

RESOLUTION APPROVING ZONING PETITION Z98-49
OFFICIAL ZONING MAP AMENDMENT (REZONING)
PETITION OF ALLY ESMAIL
BY KIERAN KILDAY, AGENT
(PEANUTS COUNTRY STORE)

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 notice and public hearing requirements, as provided for in Article 5 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 92-20, as amended), have been satisfied; and

WHEREAS, Zoning Petition Z98-49 was presented to the Board of County Commissioners at a public hearing conducted on October 22, 1998; 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 recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners made the following findings of fact:

1. This official zoning map amendment (rezoning) is consistent with the Palm Beach County Comprehensive Plan;
2. This official zoning map amendment (rezoning) is consistent with the requirements of the Palm Beach County Unified Land Development Code;
3. This official zoning map amendment (rezoning) is compatible with surrounding uses and zones, as defined in the Palm Beach County Unified Land Development Code, is generally consistent with existing uses and zones surrounding the subject land, and is the appropriate zoning district for the land;
4. This official zoning map amendment (rezoning) does not result in significantly adverse impacts on the natural environment, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment;
5. This official zoning map amendment (rezoning) will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 11 (Adequate Public Facilities Standards) of the Palm Beach County Unified Land Development Code; and,
7. This official zoning map amendment (rezoning) is consistent with the requirements of all other applicable local land development regulations.

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WHEREAS, Article 5, Section 5.3.D.9 (Action by Board of County Commissioners) 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 Z/CB98-49, the petition of Ally Esmail, by Kieran Kilday, agent, for an OFFICIAL ZONING MAP AMENDMENT (REZONING) from the Agricultural Residential (AR) Zoning District to the Light Industrial (IL) Zoning District on a parcel of land legally described in EXHIBIT A, attached hereto and made a part hereof, and generally located as indicated on a vicinity sketch attached as EXHIBIT B, attached hereto and made a part hereof, was approved on October 22, 1998.

Commissioner Roberts moved for the approval of the Resolution.

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

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

The Chair thereupon declared that the resolution was duly passed and adopted on October 22, 1998.

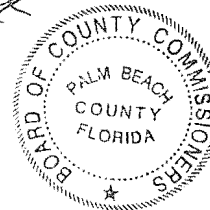
APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY: *Richard Altman*
COUNTY ATTORNEY

BY: *Joan Haverly*
DEPUTY CLERK



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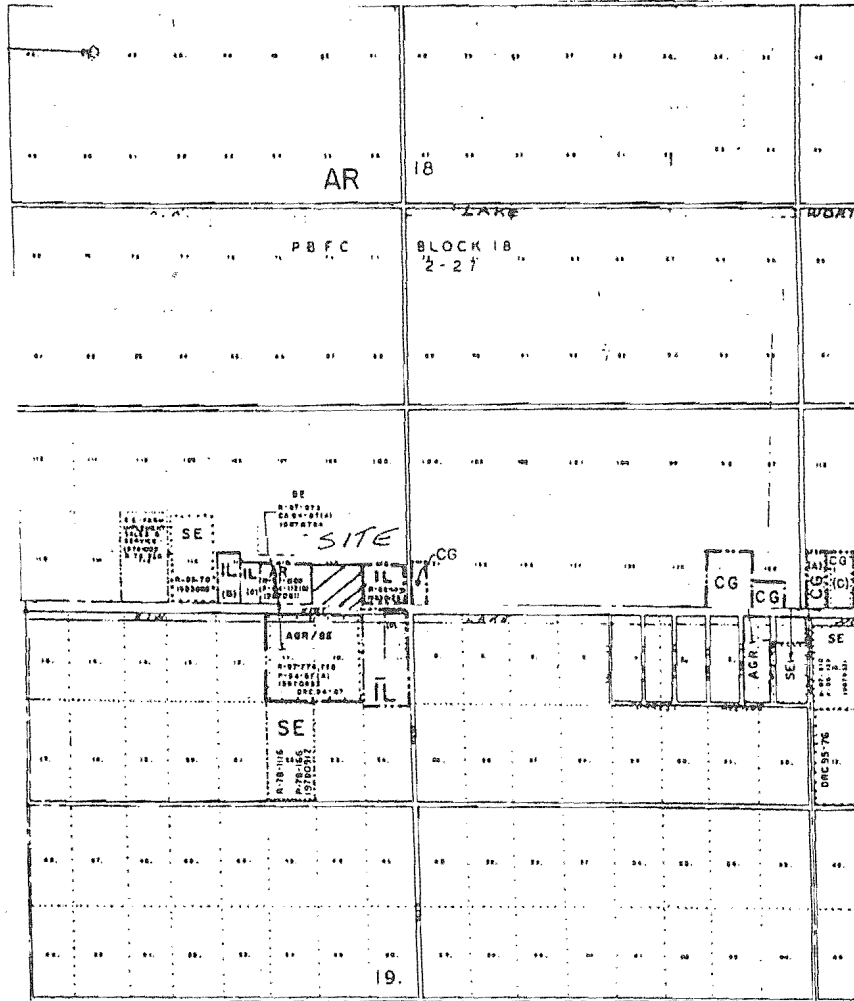
EXHIBIT A
LEGAL DESCRIPTION

THE SOUTH HALF (1/2) OF TRACT 119 OF SECTION 18, TOWNSHIP 46 SOUTH,
RANGE 42 EAST, ACCORDING TO THE PLAT OF "PALM BEACH FARMS
COMPANY, PLAT NO. 1", RECORDED IN PLAT BOOK 2, PAGE 27, OF THE
PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, EXCEPTING
THEREFROM THAT PART LYING WITHIN 40 FEET OF THE CENTERLINE OF
COUNTY ROAD.

CONTAINING 2.70 ACRES MORE OR LESS

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EXHIBIT B
VICINITY SKETCH



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

Robert Weisman

Department of Planning, Zoning & Building
100 Australian Avenue
West Palm Beach, FL 33406
Phone: 561-233-5200
Fax: 561-233-5165



2-C.17.

Petition No.: Z/CB98-49
Petitioner: Ally Esmail
Owner: Islamic Foundation of Florida, Inc.
Agent: Kieran Kilday
Telephone No.: 689-5522
Project Manager: Maryann Kwok, Site Planner II *hwk/10/14/98*

Location: North side of West Atlantic Avenue and 2000 feet east of State Road 7 (Peanuts Country Store).

