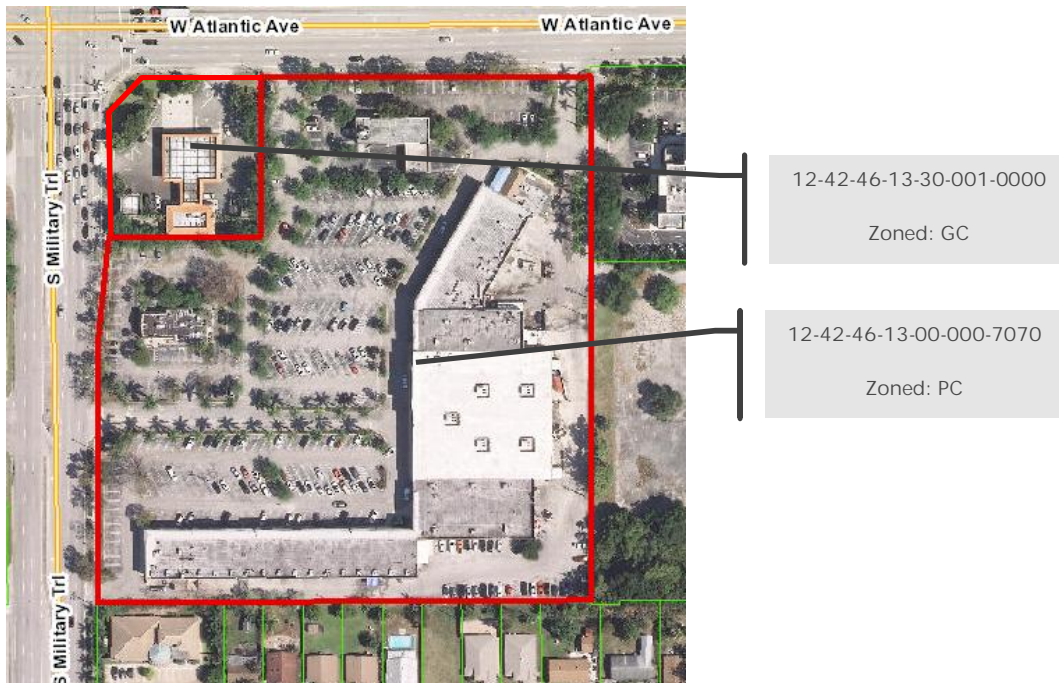


Bed Bath and Beyond Shopping Center
Master Development Plan and Class IV Site Plan
February 9, 2021 (revised)



Project History and Background

The Four Corners Overlay District was developed as a modification to the base General Commercial property development found in Section 4.4.9 of the City of Delray Beach Land Development Regulations, which *'encourages mixed use development that may include retail, office, and multi-family uses.'* The overlay regulations are applicable to the four quadrants of the Atlantic Boulevard/Military Trail intersection, to provide some incentives to development, and guidelines for building placement with a focus on an overall master plan approach to the development efforts. The southeast quadrant has been generally known as the "Bed, Bath & Beyond Plaza", and has been divided into two PCNs as shown and discussed below:



