

Planning, Zoning, and Building Department

#### **BOARD ACTION REPORT – APPEALABLE ITEM**

Project Name:	Delray Square (2017 - 128)
<b>Project Location:</b>	4771 West Atlantic Avenue & 14620 South Military Trail
Request:	Class IV Site Plan Modification
Board:	Site Plan Review and Appearance Board
Meeting Date:	October 11, 2017

#### **Board Action:**

Approve the Class IV Site Plan Modification, Landscape Plan and Architectural Elevations as submitted on a 6 to 0 vote.

#### Project Description:

Located at 4771 West Atlantic Avenue, the site consists of two large parcels with an existing shopping center and associated parking improvements which were developed in Palm Beach County; was annexed into the City in 1989.

The subject proposal consists of the modifications to Building "1A" and Retail "C" and associated site and elevation revisions resulting from the Master Development Plan Modification (MDPM) approved by the Planning and Zoning Board. The approved square footage reduction for Building "1A" was from 8,970 (single tenant) to 5,700 (two tenants); Retail "C", which is connected to the new Publix building, went from three tenant spaces totaling 19,500 square feet to six tenant spaces totaling 17,800 square feet. Those modifications requiring approval with the site plan modification consist of the following for both buildings:

- Elevation modifications to accommodate the revised retail spaces;
- Minor parking and circulations modifications; and,
- Landscaping modifications.

#### **Board Comments:**

Board comments were complementary to the proposed improvements.

#### Public Comments:

No members of the public spoke for or against the project.

#### **Associated Actions:**

All required actions were taken.

#### Next Action:

SPRAB action is final unless appealed by the City Commission.

## SITE PLAN REVIEW AND APPEARANCE BOARD CITY OF DELRAY BEACH ----STAFF REPORT---

MEETING DATE: September 13, 2017

ITEM: Delray Square (2017 – 128): Class IV Site Plan Modification, Landscape Plan, and Architectural Elevations associated with a reduction in square footage for previously approved development and associated site modifications.

**RECOMMENDATION:** Approve the Class IV Site Plan Modification subject to a condition, and approve the Landscape Plan and Architectural Elevations, as submitted.

#### **GENERAL DATA:**

Owner	TKC CLXXVIII LLC
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Applicant..... TKC CLXXVIII LLC

Agent...... Kimley Horn, Jason A. Webber, P.E.

Location...... 4771 West Atlantic Avenue & 14620 South Military Trail, Northeast corner of Military Trail and West Atlantic Avenue

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

Current Zoning..... Planned Commercial (PC)

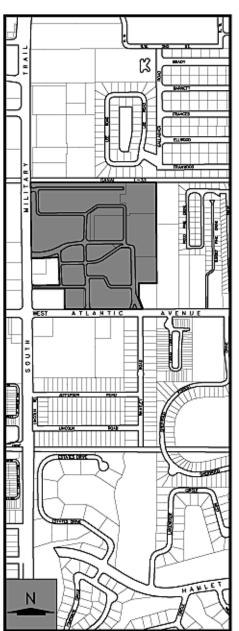
Adjacent Zoning......North: General Commercial (GC), Agricultural (A) & Single Family Residential (R-1-A) East: Planned Office Center (POC) South: General Commercial (GC) & Planned Commercial (PC) West: Planned Commercial (PC)

Existing Land Use..... Shopping Center

Proposed Land Use..... No Change

Water Service..... Existing 8" water main which connects within West Atlantic Avenue ROW

Sewer Service..... Existing 8" sewer main which connects within West Atlantic Avenue ROW



#### ITEM BEFORE THE BOARD

The item before the Board is the consideration of a Class IV Site Plan Modification, Architectural Elevations, and a Landscape Plan request for **Delray Square** located at **4771 West Atlantic Avenue**, pursuant to Land Development Regulations (LDR) Section 2.4.5(F):

#### BACKGROUND

The site, which consists of two large parcels, consists of a total of 33.31 acres containing an existing shopping center and associated parking improvements which were developed in Palm Beach County; the site was annexed into the City in 1989. The site has a Future Land Use Map (FLUM) designation of General Commercial (GC) and a zoning designation of Planned Commercial (PC). In 2007, the Four Corners Overlay District was created for the intersection of South Military Trail and West Atlantic Avenue which included the subject property.

In 2015, a Master Development Plan (MDP) was approved and remains valid. The approval provided for the demolition of the existing Publix and its relocation elsewhere within the property in a new retail building, and the creation of two commercial outbuildings along West Atlantic Avenue, reconfiguration of the interior parking lot area with landscaping upgrades for the improved areas, and a right turn-lane from West Atlantic Avenue as requested by Florida Department of Transportation (FDOT). The associated Class IV Site Plan Modification for those site improvements was subsequently approved, and remains valid (2015-091).

The aforenoted MDP approval included the following relief:

- Waiver to LDR Section 4.4.9(F)(3)(f)(2), which requires a twenty-five foot (25') building setback for parcels within the master development plan; the complete requirement was waived.
- Waiver to LDR Section 4.4.9(F)(3)(d)(1)(d), which requires a twenty-five foot (25') landscape buffer between internal parcels within the Master Plan; the complete requirement was waived.
- Waiver to LDR Section 4.4.9(G)(3)(e)(1)(a), which requires that land area equivalent to at least twenty-five percent (25%) open space be included with the master development plan area; the open space was reduced to 17% which was an existing non-conformity.
- Waiver to LDR Section 4.6.16(B)(4), which requires any modification to an existing development which results in an increase of twenty-five percent (25%) in the gross floor area of the structures situated on site to be upgraded to current landscape standards; the complete requirement was waived as a 32.03% increase was proposed, and the required landscape standards were met within the proposed redevelopment areas.

A modification to the approved MDP was approved by the Planning and Zoning Board which provided for the construction of a new outbuilding for restaurant use adjacent to South Military Trail, and minor square footage modifications to two retail buildings approved in 2015.

#### PROJECT DESCRIPTION

The subject proposal consists of the modifications to Building "1A" and Retail "C" and associated site and elevation revisions resulting from the Master Development Plan Modification (MDPM) approved by the Planning and Zoning Board. The approved square footage reduction for Building "1A" was from 8,970 (single tenant) to 5,700 (two tenants); Retail "C", which is connected to the new Publix building, went from three tenant spaces totaling 19,500 square feet to six tenant spaces totaling 17,800 square feet.

Those modifications requiring approval with the site plan modification consist of the following for both buildings:

- Elevation modifications to accommodate the revised retail spaces;
- o Minor parking and circulations modifications; and,
- Landscaping modifications.

#### SITE PLAN ANALYSIS

#### **Development Standards**

The subject property is located within the PC Zoning District, within the Four Corners Overlay District, which is subject to the standards of the GC Zoning District. The following chart provides the applicable Development Standards for the entire Delray Square shopping Center as provided in LDR Sections 4.4.9, GC Zoning District applicable to the Four Corners Overlay District, 4.4.12, PC Zoning District, and 4.3.4(K), Development Standards. Pursuant to LDR Section 4.4.9(G)(3)(e)(1)(a), where standards unique to the Four Corners Overlay District conflict with standards contained elsewhere in the zoning code, that unique standard shall apply.

	Required	Existing	Provided		
PC Zoning District, Development Standards					
Open Space (Minimum)	25%	16.64%	16.67%		
Front Setback (Minimum): West	30'	N/A	2'		
GC Zoning District, Development Standards for the Four Corners Overlay District					
Site Area (Minimum)	4 acres	33.31 acres	33.31 acres		
Lot Coverage (Maximum)	75%	83.36%	83.33%		
Front Perimeter Landscape Buffer (Minimum):	30'	0'	2'		
South Military Trail					
Floor Area (Minimum square feet): Building "1A"	4.000	N/A	5,700		
Retail "C"	4,000	N/A	16,200		

The information provided in the chart above combines the entire Delray Square shopping center, and individualizes the applicable floor areas, as they were approved with the MDPM. Existing non-conformities were slightly reduced with the proposed site modifications.

#### Four Corners Overlay District, Supplemental Regulations

Pursuant to LDR Section 4.4.9(G)(3)(d)(2), Allocation of Uses, retail uses shall not encompass more than one hundred percent (100%) of the total building area square footage of the Four Corners Overlay Master Development Plan. The Delray Square Master Development Plan and subsequent Modification do not provide for more than 100% retail square footage.

