



**TOWN LAKE OF PARK
TOWN COMMISSION
STAFF REPORT
MEETING DATE: July 19, 2023**

APPLICATION: Texas Roadhouse

SUMMARY OF APPLICANT'S REQUEST: On behalf of Congress Avenue Properties LTD ("Property Owner" and "Applicant"), Emily Bernahl of Bernahl Development Services ("Agent") is requesting site plan approval for a one-story, 7,926 SF Texas Roadhouse Restaurant. The proposed development is consistent with the Town of Lake Park's adopted regulations for the C-2 Business District.

The Subject Property is located south of Watertower Road and east of Congress Avenue in the Town of Lake Park as denoted in the location map. It is comprised of the following parcel, which totals 2.99 acres:

- Parcel 1 – PCN: 36434219260010010

Planning & Zoning Board Meeting – June 5, 2023 (Recommended Approval at a Vote of 3-0)

This application was brought before the Planning and Zoning Board on June 5 and received a recommendation of approval with the following conditions and comments:

(1) Re-review the landscape plans in relation to the photometric plans to ensure that vegetation at planting and at maturity will not pose any conflicts with the parking lot lighting.

To address this condition of approval, staff worked with the applicant to have their photometric consultant redesign their planting selection and make alterations based on these concerns. These modifications were then checked over by both the Town's landscape and photometric reviewers, who determined the changes to be in compliance with Town Codes, resolving this comment.

(2) Condition the operation of the loading space to ensure there are no drive-aisle conflicts; the P and Z Board had concerns about possible conflicts with the operation of the loading space and recommended it be conditioned to only operate outside regular business hours, which the applicant accepted. The applicant anticipates their deliveries outside regular restaurant business hours and accordingly condition 15. herein has been added to formalize this.

(3) Ensure that the proposed drainage system functions and has available capacity; this project received civil engineering approval for drainage, however there was a comment from the Town's consultant engineer pertaining to the system type, with the engineer recommending an exfiltration trench for its maintenance and cost-effectiveness. This has been added under condition 14.

Additionally on drainage, the P and Z Board had concerns regarding available stormwater retention capacity, so staff followed up with our civil engineering reviewer and posed the question about available system capacity. Civil Engineer Tara Bamber, in a 6/13/23 email, confirmed the proposed

retention areas will hold the required ½” pre-treatment volume per South Florida Water Management District standards.

PW Stormwater also noted drainage is not in our jurisdiction here and approval is handled by the Northern Palm Beach County Improvement District (NPBCID). During the staff review phase, staff requested that the applicant secure a letter of approval from the NPBCID for the drainage concept and construction over their easement, which we are still waiting for as of this time. A condition of approval has been added under 8. requiring that this approval be provided prior to the issuance of a building permit.

BACKGROUND:

Owner & Applicant(s):

Agent and Consultant:

Location:

Net Acreage (total):

Legal Description:

Existing Zoning:

Future Land Use:

Congress Avenue Properties LTD

Emily Bernahls, Bernahls Development Services

280 N Congress Ave

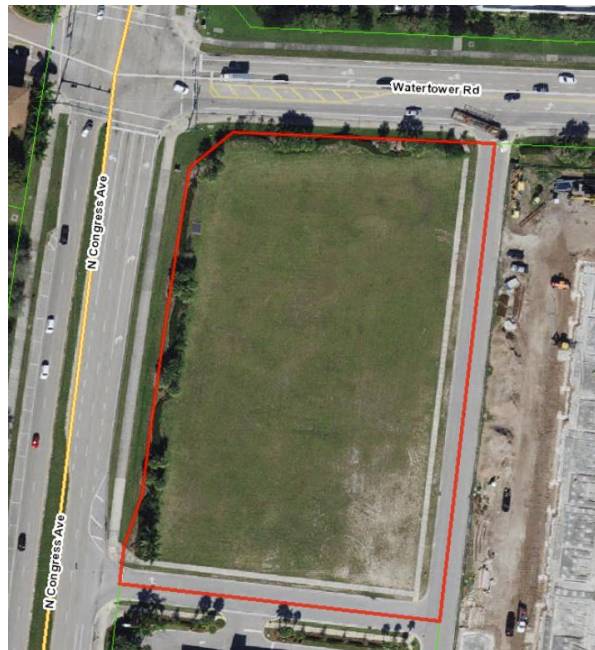
2.99 acres

See survey enclosed in packet.