Request: Official Zoning Map Amendment (Z). Rezoning from AR to IL. Class B Conditional Use (CB) for a Convenience store with gas sales (9 pumps) and car wash.

PETITION SUMMARY:

Proposed is the rezoning of a 2.7acre site from the Agricultural Residential (AR) to the Light Industrial (IL) Zoning District. Also proposed is a 3,500 square foot convenience store with gas sales (9 pumps) and a 800 square foot carwash facility. The preliminary site plan indicates a one story 4,300 square foot building with a 10,400 square foot gas canopy. Also located on the north side of the site is a fenced area consisting of approximately 28,800 square feet of open space, septic drain field and dry detention area. Access to the site will be from West Atlantic Avenue.

ISSUES SUMMARY:

- o Consistency with Comprehensive Plan

The Planning Division has reviewed the application and determined the request to be consistent with the site's Industrial (IND)/Agricultural Reserve (AGR) Future Land Use designation and the Comprehensive Plan.

- o Compatibility with Surrounding Land Uses

To the north and west are vacant land with an Agricultural Residential Zoning designation and to the south, across Atlantic Avenue is a Church (Our Lady Queen of Peace). East of the site is a self storage facility with a Light Industrial Zoning designation. The existing gas station is located at the Atlantic Avenue and SR7 intersection, the existing facility will be eliminated when SR7 widens from a 2-lane to 6-lane highway. Since there is no existing residences in the adjacent area and with the proposed landscaping on the south, east and west property lines and an 80 foot buffer/ detention area at the north (rear) property line, staff determines this request will not generate any impact to the surrounding uses.

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o Landscape/Buffering

A twenty (20) foot wide right-of-way landscape buffer will be provided along the Atlantic Avenue frontage. A combination of landscape/detention area totaling eighty (80) foot wide will be provided towards the north portion of the site. With the proposed landscaping, the site activities will be buffered from the adjacent residential zoning districts.

o Signs

Two freestanding signs are proposed along Atlantic Avenue. The signs are identical and measures thirty (30) foot high and 150 square feet per sign face area. Recent approvals on a similar type of use (P98-102, 4 Points Market) on SR7 and Boynton Beach Boulevard indicated the sign dimensions should be restricted to the following:
 - Twelve (12) foot high and 120 square feet per sign face area.

Wall signs at the convenience store shall be restricted to the south facade only and the gas canopy sign shall be restricted to the south and east sides.

o Traffic

The Palm Beach County Engineering Department estimates the total traffic expected from this project is 1916 trips/day. The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto West Atlantic avenue.

o ZONING COMMISSION AMENDMENT

At the October 1, 1998 ZC hearing, the petitioner presented architectural elevations and submitted these graphics as part of the applications. The elevations indicated the proposed building will include a forty (40) foot cupola. The Commission voted unanimously for the approval of the petition subject to modified Condition B.2 (height restriction) and K.1 (signs).

TABULAR DATA

	EXISTING/APPROVED	PROPOSED
Property Control Number (s)	00-42-46-18-01-119-0010	Same
Land Use Designation:	Industrial (IND)/Agricultural Reserve (AGR)	Same
Zoning District:	Agricultural (AR)	Light Industrial (IL)
Use:	Vacant	Convenience store with gas sales (9 pumps)
Acreage:	2.70 acres	2.55 acres (after right-of-way taking)
Floor Area:	0	4,300 square feet
Lot Coverage:	0	13%
FAR:	0	.039

BCC
 Petition Z/CB98-49
 Project No. 5489-000

October 22, 1998
 BCC District 5

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Parking:	0	24 spaces
Access:	0	West Atlantic Avenue (1)

PUBLIC COMMENT SUMMARY: At time of publication, staff had received no response from the public.

RECOMMENDATION: Staff recommends approval of the request, subject to 39 conditions as indicated in Exhibit C.

ACTION BY THE ZONING COMMISSION: October 1, 1998: Motion to recommend approval, subject to amended conditions, carried 4-0. Motion to recommend approval, subject to amended conditions, carried 4-0.

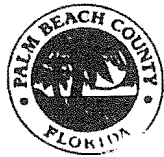
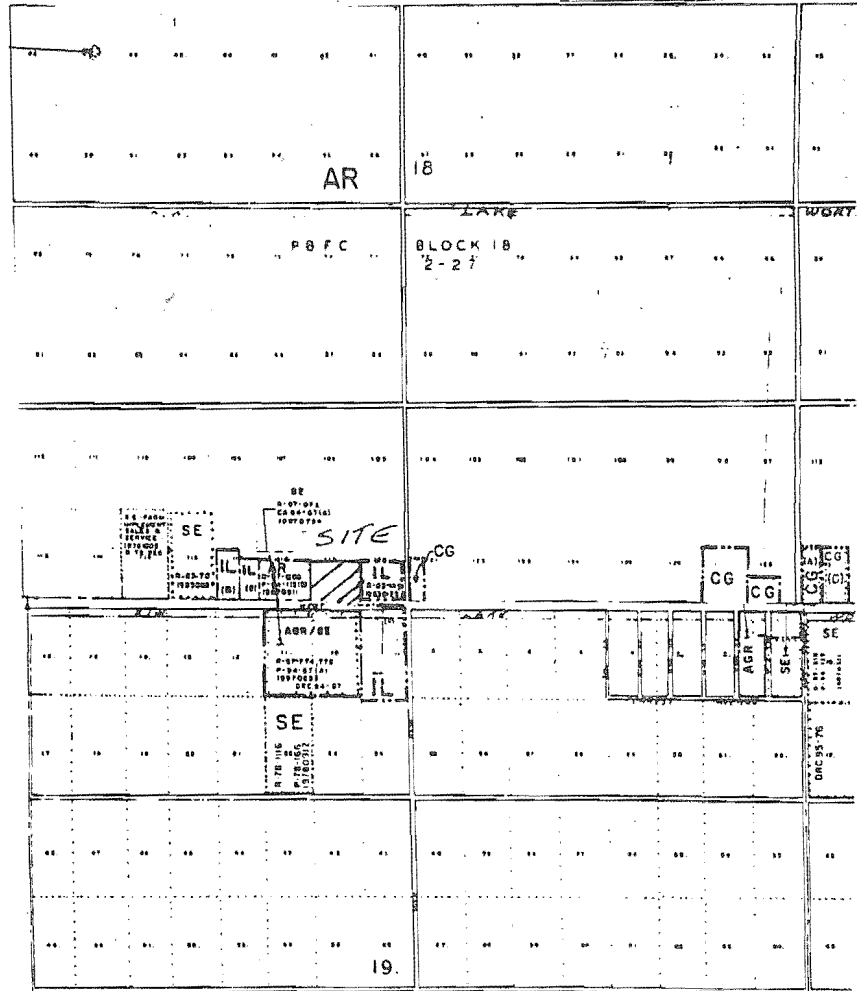
MOTION: To approve/deny the request for an Official Zoning Map Amendment (Z) Rezoning from AR to IL.

