

RESOLUTION APPROVING ZONING PETITION CA94-065(A)
CLASS A CONDITIONAL USE
PETITION OF ESOIL CORP
BY WARREN SANDS, AGENT
(GUN CLUB EXXON)

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 CA94-065(A) was presented to the Board of County Commissioners at a public hearing conducted on March 29, 1999; 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 CA94-065(A), the petition of ESOIL Corp, by Warren Sands, 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 March 29, 1999, 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 Marcus and, upon being put to a vote, the vote was as follows:

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

The Chair thereupon declared that the resolution was duly passed and adopted on March 29, 1999.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

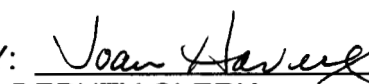
PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

DOROTHY H. WILKEN, CLERK

BY:


COUNTY ATTORNEY

BY:


DEPUTY CLERK

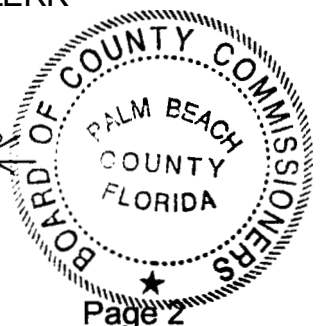


EXHIBIT A

LEGAL DESCRIPTION

PARCELS OF LAND LYING IN THE WEST HALF OF TRACT 5, BLOCK 1, SECTION 1, PALMBEACH PLANTATIONS PLAT NO. 1, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL ONE ~~THE SOUTH 75.00 FEET OF THE NORTH 250.00 FEET OF THE WEST HALF~~ OF SAID TRACT 5, LESS THE EAST 400.00 FEET THEREOF SUBJECT TO RIGHT-OF-WAY FOR MILITARY TRAIL AS THE SAME NOW EXISTS.

PARCEL TWO ~~THE NORTH HALF OF THE WEST HALF OF SAID TRACT 5,~~ LESS THE NORTH 250.00 FEET THEREOF AND LESS THE EAST 400.00 FEET; SUBJECT TO RIGHT-OF-WAY FOR MILITARY TRAIL AS THE SAME NOW EXISTS.

LESS AND EXCEPT THAT CERTAIN PARCEL OF LAND ENTERED IN CASE NO. 77-4088 CA(L) O1B, VIZ:

A PARCEL OF LAND LYING IN SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, COUNTY OF PALM BEACH, STATE OF FLORIDA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF GUN CLUB ROAD WITH THE CENTERLINE OF MILITARY TRAIL; THENCE SOUTH 02 DEGREES 01 MINUTES 39 SECONDS WEST ALONG THE CENTERLINE OF SAID MILITARY TRAIL. A DISTANCE OF 333.64 FEET TO THE WESTERLY PROLONGATION OF THE NORTH LINE OF THE SOUTH ONE-HALF OF TRACT 5 OF THE PLAT OF PALM BEACH PLANTATIONS PLAT NO. 1, AS RECORDED IN PLAT BOOK 10, PAGE 20, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 08 DEGREES 15 MINUTES 30 SECONDS EAST ALONG SAID WESTERLY PROLONGATION, A DISTANCE OF 53.00 FEET TO THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL AND THE POINT OF BEGINNING; THENCE CONTINUE ON THE SAME BEARING, AND ALONG SAID NORTH LINE, A DISTANCE OF 25.00 FEET; THENCE NORTH 02 DEGREES 01 MINUTES 39 SECONDS EAST, A DISTANCE OF 15.00 FEET; THENCE NORTH 88 DEGREES 15 MINUTES 30 SECONDS WEST, A DISTANCE OF 25.00 FEET TO SAID EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE SOUTH 02 DEGREES 01 MINUTES 39 SECONDS WEST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 15.00 FEET TO THE POINT OF BEGINNING.

