

RESOLUTION NO. R-2006-1187

RESOLUTION APPROVING ZONING APPLICATION PDD2005-1122
(CONTROL NO. 1988-094)
OFFICIAL ZONING MAP AMENDMENT
TO A PLANNED DEVELOPMENT DISTRICT (PDD)
APPLICATION OF AMOCO OIL
BY MDM SERVICES, INC., AGENT
(AMOCO OIL COMPANY)

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 hearing requirements, as provided for in Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067), as amended, have been satisfied; and

WHEREAS, Zoning Application PDD2005-1122 was presented to the Board of County Commissioners at a public hearing conducted on June 22, 2006; 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 has considered the findings in the staff report and 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) with approved conditions 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) with approved conditions 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) with approved conditions will result in a logical and orderly development pattern;
6. This official zoning map amendment (rezoning) complies with Article 2.F, (Adequate Public Facilities) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067; and,
7. This official zoning map amendment (rezoning) with approved conditions is consistent with the requirements of all other applicable local land development regulations.

WHEREAS, Article 2.K.3.b (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 Application PDD2005-1122, the application of Amoco Oil by MDM Services, Inc., agent, for an Official Zoning Map Amendment to a Planned Development District from the General Commercial Zoning District to the Multiple Use Planned Development 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 June 22, 2006, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Marcus moved for the approval of the Resolution.

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

Tony Masilotti, Chair	-	
Addie L. Greene, Vice Chairperson	-	Absent
Karen T. Marcus	-	Aye
Jeff Koons	-	Aye
Warren H. Newell	-	Aye
Mary McCarty	-	Aye
Burt Aaronson	-	Aye

The Chairman thereupon declared that the resolution was duly passed and adopted on June 22, 2006.

Filed with the Clerk of the Board of County Commissioners on 22nd day of June, 2006.

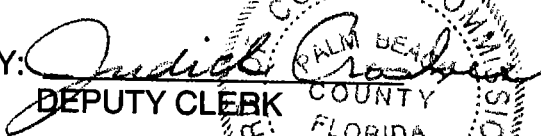
This resolution is effective when filed with the Clerk of the Board of County Commissioners.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

SHARON R. BOCK,
CLERK & COMPTROLLER

BY: 
COUNTY ATTORNEY

BY: 
DEPUTY CLERK

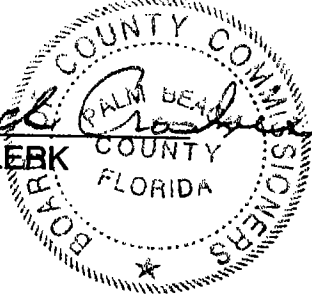


EXHIBIT A
LEGAL DESCRIPTION

PARCEL 1:

THE SOUTH 90.02 FEET OF TRACT B, AND THE NORTH 72.50 FEET OF TRACT C, BLOCK 65, OF THE PALM BEACH FARMS COMPANY PLAT NO. 7 OF SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST, ACCORDING TO THE PLAT FILED WITH THE CLERK OF THE CIRCUIT COURT IN AND FOR PALM BEACH COUNTY, FLORIDA IN PLAT BOOK 5, PAGE 72, ALL LYING SOUTH OF THE SOUTH RIGHT-OF-WAY LINE OF 6th AVENUE SOUTH AND WEST OF THE WEST RIGHT-OF-WAY LINE OF SR 807 (CONGRESS AVENUE). AS RECORDED IN OFFICIAL RECORDS BOOK 4269, PAGE 499 (NORTH 1' OF PARCEL 1) AND OFFICIAL RECORDS BOOK 6093, PAGE 476 (NORTH 17.5 FEET, THE EAST 4 FEET, AND THE CORNER CLIP)

PARCEL 2:

