

RESOLUTION NO. R-2019-0691

RESOLUTION APPROVING ZONING APPLICATION ABN/ZV/CA-2018-00962
(CONTROL NO. 1982-00097)
a Class A Conditional Use

APPLICATION OF 7 Eleven Inc
BY Keith and Associates, Gunster, Yoakley & Stewart, PA, Keith and Associates, Inc.,
AGENT
(7-Eleven at Marina Blvd #34972)

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 (ULDC), Ordinance 2003-067, Supplement 23 have been satisfied;

WHEREAS, Zoning Application ABN/ZV/CA-2018-00962 was presented to the Board of County Commissioners at a public hearing conducted on May 23, 2019;

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 ABN/ZV/CA-2018-00962, the Application of 7 Eleven Inc, by Keith and Associates, Gunster, Yoakley & Stewart, PA, Keith and Associates, Inc., 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 23, 2019, subject to the Conditions of Approval described in EXHIBIT C, attached hereto and made a part hereof.

Commissioner Weinroth moved for the approval of the Resolution.

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

Commissioner Mack Bernard, Mayor	-	Absent
Commissioner Dave Kerner, Vice Mayor	-	Absent
Commissioner Hal R. Valeche	-	Aye
Commissioner Gregg K. Weiss	-	Absent
Commissioner Robert S. Weinroth	-	Aye
Commissioner Mary Lou Berger	-	Aye
Commissioner Melissa McKinlay	-	Aye

The Mayor thereupon declared that the resolution was duly passed and adopted on May 23, 2019.

Filed with the Clerk of the Board of County Commissioners on June 4th, 2019.

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

A PARCEL OF LAND LYING AND BEING IN THE NORTHEAST ONE-QUARTER (NE 1/4) OF SECTION 36, TOWNSHIP 47 SOUTH, RANGE 41 EAST, PALM BEACH COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 36, AS ESTABLISHED PER THE PALM BEACH ENGINEERING DEPARTMENT; THENCE SOUTH 01°16'04" EAST ALONG THE EASTERLY LINE OF SAID SECTION 36 A DISTANCE OF 1279.77 FEET; THENCE SOUTH 88°37'28" WEST A DISTANCE OF 146.72 FEET TO A POINT LYING ON THE EXISTING WESTERLY RIGHT-OF-WAY LINE AS OF THIS DATE (JULY 1982) OF U.S. 441 (SR. NO. 7) SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE SOUTH 01°22'32" EAST ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 180.00 FEET; THENCE SOUTH 88°37'28" WEST; A DISTANCE OF 400.00 FEET TO A POINT LYING ON A LINE 400.00 FEET WEST, AS MEASURED AT RIGHT ANGLES, AND PARALLEL WILD WESTERLY RIGHT-OF-WAY LINE; THENCE N 01°37'32" W ALONG SAID PARALLEL LINE A DISTANCE OF 180.00 FEET; THENCE NORTH 88°37'28" EAST A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT THAT LAND DESCRIBED IN THAT CERTAIN RIGHT-OF-WAY FOR STATE ROAD NO. 7 AS NOW LAID OUT AND IN USE AND CONVEYANCE BY RIGHT-OF-WAY DEED RECORDED IN OFFICIAL RECORDS BOOK 3935, PAGE 346, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SAID LANDS LYING IN UNINCORPORATED PALM BEACH COUNTY, FLORIDA AND CONTAINING 61,741 SQUARE FEET OF 1.417 ACRES MORE OR LESS.

