

**PALM BEACH COUNTY  
PLANNING, ZONING AND BUILDING DEPARTMENT  
ZONING DIVISION**

<b>Application No.:</b>	ABN/CA-2021-00797
<b>Application Name:</b>	Palm Elite Car Wash
<b>Control No./Name:</b>	2013-00200 Palm Elite Car Wash (FKA Fuller Street Retail Strip Center)
<b>Applicant:</b>	Eddy Hernandez
<b>Owner:</b>	Palm Elite Car Wash, Inc.
<b>Agent:</b>	Urbana - Yexsy Schomberg
<b>Telephone No.:</b>	(561) 299-0508
<b>Project Manager:</b>	James Borsos, Site Planner II

**TITLE:** a Development Order Abandonment **REQUEST:** to abandon a Type 2 Waiver to allow the primary entrance to face the interior parking area; reduce the setback for outdoor uses to Non-PRA residential use; and, increase the setback from the build-to-line.

**TITLE:** a Class A Conditional Use **REQUEST:** to allow a Car Wash.

**APPLICATION SUMMARY:** Proposed is a Development Order Abandonment (ABN) and a Class A Conditional Use (CA) for Palm Elite Car Wash.

The Applicant is requesting to abandon the Type 2 Waivers that were previously approved for the site which allowed the primary entrance to face the interior parking area, reduce the setback for outdoor uses to Non-PRA residential use, and increase the setback from the build-to-line under Resolution R-2017-0603. The parcel was previously in the Urban Infill Future Land Use and Zoning District. The Applicant has received consent from the Zoning Director to opt out of the UI regulations and to use the CN zoning district standards.

The CA is requested for an Automatic Self-Service Car Wash use. The Preliminary Site Plan indicates a 2,700 square foot (sq. ft.) building containing a 1,771 sq. ft. car wash tunnel, 300 sq. ft. of office space, and 629 sq. ft. mechanical room. There are 9 proposed parking spaces on site. One access point is proposed from Fuller Street.

**SITE DATA:**

Location:	Northeast corner of Military Trail and Vermont Avenue
Property Control Number:	00-42-44-25-00-000-5010
Existing Future Land Use Designation:	Urban Infill (UI)
Opt Out Future Land Use Designation:	CH-8 and HR-12...Majority of site is CH-8
Existing Zoning District:	Urban Infill (UI)
Opt Out Zoning District:	Neighborhood Commercial (CN) and Multifamily Residential (RM)
Total Acreage:	0.93 acres
Tier:	Urban/Suburban
Overlay District:	Urban Redevelopment Area (URA)
Neighborhood Plan:	N/A
CCRT Area:	Lake Worth West
Municipalities within 1 Mile	Atlantis, Greenacres, Palm Springs
Future Annexation Area	Palm Springs
Commission District	District 3, Commissioner Dave Kerner

**RECOMMENDATION:** Staff recommends **denial** of the request as it does not meet three of the ULDC Conditional Use/Development Order Amendment standards **c.**, **d.**, **f.**, and **h.** The Zoning Commission does not need to make a recommendation on the ABN. The proposed development is not compatible with surrounding uses, does not minimize adverse impacts, and does not result in a logical, orderly and timely development pattern. Should the Zoning Commission move to recommend approval of the request, Staff recommends Conditions of Approval as indicated in Exhibit C.

**ACTION BY THE ZONING COMMISSION:** At the February 3, 2022 ZC Hearing, this item was postponed at the request of the Agent. Commissioner Scarborough made a motion to approve the postponement, which was seconded by Commissioner Caliendo. The motion carried by a vote of 7-0-0.

At the March 3, 2022 ZC Hearing, this item was on the Postponement Agenda at the request of the Agent. Commissioner Caliendo made a motion to approve the Agenda, which was seconded by Commissioner Burke. The motion carried by a vote of 6-0-0.

At the April 7, 2022 ZC Hearing, this item was on the Postponement Agenda at the request of the Agent.

Commissioner Caliendo made a motion to approve the Agenda, which was seconded by Commissioner Scarborough. The motion carried by a vote of 9-0-0.

At the May 5, 2022 ZC Hearing, this item was on the Regular Agenda. This item was postponed at the request of the Agent. Commissioner Kern made a motion to approve the postponement to the July 7, 2022 ZC Hearing, which was seconded by Commissioner Caliendo. The motion carried by a vote of 9-0-0.

**PUBLIC COMMENT SUMMARY:** At the time of publication, Staff had received four contacts from the public regarding this application. Two requested additional information without indication of support or opposition and two recommended approval.

**PROJECT HISTORY:** The subject property was previously developed with a single-family dwelling unit which has been demolished (demolition permit B-2015-005927-0000) and is currently vacant and undeveloped.

The 0.93-acre property was last approved by the Zoning Division DRO to allow a car wash use in 2016 in the Urban Infill (UI) zoning district. The Zoning Commission approved a Subdivision Variance (application SV/W-2016-01231) to allow access from a 40-foot Right-of-Way via Resolution R-2017-005. Subsequently, the Board of County Commissioners (BCC) approved Type 2 Waivers via R-2017-0603 to allow the primary entrance to face the interior parking area, reduce the setback for outdoor uses to Non-PRA residential use, and increase the setback from the build-to-line. The Zoning Director has allowed the property to opt out of the UI and use the CN district development standards.

