

RESOLUTION NO. 2023-16

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE PETITION FOR A SPECIAL EXCEPTION TO ALLOW A FAST-FOOD DRIVE THROUGH RESTAURANT IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED WITHIN THE RIVER BRIDGE CENTRE ON THE SOUTHWEST CORNER OF FOREST HILL BOULEVARD AND SOUTH JOG ROAD, AS REQUESTED BY THE PETITIONER, ANDREW SAVAGE, AGENT FOR THE OWNER, PUBLIX; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Andrew Savage, Bohler Engineering, hereafter "Petitioner", as agent for the owner, REAL SUB, LLC has submitted a petition for a Special Exception approval to allow a fast-food drive through restaurant to be located within a Commercial Intensive (CI) zoning district, located at 6714 Forest Hill Blvd, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Special Exception to allow for a Fast-Food Drive Through Restaurant within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit "A" dated May 4, 2023, as revised; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on May 11, 2023, for compliance with the Special Exception Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Fast-Food Drive Through Restaurant within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

SECTION 1. The Petition, (SE-21-03), a Special Exception to allow for a Fast-Food Restaurant within a Commercial Intensive (CI) zoning district, is hereby approved. The special exception approval is for the Chick Fil-A Drive-in/Fast Food Restaurant franchise. Any applicants, successors or assigns shall require a new special exception application for review and approval by the City if the franchise vacates the location. New users shall be required to address the criteria for the special exception.

SECTION 2. The approval of Petition SE-21-03 is subject to all conditions contained in the Development Review Committee Staff Report and Recommendation, Exhibit "A", dated May 4, 2023, as revised (attached).

SECTION 3. All resolutions in conflict herewith are hereby repealed.

SECTION 4. This resolution shall be effective upon its adoption subject to the conditions of Petition SE 21-03 and SP 85-12RR.

RESOLVED AND ADOPTED this 2nd of day of October, 2023

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Deputy Mayor

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney