

PALM BEACH COUNTY
PLANNING, ZONING AND BUILDING DEPARTMENT
ZONING DIVISION

Application No.: PDD/CA-2021-00829
Application Name: Delray Self Service Storage
Control No./Name: 1994-00053 (Delray Flea Market)
Applicant: West Atlantic Commercial Properties, LTD.
Owners: West Atlantic Comm'l Prop Ltd
Agent: WGINC - Yoan Machado
Telephone No.: (561) 687-7220
Project Manager: Imene Haddad, Senior Site Planner

Title: an Official Zoning Map Amendment **Request:** to allow a rezoning from Commercial General (CG) Zoning District to the Multiple Use Planned Development (MUPD) Zoning District.

Title: a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with a drive-through.

APPLICATION SUMMARY:

Proposed is an Official Zoning Map Amendment for the Delray Self-Service Storage Development. The site was last reviewed by the Board of County Commission on December 11, 1969, for rezoning pursuant to Resolution R-3-SS-69. There are prior approvals by the Board of Adjustment in 1998 and an Administrative Use approval for DRC-1994-00053 in 1994. The site is currently constructed with an Indoor Flea Market.

The request to rezone to the Multiple Use Planned Development (MUPD) zoning to allow the redevelopment of the site. The Preliminary Site Plan indicates three buildings with a total of 140,140 square feet (sq. ft). This includes a Limited Access Self-Service Storage (140,140 sq. ft.), a Car Wash (4,413 sq. ft), and the Type 1 Restaurant with drive-through (Conditional Use) (3,400 sq ft). In addition, the PSP indicates 55 parking spaces, with access from West Atlantic Avenue and cross-access to the adjacent commercial development to the east.

SITE DATA:

Location:	North side of West Atlantic Ave, approx. 0.25 miles west of South Military Trail
Property Control Number:	00-42-46-14-00-000-5300
Land Use Designation:	Commercial High, with an underlying HR-8 (CH/8)
Existing Zoning District:	General Commercial District (CG)
Proposed Zoning District:	Multiple Use Planned Development (MUPD)
Acreage:	4.53 acres
Tier:	Urban/Suburban
Overlay District:	N/A
Neighborhood Plan:	N/A
CCRT Area:	N/A
Municipalities within 1 Mile:	Delray Beach
Future Annexation Area"	Delray Beach
Commission District	District 05, Commissioner Maria Sachs

RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

ACTION BY THE ZONING COMMISSION (ZC): *Scheduled October 5, 2023*

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contacts from the public regarding this application.

PROJECT HISTORY:

Application No.	Request	Resolution	Approval Date
DRC-1994-00053	Administrative approval to allow for a Flea market	9999-00244	January 13, 1999
BA-1998-00025	Variance to allow for reduction in parking area design and construction standards.	BA-1998-00025	Sept. 21, 1998
BA-1998-00076	Variance to allow an existing point of purchase sign to remain in the required setback.	BA-1998-00076	Sept. 21, 1998
ZV-2020-02120	A 2 Variance to allow for a reduction in minimum lot size	ZR-2022-014	May 5, 2022

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

The analysis contained herein is for both the rezoning to the Multiple Use Planned Development District and the Conditional Use for the Type 1 Restaurant

a. Consistency with the Plan – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ *Consistency with the Comprehensive Plan:* The proposed use and amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use. Pursuant to FLUE Table 2.2-f.1 Future Land Use - Zoning Consistency, the request to rezone to Multiple Use Planned Development (MUPD) is consistent with the current future land use designation of Commercial High with an underlying 8 units per acre (CH/8).

○ *Prior Land Use Amendments:* The site has been the subject of one previous County initiated Future Land Use amendment, Commercial Categories 99c, that was adopted via Ord. 2001-087, which amended the land use from C/8 to CH/8 without conditions.

○ *Relevant Comprehensive Plan Policies:* Future Land Use Element (FLUE) policies 4.3-g and 4.3-k employ planning techniques to facilitate uses with similar or like land uses to provide interconnectivity which reduced potential traffic conflicts along the primary roadway.

- *Policy 4.3-g:* Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

- *Policy 4.3-k:* The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

The subject site has a recorded cross access point (ORB 8780, PG 525) to the adjacent parcels on the east of the subject site. Staff are recommending a condition of approval to pave to the property line prior to issuance of the certificate of occupancy.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of 0.85 is allowed for a non-residential project with a Commercial High (CH) Future Land Use designation in the Urban/Suburban Tier (197,326.8 sq. ft. or 4.53 ac x 0.85 = 167,727.78 sq. ft. maximum). The request for 148,293 sq. ft. equates to a FAR of approximately 0.75 (148,293 sq. ft. / 197,326.8 sq. ft. = 0.751)

○ *Special Overlay District/Neighborhood Plan/Planning Study Area:* The site is not located within any neighborhood plans, overlays, or plan study areas as identified in the Comprehensive Plan.

○ *Compatibility:* County Direction #4 establishes that Land Use Compatibility is one of the eighteen directions that are the basis for the Goals, Objectives and Policies of the Comprehensive Plan. The directive reads as follows: “*Land Use Compatibility. Ensure that the densities and intensities of land uses are not in conflict with those of surrounding areas, whether incorporated or unincorporated.*” Several policies within the Plan’s Future Land Use Element (FLUE) further address compatibility through the ULDC and development review process. FLUE Policy 2.2-c establishes that the ULDC is consistent with the Plan, and that consistency shall “*ensure compatibility with adjacent future land uses.*” Further, FLUE Policy 4.3-i indicates (in part) that “*the Development Review process shall also consider the compatibility of the density or intensity of proposed development with adjacent future land uses.*” The Planning Division has reviewed the proposed development application and determined it is compatible with adjacent and surrounding future land uses.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

○ *Design Objectives and Performance Standards:* As the proposal is for rezoning to an MUPD, the proposed development is required to be consistent with Article 3.E.1.C.1, PDD Design Objectives, and Art. 3. E.1.C.2, Performance Standards. As required by the PDD Objectives and Standards, the proposed development provides adequate pedestrian circulation within the site connecting all buildings, parking areas, and pedestrian pathways to the sidewalks of West Atlantic Avenue.

Objectionable Features such as Loading Areas and Dumpster Areas have been adequately screened, as required by Art. 3.E.1.C.1.e, Design Objectives. The proposal is also required to be consistent with Art. 3.E.3.B, Objectives and Standards. After reviewing the provided Site Plan Staff have determined that the proposed development is in compliance with the Design Objectives and Performance Standards for an MUPD. This includes protecting adjacent residential uses from adverse impacts and providing interconnection between on-site uses.

○ *Property Development Regulations (PDR):* The application is in compliance with the PDR's as indicate on Table 3.E.3.D. The site has frontage and access on West Atlantic Avenue meeting the minimum frontage and access required for Planned Developments. On May 5, 2022, the property received an approval for Zoning Variance (ZR-2022-014) that allowed for the reduction in minimum lot size from 5-acres to 4.53-acres for a property within the Multiple Use Planned Development (MUPD) Zoning District. The lot exceeds the minimum 300 ft. of width/frontage (334 ft. provided on West Atlantic Boulevard), and exceeds the minimum 300 ft. of depth (594 ft. is provided).