**SURROUNDING LAND USES:**

**NORTH:**

FLU Designation: Urban Infill (UI)  
Zoning District: Urban Infill (UI)  
Supporting: Lake Worth Drainage District Canal, (Control Name and No. N/A)

**NORTH (Across Fuller Street):**

FLU Designation: Urban Infill (UI)  
Zoning District: Urban Infill (UI)  
Supporting: Commercial (Napa Auto Parts, Control No. 2016-0028)

**SOUTH (Across Vermont Avenue):**

FLU Designation: Commercial High-Office, with an underlying HR-8 (CH-O/8)  
Zoning District: Neighborhood Commercial District (CN)  
Supporting: Commercial/Vacant (Country Inn Restaurant, Control No. 2008-00010)

**SOUTH (Across Vermont Avenue):**

FLU Designation: Commercial High-Office, with an underlying HR-8 (CH-O/8)  
Zoning District: Neighborhood Commercial District (CN)  
Supporting: Residential (Control Name and No. N/A)

**EAST:**

FLU Designation: Urban Infill (UI)  
Zoning District: Urban Infill (UI)  
Supporting: Residential (Control Name and No. N/A)

**WEST (Across Military Trail) :**

FLU Designation: Commercial High-Office, with an underlying HR-8 (CH-O/8)  
Zoning District: Urban Infill (UI)  
Supporting: Lake Worth Drainage District Canal (Control Name and No. N/A)

**WEST (Across Military Trail) :**

FLU Designation: Urban Infill (UI)  
Zoning District: Urban Infill (UI)  
Supporting: Vacant (Priority Redevelopment Area, Control No. 2010-0125)

**FINDINGS:**

Conditional Uses, Official Zoning Map Amendment to a PDD or TDD and Development Order Amendment:

When considering a Development Order application for a Rezoning to a PDD or a TDD, a Conditional Use, excluding Conditional Use requests for Density Bonus pursuant to Art. 5. G.1, Workforce Housing Program (WHF), or a Development Order Amendment, the BCC and ZC shall utilize the Standards a – h listed in Article 2.B.7.B, Standards. The Standards and Staff Analyses are indicated below. A Conditional Use, Rezoning to

PDD or TDD, or Development Order Amendment that fails to meet any of these Standards shall be deemed adverse to the public interest and shall not be approved.

- a. **Consistency with the Plan** – *The proposed use or amendment is consistent with the purposes, goals, objectives and policies of the Plan, including standards for building and structural intensities and densities, and intensities of use.*

**PLANNING DIVISION COMMENTS:**

- **Consistency with the Comprehensive Plan:** The proposed use or amendment is consistent with the Goals, Objectives and Policies of the Comprehensive Plan, including previous Land Use Amendments, densities and intensities of use.
- **Prior Land Use Amendments:** The site has been the subject of previous County initiated Land Use amendments. The first, Commercial Categories f, l, j, k, was adopted with no conditions via ORD. 2001-087, which amended the land use from C/8 to CH/8. A subsequent Land Use amendment, URA South Military Trail LGA 2009-089, was adopted with no conditions via ORD. 2009-046. This amendment changed the land use from CH/8 to UI.
- **Relevant Comprehensive Plan Policies:** Per Future Land Use Element Policy 1.2.2-m this parcel qualifies to utilize the future land use and zoning in place prior to the adoption of the Urban Infill future land use and zoning. The applicant has requested and the letter of determination and the letter was issued on 12/1/2020. The prior future land use designations on the site are Commercial High with underlying 8 dwelling units (DU) per acre (CH/8) on 0.64 acres and High Residential, 8 DU per acre (HR/8) on 0.29 acres.

The letter further states that in order to develop the requested Car Wash, Comprehensive Plan Future Land Use Element Table III.D.1 section F.2, would need to be applied over the entire parcel. This section permits the entire parcel to utilize the Commercial Future Land Use designation if more than 50% of the parcel contains the Commercial Future Land Use category. The 0.93-acre site contains 0.64 acres of Commercial High; therefore, the CH designation will apply over the whole parcel.

- **Intensity:** The maximum Floor Area Ratio (FAR) of .85 is allowed for the CH Future Land use designation in the Urban Suburban Tier (40,548 surveyed square feet or 0.93 acres x .85 maximum FAR = 34,465 square feet maximum). The request for a total of 300 square feet equates to a FAR of approximately 0.01 (300 square feet / 40,548 surveyed square feet or 0.93 acres = 0.007).
- **Special Overlay District/ Neighborhood Plan/Planning Study Area:** The request is located within a Countywide Community Revitalization Team (CCRT) area, the Urban Redevelopment Area (URA) and the Revitalization, Redevelopment and Infill Overlay (RRIO). The analysis for each planning area is provided below:
- **Countywide Community Revitalization Team (CCRT) Areas:** The site is located within CCRT Area #68 Lake Worth West. The Office of Community Revitalization (OCR) serves as the CCRT neighborhood liaison office for Palm Beach County. The virtual informational community meeting was held on September 7, 2021. There was no opposition during the community meeting.
- **The Urban Redevelopment Area:** Although, the applicant has requested to be opted out from the URA a future cross access connection is provided to the north east corner of the property to comply with the FLUE Policy 1.2.2-h that requires interconnectivity.

- b. **Consistency with the Code** - *The proposed amendment is not in conflict with any portion of this Code, and is consistent with the stated purpose and intent of this Code.*

Pursuant to Art. 3. B.16.B.5.b. Alternative Future Land Use and Zoning, a Property Owner may utilize the FLU designations and zoning districts that were in place prior to the adoption of the rezoning to the UC or UI Zoning Districts. The subject site, was formally opted in the UI Zoning District, but received an Opt Out letter (as shown in Figure 4 and approved by the Zoning Director to utilize the dual CN and RM Zoning designation and alternative CH-8 and HR-12 Future Land Uses. The Zoning and Future Land Use designations are consistent per Art. 3. A.3, Zoning District Consistency with the Future Land Use Atlas (FLUA).