#### Lighting

The proposed lighting modifications primarily consist of new values for the parking adjacent to Retail "C", new under-canopy lighting for the new tenant spaces within Retail "C", revised values for the circulation and parking area adjacent to "Building 1A", and new under-canopy lighting for "Building 1A". The revised values and proposed lighting comply with the requirements of **LDR Section 4.6.8(B)(3)**, **Illumination Standards.** 

#### **Minimum Parking Requirements**

Pursuant to LDR Section 4.6.9(C)(3)(e), shopping centers shall require 4 spaces per 1,000 sq. ft. of gross leaseable floor area, irrespective of uses, for up to 400,000 sq. ft. The entire Delray Square shopping center is approved (per the Master Development Plan Modification) for a total of 321,751

square feet of <u>leaseable</u> floor area, which requires 1,287 parking spaces, plus the 4,335 square foot IHOP which requires 17 parking spaces. A total of 1,433 parking spaces have been provided, which includes 74 handicap accessible spaces. Therefore, the requirement has been met as there is a 129 parking spaces surplus.

#### Dumpsters

Pursuant to LDR Section 4.6.16(H)(3)(n), all dumpster and refuse areas shall be screened. The proposed dumpsters and their enclosures associated with both Retail "C" and "Building 1A" have been sufficiently screened with landscaping to meet the subject requirement.

#### LANDSCAPE PLAN ANALYSIS

Pursuant to LDR section 4.6.16 (C)(1)(a), prior to the issuance of a building permit for a structure or a paving permit, compliance with the requirements of Section 4.6.16 shall be assured through the review and approval of a landscape plan submitted pursuant to Section 2.4.3 (C). A proposed landscape plan has been submitted and evaluated by the Senior Landscape Planner. Those revisions to the previously approved site plan have been determined to be in compliance with the applicable requirements for landscaping.

#### ARCHITECTURAL ELEVATIONS ANALYSIS

Pursuant to LDR Section 4.6.18(E), Criteria for Board Action, the following criteria shall be considered, by the Site Plan Review and Appearance Board (SPRAB), in the review of plans for building permits. If the following criteria are not met, the application shall be disapproved:

- 1. The plan or the proposed structure is in conformity with good taste, good design, and in general contributes to the image of the City as a place of beauty, spaciousness, harmony, taste, fitness, broad vistas, and high quality.
- 2. The proposed structure, or project, is in its exterior design and appearance of quality such as not to cause the nature of the local environment or evolving environment to materially depreciate in appearance and value.
- 3. The proposed structure, or project, is in harmony with the proposed developments in the general area, with the Comprehensive Plan, and with the supplemental criteria which may be set forth for the Board from time to time.

The proposed facade modifications to the buildings maintain and are consistent with the previously approved elevations. The approved façade improvements include installation of a finished metal roofing system, an aluminum and glass storefront framing system, freshly painted stucco, exposed colored concrete masonry on column bases, and tower elements to add character. The approved colors are pastel yellow stucco accented with tan doors, plasters and columns. The proposed alterations are minimal to the previously approved elevations which were found to be compatible and harmonious. Based upon the above, positive findings can be made with regard to the criteria listed in LDR Section 4.6.18(E).

#### REQUIRED FINDINGS

Pursuant to LDR Section 3.1.1, Required Findings, prior to the approval of development applications, certain findings must be made in a form which is part of the official record. This may be achieved

through information on the application, 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. These findings relate to the following areas:

**Section 3.1.1 (A), Future Land Use Map:** The subject property has a Future Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Future Land Use Map (FLUM) designation. Based upon the above, a positive finding can be made with respect to consistency with the Future Land Use Map.

**Section 3.1.1 (B), Concurrency:** A positive finding of concurrency was made with the review of the Master Development Plan Modification. However, the concurrency finding for streets and traffic is still pending by the Palm Beach County Traffic Division.

Section 3.1.1 (C), Consistency (Standards for Site Plan Actions and Specific Areas): As described in Appendix A, a positive finding of consistency can be made as it relates to Development Standards for Site Plan Actions.

Section 3.1.1 (D), Compliance With the Land Development Regulations: As described under the Site Plan Analysis of this report, a positive finding of compliance with the LDRs can be made.

#### **Required Findings:**

Pursuant to LDR Section 2.4.5(F)(5), the approving body must make a finding that development of the property pursuant to the site plan 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.

The following table indicates the zoning and land use of the properties surrounding the subject property:

	Adjacent Zoning	Adjacent Land Use		
North	GC, Agricultural (A) & Single Family Residential (R-1-A)	KFC Restaurant, Boy's Farmer's Market & Lee's Crossing Subdivision		
East	Planned Office Center (POC)	Multi-Building Professional Office Complex		
South	GC & PC	Gasoline Station, Delray West Shopping Plaza, Bank, Vacant Land and Dunkin Donuts		
West	PC	Marketplace at Delray Shopping Center		

With the review and approval of the MDPM and prior Class IV SPM, the proposed site improvements were found to be consistent with the PC Zoning district uses which allow all retail uses permitted with the General Commercial (GC) zoning district. The existing Delray Square shopping plaza has coexisted with the adjacent properties without any adverse effects, and none are anticipated. A positive finding can be made with regard to LDR Section 2.4.5(F)(5) that the site plan will remain compatible and harmonious with adjacent and nearby properties.

**Comprehensive Plan Policies:** A review of the objectives and policies of the adopted Comprehensive Plan were conducted with the review of the Master Development Plan Modification which was found to be in compliance and meeting the intent.

#### ASSESSMENT AND CONCLUSION

The approved redevelopment of the Delray Square Shopping Center expands on its current use with new structures compatible in size, scale and design with the surrounding area. The approved development was previously found to be consistent with the policies of the Comprehensive Plan and can be found consistent with the Land Development Regulations. The proposed modifications are minor considering the significant improvements with which they are associated, and are found to be compatible and appropriate while maintaining the approved character of the shopping center.

#### ALTERNATIVE ACTIONS

- A. Continue with direction.
- B. Approve the Class IV Site Plan Modification (2017-128) for Delray Square located at **4771 West Atlantic Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.
- C. Deny the Class IV Site Plan Modification (2017-128) for Delray Square located at **4771 West Atlantic Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is not consistent with the Comprehensive Plan and does not meet criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations.

#### STAFF RECOMMENDATION

By separate motions:

#### Site Plan

Approve the Class IV Site Plan Modification (2017-128) for Delray Square located at **4771 West Atlantic Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.5(F)(5) and Chapter 3 of the Land Development Regulations, subject to the condition that approval of Traffic Concurrency be provided :

#### Landscape Plan

Approve the Landscape Plan (2017-128) for Delray Square located at **4771 West Atlantic Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 4.6.16.

#### **Architectural Elevations**

Approve the Architectural Elevations (2017-128) for Delray Square located at **4771 West Atlantic Avenue**, by adopting the findings of fact and law contained in the staff report, and finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 4.6.18(E).

Staff Report Prepared By: Amy Alvarez, AICP, Senior Planner

#### A P P E N D I X A STANDARDS FOR SITE PLAN ACTIONS

A. Building design, landscaping and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation. Not applicable

Meets intent of standard X Does not meet intent

B. Separation of different forms of transportation shall be encouraged. This includes pedestrians, bicyclists and vehicles in a manner consistent with policies found under Objectives D-1 and D-2 of the Transportation Element.

Not applicable Meets intent of standard X Does not meet intent

C. Open space enhancements as described in Policies found under Objective B-1 of the Open Space and Recreation Element are appropriately addressed.

Not applicable Meets intent of standard X Does not meet intent

D. The City shall evaluate the effect that any street widening or traffic circulation modification may have upon an existing neighborhood. If it is determined that the widening or modification will be detrimental and result in a degradation of the neighborhood, the project shall not be permitted.

Not applicable Meets intent of standard X Does not meet intent

- E. Development of vacant land which is zoned for residential purposes shall be planned in a manner which is consistent with adjacent development regardless of zoning designations. Not applicable X
   Meets intent of standard
  - Does not meet intent
- F. Property shall be developed or redeveloped in a manner so that the future use and intensity are appropriate in terms of soil, topographic, and other applicable physical considerations; complementary to adjacent land uses; and fulfills remaining land use needs.

Not applicable Meets intent of standard X Does not meet intent

G. Redevelopment and the development of new land shall result in the provision of a variety of housing types which shall continue to accommodate the diverse makeup of the City's demographic profile, and meet the housing needs identified in the Housing Element. This shall be accomplished through the implementation of policies under Objective B-2 of the Housing Element.

Not applicable X Meets intent of standard Does not meet intent H. The City shall consider the effect that the proposal will have on the stability of nearby neighborhoods. Factors such as noise, odors, dust, traffic volumes and circulation patterns shall be reviewed in terms of their potential to negatively impact the safety, habitability and stability of residential areas. If it is determined that a proposed development will result in a degradation of any neighborhood, the project shall be modified accordingly or denied.

