

IN THE CITY COMMISSION
CHAMBERS OF THE CITY OF
DELRAY BEACH, FLORIDA

**CONDITIONAL USE MODIFICATION REQUEST FOR THE PALM TRAN SOUTH
COUNTY FACILITY EXPANSION**

**ORDER OF THE CITY COMMISSION
OF THE CITY OF DELRAY BEACH, FLORIDA**

1. This conditional use request to expand the operations of the Palm Tran South County Facility has come before the City Commission on December 16, 2017.

2. The Applicant and City staff presented documentary evidence and testimony to the City Commission pertaining to the conditional use request for the Atlantic Plaza II development. All of the evidence is a part of the record in this case. Required findings are made in accordance with Subsections I and II.

I. COMPREHENSIVE PLAN

a. **Comprehensive Plan - Future Land Use Element Objective A-1:** This objective requires that the property shall be developed or redeveloped as it pertains to height, in a manner so that the future use and intensity is appropriate in terms of soil, topographic, and other applicable physical considerations, is complementary to adjacent land uses, and fulfills remaining land use needs.

Is this objective met?

Yes _____ No _____

b. **Future 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 Future Land Use Map. The subject property has a Future Land Use Map designation of Commercial Core and is zoned Central Business District.

**Future Land Use - Is project's proposed location consistent with the
Future Land Use Map?**

Yes _____ No _____

c. **Concurrency:** 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.

Concurrency as defined pursuant to Objective B-2 of the Land Use Element of the Comprehensive Plan must be met and a determination made that the public facility needs of the requested land use and/or development application will not exceed the ability of the City to fund and provide, or to require the provision of, needed capital improvements for the following areas:

Are the concurrency requirements met as respect to water, sewer, drainage, streets and traffic, parks, open space, and solid waste?

Yes_____ No_____

d. **Consistency**: Will the granting of the conditional use be consistent with and further the goals and policies of the Comprehensive Plan?

Yes _____ No _____

II. LDR REQUIREMENTS:

a. **LDR Section 2.4.5(E) Required Findings: (Conditional Use)**: Pursuant to Section 2.4.5(E)(5), in addition to provisions of Chapter 3, the conditional use will not:

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

Will Section 2.4.5(E)(5) be met?

Yes _____ No _____

3. The comments and notes set forth in the staff report are hereby incorporated herein.

4. The City Commission has applied the Comprehensive Plan and LDR requirements in existence at the time the conditional use request was submitted.

5. The City Commission finds there is ample and competent substantial evidence to support its findings in the record submitted and adopts the facts contained in the record including but not limited to the staff reports, testimony of experts and other competent witnesses supporting these findings.

6. Based on the entire record before it, the City Commission approves ____ denies ____ the conditional use request set forth above, and hereby adopts this order this 16th day of January, 2017, by a vote of ____ in favor of approval and ____ opposed.

Cary D. Glickstein, Mayor

ATTEST:

Katerri Johnson, CMC
City Clerk

PLANNING AND ZONING BOARD

CITY OF DELRAY BEACH

---STAFF REPORT---

MEETING DATE: November 27, 2017

ITEM: Conditional Use Modification request to allow the expansion of operations of the existing facility for Palm Train South County located at 100 N Congress Ave. (Quasi-Judicial Hearing).

RECOMMENDATION: Approval of the Conditional Use Modification Request for Palm Tran South County

GENERAL DATA:

Owner..... Palm Beach County

Applicant..... Urban Design Kilday Studios

Location..... Northwest corner of Congress Avenue and NW 1st Avenue

Property Size..... 10.107 acres

Future Land Use Map..... CMR (Commerce)

Zoning Designation..... CF (Community Facilities) & MIC (Mixed Industrial & Commercial)

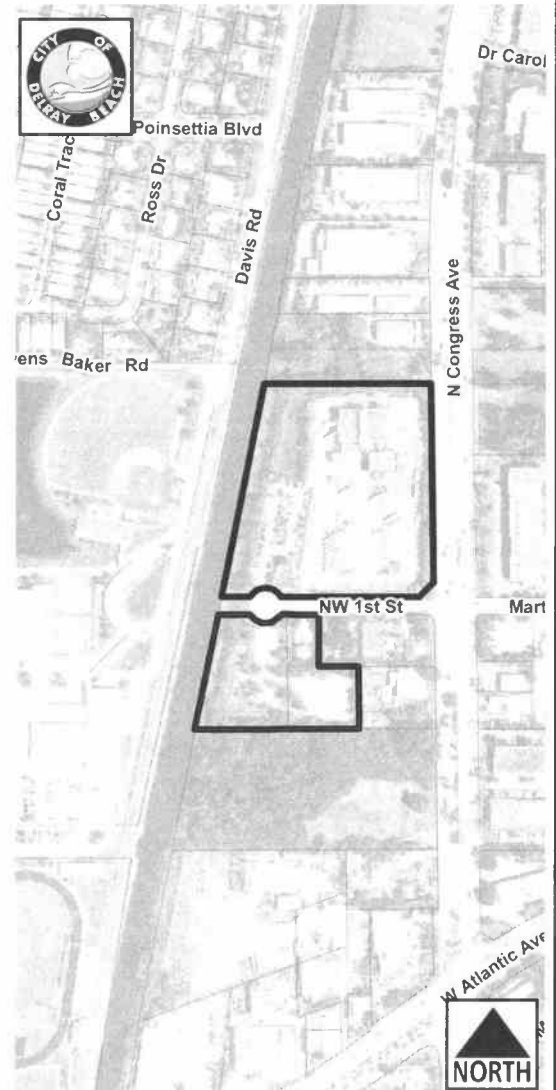
Adjacent Zoning..... North: Mixed Industrial and Commercial (MIC)
East: MIC
South: MIC
West: Rural Residential (RR) and Multiple Family Residential – Medium Density (RM)

