

RESOLUTION NO. R-97- 1582

RESOLUTION APPROVING ZONING PETITION **CA81-67(B)**
 CLASS A CONDITIONAL USE
 PETITION OF **CHEVRON USA INC.**
 BY **DAVID FELTON**, AGENT
 (**CHEVRON #51345**)

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 **CA81-67(B)** 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, 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 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 CA81-67(B), the petition of **Chevron USA Inc.**, by David Felton, agent, for a Class A Conditional Use (CA) to allow a Convenience store with gas sales 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 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

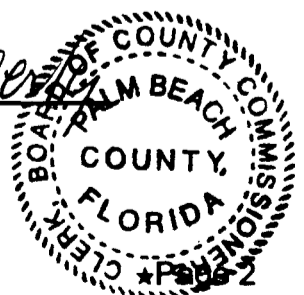


EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION:

THE EAST HALF (E **1/2**) OF THE SOUTHEAST QUARTW (SE **1/4**) OF THE SOUTHEAST QUARTER (SE **1/4**) OF THE SOUTHWEST QUARTER (SW **1/4**) OF SECTION **16**, TOWNSHIP **46** SOUTH, RANGE **42** EAST, PALM BEACH COUNTY, FLORIDA; LESS THE RIGHT OF WAY FOR STATE ROAD **806** (DELRAY WEST ROAD) AND HAGEN RANCH ROAD.

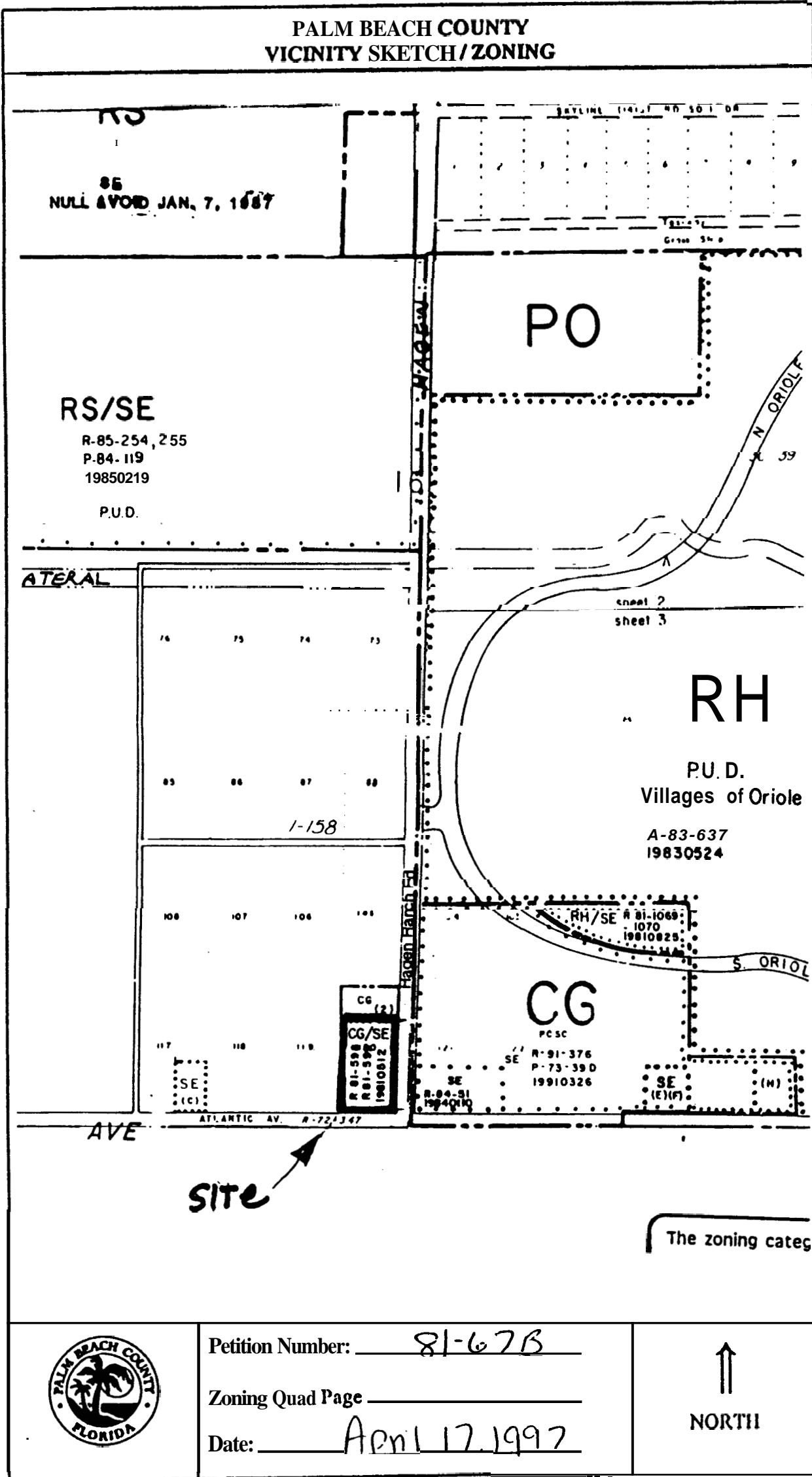
SUBJECT TO DEDICATION OF THE SOUTH 7.00 FEET THEREOF FOR ROAD PURPOSES AND LESS THE NORTH **139.00** FEET THEREOF.

