Retail B\CADD\PlanSheets\L-100 TREE DISPOSITION PLAN.dwg
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#	COMMON NAME	BOTANICAL NAME	DBH(IN)	HEIGHT(FT)	SPREAD(FT)	DISPOSITION
1.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
2.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	REMAIN
3.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
4.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
5.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	RELOCATE
6.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	RELOCATE
7.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
8.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	RELOCATE
9.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
10.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	RELOCATE
11.	BLACK OLIVE TREE	BUCIDA BUCERAS	8"	20'	30'	REMOVE*
12.	BLACK OLIVE TREE	BUCIDA BUCERAS	8"	20'	30'	REMOVE*
13.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	RELOCATE
14.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	RELOCATE
15.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
16.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
17.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	RELOCATE
18.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	RELOCATE
19.	BLACK OLIVE TREE	BUCIDA BUCERAS	10"	15'	30'	REMOVE*
20.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
21.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
22.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
23.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
24.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
25.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
26.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	REMAIN
27.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	REMAIN
28.	ORANGE GEIGER TREE	CORDIA SEBESTENA	3"	12'	4'	REMAIN
29.	SILVER BUTTONWOOD	CONOCARPUS ERECTUS SERICEUS	3"	12'	5'	REMAIN
30.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
31.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
32.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
33.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
34.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
35.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
36.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
37.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
38.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
39.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
40.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE
41.	CABBAGE PALM	SABAL PALMETTO		15'	5'	RELOCATE

TREE DISPOSITION SUMMARY	
TREES TO BE RELOCATED	8
PALMS TO BE RELOCATED	12
TREES TO BE REMOVED	3
TOTAL INCHES REMOVED	26"
TOTAL INCHES PROPOSED	27.5"
TOTAL INCHES SURPLUS	1.5"

*TREES REMOVED BY FPL.
DBH REPLACEMENT METHOD UTILIZED FOR MITIGATION CALCULATIONS. DBH COLLECTED VIA GOOGLE STREET VIEW DATED MAY 2019 PER DISCUSSIONS WITH STAFF.

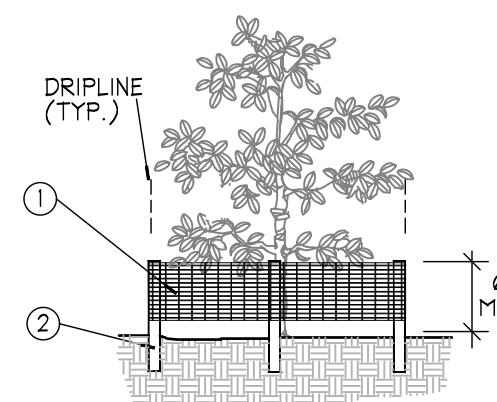
TREE/PALM RELOCATION

TREE/PALM RELOCATION GENERAL NOTES

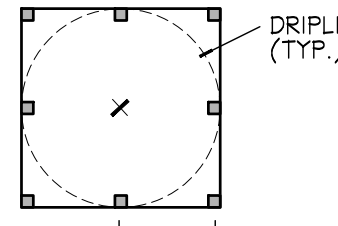
- Trees and/or Palms shall be relocated once from their present location to a designated per the direction of the Project Engineer who shall determine the exact location for each relocated palm. Relocation activities will include planting on slopes and/or level grade.
- An ISA - Certified Arborist or a Certified Landscape Contractor certified by the Florida Nurserymen and Growers Association shall perform and monitor all tree and/or palm root pruning and relocation activities.
- Landscape Specifications provided in this construction set shall apply to all relocated trees and/or palms.
- Contractor shall stake and guy all trees and/or palms at the time of relocation as per details provided in this construction set. Contractor shall be responsible for the maintenance and/or repair of staking and guying during the warranty period. All trees and/or palms shall be braced at least one (1) year or as directed by the Owner's Representative.
- Soil backfill for the installation of trees, palms, shrubs, and ground covers shall be uniform mix of 25% well-rotted compost, 25% topsoil, and 50% clean, weed-free loosened native soil backfill.
- Contractor shall submit manufacturers certified analysis for soil amendments to the Owner's Representative.
- Contractor shall pay to have the backfill lab tested if requested by the Owner's Representative. Non-soluble wetting agent shall be added to the backfill per the manufacturer's specifications.
- Refer to staking detail B sheet L-450.

ROOT PRUNING

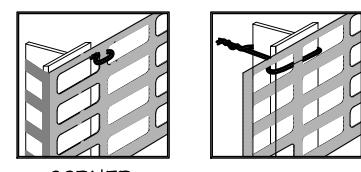
- The Landscape Architect has observed trees that could be impacted by construction of the proposed improvements.
- If construction activities occur within the dripline (or the horizontal extent of the canopy) of a tree, then that tree is a candidate for root pruning.
- Root pruning must occur prior to trenching operations to insure that the roots are cut clean and at proper angles and not mechanically ripped from the earth during construction.
- For trees requiring root pruning, a tree assessment shall be conducted and a root-pruning plan shall be developed by a Certified Arborist or Consulting Arborist. This plan should identify:
 - Maximum allowable size of roots to be cut
 - Allowable proximity to the trunk for cuts
 - Time of year when root cutting is allowable(Note: In Florida, it is best to avoid root pruning during times of the "dry" through September, when the potential for damaging wind loads on trees are greatest.)
 - Method for making cuts
 - Mitigating canopy pruning
 - Type and extent of necessary structural support
 - Schedule for watering/fertilization after pruning
- Implement the root pruning plan per the Arborist's recommendation.



ELEVATION



PLAN VIEW



CORNER CONNECTION



CONNECTION



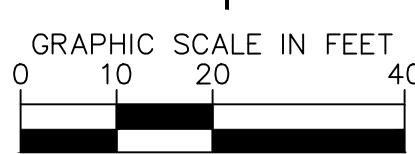
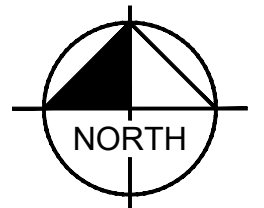
Tree/Shrub Protector Barrier Detail

- 6/4 "PERIMETER PLUS" CONSTRUCTION FENCE BY CONNED PLASTICS OR OWNER'S REPRESENTATIVE APPROVED EQUAL. SUBMIT PRODUCT INFORMATION FOR APPROVAL PRIOR TO INSTALLATION.
- 8' TALL METAL "T" POSTS OR 2" x 2" x 8' PRESSURE TREATED WOOD POSTS WITH 24" BURIAL BELOW GRADE.

INSTALLATION NOTES:

- POST SELECTION SHOULD BE BASED ON EXPECTED STRENGTH NEEDS AND THE LENGTH OF TIME FENCE WILL BE IN PLACE. FLEXIBLE FIBERGLASS ROD POSTS ARE RECOMMENDED FOR PARKS, ATHLETIC EVENTS AND GROUND CONTROL INSTALLATIONS. METAL "T" POSTS OR TREATED WOOD POSTS ARE TYPICALLY USED FOR CONSTRUCTION AND OTHER APPLICATIONS.
- POSTS SHOULD BE DRIVEN INTO THE GROUND TO A DEPTH OF 1/4 OF THE HEIGHT OF THE POST. FOR EXAMPLE, A 8' POST SHOULD BE SET AT LEAST 2' INTO THE GROUND.
- SPACE POSTS EVERY 6' (MIN.) TO 8' (MAX.).
- SECURE FENCING TO POST WITH NYLON CABLE TIES (AVAILABLE FROM CONNED PLASTICS). WOOD STRIPS MAY BE ALSO BE USED TO PROVIDE ADDITIONAL SUPPORT AND PROTECTION BETWEEN TIES AND POSTS.

NOTE: IF WIRE TIES ARE USED, AVOID DIRECT CONTACT WITH FENCE. WIRE MAY DAMAGE FENCE OVER TIME.



PLANS ARE IN 1988 DATUM
CONVERSION EQUATION IS BELOW:
(NAVD 1988) + 1.506' = (NGVD 1929)

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WWW.KIMLEY-HORN.COM REGISTRY 35106

LICENSED PROFESSIONAL

TRICIA C. RICHTER, PLA

FLORIDA LICENSE NUMBER
LA #6667244

KHA PROJECT
042395001

DATE
MAY 2022

SCALE
AS SHOWN

DESIGNED BY
JPL

DRAWN BY
MLR

CHECKED BY
JAW

DATE

TREE DISPOSITION PLAN

DELRAY SQUARE
RETAIL B

PREPARED FOR
THE KEITH CORP.

FLORIDA
DELRAY BEACH

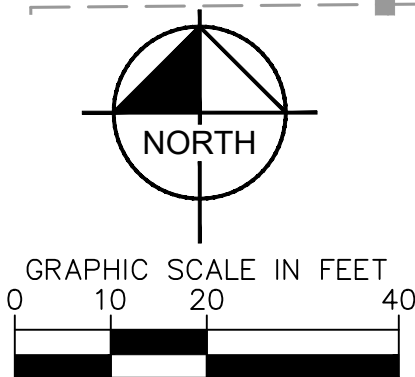
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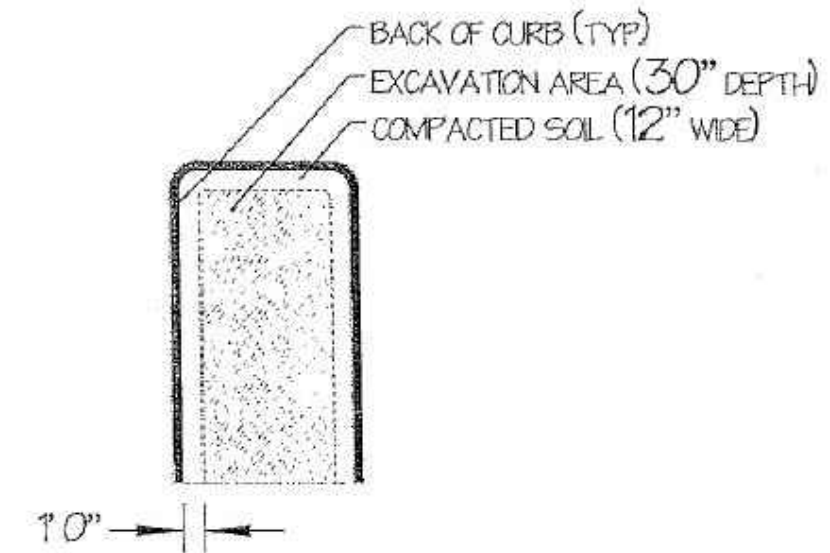
REVISIONS

No.

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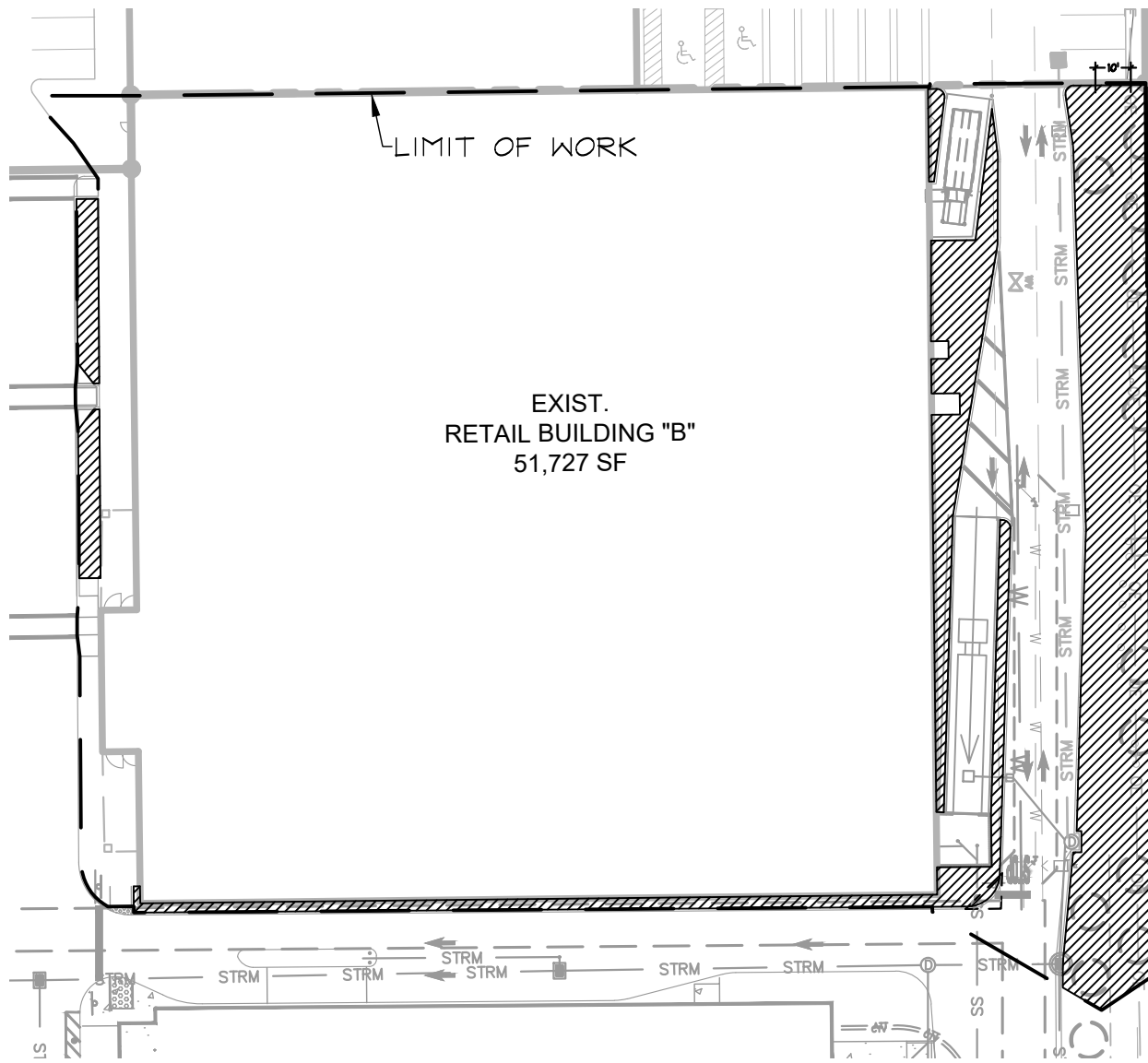


<u>TREES</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT</u>	<u>CAL</u>	<u>SIZE</u>	<u>QTY</u>
CGR	Cordia sebestena	Orange Geiger Tree	Relocated			4
CS	Conocarpus erectus sericeus 8' CT	Silver Buttonwood	B & B	2.5" Cal.	16' HT x 7' SPR	11
CSR	Conocarpus erectus sericeus	Silver Buttonwood	Relocated			4
SP	Sabal palmetto	Sabal Palm	F.G.		16' - 20' CT	5
SPR	Sabal palmetto	Sabal Palm	Relocated			12
<u>SHRUBS</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT</u>	<u>O.C.</u>	<u>SIZE</u>	<u>QTY</u>
CR	Chrysobalanus icaco 'Red Tip'	Red Tip Cocoplum	Cont.	36" O.C.	24"x24"	88
FG	Ficus microcarpa 'Green Island'	Green Island Ficus	Cont.	24" O.C.	15"x15"	46
HC	Hamelia patens 'Compacta'	Dwarf Firebush	Cont.	36" O.C.	24"x24"	34
<u>SHRUB AREAS</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT</u>	<u>O.C.</u>	<u>SIZE</u>	<u>QTY</u>
TF	Tripsacum floridanum	Dwarf Fakahatchee Grass	Cont.	36" O.C.	18" HT	19
<u>GROUND COVERS</u>	<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>CONT</u>	<u>O.C.</u>	<u>SIZE</u>	<u>QTY</u>
DB	Dianella tasmanica 'Blueberry'	Blueberry Flax Lily	Cont.	18" O.C.	10" x 10"	140
SOD	Stenotaphrum secundatum 'Floratum'	Floratum St. Augustine Grass	Sod			± 3,556 sf



