

RESOLUTION APPROVING ZONING APPLICATION CA-2011-01993
(CONTROL NO. 1992-10020)
a Class A Conditional Use
APPLICATION OF Lake Worth Property Enterprises LLC
BY H & L Planning & Development, AGENT
(European BP)

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 CA-2011-01993 was presented to the Board of County Commissioners at a public hearing conducted on August 23, 2012; 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 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 CA-2011-01993, the petition of Lake Worth Property Enterprises LLC, by H & L Planning & Development, agent, for a Class A Conditional Use to allow a Convenience Store with Gas Sales in the General Commercial (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 August 23, 2012, subject to the conditions of approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Abrams moved for the approval of the Resolution.

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

Commissioner Shelley Vana, Chair

- Aye

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

The Chairperson thereupon declared that the resolution was duly passed and adopted on August 23, 2012.

Filed with the Clerk of the Board of County Commissioners on September 4th, 2012


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 North 140 feet of the South 245 feet of the West Half (W 1/2) of the East Half (E 1/2) of the Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4), excepting therefrom, however, the East 195 feet thereof, in Section 24, Township 43 South, Range 42 East, Public Records of Palm Beach County, Florida.

LESS AND EXCEPT THE ADDITIONAL RIGHT OF WAY PARCEL NO. 132 AS RECORDED IN OFFICIAL RECORDS BOOK 7212, PAGE 1650, SAID PUBLIC RECORDS.

CONTAINING: 18823 SQUARE FEET OR 0.43 ACRES, MORE OR LESS.
SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, AND RIGHT OF WAY OF RECORD.

