

AGENDA

PALM BEACH COUNTY LAND DEVELOPMENT REGULATION ADVISORY BOARD LAND DEVELOPMENT REGULATION COMMISSION JANUARY 5, 2005

BOARD MEMBERS

Wes Blackman, AICP Chair

D. J. Snapp, III, Vice Chair

Barbara Katz

Barbara Suflas Noble

Rosa Durando

Wayne Larry Fish, P.S.M.

Maurice Jacobson

Brian Waxman, Esq., Alternate

Frank Palen, Esq., Alternate

Joanne Davis

Ron Last, P.E.

John Glidden, R.A.

Stephen Dechert

Martin Klein, Esq.

David Carpenter, RLA

Tony Masilotti
Chair, District 6

Addie L. Greene
Vice Chair, District 7

Karen T. Marcus
Commissioner, District 1

Jeff Koons
Commissioner, District 2

Warren H. Newell
Commissioner, District 3

Mary McCarty
Commissioner, District 4

Burt Aaronson
Commissioner, District 5



Robert Weisman
County Administrator



**Department of Planning,
Zoning & Building**

100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000

Planning Division 233-5300

Zoning Division 233-5200

Building Division 233-5100

Code Enforcement 233-5500

Contractors Certification 233-5525

Administration Office 233-5005

Executive Office 233-5003

www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Tony Masilotti, Chairman

Addie L. Greene, Vice Chairperson

Karen T. Marcus

Jeff Koons

Warren H. Newell

Mary McCarty

Burt Aaronson

County Administrator

Robert Weisman

"An Equal Opportunity
Affirmative Action Employer"

MEMORANDUM

TO: Wesley Blackman, Chairman, and
Members of the Land Development Regulation Advisory Board
(LDRAB)

FROM: William Cross, Senior Planner *BC*
Planning, Zoning and Building (PZB) Department

DATE: December 29, 2004

RE: **Wednesday, January 5, 2005 LDRAB Agenda and Attachments**

Please find attached the agenda and supporting materials to assist you in preparing for the LDRAB meeting on Wednesday, January 5, 2005. The meeting will be held at 2:00 pm. in the PZB 4th Floor Conference Room, 100 Australian Avenue, West Palm Beach, Florida.

Please bring your copies of the Unified Land Development Code (ULDC) to facilitate the review of the proposed amendments.

If you should have any questions and/or require additional information, please contact me at (561) 233-5206 or Izabela Aurelson, Planner I, at (561) 233-5213.

Attachments:

1. January 5, 2005 LDRAB Agenda
2. December 29, 2004 Big Box Memo to LDRAB
3. Attachment A – December 9, 2004 LDRAB Minutes
4. Attachment B – Big Box Ordinance

BC/ia

c: Barbara Alterman, Esq., Executive Director, PZB
Lenny Berger, Assistant County Attorney
Jon MacGillis, Interim Zoning Director
Robert Buscemi, R.A., Principal Planner, Zoning
Isaac Hoyos, Principal Planner, Planning

Ref: U:\zoning\CODEREV\2005\LDRAB\Meetings\Jan. 5\1-5 mtg memo.doc



**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)
Wednesday, January 5, 2004 AGENDA
100 Australian Avenue
4th Floor Conference Room, 2:00 p.m.**

- A. Call to Order/Convene as the Land Development Regulation Advisory Board (LDRAB)
 - 1. Roll Call
 - 2. Additions, Substitutions and Deletions
 - 3. Motion to Adopt Agenda
 - 4. Adoption of December 9, 2004 Minutes (Attachment A)

- B. ULDC Amendments
 - Attachment B Big Box Ordinance

- C. Convene as the Land Development Regulation Commission (LDRC)
 - 1. Proof of Publication
 - 2. Consistency Determinations

- D. Reconvene as the Land Development Regulation Advisory Board (LDRAB)

- E. Public Comments

- F. Staff Comments

- G. Adjourn



**Department of Planning,
Zoning & Building**

100 Australian Avenue
West Palm Beach, FL 33406
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5003
www.pbcgov.com/pzb



**Palm Beach County
Board of County
Commissioners**

Tony Masilotti, Chairman

Addie L. Greene, Vice Chairperson

Karen T. Marcus

Jeff Koons

Warren H. Newell

Mary McCarty

Burt Aaronson

County Administrator

Robert Weisman

*"An Equal Opportunity
Affirmative Action Employer"*

December 29, 2004

Mr. Wes Blackman, Chair
Land Development Regulation Advisory Board (LDRAB)
241 Columbia Drive
Lake Worth, Florida 33460

RE: 2004 Amendments to Unified Land Development Code (ULDC)

Dear Mr. Blackman:

From May to December 2004, LDRAB approved and found consistent with the Comprehensive Plan all of the proposed 2004 Amendments to the ULDC with the exception of the remaining proposed Big Box language. A subcommittee was established and industry representatives were invited to provide input. There were several subcommittee meetings held since December 1st, 2004, where the key outstanding issues were discussed and final language prepared by staff taking into account committee direction.

The sub-committee, industry, and staff agreed on all changes with the exception of the maximum size. The Subcommittee directed staff to allow for an increase in the maximum square footage from 200,000 square feet to 225,000 square feet in order to address what they concluded were valid points raised by industry. Staff had concerns with any increase over 200,000 based upon BCC direction. Please see Attachment 1 for details.

Staff will be mailing the Big Box code language to Board Members by December 29 along with a "White Paper" (see Attachment 2) outlining the key issues related to the rationale behind the provisions. We will also be sending copies to industry representatives to ensure their major issues are addressed so they can hopefully support the final code language at the January 5, 2005 LDRAB meeting.

Staff looks forward to our meeting on January 5, and sending a positive recommendation onto the BCC at the January 6, 1st Reading.

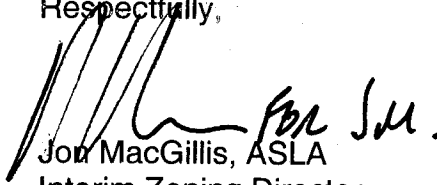


Page 2
Big Box Memo to LDRAB

If you have any questions regarding the attached Big Box code language, please do not hesitate to contact staff to address them prior to the meeting. This will ensure staff is prepared to address the issues and keep the code language on schedule.

