



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Starbucks at Bed Bath and Beyond Plaza

Meeting	File No.	Application Type
April 19, 2021	2021-057	Master Development Plan Modification
Applicant	Property Owner	Authorized Agent
Kimley-Horn	BBB Plaza Associates, LTD	Mark Rickards, AICP

Request

Consideration of a Master Development Plan Modification for the Bed Bath and Beyond Plaza, located at 14802 South Military Trail, to demolish an existing commercial building and construct a restaurant with an outdoor dining area and drive-thru.

Background Information

The subject property, known as the Bed Bath and Beyond Plaza, consists of 9.3 acres located on the southeast corner of South Military Trail and West Atlantic Avenue at 14802 South Military Trail and 4970 West Atlantic Avenue. The property is zoned Planned Commercial (PC) and is located within the Four Corners Overlay District.

The plaza was developed in 1981 under Palm Beach County's jurisdiction as Delray West Plaza and in 1989 the plaza was annexed into the municipal boundary of Delray Beach (Ordinance No. 67-89). The plaza has evolved since its initial construction, as indicated in the following outline:

- 1992: a stand-alone restaurant was constructed adjacent to South Military Trail.
- 2000: a stand-alone bank was constructed adjacent to West Atlantic Avenue.
- 2017: a Class IV Site Plan Modification was approved by the Site Plan Review and Appearance Board for a 13,215 square foot retail building (occupied by CVS Pharmacy) including a drive-thru and by-pass lane, and demolition of the ca.1992 restaurant. This outparcel and the remaining Bed Bath and Beyond Plaza are currently unified via a recorded Declaration of Unity of Title (ORB 29070, Page 0105) as they share parking and cross access between the parcels.
- 2019: a Conditional Use was approved by the Planning and Zoning Board to allow a 1,983 square foot Neighborhood Automotive Rental Facility within one of the bays in the Plaza.
- 2019 a Class III Site Plan Modification was approved by the Site Plan Review and Appearance Board for the associated architectural and site improvements.



