

RESOLUTION NO. 2025-15

A RESOLUTION ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, APPROVING AN APPLICATION FOR A SPECIAL EXCEPTION TO ALLOW A CONVENIENCE STORE WITH FUEL SALES LOCATED WITHIN THE COMMERCIAL INTENSIVE ZONING DISTRICT, APPROXIMATELY 1,100 FEET EAST OF THE INTERSECTION OF FOREST HILL BOULEVARD AND JOG ROAD, ON THE SOUTH SIDE OF FOREST HILL BOULEVARD AT 6270 FOREST HILL BOULEVARD, AS REQUESTED BY THE APPLICANT, AMBER REBERT OF CPH, LLC, AGENT FOR THE OWNER, ARL FHJ, LLC; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Applicant, Amber Rebert of CPH, LLC, as agent for the property owner, ARL FHJ, LLC, has submitted an application for Special Exception approval to allow a Convenience Store with Fuel Sales to be located within a Commercial Intensive (CI) zoning district, located at 6270 Forest Hill Boulevard, pursuant to Section 16-499(17), Commercial Intensive (CI) regulations of the Zoning Code; and

WHEREAS, the applicant presented this matter to the Development Review Committee of the City of Greenacres which provided comments to the Planning, Engineering, and GIS Division which, in turn, recommended approval of the Special Exception to allow for a Convenience Store with Fuel Sales within a Commercial Intensive (CI) zoning district, located 1,100 feet east of Jog Road on the South Side of Forest Hill Boulevard at 6270 Forest Hill Boulevard with the conditions identified herein; and

WHEREAS, the Planning and Zoning Board held a public hearing April 10, 2025, reviewed the applicant's request, and made a recommendation on the application with a vote of 5 to 0; and

WHEREAS, this matter has been presented to the City Council for final approval, and the Council has voted to approve the Special Exception to allow for a Convenience Store with

Fuel Sales within a Commercial Intensive (CI) zoning district, subject to the conditions of approval and staff recommendation at the April 21, 2025, Public Hearing.

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

SECTION 1. The Application, SE-23-05, a Special Exception to allow for a Convenience Store with Fuel Sales within a Commercial Intensive (CI) zoning district is hereby APPROVED, subject to the conditions of approval contained herein, which are in addition to the general requirements otherwise provided by resolution for real property as follows:

Legal Description

PCN: 18-42-44-10-00-000-5020

10-44-42, NLY 277.21 FT OF E 220 FT OF W 1/2 OF SE 1/4 LYG S OF & ADJ TO
FOREST HILL BLVD R/W

CONTAINING A TOTAL OF 1.17 ACRES MORE OR LESS.



Subject site outlined in red line

SECTION 2. All resolutions in conflict herewith are hereby repealed.

SECTION 3. 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 this DNS Staff Report and Recommendation dated March 26, 2025, and strict compliance with the Site and Development Plans exhibits stamped approved by the City of Greenacres on April 21, 2025, and listed below, which are attached hereto and made part hereof as Exhibit "A"