The MUPD zoning district requires a 30 foot front setback, 30 foot rear setback and 15 foot side setback. Buildings B and C (Car wash and Type 1 Restaurant) are located approximately 75 and 65 feet from West Atlantic Avenue. The properties to the east and west have comparable setbacks of approximately 50 feet, allowing for a consistent street scape when driving Atlantic Avenue. The existing structure has a rear setback of approximately 125 feet, with a proposed setback for the new building of 85 feet due the proposed height above 35 feet.

○ *Architectural Review:* The uses are required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. While the Applicant has the ability to request that the Architectural Review be done at the time of Building permit, Staff has added a condition of Approval to require elevations and a line of sight analysis of Building A to address compatibility issues.

○ *Parking:* The Applicant chose the individual parking ratio of Article 6 Table 6.B.1.B versus using the Article 3.E.1.C.h.2.a PDD Performance Standards Parking Non-Residential Uses. Art. 6 requires a minimum of one parking space per 200 bays for limited access Self-service Storage and one parking space per 200 sq. ft. for the Accessory Office, 1 space per 200 sq. ft. for the Car Wash Office, 1 space per 3 seats for the Type 1 restaurant and 2 parking spaces for the existing commercial communication tower existing on site. The proposed development requires a minimum of 40 parking spaces based on the requirement calculation below. The Applicant is providing 55 parking spaces.

- Limited Access Self-service Storage Required 1/200 bays = 7 spaces
- Accessory office required 1/250 sq. ft. = 5 spaces
- Car Wash (Office) required /200 sq. ft. = 6 spaces
- Type 1 Restaurant required 1 space/ 3 seats = 20 spaces
- Commercial Communication Tower required = 2 spaces
- Total provided = 55 spaces

○ *Loading:* Limited access Self-Service Storage facilities must provide a minimum of two loading spaces at each entry into the building, excluding office access not utilized by customers for accessing storage units. The PSP shows the 4 Standard "B" (12'x18.5') loading spaces, with 2 on the west side and 2 on the east side of the building.

○ *Landscape/Buffering:* The Preliminary Site Plan indicates a 20-foot Right-of-Way buffer along West Atlantic Boulevard. Along the north property, the Applicant has proposed a 20-foot Type 3 Incompatibility buffer. The PSP indicates an 8-foot compatibility buffer on the east property line and a 10-foot Compatibility buffer along the western property line per Article 7, Table 7.C.2.C.3. To increase buffering to address compatibility, staff has proposed condition of approval to require that all trees within the northern Type 3 Incompatibility buffer be a minimum 14 feet in overall height at time of planting.

○ *Signage:* The Applicant has submitted a Preliminary Master Sign Plan (Figure 6) that meets the requirements of Article 8. The Applicant is proposing to install one free-standing signs along West Atlantic Avenue which will be a maximum of 8 feet in height and will be 200 sq. ft. of sign area and two outparcel signs. Furthermore, the PMSP also indicates wall signage for Commercial structures. All proposed signage are consistent with Art. 8, Signage, as well as Technical Manual Requirements outlined in Title 5, Signage.

- *Specific Use Requirements:* The ULDC has incorporated specific supplementary standards for different uses based on their location and potential impacts. These uses have different approval processes based on their FLU, and/or Zoning classifications. The preliminary Site Plan indicates 140,140 square feet (sq. ft). of Limited Access Self Storage, 4,413 sq. ft Car wash and 3,400 sq. ft. Type 1 Restaurant with Drive-through.
- *Type 1 Restaurant with drive-through:* The proposed Type 1 Restaurant with Drive-through must meet the requirements as indicated under Article 4.B.2.33. The PSP indicates a 3,400 sq. ft. building with 60 seats.
- *Location Criteria:* Type 1 Restaurants are limited to a maximum of two within 1000 feet of an intersection. If the proposed restaurant is outside of the intersection it must have a 500-foot separation from an existing Type 1 Restaurant.

The proposed restaurant is within 1,300 feet of the intersection of South Military Trail and West Atlantic Avenue and within 800 feet of the second restaurant within the intersection “Pollo Tropical”, thereby complying with the maximum number or restaurants at both intersections.



- *Limited Self-Service Storage:* The proposed Limited Access Self Storage is located to the north of the proposed development. It is one building and will feature one primary entrance and two loading areas. Staff has added proposed landscaping and architectural conditions of approval to address compatibility with the surrounding uses as already stated in the Compatibly with Surrounded uses section of this staff report.
- *Car wash:* The proposed Car Wash use is in Building B is a commercial use which is consistent and compatible with the surrounding area and vicinity. This use is internally oriented and provides adequate and safe vehicular access and maneuvering area.

c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The proposed development will be compatible with surrounding uses. To the north of the proposed development is High Point of Delray West PUD Multifamily Development. To the east is the Delray Square shopping Center (Control 1979-00285), to the west of the development is the Office Park known as Executive Square Plaza (1980-00221); and on the South of the property is the Bank United building within the City of Delray’s Jurisdiction. The proposed amendment is compatible and consistent with the surrounding area and vicinity where proposed. The PSP provides safe site circulation which includes a two-way drive aisle on the west and east sides of the proposed development. The design provides safe and adequate vehicular maneuvering on site. The proposed redevelopment will reduce the rear setback of the existing building from 119.1 feet to 84 feet for the proposed Limited Self-Service Storage building. The height of the proposed structure is 63 feet which is higher than the existing structures. To address computability with the adjacent uses and the character of the surrounding land uses, staff has proposed landscape and architectural conditions of approval. In addition, the applicant has provided a letter from the Alliance of Delray Residential Association (see Exhibit G) indicating that the “Applicant has held several meetings with the local communities and stakeholders in which the Alliance participated” and that “the Alliance is in full support of this project and recommends approval of the application.”

d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

The Applicant meet with Staff several times for this application. As a result of these meetings the Applicant made substantial modifications through the application review process to minimize impacts on adjacent lands. As a result the proposed site plan was amended to reduce provide adequate and safe internal circulation. In addition a Type 3 incompatibility buffer and a Dry Detention tract are located along the north property line of the development providing a greater separation for the Limited Access Self-storage (building A) from the adjacent residential by 84 feet where 30 feet is required. The side and front setbacks also exceed the required setbacks with the side setbacks being a minimum of 57 feet and the front setback of 66 feet in lieu of in lieu of 15' and 30' respectively.

e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

- *Vegetation Protection:* The application request does not impact native vegetation.
- *Wellfield Protection Zone:* This property is not located within Wellfield Protection Zone.
- *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
- *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

f. Development Patterns – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The proposed application will result in a logical, orderly, and timely development pattern. The Applicant states that Atlantic Avenue is a highly traveled arterial roadway that accommodates a wide variety of uses. The area surrounding the subject site is predominantly commercial and proposing an MUPD with commercial uses will remain consistent with the established commercial development pattern of the area. Thus, the request to rezone to MUPD in order to allow for the development of the MUPD compliments existing development, and will not adversely impact the local development pattern in the area.

g. Adequate Public Facilities – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

The proposed Self-Storage facility, a Restaurant with Drive-Through, and a Car Wash facility on an existing commercial site, are expected to generate 216 additional net daily trips, 61 additional net AM peak trips, and 24 less net PM peak hour trips as compared to the existing facility on the site. The build out of the project is assumed to be by 2026.

The project meets Traffic Performance Standards without the need for any roadway improvements. A directional median break on SR-7 at the proposed project entrance will be created.

