

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: February 27, 2017

ITEM: **Tzikas Medical Center Expansion** – Conditional use request to allow four (4) continuing care units associated with a Class IV Site Plan Modification, Landscape Plan and Architectural Elevations for construction of a 6,229 sq. ft. building addition to the existing medical facility. The 3-story addition includes waiting rooms, additional offices, operating rooms, and four continuing care suites that allow patients to recuperate on site under medical supervision.

RECOMMENDATION: Approval subject to the condition that adequate parking for the facility shall be determined and approved by the SPRAB.

GENERAL DATA:

File Number..... 2017-057-CCA

Applicant..... T & G 5th Avenue, LLC

Agent..... George Brewer

Location..... 542 & 526 SE 5th Avenue

Property Size..... .575 acres

Future Land Use Map..... GC (General Commercial)

Current Zoning..... GC (General Commercial)

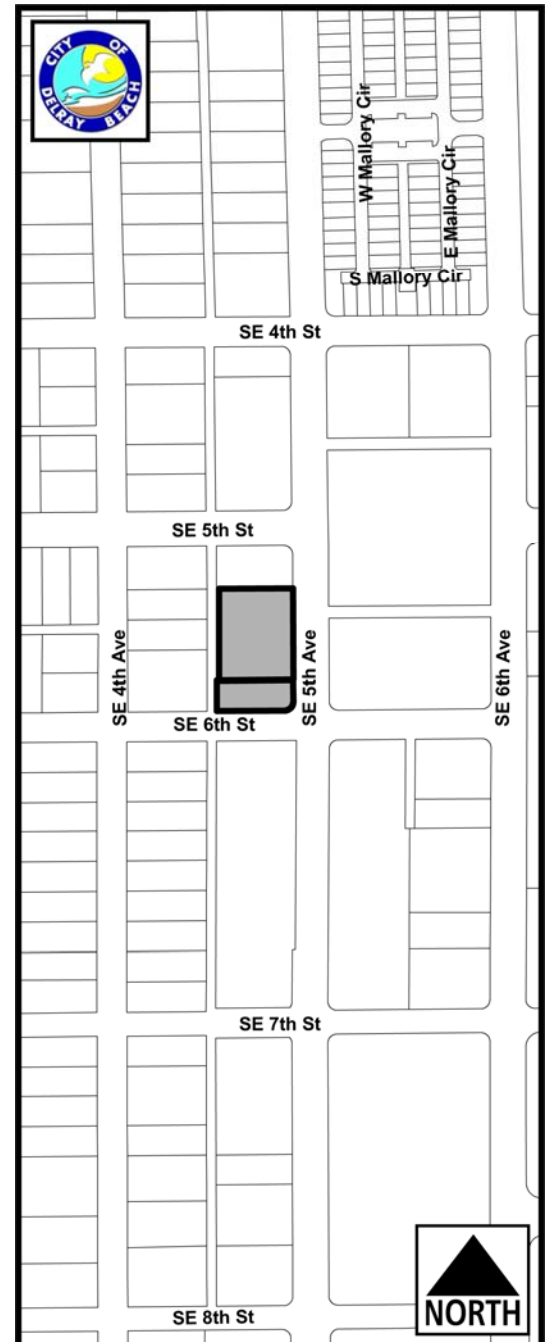
Adjacent Zoning.....North: GC (General Commercial)
East: GC (General Commercial)
South: GC (General Commercial)
West: R-1-A (Single Family Residential)

Existing Land Use..... 5,336 sq. ft. 1-story Tzikas Medical Center (Plastic Surgery)

Proposed Land Use..... Expansion of existing facility, including four continuing care rooms.

Water Service..... Connection available via 12" water main, located within SE 5th Avenue (Federal Highway)

Sewer Service..... Connection available via an 8" sewer main, located within the north-south alleyway.



ITEM BEFORE THE BOARD

The action before the Board is that of making a recommendation to the City Commission on a Conditional Use request to permit the **Tzikas Medical Center** to include a continuing care component in an expanded facility at **526 & 542 SE 5th Avenue**, pursuant to Land Development Regulations (LDR) Section 2.4.5(E) and 4.4.9(D)(19).