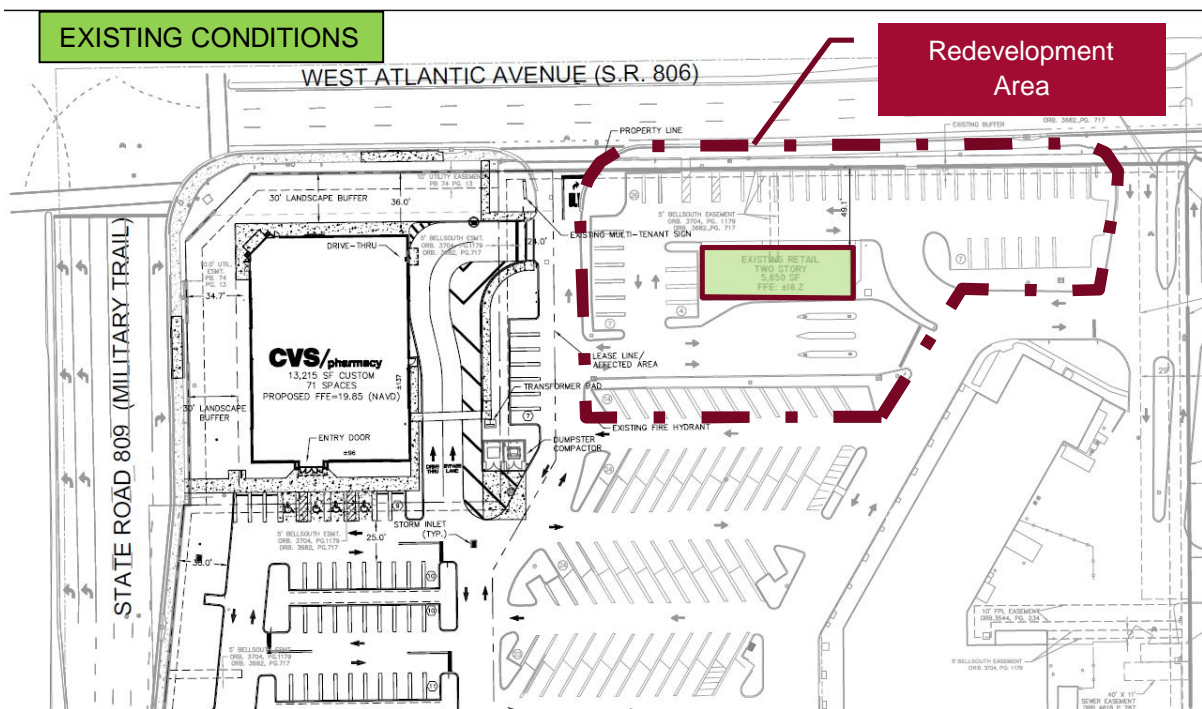
Property Control #	Acreage*	Owner
12-42-46-13-30-001-0000	36,995 SF / 0.8493 AC	BBB Plaza Outparcel Associates LTD
12-42-46-13-00-000-7070	367,306 SF / 8.4322 AC	BBB Plaza Associates LTD

The owner has recorded a unity of title between 12-42-46-13-00-000-7070 (PC) and 12-42-46-13-30-001-0000 (GC), and several waivers were granted to the property associated with the CVS Pharmacy project, which has been constructed.

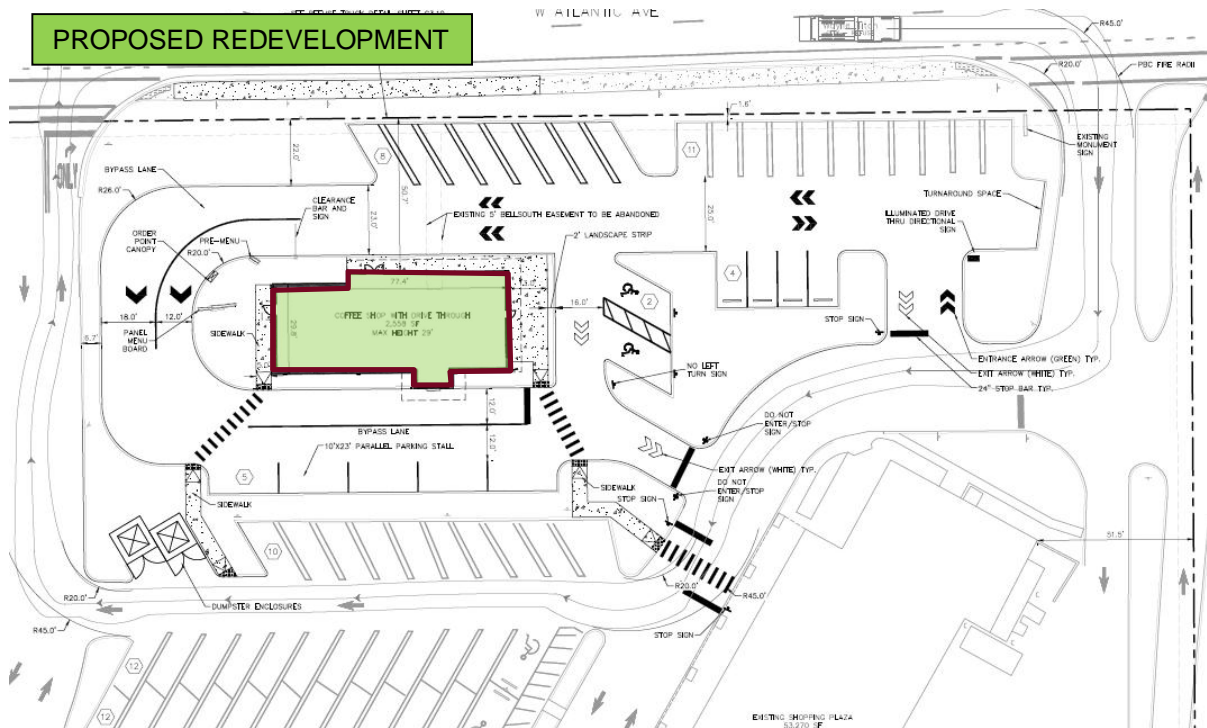
- In 2012 the Planning and Zoning Board approved a Master Development Plan Named “Belantica Gardens at the Four Corners”. No action was taken following the approval, and the Master Development Plan has expired and no longer apply to the project.
- In 2017 a master plan was approved together with the following waivers:
 - **4.4.9(F)(3)(f)(2): If a Master Plan consists of multiple parcels, the setback from the internal parcel lines shall be 25 feet** (this was granted to allow for the former gas station parcel to be developed as part of the shopping center, and included the requirement to record a unity of title).
 - **4.4.9(F)(3)(d): A landscape buffer shall be provided around the perimeter of each parcel within the development pursuant to the applicable buffers as listed below in this section.**
- In 2017 a Class IV Site Plan reflecting the proposed CVS Pharmacy was approved.
- In 2019, a Class III Site Plan (SPRAB date 8/14/2019 #2019-157 -attached) reflecting the Enterprise Rental Car Business was approved.