Existing Land Use..... Bus Terminal

Proposed Land Use..... Bus Terminal/ Governmental Facility

Water Service..... Existing on site

Sewer Service..... Existing on site



Location Map Not To Scale

ITEM BEFORE THE BOARD

The action before the Board is making a recommendation to the City Commission on a request to modify the Conditional Use approval for the **Palm Tran South County Facility** to allow the expansion of the current operations to include additional employees, bus parking and new secured employee parking area.

Pursuant to Section 2.2.2(E)(6) of the Land Development Regulations, the Planning and Zoning Board shall approve or deny a minor modification of a conditional use approval per LDR Section 2.4.5(E)(7).

Per LDR Section 2.4.5 (E)(7), if the modification involves intensity of use or hours of operation, the modification must be approved by The Planning and Zoning Board. If the Board finds that the requested modification is significant, then the modification must be heard as a new Conditional Use application. Any request for a modification may be denied.

BACKGROUND

The subject property is located at the northwest corner of Congress Avenue and NW 1st Avenue, is zoned CF (Community Facilities) and contains approximately 10.30 acres.

On November 8, 1988, the parcel was annexed into the City of Delray Beach with a LI (Light Industrial) zoning designation and Land Use designation. In 1989 the land use designation was changed to (CMR) Commerce with adoption of a new Future Land Use Map and in 1990 the zoning designation was changed to MIC (Mixed Industrial and Commercial) with the adoption of the new Land Development Regulations.

In July of 1994, the City Commission approved a rezoning from MIC to CF and a Conditional Use request for a new bus terminal for the Co-Tran Facility (now known as the Palm Tran Satellite Facility). The Site Plan request was approved by SPRAB (Site Plan Review and Appearance Board) in February of 1995 for the new facility, which consisted of a 6-bay 15,600 sq. ft. maintenance building, 3,653 sq. ft. administration building, 67 bus parking spaces and 115 standard parking spaces.

There have been some minor site plan modifications to the facility since it was constructed. Most recently, on October 12, 2011, the SPRAB approved a Class II Site Plan Modification to modify the existing landscape plan, irrigation plan and site lighting.

A conditional use application has now been submitted to modify the approved Conditional Use to allow the expansion of the current operations to include additional employees, bus parking and new secured employee parking area.

PROJECT DESCRIPTION

The project proposal is associated with a modification of the approved conditional use for Palm Tran South County to allow the expansion of operations of the existing bus terminal facility to include additional employees, additional bus parking spaces and a new secured employee parking area. Currently, the existing facility consists of a 3,669 sq.ft. administration building, 6-bay 15,600 sq. ft. maintenance building, 3,653 sq. ft. administration building, 67 bus parking spaces and 115 standard parking spaces. The proposal includes an increase in square footage of 29,234 sq.ft. (total of: existing 3,669 sq.ft + proposed 29,234 sq.ft = 32,903 sq.ft) to

accommodate additional employees (administrative and operational), to relocate some of the Palm Tran administrative staff from the West Palm Beach facility to the proposed location, and to add training area for bus operators. The proposed expansion will also accommodate 34 additional bus parking spaces, and new secured employee parking area. The overall operations of the facility and hours of operation will remain as is.

CONDITIONAL USE ANALYSIS

REQUIRED FINDINGS:

LDR (Chapter 3) PERFORMANCE STANDARDS:

Pursuant to Section 3.1.1 (Required Findings), prior to approval of Land Use 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 Future Land Use Map, Concurrency, Comprehensive Plan Consistency, and Compliance with the Land Development Regulations.

FUTURE 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 Future Land Use Map.

The subject property has a CMR Future Land Use Map (FLUM) designation and is zoned CF and MIC. The CF zoning district is consistent with the current FLUM designation of CMR. Pursuant to LDR Section 4.4.21(D)(3), bus terminals and other similar transportation park and ride areas are allowed as a conditional use within the CF zoning district. Thus, positive findings can be made regarding consistency with the FLUM and zoning designations.

CONCURRENCY: 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.

Water and Sewer: Water service is available via an existing 8-inch water main along Congress Avenue. Sewer service is available via an existing 8-inch main along Congress Avenue and NW 1st Street. The provision of sewer, water, and fire suppression services will be reviewed as part of the site plan process.

Pursuant to the Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South Central County Waste Water Treatment Plant for the City at build-out. Based upon the above, positive findings can be made with respect to this level of service standard.

Drainage: It is noted that the storage capacity of the drainage system will be reviewed as part of the site plan and building permit processes. It is anticipated that a finding of concurrency can

be made during the site plan process. Based upon the above, positive findings with respect to this level of service standard can be made.

Streets and Traffic: The applicant has submitted a traffic statement indicating that the proposed development will generate a net increase of 1,957 average daily trips. A letter has been submitted from the Palm Beach County Traffic Division that indicates the proposed development is exempt from Transportation Concurrency requirements.