EXHIBIT B
VICINITY SKETCH

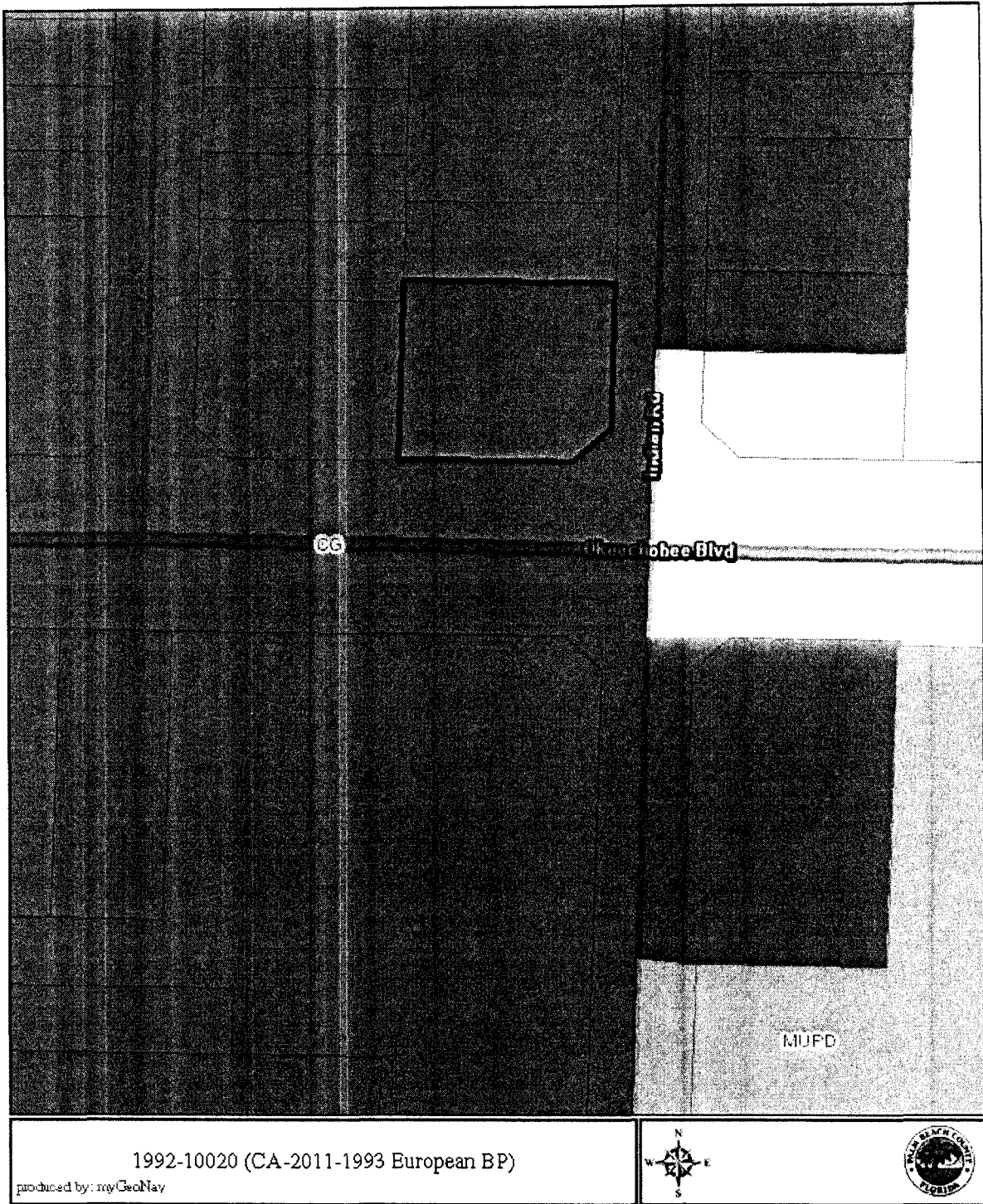


EXHIBIT C

CONDITIONS OF APPROVAL

ALL PETITIONS

1. The approved Preliminary Site Plan is dated June 14, 2012. Modifications to the Development Order inconsistent with the Conditions of Approval, or changes to the uses or site design beyond the authority of the Development Review Officer as established in the Unified Land Development Code, must be approved by the Board of County Commissioners or the Zoning Commission. (ONGOING: ZONING - Zoning)

ARCHITECTURAL REVIEW

1. At time of submittal for final approval by the Development Review Officer (DRO), the architectural elevations for convenience store and gas canopy shall be submitted for final architectural review and approval. Elevations shall comply with the standards indicated in Article 5.C of the Unified Land Development Code (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)

ENGINEERING

1. Prior to issuance of the first building permit or August 23, 2013, whichever shall occur first, the property owner shall combine the property into a lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDG PERMIT: MONITORING-Eng)

2. Prior to use of the building for convenience sales or prior to August 23, 2013, whichever shall occur first, the property owner shall eliminate the southern driveway on Indian Road and modify the eastern driveway on Okeechobee Boulevard to egress only. (ONGOING/DATE: MONITORING - Eng)

HEALTH

1. Prior to CO, the property owner shall connect to public sewer, and abandon the existing septic system. (CO: HEALTH-Health)

LANDSCAPE – GENERAL

1. Prior to Final Approval by the Development Officer, the Property Owner shall submit a Landscape Plan to the Zoning Division for review and approval. The Landscape Plan shall show all existing and Code required plant materials, which includes replacement of existing trees along the west property line. The replacement of trees shall include species pursuant to Florida Power Light's "Plant the Right Tree in the Right Place" to avoid hat-racking practice by the Utility Company. (DRO: LANDSCAPE - Zoning)

LANDSCAPE – PERIMETER

2. Special planting treatment shall be provided at the intersection of Indian Road and Okeechobee Boulevard. Planting shall consist of the following:

- a. a minimum of three (3) specimen palms, Royal, Phoenix, or other species that is acceptable to the Landscape Section;
 - b. a minimum of five (5) flowering trees; and,
 - c. appropriate shrub or hedge materials and ground cover.
- (BLDG PERMIT: LANDSCAPE - Zoning)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be permitted on the property, except within designated loading and delivery areas. (ONGOING: CODE ENF - Zoning)

SIGNS

1. Replacement or relocation of the existing freestanding sign fronting on Okeechobee Boulevard 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 - one hundred (100) square feet;
- c. maximum number of signs - one (1); and,
- d. style - monument style only. (BLDG PERMIT: BLDG - Zoning)

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)

USE LIMITATIONS

2. No storage or placement of any material, refuse, equipment or debris shall not be permitted in the rear of the facility or 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 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)