

RESOLUTION NO. R-97- 1579

RESOLUTION APPROVING ZONING PETITION DOA78-51(A)  
DEVELOPMENT ORDER AMENDMENT  
PETITION OF GARRISON BANKS  
BY KEVIN MCGINLEY, AGENT  
(BANKS SERVICE CENTER)

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 DOA78-51(A) was presented to the Board of County Commissioners at a public hearing conducted on October 23, 1997; 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 DOA78-51(A), the petition of Garrison Banks, by Kevin McGinley, agent, for a Development Order Amendment (DOA) To reconfigure site plan and add square footage 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 October 23, 1997, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McCarty 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:

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 23, 1997.

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

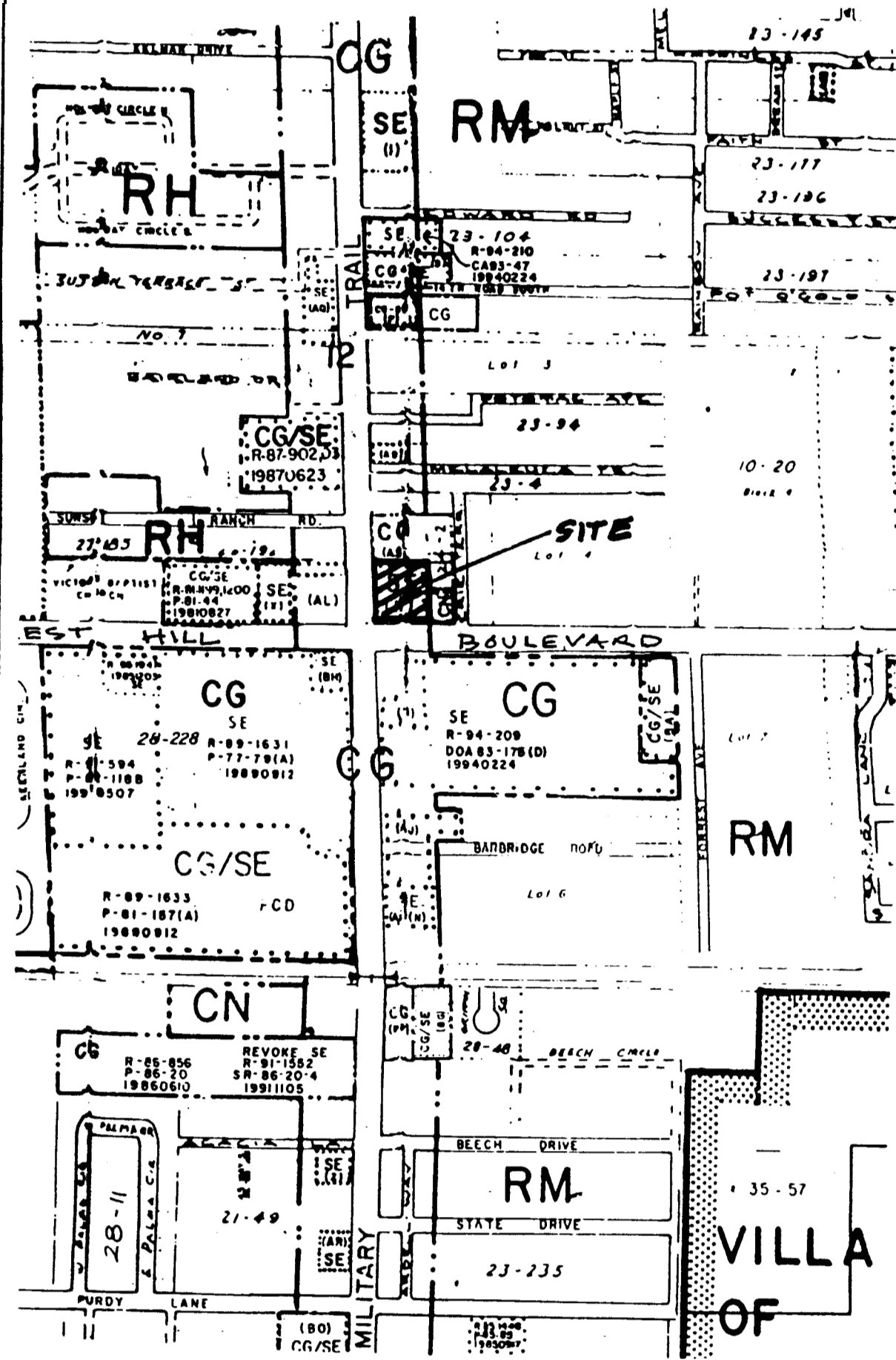


**EXHIBIT A**  
**LEGAL DESCRIPTION**

**The South 242.4 feet of the West 285.12 feet of Lot 4, Block 4, Section 12, Palm Beach Plantations, in accordance with the Plat thereof on file in the Office of the Clerk of the Circuit Court, in and for Palm Beach County, Florida, as recorded in Plat Book 10, Page 20; subject to rights-of-way, easements, reservations, and restrictions of record.**

EXHIBIT B

PALM BEACH COUNTY  
VICINITY SKETCH / ZONING



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 Date: 1/22/97



## 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 Resolutions R-78-725 (Petition 78-51)**, 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 uses and **site** design as approved by the **Board of County Commissioners**. The approved site **plan** is dated **June 10, 1997**. 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)

#### B. BUILDING AND SITE DESIGN

1. **Similar architectural character** and treatment shall be provided on all sides of the proposed building and gas island canopy. (BLDG PERMIT: BLDG - Zoning)
2. The **maximum height** for all structures shall not **exceed twenty-five (25) feet measured from finished grade to highest point**. (BLDG PERMIT: BLDG - zoning)
3. **All exterior storage areas and mechanical equipment shall be screened from view by a visually opaque barrier consistent with the color, character and architectural style of the principal structure**. (CO/BLDG PERMIT: BLDG - zoning)