- **Property Development Regulations (PDR):** The proposed development meets all minimum PDR's as required by Art. 3. D.1 – PDRs for Standard Zoning Districts. The overall site exceeds the CN Zoning District minimum 0.5-acre size, 100 ft. of lot width and frontage, and 100 ft. of depth, as the site is a 0.93 acre lot, has 252.58 ft. of width and frontage, and is 160.53 ft. in depth. The proposed structure exceeds the minimum setback requirements from the north, east and west property boundaries, and has been granted by the Land Development Division a waiver from the south base building line requirement. However, a Condition of Approval has been put in place to revise the Site Plan to indicate the location of the proposed Base Building Line prior to final Development Review Officer approval.

- **Access:** Access to the site will be provided from one access point from Fuller Street, which transgresses 70 feet over the Lake Worth Drainage District Canal L-13.
- **Parking:** Per Art. 6. B.1.B Minimum Parking Requirements, the proposed development is required to provide 2 parking spaces based on 300 square feet of office use which requires one parking space per 250 square feet. The PSP indicates a total of 9 parking spaces, which includes 1 disabled parking space. All of the parking spaces are provided with car vacuums. No loading spaces are required and none have been provided.
- **Use Regulations:** Art. 4.2.A - Commercial Use Matrix, shows that a car wash is subject to BCC approval as a Class A Conditional Use in the CN Zoning District. *A Car Wash may include but is not limited to an automatic, full-service, hand wash, or self-service Car Wash.* The use is shown on the Preliminary Site Plan to include an automatic service.
- **Landscape/Buffering:** The proposed development will provide sufficient buffering and landscaping around its perimeter. Along Fuller Street, the PSP indicates a 10-foot R-O-W buffer which abuts a 21.49' Lake Worth Drainage District Easement. A 20-foot Type 2 Incompatibility Buffer with a 10-foot wall with a 2-foot berm is provided along the east property line where the subject site is adjacent to a residential use, while only a 15-foot buffer is required. On the south side, a 10-foot R-O-W buffer is provided along Vermont Avenue. On the west, a 20-foot R-O-W buffer is provided along S. Military Trail. A 10-foot Utility Easement (U.E) is proposed along S. Military Trail with no overlap within the 20-foot R-O-W buffer. .
- **Signs:** Art. 8. G.2 – Ground Mounted Signs provides that in the urban/suburban tier, up to three freestanding signs may be allowed, depending on the frontage dimension. Based on the 252.58 linear feet of frontage along Fuller Street, two free standing signs may be provided. The PMSP indicates two monument signs which each meet the setback, separation, maximum height and sign area requirements. One sign is located at the northwest corner of the property to be visible from S. Military Trail. The other is located to the west of the access drive south of the Lake Worth Drainage District Canal L-13 which announces vehicular entry onto the property. Staff is recommending a Condition of Approval that the PMSP be revised prior to final DRO to meet all Technical Manual Requirements for proposed sign locations.

**c. Compatibility with Surrounding Uses – *The proposed use or amendment is compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.***

The amendment to the previous car wash in this proposed application creates compatibility issues that **are not consistent** with the surrounding uses and character of the area. Adjacent to the east of the subject property is a single-family residential use which would be negatively impacted by the development. This is especially in the currently proposed site configuration. The Preliminary Site Plan shows that vehicles exiting the Car Wash building are aimed towards the adjacent single-family residential use which directs visual, noise, and odor impacts towards the residence. The previous staff supported BCC approved site plan shows the building to be oriented along S. Military Trail. Should the Board approve the use, Staff is recommending a Condition of Approval (Site Design Condition of Approval 1 in Exhibit C), to revise the site plan to orient the Car Wash building away from the adjacent residential property prior to final Development Review Officer (DRO) approval.

**d. Design Minimizes Adverse Impact – *The design of the proposed use minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.***

The proposed site configuration and building location are **not designed to minimize impacts** to the adjacent parcels. The building is located parallel to Vermont Avenue and close to the residential parcel to the east. There is an existing BCC approved Final Site Plan for a Car Wash development on the subject property (SV/W-2016-01231, R-2017-0603). That site plan approval has the Car Wash building oriented along S. Military Trail, and as far away from the residential property as possible. The Car Wash building's proposed configuration per the Preliminary Site Plan, has vehicles exiting the Car Wash building aimed straight towards the adjacent single-family residential use which creates visual, noise, and odor impacts directed towards the residence. Staff has had numerous meetings and conversations with the Agent expressing this concern, and stating that support would not be forthcoming based on the changed building location and has suggested orienting the Car Wash building once again along Military Trail, as in the existing approved site plan, and away from the residential property. However with multiple current submittals with this application, the building location has not been modified.

As previously stated, should the Zoning Commission move to recommend approval of the request, Staff recommends a Condition of Approval to revise the Site Plan to orient the Car Wash building away from the adjacent residential property to the east.

**e. Design Minimizes Environmental Impact – *The proposed use and design minimizes environmental impacts, including, but not limited to, water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.***

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

- *Vegetation Protection:* Native trees have been incorporated into the buffer.
  - *Wellfield Protection Zone:* The property is not located within a Wellfield Protection Zone.
  - *Irrigation Conservation Concerns And Surface Water:* All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Palm Beach County Mandatory Year-Round Landscape Irrigation Conservation Measures Ordinance No. 2022-07. Any non stormwater discharge or the maintenance or use of a connection that results in a non stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.
  - *Environmental Impacts:* There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.
- f. Development Patterns** – *The proposed use or amendment will result in a logical, orderly and timely development pattern.*

The request includes an abandonment of a prior BCC approval (R-2017-0603). The proposed development has not been designed in a functional, logical, orderly, and timely development pattern. There is an existing BCC approved Final Site Plan for a Car Wash development on the subject property (SV/W-2016-01231, R-2017-0603). The Agent has not demonstrated a change in conditions in the past four years that warrant a modification to the approved Final Site Plan, dated February 13, 2008, shown in Exhibit 7. The car wash building was previously approved in a location away from the adjacent single family residence, however, it has now been relocated to a position that provides adverse impact to the residential property. Further, another automatic car wash facility was recently approved on March 11, 2022, on a property separated by two parcels to the south on the east side of Military Trail (DRO-2021-1623). Therefore, **a logical, orderly and timely development pattern is not demonstrated.**

**g. Adequate Public Facilities** – *The proposed amendment complies with Art. 2. F, Concurrency (Adequate Public Facility Standards).*

ENGINEERING COMMENTS:

- The proposed car wash facility is expected to generate 166 net daily, 12 net AM peak hour, and 14 net PM peak hour trips. The build out of the project is assumed to be by 2025.
- The project will have an insignificant impact (as per the definition in the Traffic Performance Standards) on the area roadways and no roadway improvements are required to meet Traffic Performance Standards.
- The Property Owner shall dedicate ROW and configure the property into a legal lot of record prior to the issuance of the building permit.

The Property Owner shall submit a drainage study that identifies historical flows that currently enter the site prior to the Final Site Plan approved by the DRO.

PALM BEACH COUNTY HEALTH DEPARTMENT:

No Staff Review Analysis.

FIRE PROTECTION:

Staff has reviewed this application and have no comment.

SCHOOL IMPACTS:

The School Board has no comment regarding this non-residential application.

PARKS AND RECREATION:

Non-residential application, therefore Park and Recreation Department ULDC standards do not apply.

**h. Changed Conditions or Circumstances** – *There are demonstrated changed site conditions or circumstances provided by the Applicant's Justification Statement that necessitate the amendment.*

This parcel was previously designated with the Urban Infill (UI) Future Land Use and Zoning District. The same Car Wash use proposed today was previously approved by the BCC with variances and waivers. The Applicant has now decided to opt out of the UI future land use and zoning district, and revert back to the parcel's former future land use and zoning district designations, and design a different car wash site layout. The same car wash use previously approved with Type II Waivers under the UI future land use and zoning district is now being requested as a Class A Conditional Use, without the same Waivers. The Commercial Neighborhood (CN) zoning

district requires a Class A Conditional Use approval for a Car Wash use. The Applicant has indicated that the modifications to the site are needed to accommodate a larger Car Wash facility and machinery equipment that are needed to allow the use to function. **Staff is not in agreement that there are demonstrated change in circumstances that necessitate the amendment** which proposes an incompatible site design, placed closer to the adjacent residential use to the east.

---

**CONCLUSION:** Staff has evaluated the standards listed under Article 2.B and determined that there is not a balance between the need for change and the potential impacts generated by this change. The proposed request does not meet standards **c.**, **d.**, **f.**, and **h.** Therefore, Staff is recommending denial.

Should the Zoning Commission move to recommend approval of the request, Staff recommends Conditions of Approval as indicated in Exhibit C.

## CONDITIONS OF APPROVAL

### EXHIBIT C

#### Class A Conditional Use

#### ALL PETITIONS

1. The approved Preliminary Site Plan is dated April 11, 2022. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners. (ONGOING: ZONING - Zoning)

#### ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2025, or as amended. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. The Property Owner shall provide to the Palm Beach County Right of Way Section of Roadway Production Division a warranty deed for road right of way and all associated documents as required by the County Engineer for the 25 foot corner clip at the northeast corner of the intersection of Military Trail and Vermont Street.

All warranty deed(s) and associated documents, including a title policy naming Palm Beach County as an insured, shall be provided and approved prior to the issuance of the first building permit or within ninety (90) days of a request by the County Engineer, whichever shall occur first. Right of way conveyance shall be along the entire frontage and shall be free and clear of all encroachments and encumbrances. Property Owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Section to ensure that the property is free of all encumbrances and encroachments, including a topographic survey. The Property Owner must further warrant that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Property Owner, the Property Owner agrees to hold the County harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, engineering or other expert witness fees including attorney's fees as well as the actual cost of the clean up. Thoroughfare Plan Road right of way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include, where appropriate as determined by the County Engineer, additional right of way for Expanded Intersections and Corner Clips. The Property Owner shall not record these required deeds or related documents. The Property Owner shall provide to the Right of Way Section a tax pro-ration. A check, made payable to the Tax Collector's Office, shall be submitted by the Property Owner for the pro-rated taxes. After final acceptance, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM/ONGOING: MONITORING - Engineering)

4. The Property Owner shall provide an acceptable drainage study identifying any historical drainage from offsite parcels, including proposed grading cross sections. The project's stormwater management system shall be designed to address any historical drainage. The Property Owner shall provide drainage easements, as required, to accommodate offsite drainage.

a. Drainage study shall be provided the Land Development Division prior to final approval of the Site Plan by the DRO. (DRO: MONITORING - Engineering)

b. Any required drainage easements shall be dedicated in conjunction with any required lot combination or recorded prior to issuance of the first building permit, whichever shall occur first. (BLDGPM/PLAT: MONITORING - Engineering)

