

RESOLUTION NO. R-2018- 0805

RESOLUTION APPROVING ZONING APPLICATION ZV/DOA/CA-2017-01594  
(CONTROL NO. 1998-00013)  
a Class A Conditional Use  
APPLICATION OF William and Sons Realty  
BY Dunay, Miskel and Backman, LLP, Thomas Engineering Group, AGENT  
(Lantana and Military Wawa)

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 (Application Processes and Procedures) of the Palm Beach County Unified Land Development Code, Ordinance 2003-067 as amended (ULDC), have been satisfied;

WHEREAS, Zoning Application ZV/DOA/CA-2017-01594 was presented to the Board of County Commissioners at a public hearing conducted on May 24, 2018;

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 (Application Processes and 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 Processes) 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.B.6.C (Board Action) 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/DOA/CA-2017-01594, the Application of William and Sons Realty, by Dunay, Miskel and Backman, LLP, Thomas Engineering Group, Agent, for a Class A Conditional Use to allow 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 May 24, 2018, 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 Kerner and, upon being put to a vote, the vote was as follows:

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

The Mayor thereupon declared that the resolution was duly passed and adopted on May 24, 2018.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2018.



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

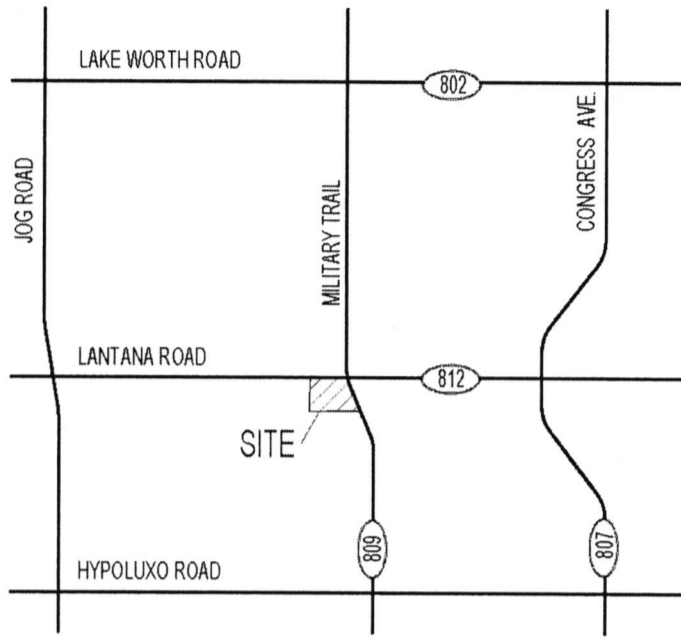
A PARCEL OF LAND LYING IN LOTS 1 AND 2, HIATUS TRACT 37, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, PALM BEACH COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER SECTION CORNER OF SECTION 36, TOWNSHIP 44 SOUTH, RANGE 42 EAST; THENCE NORTH 88 DEGREES, 29 MINUTES, 42 SECONDS WEST ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 36, A DISTANCE OF 467.95 FEET; THENCE SOUTH 01 DEGREE, 30 MINUTES, 18 SECONDS WEST, ALONG A LINE PERPENDICULAR TO SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36, A DISTANCE OF 44.74 FEET TO THE INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD AS DESCRIBED IN THAT CERTAIN AGREED ORDER OF TAKING AND FINAL JUDGMENT RECORDED IN OFFICIAL RECORDS BOOK 5543, PAGE 1966 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD BEING A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 2821.79 FEET AND A RADICAL BEARING OF SOUTH 02 DEGREES, 15 MINUTES, 32 SECONDS EAST AT SAID INTERSECTION; THENCE EASTERLY ALONG THE ARC OF SAID CURVE AND SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD THROUGH A CENTRAL ANGLE OF 03 DEGREES, 11 MINUTES, 21 SECONDS, A DISTANCE OF 157.06 FEET TO A NON-TANGENT INTERSECTION; THENCE SOUTH 83 DEGREES, 58 MINUTES, 54 SECONDS EAST ALONG SAID RIGHT-OF-WAY LINE OF LANTANA ROAD, A DISTANCE OF 180.48 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES, 29 MINUTES, 42 SECONDS WEST ALONG A LINE 53 FEET SOUTH OF AND PARALLEL WITH SAID SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 36, A DISTANCE OF 22.50 FEET; THENCE SOUTH 00 DEGREES, 33 MINUTES, 06 SECONDS EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 07 DEGREES, 33 MINUTES, 06 SECONDS EAST, A DISTANCE OF 65.30 FEET; THENCE SOUTH 00 DEGREES, 33 MINUTES, 06 SECONDS