

RESOLUTION NO. R92-5

A RESOLUTION GRANTING SITE PLAN APPROVAL PURSUANT TO SECTION 24-172 OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE CONSTRUCTION OF A 117,000 SQUARE FOOT RETAIL STRUCTURE; AND

A RESOLUTION GRANTING CONDITIONAL USE APPROVAL PURSUANT TO SECTION 24-52(C)(11) OF THE CODE OF ORDINANCES OF THE CITY OF NORTH MIAMI BEACH, FLORIDA FOR THE ACCESSARY OPERATION OF A LIMITED SERVICE STATION; OPERATION OF THE SERVICE STATION TO BE STRICTLY LIMITED TO SALES, INSTALLATION AND SERVICE OF AUTOMOBILE TIRES ON PROPERTY LEGALLY DESCRIBED AS:

A portion of the northwest one-quarter of Section 21, Township 52 South, Range 42 East, Dade County, Florida, being more particularly described as follows: (See attached Exhibit "A")

A/K/A

Biscayne Boulevard & Theoretical
N.E. 146th Street

(P & Z Item No. 92-46 of January 13, 1992)

WHEREAS, the property described herein is zoned B-2; and

WHEREAS, the applicant requested site plan approval pursuant to Section 24-172 of the Code of Ordinances of the City of North Miami Beach for the construction of a 117,000 square foot retail structure; and

WHEREAS, the applicant requested a conditional use approval pursuant to Section 24-52(C)(11) of the Code of Ordinances of the City of North Miami Beach for the accessory operation of a limited service station; operation of the service station to be strictly limited to sales, installation and service of automobile tires; and

WHEREAS, the Planning and Zoning Board after public hearing on January 13, 1992 recommended approval of all requests subject to the following conditions:

1. The applicant shall submit a revised landscape and irrigation plan to the Community Development Department. The landscape plan shall be approved prior to the issuance of a building permit and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy.
2. The applicant shall put special emphasis on the Biscayne Boulevard frontage and to screening the tire installation from view from both the Boulevard and the adjacent vacant parcel to the north.

3. The applicant shall connect the subject property to the sewer system, including connection to a gravity collection system from the pump station.
4. All wall signage shall be of a flush mounted individual letter type only and a freestanding sign, if any, shall be of a monument type. The size, location, style and content of all signage will be approved by the Community Development Director.
5. The tire center is limited to the installation of tires only, with no other type of auto service permitted. Only tires sold by Costco are to be installed. Servicing of tires, including balancing, alignment and rotation, must include at least one tire sold by Costco.
6. The applicant shall enclose all dumpsters with CBS wall and the location must be approved by the Public Works Director and the Community Development Director.
7. The applicant shall have the location of the bailer and storage structure for used tires approved by the Community Development Director.
8. The applicant shall submit a drainage plan to the Public Works Director for approval which must be obtained prior to the issuance of a building permit.
9. The applicant shall construct the building with concrete block and have the facade redesigned in a more attractive manner with particular emphasis on the front (west) elevation and main entry. The building facade shall not incorporate prefabricated metal siding as proposed, but shall be redesigned in a manner to be approved by the Community Development Director.
10. The applicant shall attempt to obtain a cross access agreement with the Post Office to the south and construct a roadway to provide common access.
11. The applicant shall obtain the approval of the Florida Department of Transportation for vehicular access to the property from Biscayne Boulevard.
12. All final plans must incorporate the proposed right-of-way acquisition on Biscayne Boulevard by the Florida Department of Transportation and all plans, including site plan, parking and landscaping shall reflect the ultimate right-of way line.
13. The applicant must comply with Section 24-178(C)(4) of the Code of Ordinances of the City of North Miami Beach.
14. The applicant shall provide shopping cart return areas conveniently located throughout the parking lot. The number, size and location of these areas are to be submitted to and approved by the Director of Community Development and shall be sufficiently screened with landscaping.

NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of North Miami Beach, Florida.

Section 1. Site plan approval pursuant to Section 24-172 of the Code of Ordinances of the City of North Miami Beach for the construction of a 117,000 square foot retail facility and conditional use approval pursuant to Section 24-52(C)(11) of the Code of Ordinances of the City of North Miami Beach for the accessory operation of a limited service station, operation of the service station to be strictly limited to sales, installation and service of automobile tires on property legally described as:

A portion of the northwest one-quarter of Section 21, Township 52, South, Range 42 East, Dade County, Florida, being more particularly described as follows: (See attached Exhibit "A")

A/K/A

Biscayne Boulevard & Theoretical
N.E. 146th Street

be and the same are hereby granted subject to the following conditions:

1. The applicant shall submit a revised landscape and irrigation plan to the Community Development Department. The landscape plan shall be approved prior to the issuance of a building permit and the installed materials inspected and approved prior to the issuance of a Certificate of Occupancy.
2. The applicant shall put special emphasis on the Biscayne Boulevard frontage and to screening the tire installation from view from both the Boulevard and the adjacent vacant parcel to the north.
3. The applicant shall connect the subject property to the sewer system, including connection to a gravity collection system from the pump station.
4. All wall signage shall be of a flush mounted individual letter type only and a freestanding sign, if any, shall be of a monument type. The size, location, style and content of all signage will be approved by the Community Development Director.
5. The tire center is limited to the installation of tires only, with no other type of auto service permitted. Only tires sold by Costco are to be installed. Servicing of tires, including balancing, alignment and rotation, must include at least one tire sold by Costco.
6. The applicant shall enclose all dumpsters with CBS wall and the location must be approved by the Public Works Director and the Community Development Director.
7. The applicant shall have the location of the bailer and storage structure for used tires approved by the Community Development Director.