- ± 3,556 sf  Typical Parking Island Excavation Detail

1. CONTRACTOR SHALL REFER TO THE LANDSCAPE PLANTING DETAILS, PLANT LIST, GENERAL NOTES AND ALL CONTRACT DOCUMENTS FOR FURTHER AND COMPLETE INSTRUCTIONS.
2. PLANT LIST QUANTITIES ARE PROVIDED FOR CONVENIENCE. IN THE EVENT OF QUANTITY DISCREPANCIES THE DRAWING SHALL TAKE PRECEDENCE. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BIDDING.
3. PLANT SIZES LISTED ARE THE MINIMUM SIZE THAT WILL BE ACCEPTED FOR THAT PLANT.
4. ANY SUBSTITUTION IN SIZE AND/OR PLANT MATERIAL MUST BE APPROVED BY THE LANDSCAPE ARCHITECT IN WRITING. ALL PLANTS WILL BE SUBJECT TO APPROVAL BY LANDSCAPE ARCHITECT AND/OR OWNERS REPRESENTATIVE BEFORE PLANTING CAN BEGIN.
5. CONTRACTOR SHALL FIELD ADJUST LOCATION OF PLANT MATERIAL AS NECESSARY TO AVOID DAMAGE TO EXISTING UNDERGROUND UTILITIES AND/OR INTERFERE WITH EXISTING ABOVE GROUND ELEMENTS. ALL CHANGES REQUIRED SHALL BE COMPLETED AT THE CONTRACTOR'S EXPENSE AND SHALL BE COORDINATED WITH THE OWNER'S REPRESENTATIVE AND THE LANDSCAPE ARCHITECT.
6. THE CONTRACTOR SHALL BEAR ALL COSTS OF TESTING OF SOILS, AMENDMENTS, ETC. ASSOCIATED WITH THE WORK AND INCLUDED IN THE SPECIFICATIONS.
7. CONTRACTOR SHALL FAMILIARIZE HIM/HERSELF WITH THE LIMITS OF WORK AND EXISTING CONDITIONS AND VERIFY ALL INFORMATION. IF DISCREPANCIES EXIST, CONTRACTOR SHALL NOTIFY OWNER'S REPRESENTATIVE IN WRITING WITHIN SEVEN CALENDAR DAYS OF NOTICE TO PROCEED.
8. ALL NEW AND TRANSPLANTED PLANT MATERIAL SHALL BE IRRIGATED BY AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.



SCALE: 1"=50'

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TRICIA C. RICHTER, PLA

FLORIDA LICENSE NUMBER
1A #6667244

DATE: ---

DELRAY SQUARE

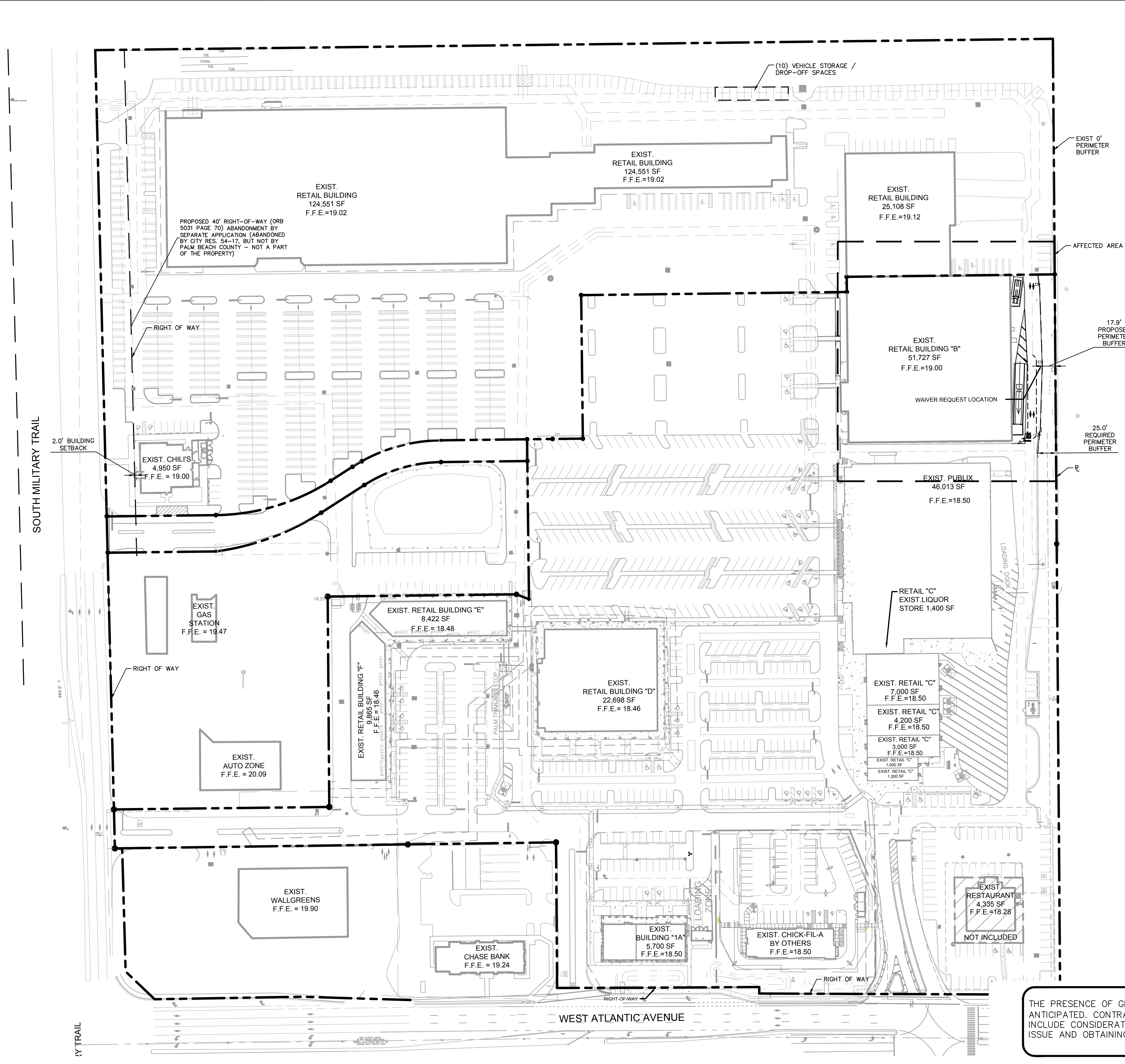
RETAIL B

THE KEITH CORP.

DELRAY BEACH
FLORIDA

SHEET NUMBER
L-200

Plotted By: Webber, Jason Sheet: Set-Delray Square Retail B Layout: C-400 MASTER DEVELOPMENT PLAN June 14, 2022 01:14:32pm K:\BCD\Civil\042395001 - Delray Square Retail B\CADD\Plan\Sheets\C-400 SITE PLAN.dwg
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HORIZONTAL CONTROL NOTES

1. ALL DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT FOR TYPE "F" CURB AND GUTTER, FACE OF CURB FOR TYPE "D" CURB OR EDGE OF PAVEMENT FOR NO CURB UNLESS OTHERWISE NOTED.
2. TYPE "F" CURB AND GUTTER AND TYPE "D" CURB SHALL BE CONSTRUCTED PER FDOT INDEX 300. ALL TYPE "D" CURB SHALL HAVE A 3" STRAIGHT TRANSITION AT THE BEGINNING AND ENDING POINTS.
3. PUBLIX SIDEWALK CURBING SHALL BE PAINTED TRAFFIC YELLOW.
4. REFER TO LANDSCAPE PLANS FOR PLANTING AND DETAILS.
5. ALL PAVEMENT MARKINGS ARE PAINT, UNLESS OTHERWISE NOTED.
6. PUBLIX PAVEMENT MARKINGS SHALL BE SLIP RESISTANT PAINT.
7. DISTANCE BETWEEN STOP BAR AND CROSSWALK SHALL BE A MINIMUM OF 4 FEET.

