

CITY OF GREENACRES **AGENDA**

PLANNING COMMISSION

GREENACRES CITY HALL - COUNCIL CHAMBERS

WEDNESDAY, April 19, 2017

7:00 P.M.

IN ACCORDANCE WITH THE PROVISIONS OF THE AMERICANS WITH DISABILITIES ACT, THIS DOCUMENT CAN BE MADE AVAILABLE IN AN ALTERNATE FORMAT AND SPECIAL ACCOMMODATIONS CAN BE PROVIDED UPON REQUEST.

If any person decides to appeal any decision of the City of Greenacres Planning Commission at this meeting, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City does not prepare or provide such record. FOR HEARING ASSISTANCE: If any person wishes to use a Listen Aid hearing device, please contact the Planning and Engineering Department prior to any meeting held in the Council Chambers.

- Call to Order and Roll Call for Planning Commission. 1.
- Agenda Approval Additions, deletions, or other revisions to the agenda. 2.
- Approval of Minutes: None. 3.
- Cases 4.

PUBLIC HEARING SE-17-01 Res. 2017-18 Peter Piper Pizza (Greenacres Plaza)

A special exception request for an Indoor Recreational Amusement facility in a Commercial Intensive (CI) zoning district. On the Northwest corner of South Jog Road and Lake Worth Road (Greenacres Plaza) at 3887 S. Jog Road

- Election of Vice Chairperson. 5.
- Discussion Items: 6.
- Concluding Remarks: 7.
- Adjournment of the Planning Commission Meeting. 8.

SE-17-01 (Res. 2017-18)

Exhibit "A"

Date: April 10, 2017





LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION

Project Description:

Project:

Peter Piper Pizza

Petitioner:

Ben Hughes, agent for

Gators Green Acres, LTD 7850 NW 146th St, 4th Floor Miami Lakes, FL 33016

Request:

Special Exception approval for an Indoor Recreational Amusement in the Commercial

Intensive (CI) district.

Location:

Northwest Corner of Jog Road

and Lake Worth Road (Greenacres Plaza).



II. Site Data:

Existing Land Use:

Shopping Center

Parcel Control Number:

18-42-44-22-36-000-0010

Parcel Size:

13.20 acres (574,992 square feet)

Future Land Use Designation:

Commercial (CM)

Zoning District:

Commercial Intensive (CI)

	urrounding Existing Land	d Use, Future Land Use, Zoning Dis │ Future Land Use	
Direction	Existing Land Use		Residential Low-3 (RL-3)
North	Ramblewood	Residential-Low Density	(Coldonida 2011 o (122)
	1 (01)	(RS-LD)	(01)
South	1. Ohanning	Commercial (CM)	Commercial Intensive (CI)
	Crossroads Shopping		
	Center		Commercial Intensive (CI)
East	Retail, Commercial	Commercial (CM)	Commercial intensive (Ci)
	Metall, Collinioreta.	Commercial / 8 (C/8, PBC) &	Comm. General (CG/SE, PBC) &
West	Shoppes of Lk. Worth	Collinercial / O (O/O, 1 DO) C	Agricultural Residential (AR, PBC
	& Residential	High Residential 8 (HR 8, PBC)	/ ignounds and

III. Annexation/Zoning History:

The subject site was annexed into the City of Greenacres as petition ANX-84-06 through Ordinance 84-10 adopted on July 2, 1984. A land use designation of General Commercial was assigned as petition CP-84-03 through Ordinance 84-21 adopted August 6, 1984. The zoning designation was changed from Palm Beach County Agricultural (AG) and Commercial General (CG) to City General Commercial (CG). A Planned Commercial Development for Greenacres Plaza Shopping Center was approved as petition PCD-84-01 through Ordinance 84-38 adopted November 29, 1984. The site was subsequently rezoned to Commercial Intensive as part of the Citywide rezoning of July 14, 1986. The site currently has a future land use designation of Commercial (CM), and a zoning designation of Commercial Intensive (CI).

Applicable City Code Provisions: IV.

