



PALM BEACH COUNTY ZONING APPLICATION STAFF REPORT

ZONING COMMISSION, OCTOBER 3, 2024

A. Application Summary

I. General

Application Name: Pollo Campero Restaurant, ZV/ABN/CA-2024-00490
Control Name: Okeechobee and Haverhill Shopping Center (1984-00053)
Applicant: 600 N 4th St Associates, LP
Owner: 600 N 4th St Associates, LP
Agent: Urban Design Studio - Shayne Broadnix
 Joni Brinkman
Project Manager: Joyce Lawrence, Senior Site Planner

Title: a Type 2 Variance **Request:** to allow a modification to the Compatibility Buffer consisting of a width reduction and utility encroachment on 0.74 acres **Title:** a Development Order Abandonment **Request:** to abandon a Special Exception for a Gasoline Pump Island Facilities and Self Service Car Wash approved by Resolution R-84-1172 on 0.74 acres **Title:** a Class A Conditional Use **Request:** to allow a Type 1 Restaurant with Drive-Through on 0.74 acres

Application Summary: The proposed application is for the Pollo Campero development. The site was last approved by the Board of County Commissioners (BCC) on April 27, 1984, to allow a Special Exception for a Gas and Fuel Pump Island Facilities and a Self Service Car Wash.

The requests propose to abandon a Special Exception for a Gasoline Station and Self Service Car Wash in order to redevelop the site with the requested a Class A Conditional Use for a Type 1 Restaurant with Drive Through. In addition, the Applicant is requesting a Type 2 Variance allow a modification to the Compatibility Buffer consisting of a width reduction and utility encroachment along the north property line.

The Preliminary Site Plan indicates one building with a total of 3,000 square foot (sq. ft.) Restaurant with 69 seats. Access to the site will be from Okeechobee Boulevard and Haverhill Road.

II. Site Data

Acres: 0.74 acres
Location: Northeast corner of Okeechobee Boulevard and Haverhill Road
Parcel Control: 00-42-43-24-00-000-7121
Future Land Use: Commercial High, with an underlying HR-8 (CH/8)
Zoning District: General Commercial District (CG)
Proposed Zoning: N/A
Tier: Urban/Suburban
Utility Service: Palm Beach County Water Utilities
Overlay/Study: Revitalization, Redevelopment, and Infill Overlay (RRIO)
Neighborhood Plan: N/A
CCRT Area: N/A
Comm. District: 2, Commissioner Gregg K. Weiss

III. Staff Assessment & Recommendation

ASSESSMENT: Staff has evaluated the standards listed under Article 2.B, and determined that the requests meet the standards of the ULDC subject to Conditions of Approval as indicated in Exhibits C-1 and C-2.

STAFF RECOMMENDATION: Staff recommends approval of the requests subject to the Conditions of Approval as indicated in Exhibit C-1 and C-2.

PUBLIC COMMENT SUMMARY: At the time of publication, Staff had received no contact from the public regarding this application.

IV. Hearing History

ZONING COMMISSION: *Scheduled for October 3, 2024*

BCC HEARING: *Scheduled October 24, 2024*

B. Data & Analysis

The supporting data and analysis is provided within the following Exhibits.

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Exhibit A - Future Land Use Map