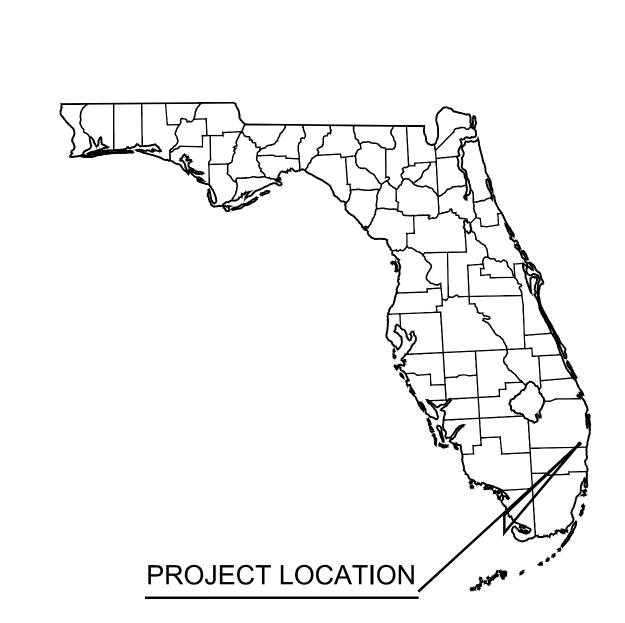
Not applicable Meets intent of standard X Does not meet intent

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.

Not applicable Meets intent of standard Does not meet intent X – pending concurrency determination by Palm Beach County

J. Tot lots and recreational areas, serving children from toddler to teens, shall be a feature of all new housing developments as part of the design to accommodate households having a range of ages. This requirement may be waived or modified for residential developments located in the downtown area, and for infill projects having fewer than 25 units.

Not applicable X Meets intent of standard Does not meet intent



### **PROJECT TEAM**

OWNER/APPLICANT TKC CLXXVIII, LLC 5935 CARNEGIE BLVD, SUITE 200 CHARLOTTE, NC 28209 PHONE: (704) 319-8160 CONTACT: ERIC LARSON

CIVIL ENGINEER KIMLEY-HORN AND ASSOCIATES, INC. 1615 SOUTH CONGRESS AVENUE, SUITE 201 DELRAY BEACH, FL 33445 PHONE: (561) 404-7250 CONTACT: JÁSON A. WEBBER, P.E.

PLANNER KIMLEY-HORN AND ASSOCIATES, INC. 1615 SOUTH CONGRESS AVENUE, SUITE 201 DELRAY BEACH, FL 33445 PHONE: (561) 404-7244 CONTACT: MARK RICKARDS, AICP

LANDSCAPE ARCHITECT KIMLEY-HORN AND ASSOCIATES, INC. 1920 WEKIVA WAY, SUITE 200 WEST PALM BEACH, FL 33411 PHONE: (561) 840-0233 CONTACT: JONATHAN HAIGH, RLA, ASLA

ARCHITECT MARC WENER, A.I.A. ARCHITECTURE/PLANNING 33 S.E. 4TH STREET, SUITE 101 BOCA RATON, FL 33432 PHONE: (561) 750-5298 CONTACT: MARC WIENER, AIA

SURVEYOR CAULFIELD & WHEELER, INC. 7900 GLADES ROAD, SUITE 100 BOCA RATON, FL 33434 PHONE: (561) 392-1991 CONTACT: DAVID LINDLEY, PLS



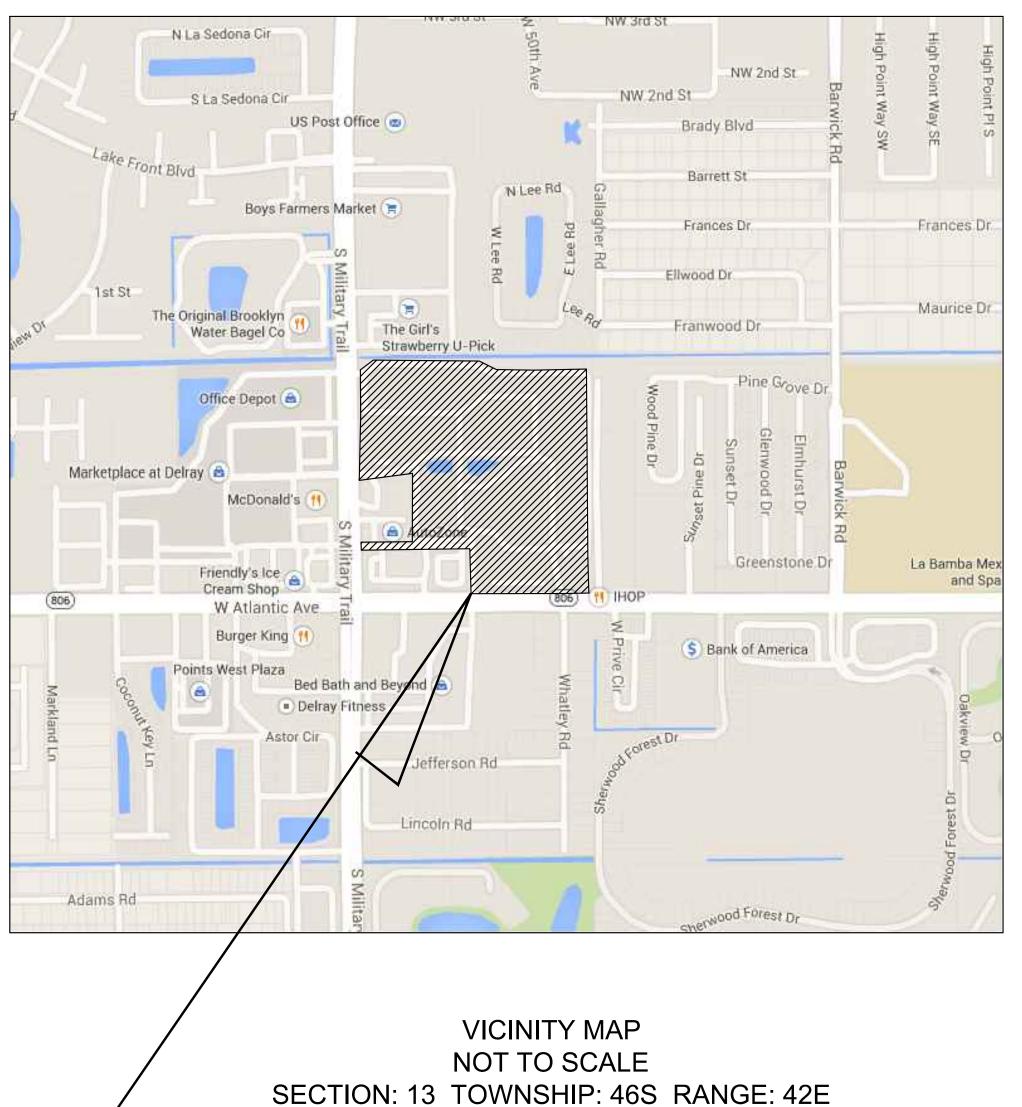
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

FLORIDA DEPARTMENT OF TRANSPORTATION, 2016 DESIGN STANDARDS AND REVISED INDEX DRAWINGS AS APPENDED HEREIN, AND 2015 STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, AS AMENDED BY CONTRACT DOCUMENTS.

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

# **CONSTRUCTION PLANS** FOR DELRAY SQUARE

## JULY 2017



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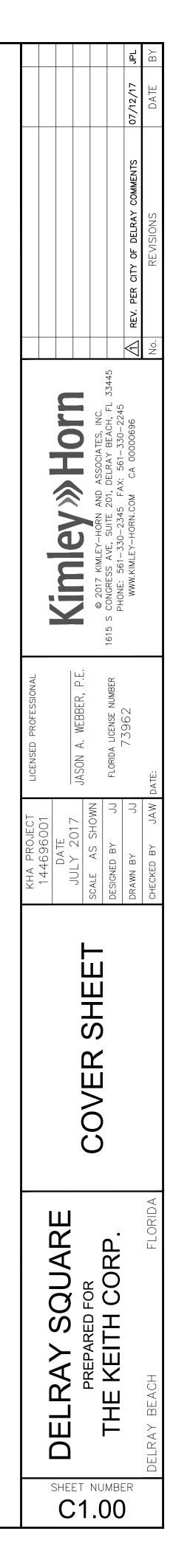
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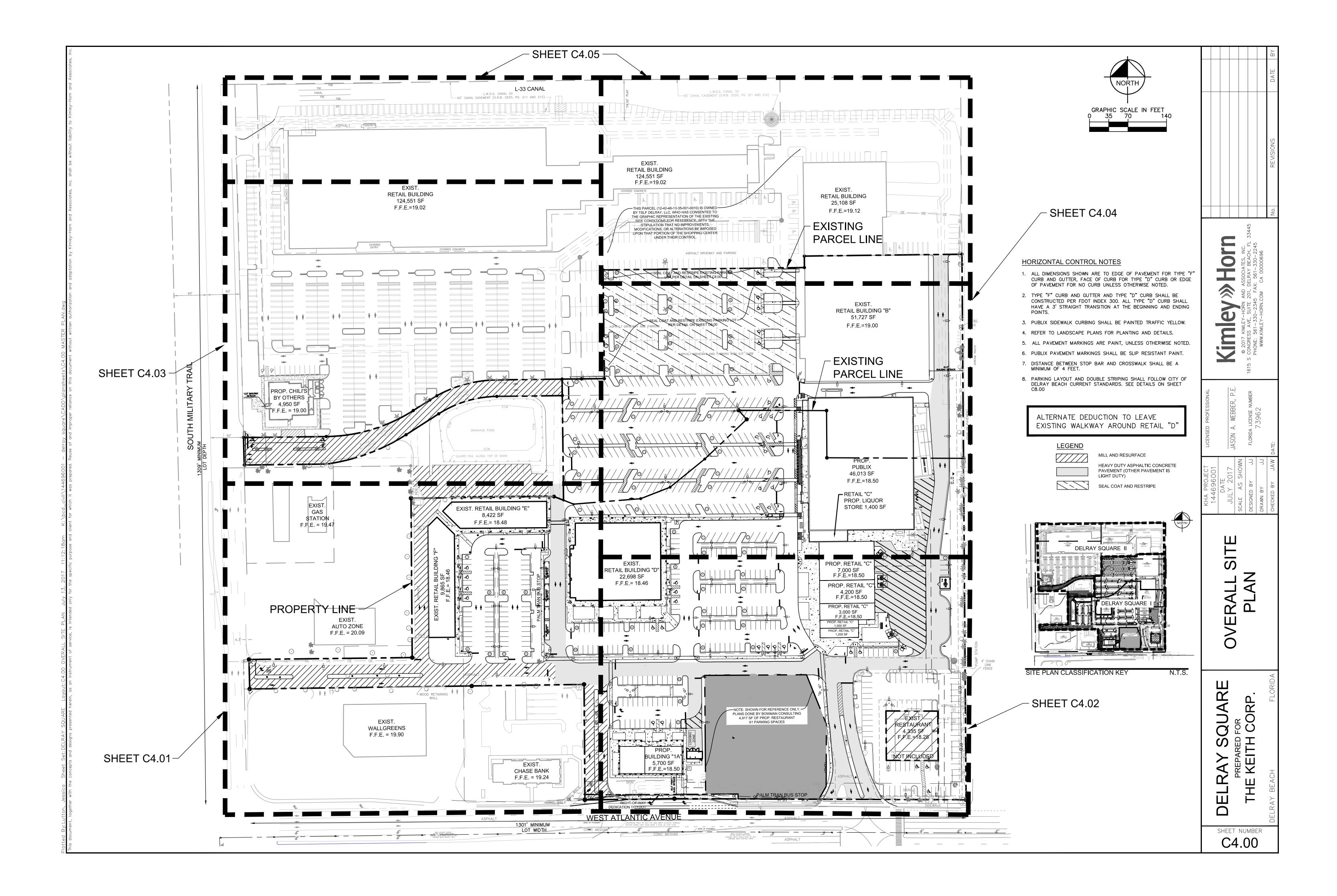
