

RESOLUTION NO. R-99- 965

RESOLUTION APPROVING ZONING PETITION DOA77-141 (A)
DEVELOPMENT ORDER AMENDMENT
PETITION OF CHEVRON PRODUCTS COMPANY
BY DAVID J. FELTON, AGENT
(CHEVRON #47205)

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 DOA77-141 (A) was presented to the Board of County Commissioners at a public hearing conducted on May 27, 1999; 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 DOA77-141(A), the petition of Chevron Products Company, by David J. Felton, agent, for a Development Order Amendment (DOA) to allow a convenience store with gas sales 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 May 27, 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 Masilotti 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	—	Aye
Tony Masilotti	—	Aye

The Chairthereupon declared that the resolution was duly passed and adopted on May 27, 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


DEPUTY CLERK



EXHIBIT A

LEGAL DESCRIPTION

A parcel of land in Section 28, Township 47 South, Range 42 East, Palm Beach County, Florida, being more particularly described as follows:

Commencing at the northeast corner of said section 28, run **S.01°03'02"E.**, along the centerline of Powerline Road, also being the **east** line of said section 28, for 1993.36 feet to a point; thence run **S.89°28'02"W.**, for 70.00 feet to a point on the existing right of way line of Powerline Road, being the point of beginning; thence run **S.01°03'02"E.**, for 200.90 feet to a point; thence run **S.89°28'02"W.**, for 193.39 feet to the point of curvature of a curve to the right having a radius of 25.00 feet; thence run along said curve through a central angle of **89°28'56"**, an arc distance of 39.04 feet to the point of tangency; thence run **N.01°03'02"W.**, for 176.12 feet to a point; thence run **N.89°28'02"E.**, for 218.16 feet to the point of beginning.