EXHIBIT B
VICINITY SKETCH

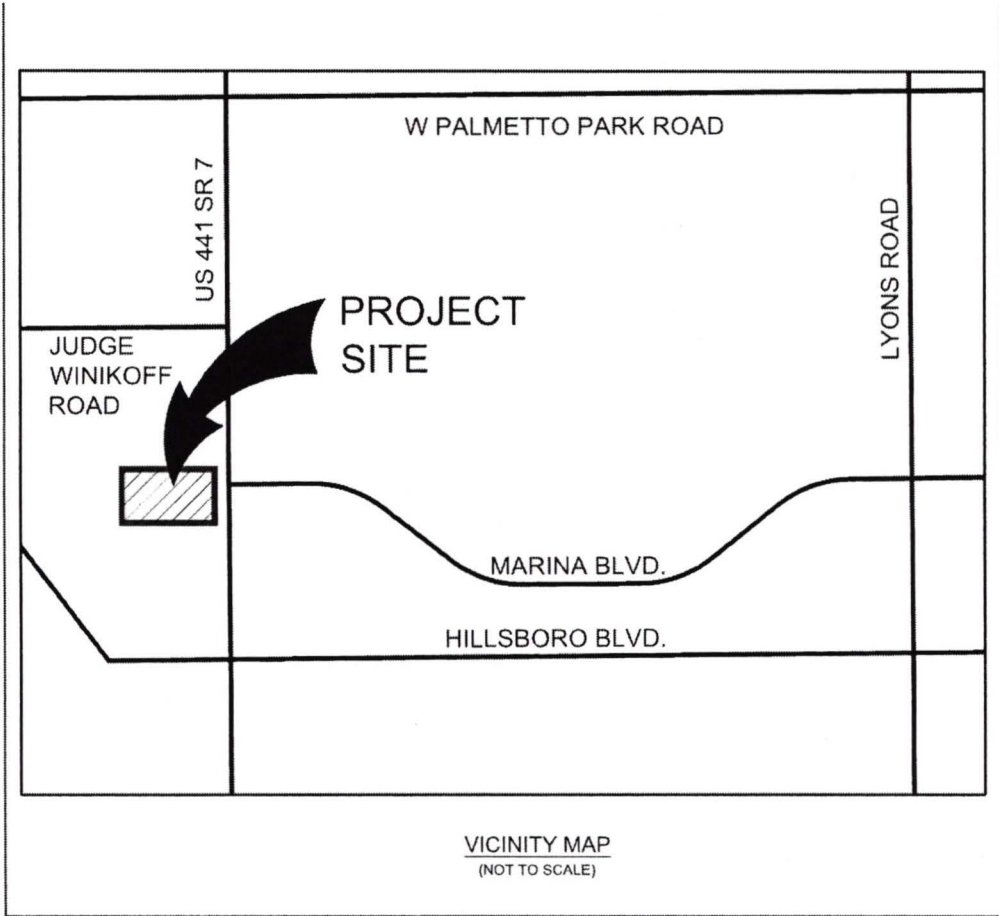


EXHIBIT C

CONDITIONS OF APPROVAL

Conditional Use Class A

ALL PETITIONS

1. The approved Preliminary Site Plan is dated February 11, 2019. 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. Final Architectural Elevations submitted for the Building Permit application shall be generally consistent with the Architectural Elevations Plan dated December 26, 2018. Development shall be consistent with the approved Architectural Elevations, the DRO approved Final Plan, applicable Conditions of Approval, and all ULDC requirements. (BLDGPM: ZONING - Zoning)

ENGINEERING

1. In order to comply with the mandatory Traffic Performance Standards, the Property Owner shall be restricted to the following phasing schedule:

a. No Building Permits for the site may be issued after December 31, 2019. A time extension for this condition may be approved by the County Engineer based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request. This extension request shall be made pursuant to the requirements of Art. 2.E of the Unified Land Development Code. (DATE: MONITORING - Engineering)

2. Prior to the issuance of the first building permit, the Property Owner shall configure the property into a legal lot of record in accordance with provisions of Article 11 of the Unified Land Development Code or as otherwise approved by the County Engineer. (BLDGPM: MONITORING - Engineering)

3. Property Owner shall construct a minimum 5 foot wide concrete sidewalk from this site, north to connect to the existing sidewalk to the north of the site. Any and all costs associated with the construction shall be paid by the Property Owner. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. These improvements shall be completed concurrently with the onsite paving and grading and shall be completed prior to the issuance of the first certificate of occupancy. (BLDGPM/CO: MONITORING - Engineering)

USE LIMITATIONS - CONVENIENCE STORE

1. Prior to Final Approval by the Development Review Officer, the Site Plan shall be amended to indicate facilities for the provision of free air and water for customer convenience. (DRO/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: 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.