PROJECT DATA (APPROVED CLASS IV MODIFICATION 2/14/18)

PC ZONING DISTRICTS						
PC	MIN. LOT SIZE (SF)	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MIN. LOT FRONTAGE (FT)	MIN. OPEN SPACE (%)	MIN. FLOOR AREA (SF)
REQUIRED	10,000	50	100	50	25	N/A**
EXISTING	1,451,188	1,301	1,309	1,301	16.67*	4,917
PROPOSED	1,451,188	1,301	1,309	1,301	16.63*	4,917

(*) INDICATES PREVIOUSLY APPROVED WAIVER AND ADDITIONAL WAIVER REQUEST THIS APPLICATION
(**) PER SECTION 4.4.9(G)(3)(E) WHERE IN CONFLICT

PC ZONING DISTRICTS						
PC	MIN. FRONT SETBACK (FT)-S	MIN. SIDE STREET SETBACK (FT)-W	MIN. SIDE INTERIOR SETBACK (FT)-E	MIN. REAR SETBACK (FT)-N	MAX. BLDG HEIGHT (FT)	
REQUIRED	N/A**	10	0	10	N/A**	
EXISTING	35.3	2*	61	85	41.5	
PROPOSED	35.3	2*	61	85	41.5	

(*) INDICATES PREVIOUS WAIVER APPROVED

FOUR CORNERS OVERLAY DISTRICT					
PC	MIN. SITE AREA (AC)	MAX. LOT COVERAGE (%)	PERIMETER FRONTAGE (LANDSCAPE BUFFER (ATLANTIC AVE.))	PERIMETER FRONTAGE (LANDSCAPE BUFFER (MILITARY TRAIL))	PERIMETER NON-FRONTAGE LANDSCAPE BUFFER
REQUIRED	4	75	30	30	25
EXISTING	33.31	83.33	27.5*	2*	0
PROPOSED	33.31	83.33	27.5*	2*	VARIES*

(*) INDICATES PREVIOUS WAIVER APPROVED

FOUR CORNERS OVERLAY DISTRICT				
PC	MIN. INTERIOR PARCEL SETBACK (FT)	MIN. FRONT SETBACK (FT)	MIN. NON-RESIDENTIAL FLOOR AREA (SF)	MAX. BLDG HEIGHT (FT)
REQUIRED	25	30	4,000	60
PROVIDED	0	35.3	4,917	41.5
EXISTING	0	35.3	4,917	41.5

The Master Development Plan with associated waivers that was approved at the April 20, 2015 Planning and Zoning board and separately at the Site Plan Review and Appearance Board on June 24, 2015 included calculations for open space and landscape areas used for the approval of Waiver #3 (open space).

VEHICLE PARKING		
USE	PARKING RATIO	REQUIRED PARKING
SHOPPING CENTER EXCLUDING IHOP (321,751 SF)	4 SPACES/ 1,000 SF	1,277 SPACES
IHOP (NOT INCLUDED IN CENTER) (4,338 SF)	4 SPACES/ 1,000 SF	17 SPACES
10 VEHICLE STORAGE/DROP-OFF SPACES (1,256 SF)	MAX. 20 SPACES	10 SPACES
PROVIDED PARKING:		
REGULAR SPACES:	1,375 SPACES	
COMPACT SPACES:	0 SPACES	
ACCESSIBLE SPACES:	74 SPACES	
VEHICULAR STORAGE:	10 SPACES	
TOTAL SPACES:	1,459 SPACES	

EXISTING / PREVIOUSLY APPROVED WAIVERS		
LAND DEVELOPMENT REGULATIONS SECTION	REQUIRED	PROVIDED
4.4.9(F)(3)(d) INTERNAL PARCEL LINE SETBACKS	25'	0'
4.4.9(F)(3)(g) INTERNAL PARCEL LINE LANDSCAPE BUFFERS	25'	0'
4.4.9(G)(3)(e)1 a LOT COVERAGE AND OPEN SPACE	25%	16.67%
4.4.9(F)(1) BUILDING SETBACKS	BTWN 30'-42'	2'
4.3.4(H)(6)(b)6 LANDSCAPE BUFFER	30'	2'

CURRENT WAIVER REQUESTS		
LAND DEVELOPMENT REGULATIONS SECTION	REQUIRED	PROVIDED
4.4.9(G)(3)(e)1 a LOT COVERAGE AND OPEN SPACE	25% (PREV. WAIV 16.67%)	16.63%
4.4.9(F)(3)(d)1 d PERIMETER BUFFERS	25	17.9'

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THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE AND OBTAINING ALL NECESSARY PERMITS.

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LICENSED PROFESSIONAL

JASON A. WEBBER, P.E.

FLORIDA LICENSE NUMBER 73962

CHECKED BY: JAW DATE: _____

MASTER DEVELOPMENT PLAN

DELRAY SQUARE RETAIL B

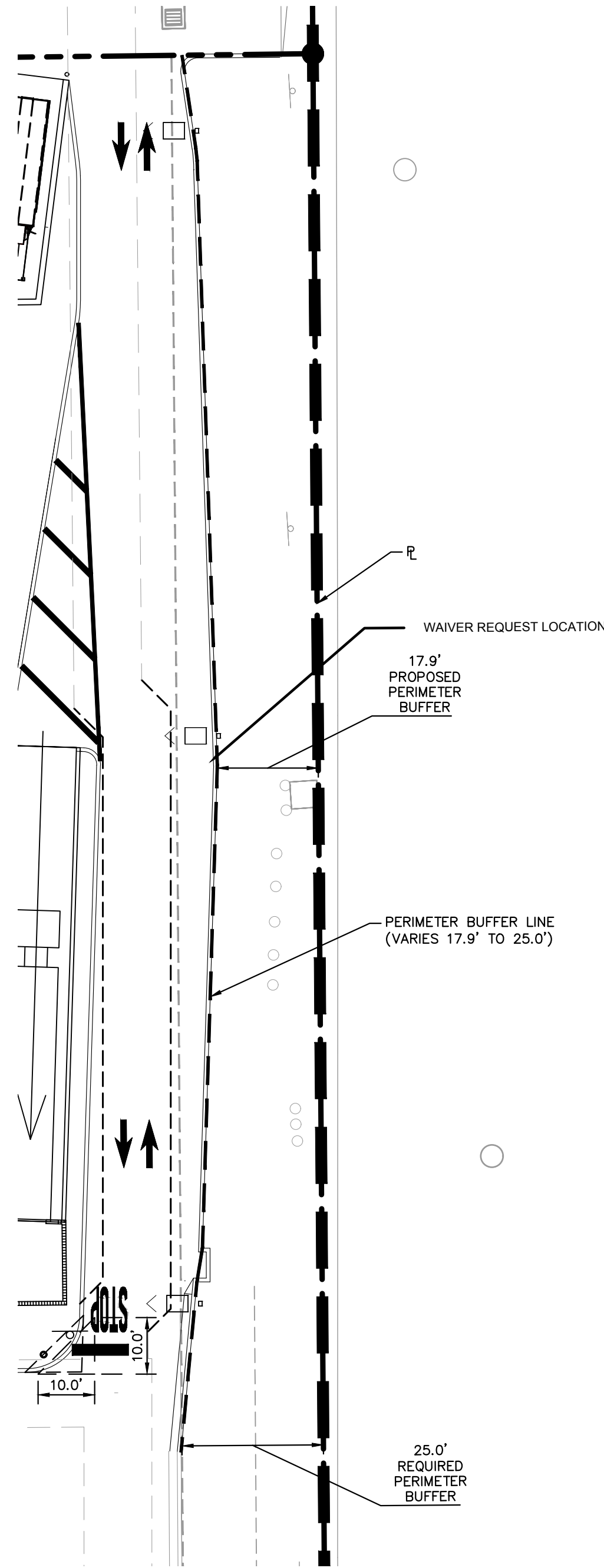
PREPARED FOR THE KEITH CORP.

