

**DEVELOPMENT DEPARTMENT
PLANNING AND ZONING DIVISION
MEMORANDUM NO. PZ 18-051**

STAFF REPORT

TO: Chair and Members
Planning and Development Board

FROM: Ed Breese
Planning & Zoning Administrator

DATE: August 23, 2018

PROJECT NAME/NO: McDonald's – 1701 S. Congress Avenue (COUS 18-006 / MSPM 18-008)

REQUEST: Conditional Use approval associated with a request for Major Site Plan Modification approval for the construction of a 4,490 square foot McDonald's fast food restaurant and associated site improvements, located at 1701 S. Congress Avenue in the C-3 (Community Commercial) zoning district.

PROJECT DESCRIPTION

Property Owner: 1701 S Congress Ave LLC

Applicant/Agent Edward Ploski, Corporate Property Services, Inc.

Location: 1701 S. Congress Avenue (see Exhibit "A")

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

Proposed Land Use/Zoning: No change proposed

Proposed Uses: Fast Food Restaurant

Acreage: 1.30-acres / 56,335 square feet

Adjacent Uses:

North: Existing commercial development (Walgreens Plaza), zoned C-3 (Community Commercial), and farther north Right-of-way for Woolbright Road;

South: Vacant lease parcel of the Walgreens Plaza zoned C-3 (Community Commercial), and farther south developed commercial office buildings (Woolbright Plaza), zoned C-3 (Community Commercial);

East: Right-of-way for Congress Avenue, and farther east developed commercial property (Boynton Shoppes), zoned PCD (Planned Commercial Development); and

West: Lake feature associated with Quail Run, and farther west Quail Run residential development, zoned PUD (Planned Unit Development).

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 and 05-004.

BACKGROUND/ PROPOSAL

Mr. Edward Ploski, representing McDonald's Corporation, is seeking Conditional Use / Major Site Plan Modification approval for the construction of a 4,490 square foot McDonald's fast food restaurant and associated site improvements, located at 1701 S. Congress Avenue in the C-3 (Community Commercial) zoning district. Restaurants with drive-through facilities are listed as a Conditional Use within the C-3 zoning district. McDonald's proposes to relocate from its shared location with the Marathon gas station directly across South Congress Avenue, on the SE corner of Woolbright Road and Congress. The proposed new location is part of a larger site (4.945-acre), which was originally approved in 2002 for a Walgreens building and attached 4,800 square feet of retail/office space on the north end of the property abutting Woolbright Road as Phase I, and a future Phase II consisting a 4 story, 40,000 square foot retail/office building on the southern portion of the site. As part of the construction of the Walgreens building, the remainder of the site work was completed, including all of the landscaping, lighting, parking, drainage, and construction of the building pad in preparation for the Phase II building. With the 107,000 square foot Woolbright Corporate Center built on the property immediately to the south and the 79,000 square foot Woolbright Professional Building constructed one block to the east, the demand for additional office space in the immediate vicinity apparently was not warranted and the Phase II parcel has continued to sit vacant. The applicant is working with the property owner to create a lease parcel over the northerly portion of the building pad to construct a McDonald's restaurant, while the property owner creates another potentially leaseable parcel on the remainder of the building pad and the southern extent of the site. The applicant has prepared a drawing (Sheet C-100), which depicts a possible scenario for the buildable space allocation remaining for the future southern lease parcel.

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 "C" – 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 three (3) points of ingress and egress via cross-access easements; one (1) of the driveways is located on the east side of the parcel, abutting South Congress Avenue, through the existing drive entrance for Walgreens on the north part of the site (see Exhibit "B"). The second driveway is located on the north side, abutting Woolbright Road, and running along the west side of Walgreens. Lastly, there is a driveway connection/cross access to the south with the office complex (Woolbright Plaza), which connects to the main access drive for the office complex, and then to South Congress Avenue. There are no new vehicular access points proposed. However, Palm Beach County Traffic Engineering is requiring the installation of a southbound right turn lane at the existing entrance to Walgreens from South Congress Avenue. As a result, the PalmTran bus stop is being relocated further south on the property and a bus shelter installed. Pedestrian access to the site is proposed to be enhanced through the construction of a walkway connecting from the sidewalk along South Congress Avenue to the front building entry walk.

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 restaurant uses is calculated at one (1) parking space per 100 square feet of gross floor area or one (1) parking space for every 2.5 seats, whichever is greater. The plan indicates 64 seats are proposed, therefore 26 spaces would be required based on the seat count. However, the building is proposed to be 4,490 square feet, requiring 45 spaces. Therefore, required parking is calculated to be 45 spaces based on the building square footage. The site plan depicts the provision of 50 parking spaces within the proposed lease parcel boundaries, including two (2) handicap spaces, in compliance with code requirements. The Walgreens parcel, including the attached retail/office space requires 96 parking spaces and 98 are provided, including six (6) handicap spaces, two (2) more than required by code. Additionally, there are 109 parking spaces already in place for the future development of the south lease parcel, including five (5) handicap spaces, in compliance with code requirements. Relative to impacts on adjacent properties, the nearest residential structure to the west is approximately 800 feet away from the proposed building, across a large lake for the Quail Run development. The closest residential building to the east is approximately 400 feet away from the proposed building, across South Congress Avenue, and south. Any proposed lighting will have to comply with the City's lighting regulations, which are designed to reduce the impact of glare in adjacent properties. The noise associated with the proposed business should not be much different from the current Walgreens business on the north part of the parcel. The west buffer consists of a six (6) foot tall concrete wall with an existing landscape buffer. A Condition of approval has been added to ensure all existing plant material on site not Florida No. 1 Quality will be replaced and any gaps in the existing landscape buffer will be filled in with comparable material.

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

The applicant intends to have two (2) dumpster enclosures to the west of the building and drive-through lanes, for waste removal purposes. As a condition of approval, staff has requested the applicant slightly rotate the orientation of the enclosures for improved maneuverability of the waste removal trucks (see Exhibit "D" – Conditions of Approval). Trash would be removed on a standard schedule and solid waste is not anticipated to be an issue. As noted above, the wall and landscape buffer should minimize any impacts associated with waste removal operations for the residents approximately 800 feet to the west.

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. No additional impacts are anticipated with this application. As a condition of approval, Utility staff notes that any water and sewer lines to be owned and operated by the City shall be included within 12 foot minimum width easements (see Exhibit "D" – Conditions of Approval).

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

The property has existing landscaping around the perimeter of the entire site. As noted previously, the site was master planned and all infrastructure (parking, drainage, lighting and landscaping) were installed with the construction of the Walgreens at the north end of the site. The Landscape Plan (Sheet L-1) depicts the addition of landscape plantings along the west and east property lines, to fill in any gaps and further enhance the existing material. Additionally, the plan depicts landscaping along the north and south sides of the lease parcel, including screening of the drive-through operation as required by code, and landscaping of the parking lot islands and service area at the rear of the building. Typical landscape material utilized in the design include Live Oak, Silver Buttonwood, Gumbo Limbo, Crepe Myrtle and Pigeon Plum trees, Montgomery and Alexander palms, Cocoplum, Silver Buttonwood, Thryallis, Simpson Stopper, Schefflera Arboricola, Fakahatchee Grass, Saw Palmetto and Croton shrubs, as well as Jasmine, Pittosporum, Green Island Ficus and Coontie groundcovers. There are also existing Live Oak trees that will remain in place in the final site design.

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 seven (7) new light poles and modification of two (2) existing light poles on the site. The new poles will be comparable in height (25 feet tall) to the existing light poles already on site. In an effort to minimize glare and impact on surrounding properties, the light fixtures will be full cutoff design, as required by code. The light levels depicted on Sheet C-500 exceed the code maximum allowable 5.9 foot-candles, and staff has inserted a condition of approval that the Photometric Plan be corrected to comply with code requirements prior to submittal for building permits (see Exhibit "D" – Conditions of Approval). Relative to signage for the project, the applicant proposes to insert a sign face in the existing Walgreens monument sign, located at the corner of Woolbright Road and South Congress Avenue, in the manually changeable-copy portion of the sign, located near the bottom, under the "Walgreens" sign panel. Additionally, the applicant proposes to install a new 8 foot tall monument sign on their lease parcel, along the South

Congress Avenue frontage, at the entry drive. This sign is designed to match the existing sign in color, materials and architectural elements, and will display the “golden arches” in the top tenant panel, with Walgreens underneath. The intent is to eventually utilize the bottom panel for the future tenant of the southernmost parcel. The wall signage allowance for the building has been determined to be a maximum of 69 square feet, and the applicant is proposing a total of 60 square feet. Above the building entrances, on the east and north sides of the building, the building elevations depict 9 square foot “golden arches” logos. Also, on the west end of the north façade, another 9 square foot “golden arches” logo is proposed, to inform customers entering from the north driveway. Finally, a 33 square foot, white “McDonald's” sign, is proposed on the south building façade, between the drive-through windows.

7. Required setbacks and other open spaces.

The proposed restaurant building is designed to meet or exceed the minimum setback requirements of the C-3 zoning district. Minimum setbacks are: front (east) required 20' – provided 170'; rear (west) required 30' – provided 152'; side (north and south) required 15' on one side and zero on the other – provided 51' on the north and 22' on the south. The closest residential structure to the west is nearly 800 feet, across a lake, and to the east, approximately 400 feet away, across South Congress Avenue, and south. The west side has a 6' tall buffer wall and existing landscaping that will be further enhanced with this project. The east side also has an existing landscape buffer that will be further enhanced to provide a nice streetscape along South Congress Avenue.

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

The restaurant use is generally compatible with the remainder of the commercial uses on all four (4) corners of the intersection, with the existing Walgreens on the northern portion of the site, and with the residential properties in the vicinity. Additionally, the building's large setbacks, intervening rights-of-way and lake, along with the appropriate buffering further the compatibility. The building's design is typical of most commercial structures with a smooth plaster finish, control joints and cornices and soft earthtone colors; a creamy beige primary body color Benjamin Moore “*Monroe Bisque*”, and a medium tan secondary body/accent color Benjamin Moore “*Alexandria Beige*”, and aluminum batten accents at the corners painted umber grey, similar to the dark bronze of the store front and window trim. The canopies and awning are proposed to be white.

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

The drive-through restaurant is designed as a one-story structure, with the typical parapet wall designed at a height of 19' - 6” and the top of the accent parapets at 21' – 6”, which is compatible with the structures on the same and adjacent 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 enhanced with the increased activity on this property and the development of the partially vacant site. The City will also benefit from the collection of permit fees, certificate of use fees, and increased assessable value of the property.

11. Conformance to the standards and requirements, which apply to site plans, as set forth in Part III, Chapter 4. Site Plan Review, of the City's Land Development Regulations.

Relative to concurrency requirements, a traffic statement for the proposed project was sent to the Palm Beach County Traffic Division for concurrency review in order to ensure an adequate level of service. A traffic concurrency approval letter from Palm Beach County has not been received as of the drafting of this staff report. A condition of approval has been added that requires receipt of the concurrency approval letter in advance of the issuance of any building permits. The applicant will be responsible for compliance with any conditions outlined in the approval letter. School concurrency is not required for this type of project. As for the City's water and sewer concurrency review, the City's water capacity would meet the projected potable water demand for this project. Sufficient sanitary sewer and wastewater treatment capacity is also currently available to serve the project, subject to the applicant making a firm reservation of capacity, following site plan approval. Solid Waste disposal capacity has been evidenced through the issuance of a certificate of availability by Palm Beach County Solid Waste Authority. Staff reviewed the site plan and determined that current staffing levels would be sufficient to meet the expected demand for services. 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. With incorporation of staff comments noted within Exhibit "D" – Conditions of Approval, the proposed project would comply with the requirements of applicable sections of city code and Land Development Regulations.

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. As noted above, with the distance to residential units, and the buffer wall and intervening landscaping, noise associated with operation should not be an issue. With incorporation of all conditions and staff recommendations contained herein, the proposed use would exist in a manner that is in compliance with the above-referenced codes and ordinances of the City of Boynton Beach.

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.