C-2

Commercial and Light Industrial

Figure 1: Aerial View of Site (image not to scale; for visual purposes only)



LAKE PARK ZONING MAP



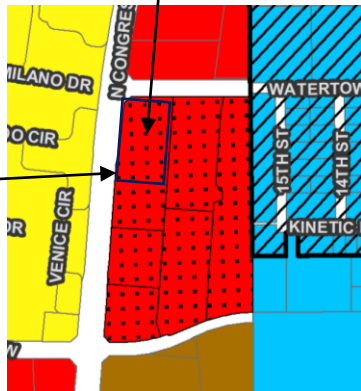
Lake Park Zoning Map



Legend

TOWN BOUNDARY	C1 BUSINESS DISTRICT	C4 BUSINESS DISTRICT	PADD PARK AVENUE DOWNTOWN DISTRICT	R2 MULTIPLE FAMILY RESIDENCE DISTRICT
Planned Unit Development Overlay	C1B NEIGHBORHOOD COMMERCIAL DISTRICT	CLIC CAMPUS LIGHT INDUSTRIAL & COMMERCIAL	R1 SINGLE FAMILY RESIDENCE DISTRICT	R2A MULTIPLE FAMILY RESIDENCE DISTRICT
NBOZ Overlay	C2 BUSINESS DISTRICT	CONSERVATION	R1A SINGLE FAMILY RESIDENCE DISTRICT	TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT
CRA Overlay	C3 BUSINESS DISTRICT	MU MIXED USE	R1AA RESIDENCE DISTRICT	
FHMUDO Federal Highway Mixed Use District Overlay		P PUBLIC DISTRICT	R1B TWO FAMILY RESIDENCE DISTRICT	

Subject
Site



Adjacent Zoning:

North: C-2 Business District

South: C-2 Business District

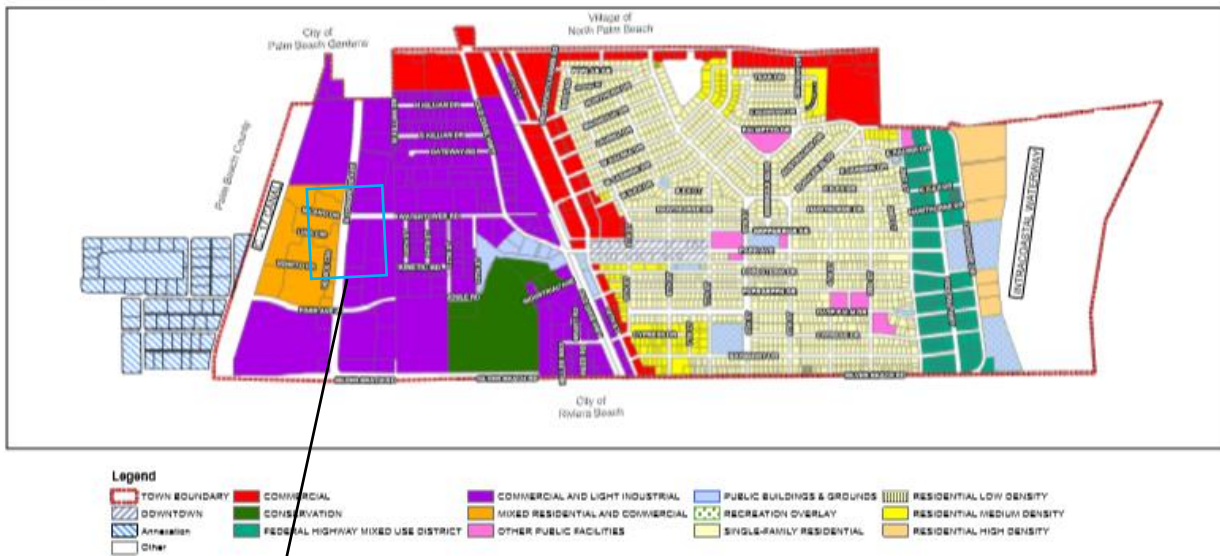
East: C-2 Business District

West: TND Traditional Neighborhood District

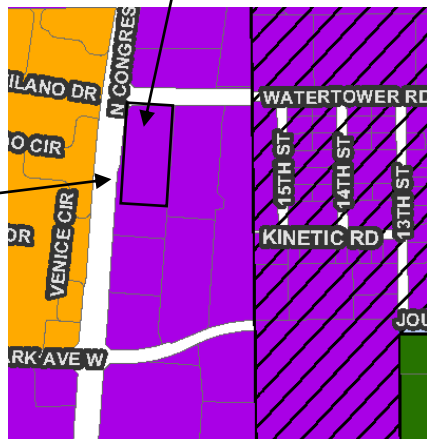
LAKE PARK FUTURE LAND USE MAP



Lake Park Future Land Use Map



Subject Site



Adjacent Existing Land Use

North: Commercial and Light Industrial
 South: Commercial and Light Industrial
 East: Commercial and Light Industrial
 West: Mixed Residential and Commercial

PART I: SITE PLAN APPLICATION

The site plan application for Texas Roadhouse has been reviewed by the Town's consulting Engineers, Landscape Architect, Palm Beach County Fire Rescue, Seacoast Utility Authority, Palm Beach County Sheriff's Office (PBSO) for Crime Prevention Through Environmental Design (CPTED), Lake Park Public Works Staff, the North Palm Beach County Improvement District and Lake Park Community Development Department Staff. Based on these reviews, the project substantially complies with our Land Development Regulations and Comprehensive Plan.

****This project has been noticed by certified mail to property owners within 300 feet on 5/26/23 and advertised in the Palm Beach Post on Friday 5/26/23 ****

SITE PLAN PROJECT DETAILS

Comprehensive Plan: The proposal is consistent with the goals, objectives and policies of the Town's Comprehensive Plan, including:

- ➔ **3.4.2 Objectives and Policies, Policy 1.5:** *The Town shall encourage development and redevelopment activities which will substantially increase the tax base while minimizing negative impacts on natural and historic resources, existing neighborhoods and development and adopted Levels of Service (LOS) standards.*

This development project activates the last vacant parcel at the northernmost edge of the Congress Avenue Planned Unit Development, bringing in a new restaurant business and increasing public interest in the area while not producing any harmful impacts to neighboring districts and adopted Levels of Service.

- ➔ **Future Land Use (FLU) Classification System 3.4.3:** *Lands and structures devoted to light industrial uses with pollutants controlled on site, warehouses, commercial, wholesale establishments, and limited small scale commercial uses that are supportive of workers in the area such as convenience stores and restaurants and that can be carried on unobtrusively, with a maximum F.A.R. of 2.0.*

The current proposal is consistent with the definitional requirement for lands in the Commercial and Light Industrial FLU designation and consistent with the required Floor Area Ratio (FAR) by providing an FAR of 0.06.

- ➔ **Future Land Use Element, Policy 5.2:** *The Town shall foster the redevelopment of declining neighborhoods, underutilized parcels, and areas that demonstrate substandard and/or slum and blight conditions.*

The proposed development will redevelop a currently underutilized (vacant) parcel per the requirements of the Comprehensive Plan.

Zoning: The proposed project is consistent with the requirements of the C-2 Business District, including use, setbacks, building height, and building site area. The project also complies with the supplemental regulations of the general code, which will be further discussed as applicable in the sections below.

Architecture: The unique and charming neo-rustic architecture of this project was given special attention during this site plan review and is compliant with the Town's standards for nonresidential architectural design detailed under Chapter 78, Article XII. The proposal meets the standards set forth for building articulation, façade paint colors, material variation, and decorative features. Architectural features of interest will address all cardinal directions so that drivers traveling Watertower Road, North Congress Avenue, and the intersection of these roads will all be greeted by attractive and inviting facades. Furthermore, the project creates continuity with existing projects in the PUD by bringing in stone block motifs similar to those used on the Aldi, RaceTrac, AutoZone, and Culvers sites, making it the perfect cornerstone for the PUD in its aesthetic vernacular.