BACKGROUND & PROJECT DESCRIPTION

The subject property consists of 0.575 acres (Lots 2, 3, 4, 5, Block 3, Osceola Park) within the General Commercial (GC) zoning district. In 2010, a Class III Site Plan Modification (File No. 2010-094-SPM-SRB-CL3) was approved for 0.432 acres of the site to convert a vacant, 5,336 square feet office building into the Tzikas Medical Center (located at 526 SE 5th Avenue). Based on a parking demand study of the function of the office that was submitted as part of the application, the development received an adjustment in the required number of parking spaces from 27 spaces to 18.

There are no other requests on file for the subject property.

The current request is to expand the existing facility and add a continuing care use. The lot to the south of the existing office has been incorporated and increases the site to 0.575 acres. The project consists of a three-story 6,229 square foot addition resulting in a total of 11,565 square feet. Associated site improvements include a total of 36 parking spaces; 26 parking spaces are accessed from SE 5th Avenue and 10 spaces are accessed from an adjoining alley. The alley is currently unimproved, but will be improved by the applicant and include a four-foot wide right-of-way dedication.

The submitted "Description of Proposed Use" indicates that the first floor will provide a new waiting area, storage, and offices. The second floor will contain operating rooms. The third floor will contain four continuing care suites that allow patients to recuperate on site under medical supervision. The medical office uses will provide services from 7:30am to 5:00pm, with the continuing care rooms providing services up to 24 hours, every day of the week.

The Conditional Use request for the provision of four continuing care rooms at Tzikas Medical Center at 526 & 542 SE 5th Avenue is now before the Board for consideration.

CONDITIONAL USE ANALYSIS

Pursuant to **LDR Section 4.4.9(D)(19)**, continuing care facilities are permitted within the GC zoning district as a Conditional Use subject to the requirements of the RM District, except for setback and height requirements, which follow GC regulations. While the subject regulations will be thoroughly analyzed with the Class IV Site Plan application, it is important to consider them concurrently with the Conditional Use.

LDR Section 4.4.6, Medium Density Residential (RM) District sets forth the regulations for the RM District. **LDR Section 4.4.6(A)** sets forth a base density of six to 12 units per acre and states, *"The actual density of a particular RM development is based upon its ability to achieve certain performance standards which are intended to mitigate the impacts of the increased density and ensure that the project is compatible with surrounding land uses."* The project proposes four continuing care units, which is approximately 7 du/ac and within the density range provided for RM development *if these units were considered residential*. It is important to note

that the floor plans do not include full kitchens. The rooms have a sink, small refrigerator, and microwave oven, but no other cooking appliances.

LDR Section 4.3.4(K), Development Standards Matrix provides the minimum and maximum development standards for each zoning district. The standards required for this project are analyzed in the table below. The proposed project meets or exceeds the minimum development standards in this section of the LDRs.

	Standard	Provided
Minimum Lot Size (RM):	8,000 sq. ft.	25,875 sq. ft.
Lot Width (RM)	60 feet	208.31 feet
Lot Depth (RM):	100 feet.	132.5 feet
Lot Frontage (RM):	60 feet.	208.31
Minimum Floor Area (RM):	1500 feet.	N/A
Maximum Lot Coverage (RM):	40%.	27.52%
Minimum Open Space (RM)	25%	29.3%
Front Setback (GC)	10 feet	10 feet
Side Street Setback (GC)	10 feet	10'-6"
Side Interior Setback (GC)	0 feet	59'-5"
Rear Setback (GC)	10 feet	11'-7"
Density (RM)	6-12 du/ac	7 du/ac
Height (GC)	48 feet	39'-7½ "

LDR Section 4.6.9(C) Number of Spaces Required, sets forth the required number of parking spaces. The existing 5,336 square feet of medical office requires 18 spaces per the 2010 Class III approval (file no. 2010-094). The proposed addition requires 20 spaces for the additional medical office use and six spaces for the four continuing care units. The 26 spaces plus the original 18 spaces results in a requirement of 44 total parking spaces. Per LDR Section 4.6.9(F)(1), the applicant is requesting an adjustment of 8 spaces to the required parking to provide 36 spaces based on the actual need of the business (similar to the adjustment in the original site plan approval). However, the parking study has not been submitted to date and additional parking solutions are also being considered. A determination on whether the continuing care use is approved for the site will guide the analysis of the parking needs moving forward. Therefore, a parking study and/or other parking solution will be required with the submittal of the Site Plan Modification for SPRAB review.

