



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Preliminary Plat and Certification of the Final Plat for Delray Chevrolet

Meeting	File No.	Application Type
April 15, 2019 (rev 5.6.19 Tract C)	2019-075	Major Plat

Request

Consideration of the Preliminary Plat and Certification of the Final Plat for the Delray Chevrolet Development.

Recommendation

Approval of the Preliminary Plat and certification of the Final Plat for **Delray Chevrolet**, 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Background Information

The proposed 3.93 acres site encompasses Block 24 and Block 25, as well as portions of Avenue F and Avenue G between South Federal Highway and Frederick Avenue as shown on Del Raton Park Plat recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County. The site is located on northeast corner of the intersection of S. Federal Highway (US-1) and LaMat Avenue. The property is zoned Automotive Commercial (AC) with a General Commercial (GC) Future Land Use Map (FLUM) designation and located within the South Federal Highway Redevelopment Plan Area.

Prior to June 1989, the subject property was located in unincorporated Palm Beach County. The property was annexed into the city as part of Enclave 50 (Enclave Act) on July 25, 1989, with a GC (General Commercial) and RM (Medium to Medium High Density Dwelling) zoning classification.

Subsequent to the annexation several zoning changes and Future Land Use Map (FLUM) amendments have been approved for the subject blocks. The following outlines the most recent FLUM and zoning changes:

Block 24

- On October 1, 1996, the City Commission approved a FLUM amendment from Transitional (TRN) to General Commercial (GC) for Lots 1-5 and Lots 13-24 (less the west 38 feet) together with the abandoned alleys lying east of Lots 1-5 and east of Lot 23. Concurrently, the City Commission approved a rezoning from POD (Professional and Office District) in part and RM in part to SAD. The SAD zoning provided for the specific uses of the property, to include vehicle sales, leasing, and rental with no service component and vehicle wash establishments with the condition that only one of the principal uses may exist at any one time.
- On April 15, 1997, the City Commission approved a FLUM amendment from TRN to GC for Lots 6-10 (less the west 38 feet) and 11-12, together with the abandoned alleys lying east of Lots 6-10; and lying west of Lot 16 and 17. Concurrently, the City Commission approved a rezoning from POD in part and RM in part to SAD. The allowed uses under the SAD zoning included vehicle parking for employees, customers, display, bullpen and inventory to be used only in conjunction with the abutting property's (to the north and east) use of vehicle sales, leasing, and rental with no service component.

The resulting FLUM designation for Block 24 was GC and SAD zoning.

Block 25

As noted above Block 25 was zoned GC and RM at annexation. Subsequent to annexation, there were several FLUM and zoning changes with the most recent changes outlined below:

- On June 17, 1997, the City Commission approved a rezoning from POD to NC for the east 77 feet of Lots 1-9 and the abandoned alley lying west of Lots 1-9, Lots 10-14 and Lots 24-27.
- On January 16, 2007, the City Commission approved a FLUM amendment from TRN to GC for Lots 1-11 and the west ½ of Lot 12, Lots 25 -27 together with the abandoned alley lying between Lots 1-9 and less the west 38 feet of Lots 1-9. Concurrently, the City Commission approved a rezoning from NC to GC.

The result was GC in part, NC in part, and RM in part and FLUM designations of GC in part and TRN in part for the block.

Blocks 24 and 25

- On November 7, 2017, a rezoning of the properties within Blocks 24 and 25 to AC, for an automobile dealership as well as a FLUM amendment from TRN to GC for a 0.879 acre parcel located at the northwest corner of LaMat Avenue and Frederick Boulevard to allow for a GC FLUM designation on the entire property was adopted. Therefore, the entire site is now zoned AC with a FLUM of GC. As stated previously, an application for abandonment of the Avenues F and G right-of-way has been submitted and was recommended for approval by the Planning and Zoning Board on November 27, 2017.

The commercial buildings located on Federal Highway were formerly occupied by Insta Sign, Pawn Jewelry Place and Thrifty Used Car and Truck Sales.

The properties to be developed are located within the South Federal Highway Redevelopment Plan Area which was adopted by the City Commission on September 20, 2012. The South Federal Highway Redevelopment Plan area includes the commercial property along both sides of South Federal Highway, between Linton Boulevard on the north and the City limits to the south. The redevelopment plan was developed to address land use issues, sustainability of the commercial uses within the redevelopment area and to ensure compatibility between the commercial uses and neighboring residential uses. The redevelopment plan provides recommendations for a development within the designated areas. Applicants are encouraged to employ the recommendations of the Plan to increase setback distances, include building façade variations, and additional landscaping and screening over and above required by the LDRs.

At its meeting on May 21, 2018, the Planning and Zoning Board recommended approval to the City Commission for the abandonment of Avenues F and Avenue G with conditions. Action by the City Commission on the Abandonment application will be scheduled after a recommendation of the subject plat request is made by the Board.

At its meeting on October 24, 2019, the Site Plan Review and Appearance Board approved the Site Plan, Landscape Plan and Architectural Elevations associated with the construction of a two story, 30,800 sf. full-service automobile dealership. As a condition of the site plan approval, the subject plat under consideration must be approved by the City Commission.

