



LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

I. Project Description:

Project: Greenacres Nissan

Petitioner: Urban Design Kilday Studios
610 Clematis Street, Suite CU02
West Palm Beach, FL 33401
Agent for the owners:
TT of Jennings, Inc.

Request: Site Plan Amendment to modify previous condition of approval for approved Motor Vehicle Dealership

Location: On the north side of Lake Worth Road approximately 350 feet east of the E-3 Canal at 5385 Lake Worth Road



II. Site Data:

Existing Use: Former single family residence (vacant)
Former Professional Golf Car (vacant)
Approved Soccer Club (unbuilt)

Proposed Use: Motor Vehicle Dealership

Parcel Control Numbers: 18-42-44-23-00-000-5061 (Parcel 1*)
18-42-44-23-00-000-5120 (Parcel 1*)
18-42-44-23-00-000-5070 (Parcel 5)
18-42-44-23-00-000-5081 (Parcel 3)
18-42-44-23-00-000-5100 (Parcel 4)
18-42-44-23-00-000-5110 (Parcel 2)
***there are two PCNs for Parcel 1**

Parcel Size: 6.007 acres (261,664 square feet)

Existing Future Land Use Designation: Commercial (CM)

Existing Zoning District: Commercial Intensive with Urban Corridor Overlay (CI-UC)

Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:			
Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Single-Family Residential	Commercial (CM)	Residential Low -3 (RL-3) and Residential Low -3 with Urban Corridor Overlay (RL-3-UC)
<i>South</i>	L.C. Swain Middle School	Public Institutional (PI)	Government Use (GU)
<i>East</i>	Lake Worth Professional Plaza and Single-Family Residential	Commercial (CM)	Commercial General with Urban Corridor Overlay (CG-UC) and Residential Low - 3 with Urban Corridor Overlay (RL-3-UC)
<i>West</i>	Paul's Motel	Commercial (CM)	Commercial Intensive with Urban Corridor Overlay (CI-UC)

III. Annexation/Zoning History:

Parcels 1, 2, and 3

On November 19, 2007, the 0.84 acre parcel 1, the 1.282 acre parcel 2, and the 0.677 acre parcel 3, totaling 1.959 acres, were annexed into the City as petition ANX-07-05 through Resolution 2007-43 via Interlocal Agreement with Palm Beach County. On December 18, 2007 the Palm Beach County Board of County Commissioners approved the Interlocal agreement through Resolution 2007-2312. At the time of annexation, all three parcels each contained single-family residences built between 1950 and 1965 according to the Palm Beach County Property Appraiser's office.

On October 4, 2010, the City Council approved a change in the future land use designation from County Low Residential 3 (LR 3) to City Commercial (CM) on all of Parcel 1 and on the south approximately 136 feet of Parcel 2 and to City Residential - Low Density (RS-LD) on the north 200 feet of Parcel 2 and on all of Parcel 3 as petition CPA-09-06 through Ordinance 2010-01. Also on October 4, 2010, the City Council approved a change in the zoning designation from County Agricultural Residential (AR) to Residential Low-3 (RL-3) as petition ZC-09-05 through Ordinance 2010-02. Most recently, on December 20, 2010 the City Council modified the zoning designation to add all of Parcel 1 and the south approximately 136 feet of Parcel 2 to the Urban Corridor Overlay zoning district as petition ZTA-10-03 through Ordinance 2010-13. In the summer of 2014, the structures on all three parcels were damaged beyond repair by a fire and all remaining improvements were demolished. All three parcels are currently vacant and undeveloped.

Parcel 4

On February 9, 1976, the subject 1.467 acre site and the parcels totaling 3.5 acres that became the Lake Worth Professional Plaza, Lynora's (now La Brasa), and the Farm Store gas station, were annexed into the City as petition ANX-75-04 through Ordinance No. 234A. On July 14, 1986, the City Council approved the City-wide rezoning petition, Ordinance No. 86-15, re-designating the property from General Commercial (GC) to Commercial General (CG). On February 2, 2004, the City Council approved the rezoning petition, Ordinance No. 2003-34, re-designating the property from Commercial General (CG) to Commercial Intensive (CI). Also on February 2, 2004 the site received site and development plan and special exception approval by the City Council as a lawn and garden equipment sales and service building with retail bays (Lawnmower Headquarters) as petition SP-03-10 and SE-03-03, respectively. The property was never developed in that manner. On December 20, 2010 the City Council modified the

zoning designation to add the site to the Urban Corridor Overlay zoning district as petition ZTA-10-03 through Ord. 2010-13. Most recently, on March 5, 2012 the site received another site and development plan and special exception approval by the City Council, this time as an outdoor recreational facility (Palm Beach Soccer Club) as petition SP-11-04 and SE-11-07, respectively. This was not built and the site is currently undeveloped.