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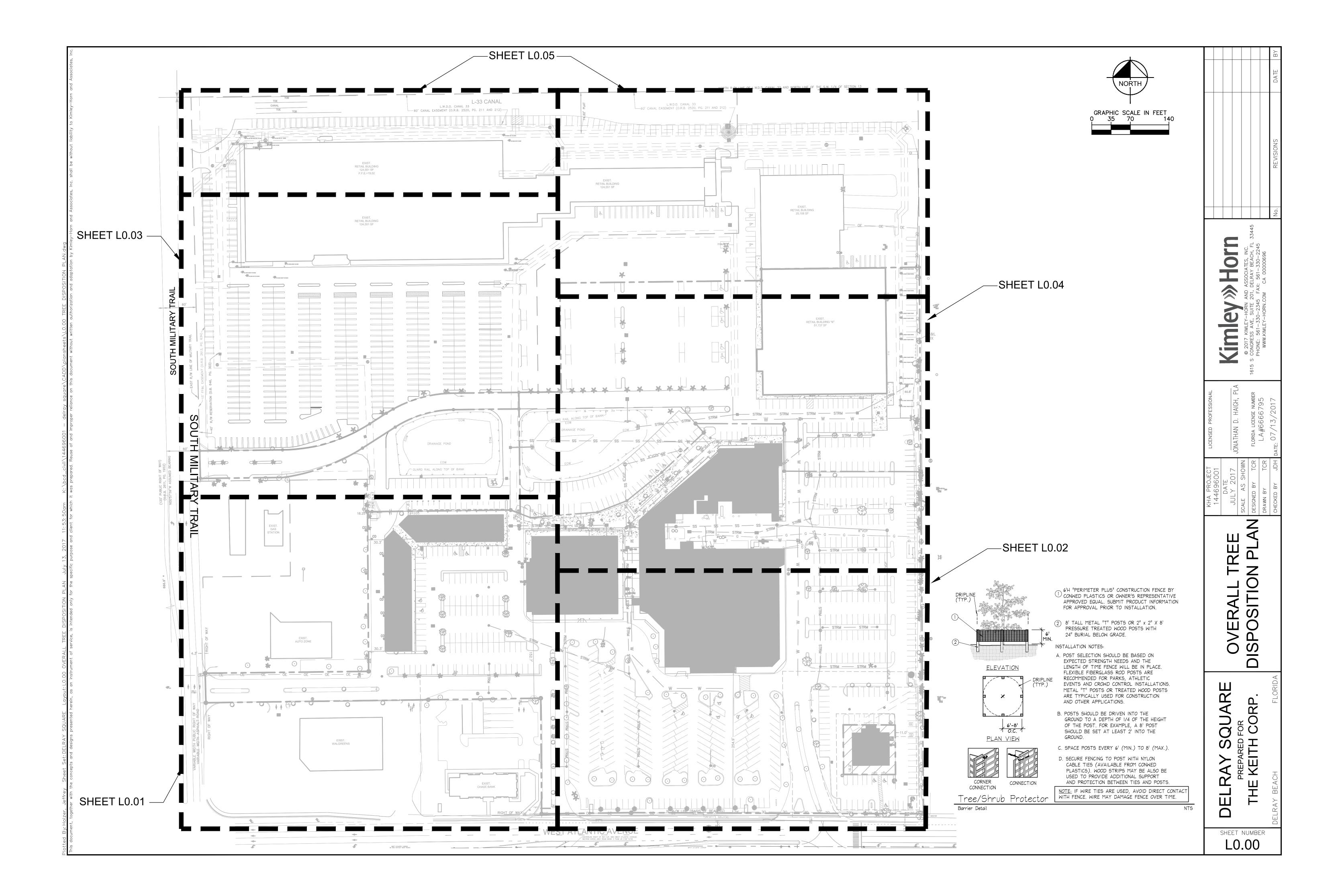
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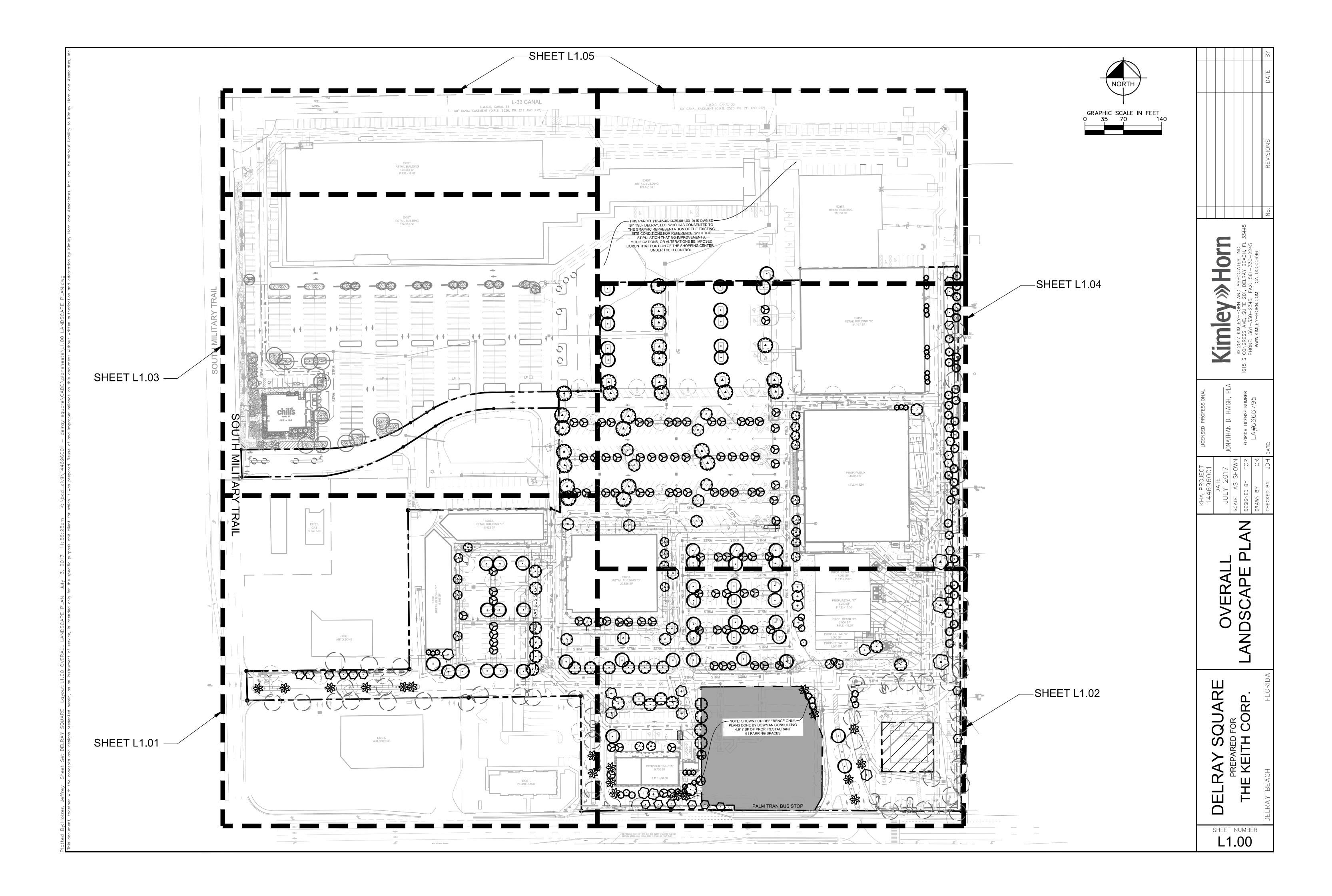
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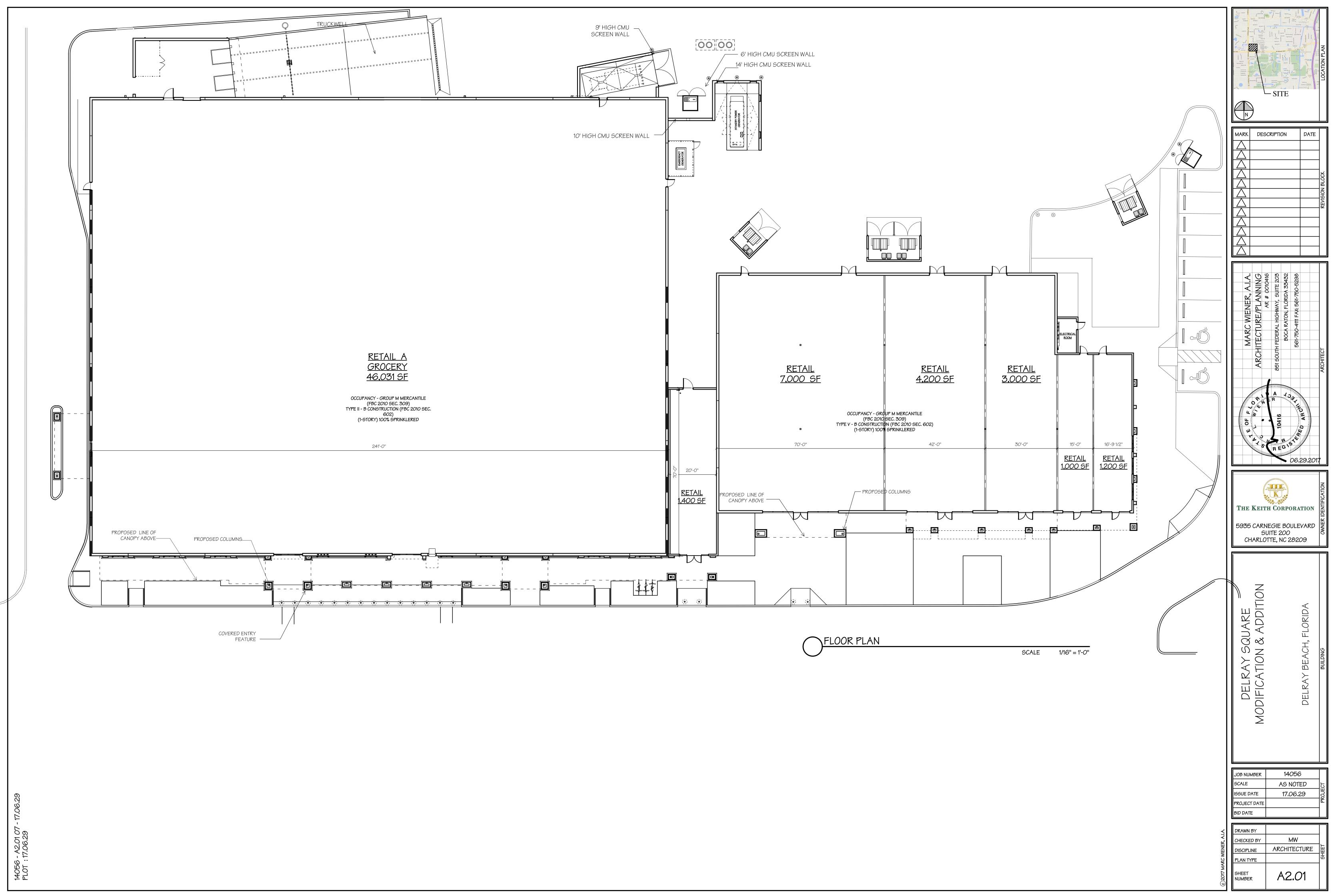
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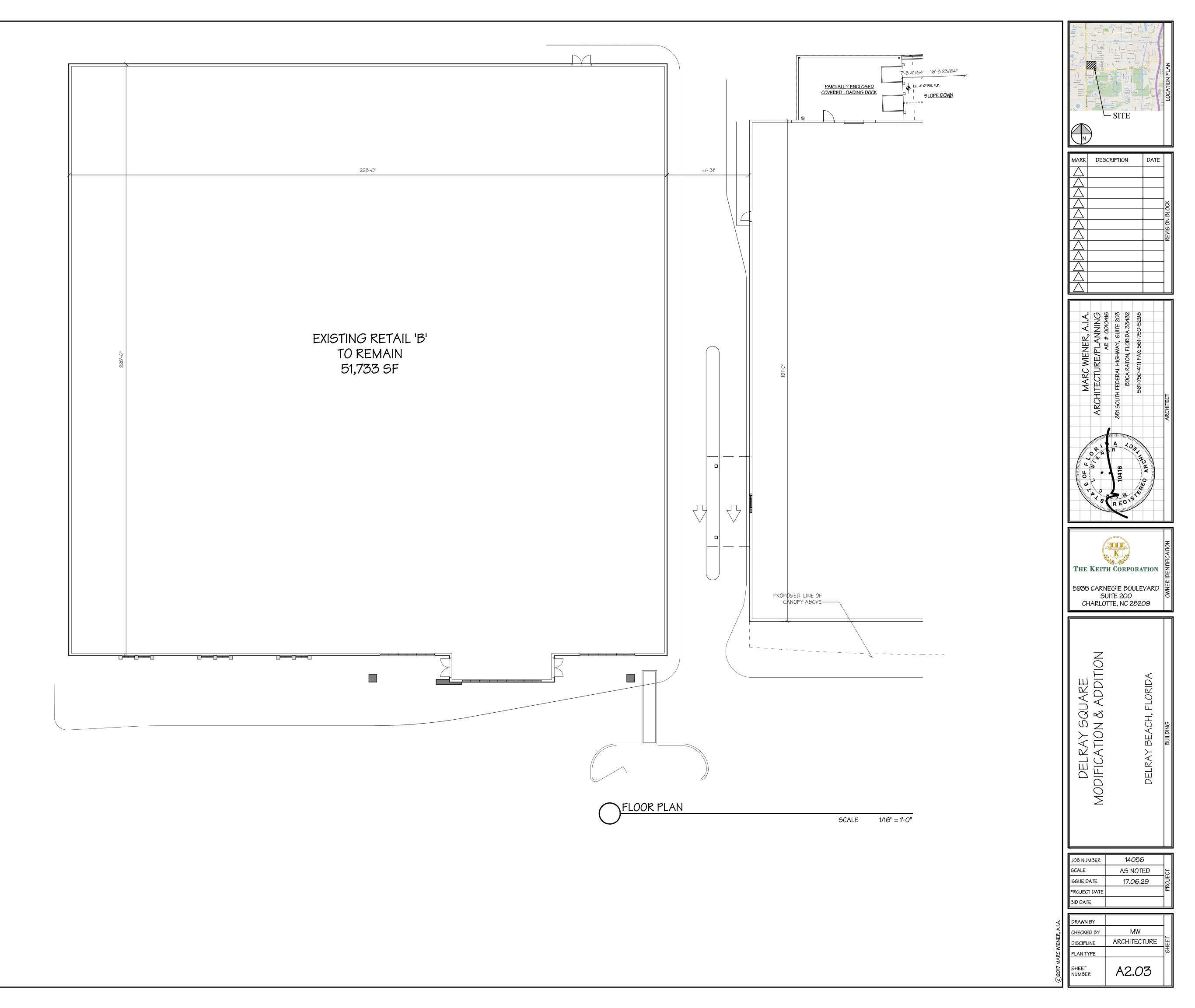


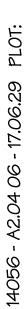






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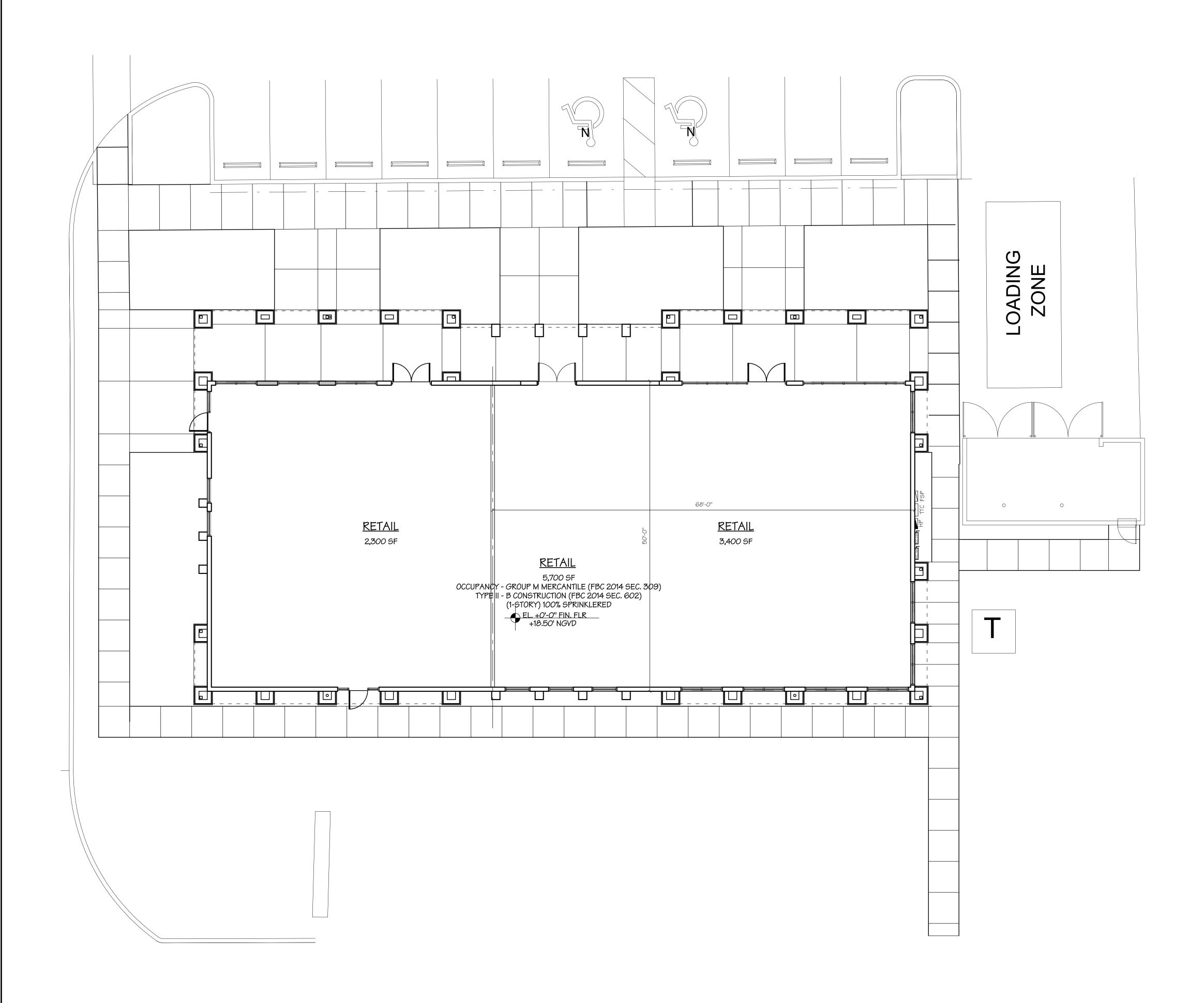
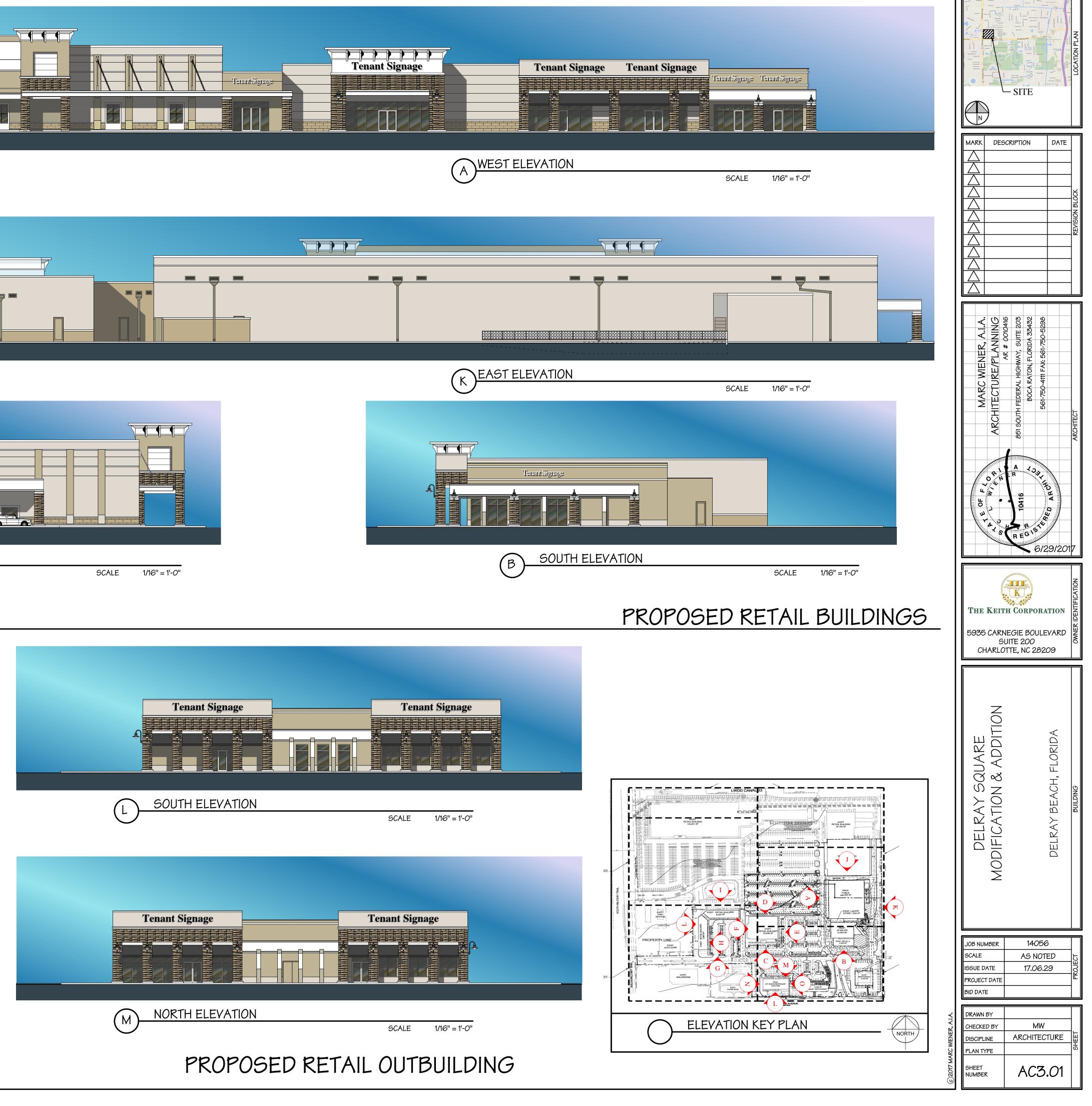
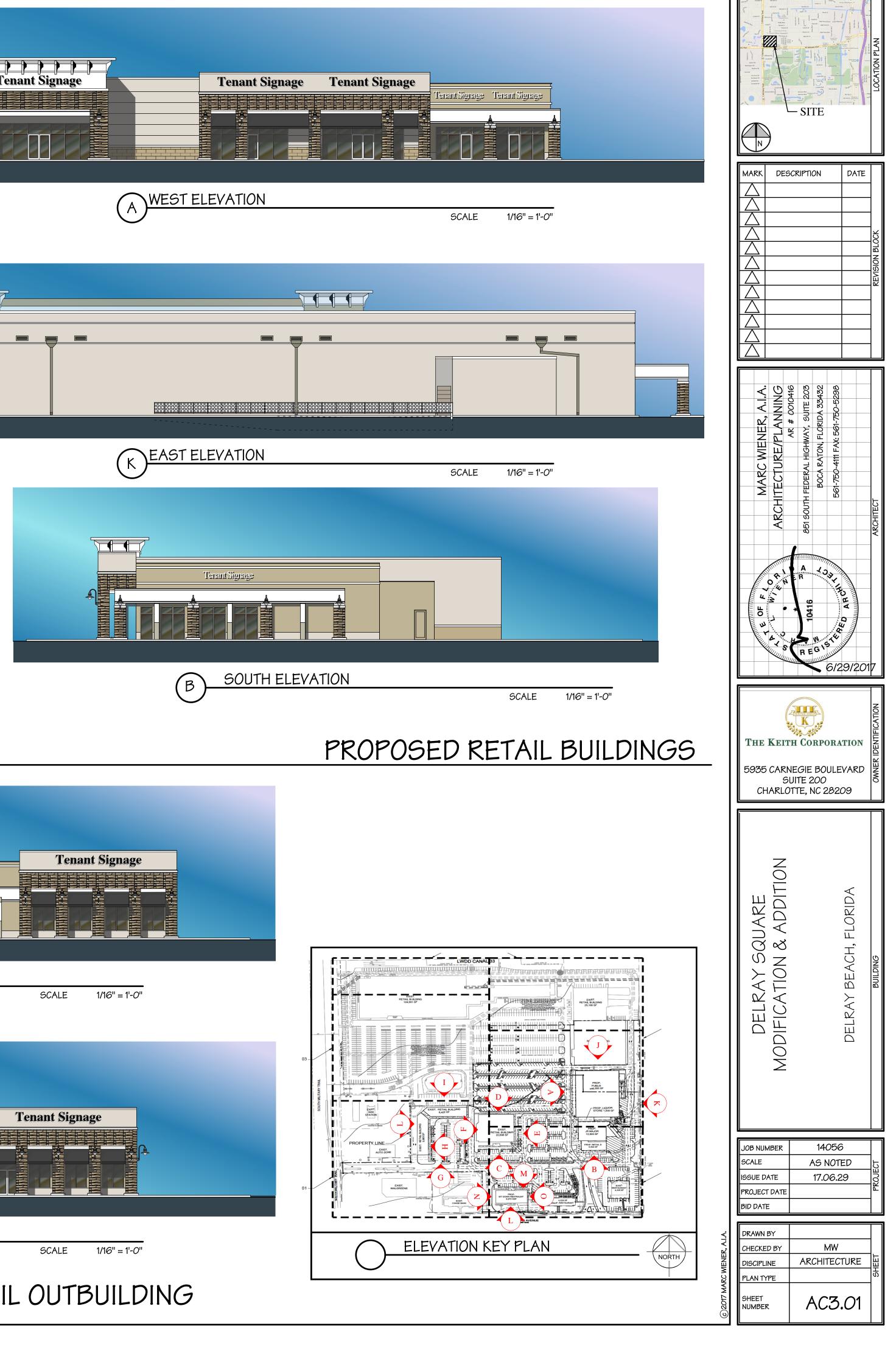


