

RESOLUTION NO. R-2011- 0962

RESOLUTION APPROVING ZONING APPLICATION DOA/R-2010-02568  
(CONTROL NO. 1995-00106)

a Requested Use  
APPLICATION OF West Palm Land Group LLC  
BY Land Design South, Inc., AGENT  
(The Grove Market)

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 notice and public 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 DOA/R-2010-02568 was presented to the Board of County Commissioners at a public hearing conducted on June 27, 2011; 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 recommendation of the Zoning Commission; and

WHEREAS, the Board of County Commissioners pursuant to Article 2 (Development Review Procedures) 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 the request; and

WHEREAS, this approval is subject to Article 2.E (Monitoring), 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 hereby incorporates by reference the Findings of Fact in the staff report addressing the standards contained in Article 2.B.2.B for a a Requested 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 DOA/R-2010-02568, the petition of West Palm Land Group LLC, by Land Design South, Inc., agent, for a Requested Use to allow a Convenience Store with Gas Sales in the Multiple Use Planned Development (MUPD) 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 June 27, 2011, subject to the conditions of approval described in EXHIBIT C-2, attached hereto and made a part hereof.

Commissioner Aaronson moved for the approval of the Resolution.

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

Commissioner Karen T. Marcus, Chair	-	Aye
Commissioner Shelley Vana, Vice Chair	-	Aye
Commissioner Paulette Burdick	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Burt Aaronson	-	Aye
Commissioner Jess R. Santamaria	-	Aye
Commissioner Priscilla A. Taylor	-	Aye

The Chairperson thereupon declared that the resolution was duly passed and adopted on June 27, 2011.

Filed with the Clerk of the Board of County Commissioners on June 29th, 2011.

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

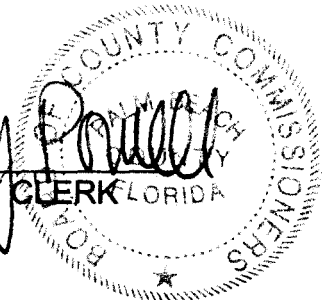
BY:   
DEPUTY CLERK  


EXHIBIT A

LEGAL DESCRIPTION

REQUESTED USE PARCEL

LEGAL DESCRIPTION

A PARCEL OF LAND IN TRACT A OF GROVE MARKET PLAT, A M.U.P.D., AS RECORDED IN PLAT BOOK 82 PAGES 67 AND 68 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT A; THENCE SOUTH 01 DEGREES 42 MINUTES 54 SECONDS WEST FOR A DISTANCE OF 52.64 FEET TO THE POINT OF BEGINNING; THENCE RUN SOUTH 87 DEGREES 47 MINUTES 40 SECONDS EAST, A DISTANCE OF 139.77 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE SOUTHWEST THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 20.00 FEET, THROUGH A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS FOR AN ARC DISTANCE OF 31.42 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 02 DEGREES 12 MINUTES 20 SECONDS WEST, FOR A DISTANCE OF 45.16 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 19.32 FEET THROUGH A CENTRAL ANGLE OF 19 DEGREES 58 MINUTES 23 SECONDS, FOR AN ARC DISTANCE OF 6.73 FEET TO A POINT OF TANGENCY; THENCE RUN SOUTH 22 DEGREES 10 MINUTES 44 SECONDS WEST FOR A DISTANCE OF 11.61 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE TO THE NORTHWEST; THENCE RUN SOUTHWESTERLY ALONG THE ARC OF SAID CURVE HAVING A RADIUS OF 4.33 FEET THROUGH A CENTRAL ANGLE OF 64 DEGREES 56 MINUTES 08 SECONDS, FOR AN ARC DISTANCE OF 4.91 FEET TO A POINT OF NON TANGENCY; THENCE RUN SOUTH 01 DEGREES 42 MINUTES 54 SECONDS WEST, FOR A DISTANCE OF 75.00 FEET TO A POINT OF CURVATURE OF A CIRCULAR CURVE CONCAVE EAST; THENCE RUN SOUTHERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 64.69 FEET THROUGH A CENTRAL ANGLE OF 23 DEGREES 17 MINUTES 02 SECONDS, FOR AN ARC DISTANCE OF 26.29 FEET TO A POINT OF NON TANGENCY; THENCE RUN SOUTH 88 DEGREES 17 MINUTES 44 SECONDS EAST, FOR A DISTANCE OF 5.17 FEET TO A POINT ON THE ARC OF A CIRCULAR CURVE CONCAVE TO THE NORTHEAST, THE CENTER OF WHICH BEARS NORTH 66 DEGREES 29 MINUTES 52 SECONDS EAST FROM SAID POINT; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, HAVING A RADIUS OF 59.98 FEET THROUGH A CENTRAL ANGLE OF 04 DEGREES 50 MINUTES 01 SECONDS, FOR AN ARC DISTANCE OF 5.06 FEET TO A POINT OF NON TANGENCY; THENCE RUN SOUTH 01 DEGREES 42 MINUTES 51 SECONDS WEST, FOR A DISTANCE OF 8.56 FEET TO A POINT; THENCE RUN NORTH 87 DEGREES 47 MINUTES 40 SECONDS WEST, FOR A DISTANCE OF 163.01 FEET TO A POINT; THENCE RUN NORTH 01 DEGREES 42 MINUTES 54 SECONDS EAST, FOR A DISTANCE OF 199.00 FEET TO THE POINT OF BEGINNING.

