

**Village of Royal Palm Beach
Village Council
Agenda Item Summary**

Agenda Item:

PUBLIC HEARING TO CONSIDER APPLICATION 19-002 (SP, SE, AAR) AN APPLICATION BY ARCHITECT BRUCE CELENSKI, INC. AND ADOPTION OF RESOLUTION 20-04 CONFIRMING COUNCIL ACTION. THE APPLICANT IS SEEKING SITE PLAN, SPECIAL EXCEPTION USE AND ARCHITECTURAL APPROVAL FOR A 3,183 SQUARE FOOT “RESTAURANT WITH DRIVE THROUGH” ON A 0.92-ACRE PARCEL OF LAND LOCATED AT 1351 ROYAL PALM BEACH BOULEVARD; BY BRUCE CELENSKI OF ARCHITECT BRUCE CELENSKI, INC.

Issue:

The Applicant is seeking approval for Site Plan, Special Exception Use, and Architectural Approval in order to develop a 3,183 square foot “Restaurant with drive through” on a 0.92-acre parcel of land located at 1351 Royal Palm Beach Boulevard. A “Restaurant with drive through” is a Special Exception Use within the General Commercial (CG) Zoning District. The site consists of a 0.92-acre outparcel within the Waterway Plaza Planned Commercial Development (PCD) that is currently vacant. It is the Applicant’s intent to construct a new retail building on the site.

The Applicant is also seeking Architectural, Landscape Plan, and Sign approval for the project. The Applicant has supplied building elevation drawings; a sign package; and color and material samples for review.

Overall, the proposed site plan is in conformance with the Village’s requirements for the General Commercial (CG) Zoning District.

The Planning and Zoning Commission considered the application on February 25, 2020, and recommended Approval by a vote of 5-0.

Recommended Action:

Staff is recommending Approval of Application 19-002 (SP, SE, AAR) and Resolution 20-04. This recommendation is contingent upon the approval of the Landscape Waiver requests.

Initiator:	Village Manager	Agenda Date	Village Council
<u>Director of P & Z</u>	<u>Approval</u>	<u>03-19-2020</u>	<u>Action</u>

RESOLUTION NO. 20-04

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, APPROVING LAND DEVELOPMENT APPLICATION NO. 19-002 (SP, SE, AAR) – THE APPLICATION OF ARCHITECT BRUCE CELENSKI, INC. – PERTAINING TO SITE PLAN, SPECIAL EXCEPTION USE AND ARCHITECTURAL APPROVAL FOR A 3,183 SQUARE FOOT “RESTAURANT WITH DRIVE THROUGH” ON A 0.92-ACRE PARCEL OF LAND LOCATED AT 1351 ROYAL PALM BEACH BOULEVARD, IN THE VILLAGE OF ROYAL PALM BEACH, FLORIDA; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Village Council of the Village of Royal Palm Beach, Florida (“Village”), as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166 Florida Statutes, is authorized and empowered to consider applications relating to zoning and land development; and

WHEREAS, the notice and hearing requirements provided for in the Village Code have been satisfied where applicable; and

WHEREAS, Application No. 19-002 (SP, SE, AAR) was presented to the Village Council at its public hearing conducted on March 19, 2020; and

WHEREAS, the Village Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various Village review agencies, boards, and commissions, where applicable; and

WHEREAS, this approval is subject to all applicable Zoning Code requirements that development commence in a timely manner.

NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF ROYAL PALM BEACH, FLORIDA, THAT APPLICATION NO. 19-002 (SP, SE, AAR), THE APPLICATION OF ARCHITECT BRUCE CELENSKI, INC., ON A PARCEL OF LAND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PLEASE SEE EXHIBIT “A” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

Was approved, subject to the following conditions:

PLEASE SEE EXHIBIT “B” ATTACHED HERETO AND INCORPORATED HEREIN BY THIS REFERENCE.

This resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 19th day of March, 2020.

VILLAGE OF ROYAL PALM BEACH

MAYOR FRED PINTO

ATTEST:

(SEAL)

DIANE DISANTO, VILLAGE CLERK

Exhibit A
Legal Description
Dunkin @ Waterway Plaza
19-002 (SP, SE, AAR)
Res. 20-04

Legal Description:

ALL OF LOT C-1, WATERWAY PLAZA PLAT NO 2 ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 71, PAGE 82 OF THE RECORDS OF PALM BEACH
COUNTY, FLORIDA

CONTAINING 0.92 ACRES OF LAND

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

SUBJECT TO ALL PERTINENT MATTERS OF RECORD.

Exhibit B
Conditions of Approval
Dunkin @ Waterway Plaza
19-002 (SP, SE, AAR)
Res. 20-04

1. Development Order:

This development order constitutes approval for:

Site Plan and Special Exception Use and Architectural Approval for a 3,183 square foot "Restaurant with drive through" located on a 0.92-acre site located 1351 Royal Palm Beach Boulevard.

Unless specifically discussed in this condition or subsequent specific conditions of approval, no other approval is granted or implied. All other conditions imposed by previous approvals shall remain in full force and effect unless specifically modified herein.

2. Site Specific Conditions:

- A. The project is subject to and shall remain consistent with the provisions of the Palm Beach County Traffic Concurrency Standards.
- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street



Village of Royal Palm Beach - Staff Report

I. General Data:

Project Name: Dunkin @ Waterway Plaza

Application: 19-002 (SP, SE, AAR) (Res. No. 20-04)

Applicant/Owner: Andrade Associates Limited Partnership
53 Saint Thomas Drive
Palm Beach Gardens, FL 33418

Agent: Architect Bruce Celenski, Inc.
Bruce Celenski
3045 N. Federal Highway, Suite 47
Fort Lauderdale, FL 33306

Request: Site Plan, Special Exception Use, and Architectural Approval for a "Restaurant with drive through" on a 0.92-acre parcel of land located at 1351 Royal Palm Beach Blvd.

Hearings: Planning and Zoning Commission: February 25, 2020
Village Council March 19, 2020