MOTION: To approve/deny the request for a Class B Conditional Use (CB) for a Convenience store with gas sales (9 pumps) and car wash and adopt a resolution affirming that action.

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EXHIBIT B

PALM BEACH COUNTY
VICINITY SKETCH/ZONING



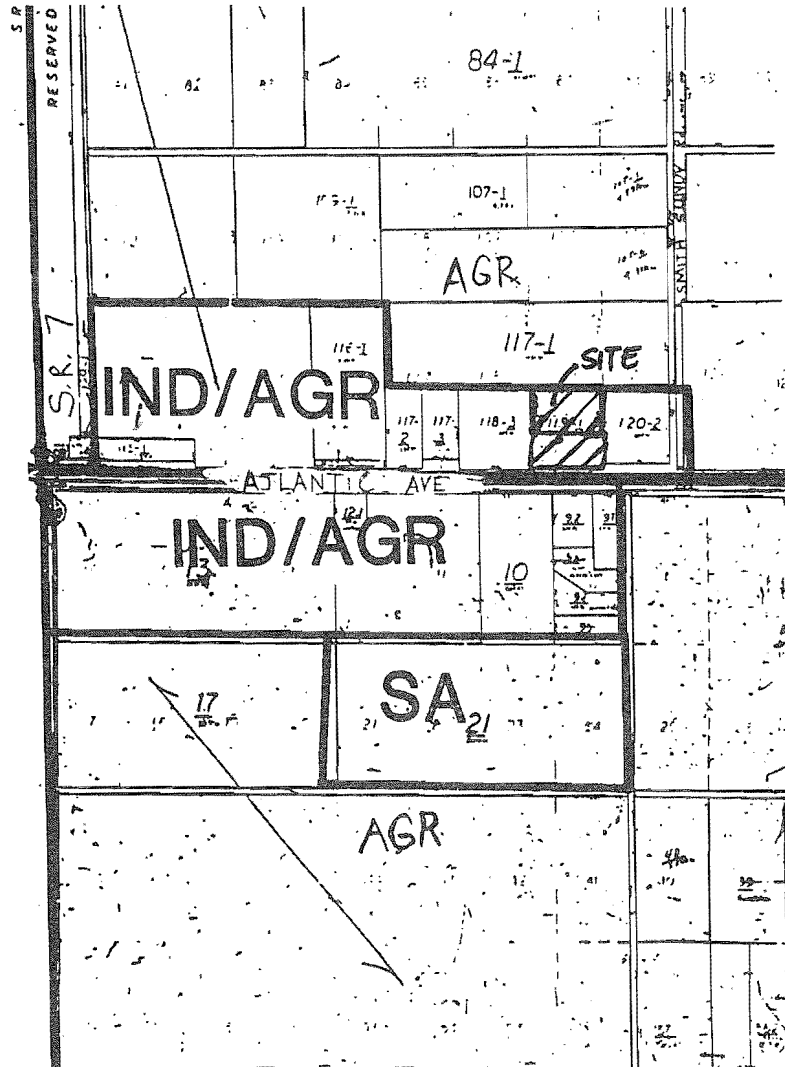
Petition No.: 98-49
Zoning Quad Page: 51
Date: JUN 1 1998



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PALM BEACH COUNTY PLANNING DIVISION
SITE LOCATION AND LAND USE



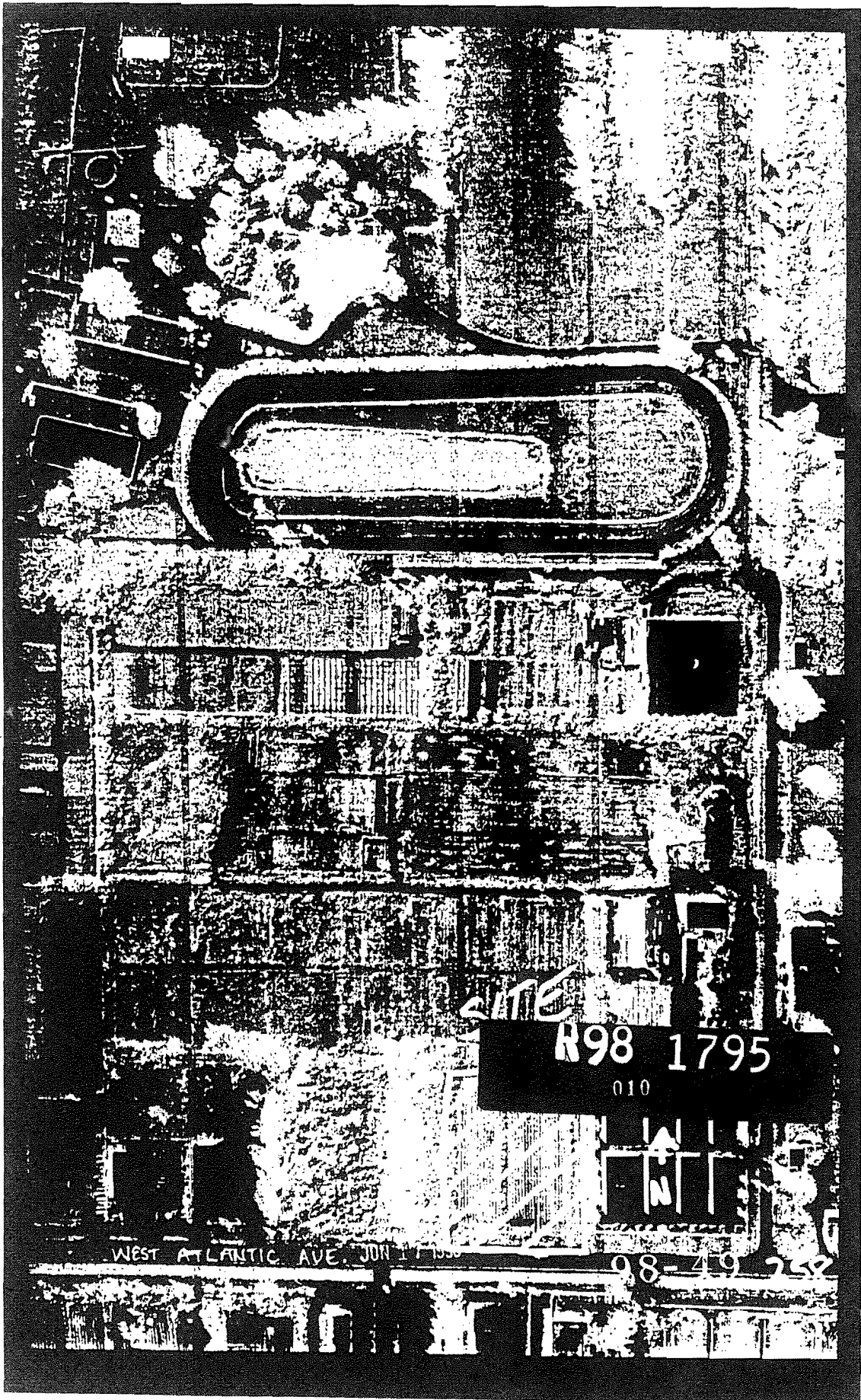
Petition No.: 98-49
 Land Use Atlas: 98
 Date: JUN 17 1998