Sec. 16-1 pertaining to Definitions

Sec. 16-171 through 16-178 pertaining to Special Exceptions

Sec. 16-496 through 16-506 pertaining to the Commercial Intensive (CI) zoning district

Sec. 16-736 through 16-737 pertaining to Transitional Areas

Sec. 16-1331 through 16-1340 pertaining to parking

V. **Staff Analysis:**

Background:

The proposed site is within Greenacres Plaza located at the northwest corner of Jog Road and Lake Worth Road. The proposed Special Exception is to permit the use of an Indoor Recreational Amusement within an existing plaza in the CI district in an existing 10,000 square foot inline bay. Indoor Recreational Amusements are allowed as a Special Exception in the CI district per Section 16-499(20). Video game arcades are included within the definition of an Indoor Recreational Amusement in Section 16-1 of the City Code:

"Indoor recreational amusement shall mean establishments engaged in providing entertainment indoors for a fee or admission charge, including such activities as bowling, pool, billiards, arcades which feature coin or token-operated devices or similar devices, such as pinball and video games, with three (3) or more devices, and bingo halls."

"Arcade, game / video shall mean any establishment, room, place or business location in which there are available to the public more than three (3) coin- or token-operated amusement devices which are coin- or token-operated or where a fee is charged for the operation of such devices."

"Amusement device / coin- or token-operated shall mean any amusement machine or device operated by means of insertion of a coin, token, or similar object for the purpose of amusement or skill, or for the playing of which, a fee is charged..."

Chapter 546.10 of the Florida Statutes clarifies the operation and use of amusement games or machines and provides regulations to distinguish the use from prohibited gambling:

- (3)(a) "Amusement game or machine" means a game or machine operated only for the bona fide entertainment of the general public which a person activates by inserting or using currency or a coin, card, coupon, slug, token, or similar device, and, by the application of skill, with no material element of chance inherent in the game or machine, the person playing or operating the game or machine controls the outcome of the game....
- (6)(b) "Type B" is an amusement game or machine that may, upon activation and game play, entitle or enable a person to receive a coupon or a point that may only be redeemed onsite for merchandise;
- (6)(a) A Type B amusement game or machine may only be operated at:
- 1. A facility as defined in s. 721.05(17) that is under the control of a timeshare plan.
- 2. A public lodging establishment or public food service establishment licensed pursuant to chapter 509.

The proposed use consists of approximately 50 percent of restaurant service area, 20 percent indoor amusement and the rest being kitchen/restrooms/counter area. The applicant has stated the proposed use will cater to families. The center will have a combination of traditional arcade equipment and/ or computerized games. The equipment is activated using tokens and the games allow the player to influence the results through the application of skills; some are for children to ride on for enjoyment. Winnings are paid out in the form of printed tickets, which can be redeemed for prizes such as merchandise or for additional games; these tickets cannot be redeemed for cash.

According to Section 16-737(2) f, video game arcades are prohibited within the Transitional Area where CI zoning abuts residential zoning. The subject bay lies within a Transitional Area. While the proposed use is most similar to a video game arcade, it has a few substantial differences. According to the submitted floor plan, the majority of the space is for restaurant use and approximately only 743 square feet (sq. ft.) for game area. In reviewing the basis for prohibiting video game arcades in the Transitional Area, the analysis and public hearing minutes associated with the most recent relevant code amendment (ZTA-93-02, Ordinance 93-22) are instructive. The main factors used to determine which uses would be prohibited in the Transitional Area were noise, alcoholic beverage sales, and late hours. The proposed use, as presented by the applicant, will not create nuisance factors and adequately distinguishes from the prohibited uses as the sound, glare and mechanical vibrations will be contained inside the tenant space. Hours of operation will remain consistent with the plaza and conditioned below. Thus, the prohibition in Section 16-737(2)f should not apply.

On February 16, 2017, the Land Development Staff reviewed this petition and recommended approval subject to the conditions contained in this staff report.

Land Development Staff Comments:

Planning and Engineering Department:

Building Department:

Fire Rescue Department: Public Works Department:

PBSO District 16:

Incorporated into the staff report. Incorporated into the staff report.

No objections.

No objections. No objections.

Other Agencies:

PBC Traffic Division:

Project meets traffic performance standards. Water and sewer service is provided to the site.

PBC Water Utilities: MPO/Palm Tram:

Project can be served by existing routes.

LWDD:

No impact.

Plan Details: The petitioner's floor plan stamp-dated February 21, 2017 depicts the following:

1. A floor area of 9,833 (sq. ft.).

- 2. A game area of (743 sq. ft.).
- 3. Two restrooms.
- 4. One office (35 sq. ft.).
- 5. One kitchen (1,518 sq. ft.)
- 6. Restaurant without fixed seating (2,432 sq. ft.)
- 7. Restaurant with fixed seating (1,570 sq. ft.)