THE POINT OF BEGINNING BEING 3.5 FEET NORTH OF THE LINE BETWEEN TRACTS "C" AND "D", BLOCK 65, PALM BEACH FARMS COMPANY PLAT NO. 7, SECTION 30, TOWNSHIP 44 SOUTH, RANGE 43 EAST; THENCE WESTERLY A DISTANCE OF 107.4 FEET TO A POINT; THENCE SOUTHWESTERLY AT AN ANGLE MEASURED FROM WEST TO SOUTHWEST OF 41 DEGREES 26' FOR A DISTANCE OF 56.35 FEET TO A POINT; THENCE WESTERLY A DISTANCE OF 157.75 FEET TO A POINT ON THE WEST LINE OF TRACT 'D' AFORESAID; THENCE NORTHERLY ALONG THE WEST LINE OF TRACTS "D" AND "C", AFORESAID, FOR A DISTANCE OF 97.29 FEET TO A POINT; THENCE EASTERLY A DISTANCE OF 307.4 FEET TO A POINT ON THE EAST LINE OF TRACT "C", AFORESAID, THENCE SOUTHERLY ALONG EAST LINE OF TRACT "C", A DISTANCE OF 60 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LAND DESCRIBED IN RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 6093, PAGE 463 (THE EAST 4.00 FEET THEREOF.)