DELRAY BEACH FLORIDA

SHEET NUMBER C-400

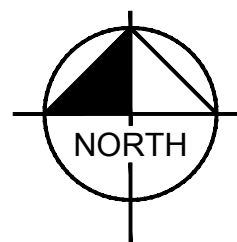
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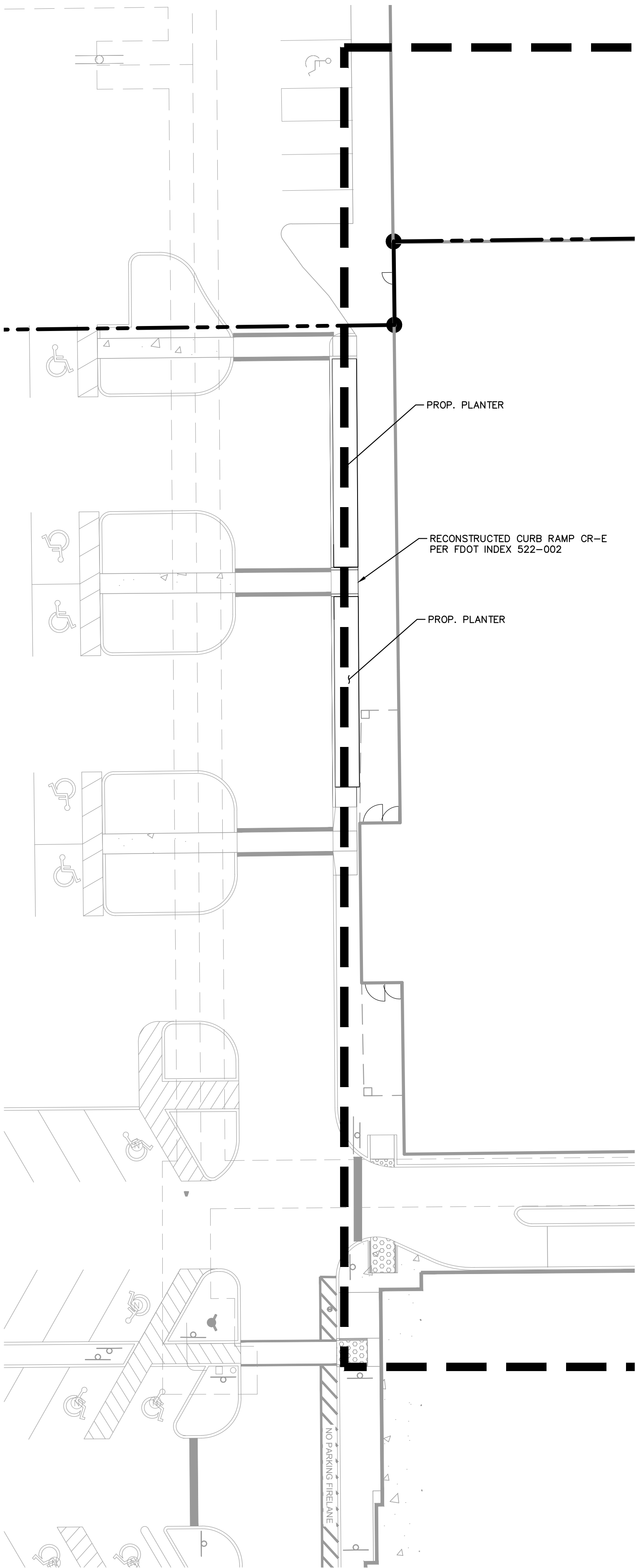
1. ALL DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT FOR TYPE "F" CURB AND GUTTER, FACE OF CURB FOR TYPE "D" CURB OR EDGE OF PAVEMENT FOR NO CURB UNLESS OTHERWISE NOTED.
2. TYPE "F" CURB AND GUTTER AND TYPE "D" CURB SHALL BE CONSTRUCTED PER FDOT INDEX 300. ALL TYPE "D" CURB SHALL HAVE A 3' STRAIGHT TRANSITION AT THE BEGINNING AND ENDING POINTS.
3. PUBLIC SIDEWALK CURBING SHALL BE PAINTED TRAFFIC YELLOW.
4. REFER TO LANDSCAPE PLANS FOR PLANTING AND DETAILS.
5. ALL PAVEMENT MARKINGS ARE PAINT, UNLESS OTHERWISE NOTED.
6. PUBLIC PAVEMENT MARKINGS SHALL BE SLIP RESISTANT PAINT.
7. DISTANCE BETWEEN STOP BAR AND CROSSWALK SHALL BE A MINIMUM OF 4 FEET.

(*) INDICATES PREVIOUSLY APPROVED WAIVER AND ADDITIONAL WAIVER REQUEST THIS APPLICATION
(**) PER SECTION 4.4.9(G)(3)E, WHERE IN CONFLICT

(**) PER SECTION 4.4.9(G)(3)E, WHERE IN CONFLICT

(*) INDICATES PREVIOUS WAIVER APPROVED

Plotted By: Jason A. Webb, Jr. Sheet Set: DELRAY SQUARE RETAIL B Layout: C-402 SITE PLAN June 14, 2022 01:14:51pm K:\BCD\Civil\042395001 - Delray Square Retail B\CA042395001 - Site Plan.dwg
This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



HORIZONTAL CONTROL NOTES

1. ALL DIMENSIONS SHOWN ARE TO EDGE OF PAVEMENT FOR TYPE "F" CURB AND GUTTER, FACE OF CURB FOR TYPE "D" CURB OR EDGE OF PAVEMENT FOR NO CURB UNLESS OTHERWISE NOTED.
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7. DISTANCE BETWEEN STOP BAR AND CROSSWALK SHALL BE A MINIMUM OF 4 FEET.

PROJECT DATA (APPROVED CLASS IV MODIFICATION 2/14/18)

PC ZONING DISTRICTS					
PC	MIN. LOT SIZE (SF)	MIN. LOT WIDTH (FT)	MIN. LOT DEPTH (FT)	MIN. LOT FRONTAGE (FT)	MIN. OPEN SPACE (%)
REQUIRED	10,000	60	100	50	25
EXISTING	1,451,188	1,301	1,309	1,301	16.67*
PROPOSED	1,451,188	1,301	1,309	1,301	16.63*

(*) INDICATES PREVIOUSLY APPROVED WAIVER AND ADDITIONAL WAIVER REQUEST THIS APPLICATION
(**) PER SECTION 4.4.8(G)(3)(E) WHERE IN CONFLICT

PC ZONING DISTRICTS					
PC	MIN. FRONT SETBACK (FT)-S	MIN. SIDE STREET SETBACK (FT)-W	MIN. SIDE INTERIOR SETBACK (FT)-E	MIN. REAR SETBACK (FT)-N	MAX. BLDG HEIGHT (FT)
REQUIRED	N/A**	10	0	10	N/A**
EXISTING	35.3	2'	61	85	41.5
PROPOSED	35.3	2'	61	85	41.5

(*) PER SECTION 4.4.8(G)(3)(E) WHERE IN CONFLICT

FOUR CORNERS OVERLAY DISTRICT

PC	MIN. SITE AREA (AC)	MAX. LOT COVERAGE (%)	PERIMETER FRONTAGE LANDSCAPE BUFFER (ATLANTIC AVE.)	PERIMETER FRONTAGE LANDSCAPE BUFFER (MILITARY TRAIL)	PERIMETER NON-FRONTAGE LANDSCAPE BUFFER
REQUIRED	4	75	30	30	25
EXISTING	33.31	83.33	27.5'	2'	0
PROPOSED	33.31	83.33	27.5'	2'	VARIES*

(*) INDICATES PREVIOUS WAIVER APPROVED

FOUR CORNERS OVERLAY DISTRICT

PC	MIN. INTERIOR PARCEL SETBACK (FT)	MIN. FRONT SETBACK (FT)	MIN. NON-RESIDENTIAL FLOOR AREA (SF)	MAX. BLDG HEIGHT (FT)
REQUIRED	25	30	4,000	60
PROVIDED	0	35.3	4,917	41.5
EXISTING	0	35.3	4,917	41.5

The Master Development Plan with associated waivers that was approved at the April 20, 2015 Planning and Zoning board and separately at the Site Plan Review and Appearance Board on June 24, 2015 included calculations for open space and landscape areas used for the approval of Waiver #3 (open space).

VEHICLE PARKING

USE	PARKING RATIO	REQUIRED PARKING
SHOPPING CENTER EXCLUDING IHOP (321,751 SF)	4 SPACES/ 1,000 SF	1,277 SPACES
IHOP (NOT INCLUDED IN CENTER) (4,335 SF)	4 SPACES/ 1,000 SF	17 SPACES
10 VEHICLE STORAGE/DROP-OFF SPACES (1,256 SF)	MAX. 20 SPACES	10 SPACES

PROVIDED PARKING:
REGULAR SPACES: 1,375 SPACES
COMPACT SPACES: 0 SPACES
ACCESSIBLE SPACES: 74 SPACES
VEHICULAR STORAGE: 10 SPACES
TOTAL SPACES: 1,459 SPACES

EXISTING / PREVIOUSLY APPROVED WAIVERS

LAND DEVELOPMENT REGULATIONS SECTION	REQUIRED	PROVIDED
4.4.8(F)(3)(b)(2) INTERNAL PARCEL LINE SETBACKS	25'	0'
4.4.8(F)(3)(d) INTERNAL PARCEL LINE LANDSCAPE BUFFERS	25'	0'
4.4.8(G)(3)(e)(1) a LOT COVERAGE AND OPEN SPACE	25%	16.67%
4.4.8(F)(1) BUILDING SETBACKS	BTWN 30'-42'	2'
4.3.4(H)(b)(6) LANDSCAPE BUFFER	30'	2'

CURRENT WAIVER REQUESTS

LAND DEVELOPMENT REGULATIONS SECTION	REQUIRED	PROVIDED
4.4.8(G)(3)(e)(1) a LOT COVERAGE AND OPEN SPACE	25% (PREV. WAIV 16.67%)	16.63%
4.4.8(F)(3)(d)(1) d PERIMETER BUFFERS	25	17.9'

PLANS ARE IN 1988 DATUM
CONVERSION EQUATION IS BELOW:
(NAVD 1988) + 1.506' = (NGVD 1929)

Always call 811 two full business days before you dig to have underground utilities located and marked.

