

RESOLUTION NO. R-2009- 0720

RESOLUTION APPROVING ZONING APPLICATION Z/CA-2007-01608  
(CONTROL NO. 2005-00514)  
CLASS A CONDITIONAL USE  
APPLICATION OF MCLAREN CONST CO INC  
BY GARY M. BRANDENBERG AND ASSOCIATES, AGENT  
(RACETRAC HAVERHILL)

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 applications relating to zoning; and

WHEREAS, the Board of County Commissioners, pursuant to Article 2 (Development Review Process) of the Palm Beach County Unified Land Development Code (Ordinance 2003-067, 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 2 of the Palm Beach County Unified Land Development Code have been satisfied; and

WHEREAS, Zoning Application Z/CA-2007-01608 was presented to the Board of County Commissioners at a public hearing conducted on April 23, 2009; and

WHEREAS, the Board of County Commissioners has considered the evidence and testimony presented by the applicant 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 2.E (Monitoring) 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 has considered the findings in the staff report and the following findings of fact:

1. This Class A Conditional Use is consistent with the purposes, goals, objectives and policies of the Palm Beach County Comprehensive Plan, including standards for building and structural intensities and densities, and intensities of use.
2. This Class A Conditional Use complies with relevant and appropriate portions of Article 4.B (Supplementary Use Standards) of the Palm Beach County Unified Land Development Code. This Class A Conditional Use also meets applicable local land development regulations. 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.
3. 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.
4. The proposed design, with conditions as adopted, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. 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.

- 6. This Class A Conditional Use, with conditions as adopted, will result in logical, timely and orderly development patterns.
- 7. This Class A Conditional Use, with conditions as adopted, is consistent with applicable Neighborhood Plans.
- 8. This Class A Conditional Use has a concurrency determination and complies with Article 2.F (Concurrency - Adequate Public Facility Standards) of the ULDC.
- 9. The applicant has demonstrated sufficient justification that there are changed circumstances, which would require the Class A Conditional Use.

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) 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 Z/CA-2007-01608, the application of McLaren Const Co Inc, by Gary M. Brandenburg and Associates, agent, for a Class A Conditional Use to allow a Convenience Store with Gas Sales in the CG 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 April 23, 2009, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burt Aaronson 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:

Commissioner John F. Koons, Chairman	-	Aye
Commissioner Burt Aaronson, Vice Chairman	-	Aye
Commissioner Karen T. Marcus	-	Aye
Commissioner Shelley Vana	-	Aye
Commissioner Steven L. Abrams	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Addie L. Greene	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on April 23, 2009.

Filed with the Clerk of the Board of County Commissioners on May 14, 2009.