PARCEL THREE BEING LOCATED IN THE NORTH ONE-HALF OF THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MARKER WHERE THE EAST RIGHT-OF-WAY OF MILITARY TRAIL, INTERSECTS THE SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD AND RUNNING THENCE IN AN EASTERLY DIRECTION ALONG THE SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD, A DISTANCE OF 150.00 FEET TO A POINT; THENCE RUNNING IN A SOUTHERLY DIRECTION AND PARALLEL TO THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 150.00 FEET TO A POINT; THENCE RUNNING IN A WESTERLY DIRECTION AND PARALLEL TO THE SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD, A DISTANCE OF 150.00 FEET TO A POINT LOCATED ON THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE RUNNING IN A NORTHERLY DIRECTION ALONG THE EAST RIGHT-OF-WAY LINE OF MILITARY TRAIL, A DISTANCE OF 150.00 FEET TO THE POINT OF BEGINNING. LESS RIGHTS-OF-WAY FOR MILITARY TRAIL AND GUN CLUB ROAD AS THE SAME NOW EXISTS.

SUBJECT TO AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED 20.00 FOOT STRIP OF LAND.

COMMENCING AT THE NORTHEAST CORNER OF WEST ONE-HALF OF SAID TRACT 5; THENCE WESTERLY ALONG THE NORTH LINE OF SAID TRACT 5, A DISTANCE OF 511.68 FEET; THENCE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING IN THE SOUTHERLY RIGHT-OF-WAY LINE OF GUN CLUB ROAD AND THE BEGINNING OF A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 283.63 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 61.94 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 263.63 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 57.58 FEET TO THE END OF SAID CURVE; THENCE CONTINUE SOUTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 16.43 FEET; THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID TRACT 5, A DISTANCE OF 20.00 FEET; THENCE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 16.34 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE WEST AND HAVING A RADIUS OF 283.63 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 61.94 FEET TO THE POINT OF REVERSE CURVATURE WITH A CURVE CONCAVE TO THE EAST AND HAVING A RADIUS OF 263.63 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 57.50 FEET TO THE END OF SAID CURVE; THENCE CONTINUE NORTHERLY, PARALLEL WITH THE WEST LINE OF SAID TRACT 5, A DISTANCE OF 0.09 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF GUN CLUB ROAD; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 20.00 FEET TO THE POINT OF BEGINNING.

PARCEL FOUR: A PARCEL OF LAND IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, BEING A PORTION OF TRACT 5, BLOCK 1, PALM BEACH PLANTATIONS, A SUBDIVISION OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ACCORDING TO THE PLAT THEREOF ON FILE IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA, RECORDED IN PLAT BOOK 10, PAGE 20, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 1; THENCE EAST ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER, SAID NORTH LINE BEING ALSO THE CENTERLINE OF GUN CLUB ROAD, A DISTANCE OF 268.70 FEET; THENCE RUN SOUTH ANGLING 09 DEGREES 45 MINUTES 30 SECONDS FROM WEST TO SOUTH, A DISTANCE OF 33.00 FEET TO A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD, THIS BEING THE POINT OF BEGINNING; THENCE CONTINUE SOUTH ON SAME COURSE, A DISTANCE OF 150.00 FEET; THENCE RUN WEST, PARALLEL TO SAID SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD, A DISTANCE OF 78.60 FEET; THENCE RUN NORTH ANGLING 89 DEGREES 45 MINUTES 00 SECONDS FROM EAST TO NORTH, A DISTANCE OF 150.00 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF GUN CLUB ROAD; THENCE RUN EAST ON SAID RIGHT-OF-WAY LINE, A DISTANCE OF 78.60 FEET TO THE POINT OF BEGINNING, LESS AND EXCEPTING THE NORTH 7.00 FEET OF SAID PREMISES DEEDED TO THE COUNTY OF PALM BEACH IN OFFICIAL RECORD BOOK 1221, PAGE 207.

