

RESOLUTION NO. R-2003-1986

RESOLUTION APPROVING ZONING PETITION CA2003-082  
CLASS A CONDITIONAL USE  
PETITION OF MOHAMED RAMMAL  
BY KILDAY & ASSOCIATES, INC., AGENT  
(CEDARS OIL BOCA)

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 CA2003-082 was presented to the Board of County Commissioners at a public hearing conducted on December 4, 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 has considered the findings in the staff report and 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 CA2003-082, the petition of Mohamed Rammal, by Kilday & Associates, Inc., agent, for a Class A Conditional Use to allow a convenience store with gas sales in the General Commercial/Special Exception 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 December 4, 2003, 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 Greene and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on December 4, 2003.

Filed with the Clerk of the Board of County Commissioners on 6 day of January, 2004.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

BY:   
COUNTY ATTORNEY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

DOROTHY H. WILKINSON, CLERK

BY:   
DEPUTY CLERK

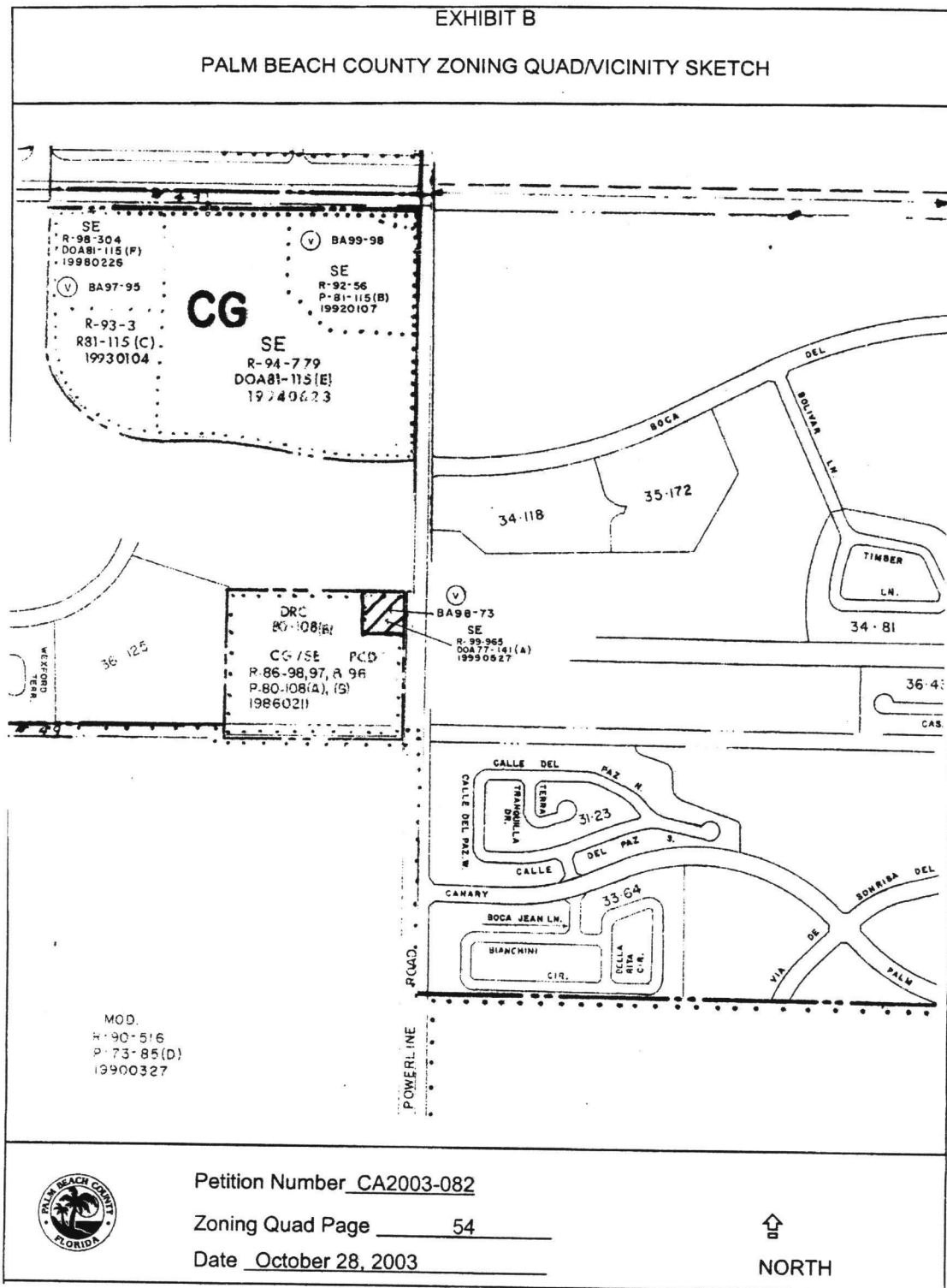


EXHIBIT A  
LEGAL DESCRIPTION

A PARCEL OF LAND IN SECTION 28, TOWNSHIP 47 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 28, RUN S.01°03=02@E., ALONG THE CENTERLINE OF POWERLINE ROAD, ALSO BEING THE EAST LINE OF SAID SECTION 28, FOR 1993.36 FEET TO A POINT; THENCE RUN S.89°28=02@W., FOR 70.00 FEET TO A POINT ON THE EXISTING RIGHT OF WAY LINE OF POWERLINE ROAD, BEING THE POINT OF BEGINNING; THENCE RUN S.01°03=02@E., FOR 200.90 FEET TO A POINT; THENCE RUN S.89°28=02@W., FOR 193.38 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE RUN ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89°28=56@, AN ARC DISTANCE OF 39.04 FEET TO THE POINT OF TANGENCY; THENCE RUN N.01°03=02@W., FOR 176.12 FEET TO A POINT; THENCE RUN N.89°28=02@E., FOR 218.16 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH



## 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 10, 2003. 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)

#### B. ARCHITECTURAL REVIEW

1. At time of submittal for final DRC approval of the site plan, the architectural elevations for all structures shall be submitted simultaneously with the site plan for final architectural review and approval. The elevations and the site plan shall be designed to be consistent with Section 6.6.C and Section 6.6.E. of the ULDC. Development shall be consistent with the approved architectural elevations and the DRC approved site plan. (DRC: ZONING - Zoning)

#### C. BUILDING AND SITE DESIGN

1. All roof or ground mounted air conditioning, mechanical equipment and satellite dishes shall be screened from view on all sides by a visually opaque barrier that is consistent with the color, character and architectural style of the principal structure or equivalent landscape material. (CO: BLDG - Zoning)
2. The maximum height for the convenience store shall not exceed twenty-five (25) feet measured from finished grade to highest point. Rooftop equipment, air conditioning units and parapets used to screen mechanical equipment shall not exceed a height of thirty (30) feet measured from finished grade to highest point. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
3. The maximum height for the carwash shall not exceed twenty (20) feet measured from finished grade to highest point. No equipment shall be permitted on the rooftop or north side of the structure. (DRC/BLDG PERMIT: ZONING/BLDG - Zoning)
4. The north side of the carwash shall be fully enclosed, consist of solid wall construction, and no openings or transparent building materials shall be permitted. (BLDG PERMIT/DRC/ONGOING: BLDG/ARCH REV/CODE ENF - Zoning)

#### D. CONVENIENCE STORE WITH GAS SALES

1. Gas station canopies shall be designed consistent with the following standards:
  - a. a maximum height of twenty-five (25) feet. If a pitched roof is used, the roof shall have a minimum slope of 5:12. No flat roof shall be permitted;

- b. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
  - c. lighting for the gas station canopy shall be flush mounted or recessed. (BLDG PERMIT/CO: BLDG - Zoning)
2. 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)

E. ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:

No Building Permits for the site may be issued after December 1, 2006. A time extension for this condition may be approved by the County Engineer only if 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)

2. Prior to the issuance of a Building Permit, the property owner shall convey to Palm Beach County Land Development Division by warranty deed a 25 foot corner clip at the intersection of Powerline Road and the entrance to the Camino Real Center. The 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. The Grantor further warrants that the property being conveyed to Palm Beach County meets all appropriate and applicable environmental agency requirements. In the event of a determination of contamination which requires remediation or clean up on the property now owned by the Grantor, the Grantor agrees to hold the Grantee harmless and shall be responsible for all costs of such clean up, including but not limited to, all applicable permit fees, Engineering or other expert fees including Attorney's fees as well as the actual cost of the clean up. (BLDG. PERMIT: MONITORING - Eng)
3. Prior to approval of the site plan by the Development Review Committee (DRC), the property owner shall convey two (2) access easements to the property owner to the west. Location of the access easement shall be approved by the County Engineer with the form and content of the easement approved by the County Attorney's Office. (DRC: ENG - Eng)
4. The concurrency approval is subject to the project aggregation rule set forth in the Traffic Performance Standards Ordinance. (ONGOING: MONITORING - Eng)

F. LANDSCAPING - STANDARD

1. Fifty-percent (50%) of trees to be planted in the perimeter buffers 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 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 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 does not apply to the five (5) foot wide compatibility buffers or where a single row of hedge is required on one side of the wall. (CO: LANDSCAPE - Zoning)
  4. All trees and palms required by this approval shall be planted in a meandering and naturalistic pattern. (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. 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)
  7. Prior to final Development Review Committee (DRC) approval of the site plan, the petitioner shall meet with Landscape Section staff to ensure that the existing canopy trees along the north property line are preserved and incorporated into the north landscape buffer. (DRC: LANDSCAPE - Zoning)

G. LANDSCAPING ALONG THE EAST PROPERTY LINE (FRONTAGE OF POWERLINE ROAD)

1. Landscaping and buffering along the east property line shall be upgraded to include:
  - a. a minimum twenty (20) foot wide landscape buffer strip with a maximum ten (10) feet of easement encroachment, as permitted by BA2003-0358;
  - b. a minimum two (2) to three (3) foot high undulating berm with an average height of two and one half (2.5) feet measured from top of curb. Field adjustment of berm location may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation;
  - c. one (1) native canopy tree for each thirty (30) linear feet of the property line;
  - d. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters;

- 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)

H. LANDSCAPING ALONG THE NORTH PROPERTY LINE (ABUTTING RESIDENTIAL PROPERTY)

1. Landscaping and buffering along the north property line shall be upgraded to include:
  - a. a minimum fifteen (15) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. a six (6) foot high opaque concrete or concrete screen panel wall shall be located five (5) feet from the south boundary of the buffer. Field adjustment of wall location shall be permitted to accommodate existing vegetation. The exterior side of the wall shall be given a finished architectural treatment that is harmonious and compatible with abutting development; and,
  - c. one (1) canopy tree for each twenty (20) linear feet of the property line, to be planted on both sides of the wall. (CO: LANDSCAPE - Zoning)
2. The following landscaping requirements shall be installed on the exterior side of the required wall:
  - a. one (1) small shrub for each two (2) linear feet of the property line. Shrub shall be a minimum height of twenty-four (24) inches at installation; and,
  - b. 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)
3. Along the interior side of the required wall, the petitioner shall install twenty-four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center, to be maintained at a minimum height of thirty-six (36) inches at maturity. (CO: LANDSCAPE - Zoning)

I. LANDSCAPING ALONG THE SOUTH AND WEST PROPERTY LINES (ABUTTING CAMINO REAL CENTRE)

1. Landscaping and buffering along the south and west property lines shall be upgraded to include:
  - a. a minimum five (5) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
  - b. one (1) canopy tree planted for each twenty (20) linear feet of the property line;
  - c. one (1) palm for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters; 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)



