



*Planning, Zoning and Building Department*

**BOARD ACTION REPORT – APPEALABLE ITEM**

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**Project Name:** 10<sup>th</sup> and 10<sup>th</sup> Center

**Project Location:** 1009 SW 10<sup>th</sup> Avenue

**Request:** Extension Request of a Class I Site Plan Modification

**Board:** Site Plan Review and Appearance Board

**Meeting Date:** February 22, 2017

**Board Action:**

Extension Request

Approved 5-0 (Jim Chard and Fred Kaub absent)

**Project Description:**

The 1.49 acre subject property is located within the Esquire Subdivision, recorded in Plat Book 23, Page 43 of the public records of Palm Beach County, Florida on February 27, 1950. It was annexed into the City on June 28, 1988, via the Enclave Act (Enclave #31A).

The request was to extend the Class I Site Plan Modification which was previously approved on February 11, 2015, and was associated with modifications to the previously approved Class V Architectural Elevations for the future 3,330 sq. ft. retail building to be constructed. The proposal included optional corner glass on the north and south elevations, optional double doors on the west elevation, and optional exit doors on the north and south elevations. The applicant requested that the Board considered extending the Class I Site Plan Modification approval until February 11, 2019.

**Board Comments:**

The Board approved the request without conditions.

**Public Comments:**

No public input

**Associated Actions:**

No actions

**Next Action:**

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

# SITE PLAN REVIEW AND APPEARANCE BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

**MEETING DATE:** February 22, 2017

**ITEM:** **10<sup>th</sup> and 10<sup>th</sup> Center (2015-094):** Request for an extension of the Class I Site Plan Modification associated with architectural elevation changes for **10<sup>th</sup> and 10<sup>th</sup> Center.**

**RECOMMENDATION:** Approval of the request for an extension of the Class I Site Plan Modification

## GENERAL DATA:

Applicant..... West Corner Venture, LLC

Location..... South Side of SW 10<sup>th</sup> Street, Between  
SW 9<sup>th</sup> Avenue and SW 10<sup>th</sup> Avenue

Property Size..... 1.49 Acres

Future Land Use Map.... Transitional (TRN)

Current Zoning..... Neighborhood Commercial (NC)

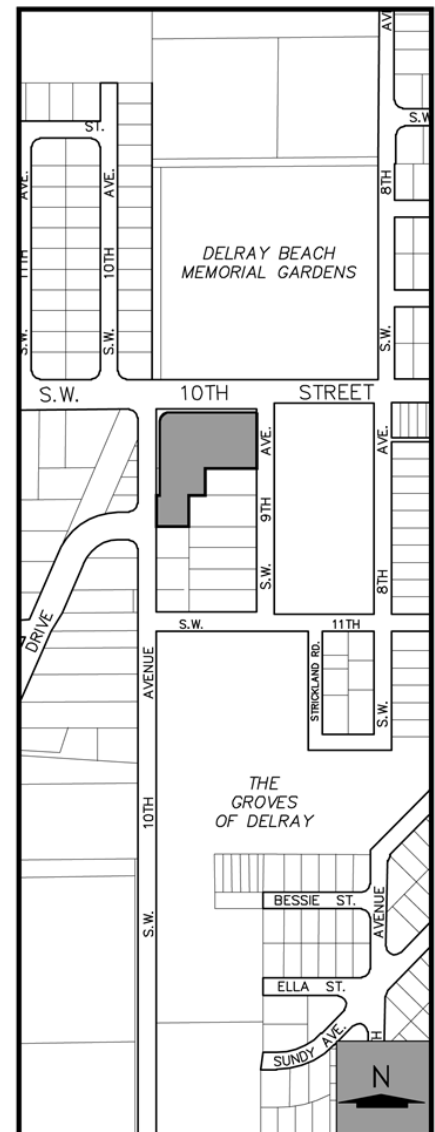
Adjacent Zoning....North: Open Space and Recreation (OSR)  
East: Community Facilities (CF)  
South: Light Industrial (LI)  
West: Mixed Industrial and Commercial (MIC)

Existing Land Use..... Vacant

Proposed Land Use..... Neighborhood Commercial Center

Water Service..... Available on site.

Sewer Service..... Available on site.



## ITEM BEFORE THE BOARD

The item before the Board is that of granting an extension of the architectural elevation modification proposal for **10th and 10th Center**, pursuant to Land Development Regulations (LDR) Section 2.4.4(F).

## BACKGROUND

The 1.49 acre subject property is located within the Esquire Subdivision, recorded in Plat Book 23, Page 43 of the public records of Palm Beach County, Florida on February 27, 1950. It was annexed into the City on June 28, 1988, via the Enclave Act (Enclave #31A). This property and the surrounding area are located within the Wallace Drive Industrial Area, which is subject to the "Wallace Drive Redevelopment Plan", adopted by the City Commission on January 6, 2004. The Plan encourages the development of light industrial, limited commercial and office uses in an urban setting. The Plan recommended a Future Land Use Map (FLUM) amendment and rezoning for the subject property from Redevelopment Area #2 (RDA-2) to Commerce (CMR) and from Single-Family Residential (R-1-A) to Light Industrial (LI), respectively. The recommended FLUM amendment and rezoning were then approved by the City Commission on January 6, 2004.