Recommendation: Approval

II. Site Data:

Site Area: 0.92+ acres

Property Control Numbers: 72-41-43-23-13-003-0010

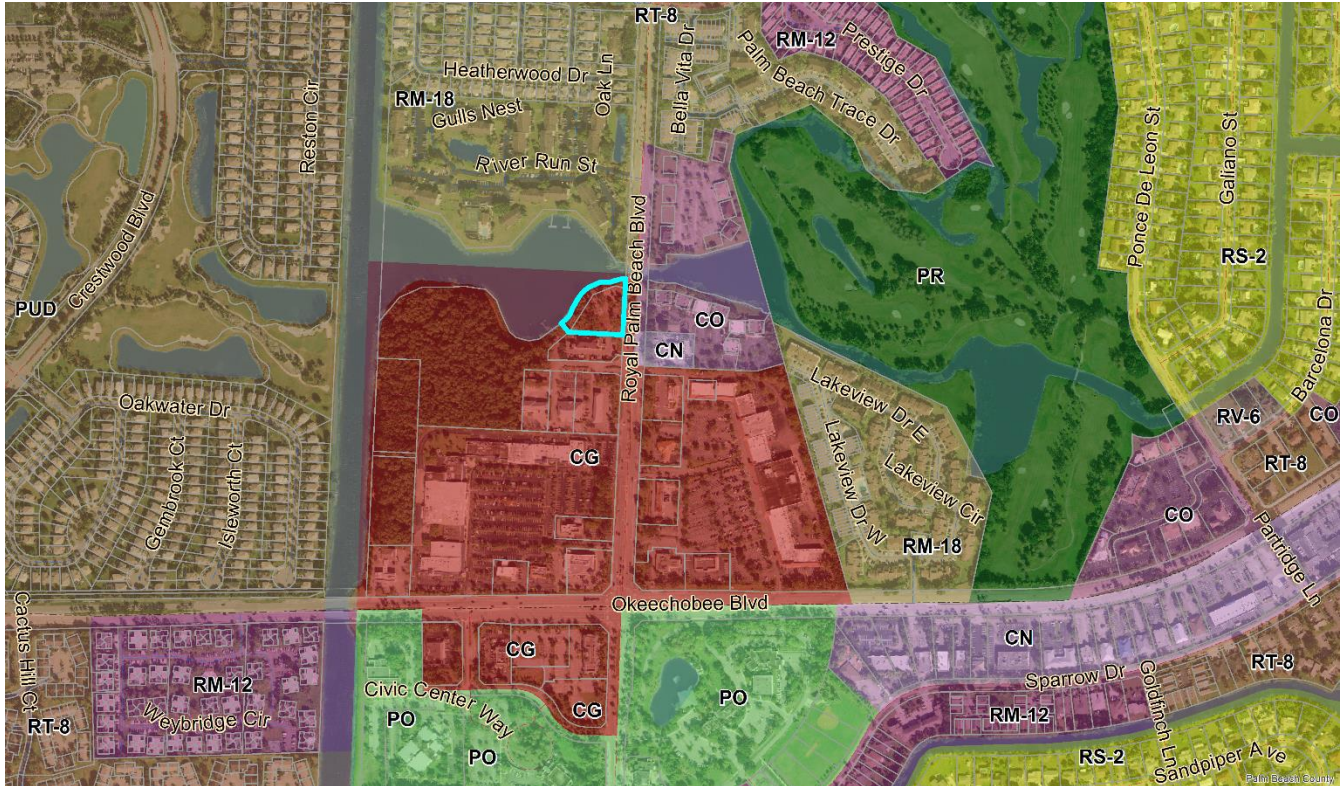
Existing Land Use: Vacant

Existing FLUM Designation: Commercial (COM)

Existing Zoning District: General Commercial (CG)

Table 1: Adjacent Existing, Future Land Uses, and Zoning			
Dir.	Existing:	FLUM:	Zoning:
North	Hidden Harbor (Verse)	Multi-Family High Density (MFH)	Residential Multi-family (RM-18)
South	Waterway Plaza	Commercial (COM)	General Commercial (CG)
East	Lakeview Center	Commercial (COM)	Office Commercial (CO)
West	Waterway Plaza	Commercial (COM)	General Commercial (CG)

Figure 1: Location Map



III. Intent of Petition:

The Applicant is seeking approval for Site Plan, Special Exception Use, and Architectural Approval in order to develop a 3,183 square foot “Restaurant with drive through” on a 0.92-acre parcel of land located at 1351 Royal Palm Beach Boulevard. A “Restaurant with drive through” is a Special Exception Use within the General Commercial (CG) Zoning District. The site consists of a 0.92-acre outparcel within the Waterway Plaza Planned Commercial Development (PCD) that is currently vacant. It is the Applicant’s intent to construct a new retail building on the site. Please refer to **Attachment C** for an Illustration of the Site Plan.

The Applicant is also seeking Architectural, Landscape Plan, and Sign approval for the project. Please refer to **Attachment D** for an illustration of the Landscape Plan and **Attachment E** for an illustration of the Building Architecture.

IV. History:

The Waterway Plaza Planned Commercial Development was originally approved through the approval of Applications 154-157 by the Village Council on September 28, 1988. Several modifications to the original Site Plan were approved over the years.

V. Analysis:

The Applicant is seeking approval for Site Plan, Special Exception Use, and Architectural Approval in order to develop a 3,183 square foot “Restaurant with drive through” on a 0.92-acre parcel of land located at 1351 Royal Palm Beach Boulevard. A “Restaurant with drive through”

is a Special Exception Use within the General Commercial (CG) Zoning District. The site consists of a 0.92-acre outparcel within the Waterway Plaza Planned Commercial Development (PCD) that is currently vacant. It is the Applicant's intent to construct a new retail building on the site.

The primary access to the site will be provided from a right turn, right turn out movement from Royal Palm Beach Boulevard; with a secondary access from within the shopping center interior. The Applicant is also proposing to construct a pedestrian access from the sidewalk along Royal Palm Beach Boulevard to the main entrance of the restaurant.

The proposed drive-through will have the menu board located at the rear of the site. The pick-up window for both the drive through and call ahead will be located on the south side of the building.

