

SE-22-01  
Exhibit "A"  
Date: September 27, 2022

Revised: 11/10/2022  
12/08/2022



## DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION

### **Subject/Agenda Item:**

#### **Resolution 2022-35: SE-22-01 Pink Bird Stand Alone Car Wash**

**Consideration of Approval:** A Special Exception request from Dwayne Dickerson, agent for Vybe Investments, LLC., for approval of a standalone car wash. The project consists of a standalone car wash taking over the vacant Steak N Shake site. The subject site is located approximately 1241 feet east of the intersection of South Jog Road and Lake Worth Road on the south side of Lake Worth Road at 6200 Lake Worth Road.

☒ Recommendation to APPROVE

☐ Recommendation to DENY

☒ Quasi-Judicial

☐ Legislative

☒ Public Hearing

#### **Originating Department:**

**Planning, GIS & Engineering**

Project Manager

\_\_\_\_\_  
Caryn Gardner-Young, Zoning Administrator

#### **Reviewed By:**

Interim Director of Development and Neighborhood Services

\_\_\_\_\_  
Denise Malone

#### **Approved By:**

**City Manager**

\_\_\_\_\_  
Andrea McCue

#### **Public Notice:**

☒ Required

☐ Not Required

Dates: 10/27/22, 11/24/22

Paper: The Lake Worth Herald

Mailing

☒ Required

☐ Not Required

Notice Distance: 300'

#### **Attachments:**

- Resolution 2022-35
- Concept Plan
- Aerial Map
- Survey
- Petitioner's Justification Statement

#### **City Council Action:**

☐ Approval

☐ Approve with conditions

☐ Denial

☐ Continued to: \_\_\_\_\_

## **I. Executive Summary**

The applicant is requesting a special exception approval for a standalone car wash in the Commercial Intensive (CI) zoning district. The applicant will demolish the previously approved Steak N Shake drive-thru restaurant and completely redevelop the site.

## **II. Site Data**

<b>Existing Use:</b>	Vacant Restaurant
<b>Proposed Use:</b>	Standalone Car Wash
<b>Parcel Control Numbers:</b>	18-42-44-27-26-000-0010
<b>Parcel Size:</b>	1.48 acres
<b>Existing Future Land Use Designation:</b>	Commercial (CM)
<b>Existing Zoning District:</b>	Commercial Intensive (CI)

<b>Table 1: Surrounding Existing Land Use, Future Land Use, Zoning District:</b>			
<b>Direction</b>	<i>Existing Land Use</i>	<i>Future Land Use</i>	<i>Zoning District</i>
<i>North</i>	Soma Medical	Commercial (CM)	Commercial General (CG)
<i>South</i>	Seminole Palms Residential Development	Residential High Density (RS-HD)	Residential High (RH)
<i>East</i>	Seminole Palms Residential Development	Residential High Density (RS-HD)	Residential High (RH)
<i>West</i>	Sonic Fast-Food Restaurant	Commercial (CM)	Commercial Intensive (CI)

## **III. Annexation/Zoning History:**

The subject parcel was annexed into the City of Greenacres on September 24, 1984, through the adoption of Ordinance No. 84-25. Upon annexation, the parcel was assigned the zoning designation of Commercial Intensive (CI) with a Planned Shopping Center (PSC) overlay. On September 1, 1999, a Site Plan and Special Exception was approved by the City Council for a fast-food restaurant with drive-thru facilities. On February 3, 2022, the City Council approved a Site Plan and Special Exception for a house of worship with a seating capacity of 189 fixed seats and 1,546 square feet of assembly. However, the change of use from a fast-food restaurant to a house of worship was never finalized. The site has remained vacant since the fast-food restaurant closed.

## **IV. Applicable Comprehensive Plan Goals, Objectives and Policies:**

### **1. Future Land Use Element**

#### **Objective 1**

Development orders and permits for future development and redevelopment activities shall be issued only if public facilities necessary to meet the level of service standards are

available concurrent with the impacts of the development.

**Objective 8, Policy c)**

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the following standards for residential densities and commercial intensities as indicated below:

*\* \* \* (1 through 10 and 11 through 16 omitted for brevity) \* \* \**

*(11) Commercial Intensive - 30% lot coverage, 0.35 FAR*

**Objective 11, Policies a)**

The City shall discourage the proliferation of urban sprawl by following established land use patterns, promoting appropriate infill, and designating future land use densities based upon levels of services and the availability of services and facilities.

**Policy a)**

Urban Sprawl will be discouraged by permitting only development that is consistent and compatible with the established land use pattern. “Consistent and compatible with the established land use pattern” shall mean:

- (1) Only uses permitted within the Plan's land use designation and the implementing zoning district shall be approved.
- (2) Only development within the designated density range and intensity regulations of the implementing zoning district will be approved.
- (3) Adequate facilities and services shall be available and concurrent to accommodate the proposed development.

**2. Transportation Element**

**Objective 2 Policy a-d)**

Provide adequate design standards to improve safety, reduce congestion, and reduce maintenance.

**Policy a)**

Further develop and maintain design standards that are compatible with the County and State design standards.