Pursuant to **LDR Section 2.4.5(E)(5), Establishment of a Conditional Use: Findings**, in addition to provisions of Chapter Three, the City Commission must make findings that establishing the conditional use will not:

- (a) Have a significantly detrimental effect upon the stability of the neighborhood within which it will be located;
- (b) Hinder development or redevelopment of nearby properties.

The proposed four continuing care units are not anticipated to have a detrimental effect upon the stability of the mixed-use area. The uses to the north, south, and east consist of various commercial uses as well as the 505 Teen Center. The area to west consists of single-family houses within the Osceola Park neighborhood. The houses share the alley proposed to access

parking to the Tzikas Medical Center. The following chart provides the zoning designations and uses which border or abut the subject property:

	Zoning	Use
North	GC	416 SE 5 th ST: Sober Living Outpatient Services
South	GC	New retail redevelopment (Under Construction)
West	R-1-A	401 SE 6 th ST; 515, 505 SE 4 th Avenue; 406 SE 5 th ST: 4 Single Family Residences
East	GC	Azure Office Space (Under Construction); 505 Teen Center

The more significant impact of the proposed center is the daily activity on the site generated from the primary, allowed use of medical office. The conditional use is for the four continuing care suites, which are generally compatible in nature with the adjacent residential uses and are not a significant generator of traffic or parking needs. Occupancy of the suites will extend beyond regular office hours and include a small support staff. The use will result in off-hour activity on the property, providing increased oversight of the property and surrounding area.

The most significant impact from the site improvements is changing the alley from an unpaved lane into a paved alley. This change and the anticipated increased vehicular circulation in the alley will be the most noticeable effect of the development of the property – and will impact the adjacent residential homes. It is important to note, however, that the traffic results from the medical office use, which is permitted to expand with or without the inclusion of continuing care suites in the building program. The inclusion of continuing care suites in the building program will not have a detrimental effect on the area.

Properties are actively redeveloping around the Tzikas Medical Center site, which was established in a renovated building in 2010. The expansion of Tzikas Medical Center will add to other redevelopment activity in the area. As such, a positive determination can be made with respect to the subject findings.

Pursuant to **LDR Section 3.1.1 (Required Findings)**, prior to 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. These findings relate to consistency with the Future Land Use Map (FLUM), Concurrence, Comprehensive Plan Consistency, and Compliance with the LDR.

FUTURE LAND USE MAP: The use or structures must be allowed in the zone district and the zoning district must be consistent with the land use designation.

The subject property has a Future Land Use Map (FLUM) designation of General Commercial (GC) and a zoning designation of General Commercial (GC). The GC zoning district is consistent with the FLUM designation of GC. The current FLUM designation and zoning are supported in the Osceola Park Redevelopment Plan. Medical offices are allowed by right in the GC zoning district and continuing care use is allowed as a conditional use. Based upon the above, a positive determination with respect to the FLUM designation of the subject property can be made.

CONCURRENCE: Facilities which are provided by, or through, the City shall be provided to new development concurrent with issuance of a Certificate of Occupancy. These facilities shall be provided pursuant to levels of service established within the Comprehensive Plan.

The development proposal involves the expansion of an existing medical facility. The anticipated traffic increase for the full program of the addition is 202 new daily trips (13 new am peak hour trips, 19 new pm peak hour trips), which has been approved by Palm Beach County Traffic Division, subject to a build-out date no later than the end of 2018. Solid waste generation is estimated to increase by 10.26 tons per year. The medical office will generate 9.40 tons per year ($4,085 \times 4.6/2,000 = 9.4$) and .86 tons will be generated by the continuing care suites ($2,144 \text{ sf} \times .8/2000 = .86$). Sewer and water services are already provided to the property; a fire hydrant exists on the corner of the property on SE 6th Street and SE 5th Avenue.

The additional solid waste generation is not determined to negatively impact the area, as appropriate services exist and will be utilized to dispose of it. The continuing care suites are expected to produce less solid waste than the medical office portion of the project, as the use is more consistent with a multi-family standard. The medical support and supplies are accounted for within the medical office portion of the project. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2046.

Given the traffic analysis, the expanded medical center will have an effect on the mixed-use area, in comparison to the current development. However, it is important to note that the medical office use, which is allowed under GC zoning, is the main traffic generator. The occupancy of the continuing care suites will occur both during regular office hours and after hours, during non-peak traffic hours. The continuing care units will have less turn over than other uses within the project. Occupants will not leave the units with the same frequency as patients visiting the office, or as residents or visitors would as they are convalescing from medical procedures. Food will likely be brought into the suites as full kitchens are not provided; food delivery service is likely to frequently occur.

Considering the potential minimal impacts above, a positive finding can be made with respect to Concurrency for the subject findings.

CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(E)(5) for the Conditional Use request shall be the basis upon which a finding of overall consistency is to be made. Other objectives and policies found in the adopted Comprehensive Plan may be used in making a finding of overall consistency.

Pursuant to **Future Land Use Element, Goal A, Objective A-1**, Property shall be developed or redeveloped, in a manner so that the future use intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

The proposed redevelopment of the subject property consists of an addition to an existing, renovated structure. The proposed use is compatible with the medical uses on site and the surrounding office and commercial uses, as well as the adjacent residential uses.

In addition, the required findings of Chapter 3, and those of LDR Section 2.4.5(E)(5), were also found to be consistent. Therefore, positive findings with respect to Consistency of the subject proposal can be made.

REVIEW BY OTHERS

The **Site Plan Review and Appearance Board** will consider the subject site plan once the proposed plan is finalized, based upon the approved program for the building.

A Public Notice sign was posted at the site on Thursday, February 16, 2017, and formal Public Notices were provided to property owners within a 500' radius of the subject property. Any letters of interest submitted to Staff will be provided to the Board at the meeting.

The Community Redevelopment Agency (CRA) board will review the project on February 23, 2016. The recommendation of the CRA will be provided to the Planning & Zoning Board.

ASSESSMENT AND CONCLUSION

The proposed conditional use for four continuing care units to provide recovery suites at the medical facility should not negatively affect the surrounding neighborhood. The property is surrounded by a variety of uses, including new retail and office developments, a teen center, an outpatient counseling facility, and single-family residences. The adjoining residential neighborhood has an interconnected grid of streets, offering multiple routes for residents to either access or bypass Federal Highway.

The GC zoning district and GC Future Land Use allow a variety of commercial uses, including offices. The four proposed recovery suites are allowed if the determination is made that the findings determine the use will not have a negative impact to the area, the use is adequately supported by city facilities, and consistent with the applicable standards in the LDRs.

While a minor impact, primarily from added traffic to and from the property, will be evident, it is primarily generated from the associated, allowed use of medical office and is not a significant impact created by the suites. The care suites will not negatively impact the area and provide some benefit, including oversight of the property during off hours.

Based on the above, positive findings can be made with respect to LDR Section 2.4.7(B)(5).

ALTERNATIVE ACTIONS

- A. Recommend approval to the City Commission of the Conditional Use request for four continuing care suites at **526 & 542 SE 5th Avenue**, based upon positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Required Findings), and the Comprehensive Plan.
- B. Recommend denial to the City Commission of the Conditional Use request for four continuing care suites at **526 & 542 SE 5th Avenue**, based upon positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Required Findings), and the Comprehensive Plan, based upon findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Required Findings), and the Comprehensive Plan. (Motion to be phrased in the affirmative. See above.)

RECOMMENDATION

Recommend approval to the City Commission of the Conditional Use request for four continuing care suites at **526 & 542 SE 5th Avenue**, based upon positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Required Findings), and the Comprehensive Plan, subject to the condition that adequate parking for the facility shall be determined and approved by the SPRAB.