EXHIBIT B
VICINITY SKETCH

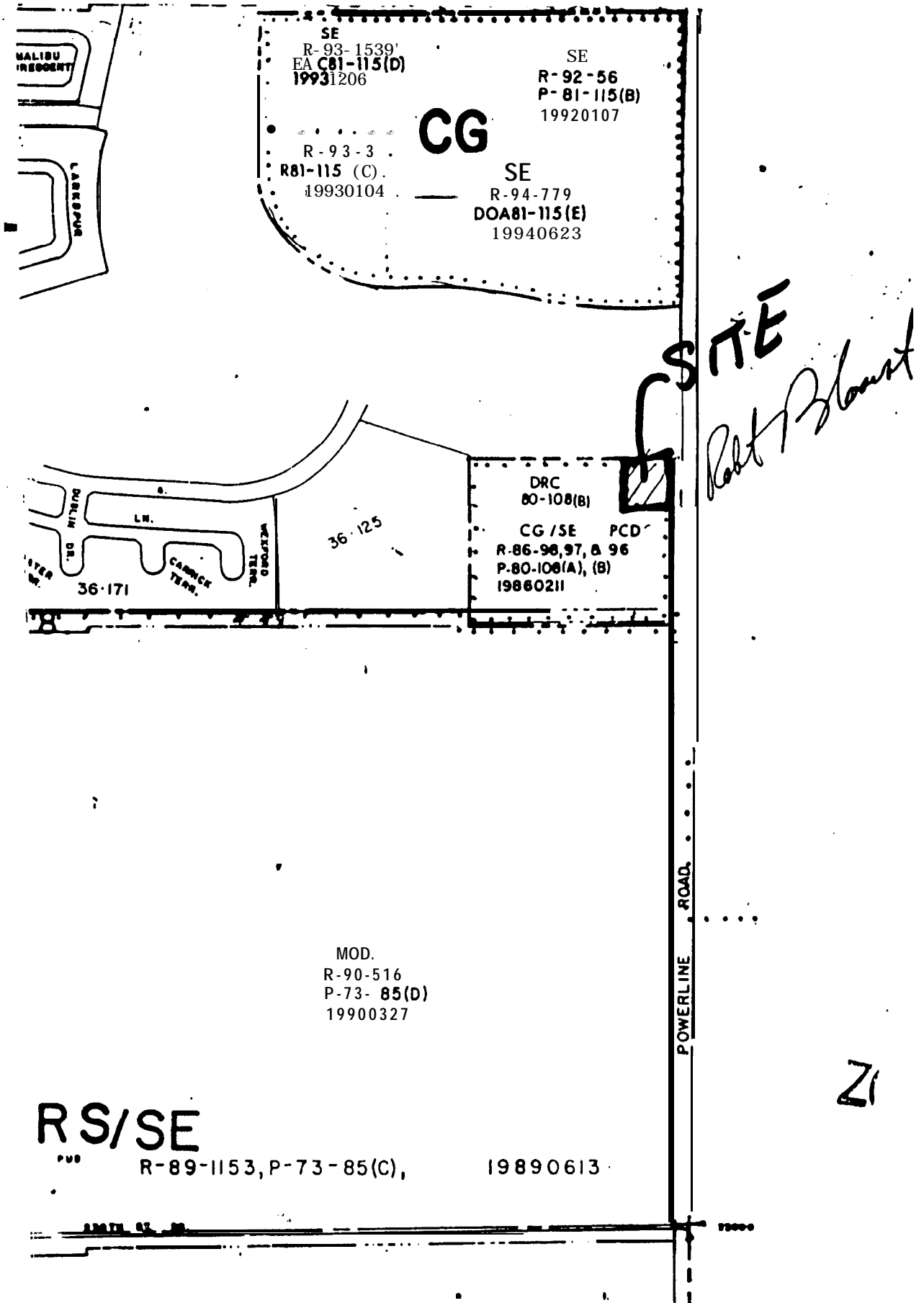


EXHIBIT C

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-73-301 (Petition 73-27), R-77-I 240 (Petition 77-141) R-80-1 010 (Petition 80-I 08), R-86-96 (Petition 80-I 08(A) and R-86-98 (Petition 80-108(B), 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 September 23, 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)
3. Condition 17 of Resolution R-86-98, Petition 80-I 08(B) which currently states:
All commission imposed conditions, approved pursuant to Resolutions numbered 77-1240 and 80-1010 shall apply hereto unless otherwise modified or superseded herein.
Is hereby deleted. [REASON: addressed in conditions above]
4. Condition 23 of Resolution R-86-98, Petition 80-I 08(B) which currently states:
The petitioner shall present a notarized Affidavit of Disclosure at the Zoning Authority meeting. Is hereby deleted. [REASON: Complete]

B. ARCHITECTURAL CONTROL

1. Condition 8 of Resolution R-86-98, Petition 80-I 08(B) which currently states:
All facades of the center shall be given architectural treatment consistent with the front of the center to avoid an incompatible industrial appearance impact upon nearby residential development.

Is hereby amended to state:

Similar architectural character and treatment, including but not limited to color, building materials, fenestration and roof lines, shall be provided on all sides of the buildings located in the MUPD. (BLDG PERMIT: BLDG - Zoning)
2. **The developer shall preserve existing significant vegetation wherever possible and shall incorporate said vegetation into the project design. Appropriate measures shall also be taken to protect these preservation areas during site clearing and construction.** (Previously Condition 5 of Resolution R-86-98, Petition 80-I 08(B) [NOTE: complete]

