

RESOLUTION NO. R-2001-1855

RESOLUTION APPROVING ZONING PETITION CA2001-041
CLASS A CONDITIONAL USE
PETITION OF AMERADA HESS CORP.
BY JEFF IRAVANI, AGENT
(HESS EXPRESS, OKEECHOBEE/HAVERHILL)

WHEREAS, the Board of County Commissioners, as the governing body of Palm Beach County, Florida, 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 Board of County Commissioners, pursuant to Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended) is authorized and empowered to consider, approve, approve with conditions or deny Class A Conditional Uses; and

WHEREAS, the notice and hearing requirements, as provided for in Article 5 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Petition CA2001-041 was presented to the Board of County Commissioners at a public hearing conducted on October 25, 2001; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, the recommendations of the various county review agencies, and the recommendations of the Zoning Commission; and

WHEREAS, this approval is subject to Article 5, Section 5.8 (Compliance with Time Limitations) of the Palm Beach County Unified Land Development Code (ULDC) 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 Class A Conditional Use is consistent with the Palm Beach County Comprehensive Plan.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 6, Supplementary Use Standards of the Palm Beach County Unified Land Development Code.
3. This Class A Conditional Use is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Class A Conditional Use, with conditions as adopted, is compatible as defined in the Palm Beach County Unified Land Development Code and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
5. This Class A Conditional Use, with conditions as adopted, complies with standards imposed on it by all other applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Class A Conditional Use meets applicable local land development regulations.

7. This Class A Conditional Use, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Class A Conditional Use has a concurrency determination and complies with Article 11, Adequate Public Facility Standards of the ULDC.
9. This Class A Conditional Use, with conditions as adopted, minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands and the natural functioning of the environment.
10. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.

WHEREAS, Article 5 of the Palm Beach County Unified Land Development Code requires that the action of the Board of County Commissioners be adopted by resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that Zoning Petition CA2001-041, the petition of Amerada Hess Corp., by Jeff Iravani, agent, for a Class A Conditional Use (CA) to allow a convenience store with gas sales in the General Commercial (CG) Zoning District, on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on October 25, 2001, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Roberts moved for the approval of the Resolution.

The motion was seconded by Commissioner McCarty and, upon being put to a vote, the vote was as follows:

Warren H. Newell, Chairman	--	Aye
Carol A. Roberts, Vice Chair	--	Aye
Karen T. Marcus	--	Absent
Mary McCarty	--	Aye
Burt Aaronson	--	Aye
Tony Masilotti	--	Absent
Addie L. Greene	--	Absent

The Chair thereupon declared that the resolution was duly passed and adopted on October 25, 2001.

Filed with the Clerk of the Board of County Commissioners on 25 day of October, 2001.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