EAST, A DISTANCE OF 80.00 FEET; THENCE SOUTH 16 DEGREES, 50 MINUTES, 04 SECONDS EAST, A DISTANCE OF 52.64 FEET; THENCE NORTH 89 DEGREES, 26 MINUTES, 54 SECONDS EAST, A DISTANCE OF 27.00 FEET; THENCE NORTH 00 DEGREES, 33 MINUTES, 06 SECONDS WEST, A DISTANCE OF 12.50 FEET; THENCE NORTH 89 DEGREES, 26 MINUTES, 54 SECONDS EAST, A DISTANCE OF 39.50 FEET; THENCE SOUTH 00 DEGREES, 33 MINUTES, 06 SECONDS EAST, A DISTANCE OF 14.00 FEET; THENCE NORTH 89 DEGREES, 26 MINUTES, 54 SECONDS EAST, A DISTANCE OF 24.00 FEET; THENCE SOUTH 73 DEGREES, 56 MINUTES, 31 SECONDS EAST, A DISTANCE OF 40.23 FEET TO THE INTERSECTION WITH A LINE 231.00 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF LOT 2, HIATUS TRACT 37, TOWNSHIP 44 ½ SOUTH, RANGE 42 EAST, THENCE NORTH 89 DEGREES, 26 MINUTES, 54 SECONDS EAST ALONG SAID PARALLEL LINE, A DISTANCE OF 210.00 FEET; THENCE NORTH 71 DEGREES, 48 MINUTES, 22 SECONDS EAST, A DISTANCE OF 36.43 FEET TO THE INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF MILITARY TRAIL AS DESCRIBED IN SAID AGREED ORDER OF TAKING AND FINAL JUDGMENT; THENCE NORTH 30 DEGREES, 17 MINUTES, 19 SECONDS WEST A DISTANCE OF 57.27 FEET TO THE INTERSECTION WITH A LINE 12.00 FEET WESTERLY OF AND PARALLEL WITH SAID RIGHT-OF-WAY LINE OF MILITARY TRAIL; THENCE NORTH 18 DEGREES, 11 MINUTES, 38 SECONDS WEST ALONG SAID PARALLEL LINE, A DISTANCE OF 200.00 FEET; THENCE NORTH 53 DEGREES, 22 MINUTES, 00 SECONDS WEST, A DISTANCE OF 46.08 FEET TO SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD; THENCE NORTH 88 DEGREES, 32 MINUTES, 21 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD, SAID SOUTH RIGHT-OF-WAY LINE BEING 52.50 FEET SOUTH OF AND PARALLEL WITH THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 117.02 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTH WITH A RADIUS OF 2767.29 FEET; THENCE WESTERLY ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD AND THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 02 DEGREES, 15 MINUTES, 49 SECONDS, A DISTANCE OF 109.33 FEET TO A NON-TANGENT INTERSECTION; THENCE NORTH 83 DEGREES, 58 MINUTES, 54 SECONDS WEST, ALONG SAID SOUTH RIGHT-OF-WAY LINE OF LANTANA ROAD, A DISTANCE OF 22.16 FEET TO THE POINT OF BEGINNING.

SAID LAND IS NOW PART OF PARCEL "A" OF MILITARY AND LANTANA M.U.P.D. - PLAT NO. 1 RECORDED IN PLAT BOOK 85, PAGE 3 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

CONTAINING 92,972 SQUARE FEET/2.1343 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 and approved by the Board of County Commissioners. The approved Preliminary Site Plan is dated February 14, 2018. 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)

##### ARCHITECTURAL REVIEW

1. Prior to the issuance of a Building Permit, Architectural Elevations for Building 1 shall be submitted for review and approval by the Zoning Division. Architectural 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 Final Plan, all applicable Conditions of Approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning)

##### USE LIMITATIONS

1. Prior to issuance of a CO, the property owner shall provide/install security cameras to cover the premises, and to include viewing of the outside seating areas. (CO/ONGOING: BUILDING/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; 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.