5. The Property Owner shall design and install a radius return, as approved by the County Engineer, at the SEC of the intersection of Fuller St and Military Trail. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

a. Permits required from Palm Beach County for this construction shall be obtained prior to the issuance of the first building permit. (BLDGPM: MONITORING - Engineering)

b. Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (BLDGPM/CO: MONITORING - Engineering)

**PLANNING**

1. Prior to final approval by the Development Review Officer (DRO), in a form approved by and acceptable to the County Attorney's Office, the Property Owner shall submit a recorded cross access easement agreement, for the location depicted on the site plans. (DRO: PLANNING - Planning)
2. Prior to Final Approval by the Development Review Officer (DRO), the Property Owner shall revise the Preliminary Site Plan to add the Official records book and page number for the recorded cross access easement. (DRO: PLANNING - Planning)
3. Prior to the release of the Certificate of Occupancy, the Property Owner shall construct, and pave to the property line, the cross access as shown on the Site Plan. (CO: MONITORING - Planning)

**SITE DESIGN**

1. Update the PMSP to meet technical manual requirements. (DRO: ZONING - Zoning)
2. Orient the building away from the adjacent residential property to the east. (DRO: ZONING - Zoning)

**USE LIMITATIONS**

1. Outdoor speaker or public address systems shall not be permitted on the property. (ONGOING: ZONING - Zoning)
2. The Car Wash use shall be limited to the hours of operation of 7:00 AM to 7:00 PM. (ONGOING: ZONING - Zoning)

**COMPLIANCE**

1. In Granting this Approval, the Board of County Commissioners relied upon the oral and written representations of the Property Owner/Applicant both on the record and as part of the application process. Deviations from or violation of these representations shall cause the Approval to be presented to the Board of County Commissioners for review under the Compliance Condition of this Approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the Conditions of Approval for the subject property at any time may result in:
  - a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocation of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of the subject property; the Revocation of any concurrency; and/or
  - b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or any other zoning approval; and/or
  - c. A requirement of the development to conform with the standards of the Unified Land Development Code at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
  - d. Referral to Code Enforcement; and/or
  - e. Imposition of entitlement density or intensity.

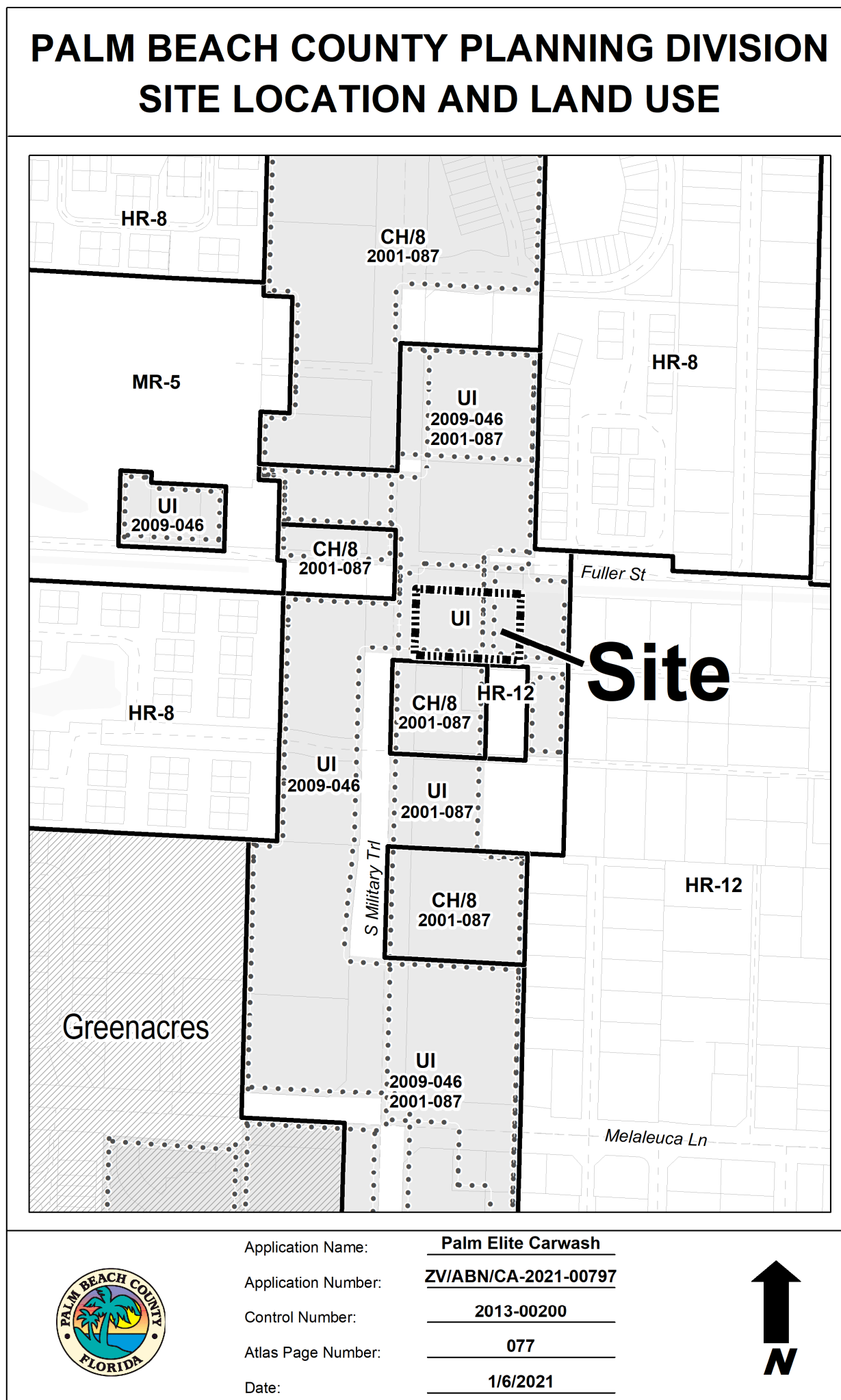
Staff may be directed by the Executive Director of PZ&B or the Code Enforcement Special Master to schedule a Status Report before the body which approved the Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any Condition of Approval. (ONGOING: ZONING - Zoning)

**DISCLOSURE**

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.