Sunshine811.com

THE PRESENCE OF GROUNDWATER SHOULD BE ANTICIPATED. CONTRACTOR'S BID SHALL INCLUDE CONSIDERATION FOR ADDRESSING THIS ISSUE AND OBTAINING ALL NECESSARY PERMITS.

SITE PLAN

DELRAY SQUARE
RETAIL B
PREPARED FOR
THE KEITH CORP.

SHEET NUMBER
C-402

LICENSED PROFESSIONAL

JASON A. WEBBER, P.E.

FLORIDA LICENSE NUMBER
73962

CHECKED BY: JAW DATE: ---/---/---

Kimley»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
1815 S. CONGRESS AVE., SUITE 200, DELRAY BEACH, FL 33445
PHONE: 561-330-2345 FAX: 561-863-8175
WWW.KIMLEY-HORN.COM REGISTRY 35106

No. REVISIONS DATE BY



June 29, 2022

Ms. Rachel Falcone
City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

RE: *Delray Square Hobby Lobby*
Application No.: 21-00201159; K-H Project No.: 042395001
Justification Statement – Perimeter Buffer Waiver Request

On behalf of the Applicant, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Waiver for perimeter buffer [LDR Section 4.4.9(F)(3)(d)(1)(d)]

PROPERTY HISTORY AND SITE CHARACTERISTICS

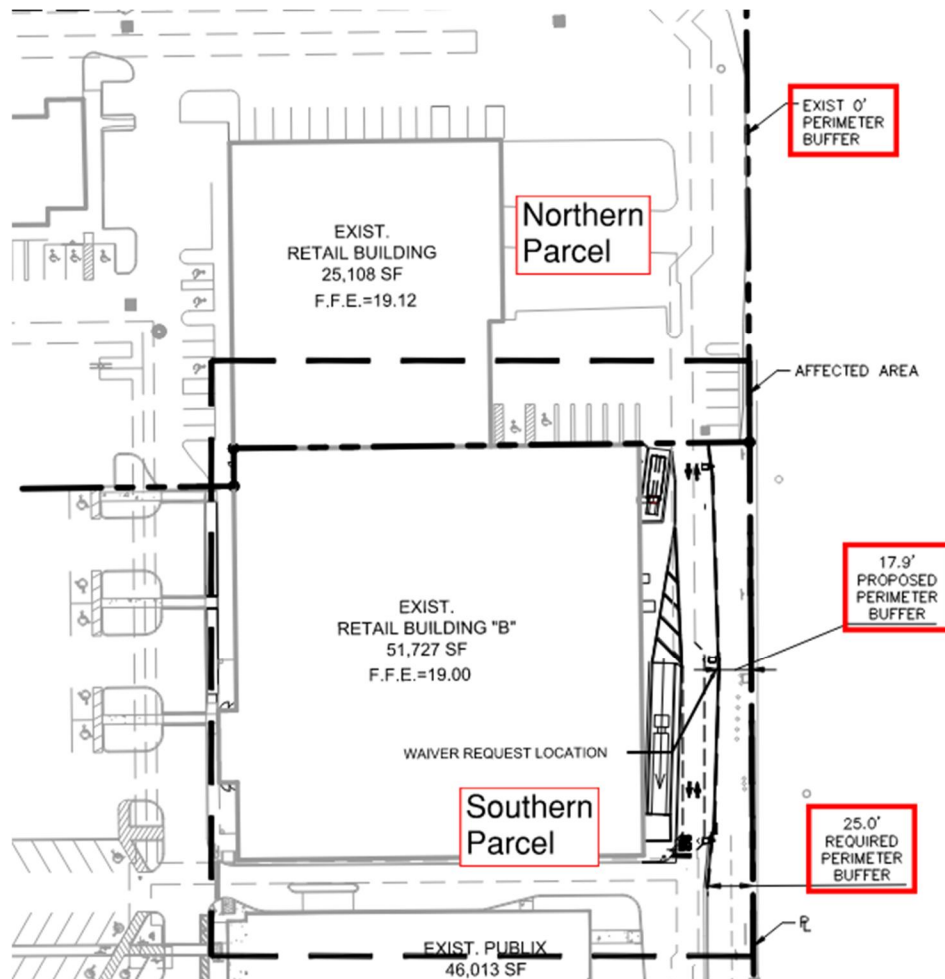
The subject property, the Delray Square shopping center, consists of approximately 33.65 acres at the northeast corner of the intersection of Atlantic Avenue (SR 806) and Military Trail. The subject property has a Future Land Use (FLU) designation of GC – General Commercial, a Zoning Designation of PC – Planned Commercial, and is located within the Four Corners Overlay District. The overall shopping center has undergone several site plan and Master Development Plan modifications since 2015. This statement has been provided to address the requested waiver of perimeter landscape buffer on the east side of the shopping center at the rear of the existing vacant Retail B building and to provide further background and justification for the request.

ZONING HISTORY

As noted above, the property has undergone several site plan modifications in the years since the first major site plan modification approval in 2015. The perimeter buffers have been adjusted to meet the code in the past within the redevelopment area and there is a special extenuating circumstance for this small area of the perimeter buffer that requires less than the code-required minimum setback.

Perimeter Buffer Required per LDR Section 4.4.9(F)(3)(d)(1)(d): **25 feet**

Prior to the 2015 major redevelopment, there were existing areas of minimal landscape area that were less than the 25-foot buffer required along the east property line within the southern parcel of the Delray Square shopping center (the 2015 redevelopment area). As a part of the 2015 major redevelopment, the redevelopment area was brought to the code-required 25-foot buffer, including the area to the east/rear of the Retail B building. There still exist areas north of the Retail B building, within the northern parcel of the Delray Square shopping center, that still have a 0' landscape buffer for the existing non-conforming parking and drive aisle areas, as shown on the Master Development Plan (Sheet C-400).



This request provides for the minimum decrease in perimeter buffer for the area behind the Retail B building that is needed to construct the proposed loading dock. The requested decrease of perimeter buffer is still greater than the existing non-conforming perimeter buffer to the north within the Delray Square shopping center, and greater than the original non-conforming parking areas that were redeveloped in 2015.

NEED FOR THE REQUEST

As part of the 2015 approval, the loading dock needed to be removed for the Retail B building on the eastern side of the property. This was necessary to make the Publix pharmacy drive through functional on the north side of the Publix space, between the Publix and Retail B. At the time of the 2015 approval, a tenant was not identified for the Retail B building (51,727 SF) and the Retail B building has remained vacant since before the 2015 approval. In 2021, a potential tenant, Hobby Lobby was identified for the Retail B building with specific requirements for their loading dock location and configuration on the building, which must be at the rear of the building due to the Publix

pharmacy drive through lane on the south side of Retail B, and the separate ownership of the land immediately on the north side of Retail B. In order to make the truck dock fit on the east side of the building, a waiver for the landscape buffer width is required (this request) and for the further reduction of open space (separate waiver request).

This waiver of the perimeter buffer would have been requested with the original 2015 Master Development Plan modification; however, a tenant had not been identified until 2021 for the Retail B building.

STANDARDS FOR WAIVERS

Requested is a waiver from LDR Section 4.4.9(F)(3)(d)(1)(d) which states:

“A landscape buffer shall be provided around the perimeter of each parcel within the development pursuant to the applicable buffers as listed below in this section. Parking, structures, perimeter roadways, and other paving is not permitted within this buffer except for bicycle paths, sidewalks, jogging trails, and driveways or access streets which provide ingress and egress for traffic and which are generally perpendicular to the buffer. The width of the buffer shall be the smaller distance of either the dimensions below or ten percent of the average depth of the property; however, in no case shall the landscape area be a width of less than ten feet: **When abutting non residentially zoned property: 25 feet.**”

The findings required for the granting of partial relief from this section include agreement that granting the proposed waiver:

(A) Shall not adversely affect the neighboring area.

