

RESOLUTION NO. R-2003-0117

RESOLUTION APPROVING ZONING PETITION CA2002-032
CLASS A CONDITIONAL USE
PETITION OF HOWARD AND AMY HOLLOWAY
BY BASEHART PLANNING, INC., AGENT
(HOLLOWAY PROPERTY)

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 CA2002-032 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, 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, contingent upon the approval of Small Scale Development Amendment No. 2002-0011 SCA;
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 CA2002-032, the petition of Howard and Amy Holloway, by Basehart Planning, Inc., agent, for a Class A Conditional Use to allow a convenience store with gas sales and a restaurant, fast food in the General Commercial 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 , subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Koons moved for the approval of the Resolution.

The motion was seconded by Commissioner Aaronson 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

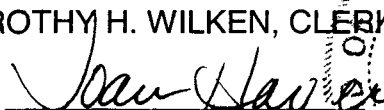
The Chair thereupon declared that this resolution shall not become effective until Small Scale Development Amendment No. 2002-0011 SCA COM 1 (HOLLOWAY PROPERTY) is effective.

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

BY: 
COUNTY ATTORNEY

DOROTHY H. WILKEN, CLERK
BY: 
DEPUTY CLERK

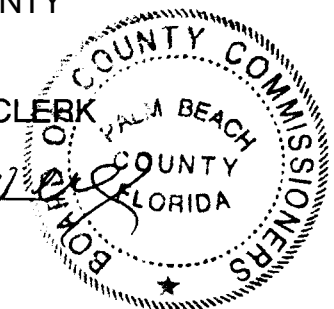


EXHIBIT A
LEGAL DESCRIPTION

DESCRIPTION:

ALL OF BLOCKS 2 & 3, SUNBEAM PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS AND ACCEPT THEREFROM LOT 9, BLOCK 2, LOT 10, BLOCK 2, LOT 9, BLOCK 3, LOT 10, BLOCK 3 AND THAT PORTION OF LOT 11, BLOCK 3 DESCRIBED IN RIGHT-OF-WAY WARRANTY DEED RECORDED IN OFFICIAL RECORD BOOK 5664, PAGE 1984, PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

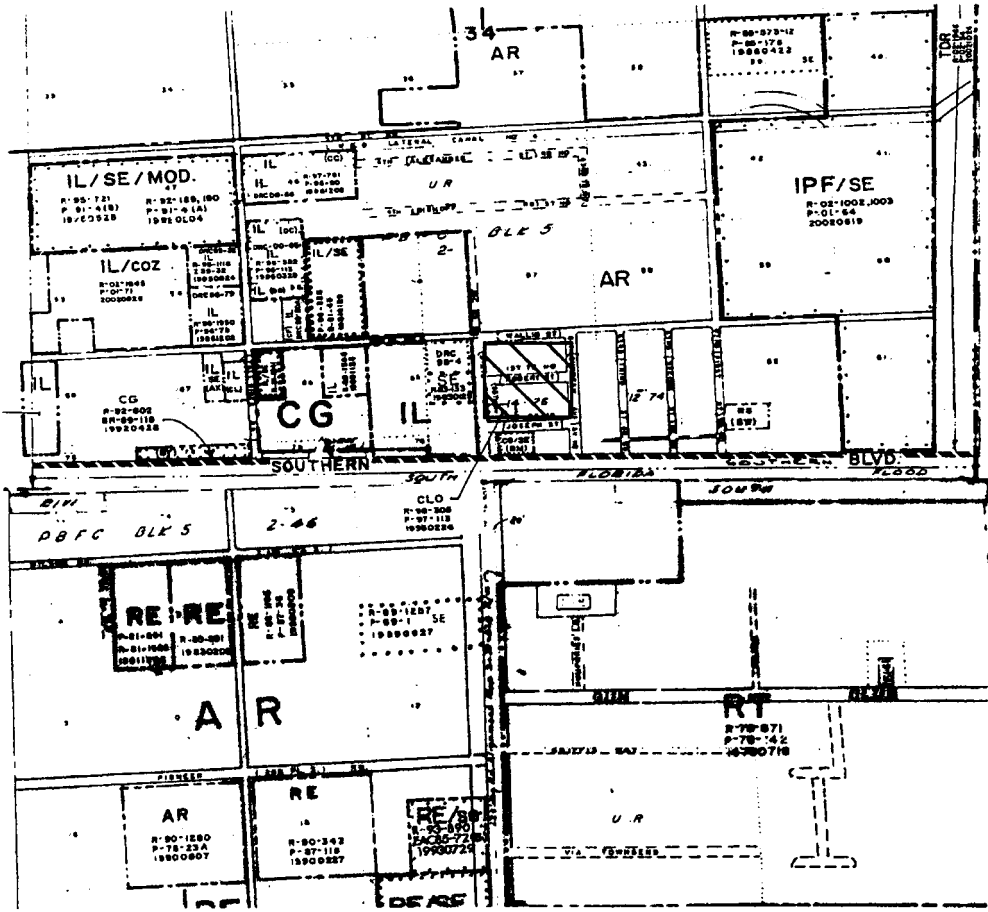
A PORTION OF ROBERT STREET, SUNBEAM PARK, ACCORDING TO THE PLAT THEREOF, **AS** RECORDED IN PLAT BOOK 14, PAGE 26, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA. BEING DESCRIBED AS FOLLOWS.