On August 22, 2012, the Site Plan Review and Appearance Board (SPRAB) approved a Class V site plan proposal to construct a new 9,142 sq. ft. Dollar General Store (constructed and open) and a future 3,330 sq. ft. retail building within two (2) phases.

Finally, on February 11, 2015, the SPRAB approved a Class I Site Plan Modification request to modify the previously approved elevations for the future 3,330 sq. ft. retail building to be constructed in Phase 2, to include optional corner glass on the north and south elevations, optional double doors on the north elevation, and optional exit doors on the north and south elevations. The applicant is now requesting that the Board consider extending the previous Class I Site Plan Modification approval which just expired on February 11, 2017. This request is now before the Board for action.

## EXTENSION ANALYSIS

Pursuant to LDR Section 2.4.4(F)(1), extensions may be granted to the previously approved application, pursuant to the following:

- A written request for an extension must have been received by the City at least forty-five days prior to the expiration date;
- The letter must set forth the basis and reason for the extension;
- The extension shall be considered by the same body which granted the original approval; and
- The extension, if granted, shall be for eighteen months unless otherwise stated.

LDR Section 2.4.4 includes two categories for extension considerations: LDR Section 2.4.4 (F)(2) "Construction Has Commenced" and LDR Section 2.4.4 (F)(3) "No Construction". Since the subject building has not commenced construction, this extension request falls under the "No Construction" category.

**LDR Section 2.4.4(F)(3) “No Construction”**

Per LDR Section 2.4.4(F)(3), when the project has not commenced construction, or construction has not been deemed substantial, the request for extension shall be considered pursuant to the following:

- (a) The project shall be evaluated pursuant to the land development regulations in effect at the time of consideration of the extension request and shall comply with such current requirements;
- (b) Additional submittal information including a new application and copies of previously submittal material may be required;
- (c) The granting body must make findings pursuant to 2.4.4(B);
- (d) The granting body may impose additional conditions of approval pursuant to 2.4.4(C) to insure compliance with any applicable changes to regulations or changes in circumstances which have occurred since the previous approval.

The subject development was approved into two phases. Phase I is completed, and Phase II site work construction has commence and is over 25% of the improvement costs; however, the construction of the building associated with the Class I Site Plan Modification approval has not yet commenced. Thus, the requirements mentioned above apply to the architectural elevation modification extension request. The following is a verbatim excerpt from the applicant's justification narrative in support of the extension request:

*“... [the property management group] has not been able to secure either tenants or the necessary financing to begin Phase II of this project. Since economic conditions are improving, it is hopeful that we will be able to commence sometime in the near future”.*

There have been no changes to the Land Development Regulations since the project was approved that affect the development proposal. Thus, the site plan extension request is supportable.

If the request for an extension was to be denied, it would necessitate the filing of a new site plan modification application. This new site plan modification would be based on the same development regulations that were in effect at the time the project was originally approved, which would lead to the same conclusions regarding the required findings.

Pursuant to LDR Section 2.4.4(F)(1)(d), eighteen month extensions are allowed by code unless otherwise stated. The applicant has requested an extension of two years for the site plan. If granted, the extension request would be valid through February 11, 2019.

<b>ALTERNATIVE ACTIONS</b>
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A. Postpone with direction.

B. Move approval of the request for an extension of the Class I Site Plan Modification for **10<sup>th</sup> and 10<sup>th</sup> Center**, by adopting the findings of fact and law contained in the staff report, and

finding that the request, and approval thereof, meets criteria set forth in Section 2.4.4(F)(1) & (3) of the Land Development Regulations.

- C. Move denial of the request for extension of the Class I Site Plan Modification for **10<sup>th</sup> and 10<sup>th</sup> Center**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, does not meet criteria set forth in Section 2.4.4(F)(1) & (3) of the Land Development Regulations.

## RECOMMENDATION

Move approval of the request for an extension of the Class I Site Plan Modification for **10<sup>th</sup> and 10<sup>th</sup> Center**, by adopting the findings of fact and law contained in the staff report, and finding that the request, and approval thereof, meets criteria set forth in Section 2.4.4(F)(1) & (3) of the Land Development Regulations, subject to the previous conditions of approval with said approval to be valid until February 11, 2019.

### Attachments:

- Extension Request Letter
- SPRAB Staff Report Dated February 11, 2015.



