

SE-21-03 (Res 2023-16)  
Exhibit "A"  
May 4, 2023

Revised 05/11/2023 09/18/2023  
08/21/2023  
09/05/2023

	<b>DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION</b>
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**Subject/Agenda Item:**

**Resolution 2023-16: SE-21-03 Special Exception for Drive-Thru at River Bridge Center**

**Consideration of Approval:** A request from Andrew Savage, PE Bohler Engineering, agent for REAL SUB, LLC, for Special Exception approval of a fast-food restaurant with drive-thru facilities within the River Bridge Centre located at 6714 Forest Hill Boulevard.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

<b>Originating Department: Planning &amp; Engineering</b>  Project Manager  _____ Denise Malone, DNS Director	<b>Reviewed By:</b>  Director of Development & Neighborhood Services  _____ Denise Malone
<b>Approved By:</b>  City Manager  _____ Andrea McCue	<b>Public Notice:</b> [ X ] Required [ ] Not Required Date: 4/27/23, 5/25/23, 8/10/23 Paper: Lake Worth Herald  Mailing [ X ] Required [ ] Not Required

<b>Attachments:</b>  Aerial Resolution 2023-16	<b>City Council Action:</b> [ ] Approval [ ] Approve with conditions. [ ] Denial [ ] Continued to: _____
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## **I. Executive Summary**

The applicant is requesting special exception approval for a drive-in/fast food restaurant use in the Commercial Intensive (CI) zoning district. In the Commercial Intensive (CI) Zoning District, a drive-through is permitted subject to special exception approval. The current petition being processed for River Bridge Centre is to construct a 4,997 square foot fast-food restaurant (Chick Fil-A) with a drive-through facility. The fast-food restaurant is a permitted use, while the drive-thru requires a special exception. The proposed restaurant will have access only through the River Bridge Shopping Center.

## **II. Site Data:**

<b>Existing Use:</b>	Commercial Center, Vacant, paved parking
<b>Proposed Use:</b>	Fast-food restaurant with drive-thru facilities
<b>Parcel Control Number(s) :</b>	18-42-44-10-13-000-0010
<b>Parcel Size:</b>	1,197,034.2 square feet (27.48 acres)
<b>Existing Future Land Use Designation:</b>	Commercial (CM)
<b>Existing Zoning District:</b>	Commercial Intensive (CI)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District: Subject Parcel and Plaza</b>			
<b>Direction</b>	<b>Existing Land Use</b>	<b>Future Land Use</b>	<b>Zoning District</b>
<i>North</i>	Olive Tree PUD (Fairway Isle)	Residential (RS-MD)	Residential Medium-2 (RM-2)
	Woodbridge Plaza	Commercial (CM)	Commercial Intensive (CI)
<i>South</i>	River Bridge Centre	Commercial (CM)	Commercial Intensive (CI)
	River Bridge PUD	Residential Medium (RS-MD)	Residential Medium – 2 (RM-2)
<i>East</i>	Applebee's Grill and Bar	Commercial (CM)	Commercial Intensive (CI)
	The Pines PUD	Residential-High Density (RS-HD)	Residential High (RH)
<i>West</i>	Trafalgar Square	Commercial (CM)	Commercial Intensive (CI)
	IHOP	Commercial (CM)	Commercial Intensive (CI)
	River Bridge PUD	Residential-Medium Density (RS-MD)	Residential Medium-2 (RM-2)

## **III. Annexation/Zoning History:**

The approximately 27.48-acre site was voluntarily annexed into the City on October 8, 1973. On January 20, 1986, the City Council granted site plan approval to petition SP-85-12, River Bridge Centre. The majority of the site was then developed with a shopping center including a movie theater, a grocery store, a drug store and professional office space. Since that time, there have

been 12 site plan approvals and 24 modifications related to River Bridge Centre. The uses have remained the same within that time with the exception of the movie theater converting into a gym in accord with SP-85-12(X). The current petition being processed for River Bridge Centre is to construct a 4,997 square foot fast-food restaurant with a drive through facility. In the Commercial Intensive (CI) Zoning District, a drive-through is permitted subject to special exception approval. The proposed Chick-Fil-A restaurant will have access only through the River Bridge Shopping Center.