The minimal reduction of the perimeter buffer (17.9 feet minimum provided vs. 25 feet required), for a short distance (approximately 245' of the eastern property line that is less than the required 25-foot buffer) will not create adverse impacts to the neighboring properties or areas. The adjacent property directly to the east at the rear of the Retail B building is an existing office development. More specifically, the area of perimeter buffer reduction is immediately adjacent to a drive aisle and the parking area between two of the office buildings. In addition, the landscaping within the reduced buffer area has been increased above the code-required minimum to provide additional screening of the office development. There are no adverse impacts created by the granting of this waiver. See aerial image with notes below.

(B) Shall not significantly diminish the provision of public facilities.

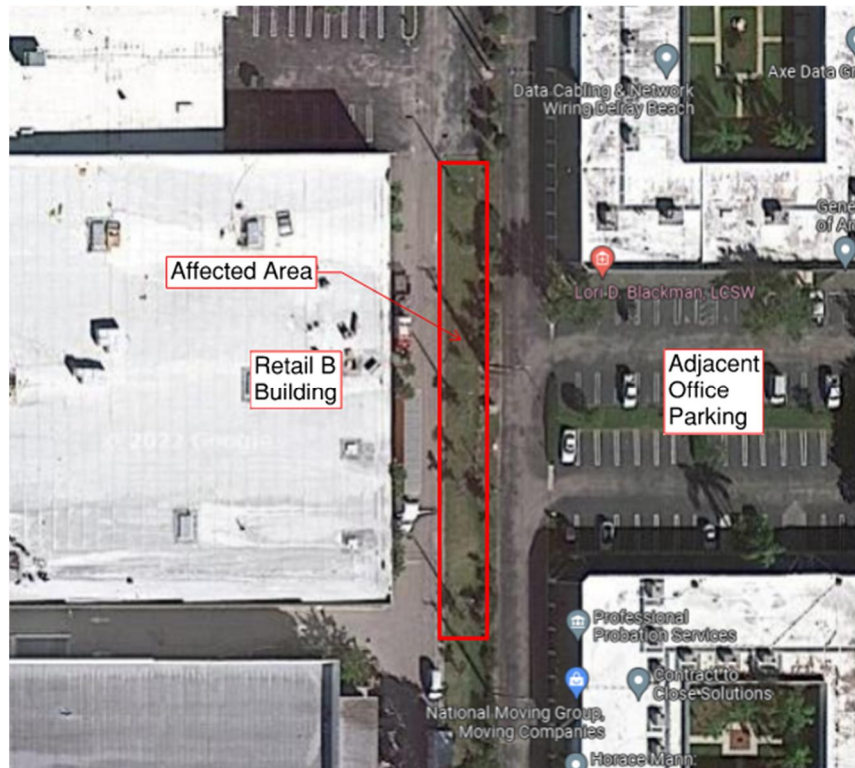
As described above, there are no issues with public facilities. The requested reduction of the perimeter buffer in this rear area does not affect the ability to provide public facilities and the water main relocation has been approved by City Engineering through the site plan review process.

(C) Shall not create an unsafe situation.

The requested reduction of the perimeter buffer does not create an unsafe situation.

(D) Does not result in the granting of a special privilege.

The requested reduction of the perimeter buffer does not grant a special privilege, as any applicant with similar extenuating circumstances can request a waiver of perimeter buffer width.



In closing, we appreciate your review and consideration of this request, please feel free to contact me at (561) 404-7250 or jason.webber@kimley-horn.com should you have any questions.

Sincerely,

Jason Webber, P.E.
Vice President, Project Manager



June 14, 2022

Ms. Rachel Falcone
City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

RE: Delray Square Hobby Lobby
Application No.: 21-00201159; K-H Project No.: 042395001
Justification Statement – Open Space Waiver Request

On behalf of the Applicant, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Waiver for open space (LDR Section 4.6.2)

PROPERTY HISTORY AND SITE CHARACTERISTICS

The subject property, the Delray Square shopping center, consists of approximately 33.65 acres at the northeast corner of the intersection of Atlantic Avenue (SR 806) and Military Trail. The subject property has a Future Land Use (FLU) designation of GC – General Commercial, a Zoning Designation of PC – Planned Commercial, and is located within the Four Corners Overlay District. The overall shopping center has undergone several site plan and Master Development Plan modifications since 2015. This statement has been provided to address the requested waiver of open space area and to provide further background and justification for the request.

ZONING HISTORY

As noted above, the property has undergone several site plan modifications in the years since the first major site plan modification approval in 2015. In particular, the minimum open space requirement and actual percentages have been updated over those modifications and corrected/changed due to other corrections. A summary of the modifications to the open space is below:

Open Space Percentage Required per LDR Section 4.4.9(G)(3)(e)(1)(a): **25%**

Approvals Pertinent to Open Space Modifications	Approval Date	Open Space Percentage
Existing Conditions Prior to Redevelopment	N/A	14.0%
Delray Square Redevelopment	May 1, 2015	17.0%
Chili's Outparcel (and ROW removal area correction)	February 16, 2018	16.67%
This Request	TBD	16.63%

There have been several modifications of the open space over the years, to increase the open space percentage above the original existing conditions to reduce the nonconformity, to correct the total site area (increasing the nonconformity but correcting the total project area and associated percentages). This request provides for a negligible decrease in open space and increase of the nonconformity. With the decrease in open space of this request, the open space provided is still greater than the original existing conditions prior to the 2015 major redevelopment approval, which would have included the same change for the loading dock had a tenant been in play at that time.

NEED FOR THE REQUEST

As part of the 2015 approval, the loading dock needed to be removed for the Retail B building on the eastern side of the property. This was necessary to make the Publix pharmacy drive through functional on the north side of the Publix space, between the Publix and Retail B. At the time of the 2015 approval, a tenant was not identified for the Retail B space (51,727 SF) and the Retail B space has remained vacant since before the 2015 approval. In 2021, a potential tenant, Hobby Lobby was identified for the Retail B space with specific requirements for their loading dock location and configuration on the building, which must be at the rear of the building due to the Publix pharmacy drive through lane on the south side of Retail B, and the separate ownership of the land immediately on the north side of Retail B. In order to make the truck dock fit on the east side of the building, a waiver for the landscape buffer width (separately requested) is required and this waiver request for the further reduction of open space is now required and requested.

This waiver would have been requested with the original 2015 Master Development Plan modification and previous waiver request for the same open space reduction (summarized previously), however, a tenant had not been identified until 2021 for the Retail B space.

STANDARDS FOR WAIVERS

Requested is a waiver from LDR Section 4.4.9(G)(3)(e)(1)(a) which states:

“Land area equal to at least 25 percent of the individual Four Corners Overlay District Master Development Plan (MDP) including the perimeter landscaped boundary, shall be in open space. Water bodies and paved areas shall not be included in the meeting of this 25 percent open space requirement.”

The findings required for the granting of partial relief from this section include agreement that granting the proposed waiver:

(A) Shall not adversely affect the neighboring area.

The minimal reduction in open space (746 SF – 0.04% of the overall shopping center area) will not create adverse impacts to the neighboring properties or areas. As noted above, the reduction is necessary due to the addition of a loading dock, which is required to make a large single tenant retail space viable. There are no adverse impacts created by the granting of this waiver.

(B) Shall not significantly diminish the provision of public facilities.

As described above, there are no issues with public facilities. The minor reduction of 746 SF of open space for the approximately 1.45 million SF shopping center is negligible and the open space in the rear of the center is not functional/usable open space for the general public.

(C) Shall not create an unsafe situation.

The requested reduction of the open space does not create an unsafe situation.

(D) Does not result in the granting of a special privilege.

The further reduction of open space does not grant a special privilege, as any applicant with similar extenuating circumstances can request a waiver of open space area.

In closing, we appreciate your review and consideration of this request, please feel free to contact me at (561) 404-7250 or jason.webber@kimley-horn.com should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jason Webber".