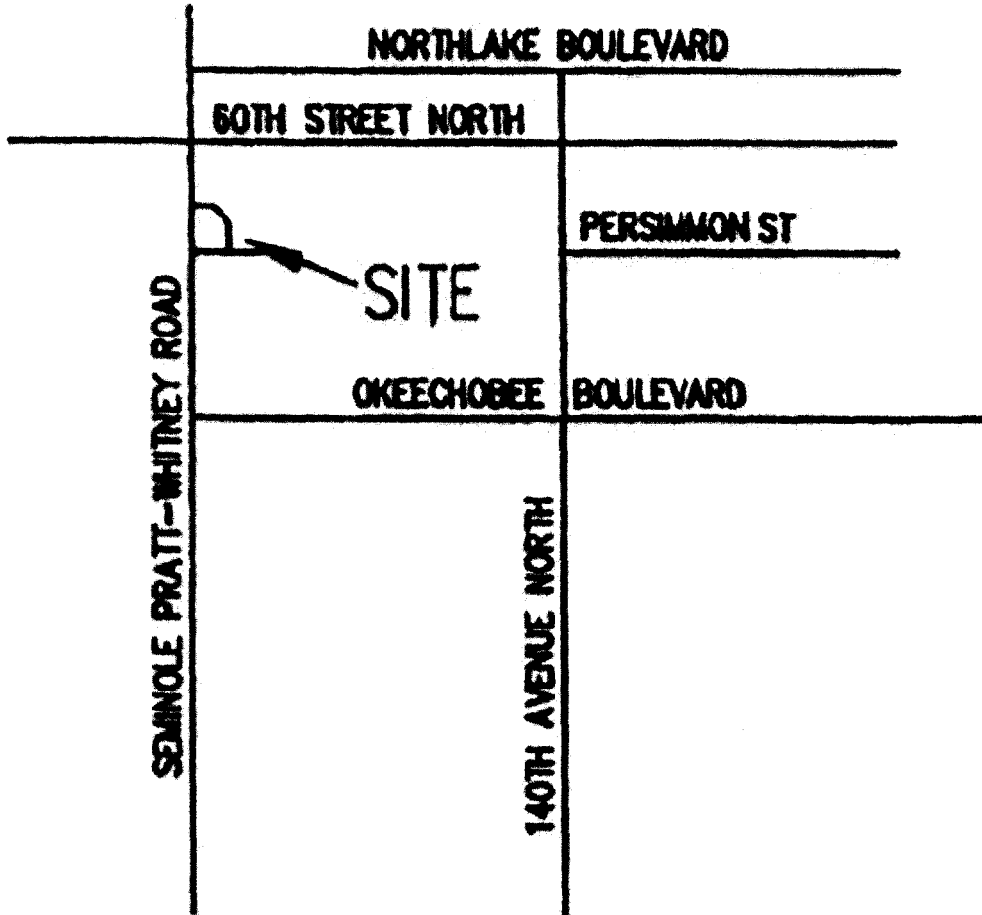
SAID LAND SITUATE IN PALM BEACH COUNTY, FLORIDA, AND CONTAINING 30,774 SQUARE FEET (0.7058 ACRES) MORE OR LESS.

EXHIBIT B

VICINITY SKETCH

**LOCATION MAP**

**N.T.S.**



## EXHIBIT C-2

### CONDITIONS OF APPROVAL

#### ARCHITECTURAL REVIEW-CONVENIENCE STORE

1. Prior to final approval by the Development Review Officer (DRO), the architectural elevations for convenience store and canopies shall be submitted 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. Gas station canopies shall be designed consistent with the following standards:

- a. a maximum height of twenty-five (25) feet measured from finished grade to highest point;
- b. a pitched roof with a minimum slope of 5:12. No flat roof shall be permitted or as otherwise approved by Architecture Review Section;
- c. the clearance of the canopy shall be a maximum of sixteen (16) feet, measured from finished grade to the underside of the canopy; and,
- d. lighting for the gas station canopy shall be flush mounted or recessed. (DRO: ARCH REVIEW - Zoning)

#### ERM

1. Prior to submittal of a Building Permit the applicant or property owner shall secure approval from ERM for the fueling system which includes fiberglass coated double walled steel tanks, and a vertical piping system with the tanks oriented under the fueling canopy. (BLDG PERMIT: BLDG- ERM)

#### PREM USE LIMITATIONS - CONVENIENCE STORE

1. Prior to the issuance of a Certificate of Occupancy (CO), the Property Owner shall permit, fund, install and have operational a three-way emergency vehicle traffic control signal at the intersection of Seminole Pratt-Whitney Road and the northernmost driveway of the MUPD. Said signal shall be to the satisfaction of FDO and Fire Rescue, in coordination with the County Engineer. The cost of signalization shall be paid by the Property Owner, including all design costs and any required utility relocation and right of way or easement acquisition. This condition shall remain in effect unless/until such time as a public emergency response service provider no longer operates from the premises or upon prior notice being provided by FDO and Fire Rescue. (CO: Monitoring – FD&O)

#### USE LIMITATIONS - CONVENIENCE STORE

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)

2. Repair or maintenance of vehicles shall not be permitted on the property, excluding incidental and emergency repairs. (ONGOING: CODE ENF - Zoning)

#### COMPLIANCE

1. In granting this approval, the Board of County Commissioners relied upon the oral and written representations of the property owner/applicant 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 (CO); 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 Unified Land Development Code (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 Official Zoning Map Amendment, Conditional Use, Requested Use, 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)