ADJACENT ROADWAY LEVEL OF SERVICE (PM PEAK)

Traffic volumes are in vehicles per hour
Segment: W Atlantic Ave from Sims Rd to Military Trail
Existing count: Eastbound=1691, Westbound=1755
Background growth: Eastbound=153, Westbound=150
Project Trips: Eastbound=0, Westbound=0
Total Traffic: Eastbound=1844, Westbound=1905
Present laneage: 3 in each direction
Assured laneage: 3 in each direction
LOS "D" capacity: 2680 per direction
Projected level of service: LOS D or better in both directions

The property owner shall dedicate right-of-way to the FDOT for a right turn lane and plat the property prior to the issuance of the first building permit.

The right turn lane shall be constructed prior to the issuance of the first CO of the proposed development.

DRAINAGE DISTRICT:

The subject site is located within the boundaries of the Lake Worth Drainage District. The Applicant’s engineer states, “The site has an existing detention area that currently discharges stormwater runoff to an existing master drainage system and ultimately to the LWDD E-3. Additionally, the site is in SFWMD C-15 drainage basin and was previously permitted by SFWMD (SFWMD Permit Number 80-127) for commercial development.

The proposed drainage improvements will include a system of interconnected inlets and pipes with swales, exfiltration trenches and detention area. The existing detention area will be reshaped to accommodate the proposed improvements. The additional storage lost due to reshaping will be accommodated within the proposed exfiltration trench.

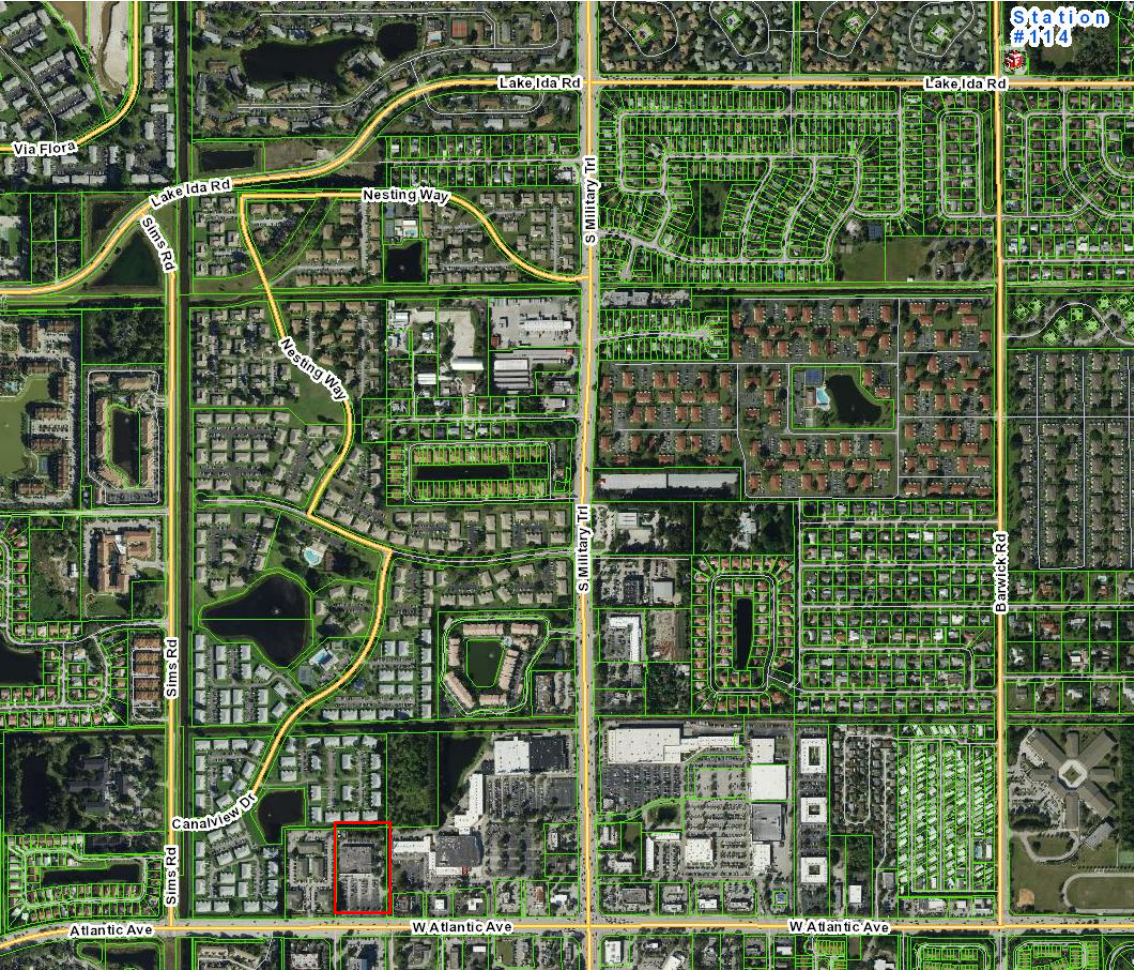
Water quality and attenuation criteria will be met in the swale, detention area and exfiltration trenches prior to discharging to the existing drainage system along West Atlantic Avenue– the point of legal positive outfall. Discharge will be limited to 70 CSM at the 25year – 3day storm event. The maximum onsite stage for the 25year – 3day will be limited to the lowest grade of the inside travel lane of Atlantic Avenue. In addition, the project will require to accommodate ½” of dry pre-treatment with the exfiltration trenches or dry detention area per SFWMD requirements for commercial use projects. The maximum allowable attenuation onsite within the exfiltration trench is the 5yr-1hr storm event. The sizing of the drainage pipes will be based 3 year – 24-hour storm and per FDOT drainage handbook requirements..”

The entire statement is found in Exhibit E. Prior to issuance of any building permits, the development will have to obtain applicable approvals and permits from the District.

PALM BEACH COUNTY HEALTH DEPARTMENT: This project has met the requirements of the Florida Department of Health.

WATER AND WASTEWATER PROVIDER: The Water and wastewater provider is the City of Delray. The Applicant has provided a letter indicating such in Exhibit F.

FIRE PROTECTION: Staff has reviewed this application and has no comment. The subject site is located within the service boundaries of PBC Fire Rescue Station 144.



SCHOOL IMPACTS: The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION: This is a non-residential project, therefore the Parks and Recreation Department ULDC standards do not apply.

h. Changed Conditions or Circumstances – *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant states that the proposed rezoning is necessary to address the changed circumstances that have occurred and to allow redevelopment of the site. As indicated by the Applicant’s Justification Statement, *“the current flea market use has seen a decline over the years due to industry trends. The proposed rezoning will create the most ideal use of the subject site”*.

CONCLUSION: Staff has evaluated the standards listed under Article 2.B, and determined that there is a balance between the need for change and the potential impacts generated by Delray Self Storage Official Zoning Map Amendment and Conditional Use. Therefore, Staff is recommending approval subject to Conditions of Approval as indicated in Exhibit C-1 and C-2.