8. The applicant shall submit a drainage plan to the Public Works Director for approval which must be obtained prior to the issuance of a building permit.
9. The applicant shall construct the building with concrete block and have the facade redesigned in a more attractive manner with particular emphasis on the front (west) elevation and main entry. The building facade shall not incorporate prefabricated metal siding as proposed, but shall be redesigned in a manner to be approved by the Community Development Director.
10. The applicant shall attempt to obtain a cross access agreement with the Post Office to the south and construct a roadway to provide common access.
11. The applicant shall obtain the approval of the Florida Department of Transportation for vehicular access to the property from Biscayne Boulevard.
12. All final plans must incorporate the proposed right-of-way acquisition on Biscayne Boulevard by the Florida Department of Transportation and all plans, including site plan, parking and landscaping shall reflect the ultimate right-of way line.
13. Section 24-178(C)(4) mandatory dedication requirements of the Code of Ordinances of the City of North Miami Beach shall be met as follows:

Applicant shall be credited with landscaping, roadway improvement and traffic control upgrades, with the remainder of the dedication contribution in the total amount of \$125,000.00 due and payable over a period of five (5) years, as follows:

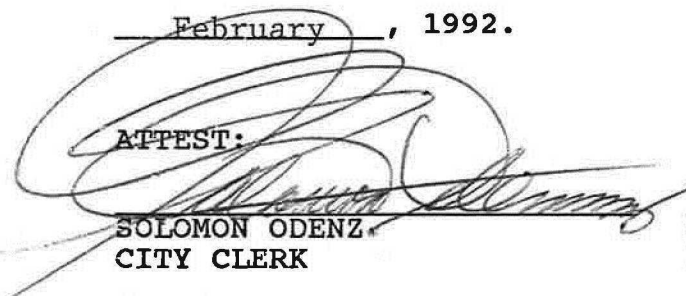
Upon the issuance of the original occupational license for applicant's premises and upon annual renewals for the next four (4) years, and in addition to any occupational license fees or other fees that may be due, the fee of \$25,000.00 shall be paid to the city, said proceeds to be deposited into the Land Acquisition Trust Fund.

14. The applicant shall provide shopping cart return areas conveniently located throughout the parking lot. The number, size and location of these areas are to be submitted to and approved by the Director of Community Development and shall be sufficiently screened with landscaping.


Section 2. Pursuant to Section 24-172(I) of the Code of Ordinances of the City of North Miami Beach, the applicant shall submit the final building plans within six (6) months of the date of this Resolution or the site plan approval granted shall be deemed null and void and the applicant shall be required to reinstate the site plan review process unless the term is extended by the City Council prior to its expiration.

APPROVED AND ADOPTED by the City Council of the City of North Miami Beach, Florida at regular meeting assembled this 4th day of February, 1992.

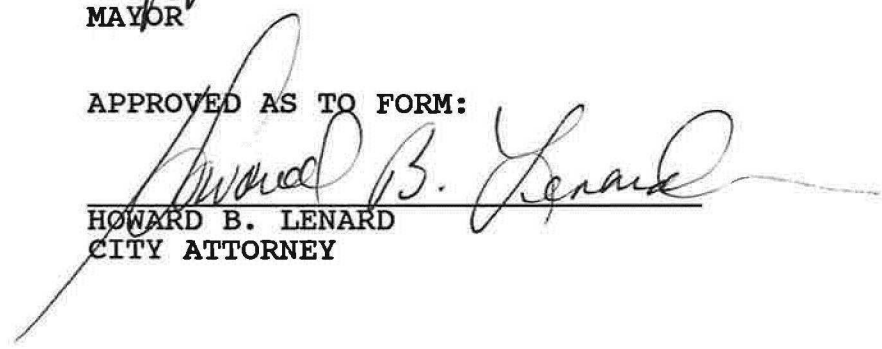
ATTEST:


SOLOMON ODENZ
CITY CLERK

(CITY SEAL)


JEFFREY A. MISHCON
MAYOR

APPROVED AS TO FORM:


HOWARD B. LENARD
CITY ATTORNEY

SPONSORED BY: Planning and Zoning Board

EXHIBIT A.