#### C. CONCURRENCY

1. **Prior to final site plan approval by the Development Review Committee (DRC) the petitioner shall revise their concurrency to match the uses and square footages as shown on the site plan dated June 10, 1997**. (DRC: ZONING)

#### D. ERM

1. **There shall be no dewatering permitted on this site unless prior approval has been received from the Department of Environmental Resources Management**. (ERM)

E. ENGINEERING

1. Condition 1 of Resolution R-78-725, Petition 78-51 which currently states:  
Developer ~~shall~~ reserve the **additional** right-of-way to provide **sixty (60) feet** from the centerline on Military Trail.  
Is hereby deleted. [REASON: Superseded by *new* condition.]
2. ~~Condition 2~~ of Resolution R-78-725, Petition 78-51 which **currently** states:  
Developer ~~shall reserve~~ the **additional** right-of-way to provide **sixty (60) feet from the** centerline on Forest Hill Boulevard.  
Is hereby deleted. [REASON: Superseded by *new* condition.]
3. Condition 3 of ~~Resolution~~ R-78-725, Petition 78-51 ~~which~~ **currently** states:  
Developer shall **reserve** the additional right-of-way for the **safe corner on the northeast corner of the** intersection of Military Trail and ~~Forest Hill~~ Boulevard.  
Is hereby deleted. [REASON: Superseded by new condition.]
4. ~~Condition 4~~ of Resolution R-78-725, Petition 78-51 which *currently* states:  
Developer shall **limit** access to Military Trail to **two (2) curb** cuts, closing the center driveway.  
Is hereby deleted. [REASON: Code requirement.]
5. ~~Condition 5~~ of Resolution R-78-725, Petition 78-51 which **currently** states:  
Developer shall limit access to Forest Hill Boulevard to **two (2) curb cuts**.  
Is hereby deleted. [REASON: Code requirement]
6. **Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Military Trail and Forest Hill Boulevard to Palm Beach County. Construction by the applicant within this easement shall conform to all Palm Beach County standards and codes. The location, legal sketches and the dedication documents shall be approved by the County Engineer prior to final acceptance. (BLDG PERMIT: MONITORING-Eng)**
7. **The property owner shall to convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:**
  - a) Forest ~~Hill~~ Boulevard, 72 feet from *centerline* and
  - b) Military Trail, **60.5** feet from centerline

This additional right of way shall be conveyed on or before February 1 1998 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. Right-of-way conveyances shall also include a twenty five foot "CornerClip" where appropriate as determined by the County Engineer. (DATUBLDG PERMIT: MONITORING-Eng)

## F. HEALTH

1. **Generation and disposal of any hazardous effluent into sanitary sewage system shall be prohibited** unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection and agency responsible for sewage works are constructed and used by tenants or owners generating such effluent. (ONGOING: HEALTH/CODE ENF)

## G. LANDSCAPING - STANDARDS

1. **All canopy trees required to be planted on site by this approval 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.
  - d. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (CO: LANDSCAPE - Zoning)
2. **All palms required to be planted by this approval shall meet the following minimum standards at time of installation:**
  - a. **Palm heights:** twelve (12) feet clear trunk or grey wood whichever is greater;
  - 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; and
  - d. **A group of three (3) palms shall may be substituted for a per meter canopy tree.**(CO: LANDSCAPE - Zoning)

## H. LANDSCAPING ALONG FOREST HILL BOULEVARD AND MILITARY TRAIL

1. Landscaping along Forest Hill Boulevard and Military Trail shall include:
  - a. **one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
  - b. **one (1) palm or pine tree for each forty (40) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;**
  - c. **twenty four (24) inch high shrub or hedge material installed not more than twenty four (24) inches on center and maintained at a minimum height of thirty six (36) inches.** (CO / ONGOING: LANDSCAPE / CODE ENF - Zoning)

**I. LANDSCAPING- INTERIOR**

1. Landscaping along the east property line shall include:
  - a. six (6) foot high concrete wall;
  - b. one (1) canopy tree installed thirty (30) feet on center;
  - c. one (1) palm or pine tree for each forty (40) linear feet of property line with a maximum spacing of sixty (60) feet on center between clusters;
  - d. twenty four (24) inch high shrub or hedge material installed not more than twenty four (24) inches on center and maintained at a minimum height of forty-eight (48) inches. (CO / ONGOING: LANDSCAPE / CODE ENF - Zoning)

**J. 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)

**K. SIGNS**

1. Freestanding point of purchase signs on Military Trail and Forest Hill Boulevard shall be limited as follows:
  - a. Maximum sign height, measured from finished grade to highest point - fifteen (15) feet;
  - b. Maximum sign face area per side - 100 square feet; and
  - c. Maximum number of signs - one (1) per frontage. (BLDG. PERMIT: BLDG-Zoning)

**L. USE LIMITATIONS**

1. The total gross floor area of 4,760 square feet shall be limited to a maximum 3,500 square feet convenience store and 1,260 square feet car wash/storage building. (DRC: ZONING)
2. The maximum number of fuel dispensers shall be limited to six (6) pumps. (DRC: ZONING)
3. The owner of the facility shall provide, at no charge to the public, air and water for minor vehicle maintenance. (DRC/ONGOING: ZONING/CODE ENF)
4. The car wash facility shall utilize a 100% water recycling system. (BLDG PERMIT: BLDG)
5. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located in the northwest corner of the property. (ONGOING: CODE ENFORCEMENT)
6. The storage of Rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)



## M. 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.

Staff may be directed by the Executive Director of PZ&B or a majority vote of the Code Enforcement Board 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. (MONITORING)