If you have any questions, please feel free to call Robert Buscemi, Principal Planner, at 561-233-5342

Respectfully,


Jon MacGillis, ASLA
Interim Zoning Director

Attachments: 1. Big Box Maximum Size Rational
2. Big Box White Paper.

c: LDRAB Members
Industry Representatives
Barbara Alterman, Executive Director
Robert Buscemi, Principal Planner
William Cross, Senior Planner

ATTACHMENT 1
BIG BOX MAXIMUM SIZE RATIONAL

LDRAB Architecture Subcommittee Recommendation

At the December 20, 2004 subcommittee meeting, LDRAB members recommended the addition of an exception to the draft Big Box Article 5.C.1.I.1.b, CH FLU, to increase the maximum square footage limit of a single retail tenant from 200,000 to 225,000 gross square feet, subject tot the following additional requirements:

1) Exception

An additional 25,000 square feet shall be permitted if located on a second floor or mezzanine, for a total of 225,000 gross square feet, subject to the following requirements:

- a) Building footprint shall not exceed 200,000 square feet.
- b) Perimeter landscaping buffer widths and plant material required by Art. 7.F.10.A, Perimeter Buffer, shall be increased by twenty percent.
- c) One additional pedestrian amenity shall be required in addition to the requirements of Art. 5.C.1.I.2.e, Pedestrian Amenities.

Justification: One of the reasons for this recommendation is due to the method by which Palm Beach County calculates its gross floor area, outside wall to outside wall including open to above garden sales areas. Another reason, is that industry representatives indicate that they are presently developing two prototypes that would exceed the 200,000 sf, but would be able to accommodate the prototypes within a 225,000 sf limit.

Staff Recommendation

Maintain proposed 200,000 square foot limit, for the following reasons, among others:

Proposed regulations were drafted to apply to a single tenant building ranging from 65,000 sf to 200,000 sf, so architecture, parking, number of building entrances, and landscaping mitigate the proposed size.

Maximum limitation on square footage would reduce the number of “dark sites” or abandoned Big Boxes, by eliminating industry trend of constructing and relocating to newer, bigger facilities, leaving existing facilities dark.

There are no existing single tenant buildings in the unincorporated PBC area that exceed the proposed 200,000 sf limit.

Planning Staff research indicates that the average size of a community shopping center in the southern region of the country is 186,000 sf, based on Information obtained from Urban Land Institute “Dollars and Cents of Shopping Centers 2002.

Definitions

Several terms in this report have standard usage throughout the shopping center industry; others have been developed solely for this survey and report.

The definition of a shopping center is standard. As formulated by the former Community Builders Council of ULI in the 1950s and reaffirmed over time, a shopping center is a group of commercial establishments planned, developed, owned, and managed as a unit related in location, size, and type of shops to the trade area it serves. It provides on-site parking relating to the types and sizes of its stores.

Types of Shopping Centers

As the shopping center evolved, five basic types emerged, each distinctive in its own function: the convenience, the neighborhood, the community, the regional, and the super regional. In all cases, a shopping center's type and function are determined by its major tenant or tenants and the size of its trade area; they are never based solely on the area of the site or the square footage of the structure.

A **convenience center** provides for the sale of personal services and convenience goods similar to those of a neighborhood center. It contains a minimum of three stores, with a total gross leasable area of up to 30,000 square feet. Instead of being anchored by a supermarket, a convenience center usually is anchored by some other type of personal/convenience service such as a minimarket. Data on convenience centers are presented in a supplemental report in the *Dollars & Cents* series.

A **neighborhood center** provides for the sale of convenience goods (foods, drugs, and sundries) and personal services (laundry and dry cleaning, barbering, shoe repairing, etc.) for the day-to-day living needs of the immediate neighborhood. It is built around a supermarket as the principal tenant and typically contains a gross leasable area of about 60,000 square feet. In practice, it may range in size from 30,000 to 100,000 square feet.

In addition to the convenience goods and personal services offered by the neighborhood center, a **community center** provides a wider range of soft lines (wearing apparel for men, women, and children) and hard lines (hardware and appliances). The community center makes merchandise available in a greater variety of sizes, styles, colors, and prices. Many centers are built around a junior department store, variety store, super drugstore, or discount department store as the major tenant, in addition

to a supermarket. Although a community center does not have a full-line department store, it may have a strong specialty store or stores. Its typical size is about 150,000 square feet of gross leasable area, but in practice, it may range from 100,000 to 500,000 or more square feet. Centers that fit the general profile of a community center but contain more than 250,000 square feet are classified as super community centers. In extreme cases, these centers contain more than 1,000,000 square feet. As a result, the community center is the most difficult to estimate for size and pulling power.

A power center is a type of super community center. It contains at least four category-specific, off-price anchors of 20,000 or more square feet. These anchors typically emphasize hard goods such as consumer electronics, sporting goods, office supplies, home furnishings, home improvement goods, bulk foods, drugs, health and beauty aids, toys, and personal computer hardware/software. They tend to be narrowly focused but deeply merchandised "category killers" together with the more broadly merchandised, price-oriented warehouse club and discount department stores. Anchors in power centers typically occupy 85 percent or more of the total GLA.

A **regional center** provides general merchandise, apparel, furniture, and home furnishings in depth and variety, as well as a range of services and recreational facilities. It is built around one or two full-line department stores of generally not less than 50,000 square feet. Its typical size is about 500,000 square feet of gross leasable area; in practice, it may range from 250,000 to more than 900,000 square feet. The regional center provides services typical of a business district yet not as extensive as those of the super regional center.

A **super regional center** offers extensive variety in general merchandise, apparel, furniture, and home furnishings, as well as a variety of services and recreational facilities. It is built around three or more full-line department stores generally of not less than 75,000 square feet each. The typical size of a super regional center is about 1,000,000 square feet of gross leasable area. In practice, the size ranges from about 500,000 to more than 1,500,000 square feet.

All centers typically include within the site area (the gross land area within the property lines) an area of sufficient size to provide customer and employee parking in relation to the gross leasable area as determined by the accepted standard for the parking index (see "Parking," Chapter 7F).