J. LANDSCAPING - INTERIOR

1. Foundation planting or grade level planters shall be provided along the north, south, east and west facades of the convenience store building and the north and south facades of the carwash to consist of the following:
  - a. The minimum width of the required landscape areas shall be five (5) feet;
  - b. The length of the required landscaped areas shall be no less than fifty (50) percent of the total length of the north, east and west sides of the convenience store building, forty (40) percent of the total length of the south side of the convenience store building, and eighty (80) percent of the total length of the north and south sides of the carwash; and,
  - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear feet of building facade and appropriate ground cover. (DRC/CO: ZONING/LANDSCAPE - Zoning)
2. Landscaping for terminal islands in the parking area shall consist of the following:
  - a. a minimum of one (1) flowering tree for each 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. Landscaping within the terminal island at the southeast corner of the convenience store building abutting the loading area shall consist of the following:
  - a. a minimum of one (1) Yellow Poinciana, Jacaranda, or other similar species, subject to Zoning Division approval; and,
  - b. one (1) medium shrub for each four (4) linear feet of curb. Shrub shall be a minimum height of thirty (30) inches at installation. (CO: LANDSCAPE - Zoning)
4. Decorative planters shall perpetually be placed on each end of every gas pump island to consist of the following:
  - a. decorative planters shall be a minimum of thirty (30) gallons in size, and a minimum of twenty-four (24) inches in height;
  - b. decorative planters shall be designed to be consistent with the architecture of the principal structure. Decorative planter details shall be submitted to Architectural Review staff for review and approval at time of submittal for final DRC approval of the site plan; and,
  - c. each planter shall be planted with one (1) Lady palm, Bamboo palm, or other similar species, subject to Zoning Division approval. (DRC/CO/ONGOING: ARCH REV/LANDSCAPE/CODE ENF - Zoning)

K. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of the 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 (20) feet in height measured from finished grade to highest point. (CO: BLDG - Zoning)
3. All outdoor, freestanding lighting fixtures shall be setback a minimum of twenty-five (25) feet from the north property line. (CO: BLDG - Zoning)
4. All outdoor lighting shall be extinguished no later than thirty (30) minutes after operating 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)

L. SIGNS

1. New or replacement freestanding point of purchase signs shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - eight (8) feet;
  - b. Maximum sign face area per side - eighty (80) square feet;
  - c. Maximum number of signs - one (1);
  - d. Style - monument style only;
  - e. Location - frontage of Powerline Road and within fifty (50) feet of the south property line; and,
  - f. Signs shall be limited to identification of tenants, and any State sign requirements for gasoline sales. (CO: BLDG - Zoning)
2. Wall signs shall be limited to the east facade of all buildings and individual lettering size shall be limited to twenty-four (24) inches high. Wall signs shall be limited to identification of tenants only, excluding the carwash, which shall be permitted a single sign identifying the structure as a carwash. (CO: BLDG - Zoning)
3. Signs on the gas canopy shall be limited to the south and east facades. A maximum of one (1) sign shall be permitted per applicable façade. Lettering size shall be limited to eighteen (18) inches high. Canopy signs shall be limited to identification of tenants only. (CO: BLDG - Zoning)

M. USE LIMITATION

1. Parking of delivery vehicles or trucks shall not be permitted on the property except within the designated loading space located to the south of the convenience store building. (ONGOING: CODE ENF - Zoning)
2. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
3. Repair or maintenance of vehicles shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)
4. Outdoor retail business activities shall not be allowed on the property, excluding deliveries only. (ONGOING: CODE ENF - Zoning)
5. Outdoor storage or placement of any material, refuse, equipment or debris 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)
7. Hours of operation for the carwash shall be limited to 7:00 a.m. to 10:00 p.m. daily. (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)