

RESOLUTION NO. R-2017-0969

RESOLUTION APPROVING ZONING APPLICATION ABN/PDD/CA-2017-00137  
(CONTROL NO. 1978-00288)  
a Class A Conditional Use  
APPLICATION OF Brightwork Acquisitions LLC  
BY Dunay, Miskel and Backman, LLP, AGENT  
(Wawa HO 1193)

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 pursuant to Article 2 (Development Review Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ABN/PDD/CA-2017-00137 was presented to the Board of County Commissioners at a public hearing conducted on July 27, 2017;

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, the Board of County Commissioners hereby incorporates by reference the Findings in the staff report addressing the Standards contained in Article 2.B (Public Hearing Process) for a Class A Conditional Use;

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 Palm Beach County Survey Section may administratively correct any scrivener's errors that will not significantly impact the overall boundary of the adopted legal description; 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 ABN/PDD/CA-2017-00137, the Application of Brightwork Acquisitions LLC, by Dunay, Miskel and Backman, LLP, Agent, for a Class A Conditional Use to allow a Retail Gas and Fuel Sales with a Convenience Store, on a parcel of land generally described as shown on the legal description 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 July 27, 2017, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Burdick moved for the approval of the Resolution.

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

Commissioner Paulette Burdick, Mayor	-	Aye
Commissioner Melissa McKinlay, Vice Mayor	-	Aye
Commissioner Hal R. Valeche	-	Absent
Commissioner Dave Kerner	-	Aye
Commissioner Steven L. Abrams	-	Absent
Commissioner Mary Lou Berger	-	Aye
Commissioner Mack Bernard	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on July 27, 2017.

Filed with the Clerk of the Board of County Commissioners on August 2nd, 2017.

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

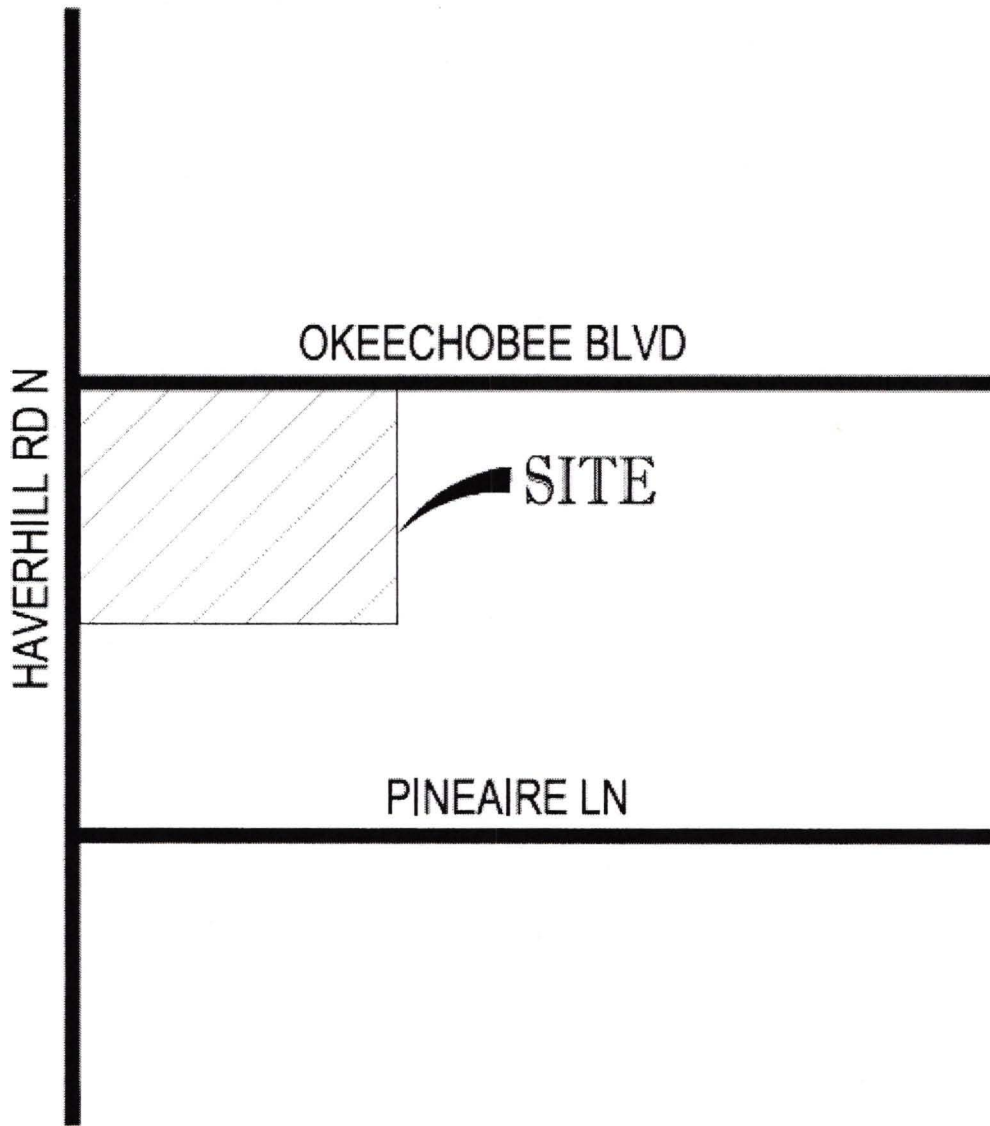
**LEGAL DESCRIPTION: (OVERALL DEVELOPMENT PARCEL)**

