



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: August 14, 2019

File No.: 2019-157-SPM-SPR-CL3

Application Type: Class III Site Plan Modification

General Data:

Agent: Michael E. Wood Consultant

Applicant: Enterprise Holdings, Inc.

Location: Southeast corner of W. Atlantic Ave. and S. Military Trail.

Address: 14802 S. Military Trail

PCN: 12-43-46-13-00-000-7070

Property Size: 8.4 Acres

FLUM: General Commercial (GC)

Zoning: Planned Commercial (PC)

Adjacent Zoning:

- North: PC and GC
- South: GC and Single Family Residential (R-1-A)
- East: PC
- West: GC and PC

Existing Land Use: Shopping Center

Proposed Land Use: No change.

Item before the Board:

Consideration of a Class III Site Plan Modification associated with site plan and architectural elevation modifications to accommodate a Neighborhood Automotive Rental Facility use and to screen the existing dumpster enclosures located throughout the development, pursuant to Land Development Regulations (LDR) Section 2.4.5 (G)(1)(c).



Optional Board Motions for Action Item:

1. Move to continue with direction.
2. Move approval of the Class III Site Plan Modification (2019-157) for site plan and architectural elevation changes for **Bed Bath and Beyond Plaza**, (as amended), 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)(1)(c), 2.4.5(I)(5), 4.6.18(E), and Chapter 3 of the Land Development Regulations.
3. Move denial of the Class III Site Plan Modification (2019-157) for site plan and architectural elevation changes for **Bed Bath and Beyond Plaza**, 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 Sections 2.4.5(G)(1)(c), 2.4.5(I)(5), 4.6.18(E), and Chapter 3 of the Land Development Regulations.

NOTES:

If the site plan and associated plans are approved, the following shall be addressed:

- The proposed artificial material used to screen the refuse disposals shall be replaced if damaged, weathered or fails to properly screen the refuse area.
- A revised Photometric Plan shall be provided in accordance with LDR Section 4.6.8 prior to certification of the plans.

Project Planner:

Debora Slaski, Planner
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561-243-7348

Review Dates:

SPRAB Board: August 14, 2019

Attachments:

1. Site Plan and Survey
2. Photometric Plan
3. Architectural Elevations



Background:

The subject property is located on the southeast corner of West Atlantic Avenue and South Military Trail as part of the Bed Bath & Beyond Plaza, also known as Delray West Plaza. The property is located in the Planned Commercial (PC) zoning district within the Four Corners overlay district, and it has a General Commercial (GC) Future Land Use Map (FLUM) designation. The 8.4 acres site was developed as a commercial shopping center in 1981 prior to its annexation into the City of Delray Beach in 1989. The existing development consists of 89,375 sf. of commercial space including three existing buildings and the recently redeveloped outparcel.

At its meeting of July 9, 2019, the City Commission approved with conditions (Resolution no. 127-19) a Conditional Use request to establish a 1,983 sf. Neighborhood Automotive Rental Facility at the subject property.

Project Description and Assessment:

The Class III Site Plan Modification was submitted to address the addition of an overhead door to provide vehicle access to the vehicle wash bay, lighting requirements for building entrances and parking lot, delineation of areas not permitted for vehicle storage, permanent dumpster enclosures throughout the development, and safeguard measures associated with the approved conditional use. As stated on Resolution number 127-19, the Conditional Use for the proposed use was approved by the City Commission with the following four conditions:

1. **A Class III Site Plan Modification shall be approved prior to establishment of the proposed use;**
The subject application was submitted to address this requirement.
2. **The establishment shall operate and comply with the special regulations associated with the Conditional Use request per LDR Section 4.3.3(C).**
3. **Clarification of the proposed on-site method of disposal of the water runoff generated from the car wash shall be approved by the City Engineer prior to a Board action associated with the Site Plan Modification.**
The proposed on-site method of disposal of the water generated by the car-wash facility was reviewed and approved by the Water and Sewer Administrator.
4. **Signage shall be provided indicating that customer pick-up and drop-off of vehicles is not allowed in the rear.**
A location was designated on the plans for signage to indicate that customer pick-up and drop-off of vehicles is not allowed in the rear.