#### **IV. Applicable Code Provisions:**

- Sec. 16-171 through 178 pertaining to Special Exception.
- Sec. 16-499 (14) pertaining to Drive-ins/Fast Food.
- Sec. 16-496 through 16-506 pertaining to the CI zoning district.
- Sec. 16-1266 through 16-1312 pertaining to landscaping.
- Sec. 16-1331 through 16-1340 pertaining to off-street parking.

#### **V. Summary Of Proposed Development Concept Plan Details:**

Plan Details: The petitioner's Conceptual Site Layout Plan (stamp-dated June 20, 2023) depicts the following:

1. Total land area of 1,197,034.2 sq. ft. (27.48 acres) for the plaza.
2. The removal of 93 parking spaces and four terminal landscape islands.
3. A total existing building floor area of 227,272 sq. ft. for the inline shopping center and an additional 4,680 square foot fast food restaurant with a drive-thru located at the north portion of the site. The project will include 19 new parking spaces.
4. A total of 1345 parking spaces and 43 handicapped spaces. A total of 490 parking spaces for the Outparcels and 19 handicapped parking spaces. Overall, the parking for the plaza will be reduced by seventy-four (74) spaces, but the parcel is still overparked by 185 spaces.
5. One vehicular ingress/ egress access points to Forest Hill Blvd, two access points to Jog Road, and one access to River Bridge Boulevard. The Chick Fil-A restaurant will only have access via the internal accessways within the plaza.
6. Dumpster and recycling area with masonry wall enclosure and opaque gates.
7. Conceptual Engineering Plan.
8. Boundary Survey.

<b>Table 2: Proposed Site Data:</b>			
<b>Area:</b>	<b>Square Footage:</b>	<b>Acreage:</b>	<b>Percentage:</b>
Existing Building Floor Area	227,272 sq. ft.	5.22	18.99 %
Proposed Expansion	4,680 sq. ft.	0.107	0.0039 %
Existing Site Landscape Area	164,897 sq. ft.	3.78	13.77 %
<i>Total Proposed Landscape Area</i>	170,771 sq. ft.	3.92	14.27 %
<i>Total Proposed Building Floor Area</i>	231,952 sq. ft.	5.327	0.194 FAR

## **V. Staff Analysis:**

### *Background:*

The approximately 27.47-acre site was voluntarily annexed into the City on October 8, 1973. On January 20, 1986, the City Council granted site plan approval to petition SP-85-12, River Bridge Centre. The majority of the site was then developed with a shopping center including a movie theater, a grocery store, a drug store, and professional office space. Since that time, there have been twelve site plan approvals and twenty-four modifications related to River Bridge Centre. The uses have remained the same within that time with the exception of the movie theater converting into a gym in accordance with SP-85-12(X).

The current petition being processed for River Bridge Centre is to construct a 4,680 square foot fast-food restaurant with a drive through facility. In the Commercial Intensive (CI) Zoning District, a drive-through is permitted subject to special exception approval. The proposed Chick-Fil-A restaurant will have access only through the River Bridge Shopping Center.

The Development Review Committee on October 13 and 20, 2022 reviewed the special exception request.

### **Development Review Committee Comments:**

<b>Traffic/Engineering:</b>	Incorporated into the staff report.
<b>Building Division:</b>	No comments.
<b>Planning Division:</b>	Incorporated into the staff report.
<b>PBSO District 16.:</b>	No comments.
<b>Public Works Dept.:</b>	No comments
<b>Fire Department:</b>	Incorporated into the staff report
<b>CRS Department:</b>	No comments

## **VI. Special Exception Criteria And Findings Of Fact:**

### **1. The proposed use complies with all relevant Elements of the Comprehensive Plan;**

***Finding:*** The proposed fast-food restaurant with drive through window complies with the Future Land Use, Infrastructure, Intergovernmental and Transportation relevant Elements of the City of Greenacres' Comprehensive Plan. The request complies with the objectives and policies of the City of Greenacres Comprehensive Plan directing growth and development to appropriate areas. A fast-food restaurant is a permitted use in the Commercial Intensive Zoning District and the drive through facility is subject to special exception approval to address and mitigate any impacts from the use of the drive-thru.

