



**CITY OF BOYNTON BEACH  
PLANNING AND DEVELOPMENT BOARD  
MEETING AGENDA**

**DATE: Tuesday, February 26, 2019**

**TIME: 6:30 PM**

**PLACE: Intracoastal Park Clubhouse 2240 N. Federal Highway**

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- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Agenda Approval**
- 4. Approval of Minutes**
  - 4.A. Approve past meeting minutes.
- 5. Communications and Announcements: Report from Staff**
- 6. Old Business**
- 7. New Business**
  - 7.A. Approve Ocean Breeze East Major Site Plan Modification for multi-family residential (rental apartments) consisting of 123 dwelling units within four, three-story buildings, a clubhouse, community space, and associated recreational amenities and parking on 3.95 acres. Applicant: Paul Bilton, Centennial Management
  - 7.B. Approve Conditional Use and Major Site Plan Modification for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through and related site improvements, located in a C-3 (Community Commercial) zoning district. Applicant: Raymond Funk, Coastal QSR, LLC
- 8. Other**
- 9. Comments by members**
- 10. Adjournment**

**The Board may only conduct public business after a quorum has been established. If no quorum is established within twenty minutes of the noticed start time of the meeting the City Clerk or her designee will so note the failure to establish a quorum and the meeting shall be concluded. Board members may not participate further even when purportedly acting in an informal capacity.**

**NOTICE**

**ANY PERSON WHO DECIDES TO APPEAL ANY DECISION OF THE PLANNING AND DEVELOPMENT BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND**

**EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. (F. S. 286.0105) THE CITY SHALL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES WHERE NECESSARY TO AFFORD AN INDIVIDUAL WITH A DISABILITY AN EQUAL OPPORTUNITY TO PARTICIPATE IN AND ENJOY THE BENEFITS OF A SERVICE, PROGRAM, OR ACTIVITY CONDUCTED BY THE CITY. PLEASE CONTACT THE CITY CLERK'S OFFICE, (561) 742-6060 AT LEAST TWENTY (24) HOURS PRIOR TO THE PROGRAM OR ACTIVITY IN ORDER FOR THE CITY TO REASONABLY ACCOMMODATE YOUR REQUEST.**



MINUTES  
PLANNING AND DEVELOPMENT BOARD - SPECIAL MEETING  
COMMISSION CHAMBERS, CITY HALL  
INTRACOASTAL PARK CLUBHOUSE, BOYNTON BEACH, FLORIDA  
TUESDAY, SEPTEMBER 4, 2018, 6:30 P.M.

**PRESENT:**

David Katz, Chair  
Kevin Fischer, Vice Chair  
Trevor Rosecrans  
Floyd Zonenstein  
Susan Oyer  
Lucas Vogel, Alternate  
Butch Buoni, Alternate

**STAFF:**

Mike Rumpf, Director of Development  
Colin Groff, Asst. City Manager  
James Cherof, City Attorney  
Amanda Bassiely, Planner  
Lisa Tayar, Prototype, Inc.

**ABSENT:**

Stephen Palermo  
Malcolm Gropper

**APPLICANTS/SPEAKERS:**

John Markey  
Doug Dierlich  
Mike Fitzpatrick  
Barbara Ready

Chair Katz called the meeting to order at 6:30 p.m.

**1. Pledge of Allegiance**

**2. Roll Call**

Roll was called, and it was determined a quorum was present.

**3. Agenda Approval**

Upon motion duly made and seconded, the agenda was approved.

**4. Approval of Minutes - n/a**

**5. Communications and Announcements: Report from Staff - none.**

**6. Old Business - none.**

## **7. New Business**

7.A. Approve the Major Site Plan Modification (MSPM 18-006) for Town Square Phase One to construct a 109,085 square foot city hall / library building, a 827 space parking garage, associated right-of-way improvements, and recreational amenities on a 8.91 acre site. Applicant: City of Boynton Beach

Ms. Bassiely gave a Power Point Presentation explaining the background and phases for the Master Plan, showing an aerial of the subject location, and explaining the two design appeals. In addition to the City Hall, there will be a library and parking garage, three public amenities, and improvements to the rights-of-way on Ocean and Seacrest. Elevations for the City Hall showing views from each side as well as an interior design plan of the main entrance were shown. The City is requesting an easement for use as a public facility. The wrap of the garage is planned for Phase 2 or there may be an interim wrap until Phase 2 is approved.

Chair Katz then opened the meeting for public comment.

Mr. Mike Fitzpatrick commented that the original playground site would have been too small for a signature facility, suggesting that the Kapok site be used. He added that the parking garage should have charging stations and the roof be designed with future solar opportunities in mind.

Board discussion continued regarding the following topics:

- Implementation, location, and number of electric car chargers, and the possibility of fee-based hi-speed chargers
- Park locations and size, greenspace options, and public input
- Compatibility of parking garage to nearby homes
- Handicap parking facilities and access to building entrances in the garage; number of handicap spots in surface parking area
- Percentage of shade trees versus palms
- Installing sweet almond bushes to attract endangered species butterflies; trellis vine species
- Roof color
- Exterior architectural style
- LED lighting
- Commercial components of Town Square
- Installation of recycling bins
- Ratios of employee to residential parking
- Deck to deck heights
- Hurricane resistant windows
- Video surveillance and security

Ms. Barbara Ready commented regarding sidewalks and “mitigation of a lack of concrete.”



Chair Katz then closed public comment.

The issues of access from the garage to City Hall, including covered access not being feasible, as well as adequacy of parking were briefly discussed.

**Motion** made by Ms. Oyer, seconded by Mr. Zonenstein, to approve MSPM 18-006, including all conditions of approval and subject to the addition of two extra handicap parking spaces behind City Hall on the surface lot, a decrease in the number of fire bushes, adding sweet almonds, and adding passion and balloon vines to the trellises over by the surface lot at the south end. In a voice vote, the motion passed 6-1 (with Mr. Vogel dissenting).

7.B. Approve two (2) Community Design Plan Appeals for the Town Square Phase One development, of Chapter 4, Article III, Section B.2.a “Building Location” for proposed setbacks, as opposed to strict compliance with the required build-to-line for the city hall/library building on Ocean Avenue and Seacrest Boulevard. Applicant: City of Boynton Beach

**Motion** made by Vice Chair Fischer, seconded by Mr. Zonenstein, to approve item 7.B. Two Community Design Plan Appeals for The Town Square Phase One development. In a voice vote, the motion passed 6-1 (with Mr. Vogel dissenting).

8. **Other** - none.

9. **Comments by Members** - none.

10. **Adjournment**

Upon motion duly made and seconded, the meeting was adjourned at 7:42 p.m.

[Minutes prepared by L. Tayar, Prototype, Inc.]

MINUTES  
PLANNING AND DEVELOPMENT BOARD  
COMMISSION CHAMBERS, CITY HALL  
INTRACOASTAL PARK CLUBHOUSE, BOYNTON BEACH, FLORIDA  
TUESDAY, SEPTEMBER 25, 2018, 6:30 P.M.

**PRESENT:**

David Katz, Chair  
Malcolm Gropper  
Susan Oyer  
Trevor Rosecrans  
Floyd Zonenstein  
Butch Buoni, Alternate  
Lucas Vogel, Alternate

**STAFF:**

Mike Rumpf, Director of Development  
Ed Breese, Principal & Zoning Administrator  
Mike Simon, CRA  
Ryan Abrams, Asst. City Attorney  
Amanda Bassiely, Planner  
Lisa Tayar, Prototype, Inc.

**ABSENT:**

Kevin Fischer, Vice Chair  
Stephen Palermo

**APPLICANTS/SPEAKERS:**

Craig McDonald	Bradley Miller
Christina Belt	Wayne Bertino
	Dave Bodker

Chair Katz called the meeting to order at 6:30 p.m.

**1. Pledge of Allegiance**

**2. Roll Call**

Roll was called, and it was determined a quorum was present.

**3. Agenda Approval**

Upon motion duly made and seconded, the agenda was approved.

**4. Approval of Minutes - n/a**

**5. Communications and Announcements: Report from Staff**

Chair Katz reported that he and Mr. Vogel had attended a training symposium. Of interest was that other planning officials took questions so the presentations felt very relevant. Craig Fugate, former FEMA director under President Obama was the keynote speaker. At last meeting, Chair Katz asked members to submit to Staff any sustainability items and is reminding members to email most important ideas.

Mr. Breese reported that Goodstone Townhomes has been tabled at the request of the applicant, so it was not heard by the Commission at the last meeting. The Commission did approve the 125 East Boynton Beach Blvd. recommendation

## **6. Old Business**

6.A Approve Cottage District Alley Abandonment (ABAN 18-001) allowing abandonment of the unimproved 15-foot wide alley running east / west from Seacrest Boulevard to NE 1<sup>st</sup> Street, between NE 4<sup>th</sup> Avenue and NE 5<sup>th</sup> Avenue. Applicant: Michael Simon, CRA Executive Director.

Ms. Oyer was recused due to conflict. General consensus was that no one on the Board needed a presentation on this minor abandonment. Chair Katz opened floor for public comment but hearing none closed the floor and called for a motion.

**Motion** made by Mr. Gropper, seconded by Mr. Rosecrans, to approve Cottage District Alley Abandonment (ABAN 18-001) allowing abandonment of the unimproved 15-foot wide alley running east / west from Seacrest Boulevard to NE 1<sup>st</sup> Street, between NE 4<sup>th</sup> Avenue and NE 5<sup>th</sup> Avenue. In a voice vote, the motion passed 6-1 (with Ms. Oyer abstaining).

## **7. New Business**

7.A. Approve NE 1<sup>st</sup> Avenue Abandonment (ABAN 18-003) abandoning the improved 45 foot wide right-of-way running east / west from NE 1<sup>st</sup> Street, for a distance of approximately 447.09 feet, towards Seacrest Boulevard. Applicant: City of Boynton Beach

Ms. Bassiely noted the item is about a 450-foot stretch tied to the Town Square Project; this is the road in front of City Hall and where employee parking was. Employee parking will be underground in the parking garage, so City wishes to abandon the right of way. Part of the road near Seacrest will provide access to the parking structure.

Chair Katz then opened the meeting for public comment, seeing none, returned to Board for motion.

**Motion** made by Ms. Oyer, seconded by Mr. Rosecrans, to approve NE 1<sup>st</sup> Avenue Abandonment (ABAN 18-003) abandoning the improved 45 foot wide right-of-way running east/west from NE 1<sup>st</sup> Street, for a distance of approximately 447.09 feet, towards Seacrest Boulevard. In a voice vote, the motion passed unanimously (7-1).

7.B. Approve McDonald's Restaurant Conditional Use and Major Site Plan Modification (COUS 18-006 / MSPM 18-008) consisting of the construction of a 4,490 square foot fast food restaurant and associated site improvements at 1701 S. Congress Avenue in the C-3 (Community Commercial) zoning district. Applicant: Edward Ploski, Corporate Property Services, Inc.

Craig McDonald gave a presentation for the Applicant, requesting site plan approval for a McDonald's restaurant. Conditional use is consistent with criteria found at LDR Section 3 Article 4. Access to the site and adjoining properties, parking, installation of a bus shelter, pedestrian ADA connection, signage, elevations, lighting, recycling, and trash handling were all discussed.

Chair Katz opened the floor for public comment.

- Nancy Hogan, 37 Hibiscus Way, Ocean Ridge, asked for clarification of the actual site, which was explained.

Chair Katz closed the floor to public comment.

Mr. Vogel expressed disappointment with City allowing shortage of infrastructure for emergency preparedness such as gas stations rather than yet another restaurant. It was noted by Staff that there are gas stations on the other three corners of this intersection.

Mr. Gropper asked about the ingress/egress fiscal impact on city services. Mr. McDonald explained the site map, especially Congress Avenue. Mr. Breese stated the services are limited, waste pickup, calls for services like any other retail, which would include fire/emergency and police.

Ms. Oyer noted:

- The lighting is cool white lights, and would prefer warm white lights for health concerns and landscaping; Mr. McDonald said that can be changed and this will be a condition to approval.
- Four handicap parking spaces and the lack of electric car charger stations; Mr. McDonald said that because this is a fast food restaurant, not enough time would be spent there for someone to charge.
- On the landscaping on the west side of the drive through, perhaps sweet almond could be substituted in places to attract butterflies; Mr. McDonald said could be done, and will be made a condition of approval. Discussion followed on other fine points of the landscaping plans.

Mr. Rosecrans asked about the drainage. Christina Belt, Engineer with Kimley-Horn, explained the existing on-site drainage will be used, with some additional trenches to accommodate the extra treatment and storage that is needed.

Chair Katz said Staff has noted the lack of desire for office space, yet another project to be discussed later will be office space. It seems the highest and best use for the property has not been met for this property; nor does Boynton Beach need another fast food restaurant; and does not intend to vote for this. To Staff, Chair Katz asked if this is something under the City Code would be required to approve. Staff replied that because this is conditional use, it would not be required. Finally, Chair Katz suggested the City wait to have a better use on this piece of property. Mr. McDonald interjected that this will be an employment opportunity for residents, it has been vacant

for many years, and if offices were going to come they would have by now, also, that the market drives the decision to develop as proposed.

Ms. Oyer asked about the existing McDonald's across the street; Mr. McDonald noted when the new gas station goes in, it will be closed and relocated to this site; the new McDonald's will be larger with more employment opportunities.

Mr. Breese stated an understanding of the Code is that, yes, it is a conditional use (not requiring Board approval); however, if it meets the criteria of all of the conditions necessary for reviewing conditional use, it should be approved. This project meets the criteria.

**Motion** made by Mr. Rosecrans, seconded by Mr. Gropper, to approve McDonald's Restaurant Conditional Use and Major Site Plan Modification (COUS 18-006 / MSPM 18-008) consisting of the construction of a 4,490 square foot fast food restaurant and associated site improvements at 1701 S. Congress Avenue in the C-3 (Community Commercial) zoning district, with additional conditions noted. In a roll call vote, the motion failed 2-5 (with Mr. Rosecrans and Mr. Gropper voting yes).

In further discussion, Mr. Gropper asked about the motivation for the existing McDonald's to move from across the street. Mr. McDonald noted the site will be a larger, freestanding restaurant with a double drive-through. The kitchen is a larger operation, requiring more employees than those who will transfer from the existing restaurant.

Mr. Katz ascertained that the next three items can be heard at the same time and voted upon individually:

7.C. Approve 1320 S. Federal Highway Future Land Use Map Amendment (LUAR 18-001) from Office Commercial (OC) to Mixed Use Low (MXL). Applicant: Exsorro One, Inc.

Approve 1320 S. Federal Highway Rezoning (LUAR 18-001) from C-1, Office Professional to MU-1, Mixed Use 1. Applicant: Exsorro One, Inc.

7.D. Approve 1320 S. Federal Hwy. Office Building Major Site Plan Modification (MSPM 18-009) to construct a 10,898 square foot structure and associated site improvements. Applicant: Exsorro One, Inc.

7.E. Approve 1320 S. Federal Hwy. Office Building Height Exception (HTEX 18-001) to construct an office building in a MU-1 (Mixed Use 1) zoning district with architectural features up to 54'-10" in height, 9'-10" above the maximum allowable height. Applicant: Exsorro One, Inc.

Bradley Miller, Miller Land Planning, gave a presentation on the three items, showing aerial of surrounding properties and noting the change of zoning to Mixed Use Low to follow the Master Plan. The land use plan and zoning maps were also shown. Height exceptions are similar to others the Board has seen and allowed for. Plans allow for medical office space, mixed use, retail, and even an art museum (personal art collection of local dermatologist made available to public during

business hours, but can be viewed from the street through the windows). Total 45 parking spaces, above 43 required, are provided. Parallel spaces along Riviera Drive creates more of an urban feel. Riviera Drive will be regraded and redesigned to help with drainage issues. The landscape plan featuring native plants, elevations, floor plan were all discussed, as well as the trellis and open space area on the roof. Height exception is to add architectural features for the open stairwells and elevator shaft. Second and third floors will have cantilevered, covered pedestrian areas. A narrated video presentation of proposed site was given. Finally, fire and emergency access were discussed.

Chair Katz opened the floor for public comment.

- Linda Warden, 641 Riviera Drive, spoke in opposition. Concerned about flooding issues, canal drainage, environmental impact on canal. Questions need for more retail in area. Concerned about the number and type of employees for office spaces affecting nearby parking, as well as the resulting traffic issues.
- Nancy Hogan, 37 Hibiscus Way, Ocean Ridge, wondered about interaction with Snug Harbor residents (Staff claimed there has been none), suggested it might be a good idea. Concerned that this is a residential street, and wonders if a daily traffic count has been done. Questioned need for height exception, concerns about parallel parking and “urban feel.”
- Dr. Cathy Appleton, office at 1200 S. Federal Highway, spoke in opposition. Concerns included flooding, rising tides, and drainage, parking issues, height of nearby buildings, parking flow, excess of unrented office space in area, setback requirements with zoning changes, locations of fiber optics and gas lines.
- Kathleen Henderson, 654 Riviera Drive, spoke in opposition. Has hard time with road visibility, traffic flow and safety. This project as planned is too big for neighborhood.
- Ray Henderson, 654 Riviera Drive, spoke in opposition. Building is larger than it needs to be for a doctor’s office; parking on street is not needed, instead could make building smaller and have parking fit within the building project.
- Capt. Jeffrey Hoffberger, 643 Riviera Drive, opposed to project. New to area, has put \$1.35 million in renovating his home, neighborhood has chased three sober homes off Riviera Drive, already have a flooding problem, as well as problems moving boat trailers on the street, and do not want extra traffic. A gate was suggested.

Chair Katz closed the floor to public comment.

Mr. Miller responded to concerns from public comments:

- Drainage: current road is old; property has no drainage system at all; development will improve drainage by providing a system. Mr. Rumpf was asked about the drainage problem, but was not familiar with it at this time; Mr. Miller described the area of road improvement.
- Traffic/parking: zoning code gives parking options for number of spaces; sustainable parking methods such as heat-absorbing covering, trees that will mature into a canopy over it; LED lighting. Parallel spaces positively experienced elsewhere, “urban feel” as in downtown Ft. Lauderdale, wider areas of pedestrian space, alternate transportation of bicycles and scooters and buses.

- Turnaround: explained scenarios would be in parking lots, not in front of closest space.
- Retail skin care products on ground floor will be part of doctor's operations; high end stores and office, 10-15 employees are highly skilled.
- Height exception: height of the building is below code level with exception of the corners to accommodate stairwells and elevator equipment, to just under 55 feet.
- Trees and trellis on roof deck: point taken about safety of such items during 150 mph winds. It will be to code, complying during permitting process.
- Traffic study done; reviewed by County staff; and is an area to promote development. Traffic would be less than a restaurant in the same place.
- Will reach out to residents of Snug Harbor.
- Mr. Breese stated 422 notifications were sent out within 400 foot radius of site, including the HOAs.

Mr. Rosecrans wondered if pretreating storm water was required before being released. Mr. Miller said yes, and this should address the concern about drainage into the canal via the exfiltration system under parking lot. Also, the roof is not "green" from a sustainable standpoint, but water will go into stormwater system. There is no existing drainage that has yet been discovered.

Mr. Vogel commented as to one of the nicer buildings he has seen, but out of respect to the public comments, began a discussion about rezoning on Federal Hwy., higher density, and long term vision for the corridor with bike lanes, etc. This project, even with no changes in height would probably be one of the smaller developments up and down this corridor; however, suggested less stories (cut by 1/3 to 1/2).

Ms. Oyer had several points:

- Expressed thanks for all the proposed landscaping and environmental concerns.
- Discussed artificial turf versus green grass. Wayne Bertino, partner in development, and one of the architects explained the roof top patio vision was for a mixture of different textures, grass, rocks, furniture, art, to accent walking spaces, seating, and yoga areas. Ms. Oyer suggested real grass to aid water drainage as turf gets very hot, and puddles during rain. Mr. Bertino assured there would be a white roof and light-colored building paint as well to reflect sun.
- Bio-barrier explained by Dave Bodker, Landscape Architect, as protection for surrounding paving or underground utilities, to keep roots from getting to these places.
- Wondered about art; Mr. Miller said the Art Commission has not been approached yet, but intent is to utilize the museum space on ground floor, open to public during business hours and visible 24/7 from the outside.

Mr. Gropper clarified if the building was basically a single-user building. Mr. Miller said the doctor would be the principal user, but there is space for other practices/doctors. The retail component will be related to the dermatology practice. Other concerns were the drainage needs, which will be handled by an exfiltration system under parking lot, not an open drainage area, and will not compound the existing drainage problems.

Mr. Gropper asked Mr. Breese concerning the 13 proposed off-site parking spaces, whether they can have time-restrictions for business hours only, no parking on weekends and evenings; Mr. Breese will bring this up to the City Engineer and Public Works Director.

Chair Katz clarified with Mr. Breese about the usual height of a building floor, which would be about 15 feet per floor. Also noted was that the applicant's business plan is not in the purview of this Board. Mr. Katz felt this project was in the highest and best use for this particular spot on Federal Highway. Suggested changes to the plan, not conditions of approval, included more shade trees rather than grass; electric car charger; and adding handicap spot, not necessarily van accessible.

**Motion** made by Ms. Oyer, seconded by Mr. Zonenstein, to approve 1320 S. Federal Highway Future Land Use Map Amendment (LUAR 18-001) from Office Commercial (OC) to Mixed Use Low (MXL). Approve 1320 S. Federal Highway Rezoning (LUAR 18-001) from C-1, Office Professional to MU-1, Mixed Use 1. In a voice vote, the motion passed 6-1 (with Mr. Vogel dissenting).

**Motion** made by Ms. Oyer, seconded by Mr. Buoni, to approve 1320 S. Federal Hwy. Office Building Major Site Plan Modification (MSPM 18-009) to construct a 10,898 square foot structure and associated site improvements, with all conditions of approval. In a voice vote, the motion passed 6-1 (with Mr. Vogel dissenting).

**Motion** made by Ms. Oyer, seconded by Mr. Zonenstein, to approve 1320 S. Federal Hwy. Office Building Height Exception (HTEX 18-001) to construct an office building in a MU-1 (Mixed Use 1) zoning district with architectural features up to 54'-10" in height, 9'-10" above the maximum allowable height. In a roll call vote, the motion passed 4-3 (with Mr. Buoni, Mr. Rosecrans, and Mr. Vogel dissenting).

Chair Katz added to the residents, in regards the drainage issue, the City is getting over \$3 million a year through the Penny Sales Tax, and recommends contacting Colin Groff, Assistant City Manager, to talk about improving drainage under Riviera Drive.