Summary of Request

The applicant is requesting a Modification to the Master Development Plan with one waiver and Class IV Site Plan review for a proposed redevelopment of the existing two-story bank building, shown below:



The proposed redevelopment includes a 2,558 square foot coffee shop with drive through, as shown below:



The Planning and Zoning Board have the authority to take action on the approval of a master development plan (for a property not located within a historic district) in accordance with section 2.4.5 (F), subject to the provisions found in Article 3.1.1, as well as an additional finding that the development 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.'

The proposed project has some existing nonconforming aspects which are not increased and must be reviewed against the Four Corners Overlay property development regulations where in conflict with the Planned Commercial District regulations.

Additionally, one waiver is requested, from section LDR Section 4.4.9(G)(3)(e)2. which states that any free-standing non-residential buildings shall have a minimum floor area of 4,000 square feet, the proposed building is 2,948 square feet (this includes a 390 SF outdoor dining area).

Compliance with Land Development Regulations and Supplementary Standards

Section 4.4.9(F)(3)

Standard	Code Requirement	Proposed Development
Minimum Site Area	Four (4) acres Minimum	9.2815 AC
Minimum Floor Area	(applicable to residential units)	N/A
Lot Coverage	75% Maximum	87.92% – Existing nonconformity maintained
Buffer (adjacent to collector or arterial)	30' (existing condition varies from 1.6' to 1')	Varies from 1.6' to 1'
Buffer (adjacent to residential zoned property)	40'	35' – Existing shopping center buildings are non conforming
Buffer adjacent to residential but separated from residentially zoned property by street, alleyway, etc.	25'	N/A
Buffer abutting non-residential property	25'	35'
Internal Landscape Buffer (between internal property lines)	10'	N/A
Building Height	48'	Proposed Coffee Shop 29'
Setbacks Atlantic Avenue	Build-to Line between 30 and 42'	Existing setback 49.1' proposed setback 49.1'
Setback, internal parcel line	25'	N/A
Parking Requirements	(4 spaces per 1,000 SF)	353 spaces required; 355 spaces provided

Lot Coverage: The existing project is non-conforming in relation to lot coverage at 87.92%. Within the affected area, shown for reference as a separate sheet, this lot coverage is maintained.

4.4.9(G)(2)(c)8.c (Supplementary Standards)

Permitted Uses	Shall comply with Section 4.4.9(B)(1,2,4,5)	The proposed use is permitted.
Allocation of Uses	Office uses can encompass up to 100% of total building square footage, but retail uses shall not.	The proposed project has no impact on that allocation or percentage.

4.4.9(G)(3)(e) (Standards unique to the Four Corners Overlay)

Open Space	25% minimum (includes perimeter buffers but no water bodies or paved areas)	48,801 (12%) – Existing nonconformity maintained.
Lot Coverage	75% max (building and paved)	87.92% - Existing nonconformity maintained.
Minimum structure size	4,000 SF	The proposed structure is 2,558 square feet, please advise if this will require relief.
Minimum Office and Commercial Floor Heights	12' floor to floor (first floor) and 10' floor to floor (2 nd story and above)	Please see the attached architectural elevations showing compliance with this requirement.