### **2. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe will not be adversely affected by the**

**proposed special exception;**

**Finding:** Ingress/egress, for two-way traffic, to the site will be provided from the interior of the River Bridge Shopping Center. The plans have been reviewed by staff for automobile, pedestrian and fire safety and they meet all Code requirements. The City's traffic consultant has reviewed the traffic flow and control of the site for compliance with City Code and has determined that it meets all necessary requirements to ensure safe and efficient vehicular movements. The applicant will be required to maintain a traffic management plan to address service hour queuing and ensure queuing will not block any access points of ingress or egress for the plaza, and address planning for emergency events.

- 3. Off-street parking and loading is provided where required, with particular attention to the items in (2) above will not adversely affect public health and safety;**

**Finding:** Provided off-street parking meets or exceeds the City's code requirements. Since this site is not an outparcel but part of the River Bridge main shopping area, parking spaces are available and accounted for within the shopping center itself. The applicant has designated parking spaces outside their parcel which will be dedicated to the Chick-Fil-A use. A defined loading area has been provided in the front of the store and will only be used during non-operational hours.

- 4. Refuse and service areas provided with particular reference to items (2) & (3) above will not adversely affect public health and safety;**

**Finding:** Waste Management will serve the site for all refuse collection. The recycling and refuse area will be east of the proposed building. The refuse area meets the City code requirements.

- 5. The proposed use will not create a nuisance factor detrimental to adjacent and nearby properties and the City as a whole;**

**Finding:** The proposed development has commercial uses to the north, east, and west. The proposed development is in keeping with the commercial approval for the River Bridge Center. The property will be landscaped along the site's perimeter as well as provided interior landscaping in accordance with code requirements. Any noise generated will not be outside the realm of the commercial shopping center. The proposed use is in keeping with the overall intensive commercial character of the area and will not create any nuisance factors detrimental to adjacent properties. A fast-food restaurant is a permitted use. The drive-through traffic and flow has been evaluated by the City traffic engineer consultant and will not create a nuisance detrimental to the plaza or nearby properties.

- 6. The location, availability, and compatibility of utilities for the requested use will not adversely affect public health and safety;**

**Finding:** All utilities will be provided underground. The site will be served by Palm Beach County Water Utilities. All other utilities will also be provided to the site. Utility easements shall be provided, as necessary.

**7. The screening and buffering of the requested use are consistent with the applicable zoning requirements relative to type, dimension, and character;**

**Finding:** The proposed site plan provides a three (3) foot landscape buffer to the east and west side of the property, and eleven-point five (11.5) foot landscape buffer on the north side of the property, respectively. A landscape buffer is not required on the south side since the parcel fronts the inner roadway of the shopping center. Interior landscaping will also be provided. The buffering will consist of trees, hedges, and ground cover. Air conditioning units will also be screened from view of adjacent properties.

The existing landscape buffer along Forest Hill Boulevard is a non-conforming buffer that was installed after the original approval in 1987. The current requirement would be 25 feet in width, but since the applicant is actually adding width and materials to the buffer, thus reducing the non-conformity, the non-conformity does not require a variance.

**8. Signs and proposed exterior lighting is provided with reference to glare, traffic safety and economic effect, and compatibility and harmony with properties in the district;**

**Finding:** The proposed signs will meet the requirements of the City's Zoning Code. All exterior lighting shall meet City code requirements for limiting spills onto adjacent roadways and the interior of the shopping center.

**9. The requested use appears to meet the required yards and other open space;**

**Findings:** The project complies with interior and perimeter landscaping, and open space requirements. Since the site is not an outparcel but a part of the overall shopping center, the addition of the site does not result in the yard or open space requirements of the overall shopping center being in violation of code. The Chick-Fil-A building will be fifty feet from the front property line, twenty-nine feet from the west property line and 130 feet from the east property line, all which meet or exceeds the setback requirements within a Commercial Intensive zoning district.