BEGINNING AT THE NORTHEAST CORNER OF BLOCK 2, OF SAID SUNBEAM PARK; THENCE SOUTH 89'27'00" WEST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF ROBERT STREET, A DISTANCE OF 400.00 FEET; THENCE NORTH 00'33'00" WEST, A DISTANCE OF 60.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF ROBERT STREET; THENCE NORTH 89'27'00" EAST, ALONG THE NORTH RIGHT-OF-WAY LINE OF JOSEPH STREET, A DISTANCE OF 400.00 FEET; THENCE SOUTH 00'33'00" EAST, A DISTANCE OF 60.00 FEET, TO THE POINT OF BEGINNING.

SAID LANDS SITUATE LYING AND BEING IN PALM BEACH COUNTY, FLORIDA. CONTAINING 215,688 SQUARE FEET MORE OR

EXHIBIT B
VICINITY SKETCH

EXHIBIT B
PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Petition Number Z/CA2002-032

Zoning Quad Page 31

Date December 20, 2002



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 October 15, 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)
2. All Voluntary Commitments contained in Resolution R-98-0305, Petition 97-113, are hereby revoked. (ONGOING: MONITORING – Zoning)

B. ARCHITECTURE REVIEW

1. At time of submittal for final DRC certification, the architectural elevations shall be submitted for architectural review and approval. Elevations and the site plan shall be designed to be consistent with Section 6.6.E of the ULDC. Development shall be consistent with the approved architectural elevations and DRC certified site plan. (DRC: ARCH REVIEW – Zoning)
2. Gas station canopies shall be designed consistent with the following standards:
 - a. A maximum height of twenty-five (25) feet;
 - b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
 - c. A pitched roof shall be required with a minimum slope of 3.5/12, or a maximum slope of 8:12;
 - d. Banding shall not exceed more than twenty (20) percent of the roof height provided;
 - e. Lighting for the gas station canopy shall be flush mounted or recessed; and,
 - f. Canopy signage shall be limited to two (2) facades only. Letter size shall be limited to a maximum height of twenty-four (24) inches. (BLDG PRMT/CO: BLDG – Zoning)

C. BUILDING AND SITE DESIGN

1. Prior to final Development Review Committee (DRC) approval, the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRC/ONGOING: ZONING/CODE ENF – Zoning)
2. Prior to final Development Review Committee (DRC) approval, the site plan shall be revised to shift the main driveway entrance and open space islands to the north to allow for an increase in the turning radius for the one-way drive isle used to access the south parking lot, subject to approval by the Engineering Division. (DRC: ZONING/ENG – Zoning)
3. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within one hundred and fifty (150) feet of the east property line. (DRC/ONGOING: ZONING/CODE ENF – Zoning)

D. ENVIRONMENTAL

1. All existing native vegetation depicted on the site plan to remain shall be maintained in perpetuity. Areas where existing native vegetation have been incorporated into the site plan shall be maintained free from invasive, exotic and non-native species. (ONGOING: ERM – Erm)

E. ENGINEERING

1. Prior to the issuance of a building permit the property owner shall convey to Palm Beach County Land Development Division by warranty deed additional right of way for the construction of a right turn lane on:

- a) Wallis Road at the project's entrance road
- b) Jog Road at the project's entrance road

This right-of-way shall be a minimum of 200 feet in storage length, twelve feet in width and a taper length of 50 feet or as approved by the County Engineer. This additional right of way shall be free of all encumbrances and encroachments and shall include "Corner Clips" where appropriate as determined by the County Engineer. Property owner shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. (BLDG PERMIT: MONITORING – Eng)

2. The property owner shall convey to Palm Beach County Land Development Division by warranty deed for Wallis Road, 40 feet from centerline on or before June 15, 2003 or prior to the issuance of the first Building Permit whichever shall first occur. Right of way conveyance shall be along the projects entire frontage and shall be free of all encumbrances and encroachments. Developer shall provide Palm Beach County with sufficient documentation acceptable to the Right of Way Acquisition Section to ensure that the property is free of all encumbrances and encroachments. Thoroughfare Plan Road right-of-way conveyances shall be consistent with Palm Beach County's Thoroughfare Right of Way Identification Map and shall include provisions for Expanded Intersection Details and "Corner Clips." at Wallis Road and Sunbeam Avenue (DATE/BLDG. PERMIT: MONITORING – Eng)

3. The Property owner shall construct:

- a) A left turn lane East Approach on Wallis Road at Jog Road;
- b) Right turn lane South Approach on Jog Road at Projects Entrance.
- c) Right turn lane west Approach on Wallis Road at Projects Entrance.
- d.) Wallis road from Jog Road to east property line.

This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring – Eng)

4. Construction of improvements listed in Condition E.3 above shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING – Eng)

5. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
 - a. No Building Permits shall be issued until construction has begun for Southern Boulevard as an 8 lane section from State Road 7 to Congress Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING – Eng)
 - b. No Building Permits for the site may be issued after January 1, 2007. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Section 5.8 of the Unified Land Development Code. (DATE: MONITORING – Eng)
6. The Property Owner shall fund the cost of signal installation if warranted as determined by the County Engineer at Wallis Road and Jog Road. Signalization shall be a mast arm structure installation. The cost of signalization shall also include any required utility relocation. Should signalization not be warranted after 24 months of the final Certificate of Occupancy this property owner shall be relieved from this condition. (ONGOING: MONITORING-Eng).
7. Prior to issuance of a Building Permit the Developer shall plat the subject property in accordance with provisions of Article 8 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)
8. Prior to DRC approval of the final site plan the property owner shall abandon the underlying Robert Street road right-of-way that falls within the Boundary of this site. (DRC APPROVAL: MONITORING – Eng)

9. LANDSCAPE WITHIN THE MEDIAN OF JOG ROAD

The petitioner shall design, install and perpetually maintain the median landscaping within the Median of Jog Road. This landscaping and irrigation shall strictly conform with the specifications and standards for the County's Only Trees, Irrigation, and Sod (OTIS) program. Exceptions for additional landscaping beyond OTIS require Board of County Commissioners approval. Sites with additional landscaping shall be perpetually maintained by the petitioner, his successors and assigns, without recourse to Palm Beach County.

- a. The necessary permit(s) for this landscaping and irrigation shall be applied for prior to the issuance of the first Building Permit. (BLDG PERMIT: MONITORING – Eng)
- b. All installation of the landscaping and irrigation shall be completed prior to the issuance of the first certificate of occupancy. (CO: MONITORING – Eng)

At the petitioner's option, when and if the County is ready to install OTIS on the surrounding medians of this roadway adjacent to the petitioner-installed landscaping, payment for the maintenance may be provided to the County. Once payment has been provided, Palm Beach County shall assume the maintenance responsibility for the OTIS landscaping and irrigation that has been installed by the petitioner. The Developer shall first be required to correct any deficiencies in the landscaping and irrigation.

In the event that the County installs trees, irrigation, and sod under its OTIS program along this project's frontage prior to the petitioner installing this landscaping and irrigation, then the option for the petitioner to install and maintain shall no longer be available without Board of County commissioners approval, and the petitioner shall contribute to the County's beautification program, as outlined in the second part of this condition, as follows:

Alternately, at the option of the petitioner,

Prior to the issuance of a Building Permit, the petitioner shall make a contribution to the County's Only Trees, Irrigation and Sod (OTIS) unincorporated thoroughfare beautification program. This payment, for the County's installation of landscaping and irrigation on qualifying thoroughfares shall be based on the project's front footage length along Jog Road. The payment shall be in the amount and manner that complies with the schedule for such payments, as it currently exists, or from time to time may be amended.

NOTE: Payments under this program do not guarantee the installation of landscaping and irrigation along this project's frontage during any particular time frame.