Building Site: The total impervious area for the project is 103,734 SF and the pervious area is 26,850 SF, or just over 20% of the total site. The development proposal consists of a one story 7,926 SF restaurant. This structure consists of a first floor dining area, kitchens, an outdoor patio/dining area, and a to-go pickup window.

Site Access and Roadways: This site has been designed with a high degree of roadway and pedestrian integration into the surrounding PUD and the immediate vicinity. Driveway entrances to the project are provided to the east (1 access point) and the south (2 access points) and connect to existing internal roads in the PUD; no new curb cuts are being proposed along public rights of way for this project and instead the project will utilize the previously-established PUD curb cuts on private property. Pedestrian access points have been provided to the east and south near the same driveways, as well as to the west, connecting to the sidewalk on N Congress Ave. These pedestrian access points connect directly to the building entrance by way of stamped textured concrete pathways across drive aisles in accordance with the standards of the architectural code.

Traffic Concurrency: The applicant has received TPS approval from Palm Beach County Traffic as of 6/16/23. Staff also had O'Rourke Engineering review the traffic report provided to Palm Beach County and O'Rourke Engineering approved the methodology of the report and stated they did not anticipate any negative impacts as a result of the proposal, which is in keeping with the uses anticipated in the PUD. The O'Rourke Traffic review approval is dated 5/11/23.

Landscaping: The proposed landscaping plans have been deemed code compliant by the Town's consulting Landscape Architect (JMorton) as of 5/11/23.

As noted in the introduction, following the Planning and Zoning Board meeting, minor changes were made to the landscape plan to ensure there are no conflicts with lighting at planting maturity. JMorton reviewed these changes and had no comments as of 6/20/23.

Photometrics: The photometric plans were reviewed and approved 12/13/22. Photometrics were reviewed again following the comment issued by the P and Z Board to review lighting and planting conflicts and approved 6/15/23.

Paving, Grading and Drainage: The Town's consulting Engineers reviewed and approved the civil plans for this proposal on 5/11/23 with one recommended condition of approval, which reads as follows:

"While the walled retention areas will be accepted, we recommend using exfiltration trench as the proposed drainage system, which will require less maintenance and will be cost effective.

Additional comments will be asked regarding the Stormwater Report during permit review."

This condition has been included in Part II of this report as condition 14.

The Town stormwater division also approved the proposed stormwater retention improvements, but noted that the site is technically under the jurisdiction of the North Palm Beach County Improvement District and therefore they cannot enforce standards. However, as noted, they were satisfied with the stormwater retention being proposed for the NPBCID's jurisdiction.

A letter of approval from the NPBCID was also requested and is pending as of the time of this staff report; standard condition 8, pertaining to permitting from relevant jurisdictions has been modified to make explicit reference to this NPBCID approval, which will be required prior to the issuance of a building permit.

North Palm Beach County Improvement District: A 25' drainage easement belonging to the North Palm Beach County Improvement District runs through the north of the site from east to west. According to the easement recording documents staff reviewed from the Official Records Book of the Clerk of the Court of Palm Beach County, this easement has certain encumbrances associated with development near and around it, which require approval from the NPBCID. As noted in the previous section, a letter of approval from the NPBCID will be required of the applicant prior to building permit issuance.

Parking and Loading: This project meets and exceeds the required parking based on the applicable parking code for a restaurant, which requires 12 spaces per 1,000 square feet. For the proposed 7,926 SF project, the site is only required to have 96 parking spaces by code but is choosing to provide a total of 165, inclusive of 6 ADA spaces. This comes as a result of Texas Roadhouse's operational model, which seeks to have parking sufficient to accommodate a maximum demand scenario.

A loading space in the required dimensions is being provided east of the building near the dumpster area; a condition pertaining to the operation of this loading area has been added under 15. per the recommendation of the P and Z Board.