EXHIBIT B
VICINITY SKETCH

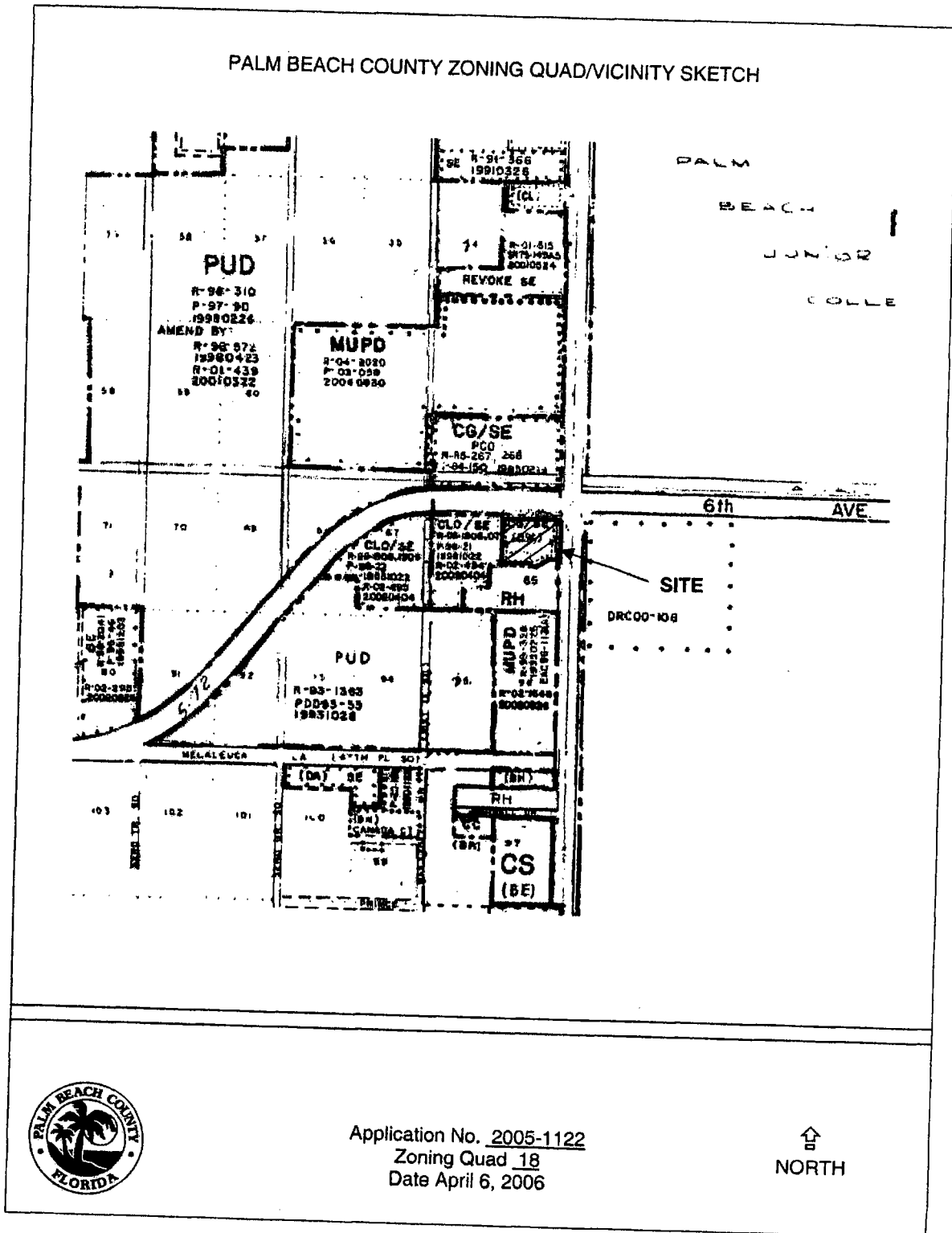


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved site plan is dated April 17, 2006. 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. (DRO: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final Development Review Officer (DRO) approval, the architectural elevations for the convenience store, car wash and canopy for the fuel service area shall be submitted simultaneously with the site plan for final architectural review and approval. Elevations shall be designed to be consistent with Article 5.C of the ULDC. Development shall be consistent with the the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)
2. Design of gutters and downspouts shall be integrated into the architectural design of the car wash and convenience store. Painting of the gutters and downspouts shall not constitute architectural integration. (DRO: ARCH REVIEW - Zoning)
3. Gas station canopies shall be designed consistent with the following standards:
 - a. maximum height of twenty-five (25) feet measured from finished grade to highest point;
 - b. pitched roof with a minimum slope of 5:12. No flat roof shall be permitted;
 - c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
 - d. lighting for the gas station canopy shall be flush mounted or recessed; and,
 - e. canopy signage shall be limited to a maximum of one (1) sign on the north and one (1) sign on the east side of the canopy only. (DRO: ARCH REVIEW - Zoning)

ENGINEERING

1. The developer shall design the drainage system such that storm water runoff from the parking areas and paved surfaced area shall be separate from those areas which may contain hazardous or undesirable waste from the proposed site. (Previous Condition 10 of Zoning Resolution R-89-709, Petition 1988-094). (ONGOING: ENG – Eng).
2. Within 90 days of approval of this project, the property owner shall convey to Palm Beach County by road right-of-way warranty deed for Sixth Avenue South - 71.5 feet from centerline and Congress Avenue 64 feet from centerline free of all encumbrances and encroachments. Petitioner 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 at intersections as determined by the County Engineer. (Previous Condition 11 of Zoning Resolution R-89-709, Petition 1988-094). (ONGOING: ENG – Eng).
Note:Complete

3. Prior to issuance of a Building Permit the Property Owner shall plat the subject property as a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

HEALTH

1. Property owners and operators of facilities generating industrial, hazardous or toxic waste shall not deposit or cause to be deposited any such waste into the sanitary sewer system unless adequate pretreatment facilities approved by the Florida Department of Environmental Protection, the Palm Beach County Health Department, and the agency responsible for sewage works are provided and used. (ONGOING: CODE ENF - Health)
2. Prior to the issuance of a certificate of occupancy (CO), the property owner must provide proof that all septic tanks and wells on the site have been properly abandoned. (CO: MONITORING - Health)

ZONING – LANDSCAPE STANDARDS

1. Prior to the issuance of a building permit, the property owner shall submit a Landscape Plan to the Landscape Section for review and approval. The Plan(s) shall be prepared in compliance with all landscape related conditions of approval as contained herein. (BLDG PERMIT: LANDSCAPE - Zoning)
2. A minimum of fifty (50) percent of all new and replacement trees to be planted in the landscape buffers shall meet the following minimum standards at installation:
 - a. tree height: fourteen (14) feet;
 - b. trunk diameter: three and one-half (3.5) inches measured at four and one-half (4.5) feet above grade;
 - c. canopy diameter: seven (7) feet diameter shall be determined by the average canopy radius measured at three (3) points from the trunk to the outermost branch tip. Each radius shall measure a minimum of three and one-half (3.5) feet in length; and,
 - d. credit may be given for existing or relocated trees provided they meet ULDC requirements. (BLDG PERMIT: LANDSCAPE - Zoning)
3. All palms required to be planted on the property 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. (BLDG PERMIT: LANDSCAPE - Zoning)
4. A group of three (3) or more palms may not supersede the requirement for a canopy tree in that location, unless specified herein. (BLDG PERMIT: LANDSCAPE - Zoning)
5. Field adjustment of plant material locations may be permitted to provide pedestrian sidewalks/bike paths and to accommodate transverse utility or drainage easements crossings and existing vegetation. (BLDG PERMIT: LANDSCAPE - Zoning)
6. Existing live oak trees as indicated on the site plan dated April 17, 2006 shall be preserved or relocated as noted. Relocation may be permitted subject to review and approval by the Landscape Section. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING – LANDSCAPING ALONG THE SOUTH PROPERTY LINE (ABUTTING RESIDENTIAL)