F. 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). (DRC: HEALTH – Health)

G. LANDSCAPING –STANDARD

1. Fifty (50) percent of canopy trees to be planted in the landscape buffers shall be native 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 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)
3. All shrub or hedge materials shall be planted in continuous masses and in a meandering and naturalistic pattern, consisting of a minimum of two (2) to three (3) varying heights. 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. Twenty-four (24) to thirty-six (36) inches – medium shrub;
 - c. Forty-eight (48) to seventy-two (72) inches – large shrub; and

- d. This condition shall not apply where a single row of shrubs is required along either side of a fence or wall. (CO: LANDSCAPE – Zoning)
- 4. All trees and palms shall be planted in a meandering and naturalistic pattern, excluding palm trees planted along either side of the project's main entrance from Jog Road. (CO: LANDSCAPE – Zoning)
- 5. A group of three (3) or more palm or pine trees may not supersede the requirement for a canopy tree in that location, unless specified herein. (CO: LANDSCAPE – Zoning)
- 6. Prior to final DRC certification, the petitioner shall meet with Landscape Section staff to ensure that the maximum amount of existing native vegetation is incorporated into the final site design. (DRC: LANDSCAPE – Zoning)

H. LANDSCAPING ALONG NORTH, SOUTH, EAST AND WEST PROPERTY LINES (FRONTAGES OF WALLIS ROAD, JOSEPH STREET (OR SOUTHERN BOULEVARD), SUNBEAM AVENUE AND JOG ROAD)

- 1. Landscaping and buffering along the north, south, east and west property lines shall be upgraded to include:
 - a. A minimum twenty (20) foot wide landscape buffer strip. No width reduction shall be permitted. No easement encroachment shall be permitted along the south, east and west property lines;
 - b. A continuous two (2) foot high berm measured from top of curb. Field adjustment of berm location may be permitted for transverse utility easements or to accommodate pedestrian walkways and/or existing vegetation;
 - c. One (1) native canopy tree for each thirty (30) feet of the property line;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. Credit may be given for existing pine trees and existing/relocated palm trees;
 - e. 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;
 - f. One (1) medium shrub for each four (4) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - g. One (1) large shrub for each six (6) linear feet of the property line. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE – Zoning)

I. LANDSCAPING - INTERIOR

- 1. Foundation planting or grade level planters shall be provided along the north, south and west facades of all structures to consist of the following:
 - a. The minimum width of the required landscape areas shall be eight (8) feet;
 - b. The length of the required landscaped areas shall be no less than forty (40%) percent of the total length of each side of the structure;
 - 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; and
 - d. This condition does not apply to the car wash building or the south side of the retail building. (DRC/CO: ZONING/LANDSCAPE – Zoning)

2. Landscaping for terminal islands in the parking area shall consist of the following:
 - a. One (1) canopy tree for each ten (10) linear feet of the island; and,
 - b. A continuous hedge between all trees within the islands where applicable. Shrub or hedge materials or groundcover shall be maintained at a maximum height of thirty (30) inches. (CO: LANDSCAPE - Zoning)

3. A landscape buffer strip shall be provided along the western edge of the dry detention area and shall include the following:
 - a. A minimum ten (10) foot wide landscape buffer strip;
 - b. A six (6) foot high opaque concrete panel wall, the wall shall measure a minimum of five hundred and fifty (550) linear feet. The exterior side of the wall shall be given a finished architectural treatment that is consistent with the color and style of the principal structure;
 - c. One (1) canopy tree, multi-trunk or flowering tree planted for each twenty (20) linear feet of the landscape buffer, alternating on both sides of the wall and shall be grouped in a naturalistic pattern;
 - d. One (1) palm or pine tree for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters, alternating on both sides of the wall and shall be grouped in a naturalistic pattern;
 - e. One (1) small shrub for each two (2) linear feet of landscape buffer. Shrub shall be a minimum height of twenty-four (24) inches at installation, planted on both sides of the wall. The row of shrubs located on the western side of the required wall shall be exempted from the naturalistic planting pattern. The row of shrubs located on the eastern side of the wall shall be planted pursuant to Condition 1.3.g;
 - f. One (1) medium shrub for each four (4) linear feet of landscape buffer. Shrub shall be a minimum height of twenty-four (24) inches at installation, planted on the eastern side of the wall pursuant to Condition 1.3.g;
 - g. Boulders shall be provided on both edges of the dry detention area to create a naturalistic pattern. Shrubs/groundcover and/or ornamental grasses shall be planted adjacent or in between the boulders; and
 - h. Prior to final DRC certification of the site plan, the petitioner shall submit to the Landscape Review Section a planting plan showing the requirements pursuant to Condition 1.3.a to 1.3.g. (DRC/CO: LANDSCAPE – Zoning)