**10. Proposed general use is compatibility with adjoining properties and other property in the district;**

**Finding:** The proposed commercial land use (fast food restaurant) is compatible with the existing commercial nature of the River Bridge shopping center and adjacent uses. There are existing fast food restaurants with drive-thrus within the site. The use will not adversely impact any residential use to the south because of the significant distances between the uses, as well as existing buildings. The property is zoned Commercial

Intensive (CI) which permits a fast-food restaurant as a permitted use and a drive-through facility as a special exception use.

**11. The change suggested is not out-of-scale with the needs of the neighborhood or the City;**

***Finding:*** The proposed drive through fast food restaurant is in scale with the surrounding commercial uses. In the River Bridge Center there are existing restaurants on outparcels and several in-line restaurants and many of them include drive-thru lanes. The use also provides service to the surrounding River Bridge PUD residents.

**12. The requested use and structure is consistent with any special requirements set out in the Schedule of District Regulations for the particular use and structure involved;**

***Finding:*** Special requirements for a drive-through facility are that each drive-in stacking lane be clearly defined and designed so as not to conflict or interfere with other traffic utilizing the site. The drive-thru includes two lanes, one of which will be a by-pass lane, as required by Code. According to the documentation submitted, the need of a by-pass lane is minimal during the day and when the restaurant use is heavy, the petitioner shall utilize employees to take orders and move cars along if necessary. An emergency plan has been provided.

**VII. Staff Recommendation:**

***Approval*** of SE 21-03 through the adoption of Resolution 2023-16, with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendations dated May 4, 2023, and Exhibit "B" Conceptual Site Plan, stamp-dated April 12, 2023, as hereafter defined shall apply. (Planning & Zoning)
2. Site and development plan approval shall be required prior to issuance of development permits. (Planning and Zoning)
3. The Special Exception is limited to a 4,680 square foot Drive-In/Fast Food Restaurant. Any modifications to the use or size of the building or change in ownership will require a new or amended Special Exception. (Planning and Zoning)
4. Hours of operation for the Drive-In/Fast Food Restaurant shall be limited to 6:30am to 10:00 pm Monday through Saturday, Closed Sundays. (Planning and Zoning)
5. The applicant shall be required to maintain a City approved traffic management plan to address peak service hour queuing within the plaza site and to address means of emergency aide when the by-pass lane is utilized for queuing. Negative impacts to the plaza will need to be addressed by the property owner and management staff. Queuing shall not be permitted to block any access points of ingress or egress for the plaza or the outparcels. (Planning & Zoning)
6. 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. (Planning & Zoning)

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**PLANNING AND ZONING BOARD OF APPEALS RECOMMENDATION**  
**May 11, 2023**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Fitzgerald and seconded by Board Member Hayes, by a vote of five (5) to zero (0) ***recommended approval*** of ***SE-21-03 (Chick-Fil-A)*** as presented by staff.

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**GREENACRES CITY COUNCIL ACTION – June 5, 2023**

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On June 5, 2023, Special Exception ***SE-21-03 (Chick-Fil-A)*** was postponed to a later date to coincide with the review of the companion site plan request.

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**GREENACRES CITY COUNCIL ACTION – August 21, 2023**

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The City Council on a motion made by Council Member Tharp and seconded by Council Member Bousquet, voting five (5) to zero (0), ***continued*** Special Exception SE-21-03 as presented by staff through Resolution ***2023-16 to the September 5, 2023 City Council Meeting*** to afford more time for crafting additional proposed conditions of approval relating to the drive-thru.

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**GREENACRES CITY COUNCIL ACTION – September 5, 2023**

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The City Council on a motion made by Council Member Tharp and seconded by Council Member Bousquet, voting five (5) to zero (0), ***continued*** Special Exception SE-21-03 as presented by staff through Resolution ***2023-16 to the September 18, 2023 City Council Meeting*** to provide additional time to finalize proposed conditions of approval.

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**GREENACRES CITY COUNCIL ACTION – September 18, 2023**

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The City Council on a motion made by Council Member Diaz and seconded by Council Member Bousquet, voting four (4) to zero (0), *continued* Special Exception SE-21-03 as presented by staff through Resolution ***2023-16 to the October 2, 2023 City Council Meeting*** to provide additional time to finalize proposed conditions of approval.

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**GREENACRES CITY COUNCIL ACTION – October 2, 2023**

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