# REVISED ELEVATION (CLASS I)



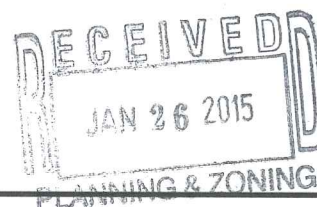
WEST ELEVATION (FRONT)

SCALE: 1/8" = 1'-0"



EAST ELEVATION (REAR)

SCALE: 1/8" = 1'-0"



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FL REG AA 26002434

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Tel: 561-278-3100

TRACT B (RETAIL PARCEL 2)  
The 10th & 10th Center  
DELRAY BEACH, FLORIDA

REVISIONS:

#	DATE
1	01-22-15

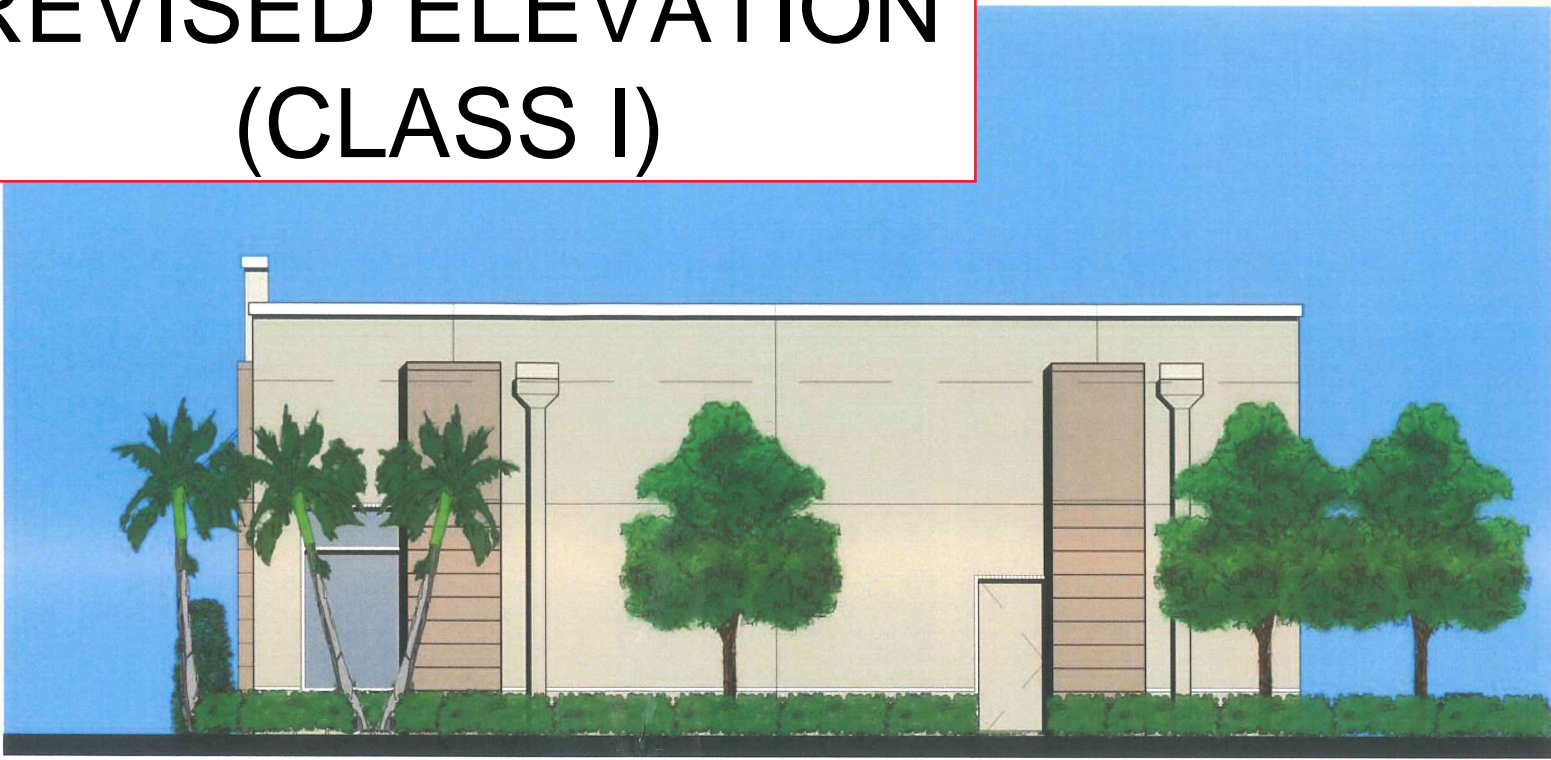
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SHEET 1 OF 2

EL - 1



# REVISED ELEVATION (CLASS I)



SOUTH ELEVATION (SIDE)

SCALE: 1/8" = 1'-0"



NORTH ELEVATION (SIDE)

SCALE: 1/8" = 1'-0"



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SHEET 2 OF 2

EL - 2

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