

RESOLUTION NO. R-96- 132

RESOLUTION APPROVING ZONING PETITION CA95-91
CLASS A CONDITIONAL USE
PETITION OF Richard Crooks
BY David Carpenter, AGENT
SERVICE STATION RENOVATION

2-15-96

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 CA95-91 was presented to the Board of County Commissioners at a public hearing conducted on January 25, 1996; 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.
- a. This Class A Conditional Use has a concurrency reservation and therefore complies with Art. 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 CA95-91, the petition **of** Richard Crooks, by David Carpenter, Agent for a Class A Conditional Use (CA) for 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 January **25**, 1996, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Ken Foster	--	Aye
Burt Aaronson	--	Aye
Maude Ford Lee	--	Aye
Karen T. Marcus	--	Aye
Mary McCarty	--	Absent
Warren Newell	--	Absent
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on January **25**, 1996.

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

Petition No. CA95-91

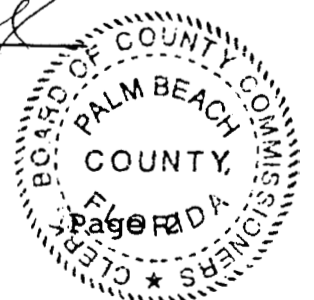


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Commence at a point on the North line of Section 29, Township 43 South, Range 43 East, which **is** located 1300.36 feet East of the East line of Replat **of** Madrid Park as recorded in Plat **Book** 20 at Page 20 of the public records of Palm Beach County, Florida; said point also being situated 50.00 feet West of the East line **of** the Northwest 1/4 of said Section 29; thence run South 0°41'20" West parallel to the East line of the Northwest 1/4 of said Section 29 for a distance **of** 59.39 feet to the Point of Beginning of the tract **of** land hereinafter described; thence continue South 0°41'20" West for a distance of 100.61 feet; thence South 90°00'00" West parallel to the North line **of** Section 29 for 56.00 feet; thence South 0°41'20" West parallel to the East line of Section 29 for 50.00 feet; thence South 90°00'00" West parallel to the *North* line **of** Section 29 for a distance **of** 133.00 feet; thence run North 0°41'20" East parallel to the East line of the Northwest 1/4 of said Section 29 for a distance of 192.39 feet to a point **on** the Southerly right **of** way line of Okeechobee Road; said point being situated on the arc of a circular curve concave to the Southwest and having for its elements a radius of 726.46 feet, a central angle of 15°16'22" and a chord bearing **of** South 77°30'16" East, thence run Southeasterly along the arc **of** said curve for a distance of 193.66 feet to the Point **of** Beginning.

Subject to the taking of additional right of way for State Road 704 (Okeechobee Boulevard).

Containing 0.69 acres more or less.

EXHIBIT B
VICINITY SKETCH



EXHIBIT C

CONDITIONS OF APPROVAL

A. LANDSCAPING

1. All trees required to be planted on site by this approval 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. (CO: LANDSCAPE-Zoning)
2. The right-of-way buffer along Okeechobee Boulevard shall be upgraded to include one canopy tree or group of three palms every twenty (20) feet on center. (CO: LANDSCAPE-Zoning)

B. LIGHTING

1. All outdoor lighting used to illuminate the subject property and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets. (CO/ONGOING; BLDG/CODE ENF-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (CO: BLDG-Zoning)

C. SIGNS

1. Point of purchase and/or freestanding signs along Florida Mango Road shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - thirty (30) feet;
 - b. Maximum sign face area per side - 90 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BLDG PERMIT: BLDG-Zoning)
2. Point of purchase and/or freestanding signs along Okeechobee Boulevard shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ten (10) feet;
 - b. Maximum sign face area per side - 90 square feet;
 - c. Maximum number of signs - one (1);
 - d. Style - monument style only. (BLDG PERMIT: BLDG - Zoning)

D. SITE PLAN APPROVAL

1. Prior to site plan certification, the petitioner shall obtain variance relief from the applicable requirements of the ULDC or revise the plan to meet minimum ULDC requirements. In the event the variance requests are approved, the petitioner shall revise the site plan to clearly indicate all relief granted. (DRC: ZONING)
2. Use of the site shall be limited to a 1,428 square foot convenience store with gas sales. (DRC: ZONING)
3. The site shall be limited to a maximum of two (2) pump islands. (DRC: ZONING)
4. The subject property shall be limited to the site design and configuration approved by the Board of Adjustment. (DRC: ZONING)
5. A Landscape Betterment Plan shall be approved as part of final site plan approval by the DRC for the subject property if it is determined by staff that variance relief for the fifteen (15) foot landscape buffer is not required. (BOARD OF ADJUSTMENT/DRC: ZONING)
6. The petitioner shall provide free air and water to the public for minor vehicle maintenance at no charge. (ONGOING: CODE ENF)

E. ENGINEERING

1. The Developer shall provide discharge control and treatment for the stormwater runoff in accordance with all applicable agency requirements in effect at the time of the permit application. In the event that the subject site abuts a Department of Transportation maintained roadway, concurrent approval from the Florida Department of Transportation will also be required. The drainage system shall be maintained in an acceptable condition as approved by the County Engineer. In the event that the drainage system is not adequately maintained as determined by the County Engineer, this matter will be referred to the Code Enforcement Board for enforcement (BLDG PERMIT:BLDG - Eng).
2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Road Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this project to be paid at the time of issuance of the Building Permit presently is \$7,975.00 (290 trips X \$27.50 per trip) (BLDG PERMIT:IMPACT FEE COORDINATOR).

F. SITE DESIGN

1. Prior certification by the DRC the site plan shall be amended to show the eastern existing driveway to Okeechobee Boulevard to have a maximum of twenty-five (25) in width. (DRC: ZONING-Building)
2. The required right-of-way buffer adjacent to Okeechobee Boulevard shall extend to the edge of the drives providing approximately ninety (90) feet in length of right-of-way buffer. (DRC: ZONING-Building)

G. HEALTH

1. Application and engineering plans to upgrade the existing onsite sewage treatment and disposal system (OSTDS) in accordance with Chapter 10D-6 FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Public Health Unit prior to final site plan certification. (DRC:HEALTH)
2. No repair or maintenance of vehicles will take place on this site. (ONGOING:HEALTH/CODE ENF)
3. No food preparation or cooking will be allowed on site. (ONGOING:HEALTH/CODE ENF)

H. ERM

1. Prior to Certificate of Occupancy (CO), a System Tightness test shall be performed and the results reviewed and approved by the Department of Environmental Resources Management. (CO:MONITORING-ERM)

I. COMPLIANCE

1. 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; 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.

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)