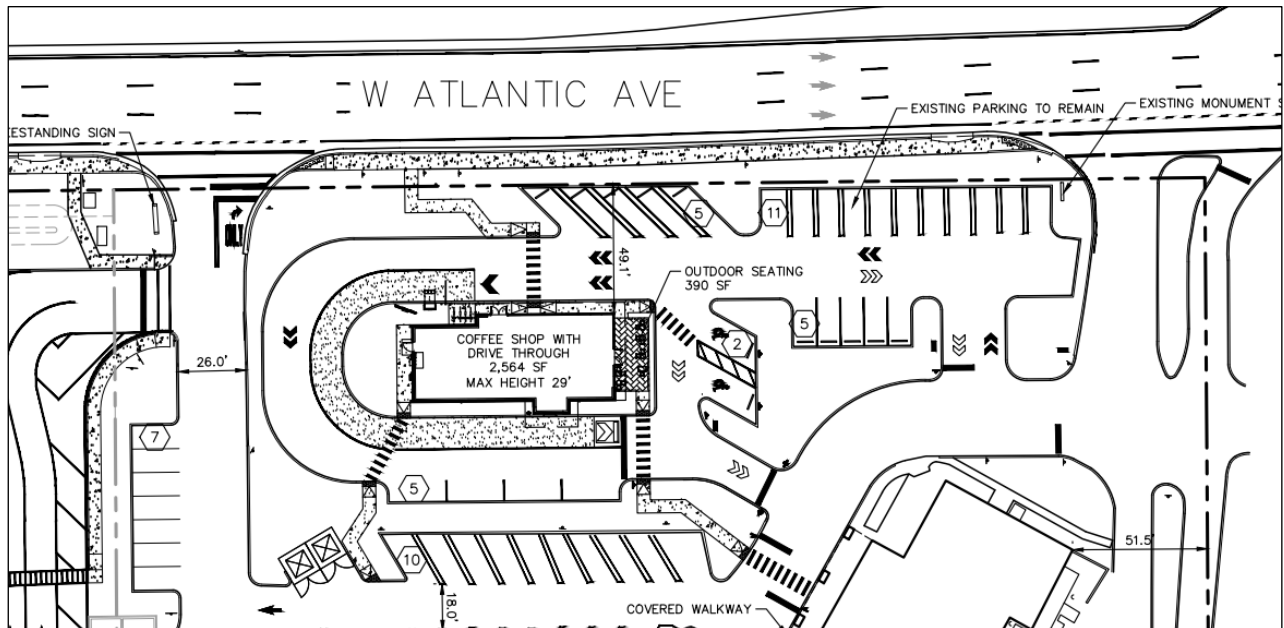
Project Description

The Master Development Plan Modification request includes:

- Demolition of the ca. 2000 bank and associated site improvements, including 59 parking spaces and drive thru area.
- Construction of a 2,564 square foot restaurant plus 390 square feet of outdoor dining area and drive-thru.
- Provision of 37 parking spaces, a dumpster enclosure area, and extensive landscaping along West Atlantic Avenue and throughout the project area.

The two access points into the plaza from West Atlantic Avenue, which are located both east and west of the proposed restaurant, will be maintained; an additional driveway provides access to the plaza from Military Trail. The vehicular entrance and exit to the proposed building is from an existing driveway within the plaza; vehicular traffic circulates from the entrance point and around the building to exit. The drive-thru runs parallel to the driveway and around the building; approximately 152 feet of stacking is provided from the point of order to the pick-up window. The proposed site improvements do not include any additional alterations or landscaping to the balance of the plaza.

The proposal includes a waiver request to **LDR Section 4.4.9(G)(3)(e)(2), Minimum Structure Size**, to reduce the required minimum floor area from 4,000 square feet to 2,564 square feet for the proposed building.



Review and Analysis

The subject property is located within the PC zoning district and Four Corners Overlay District. Pursuant to **LDR Section 4.4.12(E), Planned Commercial District, Review and approval process**, all development within the Four Corners Overlay District shall comply with the provisions of Section 4.4.9(E)(4). Pursuant to Section 4.4.9(E)(4), **General Commercial District, Review and Approval Process**, all Development within the Four Corners District shall be governed by a Master Development Plan (MDP). A MDP shall be processed pursuant to Section 2.4.5(F) with approval granted by the Planning and Zoning Board. Waivers and internal adjustments to these standards may be approved by the Planning and Zoning Board concurrent and as a part of the approval of a MDP. When considering a Master Development Plan (MDP) in the Four Corners Overlay, the Planning and Zoning Board may attach suitable conditions, safeguards, and stipulations to address the specific characteristics of the site and potential impacts of the proposed development.

As the subject request is modifying an existing development, it is classified as a Master Development Plan Modification to meet the development review process required for the Four Corners Overlay District. A waiver to the minimum structure size required by **LDR Section 4.4.9(G)(3)(e)(2), Minimum Structure Size**, is part of the consideration as part of the MDP.

Pursuant to **LDR Section 2.4.5(F)(5), Master Development Plans, Findings**, in addition to provisions of Chapter 3, the approving body must make a finding that development of the property as represented by the MDP 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.

Mixed use developments including retail, office and restaurant uses are encouraged within the Four Corners Overlay District. Each of the four corners along West Atlantic Avenue and Military Trail contain long-established shopping plazas with a variety of retail and restaurant uses including stand-alone restaurants, of both a fast-food and sit-down style. Recently, new restaurants have been developed within the overlay district, along both West Atlantic Avenue and Military Trail, including Chick-Fil-A, Taco Bell, Chili's and Pollo Tropical. The proposed restaurant, which includes both an outdoor dining area and a drive-thru, is consistent with the existing development-style of the area, and the use is compatible with the existing uses in the plaza.

The following table indicates the zoning and established uses of the properties surrounding the development:

	Zoning Designation:	Use:
North	PC – Planned Commercial	Shopping Center (Delray Square)
South:	GC- General Commercial and R-1-A	Medical Office/Single Family Dwelling
East:	PC – Planned Commercial	Bank/Nursing Home
West:	PC - Planned Commercial	Shopping Center (Delray Commons)

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 a 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.

- (A) **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 Land Use Map.

The subject property has a Land Use Map designation of General Commercial (GC) and is zoned Planned Commercial (PC). The PC zoning district is consistent with the GC Land Use Map (LUM) designation.

- (B) **Concurrency:** Concurrency as defined by Objective NDC 3.1 of the Neighborhoods, Districts, and Corridors Element of the adopted 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 CIE-2, Level of Service Standards, of the Capital Improvements Element of the adopted Comprehensive Plan of the City of Delray Beach.

Water and Sewer: Connections will be made into the existing 8-inch water main located on West Atlantic Avenue. Sanitary sewer connections will be made into an existing 8-inch main located on site that connects to Military Trail. Pursuant to the Always Delray Comprehensive Plan, treatment capacity is available at the City's Water Treatment Plant and the South-Central County Wastewater Treatment Plant for the City at build-out.

Traffic: The traffic study analyzed the entire plaza and concluded that the proposal meets the Traffic Performance Standards of Palm Beach County. The net new daily trips generated by the plaza as a result of the proposed restaurant is 749 new daily trips, with 85 new AM peak hour trips and 3 less PM peak hour trips. The applicant has received a Traffic Performance Standards approval letter from Palm Beach County. However, the review was based on 2,500 square feet, and did not include an accurate interior square footage or the outdoor dining area. The applicant has requested a revised Traffic Performance Standards letter and noted that for the purposes of traffic concurrency, the County counts seating area (250 sf) not total square footage of outdoor use area. The applicant also indicated that the County considers outdoor seating de minimis if it is 10% or less of the indoor seating; the proposed outdoor seating area is at 9.7% of the indoor square footage.

Solid Waste: Existing Bank 5,850 square feet x 3.7 lbs. /2,000 = 10.8 tons per year.
Proposed Restaurant 2,954 square feet x 20.8 lbs. / 2,000 = 30.72 tons per year.

The change from financial institution (bank) to a restaurant rate is estimated to generate an additional 19.92 tons of solid waste per year. The Solid Waste Authority has indicated that its facilities have sufficient capacity to accommodate all development proposals until 2054.

Drainage: There is a drainage system that exists on-site and will be analyzed by the City Engineer for compliance during the site plan review process.

(C) Consistency: *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 outweigh the negative impacts of identified points of conflict.*

LDR 3.2.3, Standards for site plan actions, specifies the Standards required for site plans. The following standards are applicable to this proposal, and a more in depth review will be included with the associated Class IV Site Plan Modification to be reviewed by the Site Plan Review and Appearance Board.

- 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.*
- B. *All development shall provide pedestrian, bicycle, and vehicular interconnections to adjacent properties, where possible, and include accessible routes from the entry points of publicly-accessible buildings to the sidewalk network in accordance with the Americans with Disabilities Act (ADA).*
- F. *Property shall be developed or redeveloped in a manner so that the use, intensity, and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services: are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.*
- H. *Consideration shall be given to the effect a development will have on the safety, livability, and stability of surrounding neighborhoods and residential areas. Factors such as but not limited to, noise, odors, dust, and traffic volumes and circulation patterns shall be reviewed and if found to result in a degradation of the-surrounding areas, the project shall be modified accordingly or denied.*
- 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.*
- K. *Development shall not exceed the maximum limits established in the Table NDC-1, Land Use Designations: Density, Intensity, and Implementing Zoning Districts, of the Neighborhoods, Districts, and Corridors Element or specific standards established in the zoning districts that limit density (dwelling units per acre) or intensity (floor area ratio) and must adhere to whichever limit is lower. Development in areas included in density or incentive programs (i.e. workforce housing programs specified in Article 4.7-Family/Workforce Housing) may exceed the Standard density limit, up to the specified Revitalization/Incentive density established for the program; development in all other areas shall not exceed the Standard density.*

As an overview of the applicable standards, the proposed building design, lighting, and landscaping are not anticipated to impact visibility or create distractions the proposal is in compliance with the sight visibility requirements and minimum and maximum photometric levels. New ADA compliant sidewalk connections will be provided to connect the Plaza to West Atlantic Avenue. The proposed restaurant is not anticipated to have a negative impact on the safety and stability of nearby neighborhoods; it is not only a permitted use within the Four Corners Overlay District but also similar to recent development on the SW and NE corners of West Atlantic Avenue and South Military Trail. Although the intensity of the proposed use is increasing daily traffic trips at the plaza, the applicant's traffic study indicates that a five-year traffic analysis plan was conducted with Palm Beach County and no new roadway improvements are identified in the study area. Regarding overall development intensity, the maximum Floor Area Ratio (FAR) for the General Commercial land use designation is 3.0 and the resulting FAR for the plaza is 0.21 (86,477 SF of building/404,301 SF of lot area).

Considerations of and compliance with applicable goals, objective, and policies of the Comprehensive Plan may be considered for determining consistency. The following Comprehensive Plan policies are related to the proposal:

Neighborhoods Districts and Corridors

Objective NDC 1.1 Land use Designation

Establish compatible land use arrangements using land use categories appropriate for the diverse and different neighborhoods, districts, and corridors throughout Delray.

Policy NDC 1.1.14

Continue to require that property be developed or redeveloped or accommodated, in a manner so that the use intensity and density are appropriate in terms of soil, topographic, and other applicable physical considerations; encourage affordable goods and services; are complementary to and compatible with adjacent land uses; and fulfill remaining land use needs.

Objective 2.3, Western Neighborhoods (West of Interstate-95)

Protect and enhance the residential neighborhoods located west of I-95, improve connectivity, and provide a mix of uses that meet daily needs of residents.

Policy NDC 2.3.9

Continue to offer incentives to encourage strip commercial development to redevelop into mixed-use, high quality, multi-modal environments.

Objective NDC 2.7 Planning of Neighborhoods, Districts, and Corridors

Policy NDC 2.7.25

Evaluate the Land Development Regulations to the Four Corners Overlay District, which were adopted in 2007, to assess the vision for the area and create and adopt a redevelopment plan that implements the identified vision through the provision of guidelines and recommendations; new improvements and development shall comply with the provisions of the applicable Land Development Regulations until a Plan and associated Land Development Regulations are adopted.

The land use designations and corresponding zoning regulations within the Four Corners Overlay District support the continued redevelopment of the area in an effort to not only support the surrounding neighborhoods, but also to encourage the provision of appropriate and complementary redevelopment. The proposed stand-alone restaurant at the Bed, Bath and Beyond Plaza continues the auto-centric development pattern that is concentrated at the intersection of Military Trail and West Atlantic Avenue. The mix of restaurants and retailers, most of which are part of a larger chain or franchise business, are supported both by the surrounding neighborhoods, as well as travelers along both of the busy corridors. While the proposal does not take advantage of the redevelopment incentives offered in the Four Corners Overlay District, the stand-alone restaurant strives to support the daily needs of residents.

It is important to understand that the development standards for the Four Corners Overlay District, which were adopted in 2007 (Ordinance No. 08-07), anticipate the redevelopment of the four commercial nodes at the intersection of Military Trail and West Atlantic Avenue. The development standards provide for mixed-use development on properties containing a minimum of four acres and encourages the inclusion of residential uses by allowing a higher density and including workforce housing. The 2007 Planning and Zoning Board Staff Report indicates that the Four Corners Overlay District was based on a 2004 report that included *recommendations that the development mass be increased at the corners and that incentives be implemented to provide mixed-use development including workforce housing, while highlighting opportunities for a transit-oriented development and utilizing new urbanism design elements to distinguish the intersection from others along the Military Trail corridor.* The overlay district was also intended to implement policies in the Comprehensive Plan that called for innovative development practices (see Policy NDC 2.3.9) and provide a variety of housing types including workforce housing.

Unfortunately, soon after the overlay district was established The Great Recession occurred and there has not been significant development requests at any of the four corners other than the partial redevelopment of Delray Plaza, at the northeast corner of the intersection. As a result, Policy NDC 2.7.25 was included with the Always Delray Comprehensive Plan adopted in 2020.

(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.*

The Board must make a determination regarding compliance with the Findings, which require *that development of the property as represented by the MDP 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. A determination of compliance with the LDRs includes review and consideration of the requested waiver to reduce the minimum structure size.*

The subject property is located within the Planned Commercial Zoning District and is within the Four Corners Overlay District, which is subject to the standards of the GC Zoning District. The following chart provides the applicable Development Standards as provided in LDR Sections 4.4.9, GC Zoning District applicable to the Four Corners Overlay District, 4.4.12, PC Zoning District, and 4.3.4(K),

Zoning District Standards for the Four Corners Overlay District			
Standard	Required	Existing	Proposed
Minimum site area	4 Acres	9.3 Acres	9.3 Acres
Minimum floor area per structure	4,000 SF	5,850 SF	2,564 SF**
Lot coverage by building, pavement and hardscape site improvements	Not to exceed 75%	88%*	86%*
Minimum open space	25%	12%*	14%*
Perimeter buffer: (West Atlantic Avenue)	30 feet	1 foot, 6 inches	1 foot, 6 inches
Minimum front setback	30 feet	49 feet, 1 inch	49 feet, 1 inch
Maximum building height	60 feet	29 feet***	19 feet, four inches

*Existing nonconformities. The existing non-conformities of lot coverage and open space are reduced as more open space is being proposed on site. Parking was removed adjacent to West Atlantic Avenue to provide more open space and maintain the nonconforming perimeter buffer.
 **Waiver Requested.
 *** The tallest height of the plaza measures 29 feet (CVS).

Minimum Parking Requirements

Pursuant to **LDR Section 4.6.9(C)(1)(c), Number of Parking Spaces Required: Bicycle Parking and Showers**, *restaurants are required to provide 2 spaces per 10,000 square feet of Type I bicycle parking.* Type I is intended to be used for short term parking by visitors. A minimum of two bicycle parking spaces is required; a rack accommodating six bicycles is provided on the north entrance side of the building.

Pursuant to **LDR Section 4.6.9(C)(3)(e), Number of Parking Spaces Required: Requirements for Commercial Uses**, shopping centers ranging from 25,000 to 400,000 square feet require 4 parking spaces per 1,000 square feet of gross leasable floor area, irrespective of uses. The entire development will have a total square footage of 86,477, including the 13,215-square foot commercial building (occupied by CVS) and the proposed 2,564-square foot restaurant with 390 square feet of outdoor dining. Therefore, the development requires 346 parking spaces ($86,477 \text{ sf} \times 4 / 1,000 = 345.9$) and a total of 352 parking spaces are proposed; 37 of the parking spaces will be provided adjacent to and around the proposed restaurant.

In addition to those sections that are specified, the layout of the building, drive-thru area, parking, and drive-thru stacking area have been analyzed and approved for code compliance through the City's Land Development Regulations, subject to approval of the minimum structure size waiver request.

Minimum Structure Size Waiver Analysis:

Pursuant to **LDR Section 2.4.7(B)(5), Waivers: Findings**, *prior to granting a waiver, the approving body shall make a finding that the granting of the waiver:*

- Shall not adversely affect the neighboring area.*
- Shall not significantly diminish the provision of public facilities;*
- Shall not create an unsafe situation; and*
- 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.*

Pursuant to **LDR Section 4.4.9(G)(3)(e)(2), Four Corners Overlay District: Minimum Structure Size**, any free-standing non-residential principal structure shall have a minimum floor area of 4,000 square feet; shall be architecturally consistent with other structures in the master development plan; and shall have direct access to and from other portions of the Four Corners Overlay development.

