

	DEVELOPMENT REVIEW COMMITTEE REPORT AND RECOMMENDATION
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**Subject/Agenda Item:**

**Resolution 2023-06: SE-22-03 Mint Eco Stand Alone Car Wash**

**Consideration of Approval:** A Special Exception request from Josh Nichols, agent for Mint Eco Car Wash Acquisition Co., LLC., for approval of a standalone car wash. The project consists of a standalone car wash taking over the vacant La Granja site. The subject site is located approximately 200 feet west of the intersection of Empire Way and Lake Worth Road on the south side of Lake Worth Road at 4840 Lake Worth Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p><b>Originating Department:</b></p> <p><b>Planning, GIS &amp; Engineering</b></p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, Zoning Administrator</p>	<p><b>Reviewed By:</b></p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Denise Malone</p>
<p><b>Approved By:</b></p> <p><b>City Manager</b></p> <p>_____</p> <p><b>Andrea McCue</b></p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Dates: 12/29/22 and 2/23/2023</p> <p>Paper: The Lake Worth Herald, Palm Beach Post</p> <p>Mailing</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>Notice Distance: <u>300'</u></p>

<p><b>Attachments:</b></p> <ul style="list-style-type: none"> <li>• Resolution 2023-06</li> <li>• Concept Plan</li> <li>• Aerial Map</li> <li>• Survey</li> <li>• Petitioner's Justification Statement</li> </ul>	<p><b>City Council Action:</b></p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Approve with conditions</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> Continued to: _____</p>
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**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 La Granja restaurant and completely redevelop the site.

**II. Site Data**

**Existing Use:** Vacant Restaurant  
**Proposed Use:** Standalone Car Wash  
**Parcel Control Numbers:** 18-42-44-25-00-000-3260, 3080 and 3081  
**Parcel Size:** 3.62 acres  
**Existing Future Land Use Designation:** Commercial (CM)  
**Existing Zoning District:** In process - 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>	Medical Offices	Commercial (CM)	Commercial General (CG)
<i>South</i>	Palm Beach Villas II	Residential Low Density (RS-LD)	Residential Low (RL-3)
<i>East</i>	Dairy Queen Palm Beach Villas II	Commercial (CM) Residential Low Density (RS-LD)	Commercial General (CG) Residential Low (RL-3)
<i>West</i>	Dahl Park Office Building	Residential Low Density (RS-LD) Commercial (CM)	Residential Low (RL-3) Commercial General (CG)

**III. Annexation/Zoning History:**

The subject parcel site is located on the south side of Lake Worth Road, approximately 200 feet west of Empire Way. The subject site has a future land use designation of Commercial (CM) and is proposing a zoning designation of Commercial Intensive (CI). The subject site was originally developed as a “Bud’s Chicken” through SE-80-02, but the company vacated this site for another site to the east in 1991. In 1995, the site was issued a building permit for an auto parts store (Kirby’s), which was subsequently renamed to Whitey’s Auto Parts. The building became vacant during the late 1990s and the new owner Aruba Foods obtained approval for a site plan amendment to construct a sit-down restaurant. The subject site was developed as a “La Granja” restaurant through SP 00-03(A) which was approved on September 8, 2000. The La Granja restaurant closed and the site has remained vacant since. The current owner is now requesting a site and development plan amendment to refurbish this site for use as a standalone car wash.

## **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 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 and Empire Way which will provide adequate access to the subject property. The petitioner is proposing to provide fifty-five parking spaces which is forty-one 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, air pumps and car detailing activities. However, there will be considerable screening of the outside facilities and equipment to address any potential nuisances.

On September 9 and 16, 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:	Incorporated into the civil engineering plans.

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

The petitioner's concept plan depicts the following:

1. Phasing of the site with Phase 1 construction of the standalone car wash and Phase 2 to be determined later
2. A total land area of 3.62 acres
3. A 4,414S.F. building

4. Access to Lake Worth Road and Empire Way
5. The site has 55 parking spaces including 1 handicap space
6. Dry retention area.
7. Perimeter buffers around the entire project.

**VII. 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 and one (1) vehicular access point from Empire Way. 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 55 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, north and east possess a Commercial General (CG) zoning, which is similar in nature to a Commercial Intensive (CI) zoning. Thus, the commercial nature of the standalone car wash

would not create a nuisance factor. Some of the properties to the south, west and east are residential in nature but they have been adjacent to a commercial use for many years. Further, the properties to the south are buffered from any nuisances by a Lake Worth Water Management District canal. To address any nuisances, 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 and the detailing operations closer to Lake Worth Road and further west on the site and no outdoor speakers 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 will be required to meet 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 especially the landscaping along Lake Worth Road including in front of the car wash building opening.

**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 and all signs shall be approved through the building permit process.

**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 and transitional zone. Sixty-five percent of the site is designated as open space.

**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 3.62-acre site as a Standalone Car Wash from the previous commercial restaurant. A review of the adjacent existing land uses shows that the site plan is compatible with the adjacent properties, specifically:

*South, East and West:* The subject site itself is abutted to the south by a residential community called Palm Beach Villas II on the south and east and Dahl Park on the west. The residential communities are single-family homes but the landscaping plan proposes a landscape buffer and an opaque wall to screen the commercial use of the standalone car wash. The developer has been in contact with the Dahl Road residents and discussed the project extensively with them and the residents to the south are distanced from the car wash activities by a Lake Worth Water Management canal.

*West, East and North:* The sites abutting the subject site along Lake Worth Road are a Dairy Queen and Office Buildings. All possess a future land use designation of City Commercial (CM) and zoning designation of Commercial General (CG). A standalone car wash is a special exception use within the CI zoning district and is compatible with the adjacent parcels which are commercial in nature.

**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, air pumps and car detailing which are being mitigated by substantial landscaping and a solid perimeter wall adjacent to residential properties.

**VIII. Staff Recommendation:**

*Approval* of SE-22-03 through adoption of Resolution 2023-06 with the following conditions:

1. The most stringent requirements of Exhibit "A" Development Review Committee Staff Report and Recommendation dated December 29, 2022 as amended from time to time, and strict compliance with the Exhibits listed below, which are attached hereto and made part hereof as Exhibit "B"
  - a. Architectural Plans prepared by GCP Architecture LLC (A1-A2) stamp-dated August 19, 2022
  - b. Site Plan prepared by Schmidt Nichols (PSP-1) stamped-dated January 24, 2023
  - c. Landscape Plans prepared by Schmidt Nichols (LI-1, LP 1-3 and TD-1) stamp-dated January 24, 2023
  - d. Conceptual Engineering Plans prepared by Simmons & White (1-5) stamp-dated February 3, 2023
2. The Special Exception shall be implemented within 12 months of City Council approval.



3. The Special Exception shall only be applicable to the applicant.
4. Site and Development Plan approval is required prior to the issuance of development permits. (Planning)
5. The Special Exception is limited to a standalone car wash with 4,414 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)
6. 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)
7. All advertisements and legal addresses on insurance policies and business correspondence shall clearly state that the project is located within the “City of Greenacres”.
8. 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 – January 12, 2023**

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The Planning and Zoning Board of Appeals on a motion made by Board Member Hayes and seconded by Board Member Litowsky, by a vote of five (5) to zero (0) ***recommended approval*** of Special Exception for approval of a Standalone Car Wash ***SE-22-03 (Mint Eco Standalone Car Wash)*** as presented by staff.

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**CITY COUNCIL ACTION– March 6, 2023**

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