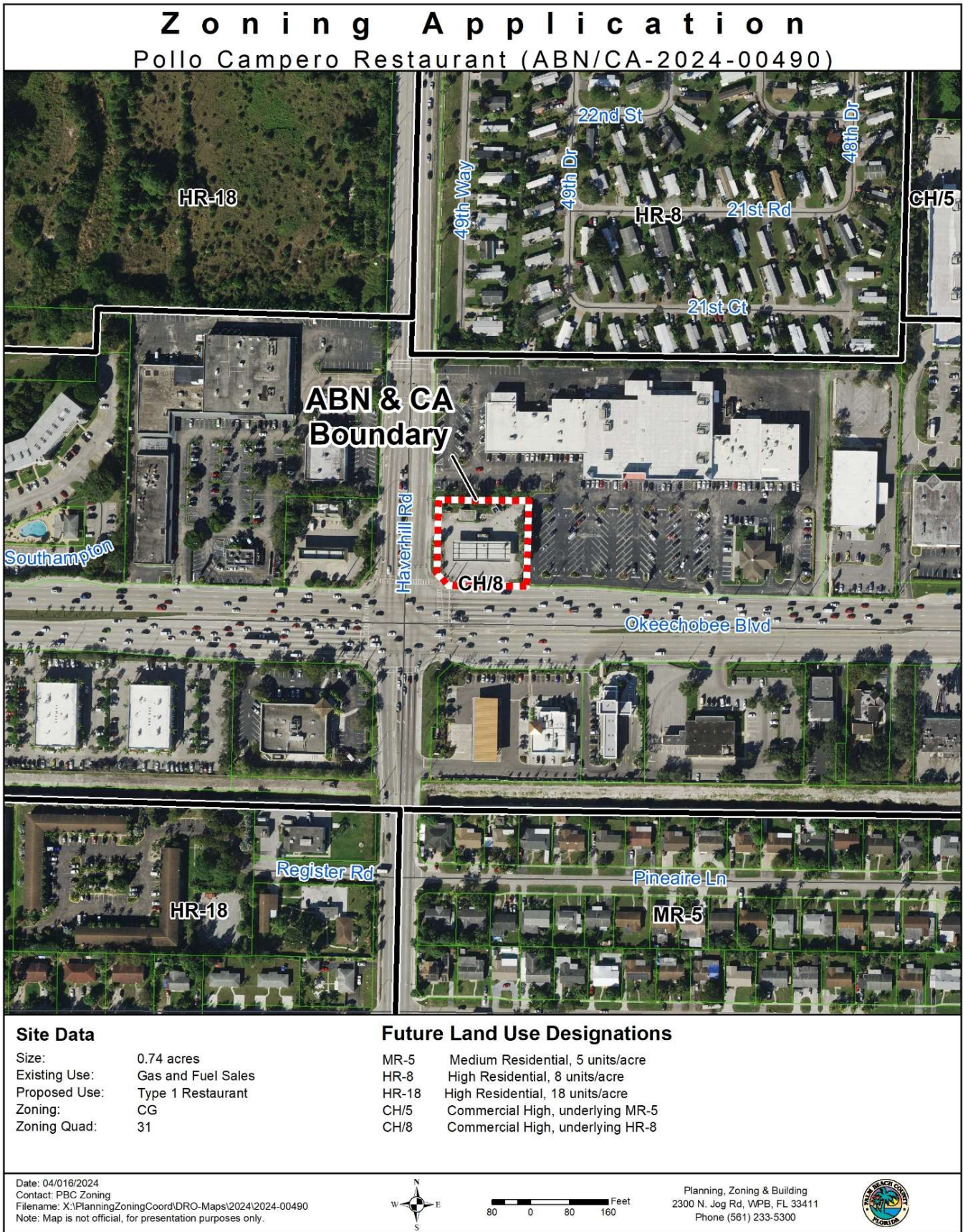


Exhibit A - Zoning Map

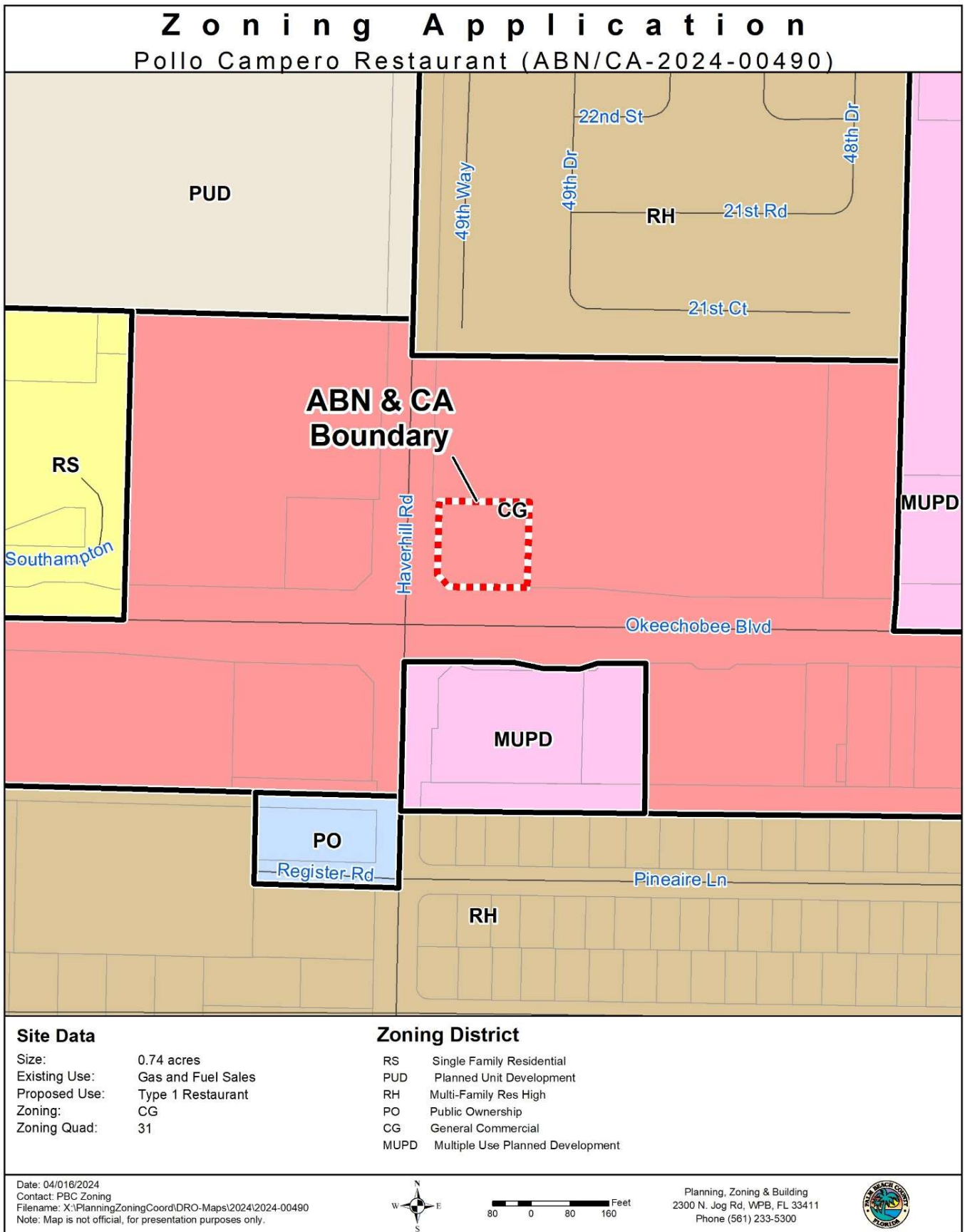


Exhibit B - Standards Analysis & Findings

TYPE II VARIANCE SUMMARY

	ULDC Article	Required	Proposed	Variance
V1	Art. 7.C.2.B – Compatibility Buffer (reduction in the width along the north property line);	8 feet	5 feet	reduction of 3 feet
	Art. 7.5 Overlap in landscape buffers and on-site Parking Areas	No encroachment of utilities within a Compatibility buffer	2 foot encroachment for 44 feet in the north Compatibility buffer for overhead power lines	2 foot encroachment for 44 feet in the north Compatibility buffer for overhead power lines
	Art. 7.C.2.B (Table) Compatibility Buffer Landscape Requirements	Trees required at 1 per 25 feet within a Compatibility buffer	relocate two trees from the utility encroachment area of the north Compatibility buffer to elsewhere in the site	relocate two trees from the utility encroachment area of the north Compatibility buffer to elsewhere in the site

FINDINGS:

Type 2 Variance Standards:

Article 2.B.7.E.6, Standards for Zoning Variance are indicated below with Applicant’s Response from the Justification Statement and Staff Analysis. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

- a. ***Special conditions and circumstances exist that are peculiar to the parcel of land, building, or structure, that are not applicable to other parcels of land, structures, or buildings in the same district.***

Applicant’s Response: *A special circumstance exists as the site is further being impacted by the additional right of way dedication, above and beyond that deemed necessary when the FDOT taking took place. This 5.7 feet of additional taking decreases the site even more than the FDOT taking. A redesign of the site had to be achieved to accommodate the expanded 40-foot corner clip on Okeechobee Boulevard.*

Staff Analysis: YES. There are special conditions and circumstances that exist that are peculiar to the parcel of land that are not applicable to other parcels of land in the same zoning district. The site was originally developed pursuant to the 1973 land development regulations, as amended, which required different requirements for landscape buffers. In addition, throughout the years. Okeechobee Boulevard and Haverhill Road have been expanded in width that impacts this corner lot. The landscape buffers, as they exist, are non-conforming with the current code. The Applicant intends to redevelop the site with a new use. The parcel is located within the Revitalization, Redevelopment, and Infill Overlay (RRIO) which by County’s objective in the plans is to encourage redevelopment and work closely with residents and businesses to full the need for revitalization. While the applications request is to reduce the compatibility buffer from eight-ft. to five ft. in width (-3 ft.), the landscape buffers along the corridors of Okeechobee and Haverhill are being redesigned and brought up to code, improving the street scape at this major intersection.

The proposed site as indicated, has been impacted by additional right of way dedication by the Florida Department of Transportation (FDOT) at the southwest corner of the site. The Applicant states that the right of way dedication at the corner, is a special circumstance that impacts the redevelopment and compliance with the compatibility buffer along the north property line. Although the buffer is reduced by three feet, they will still maintain the required plant material. The proposed buffer is adjacent to ~20 foot buffer on the adjacent property. Root barriers may be necessary at time of building permit, due to the proximity of underground water lines and public force main on the adjacent property. In addition, the Applicant has indicated that he will provide the planting requirements.

The Applicant is also proposing a variance to allow the encroachment of a utility pole within the north proposed five foot compatibility buffer. This utility line services the existing Retail Gas and Fuel establishment. It is undetermined at this time if the line will remain. The utility line encroachment enters the buffer from the north at an angle, to a maximum of two feet into the buffer for a length of approximately 44 feet. With the encroachment of the utility line, two canopy trees would be impacted, and thus a third variance is to allow the two canopy trees to be relocated elsewhere onsite. If during the construction phase of the development it is determined that the utility pole will be removed, then the two trees would remain within the buffer.

b. Special circumstances and conditions do not result from the actions of the Applicant.

Applicant's Response: *The special circumstances are not the result of the actions of the Applicant but rather the prior FDOT taking and the PBC Traffic Division's request for an additional 5.7 feet of right of way for an expanded 40-foot corner clip on Okeechobee Boulevard that further impacts the site.*

Staff Analysis: YES. Although the request to modify the site is an action of the Applicant, the proposal is to redevelop a parcel that is within the RRIO. In order to redevelop, PBC Traffic Division is requesting an additional 5.7 feet at the southwest corner of the site. Pursuant to the current ULDC, a parcel with CG zoning is required to be a minimum of one acre in size. This site has been developed since the 1970s as a gas station and was developed under different land development regulations. The lot has been reduced in size with the expansions of Okeechobee Blvd and Haverhill Road, making it a legal, non-conforming lot. The reduction in the lot size was not an action by the Applicant.

The ULDC has allowances to vest prior approvals and site elements, up to a specific percentage of renovation value. If the proposed development surpasses that percentage, it is required to comply with the current Code. With the redevelopment of this site as a whole, the buffers along the south, east and west are being brought up to current code, which improves the street scape of this major intersection. The Comprehensive Plan has objectives for properties within the RRIO to ensure revitalization takes place on properties in this Overlay. The Applicant has stated in their Justification that the special circumstances are not the result of the actions of the Applicant but rather this is due to the impact of the prior FDOT taking and the PBC Traffic Divisions' request for additional right of way at the corner. The reduction of the north buffer by three feet improves the site and meets the objective of the Plan. The allowance for the utility pole encroachment and relocation of two canopy trees, should it be determined during permitting that the pole needs to remain, also meets the intent and objective of the Plan to ensure the revitalization of the area.

c. Granting the Variance shall not confer upon the Applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district

Applicant's Response: *The granting of the variance will not confer any special privilege denied by the Comprehensive Plan or the ULDC to other parcels of land in the same zoning district. Should any other use in a General Commercial/Special Exception (CG/SE) zoning district propose variances to code requirements, they would be afforded the same opportunity to adequately address the seven criteria contained herein on a project specific basis in order to have the variance granted.*

Staff Analysis: YES. The granting of the variance will not confer any special privilege denied by the Comprehensive Plan or the ULDC to other parcels of land in the same zoning district. Although the Buffer width is proposed to be reduced by 3 ft. the Applicant proposes to install the required buffer planting material according to Code, with the exception of the two trees that may be impacted by the location of an existing utility pole. Those two trees however would be relocated elsewhere onsite. The RRIO has objectives in the plan that are to incentivize redevelopment and revitalization, and this parcel is within the RRIO.

d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the Applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship.

Applicant's Response: *The literal interpretation of the code would create an unnecessary larger landscape buffer than what is warranted as five (5) feet of green space is proposed on the subject parcel and 19.6 feet of green area is being provided for the shopping center to the north that offers a total of approximately 24.6 feet of green space. This visual impression of a larger landscape buffer between uses is more than what exist now. Additionally, while this parcel is not included in the adjacent shopping, from a visual standpoint of the public, it appears to be part of the center and the applicant is providing for a future cross connection for when the shopping center is ultimately developed.*

Staff Analysis: YES. Literal interpretation of the provisions of the Unified Land Development Code (ULDC) would create an unnecessary and undue hardship to the Applicant of rights commonly enjoyed by other properties in the same zoning district and FLU designation. This parcel of land was the subject of right of way width increase in the past, and a request to dedicate an additional 5.7 feet at the southwest corner of the site that reduces a portion of the depth further. Applying the additional three feet to the buffer will have a negative impact on the structure location and the site circulation. Requiring the removal of the utility pole, or widening the buffer to accommodate the existing pole will have negative impact on the site layout and circulation.

- e. **Granting the Variance is the minimum Variance that will make possible the reasonable use of the parcel of land, building, or structure.**

Applicant's Response: *The granting of the variance is the minimum necessary to make reasonable use of the existing land for the proposed restaurant. The variance will allow for the building footprint to not decrease from the standard Pollo Campero prototype to provide a viable user for this abandoned convenience store with gas sales, and acknowledges the hardship created by the prior FDOT taking in regard to the small size of the land area's impact on providing for reasonable use of the land.*

Staff Analysis: YES. Granting of the variance is the minimum variance that will allow for the proposed development and meet the purpose and intent of the Code for landscaping standards, and allowing for the site to be redeveloped in an area that is targeted for revitalization.

- f. **Grant the Variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code.**

Applicant's Response: *The granting of the variance will be consistent with the purposes, goals and objectives of the plan. The request is not inconsistent with the Characteristics of a Livable Community outlined in Policy 4.3-i of the Plan which include landscaping and the required setbacks to reduce adverse impacts on adjacent future land uses. Upon the granting of the variance, it will also be consistent with the Code and allows for the code required right of way buffer along Okeechobee Blvd.*

Staff Analysis: YES. The granting of the variance will be consistent with the purposes, goals, objectives, and policies of the Comprehensive Plan and this Code, as the Code allows for the provision based on specific conditions and circumstances. The Applicant states that the request proposed resulted from additional right of way dedication and accommodation to leave a utility pole that exists. Reduction in the buffer and the allowance to relocate two trees to accommodate an existing utility pole implements the objectives of the RRIO in the Plan.

- g. **Granting the Variance will not be injurious to the area involved or otherwise detrimental to the public welfare.**

Applicant's Response: *The granting of these variances will not be injurious to the area or detrimental to the public welfare. The reduction in the width of the north compatibility buffer is still an adequate buffer from the site to the shopping center to the north.*

Staff Analysis: YES. The proposed Compatibility Buffer, although will be reduced in width, will meet the minimum landscaping that is required by the Code, with the allowance to relocate two trees due to the location of the existing power line.