### Figure 1 - Land Use Map







### Figure 3 - Aerial

## PALM BEACH COUNTY PLANNING DIVISION SITE LOCATION



Application Name:	<u>Palm Elite Carwash</u>
Application Number:	<u>ZV/ABN/CA-2021-00797</u>
Control Number:	<u>2013-00200</u>
Atlas Page Number:	<u>077</u>
Date:	<u>1/6/2021</u>





Figure 4 – URA Opt Out Letter dated January 7, 2021



**Department of Planning,  
Zoning & Building**

2300 North Jog Road  
West Palm Beach, FL 33411-2741  
(561) 233-5000

Planning Division 233-5300  
Zoning Division 233-5200  
Building Division 233-5100  
Code Enforcement 233-5500  
Contractors Certification 233-5525  
Administration Office 233-5005  
Executive Office 233-5228  
[www.pbcgov.com/pzb](http://www.pbcgov.com/pzb)

**Palm Beach County  
Board of County  
Commissioners**

Dave Kerner, Mayor

Robert S. Weinroth, Vice Mayor

Maria G. Marino

Gregg K. Weiss

Maria Sachs

Melissa McKinlay

Mack Bernard

**County Administrator**

Verdenia C. Baker

*"An Equal Opportunity  
Affirmative Action Employer"*

Official Electronic Letterhead

January 7, 2021

Eddy Hernandez  
Palm Elite Car Wash Inc.,  
6042 Newport Village Way,  
Lake Worth, Fla, 33463-7327

**RE: Confirmation of your request to utilize the prior Zoning District  
Site Address: 4526 S. Military Trail; PCN - 00424425000005010  
Control #: 2013-00200**

Dear Mr. Hernandez,

This letter is provided in response to your request dated December 7<sup>th</sup>, 2020 (attachment 1) for confirmation to utilize the Zoning District for the referenced parcel(s) that existed prior to your property being rezoned to UI in 2010.

In accordance with the Unified Land Development Code (ULDC), Article 3.B.16.B, requires the property owner who wishes to take advantage of the Alternative Future Land Use and Zoning to first obtain a Letter of Determination from the Planning Division. Our records indicate that you did obtain the Letter of Determination on December 1<sup>st</sup>, 2020 (Attachment 2).

This letter confirms that you may proceed through the applicable development approval process pursuant to the dual Alternative Land Uses CH-8 and HR-12 and dual Zoning Districts CN and RM (approximate 80 feet of rear of property is HR-12 with RM zoning district).

In this circumstance of dual Land Uses and Zoning Districts, ULDC Article 1.C.3, Special Provisions for Lots Divided by Districts, may be applied.

If you have any questions, please contact me at 561-233-5223.

Sincerely,

*Wendy N. Hernandez for*  
Jon P. MacGillis, ASLA

JM/WH/zp

- Attachment:**
1. Request for Confirmation – Form 114
  2. Letter of Determination dated 12/1/2020

**C: Hard Copy to:** Jon MacGillis, ASLA Zoning Director

**Email to:** Wendy N. Hernandez, Deputy Zoning Director  
William Cross, Principal Site Planner  
Patricia Behn, Director, Planning  
Lisa Amara, Principal Planner, Planning  
Doug Wise, Building Director  
Brenya Martinez, Project Manager, CD or AR  
Brian Cheguis, Principal Planner, iPlan & Design

U:\Zoning\CD\Administration\URA and IRO\URA Opt Out Projects\4526 S Military Trail

