

RESOLUTION NO. 2022-40

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING A SITE & DEVELOPMENT PLAN TO ALLOW FOR A STANDALONE CAR WASH IN A COMMERCIAL INTENSIVE (CI) ZONING DISTRICT, LOCATED AT 6200 LAKE WORTH ROAD, AS REQUESTED BY THE PETITIONER, DWAYNE DICKERSON, AGENT FOR THE CONTRACT PURCHASER, VYBE INVESTMENTS LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Dwayne Dickerson, hereafter "Petitioner", as agent for the owner, Vybe Investments, LLC, has submitted a petition for a Site Plan approval to allow a standalone car wash to be located within a Commercial Intensive (CI) zoning district, located at 6200 Lake Worth Road, pursuant to Section 16-499, Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the Petitioner presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Development and Neighborhood Department which, in turn, recommended approval of the Site Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, with the conditions identified in the Development Review Committee Staff Report and Recommendation, Exhibit "A" dated September 27, 2022, as revised; and

WHEREAS, the Planning and Zoning Board of Appeals reviewed the petition in a public hearing on November 10, 2022, for compliance with the Site Plan Criteria as indicated by the Findings of Fact contained in the Development Review Committee Staff Report and Recommendation and has found that the project is in compliance with said criteria; and

WHEREAS, the Planning and Zoning Board of Appeals made a recommendation on the petition to the City Council for approval; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Site Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district subject to the conditions stipulated in the Development Review Committee Report.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, THAT:

Section 1. The Petition, SP-22-02, a Site & Development Plan to allow for a Standalone Car Wash within a Commercial Intensive (CI) zoning district, is hereby approved.

Section 2. The application is hereby APPROVED for site plan approval for a one-story 3,945 square foot building for a Standalone Car Wash with a maximum height of 34'8", and a total of 23 parking spaces, including two (2) handicapped spaces. The project is subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for the real property described as follows:

LEGAL DESCRIPTION:

LOT 1, BURGER TRACT, PCD, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 87, PAGE(S) 15, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY. TOGETHER WITH CROSS EASEMENT AGREEMENT IN OFFICIAL RECORDS BOOK 9458, PAGE 528, AS AMENDED IN OFFICIAL RECORDS 9654, PAGE 1021 AND OFFICIAL RECORDS BOOK 11551, PAGE 1838, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA AND TOGETHER WITH EASEMENTS CONTAINED IN THE DECLARATION OF RESTRICTIONS IN OFFICAL REOCRDS BOOK 11570, PAGE 33, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

Section 3. All resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall be effective upon its adoption subject to the following conditions, which shall be responsibility of and binding upon the Applicant, its successors, or assigns:

1. The most stringent requirements of Exhibit “A” Development Review Committee 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. The site shall be developed in accordance with the approved Special Exception (SE 22-01). (Planning)
3. The project shall be subject to the City’s Public Arts Program. All new development, except city projects, where total construction costs of all buildings on a project site are equal to or greater than \$250,000.00 shall provide art valued in an amount of 70% of the one percent of the total construction costs, 30% of the one percent shall be deposited in the city’s Public art fee at time of issuance of building permits. The art fee for redevelopment of an existing building shall be calculated based on the construction costs of the new development, excluding the assessed value of the existing buildings that are replaced or redeveloped. (Planning)
4. The project shall participate in the City Tree Dedication Program per Section 16-1293; at the time of issuance of building permits one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore four Live Oaks or equivalent cash payment shall be donated to the City subject to the following specification: Live Oak, Florida Grade #1 Container Grown; minimum 12 ft. high; 2-inch diameter trunk at 4 ft.; and 5 ft. spread. (Planning)
5. Permits from the South Florida Water Management District, the Lake Worth Drainage District, Palm Beach County Land Development, and the City of Greenacres, as required, for the storm water management system must be obtained prior to issuance of building permits. (Engineering)

6. A driveway connection and/or right-of-way construction permit from Palm Beach County Land Development and/or Florida Department of Transportation must be obtained prior to issuance of a building permit if applicable. (Engineering)
7. Prior to the issuance of building permits, drainage calculations must be provided demonstrating that the required water quality and quantity volumes needed for the site can be met. Standard exfiltration trench calculation, drainage pipe sizing calculations, and flood routing calculations for the appropriate storm events must also be included. (Engineering)
8. Permits from the Health Department for the water and sewer system must be obtained prior to approval of issuance of building permits. (Engineering)
9. An Indemnification Agreement, as approved by the City Attorney, shall be executed, and recorded against the property prior to issuance of any building permit. (Planning)
10. The site plan shall be revised as necessary to reflect all conditions of approval and resubmitted prior to the issuance of building permits. (Planning)
11. All roof top equipment shall be screened on all four sides consistent with the architecture of the building; no equipment shall be taller than the proposed screening. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened on all four sides; no equipment shall be taller than the proposed screening. (Planning)
12. In accord with the requirements of the National Pollution Discharge Elimination System (NPDES), a Storm Water Pollution Prevention Plan, Owner/Operator Certification, and Notice of Intent shall be submitted and accepted by the City prior to the issuance of building permits. (Building and Public Works)
13. A site clearing and tree removal permit shall be required prior to any clearing activities on site. This permit shall demonstrate protection of existing trees to remain. Additions to the landscaping plan may be necessary to meet Code requirements if existing material to remain is unsuitable for buffer purposes. (Planning)
14. All new utilities shall be provided underground. Appurtenances to these systems which require above-ground installation must be effectively screened from view. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Planning)
15. The required masonry wall along the south and east property line shall be finished with stucco on both sides and landscaping shall be installed in front of the wall in accordance with the City's Zoning Code. The stucco shall be painted to harmonize with the building walls. The wall shall be a minimum of 6 feet tall measured from the highest adjacent grade. Maintenance of the wall is the responsibility of the property owner. (Planning)
16. All existing trees shown to remain on the approved landscape plans shall be maintained in perpetuity. In the event they should die, they shall be replaced with like species of a size

and quantity in accord with the tree credits in Table 16-1271 of the City of Greenacres Code. (Planning)

17. In accord with the determination of compliance with the Traffic Performance Standards by Palm Beach County Engineering, no building permits shall be issued after the build-out date of December 31, 2023, unless a revised traffic study with a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning)
18. The project shall be required to pay the City's impact fee of \$2.80 per square foot of building area per Section 16-201. The amount of \$ 11,046.00 shall be paid at the time of issuance of building permits. (Building)
19. All conditions as outlined in the Florida Department of Transportation Pre-Application Letter shall be met prior to issuance of building permits.(Planning)
20. The maximum hours of operation shall be 7:00 am to 9:00 pm. No garbage pickup shall be during non-peak hours between 8:00am-11:00am and 6:00pm- 9:00pm. (Planning)
21. The dumpster enclosure walls shall match the finish, color and design elements of the building walls and trim. At a minimum, the dumpster enclosure gates shall be solid 3/4" deep galvanized corrugated 22-gauge steel matching the building color. (Planning)
22. A bicycle rack accommodating a minimum of 4 bikes shall be provided. (Planning)
23. No outdoor speakers shall be permitted. (Planning)
24. No vehicle detailing and waxing shall be permitted outside of the building. (Planning)
25. The site plan shall be revised as necessary to reflect all conditions of approval and re-submitted prior to the issuance of building permits. (Planning)
26. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits or a Certificate of Occupancy. (Planning and Building)
27. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the "City of Greenacres". (Planning)

RESOLVED AND ADOPTED this 19th of day of December 2022.

Joel Flores, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Deputy Mayor

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, Council Member, *District IV*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney