



# SITE PLAN REVIEW AND APPEARANCE BOARD STAFF REPORT

## DEVELOPMENT SERVICES DEPARTMENT

100 NW 1<sup>ST</sup> AVENUE, DELRAY BEACH, FLORIDA 33444

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

### SITE PLAN REVIEW AND APPEARANCE BOARD

Meeting: Oct. 16, 2019

File No.: 2019-260 SPF-SPR-  
CL3

Application Type: Class III Site Plan Modification

#### General Data:

Owner: Phoenix Site Work of Florida Inc.

Agent: Steve Siebert

Location: 710 SE 5<sup>th</sup> Avenue

PCN: 12-43-46-21-01-013-0160

Property Size: 0.57 Acres

FLUM: GC (General Commercial)

Zoning: GC (General Commercial)

#### Adjacent Zoning:

- North: GC
- South: GC
- East: GC
- West: R-1-A (Single Family Home)

Existing Land Use: Car Wash

Proposed Land Use: Car Wash/Apartment above retail use of car wash



#### Item before the Board:

The action before the Board is for the consideration of a Class III Site Plan Modification for **Rub A Dub Car Wash** located at **710 SE 5<sup>th</sup> Avenue** pursuant to LDR Section 2.4.5 (F), including:

- ☐ Site Plan
- ☐ Architectural Elevations

#### Optimal Board Motions for Action Items:

1. Move to continue with direction.
2. Move approval of the Class III (2019-260) Site Plan and Architectural Elevations for **Rub a Dub Car Wash** located at **710 Se 5<sup>th</sup> Avenue**, 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 the Land Development Regulations.
3. Move denial of the Class III (2019-260) Site Plan, and Architectural Elevations for **Rub a Dub Car Wash** located at **710 SE 5<sup>th</sup> Avenue**, by finding that the request is inconsistent with the Comprehensive Plan and does not meet criteria set forth in Land Development Regulations.

Project Planner:  
Jennifer Buce  
buce@mydelraybeach.com  
561-243-7138

Review Dates: October 16, 2019

#### Attachments:

1. Site Plans
2. Elevations



**Assessment and Summary:**

The property consists of 0.57 acres and is currently zoned GC (General Commercial). The project consists of a 905 SF addition of an onsite apartment for an employee above the retail store of the car wash.

A landscape plan was not included with this application pursuant to 4.6.16(B)(4) any modification to existing development which results in an increase of 25 percent in the gross floor area of the structure, or structures, situated on the site. In such cases the entire site shall be upgraded to present landscape standards. The overall application did not result in an increase of 25 percent in gross floor area of the structures on site. The Senior Landscape Planner did analyze the current landscape plan on record and found it to be enough and met the current code for the project.

**Background:**

The subject property is located on the southwest corner of SE 7th Street and SE 5th Avenue within the General Commercial (GC) zoning district. The property consists of an existing one-story commercial/retail building and a mechanical car wash facility constructed in 2003.

At its meeting of July 11, 2000, the City Commission approved a conditional use request to establish a car wash facility.

On December 4, 2001, a conditional use extension was granted by the City Commission as the approval would have expired on January 11, 2002. The conditional use is valid until July 11, 2003.

At its meeting of February 24, 2003, the Site Plan Review and Appearance Board approved a Class V Site Plan, Landscape Plan and Architectural Elevations to establish a car wash facility.

Now before the board is a Class III Site Plan Modification which includes changes to the site plan and architectural elevations with the proposal of a 905 SF addition of an onsite apartment above the retail store of the car wash.

**Project Description:**

The subject request includes changes to the Site Plan and Architectural Elevations with the addition of the onsite apartment above the existing retail store. There are no additional landscaping or parking that is included with this request.

**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 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 4.3.4(K) Development Standards Matrix:**

GC Zoning Standards	Required	Proposed
Building Setbacks:		
Front	10'	132'-1 1"
Side Street	10'	39'1"
Side Interior	10'	50'8"
Rear	10'	42'0"
Maximum Lot Coverage:	N/A	11.9%
Open Space:	25%	27.5%
Building Height (maximum):	48'	23'-3.5"
Min. Lot Size (sf.)	0	25,116 SF'
Min. Lot Width (ft.)	0	127.50'
Min. Lot Depth (ft.)	0	202.10'



**Parking:**

Pursuant to LDR 4.6.9(C)(2)(c) 1.5 spaces is required per unit and 0.5 spaces for a guest. Pursuant to LDR Section 4.6.9(C)(3)(a), general commercial uses must provide 4.5 parking spaces per 1,000 square feet of gross floor area. Based upon this requirement, 14 parking spaces are required for the existing car wash and retail store (2,984 SF). However, in 2003, the Site Plan Review and Appearance Board approved a special reduction of 2 spaces pursuant to LDR Section 4.6.9(F)(1) Reduction allowed. When, upon receipt and acceptance of special documentation, it is conclusively demonstrated that a reduced number of parking spaces will accommodate a specific use, the body which acts on the attendant site plan may reduce the parking requirements accordingly. Currently, there are 14 spaces on site and two off street parking. This requirement has been met.