The Applicant is also seeking Architectural, Landscape Plan, and Sign approval for the project.

In reviewing this application, Village Staff considered conformity with Chapter 26 of the Village's Code of Ordinances. Specifically, the proposed project meets the requirements for the General Commercial (CG) Zoning District; and Section 26-61 *Planned commercial developments*; as outlined below:

- 1. Parcel size: The site is 0.92 acres or 40,000 square feet in size and therefore meets the minimum requirement of 40,000 square feet for General Commercial (CG)
- 2. Parcel width: The property has 215 feet of frontage on Royal Palm Beach Boulevard and exceeds the minimum parcel width of 150 feet of frontage.
- 3. Setbacks: The proposed building conforms to the setback standards for The General Commercial (CG) Zoning District.
- 4. Pervious area: The proposed Site Plan provides 30.1% of the site as pervious area which exceeds the minimum 25% required by Village Code.
- 5. Parking Requirements: The applicant shows a parking requirement per Village Code of 15 required spaces, 24 spaces have been provided.
- 6. Landscape Areas: The Proposed Landscape Plan meets all of the minimum standards of Chapter 15 Landscaping with the exception of the perimeter buffer width and berm requirements, which are the subject of another application (landscape waiver).
- 7. Maximum Building Height: The applicant is proposing construction of a one-story building with a maximum height to the roof peak of 14-feet and 10 inches, which is less than the 32 foot maximum height limitation for the district.

8. Queuing Spaces

/Bypass Lane:

The Applicant is proposing a drive-through and a call ahead pick-up lane. Village Code requires a total of 7 queuing spaces with at least 4 of those spaces occurring before the menu board. The proposed Site Plan meets this requirement. The call ahead pick-up lane does not have any requirements that need to be met. The proposed Site Plan provides the required 10-foot bypass lane.

Overall, the proposed Site Plan, Special Exception and Architecture meet all of the Village's requirements for this type of use in the General Commercial (CG) Zoning District and the design standards for a "Restaurant with drive through" of Village Code with the exceptions noted above.

VI. Disposition Options:

Approval of the application;

Denial of the application.

VII. Staff Recommendation:

Staff is recommending Approval of Application 19-002 (SP, SE, AAR) and Resolution 20-04. This recommendation is contingent upon the approval of the Landscape Waiver requests.

VIII. Hearing History:

Planning and Zoning Commission:

This item was considered by the Planning and Zoning Commission at its regular meeting on February 25, 2020 and was recommended for Approval by a vote of 5-0.

**Attachment A
Legal Description
Dunkin @ Waterway Plaza
19-002 (SP, SE, AAR)
Resolution No. 20-04**

LEGAL DESCRIPTION:

ALL OF LOT C-1, WATERWAY PLAZA PLAT NO 2 ACCORDING TO THE PLAT THEREOF,
AS RECORDED IN PLAT BOOK 71, PAGE 82 OF THE RECORDS OF PALM BEACH
COUNTY, FLORIDA

CONTAINING 0.92 ACRES OF LAND

SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

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Attachment B
Conditions of Approval
Dunkin @ Waterway Plaza
19-002 (SP, SE, AAR)
Resolution No. 20-04

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- B. Dumpster pads will be sloped to drain onto a pervious area.
- C. Revise all plans to reflect all required changes and resubmit to the Village prior to the issuance of a building permit.
- D. The site shall be maintained free of all trash at all times.