North

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SITE

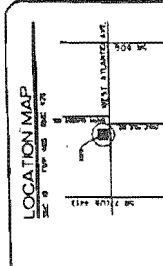
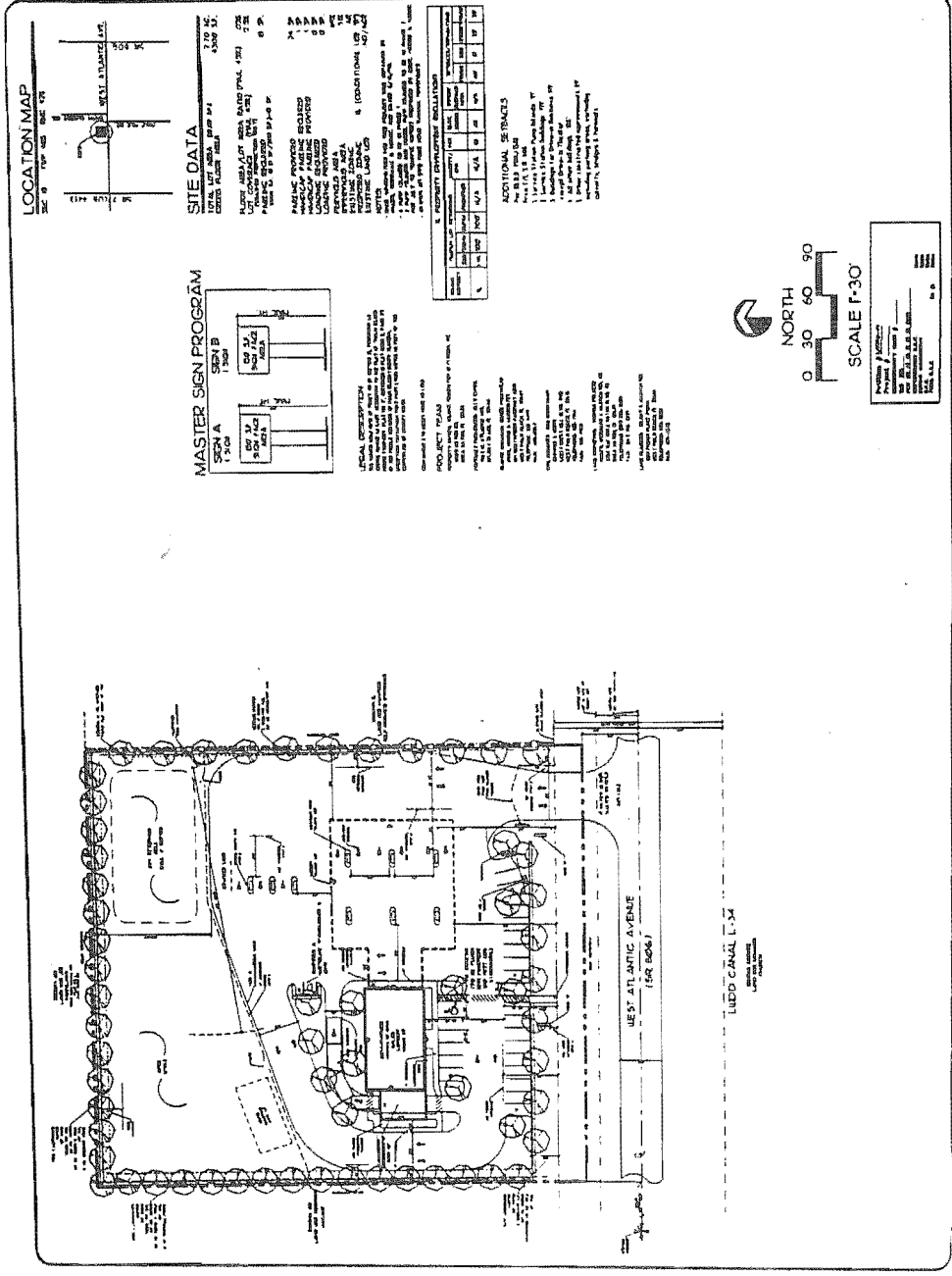
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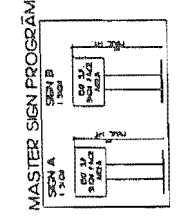
WEST ATLANTIC AVE. JUN 17 1955

98-49-252



SITE DATA

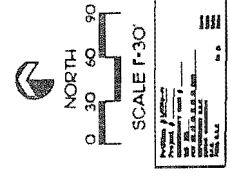
TOTAL SITE AREA	2.70 AC.
NET AREA AVAILABLE FOR DEVELOPMENT	2.30 AC.
NET AREA AVAILABLE FOR PARKING	0.40 AC.
NET AREA AVAILABLE FOR BUILDING	0.90 AC.
NET AREA AVAILABLE FOR OTHER USES	0.00 AC.
NET AREA AVAILABLE FOR TOTAL USES	0.90 AC.
NET AREA AVAILABLE FOR UNDEVELOPED	1.40 AC.