LESS AND EXCEPT ADDITIONAL, RIGHT-OF-WAY FOR GUN CLUB ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL OF LAND FOR ROAD RIGHT-OF-WAY PURPOSES BEING A PORTION OF LOT 5, BLOCK 1, OF THE PLAT OF PALM BEACH PLANTATIONS, PLAT NO. 1, RECORDED IN PLAT BOOK 10, PAGE 20 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR THE PURPOSE OF THIS DESCRIPTION, THE NORTH-SOUTH QUARTER (NS 114) SECTION LINE OF SECTION 1, TOWNSHIP 44 SOUTH, RANGE 42 EAST, ALSO BEING THE CENTERLINE RIGHT-OF-WAY OF SR. 809 (MILITARY TRAIL) IS ASSUMED TO BEAR NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST AND ALL BEARINGS RECITED HEREIN ARE RELATIVE THERETO.

COMMENCING AT THE NORTHQUARTER CORNER OF SAID SECTION 1; THENCE SOUTH 01 DEGREES 25 MINUTES 52 SECONDS WEST ALONG SAID NORTH-SOUTH QUARTER (NS 114) SECTION LINE. A DISTANCE OF 1334.41 FEET, MORE OR LESS TO THE RIGHT-OF-WAY CENTERLINE OF GUN CLUB ROAD; THENCE SOUTH 88 DEGREES 48 MINUTES 48 SECONDS EAST ALONG SAID RIGHT-OF-WAY CENTERLINE OF GUN CLUB ROAD, A DISTANCE OF 53.00 FEET TO EXISTING EAST RIGHT-OF-WAY LINE OF SR. 809, BEING A LINE 53.00 FEET EAST OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID NORTH-SOUTH QUARTER (NS 114) SECTION LINE OF SECTION 1; THENCE SOUTH 01 DEGREES 25 MINUTES 52 SECONDS WEST ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE OF SR. 809, A DISTANCE OF 33.00 FEET TO A POINT ON THE EXISTING SOUTH RIGHT-OF-WAY LINE OF SAID GUN CLUB ROAD, BEING A LINE 33.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH THE RIGHT-OF-WAY CENTERLINE OF SAID GUN CLUB ROAD AND THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 48 MINUTES 48 SECONDS EAST ALONG SAID EXISTING SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 137.12 FEET TO THE WEST LINE OF THAT CERTAIN PARCEL OF LAND FOR PALM BEACH COUNTY RIGHT-OF-WAY PURPOSES RECORDED IN OFFICIAL RECORD BOOK 1221, PAGE 207. PUBLIC RECORDS OF SAID COUNTY, AND MORE PARTICULARLY DESCRIBED IN BOOK 3665, PAGE 1365 OF SAID PUBLIC RECORDS; THENCE SOUTH 01 DEGREES 26 MINUTES 12 SECONDS WEST ALONG SAID WEST LINE, A DISTANCE OF 7.00 FEET TO THE SOUTH LINE OF THE REQUIRED RIGHT-OF-WAY FOR GUN CLUB ROAD, BEING A LINE 40.00 FEET SOUTH OF (AS MEASURED AT RIGHT ANGLES TO) AND PARALLEL WITH SAID RIGHT-OF-WAY CENTERLINE OF GUN CLUB ROAD; THENCE NORTH 88 DEGREES 48 MINUTES 48 SECONDS WEST ALONG SAID SOUTH REQUIRED RIGHT-OF-WAY LINE, A DISTANCE OF 97.29 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 40.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 45 MINUTES 20 SECONDS; THENCE SOUTH 46 DEGREES 18 MINUTES 32 SECONDS WEST, ALONG THE LONG CHORD OF SAID CURVE, A DISTANCE OF 56.45 FEET TO A TANGENT LINE AND SAID EXISTING EAST RIGHT-OF-WAY LINE OF SR. 809 THENCE NORTH 01 DEGREES 25 MINUTES 52 SECONDS EAST ALONG SAID EXISTING EAST RIGHT-OF-WAY LINE, A DISTANCE OF 46.83 FEET TO THE POINT OF BEGINNING.

CONTAINING 58,808.2161 SQUARE FEET OR 1.350 ACRES MORE OR LESS

EXHIBIT B
VICINITY SKETCH

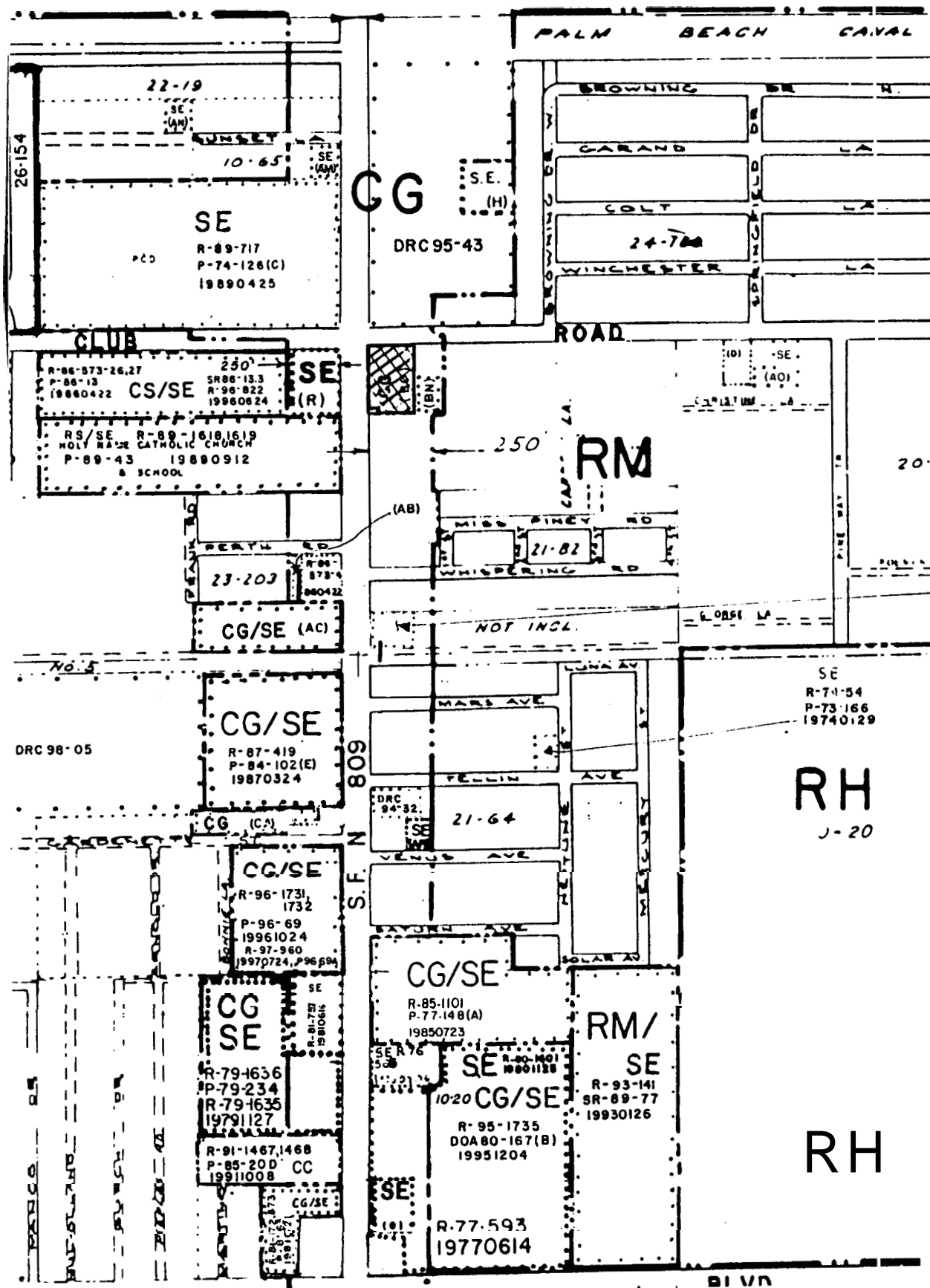


EXHIBIT C

CONDITIONS OF APPROVAL

A. ALL PETITIONS

1. All previous conditions of approval applicable to the subject property, as contained in Resolution R-95-0004 (Petition 94-065), 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 March 1, 1999. 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, including but not limited to color, material, fenestration and roof lines, shall be provided on all sides of the proposed Convenience store and accessory Gas station canopy. (BLDG PERMIT: BLDG - Zoning)
2. The proposed Convenience store and accessory Gas station canopy shall be consistent with the style and appearance of the facade elevations prepared by Manuel Gallardo AIA dated March 1, 1999. (BLDG PERMIT: BLDG - Zoning)
3. The Convenience store accessory Gas station canopy shall be limited to a maximum of twenty-five (25) feet in height with a fifteen (15) maximum foot clearance and flush mounted or recessed lighting. (BLDG PERMIT: BLDG - Zoning)

C. ENVIRONMENTAL RESOURCES MANAGEMENT

1. **Site plan modifications which will require the removal, relocation or alteration of the existing contamination remediation system, prior to the certification of a clean site, shall require the approval of the Department of Environmental Resources Management prior final (DRC) site plan certification.** (Previously Condition H. 1 of Resolution R-95-0004, Petition 94-065) (ERM)
2. Groundwater testing results to determine the existence and location of any residual contamination plume shall be submitted to and approved by ERM prior to DRC site plan certification. (DRC: ERM)

D. HEALTH

1. **A site rehabilitation completion order approved by the Department of Environmental Protection shall be submitted prior to final (DRC) site plan certification.** (Previously Condition G. 1 of Resolution R-95-0004, Petition 94-065) (HEALTH)

E. ENGINEERING

1. Condition E.1 of Resolution R-95-0004, Petition 94-065 which currently states:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 65 feet from centerline on or before June 1, 1995 or prior to the issuance of the first Building Permit, whichever shall first occur. This right of way shall be 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 "Safe Sight Corners" where appropriate as determined by the County Engineer. (MONITORING/BLDG - Eng)

Is hereby amended to read:

The property owner shall convey to Palm Beach County Land Development Division by road right-of-way warranty deed for Military Trail, 65 feet from centerline on or before March 1, 2000 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.

2. The property owner shall pay a Fair Share Fee in the amount and manner required by the "Fair Share Contribution for Flood Improvements Ordinance" as it presently exists or as it may from time to time be amended. The Fair Share Fee for this proposed fast food restaurant to be paid at the time of issuance of the Building Permit presently is \$46,503.00 (1,691 additional trips X \$27.50 per trip) (Previously Condition E.2 of Resolution R-95-0004, Petition 94-065)(IMPACT FEE COORD).
3. Prior to issuance of a building permit the property owner shall convey a temporary roadway construction easement along Military Trail 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)

F. IRRIGATION QUALITY WATER

1. When irrigation quality water is available within 500 feet of the property, the petitioner shall connect to the system subject to the permitting and/or requirements of the Florida Department of Environmental Regulations and/or the South Florida Water Management District. The cost for connection shall be borne by the property owner. (Previously Condition A.1 of Resolution R-95-0004, Petition 94-065) (UTILITIES)

G. LANDSCAPING - STANDARDS

1. Condition 6.1 of Resolution R-95-0004, Petition 94-065 which currently states:

All trees required to be planted on site by this approval shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet.
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade.
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length.

Is hereby amended to read:

Fifty (50%) percent of all canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Trunk diameter: 3.5 inches measured 4.5 feet above grade;
- c. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- 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)

H. LANDSCAPING ALONG NORTH AND WEST PROPERTY LINES (GUN CLUB AND MILITARY TRAIL FRONTAGES)

1. Condition C.1 of Resolution R-95-0004, Petition 94-065 which currently states:

Landscaping within the required buffers along Military Trail and Gun Club Road shall be upgraded to include:

- a. One (1) canopy tree planted every twenty (20) feet on center.
- b. One (1) palm tree for each thirty (30) linear feet of frontage. A group of three or more palm trees may supersede the requirement for a native canopy tree in that location.
- c. Thirty (30) inch high shrub or hedge material spaced twenty-four (24) inches on center at installation.