Parks and Recreation Facilities: Concurrency with the Parks and Recreation Facilities is not applicable to the development proposal.

Solid Waste: The proposed 29,234 square foot addition will generate an additional 2.71 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2047, thus a positive finding with respect to this level of service standard can be made.

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.

A review of the objectives and policies of the adopted Comprehensive Plan was conducted. There are several objectives and policies that address education within the City, which generally apply to public education.

SECTION 2.4.5(E) REQUIRED FINDINGS: (Conditional Use)

Pursuant to Section 2.4.5(E)(5) (Findings), in addition to provisions of Chapter 3, 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. Nor that it will hinder development or redevelopment of nearby properties.

The following zoning designations and uses border the property:

Direction	Zoning	Uses
North	MIC	Industrial
South	MIC	Industrial
West	RR (Rural Residential) RM	Residential Atlantic High School
East	MIC	Industrial

The proposed expansion of the Palm Tran will be consistent with the surrounding uses and will not have a detrimental effect on the stability of the neighborhood or hinder redevelopment in the area. The existing Palm Tran facility has occupied the subject property for 23 years with no known adverse impacts on the surrounding neighborhood.

COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:

Pursuant to LDR Section 2.4.5(E) (7), an approved Conditional Use may be modified. If the modification involves only the implementation or compliance with conditions of approval, the modification may be approved by the Director. If the modification involves intensity of use or hours of operation, the modification must be approved by The Planning and Zoning Board. If the Board finds that the requested modification is significant, then the modification must be heard as a new Conditional Use application. Any request for a modification may be denied.

The Palm Tran facility is a request for expansion which involves a change in the intensity of use, and thus, requires a modification of the existing Conditional Use.

Pursuant to LDR Section 2.4.5(E) (4) a site plan and floor plan submittal for the expansion of the school have been received and reviewed by staff. The plans have been found to be in compliance with the Land Development Regulations.

Parking:

The parking required for the expanded facility is 191 parking spaces. The proposed conceptual plan complies with this requirement since 203 parking spaces are provided.

Lighting:

A photometric plan has been provided that indicates compliance with the City's illumination requirements per LDR Section 4.6.8.

REVIEW BY OTHERS

Public Notice:

Formal public notice has been provided to property owners within a 500' radius of the subject property. Letters of support and objection, if any, will be presented at the Planning and Zoning Board meeting.

ASSESSMENT AND CONCLUSION

The proposed Conditional Use modification is to allow an expansion of the Palm Tran facilities. The proposed expansion will have a minimal impact on public facilities and the surrounding neighborhood. Positive findings can be made with respect to Chapter 3 (Performance Standards) and Section 2.4.5(E)(5) (Conditional Use Findings) of the Land Development Regulations, and the Goals, Objectives, and Policies of the Comprehensive Plan and Section 2.4.7(B)(5) Waiver Findings. Therefore, the proposed Conditional Use modification can be recommended for approval based on the findings outlined in this staff report.

ALTERNATIVE ACTIONS

- A. Continue with direction.

- B. Recommend approval of the Conditional Use modification request to allow for an expansion of **Palm Tran South County Facilities** based upon positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Conditional Use Findings) and the Goals, Objectives and Policies of the Comprehensive.
- C. Recommend denial of the Conditional Use modification request to allow for an expansion of **Palm Tran South County Facilities** based upon a failure to make positive findings with respect to Chapter 3 (Performance Standards), Section 2.4.5(E)(5) (Conditional Use Findings).

RECOMMENDED ACTION

By Separate Motions:

Conditional Use:

Recommend to the City Commission approval of the Conditional Use modification request to allow the expansion of **Palm Tran South County Facilities** based upon positive findings with respect to Chapter 3 (Performance Standards) and Section 2.4.5(E)(5) (Conditional Use Findings) of the Land Development Regulations, and the Goals, Objectives and Policies of the Comprehensive Plan.

Attachments:

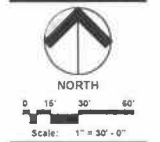
- Site Plan
- Floor plan

Report prepared by: Scott Pape, Principal Planner



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**Delray Beach, Florida
Site Plan - South Parc**



