



SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

DEVELOPMENT SERVICES DEPARTMENT

100 NW 1ST AVENUE, DELRAY BEACH, FLORIDA 33444

PLANNING & ZONING DIVISION: (561) 243-7040 • BUILDING DIVISION: (561) 243-7200

SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: March 27, 2019

File No.: 2019-082-
SPM-SPR-CL3

Application Type: Class III Site Plan Modification

General Data:

Applicant: Collier Land Holdings, LLC

Agent: Michael S. Weiner, Esq. at Sachs Sax Caplan PL

Owner: 777 S. Congress Avenue Partners Limited Partnership

Location: 777 S. Congress Avenue

PCN: 12-43-46-19-00-000-1060

Property Size: 4.8 Acres

FLUM: CMU (Congress Avenue Mixed Use)

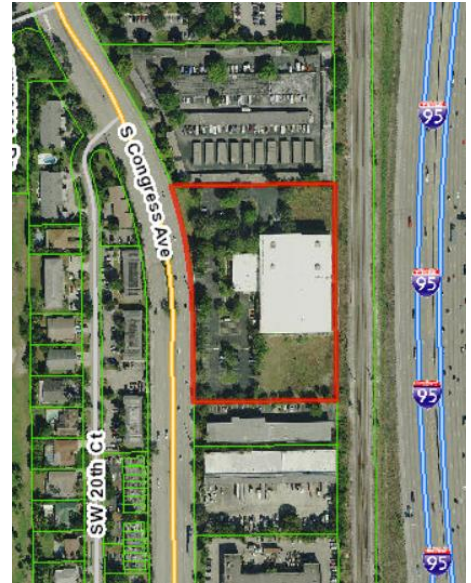
Zoning: SAD (Special Activities District)

Adjacent Zoning:

- MROC (Mixed Residential Office and Commercial) (North)
- RM (Multiple Family Residential) (West)
- MROC (South)
- I-95 (East)

Existing Land Use: ABC Carpet Retail

Proposed Land Use: Car Club



Item before the Board:

The action before the Board is for the approval of A Class III Site Plan for 777 S. Congress Avenue, pursuant to Land Development Regulations (LDR) Section 2.4.5(F)(H), and (I). This includes:

- ☐ Site Plan
- ☐ Landscape Plan
- ☐ Architectural Elevations

Recommendation: By Separate Motions

Site Plan:

Move approval of the Class III Site Plan Modification (2019-82) for **777 S. Congress Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Sections 2.4.5(G)(5) and Chapter 3 of the Land Development Regulations.

Landscape Plan:

Move approval of the request for Landscape Plan (2019-082) for **777 S. Congress 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 Sections 4.6.16 of the Land Development Regulations.

Architectural Elevations:

Move approval of the Architectural Elevations (2019-082) for **777 S. Congress Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request meets criteria set forth in Section 4.6.18(E) of the Land Development Regulations.

Project Planner:

Jen Buce, Assistant Planner;

buce@mydelraybeach.com,

561-243-7138

Review Dates:

SPRAB Board:

Attachments:

1. Site Plans
2. Architectural Elevations
3. Landscape Plans



Notes:

1. Prior to certification indicate on the site data chart that the frontage is existing non-conformity
2. Approval of the Green Easement by the City Commission is required prior to the issuance of a building permit.
3. Prior to certification please make a note on the site data chart of how many bays are provided.
4. In Lieu fee must be paid prior to issuance of building permit.
5. Prior to certification, the labeling of the 6' security fence that is proposed for the perimeter of the property, along Congress Avenue needs to be made.

Background:

The subject property is located on the east side of South Congress Avenue between West Atlantic Avenue and SE 10th Street. The site consists of approximately 4.8 acres, and contains a large, two-story warehouse with a one-story office on the front. The site was initially developed in 1979 for Kraft Foods as a warehouse and distribution center under the Light Industrial (LI) zoning regulations.