Table 5-3 U.S. Community Shopping Centers in the South: Center Size, Center Sales, and Operating Results

Number of Centers in Sample: 95								
	Average	Median	Lower Decile	Upper Decile	Median	Lower Decile	Upper Decile	Number Reporting
Center Size								
Total floor space (GLA and all other floor space)	186,842	177,261	113,317	323,970				95
Owned gross leasable area (in square feet)	167,602	161,902	105,270	300,266				95
Unowned gross leasable area (in square feet)	99,850	119,328	9,876	176,077				19
Center Sales								
	Dollars per Square Foot of GLA							
All tenants	\$200.98	\$200.73	\$88.03	\$331.60				62
Operating Results								
	Dollars per Square Foot of GLA				Percent of Total Receipts			
Total Operating Receipts	\$8.49	\$7.84	\$4.11	\$18.93	100.00%	100.00%	100.00%	93
Total rent	6.94	6.56	3.33	12.96	83.53	72.73	91.61	92
Rental income—minimum	6.82	6.52	3.25	12.83	80.86	69.44	90.70	93
Rental income—overages	0.25	0.19	0.01	0.83	2.53	0.29	10.56	47
Total common area charges	0.60	0.55	0.19	1.58	6.72	3.40	11.44	93
Total other charges	0.61	0.53	0.15	1.57	7.14	2.75	12.21	56
Property taxes and insurance	0.58	0.50	0.13	1.52	7.08	2.69	11.67	54
Property taxes	0.63	0.53	0.10	1.69	6.97	2.51	12.21	87
Insurance	0.07	0.06	0.02	0.20	0.77	0.26	1.46	52
Other escalation charges	0.34	0.10			1.71			5
Income from sale of utilities	0.07	0.05	0.01	0.21	0.76	0.08	3.53	21
Total miscellaneous income	0.18	0.11	0.00	0.86	1.22	0.05	9.67	67
Total Operating Expenses	\$2.49	\$2.15	\$0.84	\$5.85	25.68%	14.60%	48.85%	93
Total maintenance and housekeeping	0.74	0.64	0.22	1.81	8.22	3.46	16.51	88
Parking lot, mall, other common areas	0.55	0.43	0.14	1.49	5.24	2.37	14.02	65
Parking lot	0.08	0.07	0.02	0.20	0.89	0.35	2.21	57
Utilities	0.13	0.11	0.02	0.41	1.37	0.39	3.70	65
Security	0.07	0.05	0.01	0.33	0.67	0.13	3.16	36
Enclosed mall HVAC								1
Snow removal	0.01	0.01	0.00	0.04	0.12	0.03	0.30	12
Trash removal	0.08	0.04	0.01	0.33	0.61	0.08	3.75	47
Landscaping	0.12	0.09	0.02	0.48	1.04	0.50	3.93	63
Elevator/escalator								4
Other	0.09	0.07	0.01	0.28	0.97	0.11	3.21	43
Building maintenance	0.14	0.12	0.03	0.38	1.50	0.44	4.73	69
Roof repair	0.05	0.03	0.00	0.19	0.42	0.04	2.92	55
Other maintenance	0.09	0.06	0.01	0.22	0.99	0.12	3.57	59
Central utility system								2
Tenant office area services								2
Total advertising and promotion	0.03	0.01	0.00	0.17	0.15	0.02	1.62	51
Advertising	0.03	0.02	0.00	0.12	0.29	0.03	1.07	21
Promotions/special events	0.04	0.05			0.32			8
Christmas decor/events	0.03	0.02	0.01	0.07	0.35	0.08	0.74	14
Marketing administration								3
Merchants association								4
Total real estate taxes	0.88	0.76	0.26	2.38	9.07	4.72	18.97	87
Total insurance	0.12	0.11	0.05	0.22	1.33	0.58	3.07	87
Liability insurance	0.04	0.03	0.02	0.08	0.52	0.24	1.10	30
Property insurance	0.07	0.06	0.02	0.15	0.83	0.39	2.37	34
Special (earthquake/fire)	0.02	0.02			0.25			8
Other insurance	0.01	0.01			0.11			8
Total general and administrative	0.53	0.52	0.19	1.00	5.73	2.39	12.16	86
Management agent fees	0.32	0.31	0.11	0.61	3.43	1.56	5.85	82
Leasing agent fees	0.15	0.13	0.01	0.57	1.61	0.14	4.50	31
Bad debt allowance	0.10	0.11	0.01	0.24	0.70	0.11	2.94	20
On-site payroll and benefits	0.28	0.21	0.04	0.87	3.49	0.48	8.07	17
Professional services	0.06	0.04	0.01	0.18	0.44	0.09	2.53	49
Other	0.08	0.04	0.01	0.29	0.58	0.08	3.08	65
Net Operating Balance	\$6.17	\$5.54	\$2.17	\$13.05	74.32%	51.15%	85.40%	93

Note: GLA for operating results is adjusted as described in Chapter 2.

Note: Because data are means, medians, and deciles, detailed amounts do not add to totals. No median figures are shown if fewer than five values were reported for any income or expense category, and no lower and upper decile amounts are shown if fewer than ten values were reported.

ATTACHMENT 2
BIG BOX ORDINANCE
“WHITE PAPER”

BACKGROUND AND SUMMARY

In response to several recent large single-tenant retail structures submitted to the BCC for review and approval, the BCC directed staff to draft a Big Box Ordinance to help mitigate the adverse impacts of such developments. The BCC instructed staff to incorporate conditions of approval applied to several recent approvals, and to research similar ordinances adopted by other jurisdictions. The attached draft regulations represent the combination of standard conditions, input from LDRAB Architecture subcommittee and industry representatives, and key components of nationally adopted Big Box Ordinances.

HISTORY OF BIG BOX DEVELOPMENT

The advent of suburban development resulted in retailers following consumers into suburbia. The growth of Big Box stores was a target of public backlash, as documented in numerous articles written in the 1980's lamenting the arrival of big box retailers and the associated adverse impacts on local businesses, such as small drug stores, hardware stores and bookstores. These Big Box facilities have been attributed as part of the problem that continues to hinder the traditional downtown as well as small “Mom and Pop” businesses. Throughout the 1990's and up to today, large retailers continued to consolidate sales and associated services to create economies of scale that provide for a mass of consumer opportunities under one roof. Big Boxes have reached sizes that oftentimes have an almost regional attraction, which all but guarantees that the principal means of access is the automobile. Larger retailers have many benefits, primarily convenience, large selection and better prices. Such retailers often fall under one of four categories: discount department stores; category killers; outlet stores; and, warehouse clubs. As these retailers have continued to grow, communities have begun to identify new adverse impacts, including: visual blight due to bland architecture and lack of landscaping; lack of pedestrian friendly access; increased traffic; and the oft-cited “sea of parking.”

KEY ISSUES WITH BIG BOX DEVELOPMENTS AND RECOMMENDATIONS FOR CODE LANGUAGE

There are several key issues and/or complaints that accompany new proposals for Big Box developments. In response to public comments, many communities have begun to adopt Ordinances that seek to limit the adverse impacts of Big Boxes. The following is a summary of key issues, staff recommendations for a PBC Big Box Ordinance that works on the framework of existing ULDC provisions, and examples of similar requirements adopted by other jurisdictions.

1. Retail Caps (Square Footage Limitations)

Staff is recommending that developments in excess of 65,000 square feet be prohibited in the Commercial Low (CL) Future Land Use (FLU) category. The PBC Comprehensive Plan states “CL uses shall include a limited range of neighborhood-oriented commercial activities designed primarily to provide services to adjacent residential uses” (3). The 65,000 figure is based on some of the larger grocery stores that might be proposed in the near future. This provision might also be applied on a case-by-case basis for smaller stores such as a toy store, where its apparent the use is does not serve the surrounding community.

Recent trends in increasing the overall size of Big Boxes can result in abandoned retail facilities that no longer provide for sufficient space, parking, or proximity to market share. This race to increase Big Box size suggests that many existing and/or new facilities may have shortened a shortened lifespan, which may be abandoned for better and bigger locations. This trend creates even bigger public eyesores given the need for Big Boxes to be located with highly visible frontages. Providing for a cap on building square footage in conjunction with requirements designed to improve the aesthetic appearance and overall function of Big Boxes will help to reduce the current trend of abandoning smaller stores in favor of constructing larger stores for the same tenant.

ATTACHMENT 2
BIG BOX ORDINANCE
“WHITE PAPER”

In addition, staff is also recommending that no retail Big Boxes be permitted in excess of 200,000 square feet (approximately 4.6 acres of building). This figure is based on the current maximum size of stores recently approved in PBC, and to ensure proposed code language will address impacts.

2. Architecture

The term “Big Box” was coined from the obvious rectangular box like appearance of many large single-tenant commercial retail developments. These box like developments are generally constructed from a retailers standardized floor plan, have a single floor warehouse style with no windows, use industrial building materials, include a strong use of corporate colors, and oftentimes have little or no aesthetic appeal.

Amendments to the Architectural Guidelines of the ULDC are being proposed to help enhance the traditional Big Box appearance, by softening the visual impacts of large facades through the use of increased parapet articulation, recesses and projections, the addition of windows that allow for 70 percent transparency, a minimum of two types of building materials at a 70/30 ratio, and a requirement for covered walkways/arcades. Higher front-end investment in the appearance of a facility may also help lengthen the timeframe needed to maximize the usefulness of a particular development.

Examples:

- *City of Portland Oregon: Requires a use of building materials and design features that promote permanence and quality (1).*
- *City of Fort Collins Colorado: Requires articulation in facades greater than 100 feet in length; variations in roof parapets; architectural features and patterns that provide visual interest; use of arcades and windows; and, aesthetically pleasing materials and colors, among others.*
- *Pasco County, Florida: Requires improved architectural improvements to all single retail tenants greater than 25,000 square feet in size; uninterrupted facades shall not exceed 100 feet in length; use of upgraded materials; etc.*

3. Location of Entrances, Traffic and Parking

Big Box retailers often overshadow the surrounding communities shopping needs, resulting in reliance upon automobile dependant shoppers, which are generally parked along the front façade of the store resulting in a “Sea of Parking.” Increased traffic creates noise pollution and air pollution. The need for large surface parking lots also reduces the amount of native vegetation that can be successfully incorporated into the site design.

In an effort to break up the “Sea of Parking” and reduce the scale of paved surfaces typically found in front of a Big Box, staff is recommending the following: Requirement for a secondary public entrance; a minimum of 25 percent of required parking shall be distributed along the side and rear of a Big Box, of which a minimum of 15 percent shall be located immediately fronting a secondary public entrance.

Examples:

- *City of Fort Collins, Colorado: Limits the amount of parking between the front façade and abutting streets.*
- *Pasco County, Florida: Facades with customer entrances require upgraded entryways, with features such as canopies/porticos, arcades, overhangs, windows, and pedestrian amenities, among others.*

4. Pedestrian Connectivity/Amenities

While the ULDC has several requirements to ensure a safe and continuous non-vehicular pedestrian system, the overall scale of development and associated sea of parking can reduce the effectiveness of these pedestrian pathways.

ATTACHMENT 2
BIG BOX ORDINANCE
“WHITE PAPER”

Staff is recommending that pedestrian amenities and pathways be increased for Big Boxes to improve pedestrian access to the building and within the site, as well as to create a sense of place, by reducing the massing and scale of the building.

Example:

- City of Fort Collins, Colorado: Requires pedestrian ways be anchored by special design features such as towers, porticos, planter walls, etc. Requires the use of patios, seating areas, decorative features, window shopping and other improvements to enhance the sense of community.

5. Landscaping

In many instances, Big Box developers provide landscaping improvements that may exceed local code requirements. However, large building facades and the sea of parking referenced above often overburden such landscaping. The BCC has consistently directed staff to include conditions of approval that ensure limited visibility from adjacent streets.

Staff is recommending that perimeter buffers adjacent to streets and residential uses be upgraded to be consistent with recent BCC direction and conditions of approval. In addition, staff is recommending that building foundation planting areas and materials be increased to be consistent with the overall size and mass of the adjacent façade.