**Policy b)**

Require private development to conform to the Manual on Uniform Traffic Control Devices for on-site traffic control.

**Policy c)**

Require engineering review for safe vehicular and non-vehicular traffic flow and parking arrangements in private development.

Policy d)

Improve the safety and operation of City streets, through site-access control, and other traffic operation improvements.

### **3. Infrastructure Element**

#### **Objective 1**

The City of Greenacres, through its LDS review process will continue to ensure that at the time a development permit is issued, adequate public facilities are available or will be available when needed to serve the development.

*A Standalone Car Wash is a use that requires the approval of a Special Exception in the CI zoning district, so while regulated more than permitted uses, they are not prohibited if they meet the conditions of approval as outlined in the City's Zoning Code Section 16-499(30).*

*The request meets the requirements of the City's Comprehensive Plan Transportation Element Goals, Objectives, and Policies through the process of review via the Development Review Committee (DRC) process and the outside agencies review process. The process requires the proposed development of the site to meet the requirements of having adequate facilities and services. The DRC members and outside agencies have not provided any comments to the site that would warrant concern of having inadequate facilities and services on site. The density of the site plan proposal is consistent with the existing Future Land Use designation and Zoning district.*

#### **V. Applicable City Code and Statutory Provisions:**

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

**Sec. 16-496 through 16-508** pertaining to the CI zoning district

**Sec. 16-877** pertaining to Zoning districts.

A Standalone Car Wash is permissible as a special exception in the CI district, subject to the findings in section 16-499 et seq. and requirements contained in this division.

*The proposed development is located within the Commercial Intensive (CI) zoning district, which is consistent with the existing zoning regulations.*

In addition, Article II, Division 8, Sections 16-171 through 16-178 establish the criteria for the approval of Special Exceptions in the City. (see Section VI. of staff report)

#### **VI. Staff Analysis:**

##### ***Background:***

The applicant is proposing to demolish a vacant fast food restaurant facility and replace it with a standalone car wash. Ingress and egress to the site will be provided from a driveway location on Lake Worth Road which will provide access to the subject property as well as the neighboring

properties to the west. The petitioner is proposing to provide twenty-three parking spaces which is sixteen parking spaces above the required number of parking spaces. All car washing facilities and equipment will be located within the enclosed building except for the vacuuming facilities and air pumps. However, there will be considerable screening of the outside facilities and equipment to address ant potential nuisances.

On March 10 and March 17, 2022, the Development Review Committee reviewed this petition and recommended approval.

***Development Review Committee Comments:***

Planning and Engineering Dept.:	Incorporated into the staff report.
Traffic Engineering	Incorporated into the staff report
Civil Engineering	Incorporated into the staff report
Building Division:	No comments.
Fire Rescue Department:	No comments
Public Works Department:	No comments.
PBSO District 16:	No comments.
Community and Recreation Division	No comments.

***Other Agencies:***

PBC Traffic Division:	Project meets traffic performance standards.
PBC Water Utilities:	Service is available. The applicant must enter into a Standard Developers Agreement with Palm Beach County.
MPO / Palm Tran:	Sufficient mass transit capacity exists to serve the project.
LWDD:	No objections.

***Summary of Proposed Conceptual Plan Details:***

The petitioner's concept plan depicts the following:

1. A total land area of 1.48 acres
2. A 3,945 S.F. building
3. Access to Lake Worth Road from an internal access way that supports the Montessori School, Sonic, the subject property, and two other parcels currently being used for residential use.
4. The site has 23 parking spaces including 1 handicap space
5. Dry retention area.
6. Perimeter buffers around the entire project.

**VI. Special Exception Criteria and Findings of Fact (Sec. 16-173):**

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

***Finding:*** The proposed Standalone Car Wash use complies with Future Land Use Element Goal 1, Objectives 1 and 6; Transportation Element Goal 1, Objective 4; and Objective 1

of the Infrastructure Element within the City of Greenacres' Comprehensive Plan directing growth, development, and redevelopment activities to appropriate areas.

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 will have adequate ingress and egress to the site through one (1) vehicular access point from Lake Worth Road. The site plan has been reviewed by staff for automobile, pedestrian, and fire safety, and meets all applicable Code requirements. The City's traffic engineering consultant has reviewed the proposed project's traffic flow and control of the site for compliance with City Code and safety standards and has determined that it meets all necessary requirements.

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:*** The off-street parking provided on the site exceeds the minimum parking requirements. Specifically, the 23 parking spaces, including one (1) handicapped space, exceeds the City's Zoning Code requirements. No loading zone is required for this use.

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

***Finding:*** The site will have a dumpster enclosure and the City's franchise hauler will serve this site for all refuse collection. Trash generation by the proposed use is not expected to be excessive in comparison to previous restaurant use.