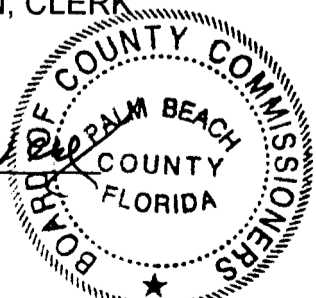


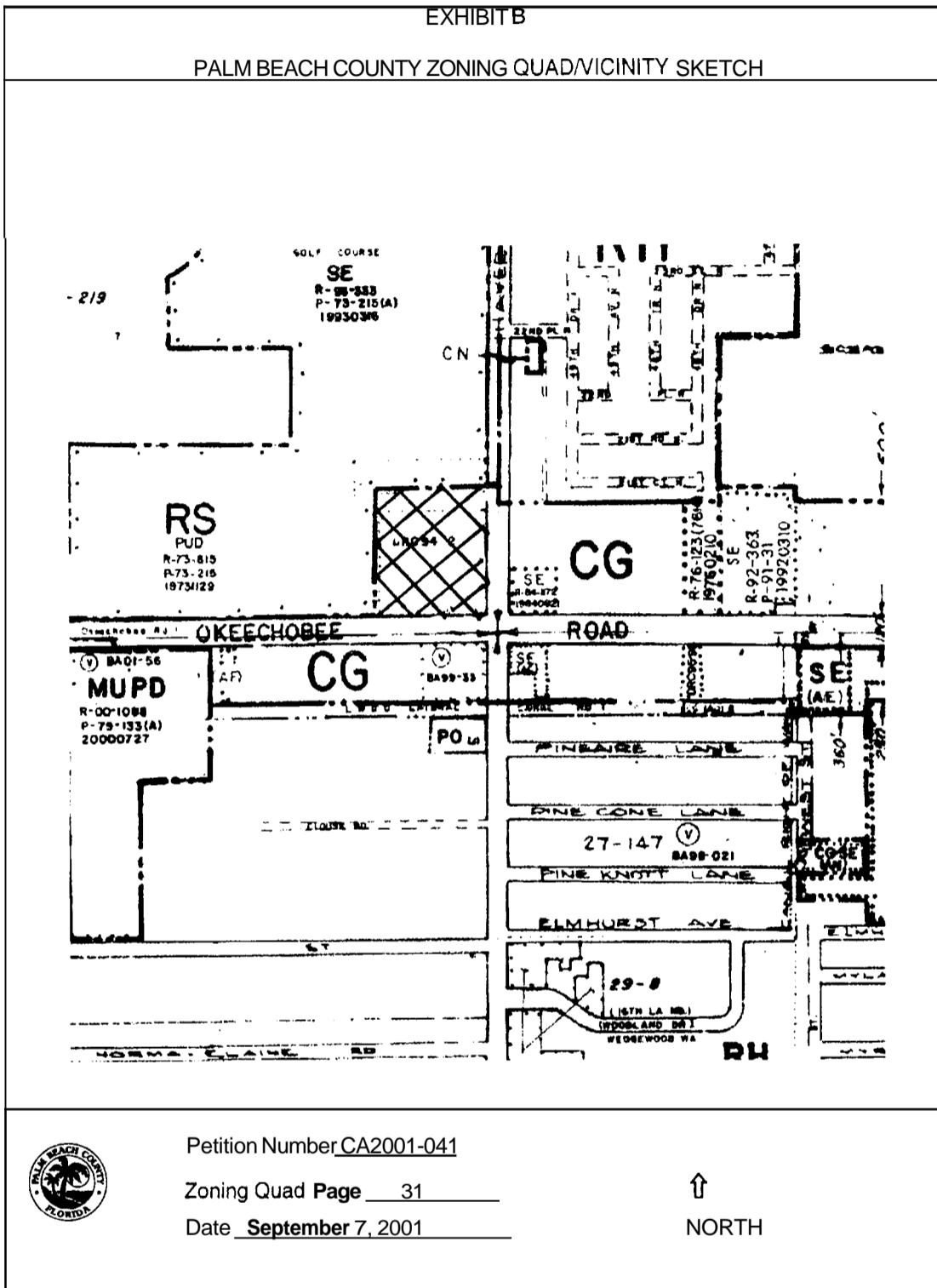
EXHIBIT A

LEGAL DESCRIPTION

A PORTION OF THE NORTH 188.00 FEET OF THE SOUTH 281.00 FEET OF THE WEST 178.00 FEET OF THE EAST 250.00 FEET OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 43 SOUTH, RANGE 42 EAST; THENCE NORTH 88 DEGREES 26 MINUTES 18 SECONDS WEST ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 250.00 FEET TO A POINT; THENCE NORTH 01 DEGREES 30 MINUTES 47 SECONDS EAST, FOR A DISTANCE OF 93.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF OKEECHOBEE BOULEVARD (STATE ROAD NO. 704) SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 01 DEGREES 30 MINUTES 47 SECONDS EAST ALONG A LINE 250.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 23, FOR A DISTANCE OF 188.00 FEET TO A POINT; THENCE SOUTH 88 DEGREES 26 MINUTES 18 SECONDS EAST ALONG A LINE 281.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 178.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF HAVERHILL ROAD; THENCE SOUTH 01 DEGREES 30 MINUTES 47 SECONDS WEST ALONG THE WEST RIGHT OF WAY LINE OF SAID HAVERHILL ROAD; SAID LINE BEING 72.00 FEET WEST OF AND PARALLEL WITH THE EAST LINE OF SAID SECTION 23, FOR A DISTANCE OF 152.97 FEET TO A POINT; THENCE SOUTH 46 DEGREES 32 MINUTES 25 SECONDS WEST FOR A DISTANCE OF 49.52 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF SAID OKEECHOBEE BOULEVARD (STATE ROAD NO. 704); THENCE NORTH 88 DEGREES 26 MINUTES 18 SECONDS WEST ALONG THE NORTH RIGHT OF WAY LINE OF SAID OKEECHOBEE BOULEVARD, SAID LINE BEING 93.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 142.96 FEET TO THE POINT OF BEGINNING, SAID LANDS SITUATE, LYING AND BEING IN PALM BEACH COUNTY, FLORIDA.

EXHIBIT B
VICINITY SKETCH



Petition Number CA2001-041

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Date September 7, 2001

↑
NORTH

EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Board of County Commissioners. The approved site plan is dated August 17, 2001. All modifications must be approved by the Board of County Commissioners unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC. (ONGOING: ZONING)

B. ARCHITECTURAL CONTROL

1. Prior to final DRC certification of the site plan, elevations by Goldenholz & Associates dated October 11, 2001, shall be revised and approved by the Architectural Review Section of the Zoning Division to include the following:
 - a. Replacement of checkered banding with alternative decorative banding.
 - b. Indication of split faced block or equivalent textured materials at the bottom third of the facades.
 - c. Pastels or earthtone building facades; and,
 - d. All mechanical and electrical equipment, including satellite dishes, shall be screened from view on all sides by a visually opaque barrier, consistent with the color, character and architectural style of the principal structure, or equivalent landscape material. (DRC/BLDG PERMIT: BLDG - Zoning)
2. The maximum height for the retail building including air conditioning, mechanical equipment and satellite dishes shall not exceed twenty-one (21) feet. All heights shall be measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
3. The maximum height for the gas canopy, including air conditioning, mechanical equipment and satellite dishes, shall not exceed twenty-four (24) feet, measured from finished grade to highest point. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy. (BLDG PERMIT: BLDG - Zoning)
4. Building shall be constructed to be consistent with the approved elevations. (BLDG PERMIT: BLDG - Zoning)

C. BUILDING AND SITE DESIGN

1. The existing 3 native slash pines along the west side of the site shall be preserved. All necessary precautions shall be taken during construction to ensure these 3 trees are preserved. The open space to the west side of the building shown on the site plan shall be preserved to meet open space/transferred landscape requirement. (DRC/LANDSCAPE-ONGOING)

D. HEALTH

1. Stage II vapor recovery plans must be approved by the Palm Beach County Health Department in accordance with Rule 62-252 Florida Administrative Code (FAC) prior to issuance of a building permit. (DRC: HEALTH)

E. ENGINEERING

No Engineering Comments.

F. LANDSCAPING – STANDARDS

1. Fifty percent (50%) of canopy trees required to be planted in the perimeter buffer shall meet the following minimum standards at installation:
 - a. Tree height: fourteen (14) feet;
 - b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
 - c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length;
 - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)

2. All palms required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Palm heights: twelve (12) feet clear trunk;
 - b. Clusters: staggered heights twelve (12) to eighteen (18) feet; and,
 - c. Credit may be given for existing or relocated palms provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning) (CO: LANDSCAPE - Zoning)

3. All shrub or hedge material shall be planted in a hierarchy of layers consisting of a minimum of three (3) varying heights as follows:

eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
twenty-four (24) to thirty-six (36) inches – medium shrub; and, forty-eight (48) to sixty (60) inches – large shrub

These heights shall be continuously maintained to achieve the hierarchical effect. (CO: LANDSCAPE - Zoning)

4. All trees, palms and shrub/hedge material shall be planted in a meandering and naturalistic pattern. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING AND BUFFERING ALONG THE SOUTH AND EAST PROPERTY LINES (OKEECHOBEE BOULEVARD AND HAVERHILL ROAD FRONTAGES)

1. Landscaping and buffering along the south and east property lines:
 - a. A minimum fourteen sixteen and a half (16.5) feet wide for the south and fourteen (14) feet wide for the east landscape buffers strip;
 - b. A two (2) foot high continuous berm measured from top of curb;
 - c. one sixteen (16) feet high native shade tree planted twenty (20) feet on center in the frontage buffer;
 - d. one (1) palm or pine tree for each thirty (30) linear feet of the frontage with a maximum spacing of sixty (60) feet between clusters;
 - e. one (1) small shrub for each four (4) linear feet of the frontage. Shrub shall be a minimum height of twenty-four (24) inches at installation.
 - f. one (1) medium native shrub planted twenty-four (24) inches on center. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE)

H. LANDSCAPING - INTERIOR

1. A minimum of one (1) landscape island shall be provided for every ten (10) parking spaces. (DRC: ZONING)

2. Foundation planting or grade level planters shall be provided along the front and side facades of all structures to consist of the following:

- a. the minimum width of the required landscape areas shall be five (5) feet in the front and seven (7) feet on the sides;
- b. the length of the required landscaped areas shall be no less than 50% of the total length of each side of the structure; and,
- c. landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)

I. PLANNING

- 1. Prior to final Development Review Certification, the site plan shall be revised to indicate a notation on the edge of the western property line which shall read "vehicular and pedestrian connection to adjacent commercial site". (DRC: PLANNING)
- 2. Prior to the issuance of the certificate of occupancy, the petitioner shall pave the property to the edge of the western property line at the location shown on the final certified site plan which shall read "vehicular and pedestrian connection to adjacent commercial site". (CO: MONITORING-BUILDING)

J. SIGNS

- 1. Freestanding point of purchase sign on the property shall be located in the southeast corner fronting on Okeechobee Boulevard and limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - twelve (12) feet;
 - b. Maximum sign face area per side - 100 square feet;
 - c. Maximum number of signs - one (1) on Okeechobee Boulevard,
 - d. Monument style sign only. (CO/BLDG PERMIT: BLDG)
- 2. Canopy signage shall be limited to the south and east sides of the canopy. (CO/BLDG PERMIT: BLDG)
- 3. Wall signage shall be limited to the south and east facades of the Convenience store. (CO/BLDG PERMIT: BLDG)
- 4. No advertising flags, pennants, banners, streamers, balloons, objects, gimmicks or similar temporary signs shall be permitted. (ONGOING: CODE ENF - Zoning)

K. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the petitioner 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; 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 ULDC 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; 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 a 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 5.8 of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.

Appeals of any departmental administrative actions hereunder may be taken to the Palm Beach County Board of Adjustment or as otherwise provided in the Unified Land Development Code (ULDC), as amended. Appeals of any revocation of an Official Zoning Map Amendment, Conditional Use, Requested Use, Development Order Amendment or other actions based on a Board of County Commission decision shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit. (MONITORING)