

RESOLUTION NO. R-89- 1236

RESOLUTION APPROVING ZONING PETITION NO. 89-5
SPECIAL EXCEPTION PETITION OF NORTH BEACH JOINT VENTURE

WHEREAS, the Board of County Commissioners, as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 125, Florida Statutes, is authorized and empowered to consider petitions relating to zoning: and

WHEREAS, the notice and hearing requirements as provided for in Chapter 402.5 of the Palm Beach County Zoning Code Ordinance No. 73-2 have been satisfied: and

WHEREAS, Petition No. 89-5 was presented to the Board of County Commissioners of Palm Beach County, sitting as the Zoning Authority, at its public hearing conducted on January 31, 1989: and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of the various county review agencies and the recommendations of the Planning Commission: and

WHEREAS, this approval is subject to Zoning Code Section 402.9 (Mandatory Review of Development Approvals) and other provisions requiring that development commence in a timely manner: and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This proposal is consistent with the requirements of the Comprehensive Plan and local land development regulations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Petition No. 89-5 the petition of NORTH BEACH JOINT VENTURE, by Alan J. Ciklin, Agent, for a SPECIAL EXCEPTION TO PERMIT A PLANNED COMMERCIAL DEVELOPMENT INCLUDING AN AUTO SERVICE STATION (WITH MAJOR REPAIRS - TIRE STORE) on a parcel of land in the Southeast 1/4 of the Southwest 1/4 of Section 33, Township 41 south, Range 43 East, bounded as follows: On the West by the Easterly Right-of-Way line of U.S. Highway No. 1 as recorded in Road Plat Book 2 at Page 108, on the East by a line parallel with and 171.68 feet Easterly from (measured at right angles) to the said Easterly Right-of-way line of U.S. Highway No. 1: on the South by a line parallel with and 100.00 feet Northerly from, measured along said Easterly Right-of-way line, the South line of said Section 33, and on the North by a line parallel with and 800.00 feet Northerly from, measured along said Easterly Right-of-way, the South line of said Section 33, except any part thereof lying within the property conveyed in Deed Book 1043, Page 670. Subject to a drainage easement in the Southwest corner of the" above described property, being more particularly described as follows: bounded on the west by the Easterly Right-of-way line of U.S. Highway No. 1 as

recorded in Road Plat **Book 2** at Page **108**, on the East by a line parallel with and **18.00** feet Easterly from (measured at right angles to) the said Easterly Right-of-way of **U. S. Highway No. 1**; on the South by a line parallel with and **115.58** feet Northerly from, measured along said Easterly Right-of-way line, the South line **of** said Section **33**, and on the North by a line parallel with and **173.58** feet Northerly from, measured along said Easterly Right-of-way, the south line of said Section **33**, being located on the east side of **U.S. Highway 1 (SR 5)**, north of Juno Road, in a CG-General Commercial Zoning District, was approved as advertised, subject to the following conditions:

1. Prior to Site Plan Certification, the petitioner shall provide confirmation from Palm Beach County Environmental Resource Management that the Site Plan conforms to the Mangrove Protection Act, Chapter **17-27** Florida Statutes as well as the Palm Beach County Mangrove Protection Ordinance.
2. The landscaping along the eastern property line shall be upgraded by planting native canopy trees a minimum of twelve (**12**) feet in height, spaced a maximum of twenty (**20**) feet on center.
3. The petitioner shall install Perimeter Landscape along the eastern property line as shown on graphics submitted at the public hearing.
4. No lighting above eight (**8**) feet in height shall be attached to the north, south or east sides of the building. Security lighting on the east, south and north sides of the property shall be **of** low intensity shielded and directed away from adjacent residential areas. The security light fixtures will not exceed eight (**8**) feet in height. Parking lot lighting on the west side of the property shall not exceed fifteen (**15**) feet in height.
5. Signs shall not be placed on or above the roof line of the building. No more than three free-standing point-of-purchase signs shall be permitted on the site. No off premise signs shall be located on the site. No signs greater than eight (**8**) feet in height shall **be** attached to the east, south or north facades **of** the building.
6. All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within an enclosed loading and service area.
7. In order to avoid an incompatible appearance upon adjacent residential areas, the rear north and south facade(s) of the Planned Commercial Development shall be given architectural treatment consistent with the front **of** the center.
8. **No** storage or placement of any stock materials, refuse,

equipment or accumulated debris shall be permitted in the rear of the Planned Commercial Development.

9. No stock loading or dumpster pick up will be permitted between the hours of 8:00 p.m. and 8:00 a.m.
10. All garbage and refuse receptacles shall be confined to a designated area. Dumpsters or other trash collection devices shall be concealed behind CBS walls having an architectural treatment harmonious with the principal building.
11. No loudspeaker system, or public address, or paging system shall be permitted on site.
12. Parking of any vehicle shall not be permitted along the rear of the Planned Commercial Development except in designated spaces or loading areas. Vehicle parking shall be limited to the parking spaces designated on the approved site plan. No parking of vehicles is to be permitted in landscape areas, rights-of-way or interior drives. There shall be no outdoor storage of vehicles or disassembled vehicle parts on-site.
13. Prior to submittal for site plan certification, the petitioner shall execute a Unity of Control on the property subject to the approval by the County Attorney.
14. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents.
15. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site.
16. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water.
17. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. However, at a minimum, this development shall retain onsite the stormwater runoff generated by a three (3) year-one (1) hour storm with a total rainfall of 3 inches as required by the Permit Section, Land Development Division. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not

adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement.