8. **Other - none.**

9. **Comments by Members - none.**

10. **Adjournment**

Upon motion duly made and seconded, the meeting was adjourned at 8:18 p.m.

[Minutes prepared by M. Moore, Prototype, Inc.]



MINUTES PLANNING AND DEVELOPMENT BOARD  
COMMISSION CHAMBERS, CITY HALL  
INTRACOASTAL PARK CLUBHOUSE, BOYNTON BEACH, FLORIDA  
TUESDAY, DECEMBER 17, 2018, 6:30 P.M.

**PRESENT:**

David Katz, Chair  
Trevor Rosecrans, Vice Chair  
Butch Buoni  
Malcolm Gropper  
Will Hatcher (late arrival)  
Chris Simon  
Floyd Zonenstein  
Golene Gordon, Alternate  
Lucas Vogel, Alternate

**STAFF:**

Ed Breese, Principal & Zoning Administrator  
Charles Weiss, Asst. City Attorney  
Hannah Matras, Senior Planner  
Jennifer Johnson, Prototype, Inc.

**ABSENT:**

**APPLICANTS/SPEAKERS:**

Bradley Miller  
Jose Obeso

Chair Katz called the meeting to order at 6:32 p.m.

**1. Pledge of Allegiance**

**2. Roll Call**

Roll was called, and it was determined a quorum was present. Ms. Gordon was seated for Mr. Hatcher, who arrived later.

**3. Agenda Approval**

Upon motion duly made and seconded, the agenda was approved, with the addition of item 8.A. Appointment of Vice Chair.

**4. Approval of Minutes - n/a**

**5. Communications and Announcements: Report from Staff**

Mr. Breese stated there were no Staff Reports for this item; however, welcome was given to two new Board Members, Chris Simon and Golene Gordon. The new members introduced themselves.

**6. Old Business – None**

**7. New Business**

7.A. Request: Approve Country Trail PUD annexation (ANEX 19-001) Applicant: M2D Country Trail, LLC

Request: Approve Country Trail PUD Future Land Use Map amendment from Palm Beach County's Medium Residential with a maximum density of 5 du/acre (MR-5) to Low Density Residential (LDR) with a maximum density of 7.5 du/acre. Applicant: M2D Country Trail, LLC

Request: Approve Country Trail PUD rezoning from Palm Beach County's AR, Agricultural Residential, to PUD, Planned Unit Development. Applicant: M2D Country Trail, LLC

Chair Katz and Mr. Gropper disclosed that they had spoken with Bradley Miller and Staff.

Mr. Miller, Miller Land Planning, asked that this presentation also cover 7.A. and 7.B., and made the presentation on behalf of the applicant as well introducing the team present. High points included:

- Land is currently under jurisdiction of Palm Beach County, asking it be brought into the City of Boynton Beach by the application for annexation.
- Site plan proposes 26 units, zero lot lines, 5 units per acre, 5 acre development.
- County does not object to the annexation.

Chair Katz then opened the meeting for public comment.

- **Julia Davidow**, 2314 SW 23<sup>rd</sup> Cranbrook Drive, HOA President, The Estates of Silverlake. Voiced concerns given in a 2-hour workshop (16 concerns among 30 people):
  - What is the objective effect of on home values on single family homes that surround this proposed development on three sides? Feels the quality and value of Silverlake will be negatively impacted by blocking light, sun, sky, and air. Should be complimentary to the landscape in use, upsetting current ecosystem.
  - The property proposed with redevelopment has been an agricultural parcel and contains a substantial lake. It appears this plan must destroy the lake. What is proposed for the lake and the wildlife habitat near it?
  - Drainage on two or three estates of Silverlake. Each development must pay for its own water. Annexing this parcel to the City of Boynton Beach may be a burden on the infrastructure (canals, sewer lines, power services, and drainage). Does the density of this proposal push the sensitivity of the balance between land and water to a tipping point?
- **Robert Long**, 1620 Palmland Dr. Concerned about traffic, especially during construction, and what it will do to the roads. Existing conditions will be compounded with new construction and then eventually accommodating traffic from an additional 26 homes (50 more cars?).
- **Susan Oyer**, 140 SE 27<sup>th</sup> Way, had several points:
  - Additions for the landscaping plans to include sweet almond to attract butterflies of endangered species.
  - Brown metal rooftops are not environmentally correct, should consider switching to white; accent brown walls be switched to gray or some color more reflective.

- Flat roofs be considered for solar at some point as per current trends.
  - Asks Board make a condition of approval for electric car chargers as there are none listed in the site plan.
- **Darrin Simmons**, 40 Country Lake Circle, President Serrano HOA. (name inaudible), Attorney for Serrano HOA, spoke on behalf of the HOA and primarily on the topic of traffic. Serrano is the road into the new development, anyone entering must drive through Serrano. Mr. Simmons added comments on existing traffic and safety conditions as represented by a map of the affected streets and neighborhoods; also, spoke on the financial difficulties small HOAs have providing upkeep of a development as it ages.
- **Roger Saberson**, 2740 SW 23<sup>rd</sup> Cranbrook Dr. (Past chair of PDB) Spoke about the incongruity of density and building styles between the existing community and the new development, in particular setbacks, swales, buffers, and separation between buildings. (comments mostly inaudible)
- **Denise Saberson**, 2740 SW 23<sup>rd</sup> Cranbrook Dr. Technical comments in comparing new development to Serrano, in that Serrano has a 6 foot wall separating that project from Silverlake, and that there are no drainage problems. Proposal states wooden fences, which 30 years history of the site saw at least three wood fences destroyed by hurricanes and will rot and deteriorate. Wood is not a permanent buffer; six foot concrete walls are needed to protect against drainage problems and for security.
- **Josie O'Donnell**, 2538 SW 23<sup>rd</sup> Cranbrook Place. This parcel is landlocked, ingress and egress go through neighboring communities; how will this impact fire, police, EMS services, as well as to surrounding communities? Has a photometric study been conducted? Has there been a soil study, especially converting agricultural land to residential for contamination issues?
- **Liz VanDerhoof**, 2333 SW 23<sup>rd</sup> Cranbrook Dr. Spoke about location of proposed clubhouse adjacent to neighboring one-story homes. Setbacks result in an invasion of privacy. It is not intended as an amenity to neighboring communities, so should be located in the center of the proposed development which it serves.
- **Becki Payner**, 2305 SW 23<sup>rd</sup> Cranbrook Dr. Will there be security cameras at the property lines? Will there be a gated entrance to the community? What is the timetable for the development, and to whom are concerns and suggestions to be addressed? What type of association will there be? What is the proposed cost per unit and how will that affect the value of the adjacent properties?
- **Beverly Longren** (phonetic), 2363 SW 23<sup>rd</sup> Cranbrook Drive. Spoke about flood plain and elevation concerns; that the new development is not in keeping with majority of adjacent properties; and that the City of Boynton Beach does not enforce Code and PUD on HOA property and has not for 20 years (from personal experience).
- (inaudible), 21 Country Road, gave history of (unintelligible) relationship with Boynton Beach since 1957 to contract for services including waste water treatment and fire/rescue, paying Boynton Beach more than \$1.2 million a year for these services. Concerned specifically about density, height, and (unintelligible). Also, life-safety issues, setbacks, etc. Major concerns are with the site plan, not the annexation or rezoning.
- **Kasia Pisco**, 2321 SW 23<sup>rd</sup> Cranbrook Dr. Spoke about concerns about the plantings proposed around Silverlake, in particular the removal of live oaks. Also, who will provide upkeep of the proposed wall?

- **Chris King**, 2667 SW 23<sup>rd</sup> Cranbrook Dr. Spoke about three concerns: four of the two-story units look into his house day and night; property values will drop; drainage/flooding issues. Asks the houses be one-story, single-family homes.
- **Allen Davidow**, 2314 SW 23<sup>rd</sup> Cranbrook Dr. Does not believe Boynton Beach would want to reduce the property values of an existing community by allowing a new development such as the one proposed. Silverlake takes pride in their homes and encourages the Board to drive around and see for themselves the homes in impacted area.
- **Mike Smith**, 2563 SW 23<sup>rd</sup> Cranbrook Dr. Observations on the site plan: no homes in the area have a zero plot line, developer will buy low and sell high, density issues, flood plain history. Development doesn't need to be so large.

Chair Katz closed the floor to public comment.

The Board had various questions for the developers (engineers and designers) regarding:

- Stormwater and run-off; accommodations with elevations and for drainage with berms and swales;
- Concrete vs. wooden wall, existing fences and chain link;
- Septic issues (water and sewer to be extended into site from Serrano);
- Traffic study done (approved, meets standards);
- Turn-arounds for fire/rescue (radius reviewed by fire department and complies with Code requirements);
- A photometric plan is part of the site plan (no spillage);
- Density issues (complies with the 5 units per acre zoning) and setbacks.

Board members made comments on the proposal presentation and site plan, clarifying several points previously discussed along with issues from resident comments, before entertaining motions.

**Motion** made by Mr. Gropper, seconded by Mr. Buoni, request to approve Country Trail PUD annexation (ANEX 19-001). In a roll call vote, the motion passed (4-3) with Mr. Zonenstein, Ms. Gordon, and Chair Katz dissenting.

**Motion** made by Mr. Gropper, seconded by Mr. Rosecrans, request to approve Country Trail PUD Future Land Use Map amendment from Palm Beach County's Medium Residential with a maximum density of 5 du/acre (MR-5) to Low Density Residential (LDR) with a maximum density of 7.5 du/acre. In a roll call vote, the motion failed (5-2) with Mr. Zonenstein, Ms. Gordon, Mr. Simon, Mr. Rosecrans, and Chair Katz dissenting.

**Motion** made by Mr. Gropper, seconded by Mr. Buoni, request to approve Country Trail PUD rezoning from Palm Beach County's AR, Agricultural Residential, to PUD, Planned Unit Development. In a roll call vote, the motion failed (5-2) with Mr. Zonenstein, Ms. Gordon, Mr. Simon, Mr. Rosecrans, and Chair Katz dissenting.

7.B. Approve Country Trail PUD New Site Plan to construct a new development with 26 two-story single-family residences and associated site improvements on a 5.17 acre site. Applicant: M2D Country Trail, LLC

Noting the presentation for 7.A. above, the following observation was made: As two of the three requests under 7.A. were denied, this item must also be denied. Some clarifying discussion followed.

**Motion** made by Mr. Gropper, seconded by Mr. Rosecrans, to approve Country Trail PUD New Site Plan to construct a new development with 26 two-story single-family residences and associated site improvements on a 5.17 acre site. In a roll call vote, the motion failed unanimously (7-0).

[Recess for eight minutes.] Upon returning from recess, Ms. Gordon departed and Mr. Hatcher was seated. As a new Board Member, Will Hatcher introduced himself.

7.C. Request: Approve Boynton Beach Mall Future Land Use Map Amendment from Development of Regional Impact (DRI) to Mixed Use Low (MXL). Applicant: City-initiated.

Request: Approve the Comprehensive Plan's Future Land Use Element text amendments to delete the Boynton Beach Mall DRI from the list of DRI-classified sites. Applicant: City-initiated.

Hannah Matras, Planner, gave the background and reasoning behind the requests, citing changing trends for malls nation-wide. Chair Katz had a question on the timeline of the application, then asked simply how this proposal came about; Ms. Matras noted the current assessments of the properties and they did not meet highest and best use projections. Additional history was given, future use was discussed. Also addressed were the issues related to pervious vs. impervious areas of the parking lots; this will definitely be resolved with new plans/developments and there is Code regulation to cover it in most districts.

Chair Katz opened the meeting for public comment.

- **Susan Oyer**, 140 SE 27<sup>th</sup> Way, noted a new type of pervious concrete and has forwarded to Staff the Sentinel article on the product.
- **Leo Abdella**, 108 Lakeshore Dr., West Palm Beach; however, represents Christ Fellowship Church, wanted to voice they are in favor of the request. The church has been successful at the mall location and looks forward to improvements of the location to enhance the total experience.

Chair Katz closed the floor to public comment.

**Motion** made by Mr. Buoni, seconded by Mr. Zonenstein, for request to approve Boynton Beach Mall Future Land Use Map Amendment from Development of Regional Impact (DRI) to Mixed Use Low (MXL). In a voice vote, the motion passed unanimously (7-0).

**Motion** made by Mr. Gropper, seconded by Mr. Buoni, for request to approve the Comprehensive Plan's Future Land Use Element text amendments to delete the Boynton Beach Mall DRI from the list of DRI-classified sites. In a voice vote, the motion passed unanimously (7-0).

7.D. Request for Major Site Plan modification approval to construct one-story building additions totaling 6,657 square feet, to an existing three (3) building, 10,865 square foot, warehouse complex, for a total of 17,722 square feet, and related site improvements. Applicant: Jose Obeso, J.A.O. Architects & Planners.

Jose Obeso made a presentation for the project. [Mostly inaudible, please refer to board packet.] Chair Katz had questions about replacing the parking; however, there were no other questions from the Board.

Chair Katz opened the meeting for public comment.

- **Susan Oyer**, 140 SE 27<sup>th</sup> Way, likes the landscaping, especially the plants to attract butterflies, and asks that perhaps sweet almond or comparable plants also be incorporated to attract endangered species. Wondered if solar might be added to the big, flat rooftops. Also wondered in reducing the parking area, if electric car charger stations could be added.

Chair Katz closed the floor to public comment.

Chair Katz asked if the applicant agrees to all conditions of approval. Louis Vlahos, landscape designer, commented on the landscaping, particularly keeping the existing canopy of trees, and will add the butterfly-attracting plantings where they are likely to survive. Concerning sufficient buffering to the homes on the west, there is an existing seven-foot concrete wall, and there is no room to plant any additional trees. There are eight-foot wide buffers up against the building where Japanese blueberry trees that will screen the building from the neighborhood. Length of time from start to finish should be one year.

**Motion** made by Mr. Rosecrans, seconded by Mr. Simon, to approve request for Major Site Plan modification approval to construct one-story building additions totaling 6,657 square feet, to an existing three (3) building, 10,865 square foot, warehouse complex, for a total of 17,722 square feet, and related site improvements, agreeing to conditions of approval and the condition that the contractor follow all best management practices for noise, dust, and vibrations. In a voice vote, the motion passed unanimously (7-0).

7.E. Approve modifications to parking requirements (CDRV 19-001) – Amending the LAND DEVELOPMENT REGULATIONS, Chapter 4. Zoning, Article V. Minimum Off-Street Parking Requirements, Section 2.A. & B., to revise parking requirements for residential uses, and modifications to shed requirements (CDRV 19-002) – Amending the LAND DEVELOPMENT REGULATIONS, Chapter 3. Zoning, Article V. Supplemental Regulations, Section 3.E. to increase potential siting locations for permanent sheds and storage structures. City initiated.

[Recess for three minutes.]

Mr. Breese made the presentation. Staff is proposing reservations to the previous 2017 Code to increase the parking based upon the number bedrooms in the residential units. Staff is continuing

to analyze the data across the Board, and as a result are suggesting the creation of subcategories under the parking scenarios for single-family/two-family dwellings and home expansions. (The criteria/scenarios were given for the calculations.) Next, Mr. Breese gave background and reasoning on increasing the potential locations on any site for permanent sheds and storage structures.

Chair Katz then opened the meeting for public comment, seeing none, returned to Board for motion.

Chair Katz disclosed meeting with Staff in regards to this item. Board members asked for clarification on future parking, modifications of site plans, reserving parking spaces, preserving green space, maximum spaces for more than five bedrooms in a dwelling, height restrictions for sheds.

**Motion** made by Mr. Rosecrans, seconded by Mr. Buoni, to approve modifications to parking requirements (CDRV 19-001) – Amending the LAND DEVELOPMENT REGULATIONS, Chapter 4. Zoning, Article V. Minimum Off-Street Parking Requirements, Section 2.A. & B., to revise parking requirements for residential uses, and modifications to shed requirements (CDRV 19-002) – Amending the LAND DEVELOPMENT REGULATIONS, Chapter 3. Zoning, Article V. Supplemental Regulations, Section 3.E. to increase potential siting locations for permanent sheds and storage structures. In a voice vote, the motion passed unanimously (7-0).

**8. Other**

**8.A. Appointment of Vice Chair**

On motions duly made and seconded, Trevor Rosecrans was nominated and appointed to Vice Chair. In a voice vote, the motions passed unanimously.

**9. Comments by Members - none.**

**10. Adjournment**

Upon motion duly made and seconded, the meeting was adjourned at 9:44 p.m.

[Minutes prepared by M. Moore, Prototype, Inc.]

**MINUTES OF THE BUILDING BOARD OF ADJUSTMENTS AND APPEALS  
MEETING HELD ON THURSDAY, AUGUST 16, 2018, AT 3 P.M., IN  
COMMISSION CHAMBERS, CITY HALL  
100 E. BOYNTON BEACH BOULEVARD, BOYNTON BEACH, FLORIDA**

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**PRESENT:**

Sanford Guritzky, Chair  
Timothy Hunt  
Andrew Podray  
Daniel Berger  
Paul Bortz

Mike Rumpf, Development Director  
Shane Kittendorf, Building Official

**James Cherof**, City Attorney, noted Sanford Guritzky was nominated as Chair at the last meeting and with his endorsement, called the meeting to order at 3 p.m. Roll call was taken. A quorum was present.

Attorney Cherof explained the meeting was suggested at a City Commission meeting as a meet and greet for the Board and for staff to put together a short presentation about the authority and mission of the Board. The members will receive information about the Board's function, the Sunshine and Public Records Laws that affect the Board, and the Board's role under the Palm Beach County Code of Ethics.

The members introduced themselves and their credentials as follows:

Tim Hunt, is a third generation plumber, a State of Florida licensed inspector and plan reviewer and also holds LP and Natural gas licenses. He is currently now a Director of Operations. He has a background in construction and experience in interpreting the Code.

Sanford Guritzky has been on the Board for many years. He has 43 years in the construction industry. He learned from the bottom up as far as phases of construction. He is currently retired.

Dan Berger studied Building Science in college and works for a large national builder who has an office in Ft. Lauderdale. He is in charge of the field operations. They are technical builders and his expertise is building hospitals and some laboratories. He specializes in Code interpretation and works with architects, engineers and City officials all the time.

Andrew Podray, President, American Housing Enterprises, a real estate holding company that owns and manages 1.4 million square feet of retail and office space. They own 641



apartments, statewide, and he has been in development for the last 11 years. They are currently working on Banyan Cove in Delray Beach and the Crabpot in Riviera Beach.

Paul Bortz is retired and from Uniontown, Pennsylvania. He was the former Mayor of Uniontown. He served on the Fayette County Building and Zoning Commission for 10 years and 17 years on the school board. He had his own real estate company.

Attorney Cherof explained all else present was a member of staff except David Katz, Chairman of the Planning and Development Board.

Chair Guritzky requested an updated Board list be sent to the members and was informed one would be sent.

**Shane Kittendorf**, Building Official for Boynton Beach, explained the Board received the basic Administrative Amendment Section 113 regarding the Building Board of Adjustment and Appeals (BBAA). He explained when someone appeals his or a flood administrator's decision, the Board will play a neutral role with a determination. When someone wants to appeal his interpretation of a Code section, staff first tries to resolve the issue. He commented the Code is the Code, but if a hardship exists and they want to appeal, they can and he will present the request to the Board and the Board decides. Mr. Kittendorf abides by the Board's decision.

Mr. Kittendorf read from Section 113.4 of the Building Code detailing the powers of the Board. Mr. Kittendorf did not provide the ordinance with Article 9 of the Code of Ordinances in the Land Development Regulations (LDR) nor did he include Article 10 detailing the flood prevention regulations. There is more information in those two codes and Mr. Kittendorf will provide excerpts of the sections to provide a brief summary.

“The purpose and intent is to provide efficient relief process to allow for deviations of the certain requirements and standards of the Florida Building Code including the cities administrative amendments thereof and applicable regulations in the City's LDR. In circumstances when the applicant is able to demonstrate hardship. The intent of the application is not to provide the means to circumvent or circumventing any such requirements or standards, but to allow for a departure from Code upon demonstration that the subject request satisfactorily addresses the review criteria contained herein and without the necessity of amending any type of regulations to accommodate that requested relief. The owner of a building, structure or service system, or duly authorized agent may appeal a decision from the building official whenever any one of the following conditions is claimed to exist; the Building official rejected or refused to approve the mode or manner of the construction proposed to the following or materials to be used in the installation or alteration of that building, structure, or service system.”

Mr. Kittendorf explained when the Board is given Code sections, the Code verbiage is pretty clear, but there are certain conditions that become hardships for a customer or contractor. Most of the time the issue is resolved. He gave an example of a new

innovative material. The contractor provides all the test data, but have not taken it through the State's parameters. Based on their testing information, the contractor would appeal Mr. Kittendorf's decision, appear before the Board, consider the data and make a determination if the new material is equal or greater than the minimum standards and make a decision. The appeal is based on the true intent and meaning of the Florida Building Code including the City's Administrative Amendments thereto, have been misconstrued or incorrectly interpreted. Each Building official in each area has their own way of how they interpret things. Mr. Kittendorf agreed to send the members the Ordinance to read sections and explained he likes to keep an open thought process. If there is something that could be done better, based on his interpretation and an appeal is wanted, he will bring it to the Board for final decision.

Section B specified, "The owner of the building structure or service system or duly authorized agent may request relief from the following: the Florida Building Code including the City's Administrative Amendments and Technical Amendments, Chapter 4 Article 9, Building Construction, Historic Preservation requirements and City Code of Ordinances, or Chapter 4, Article 10 Flood Prevention requirements and City Code of Ordinances.

Mr. Kittendorf advised Flood Prevention has strict compliance standards and it is unlikely a variance would be granted, but it is possible if an appeal can bring just cause for a variance. The Flood Prevention Code is insurance driven, to protect life and property at large. If a hurricane or rain causes flooding and a home has flooded many times, it is considered a repetitive loss and the home has to be brought into compliance. One challenge is what is considered a substantial improvement. Mr. Kittendorf advised a substantial improvement is when an improvement exceeds 50% of the value of the home or the structure, staff would say based on regulations, the owner has to bring the home up to Code and it is a hardship to the homeowner seeking the renovation. Staff tries to provide an avenue to avoid the requirement, but in most cases, the home is brought into compliance and the variance process comes into play because the homeowner could appeal to the Board for that standard. The Board reviews the information provided from the applicant and from the staff and then make a decision. He encouraged the members to become familiar with the City's ordinances to understand staff's responsibility.

Mr. Podray asked how the average general contractor would know about the Board. He looked on the website and did not see anything. Mr. Kittendorf explained 90% of general contractors know the requirements and the process to appeal. It is known statewide. If a Building Board of Adjustments and Appeals does not exist in a local municipality, then the contractor would apply to the State Building Commission.

