



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, May 02, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

AGENDA

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorner, City Clerk

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

SPECIAL BUSINESS

1. **Proclamation:** Guinness Book of World Record, TobyKeith, oldest dog living, 21 years old in Greenacres. - Gisela Shore, Owner.
2. **Proclamation:** Mental Health Awareness Month - Patrice Schroeder, Community Relations Specialist, 2-1-1.

CONSENT AGENDA

3. **Official Minutes:** City Council Meeting Minutes, April 18, 2022. - Quintella L. Moorner, City Clerk.
4. **Proclamation:** National Public Works Week, May 15-21, 2022. - Carlos Cedeño, Director of Public Works.
5. **Proclamation:** National EMS Week, May 15-21, 2022. - Brian Fuller, Fire Rescue Chief.

REGULAR AGENDA

6. **PUBLIC HEARING: Ordinance 2022-07: Second Reading:** Amending Chapter 16, Article 3, District Regulations, Division 11, Commercial Intensive, Section 16-499(30) and Article 8, off-street parking and loading regulations, Section 16-1336 and Section 16-1338 to add stand alone car wash facility and allow for the use as a Special Exception in the Commercial Intensive (CI) zoning district; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in code; and providing for an effective date. - Kara Irwin Ferris, Director of Development and Neighborhood Services.

7. **Ordinance 2022-09: First Reading:** Amending the Code of Ordinances at Chapter 5, Fire Prevention and Protection, by adding Section-5-11, Public Safety Access to Gated Communities; providing for repeal of conflicting ordinances, severability, inclusion in the Code and an effective date. - Caryn Gardner-Young, Zoning Administrator.
8. **Class III Site Plan Amendment SP-08-01C** - to modify the approved roof material for the approved House of Worship with associated Child Care Center located at the southwest corner of South Jog Road and Chickasaw Road. - Kara Irwin-Ferris, Director of Neighborhood Services.

DISCUSSION ITEM

9. Smoking and Vaping in Parks. - Deputy Mayor Tharp.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

MAYOR AND CITY COUNCIL REPORT

ADJOURNMENT

Upcoming Council Meetings

May 16, 2022

June 6, 2022

Meeting Records Request

Any person requesting the appeal of a decision of the City Council will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

Notice of Council Meetings and Agendas

The first and third Monday of each month are regular meeting dates for the City Council; special or workshop meetings may be called, whenever necessary. Council Agendas are posted on the City's website on the Friday prior to each Council meeting. A copy of the meeting audio and the complete agenda may be requested at CityClerk@greenacresfl.gov or 561-642-2006.

Americans with Disabilities Act

In accordance with the provisions of the Americans with Disabilities Act (ADA), this document can be made available in an alternate format upon request. Special accommodations can be provided upon request with three (3) days advance notice of any meeting, by contacting City Clerk Quintella Moorner at Greenacres City Hall, 5800 Melaleuca Lane, Greenacres, Florida. Phone No. 561-642-2006. Hearing Assistance: If any person wishes to use a Listen Aid Hearing Device, please contact the City Clerk prior to any meeting held in the Council Chambers.



CITY COUNCIL MEETING

City of Greenacres, Florida

Monday, April 18, 2022 at 6:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

MINUTES

Mayor and City Council

Joel Flores, Mayor

John Tharp, Deputy Mayor

Peter A. Noble, Councilmember, District II

Judith Dugo, Councilmember District III

Susy Diaz, Councilmember, District IV

Paula Bousquet, Councilmember, District V

Administration

Andrea McCue, City Manager

Glen J. Torcivia, City Attorney

Quintella Moorer, City Clerk

CALL TO ORDER AND ROLL CALL

Mayor Flores called the meeting to order at 6pm and City Clerk Moorer called the Roll.

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

Motion made by Councilmember Noble, Seconded by Councilmember Dugo to approve the Agenda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

COMMENTS FROM THE PUBLIC FOR AGENDA ITEMS ONLY

Ms. Janice asked the Council to consider adding the issue of hazardous and dangerous reasons for removing trees. She said that Park Pointe was experiencing various dangerous and hazardous incidents due to trees.

Ms. Maryann asked the Council to consider adding hazardous and dangerous reasons as a cause to remove trees.

Mr. Larry Tronco, President of Park Pointe stated the Association was meeting with a City Representative and asked the Council to consider adding hazardous and dangerous cause for tree removal.

Mr. Jose requested the City add shade covering to bus stops around the City and he also suggested creating Election guidelines for candidates.

Mr. Nathan Galang, suggested nominating Deputy Mayor Tharp again for another Deputy Mayor term.

SPECIAL BUSINESS

- 1. Presentation:** Legislative Update. - The Honorable Lori Berman, District 31 and The Honorable Representative Matt Willhite, District 86.

Senator Berman highlighted the total budget was 112.1 billion which was the largest budget in Florida's history. She highlighted a few notable figures which included state employee base pay raise of 5.38 percentage, boosting teacher and law enforcement salaries, and other plans for funded programs. She mentioned her excitement for Chicksaw Road.

Representative Willhite commented on the budget and the various projects. He was hopeful for the continued work on Chicksaw Road.

He spoke about election laws, health insurance, veteran suicide support and insurance.

The Council thanked the speakers for their dedication and information.

- 2. Presentation:** Preferred Safety and Risk Management Member Award. - Christopher H. Kittleson, Director of Loss Control Technical Services, Preferred Government Insurance Trust.

Mr. Kittleson stated the City was selected from over 400 recipients. Ms. Suzanne Skidmore, Director of Human Resources was honored for extensive safety training. Ms. Skidmore was presented an award.

- 3. Presentation:** Art in Public Places. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

Ms. Irwin-Ferris stated the purpose of the program was to enhance art in public places. She highlighted a few requirements such as applications, violations, and funds. She mentioned other municipalities which currently had art in public places programs. She discussed funding and felt \$250,000 would be ideal.

Ms. Irwin-Ferris recommended Staff make recommendations to the Council for final approvals. She continued to discuss types of artwork such as sculptures, murals or temporary installations for community outreach.

Ms. Irwin-Ferris stated some art would not be permitted such as reproductions, commercial expressions or standard manufacture.

Councilmember Bousquet asked the projected amount of generated revenue. Ms. Irwin-Ferris stated the projects would be smaller.

Councilmember Diaz asked were there any incentives for local artists. Ms. Irwin-Ferris replied not at this time.

The Council was in favor of the presentation and suggestions.

CONSENT AGENDA

- 4. Official Minutes:** City Council Special Meeting Minutes, March 29, 2022 and City Council Meeting Minutes April 4, 2022. - Quintella L. Moorner, City Clerk.
- 5. Resolution 2022-17:** Authorizing the execution of the FY 2021-2022 interlocal agreement between Palm Beach County and the City of Greenacres for the full reimbursement of emergency medical services grant equipment in the amount of \$9,415.00; and providing for an effective date. - Brian Fuller, Fire Rescue Chief.

- 6. Resolution 2022-18:** Supporting and approving the application for funding from the FY2023 Community Project Funding (CPF) through the Federal appropriation process. - Andrea McCue, City Manager.
- 7. Resolution 2022-19:** Satisfying certain liens imposed against residential property, pursuant to Section 15-31, City of Greenacres code. - Teri Beiriger, Director of Finance.
- 8. Resolution 2022-20:** Amending and adopting the personnel policies handbook; repealing all resolutions and Council Policies in conflict herewith; providing a conflicts clause and a severability clause; providing an effective date and for other purposes. - Suzanne Skidmore, Director of Human Resources.

Motion made by Deputy Mayor Tharp, Seconded by Councilmember Bousquet to approve the Consent Agenda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

REGULAR AGENDA

- 9. PUBLIC HEARING: Ordinance 2022-10: Second Reading:** Repealing Chapter 2 "Administration", Article 3 "Boards, Committees, Commissions", Division 2 "Code Enforcement"; adopting a new article 8 "Code Compliance"; providing for severability, preservation, conflicts, codification and an effective date. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2022-10 by title.

Ms. Irwin-Ferris addressed some questions from the First Reading of Ordinance 2022-10, such as the number of cases, types of cases, complaints and the notice process. She highlighted the number of liens and the process of compliance.

Ms. Irwin-Ferris reiterated the proposed changes to include the two notice of violation procedures, administrative cost, waiver of hearing and the citation procedure and ten percentage reduction of the lien and three percent reduction for homestead and also including amnesty. Staff recommend approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-10 on Second Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

- 10. Ordinance 2022-07: First Reading:** Amending Chapter 16, Article 3, District Regulations, Division 11, Commercial Intensive, Section 16-499(30) and Article 8, off-street parking and loading regulations, Section 16-1336 and Section 16-1338 to add stand alone car wash facility and allow for the use as a Special Exception in the Commercial Intensive (CI) zoning district; providing for repeal of conflicting ordinances; providing for severability; providing for inclusion in Code; and providing for an effective date. - Kara Irwin Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer read Ordinance 2022-07 by title.

Ms. Irwin-Ferris stated the zoning text amendment was for a stand-alone car wash as a special exception Commercial Intensive use that would not require to be co-located

adjacent to a full-service fuel station or gas station. Councilmember Noble suggested more visible signs and entrance from the road. Ms. Irwin-Ferris stated buffering would be required.

Ms. Irwin-Ferris mentioned some requirements such as an enclosed building except vacuuming facilities and air pumps were allowed outside, exterior detailing and waxing shall be prohibited.

Deputy Mayor Tharp was concerned about noise and questioned the hours of operation.

Representative, Mr. Dwayne Dickerson stated the hours were suggested for sun up to sun down. He mentioned around 7am - 9pm.

Councilmember Diaz asked had neighboring business been notified. Ms. Irwin-Ferris replied they would be in the next stages.

Mayor Flores questioned traffic issues along Lake Worth Road. Mr. Dickerson stated the site would address all traffic issues.

Staff recommend approval.

Motion made by Councilmember Noble, Seconded by Councilmember Bousquet to approve Ordinance 2022-07 on First Reading.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

11. QUASI-JUDICIAL: Replat of Braman Honda. - Kara Irwin-Ferris, Director of Development and Neighborhood Services.

City Clerk Moorer swore in one person.

Ms. Irwin-Ferris stated the history of the plat and the requirements.

Staff recommend approval.

Motion made by Councilmember Noble, Seconded by Deputy Mayor Tharp to approve the replat of Braman Honda.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

12. Appointment of Councilmember to serve on City Auditor Selection Committee. - Andrea McCue, City Manager.

Ms. McCue read the requirements of the City Auditor Selection Committee.

Councilmember Noble nominated Councilmember Dugo.

Motion made by Councilmember Noble, Seconded by Councilmember Diaz to select Councilmember Dugo as the Committee Member.

Voting Yea: Deputy Mayor Tharp, Councilmember Noble, Councilmember Dugo, Councilmember Diaz, and Councilmember Bousquet.

DISCUSSION ITEM

13. Greenacres American Legion Post 258. - Andrea McCue, City Manager.

Ms. McCue provided some background history and suggested non-profit fees for renting. She also suggested community outreach and possible assistance for community events.

Commander Johnny Castro stated they were investigating the reason why Post 258 was sold. He thanked the Council and Ms. McCue for their assistance. Mayor Flores thanked Sergeant for his assistance and said he would help out as much as possible.

Councilmember Dugo asked the number of meetings required. Commander Castro stated three per month.

14. Tree Removal and Replacement. - Andrea McCue, City Manager.

Ms. McCue highlighted some analysis and comments from legal counsel. Staff recommended maintaining the City's Code. She stated Park Pointe did not have a landscaping plan and she suggested they look into creating a plan.

Deputy Mayor Tharp suggested replacing the trees in Park Pointe.

Councilmember Noble asked whether a landscaping plan was required in communities. Ms. Irwin-Ferris said no and she explained the benefit of creating a plan. Councilmember Noble felt the issue was not a big deal and felt the trees should be replaced and the law should be changed. Ms. McCue said the City must follow the Code and acting in what was allowed as a Tree City USA Code. She stated a landscape plan would be beneficial.

Councilmember Diaz stated it was odd that the City does not protect people but would protect structures and buildings. Ms. McCue stated the City was following the law and the designation of Tree City USA. Councilmember Diaz suggested new development requirements should not enforce certain trees.

Mayor Flores suggested a transparent process for tree removal. Ms. Irwin-Ferris suggested regulations which would be enforceable. Ms. Christy Goddeau, Attorney suggested enforceable and consistency to reduce legal issues.

Deputy Mayor Tharp asked what was the time line and cost of a landscaping plan.

Councilmember Dugo suggested adding some flexibility to the Code.

The Council directed Staff to return with options that would encompass all concerns.

15. Appointment of Deputy Mayor. - Andrea McCue, City Manager.

Ms. McCue highlighted the City Charter relating to the selection of Deputy Mayor. Staff recommend revisiting the policy as directed by the Council.

Mayor Flores asked Mr. Charles Shaw, Charter Review Chair to add some insight.

Mr. Charles Shaw stated the past Attorney suggested passing an Ordinance to implement the selection of Deputy Mayor.

Mayor Flores suggested creating an ordinance and allow the Charter Review committee to revisit. The Council agreed.

16. Use of the City's Seal. - Andrea McCue, City Manager.

Ms. McCue highlighted there was no policy regarding the use of the City's seal. Ms. McCue stated Staff was open to directions.

Councilmember Dugo asked about City attire. Ms. McCue stated the use of City seal usage was hard policy. Ms. Goddeau usually stated the City's prohibited the use of third parties not for the use of City Officials.

The Council further discussed the use of the City seal. The consensus was to leave the Council Policy as it remains.

17. Use of City Commemoratives. - Andrea McCue, City Manager.

Mayor Flores highlighted the usage of the City's Coin usage. He felt the coin was issued for going far and above, inventory of the coin and whom received the coin. Councilmember Noble felt the coin requirements were ridiculous.

Councilmember Dugo explained why she issued her coins.

Councilmember Diaz felt the coins should be recorded as the coins were purchased with public funds. She also felt a process should be in place.

The Council consensus was for Staff to keep a record and that the coins were given based on a simple criteria.

18. Televising Council Meetings. - Andrea McCue, City Manager.

Ms. McCue stated the Chambers audio does need an upgrade and Staff was preparing to make recommendations to the Council for a full upgrade at the upcoming Budget meeting.

Mayor Flores stated the audio system was horrible. He felt a newer system with close caption, video and better audio would provide more transparency and engagement. He suggested adding to the upcoming budget. The consensus was to move forward with upgrading the audio system.

COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS

Mr. Leonard Grant of Two Pine Drive stated he witnessed some unacceptable language and felt such disrespect should not be tolerated from Councilmember Noble.

Mr. Nathan Galang of Catalina Place felt there were various moments of disrespect from Councilmember Noble to Staff and the Council.

CITY MANAGER'S REPORT

No report.

19. Community & Recreation Services Report.

20. Development and Neighborhood Services Report.

21. Finance Report.

22. Fire Rescue Report.

23. Information Technology Report.

24. PBSO- District 16 Report.

25. Youth Programs Report.

CITY ATTORNEY'S REPORT

No report.

MAYOR AND CITY COUNCIL REPORT

Councilmember Diaz congratulated Ms. Skidmore and City Clerk Moorer for their hard work.

Councilmember Noble stated the presentations were too long and suggested limiting one per meeting and 15 minutes maximum. He felt people should not criticize the Council.

Deputy Mayor Tharp congratulated Michele Thompson, Director of Community and Recreation Services for a job well done at the last event. He also suggested banning smoking in the parks. Councilmember Bousquet agreed.

Councilmember Bousquet congratulated Ms. Skidmore on an amazing job.

Mayor Flores felt the presentation from Senator Berman and Rep. Willhite were great. He was concerned with the housing price, he suggested finding a concept to assist.

ADJOURNMENT

9:40pm.

Joel Flores
Mayor

Quintella Moorer, CMC
City Clerk

Date Approved: _____



ITEM SUMMARY

MEETING DATE: May 2, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Ordinance 2022-07, ZTA-22-01**
Stand Alone Car Wash

BACKGROUND

On September 15, 2008, the City Council adopted Ordinance 2008-02 which provided for three (3) changes to the Zoning Code: provided a definition of “Stand Alone Car Wash Facility”, incorporated Stand-Alone Car Wash Facilities into the Commercial Intensive (CI) zoning district as a Special Exception use, and provided for off-street parking and loading requirements for this use. Before the amendment, car washes were only approved as accessory uses to existing full-service fuel stations and car dealerships, not as a stand alone use. The amendment allowed for a car wash to develop on a property provided it was located adjacent to an existing or planned full-service fuel station and provided cross access easements to the gas station. The City Council concurrently approved a Stand-Alone car wash as a special exception, Sparkles, submitted by the same applicant that was to be developed at 4605 Melaleuca Lane, adjacent to an existing Texaco gas station. The car wash was never developed, and the approvals expired on September 15, 2010. To date, the city has not approved another stand-alone car wash in the city.

Currently, the city has received an application to amend the code to allow for a stand-alone car wash use as a special exception within the Commercial Intensive (CI) zoning district that is not required to be co-located adjacent to a full-service fuel station or gas station. The proposed language includes increasing the distance requirement between car wash facilities from 1,500 feet to 3,000 feet, prohibiting exterior detailing and waxing, and requiring a landscape buffering for accessory equipment in the parking area of the site.

The proposed amendments maintain consistency between the Comprehensive Plan and Zoning Code by providing for appropriate commercial development and will allow the provision of additional amenities for the residents of the City. The proposed City criteria will provide greater protection for neighboring uses by increasing the separation requirement between the same two uses by an additional 1,500 feet, providing a minimum three thousand (3,000) feet between the same two uses. In addition, the City will require City Council approval through the Special Exception process and thus must meet a higher review threshold.

The Land Development Staff has reviewed these text amendments and is recommending approval. The Planning and Zoning Board of Appeals reviewed this staff-initiated text amendment on March 10, 2022, and recommended approval by a vote of 3-0. The City Council approved this petition on first reading April 18, 2022 by a vote of 5-0.

ANALYSIS

The proposed amendment was submitted by an applicant that also has submitted a concurrent development application for a stand-alone car wash in the city. Currently, car washes are only allowed as an accessory or adjacent use to a gas station or a full-service fuel station. The proposed amendments will provide adequate criteria for the review and approval of such an establishment as a principal use, as well as providing those specific conditions of approval can be imposed through the Special Exception process to ensure compatibility with the commercial intensive zoning district and surrounding properties. Given that there is a market demand for this use within the city, and it is already allowed in conjunction with gas stations, the proposed amendments are acceptable.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-07 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-22-01 through the adoption of Ordinance 2022-07.

ORDINANCE NO. 2022-07

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 16, ARTICLE III, DISTRICT REGULATIONS, DIVISION 11, COMMERCIAL INTENSIVE, SECTION 16-499(30) AND ARTICLE VIII, OFF-STREET PARKING AND LOADING REGULATIONS, SECTION 16-1336 AND SECTION 16-1338 TO ADD STAND ALONE CAR WASH FACILITY AND ALLOW FOR THE USE AS A SPECIAL EXCEPTION IN THE COMMERCIAL INTENSIVE (CI) ZONING DISTRICT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Dwayne Dickerson of Dunay, Miskel and Backman, LLP, agent for Vybe Acquisitions, LLC. has submitted a request for a zoning text amendment to revise Chapter 16, Article I (In General), Section 16-1 (Definitions); Article III (District Regulations), Division 11 (Commercial Intensive); and Article VIII (Off-Street Parking and Loading Regulations); and

WHEREAS, it has been determined, in accordance with the Land Development Staff Report and Recommendation, "Exhibit A" dated March 2, 2022 (attached), that certain amendments to the City's zoning regulations are appropriate; and

WHEREAS, the Planning and Zoning Board of Appeals, on March 10, 2022, held a duly advertised public hearing and recommended approval of ZTA-07-04 and adoption of Ordinance 2022-07 as presented by staff; and

WHEREAS, the City Council of Greenacres has held two (2) duly advertised public hearings to review this request; and

WHEREAS, the City Council of Greenacres finds that it is in the best interests of the citizens of the City of Greenacres that the provisions of Chapter 16, Article I, III, and VIII of the City's Zoning Code be amended; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres.

Ordinance No. 2022-07 | Stand-Alone Car Wash
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**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
GREENACRES, FLORIDA, THAT:**

Ordinance No. 2022-07 | Stand-Alone Car Wash

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SECTION 1. Chapter 16, Article III, Division 11 is hereby amended as follows:

* * * * *

[Sections 16-496 thru 16-498 to remain unchanged and are omitted for brevity]

Sec. 16-499. Special Exceptions.