C. CONVENIENCE STORE AND GAS

1. No outside storage of disassembled vehicles, or parts thereof, shall be permitted on site. (ONGOING: CODE ENF)
2. Prior to site plan certification, the site plan shall be amended to indicate facilities for the provision of air and water for customer convenience. The owner of the service station facility shall provide air and water to the public at no charge. (DRC/ONGOING: ZONING/CODE ENF)
3. The gas canopy shall be limited to a maximum of twenty-five (25) feet in height with a sixteen (16) foot clearance and with recessed or flush mounted lighting. (BLDG PERMIT: BLDG - Zoning)
4. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF-Zoning)
5. Parking of delivery vehicles or trucks shall not be permitted on site except within the designated loading spaces. (ONGOING: CODE ENF)
6. Total gross floor area shall be limited to a maximum of 2,112 square feet. Expansion shall be limited to five percent (5%) or 1,000 square feet, whichever is less. (DRC: ZONING)
7. The maximum height for the convenience store, including all air conditioning and mechanical equipment, measured from finished grade to highest point, shall not exceed twenty-five (25) feet. (BLDG PERMIT: BLDG - Zoning)
8. The proposed structure, canopy, and canopy signage for the convenience/gas sales facility shall be designed and constructed to be consistent with the facade elevations and color chips provided by Blount, Sikes and Associates dated February 25, 1999. (BLDG PERMIT: BLDG - Zoning)
9. Prior to final site plan approval by the DRC the site plan shall be modified to indicate employee only parking for the two northerly parking spaces. (DRC: ZONING)

D. CONVENIENCE STORE AND GAS : LANDSCAPING

1. Foundation plantings or grade level planters shall be provided along all facades of the convenience store 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 each side of the structure; and,
 - c. Landscape areas shall be planted with a minimum equivalent of one (1) tree or palm for each twenty (20) linear foot of building facade and appropriate ground cover. (DRC / CO: ZONING / LANDSCAPE)
2. The developer shall preserve existing landscaping buffers on the perimeter of the convenience store parcel and shall incorporate said vegetation and minimum ULDC landscape requirements into the project design. Appropriate measures shall also be taken to protect these buffer areas during site clearing and construction;

- a. The developer shall maintain a minimum fifteen (15) foot buffer on the north and east property line (subject of a Board of Adjustment Variance); and,
- b. The developer shall maintain a minimum twenty (20) foot buffer on the south and west property lines. (DRC / CO: ZONING / LANDSCAPE)

E. ENGINEERING

- 1. **The development shall retain onsite 85% of the stormwater runoff generated by a three (3) year-24 hour storm per requirements of the Permit Section, Land Development Division.** (Previously Condition 18 of Resolution R-86-98, Petition 80-108(B) [NOTE: In compliance]
- 2. **The property owner shall convey for the ultimate right-of-way of Powerline Road, 60 feet from centerline within 90 days of adoption of the Resolution by the Board of County Commissioners; conveyance must be accepted by Palm beach County prior to issuance of first building permit.** (Previously Condition 19 of Resolution R-86-98, Petition 80-108(B) [NOTE: In compliance]
- 3. **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 form time to time be amended. The Fair Share Fee for this project presently is \$19,288.00 (720 trips X \$26.79 per trip).** (Previously Condition 20 of Resolution R-86-98, Petition 80-1 08(B) [NOTE: complete]
- 4. **Based on the Traffic Performance Standards (Category “B”), the Developer shall contribute and additional \$4,822.00 toward Palm Beach County’s existing Roadway Improvement Program, these total funds of (\$24,110.00) to be paid prior to October 1, 1986.**

If the “Fair Share Contribution for Road Improvements Ordinance” is amended to increase the Fair Share Fee, this additional amount of \$4,822.00 shall be credited toward the increased Fair Share Fee. (Previously Condition 21 of R-86-98, Petition 80-108(B) [NOTE: complete]

- 5. **The property owner shall obtain onsite Drainage Permit form the Palm Beach County Engineering Department Permit section prior to the application of Building Permit.** (Previously Condition 22 of Resolution R-86-98, Petition 80-108(B) [NOTE: Previous gas station originally obtained a drainage permit. This new approval will now be required to obtain a new drainage approval.]

F. HEALTH

- 1. Condition 13 of Resolution R-86-98, Petition 80-1 08(B) which currently states:
Reasonable precautions shall be exercised during site development to insure that unconfined particulates (dust particles) from this property do not become a nuisance to neighboring properties.

Is hereby deleted. [REASON: code requirement]

2. Condition 14 of Resolution R-86-98, Petition 80-I 08(B) which currently states:

Reasonable precautions shall be employed during site development to insure that no pollutants from this property shall enter adjacent or nearby surface waters.