Waiver Criteria (Section 2.4.7)

Pursuant to Section 2.4.7(B)(5) the following criteria must be reviewed when considering a waiver:

Criteria

- a) *Shall not adversely affect the neighboring area.*

Response

The neighboring area, within the 'Four Corners' area of the intersection of Atlantic Avenue and Military Trail is a primarily commercial, supporting large scale anchor tenants such as Publix, Winn Dixie, and Bed Bath and Beyond as well as smaller restaurant tenants, mid-size tenants such as Walgreens and CVS Pharmacy, and smaller tenants such as Chick Fil A, Burger King, Taco Bell, and Pollo Tropical. The neighboring area, as reflected in the average daily trip count from FDOT (41,000 Daily Trips on Atlantic, 39,500 Daily Trips on Military) is supportive of the proposed quick-serve type of business, including drive through services. While the applicant does not know the origin of the criteria encouraging a minimum building size, the

existing bank building, currently occupying the space where the proposed coffee shop will be constructed, has a similar first floor footprint, but is two stories. The proposed façade is proposed at 23'4" to the top of screening wall hiding mechanical equipment. The appearance and building edge presented to the Atlantic Avenue frontage is similar to the existing condition and does not represent an adverse effect on the surrounding area.

b) Shall not significantly diminish the provision of public facilities.

The project site is in discussions with Palm Beach County Traffic and has demonstrated compliance with level of service standards for utilities, drainage and trash within the proposed design.

c) Shall not create an unsafe situation; and

The proposed project design and layout incorporates queuing internal to the project site, provides parking adequate to the building's demand in accordance with the use, and provides for a safe transaction for drive through users as well as customers wishing to park and purchase their beverage or other offerings walking into the building.

d) Does not result in the grant of a special privilege in that the same waiver would be granted under similar circumstances on other property for another applicant or owner.

There is no special privilege afforded to the general surrounding area, as stated above the building footprint and height of the existing two story bank is the same as the proposed structure, and the redevelopment of a shopping center through infill opportunities is a positive and beneficial improvement to an existing multi-tenant, multi-use development such as Bed Bath and Beyond Plaza.

Agency Contact

Initial contact has been made to the utility providers (FPL – Electric, FPL Fibernet – Communication, AT&T – Communication, Comcast – Communication, Florida Public Utilities – Gas, Palm Beach County Traffic – Traffic Signal, and the City of Delray Beach – Water and Sewer) to obtain their existing facility information and begin contact regarding the proposed project.

Pre-application meetings have been held with the South Florida Water Management District, City of Delray Beach (Planning and Zoning), and the Florida Department of Transportation to discuss the proposed project and obtain initial comments regarding the proposed design.

Wellfield Protection

The project does not fall within a City or County Wellfield Protection Zone per the City of Delray Beach Wellfields Map #28 and the Palm Beach County Wellfield Protection Map #S-6.

Section 3.2.3 Standards for Site Plan Actions

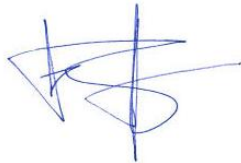
<i>A) Building design, landscaping, and lighting (glare) shall be such that they do not create unwarranted distractions or blockage of visibility as it pertains to traffic circulation.</i>	<i>The proposed building design replaces an existing building footprint, and does not create any glare issues, nor does it block any visibility for traffic circulation.</i>
<i>(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.</i>	<i>The proposed layout separates the drive through queue from the two-way circulation and parking elsewhere on site in accordance with this provision.</i>
<i>(C) Open space enhancements as described in policies found under Objective B-1, of the Open Space and Recreation Element are appropriately addressed.</i>	<i>Please review the proposed architectural elevations, which help to indicate the outdoor patio area and open space improvements in the proposed plan, in accordance with Objective B-1.</i>
<i>(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.</i>	<i>No street widening or new driveways are proposed with this project.</i>
<i>(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.</i>	<i>N/A</i>
<i>(F) Vacant property shall be developed 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.</i>	<i>N/A</i>
<i>(G) Redevelopment and the development of new land shall result in the provision of a</i>	<i>N/A</i>

<p>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.</p>	
<p>(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.</p>	<p>The proposed redevelopment will have a positive impact on the existing shopping center, without any negative noise, odor, dust, or other impacts to surrounding neighborhoods to the south, separated by the rest of the shopping center.</p>
<p>(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.</p>	<p>Please find attached the FDOT pre-application letter providing consent and approval for the proposed redevelopment. Palm Beach County Traffic is reviewing the traffic impact letter as well. The layout does not propose any new driveways, or alteration to the site access, which is not known to be a high accident location.</p>
<p>(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.</p>	<p>N/A</p>

Conclusion

We appreciate your review and consideration of this request. Please feel free to contact us with questions and concerns, the project team will be available as needed to assist with the entitlement process.

Sincerely;

A handwritten signature in blue ink, appearing to read 'Mark Rickards', with a stylized flourish at the end.

Mark Rickards, AICP

Cc: Larry Abrams

Bonnie Miskel, Esquire