CONDITIONS OF APPROVAL

EXHIBIT C-1

Non Residential Planned Development District

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 24, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Architectural Elevations for the Limited Self Service Storage shall be submitted for review and approval by the Zoning Division. Architectural Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (ULDC) Development shall be consistent with the approved Architectural Elevations, the DRO-approved Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall construct right turn lane east approach on West Atlantic Ave at the project entrance. The length of this turn lane shall be as approved by the FDOT and the County Engineer.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from FDOT for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPMT: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPMT/CO: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPMT: MONITORING - Engineering)

4. Prior to the issuance of the first building permit, the Property Owner shall provide to Florida Department of Transportation (FDOT), by deed, additional right of way for the construction of a right turn lane on Atlantic Avenue at the project's entrance road. This right of way shall be a minimum of 280 feet in storage length, a minimum of twelve feet in width and a taper length of 50 feet or as approved by FDOT. Additional width may be required to accommodate paved shoulders. The right of way shall continue across the project entrance and shall be free and clear of all encumbrances and encroachments. Property Owner shall provide FDOT with sufficient documentation, including, at a minimum, sketch and legal description of the area to be conveyed, copy of the site plan, a Phase I Environmental Site Assessment, status of property taxes, statement from Tax Collector of delinquent and pro-rata daily taxes, full owner name(s) of area to be conveyed and one of the following: title report, attorney's opinion of title, title commitment or title insurance policy, or as otherwise required and acceptable to FDOT. The Property Owner must warrant that the property being conveyed to FDOT meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County and FDOT harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include where appropriate, as determined by the County Engineer, additional right of way for Expanded Intersections and corner clips. The Property Owner shall coordinate conveyance of right of way directly with FDOT and shall provide evidence to Palm Beach County Land Development Division once conveyance has been completed. (BLDGPMT: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. At the time of installation, all required trees within the 20-foot Type 3 incompatibility buffer shall be 14 feet in overall height.

SITE DESIGN

1. The two-way, 24-foot wide drive aisles shown on the PSP shall not be reconfigured to one-way drive aisles.

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning) (ONGOING: ZONING - Zoning)

CONDITIONS OF APPROVAL

EXHIBIT C-2

Class A Conditional Use

ALL PETITIONS

1. The approved Preliminary Site Plan is dated July 24, 2023. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: ZONING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Figure 1 - Land Use Map