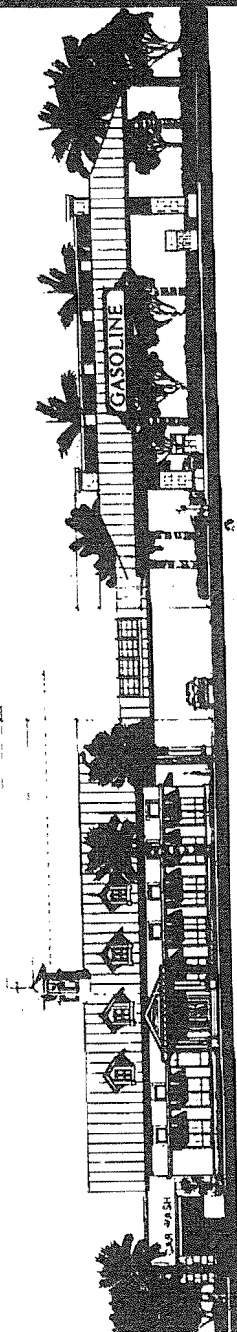
LOCAL DESCRIPTION
 The site is located on West Atlantic Avenue, a major thoroughfare in the community. The site is adjacent to the Ludd Canal, a waterway that provides a scenic view of the area. The site is currently undeveloped and is proposed for a Peanuts Country Store. The store is a single-story building with a curved facade and a large parking lot. The site is surrounded by other commercial buildings and parking lots. The site is a good location for a store that will attract a large number of customers.

PROPERTY DEVELOPER'S DECLARATION
 I, the undersigned, being the owner of the above described property, hereby certify that the information herein is true and correct to the best of my knowledge and belief, and that I have not been convicted of a crime involving perjury or the falsification of documents.

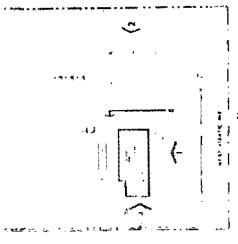
ADDITIONAL NOTES
 1. The site is located on a corner lot and is adjacent to a major thoroughfare. The site is a good location for a store that will attract a large number of customers.
 2. The site is currently undeveloped and is proposed for a Peanuts Country Store. The store is a single-story building with a curved facade and a large parking lot.
 3. The site is surrounded by other commercial buildings and parking lots. The site is a good location for a store that will attract a large number of customers.
 4. The site is adjacent to the Ludd Canal, a waterway that provides a scenic view of the area.



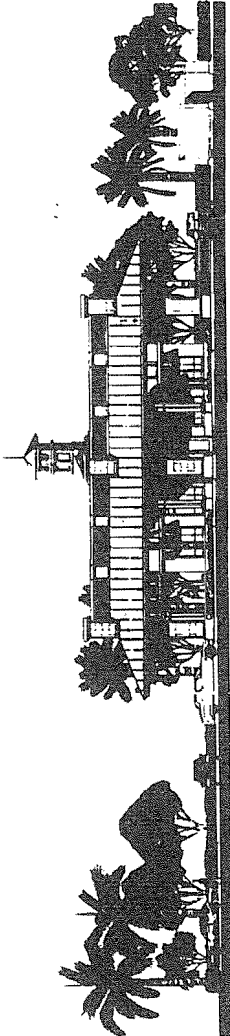
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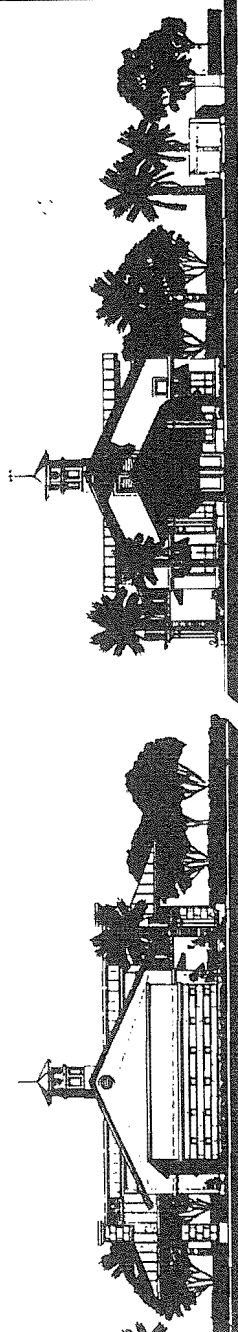
① SOUTH ELEVATION - VIEW FROM WEST ATLANTIC AVE.



KEY PLAN



② EAST ELEVATION



③ SECTION

④ WEST ELEVATION

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Kilday & Associates
Landscape Architects / Planners

1551 Forum Place, Suite 100A
West Palm Beach, Florida 33401
(561) 689-5522 • Fax (561) 689-2592
E-Mail: info@kildayinc.com

August 26, 1998

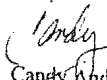
Ms. Maryann Kwok
Palm Beach County Zoning Division
100 Australian Ave.
West Palm Beach, FL 33406

Re: Peanuts Country Store
Petition Z/CB98-49

Dear Maryann,

Attached for your files is a map depicting the existing gas stations within a one-mile radius of the proposed petition. There are two within this radius: a Fina gas station which was approved via Petition 77-1147 and a Stop N' Shop which is not located on any zoning quads but whose address is 15001 State Road 7. The Stop N' Shop is at the SW quadrant of the intersection of S.R. 7 and Atlantic Blvd. No other gas stations, existing or approved, fall within this one-mile radius.