Is hereby amended to read:

Landscaping and buffering along the north and west property lines shall be upgraded to include:

- a. A minimum twenty (20) foot wide landscape buffer strip with a maximum five (5) feet overlap into a utility easement;
- b. A minimum two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb;
- c. Equivalent of one (1) canopy tree planted every twenty (20) feet of linear property line;
- d. Equivalent of one (1) palm or pine tree for each twenty-five (25) linear feet of frontage with a maximum spacing of fifty (50) feet on center between clusters. A group of three or more palms/pines in a cluster 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, to be maintained at a minimum height of thirty-six (36) inches.
- f. The landscape strip south of the existing Military Trail entrances shall not be subject to this condition. (CO: LANDSCAPE)

I. LIGHTING

1. Condition D.1 of Resolution R-95-0004, Petition 94-065 which currently states:

All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity, shielded and directed down and away from adjacent properties and streets.

Is hereby amended to read:

All outdoor lighting used to illuminate the premises and identification signs shall be of low intensity (minimum wattage to satisfy the Security Code), shielded and directed down and away from adjacent properties and streets.

J. PARKING

1. Prior to final DRC certification, the parking spaces north of the existing Convenience store and east of the proposed gas pump islands shall be reoriented to forty-five (45) degree angled parking spaces.
2. The parking spaces located in the southeast corner of the site plan shall be designated for employee parking.
3. No overnight parking of any vehicle or trucks shall be permitted. (ONGOING: CODE ENF)

K. RECYCLE SOLID WASTE

1. **All property owners or lessee's shall participate in a recycling program when available in the area. Material to be recycled shall include, but not be limited to, paper, plastic, metal and glass products.** (Previously Condition 1.1 of Resolution R-95-0004, Petition 94-065) (SWA)

L. SIGNS

1. Condition F.1 of Resolution R-95-0004, Petition 94-065 which currently states:

Should existing point of purchase or freestanding signs be relocated, removed or altered, all point of purchase or freestanding signs fronting on Military Trail 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. **Style - monument style only.**

is hereby amended to read:

The Convenience store shall be limited to one eight (8) foot high monument style sign with eighty (80) square feet sign face area. This sign will replace the Convenience store's existing sign and be located in the northwest portion of the property by the Military Trail and Gun Club Road intersection. (CO/BLDG PERMIT: BLDG)

- 2. **No freestanding or point of purchase on Gun Club.** (Previously Condition F.2 of Resolution R-95-0004, Petition 94-065) (BLDG)
- 3. All Wall signage shall be limited to the north and west facades facing Gun Club Road and Military Trail. (BLDG PERMIT: BLDG - Zoning)
- 4. No canopy signage shall be allowed. (BLDG PERMIT: BLDG - Zoning)

M. USE LIMITATIONS

- 1. The owner of the Convenience store with gas sales facility shall provide fire air and water to the public. (DRC/ONGOING: ZONING/CODE ENF)
- 2. The storage of Rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
- 3. Parking of delivery vehicles or trucks shall not be permitted on site except within the two designated loading spaces. (ONGOING: CODE ENF)

N. COMPLIANCE

- 1. In granting this approval, the Board of County Commissioners 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 Board of County Commissioners for review under the compliance condition of this approval. (ONGOING: MONITORING - Zoning)

2. Condition J.I of Resolution R-95-0004, Petition 94-065 which currently states:

Failure to comply with any of these conditions of approval at any time may result in:

- a. The denial or revocation of a building permit; the issuance of a stop work order; cease and desist order; the denial of a Certificate of Occupancy on any building or structure; or the denial or revocation of any permit or approval for any developer; owner, commercial-owner, lessee, or user of the subject property; and/or
- b. The revocation of the Conditional Use and any/or zoning which was approved concurrently with the Conditional Use;
- c. A requirement of the development to conform with updated standards of development, applicable 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;
- 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 Conditional Use, **Re-zoning**, or other actions based on a Board of County Commission decision, shall be by petition for writ of certiorari to the Fifteenth Judicial Circuit.

Is hereby amended to read:

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; 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)