Examples:

- *BCC Conditions of Approval: R-O-W buffers with a minimum width of 50 feet where adjacent to streets, with increased material, use of berms and pedestrian walkways; increased foundation planting widths and material; and other pedestrian amenities with landscaping.*

Sources:

- Source: Managing Maryland's Growth: Models and Guidelines – “Big Box Retail Development,” Maryland Department of Planning, October 2001
- Controlling Big Box Development in Georgia. Land Use Clinic, University of Georgia Law School. October 2003
- City of Ashland, Oregon. “Big Box Ordinance 2900” September 23, 2003.
- Source: Design Standards and Guidelines for Large Retail Establishments. City of Fort Collins, Colorado. 1995
- A Few Places are Staring Down Big Box Retailers. Sylvia Rains.
- St. Petersburg Times Editorial. “Smaller Big Box is Win for County” June 10, 2004.
- The Preservation Trust of Vermont. “When a Giant Retailer Moves on, it Leaves it's Big Boxes Behind” Stacy Mitchell, Monday, January 8, 2001
- American Independent Business Alliance and ReclaimDemocracy.org “Littering the West With Dead Malls and Vacant Superstores” Stacy Mitchell and Jeff Milchen, June 2002
- 1000 Friends of Wisconsin and the Land Use Institute. “Corporate Architecture” June 2004

PALM BEACH COUNTY

**LAND DEVELOPMENT REGULATION ADVISORY BOARD (LDRAB)
LAND DEVELOPMENT REGULATION COMMISSION (LDRC)**

Minutes Of December 9, 2004 Meeting

On Thursday, December 9, 2004 at 2.00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB) met in the Fourth Floor Conference Room, at 100 Australian Avenue, West Palm Beach, Florida, for their meeting:

A) Call to Order/Convene as LDRAB.

1) Roll Call

Vice Chair D. J. Snapp called the meeting to order at 2:20 p.m. Izabela Aurelson, Planner I, Zoning, called the roll.

Members Present

David Carpenter
Joanne Davis (left at 3:35 p.m.)
Stephen Dechert
Larry Fish
John Glidden (left at 3:20 p.m.)
Maurice Jacobson
Barbara Katz
Martin Klein
Ron Last (arrived at 4 pm)
D. J. Snapp, III
Brian Waxman (alternate) *

Members Absent

Wesley Blackman
Rosa Durando
Barbara Noble
Frank Palen (alternate)*

Members Present - 11

Members Absent - 4

*Includes 2 alternates

COUNTY STAFF PRESENT:

Robert T. Buscemi, R.A, Principal Planner, Zoning
William Cross, Senior Planner, Zoning
Bruce Thomson, Senior Planner, Planning
Izabela Aurelson, Planner I, Zoning
Christa Balcarczyk, Code Revision Secretary (Temp), Zoning
Jamie Marcus – Intern, Zoning
Lenny Berger, Assistant County Attorney

2) Additions, substitutions and deletions

A Big Box Summary of Amendments and photos of good/bad examples were presented.

3) Motion to adopt agenda

A motion was made by Maurice Jacobson, seconded by Stephen Dechert, III, to adopt the agenda. The motion passed unanimously (10-0).

4) Adoption of November 10, 2004 LDRAB Minutes

A motion was made by D. J. Snapp, seconded by Barbara Katz, that the minutes should provide more details of the approved amendments. The motion passed unanimously (10-0). Staff to revise minutes and resubmit for adoption.

B) ULDC Amendments

1) Attachment B, Big Box Ordinance

John Glidden discussed in detail the architectural guidelines developed (windows, buffers, parking) and their effects on buildings of 65,000 sq ft vs. 200,000 sq. ft. He had drawings prepared to show practicality of parking area allocation percentages as well as the proportions of the front façade. He felt an all-encompassing code to be very difficult to accomplish.

Barbara Katz had examples of a trend to smaller “boxes” (California, South Carolina) where the community got involved in the process. Larry Fish agreed. David Carpenter argued that even a very large “Big Box” could be made to look like smaller store or a mall.

John Glidden left at 3:20 pm and the quorum was lost at 3:35 pm when Joanne Davis left.

The remaining members recommended that staff schedule additional LDRAB Architecture Subcommittee meetings to allow Big Box representatives an additional opportunity to address concerns with proposed Ordinances.

C) Convene as the Land Development Regulation Commission (LDRC)

Not Applicable.

D) Reconvene as the Land Development Regulation Advisory Board (LDRAB)

E) Public Comments

Several representatives from large-scale retailers such as Wal-Mart, Lowe’s as well as engineering and financial companies (Creech Engineers, Atlantic Commercial Group, Ruden McCrosky, Kimley-Horn Associates) gave their point of view and asked for additional subcommittee meetings. Staff agreed to conduct at least two additional subcommittee meetings, and be available for consultation to answer any questions

Store access as well as shipping/delivery areas were also discussed.

Derrick Cave from Kimley-Horn spoke regarding service areas in the back and concerns about public parking in that area.

F) Staff Comments

There were no staff comments

G) Adjourn

The Land Development Regulation Advisory Board meeting adjourned at 3:55p.m.

Recorded tapes of all Land Development Regulation Advisory Board are kept on file in the Palm Beach County Zoning/Code Revision office.

BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
1	Art.5.C.1 Architectural Guidelines Page 35 of 63	<p><u>I. Large Scale Commercial Development</u> <u>Large Scale Commercial Development shall be defined as any large single tenant retail use, with or without accessory tenants, in a single building, between 65,000 and 200,000 gross square feet. These regulations shall apply to all new developments and developments meeting the requirements of Art. 5.C.1.D, Effect.</u></p> <p><u>1. Single Tenant Limit</u> <u>Deviations from these requirements shall not be permitted.</u></p> <p><u>a. CL FLU</u> <u>The maximum building size for a single tenant shall be 65,000 gross square feet.</u></p> <p><u>b. CH FLU</u> <u>The maximum building size for a single tenant shall be 200,000 gross square feet.</u></p> <p><u>2. Façade Orientation</u> <u>For the purposes of this section, façade orientation shall be defined as follows:</u></p> <p><u>a. Front façade:</u> <u>The wall of a building containing the principal public entrance. The front façade is generally located parallel with and facing the principal parking area for the building.</u></p> <p><u>b. Side A façade:</u> <u>The wall of a building containing a secondary public entrance. The Side A façade is generally located parallel with and facing secondary parking area for the building.</u></p> <p><u>c. Side B façade:</u> <u>Any side building façade not having a secondary public entrance.</u></p> <p><u>d. Rear façade:</u> <u>The rear wall of a building generally opposite the front façade.</u></p> <p><u>3. Single Tenants 65,000 Gross Square Feet or More</u> <u>Developments with single tenants occupying 65,000 gross square feet or more shall be subject to the requirements of Table 5.C.1.I-12, Large Scale Commercial Development.</u></p>	Amendment – To provide additional design standards to address visual blight and/or increased traffic created by large-scale single tenant commercial development s.

Table 5.C.1.I-12, Large Scale Commercial Development

<u>Façade Requirements</u>	<u>Front</u>	<u>Side A (1)</u>	<u>Side B</u>	<u>Rear</u>
<u>Roofline – Parapet Articulation</u>	<u>5 feet</u>	<u>5 feet</u>	<u>2.5 feet (2)</u>	<u>2.5 feet (2)</u>
<u>Façade – Recesses and Projections (3)</u>	<u>Option 1: 15 foot depth for 20%; or Option 2: 15 foot depth for 15%, and 5 foot depth for 15%</u>	<u>10 foot depth for 20% (2)</u>	<u>5 foot depth for 20% (2)</u>	<u>5 foot depth for 20%</u>
<u>Fenestration Details – Windows (3)</u>	<u>1.6 sf per lf of façade</u>	<u>0.8 sf per lf of façade</u>	<u>Not Required</u>	<u>Not Required</u>
<u>Exterior Treatment – Use of Building Materials</u>	<u>Minimum of 2 types – 70%/30% ratio</u>			
<u>Covered Walkways/Arcades</u>	<u>70%</u>	<u>30%</u>	<u>Not Required</u>	<u>Not Required</u>
<u>Location of Required Parking</u>	<u>75% maximum</u>	<u>25% minimum side and/or rear (6)</u>		
<u>Foundation Planting % of Façade Length (4)</u>	<u>Min. 50%</u>	<u>Min. 50%</u>	<u>Min. 50%</u>	<u>Min. 20%</u>
<u>Width of Foundation Plantings (5)</u>	<u>50% of façade height</u>	<u>50% of façade height</u>	<u>12 feet</u>	<u>12 feet</u>
<u>Perimeter Buffers</u>	<u>Perimeter buffers shall be in accordance with Art. 7.F.10, Large Scale Commercial Development</u>			

Notes

- 1. Any side or rear façade with a secondary public entrance shall meet the requirements of Side A above.**
- 2. Front façade requirements shall be used for any façade that is oriented towards a street.**
- 3. Percentage as a total length of façade.**
- 4. The percentage length shall be in accordance with Table 5.C.1.I-12, Large Scale Commercial Development, or Table 7.C.3-1, Minimum Tier Requirements, whichever is greater.**
- 5. Minimum width: 12 feet.**
- 6. A minimum of 15 percent of the parking shall be located immediately fronting a Side A entrance.**

Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
1	Art.5.C.1 Architectural Guidelines Page 35 of 63 Continued	<p>a. <u>Roofline</u></p> <p>1) <u>Parapet Articulation</u></p> <p>a) <u>Articulation in parapet shall be required with a minimum of five feet for front and side A facades, and any façade oriented towards a street; and, two and one half feet for side B and rear facades.</u></p> <p>b) <u>A Parapet return is required with a length equal to or exceeding the required parapet articulation.</u></p> <p>b. <u>Facade</u></p> <p>1) <u>Recesses/Projections</u></p> <p><u>Facades greater than 100 feet in length shall incorporate recesses and projections along the total length of the façade, in accordance with Table 5.C.1.I-12, Large Scale Commercial Development. Required recesses and projections shall be distributed along the façade with a maximum spacing of 150 feet. Recesses and projections shall be from finished grade to roofline.</u></p> <p>2) <u>Fenestration Details</u></p> <p>a) <u>Windows</u></p> <p><u>Windows shall be provided in accordance with Table 5.C.1.I-12, Large Scale Commercial Development.</u></p> <p>(1) <u>A minimum of 70 percent of windows on front and side A facades shall be transparent, or window box display. The remaining 30 percent may be non-transparent.</u></p> <p>(2) <u>Windows shall be at pedestrian scale.</u></p> <p>3) <u>Exterior Treatment</u></p> <p>a) <u>A minimum of two different types of building materials shall be used, with a 70 percent-30 percent ratio. A change in stucco or use of windows will not count toward meeting this requirement.</u></p> <p>b) <u>Exposed gutters or rain leaders are permitted if decorative in nature.</u></p> <p>4) <u>Covered Walkways</u></p> <p>a) <u>Facades with a public entrance shall provide covered walkways along a minimum of 70 percent of the overall length of the front façade, and 30 percent of the overall length of side A facades.</u></p> <p>b) <u>Covered walkways shall be a minimum of 10 feet in width, unobstructed, with appropriately spaced columns and pitched roofs.</u></p> <p>c. <u>Public Entrances</u></p> <p>1) <u>A minimum of one public entrance shall be provided along the front façade.</u></p> <p>2) <u>One additional secondary public entrance shall be provided on a side façade, subject to the following:</u></p> <p>a) <u>The secondary entrance shall be accessible to the public during the same business hours as the primary entrance, or from 10 a.m. to 6 p.m., whichever is less.</u></p> <p>b) <u>Secondary public entrances shall be located a minimum distance of 25 percent of the length of the side A façade, from the corner of the front facade.</u></p>	Amendment – To provide additional design standards to address visual blight created by large scale single tenant commercial developments. s. Continued

Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

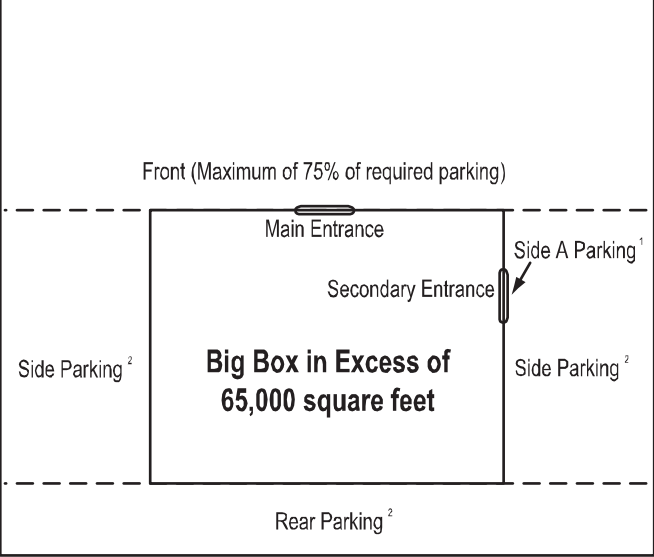
BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
1	Art.5.C.1 Architectural Guidelines Page 35 of 63 Continued	<p><u>d. Pedestrian Amenities</u></p> <p>1) <u>One public amenity shall be provided for every 50,000 square feet, or fraction thereof, including but not limited to public art; (not depicting any advertising); fountains (of at least eight feet in height, 16 feet diameter; pergolas; bell or clock tower; and public seating areas (not in conjunction with a restaurant). Required pedestrian amenities shall be a minimum of 800 square feet and 25 feet in width.</u></p> <p>2) <u>A minimum of two pedestrian pathways a minimum of ten feet in width leading from the furthest parking spaces to public entrances shall be required. These pathways shall incorporate the use of decorative pavement, trellises, seating, pergolas, arbors, gazebos and landscaping.</u></p> <p>[Renumber accordingly.]</p>	Amendment – To provide additional design standards to address visual blight created by large scale single tenant commercial development s. Continued
2	Art.6.A.1.D.2.c Rear Parking [Related to Location of Required Parking] Page 15 of 39	<p><u>c. Location of Front, Side and Rear Parking</u></p> <p>A minimum of ten percent of the required parking spaces shall be located at the rear or <u>side and/or rear</u> of each building it is intended to serve. A public pedestrian walk shall connect the parking areas to a store entrance. Such pedestrian access way shall be a minimum of four feet in width, clearly marked, well lighted and unobstructed.</p> <p>1) <u>Large Scale Commercial Development</u> <u>Developments with single tenants occupying 65,000 gross square feet or more shall locate parking in accordance with Figure 6.A.1.D-3, Location of Front, Side and Rear Parking, as follows:</u></p> <p>a) <u>A maximum of 75 percent of required parking shall be located at the front.</u></p> <p>b) <u>A minimum of 15 percent of required parking shall be located immediately fronting a side A entrance.</u></p> <p>c) <u>A minimum of 25 percent of the required parking spaces at the side or rear, as indicated in Figure 6.A.1.D-3, Location of Front, Side and Rear Parking.</u></p>	Amendment – To revise parking standards to address visual blight created by large scale single tenant commercial development s.
3	Art. 6.A.1.D-3 Off Street Parking Page 32 of 63.	See new figure below	Amendment – Add figure to clarify how to determine location of front, side and rear parking areas.

Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
<p>Figure 6.A.1.D-3 <u>Location of Front, Side and Rear Parking</u></p>  <p>(1) <u>A minimum of 15 percent of required parking shall be located immediately fronting a side A entrance.</u> (2) <u>A minimum of 25 percent of required parking shall be located on the side or rear.</u></p> <p>[Renumber all subsequent figures accordingly.]</p>			
4	Art.7.D.11 Foundation Plantings Page 25 of 52	<p><u>E. Large Scale Commercial Development</u> <u>In addition to the requirements of this Code, developments with single tenants occupying 65,000 gross square feet or more shall be subject to the following foundation planting standards:</u></p> <ol style="list-style-type: none"> <u>1. Dimensional Requirements</u> <ol style="list-style-type: none"> <u>a. Planting areas shall be in accordance with Table 5.C.1.1-12, Large Scale Commercial Development, or Table 7.C.3-1, Minimum Tier Requirements whichever is greater.</u> <u>b. Foundation planting shall meander along building facade, and shall not be entirely located at the base of the building.</u> <u>2. Easements</u> <u>No easement encroachment shall be permitted, except for bisecting utility easements and pedestrian walkways.</u> <u>3. Planting Requirements</u> <ol style="list-style-type: none"> <u>a. One tree or palm for every 15 feet of façade.</u> <u>b. Trees/palms shall be evenly distributed along the façade.</u> <u>c. The height of plant material shall be in relation to the height of the adjacent façade or wall. The height of 50 percent of required trees or palms shall be a minimum of two-thirds of the height of the building.</u> 	Amendment – To provide additional landscape buffering standards to address visual blight created by large scale single tenant commercial development s.

Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
5	Art.7.F Perimeter Buffer Landscape Requirements Page 34 of 52	<p><u>Section 10 Large Scale Commercial Development</u></p> <p><u>A. Perimeter Buffer</u> <u>In addition to the requirements of this Code, developments with single tenants 65,000 gross square feet or more shall be subject to the following standards:</u></p> <p><u>1. R-O-W Buffers</u> <u>The width, berm and planting requirements along streets, thoroughfares and/or other means of vehicular access shall be upgraded as follows:</u></p> <p><u>a. U/S Tier</u> <u>1) A minimum 25 foot wide buffer.</u> <u>2) A three foot high berm.</u></p> <p><u>b. Glades and Rural/Ex Tiers</u> <u>1) A minimum 50 foot wide buffer. If a lake/retention area is located along a R-O-W, the buffer may be split to border the perimeter of the lake, 25' along the street and 25' along the interior side of the lake.</u> <u>2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, shrubs and hedges.</u></p> <p><u>2. Compatibility Buffers</u> <u>The width, berm and planting requirements along property lines adjacent to compatible uses shall be upgraded as follows:</u></p> <p><u>a. U/S Tier</u> <u>1) A minimum 25 foot wide buffer.</u> <u>2) A three foot high berm.</u></p> <p><u>b. Glades and Rural/Ex Tiers</u> <u>1) A minimum 50 foot wide buffer.</u> <u>2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, shrubs and hedges.</u></p> <p><u>3. Incompatibility Buffers</u> <u>The width, berm and planting requirements along property lines adjacent to residential and other incompatible uses, and vacant properties with a residential FLU designation, shall be upgraded as follows:</u></p> <p><u>a. U/S Tier</u> <u>1) A minimum 50 foot wide buffer.</u> <u>2) A four foot high berm.</u> <u>3) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, shrubs and hedges.</u></p> <p><u>b. Glades and Rural/Ex Tiers</u> <u>1) A minimum 50 foot wide buffer.</u> <u>2) Required trees, palms and shrubs shall be double the quantities required under Art. 7.F.2, Trees, shrubs and hedges.</u></p> <p><u>4. Encroachment</u> <u>No easement encroachment shall be permitted in required perimeter buffers, except for bisecting utility easements and required safe sight distance easements not to exceed a maximum of fifty percent of the required buffer width.</u></p> <p><u>5. Perimeter Sidewalk</u> <u>A perimeter sidewalk a minimum of shall be required in all R-O-W buffers 50 feet in width, and shall meander through the buffer.</u></p> <p><u>6. Berm</u> <u>Berms shall be staggered, rolling or offset, as indicated in Figure 7.F.10.A-13, Typical Example of Staggered, Rolling or Offset Berm.</u></p>	Amendment – To provide additional landscape buffering standards to address visual blight created by large scale single tenant commercial developments.

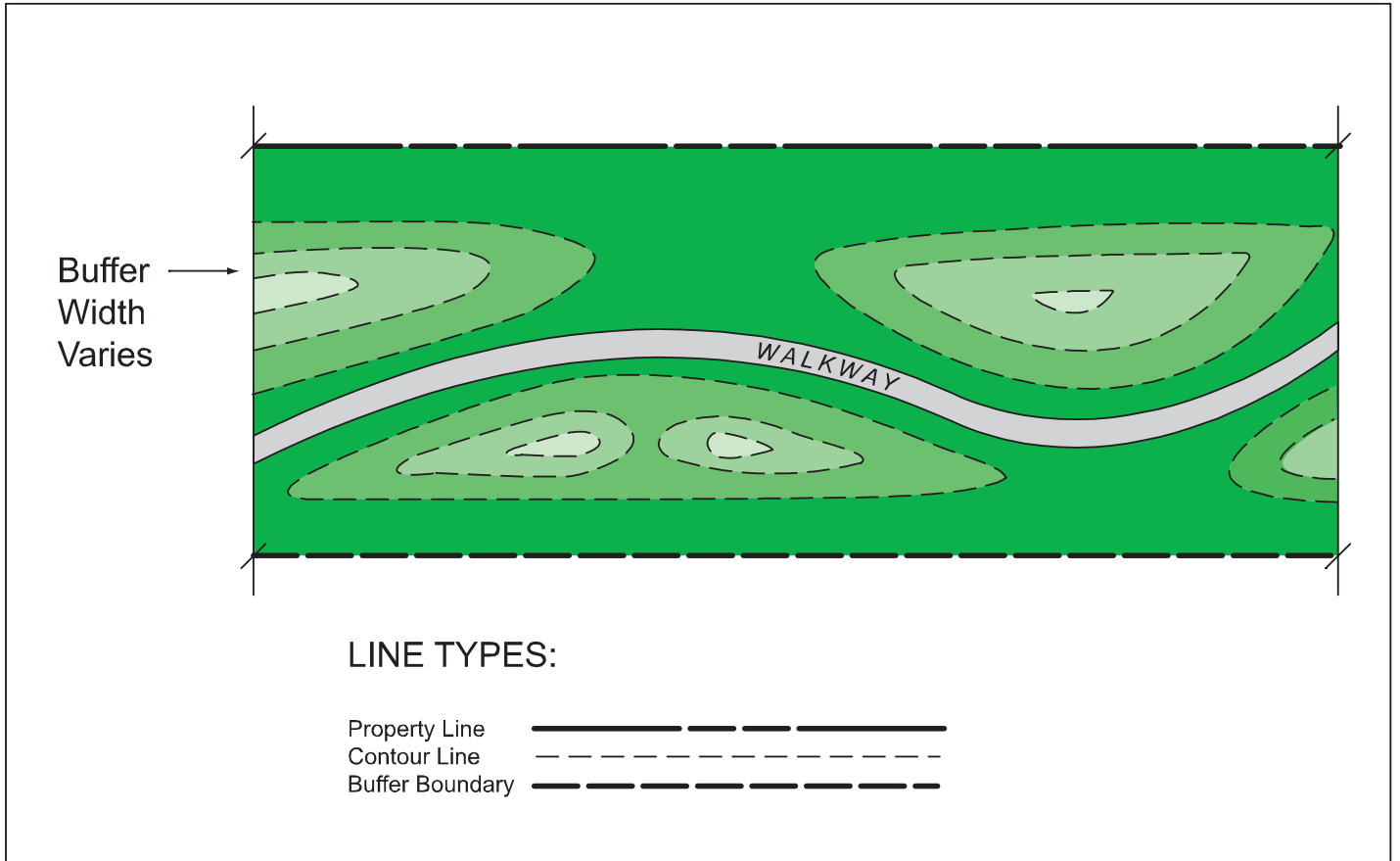
Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.

BIG BOX
SUMMARY OF AMENDMENTS
 Revised 12/29/04

#	ULDC Article/ Section Page Number	Code Provision*	Reason for Amendment
6	Art.7.F Perimeter Buffer Landscape Requirements New Fig.7.F.10.A-13 Page 34 of 52	See new figure below.	Add typical example figure to clarify required berm and pathway configuration

Figure 7.F.10.A-13, Typical Example of Staggered, Rolling or Offset Berm



[Renumber subsequent figures accordingly].

U:\zoning\CODEREV\2004\Ordinances\Big Box\1-5-05 LDRAB Meeting.doc

Notes:

Underlined language indicates proposed new language.
 Language ~~crossed-out~~ indicates language proposed to be deleted.
 ... (ellipses) indicates language not amended which has been omitted to save space.
 Relocated language is shown as *italicized* with reference in parenthesis.