

RESOLUTION NO. R-2003- 0106

RESOLUTION APPROVING ZONING PETITION EAC1976-105B
DEVELOPMENT ORDER AMENDMENT
PETITION OF EASTERN PETROLEUM CORP.
BY ELLIE HALPERIN, AGENT
(ROYAL MART HILLTOP PARK)

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, and the Palm Beach County Unified Land Development Code, is authorized and empowered to consider petitions relating to zoning; 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 EAC1976-105B was presented to the Board of County Commissioners at a public hearing conducted on January 23, 2003; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the petitioner and other interested parties, and the recommendations of the various county review agencies; 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 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 Development Order Amendment is consistent with the Palm Beach County Comprehensive Plan.
2. This Development Order Amendment complies with the relevant and appropriate portions of Article 6, Supplementary Use Standards; of the Palm Beach County Unified Land Development Code.
3. This Development Order Amendment is consistent with the requirements of the Palm Beach County Unified Land Development Code.
4. This Development Order Amendment, 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 Development Order Amendment, with conditions as adopted, complies with the standards imposed on it by applicable provisions of the Palm Beach County Unified Land Development Code for use, layout, function, and general development characteristics.
6. This Development Order Amendment meets applicable local land development regulations.
7. This Development Order Amendment, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
8. This Development Order Amendment has a concurrency determination and complies with Article 11 (Adequate Public Facility Standards) of the Palm Beach County Unified Land Development Code.

9. This Development Order Amendment, 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 Development Order Amendment, 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 EAC1976-105B, the petition of Eastern Petroleum Corp., by Ellie Halperin, agent, for a Development Order Amendment/Expedited Application Consideration to modify/delete a condition of approval 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 attached as EXHIBIT B, attached hereto and made a part hereof, was approved on January 23, 2003, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

commissioner Newell moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on January 23, 2003.

Filed with the Clerk of the Board of County Commissioners on 26 day of February, 2003.

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

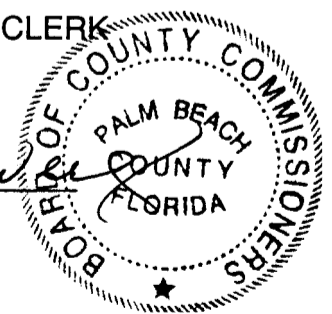


EXHIBIT A

LEGAL DESCRIPTION

LEGAL DESCRIPTION

Lot B, Plat of HILLTOP PARK, according to the plat thereof on file in the office of the Clerk of the Circuit Court in and for Palm Beach County, Florida, recorded in Plat Book 26, Page 138.

EXHIBIT B
VICINITY SKETCH

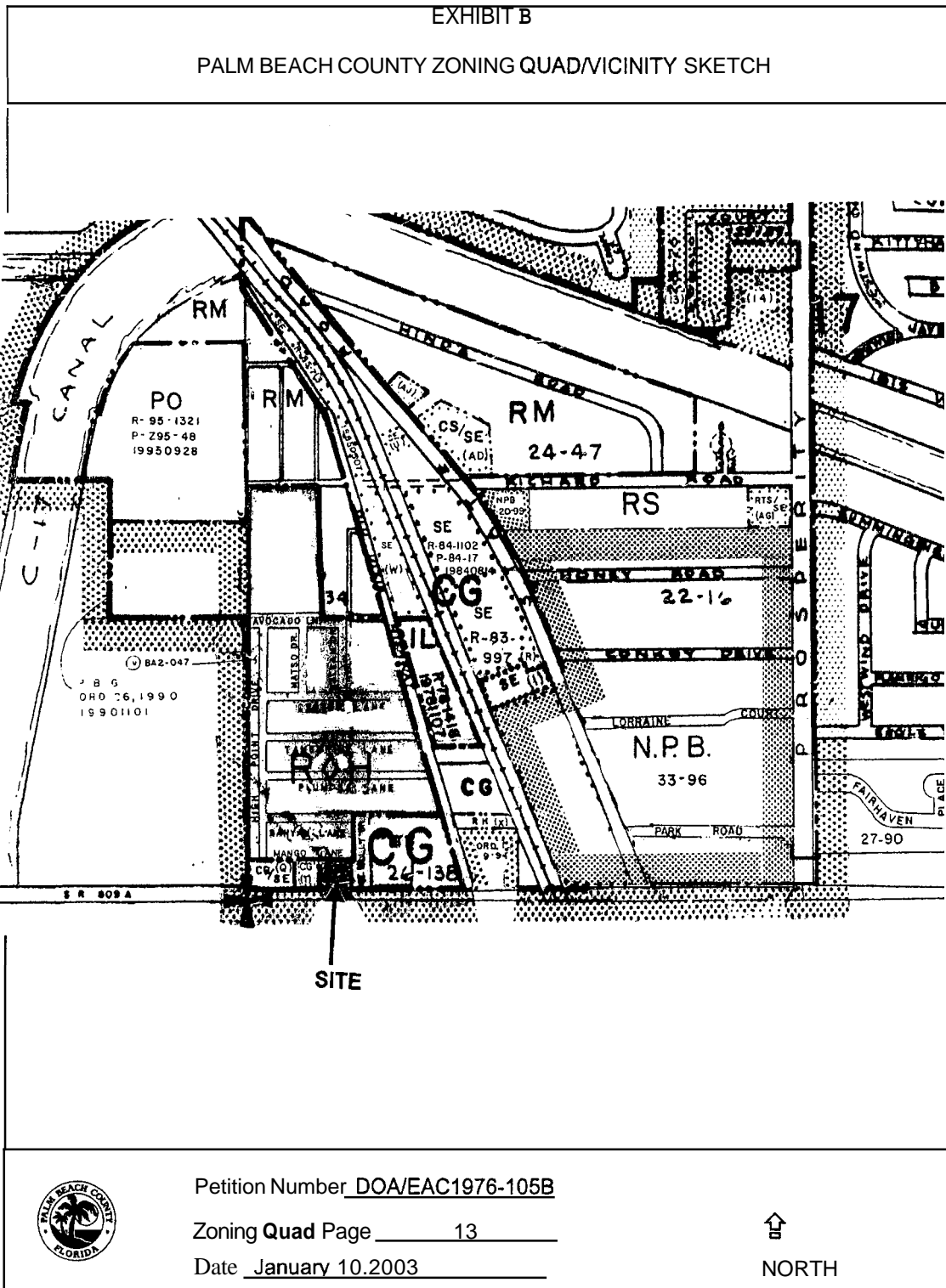


EXHIBIT C

CONDITIONS OF APPROVAL

NOTE: All previous conditions of approval are shown in **BOLD** and will be carried forward with this petition unless expressly modified.

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-84-0054 (Petition 76-105A), have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval and deadlines previously established by Section 5.8 of the ULDC and the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)
2. Development of the site is limited to the site design as approved by the Board of County Commissioners. The approved site plan is dated November 6, 2002. 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 - Zoning)
3. Condition 3 of Resolution R-84-054, Petition 76-105(A), which currently states:

Prior to Site Plan Certification, the site plan shall be amended to provide for the following:

- a. **A six-foot high demountable concrete fence along the west and north property boundaries supplemented by trees and shrubs along Mango Lane.**
- b. **Only one turnout onto Mt. Holly Drive,**
- c. **A six-foot high enclosure around the dumpster location.**
- d. **A standard 5 foot sidewalk along the property's north and east property lines. (ZONING)**

Is hereby deleted. [REASON: Deleted, superseded by new conditions, code requirement, or completed.]