Upon revisions to the proposal plans as stated in the notes section, the proposal can be deemed consistent with Chapter 3 of the Land Development Regulations and the policies of the Comprehensive Plan. Positive findings with respect to LDR Sections 2.4.5(G)(5) Findings, can be made as the proposed changes do not significantly affect the originally approved plan.

Site Plan Analysis:

The following items identified in the Land Development Regulations shall specifically be addressed by the Site Plan Review and Appearance Board (SPRAB) for final action on the site and development applications/requests, as presented.

COMPLIANCE WITH LAND DEVELOPMENT REGULATIONS:

In conjunction with the Conditional Use request, a Class III Site Plan Modification was submitted to address the addition of an overhead door to provide vehicle access to the vehicle wash bay, lighting requirements for building entrances and parking lot, delineation of areas not permitted for vehicle storage, permanent dumpster enclosures, and safeguard measures associated with the proposed conditional use.

Pursuant to Section 4.3.3, Special requirements for specific uses, the following items shall be analyzed:

Per LDR Appendix A, Definitions, Neighborhood Automotive Rental Facility is a commercial establishment used principally for renting vehicles such as cars, sport utility vehicles, small pick-up trucks and mini-vans that is located within a large retail shopping center or in an outparcel to a large retail shopping center.

Automotive Rental Facility

Pursuant LDR Section 4.3.3(C)(1-2), Automotive rental facilities outside of the Automotive Commercial (AC) zoning district are regulated as follows:

- a. **These uses are restricted to vehicle rentals only. Vehicle sales are not allowed.**
The proposed use at the subject location will be a car rental establishment; the sale of vehicles is not proposed.



- b. **Operations related to these uses including, but not limited to, vehicle returns, vehicle maintenance, and customer queuing, shall not impact the off-street parking lot circulation.**

An area designated for customer queuing or vehicle pick-up/drop-off is not proposed. The existing parking spaces will be used to store the rental vehicles. Vehicle washing and vacuuming is proposed indoors with access through the rear. As recommended, traffic mirrors and signage painted on the asphalt stating "Caution Hidden Drive" is proposed as safeguards to reduce the possibility of a traffic conflict between vehicles backing out of the wash bay and west bound rear aisle traffic

- c. **The square footage of the lease space for Automotive Rental Facility, Neighborhood shall be limited to five percent or less of the gross square footage of the shopping center, inclusive of outparcels.**

The proposed 1,983 sf. automotive rental facility will occupy 2.2% of the gross square footage of the existing shopping center (89,373 sf).

- d. **Approval of a Class III Site Plan shall be required.**

The subject application under review is to address this requirement.

- e. **Vehicle storage is subject to the following rules:**

- **Vehicle storage is permitted in the off-street parking spaces so long as the off-street parking spaces are not located along the main drive aisles, do not utilize the first two rows of parking spaces typically utilized by retail customers, and are not visible from any adjoining right-of-way and properties.**

Ten existing parking spaces are designated at the rear of the property for vehicle storage. A note on the plans was added stating that "No rental vehicles may be stored in the first two parking rows" as required. The Conditional Use request was approved with the following condition: signage shall be provided indicating that customer pick-up and drop-off of vehicles is not allowed in the rear. A note was added on the plans identifying that a sign will be located on site to address the condition. The applicant stated that staff will be responsible for parking vehicles in the front parking lot for customer pick-up; staff will relocate the vehicles to an allowed storage area when vehicles are dropped-off by costumers.

- **Vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces for each establishment.**

As stated above, ten existing parking spaces are designated at the rear of the property for vehicle storage. A note on the plans was added stating no more than 20 off-street parking spaces for this establishment shall be used for storage.

- f. **Vehicle maintenance shall be ancillary to the vehicle rental facility. At no time shall the facility serve as a commercial car wash. In addition, the facility shall be subject to the following standards:**

- **Only hand-washing and vacuuming shall be permitted. The washing and vacuuming is permitted only in a designated washing and vacuuming area.**

Only hand-washing and vacuuming is proposed. The washing and vacuuming will only occur indoors at the designated location.