The site will have a to-go take-out window on the east façade. This window will not be used for drive-thru orders and instead is intended only to serve customers who have ordered ahead. Pasted below is what the applicant provided us when we inquired into the operation of the pick-up window:

“It should be noted that this drive-up concept is unlike a traditional drive through. There is no menu board so customers can not order on site. Additionally, orders can not be paid for at the window, they only accept payment and placement of order via their mobile app. The store can control the number of orders received on any given day. If they are busier attending to the patrons dining in-store, they will shut down the online orders to focus on the customers dining in. The intent of this concept is to pick up and go and their customers do not wait in line for their orders. They are directed to designated to go order parking stalls to wait. The stacking for this concept is roughly two cars, if any.”

Signage: Texas Roadhouse has submitted a master signage plan as part of their site plan proposal. In reviewing the application, staff also conducted a preliminary review of the proposed signage conditions on the site. The applicant proposes two monument signs, one along N Congress Avenue and one along Watertower Road, in addition to several wall and parking lot direction signs. Based on staff’s preliminary review, we found the signage to comply with the regulations of the Town Sign code; an additional review of the proposed signage will be conducted again during the building permit review as part of the signage permitting process, which is standard procedure. Signage will be subject to permit review and approval pursuant to the Codes in place when permits are applied for and reviewed

Water/Sewer: Seacoast Utility Authority reviewed these plans for compliance with their best practices and provided final approval on 5/4/23.

Fire: PBC Fire Rescue reviewed the site plan and found it to be in compliance with PBC Fire Rescue best practices on 5/5/23. An additional round of fire review will be conducted during the building permit phase, which is standard procedure.

PBSO: The Crime Prevention Through Environmental Design (CPTED) review was performed by D/S Adam Pozsonyi at the Palm Beach County Sheriff’s Office and the proposal was found to be compliant with best-practice principles for CPTED on 4/12/23. A high-definition security camera surveillance condition of approval is being recommended, which is a standard condition of approval.

PART II: STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the Site Plan for a Texas Roadhouse restaurant with the following conditions:

1. The Applicant shall develop the Site consistent with the following Plans and the title sheet shall be updated to reflect the following list of plans and their sign and seal dates:

Name	Sheet	Revision Date	Received on
GENERAL			
Land Title Survey	1 of 2	10.7.22	6.14.23
Land Title Survey	2 of 2	10.7.22	6.14.23
Architecture			
Building Elevations	A1	5.22.23	6.14.23
First Floor Plan	A1.1	5.22.23	6.14.23
Building Elevations	A2	5.22.23	6.14.23
Material Board	A3	1.27.23	6.14.23
Dumpster Detail	A1.15	9.19.22	6.14.23
Civil			
Cover Sheet	C000	5.23.23	6.14.23
General Notes	C100	5.23.23	6.14.23
Site Plan	C200	5.23.23	6.14.23
Site Plan	C210	5.23.23	6.14.23
Grading Plan	C300	5.23.23	6.14.23
Utility Plan	C400	5.23.23	6.14.23
Photometric Plan	C410	5.23.23	6.14.23
Photometric Details	C420	5.23.23	6.14.23
SWPPP Phase 1	C500	5.23.23	6.14.23
SWPP Phase 2	C510	5.23.23	6.14.23
SWPPP Notes	C520	5.23.23	6.14.23
Storm Profiles	C630	5.23.23	6.14.23
Construction Details	C700	5.23.23	6.14.23
Construction Details	C701	5.23.23	6.14.23
Construction Details	C702	5.23.23	6.14.23
Construction Details	C703	5.23.23	6.14.23
Construction Details	C704	5.23.23	6.14.23
Construction Details	C705	5.23.23	6.14.23
Erosion Control Details	C800	5.23.23	6.14.23
IRRIGATION			
Irrigation Plan	I100	5.2.23	6.14.23