Mr. Podray questioned under 113.4 of the appeals: "The owner of a building, structure or service system or duly authorized agent may appeal a decision of the Building Official to the Building Board of Adjustment and Appeals whenever any one of the following conditions exist." He noted bullet point three specified, "that an equally good or desirable form of installation can be employed in a specific case." He thought the language was ambiguous and it opened the Board up to appeal. Mr. Kittendorf explained it is an open

statement. The question becomes what are they trying to request a variance from, what part of the Code was not clear or gray in a manner that indicates the contractor cannot do something, and what was happening that would create that type of hardship that they now have to appeal. Other questions come into play, such as if the Building Official rejected or refused that type of component or material to be installed and what was the reason behind the disapproval. That information comes to the Board, based on the Building Official's interpretation, based on his findings for a decision. He explained the most important component is will it protect life and property and why they enforce the Codes.

Attorney Cherof added they cannot write Code fast enough to keep up with innovation and those working in the field are on the front line of innovation and wanting to try things that work better or equal to or exceed what they could find approved in the Code. He thought that provision of the Code speaks to that particular issue. If local government is to keep up with times, innovation and be user-friendly, such a provision has to be included. Contractors, engineers or architects may think they have something that is innovative and that protects the public and their users, but in the end, if there is a dispute between the Building Official and them over that item, then it comes before the Board who uses its collective expertise to make the decision. If the Board granted the variance or appeal, staff would start to rewrite the Code to include that ruling.

Mr. Podray explained he was restoring Casa Costa and an issue came up with one of his office build-outs regarding electrical receptacles that would stay on 24/7. He understood effective January 1, 2018, the Code was modified so up to 50% of the electrical receptacles have to turn off after non-use for a certain period of time. His subjective opinion was an equally good or a more desirable form would be to just install the receptacles as they have done for the last 50 years inside a normal office build out. He asked if this issue would qualify under the appeal criteria. Mr. Kittendorf responded the path he would have to take would be to recuse from voting or discussions as a Board member, and either he or his agent can appeal the interpretation of Mr. Kittendorf's position to try to show how it is better. The Code now states 50% of the receptacles shall have a shut-down mechanism. It is an energy code requirement that is new and was implemented. If they shut down the 50%, the owner is trying to save energy and be more green. In this case, they would want to maintain consistency and allow the existing receptacles to go in place. The question is if it would meet the Code or does it exceed or fall below the Code. The existing receptacle is now deficient versus the new unit with the energy savings. If the intended use is required to meet a 24-hour service requirement, than an exception can be made, but they would have to determine how many receptacles in the establishment have to meet the requirement. The Board would have to review that issue for the exception to be applicable if it could be at all.

Attorney Cherof discussed the process, how the package is sent to the members and how much in advance of the meeting the members would receive the information. Mr. Kittendorf explained when a person appeals, a Notice of Appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall

be in a form acceptable to the Building Official and the Board shall meet within the next following 30 days from when the decision has been provided. It is usually with a 60-day period. The Building Board of Adjustments and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reason for the decision. If the decision of the Board reverses or modifies a refusal or disallowance of the Building Official or varies the application of any provision of the Code, the Building Official shall immediately take action in accordance of such decision. Every decision shall be promptly filed in writing in the Office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise by the applicant and any copy shall be kept publically posted in the Office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however, to such remedy as the aggravated party might have at law or at equity.

Attorney Cherof explained when the Building Board of Adjustments and Appeals makes its decision, the ruling is reduced to the form of an Order by the City Attorney's Office with the help of the Building Department and the City Clerk. It is only when the Order is signed and filed with the City Clerk that the clock begins to run for the right of appeal or further review. The next level of review is to the Circuit Court of Palm Beach County and is called a Writ of Certiorari. The Courts treat it as an appellate matter and they look at whether there was competent evidence to support the outcome of the hearing before the Board. All of that is handled by the City Attorney's Office. Once a ruling is made, the Order is signed, the Board is finished with that particular issue and the matter does not return to the Board unless a Court requests the matter be returned back to the Board for further evidence or consideration. Attorney Cherof could not recall a single instance that has happened to local governments in a tri-county area in the last 30 years.

Attorney Cherof reviewed the Palm Beach County Code of Ethics and explained years ago, the City gave up its own personal local Code of Ethics and became involved with the County's Code of Ethics efforts. He advised if a member has a question about the Code of Ethics, or what the Board will vote on or a matter coming before the Board where there may be a conflict of interest, the member should contact the Palm Beach County Ethics Commission. Attorney Cherof had distributed a handout with their phone number and advised they have an online application for posing questions.

The second step in that process is to follow their advice because if not, the follow up would be to the State Attorney's office for enforcement. If a member believes they may have violated the Code or were told they violated the Code of Ethics, Attorney Cherof recommended hiring an attorney because the consequences are very stringent and the member should follow the advice they receive from their attorney. Years ago, the City Attorney's Office used to interpret the local, City and the State versions of the Code of Ethics for members of Boards and for the City Commission, but they no longer do so because they under the County's Code and it is that office that makes interpretation and provides guidance.

Attorney Cherof gave an overview of the Sunshine and Public Records Laws and distributed a printed version of the two laws. He explained the Florida Constitution provides for all government activity at any level from staff to the administration, to legal and Boards and the City Commission has to occur in view of the public in the Sunshine to ensure the public can follow an issue since its inception, which prevents informal communication between Board members.

The measure was enacted into law in Chapter 286.011, which outlines all the general provisions. It requires when the Board is going to engage in discussion on a matter of public importance they have jurisdiction over, the City Clerk provides a notice to the public of the meeting. The members meet only to discuss the matter in public. There is no pre-discussion amongst the Board meeting about it; however, a Board member can speak to staff or the legal department about it, but no dialogue between members. Minutes are taken at the meeting so the public that could not attend could read what occurred and the minutes come back to the Board at the next meeting, for the Board to approve or make corrections if needed. The purpose is to ensure all decisions are made in public. The members are appointed by the City Commission and are governed by State Law. The meeting is the agenda, which can be modified or amended, as long as it does not deviate very much from the subject matter.

Mr. Bortz asked if there would be a reason to meet in executive session and learned the only two ways a local government can meet behind closed doors is when litigation is pending and only the City Commission has the right to meet. In those meetings, a court reporter takes down a verbatim record of all that is said at the closed-door session until litigation is over. When the litigation is over, those minutes from the closed-door session become part of the clerk's minutes and are made available to the public. The other closed-door meeting pertains to labor negotiations with the unions so the City Commission can give the City Manager direction on how to negotiate a contract. Attorney Cherof announced there are no other exceptions.

One problem seen is when agenda packets are sent to the Board members via email and all the Board members receive a copy. He advised Board Members should never "Reply to All" because if so, they are communicating with other members of the Board as well. The Board cannot use staff to act as a conduit before the meeting or during deliberating an issue and no discussions off the record at the meeting are permitted.

Mr. Bortz asked what the Board's liability was as far as members being sued. Attorney Cherof responded the Board is covered, unless there was a willful intent to obstruct the Sunshine Law. As such, there could be personal liability and the member could be a subject of prosecution by the State Attorney's Office. He explained ordinarily, the first line of defense is the City Attorney's office takes up the defense and explores whether or not the member is entitled to the defense because it was inadvertent or a mistake or a misrepresentation. He advised with great power comes great responsibility and great liability.

Attorney Cherof explained there are 12 lawyers in the City Attorney's office. They are an outside firm that has provided the City with representation for 28 years. Every attorney covers Boards and Commissions and they handle local government law. When contacting the City Attorney's Office, Lynn Swanson is the paralegal and she knows which attorney is available to obtain an answer right away.

The Public Records Law does not come into play as a Board Member. Each document from draft to final document created for local government is a public record. All emails and texts are public record. They are maintained by the Clerk's office and IT Department and they are maintained on the Board's behalf if working through the City's email system as a Board Member. If not, Board members must maintain the public record and not destroy their text messages to staff. Do not rely on the fact that the recipient will do so on their behalf. Information on computers and iPads must all be maintained. Each Board member, member of staff and City Attorney are their own custodians,

Insurance is not necessary. Attorney Cherof could not recall an instance that even came close to a member needing insurance. Rarely did someone who came before the Board that did not like the way they are treated file a complaint with the Palm Beach County Commission on Ethics. In those instances, members should contact the City Attorney's office first.

Attorney Cherof commented as to other records, a member making self-notes during a Board meeting for the purpose of reminding them of questions, are not a public record and are transitory. If a member is the Chair and they take notes to make certain that the Order that is issued complies with his recollection of the hearing, that record is on behalf of the Board to reconcile with the minutes and that record must be kept as it is a public record.

Roberts Rules of Order is used at the meetings. Some of it is archaic and some of it has no application to public entities in Florida. A note in the rules about informal procedures for small boards is what they follow. The attorney for the Board will be prepared to walk through Roberts Rules. The purpose is to ensure anyone coming to the Board gets a fair opportunity to present their case in a quasi-judicial fashion. All will be put under oath and the members will obtain evidence to make a decision. Roberts Rules does not really apply. All of the attorneys are familiar with the procedures and they will expedite the hearing.

Mr. Podray asked about making recommendations to go before the City Commission. He thought 30 days to appear before the Building Board of Adjustment and Appeals and having to be notified within another 30 days is already 60 days. He commented there is a two and a half month turn around for a case. He thought the City could provide faster service and he wanted to discuss ways to facilitate appeals. Attorney Cherof commented he could bring a draft amendment to the Code to address it as long as it does not conflict with provisions with the Florida Building Code. Most of the time, the continuance is requested by an applicant and not the Board or staff. Sometimes the 30 days may seem

like a long time, but from an applicant's point of view, when they have to present evidence, they may need more time. He thought they could build in a window of time and continuances. He will check into it further and report back at the next Board meeting.

Mr. Berger agreed if the applicant wanted to proceed faster, they should have the opportunity. As someone who has been through the process in other municipalities, the delay can cost the developer up to \$30,000 a week for workers to sit on the job and it has the potential to shut projects down and leave bills for the owner. Often individuals try to shy away from coming to the Board, because it could cost a fortune. Attorney Cherof noted the current City Commission is very proactive and engaged in making life easier for development and the building trades. That was not always been the case and not in the tri-county area where once they get in the system they never know when they will get out.

Mr. Berger commented he works everywhere from Jupiter down to Miami Dade. They come across issues, usually with the State and they take a lot of those cases to Tallahassee. He thought it was odd that there were only three meetings of the Board in 10 years. He thought there would be more disputes. Attorney Cherof explained part of the answer is staff has been very proactive and engaged with people on issues to resolve the matter. The fact there are so few cases coming to the Board means staff was successful. It is rare the City Attorney's Office had to give professionals any guidance on how to resolve an issue that is a building code or development related issue.

He pulled the minutes of the last few issues that came before the Board. In 2014, there was an appeal of a demolition order, which also went on to court, was litigated for three or four years and has since been resolved. The City now owns the property where the structure was demolished. There was a hearing in November 2013 regarding an appeal for a Business Tax Receipt denial due to non-compliance with provisions of the Code. The applicant felt the Business Tax Receipt should be issued and they receive waivers of the provisions that were violated.

Chair Guritzky noted many items come to the Board for extensions when the period of time for appeal has run out. Attorney Cherof recalled such a situation occurred in 2012 and 2017. Two of the four items dealt with time extensions, which was a testament to staff making life easier for the end product user. He explained staff was doing their job which is important for the safety of the citizens.

Mr. Podray thought the Board meets too infrequently. He also thought there may be a way to reduce the fee for the appeal process because for a small time contractor, the \$250 fee may be a slight impediment to appear before the Board. He mentioned the 60 day waiting period and the fact the Board is not advertised on anything. He knows a lot of small general contractors and could confirm that many of them do not know about the process to come before the Board. He wanted to fully vet what they can do as a Board to make recommendations to the City Commission to lower the price, shorten the time period from 60 days to less, as time is money. The Board should be more active. He

thought the Board should be on the City website and a flyer be made. The building staff is open to different interpretations of the Code and he was impressed. He wanted the City to offer the same opportunities to people who were less versed than he, so they would have due process and recourse.

Attorney Cherof explained the City redid the website. City Hall was moving so bulletin boards were not available and the City was moving to more public notices and hearings. A Building Board of Adjustment and Appeals meeting would appear there. The City Attorney's office cannot address fees, but it does make sense to be more user friendly with its administrative fees. He commented he will bring these items to the attention of the City.

Mike Rumpf, Development Director, introduced himself. He thanked the members for volunteering and advised their role was very important to the City Board as was the Planning and Development Board, with which he has a lot of experience. If Messrs. Kittendorf or Kuntzman are not available, the members can feel free to contact him.

Attorney Cherof invited anyone with questions to contact staff or him and they will provide all the information. As to the electronic notice process, if the members had any ideas, they should contact the City. He noted the legal staff serves the Board and Commission and they want to be as efficient as the building department is in dealing with contractors and developers, and the clerk's office is with public record requests.

Chair Guritzky requested a one-page version of Robert Rules.

The meeting was adjourned at 3:54 p.m.

  
**Catherine Cherry**  
Minutes Specialist





## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**PLANNING AND DEVELOPMENT MEETING DATE: 2/26/2019**

**REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:** Approve Ocean Breeze East Major Site Plan Modification for multi-family residential (rental apartments) consisting of 123 dwelling units within four, three-story buildings, a clubhouse, community space, and associated recreational amenities and parking on 3.95 acres. Applicant: Paul Bilton, Centennial Management

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**EXPLANATION OF REQUEST:**

Mr. Paul Bilton, agent for Ocean Breeze East, LLC is requesting approval of a Major Site Plan Modification for the development of Ocean Breeze East, which proposes 123 dwelling units within four, three-story buildings, 3,250 square foot clubhouse, 1,446 square feet of community space, associated recreational amenities, and parking on 3.95 acres.

There is one (1) point of ingress/egress proposed for the project centrally located on NE 7th Avenue. This is a two-way driveway allowing turns in both directions. Sidewalks are provided on all rights-of-ways at a minimum of 8 feet in width. The sidewalk along Seacrest Boulevard is designed to incorporate the frontages of the first-floor units, allowing front doors, street trees, and pedestrian connections to the individual units as an enhancement of the project and streetscape consistent with the vision for the City's urban area.

A surface parking lot is centrally located among the apartment buildings and contains 193 parking space; nine (9) of which are handicap parking spaces.

The proposed elevation drawings depict the overall roof height of each residential building at approximately 38 feet in height. The proposed building has a traditional residential design, featuring a smooth stucco finish, pitched roof with focal features, decorative cornices and banding, modulation of the facades, balconies with aluminum railings, building score lines, roof overhangs, and an earthtone color palette.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** The fiscal impact of the proposal will be negligible, other than the enhanced condition of the property with the upgraded building and use on the site, permit fees and certificate of use fees.

**ALTERNATIVES:** None recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:**

**CLIMATE ACTION:**

## CLIMATE ACTION DISCUSSION:

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**Is this a grant?**

**Grant Amount:**

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### ATTACHMENTS:


Type	Description
<input type="checkbox"/> Staff Report	Ocean Breeze Each Staff Report
<input type="checkbox"/> Location Map	Exhibit A - Location Map
<input type="checkbox"/> Drawings	Exhibit B - Project Plans
<input type="checkbox"/> Conditions of Approval	Exhibit C - Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 19-004**

**STAFF REPORT**

**TO:** Chair and Members  
Planning and Development Board

**THRU:** Ed Breese   
Planning and Zoning Administrator

**FROM:** Amanda Bassiely, AICP   
Principal Planner

**DATE:** February 11, 2019

**PROJECT:** Ocean Breeze East  
MSPM 19-004

**REQUEST:** Approve Ocean Breeze East Major Site Plan Modification for multi-family residential (rental apartments) consisting of 123 dwelling units within four three-story buildings, a clubhouse, community space, and associated recreational amenities and parking on 3.95 acres.

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**PROJECT DESCRIPTION**

**Property Owner:** Ocean Breeze East Apartments, LLC

**Applicant:** Paul Bilton, Centennial Management

**Location:** Area bounded by North Seacrest Boulevard on the west, NE 1<sup>st</sup> Street on the east, NE 7<sup>th</sup> Avenue on the north and NE 6<sup>th</sup> Avenue on the south (Exhibit "A")

**Existing Land Use:** Mixed Use Medium (MXM)

**Existing Zoning:** MU-2 (Mixed Use Intensity 2 District)

**Acreage:** +/- 3.95 acres

**Adjacent Uses:**

**North:** Right-of-way for NE 7<sup>th</sup> Avenue; farther north one developed and one vacant property of the Church of God, and on the northwest, two vacant parcels; all the above properties classified Medium Density Residential (MeDR) and zoned R-2 (Single-and Two-Family Residential District);

**South:** Developed multifamily property, classified Medium Density Residential (MeDR) and zoned R-3 Multifamily Residential; farther south the right-of-way for NE 6<sup>th</sup> Avenue;

**East:** Right-of-way for NE 1<sup>st</sup> street; farther east developed single-family homes, classified Medium Density Residential (MeDR) and zoned R-2 (Single-and Two-Family Residential District);

**West:** Right-of-way for North Seacrest Boulevard, farther west single-family homes (Ocean Breeze West) classified High Density Residential (HDR) and zoned R-3 (Multi-Family Residential District); on the northwest corner of NW 6<sup>th</sup> Avenue and North Seacrest Boulevard, a developed single-family home classified Low Density Residential (LDR) and zoned R-1 (Single-Family Residential District).

**PROPERTY OWNER NOTIFICATION**

Owners of properties within 400 feet of the subject request were mailed a notice of this request and its respective hearing dates. The applicant certifies that they posted signage and mailed notices in accordance with Ordinance No. 04-007.

**BACKGROUND**

**Proposal:** Mr. Paul Bilton, agent for Ocean Breeze East, LLC is requesting approval of a Major Site Plan Modification for the development of Ocean Breeze East, which proposes 123 dwelling units within four three-story buildings, 3,250 square foot clubhouse, 1,446 square feet of community space, associated recreational amenities, and parking on 3.95 acres.

## **ANALYSIS**

### **Concurrency:**

**Traffic:** A traffic study was sent to the Palm Beach County Traffic Division for their review and information and they have responded that the project is located within the boundaries of the City of Boynton Beach TCEA (Traffic Concurrency Exception Area) and therefore meets the Palm Beach County Traffic Performance Standards. The traffic study indicates that the project would generate a total 818 new daily trips, 64 AM Peak Hour trips, and 76 PM Peak Hour trips.

**School:** A School Capacity Determination letter has been sent to the School District of Palm Beach County. The County will confirm that area schools have adequate capacity to accommodate the potential public school students who will reside in the proposed dwelling units with their families prior to issuances of permits (see Exhibit C - Conditions of Approval).

**Utilities:** The City's water capacity would meet the projected potable water for this project. Sufficient sanitary sewer and wastewater treatment capacity is also currently available to serve the project.

**Police/Fire:** The Police Department has reviewed the site plan and all review comments have been acknowledged by the applicant and will be addressed at the time of permitting. The Fire Department notes that they will be able to provide an adequate level of service for this project with current or expected infrastructure and/or staffing levels. Further plan review by Police and Fire will occur during the building permit process.

**Drainage:** Conceptual drainage information was provided for the City's review. The Engineering Division has found the conceptual information to be adequate and is recommending that the review of specific drainage solutions be deferred until time of permit review.

**Access:** There is one (1) point of ingress/egress proposed for the project centrally located on NE 7<sup>th</sup> Avenue. This is a two-way driveway allowing turns in both directions.

Sidewalks are provided on all rights-of-ways at a minimum of 8 feet in width. The sidewalk along Seacrest Boulevard is designed to incorporate the frontages of the first-floor units, allowing front doors, street trees, and pedestrian connections to the individual units. The proposed site plan also includes a public plaza at the corner of Seacrest Boulevard and NE 7th Avenue to encourage pedestrian interaction with the proposed community room.

**Parking:** Off-street parking for the MU-2 zoning district requires 1.5 parking spaces for one-bedroom units, two (2) parking spaces for two (2) bedroom units, and three (3) parking spaces for three (3) bedroom units. The project proposes 123 units consisting of 30 one-bedroom units, 63 two-bedroom

units, and 30 three-bedroom units; requiring 261 parking spaces. The code also requires the provision of guest parking at a rate of 0.15 spaces per unit, which amounts to an additional 19 guest parking spaces. The community space requires one (1) parking space per 300 square feet of gross floor area. The site plan proposes 1,446 square feet space, thereby requiring an additional 5 parking spaces. Under this standard methodology for calculating required off-street parking spaces, a grand total of 285 parking spaces would be required.

The applicant has submitted a parking study done by JMD Engineering to justify a 22% reduction in the required parking to provide 222 parking spaces. The applicant is an established developer and manager of apartment complexes throughout South Florida. This site plan proposes an affordable housing product and the managers have the ability to restrict parking through lease agreements. The study proposes that the three-bedroom units will be permitted to have only two cars on site, which would reduce the required parking to 255 parking spaces (a 12.5% reduction). The parking study also indicates alternative parking generation rates from accepted sources, such as the Institute of Traffic Engineering and Urban Land Institute, transportation demand management, and comparable projects to justify a parking requirement of 203 parking spaces. Staff has reviewed the parking analysis and accepts the conclusions and believe the 222 spaces being provided should be adequate with the proposed leasing guidelines and transportation demand management practice.

A surface parking lot is centrally located among the apartment buildings and contains 193 parking space; nine (9) of which are handicap parking spaces. The proposed site plan also accounts for 30 on street parking spaces. Regular parking space dimensions would conform to code requirements for the CRA of 9 feet by 18 feet for 90 degree parking. The parallel spaces are typically required to be 9 feet by 25 feet. The applicant is requesting an Engineering Waiver to reduce the length of the parking space to 22 feet. Handicap spaces would be dimensioned 12 feet wide by 18 feet in length (see Exhibit C - Conditions of Approval).

**Landscaping:**

The Plant List (Sheets LA-1, LA-2 & LA-3) indicates that the project would add a total of 180 canopy and palm trees, 8,393 accent, shrub specimens, and small shrubs/groundcover plants. All plant materials to be used in the landscape design are required to be Florida number one grade and must be identified as having "low" or "medium" watering needs in the South Florida Water Management's "Waterwise" publication. The proposed tree species would include the following: Live Oak, Green Buttonwood, Yellow and Orange Geiger, Asoka, Pink Trumpet, and Glaucous Cassia trees. Palm species would include Alexander, Zahidi Date, Montgomery, and Sabal.

Projects proposed in the Heart of Boynton District in the Community Redevelopment Area are subject to the "Pedestrian Zone" portion of the

Land Development Regulations. These code provisions recognize the desire for reduced building setbacks, thus creating an urban setting. The purpose of the streetscape design concept is to create a landscape design that encompasses both the private and public domain, to blend the two areas into one unified landscape scheme and optimize the pedestrian experience. This is accomplished through hardscape and landscape choices, covered walkways (arcades, awnings, tree canopy), and streetscape amenities (benches, lighting, accent plantings). The landscape design proposed by the applicant depicts the use of street trees, lighting, and designing the buildings along Seacrest Boulevard to address the right-of way, by creating front doors, and pedestrian connections to the units.

**Building and Site:** The proposed site plan site area totals 3.95 acres. The 123 dwelling units are located in four (4) buildings, three (3) of which are configured along the three (3) adjacent rights-of-ways of the site and one (1) is centrally located on the site. One (1) additional 3,250 square foot building is proposed as a clubhouse and is located at the main entrance on NW 7<sup>th</sup> Avenue.

Of the 123 residential units, 30 are one (1) bedroom, 63 are two (2) bedroom, and 30 are three (3) bedroom units. The units range in size from a 780 square foot one (1) bedroom/ one (1) bathroom unit to a 1,185 square foot, three (3) bedroom/ two (2) bathroom unit. Each unit also has a balcony or terrace that either faces the street or inward towards the central common space. The 1,446 square foot community room is a portion of the building located at the corner of Seacrest Boulevard and NE 7<sup>th</sup> Avenue and front the public plaza proposed at the same location.

Relative to the floor area ratio (FAR) regulations within the code, the MU-2 zoning district has a maximum FAR of 2.0. The applicant will be providing FAR calculations prior to permit issuance (see Exhibit C-Conditions of Approval).

**Building Height:** The maximum building height allowed in the MU-2 zoning district is 65 feet. The proposed building elevations depict the overall roof height of each residential building at approximately 38 feet in height.

**Setbacks:** The MU-2 zoning district requires no building setbacks, but rather a zero (0) build-to line. However, the building setbacks may be increased up to 15 feet administratively, without benefit of a community design appeal, in areas where the intent is to 1) enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas; 2) optimize landscape design; 3) maximize on-site drainage solutions; and/or 4) accommodate architectural features and building enhancements. This requirement would apply to all building facades fronting on a street. The building setback is measured from the property line to the exterior surface of the building or supporting columns. Along Seacrest Boulevard, the proposed building setback along the length of the building is between zero and three (3) feet and eight (8) inches; however the building is 21.5 feet from

the back of the curb in order to maintain the required pedestrian zone. Along NE 7<sup>th</sup> Avenue, the building ranges in setback from zero feet to twelve (12) feet and eight (8) inches; at the closest point the building is 13.5 feet from the back of curb. Along NE 1<sup>st</sup> Street, the proposed building setback along the length of the building ranges from approximately six (6) feet to 13 feet and two (2) inches; at the closest point the building is 18 feet from the back of curb (see Exhibit C - Conditions of Approval).

**Amenities:** As noted above, the site plan depicts the inclusion of a plaza at the corner of Seacrest Boulevard and NE 7<sup>th</sup> Avenue which fronts a 1,446 square foot community room. The site also includes a 3,250 square foot clubhouse, a swimming pool, and a 2,476 square foot tot lot. Staff request that the proposed tot lot area be expanded to include a recreational lawn for older children. This may be accomplished by relocating the eastern most building nine feet further north, leaving additional space available to the south for an added amenity area. This may also assist with the utility conflict with the tot lot see Exhibit C - Conditions of Approval).

**Design:** The proposed building has a traditional residential design, featuring a smooth stucco finish, pitched roof with focal features, decorative cornices and banding, modulation of the facades, balconies with aluminum railings, building score lines, roof overhangs, and an earthtone color palette.

**Lighting:** The photometric plans (Sheets E16.02 & E16.03) include 15 freestanding pole light fixtures. The poles and fixtures would be constructed of cast aluminum and the light fixtures would have a flat lens to ensure the on-site illumination would not “spill over” onto adjacent properties and rights-of-way as required by code. There are no spot readings in excess of the maximum 5.9 foot-candles allowed.

**Signage:** Site and building signage has not been finalized and details will be submitted prior to requesting any sign permits for the site (see Exhibit C – Conditions of Approval).

**Public Art:** The project is not subject to the Art in Public Places requirement as this is an affordable housing project.

### **RECOMMENDATION**

Staff has reviewed this request for a new site plan and recommends APPROVAL, subject to satisfying all comments indicated in Exhibit C – Conditions of Approval. Any additional conditions recommended by the Board or required by the City Commission shall be documented accordingly in the Conditions of Approval.



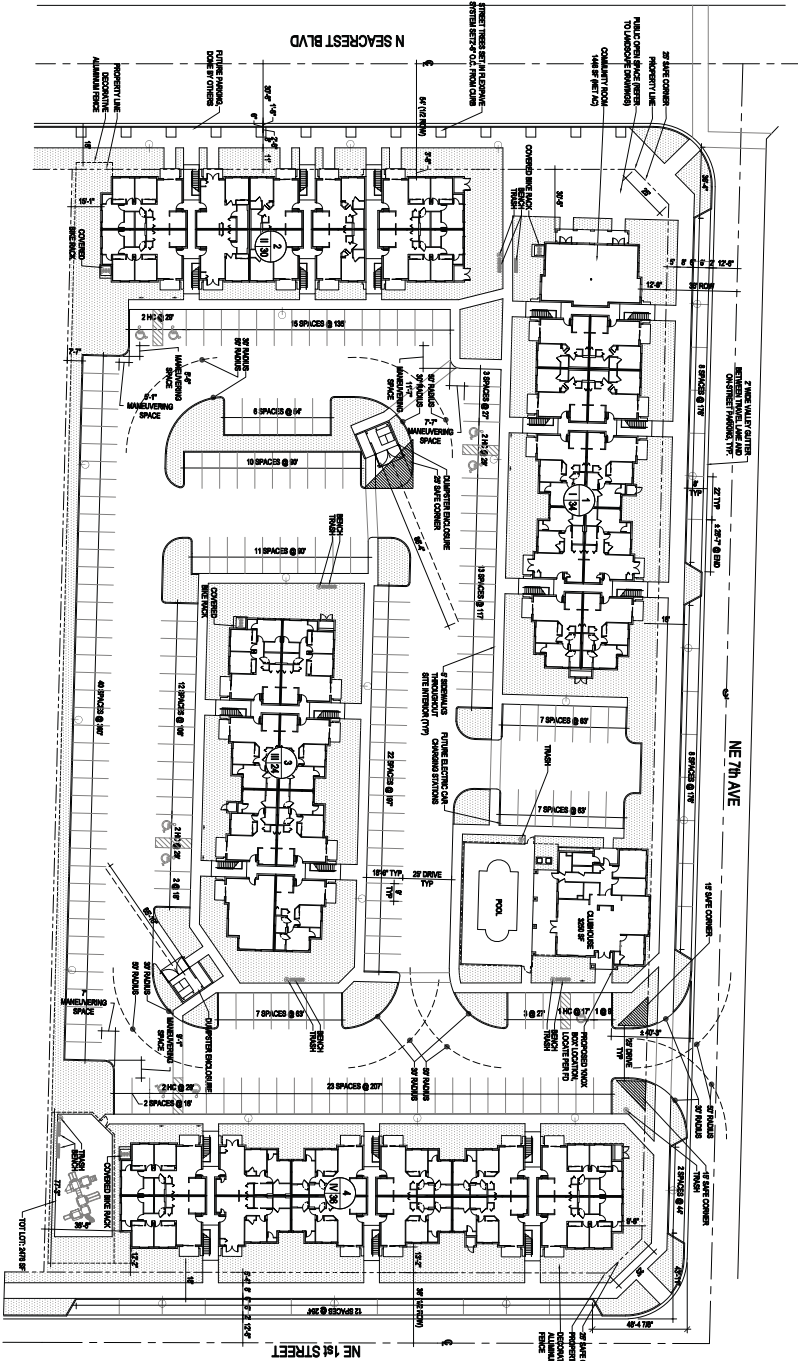
# LOCATION MAP

EXHIBIT A





## 1" = 30'-0"

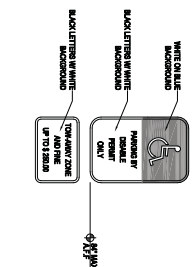
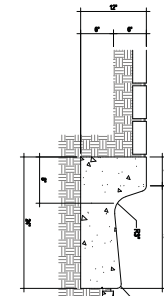
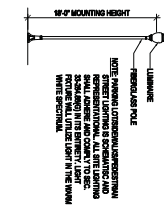
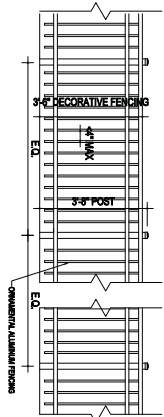


NTS

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BUILDING	UNIT A (1,000 sq ft)	UNIT B (600 sq ft)	UNIT C (400 sq ft)	TOTAL
Reg 1 - Gardens (3 Story)	22	0	34	56
Reg 2 - Gardens (3 Story)	18	0	12	30
Reg 3 - Gardens (3 Story)	0	17	6	23
Reg 4 - Gardens (3 Story)	0	24	12	36
Total Units	20	61	60	121
Unit Percentage	24.39%	61.22%	24.39%	100%

APARTMENT UNIT MIX TABLE

BUILDING	AC	NON-AC	TOTAL
UNIT A	760	40	780
UNIT B	800	40	800
UNRC	1,145	40	1185

1781

BUILDING	UNIT A (BOWEN)	UNIT B (GREEN)	UNIT C (HARRIS)	UNIT D (BROWN)
Project Value (US\$ '000)	1.5	2.0	3.8	11.200
Time taken (years)				
Time taken	30	60	30	120
Client Rating				19
Community Rating				1440
Required Funding	45	120	80	5
Realisation per Year/Engineer				
Provided Funding				
				222

111

ZONING	ACRES	ALLOWED	PROVIDED
MIXED-USE MEDICAL (M-2)	3.00	50	31.1

**MAX. HEIGHT, SETBACKS & OPEN SPACE**

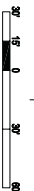
	REQUIRED	PROPOSED
HEIGHT	4 FLOORS MAX	3 FLOORS
FRONT SETBACK	0'-15"	0'-15"
SIDE SETBACK	0'-15"	0'-15"
OPEN SPACE		± 23%

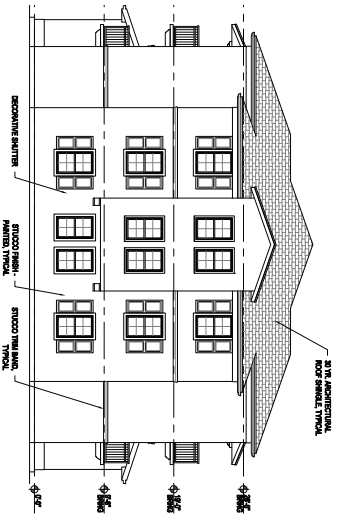
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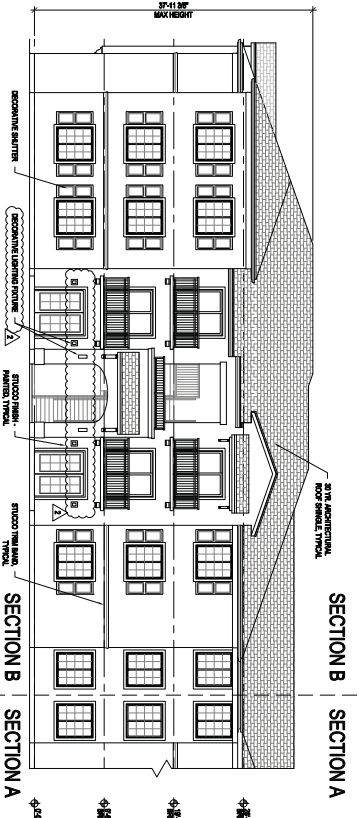


BUILDING NUMBER ON SITE  
 BUILDING TYPE  
 NUMBER OF UNITS  
 INDICATES PENIOUS SURFACE /  
 LANDSCAPE AREA  
 SITE LIGHT POLE (SHADE) FOR  
 REFERENCE ONLY, TO BE LOCATED PER  
 ELECTRICAL

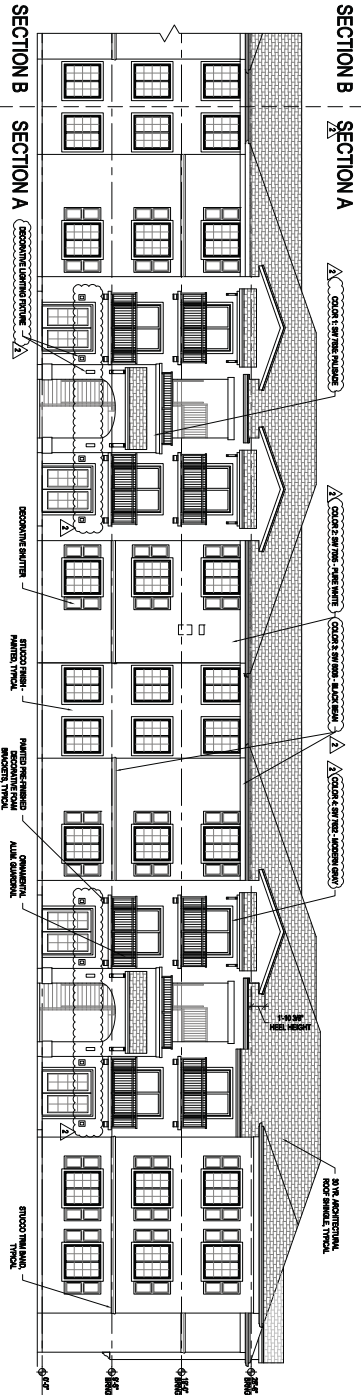




3 North Elevation  
South Elevation Mirrored  
1/8" = 1'-0"



2 West Elevation - Section B  
East Elevation Similar, Mirrored  
1/8" = 1'-0"



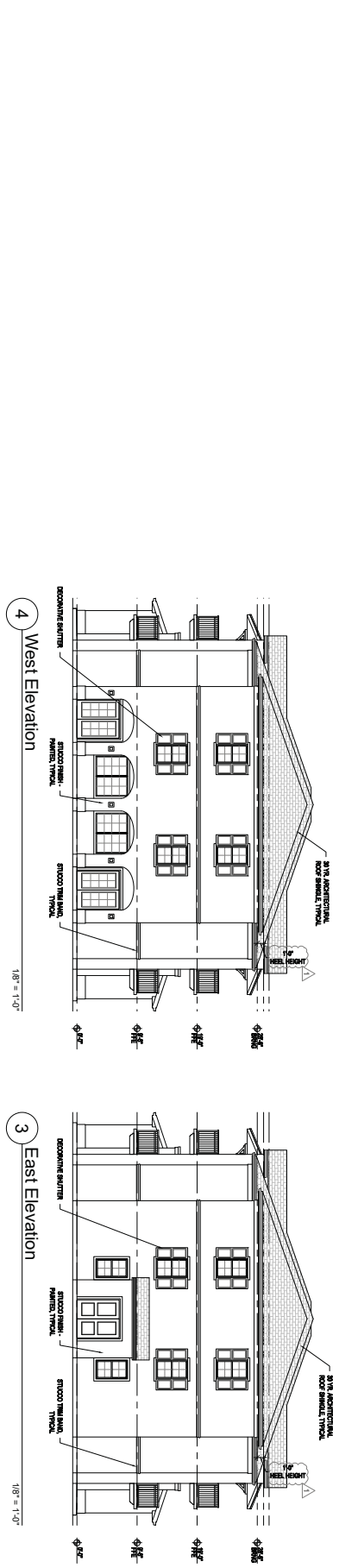
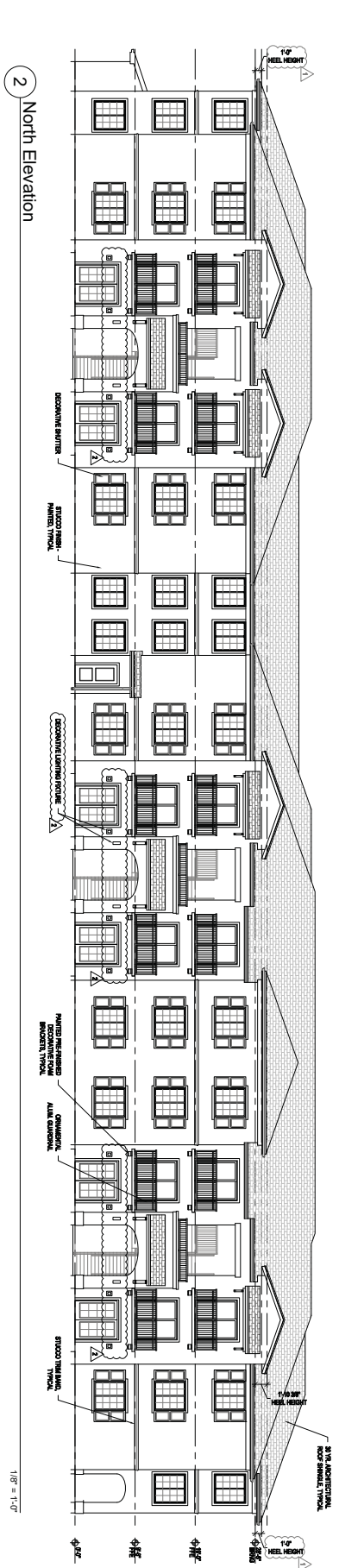
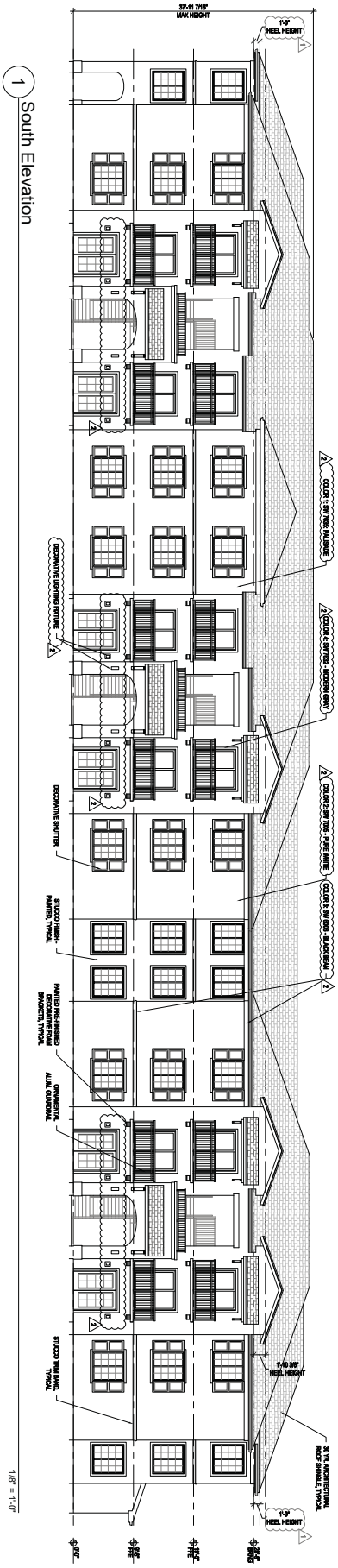
1 West Elevation - Section A  
East Elevation Similar, Mirrored  
1/8" = 1'-0"

SET DISPOSITIONS	
ISSUED	AS NOTED
SHEET REVISIONS	
Δ	
PROJECT NO.	
Building Type IV	
Exterior Elevations	
MSPMA-A-16	









MSPMA-A17

## EXHIBIT C

### Conditions of Approval

Project Name: Ocean Breeze East  
 File number: MSPM 19-004  
 Reference: 3<sup>rd</sup> review plans identified as a Major Site Plan Modification with a January 28, 2019 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
<b>ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES</b>		
Comments:		
1. The length of the parallel parking spaces will require submittal and approval of an Engineering waiver.	X	
2. Coordinate with FPL to provide FPL street lights on NE 7th Ave and NE 1st St.	X	
3. At the site entrance, please show the 15' safe corners (detail P-13). Make sidewalk linear and parallel to safe corner. Please show this on the site plan and on the landscape plan.	X	
4. At each property line please provide a cross section to ensure constructability.	X	
5. Provide screening for the residents from the headlights of vehicles that would park at the southern property line.	X	
6. Depict the 60 feet of clear space at the dumpster for truck backing-up.	X	
7. The north east dumpster appears to be blocking the sight distance of the vehicles leaving the parking area west of building III.	X	
8. On-site utility lines to be maintained by the City shall be located within a dedicated utility easement.	X	
9. The tot lot equipment shall not be located over a utility easement or line.	X	
<b>FIRE</b>		
Comments: None. All previous comments addressed at DART meeting.		
<b>POLICE</b>		
Comments: None. All previous comments addressed at DART meeting.		
<b>BUILDING DIVISION</b>		
Comments: None. All previous comments addressed at DART meeting.		



DEPARTMENTS	INCLUDE	REJECT
<b>PARKS AND RECREATION</b>		
Comments:		
10. Park impact fees will be required at time of building permit.	X	
<b>PLANNING AND ZONING</b>		
Comments:		
11. The survey depicts an existing 12' FPL easement. If it has not already been abandoned, the applicant will need to file an Abandonment application with the City.	X	
12. Please correct the "Lighting and Fixture Schedule" to reflect pole light mounting height at 18 feet to match the detail on sheet E16.01 and correct the "Calculation Summary" to indicate a maximum of 5.7 foot-candles. Additionally, revise the photometric plan to ensure light levels do not exceed 0.3 foot-candles at property lines.	X	
13. Revise color scheme of the dumpsters to match the buildings base and trim colors. Revise the appropriate details.	X	
14. Provide necessary infrastructure to be able to accommodate electric vehicle chargers in the future and note those on the site plan.	X	
15. On Seacrest Boulevard revise the landscape plan to depict a minimum of two (2) layers of different shrub material, planted in a tiered fashion at different heights.	X	
16. Street trees are to be planted in flexi-pave, not a landscape strip. Please revise accordingly along all rights-of-ways.	X	
17. Ensure that any proposed light poles on Seacrest Boulevard match the existing poles.	X	
18. Expand the proposed tot lot area to include a recreational lawn for older children	X	
19. Provide a School Capacity Determination letter approval from the School District of Palm Beach County prior to issuance of permits.	X	
20. Provide Floor Area Ratio calculations prior to permit issuance.	X	

<b>DEPARTMENTS</b>	<b>INCLUDE</b>	<b>REJECT</b>
21. Clearly identify each buildings setbacks from the property line and from the back of curb.	X	
22. Provide signage details prior to issuance of sign permits.	X	
<b>COMMUNITY REDEVELOPMENT AGENCY</b>		
Comments: None. All previous comments addressed at DART meeting		
<b>PLANNING &amp; DEVELOPMENT BOARD CONDITIONS</b>		
Comments: To be determined.		
<b>CITY COMMISSION CONDITIONS</b>		
Comments: To be determined.		
<b>ADDITIONAL REPRESENTATIONS / COMMITMENTS</b>		
The applicant or applicant's representatives made the following representations and commitments during the quasi-judicial and/or public hearings that now constitute binding obligations of the applicant. The obligations have the same weight as other conditions of approval.		