Sincerely,


Candy Anderson
Kilday & Associates

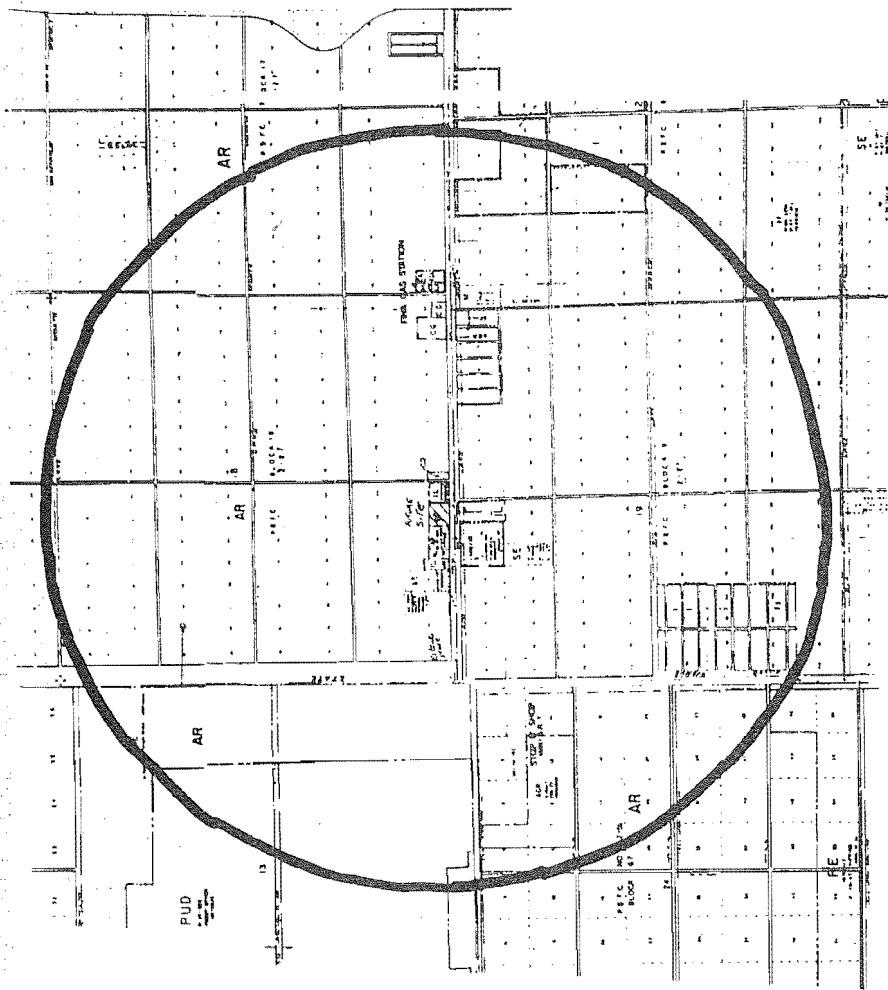
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STAFF REVIEW AND ANALYSIS

PLANNING DIVISION COMMENTS:

LAND USE PLAN DESIGNATION: Industrial (IND)

Underlying Land Use: Agricultural Reserve (AGR)

CONSISTENCY WITH LAND USE PLAN DESIGNATION: The Planning Division has reviewed the rezoning from Agricultural Residential (AR) to Light Industrial (IL) and a Class B Conditional Use to allow a convenience store with gas sales (9 pumps), car wash, and check cashing facility and determined the development proposal is appropriate for this parcel's Industrial future land use designation.

COMPATIBILITY WITH SURROUNDING LAND USES: The land use designation is compatible with the surrounding area.

URBAN SERVICE AREA: The subject property is not in the Urban Service Area (USA). The site is in the Rural Service Area.

FUTURE ANNEXATION AREAS: The subject site is not in a future annexation area identified within an adopted Comprehensive Plan.

INTERGOVERNMENTAL COORDINATION: N/A

SPECIAL OVERLAY DISTRICT/NEIGHBORHOOD PLAN/PLANNING STUDY AREA: The parcel is located within the boundaries of the Agricultural Reserve. Please see the section below titled "Findings" for the proposed request's consistency with the provisions of the Agricultural Reserve in the Comprehensive Plan.

FINDINGS: The existing convenience store is within the boundaries of the Agricultural Reserve and is located in the northwest quadrant of the intersection of Atlantic Avenue and State Road 7 in the Community Serving Commercial Services (CCSO) District. Due to right-of-way expansion of State Road 7, the existing store is relocating.

The applicant has indicated that although the existing site is in the CCSO, the proposed request is not based on the relocation provisions of the CCSO Overlay for properties "subject to Acquisition or Eminent Domain" with the Agricultural Reserve Area of the Comprehensive Plan. The applicant states that the proposed request is for a property which, although is in the Agricultural Reserve, is outside of the area adjacent to the site (2,000 feet east of the existing site), and has a land use designation of Industrial not Agricultural Reserve. In addition, the applicant noted that the proposed uses with the Industrial land use designation would be permitted within the proposed IL Zoning District pursuant to approval of a Class B Conditional Use by the Zoning Commission.

The commercial location criteria section of the Comprehensive Plan requires that, "In the Rural Service Area, (CL) uses shall be restricted as necessary to further Objective 6 of the Land Use Element, and comply with the provisions of the Palm Beach County Unified Land Development Code. Furthermore, uses such as convenience stores, service stations and car washes shall only be located at intersections containing at least one collector or arterial roadway, and where the use will form a part of a node of commercial development (page 50-LU)." However, since the uses are proposed under the Industrial category and not the CL land use category, it was determined that the intersection location criterial would not be applied.

As a result of this application, the Planning Division will request that the BCC initiate a county future land use amendment in Round 99-1 (October 1998) to close a loop hole in the Plan and require all commercial type uses in the Rural Service Area, regardless of their land use designation, to locate in nodes at intersections.

As a result, Planning staff determined the request is consistent with the Industrial land use designation of the Palm Beach County Comprehensive Plan. The request is also consistent with the Agricultural Reserve provisions of the Comprehensive Plan.

ENGINEERING COMMENTS:

Comments received, 9-21-98.

MAJOR THOROUGHFARES

- a. Total traffic expected from this project is 1916 trips/day.
- b. Required Engineering Related Permits:
 - 1) The property owner shall obtain an onsite Drainage Permit from the Palm Beach County Engineering Department, Permit Section, prior to the application of a Building Permit.
 - 2) The property owner shall obtain a Turnout Permit from the Florida Department of Transportation for access onto West Atlantic avenue.
- c. The following improvements to the roadway system are required for compliance with the 1990 traffic performance standards:
 - (1) The 6 laning of SR 7 from Clint Moore Road to West Atlantic Avenue.

