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**Meeting Name:** Planning & Zoning Board  
**Meeting Date:** November 18, 2024  
**Prepared By:** Stephen Mayer  
**Item Title:** Request for Special Exception for a Vacant Parcel to become Supplemental Off-site Parking for Beach Plaza

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## **DISCUSSION:**

### **Background**

The Property was formerly known as Jake’s restaurant and is a vacant parcel that is currently under the ownership of Mr. Antonio Ferreira. In addition, Mr. Ferreira also owns Beach Plaza. The Property is approximately 1.05 acres in area, with existing striped parking spaces and minimal landscaping. The applicant is seeking to continue the use of the Property as temporary supplemental off-site parking for Beach Plaza. “Supplemental off-site parking” is a special exception use within the Commercial General (CG) Zoning District. Therefore, the applicant is seeking Special Exception approval.

The Property is located between Ocean Drive and U.S. Highway One. To the north is the Palm Beach County Fire Station; to the south is Beach Plaza; to the west across U.S. Highway One is the Villas of Juno Beach; and to the east across Ocean Drive is the Seminole Golf Course. (Please see Attachment #1, the “Application”)

### **Previous approvals**

At the December 12, 2022, Planning and Zoning Board meeting, the Board reviewed and discussed the applicant’s request. The Board recommended (4 to 1 vote, Vice Chair Stern opposing) to the Town Council approval of the applicant’s request for a Special Exception Use of the property for supplemental off-site parking for Beach Plaza for two years. The Town Council approved via Order on January 25, 2023. Therefore, per the Town Council Order, the Special Exception sunsets on January 25, 2025, or upon expiration of the FDOT

permit, whichever is earlier.

At the December 6, 2021, Planning and Zoning Board meeting, the Board reviewed and discussed the applicant's request. The Board unanimously recommended approval to the Town Council with conditions to install "No Trespassing" signs and to prohibit overnight parking. Subsequently, on January 26, 2022, the Town Council unanimously approved the Planning and Zoning Board's recommendation to grant the applicant's request for a Special Exception to use the property for supplemental off-site parking for Beach Plaza with the proposed conditions for a period of one (1) year (January, 2023). Therefore, the Applicant is requesting approval of an additional 1-2 year extension prior to the expiration of the current Special Exception approval.

On September 29, 2020, a joint virtual workshop of the Town Council and the Planning and Zoning Board was held to review the Applicant's (Mr. Ferreira), draft proposal for the Property. Mr. George Gentile and Troy Holloway, of 2GHO (Gentile, Glas, Holloway, O'Mahoney & Associates) presented a proposed site plan for a five (5) story residential building with 8,300 square feet of retail/restaurant space on the first floor and 45 residential units.

Although Mr. Ferreira presented a proposed residential project, no time extension was granted for the Special Exception Use. Therefore, the order approving the Special Exception expired and was at that time declared null and void. Subsequently, Mr. Ferreira submitted a third application for a Special Exception Use to continue using the Property for supplemental off-site parking while he continues to develop a site plan that will eventually be reviewed by the Planning and Zoning Board and Town Council.

On November 4, 2019, the Planning and Zoning Board recommended approval of a second Special Exception Use application to the Town Council for a supplemental off-site parking at the Property for Beach Plaza. On December 11, 2019 the Town Council approved the Planning and Zoning Board's recommendation for the Special Exception Use of the Property for supplemental off-site parking for one (1) year, conditioned upon the Applicant having a joint workshop with the Town Council and the Planning and Zoning Board within nine (9) months to discuss future development plans and the Applicant maintaining the landscaping on the Property in the same manner as the adjacent Beach Plaza property.

In 2014, the Applicant submitted a Special Exception Use and Site Plan application to convert the vacant parcel located at 12860 U.S. Highway One ("Property") into a temporary supplemental off-site parking for Beach Plaza. At that time, the Planning and Zoning Board and Town Council approved the request; however, the approval was limited to two years.

As a requirement of the 2014 Site Plan approval, the Applicant repaired the asphalt, added landscaping materials and completed the installation of a fence and light poles.

## **Staff Analysis**

The Applicant is requesting the continued use of the Property for temporary supplemental off-site parking for Beach Plaza until the parcel is developed, at which time the parking needs for Beach Plaza will be re-evaluated. The plans demonstrate the following:

- ✓ The project meets the minimum landscape requirements for parking;
- ✓ The project has provided 10' x 20' typical parking spaces and ADA accessibility to the existing Beach Plaza; and
- ✓ The project is providing a total number of 54 additional parking spaces for Beach Plaza.
- ✓ The approval is contingent upon the continued approval from the State of Florida's Department of Transportation (FDOT), and adhere to all conditions of approval provided by FDOT.

As previously stated, supplemental off-site parking may only occur within the CG Zoning District by way of Special Exception. Special Exception Uses are not permitted uses and prior to recommending approval of such use, the Town Council must determine whether the proposed use is appropriate at the particular location and if so, subject to what conditions. The procedures and standards applicable to Special Exception Uses are set forth in Section 34-93 of the Town Code, which provides as follows:

The town council may hear and decide only such special exceptions as the town council is specifically authorized to pass on by the terms of this chapter; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under this chapter, or to deny special exceptions when not in harmony with the purpose and intent of this chapter. A special exception shall not be granted by the town council unless and until:

- (1) A written application for a special exception is submitted indicating the section of this chapter under which the special exception is sought and stating the grounds on which it is requested. The planning and zoning board shall consider the application and conduct a public hearing following the requirements of subsections (3) and (4) of this section on the request. The planning and zoning board shall recommend to the town council either approval, approval with modification, or disapproval of the special exception.
- (2) After receiving the planning and zoning board's recommendation, the town council shall hold a public hearing following the requirements of subsections (3) and (4) of this section.

- (3) Unless otherwise required by state statutes, notice of each public hearing required hereunder shall be published at least 15 days in advance of the public hearing. The owner of the property for which special exception is sought or his agent shall be notified of the public hearing by mail at least 15 days in advance of the public hearing. Notice of each such hearing shall also be posted on the property for which a special exception is sought, and at the town center, at least 15 days prior to the public hearing.
- (4) At the public hearing, the applicant may appear in person, or by appropriately designated agent or attorney. Before taking action on any special exception request the town council shall make written findings of fact addressing the issues of whether the requirements of the section of the chapter described in the application (Please see attachment #1) have been met, and whether satisfactory provision and arrangement has been made that the special exception use will, where applicable:

- a. Provide for ingress and egress to the property and structures with particular reference to automotive and pedestrian safety and convenience, traffic flow and access in case of fire or catastrophe;

**Staff Response:** The existing parking area has two (2) points' of ingress and egress on Ocean Drive and on U.S. Highway 1 (Please see Attachment #2).

- b. Provide for parking and loading areas, refuse and service areas, with particular attention to subsection (4)a of this section and to their effects on surrounding property;

**Staff Response:** The existing parking area has in the past and currently provides parking for the existing commercial uses within Beach Plaza

- c. Provide for screening and buffering with respect to type, dimensions and location;

**Staff Response:** The parking area has landscaping along the Ocean Drive side (east side) and along the U.S. Highway 1 side (west side) of the parking area. In addition, there is existing fencing and a landscaping hedge along the south side of the parking area.

- d. Provide for signs, if any, and proposed lighting;

**Staff Response:** There are existing stop signs and "do not enter" signage for traffic control and safety.

- e. Provide for required yards and other open space;

**Staff Response:** The existing parking area wraps around an existing open space/yard along the east and west sides as indicated on the Attachment #2. Also, there is an existing landscape hedge along the east, west and south sides of this open space/yard area.

f. Not adversely affect the public interest;

**Staff Response:** The existing parking area does not adversely affect the public interest, in fact, the parking area is designed to provide for additional parking for Beach Plaza.

g. Comply with specific requirements governing the special exception requested;

**Staff Response:** The applicant has indicated that he will comply with the requirements and any conditions imposed that would govern this special exception request.

h. With conditions and safeguards attached, be generally compatible with adjacent properties and or property within the district;

**Staff Response:** With conditions imposed, staff will ensure that the proposed use will be generally compatible with the adjacent commercial uses and other properties.

i. Not generate excessive noise or traffic;

**Staff Response:** The parking area as it now exists, will not generate excessive noise or traffic.

j. Not tend to create fire, disease or other equally or greater dangerous hazard;

**Staff Response:** The existing parking area has not and is not expected to create a fire, disease or any other equally or greater dangerous hazard.

k. Be in harmony and compatible with the present and/or future developments of the area concerned;

**Staff Response:** The existing parking area has been designed and built to provide for additional overflow parking for Beach Plaza and if approved, the use will continue to be in harmony and compatible with this commercial plaza.

l. Conserve the value of buildings and encourage the most appropriate use of the land and water;

**Staff Response:** It is the staff's professional opinion that the existing parking area will not adversely impact the property value of the existing Beach Plaza building nor encourage a negative use of land or water.

m. Provide adequate light and air;

**Staff Response:** The existing parking area will not prevent adequate light or air to the surrounding area or vicinity.

n. Promote such distribution of population and such classification of land uses, development and utilization as will tend to facilitate and provide adequate provisions for public requirements, including but not limited to transportation, water flowage, water supply, drainage, sanitation, educational opportunities, and recreation;

**Staff Response:** The existing parking area is designed to provide adequate parking and on-site circulation for traffic traveling into and out of the commercial plaza.

o. Conform to the character of the district and its peculiar suitability for particular uses;

**Staff Response:** In the staff's professional opinion, due to the location of the parking area, this use was created and designed to support the parking needs of the adjacent commercial plaza.

p. Be consistent with the needs of the town for land areas for specific purposes to serve the population and economic activities;

**Staff Response:** As mentioned above, specific purpose of the supplemental parking area is to serve residents and visitors traveling to and from the adjacent commercial plaza.

q. Protect the tax base; and not create a financial burden on the town; and

**Staff Response:** At this time, the applicant is seeking a special exception approval of this parking area to allow him time to create a development plan that will increase the tax base and provide for a project that will add to the financial viability of the Town.

r. Not be disruptive to the character of neighborhoods nor adverse to playgrounds, parks, schools and recreation areas; nor adverse to the promotion of the public health, safety, comfort, convenience, order, appearance, prosperity or general welfare.

**Staff Response:** The purpose of this parking area is to provide supplemental parking for the existing commercial plaza so as to address on-site traffic circulation and traffic/parking congestion.

- (5) Among other conditions and safeguards, the town council may prescribe reasonable time limits within which actions shall commence, be completed, or both.

Should the Town Council determine that the proposed application meets each of the criteria necessary for Special Exception, Town Staff requests that the applicant be subject to each of the following conditions developed during Town Staff review:

1. Town approval shall be contingent upon approval from the State of Florida Department of Transportation), and because the FDOT permit is only temporary, the Special Exception approval shall expire when the FDOT permit expires. The FDOT permit is for six months and is renewable for additional six month increments not to exceed 24 months.
2. The Town's Community Appearance Standards shall be adhered to, according to Section 34-1302 thru 34-1907, Zoning Code. If any part of these treatments cannot be accomplished as a result of unavailable infrastructure improvements, the applicant shall be required to supply the Town with the appropriate funds to incorporate such treatments. This amount must be reviewed and approved by the Town Engineer/Landscape Architect. All areas of landscape open space or improvements along any vehicular or pedestrian access, as well as maintenance of slope, vegetation and walkways associated with this project shall be perpetually and appropriately maintained at all times by the applicant and its successor(s), such language shall be incorporated into the association documents, to be reviewed and approved by the Town Attorney prior to any Certificate of Occupancy; and
3. Overnight or Paid Parking shall be prohibited.

**RECOMMENDATION:**

Town Staff recommends that the Planning and Zoning Board review and consider the applicant's request for approval of a Special Exception use of the Property for supplemental off-site parking for Beach Plaza with appropriate conditions.

**ATTACHMENTS:**

- 1 - Application for Special Exception.
- 2 - Parking Lot Renovation, C 3.