S:\Planning\SHARED\WP\PROJECTS\Ocean Breeze East\Ocean Breeze East MSPM 19-004\Exhibit C - MSPM19-004 COA.doc

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Ocean Breeze East (MSPM 19-004)

APPLICANT: Ocean Breeze East, LLC

APPLICANT'S ADDRESS: 7735 NW 146 Street, Suite 306, Miami Lakes, FL 33016

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: March 19, 2019

APPROVAL SOUGHT: Request approval for Ocean Breeze East Major Site Plan Modification for multi-family residential (rental apartments) consisting of 123 dwelling units within four three-story buildings, clubhouse, community space, and associated recreational amenities and parking on 3.95 acres.

LOCATION OF PROPERTY: Southeast corner of Seacrest Boulevard and NE 7<sup>th</sup> Avenue

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

\_\_\_\_\_ THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
    ☒ HAS  
    \_\_\_\_\_ HAS NOT  
  
established by substantial competent evidence a basis for the approval requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."
4. The Applicant's request is hereby  
    ☒ GRANTED subject to the conditions referenced in paragraph 3 above.  
    \_\_\_\_\_ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_

City Clerk



## CITY OF BOYNTON BEACH AGENDA ITEM REQUEST FORM

**PLANNING AND DEVELOPMENT MEETING DATE: 2/26/2019**

**REQUESTED ACTION BY PLANNING AND DEVELOPMENT BOARD:** Approve Conditional Use and Major Site Plan Modification for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through and related site improvements, located in a C-3 (Community Commercial) zoning district. Applicant: Raymond Funk, Coastal QSR, LLC

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**EXPLANATION OF REQUEST:**

The 0.77-acre subject property consist of two parcels, both currently vacant. The applicant is requesting Conditional Use and Major Site Plan Modification approval for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through, and related site improvements. The drive-through portion of the proposed use requires Conditional Use approval at the proposed location.

The fast food restaurant is generally compatible with the remainder of the commercial uses on the corridor and with the surrounding residential properties; as such uses located adjacent to large residential developments are typically patronized by the residents within the neighborhood. The drive-through facility is located completely behind the restaurant structure and is not visible from South Federal Highway. The building's design is typical of most commercial structures with a mix of painted split face CMU block, textured stucco finish and alumawood focal point. The building has a flat roof with a parapet and a combination of earthtone and branded colors.

Staff recommends approval subject to including all conditions of approval.

**HOW WILL THIS AFFECT CITY PROGRAMS OR SERVICES?** N/A

**FISCAL IMPACT:** Fiscal impact of the proposed use on adjacent and nearby properties, and the City as a whole, will be negligible, other than the enhanced condition of the property with the upgraded building and use on the site, permit fees and certificate of use fees.

**ALTERNATIVES:** None recommended.

**STRATEGIC PLAN:**

**STRATEGIC PLAN APPLICATION:** N/A

**CLIMATE ACTION:** No

**CLIMATE ACTION DISCUSSION:** N/A

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**Is this a grant?**

**Grant Amount:**

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**ATTACHMENTS:**


Type	Description
<input type="checkbox"/> Staff Report	Taco Bell Staff Report
<input type="checkbox"/> Location Map	Exhibit A - Location Map
<input type="checkbox"/> Letter	Exhibit B - Justification Letter
<input type="checkbox"/> Drawings	Exhibit C - Project Plans
<input type="checkbox"/> Conditions of Approval	Exhibit D - Conditions of Approval
<input type="checkbox"/> Development Order	Development Order

**DEVELOPMENT DEPARTMENT  
PLANNING AND ZONING DIVISION  
MEMORANDUM NO. PZ 19-007**

**STAFF REPORT**

**TO:** Chair and Members  
Planning and Development Board

**THRU:** Ed Breese   
Planning and Zoning Administrator

**FROM:** Amanda Bassiely, AICP   
Principal Planner

**DATE:** February, 19 2019

**PROJECT NAME:** Taco Bell Restaurant  
COUS 18-005 / MSPM 18-007

**REQUEST:** Conditional Use approval associated with a request for Major Site Plan Modification approval for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through and related site improvements, located in a C-3 (Community Commercial) zoning district.

**PROJECT DESCRIPTION**

**Applicant:** Raymond Funk, Coastal QSR, LLC

**Property Owner:** Knuckles, LLC

**Agent:** Craig L. Cornelison, Cornelison Engineering & Design

**Location:** Northwest corner of South Federal Highway and SE 23<sup>rd</sup> Avenue  
(See Exhibit A – Location Map)

**Existing Land Use/Zoning:** Local Retail Commercial (LRC) / C-3 Community Commercial

**Proposed Uses:** Fast food restaurant with drive-through facility

**Acreage:** 0.77

Adjacent Uses:

North:	Developed multifamily property, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial;
South:	Right of way of SE 23 <sup>rd</sup> Avenue; further south, developed commercial property, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial, (Sunoco gas station);
East:	Right-of-way of South Federal Highway; farther east, developed multifamily property, classified Special High Density Residential (SHDR) and zoned R-3, Multifamily; and
West:	Undeveloped commercial property, classified Local Retail Commercial (LRC) and zoned C-3, Community Commercial.

**PROPERTY OWNER NOTIFICATION**

Owners of properties within 400 feet of the subject project were mailed a notice of this request and its respective hearing dates. The applicant has certified that signage is posted and notices mailed in accordance with Ordinance No. 04-007.

**BACKGROUND/ PROPOSAL**

The 0.77-acre subject property consist of two parcels, both currently vacant. The applicant is requesting Conditional Use approval associated with a request for Major Site Plan Modification approval for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through, and related site improvements. The drive-through portion of the proposed use requires Conditional Use approval at the proposed location.

**STANDARDS FOR EVALUATING CONDITIONAL USES AND ANALYSIS**

Section 11.2.D of the Land Development Regulations contains the following standards to which conditional uses are required to conform. Following each of these standards is the Planning and Zoning Division's evaluation of the application as it pertains to each of the standards. In addition, the applicant has submitted a separate detailed justification statement that addresses each of these standards (see Exhibit B – Justification Statement).

The Planning & Development Board and City Commission shall consider only such conditional uses as are authorized under the terms of these zoning regulations and, in connection therewith, may grant conditional uses absolutely or conditioned upon adherence to conditions of approval including, but not limited to, the dedication of property for streets, alleys, recreation space and sidewalks, as shall be determined necessary for the protection of the surrounding area and the citizens' general welfare, or deny conditional uses when not in harmony with the intent and purpose of this section. In evaluating an application for conditional use approval, the Board and Commission shall consider the effect of the proposed use on the general health, safety and welfare of the community and make written findings certifying that satisfactory provisions have been made concerning the following standards, where applicable:

1. *Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.*

The subject property currently has one primary point of ingress and egress; the driveway is located on the SE 23<sup>rd</sup> Avenue near the west property line. The proposed access provides adequate ingress and egress to the property for automobiles, pedestrians, and emergency/service vehicles. The proposed driveway is required to maintain an ingress/egress easement and will be shared with the property to the immediate west (see Exhibit D – Conditions of Approval). In addition, adequate pedestrian access will be accomplished by expanding the existing sidewalk on South Federal Highway to eight (8) feet in width and creating a connection from the proposed building, which also connects to an existing five (5) foot sidewalk along the south side of the project site.

2. *Off-street parking and loading areas where required, with particular attention to the items in standard #1 above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole.*

The minimum parking required for a restaurant is calculated at one (1) parking space per 2.5 seats or one (1) parking space per 100 square feet, whichever is greater. The use proposes 42 seats, which would require 19 parking spaces. Since the building has 1,927 square feet, 20 parking spaces are required.

The site plan depicts 20 parking spaces immediately behind (to the west) of the building, one of which is a handicap parking space. The design of the parking areas is sensitive to the neighboring properties and is designed to include perimeter landscaping.

3. *Refuse and service areas, with particular reference to the items in standards 1 and 2 above.*

A dumpster is proposed at the south west corner of the property, setback approximately 10 feet from the south property line. The refuse area is screened by both the six (6) foot wall and landscaping. Trash would be removed on a standard schedule and solid waste is not anticipated to increase significantly as a result of this application.

4. *Utilities, with reference to locations, availability, and compatibility.*

The City of Boynton Beach Utility Department currently serves the site, and utilities would continue to be available and provided, consistent with Comprehensive Plan policies and City regulations. A 30 foot by 30 foot public easement is required for the relocated pump station adjacent to the west property line and SE 23<sup>rd</sup> Avenue. An additional 10 foot public easement is required along the length of the south property line. The applicant will be required to construct two (2) manholes, one (1) at the western end of the easement and one (1) at the eastern end, the easement must also include 2" PVC sewer pipe and 8" gravity line each stubbed out and capped to the City's specifications. A developer agreement for the necessary utility improvements must be executed prior to permit issuance (see Exhibit D - Conditions of Approval).

5. *Screening, buffering and landscaping with reference to type, dimensions, and character.*

The drive-through facility is located completely behind the restaurant structure and is not visible from South Federal Highway. Projects proposed in the Federal Highway District in



the Community Redevelopment Area are subject to the "Pedestrian Zone" portion of the Land Development Regulations. These code provisions recognize the desire for reduced building setbacks, thus creating an urban setting. The purpose of the streetscape design concept is to create a landscape design that encompasses both the private and public domain, to blend the two areas into one unified landscape scheme and optimize the pedestrian experience. This is accomplished through hardscape and landscape choices, covered walkways (arcades, awnings, tree canopy), and streetscape amenities (benches, lighting, accent plantings). The landscape design proposed by the applicant depicts the use of street trees, lighting, and locating the building along South Federal Highway to address the public right-of way.

The site plan depicts 34 palm trees and 22 trees throughout the property. As the City requires the planting of trees every 25 feet on-center along vehicular use areas, the applicant shall revise the landscape plan at time of permit submittal to depict a tree every 25 feet on-center along the north side of the drive-through. Palm species include, Sabal, Royal, and Alexander. Tree species include Black Olive, Densa Pine, Green Buttonwood, Glaucous Cassia and Orange Geiger. Trees will be provided ranging in overall height from 12 feet to 21 feet; shrubs and hedges provided will range from 10 inches to 36 inches in height. The plant material chosen will be native and/or drought-tolerant.

6. *Signs, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and nearby properties.*

The project proposes the installation of five (5) new light poles. In an effort to minimize glare and impact on surrounding properties, the light fixtures will be full cutoff design, and the light levels are depicted to be below the code maximum of 5.9 foot-candles. The light poles will have an overall height of 20 feet.

Relative to signage for the project, the applicant is currently depicting two (2) wall signs, however signage has not been fully designed, therefore staff recommends conditions of approval that require staff review and approval of sign design prior to permitting (see Exhibit "D" – Conditions of Approval).

7. *Required setbacks and other open spaces.*

The proposed restaurant meets the minimum setback requirements of the C-3 zoning district within the Urban Commercial District Overlay Zone. The overlay district requires no building setbacks, but rather a zero (0) build-to line. However, the building setbacks may be increased up to 15 feet administratively, without benefit of a community design appeal, in areas where the intent is to 1) enhance public spaces such as sidewalks, plazas, fountains, or outdoor seating areas; 2) optimize landscape design; 3) maximize on-site drainage solutions; and/or 4) accommodate architectural features and building enhancements. This requirement would apply to all building facades fronting South Federal Highway. The building setback is measured from the property line to the exterior surface of the building or supporting columns. Along South Federal Highway, the proposed building is setback 13 and one-half feet; along SE 23<sup>rd</sup> Avenue, the building is setback 32.45 feet. The building is set back 41.21 feet from the north property line and approximately 190 feet from the west property line (see Exhibit D – Conditions of Approval).

8. *General compatibility with adjacent properties, and other property in the zoning district.*

The fast food restaurant is generally compatible with the remainder of the commercial uses on the corridor and with the surrounding residential properties; as such uses located adjacent to large residential developments are typically patronized by the residents within the neighborhood. The building's design is typical of most commercial structures with a mix of painted split face CMU block, textured stucco finish and alumawood focal point. The building has a flat roof with a parapet and a combination of earthtone and branded colors.

9. *Height of building and structures, with reference to compatibility and harmony with adjacent and nearby properties, and the city as a whole.*

The building is designed as a one-story structure, with the parapet wall at a height of 22 feet and two (2) inches, which is compatible with the structures on neighboring properties, and under the maximum allowable height of 45' in the C-3 zoning district.

10. *Economic effects on adjacent and nearby properties, and the city as a whole.*

The overall economic effects of the proposed use on adjacent and nearby properties, and the City as a whole, will be negligible, other than the enhanced condition of the property with the upgraded building and use on the site, permit fees and certificate of use fees. It is a local convenience as intended by LRC future land use designation. Coffee, breakfast, lunch, and snacks are staples for neighborhood businesses and residents. Additionally, it is creating employment opportunities for the residential communities.

11. *Where applicable, the proposed use furthers the purpose and intent of a corresponding mixed use zoning district or redevelopment plan;*

A mixed use zoning district or redevelopment plan is inapplicable to this project.

12. *Compliance with, and abatement of nuisances and hazards in accordance with, the performance standards of Chapter 2, Section 4.N. of the City's Land Development Regulations and conformance to the City of Boynton Beach Noise Control Ordinance.*

The project would not create smoke, odors, fumes, or toxic matter that would negatively impact the neighboring properties. All restaurant activities take place entirely within the fully enclosed building.

13. *Required sound study and analysis. All conditional use applications for bars, nightclubs and similar establishments shall include the following analysis performed by a certified acoustic engineer: a. Data on the sound emitting devices/equipment and the methods and materials to be used to assure that the acoustic level of the City Code will be met; b. The analysis shall specify the authority and/or basis for determination of the acoustic level of the sound emitting devices/equipment; c. The analysis of any sound retention, reduction or reflection shall include information such as the nature, types and coefficients of sound absorbent and sound-reflecting materials to be used, coatings of the surfaces of ceilings, walls, windows, and floors and insulation to be used; and/or d. It shall also verify that sound standards shall be met during the normal opening of doors for people entering and exiting the establishment.*

This standard is inapplicable to this project because the proposed use is neither a bar, nightclub, nor similar establishments.

### **RECOMMENDATION**

Based on the information contained herein, compliance with development regulations and conditional use standards, staff recommends APPROVAL of this request for conditional use and major site plan modification, subject to satisfying all conditions of approval recommended by staff as contained in Exhibit "D" – Conditions of Approval. Any additional conditions of approval recommended by the Board and required by the City Commission will be placed in Exhibit "D" accordingly. Furthermore, pursuant to Chapter 2, Article II, Section 2.C Conditional Uses, a time limit is to be set within which the proposed project is to be developed. Staff recommends that a period of 18 months be allowed to receive the necessary building permits.

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# LOCATION MAP



0 15 30 60 90 Feet







June 14, 2018

City of Boynton Beach  
Planning & Zoning Division  
100 East Boynton Beach Boulevard  
Boynton Beach, FL 33435  
Tel. (561) 742-6260

RE: **Letter of Justification**  
Taco Bell, 2319 S. Federal Highway, Boynton Beach  
Parcel ID No. 08-43-45-33-06-000-0010 (portion of)

To Whom It May Concern:

This Letter of Justification is to request Conditional Use approval for the construction of a 1,918 SF Taco Bell restaurant with drive-thru and related site infrastructure. We believe this request is consistent with other fast-food restaurants permitted in nearby areas of the City and is also consistent with the City of Boynton Beach's Land Development Regulations (*Chapter 3, Article IV, Section 4*).

Below are the standards used to evaluate a Conditional Use Application:

1. Ingress and egress to the subject property and proposed structures thereon, with particular reference to automobile and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

*The site will be accessed via a proposed driveway to/from SW 23rd Avenue along the left (west) property line, which will provide adequate ingress and egress to the property for automobiles, pedestrians, and emergency/service vehicles and/or staff. The proposed driveway will be shared with the property to the immediate west of the entrance. In addition, adequate pedestrian access will be accomplished by a sidewalk connection to be constructed from the proposed building to the existing sidewalk along the front of the site (along S. Federal Highway), which also connects to the existing sidewalk along the south side of the project site, along SE 23<sup>rd</sup> Avenue.*

2. Off-street parking and loading areas where required, with particular attention to the items in subsection C.1. above, and the economic, glare, noise, and odor effects the conditional use will have on adjacent and nearby properties, and the city as a whole.

*Adequate off-street parking will be provided for the proposed project; the parking spaces shown on the proposed site plan exceed the spaces required. The design of the proposed use will incorporate elements to minimize any noise, glare, economic, and/or odor effects on adjacent and nearby properties and the City as a whole. Landscaping will be placed along the perimeter of the site to further screen, buffer, and mitigate the facility from having any impact on adjacent properties. Site deliveries will be made when the restaurant is closed to not interfere with restaurant operations.*

3. Refuse and service areas, with particular reference to the items in subsection C.1. and C.2. above.

*A dumpster with enclosure will be situated on the site with adequate access for refuse trucks to service the project per the City's requirements.*

4. Utilities, with reference to locations, availability, and compatibility.

*There are existing utilities near or adjacent to the site, which will provide adequate access to water, sewer, electric, and phone service. Existing electric lines and a fiber-optic vault are to the east of the property along S. Federal Highway; an existing water meter is near the southeast corner of the site; and there is an existing City lift station adjacent to the south property line along SE 23<sup>rd</sup> Avenue. These utilities are compatible with other existing services in the area and adjacent properties.*

5. Screening, buffering and landscaping with reference to type, dimensions, and character.

*Screening, buffering, and landscaping will be designed in accordance with City standards. Trees, shrubs, and hedges will be utilized to incorporate the general characteristics of the proposed use, the surrounding areas, and similar uses in the City. Various types of trees will be provided ranging in overall height from 12' to 21'; shrubs and hedges provided will range from 10" to 36" in height.*

6. Signs, and proposed exterior lighting, with reference to glare, traffic safety, economic effect, and compatibility and harmony with adjacent and nearby properties.

*The signage and proposed exterior lighting will be compatible and in harmony with adjacent and nearby properties and will be placed in such a manner as to avoid glare and prevent safety hazards for traffic.*

7. Required setbacks and other open spaces.

*The proposed use will be positioned on the property to meet all applicable setbacks and open space requirements.*

8. General compatibility with adjacent properties, and other property in the zoning district.

*The proposed use is compatible with the adjacent properties and other property in the zoning district.*

9. Height of buildings and structures, with reference to compatibility and harmony to adjacent and nearby properties, and the City as a whole.

*There will be a one-story, 22' building on the property, which is compliant with City standards, as well as compatible and in harmony to adjacent and nearby properties and other fast-food restaurants in the City.*

10. Economic effects on adjacent and nearby properties, and the City as a whole.

*The proposed use will not hinder the development or economic stability of nearby properties or the City as a whole. As a new development, the proposed project will have a positive effect on the area and increasing the value of surrounding properties.*

11. Where applicable, the proposed use furthers the purpose and intent of a corresponding mixed-use zoning district or redevelopment plan. **Not applicable (proposed site is zoned C-3).**

12. Compliance with and abatement of nuisances and hazards in accordance with the operational performance standards as indicated in Chapter 3, Article IV, Section 1 and the Noise Control Ordinance, and City Code of Ordinances Part II, Chapter 15, Section 15-8.

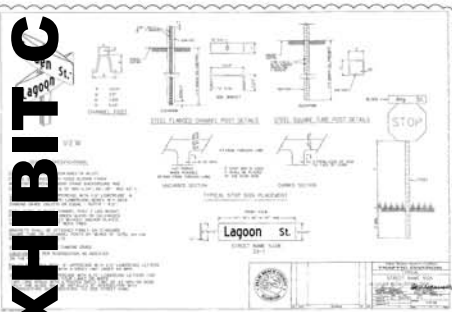
*The proposed use will be designed in compliance with the operational performance standards referenced above. There will be minimal pollution and noise as there is with any construction; the noise will not exceed the City's noise ordinance. Construction times will be the same as all other general construction projects (typically 7:00 am to 4:00 pm, Monday-Friday).*

If you should have any questions, please do not hesitate to contact me.