PALM BEACH COUNTY PUBLIC HEALTH UNIT COMMENTS:

Location of well and OSTDS cannot result in unbuildable adjacent lots. COMMENT

The car wash operation must be 100% recycling and the car wash residual cannot be discharged into the OSTDS. COMMENT

ENVIRONMENTAL RESOURCE MANAGEMENT COMMENTS:

VEGETATION PROTECTION: While the property has been previously cleared for agricultural uses. There is no 25% set-aside requirements.

WELLFIELD PROTECTION ZONE: This site is not located within a Wellfield Protection Zone.

IRRIGATION CONSERVATION CONCERNS AND SURFACE WATER: All new installations of automatic irrigation systems shall be equipped with a water sensing device that will automatically discontinue irrigation during periods of rainfall pursuant to the Water and Irrigation Conservation Ordinance No. 93-3. Any non-stormwater discharge or the maintenance or use of a connection that results in a

non-stormwater discharge to the stormwater system is prohibited pursuant to Palm Beach County Stormwater Pollution Prevention Ordinance No. 93-15.

ENVIRONMENTAL IMPACTS: There are no significant environmental issues associated with this petition beyond compliance with ULDC requirements.

FINDINGS: The request is consistent with the environmental criteria pursuant to ULDC Sections 7.6 (Excavation) and 9 (Environmental Standards).

OTHER:

FIRE PROTECTION: The Palm Beach County Department of Fire/Rescue will provide fire protection.

SCHOOL IMPACTS: No comments.

PARKS AND RECREATION: No comments.

CONCURRENCY: A concurrency reservation, 98-9000785-C, exists for 3,500 Sq Ft of convenience store with 9 pumps (15 fueling positions) and 800 Sq Ft of accessory carwash. **COMMENT**

FINDING: The request is in compliance with Article 11 (Adequate Public Facilities) of the ULDC.

DEVELOPMENT REVIEW EVALUATION:

SITE FACTORS: A 2.70 acre site measures 327 feet wide with an average depth of 359 feet accessed by Atlantic Avenue. The site currently supports Vacant.

ADJACENT LAND USE AND ZONING:

NORTH:	Comprehensive Plan:	Industrial/Agricultural Reserve (IND/AGR)
	Zoning District:	Agricultural Residential (AR)
	Supporting:	Vacant
SOUTH:	Comprehensive Plan:	Industrial/Agricultural Reserve (IND/AGR)
	Zoning District:	Agricultural Residential (AR) and AGR/SE (P94-87A)
	Supporting:	Church and vacant land
EAST:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Light Industrial (IL) (R83-143)
	Supporting:	Self-storage facility
WEST:	Comprehensive Plan:	Agricultural Reserve (AGR)
	Zoning District:	Agricultural Residential (AR)(P84-112B, revoked)
	Supporting:	Vacant

SURROUNDING LAND USES: To the north and west are vacant land with an Agricultural Residential Zoning designation. South of the site is a church and to the east is a self-service storage facility.

ZONING REQUIREMENTS: The queuing distance for both the pumps and the car wash have been met. Foundation planting along the building have also been adequately provided.

PROJECT DESIGN ANALYSIS: A six foot high chain link fence will be installed at the southern edge of the dry detention/open space area to prevent loitering and trespassing. The access point at Atlantic Avenue will also be gated and locked for closed hours.

FINDINGS: The request is consistent with the ULDC and the stated purpose and intent of the ULDC. The request complies with all standards imposed on it by all applicable provisions of the ULDC for use, layout, function, and general development characteristics. The request is consistent with the existing uses, character and zones of land surrounding and in the vicinity of the subject property and the appropriate zoning district for the subject property. Conditions in the area of the subject property have changed to the extent to warrant the request. The proposal complies with all relevant and appropriate portions of Sec. 6.6 (Supplementary Regulations) of the ULDC. The design of the proposed use should minimize any adverse effects on adjacent lands. The request will result in a logical, timely and orderly development pattern.

EXHIBITS

- Exhibit A: Legal Description (NA - attached to resolution)
- Exhibit B: Vicinity Sketch
- Exhibit C: Conditions of Approval

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EXHIBIT C

CONDITIONS OF APPROVAL

CLASS B CONDITIONAL USE

A. ALL PETITIONS

1. Development of the site is limited to the uses and site design as approved by the Palm Beach County Zoning Commission. The approved site plan is dated July 23, 1998 and the architectural elevations dated October 9, 1998 and (drawing dated July 20, 1998). 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. Total gross floor area shall be limited to a maximum of 3,500 square foot Convenience store with Gas Sales (6 regular pumps and 3 diesel pumps). and a 800 square foot carwash facility. (DRC: ZONING)
2. The maximum height for all structures, including all mechanical equipment, measured from interior finished ground floor elevations grade to the exterior highest point, shall not exceed twenty five (25) feet except for the gas station canopy and the ornamental tower (cupola). The gas station canopy, measured from finished grade to highest point, shall not exceed thirty (30) feet. The cupola shall not exceed forty (40) foot measured from interior finished ground floor elevation to the exterior highest point of the cupola. (BLDG PERMIT: BLDG - Zoning)
3. 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 principal structure or equivalent landscape material. (CO: BLDG - Zoning)
4. Similar architectural character and treatment, including but not limited to color, material, fenestration and roof treatment, shall be provided on all sides of the buildings, adjacent to perimeter property lines. (BLDG PERMIT: BLDG - Zoning)

C. HEALTH

1. Application and engineering plans to construct an onsite sewage treatment and disposal system (OSTDS) in accordance with Rule 64E-6FAC and Palm Beach County ECR-I must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
2. Application and engineering plans to construct a non-community water supply system in accordance with Rule 62-555FAC and Palm Beach County ECR-II must be submitted to the Palm Beach County Health Department prior to final site plan approval. (DRC: HEALTH)
3. No food preparation or processing will be allowed on this site when an OSTDS is required unless a variance is granted by the Environmental Appeals Board. (ONGOING: HEALTH/CODE ENF)

D. LANDSCAPING - STANDARD

1. All canopy trees required to be planted on site by this approval shall meet the following minimum standards at installation:
 - a. Tree height: twelve (12) 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 on site 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. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location. (CO: LANDSCAPE - Zoning)

E. ENGINEERING

1. Prior to Feb 1, 1999 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 West Atlantic Avenue, 60 feet from centerline along the project's entire frontage, 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)
2. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along 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)
3. The Property owner shall construct a left turn lane west approach on West Atlantic Avenue at the projects entrance road.
 - A) This construction shall be concurrent with the paving and drainage improvements for the site. Any and all costs associated with the construction shall be paid by the property owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way.

