

RESOLUTION NO. R-2016- 0129

RESOLUTION APPROVING ZONING APPLICATION ZV/Z/CA-2015-01731
(CONTROL NO. 1998-00077)
a Class A Conditional Use
APPLICATION OF Herbert Kahlert, Lyons Petroleum Inc
BY Urban Design Kilday Studios, AGENT
(Village Corner Commercial)

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;

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

WHEREAS, Zoning Application ZV/Z/CA-2015-01731 was presented to the Board of County Commissioners at a public hearing conducted on January 28, 2016;

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;

WHEREAS, the, Board of County Commissioners pursuant to Article 2 (Development Review Procedures) of the ULDC is authorized and empowered to consider, approve, approve with conditions or deny the request;

WHEREAS, this approval is subject to Article 2.E (Monitoring), of the ULDC and other provisions requiring that development commence in a timely manner;

WHEREAS, the issuance of this Development Permit does not in any way create any rights on the part of the Applicant and/or Property Owner to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law;

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 of the ULDC for a Class A Conditional Use ; and,

WHEREAS, Article 2.A.1.K.3.b (Action by BCC) of the ULDC 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 ZV/Z/CA-2015-01731, the application of Herbert Kahlert, Lyons Petroleum Inc, by Urban Design Kilday Studios, Agent, for a Class A Conditional Use 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 as indicated in EXHIBIT B, attached hereto and made a part hereof, was approved on January 28, 2016, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner McKinlay moved for the approval of the Resolution.

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

Commissioner Mary Lou Berger, Mayor	- Aye
Commissioner Hal R. Valeche, Vice Mayor	- Aye
Commissioner Paulette Burdick	- Aye
Commissioner Shelley Vana	- Absent
Commissioner Steven L. Abrams	- Absent
Commissioner Melissa McKinlay	- Aye
Commissioner Priscilla A. Taylor	- Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on January 28, 2016.

Filed with the Clerk of the Board of County Commissioners on February 8th, 2016.

This resolution shall not become effective unless or until the effective date of Comprehensive Plan Amendment No. LGA-2015-00013.

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
BOARD OF COUNTY COMMISSIONERS
PALM BEACH COUNTY
FLORIDA



EXHIBIT A
LEGAL DESCRIPTION

A PORTION OF PARCEL A, VILLAGE CORNER MUPD, AS RECORDED IN PLAT BOOK 87, PAGE 20, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID PARCEL A; THENCE NORTH 01°00'38" WEST ALONG THE WEST LINE OF PARCEL A, FOR 301.29 FEET; THENCE NORTH 89°02'12" EAST, FOR 285.63 FEET; THENCE SOUTH 00°58'08" EAST, FOR 170.00 FEET; THENCE NORTH 89°01'52" EAST, FOR 53.00 FEET; THENCE SOUTH 00°57'19" EAST, FOR 174.33 FEET TO THE SOUTH LINE OF PARCEL A, THE FOLLOWING FOUR (4) COURSES BEING ALONG THE SOUTH AND SOUTHERLY LINES OF SAID PARCEL A; THENCE SOUTH 89°02'33" WEST, FOR 5.84 FEET; THENCE NORTH 77°28'02" WEST, FOR 12.86 FEET; THENCE SOUTH 89°02'33" WEST, FOR 280.00 FEET; THENCE NORTH 45°59'02" WEST, FOR 56.59 FEET TO THE POINT OF BEGINNING.

SAID LANDS LYING AND SITUATE IN PALM BEACH COUNTY, FLORIDA.

SAID LANDS CONTAIN 2.43 ACRES, MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

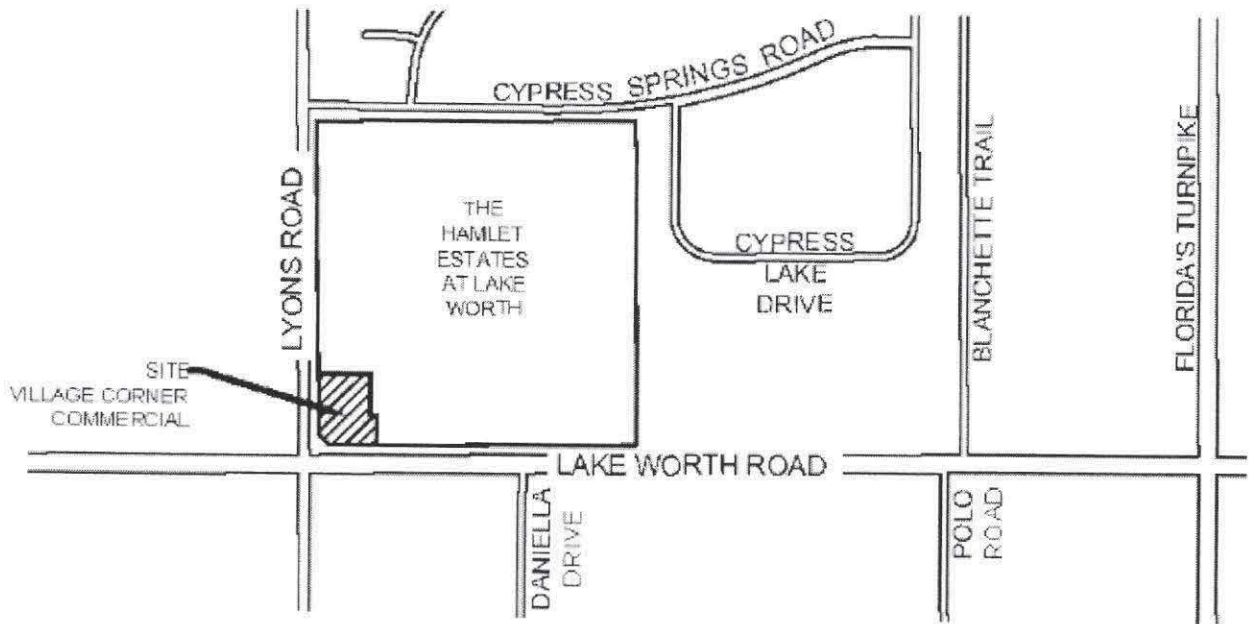


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated November 12, 2015. 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)

ENGINEERING

1. Prior to issuance of the first building permit, the Property Owner shall combine the property into a single lot of record in accordance with provisions of Article 11 of the Unified Land Development Code. (BLDGPM: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall provide a temporary roadway construction easement to Palm Beach County along Lyons Road. This roadway construction easement shall also contain an isosceles trapezoid connecting the Corner Clips across this Property Owners entrance and a minimum of ten (10) feet east of the east right of way line of Lyons Road. The Property Owner shall not record these required easements or related documents. After final acceptance of the location, legal sketches and dedication documents, Palm Beach County shall record all appropriate deeds and documents. (BLDGPM: MONITORING - Engineering)

LANDSCAPE - GENERAL

1. Fifty (50%) percent of all canopy trees required to be planted on site by this approval, shall meet the following minimum standards at installation:

- a. Tree height: fourteen (14) feet;
- b. Canopy diameter: seven (7) feet. Diameter shall be determined by the average canopy radius at 3 points measured from the trunk to the outermost branch tip. Each radius shall measure at least 3.5 feet in length; and,
- c. Credit may be given for existing or relocated trees provided they meet current ULDC requirements. (ONGOING: ZONING - Zoning)

2. All palms required to be planted on site 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. (ONGOING: ZONING - Zoning)

3. A group of three or more palm or pine trees may not supersede the requirement for a canopy tree in that location.
(ONGOING: ZONING - Zoning)

LANDSCAPE - PERIMETER-ALONG SOUTH AND WEST PROPERTY LINES (LAKE WORTH AND LYONS ROAD FRONTAGES)

1. In addition to Code requirements, buffering along the south and west property lines shall be upgraded to include:

- a. A minimum twenty-five (25) foot wide landscape buffer strip with a maximum five (5) feet overlap into a utility easement;
- b. A minimum two to three foot high undulating berm with an average height of two and one-half (2.5) feet measured from top of curb. The proposed berm shall not be required where existing native vegetation and/or preserve areas are incorporated into the south and west property line buffers;
- c. one (1) palm or pine tree for each twenty-five (25) feet of frontage with a maximum

spacing of fifty (50) feet clusters. A group of three or more palms/pines in a cluster may not supersede the requirement for a canopy tree in that location.
(ONGOING: ZONING - Zoning)

PARKING

1. Overnight storage or parking of delivery vehicles or trucks shall not be on site.
(ONGOING: ZONING - Zoning)

SIGNS

1. Wall signage for the proposed buildings and canopies shall be limited to the south and west facades facing Lake Worth and Lyons Road. (ONGOING: ZONING - Zoning)

2. Prior to approval of the Development Review Officer. The Property Owner shall include dimensions of all signs onsite in the Final Regulating Plan. (DRO: ZONING - Zoning)

SITE DESIGN

1. The maximum height for Convenience store, measured from finished grade to highest point, shall be one story and not exceed twenty-seven (27) feet. The accessory Gas station canopy shall be limited to a maximum of twenty-seven (27) feet in height with a maximum sixteen (16) foot clearance and have flush mounted or recessed lighting.
(ONGOING: ZONING - Zoning)

2. The owner of the Convenience store with gas sales facility shall provide free air and water to the public. (ONGOING: ZONING - 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: ZONING - 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; the 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 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 of Approval; 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)

DISCLOSURE

1. All applicable state or federal permits shall be obtained before commencement of the development authorized by this Development Permit.