Very truly yours,  
**CORNELISON ENGINEERING & DESIGN, INC.**

  
Craig L. Cornelison, P.E.  
Florida P.E. #55433

# EXHIBIT C



1 M MLD PROPERTIES LLC  
08-43-45-33-06-000-0012  
ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 0001-RETAIL COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)

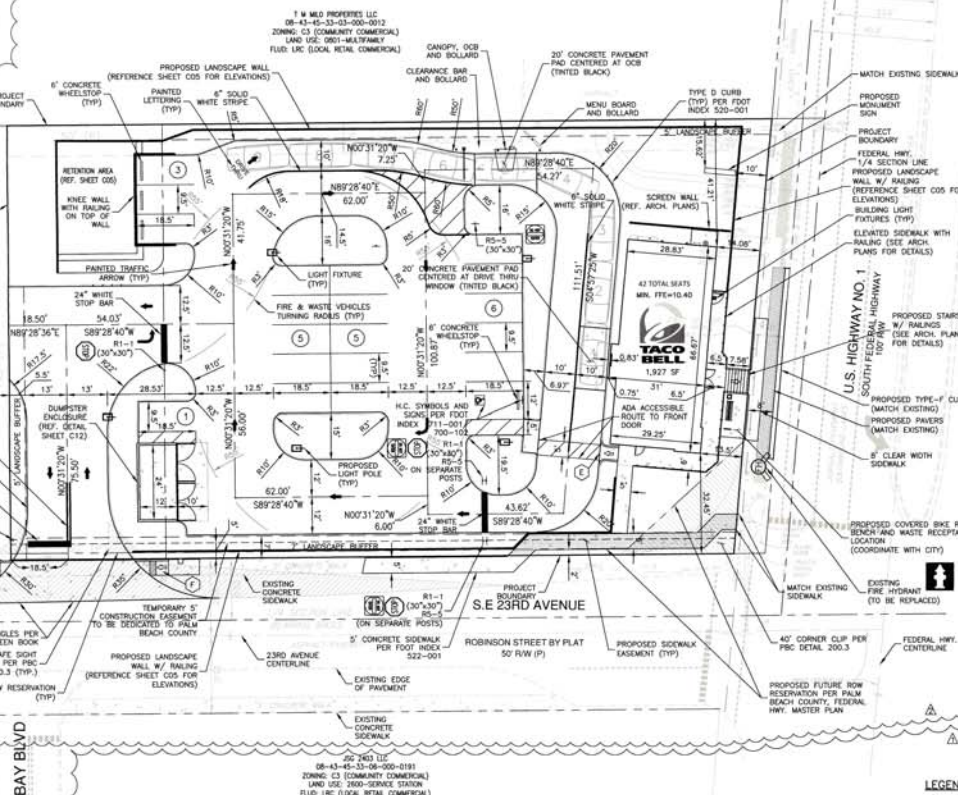
KNOWLES LLC  
08-43-45-33-06-000-0010  
ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 1000-VACANT COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)

KNOWLES LLC  
08-43-45-33-06-000-0010  
ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 1000-VACANT COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)

KNOWLES LLC  
08-43-45-33-06-000-0010  
ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 1000-VACANT COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)

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ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 1000-VACANT COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)

KNOWLES LLC  
08-43-45-33-06-000-0010  
ZONING: C3 (COMMUNITY COMMERCIAL)  
LAND USE: 1000-VACANT COMMERCIAL  
FLUID: LRC (LOCAL RETAIL COMMERCIAL)



**LEGEND:**

- PROPOSED BOUNDARY LINE
- LOT LINE
- LANDSCAPE BUFFER
- PAVEMENT CENTER LINE
- EX. PAVEMENT CENTER LINE
- PROPOSED BUILDING
- PROPOSED CONCRETE PAVEMENT
- INDICATES DIRECTION OF TRAFFIC FLOW
- INDICATES A RAMP
- INDICATES NUMBER OF PARKING SPACES IN ROW
- FOOT CLOTH RAMP TYPE PER FOOT INDEX 522-002
- FIRE HYDRANT
- PAVERS TO MATCH EXISTING
- EASEMENT AREA TO BE DEDICATED TO THE CITY OF BOYNTON BEACH

**PALM BEACH COUNTY NOTES:**

- IF PROPOSED WORK DAMAGE PALM BEACH COUNTY ROADWAY AND/OR SIDEWALK IT WILL BE CONSTRUCTED REPAIRED OR REPLACED TO ITS ORIGINAL OR BETTER CONDITION AT NO COST TO THE PALM BEACH COUNTY.
- ALL CONSTRUCTION AND RESTORATION WORK WITHIN PALM BEACH COUNTY RIGHT OF WAY SHALL COMPLY WITH THE LATEST EDITION OF THE FOOT DESIGN STANDARDS AND THE FOOT STANDARDS SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- PAVEMENT MARKINGS & SIGNING SHALL BE IN ACCORDANCE WITH THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS AND PALM BEACH COUNTY TYPICAL 7-1-18 IN PBC P/M. CONTRACTOR SHALL CONTACT PBC TRAFFIC OPERATIONS AT 561-233-3600 FORTY-EIGHT (48) HOURS PRIOR TO CONSTRUCTION IF WORK IS BEING DONE WITHIN 10 FEET OF ANY SIGNAL EQUIPMENT. ANY DAMAGE TO EQUIPMENT OR ANY SIGNAL EQUIPMENT CAUSED BY CONSTRUCTION OF THIS PROJECT MUST BE REPAIRED OR REPLACED TO ORIGINAL OR BETTER CONDITION AT NO COST TO PALM BEACH COUNTY. NO DEDICATION AROUND PBC SIGNAL POLES WITHIN A 6 FT. RADIUS FROM THE CENTER OF THE POLE. PLEASE SEE TRC TRAFFIC SIGNAL INSTALLATION AND DETAILS 2017 DRAWING 7-1-3.

**THE PARCEL SHOWN FOR DEVELOPMENT IS LOCATED WITHIN THE FOLLOWING FLOOD ZONING(S) AS DETAILED BY FEMA FROM FLOOD INSURANCE RATE MAP(S) INFORMATION DESCRIBED BELOW:**

FLOOD ZONE	COMMUNITY	PANEL	SUFFIX	MAP EFFECTIVE DATE	MAP NUMBER
X	BOYNTON BEACH, CITY OF	120596	8793	F	OCT 5, 2017 1209900793F

**SITE DATA:**

SITE AREA: 33,552.7 SF (0.77 AC)  
PARCEL NUMBER: 08-43-45-33-06-000-0010 (PORTION OF)  
EXISTING ZONING: C-3 (COMMUNITY COMMERCIAL)  
FUTURE LAND USE DESIGNATION: LRC - LOCAL RETAIL COMMERCIAL  
EXISTING USE: VACANT RETAIL  
PROPOSED USE: FAST FOOD RESTAURANT  
TOTAL BUILDING AREA: 1,927 SF  
PROPOSED BUILDING HEIGHT: 22'-1 1/2" (1 STORY)  
FLOOR AREA RATIO (FAR): 0.057  
FLOOD ZONE: X - SITE DOES NOT LIE WITHIN A DESIGNATED FLOOD ZONE  
FEMA MAP NUMBER: 1209900793F 10/05/17

**IMPERVIOUS AREA CALCULATIONS:**

EXISTING IMPERVIOUS AREA = 0.0 SF (0.0%)  
PROPOSED IMPERVIOUS AREA = 22,560 SF (67.2%)  
SITE PREVIOUSLY CLEARED IN 2007

**PROJECT AREAS:**

BUILDING AREA: 1,927 SF 5.7%  
PERVIOUS AREA: 16,993 SF 50.6%  
SIDEWALK AREA: 1,224 SF 3.6%  
IMPERVIOUS AREA (TOTAL): 19,409 SF 57.9%  
TOTAL AREA: 33,553 SF 100.0%

**REQUIRED BUILDING SETBACKS:**

FRONT: 0'  
SIDE: 0'  
REAR: 0'

**REQUIRED LANDSCAPE BUFFERS:**

FRONT: 5'  
SIDE: 5'  
REAR: 5'

**REQUIRED PARKING:**

RESTAURANT (FAST FOOD)  
1 SPACE PER 2.5 SEATS, OR 1 SPACE PER 100 SQUARE FEET OF GFA  
PARKING REQUIRED = 42 X 1/2.5 = 17 SPACES, OR  
1,927 SF X 1 SPACE/100 SF = 19 SPACES  
20 PARKING SPACES REQUIRED

**PARKING PROVIDED:**

REGULAR PARKING SPACES: 19 SPACES  
ACCESSIBLE PARKING SPACES: 1 SPACES  
TOTAL PARKING PROVIDED = 20 SPACES

**NOTES:**

- A REGISTERED LAND SURVEYOR SHALL REFLECT SURVEY MONUMENTS OR BENCHMARKS, WHICH HAVE TO BE DETURBED BY THIS WORK, UPON COMPLETION OF WORK.
- HANDICAP PARKING SPACES SHALL BE MARKED BY THE INTERNATIONAL HANDICAP SYMBOL, AND EACH SPACE SHALL BE PROVIDED WITH A SIGN STATING "PARKING BY DISABLED PERSONS ONLY." ALL HANDICAP ACCESS POINTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE HANDICAP CODES.
- ALL CONSTRUCTION SHALL CONFORM TO THE SPECIFICATIONS AND STANDARDS OF THE CITY OF BOYNTON BEACH, PALM BEACH COUNTY, AND THE FLORIDA DEPARTMENT OF TRANSPORTATION, WHERE APPLICABLE.
- PRIOR TO STARTING CONSTRUCTION, THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED, NO CONSTRUCTION OR FORFEITURE OF ANY FEE SHALL BE REQUIRED, THE CONTRACTOR HAS RECEIVED ALL PLANS AND ANY OTHER DOCUMENTATION FROM ALL OF THE PERMITTING AND ANY OTHER REGULATORY AUTHORITIES.
- CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL SETBACKS AND/OR EASEMENTS BEFORE BEGINNING CONSTRUCTION.
- ALL EASEMENTS INDICATED ON PLANS, ALL PARKING LOT DIMENSIONS ARE TO THE FACE OF THE CURB AND/OR CENTER OF STRIPING.
- ALL BUILDING EASEMENTS ARE TO THE EXTERIOR FACE OF CURB WALL.
- LIGHTING TO BE NON-GLARE AND AVOID SPILLAGE INTO ADJACENT PROPERTY.
- MAINTENANCE OF TRAFFIC (MOT) SET UP MUST BE SUPERVISED BY A CERTIFIED MOT PERSON.
- AS-BUILT PLANS DEVELOPED BY A LICENSED SURVEYOR ARE REQUIRED BY CONTRACTOR AT TIME OF COMPLETION. GRADING, UTILITY, AND STORMWATER AS-BUILTS ARE REQUIRED TO THE ENGINEER IN BOTH PRINTED AND DIGITAL (PDF) FORMATS, AS WELL AS ELECTRONIC AUTOCAD FORMATS. AT A MINIMUM, THE GRADING AS-BUILTS ARE TO INCLUDE ALL EXISTING HIGH POINTS AND LOW POINTS, CHANGES IN GRADE, INTERSECTIONS, PAVEMENT AND SIDEWALK GRADIES AT HANDICAP RAMPS, HANDICAP PARKING SPACES AND ACCESSIBLE, HANDICAP PATHS OF TRAVEL, AND ALL GRADIES AS INDICATED ON THE PLANS, GRADING, AND DRAINAGE PLAN. UTILITY AND STORMWATER AS-BUILTS SHALL INCLUDE LOCATIONS (HORIZONTAL AND VERTICAL) OF ALL APPURTENANCES, INCLUDING, BUT NOT LIMITED TO, PIPES, MANHOLES, VALVES, ETC.
- ALL PROPOSED SIDEWALKS AND HANDICAP RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH APPLICABLE HANDICAP CODES. CONTRACTOR SHALL MAINTAINLY NOTIFY DEDICATED OF ANY SEPARATE.
- NOISE SHALL BE SUBMITTED AND PERMITTED SEPARATELY.
- NO CONSTRUCTION SHALL BE PLACED WITHIN ANY SOFT DISTANCE TRIANGLE.
- THE CONTRACTOR SHALL NOTIFY FOOT 48 HOURS IN ADVANCE PRIOR TO INITIATING ANY WORK WITHIN RIGHT-OF-WAY.
- FOR ALL DRIVE RAMP (OUTSIDE FOOT RIGHT OF WAY) REFERENCED PER FOOT INDEX 304, DETECTABLE WARNING (TRUNCATED CONES) ARE NOT REQUIRED FOR ADA GUIDELINES AND THE FLORIDA ACCESSIBILITY CODE.
- ALL DISTURBED AREAS IN RIGHT-OF-WAY SHALL BE RESTORED.
- ALL PLANS SUBMITTED FOR PERMIT SHALL MEET THE CITY OF BOYNTON BEACH CODES AND THE APPLICABLE BUILDING CODES IN EFFECT AT THE TIME OF PERMIT APPLICATION.

**CORNELISON & DESIGN, INC.**  
ENGINEERING & DESIGN, INC.  
1001 N. W. 10TH AVENUE, SUITE 100  
BOYNTON BEACH, FL 33426  
TEL: 813-784-7000 FAX: 813-784-7002  
WWW.CORNELISON-ENG.COM  
CERTIFICATE OF AUTHORIZATION NO. 200308

**CED**

**FLORIDA PROFESSIONAL ENGINEER**  
2-08-19  
CORNELISON, P.E.  
FLORIDA LICENSE NUMBER  
PES432

**REVISIONS:**

NO.	DATE	DESCRIPTION
1	11/01/18	REV. PER CITY & COUNTY COMMENTS
2	10/04/18	REV. PER CITY & COUNTY COMMENTS

**CONTRACT DATE:** 03-04-2017  
**BUILDING TYPE:** SM-42EXLT  
**PLAN VERSION:**  
**SITE NUMBER:**  
**DATE:**

**TACO BELL**  
2719 S. FEDERAL HIGHWAY  
BOYNTON BEACH, FLORIDA 33408

**SM-42EXLT**

**SITE PLAN**

**C04**

**PLOT DATE:** 2-08-19

**CALL 48 HOURS BEFORE YOU DIG**  
811  
IT'S THE LAW! DIAL 811  
Know what's below. Call before you dig.  
SUNSHINE STATE ONE CALL OF FLORIDA, INC.



## LANDSCAPE INSTALLATION NOTES

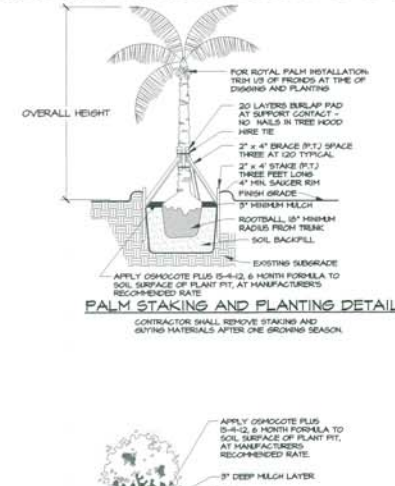
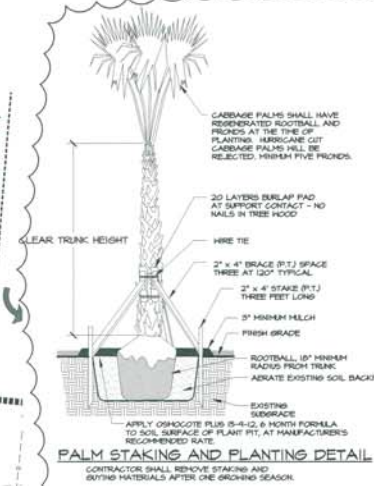
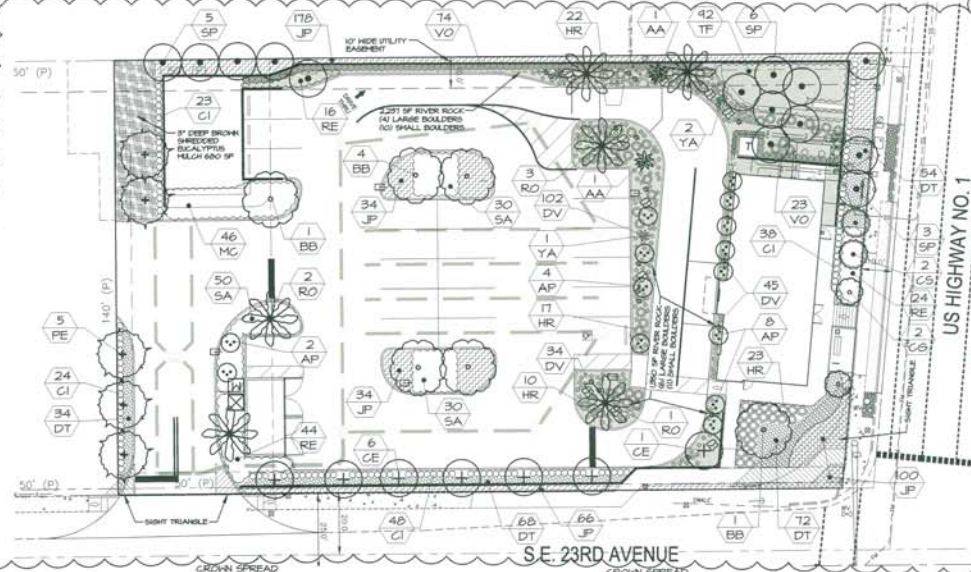
- 1) ALL PLANT MATERIALS SHALL BE FLORIDA #1 OR BETTER AS GIVEN IN GRADES AND STANDARDS FOR NURSERY PLANTS, LATEST EDITION, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
- 2) LOCATION OF PLANTS ON THE PLAN ARE DIAGNOSTIC - SEE THE LANDSCAPE ARCHITECT FOR QUESTIONS ON EXACT LOCATIONS. THE PLANT MATERIALS LIST IS PROVIDED FOR THE CONVENIENCE OF THE LANDSCAPE CONTRACTOR. SHOULD THERE BE ANY DISCREPANCY BETWEEN THE PLANT LIST AND THE PLAN, THE PLAN SHALL PREVAIL.
- 3) IT IS THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL PLANT BED AREAS HAVE PROPER DRAINAGE FOR OPTIMUM GROWTH OF LANDSCAPE MATERIAL BEFORE INSTALLATION BEGINS.
- 4) THE CONTRACTOR SHALL INSURE THAT ALL PLANTING ISLANDS AND OTHER AREAS SHALL BE CLEAN OF TRASH, CONSTRUCTION DEBRIS, OR OTHER WASTE MATERIALS TO A DEPTH OF 24" PRIOR TO LANDSCAPE INSTALLATION.
- 5) ALL PLANT BEDS AND TREE RINGS SHALL BE TREATED WITH A PRE-EMERGENT HERBICIDE AND THEN TOP-DRESSED WITH 3" DEEP BROWN SHREDDED EUCALYPTUS MULCH. ALL NEW TREES SHALL HAVE A TREE RING WITH A MINIMUM OF 24" RADIUS. ALL NEW TREES AND MULCH SHALL BE STAKED. ALL EXISTING TREES TO REMAIN SHALL HAVE A 6" RADIUS MULCH RING AT A DEPTH OF 3".
- 6) TREES, SHRUBS, AND GROUND COVER SHALL BE INSTALLED USING THE FOLLOWING PROCEDURE: PLANT PITS SHALL BE EXCAVATED TO TWICE THE DIAMETER OF THE PLANT ROOT BALL. AERATE EXISTING SOIL BEFORE BACKFILLING PIT.
- 7) TREE INSTALLATION: ALL REQUIRED TREES SHALL BE INSTALLED 1" - 2" ABOVE FINISH GRADE. TREES INSTALLED OR BURIED TOO DEEP SHALL BE RESET TO THIS STANDARD. REMOVE THE TOP 1/3 OF THE WIRE BASKETS ON ALL B & B STOCK.

## TREE REQUIREMENTS

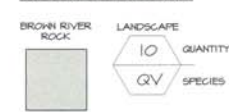
- 1) INTERIOR REQUIREMENTS  
1 TREE PER LANDSCAPE ISLAND  
8 ISLANDS = 8 TREES
- 2) VIA PERIMETER REQUIREMENTS  
NORTH PERIMETER 240 LF / 30' = 8 TREES  
EAST STREET TREES (OVERHEAD POWER LINE)  
74 LF / 25' = 3 TREES  
SOUTH PERIMETER 208 LF / 26' = 8 TREES  
WEST PERIMETER 140 LF / 180' = 5 TREES  
TOTAL PERIMETER = 24 TREES
- 3) FOUNDATION REQUIREMENTS  
1 CANOPY TREE OR CLUSTER 3 PALMS EVERY  
20' ALONG EACH FACADE  
160 LF FACADE / 20' = 10 TREES
- 4) 4 SIGNATURE TREES
- 5) TOTAL REQUIRED TREES  
8 + 24 + 10 + 4 = 46 TREES

## PROPOSED TREES

CADABRE PALM = 14-15' x 4"  
ROYAL PALM = 6"  
ALEXANDER PALM = 14"  
PINE = 14"  
BLACK OLIVE = 6"  
GLAUCOUS CASSIA = 6"  
ORANGE GEIGER = 6"  
BUTTERNUT = 6"  
TOTAL = 46



## SYMBOL LEGEND



**CORNELISON ENGINEERING & DESIGN, INC.**  
CED  
10101 CORNELISON DRIVE  
SUITE 100  
FORT WORTH, TEXAS 76131  
TEL: 817.333.1111  
WWW.CORNELISON-PA.COM  
CERTIFICATE OF AUTHORIZATION: 0001

**ANDERSON LESNAK LIMITED, INC.**  
LANDSCAPE ARCHITECTS  
4501 S. WESTSHORE BOULEVARD  
SUITE 100  
FORT WORTH, TEXAS 76131  
TEL: 817.333.1111  
WWW.ANDERSONLESNAK.COM

L. ANDERSON  
PLA  
02-06-19  
NO. LA 0001183

REVISIONS:  
1. PER CITY COMMENTS 11/02/18  
2. PER CITY COMMENTS 12/21/18  
3. PER CITY COMMENTS 2/15/19

CONTRACT DATE: SM-42EXLT  
BUILDING TYPE: SM-42EXLT  
PLAN VERSION: SM-42EXLT  
SITE NUMBER:  
STORE NUMBER:

TACO BELL  
2918 S. FEDERAL HIGHWAY  
BOYNTON BEACH, FLORIDA 33438

**TACO BELL**  
SM-42EXLT

LANDSCAPE PLAN

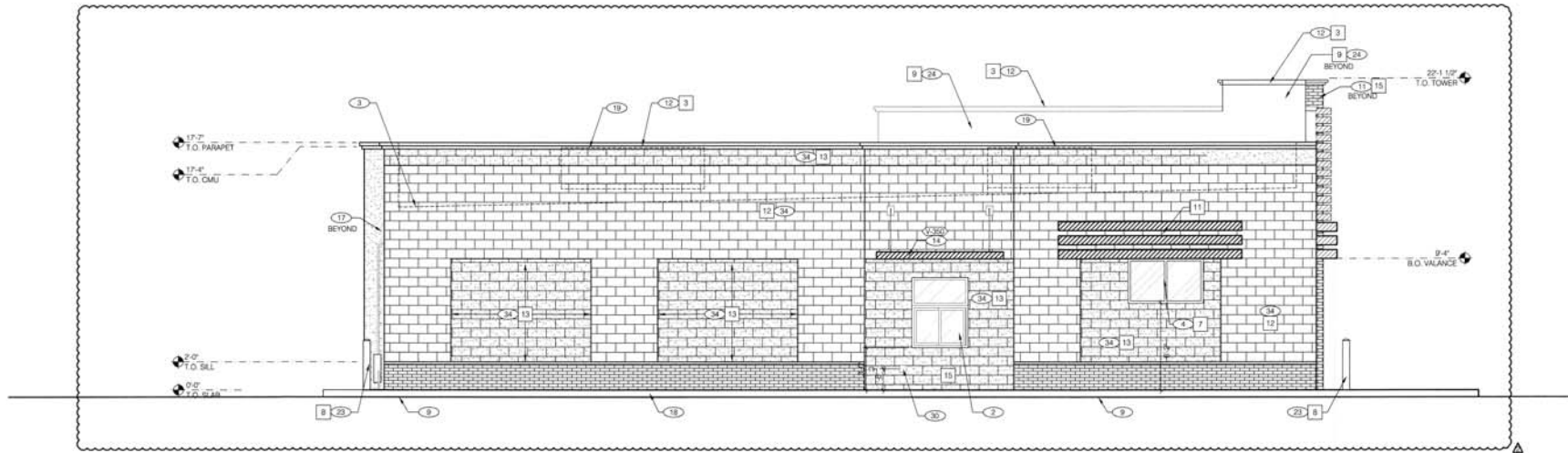
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PLOT DATE: 2-06-19

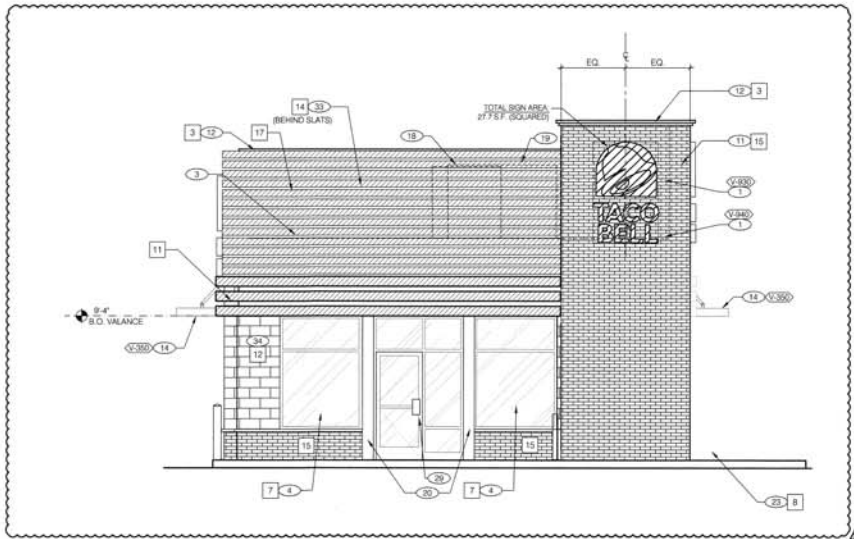




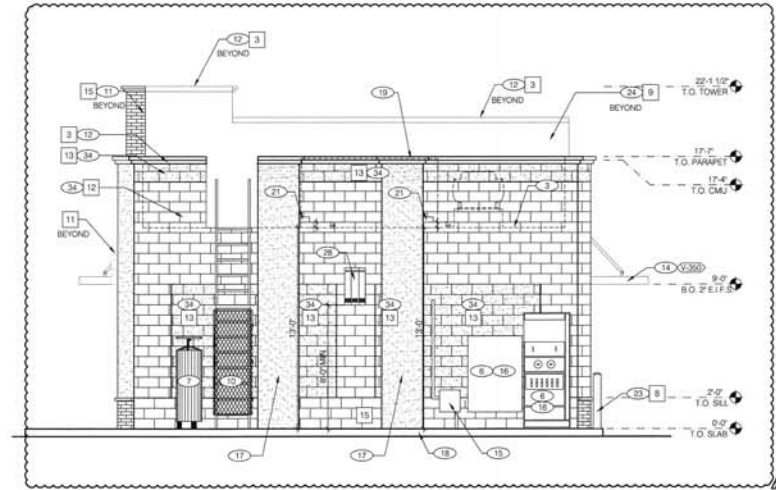
*2/8/19*



**WEST ELEVATION** 1/4" = 1'-0" **1**



**SOUTH ELEVATION** 1/4" = 1'-0" **3**



**NORTH ELEVATION** 1/4" = 1'-0" **2**

PERMIT REVIEW	03.03.2018
COMMENTS RESP	02.04.2019

CONTRACT DATE: 03.03.18  
BUILDING TYPE: EXP - MED40  
PLAN VERSION: DEC 2016  
SITE NUMBER: 312579  
STORE NUMBER: 445575

**TACO BELL**  
2319 S. FEDERAL HWY  
BOYNTON BEACH, FL 33435



**EXPLORER**  
MEDIUM40

**EXTERIOR ELEVATIONS**

**A4.1**

2-07-19





SAMPLE	MANUFACTURER	DESCRIPTION
1	SHERWIN WILLIAMS	CITYSCAPE SW 767
2	SHERWIN WILLIAMS	PACER WHITE SW 6086
3	SHERWIN WILLIAMS	CLIMATEC SW 6821
4	SHERWIN WILLIAMS	IRON ORE SW 7035
5	SHERWIN WILLIAMS	YELLOW
A	-	PAINTED 1" STUCCO, HEAVY TEXTURE
B	-	SLAT WALL
C	-	PAINTED SPLIT FACED BLOCK
D	-	APPLIED STONE VENEER

EAST ELEVATION 1/8" = 1'-0" 1

*Officer*  
2/18/19

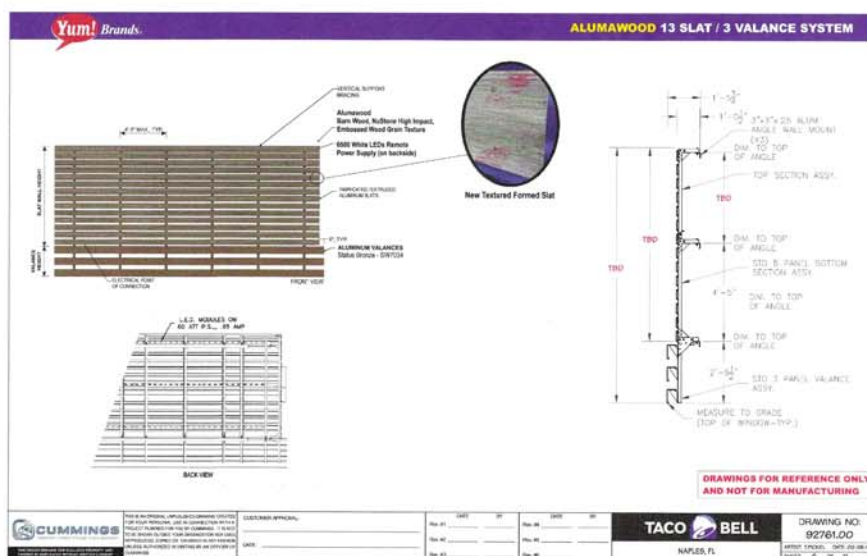
PERMIT REVIEW	XX.XX.XX
COMMENTS RESP	02.04.2019
△	
△	
△	
△	
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△	
△	
△	

CONTRACT DATE:	XX.XX.XX
BUILDING TYPE:	EXP - MED40
PLAN VERSION:	DEC 2016
SITE NUMBER:	312579
STORE NUMBER:	445575

TACO BELL  
2319 S. FEDERAL HWY  
BOYNTON BEACH, FL 33435



EXTERIOR ELEVATIONS  
**A4.2**



SLAT WALL 5

NOT USED N.T.S. 2	
1	SHERWIN WILLIAMS SW 7067
2	SHERWIN WILLIAMS SW 6086
3	SHERWIN WILLIAMS SW 6821
4	SHERWIN WILLIAMS SW 7035

PAINT COLORS SCHEDULE 4

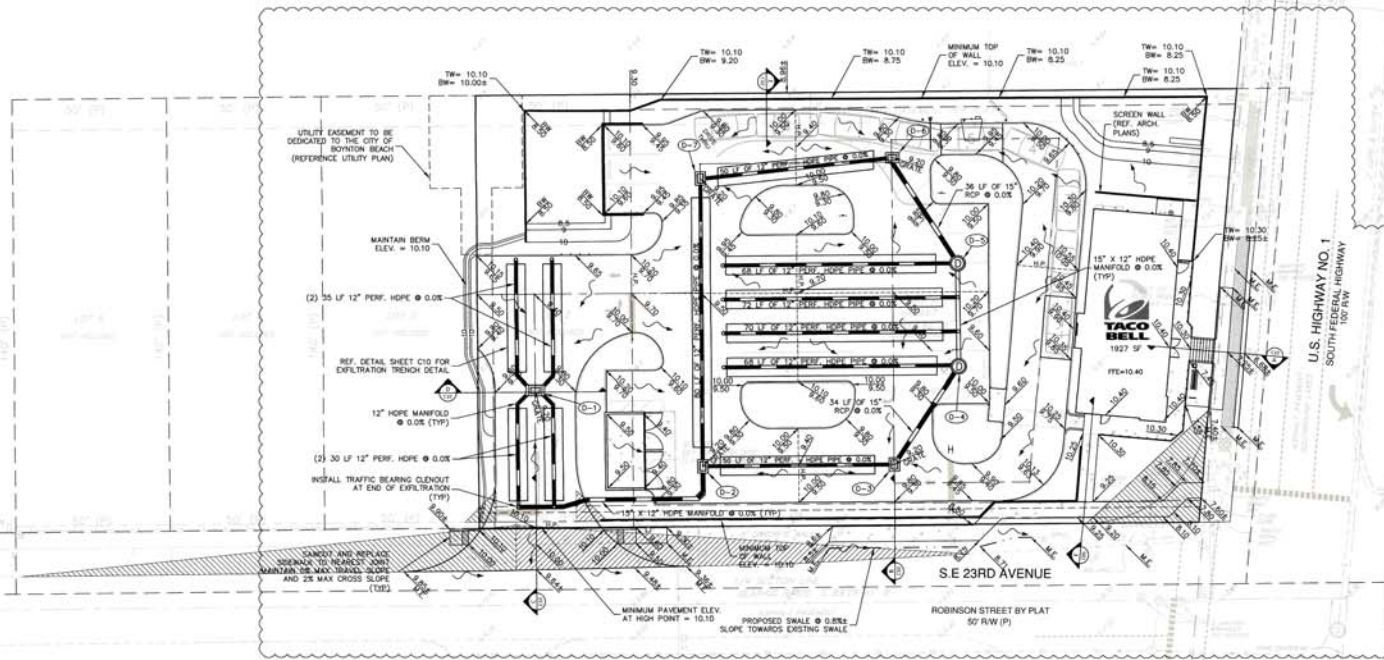
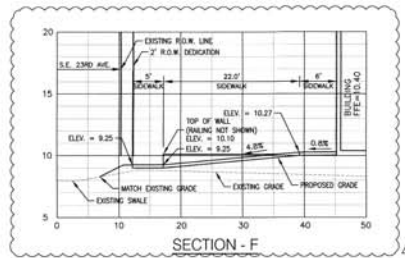


**TACO BELL**  
2319 S. FEDERAL HWY  
BOYNTON BEACH, FL 33435



2-06-19





**NOTE:**  
THE REQUIRED MINIMUM PERIMETER ELEVATION WILL BE EQUAL TO OR GREATER THAN THE 25-YEAR, 3-DAY PEAK STAGE ELEVATION (10.10 FEET HIGHER).

FLOOD ZONE	COMMUNITY NUMBER	PANEL	SUFFIX	MAP EFFECTIVE DATE	MAP NUMBER
X	BOYNTON BEACH, CITY OF	120196	0793	F	OCT 5, 2017 120996C0793F

**GENERAL NOTES:**

1. THE CONTRACTOR SHALL NOTIFY FOOT 48 HOURS IN ADVANCE PRIOR TO INITIATING ANY WORK IN THE STATE RIGHTS-OF-WAY.
2. THE CONTRACTOR SHALL INSTALL PRIOR TO THE START OF CONSTRUCTION AND MAINTAIN DURING CONSTRUCTION ALL SEDIMENT CONTROL MEASURES AS REQUIRED TO RETAIN ALL SEDIMENTS ON THE SITE. IMPROPER SEDIMENT CONTROL MEASURES MAY RESULT IN CODE ENFORCEMENT VIOLATIONS.
3. ALL DISTURBED AREAS WHICH ARE NOT PAVED SHALL BE STABILIZED WITH SEEDING, FERTILIZER AND MULCH, HYDROSEEDING AND/OR SOIL.
4. CONTRACTOR SHALL MAINTAIN RECORD DRAINAGE DURING CONSTRUCTION WHICH SHOW "AS-BUILT" CONDITIONS OF ALL WORK INCLUDING PAVING, DRAINAGE STRUCTURES, TOWNSHIP OF POND(S), OUTLET STRUCTURES, DIMENSIONS, ELEVATIONS, GRADING ETC. SIGNED AND SEALED AS-BUILT DRAWINGS PREPARED BY A REGISTERED FLORIDA LAND SURVEYOR SHALL BE PROVIDED TO THE ENGINEER OF RECORD PRIOR TO REQUESTING FINAL INSPECTION. CONSTRUCTION SHALL PROCEED IN ACCORDANCE WITH ALL ELEVATIONS, DE, ALL PAVEMENT STRUCTURES, ETC. 48 HOURS PRIOR TO PLACEMENT OF ANY PAVEMENT.
5. NOTIFY SUNSHINE UTILITIES 48 HOURS IN ADVANCE PRIOR TO DIGGING WITHIN R/W # 811.
6. ANY DAMAGE TO EXISTING ROADS DURING CONSTRUCTION SHALL BE REPAIRED BY THE DEVELOPER/CONTRACTOR PRIOR TO FINAL AS-BUILT SIGN OFF FROM THE CITY.
7. IN ALL HANDICAP AREAS (PARKING SPACES AND ACCESSIBLE MAXIMUM SLOPE/GRADE IS 2% IN ALL DIRECTIONS. IN ADDITION, ALL RAMP HAVE A MAXIMUM SLOPE OF 1 TO 12.
8. TRANSITION CURB AND GUTTER AT HANDICAP RAMP TO A MAXIMUM 2.0% CROSS SLOPE. ALL CROSS WALKS SHALL HAVE A MAXIMUM 2.0% CROSS SLOPE.
9. ALL DRAINAGE PIPE JOINTS SHALL BE FILTER FABRIC WRAPPED PER FOOT # 280.
10. SEE SURVEY FOR BENCHMARK DATA.
11. ALL PAVEMENT CROSS SLOPES AT CROSS WALKS (SLOPES PERPENDICULAR TO THE DIRECTION OF PEDESTRIAN TRAVEL) SHALL BE A MAXIMUM OF 2%. ALL ACCESSIBLE RAMP SHALL HAVE A MAXIMUM SLOPE OF 1 IN 12. ALL LANDINGS AT STAIRS AND RAMP SHALL HAVE A MAXIMUM SLOPE OF 2% (ALL DIRECTIONS). ALL ACCESSIBLE WALKWAYS SHALL HAVE A MAXIMUM SLOPE LESS THAN 5% IN THE DIRECTION OF TRAVEL. ALL MAXIMUM SLOPES ARE ABSOLUTE AND SUPERSEDES CONSTRUCTION TOLERANCES. THE CONTRACTOR HAS THE OPTION OF ADJUSTING GRADES TO ALLOW FOR CONSTRUCTION TOLERANCE BUT SHALL NOT ADJUST GRADES TO LESS THAN 1% SLOPE. THE CONTRACTOR SHALL CONTACT THE ENGINEER/ARCHITECT REGARDING ANY GRADE REVISIONS PRIOR TO CONSTRUCTION OF THE PAVEMENT AREAS. ALL PAVEMENT SLOPES SHALL BE REVIEWED AFTER CONSTRUCTION AND PAVEMENT OVER THE MAXIMUM SLOPES SPECIFIED ABOVE SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE.
12. ALL TRIMMING UNDERTAKEN ON A PROTECTED TREE SHALL BE IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A-300 PRUNING STANDARDS.
13. TO MINIMIZE SOIL EROSION, PROPOSED LAND ALTERATION ACTIVITIES SHALL NOT UNNECESSARILY REMOVE EXISTING VEGETATION AND ALTER EXISTING TOPOGRAPHY. ADEQUATE PROTECTION MEASURES (E.G., HAY BALES, BATTLEFLEX, SOODING AND SANDBAGGING) SHALL BE PROVIDED, AS NECESSARY, TO MINIMIZE EROSION AND DOWNSTREAM SEDIMENTATION CAUSED BY SURFACE WATER RUN-OFF ON EXPOSED LAND SURFACES.
14. ANY AREAS SUBJECT TO EROSION MUST BE ADEQUATELY STABILIZED WITH VEGETATIVE MATERIAL THAT SHALL BE WITHIN A REASONABLE TIME FRAME. DETAIL SOIL DISTURBANCE, SOODING, PLUGGING, SPRIGGING OR SEEDING IS ACCEPTABLE FOR STABILIZATION. HOWEVER, SOODING MUST BE EMPLOYED IN AREAS OF EROSION-PRONE SOILS OR WHERE SLOPES ARE GREATER THAN 5:1. VEGETATION OTHER THAN GRASS IS ACCEPTABLE UNLESS OTHERWISE SPECIFIED. ANY DISTURBED AREAS THAT REQUIRE STABILIZATION (SEED OR SOOD) MUST BE COMPLETED WITHIN 30 DAYS OF VEGETATION REMOVAL.

**DRAINAGE STRUCTURE TABLE:**

D-1 FOOT TYPE 12\"/>	D-5 FOOT TYPE P-75 MANHOLE PER FOOT INCH 425-052 & 425-061 W/ 2\"/>
D-2 FOOT TYPE 12\"/>	D-6 FOOT TYPE 12\"/>
D-3 FOOT TYPE 12\"/>	D-7 FOOT TYPE 12\"/>
D-4 FOOT TYPE P-75 MANHOLE PER FOOT INCH 425-052 & 425-061 W/ 2\"/>	

**SITE STAGE DATA:**

NOTE: INITIAL STORM OF 500 LF OF EXFILTRATION TRENCH  
 DRAINAGE TRENCH ELEV. = 10.17'  
 DRAINAGE TRENCH ELEV. = 10.09'  
 DRAINAGE TRENCH ELEV. = 9.74'

**LEGEND:**

- PROPOSED STORM PIPE
- PROPOSED EXFILTRATION TRENCH
- PROPOSED CONTOURS
- PROPOSED SPOT ELEVATION
- PROPOSED SPOT EL. (TOP OF CURB AND BOTTOM OF CURB)
- EXISTING SPOT ELEVATION
- INDICATES DIRECTION OF SURFACE WATER FLOW
- PROPOSED STORM STRUCTURE
- SITE BENCHMARK LOCATION
- PROPOSED CONCRETE
- PAVERS TO MATCH EXISTING
- PROPOSED SHALE

CALL 48 HOURS BEFORE YOU DIG  
 IT'S THE LAW! DIAL 811  
 Know what's below. Call before you dig.  
 SUNSHINE STATE ONE CALL OF FLORIDA, INC.

**CORNELISON ENGINEERING & DESIGN, INC.**  
 2319 S. FEDERAL HIGHWAY  
 BOYNTON BEACH, FLORIDA 33435  
 TEL: 813-366-7882 FAX: 813-366-7882  
 WWW.CORNELISON-INC.COM  
 CERTIFICATE OF AUTHORIZATION 28828



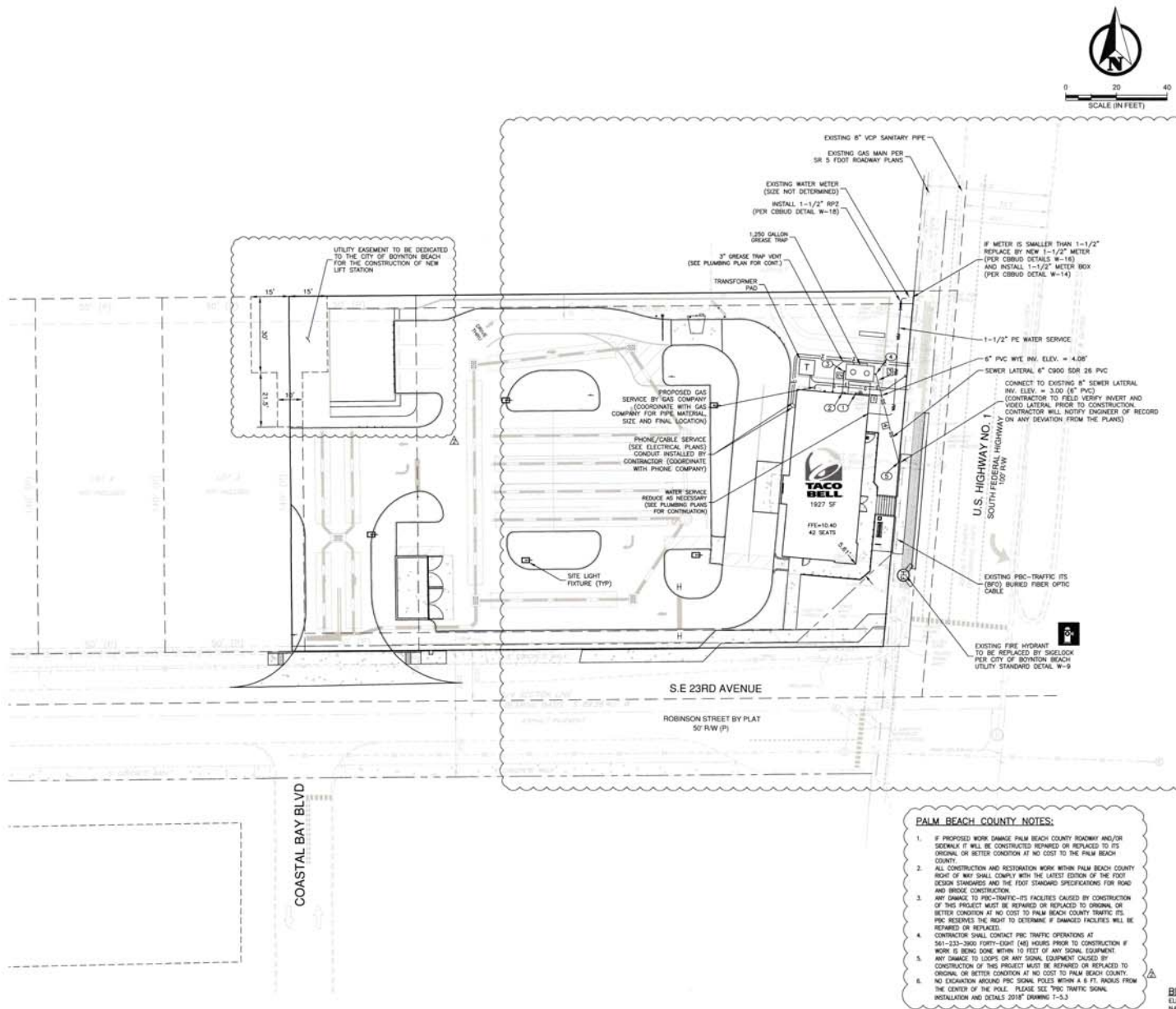
REVISIONS:  
 1. 11/15/18 REV. PER CITY COMMENTS  
 2. 02/04/19 REV. PER CITY & COUNTY COMMENTS  
 3. 02/04/19 REV. PER CITY & COUNTY COMMENTS  
 4. 02/04/19 REV. PER CITY & COUNTY COMMENTS