[(1) thru (29) and (31) Omitted for Brevity]

(30) Stand-alone car wash facility:

- a. There shall be a minimum distance of ~~one thousand five hundred (1,500)~~ three thousand (3,000) feet shortest airline measurement between the nearest points of any two (2) parcels of land, located within city limits, occupied or to be occupied for stand-alone car wash facilities.
- b. ~~A stand-alone car wash facility shall only be located adjacent to an existing gas station or full service fuel station and, to the maximum extent possible, a vehicular cross connection shall be provided to the gas station.~~
- b. ~~e.~~ Stand-alone car wash facilities shall be limited to ~~county collector, urban minor arterial and urban principle arterial roadway systems.~~
- c. ~~d.~~ Outdoor storage is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- d. ~~e.~~ Outdoor display of merchandise is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- e. ~~f.~~ Hours of operation shall be limited through conditions of approval to promote compatibility with surrounding uses.
- f. ~~g.~~ A stand-alone car wash facility shall have staff on site at all times during the hours of operation.
- g. ~~h.~~ Off-street loading space(s) which are provided for the delivery of materials, merchandise, or any similar accessory or product, shall be in accordance with section 16-1336. In those instances where a loading zone is not required per section 16-1336, a Loading Zone Management Plan shall be submitted and approved by the city prior to site plan approval.
- h. ~~i.~~ Exterior loudspeakers or paging equipment are prohibited.
- i. ~~j.~~ All stand-alone car wash facilities must comply with the following architectural standards:
 - i. Exterior building material shall be stucco or a similar material presenting a high quality appearance.
 - ii. Buildings shall be designed to have the same architectural style and decorative elements on all sides.
 - iii. The colors of the building and accessory structures shall be compatible with the general character of the area.
 - iv. Elevations showing architectural details and colors shall be submitted as part of both the site and development plan and special exception applications.

Ordinance No. 2022-07 | Stand-Alone Car Wash

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- ~~j.~~ ~~k.~~ To protect landscape buffers and prevent unplanned access, a raised curb of at least six (6) inches in height shall be erected along all street property lines except for driveways.
- ~~k.~~ ~~l.~~ The car wash equipment shall use a ninety (90) percent water recycling system, utilizing one hundred (100) percent of the waste water.
- ~~l.~~ All washing facilities and equipment shall be within an enclosed building except that vacuuming facilities and air pumps may be located outside the building, subject to a limitation allowing operation of the exterior vacuum facilities and air pumps only during the hours of operation permitted for the stand-alone car wash facility under Section 16-499(30)e of this code.
- ~~m.~~ Exterior detailing and waxing shall be prohibited.
- ~~n.~~ Special landscape treatment shall be considered to mitigate the visual impact of exterior vacuum equipment on any adjacent right-of-way.
- ~~o.~~ If the opening of the car wash facility faces the adjacent right-of-way, then the opening shall be screened from view of the adjacent right-of-way to the greatest extent possible so that pass-by traffic cannot view the mechanical washing equipment inside the building.

Ordinance No. 2022-07 | Stand-Alone Car Wash

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SECTION 2. Chapter 16, Article VIII is hereby amended as follows:

* * * * *

[Sections 16-1331 thru 16-1335 to remain unchanged and are omitted for brevity]

Sec. 16-1336. Parking and loading requirement. Table 16-1336(B)

The following use is to be added between “Business offices & services” and “Child care center/preschool”. All other text to remain as-is and is omitted for brevity.]

TABLE 16-1336(B) PARKING SPACES; NON-RESIDENTIAL		
Use	Minimum parking requirements	Loading
Business offices & services	1 space per 200 sq. ft. of GFA	B
Car wash facility, stand alone	1 space per 200 sq. ft. of GFA devoted to offices, display area, customer waiting areas, break room and restrooms, plus 1 space per 1,000 sq. ft. of GFA devoted to other areas within enclosed building. In addition, 2 spaces per service/detail lane.; <u>spaces provided to serve self-service vacuum stations may be utilized to satisfy the minimum parking requirement detailed herein.</u>	B
Child care center/preschool	1 space per 200 sq. ft. of GFA & 2 drop off zone spaces	N/A

[Sections 16-1337 is omitted for brevity]

* * * * *

Sec. 16-1338. - Queuing requirements.

Requirements for drive-thru establishments are as follows:

- (1) Each queuing lane must be clearly designed and constructed so as not to conflict or interfere with ingress or egress from the site or with other traffic using the site. A queuing lane shall not share circulation with an access aisle.
- (2) ~~The minimum width of a bypass lane shall be ten (10) feet.~~ Bypass lanes shall be provided as follows:
 - a. Drive thru uses, excluding automated stand-alone car wash facilities, shall provide a continuous bypass lane with a minimum width of ten (10) feet, as illustrated in Figure 161338.
 - b. Automated stand-alone car wash facilities shall provide a point of bypass with a minimum width of ten (10) feet between the pay station and automated car wash tunnel.

Ordinance No. 2022-07 | Stand-Alone Car Wash

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- (3) Each queuing space shall be a minimum of ten (10) feet in width and twenty (20) feet in depth.
- (4) The minimum number of queuing spaces, including the vehicle being served, shall be provided in accordance with Table 16-1338 and Figure 16-1338.

[Sections 16-1339 thru 16-1340 to remain unchanged and are omitted for brevity]

* * * * *

SECTION 3. Repeal of Conflicting Ordinances.

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-

Ordinance No. 2022-07 | Stand-Alone Car Wash

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lettered to accomplish such intention, and that the word “Ordinance” may be changed to “Section”, “Article” or another word.

Section 6. Effective Date.

The provisions of this Ordinance shall become effective five (5) days after it is adopted.

(Remaining page is intentionally left blank)

Passed on the first reading this 18th day of April, 2022.

PASSED AND ADOPTED on the second reading this DD day of Month, 202Y.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

Voted:
Peter Noble, Council Member, *District II*

Voted:
Judith Dugo, Council Member, *District III*

Voted:
Suzy Diaz, Council Member, *District IV*

Voted:
Paula Bousquet, Council Member, *District V*

Approved as to Form and Legal Sufficiency:

Glen J. Torcivia, City Attorney

ZTA-22-01 (Ordinance 2022-07)
 Exhibit "A"
 Date: March 2, 2022

Revised: 03/10/2022

	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

Ordinance 2022-07: ZTA-22-01 – Stand Alone Car Wash

First Reading: A privately initiated Zoning Text Amendment from Dwayne Dickerson of Dunay, Miskel and Backman, LLP., agent for Vybe Acquisitions, LLC. for changes to the existing code requirements for a Stand-Alone Car Wash in the Commercial Intensive (CI) zoning district and related supplementary regulations for the use.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

<p>Originating Department:</p> <p>Planning & Engineering</p> <p>Project Manager</p> <p>_____</p> <p>Kara Ferris</p>	<p>Reviewed By:</p> <p>Director of Planning & Engineering</p> <p>_____</p> <p>Kara L. Irwin-Ferris, AICP</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input checked="" type="checkbox"/> Required</p> <p><input type="checkbox"/> Not Required</p> <p>PC Dates: 12/2/2021, 4/24/22</p> <p>Papers LWH</p> <p>Mailing:</p> <p><input type="checkbox"/> Required</p> <p><input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>

<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2022-07 	<p>City Council Action:</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

A privately initiated request to amend the City's Zoning Code to revise the established criteria for a Stand-Alone Car Wash. The applicant plans to propose stricter regulations for the use while removing the requirement for the use to be located adjacent to a full-service fuel station or an existing gas station. The current Stand-Alone Car Wash prohibits the development of the use without an adjacent full-service fuel station connected, to the maximum extent possible, through a vehicular cross connection.

The applicant has submitted a concurrent application for Site Plan Approval for a Stand-Alone Car Wash located at 6200 Lake Worth Road.

II. Background

On September 15, 2008, the City Council adopted Ordinance 2008-02 which provided for three (3) changes to the Zoning Code: provided a definition of "Stand Alone Car Wash Facility", incorporated Stand-Alone Car Wash Facilities into the Commercial Intensive (CI) zoning district as a Special Exception use, and provided for off-street parking and loading requirements for this use. Before the amendment, car washes were only approved as accessory uses to existing full-service fuel stations and car dealerships, not as a stand alone use. The amendment allowed for a car wash to develop on a property provided it was located adjacent to an existing or planned full-service fuel station and provided cross access easements to the gas station. The City Council concurrently approved a Stand-Alone car wash as a special exception, Sparkles, submitted by the same applicant that was to be developed at 4605 Melaleuca Lane, adjacent to an existing Texaco gas station. The car wash was never developed, and the approvals expired on September 15, 2010. To date, the city has not approved another stand-alone car wash in the city.

Currently, the city has received an application to amend the code to allow for a stand-alone car wash use as a special exception within the Commercial Intensive (CI) zoning district that is not required to be co-located adjacent to a full-service fuel station or gas station. The proposed language includes increasing the distance requirement between car wash facilities from 1,500 feet to 3,000 feet, prohibiting exterior detailing and waxing, and requiring a landscape buffering for accessory equipment in the parking area of the site.

The proposed amendments maintain consistency between the Comprehensive Plan and Zoning Code by providing for appropriate commercial development and will allow the provision of additional amenities for the residents of the City. The proposed City criteria will provide greater protection for neighboring uses by increasing the separation requirement between the same two uses by an additional 1,500 feet, providing a minimum three thousand (3,000) feet between the same two uses. In addition, the City will require City Council approval through the Special Exception process and thus must meet a higher review threshold.

III. Proposed Zoning Code Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Text shown in ~~strike through~~ is to be deleted. Text shown in underline (proposed by applicant) and double underline (proposed by staff) is to be added:

Proposed Change #1

ARTICLE III. DISTRICT REGULATIONS

DIVISION 11. COMMERCIAL INTENSIVE (CI)

Sec. 16-499. Special Exceptions.