In 1990, the site was rezoned to Mixed Industrial Commercial (MIC) as part of the city-wide rezoning efforts; a Land Development Regulation (LDR) Amendment to the permitted uses was subsequently approved to accommodate ABC Carpets, a home furnishings and floor coverings business. ABC Carpets made additional improvements to the parking area and warehouse. In 2006, the City formulated a new vision for the Congress Avenue Corridor. As a result, a new Future Land Use category of Congress Mixed Use (CMU) was created, and the MIC zoned parcels between West Atlantic Avenue and the southern municipal boundary were rezoned to a new zoning designation of Mixed Residential, Office, and Commercial (MROC). The purpose and intent of the MROC zoning district was to create a transit-oriented development area along the Congress Avenue corridor surrounding the Delray Beach tri-rail station. MROC requires office and commercial uses along the streetscape and ground floor with upper stories limited to office or residential uses. Additional height, up to 85 feet, is permitted within MROC, as well as increased density opportunities in proximity to the Tri-Rail station.

The Planning and Zoning Board reviewed a request on February 25, 2019 and recommended approval 7-0 to City Commission for a rezoning from Mixed Residential, Office and Commercial (MROC) to Special Activities District (SAD).

It was approved on First reading by the City Commission on March 12, 2019 (5- 0) it will go to City Commission for second and final reading on April 16th.

Now before the board is a request for the approval of a Class III site plan, landscape plan and architectural elevations for 777 S. Congress Avenue.

Project Description:

The development proposal consists of the following:

- Minor façade changes;
- The addition of a car lift to accommodate the exchange of cars to the storage area;
- Interior renovations and;
- Landscape improvements

The club anticipates employing approximately 10-16 professionals, including a club manager, three club assistants, and a concierge to facilitate member events. Additionally, two fulltime storage assistants will be responsible for caring for and preparing the cars for members and 2 – 3 master mechanics will be available on site to assist members with their restoration efforts.

The primary hours of operation are specified as seven days a week from 9am – 5pm; special events will be hosted outside of the normal operating hours. The special events, which will not be open to the public, will include influential leaders in the automotive world, car and collection displays, instruction workshops, charity events, local car club meetings, etc.

**Site Plan Analysis:****Compliance with The Land Development Regulations (LDR):**

Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request

LDR Section 4.4.25 Special Activities District purpose and intent:

The Special Activities District (SAD) is established in order to provide a zone district which is appropriate for projects which are not otherwise classified or categorized in other zone districts; or, which for some other good reason, cannot be properly accommodated in the other zone districts. Also, the SAD is to be used for large scale and mixed projects for which conventional zoning is not applicable. While SAD zoning is deemed consistent with any land use designation on the Future Land Use Map, the uses allowed within a specific SAD shall be consistent with the land use category shown on the Future Land Use Map. The uses, activities, and characteristics of a SAD are to be consistent with the Comprehensive Plan, suitable and compatible with surrounding existing development, and with the proposed character of the area.

Pursuant to LDR 4.4.25(D)(3), the vesting of a SAD project shall occur in the same manner as set for the establishment of a site plan approval.

LDR Section 4.3.4(K) Development Standards Matrix:

The following table indicates that the proposal complies with LDR Section 4.3.4(K), as it pertains to the Special Activates District (SAD) zoning district:

SAD Zoning Standards	Required	Proposed
Building Setbacks:		
Perimeter	15'	15'
Congress Avenue Frontage (minimum/maximum)	15'/20' new structures*	95.5' (existing non-conformity)
Side Yard Setback (minimum)		
North	15'	127.6'
South	15'	175.4'
Rear yard/Adjacent to CSX Railway	25'	19.5' (existing non-conformity)
Building Separation (minimum)	25'	N/A
Maximum Lot Coverage:	75% max.***	56.8%
Open Space:	25% min.	39.1%
Building Height (maximum):	48'**	26'6"
Minimum Floor Area:	4,000	53,243
Min. Lot Size (sf.)	0	209,978
Min. Lot Frontage (ft.)	0	565'
Min. Lot Width (ft.)	0	559'
Min. Lot Depth (ft.)	0	365'

* Stories above 42 feet shall provide an additional 10-foot setback.