**Figure 5 –Preliminary Site Plan dated December 13, 2021**

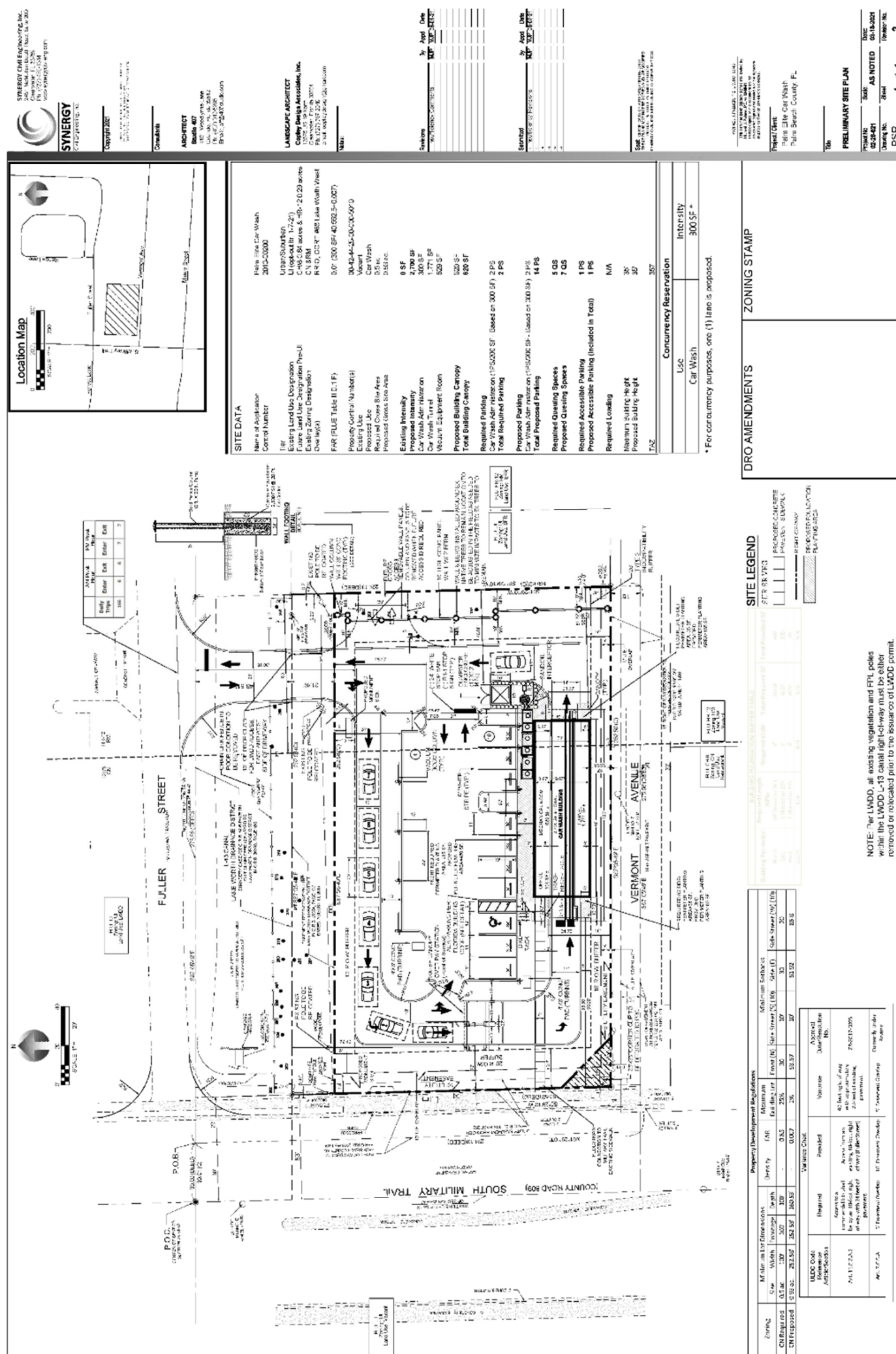
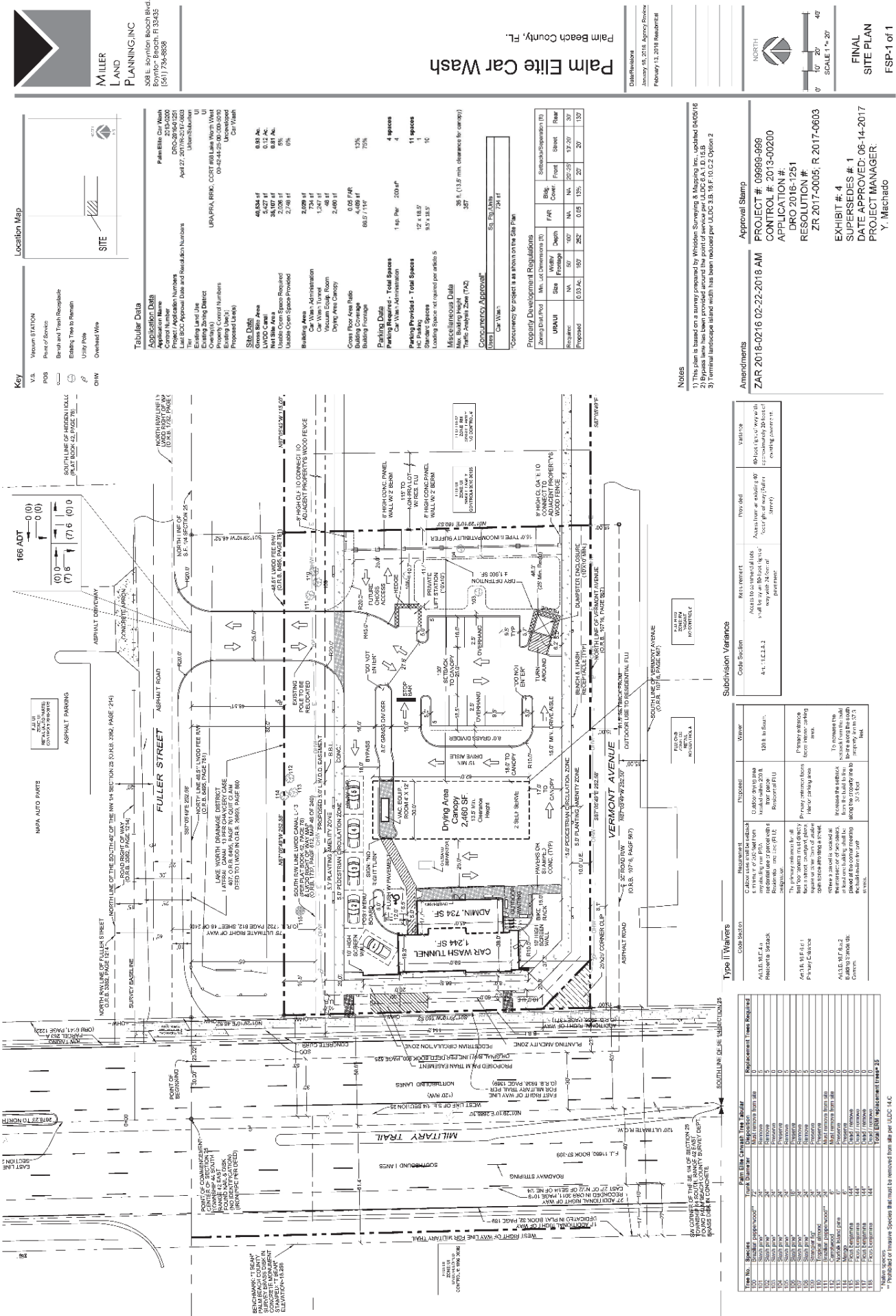