The proposed structure consists of 2,564 square feet; the additional 390 square feet of outdoor seating is minimally covered by the front canopy and not included in the structure size. The proposed design is simple and typical of the Starbucks brand with shades of brown stucco finishes accented by a "fiber cement vintage wood bark" and aluminum awnings and overhangs. Access to the restaurant is internal and within the plaza

The intent of the 4,000-square foot minimum structure size requirement for properties within the Four Corners Overlay District is to accommodate large scale development instead of smaller stand-alone buildings throughout the shopping plazas. Throughout the years, the size of the outparcels in this area have slowly changed with the replatting of land and the splitting of lots primarily to accommodate fast food restaurants. Recent development on the adjacent corners with similar restaurant types such as Taco Bell, which received a waiver for the size of the building, Chick Fil-A, Pollo Tropical and Chili's. The reduced building footprint and modified parking lot configuration has resulted in the provision of additional open space on the site. The current amount of open space is legally non-conforming at 12%, whereas a minimum of 25% is required. The proposed modifications provide an additional 2% of open space, to decrease the existing nonconformity.



In consideration of the waiver criteria, the proposed reduction in square footage should not have an adverse effect on the neighboring area and would not be related to concerns regarding safety. The provision of public facilities (right-of-way) may be affected by vehicular backup from longer drive-thru lines (not directly from the size of the building), the applicant has exceeded the minimum required stacking distance and designed the site to provide a bypass lane around the drive-thru. Similar circumstances have been previously considered for at least one other drive-thru restaurant within the Four Corners Overlay District. While the proposal does not meet the minimum square footage desired for the overlay district, this trend of smaller stand-alone restaurants that support vehicular travel will likely continue until larger redevelopment is desired in this area of the city. The applicant's waiver request and justification are provided as an attachment.

In addition to the waiver criteria, the Board must also consider whether the proposal is architecturally consistent with the balance of the MDP (Bed, Bath, and Beyond Plaza below). The elevations are ultimately approved by the Site Plan Review and Appearance Board, however, architectural consistency is part of the MDP consideration.



Pursuant to **LDR Section 2.4.5(F)(6), Master Development Plans, Special Provisions**, a *Master Development Plan (MDP)* for property not located within a designated historic district and not located on an individually listed property shall be approved by the Planning and Zoning Board. A MDP shall be the guide for any subsequent site plan or subdivision action. A site plan shall be required for any phase or the entire area encompassed by a MDP. Individual site plans shall be processed pursuant to Section 2.4.5(G), (H), and (I) with approval authority of the Site Plan Review and Appearance Board.

The proposed MDP modification requires approval by the Planning and Zoning Board, prior to consideration of the associated site plan modification by the Site Plan Review and Appearance Board.

Alternative Actions

Waiver

- A. Move to **continue with direction**.
- B. Move to **approve** the waiver request to LDR Section 4.4.9(G)(3)(e)(2), Minimum Structure Size, to reduce the minimum floor area requirement from 4,000 square feet to 2,564 square feet, for the **Starbucks at Bed, Bath and Beyond Plaza**, by finding that the request is consistent with the Comprehensive Plan and meets criteria set forth in Section 2.4.7(B)(5) of the Land Development Regulations.
- C. Move to **deny** the waiver request to LDR Section 4.4.9(G)(3)(e)(2), Minimum Structure Size, to reduce the minimum floor area requirement from 4,000 square feet to 2,564 square feet for the **Starbucks at Bed, Bath and Beyond Plaza**, by finding that the request is not consistent with the Comprehensive Plan and does not meet criteria set forth Section 2.4.7(B)(5) of the Land Development Regulations.

Master Development Plan

- A. Move to **continue with direction**.
- B. **Approve** the Master Development Plan Modification for **Starbucks at Bed, Bath and Beyond Plaza**, at 14802 S Military Trail by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- C. **Approve** the Master Development Plan Modification **with conditions** for **Starbucks at Bed, Bath and Beyond Plaza**, at 14802 S Military Trail by finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land Development Regulations.
- D. **Deny** the Master Development Plan Modification for **Starbucks at Bed, Bath and Beyond Plaza**, at 14802 S Military Trail finding that the request and approval thereof is consistent with the Comprehensive Plan and meets criteria set forth in the Land development Regulations.

Public and Courtesy Notices

<input checked="" type="checkbox"/> Courtesy Notices were provided to the following on April 12, 2021:	<u>N/A</u> Public Notices are not required for this request.
<ul style="list-style-type: none"> • Chamber of Commerce • The Hamlet • Sherwood Forest • Sunset Pines • Highland Park Co. Inc 	