



Legislation Text

File #: 2018-13, Version: 2

MOTION TO ADOPT PROPOSED ORDINANCE NO. 2018-13 ON SECOND READING

PROPOSED ORDINANCE NO. 2018-13 IS AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA, AMENDING CHAPTER 155, OF THE CITY'S CODE OF ORDINANCES, ENTITLED "ZONING CODE" BY AMENDING SECTION 155.149, ENTITLED "GENERAL BUSINESS DISTRICTS" TO ALLOW MANUAL CAR WASH AND DETAILING USES WITHIN REGIONAL MALLS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

SUMMARY EXPLANATION AND BACKGROUND:

1. Dwayne Dickerson, at the request of his client PW Pembroke, LLC, requests consideration of a text amendment to City Code Section 155.149 - *General Business (B-3) Districts*. The applicant requests that the City consider adding manual car wash / detailing use as an accessory use to regional mall development. Further, the applicant requests the following additional restrictions for accessory manual car wash use in a regional mall:

- ☐ Manual car wash / detailing facilities located within regional malls shall use a waterless cleaning process and all utilized products shall be 100% biodegradable.
- ☐ Engine cleaning and undercarriage shall be prohibited within Regional Malls.

Specifically, the applicant requested the following text change to Section 155.149 of the City Code of Ordinances in strikethrough and underline format:

Sec. 155.149. - General Business (B-3) Districts.

* * *

(B) Uses permitted. No building, structure, or part thereof, shall be erected, altered, or used, or land or water used, in whole or in part, for other than one or more of the following specified uses, provided, however, that no more than one of the specified uses will be permitted on a single parcel of property except as permitted by subsection (I) "Out Parcels":

* * *

(10) Car washes. All car washes shall be reviewed by the Planning & Zoning Board through the city's site plan review procedures.

* * *

(e) Manual car wash/detailing. Permitted only as an accessory use to service stations,

automobile dealerships, Regional Malls and golf courses.

1. General design standards.

a. *Manual car wash/ detailing shall be conducted under a permanently installed canopy aesthetically compatible with the primary structure and shall meet all applicable building code regulations.*

b. *The operation of such manual car wash shall not create any standing water and shall not drain directly into drainage system. Manual car wash/detailing facilities located within Regional Malls shall use a waterless cleaning process and all utilized cleaning products shall be 100% biodegradable.*

c. *Engine cleaning and undercarriage cleaning shall be prohibited within Regional Malls.*

~~ed.~~ *Required parking and site circulation for existing use(s) shall be maintained.*

~~de.~~ *Sign(s) for car washes are restricted to car wash canopies only and are counted as part of the total allowed building signage of 36 square feet.*

2. *Parking. Two parking spaces are required per work station for storage, stacking, pick-up, or drop-off.*

* * *

2. The applicant provided staff with a justification for the Code change. A detailed staff analysis of the applicant's justification is included within the backup.

3. It should be noted that Mr. Dickerson is requesting a City Code change on behalf of his client, Pronto Car Wash. Pronto Car Wash has a specific business model which will conform to the proposed Code change. As this text change is applicant driven, staff can only provide review and analysis based on the specific information provided by the applicant.

4. Staff could not support the proposed application based on analysis provided within the staff report attached within.

5. The City Planning and Zoning Board at its May 10, 2018 meeting voted by a 3-2 margin to send this item to the City Commission with a favorable recommendation.

6. Post Planning and Zoning Board approval, City staff continues to have the following concerns with the proposal / justification:

- ☐ The City does not currently require a waterless cleaning process and all utilized cleaning products to be 100% biodegradable for any car wash within the City. The City has been provided no evidence that this method is the best method for the environment or cleaning cars. Furthermore, this restriction reduces competition. If the City is interested in creating a new standard for how cars are to be washed then it should consider looking to apply this standard to all manual car washes after evidence that the method is in the City's interests. Furthermore, Pembroke Lakes Mall has the ability to impose these restrictions on their

property through their lease agreement.

- ☐ The applicant in their justification fails to explain a reason as to why this use should specifically be permitted as accessory to regional malls over other existing retail uses. Furthermore, there is no prohibition of car washes as primary outparcel uses within the mall property. The City Commission at its March 7, 2018 meeting approved Ordinance 1897 allowing for the development of up to 3 new outparcels for the City's only regional mall site (Pembroke Lakes Mall) which could be used for freestanding car washes. A location identified by Pronto Car Wash as a potential location for an accessory car wash is a viable location for a new outparcel.

7. Based on review of the concerns above staff finds no compelling information provided to support of this change as written.

8. The applicant, through their agent, requests Commission action on proposed ordinance no. 2018-13.

9. The City Commission at its August 1, 2018 meeting voted to pass proposed Ordinance No. 2018-13 on first reading.

FINANCIAL IMPACT DETAIL:

- a) **Initial Cost:** None.
- b) **Amount budgeted for this item in Account No:** Not Applicable.
- c) **Source of funding for difference, if not fully budgeted:** Not Applicable.
- d) **5 year projection of the operational cost of the project** Not Applicable.
- e) **Detail of additional staff requirements:** Not Applicable.