VI. Special Exception Criteria and Findings of Fact:

1. The proposed use complies with all relevant elements of the Comprehensive Plan;

Finding: The proposed Indoor Recreation Amusement Center complies with the Future Land Use Element Objectives 1 and 6; Intergovernmental Element Objective 3; and Transportation Element Objective 4 of the City of Greenacres' Comprehensive Plan. The request complies with the objectives and policies of the City of Greenacres' Comprehensive Plan directing commercial activities to appropriate areas. An Indoor Recreational Amusement Center is allowed subject to Special Exception approval in the Commercial Intensive (CI) zoning district.

2. Ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe will not be adversely affected by the proposed special exception;

Finding: The proposed Special Exception is to convert the existing inline retail store to an Indoor Recreational Amusement. As such, no changes are being proposed for the existing vehicular circulation of the subject site. A review by the City's traffic consultant indicated that the proposed use is consistent with other uses that are included in the Shopping Center trip generation rate, and no further analysis is required.

3. Off-street parking and loading is provided where required, with particular attention to the items in (2) above will not adversely affect public health and safety;

Finding: Greenacres Plaza was originally approved for retail uses. Per Table 16-1336(B) of the Zoning Code, retail use and Indoor Recreational Amusement have the same parking requirements. Therefore, there will be no impact on the required parking and additional loading space is not necessary.

4. Refuse and service areas provided with particular reference to items (2) & (3) above will not adversely affect public health and safety;

Finding: The City's Franchise hauler will serve the site for all refuse collection on site. Trash generation by the proposed use is not expected to be excessive in comparison to retail uses. Several dumpsters are located within the parking lot that will provide an adequate storage area for refuse, and will not adversely affect public health and safety.

5. The proposed use will not create a nuisance factor detrimental to adjacent and nearby properties and the City as a whole;

Finding: The proposed development as conditioned below will not create a nuisance factor that is detrimental to adjacent and nearby properties. Greenacres Plaza is located at the northwest corner of Lake Worth Road and Jog Road. This intersection serves as a major commercial node in the local area, with commercial uses occupying all four corners. The proposed use is located near the south end of the plaza, far from the residential uses to the north. Immediately west of the proposed use are existing residential properties. However, these properties are separated from the tenant space by a 30 foot wide road right-of-way (Wry Road), a 15 foot wide heavily wooded landscape buffer, a 6 foot high masonry wall and a 50 foot wide parking and drive aisle area (for a total distance of 95 feet). Only the rear wall of the proposed use will face these residential properties, with the entrance being on the opposite side of the building. With the extensive separation and buffering described, and the conditions listed below, the proposed use will not create any off site impacts in excess of the existing retail approval.

6. The location, availability and compatibility of utilities for the requested use will not adversely affect public health and safety;

Finding: Since the proposed site is already developed, utilities are available to the site.

7. The screening and buffering of the requested use are consistent with the applicable zoning requirements relative to type, dimension and character;

Finding: The proposed Special Exception is to convert the existing inline store to an Indoor Recreational Amusement. The existing approved landscape buffers are adequate for the existing plaza and for the proposed use as described in criterion number (5) above and as conditioned below. As such, no changes are being proposed for the existing landscape buffers.

8. Signs and proposed exterior lighting is provided with reference to glare, traffic safety and economic effect, and compatibility and harmony with properties in the district;

Finding: The identification signs shall meet the requirements of the City's Zoning Code. No changes are proposed to the exterior lighting of Greenacres Plaza; it shall continue to meet City code requirements for limiting spill onto adjacent neighboring residential areas.

9. The requested use appears to meet the required yards and other open space;

Findings: Greenacres Plaza has an approved site plan and is a conforming structure in regard to all required yard and open space requirements.

10. Proposed general use is compatible with adjoining properties and other property in the district;

Finding: The proposed Indoor Recreational Amusement Center as described in this Staff Report, and as conditioned below, is compatible with the uses in the surrounding area, is consistent with the prevailing commercial character of the area and is allowed as a Special Exception under the Commercial Intensive (CI) zoning district regulations. Offsite impacts greater than those associated with other uses permitted in the CI district are not expected.

11. The change suggested is not out-of-scale with the needs of the neighborhood or the City;

Finding: The proposed Indoor Recreational Amusement is in scale with the surrounding needs of the neighborhood. The applicant has stated that the use will provide a recreational opportunity for families, which already frequent Greenacres Plaza. There are currently no similar facilities available in the City.

12. The requested use and structure is consistent with any special requirements set out in the Schedule of District Regulations for the particular use and structure involved;

Finding: There are no special requirements for an Indoor Recreational Amusement in a Commercial Intensive (CI) zoning district.

VII. Staff Recommendation:

Approval of SE-17-01 through adoption of Resolution 2017-18 with the following conditions:

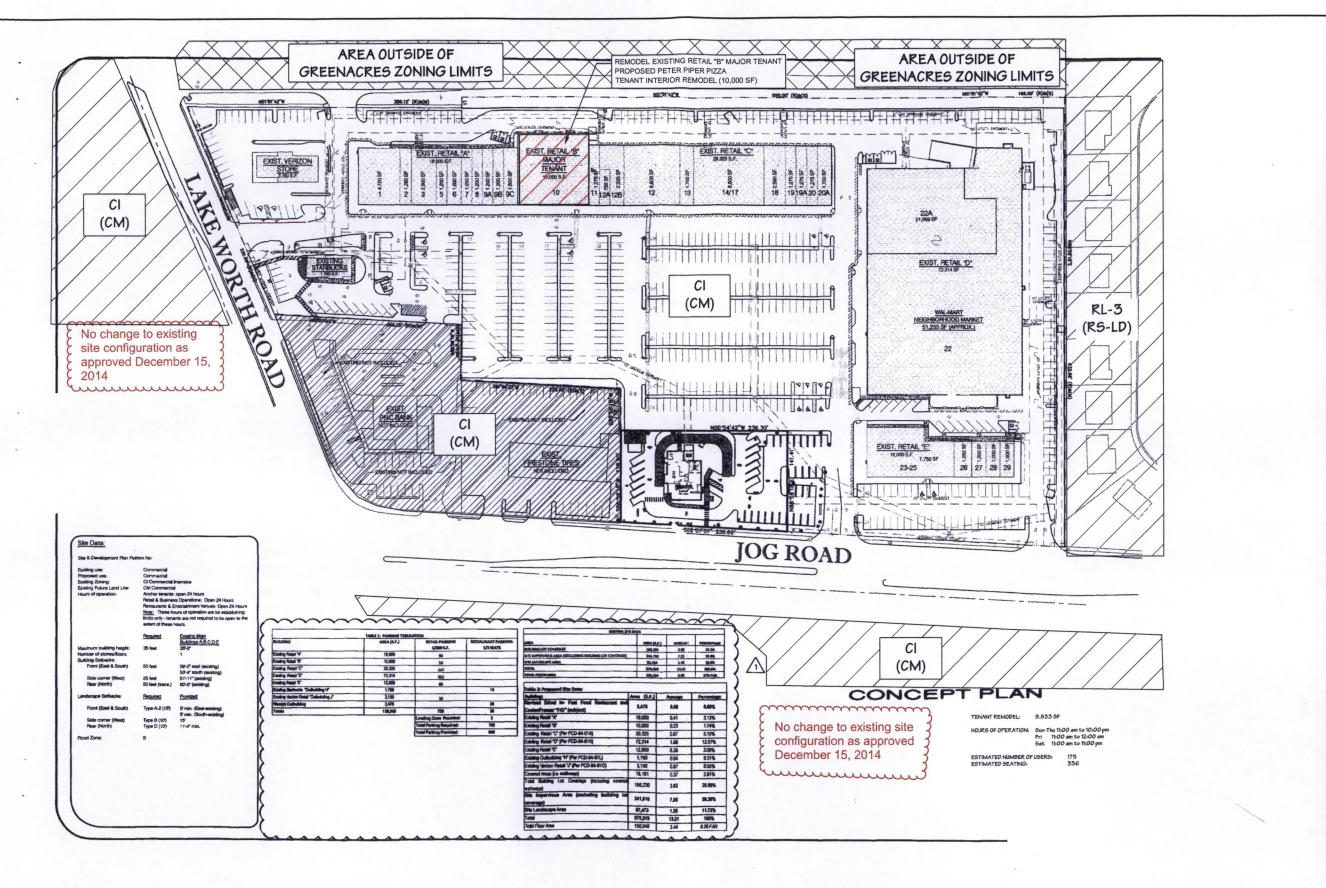
- 1. The Special Exception is limited to the described Indoor Recreational Amusement operation. Changes to another type of Indoor Recreational Amusement will require a new Special Exception. (Planning)
- 2. Hours of operation shall be from 11:00 a.m. to 12:00 midnight. (Building)
- 3. All deliveries shall be between the hours of 7:00 a.m. and 10:00 p.m.

- 4. In accord with the requirements of 546.10 of the Florida Statutes, the Indoor Recreational Amusement shall comply with the following (Building and PBSO):
 - a. All games shall be activated by inserting or using currency or a coin, card, coupon, slug, token, or similar device;
 - b. All games shall require the application of skill in order to win, with no material element of chance inherent in the game or machine;
 - c. All games shall award points or coupons only; machines shall not pay out in cash;
 - d. Points or coupons may be exchanged for merchandise only, excluding cash, gift cards and certificates, alcoholic beverage, tobacco products, an item or device that can be used to activate an amusement game or machine, and coupons or points with a value greater than the amount in F.S. 646.10(7) (currently \$5.25);
 - e. The wholesale cost of the merchandise or prize awarded in exchange for accumulated points or coupons shall not exceed 100 times the amount in 546.10(7) (currently calculates to \$525.00);
 - f. Merchandise for redemption shall be maintained on the premises and the redemption shall take place on site;
 - g. The business shall be operated for the entertainment of the general public and tourists as a bona fide amusement facility.
- 5. No outdoor speakers shall be permitted. (Building)
- 6. No noise from inside the tenant space shall be audible at the west property line of Greenacres Plaza. (Building)
- 7. The Special Exception use approval is limited to the approved 10,000 sq. ft. of area, in the location known as Bay B. Any increase in the size of the area or change in location will require a modification of this Special Exception. (Planning)
- 8. All customer access shall be from the front (east side) of the bay only. (Building)
- 9. The proposed restroom shall fully comply with Florida Accessibility Code requirements. (Building)
- 10. Aisles a minimum of 44" wide shall be maintained free and clear of obstructions such as games, chairs, etc. at all times. (Building)
- 11. Temporary use permits are necessary for any outside activities or events over and above the normal operations of the described indoor recreational amusement operation. (Planning)
- 12. The applicant shall submit for building permits and obtain a certificate of completion for all work requiring a permit prior to occupying the space. (Building)

- 13. The applicant shall submit for and obtain a City Business Tax Receipt (BTR) prior to opening for business. The issuance, continuation, and renewal of the BTR is conditioned upon the strict conformance of the operation of the proposed use with the above listed conditions of approval. Failure to comply with the conditions of approval shall be cause for revocation of the BTR. (Building)
- 14. In the event that a court determines that activity of the sort proposed is illegal under the statutes of the State of Florida, this Special Exception approval shall be null and void. (Planning and City Attorney)

PLANNING COMMISSION RECOMMENDATION – April 19, 2017				
Parties and .				
		CITY COUNCIL ACTION		
		Joel Flores, Mayor		
Attest:				
		Joanna Cunningham, City Clerk		
Attachments:				
1. 2.	Floor Plan Site Plan			
3.	Aerial Map			