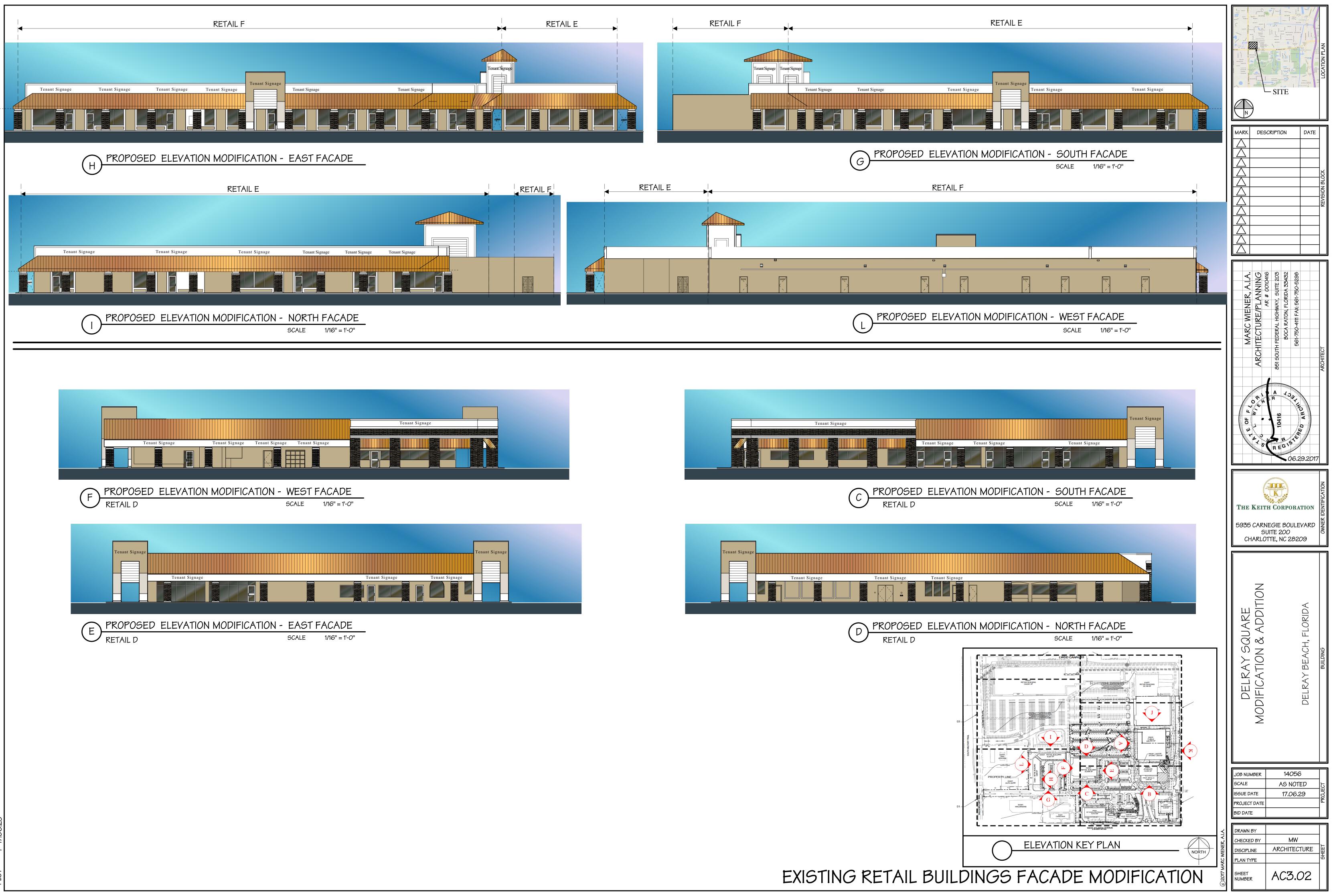
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MARC WIENER, A.I.A. ARCHITECTURE/PLANNING AR # 0010416 B51 SOUTH FEDERAL HIGHWAY, SUITE 203 B0CA RATON, FLORIDA 33432 561-750-4111 FAX: 561-750-5298	ARCHITECT		
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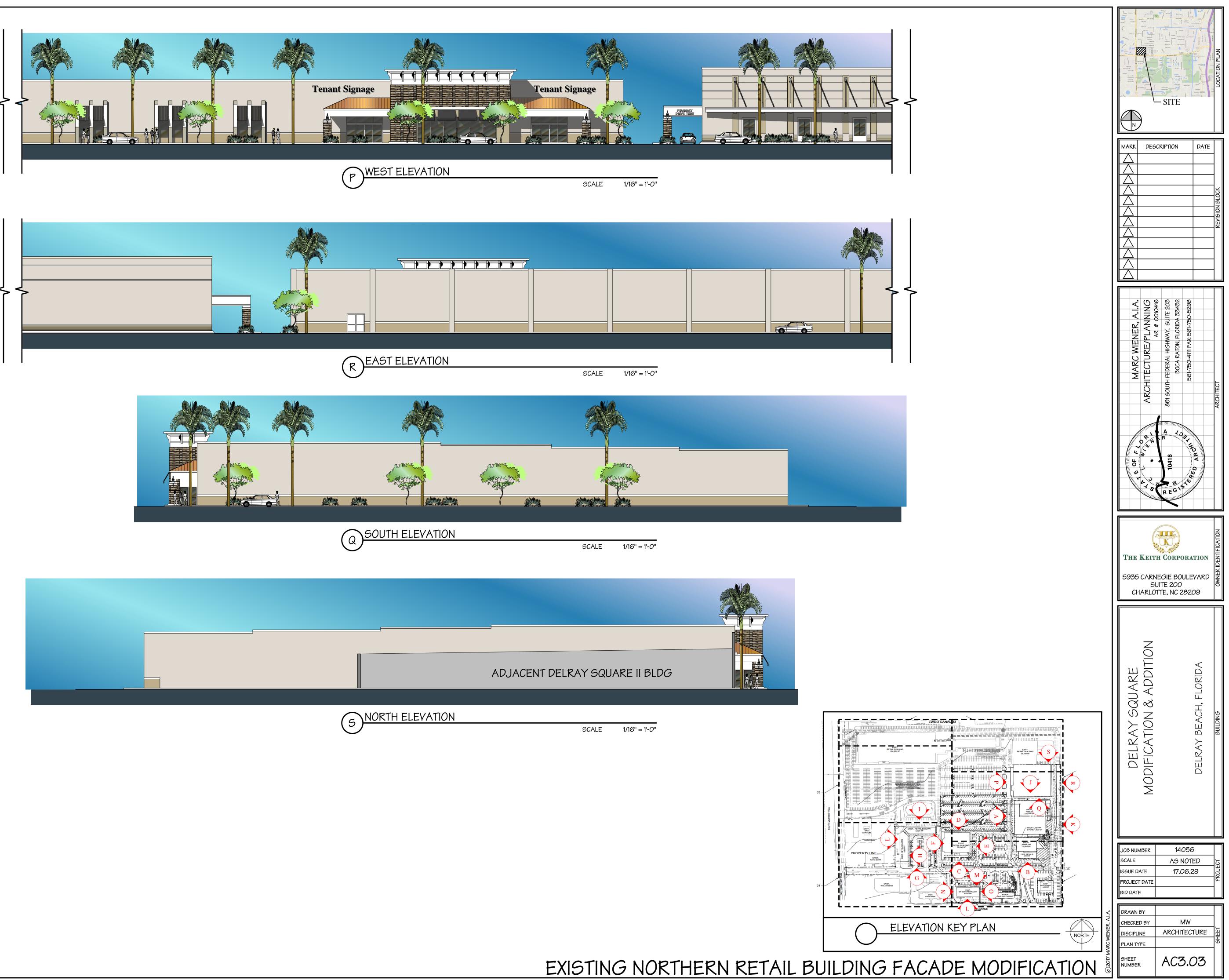