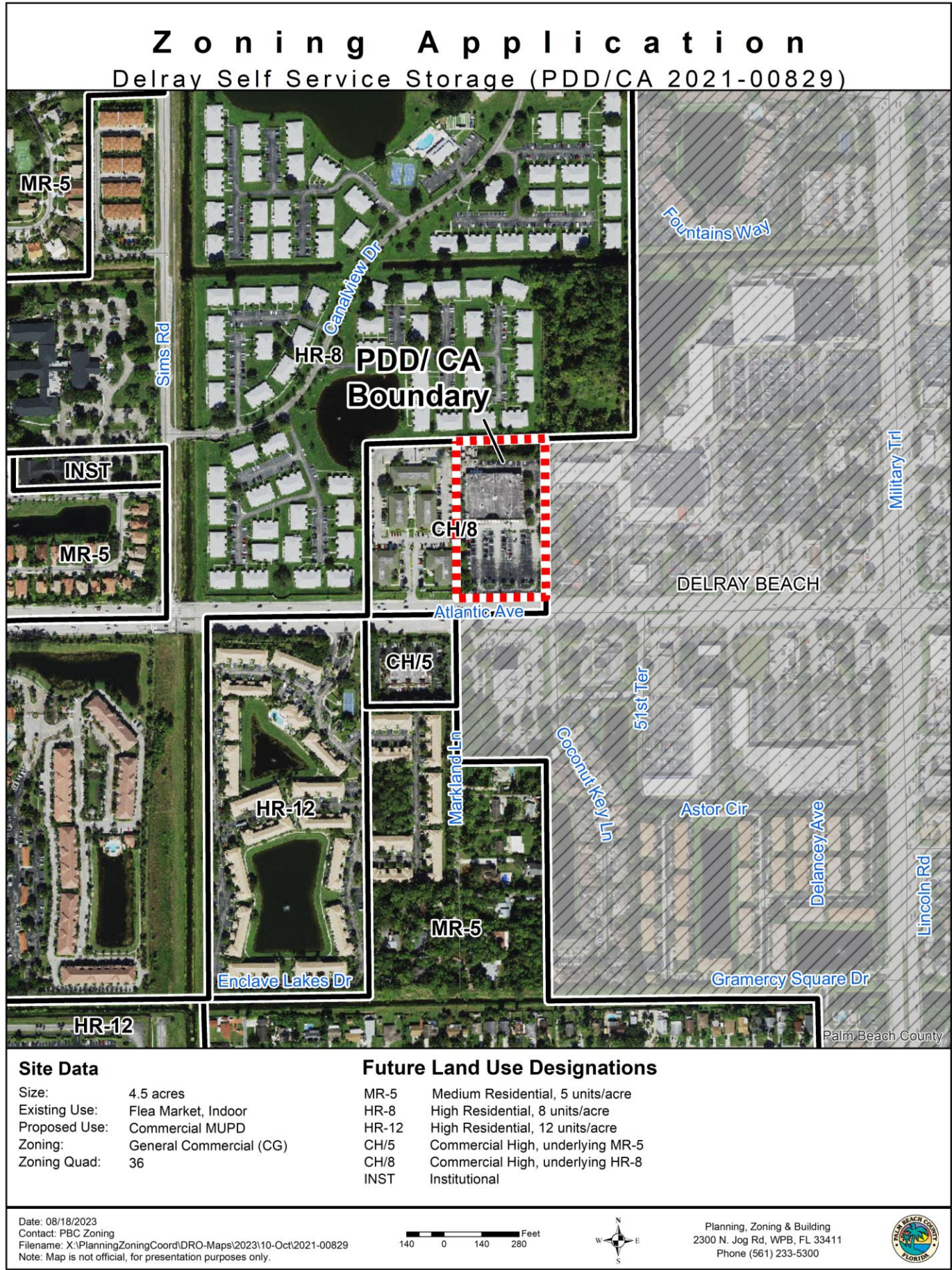


Figure 2 - Zoning Map

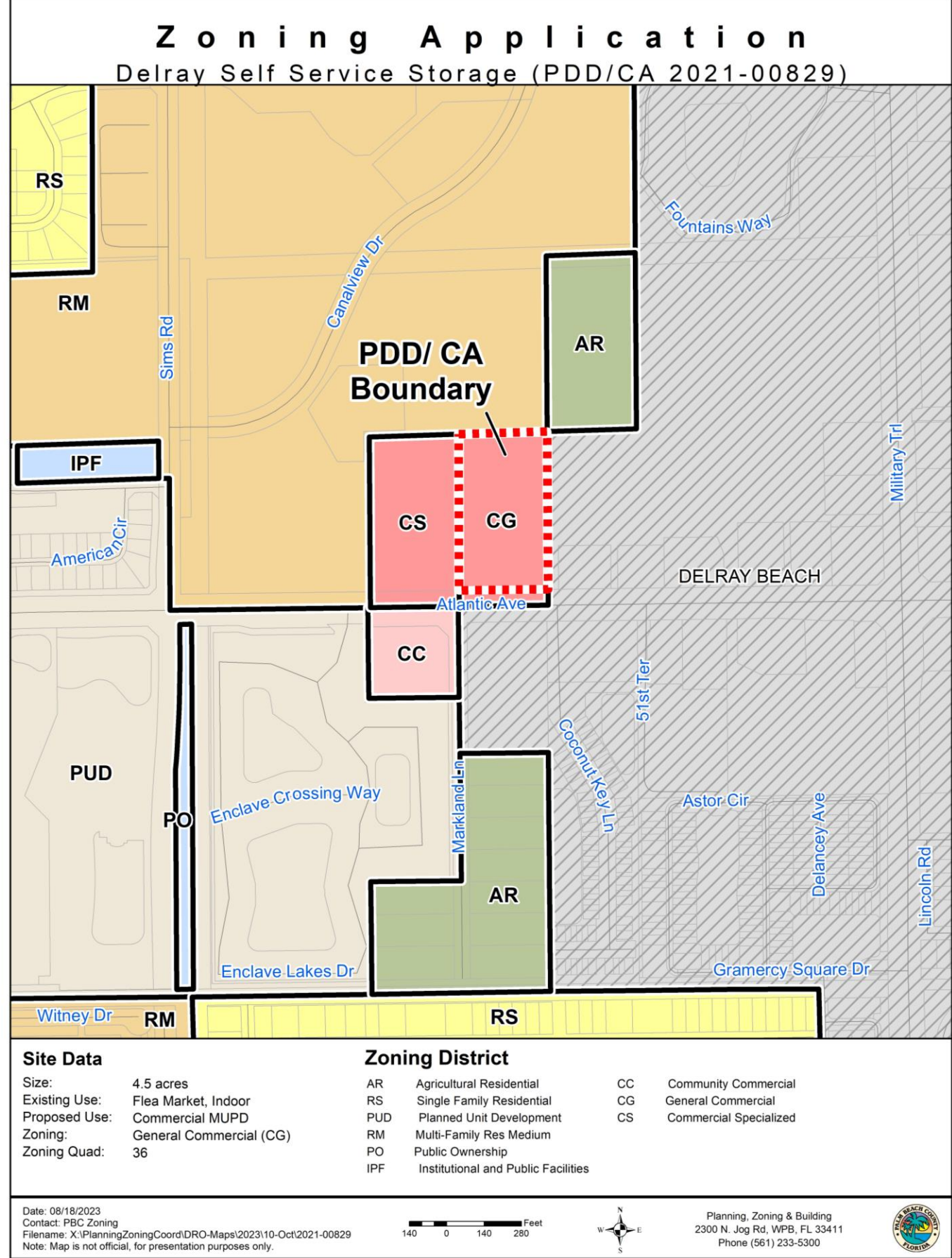


Figure 3 – Preliminary Site Plan dated July 24, 2023