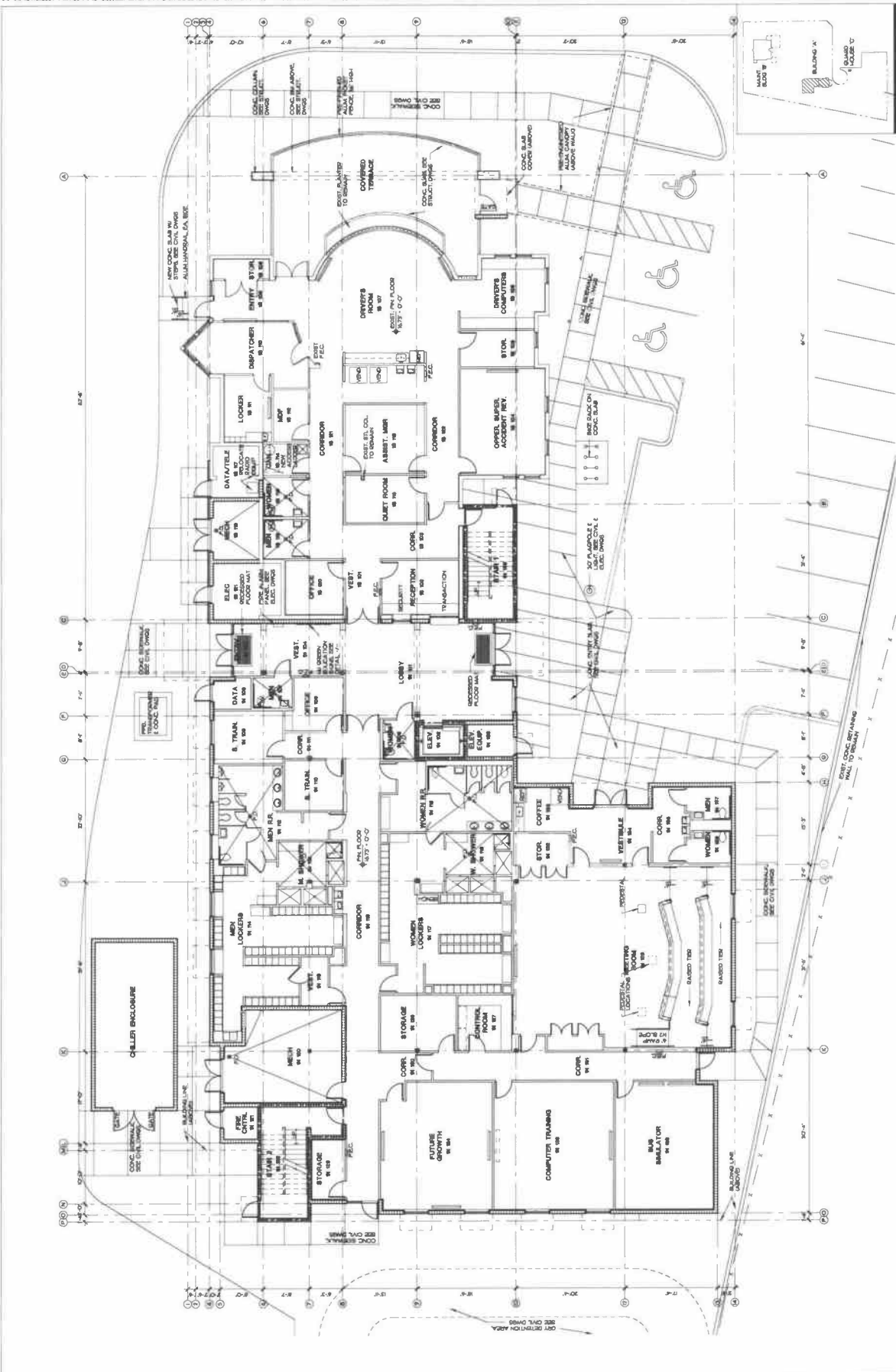
Revision Dates

01/28/17	FINAL BASE PLAN	HIC
02/28/17	FINAL BASE REVISION	HIC
03/27/17	PBC CO-OP PT REVIEW	HIC
04/27/17	FINAL BASE PLAN	HIC
05/01/17	REVISOR FINAL BASE PLAN	HIC
05/12/17	DELAWARE SUBMITTAL	HIC
07/14/17	PBC RE SUBMITTAL REVIEW	
08/17/17	DELAWARE CO-OP RE SUBMITTAL	
09/28/17	DELAWARE RE SUBMITTAL	

SP-3
of 3



*STALL DEPTH INDICATED IS MINIMUM DEPTH
REFER TO SITE PLAN FOR ACTUAL STALL DIMENSIONS AND LOCATIONS





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SOUTH COUNTY
EXPANSION

PBC-13202
10 NORTH COMMERCE AVE
DELRAY BEACH
FLORIDA 33445

PROJECT NO.
201502



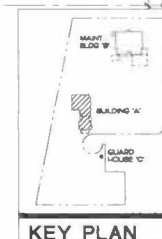
SHEET TITLE
FLOOR PLAN
SECOND FLOOR

REVISIONS:

DATE
5/8/17
DRAWN BY
EWM
CHECKED BY
EAC

SHEET
NUMBER

A-2

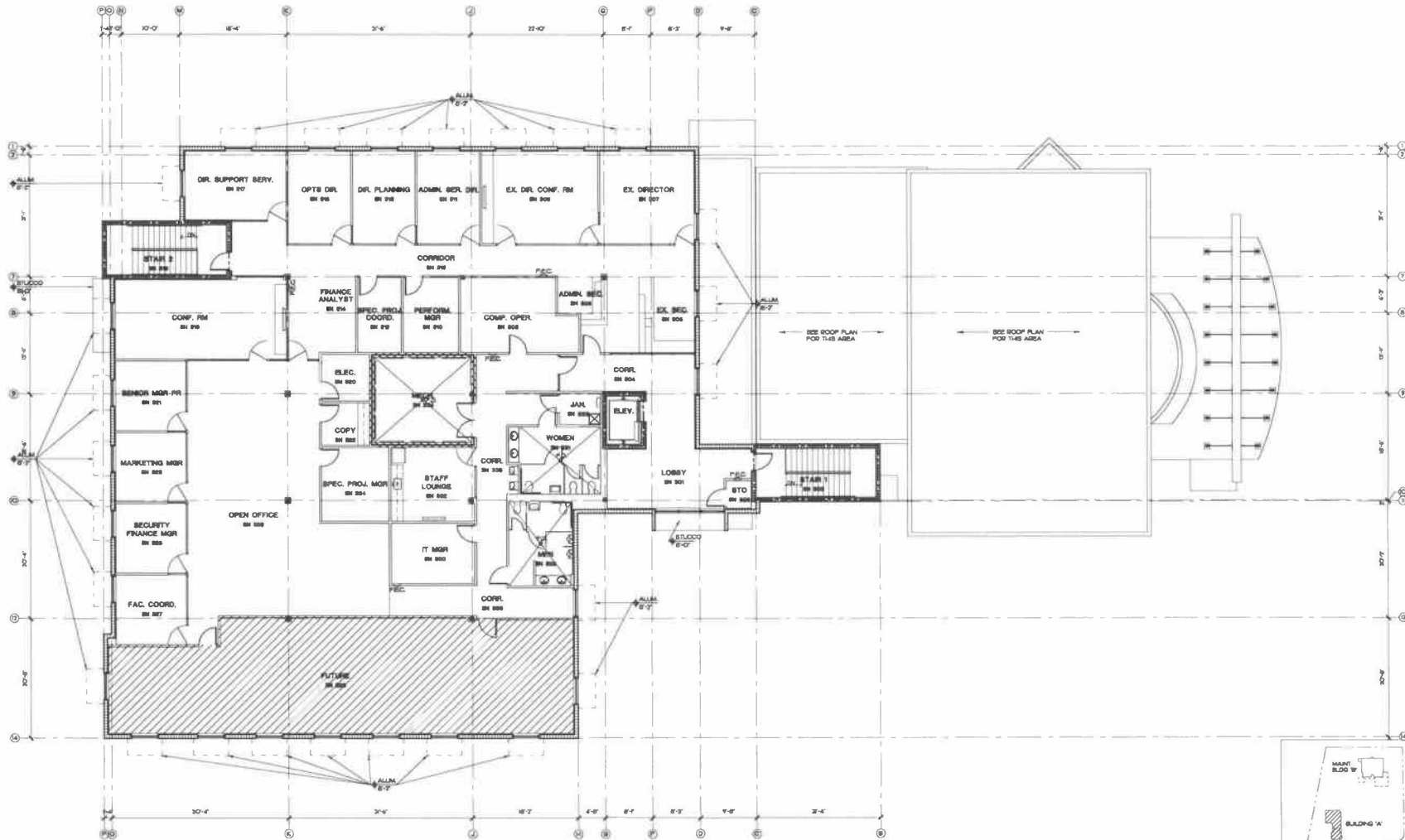


KEY PLAN

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

FLOOR PLAN - SECOND FLOOR - EXPANSION BUILDING 'A'

COLLAR & ASSOCIATES, INC. PROVIDES CONTRACT DOCUMENTS TO THE CLIENT FOR THE PROJECT. THE CLIENT IS RESPONSIBLE FOR THE PROJECT. COLLAR & ASSOCIATES, INC. PROVIDES CONTRACT DOCUMENTS TO THE CLIENT FOR THE PROJECT. THE CLIENT IS RESPONSIBLE FOR THE PROJECT. COLLAR & ASSOCIATES, INC. PROVIDES CONTRACT DOCUMENTS TO THE CLIENT FOR THE PROJECT. THE CLIENT IS RESPONSIBLE FOR THE PROJECT.



FLOOR PLAN - THIRD FLOOR - EXPANSION BUILDING 'A'



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FLORIDA 33445

PROJECT NO.
201502



SHEET TITLE
FLOOR PLAN
THIRD FLOOR

REVISIONS:
DATE
6/8/17
DRAWN BY:
EVM
CHECKED BY:
EAC

SHEET
NUMBER:

A-3



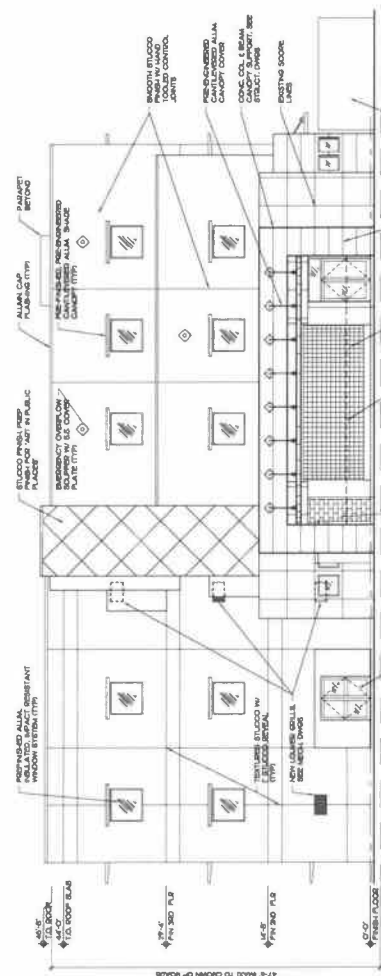
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FLORIDA 33445
PROJECT NO.
201502



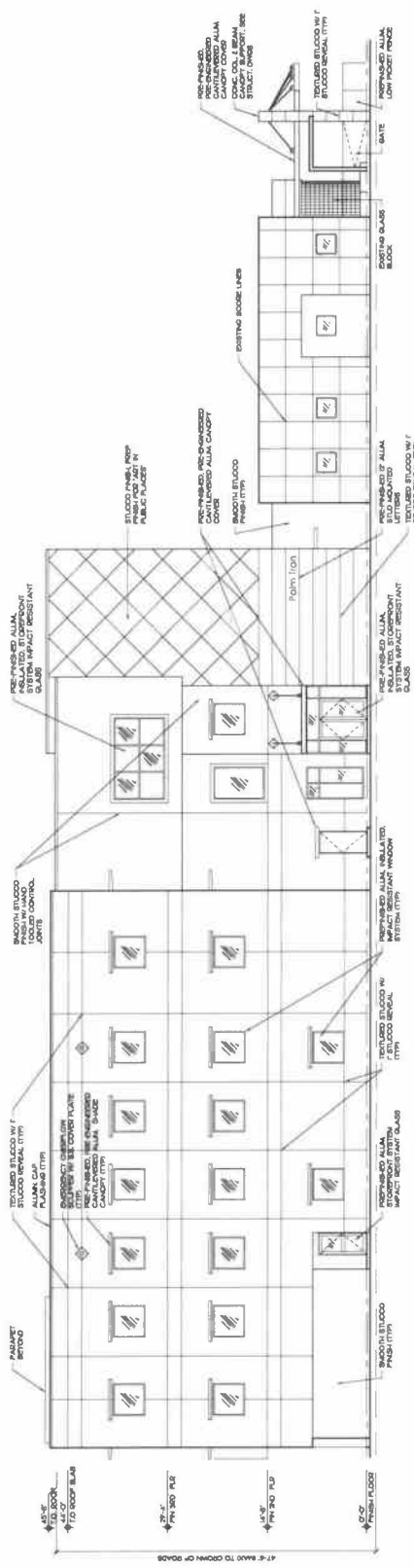
REVISIONS:
 DATE: 5/8/17

ORGAN BY:	
EVM	
ORGAN BY:	
EAC	

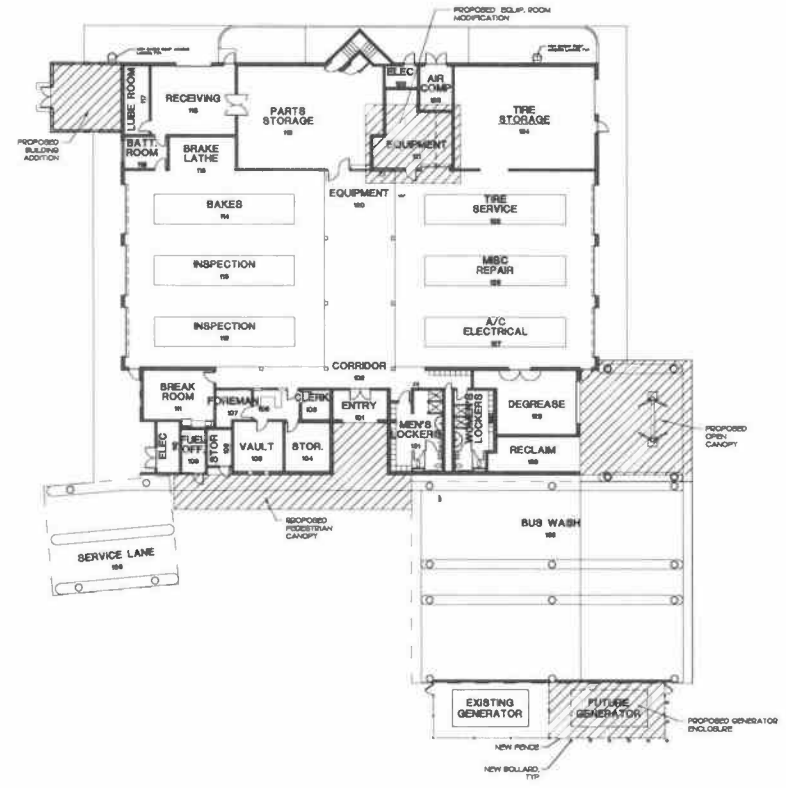
A-4

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SOUTH ELEVATION - EXPANSION BUILDING 'A'

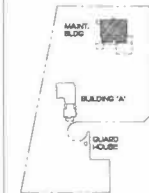


EAST ELEVATION - EXPANSION BUILDING 'A'



FLOOR PLAN - MAINTENANCE BUILDING "B"

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



KEY PLAN



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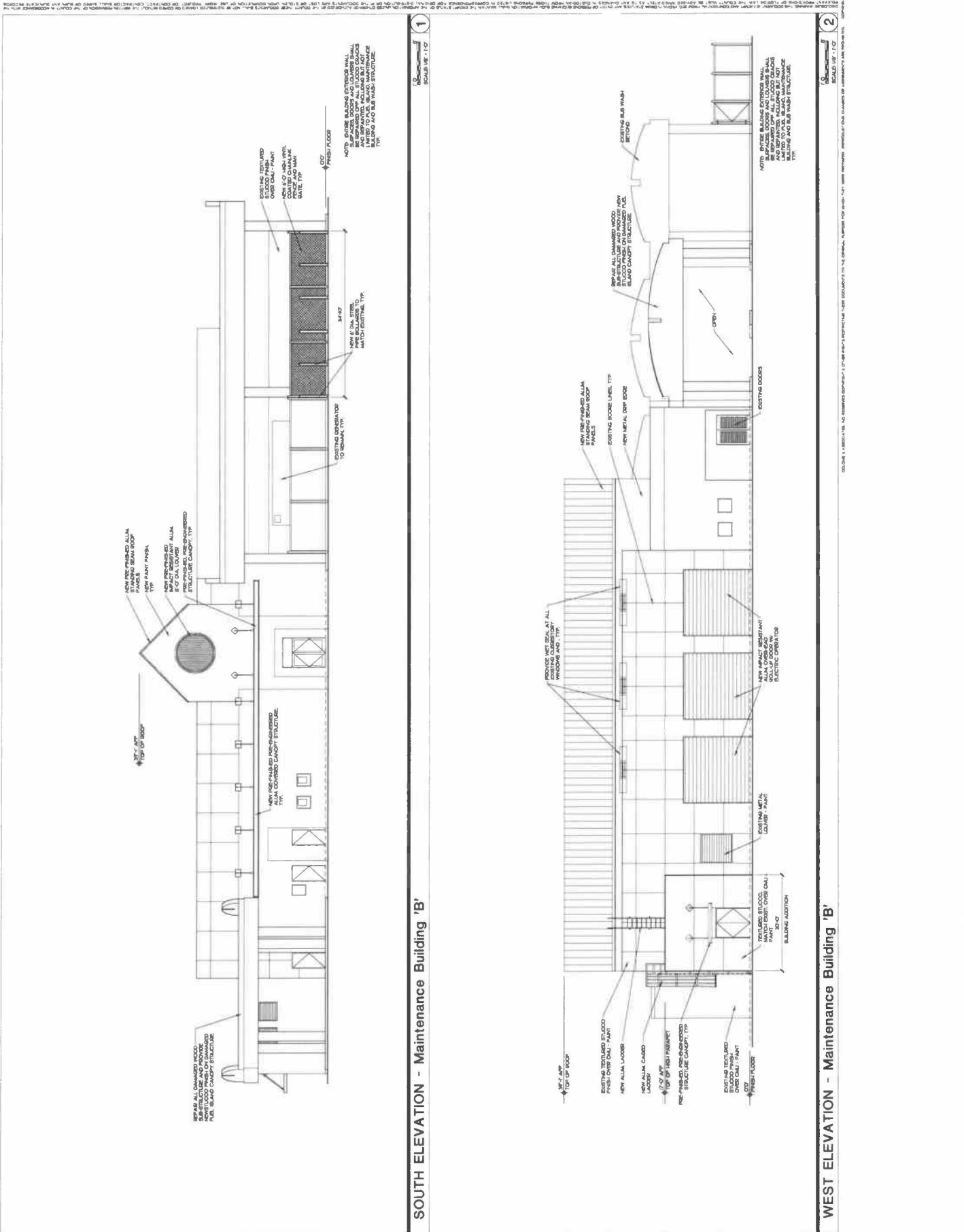
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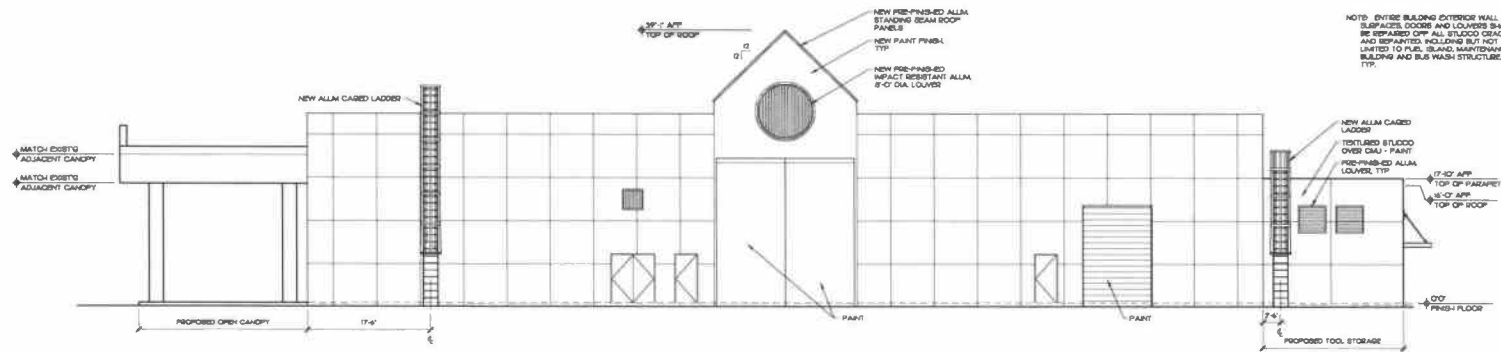


SHEET 1110-D
PROPOSED
FLOOR PLAN

REVISIONS:	
NO.	DATE
1	8/8/17
2	QUARRY ST.
3	FEB
4	DESIGNED BY:
5	EAC
6	SHEET
7	NUMBER:

A-6

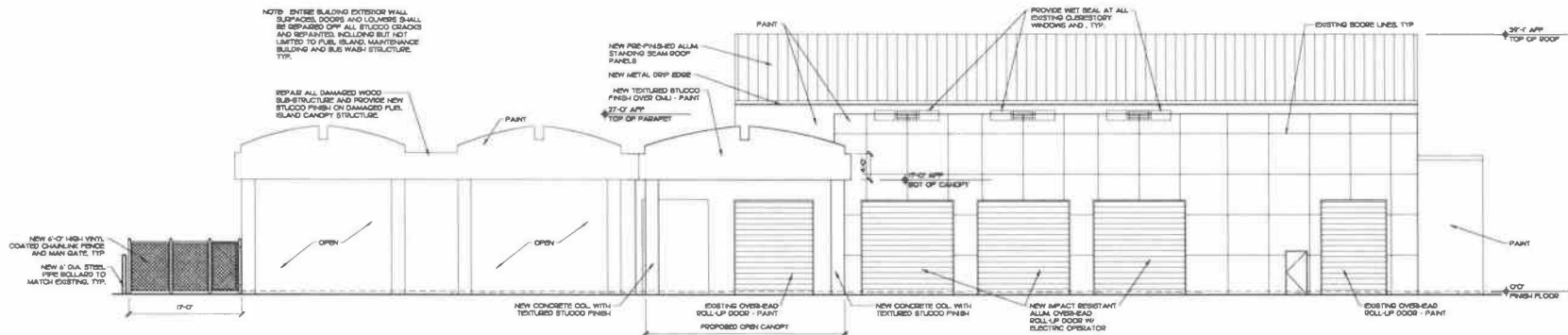




NORTH ELEVATION - Maintenance Building 'B'

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

1



EAST ELEVATION - Maintenance Building 'B'

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

2



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PROJECT NO.
20602



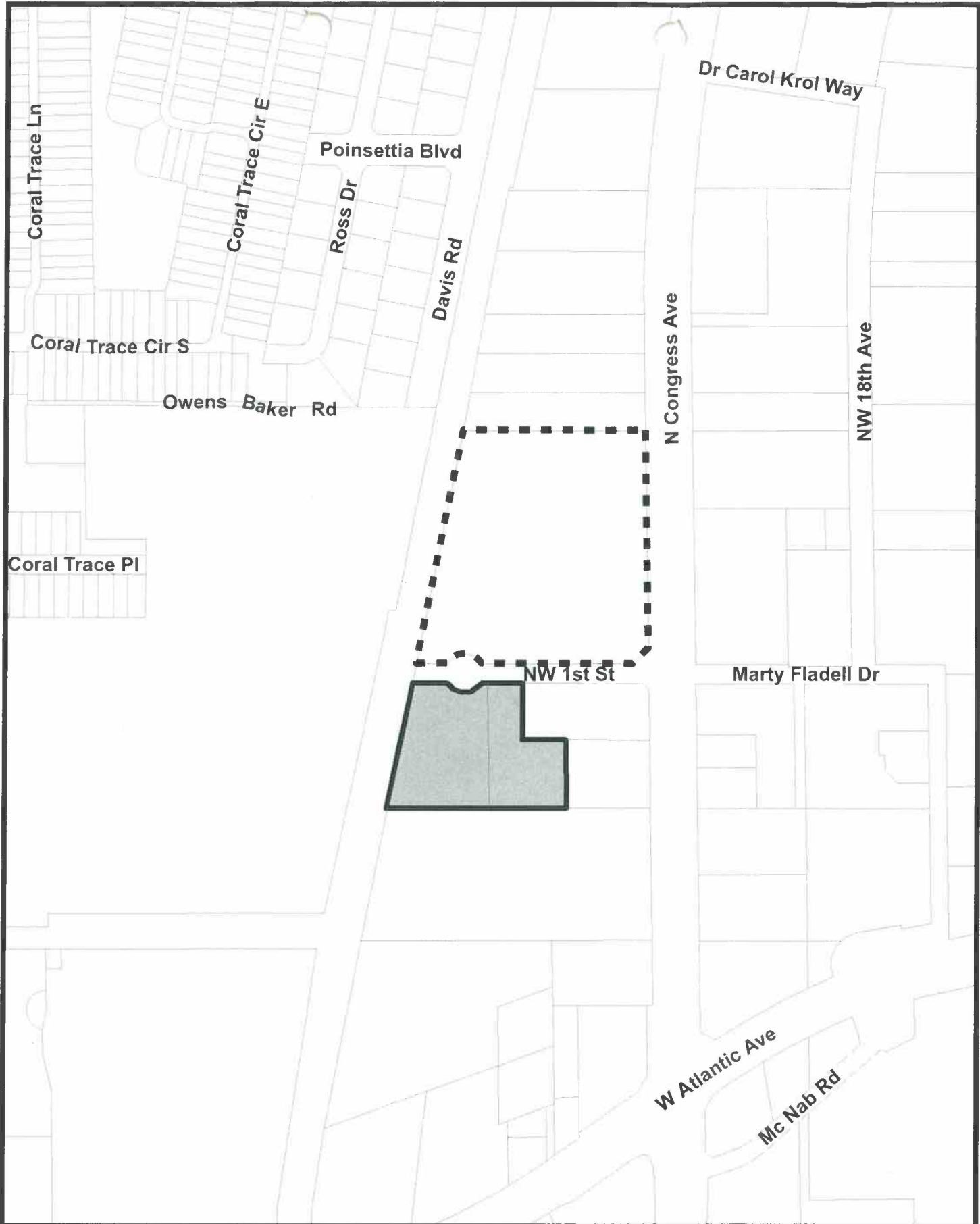
SHEET TITLE
EXTERIOR
ELEVATIONS

REVISIONS:
DATE
6/8/17
DRAWN BY:
FEB
CHECKED BY:
EAC

SHEET
NUMBER:

A-8

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Palm Tran South County Expansion

Location Map

- Existing Property
- Palm Tran South County Expansion