**12 feet on the first floor, and 10 feet, floor to floor, on all floors above.

***includes any buildings, pavement and hardscape site improvements of the property.

In addition to the above development standards, any new free-standing structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the development plan; and shall have direct access to and from other portions of the development. The office and showroom must be located at the front of the building with the main entrance from the front elevation facing the adjacent right-of-way. All building facades shall have the appearance of an office and/or retail



building through the use of doors, windows, awnings, and other appropriate building elements, consistent with the overall development, with multi-story buildings clearly defined. The exterior loading access points shall be designed in such a way to minimize sight lines from adjacent roads. A 10-foot Greenway Easement shall be provided along the property adjacent to the CSX Railway for the sole purpose of establishing the CSX Railroad Greenway. This Easement has been provided. Approval of the Green Easement by the City Commission is required prior to the issuance of a building permit.

Pursuant to LDR 4.4.25(F)(1)

Supplemental district regulations. The supplemental district regulations as set forth in Article 4.6 shall apply except as modified by the following: Parking and loading requirements (number of spaces) shall be as set forth on the site and development plan.

Parking

Vehicle storage shall provide 0.25 for each vehicle storage space provided and office use is 4 spaces per 1,000 SF. of net floor area up to 3,000 SF and then 3.5 spaces per 1,000 SF of net floor area over the initial 3,000 SF; and, Handicap Parking: Parking spaces designed for use by the handicapped shall be provided pursuant to the provisions of Florida Accessibility Code for Building Construction. Such spaces shall not be in addition to, but shall substitute for, required parking.

Parking	Building	Ratio	Required	Parking Provided	
Office (first 3,000)	3,000 SF	4 per 1,000	12	Employee/Customer Service	102
Office (post 3,000)	3,350 SF	3.5 per 1,000	12	Compact/grass	35
Vehicle Storage	240 Cars	0.25 spaces per bay	60	ADA	5
		Total	84		142

One loading bay per 50,000 gross SF of vehicular storage area is allowed. Each loading bay shall measure a minimum of 12 feet by 25 feet with sufficient driveway access to accommodate vehicular maneuvering, which shall be designated on the approved site plan. There are two loading bays located on the northside of the property each measuring a minimum of 12 feet by 30 feet.

Bicycle parking shall be provided for a minimum of 4 bicycles in a safe, accessible, and convenient location within 300 feet of the main building entrance. A bicycle rack is provided on the west side of the property facing Congress Avenue in front of the pedestrian walkway.

Pursuant to LDR 4.4.25(G) Special regulations. Any special regulations may be applied through the SAD review and approval process. The following apply:

Fences and Walls

Fences and walls within the front setback area and parallel to Congress Avenue shall measure no more than 6 feet in height and are limited to 8 feet in height in the side and rear of the property. Fences and walls are prohibited within the required perimeter landscape buffer, except where existing conditions adjacent to Congress Avenue prohibit compliance, then the following requirements are applicable: (1) fences that are less than 75% opaque are permitted within the 15 foot buffer along Congress Avenue and placed in a manner which accommodates existing landscaping and permits new landscaping on either side of the fence; (2) the fence design may incorporate columns, measuring no larger than 26 inches by 26 inches, every 8 to 12 feet; hedges measuring at least half the height of the fence must be installed in front of the fence, and additional landscaping should be installed to augment the buffer area between the fence and the property line; (3) required landscaping must also be installed behind the fence within the required 15 foot buffer area. In addition, fencing or walls shall not be located within the required greenway easement area along the rear of the property. All fences or walls shall also comply with the regulations of Section 4.6.5 not specifically addressed by this Ordinance.

Stacking

The stacking distance on the south entrance is a minimum of 60 feet from the property line to the security gate and on the north entrance a minimum of 140 feet of is required from the property line to the security gate to accommodate large trucks and trailers.



LDR Chapter 4.6 Supplementary District Regulations:

Dumpster

Pursuant to LDR 4.6.6(C)(1) Dumpsters, recycling containers, and similar service areas must be enclosed on three sides and have vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public right-of-way.

The proposed refuse area is located interior to the property on the northside. The area will be screened with a 6-foot concrete wall with a steel gate.

Lighting

The proposed lighting consists of under canopy fixtures, wall fixtures, and freestanding poles adjacent to the building. The proposed values are within the permitted minimum and maximum ranges, which comply with the requirements of LDR Section 4.6.8(B)(3), Illumination Standards.

Landscape Analysis

A landscape plan has been submitted, evaluated and recommended for approval by the City Senior Landscape Planner. Landscape Plan L-1 details the mitigation of the existing trees for the development. A mitigation in lieu fee of \$39,869 will be collected and the City Senior Landscape Planner will verify the in-lieu fees. Other trees will be mitigated by replacing in kind on site. The proposed landscaping consists of planting Gumbo Limbo, Ligustrum, Crape Myrtle, Cabbage, Foxtail and Montgomery Palms, Red Tip Cocoplum, Podocarpus, wild Coffee, and Pink Muhly. Prior to certification, the labeling of the 6' security fence that is proposed for the perimeter of the property, along Congress Avenue needs to be made. This will clarify its location in conjunction with the proposed landscaping. The in-lieu fee must be paid prior to building permit issuance.

In addition, the Special Activities District has also set the following guidelines for landscaping: A 15-foot landscape buffer shall be provided around the entire property. 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 perimeter buffer shall be landscaped to provide a boulevard effect along Congress Avenue; fences and/or walls, or a combination thereof, that is greater than 75 percent opaque and located in the 15 foot front landscape buffer along Congress Avenue shall be screened by hedging which is to be maintained at the full height of the fence.

Architectural Elevations and Aesthetics

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 development proposal consists of painting the existing metal building with translucent glass or polycarbonate panels, prefinished metal column cover and aluminum composite panels. On the west and south elevation there will be an aluminum storefront entry. In addition, a 10 ft wide car lift is on the west elevation. Mechanical screens have been provided to shade roof top equipment.

The proposed architectural elevations present design elements that will aesthetically pleasing to the Congress Corridor. It will not cause the nature of the local environment or evolving environment to materially depreciate in appearance and value. Based on the above, positive findings with respect to LDR Section 4.6.18(E) can be made.



Required Findings:

Pursuant to 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 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 existing FLUM designation is CMU, which is the designation applied to properties in the Congress Avenue Corridor. The CMU is described as a designation that accommodates a variety of uses including limited commercial, office development and residential uses. The proposed use, a member-based automobile club, is of a commercial nature with accessory office use and is consistent with the CMU designation, which is consistent with SAD zoning designation. Member-based automobile clubs are not specifically accommodated in any of the City's zoning districts, and therefore, is appropriate to the SAD zoning designation.

Section 3.1.1 (B), Concurrency: *Concurrency as defined pursuant to Objective B-2 of the Future Land Use Element of the 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 CI-GOP-1 of the adopted Comprehensive Plan of the City of Delray Beach.*

As described in Appendix A, a positive finding of concurrency can be made as it relates to water, sewer, drainage, parks and recreation, solid waste, and traffic.

Section 3.1.1 (C), Consistency (Standards for Site Plan Actions): *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 (hence compliance with some standards) outweighs the negative impacts of identified points of conflict. As described in Appendix B, a positive finding of consistency can be made as it relates to Standards for Site Plan Actions.*

As described in Appendix B, 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: 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.

As described under the site plan analysis section of this report, a positive finding of compliance with the LDR's can be made.

Section 2.4.5 (F)(5), Compatibility (Site Plan Findings): 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.

Compatibility is not a concern, as the proposed use to designate it as an automobile membership club is appropriate and proposed in a manner that is compatible with the adjacent land uses and the Congress Avenue corridor. This development will be compatible and harmonious with the adjacent and nearby properties and should enhance property values in the area.