PROPERTY OWNED BY BOULEVARD DRIVE-IN REALTY CO. LIQUIDATING TRUST

PARCEL 1

LEGAL DESCRIPTION

A portion of the Northwest 1/4 of Section 21-52-42 described as:

COMMENCE at the N.W. corner of "L.G. SMITH TRACT" as recorded in Plat Book 67 at Page 1 of the Public Records of Dade County, Florida; thence run North 18 degrees 05' 37" East along the Easterly Right-of-Way line of said State Road No. 4 for 50.00 feet to the Point of Beginning of the parcel hereinafter described; thence continue North 18 degrees 05' 37" East, along said Right-of-Way line for 373.4 feet to a Point of Curvature; thence run Northerly along said Right-of-Way line being a circular curve to the left having a radius of 2864.93 feet and a central angle of 3 degrees 09' 58" for an arc distance of 158.31 feet; thence run East along the North line of the South 1/2 of that portion of the NW 1/4 of the aforesaid Section 21 that lies South of a line parallel with and 660 feet South of the North line of said NW 1/4 of Section 21 for 175.00 feet; thence run South 17 degrees 45' 05" West for 532.04 feet; thence run West parallel with the North line of the aforesaid "L.G. SMITH TRACT" for 173.74 feet to the Point of Beginning, containing 87,420 square feet more or less, lying and being in the City of North Miami Beach, Florida.

EXHIBIT B
PROPERTY OWNED BY WBC CORPORATION
PARCEL 2

LEGAL DESCRIPTION

A portion of the Northwest 1/4 of Section 21, Township 52 South, Range 42 East, Dade County, Florida, being more particularly described as follows:

COMMENCE at the Southeast corner of the Northwest 1/4 of said Section 21, also known as the Center of Section 21; thence N $0^{\circ}14'19''$ E, along the East line of said Northwest 1/4 of Section 21 for 297.71 feet to a point of intersection with the easterly extension of the South line of "L.G. SMITH TRACT", according to the Plat thereof as recorded in Plat Book 67, Page 1 of the Public Records of Dade County, Florida and the POINT OF BEGINNING of the herein described parcel of land; thence S $89^{\circ}35'37''$ W along said easterly extension for 716.92 feet to the Southeast corner of said "L.G. SMITH TRACT", thence N $18^{\circ}05'37''$ E along the easterly boundary of said "L.G. SMITH TRACT" and its northerly prolongation for 200.00 feet; thence S $89^{\circ}35'37''$ W, along a line parallel with the north line of said "L.G. SMITH TRACT" for 1.26 feet; thence N $17^{\circ}47'18''$ E for 530.50 feet to a point on the North line of the South 1/2 of that portion of the Northwest 1/4 of said Section 21, lying South of a line that is parallel to and 660 feet South of the North line of said Northwest 1/4 of Section 21; thence S $89^{\circ}59'22''$ E, along the last described line for 496.77 feet to a point on the East line of the Northwest 1/4 of said Section 21; thence S $0^{\circ}14'19''$ W along the said East line of the Northwest 1/4 of Section 21 for 690.13 feet to the POINT OF BEGINNING, lying and being in the CITY of NORTH MIAMI BEACH, FLORIDA, containing 419,980 square feet more or less.

EXHIBIT C.

COMBINED LEGAL DESCRIPTION OF BOTH PARCELS

A portion of the Northwest 1/4 of Section 21, Township 52 South, Range 42, East, Dade County, Florida, being more particularly described as follows.

COMMENCE at the Southeast corner of the Northwest 1/4 of said Section 21, also known as the Center of Section 21; thence N $0^{\circ}14'19''$ E, along the East line of said Northwest 1/4 of Section 21 for 297.71 feet to a point of intersection with the easterly extension of the South line of "L.G. SMITH TRACT", according to the Plat thereof as recorded in Plat Book 67, Page 1 of the Public Records of Dade County, Florida and the POINT OF BEGINNING of the herein described parcel of land; thence S $89^{\circ}35'37''$ W along said easterly extension for 716.92 feet to the Southeast corner of said "L.G. SMITH TRACT"; thence N $18^{\circ}05'37''$ E along the Easterly boundary of said "L.G. SMITH TRACT", and its northerly prolongation for 200.00 feet, thence S $89^{\circ}35'37''$ W along a line parallel to and 50.00 feet North of, as measured along the Northerly prolongation of the Easterly boundary of said "L.G. SMITH TRACT" for 175.00 feet to a point of intersection with the Easterly Right-of-Way line of Biscayne Boulevard (State Road No. 5), as recorded in Plat Book 34, Page 50 of the Public Records of Dade County, Florida; thence N $18^{\circ}05'37''$ E along the aforementioned Easterly Right-of-Way line of Biscayne Boulevard for 373.40 feet to a point of curvature; thence Northeasterly along a circular curve to the left, having a radius of 2864.93 feet and a central angle of $3^{\circ}09'52''$ for an arc distance of 158.23 feet to a point on the North line of the South 1/2 of that portion of the Northwest 1/4 of said Section 21, lying South of a line that is parallel to and 660 feet South of the North line of said Northwest 1/4 of Section 21; thence S $89^{\circ}59'22''$ E along the last described line for 671.63 feet to a point on the East line of the Northwest 1/4 of said Section 21; thence S $0^{\circ}14'19''$ W along the said East line of the Northwest 1/4 of Section 21 for 690.13 feet to the POINT OF BEGINNING, lying and being in the CITY OF NORTH MIAMI BEACH, FLORIDA.