7. In addition to the code requirements, landscaping along the south property line shall be upgraded to include:

- a. a minimum twenty (20) foot wide landscape buffer strip. No width reduction or easement encroachment shall be permitted;
- b. the existing six (6) foot high opaque concrete wall shall be given a finished architectural treatment on both sides of the wall that is consistent with the color and style of the principal structure; and,
- c. one (1) palm or pine for each for each thirty (30) linear feet of the property line with a maximum spacing of sixty (60) feet between clusters. (BLDG PERMIT: LANDSCAPE - Zoning)

ZONING – LANDSCAPING AT THE INTERSECTION OF CONGRESS AVENUE AND MELALEUCA LANE

- 8. Special planting treatment shall be provided at the intersection of Congress Avenue and Melaleuca Lane. Planting shall consist of the following:
 - a. a minimum of three (3) specimen palm (Bismarck, Canary, Royal, Phoenix, or other species that is acceptable to the Landscape Section);
 - b. a minimum of five (5) flowering trees;
 - c. appropriate shrub or hedge materials and ground cover; and,
 - d. an architectural element consisting of a wall, fountain or planter. The design and details of this architectural element shall be submitted to Architectural Review for review and approval. (BLDG PERMIT: LANDSCAPE - Zoning)

LIGHTING

- 1. All outdoor, freestanding lighting fixtures shall not exceed twenty-five (25) feet in height measured from finished grade to highest point. (BLDG PERMIT: BLDG - Zoning)
- 2. All outdoor, freestanding lighting fixtures be setback fifty (50) feet from the south property line. (BLDG PERMIT: BLDG - Zoning)
- 3. The lighting conditions above shall not apply to proposed low voltage landscape/accent type lights used to emphasize plant material. (ONGOING: CODE ENF - Zoning)

SIGNS

- 1. Freestanding signs fronting on Congress Avenue and Melaleuca Lane 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 - ninety (90) square feet;
 - c. maximum number of signs - one (1) per frontage;
 - d. style - monument style only; and
 - e. sign content is limited to tenants and gas prices only. (BLDG PERMIT: BLDG - Zoning)

SITE DESIGN

- 1. All areas or receptacles for the storage and disposal of trash, garbage, recyclable material or vegetation, such as dumpsters and trash compactors, shall not be located within fifty (50) feet of the south property line and shall be confined to the areas designated on the site plan dated April 17, 2006. (DRO: ZONING - Zoning)
- 2. Prior to the issuance of a Certificate of Occupancy (CO), the property owner of the convenience store with gas sales facility shall comply with the generator requirements pursuant to the State Law HB7121, effective July 1, 2006. (CO:MONITORING-Zoning)

3. Prior to final approval by the Development Review Officer (DRO), the site plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO: ZONING - Zoning)
4. Prior to final approval by the Development Review Officer (DRO), the property owner shall record a cross access easement from the subject property to the parcel to the west in a form acceptable to the County Attorney. (DRO:COUNTY ATTY Zoning)
5. Prior to the issuance of a Certificate of Occupancy or Certificate of Completion, the property owner shall pave the property to the edge of the west property line at the location shown on the site plan. (CO/CC: MONITORING - Zoning)

USE LIMITATIONS

1. Hours of operation for the car wash are limited to 7:00 a.m. to 10:00 p.m. daily. (ONGOING: CODE ENF - Zoning)
2. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

UTILITIES

1. If any relocations/modifications to the County's existing facilities are required that are a direct or indirect result of the development, the developer shall pay for the complete design and construction costs associated with these relocations/modifications.

COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner 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 Code Enforcement Special Master 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 Article 2.E 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. (ONGOING: MONITORING - Zoning)