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 Standalone Car Wash is compatible with the surrounding area along Lake Worth Road. A Standalone Car Wash is permitted as a Special Exception in the Commercial Intensive (CI) zoning district. The surrounding area to the west has a Commercial Intensive (CI) zoning, which matches the zoning of the site and a Commercial General (CG) zoning to the north prospectively. Thus, the commercial nature of the standalone car wash would not create a nuisance factor. The property to the south and east is a townhouse development and has a City zoning designation of Residential High (RH) with a future land use of Residential High Density. A RH zoning designation would be expected as a step down<sup>777</sup> from commercial to residential uses and the proposed car wash activity is positioned to the northern portion of the subject property away from the Townhouse buildings. The proposed landscape plan has enhanced the landscape located on-site especially screening the facilities entrance which can be seen from Lake Worth Road. Substantial landscaping buffers and the location of the vacuuming facilities closer to Lake Worth Road will address any nuisance concerns to adjacent and nearby residential properties.

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

*Finding:* All utilities are currently provided underground. The site is currently served by Palm Beach County Water Utilities. All other utilities are also currently provided to the site, and the applicant meets the Level of Service (LOS) as established in the Comprehensive Plan.

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

*Finding:* The applicant is enhancing the landscape buffer, foundation plantings and storm water retention area.

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

*Finding:* All proposed signs shall meet the requirements of the City's Zoning Code. The proposed lighting for the internal site will provide adequate lighting for safety and will be shielded to prevent glare onto adjacent properties. Signs will be located in accord with safe visibility requirements at the time of site plan approval.

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

*Finding:* The project complies with interior and perimeter landscaping and open space requirements of the Zoning Code, as well as the setback requirements for the zoning district. The site has a retention area in the rear of the property along with landscaping around the building and landscape buffers.

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

*Finding:*

As noted above, the applicant is proposing to develop the 1.47-acre site as a Standalone Car Wash from the previous commercial fast-food restaurant and house of worship. A review of the adjacent existing land uses shows that the site plan is compatible with the adjacent properties, specifically:

*South & East:* The subject site itself is abutted to the south by a Townhouse Development called Seminole Palms. This townhouse development has a future land use designation of City Residential-High Density (RS-HD) and a zoning designation of Residential High (RH). The site has a single-family use but does have a landscape buffer and an opaque fence to screen the commercial use of the standalone car wash. The developer has been in contact with the Homeowner's Association and discussed the project extensively with the residents and the Board of the HOA.

*West:* The site is abutting the commercial fast-food restaurant, Sonic, to the west. Sonic has a future land use designation of City Commercial (CM) and zoning designation of

Commercial Intensive (CI). This use is a special exception use within the CI zoning district and is compatible.

*North:* A medical office and a commercial strip plaza are located north of the site across the Lake Worth Road right-of-way. The Soma medical office and the Dharmetta building both have a future land use designation of City Commercial (CM) and zoning designation of Commercial General (CG). A Standalone Car Wash is a non-residential use that is compatible with the adjacent medical office and commercial strip plaza.

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

*Finding:* The proposed Standalone Car Wash is in scale with the needs of the surrounding community. The proposed use will be available to serve the residents of the surrounding neighborhoods.

**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:* The Standalone Car Wash is in compliance with the regulations for such a use by locating all facilities and equipment in an enclosed building except for vacuuming facilities and air pumps, mitigating visual impacts of exterior vacuum equipment and screening the car wash facility opening.

**VII. Staff Recommendation:**

*Approval* of SE-22-01 through adoption of Resolution 2022-35 with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendation dated September 27, 2022, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
  - a. Architectural Plans prepared by Oliveri Architects (AS1, A1-A3) stamp-dated September 23, 2022,
  - b. Photometric Plan prepared by Oliveri Architects (EP1 – EP2) stamp-dated September 23, 2022
  - c. Site Plan prepared by Bowman Consulting (C1.0) stamped-dated September 23, 2022
  - d. Detail Sheets prepared by Bowman Consulting (D1.0-D4.0) stamp-dated September 23, 2022
  - e. Landscape Plans prepared by Bowman Consulting (L-1-L-6) stamp-dated September 23, 2022
2. Site and Development Plan approval is required prior to the issuance of development permits. (Planning)
3. The Special Exception is limited to a standalone car wash with 3,945 square foot building. Any increase in the square footage of the building or change in type of Special Use will require modification of this Special Exception. (Planning)



4. Non-compliance with any of the conditions of approval will result in withholding of building permits, building permit final inspections and/or a Certificate of Occupancy or Completion. (Planning and Building)
5. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “City of Greenacres”.
6. All terms, conditions, safeguards, and stipulations made at the time of Special Exception approval shall be binding upon the applicant or any successors in interest. Deviation from any portion of the approved site plan, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval procedure shall render the Special Exception approval null and void upon determination by the City Council.(Planning)

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**PZBA RECOMMENDATION – November 10, 2022**

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The Planning Zoning Board of Appeals meeting was cancelled due to impacts from Hurricane Nicole.

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**PZBA RECOMMENDATION – December 8, 2022**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Jacobs-Robarts and seconded by Board Member Litowsky, voting four (4) to zero (0), ***recommended approval*** of Special Exception ***SE-22-01***, as presented by staff.

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**CITY COUNCIL ACTION First Reading – December 19, 2022**

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**CITY COUNCIL ACTION Adoption Hearing – February 6, 2023**

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