The following are special exceptions, subject to the provisions of section 16-474 et seq. in the Commercial Intensive (CI) district:

[(1) thru (29) and (31) Omitted for Brevity]

(30) Stand-alone car wash facility:

- a. There shall be a minimum distance of ~~one thousand five hundred (1,500)~~ three thousand (3,000) feet shortest airline measurement between the nearest points of any two (2) parcels of land, located within city limits, occupied or to be occupied for stand-alone car wash facilities.
- b. ~~A stand alone car wash facility shall only be located adjacent to an existing gas station or full service fuel station and, to the maximum extent possible, a vehicular cross connection shall be provided to the gas station.~~
- b. ~~e.~~ Stand-alone car wash facilities shall be limited to ~~county collector, urban minor arterial and urban principle arterial roadway systems.~~
- c. ~~d.~~ Outdoor storage is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- d. ~~e.~~ Outdoor display of merchandise is prohibited. All merchandise, parts and supplies shall be located within a completely enclosed building.
- e. ~~f.~~ Hours of operation shall be limited through conditions of approval to promote compatibility with surrounding uses.
- f. ~~g.~~ A stand-alone car wash facility shall have staff on site at all times during the hours of operation.
- g. ~~h.~~ Off-street loading space(s) which are provided for the delivery of materials, merchandise, or any similar accessory or product, shall be in accordance with section 16-1336. In those instances where a loading zone is not required per section 16-1336, a Loading Zone Management Plan shall be submitted and approved by the city prior to site plan approval.
- h. ~~i.~~ Exterior loudspeakers or paging equipment are prohibited.
- i. ~~j.~~ All stand-alone car wash facilities must comply with the following architectural standards:

- i. Exterior building material shall be stucco or a similar material presenting a high quality appearance.
- ii. Buildings shall be designed to have the same architectural style and decorative elements on all sides.
- iii. The colors of the building and accessory structures shall be compatible with the general character of the area.
- iv. Elevations showing architectural details and colors shall be submitted as part of both the site and development plan and special exception applications.
- j. ~~k.~~ To protect landscape buffers and prevent unplanned access, a raised curb of at least six (6) inches in height shall be erected along all street property lines except for driveways.
- k. ~~l.~~ The car wash equipment shall use a ninety (90) percent water recycling system, utilizing one hundred (100) percent of the waste water.
- l. All washing facilities and equipment shall be within an enclosed building except that vacuuming facilities and air pumps may be located outside the building, subject to a limitation allowing operation of the exterior vacuum facilities and air pumps only during the hours of operation permitted for the stand-alone car wash facility under Section 16-499(30)e of this code.
- m. Exterior detailing and waxing shall be prohibited.
- n. Special landscape treatment shall be considered to mitigate the visual impact of exterior vacuum equipment on any adjacent right-of-way.
- o. If the opening of the car wash facility faces the adjacent right-of-way, then the opening shall be screened from view of the adjacent right-of-way to the greatest extent possible so that pass-by traffic cannot view the mechanical washing equipment inside the building.

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Proposed Change #2

ARTICLE VIII. OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 16-1336. Parking and loading requirement. Table 16-1336(B)

[All other text to remain as-is and is omitted for brevity.]

TABLE 16-1336(B) PARKING SPACES; NON-RESIDENTIAL		
Use	Minimum parking requirements	Loading
Business offices & services	1 space per 200 sq. ft. of GFA	B
Car wash facility, stand alone	1 space per 200 sq. ft. of GFA devoted to offices, display area, customer waiting areas, break room and restrooms, plus 1 space per 1,000 sq. ft. of GFA devoted to other areas within enclosed building. In addition, 2 spaces per service/detail lane.;	B

	<u>spaces provided to serve self-service vacuum stations may be utilized to satisfy the minimum parking requirement detailed herein.</u>	
Child care center/preschool	1 space per 200 sq. ft. of GFA & 2 drop off zone spaces	N/A

Proposed Change #3

Article VIII. OFF-STREET PARKING AND LOADING REGULATIONS

Sec. 16-1338. - Queuing requirements.

Requirements for drive-thru establishments are as follows:

- (1) Each queuing lane must be clearly designed and constructed so as not to conflict or interfere with ingress or egress from the site or with other traffic using the site. A queuing lane shall not share circulation with an access aisle.
- (2) ~~The minimum width of a bypass lane shall be ten (10) feet.~~ Bypass lanes shall be provided as follows:
 - a. Drive thru uses, excluding automated stand-alone car wash facilities, shall provide a continuous bypass lane with a minimum width of ten (10) feet, as illustrated in Figure 161338.
 - b. Automated stand-alone car wash facilities shall provide a point of bypass with a minimum width of ten (10) feet between the pay station and automated car wash tunnel.
- (3) Each queuing space shall be a minimum of ten (10) feet in width and twenty (20) feet in depth.
- (4) The minimum number of queuing spaces, including the vehicle being served, shall be provided in accordance with Table 16-1338 and Figure 16-1338.

IV. Staff Analysis:

The proposed amendment was submitted by an applicant that also has submitted a concurrent development application for a stand-alone car wash in the city. Currently, car washes are only allowed as an accessory or adjacent use to a gas station or a full-service fuel station. The proposed amendments will provide adequate criteria for the review and approval of such an establishment as a principal use, as well as providing those specific conditions of approval can be imposed through the Special Exception process to ensure compatibility with the commercial intensive zoning district and surrounding properties. Given that there is a market demand for this use within the city, and it is already allowed in conjunction with gas stations, the proposed amendments are acceptable.

Land Development Staff Comments:

The petition was reviewed by the Land Development Staff on February 10, 2022, and February 17, 2022 and recommended for approval.

Planning and Engineering Department:	Incorporated into the change
Building Department:	No objections
Fire Rescue Department:	No objections
Public Works Department:	No objections
PBSO District #16	No objections

V. Zoning Text Amendment Criteria:**A. *The need and justification for these changes:***

The principal intent of these proposed text amendments to the Zoning Code is to allow for stand-alone car wash facilities. Currently, car washes are only allowed as an accessory or adjacent use to a gas station or a full-service fuel station. The proposed amendments will ensure that there are adequate criteria for the review and approval of such establishments as a principal use, as well as providing those specific conditions of approval can be imposed through the Special Exception process to ensure compatibility with the commercial intensive zoning district and surrounding properties. Given that there is a market demand for this use within the city, and it is already allowed in conjunction with gas stations, the proposed amendments are acceptable.

B. *The relationship of the proposed amendments to the purpose and objectives of the City's Comprehensive Plan, and whether the proposed change will further the purposes of the City's Zoning Code regulations and other City codes, regulations and actions designed to implement the Comprehensive Plan.*

The proposed amendments are consistent with the Goals, Objectives and Policies of the City's Comprehensive Plan, specifically, Goal 1 of the Future Land Use Element. This states that it shall be the goal of the City of Greenacres to achieve a high quality living environment by ensuring that the character and location of land use maximizes the potential for economic benefit and the enjoyment of natural and man-made resources by the citizenry while respecting the integrity of the natural environment by minimizing the threat to health, safety and welfare posed by incompatible land use and environmental degradation. Furthermore, the proposed amendments are consistent with Objective 1 Policy b) of the Future Land Use Element that states that higher intensities and densities of development shall be located within spheres of activity and along major corridors where public facilities are available (such as Commercial Intensive zoned properties).

Overall, the proposed zoning text amendment will enhance economic opportunities while ensuring that appropriate regulations are incorporated to ensure the health,

safety, and welfare of the residents of the City, thus assuring consistency with both the Comprehensive Plan and the Zoning Code.

VI. Staff Recommendation:

Approval of ZTA-22-01 through the adoption of Ordinance 2022-07.

**PLANNING AND ZONING BOARD OF APPEALS
RECOMMENDATION – March 10, 2022**

The Planning Commission on a motion made by Commissioner Roberts and seconded by Commissioner Edmundson, by a vote of three (3) to zero (0) recommended approval of Zoning Text Amendment *ZTA-22-01 (Stand Alone Car Wash)* as presented by staff.

CITY COUNCIL ACTION First Reading – April 18, 2022

The City Council on a motion made by Councilmember Noble and seconded by Councilmember Bousquet, by a vote of five (5) to zero (0) recommended approval of Zoning Text Amendment *ZTA-22-01 (Stand Alone Car Wash)* on first reading as presented by staff.

CITY COUNCIL ACTION Adoption Hearing – May 2, 2022



ITEM SUMMARY

MEETING DATE: May 2, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: Ordinance 2022-09, ZTA-22-06
Click2Enter

BACKGROUND

The City of Greenacres has dozens of gated communities. When emergency responders receive a call from within a gated community, they currently enter the development through a Knox-box rapid entry system -- a locked box that contains an electronic key switch. The Knox-box system, which is manufactured by the Knox Corporation of Irvine, Calif., forces fire officers to get out of their vehicles, use the Knox-box key to open the gate and then lock the gate. At the time, this was the most advanced system available for first responders.

However, there is now available remote-control systems. Click2Enter does away with all of the cumbersome keys, access control codes, and remote-control actuators, because every emergency response vehicle and responder carries the key-their mobile or portable radio transceiver. Just a simple 'click' of the radio transmitter button is all that is required to open gates.

ANALYSIS

This is a City staff-initiated code change to provide more efficient and effective gate control devices for use by our first responders. The City currently requires Knox-box rapid entry which forces emergency responders to get out of their vehicles, use the Knox-box key, open the gate, and then lock the gate. There is now available a system which allows first responders to use their vehicle's radio to access the community's gate controls. By using this method in addition to the Knox-box rapid entry, it will:

1. Improve response times - No keys to find, codes to remember, or calls to dispatch required.
2. Allow mutual aid vehicles to access the community without having to wait for the key to be returned when the first vehicle answers an emergency call.

By requiring the Click2enter system when a new community is developed or when an established community refurbishes its gate, it is providing the community time to obtain the revenue to pay for the new Click 2enter system which is estimated to cost approximately \$1,200.00.

FINANCIAL INFORMATION

N/A

LEGAL

Ordinance 2022-09 was prepared in accordance with all applicable state statutes and City Code Requirements.

STAFF RECOMMENDATION

Approval of ZTA-22-06 through the adoption of Ordinance 2022-09.

ORDINANCE NO. 2022-09

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING THE CODE OF ORDINANCES AT CHAPTER 5, FIRE PREVENTATION AND PROTECTION, BY ADDING SECTION 5-11, PUBLIC SAFETY ACCESS TO GATED COMMUNITIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, the City of Greenacres, Florida (the “City”) is a duly constituted municipality having such home rule power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, the City’s Fire Department currently utilizes community-installed Knox Rapid Entry Systems (“Knox boxes”) to gain entry to gated communities in response to emergency calls; and

WHEREAS, Knox boxes sometimes delay the Fire Department’s ability to access gated communities because not every emergency responder has access to the Knox boxes; and

WHEREAS, Click2Enter is newer technology that allows access to such gated communities through a radio transmission system configured to the assigned Fire Department radio frequency; and,

WHEREAS, the Fire Department desires gated communities in the City to utilize both gate access systems (Knox box and Click2Enter) to enhance the Fire Department’s ability to respond to emergency calls as quickly as possible; and

WHEREAS, it has been determined, in accordance with the Development Review Committee Staff Report and Recommendation, “Exhibit A” dated March 10, 2022 (attached) that the amendments to the City’s Code of Ordinance as set forth herein are necessary for the protection of life-safety and are appropriate; and

WHEREAS, the City Council deems approval of this Ordinance to be in the best interest of the residents and citizens of the City of Greenacres and serve a valid public purpose.

