

RESOLUTION NO. R-96- 259

RESOLUTION APPROVING ZONING PETITION CA91-34(A)  
CLASS A CONDITIONAL USE  
PETITION OF MOBIL OIL CORPORATION  
BY KELLY BLACKBURN, AGENT  
MOBIL FX-7

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 CA91-34(A) was presented to the Board of County Commissioners at a public hearing conducted on February 22, 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.
8. 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 CA91-34(A), the petition of Mobil Oil Corporation, by Kelly Blackburn, Agent, for a Class A Conditional Use 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 February 22, 1996, 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 Aaronson 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	--	Absent
Mary McCarty	--	Aye
Warren Newell	--	Aye
Carol A. Roberts	--	Aye

The Chair thereupon declared that the resolution was duly passed and adopted on February 22, 1996.

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

ROBERTA M. WILKINSON, CLERK

BY:   
COUNTY ATTORNEY

BY:   
DEPUTY CLERK

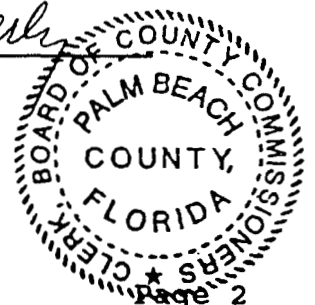


EXHIBIT B  
VICINITY SKETCH

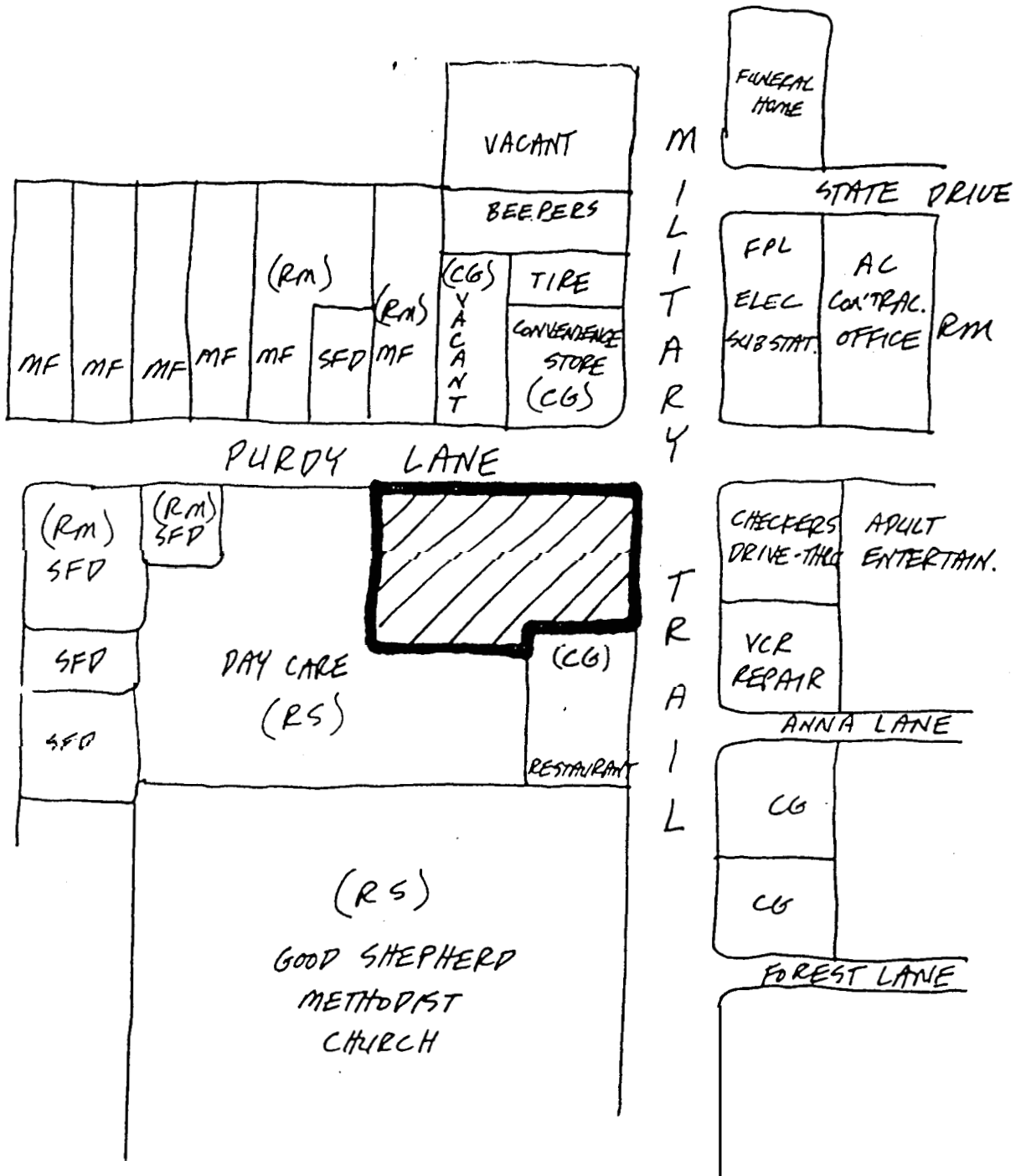


EXHIBIT C

CONDITIONS OF APPROVAL

A. GENERAL

1. The petitioner shall comply with all previous Conditions of approval as contained in Resolutions R-91-1479 adopted by the Board of County Commissioners, unless expressly modified. (ONGOING: MONITORING - Zoning)