Plat Description

The plat proposes the following:

- Replat of a portion of Block 24 and 25, including the internal alleys, Avenue F and Avenue G, "Del Raton Park", according to the plat thereof, as recorded in Plat Book 14 on pages 9 and 10 public records of Palm Beach County;
- Dedication of Tract A for private purposes; and,
- Dedication of Tracts B-1, B-2, and B-3 to the City of Delray Beach as public right-of-way (ROW) for streets and utility purposes; and,
- Dedication of Tract C as an access tract serving abutting properties.

Review and Analysis

Pursuant to **LDR Section 3.1.1**, 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:

LDR Section 3.1.1(A) - Future Land Use Map: The subject property has a zoning designation of Automotive Commercial (AC) and a General Commercial (GC) Future Land Use Map designation. The AC 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.

LDR Section 3.1.1(B) - Concurrency:

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

LDR Section 3.1.1(C) - Consistency:

As described in Appendix "B", a positive finding of Consistency can be made as it relates to Section 3.2.3-Standards for Site Plan Actions.

LDR Section 3.1.1(D) - Compliance with the Land Development Regulations:

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 5.3.1(A)(Plat Required):

A plat is required for major subdivisions. A major subdivision is any subdivision other than a minor subdivision. A minor subdivision is any subdivision which is, or involves, one of the following: 1. The creation of not more than three lots each of which fronts on an existing street, and which involve neither the extension of utilities, nor the providing of additional right-of-way; 2. The creation of a plat solely for the purpose of creating divided interests for a previously approved development, which is to be constructed pursuant to a master development or site plan, other than residential development. 3. A boundary plat; or 4. A one-time splitting of an existing lot of record. The subject plat is considered a major subdivision because of the public ROW dedication, therefore a plat is required.

Right-of-Way Dedications:

Tract B-1 is being dedicated to provide a cul-de-sac turnaround at the northern end of Frederick Boulevard. The cul-de-sac turnaround is offset into the subject parcel to not impact the residents on the east side of Frederick Boulevard, therefore radius measurements will be utilized. Per LDR Section 6.1.2(C)(4)(d), cul-de-sac turnaround designs are required to provide a minimum diameter of 90-ft (45-ft radius) measured to the outer edge of pavement, or curb line, and a minimum diameter to the property line of 100 ft. (50-ft. radius). Tract B-1 has a radius of 50-ft. to the edge of pavement and a total of 55-ft to the property line.

Pursuant to LDR Section 6.1.2(C)(2)(e), property line radii shall be 25 ft. along local streets. Tracts B-2 and B-3 are being dedicated to comply with this requirement.

The required right of-way-dedications for the subject development meet or exceed the required distances.

Review By Others

The development proposal is not in a geographic area requiring review by the Pineapple Grove Main Street (PGMS), West Atlantic Redevelopment Coalition (WARC), Historic Preservation Board (HPB), Downtown Development Authority (DDA), or the Community Redevelopment Agency (CRA).

Public and Courtesy Notices:

Formal public and courtesy notices are not required.

Assessment and Conclusion

The site is zoned Automotive Commercial (AC) with a General Commercial (GC) Future Land Use Map (FLUM) designation and located within the South Federal Highway Redevelopment Plan Area. The AC zoning district is consistent with the GC Future Land Use Map (FLUM) designation. Positive findings can be made with respect to LDR Section 2.4.5(J)(Major Subdivisions), LDR Section 3.1.1 (Required Findings), Section 3.2.3 (Standards for Plat Actions) and the Goals, Objectives and Policies of the Comprehensive Plan.

Alternative Actions

A. Continue with direction.

- B. Move approval, as amended, of the preliminary plat and certification of the Final Plat for **Delray Chevrolet**, 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).
- C. Deny the preliminary plat and certification of the Final Plat for **Delray Chevrolet**, 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 the Land Development Regulations Section 2.4.5(J)(Major Subdivisions), Section 3.2.3 (Standards for Plat Actions) and Section 3.1.1 (Required Findings).

Appendix A-Concurrency

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 service is available via service lateral connections to mains located within the Federal Highway right-of-way. The proposed building will have an insignificant impact on these levels of service.

The Comprehensive Plan states that adequate water and sewer treatment capacity exists to meet the adopted LOS at the City's build-out population based on the current FLUM. The proposal will have an insignificant impact on all public services. Thus, a positive finding with respect to this level of service standard can be made.

Streets and Traffic:

The trip generation for the proposed development will result in 645 new daily trips including 34 peak AM trips and 53 peak PM trips. The proposed development meets the Traffic Performance.

Parks and Recreation Facilities:

Park dedication requirements do not apply for non-residential uses. Thus, the proposed development will not have an impact with respect to this standard.

Solid Waste:

The proposed 30,800 automobile dealership will generate 142 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2048. Thus, this standard is met.

Schools:

School concurrency findings do not apply for non-residential uses. Thus, the proposed development will not have any impacts with respect to this standard.

Drainage:

Drainage is to be accommodated sheet flow to catch basins and exfiltration trenches and underground retention tanks. There should be no impact on drainage as it relates to this level of service standard.

Appendix B-Consistency-Standard for Plat Actions-Section 3.2.3(A)

- 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