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

SECTION 1. Chapter 5 of the City of Greenacres Code of Ordinance, entitled “Fire Prevention and Protection”, is hereby amended as follows (additions are indicated by underscoring and deletions are indicated by ~~strikeout~~):

Chapter 5 – FIRE PREVENTION AND PROTECTION

Sec. 5-11 – Public Safety Access to Gated Communities

(a) In all new and existing developments where the fire department’s access is through a gate, barrier arm, or other secured access, there shall be installed a Knox rapid entry system (“Knox box”) and a Click2Enter radio transmission system at the development’s expense. The Click2Enter system shall be a “C2E” radio transmission system configured to the assigned fire department radio frequency.

(b) New developments, which are developments that have not received a certificate for occupancy for all planned dwelling units and/or the common areas, shall have six (6) months from the date of adoption of this section to install the required Knox box and Click2Enter system as required by this section. Existing developments shall have three (3) years from the date of adoption of this section to install a Knox box and Click2Enter system as required by this section.

(c) For installation of the Click2Enter system, the development shall obtain a building permit and pass final inspection, which shall include approval from the City’s Fire Marshall.

(d) Any entity or person who violates any provision of this section or fails to comply therewith shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each day said violation shall exist or be permitted to exist and each day shall constitute a separate violation. The City may utilize any legal means available to enforce the provisions of this section including, without limitation, code compliance procedures.

SECTION 2. Repeal of Conflicting Ordinances.

All ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 4. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section", "Article" or another word.

SECTION 5. Effective Date

The provisions of this Ordinance shall become effective upon adoption.

Passed on the first reading this 2ND day of May 2022.

PASSED AND ADOPTED on the second reading this 16th day of May, 2022.

Joel Flores, Mayor

Voted:
John Tharp, Deputy Mayor

Attest:

Quintella Moorer, City Clerk

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

ZTA-22-06 (Ordinance 2022-09)
 Date: March 10, 2022

Revised:

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

Ordinance 2022-09: Click2Enter

First Reading: A City-initiated request for a text amendment that requires gated communities within the City of Greenacres to install Knox-Boxes and Click2Enter to allow access to their development by emergency responders.

- Recommendation to APPROVE
 Recommendation to DENY

- Quasi-Judicial
 Legislative
 Public Hearing

<p>Originating Department:</p> <p>Development and Neighborhood Services</p> <p>Project Manager</p> <p>_____</p> <p>Caryn Gardner-Young, Zoning Administrator</p>	<p>Reviewed By:</p> <p>Director of Development and Neighborhood Services</p> <p>_____</p> <p>Kara L. Irwin-Ferris, AICP</p>
<p>Approved By:</p> <p>City Manager</p> <p>_____</p> <p>Andrea McCue</p>	<p>Public Notice:</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Dates:</p> <p>Paper: The Lake Worth Herald</p> <p>Mailing</p> <p><input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required</p> <p>Notice Distance: _____</p>
<p>Attachments:</p> <ul style="list-style-type: none"> • Ordinance 2022-09__ 	<p>City Council Action:</p> <p><input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____</p>

I. Executive Summary

The City of Greenacres has dozens of gated communities. When emergency responders receive a call from within a gated community, they currently enter the development through a Knox-box rapid entry system -- a locked box that contains an electronic key switch. The Knox-box system, which is manufactured by the Knox Corporation of Irvine, Calif., forces fire officers to get out of their vehicles, use the Knox-box key to open the gate and then lock the gate. At the time, this was the most advanced system available for first responders.

However, there is now available remote-control systems. Click2Enter does away with all of the cumbersome keys, access control codes, and remote-control actuators, because every emergency response vehicle and responder carries the key-their mobile or portable radio transceiver. Just a simple 'click' of the radio transmitter button is all that is required to open gates.

II. Proposed Zoning Text Amendments:

The following Zoning Code regulations are impacted by the proposed Zoning Text Amendments. Items which are proposed for deletion are in **Strike-Through**, items proposed for addition are in **Single Underline**.

Proposed Change

Chapter 5 – FIRE PREVENTION AND PROTECTION

Sec. 5-11 – Public Safety Access to Gated Communities

(a) In all new and existing developments where the fire department’s access is through a gate, barrier arm, or other secured access, there shall be installed a Knox rapid entry system (“Knox box”) and a Click2Enter radio transmission system at the development's expense. The Click2Enter system shall be a “C2E” radio transmission system configured to the assigned fire department radio frequency.

(b) New developments, which are developments that have not received a certificate for occupancy for all planned dwelling units and/or the common areas, shall have six (6) months from the date of adoption of this section to install the required Knox box and Click2Enter system as required by this section. Existing developments shall have three (3) years from the date of adoption of this section to install a Knox box and Click2Enter system as required by this section.

(c) For installation of the Click2Enter system, the development shall obtain a building permit and pass final inspection, which shall include approval from the City’s Fire Marshall.

(d) Any entity or person who violates any provision of this section or fails to comply therewith shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each day said violation shall exist or be permitted to exist and each day shall constitute a separate violation. The City may utilize any legal means available to enforce the provisions of this section including, without limitation, code compliance procedures.



IV. Staff Analysis:

This is a City staff-initiated code change to provide more efficient and effective gate control devices for use by our first responders. The City currently requires Knox-box rapid entry which forces fire officers to get out of their vehicles, use the Knox-box key, open the gate, and then lock the gate. There is now available a system which allows first responders to use their vehicle's radio to access the community's gate controls. By using this method in addition to the Knox-box rapid entry, it will:

1. Improve response times - No keys to find, codes to remember, or calls to dispatch required.
2. Allow mutual aid vehicles to access the community without having to wait for the key to be returned when the first vehicle answers an emergency call.

By requiring the Click2enter system when a new community is developed or when an established community refurbishes its gate, it is providing the community time to obtain the revenue to pay for the new Click 2enter system which is estimated to cost approximately \$1,200.00.

The Development Review Committee Staff met on April 14, 2022 and April 21, 2022, to discuss the proposed amendment. No objections were received.

Planning, GIS, and Engineering Department:	No objections
Building Department	Comments Included in the Staff Report
Fire Rescue Department	No objections
Public Works Department	No objections
PBSO District #16	Comments Included in the Staff Report

IV. Staff Recommendation:

Approval of ZTA- 22-06 through the adoption of Ordinance 2022-09.

CITY COUNCIL ACTION First Reading – May 2, 2022

CITY COUNCIL ACTION Adoption Hearing – May 16, 2022



ITEM SUMMARY

MEETING DATE: May 2, 2022

FROM: Kara Irwin-Ferris, AICP, Development & Neighborhood Services Director

SUBJECT: **Class III Site Plan Amendment SP-08-01C**
Church of God 7th Day of Palm Beach

BACKGROUND

BACKGROUND:

On March 28, 2022, Pastor A.A. Donaldson of the Church of God 7th Day Palm Beach, requested an amendment to the Site and Development Plan for the church property located at 3571 S. Jog Road. The subject site plan was approved by the City Council on August 17, 2009, as SP-08-01 for a multi-phase 17,314 square foot church and 50-child childcare center. On November 9, 2011, a site plan amendment (SP-08-01A) was previously approved for landscape and elevation revisions. On December 3, 2018, site plan amendment (SP-08-01B) was denied to approve the modification to the previously approved roofing material. The applicant is once again requesting to maintain the existing red three-tab shingle roof as is and not replace or overlay it with the approved surrey beige metal seam roof.

ANALYSIS

The proposed amendment SP-08-01C will modify the approved elevations by changing the previously approved metal roof to a red three-tab shingle roof.

FINANCIAL INFORMATION

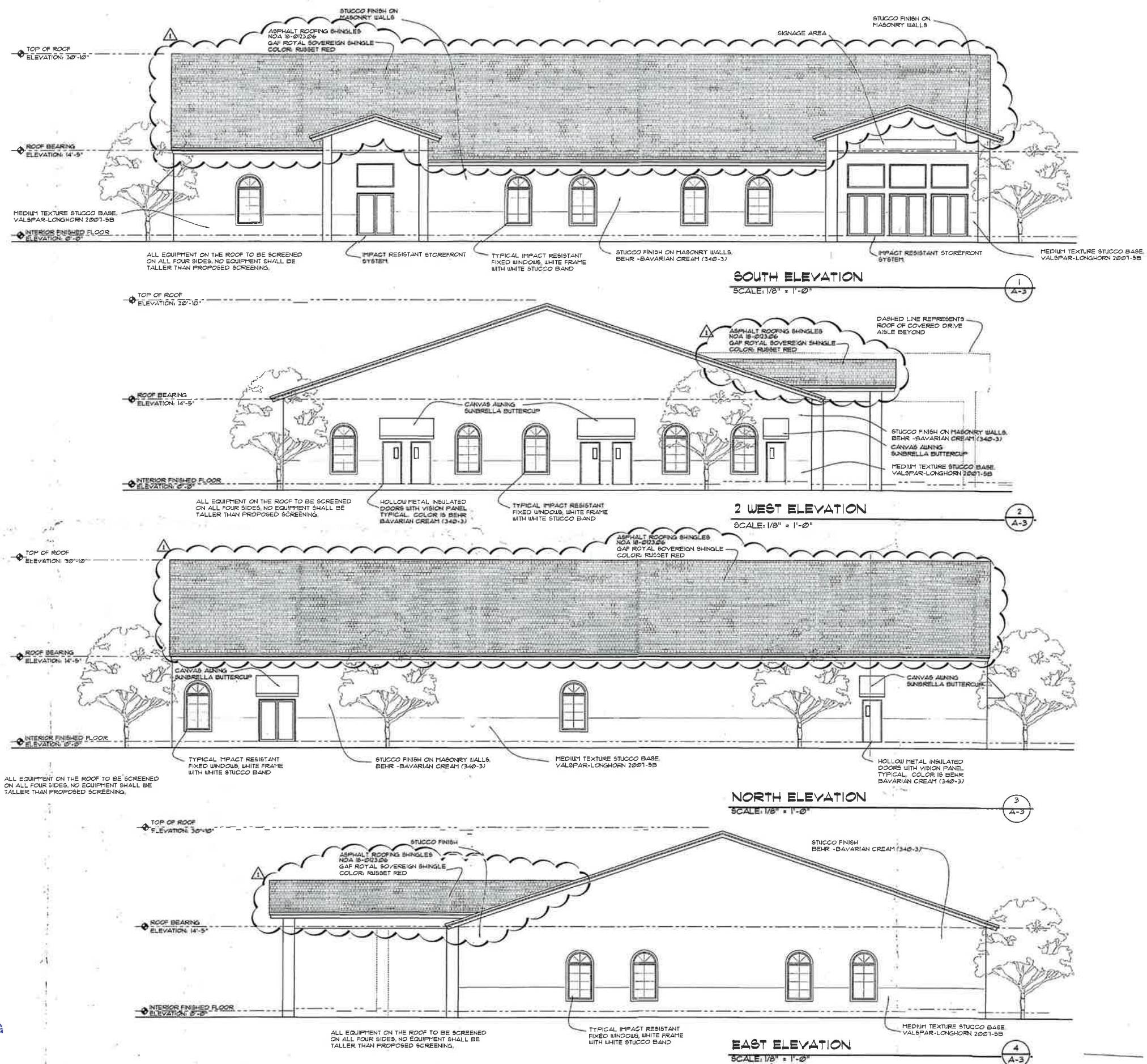
N/A

LEGAL

The site and development plan amendment has been reviewed in accordance with applicable City Code requirements.