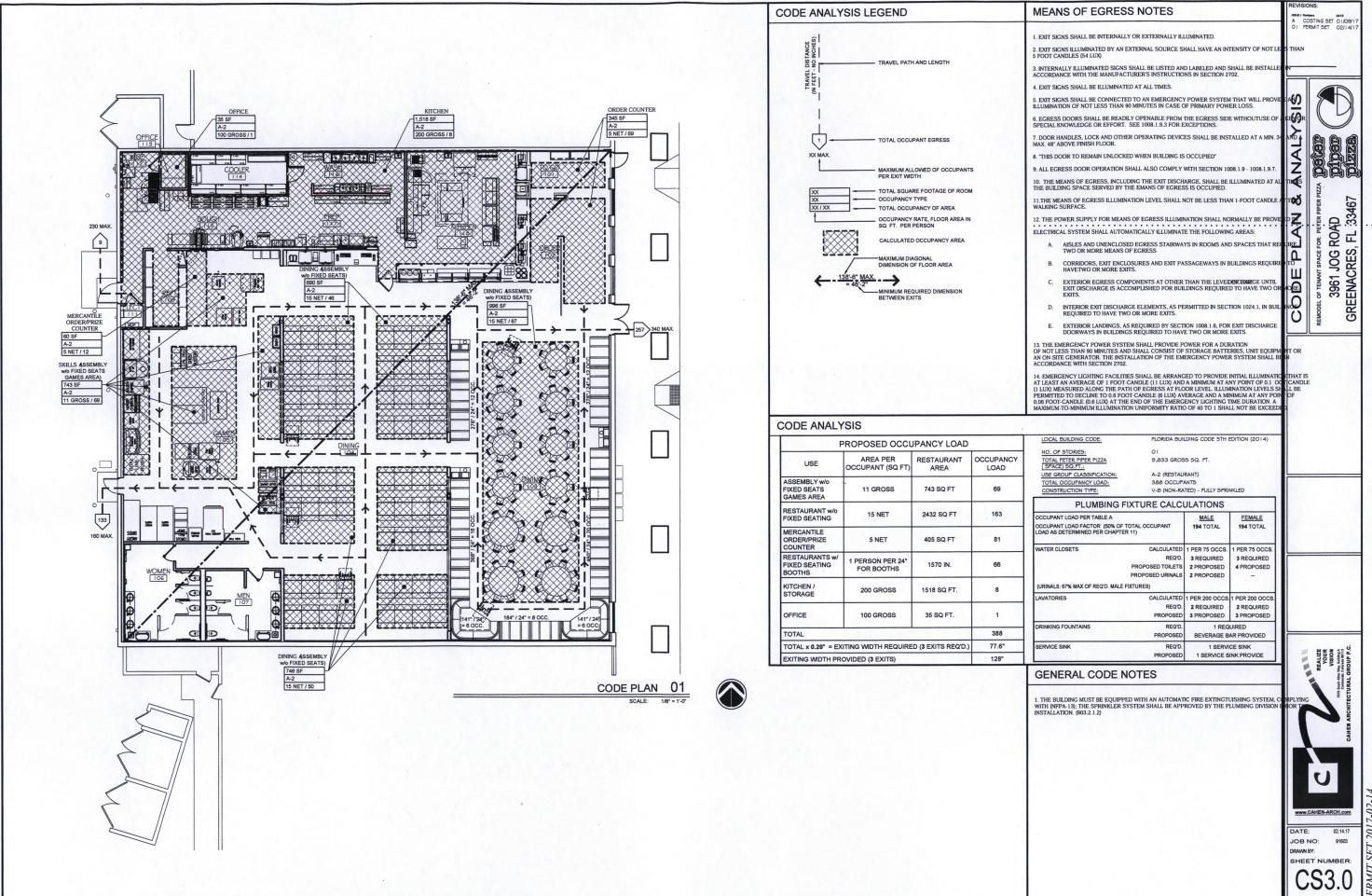
SITE PLAN (CONCEPT PLAN) 01

HEET NUMBER

A COSTING SET 01/09/17
01 PERMIT SET 02/14/17

ARCHITECTURAL

REMODEL OF TENANT SPACE FOR: PETER PIPER PIZE
3961 JOG ROAD
GREENACRES, FL 33467





POLICY# ISSUED:

PDO-002W 4/21/03

EFFECTIVE:

4/21/03

SUBJECT:

Planning Commission and Local Planning Agency

Chairman and Vice-Chairman elections

CROSS REFERENCE: Chapter 16, Article II, Division 3, Section 16-83 (a) and (b)

Chapter 16, Article II, Division 5, Section 16-133 Robert's Rules of Order, pages 352, 362 and 368-373

PURPOSE:

To clarify procedures for the election of Chairman and Vice-Chairman

POLICY:

In accord with the requirements of Section 16-83(a), an election for the positions of Chairman and Vice-Chairman of the Planning Commission, also functioning as the Local Planning Agency per Section 16-133, shall be held once per year. The following procedures have been reviewed with the City Attorney and shall be used. Alternate procedures in compliance with Robert's Rules of Order may be adopted by the Planning Commission/Local Planning Agency:

- 1. The election shall take place at a public meeting in January each year.
- 2. The "Election of Officers" item shall be placed at the end of the Planning Commission agenda immediately following any public hearing items.
- 3. The Chairman shall declare "Nomination of a regular member, or regular members, are now in order for the office of Chairman."
- 4. No second is required for a nomination. After each nomination, the Chair shall ask if there are any additional nominations.
- 5. When there are no more nominations, the Chairman shall close nominations.
- 6. Blank paper shall be distributed to each member by the Recording Secretary. The Recording Secretary shall then read the names of those nominated.
- 7. Each member shall indicate on the paper ballot their vote for the office of Chairman. The ballots shall be collected by the Recording Secretary, counted, and the results written down.
- 8. The Chairman shall announce the results of the balloting.
- 9. In the event that there is only one nomination for the office, the Chairman may declare the candidate elected by "acclamation".
- 10. The election of the Vice-Chairman shall be conducted immediately thereafter by the same procedure.
- 11. Those elected shall take office immediately after completion of the elections.

PROCEDURE:

Planning Department staff shall ensure that these requirements are met on an

annual basis.

REVISED: January 21, 2004

Thomas J. Lanahan Planning Director