Jason Webber, P.E.
Vice President, Project Manager



June 29, 2022

Ms. Rachel Falcone
City of Delray Beach Planning and Zoning Division
Development Services Department
100 NW First Avenue
Delray Beach, Florida 33444

RE: Delray Square Hobby Lobby
Application No.: 21-00201159; K-H Project No.: 042395001
Justification Statement – Perimeter Buffer Waiver Request

On behalf of the Applicant, Kimley-Horn, is making formal application to the Development Services Department requesting the following:

- Waiver for perimeter buffer [LDR Section 4.4.9(F)(3)(d)(1)(d)]

PROPERTY HISTORY AND SITE CHARACTERISTICS

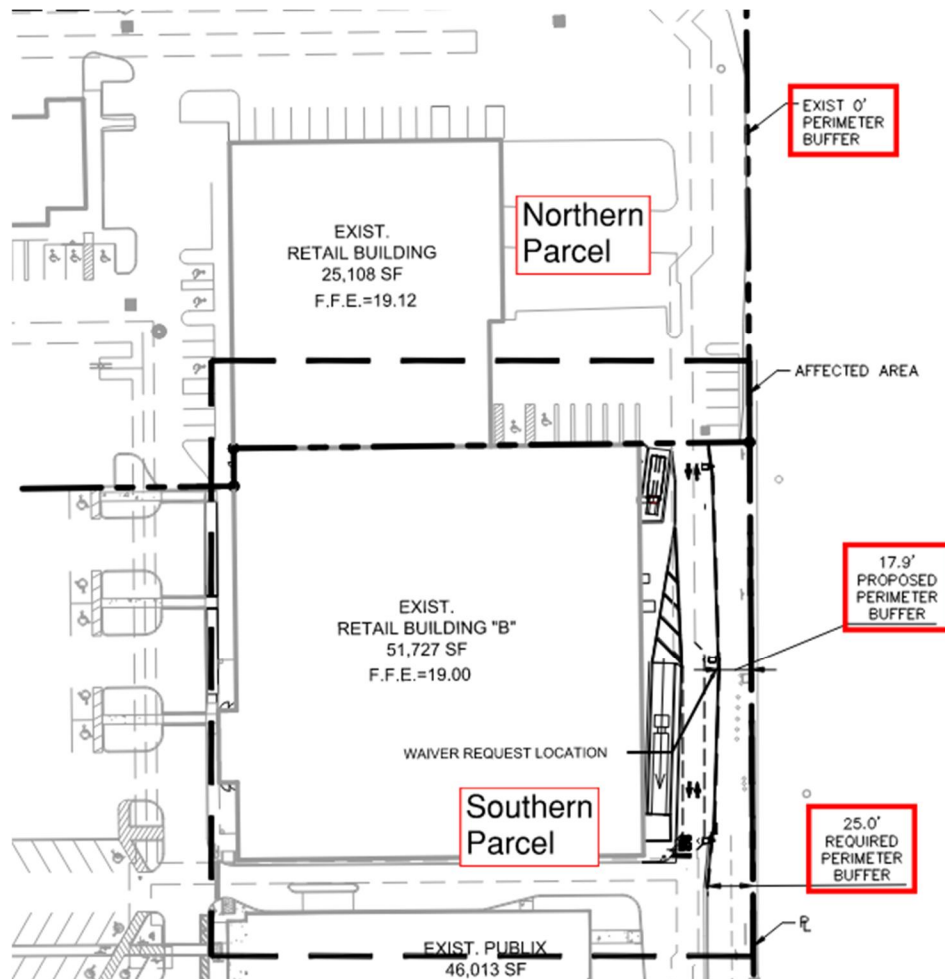
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ZONING HISTORY

As noted above, the property has undergone several site plan modifications in the years since the first major site plan modification approval in 2015. The perimeter buffers have been adjusted to meet the code in the past within the redevelopment area and there is a special extenuating circumstance for this small area of the perimeter buffer that requires less than the code-required minimum setback.

Perimeter Buffer Required per LDR Section 4.4.9(F)(3)(d)(1)(d): **25 feet**

Prior to the 2015 major redevelopment, there were existing areas of minimal landscape area that were less than the 25-foot buffer required along the east property line within the southern parcel of the Delray Square shopping center (the 2015 redevelopment area). As a part of the 2015 major redevelopment, the redevelopment area was brought to the code-required 25-foot buffer, including the area to the east/rear of the Retail B building. There still exist areas north of the Retail B building, within the northern parcel of the Delray Square shopping center, that still have a 0' landscape buffer for the existing non-conforming parking and drive aisle areas, as shown on the Master Development Plan (Sheet C-400).



This request provides for the minimum decrease in perimeter buffer for the area behind the Retail B building that is needed to construct the proposed loading dock. The requested decrease of perimeter buffer is still greater than the existing non-conforming perimeter buffer to the north within the Delray Square shopping center, and greater than the original non-conforming parking areas that were redeveloped in 2015.

NEED FOR THE REQUEST

As part of the 2015 approval, the loading dock needed to be removed for the Retail B building on the eastern side of the property. This was necessary to make the Publix pharmacy drive through functional on the north side of the Publix space, between the Publix and Retail B. At the time of the 2015 approval, a tenant was not identified for the Retail B building (51,727 SF) and the Retail B building has remained vacant since before the 2015 approval. In 2021, a potential tenant, Hobby Lobby was identified for the Retail B building with specific requirements for their loading dock location and configuration on the building, which must be at the rear of the building due to the Publix

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The findings required for the granting of partial relief from this section include agreement that granting the proposed waiver:

(A) Shall not adversely affect the neighboring area.

The minimal reduction of the perimeter buffer (17.9 feet minimum provided vs. 25 feet required), for a short distance (approximately 245' of the eastern property line that is less than the required 25-foot buffer) will not create adverse impacts to the neighboring properties or areas. The adjacent property directly to the east at the rear of the Retail B building is an existing office development. More specifically, the area of perimeter buffer reduction is immediately adjacent to a drive aisle and the parking area between two of the office buildings. In addition, the landscaping within the reduced buffer area has been increased above the code-required minimum to provide additional screening of the office development. There are no adverse impacts created by the granting of this waiver. See aerial image with notes below.

(B) Shall not significantly diminish the provision of public facilities.

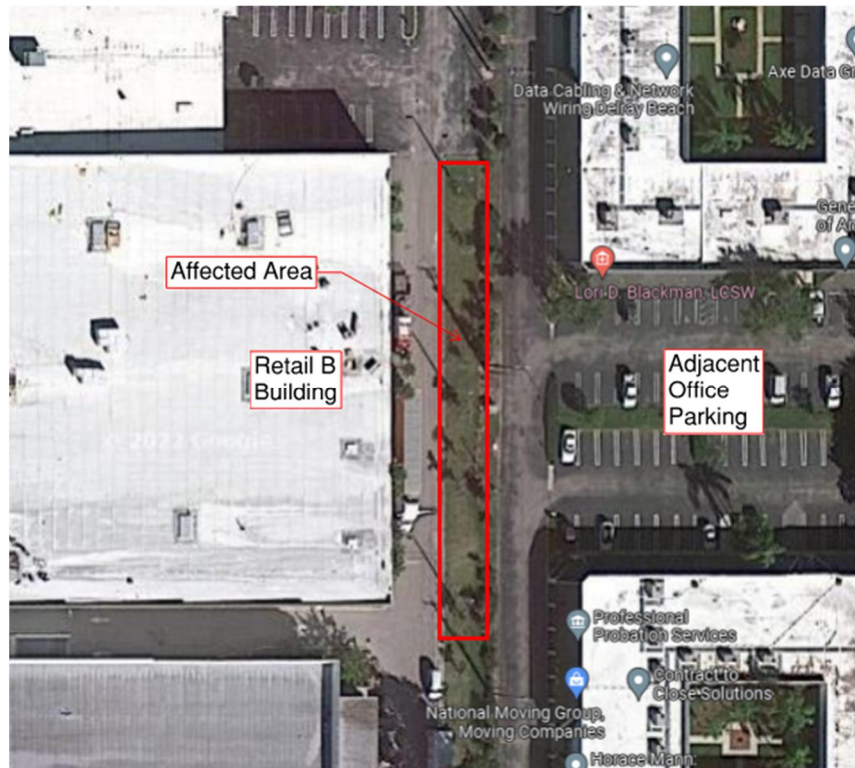
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In closing, we appreciate your review and consideration of this request, please feel free to contact me at (561) 404-7250 or jason.webber@kimley-horn.com should you have any questions.

Sincerely,

Jason Webber, P.E.
Vice President, Project Manager