3. Standard Conditions:

- A. This site plan approval shall expire one (1) year from the date of council approval, unless appropriate applications for site plan extension are submitted pursuant to Sec. 26-66 of the Village Code of Ordinances. In no case shall the approval be extended beyond code-established time frames.
- B. Failure of the developer to comply with any of the Conditions of Approval at any time may result in the denial or revocation of building permits, issuance of a stop work order, denial of certificates of occupancy or the denial or revocation of other Village issued permits or approvals. Failure to commence development in a timely manner may also result in the revocation of development approval.
- C. While the site plan approval process requires the submission of certain preliminary drawings, plans and specifications, such items are subject to change to some degree during the detailed design and construction-permitting phase of the final approvals. Thus except where specifically noted herein, the specific Village Code provisions governing design standards will apply.
- D. All utility services shall be underground.
- E. Lighting shall be required on all roadways and parking facilities and shall be installed on all streets on which any building construction has commenced. No certificates of occupancy shall be issued until street lighting is installed and operating in accordance with the provisions of Section 22-50 (a)(10). Light spill over onto adjacent properties or roadways shall be less than 0.1-foot candles.
- F. The developer shall submit copies of permits from all agencies with regulatory jurisdiction prior to the issuance of a building permit.
- G. Following Council approval, the applicant shall submit three (3) sets of final plans and one (1) electronic copy in .TIF format.

- H. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of site construction engineering plans and an electronic copy in .TIF format to the Engineering Department for review and approval. Site construction plans shall include a final signed off version of the site plan. Allow 30 days for review and comment. A certified cost estimate for the total site development shall be included in the engineering submittal. An engineering plan review and inspection fee of three percent (3%) of the cost estimate for clearing, grading, earthwork, paving and drainage shall be paid to the Building Department. Fifty percent of the said fee shall be due at time of plan submission, and the remaining 50% will be required prior to the mandatory pre-construction meeting. Approval of site civil engineering elements will be required prior to the issuance of a building permit. Site plan approval shall not be construed as final engineering department approval.
- I. At any time before the issuance of a building permit but after Council approval, submit two (2) sets of landscape and irrigation plans for review and approval, incorporating any changes requested by the Planning and Zoning Commission and/or Village Council. A landscape and irrigation plan review and inspection fee of three percent (3%) of the cost estimate shall be paid to the Building Department at the time permits are issued.
- J. All public improvements associated with the project shall be complete prior to the issuance of any certificate of occupancy.
- K. Prior to the issuance of any building permit or conditional building permit the following must be completed:
 - 1. No building permits shall be issued until the construction drawings have been approved.
 - 2. The site plan, plat and engineering drawings must be submitted in AutoCAD electronic format.
- L. All advertising, legal documents, and correspondence shall refer to this location as being located within the Village of Royal Palm Beach.