STAFF RECOMMENDATION

There is not a Code requirement or design standard for the subject site that require the approved metal roof. Staff awaits direction from the City Council on the proposed roofing material amendment. Staff does not recommend approval of the proposed amendment.



Revisions:

- 1 11-3-18 OWNER REVISIONS
- 2
- 3
- 4
- 5

Project Number
 101206

CHURCH OF GOD SEVENTH DAY
 CHURCH OF PALM BEACH
 NEW CHURCH BUILDING
 3535 JOG ROAD
 GREEN ACRES, FLORIDA 33467

Project Name
 CHURCH OF GOD SEVENTH DAY

STEPHEN BRASGALLA,
 ARCHITECT
 STATE OF FLORIDA
 REGISTRATION NO. AN2222

6951 WEST ROYAL PALM BLVD
 SUITE 100
 PLANTATION, FLORIDA 33322
 TEL: 954.385.1111
 FAX: 954.385.1112



Drawn By: CGL	Checked By: STB
Scale: SHOWN	Date: 9-5-18

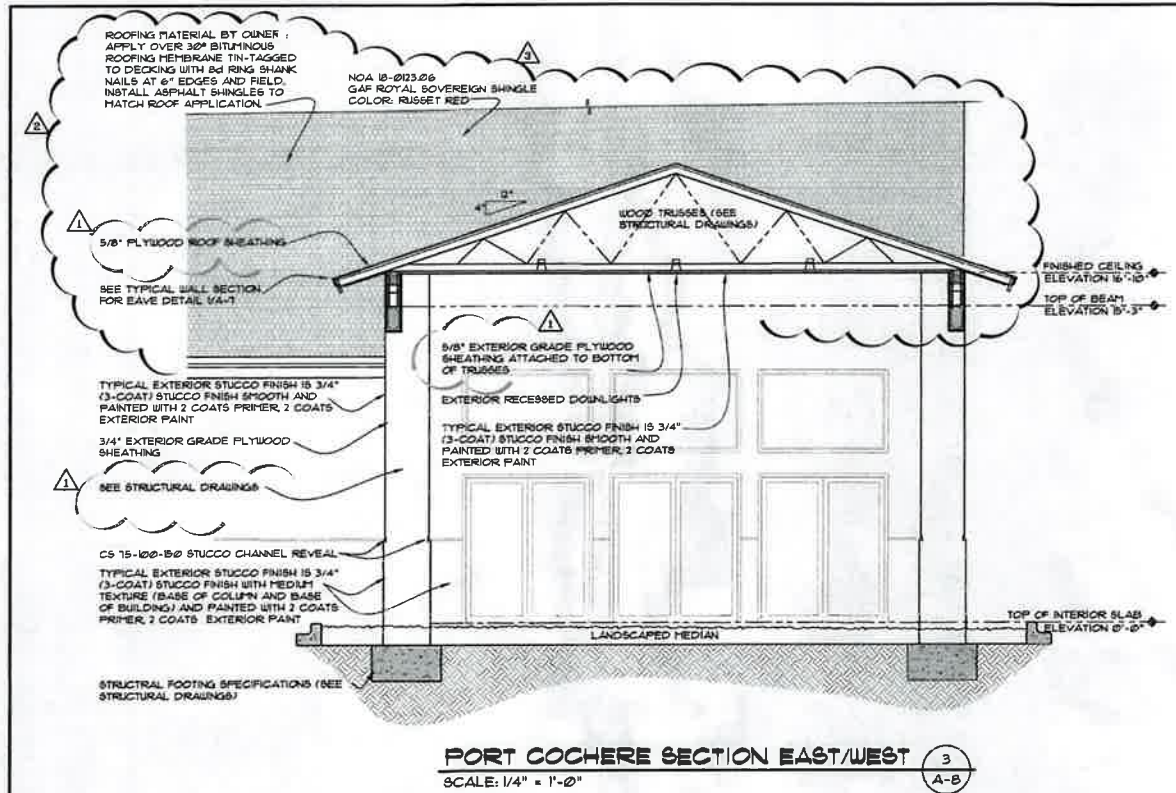
Project Number
 101206

A - 3

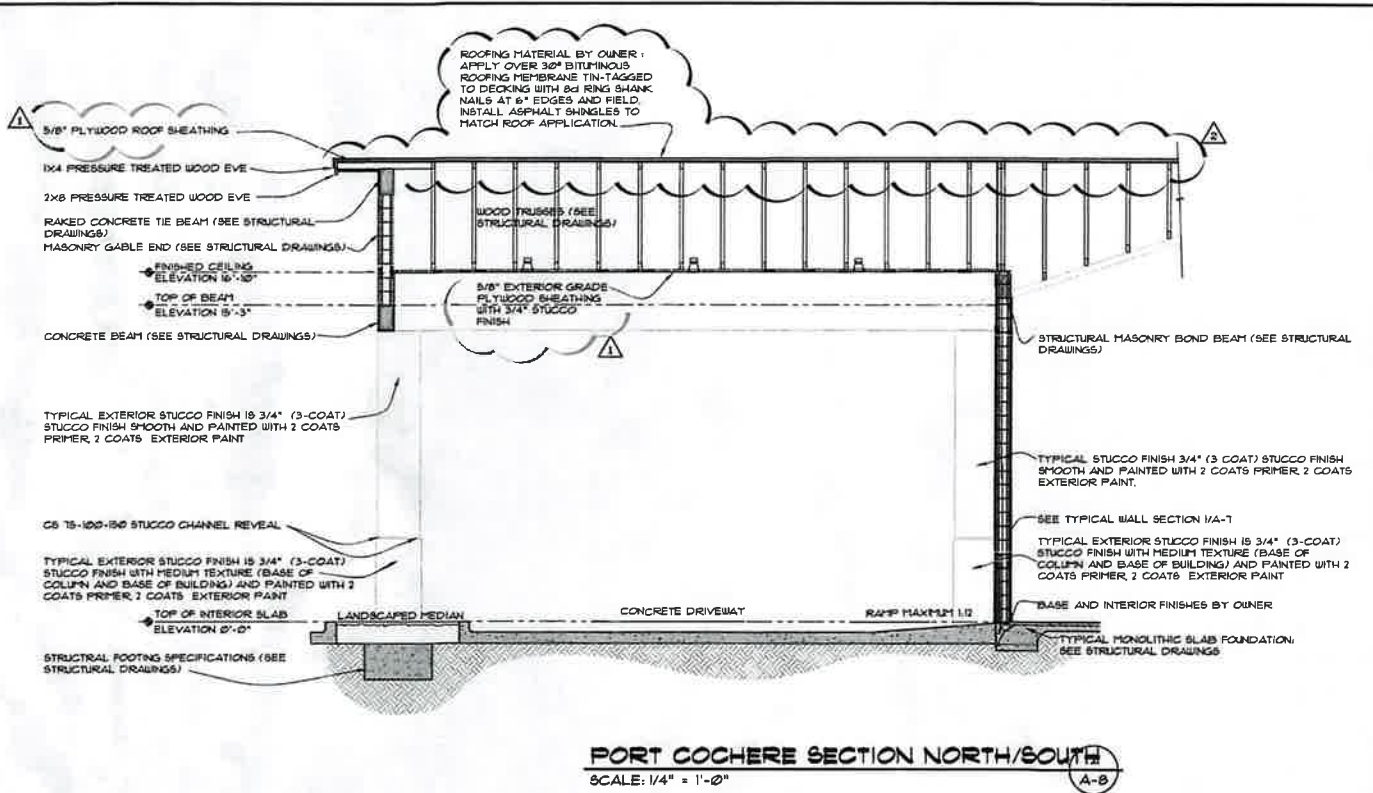
RECEIVED by
 CITY OF GREENACRES

MAR 28 2022

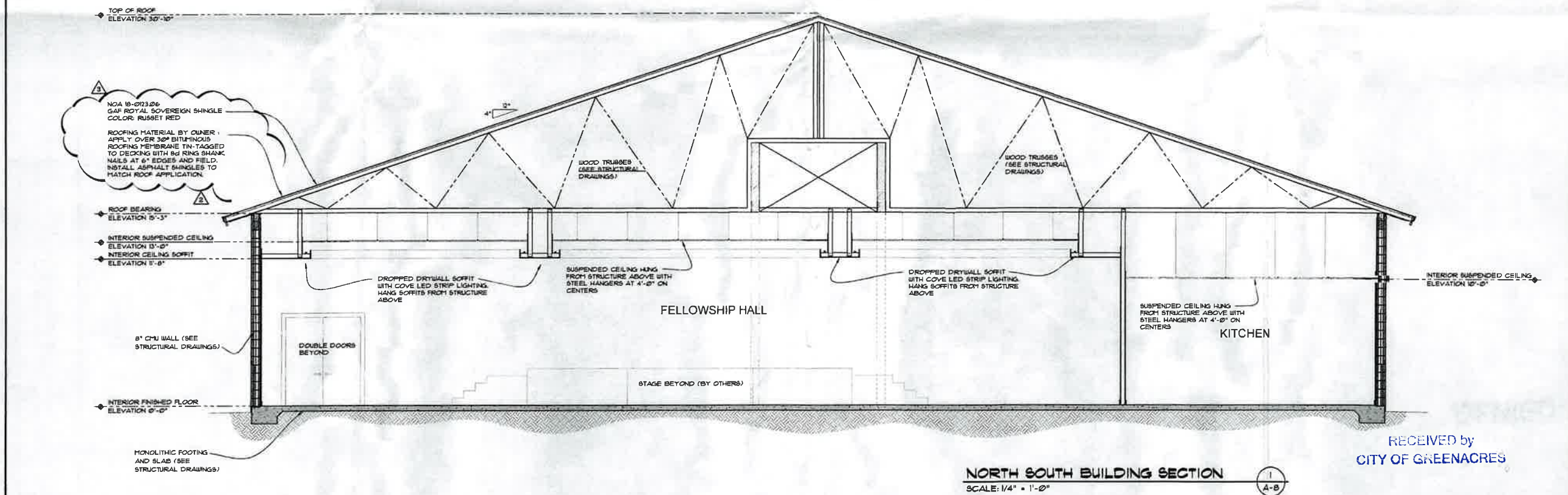
PLANNING & ENGINEERING



PORT COCHERE SECTION EAST/WEST
SCALE: 1/4" = 1'-0"
3
A-B



PORT COCHERE SECTION NORTH/SOUTH
SCALE: 1/4" = 1'-0"
A-B



NORTH SOUTH BUILDING SECTION
SCALE: 1/4" = 1'-0"
1
A-B

Revisions:

- 4-2-15 BUILDING DEPARTMENT COMMENTS
- 9-18-18 OWNER REVISIONS
- 11-9-18 OWNER REVISIONS

Project Number
101206

CHURCH OF GOD SEVENTH DAY
CHURCH OF PALM BEACH
NEW CHURCH BUILDING
3535 JOG ROAD
GREENACRES, FLORIDA 33467

Project Name
CHURCH OF GOD SEVENTH DAY

STEPHEN BRASGALLA, ARCHITECT
STATE OF FLORIDA REGISTRATION NO. AB12235
1001 WEST BOWWARD BOULEVARD SUITE 100 PALM BEACH, FLORIDA 33411
TELEPHONE 561.614.3901 TELEFAX 561.604.2803 ARCHITECT'S DESIGN NO. 000

[Signature]
11-9-18

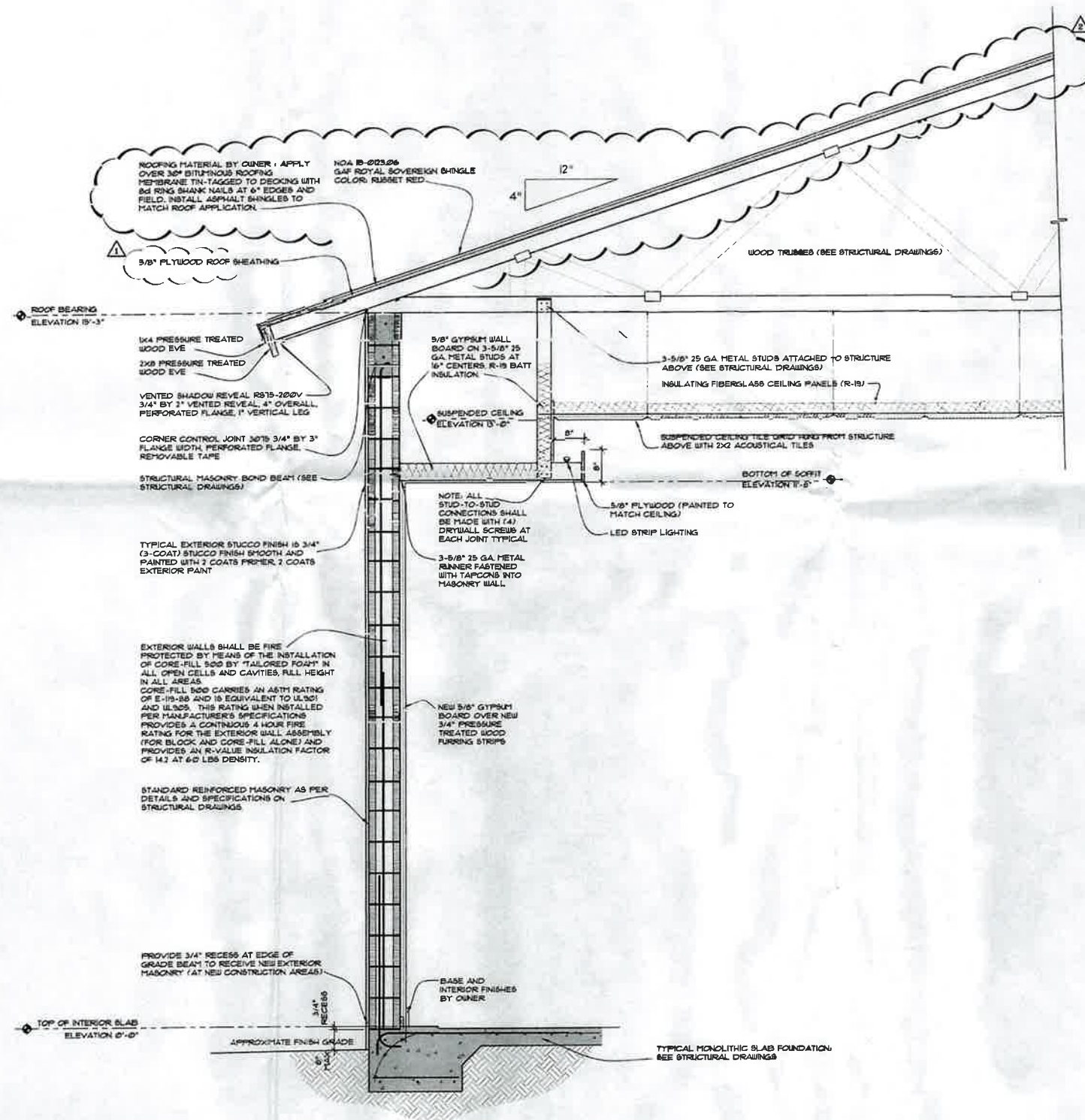
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CITY OF GREENACRES

MAR 28 2022

PLANNING & ENGINEERING

Drawn By: C.G.L.	Checked By: S.T.B.
Scale: SHOWN	Date: 9-28-12
Project Number 101206	

A - 8

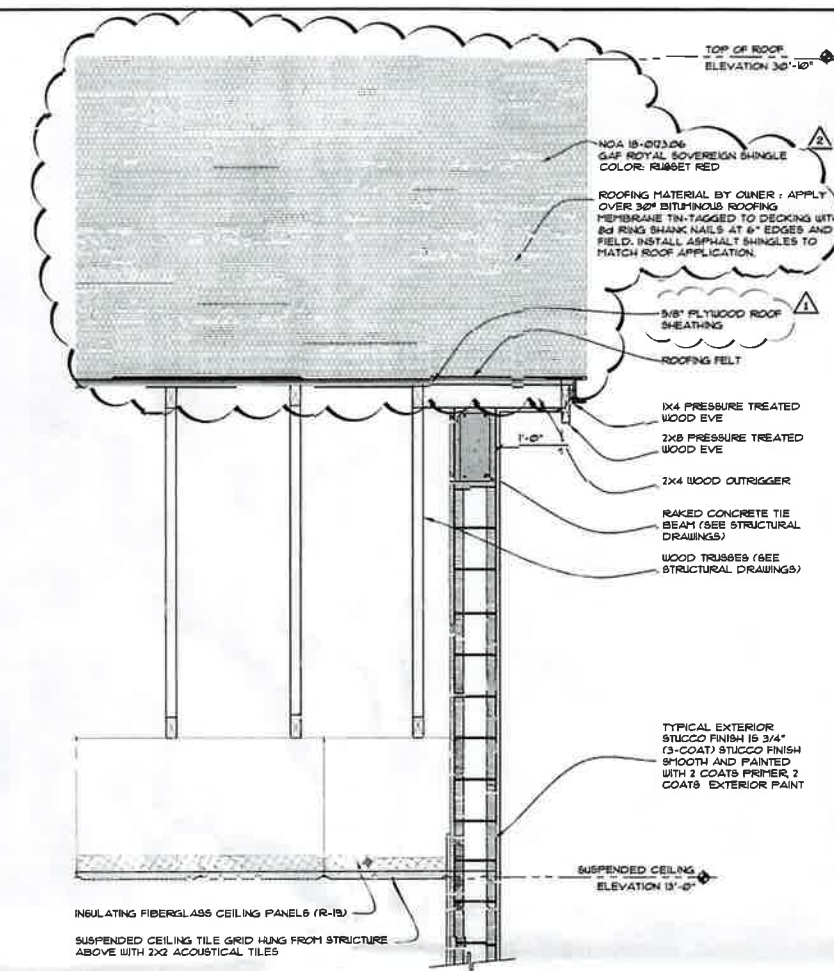


TYPICAL WALL SECTION
SCALE: 3/4" = 1'-0"

2
A-7

WALL/ROOF SECTION AT GABLE END
SCALE: 3/4" = 1'-0"

1
A-7



Revisions:

▲	A-E BUILDING DEPARTMENT COMMENTS
▲	B-18-18 OWNER REVISIONS
▲	
▲	

Project Number
101206

CHURCH OF GOD SEVENTH DAY
CHURCH OF PALM BEACH
NEW CHURCH BUILDING
3535 JOG ROAD
GREENACRES, FLORIDA 33467

Project Name
CHURCH OF GOD SEVENTH DAY

STEPHEN BRASGALLA,
ARCHITECT
STATE OF FLORIDA
REGISTRATION NO. AB12239
6901 WEST BIRCHWOOD BOULEVARD
SUITE 100
PLANTATION, FLORIDA 33317
TELEPHONE 954-914-8801
TELEFAX 954-304-3400
ARCHITECT & ENGINEER

[Signature]
11/9/18

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PLANNING & ENGINEERING

Drawn By: CGL	Checked By: STB
Scale: SHOWN	Date: 9-28-12
Project Number 101206	

Sheet
A-7

SP 08 01(C)
Exhibit "A"
Date: April 15, 2022

Revised:

	LAND DEVELOPMENT STAFF REPORT AND RECOMMENDATION
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Subject/Agenda Item:

SP-08-01 (C) – Church of God Seventh Day of Palm Beach

Consideration of approval: Site Plan Amendment to modify the approved roof material for the approved House of Worship with associated Child Care Center located at the southwest corner of South Jog Road and Chickasaw Road.