Exhibit B - Standards Analysis & Findings

FINDINGS:

Development Order Abandonment

When considering an ABN application, the BCC and ZC shall consider the Standards indicated below.

a. **Consistency with the Plan** - *The proposed abandonment is consistent with the Plan.*

The proposed abandonment of the Retail Gas Facility and Car Wash will accommodate the request to allow a Type 1 Restaurant. This will not create any inconsistencies with the Goals, Objectives and Policies of the Comprehensive Plan.

b. **Consistency with the Code** - *The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a Development Order (DO) does not create any new non-conformities.*

The proposed abandonment is not in conflict with any portion of the Code, and is consistent with the stated purpose and intent of the Code. The existing Retail Gas Facility and Car Wash is currently not in operation. The property has frontage and access on both Okeechobee Boulevard and Haverhill Road. While the prior use met the location and separation criteria for the prior Retail Gas and Fuel Sales, the proposed Type 1 Restaurant use will also meet the location and separation criteria as further discussed in this report. (See map below).

c. **Adequate Public Facilities** - *The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).*

The proposed abandonment will not negatively impact public facilities. Traffic impacts of the development have been completely showing adequacy for the proposed project. Other public infrastructure is already in place along Okeechobee Boulevard and Haverhill Road was reviewed with the request for the Conditional Use to accommodate the proposed development.

d. **Changed Conditions or Circumstances** - *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.*

The Applicant is requesting a Development Order Abandonment of the previously approved Retail Gas Facility and Car Wash that is no longer operational. There are no other DOs on the site and there were no performances or tasks required to be implemented that were required in the original approval of this DO. The Applicant states in the Justification Statement that "A changed condition affecting this request is the fact that the special exemption is no longer operational. A new, modern fuel sales/convenience store was recently constructed to the south of the intersection decreasing the feasibility of the use on this outdated site. A gas station also exists on the northwest corner of the intersection to continue to provide service to the public traveling west on Okeechobee Blvd. There are no other Development Orders on this site. There are no required additional performances or task to be implemented on the original Development Order for the Special Exemption."

Exhibit B - Standards Analysis & Findings

FINDINGS:

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

Article 2.B.7.B, Standards for Rezoning to a PDD or a TDD, a Conditional Use, or a Development Order Amendment are indicated below with Staff Analysis. Conditional Use requests for Density Bonus pursuant to Art. 5.G.1, Workforce Housing Program (WHF) are subject to not subject to these Standards, and are subject to 5.G.1.B.2.e2)b) Factors for Consideration. A request that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved by the Commission.

a. Consistency with the Plan - *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

○ *Consistency with the Comprehensive Plan:* The proposed use is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.

○ *Relevant Comprehensive Plan Policies:* The Comprehensive Plan's Future Land Use Element (FLUE)

Policies 4.3-g and 4.3-k establish a framework for requiring development proposals to employ interconnectivity between like and complementary existing commercial land uses. The policy reads as follows:

Policy 4.3-g: Where appropriate, similar and/or complementary neighboring land uses shall employ access management techniques such as shared entrances (to reduce the number of curb cuts) and vehicular and/or pedestrian cross access between like development projects (to encourage inter-connectivity both within and between sites, and reduce the need to use the primary street system to access adjacent sites).

Policy 4.3-k: The County shall require, where feasible, that commercial land uses employ access management techniques, such as shared entrances and vehicular cross access, between adjacent existing and proposed commercial land uses.

The Preliminary Site Plan indicates vehicular and pedestrian cross access from the subject property to the adjacent commercial development at the northeast corner-vehicular/pedestrian connection is afforded to the north, and a pedestrian connection is indicated to the east. The subject parcel and the adjoining parcel both have Commercial High (CH) Future Land Use designations.

○ *Planning Conditions:* Planning has applied conditions to carry out the implementation of vehicular and pedestrian interconnectivity.

○ *Intensity:* The maximum Floor Area Ratio (FAR) of .85 is allowed for the Commercial High (CH/8) Future Land Use Designation in the Urban Suburban Tier (32,408 surveyed square feet (sq. ft.) or 0.74 acres x 0.85 maximum FAR = 27,546 sq. ft. maximum). The request for 2,700 sq. ft., which equates to a FAR of approximately 0.08 (2,700 / 32,408 surveyed sq. ft. (or 0.74 acres overall land area) = 0.083 FAR or 0.08 rounded down).

○ *Special Overlay District/ Neighborhood Plan/Planning Study Area:* The site is within both the Revitalization, Redevelopment, and Infill Overlay (RRIO) and Urban Redevelopment Area (URA), but not a Priority Redevelopment Area (PRA). The request to redevelop the existing gas station with a restaurant use furthers the general objective of the RRIO and URA by encouraging and advancing redevelopment within the Overlay.

b. Consistency with the Code - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

○ *Property Development Regulations:* The proposed development has met or exceeded the minimum requirements of Table 3.D.1.A, Property Development Regulations, except the minimum lot size and depth. The minimum lot size in the CG Zoning District is one acre, with minimum width of 100 feet and depth of 200 feet. The site encompasses 0.74 acres, with a width of ~186 feet and a depth of ~177 feet. These dimensions were reduced due to the expansions of Okeechobee Blvd and Haverhill Rd making it a legal non-conforming lot. Though non-conforming, the proposed structure will meet or exceed the minimum setbacks for the CG Zoning District.

○ **Use Specific Criteria- Type 1 Restaurant:** The Preliminary Site Plan indicates the following: one 1-story building with a total of 2,700 sq. ft. and 60 seats, plus 300 sq. ft. of outdoor dining area with 3 seats, and 21 parking spaces. Access to the site are proposed from Okeechobee Boulevard and Haverhill Road.

○ **Type 1 Restaurant:** The proposed development provides sufficient width and frontage, and is in compliance or have exceeded the minimum setbacks. Pursuant to Art. 4.B.4.C.31.f, Location Criteria, as it relates to the use, A Type 1 Restaurant with a drive-through shall be subject to the following:

- **Intersection Criteria:** A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Art. 5.E.2.B, Intersection Criteria. In addition to the proposed Type 1 Restaurant, there is an existing Type 1 Restaurant to the west of the site across from the Haverhill Road right of way. Below is the Intersection and Separation Criteria aerial map of the Type 1 Restaurants within 1000 ft. of the intersection of Okeechobee Boulevard and Haverhill Road.
- **Separation Criteria:** A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Art. 5.E.2.C.2, Separation Criteria. The proposed development is in compliance with this portion of the code. See below the Exhibit for the Separation distance (1000 ft. radius) of the one existing Type 1 Restaurant within 1000 ft. of the proposed.



Intersection and Separation Criteria aerial map

○ **Architectural Review:** The use is required to comply with the Architectural Guidelines specified in Article 5.C, Design Standards. The Applicant has indicated the desire to submit the required documents for Architectural Review including the Visual Impact analysis at time of Building Permit approval.

○ **Parking:** The proposed development requires a total of 21 parking spaces (one space x 3 seats). The Preliminary Site Plan indicates 20 parking spaces, plus one additional space accounted for within the queuing, as allowed pursuant to the ULDC Table 6.B.1.B, Minimum Parking Requirements (note 13).

○ **Landscape/Buffering:** To the north of the property, a five-foot wide Compatibility landscape buffer is provided. This buffer is pending a concurrent Type 2 Variance request to allow a reduction width from eight ft. to five ft. The Applicant has indicated the required Landscape material will be provided despite the buffer reduction request. However, at time of Building Permit application, the Applicant shall relocate the required trees in the Compatibility Buffer along the approximate 44-ft. length by 2 ft. wide location where the overhead power line traverse the buffer, should the overhead line remain, to another location on site.

Along the south adjacent to the Okeechobee Boulevard and the west Haverhill Road ROWs, a 20-ft wide ROW buffers with a 5 ft. wide utility easement overlap are proposed. To the east property line adjacent to the Commercial Shopping Center, Control No. 1996-500098, a 8-ft. wide Compatibility buffer is provided. In addition, the PSP indicates the required foundation planting as required by code. The proposed development complies with Art. 7.C.2. Types of Landscape Buffers.

○ **Signage:** The Preliminary Master Sign Plan (PMSP) indicates a total of two Ground-Mounted Freestanding Monument Style signs: one is along Okeechobee Boulevard (Sign A), with a proposed maximum of 154 sq. ft. of sign face area, and the other is on Haverhill Road (Sign B) with a maximum of 145 sq. ft. of sign face area. These two proposed signs are in compliance with Code requirements, Table 8.G.2.A – Freestanding Sign Standards. The PMSP also depicts a total of four walls signs, all of which are in compliance with Table 8.G.1.A – Walls Signs Standards.

- c. **Compatibility with Surrounding Uses** - *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.*

The site is predominantly surrounded by commercial uses on all sides, and is therefore compatible and is generally consistent with the uses and character surrounding and in the vicinity of the land where the development is proposed. The proposed use is located at the intersection of Okeechobee Blvd and Haverhill Rd, and there is only one other Type 1 Restaurant with drive-through within a 1000 feet of the proposed Type 1 Restaurant. The other uses within proximity of the site, along Okeechobee Road include a mix of commercial uses, and residential on the periphery along Haverhill and Okeechobee Blvd.

- d. **Design Minimizes Adverse Impact** – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.*

As proposed, the site layout and the design is configured to minimize adverse impacts on surrounding lands. The site was previously developed with two access points, one from Okeechobee Boulevard and one from Haverhill Road. A proposed future cross access is added, and the proposed request will continue to minimize traffic impacts onto the adjacent developments.

The request will modify the entire site, to create a one-story building inclusive of three outdoor seatings, with a maximum of 35 feet, and a drive through lane. As proposed, the main entrance to the building will be oriented toward the interior of the site, closer to the majority of the parking spaces, and towards the adjacent Commercial Shopping Center located to the north, and east of the site. Architectural Design Standards in Art. 5.C. including the visual impact and intensity of the proposed uses will be met at time of building permitting.

- e. **Design Minimizes Environmental Impact** – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.*

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

o **Vegetation Protection:** There are native vegetation species that exist on the site. Native vegetation that cannot be preserved in place are being either relocated or mitigated. The application for the Protection of Native Vegetation Approval will be required to be submitted prior to the final approval by the DRO, as indicated in Article 14.C.7.C.

o **Wellfield Protection Zone:** This property is not located within Wellfield Protection Zone.

o **Irrigation Conservation Concerns and Surface Water:** All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance, Ordinance No. 2022-007. Any non-stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

o **Environmental Impacts:** There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

- f. **Development Patterns** – *The proposed amendment will result in a logical, orderly, and timely development pattern.*

Development pattern of the corridor of Okeechobee Boulevard is a mix of commercial uses. The proposed development will be consistent with the patterns of the surrounding areas and will result in a logical, orderly, and timely development pattern.

- g. **Adequate Public Facilities** – *The proposed amendment complies with Art. 2.F, Concurrency (Adequate Public Facility Standards).*

OFFICE OF RESILIENCY: Staff has reviewed this application and have no comment.

ENGINEERING COMMENTS:

The proposed remodeling of an existing gas station with a convenience store to a Type 1 Restaurant with drive-through is expected to generate 53 less net daily trips, 14 additional net AM peak trips, and 6 less net PM peak hour trips. Overall, the site is expected to generate 715 net daily trips, 68 net AM peak hour trips, and 50 net PM peak hour trips. The build out of the project is assumed to be by 2026.

Since the modification to the site generates less than 20 peak hour trips, no detailed traffic analysis was required. The project will have an in-only driveway on Okeechobee Blvd and a right-in/right-out driveway on Haverhill Rd. No turn lanes are warranted at the driveways.

The property owner will be required to dedicate the right-of-way necessary for a 40-foot corner clip and they shall also record a 10-foot utility easement along the property's frontage on Okeechobee Blvd and Haverhill Road.

DRAINAGE:

“The site is located within the South Florida Water Management District (SFWMD) C-17 Basin and the Lake Worth Drainage District (LWDD) drainage area. The proposed site design will direct stormwater runoff from the site to drainage inlets. Exfiltration trenches will provide the required water quality in accordance with SFWMD requirements. The legal positive outfall for the site will be via an existing drainage structure located at the northwest corner of the property that connects to the drainage system within Haverhill Road. There is a SFWMD Permit (50-104378-P) for the existing roadway drainage system. The site will eventually discharge to the LWDD L-1 Canal. The control elevation for the site is 13.00 ft. NGVD. A pre-development versus post-development calculation will be provided showing there is less discharge in the post-development. See Exhibit J – Drainage Statement.”

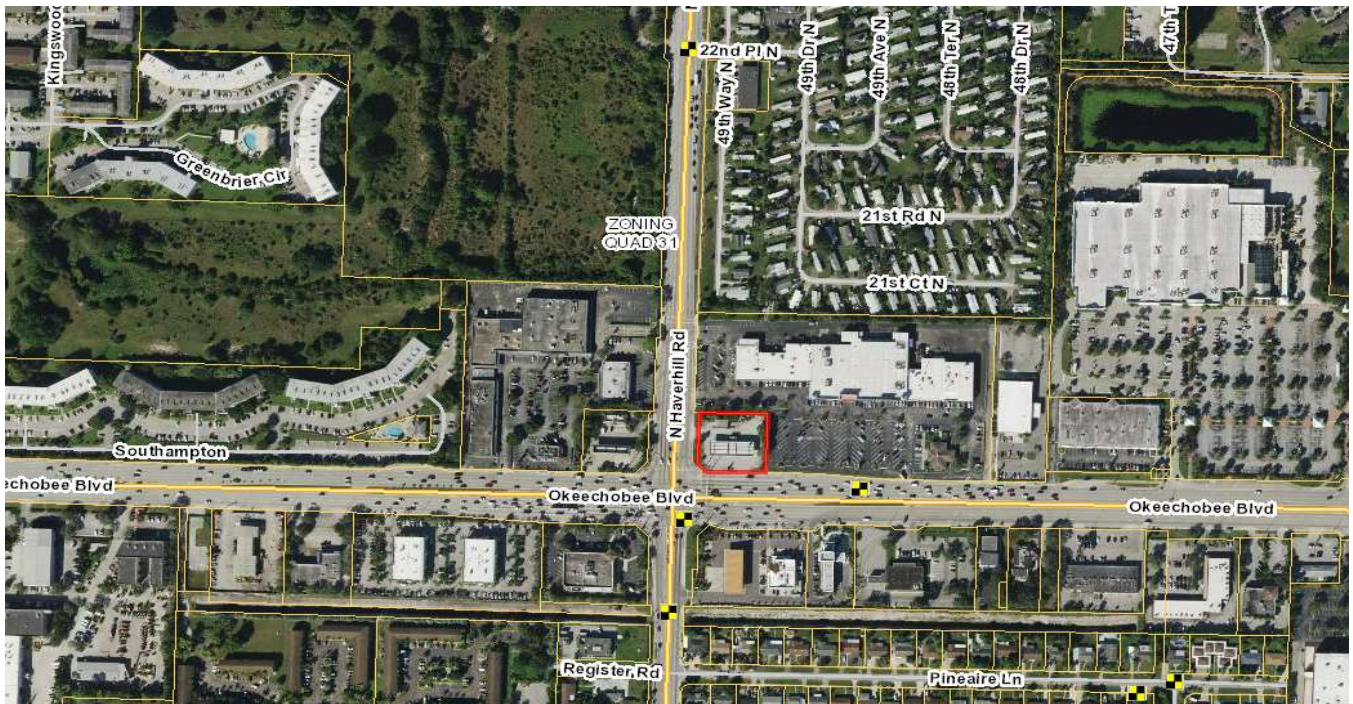
WATER AND WASTEWATER: Staff has reviewed this application and have no comment. In a letter provided in Exhibit K, WUD States that PBCWUD is willing and able to provide the level of service required subject to a Capacity Reservation Agreement. Prior to the issuance of a building permit, the Applicant must obtain applicable permits and approvals from PBC WUD to connect to potable water and wastewater services.

PALM BEACH COUNTY HEALTH DEPARTMENT: Staff has reviewed this application and have no comment.

FIRE PROTECTION: Staff has reviewed this application and have no comment. The subject site is located within the service boundaries of Palm Beach County Fire Rescue Station # 23.



SCHOOL IMPACTS: The School Board has no comment requirements regarding this non-residential application request. There are four public school bus stop locations in proximity to the subject development.



PARKS AND RECREATION: This request is for the redevelopment of a non-residential use. The requirements for level of service relating to the provision of parks and recreations do not apply.

- h. Changed Conditions or Circumstances –** *There are demonstrated changed site conditions or circumstances provided by the Applicant’s Justification Statement that necessitate the amendment.*

The Applicant’s Justification Statement indicates the following justification for their changed conditions of circumstances: *“that the prior use of the property was no longer feasible, which resulted in the closure of the gas station and the site being unutilized, creating a blighted condition and impact to the area. The owner has been dealing with security issues and unwanted/unauthorized people accessing the site. The introduction of a new use will reactivate the corner and provide for additional goods/services to the public. As mentioned, the existing gas station and car wash was approved in 1984 and was an outdated facility. This is evident by the sale of the property and closure of the use. As land area within Palm Beach County becomes more and more scarce for new development, infill redevelopment will become more and more prevalent. This condition actually supports the goals and objectives of the comprehensive plan in fostering redevelopment within the existing Urban Suburban Tier.”*

Exhibit C-1 - Conditions of Approval

Type 2 Variance – Concurrent on 0.74 acres

VARIANCE

1. This Variance is approved based on the layout for the north Compatibility Buffer as shown on the Preliminary Site Plan dated August 15, 2024. Only minor modifications by Development Review Officer shall be permitted provided the changes are consistent with this variance request. (ONGOING: ZONING - Zoning)
2. At time of application for a Building Permit, the Property Owner shall provide a copy of this Variance approval along with copies of the approved Plan to the Building Division. (BLDGPM: ZONING - Building Division)
3. Prior to the submittal for Final Approval by the Development Review Officer, the approved Variance(s) and any associated Conditions of Approval shall be shown on the Preliminary Site Plan. (DRO: ZONING - Zoning)

LANDSCAPING – NORTH PROPERTY LINE

1. At time of application for a building permit, the Landscape Plan shall include details of a root barrier for the landscape material that will be installed within the north five-foot compatibility buffer. The root barrier shall be installed prior to CO. The root barrier will protect the underground utilities that are located within an easement that is depicted in the Survey dated May 16, 2024, and indicated on the adjacent property along the property line. (BLDGPM/CO: ZONING - Zoning)
2. Two canopy trees that are located within the north five-foot compatibility buffer that would be planted in the area of the 44 foot by 2-foot area of an existing utility line subject to this Variance shall be relocated elsewhere on the site. These trees shall be noted on the Landscape Plans at time of building permit. Should the utility line be removed the two trees shall remain within the landscape buffer. (BLDGPM/CO: ZONING - Zoning)

COMPLIANCE

1. In Granting this Approval, the Zoning Commission relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the approval to be presented to the Board of County Commissioners for review under the compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
 - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other Permit, License or Approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or,
 - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other Zoning Approval; and/or,
 - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of Conditions reasonably related to the failure to comply with existing Conditions; and/or
 - d. Referral to Code Enforcement; and/or
 - e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit C-2 Conditions of Approval

Class A Conditional Use on 0.74 acres

ALL PETITIONS

1. The approved Preliminary Site Plan is dated August 15, 2024. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

ENGINEERING

1. No Building Permits for the site may be issued after December 31, 2026, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the 40 foot corner clip, at the south west corner of the property.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

3. Prior to the issuance of the first building permit, the Property Owner shall record by separate instrument a 10 foot non-exclusive utility easement along the property's frontage. (BLDGPM: MONITORING - Engineering)

PLANNING

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded vehicular and pedestrian cross access easement agreement for the location(s) depicted on the final approved site plans. (DRO: PLANNING - Planning)

2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded vehicular and pedestrian cross access easement. (DRO: PLANNING - Planning)

3. Prior to the release of the Certificate of Occupancy, the Property Owner shall grade, construct, and pave the access point for the cross access easement to the property line so that it is usable for both vehicular and pedestrian cross access from the adjacent property at the location(s) shown on the Site Plan. (CO: MONITORING - Planning)

COMPLIANCE

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)

2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:

- a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
- b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
- c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
- d. Referral to Code Enforcement; and/or
- e. Imposition of entitlement density or intensity.

Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: MONITORING - Zoning)

DISCLOSURE

- 1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.

Exhibit D - Project History

Application No.	Title & Request	Resolution	Decision	Approval Date
SE-1984-00053	Title: Special Exception Request: Special Exception to allow a Gasoline Pump Island Facility and Self Service/Car Wash	R-1984-01172	Complete	April 26, 1984

Exhibit E - Preliminary Site Plan dated September 19, 2024

Exhibit F - Preliminary Regulating Plan dated September 25, 2024

Exhibit G - Preliminary Master Sign Plan dated September 19, 2024

Wall Sign Standards - ULS Tier
(SEE LOCATION MAP FOR PLAN VIEW LOCATIONS)

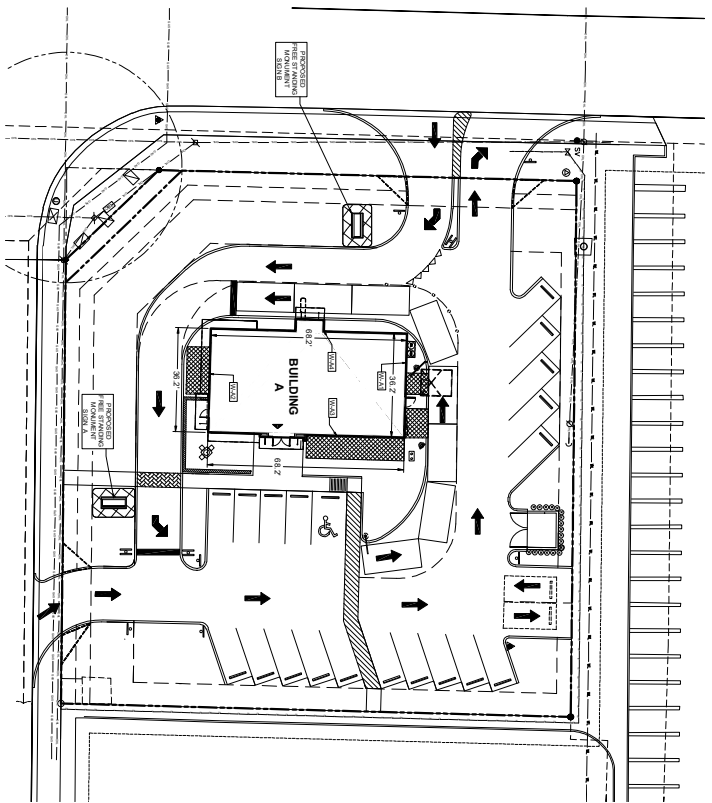
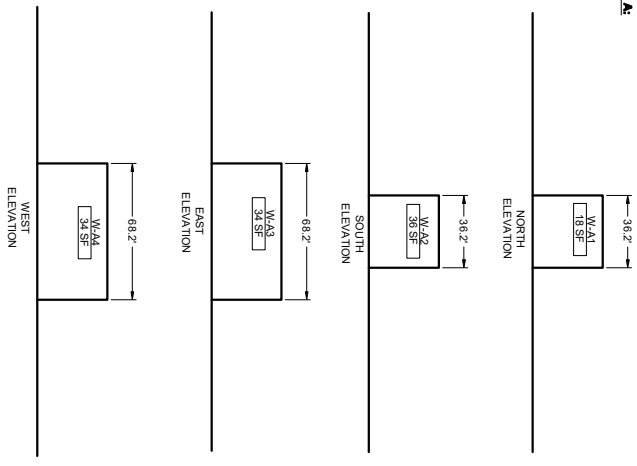
Maximum Sign Area (Per Linear Foot of Wall on which the Sign is Attached)	1.0 sq. ft. - along any one side of the building (1) 0.25 sq. ft. - along any of the remaining sides of the building or 0.25 sq. ft. - for walls adjacent to a residential zoning district
Min. Wall Sign per Tenant Space	24 sq. ft.
Min. Horizontal and Vertical Separation between Signs	3 ft.
Min. Projection from Surface of Building	24"
Min. Vertical Separation between Sign and Roofline	6'
Min. Horizontal Separation between Sign and Wall Edge	6'

Awning and Canopy Sign Standards:
 (1) Maximum Sign Area: 1.0 sq. ft. - along any one side of the building (1)
 (2) Minimum Projection: 24"
 (3) Minimum Vertical Separation: 6'
 (4) Minimum Horizontal Separation: 6'
 (5) Minimum Vertical Separation between Sign and Roofline: 24"
 (6) Minimum Horizontal Separation between Sign and Wall Edge: 6'

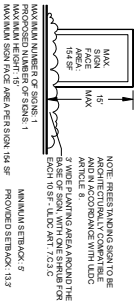
WALL SIGN CALCULATION TABLE
(SEE LOCATION MAP FOR PLAN VIEW LOCATIONS)

Bldg. ID	ELEVATION	LENGTH OF WALL PER SIGN AREA	PER SIGN AREA		PER WALL FOOT		MIN. SIGN AREA PER SIGN	MIN. SEPARATION BETWEEN SIGNS	MAX. PROJECTION FROM BLDG.	MIN. SEPARATION FROM ROOF	MIN. SEPARATION FROM WALL EDGE
			MAX. SIGN AREA PER SIGN	MIN. SIGN AREA PER SIGN	MAX. SIGN AREA PER WALL FOOT	MIN. SIGN AREA PER WALL FOOT					
W/A1	NORTH	36.2'	0.50	1.1	0.50	36	24 sq'	ALLOWED	ALLOWED	6'	6'
W/A2	SOUTH	36.2'	1.00	0.50	1.00	36	24 sq'	ALLOWED	ALLOWED	6'	6'
W/A3	EAST	68.2'	0.50	1.1	0.50	36	24 sq'	ALLOWED	ALLOWED	6'	6'
W/A4	WEST	68.2'	0.50	1.1	0.50	36	24 sq'	ALLOWED	ALLOWED	6'	6'

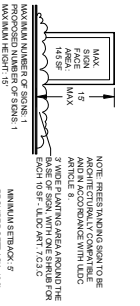
BUILDING A:



FREESTANDING SIGN (A)



FREESTANDING SIGN (B)



SITE DATA

APPLICATION NAME: POLLO CAMPERO RESTAURANT
 APPLICATION NUMBER: 489/CAN/2024/0080

PCC Amendments:

PCC Zoning Stamp:

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urban design studio
 Urban Planning & Design
 Architecture
 Communication Graphics
 010 Orange Street, Suite 2002
 Palm Beach, FL 33480
 561.366.1100 FAX: 561.366.1111
 www.urbandesignstudio.com
 ACC0000055

Pollo Campero Restaurant
 Palm Beach County, FL
 Preliminary Master Sign Plan
 H:\BOS\NEC\Drawings\489\489_02_089030_N_489_S1_Associates_LP_DWG_00101\Drawings\Site Plan\2024.03.19_3P_POLLO CAMPERO.rvt

PMSP-1
 of 1
 Dwg No.: 01170204
 Date: 03/19/24
 Designed By: RJD
 Drawn By: RJD
 Checked By: RJD
 Approved By: RJD

Exhibit I - Disclosure

PALM BEACH COUNTY - ZONING DIVISION

FORM # 9

DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

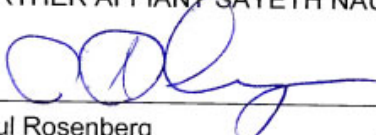
STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Paul Rosenberg, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

1. Affiant is the individual or Manager *[position - e.g., president, partner, trustee]* of 600 N 4th St Associates LP *[name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership]* that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
2. Affiant's address is: 102 NE 2nd Street #305
Boca Raton, FL 33432
3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.

FURTHER AFFIANT SAYETH NAUGHT.



Paul Rosenberg, Affiant
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this 24th day of February, 2027 by Paul Rosenberg (name of person acknowledging). He/she is personally known to me or has produced known (type of identification) as identification and did take an oath (circle correct response).


(Name - type, stamp or print clearly)


(Signature)

My Commission Expires on: 09/15/2027

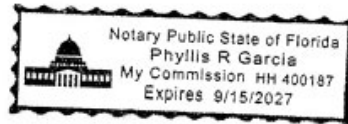


EXHIBIT "A"

PROPERTY

A PARCEL OF LAND IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD AND THE EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD AND RUN THENCE NORTH 1°55'56" EAST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD 200 FEET TO AN IRON PIPE; THENCE SOUTH 88°57'24" EAST 200 FEET TO AN IRON PIPE; THENCE SOUTH 1°55'56" WEST 200 FEET TO AN IRON PIPE ON THE NORTHERLY RIGHT-OF-WAY LINE OKEECHOBEE ROAD; THENCE NORTH 88°57'24" WEST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE ROAD 200 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL OF LAND:
COMMENCING AT THE SOUTHWEST CORNER OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA; THENCE NORTH 1°55'56" EAST ALONG THE WEST LINE OF SAID SECTION 24, A DISTANCE OF 81.00 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 50.00 FEET TO THE INTERSECTION OF THE EXISTING NORTHERLY RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD AND THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD, SAID INTERSECTION BEING THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE FROM THE POINT OF BEGINNING NORTH 1°55'56" EAST ALONG SAID EASTERLY RIGHT-OF-WAY OF HAVERHILL ROAD, A DISTANCE OF 200.00 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 14.00 FEET; THENCE SOUTH 1°55'56" WEST, A DISTANCE OF 164.61 FEET; THENCE SOUTH 43°30'44" EAST, A DISTANCE OF 35.63 FEET; THENCE SOUTH 88°57'24" EAST, A DISTANCE OF 160.61 FEET; THENCE SOUTH 1°55'56" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH 88°57'24" WEST, A DISTANCE OF 200.00 TO THE POINT OF BEGINNING.

AND LESS AND EXCEPT PARCEL 100 UNDER THAT CERTAIN ORDER OF TAKING RECORDED IN OFFICIAL RECORDS BOOK 6652, PAGE 157, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL NO. 100: THAT PART OF THE SW 1/4 OF THE SW 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 43 SOUTH, RANGE 42 EAST IN PALM BEACH COUNTY, FLORIDA, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE FOUND BRASS DISC IN THE NORTHWEST CORNER OF THE SW 1/4 OF SAID SECTION 24, THENCE S 01° 30'33" W ALONG THE WESTERLY SECTION LINE FOR SAID SECTION 24 A DISTANCE OF 2646.00 FEET TO THE BASELINE OF SURVEY FOR OKEECHOBEE BLVD. (S.R. 704); THENCE S 89° 22'26" E ALONG SAID BASELINE OF SURVEY A DISTANCE OF 90.99 FEET; THENCE N 00°37'34" E A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING; THENCE N 44°55'46" W A DISTANCE OF 35.63 FEET; THENCE N 01°30'33" E A DISTANCE OF 19.96 FEET; THENCE S 43°55'56" E A DISTANCE OF 44.78 FEET; THENCE S 89°22'26" E A DISTANCE OF 154.00 FEET; THENCE S 01°30'33" W A DISTANCE OF 13.00 FEET; THENCE N 89°22'26" W A DISTANCE OF 160.09 FEET TO THE POINT OF BEGINNING.

DESCRIBED PARCEL CONTAINS 0.744 ACRES, MORE OR LESS.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name

Address

Paul Rosenberg 650 NE 5th Ave Boca Raton FL 33432

Exhibit J - Drainage Statement



THOMAS ENGINEERING GROUP
6300 NW 31ST AVENUE
FORT LAUDERDALE, FL 33309
P: 954-202-7000
F: 954-202-7070

DRAINAGE STATEMENT

**Pollo Campero
4971 Okeechobee Blvd.**

PREPARED BY
THOMAS ENGINEERING GROUP, LLC
Certificate of Authorization No. 27528

The subject property is approximately 0.744 acres and is located at the northeast corner of Haverhill Road & Okeechobee Boulevard. The site is currently developed with a gas station. It is proposed to demolish the gas station and redevelop the property with a 2,700 SF fast-food restaurant with a drive-thru. The site is located within the South Florida Water Management District (SFWMD) C-17 Basin and the Lake Worth Drainage District (LWDD) drainage area.

The proposed site design will direct stormwater runoff from the site to drainage inlets. Exfiltration trenches will provide the required water quality in accordance with SFWMD requirements. The legal positive outfall for the site will be via an existing drainage structure located at the northwest corner of the property that connects to the drainage system within Haverhill Road. There is a SFWMD Permit (50-104378-P) for the existing roadway drainage system. The site will eventually discharge to the LWDD L-1 Canal. The control elevation for the site is 13.00 ft NGVD. A pre-development versus post-development calculation will be provided showing there is less discharge in the post-development.

The finished floor elevation of the building shall be above the peak stage of the 100-year 3-day storm event or meet the FEMA Flood elevation requirement, whichever is greater. The property is not within a FEMA Special Flood Hazard Area. The minimum perimeter berm shall be above the 25-year 3-day peak stage elevation. The minimum road grade shall be above the 3-year 1-day peak stage elevation.

Permits for the proposed work will be obtained from SFWMD, PBCLDD, and FDOT, as necessary. No work will commence until these permits are received.

**Kristin
DiPierro**

Kristin DiPierro, P.E.
Florida P.E. License No. 84350
Florida Business Certificate of Authorization No. 27528

Kristin DiPierro, State of Florida, Professional Engineer, License No. 84350. This item has been electronically signed and sealed by Kristin DiPierro, P.E. on 5/23/2024 using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

CIVIL ENGINEERS - PROJECT MANAGERS - LAND PLANNING - LANDSCAPE ARCHITECTS
WWW.THOMASENGINEERINGGROUP.COM

Exhibit K - Utility Letter



Letter for Concurrency Reservation

To: Zoning Division
PBC Planning, Zoning, & Building Department

From: Ebony M. Foreman, Director
Finance and Administration
PBC Water Utilities Department

Date: June 7, 2024

Control # 00222

Re: PZ&B Application #: ABN/CA-2024-00490
Project Name – Pollo Campero Restaurant

The Palm Beach County Water Utilities Department is willing and able to provide the following utility service(s) to the property identified below, and will reserve the indicated utility capacity, in Equivalent Residential Connections (ERCs), for a period not to exceed five (5) years from the date of this letter:

<u>Service Type</u>	<u>Capacity (in ERCs)</u>
Potable Water	<u>18.30</u>
Wastewater	<u>18.30</u>
Reclaimed Water	<u>N/A</u>

An Equivalent Residential Connection represents a system capacity equivalency unit that corresponds to the peak design demand of the 5/8 x 3/4 inch meter sub-category of customer usage. This system capacity equivalency unit is utilized to establish the system demand for various sized connections for the purpose of assessing fees and designing the capacity of capital facilities.

The above capacity is reserved for the following property:

00-42-43-24-00-000-7121

Before the five (5) year period expires, the Developer must pay all Service Initiation Fees and connect to the Department's facilities, or for projects greater than 18.3 ERCs, enter into a Standard or Non-Standard Development Agreement to maintain this capacity reservation. This memorandum does not represent a contract for service, and the Developer remains obligated to meet all of the requirements of the Water Utilities Department prior to obtaining utility service.

Approved By: *Ebony Foreman*
Director of Finance & Administration

Date: 07-June-24

Exhibit L – Justification Statement

**Pollo Campero Restaurant
Development Order Abandonment/
Conditional Class A Use/ Concurrent Type II Variance
Control Number: 1984-53
Application Number: ABN/CA/ZV-2024-00490
Submittal: March 20, 2024
Resubmittal: May 28, 2024
Resubmittal: June 24, 2024
Resubmittal: August 15, 2024**



Request

On behalf of the property owner, 600 N 4th St Associates LP, Urban Design Studio is submitting this application to request a Class A Conditional Use to allow a Type 1 Restaurant with a drive-thru, a Development Order Abandonment to abandon the existing Resolution Number R-1984-1172 and a Concurrent Type 2 Variance to allow a three (3) foot reduction of the North Compatibility Buffer. Staff has not been able to locate an approved Site Plan of record for the site's existing non-operational convenience store with gas sales and a self-service car wash. Only a building permit site plan was found for the subject site and the commercial shopping center to the northeast which did not include the subject site. The building permit site plans are being submitted as exhibits for reference.

An access management waiver is being included in this submission for the driveway separation for the existing driveway on Haverhill Road that is proposed to remain at the same general location. This waiver is reviewed and approved by the Palm Beach County (PBC) Traffic Department. A Land Development Design Standards waiver included in the access management waiver letter is being requested for the 25 ft. throat distance at the Haverhill Road driveway to the drive isle. This type of waiver is reviewed and approved by the PBC Land Development Department. This Land Development Design Standards waiver is further discussed in the Proposed Development section of this justification.

Specifically, approval for the following is being requested as part of this application:

- Class A Conditional Use to allow a 2,700 square foot Type 1 Restaurant with a drive-thru. This proposed use will include 63 seats and 300 square feet of outdoor dining area;
- Development Order Abandonment to abandon the existing Resolution Number R-1984-1172 for a Special Exemption which allowed a gas and fuel pump island facilities and a self-service car wash; and
- Concurrent Type 2 Variance from Article 7.C.2.B.3. Width of a Compatibility Buffer- To allow a three (3) foot reduction of the North Compatibility Buffer where eight feet (8) is required.

610 Clematis Street, Suite CU02, West Palm Beach, FL 33401
P: 561-366-1100 www.udsfloida.com LA0001739

Overview

The site is generally located on the northeast corner of Okeechobee Boulevard and North Haverhill Road in unincorporated Palm Beach County. The property has a Property Control Number of 00-42-43-24-00-000-7121. The site is 0.74 acres, which based on conversation with staff has been confirmed to be a legal lot of record, as the lot existed in its original configuration prior to a taking by Florida Department of Transportation (FDOT), which is further discussed in the pre-application meeting section of this justification. The site has (2) access points, one (1) Okeechobee Boulevard and one (1) on Haverhill Road. The site redesign converts the current ingress/egress access point on Okeechobee to a right-in only access. A conceptual FDOT approval letter is included in the submittal.

The site currently has a Future Land Use (FLU) designation of Commercial High-8 (CH) and zoned General Commercial/Special Exception (CG/SE). The overall site is located in the Urban/Suburban Tier of the Palm Beach County Managed Growth Tier System. The subject site is Urban Redevelopment Area (URA) Overlay. The site is within one mile of current municipal boundaries of West Palm Beach and Haverhill.

History

The Palm Beach County Board of County Commissioners (PBC BCC) approved the project as a Special Exemption to allow gasoline pump island facilities and a self service car wash via Resolution Number R-84-1172.

Pre-Application Meeting

A pre-application meeting was held with staff on January 8, 2024. In attendance were Carlos Torres and Zubida Persaud from Palm Beach County (PBC) Zoning Division, Joni Brinkman, Rob Dinsmore, Marco Ramirez and Shayne Broadnix from Urban Design Studio, Zach Middlebrooks from Metro Group Development, Kristen DiPierro from Thomas Engineering Group, Juan Ortega from JFO Group Inc. and representatives from Traffic, Land Development and Planning. It was discussed at the meeting that a taking of land was done to expand Okeechobee, which resulted in the site consisting of 0.74 acres instead of the required one acre for the CG zoning district. Staff confirmed after the meeting that a variance for the lot size is not required for the 0.74 acre site as it is deemed a legal lot of record as the lot exists in its original configuration less the taking. Planning staff indicated that cross access would be required and if the applicant elects not to provide cross access it would need to be explained in the justification statement within the submittal materials. Traffic staff requested a separation waiver be submitted for the distance of the access at the existing driveway on Haverhill Road from the intersection and the driveway to the north. Land Development staff will require a waiver to reduce the throat distance of 25.7 feet.

Surrounding Uses

The following uses are located in the vicinity of the overall site:

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Adjacent Property	Land Use Designation	Zoning Designation	Existing Use	Approved Use	Control No.	Resolution No.
NORTH	CH-8	CG	Commercial Shopping Center	Commercial Shopping Center	1996-50098	N/A
SOUTH	CH-8 CH-8	MUPD CG	Commercial- Convenience Store with gas sales Medical Office Building	Commercial- Convenience Store with gas sales Medical Office Building	1978-00288 1999-10033	R-2017-969 ZR-2018-012
WEST	CH-8 CH-8	CG CG	Commercial- Convenience Store with gas sales Commercial- Shopping Center	Commercial- Convenience Store with gas sales Commercial- Shopping Center	2001-041 1994-00002	R-2001-1855 N/A
EAST	CH-8	CG	Commercial Shopping Center	Commercial Shopping Center	1996-50098	N/A

Platting

While this parcel has not been platted, it has been in its current configuration since prior to February 5, 1973, with the exception of a taking by FDOT. The original deed recorded in ORB 1657/595 included the legal description for the overall parcel and was recorded May 31, 1968. It remained in that configuration until FDOT took parcel 100 as defined in ORB 6652/154 recorded on November 26, 1990. Subsequent to that, ORB 7540/828 was recorded on January 4, 1993 transferring ownership to Amoco Oil Company in which that legal description lessed out the land associated with Parcel 100. The most recent deed, recorded in ORB 34039/179 on January 28, 2022, provided for a legal description that accommodated the taking, and all prior dedications. As such this parcel should be considered a legal lot of record and not be required to be platted.

Proposed Development

The site currently contains an existing non-operational convenience store with gas sales and a self-service car wash. These facilities will be demolished and be replaced with a 2,700 square foot (one story) Type 1 Restaurant with a drive-thru and 300 square feet of outdoor dining area. This proposed use will also include 60 indoor seats and three (3) outdoor seats for a total of 63 seats. There will be seven (7) required queuing spaces and one (1) additional space after the

pick-up window in the drive thru lane and a bypass lane around the point of service for vehicles to maneuver through the site. There is a directional entry sign for vehicles entering the drive-thru lane. There is a one-way drive isle for vehicles to circulate through the site. A directional exit sign is proposed for vehicles to not enter the drive isle on the south side of the restaurant. A stop and left turn only sign is proposed for vehicles exiting the drive-thru and bypass lane, as well as do not enter signs for cars entering from Okeechobee to prevent wrong way turns into the existing by-pass/drive through lane.

A proposed dumpster with recycling bins with the required hedge will be provided on the northeast side of the site. There is an existing lift station with a six (6) feet chain link fence located on the southeast portion of the site that will remain. There will be two (2) proposed freestanding signs, one at the southeast side of the site facing Okeechobee Boulevard and one at the west side facing Haverhill Road. A Preliminary Master Sign Plan is being provided to reflect the sign details.

There are 21 parking spaces required and 21 parking spaces are being provided with one queuing space permitted to count as provided parking per Article 6.B.1.B., Footnote 13 and Table 6.B.3.A. There is no loading space required for the site. The site plan indicates both a 26 ft. throat distance from the Okeechobee Blvd. first point of conflict as directed by the land development department. This complies with Land Development standards for this driveway of a minimum of a 25 ft. throat distance. A 50 ft. throat distance from the Okeechobee Blvd. entrance to the first parking space is provided as well as FDOT reviewed and approved that measurement to the first parking spot as meeting their requirement for a 50 ft. throat. Florida Department of Transportation (FDOT) is satisfied with the way this 50 ft. throat distance is being shown. Within the Land Development Design Standards waiver letter referenced in the Request section of this justification, a request is being proposed to allow a 25.7 ft. throat distance from the Haverhill Road driveway to the drive isle.

Proposed future cross access is being provided on the northeast side of the site. This future access will have ingress and egress to the north to access the existing shopping center. The future access will serve for now as temporary parking with two parking spaces that will not be counted towards the total provided parking spaces.

Per input from staff, the following minor revisions to the site plan were made with the August 15, 2024 minor resubmittal for certification.

- One (1) handicap parking space was shifted to the north to create a five (5) foot pedestrian crossing from the end of the drive-thru lane to avoid blocking the last queuing space.
- The leveling ramps for the handicap space was adjusted accordingly.
- The five (5) foot pedestrian crossing is being connect to the shopping center on the east side of the subject property.
- A raised concrete island has been added for the Haverhill Road access driveway divider to direct incoming traffic to make only a right turn movement.
- Flexible bollards were incorporated along the area of the ingress off Haverhill Road to separate the drive-thru traffic from the bypass lane.

Landscaping

There is a proposed eight (8) foot compatibility buffer on the east side of the site. The Okeechobee Boulevard and Haverhill Road right-of-way buffers are both proposing on the plan

Variance No.	ULDC Reference Article/Section	Required	Proposed	Variance	Approval Date/ Resolution No.
1.	Art. 7.C.2.B.3 Width of a Compatibility Buffer	8 foot	5 foot	To allow a 3 foot reduction of the North Compatibility Buffer.	

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foot in width with a five (5) foot utility easement overlap. As mentioned above, a Concurrent Type 2 Variance is being requested for the north compatibility buffer from eight (8) feet to five (5) feet in width to allow a three (3) foot reduction. A meeting on site with Mark Meyer of PBC Environmental Resources Management (ERM) was conducted on March 19, 2024 and the tree disposition plan reflects direction provided at that meeting.

Concurrency

A Concurrency Equivalency is being submitted as part of this request for a 2,700 square feet Type I Restaurant with a drive-thru with 63 seats and 300 sf. of outdoor dining area. The Traffic Impact Statement being submitted includes the above referenced existing and proposed uses. The Drainage Statement submitted with this application references legal positive outfall for this site will be via an existing drainage structure located at the northwest corner of the property that connects to the drainage system within Haverhill Road.

Type 2 (Concurrent) Zoning Variance

One variance to Article 7.C.2.B.3- Width of a Compatibility Buffer is being requested for the north compatibility buffer from eight (8) feet to five (5) feet in width to allow a three (3) foot reduction.

Variance Justification:

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There was a right of way taking by FDOT that expanded Okeechobee Boulevard that decreased the site's size. The PBC Traffic Division is now requesting an additional 5.7 feet of right of way for an expanded 40-foot corner clip on Okeechobee Boulevard to further impact the site above and beyond what right of way was deemed necessary by FDOT at the time of the taking. It has resulted in a slight shift to the north of the building and the drive aisle to the southwest of the building. The prior taking, in combination with this new request for additional right of way creates a hardship, which should be considered when assessing this variance request for a variance to the width of the compatibility along the north property line. This request allows the front setback to be met and provides for the code required buffer along the Okeechobee Boulevard right of way where most beneficial to the traveling public. Additionally, the shopping center to the north provides for approximately 19.6 feet of green area on their property in this area, and when combined with the proposed five (5) feet on the subject parcel, it provides a total of approximately 24.6 feet. Therefore, from a visual standpoint, it meets the intent of the code of providing an adequate buffer between the two compatible uses. Additionally, while not part of the adjacent shopping center approval, the code allows for the elimination of internal buffers for MUPD's, so the visual perception of the public would also comply with the intent of the code in this regard.

VARIANCE CRITERIA

Section 2.B.7.E.6 of the Palm Beach County ULDC states that in order to authorize a variance, the Palm Beach County Zoning Commission shall and must find that the seven criteria listed below have been satisfied. The criteria for each variance request are as followed.

- a. Special conditions and circumstances exist that are peculiar to the parcel of land, building or structure, that are not applicable to other parcels of land, structures or buildings in the same district;
Response: *A special circumstance exists as the site is further being impacted by the additional right of way dedication, above and beyond that deemed necessary when the FDOT taking took place. This 5.7 feet of additional taking decreases the site even more than the FDOT taking. A redesign of the site had to be achieved to accommodate the expanded 40-foot corner clip on Okeechobee Boulevard.*
- b. Special circumstances and conditions do not result from the actions of the applicant;
Response: *The special circumstances are not the result of the actions of the applicant but rather the prior FDOT taking and the PBC Traffic Division's request for an additional 5.7 feet of right of way for an expanded 40-foot corner clip on Okeechobee Boulevard that further impacts the site.*
- c. Granting the variance shall not confer upon the applicant any special privilege denied by the Plan and this Code to other parcels of land, buildings, or structures, in the same district;
Response: *The granting of the variance will not confer any special privilege denied by the Comprehensive Plan or the ULDC to other parcels of land in the same zoning district. Should any other use in a General Commercial/Special Exception (CG/SE) zoning district propose variances to code requirements, they would be afforded the same*

opportunity to adequately address the seven criteria contained herein on a project specific basis in order to have the variance granted.

- d. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same district, and would work an unnecessary and undue hardship;

Response: *The literal interpretation of the code would create an unnecessary larger landscape buffer than what is warranted as five (5) feet of green space is proposed on the subject parcel and 19.6 feet of green area is being provided for the shopping center to the north that offers a total of approximately 24.6 feet of green space. This visual impression of a larger landscape buffer between uses is more than what exist now. Additionally, while this parcel is not included in the adjacent shopping, from a visual standpoint of the public, it appears to be part of the center and the applicant is providing for a future cross connection for when the shopping center is ultimately developed.*

- e. Granting the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure;

Response: *The granting of the variance is the minimum necessary to make reasonable use of the existing land for the proposed restaurant. The variance will allow for the building footprint to not decrease from the standard Pollo Campero prototype to provide a viable user for this abandoned convenience store with gas sales, and acknowledges the hardship created by the prior FDOT taking in regard to the small size of the land area's impact on providing for reasonable use of the land.*

- f. Granting the variance will be consistent with the purposes, goals, objectives, and policies of the Plan and this Code; and

Response: *The granting of the variance will be consistent with the purposes, goals and objectives of the plan. The request is not inconsistent with the Characteristics of a Livable Community outlined in Policy 4.3-I of the Plan which include landscaping and the required setbacks to reduce adverse impacts on adjacent future land uses. Upon the granting of the variance, it will also be consistent with the Code and allows for the code required right of way buffer along Okeechobee Blvd.*

- g. Granting the variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

Response: *The granting of these variances will not be injurious to the area or detrimental to the public welfare. The reduction in the width of the north compatibility buffer is still an adequate buffer from the site to the shopping center to the north.*

Type I Restaurant Use with a drive-thru, General Supplementary Regulations

This request is to propose a Type I Restaurant with a drive-thru 2,700 sf. in size with 63 seats inclusive of three (3) outdoor seats in a 300 sf. outdoor dining area, subject to BCC approval. Per Table 4.B.2.A- Commercial Use Matrix, a Type I Restaurant with a drive-thru is subject to Board of County Commission (BCC) approval as a Class A Conditional Use under the General

Commercial zoning district. The proposed Type I Restaurant with a drive-thru use will afford the opportunity to provide a service to the public in this area of Palm Beach County in a manner not detrimental to the public welfare. The elimination of the existing not functioning gas station will also benefit the public by reducing the negative effects of blight. The adjacent roads are heavily traveled with travelers going to commercial uses in the area, which this is a prime location for the Type I Restaurant with a drive-thru as the pass-by traffic can patronize the establishment. A considerable amount of residences exist west on Okeechobee that this use can serve.

The proposed use meets all supplemental regulations for Restaurant, Type I contained in Article 4.B.2.C.31 of the ULDC as follows:

b. Approval Process Exceptions

1) DRO Approval

A Type I Restaurant without a drive-through where the use is allowed provided the GFA including outdoor dining areas does not exceed 5,000 square feet.

The site is proposing a Type I Restaurant with a drive-thru which is a Class A Conditional Use and subject to BCC approval.

2) Permitted by Right

A Type I Restaurant without a drive-through or located in an out parcel, may be permitted by right in any PDD or TDD with a commercial or institutional FLU designation or Pod; the Commercial or Recreational pod of a PUD, MHPD or RVPD; and all commercial zoning districts, provided the GFA including outdoor dining areas does not exceed 1,500 square feet;

The site is proposing a Type I Restaurant with a drive-thru which is a Class A Conditional Use and subject to BCC approval.

c. Tier Specific-Exurban and Rural

The subject site is not located in the Exurban or Rural Tier.

d. Zoning Districts-TMD

The subject site is not located in a TMD Zoning District.

e. Accessory Alcohol Sales

A Type I Restaurant may include the on-premises sale, service and consumption of alcoholic beverages as an accessory use.

It is acknowledged that alcohol sales would be permitted as an accessory use.

f. Location Criteria.

A Type I Restaurant with a drive-through shall be subject to the following Intersection and Separation Criteria's:

1) Intersection Criteria.

A maximum of two Type 1 Restaurants shall be permitted at an intersection in accordance with Article 5.E.2.B, Intersection Criteria.

The proposal is in compliance. There will be a maximum of two (2) Type 1 Restaurants within 1,000 feet of the Okeechobee Blvd and Haverhill Road intersection pursuant to an exhibit being submitted with this application request.

2) Separation Criteria

A Type 1 Restaurant shall be separated from any other Type 1 Restaurant in accordance with Article 5.E.2.C.2, Separation Criteria.

As both Type 1 Restaurants are within 1,000 feet of the Okeechobee Blvd and Haverhill Road intersection, the uses are exempt from this requirement.

3) Exceptions

a) Design Criteria

Not applicable. The proposed Type 1 Restaurant is not required to comply with the design criteria as it meets all intersection and separation requirements.

b) MUPD

The subject site is not located in a MUPD zoning district.

g. Major Intersection Criteria for CL FLU

The subject site is not located in a CL FLU designation

e. Outdoor Dining

Shall comply with the principal structure setbacks.

Outdoor dining is being proposed for the Type I Restaurant in the south portion of the building to consist of 300 sf. of outdoor dining to include six (6) outdoor dining seats.

1) Dog Friendly Dining

Pursuant to F.S. 509.233, as amended, a Type 1 Restaurant may allow patrons with dogs within designated outdoor dining areas. Before allowing patrons' dogs on their premises, a participating restaurant shall apply for and receive a Dog Friendly Dining Special Permit from the Zoning Division in accordance with the permit application requirements described in F.S. 509.233.

If the restaurant elects to allow patrons with dogs within designated outdoor dining area, a Special Permit will be submitted to the Zoning Division.

Class A Conditional Use

This proposal is consistent with ULDC Article 2.B.7.B.2 Conditional Use Standards:

- 1. Consistent with Comprehensive Plan. The proposed use or amendment is consistent with complies with the purposes, goals, objectives and policies of the Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use;**

The proposed changes are consistent with the CH-8 Future Land Use designation of the property. Policy 1.2-A of the Comprehensive Plan and the goals, objectives and policies of the Urban/Suburban Tier allows for services and facilities consistent with the needs of urban and suburban development.

Proposed future cross access is being provided on the northeast side of the site to be consistent with Policies 4.3-g and 4.3-k. The future access will have ingress and egress to the north to access the existing shopping center. The future access will serve for now as temporary parking with two parking spaces that will not be counted in the total provided parking spaces.

2. Consistency with the Code. The proposed use or amendment complies with all applicable standards and provisions of this Code for use, layout, function, and general development characteristics. The proposed use also complies with all applicable portions of Article 4.B, Supplementary Use Standards.

The proposed requested use will comply with applicable standards and provisions of this Code for use, layout, function, and general development characteristics upon the granting of the requested variance and waivers from Traffic and Land Development. The proposed use meets all supplemental regulations for Restaurant, Type I contained in Article 4.B.2.C.31 of the ULDC pursuant to the above discussion in the Type I Restaurant with a drive-thru section.

3. Compatibility with Surrounding Uses. The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.

The proposed Type 1 Restaurant will be compatible with commercial surrounding uses in the area. There are commercial uses at all four intersections and adjacent to the site.

4. Design Minimizes Adverse Impact. The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.

The proposed restaurant will be buffered from both the Okeechobee Blvd. and the Haverhill Road right-of-ways with buffers 20 ft. in width. Also, the east landscape buffer proposes an eight (8) foot compatibility buffers. The request for a reduction of three feet to the north compatibility buffer will have no visual impact on adjacent lands or the traveling public.

5. Design Minimizes Environmental Impact. The proposed use and design minimizes environmental impacts, including, but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.

The proposed request will not result in significantly adverse impacts on the natural environment. The proposed restaurant use will be required to maintain compliance with all applicable permitting requirements and is being placed in an area currently where the existing facilities are currently located. A tree disposition plan/regulating plan is being submitted in compliance with Article 14.

6. Development Patterns. The proposed use or amendment will result in a logical, orderly and timely development pattern.

The development patterns in this area have been established by the construction of commercial uses on all corners of the intersection and along the Okeechobee corridor.

7. Adequate Public Facilities. The extent to which the proposed use complies with Article 2.F., Concurrency.

The general application has been submitted with this Development Order Amendment application and meets the requirements of Article 2.F. Traffic and drainage reports are also included.

8. Changed Conditions or Circumstances. There are demonstrated changed conditions or circumstances that necessitate a modification.

A changed condition affecting this request is the fact that the prior use of the property was no longer feasible, which resulted in the closure of the gas station and the site being unutilized, creating a blighted condition and impact to the area. The owner has been dealing with security issues and unwanted/unauthorized people accessing the site. The introduction of a new use will reactivate the corner and provide for additional goods/services to the public. As mentioned, the existing gas station and car wash was approved in 1984 and was an outdated facility. This is evident by the sale of the property and closure of the use. As land area within Palm Beach County becomes more and more scarce for new development, infill redevelopment will become more and more prevalent. This condition actually supports the goals and objectives of the comprehensive plan in fostering redevelopment within the existing Urban Suburban Tier.

Development Order Abandonment

As a part of the DOA application, it is necessary to abandon the previously approved Special Exemption for gas and fuel pump island facilities and a self-service car wash that the BCC approved via Resolution Number R-1984-1172. The development order was implemented, however; the operations on the site have ceased.

This proposal is consistent with ULDC Article 2.C.5.H.6. Development Order Abandonment Standards:

a. Consistency with the Plan. The proposed abandonment is consistent with the Plan. The proposed request to abandon the Special Exemption is consistent with the comprehensive plan's goals and objectives to promote for new services and facilities consistent with the needs of urban and suburban development.

b. Consistency with the Code. The proposed abandonment, is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code. The abandonment of a DO does not create any new non-conformities.

The development order was implemented and the requested abandonment is consistent with the stated purpose and intent of this Code. The abandonment of the Special Exemption does not create any new non-conformities as the operations for the facilities have ceased and will

be replaced with the proposed Type 1 Restaurant with a drive-thru. The legal non-conformity to the minimum lot size already exists.

c. Adequate Public Facilities. The proposed abandonment of the DO shall not impact the approved requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards). When a non-implemented DO is abandoned, all concurrency affiliated with the DO is no longer valid. For implemented DOs, concurrency for the remainder of the non-affected area shall remain. Concurrency for any new uses on the subject property shall be subject to the requirements of Art. 2.F, Concurrency (Adequate Public Facility Standards).

The development order has been implemented and concurrency. The vested trips may be credited as indicated in the traffic report. The Development Order Amendment is to request for a 2,700 square feet Type I Restaurant with a drive-thru with 63 seats and 300 sf. of outdoor dining area. The general application has been submitted with this application and meets the requirements of Article 2.F. A Traffic Statement and Drainage Statement are being included to request concurrency for the proposed Type I Restaurant with a drive-thru.

d. Changed Conditions or Circumstances. There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the abandonment. Abandonment of the Resolution approving the DO will not impact other DOs approved on the same site. There is no reliance by other parties for additional performances, or tasks to be implemented, that were required in the original DO.

A changed condition affecting this request is the fact that the special exemption is no longer operational. A new, modern fuel sales/convenience store was recently constructed to the south of the intersection decreasing the feasibility of the use on this outdated site. A gas station also exists on the northwest corner of the intersection to continue to provide service to the public traveling west on Okeechobee Blvd. There are no other Development Orders on this site. There are no required additional performances or task to be implemented on the original Development Order for the Special Exemption.

Conclusion

On behalf of the of the property owner, 600 N 4th St Associates LP, Urban Design Studio requests consideration for approval of this Class A Conditional Use, Development Order Abandonment and Concurrent Type 2 Variance application. The project managers at Urban Design Studios are Joni Brinkman and Shayne Broadnix who can be reached at (561) 366-1100 or via email at jbrinkman@udsflorida.com or sbroadnix@udsflorida.com

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