B. BUILDING AND SITE DESIGN

1. All air conditioning and mechanical equipment shall be screened from view on all sides by a visually opaque barrier consistent with the color, character and architectural style of the principle structure or equivalent landscape material. (CO: BLDG - Zoning)
2. All areas or receptacles for the storage and disposal of trash or garbage, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the west or south property lines. (CO: BLDG - Zoning)
3. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on site except within the designated unloading space located in the northeast corner of the property. (ONGOING: CODE ENF)
4. Prior to final Development Review Committee (DRC) certification, the site plan shall be amended to indicate facilities for the provision of air and water for minor vehicle maintenance. The owner of the service station facility shall provide air and water for minor vehicle maintenance to the public at no charge. (DRC / ONGOING: ZONING / CODE ENF)
5. Prior to final Development Review Committee (DRC) certification, the petitioner shall abandon or obtain removal agreements for proposed improvements within existing ten (10) foot utility easement located in the center portion of the property. (DRC: ZONING)

C. LANDSCAPING

1. All trees shall meet the following minimum standards at time of 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)

D. LANDSCAPING AND BUFFERING ALONG THE WEST PROPERTY LINE AND THE WESTERN ONE HUNDRED NINETY (190) FEET OF THE SOUTH PROPERTY LINE

1. The petitioner shall provide a minimum fifteen (15) foot wide landscape buffer strip. (DRC: ZONING)

2. Prior to issuance of a Certificate of Occupancy (CO), the petitioner shall construct a six (6) foot high opaque concrete wall. The required wall shall be a minimum five (5) foot setback from the property lines. The exterior side of the wall shall be given a finished architectural treatment. (CO: LANDSCAPE - Zoning)
3. The following landscape requirements shall be installed alternating on the interior and exterior side of the required wall:
  - a. One (1) native evergreen canopy tree planted every twenty (20) feet on center.
  - b. One (1) palm for each thirty (30) linear feet, with a maximum spacing of fifty (50) feet: on center. A group of three or more palms may supersede the requirement for a native canopy tree in that location. (CO: LANDSCAPE - Zoning)
4. Along the exterior side of the required wall, the property owner shall install thirty (30) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained at a minimum height of forty-eight (48) inches. (CO: LANDSCAPE - Zoning)
5. Along the interior side of the required wall, the property owner 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. (CO: LANDSCAPE - Zoning)

**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: ENG).
2. If required by the County Engineer or the South Florida Water Management District the Developer shall design the drainage system such that drainage from those areas which may contain hazardous or undesirable waste shall be separate from stormwater runoff from the remainder of the site. (BLDG. PERMIT: ENG)
3. Prior to January 25, 1997 or prior to the issuance of the first Building Permit, whichever shall first occur, the property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
  - a. Purdy Lane, 60.5 feet from centerline
  - b. Military Trail, 60.5 feet from centerline

All free of all encumbrances and encroachments. 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. Right-of-way conveyances shall also include "Corner Clips" where appropriate at intersections as determined by the County Engineer. (DATE / BLDG. PERMIT: MONITORING - Eng)

4. 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 \$19,167.50 (697 trips X \$27.50 per trip) (BLDG PERMIT: IMPACT FEE COORDINATOR).
5. Prior to Site Plan approval by the Development Review Committee, the property owner shall record a Unity of Title on the subject property subject to approval by the County Attorney. This Unity of Title may be broken with the approval of the Executive Director of Planning, Zoning and Building. (DRC: ENG)

#### F. SIGNS

1. Freestanding point of purchase sign on site 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 - 100 square feet;
  - c. Maximum number of signs - One (1);
  - d. Military Trail only;
  - e. Monument style only. (BLDG. PERMIT: BLDG - Zoning)
2. Directional signage along Purdy Lane shall be limited to a maximum height of six (6) feet. (BLDG.PERMIT: BLDG - Zoning)
3. Prior to the issuance of a building permit, the petitioner shall provide a removal agreement for all signs within the right-of-way subject to the County Attorneys approval. (BLDG. PERMIT: BLDG - Zoning)

#### G. 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. (ONGOING: BLDG / CODE ENF - Zoning)
2. All outdoor lighting fixtures shall not exceed twenty (20) feet in height, measured from finished grade to highest point (CO: BLDG - Zoning).

#### H. HEALTH

1. Generation and disposal of hazardous effluents into sanitary sewerage system shall be prohibited unless adequate pretreatment facilities approved by the Florida Department of Environmental Regulation (FDER) and Agency responsible for sewage works are constructed and used by project tenants or owners generating such effluents. (ONGOING: HEALTH / CODE ENF)

2. Sewer service is available to the property. Therefore, no septic tank shall be permitted on the site. (CO: HEALTH)
3. Water service is available to the property. Therefore, no well shall be permitted on the site to provide potable water. (CO: HEALTH)
4. No portion of this project is to be approved on potable well or septic tank, existing or new. Existing septic tanks are to be abandoned, in accordance with Charter 10D-6, F.A.C. (CO: HEALTH)

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)