CONTRACT DATE: 02-04-19  
 BUILDING TYPE: SM-42EXLT  
 PLAN VERSION: 1  
 SITE NUMBER: 1  
 STORM NUMBER: 1

**TACO BELL**  
 2319 S. FEDERAL HIGHWAY  
 BOYNTON BEACH, FLORIDA 33435

**SM-42EXLT**  
 PAVING,  
 GRADING AND  
 DRAINAGE PLAN

C05  
 PLOT DATE: 2-08-19



# UTILITY NOTES:

- ALL UTILITY WORK SHALL CONFORM TO CITY OF BOYNTON BEACH UTILITY DEPARTMENT (CBDD) STANDARDS, THE MOST CURRENT STANDARDS AND SPECIFICATIONS IN FORCE AT THE TIME OF CONSTRUCTION SHALL BE USED.
- ALL VALVES, SERVICES, HYDRANTS, FITTINGS, ETC., ARE NOT DRAWN TO SCALE BUT ARE SHOWN FOR SCHEMATIC PURPOSES ONLY.
- ALL DISTURBED AREAS WITHIN THE RIGHT-OF-WAY SHALL BE REGRADED AND SLOPED TO PRE-CONSTRUCTION CONDITIONS.
- THE LOCATION OF THE EXISTING UTILITIES SHOWN IN THE PLANS ARE APPROXIMATE ONLY. THE EXACT LOCATIONS SHALL BE DETERMINED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL BE RESPONSIBLE TO VERIFY IF "OTHER" UTILITIES (NOT SHOWN IN THE PLANS) EXIST WITHIN THE AREA OF CONSTRUCTION, SHOULD THERE BE UTILITY CONFLICTS, THE CONTRACTOR SHALL INFORM THE RESPECTIVE UTILITY OWNERS TO RESOLVE UTILITY CONFLICTS AND ADJUSTMENTS, AS REQUIRED.
- THE APPROPRIATE UTILITY COMPANY SHALL BE NOTIFIED BY THE CONTRACTOR 72 HOURS IN ADVANCE OF ANY EXCAVATION INVOLVING THEIR UTILITIES SO THAT A COMPANY REPRESENTATIVE CAN BE PRESENT.
- LANDSCAPE AREAS SHALL BE IRRIGATED, IRRIGATION SYSTEM TO BE DESIGNED BY OTHERS.
- ALL PIPE AND PIPE FITTINGS INSTALLED UNDER THIS PROJECT SHALL CONFORM TO CURRENT FDEP STANDARDS FOR LEAD CONTENT.
- ALL PIPE AND FITTINGS INSTALLED UNDER THIS PROJECT SHALL BE COLOR CODED OR MARKED IN ACCORDANCE WITH SUBPARAGRAPH 62-555.320(2)(1)(B), F.A.C., USING BLUE AS A PREDOMINANT COLOR FOR WATER, UNDERGROUND PLASTIC PIPE SHALL BE SOLID-WALL BLUE PIPE.
- THE WATER SYSTEMS SHALL BE CONSTRUCTED TO PROVIDE ALL APPLICABLE STANDARDS IN CHAPTER 62-555, F.A.C. AND THE REQUIREMENTS OF CHAPTER 62-555, F.A.C.
- THE DRINKING WATER PIPING AND APPURTENANCES MUST COMPLY WITH STANDARDS, REGULATIONS, OR REQUIREMENTS OF THE AMERICAN WATER WORKS ASSOCIATION STANDARDS, AS INCORPORATED INTO RULE 62-555.330, F.A.C., IF APPLICABLE, THE DEPARTMENT SHALL ALLOW USE OF PIPE AND APPURTENANCES THAT DO NOT CONFORM TO THESE STANDARDS ONLY IF DOCUMENTATION IS PROVIDED IN ACCORDANCE WITH PARAGRAPH 62-555.320(1)(C), F.A.C.
- THE DRINKING WATER PIPING AND APPURTENANCES MUST COMPLY WITH STANDARDS, REGULATIONS, OR REQUIREMENTS OF THE NSF INTERNATIONAL STANDARDS 61 AS ADOPTED IN RULE 62-555.335, F.A.C., OR OTHER STANDARDS, REGULATIONS, OR REQUIREMENTS REFERENCED UNDER PARAGRAPH 62-555.320(1)(C), F.A.C., IF APPLICABLE, THE DEPARTMENT SHALL ALLOW EXCEPTIONS TO CONFORMANCE WITH THESE STANDARDS, REGULATIONS OR REQUIREMENTS ONLY IF DOCUMENTATION AND ASSURANCE IS PROVIDED IN ACCORDANCE WITH PARAGRAPH 62-555.320(1)(C), F.A.C.
- CONTRACTOR TO COORDINATE WITH FLORIDA POWER AND LIGHT AND AT&T FOR SERVICE AND CONDUIT LOCATIONS, TYPES, ETC.
- CONTRACTOR TO COORDINATE WITH TECO/PEOPLES GAS FOR NATURAL GAS SERVICE LOCATION, SIZE, AND REQUIREMENTS.
- FOR DRIVE THROUGH EQUIPMENT DETAILS (MENUBOARD, COIL, LOOPS, ETC.), LOCATION AND SERVICE INFORMATION, SEE ARCHITECTURAL PLANS.
- FOR SIGNAGE DETAILS SEE ARCHITECTURAL AND SIGNAGE PLANS.
- GREASE TRAP SHALL BE INSTALLED PER PER BOYNTON BEACH UTILITY DEPARTMENT STANDARD DETAIL 72 ON SHEET C12.
- FOR BOYNTON BEACH UTILITY NOTES AND STANDARD DETAILS SEE SHEET C11 AND C13.

## ESTIMATED WATER/SEWER FLOW (PER CHAPTER 64E-6, F.A.C.)

PROPOSED SEATS = 42  
FOOD OPERATIONS: RESTAURANT USING SINGLE SERVICE ARTICLES ONLY AND OPERATING MORE THAN 16 HOURS PER DAY = 16 GPD PER SEAT.  
ESTIMATED FLOW = 42 SEATS X 16 GPD/SEAT = 672 GPD  
GREASE TRAP CALCULATIONS (PER CHAPTER 10, FLORIDA BUILDING CODE):  
MIN. GREASE TRAP SIZE = 5 X 55 X 16 1/2 X 1.00 LOAD FACTOR  
WHERE: S = NUMBER OF SEATS  
QS = GALLONS/SEAT (25 WITH AUTOMATIC DISHWASHER, 10 WITHOUT AUTOMATIC DISHWASHER)  
HR = HOURS OF OPERATION  
LF = LOAD FACTOR (2.00 INTERSTATE, 2.5 FREEWAY, 1.25 RECREATIONAL AREA, 1.00 MAIN HIGHWAY, 0.75 OTHER HIGHWAY)  
MIN. GREASE TRAP SIZE = 42 SEATS X 10 X 24/12 X 1.00 = 840 GAL.  
USE 1 = 1,250 GALLON GREASE TRAP

## GREASE TRAP CONSTRUCTION SHALL MEET FLORIDA BUILDING CODE STANDARDS

### SANITARY CLEANOUT LEGEND:

- INVERT = 4.52'
- INVERT = 4.93'
- INVERT = 4.69'
- INVERT = 4.44'
- INVERT = 3.00'

### SANITARY PIPE LEGEND:

- 11" LF 6" C900 SDR 26 PVC @ 4.0%
- 8" LF 6" C900 SDR 26 PVC @ 4.0%
- 9" LF 6" C900 SDR 26 PVC @ 4.0%
- 27" LF 6" C900 SDR 26 PVC @ 4.0%

### \* 2-WAY CLEANOUT REQUIRED

### LEGEND:

- PROPOSED SANITARY PIPE
- EXISTING WATER PIPE
- PROPOSED WATER PIPE
- PROPOSED ELECTRIC LINE
- PROPOSED PHONE LINE
- EXISTING GAS LINE
- EXISTING STORM PIPE
- PROPOSED STORM PIPE
- EXISTING WATER VALVE (TO REMAIN)
- EXISTING FIRE HYDRANT (TO REMAIN)
- EXISTING STORM INLET (TO REMAIN)
- EXISTING STORM MANHOLE (TO REMAIN)
- PROPOSED STORM STRUCTURE

## PALM BEACH COUNTY NOTES:

- IF PROPOSED WORK DAMAGE PALM BEACH COUNTY ROADWAY AND/OR SIDEWALK IT WILL BE CONSTRUCTED REPAIRED OR REPLACED TO ITS ORIGINAL OR BETTER CONDITION AT NO COST TO THE PALM BEACH COUNTY.
- ALL CONSTRUCTION AND RESTORATION WORK WITHIN PALM BEACH COUNTY RIGHT OF WAY SHALL COMPLY WITH THE LATEST EDITION OF THE FDOT DESIGN STANDARDS AND THE FDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION.
- ANY DAMAGE TO PRE-EXISTING FACILITIES CAUSED BY CONSTRUCTION OF THIS PROJECT MUST BE REPAIRED OR REPLACED TO ORIGINAL OR BETTER CONDITION AT NO COST TO PALM BEACH COUNTY. THE CONTRACTOR SHALL BE RESPONSIBLE TO DETERMINE IF DAMAGED FACILITIES WILL BE REPAIRED OR REPLACED.
- CONTRACTOR SHALL CONTACT PRE-EXISTING TRAFFIC SIGNALS AT 561-231-3800 FORTY-FOUR (48) HOURS PRIOR TO CONSTRUCTION IF WORK IS BEING DONE WITHIN 10 FEET OF ANY SIGNAL EQUIPMENT.
- ANY DAMAGE TO LUMPS OR ANY SIGNAL EQUIPMENT CAUSED BY CONSTRUCTION OF THIS PROJECT MUST BE REPAIRED OR REPLACED TO ORIGINAL OR BETTER CONDITION AT NO COST TO PALM BEACH COUNTY.
- NO EXCAVATION AROUND PRE-EXISTING SIGNAL POLES WITHIN A 6 FT. RADIUS FROM THE CENTER OF THE POLE. PLEASE SEE PRE-EXISTING SIGNAL INSTALLATION AND SIGNALS 2017 DRAWING T-5.3.

## BENCHMARK

ELEVATIONS SHOWN HEREON REPRESENT NAVD83 DATUM

CALL 48 HOURS BEFORE YOU DIG  
IT'S THE LAW! DIAL 811  
Know what's below. Call before you dig.  
SUNSHINE STATE ONE CALL OF FLORIDA, INC.

**CORNELISON ENGINEERING & DESIGN, INC.**  
© 2018 CORNELISON ENGINEERING & DESIGN, INC.  
38639 OLD 5TH AVENUE, BOYNTON BEACH, FL 33426  
TEL: 813-369-7000 FAX: 813-369-7002  
WWW.CORNELISON-INC.COM  
CERTIFICATE OF AUTHORIZATION 28628

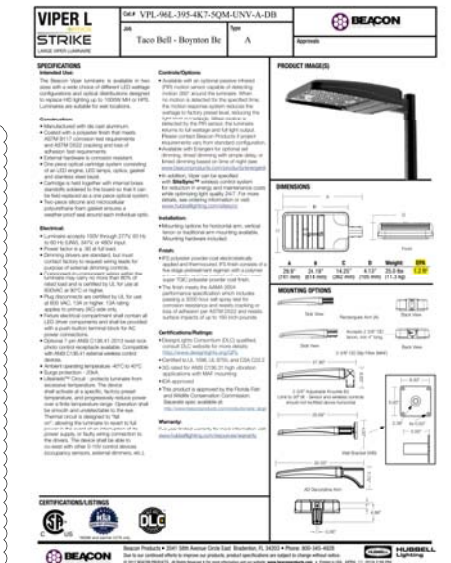
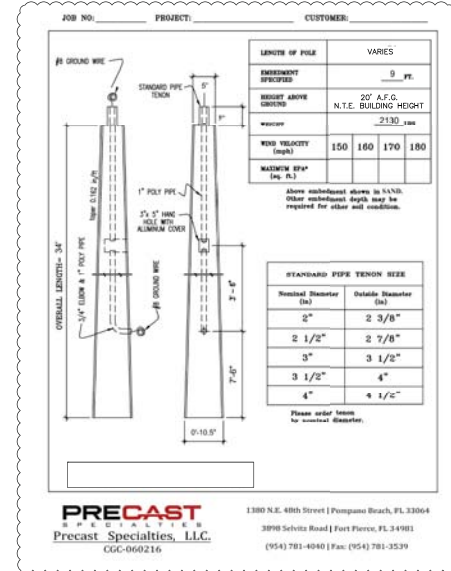
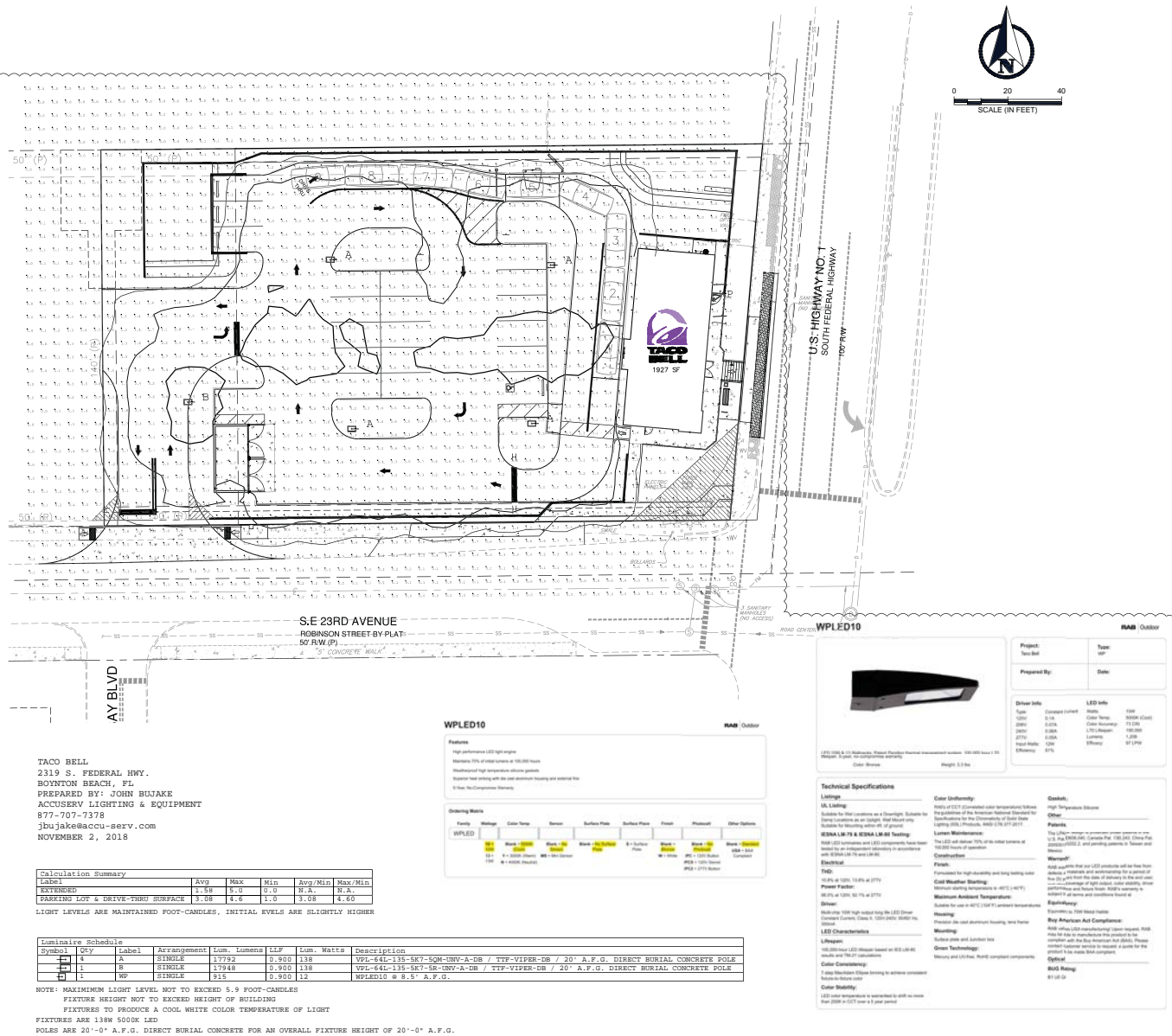
FLORIDA ENGINEERING BOARD  
NO. 5543  
P.E. CORNELISON  
2-08-19  
CORNELISON, P.E.  
FLORIDA LICENSE NUMBER  
PE05433

REVISIONS  
11/01/19 REV. PER CITY COMMENTS  
05/04/19 REV. PER CITY & COUNTY COMMENTS  
CONTRACT DATE: SM-42EXLT  
BUILDING TYPE: SM-42EXLT  
PLAN VERSION:  
SITE NUMBER:  
STORE NUMBER:

**TACO BELL**  
2319 S. FEDERAL HIGHWAY  
BOYNTON BEACH, FLORIDA 33435  
**SM-42EXLT**  
**UTILITY PLAN**

**C06**  
PLOT DATE: 2-08-19





## EXHIBIT D

### Conditions of Approval

Project Name: Taco Bell Restaurant  
File number: COUS 18-005 / MSPM 18-007  
Reference: 3<sup>rd</sup> review plans identified as a Major Site Plan Modification with a February 13, 2019 Planning and Zoning Department date stamp marking.

DEPARTMENTS	INCLUDE	REJECT
<b>ENGINEERING / PUBLIC WORKS / FORESTRY / UTILITIES</b>		
Comments: None. All previous comments addressed at DART meeting.		
1. Provide a 30 foot by 30 foot public utilities easement for pump station located on SE 23 <sup>rd</sup> Avenue on the west side of the west property line. The easement is to be recorded at the county prior to permit issuance.	X	
2. Provide a ten (10) foot public utilities easement along SE 23 <sup>rd</sup> Avenue. The easement is to be recorded at the county prior to permit issuance.	X	
3. A Developers Agreement addressing the construction of the pump station is to be completed prior to permit issuance.	X	
4. Additional comments may be rendered at time of permitting.	X	
<b>FIRE</b>		
Comments: None. All previous comments addressed at DART meeting.		
<b>POLICE</b>		
Comments: None. All previous comments addressed at DART meeting.		
<b>BUILDING DIVISION</b>		
Comments: None. All previous comments addressed at DART meeting.		
<b>PARKS AND RECREATION</b>		
Comments: None.		
<b>PLANNING AND ZONING</b>		
Comments:		
5. A cross-access easement is required to maintain access to the	X	



DEPARTMENTS	INCLUDE	REJECT
remaining parcels to the west.		
6. On Sheet C04, there are improvements depicted within the utility easement along the north side of the property. Please provide written authorization for the encroachment, seek and receive abandonment approval, or remove encroachment.	X	
7. Increase the height of the shrubs planted on the east and south of the building to a four foot minimum, to offset the height of the finished floor and ramps.	X	
8. Provide Palm Beach County Engineering approval of the proposed project to ensure they will not require a corner clip or additional right-of-way.	X	
9. Revise cool white lighting to warm white.	X	
10. Although review of signs for compliance with codes will be conducted at time of permit submittal, please be aware the logos (such as the "bell") placed on building facades are limited to 20% of the individual worded sign it is associated with, or a maximum of 9 square feet.	X	
11. Landscaping around the dumpster enclosure shall be planted at a minimum of one-half the height of the enclosure.	X	
12. Per the Community Design Standards for drive-through facilities, the building façade on which the drive-through window is located shall have windows that occupy no less than 25% façade, located at pedestrian level. A maximum of 10% of this 25% may be non-transparent. Provide dimensions and show calculations.	X	
13. This project is subject to the public art program. Submit an application and coordinate with the City's Public Art Manager.	X	
14. A unity of title will be required for the remaining three parcels to the west.	X	
15. Revise the landscape plan to depict the 25 trees on-center along all vehicular use areas at time of permit submittal.	X	
16. Clearly dimension the setback of the building from each property line to the closest point of the building.	X	
17. Sanitary sewer lines shall be placed underneath the sidewalk to maximize the landscaping types allowed in the east and south perimeter landscape buffers.	X	
18. Additional comments may be rendered at time of permitting.	X	

DEPARTMENTS	INCLUDE	REJECT
<b>COMMUNITY REDEVELOPMENT AGENCY</b>		
Comments: None. All previous comments addressed at DART meeting		
<b>PLANNING &amp; DEVELOPMENT BOARD CONDITIONS</b>		
Comments: To be determined.		
<b>CITY COMMISSION CONDITIONS</b>		
Comments: To be determined.		
<b>ADDITIONAL REPRESENTATIONS / COMMITMENTS</b>		
The applicant or applicant's representatives made the following representations and commitments during the quasi-judicial and/or public hearings that now constitute binding obligations of the applicant. The obligations have the same weight as other conditions of approval.		

S:\Planning\SHARED\WP\PROJECTS\Taco Bell\StaffReport\Exhibit D - COUS18-05 MSPM18-007 COA.doc

**DEVELOPMENT ORDER OF THE CITY COMMISSION OF THE  
CITY OF BOYNTON BEACH, FLORIDA**

PROJECT NAME: Taco Bell Restaurant (COUS 18-005 / MSPM 18-007)

APPLICANT: Raymond Funk, Coastal QSR, LLC

APPLICANT'S ADDRESS: 1340 Hamlet Avenue, Clearwater, FL 33756

DATE OF HEARING RATIFICATION BEFORE CITY COMMISSION: March 19, 2019

APPROVAL SOUGHT: Request Conditional Use approval associated with a request for Major Site Plan Modification approval for the construction of a 1,927 square foot Taco Bell Restaurant, drive-through and related site improvements, located in a C-3 (Community Commercial) zoning district.

LOCATION OF PROPERTY: Northwest corner of South Federal Highway and SE 23<sup>rd</sup> Avenue

DRAWING(S): SEE EXHIBIT "B" ATTACHED HERETO.

THIS MATTER was presented to the City Commission of the City of Boynton Beach, Florida on the date of hearing stated above. The City Commission having considered the approval sought by the applicant and heard testimony from the applicant, members of city administrative staff and the public finds as follows:

1. Application for the approval sought was made by the Applicant in a manner consistent with the requirements of the City's Land Development Regulations.
2. The Applicant  
    ☒ HAS  
    ☐ HAS NOT  
  
established by substantial competent evidence a basis for the approval requested.
3. The conditions for development requested by the Applicant, administrative staff, or suggested by the public and supported by substantial competent evidence are as set forth on Exhibit "C" with notation "Included."
4. The Applicant's request is hereby  
    ☒ GRANTED subject to the conditions referenced in paragraph 3 above.  
    ☐ DENIED
5. This Order shall take effect immediately upon issuance by the City Clerk.
6. All further development on the property shall be made in accordance with the terms and conditions of this order.
7. Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATED: \_\_\_\_\_

City Clerk