Recommendation to APPROVE

Recommendation to DENY

Quasi-Judicial

Legislative

Public Hearing

Originating Department: Planning & Engineering Project Manager _____ Kara L. Irwin-Ferris, AICP	Reviewed By: Director of Planning & Engineering _____ Kara L. Irwin-Ferris, AICP
Approved By: City Manager _____ Andrea McCue	Public Notice: <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Dates: Papers: Mailing <input type="checkbox"/> Required <input checked="" type="checkbox"/> Not Required Notice Distance: _____

Attachments: <ul style="list-style-type: none"> • Elevations (3 sheets) 	City Council Action: <input type="checkbox"/> Approval <input type="checkbox"/> Approve with conditions <input type="checkbox"/> Denial <input type="checkbox"/> Continued to: _____
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I. Executive Summary

The Church of God 7th Day was granted approval by City Council on August 17, 2009 as SP-08-01 for a multi-phase 17,314 square foot church and childcare center. Currently, the applicant is requesting approval to modify the required roofing materials for the project from a surrey beige metal seam roof to a red three-tab shingle roof. The proposed roofing material has already been installed on the building structure. The applicant was advised prior to completion of the installation that a revision to the permit was required and that the revision would require a site plan amendment to be approved by City Council. The same request was denied on December 3, 2018.

II. Site Data:

Existing Use:	Vacant (Under Construction)
Proposed Use:	House of Worship w/Associated Child Care Center
Parcel Control Number:	18-42-43-27-05-022-0411
Parcel Size:	1.98 acres (86,461 square feet)
Future Land Use Designation:	Residential-Medium Density (RS-MD)
Zoning District:	Residential Medium-2 (RM-2)

Direction	Existing Land Use	Future Land Use	Zoning District
<i>North</i>	Aldi Grocery Store & SF Residences	Commercial (CM) & PBC Low Residential-3(LR-3)	Neighborhood Commercial (CN) & PBC Agricultural Residential (AR)
<i>South</i>	SF Residence & Future Ferrer Office Plaza	Residential-Low Density (RS-LD) & Mixed Use (MU)	Residential Low-2 (RL-2) & Mixed Development-Office (MXD-O)
<i>East</i>	Villages of Woodlake Recreation Area	Residential-Medium Density (RS-MD)	Residential Medium-2 (RM-2)
<i>West</i>	Harwich Courts Subdivision	Residential-Low Density (RS-LD)	Residential Low-3 (RL-3)

III. Annexation/Zoning History:

As part of the Interlocal Agreement with Palm Beach County annexing a group of enclaves, the parcel was annexed into the City on January 3, 1994 as petition ANX-93-03 through Resolution #94-03. On July 15, 1996, the City Council approved petition CPA-96-01 (Ord. # 96-21) assigning the property a land use designation of Residential (RS) and petition ZC-96-02 (Ord. # 96-22) assigning the property a zoning designation of Residential Medium-2 (RM-2). Subsequently, on March 16, 1998, the City Council approved petition CPA-97-04 (Ord. # 97-09) assigning the property a land use designation of Residential-Medium Density (RS-MD) as an amendment to the City's Comprehensive Plan resulting from the 1996 EAR process.

On March 20, 2009, concurrent petitions for two (2) separate special exceptions and site plan approval (SE-08-01(House of Worship), SE-08-02(Child Care), and SP-08-01) for a church and childcare facility were submitted for approval to the City. The Church of God 7th Day was granted approval by City Council on August 17, 2009 for a multi-phase 17,314 square foot church and childcare center.

An amendment to the development order was approved administratively (SP-08-01(A)) on November 9, 2011. The amendment allowed for minor changes to the architectural phasing, as well as changes to the parking area and landscaping buffers.

IV. Applicable City Code Provisions:

Sec. 16-211 through 16-216 pertaining to Amendments to Approved Special Exceptions and Site Plans

V. Summary Of Proposed Site And Development Plan Details:

The petitioner has an approved site and development plans, stamp-dated October 25, 2011, that depicted the following:

1. A total land area of 86,461 square feet (1.98 acres).
2. A proposed building with a total of 17,314 square feet of floor area.
3. A 7,437 sq. ft. Fellowship Hall area (Phase 1) (subject to SE-08-01).
4. A 3,980 sq. ft. Child Care Center area (Phase 2) (subject to SE-08-02).
5. A 5,897 sq. ft. Sanctuary area (Phase 3) (subject to SE-08-01).
6. A 5,000 square foot fenced playground.
7. 64 parking spaces including three (3) handicapped spaces.
8. 186 seats in the sanctuary and 50-child capacity in the child care center.
9. Landscaping Plan.
10. Building Plans and Elevations.
11. Conceptual Engineering Plan.
12. Boundary Survey.

Table 2: Proposed Site Data:			
Area:	Square Footage:	Acreage:	Percentage:
Building Lot Coverage (including covered canopies)	18,343	0.42	21.22%
Site Impervious Area (excluding building lot coverage)	31,127	0.71	36%
Site Landscape Area	36,991	0.85	42.78%
<i>Total</i>	<i>86,461</i>	<i>1.98</i>	<i>100%</i>
<i>Total Floor Area</i>	<i>17,314</i>	<i>0.397</i>	<i>0.20 FAR</i>

VI. Staff Analysis:

Background:

On August 17, 2009, the petition for Site and Development Plan approval to construct a 17,314 square foot, 186 seat, House of Worship (SE-09-01) building with an associated 50 child capacity child care center (SE-09-02) on a vacant 1.98-acre parcel was approved.

Prior to the expiration of the development order, the Church was granted the permitted two (2) one-year extensions to the development order, as well as extensions mandated by Florida House Bill 7207(2011), Florida Senate Bill 1752 (2010), and Florida Senate Bill 360 (2009). The ultimate extension of the development order was granted until January 1, 2016. The property received a foundation permit prior to the expiration of the development order, and then received their required Utility permit (2016-00002063) on June 17, 2016. The property has been under construction since the issuance of the foundation permit.

The construction of the site has moved slowly, but stayed within the required timeline to maintain the viability of the existing permits for the site. The applicant's contractor installed the trusses and decking, but failed to complete the required underlayment and metal seam roof in a timely manner, so that the building department required the replacement of portions of the decking due to weather damage prior to moving forward. The applicant's contractor replaced the decking and applied the underlayment, but did not move forward to install the metal roof and was once again required to replace the underlayment due to damage from the elements. At this point, the applicant's contractor started installing a three-tab red roof shingle over the underlayment.

Since the roofing material did not match the permit, the contractor was advised by the Building Department to stop work. The contractor requested approval to move forward in order to cover the existing roof and protect it from further damage. The applicant's contractor contended that they needed to cover the decking and underlayment so that they did not have to replace it again and that the approved metal seam roof could be applied over the top of the shingles. Eventually, the applicant requested approval to modify the roofing materials from the metal seam roof to the red three-tab shingles and was advised that a site plan amendment would be necessary.

Land Development Staff Comments:

Planning and Engineering Department:	Incorporated into the staff report.
Building Department:	Incorporated into the staff report.
Fire Rescue Department:	N/A.
PBSO District #16	N/A.
Public Works Department:	N/A.

Other Agencies:

PBC Traffic Division:	N/A.
PBC Water Utilities:	N/A.
MPO / PalmTran:	N/A.
LWDD:	N/A.

Standards and Staff Findings:

1. Minimum Lot Requirements: Based on the approval of variance BA-09-01 on August 13, 2009, the site area of 1.98 acres **meets** the minimum area of 2.0 acres and lot width of 204 feet **meets** the minimum width of 200 feet required for a house of worship in the Residential Medium-2 (RM-2) zoning district.
2. Maximum Lot Coverage: Building lot coverage of 21.22% **does not exceed** the maximum allowable building coverage of 30%.
3. Minimum Yard Requirements: Building setbacks **meet** all yard requirements of 25' front, 15' side corner, 10' side interior and 15' rear.
4. Height Restrictions: The building height **does not exceed** the maximum allowable height of 35', with the metal cross/steeple extending to 52' in accord with the provisions of 16-629 exempting church spires from the maximum building height.
5. Off-Street Parking & Loading: As conditioned below, the 62 parking spaces provided **meet** the code requirement of 62 spaces based on a parking rate of 1 space per 3 fixed seats for the House of Worship and 39 spaces based on a parking rate of 1 space per 4 children & 2 spaces per employee for the Child Care Center.
6. Landscaping: The landscaping plan **complies** with the landscape code requirements.
7. Sign Regulations: Permits **shall be obtained** prior to installation of any signs.
8. Utilities: The proposed water, sanitary sewer and drainage systems **will meet** code requirements subject to final permitting.
9. Concurrency: Project **meets** traffic concurrency. Water and Sewer service and capacities **are available** to serve the site.
10. Comprehensive Plan: The proposed development **is consistent** with the Residential-Medium Density (RS-MD) future land use classification. The proposed floor area ratio of .20 **does not exceed** the maximum of .30 FAR for the RM-2 zoning district.

11. Color Scheme: The color of the building **shall be** in accordance with the Site and Development Plans submitted: Main building walls (Behr Bavarian Cream #340-E3), Stucco Accent on Base (Valspar Longhorn #2007-5B), Trim (Behr Moonlight White #350-E1 and Parmesan #340-E1), Canvas Awning (Sunbrella Buttercup) and Roof (~~Aeicor 204 Surrey Beige~~ Red 3-tab shingle roof).

VII. Staff Recommendation:

In the event that City Council approves the applicant's request for SP-08-01 (C), staff recommends the following conditions:

1. The most stringent requirements of Exhibit "A" Interoffice Memorandum 2011.11TK03.002 dated November 9, 2011 and Exhibit "B" Site and Development Plan, stamp-dated October 25, 2011, as hereafter defined shall apply, with the exception of the elevations. (Planning)
2. The most stringent requirements of Exhibit "A" Land Development Staff Report and Recommendation dated April 15, 2022 and Exhibit "B" Elevations stamp-dated November 13, 2018, as hereafter defined shall apply.
3. The development of the site shall comply with all requirements and conditions of approval of the Special Exceptions for Church of God Seventh Day (SE-08-01-02, Resolution 2009-31 & SE-08-02, Resolution 2009-32) and Variance (BA-09-01). (Planning)
4. All conditions of approval of SP-08-01 and SP-08-01(A) not specifically modified by this amendment shall remain in effect. (Planning)
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". (Planning)
6. 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)

CITY COUNCIL ACTION –