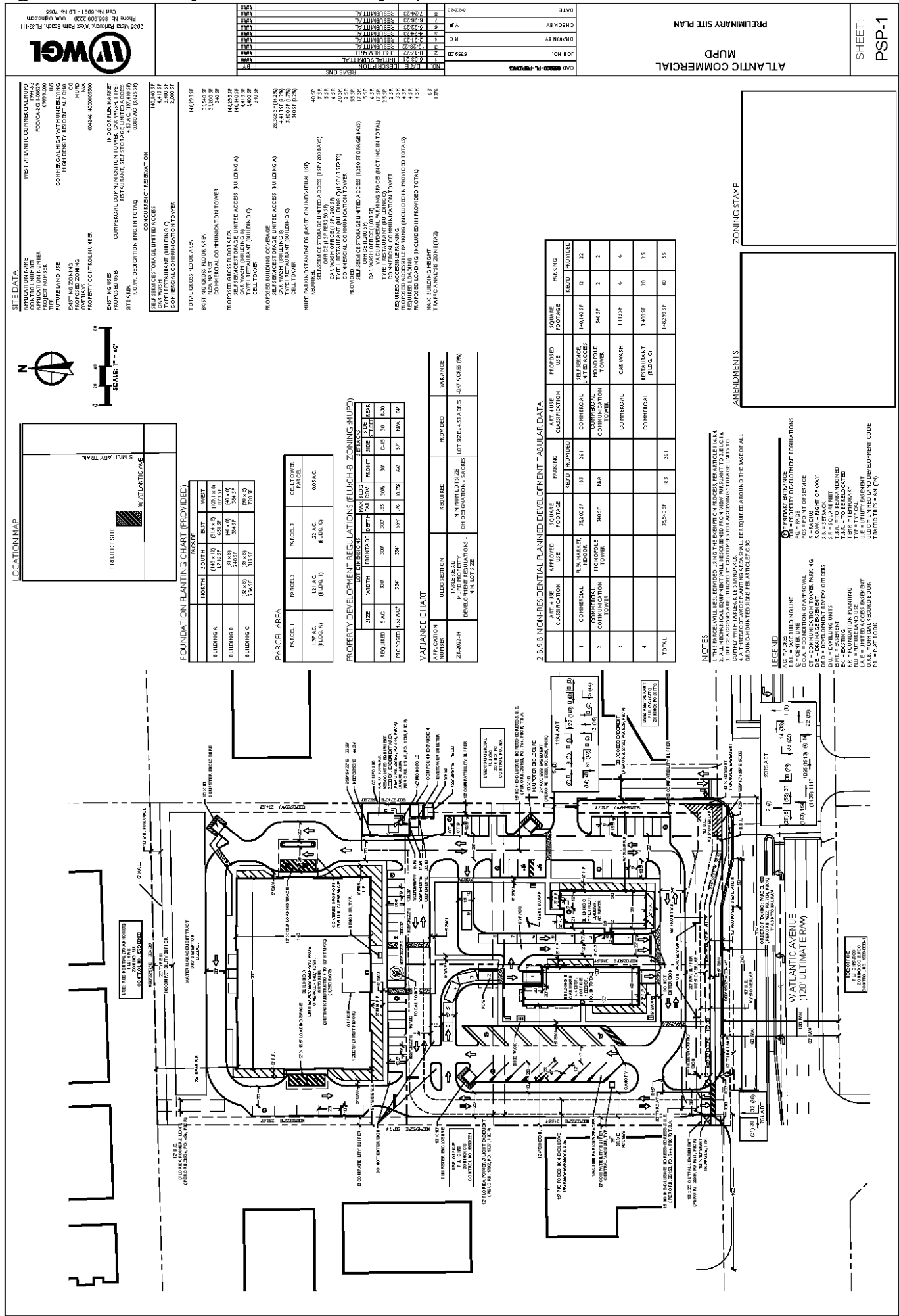


Figure 4 – Preliminary Sign Plan dated July 24, 2023

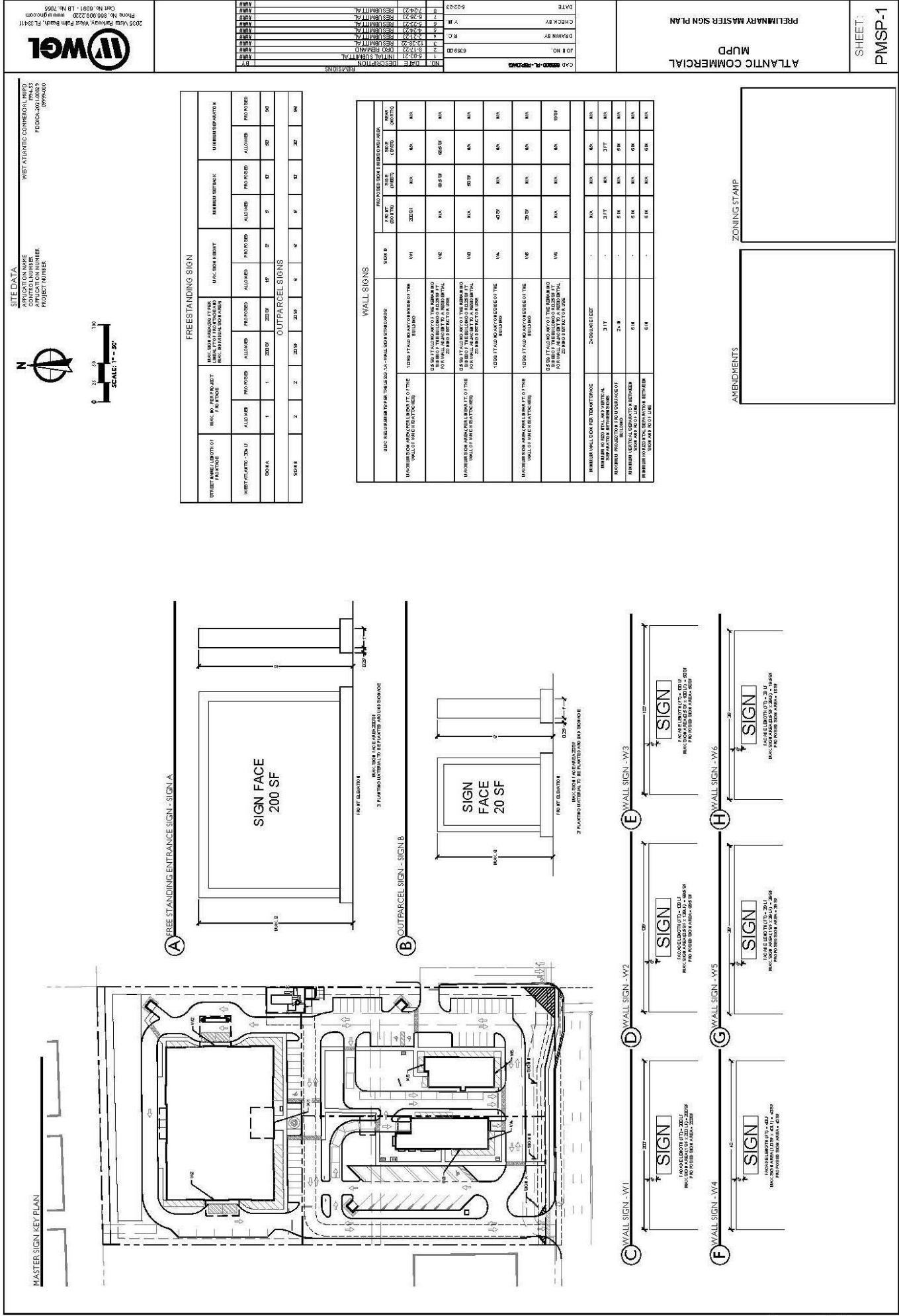
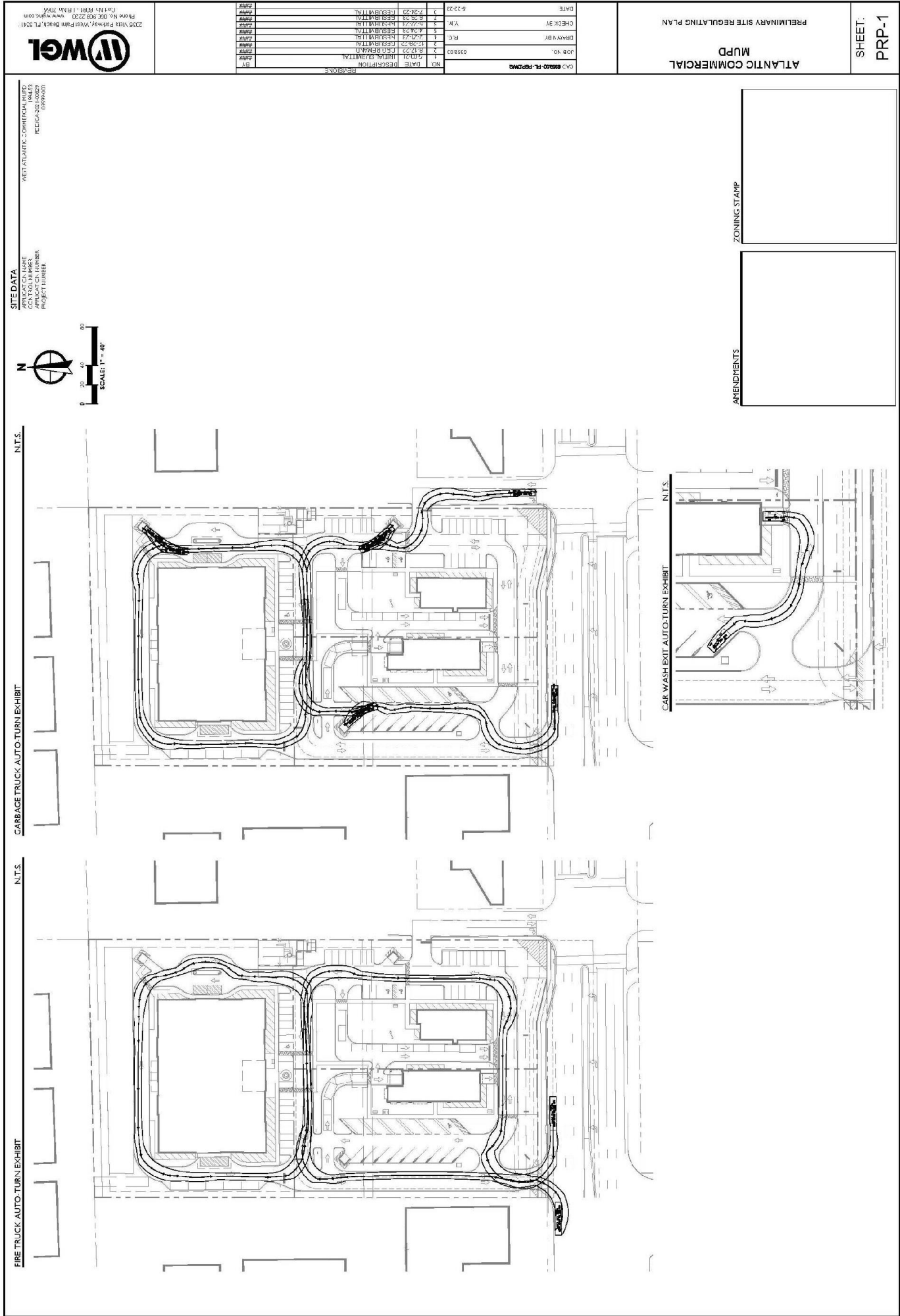