Parcel 5

On May 9, 1979, the subject 1.741 acre site was annexed into the City of Greenacres as petition ANX-79-03 through Ord. #79-13 and given a zoning of "C" (commercial). At the time of annexation the parcel contained Standard Roofing which, according to the Palm Beach County Property Appraiser, was constructed in 1955. The site was subsequently given a zoning designation of General Commercial (GC) in the early 1980's. On July 14, 1986 the site was given a zoning designation of Commercial General (CG) as part of a Citywide rezoning as petition ZTA-86-04 through Ord. # 86-15. On May 6, 1991 the City adopted the Comprehensive Plan as petition CPA-90-01 through Ord. 90-41 setting forth the future land use designations for all land within Greenacres; the property was given a Commercial (CM) designation.

On August 2, 1993, a special exception approval for a golf car dealership was approved by the City Council as petition SE-93-02 through Resolution 93-38. On July 25, 1994, a site and development plan approval to configure the subject site as a golf car dealership was approved by the City Council as petition SP-94-03. On December 20, 2010 the City Council modified the zoning designation to add the site to the Urban Corridor Overlay zoning district as petition ZTA-10-03 through Ord. 2010-13. The property was abandoned during the year 2012 and the buildings on the site are currently vacant.

All Parcels

A variance (BA-15-02) to decrease the minimum property area for a motor vehicle dealership, to reduce the minimum maintained height for perimeter shrubs, to increase the interval between landscape islands within the parking lot and to delete intermediate landscape dividers with curbing for inventory storage was approved by the Zoning Board of Adjustments and Appeals on July 27, 2015.

On September 3, 2015, concurrent petitions for a comprehensive plan amendment and zoning change were approved for a portion of the site, and a special exception and site plan approval (CPA-15-04, ZC-15-04, SE-15-02, and SP-15-02, respectively) for a motor vehicle dealership was approved for the entire site.

Parcel 3 and the northernmost 200 feet of parcel 2 were the subject of a comprehensive plan amendment for a land use change (CPA-15-04) approved by City Council via Ordinance 2015-09. The land use amendment changed the area, a total of 1.443 acres, from Residential – Low Density (RS-LD) to Commercial (CM). The land use amendment provided the necessary change to the land use so that a zoning change (ZC-15-04) and site and development plan (SP-15-02) could subsequently be approved.

Parcels 1, 2, 3 and 5 were the subject of a zoning change (ZC-15-04) approved by City Council via Ordinance 2015-10. The zoning change amended the area, a total of 4.54 acres, from Residential Low -3 with Urban Corridor Overlay (RL-3-UC)(Parcel 1 and south portion of Parcel 2), Residential Low -3 (RL-3) (north portion of Parcel 2 and all of Parcel 3), and Commercial General with Urban Corridor Overlay (CG-UC) (Parcel 5) to Commercial Intensive with Urban Corridor Overlay (CI-UC).

On September 3, 2015, the City Council approved a Special Exception (SE-15-02) and Site Plan (SP-15-02) for the Greenacres Nissan Motor Vehicle Dealership. The special exception was approved via Resolution 2015-13. The approval included the demolition of an existing 7,424 sq. ft. golf car dealership on Parcel 5 and the development of a total of 46,764 square feet of building area, which included showroom (display) area, offices, service and repair areas, and storage. On May 23, 2016, a site plan amendment [SP-15-02(A)] was approved which added 3,861 square feet of mezzanine parts warehouse.

Currently, the applicant is requesting to revise a previously established condition of approval (Condition #33 for SP-15-02) which required that the utility pole serving 130 Martin Avenue be relocated off of the project site prior to the issuance of the building permit. The applicant is experiencing delays in FPL completing this work and seeks approval of an alternate solution whereby the pole can remain while the building starts construction but must be protected by a fenced “no work zone”.

IV. Applicable City Code Provisions:

Sec. 16-211 through 16-216 pertaining to Amendments to Approved Special Exceptions and Site Plans
Sec. 16-496 through 16-506 pertaining to the Commercial Intensive (CI) zoning district

V. Summary of Proposed Site and Development Plan Details:

The petitioner's previously approved site and development plans stamp-dated May 6, 2016 depict the following:

1. A total land area of 6.007 acres (261,664 square feet).
2. A total proposed building floor area of 50,625 square feet.
3. 328 parking spaces comprised of: 30 customer spaces including 2 handicap spaces, 77 employee spaces including 3 handicap spaces, and 221 inventory and service spaces. A total of 2 loading zone spaces are also provided. A total of six (6) bicycle spaces are required, ten (10) are provided.

Table 2: Proposed Site Data:			
Area:	Square Footage:	Acreage:	Percentage:
Building Lot Coverage (including covered canopies)	46,764	1.074	18%
Site Impervious Area (excluding building lot coverage)	149,930	3.442	57%
Site Landscape Area	64,970	1.491	25%
<i>Total</i>	261,664	6.007	100%
<i>Total Floor Area</i>	50,625	1.16	0.19 FAR

VI. Staff Analysis:

Background:

The goal of Condition #33, which was brought up during the City Council’s review of SP-15-02 at the public meeting on September 3, 2015, is to minimize disruption of the overhead utility services (electric, cable, telephone) to the occupied residence at 130 Martin Avenue. The existing pole which services the home is located on the Nissan property and needs to be relocated. According to the applicant’s information from FPL, multiple poles must be installed to accomplish this. The proposed “no work zone” as described in proposed Condition #4 and as shown in Exhibit “1” will allow a safe space for this work to take place and will accomplish the City Council’s intent while

also allowing construction of the building to commence.