- **If the hand-washing and vacuuming area is interior to the principal building, this area shall be limited to one wash bay, which shall be fully enclosed. The access overhead bay door to this area shall remain closed during operation of all maintenance activities.**

This proposed area is one, fully enclosed wash bay. A note on the site plan states that the access overhead bay door shall remain closed during operation of all maintenance activities.

- **Run-off from the washing operations shall be collected and contained on site.**

The proposed on-site method of disposal of the water generated by the car-wash facility was reviewed and approved by the Water and Sewer Administrator.

- **All other vehicle services, including repair, maintenance, oil change and fueling shall not be permitted onsite. As a condition of site plan approval, the applicant shall provide documentation and an affidavit describing the location where these services will occur.**

The required documentation and affidavit describing that vehicle service will not occur on site was provided. Service locations (off-site) are subject to change based on service type and availability. A note regarding this matter is included on the site plan.

Refuse Disposal:

Pursuant to LDR Section 4.6.6(C)(1), dumpsters, recycling containers and similar service areas must be enclosed on three sides with vision obscuring gates on the fourth side, unless such areas are not visible from any adjacent public right-of-way. A 6 ft. high chain link fence with Permahedge (artificial hedge) affixed to the fence (full length and height) is proposed. A note is attached that



the proposed artificial material shall be replaced if damaged, weathered or fails to properly screen the refuse area.

Lighting:

The photometric plan provided does not provide the illumination levels for the area designated for storage of vehicles at the rear of the property. A revised photometric plan shall be provided in accordance with the required illumination levels per LDR Section 4.6.8 for parking lot prior to the certification of the plans. If additional fixtures are required, they will be required to be full-cutoff luminaries on the perimeter of the property.

Parking:

Pursuant to LDR Section 4.6.9(C)(3)(e), shopping centers are required 4 spaces per 1,000 sq. ft. of gross leasable floor area, irrespective of uses, for up to 400,000 sq. ft. The existing shopping center requires 358 (89,375 sf. x 4 / 1,000 = 357.5 rounded up to 358) parking spaces and 374 parking spaces are provided. As no building additions are proposed and vehicle storage is limited to no more than 10 percent of the off-street parking spaces, and in no event shall exceed 20 off-street parking spaces, additional parking spaces are not required [LDR Section 4.3.3(C)]; therefore, the proposed change of use complies with the minimum number of parking spaces required.

Architectural Elevation Analysis:

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 architectural elevation modification is associated with modifications to the south (rear) elevation to introduce a garage door for vehicle access to the wash-bay. The proposed metal, overhead garage door is 20 ft. wide by 9 ft. The proposed garage will be painted light beige to match the same rear façade color. The proposed elevation change is in conformity and harmony with the surrounding area and will not negatively affect the existing structure and design. Based upon the above, positive findings can be made about the criteria listed in LDR Section 4.6.18(E).

Required Findings:

Pursuant to LDR Section 2.4.5(G)(1)(c), Class III Site Plan Modification, a modification to a site plan which represents either a change in intensity of use, or which affects the spatial relationship among improvements on the land, requires partial review of Performance Standards found in LDR Sections 3.1.1, and 3.2.3, as well as required findings of LDR Section 2.4.5(G)(5).

Pursuant to LDR Section 2.4.5(G)(5), a finding that the proposed changes do not significantly affect the originally approved plan must be made concurrent with approval of a Class III modification.

The proposed improvements and the change of use to a Neighborhood Automotive Rental Facility is consistent with the PC Zoning district uses and is compatible with the existing development. The subject site contains an existing shopping center with different types of uses, such as retail stores, restaurant, personal service establishments and business offices; thus, the proposed small-scale car rental facility with an accessory indoor car-wash bay will not significantly affect the approved plan.