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

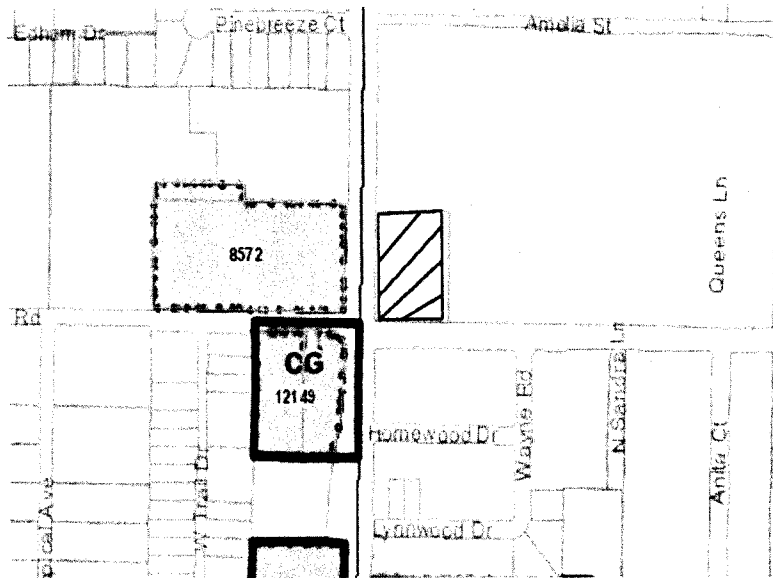
**Legal Description:**

THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼, LESS THE EAST 386 FEET THEREOF, IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF HAVERHILL ROAD AS SHOWN ON PALM BEACH COUNTY RIGHT OF WAY MAP DRAWING NO. 3-66-007 (SAID POINT BEING 50 FEET EAST OF AND PARALLEL WITH THE WEST LINE OF SAID SECTION 36) AND THE NORTH RIGHT OF WAY LINE OF WALLIS ROAD AS SHOWN ON SAID PALM BEACH COUNTY RIGHT OF WAY MAP (SAID POINT BEING 33 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID 36); THENCE NORTH 01°22'29" EAST, ALONG THE SAID EAST RIGHT OF WAY LINE OF HAVERHILL ROAD, A DISTANCE OF 301.32 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID 36; THENCE SOUTH 88°41'40" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 233.37 FEET TO A POINT ON THE WEST LINE OF THE EAST 386 FEET OF THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SAID 36; THENCE SOUTH 01°24'27" WEST, ALONG SAID WEST LINE, A DISTANCE OF 301.25 FEET TO A POINT ON SAID NORTH RIGHT OF WAY LINE OF WALLIS ROAD; THENCE NORTH 88°42'38" WEST, ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 233.20 FEET TO THE POINT OF BEGINNING.

EXHIBIT B  
VICINITY SKETCH

PALM BEACH COUNTY ZONING QUAD/VICINITY SKETCH



Application No. 2007-1608  
Zoning Quad 31



## 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 preliminary site plan is dated November 24, 2008. All modifications must be approved by the Board of County Commissioners or Zoning Commission 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 gas station 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 approved architectural elevations, the DRO approved site plan, all applicable conditions of approval, and all ULDC requirements. (DRO: ARCH REVIEW - Zoning)

2. The exterior elevations of all buildings shall combine the gutters and downspouts into the architectural design of the building. Painting the gutters shall not constitute compliance. (DRO: ARCH REVIEW - Zoning)

3. The exterior elevations of all buildings, including the gas canopy, shall include a full pitched roof with a peak or a hip-on-deck roof with varied roof elevations within the same building. The varied elevations shall be accomplished by horizontally offsetting or jogging the roof plane so that all roof lines shall not run in a continuous distance for more than one hundred (100) feet. (DRO: ARCH REVIEW - Zoning)

4. Gas station canopy design shall be consistent with the following standards:

- a. A maximum height of twenty-five (25) feet with a pitched roof. Roofs may be peaked or hip on deck with a minimum slope of 4:12 and a maximum slope of 6:12. The fascia for any canopy may not exceed twenty percent (20%) of the overall roof height;
- b. The clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy;
- c. All lighting for the gas station canopy shall be recessed; and,
- d. Canopy signage shall be limited to a maximum of one (1) wall sign per right-of-way frontage with a maximum height of eighteen (18) inches. (DRO: ARCH REVIEW - Zoning)

#### CONVENIENCE STORE WITH GAS SALES

1. 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)

#### SIGNS

1. Freestanding signs fronting on Haverhill Road shall be limited as follows:

- a. maximum sign height, measured from finished grade to highest point - ten (10) feet;
- b. maximum sign face area per side - sixty one (61) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

#### USE LIMITATIONS

1. The storage of rental trucks/trailers or outside vendors shall not be permitted on the property. (ONGOING: CODE ENF - Zoning)

#### 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 the Code Enforcement Special Master to schedule a Status Report before the body which approved the Conditional Use, Type II Variance, Development Order Amendment, and/or other zoning approval, in accordance with the provisions of Section 2.E of the ULDC, in response to any flagrant violation and/or continued violation of any condition of approval.(ONGOING:MONITORING-Zoning)