Figure 5 – Preliminary Regulating Plan dated July 24, 2023



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Delray Self Service Storage

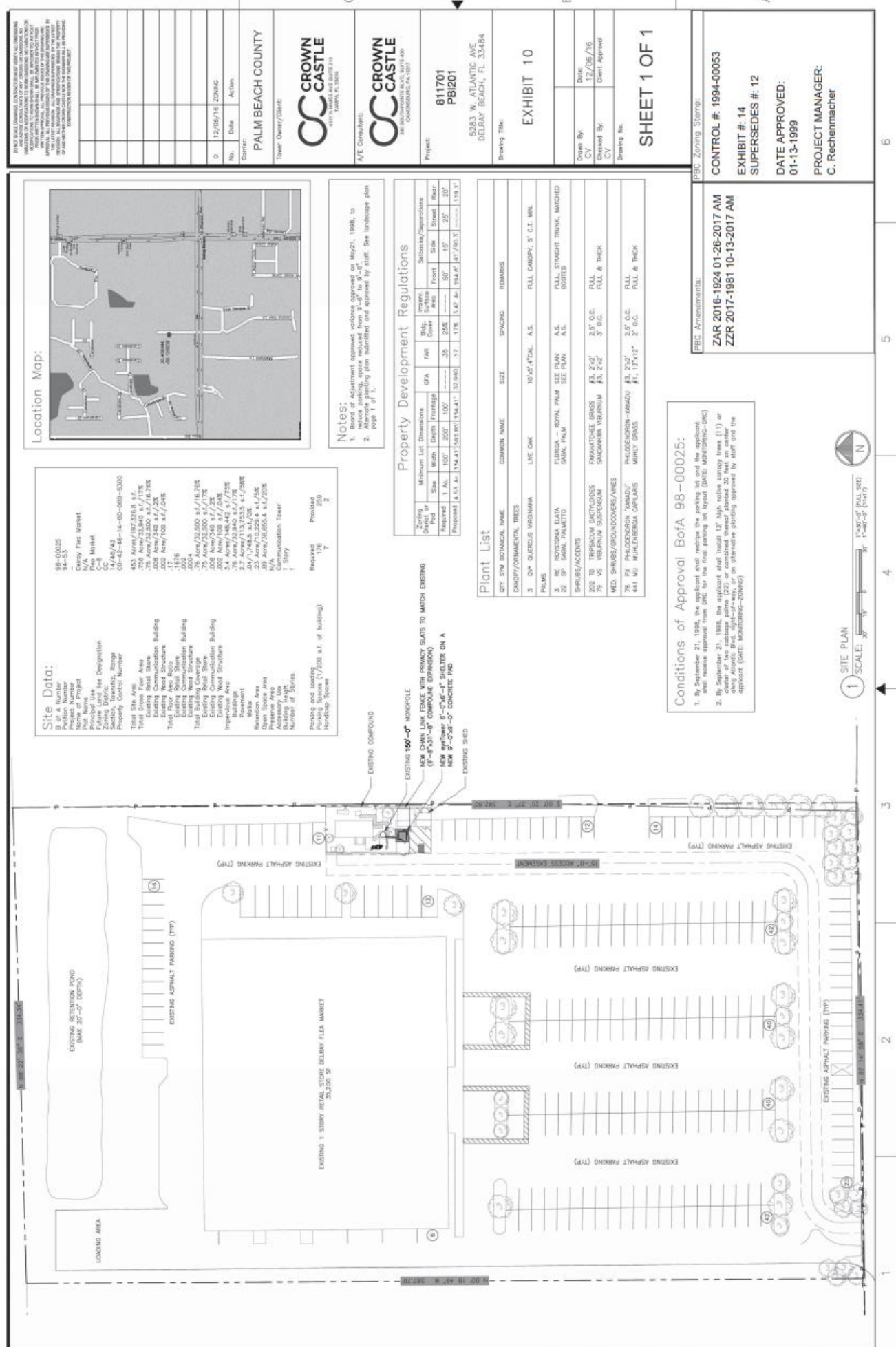


Exhibit D – Disclosure of Ownership

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

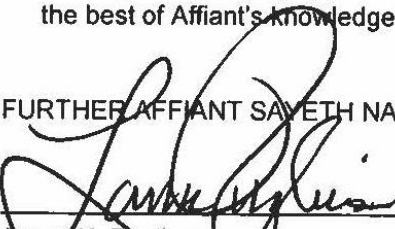
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Laura K. Pugliese, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the ☐ individual or ☒ Title P _____ [position - e.g., president, partner, trustee] of West Atlantic Commerical Properties LTD. [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 101 Pugliese Way, 2nd Floor
Delray Beach, FL 33444
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.

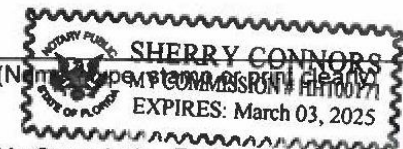


Laura K. Pugliese, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [x] physical presence or [] online notarization, this 16th day of AUGUST, 2022 by LAURA PUGLIESE (name of person acknowledging). He/she is personally known to me or has produced _____ (type of identification) as identification and did/did not take an oath (circle correct response).



(Name of Notary Public)
My Commission Expires on: 3/3/2025



(Signature)

NOTARY'S SEAL OR STAMP

EXHIBIT "A"

PROPERTY

LEGAL DESCRIPTION

THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, LESS THAT PORTION DEEDED TO STATE ROAD DEPARTMENT OF FLORIDA AS SHOWN IN OFFICIAL RECORD BOOK 1015, PAGE 121 AND FURTHER LESS AND EXCEPTING THEREFROM THAT PARCEL, DESIGNATED PARCEL 108, TAKEN BY PALM BEACH COUNTY, IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7632, PAGE 704, BOTH OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

ALSO DESCRIBED AS:

A PORTION OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE EAST HALF (E 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 14, TOWNSHIP 46 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE N00°05'59"E, ALONG THE EAST LINE OF THE SAID EAST HALF, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE S89° 41'41"W, ALONG THE NORTH RIGHT-OF-WAY LINE OF WEST ATLANTIC AVENUE, ALSO BEING THE NORTH LINE OF RIGHT-OF-WAY PARCEL NUMBER 108, TAKEN BY PALM BEACH COUNTY, IN THAT ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 7632, PAGE 704, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, A DISTANCE OF 334.41 FEET; THENCE N00°06'47"E, ALONG THE WEST LINE OF THE SAID EAST HALF, A DISTANCE OF 587.74 FEET; THENCE N88°49'36"E, ALONG THE NORTH LINE OF THE SAID EAST HALF, A DISTANCE OF 334.35 FEET; THENCE S00°05'59"W, ALONG THE EAST LINE OF THE SAID EAST HALF, A DISTANCE OF 592.80 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE, LYING, AND BEING IN THE CITY OF DELRAY BEACH, PALM BEACH COUNTY, FLORIDA AND CONTAINING 197,347 SQUARE FEET (4.530 ACRES) MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address
Laura K. Pugliese - Title P-	101 Pugliese Way, 2nd Floor, Delray Beach, FL 33444



ENGINEER’S DRAINAGE STATEMENT

Delray Self Storage
WGI No. 6359.00
May 12, 2023

The subject project includes a parcel of land located in Section 14, Township 46 South, and Range 42 East. The 4.53 acre developed site is located at 5283 West Atlantic Avenue in unincorporated Palm Beach County. The site currently is composed of a 35,540 square foot flea market building with associated parking areas. The site is bordered by High Point of Delray West residential community to the north, West Atlantic Avenue to the south, and commercial plazas to the east and west. This project lies within the South Florida Water Management District (SFWMD) and the Lake Worth Drainage District (LWDD).