B. ACCESS

1. Vehicular access to Mt. Holly Drive from the property shall be limited to one turnout only. (DRC: ZONING - Zoning)

C. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of new or replacement trees to be planted in the perimeter buffer shall be native canopy trees and meet the following minimum standards at installation:
 - a. tree height: Fourteen (14) feet;
 - b. trunk diameter: 3.5 inches measured at 4.5 feet above grade;
 - c. canopy diameter: Seven (7) feet – diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of 3.5 feet in length; and,

- d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (CO: LANDSCAPE - Zoning)
2. All new or replacement palms required to be planted on the property 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)
 3. All new or replacement shrub or hedge materials shall be planted in continuous masses. Shrub materials shall be continuously maintained to achieve the following heights and hierarchical effect:
 - a. eighteen (18) to twenty-four (24) inches – groundcover and small shrub;
 - b. thirty-six (36) to forty-eight (48) inches – medium shrub; and
 - c. credit may be given for existing or relocated shrub or hedge provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
 4. All new or replacement canopy trees to be planted within overhead utilities easement shall be consistent with FP&L's tree list suggested in the "Plant the Right Tree in the Right Place" guidelines and pursuant to Section 7.3.E.12.a of the ULDC. (CO: LANDSCAPE - Zoning)
 5. Field adjustment of plant materials may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings. (CO: LANDSCAPE - Zoning)

D. LANDSCAPING ALONG THE NORTH PROPERTY LINE (FRONTAGE OF MANGO LANE)

1. In addition to the existing landscaping, the buffer along the north property line shall be upgraded to include:
 - a. a six (6) foot high demountable concrete fence; and,
 - b. one (1) native canopy tree or Washington palm for each thirty (30) linear feet of the property line. (CO: LANDSCAPE – Zoning)

E. ENGINEERING

1. Condition 1 of Resolution R-84-054, Petition 76-105(A), which currently states:

This development shall retain onsite 85% of the stormwater runoff generated by a three (3) Year storm per requirements of the permit Section, Land Development Divisions. (ENG)

Is hereby deleted. [REASON: Code requirement]

2. Condition 2 of Resolution R-84-054, Petition 76-105(A), which currently states:

The developer shall contribute \$1,219.0 (at the rate of \$1.25 per square foot of commercial floor area) toward the cost of meeting this project's direct and identifiable impact, to be paid at the time of issuance of a building permit.

Is hereby deleted. [REASON: Code requirement]

F. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (FRONTAGE OF NORTHLAKE BOULEVARD)

1. In addition to the existing landscaping, the buffer along the south property line shall be upgraded to include:
 - a. a cluster of three (3) Washington palms or one (1) native canopy tree in the center median of the drive aisle; and,
 - b. one (1) native canopy tree and a cluster of three (3) Washington palms in the area west of the drive aisle. (CO: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF MT. HOLLY DRIVE)

1. In addition to the existing landscaping, the buffer along the east property line shall be upgraded to include:
 - a. one (1) native canopy tree for each thirty (30) linear feet of the property line. (CO: LANDSCAPE - Zoning)

H. LANDSCAPING ALONG THE WEST PROPERTY LINE (ABUTTING COMMERCIAL)

1. Landscaping along the west property line shall be upgraded to include:
 - a. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
 - b. one (1) Washington palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;
 - c. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of eighteen (18) inches at installation; and,
 - d. one (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of thirty-six (36) inches at installation. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the west and north sides of the building, to consist of the following:
 - a. The length of the required landscaped areas shall be no less than fifty percent (50%) of the total length of the sides of the structure. (DRC / CO: ZONING / LANDSCAPE - Zoning)

J. SITE PLAN APPROVAL

1. A revised site plan which reflects this approval and indicates all uses on the property shall be approved by the DRC on or before January 23, 2004. (DATE: MONITORING - Zoning)
2. Prior to final Development Review Committee (DRC) approval, the petitioner shall revise the site plan to indicate required parking. (DRC: ZONING - 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. (ONGOING: MONITORING - Zoning)