Irrigation Details	I200	5.2.23	6.14.23
LANDSCAPE			
Landscape Plan	L100	5.23.23	6.14.23
Landscape Details	L200	5.23.23	6.14.23
Landscape Elevations	L300	5.23.23	6.14.23
Landscape Elevations	L301	5.23.23	6.14.23

2. Construction associated with the Project is permitted only between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, except holidays, unless an exception is approved in writing by the Community Development Director (the Director).
3. Any proposed disruption to neighboring street access, surrounding parking areas, or the normal flow of traffic within the rights of way of Watertown Road, N Congress Avenue, or any other right-of-way during the construction of the Site shall be subject to the review and approval of the Director of the Community Development Department (the Director) and any of the agencies responsible for maintaining these roadways. Should any disruption to the normal flow of traffic occur during construction of the Project without prior authorization, upon written notice from the Director, all construction shall cease until the Director has provided the Owner with a written notice to proceed.
4. All landscaping shown on the approved Site Plan and the Landscaping Plan shall be continuously maintained from the date of its installation and the issuance of the Certificate of Occupancy by the Town. The Owner shall replace any and all dead or dying landscaping materials so as to maintain the quantity and quality of the landscaping shown on the approved Site Plan and Landscaping Plan.
5. The Owner shall ensure that all contractors use best management practices to reduce airborne dust and particulates during the construction of the Site.
6. All onsite dumpsters and dumpster screening shall be kept closed at all times. Owner is not responsible for waste haulers leaving doors open temporarily on pick-up day. All required dumpsters shall be acquired from the approved franchise supplier for the Town.
7. Prior to issuance of the Certificate of Occupancy, the Applicant shall provide certification from the Landscape Architect of record that the plant installations for the Project are in accordance with the approved Site Plan (and any minor modifications that are approved through permitting) and the Landscaping Plan or are deemed to be equivalent by the Town's consulting landscape architect.
8. Prior to the issuance of any construction permits, the Applicant shall submit copies of all permits that are required by other agencies and have been obtained from those agencies, including but not limited to the Palm Beach County Health Department, Palm Beach County Land Development Division, South Florida Water

Management District, Northern Palm Beach County Improvement District, and the State of Florida Department of Environmental Protection.

9. Any revisions to any approved plans associated with the Project, shall be submitted to the Department of Community Development (Department), and shall be subject to its review and approval. The Department shall determine whether or not the changes are material enough to require further review by the Town Commission.
10. During the building permit phase, signage permitting (window, wall, freestanding, or other) for the Project shall be submitted through the Town's permitting process with a master sign plan that ensures signage consistency in design and color scheme of the signs to be located on the Site. A sign package illustrating all signs and their colors shall be submitted to the Department through the regular signage permitting process and shall be subject to its review and approval prior to their placement on the Site. Signage will be subject to permit review and approval pursuant to the Codes in place when permits are applied for and reviewed.
11. Within 18 months of the effective date of this Resolution, the Owner shall initiate bona fide development and shall continue with the development of the Site through completion. Failure to do so shall render the Development Order null and void. Once initiated, the development of the Site shall be completed within 18 months.
12. Prior to the issuance of a Certificate of Occupancy or Completion, the Owner shall install High-definition surveillance cameras, which capture clear facial features throughout the parking areas of the Project and along the exterior façades of the buildings on the Site. The location of the camera(s) shall be subject to the review and approval of the Department and PBSO.
13. **Cost Recovery.** All professional consulting fees and costs, including legal fees incurred by the Town in reviewing the Application and in the preparation of this Resolution billed to the Owner shall be paid to the Town within 10 days of receipt of an invoice from the Town. The failure of the Applicant to reimburse the Town within the 10 days from the town's mailing of its invoice will result in the suspension of any further review of plans or building activities, and may result in the revocation of the approved Development Order. A certificate of occupancy will not be issued if invoices are outstanding.
14. While the walled retention areas will be accepted, it is recommended the owner install an exfiltration trench as a component of the drainage system. Additional comments pertaining to this design may be asked regarding the Stormwater Report during permit review.
15. Deliveries to the restaurant shall be made only when the restaurant is not open for business and then no later than an hour before the restaurant is open to the public.