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- B) Permits required by Palm Beach County for this construction shall be obtained prior to the issuance of the first Building Permit. (BLDG PERMIT: Monitoring-Eng)
 - C) Construction shall be completed prior to the issuance of the first Certificate of Occupancy. (CO: MONITORING-Eng)
4. In order to comply with the mandatory Traffic Performance Standards, the Developer shall be restricted to the following phasing schedule:
- ~~Building Permits~~ Certificates of Occupancy for more than 3500 gross leasable floor area of convenience store, a gas station with 8 fueling positions and a car wash shall not be issued until contract has been let for the construction of SR 7 as a 6-4 lane facility from Clint Moore Road to West Atlantic Avenue plus the appropriate paved tapers. (BLDG PERMIT: MONITORING-Eng)
 - The mix of allowable commercial uses, as permitted by the Zoning Division, listed above may be adjusted 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. (DATE:MONITORING:Eng)

F. LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING ATLANTIC AVENUE)

1. Landscaping and buffering along the above property line shall include:
- a. A minimum twenty (20) foot wide landscape buffer strip; and
 - b. An average two (2) foot high undulating berm measured from top of curb; and
 - c. One (1) canopy tree planted every thirty (30) feet on center; and
 - d. One (1) palm or pine tree for each twenty (20) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - e. Twenty four (24) inch high shrub or hedge material, spaced no more than twenty four (24) inches on center at installation and to be planted at the plateau of the berm and to be maintained at a minimum height of thirty-six (36)inches. (CO: LANDSCAPE)

G. LANDSCAPING ALONG THE NORTH AND WEST PROPERTY LINE (ABUTTING RESIDENTIAL)

1. Landscaping and buffering along the above property line shall include:
- a. A minimum ten (10) foot wide landscape buffer strip; and
 - b. A six (6) foot high black vinyl coated chain link fence. (CO: LANDSCAPE)
2. The following landscaping requirements shall be installed on the exterior side of the required fence:
- a. One (1) canopy tree planted every twenty (20) feet on center;
 - b. One (1) palm or pine tree for each twenty (20) linear feet, with a maximum spacing of sixty (60) feet on center. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and

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- c. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation, to be maintained to a minimum height of seventy two (72) inches. (CO: LANDSCAPE)

H. LANDSCAPING ALONG THE EAST PROPERTY LINE (ABUTTING INDUSTRIAL)

1. Landscaping and buffering along the above property line shall be upgraded to include:
 - a. A minimum five (5) foot wide landscape buffer strip; and
 - b. One (1) canopy tree planted every thirty (30) feet on center; and
 - c. One (1) palm or pine tree for each thirty (30) linear feet of frontage. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location; and
 - d. Twenty four (24) 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 thirty-six (36) inches. (CO: LANDSCAPE)

I. LANDSCAPING - INTERIOR

1. One landscape island shall be provided for every ten (10) parking spaces. The maximum spacing between landscape islands shall not exceed one hundred (100) linear feet. (DRC: ZONING)
2. Foundation planting or grade level planters shall be provided along the facades of the main building (except under gas canopy) 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 40% of the total length of the applicable exterior side of the structure; and,
 - c. Landscape areas shall be planted with a minimum of one (1) tree or palm every twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
3. A six (6) foot high black vinyl coated chain link fence shall be provided along the entire south side of the dry detention and open space area. Twenty four (24) inch high shrub or hedge material spaced no more than twenty four (24) inches on center at installation and to be placed on the south side of the required fence, the plant material shall be maintained to a minimum height of thirty six (36) inches. (DRC/CO: ZONING/ LANDSCAPE)

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. (BUILDING/CODE ENFORCEMENT-Zoning)
2. All outdoor lighting fixtures shall not exceed twenty five (25) feet in height, measured from finished grade to highest point. (BUILDING-Zoning)
3. 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)

K. SIGNS

1. Freestanding sign fronting on Atlantic Avenue shall be limited as follows:
 - a. Maximum sign height, measured from finished grade to highest point - ~~twelve (12)~~ ten (10) feet;
 - b. Maximum sign face area per side - ~~420~~ 100 square feet;
 - c. Maximum number of signs - one (1); and
 - d. Style - monument style only. (CO: BLDG)
2. No off-premise signs or relocated billboards shall be permitted on the site. (ONGOING/DRC: CODE ENF/ZONING)
3. Wall signs shall be restricted to the south and west facades of the building only. (CO: BLDG)
4. Gas canopy signs shall be restricted to the south and east sides of the canopy only. (CO: BLDG)
5. "No loitering" signs shall be posted inside the building. Signs shall be written in both English and Spanish. (CO:BLDG)

L. USE LIMITATIONS

1. On-site operation of heavy machinery or refrigerated vehicles shall be prohibited from 7:00 p.m. to 5:00 a.m. daily. (ONGOING: CODE ENF)
2. Repair or maintenance of vehicles shall not be permitted on site. (ONGOING: CODE ENF)
3. No on site consumption of alcohol beverages shall be permitted. (ONGOING: CODE ENF)
4. No overnight parking of trucks and trailers shall be permitted on site. (ONGOING: CODE ENF)
5. No parking of any vehicles, trailers or shipping containers shall be permitted on the premises, except that vehicles and trailers that are physically attached and being towed by these vehicles, may park or stand on the premises up to but no longer than two (2) hours in order to patronize the facilities. Vehicles which suddenly and unexpectedly become unroadworthy may remain on the premises in order to effect minor repairs, provided that the minor repairs do not keep the vehicle on the premises longer than twenty four (24) hours. If minor repairs are not attempted then the vehicles must be removed within twelve (12) hours of entering the premises. (ONGOING: CODE ENF)
6. No outdoor seating shall be permitted on the site. (ONGOING: CODE ENF)
7. A four (4) foot high gate shall be installed at the Atlantic Boulevard entrance. The gate shall be closed after business hours.

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M. COMPLIANCE

1. In granting this approval, the Palm Beach County Zoning Commission 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 Palm Beach County Zoning Commission for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)
2. Failure to comply with any of the conditions of approval or violation of any condition of approval for the subject property at any time shall result in the petition being brought back to the Palm Beach County Zoning Commission to consider the following:
 - 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 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)

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