The site has an existing detention area that currently discharges stormwater runoff to an existing master drainage system and ultimately to the LWDD E-3. Additionally, the site is in SFWMD C-15 drainage basin and was previously permitted by SFWMD (SFWMD Permit Number 80-127) for commercial development.

The proposed improvements to the property include the development of a 140,140 square foot self-storage building, 4,413 square foot carwash facility, 3,400 square foot fast food restaurant, and associated surface parking. The proposed drainage improvements will include a system of interconnected inlets and pipes with swales, exfiltration trenches and detention area. The existing detention area will be reshaped to accommodate the proposed improvements. The additional storage lost due to reshaping will be accommodated within the proposed exfiltration trench. The project will include a new driveway connection to West Atlantic Avenue.

Water quality and attenuation criteria will be met in the swale, detention area and exfiltration trenches prior to discharging to the existing drainage system along West Atlantic Avenue– the point of legal positive outfall. Discharge will be limited to 70 CSM at the 25year – 3day storm event. The maximum onsite stage for the 25year – 3day will be limited to the lowest grade of the inside travel lane of Atlantic Avenue. In addition, the project will require to accommodate ½” of dry pre-treatment with the exfiltration trenches or dry detention area per SFWMD requirements for commercial use projects. The maximum allowable attenuation onsite within the exfiltration trench is the 5yr-1hr storm event. The sizing of the drainage pipes will be based 3 year – 24-hour storm and per FDOT drainage handbook requirements.

2035 Vista Parkway, West Palm Beach, FL 33411 t: 561.687.2220 f: 561.687.1110 www.WGIinc.com

The proposed drainage improvements will be designed and permitted in accordance with SFWMD, LWDD and Palm Beach County requirements. Adequate stormwater detention will be provided on-site to store runoff for the following:

- 1) 100 year – 3 day storm event for minimum finished floor elevation;
- 2) 25 year – 3 day storm event for minimum perimeter berm elevation; and
- 3) 5 year – 1 day storm event for minimum pavement elevation.

WGI

Christopher J Holmes

Digitally signed by Christopher J Holmes
DN: cn=Christopher J Holmes,
o=Florida, ou=US,
c=US,
Date: 2023.05.12 14:31:26-0400



Respectfully submitted,
Christopher J. Holmes, P.E.
Florida License # 66344
Wantman Group, Inc. Cert. No. 6091

CHRISTOPHER J. HOLMES P.E., STATE OF FLORIDA, PROFESSIONAL ENGINEER, LICENSE NO. 66344
THIS ITEM HAS BEEN ELECTRONICALLY SIGNED AND SEALED BY CHRISTOPHER J. HOLMES, P.E. ON May 12, 2023
USING A SHA-1 AUTHENTICATION CODE. PRINTED COPIES OF THIS DOCUMENT ARE NOT CONSIDERED SIGNED AND
SEALED AND THE SHA-1 AUTHENTICATION CODE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

Alliance of Delray Residential Associations, Inc.

10290 West Atlantic Avenue #480504
Delray Beach, FL 33448
Phone: 561.495.4694
www.allianceofdelray.com

- *Serving more than 100 Communities between the Everglades and the Ocean in south Palm Beach County.*
- *Working Toward Sustainable Development*
- *Applying Resilience Thinking to Our Natural Resources*



August 27, 2023

Board of County Commissioners
301 North Olive Avenue Suite 1201
West Palm Beach, Florida 33401

Re: West Atlantic Commercial MUPD App # PDD/CA-2021-00829

Dear Mayor Weiss, Vice Mayor Sachs, and Commissioners:

The Alliance of Delray Residential Associations is pleased with the improvements made to the original site plan for the West Atlantic Commercial MUPD. The Applicant has held several meetings with the local communities and stakeholders in which the Alliance participated.

Please see Exhibit A which was included in the Alliance's June 2023 Newsletter. The applicant listened to the communities and a more acceptable product was created to provide the residents with useful services. Therefore, the Alliance is in full support of this project and recommends approval of this application.

As always, thank you for all you do to make Palm Beach County the paradise that it is.

Sincerely,

Lori Vinikoor

Dr. Lori Vinikoor, President
vinikoor@bellsouth.net
mobile phone: 561.715.1530

OFFICERS AND DIRECTORS OF THE ALLIANCE:

Lori Vinikoor, President

Arnie Katz, Executive Vice President Norma Arnold, Vice President Allen Hamlin, Vice President John Gentithes, Vice President

Carol Klausner, Secretary Deborah Borenstein, Treasurer

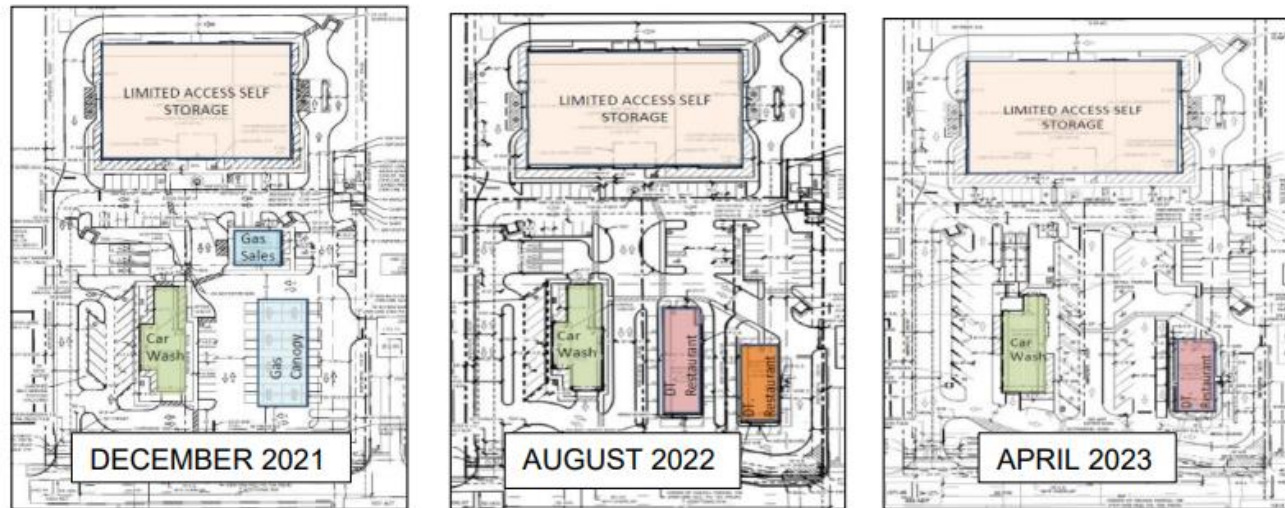
Directors: Rob Cuskaden York Freund Judy Goldberg Susan Zuckerman

Assistants to the President: Rose DeSanto Joel Vinikoor

Chairman of the Board: Bob Schulbaum Legal Counsel: Joshua Gerstin

Exhibit A

This Is How to Do It: Making Projects Better for the Community



Big Apple Bazaar Redevelopment on Atlantic Avenue: The Alliance assisted in creating a better project for member community High Point of Delray West Section 2. December 2021: proposed self storage/car wash/gas station & gas sales. With objections from the Alliance and the community, a redesign in August 2022 proposed a self storage, car wash, and 2 drive through restaurants. Final proposal generally accepted by the public was in April 2023 and includes self storage (63 ft. ht. max), car wash and one 3400 sq. ft drive through restaurant with 60 seats.

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