A PARCEL OF LAND LYING IN AND BEING A PORTION OF SECTION 25, TOWNSHIP 43 SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 25; THENCE S89°22'26"E, ALONG THE NORTH LINE OF SAID SECTION 25, A DISTANCE OF 106.42 FEET; THENCE, DEPARTING SAID NORTH LINE, S00°37'34"W, A DISTANCE OF 51.01 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF OKEECHOBEE BOULEVARD, AND THE POINT OF BEGINNING; THENCE, ALONG SAID SOUTH RIGHT-OF-WAY LINE THE FOLLOWING FIVE (5) COURSES: (1) S89°22'26"E, A DISTANCE OF 120.18 FEET; (2) S78°03'50"E, A DISTANCE OF 61.19 FEET; (3) S89°22'26"E, A DISTANCE OF 76.00 FEET; (4) N71°57'18"E, A DISTANCE OF 38.00 FEET; (5) S89°57'54"E, A DISTANCE OF 99.15 FEET; THENCE S00°23'13"W, A DISTANCE OF 250.17 FEET TO THE NORTH RIGHT-OF-WAY LINE OF LAKE WORTH DRAINAGE DISTRICT CANAL (L-1) AS DESCRIBED IN OFFICIAL RECORDS BOOK 3458, PAGE 1986, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA; THENCE N89°22'26"W, ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 462.26 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF HAVERHILL ROAD (PER FLORIDA DEPARTMENT OF TRANSPORTATION MAP SECTION 93280-2507); THENCE N01°17'30"E, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 111.00 FEET; THENCE S89°22'26"E, A DISTANCE OF 32.00 FEET; THENCE N01°17'30"E, A DISTANCE OF 103.00 FEET; THENCE N45°57'32"E, A DISTANCE OF 49.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 108,158 SQUARE FEET OR 2.48 ACRES, MORE OR LESS.

EXHIBIT B  
VICINITY SKETCH



## EXHIBIT C

### CONDITIONS OF APPROVAL

#### Conditional Use Class A

##### ALL PETITIONS

1. Development of the site is limited to the uses approved by the Board of County Commissioners. The approved Preliminary Site and Regulating Plans are dated May 11, 2017. All modifications to the Development Order must be approved by the Board of County Commissioners or Zoning Commission, unless the proposed changes are required to meet Conditions of Approval. (ONGOING: ZONING - Zoning)

##### SITE DESIGN

1. At time of submittal for Final Approval by the Development Review Officer (DRO), the Preliminary Site Plan shall be reconfigured to provide 10 feet by 20 feet point of service and queuing space at each pump of fueling stations. (DRO: ZONING - Zoning)

##### USE LIMITATIONS

1. The 24-hour operation shall only be permitted for the Retail Gas and Fuel Sales use with Convenience Store and Type I Restaurant. (ONGOING: CODE ENF - Zoning)

2. Sales of alcoholic beverages shall not be allowed between the hours of 1 a.m. to 7 a.m., seven (7) days a week. (ONGOING: MONITORING - Code Enforcement)

##### 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; 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) (ONGOING: MONITORING - Zoning)

##### DISCLOSURE

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