LESS THE FOLLOWING DESCRIBED PROPERTY:

THE SOUTH 60.00 FEET **OF** THAT PORTION OF THE EAST **HALF OF** THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER **OF** THE SOUTHWEST QUARTER OF SECTION **16**, TOWNSHIP **46** SOUTH, RANGE **42** EAST, PALM BEACH COUNTY FLORIDA; LYING NORTH OF THE **SURVEY** BASE LINE SHOWN ON THE STATE ROAD RIGHT OF WAY MAP OF DELRAY WEST ROAD (S.R. NO. **806**) ALSO **KNOWN** AS ATLANTIC **BOULEVARD**, AS RECORDED IN ROAD PLAT **BOOK 3**, PAGES **24** THROUGH **32**, PUBLIC RECORDS OF **PALM** BEACH COUNTY, FLORIDA, LESS THE EAST **20.0** FEET THEREOF.
(CONTAINING: **158,589** SQUARE FEET = **3.6407** ACRES)

EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH / ZONING



Petition Number: 81-67B

Zoning Quad Page _____

Date: April 17, 1997



NORTH

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 and voluntary commitments applicable to the subject property, as contained in Resolutions R-81-597, R-81-598 and R-81-599 (Petition 81-67), Resolution R-84-338 (Petition 81-67(A) have been consolidated as contained herein. The petitioner shall comply with all previous conditions of approval, voluntary commitments 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, location and site design as approved by the Board of County Commissioners. The approved site plan is dated June 27, 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)**
4. **The maximum number of fuel dispensers shall be limited to six (6) pumps. (DRC: ZONING)**
5. **The proposed building and gas island canopy shall be designed and constructed to be compatible with the general architectural character of surrounding residential areas. (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 approved site plan dated June 27, 1997. (DRC: ZONING)**

D. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 10D-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan review. (DRC: HEALTH)
2. No food service or processing will be allowed on this site when an OSTDS is required. (ONGOING: HEALTH/CODE ENF)
3. The automatic car wash facility shall use a 100% water recycling system. (ONGOING: HEALTH/CODE/ENF)

E. ENGINEERING

1. Within ninety (90) days of Special Exception approval, petitioner shall convey to Palm Beach County 90' north of south line of the SW 1/4 section of Section 16 for the ultimate right-of-way for Delray West Road. (Previously Condition 1 of Resolution R-81-599, Petition 81-67)
2. Petitioner shall not be permitted a median opening on Delray West Road. (Previously Condition 2 of Resolution R-81-599, Petition 81-67)
3. Petitioner shall contribute Two Thousand One Hundred Eighty-eight Dollars (\$2,188.00) toward the cost of meeting this project's direct and identifiable traffic impact to be paid at the time of issuance of the building permit(s). (Previously Condition 3 of Resolution R-81-599, Petition 81-67.)
4. 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. (ENG)
5. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Hagen Ranch Road and West Atlantic Avenue 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)
6. The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for:
 - a) Hagen Ranch Road, 44 feet from centerline and
 - b) West Atlantic Avenue, 64 feet from centerlineThis additional right of way shall be conveyed or before January 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 "Corner Clips" where appropriate as determined by the County Engineer. (DATE/BLDG PERMIT: MONITORING-Eng)

7. 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. (ONGOING: ACCOUNTING-Fair Share Fee Coordinator)