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

The subject property has a Future Land Use Map (FLUM) designation of GC, and a zoning designation of PC within the Four Corners Overlay District. PC zoning is consistent with GC FLUM designation. Per LDR Section 4.4.12(D)(6), Neighborhood Automotive Rental Facility is allowed as a conditional use in the Planned Commercial (PC) zoning district within the Four Corners Overlay District. The proposed use was approved by the City Commission on July 17, 2019 via Resolution number 127-19. Therefore, a positive finding with this section can be made.

Section 3.1.1(B) - 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.

The development proposal is to establish a 1,983 sf. Neighborhood Automotive Rental Facility at an existing shopping center. Concurrency findings for the proposed use and its operations was approved as part of the Conditional Use request.

Section 3.1.1(C) - CONSISTENCY: Compliance with performance standards set forth in Chapter 3 and required findings in Section 2.4.5(F)(5) for the 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.

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

Section 3.1.1(D) - COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS (LDRs): Items identified in the Land Development Regulations shall specifically be addressed by the body taking final action on the site and development application/request.

As described under the Site Plan Analysis section of this report, a positive finding of compliance with the LDRs can be made.

Comprehensive Plan Policies: A review of the objectives and policies of the adopted Comprehensive Plan was conducted and the following objective is 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.

No building additions or spatial alterations to the existing structures are proposed to accommodate the approved conditional use. The request is to allow a 1,983 sf. Neighborhood Automotive Rental Facility for Enterprise Rent A Car to be located in an existing bay within the shopping center. The proposed use will occupy 2.2% of the gross square footage of the existing shopping center, whereas a maximum of 5% is allowed. The proposed use of a Neighborhood Automotive Rental Facility along with the incidental activities of indoor vehicle washing, vacuuming, and vehicle storage on-site, are allowed as a conditional use in the PC zoning district within the Four Corners Overlay District. The following zoning designations and uses are abutting the subject property:

	Zoning Designation:	Current Use:
<i>North:</i>	Planned Commercial (PC)	Shopping Center
<i>South:</i>	Single Family Residential-PBC (RS)	Country Lake Development
<i>East:</i>	General Commercial (GC) Multiple Family Residential (RM-9)	Financial Institution Assisted Living Facility
<i>West:</i>	General Commercial (GC) Single Family Residential (R-1-A)	Veterinary Clinic Single Family Dwelling Units

With respect to the adjacent land uses, the automotive rental facility will be located within the southernmost building in the easternmost bay. The entrance to the wash bay and the vehicle storage area are located along the rear of the building which is adjacent to single family residentially zoned properties (R-1-A). All activities associated with the proposed use will be conducted inside the principal structure; vehicle storage will be in the existing parking spaces in the rear of the building along the existing 6-foot



wall and at the existing parking lot in front of the building, which is located more than 100 ft from the southernmost property line. The existing masonry wall between the residential properties and the shopping center will serve as a buffer between the residential properties and the existing parking spaces designated for storage. The advantage of utilizing these spaces as storage is that it prohibits random overnight parking for non-rental vehicles in this area as Enterprise has a vested interest in keeping the stored vehicles secure; this leads to a more secure rear building area than what is existing. To avoid the increase of spillover lighting or glare, the photometrics will be in accordance with the Land Development Regulations for the parking lot and the fixtures will be required to be full cutoff luminaires on the perimeter of the property. The properties located adjacent to the east of the shopping center are an assisted living facility and a two-story financial institution; these properties will not be impacted as the activities associated with the proposed use will be located indoors and the main access to the vehicle wash bay and storage area will be through the internal two-way driveway located along the southern property line of the development. Based upon the above, a positive finding can be made with respect to Future Land Use Element Objective A-1, that the redevelopment of the subject property will be complimentary to adjacent land uses and will not negatively impact the existing physical conditions of the existing development.

Review by Others:

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

Courtesy Notices:

Courtesy notices have been provided as there is not a provided to the following homeowner's associations and/or civic group:

- Sherwood Forest
- Sunset Pines

Any correspondence received prior to the meeting date will be presented to the Board.

**APPENDIX "A" - 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