Land Development Staff Comments:

Planning and Engineering Dept.:	Incorporated into the staff report.
Building Department:	N/A.
Fire Rescue Department:	N/A.
Public Works Department	N/A.
PBSO District 16:	N/A.

Other Agencies:

PBC Traffic Division:	N/A.
PBC Water Utilities:	N/A.
MPO / Palm Tran:	N/A.
LWDD:	N/A.

Standards and Staff Findings:

1. Minimum Lot Requirement: The site area of 6.007 acres **meets** the minimum lot requirements for the CI-UC district and the minimum lot area of 7 acres for a Motor Vehicle Dealership through variance BA-15-02.
2. Maximum Lot Coverage: Building lot coverage of 18% **does not exceed** the maximum allowable lot coverage of 30%.
3. Minimum Yard Requirements: Building setbacks **meet** all CI-UC yard requirements of 95' maximum, 25' minimum front (Lake Worth Road), 20' side interior (east and west), and 25' rear (north).
4. Height Restrictions: The building height of 24'-6" for the proposed building **does not exceed** the allowable height of 35'.
5. Off-Street Parking & Loading: The 107 non-inventory parking spaces provided **meet** the code requirement of 107 spaces based on the parking rate of 1 space per 200 square feet of gross floor area devoted to offices, display area and customer waiting areas (13,944/200 = 70 spaces), plus 1 space per 1,000 square feet of gross floor area devoted to vehicle servicing and repair, body shop, parts storage and sales area and similar accessory uses (36,681/1,000 = 37 spaces). The bike racks (2 @ 5 spaces each) provided **exceed** the minimum code requirement of 6 based on a ratio of 1 bike space per 20 parking spaces.
6. Landscaping: The landscaping plan **complies** with the landscape code requirements based upon the approval of variance BA-15-02.
7. Sign Regulations: Permits **shall be obtained** prior to installation of any signs

and **shall conform** to the sign conditions listed below.

8. Utilities: The proposed water, sanitary sewer and drainage systems **will meet** code requirements subject to final permitting.
9. Concurrency: Project **meets** traffic concurrency. Water and sewer service and capacities **are available** to serve the site.
10. Comprehensive Plan: The proposed development **is consistent** with the Commercial (CM) future land use classification. The proposed floor area ratio of 0.19 **does not exceed** the maximum floor area ratio of 0.35 for the CI zoning district.
11. Color Scheme: The color of the building **shall be** in accordance with the submitted plans and colors: Alucobond metal composite "Sunrise Silver" (silver) – showroom front and side walls; Alucobond "Nissan Red" (red) – main entrance walls; Benjamin Moore #2121-40 "Silver Half Dollar" (gray) – service department split face concrete block wall field and doors, frames and handrails; Benjamin Moore #2121-40 "Silver Half Dollar" (gray) – service department smooth face concrete block wall band; Centria Architectural Systems ribbed metal panel "Silver Metallic" (silver) - service drive walls; Clear anodized (silver) – storefront, overhead door, and window frames; Benjamin Moore #2121-40 "Silver Half Dollar" (gray) - trash enclosure wall and precast cap; Benjamin Moore #2121-20 "Steel Wool" (dark gray) - utility items, fence, bollards and trash enclosure gates; and Alucobond "Nissan Red" (red) and Alucobond "Sunrise Silver" (silver) - site sign structures.
12. Site and Building Design: The project layout and architectural design **comply** with the site and building design requirements of the code.

VII. Staff Recommendation:

Approval of SP-15-02(B) with the following conditions:

1. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated June 13, 2016 and previously approved Exhibit "B" Site and Development Plan stamp-dated May 6, 2016, as hereafter defined shall apply. (Planning)
2. The development of the site shall comply with all requirements and conditions of approval of the Special Exception for Greenacres Nissan (SE-15-02, Resolution 2015-13) and Variance (BA-15-02). (Planning)
3. All conditions of approval of SP-15-02 and SP-15-02(A) not specifically modified by this amendment shall remain in effect. (Planning)

4. Condition #33 of SP-15-02 is to be amended as follows: The existing overhead power, telephone and cable service to 130 Martin Avenue currently fed from a pole on the subject Nissan site shall be relocated using an off-site pole and/or underground service. Prior to the issuance of building permits, the pole and wires shall be protected by a continuous No Work Zone barricaded by 4' high orange construction fence staked 5' on center set at a radius of at least 50' from the pole and 50' west of the entire northeast property line as shown in Exhibit "1". The relocation shall be completed prior to the issuance of a Certificate of Occupancy. The coordination and payment of any charges for this work shall be the responsibility of the developer. (Building)
5. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)
6. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (Planning and Building)

CITY COUNCIL ACTION – June 20, 2016

Samuel J. Ferreri, Mayor

Attest:

Denise McGrew, City Clerk

Attachments:

1. Exhibit “1” No Work Zone map
2. Exhibit “2” FPL drawings
3. Exhibit “3” 130 Martin Avenue homeowner concurrence