8. **LANDSCAPE WITHIN MEDIAN OF STATE ROADS**

A. Prior to issuance of a building permit, the property owner shall apply to the Palm Beach County Engineering and Public Works Department for a permit to landscape the adjacent median of West Atlantic Avenue. This permit, to be completed by the property owner, shall name Palm Beach County as the applicant. When landscaping is permitted by the Florida Department of Transportation, landscaping shall, at a minimum, consist of the "Low Cost Planting Concept" outlined in the Palm Beach County Engineering and Public Works Department March 1994 Streetscape Standards. The property owner shall also be responsible to supplement any existing landscape material previously planted in this median and all new landscape material shall be consistent with the landscaping theme adopted for this roadway. All landscape material, installation, and maintenance requirements shall be subject to the standards set forth by the Streetscape Standards. If all xeriscape material is utilized, the watering of the plant material during the initial heat-in period shall be the responsibility of the property owner. Alternative species other than those listed in the County standards may be allowed subject to approval by the County Engineer. (BLDG PERMIT: MONITORING - Eng)

B. All required median landscaping, including an irrigation system if required shall be installed at the property owners expense. All landscape material shall also be the perpetual maintenance obligation of the petitioner and its successors, heirs or assignees or duly established Property Owner's Association and/or Homeowners's Association. Perpetual maintenance includes, but is not limited to, pruning, fertilizing, irrigation, and alternate watering of Xeriscape material during periods of drought in order to maintain healthy plant material. All landscape material shall be installed prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

C. Declaration of Covenants and Restriction Documents shall be established or amended as required and shall be approved and recorded prior to the issuance of a certificate of occupancy. (CO: MONITORING - Eng)

F. **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 be booted, native species and 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 not be substituted for a perimeter canopy tree. (CO: LANDSCAPE - Zoning)**

G. LANDSCAPING ALONG WEST ATLANTIC AVENUE

1. Landscaping and buffering along West Atlantic Avenue (only for the developed portion of the property) shall include:
 - a. minimum **twenty (20) foot wide landscape buffer strip;**
 - b. undulating berm having an average height of **two (2) feet measured from the top of curb. At no time shall the berm be less than one (1) foot or more than three (3) feet in height;**
 - c. **one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center,**
 - d. **one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;**
 - e. **twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of twenty four (24) inches. (CO / ONGOING: LANDSCAPE / CODE ENF - Zoning)**

H. LANDSCAPING ALONG HAGEN RANCH ROAD

1. Landscaping and buffering along Hagen Ranch Road (only for the developed portion of the property) shall include:
 - a. minimum **twenty (20) foot wide landscape buffer strip;**
 - b. undulating berm having an average height of **two (2) feet measured from the top of curb. At no time shall the berm be less than one (1) foot or more than three (3) feet in height;**
 - c. **one (1) canopy tree for each twenty (20) linear feet of frontage with a maximum spacing of twenty-five (25) feet on center;**
 - d. **one (1) palm or pine tree for each thirty (30) linear feet of frontage with a maximum spacing of sixty (60) feet on center between clusters;**
 - e. **twenty four (24) inch high shrub or hedge material installed on the plateau of the berm. Shrub or hedge material shall be spaced no more than twenty four (24) inches on center and maintained at a minimum height of twenty four (24) inches. (CO / ONGOING: LANDSCAPE / CODE ENF - Zoning)**

I. 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)

J. SIGNS

1. **The Freestanding point of purchase sign on West Atlantic Avenue 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;**
 - c. **Maximum number of signs - one (1); and**
 - d. **Style - monument style only. (CO: BLDG)**
2. **The Freestanding point of purchase sign on Hagen Ranch Road 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 - 80 square feet;**
 - c. **Maximum number of signs - one (1);**
 - d. **Style - monument style only; and**
 - e. **Location - within forty (40) feet measured from north side of the Hagen Ranch access. (BLDG PERMIT: BLDG-Zoning)**

K. USE LIMITATIONS

1. **Condition 4 of Resolution R-81-599, Petition 81-67 which currently states:**

The site plan shall be amended to include the entire GC zoned portion of the property. The unused portion of the CG shall be designated as reserved for future development subject to Special Exception approval.

It hereby amended to read:

The unused portion of the property shall be designated as reserved for future development and subject to BCC approval. (DRC: ZONING)

2. **There shall be no outdoor repair or storage of vehicles or parts on site. (ONGOING: CODE ENF)**
3. **The owner of the facility shall provide air and water to the public for minor vehicle maintenance at no charge. (DRC/ONGOING: ZONING/CODE ENF)**
4. **Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading space located in the southeast corner of the property. (ONGOING: CODE ENF)**

L. 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** noncompliance, **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)**