**Minimum Commercial Floor Area:**

Pursuant to LDR 4.4.9(B)(5) dwelling units are allowed in the same structure as commercial uses provided that commercial uses must be provided on the ground floor; commercial uses on the ground floor must occupy no less than 25 percent of the total structure excluding square footage devoted to vehicular use; residential uses are not located on the ground level; residential uses and non-residential uses are physically separated and have separate accessways; and the residential density does not exceed 12 units per acre. The applicant is proposing a 905 SF residential unit above the retail component of the commercial unit. The commercial space is a total of 2,985 SF of the total site. There is a separate entrance, stairs, which lead up to the residential unit.

**Bicycle Parking:**

A bicycle rack has been provided along the paver walkway on the eastside of the car wash building.

**Solid Waste Disposal:**

The trash and recycling must be screened from the public right of way. The dumpster location is existing on the southwest corner.

**Right of Way Dedication**

Pursuant to LDR 6.1.2(2)(e) Property line radii shall be as follows; 25 feet along local streets. The applicant has indicated the 25 ft. dedication along the corner of SE 7<sup>th</sup> Street and SE 5<sup>th</sup> Avenue.

**Architectural Elevations Analysis:**

Pursuant to LDR Section 4.4.13(F), the CBD has seven permitted architectural styles, which are described and illustrated in the Central Business District Architectural Design Guidelines. Pursuant to LDR Section 4.6.18(E), the following criteria shall be considered by the Site Plan Review and Appearance Board 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 site plan modification is associated with the addition of a second-floor residential unit. The addition will continue with the same contemporary style architecture. The body of the building will be in the same crème color with the base in Cutom Green. The top will have decorative crown molding and raised stucco columns. New square windows will be introduced on the north, east and west elevations. The west elevation (rear) will have the outside stairs leading into the second-floor residential unit. The south elevation will have a small rectangle window and a balcony that overlooks the entrance into the residence.

**Review by Others:**

- Osceola Park
- Barton Apartments
- Rio Delray Shores



**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 GC. The GC is described as a designation that accommodates a variety of uses including general retail and office uses as well as residential uses. There is General Commercial to the north, south and east and single-family homes to the west. This is an existing use with the addition of a residential unit which meets the designation of the FLUM.

**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, compliance with the Land Development Regulations is met.

**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 add a second-floor residence is appropriate and compatible with the adjacent land uses along South Federal Highway as there are several commercial businesses as well as multifamily and single-family homes in the nearby area. General Commercial is to the north, south and east and single-family homes are to the west.

**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 second floor residential unit is appropriate and proposed in a manner that is compatible with the adjacent land uses on South Federal Highway. Further, the proposal is consistent with the future land use designation and meets the intent of the



objectives and policies of the Future Land Use Element.

**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 by GC to the north, south and east with Single Family to the west. The second-floor addition is for an onsite employee of the existing car wash business nuisances such as noise, odors, and dust shall be kept to a minimum. The traffic volumes will be minimal as no new traffic will be coming into the business.

#### 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 service exists on SE 7<sup>th</sup> Street and SE 5<sup>th</sup> Avenue via a lateral connection to an existing 12" main. Sewer service exists on site via a lateral connection to a 10" main.

**Streets and Traffic:** Pursuant to LDR 42.4.3(E)(2) Traffic statement exemptions. All other land use applications which generate 200 or less ADT or are in the City's TCEA shall be accompanied by a traffic statement which establishes the anticipated net ADT. A Traffic Statement has been provided which states that the addition is an onsite owner living quarters.

**Parks and Recreation Facilities:** Pursuant to Land Development Regulations (LDR) Section 5.3.2, a park impact fee of \$500.00 per dwelling unit will be collected prior to issuance of a building permit for each unit. Based upon the proposal, a park impact fee of \$500 will be required.

**Solid Waste:** The subject property currently generates a waste of 13.73 tons per year for the car wash facility and the residential component will add 0.4 tons per year. The Solid Waste Authority has indicated that its facilities have enough capacity to handle all development proposals till the year 2047.

**Drainage:** Drainage exists on site which flows into an exfiltration system.

#### 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