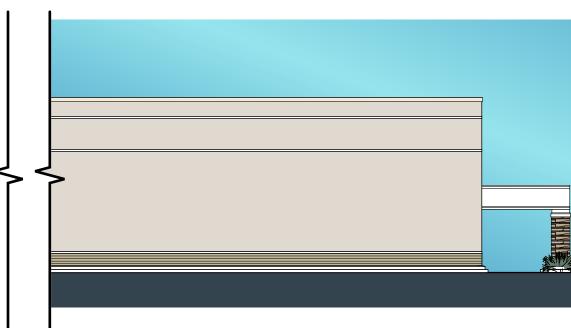
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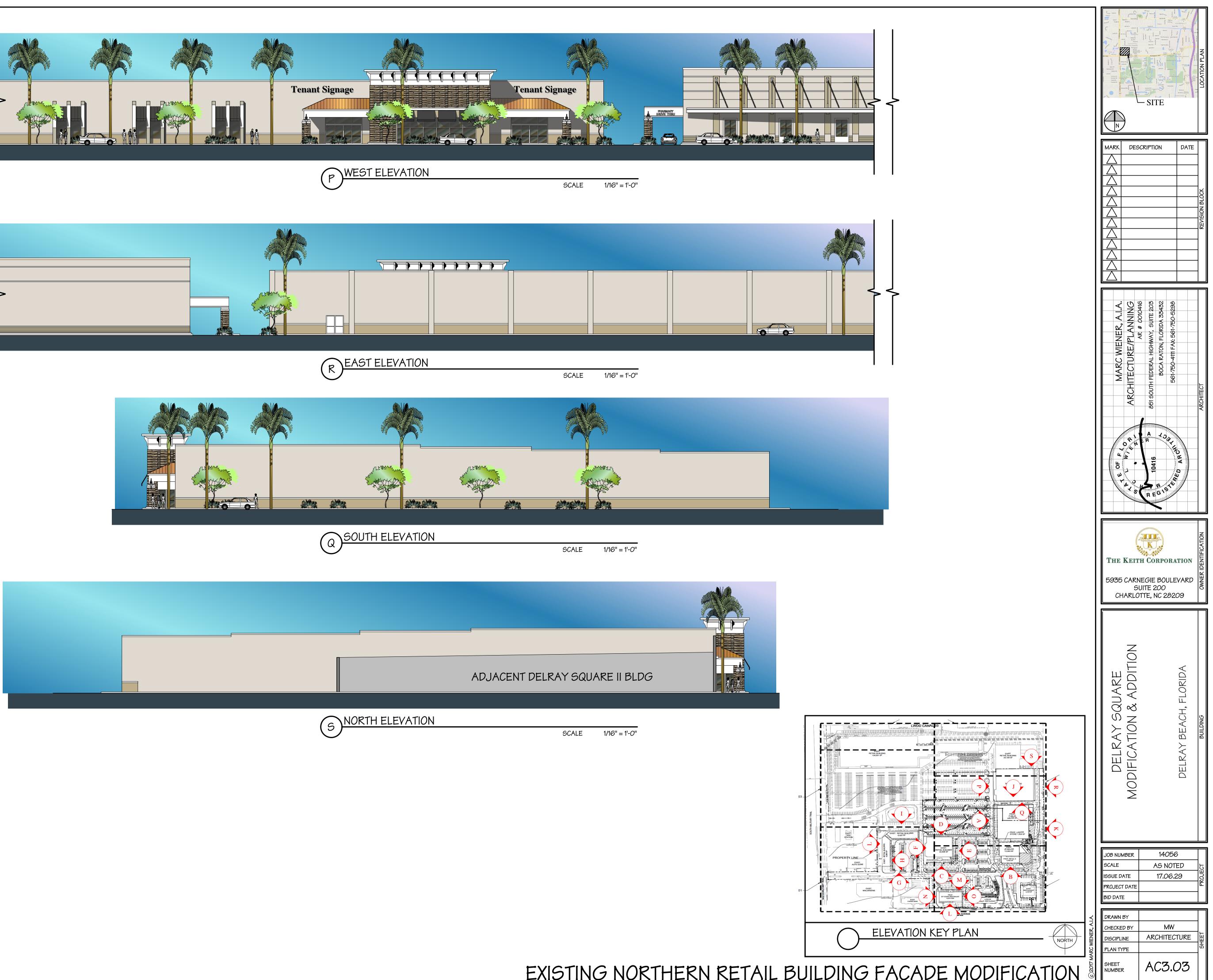












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