4. Landscaping in the divider median (approximately one hundred and eighty (180) linear feet in length) located between the carwash drive isle and the access driveway from Wallis Road shall consist of the following:
 - a. One (1) native canopy tree, multi-trunk or flowering tree for each twenty (20) linear feet of divider median;
 - b. One (1) shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and shall be maintained at a maximum height of thirty (30) inches at maturity,
 - c. Shrubs shall be exempted in areas where fire hydrants, light poles, and any above or underground utilities are located. (DRC: ZONING/LANDSCAPE – Zoning)

5. Landscaping in the divider median (approximately one hundred and forty (140) linear feet in length) located adjacent to the queuing lane of the fast-food restaurant shall consist of the following:
 - a. One (1) native canopy tree, multi-trunk or flowering tree for each twenty (20) linear feet of divider median;
 - b. One (1) shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and shall be maintained at a maximum height of thirty (30) inches at maturity,
 - c. Shrubs shall be exempted in areas where fire hydrants, light poles, and any above or underground utilities are located. (DRC: ZONING/ LANDSCAPE – Zoning)

6. Landscaping in the divider medians located along both sides of the projects main entrance from Jog Road, shall be upgraded to include:
 - a. One (1) royal palm tree for each thirty (30) feet of driveway;
 - b. One (1) small shrub for each two (2) linear feet of divider median. Shrub shall be a minimum height of eighteen (18) inches at installation;
 - c. One (1) medium shrub for each four (4) linear feet of divider median. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
 - d. Shrubs shall be exempted in areas where fire hydrants, light poles, and any above or underground utilities are located. (DRC: ZONING/ LANDSCAPE – Zoning)

J. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of minimum necessary to satisfy the Palm Beach County Security Code, low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING: BLDG/CODE ENF – Zoning)
2. All outdoor, freestanding lighting fixtures shall not exceed twenty five (25) feet in height measured from finished grade to highest point. (CO: BLDG – Zoning)
3. All outdoor, freestanding lighting fixtures be setback ninety (90) feet from the east property line. (CO: BLDG – Zoning)
4. All outdoor lighting shall be extinguished one-half hour after business hours, excluding security lighting only. (ONGOING: CODE ENF – Zoning)
5. The lighting conditions above shall not apply to proposed security or low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF – Zoning)

K. PLANNING

1. Prior to final Development Review Committee (DRC) certification of the site plan, the site plan shall be amended to indicate that the easternmost seventy-five (75) feet of the site shall be cross-hatched. Parking shall be prohibited in the cross-hatched area. There shall be no commercial intensity and/or square footage associated with the cross-hatched area. (DRC/ONGOING: PLANNING/CODE ENF – Planning)

2. Prior to final DRC certification of the site plan, in order to ensure consistency with recommendations from the Haverhill Area Neighborhood Plan, the notation of a proposed pedestrian walk along the site's Wallis Road frontage shall remain on the site plan. (DRC: PLANNING – Planning)
3. Prior to the issuance of a certificate of occupancy on the site, the applicant shall construct the pedestrian walkway shown on the site's Wallis Road frontage. (CO: MONITORING/PLANNING – Planning)

L. SIGNS

1. Freestanding point of purchase signs shall be limited as follows:
 - a. Maximum sign height: fifteen (15) feet;
 - b. Maximum total sign face area per sign: one-hundred (100) square feet;
 - c. Maximum number of signs: two (2);
 - d. Location: Jog Road frontage only. One sign shall be within 150 feet of the south property line, and the other shall be within 150 feet of the north property line;
 - e. Style: monument; and
 - f. Signs shall be limited to tenant identification only, with exception to any state requirements for gas station advertising. (CO: BLDG – Zoning)
2. Wall signs shall be limited to the west facade of the convenience store; and the south and west facades of the fast food restaurant/general retail sales building. Individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to tenant identification only. (CO: BLDG – Zoning)
3. Signs on Gas Canopy shall be limited to the south and west sides of the canopy. Lettering size shall be limited to twenty-four (24) inches high. Canopy signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

M. USE LIMITATION

1. Gasoline sales shall be limited to a maximum of eight (8) pumps (16 fueling stations). (DRC: ZONING – Zoning)
2. No outdoor retail business activities shall be allowed on site, except for deliveries for all uses and gasoline sales. (ONGOING: CODE ENF – Zoning)
3. Storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility. (ONGOING: CODE ENF – Zoning)
4. Outdoor speaker or public address systems which are audible from any property line shall not be permitted on site. (ONGOING: CODE ENF – Zoning)
5. Overnight parking of delivery vehicles or trucks shall not be permitted. (ONGOING: CODE ENF – Zoning)
6. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF – Zoning)

N. 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)