Is hereby deleted. [REASON: code requirement]

3. Condition 15 of Resolution R-86-98, Petition 80-I 08(B) which currently states:

Any fuel or chemical storage tanks shall be installed with protection against leakage or spillage due to corrosion, breakage, structural failure or other means. The design and installation plans will be submitted to the Health Department for approval prior to installation.

Is hereby deleted. [REASON: code requirement]

4. Condition 16 of Resolution R-86-98, Petition 80-I 08(B) which currently states:

Any toxic or hazardous waste generated at this site shall be properly handled and disposed of in accordance with Chapter 17-30 F.A.C.

Is hereby deleted. [REASON: code requirement]

G. **HELIPAD**

1. **The westerly approach limit shall be a minimum of 150 feet from the west property line.** (Previously Condition 1 of R-80-1010, Petition 80-108)

2. **The facility shall be used for daylight landings only.** (Previously Condition 2 of Resolution R-80-1010, Petition 80-108)

3. **The facility shall be used for a maximum of ten (10) flights per month.** (Previously Condition 3 of Resolution R-86-96, Petition 80-I 08(A))

4. **Petitioner shall provide and insurance certificate of \$1,000,000 (one million dollars) and shall not allow coverage to expire.** (Previously Condition 4 of Resolution R-80-1 010, Petition 80-I 08)

5. **Prior to site plan certification, the site plan shall be revised to reflect the following:**

- a. **delineation of individual parking spaces;**
- b. **provision of required landscaping and perimeter and interior locations, and site plan data computations reflecting parking area interior landscaping and required proposed format;**
- c. **removal of parking and pedestrian areas within forty (40) feet of all edges of the helipad primary surface area;**
- d. **the nearest edge of the helipad primary surface area from the proposed fifty foot high building shall meet F.A.A. or F.D.O.T. requirements whichever is greater.** (Previously Condition 1 of Resolution R-86-98, Petition 80-I 08(B))

6. **The petitioner shall provide evidence of compliance with all requirements of the F.A.A. and F.D.O.T. airspace analysis and airport license requirements prior to site plan certification.** (Previously Condition 2 of Resolution R-86-98, Petition 80-108(B))
7. **The petitioner shall provide binding confirmation of agreement(s) with abutting property owners, ensuring that all applicable vegetation and structure shall be maintained, removed, or relocated in order to accommodate minimum F.A.A. and F.D.O.T. flight departure and approach ratios.** (Previously Condition 3 of Resolution R-86-98, Petition 80-108(B))
8. **There shall be no storage of aviation fuel or aviation fueling operations on this site.** (Previously Condition 24 of Resolution R-86-98, Petition 80-108(B))

H. MUPD

1. **All mechanical and air conditioning equipment shall be roof mounted and screened with parapets or be contained within the enclosed loading and service area.** (Previously Condition 7 of Resolution R-86-98, Petition 80-108(B))
2. **No stock loading or dumpster pickup will be permitted between the hours of 8:00 P.M. and 8:00 A.M.** (Previously Condition 9 of Resolution R-86-98, Petition 80-108(B))
3. **No storage or placement of any materials, refuse, equipment or accumulated debris shall be permitted in the rear of the center.** (Previously Condition 10 of Resolution R-86-98, Petition 80-108(B))
4. **No parking of any vehicles shall be permitted along the rear of the center except in designated spaces or unloading areas.** (Previously Condition 11 of Resolution R-86-98, Petition 80-108(B))
5. **Security lighting shall be directed away from nearby residences.** (Previously Condition 12 of Resolution R-86-98, Petition 80-108(B))
6. Condition 4 of Resolution R-86-98, Petition 80-108(B) which currently states :

Any resultant reduction in the number of parking spaces, shall result in reduction of the total square footage of building floor area. Is hereby deleted. [REASON: Code Requirement]
7. **Loading areas shall be separated from any nearby residential areas by ten foot high wing walls.** (Previously Cond. 6 of R-86-98, Petition 80-108(B))
[NOTE: not applicable to convenience/gas sales facility]

I. 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. 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)