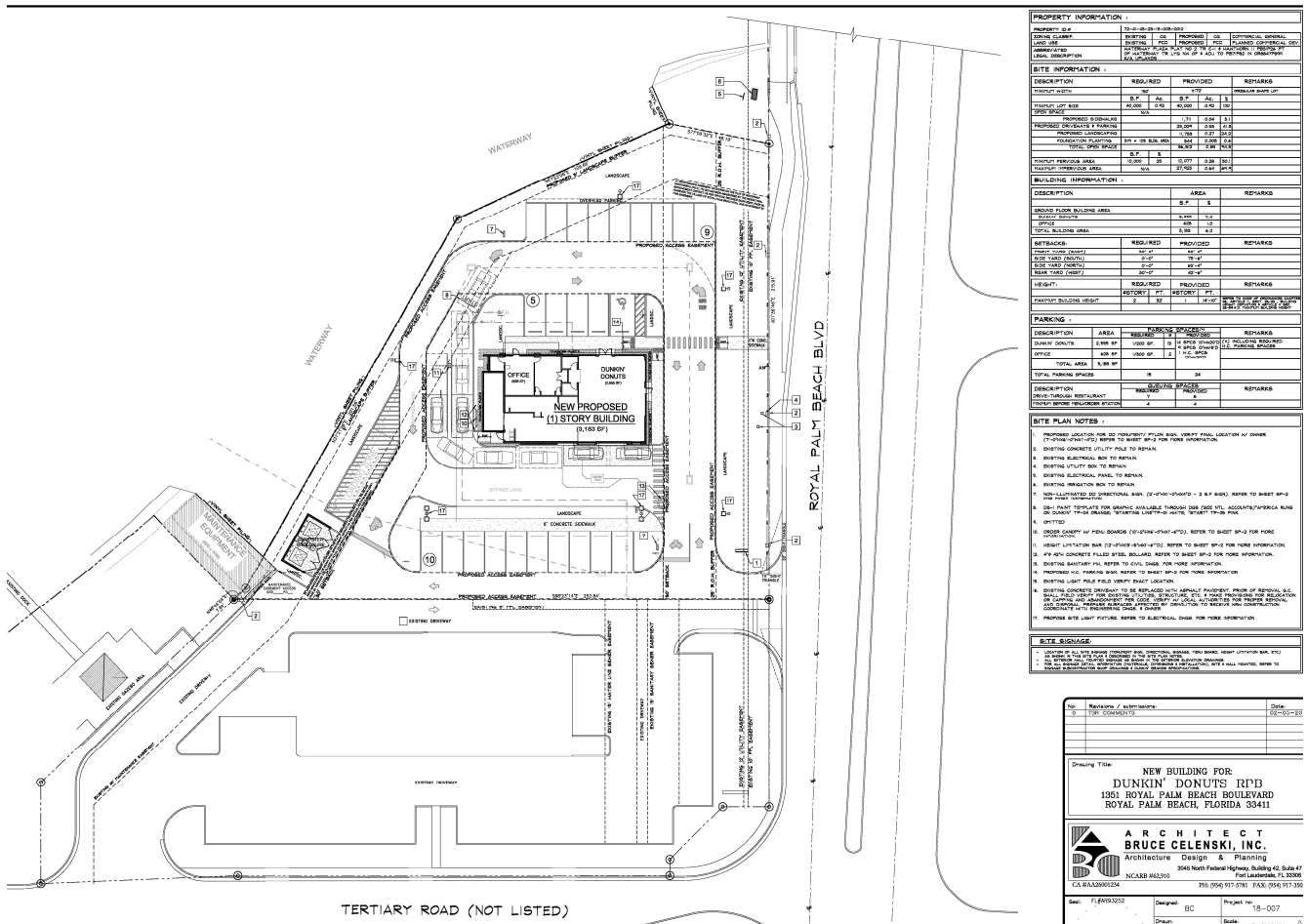
4. Landscaping Conditions:

- A. Prior to the issuance of a Certificate of Occupancy the developer's Registered Landscape Architect shall provide a signed and sealed statement of completion.
- B. Vegetation removal shall not commence until a building permit has been applied for and vegetation removal permits have been issued.
- C. The property owner/s or association shall be responsible for the maintenance of landscaping in adjacent public and private roads up to the edge of pavement and waters edge.
- D. All perimeter landscape buffers shall be installed prior to issuance of the first certificate of occupancy.
- E. The developer shall submit a landscape maintenance plan to the Village Landscape Inspector prior to the issuance of a Certificate of Occupancy.
- F. The landscape plan shall be revised and resubmitted to the Village to ensure that all landscaping is located outside of all easements prior to the issuance of a building permit.
- G. Participation in approved Streetscape programs shall be fully funded at the time of building permit issuance. Funding shall be a cash payment based on \$50.00 per linear foot frontage on Southern Boulevard (1007 feet) for a total payment of \$ 50,350 and shall be paid prior to the issuance of a building permit.

- H. All shrub materials shown on the proposed landscape plan shall be installed at no less than twenty-four (24) inches in height, but must be maintained at no less than thirty-six inches (36) in height.
- I. The practice of “hat racking” defined as the severe cutting back of branches, making internodal cuts to lateral limbs, leaves branch stubs larger than 1 inch in diameter within the tree’s crown, is strictly prohibited for all trees listed in the approved landscape plan for installation. Trees shall be allowed to grow in a shape natural to their species, and shall only be pruned to remove limbs or foliage which presents a hazard to power lines or structures, or to remove dead, damaged or diseased limbs. In no case shall pruning result in trees which are smaller than the minimum requirements for spread or height, or are unnaturally shaped.
- J. All exotic invasive species of plants shall be removed from the site prior to commencement of installing the required landscaping.

**Attachment C
Site Plan
Dunkin @ Waterway Plaza
19-002 (SP, SE, AAR)
Resolution No. 20-04**

Below is an Illustration of the proposed Site Plan.



Please use the zoom feature to aid in viewing this document.