18. The Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the entire site, including the parking lot. Any drainage pipes installed flowing into the canal shall be equipped with baffles to deflect the force of the water from impacting the opposing wall.
19. The petitioner shall revise the proposed Site Plan to reflect alignment **of** the project's north entrance with the existing median opening. Should this not be approved by the Florida Department of Transportation, then construction geometrics including signage shall be approved by the Florida Department of Transportation and the County Engineer.
20. The Property owner shall construct a left turn lane, north approach on U.S. 1 at the existing median opening on U.S. 1 concurrent with onsite paving and drainage improvements, if permitted by the Florida Department of Transportation. Construction shall be completed prior to issuance **of** any Certificates of Occupancy.
21. The petitioner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project presently is **\$2.679** per square feet **of** building area.
22. The following conditions shall apply to the Auto Service Station (Firestone Store):
 - a. Hours of operation shall be **7:00** a.m. to **6:00** p.m. Monday through Saturday: and closed Sunday. The southerly doors shall remain closed until **8:00** a.m. Monday through Friday and **9:00** a.m. on Saturday. **No** impact wrenches shall be used until **8:00** a.m. on Saturday.
 - b. There shall be no easterly or northerly windows **or** doors except emergency doors with alarms.
 - c. Inventory storage and **offices** shall **be** located **on** the east side **of** the building as **shown on** the current plan.
 - d. Bay doors facing south shall be lowered six **(6)** feet seven **(7)** inches during business hours except when necessary.
23. During the removal of trees and shrubs along the canal, the owner will take precautions to prevent limbs or debris from falling into and/or remaining in the canal

and shall remove any limbs or debris which may fall in the canal.

24. The property owner shall cause to be repaired the drainage pipe concurrently with the construction of the sea wall on the east side of the property and shall cause to be dredged those areas which have fallen into the canal at the north end and the southerly curve (near the drainage pipe).
25. The property owner shall install a sea wall along the easterly property line and shall be required to properly maintain it.
26. The following uses shall be prohibited:
 - a. Liquor serving establishments; except those having 50% of gross revenues from food service;
 - b. Convenience stores;
 - c. Movie theatres;
 - d. Game arcades;
 - e. Laundry or laundromats;
 - f. X-rated adult video and bookstores.
27. Video stores shall be permitted; however, any video store selling x-rated videos shall not advertise them and they shall be discreetly displayed in an enclosed room within the business.
28. The height of the building to the peak shall not exceed twenty-nine (29) feet from the crown of U.S. Highway No. 1.
29. No commercial dockage shall be permitted on site.
30. There shall be no display windows on the commercial strip facing east.
31. The existing sidewalk/bike path shall be replaced, if destroyed during construction, prior to the issuance of a Certificate of Occupancy.
32. There shall be no testing of vehicles on residential streets.
33. Restaurants (deriving 50% or more of its gross revenues from food service) located in the strip portion of the development shall close no later than 1:00 a.m.
34. The owner, occupant or tenant of the facility shall participate in an oil recycling program which insures proper re-use or disposal of waste oil.

35. Repairs shall be restricted to the enclosed bay areas, except when emergency repairs are required to transfer vehicles into the enclosed bay areas.
36. The applicant shall provide regular (no less than three (3) times a year) testing and monitoring of environmental conditions on site for review and approval by the jurisdiction and appropriate environmental agencies.
37. No large trucks shall be serviced on site, other than recreational vehicles and campers.
38. Signs enforcing Condition Nos. 22, 35 and 37 above shall be posted in the tire store and auto center.
39. All graphics presented at the public hearing shall be presented to the Zoning Division prior to site plan certification.
40. The petitioner agrees to voluntarily annex into the Town of Juno Beach.
41. Failure to comply with any conditions of approval may result in the denial or revocation of a building permit; the issuance of a stop work order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer-owner, commercial-owner, lessee, or user of the subject property. Appeals from such action may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Palm Beach County Zoning Code.

Commissioner Roberts moved for approval of the petition. The motion was seconded by Commissioner Phillips and upon being put to a vote, the vote was as follows:

Carol J. Elmquist	--	Absent
Karen T. Marcus	--	Aye
Carol Roberts	--	Aye
Ron Howard	--	Absent
Carole Phillips	--	Aye

The foregoing resolution was declared duly passed and adopted this 27th day of June, 1989 confirming action of January 31, 1989.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

BY:

Robert Altman
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

JOHN B. DUNKLE, CLERK

BY:

June Hardy
DEPUTY CLERK