- A. SP-23-07 Murphy's (Forest Hill Blvd) **Site Plan**, Sheets SP-0 through SP-14, received by DNS on April 10, 2025, and prepared by Todd Harland Hendrix of CPH, LLC
 - B. SP-23-07 Murphy's (Forest Hill Blvd) **Landscape Plan**, Sheets LP-1 through LP-4, received by DNS on April 10, 2025, and prepared by Danita Roberts Bryant of CPH, LLC
 - C. SP-23-07 Murphy's (Forest Hill Blvd) **Tree Removal Plan**, Sheet TR-1, received by DNS on April 10, 2025, and prepared by Danita Roberts Bryant of CPH, LLC
 - D. SP-23-07 Murphy's (Forest Hill Blvd) **Irrigation Plan**, Sheets IR-1 through IR-3, received by DNS on April 10, 2025, and prepared by Danita Roberts Bryant of CPH, LLC
 - E. SP-23-07 Murphy's (Forest Hill Blvd) **Photometric Plan**, Sheet L-1.0, received by DNS on April 10, 2025, and prepared by JWG of Galloway
 - F. SP-23-07 Murphy's (Forest Hill Blvd) **Architectural Plan**, Sheets 1 through 4, received by DNS on April 10, 2025, and prepared by Scott Loikits of GreenbergFarrow
 - G. SP-23-07 Murphy's (Forest Hill Blvd) **Master Sign Plan**, Sheets MSP-1, received by DNS on April 10, 2025, and prepared by Todd Harland Hendrix of CPH, LLC
 - H. SP-23-07 Murphy's (Forest Hill Blvd) **Civil/Engineering Plan**, Sheets C-2 through C-13, received by DNS on April 10, 2025, and prepared by Todd Harland Hendrix of CPH, LLC
2. The project shall be required to pay the City's impact fee of \$2.80 per square foot of gross non-residential floor area per Section 16-201. The amount of **\$7,907.20** shall be paid prior to the issuance of any Building Permits. (Planning, Engineering, and Building)
3. The project shall be required to pay the City's Arts in Public Places (AIPP) public art fee if the total construction costs is two hundred fifty thousand dollars (\$250,000) or greater, in accordance with Section 16-661. If applicable, the public art fee shall be equal to one (1) percent of the total construction costs of the project. The contribution shall be placed in the city's public art fee fund and the contributor shall have no input in the use of such funds. The contribution shall be divided into two (2) payments as follows:
- A. **Prior to Building Permit Issuance:** The developer shall submit to the building division/finance department a preliminary certification of the total construction costs. This preliminary certification shall be used to calculate the developer's initial payment of thirty (30) percent of the contribution. The developer shall make this initial payment to the building division/finance department prior to the issuance of any building permit.
 - B. **Prior to Issuance of the Final Certificate of Occupancy:** The developer shall submit to the building division/finance department a final certification of the total construction costs. This final certification shall be used to calculate the outstanding portion of the contribution. The developer shall pay the outstanding portion of the contribution prior to the issuance of the final certificate of occupancy for the project.

4. The project shall participate in the City Tree Dedication Program per Section 16-1293; prior to the issuance of any Building Permits, one (1) tree to be donated per 1,000 sq. ft. of building area or fraction thereof, therefore **seven (7) 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 and Building)
5. Any site permits required and/or obtained shall be maintained in an active status with the respective permitting agency until all the work covered by the permit is satisfactorily completed, any applicable inspections passed, and officially closed out with the City. (Building, Planning, Engineering and Public Works)
6. Permits from the South Florida Water Management District (SFWMD), Lake Worth Drainage District (LWDD), and Palm Beach County Land Development, as required, for the stormwater management system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
7. Permits from the Health Department for modifications to the water and sewer system must be obtained prior to the issuance of an Engineering Permit. (Engineering)
8. The required masonry wall along the east property line shall be a minimum of 8 feet in height, measured from the highest adjacent grade, and shall be finished with stucco on both sides. The following shall also apply:
 - A. The stucco shall be painted to match and harmonize with the building's exterior walls.
 - B. Landscaping shall be installed in front of the wall in accordance with the City's Zoning Code.
 - C. The property owner shall continue to coordinate with the owner of the adjacent residential property to the east regarding the existing 6-foot wall, with the objective of either constructing a continuous 8-foot-tall wall or ensuring that no gap exists between the existing wall and the proposed wall that could present safety or maintenance concerns.
 - D. The wall design, including all relevant details, shall be reflected on all applicable plan sheets and submitted for review and approval as part of the Engineering Permit submission.
 - E. The property owner shall obtain and submit for review and approval a written legal authorization or easement agreement from the owner of the adjacent residential property to the east, confirming the coordination and consent for any work to be conducted on the adjacent property as part of the Engineering Permit submission.
 - F. The property owner shall remain solely responsible for the maintenance of the wall. (Planning, Engineering, and Building)
9. An Engineering Permit, issued by the City of Greenacres, is required prior to any sitework or construction activities outside of the proposed structures and work related to subdivision and/or development improvements taking place. The Engineering Permit must be closed out before any Certificates of Occupancy (CO) are issued for any buildings or structures.

No Engineering Permit shall be issued for construction or work until an approved cost estimate and a bond for all sitework has been posted. Once site work is complete, a maintenance bond will be required prior to the close out of the engineering permit. (Engineering)

10. Upon completion of all required improvements, the developer/property owner shall direct the civil engineer of record to prepare as-built drawings for all project plans and submit the project baseline data for all relevant layers to the Development & Neighborhood Services Department. The data must be provided in one of the following formats: (a) AutoCAD DXF, (b) GIS shapefile (comprising the ESRI extensions .shp, .shx, and .dbf), or (c) Geodatabase (with the ESRI .gdb extension). The timeline for submitting the as-built plans will be determined by the City Engineer, and submission must occur prior to the acceptance of improvements and the release of the bond for sitework. (Planning and Engineering)
11. Complete drainage calculations addressing water quality and quantity in accordance with the requirements of SFWMD and City of Greenacres must be submitted for review along with complete paving and drainage construction plans and subsurface investigation with percolation test. Additionally, documentation detailing the maximum impervious surface allowances for the overall project, as acceptable to the City Engineer, must be provided. All required documents must be submitted with the application for Engineering Permits. (Engineering)
12. The establishment may operate 24 hours a day, 7 days a week. Should any issues arise regarding the operation hours, the City Manager or their designee reserves the right to modify the hours of operation. The establishment shall otherwise comply with Sec. 8-27. - Hours of Sale, as amended, which prohibits the sale or dispensing of alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m. of each day. (Planning)
13. No outdoor speakers shall be permitted. (Planning and Building)
14. 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, 2025**, unless a later build-out date has been approved by the County and a copy of the approval provided to the City of Greenacres. (Planning and Building)
15. Any unused existing easements and rights-of-way on the subject property shall be abandoned prior to the issuance of Engineering Permits. (Engineering)
16. Driveway connection and/or right-of-way construction permits from Palm Beach County Land Development and/or FDOT must be obtained prior to the issuance of Engineering Permits. Any existing driveway connections on site which will become redundant shall be removed and replaced with curbing, etc. to match adjacent conditions. (Engineering)
17. In accordance with the requirements of the National Pollution Discharge Elimination System (NPDES), best management practices shall be used to control runoff from construction activities. An NPDES Permit shall be provided to the City, prior to any site

activity, as part of the Engineering Permit. (Planning, Engineering, Building and Public Works)

18. Utilities shall be provided underground and sufficient in size to properly serve the site. Appurtenances to these systems which require above-ground installation must be effectively screened from view. If it is determined by the City that the screening does not effectively mitigate the impact, additional screening may be required. (Planning, Engineering and Building)
19. All utilities and services to the site shall be provided by entities holding valid franchise agreements with the City. (Engineering and Building)
20. All ground mounted mechanical equipment (air conditioning, backflow preventer, etc.) shall be screened from view. No equipment shall be taller than the proposed screening. If it is determined by the City that the screening does not effectively mitigate the impact, additional screening may be required. (Planning and Building)
21. Landscaping shall be maintained in perpetuity in accordance with the City's Landscaping Regulations and the approved Landscaping Plan, including specifications for plant size, number, location, and type of landscaping material. All plant life shown on an approved landscape plan shall be replaced if it dies, is seriously damaged, or removed. All plant material shall be kept reasonably free of visible signs of pests, infestation, or disease. (Planning)
22. A certified cost estimate by a FL Registered Landscape Architect or Engineer, for the project's landscape materials, installation, irrigation and labor to establish a 1-year maintenance financial guarantee or financial security in a form acceptable to the City Attorney in the amount of 110% of the estimate shall be posted for the project's landscaping, in addition to the other bonds required for site improvements. The owner shall provide this financial guarantee or financial security before the City performs any landscape inspection or issues a Certificate of Occupancy. If project's landscaping is not maintained, the City may use the financial guarantee or financial security to maintain or replace dead or unacceptable landscape materials and irrigation components after providing written notice to the property owner. (Planning and Engineering)
 - a. The project Landscape Architect shall conduct a field inspection at substantial completion of the project to verify that the landscape and irrigation installation complies with the approved plans and is healthy and flourishing before the project's 1-year maintenance financial guarantee/security period begins. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City inspection of the landscape installation.
 - b. The project Landscape Architect shall conduct an interim field inspection near the 6-month mark of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of

Compliance letter to the City of Greenacres and request an interim City re-inspection of the maintained landscaping at the 6-month mark of the maintenance financial guarantee/security period.

- c. The project Landscape Architect shall conduct a field inspection near the completion of the project's 1-year maintenance period to verify that the landscape and irrigation installation continues to comply with the approved plans and is healthy and flourishing. The project Landscape Architect shall then submit a Certificate of Compliance letter to the City of Greenacres and request a final City re-inspection of the maintained landscaping 30 days prior to the end of the maintenance financial guarantee/security period.
- d. Upon passing the final re-inspection, the property owner may request in writing the release and return of any remaining financial guarantee/security. If the location fails the final re-inspection, the financial guarantee/security shall not be released to the property owner. Once the property owner completes the required improvements, the financial guarantee/security shall be released. If these necessary improvements do not occur, the City may use the financial guarantee/security to maintain or replace landscape items as necessary.

- 23. 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. Landscaping Plan additions may be necessary to meet Code requirements if existing material is unsuitable to remain. (Planning)
- 24. By the initial landscape inspection, all existing invasive non-native plants shall be removed from the property. It shall be the responsibility of the property owner to maintain the site free from invasive plants in perpetuity. (Planning)
- 25. For roofing materials, all exterior roof surfaces shall be either rated by the Cool Roof Rating Council or labeled as an Energy Star qualified roof product and be in accordance with the Florida Building Code. This excludes portions of the roof acting as a rooftop deck, green roof, or any area of a roof utilized by photovoltaic and solar equipment. Product specifications for roofing materials must be submitted and approved as part of the roofing-related Building Permit submittals.
- 26. 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)
- 27. The Site and Development Plan shall be revised as necessary and as otherwise noted herein to reflect all conditions of approval and re-submitted, prior to the issuance of Engineering Permits. (Planning, Building, Engineering and Public Works)

28. Non-compliance with any of the conditions of approval will result in withholding of the issuance of building permits and a Certificate of Occupancy. (Planning, Engineering, and Building)

29. The conditions of approval herein shall apply to the Owner, Applicant, and their successors and assigns. Deviation from any portion of the approved Site and Development Plans, Special Exception, or failure to comply with any requirement, condition or safeguard imposed by the City during the approval procedure shall render the Site and Development Plans and Special Exception approval null, void, and of no further effect upon determination by the City Council. (Planning)

30. CITY ADVISORY NOTICES:

- (1) **Development permits and orders.** As provided by subsection 166.033(6), Florida Statutes, issuance of a development permit by a municipality does not create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
- (2) **No Guarantee by City.** It is specifically understood that the City is not guaranteeing the appropriateness, efficiency, quality or legality of the use or development of the Property, including but not limited to, drainage or water/sewer plans, fire safety, or quality of construction, whether or not inspected, approved, or permitted by the City.
- (3) **Indemnification.** The Owner/Developer shall indemnify and hold the City harmless from any and all claims, demands, disputes, costs, expenses, (to include attorney's fees whether or not litigation is necessary and if necessary, both at trial and on appeal), incurred by the City as a result, directly or indirectly, of the use or development of the Property, except those claims or liabilities by or arising from gross negligence or intentional acts of the City, or its employees, contractors or agents.

RESOLVED AND ADOPTED this 21st of day of April, 2025

Chuck Shaw, Mayor

Attest:

Quintella Moorer, City Clerk

Voted:

John Tharp, Council Member, *District I*

Voted:

Peter Noble, Council Member, *District II*

Voted:

Judith Dugo, Council Member, *District III*

Voted:

Susy Diaz, *Deputy Mayor*

Voted:

Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney