

RESOLUTION NO. 2023-17

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING THE APPLICATION FOR SITE PLAN APPROVAL TO CONSTRUCT A CHICK-FIL-A FAST FOOD RESTAURANT WITH DRIVE THROUGH IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED WITHIN THE RIVER BRIDGE CENTER AT THE SOUTHWEST CORNER OF SOUTH JOG ROAD AND FOREST HILL BOULEVARD, AS REQUESTED BY THE PETITIONER, ANDREW SAVAGE, AGENT FOR THE OWNER, REAL SUB, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Andrew Savage., hereinafter "Petitioner", as agent for the owner, REAL SUB LLC, has made an application for Site Plan approval for construction of a Chick-Fil-A fast food drive through restaurant within a Commercial Intensive (CI) zoning district, located within the River Bridge Center at the Southwest corner of South Jog Road and Forest Hill Boulevard; and

WHEREAS, the petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning and Engineering Division which, in turn, recommended approval of the Site Plan to allow for construction of a Chick-Fil-A fast food drive through restaurant within the River Bridge Centre with the conditions identified herein; and

WHEREAS, the Planning and Zoning Board of Appeals held a public hearing on July 13, 2023, reviewed the Petitioner's request, and made a recommendation on the petition with a vote of 5 to 0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan for construction of a Chick-Fil-A fast food drive through restaurant within a Commercial Intensive (CI) zoning district located within the River Bridge Center, subject to the conditions of approval and staff recommendation at the August 21, 2023 Public Hearing.

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

SECTION 1. The Petition, SP-85-12RR, a Site Plan is hereby APPROVED for construction of a Chick-Fil-A fast food drive through restaurant with drive through within a Commercial Intensive (CI) zoning district located within the River Bridge Center at the Southwest corner of South Jog Road and Forest Hill Boulevard, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

Legal Description

PCN: 18-42-44-10-13-000-0010 and 18-42-44-10-13-000-0030

Parcel 1, River Bridge Centre, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida recorded in Plat Book 53, Page 186, said lands situate, lying and being in Palm Beach County, Florida

AND

Parcel 3, River Bridge Centre, according to the plat thereof on file in the office of the Clerk of the Circuit Courts in and for Palm Beach County, Florida recorded in Plat Book 53, Page 186, said lands situate, lying and being in Palm Beach County, Florida

SECTION 2. This approval is subject to the following conditions, which shall be the responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit "A" Development Review Committee Report and Recommendation dated July 7, 2023, and Exhibit "B" Site and Development Plans date stamped June 20, 2023, including the following shall apply:
 - a. Overall Site Plan prepared by Bohler and dated May 24, 2023 (Sheet C-4).

- b. Landscaping Plans prepared by Bohler and dated May 1, 2023 (C-701 through C-709)
 - c. Architectural Plans prepared by Chick-fil-A and dated March 31, 2023 and May 10, 2023 (A-201 (May 10, 2023) and A-301 (March 31, 2023))
 - d. Paving, Grading and Drainage Plans prepared by Bohler and dated May 1, 2023 (C-401 through C-402, C-501, C- 601, C-602, and C-901 through C-913)
 - e. Site Layout Plans and Photometric prepared by Bohler and dated May 1, 2023 (C-101 through C-103, C-201, C-301 through C-303)
 - f. Survey prepared by Brown and Phillips, Inc. and dated January 14, 2021 (Sheets 1 and 2)
2. The site shall be developed in accordance with the approved Special Exception (SE 21-03) (PLANNING)
3. Permits from the South Florida Water Management District and Lake Worth Drainage District for the stormwater management system must be obtained prior to the issuance of building permits (ENGINEERING)
4. Permits from the Health Department for the water and sewer system must be obtained prior to the issuance of building permits if the shopping center's water and sewer systems were not designed to accommodate the outparcel. (ENGINEERING)
5. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of the S.F.W.M.D. must be submitted for review along with complete paving, drainage, water, and sewer construction plans prior to the issuance of building permits. (ENGINEERING)
6. All utilities shall be provided underground. (ENGINEERING)
7. The project shall participate in the City Tree Dedication Program; one (1) tree to be donated per 1,000 sq. ft. of building area or a fraction thereof, therefore **five (5)** Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft., and 5 ft. spread. (PLANNING)
8. The project shall be required to pay the City's impact fees of \$2.80 per square foot of buildable area per Section 16-201. The amount of **\$13,104** shall be paid at the time of issuance of building construction permits. (PLANNING)
9. The building shall be required to be protected with automatic fire detection and alarm systems in accordance with standard seventy-two of the NFPA. The systems shall be monitored by an approved central station. (FIRE)
10. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (PLANNING)

11. A bicycle rack accommodating a minimum of 5 bikes is required on site. Current site plan has it located on the south side of the building. (PLANNING)
12. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate the protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if the existing material to remain is unsuitable for buffer purposes. (PLANNING)
13. Other than the approved menu board speaker at the Drive-In/Fast Food Restaurant drive-thru, no outdoor speakers shall be permitted. (PLANNING)
14. Outdoor storage of materials and equipment (i.e., merchandise, pallets, etc....) is prohibited. (PLANNING)
15. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size and quantity in accord with the tree credits in table 16-1271 of the City of Greenacres Code. (PLANNING)
16. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2024 unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (PLANNING)
17. All roof top mechanical equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted equipment (air conditioning, backflow preventor, etc....) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (PLANNING)
18. 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)
19. If required, the site plan shall be revised to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (PLANNING)
20. A Certificate of Occupancy shall be issued only after compliance with all conditions of approval. (BUILDING)
21. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or the certificate of occupancy. (PLANNING)
22. The applicant shall be required to maintain a traffic management plan to address peak service hour queuing within the plaza site. Negative impacts to the plaza will need to be

addressed by the property management staff. Queuing shall not be permitted to block any access points of ingress or egress for the plaza. The management plan shall include planning for emergency events when the by-pass lane is being used for queuing. (PLANNING)

SECTION 3. This resolution shall be effective upon its adoption.

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RESOLVED AND ADOPTED this 5th of day of September 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