Figure 7 – Previous BCC Approved Site Plan dated February 13, 2018



Zoning Commission  
Application No. ABN/CA-2021-00797







DISCLOSURE OF OWNERSHIP INTERESTS – PROPERTY

[TO BE COMPLETED AND EXECUTED BY THE PROPERTY OWNER(S) FOR EACH APPLICATION FOR COMPREHENSIVE PLAN AMENDMENT OR DEVELOPMENT ORDER]

TO: PALM BEACH COUNTY PLANNING, ZONING AND BUILDING EXECUTIVE DIRECTOR, OR HIS OR HER OFFICIALLY DESIGNATED REPRESENTATIVE

STATE OF FLORIDA  
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority, this day personally appeared Eddy A. Hernandez, hereinafter referred to as "Affiant," who being by me first duly sworn, under oath, deposes and states as follows:

- 1. Affiant is the ☒ individual or ☐ President & Owner [position - e.g., president, partner, trustee] of Palm Elite Car Wash, Inc [name and type of entity - e.g., ABC Corporation, XYZ Limited Partnership] that holds an ownership interest in real property legally described on the attached Exhibit "A" (the "Property"). The Property is the subject of an application for Comprehensive Plan amendment or Development Order approval with Palm Beach County.
- 2. Affiant's address is: 6042 Newport Village Way  
Lake Worth, FL 33463
- 3. Attached hereto as Exhibit "B" is a complete listing of the names and addresses of every person or entity having a five percent or greater interest in the Property. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.
- 4. Affiant acknowledges that this Affidavit is given to comply with Palm Beach County policy, and will be relied upon by Palm Beach County in its review of application for Comprehensive Plan amendment or Development Order approval affecting the Property. Affiant further acknowledges that he or she is authorized to execute this Disclosure of Ownership Interests on behalf of any and all individuals or entities holding a five percent or greater interest in the Property.
- 5. Affiant further acknowledges that he or she shall by affidavit amend this disclosure to reflect any changes to ownership interests in the Property that may occur before the date of final public hearing on the application for Comprehensive Plan amendment or Development Order approval.
- 6. Affiant further states that Affiant is familiar with the nature of an oath and with the penalties provided by the laws of the State of Florida for falsely swearing to statements under oath.

7. Under penalty of perjury, Affiant declares that Affiant has examined this Affidavit and to the best of Affiant's knowledge and belief, it is true, correct, and complete.


FURTHER AFFIANT SAYETH NAUGHT.

  
Eddy A Hernandez Affiant  
(Print Affiant Name)

NOTARY PUBLIC INFORMATION:

STATE OF FLORIDA  
COUNTY OF PALM BEACH

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 23 day of Feb, 2021 by Eddy A. Hernandez (name of person acknowledging). He/she is personally known to me or has produced \_\_\_\_\_ (type of identification) as identification and did not take an oath (circle correct response).

 JHON RODRIGUEZ  
MY COMMISSION # GG297248  
EXPIRES: March 07, 2023  
(Name - type, stamp or print clearly)

  
(Signature)

My Commission Expires on: 03 07 2023

NOTARY'S SEAL OR STAMP

**EXHIBIT "A"**

**PROPERTY**

**LEGAL DESCRIPTION**

Beginning at the Section Center of Section 25, Township 44 South, Range 42 East, which is an iron pipe in the in the Military Trail 2678.23 feet South of the North Quarter Corner of Section 25 and 2664.35 feet West of the East Quarter Corner of said Section; thence Easterly along the Quarter Section line, a distance of 30 feet to the Northwest corner of this Track and the Point of Beginning, thence East along the Quarter Section line, a distance of 275.5 feet to a point; thence South parallel to the Quarter Section line, a distance of 224.06 feet to a point in the center of a 20 foot road easement; thence Westerly a distance of 275.5 feet to a point; thence Northerly parallel to the Quarter Section line, a distance of 224.06 feet to the Point of Beginning.

EXHIBIT "B"

DISCLOSURE OF OWNERSHIP INTERESTS - PROPERTY

Affiant must identify all entities and individuals owning five percent or more ownership interest in the Property. Affiant must identify individual owners. For example, if Affiant is an officer of a corporation or partnership that is wholly or partially owned by another entity, such as a corporation, Affiant must identify the other entity, its address, and the individual owners of the other entity. Disclosure does not apply to an individual's or entity's interest in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, Florida Statutes, whose interest is for sale to the general public.

Name	Address	
Palm Elite Car Wash, Inc by: Eddy A. Hernandez	6042 Newport Village Way, Lake Worth FL 33463	100%

**THIS PAGE LEFT BLANK INTENTIONALLY**