Comprehensive Plan Policies: A review of the objectives and policies of the adopted Comprehensive Plan was conducted, and the following applicable policies and objectives are noted:

Future Land Use Element Objective A-1: Property shall be developed or redeveloped in a manner so that the future use and intensity is appropriate and complies in terms of soil, topographic, and other applicable physical considerations, is complimentary to adjacent land uses, and fulfills remaining land use needs.



The proposed rezoning to SAD to accommodate the membership-based automobile club and associated site improvements are appropriate and proposed in a manner that is compatible with the adjacent land uses and the Congress Avenue corridor. Further, the proposed rezoning is consistent with the future land use designation and meets the intent of the objectives and policies of the Future Land Use Element. Therefore, a finding of overall consistency can be made.

Housing Element Policy A-12.3: In evaluating proposals for new development or redevelopment, 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.

The development is surrounded MROC to the north and south and RM to the west. I-95 is to the east of the property. A 6 foot- high security fence, gate and landscaping are proposed to negate nuisances such as noise, odors, and dust. The traffic volumes will be minimal as the cars will be accommodated inside the facility. They can be accommodated by the surrounding road network. Thus, the proposal will not negatively impact the stability of the adjacent residential areas.

Review by Others:

The development proposal is not located in an area which requires review by the Community Redevelopment Agency (CRA), the Downtown Development Authority (DDA), Pineapple Grove Main Street (PGMS) or West Atlantic Redevelopment Coalition (WARC). However, a courtesy notice was sent to the Chamber of Commerce.

Assessment and Conclusion

The property consists of 4.8 acres and is currently being zoned SAD (Special Activities District). The development proposal consists of minor façade changes, the addition of a car lift to accommodate the exchange of cars to the storage area, interior renovations and, and landscape improvements. The development substantially meets the performance standards of LDR 4.4.25.

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Alternative Actions:

- A. Continue with direction.
- B. Move approval of the request for Class III Site Plan Modification, Landscape Plan and Architectural Elevations 2019-082 for **777 S. Congress Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in LDR Section 2.4.5(G)(5), Chapter 3, Section 4.6.18(E), and Section 4.6.16.
- C. Move denial of the request for Class III Site Plan Modification, Landscape Plan and Architectural Elevations (2019-082) for **777 S. Congress Avenue**, by adopting the findings of fact and law contained in the staff report and finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in LDR Section 2.4.7(G)(5), Chapter 3, Section 4.6.18(E), and Section 4.6.16.

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**Appendix "A" – Concurrency Findings**

Pursuant to LDR Section 3.1.1(B), 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:

Water and Sewer: Water and sewer services are adequately provided to the site and will remain as the site is not proposed to be redeveloped with the subject request.

Streets and Traffic: The traffic analysis report for the proposed use indicates a net decrease of 170 trips per day. The proposal has been reviewed by Palm Beach County Traffic Engineering and determined that it meets the Traffic Performance Standards of Palm Beach County. Therefore, a positive finding can be made.

Parks and Recreation Facilities: It is noted that the park impact fee is not applicable to the subject request as it does not include a residential component.

Solid Waste: The change in use will also significantly decrease the solid waste generation, which is presently calculated at approximately 7.2 pounds for warehouse use area and 10.2 pounds for retail use area per square foot/year; the proposal would reduce the impact to 5.4 pounds for the storage area and 5.2 pounds for the office use area. The Solid Waste Authority has indicated that its facilities have sufficient capacity to handle all development proposals till the year 2047.

Drainage: Drainage is accommodated by catch basins and existing dry retention areas on both the north and south sides of the existing structure.

APPENDIX "B" - STANDARDS FOR SITE PLAN ACTIONS Sec. 3.2.3 (A) through (J)

- 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
☐ 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
☐ 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
☐ 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
☐ 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



- ☐ 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
☐ 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
☐ 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
☐ 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

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
☐ Meets intent of standard
☐ Does not meet intent